

STATEMENT OF DECISION

APPLICATION TO VARY AN AQUACULTURE LICENCE

File Number: L55/14-02
Applicant: Batavia Coral Farm Pty Ltd
Application Date: 20 June 2018
Application Type: Variation of an Authorisation

This Statement of Decision should be read in conjunction with the document *Assessment Criteria for the Grant or Variation of an Aquaculture Licence* which is available on the Department's website.

1 DETAILS OF THE APPLICATION

Background facts

Batavia Coral Farm Pty Ltd ("Batavia") (ACN 165 570 794) is the holder of Aquaculture Licence No. 1643 ("the Licence").

The Licence authorises the culture of various coral genera:

<i>Acanthastrea</i> spp.	<i>Favites</i> spp.	<i>Palaustrea ramosa</i>
<i>Acropora</i> spp.	<i>Fungia repanda</i>	<i>Platygyra</i> spp.
<i>Alveopora</i> spp.	<i>Galaxea fascicularis</i>	<i>Plesiastrea versipora</i>
<i>Astreopora</i> spp.	<i>Goniastrea</i> spp.	<i>Pocillopora</i> spp.
<i>Australomussa rowlensis</i>	<i>Goniopora</i> spp.	<i>Porites</i> spp.
<i>Barbattoia amicorum</i>	<i>Heteropsammia cochlea</i>	<i>Psammocora</i> spp.
<i>Blastomussa</i> spp.	<i>Hydnophora</i> spp.	<i>Sarcophyton</i> spp.
<i>Cespitularia</i> spp.	<i>Leptastrea</i> spp.	<i>Scapophyllia cylindrica</i> .
<i>Corallimorpharia</i>	<i>Leptoseris</i> spp.	<i>Sinularia</i> spp.
<i>Coscinaraea</i> spp.	<i>Lobophyllia</i> spp.	<i>Stichodactyla haddoni</i>
<i>Cycloseris Patelliformis</i>	<i>Lobophytum</i> spp.	<i>Stylocoeniella guetheri</i>
<i>Cyphastrea</i> spp.	<i>Merulina ampliata</i>	<i>Symphyllia wilsoni</i>
<i>Diaseris</i> spp.	<i>Montastrea</i> spp.	<i>Tubastrea</i> spp.
<i>Echinophyllia</i> spp.	<i>Montipora</i> spp.	<i>Turbinaria</i> spp.
<i>Entacmaea quadricolor</i>	<i>Oxypora</i> spp.	<i>Xenia</i> spp.
<i>Favia</i> spp.	<i>Pachyseris speciosa</i>	<i>Zoanthus</i> spp.

Pursuant to the Licence the authorised site includes 0.13 hectares of water (**Attachment 1**) within the Pelsaert Group at the Abrolhos Islands and is subject to certain conditions.

Details of the Licence variation application

On 20 June 2018, Batavia made an application to the CEO of the Department of Primary Industries and Regional Development (“Department”) under s.142 of the *Fish Resources Management Act 1994* (“the Act”), to vary its Licence. The application fee, an updated Management and Environmental Monitoring Plan (“MEMP”) and additional information were submitted with the application.

The application to vary the Licence seeks to:

- add the coral genus *Euphyllia* spp. to the list of species authorised to be cultured (in Schedule 1 of the Licence); and
- increase the area of the site from 0.13 to 0.674 hectares (in Schedule 2 of the Licence) (**Attachment 2**).

On 9 January 2013, prior to applying for a variation to the Licence, Batavia made an application for an aquaculture lease for the site area under the Licence. The approval of the lease has been delayed by a current Departmental review of lease fees. The proposed increased area will be included in the lease prior to approval.

2. RELEVANT CRITERIA TO BE SATISFIED

2.1 Criteria in s.92(1)

(a) “Fit and proper person”

Prior to granting the Licence, Batavia was assessed against the relevant criteria and was considered a “fit and proper person” to hold an aquaculture licence.

