

Queensland  
GovernmentDepartment of  
**State Development,  
Infrastructure and Planning**

Our reference: SDA-1013-005592  
Your reference: Cons 13/0015 SG.MP

Date: 18/11/2013

Burdekin Shire Council  
Attention: Shane Great  
PO Box 974  
AYR QLD 4807

Dear Mr Great,

**Concurrence agency response—with conditions**

531 Trent Road, Alva, Burdekin Shire – QLD 4807  
Lot 1 RP 804106  
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning under section 272 of the *Sustainable Planning Act 2009* on 28/10/2013.

**Applicant details**

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Applicant name: Pacific Reef Fisheries Australia

Applicant contact details: PO Box 2200  
AYR QLD 4807

**Site details**

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Street address: 531 Trent Road, Alva, Burdekin Shire – QLD 4807

Real property description: Lot 1 RP804106

Site area: 331.70ha

Local government area: Burdekin Shire Council

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**Application details**

Proposed development: Development Permit for Material Change of use to allow operation of an existing aquaculture facility (Stage V)

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**Aspects of development and type of approval being sought**

Development Permit for Material Change of use to allow operation of an existing aquaculture facility (Stage V)

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**Referral triggers**

The development application was referred to the department under the following provisions of the Sustainable Planning Regulation 2009:

Referral trigger Schedule 7, Table 2, Item 28 – Certain aquaculture

**Conditions**

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the department requires that the conditions set out in Attachment 1 attach to any development approval.

**Reasons for decision to impose conditions**

Under section 289(1) of the *Sustainable Planning Act 2009*, the department is required to set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

**Relevant period**

Under section 287(1)(d) of the *Sustainable Planning Act 2009*, the department requires that the relevant period for any development approval is to be in accordance with section 341 of the *Sustainable Planning Act 2009*.

**Further advice**

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

A copy of this response has been sent to the applicant for their information.

If you require any further information, please contact Kristy Nau, Senior Planning Officer, on 4799 7596 or [kristy.nau@dssip.qld.gov.au](mailto:kristy.nau@dssip.qld.gov.au) who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Kenna', with a long horizontal stroke extending to the left.

Graeme Kenna  
Manager, Planning

cc: Pacific Reef Fisheries Australia,  
enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Further advice

Our reference: SDA-1013-005592  
 Your reference: Cons 13/0015 SG.MP

### Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing																																																		
<b>Material Change of Use for Aquaculture</b>																																																				
<b>Schedule 7, Table 2, Item 28 – Certain aquaculture</b>																																																				
1.	<p>Development must be carried out generally in accordance with the following plans, except as modified by these concurrence agency conditions:</p> <ul style="list-style-type: none"> <li>- Site Plan – Figure 2.1 as provided with the Development Application for Material Change of Use to allow Operation of Existing Aquaculture Facility (Stage V) Trent Road, Ayr prepared by Pacific Reef Fisheries dated October 2013.</li> <li>- Pacific Reef fisheries Approved Plan 255BC0307, for Lot 1 on RP804106 (Rev0) Ref No: 2005BC0307 approved date: 22/08/2011.</li> </ul>	For the duration of the operation of the aquaculture facility																																																		
2.	<p>The operator is authorised under Fisheries Queensland approval number 2005BC0307 to conduct aquaculture on and harvest the following approved species: -</p> <table border="0" data-bbox="351 1019 1109 1973"> <tbody> <tr><td>Australian bass</td><td><i>Macquaria novemaculeata</i></td></tr> <tr><td>Banana prawn</td><td><i>Penaeus merguensis</i></td></tr> <tr><td>Barcoo grunter</td><td><i>Scortum barcoo</i></td></tr> <tr><td>Barramundi</td><td><i>Lates calcarifer</i></td></tr> <tr><td>Barramundi cod</td><td><i>Cromileptes altivelis</i></td></tr> <tr><td>Barred-cheek coral trout</td><td><i>Plectropomus maculatus</i></td></tr> <tr><td>Batik Lobster</td><td><i>Panulirus longipes</i></td></tr> <tr><td>Black Lobster</td><td><i>Panulirus penicillatus</i></td></tr> <tr><td>Black Slipper Lobster</td><td><i>Parribacus antarcticus</i></td></tr> <tr><td>Black tiger prawn</td><td><i>Penaeus monodon</i></td></tr> <tr><td>Blue Swimmer crab</td><td><i>Potunus pelagicus</i></td></tr> <tr><td>Blue-spot coral trout</td><td><i>Plectropomus laevis</i></td></tr> <tr><td>Blunt Slipper Lobster</td><td><i>Scyllarides squammosus</i></td></tr> <tr><td>Brown tiger prawn</td><td><i>Panaeus esculentus</i></td></tr> <tr><td>Cobia</td><td><i>Rachycentron canadum</i></td></tr> <tr><td>Common coral trout</td><td><i>Plectropomus leopardus</i></td></tr> <tr><td>Eel tail catfish</td><td><i>Tandanus tandanus</i></td></tr> <tr><td>Estuary cod</td><td><i>Epinephelus coioides</i></td></tr> <tr><td>Flowery cod</td><td><i>Epinephelus fuscoguttatus</i></td></tr> <tr><td>Golden perch (Cooper Creek strain)</td><td><i>Macquaria ambigua n.sp</i></td></tr> <tr><td>Golden perch (Dawson River strain)</td><td><i>Macquaria ambigua oriens</i></td></tr> <tr><td>Golden perch (Murray-Darling strain)</td><td><i>Macquaria ambigua ambigua</i></td></tr> <tr><td>Golden Snapper</td><td><i>Lutjanus johnii</i></td></tr> <tr><td>Green algae</td><td><i>Ulva lactuca</i></td></tr> <tr><td>Green algae</td><td><i>Chaetomorpha linum</i></td></tr> </tbody> </table>	Australian bass	<i>Macquaria novemaculeata</i>	Banana prawn	<i>Penaeus merguensis</i>	Barcoo grunter	<i>Scortum barcoo</i>	Barramundi	<i>Lates calcarifer</i>	Barramundi cod	<i>Cromileptes altivelis</i>	Barred-cheek coral trout	<i>Plectropomus maculatus</i>	Batik Lobster	<i>Panulirus longipes</i>	Black Lobster	<i>Panulirus penicillatus</i>	Black Slipper Lobster	<i>Parribacus antarcticus</i>	Black tiger prawn	<i>Penaeus monodon</i>	Blue Swimmer crab	<i>Potunus pelagicus</i>	Blue-spot coral trout	<i>Plectropomus laevis</i>	Blunt Slipper Lobster	<i>Scyllarides squammosus</i>	Brown tiger prawn	<i>Panaeus esculentus</i>	Cobia	<i>Rachycentron canadum</i>	Common coral trout	<i>Plectropomus leopardus</i>	Eel tail catfish	<i>Tandanus tandanus</i>	Estuary cod	<i>Epinephelus coioides</i>	Flowery cod	<i>Epinephelus fuscoguttatus</i>	Golden perch (Cooper Creek strain)	<i>Macquaria ambigua n.sp</i>	Golden perch (Dawson River strain)	<i>Macquaria ambigua oriens</i>	Golden perch (Murray-Darling strain)	<i>Macquaria ambigua ambigua</i>	Golden Snapper	<i>Lutjanus johnii</i>	Green algae	<i>Ulva lactuca</i>	Green algae	<i>Chaetomorpha linum</i>	For the duration of the operation of the aquaculture facility
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No.	Conditions	Condition timing
	<p>Green algae <i>Cladophora coelothrix</i></p> <p>Green algae <i>Ulva rigida</i></p> <p>Green algae <i>Ulva fasciata</i></p> <p>Green algae <i>Ulva flexuosa</i></p> <p>Green algae <i>Ulva intestinalis</i></p> <p>Green algae <i>Chaetomorpha indica</i></p> <p>Green algae <i>Cladophora vagabunda</i></p> <p>Green algae <i>Cladophora patentiramea</i></p> <p>Green tropical Lobster <i>Panulirus versicolor</i></p> <p>Gulf Saratoga <i>Scleropages jardinii</i></p> <p>Kuruma prawn <i>Penaeus japonicus</i></p> <p>Mahi Mahi <i>Coryphaena hippurus</i></p> <p>Mangrove jack <i>Lutjanus argentimaculatus</i></p> <p>Moreton Bay bug <i>Thenus orientalis</i></p> <p>Morton Bay bug <i>Thenus indicus</i></p> <p>Mud Crab <i>Scylla serrata</i></p> <p>Mud Lobster <i>Panulirus polyphagus</i></p> <p>Mulloway <i>Argyrosomus japonicus</i></p> <p>Murray cod <i>Maccullochella peeli peeli</i></p> <p>Passionfruit trout <i>Plactropomus areolatus</i></p> <p>Queensland groper <i>Epinephelus lanceolatus</i></p> <p>Sand Lobster <i>Panulirus homarus</i></p> <p>Sand whiting <i>Sillago ciliata</i></p> <p>Silver perch <i>Bidyanus bidyanus</i></p> <p>Sleepy cod <i>Oxyeleotris lineolatus</i></p> <p>Snapper <i>Pagrus auratus</i></p> <p>Southern Saratoga <i>Scleropages leichardti</i></p> <p>Three spot crab <i>Portunus sanguinolentus</i></p> <p>Tropical rock Lobster <i>Panulirus ornatus</i></p>	
3.	<p>This development approval authorises aquaculture within Lot 1 on RP804106 to the following extent: –</p> <p>(a) the culture of fish and crustacean species listed in Condition 1 only within the production indicated on the approved plan number Figure 2.1 Site Plan and drawing 2005BC0307 Rev0;</p> <p>(b) the culture of algal species listed in Condition 1 only within the production ponds, water storage reservoir and wastewater settlement ponds indicated on the approved plan number 2005BC0307 Rev0.</p>	For the duration of the operation of the Aquaculture
4.	DAFF must be informed of any changes to the personal contact details for this Development Approval within 28 working days.	For the duration of the operation of the Aquaculture
5.	An <u>Aquaculture Production Return</u> must be submitted to the chief executive of Department of Agriculture, Fisheries and Forestry (DAFF), by the close of business on 31 <sup>st</sup> of July each year during the term of this Development Approval. This includes lodging a "nil return" when no activity has occurred.	For the duration of the operation of the Aquaculture

