

South Australia

## **Aquaculture (Zones—Port Neill) Policy 2008**

under the *Aquaculture Act 2001*

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### **Part 1—Preliminary**

#### **1—Short title**

This policy may be cited as the *Aquaculture (Zones—Port Neill) Policy 2008*.

#### **2—Interpretation**

- (1) In this policy, unless the contrary intention appears—

*Act* means the *Aquaculture Act 2001*;

*algae* means eukaryotic macroalgae;

*bivalve molluscs* includes clams, cockles, mussels, oysters, pipis and scallops;

*finfish* means all members of the classes *Actinopterygii*, *Elasmobranchii* and *Myxini*;

*lease* means an aquaculture lease;

*licence* means an aquaculture licence;

*prescribed wild caught tuna* means members of the genera *Allothunnus*, *Auxis*, *Euthunnus*, *Katsuwonus*, and *Thunnus* that have been taken from the wild.

- (2) For the purposes of identification of zones in this policy, unless the contrary intention appears, all lines are geodesics based on the *Geocentric Datum of Australia 1994* (GDA94) as defined in the Commonwealth of Australia Gazette GN35 of 6 September 1995 and all co-ordinates are expressed in terms of GDA94.

**Note—**

Unless the contrary intention appears, terms used in this policy that are defined in the Act have the respective meanings assigned to those terms by the Act.

### **3—Object of policy**

Pursuant to section 11 of the Act, this policy—

- (a) identifies an aquaculture zone and an aquaculture exclusion zone; and
- (ab) designates an aquaculture zone as a public call area; and
- (b) specifies for an aquaculture zone—
  - (i) the classes of aquaculture permitted in the zone; and
  - (ii) prescribed criteria to be taken into account in the determination of applications for licences or in the making of other decisions under the Act in relation to the zone.

### **4—Prescription of criteria does not limit matters that may be taken into account**

This policy does not limit the matters that may be taken into account in the determination of applications for licences or in the making of other decisions under the Act.

## **Part 2—Port Neill aquaculture zone**

### **5—Identification of aquaculture zone**

The Port Neill aquaculture zone comprises the State waters described in Schedule 1 clause 1.

### **5A—Designation of aquaculture zone as public call area**

The Port Neill aquaculture zone is designated as a public call area.

### **6—Class of permitted aquaculture**

The classes of aquaculture permitted in the Port Neill aquaculture zone are—

- (a) the farming of aquatic animals (other than prescribed wild caught tuna) in a manner that involves regular feeding; and
- (b) the farming of prescribed wild caught tuna broodstock; and
- (c) the farming of bivalve molluscs; and

- (d) the farming of algae.

## **7—Prescribed criteria**

- (1) In the determination of applications for licences and in the making of other decisions under the Act in relation to the Port Neill aquaculture zone, the following prescribed criteria must be taken into account:
  - (a) the total area in the zone subject to lease must not exceed 565 hectares of which at least 5 hectares must be used or available for use for the farming of aquatic organisms for the purposes of research or for the purposes of trade, or a business, established for educational purposes;
  - (b) the biomass of the aquatic animals (other than prescribed wild caught tuna) being farmed in the zone in a manner that involves regular feeding must not exceed—
    - (i) an amount that would, in the opinion of the Minister, have an environmental impact on the zone equivalent to the environmental impact that 8 000 tonnes of finfish would have on the zone; or
    - (ii) if some other amount is specified by the Minister by notice in the Gazette, that other amount;
  - (c) the biomass of prescribed wild caught tuna broodstock being farmed in the zone must not exceed 30 tonnes, or, if some other amount is specified by the Minister by notice in the Gazette, that other amount;
  - (d) the biomass of bivalve molluscs being farmed in the zone must not exceed 1 000 tonnes, or, if some other amount is specified by the Minister by notice in the Gazette, that other amount.
- (2) However, a notice under subclause (1)(d) must not increase the biomass of bivalve molluscs that may be farmed in the zone unless the Minister is satisfied that the increase would not compromise the overall productivity of the bivalve mollusc industry being carried on in the zone.

