

## Appendix D – consolidated and modified management controls

### Tasman Peninsula and Norfolk Bay

Section 3 – Management controls is replaced with:

#### 3 Management Controls

Prepared in accordance with section 24 of the *Marine Farming Planning Act 1995*. Management controls must contain any measures necessary to manage and mitigate negative effects which marine farming operations may have within the plan area.

- 3.01 Lessees and sub-lessees must comply with any written notice or request given by the Secretary, and must not undertake or cause or permit another person to undertake an activity contrary to the Secretary's written notice or request.
- 3.02 Lessees and sub-lessees must comply with any written notice or request given by the Director, EPA, and must not undertake or cause or permit another person to undertake an activity contrary to the Director's written notice or request.
- 3.03 In these management controls:

'Chief Veterinary Officer' has the meaning given by section 3 of the *Animal Health Act 1995*

'Director, EPA' has the meaning given by section 3 of the *Marine Farming Planning Act 1995*

'environmental licence' means an environmental licence issued under Division 8 of Part 3 of the *Environmental Management and Pollution Control Act 1994*

'EPA' means the Environment Protection Authority established by section 12 of the *Environmental Management and Pollution Control Act 1994*

'inspector' has the meaning given by section 3 of the *Animal Health Act 1995*

'Manager, Marine Farming Branch', means the person occupying the position of that title within the Department, or any other position notified by the Secretary

'Marine and Safety Authority' has the meaning given by section 3 of the *Marine Farming Planning Act 1995*

'marine farming licence' means a marine farming licence issued under Part 3 of the *Living Marine Resources Management Act 1995*

'notifiable disease' means a List A or List B disease under Part 5 of the *Animal Health Act 1995*

### **3.1 General Controls for all Marine Farming Zones**

#### **Finfish**

- 3.1.1 There must be no significant visual, physio-chemical or biological impacts at or extending 35 metres from the boundary of the lease area, unless otherwise specified by the Director, EPA.
- 3.1.2 Environmental parameters must be monitored in the lease area, 35 metres outside the boundary of the marine farming lease area and at any control site(s) in accordance with the requirements specified in the relevant marine farming licence or in the relevant environmental licence.

#### **Shellfish**

- 3.1.3 There must be no unacceptable environmental impact, as specified in the relevant marine farming licence, outside the boundary of the marine farming lease area.
- 3.1.4 Environmental parameters must be monitored in accordance with the requirements specified in the relevant marine farming licence.

### **3.2 Management Controls Relating to Nitrogen Outputs from Finfish Farming**

- 3.2.1 The Director, EPA, may, from time to time, determine the total permissible dissolved nitrogen output (TPDNO), within specified periods, attributable to licenced finfish farming for a specified area.
- 3.2.2 A specified area may constitute:
  - An area or multiple areas covered by this plan, or
  - All the area covered by this plan
- 3.2.3 For the purpose of assessing quantities of dissolved nitrogen output attributable to licensed finfish farming, the Director, EPA may use any method that the Director, EPA is satisfied delivers a proper measure of total dissolved nitrogen output from finfish farming.
- 3.2.4 On making a determination under 3.2.1, the Director, EPA is to apportion the TPDNO, or a portion of the TPDNO, between the leaseholders licensed for finfish farming within that specified area or if a lease is sub-leased, any sub-lease holders within the specified area.
- 3.2.5 An individual apportionment made under 3.2.4 may be nil.
- 3.2.6 An individual apportionment made under 3.2.4 may be made in respect of two or more leaseholders, as if they were a single leaseholder.
- 3.2.7 On the making of an apportionment under 3.2.4, the Director, EPA is to notify each of the relevant leaseholders or if a lease is sub-leased, any sub-lease holders, in writing of the individual apportionment made in respect of that leaseholder or sub-lease holder.
- 3.2.8 A leaseholder or if a lease is sub-leased, any sub-lease holder notified in accordance with 3.2.7 must comply with that notice.
- 3.2.9 In this section:

‘Finfish farming’ has the same meaning as section 5C of the *Environmental Management and Pollution Control Act 1994*.

