

# 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 approval authority (such as a Council) but is subsequently refused permission from another approval authority (such as a State Government agency), or worse still, prosecuted for undertaking works which are illegal.

NSW Department of Primary Industries (NSW DPI) is responsible for conserving the State’s fishery resources and 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 that 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) including removal of large woody debris.
- **Fish** – finned fish and other aquatic invertebrates at any stage of their life cycle including oysters and other molluscs, crustaceans, echinoderms and beachworms (but not including whales, seals, turtles, frogs).
- **Marine Vegetation** – any species of plant that at any time in its life inhabits marine or estuarine waters (includes mangroves, seagrasses, saltmarsh plants 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 “approval body” for development that requires one or more of the following permits under the *Fisheries Management Act 1994*:

- Section 144 - aquaculture permit (i.e. 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 the foreshore of such land or on an aquaculture lease.
- 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 (e.g. Council) is required to 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:

*Fisheries Management Act 1994*  
Guide to Integrated Development Application procedures

- 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 (i.e. reclamation) or where marine vegetation may be harmed during construction (e.g. by establishing piles or dredging an access channel) or subsequently (e.g. 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 (i.e. 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 (i.e. reclamation and/or obstruction of fish passage) or which employ batter protection that extends into the waterway.
- dams, weirs, floodgates or levee banks (i.e. obstruction of fish passage).
- marinas (e.g. dredging for access, reclamation for a wall, harming marine vegetation).
- dredging or desnagging 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 (e.g. seawalls, retaining walls) where “water land” may be filled or marine vegetation may be harmed.
- boardwalks or walking tracks that cross intertidal areas, saltmarsh or mangrove wetlands, seaweeds or seagrasses.
- development that may affect marine vegetation by cutting, removing, destroying, transplanting, shading or damaging in any way (e.g. cutting saltmarsh or mangroves or shading seagrasses for bridges or 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 (e.g. broodstock collection for 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 their development application.

### ***Are all waterways included?***

Not necessarily. The objects of the *Fisheries Management Act 1994* include “conserve Key Fish Habitat”.

DPI Fisheries has mapped Key Fish Habitat (KFH) across the state. LGA based maps and a policy definition of the types of waterway that are included in KFH and excluded, are available at:

<http://www.dpi.nsw.gov.au/fishing/habitat/protecting-habitats#KFH>

Developments, works and activities (other than aquaculture) within or adjacent to waterways mapped or defined as KFH require permits and are captured by the IDA provisions. Developments, works and activities (other than aquaculture) that are not within or adjacent to waterways mapped or defined as KFH, do not require permits and are not captured by the IDA provisions. Proponents should check both the relevant map **and** the policy definition of KFH to determine whether their proposal will/will not require a Fisheries permit and will/won't be subject to the IDA provisions. Aquaculture requires a permit regardless of whether it takes place within or outside of Key Fish Habitat.

### ***Information requirements***

Before the development application is lodged, applicants should refer to NSW DPI *Policy and Guidelines for Fish Habitat Conservation and Management (2013 Update)*. This outlines the general position of NSW DPI on many types of development and activities. More detailed guidance on waterway crossings can be obtained from *Why do fish need to cross the road? Fish passage requirements for waterway crossings 2003*. Both documents are available at <http://www.dpi.nsw.gov.au/fisheries/habitat/protecting-habitats/toolkit>

Prior to lodging a development application for aquaculture, proponents should consult the appropriate Aquaculture Industry Development Plan (e.g. Land Based Aquaculture Sustainable Aquaculture Strategy) to

determine what is permissible or considered appropriate for the particular area. This will influence the level of assessment required for the project. Proponents should discuss the project with NSW DPI aquaculture unit staff to discuss details of the application process and the technical and economic aspects of the project. Information can also be obtained from the NSW DPI website at:

<http://www.dpi.nsw.gov.au/fisheries/aquaculture>

Sufficient relevant information needs to be provided with the application to enable Departmental Officers to clearly understand what is proposed and how it may affect fish populations, aquatic habitats, commercial and recreational fishing and aquaculture industries. If suitable information is **not** provided, NSW DPI is likely to “stop the clock” (see below) and request further information - which 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 including the extent of tidal inundation if relevant.
- 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 *Fisheries Management Act 1994* (e.g. Test of Significance 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 aquaculture permit application form in detail, include all necessary maps and diagrams, and include a completed Commercial Farm Development Plan. Application forms are available from the NSW DPI website at:  
<http://www.dpi.nsw.gov.au/fisheries/aquaculture>.

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 the basis of compatibility with the adopted *Policies and guidelines for fish habitat conservation and management (Update 2013)*. 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 (e.g. 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 obliged to issue the permit to enable the proposal to proceed (assuming development consent is given, and providing the 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 (e.g. Council) that it will not grant the approval (i.e. is not prepared to 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 \$320 fee<sup>1</sup> is payable to NSW DPI for appraisal of integrated development applications. A cheque payable to the **NSW Department of Industry** should be included with the application. This will be forwarded to NSW DPI by the consent authority (e.g. 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 (assuming the development application is approved). For example, a proposal that involved dredging, reclamation or harming marine vegetation would require the initial \$320<sup>1</sup> integrated development assessment fee plus the prescribed \$179<sup>1</sup> permit **application** fee once consent has been granted. The permit **assessment** fee is waived because the environmental assessment has already been completed.

All **aquaculture** applications should be emailed to: [aquaculture.administration@dpi.nsw.gov.au](mailto:aquaculture.administration@dpi.nsw.gov.au)

Enquiries related to **aquaculture** should be directed to:

Aquaculture Administration Unit  
Port Stephens Fisheries Institute  
Locked Bag 1  
NELSON BAY NSW 2315  
Phone: (02) 4982 1232  
Fax: (02) 4982 1107

All **other** integrated development applications should be emailed to [ahp.central@dpi.nsw.gov.au](mailto:ahp.central@dpi.nsw.gov.au)

Enquiries in relation to permits and integrated development applications other than aquaculture should be directed to the appropriate regional contact listed in the table below.

Region	Catchments	Postal Address	Phone
North West	Namoi, Gwydir, Barwon-Darling, Bogan, Macquarie, Castlereagh	Murray Darling Unit NSW Dept Primary Industries 4 Marsden Park Road CALALA NSW 2340	(02) 6763 1255
Central West	Lachlan	As above	(02) 6763 1428
South West	Murray, Lower Murrumbidgee, Lower Darling	Murray Darling Unit NSW Dept Primary Industries Unit 3/556 Macauley Street ALBURY NSW 2640	(02) 6042 4213
North East and Border Rivers	The Border Rivers and the coastal catchments from Queensland border to Hastings	Coastal Systems NSW Dept Primary Industries 1243 Bruxner Highway WOLLONGBAR NSW 2477	(02) 6626 1375
Central	Coastal catchments from Manning to Georges including Sydney and Central Coast	Coastal Systems NSW Dept Primary Industries Private Bag 1 NELSON BAY NSW 2315	(02) 4916 3931
South East	Coastal and southern highland catchments between Royal National Park and the Victorian border and the Lachlan and Upper Murrumbidgee	Coastal Systems NSW Dept Primary Industries PO Box 97 HUSKISSON NSW 2540	(02) 4222 8342 (02) 4428 3007

<sup>1</sup>

IDA fees are specified in clause 253(4) of the *Environmental Planning and Assessment Regulation 2000*. Fisheries permit fees are specified in Schedule 8 of the *Fisheries Management (General) Regulation 2010*. All fees are subject to change over time in line with movements in the Consumer Price Index. Fees listed were correct at 12 July 2019.