

Office of the Environmental Protection Authority	
File:	
20 MAY 2014	
AI	<input type="checkbox"/> For Information
fa:	<input type="checkbox"/> For Discussion
Officer:	<input type="checkbox"/> For Action
<input type="checkbox"/> Dir. AC	Response please: <input type="checkbox"/> GM Signature <input type="checkbox"/> Dir for GM (copy to GM) <input type="checkbox"/> Dir Signature (copy to GM) <input type="checkbox"/> Mgr Direct (copy to GM)
<input type="checkbox"/> Dir. Bus Ops	
<input type="checkbox"/> Dir. SPPD	
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15 May 2014

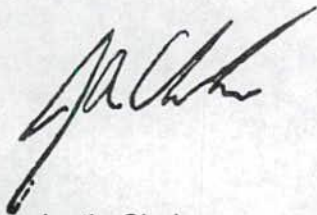
Paul Vogel
Chairman, EPA

Dear Mr Vogel,

MPA hereby refer their proposal "Phase II 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 No. 966.

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

Thank you,



Justin Clarke
Managing Director



Marine Produce Australia Pty Limited

Phase II Cone Bay Marine Finfish Farming

Referral Form

May 2014

the sustainable australian



Environmental Protection Authority

EPA REFERRAL
FORM

PROPONENT

Referral of a Proposal by the Proponent to the Environmental Protection Authority under Section 38(1) of the *Environmental Protection Act 1986*.

PURPOSE OF THIS FORM

Section 38(1) of the *Environmental Protection Act 1986* (EP Act) provides that where a development proposal is likely to have a significant effect on the environment, a proponent may refer the proposal to the Environmental Protection Authority (EPA) for a decision on whether or not it requires assessment under the EP Act. This form sets out the information requirements for the referral of a proposal by a proponent.

Proponents are encouraged to familiarise themselves with the EPA's *General Guide on Referral of Proposals* [see Environmental Impact Assessment/Referral of Proposals and Schemes] before completing this form.

A referral under section 38(1) of the EP Act by a proponent to the EPA must be made on this form. A request to the EPA for a declaration under section 39B (derived proposal) must be made on this form. This form will be treated as a referral provided all information required by Part A has been included and all information requested by Part B has been provided to the extent that it is pertinent to the proposal being referred. Referral documents are to be submitted in two formats – hard copy and electronic copy. The electronic copy of the referral will be provided for public comment for a period of 7 days, prior to the EPA making its decision on whether or not to assess the proposal.

CHECKLIST

Before you submit this form, please check that you have:

	Yes	No
Completed all the questions in Part A (essential).	✓	
Completed all applicable questions in Part B.	✓	
Included Attachment 1 – location maps.	✓	
Included Attachment 2 – additional document(s) the proponent wishes to provide (if applicable).	✓	
Included Attachment 3 – confidential information (if applicable).		✓
Enclosed an electronic copy of all referral information, including spatial data and contextual mapping but excluding confidential information.	✓	

Following a review of the information presented in this form, please consider the following question (a response is optional).


Do you consider the proposal requires formal environmental impact assessment?
✓ No (Request that it be declared a Derived Proposal against the approved Kimberley Aquaculture Development Zone)

If yes, what level of assessment?

Assessment on Proponent Information Public Environmental Review

PROPONENT DECLARATION (to be completed by the proponent)

I, Justin Clarke, declare that I am authorised on behalf of Marine Produce Australia (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: Justin Clarke
Position: Managing Director	Company: Marine Produce Australia Pty Ltd
Date: 15 May 2014	

PART A - PROPONENT AND PROPOSAL INFORMATION

(All fields of Part A must be completed for this document to be treated as a referral)

1 PROPONENT AND PROPOSAL INFORMATION

1.1 Proponent

Name	Marine Produce Australia
Joint Venture parties (if applicable)	N/A
Australian Company Number (if applicable)	09108050480
Postal Address (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)	34 Bagot Road Subiaco 6008 Western Australia
Key proponent contact for the proposal: <ul style="list-style-type: none">• name• address• phone• email	Justin Clarke 34 Bagot Road, Subiaco, 6008 (08) 9381 4483 jc@marineproduce.com
Consultant for the proposal (if applicable): <ul style="list-style-type: none">• name• address• phone• email	N/A

1.2 Proposal

Title	Phase II Cone Bay Marine Finfish Farming
Description	Phase II involves the expansion of the existing MPA fish farm from a 2000 tonne per annum production capacity to a 6,990 tonnes per annum production capacity, and will include a greater number of sea cages, more stock numbers, and increased feed input.
Extent (area) of proposed ground disturbance.	N/A
Timeframe in which the activity or development is proposed to occur (including start and finish dates where applicable).	The fish farm is already in production. The tonnage expansion will happen gradually as fish are grown for 2 years prior to harvest, thus stocking numbers will be increased, and eventually the harvest tonnage will also increase. The operation will be ongoing.
Details of any staging of the proposal.	N/A
Is the proposal a strategic proposal?	No
Is the proponent requesting a declaration that the proposal is a derived proposal ? If so, provide the following information on the	Yes, requesting a declaration that the proposal is a derived proposal

