

17 June 2016

Dear Dr Tom Hatton,

Marine Produce Australia Ltd hereby refer their proposal "Phase III Cone Bay Marine Finfish Farming", and request that it be assessed as a Derived Proposal under the Department of Fisheries Kimberley Aquaculture Development Zone Strategic Proposal, and subsequent Ministerial Statement 966.

Please find enclosed for your consideration, MPA's completed referral form and proposal.

Thank you for your attention on this matter,



Dr Desiree Allen
Managing Director



Marine Produce Australia Limited

Phase III Cone Bay Marine Finfish Farming

Referral Form

June 2016

the sustainable australian



Environmental Protection Authority

EPA REFERRAL
FORM

Referral of a Proposal to the Environmental Protection Authority under Section 38 of the *Environmental Protection Act 1986*.

PURPOSE OF THIS FORM

Section 38 of the *Environmental Protection Act 1986* (EP Act) makes provision for the referral to the Environmental Protection Authority (EPA) of a proposal (significant proposals, strategic proposals and proposals under an assessed scheme) by a proponent, a decision making authority (DMA), or any other person.

The purpose of this form is to ensure that EPA has sufficient information about a proposal to make a decision about the nature of the proposal and whether or not the proposal should be assessed under Part IV of the EP Act. Information provided in the referral form must be brief (no more than 30 pages), sharp and succinct to achieve the purposes of this form.

This form does not prevent the referrer from providing a supplementary referral report. Should a referrer choose to submit a supplementary referral report please ensure the following.

- i. Information is short, sharp and succinct.
- ii. Attachments are below eight megabytes (8 MB) as they will be published on the EPA's website (exemptions apply) for public comment. To minimise file size, "flatten" maps and optimise pdf files.
- iii. Cross-references are provided in the referral form to the appropriate section/s in the supplementary referral report.

This form is to be used for all proposals¹ which can be referred to the EPA under section 38 of the EP Act; i.e. referrals from: **proponents** of proposals (significant proposals, strategic proposals, derived proposals, proposals under an assessed scheme); **DMAs** (significant proposals); and **third parties** (significant proposals).

This form is divided into several sections, including; Referral requirements and Declaration; Part A - Information of the proposal and proponent; and Part B Environmental Factors. Guidance on successfully completing this form is provided throughout the form and is also available in the EPA's *Environmental Assessment Guideline for Referral of a Proposal under s38 of the EP Act* (EAG 16).

Send completed forms to

Office of the Environmental Protection Authority
Locked Bag 10, East Perth WA 6892

or

Email: Registrar@epa.wa.gov.au

Enquiries

Office of the Environmental Protection Authority
Locked Bag 10, East Perth WA 6892

Telephone: 6145 0800

Fax: 6145 0895

Email: info@epa.wa.gov.au

Website: www.epa.wa.gov.au

¹ Please note that this form consolidates and replaces the following forms: *Referral of a Proposal by the Proponent to the EPA under section 38(1) of the EP Act*; *Referral of a Proposal by a third party to the EPA under section 38(1) of the EP Act*; and *Referral of a development proposal to the EPA by the decision making authority*.

Referral requirements and Declaration

The following section outlines the referral information required from a proponent, decision making authority and third party.

(a) Proponents

Proponents are expected to complete all sections of the form and provide GIS spatial data to enable the EPA to consider the referral. Spatial GIS data is necessary to inform the EPA's decision.

The EPA expects that a proponent will address Part B of the form as thoroughly as possible to demonstrate whether or not the EPA's objectives for environmental factors can be met.

If insufficient information is provided the EPA will request more information and processing of the referral will commence once the information is provided or the EPA decides to make a precautionary determination on the available information.

Proponent to complete before submitting form	
Completed all the questions in Part A (essential)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Completed all the questions in Part B	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Completed all other applicable questions	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Included Attachment 1 – any additional document(s) the proponent wishes to provide	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Included Attachment 2 – confidential information (if applicable)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Enclosed an electronic copy of all referral information, including spatial data and contextual mapping but clearly separating any confidential information	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Completed the Declaration	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
What is the type of proposal being referred? <i>* a referred proposal seeking to be declared a derived proposal</i>	<input type="checkbox"/> significant <input type="checkbox"/> strategic <input checked="" type="checkbox"/> derived* <input type="checkbox"/> under an assessed scheme
Do you consider the proposal requires formal environmental impact assessment?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, what level of assessment? <i>API = Assessment of Proponent Information</i> <i>PER = Public Environmental Review</i>	<input type="checkbox"/> API Category A <input type="checkbox"/> API Category B <input type="checkbox"/> PER

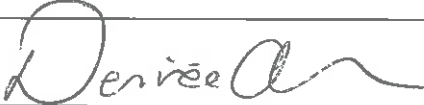
NB: The EPA may apply an Assessment on Proponent Information (API) level of assessment when the proponent has provided sufficient information about:

- the proposal;
- the proposed environmental impacts;
- the proposed management of the environmental impacts; and
- when the proposal is consistent with API criteria outlined in the [Environmental Impact Assessment \(Part IV Division 1 and 2\) Administrative Procedures 2012](#).

If an API A formal level of assessment is considered appropriate, please refer to Environmental Assessment Guideline No. 14 *Preparation for an Assessment on Proponent Information (Category A) Environmental Review Document EAG 14 (EAG14)*.

Declaration

I,Desiree Allen....., (full name) declare that I am authorised on behalf of...Marine Produce Australia Ltd..... (being the person responsible for the proposal) to submit this form and further declare that the information contained in this form is true and not misleading.

Signature				Name (print)	Desiree Allen		
Position	Managing Director		Organisation	Marine Produce Australia Ltd			
Email	da@marineproduce.com						
Address	34		Bagot Road				
	Subiaco			WA	6008		
Date	17/6/2016						

PART A: Information on the proposal and the proponent

All fields of Part A must be completed by the proponent and/or decision-making authority for this document to be processed as a referral. Third party referrers are only expected to fill in the fields they have information for.

1 PROPONENT AND PROPOSAL DESCRIPTION

1.1 The proponent of the proposal

Proponent and/or DMA to complete	
Name of the proponent	Marine Produce Australia Ltd
Joint Venture parties (if applicable)	N/A
Australian Company Number(s)	091 805 480
Postal Address <i>(Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State)</i>	34 Bagot Road Subiaco, 6008 Western Australia
Key proponent contact for the proposal <i>Please include: name; physical address; phone; and email.</i>	Desiree Allen 34 Bagot Rd, Subiaco, 6008 (08)9381 4483 da@marineproduce.com
Consultant for the proposal (if applicable) <i>Please include: name; physical address; phone; and email.</i>	N/A

1.2 Proposal

Proposal is defined under the EP Act to mean a "project, plan, programme policy, operation, undertaking or development or change of land use, or amendment of any of the foregoing, but does not include scheme". Before completing this section please refer to [Environmental Protection Bulletin 17 – Strategic and derived proposals \(EPB 17\)](#) and [Environmental Assessment Guideline for Defining the Key Characteristics of a proposal \(EAG 1\)](#).

Proponent and/or DMA to complete	
Title of the proposal	Phase III Cone Bay Marine Finfish Farming
What project phase is the proposal at?	<input type="checkbox"/> Scoping <input type="checkbox"/> Feasibility <input type="checkbox"/> Detailed design <input checked="" type="checkbox"/> Other In Operation/Production
Proposal type <i>More than one proposal type can be identified, however for filtering purposes it is recommended that only the primary proposal type is identified.</i>	<input type="checkbox"/> Power/Energy Generation <ul style="list-style-type: none"> <input type="checkbox"/> Hydrocarbon Based – coal <input type="checkbox"/> Hydrocarbon Based – gas <input type="checkbox"/> Waste to energy <input type="checkbox"/> Renewable – wind <input type="checkbox"/> Renewable – wave <input type="checkbox"/> Renewable – solar <input type="checkbox"/> Renewable – geothermal

Proponent and/or DMA to complete

- ☐ **Mineral / Resource Extraction**
 - ☐ Exploration – seismic
 - ☐ Exploration – geotechnical
 - ☐ Development
- ☐ **Oil and Gas Development**
 - ☐ Exploration
 - ☐ Onshore – seismic
 - ☐ Onshore – geotechnical
 - ☐ Onshore – development
 - ☐ Offshore – seismic
 - ☐ Offshore – geotechnical
 - ☐ Offshore – development
- ☐ **Industrial Development**
 - ☐ Processing
 - ☐ Manufacturing
 - ☐ Beneficiation
- ☐ **Land Use and Development**
 - ☐ Residential – subdivision
 - ☐ Residential – development
 - ☐ Commercial – subdivision
 - ☐ Commercial – development
 - ☐ Industrial – subdivision
 - ☐ Industrial – development
 - ☐ Agricultural – subdivision
 - ☐ Agricultural – development
 - ☐ Tourism
- ☐ **Linear Infrastructure**
 - ☐ Rail
 - ☐ Road
 - ☐ Power Transmission
 - ☐ Water Distribution
 - ☐ Gas Distribution
 - ☐ Pipelines
- ☐ **Water Resource Development**
 - ☐ Desalination
 - ☐ Surface or Groundwater
 - ☐ Drainage
 - ☐ Pipelines
 - ☐ Managed Aquifer Recharge
- ☒ **Marine Developments**
 - ☐ Port
 - ☐ Jetties
 - ☐ Marina
 - ☐ Canal
 - ☒ Aquaculture