No.	Conditions	Condition timing
6.	Under this approval aquaculture fisheries resources, <u>except for spores, gametes and zygote stages of approved algal species</u> , must not be released into Queensland waters other than those waters approved under this Development Approval.	For the duration of the operation of the Aquaculture
7.	Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval, must not be sold, traded or given away for the purposes of using for bait. This includes the use of the whole fish and any part of the fish.	For the duration of the operation of the Aquaculture
8.	Any Development Approval and/or Resource Allocation Authority Area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for an inspection by an Inspector under the Fisheries Act 1994 during reasonable hours.	For the duration of the operation of the Aquaculture
9.	<p>The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animals health, which must include a statement that the specimens originate from:</p> <ul style="list-style-type: none"> <li>(a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) or recognition as free from infection;</li> <li>(b) a hatchery or farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of the State or Territory Fisheries agency or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OMI Manual of Diagnostic Tests for Aquatic animals, current edition (fourth edition 2003 or later) have been met; or</li> <li>(c) a single batch of gametes, larvae, fry, post-larvae, spat, or early juvenile or adult of a species of finfish, crustaceans or molluscs isolated from open waters, which has been tested using suitable techniques (refer to DEEDI Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species. A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species.</li> </ul>	For the duration of the operation of the Aquaculture
10.	The species to be farmed under this approval must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland" form (FDU1398) and Pathology Report has been completed and a Department of Agriculture, Fisheries and	For the duration of the operation of the Aquaculture



No.	Conditions	Condition timing
	Forestry (DAFF) officer has provide written acknowledgement and approvals of the "Details of translocation form' and the Pathology Report. The "Application to allow Translocation of Live Aquatic Animals into and within Queensland" form and a signed copy of the Pathology Report (as detailed above) must be given to the Manager, Impact Management and Assessment, PO Box 5396, Cairns, QLD 4870 or <a href="mailto:idasnfc@daff.qld.gov.au">idasnfc@daff.qld.gov.au</a> a minimum of three (3) business days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date. After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer, Queensland Boating and Fisheries Patrol, 60 Ross Street, Townsville, QLD 4780; (07) 4772 7311; <a href="mailto:Susan.Camm@daff.qld.gov.au">Susan.Camm@daff.qld.gov.au</a> . If directed by the DAFF officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.	
11.	The possession and use of "regulated fishing apparatus" under the Fisheries Regulation 2008, Chapter 4, Part 1, Division 4, Subdivision 1(freshwater) and Subdivision 2, Sections 188 and 189 (marine) are authorised at the approved Aquaculture Area.	For the duration of the operation of the Aquaculture
12.	The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times	For the duration of the operation of the Aquaculture
13.	A perimeter barrier/fence, which in impervious, must be maintained, for all size classes of species that are approved under this Authority which are capable of overland escape.	For the duration of the operation of the Aquaculture
14.	All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc) and associated plumbing, pumps etc on the approved Aquaculture Area must be implemented and secured in such a way as to prevent the escape of any <u>fish or crustacea</u> specimens (eggs, juveniles or adults) into Queensland waters.	For the duration of the operation of the Aquaculture
15.	Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (except zooplankton) into the approved Aquaculture Area.	For the duration of the operation of the Aquaculture
16.	This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, Commercial Fisher, or holder of any authority that allows the sale of the approved species.	For the duration of the operation of the Aquaculture
17.	For the movement of live penaeid broodstock the developer must comply with the Health Protocol for the Importation of Selected Live Penaeid Species from Outside Queensland's East coast Waters (i.e Gulf of Carpentaria, Torres Strait, Northern Territory and Western Australia).	For the duration of the operation of the Aquaculture
18.	The movement of all barramundi must comply with the DAFF's "Health Protocol for the Importation and Movement of Live Barramundi".	For the duration of the operation of the Aquaculture

<b>No.</b>	<b>Conditions</b>	<b>Condition timing</b>
19.	The movement of all marine crustaceans must comply with the "Health Protocol for the Importation and Movement of Marine Crustaceans including Crabs, Lobsters and Bugs".	For the duration of the operation of the Aquaculture



