



BOWEN COLLINSVILLE ENTERPRISE

Regulatory and Approvals Process Impediments to the Development of the Aquaculture Industry In North Queensland

The Problem

The current arrangements for regulating existing aquaculture developments and assessing development applications for new aquaculture developments in Queensland are not well defined and coordinated between different regulatory agencies (local, State and Commonwealth), subject to significant delays, and represent a significant deterrent for companies seeking to establish operations in the State. This situation is impacting on the creation of new jobs in Bowen Shire and in other North Queensland communities.

Background

The aquaculture industry offers significant potential to generate new economic activity and create sustainable jobs growth in depressed regional areas in Queensland. It is estimated that aquaculture could create up to 250 jobs in Bowen Shire in the prawn farming, saltwater reef fish and freshwater fish industries.

Bowen Shire was identified as having significant potential for large-scale commercial aquaculture in an Aquaculture Area Identification Study completed in 1998. The study assessed all coastal land between Broadsound and Burdekin Shires for its suitability for aquaculture development. Over 50% of the land identified as being suitable lies within the Bowen Shire.

Bowen Shire, incorporating the towns of Bowen and Collinsville, has lost over 2200 jobs in ten years as the traditional mining, power generation, meat processing, horticulture and railway industries have restructured or disappeared altogether.

Aquaculture has been identified as one of the few industries that have the potential to create new jobs in the short term to sustain the Bowen Shire Regional Economy.

Two proponents have purchased land within the Bowen Shire for the purposes of establishing prawn farms, and have begun seeking approvals from the various agencies at local, state and Commonwealth levels. One of these proponents has been told that it will take up to 2 ½ years to gain the necessary approvals from the range of agencies they must consult with.

A recently completed Prawn Farm Area Identification Study, commissioned by Bowen Collinsville Enterprise and the Department of State Development, has identified 4 specific blocks of land in the Bowen Shire that are ideally suited to large scale

commercial prawn farming (developments in excess of 100 hectares). If these sites were developed, along with the two sites already purchased, up to 250 full time equivalent jobs would be created in Bowen, with significant export earnings being generated for QLD and Australia.

Issues Identified

Aquaculture proponents and operators must seek approvals and licenses from a wide range of agencies and departments, including the following:

- Great Barrier Reef Marine Park Authority, GBRMPA - (*GBRMP Aquaculture Regulation 2000*)
- Queensland Environment Protection Authority, QEPA – *Environment Protection Act*
- Queensland Department of Primary Industries, QDPI – *Queensland Fisheries ACT*
- Environment Australia, EA – *Environment Protection & Biodiversity Conservation Act*

It appears that the level of co-ordination between these different agencies is not very good, and the guidelines and policies used to assess applications are not consistent between agencies, and may not be based on a sound scientific basis.

It should be a priority to establish a coordinated all of government approach to aquaculture regulation and approvals, to enable proponents to accurately assess the requirements for a given proposed development, and then make investment decisions accordingly. Currently proponents have no way of knowing what the issues and requirements will be with a particular proposal before lodging a development application under the Integrated Planning Act or through the State Development & Public Works Organisation Act (QLD).

Specific Issues Identified in relation to Individual Agencies and Legislation

GBRMP (Aquaculture) Regulation 2000

It is a requirement that all new aquaculture developments within a regulated "controlled zone" (five kilometres inland from HWM of the GBRMP) obtain a permit to discharge from the GBRMP Authority.

Existing prawn operations were given an exemption from the regulation, on the understanding that QLD would conduct a review of existing licenses. Existing farms that intend to increase their discharge by more than 10% will require a GBRMPA approval.

The regulation was passed before specific policies or guidelines were developed to allow GBRMPA to assess applications, and to enable proponents to be fully aware of requirements. GBRMPA have drafted guidelines which are broad and inspecific, and without detailed consultation with industry and other key stakeholders (local govt, State agencies etc).

A subcommittee of the GBRMPA Water Quality Resource Advisory Committee is to provide GBRMPA with advice on the guidelines. However, it appears that little progress

has been made in reviewing these guidelines. As a result, there are more than 20 permit applications in with GBRMPA (some submitted in March 2000), and only a few permits have been issued. There is some question as to whether GBRMPA has the technical capacity with respect to aquaculture to conduct the required assessments. Resourcing for the GBRMPA to assess applications is also an issue.

There is a need for the GBRMPA guidelines to be independently assessed to determine the suitability of the policies based on accepted international science, as currently there is conjecture that the guidelines are contrary to the findings of properly conducted scientific studies into discharge issues.

