

# **Report Supporting the Aquaculture (Zones – Eastern Spencer Gulf) Amendment Policy 2021**

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# Report Supporting the Aquaculture (Zones – Eastern Spencer Gulf) Amendment Policy 2021

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## INTRODUCTION

South Australia's total value of seafood production (landed) in 2018/19 was \$489.3 million, of which aquaculture contributed almost 43 per cent (\$211.7m) with wild-catch fisheries, making up the balance (\$277.6m) (BDO EconSearch, 2020). South Australia produced 16% of Australia's total aquaculture production in 2017/18 (ABARES, 2018). On an international scale, 52% of seafood produced for human consumption was from aquaculture (46% of total seafood production was from aquaculture) in 2018 (FAO, 2020). Future expectation is that by 2030, aquaculture will produce 53% of global seafood production (FAO, 2020).

The Aquaculture industry has developed since the oyster industry began commercial production in the 1980s. South Australia is now home to the most diverse range of aquaculture sectors in Australia. In aggregate, Tuna is the largest single sector in the State's aquaculture industry, accounting for almost 61 per cent of the State's gross value of aquaculture production in 2018/19. The other three main sectors are Marine Finfish (19 per cent), Oysters (10 per cent) and Abalone (7 per cent) (BDO EconSearch, 2020).

South Australia's aquaculture industry created an estimated 1,008 Full Time Equivalent (FTE) jobs (676 on-farm and 332 in downstream activities) through direct employment and 1,377 flow-on jobs, giving total employment of 2,385 FTE in 2018/19. Approximately 68% of these jobs were generated in regional South Australia (BDO EconSearch, 2020).

The *Aquaculture Act 2001* (the Act), provides a strong regulatory framework for aquaculture in South Australia, and is instrumental for supporting continued industry growth and development. The subordinate regulatory framework (i.e. aquaculture policies and regulations) must be periodically reviewed and amended to ensure it keeps pace with industry development and emerging "best practice" production techniques and to tailor regulation to the unique challenges and emerging opportunities presented by the various industry sectors.

The Minister for Primary Industries and Regional Development (the Minister) may make aquaculture policies for any purpose directed towards furthering the objectives of the *Aquaculture Act 2001* (the Act). Aquaculture zone policies established under the Act, provide a multi-use spatial planning approach. They identify areas suitable for aquaculture development, while accommodating future innovation in all areas of operations, including the species being farmed, the infrastructure and technology used, including ecologically sustainable practices, and the markets into which products are sold. When used effectively, aquaculture zoning is a method of pro-active planning for sustainable growth and development of the aquaculture industry in a region.

Aquaculture zone policies recognise the aquaculture industry as a legitimate user of the State's marine resources, providing guidance and clarity regarding the aquaculture industry's access to these resources. There are currently 12 aquaculture zone policies established around the State. Government and public consultation processes allow for the design of zones to consider proximity to coastal reserves and national parks, Marine Parks, shipping channels, State heritage and Aboriginal heritage areas, important commercial and recreational fishing grounds and access for the boating community, among other considerations.

Since 2005, aquaculture in the Eastern Spencer Gulf region has been managed under the former version of the *Aquaculture (Zones – Eastern Spencer Gulf) Policy 2005* (the former Policy) which was reviewed and amended in 2017. In 2020, the Department of Primary Industries and Regions (PIRSA) conducted a targeted review of the former Policy to consider adding algae as a prescribed species within the three aquaculture zones located in Hardwicke Bay (Figure 1), following an expression of interest by the Narungga Nation Aboriginal Corporation (NNAC).

The outcomes of the review resulted in the establishment of the Aquaculture (Zones- Eastern Spencer Gulf) Amendment Policy 2021 (the Amendment Policy), which contains the amendments to the former Policy to allow for algae to be a permitted farming species within the three aquaculture zones in Hardwicke Bay.

Table 1 summarises the amendments under the Amendment Policy (**in bold**), and also includes the other classes of permitted aquaculture, leased area and biomass in the Hardwicke Bay aquaculture zones.

Table 1 – Summary of zoning framework amendments (**in bold**) established under the *Aquaculture (Zones – Eastern Spencer Gulf) Amendment Policy 2021*.

ZONE	LEASED AREA		CLASS	BIOMASS				
	Maximum total lease area allowed in the Policy	Lease area already allocated		Supplementally fed		Non-supplementally fed		
				(a) Farming of prescribed wild-caught tuna	(b) Farming of aquatic animals in a manner that involves regular feeding	(c) Farming of bivalve molluscs	(d) <b>Farming of algae</b>	
Hardwicke Bay (Inner)	60 ha	0 ha	b, c, d (b - molluscs only)	Nil	Determined by licence conditions	Determined by licence conditions	<b>Determined by licence conditions</b>	
Hardwicke Bay (Middle)	60 ha	0 ha	b, c, d (b - molluscs only)	Nil	Determined by licence conditions	Determined by licence conditions	<b>Determined by licence conditions</b>	
Hardwicke Bay (Outer)	60 ha	0 ha	b, c, d (b - molluscs only)	Nil	Determined by licence conditions	Determined by licence conditions	<b>Determined by licence conditions</b>	

# AQUACULTURE POLICY SUPPORTING REPORT

This Policy Report contains information to support only the targeted amendments contained within the Amendment Policy. The 2005 and 2017 Policy Reports should be referred to for context surrounding the remainder of the former Policy. This supporting Policy Report has been prepared in accordance with section 12 of the Act, and contains:

- An explanation of the purpose and effect of the Amendment Policy;
- A summary of any background and issues relevant to the Amendment Policy and of the analysis and reasoning applied in formulating the Amendment Policy; and

An assessment of the consistency of the Amendment Policy with any relevant state planning policy or regional plan, and the Planning and Design Code, under the *Planning, Development and Infrastructure Act 2016*; any relevant environment protection policy under the *Environment Protection Act 1993*; and any other relevant instruments prescribed by regulation (APPENDIX D).

