

South Australia

## Aquaculture (Zones—Tumby Bay) Policy 2011

under the *Aquaculture Act 2001*

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### Part 1—Preliminary

#### 1—Short title

This policy may be cited as the *Aquaculture (Zones—Tumby Bay) Policy 2011*.

#### 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
- (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—Tumby Bay aquaculture zone**

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

The Tumby Bay aquaculture zone comprises the State waters described in Schedule 1 clause 1.

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

The classes of aquaculture permitted in the Tumby 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.

**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 Tumby Bay aquaculture zone, the following prescribed criteria must be taken into account:
  - (a) the total area in the zone subject to lease must not exceed 1 300 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 2 100 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 bivalve molluscs being farmed in the zone must not exceed 16 200 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)(c) 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—Tumby Bay aquaculture exclusion zone****9—Identification of aquaculture exclusion zone**

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

## Schedule 1—Descriptions of zones

### 1—Description of Tumby Bay aquaculture zone

The Tumby Bay aquaculture zone comprises—

- (a) the State waters of or near Tumby Bay contained within and bounded by a line commencing at 34°21'48" South, 136°14'18" East (Point 1), then easterly to 34°21'53" South, 136°17'05" East (Point 2), then southerly to 34°24'20" South, 136°16'53" East (Point 3), then south-westerly to 34°27'00.44" South, 136°14'44.94" East (Point 4), then north-westerly to 34°25'09.29" South, 136°10'51.98" East (Point 5), then north-westerly to 34°23'45" South, 136°10'26" East (Point 6), then north-easterly to the point of commencement; and
- (b) the State waters of or near Tumby Bay contained within and bounded by a line commencing at 34°25'28.89" South, 136°10'18.30" East (Point 7), then south-easterly to 34°28'39.63" South, 136°12'56.70" East (Point 8), then south-westerly to 34°29'11.82" South, 136°12'18.42" East (Point 9), then south-westerly to 34°29'53" South, 136°11'56" East (Point 10), then south-westerly to 34°31'11" South, 136°09'19" East (Point 11), then north-westerly to 34°30'13" South, 136°08'37" East (Point 12), then north-easterly to 34°29'16" South, 136°08'56" East (Point 15), then north-easterly to 34°26'06.37" South, 136°09'15.44" East (Point 16), then north-easterly to 34°25'41.99" South, 136°09'41.98" East (Point 17), then north-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 Tumby Bay aquaculture zone.

## 2—Description of Tumby Bay aquaculture exclusion zone

The Tumby Bay aquaculture exclusion zone comprises the State waters of or near Tumby Bay contained within and bounded by a line commencing at mean high water springs closest to 34°19'18.86" South, 136°12'11.56" East (Point 18), then south-easterly to a point 1 000 metres seaward of the mean high water springs closest to 34°19'38.19" South, 136°12'43.13" East (Point 19), then generally south-westerly following a line 1 000 metres seaward of the mean high water springs to the location closest to 34°21'05.50" South, 136°08'12.21" East (Point 20), then south-easterly to 34°21'41.86" South, 136°08'38.44" East (Point 21), then south-easterly to 34°22'24.75" South, 136°08'48.78" East (Point 22), then south-westerly to 34°23'10.56" South, 136°08'43.27" East (Point 23), then south-easterly to 34°25'09.29" South, 136°10'51.98" East (Point 5), then south-easterly to 34°27'00.44" South, 136°14'44.94" East (Point 4), then south-westerly to 34°28'11" South, 136°13'45" East (Point 24), then south-westerly to 34°28'39.63" South, 136°12'56.70" East (Point 8), then north-westerly to 34°25'28.89" South, 136°10'18.30" East (Point 7), then north-westerly to a point 1 000 metres seaward of the mean high water springs of Tumby Island closest to 34°24'49.24" South, 136°09'14.88" East (Point 25), then beginning south-westerly following a line 1 000 metres seaward of the mean high water springs to the location closest to 34°28'04.58" South, 136°07'57.04" East (Point 26), then westerly to the location on mean high water springs closest to 34°28'02.81" South, 136°07'17.90" East (Point 27), then beginning north-westerly following the line of mean high water springs 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 Tumby Bay aquaculture exclusion zone.

**Schedule 2—Map of zones**

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

**Tumby Bay aquaculture zone and Tumby Bay aquaculture exclusion zone**

