



## **Code for self-assessable development**

Works for educational, research or monitoring purposes  
in a declared fish habitat area or involving removal,  
destruction or damage of marine plants

**Code number: MP05 March 2010**

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# 1. Introduction

- 1.1 This code is prepared under the *Sustainable Planning Act 2009 (SPA)* and the *Fisheries Act 1994*<sup>1</sup> to undertake research, education and monitoring activities without requiring an approval from Fisheries Queensland, a service of the Department of Employment, Economic Development and Innovation (DEEDI).
- 1.2 Within SPA, work for educational, research or monitoring purposes in a declared Fish Habitat Area (FHA) or involving removal, destruction or damage of marine plants is classed as 'development'. The work is considered as 'operational work' or 'building work' and for the purposes listed in this code SPA provides that it is self-assessable development.
- 1.3 Under the Fisheries Act, a person may not unlawfully undertake development works in a declared FHA (section 122) or unlawfully remove, destroy or damage a marine plant or cause a marine plant to be removed, damaged or destroyed (section 123).
- 1.4 Development works in a declared FHA or involving the removal, damage or destruction of marine plants may be lawfully undertaken only if a development permit has been issued for the works or the works are self-assessable.
- 1.5 SPA provides that operational or building work to undertake educational, research or monitoring works of the types listed in this code is self-assessable development.
- 1.6 Self-assessable developments have limited potential for impact on the environment and/or the community due to the minor or low risk nature of the activities authorised as self-assessable, and as such do not require any prior approval from Fisheries Queensland.
- 1.7 Prior to starting work, users of this self-assessable code need to consider other legislative requirements, including the need for other approvals, e.g. under marine parks regulations, or in declared wild river areas<sup>2</sup>.
- 1.8 Self-assessable development must comply with an applicable code. Before proceeding, the developer<sup>3</sup> is responsible for ensuring the proposed development will comply with the code before proceeding.
- 1.9 Where the works cannot comply with this code, an application for a development approval is to be lodged for assessment by Fisheries Queensland.
- 1.10 If a development approval is required and the development is to be in a declared FHA, a resource allocation authority (RAA)<sup>4</sup> is required from Fisheries Queensland prior to making the development approval application. An RAA is a form of evidence of resource entitlement for the purposes of SPA.
- 1.11 An RAA is **NOT** required for self-assessable development that complies with this code.

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<sup>1</sup> See Fisheries Act, section 22(2); SPA, section 236 and Sustainable Planning Regulation (SPR), schedule 3, part 2, table 1, item 3(b) and (c); schedule 3, part 2, table 4, items 3(b) and (c) and item 4(c); and Fisheries Regulation 2008 section 702, 705 and 706.

<sup>2</sup> For information on wild river areas, visit <http://www.nrw.qld.gov.au/wildrivers/index.html>

<sup>3</sup> For the purposes of this code the developer is the entity identified in 3.1 (a) of this code.

<sup>4</sup> See Fisheries Act, section 76A and 76B. To find out the location of declared FHAs and obtain a copy of a FHA plan, go to the Fisheries Queensland web site <http://www.deedi.qld.gov.au> or call 13 25 23.

- 1.12 This code is reviewed annually and may be amended. Developers should obtain the latest version of the code from the Fisheries Queensland website ([www.deedi.qld.gov.au](http://www.deedi.qld.gov.au)) or by contacting us on telephone 13 25 23.

## 2. Development relevant to this code

2.1 This code is relevant to the following development:

- (a) building work in a declared FHA if the work is reasonably necessary for educational or research purposes, or for monitoring the impact of development on fish habitats or marine plants
- (b) operational work completely or partly within a declared FHA if the work is reasonably necessary for educational or research purposes, or for monitoring the impact of development on fish habitats or marine plants
- (c) operational work that is the removal, destruction or damage of marine plants if the removal, destruction or damage is reasonably necessary for educational or research purposes, or for monitoring the impact of development on marine plants.

2.2 Development not covered by this code includes:

- (a) work that is revegetation or rehabilitation of an area<sup>5</sup>
- (b) work that is for the construction or maintenance of a structure<sup>6</sup>.

## 3. Meaning of terms

3.1 For the purposes of applying this code and determining whether the proposed development is self-assessable:

- (a) educational, research or monitoring work includes work undertaken by a —
  - I. primary, secondary or tertiary education institution
  - II. research institution
  - III. registered surveyor
  - IV. registered research company
  - V. appropriately qualified and experienced consultant.

