



# Tasmanian Regulatory Framework for Finfish Aquaculture

# Contents

---

<b>Key Legislation</b>	<b>3</b>
<b>Finfish aquaculture management and regulation</b>	<b>5</b>
1. Marine farm planning and assessment	5
2. EPA assessment process	5
3. Licences and other authorities	6
4. Managing threatened and protected species interactions	8
5. Biosecurity	9
6. Animal welfare	9
7. Compliance and monitoring	10
8. Food Production	11
<b>Future</b>	<b>11</b>
Aquaculture Standards	11
Legislation	12
<b>Associated legislation</b>	<b>12</b>

---

Author: Department of Natural Resources and Environment Tasmania

Publisher: Department of Natural Resources and Environment Tasmania

Date: August 2023

© Crown in Right of the State of Tasmania August 2023

Note: The term salmon in this document refers to all salmonid farming operations in Tasmania.

# Key Legislation

Finfish aquaculture is managed in accordance with key resource management legislation that applies to the growing of finfish, across a range of aquaculture activities in Tasmania. Finfish aquaculture is the farming of salmonids - Atlantic salmon (*Salmo salar*) and rainbow trout (*Oncorhynchus mykiss*).

The salmonid life cycle starts in freshwater. When juvenile salmonid reach the required size they are transferred into marine (i.e. sea) farms.

The Department of Natural Resources and Environment Tasmania (NRE Tas) and the independent Environment Protection Authority (EPA) are the lead agencies for regulating the development and operation of the aquaculture sector in Tasmania. These agencies are supported by the Inland Fisheries Service for regulation of freshwater hatcheries, and the Department of State Growth for market and trade development.

The following table summarises the role of key legislation in freshwater and marine finfish aquaculture:

Legislation	Freshwater	Marine
<i>Agriculture and Veterinary Chemicals (Control of Use) Act 1995</i>	Regulation of handling, use and application of veterinary chemicals to ensure human, environmental and animal health.	
<i>Animal Welfare Act 1993</i>	Regulation of the welfare of farmed animals and of interactions between humans and wildlife.	
<i>Biosecurity Act 2019</i>	Regulation of biosecurity relating to salmon and matters relating to animal disease.*	
<i>Biosecurity (Salmonid Biosecurity Zones) Regulations 2022</i>	Apply to all salmonid production, from egg production through to grow-out and harvesting; and regulate processing activities and waste disposal.	
<i>Crown Lands Act 1976</i>	Allocation and administration of Crown leases and licences.	
<i>Environmental Management and Pollution Control Act 1994</i>	Environmental management of salmon farming, as well as other environmentally relevant activities that interact with the environment.	
<i>Inland Fisheries Act 1995</i>	Regulation of land-based hatcheries, nurseries and farms (finfish).	Not applicable
<i>Land Use Planning and Approvals Act 1993</i>	Planning permission for inland fish farms.	Planning permission for shore bases and utility sites.
<i>Living Marine Resources Management Act 1995</i>	Not applicable	<ul style="list-style-type: none"> <li>- Licensing of marine farms, whether in sea or on land.</li> <li>- Development of marine farming.</li> <li>- Scientific Research</li> <li>- Permits</li> </ul>
<i>Marine Farming Planning Act 1995</i>	Not applicable	<ul style="list-style-type: none"> <li>- Planning and zoning of marine farms, controls on use and development.</li> <li>- Allocation and administration of marine farming leases.</li> <li>- Compliance and penalties.</li> </ul>
<i>Nature Conservation Act 2002</i>	Regulation of interactions with wildlife.	
<i>Primary Produce Safety Act 2011</i>	Complements the <i>Food Act 2003</i> to achieve consistent regulatory framework for food safety covering the whole food chain.	

