

## OYSTER CULTIVATION BEST PRACTICE GUIDELINES SERIES – NO 4

# Lease Maintenance and Development Plan Guidelines

Version 1 – August 2019

Division 7 of the *Fisheries Management (Aquaculture) Regulation 2017* details the requirements to correctly mark a leased area. Appropriate lease marking is required to assist the safe navigation of oyster aquaculture areas. It is also required to establish the use of the area for oyster aquaculture and to clearly identify individual oyster aquaculture areas. Chapter 7 of the [NSW Oyster Industry Sustainable Aquaculture Strategy \(OISAS\)](#) establishes the standards for the marking of oyster leases in NSW.

Under section 162 of the *Fisheries Management Act 1994*, it is also a requirement that all aquaculture permit holders maintain their leases in a tidy condition. Lease tidiness standards include factors such as colour; shape and design; materials and construction; waste management; fallowing periods; and decommissioning of leases.

The lease tidiness standards aim to:

- Reduce the likelihood of the lease maintenance burden becoming overwhelming
- Reduce adverse visual amenity and safety impacts consistent with the oyster industry's estuarine stewardship responsibilities
- Reduce lease abandonment and potential expenditure of lease security trust funds.

OISAS also establishes the standards for the construction and operation of oyster leases in NSW.

## Lease maintenance and development plan

All applicants for a Class A aquaculture permit are required to submit with their permit application a Commercial Farm Development Plan which includes a Lease Maintenance and Development Plan (LM&DP). In completing their LM&DP, the permit applicant must describe how all leases that will be authorised by the permit will comply with the lease marking and cultivation standards prescribed in the OISAS; and how the condition of the lease(s) would be improved or maintained should the permit be granted. The completion of a LM&DP is also a valuable check for new industry entrants to understand the potential costs and liability of taking on leases with on-going statutory maintenance obligations. Specifically, the LM&DP must address the following:

### 1. Lease marking

For each lease listed on the permit application, the LM&DP must describe the following:

- The type and condition of all lease marking present on the lease area, including any missing or sub-standard marking.

## 2. Lease infrastructure

For each lease listed on the permit application, the LM&DP must describe the following:

- The construction type (e.g. timber post and rail; post supported long-line basket; floating basket; raft, etc.), quantity and condition of all infrastructure currently present on the lease area.

## 3. Fallow or undeveloped lease area

Where a lease listed on the permit is undeveloped or partially developed, the permit holder must provide a development strategy for the lease area over the next five (5) years.

## 4. Lease maintenance and development schedule

To assist with the maintenance of the lease marking and tidiness standards, permit applicants must develop a lease maintenance and development schedule. The lease maintenance and development schedule should specify the order of priority for all works (e.g. navigational markers and lease signs are higher order priorities). A recommended lease maintenance schedule is provided in the OISAS (Section 8.3).

## Compliance with triennial permit and lease condition inspections

Permit holders must comply with the lease based [aquaculture permit conditions](#). NSW DPI undertakes a permit and lease compliance inspection program every three years, or more frequently depending upon the status of the lease. The Lease Maintenance and Development Plan must reflect the time cycles of this program.

## Legislation and Regulations

Permit holders must comply with relevant legislation and regulations including:

- *Fisheries Management Act 1994* – ([Part 6: Division 2](#) and [Division 3](#)); and
- *Fisheries Management (Aquaculture) Regulation 2017* ([Part 4: Division 7](#)).

## Review and Audit

The LM&DP must include a schedule for routine review to ensure it is being implemented effectively and to identify any operation deficiencies.

## Further information

For further information on the tidiness standards for oyster leases, refer to the NSW DPI information guides – ‘Keeping Leases Neat and Tidy’ and ‘Oyster Lease – Compliance Checklist’, or contact NSW DPI Aquaculture Management on (02) 4916 3921

---

© State of New South Wales through the Department of Industry, 2019. You may copy, distribute and otherwise freely deal with this publication for any purpose, provided that you attribute the NSW Department of Primary Industries as the owner.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (August 2019). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent adviser

Published by the Department of Primary Industries.