

Guide

Department of Planning and Local Government



Aquaculture Policy

February 2010



Government of South Australia

Department of Planning
and Local Government

Guide

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Department of Planning and Local Government (DPLG)

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ISSN 1837-8617
FIS 23097

Purpose

This document is one of a suite of Planning Guides prepared by the Department of Planning and Local Government. The guides are designed to assist councils and planning practitioners to compile Development Plans that reflect the council's vision for its area and that implement the State Government's current Planning Strategy.

The policies explained in this guide can be used by councils to address issues relating to aquaculture in their Development Plans.

The guide will also assist planners and planning authorities to assess development applications and can be used by applicants in preparing a development application.

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Introduction

01

South Australia is experiencing growing economic opportunities in both marine-based and land-based aquaculture. In coastal localities where many of these opportunities are arising, there are also a number of other competing activities that are prospering, including tourism, recreation and housing developments.

As the aquaculture industry matures, many of its sectors will require additional land and infrastructure to meet the increasing demand for aquaculture products, both locally and internationally, and the demand for new packaging and processing facilities and administration offices.

Providing a planning policy framework that encourages the clustering of coastal aquaculture facilities in appropriate localities is vital to help ensure the successful and sustainable development of the aquaculture industry and address any land use conflicts that may arise with other users.

A number of policy and strategy documents broadly guide aquaculture development in SA, in particular:

South Australia's Strategic Plan 2007

This overarching state-level plan includes 98 targets about improving the wellbeing and prosperity of South Australians, grouped under six objectives. These include:

- Growing prosperity: increasing tourism, mineral exploration, export growth, productivity and migration growth
- Improving wellbeing: increasing quality of life and improved public health
- Attaining sustainability: reducing greenhouse gas emissions, native vegetation clearance and the ecological footprint of settlements
- Fostering creativity: increasing creativity, research and development and education
- Building communities: achieving viable population levels for regional communities and building/maintaining infrastructure
- Expanding opportunity: improving equity and opportunity within communities.

The Planning Strategy

The current Planning Strategy provides direction from the State Government on land use and development over the medium term (a period of 10-15 years). The Planning Strategy comprises various volumes covering separate geographic regions including land use frameworks. Current policies relevant to aquaculture are set out below. Note that *The 30-Year Plan for Greater Adelaide* was released in February 2010, and Planning Strategies for regional areas are programmed for release from 2009 to 2011.

The 30-Year Plan for Greater Adelaide (February 2010)

The relevant policy from the 30-Year Plan for Greater Adelaide - Primary Production Section is:

- 18 Collocate intensive primary industries and compatible processing activities to reduce land-use conflict and achieve efficiencies in production, processing, distribution, energy efficiency and waste recycling, taking into account environmental, bio-security, infrastructure and rural amenity issues.

The Planning Strategy for Regional South Australia (2003)

This volume covers regional areas of the state except for the Yorke Peninsula / Wakefield Plains and Mt Gambier where Regional Land use Plans have been approved and published.

The policy directions relevant to aquaculture development in this document are:

Goals

- A more diversified regional export base
- Economic development within the context of sustained natural systems
- A positive business, investment and employment climate

Priorities

- Aligning land use planning, natural resources planning and economic priorities with performance-based policies in Development Plans.
- Further adding diversity and value to regional development and to South Australian exports, including food, fibre and fabric, tourism, forestry, irrigated production and aquaculture.

Strategies

Aquaculture and Fishing

1. Encourage ecologically sustainable growth of the aquaculture industry while managing the resources on which the industry depends.
2. Encourage the development of land-based facilities and support services in support of the marine fishing and aquaculture industries.

Yorke Peninsula Regional Land Use Framework (December 2007)

The Yorke Peninsula Regional Land Use Framework was adopted as a volume of the Planning Strategy in December 2007. It guides development in the four councils on the Yorke Peninsula and Wakefield Plains. The policy directions relevant to aquaculture development in this document are:

Economic Development – supporting the value chain

Objective 6 Protect and build on the region's strategic freight transport, storage and processing infrastructure

Objective 11 Strengthen local aquaculture and fishing industries.