Legislation	Freshwater	Marine
<i>State Policies and Projects Act 1993</i>	<i>State Policy on Water Quality Management 1997</i>	- State Policy on Water Quality Management 1997 - State Coastal Policy 1996
<i>Threatened Species Protection Act 1995</i>	Management and protection of threatened plant and animal species at risk of extinction.	
<i>Water Management Act 1999</i>	Management and allocation of surface and groundwater (freshwater) resources.	Not applicable

\*The *Animal Health Act 1995* originally dealt with matters of animal disease. It was repealed on 17 May 2023.

The *Marine Farming Planning Act 1995*, *Living Marine Resources Management Act 1995*, *Nature Conservation Act 2002* and *Environmental Management and Pollution Control Act 1994* (EMPCA) (and some other Tasmanian legislation and policies) are components of Tasmania’s Resource Management Planning System, established in 1994.

### Tasmania’s Resource Management Planning System (RMPS)

The RMPS is an integrated system with the aim to achieve sustainable outcomes from the use and development of the State’s natural and physical resources. The objectives of the RMPS are to:

- promote the sustainable development of natural and physical resources and the maintenance of
- ecological processes and genetic diversity;
- provide for the fair, orderly and sustainable use and development of air, land and water;
- encourage public involvement in resource management and planning;
- facilitate economic development in accordance with the objectives set out above; and
- promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

In the objectives, “sustainable development” means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while:

- sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations;
- safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- avoiding, remedying or mitigating any adverse effects of activities on the environment.

# Finfish aquaculture management and regulation

## 1. Marine farm planning and assessment

Marine farming planning and assessment processes are managed by the Aquaculture Branch within NRE Tas.

The planning processes for marine farming are set out in the *Marine Farming Planning Act 1995* (MFPA). The MFPA provides for the development of new or amendments to existing marine farming development plans (MFDPs) which establish areas where marine farming may occur. A MFDP in effect provides a planning scheme for marine farming.

A MFDP specifies how an area may be used, for example, whether a farming zone may be used for farming finfish, shellfish or seaweeds or a combination of species. A MFDP places limits on the extent of environmental effects permitted and it also provides for biomass and/or nitrogen output limits for finfish to be determined by the Director, EPA. Among other controls within a MFDP are requirements for marine farming equipment to meet specified requirements for colour and shape, for a lease to be kept in a neat and tidy condition and for vessels permanently moored within the lease to be authorised in the relevant marine farming licence.

The Minister must provide consent for a draft MFDP or amendment to a MFDP to be prepared. Such approval indicates the Minister is satisfied with the general intent and concept of a planning proposal.

The development of a draft MFDP or amendment to an existing MFDP involves planning and assessment stages including research, consultation with stakeholders, and where appropriate preparation of an Environmental Impact Statement (EIS). An EIS contains information appropriate to the significance of the draft MFDP and addresses matters including but not limited to operations, biosecurity, the environment, and socio-economic considerations. If the development proposal relates to finfish farming, the EIS must also address any matter required by the Director, EPA.

A draft MFDP (or amendment) and EIS is reviewed by the Marine Farming Planning Review Panel, and is subject to public exhibition and public hearings. Following this, the Panel makes a recommendation to the Minister and the Minister gives consideration to finalising the MFDP.

## 2. EPA assessment process

Where a marine farming lease and marine farming licence have been issued for a particular marine lease, an application for an Environmental Licence may be submitted to the Director, EPA for that marine lease. The holder of an Environmental Licence may also apply for a variation of an existing licence. The Director must determine, in accordance with the *Environmental Management and Pollution Control Act 1994* (EMPCA) and the *Environmental Management and Pollution Control (Environmental Licences) Regulations 2019*, whether to refer such an application to the EPA Board for assessment.

An application made within two years of the marine farming planning process described above may not need referral to the EPA Board. Applications that must be referred to the EPA Board include those likely to have a very high level of public interest, require Commonwealth approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) or increase capped dissolved nitrogen emissions by ten per cent.

Where a local planning authority (Council) receives a development application (e.g. to establish or intensify an inland fish farm) that is a level 2 activity, Council will then refer this application to the EPA Board, which will undertake an environmental impact assessment. Level 2 activities are listed in Schedule 2 of EMPCA. Level 2 activities are those industrial and municipal activities considered to have a high potential for emitting pollutants and/or causing environmental harm.

