

3 Standardised Management controls

The following standardised management controls (the Standard) for marine farming in Tasmania are standard management controls to be adopted pursuant to section 24 of the *Marine Farming Planning Act 1995*, across all existing Marine Farming Development Plans (Plans) where applicable. The only instance where the Standard may not apply in its entirety concern the management controls specific to finfish; these can be omitted from Plans that do not provide for finfish farming.

When one or more of these management controls is inconsistent with any standard or program established in accordance with related legislation and related to marine farming activities, including but not limited to a Biosecurity Program implemented under the *Biosecurity Act 2019*, or the Environmental Standard, or the conditions of a marine farming or an environmental licence, the Environmental Standard or environmental licence condition shall prevail over the management controls, to the extent of any inconsistency.

3.1 General management controls

All categories of fish

- 3.1.1 Lessees must comply with any written notice or request given by the Secretary and must not undertake, cause or permit another person to undertake an activity contrary to the Secretary's written notice or request.

Finfish

- 3.1.2 Lessees must comply with any written notice or request given by the Director, Environment Protection Authority (EPA) and must not undertake, cause or permit another person to undertake an activity contrary to the Director, EPA's written notice or request.

All categories of fish

- 3.1.3 In these management controls:

'Act' means the *Marine Farming Planning Act 1995*;

'authorised person' means any person authorised as a 'fisheries officer' under the *Living Marine Resources Management Act 1995* or authorised (in writing or otherwise) by the Secretary to conduct the activities required by the Secretary in relation to these management controls.

'biomass' means the weight of farmed finfish held in a given location;

'biosecurity inspector' means an inspector within the meaning of the *Animal Health Act 1995* and includes an 'authorised officer' within the meaning of the *Biosecurity Act 2019*.

'Biosecurity Program' means the Biosecurity Program: Tasmanian Salmonid published by the Secretary, Department of Natural Resources and Environment Tasmania (NRE Tas) under the *Biosecurity Act 2019*, or any Program that supersedes the Biosecurity Program, regardless of whether it has the same name.

'Chief Veterinary Officer' has the same meaning as in the *Biosecurity Act 2019*.

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

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

'Environmental Standard' means the Standard relating to finfish farming published by the Department, or any regulation that supersedes the Environmental Standard, regardless of whether it has the same name.

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

'finfish' means as defined in section 3 of the *Environmental Management and Pollution Control Act 1994*;

'finfish farming' has the same meaning as section 5C of the *Environmental Management and Pollution Control Act 1994*.

'lessee' means any leaseholder of a marine farming lease, or (if a lease is subleased) any sublease holder of a marine farming lease as granted under Part 4, Division 1 of the *Marine Farming Planning Act 1995*.

'licenced' in relation to finfish farming means authorised under a licence granted under Part 3, Division 8 of the *Environmental Management and Pollution Control Act 1994*.

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

'marine farming licence' means a marine farming licence issued under Part 4 of the *Living Marine Resources Management Act 1995*.

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

3.2 General controls for all marine farming zones

Finfish only

- 3.2.1 There must be no significant visual, physio-chemical or biological impacts at or extending 35 metres from the boundary of the lease area, unless otherwise specified by the Director, EPA.
- 3.2.2 Lessees must conduct seabed monitoring:
- (a) within the lease area;
 - (b) 35 metres outside the boundary of the lease area; and
 - (c) at any control site(s) in accordance with the requirements specified in the relevant marine farming licence or in the relevant environmental licence.
 - (d) required by an Environmental Standard.
- 3.2.3 Lessees must follow or comply with limits upon the use of a lease area if unacceptable benthic impacts specified in the relevant marine farming licence or environmental licence are identified through routine monitoring.

Shellfish only

- 3.2.4 There must be no unacceptable environmental impact, as specified in the relevant marine farming licence, outside the boundary of the lease area.
- 3.2.5 Lessees must monitor all environmental parameters in accordance with the requirements specified in the relevant marine farming licence.

