

## Code for self-assessable development

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

Code Number: MP05

Last revised: February 2006





## **1. Introduction**

- 1.1 This code is prepared under the *Integrated Planning Act 1997* (IPA) and the *Fisheries Act 1994*<sup>1</sup>. Within the IPA, 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 the IPA provides that it is self-assessable development.
- 1.2 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 fisheries approval.
- 1.3 Under the *Integrated Planning Regulation 1998* and the *Fisheries Regulation 1995*, section 113E and 113F, this code is an applicable code for operational work made self-assessable under the IPA<sup>2</sup>.
- 1.4 Self-assessable development must comply with an applicable code. The developer<sup>3</sup> is responsible for ensuring the proposed development will comply with the code before proceeding.
- 1.5 Where the proposal does not comply with this code an application for a development approval for assessment of the proposed development is to be lodged.
- 1.6 A fisheries resource allocation authority is NOT required for self-assessable development that complies with this code.
- 1.7 A declared Fish Habitat Area (FHA) includes the land, water and airspace above the land and water within the boundaries as depicted on the FHA plan.

## **2. Development relevant to this code**

- 2.1 This code is relevant to assessing against the *Fisheries Act 1994* for the following development –
  - (a) 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.
  - (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) 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.

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<sup>1</sup> See section 22(2) of the *Fisheries Act 1994* and Section 3.1.4(2) and (3)(a), schedule 8, part 2, table 4, item 4, of the *Integrated Planning Act 1997*.

<sup>2</sup> See IPA, schedule 8, table 4, item 4.

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

### 3. Meaning of terms

- 3.1 For the purposes of applying this code and determining whether development is self-assessable, educational, research or monitoring work: includes—
- (a) work undertaken by a primary, secondary or tertiary education institution, a research institution, registered surveyor or by a registered research company and appropriately qualified and experienced consultants.
  - (b) work not covered by this code includes work that is revegetation or rehabilitation of an area.
- 3.2 Other terms used are defined in the glossary in schedule 1 to this code.

### 4. Compliance with this code

- 4.1 If development proceeds but is not compliant with this code, the developer may be prosecuted under provisions of the *Integrated Planning Act 1997* or *Fisheries Act 1994*<sup>4</sup>.
- 4.2 Under section 122 of the *Fisheries Act 1994*, a person may not unlawfully undertake development works in a declared fish habitat area, and under section 123 of the *Fisheries Act 1994* a person may not unlawfully remove, destroy or damage a marine plant or cause a marine plant to be removed, destroyed or damaged.
- 4.3 Other approvals may be required for the proposal from local government or under other State legislation. Contact the relevant local government, or the Department of Local Government Planning, Sport and Recreation for further information.

### 5. Code standards

#### *Management of marine plant disturbance within and / or outside declared Fish Habitat Areas*

- 5.1 No more than 2 buckets each having a capacity of 10 litres, may be filled with collected marine plants in one day.
- 5.2 Marine plants are bagged and labelled with the location and date of collection on the same day as the marine plants are collected.
- 5.3 Works to obtain line-of-sight for boundary definition and survey of existing property boundaries are restricted to:
- 5.3.1 A maximum 1 metre disturbance path width;
  - 5.3.2 Least number of marine plants are removed, destroyed or damaged by tying back of marine plants and minimal hand cutting only in accordance with techniques used in the Australian Standard on *Pruning Amenity Trees* AS4373<sup>5</sup>; and

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<sup>4</sup> See the *Fisheries Act 1994*, section 123 and section 4.3.2 of the *Integrated Planning Act 1997*.

<sup>5</sup> See Standards Australia at [www.standards.com.au](http://www.standards.com.au)

5.3.3 All cut marine plants to be removed by hand from tidal lands.

*Management of sediment collection and substrate disturbance within declared Fish Habitat Areas<sup>6</sup>*

- 5.4 Sediment samples are to be collected with a vibro-suction corer, hand-held sediment grab, winch driven corer or equivalent minimal impact sampling apparatus.
- 5.5 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).
- 5.6 Any tidal land profiles disturbed by the development works are to be restored to pre-works levels following completion of works to promote natural restoration of marine plants and fish habitats.

