

# LUP 17 – Aquaculture Policy

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## 1 Objectives

- To protect the economic viability of the District's existing rural land uses;
- To facilitate the effective diversification of primary industry within the Shire through the establishment of land based commercial aquaculture projects;
- To ensure aquaculture projects do not have detrimental impacts upon the rural character of the surrounding area; and
- To ensure aquaculture projects operate in an environmentally sustainable manner with appropriate development setbacks, and do not have a detrimental impact on the ecological integrity of the environment.

## 2 Policy

### 2.1 Introduction

Aquaculture of introduced species has the potential to impact on endemic biologically important communities. The purpose of the Policy is to ensure that the establishment of commercial land based aquaculture projects within the Shire of Bridgetown-Greenbushes are appropriately designed and managed to protect rural character and the natural environment, as a component of the District's diverse rural economy.

### 2.2 Statement

This Policy is made pursuant to Clause 6.7.2 of Town Planning Scheme No. 3 (TPS3) and Clause 7.6.2 of Town Planning Scheme No. 4 (TPS4), and to be read in conjunction with Parts III and IV of TPS3 and TPS4, that deal with the land use and zoning provisions. This Policy gives more detailed provisions on the Shire's general requirements for development and management of aquaculture projects.

A person shall not develop any commercial purpose land based aquaculture activity, within existing or new water bodies, without planning approval being granted by the Shire of Bridgetown-Greenbushes. Aquaculture is defined as *'the keeping, breeding, hatching or culturing of fish'* pursuant to the Fish Resources Management Act 1994. Under the Act, the term commercial purpose means *'for the purpose or sale or any other purpose that is directed to gain or reward.'*

Aquaculture can only be considered within the Rural zone of TPS3 and the Industrial, Rural 1, Rural 2 and Rural 3 zones of TPS4 (unless otherwise stated) and includes crustaceans and fishes.

Notwithstanding the need for Shire approval, licences are required from the Department of Fisheries for commercial aquaculture purposes, and exemptions do apply for domestic/hobby purposes, pursuant to the Act.

### 2.3 Natural Environment

Part 5.2 Water Resources of the Shire of Bridgetown-Greenbushes 'Managing the Natural Environment Policy' requires the protection of natural waterways from contamination and significant storm water events.

Sub-clause (vi) states that *"In considering proposals which may have an impact on any waterway or waterbody Council will have regard to:*

- *Maintaining water balance;*
- *Maintaining and where possible enhancing water quality;*
- *Encouraging water conservation; and*
- *Maintaining and where possible enhancing water related environmental values.”*

Sub-clause (vii) states that “Council may require the establishment of a native vegetation buffer/riparian zone that reflects the original vegetation community type(s) along any perennial watercourse/drainage line for the protection of water quality. Unless suitably justified by the proponent and agreed to by Council, Council will apply a 50m buffer and may require other protection measures to ensure there is a lesser risk to water resource quality and the sustainability of downstream ecosystems.”

Based on the general objectives of the Policy and the Natural Environment Strategy, the location of ponds should be restricted away from the natural drainage line/water course so that in times of heavy runoff there is an avenue for excess water to move to natural watercourses without going from pond to pond or overflowing wastes toward watercourses. Separation of ponds or dams allows some environmental flow rather than capturing all water on site.

## 2.4 Assessment

In assessing the suitability of establishing a purpose built aquaculture facility, including ponds, dams, processing plant and associated facilities, the Shire of Bridgetown-Greenbushes shall have regard to the following matters:

- (a) The objectives of the Policy;
- (b) Compliance with the requirements of provisions of the Shire of Bridgetown-Greenbushes Town Planning Schemes No. 3 and 4;
- (c) The potential effect on existing natural and man-made water resources in the locality;
- (d) The potential effect on rural/agricultural activities of the surrounding district; and
- (e) The Shire of Bridgetown-Greenbushes’ Managing the Natural Environment Policy, Natural Environment Strategy, Construction of Dam Guidelines and Stormwater Management Guidelines.

## 2.5 Standard Conditions of Approval

The following conditions will be considered by the Shire of Bridgetown-Greenbushes at the application assessment stage for all aquaculture applications:

- (a) This approval relates to the farming of [insert species] in the proposed ponds, dams and/or storage tanks.
- (b) All non-endemic species are prohibited from being farmed within existing or proposed on-stream dams or within 20 metres of a watercourse. Only locally endemic crustacean species such as marron or koonac can be farmed in existing on-stream dams.
- (c) All new ponds, dams and storage tanks (where applicable) are to be setback a minimum of 20 metres from the centreline (total 40 metre buffer) of any nearby watercourses/drainage line.
- (d) No natural vegetation may be removed within 20 metres from the centreline (total 40 metre buffer) of any nearby watercourses/drainage lines.
- (e) All new ponds and/or dams are to be bunded to the high water mark and thereafter maintained, to avoid overtopping during extreme rainfall events.
- (f) The flushing of the ponds, dams and storage tanks is to be controlled to prevent any contamination of other water sources on the property or adjacent properties, including the

potential discharge of sludge, silt and organic material, with all new ponds, dams or storage tanks fitted with a bottom drain (minimum 100mm diameter).

- (g) Produce is to be collected onsite only by wholesalers or delivered directly to customers offsite, and no sale of produce will be permitted from the subject land, without further approval of the Shire of Bridgetown-Greenbushes.
- (h) Transportation of produce is to be carried out in accordance with the Food Act 2008 and ANZFA Food Standards Guide.
- (i) The use hereby approved is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water or waste products.
- (j) No cooking or processing of the produce on the property is permitted without first obtaining a 'registration of Food Business' from the Shire of Bridgetown-Greenbushes.
- (k) In the event of a valid complaint/s being received about nuisances generated by the business, the Shire reserves the right to withdraw the Planning Approval or review the Planning Approval and impose revised or additional conditions.

#### Advice Notes:

- (a) The upgrading and/or development of new ponds, dams and storage tanks should have regard to the Shire of Bridgetown-Greenbushes Guidelines for the Construction of Dams and Stormwater Management Guidelines (where applicable).
- (b) The applicant should contact the Western Australian Department of Fisheries for licence approval (if applicable) and specialist advice prior to commencement of the operation.

### 3 Applicable Legislation and Documents

<b>Act</b>	Part 5 <i>Planning and Development Act 2005</i> – Local planning schemes  s.6.7.1 Shire of Bridgetown-Greenbushes Town Planning Scheme 3 and s 7.6.1 Shire of Bridgetown-Greenbushes Town Planning Scheme 4 – In order to assist in the implementation of the Scheme, the Council may make Town Planning Scheme Policies relating to one or more of the aspects of the control of development and land use.  <i>Food Act 2008</i>
<b>Regulation</b>	N/A
<b>Local Law</b>	N/A
<b>Shire Policies</b>	N/A
<b>Related Documents</b>	Shire of Bridgetown-Greenbushes Construction of Dams and Stormwater Management Guidelines
<b>Related Procedure</b>	N/A

## 4 Administration

Original Adoption Date	30 August 2012
Last Reviewed	26 November 2020
Scheduled Reviewed Date	30 June 2023