<p>strategic assessment within which the referred proposal was identified:</p> <ul style="list-style-type: none"> • title of the strategic assessment; and • Ministerial Statement number. 	<p>Kimberley Aquaculture Development Zone</p> <p>Ministerial Statement No. 966</p>
<p>Please indicate whether, and in what way, the proposal is related to other proposals in the region.</p>	<p>This proposal is designed to supersede an existing proposal relating to WA Fisheries Aquaculture Licence 1465, EPA Ministerial Statement 885.</p> <p>Existing Proposal: "Transitional Development of Cone Bay marine tropical finfish aquaculture venture, Aquaculture Licence 1465</p>
<p>Does the proponent own the land on which the proposal is to be established? If not, what other arrangements have been established to access the land?</p>	<p>MPA has a 21 year Aquaculture Lease from WA Fisheries over the present Aquaculture site 1465 (AL0020)</p> <p>Area relating to the proposal is water based</p>
<p>What is the current land use on the property, and the extent (area in hectares) of the property?</p>	<p>Western Australian Department of Fisheries Aquaculture site 1465</p> <p>Area of Aquaculture site: 699ha</p>

1.3 Location

<p>Name of the Shire in which the proposal is located.</p>	<p>Shire of Derby/West Kimberley</p>
<p>For urban areas:</p> <ul style="list-style-type: none"> • street address; • lot number; • suburb; and • nearest road intersection. 	<p>N/A</p>
<p>For remote localities:</p> <ul style="list-style-type: none"> • nearest town; and • distance and direction from that town to the proposal site. 	<p>Derby</p> <p>94km straight line due North</p>
<p>Electronic copy of spatial data - GIS or CAD, geo-referenced and conforming to the following parameters:</p> <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: Arcview shapefile, Arcinfo coverages, Microstation or AutoCAD. 	<p>Enclosed?: Yes</p> <p>The proposal will be located at, and confined to, the WA Fisheries Aquaculture Licence site 1465. Boundary coordinates for the site (GDA94 datum) are as follows:</p> <p>A 16° 28.0238'S 123° 29.2597'E B 16° 29.7783'S 123° 32.7484'E C 16° 30.2572'S 123° 32.4888'E D 16° 28.5037'S 123° 29.0001'E</p> <p>See Attachment 1 at bottom of this form</p>

1.4 Confidential Information

Does the proponent wish to request the EPA to allow any part of the referral information to be treated as confidential?	No
If yes, is confidential information attached as a separate document in hard copy?	No

1.5 Government Approvals

Is rezoning of any land required before the proposal can be implemented? If yes, please provide details.	No		
Is approval required from any Commonwealth or State Government agency or Local Authority for any part of the proposal? If yes, please complete the table below.	Yes. 21 Year Lease has been granted		
Agency/Authority	Approval required	Application lodged Yes / No	Agency/Local Authority contact(s) for proposal
WA Dept. of Fisheries	Lease granted in 2010	N/A	N/A

PART B - ENVIRONMENTAL IMPACTS AND PROPOSED MANAGEMENT

2. ENVIRONMENTAL IMPACTS

Describe the impacts of the proposal on the following elements of the environment, by answering the questions contained in Sections 2.1-2.11:

- 2.1 flora and vegetation;
- 2.2 fauna;
- 2.3 rivers, creeks, wetlands and estuaries;
- 2.4 significant areas and/ or land features;
- 2.5 coastal zone areas;
- 2.6 marine areas and biota;
- 2.7 water supply and drainage catchments;
- 2.8 pollution;
- 2.9 greenhouse gas emissions;
- 2.10 contamination; and

2.11 social surroundings.

These features should be shown on the site plan, where appropriate.

For all information, please indicate:

- (a) the source of the information; and
- (b) the currency of the information.

2.1 Flora and Vegetation

2.1.1 Do you propose to clear any native flora and vegetation as a part of this proposal?

[A proposal to clear native vegetation may require a clearing permit under Part V of the EP Act (Environmental Protection (Clearing of Native Vegetation) Regulations 2004)]. Please contact the Department of Environment and Conservation (DEC) for more information.

- (please tick) Yes **If yes, complete the rest of this section.**
 No **If no, go to the next section**

2.1.2 How much vegetation are you proposing to clear (in hectares)?

2.1.3 Have you submitted an application to clear native vegetation to the DEC (unless you are exempt from such a requirement)?

- Yes No **If yes, on what date and to which office was the application submitted of the DEC?**

2.1.4 Are you aware of any recent flora surveys carried out over the area to be disturbed by this proposal?

- Yes No **If yes, please attach a copy of any related survey reports and provide the date and name of persons / companies involved in the survey(s).**

If no, please do not arrange to have any biological surveys conducted prior to consulting with the DEC.

2.1.5 Has a search of DEC records for known occurrences of rare or priority flora or threatened ecological communities been conducted for the site?

Yes

No

If you are proposing to clear native vegetation for any part of your proposal, a search of DEC records of known occurrences of rare or priority flora and threatened ecological communities will be required. Please contact DEC for more information.

