

Accepted development requirements for operational work that is completely or partly within a declared Fish Habitat Area

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Prepared by: Marine Protected Area Policy, Department of Environment and Science

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Does this document apply to the proposal?

These accepted development requirements are for operational work completely or partly within a declared Fish Habitat Area (FHA) as specified in this document. This document does not apply to building work within a declared FHA.

This document does not address other legislative requirements such as other development triggers or the need for other approvals (e.g. tenure under the *Land Act 1994*, development approval under the *Planning Act 2016*, marine park approvals, etc.). These must be obtained separately.

It is the responsibility of the proponent when undertaking accepted development to obtain tenure or otherwise meet requirements to lawfully access land where the accepted development is proposed. Accepted development may only occur in a place where a person or entity has a lawful right to undertake that work.

There may also be accepted development requirements for other matters within declared FHAs, in particular where development involves operational work that is the removal, destruction or damage of a marine plant:

Accepted Development Requirements for operational work that is the removal, destruction or damage of a marine plant

If the proposed work does not comply with the accepted development requirements, the work is not accepted development. Work that is not accepted development is assessable development and requires development approval under the *Planning Act 2016*.

For assessable development that is building work within a declared FHA or operational work completely or partly within a declared FHA, a resource allocation authority will also be required under the *Fisheries Act 1994*, section 76A and 76C. Please contact the State Assessment and Referral Agency (SARA) local regional office, at <https://planning.dsdmip.qld.gov.au/planning/resources/regional-contacts>, to obtain pre-lodgement advice. This will include advice from the Department of Agriculture and Fisheries.

Information on how to lodge a development application for assessable development, including the use of the online preparation and lodgement system MyDAS2, is available at <https://planning.dsdmip.qld.gov.au/planning/better-development/lodging-a-development-application>

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1. Introduction

This document is prepared under the *Planning Act 2016* (Planning Act) and the *Fisheries Act 1994* (Fisheries Act) and states when development that is operational work completely or partly within a declared FHA, is considered accepted development.

For development to be accepted development it must comply with all of the requirements for accepted development. Ensure that the development complies with all requirements before proceeding.

If development is accepted development under this document, then a resource allocation authority for prescribed works in a declared FHA is not required under the Fisheries Act and development approval under the Planning Act is not required.

Declared FHAs are areas of high value fish habitat that are protected from physical disturbance associated with coastal development. FHAs are declared and managed under the provisions of the Fisheries Act and Fisheries (General) Regulation 2019. Locations, plans, and other information about declared FHAs are available from the Department of Environment and Science at <https://parks.des.qld.gov.au/managing/habitat-areas>. Refer also to Schedule 3 of the Fisheries (General) Regulation.

It is an offence under the Planning Act to carry out assessable development without a development permit. Under section 122 of the Fisheries Act, a person must not unlawfully perform, or cause to be performed, works or related activity in a declared FHA. Penalties apply.

2. How to use this document

When operational work completely or partly within a declared FHA complies with the requirements in this document, the work is accepted development. This document also provides guidance on the requirements that must be complied with.

Guidance material will be provided in a shaded box that appears like this.

The glossary at the end of the document defines specific terms that are used within this document. If a term is not included in the glossary, it may be defined in the Fisheries Act or the Planning Act.

Read and understand section 3 in addition to the specific work type and its requirements. Work types are categorised as follows:

- 4.1 New work for a private purpose
- 4.2 New work for a public purpose
- 5.1 Maintenance of an existing lawful work for a private purpose
- 5.2 Maintenance of an existing lawful work for a public purpose.

Note that additional accepted development requirements for recovery in and immediately following disaster situations declared under the *Disaster Management Act 2003* are contained in section 6.

Other resources that are referred to in this document and will assist compliance with the requirements include:

- Fisheries Act
- Fisheries (General) Regulation 2019
- Planning Act
- Planning Regulation 2017.

These are available at www.legislation.qld.gov.au

This document is reviewed periodically and may be amended. Ensure the current version of the document is used by visiting <http://www.parks.des.qld.gov.au/managing/habitat-areas/protection-management.html>.

For enquiries on technical matters refer to section 9 of this document.

3. Requirements for all work

3.1 Notification

Notification must be submitted prior to, but no more than twenty (20) business days before work commences. The notification form (see section 11) must be completed and submitted to Fisheries Queensland, Department of Agriculture and Fisheries (DAF) by email to accepteddevelopment@daf.qld.gov.au or through the online notification system <http://adr.fisheries.qld.gov.au>.

If notifying by email, a map of the location of the works is to be submitted with the notification form and all sections of the form must be completed in full.

Where there are exceptions to the requirements for notification, this is provided as guidance throughout the document.

3.2 Site access

Sites where accepted development is occurring must be open for inspection by DAF staff during business hours, during works and on request.

3.3 Standards

The following requirements apply under these accepted development requirements:

- All development work must minimise impacts to the declared FHA.
- Where work is maintenance of, or otherwise involves an existing lawful work, documented evidence that the structure is a lawful work is to be provided on request. An example of documented evidence includes a copy of the original valid approval for the work that is being maintained.
- Disturbed land is to be restored to pre-works profiles to promote natural restoration of fish habitats¹.
- Other than spoil deliberately used for re-profiling the substrate, spoil from excavation must be removed from tidal land, other wetlands and the declared FHA.
- Spoil and disturbed substrate are managed to prevent acid sulfate soil oxidation and movement of sediment, runoff and leachate to fish habitats.
- Soil and sediment must not be removed from areas subject to quarantine restrictions e.g. declared fire ant areas.