The EPA Board's assessment process involves the issuing of guidance to the proponent to outline the requirements for preparing its 'case for assessment', typically in the form of an EIS. In certain cases, this guidance may be exhibited for public consultation.

A draft EIS is reviewed by the EPA to identify any information gaps before being finalised and made publicly available for anyone to make a representation about the proposal. The EPA Board then considers the proposal, along with any comments provided by other government agencies and comments made in representations received. If required, the Board may seek supplementary information to address issues that have been identified during the comment period.

If the EPA Board decides the proposal can be approved, an Environmental Licence will be issued which imposes environmental conditions and restrictions upon the farming activity.

Anyone who makes a valid representation during the public comment period can lodge an appeal with the Tasmanian Civil and Administrative Tribunal regarding the decision or the conditions/restrictions.

A marine or inland application that is not required to be referred to the EPA Board will be assessed and determined by the Director, EPA in accordance with the legislation. In this case documentation associated with the application is not required to be made publicly available.

### 3. Licences and other authorities

#### Marine farming licences

Active marine farming leases are subject to a marine farming licence issued under the *Living Marine Resources and Management Act 1999* (LMRMA). Licences are publicly available on LISTmap. Marine farming licences contain operational conditions and restrictions relating to the release of fish into State waters, significant illness, mortality or disease, the mooring of equipment within the lease area, stock record keeping, chemical and therapeutic usage, biosecurity, equipment identification and infrastructure management.

#### Inland fish farm licences

All freshwater fish farms (including salmonid hatcheries) are managed by the Inland Fisheries Service (IFS) under the *Inland Fisheries Act 1995* (IFA). A salmonid hatchery is required to have a freshwater fish farm licence to grow fish under the IFA.

Freshwater fish farm licences contain conditions relating to the species of fish permitted to be grown, the location and size of the farm, the source of supply of fish stock, and requirements for notification, disease management and the prevention of fish escapes from farms.

The IFS is responsible for ensuring compliance with the conditions of a fish farm licence. Licence fees are based on the fish farm's maximum standing biomass, which is grouped into three categories:

Category 1: Standing biomass of greater than 100 tonnes.

Category 2: Standing biomass greater than 2 tonnes but less than or equal to 100 tonnes.

Category 3: Standing biomass equal to or less than 2 tonnes.

## Permits

Twelve-month permits can be issued under the LMRMA for a variety of marine-related activities, including scientific research and the development of marine farming.

## Marine farming leases

For either a marine farming licence or an Environmental Licence to be granted, a person must first hold a lease for the relevant area of water under the MFPA. An exception to this is where the person has been granted a permit under the LMRMA, in which case a marine farming licence is not required but an Environmental Licence is still required.

Marine farming leases may be granted within zones established in a MFDP.

Under the MFPA, all marine farming equipment is required to be contained within the lease area, with the exception of mooring equipment, such as mooring lines and blocks, which must be contained within the zone and are required to be at least five metres below the surface at the lease boundary.

The type, materials, layout, and number of fish pens that may be located in or used within a lease area are all operational matters determined by the lessee, just as the number of paddocks and configuration of paddocks on a terrestrial farm are determined by the farmer according to changing needs. Leases are frequently inspected by authorised officers for compliance with requirements, specified in MFDPs, leases and licences.

Where a person sub-leases a marine farming lease or a portion of a lease, it is not necessary to hold a separate marine farming licence for the activity conducted on the sub-lease. The operator of the activity on the sub-lease must, however, hold an Environmental Licence, even if the lessee already holds such a licence.

The MFPA provides for marine farming leases to be issued for a maximum 30 years. Leases may be renewed for further periods of 30 years, 15 years before the expiry of the current lease. A lease confers on the lessee exclusive occupation of the area specified in the lease and the seabed within the lease. The marine farming lease document contains a standard set of conditions as drafted by Crown law, the MFDP of the marine farming lease, and may also contain a deed of agreement between the Crown and the lessee.