3.2 Other terms used are defined in the glossary of this code.

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<sup>5</sup> Refer to self-assessable code MP06

<sup>6</sup> Refer to self-assessable code MP02 and MP06

## 4. General advice

- 4.1 The code standards in section 6 are the maximum permissible (where specified), under this code. However, all development work should be undertaken in a way that minimises the impacts on marine plants and other fish habitats.
- 4.2 To minimise impacts to marine plants and other fish habitats Fisheries Queensland recommends the following:
- (a) minimise disturbance to marine plants and fish habitats during work
  - (b) minimise area of land disturbed
  - (c) the least volume of soil / sediment is excavated.
- 4.3 Fisheries Queensland audits works undertaken under this code to ensure compliance with the code standards and that the works are low in impact or risk. Failure to implement mechanisms to minimise impacts may result in more stringent code standards.

## 5. Compliance with this code

### General

- 5.1 If development proceeds but is not compliant with this code and its standards (sections 5 & 6) the developer may be prosecuted under provisions of SPA or the Fisheries Act<sup>7</sup>. The latest version of the code is available from the Fisheries Queensland website ([www.deedi.qld.gov.au](http://www.deedi.qld.gov.au)) or by calling us on telephone 13 25 23.
- 5.2 Sites where development is occurring under this code are required to be open for inspection by Fisheries Queensland staff for monitoring compliance with this code during business hours:
- (a) after Fisheries Queensland has received the pre-works advice sheet;
  - (b) during works;
  - (c) up to 10 business days after the notified duration of works.

### Notification

- 5.3 For each event, notification of works must be submitted at least 5 business days before but no more than 20 business days before work commences by completing and faxing / emailing the Pre-Works Advice Sheet to District Officer of the nearest Queensland Boating and Fisheries Patrol and the Manager of the nearest Fisheries Queensland Regional Fisheries Centre (see section 7 for contact details).
- 5.4 A map of the location of the works is faxed / emailed with the Pre-Works Advice Sheet.
- 5.5 All sections of the Pre-Works Advice Sheet must be completed in full.

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<sup>7</sup> See Fisheries Act, subdivision 6, section 122, section 123 and the SPA, section 574.

## Signage

- 5.6 At all times while works are proceeding, at least one sign is erected on a public road or waterway closest to the works site at a location that enables the highest level of public visibility by foot, vehicle or vessel; or on the vessel being used to carry out the works.
- 5.7 Each sign has the minimum dimensions of 50 centimetres x 50 centimetres.
- 5.8 The following words are legibly included on each sign – ‘Educational, research or monitoring work conducted under Fisheries Queensland self-assessable code MP05. Tel: 13 25 23.’
- 5.9 The sign(s) are removed within 48 hours of completion of works.

## 6. Code standards

- 6.1 All work must be conducted according to the following generic code standards as well as the standards that are specific to different work types.

### Generic code standards

- 6.2 Profiles of all tidal lands disturbed are restored to pre-work profiles within 5 days of completing works under this code to promote natural restoration of marine plants and other fish habitats.
- 6.3 All pruning<sup>8</sup> and trimming must be conducted according to the following requirements:
  - (a) mangrove branches greater than 25mm in diameter must be pre-cut to prevent splitting
  - (b) cutting equipment is kept sharp and clean at all times.
- 6.4 If necessary to remove a marine plant, the remnant root system is to be left in-ground to minimise substrate disturbance, unless removal is required to be able to complete the works (e.g. measuring below ground biomass of seagrass samples or benthic grab samples).
- 6.5 All cut marine plants are to be removed by hand from tidal lands or declared FHAs.
- 6.6 Chemicals are not used on marine plants.
- 6.7 Marine plants are not burned.
- 6.8 Vehicles and machinery are not to be used on tidal lands or declared FHAs except for vehicle mounted sediment core drilling devices used under sections 6.13 and 6.16.

### Collection of marine plants within and / or outside a declared FHA

- 6.9 No more than 2 buckets each having a capacity of 10 litres may be filled with collected marine plants in one day.

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<sup>8</sup> For more information on best practice pruning techniques, consult the Australian Standard AS 4373-2007 Pruning of Amenity Trees

- 6.10 Marine plants are bagged and labelled with the location and date of collection on the same day as the marine plants are collected.

### **Marine plant disturbance for line-of-sight boundary definition and survey within and / or outside a declared FHA**

- 6.11 Works to obtain line-of-sight for boundary definition and survey of existing property boundaries are restricted to a maximum 1 metre disturbance path width.
- 6.12 Marine plant removal, destruction or damage is to be minimised by tying back marine plants and minimal hand cutting.