Guidance to minimise impacts

Minimise impacts to declared FHA by taking the following actions:

- Minimise the area of land disturbed or compacted (e.g. construct a work platform above the substrate).
- Ensure the least volume of soil or sediment is disturbed.
- Limit the use of machinery.
- Use machinery no greater than the capacity required for the purpose.
- Implement sediment and erosion control measures.
- Minimise disruption to fish migration and the flowering and fruiting of marine plants.

¹ Components of work that are drain maintenance, authorised dredging, and dredge spoil disposal activities and runnelling to approved profiles are not required to comply with this standard.

4. Requirements for new work

4.1 New work for a private purpose

Table 1 lists the requirements for accepted development including the maximum allowable disturbance for new work that is operational work undertaken completely or partly within a declared FHA for a private purpose.

Table 1 – Accepted Development Requirements–New work for a private purpose

Works type	Requirements for accepted development
1.1 Restoration or other actions as directed/under an enforcement or trespass notice issued under Queensland or Commonwealth legislation.	Disturbance area within a declared FHA is restricted to the direction, or as required to fulfil the notice.
1.2 Works associated with providing an environmental offset for impacts to marine plants, declared FHA or waterways providing for fish passage.	Work within a declared FHA is restricted to works detailed in an offset delivery plan referenced in an agreed delivery arrangement under the <i>Environmental Offsets Act 2014</i> .
1.3 Fish habitat rehabilitation or restoration work that provides a net benefit to declared FHAs.	<p>Work within a declared FHA must be in accordance with a Fisheries Queensland endorsed project plan.</p> <p>Structures integral to the rehabilitation or restoration activity may be included as part of the endorsed project plan.</p> <p style="background-color: #e0e0e0; padding: 5px;">See Appendix 1 for the details required to be submitted with a request for project plan endorsement.</p>
1.4 Installation of vessel moorings approved by the Department of Transport and Main Roads (DTMR).	<p>Works within a declared FHA is restricted to management B areas only and within the boundaries of a designated mooring area listed in Appendix 2.</p> <p>The mooring is located in navigable waters at lowest astronomical tide and dredging is not required for the use of the mooring.</p> <p>Works are restricted to a maximum of 1m² for each mooring. The vessel does not rest on the substrate at any time.</p> <p>Mooring tackle does not rest on the substrate at any time.</p>
1.5 For educational, research or monitoring work.	<p>Includes work undertaken by a:</p> <ul style="list-style-type: none"> • Primary, secondary or tertiary institution • Research institution • Registered surveyor • Appropriately qualified and experienced consultant or researcher • Natural Resource Management group. <p>For collection of marine plants:</p> <p>Works within a declared FHA are permitted.</p> <p>Authorisation of the removal of marine plants has been obtained under a development approval or complies with the <i>Accepted Development Requirements for operational work that is the removal, destruction or damage of a marine plant</i>.</p> <p>For collection of vegetation other than marine plants:</p> <p>Works within a declared FHA are authorised to the same extent as for the <i>Accepted Development Requirements for operational work that is the removal,</i></p>

Works type	Requirements for accepted development
	<p data-bbox="576 217 1011 241"><i>destruction or damage of a marine plant.</i></p> <p data-bbox="576 275 1461 336">Separate notification is required under each of the Accepted Development Requirements, where applicable.</p> <p data-bbox="576 371 1251 396">For line-of-sight boundary definition and boundary survey:</p> <p data-bbox="576 416 1458 470">Works to obtain line-of-sight for boundary definition and survey of existing property boundaries are restricted to a maximum one (1) metre disturbance path width.</p> <p data-bbox="576 488 1398 542">For sediment collection, substrate disturbance and placement of in-situ sampling/monitoring equipment:</p> <p data-bbox="576 560 1398 613">Disturbance of the declared FHA is restricted to a maximum of 10m².for each notified work.</p>

4.2 New work for a public purpose

Table 2 lists the requirements for accepted development including the maximum allowable disturbance for new work that is operational work completely or partly within a declared FHA for a public purpose.

Table 2 – Accepted Development Requirements–New work for a public purpose

Works type	Requirements for accepted development
2.1 Installation of swimming safety enclosures.	Disturbance within a declared FHA is restricted to the area within the enclosure and within five (5) metres of the perimeter of the enclosure other than the offshore side where disturbance is restricted to within one (1) metre of the perimeter.
2.2 Installation of temporary structures for safety at aquatic events.	Disturbance within a declared FHA is restricted to a maximum of 5 m ² per anchor or mooring. Temporary structures are to be installed no more than five (5) days before the event and must be removed within three (3) days of event conclusion.
2.3 Removal or disturbance of fallen trees from declared FHA to restore safe public access and use of public infrastructure, including designated access tracks.	The removal or disturbance of fallen trees is restricted to only trees of terrestrial origin that have fallen or washed into declared FHA due to a particular event, such as lightning strike. Notification under section 3 does not apply.
2.4 Queensland Parks and Wildlife Service (QPWS) protected area management activities and installation of management infrastructure.	Works must be undertaken by QPWS or an entity working in collaboration with QPWS. Burning for public health and safety or ecosystem management (e.g. for a defined biodiversity objective, or pest/weed control) must be planned and undertaken in accordance with the QPWS Fire Management System. Burning of saltmarsh that is part of a coastal saltmarsh ecological community, as defined in the approved conservation advice for subtropical and temperate coastal saltmarsh in accordance with s.266B of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> , is not permitted. Notification under section 3 only applies to installation of infrastructure. Management activities should be undertaken, and infrastructure should be designed, located and installed, to minimise disturbance of the declared FHA.
2.5 Removal from beaches and foreshores of algae and cyanobacteria that is toxic or has become a public health issue.	Works within a declared FHA are limited to the targeted removal of cyanobacteria and/or algae and incidental disturbance of substrate and other unattached vegetation whilst undertaking these works. Notification under section 3 does not apply.
2.6 Fish habitat clean-up activities.	Works ² within a declared FHA are restricted to a maximum area of 10m ² during removal of rubbish and dumped materials.
2.7 Removal of wrecked or stranded vessels and obsolete or unlawful structures, including associated restoration works.	Works within a declared FHA are in accordance with the details of a Fisheries Queensland endorsed project plan.

