

# **AQUACULTURE PERMIT STANDARD CONDITIONS**

## **GENERAL**

1. The Minister for NSW Department of Primary Industries (NSW DPI) may, if the Minister thinks fit, suspend, revoke, vary or add to any of the conditions of a permit.
2. An aquaculture permit is not transferable.
3. Except where specific exception is made, all provisions of the *NSW Fisheries Management Act 1994*, the Regulations made thereunder and Land-based Aquaculture Policy, are to be strictly complied with.
4. Where applicable, the permit-holder shall obtain and keep current the approval of and any necessary licences issued by government agencies including the authorities listed below:
  - NSW Department of Environment & Climate Change (DECC) incorporating NSW Environment Protection Authority (EPA) & NSW National Parks and Wildlife Service (NPWS)
  - NSW Department of Planning
  - NSW Department of Water & Energy
  - NSW Maritime Authority
  - Local Shire or Municipal Council
  - NSW Food Authority
5. The Director-General of NSW DPI or any officer of the department shall be allowed access to the premises covered by an aquaculture permit at all reasonable times and the permit-holder shall co-operate by facilitating inspection of the premises and fish therein. Information obtained from these inspections will be regarded as confidential and will not be divulged to other fish farmers unless necessary for the purposes of regulation of the industry or for disease control.
6. removed
7. removed
8. Upon request, the permit holder shall supply in writing any reasonable information relating to the fish farm sought by the Director-General of NSW DPI or any other officer of the department. Changes in particulars (ie business address, trading name or change of directors) must be notified to the department in writing within 28 days.
9. An annual production report, covering production and sales for each financial year, is to be submitted to the department before 30 September each year.
10. Unless otherwise specified, for the purposes of a permit:

"Fish" means the eggs, milt, larvae, juveniles and adults of the species authorised by a permit.

"Waters" means all waters that are within the limits of the State of New South Wales and includes rivers, creeks, lakes, lagoons and artificial dams, tanks, reservoirs, ponds, canals, channels, waterways, estuaries and the ocean.

"Sell" includes -

- a) sell by wholesale, retail, auction or tender;
- b) barter or exchange;
- c) supply for profit;
- d) offer for sale, receive for sale, or expose for sale;
- e) consign or deliver for sale;
- f) have in possession for sale; or
- g) cause, or allow any of the above to be done.

"Premises" means all or part of the lands referred to in a permit and includes all structures thereon.

"Hatchery" means a facility for the maintenance and maturation of broodstock, spawning (natural and artificial) and larval rearing to fingerling or post-larval stage.

"Extensive" means aquaculture undertaken without providing supplementary food for fish that are being cultured.

"Intensive" means aquaculture undertaken by providing supplementary food for fish that are being cultured.

"Food" includes any form of nutrient.

## **PREMISES AND SPECIES**

- 11. The permit holder shall not propagate, hatch or rear species of fish other than those specified in the relevant permit.
- 11a. A permit-holder shall not cross-breed any species of fish without the written approval of the department.
- 12. The permit-holder shall not extend the propagation, hatching or rearing of fish beyond the facilities covered by the relevant permit. Any extension of operations or expansion of facilities requires written approval from the department.
- 13. The permit-holder shall maintain during the term of the permit, the right to occupation of the land or to immediate possession of the land on which the fish farm is situated for the purpose of aquaculture.
- 13a. The permit-holder shall prevent fish escapement into waterways from any authorised area covered by a permit.
- 13b. The disposal of dead or diseased fish must be made at an approved 'off-farm' waste management facility, or disposed of 'on-farm' in an appropriate waste facility, except where covered by other permit conditions.

## **PURCHASES AND SALES**

14. The permit-holder shall not obtain any live fish from any person, whether in New South Wales, interstate or overseas, unless that person is authorised as a supplier of fish under state and/or Commonwealth legislation.
- 14a. A person must not bring into New South Wales, live fish of a species not taken in New South Wales' waters without the authority of a permit.
15. A record of all purchases and sales of fish relating to the farm is to be maintained by the permit-holder. The record shall include the date, names and addresses of buyers and sellers, the species' name, life-cycle-stage and quantity.
16. The permit holder shall not liberate live fish into any waters, by themselves or their agents, except those species authorised by the permit into the waters of the fish farm specified by the permit, or sell live fish for such purpose, without the prior approval in writing from the Director-General of NSW DPI.
17. The permit holder shall not sell any live fish interstate without first obtaining authorisation from the Fisheries' authority in that state, or sell any live fish overseas without first obtaining relevant approvals from the Australian Quarantine Inspection Service (AQIS) and the Department of Environment & Water Resources.
18. The permit holder shall not liberate, sell, offer or consign for sale any species other than those propagated, hatched, reared or grown on the premises to which a permit applies.
19. Fish sold for human consumption must not be smaller than the legal minimum size for each species unless the permit holder (other than Class F permit holders) has authority under a permit to sell prohibited size fish.
20. The permit holder shall issue to each purchaser of any fish species cultured on the premises, a record of sale showing the number of fish of each species purchased.