(b) Tenure

Batavia has made an application to the Minister for Fisheries for an aquaculture lease under s.97 of the Act in respect of the existing area of operation. The area proposed in this variation application will be incorporated in the lease application, which is being assessed simultaneously.

Accordingly, I consider that Batavia will have appropriate tenure over the proposed area.

(c) Better interests

Aquaculture at the Abrolhos Islands comprises a potentially significant and sustainable sector of Western Australia’s aquaculture industry and has the potential to expand. Aquaculture of the proposed species and the addition of the jetty area will facilitate and contribute to this expansion.

By reason of the above, I consider that the grant of the variation application would be in the better interests of the State and community.

(d) Whether the proposed activities are unlikely to adversely affect other fish or the aquatic environment

The main considerations for this criterion are –

1. Genetics, disease and pests
2. Aquaculture gear
3. Environmental impact
4. Visual amenity and noise pollution

1. *Genetics, disease and pests*

Genetics and pests are not an issue because the proposal does not contemplate introducing new genetic combinations. Batavia will only culture species that occur naturally within the Abrolhos Islands to avoid introduction of exotic species and pests.

a. *Disease introduction*

I note that any movements to the site will require a translocation authorisation, which would deal with matters including disease.

Batavia will be using Abrolhos Island-native broodstock sourced and purchased from commercial fishers, other aquaculture licence holders or retail outlets and, subject to grant of an Exemption the wild. Batavia will also operate under biosecurity controls imposed through licence conditions and a MEMP.

I consider the threat of disease being introduced to the Abrolhos Island and the surrounding areas generally to be low, given the biosecurity protocols in place and the controls imposed over the movement of the fish to the site.

b. *Disease development in situ*

I have noted that aquaculture has been carried out at the existing site in the Pelsaert Group for six years. In that time, there have been no reported disease incidents.

I am also mindful of the conditions to be imposed on the licence in respect of disease reporting requirements and the biosecurity provisions set out in the MEMP.

Therefore, I consider the risk of disease outbreak at the site and the spreading of disease from the site to be generally low, given the history of Batavia's operations, the biosecurity protocols in place and the controls imposed over the species being grown at the site.

2. *Aquaculture gear*

There are two aspects to the consideration of the effect of aquaculture gear on other fish or the environment: its physical and spatial impact on benthic habitats (that is, its "footprint"); and failure to remove the aquaculture gear if the aquaculture operation

ceases. The environmental impact of the aquaculture activity on benthic habitats and water quality is a separate issue that is dealt with below.

a. Impact of the aquaculture gear

In this case, Batavia will be using the same aquaculture gear as that used for the species currently authorised under the Licence. Aquaculture gear includes plastic racks attached to longlines and floats and anchored to sand and coral rubble seabed.

Therefore, I consider that there would be minimal environmental impact arising from the use of the described aquaculture gear.

b. Removal of the aquaculture gear

In the event of aquaculture ceasing, any issues concerning the clean-up and rehabilitation of the site would be covered by the relevant provisions of the Act.

3. Environmental impact

It is in the best commercial interests of Batavia to maintain a healthy environment and ensure any ongoing environmental impact is adequately measured and evaluated. The MEMP deals with environmental monitoring and management (section 2.2).

I have noted that the proposed species to be added to the Licence will not require additional feeding; consequently, there will be no increase in nutrient levels arising from the introduction of manufactured feeds. I therefore consider the proposed species will have minimal impact on the surrounding environment. To substantiate there will be minimal impact on the environment, Batavia will be conducting sediment monitoring to record parameters identified in the MEMP.

The Abrolhos Islands is recognised for its significant marine and terrestrial fauna and flora. I consider that the risk of the proposed aquaculture activity having any significant impact on the environment is low and can be managed through the requirements of the MEMP and Licence conditions.

4. Visual amenity and noise pollution

The proposed project will not have any negative impact on visual amenity and will not result in any noise pollution.