3.3 Controls relating to nitrogen outputs from finfish farming

- 3.3.1 The Director, EPA may from time to time, determine the total permissible dissolved nitrogen output (TPDNO) within specified periods, attributable to licenced finfish for a specified area.
- 3.3.2 A specified area may constitute:
- (a) an area or multiple areas covered by this Plan; or
 - (b) all the area covered by this Plan.
- 3.3.3 For the purpose of assessing quantities of dissolved nitrogen output attributable to licenced finfish farming, the Director, EPA may use any method that the Director is satisfied delivers a proper measure of total dissolved nitrogen output from finfish farming.
- 3.3.4 On making a determination under 3.3.1, the Director, EPA is to apportion the TPDNO, or a portion of the TPDNO, between the lessees licenced for finfish farming within that specified area.
- 3.3.5 An individual apportionment made under 3.3.4 may be nil.
- 3.3.6 An individual apportionment made under 3.3.4 may be made in respect of two or more lessees, as if they were a single lessee.
- 3.3.7 On the making of an apportionment under 3.3.4, the Director, EPA is to notify each of the lessees (in writing) of the individual apportionment made in respect of that lessee.
- 3.3.8 A lessee notified in accordance with 3.3.7 must comply with that notice.

3.4 Environmental controls relating to carrying capacity

Finfish only

- 3.4.1 The maximum permissible stocking density of salmonid fish is **[X]** kg/m³ of caged volume, unless otherwise specified in the marine farming licence.
- 3.4.2 Maximum permissible stocking densities for other finfish species may be specified in the conditions of the relevant marine farming licence, environmental licence, or Environmental Standard.
- 3.4.3 Lessees must ensure that farmed areas are fallowed as soon as practicable if gas bubbles are observed rising from the sediment to the surface without physical disturbance of the seabed.
- 3.4.4 Finfish cage nets must be at least one metre clear of the seabed at low tide under normal growing conditions, unless otherwise specified in the relevant marine farming licence.
- 3.4.5 The Director, EPA may from time to time using whatever information the Director, EPA considers appropriate, determine the maximum permissible biomass of finfish that may be stocked within the area covered by this Plan, or any other specified area within the Plan area.

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

- 3.4.6 The Director, EPA is to give notice in writing to any lessees subject to a determination made by the Director, EPA under 3.4.5 and specify the date from which the lessee must comply with the Director, EPA's determination.
- 3.4.7 Compliance with 3.4.5 will be calculated for any point in time, according to the following formula or any other method deemed by the Director, EPA to be equal to or better than.
- (a) Total Biomass (TB) = Total biomass in tonnes of finfish held by lessees, within the determined area at a single point in time.
 - (b) Total Area (TA) = Combined total lease area licenced for the farming of finfish held by lessees, within the determined area at that same point in time.
 - (c) TB/TA must be no greater than the maximum permissible biomass, in tonnes per hectare, as determined by the Director, EPA.

Shellfish only

- 3.4.8 In all lease areas used for the farming of shellfish, there must not be more than the equivalent of either:
- (a) [X] km of stocked racking per hectare of developed lease area; or
 - (b) [X] km of stocked effective backbone longline per hectare of developed lease area; or
 - (c) [X] metres of effective backbone longline per hectare of developed lease area unless otherwise specified in the relevant marine farming licence.
- 3.4.9 Containers of oysters in intertidal lease areas must be clear of the seabed, and there shall be no layering of containers on the racking.
- 3.4.10 All longlines and associated equipment (other than moorings for shellfish) must be maintained at least one metre clear of the seabed.

3.5 Environmental controls relating to monitoring

Finfish only

Baseline environmental survey requirements

- 3.5.1 Lessees must provide a baseline environmental survey to the satisfaction of the Director, EPA. Such a baseline environmental survey must be undertaken prior to the commencement of marine farming operations on those areas:
- (a) where a new lease area is being established;
 - (b) when required as a condition of varying or expanding a lease area; or
 - (c) where a marine farming licence is varied to allow the farming of another species not addressed by the existing baseline survey for the lease.

