


Form

Referral of a proposal under s. 38 of the EP Act

PART A: PROPONENT AND REFERRER INFORMATION AND PROPOSAL DESCRIPTION			
Referrer information			
Who is referring this proposal?		<input checked="" type="checkbox"/> Proponent <input type="checkbox"/> Decision-making authority <input type="checkbox"/> Community member/third party	
Name (print) <i>Kian Rex - Marine Produce Australia Pty Ltd</i>		Signature 	
Position	Operations & Production Manager	Organisation	Marine Produce Australia Pty Ltd
Email	Kian.rex@barramundi.com	Phone	+61 8 9115 1851
Address	1	Darkan Avenue	
	North Coogee	WA	6163
Date	4/05/2022		
Does the referrer request that the EPA treat any part of the proposal information in the referral as confidential? <i>Provide confidential information in a separate attachment.</i>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Does the referrer confirm that they consent to receive correspondence electronically?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Referral declaration for proponent and Authorised representative: I, Kian Rex declare that I am authorised to refer this proposal on behalf of Marine Produce Australia and further declare that the information contained in this form is true and not misleading. Date: 4/05/2022			
Proponent information			
Name of the proponent/s <i>Include Trading Name if relevant</i>		Marine Produce Australia Pty Ltd	
Australian Company Number(s)	<input type="checkbox"/>	70 091 805 480	
OR Australian Business Number(s)	<input checked="" type="checkbox"/>		
Pre-referral discussions			

<p>Have you had pre-referral discussions with the EPA (including the EPA Services of DWER)?</p> <p><i>If so, provide name, date, and overview of discussions.</i></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Yes, two pre-referral meetings have been held. The first occurred on the 26th May 2020, and discussed MPAs proposed plan and the technical studies required to support the Proposal. The EPA officers in attendance were:</p> <p>Kevin McAlpine, Hans Jacob and Gordon Motherwell.</p> <p>The second meeting occurred on the 22nd March 2022, and discussed the results of the technical studies completed, as well as any other information required before submission to the EPA. The EPA officers in attendance were:</p> <p>Kevin McAlpine, Hans Jacob, and Leanne Thompson</p>
<p>Proposal information</p>	
<p>Proposal name</p>	<p>Ocean Barramundi Expansion Project</p>
<p>What is the proposal? (Include general description in the Instructions and template: How to identify the content of a proposal)</p>	<p>MPA propose to expand its barramundi farm operations to 13 sites spread across the Buccaneer Archipelago, in the Kimberley region.</p> <p>The proposed expansion will be staged over a 10-year period. Each stage consists of the construction of one nursery site, supplying 4–5 ocean-based lease areas, each of which will contain 12 sea-cages.</p>
<p>Have you provided electronic spatial data, maps, and figures in the appropriate format?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>What type of proposal is being referred?</p> <p><i>For significant amendment or derived proposal, provide the associated existing Ministerial statement number/s</i></p> <p><i>For a proposal under an assessed planning scheme, provide the scheme number and name</i></p>	<p><input checked="" type="checkbox"/> significant proposal. <i>Choose which type of significant proposal</i></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> new proposal <input type="checkbox"/> significant amendment (proposal only) <input type="checkbox"/> significant amendment (conditions only) <input type="checkbox"/> significant amendment (proposal and conditions) <p><input type="checkbox"/> strategic proposal</p> <p><input type="checkbox"/> derived proposal</p> <p><input type="checkbox"/> proposals of a prescribed class</p> <p><input type="checkbox"/> proposal under an assessed planning scheme</p>

Proposal content: Complete the corresponding template (Proposal Content Document) from the [Instructions and template: How to identify the content of a proposal](#) for the type of proposal identified above. The completed form **must be** submitted with the referral.