‘Licenced’ in relation to finfish farming means authorised under a licence issued under Division 8 of Part 3 of the *Environmental Management and Pollution Control Act 1994*.

### **3.3 Environmental Controls Relating to Carrying Capacity**

#### **Finfish**

- 3.3.1 The maximum permissible stocking density of salmonid fish is 15 kg/m<sup>3</sup> of caged volume unless otherwise specified in the marine farming licence.
- 3.3.2 Maximum permissible stocking densities for other finfish species may be specified in the conditions of the relevant marine farming licence or environmental licence.
- 3.3.3 Lessees must ensure that farmed areas are fallowed as soon as practicable if bubbles of hydrogen sulphide and/or methane gasses form in the sediment and rise to the surface without physical disturbance of the seabed.
- 3.3.4 Finfish cage nets must be at least 1 metre clear of the seabed at low tide under normal growing conditions unless otherwise specified in the relevant marine farming licence.

#### **Shellfish**

- 3.3.5 In all lease areas used for the farming of shellfish there must not be more than the equivalent of either<sup>1</sup>:
  - 3.3.5.1 1.1 km of stocked racking per hectare of developed lease area; or
  - 3.3.5.2 4.4 km of stocked post and wire farming equipment (commonly known as the BST system) per hectare of developed lease area<sup>2</sup>; or
  - 3.3.5.3 1.1 km of stocked single backbone longline per hectare of developed lease area<sup>3</sup>.
  - 3.3.5.4 Containers of oysters in intertidal lease areas must be clear of the seabed and there shall be no layering of containers on the racking.
  - 3.3.5.5 All longlines and associated equipment other than moorings for shellfish must be maintained at least 1 metre clear of the seabed.
- 3.3.6 The Director, EPA may from time to time, using whatever information the Director, EPA considers appropriate, determine the maximum permissible biomass of finfish that may be stocked within the area covered by this plan or any other specified area within the plan area.

NOTE: Maximum permissible biomass may relate to an area however described by the Director, EPA, including without limitation, tonnes per hectare or total tonnes for the plan area.

- 3.3.7 The Director, EPA is to give notice in writing to any lessees, or if a lease is sub-leased, any sub-lessee, subject to a determination made by the Director, EPA under 3.3.6 and specify the date from which the lessee or sub-lessee must comply with the Director EPA's determination.

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<sup>1</sup> For the purposes of 3.3.5 each 100 metres of stocked racking shall be deemed equivalent to 400 metres of stocked post and wire farming equipment in circumstances where both systems are used in a lease area at the same time.

<sup>2</sup> The permitted quantity of stocked post and wire farming equipment is calculated on individual wire length.

<sup>3</sup> A single backbone longline relates to that part of a longline from which culture structures hang. Where multiple longlines exist on a single row of buoys each longline represents a single backbone longline.

3.3.8 Compliance with 3.3.6 will be calculated for any point in time, according to the following formula, or any other method deemed by the Director, EPA to be equal to it, or better.

- Total Biomass (TB) = Total biomass in tonnes of finfish held by lessees or sub-lessees within the determined area at a single point in time.
- Total Area (TA) = Combined total lease area licensed for the farming of finfish held by lessees or sub-lessees within the determined area at that same point in time.
- TB/TA must be no greater than the maximum permissible biomass, in tonnes per hectare, as determined by the Director, EPA.

### **3.4 Environmental Controls Relating to Monitoring**

#### **Finfish**

##### **Baseline environmental survey requirements**

3.4.1 Lessees must provide a baseline environmental survey to the satisfaction of the Director, EPA. Such baseline environmental survey must be undertaken prior to the commencement of marine farming operations on those areas;

- where a new lease area is being established; or
- when required as a condition of varying or expanding a lease area; or
- where a marine farming licence is varied to allow the farming of another species not addressed by the existing baseline survey for the lease.

Note: The Secretary will use the information from the baseline environmental survey to assess whether the area to be farmed contains any rare or endangered species or any unusual habitat and to determine marine farming licence conditions.

