



# DEPARTMENT OF PRIMARY INDUSTRIES AND REGIONS

## APPLICATION TO VARY CONDITIONS (MOVEMENT) OF A MARINE AQUACULTURE LEASE - OYSTER

(Pursuant to Section 25A of the *Aquaculture Act 2001*)

**Applications must be lodged by:**

**Email:** [PIRSA.aquaculture@sa.gov.au](mailto:PIRSA.aquaculture@sa.gov.au)

**Or**

**Mail:** PIRSA Aquaculture, GPO Box 1625, Adelaide SA 5001

**For assistance or further information:**

Telephone: (08) 8207 5332

Email: [PIRSA.aquaculture@sa.gov.au](mailto:PIRSA.aquaculture@sa.gov.au)

Visit: <http://www.pir.sa.gov.au/aquaculture>

Lease Number:	Name of Lease Holder/s:
Corresponding Licence Number/s:	Name of Licence Holder/s:
Aquaculture Zone/Location:	Hectares (Ha):

**Please Note:**

- Pursuant to the *Aquaculture Act 2001* PIRSA Fisheries and Aquaculture is unable to consider aquaculture applications for the division, movement, or amalgamation of an aquaculture lease, if the aquaculture lease site is associated with a lease for a land title registered under the *Real Property Act 1886*. To assist in determining whether an aquaculture lease site is associated, please visit [www.aginsight.sa.gov.au/](http://www.aginsight.sa.gov.au/)
- In accordance with section 25A(c) the variation may not be made unless the holder of each corresponding licence has requested or consented to a variation of the conditions of the licence by substitution of the licence area and the EPA has approved the variation (to take effect on variation of the lease).

# 1. INSTRUCTIONS AND APPLICATION CHECKLIST

## 1.1 Instructions for applicant

- Carefully read all information contained in this application form and complete all parts of the application form in full, including all attachments;
- Write legibly using a blue or black pen, or use a software program “Fill & Sign” function;
- PIRSA Fisheries and Aquaculture may request supporting documentation or further information beyond what is contained in this application form in assessing the application;
- Incomplete applications, or those requiring additional information, may be refused if the information is not provided within the specified period as requested by PIRSA Fisheries and Aquaculture.
- An application fee invoice will be generated once the completed application has been received.
- Following payment of the application fee, details of the application will be displayed on the aquaculture public register for inspection by interested persons.

## 1.2 Application checklist (to be completed by lease and licence holder)

- Application complete:** All sections of this application have been completed and all required attachments included.
- Outstanding Fees:** Current lease and Licence Holder(s) must ensure all outstanding fees owed to PIRSA are settled before any application for lease and licence-related changes is approved. PIRSA reserves the right to withhold or refuse any applications in cases of outstanding debt.
- Environmental Monitoring Program:** This report has been submitted to PIRSA Fisheries & Aquaculture for the most recent three (3) reporting periods.
- Production Return:** This report has been submitted to PIRSA Fisheries and Aquaculture for the most recent three (3) reporting periods.
- Licensed Surveyors Report:** A report provided by a Licensed Surveyor with a statement of the author’s qualifications and experience and a map of the licenced area is required.
- Reports and/or Videos:** All required reports and/or videos are attached to this application.
- Notification of a Nominated Specified Person:** Section 3 of the application has been completed (if applicable).
- ASIC Company Extract:** A current company extract, no more than 3 months old, is required with full company details including current company directors for applications involving leases and/or licences held by a body corporate).
- I understand that **my application will be refused if I have outstanding fees** with PIRSA.
- Certificate of Currency for Public Liability Insurance:** A current document is attached to this application, stating the lease holder’s name, the lease number covered, showing the expiry date, be in the amount of \$10 million and noting the Minister for Primary Industries and Regional Development as an Interested Party.
- Bank Guarantee or proof of contribution to an Approved Indemnity Scheme:** A current document is attached to this application. An original Bank guarantee document in the lease holder’s name and in an amount approved by the Minister to enable full rehabilitation of an aquaculture site per lease or a current Association membership (with an approved indemnity scheme), stating the lease holder’s name, the lease number covered by the Association’s rehabilitation indemnity fund and the term of cover (start and end date). Note – an email confirmation from the Association may be required.

- I understand that if the application is approved, my current leased area will need to be rehabilitated as soon as possible and no later than 90 days of the date of approval.