After considering the relevant issues regarding s.92(1)(c), I am satisfied the proposed activities are unlikely to affect other fish or the aquatic environment and can be managed through the MEMP and conditions imposed on the licence under s.95 of the Act.

(e) Whether the proposed activities have been approved by other relevant authorities

I have not identified any other relevant authority.

(f) Other matters prescribed

There are no other prescribed matters.

Therefore, I am satisfied that all of the criteria in s.92(1) of the Act have been met in respect of the variation application.

2.2 The MEMP

Batavia has an approved, existing MEMP in respect of its Licence. That MEMP has been amended to apply to the activities proposed under the variation to the Licence.

I approve the amended MEMP provided by Batavia (**Attachment 3**).

3. DISCRETION TO VARY – MERITS OF THE APPLICATION

In considering the exercise of discretion I give regard to the merits of the application. That requires balancing the opposing considerations against the supporting considerations. For any detrimental factors, I give regard to how detriments may be minimised and controlled.

3.1 Potential disadvantages of variation

The potential disadvantages of the proposed variation are:

- (a) Genetics, diseases and pests (refer to 2.1(d)(1))
- (b) Environmental impact (refer to 2.1(d)(3))
- (c) Impact on compliance and resourcing
- (d) Limitation on access to the proposed waters
- (e) Impact on navigation
- (f) Impact on recreational fishing, commercial fishing and other commercial activities including tourism

(a) Genetics, diseases and pests

I have considered the issue of genetics, diseases and pests earlier at part 2.1(d)(1) of this decision, including interbreeding, and concluded these issues will be unlikely to have any detrimental impact.

(b) Environmental impact

I have considered the issue of Environmental Impact earlier at part 2.1(d)(3) of this decision, and concluded that there are sufficient controls in place to manage any environmental impact.

(c) Impact on compliance and resourcing

I note that aquaculture activities are managed through licence conditions and regular disease testing which results in a low impact on compliance and resourcing.

(d) Whether the proposal involves limitation on access to the proposed waters.

The variation is for the addition of a coral genus and increase of the area of the site. The additional area will not limit access to waters.

(e) The possible impact on navigation

The Department referred the proposal to the Department of Transport (Navigational Safety), which considered the site to be a Category 4 as defined in the document "Guidance Statement for Evaluating & Determining Categories of Marking and Lighting for Aquaculture and Pearling Leases/Licences 2010".

(f) Impact on recreational fishing, commercial fishing and other commercial activities including tourism

The variation is for the addition of a coral genus and increase of the area of the site. The additional area will not have any impact on recreational fishing, commercial fishing or other commercial activities such as tourism.

3.2 Potential advantages of variation

The potential advantages of the proposed variation are:

- (a) Suitability of the location for aquaculture and proximity to existing operations
- (b) Very low impact on other users of the resource
- (c) Potential economic benefits for the State (refer to 2.1(c))
- (d) Contribution to ongoing development of science and knowledge of aquaculture
- (e) No impact on native title.

(a) Suitability of the location for aquaculture and proximity to existing operation

Correct site selection is one of the most important factors that determines the success of aquaculture ventures. The history of successful coral aquaculture at Batavia's existing site indicates its suitability for that purpose. In its application, Batavia provided justification for the additional area applied for under the variation and confirmed its need to make the venture more viable commercially by expanding its current operation to include the genus *Euphyllia* and increase the site area from 0.13 to 0.674 hectares.

There are numerous reasons why the site location is suitable for the proposed activity and, specifically, I have noted the following factors:

- the physical features of the site satisfy the biological requirements for the production of the proposed coral genus;
- although located some distance offshore, in the Abrolhos Islands, the site has reasonable access to infrastructure in the city of Geraldton;
- coral aquaculture has proven feasible at the Abrolhos Islands; and
- the proximity to Batavia's jetty at Foale Island provides an added advantage in respect of operational efficiency and compliance activity.

I am of the view that, for the reasons set out above, the location is suitable for the aquaculture of the proposed coral genus, and that the addition of the new area to the existing site would improve operational efficiency and commercial viability.