## OVERVIEW OF AMENDMENTS TO THE POLICY

Extending the species within the three aquaculture zones located in Hardwicke Bay to include algae has the intent of generating further investment in aquaculture activity in the region. This follows an expression of interest by the NNAC to grow macroalgae within the region, as well as interest from the broader regional community in the economic opportunities this interest may present. The amendment to the prescribed species of the aquaculture zones supports the intent to diversify the aquaculture industry within this region, and allows for future innovations to occur within the sector.

It should be noted that no other amendments have been made to the former Policy, including other aquaculture zones or exclusion zones, and all other existing aquaculture zones within the former Policy already permit the farming of algae.

### 1.1 Current aquaculture development in the Hardwicke Bay region

There has been no aquaculture activity located within the three aquaculture zones at Hardwicke Bay since their establishment in 2005. Although in the past, two 20 hectare sites were leased in the *Hardwicke Bay (inner) subtidal aquaculture zone* and licensed for abalone production, the two sites were never developed and subsequently expired in 2017.

### 1.2 Amendments to the Hardwicke Bay Aquaculture Zones

The former Policy has been amended to provide for aquaculture in the Eastern Spencer Gulf area as follows:

#### 1.2.1 Hardwicke Bay (inner) subtidal aquaculture zone

The *Hardwicke Bay (inner) aquaculture zone* incorporates an area of approximately 443 hectares and is depicted in Figure 1. The zone commences approximately 21 kilometres from the town of Minlaton and approximately 7.5 kilometres northwest of the township of Hardwicke Bay. It is approximately 6 kilometres from the mainland and extends out into Hardwicke Bay. It is the southern-most zone of the three zones in Hardwicke Bay.

The *Hardwicke Bay (inner) aquaculture zone* allows the farming of no more than 60 hectares of molluscs. There are currently 0 hectares allocated within the zone.

The former Policy has been amended for the prescribed criteria to include the farming of algae. There is no prescribed biomass, which is to be determined through licence conditions set by the Minister.

No changes were made to the zone boundary for this zone during the review.

### **1.2.2 Hardwicke Bay (middle) subtidal aquaculture zone**

The *Hardwicke Bay (middle)* aquaculture zone incorporates an area of approximately 1,084 hectares and is depicted in Figure 1. The zone commences approximately 21 kilometres from the town of Minlaton and approximately 8.4 kilometres northwest of the township of Hardwicke Bay. It is approximately 6 kilometres from the mainland and extends out into Hardwicke Bay. It is the middle zone of the three zones in Hardwicke Bay.

The *Hardwicke Bay (inner)* aquaculture zone allows the farming of no more than 60 hectares of molluscs. There are currently 0 hectares allocated within the zone.

The former Policy has been amended for the prescribed criteria to include the farming of algae. There is no prescribed biomass, which is to be determined through licence conditions set by the Minister.

No changes were made to the zone boundary for this zone during the review.

### **1.2.3 Hardwicke Bay (outer) subtidal aquaculture zone**

The *Hardwicke Bay (outer)* aquaculture zone incorporates an area of approximately 1,447 hectares and is depicted in Figure 1. The zone commences approximately 20 kilometres from the town of Minlaton and approximately 10.4 kilometres northwest of the township of Hardwicke Bay. It is approximately 6 kilometres from the mainland and extends out into Hardwicke Bay. It is the northern-most zone of the three zones in Hardwicke Bay.

The *Hardwicke Bay (outer)* aquaculture zone allows the farming of no more than 60 hectares of molluscs. There are currently 0 hectares allocated within the zone.

The former Policy has been amended for the prescribed criteria to include the farming of algae. There is no prescribed biomass, which is to be determined through licence conditions set by the Minister.

No changes were made to the zone boundary for this zone during the review.

### **1.2.4 Exclusion Zones**

The exclusion zone boundaries prescribed in the *Aquaculture (Zones – Eastern Spencer Gulf) Policy 2005* were not amended as a result of the review.

## **CONSIDERATIONS INFORMING THE DESIGN AND PRESCRIBED CRITERIA OF THE AMENDED ZONES**

During the review to inform the Amendment Policy's development, a number of matters were taken into consideration to uphold the objectives of the Act. These matters were determined to be unaffected by the changes within the Amendment Policy, therefore remain current as described in the Policy Report developed and endorsed in 2017, when the former Policy was finalised.

During the previous review of the former Policy in 2017, the addition of algae was prescribed for the first time in a number of existing aquaculture zones outlined within the amendment policy, however at the time this was not contemplated for the three Hardwicke Bay aquaculture zones, which has been considered during this subsequent targeted review.