2.1.6 Are there any known occurrences of rare or priority flora or threatened ecological communities on the site?

Yes

No

If yes, please indicate which species or communities are involved and provide copies of any correspondence with DEC regarding these matters.

2.1.7 If located within the Perth Metropolitan Region, is the proposed development within or adjacent to a listed Bush Forever Site? (You will need to contact the Bush Forever Office, at the Department for Planning and Infrastructure)

Yes

No

If yes, please indicate which Bush Forever Site is affected (site number and name of site where appropriate).

2.1.8 What is the condition of the vegetation at the site?

2.2 Fauna

2.2.1 Do you expect that any fauna or fauna habitat will be impacted by the proposal?

(please tick)

Yes

If yes, complete the rest of this section.

No

If no, go to the next section.

It is expected that the proposal will have low to moderate impact on benthic invertebrate (infauna) assemblages directly below the cages and in the near vicinity (inside 50m). These impacts would be due to nutrient wastes generated by fish feeding and respiration. It is expected that these effects are totally reversible.

2.2.2 Describe the nature and extent of the expected impact.

2.2.3 Are you aware of any recent fauna surveys carried out over the area to be disturbed by this proposal?

Yes

No

(WA Dept. of Fisheries surveys submitted for the KADZ)

2.2.4 Has a search of DEC records for known occurrences of Specially Protected (threatened) fauna been conducted for the site?

Yes No (please tick)

A search of the DEC website (www.dpaw.wa.gov.au) resulted in a list describing the potential presence of 14 threatened species within a 3 nautical mile radius of the coordinates 16° 28'S and 123° 29'E. A large proportion of these species have never been sighted in Cone Bay. These species are listed as threatened under the Environmental Protection and Biodiversity Act 1999 (EPBC) and are detailed in Attachment 2.

2.2.5 Are there any known occurrences of Specially Protected (threatened) fauna on the site?

Yes No

The WA DEC website stated that the Loggerhead, Green and Hawksbill turtles have been sighted within the King Sound area. The Green Turtle is the only one of these that has been positively identified by farm staff as occasionally present on the aquaculture site.

2.3 Rivers, Creeks, Wetlands and Estuaries

2.3.1 Will the development occur within 200 metres of a river, creek, wetland or estuary?

(please tick) Yes **If yes, complete the rest of this section.**
 No **If no, go to the next section.**

2.3.2 Will the development result in the clearing of vegetation within the 200 metre zone?

Yes No **If yes, please describe the extent of the expected impact.**

2.3.3 Will the development result in the filling or excavation of a river, creek, wetland or estuary?

Yes No **If yes, please describe the extent of the expected impact.**

2.3.4 Will the development result in the impoundment of a river, creek, wetland or estuary?

Yes No **If yes, please describe the extent of the expected impact.**

2.3.5 Will the development result in draining to a river, creek, wetland or estuary?

Yes

No

If yes, please describe the extent of the expected impact.

- 2.3.6 Are you aware if the proposal will impact on a river, creek, wetland or estuary (or its buffer) within one of the following categories? (please tick)

Conservation Category Wetland	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unsure
Environmental Protection (South West Agricultural Zone Wetlands) Policy 1998	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unsure
Perth's Bush Forever site	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unsure
Environmental Protection (Swan & Canning Rivers) Policy 1998	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unsure
The management area as defined in s4(1) of the <i>Swan River Trust Act 1988</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unsure
Which is subject to an international agreement, because of the importance of the wetland for waterbirds and waterbird habitats (e.g. Ramsar, JAMBA, CAMBA)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unsure

2.4 Significant Areas and/ or Land Features

- 2.4.1 Is the proposed development located within or adjacent to an existing or proposed National Park or Nature Reserve?

Yes

No

If yes, please provide details.

- 2.4.2 Are you aware of any Environmentally Sensitive Areas (as declared by the Minister under section 51B of the EP Act) that will be impacted by the proposed development?

Yes

No

If yes, please provide details.

- 2.4.3 Are you aware of any significant natural land features (e.g. caves, ranges etc) that will be impacted by the proposed development?

Yes

No

If yes, please provide details.

2.5 Coastal Zone Areas (Coastal Dunes and Beaches)

- 2.5.1 Will the development occur within 300metres of a coastal area?

(please tick)

Yes

If yes, complete the rest of this section.

2.5.2 What is the expected setback of the development from the high tide level and from the primary dune? ***Development is on the water, not on the land, so there will be no effect on dunes or other landforms.***

2.5.3 Will the development impact on coastal areas with significant landforms including beach ridge plain, cusped headland, coastal dunes or karst?

Yes ✓ No **If yes**, please describe the extent of the expected impact.

2.5.4 Is the development likely to impact on mangroves?

Yes ✓ No **If yes**, please describe the extent of the expected impact.

2.6 Marine Areas and Biota

2.6.1 Is the development likely to impact on an area of sensitive benthic communities, such as seagrasses, coral reefs or mangroves?

Yes ✓ No **If yes**, please describe the extent of the expected impact.