(b) Very low impact on other users of the resource (providing disease issues are dealt with)

The proposal has no impact on visual amenity and noise pollution.

I have noted that the proposal was developed in consultation with a range of stakeholders.

Providing that disease issues are dealt with, I have formed the view that the proposal will have little to no impact on other users of the resource.

(c) Potential economic benefits for the State

I have considered the issue of economic benefits for the State earlier at part 2.1(c) of this decision.

(d) Contribution to ongoing development of science and knowledge of aquaculture

Information generated from the expansion of aquaculture activities at the site would contribute to the ongoing development of science and knowledge in relation to aquaculture. This would be facilitated by the provision of data pertaining to environmental impact of activities of this nature on the key identified environmental factors at this type of site, namely, benthic communities and habitat, marine environmental quality and marine fauna.

The science developed from the proposal may increase the efficiency of the commercial activity, but would also provide a basis for adaptive management by the Department, through continual monitoring to evaluate and improve the management processes to ensure implementation of best-practice environmental management as technologies develop over time.

(e) No impact on native title

There is no impact on Native Title.

In respect of the various considerations, I am satisfied the benefits of the proposed variation outweigh the disadvantages and that the risks, possible detriments and other issues associated with the proposed licence variation can be managed through licence conditions and the MEMP.

4. LICENCE CONDITIONS

The conditions on the licence being varied are outdated and will be replaced as set out below.

The Department has liaised with Batavia in respect of the licence conditions. The indicative (intended) substance of the licence conditions is as follows.

1. Interpretation

(1) In the conditions on this licence –

Pathologist means an employee of a laboratory facility that is accredited by the National Association of Testing Authorities, Australia;

DPIRD Diagnostics and Laboratory Services means the officer(s) occupying that position in the Department, or any officer occupying a comparable position in the Department that the CEO advises the licence holder by notice in writing will be performing the duties of a pathologist of DPIRD's Diagnostics and Laboratory Services;

site means the area specified in Schedule 2 of this licence.

(2) The following terms used in the conditions on this licence have the same meaning as in the *Fish Resources Management Act 1994* –

- aquaculture lease;
- CEO;
- Department;
- record.

2. Marking and Lighting

(1) Subject to Condition 3(2), marking of the site must be installed and maintained in accordance with Category 4 as set out in the document "Guidance Statement for Evaluating and Determining Categories of Marking and Lighting for Aquaculture and Pearling Leases/ Licences (2010)".

(2) No marking is required if the site is only for bottom culture at a depth greater than 5 metres below the lowest tide.

(3) The marking and lighting required under paragraph (1) must be installed before any aquaculture activity is undertaken at the site.

3. Aquaculture gear

(1) Aquaculture gear must be used in such a way that it is not in contact with and does not damage any reef, coral or seagrass bed.

(2) The holder of the licence must ensure that all aquaculture gear is located within the boundaries of the site, and maintained in a safe, secure and

seaworthy condition; and all floating aquaculture gear, including ropes and buoys, must be fastened securely.

4. Jetties

No aquaculture activity is to be conducted on or above any jetty unless the jetty has been assessed by a qualified structural engineer, and the engineer has issued a certificate specifying the working load limit of the jetty. No aquaculture activity is to be conducted on or above any jetty unless a copy of the working load limit certificate is kept at the jetty for inspection at any time by any Fisheries and Marine Officer and the working load limit specified in the certificate is not being exceeded. The original certificate must be kept safe and secure as a record of compliance with this condition.

5. Possession of fish and translocation

(1) Any fish that is not native to the Abrolhos Islands must not be brought onto or kept on the site.

(2) No natural reef coral or rock is to be brought onto or kept on the site for use in live rock culture. No Natural reef coral or rock is to be taken or removed from the site.

6. Coral and live rock culture

Any material that is not manufactured substrate must not be used for the aquaculture of coral and live rock.