² The works referred to are for disturbance of the declared Fish Habitat Area (e.g. for access) to remove rubbish. Rubbish removal itself is not works.

Works type	Requirements for accepted development
	<p>See Appendix 1 for the details required to be submitted with a request for project plan endorsement.</p> <p>Notification under section 3 does not apply.</p>
<p>2.8 Fish habitat rehabilitation or restoration work.</p>	<p>Works within a declared FHA are in accordance with the details of a Fisheries Queensland endorsed project plan.</p> <p>Structures integral to the rehabilitation or restoration activity may be included as part of the endorsed project plan.</p> <p>See Appendix 1 for the details required to be submitted with a request for project plan endorsement.</p> <p>Notification is to be as specified in the endorsed project plan.</p>
<p>2.9 Installation of signs – safety and warning signs.</p>	<p>Works within a declared FHA are restricted to a maximum of 2m² for the installation of each sign.</p>
<p>2.10 Installation of vessel mooring approved by the Department of Transport and Main Roads (DTMR).</p>	<p>Works within a declared FHA are restricted to management B areas only.</p> <p>Works are restricted to a maximum of 5m² for each mooring.</p> <p>Mooring is located in navigable waters at lowest astronomical tide and dredging is not required for the use of the mooring.</p> <p>The vessel does not rest on the substrate at any time.</p> <p>Mooring tackle does not rest on the substrate at any time.</p>
<p>2.11 Installation of vessel moorings used for emergency health and safety purposes.</p>	<p>Works within a declared FHA are restricted to a maximum of 5m² for each DTMR approved mooring.</p> <p>Moorings are specified in a plan that establishes the health and safety risk being managed and has been endorsed by DTMR (e.g. a cyclone contingency plan).</p> <p>Mooring is located in navigable waters at lowest astronomical tide and dredging is not required for the use of the mooring. The vessel does not rest on the substrate at any time.</p> <p>Mooring tackle does not rest on the substrate at any time.</p>
<p>2.12 Relocation of existing aids to navigation.</p>	<p>Works within a declared FHA are restricted to a maximum of 5m² for the relocation of each existing navigation aid to maintain alignment with the deepest channel³.</p> <p>Notification under section 3 does not apply.</p>
<p>2.13 Installation of new aids to navigation.</p>	<p>Works are restricted to a maximum disturbance area of 5m² within a declared FHA for each navigation aid³.</p>

³ The area of a channel marked by aids to navigation is excluded from any declared FHA under s.78 of the Fisheries (General) Regulation.

Works type	Requirements for accepted development
<p>2.14 For educational, research or monitoring work.</p>	<p>Includes work undertaken by:</p> <ul style="list-style-type: none"> • Government • Primary, secondary or tertiary institution • Research institution • Registered surveyor • Appropriately qualified and experienced consultant or researcher • Natural Resource Management group. <p>For collection of marine plants:</p> <p>Works within a declared FHA are permitted.</p> <p>Authorisation of the removal of marine plants has been obtained under a development approval or complies with the <i>Accepted Development Requirements for operational work that is the removal, destruction or damage of a marine plant.</i></p> <p>Separate notification is required under each of the Accepted Development Requirements, where applicable.</p> <p>For collection of vegetation other than marine plants:</p> <p>Works within a declared FHA are authorised to the same extent as for the <i>Accepted Development Requirements for operational work that is the removal, destruction or damage of a marine plant.</i></p> <p>For line-of-sight boundary definition and boundary survey:</p> <p>Works to obtain line-of-sight for boundary definition and survey of existing property boundaries are restricted to a maximum one (1) metre disturbance path width.</p> <p>For sediment collection, substrate disturbance and placement of in-situ sampling/monitoring equipment:</p> <p>Disturbance of the declared FHA is restricted to a maximum of 10m² for each notified work.</p>

5. Maintenance of existing lawful work

5.1 Maintenance of existing lawful work for a private purpose

Table 3 lists the requirements for accepted development including the maximum allowable disturbance for maintenance work that is operational work completely or partly within a declared FHA for a private purpose.

Table 3 – Accepted Development Requirements–Maintenance work for a private purpose

