

AQUACULTURE ZONE POLICY DEVELOPMENT PROCESS

Overview

Aquaculture zone policies are developed in accordance with Part 4 of the *Aquaculture Act 2001* (the Act). Zone policies can be developed to consolidate existing aquaculture activity within an area or to provide for planned development and expansion of the industry. Part 4 of the Act provides the framework for the development of policies; furthermore, PIRSA Aquaculture have developed comprehensive procedures that take into account additional considerations, referrals and consultation to that required by legislation.

Explanation of flowchart

The following information provides an overview of the types of activities undertaken for each step of the development of an aquaculture zone policy. The explanations of the steps in the flowchart in this document have been listed in alphabetical order, not in the same order as they appear on the flowchart.

AAC Endorse

The Aquaculture Advisory Committee (AAC) is a committee established under Division 2 of the Act to provide advice to the Minister on a number of issues. Endorsement from the AAC is sought at a number of stages throughout the development of aquaculture zone policies. Any comments the AAC makes in relation to the policy are considered by PIRSA Aquaculture and the Minister. These comments are incorporated into the documents as required before being progressed to the next step.

Amendments to Policy & Policy Report

Following the public consultation period, the submissions received are considered by PIRSA Aquaculture and the Aquaculture Advisory Committee (AAC). If deemed necessary, amendments are made to the proposed policy and policy report.

Consultation Strategy

A strategy is developed regarding the consultation that will be required during the development and implementation of the zone policy. This strategy covers consultation within PIRSA, other government agencies, local councils, industry and the general public. The strategy will determine what format the consultation will take and at what stages of the policy development process it will occur. A major part of the consultation strategy is the public consultation stage which is discussed in a separate step.

Drafting Instructions to DENR, EPA & DTEI

In accordance with administrative agreements between PIRSA Aquaculture and a number of other agencies (being Department of Environment and Natural Resources (DENR), Environment Protection Authority (EPA) and Department of Transport Energy and Infrastructure (DTEI)), a copy of the drafting instructions sent to Parliamentary Counsel are also forwarded to

these agencies to keep them informed of the progress and proposed content of the policy.

Drafting Instructions

Aquaculture zone policies are statutory documents under the *Aquaculture Act 2001* and as such, are drafted by the Office of Parliamentary Counsel (PC). Drafting instructions are prepared by the Aquaculture Division to inform PC of the proposed content of the policy.

Drafting Instructions to PC

Once the drafting instructions prepared by the Aquaculture Division have been prepared and approved by the Executive Director, they are forwarded to Parliamentary Counsel (PC) for the policy to be drafted. Various versions are created and checked by both the Division and PC to ensure the policy achieves the anticipated outcomes.

ED Approval

Approval from the Executive Director (ED) of PIRSA Aquaculture is required at a number of stages throughout the development of aquaculture zone policies. The information is provided to the ED and any comments or changes requested by the ED are incorporated into the documents prior to being progressed to the next step.

ERDC Referral

All aquaculture zone policies are subject to Parliamentary scrutiny in accordance with section 13 of the Act. Once a zone policy has been gazetted, the Minister must refer the policy to the Environment, Resources and Development Committee of the Parliament (ERDC). The ERDC must resolve to do one of the following:

- Not object to the policy; or
- Suggest amendments to the policy; or
- Object to the policy.

Should the ERDC object to the policy, it is referred to both houses of Parliament where either House may disallow the policy.

Final Submission Responses Sent

Responses to all written submissions received during the public consultation period are completed by PIRSA Aquaculture and are sent to the respondents. These responses discuss how the concerns raised by the respondent were addressed and outlines any changes to the policy as a result of the consultation process.

Gazette

Once the policy has been approved by the Minister, a notice is placed in the South Australian Government Gazette to bring the policy into legal operation.

At this point in the process, the final policy and report are available from PIRSA Aquaculture's website via the following link: http://www.pir.sa.gov.au/aquaculture/management_policies/zonal_policies.

Implementation Plan

All aquaculture zone policies will require a certain level of implementation once the policy has been gazetted. A plan is developed with timelines and responsibilities to ensure that all aspects of the implementation are completed in a timely manner.

Interagency Referral

To ensure that the proposed aquaculture zone policy is consistent with other government agency activities, the proposal is referred to the following agencies for comment and, where required, a workshop involving all parties is held to discuss any issues raised.

- Department of Environment and Natural Resources (DENR)
- Environment Protection Authority (EPA)
- South Australian Tourism Commission (SATC)
- Department for Water
- Department of Planning and Local Government (DPLG)
- PIRSA Fisheries
- Department for Transport, Energy and Infrastructure (DTEI)
- Attorney Generals Department (Native Title Section) (AGD)
- Department of Premier and Cabinet (Aboriginal Affairs and Reconciliation Division) (DPC)

Minister Approval

Once the policy and report have been endorsed by the Aquaculture Advisory Committee, they are forwarded to the Minister for his approval.