It should be noted that there were no submissions received during the previous review in 2017 regarding the addition of algae to the other aquaculture zones. Algae aquaculture is considered as a low risk in terms of nutrient inputs to the surrounding marine environment, given that algae uptake nutrients rather than emit them. Both algae and shellfish aquaculture have been recommended as a means by which the negative effects of nutrient inputs from other activities may be minimised (Chopin et. al., 2001; Buschmann et. al., 2007; Wiltshire et al., 2015).

Risks posed by the aquaculture activity are assessed at the time of a licence application through PIRSA's ecologically sustainable development (ESD) risk assessment process, consistent with the National ESD Framework (Fletcher *et al.*, 2004). These assessments consider the risk of a variety of impacts to the environment at both the site and regional level. Additionally, potential environmental impacts of aquaculture are monitored by PIRSA as part of an Environmental Monitoring Program specific to the class of aquaculture undertaken and stipulated in the *Aquaculture Regulations 2016*.

The Hardwicke Bay aquaculture zones are all located within a General Managed Use Zone of the Southern Spencer Gulf Marine Park and, as such, aquaculture farming is deemed to be a compatible activity that is permitted to be undertaken in the area. Concurrence from the Minister to whom the administration of the *Marine Parks Act 2007* is committed was obtained prior to the Minister approving the Amendment Policy in accordance with Section 12 (7a) of the *Aquaculture Act 2001*.

## REGIONAL IMPACT ASSESSMENT

The addition of algae to the three aquaculture zones located at Hardwicke Bay is not anticipated to change or impact on the regional impact assessment outlined in the supporting Policy Report developed during the review of the former Policy in 2017.

## CONSULTATION UNDERTAKEN

Following preparation of the Amendment Policy and Policy Report, pursuant to the Act, these documents were referred to prescribed bodies and relevant public authorities, and made publicly available on the PIRSA website for a period of two months for comment. Public notices were placed in The Advertiser and the Yorke Peninsula Country Times seeking comment from interested persons.

Additionally, all existing lease and licence holders were advised during the two month consultation period on the Amendment Policy by letter.

The following bodies are prescribed for referral:

- South Australian Native Title Services Limited;
- Conservation Council of South Australia Incorporated;
- Local Government Association of South Australia;
- South Australian Aquaculture Council;
- Wildcatch Fisheries SA Incorporated;
- Rec Fish SA<sup>1</sup>;
- Any registered representatives of native title holders or claimants to native title in land comprising or forming part of an aquaculture zone or area to which the policy applies;
- Any person holding an aquaculture licence or aquaculture lease over an area comprising or forming part of a zone or area to which the policy applies;
- Any regional NRM Board (within the meaning of the *Natural Resources Management Act 2004*) responsible for a region comprising or forming part of an aquaculture zone or area to which the policy applies<sup>2</sup>; and

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<sup>1</sup> Note: The Minister's Recreational Fishing Advisory Council will be considered the prescribed body following proposed amendments of the *Aquaculture Regulations 2016*. Until such time Recfish SA in addition to the Minister's Recreational Fishing Advisory Council will be consulted accordingly.

- Economic development agencies.

In addition to prescribed bodies, PIRSA consulted with the following public authorities:

- Aquaculture and fishing industry representatives, Environment Protection Authority (EPA), Department of Infrastructure and Transport (DIT), South Australian Tourism Commission, Department for Environment and Water (DEW), Department of the Premier and Cabinet - Aboriginal Affairs and Reconciliation, local councils, Department for Trade and Investment, Regions SA, PIRSA Legal Unit, Fisheries Compliance Services, Biosecurity SA, Flinders Ports, and the Minister's Recreational Fishing Advisory Council.

## AMENDMENTS FOLLOWING PUBLIC CONSULTATION

Following consideration of all submissions received during the public consultation process, no further amendments were made to the Amendment Policy and Policy Report. This was primarily due to the following:

- The amendments were considered minor in nature;
- Algae is already a prescribed species for aquaculture in all other aquaculture zones contained within the Policy;
- The majority of submissions received (9 out of 10 submissions) were positive and supported the proposed amendments; and
- The risks raised in submissions (1 out of 10 submissions) were considered acceptable as they can be mitigated.

Note that as prescribed by the Act, following approval of the Amendment Policy by the Minister, the Amendment Policy will be referred to the Environment, Resources and Development Committee (ERDC) of Parliament. The ERDC may approve the Amendment Policy, seek amendments to the Amendment Policy or object to the Amendment Policy.

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<sup>2</sup> Note: The [Landscape South Australia Act 2019](#) repealed the *Natural Resources Management Act 2004* on 1 July 2020, with the Northern and Yorke Landscape Board considered as the prescribed body.