##### **Environmental monitoring requirements**

3.4.2 Lessees must keep the following records for each lease area held by the lessee and retain these records for a period of 5 years;

3.4.2.1 Lessees or sub-lessees must maintain daily records capable of demonstrating the:

- maximum stocking density of finfish in each stocked cage;
- maximum biomass of finfish in each stocked cage.

3.4.2.2 The type, origin and dry weight of food placed into the lease area on a monthly basis.

3.4.2.3 The names and quantities and date of use, of all chemicals which have been used on the lease area. This must include, but is not confined to, therapeutants, anaesthetics, antibiotics, hormones, pigments, antifoulants, disinfectants and cleansers.

3.4.2.4 Location (to a degree of precision to the satisfaction of the Secretary), size and stocking rates of all cages.

- 3.4.2.5 The duration that individual cages are held in a particular location.
- 3.4.3 Lessees must provide to the Manager, Marine Farming Branch, the records detailed at 3.4.2 at the request of the Secretary.
- 3.4.4 Lessees must notify the Manager, Marine Farming Branch, within 48 hours of using any therapeutants including antibiotics but excluding vaccines. Information provided to the Manager, Marine Farming Branch must include:
- 3.4.4.1 The names of therapeutants.
  - 3.4.4.2 The date of use.
  - 3.4.4.3 The location (to a degree of precision to the satisfaction of the Secretary) and identification of the specific cage / cages in which therapeutants have been placed.
  - 3.4.4.4 The quantities of therapeutants placed into specific cages.
- 3.4.5 Environmental data is to be collected at each finfish lease area and analysed to specific standards and in accordance with the requirements for collection, reporting and analysis as specified in the relevant marine farming licence or environmental licence.
- 3.4.6 Lessees must comply with any environmental monitoring, data analysis, interpretation, audit and review requirements determined by the Director, EPA or Secretary and notice of which is given in writing, as amended by the Director, EPA or Secretary from time to time, at the lessee's expense using such parties as are approved or nominated by the Director, EPA or Secretary.
- 3.4.7 The Secretary may require from time to time, by notice in writing, a lessee, at the lessee's expense, or a sub-lessee, at the sub-lessee's expense, to engage an independent auditor determined by the Secretary, to undertake an audit, as specified by the Secretary, of a lessee or sub-lessee's business records, and record keeping practices.
- 3.4.8 An audit undertaken under 3.4.7 may include an assessment of the accuracy and truthfulness of records with respect to the physical parameters being recorded under 3.4, for the purposes of determining compliance with any management control or licence condition.
- 3.4.9 The Director, EPA may require from time to time, by notice in writing, a lessee, at the lessee's expense, or a sub-lessee, at the sub-lessee's expense, to engage a specified consultant, scientific institute, or other entity acceptable to the Director, EPA, to conduct environmental monitoring and/or modelling in accordance with any requirements of, and to the satisfaction of the Director, EPA.
- 3.4.10 For leases that have an associated marine farming licence authorising the farming of finfish, lessees or sub-lessees must provide to the Secretary on an annual basis, unless exempted in writing by the Secretary, a production planning report for three years in advance, by lease.

## **Shellfish**

### **Baseline environmental survey requirements**

- 3.4.11 Lessees must provide a baseline environmental survey as specified by the Secretary. A baseline environmental survey must be undertaken prior to the commencement of marine farming operations on those areas;

- where a new lease area is being established; or
- when required as a condition of varying or expanding a lease area; or
- where a marine farming licence is varied to allow the farming of another species not addressed by the existing baseline survey for the lease.

Note: The Secretary will use the information from the baseline environmental survey to assess whether the area to be farmed contains any rare or endangered species or any unusual habitat and to determine marine farming licence conditions.

### **Environmental monitoring requirements**

3.4.12 Lessees must comply with the environmental monitoring requirements for collection, analysis and reporting as specified in the relevant marine farming licence.

Note: The Secretary will use the information from the environmental monitoring surveys when determining marine farming licence conditions.

3.4.13 Lessees farming or taking bivalve shellfish from the lease area for human consumption or for on-growing for human consumption must comply with the requirements of the Shellfish Market Access Program.

3.4.14 Lessees must measure the growth of samples of shellfish and report to the Secretary in relation thereto, as required by the Secretary, in areas where the growth rates of shellfish have declined and the Secretary is concerned that the carrying capacity of the area is being exceeded.