## **DISEASE**

21. The permit holder shall notify the department within 24 hours of the discovery of any declared disease (see appendix), unusual disease or any significant event associated with the welfare of the fish on the premises (eg unexplained or significant fish mortalities, >5% of fish stock loss in a week). See Appendix for list of Declared Diseases.
22. Where any Declared Disease or other disease exists, or is reasonably suspected of existing on the farm premises covered by a permit, a permit holder shall carry out any directions so ordered by the Director-General of NSW DPI for the treatment or destruction of fish including quarantine of the premises. Any such order shall remain in effect until revoked by the Director-General of NSW DPI in writing.

23. The permit holder must not sell, otherwise supply or release into waterways, any fish known, or suspected, to be infected with a Declared Disease. The Permit-holder shall take precautions specified in writing by the Director-General of NSW DPI to prevent the escape of fish or disease from the farm.
24. All outlets must be screened to prevent the escape of fish. A screen no greater than 1mm must be used where eggs and fry may escape. A screen no greater than 5mm is required for fingerlings, and a screen no greater than 15mm for post-fingerling fish.
- 24a. No effluent is permitted to reach any waterway except for farms licensed by the EPA to discharge effluent into waterways.

## **CONDITIONS RELATING TO THE SALE AND STOCKING OF INDIGENOUS FRESHWATER FISH OF NSW**

25. Live fish may be sold to other farmers holding a current permit authorising the farming of that particular species of indigenous fish; or to a fish wholesaler, retailer or restaurant for human consumption; to a registered wholesaler or retailer of aquarium fish; or to a recognised outlet authorised under State and/or Commonwealth legislation.
26. Live fish may also be sold to farm dam owners for stocking farm dams. Of the western drainage species, only silver perch (*Bidyanus bidyanus*), golden perch (*Macquaria ambigua*) and eel-tailed catfish (*Tandanus tandanus*) may be sold for stocking farm dams on the eastern drainage. Permit holders must advise people purchasing fish for stocking farm dams on the eastern drainage that dams must be above the 1 in 100 year flood level and not be susceptible to overflow that would allow fish to escape.
- 26a. Murray cod (*Maccullochella peelii peelii*) may only be cultured or stocked in farm dams on the western drainage.
- 26b. Silver perch may not be grown for sale in farm dams (See 'Aquaculture Permits for Silver Perch' Policy).
27. No fish may be sold for the purpose of stocking natural waterways and public impoundments without first obtaining a Fish Stocking Permit issued for those waters by the Director-General of NSW DPI.
28. removed
29. removed
30. removed

## **CONDITIONS RELATING TO THE FARMING OF INDIGENOUS FRESHWATER FISH IN NSW**

35. All outlets must be screened to prevent the escape of fish. A screen no greater than 1mm must be used where eggs and fry may escape. A screen no greater than 5mm is required for fingerlings, and a screen no greater than 15mm for post-fingerling fish.
36. No effluent is permitted to reach any waterway.

## **CONDITIONS RELATING TO THE SALE AND STOCKING OF SALMONIDS**

- 40. The permit-holder shall not have on their premises any wild trout on the premises or use any eggs taken from wild trout.
- 41. Live fish may be sold to other fish farmers holding a current permit authorising the farming of salmonids; to a fish wholesaler, retailer or restaurant (authorised under State and/or Commonwealth legislation) for human consumption; or to a registered wholesaler or retailer of aquarium fish.
- 42. Live fish may also be sold to farm dam owners for stocking farm dams. Farm dams, in catchment areas where salmonids have been traditionally stocked, must be located above the 1 in 100 year flood level and not be susceptible to overflow that would allow fish to escape.