## REFERENCES

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## APPENDIX A – GLOSSARY OF TERMS

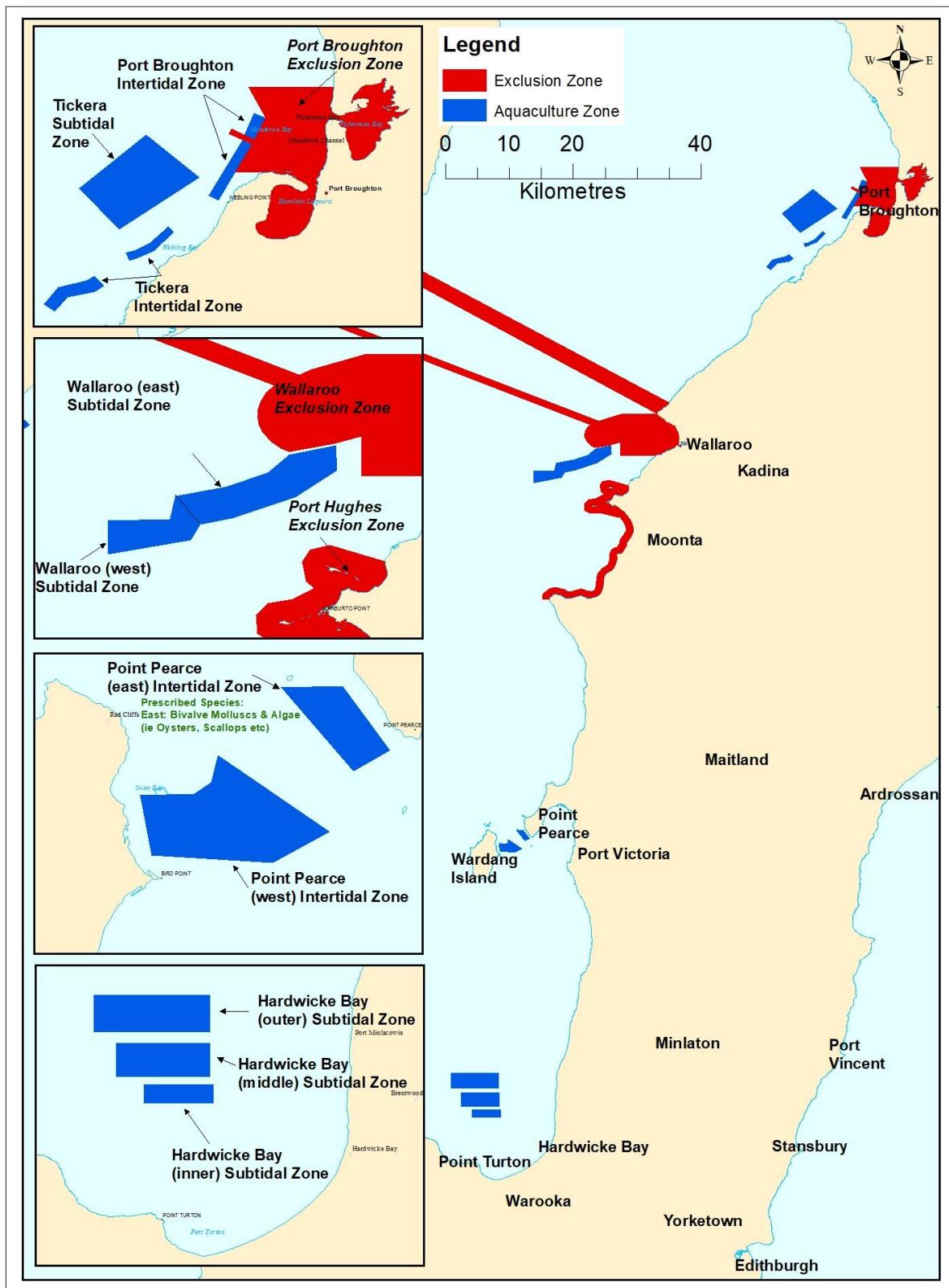
Adaptive Management	Management involving active response to new information of the deliberate manipulation of fishing intensity or other aspects in order to learn something of their effects. Within a stock, several sub-stocks can be regarded as experimental units in which alternative strategies are applied.
Assimilative capacity	The capacity of a natural body of water to receive wastewaters without deleterious effects to aquatic life.
Benthic	Of or relating to or happening on the bottom under the ocean/lake.
Biodiversity	The variability among living organisms from all sources (including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part) and includes: (a) diversity within species; and (b) diversity of ecosystems.
Biomass	<p>The total live weight of a group (or stock) of living organisms (e.g. fish, plankton) or of some defined fraction of it (e.g. spawners), in an area, at a particular time.</p> <p>Any quantitative estimate of the total mass of organisms comprising all or part of a population or any other specified unit, or within a given area at a given time; measured as volume, mass (live, dead, dry or ash-free weight) or energy (joules, calories).</p>
Bivalve mollusc	Any mollusc belonging to the taxonomic class Bivalvia, being characterised by a shell consisting of two hinged sections. Includes clams, cockles, mussels, oysters, pipis and scallops.
Broodstock	Aquatic organisms from which subsequent generations are intended to be produced for the purpose of aquaculture.
Carrying capacity	The maximum population of a given organism that a particular environment can sustain.
Closures	Prohibition of fishing during particular times or seasons (temporal closures) or in particular areas (spatial closures), or a combination of both.
Ecologically sustainable development (ESD)	<p>ESD is described in the Aquaculture Act 2001 as:</p> <p>'Development is ecologically sustainable if it is managed to ensure that communities provide for their economic, social and physical well-being while—</p> <ul style="list-style-type: none"> <li>(a) natural and physical resources are maintained to meet the reasonably foreseeable needs of future generations; and</li> <li>(b) biological diversity and ecological processes and systems are protected; and</li> <li>(c) adverse effects on the environment are avoided, remedied or</li> </ul>