## 2. LEASE AND LICENCE HOLDER DETAILS

### 2.1 Details of the lessee (to be completed by the lease holder)

Name of lease holder: .....

Telephone number: .....

Mobile number: .....

Email address: .....

Postal address .....

Suburb: .....State .....Post Code .....

### 2.2 Details of the licensee (to be completed by the licence holder/s)

Licence Number: .....

Name of licence holder: .....

Telephone number: .....

Mobile number: .....

Email address: .....

Postal address .....

Suburb: .....State .....Post Code .....

If there are more than two parties, please provide the personal details (as above) of additional licence holders on a separate page.

### 3. NOTIFICATION OF A NOMINATED SPECIFIED PERSON

This section is to be completed by the nominated specified person (if applicable), not the lessee or licensee.

A nominated specified person is a person or company who is recorded as having an interest in a specified aquaculture lease and/or licence. This interest is currently recorded on the public register established by section 80 of the *Aquaculture Act 2001*.

Lease and/or Licence numbers to which interest relates: .....

Full Name of Specified Person (First Name, Company Name or Bank):

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**(If the Interest Holder is a Bank)** Full Name of Bank representative:

..... Position within bank: .....

Official Bank Stamp:

**(If the interest holder is a Company)** Full Name of the Director completing this form on behalf of the company:

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Please attach a current ASIC Company extract no more than 3 months old from lodging this application. The extract should list the details of all directors of the company.

Address: .....

Suburb: ..... State ..... Post Code .....

**As a nominated specified person recorded on the Aquaculture Public Register as having an interest in the above named lease/licence, I consent to the lease/licence holders submitting this application to vary (move) the lease.**

Signed..... Date ...../...../.....

## 4. REASON FOR VARIATION

4.1 Please detail why you are applying to relocate the leased area.

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## 5. PHYSICAL CHARACTERISTICS OF THE SITE

Please provide detail on the following physical characteristics for the proposed lease area and include details on the source of the information for each.

5.1 Prevailing wind direction during summer (where the wind is coming from):

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5.2 Prevailing wind direction during winter (where the wind is coming from):

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5.3 Maximum fetch of the site (distance over which wind operates on the sea to create waves):

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5.4 Compass direction of maximum fetch:

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5.5 The maximum and average annual wave heights (in metres):

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5.6 Minimum water depth (at low water) for each corner of the site (in meters):

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5.7 The anticipated maximum tidal range at the site:

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5.8 The prevailing direction of tidal water flow in relation to the site during a flooding and ebbing tide:

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5.9 The average water flow rate at the site in centimetres per second:

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If the organisms are to be in water which is less than 7 metres deep, the water flow rate at the surface of the water should be recorded. If the organisms are to be in water which is deeper than 7 metres, then the water flow rate should be recorded at a depth of 5 metres.

5.10 Areas adjacent the proposed site which are used for navigational access:

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## 6. PRE-APPLICATION DISCUSSION AND SELF ASSESSMENT

When investigating a new area to cultivate oysters, it is the responsibility of each lease and licence holder to ensure the proposed aquaculture activities do not adversely affect other lease and licence holders.

To assist in determining whether a proposal may have an adverse effect on other sites within an area, you are highly encouraged to discuss the proposal with other existing lease and licence holders within the same aquaculture zone.

The degree to which this is undertaken to support the proposal will be considered in the assessment of the application.

**6.1 Please identify any existing leases and licences you think may be affected by the proposal:**

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**6.2 Please state whether you have discussed the proposal with existing lease and licence holders:**

- Yes (please attach evidence of communication with existing growers, such as letter/s of support, emails, meeting minutes, etc.)
- No (please detail below why you have not communicated the proposal with existing growers)

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**6.3 Please complete the following self-assessment which examines several key risks posed to existing leases and licences by a lease movement.**

Where a negative effect has been identified (either by yourself or through communication with existing growers), select 'yes' and provide information on what the effect is and how the negative effect will be avoided or mitigated. Attach separate sheets if there is insufficient space provided.

