



MINISTER FOR THE ENVIRONMENT;  
EMPLOYMENT AND TRAINING

Statement No.

000477

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

**AQUACULTURE FACILITY, DOWNES ISLAND, PORT HEDLAND.**

**Proposal:** To construct a land-based marine shell breeding and grow-out facility and residence on a 6.5 hectare lease site at Downes Island, approximately 5 kilometres west of Port Hedland.

**Proponent:** Le Mer Marketing and Consultancy Pty Ltd.

**Proponent Address:** P O Box 418, Port Hedland, W A 6721

**Assessment Number:** 1030

**Report of the Environmental Protection Authority:** Bulletin 886

The proposal to which the above report of the Environmental Protection Authority relates may be implemented subject to the following conditions and procedures:

**1 Implementation**

1-1 Subject to these conditions and procedures, the proponent shall implement the proposal as documented in schedule 1 of this statement.

1-2 Where, in the course of implementing the proposal, the proponent seeks to change any aspect of the proposal as documented in schedule 1 of this statement in any way that the Minister for the Environment determines, on advice of the Environmental Protection Authority, is not substantial, those changes may be effected.

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## **2 Proponent Commitments**

- 2-1 The proponent shall implement the consolidated environmental management commitments documented in schedule 2 of this statement.
- 2-2 The proponent shall implement subsequent environmental management commitments which the proponent makes as part of the fulfilment of conditions and procedures in this statement.

## **3 Environmental Management System**

- 3-1 In order to manage the environmental impacts of the project, and to fulfil the requirements of the conditions and procedures in this statement, prior to construction, the proponent shall demonstrate to the requirements of the Environmental Protection Authority on advice of the Department of Environmental Protection that there is in place an environmental management system which includes the following elements:
  - 1 environmental policy and commitment;
  - 2 planning of environmental requirements;
  - 3 implementation and operation of environmental requirements;
  - 4 measurement and evaluation of environmental performance; and
  - 5 review and improvement of environmental outcomes.
- 3-2 The proponent shall implement the environmental management system referred to in condition 3-1.

## **4 Water Quality Monitoring and Management Plan**

- 4-1 Prior to commissioning, the proponent shall prepare a Water Quality Monitoring and Management Plan to the requirements of the Environmental Protection Authority on advice of the Department of Environmental Protection, the Department of Conservation and Land Management and Fisheries Western Australia.

This Plan shall address:

- 1 water quality criteria for the protection of aquatic ecosystems, as detailed in Environmental Protection Authority Bulletin 711 (1993);
  - 2 a monitoring program for water quality; and
  - 3 management measures to be used if water quality does not meet the specified criteria, including the development of a wastewater management contingency plan.
- 4-2 The proponent shall implement the Water Quality Monitoring and Management Plan required by condition 4-1.
- 4-3 Prior to the development of stage 2, the proponent shall demonstrate compliance with the water quality criteria specified in the Water Quality Monitoring and Management Plan, to the requirements of the Environmental Protection Authority.

## **5 Decommissioning Management Plan**

- 5-1 At least six months prior to decommissioning, the proponent shall prepare a Decommissioning Management Plan to the requirements of the Environmental Protection Authority on advice of the Department of Environmental Protection.

This Plan shall address:

- 1 removal of plant and infrastructure; and
  - 2 rehabilitation of all disturbed areas to agreed final land use(s).
- 5-2 The proponent shall implement the Decommissioning Management Plan required by condition 5-1.
- 5-3 The proponent shall make the Decommissioning Management Plan required by condition 5-1 publicly available, to the requirements of the Environmental Protection Authority.

## **6 Lighting Impacts on Turtles**

- 6-1 Prior to commissioning, the proponent shall prepare a Lighting (Impacts on Nesting Sea Turtles) Management Plan to the requirements of the Environmental Protection Authority on advice of the Department of Environmental Protection and the Department of Conservation and Land Management.

This Plan shall aim to manage the impacts of lighting on nesting sea turtles and their hatchlings, and shall address:

- 1 types of lighting to be employed, including:
    - (1) shielding;
    - (2) time switches;
    - (3) sensor lights;
    - (4) dimmer lights; and
    - (5) colour (wavelengths emitted);
  - 2 location, height of the light towers and other physical parameters.
  - 3 hours of operation of external lighting, and seasonal factors; and
  - 4 a monitoring program for light impacts on nesting sea turtles and their hatchlings.
- 6-2 The proponent shall implement the Lighting (Impacts on Nesting Sea Turtles) Management Plan required by condition 6-1.