	<p>mitigated.</p> <p>In making decisions as to whether development is ecologically sustainable or to ensure that development is ecologically sustainable—</p> <p>(a) long-term and short-term economic, environmental, social and equity considerations should be effectively integrated; and</p> <p>(b) if there are threats of serious or irreversible environmental harm, lack of full scientific certainty should not be taken to justify the postponement of decisions or measures to prevent the environmental harm'.</p>
Ecosystem	A dynamic complex of plant, animal, fungal, and microorganism communities and the associated non-living environment interacting as an ecological unit.
Habitat	The place or type of site in which an organism naturally occurs.
Harvest	A productivity measuring technique relating to the yield of seasonal aquaculture produce.
Infauna	<a href="#">Aquatic</a> organisms (animals only) that live within particulate media such as sediments or soil.
Marine Park	Means an area established as a marine park under Part 3 Division 1 of the <i>Marine Parks Act 2007</i> .
Marine protected area (MPA)	An area of land and/or sea especially dedicated to the protection and maintenance of biological diversity and of natural resources, and managed through legal or other effective means.
Integrated Multitrophic Aquaculture (IMTA)	An aquaculture farming system whereby two (or more species) are farmed together and waste products of one species are recycled as feed for another species.
Population	A group of individuals of the same species, forming a breeding unit and sharing a habitat.
Spatial	Of or relating to space.
Stakeholder	An individual or a group with an interest in the conservation, management and use of a resource.
Stock	A group of individuals of a species occupying a well defined spatial range independent of other groups of the same species, which can be regarded as an entity for management or assessment purposes.
Supplementary fed	Supplementary feeding is the giving of feed to aquatic organisms to supplement any naturally available food.

## APPENDIX B – LIST OF ACRONYMS

AHA	<i>Aboriginal Heritage Act 1988</i>
Amendment Policy	<i>Aquaculture (Zones – Eastern Spencer Gulf) Amendment Policy 2021</i>
ATAB	Aquaculture Tenure Allocation Board
CRC	Cooperative Research Centre
DEW	South Australian Department of Environment and Water
EMP	Environmental Monitoring Program
EPA	Environment Protection Authority
EPBC Act	<i>The Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>
ERDC	Environment, Resources and Development Committee
ESD	Ecologically Sustainable Development
FTE	Full Time Equivalent
ILUA	Indigenous Land Use Agreement
IMTA	Integrated Multitrophic Aquaculture
LMHWS	Line of Mean High Water Springs
LNWCA(CW)DP	Land Not within Council Area (Coastal Waters) Development Plan
MPA	Marine Protected Area
NNAC	Narungga Nation Aboriginal Corporation
NPW Act	<i>National Parks and Wildlife Act 1972</i>
NRM	Natural Resource Management
PIRSA	Department of Primary Industries and Regions
PPAC	Point Pearce Aboriginal Corporation
RARB	Registered Aboriginal Representative Bodies
SARDI	South Australian Research and Development Institute
SATC	South Australian Tourism Commission
The Act	<i>Aquaculture Act 2001</i>
The Minister	Minister for Primary Industries and Regional Development
Former Policy	Former version of the <i>Aquaculture (Zones – Eastern Spencer Gulf) Policy 2005</i>

## APPENDIX C – MAPS



**Figure 1 – Map of the existing Hardwicke Bay aquaculture zones, other aquaculture zones and existing aquaculture exclusion zones.**

## APPENDIX D – CONSISTENCY OF THE AMENDED ZONE POLICY WITH OTHER LEGISLATIVE REQUIREMENTS

Legislation / Policy	Objectives	Consistency
Growth State	<p>Growth State is the State Government's formal plan for broad based business collaboration to create more jobs, investment and economic opportunity for the future. The government is actively engaging with nine identified growth sectors, including Food, Wine and Agribusiness, to understand what they need in order to grow as they develop specific strategies for their respective sectors.</p>	<p>The Amendment Policy is consistent with the Growth State plan in that it will promote aquaculture investment and development, which is a primary industry that falls within the identified growth sector of Food, Wine and Agribusiness.</p>
Plans for regional South Australia	<p>The South Australian Planning Strategy includes plans for seven regional areas of the state, as well as the 30 year plan for greater Adelaide. The regional plans contain the state government's directions on land use and development, including policies relating to population growth and demographic changes among others.</p>	<p>The Amendment Policy is consistent with the strategies relating to the diversifying primary production into new areas to replace or complement existing activities and the integrated and sustainable management of natural resources in a manner that maintains ecological processes.</p>
<i>Planning, Development and Infrastructure Act 2016</i> <i>Planning, Development and Infrastructure Regulations (Transitional Provisions) 2017</i> <i>Planning and Design Code</i>	<p>The <i>Planning, Development and Infrastructure Act 2016</i> and <i>Planning, Development and Infrastructure Regulations (Transitional Provisions) 2017</i> detail the processes for making and assessing development applications.</p> <p>'Development' is defined in the <i>Planning, Development and Infrastructure Act 2016</i> to include:</p> <ul style="list-style-type: none"> <li>(a) a change in the use of land; or</li> <li>(b) building work; or</li> <li>(c) the division of an allotment; or</li> <li>(d) the construction or alteration (except by the Crown, a council or other public authority (but so as not to derogate from the operation of paragraph (e))) of a road, street or thoroughfare on land (including excavation or other preliminary or associated work); or</li> <li>(e) in relation to a State heritage place—the demolition, removal, conversion, alteration or painting of, or addition to, the place, or any other work that could materially affect the heritage value of the place; or</li> <li>(f) in relation to a local heritage place—any work (including painting) that could materially affect the heritage value of the place (including, in the case of a tree, any tree-damaging activity) specified by the Planning and Design Code for the purposes of this paragraph (whether in relation to local heritage places generally or in relation to the particular local heritage place); or</li> <li>(g) the external painting of a building within an area specified by the Planning and Design Code for the purposes of this paragraph; or</li> <li>(h) in relation to a regulated tree—any tree-damaging activity; or</li> </ul>	<p>The Amendment Policy is consistent with these provisions in that it seeks to ensure the ecologically sustainable development of the marine-based aquaculture industry and recognises and respects other users of the marine resource.</p> <p>There are no amendments to or new aquaculture zone areas proposed and therefore requires no changes to the Planning and design code applied to within the Hardwicke Bay region.</p>

