

SECTION 40 REPORT

DRAFT AMENDMENT NO. 3 TO THE STORM BAY OFF TRUMPETER BAY NORTH BRUNY ISLAND MARINE FARMING DEVELOPMENT PLAN JULY 1998

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Section 40 Report in relation to the Draft Amendment No. 3 to the Storm Bay Off Trumpeter Bay North Bruny Island Marine Farming Development Plan July 1998

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I Introduction

Draft Amendment no. 3 to the Storm Bay Off Trumpeter Bay North Bruny Island Marine Farming Development Plan July 1998 (the Plan) was exhibited in accordance with section 38 of the *Marine Farming Planning Act 1995* (the Act) between 18 November 2017 and 17 January 2018. Twenty-six submissions were received during the exhibition period, including twenty-five representations which met the requirements of a 'representation' under section 39 of the Act.

This report is submitted by the Planning Authority (PA) to the Marine Farming Planning Review Panel (the Panel) in fulfilment of section 40 of the Act.

Section 40 requires that the PA forward to the Panel a report comprising:

- a copy of each representation it received in relation to the draft amendment or, if no representation has been received, a statement to that effect; and
- a copy of each request received under section 39(2)(c) or, if no request has been received, a statement to that effect; and
- a statement of the planning authority's opinion as to the merit of each representation; and
- a statement regarding –
 - (i) the need for any modification of the draft amendment in the light of any representation; and
 - (ii) the impact of any representation on the draft amendment as a whole; and
- any appropriate recommendation in relation to the draft amendment.

Appendix A contains a copy of each representation and each request received under section 39(2)(c).

Appendix B contains, in tabular form for each representation: a list of issues raised, whether the representation was accompanied by a request for a hearing in relation to the representation; and a statement of the PA's opinion as to the merit of each representation and the need for any modification of the draft amendment in the light of any representation.

The list of issues raised by each representation is cross-referenced to relevant sections of this report. Each section presents an analysis of the issues raised in the representations and it is from this analysis that the PA's opinion as to merit and the need for any modifications is formed.

The PA's recommendation in relation to the draft amendment is contained in the conclusion section at the end of the main body of this report, including a statement regarding the impact of any representation on the draft amendment as a whole.

The PA has considered each representation in full. Issues have been grouped according to theme to provide for consistent and coherent consideration of the issues in the context of the planning process. In identifying the issues raised in each representation, every effort was made to ensure that the intent of the representation was captured. Identifying issues is unavoidably subjective, in that in some instances it requires an act of judgment to determine what elements of a representation raise material issues. In making that judgement the material relevance of the comment or issue to the draft amendment in terms of the statutory process was considered.

In the vast majority of cases, representations do not warrant modification to the draft amendment or have a material effect on the draft amendment as a whole. Regardless of the PA's opinion of merit as it relates to the planning process and the draft amendment itself, all views expressed by representors are respected by the PA and representors are commended for their participatory involvement in the resource management and planning process.

In some instances opinions are expressed in representations without supporting evidence, use of examples or references to specific elements of the draft amendment. While such opinions are respected and considered, it is not always possible to provide detailed analysis of unsupported opinion. All comments have been noted. The PA does not,

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either by inclusion or omission of any statement or issue, warrant or accept that statements made in representations are accurate or correct. In the PA's opinion issues raised in representations but not directly addressed in this report do not create any need for a modification of the draft amendment.

Additional to the PA's analysis of representations, the applicant has provided a response to issues raised by representors. This is contained in Appendix C and is part of the information which has been considered by the PA in preparing this report.

Since the draft amendment was approved for exhibition, the *Finfish Farming Environmental Regulation Act 2017* has commenced, giving the Environment Protection Authority (EPA) formal functions and powers in relation to environmental management of finfish farming. In light of these legislative changes, the PA has identified a number of changes to management controls that better reflect the new regulatory environment and responsibilities. Appendix D contains recommended modifications to the draft amendment, including these changes. The PA recommends these modifications to the Panel and is of the view that they are not, for the purposes of section 37(3) of the Act, of a substantial nature.

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2 Analysis of issues

This section includes an analysis of issues raised in representations. Issues are grouped according to the section of the Environmental Impact Statement (EIS) to which they relate. Issues relating more broadly to policy and matters beyond the planning process set out in the Act are included at the end of this section.

For each topic area, the relevant representations are listed.

2.1 Proposed amendment description

2.1.1 Infrastructure and servicing

Issues raised

Representations **8, 13, 15, 17, 18, 19, 20, 21, 23, 24 and 26** raise the following issues relating to infrastructure and servicing:

- Marine debris originating from proposed operations (see also 2.2.4 birds, 2.2.5 marine mammals, 2.3.2 navigation, 2.3.7 recreational activities, 2.3.8 tourism).
- Potential infrastructure breakdown in exposed location

Discussion

The concerns described above are valid concerns relating to issues arising from infrastructure that is described in section 3.4 (infrastructure and servicing) of the applicant's EIS. Marine debris also arose as an issue in stakeholder consultation, detailed in section 4.1.3 of the EIS. Potential effects and their management are detailed in sections 6.1.2.1, 6.1.4.3, 6.1.11.5, 6.1.16.1 and 6.2 of the EIS. The applicant's response to the issues raised by representors is provided in Appendix C.

The plan also contains existing management controls to manage and mitigate potential marine debris originating from proposed operations. The relevant controls are 3.12.3, 3.12.5 and 3.12.6. These controls provide regulatory powers to require the operator to maintain all equipment within the lease area and take action as soon as reasonably possible to recover any structures or equipment that break away from the lease area. Additionally, under control 3.01 of the existing plan, lessees must comply with any written direction given by the Secretary.

In December 2017 the Tasmanian Government published its 'Sustainable industry growth plan for the salmon industry' (Salmon Plan) which contains initiatives aimed at managing environmental and community impacts associated with salmon farming. This includes an action to adopt a zero tolerance approach to marine debris and related boating safety issues through the planned introduction of best practice tracking technologies and simple ways to identify the source of debris. These actions complement the existing measures to manage debris arising from salmon farming activities that are also detailed in the Salmon Plan.

Recommendations and suggestions from representors relating to management of infrastructure and servicing issues, particularly in relation to marine debris, included:

- Expansion of the 1300 hotline for marine debris in the Huon River and Port Esperance Marine Farming Development Plan (MFDP) and D'Entrecasteaux Channel MFDP areas to apply to all growing regions in Tasmania.
- That operators use rope that can be clearly identified as originating from their activities, name or brand equipment used within the zones and install GPS trackers on substantial pieces of equipment that have the potential to break free from the lease.

The applicant has indicated in their EIS that they intend to install GPS trackers on key equipment.

The PA notes that, whilst the existing management controls are significant and give broad powers in relation to management of infrastructure that may contribute to marine debris, additional, more specific powers could be considered. If the Panel forms the view that it is necessary or desirable for the Plan to provide additional, specific management controls relating to marking and monitoring of marine farming equipment to assist in the management of marine debris, the Panel may determine to modify the draft amendment to include the following controls in 3.12 Other controls:

- 3.12.x1 The Secretary may, from time to time, determine requirements for the marking and monitoring of marine farming equipment.
- 3.12.x2 Upon making a determination under 3.12.x1, the Secretary is to notify any leaseholders or, if a lease is sub-leased, any sub-lessees of the determination.
- 3.12.x3 A lease holder or, if a lease is sub-leased, any sub-lessees notified in accordance with 3.12.x2 must comply with that notice.

Additionally, management control 3.12.5 could be modified to apply to all State waters, giving a visible management control under which a lessee can be required to remove marine farming equipment from State waters altogether, regardless of whether or not it is in a lease area at the relevant time. The PA proposes that the words 'the lease area' in management control 3.12.5 are replaced with 'State waters'.

The PA has undertaken further investigation of risk management arrangements in relation to the proposed scale of development, the level of exposure of the site and potential for serious environmental harm in the event of catastrophic failure of systems or equipment. Following consultation with Marine and Safety Tasmania (MAST), the Australian Maritime Safety Authority (AMSA) and the EPA, the PA has formed the view that it is desirable that the draft amendment is modified to include requirements for verification that the lessee has appropriate systems, capabilities and equipment to both minimise the risk of infrastructure failures and ensure appropriate response capability in the event of a failure. Whilst the recommended approach does not directly mirror 'classification' survey or requirements for operation of marine ports, the PA believes that the proposed management controls would complement AMSA requirements for operation of vessels used in connection with the proposed development and would add a level of assurance for government and the community in relation to risk mitigation. The PA recommends that the Panel considers modifying the draft amendment to:

a) delete management control 3.8.1.3 and replace it with the following in 3.12 Other controls

- 3.12.x1 Vessels, other than vessels that enter the lease area on a transient or itinerant basis, must not be located within a marine farming lease area unless authorised under the relevant marine farming licence.

b) add the following management controls to 3.12 Other controls:

- 3.12.x2 In making any application for the grant or renewal of a marine farming licence, a lessee is to provide evidence to the satisfaction of the Secretary that the systems, capabilities and equipment applied or to be applied by the lessee, or sub-lessee are appropriate to the risks associated with occupation or activity under the lease, including (and not limited to), vessels, moorings, preparedness for unexpected events, training and practice, recovery and salvage and any matters, and/or to any standards specified by the Secretary.
- 3.12.x3 In making any application for the variation of a marine farming licence to authorise a vessel under 3.12.x1, a lessee is to provide evidence to the satisfaction of the Secretary that the systems, capabilities and equipment applied or to be applied by the lessee, or sub-lessee are appropriate to the risks associated with location of the relevant vessel within the lease area, including (and not limited to) preparedness for unexpected events, training and practice, recovery and salvage and any matters, and/or to any standards specified by the Secretary.
- 3.12.x4 It is a condition of a marine farming licence issued following the provision of evidence under 3.12.x2 and/or varied following the provision of evidence under 3.12.x3, that the licence holder at all times maintains the systems, capabilities and equipment to the standard on which the evidence was based.

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3.12.x5 For the purpose of assessing compliance with 3.12.x4, the Secretary may require from time to time, by notice in writing, a licence holder, at the licence holder's expense, to engage a specified person or other entity acceptable to the Secretary, to review the systems, capabilities and equipment applied at that time or any earlier time and provide an opinion as to whether they meet or met the standard on which the evidence was based.

Planning Authority Recommendation

The PA considers that the issues raised have merit and recommends that the Panel:

- considers whether further management controls are necessary or desirable in relation to marking and monitoring of marine farming equipment
- modifies management control 3.12.5; and
- modifies the draft amendment to include management controls relating to engineering and infrastructure management systems, capabilities and equipment.

2.1.2 Stock husbandry aspects

2.1.2.1 Fish feeding

Issues raised

Representations **11, 16, 24 and 26** raise the following perceived issues relating to fish feed:

- Human health implications from fish feed components.
- The potential for uneaten feed from marine farming activities to be consumed by wild fish (having effects on behaviour, health, reproduction and ecology) (see also 2.2.2 substrates and fauna).

Discussion

Information relating to fish feeding is presented in section 3.5.2 of the applicant's EIS and the applicant's response to issues raised by representors is provided in Appendix C.

Human health issues associated with farmed seafood are beyond the scope of marine farming planning processes.

The Plan contains existing management controls relevant to potential impacts of feed input in the marine environment. Relevant management controls are 3.2.1-3.2.8. These management controls provide for regulatory limits to be imposed by the regulator on feed/nutrient inputs, indirectly restricting the total amount of feed available for scavenging wild species. They also create a strong economic incentive for operators to minimise feed wastage.

The management controls also provide for regulatory action where significant biological impacts are identified. Further, existing management control 3.01 (contained in the Plan) requires an operator to comply with any direction given by the Secretary. This gives the Secretary a broad power to apply regulatory approaches as considered necessary.

Planning Authority Recommendation

The PA considers that the issues raised do not warrant modification to the draft amendment.

2.1.3 Decommissioning and rehabilitation

Issues raised

Representations **21 and 26** raise an issues relating to decommissioning and rehabilitation of marine farming sites.

Discussion

The concerns described above relate to information that is described in section 3.7 of the applicant's EIS. The applicant's response to the issues raised by representors is provided in Appendix C.

The plan contains existing management controls (3.12.1 and 3.12.5) that require lessees or sub-lessees to comply with the *Marine Farming Planning Act 1995* and remove redundant, dilapidated or loose marine farming structures and equipment from lease area as directed by the Secretary.