## **7 Performance Review**

- 7-1 Each six years following the commencement of construction, the proponent shall submit a Performance Review to evaluate the environmental performance relevant to:
- 1 environmental objectives reported on in Environmental Protection Authority Bulletin 886;

- 2 proponent's consolidated environmental management commitments documented in schedule 2 of this statement and those arising from the fulfilment of conditions and procedures in this statement;
- 3 environmental management system environmental management targets;
- 4 Environmental Management Programs and Plans; and
- 5 environmental performance indicators;

to the requirements of the Environmental Protection Authority on advice of the Department of Environmental Protection.

Note: The Environmental Protection Authority may recommend changes and actions to the Minister for the Environment following consideration of the Performance Review.

## **8 Proponent**

- 8-1 The proponent for the time being nominated by the Minister for the Environment under section 38(6) or (7) of the Environmental Protection Act is responsible for the implementation of the proposal until such time as the Minister for the Environment has exercised the Minister's power under section 38(7) of the Act to revoke the nomination of that proponent and nominate another person in respect of the proposal.
- 8-2 Any request for the exercise of that power of the Minister referred to in condition 8-1 shall be accompanied by a copy of this statement endorsed with an undertaking by the proposed replacement proponent to carry out the proposal in accordance with the conditions and procedures set out in the statement.
- 8-3 The proponent shall notify the Minister for the Environment of any change of proponent contact name and address within 30 days of such change.

## **9 Commencement**

- 9-1 The proponent shall provide evidence to the Minister for the Environment within five years of the date of this statement that the proposal has been substantially commenced.
- 9-2 Where the proposal has not been substantially commenced within five years of the date of this statement, the approval to implement the proposal as granted in this statement shall lapse and be void. The Minister for the Environment will determine any question as to whether the proposal has been substantially commenced.
- 9-3 The proponent shall make application to the Minister for the Environment for any extension of approval for the substantial commencement of the proposal beyond five years from the date of this statement.
- 9-4 Where the proponent demonstrates to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority that the environmental parameters of the proposal have not changed significantly, then the Minister may grant an extension not exceeding five years for the substantial commencement of the proposal.

## 10 Compliance Auditing

- 10-1 The proponent shall submit periodic Performance and Compliance Reports, in accordance with an audit program prepared in consultation between the proponent and the Department of Environmental Protection.
- 10-2 Unless otherwise specified, the Department of Environmental Protection is responsible for assessing compliance with the conditions contained in this statement and for issuing formal clearance of conditions.
- 10-3 Where compliance with any condition or procedure is in dispute, the matter will be determined by the Minister for the Environment.

CHERYL EDWARDES (Mrs) MLA  
MINISTER FOR THE ENVIRONMENT

- 5 JUN 1998

## Schedule 1

### The Proposal

The proponent will establish a land-based marine shell breeding facility and residence on 6.5 hectares of leased vacant Crown land at Downes Island, approximately 5 kilometres west of Port Hedland.

The project will be developed over six years commencing with fifteen 250 litre breeding tanks, a desalinator, residence for up to seven people, four raceway tanks, a reservoir tank, a rainwater tank, intake and discharge pipes and a generator or solar power unit. Years 1 to 3 will involve the initial research period. The commercial scale hatchery and grow-out will continue through years 3 to 6.

### Key Characteristics Table (1030)

Element	Description
Life of project	On-going
Proposed lease area	6.5 hectares
Area of disturbance: Stage 1- Research Stage 2- Commercial	0.5 hectares 5.0 hectares
List of major components: Stage 1 <ul style="list-style-type: none"> <li>• growing tanks</li> <li>• seawater intake system</li> <li>• discharge system</li> <li>• buildings</li> </ul> Stage 2 <ul style="list-style-type: none"> <li>• raceway tanks</li> <li>• growing tanks</li> <li>• specimen shell tanks</li> </ul>	15 x 250 litre tanks 60 mm pipe extending 1 kilometre offshore 60 mm pipe extending 200 metres offshore Residence, laboratory, breeding house, desalinator / solar / wind generating units.  3 tanks, continuous flow through 6 x 250 litre tanks 30 x 200 litre aquarium tanks
Water requirements <ul style="list-style-type: none"> <li>• fresh</li> <li>• seawater</li> </ul>	2000 litres per day 2000 kilolitres per day
Feed requirements	Algae 250 kilograms per year Sponge 100 kilograms per year
Chemicals	1 x 250 litre maximum diesel fuel stored on site 100 kilograms per year chlorine

