



**Government of South Australia**  
Primary Industries and Resources SA

**POLICY REPORT  
SUPPORTING THE  
AQUACULTURE (ZONES—EASTERN SPENCER GULF)  
AMENDMENT POLICY 2007**

Gazetted on 15 February 2007

# **AQUACULTURE (ZONES—EASTERN SPENCER GULF) AMENDMENT POLICY 2007.**

## **1 *Executive Summary***

The Aquaculture (Zones—Eastern Spencer Gulf) Amendment Policy 2007 will amend the existing Aquaculture (Zones—Eastern Spencer Gulf) Policy 2005.

The purpose of this amendment is to redefine the Wallaroo subtidal aquaculture zone in order to accommodate a pilot lease application that occurs in the zone.

During July 2003, a company applied for 20 hectare pilot lease for a subtidal mollusc site at Wallaroo for the purpose of farming mussels, scallops and oysters. In October 2003 the Minister for Agriculture, Food and Fisheries approved the granting of a new pilot lease, subject to the granting of an aquaculture licence and development approval for the Site. It was not until 22 September 2005 that the Development Assessment Committee approved the development application.

In the meantime the draft Aquaculture (Zones—Eastern Spencer Gulf) Policy 2005 and policy reports were prepared and released for two months formal consultation on the 17<sup>th</sup> March 2005. The Minister approved the Policy on 6 December 2005 and it came into operation on 15 December 2005.

Section 27 of the *Aquaculture Act 2001* states that a “A pilot lease may only be granted in respect of an area comprising or including State waters outside of an aquaculture zone”. This provision is in place to ensure that there is a competitive allocation process for the granting of development leases within Aquaculture zones. However when the operator applied for the pilot lease there was no zone.

The Policy amends the size and shape of the Wallaroo subtidal aquaculture zone in order that the pilot lease can be issued for the operator.

A map of the revised Wallaroo subtidal aquaculture zone is shown on figure 1. A map of the original zone is shown on figure 2.

Clause 32 of the existing policy, that defines prescribed criteria, will be amended the number of hectares of leased area in the revised Wallaroo subtidal aquaculture zone from 320 hectares to 300 hectares.

Subject to the approval of this Policy, it is also proposed to amend the Land Not Within A Council Area (Coastal Waters) Development Plan in accordance with Section 29 of the *Development Act 1993*. The policy report details the proposed changes to the Development Plan.

## **2 *Statement of intent***

The Aquaculture (Zones—Eastern Spencer Gulf) Amendment Policy 2007 (“the amended Policy”) amends the existing Aquaculture (Zones—Eastern Spencer Gulf) Policy 2005 that was gazetted on 15 December 2005.

The purpose of this amendment is to redefine the Wallaroo subtidal aquaculture zone in order to accommodate a pilot lease application that occurs in the zone.

It is also proposed to amend the Land Not Within A Council Area (Coastal Waters) Development Plan in accordance with Section 29 of the *Development Act 1993*. The policy report details the proposed changes to the Development Plan.

Once incorporated into the Development Plan any form of aquaculture development in these zones will be an acceptable use. Aquaculture development in these zones will be assigned to Category 1 for the purposes of section 38 of the *Development Act 1993* and is exempt from any further public consultation.

### **3 Zones**

#### **3.1 Wallaroo subtidal aquaculture zone**

The Wallaroo subtidal aquaculture zone that appears in the Aquaculture (Zones—Eastern Spencer Gulf) Policy 2005 will be amended to exclude a pilot lease and amend the prescribed criteria relating to the amended zone.

Figure 1 (map) shows the revised Wallaroo subtidal aquaculture zone with the following coordinates.

Point	Latitude	Longitude
JA	33°58'31.44" south	137°25'35.26" east
JB	33°57'30.67" south	137°25'35.85" east
JC	33°57'29.21" south	137°27'23.38" east
JD	33°56'49.03" south	137°27'32.24" east
JE	33°56'33.11" south	137°29'01.92" east
JF	33°56'07.95" south	137°30'12.84" east
JG	33°55'35.85" south	137°30'51.87" east
JH	33°55'21.29" south	137°32'11.22" east
JI	33°55'28.52" south	137°32'11.42" east
JJ	33°55'41.5" south	137°32'11.81" east
JK	33°56'05.15" south	137°32'12.55" east
JL	33°56'51.47" south	137°31'01.03" east
JM	33°57'27.73" south	137°29'09.72" east
JN	33°57'39.5" south	137°28'15.96" east
JO	33°58'06.45" south	137°27'59.41" east

#### **3.2 Wallaroo Aquaculture Exclusion Zone**

The Wallaroo Aquaculture Exclusion Zone has been extended to accommodate the Spencer Gulf Ferry Service Wallaroo and Lucky Bay. The exclusion zone now includes a one (1) kilometre width channel from Wallaroo to Lucky Bay.

#### **3.3 Remaining zones in the Aquaculture (Zones—Eastern Spencer Gulf) Policy 2005.**

Remaining zones in the Aquaculture (Zones—Eastern Spencer Gulf) Policy 2005 are Hardwicke Bay (inner) subtidal aquaculture zone; Hardwicke Bay (middle) subtidal aquaculture zone; Hardwicke Bay (outer) subtidal aquaculture zone; Point Riley aquaculture exclusion zone; Port Broughton intertidal aquaculture zone; Port Broughton aquaculture exclusion zone; Port

Hughes aquaculture exclusion zone; Tickera intertidal aquaculture zone; Tickera subtidal aquaculture zone; and the Wallaroo aquaculture exclusion zone.