7. Tagging of coral

Any coral being cultured, or the substrate to which the coral is attached, that is brought onto or kept on the site or being transported to the mainland must be securely and clearly tagged or marked. Each tag or marking must specify the licence holder's name, the licence number and a distinguishing reference number or code that corresponds to a written record. A written record must be maintained of all numbers and codes of tags used.

The record is to specify –

- (1) Date of propagation or fragmentation;
- (2) Genus or species;
- (3) Source of colony; and
- (4) Batch number.

8. Disease testing

- (1) The licence holder must ensure that disease testing of fish is carried out –
 - (a) prior to transport to or from the site; or
 - (b) while the fish is situated at the site,as required by notice in writing from DPIRD's Diagnostics and Laboratory Services.
- (2) The testing carried out under paragraph (1) will be at the cost of the licence holder.

9. Biosecurity measures

Where the licence holder -

- (1) suspects that any fish at the site are affected by disease; or
- (2) becomes aware of any significant or unusually high levels of fish mortality, caused by disease or otherwise, the licence holder must -
 - (a) immediately notify the Department on 1300 278 292 (all hours) of the level of mortality or signs of disease; and
 - (b) follow the directions of DPIRD's Diagnostics and Laboratory Services in relation to providing reports, samples of fish, or any other relevant item, at such a time as required.

10. Interaction with protected species

Any interactions between any aquaculture gear at the site and any protected species, including entangled or stranded animals, must be immediately reported to the Department of Biodiversity, Conservation and Attractions' Wildcare Hotline on (08) 9474 9055 (24-hour emergency number), the DBCA's Nature Protection Branch on (08) 9219 9837 and the local DBCA District Office.

11. Record keeping

- (1) The licence holder must make accurate and timely records of –
 - (a) the aquaculture gear used at the site;
 - (b) the movement of fish to each type of aquaculture gear, including –
 - i. the estimated average weight and numbers of the fish moved;
 - ii. the time and date the movement took place; and
 - iii. any mortalities of fish that occurred during the movement;
 - (c) the estimated weight and numbers of fish being kept on each type of gear at the site;
 - (d) the estimated weight and numbers of fish harvested from each type of aquaculture gear at the site;
 - (e) all mortalities at the site, both in total and as a percentage of total stock held at the site at the time; and
 - (f) all health certificates issued to the licence holder by a Pathologist.

- (2) The licence holder must keep the records made under paragraph (1) in a secure place at the licence holder's registered place of business for a period of seven years.
- (3) Records under paragraph (1) must be available to an authorised Fisheries Officer at any time

12. MEMP Compliance Audit

An independent audit of compliance with the MEMP must be commissioned and carried out by the licence holder, at the expense of the licence holder, within four months of being directed in writing by the CEO to commission the audit. A copy of any interim and final audit report must be delivered to the CEO within seven days of being received by the licence holder.

13. MEMP Report

The holder of the licence must:

- (1) at all times comply with and implement the latest Management and Environmental Monitoring Plan ("MEMP") prepared by the holder of the licence, and delivered to the Department; and
- (2) before 31 July each year, submit to the CEO at the head office of the Department at Perth, a written annual report on its activities conducted under the MEMP during the year, which must include all results of management and monitoring activities to 1 July.

In accordance with section 147(1)(b) of the Act, the conditions will be imposed by providing the Applicant with notice in writing, noting there is a requirement for a review period before giving effect to the decision as per section 147(1)(g).

I note that the aquaculture venture is a dynamic operation, not a static event, and in the event that varied or additional conditions become appropriate then those can be imposed in the future in accordance with the process in the Act.

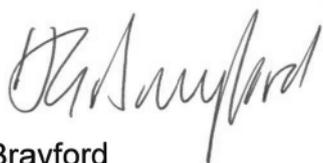
DECISION

In view of the above considerations, I have decided to vary the Aquaculture Licence on the basis that conditions are imposed on the licence.

