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Published on: 17 July 2017

Statement No. 1058

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

MID WEST AQUACULTURE DEVELOPMENT ZONE

Strategic Proposal: Designation of areas of Western Australian coastal waters as an aquaculture development zone under the *Fish Resources Management Act 1994*, described in Table 1 of Schedule 1, and identification of the future finfish aquaculture proposals described in Table 2 of Schedule 1 which may be developed in the aquaculture development zone.

Proponent: Minister for Fisheries

Proponent Address: Locked Bag 39
Cloisters Square WA 6850

Assessment Number: 1972

Report of the Environmental Protection Authority: 1593

It has been agreed that:

1. The Minister for Fisheries may declare that areas of the coastal waters of Western Australia, described in Table 1 of Schedule 1, are an aquaculture development zone (Mid West Aquaculture Development Zone) for carrying out of marine finfish aquaculture (aquaculture proposal(s));

2. The Department administering the *Fish Resources Management Act 1994*, on behalf of the Minister for Fisheries, will manage and regulate the development of the Mid West Aquaculture Development Zone in accordance with the Mid West Aquaculture Development Zone Management Policy (2017) having regard to the Mid West Aquaculture Development Zone Marine Fauna Interaction Management Plan (MFIMP) and Environmental Monitoring and Management Plan (EMMP) dated February 2017 or any revisions made to these plans as approved by the CEO;
3. Pursuant to sections 40B and 45 of the *Environmental Protection Act 1986* (the Act), and subject to the Environmental Protection Authority declaring it a derived proposal pursuant to section 39B of the Act, a proposal to undertake an aquaculture proposal listed in Column 1, within the location described in Column 2 and meeting the specifications defined in Column 3 of Table 2 of Schedule 1 of this Statement, may be implemented. Upon declaration that an aquaculture proposal is a derived proposal, subject to the Minister for Environment's identification of relevant conditions under section 45A(3) of the Act, the implementation of the aquaculture 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 Act or as provided for in Table 3 of Schedule 1.

1 Derived Proposals

- 1-1 The implementation of the derived proposal shall not exceed **environmental objectives and specifications** provided for in Column 3 Table 2 of Schedule 1.

2 Contact Details

- 2-1 The proponent shall notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty eight (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 shall not commence implementation of the aquaculture proposal after the expiration of five (5) years from the date of the Section 45A Notice, and any commencement, within this five (5) year period, must be substantial.
- 3-2 Any commencement of implementation of the aquaculture proposal, within five (5) years from the date of issue of the Section 45A Notice, must be demonstrated as substantial by providing the CEO with written evidence, on or before the expiration of five (5) years from the date of the Section 45A Notice.

4 Compliance Reporting

- 4-1 The proponent shall prepare, and maintain a Compliance Assessment Plan which is submitted to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 4-6, or prior to implementation of the aquaculture proposal, whichever is sooner.
- 4-2 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 After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 4-2 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 (7) days of that non-compliance being known.
- 4-6 The proponent shall submit to the CEO and the Department of Fisheries a Compliance Assessment Report annually from the date of issue of the Section 45A Notice addressing the previous twelve (12) month period, or as otherwise agreed in writing by the CEO. The Compliance Assessment Report shall:
- (1) be endorsed by the proponent's CEO or a person delegated to sign on the CEO'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 after the issue of the Section 45A Notice 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 and implementation of the aquaculture proposal(s).

5-2 If any data referred to in condition 5-1 contains particulars of:

- a secret formula or process; or
- confidential commercially sensitive information;

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

6 Marine Environmental Quality

6-1 The proponent shall ensure that implementation of the aquaculture proposal protects the environmental values and achieves the levels of ecological protection for each of the ecological protection areas as specified in Table 2 of Schedule 2 and referred to in the Mid West Aquaculture Development Zone Environmental Monitoring and Management Plan (Version 1, February 2017), or its revisions as approved by the CEO.

6-2 The proponent shall implement the Mid West Aquaculture Development Zone Environmental Monitoring and Management Plan (Version 1, February 2017), or its revisions as approved by the CEO.