Eyre Peninsula Coastal Development Strategy (EPCD)

The EPCD Strategy was a joint initiative of the Eyre Peninsula Local Government Association (EPLGA) and the councils of Eyre Peninsula, developed with support from the Government of South Australia (through the former Planning SA now Department of Planning and Local Government). It provides a vision for the future sustainable development and management of the Eyre Peninsula coast. That vision sees the coastline as being:

“A diverse and exciting coastline for local communities and visitors characterised by spectacular coastal views, pristine natural environments, distinctive coastal settlements, and a diverse range of economic activities in balance with the natural environment.”

The Vision is followed by a set of nine guiding principles, and then detailed objectives and actions.

The Strategy helps define, in-principle, different coastal zones, including what should and shouldn't be developed in them. It advocates new planning controls to ensure coastal development (including industry, housing, commercial and tourist development) is undertaken in a planned and coordinated way that balances environmental protection, economic growth and community wishes.

The nine guiding principles adopted in the Strategy are:

- Ensuring ecologically sustainable development
- Protecting cultural and heritage values
- Enhancing economic development opportunities
- Recognising the interdependence between land and sea
- Integrating infrastructure and land use planning
- Protecting biodiversity and areas of biological significance
- Protecting coastal landscapes and wilderness values
- Facilitating appropriate public access to the coast
- Minimising the exposure of people and property to coastal hazards

Living Coast Strategy for South Australia (2004)

This strategy was published by the Department for Environment and Heritage and recognises:

- that coastal, estuarine and marine environments are a valuable community resource
- that Ecologically Sustainable Development is fundamental to the long-term conservation and productivity of coastal, estuarine and marine environments
- that ecosystem-based management is essential to achieve conservation and Ecologically Sustainable Development
- the importance of conserving biological diversity and protecting ecological integrity, supported by a precautionary approach to avoid serious environmental threats
- the economic benefits derived by the state from the use of coastal, estuarine and marine resources
- the Indigenous cultural values of coastal, estuarine and marine environments.

State Natural Resources Management Plan (2006)

The State Natural Resources Management (NRM) Plan was prepared by South Australia's Natural Resources Management Council under the *Natural Resources Management Act 2004*. The NRM Council carried out extensive consultation with relevant agencies, peak bodies and the community when producing the five-year plan, which has a 50-year vision. It sets out a landscape approach to managing South Australia's natural resources and the risks to them.

The policies and strategies set out in this plan inform the activities of government agencies, regional NRM boards and groups, local government, and community and industry partners. It is intended to ensure that management actions are integrated to more effectively and efficiently protect and enhance South Australia's natural systems; our catchments, bio-regions, landscapes and ecosystems, both terrestrial and marine, whether they are managed for production, settlement or conservation.

Relevant Legislation

03

There is a close relationship between the *Development Act 1993* and the *Aquaculture Act 2001*.

The *Development Act 1993* and its associated Regulations (2008) provide the overarching legislation which regulates development and planning in the state, including the use and management of land and buildings.

Aquaculture that is undertaken in an Aquaculture Zone within the Land Not Within a Council Area (LWCA) Coastal Waters Development Plan is not considered “development” under the Act and Regulations. Therefore no development approval is required under the *Development Act 1993*. However, leasing and licensing applications are still required under the *Aquaculture Act 2001*.

Any other new aquaculture activity that constitutes “a change in the use of land or buildings” falls within the definition of Intensive Animal Keeping and is classed as “development” requiring development approval under the Act and Regulations. It is defined in the *Development Act 1993* as:

the keeping or husbandry of animals in a broiler shed, chicken hatchery, feedlot, kennel, piggery, poultry battery or other like circumstances, but does not include horse keeping.

(Note that the definition of “land” includes land covered with water.)

The *Aquaculture Act 2001* and its associated Regulations regulate marine and inland aquaculture.

The objects of this Act are to:

- promote the ecologically sustainable development of marine and inland aquaculture
- maximise benefits to the community from the state's aquaculture resources
- otherwise ensure the efficient and effective regulation of the aquaculture industry.

Aquaculture Management Plans are prepared under this Act to delineate aquaculture zones in which aquaculture is supported.

The Aquaculture Act and its Regulations also address leasing and licensing matters, for example setting out standard lease conditions. For further information on leasing and licensing matters please refer to the PIRSA Aquaculture website: www.pir.sa.gov.au/aquaculture.