Legislation / Policy	Objectives	Consistency
	<p>(i) the creation of fortifications; or</p> <p>(k) prescribed earthworks (to the extent that any such work or activity is not within the ambit of a preceding paragraph); or</p> <p>(l) an act or activity in relation to land declared by or under the regulations to constitute development, (including development on or under water) but does not include an act or activity that is declared by or under the regulations not to constitute development for the purposes of this Act;</p> <p>Aquaculture Development within an Aquaculture Zone is not delineated as development. Development approvals are not required for aquaculture in such circumstances.</p> <p>However, aquaculture proposed outside of a zone remains subject to full development assessment.</p>	
<i>Aboriginal Heritage Act 1988</i>	<p>The <i>Aboriginal Heritage Act 1988</i> provides for the protection and preservation of Aboriginal sites, objects and remains, whether registered or not, without an authorisation from the Minister for Aboriginal Affairs and Reconciliation pursuant to section 23. Section 20 of this Act requires that any Aboriginal sites, objects or remains discovered on land, be reported to the Minister for Aboriginal Affairs and Reconciliation.</p>	<p>The Amendment Policy seeks to locate aquaculture development to avoid potential impacts on sensitive Aboriginal sites. If any Aboriginal sites, objects or remains are encountered during community engagement, PIRSA Fisheries and Aquaculture will advise the Minister for Aboriginal Affairs and Reconciliation and, where possible, avoid the heritage or apply for relevant authorisations as necessary.</p> <p>The amendments will not change or create new zone areas maintaining this consistency.</p>
<i>Native Title Act 1993</i>	<p>The <i>Native Title Act 1993</i> (Cth) provides for the recognition by Australian law that some Indigenous people have rights and interests that come from their traditional laws and customs (National Native Title Tribunal (NNTT) 2009).</p> <p>In particular, the <i>Native Title Act 1993</i> may validate past acts; provide for future acts; extinguish native title either in full or part; provide a process to determine native title; provides three approaches to negotiating native title, including Indigenous Land Use Agreements (ILUA); and, provides for a range of other matters including the establishment of a land trust and the National Native Title Tribunal.</p>	<p>The Native Title Unit of the Attorney General's Department are consulted during the development of aquaculture zone policies to establish if there are any registered ILUA's in the area or if there are any in negotiation that need to be considered. Additionally, advice is sought from the Native Title Unit to determine who are the appropriate Native Title Groups to consult during the development of the policy.</p> <p>As part of the individual lease application process (within and outside of aquaculture zones) details of the application are referred to the Aboriginal Legal Rights Movement and the appropriate Claimant groups pursuant to section 24HA of the <i>Native Title Act 1993</i> (Cwth).</p>
<i>Australia's Ocean Policy (Cth)</i>	<p>Australia's Oceans Policy sets in place a framework for integrated and ecosystem-based planning and management for Australia's marine jurisdictions. It promotes ecologically sustainable development of the ocean resources and</p>	<p>This policy is consistent with Australia's Ocean Policy as it seeks to avoid aquaculture development over unique and</p>

