

Accepted development requirements for material change of use that is aquaculture

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Does this document apply to the proposal?

These accepted development requirements are for a material change of use that is aquaculture as specified in this document.

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 for assessable development under the *Planning Act 2016* 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.

Where development involves operational work that is constructing or raising waterway barrier works, work completely or partly within a declared fish habitat area or the removal destruction or damage of marine plants, see the accepted development requirements in the following documents:

- *Accepted development requirements for operational work that is constructing or raising waterway barrier works*
- *Accepted development requirements for operational work that is completely or partly within a declared fish habitat area*
- *Accepted development requirements for operational work that is the removal, destruction or damage of marine plants*

If the proposed work(s) do not comply with the accepted development requirements within this document, the work is assessable development and requires a development approval.

For assessable development that is a material change of use of premises for aquaculture, please contact the State Assessment and Referral Agency (SARA) of the Department of Infrastructure, Local Government and Planning (DILGP) to arrange a pre-lodgement meeting involving all relevant state agencies. This will include 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 MyDAS, is available on the DILGP website.

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1 How to use this document

Where aquaculture complies with the requirements within this document, the work is accepted development. This document states the requirements that must be complied with, and provides guidance.

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. Terms defined in the glossary are underlined throughout the document. If a term is not included in the glossary, it may be defined in the *Fisheries Act 1994* (Fisheries Act) or the *Planning Act 2016* (Planning Act).

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

- *Fisheries Act 1994*
- *Fisheries Regulation 2008*
- *Planning Act 2016*
- *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.

For enquiries on technical matters refer to section 5 of this document.

2 Introduction

This document is prepared under the Planning Act and the Fisheries Act and specifies when development that is a material change of use that is aquaculture is accepted development.

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

The Planning Act makes it an offence to carry out assessable development without a development permit.

3 Requirements for all work

3.1 Registration

Registration of works (refer to Section 7) must be submitted within five (5) business days of commencement of the development. The registration form must be completed and submitted to Fisheries Queensland, Department of Agriculture and Fisheries by email to accepteddevelopment@daf.qld.gov.au or through the online notification system, <http://adr.fisheries.qld.gov.au>. All sections of the registration form must be completed in full.

Exceptions to registration apply where the aquaculture is for:

- (a) Non-indigenous freshwater fish for aquarium display purposes produced in above ground tanks housed in a facility with a roof impervious to water; and where the total volume of water used for aquaculture is no greater than 5000 litres; and is not a hatchery operation; or
- (b) Indigenous marine and freshwater fish for aquarium display purposes using above ground tanks with a total volume not exceeding 5000 litres; and is not a hatchery operation.

3.2 Site access

Sites where accepted development is occurring must be open for inspection by Department of Agriculture and Fisheries (DAF) staff during business hours, during works and on request. Any area, and associated areas, which are used for activities related to the aquaculture operation, and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the *Fisheries Act 1994* during business hours.

3.3 Standards

The following standards apply under these accepted development requirements:

1. DAF must be advised of any changes to contact details.
2. DAF must be advised if the operation proposes to expand outside the requirements that is considered acceptable development contained within this document.
3. DAF must be advised by email when development at the registered location has ceased.
4. A new registration form must be completed and sent by email to within five (5) business days of commencement of the development at a new location **if** it will still otherwise comply with the requirements for accepted development.
5. Send all advice and notifications subsequent to the initial registration of the development to accepteddevelopment@daf.qld.gov.au
6. Hatchery activities are not permitted under these accepted development requirements other than for aquarium display in accordance with 3.3.3.
7. Tidal aquaculture is not permitted under these acceptable development requirements.
8. The discharge of water or effluent released from an aquaculture facility into natural waterways or farm dams is not permitted under these accepted development requirements.
9. An aquaculture production return must be submitted to the Deputy Director-General, Fisheries and Forestry, by close of business on 31 July each year. This includes lodging a "nil return" when no activity has occurred¹. Penalties apply for failing to submit an aquaculture production return.

3.3.1 Use of aquaculture fish

10. Other than the freshwater prawn *Macrobrachium australiense*, aquacultured fish are not to be sold for use as bait.
11. Stock is not to be sold or used for stocking public waters or farm dams.