Proponent and/or DMA to complete	
	<input type="checkbox"/> Dredging If other, please state below: <input type="checkbox"/> Other _____
Proponent and/or DMA to complete	
Description of the proposal – describe the key characteristics of the proposal in accordance with EAG 1 .	Phase III involves the expansion of the existing MPA fish farm into additional water within the Kimberley Aquaculture Development Zone. This new water area will provide capacity for the production of an additional 8010 tonnes finfish per annum, taking total farm production capacity to 15,000t pa. The increased farming capacity will require a greater number of sea cages, more fish stock, and increased fish feed inputs.
Timeframe in which the proposal is to occur (including start and finish dates where applicable).	The fish farm is already in production, and has been for 12 years. The tonnage expansion will happen gradually as the fish are grown for 2 years prior to harvest. Thus stocking numbers will be steadily increased and eventually the harvest tonnage will also steadily increase. The operation will be ongoing.
Details of any staging of the proposal.	N/A
What is the current land use on the property, and the extent (area in hectares) of the property?	The additional water area is 644 hectares. There is no land within the area. The water area is currently unused.
Have pre-referral discussions taken place with the OEPA? If yes, please provide the case number. If a case number was not provided, please state the date of the meeting and names of attendees.	No
DMA (Responsible Authority) to complete	
For a proposal under an assessed scheme (as defined in section 3 of the EP Act , applicable only to the proponent and DMA) provide details (in an attachment) as to whether: <ul style="list-style-type: none"> • The environmental issues raised by the proposal were assessed in any assessment of the assessed scheme. • The proposal complies with the assessed scheme and any environmental conditions in the assessed scheme. 	N/A

1.3 Strategic / derived proposals

Complete this section if the proposal being referred is a strategic proposal or you are seeking the proposal to be declared a derived proposal. Note: Only a proponent may refer a strategic proposal and seek a proposal to be declared a derived proposal.

Proponent to complete	
Is this referred proposal a strategic proposal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are you seeking that this proposal be declared a derived proposal?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If you are seeking that this proposal be declared a derived proposal, what is the Ministerial Statement number (MS #) of the associated strategic proposal?	MS #: 966 _____

1.4 Location

Proponents and DMAs must provide spatial data. Please refer to [EAG 1](#) for more detail.

Proponent, DMA and Third Party to complete	
Name of the Local Government Authority in which the proposal is located.	Shire of Derby/West Kimberley
Location: a) street address; lot number; suburb; and nearest road intersection; or b) if remote the nearest town; and distance and direction from that town to the proposal site.	Derby 94km straight line due north Attachment 1: Figure 1
Have maps and figures been included with the referral (consistent with EAG 1 where appropriate)? <i>The types of maps and figures which need to be provided (depending on the nature of the proposal) include:</i> <ul style="list-style-type: none"> maps showing the regional location and context of the proposal; and figures illustrating the proposal elements. 	x Yes <input type="checkbox"/> No Boundary coordinates for the site (GDA94 datum) are as follows: 1: 16° 27.589'S 123° 27.487'E 2: 16° 26.330'S 123° 28.098'E 3: 16° 26.814'S 123° 29.152'E 4: 16° 27.670'S 123° 28.737'E 5: 16° 27.963'S 123° 29.324'E 6: 16° 28.395'S 123° 29.090'E Attachment 1: Figure 2
Proponent and DMA to complete	
Have electronic copies of spatial data been included with the referral? NB: <i>Electronic spatial (GIS or CAD) data, geo-referenced and conforming to the following parameters:</i> <ul style="list-style-type: none"> GIS: polygons representing all activities and named; CAD: simple closed polygons representing all activities and named; datum: GDA94; projection: Geographic (latitude/longitude) or Map Grid of Australia (MGA); format: ESRI geodatabase or shapefile, MapInfo Interchange Format, Microstation or AutoCAD.. 	x Yes <input type="checkbox"/> No

1.5 Significance test and environmental factors

Proponent, DMA and Third Party to complete	
What are the likely significant environmental factors for this proposal?	<input checked="" type="checkbox"/> Benthic Communities and Habitat <input type="checkbox"/> Coastal Processes <input checked="" type="checkbox"/> Marine Environmental Quality <input checked="" type="checkbox"/> Marine Fauna <input type="checkbox"/> Flora and Vegetation <input type="checkbox"/> Landforms

Proponent, DMA and Third Party to complete	
	<input type="checkbox"/> Flora and Vegetation <input type="checkbox"/> Landforms <input type="checkbox"/> Subterranean Fauna <input type="checkbox"/> Terrestrial Environmental Quality <input type="checkbox"/> Terrestrial Fauna <input type="checkbox"/> Hydrological Processes <input type="checkbox"/> Inland Waters Environmental Quality <input type="checkbox"/> Air Quality & Atmospheric Gases <input type="checkbox"/> Amenity <input type="checkbox"/> Heritage <input type="checkbox"/> Human Health <input type="checkbox"/> Offsets <input type="checkbox"/> Rehabilitation and Decommissioning
Having regard to the Significance Test (refer to Section 7 of the <i>EIA Administrative Procedures 2012</i>) in what ways do you consider the proposal may have a significant effect on the environment and warrant referral to the EPA?	No significant environmental effects are expected under to this proposal. Some low to moderate effects may occur on benthic infauna in the immediate vicinity of cages. All potential impacts and mitigation addressed in the KADZ strategic proposal and EMMP

1.6 Confidential information

All information will be made publically available unless authorised for exemption under the EP Act or subject to the Freedom of Information Act 1992.

Proponent to complete	
Does the proponent request that the EPA treat any part of the referral information as confidential? <i>Ensure all confidential information is provided in a separate attachment in hard copy.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

2 REGULATORY CONSIDERATIONS

This section applies to the Local, State and Commonwealth regulatory considerations for the referred proposal.

Government approvals

2.1.1 State or Local Government approvals

DMA to complete	
What approval(s) is (are) required from you as a decision-making authority?	
Is rezoning of any land required before the proposal can be implemented? If yes, please provide details.	<input type="checkbox"/> Yes <input type="checkbox"/> No

2.1.2 Regulation of aspects of the proposal

Complete the following to the extent possible.

Proponent to complete	
Do you have legal access required for the implementation of all aspects of the proposal? <i>If yes, provide details of legal access authorisations / agreements / tenure.</i> <i>If no, what authorisations / agreements / tenure is required and from whom?</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Outline both the existing approvals and approvals that will be / are being sought as a part of this proposal.

Proponent to complete			
Aspects* of the proposal	Type of approval	Legislation regulating this activity	Which State agency /entity regulate this activity?
<i>Finfish farming</i>	<i>Aquaculture Licence</i>	<i>WA FRMA 1994</i>	<i>DoF</i>
<i>Finfish farming</i>	<i>Aquaculture Lease</i>	<i>WA FRMA 1994</i>	<i>DoF</i>

*e.g. mining, processing, dredging

2.1.3 Commonwealth Government Environment Protection and Biodiversity Conservation Act 1999 approvals

Refer to the [assessment bilateral agreement](#) between the Commonwealth of Australia and the State of Western Australia for assistance on this section.

Proponent to complete	
1. Does the proposal involve an action that may be or is a controlled action under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If no continue to Part A section 2.1.4.</i>
2. What is the status of the decision on whether or not the action is a controlled action?	<input type="checkbox"/> Proposal not yet referred <input type="checkbox"/> Proposal referred, awaiting decision <input type="checkbox"/> Assessed – controlled action <input type="checkbox"/> Assessed – not a controlled action
3. If the action has been referred, when was it referred and what is the reference number (Ref #)?	Date: _____ Ref #: _____
4. If the action has been assessed, provide the decision in	<input type="checkbox"/> Yes <input type="checkbox"/> No

Proponent to complete	
an attachment. Has an attachment been provided?	
5. Do you request this proposal to be assessed under the bilateral agreement?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Complete the following to the extent possible for the Public Comment of EPBC Act referral documentation.

Proponent to complete	
6. Have you invited the public to comment on your referral documentation?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. How was the invitation published?	<input type="checkbox"/> newspaper <input type="checkbox"/> website
8. Did the invitation include all of the following?	
(a) brief description of the action	<input type="checkbox"/> Yes <input type="checkbox"/> No
(b) the name of the action	<input type="checkbox"/> Yes <input type="checkbox"/> No
(c) the name of the proponent	<input type="checkbox"/> Yes <input type="checkbox"/> No
(d) the location of the action	<input type="checkbox"/> Yes <input type="checkbox"/> No
(e) the matters of national environmental significance that will be or are likely to be significantly impacted	<input type="checkbox"/> Yes <input type="checkbox"/> No
(f) how the relevant documents may be obtained	<input type="checkbox"/> Yes <input type="checkbox"/> No
(g) the deadline for public comments	<input type="checkbox"/> Yes <input type="checkbox"/> No
(h) available for public comment for 14 calendar days	<input type="checkbox"/> Yes <input type="checkbox"/> No
(i) the likely impacts on matters of national environmental significance	<input type="checkbox"/> Yes <input type="checkbox"/> No
(j) any feasible alternatives to the proposed action	<input type="checkbox"/> Yes <input type="checkbox"/> No
(k) possible mitigation measures	<input type="checkbox"/> Yes <input type="checkbox"/> No
9. Were any submissions received during the public comment period?	<input type="checkbox"/> Yes <input type="checkbox"/> No
10. Have public submissions been addressed? If yes provide attachment.	<input type="checkbox"/> Yes <input type="checkbox"/> No

2.1.4 Other Commonwealth Government Approvals

Proponent, DMA and Third Party to complete			
Is approval required from other Commonwealth Government/s for any part of the proposal?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, please complete the table below.</i>	
Agency / Authority	Approval required	Application lodged?	Agency / Local Authority contact(s) for proposal
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	

3. SUPPORTING INFORMATION

Please attach copies of any relevant information on the proposal, supporting evidence and / or existing environmental surveys, studies or monitoring information undertaken and list the documents below.

