

South Australia

## **Aquaculture (Zones—Fitzgerald Bay) 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—Fitzgerald Bay) Policy 2008*.

## 2—Interpretation

- (1) In this policy—

*Act* means the *Aquaculture Act 2001*;

*algae* means eukaryotic macroalgae;

*Eastern Fitzgerald sector* means the area within the Fitzgerald Bay aquaculture zone described in Schedule 1 clause 1(b);

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

*lease* means an aquaculture lease;

*leased area*, in an aquaculture zone or a sector in an aquaculture zone, means the total area in the zone or sector subject to 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;

*Western Fitzgerald sector* means the area within the Fitzgerald Bay aquaculture zone described in Schedule 1 clause 1(a).

- (2) For the purposes of identification of zones or sectors 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 aquaculture zones and an aquaculture exclusion zone; 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.

## 5—Certain amendments may be made by Gazette notice only

Pursuant to section 14 of the Act, the Minister may, by notice in the Gazette, amend this policy as prescribed in Schedule 3.

## Part 2—Fitzgerald Bay aquaculture zone

### 6—Identification of aquaculture zone

The Fitzgerald Bay aquaculture zone (consisting of the Western Fitzgerald and Eastern Fitzgerald sectors) comprises the State waters described in Schedule 1 clause 1.

### 7—Class of permitted aquaculture

The classes of aquaculture permitted in the Fitzgerald Bay 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 bivalve molluscs; and
- (c) the farming of algae.

### 8—Prescribed criteria

In the determination of applications for licences and in the making of other decisions under the Act in relation to the Fitzgerald Bay aquaculture zone, the following prescribed criteria must be taken into account:

- (a) the leased area in the zone must not exceed 550 hectares;
- (b) the leased area in the Western Fitzgerald sector must not exceed 150 hectares;
- (c) of the area leased or available for lease in the zone, 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;
- (d) 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 4 250 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;
- (e) the biomass of the aquatic animals (other than prescribed wild caught tuna) being farmed in the Western Fitzgerald sector 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 sector equivalent to the environmental impact that 2 250 tonnes of finfish would have on the sector; or
  - (ii) if some other amount is specified by the Minister by notice in the Gazette, that other amount;

- (f) the biomass of the aquatic animals (other than prescribed wild caught tuna) being farmed in the Eastern Fitzgerald sector 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 sector equivalent to the environmental impact that 3 200 tonnes of finfish would have on the sector; or
  - (ii) if some other amount is specified by the Minister by notice in the Gazette, that other amount;
- (g) the biomass of the bivalve molluscs being farmed in the zone must not exceed—
  - (i) 1 500 tonnes; or
  - (ii) if some other amount is specified by the Minister by notice in the Gazette, that other amount.

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

- (1) The Minister may vary or revoke a notice in the Gazette made under clause 8 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 2A—Fitzgerald Bay (north) aquaculture zone**

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

The Fitzgerald Bay (north) aquaculture zone comprises the State waters described in Schedule 1 clause 1A.

### **9B—Class of permitted aquaculture**

The classes of aquaculture permitted in the Fitzgerald Bay (north) aquaculture zone are—

- (a) the farming of bivalve molluscs; and
- (b) the farming of algae.

### **9C—Prescribed criteria**

In the determination of applications for licences and in the making of other decisions under the Act in relation to the Fitzgerald Bay (north) aquaculture zone, it must be taken into account that the leased area in the zone must not exceed 10 hectares.

## **Part 3—Fitzgerald Bay aquaculture exclusion zone**

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

The Fitzgerald Bay aquaculture exclusion zone comprises the State waters described in Schedule 1 clause 2.

