Guideline for completing a fish movement exemption notice application form

Applications under the *Fisheries Act 1994*

Last revised: March 2005
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Background

The construction or raising of waterway barrier works is classed as development under the Integrated Planning Act 1997 (IPA) and such works require a development approval. Under IPA, provision for the movement of fish across the barrier is required for all waterway barrier works, unless “fish movement is not necessary or desirable for the best management, use, development or protection of fisheries resources or fish habitats” at a given site.

If this is the case, then a Fish Movement Exemption Notice may be issued under the Fisheries Act 1994, prior to the lodgement of the development approval application under IPA.

Fish Movement Exemption Notices are issued on the basis that provision for fish movement across a barrier is not necessary or desirable for the best management, use, development or protection of fisheries resources or fish habitats at a given site. This means that, irrespective of the type of works proposed for that site, fish movement is not required across the site or should be actively prevented at the site.

Issue of a Fish Movement Exemption Notice does not depend on the dimensions, operation or nature of the proposed works. Thus short-term temporary works at a site where fish movement is necessary would not qualify for a Fish Movement Exemption. Neither would works that drown-out frequently, if fish movement is necessary at that site. However these structures may not require any other fish passage device to provide sufficiently for fish movement. This type of assessment would be done during the development application assessment under IPA.

Assessment

For the assessment of a Fish Movement Exemption Notice, DPI&F staff will examine the habitat values for fish at the works site and upstream and downstream of the works site. This may be done through an inspection of the site and surrounding catchment or based on the regional DPI&F staff knowledge of the area. Habitat values include features such as

- Diversity of suitable fish habitats
- Abundance of suitable fish habitats
- Level of disturbance in the catchment and instream
- Water quality
- Water supply
- Catchment area that will be cut off by proposed waterway barrier works
- Stream order at the site
The assessment will also examine whether fish are present in the area and will look at the movement requirements of those fish. In addition, the assessment will evaluate the information provided by the applicant as to why there should be an exemption on the requirement to provide for fish movement across the proposed waterway barrier works.

**Section 5**

You will need to complete Section 5 on the Fish Movement Exemption Notice Application Form, and to provide details on why you believe there should be an exemption from having to provide for fish movement across the proposed waterway barrier works.

Some examples of situations where the provision of fish movement across the proposed waterway barrier works may not be necessary include:

- **There are no fish located in the area**
  
  There are no fish either at the works site or that will move through the site following during or following flow events, seasonal triggers etc.).

  Applicants will need to provide fish survey data and analysis that demonstrates and explains why there are no fish located in the area. Data on fish in the area should be from sampling that has been undertaken:

  - using gear that will sample the whole fish community (species and life stages) eg. a variety of net/trap types and mesh sizes
  - seasonally to demonstrate the absence of fish at any time of year
  - at different hydrological conditions and flow events
  - over more than one year of sampling or records, particularly in ephemeral systems

(\textit{It is important to note that the types of fishing apparatus (nets, traps etc) that can be used in Queensland freshwaters are restricted under the Fisheries (Freshwater) Management Plan 1999. For further information on permit requirements, please contact the Senior Policy Officer (Freshwater) on telephone (07) 3227 7259}).

- **It is not necessary for the fish located in the area to access the fish habitat upstream of the area**

  Fish at the site and downstream of the site do not need to utilise fish habitats upstream of the site.

  Applicants will need to provide evidence that demonstrates why fish located in the area do not need to access fish habitat upstream of the area. This should include:

  - fish survey data (see above for sampling protocols) to identify the species of fish in the area (at the site and downstream of the site) and their seasonal occurrence
  - information on the biology of those species and their movement requirements
  - habitat survey data to identify the different fish habitats upstream
  - an evaluation of the quality of upstream fish habitats
  - the importance of upstream to fish at the site and downstream of the site given all of the above information
There are other barriers in the area where the works site is that prevent the movement of fish located in the area.

There are natural barriers just upstream of just downstream that do not allow fish passage and that will drown-out after or concurrently with the proposed barrier. This does not apply to existing artificial barriers located in the area as these are considered to have the potential for future fish passage rehabilitation.

Applicants will need to provide:

- data that enables comparison of the drown-out characteristics of the identified natural barriers and the proposed waterway barrier works
- data that will demonstrate that fish passage across the upstream of downstream barrier is not possible until after the proposed waterway barrier works have drowned-out

You should note that after an initial consideration of your application form, you may be contacted by Fisheries to provide additional information that is required to assess the application.

**Fees and lodgement**

Before lodging your application you should check that you have filled in all the relevant sections and have provided copies of the documents requested in the left hand margin of the application form.

You will need to pay an assessment fee when you lodge your application. The fee is currently $1,200.00. No other fees will be charged to assess your application or to undertake inspections associated with the assessment.
Contact Fisheries

If you are unsure about how to fill in Section 5, or any other part of the Fish Movement Exemption Application form, then you can contact your nearest regional DPI&F office (see below) for assistance or to arrange a pre-lodgement meeting.

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<th>Northern Fisheries Centre</th>
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<tr>
<td><strong>(North of Sarina inclusive)</strong></td>
<td><strong>(South of Sarina)</strong></td>
</tr>
<tr>
<td>PO Box 5396</td>
<td>PO Box 76</td>
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<tr>
<td>Cairns Qld 4870</td>
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<tr>
<td>Telephone: (07) 4035 0100</td>
<td>Telephone: (07) 3817 9500</td>
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<tr>
<td>Facsimile: (07) 4035 1401</td>
<td>Facsimile: (07) 3817 9555</td>
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<tr>
<td>DPI&amp;F web site</td>
<td>DPI&amp;F Call Centre Ph 13 25 23</td>
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