## **CONDITIONS RELATING TO THE FARMING OF SALMONIDS**

- 42a. All outlets must be screened to prevent the escape of fish. A screen no greater than 1mm must be used where eggs and fry may escape. A screen no greater than 5mm is required for fingerlings, and a screen no greater than 15mm for post-fingerling fish.
- 42b. The accumulation of effluent sludge must be removed from raceway sumps when the volume of effluent sludge reaches 10% of the total volume of the raceway sumps. It must be removed in a fashion so it is not entrained into effluent waters. All sludge and other solid matter associated with the production of fish are to be disposed of in a manner approved of by the local council.
- 43. removed

## **CONDITIONS RELATING TO AQUARIUM FISH AND OTHER NON-INDIGENOUS FRESHWATER FISH**

- 45. For the purposes of this permit, 'aquarium fish' includes all native Australian fish species and all fish species listed in Schedule 6 of the *Wildlife Protection (Regulation of Exports and Imports) Act 1982*.
- 46. All outlets must be screened to a size no greater than 1mm to prevent the escape of fish.
- 47. No effluent is allowed to reach any waterway.

## **CONDITIONS RELATING TO THE SALE AND STOCKING OF FRESHWATER CRAYFISH**

- 50. removed
- 51. Live yabbies, *Cherax destructor*, may be sold to farm dam owners for stocking farm dams, or to a registered wholesaler or retailer of aquarium fish. The permit holder must advise people wishing to stock yabbies into eastern drainage dams that they can not stock yabbies where there are known populations of other species of freshwater crayfish that could be threatened by their introduction. This information is available from the NSW DPI. In addition, the dams must be above the 1 in 100 year flood level and not susceptible to overflow.

52. Live crayfish may only be sold to other fish farmers holding a current permit authorising the farming of that species, to a fish wholesaler, retailer or restaurant (authorised under state and/or Commonwealth legislation) for human consumption or to a registered wholesaler or retailer of aquarium fish. The permit-holder must advise the aquarium dealer that only the yabby *Cherax destructor* may be stocked into NSW waters.
- 52a. Freshwater crayfish of a species not indigenous to NSW may not be stocked into New South Wales' waters.
53. All ponds, raceways or other tanks containing marron (*Cherax tenuimanus*) or redclaw (*Cherax quadricarinatus*), or any species of crayfish not native to the area where the fish farm is located, must be surrounded by an unbroken fence extending at least 60cm above ground and 30cm below ground, and constructed of a smooth material (eg. plastic sheeting, galvanised iron) to prevent the escape of stock. Fences will be required where yabbies are to be grown on the eastern drainage in areas where native species of crayfish are present, as the introduction of yabbies may present a threat to native crayfish stocks.

### **CONDITIONS RELATING TO FARMING FRESHWATER CRAYFISH**

54. All outlets must be screened to prevent the escape of crayfish. A screen no greater than 2mm must be used to prevent the escape of juveniles.
- 54a. No effluent is allowed to reach any waterways.

### **CONDITIONS RELATING TO FISH-OUTS**

60. All fishing gear used in intensive fish-outs is to be supplied by the permit holder, and remain on the premises.
- 60a. A receipt shall be issued to each customer of the Fish-out, detailing the number, exact length(s), (applicable to those species with existing legal size limits) and species of fish caught and the date.
61. removed
62. removed

### **CONDITIONS RELATING TO MARINE PRAWNS**

65. removed
66. removed
67. removed
68. removed
69. A hatchery permit holder is authorised to obtain, from licensed commercial fishers, adult broodstock prawns from offshore fisheries for the purposes of obtaining eggs to be used in the hatchery covered by a permit.
- 69a. Permit holders must comply with the Live Prawn Transfer Policy.
- 69b. All outlets must be screened to prevent the escape of prawns. A screen no greater than 1mm must be used for eggs and post-larvae and a screen no greater than 5mm for prawns.

## **CONDITIONS RELATING TO MARINE FISH**

- 70. removed
- 71. removed
- 72. removed

72a. All outlets must be screened to prevent the escape of fish. A screen no greater than 1mm must be used where eggs and fry may escape. A screen no greater than 5mm is required for fingerlings, and a screen no greater than 15mm for post-fingerling fish.

- 75. removed
- 76. removed
- 77. removed

## **CONDITIONS RELATING TO OYSTERS**

- 85. removed
- 86. removed
- 87. removed
- 88. removed

89. When obtaining or supplying live oysters, the permit holder shall comply with all current restrictions on live oyster movements throughout the State or interstate.

90. The permit holder must comply with all provisions of the NSW Shellfish Quality Assurance Program prior to the sale of oysters for human consumption.

- 95. removed
- 96. removed
- 97. removed
- 98. removed