Notice

Environmental Protection Act 1994
Environmental Evaluation

Notice requesting further information

This notice requesting further information in response to receiving an environmental report about an environmental investigation is issued by the administering authority pursuant to section 326F(2) of the Environmental Protection Act 1994.

Sealord King Reef Pty Ltd (ACN 105 576 609)
Suite 3, Level 1
19 Harris Street
PYRMONT NSW 2009

cc: rob.mckendrick@sealord.com.au

Your reference: EPPR00390913

Our Reference: C-CPLRC-100000603, STAT-E-100068167

Tuesday, 18 April 2023

Take notice: that under the *Environmental Protection Act 1994* (the Act), a notice requesting further information on an environmental report is issued to Sealord King Reef Pty Ltd (ACN 105 576 609) (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Science (the department).

This notice requesting further information is issued in respect of the "**farm operation**" activities of Sealord King Reef Pty Ltd on land described as Lot 1 Plan NR5347, Lot 2 CP886368, Lot 295 RP814124 and Lot 1 RP721954 (the premises) and Cowley Creek.

The further information is required in regard to a report on an environmental investigation submitted by you to the department on Friday, 31 March 2023 with the statutory declaration being submitted 5 April 2023.

A. Grounds

The notice requesting further information is issued on the following grounds:

1. On 3 March 2021, a notice to conduct or commission an environmental investigation (the EE Notice) was issued to you by the department.

2. On 18 November 2021, you provided the department an *'Environmental Evaluation 6-Monthly Report'* as per requirement 5 of the EE Notice, along with a request for an extension on the submission of the final environmental evaluation report (EE Report).

3. On 1 December 2021 the department granted an extension to you until 17 November 2022.

4. On 18 May 2022, you provided the department an *'Environmental Evaluation 12-month Report'* as per requirement 6 of the EE Notice.

Queensland Government

5. On 2 November 2022, a second request for an extension on the submission of the EE report was submitted by you to the department.

6. On 8 November 2022, the department granted an extension to you until 31 March 2023.

7. On 31 March 2023, you provided the department a '*Final Environmental Evaluation Report'* (EE Report) as per requirement 7 of the EE Notice.

8. The department has reviewed the EE Report and determined that further information is required pursuant to section 326F of the Act, in order to decide whether to approve the EE Report.

B. Facts and Circumstances

The facts and circumstances forming the basis for these grounds are:

1. A notice to conduct or commission an environmental investigation (EE Notice) was issued to you on the grounds that an activity or proposed activity is causing, or is likely to cause environmental harm.

2. The EE Notice requires you to provide an environmental evaluation report on the outcome of investigation conducted between the period March 2021 to March 2023.

3. Requirement 7b of the EE Notice neccesitates the review and assessment of compliance against EA water quality and quantity limits in the environmental authority EPPR00390913 (the EA). Requirement 7d of the EE Notice requires review of the infrastruction and farm operations and make necessary recommendations to comply with the EA quantity limits. Requirement 7e of the EE Notice required timeframe for implementation of recommendations in relation to requirement 7d.

    - The EE Report exemplifies that discharge volumes exceeded the EA maximum discharge limit (exchange + drainage) on many occasions. The exceedances occurred during high flow and rainfall events however they were also evident during dry season conditions.

    - The EE Report does not provide:

        - a detailed assessment on when, where and how these discharge volumes have been exceeded; or
        - proposed recommended actions to comply with the EA; or
        - proposed timeframes to implement the recommendations to secure EA compliance.

    - The EE Report includes nutrient sampling at a frequency of fortnightly "in house" and monthly at a NATA accredited laboratory*.

      **Table 1 (page 13) of the EE Report *Note that all parameters are analysed monthly by an external laboratory (ALS), and parameters labelled "fortnightly" are monitored in house in the intervening fortnight (when samples are not sent to ALS for analysis).*

        - The EE Report does not provide an evaluation of the "in house" results as to their reliability and accuracy.

4. Requirement 7d of the EE Notice necessitates the review and assessment of the current infrastructure of the farm operation, and make necessary recommendations in order to: (a) comply with EA water quality and quantity limits, and, (b) minimise impact on the receiving environment.

    - The recommended actions for complying with EA water quantity limits were presented in section '*10.2.3 Step 3'* of the EE Report. These were recommended if the objectives have not been met in step 1 or 2 in section 10.2 of the EE Report.

    - The recommended actions of reinstating discharge point W3 and converting the farm operation into a recirculating aquaculture system both have lengthy implementation timeframes.

    - The department has identified the EE Report to have inadequate information in regard to recommendations that can effectively and promptly comply with the EA water quantity limits.