These other aquaculture zones, classes of permitted aquaculture and prescribed criteria detailed in the Aquaculture (Zones—Eastern Spencer Gulf) Policy 2005 remains unaltered.

## **4 Background**

### **4.1 Existing Policy**

The draft Aquaculture (Zones—Eastern Spencer Gulf) Policy 2005 and policy reports were prepared in 2005 in accordance with the provisions of Part 4 of the *Aquaculture Act 2001*. The draft policy was released for two months formal consultation on the 17<sup>th</sup> March 2005, as required by Section 12(5) of the *Aquaculture Act 2001*.

The Minister for Agriculture, Food and Fisheries consulted with and considered the advice of the Aquaculture Advisory Committee on all matters raised as a result of the consultation.

A number of submissions were received asking for issues to be addressed in both the policy and policy papers. All concerns were addressed and appropriate alterations applied to the draft report and policy.

The Minister approved the Aquaculture (Zones—Eastern Spencer Gulf) Policy 2005 on 6 December 2005 and the Policy came into operation on 15 December 2005, the day on which it was published in the South Australian *Government Gazette*.

### **4.2 Subtidal Mollusc Site at Wallaroo**

On 28 July 2003 a company applied for a pilot lease for a 20-40 hectare subtidal mollusc site at Wallaroo for the purpose of farming mussels, scallops and oysters. This application was not approved, as it was too close to both the shipping area and the shipping channel. A new site (“the Site”) was subsequently identified and was considered by the Aquaculture Tenure Allocation Board at its meeting on 28 October 2003. On 29 October 2003 the Minister for Agriculture, Food and Fisheries approved the granting of this new pilot lease. The approval of the lease was subject to the granting of an aquaculture licence and development approval for the Site.

On 22 March 2004 the company applied for a 20 hectare subtidal mollusc aquaculture licence. The application was advertised in various newspapers in September 2004.

On 18 May 2005 the company submitted a development application to the Development Assessment Commission (DAC). (Development no 011/0019/04).

On 22 September 2005, DAC approved the development application for a 20 hectare sub-tidal aquaculture site for the cultivation of sub-tidal molluscs. The Site is defined by the following:-

Coordinates (GDA94, Zone 53)

Points	Eastings	Northings	Latitude	Longitude
1	734477E	6243308N	33°55'29" south	137°32'11" east
2	734977E	6243308N	33°55'28" south	137°32'31" east
3	734977E	6242907N	33°55'41" south	137°32'31" east
4	734477E	6242907N	33°55'42" south	137°32'12" east

### 4.3 Pilot Leases

Whilst the above mention applications were being considered, the Aquaculture (Zones—Eastern Spencer Gulf) Policy 2005 was drafted and PIRSA Aquaculture undertook the formal consultation process.

Division 2 of the *Aquaculture Act 2001* provides for the grant of a pilot lease outside an aquaculture zone and specifies the allocation process for pilot leases within prospective aquaculture zones.

Section 27 of the *Aquaculture Act 2001* states that a "A pilot lease may only be granted in respect of an area comprising or including State waters outside of an aquaculture zone". This provision is in place to ensure that there is a competitive allocation process for the granting of leases inside an aquaculture zone. However in the case, when the operator originally applied for the site there was no zone in this area.

In order that a pilot lease can be issued for the Site, the size and shape of the Wallaroo subtidal aquaculture zone was amended. The revised boundaries of the Wallaroo subtidal aquaculture zone will effectively exclude the Site from the Wallaroo subtidal aquaculture zone.

Figure 1 (map) shows the revised Wallaroo subtidal aquaculture zone with new coordinates.

Figure 2 (map) shows the original Wallaroo subtidal aquaculture zone.

Clause 32 of the existing policy defines prescribed criteria for the Wallaroo subtidal aquaculture zone. It states "*In the determination of applications for licences and in the making of other decisions under the Act in relation to the Wallaroo subtidal aquaculture zone, it must be taken into account that the zone must not contain more than 320 hectares of leased area*".

This Policy amends the clause to "*In the determination of applications for licences and in the making of other decisions under the Act in relation to the Wallaroo subtidal aquaculture zone, it must be taken into account that the zone must not contain more than 300 hectares of leased area*".

The reduced number of hectares equates to the size of the Site being excluded from the revised Wallaroo subtidal aquaculture zone.

There is no change to the class of permitted aquaculture for the revised Wallaroo subtidal aquaculture zone and this remains the same as detailed in the Aquaculture (Zones—Eastern Spencer Gulf) Policy 2005.

#### **4.4 Wardang Island**

The Map shown on Schedule 3 of the Policy, showing Point Pearce prospective aquaculture zone, is amended to allow for Pigeon Island to be correctly named Wardang Island (Figure 3 map)

The Narungga people are recognised as the traditional owners of the waters covered by the Policy. The Narungga people believe that the waters covered by the Point Pearce Prospective Aquaculture Zone, and the aquatic resources therein, are their property.

### **5 Policy**

The amendments do not affect the consistency of the Aquaculture (Zones—Eastern Spencer Gulf) Policy 2005 with other Government policies, legislation or strategies as originally highlighted in the policy report that supported the Aquaculture (Zones—Eastern Spencer Gulf) Policy 2005.

#### **5.1 Development Act 1993 and Development Regulations 1993**

On 12 January 2006 the *Development Regulations 1993* were amended to recognise Aquaculture Zone Policies prepared under the *Aquaculture Act 2001*.

The amendment enables the Minister for Urban Development and Planning to amend a development plan in accordance with an approved aquaculture policy under the *Aquaculture Act 2001*.