### Figures

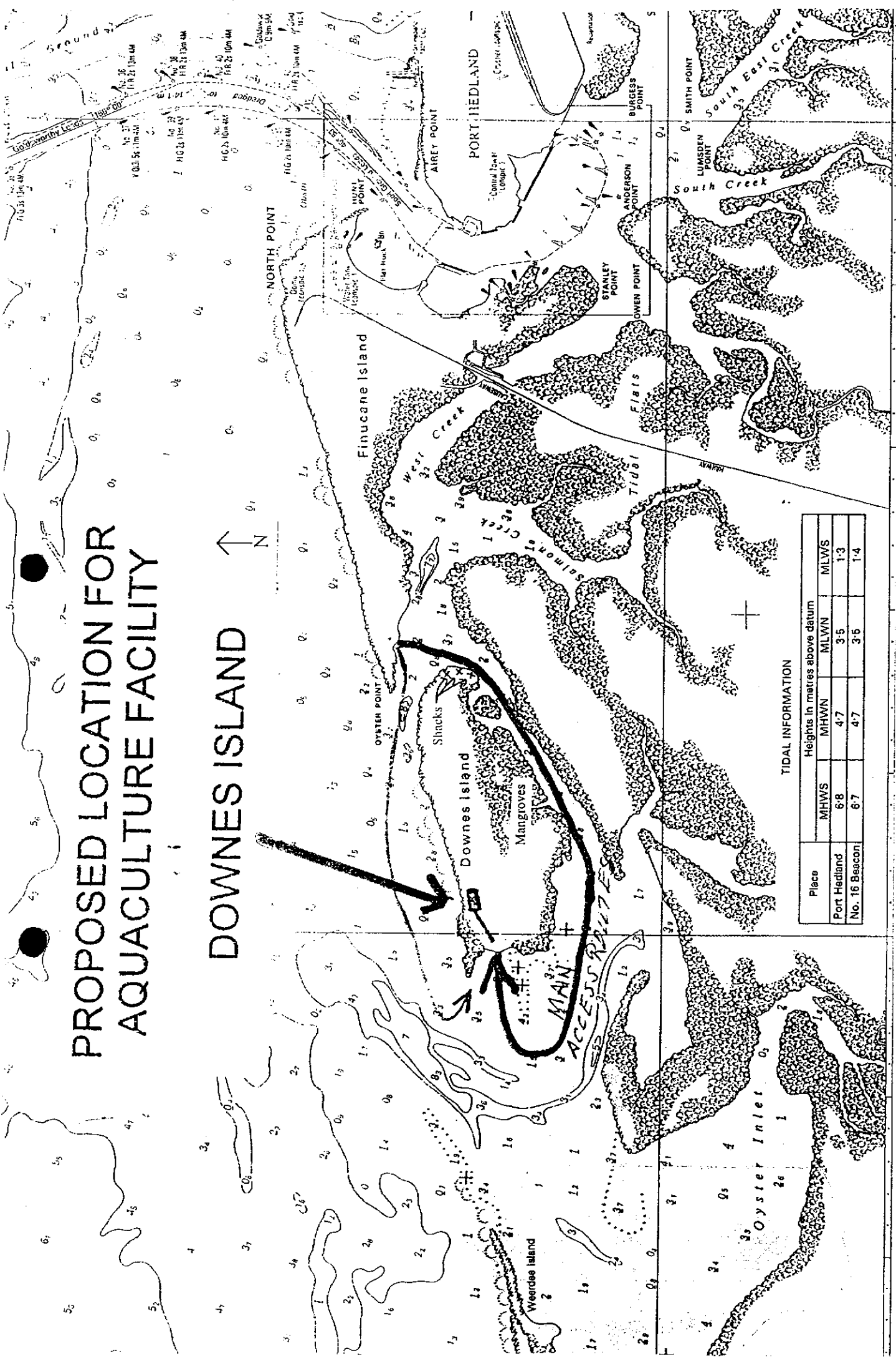
A locality plan and layout of the facility is provided in Figure 1 (re-drawn 4 May 1998 and attached).

