

Bio Gro Unsolicited Proposal for Seagrass Harvesting

Kingston District Council | Presenter: Dave Worthley

23 May 2023



Overview

- ▶ Coast and environmental management responsibilities for seagrass management sit under Coast Protection Act 1972 and Environment Protection Act 1993
- ▶ Whilst growing at sea, seagrass is managed under the Native Vegetation Act 1991
- ▶ Beach-cast seagrass and macroalgae are managed as 'Miscellaneous Fishery' under the Fisheries Management Act 2007 and Fisheries Management (Miscellaneous Fishery) Regulations 2015 through PIRSA
- ▶ Council holds a Miscellaneous Fishery Licence Y080, allowing harvest of beach cast seagrass wrack south of breakwater to Thredgolds (refer to licence condition 7), with reduced access to harvest from Thredgolds through to Pinks Beach
- ▶ There are no new licences available in the miscellaneous fishery and licences are non-transferable. Extensive process for issue of licence, such as exploratory permits
- ▶ Council holds Fish Processor Registration FP0859, allowing processing/dealing for a commercial purpose (i.e. where there is an end consumer, such as Mulbarton fertiliser, who has historically utilised the resource)
- ▶ Both licence and processor registration have annual licence fees and reporting requirements with PIRSA
- ▶ Beach-cast seagrass previously considered as 'Waste' by definition under the Environment Protection Act 1993 and any storage location or resource facility must be appropriately EPA licenced

Key points

- ▶ Current structure allows Council to support recent Bio Gro request - Council can nominate a maximum of two (2) agents who may conduct harvesting activity under the Y080 licence, and would report any material harvested for commercial use through monthly Processor Registration reporting
- ▶ Bio Gro was the original contractor to harvest seagrass with Council and hold EPA licence Wandilo processing site
 - ▶ Known and competent contractor with robust systems already established and understanding of legislative requirements
 - ▶ Bio Gro responsible for own due diligence of Williams Road EPA licence requirements
- ▶ Request is for minimum 3,000m³ on an annual basis in November-December each year
- ▶ Minimal risk based on quantities requested and if agreement is drafted as 'a non-exclusive right to access material' (refer to risk section below). Allows for other requests to access material of small quantities such as previous received from Mulbarton
- ▶ Cost to Council would be to maintain licence and fish processor registration (which it would anyway) and to draft agreement

Other Information

- ▶ Amenity benefit to Council where seagrass accumulation does occur, however historically this has been mobilising in November/December due to saturation of southern breakwater and natural northern transport of sediment
- ▶ Portion of land where seagrass accumulates is not an identifiable parcel of land, Doctrine of Accretion may be considered to be applied (accretes into nearest parcel, being road reserve) and likely under the responsibility of Council
- ▶ Meadow-forming species *Posidonia angustifolia*, *Posidonia sinuosa*, and *Posidonia australis* are most abundant (PIRSA, 2014) Seagrass species typically shed their leaves in late autumn and early winter, which represents the peak availability of the wrack material

Financial Implications

- ▶ Financial implications
 - ▶ Miscellaneous Fishery Licence Y080 \$5,722 annual fee
 - ▶ Fish processors registration fee \$1,230 annual fee
- ▶ Previous financial years annual seagrass costs

	FS08	FS17	FS16	
	Foreshore Seaweed Removal (Groyne- Jetty)	Seaweed Harvesting (South Jetty)	Fishery Licence Fee Y080	Fisheries Fish Processor Base Licence FP0859
22/23	\$ -	\$ -	\$ 5,722.00	\$ 1,230.00
21/22	\$ -	\$ 5,620.00	\$ 5,610.00	\$ 1,206.00
20/21	\$ -	\$ 3,300.00	\$ 5,896.00	789.33
19/20	\$ 424.16	\$ 3,932.22	\$ 5,788.00	
18/19	\$ 134,816.50	\$ 73,660.00	\$ 4,658.23	
17/18	\$ 85.65	\$ 49,407.37	\$ 4,449.00	
16/17	\$ 38,665.15	\$ 95,243.34	\$ 4,367.00	
15/16	\$ 44,686.74	\$ 63,810.00	\$ 4,341.00	
14/15	\$ 43,750.00	\$ 111,075.00	\$ 3,634.00	
13/14	\$ 39,494.79	\$ 141,405.00	\$ 3,571.00	
	\$ 301,922.99	\$ 547,452.93	\$ 48,036.23	\$ 3,225.33

