

EXTRAORDINARY GAZETTE



**THE SOUTH AUSTRALIAN
GOVERNMENT GAZETTE**

PUBLISHED BY AUTHORITY

ALL PUBLIC ACTS appearing in this GAZETTE are to be considered official, and obeyed as such

ADELAIDE, FRIDAY, 22 MARCH 2002

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DEVELOPMENT ACT 1993, SECTION 28 (1): DECLARATION OF INTERIM OPERATION OF GAWLER (CT), PLAYFORD (CITY), NOARLUNGA (CITY), WIL-LUNGA (DC METROPOLITAN) DEVELOPMENT PLANS—METROPOLITAN URBAN BOUNDARY PLAN AMENDMENT

Notice

PURSUANT to section 28 (1) of the Development Act 1993, I, the Governor, with the advice and consent of the Executive Council, being of the opinion that it is necessary in the interest of the orderly and proper development of the area affected by the 'Gawler (CT), Playford (City), Noarlunga (City), Willunga (DC Metropolitan) Development Plans—Metropolitan Urban Boundary Plan Amendment' that the plan amendment should come into operation without delay, declare that the plan amendment will come into operation on an interim basis on 22 March 2002.

Given under my hand at Adelaide, 21 March 2002.

MARJORIE JACKSON-NELSON, Governor

MFTUP CAB 0006/02 CS

DEVELOPMENT ACT 1993

*Metropolitan Urban Boundary Plan Amendment Report—
Prepared by the Minister—Draft for Public Consultation*

NOTICE is hereby given that the Minister for Urban Development and Planning has, pursuant to sections 24 and 26 of the Development Act 1993, prepared a draft Plan Amendment Report (PAR) to amend a number of Development Plans.

The draft PAR will be on public consultation from 22 March 2002 to 24 May 2002. The Councils affected by this draft PAR are Gawler, Playford and Onkaparinga.

The PAR introduces the concept of an 'urban growth boundary' to be placed around Adelaide's existing suburbs and nearby townships. This boundary will provide a clear edge to the city while providing for up to 20 years supply of new urban land.

The urban growth boundary will limit development on the fringe and optimise existing social and physical infrastructure—minimising the need for costly new infrastructure—and will protect vital agricultural land on the edge of the metropolitan area.

Copies of the draft PAR are available during normal office hours at Planning SA, Level 5, 136 North Terrace, Adelaide (telephone (08) 8303 0721), or can be viewed on the Internet at www.planning.sa.gov.au/mub. Alternatively, the draft PAR is available during normal office hours at the Gawler, Playford and Onkaparinga Council offices.

Written submissions regarding the draft PAR should be submitted no later than 5 p.m. on 24 May 2002. Submissions should be addressed to the Presiding Member, Development Policy Advisory Committee, G.P.O. Box 1815, Adelaide, S.A. 5001 and should clearly indicate whether you wish to be heard in support of your submission.

Copies of all submissions will be available for inspection by interested persons at Planning SA, Level 5, 136 North Terrace, Adelaide from 27 May 2002 until the conclusion of the public hearing.

A public hearing will be held on 12 June 2002 at the Corus Grosvenor Hotel Adelaide, Level 1, Pioneer Room, 125 North Terrace, Adelaide at 7.30 p.m. at which time interested persons may appear to be heard in relation to the draft PAR and the submissions. The public hearing will not be held if no submissions are received or if no submission seeks a request to be heard.

If you would like further information about the draft PAR, contact the Metropolitan Urban Boundary Hotline on telephone (08) 8204 8150.

Secretary, Development Policy Advisory Committee

FISHERIES ACT 1982

MARINE TUNA FARMING LICENCE FB00033

Licence to Farm Fish under section 53 of the Fisheries Act 1982

THE Minister for Agriculture, Food and Fisheries ('the Minister') hereby grants to:

Marnikol Fisheries Pty Ltd (13228)
P.O. Box 10
Port Lincoln, S.A. 5606

a licence to occupy and use the waters and airspace over the land specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 2001 and ending, subject to any earlier termination under this licence, on 30 June 2002 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *Marked-off Areas*

- 1.1 Subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site. The rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.
- 1.2 For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site are that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

2. *Permitted Species*

The licensee:

- 2.1 must not farm or introduce any species at the site other than the permitted species referred to in Schedule 2; and
- 2.2 must not take any wild fish from the site except for recreational purposes.

3. *Permitted Use*

The licensee must not use the site for any purpose other than the permitted use.

4. *Permitted Methods*

- 4.1 The licensee must, in undertaking the permitted use, take all reasonable and practicable measures to prevent or minimise damage to the environment. Without limiting the generality of the foregoing, the licensee:
 - 4.1.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
 - 4.1.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
 - 4.1.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
 - 4.1.4 must apply the permitted farming methods set out in Schedule 2 of this licence;
 - 4.1.5 must undertake an environmental monitoring program approved by the Minister and as specified in Clause 4.2;
 - 4.1.6 must not introduce the permitted species to the site before the approval of the environmental monitoring program referred to in 4.1.5 by the Minister;
 - 4.1.7 must comply with the schedule of reporting for the environmental monitoring program as prescribed in Schedule 6 and submit the final results of the environmental monitoring program to the Minister 30 days before expiry of the term of this licence;

4.1.8 must implement a management strategy approved by the Minister and as specified in Clause 4.3 to manage interactions with seabirds and marine mammals;

4.1.9 must not introduce the permitted species to the site before approval of the management strategy specified in 4.1.8 by the Minister.

4.2 The licensee must submit a draft environmental monitoring program to the Minister for approval within 60 days of the grant of the licence by the Minister. The draft environmental monitoring program must include the qualifications and experience of the person(s) designing and undertaking the program and address the matters listed in Schedule 5.

4.3 The licensee must submit a draft strategy for managing interactions with sea birds and marine mammals to the Minister within 60 days of the grant of the licence by the Minister. The draft strategy must identify potential interactions with and risks to sea birds and marine mammals and the measures proposed to minimise interactions with and risks to sea birds and marine mammals.

5. *Sea Cages*

The licensee must immediately inform an officer of PIRSA (Fisheries) on 1800 065 522 or such other officer as the Minister from time to time notifies to the licensee in writing if any marine animal, other than the permitted species, is caught in any sea cage or other farm structure used by the licensee on the site.

6. *Location of Sea Cages*

The licensee must not erect or use any sea cages in any location on the site where stocked sea cages have been used in the immediately preceding two year period.

7. *Marking and Maintaining the Site*

The licensee:

- 7.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 7.2 must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any guidelines issued from time to time by the Minister in relation to the removal from the site of any unhealthy or dead fish;
- 7.3 must maintain all buoys, crosses, and markers on the site in good condition and in accordance with the colours specified in Schedule 1 of this licence; and
- 7.4 must mark the site boundary in accordance with the requirements of the Minister for Transport.

8. *Site Inspection and Supervision*

The licensee:

- 8.1 must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site; and
- 8.2 must comply with all reasonable directions of any such person authorised by the Director of Fisheries to inspect the conduct of the licensee's activities at the site.

9. *Fees and Returns*

The licensee:

- 9.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 9.2 must on or before 31 January and 31 July during the term, submit to the Minister a return supplying all of the information described in Schedule 4 of this licence.

10. *Public Risk Insurance*

The licensee must at its own cost during the term maintain in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister. The limits of public risk must not be less than

the amount specified in Item 2 of Schedule 3 of this licence, or such other amount as the Minister may from time to time reasonably require. A policy of insurance or copy thereof or a certificate of insurance must be produced by the licensee to the Minister on written request.

11. *Guarantee or Indemnity Scheme*

The licensee must either:

- 11.1 provide a guarantee from its bankers to the amount specified in Item 3 of Schedule 3; or
- 11.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

to and in favour of and for the benefit of the Minister by way of security for the due and punctual performance by the licensee of the terms and conditions of this licence and in particular the obligations of the licensee to rehabilitate the site immediately prior to the expiration or sooner determination of the term of this licence. Such guarantee or indemnity scheme must have effect from the date of commencement of the term.

12. *No Assignment*

The licensee must not assign or sublet or deal in any other way with any interest in this licence.

13. *Variation and Cancellation*

13.1 The Minister may without prior notice vary or cancel this licence immediately during the term for the purposes of preventing or minimising any damage or threat of damage to the environment. For the purpose of this condition the Minister may have regard to but is not limited by the following considerations:

- 13.1.1 the results of monitoring undertaken pursuant to Clause 4.1.5;
- 13.1.2 the results of any other monitoring as may from time to time be carried out; or
- 13.1.3 such other relevant information within the knowledge of the Minister.

13.2 Subject to and without limiting Condition 13.1, in the event of breach by the licensee of any term or condition of this licence, the Minister may:

- 13.2.1 give to the licensee written notice of such breach and the Minister's requirements for rectification thereof; or
- 13.2.2 cancel this licence for failure to comply with such requirements for rectification.

13.3 The Minister may cancel this licence if the licensee is a body corporate, and any of the following occur:

- 13.3.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
- 13.3.2 an order is made for the winding up or liquidation of the licensee;
- 13.3.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 13.3.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 13.3.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets.