### **Sediment collection and substrate disturbance within a declared FHA**

- 6.13 Sediment samples are to be collected with a vibro-suction corer, hand-held sediment grab, winch or hydraulic driven corer or equivalent minimal impact sampling apparatus.
- 6.14 Substrate disturbance is limited to the deployment of small, temporary sample collection apparatus (e.g. pit fall traps) and monitoring equipment (e.g. pipes for water table monitoring, sampling buoys).
- 6.15 All tidal lands disturbed by the development works are to be restored to pre-work profiles following completion of works to promote natural restoration of marine plants and fish habitats.

### **Marine plant disturbance associated with sediment collection and substrate disturbance within and / or outside declared FHA**

- 6.16 No more than 10 m<sup>2</sup> of marine plants may be removed, damaged or destroyed in association with substrate disturbance and sediment collection.

## 7. Contacts and further information

To assist in interpreting and applying this code, additional information is available from the Fisheries Queensland web site ([www.deedi.qld.gov.au](http://www.deedi.qld.gov.au)) or by contacting the relevant Regional Fisheries Centre Planning and Assessment office, contact details below.

### **Northern Fisheries Centre**

North of, and including, Mackay Regional Council  
Manager (Planning and Assessment)  
PO Box 5396, Cairns Qld 4870  
Email: [idasnfc@deedi.qld.gov.au](mailto:idasnfc@deedi.qld.gov.au)  
Telephone: (07) 4057 3712  
Facsimile: (07) 4057 3810

### **Southern Fisheries Centre**

South of Mackay Regional Council  
Manager (Planning and Assessment)  
PO Box 76, Deception Bay Qld 4508  
Email: [idassfc@deedi.qld.gov.au](mailto:idassfc@deedi.qld.gov.au)  
Telephone: (07) 3817 9531  
Facsimile: (07) 3817 9522

Regional QBFP offices: Contact us on 13 25 23, visit [www.deedi.qld.gov.au](http://www.deedi.qld.gov.au) or email [callweb@dpi.qld.gov.au](mailto:callweb@dpi.qld.gov.au) for contact details of your nearest Queensland Boating and Fisheries Patrol office.

Current versions of all Queensland legislation, including those listed, can be found at the Office of the Queensland Parliamentary Counsel (OQPC) website (<http://www.legislation.qld.gov.au/>).

- *Fisheries Act 1994*
- Fisheries Regulation 2008
- *Sustainable Planning Act 2009*
- Sustainable Planning Regulation 2009.

Fisheries self-assessable codes (check the web site [www.deedi.qld.gov.au](http://www.deedi.qld.gov.au) or SPA legislation for the most current list):

- MP01 – Self-assessable code for collection of dead marine wood.
- MP02 – Self-assessable code for the maintenance of existing lawful structures.
- MP03 – Self-assessable code for the maintenance of existing on-farm drains.
- MP04 – Self-assessable code for the maintenance of powerlines and associated infrastructure.
- MP05 – Self-assessable code for educational, research or monitoring purposes.
- MP06 – Self-assessable code for minor impact works.
- AQUA01 – Self-assessable codes for low impact aquaculture.
- WWBW01, WWBW02 and WWBW03 – Self-assessable codes for water way barrier works.

## Glossary

### **area**

As defined in the Fisheries Act 1994, schedule dictionary. Area means an area of land, waters or both land and waters, and includes a place.

### **applicable code**

As defined in the *Sustainable Planning Act 2009*, schedule 3, dictionary: Applicable code, for development, means a code, including a concurrence agency code that can reasonably be identified as applying to the development.

### **declared Fish Habitat Area (FHA)**

As defined in the *Fisheries Act 1994*, section 4, schedule dictionary: A declared FHA means an area that is declared under this Act to be a FHA. A declared FHA includes the land, water and airspace above the land and water within the boundaries as depicted on the FHA plan.

Declared FHAs protect fish habitats from alteration and degradation by strictly limiting development within and adjacent to the boundaries of the declared FHA.

A declared Fish Habitat Area includes the land below the surface of the substrate to a depth of 2m within the boundaries as depicted on the FHA plan. See also section 120 & 122 of the *Fisheries Act 1994* and chapter 12, part 1 & schedule 3 of the Fisheries Regulation 2008.

### **development**

As defined in the *Sustainable Planning Act*, section 7 and Sustainable Planning Regulation schedule 3: Includes building work, material change of use and operational work. Operational work includes any work that involves the removal, destruction or damage of marine plants.

### **fish**

As defined under the *Fisheries Act 1994*, section 5.

### **fisheries resources**

As defined in the *Fisheries Act 1994*, section 4, schedule dictionary: Includes fish and marine plants.

### **fish habitat**

As defined in the *Fisheries Act 1994*, section 4, schedule dictionary: Includes land, waters and plants associated with the life cycle of fish, and includes land and waters not presently occupied by fisheries resources.