Our reference: SDA-1013-005592  
 Your reference: Cons 13/0015 SG.MP

### **Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

- Condition 1: Required to define the approved species for Aquaculture on this particular site
- Condition 2: Required to define where certain species can be farmed on this particular site
- Condition 3: Required for compliance and administration obligations
- Condition 4: Required for compliance and reporting obligations of the industry
- Condition 5: Required for the protection of native Fisheries Resources
- Condition 6: Required to prevent unauthorised activities and protection of native resources
- Condition 7: Required for compliance purposeless.
- Condition 8: Required for Biosecurity protection and disease control
- Condition 9: Required for compliance and stock and disease control
- Condition 10: Required for compliance purposes
- Condition 11: Required for water quality risk management
- Condition 12: Required for stock control and Biosecurity risk measures
- Condition 13: Required for stock control, Biosecurity risk and protection of native fisheries resources
- Condition 14: Required to prevent unauthorised aquaculture of native species
- Condition 15: Required for compliance for authorised sale of stock
- Condition 16: Required for Biosecurity control of stock genetics
- Condition 17: Required for Biosecurity control of stock genetics
- Condition 18: Required for Biosecurity control of stock genetics

#### ***Findings on material questions of fact***

- The referenced plan identifies the proposed development and the location of the site

#### ***Evidence or other material on which the findings were based***

- The common material within the application
- Module 3 of the State Development Assessment Provisions published by the Department of State Development, Infrastructure and Planning
- DAFF Approval 2005BC0307
- *Sustainable Planning Act 2009*
- Sustainable Planning Regulation 2009
- Pre-lodgement meeting record – proposed expansion of existing aquaculture facility dated 01/10/2013.

Our reference: SDA-1013-005592

Your reference:

### Attachment 3—Further advice

<b>General advice</b>	
1.	<p><b>Diseased Fisheries Resources</b></p> <p>Under the Fisheries Act 1994 (Section 100) a person who knows or reasonable suspects fisheries resources are showing signs of disease or reasonable suspects disease may be in fisheries resources must immediately notify the chief executive or an inspector. Failure to notify may incur a maximum penalty of up to 2000 penalty unites</p>
2.	<p><b>Docketing Requirements for the Wholesale Sale of Fisheries</b></p> <p>Persons undertaking the wholesale sale and purchasing of fisheries resources must obtain and/or provide a docket for every sale and have this docket available for immediate inspection while-ever these fisheries resources are in their possessions under section 86 of the Fisheries Act. Chapter 14, Part 3, Division 2, of the Fisheries Regulations 2008 outlines the strict docketing requirements expected under the Act. The docket must contain: -</p> <ul style="list-style-type: none"> <li>- the name of the buyer and the number of the authority under which the buyer is acting or, if the buyer is not acting under an authority, the address of the buyer;</li> <li>- the name of the seller and               <ul style="list-style-type: none"> <li>(a) if the seller is acting under an authority the number of the authority; or</li> <li>(b) if the seller cultivated the fisheries resources, or is acting for a person who cultivated the fisheries resources, under a development approval the number of the approval; or</li> <li>(c) otherwise the address of the seller</li> </ul> </li> <li>- If the seller is a fish stocking entity incorporated under the associations incorporation Act 1981, its certified of incorporation number</li> <li>- The date of the sale to which the docket relates</li> <li>- The relevant species particulars for each species of fish sold</li> <li>- The estimated total quantity, by weight or number, of the fish sold</li> </ul>
3.	<p><b>Aquaculture Fisheries Resources for Restocking</b></p> <p>Under the Fisheries Act 1994 and the Fisheries (Freshwater) Management Plan 1999 a person must not unlawfully possess or release aquaculture fisheries resources, noxious fisheries resources or non-indigenous fisheries resources into Queensland waters without the appropriate approvals from the Department of Agriculture, Fisheries and Forestry (DAFF)</p> <p>Fisheries legislation and policies relating to the release of aquaculture fisheries resources for stocking purposes, such as the Translocation Policy, must be considered in the practice of rearing fish for stocking purposes. The main purpose of these provisions is to ensure that fish released into Queensland waters have the same genetic make-up as wild fish in the areas in which they are released. This means that the integrity of identified sub-species or genetic strains where appropriate must be maintained if fish are to be used for stocking purposes.</p> <p>All up to date Aquaculture documents, policy and legislation can be found on the DAFF website</p>





Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SDA-1213-006943  
Your reference: MC.Bn13/00010

Date: 23 January 2015

The Chief Executive Officer  
Scenic Rim Regional Council  
PO Box 25  
Beaudesert QLD 4285  
[mail@scenicrim.qld.gov.au](mailto:mail@scenicrim.qld.gov.au)

Attn: Mr Thor Nelson

Dear Mr Nelson

**Concurrence agency response—with conditions**

2561 Boonah Rathdowney Road, 94 Stockyard Creek Road & Jo Brown Road, Maroon  
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning under section 272 of the *Sustainable Planning Act 2009* on 6 June 2014.

**Applicant details**

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Applicant name: Maroon Homestead Pty Ltd  
Applicant contact details: c/- Planning Solutions  
PO Box 355 The Gap QLD 4061

**Site details**

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Street address: 2561 Boonah Rathdowney Road, 94 Stockyard Creek Road  
and Jo Brown Road, Maroon,  
Real property description: Lots 1-3 RP48849 and Lot 2 RP167144  
Site area: 153.818 hectares  
Local government area: Scenic Rim Regional Council

### Application details

Proposed development: Development Permit for a Material Change of Use for Aquaculture (freshwater fish), Intensive Animal Industry (other animals – laboratory rats) and Wholesale Nursery (freshwater plants)

### Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Description of Proposal	Level of Assessment
Material Change of Use	Development Permit	Aquaculture (freshwater fish), Intensive Animal Industry (laboratory rats) and Wholesale Nursery (freshwater plants)	Impact Assessment

### Referral triggers

The development application was referred to the department under the following provisions of the Sustainable Planning Regulation 2009:

Referral trigger Schedule 7, Table 2, Item 28 – Aquaculture

### Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the department requires that the conditions set out in Attachment 1 attach to any development approval.

### Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department is required to set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

### Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 3 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
<b>Aspect of development: Material Change of Use</b>				
Maroon Farm Pisces Enterprises Title Plan & Aerial Photograph Site Plan	Pisces Enterprises	4 November 2013	GA-001-C	Revision C
Maroon Farm Pisces Enterprises Proposed Site Plan	Pisces Enterprises	4 November 2013	GA-002-C	Revision C

A copy of this response has been sent to the applicant for their information.



If you require any further information, please contact Kieran Hanna, Principal Planning Officer, on (07) 3432 2404 who will be pleased to assist.