13.4 The Minister may cancel this licence if the licensee is an individual, and the licensee:

- 13.4.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
- 13.4.2 is convicted of an indictable offence.

- 13.5 Cancellation of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

Granted by the General Manager Aquaculture, delegate for the purposes of section 53 of the Minister responsible for administration of the Fisheries Act 1982, on 20 March 2002.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
591373E 6160341N	30
592077E 6160597N	
592214E 6160222N	
591509E 6159965N	

All sea cages on the site must be marked with a unique sea cage number and the site's unique 'FB number'; that is, the licence number. All St Andrew's crosses must be marked with the site's unique 'FB number'; that is the licence number.

Item 2—Marked-off Areas

Marked-off areas must be marked with no less than 8 equally spaced white buoys, each of at least 12 inches in diameter, each positioned no more than 70 m from each relevant sea cage situated on the site.

SCHEDULE 2

Item 1—Permitted Species

The Director of Fisheries has, pursuant to section 50 (2) of the Act, issued a permit for the release of the fish specified in this Schedule.

Southern Bluefin Tuna (*Thunnus maccoyii*)

Item 2—Permitted Farming Methods

Sea Cages 14

Item 3—Stocking Rates

The maximum weight of fish introduced into the site must not exceed 400 tonnes in total during the term of the licence.

The maximum stocking density of Southern Bluefin Tuna (*Thunnus maccoyii*) must not exceed 4 kg/m².

Item 4—Criteria for Development of Marine Aquaculture Sites

Development must have commenced on the site within 12 months of the licence being issued. The minimum level of development on the site must be:

SCHEDULE 3

Item 1—Fees

Annual licence fees are payable as prescribed in the licence renewal.

Item 2—Insurance

Ten million dollars (\$10 000 000).

Item 3—Guarantee

Ten thousand dollars (\$10 000).

SCHEDULE 4

Production Returns

The licensee must submit production returns to the Minister on or before 30 December and 30 June during the term of this licence. The information contained in these returns will be determined by the Minister. These returns must be forwarded to the General Manager Aquaculture SA, 14th Floor, 25 Grenfell Street, Adelaide, S.A. 5000.

SCHEDULE 5

Environmental Monitoring Program

The monitoring program should address the following matters in relation to the permitted use:

Farm Management

Approximate layout of all structures on the site including location, number and size.

Stocking density of the permitted species held on the site.

Dates and numbers of the permitted species stocked and harvesting on the site.

Occurrence of disease incidents in the permitted species on the site.

Benthic Sediments

Redox potential.

Infauna communities including composition and abundance.

Benthic Fauna and Flora

Benthic macro-flora communities including composition and abundance.

Benthic macro-fauna communities including composition and abundance.

METHODOLOGY

Draft Environmental Monitoring Program

The draft environmental monitoring program needs to detail the site layout and sampling sites, including control sites.

Sediment Cores

Sediment cores should be used to assess the infauna composition and abundance of the sediments. Sediment cores should be 50 mm wide and inserted into the sediments to 150 mm. Samples need to be rinsed through a 1 000 µm mesh. Collection of the cores should be visible on the videos when possible.

Infauna samples must be preserved in Bennett's solution and stained with Thyloxin-B initially. After sorting the samples should be labelled inside and outside the containers with details of the date of collection, site location, collection method, and the collector's and identifier's name. The samples must be preserved in 70% alcohol and kept in storage for two years to allow for auditing or further analysis if required.

Video Transects

Video transects should be used to assess the broad scale changes in sediment consistency, presence of farming waste and the composition and abundance of macro-fauna and macro-flora communities.

Video transects must be collected using equipment capable of producing a clear and well lit image in Hi-8 format for computerised image analysis using a Sony Hi-8 digital camera or equivalent capable of operating at a minimum of 3 lux. The underwater housing must be fitted with a minimum of two 50 W lights. Transects must be at least 150 m long and a transect line marked at 5 m intervals must be visible at all times. The date and 'live' time should also be visible. The location and unique number of each transect must be clearly marked on a map that includes details of the site layout. The diver should gently disturb the sediment by hand at the start, middle and end of each transect to reveal the colour of the sediments below the surface.

Report

The environmental monitoring report must contain a synthesis of the data, statistical analysis and interpretation of the results. All raw data and video footage must also be presented to Aquaculture SA in electronic format and hard copy.

The environmental monitoring report must be legible and contain a declaration regarding the authenticity and source of all data and results contained in the report. This declaration must be signed by the licence holder and the person(s) conducting the monitoring program.

The report must include an assessment of the results of the monitoring program against the provisions of the Environment Protection (Marine) Policy 1994, and must be accompanied by all raw data, video footage and diver notes.

SCHEDULE 6

Schedule of Environmental Monitoring Reports

The licensee must submit an environmental monitoring program report and videos within three months of the commencement of this licence to the Minister, c/o General Manager Aquaculture SA, 14th Floor, 25 Grenfell Street, G.P.O. Box 1625, Adelaide, S.A. 5000, during the term of this licence.

FISHERIES ACT 1982

MARINE TUNA FARMING LICENCE FB00041

Licence to Farm Fish under section 53 of the Fisheries Act 1982

THE Minister for Agriculture, Food and Fisheries ('the Minister') hereby grants to:

Stolt Sea Farm Pty Ltd (1720)
17 Freezer Road
Port Lincoln, S.A. 5606

a licence to occupy and use the waters and airspace over the land specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 2001 and ending, subject to any earlier termination under this licence, on 30 June 2002 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *Marked-off Areas*

- 1.1 Subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site. The rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.
- 1.2 For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site are that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

2. *Permitted Species*

The licensee:

- 2.1 must not farm or introduce any species at the site other than the permitted species referred to in Schedule 2; and
- 2.2 must not take any wild fish from the site except for recreational purposes.

3. *Permitted Use*

The licensee must not use the site for any purpose other than the permitted use.

4. *Permitted Methods*

- 4.1 The licensee must, in undertaking the permitted use, take all reasonable and practicable measures to prevent or minimise damage to the environment. Without limiting the generality of the foregoing, the licensee:
 - 4.1.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
 - 4.1.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
 - 4.1.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
 - 4.1.4 must apply the permitted farming methods set out in Schedule 2 of this licence;
 - 4.1.5 must undertake an environmental monitoring program approved by the Minister and as specified in Clause 4.2;

4.1.6 must not introduce the permitted species to the site before the approval of the environmental monitoring program referred to in 4.1.5 by the Minister;

4.1.7 must comply with the schedule of reporting for the environmental monitoring program as prescribed in Schedule 6 and submit the final results of the environmental monitoring program to the Minister 30 days before expiry of the term of this licence;

4.1.8 must implement a management strategy approved by the Minister and as specified in Clause 4.3 to manage interactions with seabirds and marine mammals;

4.1.9 must not introduce the permitted species to the site before approval of the management strategy specified in 4.1.8 by the Minister.

4.2 The licensee must submit a draft environmental monitoring program to the Minister for approval within 60 days of the grant of the licence by the Minister. The draft environmental monitoring program must include the qualifications and experience of the person(s) designing and undertaking the program and address the matters listed in Schedule 5.

4.3 The licensee must submit a draft strategy for managing interactions with sea birds and marine mammals to the Minister within 60 days of the grant of the licence by the Minister. The draft strategy must identify potential interactions with and risks to sea birds and marine mammals and the measures proposed to minimise interactions with and risks to sea birds and marine mammals.

5. *Sea Cages*

The licensee must immediately inform an officer of PIRSA (Fisheries) on 1800 065 522 or such other officer as the Minister from time to time notifies to the licensee in writing if any marine animal, other than the permitted species, is caught in any sea cage or other farm structure used by the licensee on the site.

6. *Location of Sea Cages*

The licensee must not erect or use any sea cages in any location on the site where stocked sea cages have been used in the immediately preceding two year period.

7. *Marking and Maintaining the Site*

The licensee:

- 7.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 7.2 must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any guidelines issued from time to time by the Minister in relation to the removal from the site of any unhealthy or dead fish;
- 7.3 must maintain all buoys, crosses, and markers on the site in good condition and in accordance with the colours specified in Schedule 1 of this licence; and
- 7.4 must mark the site boundary in accordance with the requirements of the Minister for Transport.

8. *Site Inspection and Supervision*

The licensee:

- 8.1 must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site; and
- 8.2 must comply with all reasonable directions of any such person authorised by the Director of Fisheries to inspect the conduct of the licensee's activities at the site.

9. *Fees and Returns*

The licensee:

- 9.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;

9.2 must on or before 31 January and 31 July during the term, submit to the Minister a return supplying all of the information described in Schedule 4 of this licence.

10. Public Risk Insurance

The licensee must at its own cost during the term maintain in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister. The limits of public risk must not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such other amount as the Minister may from time to time reasonably require. A policy of insurance or copy thereof or a certificate of insurance must be produced by the licensee to the Minister on written request.