2.6.2 Is the development likely to impact on marine conservation reserves or areas recommended for reservation (as described in *A Representative Marine Reserve System for Western Australia*, CALM, 1994)?

Yes ✓ No **If yes**, please describe the extent of the expected impact.

2.6.3 Is the development likely to impact on marine areas used extensively for recreation or for commercial fishing activities?

Yes ✓ No **If yes**, please describe the extent of the expected impact, and provide any written advice from relevant agencies (e.g. Fisheries WA).

2.7 Water Supply and Drainage Catchments

2.7.1 Are you in a proclaimed or proposed groundwater or surface water protection area?

(You may need to contact the Department of Water (DoW) for more information on the requirements for your location, including the requirement for licences for water abstraction. Also, refer to the DoW website)

Yes ✓ No **If yes**, please describe what category of area.

2.7.2 Are you in an existing or proposed Underground Water Supply and Pollution Control area?

(You may need to contact the DoW for more information on the requirements for your location, including the requirement for licences for water abstraction. Also, refer to the DoW website)

Yes No **If yes**, please describe what category of area.

2.7.3 Are you in a Public Drinking Water Supply Area (PDWSA)?

(You may need to contact the DoW for more information or refer to the DoW website. A proposal to clear vegetation within a PDWSA requires approval from DoW.)

Yes No **If yes**, please describe what category of area.

2.7.4 Is there sufficient water available for the proposal?

Yes No (please tick)

2.7.5 Will the proposal require drainage of the land?

Yes No **If yes**, how is the site to be drained and will the drainage be connected to an existing Local Authority or Water Corporation drainage system? Please provide details.

2.7.6 Is there a water requirement for the construction and/ or operation of this proposal?

(please tick) Yes **If yes**, complete the rest of this section.

No **If no**, go to the next section.

2.7.7 What is the water requirement for the construction and operation of this proposal, in kilolitres per year?

2.7.8 What is the proposed source of water for the proposal? (e.g. dam, bore, surface water etc.)

2.8 Pollution

2.8.1 Is there likely to be any discharge of pollutants from this development, such as noise, vibration, gaseous emissions, dust, liquid effluent, solid waste or other pollutants?

(please tick)

Yes

If yes, complete the rest of this section.

No

If no, go to the next section.

2.8.2 Is the proposal a prescribed premise, under the Environmental Protection Regulations 1987?

(Refer to the EPA's *General Guide for Referral of Proposals to the EPA under section 38(1) of the EP Act 1986* for more information)

Yes

No

If yes, please describe what category of prescribed premise.

2.8.3 Will the proposal result in gaseous emissions to air?

Yes

No

If yes, please briefly describe.

2.8.4 Have you done any modelling or analysis to demonstrate that air quality standards will be met, including consideration of cumulative impacts from other emission sources?

Yes

No

If yes, please briefly describe.

2.8.5 Will the proposal result in liquid effluent discharge?

Yes

No

If yes, please briefly describe the nature, concentrations and receiving environment.

2.8.6 If there is likely to be discharges to a watercourse or marine environment, has any analysis been done to demonstrate that the State Water Quality Management Strategy or other appropriate standards will be able to be met?

Yes

No

If yes, please describe.

2.8.7 Will the proposal produce or result in solid wastes?

Yes

No

If yes, please briefly describe the nature, concentrations and disposal location/ method.

2.8.8 Will the proposal result in significant off-site noise emissions?

Yes

No

If yes, please briefly describe.

2.8.9 Will the development be subject to the Environmental Protection (Noise) Regulations 1997?

Yes

No

If yes, has any analysis been carried out to demonstrate that the proposal will comply with the Regulations?

Please attach the analysis.

2.8.10 Does the proposal have the potential to generate off-site, air quality impacts, dust, odour or another pollutant that may affect the amenity of residents and other "sensitive premises" such as schools and hospitals (proposals in this category may include intensive agriculture, aquaculture, marinas, mines and quarries etc.)?

Yes

No

If yes, please describe and provide the distance to residences and other "sensitive premises".

2.8.11 If the proposal has a residential component or involves "sensitive premises", is it located near a land use that may discharge a pollutant?

Yes

No

Not Applicable

If yes, please describe and provide the distance to the potential pollution source

2.9 Greenhouse Gas Emissions

2.9.1 Is this proposal likely to result in substantial greenhouse gas emissions (greater than 100 000 tonnes per annum of carbon dioxide equivalent emissions)?

Yes

No

If yes, please provide an estimate of the annual gross emissions in absolute and in carbon dioxide equivalent figures.

2.9.2 Further, if yes, please describe proposed measures to minimise emissions, and any sink enhancement actions proposed to offset emissions.

2.10 Contamination

2.10.1 Has the property on which the proposal is to be located been used in the past for activities which may have caused soil or groundwater contamination?

Yes

No

Unsure

If yes, please describe.

2.10.2 Has any assessment been done for soil or groundwater contamination on the site?

Yes ✓ No If yes, please describe.

2.10.3 Has the site been registered as a contaminated site under the *Contaminated Sites Act 2003*?
(on finalisation of the CS Regulations and proclamation of the CS Act)

Yes ✓ No If yes, please describe.