Aquaculture Licence No. 1643, submitted by Batavia Coral Farm Pty Ltd is to be varied to include the coral genus *Euphyllia spp.* and to increase the site to 0.674 hectares.

Existing conditions on the licence are to be removed and replaced with new conditions pursuant to section 95 of the Act and which are set out above at part 4 (conditions 1-13) of this statement of decision.

I have also decided to approve the MEMP.



Heather Brayford
DEPUTY DIRECTOR GENERAL, Sustainability and Biosecurity
As delegate of the CEO

Dated this 27th day of May 2019

I hereby give instruction for notice of the decision to vary the Licence under s.142 of the Act and impose conditions under s.95 of the Act to be advertised in the West Australian newspaper in accordance with s.148 of the *Fish Resources Management Act 1994*

Attachments –

- (1) Site Plan
- (2) Application Site Plan
- (3) Management and Environmental Monitoring Plan

HOUTMAN ABROLHOS, FOALE ISLAND PELSZAERT GROUP BATAVIA CORAL FARM AQUACULTURE LICENCE - SITE PLAN

ALL THAT PORTION OF TERRITORIAL WATER WITHIN THE BOUNDARY DESCRIBED AND COLOURED GREEN
ON THE PLAN BELOW AND COMPRISING A TOTAL WATER AREA OF 1,302 SQUARE METRES