    - The EE Report suggests additional earthworks on bioremediation systems is to be done through sludge removal if the objectives of step 1 in '*10.2 On-farm recommendations and implementation program'* (section 10.2) are not adequately met. The EE Report does not provide enough information on the extent of further sludge removal. The location of further sludge removal within the bioremediation systems is required as it is important to identify where the removal will occur.

    - The EE Report indicates that Eco-Tabs are to be continued to be applied in bioremediation system 2 and incorporated into the system's zig zag (ZZ-2). However, inadequate information has been provided in relation to the dosage, frequency of application and potential use within bioremediation systems.

5. Requirement 7f of the EE Notice necessitates that a risk assessment with mitigating actions, for potential impacts to water quality must be included in the Water Quality Management Plan.

    - The EE Report does not include the potential over use of Eco-Tabs within bioremediation systems in the risk assessment. A risk assessment on the potential environmental impact of Eco-Tab application on the receiving waters of Cowley Creek and the mitigation strategies is required.

    - The EE Report risk assessment touches on the risk of breaching EA conditions. However the steps to be taken in response to this occurring appears to be an information gap. The risk assessment confirms that additional standard operating proecdures (SOPs) are yet to be developed. Despite exceedences occurring before and since the EE Notice was issued in March 2021, these have not been reported to the department as per EA conditions H13 and H14 which also include investigation and corrective actions to be undertaken.

6. Requirement 7g of the EE Notice necessitates the identification of potential changes to be made to the Receiving Environment Monitoring Program (REMP) with the inclusion of timeframes for implementation.

    - Page 67 of the EE Report states *"SKR request a new REMP be structured to better capture an adaptive management approach that is reflective of the conditions in which they farm."* The EE

Report has not specified the potential changes that are required to meet the objectives of constructing a new REMP, nor the timeframe for implementation.

7. The department has a statutory obligation to make a determination as to whether to request further information on the EE Report within ten (10) business days of receipt of the report. The department continues to review the information provided within the EE Report.

C. Requirements

The further information you are requested to provide is as follows:

1. Further information is requested to address the exceedance of EA water quantity limits. To meet this requirement;
   i. Information is requested
      - Further detail as to when, where and how these EA discharge volumes have been exceeded;
      - proposed recommended actions to comply with the EA; and,
      - proposed timeframes to implement the recommendations to secure EA compliance.

2. Further information is requested as to the reliability and accuracy of the “in house” results obtained including the chosen methodology.

3. Further information is requested to understand the extent of the recommended sludge management. To meet this requirement;
   i. Identify the specific part of the bioremediation systems that further sludge removal will occur if the programs objectives are not met following the 6 month review of Step 1.

4. Further information is requested to understand potential impact of Eco-Tab use on the receiving environment. To meet this requirement;
   i. Information must include a review of the use of Eco-Tab on other farms and a detailed risk assessment to be incorporated in the Water Quality Management Plan;
   ii. Identification of required dosage, frequency of application, and whether or not it will also be used in bioremediation system 1;
   iii. Identification of the environmental risks on the receiving environment associated with the proposed dosage and frequency, as well as over-dosage and exended use; and,
   iv. Identification of mitigation strategies for the risks.

5. Further information is requested to close out the information gap to address the risk of EA breach. To meet this requirement;
   i. Provide mitigating actions in line with EA conditions H13 and H14; and
   ii. Detail when they will be implemented.

6. Further information is requested to demonstrate how the REMP will be changed to reflect the review recommendations and best reflect the operational conditions. To meet this requirement;
   i. Information must include specific details on the parts within the REMP which require potential changes; and
   ii. Identification of timeframes for these changes to be implemented.

The further information must be submitted to the department on or before **Tuesday, 13 June 2023**.

Take notice:

1. The requirements of this Notice to provide further information take effect immediately upon service of this Notice.
2. This Notice remains in force until further notice from the department
3. You are responsible for meeting the costs of providing the further information to the department.

D. Reviews and appeals

There are no review or appeal rights under the *Environmental Protection Act* for a request for further information made under section 326F(2).

A person whose interests are or would be adversely affected by a decision of the department may be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

Under the *Judicial Review Act 1991,* a person whose interests are, or would be adversely affected by a decision of the department is able to:

- Request a statement of reasons from the department explaining the decision
- Apply to the Supreme Court for a statutory order of review of the decision if the person is not satisfied with the statement of reasons.

You may have other legal rights or obligations and should seek your own legal advice.

If you fail to provide the further information, the department will make a decision about the environmental report on the information already submitted.

Should you have any queries in relation to this notice, please contact Alex Apostol of the department on telephone number 07 4222 5316.

NCooper	18 April 2023
Signature	Date

Nadine Cooper
A/Manager Compliance
Delegate of the Chief Executive

Department of Environment and Science

Environmental Protection Act 1994

Enquiries:

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