2.11 Social Surroundings

2.11.1 Is the proposal on a property which contains or is near a site of Aboriginal ethnographic or archaeological significance that may be disturbed?

Yes ✓ No Unsure If yes, please describe.

2.11.2 Is the proposal on a property which contains or is near a site of high public interest (e.g. a major recreation area or natural scenic feature)?

Yes ✓ No If yes, please describe.

2.11.3 Will the proposal result in or require substantial transport of goods, which may affect the amenity of the local area?

Yes ✓ No If yes, please describe.

3. PROPOSED MANAGEMENT

3.1 Principles of Environmental Protection

3.1.1 Have you considered how your project gives attention to the following Principles, as set out in section 4A of the EP Act? (For information on the Principles of Environmental Protection, please see EPA Position Statement No. 7, available on the EPA website)

- | | | |
|--|-------|-----------------------------|
| 1. The precautionary principle. | ✓ Yes | <input type="checkbox"/> No |
| 2. The principle of intergenerational equity. | ✓ Yes | <input type="checkbox"/> No |
| 3. The principle of the conservation of biological diversity and ecological integrity. | ✓ Yes | <input type="checkbox"/> No |
| 4. Principles relating to improved valuation, pricing and incentive mechanisms. | ✓ Yes | <input type="checkbox"/> No |
| 5. The principle of waste minimisation. | ✓ Yes | <input type="checkbox"/> No |

3.1.2 Is the proposal consistent with the EPA's Environmental Protection Bulletins/Position Statements and Environmental Assessment Guidelines/Guidance Statements (available on the EPA website)?

Yes

No

3.2 Consultation

3.2.1 Has public consultation taken place (such as with other government agencies, community groups or neighbours), or is it intended that consultation shall take place?