11. Guarantee or Indemnity Scheme

The licensee must either:

- 11.1 provide a guarantee from its bankers to the amount specified in Item 3 of Schedule 3; or
- 11.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

to and in favour of and for the benefit of the Minister by way of security for the due and punctual performance by the licensee of the terms and conditions of this licence and in particular the obligations of the licensee to rehabilitate the site immediately prior to the expiration or sooner determination of the term of this licence. Such guarantee or indemnity scheme must have effect from the date of commencement of the term.

12. No Assignment

The licensee must not assign or sublet or deal in any other way with any interest in this licence.

13. Variation and Cancellation

- 13.1 The Minister may without prior notice vary or cancel this licence immediately during the term for the purposes of preventing or minimising any damage or threat of damage to the environment. For the purpose of this condition the Minister may have regard to but is not limited by the following considerations:
 - 13.1.1 the results of monitoring undertaken pursuant to Clause 4.1.5;
 - 13.1.2 the results of any other monitoring as may from time to time be carried out; or
 - 13.1.3 such other relevant information within the knowledge of the Minister.
- 13.2 Subject to and without limiting Condition 13.1, in the event of breach by the licensee of any term or condition of this licence, the Minister may:
 - 13.2.1 give to the licensee written notice of such breach and the Minister's requirements for rectification thereof; or
 - 13.2.2 cancel this licence for failure to comply with such requirements for rectification.
- 13.3 The Minister may cancel this licence if the licensee is a body corporate, and any of the following occur:
 - 13.3.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
 - 13.3.2 an order is made for the winding up or liquidation of the licensee;
 - 13.3.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
 - 13.3.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
 - 13.3.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets.
- 13.4 The Minister may cancel this licence if the licensee is an individual, and the licensee:

13.4.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or

13.4.2 is convicted of an indictable offence.

- 13.5 Cancellation of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

Granted by the General Manager Aquaculture, delegate for the purposes of section 53 of the Minister responsible for administration of the Fisheries Act 1982, on 20 March 2002.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
590721E 6161815N	30
591425E 6162071N	
591562E 6161695N	
590858E 6161439N	

All sea cages on the site must be marked with a unique sea cage number and the site's unique 'FB number'; that is, the licence number. All St Andrew's crosses must be marked with the site's unique 'FB number'; that is the licence number.

Item 2—Marked-off Areas

Marked-off areas must be marked with no less the 8 equally spaced white buoys, each of at least 12 inches in diameter, each positioned no more than 70 m from each relevant sea cage situated on the site.

SCHEDULE 2

Item 1—Permitted Species

The Director of Fisheries has, pursuant to section 50 (2) of the Act, issued a permit for the release of the fish specified in this Schedule.

Southern Bluefin Tuna (*Thunnus maccoyii*)

Item 2—Permitted Farming Methods

Sea Cages 14

Item 3—Stocking Rates

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The maximum stocking density of Southern Bluefin Tuna (*Thunnus maccoyii*) must not exceed 4 kg/m³.

Item 4—Criteria for Development of Marine Aquaculture Sites

Development must have commenced on the site within 12 months of the licence being issued. The minimum level of development on the site must be:

SCHEDULE 3

Item 1—Fees

Annual licence fees are payable as prescribed in the licence renewal.

Item 2—Insurance

Ten million dollars (\$10 000 000).

Item 3—Guarantee

Ten thousand dollars (\$10 000).

SCHEDULE 4

Production Returns

The licensee must submit production returns to the Minister on or before 30 December and 30 June during the term of this licence. The information contained in these returns will be determined by the Minister. These returns must be forwarded to the General Manager Aquaculture SA, 14th Floor, 25 Grenfell Street, Adelaide, S.A. 5000.

SCHEDULE 5

Environmental Monitoring Program

The monitoring program should address the following matters in relation to the permitted use:

Farm Management

Approximate layout of all structures on the site including location, number and size.

Stocking density of the permitted species held on the site.

Dates and numbers of the permitted species stocked and harvesting on the site.

Occurrence of disease incidents in the permitted species on the site.

Benthic Sediments

Redox potential.

Infauna communities including composition and abundance.

Benthic Fauna and Flora

Benthic macro-flora communities including composition and abundance.

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METHODOLOGY

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The environmental monitoring report must be legible and contain a declaration regarding the authenticity and source of all data and results contained in the report. This declaration must be signed by the licence holder and the person(s) conducting the monitoring program.

The report must include an assessment of the results of the monitoring program against the provisions of the Environment Protection (Marine) Policy 1994, and must be accompanied by all raw data, video footage and diver notes.

SCHEDULE 6

Schedule of Environmental Monitoring Reports

The licensee must submit an environmental monitoring program report and videos within three months of the commencement of this licence to the Minister, c/o General Manager Aquaculture SA, 14th Floor, 25 Grenfell Street, G.P.O. Box 1625, Adelaide, S.A. 5000, during the term of this licence.

FISHERIES ACT 1982: SECTION 53

TAKE note that the licence FB00033 to farm fish made under section 53 of the Fisheries Act 1982, and published in the *South Australian Government Gazette*, dated 31 December 2001, on page number 5709, being the second notice on that page, through to page number 5712 and referring to Marnikol Fisheries Pty Ltd is hereby revoked.

Dated 20 March 2002.

I. NIGHTINGALE, General Manager Aquaculture,
as the delegate of the Minister for Agriculture, Food and Fisheries

FISHERIES ACT 1982: SECTION 53

TAKE note that the licence FB00041 to farm fish made under section 53 of the Fisheries Act 1982, and published in the *South Australian Government Gazette*, dated 31 December 2001, on page number 5729, being the second notice on that page, through to page number 5732 and referring to Stolt Sea Farm Pty Ltd is hereby revoked.

Dated 20 March 2002.

I. NIGHTINGALE, General Manager Aquaculture,
as the delegate of the Minister for Agriculture, Food and Fisheries

FISHERIES ACT 1982: SECTION 43

TAKE notice that the notice number P004/02 made under section 43 of the Fisheries Act 1982, and published in the *South Australian Government Gazette*, page 1312, dated 14 March 2002 being the fourth notice on that page, referring to the Spencer Gulf prawn fishery, is hereby revoked.

Dated 19 March 2002.

J. PRESSER, Director of Fisheries

R005-02

FISHERIES ACT 1982: SECTION 43

TAKE notice that it is hereby declared that it shall be unlawful for any person to engage in the class of fishing activity specified in Schedule 1 during the periods specified in Schedule 2.

SCHEDULE 1

The act of taking or the act preparatory to or involved in the taking of western king prawn (*Penaeus latissulcatus*) in waters of Spencer Gulf north of the line commencing at position latitude 34°09.00'S, longitude 137°35.00'E then to position latitude 34°09.00'S, longitude 136°55.00'E then to position latitude 34°01.00'S, longitude 136°55.00'E then to position latitude 33°50.00'S, longitude 136°43.00'E.

SCHEDULE 2

2000 hours on 16 March 2002 to 0700 hours on 21 March 2002.

Dated 19 March 2002.

J. PRESSER, Director of Fisheries

P007/02

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00385

Licence to Farm Fish under section 53 of the Fisheries Act 1982

THE Minister for Agriculture, Food and Fisheries ('the Minister') hereby grants to:

Zippel Enterprises Pty Ltd (12155)
47 Poynton Street
Ceduna, S.A. 5690

a licence to occupy and use the waters and airspace over the land specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 2001 and ending, subject to any earlier termination under this licence, on 30 June 2002 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *Marked-off Areas*

- 1.1 Subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site. The rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.
- 1.2 For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site are that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

2. *Permitted Species*

The licensee:

- 2.1 must not farm or introduce any species at the site other than the permitted species referred to in Schedule 2; and
- 2.2 must not take any wild fish from the site except for recreational purposes.

3. *Permitted Use*

The licensee must not use the site for any purpose other than the permitted use.

4. *Permitted Methods*

- 4.1 The licensee must, in undertaking the permitted use, take all reasonable and practicable measures to prevent or minimise damage to the environment. Without limiting the generality of the foregoing, the licensee:
 - 4.1.1 must ensure the total length of each unit does not exceed 3 km of longline or 1 km of racking per hectare, and each unit must be at least 5 m from any other unit;
 - 4.1.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
 - 4.1.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
 - 4.1.4 must undertake an environmental monitoring program approved by the Minister and as specified in Clause 4.3;
 - 4.1.5 must not introduce the permitted species to the site before the approval of the environmental monitoring program referred to in 4.1.4 by the Minister;
 - 4.1.6 must comply with the schedule of reporting for the environmental monitoring program as prescribed in Schedule 6 and submit the final results of the environmental monitoring program to the Minister 30 days before expiry of the term of this licence.

4.2 *SASQAP*

- 4.2.1 It is a condition of your licence to farm bivalve molluscs that only shellfish from areas Classified under the South Australian Shellfish Quality Assurance Program (SASQAP) may be sold for human consumption.

- 4.2.2 The licensee must continue to meet all the regulations required under the Food Standards Code to produce a product safe for human consumption.

- 4.3 The licensee must submit a draft environmental monitoring program to the Minister for approval within 60 days of the grant of the licence by the Minister. The draft environmental monitoring program must include the qualifications and experience of the person(s) designing and undertaking the program and address the matters listed in Schedule 5.