What is Aquaculture?

Under the *Aquaculture Act 2001*, aquaculture means farming of aquatic organisms for the purposes of trade or business or research, but does not include an activity declared by regulation not to be aquaculture. Furthermore, farming of aquatic organisms means an organised rearing process involving propagation or regular stocking or feeding of the organisms or protection of the organisms from predators or other similar intervention in the organisms' natural life cycles.

For the purpose of understanding planning issues related to aquaculture, it has been divided into two types: marine-based aquaculture and land-based aquaculture.

Marine-based aquaculture

Marine-based aquaculture, including intertidal areas, refers to the area below the mean high water springs level.

Marine-based subtidal aquaculture includes finfish farms, which include production of tuna, yellowtail kingfish and mulloway etc; shellfish farms which include production of abalone, scallops and mussels etc; and macroalgae farms.

Marine-based intertidal aquaculture includes production of oysters and macroalgae etc.

Marine-based aquaculture (below the mean high water springs level) occurs:

- in Aquaculture Zones within council boundaries (for example Franklin Harbour). Aquaculture development within these areas requires development approval under the *Development Act 1993*.
- in Aquaculture Zones outside of council boundaries. Aquaculture development within these areas does not require development approval under the *Development Act 1993*.
- in areas outside of an Aquaculture Zone and within council boundaries. Aquaculture development within these sites requires development approval under the *Development Act 1993*.

Land-based Aquaculture

Land-based aquaculture includes:

- Land-based *coastal* aquaculture: aquaculture that is dependent on sea water for its operation
- Land-based *inland* aquaculture that is independent of sea water.

Land-based coastal aquaculture includes aquaculture conducted on land using seawater involving hatcheries and grow-out facilities for shellfish such as abalone and oyster, and finfish.

Land-based inland aquaculture farms occur inland without relying on seawater and typically farming freshwater, euryhaline (marine organisms able to tolerate a wide range of salinities) or marine species.

Land-based inland aquaculture may use fresh water, naturally occurring saline water or saline water created through salt interception schemes.

Land Infrastructure & Locality Requirements

Most marine based aquaculture farms are located seaward of the mean high water springs level within the Land Not Within a Council Area Development Plan boundary. Therefore there are few instances where a council will need to undertake rezoning to facilitate these types of development (most of these areas fall within the jurisdiction of the Minister for Urban Development and Planning). Furthermore aquaculture development within these zones does not require approval under the *Development Act 1993*.

However, all types of marine-based aquaculture as well as commercial fishing enterprises require land-based support facilities, including boat ramps, wharves or port facilities; large areas for fish cleaning and processing; areas for storing, loading and unloading fish; parking areas for vehicles, boats and cranes; large areas for net and boat maintenance and repair; and minor associated office functions. Land needs to be appropriately zoned to support these uses.

Marine-based aquaculture

Specifically, the land and infrastructure requirements to support the different types of **marine-based aquaculture** are described below:

Subtidal finfish farms generally need wharves and moorings to accommodate large vessels (from 20 metres in length) used for the feeding and harvesting of fish, as well as for smaller support and dive boats.

Subtidal shellfish farms require large barges and cranes for setting up sites with farm infrastructure, such as anchors and ropes. The setup of sites is usually undertaken by large barges with smaller boats used on an ongoing basis to manage the daily loading and unloading of stock. Mussel farmers usually need hydraulic or electric cranes at the wharf facilities and on the boats, to load and offload stock from the boat to land and from the licensed site to the boat, respectively.

Intertidal farms such as for oyster production use small barges (less than 10 metres in length). Oyster leases are generally small (relative to subtidally leased areas) with many licensed operators, resulting in a relatively high number of boats in oyster growing regions. This can result in competition for space on the ramps with other users, and may lead to demand for the development of new boat ramps to accommodate oyster farms.

Land-based Aquaculture

Land-based coastal aquaculture farms located on the coast rely on access to seawater and have at least one pair of outlet and inlet pipes transporting seawater for each farm across the intertidal area. Other requirements include:

- several medium to large sized sheds to accommodate hatcheries, broodstock tanks and live feed facilities
- outdoor areas for tanks of varying sizes to accommodate the different stages of fish growth and appropriate water flows
- large processing sheds
- parking areas for vehicles, boats and cranes
- areas for fish cleaning
- small office/administrative areas.