Proponent, DMA and Third Party to complete			
1	Ministerial Statement 966	Minister for the Environment	Ministerial statement regarding DoF Strategic Proposal (KADZ) and EPA Assessment Number 1930
(2)			
(3)			

PART B: ENVIRONMENTAL FACTORS

The purpose of Part B is to assist the EPA to determine the significance of the likely environmental impacts of the proposal in accordance with the EPA's *Environmental Assessment Guideline for Environmental factors and objectives* (EAG 8) and *Environmental Assessment Guideline for Application of a significant framework in the EIA process* (EAG 9). Referrers completing Part B should refer closely to EAG 8 and EAG 9.

The EPA has prepared [Referral of a Proposal under s38 of the EP Act EAG No.16 - Appendix A](#) (Appendix A) to assist in identifying factors and completing the below table. Further guidance can be found in the guidance and policy documents cited in Appendix A under each factor.

How to complete Part B

For each environmental factor, that is likely to be significantly impacted by the implementation of the proposal, make a copy of the table below and insert a summary of the relevant information relating to the proposal. The table can be broken down into more than one table per factor, if the need arises. For example the hydrological processes factor can be presented in two separate tables, one for surface water and one for groundwater, or similarly one for construction and one for operations.

For complex proposals a supplementary referral report can be provided in addition to the referral form. If this option is chosen the table must still be completed (summaries are acceptable) to assist the Office of the EPA with statistical reporting and filtering proposals for processing.

Proponents expecting an API level of assessment must provide information in accordance with the EPA's *Environmental Assessment Guideline for Preparation of an API-A environmental review document* (EAG 14).

For each of the significant environmental factors, complete the following table (Questions 1 – 10).

No environmental factors have been identified as likely to be significantly impacted by this proposal (or the Strategic Proposal to which this Derived Proposal refers)

Proponent to complete. DMA and Third Party to complete to the best of their knowledge.		
1	Factor, as defined in EAG 8	
2	EPA Objective, as defined in EAG 8	
3	Guidance - what established policies, guidelines, and standards apply to this factor in relation to the proposal?	
4	Consultation - outline the need for consultation and the outcomes of any consultation in relation to the potential environmental impacts, including: <ul style="list-style-type: none"> • anticipated level of public interest in the impact; • consultation with regulatory agencies; and • consultation with community. 	
5	Baseline information - describe the relevant characteristics of the receiving environment. <i>This may include: regional context; known environmental values, current quality, sensitivity to impact, and current level of cumulative impacts.</i>	

Proponent to complete. DMA and Third Party to complete to the best of their knowledge.		
6	Impact assessment - describe the potential impact/s that may occur to the environmental factor as a result of implementing the proposal.	
7	<p>Mitigation measures - what measures are proposed to mitigate the potential environmental impacts? The following should be addressed:</p> <ul style="list-style-type: none"> • <i>Avoidance - avoiding the adverse environmental impact altogether;</i> • <i>Minimisation - limiting the degree or magnitude of the adverse impact;</i> • <i>Rehabilitate – restoring the maximum environmental value that is reasonably practicable; and</i> • <i>Offsets – actions that provide environmental benefits to counterbalance significant residual environmental impacts or risks of a project or activity.</i> 	
8	<p>Residual impacts – review the residual impacts against the EPA objectives.</p> <p><i>It is understood that the extent of any significant residual impacts may be hard to quantify at the referral stage. Referrers are asked to provide, as far as practicable, a discussion on the likely residual impacts and form a conclusion on whether the EPA's objective for this factor would be met if residual impacts remain. This will require:</i></p> <ul style="list-style-type: none"> • <i>quantifying the predicted impacts (extent, duration, etc.) acknowledging any uncertainty in predictions;</i> • <i>putting the impacts into a regional or local context, incorporating knowable cumulative impacts; and</i> • <i>comparison against any established environmental policies, guidelines, and standards.</i> 	
9	EPA's Objective – from your perspective and based on your review, which option applies to the proposal in relation to this factor? Refer to EAG 9	<input type="checkbox"/> <i>meets the EPA's objective</i> <input type="checkbox"/> <i>may meet the EPA's objective</i> <input type="checkbox"/> <i>is unlikely to meet the EPA's objective</i>
10	Describe any assumptions critical to your conclusion (in Question 9). e.g. <i>particular mitigation measures or regulatory conditions.</i>	

In circumstances where there was some uncertainty on the level of significance of a particular factor it is recommended that a brief summary (no longer than 1 - 2 paragraphs) is provided on the steps taken to determine why a factor was not considered to be significant.

Attachment 1

- a) MPA Referral Document with location maps**
- b) Ministerial Statement 966**



**Marine Produce Australia Limited
Phase III Cone Bay Marine Finfish Farming
Referral Document**

June 2016

the sustainable australian

Introduction

Marine Produce Australia Ltd (MPA) and its wholly owned subsidiary MPA Fish Farms Pty Ltd refers the proposal, Phase III Cone Bay Marine Finfish Farming, to the Environmental Protection Authority (EPA), under Section 38 of the *Environmental Protection Act 1986* (EP Act). In accordance with Section 39B (1) of the EP Act, MPA requests that the proposal be declared a derived proposal in the context of the approved Kimberley Aquaculture Development Zone (KADZ) (Ministerial Statement No. 966, dated 12 May 2014). Following the referral of the MPA Phase III Cone Bay Marine Finfish Farming Proposal, the EPA will consider it a Derived proposal if:

- The referred proposal was identified in the Strategic Proposal that has been assessed by the EPA; and
- A decision was made that the Strategic Proposal could be implemented.

The EPA may choose to not declare the proposal derived if:

- The environmental issues raised by the Referred Proposal were not adequately assessed when the Strategic Proposal was assessed (Section 39B (4)(a) of the EP Act);
- There is significant new or additional information that justifies reassessment of the issues raised by the Referred Proposal (Section 39B (4)(b) of the EP Act); and
- There has been a significant change in the relevant environmental factors since the Strategic Proposal was assessed (Section 39B (4)(c) of the EP Act).

If the EPA declares the Referred Proposal to be a Derived Proposal, there will be no further assessment by the EPA, however the EPA may inquire, under Section 39B (6) of the EP Act, into whether or not the implementation conditions relating to the proposal should be changed.

In its Report and Recommendations on the Kimberley Aquaculture Development Zone (#1504), the EPA considers all key environmental factors to have been adequately addressed. Furthermore, the Minister for the Environment endorsed the EPA's consideration of the key environmental factors and the issue of Ministerial Statement No. 966 confirmed and conditioned around those key environmental factors. MPA considers that there have been no changes in policy, legislation, or guidance statements which may have changed the status of the environmental factors considered by the EPA to be relevant to the Kimberley Aquaculture Development Zone. Furthermore, MPA considers that there is no new information to indicate that the referred proposal raises new environmental factors not already considered during the strategic proposal assessment.

The Proposal: Phase III Cone Bay Marine Finfish Farming

Marine Produce Australia Ltd (MPA) and its wholly owned subsidiary company MPA Fish Farms Pty Ltd has operated a sea cage Barramundi farm in Cone Bay, Buccaneer Archipelago, since 2005. It is currently licenced to produce 6,990 tonnes of finfish per annum, and is seeking to increase that production licence to 15,000 tonnes finfish per annum. MPA is applying for this expansion under the conditions of the Kimberly Aquaculture Development Zone (KADZ). MPA is proposing to expand its current operation under its existing aquaculture lease (AL0020) by adding 644ha of water adjacent to its current 699ha. The expansion will necessitate an increase in the number of sea cages used, increased stock numbers, and consequent increase in feed used. MPA's lease area is fully contained within the 2,000 hectare KADZ (Figure 2), and the proposed increased tonnage sits well within the 20,000 tonne limit for the Aquaculture zone. Table 1 details the specification and characteristics authorised for the KADZ, and how MPA's expansion proposal sits within the limits of the KADZ.