5. *Marking and Maintaining the Site*

The licensee:

- 5.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 5.2 must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any guidelines issued from time to time by the Minister in relation to the removal from the site of any unhealthy or dead fish;
- 5.3 must maintain all buoys, crosses, and markers on the site in good condition and in accordance with the colours specified in Schedule 1 of this licence; and
- 5.4 must mark the site boundary in accordance with the requirements of the Minister for Transport.

6. *Site Inspection and Supervision*

The licensee:

- 6.1 must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site; and
- 6.2 must comply with all reasonable directions of any such person authorised by the Director of Fisheries to inspect the conduct of the licensee's activities at the site.

7. *Fees and Returns*

The licensee:

- 7.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 7.2 must on or before 31 January and 31 July during the term, submit to the Minister a return supplying all of the information described in Schedule 4 of this licence.

8. *Public Risk Insurance*

The licensee must at its own cost during the term maintain in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister. The limits of public risk must not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such other amount as the Minister may from time to time reasonably require. A policy of insurance or copy thereof or a certificate of insurance must be produced by the licensee to the Minister on written request.

9. *Guarantee or Indemnity Scheme*

The licensee must either:

- 9.1 provide a guarantee from its bankers to the amount specified in Item 3 of Schedule 3; or
- 9.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

to and in favour of and for the benefit of the Minister by way of security for the due and punctual performance by the licensee of the terms and conditions of this licence and in particular the obligations of the licensee to rehabilitate the site immediately prior to the expiration or sooner determination of the term of this licence. Such guarantee or indemnity scheme must have effect from the date of commencement of the term.

10. *No Assignment*

The licensee must not assign or sublet or deal in any other way with any interest in this licence.

11. *Variation and Cancellation*

- 11.1 The Minister may without prior notice vary or cancel this licence immediately during the term for the purposes of preventing or minimising any damage or threat of damage to the environment. For the purpose of this condition the Minister may have regard to but is not limited by the following considerations:
- 11.1.1 the results of monitoring undertaken pursuant to Clause 4.1.5;
- 11.1.2 the results of any other monitoring as may from time to time be carried out; or
- 11.1.3 such other relevant information within the knowledge of the Minister.
- 11.2 Subject to and without limiting Condition 13.1, in the event of breach by the licensee of any term or condition of this licence, the Minister may:
- 11.2.1 give to the licensee written notice of such breach and the Minister's requirements for rectification thereof; or
- 11.2.2 cancel this licence for failure to comply with such requirements for rectification.
- 11.3 The Minister may cancel this licence if the licensee is a body corporate, and any of the following occur:
- 11.3.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
- 11.3.2 an order is made for the winding up or liquidation of the licensee;
- 11.3.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 11.3.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 11.3.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets.
- 11.4 The Minister may cancel this licence if the licensee is an individual, and the licensee:
- 11.4.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
- 11.4.2 is convicted of an indictable offence.
- 11.5 Cancellation of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

Granted by the General Manager Aquaculture, delegate for the purposes of section 53 of the Minister responsible for administration of the Fisheries Act 1982, on 20 March 2002.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
392609E 6418479N	4
392797E 6418411N	
392729E 6418223N	
392541E 6418290N	

All St Andrew's crosses must be marked with the site's unique 'FM number'; that is the licence number.

The interest in this licence (FM00385) cannot be transferred until 30 June 2005, without prior approval of the Minister.

Item 2—Marked-off Areas

[Co-ordinates of developed areas within the site to be provided by the licensee].

White buoys of at least 12 inches in diameter must be placed around the whole of the perimeter of the developed areas within the site at a distance of no less than 50 m from one another.

SCHEDULE 2

Item 1—Permitted Species

The Director of Fisheries has, pursuant to section 50 (2) of the Act, issued a permit for the release of the fish specified in this Schedule.

Pacific Oysters (*Crassostrea gigas*)

*Item 2—Permitted Farming Methods**Racks*

The total length of each unit must not exceed 3 km of longline not less than 3 m apart, or 1 km of racking per hectare, and each unit must be at least 5 m from any other unit.

Item 3—Criteria for Development of Marine Aquaculture Sites

Development must have commenced on the site within 12 months of the licence being issued. The minimum level of development on the site must be:

0.4 ha developed with 1.2 km of BST longline or 0.4 km of racking on the site.

SCHEDULE 3

Item 1—Fees

Annual licence fees are payable as prescribed in the licence renewal.

Item 2—Insurance

Ten million dollars (\$10 000 000).

Item 3—Guarantee

Ten thousand dollars (\$10 000).

SCHEDULE 4

Production Returns

The licensee must submit production returns to the Minister on or before 30 December and 30 June during the term of this licence. The information contained in these returns will be determined by the Minister. These returns must be forwarded to the General Manager, Aquaculture SA, 14th Floor, 25 Grenfell Street, Adelaide, S.A. 5000.

SCHEDULE 5

Environmental Monitoring Program

MATTERS TO BE ADDRESSED

The monitoring program should address the following matters in relation to the permitted use:

Farm Management

1. Approximate layout of all structures on the site during the term including location, number and size.
2. Growth and condition of the permitted species.
3. Occurrence of disease incidents in the permitted species.

Water Quality

1. Phytoplankton including species composition and abundance.
2. Status of the site under the South Australian Shellfish Quality Assurance Program during the term (including closures).

Feral Oysters

Presence and numbers of feral oysters.

Benthic Sediments

Sedimentation through measuring total organic carbon and particle size analysis of sediment samples.

Benthic Fauna and Flora

Benthic macro-flora communities including composition, distribution and abundance.

METHODOLOGY*Video Transects*

Video transects should be used to assess broad scale changes in sediment consistency, presence of farming waste and the composition and abundance of macro-flora communities.

Video transects must be collected using equipment capable of producing a clear and well lit image. Transects must extend across the site, including sections under the development, and extend 50 m out both sides of the site. The location of the video transects must be identified on a map attached to the environmental monitoring report. Each transect must be identified on the video with a unique transect number.

Report

The environmental monitoring report must be legible and contain a declaration regarding the authenticity and source of all data and results contained in the report. This declaration must be signed by the licence holder and the person(s) conducting the monitoring program.

The report must include an assessment of the results of the monitoring program against the provisions of the Environment Protection (Marine) Policy 1994, and must be accompanied by all raw data, video footage and diver notes.

SCHEDULE 6*Schedule of Environmental Monitoring Reports*

The licensee must submit a final environmental monitoring program report within 12 months of the commencement of this licence to the Minister, c/o General Manager Aquaculture SA, 14th Floor, 25 Grenfell Street, G.P.O. Box 1625, Adelaide, S.A. 5000.

FISHERIES ACT 1982**MARINE MOLLUSC FARMING LICENCE FM00387***Licence to Farm Fish under section 53 of the Fisheries Act 1982*

THE Minister for Agriculture, Food and Fisheries ('the Minister') hereby grants to:

Neville L. Pauley (13104)
P.O. Box 49
Smoky Bay, S.A. 5680

a licence to occupy and use the waters and airspace over the land specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 2001 and ending, subject to any earlier termination under this licence, on 30 June 2002 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE**1. Marked-off Areas**

- 1.1 Subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site. The rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.
- 1.2 For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site are that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

2. Permitted Species

The licensee:

- 2.1 must not farm or introduce any species at the site other than the permitted species referred to in Schedule 2; and
- 2.2 must not take any wild fish from the site except for recreational purposes.

3. Permitted Use

The licensee must not use the site for any purpose other than the permitted use.

4. Permitted Methods

- 4.1 The licensee must, in undertaking the permitted use, take all reasonable and practicable measures to prevent or minimise damage to the environment. Without limiting the generality of the foregoing, the licensee:
 - 4.1.1 must ensure the total length of each unit does not exceed 3 km of longline or 1 km of racking per hectare, and each unit must be at least 5 m from any other unit;
 - 4.1.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
 - 4.1.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
 - 4.1.4 must undertake an environmental monitoring program approved by the Minister and as specified in Clause 4.3;
 - 4.1.5 must not introduce the permitted species to the site before the approval of the environmental monitoring program referred to in 4.1.4 by the Minister;
 - 4.1.6 must comply with the schedule of reporting for the environmental monitoring program as prescribed in Schedule 6 and submit the final results of the environmental monitoring program to the Minister 30 days before expiry of the term of this licence.

4.2 SASQAP

- 4.2.1 It is a condition of your licence to farm bivalve molluscs that only shellfish from areas Classified under the South Australian Shellfish Quality Assurance Program (SASQAP) may be sold for human consumption.
- 4.2.2 The licensee must continue to meet all the regulations required under the Food Standards Code to produce a product safe for human consumption.
- 4.3 The licensee must submit a draft environmental monitoring program to the Minister for approval within 60 days of the grant of the licence by the Minister. The draft environmental monitoring program must include the qualifications and experience of the person(s) designing and undertaking the program and address the matters listed in Schedule 5.