Activities are likely to include loading and unloading of fish; fish cleaning, processing and storage; boat maintenance and repair; and associated office functions.

Land-based inland aquaculture farms occur inland without any direct connection with sea water and utilise various methods of production including pond culture, recirculating aquaculture systems, and flow through tank systems.

The infrastructure required for these facilities includes purpose-built ponds (with drainage ability and overflow and effluent release prevention mechanisms), tanks, raceways, aquaria and floating cages, sheds for processing, and associated office facilities.

Inland aquaculture facilities need access to a reliable supply of good quality water, although current industry developments may lead to increased use of saline ground water in agricultural areas.

Site/Locality Selection

All aquaculture developments or zones (identified under the *Development Act 1993*) should be located to minimise their impact on the coastal and marine environments.

While there is a need for many aquaculture developments to be located near the coast, some coastal zones, particularly Coastal Conservation Zones, do not encourage aquaculture development and support facilities as these zones generally contain sensitive coastal features and habitats, and can be subject to coastal hazards. These zones, or areas displaying Coastal Conservation Zone characteristics, should be avoided wherever possible in siting aquaculture development or when identifying appropriate areas for new aquaculture zones under the *Development Act 1993*.

Where possible, aquaculture zones established under the *Development Act 1993*, and aquaculture development should also be located away from other sensitive land uses, such as residential development, as there can be odours and transport noise associated with such developments, however, they should also be located with regard to the availability of an employee base and supporting infrastructure.

Marine-based Aquaculture

There are many safety and efficiency reasons for minimising the distance between marine-based sites and their associated support facilities on land.

In summary, marine-based aquaculture support facilities should:

- be located as close as possible to ramps and wharves, to reduce movement of boats, trucks etc through towns, marinas and associated residential development
- be developed so that ramps are located as close to the marine-based sites as possible, to discourage boats being launched across the beach
- provide areas where large nets can be spread out and maintained (with appropriate lawful waste treatment arrangements)
- have access to 3-phase power
- be located to minimise any adverse impact on existing towns and settlements, particularly in relation to noise and odour.

Land-based Coastal Aquaculture

The hatchery and grow-out facilities of land-based coastal aquaculture need to be located close to the coast as their operational efficiency is directly related to the distance the water must be pumped. Inlet and outlet pipes will, in many cases, need to cross a coastal zone. In these cases, the pipes should be located so they cause minimal impact on the natural environment and should not traverse sensitive coastal habitats.

As pumping costs are also directly related to the height to which the water is required to be pumped, suitable sites for these developments are limited to those located close to the seawater source *and* on land that is a low height above sea level. Thus, there are a limited number of suitable areas for this form of aquaculture.

In summary, land-based coastal aquaculture generally requires:

- 3 phase power supply
- a maximum height of 20m above sea level
- pipe access to deep water (8-10m depth) within 50m of the shore
- pipe access to seawater that is:
 - subject to currents (i.e. not stagnant: current indications may be available from PIRSA Aquaculture)
 - of a temperature between 10-26°C (some species have limited temperature tolerances)
 - of good quality (i.e. the water should not be too shallow or contain any sewage discharge) and not be too saline (advice may be available from PIRSA Aquaculture).

Land-based Inland Aquaculture

Land based inland aquaculture generally requires a relatively flat site and access to good water and power supplies.

Clustering of Aquaculture Industries

Provision of on-land facilities for marine aquaculture together with land-based aquaculture developments creates opportunities for the establishment of industry 'clusters' (mutually supporting activities with some level of interdependency). There are already a number of examples of such aquaculture parks or clusters, which illustrate the diverse range of activities that can occur in these areas (e.g. at Smoky Bay, Coffin Bay and Cowell). The facilities generally included in these types of clusters include:

- refrigerated storage and warehousing
- service industries such as boat repairs
- processing and packaging facilities
- ancillary administration offices
- boat launching facilities such as jetties, boat ramps and marinas
- a caretaker's residence.