Legislation / Policy	Objectives	Consistency
	<p>encourages internationally competitive marine industries, whilst ensuring the protection of marine biological diversity. The key tool is Regional Marine Planning i.e., planning based on large areas that are ecologically similar, and seeks to integrate the use, management and conservation of marine resources at the ecosystem level.</p> <p>Marine Plans establish an overarching strategic planning framework to guide State and local government planners and natural resource managers in the development and use of the marine environment. Fundamental to these Marine Plans is an ecologically based zoning model. Each of these zones is supported by goals and objectives.</p>	<p>sensitive ecosystems, and provides for orderly, sustainable and internationally competitive marine industries.</p> <p>The amendments will not change or create new zone areas maintaining this consistency.</p>
Marine Parks Act 2007	<p>The <i>Marine Parks Act 2007</i> provides the legislative framework for the dedication, zoning and management of South Australia's marine parks.</p> <p>South Australia's marine parks are zoned for multiple-use to protect coastal, estuarine and marine ecosystems, while also providing for continued ecologically sustainable use of suitable areas. This means that most activities, including aquaculture operations, will still be allowed within a marine park. However, some activities will not be permitted in particular zones. Areas with high conservation values will be designated as either Restricted Access Zones or Sanctuary Zones to provide the necessary level of protection for habitats, species, ecological and geological features. Both of these zones preclude commercial fishing, recreational fishing and aquaculture operations.</p>	<p>It is widely recognised that Aquaculture is an important and growing industry in this State that provides significant benefits to South Australia. The needs of the industry have been considered with commitments to accommodate, as far as possible, existing aquaculture operations.</p> <p>The aquaculture zone areas have previously been prepared having regard to Marine Park objects and boundaries and in accordance with the agreement between DEW (previously DEWNR) and PIRSA.</p> <p>The amendments will not change or create new zone areas maintaining this consistency.</p>
<i>Landscape South Australia Act 2019</i> <i>Landscape South Australia (General) Regulations 2009</i>	<p>From the 1 July 2020, the <i>Landscape South Australia Act 2019</i> replaced the <i>Natural Resources Management Act 2004</i> as the key framework for managing the state's land, water, pest plants and animals, and biodiversity across the state. Eight regional landscape boards and a metropolitan board, Green Adelaide, administers the Act across nine landscape management regions. The boards support local communities and land managers to be directly responsible for managing their region's landscapes with an emphasis on land and water management, biodiversity and pest animal and plant control.</p>	<p>The <i>Aquaculture Act 2001</i> and its supporting policies are also underpinned by ecologically sustainable development principles.</p> <p>The Amendment Policy falls within the area of responsibility of the Northern and Yorke Landscape Board. The Amendment Policy has taken into account issues raised within the Northern and Yorke Strategic Plan, which contains the vision, goals, targets and strategies for landscapes in the Northern and Yorke region.</p> <p>As the aquaculture zone relates only to marine aquaculture there are no matters of water allocation, groundwater or surface water, specific to the aquaculture zone. The Amendment Policy is consistent with the Northern and Yorke Strategic Plan. The amendments will not change or create new zone areas maintaining this consistency.</p> <p>The Northern and Yorke Landscape Board was consulted during the public consultation period, and provided positive comments supporting the Amendment Policy.</p>

Legislation / Policy	Objectives	Consistency
<i>Environment Protection Act 1993</i>  <i>Environment Protection (Water Quality) Policy 2015</i>	<p>The <i>Objects of the Environment Protection Act 1993</i> (EP Act) include the promotion of the principles of ecologically sustainable development, and to ensure that all reasonable and practicable measures are taken to protect, restore and enhance the quality of the environment having regard to the principles of ecologically sustainable development. The Objects of the Act also include ensuring that continual improvement obligations, the precautionary and polluter-pays principles, and appropriate monitoring requirements are applied to polluting activities.</p> <p>Of particular relevance to sea-based aquaculture is the <i>Environment Protection (Water Quality) Policy 2015</i> (Water Quality Policy), which aims to further the Objects of the Act in relation to water quality. The Water Quality Policy:</p> <ul style="list-style-type: none"> <li>• applies the waste management hierarchy (as an element of the General Environmental Duty under s.25 of the Act) to all activities that impact water quality</li> <li>• without limitation, declares certain forms further defines of environmental harm in relation to waters</li> <li>• provides for the management and control of point and diffuse sources of pollution</li> <li>• outlines obligations relating to particular activities</li> <li>• defines environmental values for waters and specifies listed pollutants</li> <li>• provides for trigger levels for various indicators based on the ANZECC Water Quality Guidelines</li> <li>• allows for the setting of discharge limits for pollutants into defined areas of water</li> </ul>	<p>The Amendment Policy is consistent with the provisions of the EP Act, associated Regulations and the Water Quality Policy as it seeks to define areas of state waters that are considered appropriate for aquaculture in that they prevent, reduce, minimise and where practicable, eliminate harm to the environment, whilst considering the principles of ecologically sustainable development.</p> <p>The amendments will not change or create new zone areas maintaining this consistency. The amendments provide for algae, which is a prescribed species in all other aquaculture zones of the former Policy.</p>
<i>Harbors and Navigation Act 1993</i>	<p>The <i>Harbors and Navigation Act 1993</i> sets out the following objectives:</p> <ul style="list-style-type: none"> <li>• To provide for the efficient and effective administration and management of South Australian harbors and harbor facilities for the purpose of maximising their use and promoting trade;</li> <li>• To ensure that efficient and reliable cargo transfer facilities are established and maintained;</li> <li>• To promote the safe, orderly and efficient movement of shipping within harbors;</li> <li>• To promote the economic use and the proper commercial exploitation of harbors and harbor facilities;</li> <li>• To provide for the safe navigation of vessels in South Australian waters;</li> <li>• To provide for the safe use of South Australian waters for recreational and other aquatic activities; and</li> <li>• Insofar as this Act applies to the Adelaide Dolphin Sanctuary, to further the objects and objectives of the <i>Adelaide Dolphin Sanctuary Act 2005</i>.</li> </ul>	<p>The Amendment Policy is consistent with the provisions of the <i>Harbors and Navigation Act 1993</i> as it seeks to define areas of state waters that are considered appropriate for aquaculture, and have regard to other resource users; including operators of recreational and commercial vessels.</p> <p>Section 20 of the <i>Aquaculture Act 2001</i> provides that the grant of aquaculture leases is subject to the concurrence of the Minister responsible for administration of the <i>Harbors and Navigation Act 1993</i>.</p> <p>The amendments will not change or create new zone areas maintaining this consistency.</p>