Yours sincerely



Nathan Rule  
**Manager - Planning**

enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Approved plans and specifications

cc: Maroon Homestead c/- Planning Solutions, [mail@plansolutions.com.au](mailto:mail@plansolutions.com.au)  
Department of Agriculture, Fisheries and Forestry, [planningassessment@daff.qld.gov.au](mailto:planningassessment@daff.qld.gov.au)

Our reference: SDA-1213-006943  
 Your reference: MC.Bn13/00010

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing																																								
<b>Development Permit – Material Change of Use for Aquaculture (freshwater fish), Intensive Animal Industry (other animals – laboratory rats) and Wholesale Nursery (freshwater plans)</b>																																										
Aquaculture—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of the Department of Agriculture, Fisheries and Forestry to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																																										
1.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="0"> <thead> <tr> <th data-bbox="360 801 549 835"><u>Common Name</u></th> <th data-bbox="762 801 959 835"><u>Scientific Name</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="360 853 517 887">African mono</td> <td data-bbox="762 853 1002 887"><i>Monodactylus sebae</i></td> </tr> <tr> <td data-bbox="360 904 472 938">Angelfish</td> <td data-bbox="762 904 970 938"><i>Pterophyllum spp.</i></td> </tr> <tr> <td data-bbox="360 956 488 990">Archer fish</td> <td data-bbox="762 956 963 990"><i>Toxotes jaculatrix</i></td> </tr> <tr> <td data-bbox="360 1008 647 1041">Argentine bloodfin (tetra)</td> <td data-bbox="762 1008 1002 1041"><i>Aphyocharax anisitsi</i></td> </tr> <tr> <td data-bbox="360 1059 560 1093">Armoured catfish</td> <td data-bbox="762 1059 938 1093"><i>Corydoras spp.</i></td> </tr> <tr> <td data-bbox="360 1111 496 1144">Asoka barb</td> <td data-bbox="762 1111 927 1144"><i>Puntius asoka</i></td> </tr> <tr> <td data-bbox="360 1162 453 1196">Auratus</td> <td data-bbox="762 1162 1034 1196"><i>Melanochromis auratus</i></td> </tr> <tr> <td data-bbox="360 1214 512 1247">Banded barb</td> <td data-bbox="762 1214 1018 1281"><i>Puntius pentazona</i> (<i>Barbodes pentozona</i>)</td> </tr> <tr> <td data-bbox="360 1299 564 1332">Banded leporinus</td> <td data-bbox="762 1299 986 1332"><i>Leporinus fasciatus</i></td> </tr> <tr> <td data-bbox="360 1350 424 1384">Betta</td> <td data-bbox="762 1350 879 1384"><i>Betta spp.</i></td> </tr> <tr> <td data-bbox="360 1402 552 1435">Big-spot rasbora</td> <td data-bbox="762 1402 1002 1435"><i>Rasbora kalochroma</i></td> </tr> <tr> <td data-bbox="360 1453 464 1487">Bitterling</td> <td data-bbox="762 1453 959 1487"><i>Rhodeus amarus</i></td> </tr> <tr> <td data-bbox="360 1505 464 1538">Bitterling</td> <td data-bbox="762 1505 970 1538"><i>Rhodeus sericeus</i></td> </tr> <tr> <td data-bbox="360 1556 608 1590">Black ghost knife fish</td> <td data-bbox="762 1556 1007 1590"><i>Apteronotus albifrons</i></td> </tr> <tr> <td data-bbox="360 1608 679 1641">Black line silver hatchet fish</td> <td data-bbox="762 1608 995 1641"><i>Gasteropelecus spp.</i></td> </tr> <tr> <td data-bbox="360 1659 592 1693">Black phantom tetra</td> <td data-bbox="762 1659 963 1783"><i>Hyphessobrycon megalopterus</i> (<i>Megalamphodus megalopterus</i>)</td> </tr> <tr> <td data-bbox="360 1800 544 1834">Black ruby barb</td> <td data-bbox="762 1800 1018 1834"><i>Puntius nigrofasciatus</i></td> </tr> <tr> <td data-bbox="360 1852 496 1886">Black shark</td> <td data-bbox="762 1852 1082 1919"><i>Labeo chrysophekadion</i> (<i>Morulius chrysophekadion</i>)</td> </tr> <tr> <td data-bbox="360 1937 743 1971">Black spotted upsidedown catfish</td> <td data-bbox="762 1937 1023 1971"><i>Synodontis nigriventris</i></td> </tr> </tbody> </table>	<u>Common Name</u>	<u>Scientific Name</u>	African mono	<i>Monodactylus sebae</i>	Angelfish	<i>Pterophyllum spp.</i>	Archer fish	<i>Toxotes jaculatrix</i>	Argentine bloodfin (tetra)	<i>Aphyocharax anisitsi</i>	Armoured catfish	<i>Corydoras spp.</i>	Asoka barb	<i>Puntius asoka</i>	Auratus	<i>Melanochromis auratus</i>	Banded barb	<i>Puntius pentazona</i> ( <i>Barbodes pentozona</i> )	Banded leporinus	<i>Leporinus fasciatus</i>	Betta	<i>Betta spp.</i>	Big-spot rasbora	<i>Rasbora kalochroma</i>	Bitterling	<i>Rhodeus amarus</i>	Bitterling	<i>Rhodeus sericeus</i>	Black ghost knife fish	<i>Apteronotus albifrons</i>	Black line silver hatchet fish	<i>Gasteropelecus spp.</i>	Black phantom tetra	<i>Hyphessobrycon megalopterus</i> ( <i>Megalamphodus megalopterus</i> )	Black ruby barb	<i>Puntius nigrofasciatus</i>	Black shark	<i>Labeo chrysophekadion</i> ( <i>Morulius chrysophekadion</i> )	Black spotted upsidedown catfish	<i>Synodontis nigriventris</i>	At all times
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No.	Conditions	Condition timing
	Black tetra	<i>Gymnocorymbus ternetzi</i>
	Black-banded headstander	<i>Chilodus punctatus</i>
	Black-banded osteochilus	<i>Osteochilus vittatus</i>
	Black-finned rummy-nose	<i>Petitella georgiae</i>
	Black-spot filament barb	<i>Puntius filamentosus</i>
	Blind cave tetra	<i>Astyanax mexicanus</i>
	Blue acara	<i>Aequidens pulcher</i>
	Blue gourami	<i>Trichogaster trichopterus</i>
	Blue line rasbora	<i>Rasbora taeniata</i>
	Blue rams	<i>Mikrogeophagus ramirezi</i> ( <i>Microgeophagus ramirezi</i> )
	Brichardi	<i>Neolamprologus brichardi</i> ( <i>Lamprologus brichardi</i> )
	Bumble bee	<i>Brachygobius spp.</i>
	Butterfly fish	<i>Pantodon buchholzi</i>
	Cardinal tetra	<i>Paracheirodon axelrodi</i>
	Celebes rainbow	<i>Merosatherina ladigesii</i> ( <i>Telmatherina ladigesii</i> )
	Chalinochromis	<i>Chalinochromis spp.</i>
	Checkerboard bard	<i>Puntius oligolepis</i> ( <i>Capoeta oligolepis</i> )
	Cherry barb	<i>Puntius titteya</i> ( <i>Capoeta titteya</i> )
	Chinese algae eater	<i>Gyrinocheilus aymonieri</i>
	Chocolate gourami	<i>Sphaerichthys osphromenoides</i>
	Clown barb	<i>Puntius everetti</i> ( <i>Barbodes everetti</i> )
	Clown loach	<i>Chromobotia macracanthus</i>
	Cochus blue tetra	<i>Boehlkea fredcochui</i>
	Common brochis	<i>Brochis splendens</i>
	Congo tetra	<i>Phenacogrammus interruptus</i> ( <i>Micralestes</i> )
	Copper striped rosborra	<i>Rasbora leptosoma</i>
	Croaking gourami	<i>Trichopsis vittatus</i>