Works type	Requirements for accepted development
3.1 For maintenance of an existing lawful work that is not specifically referenced in any other item of this Table 3.	<p>Work within a declared FHA is restricted to:</p> <ul style="list-style-type: none"> the footprint of the work up to an additional one (1) metre around the perimeter of the work the airspace above and substrate below this area.
3.2 For maintenance of aeroplane and helicopter landing areas and certified aerodromes.	<p>Maintenance is to be in accordance with the Civil Aviation Safety Authority (CASA) rules, regulations and standards (https://www.casa.gov.au/rules-and-regulations).</p> <p>Aeroplane and helicopter landing areas are to comply with the requirements of Civil Aviation Advisory Publication (CAAP) 92-1(1) and 92-2(1), respectively. Certified aerodromes are to comply with the Manual of Standards.</p>
3.3 For maintenance of a constructed marina or boat harbour.	<p>Work must occur entirely within the footprint of the constructed marina or boat harbour to the approved design specifications.</p>
3.4 For maintenance of constructed drains that are lined or unlined.	<p>Works within a declared FHA necessary to maintain the function of an existing drain are restricted to the bed and banks of the drain, and to machinery access points on the top of the bank that are strategically located to minimise additional disturbance.</p> <p>If the removal, destruction or damage of a marine plant is required, it is authorised under a development approval or complies with the <i>Accepted Development Requirements for operational work that is the removal, destruction or damage of a marine plant</i>.</p> <p>Separate notification is required under each of the Accepted Development Requirements, where applicable.</p>
3.5 For maintenance of a drain inlet or outlet.	<p>Work within a declared FHA is restricted to five (5) metres in front and one (1) metre each side of the inlet or outlet.</p>
3.6 For ongoing use of dredge material disposal sites in an agreed Dredge Management Plan or as specified in a current authority for the environmentally relevant activity.	<p>Works are restricted to within the bounds of the original approved dredge disposal site.</p>
3.7 For maintenance of runnels for mosquito control.	<p>If the removal, destruction or damage of a marine plant is required, it is authorised under a development approval or complies with the Accepted Development Requirements for operational work that is the removal, destruction or damage of a marine plant.</p> <p>Separate notification is required under each of the Accepted Development Requirements, where applicable.</p>
3.8 For maintenance of warning signs and official navigation leads.	<p>Works within a declared FHA are restricted to a maximum total disturbance area of 50m².</p>

Works type	Requirements for accepted development
<p>3.9 For maintenance of an existing powerline or associated powerline infrastructure (e.g. powerlines, posts, stays and poles), including formed and unformed maintenance vehicle access tracks, warning signs or viewing arcs and decommissioning⁴.</p>	<p>Maintenance does not include:</p> <ul style="list-style-type: none"> • works that will more than double the diameter of an existing pole • relocation of an existing powerline or associated powerline infrastructure. <p>For powerlines:</p> <p>Allowable disturbance is within 7.0m of powerline.</p> <p>For powerline infrastructure e.g. towers, power poles, posts, stays and pylons:</p> <ul style="list-style-type: none"> • Within ten (10) metres or any extremity of the subtransmission pole or associated infrastructure. • Within 20 metres of any extremity of the transmission structure or associated power infrastructure. • The minimum required for access to allow maintenance of stays. <p>For visibility or warning signs that cannot be practicably re-located in front of the marine plant fringe:</p> <p>A total area no greater than 50 m².</p> <p>If the removal, destruction or damage of a marine plant is required, it is authorised under a development approval or complies with the <i>Accepted Development Requirements for operational work that is the removal, destruction or damage of a marine plant</i>.</p> <p>For an existing formed access track to powerlines or associated powerline infrastructure:</p> <p>A maximum distance of one (1) metre from any edge of the driveable surface of the track.</p> <p>For an existing unformed access track to powerlines or associated powerline infrastructure:</p> <p>A maximum distance of three (3) metres from each side of the centre line of the track.</p> <p>For decommissioning of powerlines and associated powerline infrastructure including access tracks:</p> <ul style="list-style-type: none"> • Within ten (10) metres or any extremity of the subtransmission pole or associated infrastructure. • Within 20 metres of any extremity of the transmission structure or associated power infrastructure. • The minimum required for access to allow decommissioning of stays. • A maximum distance of one (1) metre from any edge of the driveable surface of a formed access track. • A maximum distance of three (3) metres from each side of the centre line. of an unformed access track. <p>Stumping of poles at ground level may provide a lesser impact alternative to complete removal.</p> <p>Public access should be restricted where appropriate to prevent unauthorised access and promote natural revegetation.</p>

⁴ Allowable disturbance requirements were determined in consultation with the energy sector.

5.2 Maintenance of existing lawful work for a public purpose

Table 4 lists the requirements for accepted development including the maximum allowable disturbance for maintenance work that is operational work completely or partly within a declared FHA for a public purpose.

Table 4 – Accepted Development Requirements–Maintenance work for a public purpose

Works type	Requirements for accepted development
4.1 For maintenance of an existing lawful work that is not specifically referenced in any other item of this Table 4.	The disturbance area within a declared FHA is restricted to: <ul style="list-style-type: none"> the footprint of the work up to an additional one (1) metre around the perimeter of the work the airspace above and substrate below this area.
4.2 For maintenance of aeroplane and helicopter landing areas and certified aerodromes.	Maintenance to be in accordance with the Civil Aviation Safety Authority (CASA) rules, regulations and standards https://www.casa.gov.au/rules-and-regulations . Aeroplane and helicopter landing areas are to comply with the requirements of Civil Aviation Advisory Publication (CAAP) 92-1(1) and 92-2(1), respectively. Certified aerodromes are to comply with the Manual of Standards.
4.3 For maintenance of a constructed marina or boat harbour.	Work must occur entirely within the footprint of the constructed marina or boat harbour to the approved design specifications.
4.4 For maintenance of constructed drains that are lined or unlined.	Works within a declared FHA necessary to maintain the function of an existing drain are restricted to the bed and banks of the drain, and to machinery access points on the top of the bank that are strategically located to minimise additional disturbance. If the removal, destruction or damage of a marine plant is required, it is authorised under a development approval or complies with the Accepted Development Requirements for operational work that is the removal, destruction or damage of a marine plant. Separate notification is required under each of the Accepted Development Requirements, where applicable.
4.5 For maintenance of a drain inlet or outlet.	Work within a declared FHA is restricted to five (5) metres in front and one (1) metre each side of the inlet or outlet.
4.6 For ongoing use of dredge material disposal sites in an agreed Dredge Management Plan or as specified in a current authority for the environmentally relevant activity.	Works are restricted to within the bounds of the original approved dredge disposal site.
4.7 For maintenance of a bird hide.	Work within a declared FHA is restricted to: <ul style="list-style-type: none"> one (1) metre under and around the bird hide, and ten (10) metres from the bird hide within the arc of viewing to the height of the viewing line.
4.8 For maintenance of a boat ramp.	Works within a declared FHA are restricted to the footprint of the boat ramp and ten (10) metres from the perimeter of the footprint.
4.9 For maintenance of a vehicle road bridge, including approaches.	Works within a declared FHA are restricted to the footprint of the vehicle road bridge and five (5) metres from the perimeter of the footprint.
4.10 For maintenance of rail infrastructure including lines, bridges, approaches, line-of-sight and	Works within a declared FHA are restricted to the footprint of the rail line or bridge and five (5) metres from the perimeter of the footprint