NOTE: The Director, EPA will use the information from the baseline environmental survey to assess whether the area to be farmed contains any rare or endangered species or any unusual habitat, and to determine conditions and requirements relating to environmental management.

Environmental monitoring and reporting requirements

- 3.5.2 Environmental data is to be collected at each finfish lease area and analysed to specific standards and in accordance with the requirements for collection, reporting and analysis, as specified in the relevant marine farming licence or environmental licence.
- 3.5.3 Lessees must comply with any environmental monitoring, data analysis, interpretation, auditing and reviewing requirements specified in writing by the Director, EPA or Secretary, at the lessee's expense, using such parties as are approved or nominated by the Director, EPA or Secretary.
- 3.5.4 The Secretary may require from time to time by notice in writing, a lessee (at the lessee's expense) to engage an independent auditor (determined by the Secretary) to undertake an audit (as specified by the Secretary) of a lessee's business records and record keeping practices.
- 3.5.5 An audit undertaken under 3.5.4 may include an assessment of the accuracy and truthfulness of records with respect to the physical parameters being recorded, for the purposes of determining compliance with any management control or licence condition.
- 3.5.6 The Director, EPA may require from time to time by notice in writing, a lessee (at the lessee's expense) to engage a specified consultant, scientific institute or other entity acceptable to the Director, EPA to conduct environmental monitoring and/or modelling in accordance with any requirements of (and to the satisfaction of) the Director, EPA.
- 3.5.7 For leases that have an associated marine farming licence authorising the farming of finfish, lessees must provide to the Secretary on an annual basis (unless exempted in writing by the Secretary) a production planning report for three years in advance, by lease.
- 3.5.8 Lessees or sublessees must keep the following records for each lease area held by the lessee, and retain these records for a period of five years:
- (a) Daily records capable of demonstrating the:
 - maximum stocking density of finfish in each stocked cage; and
 - maximum biomass of finfish in each stocked cage.
 - (b) The type, origin and dry weight of food placed into the lease area, on a monthly basis.
 - (c) The names, quantities and date of use of all chemicals that have been used on the lease area. This must include (but is not confined to) therapeutants, anaesthetics, antibiotics, hormones, pigments, antifoulants, disinfectants and cleansers.
 - (d) The location (to a degree of precision to the satisfaction of the Secretary), size and stocking rates of all cages.
 - (e) The duration that individual cages are held in a particular location.
- 3.5.9 Lessees must provide to the Manager, Aquaculture Branch the records detailed under 3.5.8 at the request of the Secretary.
- 3.5.10 Lessees must notify the Manager, Aquaculture Branch within 48 hours of using any therapeutants, including antibiotics but excluding vaccines. Information provided to the Manager, Aquaculture Branch must include:
- (a) the names of therapeutants (including trade name and concentration of active ingredient).
 - (b) the date of use.
 - (c) the location (to a degree of precision to the satisfaction of the Secretary) and identification of the specific cage(s) in which therapeutants have been placed.

- (d) the quantities of therapeutants placed into specific cages.

Shellfish only

Baseline environmental survey requirements

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

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

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

Environmental monitoring requirements

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

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

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

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

3.6 Abalone farm audits

3.6.1 All abalone marine farming must be conducted in accordance with the Department for Natural Resources and Environment Tasmania's abalone farm reporting and recording procedures and requirements.

3.7 Chemical controls

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

3.8 Controls on waste

3.8.1 Lessees must dispose of wastes from:

- (a) harvesting;
- (b) processing of produce;
- (c) removal of fouling organisms; and
- (d) production

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

- 3.8.2 All mortalities arising in connection with marine farming operations must be disposed of at a site that has the necessary approvals to receive this material.
- 3.8.3 Licence holders must ensure that blood resulting from the harvesting of finfish is fully contained and not allowed to enter the marine environment, unless authorised in writing by the Chief Veterinary Officer and the Director, EPA.
- 3.8.4 Lessees must ensure that blackwater and greywater resulting from the servicing of marine farming operations is not released into the marine environment, unless otherwise authorised.