Marine farming leases may have a range of conditions about the operation of the lease including, keeping the lease area neat and tidy, retrieval of equipment that has broken away from the lease in a reasonable timeframe, and marking of the lease to the satisfaction of the Minister and Marine and Safety Tasmania (MAST).

The marine farming lease is the instrument that enables the collection of annual lease fees for the area of water allocated by the Crown.

## Environmental Licences for fish farms

Finfish farming is a level 2 activity under the EMPCA; this applies to both marine fish farms and inland fish farms that have the capacity to hold over two tonnes of biomass or produce over five tonnes of fish per year. A person must not undertake such fish farming unless the person is authorised to do so under an Environmental Licence.

Environmental Licences impose conditions relating to environmental monitoring, noise control, production limits, therapeutic use, waste management, wastewater reuse, and rehabilitation following the cessation of fish farming. The EPA is responsible for assessing compliance against the conditions of an Environmental Licence.

The granting of an initial Environmental Licence by the EPA for a marine finfish lease is contingent on assessment and approval of a baseline environmental survey report. A baseline environmental survey must be completed prior to the commencement of marine finfish farming operations.

Environmental Licences for marine finfish farms include detailed conditions requiring at least annual video surveys of the sea floor in the vicinity of the fish farm cages to assess the health of the ecosystem. Results

of these surveys must be submitted to the EPA. Any significant visual impact at defined compliance points 35 metres away from the lease boundary constitutes non-compliance against the Environmental Licence.

Conditions requiring monitoring of the broader environment at a distance from the fish farm are also included in marine Environmental Licences.

The EPA is progressively imposing effluent quality limits to be met at the point of discharge for flow-through inland fish farms. These licences may contain requirements for ambient monitoring upstream and downstream of the fish farm to assess the impact of outflows to inland waterways. These licences also require the holder/operator to submit a discharge management plan to show how they will minimise the impacts of outflows and comply with future effluent quality limits.

Environmental Licences for recirculating aquaculture systems (RAS) fish farms contain conditions requiring careful management of any wastewater irrigation on agricultural land. RAS fish farms are also required to manage any sludges arising from their water treatment process in an acceptable manner.

### **Other approvals**

Any inland fish farm extracting water from a water resource for commercial purposes, including, but not limited to, utilising a flow through system, is required to have a Water Licence and allocation granted under the *Water Management Act 1999*. Conditions are applied to water licences which may be tailored to manage risks or issues specific to a water resource.

A local planning authority (Council) deals with any planning issues related to inland fish farms through a land use permit.

A proponent may also need to consider its intended activity in relation to the EPBC, and have its proposal assessed under that Act.

## **4. Managing threatened and protected species interactions**

Measures to avoid or minimise impacts to threatened species are explicitly considered in an EIS.

When developing or assessing zone assessment surveys, baseline surveys or EIS documentation, NRE Tas and the EPA seek input from experts with specialist knowledge. This ensures survey requirements for threatened species are appropriate, and that specific advice is obtained on suitable mitigation measures to ensure threatened and protected species impacts are reduced as far as practicable.

Many threatened species are listed and protected under various pieces of Tasmanian legislation.

The primary act is the *Threatened Species Protection Act 1995* (TSPA). The TSPA lists marine species that may interact with or be impacted by marine farming. It also sets out a framework to protect listed threatened species and makes it an offence to knowingly take a listed species without a permit.

In addition, the *Nature Conservation (Wildlife) Regulations 2021* (regulations made under the *Nature Conservation Act 2002* (NCA)), list Specially Protected or Protected Wildlife. Many marine mammals and coastal or oceanic bird species are listed as either Specially Protected or Protected Wildlife. Permits or licenses are required to guide interactions with such listed animals.

The *Fisheries (General and Fees) Regulations 2016* also provides for the protection of certain fish species. Species protected under these regulations include five shark species (of particular note being the Great White Shark) and all handfish of the family Brachionichthyidae (in effect all handfish species that occur in Tasmania).