No.	Conditions	Condition timing
	Cummings barb	<i>Puntius cumingii</i>
	Discus	<i>Symphysodon spp.</i>
	Duboisii	<i>Tropheus duboisi</i>
	Dusky kribensis (krib)	<i>Pelvicachromis pulcher</i>
	Dwarf cichlid	<i>Apistogramma spp.</i>
	Dwarf flag cichlid	<i>Laetacara curviceps</i> ( <i>Aequidens curviceps</i> )
	Dwarf gourami	<i>Colisa lalia</i>
	Dwarf lattice cichlid	<i>Nannacara spp.</i>
	Dwarf loach	<i>Botia sidhimunki</i>
	Elegant rasbora	<i>Rasbora elegans</i>
	Elephant nose	<i>Gnathonemus</i> <i>macrolepidatus</i>
	Elephantnose (Peters)	<i>Gnathonemus petersii</i>
	Emperor tetra	<i>Nematobrycon palmeri</i>
	False mapificant rasbora	<i>Rasbora borapetensis</i>
	Flag cichlid	<i>Mesonauta festivus</i> ( <i>Cichlasoma festivum</i> )
	Flying fox	<i>Epalzeorhynchus kalopterus</i>
	Freshwater flounder	<i>Trinectes maculatus</i>
	Friderics leporinus	<i>Leporinus friderici</i>
	Giant danio	<i>Danio aequipinnatus</i>
	Glass barb	<i>Puntius puellus</i>
	Glass bloodfin	<i>Prionobrama filigera</i>
	Glass catfish	<i>Kryptopterus bicirrhis</i>
	Glassfish	<i>Chanda spp.</i>
	Gold-cheek krib	<i>Pelvicachromis subocellatus</i>
	Golden dwarf cichlid	<i>Nannacara anomala</i>
	Goldfish	<i>Carassius auratus</i>
	Gold-line rasbora	<i>Rasbora steineri</i>
	Guppy	<i>Poecilia reticulata</i>
	Hard lipped barb	<i>Osteochilus hasseltii</i>
	Harlequin rasbora	<i>Trigonostigma</i> <i>heteromorpha</i>



No.	Conditions	Condition timing
	Hatchetfish	<i>Carnegiella spp.</i>
	Hatchetfish	<i>Thoracocharax spp.</i>
	Headstander	<i>Abramites hypselonotus</i>
	Headstander	<i>Anostomus spp.</i>
	Hi-spot rasbora	<i>Rasbora dorsiocellata</i>
	Honey dwarf gourami	<i>Trichogaster chuna (Colisa chuna)</i>
	Indian hatchetfish	<i>Chela laubuca</i>
	Javanese rice fish	<i>Oryzias javanicus</i>
	Julie	<i>Julidochromis spp.</i>
	Kerrs danio	<i>Brachydanio kerri</i>
	Keyhole cichlid	<i>Cleithracara maroni (Aequidens maronii)</i>
	Killiefish	<i>Aphyosemion spp.</i>
	Kissing gourami	<i>Helostoma temmincki</i>
	Kooli barb	<i>Puntius vittatus</i>
	Kuhli loach	<i>Pangio kuhli (Acanthopthalmus kuhli)</i>
	Latticed cichlid	<i>Limnotilapia dardennii</i>
	Leopard danio	<i>Danio frankei (Brachydanio frankei)</i>
	Lipstick leporinus	<i>Leporinus arcus</i>
	Little giant gourami	<i>Colisa fasciatus (Colisa fasciata)</i>
	Long-band rasbora	<i>Rasbora einthovenii</i>
	Longfin barb	<i>Puntius arulius (Capoeta arulis)</i>
	Long-finned african tetra	<i>Brycinus longipinnis</i>
	Malayan flying barb	<i>Esomus malayensis</i>
	Malayan halfbeak	<i>Dermogenys pusillus</i>
	Medaka	<i>Oryzias latipes</i>
	Melanochromis	<i>Melanochromis similis</i>
	Microbrycon	<i>Boehlkea fredcochui (Microbrycon fredcochui)</i>
	Mono	<i>Monodactylus argenteus</i>

No.	Conditions	Condition timing
	Moonlight gourami	<i>Trichogaster microlepis</i>
	Moori	<i>Tropheus moorii</i>
	Multi-banded leporinus	<i>Leporinus multifasciatus</i>
	Myers hillstream loach	<i>Pseudogastromyzon myersi</i>
	Neon tetra	<i>Paracheirodon innesi</i>
	Orange-finned rasbora	<i>Rasbora vaterifloris</i>
	Ornate pimelodus	<i>Pimelodus ornatus</i>
	Oscar	<i>Astronotus ocellatus</i>
	Panchax	<i>Aplocheilichthys spp.</i>
	Panchax	<i>Epiplatys spp</i>
	Paradise fish	<i>Macropodus opercularis</i>
	Pearl danio	<i>Brachydanio albolineatus</i>
	Pearl gourami	<i>Trichogaster leeri</i>
	Pencilfish	<i>Nannostomus spp.</i>
	Pencilfish	<i>Poecilobrycon spp.</i>
	Penguin fish	<i>Thayeria spp.</i>
	Platy	<i>Xiphophorus maculatus</i>
	Platy variatus	<i>Xiphophorus variatus</i>
	Poormans glass catfish	<i>Kryptopterus macrocephalus</i>
	Pristella	<i>Pristella maxillaris</i>
	Pygmy gourami	<i>Trichopsis pumilus</i>
	Rainbow shark	<i>Epalzeorhynchus munense</i> ( <i>Labeo erythrurus</i> )
	Rainbowfish	<i>Chilatherina spp</i>
	Rainbowfish	<i>Glossolepis spp</i>
	Rainbowfish	<i>Melanotaenia spp.</i>
	Red striped barb	<i>Puntius bimaculatus</i>
	Red-finned black shark	<i>Epalzeorhynchus bicolor</i> ( <i>Labeo bicolor</i> )
	Red-finned shark	<i>Epalzeorhynchus frenatus</i> ( <i>Labeo frenatus</i> )
	Red-line rasbora	<i>Rasbora pauciperforata</i>
	Rosy barb	<i>Puntius conchonus</i>
	Saddled hillstream loach	<i>Homaloptera orthogoniata</i>

No.	Conditions	Condition timing
	Sailfin molly	<i>Poecilia latipinna</i>
	Sarawak rasbora	<i>Rasbora sarawakensis</i>
	Scissor-tail rasbora	<i>Rasbora trilineata</i>
	Siamese flying fox	<i>Crossocheilus siamensis</i> ( <i>Epalzeorhynchus siamensis</i> )
	Silver prochilodus	<i>Semaprochilodus insignis</i>
	Silver rasbora	<i>Rasbora argyrotaenia</i>
	Sphenops mollie	<i>Poecilia sphenops</i>
	Spiny eel	<i>Macrogathus aculeatus</i>
	Spot-tailed leporinus	<i>Leporinus melanopleura</i>
	Spot-tailed rasbora	<i>Rasbora caudimaculata</i>
	Spotted danio	<i>Danio nigrofasciatus</i> ( <i>Brachydanio nigrofasciatus</i> )
	Spotted leporinus	<i>Leporinus maculatus</i>
	Spotted rasbora	<i>Boraras maculatus</i> ( <i>Rasbora maculata</i> )
	Striped barb	<i>Puntius lineatus</i>
	Striped kribensis	<i>Pelvicachromis taeniatus</i>
	Striped leporinus	<i>Leporinus striatus</i>
	Sucker catfish	<i>Otocinclus flexilis</i> ( <i>Otocinclus arnoldi</i> )
	Swegles tetra	<i>Hyphessobrycon sweglesi</i> ( <i>Megalampodus sweglesi</i> )
	Swordtail	<i>Xiphophorus helleri</i>
	Tetra	<i>Hemigrammus spp.</i>
	Tetra	<i>Hyphessobrycon spp.</i>
	Tetra	<i>Moenkhausia spp</i>
	Thick lipped gourami	<i>Trichogaster labiosus</i> ( <i>Colisa labiosa</i> )
	Thin-banded barb	<i>Puntius semifasciolatus</i> ( <i>Capoeta semifasciolatus</i> )
	Tic-tac-toe barb	<i>Puntius ticto</i>
	Tiger barb	<i>Puntius tetrazona</i> ( <i>Capoeta tetrazona</i> )