## Schedule 1—Descriptions of zones

### 1—Description of Fitzgerald Bay aquaculture zone

The Fitzgerald Bay aquaculture zone comprises sectors as follows:

- (a) the Western Fitzgerald sector, comprising the State waters contained within and bounded by a line commencing at 32°56'09.78" South, 137°45'25.74" East (Point 1), then north-easterly to 32°55'39.43" South, 137°46'58.97" East (Point 2), then easterly to 32°55'37.52" South, 137°48'24.16" East (Point 3), then southerly to 32°58'03.05" South, 137°48'28.76" East (Point 4), then westerly to 32°58'05.51" South, 137°46'38.54" East (Point 5), then north-westerly to 32°57'26.60" South, 137°46'04.41" East (Point 6), then north-westerly to the point of commencement; and
- (b) the Eastern Fitzgerald sector, comprising the State waters contained within and bounded by a line commencing at 32°52'38.02" South, 137°49'19.83" East (Point 7), then easterly to 32°52'38.02" South, 137°51'23.21" East (Point 8), then southerly to 32°57'08.34" South, 137°51'24.50" East (Point 9), then westerly to 32°57'08.48" South, 137°49'20.82" East (Point 10), then northerly to 32°56'20.00" South, 137°49'21.17" East (Point 11), then westerly to 32°56'19.91" South, 137°49'08.35" East (Point 12), then northerly to 32°53'26.58" South, 137°49'07.39" East (Point 13), then easterly to 32°53'26.58" South, 137°49'19.83" East (Point 14), then northerly to the point of commencement.

**Note—**

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

### 1A—Description of Fitzgerald Bay (north) aquaculture zone

The Fitzgerald Bay (north) aquaculture zone comprises the State waters contained within and bounded by a line commencing at 32°52'31.93" South, 137°47'54.95" East (Point 23), then southerly to 32°52'49.85" South, 137°47'57.52" East (Point 24), then north-westerly to 32°52'46.94" South, 137°47'50.13" East (Point 25), then northerly to 32°52'29.02" South, 137°47'47.56" East (Point 26), then south-easterly to the point of commencement.

**Note—**

The point references in this description are references to the corresponding points in the map in Schedule 2 showing the Fitzgerald Bay (north) aquaculture zone.

## **2—Description of Fitzgerald Bay aquaculture exclusion zone**

The Fitzgerald Bay aquaculture exclusion zone comprises the State waters contained within and bounded by—

- (a) a line commencing at mean high water springs closest to 32°50'34.23" South, 137°48'37.01" East (Point 18), then easterly to a location 1 000 metres seaward of mean high water springs closest to 32°50'28.14" South, 137°49'14.89" East (Point 15), then beginning southerly following a line 1 000 metres seaward of mean high water springs to the location closest to 32°55'55.35" South, 137°45'48.09" East (Point 16), then south-westerly to the location on mean high water springs closest to 32°56'01.81" South, 137°45'11.02" East (Point 17), then beginning north-westerly following the line of mean high water springs to the point of commencement; and
- (b) a line commencing at mean high water springs closest to 32°58'40.92" South, 137°46'39.87" East (Point 22), then north-easterly to a location 1 000 metres seaward of mean high water springs closest to 32°58'20.18" South, 137°47'09.84" East (Point 19), then beginning south-easterly following a line 1 000 metres seaward of mean high water springs to the location closest to 33°00'09.42" South, 137°46'13.97" East (Point 20), then northerly to the location on mean high water springs closest to 32°59'37.00" South, 137°46'13.41" East (Point 21), then beginning north-easterly following the line of mean high water springs to the point of commencement,

but does not include the Fitzgerald Bay (north) aquaculture zone.