3.9 Disease Controls

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

3.10 Visual controls

- 3.10.1 All marine farming structures and equipment within marine farming lease areas must conform to the following controls:
 - (a) All fish cages, buoys, netting and other floating marine farming structures and equipment on state waters (other than that specified for navigational requirements must be grey to black in colour or be any other colour that is specified in the relevant marine farming licence.
 - (b) Marine farming structures and equipment must be low in profile and be of a uniform size and shape to the satisfaction of the Secretary. The Secretary will determine what constitutes a low profile and uniform size and shape.
 - (c) Posts on each section of racking on intertidal lease areas are to be of uniform height above sea level.
 - (d) Row markers on intertidal lease areas are to be of uniform height above sea level.
 - (e) The lease area must be kept neat and tidy to a standard acceptable to the Secretary.
 - (f) Lessees are to ensure (to the satisfaction of the Director, EPA) that light generated from marine farming operations does not create a nuisance.

3.11 Access controls

- 3.11.1 Lessees must mark the external boundaries of the lease area in whatever manner is required by the Secretary and by Marine and Safety Tasmania.
- 3.11.2 Lessees must identify the lease area in a manner specified by the Secretary.
- 3.11.3 Anchors and mooring lines that extend outside the lease area, must be at least five metres below the surface at the boundary of the lease area and must not extend outside a marine farming zone.

3.12 Odour controls

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

3.13 Fish escapes

- 3.13.1 Lessees must not intentionally release into state waters fish of the species authorised in the relevant marine farming licence, unless authorised to do so by that licence.
- 3.13.2 Lessees must report to the Secretary any significant incident of fish escapes within 24 hours of becoming aware of the escape. A significant escape is defined as any loss of licenced species to the marine environment in excess of 500 individuals in a single event.
- 3.13.3 Lessees must recover escaped finfish when and in a manner directed by the Secretary.

3.14 Other controls

- 3.14.1 Lessees must ensure that noise generated from marine farming operations does not create an environmental nuisance.
- 3.14.2 Lessees must maintain marine farming structures and equipment in a serviceable condition on lease areas held by them.
- 3.14.3 Lessees must remove fouling organisms from marine farming equipment, as directed by the Secretary or Director, EPA and in a manner that the Secretary or Director, EPA is satisfied will not cause an unacceptable effect on the ecology of the marine environment or nearby shorelines.
- 3.14.4 Lessees must remove redundant, dilapidated or loose marine farming structures and equipment from state waters, as directed by the Secretary.
- 3.14.5 If any part(s) of marine farming structures or equipment break away from the lease area, lessees must take action as soon as is reasonably possible to recover those structures and equipment and return them to the lease area or otherwise dispose of them in an appropriate manner.
- 3.14.6 Lessees must permit authorised persons (as directed by the Secretary or Director, EPA) to enter into and inspect the lease area at all reasonable times.
- 3.14.7 Lessees must not undertake, cause or permit another person to deliberately interact with wildlife, except in accordance with the *Nature Conservation Act 2002*.
- 3.14.8 Lessees must comply with any operational requirements (notified by the Secretary) in relation to managing, mitigating or avoiding interactions with wildlife, as defined by the *Nature Conservation Act 2002*.
- 3.14.9 The Secretary may from time to time, determine requirements for the marking and monitoring of marine farming equipment.
- 3.14.10 Upon making a determination under 3.14.9, the Secretary is to notify any lessees of the determination.
- 3.14.11 A lessee notified in accordance with 3.14.10 must comply with that notice.
- 3.14.12 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.

- 3.14.13 A lessee who becomes aware of a potential hazard to navigation must as soon as practicable after becoming aware of the hazard, notify Marine and Safety Tasmania and take any other action directed by Marine and Safety Tasmania and/or considered necessary by the lessee.
- 3.14.14 In the event of the cessation of marine farming where the holder of the environmental licence is unable or unwilling to remediate or monitor the lease area, the Director, EPA may impose a remediation or monitoring plan.



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