Freshwater species are also listed and protected under both the TSPA, NCA and the IFA. There are many species that potentially interact with freshwater hatcheries, such as the Australian grayling, giant freshwater crayfish, Galaxia species and hydrobiid snails. The possession or take of these species is prohibited.

The Seal Management Framework 2018 and Minimum Requirements 2018A describe the mechanisms, procedures, requirements and options for managing fur seal interactions with marine farming operations to



minimise risks to farm workers and manage seal welfare. Further information on the Framework is available via [Seal Management Framework | Department of Natural Resources and Environment Tasmania](#).

## 5. Biosecurity

The *Biosecurity Act 2019* provides the legislative framework for the management of pests and diseases for salmon aquaculture. Biosecurity Tasmania, within NRE Tas, undertakes surveillance and regulatory activities to prevent the movement and establishment of biosecurity matters. Biosecurity Tasmania provides support and advice to salmon farmers to enable management of biosecurity risks, including established and emerging pest species and diseases.

### Salmonid Biosecurity Program and Regulations

The objective of the [Biosecurity Program: Tasmanian Salmonid Industry](#) (Biosecurity Program) is to improve the overall biosecurity of all salmon production in Tasmania by preventing, eliminating, or minimising (wherever practicable to do so) the risks posed by infectious diseases of salmon and associated exotic aquatic pests. The Biosecurity Program sets Standards designed to reduce biosecurity risks between growing regions, year classes, operators, and individual farms. Overall application of the standards contained in the Biosecurity Program provides for improved fish health and welfare outcomes.

The Biosecurity Program is enforced through the [Biosecurity \(Salmonid Biosecurity Zones\) Regulations 2022](#) made under section 281 of the *Biosecurity Act 2019* (the Act). The Regulations establish the Biosecurity Zones around Tasmania where the production of salmonids and their products currently occurs. Secondly, the Regulations adopt the standards contained in the Schedules of the Program as Biosecurity Zone Measures under subsection (7) of section 281. Failure to comply with a Biosecurity Zone Measure is an offence under the Act. In addition, failure to comply with the General Biosecurity Duty is also an offence under the Act.

The establishment of Biosecurity Zones under Regulations is for the sole purpose of managing biosecurity risks on premises and in waterways that are already designated for salmon production. The Biosecurity Zones identified in the Regulations cannot and do not pre-empt any future expansion of the industry

## 6. Animal welfare

The Tasmanian *Animal Welfare Act 1993* applies to salmon farming, the same as any industry involving animal husbandry.

The Tasmanian Salmonid Health Surveillance Program (TSHSP) is an aquatic animal health service that monitors fish health and detects new or emerging diseases before they can become a problem.

Under the TSHSP, NRE Tas, with support from Salmon Tasmania and the Fisheries Research and Development Corporation (FRDC), operates the [Centre for Aquatic Animal Health and Vaccines](#) (CAAHV), an aquatic animal health diagnostics and disease research facility. The CAAHV, together with Biosecurity Tasmania's [Animal Health Laboratory](#), oversees aquatic animal disease surveillance, health testing and disease diagnosis, and research and development of responsive fish health diagnostic capabilities. The CAAHV has led the development of five salmonid vaccines to improve fish health and enable industry growth.

Lessees must abide by the *Agricultural and Veterinary Chemicals (Control of Use) Act 1995*. Therefore, the salmon industry may only use antimicrobials when prescribed by a registered veterinary surgeon. Veterinary surgeons must abide by the [Code of Practice for the Supply and Use of Veterinary Chemical Products](#) and when prescribing medications.

Under the Biosecurity Program, salmon producers engaging in the use of antibiotics on farms must ensure that prior to the use, the Chief Veterinary Officer is notified of the proposed use, and provided with a copy of any medication authority specific to the stock treatment that has been issued. The Program also has standards that apply to management of environmental residues in relation to therapeutic use on farms, and

requirements to undertake residue testing specified in any relevant legislative requirement or instrument issued by a Commonwealth, State or Local Government authority.