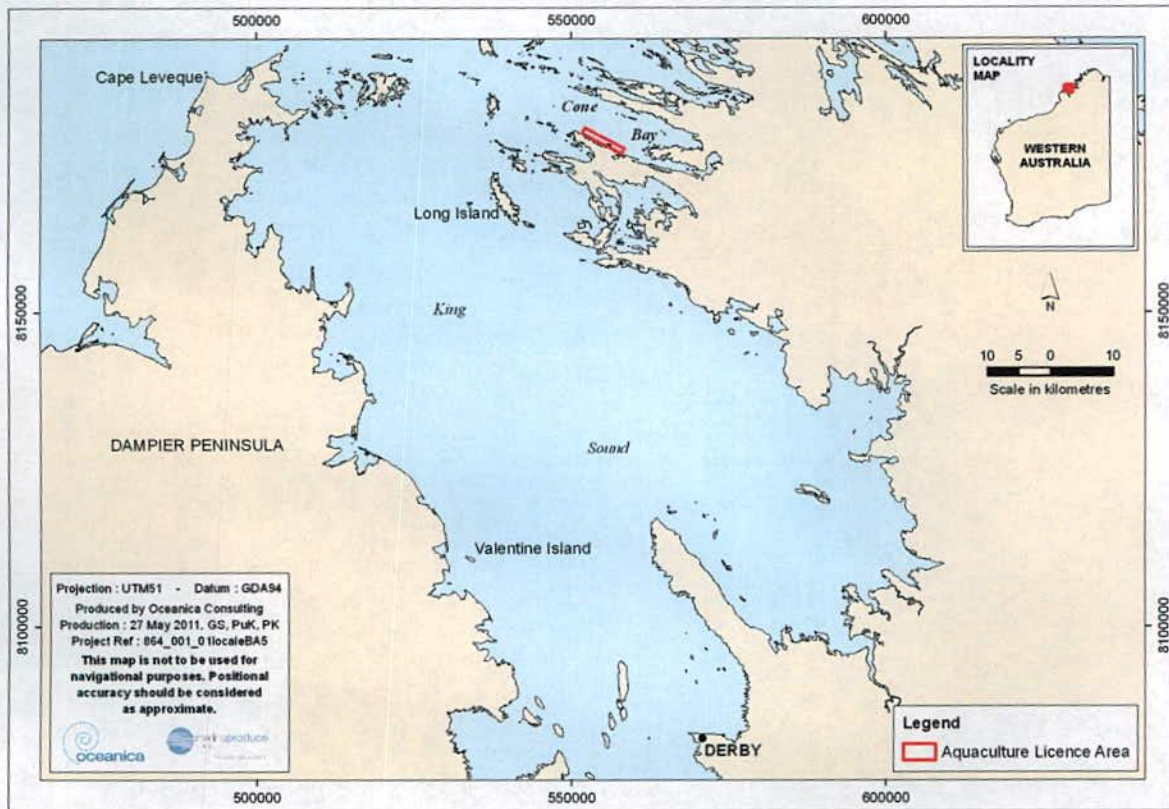
Yes

No

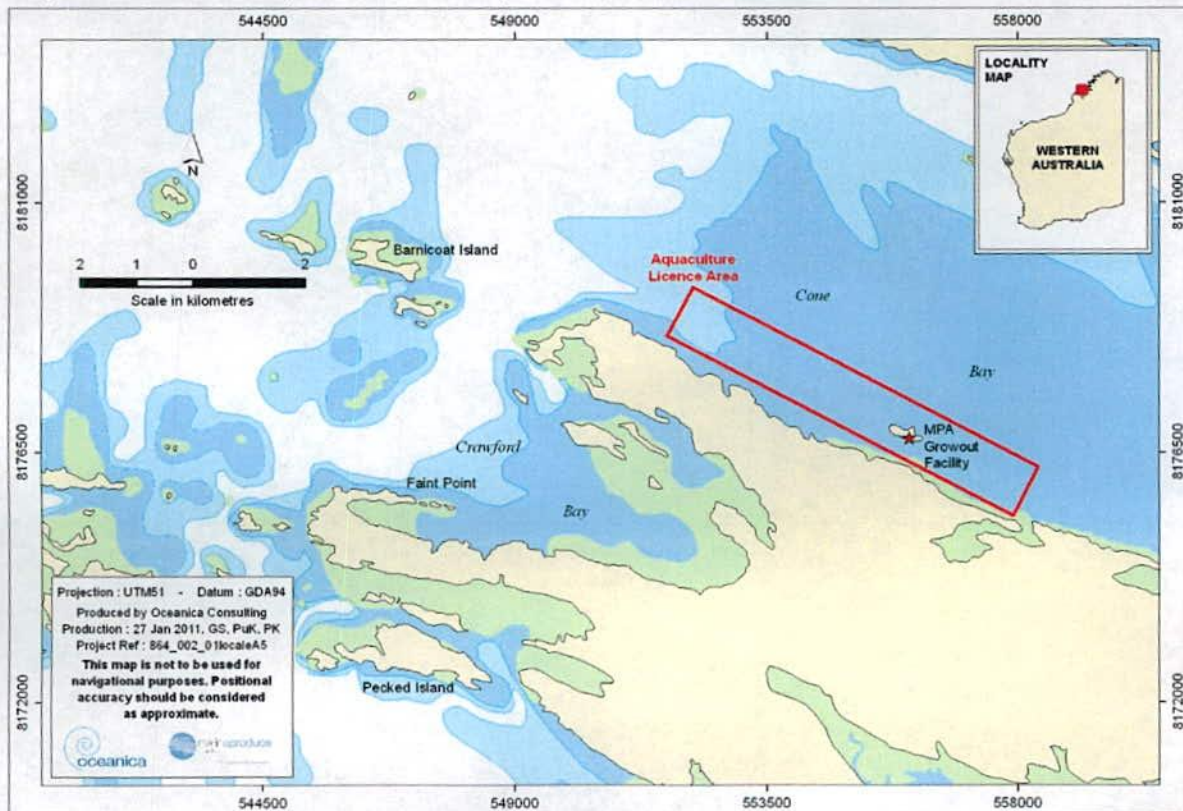
(Consultation was undertaken for the KAD zone by the Department of Fisheries)