The removal of equipment and fish from an area is required under section 71 of the *Marine Farming Planning Act 1995*. Under s.71, the person who is a holder of a lease (or permit under the *Living Marine Resources and Management Act 1995*) is required to remove, within a specified period, any equipment, debris and fish stock resulting from the occupation of that area by the holder or a sublessee. Furthermore, under s.72, if a person fails to comply with s.71, the Minister, without notice may seize any marine farming equipment, debris or fish stock within the area referred to and any reasonable costs incurred by the Minister in exercising power under s.71 are recoverable from the person who held the lease or permit.

Planning Authority Recommendation

The Planning Authority does not consider that any changes to the draft amendment are required as a result of the information received from representors in relation to decommissioning and rehabilitation.

2.2 Impacts on the Natural Environment

2.2.1 Water quality

Issues raised

Representations **6, 11, 13, 14, 18, 19, 20, 22, 24, 25 and 26** raise issues relating to the following perceived potential impacts on water quality:

- Concern that increased nutrient loads could lead to biofouling or other physico-chemical changes that reduce habitat for wild fish and shellfish, including, in particular, reef habitat.
- Potential increased nutrient levels lead to increased prevalence of harmful algal blooms (such as paralytic shellfish toxin), reducing access to commercial or recreational fisheries via increased fisheries management closures. Harmful algal blooms are discussed further in section 2.2.2 Substrates and fauna.
- Concern about water quality in the Derwent Estuary, for example: potential increased nutrient loads in bottom waters in Storm Bay lead to increased nutrient levels in the Derwent Estuary; increased nutrient levels in Derwent Estuary leads to mobilisation of heavy metal contaminated sediments; resuspension of nutrient enriched sediment / bottom water during storm events causes reduced water quality in Derwent Estuary leading to ecological impacts.
- Concern about water quality in poorly flushed embayments connected to Storm Bay such as Fredrick Henry Bay, Norfolk Bay and other small embayments fringing Storm Bay, for example potential nutrient enrichment impact on these shallow, clear and biodiverse systems valued by the recreational fishing community and which may provide critical habitat to key species. Recreational fishing is discussed further in section 2.3.6.

- Concern that waste may not be adequately diluted and may not be carried off by water movement in the bay causing reduced water quality and marine life in the region to be negatively affected.
- Concern that increased nutrient loads lead to algal overgrowth and shading which leads to loss of giant kelp, sea grass and other macrophytes. Concerns relating to marine vegetation are discussed in section 2.2.3 marine vegetation.
- Potential for cumulative impacts between existing and proposed developments across the Storm Bay region.

Discussion

The concerns described above relate to issues that have been investigated in section 6.1.1 of the applicant's EIS. The applicant's response to the issues raised by representors is provided in Appendix C.

Recommendations and suggestions from representors relating to management of water quality issues included:

- Support for production levels to be regulated through a total permissible dissolved nitrogen output (TPDNO) cap
- Support for the establishment of an environmental monitoring program and biogeochemical model
- Recommendation that the Plan include a TPDNO cap that corresponds with the proposed total biomass production (40,000 tonnes) rather than including the TPDNO cap as a licence condition. The commenter recommended that in the absence of this, the separate assessment process that would be required for any expansion beyond 40,000 tonnes of production should be described. (This is discussed further in 2.2.11 Environmental management).
- Recommendation that proposed development stages are tied to achievement of milestones and deliverables.
- Recommendation that environmental triggers are established with clear management responses, should the monitoring program demonstrate that these triggers have been exceeded.
- Observation that food conversion ratio's and associated nutrient yields used to convert feed volumes to TPDNO's may be outdated and should be reviewed.
- Recommended consideration of modelling the impacts to nutrient sensitive systems and receptors, specifically highlighting poorly flushed embayments adjacent to and fringing Storm Bay, and the Derwent Estuary. This representor also recommended investigating potential impacts across a range of conditions including storm events.
- Recommendation that results of baseline monitoring and early stage modelling should be interpreted with caution.
- Recommendation that monitoring information should be made publically available and that management controls should, if necessary, be amended to facilitate this.

The plan sets out management controls to manage and mitigate the potential impacts of marine farming on water quality. The relevant management controls are 3.1, 3.2.1-3.2.8, 3.3.1-3.3.7, 3.4.1, 3.4.5-3.4.10, 3.6.1 and 3.6.5. These management controls provide for regulatory controls to:

- limit nutrient inputs;
- adjust permissible stocking density;
- require environmental monitoring, assessment, audit and review; and
- regulate waste streams to the environment such as black and grey water.

The proposed management controls are part of the adaptive management framework that has been adopted for both enabling and regulating the salmonid industry in Tasmania. Changes made to the regulatory framework in December

2017 include the provision of powers for the Director EPA to directly regulate finfish farming impacts to the environment, including the issuing of environmental licences under the EMPCA.

Information presented in the EIS and by the PA makes reference to biomass production as a unit of reference in the context of limiting dissolved nitrogen output from marine farming activities. These values are indicative only and are used to illustrate relative levels of dissolved nitrogen output. This approach has been taken, in recognition that dissolved nitrogen is relatively abstract, to help readers by providing a more tangible unit of reference. The PA understands that this has led some representors to focus on the 'food conversion ratio' (FCR) used to equate dissolved nitrogen output with biomass production. However, aside from the purpose of illustration, this ratio is immaterial to the quantities of nitrogen that have been modelled. The existing (and proposed) management framework is that nitrogen output is limited based on feed inputs.

This proposal is one of three current proposed marine farming developments in Storm Bay. Nutrient dispersion modelling and analysis of a combined level of production of 40,000 tonnes per annum has been undertaken by the Institute for Marine and Antarctic Studies (IMAS) using the CONNIE3 model to investigate the likely dispersion of nutrients across Storm Bay. The results of this modelling are included as an attachment to the applicant's EIS. The modelling showed the highly dispersive nature of Storm Bay and suggested that there are temporal differences in dispersion likely resulting from seasonal variations in hydrodynamics and temporal differences in farm inputs relating to feed input requirements across the production cycle. The modelling also suggested that dispersion is reduced with depth.

In relation to the assertion that there will be increased deep water nutrient loads to the lower reaches of the Derwent Estuary as a result of this and other proposals in Storm Bay, the PA notes that the dispersion modelling presented in the EIS specifically considered bottom water nitrogen emissions across a depth range of 15-28m that were equivalent to 10% of the total emissions. The modelled outputs did not predict a significant exchange of ammonia into the Derwent at this depth.

IMAS states that the modelling is only indicative of the system conditions and as such, caution is required when interpreting the results. IMAS reports that the estimates of connectivity are likely to be fairly reliable as the hydrodynamic patterns in Storm Bay are reasonably well understood and well represented in the model, however a greater level of model validation is required, in particular, where predictions relate to biological outcomes or interactions.

The limitations of the currently available science relating to biogeochemical processes in Storm Bay have been acknowledged by the PA and the EPA. The parameters used for the preliminary dispersion modelling contained in the EIS were developed following advice from marine ecologists and modelling experts.

The Government considers that development of a biogeochemical model for the region is necessary to inform ongoing management of marine farming in Storm Bay and a project with IMAS and CSIRO to undertake development of the model will commence in the near future, in time for winter 2018 sampling to be conducted.

In the context of Storm Bay, the framework acknowledges the gaps in knowledge about how the environment will respond to increased levels of production. The proposed adaptive management approach would be underpinned by:

- Licence conditions imposed by the EPA through an environmental licence under the *Environmental Management and Pollution Control Act 1994*
- Establishment by the EPA of environmental standards / guideline limit levels and performance indicators for water quality
- A staged development approach overseen by the EPA
- A comprehensive environmental monitoring program (including near-scale, intermediate and broad-scale monitoring) overseen by the EPA
- The development of a biogeochemical model, to help to understand the information provided by the environmental monitoring and the effects of any changes to farming operations in the region.

In relation to TPDNO limits, the EPA sets this limit in accordance with responsibilities under EMPCA. The EPA has indicated that initial TPDNO limits will be conservative, recognising that scientific information is not currently available to predict the environmental effects of high levels of production.

Information presented in the EIS and by the PA makes reference to biomass production as a unit of reference in the context of limitations on dissolved nitrogen output from marine farming activities. These values are indicative only and are used to illustrate relative levels of dissolved nitrogen output. This approach has been taken in recognition that dissolved nitrogen is relatively abstract, to help readers by providing a more tangible unit of reference. The PA understands that this has led some representors to focus on the 'food conversion ratio' (FCR) used to equate dissolved nitrogen output with biomass production. However, aside from the purpose of illustration, this ratio is immaterial to the quantities of nitrogen that have been modelled. The existing (and proposed) management framework is that nitrogen output is limited based on feed inputs.

Planning Authority Recommendation

The PA does not consider that any changes to the draft amendment are required as a result of the information received from representors in relation to water quality.

2.2.2 Substrates and fauna

Issues raised

Representations **6, 11, 13, 14, 15, 16, 17, 19, 20, 22, 24, 25 and 26** raise issues relating to the following perceived potential impacts on substrates and fauna:

- Concern that increased nutrient loads may lead to biofouling or other physio-chemical changes that reduce habitat for wild fish and shellfish, including, in particular, reef habitat.
- Concern that fish feed consumption by marine fauna; bacterial mats on sediment surface; and/or spontaneous gas bubbling resulting from discharge of fish feed and faeces to the environment; may result in impacts on wild fish recruitment, health, growth rates and likelihood to remain in and around farm lease areas. (Species explicitly listed were crayfish, abalone, flathead, flounder, whiting. Concerns about both habitat availability as well as health and lifecycle stage impacts were raised).
- Concern that nutrient loads may be greater than the nutrient assimilation capacity of Storm Bay and the benthic system may not be adapted to these higher levels of nutrient and organic loading, leading to degradation of the benthic system and that this degradation could include increased numbers of introduced marine pests.
- Concern that increased nutrient loads lead to impacts on handfish via impacts on benthic habitat.
- Concern that farm layout/ location causes direct deposition of solid waste on benthic habitat that is important for marine fauna and flora survival.
- Concern about potential effects in combination with other existing and proposed marine farms in the region. Holistic impacts are discussed further in section 2.4.2 holistic impacts.

Discussion

The concerns described above relate to issues that have been investigated in sections 6.1.2, 6.1.3, 6.1.6, 6.2.8 and 6.2.9 of the applicant's EIS. The applicant's response to the issues raised by representors is provided in Appendix C.

Established industry practices manage feed and faeces waste impacts to substrates through the following means as outlined in the applicant's EIS:

- site selection to avoid sensitive receptors being located below or immediately adjacent to the lease area, and to maximise waste dispersion;
- production and fallowing cycles tailored to the dispersive and assimilation characteristics of the lease area;

- feed system optimisation to minimise feed waste;
- stocking density management;
- optimised bio-fouling management to reduce waste discharge resulting from net cleaning activities, including avoidance of the use of anti-foulant paint on fish pens; and
- monitoring of visual, physico-chemical and biological indicators underneath and adjacent to the lease area in order to detect impacts and take appropriate actions if impacts are detected.

Recommendations and suggestions from representors relating to management of substrates and fauna issues included:

- The Tasmanian Seafood Industry Council (TSIC) stated that it supports a 1.5nM buffer between any rocky reef habitat and salmon farm locations. TSIC noted that consultation over Storm Bay proposals has progressed under a 1km buffer distance but states it would show considerable good will if the 1.5nM distance could be achieved;
- Recommendation that Management Control 3.3.1 is changed from an allowable stocking density of 25kg/m³ to the stocking density quoted in the EIS, of 8 to 10 kg/m³;
- Recommendation that IMAS is funded to conduct a side scan “swath” mapping project to update or create habitat maps within each of the potential salmon farming "green zones" identified in the Salmon Plan, including within Storm Bay. A related suggestion was that system-wide mapping of the location of sensitive or threatened communities/species should be provided and if there are potential risks to EPBC-listed species or communities, these should be assessed accordingly;
- Query whether monitoring control sites for visual, physico-chemical or biological impacts at 35m are appropriate in these more exposed sites where there is increased dispersion of feed and waste. The suitability of this management control is discussed in Section 2.2.11 Environmental Management; and
- Recommendation that fish feed and faeces waste should be collected rather than allowed to discharge to the environment.