## **8—Variation or revocation of Gazette notice**

- (1) The Minister may vary or revoke a notice in the Gazette made under clause 7 by subsequent notice in the Gazette.
- (2) The power to vary or revoke a notice under subclause (1) is exercisable in the same way, and subject to the same conditions, as the power to make the notice.

## **Part 3—Port Neill aquaculture exclusion zone**

### **9—Identification of aquaculture exclusion zone**

The Port Neill aquaculture exclusion zone comprises the State waters described in Schedule 1 clause 2.

## Schedule 1—Descriptions of zones

### 1—Description of Port Neill aquaculture zone

The Port Neill aquaculture zone comprises—

- (a) the State waters of or near Dutton Bay contained within and bounded by a line commencing at 34°08'06" South, 136°27'14" East (Point 1), then south-westerly to 34°13'10" South, 136°23'55" East (Point 2), then north-westerly to 34°11'16.56" South, 136°20'29.89" East (Point 3), then north-easterly to 34°09'34.23" South, 136°21'37.51" East (Point 4), then north-easterly to 34°09'18.78" South, 136°22'51.37" East (Point 5), then north-easterly to 34°08'12.57" South, 136°23'58.85" East (Point 6), then easterly to the point of commencement; and
- (b) the areas that are subject to the leases that have, at the commencement of this policy, the following registration numbers:
  - LA00071;
  - LA00072,(while those areas remain subject to lease, regardless of whether any of the leases are given a different registration number as a consequence of their subdivision or conversion to a different class of lease).

**Note—**

The point references in this description are references to the corresponding points in the map in Schedule 2 showing the Port Neill aquaculture zone.

### 2—Description of Port Neill aquaculture exclusion zone

The Port Neill aquaculture exclusion zone comprises the State waters of or near Dutton Bay contained within and bounded by—

- (a) a line commencing at the line of mean high water springs closest to 34°02'26.17" South, 136°23'58.36" East (Point 7), then south-easterly to 34°03'51.97" South, 136°24'47.79" East (Point 8), then south-westerly to 34°05'49" South, 136°24'08" East (Point 9), then southerly to 34°08'12.57" South, 136°23'58.85" East (Point 6), then south-westerly to 34°09'18.78" South, 136°22'51.37" East (Point 5), then south-westerly to 34°09'34.23" South, 136°21'37.51" East (Point 4), then south-westerly to 34°11'16.56" South, 136°20'29.89" East (Point 3), then south-westerly to 34°12'21" South, 136°18'25" East (Point 10), then north-westerly to the location on mean high water springs closest to 34°12'14.15" South, 136°17'53.22" East (Point 11), then generally north-easterly following the line of mean high water springs to the point of commencement; and

- (b) a line commencing at the line of mean high water springs closest to 34°14'37.08" South, 136°16'11.51" East (Point 12), then south-easterly to 34°14'53" South, 136°16'44" East (Point 13), then south-easterly to 34°15'53" South, 136°16'53" East (Point 14), then south-westerly to 34°16'30" South, 136°16'13" East (Point 15), then westerly to the location on mean high water springs closest to 34°16'27.74" South, 136°15'10.87" East (Point 16), then generally north-easterly following the line of mean high water springs to the point of commencement,

but does not include the areas that are subject to the leases that have, at the commencement of this policy, the following registration numbers:

LA00071;

LA00072,

(while those areas remain subject to lease, regardless of whether any of the leases are given a different registration number as a consequence of their subdivision or conversion to a different class of lease).