As detailed in part 5.2, it is intended to amend the Land Not Within A Council Area (Coastal Waters) Development Plan once the Policy has been approved and gazetted by the Minister for Agriculture, Food and Fisheries.

The amendment to the *Development Regulations 1993* also enables any form of aquaculture development identified in an aquaculture zone policy under the *Aquaculture Act 2001* to be assigned to Category 1 development, subject to the approval of the Minister for Urban Development and Planning. This means that the class of aquaculture development specified in the Policy is classified as a *complying* development and is exempt from the public notification and consultation under the provisions of the *Development Act 1993*, however consultation on licence applications must still occur under the *Aquaculture Act 2001*.

The amendment removed duplication of processes for aquaculture development whereby aquaculture development in a aquaculture zone would have undergone a public consultation process under the *Development Act 1993* in addition to a 2 month public consultation process under the *Aquaculture Act 2001* for policies and licences.

The assignment of various forms of development to Category 1 does not extend to developments that involve, or are for the purposes of, any activity specified in Schedule 22, other than where the development is, in the opinion of the relevant authority, of a minor nature. These developments must, for the purposes of public notice and consultation, be treated as a Category 2 development.

Schedule 22 lists activities of major environmental significance. Schedule 22 includes aquaculture or fish farming being the propagation or rearing of

marine, estuarine or fresh water fish or other marine or freshwater organisms, but not including:-

- (a) the propagation or rearing of molluscs or finfish in marine waters; or
- (b) the propagation or rearing of other marine or freshwater organisms in an operation resulting in the harvesting of less than 1 tonne of live fish or organisms per year.

The vast majority of development applications for marine aquaculture development fall within the Land Not Within A Council Area (Coastal Waters) Development Plan. The Development Assessment Commission (DAC) determines these applications.

## **5.2 Subsequent Development Plan Amendments**

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The area affected by the Aquaculture (Zones—Eastern Spencer Gulf) Policy falls within the Land Not Within A Council Area (Coastal Waters) Development Plan. This Development Plan currently contains policies to guide aquaculture development (Objective 35 and Principles of Development Control 13, 17-19, 25, 26, 38 and 41). However, to provide more certainty in regard to appropriate locations for aquaculture development, specific aquaculture zones are proposed to be identified within the Development Plan that give effect to the Aquaculture (Zones—Eastern Spencer Gulf) Policy 2005.

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It is proposed that the following zones specified in the Aquaculture (Zones—Eastern Spencer Gulf) Policy 2005 (as amended) be incorporated into the Land Not Within A Council Area (Coastal Waters) Development Plan.

- o Hardwicke Bay (inner) subtidal aquaculture zone;
- o Hardwicke Bay (middle) subtidal aquaculture zone;
- o Hardwicke Bay (outer) subtidal aquaculture zone;
- o Port Broughton intertidal aquaculture zone;
- o Tickera intertidal aquaculture zone;
- o Tickera subtidal aquaculture zone; and
- o The “revised” Wallaroo subtidal aquaculture zone

An amendment to the Development Plan may be undertaken, pursuant to Section 29 of the *Development Act 1993*, to give effect to Aquaculture Policies gazetted under the *Aquaculture Act 2001*.

As such, it is proposed to amend the Land Not Within A Council Area (Coastal Waters) Development Plan, subject to the approval of the Aquaculture (Zones—Eastern Spencer Gulf) Amendment Policy 2007, by establishing two new aquaculture zones with associated Objectives and Principles of Development Control.

Specific details are as follows:-

#### **5.1.1 Port Broughton/Tickera**

Establish a new “Aquaculture (Port Broughton/Tickera) Zone” with the following Objective and Principle of Development (PDC):

##### **“OBJECTIVES**

- 1 The ecologically sustainable development of filter-feeding molluscs aquaculture.

##### **PRINCIPLES OF DEVELOPMENT CONTROL**

- 1 Development should be primarily in the form of intertidal and subtidal filter-feeding molluscs aquaculture and associated activities, incorporating a range of species such as cockles, mussels, oysters and scallops.

##### **PROCEDURAL MATTERS**

###### **Public Notification**

Categories of public notification are prescribed in schedule 9 of the *Development Regulations 1993*”.

*Insert new zoning maps to delineate the extent of the Aquaculture (Port Broughton/Tickera) Zone (Figure 4).*

#### **5.2.1 Wallaroo and Hardwicke Bay**

Establish a new “Aquaculture (Wallaroo and Hardwicke Bay) Zone” with the following Objective and Principle of Development (PDC):

##### **“OBJECTIVES**

- 1 The ecologically sustainable development of mollusc aquaculture.

##### **PRINCIPLES OF DEVELOPMENT CONTROL**

- 1 Development should be, primarily, in the form of subtidal mollusc aquaculture and associated activities.

##### **PROCEDURAL MATTERS**

###### **Public Notification**

Categories of public notification are prescribed in schedule 9 of the *Development Regulations 1993*”.