Identifying an Aquaculture Zone under the *Development Act 1993* for the clustering of land-based aquaculture activities can:

- protect strategic land suitable for aquaculture from being developed for other industrial activities that do not require a coastal location assist in the supply of supporting infrastructure and services
- ensure the suitability of the land for aquaculture development is assessed prior to any investment
- stimulate investment by providing a level of certainty to the industry about the intended use of the land.

Development Plan Amendments

05

Planning Policy Library

The Planning Policy Library comprises an electronic set of best practice planning policy modules.

The policies contained in the Planning Policy Library are available to be used by councils when adopting the Better Development Plan policy and structure or when preparing Development Plan Amendments to address issues such as aquaculture. Councils are encouraged to use the Planning Policy Library policies as the basis of their Development Plan policies.

General Policies

General policies relating to all forms of aquaculture are divided into either land-based aquaculture or marine-based aquaculture and are located in the 'Animal Keeping' Module.

Zone Policies

There are two zones relating to aquaculture development in the Planning Policy Library:

- Aquaculture Zone (land based zone identified specifically to facilitate the clustering of land based aquaculture developments and support facilities for marine based aquaculture, located landward of the low water mark); and
- Primary Production Zone (a land based zone accommodating agriculture and farming pursuits which also facilitates land based aquaculture development).

In addition to these zones, there is a marine based aquaculture zone that is located only within the Land Not Within a Council Area (Coastal Waters) Development Plan. This Zone serves only to delineate Aquaculture Licences as any aquaculture development within this zone is not considered 'development' under the *Development Act, 1993*.

Planning Policy Library Aquaculture Zone

The Planning Policy Library includes an Aquaculture Zone to facilitate the clustering of land based aquaculture developments and land-based support facilities for marine aquaculture. The Aquaculture Zone in the Planning Policy Library does not designate any complying development; however, in collaboration with the Department for Planning and Local Government (DPLG), individual Councils may determine that certain forms of aquaculture development are appropriate to be designated as *complying* in a Development Plan.

In locations where there are unaddressed coastal hazards, a Coastal Policy Area should be introduced within the Aquaculture Zone to ensure referrals to the Coast Protection Board (CPB) are triggered and these coastal hazards are adequately addressed by the proponent. Councils should seek advice from CPB and DPLG about areas needing referrals. It is not appropriate to designate aquaculture as *complying* development in this type of policy area as the Development Act provides that no development that is designated as *complying* development may be subject to referrals.

It is also appropriate to use the Aquaculture Zone for inland aquaculture if a specific area is identified for this purpose.

Aquaculture Zone policies identified in Development Plans under the *Development Act, 1993*, identify appropriate land uses that are envisaged in the zone including:

- aquaculture hatchery, grow out facility and related infrastructure
- boat launching facility
- office in association with and ancillary to aquaculture
- processing and packaging facility associated with and ancillary to aquaculture storage and warehousing associated with and ancillary to aquaculture
- dwellings or tourism development in association with and ancillary to aquaculture

These Aquaculture Zones should also include customised desired character statements providing a description of how the area should be developed. For further information, refer to the [Planning Guide: Desired Character Statements](#) (February 2010).

Planning Policy Library Primary Production Zone

Land-based aquaculture is defined in the *Development Act, 1993* as a form of 'intensive animal keeping,' which is generally provided for in Primary Production Zones (refer to the definition of Aquaculture in 'Relevant Legislation' section).

Principle of development control 1 of the Primary Production Zone envisages intensive animal keeping (and therefore aquaculture development) as an appropriate use in the zone. If it is intended that inland aquaculture be promoted in a Primary Production Zone, land division requirements may need to be reviewed.

Where aquaculture farms already exist, or potential sites are identified for them within a Primary Production Zone, text should be added to the Desired Character Statement to reflect this.

Land based aquaculture and support facilities on the coast should be clustered together where possible and should be included in an Aquaculture Zone rather than relying on a Primary Production Zone.

Local Additions

Councils may like to include additional policies or refine the Desired Character Statement to better reflect the character and use of the land to be rezoned, provided that the policies are consistent with and do not contradict the module policies.