Under the EMPCA, the Environmental Licence holder must notify the Director, EPA and provide a copy of the medication Authority. The licence holder must comply with requirements to undertake any reasonable residue testing prescribed by the Director, EPA.

Under the LMRMA, a licence holder must advise the General Manager, Marine Resources, and provide a copy of any medication authority specific to stock treatment that has been applied. The licence holder must comply with requirements to undertake any reasonable residue testing prescribed by the General Manager.

There is some cross over between the Biosecurity Program and the management controls in MFDPs. Implementation of the Biosecurity Program now provides an opportunity to review and remove any conditions from existing legal mechanisms specific to biosecurity. Refer to the Future section, below.

Lessees must also comply with the requirements of the *Agricultural and Veterinary Chemicals (Control of Use) Act 1995* and maintain detailed records of all chemicals used on the lease area. In relation to biosecurity and animal welfare, this includes therapeutants, anesthetics, antibiotics and hormones.

## 7. Compliance and monitoring

### Compliance

The Aquaculture Branch within NRE Tas is responsible for regulating the non-environmental aspects of finfish marine farming in Tasmania and ensuring compliance with conditions of marine farming licences and special permits. All marine farming leases (and surrounding shorelines) are regularly inspected by authorised officers from the Aquaculture Branch and MAST. The compliance program reviews operations against conditions contained in marine farming leases and licences along with management controls contained within MFDPs.

The EPA is responsible for regulating the environmental aspects of marine farming and inland finfish farms and ensuring compliance with the conditions of Environmental Licences. Freshwater operations are regularly inspected by authorised officers from the IFS and the EPA. This IFS compliance program reviews operations against conditions contained in the Fish Farm Management Plan, freshwater Fish Farm Licence and any applicable Environmental Licence.

Where issues are identified, investigations are conducted, and appropriate compliance action taken.

### Monitoring and Reporting

Water quality and benthic condition monitoring associated with salmonid marine farming specifically relates to assessment of benthic condition and water quality in MFDP areas.

These monitoring programs are subject to a consistent management framework applying to operational finfish marine farming lease areas.

Ongoing benthic monitoring is required in all MFDP areas and water quality monitoring is required in the major production areas of the State including in the D'Entrecasteaux Channel and Huon River, Tasman, Okehampton and Storm Bay areas in the southeast and in Macquarie Harbour on the west coast. A subset of data collected from monitoring programs, compliance audits and marine debris clean ups is available on the [Salmon Farming Data Portal](#).

In addition, reporting on actions undertaken under permit (such as the use of seal deterrents) must also be reported on a regular basis.

The EMPCA was amended in late 2022 to empower the Director, EPA to make monitoring information available to the public in a manner and form the Director sees fit. Further information is available at [Release of Environmental Monitoring | EPA Tasmania](#).

## 8. Food Production

The *Primary Produce Safety Act 2011* complements the *Food Act 2003* to achieve consistent regulatory framework for food safety covering the whole food chain. This is managed by the Food Safety and Product Integrity Branch within NRE Tas.

## Future

NRE Tas is developing new aquaculture standards as part of a continuous improvement process which builds on existing regulatory requirements.

The finalisation of existing draft and development of new standards, as listed below, are near term priority actions arising from the Tasmanian Salmon Industry Plan 2023, which commenced in May 2023.

### Aquaculture Standards

#### i. Marine Farming Operations

Standardised Management Controls for Marine Farming in Tasmania (Standardised Management Controls) apply to all marine farming activities in Tasmanian state waters, including farming of finfish, shellfish and seaweeds.

The Standardised Management Controls provide:

- consistency for the aquaculture industry across all MFDPs, where operators can work in accordance with the same controls across all areas;
- greater efficiency in regulation, where NRE Tas can regulate to a uniform management framework;
- more effective stakeholder engagement regarding regulation of marine farming; and
- continuous improvement by ensuring all MFDPs apply management controls consistent with contemporary management practices.

More information is available at [Marine Farming Operations | Department of Natural Resources and Environment Tasmania](#).