<p>Alternatives</p>	<p>Alternative options for expansion of MPAs Cone Bay barramundi farming operations within the existing Kimberley Aquaculture Development Zone have been studied. The original plan was to use the north-east site of the aquaculture lease for expansion. Bathymetry and metocean data collected at the north-east region of the lease area indicated that establishing operations at this location would be challenging. A pilot study, including installation of sea-cages north-east of the existing sea-cages, confirmed that the current speeds of up to 18 knots experienced in this area were too strong to keep the sea-cages in place with the mooring-grid system, and no other mooring system would be feasible in this situation either. For MPA to meet the current and future demand for high quality barramundi product, but also ensure the environmental sustainability of their operations, they must move to deeper waters where current speeds remain suitable but water depths allow for significant dilution of waste material from the sea-cages.</p> <p>MPAs proposed nursery locations have been sited such that they maximise the use of current infrastructure, while allowing MPA to still move to land-based operations which reduce the environmental footprint while allowing MPA to be more self-sufficient and less reliant on other nursery operations to provide juvenile barramundi stock for grow-out.</p>
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PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS	
Environmental factors	
<p>What are the likely significant environmental factors for this proposal?</p>	<ul style="list-style-type: none"> ✓ Benthic Communities and Habitat <input type="checkbox"/> Coastal Processes ✓ Marine Environmental Quality ✓ Marine Fauna <input type="checkbox"/> Flora and Vegetation <input type="checkbox"/> Landforms <input type="checkbox"/> Subterranean Fauna <input type="checkbox"/> Terrestrial Environmental Quality <input type="checkbox"/> Terrestrial Fauna <input type="checkbox"/> Inland Waters <input type="checkbox"/> Air Quality <input type="checkbox"/> Greenhouse Gas Emissions ✓ Social Surroundings <input type="checkbox"/> Human Health
<p><i>For each of the environmental factors identified above, complete the following table, or provide the information in a supplementary report</i></p>	
Potential environmental impacts – for each environmental factor	

1	EPA policy and guidance	Refer to Sections 5-11 of the attached Supporting Document – S38 Referral Supporting Report.
2	Receiving environment	
3	Likely environmental impacts	
4	Application of the mitigation hierarchy	
5	Assessment and significance of residual impacts	
6	Likely environmental outcomes	
Holistic impact assessment		
Refer to Section 15 of the attached Supporting Document – S38 Referral Supporting Report.		
Cumulative environmental impact assessment		
Refer to Sections 5-11 of the attached Supporting Document – S38 Referral Supporting Report, and Section 16.		
Consultation		
Refer to Section 3 of the attached Supporting Document – S38 Referral Supporting Report.		
Supporting documents		
<ol style="list-style-type: none"> 1. Marine Produce Australia Pty Ltd – Ocean Barramundi Expansion Project Proposal Content Document 2. Marine Produce Australia Pty Ltd – Ocean Barramundi Expansion Project Supporting Document and Attachments 		
Has the referrer provided survey information according to the Instructions and Form: IBSA Data Packages and/or the Instructions and form: IMSA Data Packages		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Conclusion		
Do you consider the proposal may have a significant effect on the environment? No, significant effects will be mitigated through the implementation of an environmental management and monitoring plan		

PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS FOR SIGNIFICANT AMENDMENTS ONLY

Type of significant amendment	<input type="checkbox"/> significant amendment to the approved proposal <input type="checkbox"/> significant amendment to the implementation conditions <input type="checkbox"/> significant amendment to both the proposal and the implementation conditions
Information of the approved proposal	NA
Combined effects of the approved proposal and significant amendment	NA
Analysis of existing implementation conditions	NA

Previous changes to the Proposal and or implementation conditions	NA
Compliance	NA
Environmental Performance	NA
Control of implementation of significant amendment	NA

PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS FOR A PROPOSAL UNDER AN ASSESSED SCHEME ONLY

What new environmental issues are raised by the proposal that were not assessed during the assessment of the planning scheme?	NA
How does the proposal not comply with the assessed scheme and/or the environmental conditions in the assessed planning scheme?	NA

PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS FOR DERIVED PROPOSALS ONLY

Demonstrate how the proposal will meet the environmental outcomes defined through the assessment of the strategic proposal	NA
Provide an analysis of the existing implementation conditions of the related strategic proposal in relation to the derived proposal	NA