3.3.2 Source of culture stock or broodstock

12. Culture stock must be sourced from within Queensland.
13. Culture stock cannot be obtained from wild fisheries resources.
14. Broodstock may be collected from the wild using recreational fishing apparatus, however recreational size and possession limits apply.
15. If hatchery activities apply (as per 3.3.3 below) and the aquaculturist proposes to collect broodstock from the wild that does not comply with recreational size and possession limits, a separate permit for broodstock collection is required.
16. Broodstock obtained from the wild cannot be sold/traded or transferred (live, dead or processed) to another registered aquaculturist, person or company, or released back to the wild.

¹ Exception applies for submission of aquaculture production return where registration is not required as per section 3.1

3.3.3 Hatchery Activities

17. Hatchery activities under these accepted development requirements are only for the purpose of aquarium display where:

- broodstock are kept and induced to spawn; and
- when conducted in above ground tanks.

Spawning may be artificially induced (e.g. injection of hormones) or by natural propagation techniques

3.3.4 Fish that must not be aquacultured

18. The following fish must not be aquacultured:

- Barramundi within the Murray-Darling, Lake Eyre and Bulloo Bancannia restricted drainage divisions; and
- Mary River cod, lungfish, or any other fish species regulated by species under the *Fisheries Regulation 2008*, Schedule 2, with the result that it is a no take species; and
- Species listed under Federal or State legislation as requiring special management requirements, with the exception of silver perch; and
- Species listed as prohibited or restricted matter (noxious fish) under the *Biosecurity Act 2014*, Schedule 1 and Schedule 2.

3.3.5 Disease Prevention

19. The aquaculturist must comply with the most recent version of the Health Management Technical Guidelines for Aquaculture. Copies of the guideline are available from the DAF web site (www.daf.qld.gov.au) or by contacting Fisheries Queensland.

20. The aquaculturist must comply with the aquatic diseases and pathogens notification requirements in the Biosecurity Act 2014.

3.3.6 Management of aquaculture water

21. All waters introduced to ponds and tanks (excluding reticulated town water supply and bore water) must pass through a 250 micron mesh filter, or smaller.

22. All waters leaving ponds and tanks used for aquaculture must pass through a 250 micron mesh filter, or smaller.

23. If not reused immediately, all excess water used for aquaculture is retained in a settlement pond until reused at a later time (for example, in the aquaculture process or for irrigation that will not result in any run-off).

24. For a pond, a minimum freeboard height of 50 centimetres is maintained at all times.

25. For a tank, a freeboard must be maintained at all times to prevent overflow.

3.3.7 Construction and location of ponds and tanks

26. Each pond and tank is constructed to prevent the inflow of surface water.

27. Each pond and tank is located:

- above the 1:100 year flood height; and
- a minimum distance of 50 metres from the high banks of any freshwater waterway; and
- a minimum distance of 100 metres from the high banks of any tidal waterway or highest astronomical tide.

28. A pond used to aquaculture species capable of overland movement (e.g. crustaceans) has a perimeter barrier in place that:

- is impervious to all life stages of the aquacultured species; and
- is imbedded in the ground; and
- extends a minimum of 60 centimetres above the surface of the pond.

29. The lowest point of pond excavation is at least five (5) metres above Australian Height Datum.

3.3.8 Fishing apparatus

30. Only fishing apparatus permitted under the *Fisheries Regulation 2008* is to be possessed and used within the premises for conducting aquaculture activities.

4 Requirements for new work

Table 1 lists the requirements for aquaculture when it is accepted development. The aquaculture must not cause or result in the discharge of waste in to Queensland waters.