5. Marking and Maintaining the Site

The licensee:

- 5.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 5.2 must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any guidelines issued from time to time by the Minister in relation to the removal from the site of any unhealthy or dead fish;
- 5.3 must maintain all buoys, crosses, and markers on the site in good condition and in accordance with the colours specified in Schedule 1 of this licence; and
- 5.4 must mark the site boundary in accordance with the requirements of the Minister for Transport.

6. Site Inspection and Supervision

The licensee:

- 6.1 must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site; and
- 6.2 must comply with all reasonable directions of any such person authorised by the Director of Fisheries to inspect the conduct of the licensee's activities at the site.

7. Fees and Returns

The licensee:

- 7.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 7.2 must on or before 31 January and 31 July during the term, submit to the Minister a return supplying all of the information described in Schedule 4 of this licence.

8. Public Risk Insurance

The licensee must at its own cost during the term maintain in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister. The limits of public risk must not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such other amount as the Minister may from time to time reasonably require. A policy of insurance or copy thereof or a certificate of insurance must be produced by the licensee to the Minister on written request.

9. Guarantee or Indemnity Scheme

The licensee must either:

- 9.1 provide a guarantee from its bankers to the amount specified in Item 3 of Schedule 3; or
- 9.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

to and in favour of and for the benefit of the Minister by way of security for the due and punctual performance by the licensee of the terms and conditions of this licence and in particular the obligations of the licensee to rehabilitate the site immediately prior to the expiration or sooner determination of the term of this licence. Such guarantee or indemnity scheme must have effect from the date of commencement of the term.

10. No Assignment

The licensee must not assign or sublet or deal in any other way with any interest in this licence.

11. Variation and Cancellation

- 11.1 The Minister may without prior notice vary or cancel this licence immediately during the term for the purposes of preventing or minimising any damage or threat of damage to the environment. For the purpose of this condition the Minister may have regard to but is not limited by the following considerations:
 - 11.1.1 the results of monitoring undertaken pursuant to Clause 4.1.5;
 - 11.1.2 the results of any other monitoring as may from time to time be carried out; or
 - 11.1.3 such other relevant information within the knowledge of the Minister.
- 11.2 Subject to and without limiting Condition 13.1, in the event of breach by the licensee of any term or condition of this licence, the Minister may:
 - 11.2.1 give to the licensee written notice of such breach and the Minister's requirements for rectification thereof; or
 - 11.2.2 cancel this licence for failure to comply with such requirements for rectification.
- 11.3 The Minister may cancel this licence if the licensee is a body corporate, and any of the following occur:
 - 11.3.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
 - 11.3.2 an order is made for the winding up or liquidation of the licensee;
 - 11.3.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
 - 11.3.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or

11.3.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets.

11.4 The Minister may cancel this licence if the licensee is an individual, and the licensee:

- 11.4.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
- 11.4.2 is convicted of an indictable offence.

11.5 Cancellation of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

Granted by the General Manager Aquaculture, delegate for the purposes of section 53 of the Minister responsible for administration of the Fisheries Act 1982, on 20 March 2002.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
393011E 6418034N	2
393198E 6418104N	
393234E 6418011N	
393047E 6417940N	

All *St Andrew's crosses* must be marked with the site's unique 'FM number'; that is the licence number.

The interest in this licence (FM00387) cannot be transferred until 30 June 2005 without prior approval of the Minister.

Item 2—Marked-off Areas

[Co-ordinates of developed areas within the site to be provided by the licensee].

White buoys of at least 12 inches in diameter must be placed around the whole of the perimeter of the developed areas within the site at a distance of no less than 50 m from one another.

SCHEDULE 2

Item 1—Permitted Species

The Director of Fisheries has, pursuant to section 50 (2) of the Act, issued a permit for the release of the fish specified in this Schedule.

Pacific Oysters (*Crassostrea gigas*)

Item 2—Permitted Farming Methods

Racks

The total length of each unit must not exceed 3 km of longline not less than 3 m apart, or 1 km of racking per hectare, and each unit must be at least 5 m from any other unit.

Item 3—Criteria for Development of Marine Aquaculture Sites

Development must have commenced on the site within 12 months of the licence being issued. The minimum level of development on the site must be:

0.2 ha developed with 0.6 km of BST longline or 0.2 km of racking on the site.

SCHEDULE 3

Item 1—Fees

Annual licence fees are payable as prescribed in the licence renewal.

Item 2—Insurance

Ten million dollars (\$10 000 000).

Item 3—Guarantee

Ten thousand dollars (\$10 000).

SCHEDULE 4

Production Returns

The licensee must submit production returns to the Minister on or before 30 December and 30 June during the term of this licence. The information contained in these returns will be determined by the Minister. These returns must be forwarded to the General Manager, Aquaculture SA, 14th Floor, 25 Grenfell Street, Adelaide, S.A. 5000.

SCHEDULE 5

Environmental Monitoring Program

MATTERS TO BE ADDRESSED

The monitoring program should address the following matters in relation to the permitted use:

Farm Management

1. Approximate layout of all structures on the site during the term including location, number and size.
2. Growth and condition of the permitted species.
3. Occurrence of disease incidents in the permitted species.

Water Quality

1. Phytoplankton including species composition and abundance.
2. Status of the site under the South Australian Shellfish Quality Assurance Program during the term (including closures).

Feral Oysters

Presence and numbers of feral oysters.

Benthic Sediments

Sedimentation through measuring total organic carbon and particle size analysis of sediment samples.

Benthic Fauna and Flora

Benthic macro-flora communities including composition, distribution and abundance.

METHODOLOGY

Video Transects

Video transects should be used to assess broad scale changes in sediment consistency, presence of farming waste and the composition and abundance of macro-flora communities.

Video transects must be collected using equipment capable of producing a clear and well lit image. Transects must extend across the site, including sections under the development, and extend 50 m out both sides of the site. The location of the video transects must be identified on a map attached to the environmental monitoring report. Each transect must be identified on the video with a unique transect number.

Report

The environmental monitoring report must be legible and contain a declaration regarding the authenticity and source of all data and results contained in the report. This declaration must be signed by the licence holder and the person(s) conducting the monitoring program.

The report must include an assessment of the results of the monitoring program against the provisions of the Environment Protection (Marine) Policy 1994, and must be accompanied by all raw data, video footage and diver notes.

SCHEDULE 6

Schedule of Environmental Monitoring Reports

The licensee must submit a final environmental monitoring program report within 12 months of the commencement of this licence to the Minister, c/o General Manager Aquaculture SA, 14th Floor, 25 Grenfell Street, G.P.O. Box 1625, Adelaide, S.A. 5000.

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00388

Licence to Farm Fish under section 53 of the Fisheries Act 1982

THE Minister for Agriculture, Food and Fisheries ('the Minister') hereby grants to:

Neil M. Dodd (20003)
Thomas L. Dodd (19772)
T.J. & N. Oysters (13072)
1 Hunt Street
Smoky Bay, S.A. 5680

a licence to occupy and use the waters and airspace over the land specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 2001 and ending, subject to any earlier termination under this licence, on 30 June 2002 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *Marked-off Areas*

- 1.1 Subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site. The rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.
- 1.2 For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site are that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

2. *Permitted Species*

The licensee:

- 2.1 must not farm or introduce any species at the site other than the permitted species referred to in Schedule 2; and
- 2.2 must not take any wild fish from the site except for recreational purposes.

3. *Permitted Use*

The licensee must not use the site for any purpose other than the permitted use.

4. *Permitted Methods*

- 4.1 The licensee must, in undertaking the permitted use, take all reasonable and practicable measures to prevent or minimise damage to the environment. Without limiting the generality of the foregoing, the licensee:
 - 4.1.1 must ensure the total length of each unit does not exceed 3 km of longline or 1 km of racking per hectare, and each unit must be at least 5 m from any other unit;
 - 4.1.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
 - 4.1.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
 - 4.1.4 must undertake an environmental monitoring program approved by the Minister and as specified in Clause 4.3;
 - 4.1.5 must not introduce the permitted species to the site before the approval of the environmental monitoring program referred to in 4.1.4 by the Minister;
 - 4.1.6 must comply with the schedule of reporting for the environmental monitoring program as prescribed in Schedule 6 and submit the final results of the environmental monitoring program to the Minister 30 days before expiry of the term of this licence.

4.2 SASQAP

4.2.1 It is a condition of your licence to farm bivalve molluscs that only shellfish from areas Classified under the South Australian Shellfish Quality Assurance Program (SASQAP) may be sold for human consumption.

4.2.2 The licensee must continue to meet all the regulations required under the Food Standards Code to produce a product safe for human consumption.

4.3 The licensee must submit a draft environmental monitoring program to the Minister for approval within 60 days of the grant of the licence by the Minister. The draft environmental monitoring program must include the qualifications and experience of the person(s) designing and undertaking the program and address the matters listed in Schedule 5.

5. Marking and Maintaining the Site

The licensee:

5.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;

5.2 must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any guidelines issued from time to time by the Minister in relation to the removal from the site of any unhealthy or dead fish;

5.3 must maintain all buoys, crosses, and markers on the site in good condition and in accordance with the colours specified in Schedule 1 of this licence; and

5.4 must mark the site boundary in accordance with the requirements of the Minister for Transport.