Table 1 Comparison of Permitted KADZ Developments/Activities and their limits, with the MPA future proposal

Element	KADZ Description and Authorised Extent	MPA
Proposed Aquaculture Lease Area	Lease area must be within the Kimberley aquaculture development zone, with at least a 50 m separation distance between the boundary of the KADZ and the boundary of the proposed aquaculture lease area.	The 644ha lease area under this proposal is fully contained within the KADZ, and the area boundaries are 50m from the KADZ boundary.
Proposed Aquaculture Licence	Proposed aquaculture licence, and a production capacity not exceeding 20,000 tonnes per annum (considering production of other farms within the zone).	MPA is seeking to increase its total production to 15,000 tonnes – this does not exceed the zone’s 20,000t capacity. There are no other fish farms in the zone area.
Floating Sea Cage Specifications	Including: Predator nets or equivalent At least 2 metre difference between the bottom of the sea cage and the sea floor at lowest astronomical tide. Anchorage and mooring infrastructure associated with sea cages must be used in such a way so as not to physically damage any reef or coral habitat.	All sea cages will be fitted with predator nets or equivalent. Cages will be set with base at least 2 metres above sea floor at lowest astronomical tide. Anchorage and mooring systems will be set in such a way to not physically damage any reef or coral habitat that is found in the area.
Aquaculture Operations	Including: Installation and maintenance of floating sea cages; Stocking of marine finfish of species that naturally occurs within the Pilbara and Kimberley Region; Finfish feeding, husbandry and harvesting	Operation will be: Floating sea cages. Finfish species that naturally occur within the Pilbara and Kimberley Region – currently Barramundi. Finfish feeding, husbandry and harvesting
Feed Inputs	Only commercial pellet feeds manufactured within Australia to the standard specified in the KADZ Management Policy, or if imported fish feed or ingredients, then only with the approval of AQIS	All pellet feed used will be either manufactured in Australia to the KADZ Management Policy standard or AQIS approved. Current feed brand used is Skretting (pellet feed manufactured in Tasmania)
Seed Stock	From a facility certified by the Supervising Scientist Biodiversity and Biosecurity, Department of Fisheries, or with a health certificate issued by the Department of Fisheries.	Only seed stock with a health certificate issued by DoF, or received from a facility certified by the SSBB DoF will be used.

Environmental Monitoring and Management Plan

MPA will implement the Department of Fisheries' KADZ EMMP on its lease area. The DoF EMMP was assessed by the EPA during the strategic proposal assessment period. MPA commits to the water and sediment monitoring, analysis, and reporting structure detailed in the EPA approved DoF EMMP and KADZ management policy.

Environmental Outcomes

Table 2 lists the Key Environmental Factors identified by the EPA as relevant to the Kimberley Aquaculture Development Zone, and the consideration of these factors by MPA in its Derived proposal application. The EPA considers the key threats to the environment as being related to the use of feed pellets and subsequent release of nutrients, and sedimentation from waste food and faeces. The potential impacts were identified as including organic enrichment of sediment, reduced dissolved oxygen, and a decline in the health of benthic infauna. The extent and duration of these potential impacts are largely mitigated by the degree of flushing and water circulation, which in Cone Bay is significant, due to the high energy tides with high velocity resulting in short water retention times and strong mixing of the water column.

Table 2 Environmental factors considered in referral

Environmental Factor	Assessment of Significant Proposal by EPA	Considered by MPA in referral of derived proposal
Marine Environmental Quality	The EPA considers the Marine Environmental Quality to have been adequately addressed and that the strategic proposal can meet the EPA's objectives for the strategic and subsequent derived proposals. The EPA's objective is to maintain the quality of water, sediment and biota. It is expected that within the zone there will be detectable changes in key indicators, and likely elevations above background for certain identified stressors, but that any impacts are not likely to extend outside the zone, or result in any significant impact on marine environmental quality. The EPA has determined that the DoF zone proposal suitable addresses the marine environmental quality, and that future proposals can meet the EPA's objectives provided that the EMMP is implemented appropriately.	No significant new or additional information since the issue of EPA Report 1504 that justifies reassessment. MPA considers the marine environmental quality of Cone Bay to be of significant importance. MPA will implement the DoF EMMP to ensure appropriate monitoring is undertaken and that the Moderate, High, and Maximum Environmental Protection Areas are not compromised.
Benthic communities and habitat	The EPA considers the Benthic Habitats to have been adequately addressed and that the strategic proposal can meet the EPA's objectives for the strategic and subsequent derived proposals. The EPA's	No significant new or additional information since the issue of EPA Report 1504 that justifies reassessment. MPA has considered the potential effects to the benthic

	<p>objective is to maintain the structure, function, diversity, distribution and viability of benthic communities, particularly benthic filter feeders and other infauna. Benthic surveys have shown that the substrate of most of the KADZ is bare and composed of sediment, with very limited coral or seagrass communities. The EPA acknowledged that there is likely to be moderate impact directly under, and downstream of, sea cages, but that implementation of the DoF EMMP will suitably assess, and allow maintenance of quality of the benthic community.</p>	<p>communities in their proposal. It will implement the monitoring outlined in the DoF EMMP to allow the continued assessment of the likelihood of deleterious effects on the benthic habitat in its lease area, and timely action if effects are detected.</p>
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Marine Fauna was considered as a preliminary Key environmental Factor at the level of assessment, but was determined by the EPA to be a factor not warranting further discussion and evaluation in the EPA's assessment report. Nonetheless the approved DoF EMMP addresses impacts to marine fauna in section 7 and includes monitoring requirements and strategies to reduce interactions. MPA is mindful of the activities that may potentially impact local marine fauna (vessel strike, entanglement, disease), and the assessment, management and mitigation of those potential impacts and will therefore implement the strategies in the EMMP.

Figure 1: Location of Cone Bay in relation to the nearest town, Derby, West Kimberley

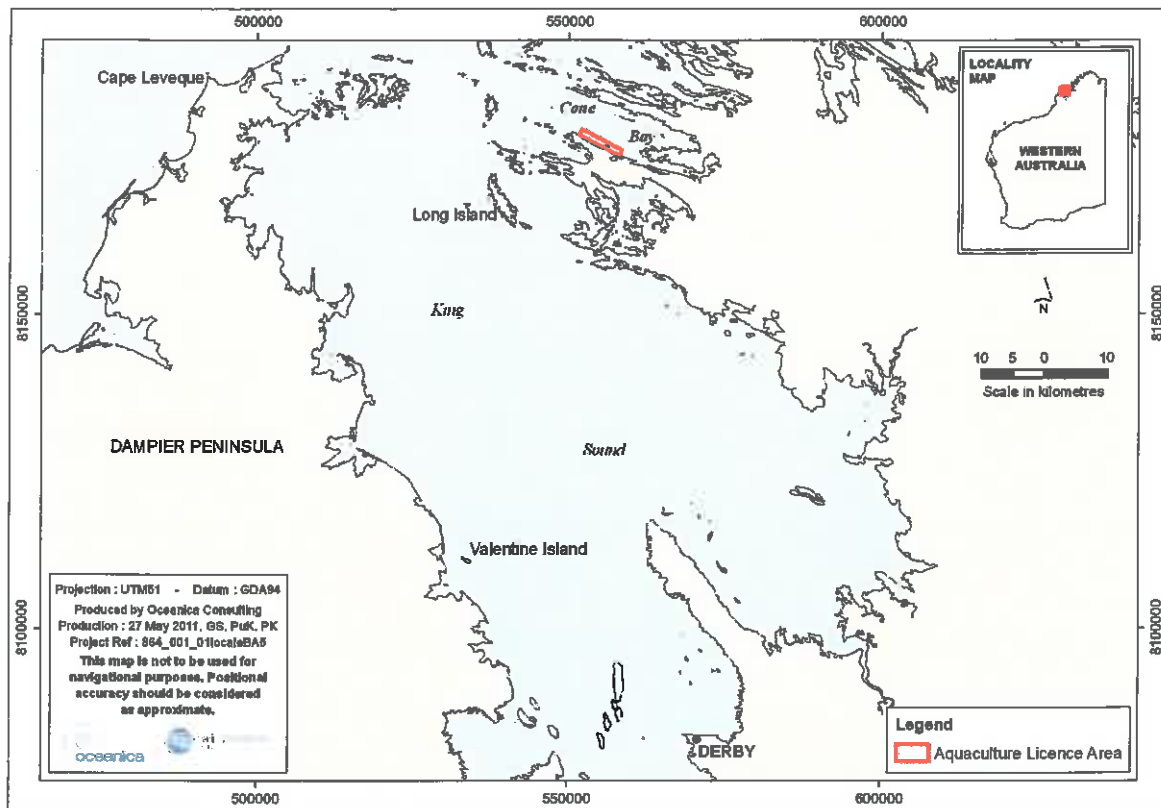
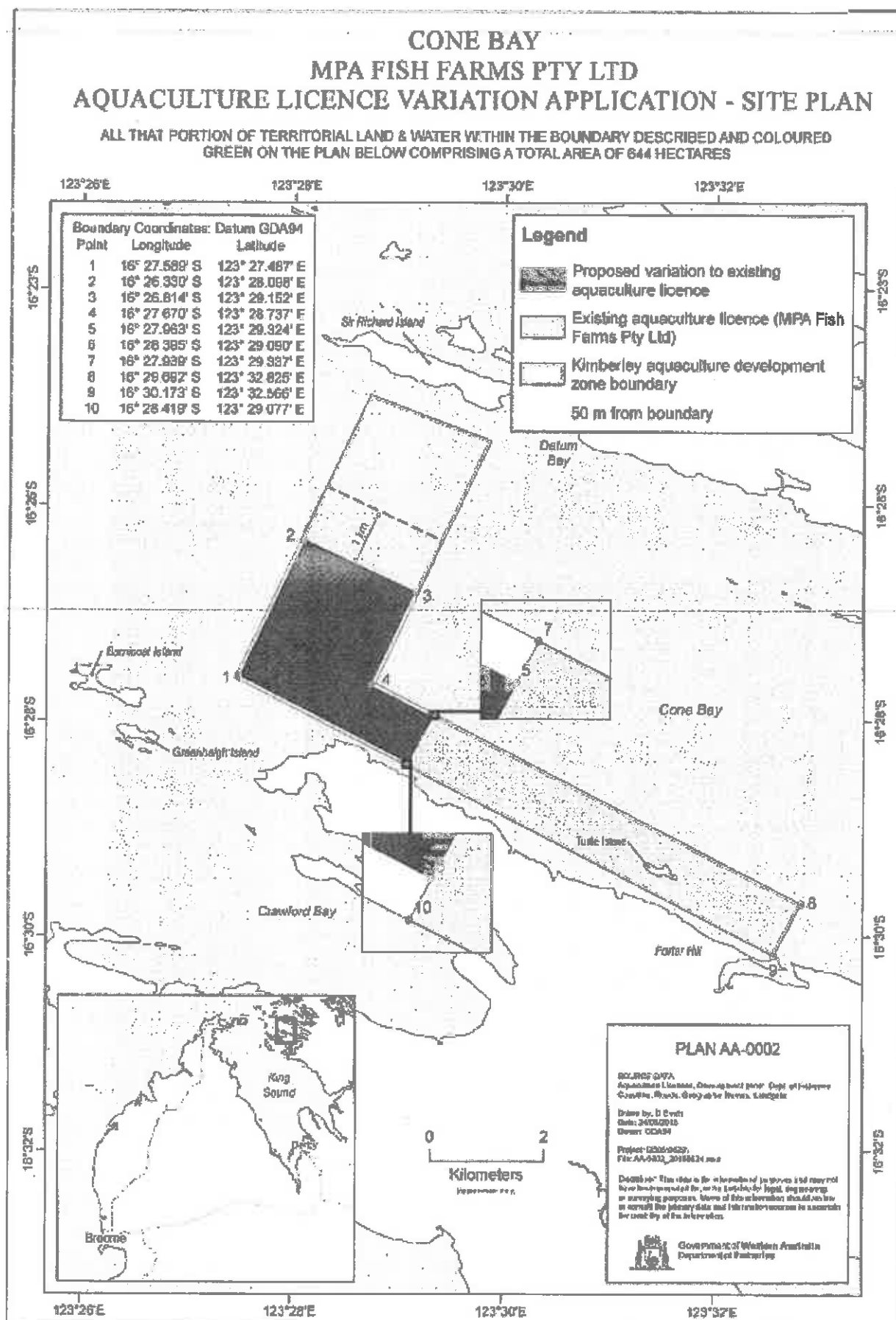