Table 1 – Accepted development requirements for new work that is aquaculture

Work Type	Requirements for accepted development
1.1 Indigenous freshwater fish cultured <i>within</i> the catchment or river basin to which the fish is indigenous (refer to the Appendix for a list of catchments where some common freshwater fish are indigenous) ²	Must be carried out in ponds or above ground tanks that have a total water surface area of no more than 10 hectares
1.2 Indigenous freshwater fish cultured <i>outside</i> the catchment or river basin to which the fish is indigenous (refer to the Appendix for a list of catchments where some common freshwater fish are indigenous) ²	Must be carried out in above ground tanks that have a <u>total floor area</u> of no more than 100m ² (excluding water storage areas that are free of stock); AND Is located in a facility that is impervious to predators of the stock; AND Has a roof impervious to rain water
1.3 Non-indigenous freshwater fish	Must be carried out in above ground tanks only with a <u>total floor area</u> of no more than 100m ² (excluding water storage areas that are free of stock); AND Is located in a facility that is impervious to predators of the stock; AND Has a roof impervious to rain water
1.4 Indigenous marine fish	Must be carried out in above ground tanks that have a <u>total floor area</u> of no more than 100m ² (excluding water storage areas that are free of stock)

² For fish that are not included in the Appendix, the onus is on the person or company undertaking the development to determine whether the fish is indigenous to the catchment or river basin.

5. 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

6. Glossary

Aquaculture Refer to Schedule Dictionary, *Fisheries Act 1994*

Means the cultivation of live fisheries resources for sale other than in circumstances prescribed under a regulation.

Broodstock is the reproductive stage of species used for producing eggs, larvae and juveniles for use as culture stock.

Culture stock is the juvenile stage of species, obtained for grow out.

Discharge of waste means the release of water, material or products used in, or resulting from, the aquaculture activity authorised under this code.

Fish Refer to s.5 of the *Fisheries Act 1994*

Freeboard is the distance between the top of the water surface level and the top of the tank or pond.

Freshwater means not derived from a marine or estuarine source or artificially salted.

Grow out is the process by which juveniles, eggs and larvae are reared to saleable size.

Hatchery is a facility where broodstock are kept and induced to spawn, using artificial (e.g. Injection of hormones) or natural propagation techniques, to produce eggs, larvae and juveniles.

Highest Astronomical Tide is the highest sea surface water level which can be predicted to occur under average meteorological conditions and any combination of astronomical conditions.

Indigenous freshwater fish Refer to Schedule 7 of the *Planning Regulation 2017*

Means a fish that is:

- a) a freshwater fish as defined in the Fisheries Regulation 2008, Schedule 11, part 2 and
- b) indigenous, within the meaning of the Fisheries Act, schedule, definition indigenous fisheries resources, to:
 - only Queensland freshwaters; or
 - both Queensland freshwaters and Queensland tidal waters.

Indigenous fisheries resources means fisheries resources—

(a) in relation to a particular area—

- (i) spawned, born or grown, other than by aquaculture, in the area; and
- (ii) belonging to a species of fisheries resources native to the area; or

(b) without reference to a particular area—

- (i) spawned, born or grown, other than by aquaculture, in Queensland; and
- (ii) belonging to a species of fisheries resources native to Queensland.

Indigenous marine fish Refer to Schedule 7 of the *Planning Regulation 2017*

Means a fish that is indigenous, within the meaning of the *Fisheries Act 1994* Schedule Dictionary definition “indigenous fisheries resources”, to only Queensland tidal waters.

Non-indigenous freshwater fish

Means a freshwater fish that is not an indigenous freshwater fish as defined above.

Prescribed area means area of land, waters or both land and waters, including a place, authorised under the Fisheries Act 1994 or Sustainable Planning Act 2009.

Queensland waters Refer to Schedule Dictionary, *Fisheries Act 1994*

Means all waters that are—

- within the limits of the State or
- coastal waters of the State.

Total Floor Area means the area bound by the outside length and breadth of the area where the tanks are situated e.g. a 6 metre by 6 metre area equals 36 square metres.

7. Registration Form

Email the completed form to Fisheries Queensland, Department of Agriculture and Fisheries at accepteddevelopment@daf.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 accepted development requirements.

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

PART 1. REGISTRATION OF AQUACULTURE DEVELOPMENT THAT IS ACCEPTED DEVELOPMENT

Registration must be provided no more than five (5) business days after commencement of the development.

