

Fisheries (Deception Bay and Jumpinpin-Broadwater Declared Fish Habitat Areas) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 36

made under the

Fisheries Act 1994

General Outline

Short title

Fisheries (Deception Bay and Jumpinpin-Broadwater Declared Fish Habitat Areas) Amendment Regulation 2017.

Authorising law

Section 223 of the *Fisheries Act 1994*

Policy objectives and the reasons for them

The objectives of the *Fisheries (Deception Bay and Jumpinpin-Broadwater Declared Fish Habitat Areas) Amendment Regulation 2017* are to:

- (1) amend the management level of part of the Deception Bay declared Fish Habitat Area (FHA) from a management A area to a management B area;
- (2) amend the management level of two parts of the Jumpinpin-Broadwater declared FHA from management A areas to management B areas; and
- (3) convert the method of describing the location of the outer boundary of the Jumpinpin-Broadwater declared FHA in three locations to a geographic coordinate based description.

The Deception Bay declared FHA amendment is required to allow for a road bridge to be constructed over Cundoot Creek, at Caboolture, to provide access to a significant residential development. The additional access is necessary to meet road safety requirements and development approval conditions imposed by the Planning and Environment Court.

Amendments to the management level of the Jumpinpin-Broadwater declared FHA, at Jacobs Well and Currigee, are required to allow for the installation of buoy moorings. The use of these areas for buoy mooring purposes reflects the outcomes of a mooring management review undertaken by relevant State Agencies in 2008. The amendments also align with the

identification of these areas as a designated mooring area (DMA) under the *Marine Parks (Moreton Bay) Zoning Plan 2008*.

The amendments to the Jumpinpin-Broadwater declared FHA, at Jacobs Well in the northern Broadwater and near the southern end of Russell Island, converts the 'midstream' boundary description to a geographic coordinate based description that is more precise.

Achievement of policy objectives

To achieve its objectives, the amendment regulation will amend Schedule 3 of the *Fisheries Regulation 2008* to refer to the revised plans for the Deception Bay and Jumpinpin-Broadwater declared FHAs. The revised plans identify the management B areas via shading and notes on the face of the plan. The Jumpinpin declared FHA plan includes tables of coordinates identifying the geographic location of the parts of the boundary that are redefined.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the objectives of the *Fisheries Act 1994*.

The main purpose of the *Fisheries Act 1994* is 'to provide for the use, conservation and enhancement of the community's fisheries resources and fish habitats in a way that seeks to:

- a) apply and balance the principles of ecologically sustainable development; and
- b) promote ecologically sustainable development'.

Both the Deception Bay and Jumpinpin-Broadwater declared FHAs are located in South-east Queensland and were originally declared in 1969. Since 1969, South-east Queensland has experienced major population growth and increased use of its waterways. The minor changes to the declared FHAs, the subject of this amendment, are the consequence of increased use or the need for additional public infrastructure to support residential development. Impacts to the declared FHAs as a result of the amendments will be minimal. The amended areas will continue to be regulated by declared FHA management provisions and balance the principles of ecologically sustainable development.

Inconsistency with policy objectives of other legislation

The amendment regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The amendment regulation will not result in the need for additional government resources.

The amendment to the Deception Bay declared FHA will benefit the developer, and current and future residents of the 'Riverbank' development. Removal of the prohibition on the construction of a bridge over Cundoot Creek will enable the developer to provide additional, safe road access for the residents and satisfy a key development approval condition required.

The mooring related amendments to the Jumpinpin-Broadwater declared FHA will benefit vessel owners within the southern Moreton Bay area who are currently seeking to install a buoy mooring, by making two additional areas available for this purpose. The amendment will also enable the Gold Coast Waterways Authority (GCWA) to partially address the current waiting list for allocation of buoy mooring sites. The consistency between the Moreton Bay Marine Park and the declared FHA in relation to the management of moorings within these two locations will also be of benefit to the Department of National Parks, Sport and Racing.

Improving the precision of the boundary description of the Jumpinpin-Broadwater declared FHA benefits all agencies involved in waterway management and proponents of works and activities in the vicinity of those boundaries.

Consistency with fundamental legislative principles

This amendment regulation is consistent with the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

Consultation regarding the proposed amendment to the Deception Bay declared FHA has been undertaken with PEET Caboolture Syndicate Limited (the developer of the Riverbank residential development), the Moreton Bay Regional Council (the local government) and the Department of Agriculture and Fisheries (DAF). DAF will be responsible for assessing and providing technical advice on the future applications for construction of the bridge over the downgraded section of the declared FHA. Consultation confirmed that the developer and Council support the proposal and that the road alignment and bridge location corresponds with a transport corridor identified in the Council planning scheme, and links into the network of existing roads and road reserves. DAF raised no concerns with the proposal.

Consultation on the DMA related amendments for the Jumpinpin-Broadwater declared FHA has been undertaken with DAF and GCWA, as the key agencies for the management of moorings within southern Moreton Bay. Both agencies support the amendments. Public consultation on the identification of the Jacobs Well and Currigee as DMAs was undertaken and supported through the review of the Moreton Bay Marine Park Zoning Plan in 2008.

The enhancement of the boundary description of the Jumpinpin-Broadwater declared FHA will not materially change the location of the boundary. Key agencies were informed of the enhancement. No specific consultation regarding this element of the amendment was required.

The Queensland Productivity Commission (QPC) was consulted regarding obligations for a Regulatory Impact Statement (RIS) and advised that no further action is required regarding the RIS process.