6. Site Inspection and Supervision

The licensee:

6.1 must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site; and

6.2 must comply with all reasonable directions of any such person authorised by the Director of Fisheries to inspect the conduct of the licensee's activities at the site.

7. Fees and Returns

The licensee:

7.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;

7.2 must on or before 31 January and 31 July during the term, submit to the Minister a return supplying all of the information described in Schedule 4 of this licence.

8. Public Risk Insurance

The licensee must at its own cost during the term maintain in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister. The limits of public risk must not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such other amount as the Minister may from time to time reasonably require. A policy of insurance or copy thereof or a certificate of insurance must be produced by the licensee to the Minister on written request.

9. Guarantee or Indemnity Scheme

The licensee must either:

9.1 provide a guarantee from its bankers to the amount specified in Item 3 of Schedule 3; or

9.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

to and in favour of and for the benefit of the Minister by way of security for the due and punctual performance by the licensee of the terms and conditions of this licence and in particular the obligations of the licensee to rehabilitate the site immediately prior to the expiration or sooner determination of the term of this licence. Such guarantee or indemnity scheme must have effect from the date of commencement of the term.

10. No Assignment

The licensee must not assign or sublet or deal in any other way with any interest in this licence.

11. Variation and Cancellation

11.1 The Minister may without prior notice vary or cancel this licence immediately during the term for the purposes of preventing or minimising any damage or threat of damage to the environment. For the purpose of this condition the Minister may have regard to but is not limited by the following considerations:

11.1.1 the results of monitoring undertaken pursuant to Clause 4.1.5;

11.1.2 the results of any other monitoring as may from time to time be carried out; or

11.1.3 such other relevant information within the knowledge of the Minister.

11.2 Subject to and without limiting Condition 13.1, in the event of breach by the licensee of any term or condition of this licence, the Minister may:

11.2.1 give to the licensee written notice of such breach and the Minister's requirements for rectification thereof; or

11.2.2 cancel this licence for failure to comply with such requirements for rectification.

11.3 The Minister may cancel this licence if the licensee is a body corporate, and any of the following occur:

11.3.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;

11.3.2 an order is made for the winding up or liquidation of the licensee;

11.3.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;

11.3.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or

11.3.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets.

11.4 The Minister may cancel this licence if the licensee is an individual, and the licensee:

11.4.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or

11.4.2 is convicted of an indictable offence.

11.5 Cancellation of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

Granted by the General Manager Aquaculture, delegate for the purposes of section 53 of the Minister responsible for administration of the Fisheries Act 1982, on 20 March 2002.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
392941E 6418221N	4
393128E 6418291N	
393198E 6418104N	
393011E 6418034N	

All St Andrew's crosses must be marked with the site's unique 'FM number'; that is the licence number.

The interest in this licence (FM00388) cannot be transferred until 30 June 2005, without prior approval of the Minister.

Item 2—Marked-off Areas

[Co-ordinates of developed areas within the site to be provided by the licensee].

White buoys of at least 12 inches in diameter must be placed around the whole of the perimeter of the developed areas within the site at a distance of no less than 50 m from one another.

SCHEDULE 2

Item 1—Permitted Species

The Director of Fisheries has, pursuant to section 50 (2) of the Act, issued a permit for the release of the fish specified in this Schedule.

Pacific Oysters (*Crassostrea gigas*)

*Item 2—Permitted Farming Methods**Racks*

The total length of each unit must not exceed 3 km of longline not less than 3 m apart, or 1 km of racking per hectare, and each unit must be at least 5 m from any other unit.

Item 3—Criteria for Development of Marine Aquaculture Sites

Development must have commenced on the site within 12 months of the licence being issued. The minimum level of development on the site must be:

0.4 ha developed with 1.2 km of BST longline or 0.4 km of racking on the site.

SCHEDULE 3

Item 1—Fees

Annual licence fees are payable as prescribed in the licence renewal.

Item 2—Insurance

Ten million dollars (\$10 000 000).

Item 3—Guarantee

Ten thousand dollars (\$10 000).

SCHEDULE 4

Production Returns

The licensee must submit production returns to the Minister on or before 30 December and 30 June during the term of this licence. The information contained in these returns will be determined by the Minister. These returns must be forwarded to the General Manager, Aquaculture SA, 14th Floor, 25 Grenfell Street, Adelaide, S.A. 5000.

SCHEDULE 5

Environmental Monitoring Program

MATTERS TO BE ADDRESSED

The monitoring program should address the following matters in relation to the permitted use:

Farm Management

1. Approximate layout of all structures on the site during the term including location, number and size.
2. Growth and condition of the permitted species.
3. Occurrence of disease incidents in the permitted species.

Water Quality

1. Phytoplankton including species composition and abundance.

2. Status of the site under the South Australian Shellfish Quality Assurance Program during the term (including closures).

Feral Oysters

Presence and numbers of feral oysters.

Benthic Sediments

Sedimentation through measuring total organic carbon and particle size analysis of sediment samples.

Benthic Fauna and Flora

Benthic macro-flora communities including composition, distribution and abundance.

METHODOLOGY

Video Transects

Video transects should be used to assess broad scale changes in sediment consistency, presence of farming waste and the composition and abundance of macro-flora communities.

Video transects must be collected using equipment capable of producing a clear and well lit image. Transects must extend across the site, including sections under the development, and extend 50 m out both sides of the site. The location of the video transects must be identified on a map attached to the environmental monitoring report. Each transect must be identified on the video with a unique transect number.

Report

The environmental monitoring report must be legible and contain a declaration regarding the authenticity and source of all data and results contained in the report. This declaration must be signed by the licence holder and the person(s) conducting the monitoring program.

The report must include an assessment of the results of the monitoring program against the provisions of the Environment Protection (Marine) Policy 1994, and must be accompanied by all raw data, video footage and diver notes.

SCHEDULE 6

Schedule of Environmental Monitoring Reports

The licensee must submit a final environmental monitoring program report within 12 months of the commencement of this licence to the Minister, c/o General Manager Aquaculture SA, 14th Floor, 25 Grenfell Street, G.P.O. Box 1625, Adelaide, S.A. 5000.

FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00391

Licence to Farm Fish under section 53 of the Fisheries Act 1982

THE Minister for Agriculture, Food and Fisheries ('the Minister') hereby grants to:

David J. Mitchell (12189)
1-3 Barlow Court
Smoky Bay, S.A. 5680

a licence to occupy and use the waters and airspace over the land specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 2001 and ending, subject to any earlier termination under this licence, on 30 June 2002 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. Marked-off Areas

- 1.1 Subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site. The rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

- 1.2 For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site are that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

2. Permitted Species

The licensee:

- 2.1 must not farm or introduce any species at the site other than the permitted species referred to in Schedule 2; and
- 2.2 must not take any wild fish from the site except for recreational purposes.

3. Permitted Use

The licensee must not use the site for any purpose other than the permitted use.

4. Permitted Methods

- 4.1 The licensee must, in undertaking the permitted use, take all reasonable and practicable measures to prevent or minimise damage to the environment. Without limiting the generality of the foregoing, the licensee:

- 4.1.1 must ensure the total length of each unit does not exceed 3 km of longline or 1 km of racking per hectare, and each unit must be at least 5 m from any other unit;
- 4.1.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 4.1.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 4.1.4 must undertake an environmental monitoring program approved by the Minister and as specified in Clause 4.3;
- 4.1.5 must not introduce the permitted species to the site before the approval of the environmental monitoring program referred to in 4.1.4 by the Minister;
- 4.1.6 must comply with the schedule of reporting for the environmental monitoring program as prescribed in Schedule 6 and submit the final results of the environmental monitoring program to the Minister 30 days before expiry of the term of this licence.

4.2 SASQAP

- 4.2.1 It is a condition of your licence to farm bivalve molluscs that only shellfish from areas Classified under the South Australian Shellfish Quality Assurance Program (SASQAP) may be sold for human consumption.
- 4.2.2 The licensee must continue to meet all the regulations required under the Food Standards Code to produce a product safe for human consumption.

- 4.3 The licensee must submit a draft environmental monitoring program to the Minister for approval within 60 days of the grant of the licence by the Minister. The draft environmental monitoring program must include the qualifications and experience of the person(s) designing and undertaking the program and address the matters listed in Schedule 5.

5. Marking and Maintaining the Site

The licensee:

- 5.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 5.2 must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any guidelines issued from time to time by the Minister in relation to the removal from the site of any unhealthy or dead fish;
- 5.3 must maintain all buoys, crosses, and markers on the site in good condition and in accordance with the colours specified in Schedule 1 of this licence; and
- 5.4 must mark the site boundary in accordance with the requirements of the Minister for Transport.

6. Site Inspection and Supervision

The licensee:

- 6.1 must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site; and
- 6.2 must comply with all reasonable directions of any such person authorised by the Director of Fisheries to inspect the conduct of the licensee's activities at the site.

7. Fees and Returns

The licensee:

- 7.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 7.2 must on or before 31 January and 31 July during the term, submit to the Minister a return supplying all of the information described in Schedule 4 of this licence.