PART C: OTHER APPROVALS AND REGULATION

Decision-making authorities and their approvals

Provide a table list of the decision-making authorities, associated legislation or agreement regulating the activity and the specific approval required. (Example table at the end of form)	See Ocean Barramundi Expansion S38 Referral Supporting Report Table 2.2
Provide a summary of the statutory decision-making processes you consider can mitigate the potential impacts of the proposal on the	See Ocean Barramundi Expansion S38 Referral Supporting Report Table 2.2

environment. (Note: this should be a summary of the information provided in Part B section 2.4).	
Tenure and Local Government approvals	
<p>Location of proposal:</p> <p>a) street address, lot number, suburb, and nearest road intersection; or</p> <p>b) if remote, the nearest town and distance and direction from that town to the proposal site.</p>	<p>The ocean-based aspect of the Proposal is located within the Buccaneer Archipelago at 13 distinct areas, and is currently listed as Crown Land considering it lies within the West Australian State Waters.</p> <p>The land-based aspects of the Proposal have the following details:</p> <ol style="list-style-type: none"> 1. Broome Tropical Aquaculture Park Nursery – Lots 4, 5 and 6 Murakami Road, Broome. Currently tenure is under the Shire of Broome / Broome Port, with the BTAP site managed by the Department of Primary Industries and Regional Development. 2. Arrowpearling Base Nursery – Dampier Peninsula, WA, 6725. Closest town is Beagle Bay, with the nursery site lying ~35 kms west along Beagle Bay Road of the town. 3. Ardyaloon Nursery – Adjacent to H37G+46 Ardyaloon, WA, 6725, across from the Ardyaloon Trochus Hatchery and Aquarium.
Name of the Local Government Authority in which the proposal is located.	For the ocean-based lease areas, the Local Government Authority is the Shire of Derby. For the land-based nursery sites, the Local Government Authority is the Shire of Broome.
<p>Is rezoning of any land required before the proposal can be implemented?</p> <p>If yes, please provide details.</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>
What is the current land use on the property, and the extent (area in hectares) of the property?	<p>The ocean-based aspects of the Proposal are on Unallocated Crown Land. The area within the Development Envelopes are used intermittently by Traditional Owners, and vessel-based recreational fishers and tourists. The total area of the Development Envelopes of the ocean-based aspects of the Proposal is 1213 ha.</p> <p>The proposed nursery at the BTAP site is currently not used for anything, having previously been operated as a tourist aquaculture facility. The proposed nurseries at Ardyaloon and Arrowpearling Base are also on land that is not currently being used. The total</p>

	area of the Development Envelopes of the land-based projects of the Proposal, including areas allocated for the construction and operation of outfalls, is 8 ha.
Does the proponent have the legal access required for the implementation of all aspects of the proposal? <i>If yes, provide details of legal access authorisations / agreements / tenure.</i> <i>If no, what authorisations / agreements / tenure is required and from whom?</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No MPA must obtain a lease under the <i>Fish Resources Management Act 1994</i> as administered by the Department of Primary Industries and Regional – Fisheries Branch for both the ocean-based and land-based aspects of the Proposal.
Commonwealth Government approvals	
Does the proposal involve an action that may be or is a controlled action under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has the proposed action been referred? If yes, when was it referred and what is the reference number (EPBC No.)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Proposal has been submitted under the EPBC Act at the same time that it has been submitted under the EP Act). Date: _____ EPBC No.: _____
If referred, has a decision been made on whether the proposed action is a controlled action? If 'yes', check the appropriate box and provide the decision in an attachment.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Decision – controlled action <input type="checkbox"/> Decision – not a controlled action
If the proposal is determined to be a controlled action, do you request that this proposal be assessed under a Bilateral Agreement or as an accredited assessment?	<input type="checkbox"/> Yes - Bilateral <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - Accredited
Is approval required from other Commonwealth Government/s for any part of the proposal? <i>If yes, describe.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Approval:
Decision-making authority referrals <u>ONLY</u>	
What approval/s, under your authority, are required for this proposal? <i>Please provide details.</i>	NA

Example Table: Other approvals

Decision-making authority	Legislation or Agreement regulating the activity	Approval required (and specify which proposal element the approval is related to)	Whether and how statutory decision-making process can mitigate impacts on the environment? (Yes/No and summary of reasons. Include a separate line item for each relevant impact, and discuss how the EPA's factor objective will be met)
See Ocean Barramundi Expansion S38 Referral Supporting Report Table 2.2			