*Insert new zoning maps to delineate the extent of the Aquaculture (Wallaroo) Zone (Figure 5 and 6).*

## 6 Maps

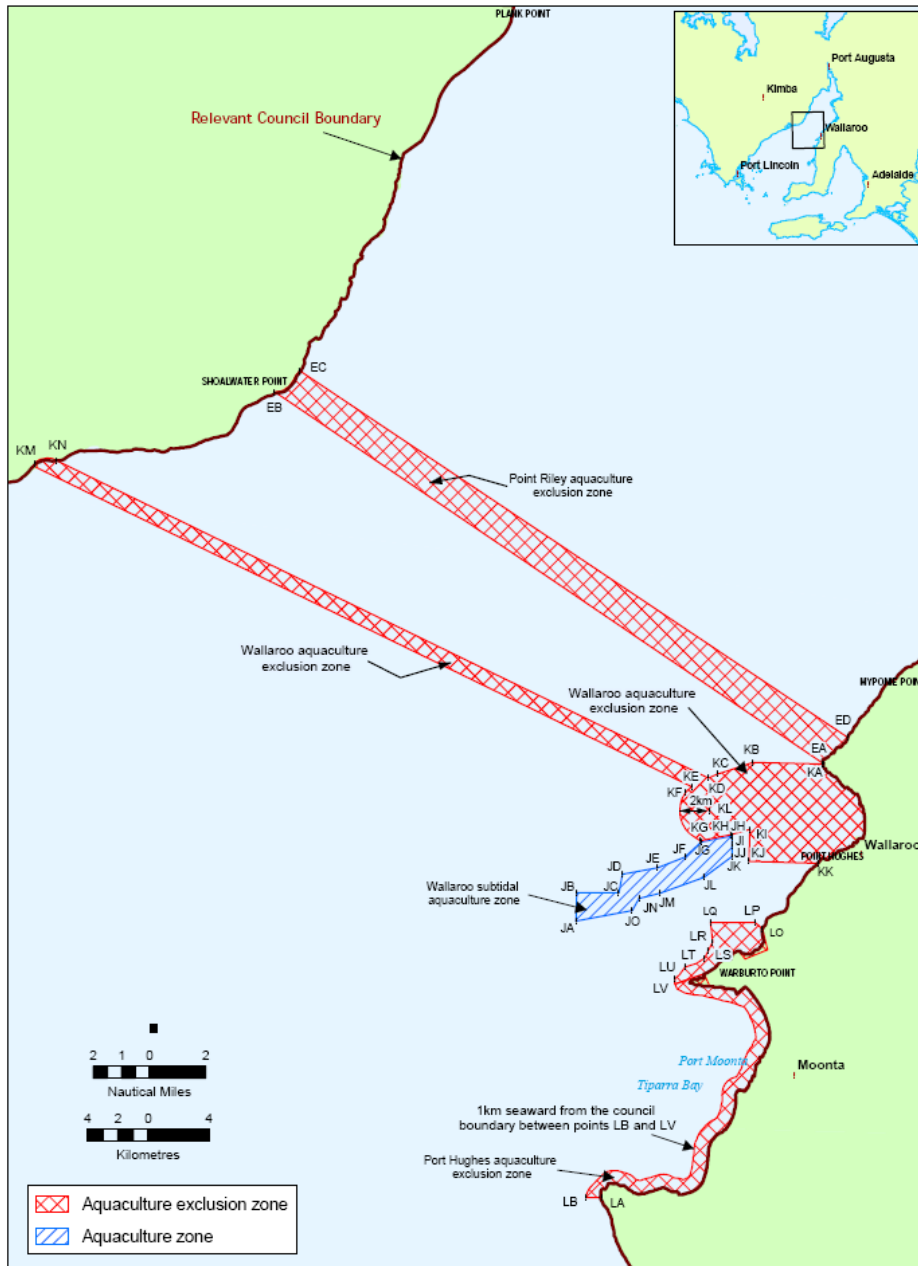


Figure 1 - Schedule 4—Map of Point Riley aquaculture exclusion zone, Port Hughes aquaculture exclusion zone, the Wallaroo subtidal aquaculture zone and Wallaroo aquaculture exclusion zone

Wallaroo Aquaculture Exclusion Zone  
Coordinates (GDA94)

Point	Latitude	Longitude
KA	33°52'42.35" south	137°35'59.98" east
KB	33°52'42.3" south	137°32'59.3" east
KC	33°53'09.16" south	137°31'29" east
KD	33°53'18.54" south	137°31'07.19" east
KE	33°53'37.73" south	137°30'24.24" east
KF	33°53'49.28" south	137°30'09.99" east
KG	33°55'33.06" south	137°30'49.98" east
KH	33°55'18.79" south	137°32'07.26" east
KI	33°55'06.3" south	137°32'55.79" east
KJ	33°56'14.82" south	137°32'55.61" east
KK	33°56'14.73" south	137°35'53.14" east
KL	33°54'28.37" south	137°31'13.44" east
KM	33°42'36.66" south	137°02'04.58" east
KN	33°42'28.83" south	137°02'59.39" east