Figure 2 Kimberley Aquaculture Development Zone with MPA's existing lease area and the additional 644 hectares being added under Phase III.



THIS DOCUMENT

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Published on: 12 May 2014

Statement No: 966

**STATEMENT THAT A FUTURE PROPOSAL(S) IDENTIFIED IN A STRATEGIC
PROPOSAL MAY BE IMPLEMENTED
(Sections 40B and 45 of the *Environmental Protection Act 1986*)**

Kimberley Aquaculture Development Zone

Strategic Proposal: A 2,000 hectare aquaculture development zone located within Cone Bay, as defined by spatial coordinates provided in Table 2 of Schedule 1, as represented in Figure 1 and described in Table 1 of Schedule 1 (Kimberley Aquaculture Development Zone) with a maximum production capacity of 20,000 tonnes per annum of marine finfish of a species that occurs naturally within the Pilbara and Kimberley Region.

Proponent: Minister for Fisheries

Proponent Address: Locked Bag 39
Cloisters Square WA 6850

Assessment Number: 1930

Report of the Environmental Protection Authority Number: 1504

Pursuant to sections 40B and 45 of the *Environmental Protection Act 1986* (the EP Act), it has been agreed that in the event of a declaration by the Environmental Protection Authority (EPA) pursuant to section 39B of the EP Act that it is a derived proposal, a proposal meeting the specifications defined in Schedule 2 of this Statement and which was identified in the Strategic Proposal to which Report 1504 relates, may be implemented. Upon declaration that the Proposal is a derived proposal, subject to the Minister for Environment's identification of relevant conditions under section 45A(3) of the EP Act, the implementation of the Proposal shall be subject to the following implementation conditions and procedures:

Note: Words and expressions used in these conditions shall have the same respective meanings as in the EP Act or as provided for in Schedule 4.

1 Derived Proposals

- 1-1 Proposals referred to the EPA and declared to be derived proposals shall not exceed the specifications and characteristics provided for in Schedule 2.

Note: It may be that more than one proponent implements the Proposal identified in Schedule 2.

2 Contact Details

- 2-1 The proponent shall notify the Chief Executive Officer (CEO) of any change of its name, physical address or postal address for the serving of notices or other correspondence within 28 days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.

3 Time Limit for Proposal Implementation

- 3-1 The proponent must ensure that the Proposal is substantially commenced within five years of the date of the section 45A Notice.
- 3-2 The proponent shall provide the CEO with written evidence which demonstrates that the Proposal has substantially commenced on or before the expiration of five years from the date of the section 45A Notice.

4 Compliance Reporting

- 4-1 The proponent shall prepare and maintain a compliance assessment plan to the satisfaction of the CEO.
- 4-2 The proponent shall submit to the CEO the compliance assessment plan required by Condition 4-1 at least six months prior to the first compliance assessment report required by Condition 4-6, or prior to implementation, whichever is sooner.

The compliance assessment plan shall indicate:

- (1) the frequency of compliance reporting;
- (2) the approach and timing of compliance assessments;
- (3) the retention of compliance assessments;
- (4) the method of reporting of potential non-compliances and corrective actions taken;
- (5) the table of contents of compliance assessment reports; and
- (6) public availability of compliance assessment reports.

- 4-3 The proponent shall assess compliance with conditions in accordance with the compliance assessment plan required by Condition 4-1.
- 4-4 The proponent shall retain reports of all compliance assessments described in the compliance assessment plan required by Condition 4-1 and shall make those reports available when requested by the CEO.
- 4-5 The proponent shall advise the CEO of any potential non-compliance within seven days of that non-compliance being known.
- 4-6 The proponent shall submit to the CEO and the Department of Fisheries the first compliance assessment report 15 months from the date of issue of this Statement addressing the 12 month period from the date of issue of this Statement and then annually from the date of submission of the first compliance assessment report.

The compliance assessment report shall:

- (1) be endorsed by the proponent's Chief Executive Officer or a person delegated to sign on the Chief Executive Officer's behalf;
- (2) include a statement as to whether the proponent has complied with the conditions;
- (3) identify all potential non-compliances and describe corrective and preventative actions taken;
- (4) be made publicly available in accordance with the approved compliance assessment plan; and
- (5) indicate any proposed changes to the compliance assessment plan required by Condition 4-1.

5 Public Availability of Data

- 5-1 Subject to Condition 5-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the Proposal, the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)) relevant to the assessment of this Proposal and implementation of this Statement.
- 5-2 If any data referred to in Condition 5-1 contains particulars of:
 - (1) a secret formula or process; or
 - (2) confidential commercially sensitive information;

the proponent may submit a request for approval from the CEO to not make these data publically available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publically available.

6 Benthic Communities and Marine Environmental Quality

- 6-1 The proponent shall ensure that implementation of the Proposal causes no irreversible loss of benthic communities and achieves the levels of ecological protection for each of the ecological protection areas as specified in Table 1 of Schedule 3 and referred to in the *Kimberley Aquaculture Development Zone Environmental Monitoring and Management Plan (Version 1, January 2014)*, or its revisions as approved by the CEO.
- 6-2 The proponent shall implement the *Kimberley Aquaculture Development Zone Environmental Monitoring and Management Plan (Version 1, January 2014)*, or its revisions as approved by the CEO, and continue implementation until otherwise agreed by the CEO.
- 6-3 In the event that monitoring required by the *Kimberley Aquaculture Development Zone Environmental Monitoring and Management Plan (Version 1, January 2014)*, or its revisions as approved by the CEO, indicates the levels of ecological protection as specified in Table 1 of Schedule 3, environmental quality guidelines or environmental quality standards as specified in the *Kimberley Aquaculture Development Zone Environmental Monitoring and Management Plan (Version 1, January 2014)*, or its revisions as approved by the CEO, are not being met, the proponent shall:
- (1) report such findings to the CEO within two working days of the exceedance(s) being identified;
 - (2) investigate to determine the likely cause(s) of the exceedance(s) of the criteria defined in the *Kimberley Aquaculture Development Zone Environmental Monitoring and Management Plan (Version 1, January 2014)*, or its revisions as approved by the CEO;
 - (3) if the exceedance(s) is determined by the CEO to be a result of implementation of the Proposal, the proponent shall immediately implement the mitigation measures identified in the *Kimberley Aquaculture Development Zone Environmental Monitoring and Management Plan (Version 1, January 2014)*, or its revisions as approved by the CEO; and
 - (4) continue implementing the mitigation measures required by Condition 6-3(3) until the criteria defined in the *Kimberley Aquaculture Development Zone Environmental Monitoring and Management Plan (Version 1, January 2014)*, or its revisions as approved by the CEO, are no longer being exceeded, or until advised otherwise by the CEO.
- 6-4 The proponent shall submit to the CEO and the Department of Fisheries annual compliance assessment reports in accordance with Condition 4-6 and which includes:
- (1) the monitoring results required by the *Kimberley Aquaculture Development Zone Environmental Monitoring and Management Plan*

(Version 1, January 2014), or subsequent approved revisions, under Condition 6-1;

- (2) an assessment of the effectiveness of the management and contingency measures implemented to ensure compliance with the requirements of Conditions 6-1 and 6-2; and
- (3) evidence that the Moderate Ecological Protection Area defined in Table 1 of Schedule 3 comprises no more than 33 per cent of the proponent's Aquaculture Lease Area.

