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Published on 6 August 2009

Statement No 798

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(PURSUANT TO THE PROVISIONS OF THE
ENVIRONMENTAL PROTECTION ACT 1986)**

**VARIATION TO EXISTING AQUACULTURE LICENCE 1465 TO
INCREASE PRODUCTION TO 1000 TONNES PER YEAR PRODUCTION OF
BARRAMUNDI IN CONE BAY,
SHIRE OF DERBY-WEST KIMBERLEY**

Proposal: To produce 1,000 tonnes per annum of Barramundi in Cone Bay, 215 kilometres north-northeast of Broome, Shire of Derby-West Kimberley, with the use of eight nursery and 20 grow out sea cages.

The proposal is further documented in schedule 1 of this statement.

Proponent: Maxima Pearling Company Pty Ltd

Proponent Address: PO Box 843, BROOME WA 6725

Assessment Number: 1642

Report of the Environmental Protection Authority: Report 1305

The proposal referred to in the above report of the Environmental Protection Authority may be implemented. The implementation of that proposal is subject to the following conditions and procedures:

1 Proposal Implementation

1-1 The proponent shall implement the proposal as assessed by the Environmental Protection Authority and documented and described in schedule 1 of this statement subject to the conditions and procedures of this statement.

2 Proponent Nomination and Contact Details

- 2-1 The proponent for the time being nominated by the Minister for Environment under sections 38(6) or 38(7) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal.
- 2-2 The proponent shall notify the Chief Executive Officer (CEO) of the Department of Environment and Conservation of any change of the name and address of the proponent for the serving of notices or other correspondence within 30 days of such change.

3 Time Limit of Authorisation

- 3-1 The authorisation to implement the proposal provided for in this statement shall lapse and be void within five years after the date of this statement if the proposal to which this statement relates is not substantially commenced.
- 3-2 The proponent shall provide the CEO of the Department of Environment and Conservation with written evidence which demonstrates that the proposal has substantially commenced on or before the expiration of five years from the date of this statement.

4 Compliance Reporting

- 4-1 The proponent shall submit to the CEO of the Department of Environment and Conservation environmental compliance reports annually reporting on the previous twelve-month period.
- 4-2 The environmental compliance reports shall address each element of an audit program approved by the CEO of the Department of Environment and Conservation.
- 4-3 The environmental compliance reports shall:
 - 1. be endorsed by signature of the proponent's chief executive officer or a person, approved in writing by the CEO of the Department of Environment and Conservation, delegated to sign on behalf of the proponent's chief executive officer;
 - 2. state whether the proponent has complied with each condition and procedure contained in this statement;
 - 3. provide verifiable evidence of compliance with each condition and procedure contained in this statement;
 - 4. state whether the proponent has complied with each action contained in any environmental management plan or program required by this statement;

5. provide verifiable evidence of conformance with each action contained in any environmental management plan or program required by this statement;
6. identify all non-compliances and non-conformances and describe the corrective and preventative actions taken in relation to each non-compliance or non-conformance;
7. review the effectiveness of all corrective and preventative actions taken; and
8. describe the state of implementation of the proposal.

4-4 The proponent shall make the environmental compliance reports required by condition 4-1 publicly available in a manner approved by the CEO of the Department of Environment and Conservation.

5 Environmental Monitoring and Management Plan

5-1 Prior to the stocking of pens, the proponent shall prepare and commence implementation of an Environmental Monitoring and Management Plan to the requirements of the Department of Environment and Conservation and the Department of Fisheries.

5-2 The Environmental Monitoring and Management Plan required by condition 5-1 shall include the monitoring of specific parameters within the water column and sediment as Environmental Quality Guidelines (EQG) indicators; set out the process for the development and application of Environmental Quality Standards (EQS) within three years, and specify the format for annual reporting of monitoring results.

The monitoring will occur at the reference sites (Table 2 of schedule 1) and appropriate sites within the “moderate”, “high” and “maximum” zones of ecological protection (Figure 1 of schedule 1).

5-3 During the development of the Environmental Monitoring and Management Plan, the proponent shall regularly monitor sediment and/or water column for the following parameters: chlorophyll-a concentration; light attenuation co-efficient; dissolved nutrients; dissolved oxygen and redox discontinuity, to determine whether the following interim EQGs are being achieved:

1. Within the zone of Moderate Ecological Protection (shown in Figure 1 of schedule 1), the proponent shall achieve median results no greater than the 95th percentile and no less than the 5th percentile (no less than 60% saturation of dissolved oxygen) guideline ‘trigger’ levels of normal distribution for the parameters from the reference sites (Table 2 of schedule 1).