1. Date work commenced: ___/___/___ (d/m/y)

2. Contact details of person, company or organisation undertaking the works

This person must be contactable and may be contacted by Fisheries Queensland for monitoring purposes.

Name and/or organisation:

Physical address:

Postal address:

Email:

Telephone:

3. Location

Street address:

Property description (Lot on Plan):

Local Government Area:

Coordinates of work location:

Latitudinal and longitudinal extent for work area in decimal degrees (i.e -52.159863; 152.597654).

Note: a minimum of one point (centre of work) is required.

____ . _____ S ____ . _____ E; ____ . _____ S ____ . _____ E;

____ . _____ S ____ . _____ E; ____ . _____ S ____ . _____ E.

Datum system: GDA94

WGS84

4. Work Type

1.1 Indigenous freshwater fish cultured within the catchment or river basin to which the fish is indigenous as listed in the Appendix

1.2 Indigenous freshwater fish cultured outside the catchment or river basin to which the fish is indigenous as listed in the Appendix

1.3 Non-indigenous freshwater fish

1.4 Indigenous marine fish

5. Aquaculture Details

The aquaculture occurs within the following catchment or river basin: _____

6. Facility Details

Fish to be aquacultured are contained in:

Ponds

Above ground tanks

The total *water surface area* of the ponds or above ground tanks is _____ hectares; or

The *total floor area* is _____ m²

The facility is impervious to predators of the stock: Yes No

The facility has a roof impervious to rain water: Yes No

7. Are you the owner of the property where the development will take place?

Yes

No - complete section 8

8. Owner's Consent

Name of the owner/s of the land _____

I/We, the above mentioned owners of the land, consent to this registration for aquaculture that is accepted development

Signature of the owner/s of the land _____

Date __/__/____ (d/m/y)

9. Declaration

In completing this registration form, I confirm the following:

This document has been read

This document has been understood

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

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

Date of registration:

You must keep a copy of the registration form and evidence of the registration date. You must be able to provide this information if requested.

8. Appendix 1 – Indigenous freshwater fish by their naturally occurring catchment.

Indigenous freshwater fish by their naturally occurring catchment/s for the purpose of determining the type of development as per section 4, above. Note: This list is not exhaustive and the onus is on the applicant to determine whether the species proposed to be aquacultured is indigenous to the catchment or river basin.

Species	Catchment
Australian bass	Albert, Auburn, Barambah, Bremer, Brisbane, Burnett, Burrum, Caboolture, Elliott, Gregory, Kolan, Lockyer, Logan, Maroochy, Mary, Nogo, Noosa, North Pine, Southcoast, South Pine, Stanley
Barramundi (central east coast stock): of the population indigenous to the area from the northern boundary of the O'Connell river basin to the southern boundary of the Shoalwater river basin.	O'Connell, Pioneer, Plane, Shoalwater, Styx
Barramundi (east coast Cape York stock): of the population indigenous to the area from the northern boundary of the Jacky Jacky river basin to the eastern boundary of the Normanby river basin.	Hann (with the river basin reference number 1050), Lockhart, Normanby, Olive, Pascoe, Stewart, Jacky Jacky
Barramundi (mid north-east coast stock): of the population indigenous to the area from the northern boundary of the Endeavour river basin to the southern boundary of the Burdekin river basin.	Barron, Black, Burdekin, Daintree, Endeavour, Haughton, Herbert, Hinchinbrook Island, Mossman, Mulgrave, Murray, North Johnstone, Ross, Russell, South Johnstone, Tully
Barramundi (north-west Cape York stock): of the population indigenous to the area from the southern boundary of the Embley river basin to the northern boundary of the Jardine river basin.	Dulhunty, Embley, Jackson, Jardine, Mission, Skardon, Wenlock
Barramundi (south-east coast stock): of the population indigenous to the area from the northern boundary of the Fitzroy river basin to the southern boundary of the Mary river basin.	Auburn, Baffle, Barambah, Boyne, Burnett, Burrum, Calliope, Comet, Curtis Island, Dawson, Elliott, Fitzroy, Gregory, Isaac, Kolan, Mackenzie, Mary, Nogo, Nogo
Barramundi (south-east Gulf of Carpentaria stock): of the population indigenous to the area from the north-western boundary of the Nicholson river basin to the northern boundary of the Watson river basin	Archer, Cloncurry, Coen, Coleman, Einasleigh, Flinders, Gilbert, Holroyd, L Creek, Leichardt, Mitchell, Morning, Nicholson, Norman, Saxby, Staaten, Watson
Freshwater catfish (east coast drainage division stock)	Albert, Auburn, Baffle, Barambah, Boyne, Bremer, Brisbane, Burnett, Burrum, Caboolture, Calliope, Comet, Dawson, Fitzroy, Fraser Island, Isaac, Kolan, Lockyer, Logan, Mackenzie, Maroochy, Mary, Nogo, Nogo, Noosa, North Pine, Shoalwater, Southcoast, South Pine, Stanley, Waterpark
Freshwater catfish (Murray-Darling drainage division stock)	Balonne, Border Rivers, Condamine, Macintyre, Maranoa, Moonie, Nebine, Paroo, Severn, Warrego
Golden perch (east coast drainage division stock)	Comet, Dawson, Fitzroy, Isaac, Mackenzie, Nogo