Categories of Notification

The *Development Regulations 2008* provides that aquaculture is Category 1 in a majority of circumstances (see Schedule 9, clause 9). Councils may wish to designate other circumstances in which it is Category 2. In all other cases it will default to Category 3. The Department of Planning and Local Government suggests that all development envisaged in a zone should be either Category 1 or 2.

Aquaculture Zone (Land Not Within a Council Area (Coastal Waters) Development Plan)

This Aquaculture Zone is only found in the Land Not Within a Council Area (Coastal Waters) Development Plan and is therefore not part of the Planning Policy Library.

The policies in this zone will be reviewed in light of the recent Development Regulations amendment which made aquaculture within these zones not considered 'development'.

Incorporating Aquaculture Management Plans into Development Plans

Section 29(1) of the *Development Act, 1993* allows the Minister for Urban Development and Planning through the publication of a Notice in the Government Gazette, to amend a Development Plan to include a plan, policy, standard, document or code, which is prepared under another Act and which falls within a class prescribed by regulation 14 of the *Development Regulations 2008*.

Generally the preparation of these plans and codes have gone through a process of formal public notification (including council and Agency consultation) similar to that provided by the *Development Act, 1993*. Such amendments can be incorporated into a Development Plan or Plans in a manner consistent with its framework.

Aquaculture Management Plans are prescribed 'plans' for incorporation into Development Plans.

Aquaculture Management Plans, which include aquaculture zones, are prepared and adopted under the *Aquaculture Act 2001* and gazetted pursuant to Section 12 of the *Aquaculture Act 2001*. The agreed process is that once the Aquaculture Management Plan has been endorsed, a request is made to the Minister of Urban Development and Planning to incorporate the Aquaculture Management Plan and its zones into the relevant Development Plan(s).

Upon receipt of an Aquaculture Management Plan Report and request, the Minister, through Section 29(1) of the *Development Act 1993*, may proceed to amend affected Development Plan(s), via a gazetted amendment pursuant to the *Development Act, 1993*. These gazetted amendments typically include the introduction of an Aquaculture Zone(s) along with related policies and mapping delineating the Aquaculture Zones. The Development Plan Aquaculture Zones reflect the aquaculture zones in the relevant Aquaculture Management Plan.

Effectively, the above represents a 'two step' process. Attachment A outlines the two step process relevant to those agencies responsible for the administration of the *Aquaculture Act 2001* and the *Development Act 1993*.

There are a number of statutes that apply to applications for aquaculture development under both the Development Act, 1993 and the Aquaculture Act, 2001.

As explained above the term 'aquaculture' sits under the definition of 'intensive animal keeping' as defined in the *Development Act 1993* as:

the keeping or husbandry of animals in a broiler shed, chicken hatchery, feedlot, kennel, piggery, poultry battery or other like circumstances, but does not include horse keeping.

Assessment of 'aquaculture' generally includes:

- fish farms in State Waters (sub-tidal or inter-tidal)
- hatcheries (tanks and ponds) not in State Waters
- pipelines into State Waters (for land-based marine aquaculture)
- storage sheds and other ancillary support activities
- intertidal aquaculture in council Development Plan areas.

The location of marine-based aquaculture development (below the mean high water springs level) determines the assessment required.

Marine aquaculture development occurring:

- in Aquaculture Zones within council boundaries (for example Franklin Harbour) requires development approval under the *Development Act 1993*.
- in Aquaculture Zones outside of council boundaries (within the Land Not Within a Council Area (Coastal Waters) Development Plan area) does not require development approval under the *Development Act 1993*.
- in areas outside of an Aquaculture Zone and within a council boundary requires development approval under the *Development Act 1993*.

Referrals for Aquaculture Development

The *Development Act 1993* requires a planning authority to refer some development applications to specific government bodies that have expertise in specific aspects of development. The Act also provides that no development that is designated as *complying* development may be subject to referrals. Therefore as stated earlier, it would be inappropriate to assign aquaculture as complying in areas where a referral to the Coast Protection Board (CPB) or other agency is necessary.

Referrals are set out in Schedule 8 of the Development Regulations, 2008. Schedule 8 also describes the powers associated with the referral. The referral body may have powers of **direction**, in other words it can direct a planning authority to refuse an application or to place conditions on an application; or **concurrence**, which means that the relevant authority cannot consent to or approve the development without the concurrence of the referral body; or **regard** in which the referral body provides advice to a planning authority that it should have regard to.