8. Public Risk Insurance

The licensee must at its own cost during the term maintain in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister. The limits of public risk must not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such other amount as the Minister may from time to time reasonably require. A policy of insurance or copy thereof or a certificate of insurance must be produced by the licensee to the Minister on written request.

9. Guarantee or Indemnity Scheme

The licensee must either:

- 9.1 provide a guarantee from its bankers to the amount specified in Item 3 of Schedule 3; or
- 9.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

to and in favour of and for the benefit of the Minister by way of security for the due and punctual performance by the licensee of the terms and conditions of this licence and in particular the obligations of the licensee to rehabilitate the site immediately prior to the expiration or sooner determination of the term of this licence. Such guarantee or indemnity scheme must have effect from the date of commencement of the term.

10. No Assignment

The licensee must not assign or sublet or deal in any other way with any interest in this licence.

11. Variation and Cancellation

- 11.1 The Minister may without prior notice vary or cancel this licence immediately during the term for the purposes of preventing or minimising any damage or threat of damage to the environment. For the purpose of this condition the Minister may have regard to but is not limited by the following considerations:

- 11.1.1 the results of monitoring undertaken pursuant to Clause 4.1.5;
- 11.1.2 the results of any other monitoring as may from time to time be carried out; or
- 11.1.3 such other relevant information within the knowledge of the Minister.

- 11.2 Subject to and without limiting Condition 13.1, in the event of breach by the licensee of any term or condition of this licence, the Minister may:

- 11.2.1 give to the licensee written notice of such breach and the Minister's requirements for rectification thereof; or
- 11.2.2 cancel this licence for failure to comply with such requirements for rectification.

- 11.3 The Minister may cancel this licence if the licensee is a body corporate, and any of the following occur:

- 11.3.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;

- 11.3.2 an order is made for the winding up or liquidation of the licensee;
- 11.3.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 11.3.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 11.3.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets.
- 11.4 The Minister may cancel this licence if the licensee is an individual, and the licensee:
- 11.4.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
- 11.4.2 is convicted of an indictable offence.
- 11.5 Cancellation of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

Granted by the General Manager Aquaculture, delegate for the purposes of section 53 of the Minister responsible for administration of the Fisheries Act 1982, on 20 March 2002.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
393047E 6417940N	4
393234E 6418011N	
393305E 6417824N	
393118E 6417753N	

All St Andrew's crosses must be marked with the site's unique 'FM number'; that is the licence number.

The interest in this licence (FM00391) cannot be transferred until 30 June 2005 without prior approval of the Minister.

Item 2—Marked-off Areas

[Co-ordinates of developed areas within the site to be provided by the licensee].

White buoys of at least 12 inches in diameter must be placed around the whole of the perimeter of the developed areas within the site at a distance of no less than 50 m from one another.

SCHEDULE 2

Item 1—Permitted Species

The Director of Fisheries has, pursuant to section 50 (2) of the Act, issued a permit for the release of the fish specified in this Schedule.

Pacific Oysters (*Crassostrea gigas*)

Item 2—Permitted Farming Methods

Racks

The total length of each unit must not exceed 3 km of longline not less than 3 m apart, or 1 km of racking per hectare, and each unit must be at least 5 m from any other unit.

Item 3—Criteria for Development of Marine Aquaculture Sites

Development must have commenced on the site within 12 months of the licence being issued. The minimum level of development on the site must be:

0.4 ha developed with 1.2 km of BST longline or 0.4 km of racking on the site.

SCHEDULE 3

Item 1—Fees

Annual licence fees are payable as prescribed in the licence renewal.

Item 2—Insurance

Ten million dollars (\$10 000 000).

Item 3—Guarantee

Ten thousand dollars (\$10 000).

SCHEDULE 4

Production Returns

The licensee must submit production returns to the Minister on or before 30 December and 30 June during the term of this licence. The information contained in these returns will be determined by the Minister. These returns must be forwarded to the General Manager, Aquaculture SA, 14th Floor, 25 Grenfell Street, Adelaide, S.A. 5000.

SCHEDULE 5

Environmental Monitoring Program

MATTERS TO BE ADDRESSED

The monitoring program should address the following matters in relation to the permitted use:

Farm Management

1. Approximate layout of all structures on the site during the term including location, number and size.
2. Growth and condition of the permitted species.
3. Occurrence of disease incidents in the permitted species.

Water Quality

1. Phytoplankton including species composition and abundance.
2. Status of the site under the South Australian Shellfish Quality Assurance Program during the term (including closures).

Feral Oysters

Presence and numbers of feral oysters.

Benthic Sediments

Sedimentation through measuring total organic carbon and particle size analysis of sediment samples.

Benthic Fauna and Flora

Benthic macro-flora communities including composition, distribution and abundance.

METHODOLOGY

Video Transects

Video transects should be used to assess broad scale changes in sediment consistency, presence of farming waste and the composition and abundance of macro-flora communities.

Video transects must be collected using equipment capable of producing a clear and well lit image. Transects must extend across the site, including sections under the development, and extend 50 m out both sides of the site. The location of the video transects must be identified on a map attached to the environmental monitoring report. Each transect must be identified on the video with a unique transect number.

Report

The environmental monitoring report must be legible and contain a declaration regarding the authenticity and source of all data and results contained in the report. This declaration must be signed by the licence holder and the person(s) conducting the monitoring program.

The report must include an assessment of the results of the monitoring program against the provisions of the Environment Protection (Marine) Policy 1994, and must be accompanied by all raw data, video footage and diver notes.

SCHEDULE 6

Schedule of Environmental Monitoring Reports

The licensee must submit a final environmental monitoring program report within 12 months of the commencement of this licence to the Minister, c/o General Manager Aquaculture SA, 14th Floor, 25 Grenfell Street, G.P.O. Box 1625, Adelaide, S.A. 5000.

FISHERIES ACT 1982

MARINE MOLLUSC (SUBTIDAL) FARMING LICENCE FS00045

Licence to Farm Fish under section 53 of the Fisheries Act 1982

THE Minister for Agriculture, Food and Fisheries ('the Minister') hereby grants to:

Michael Evenden (14750)
P.O. Box 1245
Port Lincoln, S.A. 5606

a licence to occupy and use the waters and airspace over the land specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 2001 and ending, subject to any earlier termination under this licence, on 30 June 2002 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *Marked-off Areas*

- 1.1 Subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site. The rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.
- 1.2 For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site are that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

2. *Permitted Species*

The licensee:

- 2.1 must not farm or introduce any species at the site other than the permitted species referred to in Schedule 2; and
- 2.2 must not take any wild fish from the site except for recreational purposes.

3. *Permitted Use*

The licensee must not use the site for any purpose other than the permitted use.

4. *Permitted Methods*

- 4.1 The licensee must, in undertaking the permitted use, take all reasonable and practicable measures to prevent or minimise damage to the environment. Without limiting the generality of the foregoing, the licensee:
 - 4.1.1 must ensure the total length of each unit does not exceed 3 km of longline or 1 km of racking per hectare, and each unit must be at least 5 m from any other unit;
 - 4.1.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
 - 4.1.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
 - 4.1.4 must undertake an environmental monitoring program approved by the Minister and as specified in Clause 4.3;
 - 4.1.5 must not introduce the permitted species to the site before the approval of the environmental monitoring program referred to in 4.1.4 by the Minister;

- 4.1.6 must comply with the schedule of reporting for the environmental monitoring program as prescribed in Schedule 6 and submit the final results of the environmental monitoring program to the Minister 30 days before expiry of the term of this licence.

4.2 *SASQAP*

- 4.2.1 It is a condition of your licence to farm bivalve molluscs that only shellfish from areas Classified under the South Australian Shellfish Quality Assurance Program (SASQAP) may be sold for human consumption.
- 4.2.2 The licensee must continue to meet all the regulations required under the Food Standards Code to produce a product safe for human consumption.

- 4.3 The licensee must submit a draft environmental monitoring program to the Minister for approval within 60 days of the grant of the licence by the Minister. The draft environmental monitoring program must include the qualifications and experience of the person(s) designing and undertaking the program and address the matters listed in Schedule 5.

5. *Marking and Maintaining the Site*

The licensee:

- 5.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 5.2 must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any guidelines issued from time to time by the Minister in relation to the removal from the site of any unhealthy or dead fish;
- 5.3 must maintain all buoys, crosses, and markers on the site in good condition and in accordance with the colours specified in Schedule 1 of this licence; and
- 5.4 must mark the site boundary in accordance with the requirements of the Minister for Transport.

6. *Site Inspection and Supervision*

The licensee:

- 6.1 must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site; and
- 6.2 must comply with all reasonable directions of any such person authorised by the Director of Fisheries to inspect the conduct of the licensee's activities at the site.

7. *Fees and Returns*

The licensee:

- 7.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 7.2 must on or before 31 January and 31 July during the term, submit to the Minister a return supplying all of the information described in Schedule 4 of this licence.

8. *Public Risk Insurance*

The licensee must at its own cost during the term maintain in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister. The limits of public risk must not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such other amount as the Minister may from time to time reasonably require. A policy of insurance or copy thereof or a certificate of insurance must be produced by the licensee to the Minister on written request.