The GBRMPA regulation does not stipulate a timeframe within which a decision needs to be made with respect to an application, which is leading to extensive delays. It would appear the GBRMPA is not sufficiently resourced to effectively assess applications.

A better arrangement than the current system may be to include GBRMPA as a Concurrence Agency or Referral Agency under IPA - so that they may make recommendations and have critical input into decisions during the QLD assessment process.

If this is not done, there may be a situation where Queensland approve a project but the Commonwealth refuse under separate powers or vice-versa - this would be a legal minefield.

Environment Protection Act – QEPA

Aquaculture farms are an environmentally relevant activity pursuant to the Environment Protection Act and therefore are required to have a permit to discharge.

Some farms therefore already have a QLD EPA licence and are now required by GBRMPA to seek a Commonwealth GBRMPA licence. This is unnecessary duplication. If a farm is meeting the requirements of the Environment Protection Act (Environmentally Sustainable Development), this should be sufficient for the Commonwealth. This is simply an added cost and time burden for existing and all future farms.

QEPA recently completed a major review of existing licenses with the purpose of incorporating findings from the recently completed CRC for Aquaculture Prawn Farm Effluent Study. By doing this they have moved leaps and bounds beyond the Commonwealth in terms of incorporating "Best Management Practice" into policy. The proposed policy is outlined in the QLD Marine Prawn Farm Aquaculture Licensing Discussion Paper. However, industry has raised some issues with respect to the policies outlined in the discussion paper, and the science upon which some of the policies are based.

According to the Australian Prawn Farmers Association, the EPA is already using the standards proposed in the review paper for current applications. This is improper given the review is not yet complete. The Queensland Minister for the EPA is currently reviewing public submissions on the review.

Queensland Fisheries Act – QDPI

Aquaculture facilities are required to have a licence to operate pursuant to the Fisheries Act, issued by the DPI. It is hard to understand why this is necessary given the other licensing requirements form various agencies. Other than for purposes of disease management, there is little justification for this licensing requirement, and disease management could adequately be addressed inside other licensing agencies.

Environment Protection & Biodiversity Conservation Act – Environment Australia

Since Queensland assessment and approvals processes have not been accredited by the Commonwealth, aquaculture developments will trigger assessment under the Environment Protection & Biodiversity Conservation Act. Clear policies have not been developed to outline the requirements for assessment of aquaculture under this Act, creating much uncertainty and delay in approvals processes.

General Issues

- The complex web of licensing, approvals and regulations, and the lack of a coordinated approach to the process form different agencies is leading to significant delays in the process. A prawn farm proponent in Bowen Shire has been advised by their planning consultants that it will take 2 ½ years to navigate the proposed project through the various processes.
- Each approval (GBRMPA, EPA, DPI, Environment Australia) is assessed independently of each other. There is little formal discussion between agencies, and often there is disagreement between agencies on standards, practices and policies.
- A common complaint from proponents is that agencies constantly make requests for further information on an ongoing basis rather than outlining the issues up front and having the proponents address them in one process.
- Policies that are in place do not enable a consistent assessment of the issues relating to aquaculture developments across the state. There are inconsistencies in assessment procedures and guidelines between regions within Queensland, and between agencies.
- Queensland needs a whole of government set of guidelines for both assessment and management of aquaculture, (including the Commonwealth and State Government agencies), incorporating clear definitions of the required assessments, sensitive to the level of environmental risk posed by aquaculture (ie. identification of various zones, with appropriate levels of assessment based on the actual sensitivity of the environment).
- The Queensland DPI has responsibility as both a regulator and a development role with aquaculture. This represents a conflict of objectives. The role for supporting the development of the aquaculture industry should shift to State Development, leaving DPI with the regulatory and asset management role.

Recommendations

The issues outlined above highlight the need for the regulatory, assessment and approvals processes for the aquaculture industry in Queensland to be streamlined and formalised to enable an efficient and effective assessment of proposed new developments.

The objective must be to establish a system that clearly defines the required standards for aquaculture development in QLD, ensuring the protection of the environment and the ongoing establishment of sustainable industries and jobs.

To achieve this will require an all of government approach, at a local, State and Commonwealth level. To facilitate this, we propose an Aquaculture Policy Summit, to be held in Bowen, North Queensland, to bring together all relevant stakeholder departments and agencies, with a view to identifying a workable aquaculture regulatory regime.

For further information contact:

David Nebauer
Strategy Implementation Manager
Bowen Collinsville Enterprise
PO Box 638
Bowen QLD 480

Phone: 07 4761 3612
Fax: 07 4761 3658