Aquaculture developed on 'coastal land' is required to be referred to the CPB, except in limited circumstances. Referrals relating to aquaculture are explained in the following table.

The term 'coastal land' used in the following table is defined by the Development Regulations to mean:

- (a) land situated in a zone or area defined in the relevant Development Plan where the name of the zone or area includes the word "Coast" or "Coastal", or which indicates or suggests in some other way that the zone or area is situated on the coast;
- (b) if paragraph (a) does not apply—
 - (i) land that is situated in an area that, in the opinion of the relevant authority, comprises a township or an urban area and that is within 100 metres of the coast measured mean high water mark on the sea shore at spring tide; or
 - (ii) land that is situated in an area that, in the opinion of the relevant authority, comprises rural land and that is within 500 metres landward of the coast from mean high water mark on the sea shore at spring tide, if there is no zone or area of a kind referred to in paragraph (a) between the land and the coast;
- (c) an area 3 nautical miles seaward of mean high water mark on the sea shore at spring tide;

Referral Body or Agency	Type of Development	Level of Referral
Coast Protection Board	Development on coastal land	<i>Direction</i>
	<p>(a) (i) that involves the excavation or filling of 9 cubic metres or more of land that is located within 100 metres of the High Water Mark (HWM) on the sea shore at spring tide; or</p> <p>(ii) that involves the placing or making of any structure or works for coastal protection, including the placement of rocks, stones or other substance designed to control coastal erosion, within 100 metres landward of the coast measured from mean HWM on the sea shore at spring tide or within one kilometre seaward measured from mean HWM on the sea shore at spring tide.</p> <p>(b) any other form of development</p>	<i>Regard</i>
Minister administering the Natural Resources Management Act	<p>Development that may require water to be taken from a prescribed watercourse, lake or well, or surface water to be taken from a surface water prescribed area, under the <i>Natural Resources Management Act 2004</i>, over and above any allocation that has already been granted under the <i>Natural Resources Management Act 2004</i> or</p> <p>Development that may be affected by the operation of a notice under section 132 of the <i>Natural Resources Management Act 2004</i>.</p>	<i>Regard</i>
Minister administering the Aquaculture Act	Aquaculture development within a prescribed area (an aquaculture lease area) other than minor development.	<i>Direction</i>

Referral Body or Agency	Type of Development	Level of Referral
Minister for the River Murray	Development of aquaculture within the River Murray Flood Plain Area, Tributaries Area or the Murray-Darling Basin Area.	Direction
Environment Protection Authority	<p><i>Acts of Environmental Significance:</i></p> <p>Aquaculture or fish farming involving the propagation or rearing of molluscs or finfish in marine waters.</p> <p>or</p> <p>If the above is located within a River Murray Protection Area under the <i>River Murray Act 2003</i></p>	<p>Regard</p> <p>Direction</p>
Environment Protection Authority	<p><i>Acts of Major Environmental Significance</i></p> <p>Aquaculture or fish farming involving the propagation or rearing of marine, estuarine or freshwater fish or other marine or freshwater organisms, but not including:</p> <p>(a) the propagation or rearing of molluscs or finfish in marine waters; or</p> <p>(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.</p>	Direction
Minister administering the Aquaculture Act	Aquaculture development within a prescribed area (an aquaculture lease area) other than minor development.	Direction
Minister for the River Murray	Development of aquaculture within the River Murray Flood Plain Area, Tributaries Area or the Murray-Darling Basin Area.	Direction
Environment Protection Authority	<p><i>Acts of Environmental Significance:</i></p> <p>Aquaculture or fish farming involving the propagation or rearing of molluscs or finfish in marine waters.</p> <p>or</p> <p>If the above is located within a River Murray Protection Area under the <i>River Murray Act 2003</i></p>	<p>Regard</p> <p>Direction</p>

Public Notification Categories

The *Development Act 1993* outlines different categories of public notification:

- Category 1 developments require no public notification and do not provide for third party appeal rights.
- Category 2 developments require notice to be provided to adjoining landowners. There are no appeal rights.
- Category 3 developments require full public notification, with full third party appeal rights.