### **3.5 Abalone Farm Audit**

3.5.1 All abalone marine farming must be conducted in accordance with the DPIW's abalone farm reporting and recording procedures and requirements.

### **3.6 Chemical Controls**

3.6.1 All chemical use must comply with the requirements of the *Agriculture and Veterinary Chemicals (Control of Use) Act 1995*.

### **3.7 Controls on Waste**

3.7.1 Lessees must dispose of wastes from:

- harvesting;
- processing of produce;
- removal of fouling organisms; and
- production,

in accordance with relevant Acts or regulations and in a manner that the Secretary is satisfied will not cause an unacceptable effect on the ecology of the marine environment or nearby shorelines.

3.7.2 All mortalities arising in connection with marine farming operations must be disposed of at a site that has the necessary approvals to receive this material.

- 3.7.3 The licence holder must ensure that blood resulting from the harvesting of fish is fully contained and not allowed to enter the marine environment unless authorised in writing by the Chief Veterinary Officer and the Director, EPA.
- 3.7.4 Lessees must follow or comply with limits upon the use of a lease area if unacceptable benthic impacts specified in the relevant marine farming licence or environmental licence are identified through routine monitoring.
- 3.7.5 Lessees must ensure that Black and Grey Water resulting from the servicing of marine farming operations is not released into the marine environment unless otherwise authorised.

### **3.8 Disease Controls**

- 3.8.1 Lessees must notify an inspector of any suspicion of a notifiable disease in accordance with the *Animal Health Act 1995*.
- 3.8.2 Lessees must remove dead fish from cages in accordance with any direction from the Secretary or Director, EPA.
- 3.8.3 Lessees must participate in any fish health management plan or fish biosecurity program as directed in writing by the Chief Veterinary Officer or Secretary.

### **3.9 Visual Controls**

- 3.9.1 Lessees must ensure that all marine farming structures and equipment on marine farming lease areas conform to the following controls:
  - 3.9.1.1 All fish cages, buoys, netting and other floating marine farming structures and equipment on State Waters, other than that specified for navigational requirements, must be grey to black in colour, or be any other colour that is specified in the relevant marine farming licence.
  - 3.9.1.2 Marine farming structures and equipment must be low in profile and be of a uniform size and shape to the satisfaction of the Secretary. The Secretary will determine what constitutes a low profile and uniform size and shape.
  - 3.9.1.3 Posts on each section of racking on intertidal lease areas are to be of uniform height above sea level.
  - 3.9.1.4 Row markers on intertidal lease areas are to be of uniform height above sea level.
  - 3.9.1.5 The lease area must be kept neat and tidy to a standard acceptable to the Secretary.
  - 3.9.1.6 Floating storage huts, grading facilities and shelters must not be located within a lease area unless authorised under the relevant marine farming licence.
  - 3.9.1.7 Lessees are to ensure, to the satisfaction of the Director, EPA, that light generated from marine farming operations does not create a nuisance.

### **3.10 Access Controls**

- 3.10.1 Lessees must mark the external boundaries of the lease area in whatever manner is required by the Secretary and by the Marine and Safety Authority.
- 3.10.2 Lessees must identify the lease area in a manner specified by the Secretary.
- 3.10.3 Anchors and mooring lines that extend outside the lease area must be at least 5 metres below the surface at the boundary of the lease area and must not extend outside a marine farming zone.

### **3.11 Odour Controls**

- 3.11.1 Lessees must ensure, to the satisfaction of the Director, EPA, that odour generated from marine farming operations does not create an odour nuisance.

### **3.12 Fish Escapes**

- 3.12.1 Lessees must not intentionally release into State waters fish of the species authorised in the relevant marine farming licence unless authorised to do so by that licence.
- 3.12.2 Lessees must report to the Manager, Marine Farming Branch any significant incident of fish escapes within 24 hours of becoming aware of the escape. A significant escape is defined as any loss of licensed species to the marine environment in excess of 500 individuals at any one time.
- 3.12.3 Lessees must recover escaped fish when and in a manner as directed by the Secretary.