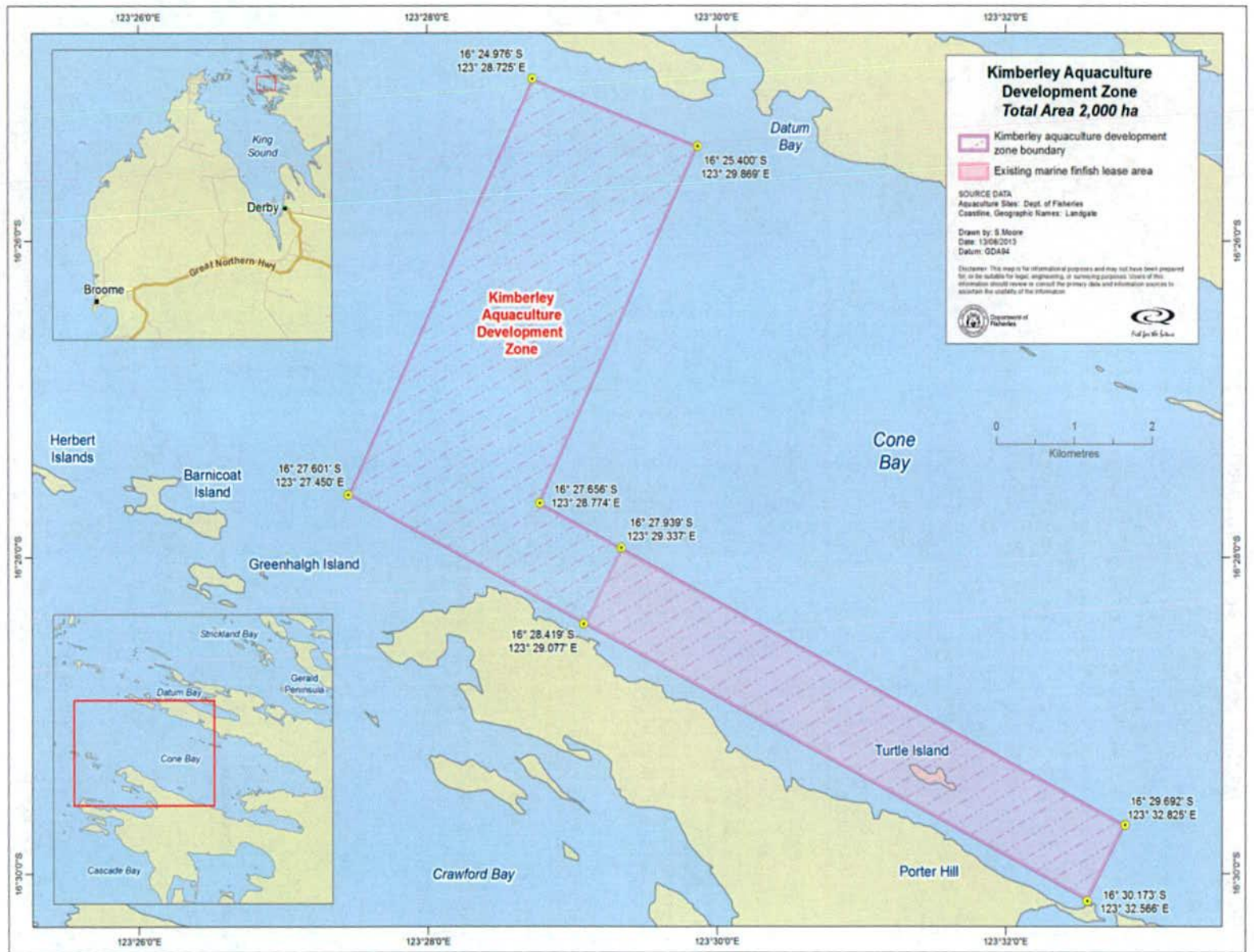
Attachement 1

Map of Cone Bay in relation to the nearest town, Derby, West Kimberley



Map of MPA Cone Bay licensed DoF aquaculture site 1465





Projects\2010\2013\0219 - Pearl Lenses and Aquaculture Lenses Mapping\Map\Cone_Bay_081413.mxd

Attachment 2

EPBC list describing 14 threatened species that may be sighted within 3 nautical mile radius of the coordinates 16° 28' S and 123° 29' (Source: Department of Environment website: Species of National Significance database). Only the Green turtle has been sighted on aquaculture site 1465

Threatened Species	Status	Type of Presence
Birds		
<i>Erythrotriorchis radiatus</i> Red Goshawk	Vulnerable	Species or species habitat likely to occur within area
<i>Erythrura gouldiae</i> Gouldian Finch	Endangered	Species or species habitat may occur within area
<i>Geophaps smithii blaaui</i> Partridge Pigeon (western)	Vulnerable	Species or species habitat likely to occur within area
<i>Rostratula australis</i> Australian Painted Snipe	Vulnerable	Species or species habitat may occur within area
Mammals		
<i>Dasyurus hallucatus</i> Northern Quoll	Endangered	Species or species habitat may occur within area
<i>Balaenoptera musculus</i> Blue Whale	Endangered	Species or species habitat likely to occur within area
<i>Megaptera novaeangliae</i> Humpback Whale	Vulnerable	Breeding known to occur within area
Reptiles		
<i>Caretta caretta</i> Loggerhead Turtle	Endangered	Species or species habitat may occur within area
<i>Chelonia mydas</i> Green Turtle	Vulnerable	Species or species habitat may occur within area
<i>Dermochelys coriacea</i> Leathery Turtle, Leatherback Turtle, Luth	Endangered	Species or species habitat may occur within area
<i>Eretmochelys imbricata</i> Hawksbill Turtle	Vulnerable	Species or species habitat may occur within area
<i>Natator depressus</i> Flatback Turtle	Vulnerable	Species or species habitat may occur within area
Sharks		
<i>Pristis microdon</i> Freshwater Sawfish	Vulnerable	Species or species habitat likely to occur within area
<i>Rhincodon typus</i> Whale Shark	Vulnerable	Species or species habitat may occur within area



Marine Produce Australia Pty Limited

Phase II Cone Bay Marine Finfish Farming

Referral Document

May 2014

the sustainable australian

Introduction

Marine Produce Australia Pty Limited (MPA) refers the proposal, Phase II 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 II 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. Given the short time frame between the release of the EPA Report and this derived proposal application (3 days), 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 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 II Cone Bay Marine Finfish Farming