powerlines.	For overhead rail powerlines, works are restricted to seven (7) metres above, below and each side of the lines.
4.11 For maintenance of a swimming enclosure.	Works within a declared FHA are restricted to the area within the enclosure and within five (5) metres of the perimeter of the enclosure, other than the offshore side where disturbance is restricted to within one (1) metre of the perimeter.
4.12 For maintenance of an unformed local authority or government agency vehicle access path.	Works within a declared FHA are restricted to within three (3) metres on each side of the centre line of the path.
4.13 Maintenance of a raised causeway for road access across tidal lands.	Works are restricted to within five (5) metres from the road pavement edge on each side or one (1) metre from the edge of the causeway batter slope, whichever is greater.
4.14 For maintenance of road safety—maintenance of sight clearance lines at intersections, roundabouts, interchanges and horizontal curves.	Works within a declared FHA are restricted to that which is required to achieve the maintenance of sight clearance lines for road safety at all intersections, roundabouts and horizontal curves in accordance with the current published road design standards accepted in Queensland. Works are to be undertaken by the agency responsible for maintenance of the road, or an entity contracted by the agency responsible for maintaining the road.
4.15 For maintenance of runnels for mosquito control.	Work within a declared FHA is restricted to the following: <ul style="list-style-type: none"> • Periodic re-profiling of runnels with spoil broadcast in a thin layer over adjacent areas using a runnelling machine. Broadcast spoil does not smother fish habitats or affect tidal flows. • Filling the runnel if it has been placed incorrectly or backfilling the runnel outlet to reduce scouring and encourage sheet flow during tidal exchange. <p>If the removal, destruction or damage of a marine plant is required, it is authorised under a development approval or complies with the <i>Accepted Development Requirements for operational work that is the removal, destruction or damage of a marine plant</i>.</p> <p>Separate notification is required under each of the Accepted Development Requirements, where applicable.</p>
4.16 For maintenance of warning signs and official navigation leads.	Works within a declared FHA are restricted to a maximum total area of 50m ² .
4.17 For maintenance of an existing powerline or associated powerline infrastructure (e.g. powerlines, posts, stays and poles), including formed and unformed maintenance vehicle access tracks, warning signs or viewing arcs and decommissioning ⁵ .	Maintenance does not include: <ul style="list-style-type: none"> • works that will more than double the diameter of an existing pole • relocation of an existing powerline or associated powerline infrastructure. <p>For powerlines:</p> <p>Allowable disturbance is within 7.0m of powerline</p> <p>For powerline infrastructure (e.g. towers, power poles, posts, stays and pylons):</p> <ul style="list-style-type: none"> • Within ten (10) metres or any extremity of the subtransmission pole or associated infrastructure. • Within 20 metres of any extremity of the transmission structure or associated power infrastructure. • The minimum required for access to allow maintenance of stays.

⁵ Allowable disturbance requirements were determined in consultation with the energy sector.

	<p>For visibility or warning signs for powerlines or associated powerline infrastructure that cannot practically be re-located in front of a marine plant fringe:</p> <p>A total area no greater than 50 m².</p> <p>If the removal, destruction or damage of a marine plant is required, it is authorised under a development approval or complies with the <i>Accepted Development Requirements for operational work that is the removal, destruction or damage of a marine plant</i>.</p> <p>For an existing formed access track to powerlines or associated powerline infrastructure:</p> <p>A maximum distance of one (1) metre from any edge of the driveable surface of the track.</p> <p>For an existing unformed access track to powerlines or associated powerline infrastructure:</p> <p>A maximum distance of three (3) metres from each side of the centre line of the track.</p> <p>For decommissioning of powerlines and associated powerline infrastructure including access tracks:</p> <ul style="list-style-type: none"> • Within ten (10) metres or any extremity of the subtransmission pole or associated infrastructure. • Within 20m of any extremity of the transmission structure or associated power infrastructure. • The minimum required for access to allow decommissioning of stays. • A maximum distance of one (1) metre from any edge of the driveable surface of a formed access track. • A maximum distance of three (3) metres from each side of the centre line. of an unformed access track. <p>Stumping of poles at ground level may provide a lesser impact alternative to complete removal.</p> <p>Public access should be restricted where appropriate to prevent unauthorised access and promote natural revegetation.</p>
<p>4.18 For maintenance of beach access roads and tracks.</p>	<p>Works within a declared FHA are restricted to those required to maintain existing sandy beach access roads and tracks, including use of sand from the beach following damage from a storm event.</p> <p>Works are to be undertaken by the agency responsible for maintenance of the road or track, or an entity contracted by the agency responsible for maintaining the road or track.</p> <p>If the removal, destruction or damage of a marine plant is required, it is authorised under a development approval or complies with the <i>Accepted Development Requirements for operational work that is the removal, destruction or damage of a marine plant</i>.</p> <p>Separate notification is required under each of the Accepted Development Requirements, where applicable.</p>

6. Accepted development requirements for recovery in and immediately following disaster situations declared under the *Disaster Management Act 2003*

In addition to the above accepted development requirements (which are still available for use), these provisions apply to clean up, replacement and repair works (recovery works) within a declared area.