Finfish farming interacts with the ecosystem through water quality, the benthos and physical presence of equipment, nets, fish and feed, and existing management controls contain measures to limit the extent of each of these interactions, as well as to monitor impacts and apply management responses. The plan contains management controls to manage and mitigate the potential impacts of marine farming on substrates and fauna. The relevant management controls are 3.1, 3.3.1-3.37, 3.4.1-3.4.10, 3.6.1-3.6.5, 3.12.4. These management controls provide for regulatory controls to:

- limit significant visual, physico-chemical or biological impacts at or extending 35m from the boundary of the lease area
- require monitoring of environmental parameters within the lease area, 35m outside the lease area and at control sites
- specify a maximum permissible stocking density and the ability of the regulator to alter it at any time should he/she consider it appropriate
- require following of farmed areas if bubbles of hydrogen sulfide and / or methane gases form in the sediment and rise to the surface without physical disturbance of the seabed
- require a minimum distance of 1m between the finfish cage net and the seabed
- specify baseline environmental survey requirements for lease areas prior to the commencement of marine farming operations in order to determine any licence conditions that may be required to manage environmental values
- require the keeping of production records for each lease area, including stocking density, feed, chemical and therapeutant inputs and mandatory reporting when required by the regulator
- require environmental monitoring, assessment, audit and review; and controls on waste from harvesting, processing of produce, removal of fouling organisms and production.

- establish controls for managing waste from operations and harvesting; as well as removal of fouling organisms from marine farming infrastructure

These management controls are part of the adaptive management framework which includes a broadscale environmental monitoring program and development of a biogeochemical model to inform management decisions about appropriate levels of farming in Storm Bay. The importance of protecting inshore and deep-water reefs is highlighted through inclusion in the proposed monitoring program. A suite of research, existing and ongoing, considers the potential effects of finfish farming on receiving ecosystems and / or target wild species and the outcomes of this work will be used to inform ongoing adaptive management. This includes research as part of the Fisheries Research and Development Corporation (FRDC) project 2015-024 “Managing ecosystem interactions across differing environments: building flexibility and risk assurance into environmental strategies”, to specifically consider the potential for interactions between salmon farming and local fringing reefs, risk appropriate monitoring strategies and to identify potential indicators of adverse impacts. This project is due for completion at the end of 2018. Publications associated with the research as well as the final reports will be made publicly available. The findings of this project will assist the design and implementation of reef monitoring for Storm Bay.

The EPA is empowered through these management controls (currently under delegation) and through powers under EMPCA (including environmental licences) to manage effects of finfish farming on substrates and fauna. TPDNO is used as the primary input control to limit environmental effects of finfish farming. As such stocking density is a secondary tool that may be used to control finer scale parameters within the lease area if determined necessary by the regulator. In this context, the PA considers that a maximum stocking density of 25kg/m³ is not inappropriate and notes that it is consistent with most other plan areas.

Comprehensive habitat mapping to 40m depth has been completed. There is a body of knowledge for habitats in Storm Bay at depths greater than 40m and this will be added to through future research. Overall management and regulation of effects in deep water habitats, including monitoring requirements, will be determined by the EPA.

Harmful Algal Blooms

IMAS have reported that the incidence of harmful algal blooms (HABs) in waters off the east coast of Tasmania have increased markedly as a result of rising sea temperatures in this region, driven by a southerly extension of the east Australian current. IMAS report that the increased prevalence of HABs poses a significant risk to salmonid aquaculture on the east coast of Tasmania¹. There is no evidence of nutrients generated from marine farming increasing the prevalence of HABs on the eastcoast of Tasmania.

A study undertaken in Scotland which reviewed the interaction between fish farming and algal communities of the Scottish waters concluded that it is very unlikely that fish farming would have a large-scale impact on the occurrence of harmful algal blooms, particularly on toxic algae².

The broadscale environmental monitoring program that will be used to inform the development and management of the expansion in Storm Bay will include phytoplankton (community composition and abundance) sampling, and as such, will have capacity to detect HABs and associated environmental conditions (both natural and anthropogenic).

Effects of farms on wild fish stocks

See Section 2.3.6 Recreational Fishing for discussion of trends in recreational fisheries in the D’Entrecasteaux Channel and Frederick-Henry – Norfolk Bay areas. The PA is also mindful of continuing research into ecosystem interactions that occur within the greater Storm Bay area. If this research recommends an alternative/new management approach in relation to the management of effects of marine farming on wild fish, proposed management control (3.01) would be suitable to initiate a management change. Additionally, powers under EMPCA or other relevant legislation may be exercised by the appropriate authority.

Planning Authority Recommendation

¹ Macleod et al (2016) Institute for Marine and Antarctic Studies University of Tasmania Submission to the Marine Farming Planning Review Panel Independent Assessment of salmon farming at Okehampton Bay.

² Rydberg et al (2003) The Interaction between Fish Farming and Algal Communities of the Scottish Waters - a Review. Report to Scottish Executive. Environment Group Research Report 2003/04.

The PA does not consider that any changes to the draft amendment are required as a result of the information received from representors in relation to substrates and fauna.

2.2.3 Marine vegetation

Issues Raised

Representations **19, 22 and 26** raise concerns about the following issues in relation to marine vegetation:

- Increased nutrient loads may lead to algal overgrowth/biofouling and shading which leads to loss of seagrasses and macrophyte communities.
- Proposed location of operation may cause direct deposition of solid waste on benthic habitat that is important for marine fauna and flora survival.
- Concern about potential effects in combination with other existing and proposed marine farms in the region. Holistic impacts are discussed further in section 2.4.2 Holistic Impacts.

Discussion

Information relating to the effects of the proposed development on marine vegetation is presented in section 6.1.3 of the applicant's EIS. The EIS acknowledges that marine farming operations have the potential to impact marine vegetation depending on where proposed operations are situated. Impacts are identified as both the physical growth of algae on infrastructure (pen netting) and the resulting shading effects on the underlying substrates; and algal growth being promoted by dissolved nitrogen and phosphorous released into the receiving environment from salmonid farming operations, causing degradation of existing macroalgal communities (e.g. through reduced light penetration).

Section 5.2.1 of the EIS provides an overview of the marine vegetation assessment (also detailed in Appendix H of the applicant's EIS) and section 5.1.2 describes the substrate types within the proposed zone. The assessment describes the substrates as fine to medium sands and silt with no significant evidence for the presence of marine vegetation in any part of the survey area. The only macroalgae detected in the survey area were green and red drift. The applicant states that any occurrence of intertidal and sub tidal rocky reefs is at least 1 km from the SB 1-4 zones and 1.5 km from the proposed East of Yellow Bluff Zone.

Several studies are referenced (section 6.1.3.1 Recognised effects of farming emissions on marine vegetation) that looked at the long-term impacts of salmon farm development on macroalgal assemblages, highlighting the finding by Oh (2009) that variations in the detectable effects of fish farms can be anticipated at scales of hundreds of metres but these would rarely reach distances of more than a kilometre away from farming areas.

The draft amendment sets out management controls to manage and mitigate the potential impacts of marine farming on marine plants. These include; 3.1.1, 3.1.2, 3.2.1, 3.4.1, 3.4.5, 3.4.6, 3.4.9, 3.12.1, 3.12.4 and 3.13.8. These management controls enable management of physico-chemical and biological impacts, recording and monitoring of any impacts and controls on waste (including fouling organisms) in relation to marine plants.

The function of these controls, in the context of ongoing research and monitoring and the adaptive management framework, is discussed in 2.2.1 water quality and 2.2.2 substrates and fauna.

Planning Authority Recommendation

The PA does not consider that any changes to the draft amendment are required as a result of the information received from representors in relation to marine vegetation.

2.2.4 Birds

Issues Raised

Representations **9, 19, 20, 26** raise concerns about the following issues in relation to birds:

- Entanglement in marine debris originating from marine farms and vessels may cause harm to birdlife (see also 2.2. infrastructure and servicing).
- The location of the proposal may increase the risk of sea bird entanglements and potentially negatively impact on feeding and congregation grounds and potentially alter behaviour.
- Confusion of migratory birds caused by light pollution.
- Concern about potential effects in combination with other existing and proposed marine farms in the region. Holistic impacts are discussed further in section 2.4.2 holistic impact assessment.

Discussion

Information on birdlife is presented in section 5.2.4 of the applicant's EIS which details the known bird species associated with the proposed location. Birdlife Tasmania provided the applicant with details around the potential impacts on bird species arising from the proposed amendment based on recordings/sightings within a 5 km radius.

Section 6.1.4 of the applicant's EIS describes the potential effects on birds from proposed operations and proposed mitigation measures. This includes section 6.1.4.2 (roosting, nesting and feeding sites), and 6.1.4.4 (mitigation measures), bird entanglement protocols and records, and removal procedures.

Information on marine debris and mitigation measures to reduce debris that could attract and/or entangle bird life are detailed in section 6.1.11 (waste streams disposed on land) of the applicant's EIS. This section addresses marine debris and mitigation measures to reduce debris that could attract and/or entangle bird life (see also 2.1.1 infrastructure and servicing for marine debris management).

Concerns were also raised in representations about the potential impact of (night time) lighting on flora and fauna surrounding fish pens.

Management control 3.8.1.4, whilst designed to mitigate light pollution on the human environment, would also be appropriate in reducing impact on migratory birds (shearwaters). Further, lighting, to the extent that it constitutes a pollutant under EMPCA, may be managed through conditions on an environmental licence. Lighting in relation to navigational aids are required to conform to certain legislative standards and are further discussed in 2.3.2 navigation.

The plan contains management controls to manage and mitigate the potential impacts of marine farming on birds. These include; 3.1.1, 3.1.2, 3.4.1, 3.4.6, 3.4.9, 3.6.1, 3.8.1.4, 3.12.1, 3.12.4, 3.13.5, 3.13.8, 3.13.10, 3.13.11, 3.13.12 and 3.13.15. These management controls provide for regulatory controls to enable management of physico-chemical and biological impacts, recording and monitoring of any impacts, controls on waste and controls on minimising physical impacts on birds.

Planning Authority Recommendation

The PA's recommendation in relation to marine debris issues is contained in section 2.1.1.

The PA does not consider that any further modifications to the draft amendment are required as a result of the information received from representors in relation to birds.

2.2.5 Marine mammals

Issues Raised

Representations **9, 11, 13, 15, 17, 19, 20, 24 and 26** raise the following perceived issues relating to potential impacts on marine mammals:

- The proposed location of marine farming operations may result in more interactions with marine mammals and other fauna with increased potential for entanglements marine farming equipment (see also 2.4.5 zone/lease size and location).

- Entanglement in marine debris originating from marine farms and vessels may cause harm to marine mammals (see also 2.1.1 infrastructure and servicing for marine debris management).
- Threatened whales may be impacted by industrial marine noise if their migratory routes overlap with the effects of marine farming operations (see also 2.2.6 threatened species and 2.4.2 holistic impact assessment).
- Potential for the proposed activity to lead to localised and increased concentrations of seals.
- Concern about potential effects in combination with other existing and proposed marine farms in the region. Holistic impacts are discussed further in section 2.4.2 holistic impact assessment.

Discussion

Information relating to the issues raised is presented in section 5.2.5 (marine mammals), 5.2.6 (threatened species), 6.1.5 (marine mammals), 6.1.6 (threatened species) and 6.1.11 (waste streams disposed on land) of the applicant's EIS. The applicant's response to issues raised by representors is provided in Appendix C.

The relevant sections of the EIS describe marine mammal species that are known to occur (or have occurred) in Storm Bay. Furthermore, the EIS details potential impacts on these species and proposes mitigation measures. Section 6.1.6 provides additional detail on key potential threats including comment from the applicant on each threat identified.

The existing plan includes management controls that prescribe operational requirements relating to a range of wildlife, including marine mammals. These controls aim to mitigate and manage interactions with wildlife, pursuant to relevant legislation such as the *Threatened Species Protection Act 1995* and *Nature Conservation Act 2002*.

The PA observes that these management controls are now out-of-date. The PA has made a recommendation in relation to these management controls in the conclusion.

There is sufficient anecdotal evidence to indicate that the existence of fish farms does lead to a concentration of seals and consequent interactions. It is possible that increased marine farming activity could result in local increases in seal numbers into the future. Section 6.1.5 (marine mammals) of the applicant's EIS addresses potential impacts and mitigation measures related to seals. Sub-section 6.1.5.2.3 of the applicant's EIS references the DPIPWE Seal Management Framework 2014. The framework is currently under review. The relocation of seals as a tool for managing interactions with marine finfish farms was ended in December 2017. The Department continues to work with the aquaculture industry to identify appropriate mechanisms to assist in managing seal interactions.

Planning Authority Recommendation

The PA's recommendation in relation to marine debris issues is contained in section 2.1.1.

The PA does not consider that any further modifications to the draft amendment are required as a result of the information received from representors in relation to marine mammals.

2.2.6 Threatened species

Issues Raised

Representations **9, 13, 19, 20, 22 and 24** raise issues relating to the following potential impacts on threatened species:

- Potential for increased nutrient loads leading to impacts on threatened species (namely handfish) via impacts on benthic habitat (see also 2.2.1 water quality and 2.2.2 substrates and fauna).
- Threatened whales may be impacted by industrial marine noise if their migratory routes overlap with the effects of marine farming operations (see also 2.2.5 marine mammals and 2.4.2 holistic impact assessment).