2. Within the zone of High Ecological protection (shown in Figure 1 of schedule 1), the proponent shall achieve median results no greater than the 80th percentile and no less than the 20th percentile (no less than 60% saturation of dissolved oxygen) guideline ‘trigger’ levels of normal distribution for the parameters from the reference sites (Table 2 of schedule 1).
 3. Within the Zone of Maximum Ecological Protection (shown in Figure 1 of schedule 1), the proponent shall detect no changes from the normal distribution of the reference sites (Table 2 of schedule 1) for the parameters.
- 5-4 In the event that a guideline “trigger” level referred to in condition 5-3 is exceeded, the proponent shall report the matter to the Department of Environment and Conservation within one working day of determining that this has occurred, and the proponent shall:
- i. initiate an investigation against the EQS into the cause of the exceedance in accordance with the framework developed in the *State Water Quality Management Strategy No. 6: Implementation Framework for Western Australia for the Australian and New Zealand Guidelines for Fresh and Marine Water Quality and Water Quality Monitoring and Reporting* (Government of Western Australia, Report no. SWQ6), to the requirements of the Department of Environment and Conservation and the Department of Fisheries; and
 - ii. Specify required timeframes for determining and subsequently remedying the source of exceedance.
- 5-5 In the event that an environmental quality standard referred to in condition 5-2 is exceeded, the proponent shall report the matter to the Department of Environment and Conservation within one working day of determining that this has occurred, the proponent shall:
- i. initiate a management response to determine the source and remedy the exceedance in accordance with the implementation framework for the National Water Quality Management Strategy, to the requirements of the Department of Environment and Conservation and the Department of Fisheries; and
 - ii. Specify required timeframes for determining and subsequently remedying the source of exceedance.

Notes

1. Where a condition states “on advice of the Environmental Protection Authority”, the Environmental Protection Authority will provide that advice to the Department of Environment and Conservation for the preparation of written notice to the proponent.

2. The Environmental Protection Authority may seek advice from other agencies or organisations, as required, in order to provide its advice to the Department of Environment and Conservation.
3. The Minister for Environment will determine any dispute between the proponent and the Environmental Protection Authority or the Department of Environment and Conservation over the fulfilment of the requirements of the conditions, with input from the Department of Fisheries.
4. The proponent is required to apply for a Works Approval and Licence for this project under the provisions of Part V of the *Environmental Protection Act 1986*. Subsequently, should aquaculture be deregulated from Part V of the *Environmental Protection Act 1986*, this requirement would be superseded.
5. Compliance reporting will be undertaken in accordance with the *Environmental Code of Practice for the Management of Western Australia's Marine Finfish Aquaculture Industry* (2009) (a collaborative project between the Department of Fisheries, the Department of Environment and Conservation and industry).

Hon Donna Faragher JP MLC
MINISTER FOR ENVIRONMENT; YOUTH

Schedule 1

The Proposal (Assessment No. 1642)

The proposal involves the production of 1,000 tonnes of Barramundi per annum through the construction of 20 'grow-out' and eight 'nursery' sea cages in an aquaculture operation in Cone Bay, Shire of Derby-West Kimberley.

An area not more than 700 hectares of Cone Bay, currently licensed by the Department of Fisheries will be utilised for an aquaculture operation under licence no. 1465.

The proposal will include a:

- maximum production of 1,000 tonnes per annum of Barramundi (*Lates calcarifer*);
- maximum of 20 grow-out sea cages with circumference ranging between 40 and 80 metres with 5 metres deep side walls and a maximum central depth of 8 metres; and
- maximum of 8 nursery cages at 6m x 6m x 5m with polyester knotless nets with mesh size of between 6 and 10mm.

The proposal is described in the following document – *Cone Bay 1,000 tonne barramundi production proposal – Public Environmental Review document* Maxima Pearling Company Pty Ltd (April 2008).

The main characteristics of the proposal are summarised in Table 1 below. A detailed description of the proposal is provided in sections 1.0 to 2.0 of the project public environmental review document.

Summary Description

A summary of the key proposal characteristics is presented in Table 1.

Table 1: Summary of key proposal characteristics

Element	Description
General	
Life of Project	<ul style="list-style-type: none"> • Increase production over 3 years to a maximum of 1000 tonnes per annum • Ongoing
Location	<ul style="list-style-type: none"> • Aquaculture Licence Site 1465, Cone Bay, Buccaneer Archipelago, Western Australia, ~215km NNE of Broome
Species Cultured	<ul style="list-style-type: none"> • Barramundi (<i>Lates calcarifer</i>)
Expected Barramundi production	<ul style="list-style-type: none"> • 1,000 tonnes per year maximum
Sea Cage characteristics (mesh size, net type) <ul style="list-style-type: none"> • Nursery • Grow out 	<ul style="list-style-type: none"> • Polyester knotless with mesh ranging between 6 & 10mm • Outer net- 3.2mm galvanized steel wire or high density polyethylene (HDPE) • 50mm HDPE or nylon bird exclusion nets • HDPE floatation device, handrail and strachion • Nets of 2 different types will be utilized: 1 x 25mm (2.8mm gauge); 1 x 32mm (3.2mm gauge) constructed of marine wire
Feed input <ul style="list-style-type: none"> • Source 	<ul style="list-style-type: none"> • 1,500 tonnes per year maximum • Sinking pellets from an Australian feed manufacturer.
Waste produced (Nitrogen and Phosphorous in solid and dissolved form) <ul style="list-style-type: none"> • Maximum (based on Feed Conversion Ratio of 1.5 : 1) 	<ul style="list-style-type: none"> • 238 kilograms per day maximum

