

South Australia

Aquaculture (Zones—Franklin Harbor) Policy 2015

under the *Aquaculture Act 2001*

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Part 1—Preliminary

1—Short title

This policy may be cited as the *Aquaculture (Zones—Franklin Harbor) Policy 2015*.

2—Interpretation

- (1) In this policy—

Act means the *Aquaculture Act 2001*;

algae means eukaryotic macroalgae;

bivalve molluscs includes clams, cockles, mussels, oysters, pipis, razorfish and scallops;

conservation park has the same meaning as in the *National Parks and Wildlife Act 1972*;

Franklin Harbor (inner) sector means the area within the Franklin Harbor aquaculture zone described in Schedule 1 clause 1(a);

Franklin Harbor (outer) sector means the area within the Franklin Harbor aquaculture zone described in Schedule 1 clause 1(b);

lease means an aquaculture lease;

leased area, in an aquaculture zone or sector in an aquaculture zone, means the total area in the zone or sector subject to lease;

licence means an aquaculture licence.

- (2) For the purposes of the descriptions of aquaculture zones or aquaculture exclusion 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.
- (3) The point references given in a description identifying an aquaculture zone or aquaculture exclusion zone in Schedule 1 are references to the corresponding points in the map of that zone in Schedule 2.

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) designates an aquaculture zone as a public call area; and
- (c) specifies for the 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—Franklin Harbor aquaculture zone

5—Identification of aquaculture zone

The Franklin Harbor aquaculture zone (consisting of the Franklin Harbor (inner) sector and the Franklin Harbor (outer) sector) comprises the State waters described in Schedule 1 clause 1.

6—Designation of aquaculture zone as public call area

The Franklin Harbor aquaculture zone is designated as a public call area.

7—Class of permitted aquaculture

The classes of aquaculture permitted in the Franklin Harbor aquaculture zone are—

- (a) in the case of an area used or available for use for the farming of aquatic organisms for the purposes of research or for the purposes of a business constituted of education—such classes of aquaculture as may be approved by the Minister; and
- (b) in any other case—
 - (i) the farming of bivalve molluscs (other than mussels); and
 - (ii) the farming of algae.

8—Prescribed criteria

- (1) In the determination of applications for licences and in the making of other decisions under the Act in relation to the Franklin Harbor aquaculture zone, the following prescribed criteria must be taken into account:
 - (a) the leased area in the zone must not exceed 135 hectares;
 - (b) in the Franklin Harbor (inner) sector—
 - (i) the leased area must not exceed 129.5 hectares of which—
 - (A) 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 research or for the purposes of a business constituted of education; and
 - (B) 2 hectares must be used or available for use for the storage of bivalve molluscs other than mussels for a period not exceeding 2 weeks before being farmed elsewhere in the zone, or, as part of the harvesting process, after being farmed elsewhere in the zone; and
 - (ii) in the prescribed area—
 - (A) the leased area must not exceed the total area that was, immediately before the commencement of this policy, subject to a lease; and
 - (B) before granting a lease, or varying a lease involving the substitution of the area leased (in whole or part), in an area that has not previously been subject to a lease, the Minister must consult with, and consider the views of, the Minister responsible for the administration of the *National Parks and Wildlife Act 1972*;
 - (c) in the Franklin Harbor (outer) sector the leased area must not exceed 5.5 hectares.

(2) In this clause—

prescribed area means the area of the Franklin Harbor (inner) sector that falls within 1000 metres of the Franklin Harbor Conservation Park.

Part 3—Franklin Harbor aquaculture exclusion zone

9—Identification of aquaculture exclusion zone

The Franklin Harbor aquaculture exclusion zone comprises the State waters described in Schedule 1 clause 2.

Schedule 1—Description of zones

1—Description of Franklin Harbor aquaculture zone

The Franklin Harbor aquaculture zone comprises sectors as follows:

- (a) the Franklin Harbor (inner) sector, comprising the State waters contained within and bounded by—