Legislation / Policy	Objectives	Consistency
Coast Protection Act 1972	<p>The Coast Protection Act 1972 establishes the Coast Protection Board. The functions of the Board are:</p> <ul style="list-style-type: none"> <li>• To protect the coast from erosion, damage, deterioration, pollution and misuse;</li> <li>• To restore any part of the coast that has been subjected to erosion, damage, deterioration, pollution or misuse;</li> <li>• To develop any part of the coast for the purpose of aesthetic improvement, or for the purpose of rendering that part of the coast more appropriate for the use or enjoyment of those who may resort thereto;</li> <li>• To manage, maintain and, where appropriate, develop and improve coast facilities that are vested in, or are under the care, control and management of the Board;</li> <li>• To report to the Minister upon any matters that the Minister may refer to the Board for advice;</li> <li>• To carry out research, to cause research to be carried out, or to contribute towards research, into matters relating to the protection, restoration or development of the coast; and</li> <li>• To perform such other functions assigned to the Board by or under this or any other Act.</li> </ul>	<p>The Amendment Policy is consistent with the provisions of the <i>Coast Protection Act 1972</i> as it seeks to protect the coast by minimising any risk of erosion, damage, deterioration, pollution and misuse of the resource, through appropriate siting of aquaculture zones and aquaculture exclusion zones, the specification of appropriate types and levels of aquaculture development.</p> <p>The amendments will not change or create new zone areas maintaining this consistency.</p>
Native Vegetation Act 1991	<p>The objects of the <i>Native Vegetation Act 1991</i> are:</p> <ul style="list-style-type: none"> <li>• The conservation, protection and enhancement of the native vegetation of the State and, in particular, remnant native vegetation, in order to prevent further -</li> <li>• Reduction of biological diversity and degradation of the land and its soil; and</li> <li>• Loss of quantity and quality of native vegetation in the State; and</li> <li>• Loss of critical habitat; and</li> <li>• The provision of incentives and assistance to landowners to encourage the commonly held desire of landowners to preserve, enhance and properly manage the native vegetation on their land; and</li> <li>• The limitation of the clearance of native vegetation to clearance in particular circumstances including circumstances in which the clearance will facilitate the management of other native vegetation or will facilitate the sustainable use of land for primary production; and</li> <li>• The encouragement of research into the preservation, enhancement and management of native vegetation; and</li> <li>• The encouragement of the re-establishment of native vegetation in those parts of the State where native vegetation has been cleared or degraded.</li> </ul>	<p>The Amendment Policy is consistent with these objectives as it seeks to minimise impacts on native vegetation through appropriate siting of aquaculture zones and appropriate selection of prescribed species classes to within a zone. The establishment of aquaculture exclusion zones around sensitive habitats is also applied where relevant.</p> <p>The amendments will not change or create new zone areas maintaining this consistency.</p>
Historic Shipwrecks Act 1976 (Cth)	Any shipwreck or relic that is older than 75 years is protected under the <i>Historic Shipwrecks Act 1976</i> (Cth), which covers water off the South Australian coast from the low water mark or the agreed baselines but does not include State internal waters – i.e. the River Murray, Gulf St. Vincent, Spencer Gulf, Encounter Bay, Lucepede Bay, Rivoli	The Amendment Policy is consistent with these requirements as it will not change or create new zone areas.

Legislation / Policy	Objectives	Consistency
<i>Historic Shipwrecks Act 1981 (SA)</i>	<p>Bay and Anxious Bay – which are covered under the <i>Historic Shipwrecks Act 1981</i> (SA).</p> <p>If there are declared historic shipwrecks in the vicinity of aquaculture development, the developer is advised that a 550 metre radius buffer zone applies around the historic shipwreck, and that no aquaculture development should take place within this area.</p> <p>It should also be noted that while a shipwreck may not currently be protected, the 75 year rolling protections date means that it will be at some future time.</p>	
<i>National Parks and Wildlife Act 1972</i>	<p>An Act to provide for the establishment and management of reserves for public benefit and enjoyment; to provide for the conservation of wildlife in a natural environment; and for other purposes.</p>	<p>The Amendment Policy is consistent with these requirements as it will not change or create new zone areas.</p>
<i>Fisheries Management Act 2007</i>	<p>An Act to provide for the conservation and management of the aquatic resources of the State, the management of fisheries and aquatic reserves, the regulation of fishing and the processing of aquatic resources, the protection of aquatic habitats, aquatic mammals and aquatic resources and the control of exotic aquatic organisms and disease in aquatic resources; to repeal the <i>Fisheries Act 1982</i> and the <i>Fisheries (Gulf St. Vincent Prawn Fishery Rationalisation) Act 1987</i>; to make related amendments to other Acts; and for other purposes.</p>	<p>To minimise adverse interactions with seabirds and large marine vertebrates, section 18 of the <i>Aquaculture Regulations 2016</i> requires a licensee to have a written strategy approved by the Minister, which includes avoiding or minimising adverse impacts on/or adverse interactions with, seabirds or large marine vertebrates. In addition, risks posed by the aquaculture activity are assessed at the time of licence application through the ESD Assessment process, consistent with the National ESD Framework (Fletcher et al., 2004).</p> <p>The amendments will not change or create new zone areas maintaining this consistency.</p>