

South Australia

## **Aquaculture (Zones—Lacepede Bay) Policy 2012**

under the *Aquaculture Act 2001*

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## Part 1—Preliminary

### 1—Short title

This policy may be cited as the *Aquaculture (Zones—Lacepede Bay) Policy 2012*.

### 2—Interpretation

(1) In this policy—

**abalone** means abalone (*Haliotis* spp.) of all species;

**Act** means the *Aquaculture Act 2001*;

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

**Kingston (holding) sector** means the area within the Kingston aquaculture zone described in Schedule 1 clause 2(c);

**Kingston (inner) sector** means the area within the Kingston aquaculture zone described in Schedule 1 clause 2(a);

**Kingston (outer) sector** means the area within the Kingston aquaculture zone described in Schedule 1 clause 2(b);

**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.

(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 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.

### **Part 2—Cape Jaffa aquaculture zone**

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

The Cape Jaffa aquaculture zone comprises the State waters described in Schedule 1 clause 1.

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

The class of aquaculture permitted in the Cape Jaffa aquaculture zone is the farming of aquatic animals (other than abalone and prescribed wild caught tuna) in a manner that involves regular feeding.

#### **7—Prescribed criteria**

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

- (a) the leased area in the zone must not exceed 40 hectares;
- (b) the biomass of aquatic animals (other than abalone and 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 600 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.

### **Part 3—Kingston aquaculture zone**

#### **8—Identification of aquaculture zone**

The Kingston aquaculture zone (consisting of the Kingston (inner) sector, Kingston (outer) sector and Kingston (holding) sector) comprises the State waters described in Schedule 1 clause 2.

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

The class of aquaculture permitted in the Kingston aquaculture zone is the farming of aquatic animals (other than abalone and prescribed wild caught tuna) in a manner that involves regular feeding.

## **10—Prescribed criteria**

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

- (a) in the Kingston (inner) sector—
  - (i) the leased area must not exceed 80 hectares; and
  - (ii) each lease must be at least 2 kilometres from the Kingston (holding) sector; and
  - (iii) the biomass of aquatic animals (other than abalone and prescribed wild caught tuna) being farmed in a manner that involves regular feeding must not exceed—
    - (A) an amount that would, in the opinion of the Minister, have an environmental impact on the sector equivalent to the environmental impact that 400 tonnes of finfish would have on the sector; or
    - (B) if some other amount is specified by the Minister by notice in the Gazette, that other amount;
- (b) in the Kingston (outer) sector—
  - (i) the leased area must not exceed 200 hectares; and
  - (ii) the biomass of aquatic animals (other than abalone and prescribed wild caught tuna) being farmed in a manner that involves regular feeding must not exceed—
    - (A) an amount that would, in the opinion of the Minister, have an environmental impact on the sector equivalent to the environmental impact that 1 000 tonnes of finfish would have on the sector; or
    - (B) if some other amount is specified by the Minister by notice in the Gazette, that other amount;
- (c) in the Kingston (holding) sector—
  - (i) the leased area must not exceed 5 hectares; and
  - (ii) the aquatic animals (other than abalone and prescribed wild caught tuna) may only be held for a period of 2 weeks or less by a licensee—
    - (A) before being farmed elsewhere in the Kingston aquaculture zone; or
    - (B) as part of the harvesting process after being farmed elsewhere in the Kingston aquaculture zone; and
  - (iii) no feed is to be introduced.

## **Part 4—Kingston aquaculture exclusion zone**

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

The Kingston aquaculture exclusion zone comprises the State waters described in Schedule 1 clause 3.

## **Part 5—Miscellaneous**

### **12—Prescribed criteria for all aquaculture zones**

In the determination of applications for licences and in the making of other decisions under the Act in relation to the aquaculture zones in this policy, it must be taken into account that of the aggregated area leased or available for lease in those zones, 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.

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

- (1) The Minister may vary or revoke a notice in the Gazette made under this policy 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 earlier notice.

## **Schedule 1—Description of zones**

### **1—Description of Cape Jaffa aquaculture zone**

The Cape Jaffa aquaculture zone comprises the State waters contained within and bounded by a line commencing at Point 15 (36°53'16.86" South, 139°41'37.54" East), then south-easterly to Point 14 (36°54'41.02" South, 139°42'53.01" East), then south-westerly to Point 13 (36°55'57.72" South, 139°40'35.86" East), then north-westerly to Point 17 (36°54'32.52" South, 139°39'21.73" East), then north-easterly to Point 16 (36°54'08.56" South, 139°40'04.76" East), then north-easterly to the point of commencement.

