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## PLANNING SYSTEM

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State environmental planning policies

<b>Circular</b>	PS 07-013
<b>Issued</b>	22 August 2007
<b>Related</b>	PS 07-014

# Amendment no. 3 to SEPP 62 –implications for oyster aquaculture development

This circular is to advise coastal councils of the planning implications of State Environmental Planning Policy No. 62—Sustainable Aquaculture (Amendment No. 3), gazetted on 8 December 2006, and the NSW Oyster Industry Sustainable Aquaculture Strategy relating to oyster aquaculture development.

### Introduction

Oyster aquaculture is the commercial cultivation of any species of edible oyster, e.g. Sydney rock oyster, Pacific oyster and Angasi flat oyster.

The NSW oyster industry is an integral part of many NSW coastal communities. Oyster farming businesses not only generate economic benefits, but also make a positive and constructive contribution to the social fabric of these communities.

*NSW Oyster Industry Sustainable Aquaculture Strategy (OISAS)* (Department of Primary Industries 2006) aims to recognise and protect oyster growing areas, improve the environmental performance of the industry and improve institutional arrangements, to provide greater certainty for industry development.

OISAS sets out best practice for operation of oyster aquaculture leases the oyster aquaculture industry of those estuarine areas suitable as priority oyster aquaculture areas and provides for the protection of water quality in these areas. The strategy is one of a suite of strategies initiated by the NSW Government for the management and development of aquaculture in NSW.

OISAS identifies priority oyster aquaculture areas (POAAs) and establishes a uniform approval process for all oyster aquaculture estuaries. OISAS also establishes industry best practice based on the principals of ecological sustainable development.

Copies of OISAS and maps showing the location of POAAs have been sent to the relevant coastal councils and are available from the Department of Primary Industries website at <<http://www.dpi.nsw.gov.au>>.

### Oyster aquaculture development

Oyster aquaculture is permissible without consent in POAAs. Development without consent also applies if up to 0.1 hectares outside a POAA is included in the application.

In all other areas oyster aquaculture is permissible with development consent. In determining a development application for oyster aquaculture the consent authority is to take OISAS into consideration. Oyster aquaculture that requires development consent is considered integrated development as it also requires a permit under section 144 of the *Fisheries Management Act 1994*.

### Part 3A does not apply

State Environmental Planning Policy (Major Projects) 2005 has been amended so that Part 3A of the *Environmental Planning and Assessment Act 1979* does not apply to oyster aquaculture.

### Competitive allocation process

The Department of Primary Industries will not process oyster aquaculture development applications until it has determined that the area is available for aquaculture and whether a competitive allocation process is required under the *Fisheries Management Act 1994*.

## Referral to NSW Maritime

All oyster aquaculture development must be referred to NSW Maritime for consideration prior to determining consent. A list of NSW Maritime offices can be found at <http://www.maritime.nsw.gov.au/listoff1.html>.

## Referral to Department of Primary Industries

Referral of oyster aquaculture development for the Department of Primary Industries' general terms of approval should be addressed to:

Aquaculture Administration Section  
Department of Primary Industries  
Locked Bag 1, Nelson Bay NSW 2315  
Phone: 02 4982 1232  
Fax: 02 4981 9074

## Further information

For more information on OISAS and oyster aquaculture development please contact:

Senior Policy Officer - Aquaculture  
Department of Primary Industries  
Locked Bag 1, Nelson Bay NSW 2315  
Phone: 02 4916 3823  
Mobile: 0429 424 306  
Fax: 02 49819074

Further information, including LEP practice notes and map templates for some common GIS applications can be found on the Department of Planning website at: <http://www.planning.nsw.gov.au/planningsystem/local.asp>. If you have further enquiries, please phone the Planning Information Centre 02 9228 6333 or email [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au).

### Authorised by:

Sam Haddad  
Director General

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**Important note:** This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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