These provisions:

- apply to replacement and or repair to public and private infrastructure that have been damaged by a disaster and occur within a declared area
- are in effect for one year from the date of declaration of a disaster situation
- apply to all individuals and organisations lawfully undertaking recovery works on a lawful work
- allow that where recovery works have commenced without notification, notification is to be lodged with Fisheries Queensland, DAF as soon as practicable after the commencement of the recovery works
- allow that normal restrictions on works within a declared FHA may be relaxed, but only to that which is necessary to undertake the recovery works because of the disaster situation. Any disturbance within a declared FHA associated with recovery works is minimised.

Table 5 – Accepted Development Requirements–Recovery works for declared disaster situations

Works type	Requirements for accepted development
5.1 Like-for-like replacement of infrastructure that has been lost or damaged in a declared disaster.	<p>Works within a declared FHA is for recovery works to restore an existing lawful work.</p> <p>The recovery works will reinstate the lawful work within the existing footprint and will provide the same function.</p> <p>Where the lawful work is a revetment wall or bridge, the existing footprint means a similar footprint in relation to the location of the bank alignment post-disaster.</p> <p>Recovery works can be undertaken under any tidal or other flow conditions.</p>
5.2 Retrieval of vessels and debris from declared FHA.	<p>Disturbance of declared FHA associated with retrieval is minimised wherever possible.</p> <p>If the removal, destruction or damage of a marine plant is required, it is authorised under a development approval or complies with the <i>Accepted Development Requirements for operational work that is the removal, destruction or damage of a marine plant</i>.</p> <p>Works within a declared Fish Habitat Area required to undertake the retrieval should be in proportion to the need for the retrieval.</p>
5.3 Damaged marine plants that pose a public safety concern or threaten private or public infrastructure can be made safe by trimming.	<p>If the removal, destruction or damage of a marine plant is required, it is authorised under a development approval or complies with the <i>Accepted Development Requirements for operational work that is the removal, destruction or damage of a marine plant</i>.</p> <p>Notification under section 3 does not apply.</p>
5.4 Removal of unattached marine plant debris from declared FHA.	<p>If the removal, destruction or damage of a marine plant is required, it is authorised under a development approval or complies with the <i>Accepted Development Requirements for operational work that is the removal, destruction or damage of a marine plant</i>.</p> <p>Notification under section 3 does not apply.</p>

A person exercising powers under section 77 of the Disaster Management Act is considered to be acting lawfully for the purposes of section 122 of the Fisheries Act.

Works carried out due to an emergency

Where works are to be carried out due to an emergency, the exemptions in section 166 of the Planning Act are applicable. Works carried out due to an emergency under the exemptions must comply with all the relevant provisions of section 166 of the Planning Act.

7. Grandfather provisions previously included in Code for self-assessable development *Minor impact works in a declared Fish Habitat Area or involving the removal, destruction or damage of marine plants* Code number: MP06 January 2013 under the former Fisheries Regulation 2008 and the *Sustainable Planning Act 2009*

Due to changes in legislation and policy that applies to the assessment of development and environmental offsets, some provisions previously permitted under self-assessable code MP06 called up under the former Fisheries Regulation 2008 and *Sustainable Planning Act 2009* are no longer applicable for consideration as new accepted development under the *Planning Act 2016*. This has prompted a change in approach that provides for the consideration of significant residual impacts on declared FHA, a matter of state environmental significance for the *Environmental Offsets Act 2014*, as required by current legislation and policy.

This section documents grandfather provisions previously permitted as self-assessable development and enables these to continue in their previously approved form as accepted development under the Planning Act.

New proposals of this nature, and amendments to projects listed in these grandfathered provisions, that involve operational work within a declared FHA are assessable development and a development application will need to be lodged.

Table 6 lists the requirements for accepted development including the maximum allowable disturbance for new work within a declared FHA for specified grandfathered projects.

Table 6 – Accepted Development Requirements–Grandfathered projects

Works type	Requirements for accepted development
<p>6.1 Construction of runnels for mosquito control by Local Government for a public purpose that was endorsed by Fisheries Queensland and referred to under self- assessable code MP06.</p>	<p>The following local government integrated mosquito management programs were endorsed by Fisheries Queensland prior to December 2007 and are included for the purpose of these grandfather provisions:</p> <ul style="list-style-type: none"> • City of Gold Coast • Redlands • Moreton Bay for the Redcliffe and Pine Rivers areas. <p>Runnels are constructed as per the above Fisheries Queensland endorsed Integrated Mosquito Management Program developed by the Local Government.</p> <p>Runnels must be:</p> <ul style="list-style-type: none"> • hand-dug or constructed using specialised mechanical equipment • less than 0.3m deep with a width to depth ratio of 3:1 • follow and be confluent with existing natural drainage lines.
<p>6.2 Operational works for a public purpose as detailed in a Marine Plant (fish habitat) Management Strategy (MPMS) that was endorsed by Fisheries Queensland and referred to under self- assessable code MP06.</p>	<p>The following MPMS were endorsed by Fisheries Queensland and remain in force under these Accepted Development Requirements:</p> <ul style="list-style-type: none"> • Bundaberg Regional Council—Mangrove Management Strategy • Cairns Regional Council—Marine Plant Management Strategy • Fraser Coast Regional Council—Maryborough Mangrove Management Strategy. <p>The current version of the MPMS must be referred to and is</p>