6-3 The proponent shall not implement any aquaculture proposal prior to:

- (1) submitting proposed sea-cage layout and location and details of the number and co-ordinates of the sediment quality and infauna monitoring sites that will be used to implement the Mid West Aquaculture Development Zone Environmental Monitoring and Management Plan (Version 1, February 2017); and
- (2) receiving written notice from the CEO that the number and co-ordinates of the sediment quality and infauna monitoring sites are satisfactory for the purposes of the monitoring required by the Mid West Aquaculture Development Zone Environmental Monitoring and Management Plan (Version 1, February 2017).

6-4 In the event that monitoring required by the Mid West Aquaculture Development Zone Environmental Monitoring and Management Plan (Version 1, February 2017), or its revisions as approved by the CEO, indicates the levels of ecological protection as specified in Table 2 of Schedule 2 or environmental quality standards as specified in the Mid West Aquaculture Development Zone Environmental Monitoring and Management Plan (Version 1, February 2017), or its revisions as approved by the CEO, are not being met, the proponent shall:

- (1) report such findings to the CEO within seven 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 Mid West Aquaculture Development Zone Environmental Monitoring and Management Plan (Version 1, February 2017), or its revisions as approved by the CEO;
- (3) provide a report to the CEO within 30 days of first detecting the exceedance(s) detailing the findings of the investigation required by condition 6-4(2);
- (4) if the exceedance(s) is determined by the CEO to be a result of implementation of the aquaculture proposal, the proponent shall immediately implement the mitigation measures identified in the Mid West Aquaculture Development Zone Environmental Monitoring and Management Plan (Version 1, February 2017), or its revisions as approved by the CEO; and
- (5) continue implementing the mitigation measures until the criteria defined in the Mid West Aquaculture Development Zone Environmental Monitoring and Management Plan (Version 1, February 2017), or its revisions as approved by the CEO, are no longer being exceeded.

6-5 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 Mid West Aquaculture Development Zone Environmental Monitoring and Management Plan (Version 1, February 2017), or subsequent approved revisions, under Condition 6-1;
- (2) evidence that the sediment quality and infauna monitoring sites are located along a transect from the cage(s) with the highest standing biomass over the annual monitoring period;
- (3) 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

- (4) evidence that the Moderate Ecological Protection Area defined in Table 2 of Schedule 2 comprises no more than 50 per cent of the proponent's Aquaculture Lease Area.

7 Marine fauna

- 7-1 The proponent shall manage operations associated with the implementation of the aquaculture proposal in a manner that:
- protects marine fauna so that biological diversity and ecological integrity are maintained; and
 - ensures no adverse impacts on the viability and persistence of the Abrolhos Islands populations of Australian sea lions and seabirds.
- 7-2 The proponent shall not implement any aquaculture proposal prior to:
- (1) submitting a Marine Fauna Interaction Management Plan (Plan) which shall include provisions to ensure the environmental objectives required by condition 7-1 are met; and
 - (2) receiving written notice from the CEO in consultation with the Department of Parks and Wildlife that the Plan meets the objectives of condition 7-1 and the requirements of conditions 7-3.
- 7-3 The Plan shall include detailed specification of the sea cages and predator exclusion devices (including specifications described in Table 1 of Schedule 2), incorporate all aspects of the Mid West Aquaculture Development Zone Marine Fauna Interaction and Management Plan (Version 1, February 2017), and include the following requirements:
- (1) avoidance, mitigation and management measures;
 - (2) an adaptive management framework, including trigger criteria, monitoring design and methodologies, data analysis and interpretation and trigger management actions;
 - (3) incident reporting;
 - (4) review periods; and
 - (5) implementation reporting and auditing.
- 7-4 After receiving notice in writing from the CEO that the Plan satisfies the requirements of condition 7-3 and addresses the objectives outlined in condition 7-1, the proponent shall implement the requirements of the Plan.
- 7-5 In the event that the monitoring specified in the Plan, indicates that the trigger criteria specified in the Plan have been exceeded, the proponent shall:
- (1) immediately implement the trigger management actions specified in the Plan and continue implementation of those actions until the trigger criteria are not exceeded, or until the CEO has confirmed by notice in writing that

it has been demonstrated that the outcome in condition 7-1 is being and will continue to be met and implementation of the trigger management actions is no longer required;

- (2) investigate to determine the likely cause of the trigger criteria being exceeded and to identify any additional management measures required to prevent the trigger criteria being exceeded in the future; and
- (3) provide a report to the CEO within 30 days of an event occurring. The report shall include:
 - a) details of trigger management actions implemented; and
 - b) the findings of the investigation required by condition 7-5(2).