Minister's Delegate Approval

Prior to an aquaculture zone policy being released for public consultation, the Minister (or an approved delegate for the Minister) is required to approve the proposal and all documents that are publicly available through this process.

Need for Policy Identified

The first step in the development of an aquaculture zone policy is to identify the need to create one or review an existing one. This need may be identified by PIRSA Aquaculture to implement legislative changes, to consolidate existing activities or to provide for future expansion of the industry.

PIRSA Aquaculture Internal Briefing

A briefing is held for all Officers from PIRSA Aquaculture to discuss the proposed policy to ensure awareness of the proposal. This briefing is also an opportunity for Officers to provide updates to the policy drafting officers on any issues, applications or other information that may impact on the drafting of the policy.

Policy Report Development

Section 12(3) of the Act stipulates that a report supporting a draft policy must be prepared and must contain the following information:

- An explanation of the purpose and effect of the draft policy; and
- A summary of any background and issues relevant to the draft policy and of the analysis and reasoning applied in formulating the policy; and
- An assessment of the consistency of the draft policy with—
 - The Planning Strategy and any relevant Development Plan under the *Development Act 1993*; and
 - Any relevant environment protection policy under the *Environment Protection Act 1993*; and
 - Any other relevant plans or policies.

Whilst the information listed above, in addition to further information as required for a policy, is incorporated into all policy reports, the format of these reports is reviewed on a regular basis in conjunction with the Aquaculture Advisory Committee and other relevant government agencies. The policy reports that have been developed to date are available on the PIRSA Aquaculture website via the following link: http://www.pir.sa.gov.au/aquaculture/management_policies/zonal_policies.

PIRSA Aquaculture Internal Referral (Policy & Policy Report)

Once a draft copy of the policy and policy report has been prepared, they are circulated to PIRSA Aquaculture Officers for peer review.

Preliminary Marine Park Referral

The *Aquaculture Act 2001* was amended as a result of the enactment of the *Marine Parks Act 2007*. Amendments require the Minister for Environment and Conservation to provide concurrence for any aquaculture policies that fall within a marine park. To ensure that time and resources are not wasted in developing policies, PIRSA Aquaculture and the Department of Environment and Heritage have committed to an early notification of any aquaculture zone policy for the Minister for Environment and Conservation to provide an early indication of their intent to grant concurrence on the geographical area depicted by the draft policy.

Public Consultation

All Aquaculture zone policies are released for public consultation for a period of two months, according to requirements of the Act. During this time, interested parties are invited to make comment on the proposed policy. In addition to being posted to the PIRSA Aquaculture website, notification of the public consultation period appears in the following publications:

- South Australian Government Gazette
- Adelaide Advertiser
- Relevant Local Papers (in the vicinity of the proposed policy area)
- Koori Mail
- National Indigenous Times

Where the situation requires it, a public meeting may also be held in a town in the vicinity of the proposed policy area where PIRSA Aquaculture Officers are available to discuss the community's concerns.

Section 29 – Planning SA

Aquaculture zone policies are recognised under Section 29(1) of the *Development Act 1993*. Under this Section, an aquaculture zone policy, which has gone through the equivalent consultation process to a Development Plan Amendment, can be incorporated into the Land Not Within a Council Area (Coastal Waters) Development Plan (LNCWA(CW)DP).

Recent amendments¹ to Schedule 3 of the *Development Regulations 2008* has seen the inclusion of Aquaculture development under the heading of 'Acts and activities which are not development' (where the aquaculture zone is within the boundaries of the LNCWA(CW)DP). Therefore, aquaculture sites located within the LNCWA(CW)DP do not require development approval. This has the effect of streamlining approval processes for new sites, as well as movement of sites within zones, whilst maintaining a complete assessment of the proposal.

Spatial

All spatial representations (maps) that are developed for aquaculture zone policies are prepared by PIRSA Spatial Information Services (SIS). The policy drafting officer from PIRSA Aquaculture will consult with the SIS group at various stages throughout the development of the policy to ensure any required spatial changes to the zones are made, and the most up to date information is reflected in the maps and documents produced.

Statement of Intent Development

In the early stages of the development of a zone policy, a statement of intent is developed to analyse the information available for the policy area and to identify any information gaps that need to be filled. This statement of intent will be used as the base information for the next step, the interagency referral.

The information contained in the statement of intent includes, but is not limited to, an overview of:

- The current aquaculture activity in the area;
- Any existing zone policies in the area;
- The zones proposed for the area, including proposed spatial representation and types of aquaculture activities;
- The physical characteristics of the proposed area;
- Any conservation parks, sea lion buffers and other significant environmental characteristics in the area;
- The existing commercial and recreational fishing activity in the area;
- Any Native Title claimant groups or Indigenous Land Use Agreements in the area; and
- Any navigation and shipping activity in the area.

¹ Amendments to Sch 3 of the *Development Regulations 2008* were gazetted on 23 April 2009.