



Assessment Criteria for Applications in the Albany Aquaculture Development Zone – Princess Royal Harbour and King George Sound Areas

Purpose

To clarify the criteria that the Department of Primary Industries and Regional Development (DPIRD) will use to assess applications in the Albany Aquaculture Development Zone – Princess Royal Harbour (PRH) and King George Sound (KGS) areas, consistent with *Fisheries Occasional Publication No. 127, 2015, Aquaculture Development Zones in Western Australia Policy principles relating to considerations for aquaculture licences and leases*.

Key Points

- The Chief Executive Officer of DPIRD will consider applications according to the *Fish Resources Management Act 1994* (FRMA) and with regard for relevant policy and administrative guidelines.
- DPIRD is aware of the possibility that multiple applications may be received for the same or overlapping areas of waters within PRH and KGS areas and will therefore need to have regard for the relative merits of these applications.
- To assist applicants, a summary of the essential criteria to be applied in the DPIRD's assessment of applications is set out below. Assessment against these criteria will assist in differentiating applications.
- DPIRD may also seek specialist, independent advice or further information and discussion to support assessment on an as-needs basis.
- The DPIRD's final decisions may rely on, in part, the decision of the Minister for Fisheries (Minister) in relation to the granting of tenure in the PRH and KGS Areas, with approval from the Southern Ports Authority (SPA). Assessment of tenure is an important consideration and forms part of the overarching decision-making framework.

Essential Criteria

Applications will be considered in relation to the essential criteria of s.92(1) of the FRMA and with regard for the following guidelines:

- Fisheries Occasional Publication No. 127: Aquaculture Development Zones in Western Australia Policy principles relating to considerations for aquaculture licences and leases, 2015;
- Administrative Guideline No. 1: Assessment of Applications for Authorisations for Aquaculture and Pearling in Coastal Waters of Western Australia, 2017;
- Ministerial Policy Guideline No.19: Matters of Importance in Respect of the 'Fit and Proper Criterion for Authorisations under the Fish Resources Management Act 1994.

- Fisheries Occasional Publication No. 134: Aquaculture Development Plans - Principles and Guidelines Relating to Aquaculture Development Plans, 2017.

Further Considerations to the Essential Criteria:

1. The person is a fit and proper person to hold such a licence (knowledge, honesty and ability)

a) Previous Aquaculture or other Relevant Experience

Consideration of previous aquaculture or other relevant experience, including performance and locations. This will include the level to which an applicant demonstrates an understanding of the requirements for establishing and operating a commercially viable aquaculture business.

b) Business Capability

The extent to which an applicant's business plan addresses the requirements and provides evidence of ability to secure funding for the proposed project, including capital and ongoing operational requirements.

2. It is in the better interest of the State and the community to grant the licence

a) Business Viability

For example, an application that demonstrates a genuine higher profitability – all other matters being equal – would likely be preferred to one with a lower profitability.

b) Employment and Community Engagement

Consideration of the engagement with, and efforts or undertakings to provide employment opportunities for, local communities. This may include community engagement strategies and Aboriginal Engagement.

c) Economic Benefits

Given the Object of 'sharing' resources in the FRMA, an application that seeks the whole of the area may be less favourable than several smaller compatible operations unless that application provides full justification for the area sought as well as evidence of funding and related project development capabilities.

Any flow-on or multiplier effects of the proposed activity on regional businesses and communities may be considered. This may include value through the supply chain including processing, marketing and local sales, and opportunities for local manufacturing of gear and equipment.

3. The activities to be conducted under the licences are unlikely to adversely affect other fish or the aquatic environment

a) Biosecurity Management

The level to which aquaculture activities proposed in applications pose a biosecurity risk and the extent to which this is addressed in the applicant's Management and Environmental Monitoring Plan through a risk assessment and other means.

b) Environmental Management Strategies

The level to which the proposal demonstrates understanding and knowledge of environmental monitoring and management practices, including adequate and effective monitoring regimes, data collection and reporting.

4. The person has, or will have, appropriate tenure over the land or waters on or in which the activities under the licence are to be conducted

a) Tenure in PRH and KGS Areas

Tenure in the PRH and KGS Areas will be in the form of a sublicence granted by the Minister and SPA, which will be made under a head licence between SPA, as head licensor, and the Minister, as head licensee. While the DPIRD has a role in recommending applicants to the Minister for the grant of tenure, the decision on the grant of a sublicence will be made by the Minister in his absolute discretion subject to the approval of SPA.

Neither the Minister nor the State are legally bound to grant any tenure rights to an applicant unless and until a sublicence has been executed by the Minister, SPA and the applicant and received all necessary approvals.

The Minister must be satisfied that the applicant will make effective use of the area for aquaculture purposes.

b) Matters considered by DPIRD in making a recommendation to the Minister for tenure

DPIRD's recommendation to the Minister in relation to the grant of tenure will be based on the following considerations:

- (i) The suitability and capability of the applicant, having regard to the matters outlined in essential criterion 1 above.
- (ii) The overall merit of the application having regard to the matters outlined in essential criteria 2 – 3 above.
- (iii) The applicant will make effective use of the area for aquaculture purposes.
- (iv) The applicant's acceptance of the terms of the proposed sublicence.

Important disclaimer

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