7-6 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) all monitoring data, recorded observations and reportable incidents required by the Plan or subsequent approved revisions, under Condition 7- 3; and
- (2) an assessment of the effectiveness of monitoring, management and contingency measures implemented to ensure compliance with the requirements of Conditions 7-1.

7-7 The proponent may review and revise the Plan.

7-8 The proponent shall review and revise the Plan, as and when directed by the CEO.

7-9 The proponent shall implement the latest revision of the Plan, which the CEO has confirmed by notice in writing, satisfies the requirements of conditions 7-1 and 7-3.

Notes

1. The Minister for Fisheries has agreed that the Department administering the Fish Resources Management Act 1994, on behalf of the Minister for Fisheries, will manage and regulate the development of, and the activities within, the Mid West Aquaculture Development Zone and will be responsible for coordinating and interpreting monitoring reports from proponents required by conditions 6-4 and 7-6 and providing advice to the CEO on the satisfactory implementation of the Mid West Aquaculture Development Zone Environmental Monitoring and Management Plan (Version 1, February 2017), or subsequent approved revisions, and the Marine Fauna Interaction Management Plan, and overall achievement of the environmental objectives and specifications in column 3 of Table 2 of Schedule 1 across the Zone.
2. To facilitate continuous improvement in achieving the environmental objectives for the Mid West Aquaculture Development Zone, the Department of Fisheries has agreed to undertake a review of the Environmental Monitoring and Management Plan and the Marine Fauna Interaction Management Plan when the total stocking of finfish in the Mid West Aquaculture Development Zone reaches 7,200 tonnes, or five (5) years after the issuing of the first Section 45A Notice, whichever occurs first.

[Signed on 6 July 2017]

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT

Schedule 1 – Description of the Strategic Proposal and future proposals

Table 1: Strategic Proposal

Strategic Proposal Title	Mid West Aquaculture Development Zone
Short Description	This proposal is to designate areas of waters, located approximately 75 kilometres west of Geraldton within the Fish Habitat Protection Area of the Abrolhos Islands, as described below, as an aquaculture development zone under the <i>Fish Resources Management Act 1994</i> for the purpose of carrying out marine finfish aquaculture (Mid West Aquaculture Development Zone).
Detailed Description	<p>Zone boundaries As delineated in Figure 1 and defined by spatial co-ordinates listed in the Legend in Figure 1.</p> <p>Area Northern Area: 2,200 ha Southern Area: 800 ha</p> <p>Zone Manager Department of Fisheries, on behalf of the Minister for Fisheries.</p> <p>Aquaculture Lease minimal spatial separation distance Separation distance between aquaculture leases owned by different entities is to be ≥ 1 km.</p> <p>Aquaculture Species Marine finfish of a species that occur naturally within the West Coast region of Western Australia.</p> <p>Stocking limits Maximum cumulative total standing stock biomass in the Zone is not to exceed 24,000 tonnes of marine finfish at any time. Maximum stocking density in the Zone is not to exceed eight tonnes of marine finfish per hectare in any aquaculture lease.</p>

Spatial coordinates for the boundaries of the Mid West Aquaculture Development Zone (MGA Zone 50)

Coordinates defining the boundaries of the Mid West Aquaculture Development Zone in Figure 1 are held by the Office of the Environmental Protection Authority, Document Reference Number 2017-1483595350527.

Table 2: Future finfish aquaculture proposals within the Mid West Aquaculture Development Zone

Future proposals identified in the strategic proposal		
Future proposals	Location	Description of environmental objectives and specifications
<p>Aquaculture proposals including:</p> <ul style="list-style-type: none"> • installation and maintenance of floating sea cages secured to the seabed with mooring anchors and high tensile lines and cables; • stocking of marine finfish; and • finfish feeding, husbandry and harvesting. 	<p>Within the boundaries of the Northern Area and the Southern Area of the Mid West Aquaculture Development Zone as shown in Figure 1.</p>	<p>Planned, designed and managed (demonstrated by future proposal details; a draft marine fauna interaction management plan, and sediment quality and infauna monitoring sites and coordinates and the spatial extent of the Moderate Ecological Protection Area, being submitted at the time of the referral of the future proposal(s)) to meet the following:</p> <p>1. Environmental Objectives</p> <p>1.1. <u>Marine Environmental Quality</u> Aquaculture operations be designed and managed to maintain the quality of water, sediment and biota so that environmental values are protected and ensure the environmental quality objectives detailed in Table 2 of Schedule 2 are achieved and levels of ecological protection are no lower than the ecological protection levels for the Moderate Ecological Protection Area (MEPA).</p> <p>1.2. <u>Marine fauna</u> Aquaculture infrastructure and operations be designed and managed during all phases of development (construction, operation and decommissioning) to ensure no adverse impacts on the viability and persistence of the Abrolhos Islands populations of Australian sea lions and seabirds.</p> <p>2. Specifications In accordance with the design and operational specifications detailed in Table 1 of Schedule 2.</p>