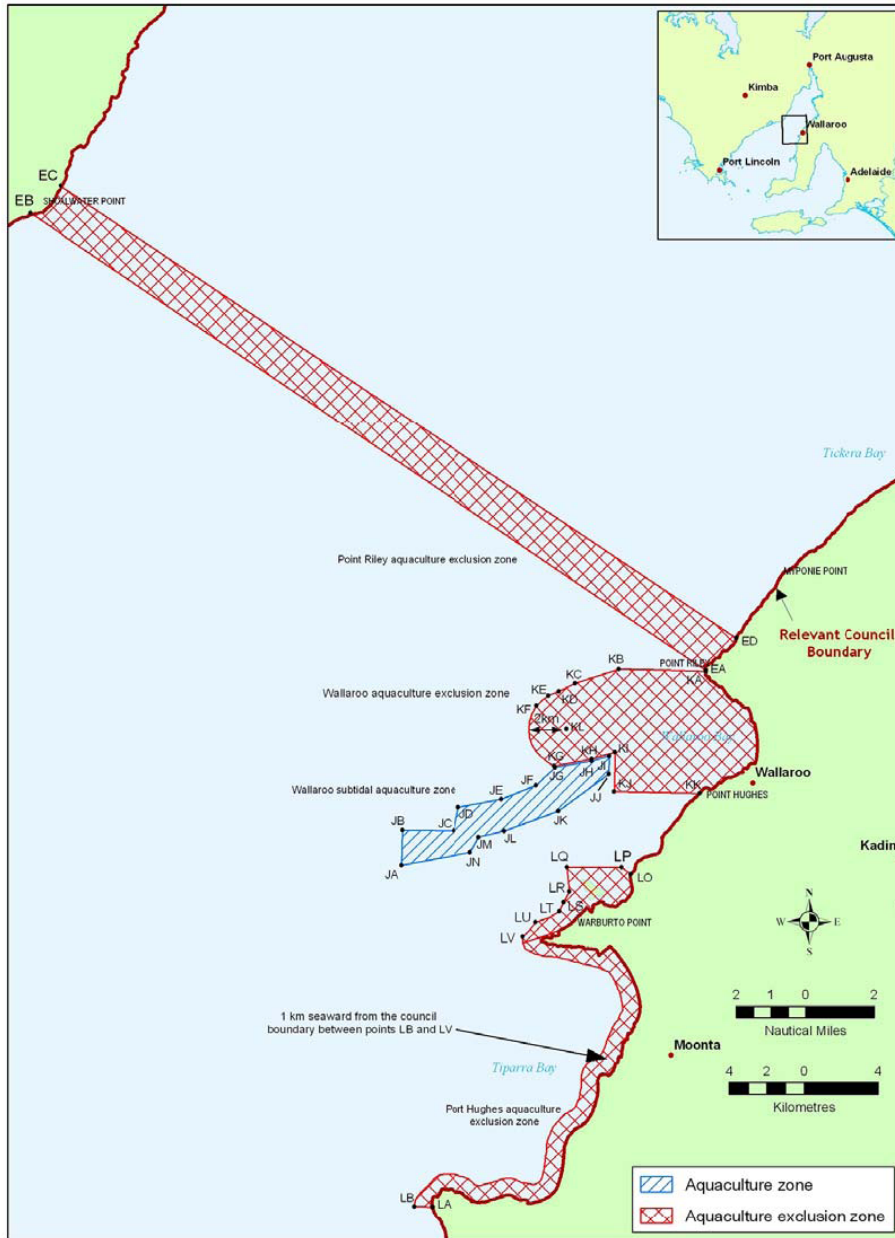


Figure 2 - Map shows the existing Wallaroo subtidal aquaculture zone.

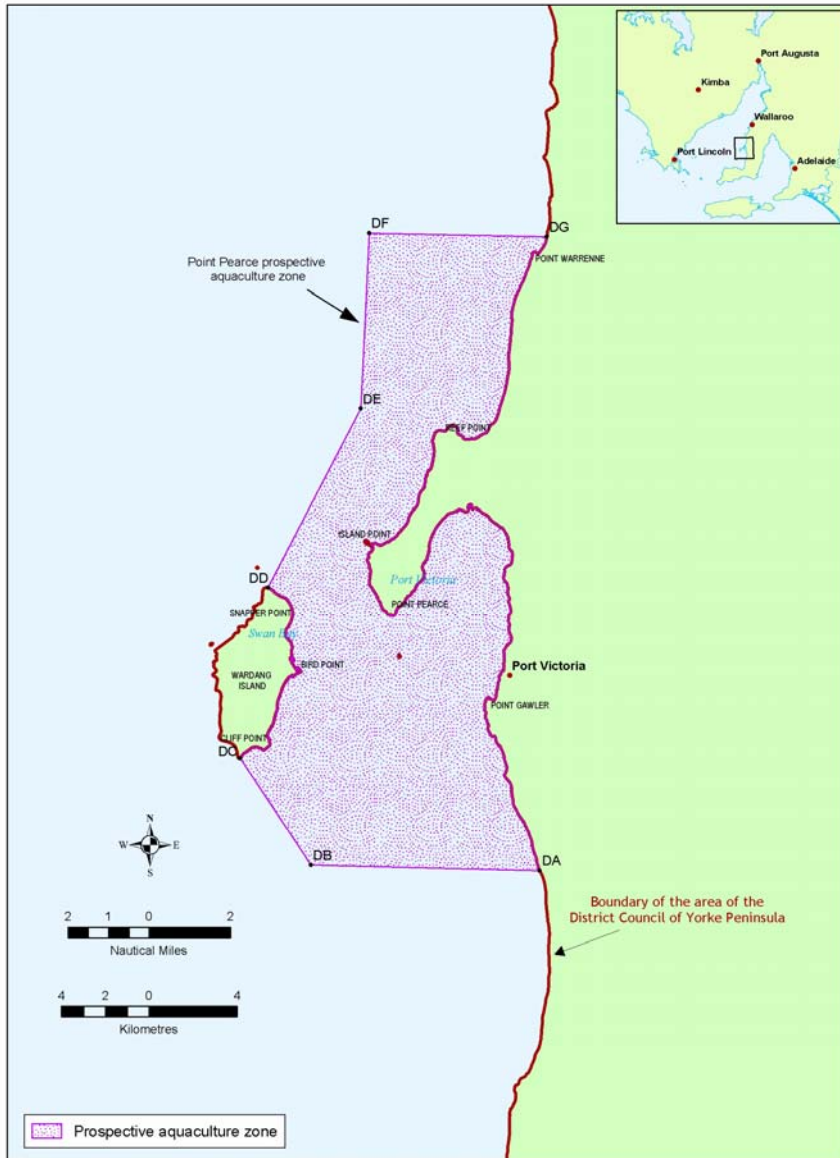


Figure 3 – Schedule 3—Map of Point Pearce prospective aquaculture zone

## 7 Attachment A: Proposed Development Plan Aquaculture Zones

The **Aquaculture (Port Broughton/Tickera) Zone**, proposed to be included in the Land Not Within A Council Area (Coastal Waters) Development Plan, covers the following three Aquaculture Zones described in the Aquaculture (Zones—Eastern Spencer Gulf) Policy 2005 (as amended):