## **2—Description of Kingston aquaculture zone**

For the purposes of this policy, the Kingston aquaculture zone comprises sectors as follows:

- (a) the Kingston (inner) sector, comprising the State waters contained within and bounded by a line commencing at the location on the line of the 3 nautical mile coastal waters limit closest to Point 1 (36°36'15.94" South, 139°45'48.09" East), then north-easterly following the 3 nautical mile coastal waters limit to the location closest to Point 9 (36°35'33.46" South, 139°46'07.45" East), then north-westerly following the 3 nautical mile coastal waters limit to the location closest to Point 10 (36°35'21.12" South, 139°46'03.25" East), then easterly to a line 1 000 metres seaward of mean high water springs closest to Point 11 (36°35'21.97" South, 139°49'16.35" East), then beginning south-easterly following a line 1 000 metres seaward of mean high water springs to the location closest to Point 12 (36°55'59.67" South, 139°40'36.43" East), then north-westerly to Point 13 (36°55'57.72" South, 139°40'35.86" East), then north-easterly to Point 14 (36°54'41.02" South, 139°42'53.01" East), then north-westerly to Point 15 (36°53'16.86" South, 139°41'37.54" East), then south-westerly to Point 16 (36°54'08.56" South, 139°40'04.76" East), then north-westerly to Point 6 (36°52'56.43" South, 139°39'44.23" East), then north-easterly to Point 5 (36°50'15.40" South, 139°43'45.39" East), then north-easterly to Point 4 (36°46'27.79" South, 139°45'39.69" East), then north-westerly to Point 3 (36°44'24.55" South, 139°45'09.67" East), then north-easterly to Point 2 (36°42'24.30" South, 139°47'56.16" East), then north-westerly to the point of commencement, but excluding the Kingston (holding) sector described in paragraph (c);
- (b) the Kingston (outer) sector, comprising the State waters contained within and bounded by the location on the line of the 3 nautical mile coastal waters limit closest to Point 1 (36°36'15.94" South, 139°45'48.09" East), then south-easterly to Point 2 (36°42'24.30" South, 139°47'56.16" East), then south-westerly to Point 3 (36°44'24.55" South, 139°45'09.67" East), then south-easterly to Point 4 (36°46'27.79" South, 139°45'39.69" East), then south-westerly to Point 5 (36°50'15.40" South, 139°43'45.39" East), then south-westerly to Point 6 (36°52'56.43" South, 139°39'44.23" East), then north-westerly to Point 7 (36°51'16.06" South, 139°39'11.65" East), then northerly to the line of the 3 nautical mile coastal waters limit closest to Point 8 (36°50'39.52" South, 139°39'13.15" East), then north-easterly following the line of the 3 nautical mile coastal waters limit to the point of commencement;
- (c) the Kingston (holding) sector, comprising the State waters contained within and bounded by a line commencing at Point 18 (36°52'39.38" South, 139°43'00.37" East), then north-easterly to Point 19 (36°52'06.38" South, 139°44'10.92" East), then south-easterly to Point 20 (36°53'03.67" South, 139°44'48.65" East), then south-westerly to Point 21 (36°53'39.58" South, 139°43'38" East), then north-westerly to the point of commencement.

### **3—Description of Kingston aquaculture exclusion zone**

Kingston aquaculture exclusion zone comprises the State waters contained within and bounded by a line commencing 1 000 metres seaward of mean high water springs at the location closest to Point 11 (36°35'21.97" South, 139°49'16.35" East), then easterly to the location on the line of mean high water springs closest to Point 22 (36°35'22.09" South, 139°49'58.26" East), then beginning south-easterly following the line of mean high water springs to the location closest to Point 23 (36°56'32.03" South, 139°40'33.58" East), then northerly to the location on the line 1 000 metres seaward of mean high water springs closest to Point 12 (36°55'59.67" South, 139°40'36.43" East), then beginning south-easterly following the line 1 000 metres seaward of mean high water springs to the point of commencement.



### **Schedule 3—Revocation of *Lacepede Bay Aquaculture Management Policy***

The *Lacepede Bay Aquaculture Management Policy* (see *Gazette* 8.7.2004 p2446) is revoked.

## 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

Notice	Provision under which notice is made	Publication of policy in Gazette	Commencement
Gazette 10.5.2012 p1670	s 12	<i>Gazette 10.5.2012 p1671</i>	10.5.2012