- Farm layout / location / existence may result in more interactions with marine mammals and other fauna with increased potential for entanglements (see also 2.2.5 marine mammals).
- Concern about potential effects in combination with other existing and proposed marine farms in the region. Holistic impacts are discussed further in section 2.4.2 holistic impact assessment.

Discussion

A number of the concerns raised relate to issues that have been addressed in the applicant's EIS i.e. sections 5.2.3 (fish), 5.2.4 (birds), 5.2.5 (marine mammals) and section 5.2.6 (threatened species). These sections of the EIS provide a tabulated guide of all identified threatened species in Storm Bay with relevant listing status under relevant legislation. Further information on all of the listed species can be found in section 6.1.6 (threatened species). This section and following sub-sections, provides additional detail on key potential threats for each listed species including comment from the applicant on each threat identified. Section 6.1.6.2 provides the mitigation response as appropriate to the identified threatened species.

Potential impact on spotted handfish was raised within a number of representations. Impacts from pollution, dredging and introduced species (North Pacific Seastar) and coastal development have been identified as being the key impacts on this species. Notwithstanding these potential impact sources, the PA notes that spotted handfish have been detected co-existing with established finfish marine farming operations. Environmental monitoring surveys within an operational finfish marine farming lease area in the lower reaches of the Huon River have shown spotted handfish to be inhabiting the site.

In the context of threatened communities (giant kelp), the applicant's EIS acknowledges that marine farming emissions contribute to nutrient loads that can possibly impact upon water quality parameters (section 6.1.6.1). In the EIS, the applicant considers that potential impacts to giant kelp communities will be diminished because the site is exposed, meaning that nutrient inputs are quickly dispersed. Representations raised industrial marine noise concerns on threatened marine mammals as a potential impact. Management control 3.12.2 requires lessees to comply with noise emissions guidelines made pursuant to the EMPCA for marine farming operations.

The draft plan sets out management controls to manage and mitigate the potential impacts of marine farming on threatened species. These include; 3.1.1, 3.1.2, 3.2.1, 3.4.1, 3.4.5, 3.4.9, 3.6, 3.8.1.5, 3.12.1, 3.12.2, 3.12.5, 3.12.8, 3.12.10, 3.12.11, 3.12.15. These management controls provide for regulatory controls to enable management over physico-chemical and biological impacts, recording and monitoring of any impacts, controls on waste and controls on minimising physical impacts on threatened species.

The PA observes that management controls 3.12.9 through 3.12.15 are out-of-date. The PA has made a recommendation in relation to these management controls in the conclusion of this report.

Additionally, there is a number of pieces of State and Commonwealth legislation that are designed to protect and enhance threatened species and communities, including; the *Tasmanian Threatened Species Protection Act 1995* and the *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999*

Databases including the *Tasmanian Natural Values Atlas*, the *Atlas of Living Australia* and the *Birdlife Tasmanian database*, provide additional resources that may be used to monitor any changes to distributions and abundances of threatened species.

These databases contain references to individual sightings of the various listed species, however in some instances e.g. spotted handfish and wedge tail eagle nests, specific locations are not generally provided as a measure to further protect these species and their habitats from inadvertent human behaviour. The location of the newly reported population of handfish has not been disclosed. However, IMAS has advised that the new population is unlikely to be any more susceptible to impacts associated with proposed Storm Bay development than the existing population.

The PA is also mindful of continual research into threatened species that occur within the greater Storm Bay area, and if in the future, this research recommends an alternative/new management approach to the protection and/or enhancement of one of these threatened species, management control (3.01) would be suitable to initiate a management change. Additionally, powers under EMPCA or other relevant legislation may be exercised by the appropriate authority.

Planning Authority Recommendation

The PA's recommendation in relation to marine debris issues is contained in section 2.1.1.

The PA does not consider that any further modifications to the draft amendment are required as a result of the information received from representors in relation to threatened species.

2.2.7 Chemicals

Issues raised

Representation **26** raises issues relating to the use of therapeutants (such as antibiotics) and the potential link to increased 'superbugs'.

Discussion

The concerns described above relate to information that described in section 6.1.8 and 6.1.10 of the applicant's EIS. The applicant's response to the issues raised by representors is provided in Appendix C.

The plan contains existing management controls relating to the use of antibiotics and other chemicals. Specifically, management control 3.4.2.3 requires operators of a marine farming licence to maintain records of all chemicals used (including but not limited to antibiotics) for a period of 5 years. Furthermore, control 3.4.3 provides for the Secretary to request that the lease holder provide this information. Management controls under 3.4.4 provide for reporting the details of any antibiotics used to the Manager, Marine Farming Branch within 48 hours. The use of chemicals is further regulated by management control 3.5 which requires the use of all chemicals to comply with the requirements of the *Agriculture and Veterinary Chemicals (Control of Use) Act 1995*. Disease controls are also provided in section 3.7 of the management controls.

Reported antibiotic use in salmon farming in Tasmania has decreased substantially over the past decade. No antibiotics use was reported in 2017.

Planning Authority Recommendation

The Planning Authority does not consider that any changes to the draft amendment are required as a result of the information received from representors in relation to chemicals.

2.2.8 Disease and biosecurity

Issues raised

Representations **16, 19, 24, 26** raise the following perceived potential issues relating to disease and biosecurity:

- *in situ* waste accumulation contributing to disease proliferation.
- The adequacy of the biosecurity regulatory framework for the Tasmanian salmonid industry.
- Availability and impacts of freshwater used for AGD management.
- Concern about potential fish health, disease management and biosecurity issues in combination with other existing and proposed marine farms in the region. Holistic impacts are discussed further in section 2.4.2 holistic impact assessment.

Discussion

The concerns described relate to information contained in sections 3.5.3 and section 6.1.10 of the applicant's EIS. The applicant's response to the issues raised by representors is provided in Appendix C.

The plan contains management controls to manage and mitigate the potential introduction and impacts of disease. The relevant management controls are 3.01, 3.6.1-3.6.5 and 3.7.1-3.7.3. These management controls provide for

regulatory controls to notify relevant authorities of disease and minimize the spread of disease in accordance with the *Animal Health Act 1995* and limit production waste entering the marine environment which may harbor disease. Further, management controls 3.3 ensures that minimum benthic standards are maintained, helping to ensure healthy ecosystem function and limit disease proliferation issues.

The controls are part of a much broader framework for the management of fish health and biosecurity matters. Powers relating to biosecurity and fish health also exist under several other statutes, including the *Living Marine Resources Management Act 1995*, which provides for the Minister to make orders to deal with marine pests and diseases and relating to diseased areas.

In relation to frequency of freshwater bathing and infrastructure required to support an appropriate bathing regime at the proposed site, this is primarily an operational matter for a lessee to consider. Freshwater supply is discussed in section 2.3.9 landuse and development.

The Salmon Plan includes a focus on biosecurity reform from both regulatory and operational perspectives. The Salmon Plan recognises that as new offshore farming sites are established, there is an opportunity for industry and government to work together to analyse existing inshore finfish leases, to improve management of biosecurity and possibly operational efficiency. Discussions have included a focus on international practices relating to salmon farming biosecurity, with single 'year class' regions being highlighted as a best practice approach to managing biosecurity and disease risk. International examples of both single-operator and multi-operator regions exist.

The PA recognises that Storm Bay (at least) is a single region in terms of water movement and disease management. In light of international practice and the proposed expansions into a relatively new farming area and following consultation with the Chief Veterinary Officer and EPA, the PA considers that it would be appropriate to more explicitly state how the Secretary may exercise powers to require single-year class management of an area by modifying the draft amendment to include the following management controls under management control 3.7 Disease controls:

- 3.7.4 The Secretary may, from time to time, determine an area to be a single year class area for one or more species of fish.
- 3.7.5 Upon making a determination under 3.7.4, the Secretary is to notify any leaseholders within the area that is the subject of the determination or, if a relevant lease is sub-leased, any sub-lessees, of the determination.
- 3.7.6 A leaseholder or, if a lease is sub-leased, any sub-lessees notified in accordance with 3.7.5 must not possess more than one year class of a relevant fish species within that single year class area.
- 3.7.7 A leaseholder, or if a lease is sub-leased, any sub-lessees notified in accordance with 3.7.5 must only introduce relevant fish to the lease area during any period specified by the Secretary.
- 3.7.8 A leaseholder, or if a lease is sub-leased, any sub-lessees notified in accordance with 3.7.5 must remove all relevant fish from the lease area before any date specified by the Secretary.
- 3.7.9 The Secretary is to ensure that any determinations under this management control have regard to and are coordinated with any adjacent marine farming development plan areas.
- 3.7.10 For the purposes of this management control:

'relevant fish' means any species of fish that is the subject of a determination by the Secretary under 3.7.4

█
'single year class area' means an area determined by the Secretary to be a single year class area under 3.7.4

'year class' means the calendar year during which fish are moved into a single year class area or as otherwise determined by the Secretary.

In the PA's view, these proposed controls align with existing powers the Secretary has under management control 3.01 and the Secretary may take action consistent with the above recommended controls regardless of their explicit existence in the management controls.

Planning Authority Recommendation

The PA considers that the issues raised have merit and recommends that the Panel modifies the draft amendment to provide explicit description of an action the Secretary may choose to take in relation to single year-class stock management.

2.2.9 Introduced marine pests

Issues raised

Representation 22 raised concern about the potential for the introduction or spread of marine pests through proposed marine farming operations.

Discussion

The concerns described above are valid concerns relating to issues that have been investigated in sections 2.4, 5.2.2, 6.1.1, 6.1.10 and more specifically in section 6.1.12 of the applicant's EIS. The applicant's response to the issues raised by representors is provided in Appendix C.

The plan contains existing management controls to manage and mitigate the potential introduction of marine pests. Risks of transmission of marine pests through marine farming activities generally relate to biofouling and translocation of equipment. Management control 3.1213.4 provides for the removal of fouling organisms from marine farming equipment. These controls operate to ensure that marine farming equipment is appropriately maintained, reducing the risks associated with excessive biofouling and dilapidated equipment. Furthermore, internal management systems exist to minimise the introduction of marine pests through management of disease and biosecurity and are detailed in the applicant's EIS and management controls detailed in section 2.2.8 of this document (Disease and biosecurity).

Imposition of conditions on a marine farming licence under the *Living Marine Resources Management Act 1995* is, in the PA's opinion, the appropriate way to manage more specific risks associated with introduced marine pests. An example of conditions specified in such licences is:

- The licence holder must notify the Director in writing of the presence of any unusual or uncharacteristic marine flora or fauna found within the lease area (including any introduced marine pests)
- The licence holder must give prior written notice to the Director and Chief Veterinary Officer of any proposal to move or re-deploy marine farming equipment from a Marine Farming Development Plan (MFDP) area located in one geographic region to a MFDP located in another geographic region.

Planning Authority Recommendation

The PA does not consider that any changes to the draft amendment are required as a result of the information received from representors in relation to introduced marine pests.

2.2.10 Climate change

Issues raised

Representations **11, 20, 22, 24 and 26** raised issues relating to the following perceived potential impacts on climate change:

- Effects of climate change make farming operations in this area increasingly challenging, leading to decline in production and / or failure to achieve sustained production increases.
- Concerns that Atlantic salmon become stressed at temperatures over 17 degrees which is becoming more frequent through the summer period.
- Climate change modelling is not sufficiently detailed in the EIS to consider the effects of rising sea temperatures and increased storm events (see also 2.1.1 Infrastructure and servicing).

Discussion

The concerns described above relate to information contained in sections 6.1.14 of the applicant's EIS. The applicant's response to the issues raised by representors is provided in Appendix C.

In relation to climate change impacts on the viability of marine farming in the proposed zone, the plan includes a declaration that the Crown in right of the State of Tasmania gives no warranty, either express or implied, that marine farming zones identified are suitable for marine farming activities.

The effects of climate change raised by representors may impact on environmental responses to farming activity. Specific measures to monitor, mitigate and manage environmental effects (whether or not more pronounced as a result of climate change) are described in 2.2.1 water quality, 2.2.2 substrates and fauna and 2.2.3 marine vegetation.

In relation to engineering challenges arising from climate change, such as potential increased frequency or severity of storm events, see section 2.1.1 for discussion and recommendations in relation to infrastructure and servicing.

Planning Authority Recommendation

The PA considers that issues in relation to climate change implications for infrastructure and servicing have merit. See section 2.1.1 for the PA's recommendations in relation to infrastructure and servicing.

