

Environmental Protection Act 1986

Section 39B

STATEMENT OF REASONS

REQUEST TO DECLARE A PROPOSAL A DERIVED PROPOSAL

Proposal: Huon Aquaculture Yellowtail Kingfish Aquaculture Development

Proponent: Huon Aquaculture Company Pty Ltd

Strategic Proposal: Mid West Aquaculture Development Zone (MWADZ)

Decision

For the reasons outlined below, the Environmental Protection Authority (EPA) has determined to declare the referred proposal a derived proposal.

Background

On 17 July 2017, the Minister for Fisheries referred the MWADZ to the Environmental Protection Authority (EPA) under section 38 of the *Environmental Protection Act 1986* (EP Act). The proposal identified a zone within which future proponents could undertake the feeding, growing and husbandry of marine finfish and included the specifications and characteristics of future aquaculture operations.

The EPA assessed the proposal as a strategic proposal at the level of Public Environmental Review and published its report in April 2017 (Report 1593). The aquaculture operations proposed by the Huon Aquaculture Company Pty Ltd was identified as a future derived proposal in the EPA report.

On 17 July 2017, the Minister for Environment, after consulting relevant decision making authorities, published Ministerial Statement 1058. The Statement said that the future derived proposals identified in EPA Report 1593 may be implemented subject to the conditions set out in the Statement. This is the first derived proposal since the publication of Ministerial Statement 1058.

On 12 June 2020, the Huon Aquaculture Company Pty Ltd referred the proposal Huon Aquaculture Yellowtail Kingfish Aquaculture Development to the EPA under section 38 of the EP Act. The proponent requested that the proposal be declared a derived proposal. Details of Huon Aquaculture Yellowtail Kingfish Aquaculture Development are attached to the EPA's section 39B notice accompanying this Statement of Reasons.

The referral and the request that it be declared a derived proposal were advertised on the EPA Consultation Hub from 6 August to 12 August 2020. One comment was received about the proposal requiring stringent assessment.

Relevant Statutory and Administrative Provisions

On receipt of a request that a referred proposal be declared a derived proposal, the EPA's consideration of the request is subject to the provisions of section 39B of the EP Act.

After considering public comment and the proposal documentation, the EPA then considers whether or not to declare the referred proposal to be a derived proposal.

To do so, s39B(3) of the EP Act requires that:

- the proposal was identified in the strategic proposal, and
- the strategic proposal Ministerial statement provides that the referred proposal may be implemented, subject to any conditions

The EPA may refuse to declare the referred proposal to be a derived proposal under s39B(4) of the EP Act if it considers that:

- the environmental issues raised by the referred proposal were not adequately assessed when the strategic proposal was assessed
- there is significant new or additional information that justifies the reassessment of the issues raised by the referred proposal, or
- there has been a significant change in the relevant environmental factors since the strategic proposal was assessed.

Section 39B subsections (3) and (4) can be considered as providing five aspects to the EPA's consideration of a request for the declaration of a derived proposal.

Materials considered in making this decision

In determining whether to declare the referred proposal a derived proposal, the EPA has considered the following:

- the information provided by the proponent
- further information sought from decision-making authorities, and
- information obtained from conducting its own inquiries and investigations

Consideration

1. Was the referred proposal identified in a strategic proposal that was assessed by the EPA?

Yes. This proposal is for Huon Aquaculture Yellowtail Kingfish Aquaculture Development, which was identified as a future proposal in the strategic assessment. The specifications and characteristics of the future proposals are identified in Schedule 2 of Ministerial Statement 1058. All the characteristics of this proposal are consistent with all those identified for future proposals in the assessed MWADZ strategic proposal.

2. Was an agreement reached or a decision made that the referred proposal could be implemented or could be implemented subject to conditions and procedures?

Yes. The Minister for Environment issued Ministerial Statement 1058 on 17 July 2017. The Statement said that the future derived proposals identified in EPA Report 1593 and described in Schedule 2 may be implemented subject to the conditions set out in the Statement. As outlined above, the referred proposal by Huon Aquaculture Company Pty Ltd satisfies these requirements.

3. Does the referred proposal raise environmental issues that were not adequately assessed when the strategic proposal was assessed?

No. The EPA assessed the environmental factors of Benthic Communities and Habitats, Marine Environmental Quality and Marine Fauna. These remain the relevant environmental factors and the assessment of these factors in Report 1593 was both rigorous and comprehensive. The referred proposal does not raise environmental issues that were not adequately assessed when the strategic proposal was assessed.

4. Is there significant new or additional information that justifies reassessment of the issues raised by the referred proposal?

No. Advice was sought on the standing biomass of the existing aquaculture license from the Department of Primary Industries and Regional Development in the Southern Area of the MWADZ. As the license is not operational, reassessment is not required.

The EPA considers that the assessment of the MWADZ strategic proposal remains up to date. The request that the proposal be declared a derived proposal was advertised on the EPA's Consultation Hub from 6 August to 12 August 2020. One comment was received about the proposal requiring stringent assessment. The EPA does not consider that significant new or additional information was raised that justifies reassessment.

5. Has there been a significant change in the relevant environmental factors since the strategic proposal was assessed?

No. The EPA does not consider there has been a significant change in relevant environmental factors since the strategic proposal was assessed.