Golden perch (Lake Eyre drainage division stock) Golden perch (Murray-Darling drainage division stock)	Barcoo, Cooper Creek, Diamantina, Georgina, Mulligan, Thomson Albert, Auburn, Balonne, Barambah, Border Rivers, Bremer, Brisbane, Burnett, Burrum, Caboolture, Condamine, Lockyer, Logan, Macintyre, Maranoa, Maroochy, Mary, Moonie, Nebine, Nogo, North Pine, Paroo, Severn, Southcoast, South Pine, Stanley, Warrego
Khaki grunter	Barron, Daintree, Mulgrave, Murray, North Johnstone, Russell, South Johnstone, Tully
Murray cod	Balonne, Border Rivers, Condamine, Macintyre, Maranoa, Moonie, Nebine, Paroo, Severn, Warrego
Redclaw	Alice, Archer, Cliffdale, Cloncurry, Coen, Coleman, Dulhunty, Edward, Eight Mile, Einasleigh, Embley, Flinders, Gilbert, Hann (with the river basin reference number 1050), Hann (with the river basin reference number 9102), Holroyd, Jackson, Jacky Jacky, Jardine, Kendall, L Creek, Leichardt, Lockhart, Mission, Mitchell, Morning, Mornington Island, Nicholson, Norman, Normanby, Olive, Palmer, Pascoe, Saxby, Settlement, Skardon, Staaten, Stewart, Torres Strait Islands, Walsh, Watson, Wenlock
Silver perch	Auburn, Balonne, Barambah, Border Rivers, Boyne, Bremer, Brisbane, Burnett, Burrum, Caboolture, Condamine, Dawson, Elliott, Fitzroy, Kolan, Lockyer, Logan, Macintyre, Maranoa, Maroochy, Mary, Moonie, Nebine, Nogo, Nogoia, North Pine, Paroo, Severn, Southcoast, South Pine, Stanley, Warrego
Sleepy cod (Comet, Dawson, Fitzroy, Isaac, Mackenzie, Nogoia and Plane river basins stock)	Comet, Dawson, Fitzroy, Isaac, Mackenzie, Nogoia, Plane
Sleepy cod (Gulf of Carpentaria drainage division and Normanby river basin stock)	Alice, Archer, Cliffdale, Cloncurry, Coen, Coleman, Dulhunty, Edward, Eight Mile, Einasleigh, Embley, Flinders, Gilbert, Hann (with the river basin reference number 9102), Holroyd, Jackson, Jardine, Kendall, L Creek, Leichardt, Mission, Mitchell, Morning, Nicholson, Norman, Normanby, Palmer, Saxby, Settlement, Skardon, Staaten, Walsh, Watson, Wenlock
Southern Saratoga	Auburn, Barambah, Boyne, Bremer, Brisbane, Burnett, Comet, Dawson, Fitzroy, Isaac, Lockyer, Mackenzie, Nogo, Nogoia, North Pine, Southcoast, Stanley