2.2.11 Environmental management

Issues raised

Representations **1, 3, 6, 7, 11, 13, 14, 15, 16, 17, 19, 20, 22, 24 and 25** raised the following issues in relation to environmental management:

- Transparency of environmental performance standards.
- Enforceability of regulatory controls, namely nitrogen limits.
- Request for more information on the process required for permissible nitrogen inputs to be increased.
- Baseline survey requirements in relation to:
 - nearby rocky reefs; and
 - timing and time series of data
- The ability of the environmental monitoring program to detect early stage ecosystem changes.
- Decommissioning and rehabilitation requirements.

- Publication of environmental monitoring and production information.

Discussion

The issues relate to information contained in sections 2.4 (environmental monitoring), 4 (stakeholder consultation), 5 (existing environment), 6.1.1, 6.1.2, 6.1.3, (mitigation measures) and 6.1.16 (EPA environmental monitoring program) of the applicant's EIS. The applicant's response to the issues raised by representors is provided in Appendix C.

The plan contains existing controls to monitor and manage environmental effects of proposed salmon farming. The relevant management controls are 3.1.1, 3.1.2, 3.3, 3.4.1, 3.4.2.1, 3.4.2.2, 3.4.2.4, 3.4.2.5, 3.4.3, 3.4.5, 3.4.6, 3.4.7, 3.4.12, 3.6.4, 3.12.1, 3.12.8. These management controls provide for regulatory controls to:

- require lessees to provide a baseline environmental survey to the satisfaction of the Director EPA prior to the commencement of marine farming operations;
- fallow or comply with limits on the use of a lease are if unacceptable benthic impacts are identified through routine monitoring;
- require an independent auditor to examine record keeping; and
- require lessees comply with any environmental monitoring requirement.

Environmental compliance standards have historically been set through conditions on a marine farming licence. As a consequence of the recent regulatory changes, in future, compliance standards will be set through environmental licences under EMPCA. Licence conditions are used to describe the impacts that may be considered significant for the purposes of the relevant management controls.

Representors questioned whether the 35m lease boundary compliance distance is fit for purpose in the more exposed Storm Bay environment. Rather than being fit for purpose, it is the standard distance that has been used for finfish farming environmental management across Tasmania for approximately twenty years. It represents a starting point for new sites and provides a consistent means of managing existing sites. The EPA, through environmental licences issued under EMPCA, will set environmental compliance standards that are fit for purpose.

The PA expects that an environmental standard for environmental management of finfish farming in Tasmania will be developed by Government, for implementation in 2019.

Management controls relating to nitrogen outputs from finfish farming are provided by management controls 3.2.1 and 3.2.3 – 3.2.7. These controls and the planned development of a biogeochemical model and broadscale monitoring program are discussed in sections 2.2.1 water quality; 2.2.3 marine vegetation and 2.4.2 holistic impact assessment. Section 91 of the Act creates offences for obstruction of execution of plans, and these provisions would apply to a failure to comply with a TPDNO determination made under the plan. Section 91 includes special penalty provisions that apply to exceeding a TPDNO determination, as prescribed by the *Marine Farming Planning Regulations 2016*.

The process for an operator to pursue an increase in nitrogen input limits beyond those modelled for this proposal may take one of two paths:

- a process under the Act, seeking an amendment to the plan to enable their operations to expand. The potential effects of such expansion, including any additional nitrogen inputs, would be duly considered through this process; or
- if no change to the plan was required, a process under EMPCA, seeking a variation to the relevant environmental licence under Part 3 of EMPCA.

Discussion of environmental management issues relating to rocky reefs is presented in 2.2.2 Substrates and fauna and 2.2.3 Marine vegetation.

In relation to decommissioning and rehabilitation, the plan contains existing management controls (3.12.1 and 3.12.5) that require lessees or sub-lessees to comply with the Marine Farming Planning Act 1995 and remove redundant,

[REDACTED]

dilapidated or loose marine farming structures and equipment from lease areas as directed by the Secretary. The Act contains provisions relating to removal of equipment and fish by a lessee and for recovery of costs by the Crown, if the lessee does not remove equipment and fish as required. Further, EMPCA provides that an environmental licence may include conditions requiring a site to be decommissioned or rehabilitated as required.

In relation to comments about the public availability of relevant environmental data, improving the transparency of information on the industry's environmental performance through the establishment of an independent web portal hosted by IMAS is identified as a priority action within the Salmon plan.

In addition to the powers under EMPCA relating to environmental licences, the provisions of EMPCA apply generally in relation to avoiding environmental harm. It is an offence under EMPCA to cause environmental harm, for example, through noise, water quality, odour or light pollution.

Planning Authority Recommendation

The PA does not consider that any changes to the draft amendment are required as a result of the information received from representors in relation to environmental management.

2.3 Impacts on the Human Environment

2.3.1 Visual

Issues raised

Representations 4, 6, 13, 18, 19, 20, 21 and 26 raise issues relating to the following perceived potential visual impacts:

- Concern that the proposed location of sea-based farm infrastructure will reduce visual amenity for local residents and visitors, particularly those who value the 'wild' vistas of Storm Bay.
- Concern that farm lights will cause visual impacts to residents.
- Concern that small and large marine debris originating from marine farms and vessels may wash up on beaches or pollute coastal waters leading to reduced residential / lifestyle amenity
- Concern that residents are already impacted by light resulting from the applicant's existing marine farming operations and that the proposed amendments would increase the areas, and residents affected by light.
- The visual impact of fish pens and infrastructure in Storm Bay may impact on tourism values, including the Tasmanian Brand, particularly for visitors arriving by sea to Hobart.
- Concern about potential effects in combination with other existing and proposed marine farms in the region. Holistic impacts are discussed further in section 2.4.2 holistic impact assessment.

Discussion

Potential visual impacts and mitigation measures are described in section 6.2.1 of the applicant's EIS. The applicant's response to the issues raised by representors is provided in Appendix C.

Tourism

Tourism related impacts are discussed in section 2.3.8 tourism of this report.

Marine Debris

The plan contains the following existing management controls relating to marine debris: 3.12.3; 3.12.5; and 3.12.6. These management controls require that:

- lessees must maintain marine farming structures and equipment in a serviceable condition;
- redundant, dilapidated or loose marine farming structures and equipment must be removed from the lease area; and
- a lessee must take action to recover any part of marine farming structures or equipment that break away from the lease area, and dispose of them in an appropriate manner.

See section 2.1.1 infrastructure and servicing for further discussion of marine debris issues.

Visual impacts of infrastructure and operations

The plan also includes the following visual controls relating to infrastructure and operations: 3.8.1.1-3.8.1.4. These controls provide for the Secretary to:

- direct the colour, profile, size and shape of marine farming equipment;
- regulate the equipment that may be located within the lease area; and
- requires that light generated from marine farming operations does not create a nuisance.

The PA considers that these controls provide for best practice management of visual impacts associated with the proposed development, but notes that the proposed development may have a residual visual impact for some individuals.

Planning Authority Recommendation

The PA considers that the mitigation measures presented in the EIS are appropriate and recommends that modification of the draft amendment in relation to visual impacts of marine farming infrastructure and operations is not required.

2.3.2 Navigation

Issues raised

Representations **6, 8, 9, 12, 13, 15, 17, 18, 19, 20, 21 and 26** raise issues relating to the following perceived potential impacts on navigation:

- Marine debris originating from marine farms and vessels poses safety hazards to vessels
- Navigation safety may be reduced due to farms being located such that access to safer waters (i.e. a lee shore) is reduced
- Navigation safety is reduced because of poor visibility of farms (considering day and night conditions as well as in large swells) leading to increased risk of collisions
- Navigation enjoyment is reduced because farms limit the waters that may be freely sailed in
- Concerns that the proposed location will cause navigation difficulties for Tasmanian yacht races and potential impact on Storm Bay as a 'last hurdle' in the Sydney to Hobart.
- Concern about potential effects in combination with other existing and proposed marine farms in the region. Holistic impacts are discussed further in section 2.4.2 Holistic Impacts.

Discussion

Potential impacts to navigation and mitigation measures are described in 6.2.2 of the applicant's EIS, including an overview of stakeholder consultation undertaken and changes made to the (initial) proposal to accommodate navigation concerns. The applicant's response to the issues raised by representors is provided in Appendix C.

Recommendations and suggestions from representors relating to navigation issues included:

- Extending the area covered by the marine farming industry's Huon and D'Entrecasteaux marine debris 1300 hotline, to encompass all operational finfish growing regions Nautical charts should show details of the boundary marks of marine farms
- Lights around an individual lease should be synchronised and lights on adjacent leases should use unique sequences or timeslots. The use of virtual AIS marks is supported in addition to physical marks
- Prompt advice of potential navigation hazards caused by marks being off-station or out of service and by debris or damaged infrastructure floating away from farms is essential to prevent potential accidents and injuries
- Recommendation to add the following management controls after 3.9.1:
 - On establishment of a lease and any subsequent variation to the lease area, the Lessee shall submit details of the lease area, location and characteristics of the boundary marks and lights to the Australian Hydrographic Service for inclusion on official nautical charts
 - Whenever the Lessee becomes aware that any lease boundary mark or light has moved from its charted position or failed, they shall immediately notify Marine and Safety Tasmania and Tas Maritime Radio so that Notices to Mariners can be issued
 - When a faulty or missing mark or light has been returned to service, the Lessee shall immediately notify Marine and Safety Tasmania and Tas Maritime Radio so that relevant Notices to Mariners can be cancelled

- Recommendation to add the following management controls after 3.12.6:
 - Whenever the Lessee becomes aware that any equipment or part of the structure has moved from the lease area, they shall immediately notify Marine and Safety Tasmania and Tas Maritime Radio so that Notices to Mariners can be issued
 - When equipment outside the lease has been recovered, the Lessee shall immediately notify Marine and Safety Tasmania and Tas Maritime Radio so that relevant Notices to Mariners can be cancelled

Marine debris

The PA understands that as a matter of common practice, marine farm operators notify MAST of navigational hazards (such as lost or off-station equipment), such that a notice to mariners may be issued. However, there may not be any direct regulation requiring marine farm operators to take this action and it is not presently required within the plan, lease or licence conditions.

Having regard to the recommendations contained within representations relating to navigational hazards posed by marine farming equipment outside the lease area, the PA considers that it is appropriate to modify the draft amendment by adding the following management control:

3.12.x6 A lessee who becomes aware of a potential hazard to navigation must, as soon as practicable after becoming aware of the hazard, notify the Marine and Safety Authority and take any other action directed by the Marine and Safety Authority and / or considered necessary by the lessee.

Whilst intended primarily to apply to hazards posed by the lessees own operations, the PA is of the view that this would also create an obligation to report any other hazards identified by the lessee.

See also section 2.1.1 infrastructure and servicing.

Marine farming infrastructure

The physical presence of marine farming infrastructure necessitates the exclusion of other activities from these areas. As such, the proposed development would impact on navigation in Storm Bay.

The plan contains the following existing management controls relating to navigation, 3.9.1-3.9.3, 3.12.3, 3.12.6 and 3.13.1-3.13.4. These management controls:

- require that lessees must mark the external boundary of the lease area in whatever manner is required by the Secretary and MAST;
- require anchors and mooring lines that extend outside the lease area to be at least 5m below the surface at the boundary of the lease area and not extend outside a marine farming zone;
- require lessees to maintain marine farming structures and equipment in a serviceable condition;
- empower the Secretary to require redundant, dilapidated or loose marine farming structures and equipment must be removed from the lease area; and
- require a lessee to take action to recover any part of marine farming structures or equipment that break away from the lease area, and dispose of them in an appropriate manner.

The draft amendment includes special condition 3.13.3, which would impose powers and obligations relating to marking of the farmed area, requiring equipment to be contained and marked in similar terms to the lease area. This would provide for the minimum area considered necessary for safe navigation to be marked.

Navigation markers and charts

The PA understands that Australian Hydrological Survey charts commonly show zone boundaries. The PA and MAST consider that marking the zone boundaries is the most appropriate means of marking charts. Use of technology (such as lighting and AIS) to assist skippers in keeping a fit and proper lookout will provide a practical solution to on-water navigational safety. This may be particularly important in the deeper and more exposed Storm Bay environment, as lease corner marks may move substantially within their moored radius. The PA takes advice from MAST in relation to navigational marks and lighting requirements.

Planning Authority Recommendation

The PA considers that issues in relation to potential effects on navigation have merit. PA recommends that the draft amendment is modified by adding a management control to require lessees to report navigation hazards to MAST.

Also see section 2.1.1 for the PA's recommendations in relation to marine debris issues relating to infrastructure and servicing.