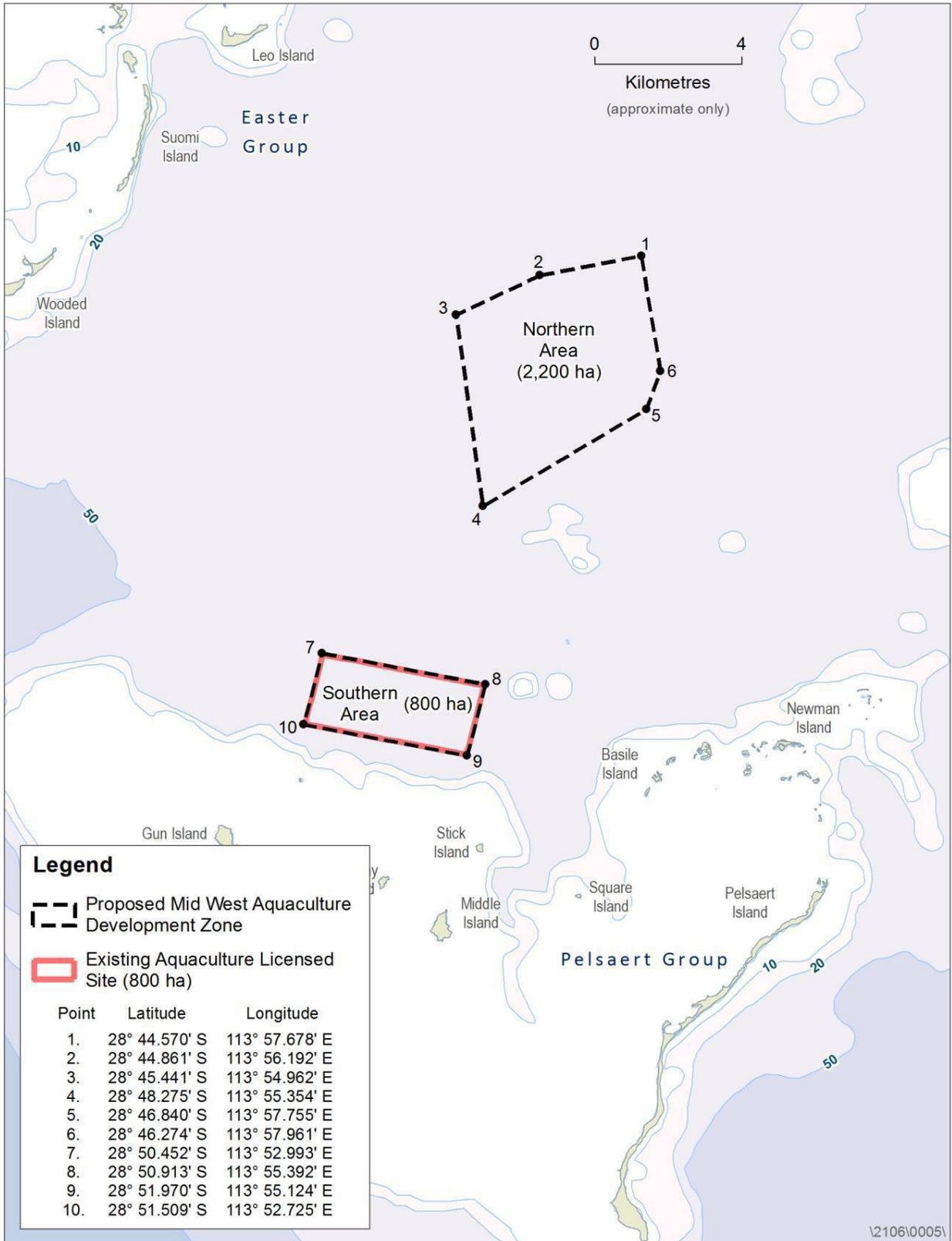


Figure 1 Location and extent of the Mid West Aquaculture Development Zone showing the Northern and Southern Areas