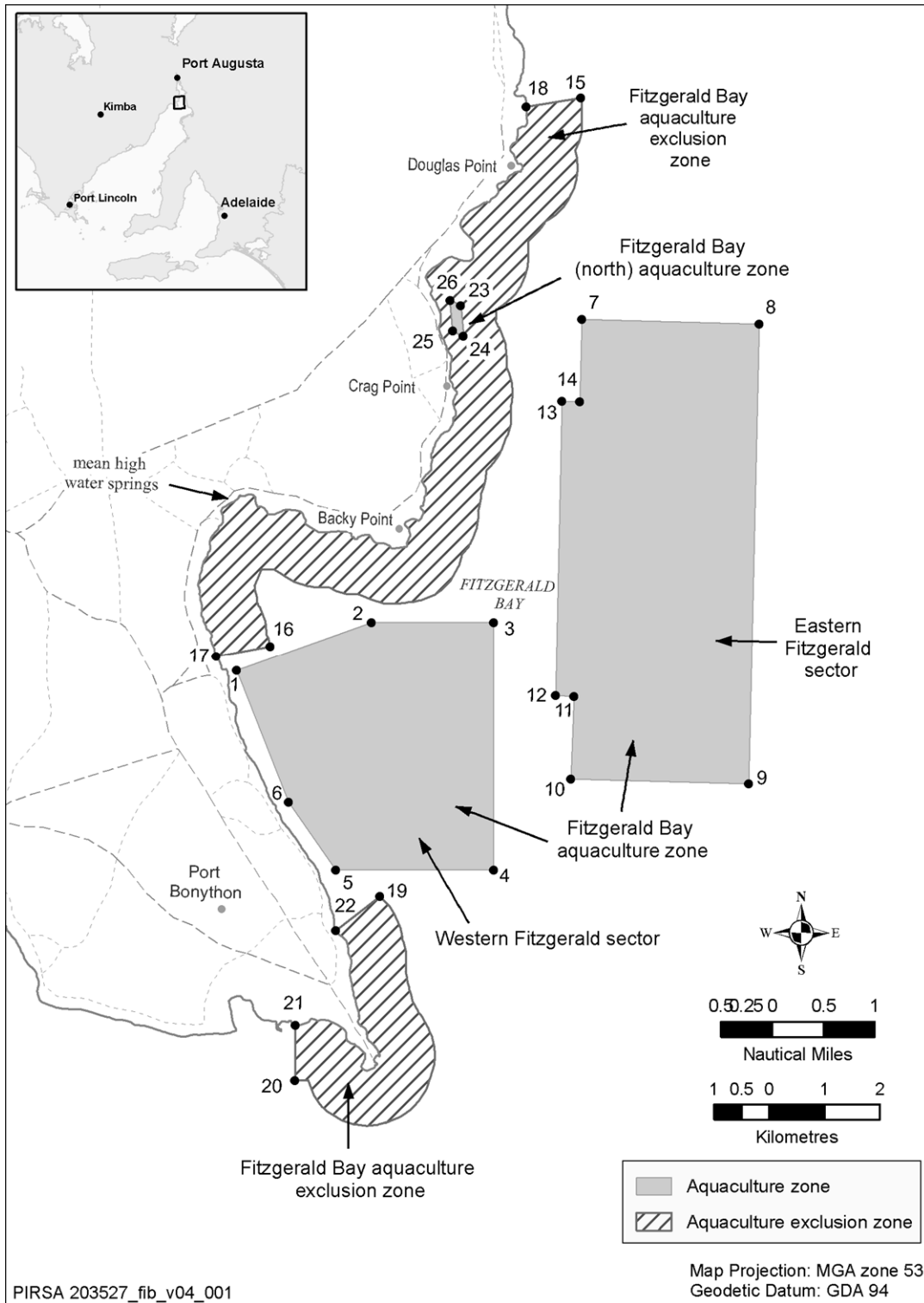
**Note—**

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

## Schedule 2—Map of zones

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

Map of all zones



## 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).

### Legislation revoked by principal policy

The *Aquaculture (Zones—Fitzgerald Bay) Policy 2008* revoked the following:

*Fitzgerald Bay Aquaculture Management Policy*

### 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 p5341	s 12	<i>Gazette 4.12.2008 p5342</i>	4.12.2008
<b>Gazette 10.5.2012 p1679</b>	<b>s 14</b>	—	<b>10.5.2012: cl 2</b>

### Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 2A	inserted by 10.5.2012 p1679 cl 4	10.5.2012
Sch 1		
cl 1A	inserted by 10.5.2012 p1679 cl 5(1)	10.5.2012
cl 2	substituted by 10.5.2012 p1679 cl 5(2)	10.5.2012
<i>Sch 3</i>	<i>deleted by 10.5.2012 p1679 cl 6</i>	<i>10.5.2012</i>
<i>Sch 4</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>10.5.2012</i>