- The Port Broughton Intertidal Aquaculture Zone;
- The Tickera Intertidal Aquaculture Zone; and
- The Tickera Subtidal Aquaculture Zone

The Aquaculture (Port Broughton/Tickera) Zone is comprised of the waters delineated by the following coordinates and shown on Figure 4.

### Coordinates (GDA94)

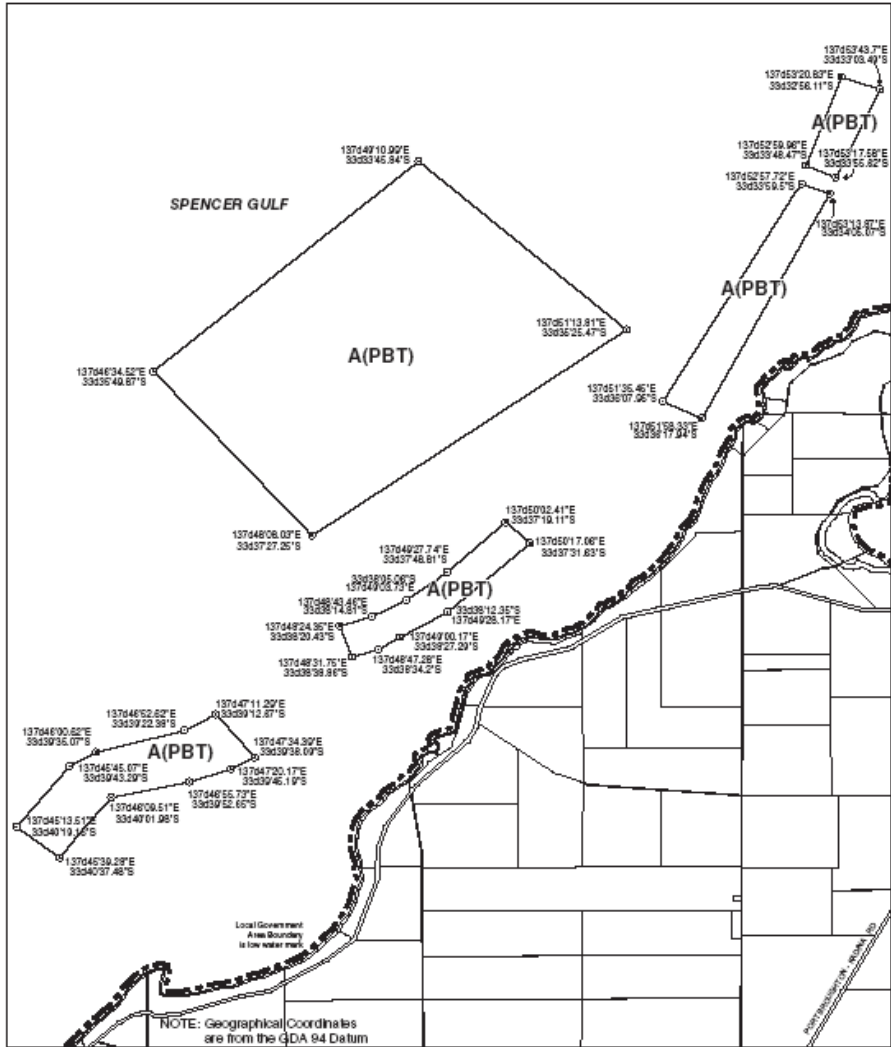
Point	Latitude	Longitude
FA	33°36'17.94" south	137°51'58.33" east
FB	33°36'07.95" south	137°51'35.45" east
FC	33°33'59.5" south	137°52'57.72" east
FD	33°34'05.07" south	137°53'13.87" east
FE	33°33'55.62" south	137°53'17.58" east
FF	33°33'48.47" south	137°52'59.96" east
FG	33°32'56.11" south	137°53'20.83" east
FH	33°33'03.49" south	137°53'43.7" east

### Coordinates (GDA94)

Point	Latitude	Longitude
HA	33°40'19.16" south	137°45'13.51" east
HB	33°39'43.29" south	137°45'45.07" east
HC	33°39'35.07" south	137°46'00.62" east
HD	33° 39'22.38" south	137°46'52.62" east
HE	33°39'12.67" south	137°47'11.29" east
HF	33°39'38.09" south	137°47'34.39" east
HG	33°39'45.19" south	137°47'20.17" east
HH	33°39'52.65" south	137°46'55.73" east
HI	33°40'01.98" south	137°46'09.51" east
HJ	33°40'37.48" south	137°45'39.28" east
HK	33°38'38.86" south	137°48'31.75" east
HL	33°38'34.2" south	137°48'47.28" east
HM	33°38'27.29" south	137°49'00.17" east
HN	33°38'12.35" south	137°49'28.17" east
HO	33°37'31.63" south	137°50'17.06" east
HP	33°37'19.11" south	137°50'02.41" east
HQ	33°37'48.81" south	137°49'27.74" east
HR	33°38'05.06" south	137°49'03.73" east
HS	33°38'14.81" south	137°48'43.46" east
HT	33°38'20.43" south	137°48'24.35" east