[Signed 9 May 2014]

Albert Jacob MLA
MINISTER FOR ENVIRONMENT; HERITAGE

Schedule 1 – Strategic Proposal

Table 1: Description of the Kimberley Aquaculture Development Zone

Column 1	Column 2	Column 3
Element	Location	Authorised Extent
Kimberley Aquaculture Development Zone	Zone Boundaries as defined by the spatial coordinates provided in Table 2 of Schedule 1 and delineated by the red line in Figure 1	2,000 hectares
Ecological Protection Area Boundaries	Defined in Table 1 of Schedule 3 and depicted in Figure 2	Levels of ecological protection as defined in Table 1 of Schedule 3
Maximum total aquaculture production capacity	Within the Kimberley Aquaculture Development Zone	20,000 tonnes per annum
Aquaculture Species produced	Within the Kimberley Aquaculture Development Zone	Marine finfish of a species that occurs naturally within the Pilbara and Kimberley Region

Table 2: Spatial coordinates for the boundary of the Kimberley Aquaculture Development Zone

Coordinates defining the Kimberley Aquaculture Development Zone are from the dataset prescribed below, noting that the correct recreation of the boundaries below requires the sequential connection of the coordinates as per its coordinate number. All coordinates are listed in Map Grid of Australia Zone 51 (MGA Zone 51), datum of Geodetic Datum of Australia 1994 (GDA94). This dataset is held by the Office of the Environmental Protection Authority (OEPA) and is dated 15 January 2014 (CRN: A51478).

Coordinate No.	Easting	Northing
1	558388.38	8176245.06
2	557924.24	8175359.52
3	548834.73	8180124.02
4	551114.43	8184957.45
5	553051.08	8184209.37
6	553148.09	8184171.89
7	553148.97	8184171.55
8	553149.29	8184171.43
9	551190.07	8180017.53
10	552016.98	8179584.36
11	552062.9	8179560.3
12	558388.38	8176245.06

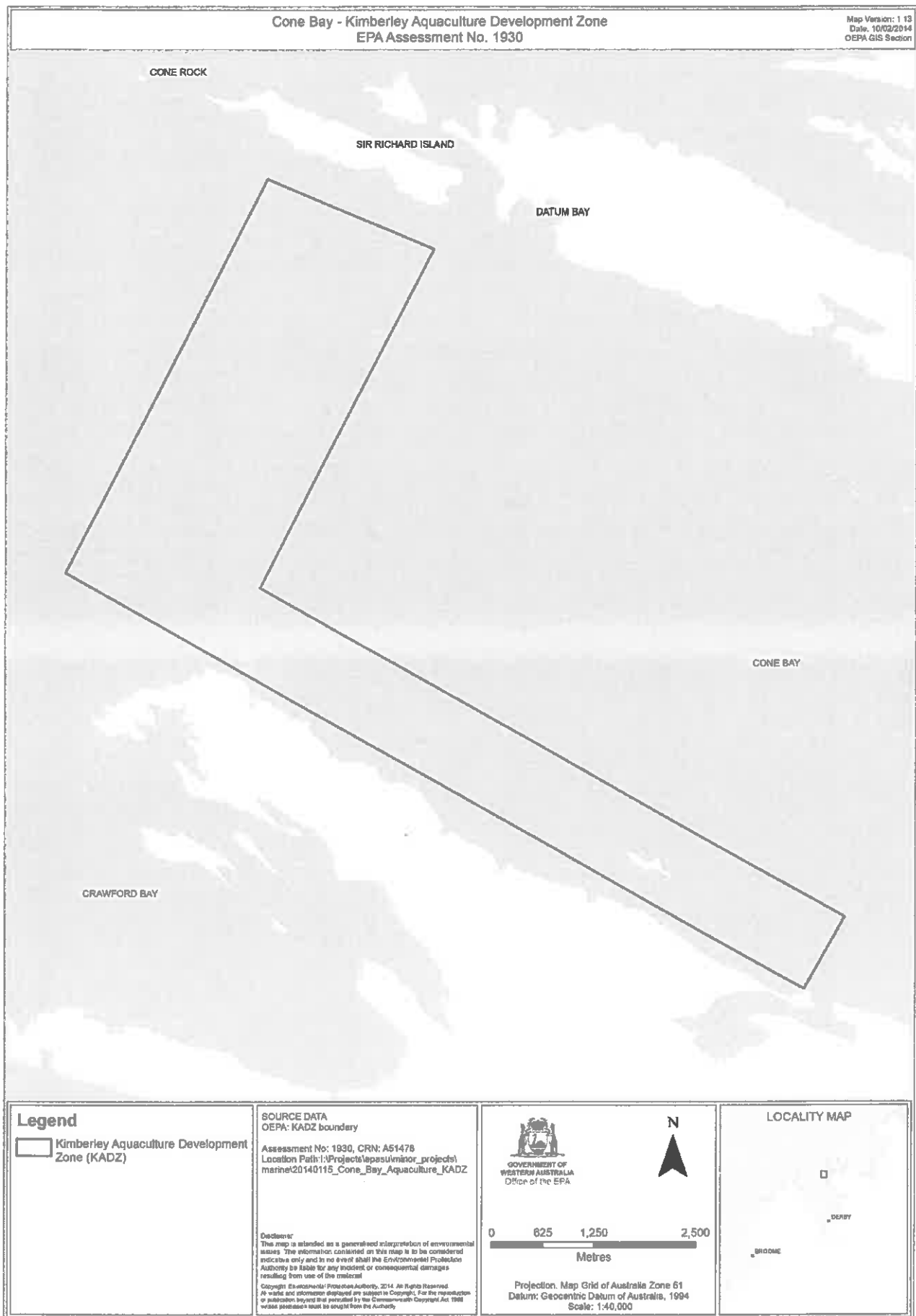


Figure 1: Boundaries of the Kimberley Aquaculture Development Zone

Schedule 2 – Specifications and Characteristics of the Future Proposals identified in the Strategic Proposal

Element	Description and authorised extent
Proposed aquaculture lease area	The proposed aquaculture lease area must be within the Kimberley Aquaculture Development Zone, with at least a 50 m separation distance between the boundary of the Kimberley Aquaculture Development Zone and the boundary of the proposed aquaculture lease area.
Proposed aquaculture licence	Proposed aquaculture licence with a production capacity not exceeding 20,000 tonnes per annum having considered the existing aquaculture licences already issued in the Kimberley Aquaculture Development Zone.
Aquaculture operations	Including: <ul style="list-style-type: none"> • installation and maintenance of floating sea cages; • stocking of marine finfish of a species that occurs naturally within the Pilbara and Kimberley Region; and • finfish feeding, husbandry and harvesting.
Floating sea cage specifications	Including: <ul style="list-style-type: none"> • predator nets or equivalent to prevent fish escapes; • at least a two metre difference between the bottom of the sea cage and the seafloor at lowest astronomical tide; and • anchorage and mooring infrastructure associated with the sea cages must be used in such a way so as not to physically damage any reef or coral habitat.
Feed inputs	Only commercial pellet feeds manufactured within Australia to the standard specified in the Kimberley Aquaculture Development Zone Management Policy or if imported fish feed or ingredients then only with the approval of the Australian Quarantine and Inspection Service.
Seed stock	From a facility certified by the Supervising Scientist Biodiversity and Biosecurity, Department of Fisheries or with a health certificate issued or approved by the Department of Fisheries.

Schedule 3

Table 1: Ecological Protection Areas and the Levels of Ecological Protection Specified for those Areas (Referenced in Condition 6)

Area Description	Spatial extent	Level of Ecological Protection for the Maintenance of Ecosystem Health
Maximum Ecological Protection Area		
The Maximum Ecological Protection Area is all that water which lies outside the High Ecological Protection Area (as defined below)	Refer to Figure 2	A maximum level of ecological protection would require that the implementation of the Proposal is managed such that there would be no change beyond natural variation in ecosystem processes, biodiversity, abundance and biomass of marine life or in the quality of water, sediment and biota.
High Ecological Protection Area		
The High Ecological Protection Area includes waters in the Kimberley Aquaculture Development Zone and waters within 300 metres of the boundary of the Kimberley Aquaculture Development Zone but excludes the Moderate Ecological Protection Areas (as defined below)	Refer to Figure 2 and the relevant spatial data co-ordinates provided in Table 2 in Schedule 3	<p>To allow small changes in the quality of water, sediment and biota (e.g. small changes in contaminant concentrations with no resultant detectable changes beyond natural variation in the diversity of species and biological communities, ecosystem processes and abundance/biomass of marine life).</p> <p>For this protection level the 99% species protection guideline trigger values for toxicants in water apply (except for cobalt for which the 95% species protection guideline should apply) and for discharges that contain a mixture of toxicants, the sum of the concentrations of the primary toxicants (up to 5 toxicants) should not exceed the sum of the relevant trigger values. For other physical and chemical parameters the trigger values are based on the 80th percentile of natural background measurements. Trigger values should be derived in accordance with the recommended approaches in the ANZECC & ARMCANZ guidelines. For sediments the ISQG-low applies.</p>

Moderate Ecological Protection Area		
The Moderate Ecological Protection Area includes waters within the Kimberley Aquaculture Development Zone	No more than 33 per cent of an Aquaculture Lease Area may be designated as a Moderate Ecological Protection Area	<p>To allow moderate changes in the quality of water, sediment and biota (e.g. moderate changes in contaminant concentrations that cause small changes, beyond natural variation, in ecosystem processes and abundance/biomass of marine life, but no detectable changes from the natural diversity of species and biological communities).</p> <p>For this protection level the 90% species protection guideline trigger values for toxicants in water apply and for discharges that contain a mixture of toxicants, the sum of the concentrations of the primary toxicants (up to 5 toxicants) should not exceed the sum of the relevant trigger values. For other physical and chemical parameters the trigger values are based on the 95th percentile of natural background measurements. Trigger values should be derived in accordance with the recommended approaches in the ANZECC & ARMCANZ guidelines. For sediments the ISQG-low applies.</p>

Table 2: Coordinates defining the High Ecological Protection Area

Coordinates defining the High Ecological Protection Area as described in Table 1 above and shown in Figure 2 are for the marine waters within the area the dataset below prescribes, noting that the correct recreation of the boundaries below requires the sequential connection of the coordinates as per its coordinate number. All coordinates are listed in Map Grid of Australia Zone 51 (MGA Zone 51), datum of Geodetic Datum of Australia 1994 (GDA94). This dataset is held by the OEPA and is dated 15 January 2014 (CRN: A51478).