114°0'8"E

114°0'12"E

114°0'16"E

114°0'20"E

28°52'32"S

28°52'36"S

28°52'40"S

28°52'44"S

28°52'48"S

28°52'52"S

28°52'32"S

28°52'36"S

28°52'40"S

28°52'44"S

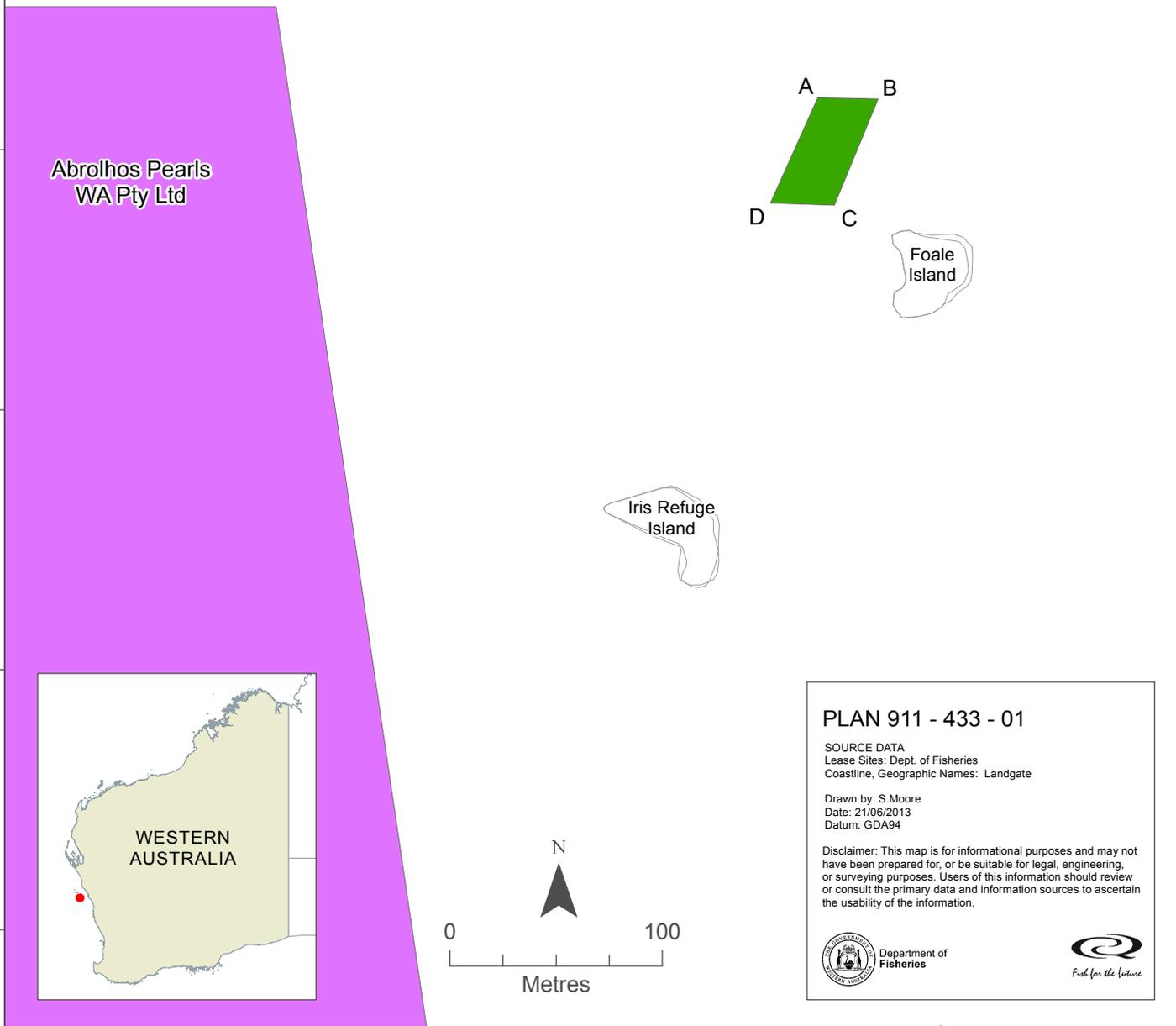
28°52'48"S

28°52'52"S

Legend

-  Aquaculture Licence Site
-  Existing Aquaculture & Pearling Sites

Pnt	Longitude	Latitude
A	114° 0.278' E	28° 52.653' S
B	114° 0.293' E	28° 52.654' S
C	114° 0.282' E	28° 52.681' S
D	114° 0.266' E	28° 52.680' S



PLAN 911 - 433 - 01

SOURCE DATA
Lease Sites: Dept. of Fisheries
Coastline, Geographic Names: Landgate

Drawn by: S.Moore
Date: 21/06/2013
Datum: GDA94

Disclaimer: This map is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



114°0'8"E

114°0'12"E

114°0'16"E

114°0'20"E

HOUTMAN ABROLHOS - FOALE ISLAND

BATAVIA CORAL FARM PTY LTD

AQUACULTURE LICENCE APPLICATION - SITE PLAN

ALL THAT PORTION OF TERRITORIAL WATER WITHIN THE BOUNDARY DESCRIBED AND COLOURED GREEN ON THE PLAN BELOW COMPRISING A TOTAL AREA OF 0.674 HECTARES

114°0.2'E

114°0.3'E

Boundary Coordinates: Datum GDA94

Point	Latitude	Longitude
A	28° 52.680' S	114° 00.262' E
B	28° 52.649' S	114° 00.272' E
C	28° 52.628' S	114° 00.267' E
D	28° 52.625' S	114° 00.278' E
E	28° 52.644' S	114° 00.284' E
F	28° 52.648' S	114° 00.295' E
G	28° 52.643' S	114° 00.307' E
H	28° 52.649' S	114° 00.311' E
I	28° 52.660' S	114° 00.307' E
J	28° 52.666' S	114° 00.320' E
K	28° 52.688' S	114° 00.298' E
L	28° 52.703' S	114° 00.300' E
M	28° 52.703' S	114° 00.295' E