*Notification*

- 5.6 At least 5 working days before work commences, the Pre-Works Advice Sheet in schedule 2 to this code is completed and sent by fax to the District Officer of the nearest Queensland Boating and Fisheries Patrol and the Manager of the nearest Regional Fisheries Centre (see section 6 for contact information).

*Signage*

- 5.7 The sign has minimum dimensions of 50 centimetres by 50 centimetres.
- 5.8 The following words are included on the sign – Works for educational, research or monitoring purposes under code MP05 of the Fisheries Act and Integrated Planning Act.
- 5.9 The sign must be located on a public road or waterway closest to the works site.

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<sup>6</sup> Under the *Fisheries Act 1994*, the conservation and management of fish habitats, including all sediment and substrate, is provided for only within the boundaries of declared FHAs.

## 6. Contacts and further information

To assist in interpreting and applying this code, additional information is available from the DPI&F web site ([www.dpi.qld.gov.au](http://www.dpi.qld.gov.au)) or by contacting the Department's Fisheries and Aquaculture Development personnel, contact details below.

<b>Northern Fisheries Centre</b>	<b>Southern Fisheries Centre</b>
<b>(North of Sarina inclusive)</b> PO Box 5396 Cairns Qld 4870 Telephone: (07) 4035 0100 Facsimile: (07) 4035 1401	<b>(South of Sarina)</b> PO Box 76 Deception Bay Qld 4508 Telephone: (07) 3817 9500 Facsimile: (07) 3817 9522
<b>Regional QBFP offices</b>	
Phone the DPI&F Call Centre 13 25 23 or email <a href="mailto:callweb@dpi.qld.gov.au">callweb@dpi.qld.gov.au</a> 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 1995.*
- *Integrated Planning Act 1997*
- *Integrated Planning Regulation 1998.*

List of Fisheries self-assessable codes (*check the IPA 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.
- AQUA01 – Self-assessable codes for low impact aquaculture.
- WWBW01 and WWBW02 – Self-assessable codes for water way barrier works.

## Schedule 1 – Glossary

<b>area</b>	<p>As defined in the <i>Fisheries Act 1994</i>, section 4, schedule dictionary.</p> <p>Area means an area of land, waters or both land and waters, and includes a place.</p>
<b>applicable code</b>	<p>As defined in the <i>Integrated Planning Act 1997</i>, schedule 10, dictionary.</p> <p>Applicable code, for development, means a code, including a concurrence agency code, which can reasonably be identified as applying to the development.</p>
<b>declared Fish Habitat Area (FHA)</b>	<p>As defined in the <i>Fisheries Act 1994</i>, section 4, schedule dictionary.</p> <p>A declared fish habitat area means an area that is declared under this Act to be a fish habitat area.</p> <p>See also section 120 &amp; 122 of the <i>Fisheries Act 1994</i> and part 9, section 94, schedule 7 and part 2, Dictionary of the <i>Fisheries Regulation 1995</i>.</p> <p>(Declared fish habitat areas protect fish habitats from alteration and degradation by strictly limiting development within and adjacent to the boundaries of the declared FHA).</p>
<b>development</b>	<p>As defined in the <i>Integrated Planning Act</i>, section 1.3.5 and schedule 8.</p> <p>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.</p>
<b>fish</b>	<p>As defined under the <i>Fisheries Act 1994</i>, section 5.</p>
<b>fisheries resources</b>	<p>As defined in the <i>Fisheries Act 1994</i>, section 4, schedule dictionary.</p> <p>Includes fish and marine plants.</p>
<b>fish habitat</b>	<p>As defined in the <i>Fisheries Act 1994</i>, section 4, schedule dictionary.</p> <p>Includes land, waters and plants associated with the life cycle of fish, and includes land and waters not presently occupied by fisheries resources.</p>
<b>intertidal area</b>	<p>The area of land between the extent of the highest and lowest astronomical tides.</p>
<b>marine plant</b>	<p>As defined under the <i>Fisheries Act 1994</i>, section 8.</p> <p>(Includes but is not limited to mangroves, seagrass, saltcouch, algae and samphire (succulent) vegetation and adjacent plants such as <i>Melaleuca</i> and <i>Allocasuarina</i>).</p>