The location of the facility is shown in Figure 2 (attached).



# PROPOSED LOCATION FOR AQUACULTURE FACILITY

## DOWNES ISLAND



TIDAL INFORMATION

Place	Heights in metres above datum		
	MHWS	MHWN	MLWN
Port Hedland	6.8	4.7	3.5
No. 16 Beacon	6.7	4.7	3.5
			1.4

Figure 2



### **Staging of Implementation**

The proposal will be developed in two stages:

Stage 1, as outlined in Table 1 above, will be developed over years 1 to 3. Stage 2, as outlined in Table 1 above, will be developed over years 4 to 6.

Proceeding with the development of Stage 2 will be dependent on the proponent demonstrating compliance with the water quality criteria for the protection of aquatic ecosystems detailed in the Water Quality Monitoring and Management Plan.

**Proponent's Consolidated Environmental Management  
Commitments**

14 May 1998

**AQUACULTURE FACILITY, DOWNES ISLAND  
PORT HEDLAND (1030)**

**LE MER MARKETING AND CONSULTANCY PTY LTD**

## **AQUACULTURE FACILITY, DOWNES ISLAND, PORT HEDLAND (1030)**

### **PROPONENT'S COMMITMENTS**

14 May 1998

1. To protect the conservation values of the island, clearing of vegetation for the site construction will be kept to a minimum.
2. Initial site clearance will be 250 m<sup>2</sup> and total clearing will not exceed 5 ha.
3. During construction no unnecessary removal of native vegetation within or adjacent to the site will occur.
4. Once construction is completed, those areas not needed as part of operational requirements will be rehabilitated to their pre-construction state to the requirements of the Department of Environmental Protection.
5. All rubbish presently on the site and produced during the project operations will be removed by the proponent and disposed to an authorised mainland rubbish tip.
6. No mangroves will be removed at any stage of the project in or adjacent to the project site. This will be confirmed to the requirements of the Department of Environmental Protection by photographic monitoring before and after construction.
7. To prevent any escape of the subgenus *Zoila* into the wild, all holding tanks for this species will be constructed to Fisheries WA specifications and culture of the subgenus will be in accordance with the Fisheries WA translocation protocol.
8. In order to ensure that any outbreak of disease at the facility can not escape to the wild population, the proponent will implement a Disease Contingency Plan throughout the project operations to the requirements of Fisheries WA.
9. The proponent will develop and implement an environmental monitoring and management plan. The water quality criteria in the plan will be to the specifications for the protection of aquatic ecosystems as detailed in EPA Bulletin 711 and to the requirements of the Department of Environmental Protection.
10. The environmental monitoring and management plan will also outline contingency measures to be implemented if water quality criteria are not being met.
11. Development of Stage 2 will not occur until compliance with water quality criteria during Stage 1 can be demonstrated to the requirements of the Department of Environmental Protection.
12. Protection against storm surges, cyclones and flooding will be incorporated in all phases of the project from planning through to operation in accordance with "AS1170.2-1993 Wind Loads for region D Cyclonic areas" and the requirements of the Town of Port Hedland.

(1030 / 14 May 1998)

13. Should any Aboriginal sites be found during ground-disturbing work, all activity will cease immediately and the Aboriginal Affairs Department will be contacted.
14. During construction, the intake and outlet pipes will be buried through the crests of the dunes and the beach to a minimum depth of 300 mm (in a trench, except when passing over the rocky intertidal area where intake and outlet pipes will be secured with unobtrusive structures) to ensure that the pipes do not restrict access along the beach.
15. The above trench will be backfilled once the pipes have been laid and tested, and any vegetation and topsoil removed will be redistributed over the disturbed area and rehabilitated in accordance with Commitment 4.
16. During construction and operation, the outlet pipe will extend at least 200 m offshore and both pipes will be anchored to ensure no movement or damage from the pipes.
17. During operation of this facility, public access along the foreshore will not be interrupted from this facility to the satisfaction of the Port Hedland Port Authority.