**6.3.1 Could the proposal result in negative effects on navigational access?**

- No
- Yes, potential issues have been identified

*If yes, describe what the effect could be and how it will be avoided or how it has been mitigated.  
If no, describe how this was determined.*

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The written report must contain:

- A statement of the author's qualification and experience
- Description of the common animals and plants at the site using scientific names where possible. Include a description of any seagrasses on the site and their coverage in terms of percentage of the site and density of coverage
- A description of the seafloor including types and sizes of sediments
- Description of the substrate at the site (reef, boulders, pebbles, sand, silt)
- A proforma showing the distribution of substrate types, as well as the location of the dominant fauna and flora on the site should be completed as shown below. Each 10m of the path must be summarised (e.g. if 150 m path = 15 summaries).
- Included in each of these summaries should be a level of sedimentary disturbance from biological activity (bioturbation), undulation, natural organic waste, aquacultural waste, colour of seafloor, macroalgal cover, seagrass cover, microbial mat cover (e.g. blue-green algae, sulphur reducing bacteria), sponge cover, presence of (sea cucumbers, sea squirts, razor fish, scallops, crabs, gastropods, fish, seahorses).

**Please note:**

- (a) The above Biogeographical Report conditions are based on requirements for environmental monitoring program requirements, set out in *Aquaculture Regulations 2016*.
- (b) A template for the transect summaries of the Biogeographical Report can be provided by PIRSA Fisheries and Aquaculture, if required.

**8.2.1 Does the location of biogeographical report remain wholly within the new proposed leased boundary?**

- No  Yes

**8.2.2 Was the biogeographical report conducted on the site in the last 5 years?**

- No  Yes

If **yes** to both questions 8.2.1 and 8.2.2, please go to section 9.

If **no** to either question, please contact PIRSA Fisheries and Aquaculture on (08) 8207 5332 to discuss your requirements prior to collecting video footage and obtaining a Biogeographical Report.

## **9. ABORIGINAL HERITAGE CONSIDERATIONS**

Pursuant to section 23(c) of the *Aboriginal Heritage Act 1998*, it is an offence to damage, disturb or interfere with any Aboriginal site or object. If you wish to undertake an Aboriginal Sites and Object Search please contact the Department of Premier and Cabinet Aboriginal Affairs and Reconciliation (link below) to request that a basic search be undertaken within the coordinates of your proposed site location.

Requests can be lodged via Taa wika at <https://taawika.sa.gov.au/public/application-for-advice/enter> or by emailing [DPC-AAR.HeritageSites1@sa.gov.au](mailto:DPC-AAR.HeritageSites1@sa.gov.au)

## 10. FARMING OPERATIONS

**10.1** Will there be any change to the farming practices to be undertaken at the leased area under one or more corresponding licences? This includes a change to farming methods used and/or species to be farmed.

- No                       Yes

If yes, you will need to submit a separate application to vary the conditions of each corresponding aquaculture licence. Please contact PIRSA Fisheries and Aquaculture on (08) 8207 5332 or by email at [PIRSA.aquaculture@sa.gov.au](mailto:PIRSA.aquaculture@sa.gov.au) to discuss your requirements and to request a copy of the relevant application form.

## 11. REHABILITATION

Under the conditions of your lease, you will be required to fully rehabilitate the area no longer being used for aquaculture. This includes the removal of all infrastructure, stock and debris from the area within 90 days of the application being approved.

**11.1** Please provide details of the infrastructure and/or stock on your current site:

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**11.2** Please describe your plans to rehabilitate the current area leased:

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## 12. DECLARATION BY LEASE AND LICENCE HOLDERS

### To be completed by all lease and licence holders - Individual/s and/or Company/Body Corporate Directors

Section 85 *Aquaculture Act 2001* - A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided under the *Aquaculture Act 2001*.

#### Maximum penalty: \$5,000

All parties who have an interest in the lease and/or licence registered by notation on the public register established by section 80 of the *Aquaculture Act 2001* have provided their consent to this movement.

- I/We the current lease holder/s seek the Minister's consent to vary (movement) this site.
- I/We the current licence holder/s have been informed of this movement application.
- I/We declare that the information provided in this form is true and accurate.

#### PLEASE NOTE

If the lease/licence is held by individual/s, the signature of all individual/s is required.

If the lease/licence is held by a company/body corporate, one of the following is required:

- The signature of two directors of the company; or
- The signature of a director and a company secretary; or
- If the company has a sole director who is also the sole company secretary, that director.

These requirements apply to all company applicants where multiple companies hold the lease/licence.

Full Name: ..... Signature: ..... Date: .... /...../.....

Full Name: ..... Signature: ..... Date: .... /...../.....

Full Name: ..... Signature: ..... Date: .... /...../.....

Full Name: ..... Signature: ..... Date: .... /...../.....