No.	Conditions	Condition timing
	<p>Tricolor shark <i>Balantiocheilos melanopterus</i></p> <p>Twig catfish <i>Farlowella acus</i></p> <p>Variegated shark <i>Labeo variegatus</i></p> <p>Whiptail catfish <i>Loricaria filamentosa</i></p> <p>White cloud mountain minnow <i>Tanichthys albonubes</i></p> <p>Yellow tail rasbora <i>Rasbora dusonensis</i></p> <p>Yucatan molly <i>Poecilia velifera</i></p> <p>Zebra danio <i>Danio rerio (Brachydanio rerio)</i></p>	
2.	<p>Aquaculture authorised under this approval is limited by the following:</p> <p>Proposal Details: Conduct aquaculture on an approved Aquaculture Area of 1.82 hectares (production area) on a total land area of 153.82 hectares.</p> <p>Location: Within Lots 1, 2 &amp; 3 on RP48849 and Lot 2 on RP167144</p> <p>Address: 2561 Boonah Rathdowney Road 94 Stockyard Creek Road Jo Brown Road, Maroon</p>	At all times
3.	<p>This development approval authorises Material Change of Use for Aquaculture within an approved Aquaculture Area of 1.82 hectares as defined and described on drawings:</p> <ul style="list-style-type: none"> <li>• 'Maroon Farm Pisces Enterprises Title Plan &amp; Aerial Photograph Site Plan, reference GA-001-C Revision C, prepared by Pisces Enterprises and dated 4 November 2013; and</li> <li>• 'Maroon Farm Pisces Enterprises Proposed Site Plan' reference GA-002-C Revision C, prepared by Pisces Enterprises and dated 4 November 2013.</li> </ul>	At all times
4.	<p>The proposed development must be carried out generally in accordance with the approved plans and any aquaculture area map as lodged with the application or as subsequently amended during the assessment process.</p>	At all times
5.	<p>Fisheries Queensland must be informed via <a href="mailto:idassfc@daff.qld.gov.au">idassfc@daff.qld.gov.au</a> of any changes to the personal contact details for this development approval within 28 working days.</p>	At all times
6.	<p>An aquaculture production return must be submitted in the approved form to the Department of Agriculture, Fisheries and Forestry (DAFF), Fisheries Queensland, by close of business on 31 July each year for the term of this development approval. This includes lodging a nil return when no aquaculture production has occurred.</p>	Annually for the life of the development/ structure



No.	Conditions	Condition timing
7.	The possession and use of "regulated fishing apparatus" under the Fisheries Regulation 2008, Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) are authorised at the approved Aquaculture Area.	At all times
8.	Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved area. <u>Note:</u> At the time of application it is acknowledged that the aquaculture operations do not currently introduce Queensland waters to the facility. This condition would be relevant if a future water allocation is obtained for the purpose of aquaculture.	At all times
9.	No organisms originating from the aquaculture of exotic species is permitted to reach Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ).	At all times
10.	Filters or screens must be installed to ensure that all waters leaving containers used for the aquaculture of exotic species are treated to prevent the escape of eggs, juveniles or adults into Queensland waters.	At all times
11.	No water originating from the aquaculture of exotic species is permitted to reach Queensland waters with the exception of constructed storage dams located above Q100 limits and used for the purposes of water storage and reuse only.	At all times
12.	The control over the release of water from all ponds, tanks and drainage systems within the approved area must be maintained at all times.	At all times
13.	All containers used to aquaculture exotic species are to be screened to exclude vertebrate predators (e.g. birds).	At all times
14.	Containers used for the aquaculture of exotic species must be constructed on land that is situated above the highest known flood level. <u>Note:</u> At the time of application the highest known flood level at this location is RL 158.90m AHD.	At all times
15.	The species approved under this development approval must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from: (a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or (b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or a State or Territory Fisheries approved Veterinary authority and where the requirements	At all times

No.	Conditions	Condition timing
	<p>for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or</p> <p>(c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to the appropriate DAFF Health Translocation Protocols for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</p>	
16.	<p>The species to be farmed under this development approval identified in Condition 1 must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" (FDU1398) and Pathology Report has been completed and a DAFF officer has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.</p> <p>The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be provided to the assessing authority (Fisheries Queensland, DAFF) a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date. After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating and Fisheries Patrol phone: 1800 017 116. If directed by a DAFF Officer, specimens must be forwarded to a veterinary laboratory as directed by the Officer.</p>	At all times
17.	This development approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority or permit that allows the sale of the approved species.	At all times
18.	This development approval does <u>not</u> permit the collection of broodstock from the wild.	At all times
19.	This development approval does <u>not</u> permit aquaculture fisheries resources to be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	At all times
20.	<p>For the purposes of section 145 (c) (ii) of the <i>Fisheries Act 1994</i>, the approved Aquaculture Area and any associated areas which are used for activities related to the approved aquaculture operation (including processing), is a place required to be open for inspection.</p> <p>All records relating to the aquaculture activity must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i>.</p>	At all times