Key

kg/m³ = kilograms per cubic metre

Figure and Table (attached)

Figure 1: Zones of ecological protection

Table 2: Reference sites for determination of Environmental Quality Guidelines (EQG)

Environmental Protection Authority

Cone Bay: Zones of Ecological Protection

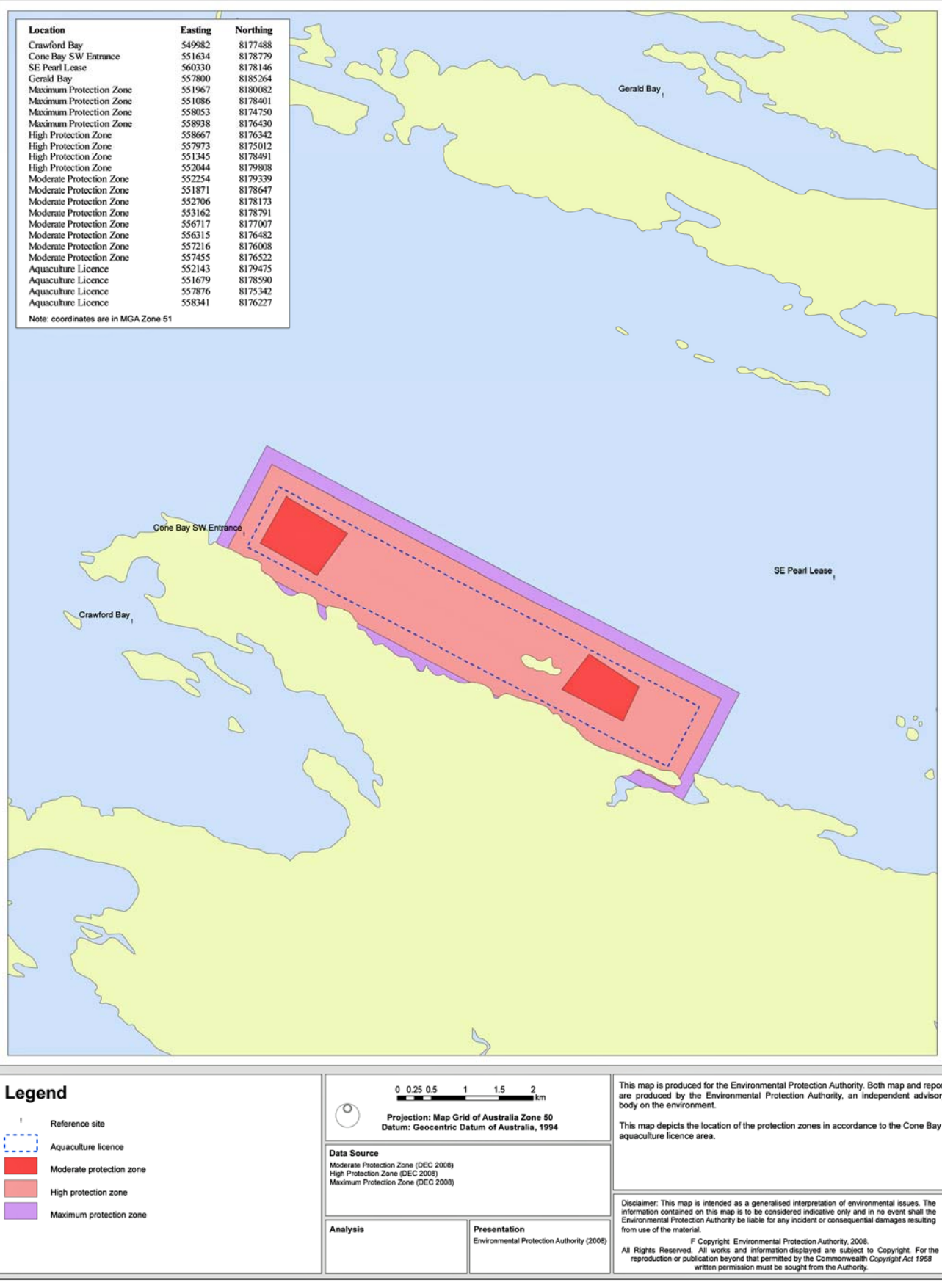


Figure 1: Zones of ecological protection.

Table 2: Reference sites for determination of Environmental Quality Guidelines (EQG)

Number	Location	Longitude	Latitude	Depth (m)
1	SE Pearl Lease	123°33.9136'E	16° 28.6580'S	8.6
2	Cone Bay SW Entrance	123°29.025'E	16° 28.327'S	9.8
3	Crawford bay	123°28.098'E	16° 29.029'S	10.5
4	Gerald Bay	123° 32.481'E	16° 24.801'S	11.5