



Marine Parks Authority

TRIM REF: OUT12/3407

Chris Ritchie
Manager, Industry Projects
NSW Planning and Infrastructure
GPO Box 39. Sydney 2001

Dear Mr Ritchie

REQUEST FOR PROVISION OF DETAILS OF KEY ISSUES AND ASSESSMENT REQUIREMENTS – MARINE FINFISH AQUACULTURE RESEARCH LEASE (SSI – 5118)

I write in reference to the above proposal, and the request for the Marine Park Authority's requirements for the environmental assessment.

Marine Park Authority staff have considered the details of draft Director General's Environmental Assessment Requirements and agree with the identified key issues. Specific or additional assessment requirements of the Authority in relation to the assessment of these key issues are provided in Appendix A. To make a reliable appraisal of the impacts of the proposal the Authority will require the environmental assessment to address these requirements whilst taking into consideration the following legislation and plans:

Legislation:

The Marine Parks Act 1997
The Marine Parks Regulation 2009
The Marine Parks (Zoning Plans) Regulation 1999

Plans:

The Port Stephens – Great Lakes Marine Park Zoning Plan
The Port Stephens – Great Lakes Marine Park Operational Plan 2010

Yours sincerely

Graeme White
Manager, Marine Park Management

Date: 28 February 2012

In order for a permit to be issued by the Marine Parks Authority for this activity, requirements of Section 19 of the *Marine Parks Act 1997* must be addressed. The following assessment requirements have been derived from the *Marine Parks Regulations 1999*.

The environmental assessment is required to take into account:

1) The objects of the Marine Parks Act:

(a) to conserve marine biological diversity and marine habitats by declaring and providing for the management of a comprehensive system of marine parks,

(b) to maintain ecological processes in marine parks,

(c) where consistent with the preceding objects:

- (i) to provide for ecologically sustainable use of fish (including commercial and recreational fishing) and marine vegetation in marine parks, and*
- (ii) to provide opportunities for public appreciation, understanding and enjoyment of marine parks.*

2) The objects of the zone in which the activity is proposed to be carried out:

Objects of the sanctuary zone are:

(a) to provide the highest level of protection for biological diversity, habitat, ecological processes, natural features and cultural features (both Aboriginal and non-Aboriginal) in the zone, and

(b) where consistent with paragraph (a), to provide opportunities for the following activities in the zone:

(i) recreational, educational and other activities that do not involve harming any animal or plant or causing any damage to or interference with natural or cultural features or any habitat,

(ii) scientific research.

Objects of the habitat protection zone are:

(a) to provide a high level of protection for biological diversity, habitat, ecological processes, natural features and cultural features (both Aboriginal and non-Aboriginal) in the zone, and

(b) where consistent with paragraph (a), to provide opportunities for recreational and commercial activities (including fishing), scientific research, educational activities and other activities, so long as they are ecologically sustainable and do not have a significant impact on any fish populations or on any other animals, plants or habitats.

Objects of the general use zone are:

(a) to provide protection for biological diversity, habitat, ecological processes, natural features and cultural features (both Aboriginal and non-Aboriginal) in the zone, and

(b) where consistent with paragraph (a), to provide opportunities for recreational and commercial activities (including fishing), scientific research, educational activities and other activities so long as they are ecologically sustainable.

- 3) The activities that are permissible in the zone in which the activity is proposed to be carried out (as specified in the relevant zoning plan).

The environmental assessment must:

- i) document all known and likely activities that may be affected or impacted by the proposal, including but not limited to:
 - Recreational fishing
 - Charter fishing (including game fishing)
 - Commercial fishing
 - Commercial cetacean watching
 - Recreational scuba diving
 - Current research projects
 - General vessel transit
 - ii) detail the actions that will be taken to avoid or mitigate impacts on these activities, including visual warning devices, how they will operate, and proposed maintenance schedules
 - iii) detail any flow on or spill effects the activity will have on these activities. Particular attention must be directed toward an assessment of the fish farm serving as an attractant to sharks, and the possible implications or risk to dive operators that utilise Cabbage Tree Island, the “Oakland” wreck, and nearby reefs used for diving
 - iv) the proposal's relationship to any other activity, industry, or facility
- 4) Any requirements, constraints or issues of the *Port Stephens – Great Lakes Marine Park Operational Plan 2010*

This document can be found at mpa.nsw.gov.au/pdf/PSGLMP-Operational-Plan-2010.pdf

- 5) Any threatened species under the *Fisheries Management Act 1994*, the *National Parks and Wildlife Act 1974*, or the *Threatened Species Conservation Act 1995* that may be affected by the proposed activity

The environmental assessment must:

- i) document all the known threatened species, their habitats, populations and ecological communities of the site/study area (including adjacent areas that may be indirectly impacted upon by the proposal).
- ii) provide a detailed assessment of the direct and indirect impacts of the proposal, including any impacts associated with ancillary activities on such species, habitats, and ecological communities. Specific attention must be directed toward the possible impact on great white shark movement, behaviour and feeding (refer to Nearshore habitat use by juvenile white sharks in coastal waters off Port Stephens, June 2011.
(www.hcr.cma.nsw.gov.au/uploads/res/research/JWSacousticsproject.pdf)
- iii) detail the actions that will be taken to avoid or mitigate impacts on protected flora and fauna, threatened species, their habitats, populations and ecological

communities; and in instances where impacts cannot be avoided, provide appropriate details on offset/compensatory packages or strategies.

To address likely impacts on protected flora and fauna, threatened species, populations and ecological communities (including their habitat), the proponent will need to engage a qualified and experienced environmental consultant to conduct appropriate flora/fauna/habitat surveys of the subject site, and provide an assessment report

- 6) The form of transport to be used to gain access to the zone in, on or from which the activity is proposed to be carried out, having regard to the adequacy of facilities for mooring or landing any vessel, and for loading and unloading
- 7) The type of equipment to be used in connection with the proposed activity

The environmental assessment must provide extensive details of the structure including:

- materials, size, dimensions, load features
 - method of anchoring
 - depths, layout
 - drawings
- 8) Arrangements that have been made for the making good of any damage to the marine park that arises from the activity

The environmental assessment needs to assess the risk the structure places on the resources and users of the marine park. Risk analyses should be undertaken with regard to:

- Wildlife entanglements, including whales, dolphins, dugongs, turtles, bird, sharks and other fish
- Unintended fish capture and/or release of farm fish
- Vessel collision or propeller entanglement
- Storm damage and structure failure

The environmental assessment needs to detail how these risks will be addressed and minimised, and what measures will be made available to deal with any incidents arising from the above.