Schedule 2 - Specification and Description of Future Proposals and the Environmental Values and Levels of Ecological Protection to be achieved in marine water for the future proposals

Table 1: Specifications and description of future operations identified in the Strategic Proposal

Element	Specification / Description
Floating sea cage provisions	<p>Deployment of industry best practice sea-cage design and predator exclusion devices and features including:</p> <ul style="list-style-type: none"> • durable, high tensile sea-cage netting (single barrier) or durable, high tensile external anti-predator nets (double barrier) capable of withstanding attempted breach or access to fish stock by marine predators including seabirds and Australian sea lions; • above water perimeter fencing capable of withstanding attempted breach or access to sea cages by Australian sea lions; • high-visibility seabird exclusion netting; and • all sea-cage gear designed and maintained to avoid and/or minimise mortality and/or injury of marine fauna by minimising potential for entanglement, entrapment and collision.
Maximum stocking density	Not to exceed eight tonnes of marine finfish per hectare in any aquaculture lease.
Species to be cultured	Marine finfish species that naturally occur within the West Coast bio-region of Western Australia.
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.
Feed inputs	Only commercial pellet feeds manufactured within Australia to the standard specified in the Mid West Aquaculture Development Zone Management Policy or if imported fish feed or ingredients to be used then only with the approval of the Australian Quarantine Inspection Service.
Decommissioning	Permanent removal of all sea cage and associated infrastructure.

Table 2: Description and spatial extent of the Environmental Values and levels of Ecological Protection to be achieved in the marine waters of the Mid West Aquaculture Development Zone

Environmental Value*	Environmental Quality Objective*	Area Description	Spatial Extent
Ecosystem Health	<i>Maintain ecosystem integrity at a high level of ecological protection</i>	Within the Mid West Aquaculture Development Zone (Northern Area and Southern Area)	At least 50 per cent of the Northern Area and the Southern Area of the zone must be designated and maintained as a High Ecological Protection Area. A high level of ecological protection will apply at the outer boundary of both the Northern Area and the Southern Area.
	<i>Maintain ecosystem integrity at a moderate level of ecological protection</i>	Within the Mid West Aquaculture Development Zone (Northern Area and Southern Area)	No more than 50 per cent of the Northern Area and the Southern Area may be designated as a Moderate Ecological Protection Area.
Fishing and Aquaculture	<i>Seafood (caught or grown) is of a quality safe for eating</i>	Within the Mid West Aquaculture Development Zone (Northern Area and Southern Area)	The entire Northern Area and Southern Area
	<i>Water quality is suitable for aquaculture Purposes</i>		
Recreation and Aesthetics	<i>Water quality is safe for primary contact recreation (e.g. swimming and diving)</i>	Within the Mid West Aquaculture Development Zone (Northern Area and Southern Area)	The entire Northern Area and Southern Area
	<i>Water quality is safe for secondary contact recreation (e.g. fishing and boating)</i>		
	<i>Aesthetic values of the marine environment are protected</i>		

* Environmental Values and Environmental Quality Objectives are defined in the EPA's Technical Guidance Protecting the Quality of Western Australia's Marine Environment (EPA 2016).

Table 3: Abbreviations and Definitions

Acronym or Abbreviation	Definition or Term
ANZECC Guidelines	The Australian and New Zealand Guidelines for fresh and marine water quality (ANZECC & ARMCANZ 2000) updated from time to time.
Best Practice	When designing proposals and implementing environmental mitigation and management actions, the contemporary best practice measures available at the time of implementation should be applied.
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 his delegate.
EPA	Environmental Protection Authority
EP Act	<i>Environmental Protection Act 1986</i>
Finfish	Means fish of the <u>Class Elasmobranchii</u> (Chondrichthyes) or Osteichthyes
OEPA	Office of the Environmental Protection Authority
ha	Hectare
ISQG-low	Interim sediment quality guideline - low