### **marine plant**

As defined under the *Fisheries Act 1994*, section 8: Includes but is not limited to mangroves, seagrass, saltcouch, algae and samphire (succulent) vegetation and adjacent plants such as *Melaleuca* and *Casuarina*.

### **monitoring**

Monitoring includes low impact collection of baseline sampling data, survey and investigation works associated with the impacts of development

### **self assessable development**

As defined in the *Sustainable Planning Act 2009*, schedule 3, dictionary: Self-assessable development means—

1 Generally, self-assessable development means development prescribed under a regulation for section 232(1) to be self-assessable development.

2 The term also includes development declared under a State planning regulatory provision to be self-assessable development.

3 For a planning scheme area, the term also includes other development not prescribed under a regulation to be self-assessable development, but declared to be self-assessable development under any of the following that applies to the area—

- (a) the planning scheme for the area;
- (b) a temporary local planning instrument;
- (c) a master plan for a declared master planned area;
- (d) a preliminary approval to which section 242 applies.

**substrate**

The underlying hard or soft surface of sediment, soils, sand, rock or mud.

**tidal land**

As defined in the *Fisheries Act 1994*, section 4, schedule dictionary: Includes reefs, shoals and other land permanently or periodically submerged by waters subject to tidal influence.

**unlawfully**

As defined in the *Fisheries Act 1994*, schedule dictionary. Unlawfully means without authority under this Act or other legal authority, justification or excuse under an Act.

**waterway**

As defined under the *Fisheries Act 1994*, section 4: Includes a river, creek, stream, watercourse or inlet of the sea.

## Pre-works advice sheet for self-assessable code MP05

Complete **all** applicable sections and fax / email sheet to District Officer of the nearest Queensland and Boating Fisheries Patrol and the Manager (Planning and Assessment) of the relevant regional Fisheries Centre (see section 7 for contact details) at least 5 business days but not more than 20 business days before works commence.

<b>1. Date work to commence:</b>
<b>2. Duration</b> (no. days):
<b>3. Details of person undertaking works and organisation</b> <i>This person may be contacted by Fisheries Queensland for monitoring purposes</i>  Name:  Organisation:  Address:  Email:  Phone (h): _____ (w): _____ (mob): _____  Facsimile: _____
<b>4. Name of project:</b>
<b>5. Location</b> - Attach map to the pre-works advice (this) sheet  Latitudinal and longitudinal extent for area (decimal degrees i.e. ddd.ddddd): <i>Note: A minimum of one point (centre of work) is required to describe the location (bounding coordinates are preferred).</i>  _____ S _____ E; _____ S _____ E  _____ S _____ E; _____ S _____ E  Datum: GDA94 <input type="checkbox"/> WGS84 <input type="checkbox"/>  UBD map and reference, if applicable, (e.g. Map 177, J11):  <i>Complete the following:</i> Nearest suburb:  Nearest town:  Nearest waterway:  Nearest street address:  Nearest lot on plan:

## Pre-works advice sheet for self-assessable code MP05

### 6. Marine plant disturbance

Will the works disturb or damage marine plants? Yes  No  Go to 7

Type of marine plant to be disturbed (please tick one or more):

Mangrove  Salt couch  Seagrass  Succulent  Other

Type of marine plant disturbance:

Collection (max. 2 x 10L buckets / day)  -> provide estimate of volume:

Pruning for line of sight survey (max. 1m disturbance path)

For sediment collection / substrate disturbance (max. 10m<sup>2</sup>)

Other  -> please specify reason:

Estimate of area (length by width) of marine plant disturbance for works:

Number of marine plant sampling sites:

### 7. Declared Fish Habitat Areas (FHA)

FHA plans and descriptions are available from the website [www.deedi.qld.gov.au](http://www.deedi.qld.gov.au)

Are works within a declared FHA? Yes  Name of declared FHA: \_\_\_\_\_ No  Go to 8

Area (length and width) for works within the declared FHA (m) :  
(If the works are the same as in part 6, put as above')

Estimate of area (length by width) of marine plant disturbance within the declared FHA:  
(If the disturbance is the same as in part 6, put 'as above')

Estimate of area (length by width) of sediment disturbance within the declared FHA:

Number of sediment sampling sites:

Volume of sediment collected:

Type of substrate disturbance (e.g. placement of sampling equipment such as pitfall traps):

### 8. Notification details

Please provide the name of the Queensland Boating & Fisheries Patrol office (QBFP) and Fisheries Queensland Regional Fisheries Centre you have notified.

QBFP office advised:

Date:

Fisheries Queensland Regional Fisheries Centre advised:

Date:

### OFFICE USE ONLY

Date of entry:

DLS Authority Number:

**Please keep a copy of this form for your records. No confirmation will be given by Fisheries Queensland.**