9. *Guarantee or Indemnity Scheme*

The licensee must either:

- 9.1 provide a guarantee from its bankers to the amount specified in Item 3 of Schedule 3; or

9.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

to and in favour of and for the benefit of the Minister by way of security for the due and punctual performance by the licensee of the terms and conditions of this licence and in particular the obligations of the licensee to rehabilitate the site immediately prior to the expiration or sooner determination of the term of this licence. Such guarantee or indemnity scheme must have effect from the date of commencement of the term.

10. No Assignment

The licensee must not assign or sublet or deal in any other way with any interest in this licence.

11. Variation and Cancellation

11.1 The Minister may without prior notice vary or cancel this licence immediately during the term for the purposes of preventing or minimising any damage or threat of damage to the environment. For the purpose of this condition the Minister may have regard to but is not limited by the following considerations:

- 11.1.1 the results of monitoring undertaken pursuant to Clause 4.1.5;
- 11.1.2 the results of any other monitoring as may from time to time be carried out; or
- 11.1.3 such other relevant information within the knowledge of the Minister.

11.2 Subject to and without limiting Condition 13.1, in the event of breach by the licensee of any term or condition of this licence, the Minister may:

- 11.2.1 give to the licensee written notice of such breach and the Minister's requirements for rectification thereof; or
- 11.2.2 cancel this licence for failure to comply with such requirements for rectification.

11.3 The Minister may cancel this licence if the licensee is a body corporate, and any of the following occur:

- 11.3.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
- 11.3.2 an order is made for the winding up or liquidation of the licensee;
- 11.3.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 11.3.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 11.3.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets.

11.4 The Minister may cancel this licence if the licensee is an individual, and the licensee:

- 11.4.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
- 11.4.2 is convicted of an indictable offence.

11.5 Cancellation of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

Granted by the General Manager Aquaculture, delegate for the purposes of section 53 of the Minister responsible for administration of the Fisheries Act 1982, on 20 March 2002.

I. NIGHTINGALE, General Manager Aquaculture

SCHEDULE 1

Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
594835E 6180047N	10
595235E 6180047N	
595235E 6179797N	
594835E 6179797N	

All St Andrew's crosses must be marked with the site's unique 'FS number'; that is the licence number.

Item 2—Marked-off Areas

[Co-ordinates of developed areas within the site to be provided by the licensee].

White buoys of at least 12 inches in diameter must be placed around the whole of the perimeter of the developed areas within the site at a distance of no less than 50 m from one another.

SCHEDULE 2

Item 1—Permitted Species

The Director of Fisheries has, pursuant to section 50 (2) of the Act, issued a permit for the release of the fish specified in this Schedule.

Blacklip Abalone (*Haliotis rubra*)
Greenlip Abalone (*Haliotis laevis*)

Item 2—Permitted Farming Methods

Longlines

The licence holder must source all farm stock from either:

- (a) registered South Australian growers or hatcheries; or
- (b) wholly from, or the progeny of, wild stocks from South Australian waters.

The licence holder must not stock the site with more than 50 000 individuals of the permitted species at any time. The size of the abalone shell measured at the greatest shell dimension, must not be less than 20 mm in length and must not be greater than 90 mm in length.

The licence holder must maintain a Stock Movement Register which must be kept to immediately record all movements of abalone stock to and from the farm and to be kept regardless of the purpose of the movement of the stock. The Stock Movement Register must be a bound book with consecutively numbered pages, each entry must be recorded in ink in the order of events, each entry must be made immediately below the previous entry and each page must be filled before commencing the next page.

The Stock Movement Register must include the following information:

- (a) the time, date and number of stock placed on the site; and
- (b) the time, date and number of stock removed from the site.

The licence holder must keep the Stock Movement Register for 12 months from the last entry date. A photocopy of the register for the period from the date of this licence to 30 June 2002 must be forwarded to PIRSA General Manager Aquaculture on or before 14 July 2002. A photocopy of the registers for the period from 1 July 2001 to 30 June 2002 must be forwarded to the General Manager Aquaculture on or before 14 July 2002.

The licence holder must maintain a Mortality Register and record the mortalities of all farm abalone. Mortalities must be physically counted at intervals of no more than three months.

The licence holder must keep the Mortality Register for 12 months from the last entry date. A photocopy of the register for the period from the date of this licence to 30 June 2002 must be forwarded to PIRSA General Manager Aquaculture on or before 14 July 2002. A photocopy of the registers for the period from 1 July 2001 to 30 June 2002 must be forwarded to the General Manager Aquaculture on or before 14 July 2002.

The licence holder must make available all farm registers for inspection by PIRSA Fisheries and Aquaculture Compliance Officers immediately upon being requested by such an officer.

The licence holder must complete a Farmed Abalone Disposal Statement and forward this statement to PIRSA Fisheries and Aquaculture Compliance at least 48 hours prior to disposal of farmed stock.

The licence holder must comply with the Fisheries Act 1982 while transporting fish. All fish moved from the site must be moved in shell.

The licence holder must ensure that no processing occurs at sea and must further ensure that no dead farm fish or waste is deposited at sea.

Item 3—Criteria for Development of Marine Aquaculture Sites

Development must have commenced on the site within 12 months of the licence being issued. The minimum level of development on the site must be:

1 ha developed with 2 km of growout line on the site.

SCHEDULE 3

Item 1—Fees

Annual licence fees are payable as prescribed in the licence renewal.

Item 2—Insurance

Ten million dollars (\$10 000 000).

Item 3—Guarantee

Ten thousand dollars (\$10 000).

SCHEDULE 4

Production Returns

The licensee must submit production returns to the Minister on or before 30 December and 30 June during the term of this licence. The information contained in these returns will be determined by the Minister. These returns must be forwarded to the General Manager, Aquaculture SA, 14th Floor, 25 Grenfell Street, Adelaide, S.A. 5000.

SCHEDULE 5

Environmental Monitoring Program

MATTERS TO BE ADDRESSED

The monitoring program should address the following matters in relation to the permitted use:

Farm Management

1. Approximate layout of all structures on the site during the term including location, number and size.
2. Growth and condition of the permitted species.
3. Occurrence of disease incidents in the permitted species.

Water Quality

1. Phytoplankton including species composition and abundance.
2. Status of the site under the South Australian Shellfish Quality Assurance Program during the term (including closures).

Benthic Sediments

Sedimentation through measuring total organic carbon and particle size analysis of sediment samples.

Benthic Fauna and Flora

Benthic macro-flora communities including composition, distribution and abundance.

METHODOLOGY

Video Transects

Video transects should be used to assess broad scale changes in sediment consistency, presence of farming waste and the composition and abundance of macro-flora communities.

Video transects must be collected using equipment capable of producing a clear and well lit image. Transects must extend across the site, including sections under the development, and extend 50 m out both sides of the site. The location of the video

transects must be identified on a map attached to the environmental monitoring report. Each transect must be identified on the video with a unique transect number.

Report

The environmental monitoring report must be legible and contain a declaration regarding the authenticity and source of all data and results contained in the report. This declaration must be signed by the licence holder and the person(s) conducting the monitoring program.

The report must include an assessment of the results of the monitoring program against the provisions of the Environment Protection (Marine) Policy 1994, and must be accompanied by all raw data, video footage and diver notes.

SCHEDULE 6

Schedule of Environmental Monitoring Reports

The licensee must submit a final environmental monitoring program report within 12 months of the commencement of this licence to the Minister, c/o General Manager Aquaculture SA, 14th Floor, 25 Grenfell Street, G.P.O. Box 1625, Adelaide, S.A. 5000.

FISHERIES ACT 1982: SECTION 43

TAKE notice that it is hereby declared that it shall be unlawful for any person to engage in the class of fishing activity specified in Schedule 1 during the periods specified in Schedule 2.

SCHEDULE 1

The act of taking or the act preparatory to or involved in the taking of western king prawn (*Penaeus latisulcatus*) in all waters of Gulf St Vincent.

SCHEDULE 2

0700 hours on 22 March 2002 to 0700 hours on 25 March 2002.

Dated 21 March 2002.

J. PRESSER, Director of Fisheries

V003/02

FISHERIES ACT 1982: SECTION 43

TAKE notice that it is hereby declared that it shall be unlawful for any person to engage in the class of fishing activity specified in Schedule 1 during the periods specified in Schedule 2.

SCHEDULE 1

The act of taking or the act preparatory to or involved in the taking of western king prawn (*Penaeus latisulcatus*) in all waters of Gulf St Vincent.

SCHEDULE 2

0700 hours on 25 March 2002 to 30 June 2002.

Dated 21 March 2002.

J. PRESSER, Director of Fisheries

V002/02

FISHERIES ACT 1982: SECTION 43

TAKE note that the notice number V007/01 made under Section 43 of the Fisheries Act 1982, and published in the *South Australian Government Gazette*, page 5349, dated 10 December 2001 being the sixth notice on that page, referring to the Gulf St Vincent prawn fishery, is hereby revoked from 2200 hours on 6 March 2002.

Dated 6 March 2002.

J. PRESSER, Director of Fisheries

R006-02