<b>monitoring</b>	Monitoring includes low impact collection of baseline sampling data, survey and investigation works associated with the impacts of development
<b>self assessable code</b>	As defined in the <i>Integrated Planning Act 1997</i> , schedule 10, dictionary. self-assessable development means— <ul style="list-style-type: none"> <li>(a) development specified in schedule 8, part 2 of the <i>Integrated Planning Act 1997</i>; or</li> <li>(b) for a planning scheme area—development that is not specified in schedule 8, part 2 of the <i>Integrated Planning Act 1997</i> but is declared under the planning scheme for the area to be self-assessable development</li> </ul>
<b>substrate</b>	The underlying hard or soft surface of sediment, soils, sand, rock or mud and includes all lands within the boundaries of a declared Fish Habitat Area.
<b>tidal land</b>	As defined in the <i>Fisheries Act 1994</i> , section 4, schedule dictionary. Includes reefs, shoals and other land permanently or periodically submerged by waters subject to tidal influence.
<b>unlawfully</b>	As defined in the <i>Fisheries Act 1994</i> , section 4, schedule dictionary. Unlawfully means without authority under this Act or other legal authority, justification or excuse under an Act.
<b>waterway</b>	As defined under the <i>Fisheries Act 1994</i> , section 4 Includes a river, creek, stream, watercourse or inlet of the sea.

## Schedule 2 – Pre-works advice sheet for research, educational or monitoring purposes under self-assessable code MP05

Fax completed sheet to DPI&F 5 working days **before** works commence. **All** sections must be completed.

<b>1. Date work to commence:</b>
<b>2. Duration (no. days):</b>
<b>3. Applicant's name:</b>
<b>4. Contact person</b> Name: Address:  Email: Phone: Facsimile:
<b>5. Name of project:</b>
<b>6. Location</b> <b>Attach map to application</b> Latitudinal and longitudinal extent for area of works:  Note: A minimum of one point (centre of work) is required to describe the location (Bounding coordinates are preferred. Format to be in decimal degrees i.e. ddd.ddddd). Coordinates can be obtained from: <a href="http://gis.govnet.qld.gov.au/qsdi/map/index.jsp">http://gis.govnet.qld.gov.au/qsdi/map/index.jsp</a> Nearest suburb: Nearest town: Nearest waterway: Nearest street address: Nearest lot on plan:
<b>7. Marine plant disturbance</b> Type of marine plant to be disturbed (please tick one or more): Mangrove <input type="checkbox"/> Salt couch <input type="checkbox"/> Seagrass <input type="checkbox"/> Succulent <input type="checkbox"/> Other <input type="checkbox"/>

Estimate of extent of disturbance to marine plants:  
Number of marine plant sampling sites:  
Volume of marine plants collected (up to 2 x 10 litre buckets):

**8. Works within declared fish habitat areas (FHA)**

Are all or part of the works within a declared FHA? Yes  No

Name of declared FHA:

Area of works to be undertaken within the declared FHA (length and width):  
(If the works are the same as in part 7, put as above)

Estimate of extent marine plant disturbance within the declared FHA:  
(If the disturbance is the same as in part 7, put as above)

Estimate of extent 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):

**10. Additional information about the research, education or monitoring undertaken**

Estimation of project completion date:

**OFFICE USE ONLY**

<b>QBFP station advised:</b>	<b>Date:</b>
<b>Entered into DLS: Yes <input type="checkbox"/> No <input type="checkbox"/></b>	<b>Date of entry:</b>
<b>DLS Authority Number:</b>	

Fax the form to the District Officer of the nearest Queensland Boating and Fisheries Patrol and the Manager of the nearest Regional Fisheries Centre (see section 6 of the self-assessable code MP05 for contact details).

**Please keep a copy of this form for your records.**

