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Published on: 5 January 2012

Statement No. 885

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

**Transitional Development of Cone Bay Marine Tropical Finfish Aquaculture
Venture, Aquaculture Licence 1465**

Proposal: The proposal is to operate a 2000 tonnes per annum barramundi sea cage aquaculture farm in Cone Bay which is located in the Buccaneer Archipelago and forms part of the Yampi Sound in the Kimberley region of Western Australia.

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

Proponent: Marine Produce Australia Limited

Proponent Address: 34 Bagot Road, Subiaco, WA 6005

Assessment Number: 1915

Previous Assessment Number: 1642

Report of the Environmental Protection Authority: Report 1422

Previous Report of the Environmental Protection Authority: Report 1305

Previous Statement Number: 798 (Published on 6 August 2009)

The conditions of this statement supersede the conditions of Statement 798. The proposal referred to in the above report of the Environmental Protection Authority may be implemented. The implementation of that proposal is now subject to the following conditions and procedures:

1 Proposal Implementation

1-1 The proponent shall implement the proposal as 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 of the Office of the Environmental Protection Authority (CEO) 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 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 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 prepare and maintain a compliance assessment plan to the satisfaction of the CEO.

4-2 The proponent shall submit to the CEO the compliance assessment plan required by condition 4-1 at least six months prior to the first compliance assessment report required by condition 4-6. 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 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 days of that non-compliance being known.
- 4-6 The proponent shall submit to the CEO the first compliance assessment report 15 months from the date of issue of this statement addressing the 12 month period from the date of issue of this statement and then annually from the date of submission of the first compliance assessment report. The compliance assessment report shall:
- 1 be endorsed by the proponent's Managing Director or a person delegated to sign on the Managing Director's behalf;
 - 2 include a statement as to whether the proponent has complied with the conditions of this statement;
 - 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 from the issue of this statement 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 this proposal and implementation of this statement.
- 5-2 If any data referred to in condition 5-1 contains particulars of:
- i. a secret formula or process; or
 - ii. confidential commercially sensitive information,

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

6 Environmental Monitoring and Management Plan

- 6-1 The proponent shall ensure that operation of the proposal achieves the levels of ecological protection set out in *Cone Bay Barramundi Aquaculture Environmental Monitoring and Management Plan (Rev 7, Report No. 864_01_001/1, December 2011)* or subsequent approved revisions and shown in Figure 2, schedule 1 of this statement.
- 6-2 The proponent shall implement the *Cone Bay Barramundi Aquaculture Environmental Monitoring and Management Plan (Rev 7, Report No. 864_01_001/1, December 2011)*, or subsequent approved revisions, during operation of the proposal to the satisfaction of the CEO.
- 6-3 In the event that monitoring required by *Cone Bay Barramundi Aquaculture Environmental Monitoring and Management Plan (Rev 7, Report No. 864_01_001/1, December 2011)* or subsequent approved revisions indicates the levels of ecological protection, environmental quality guidelines or environmental quality standards are not being met:
- 1 the proponent shall report such findings to the CEO, with proposed actions to be taken to address the exceedence, within seven days of the exceedence being identified;
 - 2 the proponent shall provide evidence which allows determination of the cause of the exceedence;
 - 3 unless determined by the CEO that the exceedence is not a result of activities undertaken in implementing the proposal, the proponent shall implement the proposed actions to address the exceedence within 14 days of the exceedence being identified; and
 - 4 the proponent shall continue to implement the actions to address the exceedence until such time the CEO determines that the actions may cease.
- 6-4 The proponent shall submit annually the results of monitoring required by *Cone Bay Barramundi Aquaculture Environmental Monitoring and Management Plan (Rev 7, Report No. 864_01_001/1, December 2011)* or subsequent approved revisions including 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 to the CEO as part of the compliance assessment report required by condition 4-6.

7 Feed Source

- 7-1 The proponent shall ensure that any commercial fish feed used in the operation of this proposal shall be certified to the following standards or any subsequent revisions:

- HACCP (Hazard Analysis and Critical Control Points) as defined by CAC/RCP 1-1969 (Rev.4-2003);
- AS/NZS ISO 9001:2000 for manufacturing extruded fish food; and
- Australian Quarantine and Inspection Service (if imported).

