



Integrated Development Assessment Process

Information on NSW Department of Primary Industries (*Fisheries Management Act 1994*) requirements

A GUIDE FOR APPLICANTS

The planning category of '**integrated development**' came into effect on 1 July 1998. It seeks to link development consent for matters under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) with any associated approval, licence, consent, permission or permit required under other legislation. It aims to promote a unified, whole of government approach to the assessment of developments in NSW. It is intended to avoid the situation where a proponent of a development obtains permission to proceed from one consent authority but is subsequently refused permission from another consent authority, or worse still, prosecuted for undertaking works which are illegal.

NSW DPI is responsible for conserving the State's fishery resources, protecting and conserving fish habitat and threatened aquatic species, in NSW waters (including permanent and intermittent, marine, estuarine and freshwater waterways). The Department issues permits for several types of activities that may harm fish habitats and for aquaculture development which are included in the Integrated Development Assessment process.

Throughout this document the terms aquaculture, dredging, fish, marine vegetation, reclamation and water land are frequently used. The meanings are as follows:

- Aquaculture – cultivating fish or marine vegetation for the purposes of harvesting for sale or other commercial purpose (eg 'fish out') but does not include a pet shop or aquarium.
- Dredging – any work that involves excavating water land (see definition below).
- Fish – finned fish and other aquatic invertebrates at any stage of their life cycle including oysters and other molluscs, crustaceans, echinoderms, beachworms, (but not including whales, seals, turtles, frogs).
- Marine vegetation – any species of plant that at any time in its life must inhabit marine or estuarine waters (eg mangroves, seagrasses and seaweeds).
- Reclamation – any work that involves the placement of any material (sand, soil, gravel, rocks etc) to fill in or for constructing anything over water land, or draining water from water land for the purpose of its reclamation (see definition below).
- Water land – means land that is intermittently or permanently submerged by water (either naturally or artificially) and includes wetlands.

What types of development may fall within the category of integrated development?

NSW DPI is an 'approved body' for development that requires one or more of the following permits under the Fisheries Management Act 1994:

- Section 144 – aquaculture permit (ie cultivating fish or marine vegetation for sale or commercial purposes).
- Section 201 – permit to carry out works of dredging or reclamation.
- Section 205 – permit to harm (cut, remove, damage, destroy etc) marine vegetation on public water land or aquaculture lease or the foreshore of such land.
- Section 219 – permit to obstruct the free passage of fish.

Any development application under Part 4 of the EP&A Act requiring one or more of the above approvals becomes integrated development. The consent authority (eg Council) will forward a copy of the development application to NSW DPI for appraisal.



Some examples of the types of development or activities that may require NSW DPI to grant one or more of the above permits and therefore fall into the category of integrated development include:

- Fish hatcheries or grow out facilities (including fish, prawn or freshwater crustacean grow out ponds, intensive tank recirculation aquaculture facilities, 'fish out' facilities and oyster farms, but not including aquariums for display or pet shops).
- jetties – where part of the structure includes a rock or concrete groyne extending into the water (ie reclamation) or where marine vegetation may be harmed during construction (eg by establishing piles or dredging an access channel) or subsequently (eg by shading underlying seagrasses).
- boat ramps.
- causeways (both piped and unpiped) or other road-crossings of waterways (temporary or permanent) which require placing material on the bed of the waterway (ie reclamation) and/or which may obstruct the free passage of fish.
- bridges which require construction of a temporary low level crossing or coffer dam during the construction period (ie reclamation and/or obstruction of fish passage) or which employ batter protection that extends into the waterway.
- dams, weirs, floodgates or levee banks (ie obstruction of fish passage).
- marinas (eg dredging for access, reclamation for a wall, harming marine vegetation).
- dredging navigation channels (whether for maintenance of an existing channel or construction of a new one) or to open an intermittently-opening waterway.
- dredging for winning sand, gravel or other materials for private or commercial use.
- channelisation, relocation or realignment of waterways.
- foreshore stabilization (eg seawalls, retaining walls) where 'water land' may be filled or marine vegetation may be harmed.
- boardwalks or walking tracks that cross intertidal areas, mangrove wetlands, seaweeds or seagrasses.
- development that may affect marine vegetation by cutting, removing, destroying, transplanting, shading or damaging in any way (eg cutting mangroves or shading seagrasses for jetties or moorings).

