

Waters to which an aquaculture permit may be applied

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AUTHORISED BY: Group Director, Commercial Fisheries & Aquaculture	AUTHORISED DATE: 06/08/2018
ISSUED BY: DPI - Fisheries	EFFECTIVE DATE: 28/09/2018
CATEGORY: Operations and Industry	REVIEW DATE: 01/10/2020

Policy Statement

NSW Department of Primary Industries (NSW DPI) is required by the provisions of the *Fisheries Management Act 1994* and the Fisheries Management (Aquaculture) Regulation 2017 to issue aquaculture permits to authorise aquaculture activities.

Scope

The policy applies to aquaculture permit applications using freshwater resources to culture fish in accordance with the provisions of the *Fisheries Management Act 1994* (the Act) and the Fisheries Management (Aquaculture) Regulation 2017 (the Regulation).

The policy outlines what freshwater resources (non-tidal) can be utilised to culture fish under a land based aquaculture permit.

Permit holders and leaseholders using estuarine or marine waters (tidal) in the culture of their fish are not considered under this policy.

Requirements

The following requirements outline the nature of waters to which an aquaculture permit will or will not be issued to authorise aquaculture.

1. *Natural freshwater billabongs, lakes, swamps*
 - a. Aquaculture permits are not to be issued over natural freshwater billabongs, lakes or swamps that are:
 - type 1 key fish habitat (defined in the Policy and Guidelines for Fish Habitat Conservation and Management) as they are either known or expected habitat for threatened fish species;
 - within the boundaries of a wetland recognised under international agreement or listed in the Directory of Important Wetlands in Australia; or
 - hydrologically connected to CLASS 1-3 classified waters during ARI 100 year floods. CLASS 1-3 are defined in accordance with the Fisheries NSW Policy and Guidelines for Fish Habitat Conservation and Management (2013 update).
 - b. Aquaculture permit applications relating to natural landscape depressions, not classified in accordance with clause 1a, that may intermittently or permanently hold water will be evaluated on a case by case basis. Applications over these subject sites will require consultation with NSW DPI, Aquatic Ecosystems Unit.
2. *Dams or ponds constructed on river, stream or creek*
 - a. Class C and E (extensive aquaculture) aquaculture permits may be issued for dams or ponds constructed on CLASS 4 classified waters. CLASS 4 waters are defined in accordance with the Fisheries NSW Policy and Guidelines for Fish Habitat Conservation and Management (2013 update). Species permitted will be restricted to those species naturally occurring within the catchment in which the proposal is located.

- b. Aquaculture permits will not be issued to authorise aquaculture on CLASS 1-3 classified waters. CLASS 1-3 are defined in accordance with the Fisheries NSW Policy and Guidelines for Fish Habitat Conservation and Management (2013 update).
3. *Infrastructure constructed on freehold land*
 - a. Aquaculture permits may be issued to authorise aquaculture in constructed ponds, dams, tanks, raceways, channels, on-farm irrigation channels (not the property of an irrigation corporation) and off-stream storages on freehold land in accordance with the provision of the Act and the Regulations.
 - b. Class C and E (extensive aquaculture for Yabby only) aquaculture permits may be issued for irrigation infrastructure that is the freehold property of an irrigation corporation, such as those listed in Schedule 1 of the *Water Management Act 2000*:
 - Coleambally Irrigation Cooperative Ltd
 - Jemalong Irrigation Ltd
 - Murray Irrigation Ltd
 - Murrumbidgee Irrigation Ltd
 - Western Murray Irrigation Ltd
 - c. If the land is freehold and is held by another entity to the prospective permit holder; then a lease or other suitable authority must be granted by the freehold land owner.
 4. *Infrastructure constructed on Crown land*
 - a. Aquaculture permits may be issued to authorise aquaculture in ponds, dams, tanks, raceways, channels, irrigation infrastructure and off-stream storages constructed on Crown Land in accordance with any land owner's consent and the provision of the Act and the Regulations. These aquaculture permit applications will be evaluated on a case by case basis and will take guidance from the above sections and the respective Crown land status.
 - b. Applications over these subject sites will require consultation with NSW DPI, Aquatic Ecosystems, Recreational & Aboriginal Fisheries and Commercial Fisheries Units.
 5. *Application of this policy*
 - a. This policy will apply to all aquaculture permit applications received from the approval date of this policy.
 - b. Where there is an existing aquaculture enterprise or a site of an abandoned aquaculture enterprise and there is a proposal to upgrade or re-establish an aquaculture operation on that site, this policy will apply.

Procedures

- Nil

Roles and responsibilities

- Policy Officer Aquaculture: implement the requirements of this policy
- Fisheries Manager, Aquaculture: implement the requirements of this policy
- Senior Fisheries Manager, Aquaculture: implement the requirements of this policy
- Senior Policy Officer, Aquaculture: implement the requirements of this policy

Delegations

- Refer to relevant Delegation Manual, Fisheries Management Instrument of Delegation (Minister) 2018 or Fisheries Management Instrument of Delegation (Secretary) 2018, under the Fisheries Management Act 1994.

Definitions

- Fish: means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead), including:
 - a. oysters and other aquatic molluscs
 - b. crustaceans
 - c. echinoderms
 - d. beachworms and other aquatic polychaetes

e. and any part of a fish, in accordance with the *Fisheries Management Act 1994*

Legislation

- *Fisheries Management Act 1994*
- Fisheries Management (Aquaculture) Regulation 2017
- Fisheries Management (General) Regulation 2010
- *Environmental Planning and Assessment Act 1979*

Related policies

- Nil

Other related documents

- Fisheries NSW Policy and Guidelines for Fish Habitat Conservation and Management (2013 update)
- NSW Land Based Sustainable Aquaculture Strategy

Superseded documents

- Nil

Revision history

Version	Date issued	Notes	By
1.0	28/09/2018	New policy to clarify over which waters an aquaculture permit could be granted under the <i>Fisheries Management Act 1994</i> .	Senior Policy Officer, Aquaculture

Contact

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