[Signed 5 January 2012]

**HON BILL MARMION MLA
MINISTER FOR ENVIRONMENT; WATER**

The Proposal (Assessment No. 1915)

The proposal is to operate a 2000 tonnes per annum barramundi sea cage aquaculture farm in Cone Bay which is located in the Buccaneer Archipelago and forms part of the Yampi Sound in the Kimberley region of Western Australia.

The location of the proposal is shown in Figure 1. The zones of ecological protection are shown in Figure 2.

The main characteristics of the proposal are summarised in Table 1 below.

Table 1: Summary of Key Proposal Characteristics

Key Aspect	Description
Location	Aquaculture Licence Site 1465 in Cone Bay which is located approximately 215 kilometres north north-east of Broome in the Buccaneer Archipelago and forms part of the Yampi Sound in the Kimberley region of Western Australia.
Species Cultured	Barramundi (<i>Lates calcarifer</i>)
Total maximum barramundi production	2000 tonnes of whole barramundi harvested from all sea cages per year.
Feed input	Maximum of 4,000 tonnes annually.

Figures (attached)

Figure 1: Location of proposal

Figure 2: Zones of ecological protection

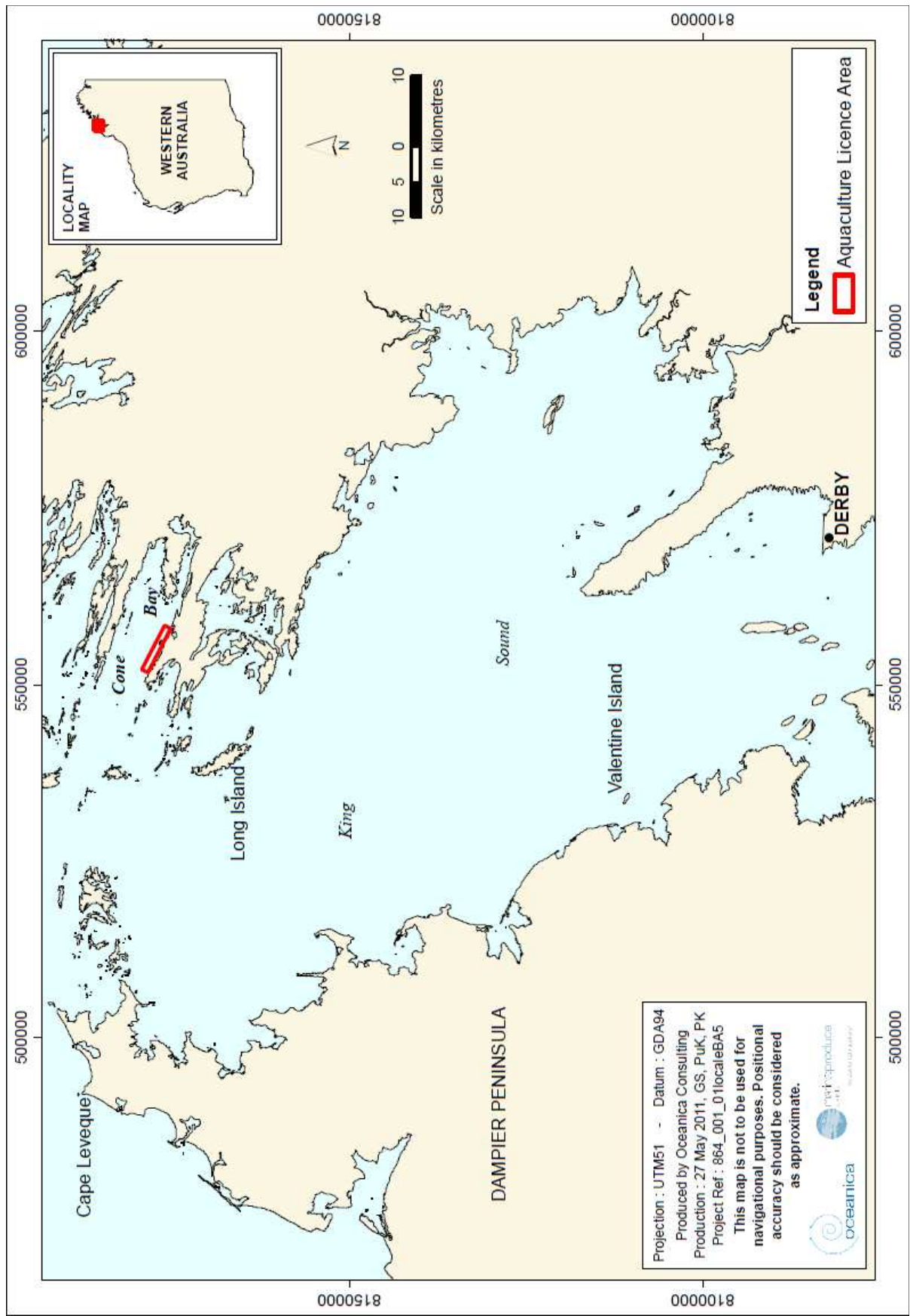


Figure 1 Location of proposal

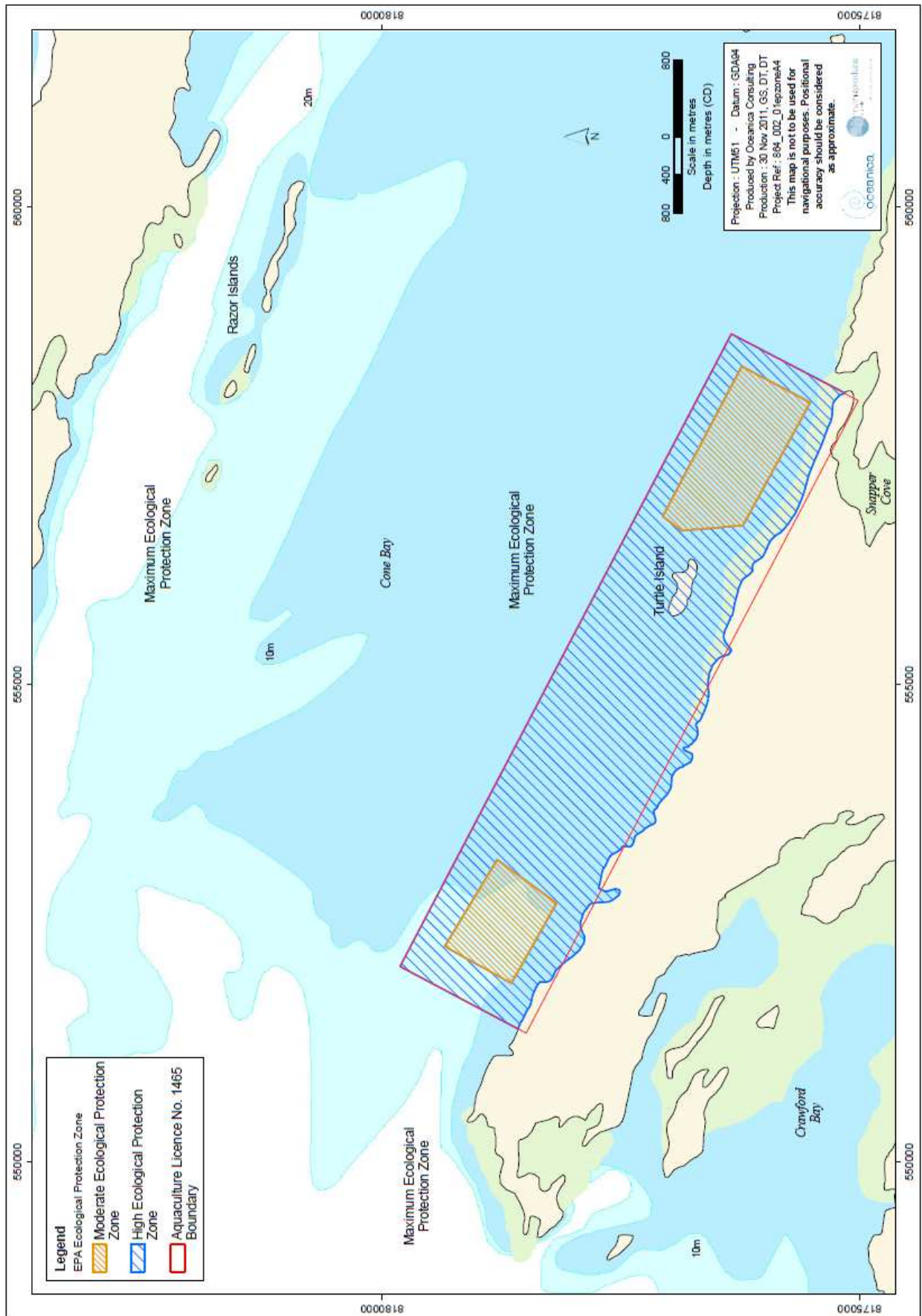


Figure 2 Zones of Ecological Protection