Several other types of approvals required under the *Fisheries Management Act 1994* are not presently covered by the integrated development legislation. These include permits to use explosives, electrical devices or other dangerous substances within a waterway, harm threatened species, release or stock fish into natural waterways, use prohibited fishing gear to collect fish, fish in closed waters or take fish in excess of bag or size limits (eg broodstock collection of aquaculture). To avoid future problems, it would be prudent for persons proposing to undertake developments involving such activities to discuss the proposal with NSW DPI before lodging the development application.

Information requirements

Before the development application is lodged, applicants should refer to *NSW DPI Policy and Guidelines for Aquatic Habitat Management and Fish Conservation 1999* which spells out the general position of NSW DPI on many types of development and activities. More detailed guidance on waterway crossings can be obtained from the *Policy and Guidelines for Bridges, Roads, Causeways, Culverts and Similar Structures 1999*. Both documents are available at <http://www.dpi.nsw.gov.au/fisheries>.

Prior to lodging a development application for aquaculture, proponents should consult the appropriate Aquaculture Industry Development Plan (eg Hunter & Central Coast Sustainable Aquaculture Strategy), or the NSW DPI Landbased Aquaculture Policy to determine what is permissible or considered appropriate for that particular area. This will influence the level of assessment required for the project. Proponents should also discuss the project with NSW DPI staff, including aquaculture licensing, Aquaculture Industry Development, and the NSW DPI Aquaculture Extension staff, to determine the technical, and economical viability of the project. Applications based on leasing public land (eg oyster farming) should be discussed



with the NSW DPI Aquaculture Administration unit to determine particular requirements.

Information can also be obtained from the NSW DPI website at:
<http://www.dpi.nsw.gov.au/fisheries/aquaculture>

Further guidance can be obtained from NSW DPI Habitat Protection Plans. *Habitat Protection Plan No. 1* deals with dredging and reclamation and *Habitat Protection Plan No. 2* is specific to seagrasses. *Habitat Protection Plan No. 3* applies to fish habitats in the Hawkesbury Nepean Catchment. Plans 1 and 2 are included in Appendix 3 of the *Policy and Guidelines for Aquatic Habitat Management and Fish Conservation 1999*.

Sufficient relevant information needs to be provided with the application to enable Departmental Officers to clearly understand what is proposed and how it may effect fish populations, aquatic habitats, commercial and recreational fishing and aquaculture industries. If suitable information is not provided with an integrated development application, NSW DPI is likely to 'stop the clock' (see below) and request further information. This could delay the issuing of approvals. With this in mind, proponents should be careful to provide adequate relevant information as outlined below in the first instance:

- a clear description of the proposal including details of construction methods and materials
- map(s) and photographs of the area affected and adjacent areas
- a clear description of the physical and hydrological features of the impacted area (which may extend upstream and downstream of the development site in the case of flowing rivers or tidal waterways)
- a clear description (and maps if appropriate) of aquatic environments, fish and marine vegetation that occur in the area with particular emphasis on those likely to be affected.
- details of the nature, timing, magnitude and duration of any disturbance to aquatic environments assessments of predicted impacts upon any threatened species, populations, ecological communities (fish and marine vegetation) or critical habitat listed under the marine vegetation) or critical habitat listed under the *Fisheries Management Act 1994* (eg seven-part tests and/or Species Impact Statements)
- details of proposals for ameliorating any environmental effects, including habitat compensation or rehabilitation
- details of the general regional context, any protected areas, other developments in the area, and/or cumulative impacts
- notification of any other matters relevant to the particular case and NSW DPI
- for aquaculture developments, proponents must complete the appropriate permit application form in detail, include all necessary maps and diagrams, and include a completed Commercial Farm Development Plan. Application forms can be obtained from the Aquaculture Administration unit of NSW DPI.