	<p>available from Fisheries Queensland or the relevant local government agency.</p> <p>Works within a declared FHA is in accordance with the details of an endorsed MPMS.</p> <p>Notification under section 3 does not apply.</p> <p>Signage and notification is to be as specified in the MPMS. Signage is required to state the name of the MPMS.</p>
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8. *Human Rights Act 2019* compatibility

The department is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, the department (and any entities acting on behalf of the department) has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. When acting or making a decision under this document, officers must comply with that obligation (refer to [Comply with Human Rights Act](#)).

9. Contacts and further information

Additional information is available from Fisheries Queensland, Department of Agriculture and Fisheries: Website: www.daf.qld.gov.au/fisheries

Email: planningassessment@daf.qld.gov.au

Customer service centre: 13 25 23

10. Glossary

Accepted development Refer to s.44(4) of the Planning Act

Means development for which a development approval is not required.

Aids to navigation Refer to s.104 of the *Transport Operations (Marine Safety) Act 1994*.

Assessable development Refer to s.44(3) of the Planning Act

Means development for which a development approval is required.

Associated powerline infrastructure includes the following:

- Access tracks used to access maintenance works on the powerlines or for routine inspections;
- Electricity supply infrastructure, including towers, powerlines, power boxes, power posts and stays;
- Warning signs relating to the powerlines.

Debris means the remains of anything broken down or destroyed; ruins; fragments; rubbish.

Declared area Refer s.11, schedule dictionary of the *Disaster Management Act 2003*.

Means—

- for a disaster situation declared under section 64(1) of the *Disaster Management Act 2003*—the disaster district, or the part of the disaster district, for which the disaster situation is declared; or
- for a disaster situation declared under section 69 of the *Disaster Management Act 2003*—the State or, if the disaster situation is declared for a part of the State, the part.

Declared Fish Habitat Area Refer to schedule 1 Dictionary of the Fisheries Act.

Means an area that is declared under the Fisheries Act to be a Fish Habitat Area.

Development Refer Sch.2 of the Planning Act

Means –

- (a) carrying out—
 - (i) building work; or
 - (ii) plumbing or drainage work; or
 - (iii) operational work; or
- (b) reconfiguring a lot; or
- (c) a material change of use of premises.

Development approval Refer s.49(1) of the Planning Act

Means -

- A preliminary approval; or
- A development permit; or
- A combination of a preliminary approval and a development permit.

Disaster Refer to s.13(1) of the *Disaster Management Act 2003*.

Means a serious disruption in a community, caused by the impact of an event that requires a significant coordinated response by the State and other entities to help the community recover from the disruption.

Disaster situation Refer to s.11, schedule dictionary of the *Disaster Management Act 2003*.

Means a disaster situation declared under section 64(1) or section 69 of the *Disaster Management Act 2003*.

Emergency Refer to s.166(8) of the Planning Act.

Means an event or situation that involves an imminent and definite threat requiring immediate action (whether before, during or after the event or situation), other than routine maintenance due to wear and tear.

Entity Refer to schedule 1 Dictionary of the Fisheries Act

Includes an entity established under the law of the Commonwealth or another state.

Fish habitat Refer to schedule 1 Dictionary of the Fisheries Act

Includes land, waters and plants associated with the life cycle of fish, and includes land and waters not presently occupied by fisheries resources.

Formed access track is a track that has been built up over the natural levels of the ground for the purpose of allowing access for maintenance vehicles.

Infrastructure Refer to schedule 2 Dictionary of the Planning Act.

Does not include land, facilities, services or works for an environmental offset.

Lawful work is work that was constructed in compliance with all of the requirements, under any Act, relating to a work of that type at the time of construction. A lawful work may be owned by a public or private entity. A naturally occurring waterway is not a lawful work.

Like-for-like replacement includes replacement of a lawful work at its original location for the same purpose or function and may include improved engineering and ecological outcomes without increasing impacts to marine plants.

Maintenance is works on and around an existing lawful work, including reconstruction and replacement within and up to the extent of the original footprint to maintain its safe, effective functioning and ongoing use and operation.

Maintenance does not include the following:

- Work to extend the existing lawful work beyond the original footprint in any dimension
- Construction of a new work
- Beach replenishment work.

Management B area Refer to schedule 11 Dictionary of the Fisheries (General) Regulation.

Means an area within a declared Fish Habitat Area identified by the words 'management B' on the Fish Habitat Area plan for the declared Fish Habitat Area.

Marine plant Refer s. 8 of the Fisheries Act:

- a plant (a tidal plant) that usually grows on, or adjacent to, tidal land, whether it is living, dead, standing or fallen;
- material of a tidal plant, or other plant material on tidal land;
- a plant, or material of a plant, prescribed by regulation to be a marine plant.

A marine plant does not include a plant that is a prohibited matter or restricted matter, or a controlled biosecurity matter or regulated biosecurity matter under the *Biosecurity Act 2014*.

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

Operational work Refer to schedule 2 Dictionary of the *Planning Act 2016*.

Means work, other than building work or plumbing or drainage work (refer to schedule 2 Dictionary of the Planning Act), in, on, over or under premises that materially affects premises or the use of premises.