### **3.13 Other Controls**

- 3.13.1 Lessees must comply with the *Marine Farming Planning Act 1995* and with any other Act or regulations that may affect the lease area or the marine farming operations in that lease area.
- 3.13.2 Lessees must comply with guidelines on noise emissions made pursuant to the *Environmental Management and Pollution Control Act 1994* for marine farming operations.
- 3.13.3 Lessees must maintain marine farming structures and equipment in a serviceable condition on lease areas held by them.
- 3.13.4 Lessees must remove fouling organisms from marine farming equipment as directed by the Secretary or Director, EPA, in a manner that the Secretary or Director, EPA is satisfied will not cause an unacceptable effect on the ecology of the marine environment or nearby shorelines.
- 3.13.5 Lessees must remove redundant, dilapidated or loose marine farming structures and equipment from the lease area as directed by the Secretary.
- 3.13.6 If any part or parts of marine farming structures or equipment break away from the lease area, lessees must take action as soon as is reasonably possible to recover those structures and equipment and return them to the lease area or otherwise dispose of them in an appropriate manner.

- 3.13.7 Lessees must permit persons authorised by the Secretary or the Director, EPA to enter into and inspect the lease area at all reasonable times.
- 3.13.8 Lessees must comply with all lawful written requirements of the Secretary or the Director, EPA.
- 3.13.9 Lessees must not undertake or cause or permit another person to deliberately interact with Specially Protected, Protected or Partly Protected Wildlife (as defined in the *Wildlife (General) Regulations 2010*) except in accordance with the *Nature Conservation Act 2002* and regulations made thereunder.
- 3.13.10 Lessees must comply with any operational requirements notified by the Secretary in relation to managing, mitigating or avoiding interactions with wildlife as defined by the *Nature Conservation Act 2002*.

### **3.14 Special Management Controls**

#### **3.14.1 Zone 2 (at Breaknock Bay)**

3.14.1.1 Conventional culture of salmonids is not allowed within Zone 2.

#### **3.14.2 Zone 3 (west of Fulham Island)**

3.14.2.1 Conventional culture of salmonids is not allowed within Zone 3.

#### **3.14.3 Zone 4 (at Dunalley Bay)**

3.14.3.1 Conventional culture of salmonids is not allowed within Zone 4.

#### **3.14.4 Zone 5 (at Dunalley Bay)**

3.14.4.1 All marine farming equipment other than buoys must be sub-surface.

#### **3.14.5 Zone 7A (east of King George Island)**

3.14.5.1 Conventional culture of salmonids is not allowed within Zone 7A.

#### **3.14.6 Zone 7B (north of Chronicle Point)**

3.14.6.1 Conventional culture of salmonids is not allowed within Zone 7B.

#### **3.14.7 Zone 7C (south of Chronicle Point)**

3.14.7.1 Conventional culture of salmonids is not allowed within Zone 7C.

#### **3.14.8 Zone 14D (at Badger Cove)**

3.14.8.1 The lessee must ensure that no fish feed is placed into Zone 14D.

#### **3.14.9 Zone 16 – (west of Wedge Island)**

3.14.9.1 Within Zone 16, an area or areas that, in total, do not exceed 180 ha area is to be known as the farmed area.

The farmed area may be defined by coordinates, physical markers visible on the water surface or as otherwise specified in the relevant marine farming licence.

3.14.9.2 Within Zone 16, the lessee is to ensure that all marine farming equipment is contained within the farmed area, unless otherwise specified in the relevant marine farming licence.

Marine farming equipment is contained in the farmed area if:

- Equipment that is present on or above the water surface is only in the farmed area
- Equipment that is less than 5 metres below the surface of the water is only in the farmed area

3.14.9.3 The lessee must mark any area or marine farming equipment within Zone 16 in whatever manner is required by the Secretary and by the Marine and Safety Authority.

3.14.9.4 The leaseholder of any marine farming lease allocated within Zone 16 shall provide unrestricted access to the public to that section of the lease that is not:

- the farmed area; and
- any other area specified in the relevant marine farming licence.
- the farmed area; and
- any other area specified in the relevant marine farming licence.