Our reference: SDA-1213-006943

Your reference: MC.Bn13/00010

## **Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

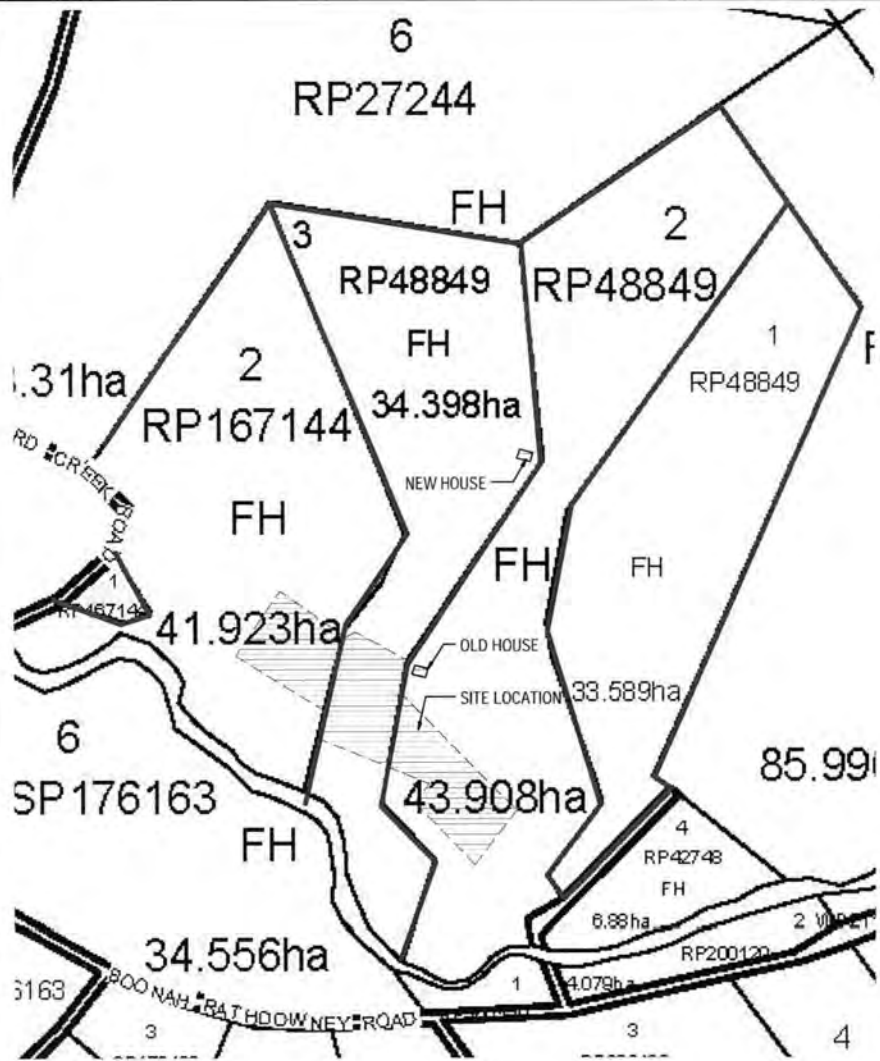
- To ensure that the aquaculture facility is designed, constructed, managed and maintained appropriately.
- To ensure the aquaculture facility minimises its impacts upon the natural environment.
- To ensure that ponds are designed, constructed, managed and maintained to avoid adverse impacts.
- To ensure that aquaculture infrastructure is designed, constructed, managed and maintained to avoid impacts to fisheries resources.
- To ensure the aquaculture facility is designed and managed to allow for management of disease.
- To ensure that development avoids adverse impacts on areas of environmental value.



Our reference: SDA-1213-006943  
Your reference: MC.Br13/00010

**Attachment 3—Approved plans and specifications**

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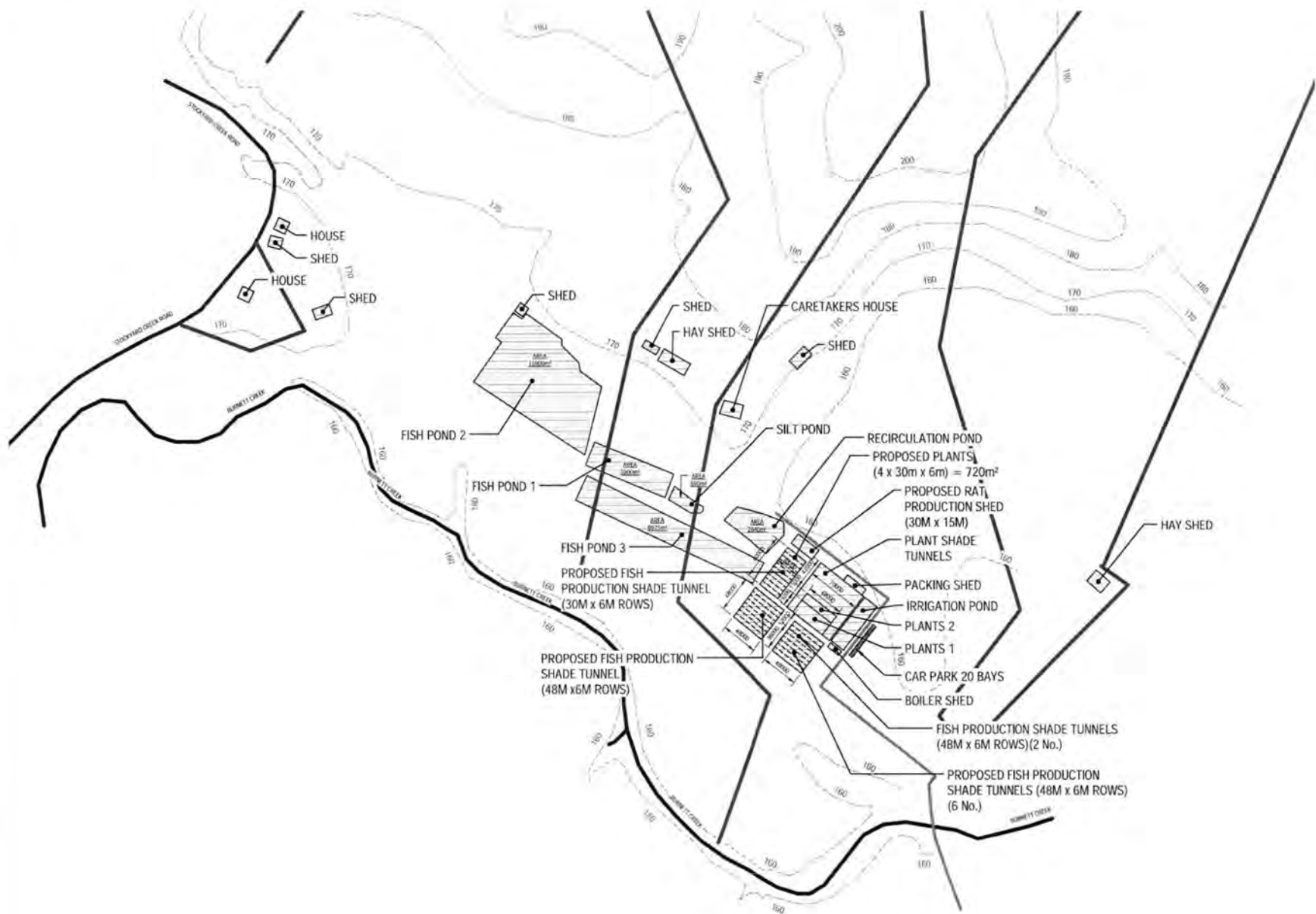
TITLE PLAN  
SCALE 1:5000



SITE PLAN  
SCALE 1:5000  
LEGEND  
ACCESS ROADS

REV	DATE	DESCRIPTION	BY	CHK





**LEGEND**  
 — ACCESS ROAD  
 --- CONTOUR LEVEL METRES (MND)  
 — SITE BOUNDARY

**PROPOSED SITE PLAN**  
 SCALE 1: 2000

NO.	DATE	DESCRIPTION	BY	CHKD.
1	10/11/11	PRELIMINARY DESIGN	JL	DL
2	22/01/12	REVISIONS	JP	DL
3	11/01/12	REVISIONS	JP	DL
4	1/08/12	REVISIONS	JP	DL



TITLE: MAROON FARM  
 PISCES ENTERPRISES  
 PROPOSED SITE PLAN

DRAWING NO:  
**GA-002-C**





Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SDA-0314-008773

Date: 28 May 2014

JR & AP Collison  
9 Timber Ridge Drive  
Nowra Hill, NSW, 2540

Dear JR & AP Collison,

**Notice of decision given under section 334 of the *Sustainable Planning Act 2009* for a Development Permit for a Material Change of Use (Aquaculture) located Adjacent to Lot 55 on K12480 at Dry Creek, Bowen. QLD 4805.**

The Department of State Development, Infrastructure and Planning advises that the development application described below has been approved subject to conditions.