Coordinates (GDA94)

Point	Latitude	Longitude
IA	33°35'49.87" south	137°46'34.52" east
IB	33°33'45.84" south	137°49'10.99" east
IC	33°35'25.47" south	137°51'13.81" east
ID	33°37'27.25" south	137°48'08.03" east



**LAND NOT WITHIN A COUNCIL AREA  
(COASTAL WATERS)  
PORT BROUGHTON/TICKERA  
MAP LNWCA(CW)/3**

- A(PBT)** Aquaculture (Port Broughton/Tickera) Zone
- Zone Boundary
- - - Development Plan Boundary

Figure 4 – map LNWCA(CW)/3 - Port Broughton/Tickera.

The **Aquaculture (Wallaroo and Hardwicke Bay) Zone**, proposed to be included in the Land Not Within A Council Area (Coastal Waters) Development Plan, covers the following four Aquaculture Zones described in the Aquaculture (Zones—Eastern Spencer Gulf) Amendment Policy 2007:

- The Hardwicke Bay (inner) subtidal aquaculture zone;
- The Hardwicke Bay (middle) subtidal aquaculture zone;
- The Hardwicke Bay (outer) subtidal aquaculture zone; and
- The Wallaroo subtidal aquaculture zone.

The Aquaculture (Wallaroo and Hardwicke Bay) Zone is comprised of the waters delineated by the following coordinates and shown on Figure 5 and 6.

Coordinates (GDA94)

Point	Latitude	Longitude
JA	33°58'31.44" south	137°25'35.26" east
JB	33°57'30.67" south	137°25'35.85" east
JC	33°57'29.21" south	137°27'23.38" east
JD	33°56'49.03" south	137°27'32.24" east
JE	33°56'33.11" south	137°29'01.92" east
JF	33°56'07.95" south	137°30'12.84" east
JG	33°55'35.85" south	137°30'51.87" east
JH	33°55'21.29" south	137°32'11.22" east
JI	33°55'28.52" south	137°32'11.42" east
JJ	33°55'41.5" south	137°32'11.81" east
JK	33°56'05.15" south	137°32'12.55" east
JL	33°56'51.47" south	137°31'01.03" east
JM	33°57'27.73" south	137°29'09.72" east
JN	33°57'39.5" south	137°28'15.96" east
JO	33°58'06.45" south	137°27'59.41" east

Coordinates (GDA94)

Point	Latitude	Longitude
CA	34°51'21.87" south	137°20'25.54" east
CB	34°51'22.77" south	137°22'50.94" east
CC	34°51'59.23" south	137°22'53.12" east
CD	34°51'59.24" south	137°20'27.86" east

Coordinates (GDA94)

Point	Latitude	Longitude
BA	34°49'55.31" south	137°19'28.86" east
BB	34°49'56.24" south	137°22'44.25" east
BC	34°51'06.09" south	137°22'46.14" east
BD	34°51'03.61" south	137°19'32.16" east

Coordinates (GDA94)

Point	Latitude	Longitude
AA	34°48'14.16" south	137°18'43.52" east
AB	34°48'16.02" south	137°22'43.13" east
AC	34°49'32.54" south	137°22'46.42" east
AD	34°49'27.05" south	137°18'46.7" east