For large development proposals, the above information would normally be provided in the form of a Statement of Environmental Effects or Environmental Impact Statement.

NSW DPI procedures for integrated development

Copies of development applications that are integrated development will be forwarded to NSW DPI for assessment. When considering integrated development applications, NSW DPI will make a decision as to whether the proposal should be permitted to proceed on a case-by-case basis. The decision is based on the predicted impacts upon fish populations, aquatic habitats, commercial and recreational fishing and aquaculture industries. Proposals which are likely to have a significant adverse impact are not likely to be approved in the absence of reasonable compensatory measures.

NSW DPI is required to assess the proposal and provide General Terms of Approval (GTAs) to the Consent Authority (eg Council) within 40 days (unless insufficient information has been provided in which case the 'clock is stopped' until the relevant information is provided). If GTAs are issued, NSW DPI is then legally bound to issue the permit to enable the proposal to proceed (assuming development approval



is given, and providing he determining authority has adequately consulted with all consent agencies). The permit must not be inconsistent with the GTAs previously provided.

If NSW DPI decides that the proposal (or part of the proposal) will have a significant adverse environmental impact and should not be approved, it will advise the consent authority (eg Council) that it will not grant the approval (ie issue the permit). The consent authority is then obliged to refuse consent.

If NSW DPI fails to respond within the statutory 40 day period the consent authority can proceed to determine the application. If the consent authority grants consent, NSW DPI cannot then refuse to issue the relevant permit.

FEES

A \$250 fee is payable to NSW DPI for appraisal of integrated development applications. A cheque payable to *NSW Department of Primary Industries* should be included with the application. This will be forwarded to NSW DPI by the consent authority (eg council) with a copy of the application.

In addition, application fees for permits are payable upon submission of an application or when the relevant permit or permission is finally sought (after and if the development application is approved). For example, a proposal that involved cutting mangroves would require the initial \$250 integrated development assessment fee, and a \$116 permit application fee once approval is given, both payable to NSW DPI. Application fees are subject to change over time. Applicants should contact one of the offices listed below for current costs.

Contacting NSW DPI regarding integrated development

Any integrated development application requiring an aquaculture permit should be sent to:

Aquaculture Administration Branch
Port Stephens Fisheries Centre
Private Bag 1
NELSON BAY NSW 2315

Phone: 02 4982 1232
Fax: 02 4982 1107

All other integrated development applications should be sent to NSW DPI Fisheries Ecosystems Unit serving the region in which the development or activity is to be conducted. Contact details are listed in the table below.

Region	Catchments	Postal address	Phone	Fax
Upper North West	Namoi, Gwydir, Barwon-Darling	NSW DPI Fisheries Ecosystems PO Box 3047 TAMWORTH NSW 2340	(02) 6765 4591	(02) 6762 1993
North West	Bogan, Macquarie, Castlereagh	NSW DPI Fisheries Ecosystems PO Box 865 DUBBO NSW 2830	(02) 6881 1279	(02) 6881 1295
Central West	Murrumbidgee, Lachlan	NSW DPI Fisheries Ecosystems PO Box 3 TUMUT NSW 2720	(02) 6947 4188	(02) 6947 4651
South West	Murray, Lower Darling	NSW DPI Fisheries Ecosystems Unit 3/556 Macauley Street ALBURY NSW 2640	(02) 6042 4213	(02) 6021 0113
North East and Border Rivers	The Border Rivers and the coastal catchments from Queensland border to Macleay	NSW DPI Fisheries Ecosystems 1243 Bruxner Highway WOLLONGBAR NSW 2477	(02) 6626 1370	(02) 6626 1377
Central	Coastal catchments from Hastings to Georges	NSW DPI Fisheries Ecosystems Private Bag 1 NELSON BAY NSW 2315	(02) 4916 3931	(02) 4982 2306
South East	Coastal catchments from Wollongong Coast to Victorian border	NSW DPI Fisheries Ecosystems PO Box 97 HUSKISSON NSW 2540	(02) 4441 8969	(02) 4441 8961