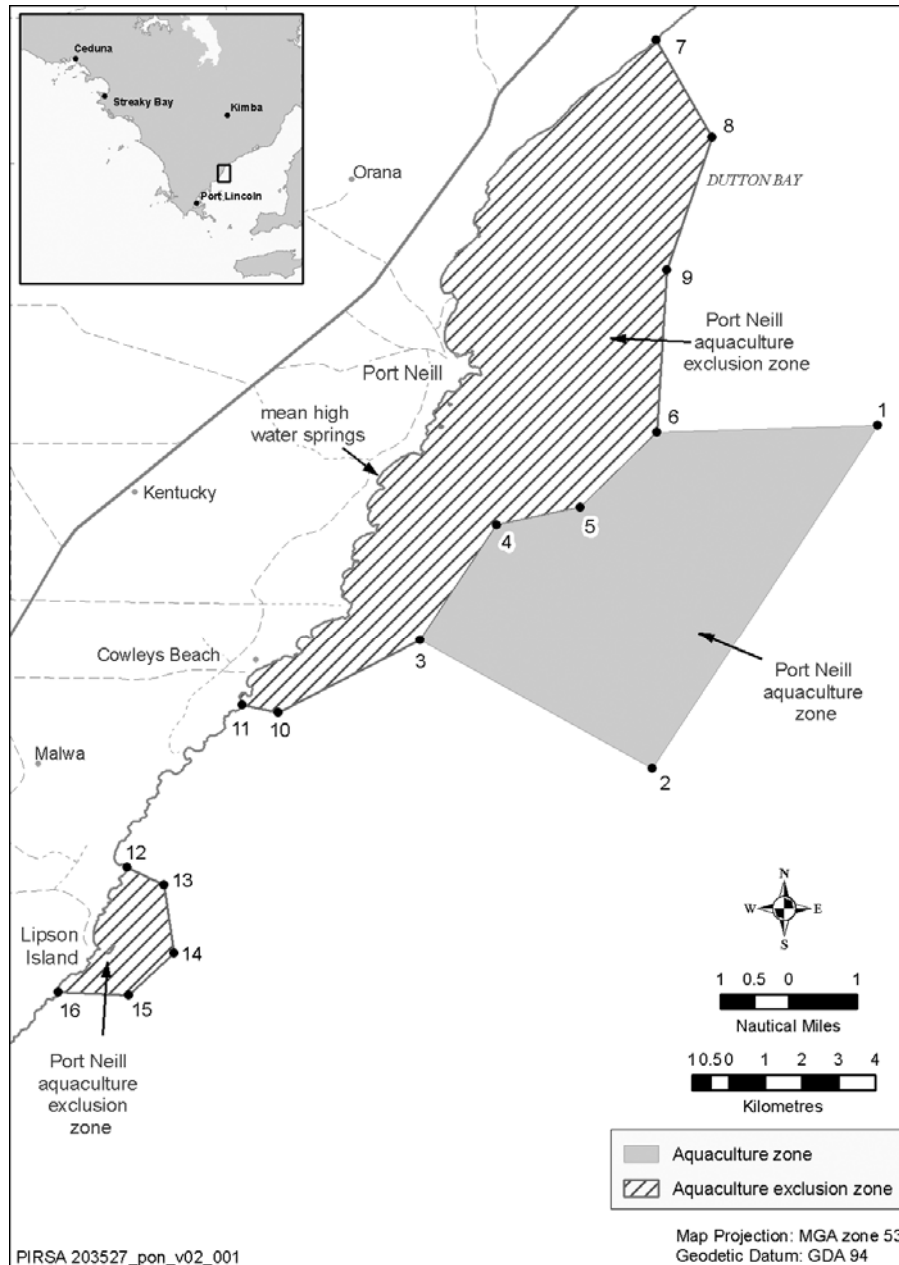
**Note—**

The point references in this description are references to the corresponding points in the map in Schedule 2 showing the Port Neill aquaculture exclusion zone.

## Schedule 2—Map of zones

The map in this Schedule is provided for convenience of reference only.

### Port Neill aquaculture zone and Port Neill aquaculture exclusion zone



## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal policy and amendments

New entries appear in bold.

Notice	Provision under which notice is made	Publication of policy in Gazette	Commencement
Gazette 4.12.2008 p5350	s 12	<i>Gazette 4.12.2008 p5351</i>	4.12.2008
<b>Gazette 30.1.2014 p412</b>	<b>s 14</b>	—	<b>30.1.2014: cl 2</b>

### Provisions amended

New entries appear in bold.

Provision	How varied	Commencement
Pt 1		
cl 3	varied by 30.1.2014 p412 cl 33	30.1.2014
Pt 2		
cl 5A	inserted by 30.1.2014 p412 cl 34	30.1.2014