Marine Produce Australia Pty Ltd (MPA) has operated a sea cage Barramundi farm in Cone Bay, Buccaneer Archipelago, since 2006. It is currently licenced to produce 2000 tonnes of Barramundi per annum, and is seeking to increase that production licence to 6,990 tonnes finfish per annum. MPA is applying for this expansion under the conditions of the recently approved Kimberly Aquaculture Development Zone (KADZ). MPA is proposing to expand its current operation on its existing aquaculture lease. The expansion will necessitate an increase in the number of sea cages used, increased stock numbers, and consequent increase in feed used. MPA's 699 hectare lease is fully contained within the 2000 hectare KADZ (Figure 1), 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.	MPA holds a 699 hectare DoF aquaculture lease (AL0020). It is fully contained within the KADZ zone. (Figure 1). It was determined that as MPA's aquaculture lease area predates the assessment and the declaration of the KADZ, and sections of the KADZ boundary were placed on the MPA lease boundary, the 50 m separation distance will not be applied to MPA's existing lease.
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 has a current aquaculture licence (DoF 1465) and, under EPA Ministerial Statement 885 , is licenced to produce 2,000 tonne finfish per annum. MPA is requesting an increase in that tonnage capacity to a total of 6,990 tonnes of finfish per annum. There are currently 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	Operation will be: Floating sea cages. Finfish species that naturally occur within the Pilbara and Kimberley

	species that naturally occurs within the Pilbara and Kimberley Region; Finfish feeding, husbandry and harvesting	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' 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	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

	<p>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.</p>	<p>is undertaken and that the Moderate, High, and Maximum Environmental Protection Areas are not compromised.</p>
<p>Benthic communities and habitat</p>	<p>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 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>No significant new or additional information since the issue of EPA Report 1504 that justifies reassessment.</p> <p>MPA has considered the potential effects to the benthic 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>

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.

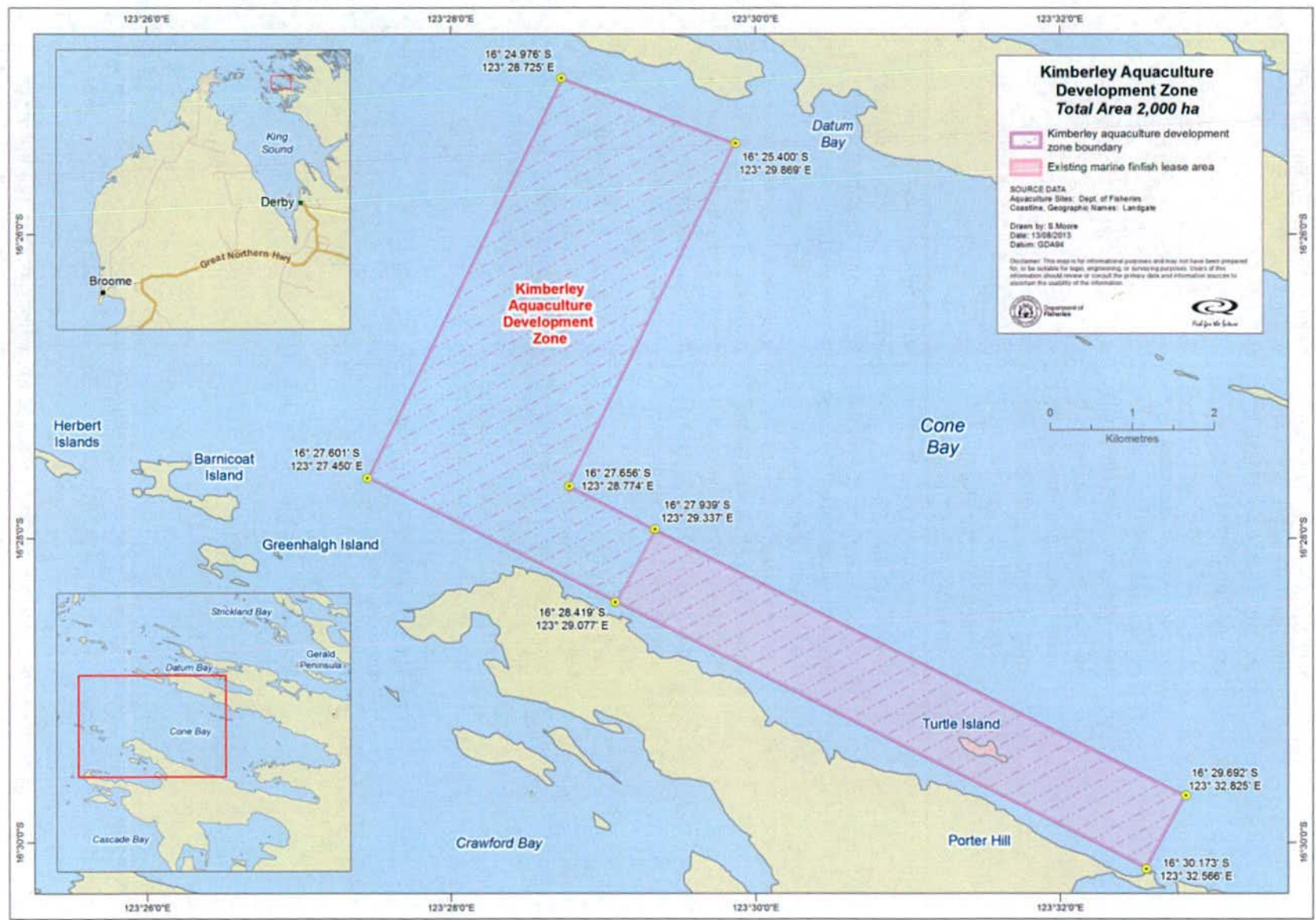


Figure 1 Kimberley Aquaculture Development Zone and MPA existing aquaculture lease site

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