Coordinate No.	Easting	Northing
1	551584.14	8180149.77
2	558793.21	8176371.41
3	558337.82	8175502.43
4	558141.76	8175128.26
5	558137.07	8175138.57
6	558130.09	8175146.55

Coordinate No.	Easting	Northing
7	558119.08	8175152.57
8	558102.07	8175153.57
9	558063.09	8175167.56
10	558043.09	8175182.55
11	558038.08	8175192.55
12	558038.08	8175205.55

Coordinate No.	Easting	Northing
13	558029.07	8175225.55
14	558022.09	8175231.56
15	558017.07	8175240.54
16	558016.09	8175282.55
17	558020.09	8175294.56
18	558026.07	8175300.57
19	558027.08	8175311.56
20	558019.09	8175319.57
21	557999.08	8175331.55
22	557976.07	8175326.57
23	557970.07	8175302.56
24	557951.08	8175305.56
25	557942.08	8175310.56
26	557904.07	8175310.54
27	557894.09	8175302.55
28	557881.08	8175282.55
29	557873.09	8175277.56
30	557851.09	8175276.55
31	557803.07	8175267.55
32	557794.08	8175262.56
33	557765.08	8175260.55
34	557723.08	8175276.55
35	557676.08	8175282.55
36	557622.07	8175304.54
37	557569.08	8175335.56
38	557532.09	8175349.55
39	557510.08	8175365.53
40	557493.08	8175371.54
41	557465.08	8175377.54
42	557435.09	8175393.54
43	557406.08	8175419.55
44	557381.09	8175431.54
45	557362.07	8175447.54
46	557348.09	8175453.54
47	557320.07	8175473.53
48	557298.07	8175483.54
49	557256.07	8175509.53
50	557222.07	8175532.54
51	557209.09	8175533.53
52	557198.08	8175539.55
53	557185.09	8175538.54
54	557157.07	8175548.54
55	557120.07	8175560.53

Coordinate No.	Easting	Northing
56	557085.07	8175573.53
57	557073.09	8175572.55
58	557050.08	8175583.52
59	557036.07	8175586.53
60	557022.07	8175596.53
61	557010.09	8175596.53
62	556981.07	8175606.53
63	556975.07	8175612.54
64	556962.09	8175614.54
65	556949.09	8175621.52
66	556884.09	8175648.52
67	556865.07	8175665.53
68	556851.07	8175673.52
69	556838.09	8175677.52
70	556816.09	8175687.54
71	556780.08	8175713.54
72	556755.09	8175725.53
73	556724.07	8175743.52
74	556700.07	8175757.54
75	556680.09	8175770.53
76	556655.08	8175785.53
77	556614.08	8175809.51
78	556589.07	8175836.53
79	556588.92	8175837.32
80	556577.61	8175851.77
81	556564.84	8175868.02
82	556546.84	8175878.03
83	556538.83	8175886.01
84	556505.82	8175903.03
85	556497.56	8175907.17
86	556483.67	8175913.99
87	556469.73	8175920.61
88	556454.83	8175928.02
89	556448.83	8175934.03
90	556424.83	8175939.01
91	556398.82	8175956.01
92	556381.82	8175963.03
93	556382.83	8175976.02
94	556376.83	8175995.03
95	556340.82	8176020.01
96	556327.84	8176024.01
97	556309.82	8176038.01
98	556294.84	8176055.99

Coordinate No.	Easting	Northing
99	556254.83	8176085.02
100	556241.82	8176086.00
101	556212.84	8176081.01
102	556201.82	8176083.00
103	556173.83	8176080.00
104	556164.82	8176083.01
105	556159.84	8176094.02
106	556164.82	8176105.01
107	556161.82	8176115.00
108	556164.84	8176124.00
109	556159.82	8176133.02
110	556127.83	8176153.01
111	556116.82	8176163.00
112	556106.84	8176164.01
113	556079.84	8176181.01
114	556071.83	8176189.02
115	556059.83	8176193.01
116	556051.82	8176201.02
117	556022.83	8176213.02
118	556001.84	8176224.02
119	555994.83	8176231.01
120	555979.84	8176235.01
121	555968.83	8176241.99
122	555955.84	8176241.99
123	555936.82	8176246.00
124	555919.17	8176243.22
125	555912.56	8176243.58
126	555906.84	8176245.99
127	555888.84	8176265.00
128	555866.82	8176270.00
129	555838.82	8176274.01
130	555828.82	8176270.99
131	555817.83	8176273.02
132	555808.83	8176269.01
133	555794.84	8176268.00
134	555785.83	8176271.99
135	555780.84	8176279.99
136	555763.82	8176289.99
137	555752.83	8176302.99
138	555732.82	8176315.00
139	555725.84	8176323.00
140	555707.82	8176335.00
141	555694.83	8176333.99

Coordinate No.	Easting	Northing
142	555686.84	8176338.99
143	555623.84	8176348.99
144	555599.84	8176368.99
145	555590.84	8176372.98
146	555584.84	8176380.00
147	555571.82	8176378.99
148	555556.83	8176381.00
149	555547.82	8176384.98
150	555519.84	8176384.99
151	555493.83	8176394.99
152	555479.84	8176396.01
153	555439.82	8176419.00
154	555398.82	8176431.98
155	555389.82	8176427.00
156	555388.84	8176412.99
157	555390.82	8176399.98
158	555387.83	8176390.99
159	555368.84	8176371.00
160	555366.45	8176362.13
161	555269.30	8176413.06
162	555267.83	8176451.99
163	555240.83	8176489.97
164	555211.84	8176512.97
165	555137.83	8176510.98
166	555123.82	8176515.99
167	555071.10	8176516.99
168	553349.36	8177419.60
169	553339.83	8177436.42
170	553328.83	8177461.43
171	553323.81	8177470.45
172	553323.82	8177473.43
173	553321.81	8177475.43
174	553321.82	8177478.44
175	553319.83	8177479.43
176	553319.82	8177487.42
177	553315.02	8177499.04
178	553309.83	8177499.43
179	553294.81	8177515.44
180	553285.81	8177521.43
181	553267.81	8177544.43
182	553265.82	8177554.42
183	553245.82	8177569.43
184	553229.82	8177585.42

Coordinate No.	Easting	Northing
185	553224.84	8177609.43
186	553217.82	8177615.44
187	553185.82	8177621.42
188	553176.83	8177632.44
189	553166.83	8177651.43
190	553140.83	8177663.44
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203	552967.83	8177726.03
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206	552925.84	8177722.42
207	552906.83	8177721.42
208	552895.34	8177714.44
209	552887.81	8177713.42
210	552860.82	8177711.42
211	552849.82	8177708.44
212	552837.82	8177711.42
213	552834.82	8177710.44
214	552833.82	8177712.44
215	552828.81	8177714.42
216	552823.81	8177719.41
217	552819.81	8177720.41
218	552818.81	8177724.43
219	552809.81	8177727.41
220	552801.82	8177733.42
221	552800.82	8177736.43
222	552770.81	8177747.41
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224	552741.81	8177747.42
225	552727.82	8177773.42
226	552726.83	8177780.43
227	552723.81	8177782.41

Coordinate No.	Easting	Northing
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229	552713.83	8177800.41
230	552707.84	8177812.40
231	552697.84	8177819.44
232	552691.84	8177828.42
233	552690.83	8177839.43
234	552692.83	8177843.42
235	552693.82	8177859.42
236	552690.82	8177872.43
237	552683.82	8177882.43
238	552676.83	8177884.42
239	552675.83	8177886.42
240	552670.82	8177887.41
241	552668.84	8177890.43
242	552651.83	8177892.41
243	552624.84	8177889.43
244	552602.83	8177897.41
245	552598.84	8177902.43
246	552590.83	8177900.42
247	552567.84	8177908.41
248	552559.83	8177918.41
249	552546.83	8177924.44
250	552519.83	8177931.42
251	552499.82	8177941.42
252	552488.82	8177941.42
253	552481.83	8177947.43
254	552469.84	8177951.42
255	552464.84	8177958.41
256	552455.83	8177960.43
257	552448.84	8177960.41
258	552443.82	8177956.43
259	552417.83	8177952.41
260	552373.82	8177935.43
261	552367.21	8177934.40
262	552100.76	8178074.04
263	552100.82	8178074.40
264	552096.83	8178088.42
265	552089.83	8178102.42
266	552074.82	8178121.41
267	552058.84	8178134.42
268	551943.82	8178230.42
269	551930.82	8178237.43
270	551910.82	8178252.41