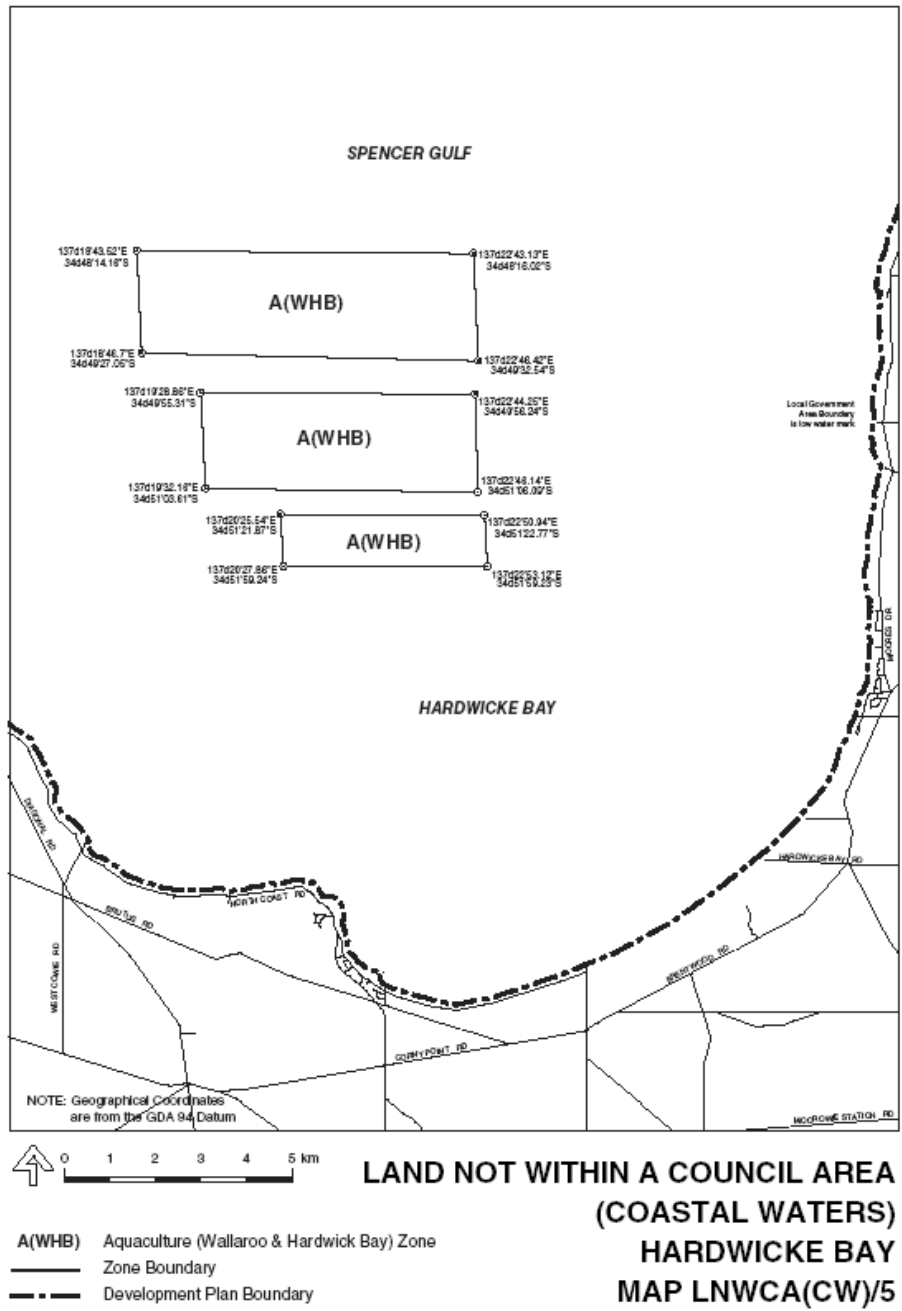
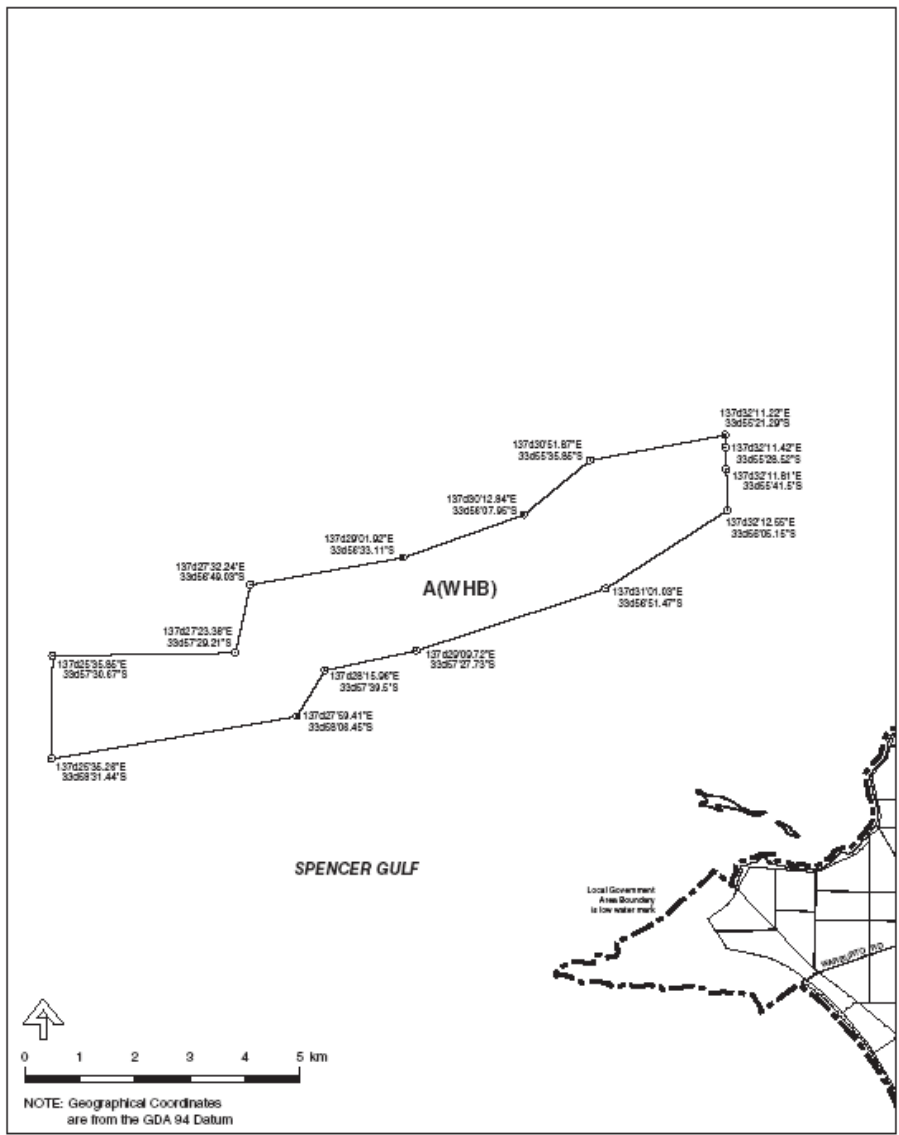


Figure 5 - Map LNWCA(CW)/5 Hardwicke Bay.



**LAND NOT WITHIN A COUNCIL AREA  
(COASTAL WATERS)**

- A(WHB)** Aquaculture (Wallaroo & Hardwick Bay) Zone
- Zone Boundary
- - - Development Plan Boundary

**WALLAROO  
MAP LNWCA(CW)/4**

Figure 6 - Map LNWCA(CW)/4 Wallaroo.