Miscellaneous Fishery Licence Y080

Conditions

- ▶ 1. The licence holder may only disturb unattached beach-cast seagrass and macroalgae wrack during the harvesting activity.
- ▶ 2. The harvesting activity must be designed to avoid the removal of any sand. Sand taken incidental to the harvesting activity is to be returned to the foreshore.
- ▶ 3. The licence holder may only harvest beach-cast seagrass and macroalgae wrack pursuant to this licence.
- ▶ 4. For the purposes of this licence: "exclusion zone" means a subsection of an area in which no harvesting activity is conducted, and which runs continuously from the low water mark to the fore-dune or scrub within the area; and "harvesting activity" means the act of taking beach-cast seagrass and macroalgae wrack, or an act preparatory to, or involved in, the taking of beach-cast seagrass and macroalgae wrack.
- ▶ 5. The licence holder is required to complete records of any interactions with threatened, endangered or protected species (listed under State and/or Commonwealth legislation), including shorebirds in the Wildlife Interaction Logbook. For the benefit of monitoring migratory bird activity this will include bird sightings and alarm flights as well as negative bird interactions.
- ▶ 6. The licence holder may nominate a maximum of two (2) agents who may conduct harvesting activity pursuant to this licence, subject to the requirement that a nomination must be made in writing to the Executive Director Fisheries and Aquaculture and receipt of that nomination acknowledged by the Executive Director Fisheries and Aquaculture prior to an agent conducting any harvesting activity.

Miscellaneous Fishery Licence Y080

Conditions

- ▶ 7. The licence holder may harvest beach-cast seagrass and macro-algae wrack from the main foreshore beach at Kingston SE between the low water mark and high water mark extending from Butchers Gap Drain Outlet adjacent to section 18 Hundred of Lacepede to the southern groyne wall of the Maria Creek channel, subject to the following conditions:
 - ▶ a) In the area of the foreshore beach extending from the southern groyne wall of the Maria Creek channel to the boat ramp opposite Thredgold Ave, the licence holder may harvest all beach-cast seagrass and macro-algae wrack; and
 - ▶ b) In the area from Butchers Gap Drain outlet adjacent to Section 18 Hundred of Lacepede to the boat ramp opposite Thredgold Ave, the licence holder may harvest beach-cast seagrass and macro-algae wrack but 'exclusion zones' must be interspersed within harvest sites in this area to the effect that no more than 75% of the estimated biomass of beach-cast seagrass and macro-algae wrack is removed; and
 - ▶ c) Where sand dunes are present no harvesting activity is to take place within four metres of the fore dune.
- ▶ 8. The authority holder or registered agent must have in their possession a copy of the booklet entitled - Shorebird Identification Booklet Version 3 - when undertaking activities pursuant to the permit.



Options

- ▶ Recommend not to be a lease or licence to occupy the land, rather to nominate Bio Gro as an agent under our Licence Y080 to harvest
- ▶ Draft an MOU or Deed where there is no monetary consideration. Essentially an agreed non-exclusive right to access the material if it is available, ensure:
 - ▶ Bio Gro responsible for own due diligence of Williams Road EPA licence requirements.
 - ▶ Material to harvest is not guaranteed
 - ▶ Management and remediation of site
 - ▶ Designated times or locations for approved removal (and/or process for this to be approved)
 - ▶ Non-exclusive right to access material
 - ▶ Right to take up to 3,000m³ IF available at designated time at full cost to them
- ▶ Council maintain licence and processors registration so reporting requirements of Bio Gro to Council when material is taken
- ▶ Council continue to report any volumes taken under Fish Processor Registration, and allows flexibility for other users or access to material into the future (e.g. Mulbarton, erosion mitigation, council contractor etc)
- ▶ Consider term of agreement 5+5+5 requested as reasonable, allows for future challenges/opportunities noting that seagrass accumulation is currently bypassing due to saturation of southern breakwater



KINGSTON DISTRICT COUNCIL