- (i) a line commencing at 33°41'29" South, 136°56'15" East (Point 39), then south-easterly to 33°42'24" South, 136°57'12" East (Point 38), then south-easterly to 33°42'50" South, 136°57'26" East (Point 47), then south-westerly to a location on the line 1000 metres seaward of National Park boundary (Franklin Harbor Conservation Park) closest to 33°43'02.73" South, 136°57'23.17" East (Point 51), then beginning south-westerly following the line 1000 metres seaward of the conservation park boundary to the location closest to 33°44'06.40" South, 136°54'38.37" East (Point 5), then south-easterly to 33°44'10" South, 136°54'46" East (Point 6), then south-easterly to 33°44'26" South, 136°55'07" East (Point 7), then south-easterly to 33°44'42" South, 136°55'20" East (Point 8), then south-easterly to 33°44'59" South, 136°55'25" East (Point 9), then south-westerly to 33°45'16" South, 136°55'19" East (Point 10), then south-westerly to 33°45'19" South, 136°55'14" East (Point 11), then south-westerly to 33°45'21" South, 136°55'03" East (Point 12), then south-westerly to 33°45'22" South, 136°54'54" East (Point 13), then westerly to 33°45'22" South, 136°54'40" East (Point 14), then south-easterly to 33°45'35" South, 136°54'43" East (Point 15), then south-westerly to 33°45'47" South, 136°54'35" East (Point 16), then south-westerly to 33°46'03" South, 136°54'15" East (Point 17), then south-westerly to 33°46'10" South, 136°53'58" East (Point 18), then westerly to 33°46'11" South, 136°53'32" East (Point 19), then north-westerly to 33°46'10" South, 136°53'22" East (Point 20), then north-westerly to 33°45'53" South, 136°52'53" East (Point 21), then northerly to 33°45'28" South, 136°52'53" East (Point 22), then easterly to 33°45'28" South, 136°54'11" East (Point 23), then northerly to 33°44'34" South, 136°54'11" East (Point 24), then westerly to a location on the line 100 metres seaward of mean high water springs closest to 33°44'34" South, 136°52'13.66" East (Point 25), then beginning north-westerly following the line 100 metres seaward of mean high water springs to the location closest to 33°41'43.87" South, 136°55'43.50" East (Point 26), then north-easterly to 33°41'20" South, 136°56'00" East (Point 27), then easterly to 33°41'20" South, 136°56'05" East (Point 28), then south-westerly to 33°42'13" South, 136°55'57" East (Point 29), then south-westerly to 33°42'22" South, 136°55'47" East (Point 50), then south-westerly to 33°43'45" South, 136°54'15" East (Point 30), then south-westerly to 33°43'54" South, 136°53'44" East (Point 31), then south-westerly to 33°44'11" South, 136°53'17" East (Point 49), then south-easterly to 33°44'16" South, 136°53'23" East (Point 32), then north-easterly to 33°44'00.14" South, 136°53'46.33" East (Point 48), then north-easterly to 33°43'55" South, 136°54'31" East (Point 33), then north-easterly to 33°42'27" South, 136°56'09" East (Point 34), then north-easterly to the point of commencement; and

- (ii) a line commencing at Mean High Water Springs closest to 33°40'36.48" South, 136°56'27.95" East (Point 35), then beginning north-easterly following the line of Mean High Water Springs to the location closest to 33°41'45.87" South, 136°57'54.90" East (Point 36), then south-westerly to a location on the line 1000 metres seaward of National Park boundary (Franklin Harbor Conservation Park) closest to 33°42'02.18" South, 136°57'47.51" East (Point 37), then beginning south-westerly following the line 1000 metres seaward of National Park boundary to the location closest to 33°42'47.50" South, 136°57'34.29" East (Point 4), then north-westerly to 33°42'13" South, 136°57'19" East (Point 3), then north-westerly to 33°41'20" South, 136°56'17" East (Point 2), then north-easterly to 33°40'51" South, 136°56'19" East (Point 1), then north-easterly to the point of commencement;
- (b) the Franklin Harbor (outer) sector, comprising the State waters contained within and bounded by a line commencing at 33°43'45" South, 136°59'17" East (Point 40), then easterly to 33°43'45" South, 136°59'30" East (Point 41), then southerly to 33°44'02" South, 136°59'30" East (Point 42), then westerly to 33°44'02" South, 136°59'17" East (Point 43), then northerly to the point of commencement.

Note—

The point references in this description are references to the corresponding points in the map in Schedule 2.

2—Description of Franklin Harbor aquaculture exclusion zone

The Franklin Harbor aquaculture exclusion zone comprises the State waters contained within and bounded by a line commencing at mean high water springs closest to 33°40'36.48" South, 136°56'27.95" East (Point 35), then beginning north-easterly following the line of mean high water springs to the location closest to 33°43'34.05" South, 136°59'25.23" East (Point 44), then south-westerly to a location on the line 1000 metres seaward of the Franklin Harbor Conservation Park boundary closest to 33° 44'09.71" South, 136° 58' 36.51.51" East (Point 45), then beginning south-easterly following the line 1000 metres seaward of the conservation park boundary to the line of mean high water springs closest to 33°48'00.17" South, 136°50'32.90" East (Point 46), then beginning south-easterly following the line of mean high water springs to the point of commencement, but excluding the Franklin Harbor aquaculture zone.

Note—

The point references in this description are references to the corresponding points in the map in Schedule 2.

Schedule 2—Map of zones

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

Franklin Harbor aquaculture zone and Franklin Harbor aquaculture exclusion zone