Legend

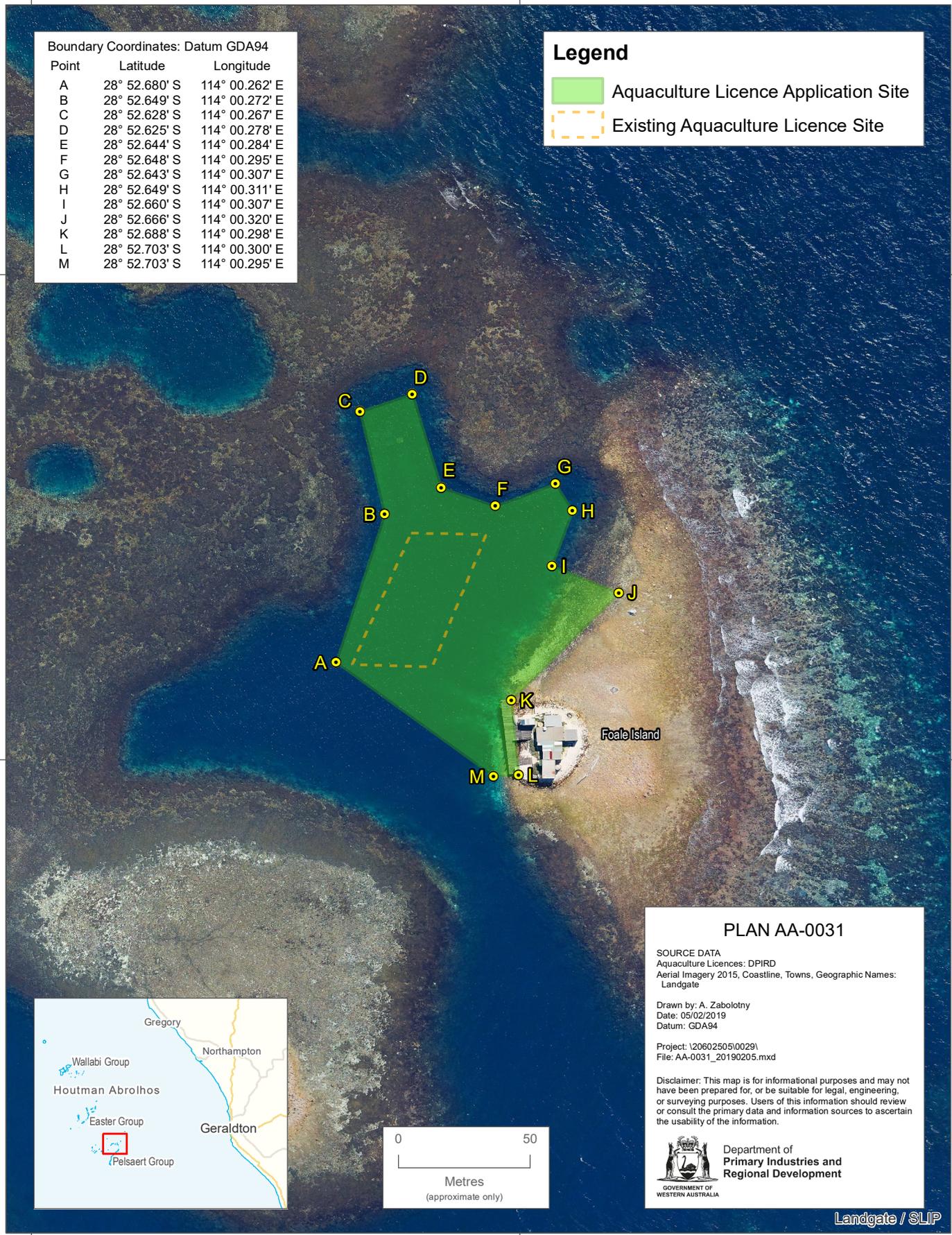
- Aquaculture Licence Application Site
- Existing Aquaculture Licence Site

28°52.6'S

28°52.6'S

28°52.7'S

28°52.7'S



PLAN AA-0031

SOURCE DATA
 Aquaculture Licences: DPIRD
 Aerial Imagery 2015, Coastline, Towns, Geographic Names: Landgate

Drawn by: A. Zabolotny
 Date: 05/02/2019
 Datum: GDA94

Project: \20602505\0029\
 File: AA-0031_20190205.mxd

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Department of
**Primary Industries and
Regional Development**

Landgate / SLIP

114°0.2'E

114°0.3'E