#### ii. Draft Environmental Standards – Marine Finfish Farming and supporting Technical Standards

The Draft Environmental Standards are intended to support sustainable marine finfish farming in Tasmania by establishing environmental management requirements to be applied by the EPA under the EMPCA.

The Draft Environmental Standards are designed to protect the Tasmanian marine and coastal environment by promoting sustainable use of Tasmania's marine waters for finfish farming. When enacted, they will further strengthen the existing environmental regulatory system and provide for the regulation of potential nuisance impacts upon Tasmanian coastal communities.

The Environmental Standards will be supported by Technical Standards that describe specific requirements and acceptable methods regarding monitoring, evaluation and assessment, data management and other relevant processes.

The EPA is developing the supporting Technical Standards to support the implementation of the Environmental Standard for Marine Finfish Farming. These will also be subject to appropriate consultation before being finalised.

More information is available at [Environment | Department of Natural Resources and Environment Tasmania](#).

### iii. Environment – Freshwater Finfish Farming and supporting Technical Standards

These Environmental Standards will be developed to set environmental performance requirements for inland finfish farms and will be supported by Technical Standards. Public consultation will be undertaken as part of developing these standards.

### iv. Wildlife Interaction Standards

These standards will seek to address potential interactions that occur with a range of marine wildlife species (including seals) with measures to minimise risk to the health and safety of animals and farmworkers. Public consultation will be undertaken as part of developing these standards.

## Legislation

### i. Review of the *Living Marine Resources Management Act 1995*

NRE Tas is undertaking a review of the LMRMA, the principal Act to promote the sustainable management of living marine resources in Tasmania and which provides for the issue of licences and permits for marine farming.

The objective of the review is to strategically consider if Tasmania's marine resource management regime meets the objectives of achieving sustainable development and aligns with current best practice fisheries and marine resource management principles; canvas the views of stakeholders on their experience with administration of the current Act and their views on the future of marine resource management in Tasmania; and propose to Government a future pathway to modernise the legislative regime that achieves desired marine resources management objectives

More information is available at [Review of the Living Marine Resources Management Act 1995](#).

### ii. Review of the *Marine Farming Planning Act 1995*

NRE Tas will conduct a review of the MFPA with the scope and terms of reference to consider the relevant recommendations of the Legislative Council Committee 'A' Report on Finfish Farming in Tasmania. This is a medium-term priority action under the Tasmanian Salmon Industry Plan 2023.

## Associated legislation

### i. The Tasmanian Planning Scheme and the *Land Use Planning and Approvals Act 1993*

The Tasmanian Planning Scheme (TPS) sets out the requirements for use or development of land in accordance with the *Land Use Planning and Approvals Act 1993* (LUPAA) and includes specific planning provisions for land used for aquaculture operations including marine farming facilities that rely upon a coastal location to fulfill their purpose.

The LUPAA gives authority to Local Government to impose environmental conditions through permits attached to land titles. The permit conditions may be enforced by Council or the EPA depending on the nature and scale of the activity.

Activities defined as level 2 activities in Schedule 2 of the EMPCA are required by LUPAA to be referred to the Board of the EPA for environmental impact assessment and will be regulated by the independent Director, EPA when the activity is in operation.

### ii. *Environment Protection and Biodiversity Conservation Act 1999*

Any person undertaking marine or freshwater farming activities is subject to the EPBC. The EPBC requires that a person must not take an action that has, will have, or is likely to have a significant impact on any matter of national environmental significance (as defined by the EPBC) without the approval of the Minister administering that Act.

A person intending to undertake fish farming activities who considers that these activities are likely to have a significant impact on a matter of national environmental significance must refer the action to the Minister administering the EPBC for consideration.

Proponents of marine farming developments are notified by NRE Tas of the prescriptions of the EPBC when development proposals are presented to it and when marine farming leases are granted.



Tasmanian  
Government

**Department of Natural Resources and Environment Tasmania**  
[www.nre.tas.gov.au](http://www.nre.tas.gov.au)