2.3.3 Reservations

Issues raised

One representation, **24**, submitted that any expansion of marine farming to oceanic areas should be balanced by the appropriate protection of important marine areas. The representor referred to the Resource Planning and Development Commission (2008) Inquiry into the establishment of marine protected areas within the Bruny Bioregion which the representor states undertook a comprehensive review of the proposed Bruny Bioregion and made a series of recommendations about marine protected areas (MPA)³. The representor also stated that the Government is yet to implement all of the Commission's MPA recommendations and urged the Panel to consider these outstanding recommendations in relation to the proposed Storm Bay expansion.

Discussion

Potential impacts to reservations are described in section 6.2.5 of the applicant's EIS. The applicant's response to the issues raised by representors is provided in Appendix C.

The PA considers that any future changes to marine protected areas that are not currently proposed by Government is a matter outside the Marine Farming Development Planning process.

Planning Authority Recommendation

The PA does not consider that any changes to the draft amendment are required as a result of the information received from representors in relation to reservations.

2.3.4 Noise

Issues raised

Representations **13, 18, 19, 20, 24 and 26** raise issues relating to the following perceived potential impacts from noise:

- Increased vessel traffic past residential areas such as Tinderbox and Dennes Point; and/or noise generated by stationed marine farming equipment creates a noise nuisance, impacting on residential amenity and ultimately social morale.
- Some commenters stated that they were already impacted by noise resulting from the applicant's existing marine farming operations and were engaged with the applicant to find mitigation solutions. Commenters were concerned that the proposed amendments would increase the areas, and residents affected by noise.
- Concerns that increased vehicle (truck) movements and land-based infrastructure requirements increase road traffic and noise impacts in residential, tourism and holiday areas may impacts on lifestyle/ tourism and residential amenity.

³Resource Planning and Development Commission (2008) *Inquiry into the establishment of marine protected areas within the Bruny Bioregion: Final Recommendations Report*

- Concerns about noise impacts to marine mammals. These concerns have been discussed in 2.2.5 Marine Mammals.
- Concern about potential effects in combination with other existing and proposed marine farms in the region. Holistic impacts are discussed further in section 2.4.2 Holistic Impacts.

Discussion

Potential noise impacts and mitigation measures are described in section 6.2.6 of the applicant's EIS. The applicant's response to the issues raised by representors is provided in Appendix C.

Recommendations and suggestions from representors relating to noise issues included (representation 24, EDO Tasmania):

- *In the absence of noise limits imposed as specific conditions on the proponent's environmental licence, there are no legally enforceable limits or guidelines on noise emitted by marine farming operations.⁹ This has the potential to render Management Control 3.12.2 of the Amendment no. 1 to the MFDP meaningless. We therefore urge the Panel to confirm that the EPA intends to impose noise limits on the environmental licence for this MFDP area and that those limits will extend to vessels travelling to and from the MFDP area. The Panel should then either delete Management Control 3.13.2 or, if no noise limits are to be imposed on the environmental licence, amend it to reflect the limits that were modelled by Huon Aquaculture in the EIS.*

The plan contains management control 3.12.2 which requires lessees to comply with guidelines on noise emissions made pursuant to the EMPCA for marine farming operations.

Management control 3.8.1.3 requires that floating storage huts and other facilities located in the lease area must be authorised in the relevant marine farming licence. As a matter of policy, the Minister requires a noise assessment for such vessels to accompany any application for such an authorisation and this forms part of the information on which a determination is made. Together, these controls provide effective means to avoid marine farming operations within the plan area from having excessive noise impact.

Notwithstanding that these controls are effectively applied for existing marine farming operations, the PA has reviewed the structure and wording of these controls. In relation to 3.12.2, the PA has formed the view that its application may be improved by minor re-wording. The PA suggests that the words 'made pursuant to the *Environmental Management and Pollution Control Act 1994*' are deleted and replaced with 'issued by the EPA'. In the PA's view, this change would mean that guidelines issued by the EPA could be applied, regardless of their status as a statutory instrument made under EMPCA.

In relation to 3.8.1.3, the management control is part of management control 3.8, 'Visual controls'. The PA recognises that this management control has effect beyond managing visual impacts alone and therefore would prefer that it is deleted from management control 3.8 and inserted into management 3.12 'Other controls' (see recommendation in relation to management control 3.8.1.3 in section 2.1.1, infrastructure and servicing).

Changes were made to the regulatory framework for finfish farming in December 2017. These changes gave direct powers to the EPA to regulate the environmental management of finfish farming activities, including the issuing of environmental licences. The EMPCA defines a pollutant to include noise, and under Section 42Z of that Act, an environmental licence can include any condition or restriction requiring the holder of the environmental licence to undertake such measures as are specified in the licence to limit the environmental effects of traffic movements, or vessel movements, to and from the area of land, or area of State waters, to which the licence applies. As such, regulatory powers in relation to environmental effects of noise associated with finfish farming now sit primarily with the EPA.

The PA considers that these controls provide for best practice management of noise impacts associated with the proposed development, but notes that the proposed development may have a residual noise impact for some individuals.

Planning Authority Recommendation

The Planning Authority does not consider that any changes to the draft amendment are required as a result of the information received from representors in relation to noise.

The Planning Authority recommends that the Panel considers making minor wording and structural changes to management controls relevant to noise management.

2.3.5 Commercial fishing

Issues raised

Representations **10, 11, 15, 17, 19 and 20** raise issues relating to the following perceived potential impacts to commercial fishing:

- Concern that increased nutrient loads may lead to biofouling or other physico-chemical changes that reduce habitat for wild fish and shellfish, including, in particular, reef habitat. (See discussion of these issues under 2.2.1 water quality, 2.2.2 substrates and fauna and 2.2.3 marine vegetation).
- Fish feed consumption by marine fauna, bacterial mats on sediment surface and/or spontaneous gas bubbling resulting from discharge of fish feed and faeces to the environment may result in impacts on wild fish recruitment, health, growth rates and likelihood to remain in and around farm lease areas. (See discussion under 2.1.2 stock husbandry aspects and 2.2.2 substrates and fauna)
- Concern that increased nutrient levels may lead to increased prevalence of harmful algal blooms (i.e. paralytic shellfish toxin), reducing access to the fishery via increased fisheries management closures (see section 2.2.2 substrates and fauna for discussion of harmful algal blooms).
- Species explicitly listed by representors as being of interest and concern to commercial and recreational fishers were rock lobster, abalone, flathead, flounder, whiting.
- Concerns about potential effects in combination with other existing and proposed marine farms in the region. Holistic impacts are discussed further in section 2.4.2 holistic impacts.

Note: Issues raised in relation to habitat and fish stocks in the 2.2.1 water quality and 2.2.2 substrates and fauna sections are repeated here where they also relate to commercial fishing.

Discussion

Potential impacts to commercial fishing and mitigation measures are described in 6.2.8 of the applicant's EIS including an overview of stakeholder consultation undertaken. The applicant's response to the issues raised by representors is provided in Appendix C.

Recommendations and suggestions from representors relating to commercial fishing issues included:

- TSIC stated that every attempt should be made to prevent the direct loss of access of commercial seafood operators. Where the access right of another commercial operator is lost as a result of salmon farm development, suitable compensation must be considered. Access rights extend to protection of productive reef habitat that supports our high value wild catch fisheries. TSIC also stated that it supports a 1.5nM buffer between any rocky reef habitat and salmon farm locations. TSIC noted that consultation over Strom Bay proposals have progressed under a 1km buffer distance but states it would show considerable good will if the 1.5nM distance could be achieved. Key recommendations were:
 - No farming activity to overlap current wild catch/ other marine farming activities in order to maintain current wild catch/ marine farm access rights.
 - If a new salmon farm development impacts current wildcatch fishery catches / farming operations, compensation must be considered.
 - A 1.5nM buffer between any new salmon farm development and hard reef habitat must be formalised within Government policy.

- That the Government commit to funding IMAS to conduct a side scan 'swath' mapping project to update or create habitat maps within each of the potential salmon farming 'green zones' identified in the Salmon Growth Plan.
- Establishment of a TSIC member forum to better explain salmon farm operations and future expansion plans.

Comments and recommendations were concerned with two potential impact pathways:

- Loss of access through exclusion of fishing activities from marine farming zones; and
- Reduced fish and shellfish stocks resulting from lifecycle impacts.

Fishery Access

The development proposed to be enabled through the draft amendment would reduce the area available for some commercial fishing activity in Storm Bay and this may have an impact on some commercial fishing operators, in particular, Danish Seine operators.

Ecosystems and wild fish stocks

Finfish farming interacts with the ecosystem through water quality, the benthos and physical presence of equipment, nets, fish and feed. The existing and draft management controls contain measures to limit the extent of each of these interactions, as well as to monitor impacts and apply management responses. Management controls 3.1, 3.2, 3.3.1-3.3.8, 3.4.1-3.4.10, 3.7.1-3.7.5 and 3.13.4 provide for regulatory controls to:

- limit significant visual, physio-chemical or biological impacts to 35m beyond the boundary of the lease area;
- monitoring of environmental parameters within the lease area, 35m outside the lease area and at control sites;
- limit nutrient inputs through a TPDNO cap;
- set a maximum permissible stocking density and the ability for the regulator to alter it at any time should he/she consider it appropriate;
- require fallowing of farmed areas;
- set a minimum distance of 1m between the finfish cage net and the seabed;
- specify baseline environmental survey requirements for lease areas prior to the commencement of marine farming operations in order to determine any licence conditions that may be required to manage environmental values;
- require the keeping of production records for each lease area, including stocking density, feed, chemical and therapeutic inputs and mandatory reporting when required by the regulator;
- require environmental monitoring, assessment, audit and review; and
- establish controls for managing waste from operations and harvesting; as well as removal of fouling organisms from marine farming infrastructure.

These issues are further discussed in 2.2.1 water quality and 2.2.2 substrates and fauna.

The Tasmanian Government is working with IMAS and CSIRO to establish a program of work to develop the biogeochemical model and broadscale environmental monitoring program, in time for winter 2018 sampling to be conducted. This work, together with results from FRDC project 2015-024 "*Managing ecosystem interactions across differing environments: building flexibility and risk assurance into environmental strategies*" and previous habitat mapping will provide a body of data relating to the Storm Bay environment that will help to inform regulatory management. The proposed broadscale environmental monitoring will help to inform regulators about ecosystem responses to increased marine farming in Storm Bay. Together with the biogeochemical model, staged development and targeted future research, adverse impacts on wild fish species may be avoided, mitigated or managed through existing and proposed management controls and other elements of the regulatory framework, such as environmental licences under EMPCA. (See section 2.2.2 Substrates and fauna for further discussion of FRDC project 2015-024).

[REDACTED]

In addition, catch and effort data collected for Tasmanian commercial fish and shellfish fisheries is reported annually by IMAS, to provide information about the status of fish stocks and trends. Reporting includes scalefish (e.g. Tiger Flathead and School Whiting), rock lobster and abalone. Data for the Storm Bay region is available and should trends in commercial fisheries stocks become evident, appropriate management responses would be investigated.

Planning Authority Recommendation

The PA considers that some of these issues have merit, however, the information received from representors in relation to commercial fishing does not result in the need for modification of the draft amendment.

2.3.6 Recreational fishing

Issues raised

Representations **16, 19, 22 and 23** raise issues relating to the following perceived potential impacts to recreational fishing (issues raised in relation to habitat and fish stocks in the 2.2.1 water quality and 2.2.2 substrates and fauna, 2.3.5 commercial fishing sections are repeated here where they also relate to recreational fishing):

- Concern that increased nutrient loads may lead to biofouling or other physio-chemical changes that reduce habitat for wild fish and shellfish, including, in particular, reef habitat.
- Concern that fish feed consumption by marine fauna, bacterial mats on sediment surface, spontaneous gas bubbling resulting from discharge of fish feed and faeces to the environment may result in impacts on wild fish recruitment, health, growth rates and likelihood to remain in and around farm lease areas.
- Concern that increased nutrient levels may lead to increased prevalence of HABs (i.e. paralytic shellfish toxin), reducing access to the fishery via increased fisheries management closures.
- Species explicitly listed by representors as being of interest to commercial and recreational fishers were crayfish, abalone, flathead, flounder, whiting.
- Concern that farm location and or layout prevents access to existing fishing grounds impacting on recreational fishing values.
- Concerns about potential effects in combination with other existing and proposed marine farms in the region. Holistic impacts are discussed further in section 2.4.2 holistic impacts.

Discussion

Potential impacts to recreational fishing and mitigation measures are described in 6.2.9 of the applicant's EIS including an overview of stakeholder consultation undertaken. The applicant's response to the issues raised by representors is provided in Appendix C.

Management controls relating to water quality, substrates and fauna have been described in the relevant sections of this document and should be referred to. No other management controls are relevant to the issues raised.