The *Development Regulations 2008* lists aquaculture development (other than in a LNWCA Development Plan) as category 1 in the following circumstances:

- within an aquaculture zone delineated in a Development Plan
- in an aquaculture zone, a prospective aquaculture zone or an aquaculture emergency zone identified in an aquaculture policy under the *Aquaculture Act 2001*
- in areas specified in Schedule 9.

In circumstances other than the above, aquaculture development will default to Category 3 unless the Development Plan specifically designates development (or certain form(s) of aquaculture development) as Category 2.

Note that aquaculture within an Aquaculture Zone within the Land Not Within a Council Area (Coastal Waters) Development Plan is not considered 'development' and therefore no assessment, nor notification under the *Development Act, 1993* is undertaken.

Aquaculture Licensing and Leases

All aquaculture requires a licence from the Minister administering the *Aquaculture Act 2001*.

All licence applications for aquaculture developments (including hatcheries) are dealt with by PIRSA Aquaculture. This group is also in the process of preparing aquaculture policies for different coastal regions in accordance with the *Aquaculture Act 2001*. These policies are expressed in Aquaculture Management Plans and are progressively being included in Development Plans via the process under the section 29 of the *Development Act 1993*. (see page 14).

The use of State Waters for marine aquaculture requires the granting of a lease from the Minister administering the *Aquaculture Act 2001* with the concurrence of the Minister responsible for administering the *Harbors and Navigation Act 1993*.

PIRSA Aquaculture also conducts individual licence assessments for marine and land based aquaculture activities using a risk-based approach that is driven by the Ecologically Sustainable Development objective of the *Aquaculture Act 2001*.

Additional Resources

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- Department for Primary Industries and Resources website: www.pir.sa.gov.au/aquaculture
- Department of Planning and Local Government website:
www.planning.sa.gov.au/go/bdp
(contains all planning policy modules for use in Development Plans and a number of guides to development policy and assessment)

Contact Details

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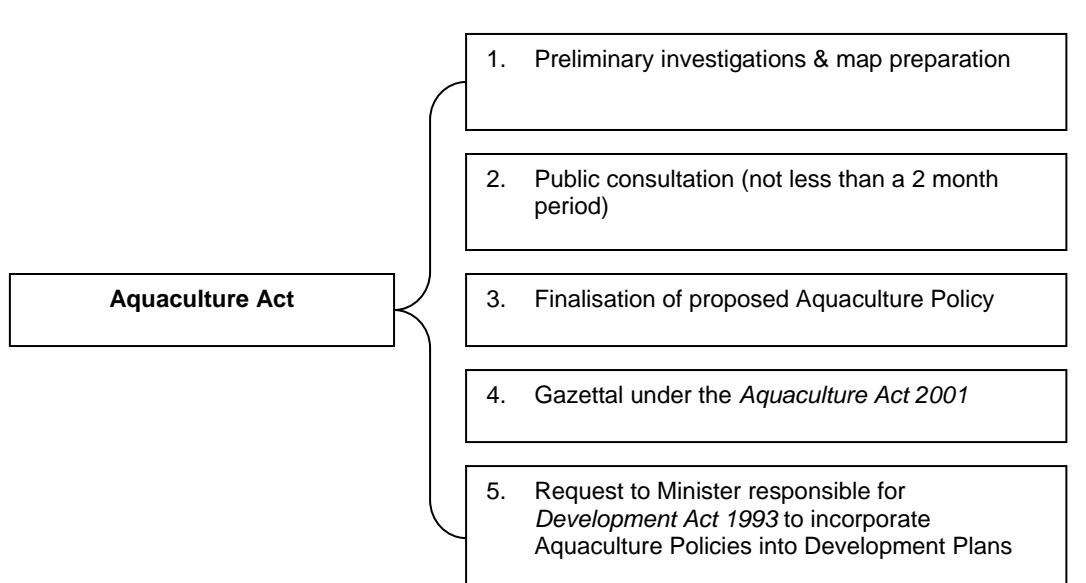
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Incorporating Aquaculture Plans into Development Plans

Step A – Administrative responsibility - PIRSA Aquaculture



Step B – Administrative Responsibility – Department for Planning and Local Government