Coordinate No.	Easting	Northing
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272	551881.83	8178257.42
273	551879.82	8178272.43
274	551880.84	8178287.42
275	551878.83	8178304.42
276	551867.82	8178311.42
277	551851.82	8178317.42
278	551845.83	8178330.40
279	551849.84	8178344.40
280	551866.84	8178360.40
281	551879.82	8178368.42
282	551891.83	8178372.42
283	551904.84	8178367.41
284	551916.83	8178372.42
285	551907.84	8178382.40
286	551873.82	8178403.41
287	551822.83	8178430.42
288	551795.84	8178440.41
289	551782.82	8178438.41
290	551792.84	8178411.41
291	551781.83	8178406.42
292	551769.82	8178409.40
293	551745.84	8178422.40
294	551703.84	8178440.41
295	551687.83	8178442.42
296	551667.83	8178459.40
297	551653.82	8178463.42
298	551626.84	8178452.40
299	551594.83	8178447.40
300	551588.84	8178457.40
301	551595.84	8178485.41
302	551591.84	8178498.42
303	551582.82	8178508.40
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305	551519.83	8178538.38
306	551496.82	8178551.41
307	551441.84	8178570.41
308	551433.83	8178579.40
309	551394.82	8178610.40
310	551367.82	8178628.41
311	551323.82	8178650.40
312	551283.82	8178663.40
313	551252.82	8178658.40

Coordinate No.	Easting	Northing
314	551211.82	8178684.40
315	551164.83	8178699.39
316	551154.82	8178692.41
317	551144.84	8178682.41
318	551144.82	8178652.39
319	551148.82	8178637.42
320	551155.84	8178621.39
321	551176.83	8178582.41
322	551180.83	8178568.42
323	551178.60	8178557.28
324	551162.26	8178565.84
325	551155.84	8178570.41
326	551145.84	8178579.41
327	551132.83	8178585.40
328	551113.83	8178599.39
329	551104.84	8178609.40
330	551100.82	8178624.41
331	551098.84	8178642.39
332	551100.84	8178673.39
333	551103.82	8178690.41
334	551105.82	8178722.39
335	551107.84	8178737.41
336	551118.83	8178758.40
337	551119.82	8178773.40
338	551100.84	8178796.40
339	551092.86	8178807.48
340	551087.42	8178815.82
341	551068.83	8178853.41
342	551060.82	8178862.40
343	551027.84	8178885.41
344	550990.83	8178906.39
345	550958.83	8178930.40
346	550945.83	8178935.41
347	550884.83	8178945.39
348	550836.82	8178967.38
349	550791.82	8178983.40
350	550758.84	8178980.38
351	550731.84	8178995.38
352	550717.82	8178999.40
353	550707.84	8178990.39
354	550704.83	8178973.38
355	550698.84	8178961.41
356	550673.84	8179007.40

Coordinate No.	Easting	Northing
357	550665.82	8179014.40
358	550641.82	8179022.38
359	550628.84	8179024.38
360	550595.82	8179031.40
361	550569.84	8179041.39
362	550556.84	8179044.40
363	550528.84	8179053.38
364	550521.83	8179051.39
365	550529.83	8179045.38
366	550532.84	8179041.38
367	550536.84	8179016.39
368	550534.84	8178994.39
369	550532.82	8178957.40
370	550527.82	8178948.38
371	550522.83	8178943.38
372	550506.82	8178933.40
373	550498.84	8178932.38
374	550479.84	8178931.37
375	550461.82	8178935.38
376	550453.82	8178937.40
377	550452.21	8178937.93
378	550443.89	8178942.29
379	550443.84	8178942.40
380	550440.67	8178943.98
381	550440.65	8178943.99
382	549617.37	8179375.34
383	548440.69	8179991.77
384	550962.19	8185337.84
385	553558.19	8184335.06
386	551584.14	8180149.77

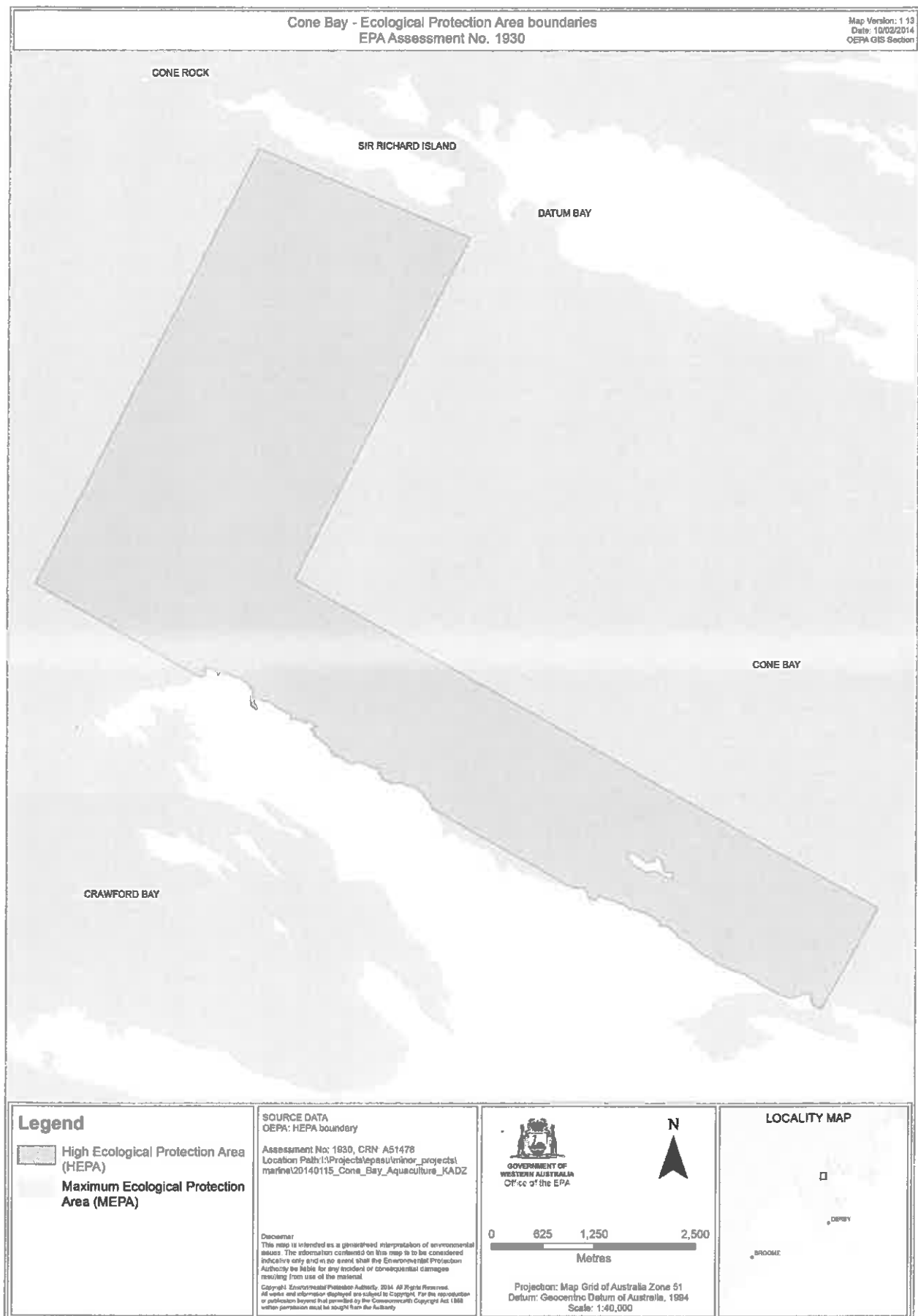


Figure 2: Depiction of Maximum and High Ecological Protection Area boundaries

Schedule 4 – Defined Terms

Term or Phrase	Definition
ANZECC & ARMCANZ guidelines	The water and sediment quality guidelines contained within the document: Australian and New Zealand Environment and Conservation Council and Agriculture and Resource Management Council of Australia and New Zealand (2000) <i>Australian and New Zealand Guidelines for Fresh and Marine Water Quality</i> , Australian and New Zealand Environment and Conservation Council & Agriculture and Resource Management Council of Australia and New Zealand, National Water Quality Management Strategy No. 4.
Aquaculture Lease Area	An area that is within the boundaries of the Kimberley Aquaculture Development Zone defined in Schedule 1 and is authorised under section 97 of the <i>Fish Resources Management Act 1994</i> to be used for the purposes of aquaculture.
CEO	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or delegate.
EPA	Environmental Protection Authority.
EP Act	<i>Environmental Protection Act 1986</i> .
ISQG-low	Has the meaning given to it in the ANZECC & ARMCANZ guidelines.
Irreversible	As defined in the EPA's Environmental Assessment Guideline No 7. <i>Marine Dredging Proposals</i> , as amended or updated from time to time.
OEPA	Office of the Environmental Protection Authority.
Pilbara and Kimberley Region	As defined in Regulation 3 of the <i>Fish Resources Management Regulations 1995</i> .