In relation to comments asserting that recreationally targeted species have declined in response to increased finfish farming, these assertions conflict with findings of recent research. For example, Moore et al 2018⁴, reported that 'a Sand Flathead fishery-independent survey commenced in 2012 to support classification of this species' and highlighted fishing pressure, population dynamics and management arrangements as influencing the availability of legal size fish in the D'Entrecasteaux Channel and Frederick Henry-Norfolk Bay. They found that standardised catch rates from the fishery-independent survey increased in 2017 at all locations relative to previous years and concluded that this finding suggests that the management measures introduced in late 2015 may be having a positive effect on the stock.

⁴ Moore, B., Lyle, J., and Hartmann, K. (2018). Tasmanian scalefish fishery assessment 2016/17, Institute for Marine and Antarctic Studies.

In relation to flounder, they observed that the declining commercial catch rate was likely related to market demand and management changes.

Lyle and Tracey (2017)⁵ estimated that 12% of recreational rock lobster and 38% of recreational abalone harvest came from the D'Entrecasteaux Channel. In relation to rock lobster (statewide), they found that amongst those respondents to the survey conducted for the assessment of the 2016-17 recreational fishing season who had fished for rock lobster, 'more than twice as many suggested that the quality of the fishery in 2016-17 was better (34%) rather than worse (15%) compared with the previous season' and that 'almost half of the active fishers...suggested that the overall quality was about the same as in the previous year'. Further, they found that 62% of respondents disagreed with the proposition that legal size rock lobster were less abundant or more difficult to catch in 2016-17. They concluded that (statewide) 'recreational abalone catch rates have fluctuated without obvious trend through time, reflecting the fact that many divers regularly attain the bag limit' and that the average daily harvest rate was within the range of that reported in previous years.

The PA recognises that the development proposed to be enabled through the draft amendment would reduce the area available for recreational fishing activity in Storm Bay and that this may have an impact on some recreational fishers.

Planning Authority Recommendation

The PA does not consider that any changes to the draft amendment are required as a result of the information received from representors in relation to recreational fishing.

2.3.7 Recreational activities

Issues Raised

Representations **3, 4, 6, 8, 12, 13, 15, 19, 20, 21, 23 and 26** raised the following concerns about perceived potential impacts on recreational activities:

- Access to the waterway for recreation is limited, impacting on recreational enjoyment (see 2.3.2 navigation and 2.3.6 recreational fishing for discussion).
- Marine debris originating from marine farms and vessels wash up on beaches or pollute coastal waters leading to reduced recreational amenity (see 2.3.1 visual for discussion).
- Farms are located such that recreation amenity is reduced (e.g. by impacting on views, vistas and amenity) (see 2.3.1 visual for discussion).
- Concern about potential effects in combination with other existing and proposed marine farms in the region. Holistic impacts are discussed further in section 2.4.2 holistic Impacts.

Related issues are also considered in 2.3.8 tourism.

Discussion

Potential impacts to recreational activities and mitigation measures are described in 6.2.10 of the applicant's EIS. The applicant's response to the issues raised by representors is provided in Appendix C.

See section 2.3.2 navigation, section 2.3.1 visual and section 2.3.8 tourism for discussion the issues raised by representors.

Whilst public access to the lease area would be lost, overall, the Planning Authority does not consider that recreational activities will be excluded as a result of the proposed development within the MFDP area.

⁵ Lyle, J.M., and Tracey, S.R. (2017). Tasmanian Recreational Rock Lobster and Abalone Fisheries: 2016-17 fishing season, Institute for Marine and Antarctic Studies.



Planning Authority Recommendation

The Planning Authority does not consider that any changes to the draft amendment are required as a result of the information received from representors in relation to recreational activities.

2.3.8 Tourism

Issues raised

Representations **9, 13, 18, 19, 20, 21 and 26** raise issues relating to the following perceived potential impacts to tourism:

- Marine debris originating from marine farms and vessels wash up on beaches or pollute coastal waters leading to reduced tourism amenity, ultimately impacting on tourism dependent businesses.
- Farms are located such that tourism and recreation activities are limited to a significant degree, reducing tourism and recreation amenity (by impacting on views, vistas and amenity). Reduced tourism amenity impacts on tourism businesses.
- The existence of finfish farms in Storm Bay impacts on the Tasmanian or Bruny Island Brand which rely on the 'clean, green, natural image' e.g. through visual impacts of fish pens and infrastructure, or through industry reputation of poor environmental performance. This impacts on tourism businesses.
- The visual impact of fish pens and infrastructure in Storm Bay may impact on tourism values, including the Tasmanian Brand, particularly for visitors arriving by sea to Hobart.

See also section 2.3.1 visual, and 2.3.10 socio-economic.

Discussion

Potential impacts to tourism and mitigation measures are described in 6.2.11 of the applicant's EIS including an overview of stakeholder consultation undertaken. The applicant's response to the issues raised by representors is provided in Appendix C.

All management controls in the MFDP are relevant to the concerns raised by representors. Controls relating specifically to visual impacts and marine debris are discussed in section 2.3.1 visual and 2.1.1 infrastructure and servicing. Strong industry environmental performance and compliance is key to maintaining the Tasmanian Brand, underpinning a strong tourism economy.

The Planning Authority notes that no representations were received from tourism operators or tourism representatives, although some representors stated that tourism operators have raised concerns about impacts to their businesses. In section 6.2.11.1 of its EIS, the applicant stated that during its stakeholder consultation, tourism operators raised specific concerns in relation to biosecurity, wildlife interactions and impact of nutrients into the waterway, marine debris and the overall perception of the industry.

Planning Authority Recommendation

The PA does not consider that any changes to the draft amendment are required as a result of the information received from representors in relation to tourism.

2.3.9 Land use and development

Issues raised

Representations **19, 20, 22 and 24** raise issues relating to the following perceived potential landuse and development impacts:

- A representor raised concerns industry expansion will increase escalate heavy truck movements, noise, light and visual pollution around the Bay and stated that despite the perceived potential for major impacts, coastal communities are excluded from a real say.
- Concern that there is not adequate freshwater available to support the proposed development. One representor stated that in the EIS there is no mention of the source or quantity of the freshwater required to treat the fish in the MFDP area for amoebic gill disease.

Discussion

Potential land use and development impacts and mitigation measures are described in 6.2.12 of the applicant's EIS. The applicant's response to the issues raised by representors is provided in Appendix C.

The draft amendment does not seek to alter land-based planning schemes and does not propose any changes to land use or development. Any land use and development changes would be assessed under separate legislation.

Management controls relating to noise, light and visual impacts have been discussed in the relevant sections of this report.

In relation to freshwater demand, in its response to representations, the applicant states that it currently sources freshwater from its dams and from the mouth of rivers before freshwater mixes with sea water. Water use from dams is regulated under the *Water Management Act 1999*. The taking of water from a tidal area (whether it is fresh water or saline) is currently not required to be licensed under the *Water Management Act 1999*.

Planning Authority Recommendation

The PA does not consider that any changes to the draft amendment are required as a result of the information received from representors in relation to land use and development.

2.3.10 Socio-economic aspects

Issues raised

Representations **1, 13, 19, 20 and 26** raise issues relating to the following perceived potential socio-economic impacts:

- The existence of finfish farms in Storm Bay impacts on the Tasmanian or Bruny Island Brand which rely on the 'clean, green, natural image' e.g. through visual impacts of fish pens and infrastructure, or through industry reputation of poor environmental performance.
- That commercial fishing, tourism and local producers will be negatively impacted by the expansion of marine farming in Storm Bay. Concerns relating to commercial fishing and tourism have been discussed in the relevant sections of this report (2.3.5 commercial fishing and 2.3.8 tourism)
- One representor (Bruny Island Environment Network) recommended the development of a single consolidated marine farming development plan for the Bruny Island Storm Bay Bioregion which considers all the potential environmental, social and economic costs and benefits which might result. The commenter outlines minimum requirements for matters that they consider should be addressed by the plan (see 2.4.1 marine farming planning process).

Discussion

Potential socio-economic impacts and mitigation measures are described in 6.2.13 of the applicant's EIS. The applicant's response to the issues raised by representors is provided in Appendix C.

The PA notes that many of the issues raised by representors in relation to socio-economic impacts and the draft amendment pertain to effects of all three current Storm Bay marine farming planning proposals. All management controls in the MFDP are relevant to the concerns raised by representors. Strong industry environmental performance and compliance is key to maintaining the Tasmanian Brand, underpinning a strong tourism economy, as well as minimising impacts to environmental and social values and existing businesses in the region.

Planning Authority Recommendation

The PA does not consider that any changes to the draft amendment are required as a result of the information received from representors in relation to socio-economic aspects.



2.4 Other matters

2.4.1 Marine farming planning process

Issues Raised

Representations **19, 20, 22 and 24** raised the following issues relating to the marine farming planning process:

- Dissatisfaction with the planning and framework.
- Concern that the planning process, including EIS preparation, lacked independence, scientific rigour or appropriate oversight.
- Concern that the exhibition period coincided with Christmas.
- Concern that the EIS did not address, or provide sufficient independent information on potential socioeconomic, recreational, tourism and public amenity effects.

See also 2.4.2 holistic impact assessment.

Discussion

The Act sets out the statutory process for the preparation of marine farming development plans and for amendments to marine farming development plans. This is one component of the planning and approval framework that applies to sea-based marine farming developments. The framework is described on pp10-11 of the Salmon Plan.

The Act specifies timeframes for various steps in the planning process, including that the period of exhibition of a draft plan is two months. The PA exhibited the draft plan in accordance with this requirement.

The draft plan is accompanied by an EIS, which was substantially prepared by the applicant. The EIS is prepared in accordance with guidelines issued by the PA specific to the proposal and which have input from the Panel. The EIS contains information from a range of scientific and independent sources, as well as information from the applicant in relation to their proposal to develop and operate a marine farm in the proposed zone.

The Panel is a statutory body established by the Act with the functions described by section 9(1). It comprises nine persons who are appointed by the Governor based on their ability, expertise and experience in certain matters. Panel members have scientific and professional expertise, which they apply to these functions. As such, there is considerable independent review and consideration of matters through the planning process.

Planning Authority Recommendation

Comments on the planning process are noted by the PA, however, they are outside the scope of the draft amendment.

2.4.2 Holistic Impact Assessment

Issues Raised

Representations **6, 11, 13, 17, 19, 20, 22 and 24** made statements relating to the potential combined effects of all current marine farming planning proposals in Storm Bay. Issues raised by these representors included:

- Suggestions about bioregional and ecosystem approaches to marine resource management, including marine farming planning.
- Concerns that combined effect of the three separate planning proposals on the natural or human environment may be greater than identified and described through any one process.
- Suggestions that the proposals should be progressed through a single, holistic planning process.

Discussion

The marine farming planning process is discussed under section 2.4.1 and is relevant to discussion of the approach taken in relation to the three current planning processes.

The Act sets out the process for development and amendment of marine farming development plans and these processes are currently being progressed in respect of three separate applications, each relating to Storm Bay. The processes are:

- Amendment of two existing MFDPs
- Development of one new MFDP.

Each process proceeds on its merits, as assessed under the relevant provisions of the Act.

EDO Tasmania (representation 24) requested that the Panel direct the PA to compile all relevant management controls for the Plan into a single document, to allow ease of reference for the community, operators and regulators. The PA supports the principle of management controls being contained in a single document and recommends that the Panel modify the draft amendment to include a single, consolidated set of management controls.

Section 21 sets out the things that a draft MFDP (and by virtue of section 32(2)(a), things an amendment) must and may do:

21. Draft marine farming development plan

- (1) *A draft marine farming development plan for an area must –*
- (a) further the objectives of resource management within the area covered by the draft plan; and*
 - (b) designate any area as a marine farming zone within the area covered by the draft plan; and*
 - (ba) specify the area to which the marine farming development plan relates; and*
 - (c) be co-ordinated with any marine farming development plan applying to any adjacent area; and*
 - (ca) if it relates to finfish farming, contain any matter relating to environmental management that is required by the Director, EPA, in a notice under section 17A(1), to be contained in the marine farming development plan or any marine farming development plan; and*
 - (d) have regard for the use and development of the region as an entity in environmental, economic, recreational and social terms; and*
 - (e) seek a co-ordinated approach with respect to any matter affecting adjacent land under the jurisdiction of the Marine and Safety Authority or council; and*
 - (f) have regard to the biological and physical requirements of fish species to be farmed in that area; and*
 - (g) provide for any other matter which this Act requires to be included in a marine farming development plan; and*
 - (ga) be consistent with State Policies made under section 11 of the State Policies and Projects Act 1993; and*
 - (h) contain any matter the Panel requires.*
- (2) *A draft marine farming development plan for an area may –*
- (a) make any provision which relates to the use, development, protection or conservation of any thing in the area; and*
 - (b) provide for the maximum area that at any one time may be a lease area within a marine farming zone; and*
 - (c) set out policies and specific objectives; and*
 - (d) require specified things to be done to the satisfaction of the planning authority, Panel or relevant agency; and*
 - (e) apply, adopt or incorporate any document which relates to the use, development or protection of State waters; and*
 - (f) provide that any use or development of any State waters is conditional on an agreement being entered into with a relevant agency; and*
 - (g) require the use of an area to comply with any condition, restriction or code of practice; and*

[REDACTED]

(h) provide for an application to be made to bring an existing use of land into conformity, or greater conformity, with the marine farming development plan.