Private purpose means for a private residential or commercial use or use that does not meet the definition of public purpose.

Protected area

- Land that is dedicated under the *Nature Conservation Act 1992* as a national park, national park (scientific), national park (Aboriginal land), national park (Torres Strait Islander land), national park (Cape York Peninsula Aboriginal land), conservation park or resources reserve.
- A marine park declared under the *Marine Parks Act 2004*.
- A Fish Habitat Area declared under the *Fisheries Act 1994*.
- Other lands managed by QPWS on behalf of the State.

Public purpose means for a use relating to the provision of services or infrastructure for the public by government, natural resource management groups and energy and water suppliers, and that is undertaken for a public benefit.

Rehabilitation means returning a site to a state where natural succession can continue the recovery process and allow fisheries values of the site to be returned, for example, planting propagules or seeds. It may be required that plant material to be used for rehabilitation is sourced from areas where a development approval for the removal, destruction or damage of a marine plant has been issued.

Resource allocation authority means a resource allocation authority issued and in force under part 5, division 3A, subdivision 1 of the Fisheries Act.

Restoration means actions to return a site to an agreed pre-existing condition.

Runnelling means construction of shallow, spoon-shaped channels that increase the connectivity of isolated mosquito breeding pools to tidal waters, resulting in more frequent flushing.

Sandy beach means an area of shoreline comprised of unconsolidated deposits of sediment with a grain size of sand. Does not include areas of coarser material (e.g. gravel) or finer material (e.g. silt or mud).

Spoil is earth, soil, rock gravel, unwanted material or marine plant that results from maintenance works.

Substrate is the underlying hard or soft surface of sediment, soils, sand, rock or mud.

Subtransmission powerlines are powerlines with a voltage of 109kV and below.

Tidal land Refer to schedule 1 Dictionary of the Fisheries Act

Includes reefs, shoals and other land permanently or periodically submerged by waters subject to tidal influence.

Transmission powerlines are powerlines with a voltage of 110kV and above.

Trespass notice refer to s. 406 of the Land Act 1994.

Unformed access track is a track that follows the natural levels of the ground, used for the purpose of allowing access for maintenance vehicles.

Waterway Refer to schedule 1 Dictionary of the Fisheries Act

Includes a river, creek, stream watercourse, drainage feature or inlet of the sea.

Works Refer schedule 2 of the Planning Act

Includes building work, operational work, plumbing work and drainage work.

11. Notification form for accepted development

You are required to complete all sections of this form and email to Fisheries Queensland, Department of Agriculture and Fisheries at accepteddevelopment@daf.qld.gov.au. Online notifications can be entered at <http://adr.fisheries.qld.gov.au>.

All applicable fields must be completed. Incomplete forms will not be registered and your works will not be lawful. It is your responsibility to ensure the work complies with all requirements for accepted development.

You may be required to obtain approvals under other legislation prior to commencing work.

Notification must be submitted prior to, but no more than 20 business days before commencing works (unless Section 6 Disaster provisions apply and then it must be provided as soon as practicable after commencement).
1. Date work to commence:
2. Estimated work duration (number of days):
3. Contact details of person undertaking the works This person must be contactable and may be contacted by Fisheries Queensland for monitoring purposes Name and organisation (if applicable): Physical address: Postal address: Email: Telephone:
4. Location Attach a map of the location to this notification form. Street address: Property description (Lot on Plan): Local Government area: Name of waterway (if relevant): Coordinates of work location: Latitudinal and longitudinal extend for work area in decimal degrees (e.g. -52.460851□; 153.584361□). Note: a minimum of

one point (centre of work) is required.

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Datum: GDA94 WGS84 GDA2020

5. Work details

Purpose: Private or Public

new work or maintenance

Work type (e.g. 2.15 For educational, research or monitoring work):

Description of works proposed:

Description of method of works:

Type and size (e.g. length and width) of work:

6. Work within a declared Fish Habitat Area

Declared Fish Habitat Area plans and descriptions are available from the website

<https://www.parks.des.qld.gov.au/managing/habitat-areas/area-plans.html>

Name of declared Fish Habitat Area that works are within:

Area (length x width) of works within the declared FHA (m):

Where the removal, destruction or damage of a marine plant is proposed, a relevant Development Approval is required or works must comply and be notified under *Accepted Development Requirements for operational work that is the removal, destruction or damage of a marine plant*.

7. Declaration

In completing this notification form, I confirm the following:

This document has been read

This document has been understood

The proposed works meet the works standards and requirements for accepted development

Name of person notifying: *Name to be provided in full*

Date of notification:

Keep a copy of the completed notification form, evidence of the notification date, and any reference number that is issued. This information must be available upon request.

Appendix 1 - Details required for inclusion in a project plan submitted to Fisheries Queensland for endorsement

Details required for inclusion in a project plan:

- Introduction
- Scope of project
- Alternative options
- Rationale
- Timing
- Management measures. This may include an Environmental Management Plan to identify and manage any potential impacts on the declared FHA from the project (e.g. disturbance of acid sulfate soils, creation of turbid waters, etc.)
- Drawings / plans / maps showing locality or design of project

Appendix 2 - Designated Mooring Areas

- A mooring area designated under Part 4 of the Marine Parks (Moreton Bay) Zoning Plan 2019, available from the Department of Environment and Science or at <https://parks.des.qld.gov.au/parks/moreton-bay/zoning>.
- Round Hill Creek Designated Mooring Area within the Seventeen Seventy-Round Hill declared Fish Habitat Area, as per the plan prepared 21 October 2008, available from Maritime Safety Queensland.