This provides for the objectives of resource management, coordination with adjacent MFDP areas, and use and development of the region as an entity in environmental, economic, recreational and social terms to be considered in the assessment of a draft plan or amendment. In the PA's view, each of these provisions is relevant to the issues raised in relation holistic impact assessment.

The PA recognises that both additive and synergistic cumulative effects may arise from the three proposed developments, as well as other existing and future anthropogenic activities. Synergistic cumulative effects may occur in relation to water quality, substrates and fauna and marine vegetation, as well as disease and biosecurity. Additive effects may occur also in relation to birds, marine mammals and threatened species and impacts on the human environment such as visual, navigation, noise, commercial and recreational fishing and other recreational activities.

Of the potential synergistic effects, the PA considers water quality changes to be the primary means through which synergistic ecosystem impacts might occur. As detailed in 2.1.1 Water quality, 2.2.2 Substrates and fauna and 2.2.3 Marine vegetation, monitoring and research at the regional level will help to inform the regulator of any changes that occur. The plan relevant to this proposal, as well as the existing and draft plans relating to the other two proposals, provide for water quality impacts to be limited through limits on dissolved nitrogen emissions, as detailed in 2.2.1 Water quality. In the context of the adaptive management framework that relates to the Storm Bay region and includes means to consider impacts in adjacent waterways, the PA considers that appropriate mechanisms exist to manage any negative impacts, whether relating to a single proposed development or regional issues.

Representors raised concerns about regional biosecurity and disease management, questioning whether the biosecurity framework was adequate to minimise disease risks and avoid biosecurity issues such as have been encountered overseas. For discussion of disease and biosecurity issues in the regional context, see section 2.2.8 disease and biosecurity.

Additive cumulative effects on other values in the natural environment, such as birds, marine mammals and threatened species are managed through application of best practice measures to minimise and mitigate interactions with and impacts on these species. These measures can be mandated directly through relevant legislation (such as the *State Nature Conservation Act 2002* and *Threatened Species Protection Act 1995* and/or the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*, or through marine farming regulation, such as relevant management controls under the applicable MFDP or conditions on environmental licences.

In terms of additive effects on the human environment, these impacts are likely to be transient with the presence of marine farming infrastructure in the region; once activities are decommissioned and remediated, these effects would disappear. Additive visual effects are unlikely to be significant, given the visual controls that exist, the distances between sites and the elevation required to view more than one proposed development. The visual impact assessments included within each of the relevant EIS's demonstrates additive visual impacts are likely to be minimal.

Similarly, given the distance between sites and the exposed environment, noise generated within lease areas would be unlikely to have an additive impact on any human environments. Additive noise effects have been raised in relation to marine mammals (see 2.2.5 marine mammals and 2.3.4 noise), with a recommendation that baseline survey requirements should include a marine noise assessment (representation 24). As the EPA is responsible for determining baseline survey requirements and may regulate noise through environmental licences, this recommendation has been provided to the EPA.

Noise generated outside lease areas, for example, by vessel movements, is a matter for the EPA and may also be regulated through an environmental licence.

Additive effects on navigation, commercial and recreational fishing and other recreational activities arise from the area that is occupied by marine farming infrastructure. Issues relevant to this proposal are considered in the relevant sections of this report, along with relevant recommendations in relation to management controls. The PA expects that the recommended management control modifications would also have benefits in the context of the combined effects of the three current marine farming proposals and the use and development of the region.

Planning Authority Recommendation

The PA recommends that the Panel modifies the draft amendment to:

- include all existing and proposed management controls within a single document;
- provide explicit description of an action the Secretary may choose to take in relation to single year-class stock management (see 2.2.8 Disease and biosecurity).

2.4.3 *Moratorium*

Issues raised

Representations **7, 11, 14, 19, 20 and 26** made statements relating a request or desire for a moratorium on one more matters relating to marine farming development and planning.

Discussion

Representors cited various reasons for desiring a moratorium, including:

- to see evidence the industry can be sustainably managed
- to see an independent enquiry on the sustainability of the industry
- for independent assessment of the impact of marine farming on marine and human environments
- to allow for consultation with key stakeholders

These comments relate to regulation frameworks, the effectiveness of regulation, and planning process and impact assessment. Some of these issues are also discussed under 2.4.1 marine farming planning process.

In December 2017 the Government released the Salmon Plan, which sets out the Government's vision for Tasmania's salmon industry. The Plan outlines the regulatory framework, which has recently been changed to give direct regulatory responsibility for environmental management of finfish farming to the EPA and legislating a process to create finfish marine farming exclusion zones, as well as the outlining the marine farming planning process and opportunities for stakeholder engagement in planning processes.

In relation to the present amendment, the applicant undertook consultation with key stakeholders in developing its proposal. Information on consultation undertaken is contained in section 4 of the EIS. The EIS is prepared in accordance with Act and proposal specific guidelines issued by the PA, in consultation with the Panel.

Planning Authority Recommendation

The issues raised by representors in relation to a moratorium are outside the scope of the planning process.

2.4.4 *Stakeholder Consultation*

Issues raised

Representations **7, 19, 20 and 26** raised the following concerns in regard to stakeholder consultation:

- Concern that the consultation period coincided with Christmas.
- Concern that stakeholders had not been genuinely engaged and consulted with by either the applicant or Government.
- Comment that the development of the Salmon Plan 'Grow' zones were not developed through a public consultation process.
- TSIC requested the establishment of a forum for members to better understand salmon farm operations and future expansion plans.

Discussion

The applicant provides a summary of their stakeholder consultation activities in Section 4 of their EIS. This includes a summary of discussions and engagement outcomes with each stakeholder. The applicant's response to the issues raised by representors is provided in Appendix C.

The marine farming planning process is discussed in section 2.4.1.

The development of the Salmon Plan included a seven week public consultation. A report on the consultation process, as well as all the feedback received, can be found at www.dpipwe.tas.gov.au/salmonplan.

The draft amendment was exhibited in accordance with section 38 of the *Marine Farming Planning Act 1995* (the Act) between 18 November 2017 and 17 January 2018.

Planning Authority Recommendation

The PA does not consider that any changes to the draft amendment are required as a result of the information received from representors in relation to stakeholder consultation.

2.4.5 Zone/Lease Size and Location

Issues raised

Representations **5, 6, 9, 13, 15, 19, 20, 24 and 26** raised the following concerns in regard to zone / lease size and location:

- New finfish farming development should be undertaken using inland systems
- The proposed Storm Bay sites are not truly offshore, new developments should be located further out to sea near the continental shelf
- Before new developments are approved, inshore leases need should be relinquished concurrently.

Discussion

The applicant provides a description of their reasons for the proposed amendment in 3.1.3 of their EIS. The applicant's response to the issues raised by representors is provided in Appendix C.

In accordance with the provisions of the Act, an amendment to a MFDP cannot delete a marine farming zone from the plan, or reduce the maximum leasable area within a marine farming zone. It is therefore not within the scope of the planning process to mandate removal of existing leases.

It is appropriate that the amendment is assessed on its merits in accordance with the Act.

Planning Authority Recommendation

The PA does not consider that any changes to the draft amendment are required as a result of the information received from representors in relation to proposed zone / lease size and location.

2.4.6 Tasmanian Brand

Issues raised

Representations **13, 19 and 20** raise issues relating to the following perceived potential impacts on the Tasmanian Brand:

- The existence of finfish farms in Storm Bay impacts on the Tasmanian or Bruny Island Brand which rely on the 'clean, green, natural image' e.g. through visual impacts of fish pens and infrastructure, or through industry reputation of poor environmental performance.



Discussion

Strong industry environmental performance and compliance is key to maintaining the Tasmanian Brand, underpinning a strong tourism economy, as well as minimising impacts to environmental and social values and existing businesses in the region.

Consideration of concerns raised by representors about potential impacts on natural and human values that may contribute to the Tasmanian Brand has been detailed throughout sections 2.2 and 2.3 of this report.

Planning Authority Recommendation

The PA does not consider that any changes to the draft amendment are required as a result of the information received from representors specifically in relation to potential impacts on the Tasmanian Brand.

3 Conclusion

3.1 Recommendations arising from representations

The PA concludes that some representations have merit, as detailed in Appendix B. Some representations raise issues for which the PA recommends the Panel considers modifying the draft amendment. The recommendations arising from the PA's consideration of representations are:

Infrastructure and servicing

The PA considers that the issues raised have merit and recommends that the Panel:

- considers whether further management controls are necessary or desirable in relation to marking and monitoring of marine farming equipment
- modifies management control 3.12.5, and
- modifies the draft amendment to include management controls relating to engineering and infrastructure management systems, capabilities and equipment.

Disease and biosecurity

The PA considers that the issues raised have merit and recommends that the Panel modifies the draft amendment to provide explicit description of an action the Secretary may choose to take in relation to single year-class stock management.

Navigation

The PA considers that issues in relation to potential effects on navigation have merit. The PA recommends that the draft amendment is modified by adding a management control to require lessees to report navigation hazards to the Marine and Safety Authority.

Noise

The PA recommends that the Panel considers making minor wording and structural changes to management controls relevant to noise management.

Holistic impact assessment

The PA recommends that the Panel modifies the draft amendment to:

- include all existing and proposed management controls within a single document.
- provide explicit description of an action the Secretary may choose to take in relation to single year-class stock management.

The PA submits that, if the Panel determines, pursuant to section 41(2)(b), to modify the draft amendment in response to these recommendations, the modifications would clarify and more directly state how existing management controls may be applied, and that the modifications would not, for the purposes of section 37(3), be of a substantial nature.

A number of representations made general statements amounting to objection to the proposed development. The purpose and objectives of the Act and planning processes conducted thereunder are set out in section 4:

- (1) *The purpose of this Act is to achieve well-planned sustainable development of marine farming activities having regard to the need to –*
 - (a) *integrate marine farming activities with other marine uses; and*
 - (b) *minimise any adverse impact of marine farming activities; and*
 - (c) *set aside areas for activities other than for marine farming activities; and*
 - (d) *take account of land uses; and*
 - (e) *take account of the community's right to have an interest in those activities.*
- (2) *A person must perform any function or exercise any power under this Act in a manner which furthers the objectives of resource management.*

[REDACTED]

This involves decisions about management and allocation of public resources to facilitate sustainable development and it is quite understandable that there are a range of views within the community about how allocations should be made.

The PA also observes that, independent of the management framework established by an MFDP, the EMPCA applies to any activity that may cause environmental harm or environmental nuisance and provides for assessment, permitting and enforcement in relation to noise, water quality, odour or light pollution.

The PA concludes that no representation has an impact on the draft amendment as a whole.

3.2 Any appropriate recommendation in relation to the draft amendment

Since the draft amendment was approved for exhibition, the *Finfish Farming Environmental Regulation Act 2017* has commenced, giving the EPA formal functions and powers in relation to environmental management of finfish farming. In light of these legislative changes, the PA has identified a number of changes to management controls that better reflect the new regulatory environment and responsibilities.

Additionally, the PA has further reviewed the existing and proposed management controls and recommends a number of other minor changes to clarify and update the management controls that apply to this plan and the draft amendment.

Consistent with the recommendation to modify the draft amendment to include a consolidated set of management controls and the modifications that the PA recommends under this heading, the PA submits Appendix D for the Panel's consideration. The PA recommends that the Panel modifies the draft amendment by deleting everything including and after the words 'Section 3 of the Tasman Peninsula and Norfolk Bay Marine Farming Development Plan November 2005 is amended by the following changes' on page six of the draft amendment and replacing it with Appendix D.

The PA submits that, if the Panel determines, pursuant to section 41(2)(b), to modify the draft amendment in response to this recommendation, that the modifications would not, for the purposes of section 37(3), be of a substantial nature.

Appendix A - Representations [REDACTED]

Appendix B – Table of representations

Appendix C – Applicant response to issues raised by representors

Appendix D – Consolidated and modified management controls