#### **Applicant details**

---

Applicant name: JR & AP Collison

#### **Site details**

---

Real property description: Lot 55 on K12480

Local government area: Whitsunday Regional Council

#### **Application details**

---

Proposed development: Development Permit for Material Change of Use (MCU for Aquaculture)

A decision notice for this application is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the *Sustainable Planning Act 2009*
- any plans and specifications approved in relation to the decision notice.

Page 1

Mackay Isaac Whitsunday Regional Office  
Level 4, 44 Nelson Street  
PO Box 710  
Mackay QLD 4740

If you require any further information, please contact Dylan Brown, Planning Officer, Mackay Isaac Whitsunday Regional Office on (07) 4898 6812 who will be pleased to assist.

Yours sincerely



Jamie Thorley  
Manager (Planning) – Mackay Isaac Whitsunday Regional Office

enc: Decision notice  
Attachment 1—Assessment manager conditions  
SPA appeal provisions  
Approved plans and specifications

**Decision notice**(Given under section 334 of the *Sustainable Planning Act 2009*)**Applicant details**

Applicant name: JR & AP Collison  
 Applicant contact details: 9 Timber Ridge Drive  
 Nowra Hill, NSW, 2540

**Application details**

Level of assessment: Code assessment  
 Properly made date: Date Not Available

**Site details**

Street address: Dry Creek - Bowen, Whitsunday Regional - QLD  
 Real property description: Adjacent to Lot 55 on K12480

**Decision**

Date of decision: 28 May 2014  
 Decision details: Approved subject to conditions

**Referral agencies**

There were no referral agencies for this application.

**Conditions**

This approval is subject to:

- the assessment manager conditions in Attachment 1
- there are no concurrence agency conditions for this approval.

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

**Aspects of development and development approval granted**

Nature of Development	Approval Type	Brief Description of Proposal	Level of Assessment
Material Change of Use	Development permit	MCU for Aquaculture - Oyster Lease	Code Assessment



### **Further development permits or compliance permits**

---

Please be advised that the following development permits or compliance permits are required to be obtained before the development can be carried out:

1. Not applicable

### **Self-assessable codes**

---

Please be advised that the following codes may need to be complied with for self-assessable development related to the approved development:

1. Not applicable

### **Compliance assessment**

---

Compliance assessment is required under chapter 6, part 10 of the *Sustainable Planning Act 2009* for the following documents or works in relation to the development:

1. Not applicable

### **Properly made submissions**

---

Not applicable—No part of the application required impact assessment.

### **Conflicts with relevant instruments**

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This decision does not conflict with a relevant instrument.

### **Rights of appeal**

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the *Sustainable Planning Act 2009*).

Copies of the relevant appeal provisions are attached.

### **Relevant period for the approval**

---

This development approval will lapse if development is not started within the relevant periods stated in section 341 of SPA.

### **Native title considerations**

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A native title notification was required under module 24HA of the *Native Title Act 1993* as works were taking place below high water mark. A notification and opportunity to comment was sent out to the Native Title Parties however no comments were received relating to this application within the notification period and therefore a decision has been made.

**Approved plans and specifications**

Copies of the following approved plans and specifications are attached:

<b>Drawing or document</b>	<b>Reference no.</b>	<b>Version</b>	<b>Date</b>
Fisheries Queensland Approved Plan	2013MAA1038	N/A	12/12/2013

Our reference: SDA-0314-008773

**Attachment 1—Assessment manager conditions**

No.	Conditions of development approval	Condition timing
<b>General</b>		
<b>Material change of use assessable under schedule 3, part 1 table 2 item 10</b>		
1	Development authorised under this approval is limited to the following development: a material change of use for oyster aquaculture is limited to the area as described in plan titled 'Fisheries Queensland Approved Plan', plan number 2013MAA1038, dated 12/12/2013.	Life of aquaculture operation
2	Written notice of the date of commencement of a material change of use for aquaculture must be provided to the administering authority notifications@daff.qld.gov.au at least five (5) business days but no greater than twenty (20) business days prior to the commencement of fisheries development works. The email must contain a subject heading and other information clearly identifying the permit and works to which the notification applies.	Prior to commencement of material change of use
3	For the purposes of section 145(c)(ii) of the <i>Fisheries Act 1994</i> the place where works will take place is a place required to be open for inspection.	Life of aquaculture operation
<b>Aquaculture</b>		
4	The administering authority must be informed via notifications@daff.qld.gov.au of any changes to the personal contact details for this development approval within 28 working days. The email must contain a subject heading and other information clearly identifying the permit and works to which the notification applies.	When required
5	The operator is authorised to conduct aquaculture on and harvest the following approved species: Common name Scientific name Blacklip oyster <i>Saccostrea echinata</i> Milky oyster <i>Saccostrea scyphophilla</i>	Life of aquaculture operation
6	An aquaculture production return must be submitted in the approved form to DAFF Fisheries Qld, by close of business on 31 July each year during the term of this development approval. This includes lodging a nil return when no activity has occurred.	Annually
7	Aquaculture fisheries resources must not be released into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ) other than those waters approved under this development approval.	Life of aquaculture operation



8	Unless otherwise authorised, aquaculture fisheries resources must not be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	Life of aquaculture operation
9	Any development approval and/or resource allocation authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during reasonable hours	When required
10	The movement of animals of any species cultivated under this approval must comply with the relevant species specific health protocol.	Life of aquaculture operation
11	This development approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a commercial fisher, or holder of any other authority that allows the sale of the approved species.	Life of aquaculture operation
12	Development on or in Queensland waters or on unallocated tidal State land is undertaken for prescribed aquaculture only.	Life of aquaculture operation
13	This approval only permits the aquaculture of indigenous fish species that are endemic to the location of the development and are produced from lawfully obtained broodstock sourced from the area. Species that do not meet this criteria cannot be held or produced under this approval. <b>Error! Bookmark not defined..</b>	Life of aquaculture operation
14	No hazardous things are to be placed on the approved aquaculture area in a manner that endangers or is likely to endanger a person, a person's property, or the environment.	Life of aquaculture operation
15	Persons identified by the aquaculturist operating under this approval may assist in aquaculture activities on the approved area.	Life of aquaculture operation
16	This Development Approval authorises the use of boats identified as A1038 in aquaculture activities; and a) the identification must be displayed on each side of the boat above the water line, where it can be clearly seen; and b) the identification letter and numbers must be in block capitals that are a minimum height of 200mm; and c) the identification must be dark displayed upon a light background or light displayed upon a dark background; and d) the identification must be kept legible and conspicuously displayed on the boats.	Life of aquaculture operation
17	Aquaculture furniture does not interfere with natural ecosystems, such as seagrass communities.	Life of aquaculture operation

18	All aquaculture furniture must be temporary.	Life of aquaculture operation
19	Aquaculture furniture does not include fixed structures on the substrate except for otherwise authorised moorings and/or supporting posts that will later be removed.	Life of aquaculture operation
20	All materials used in the construction of aquaculture furniture or placed within the premises, are of an inert and non-hazardous nature.	Life of aquaculture operation
21	Relaying of oysters from one oyster area to another within Queensland waters, minimises the potential impacts on food safety and disease.	Life of aquaculture operation
22	Any Pacific oysters ( <i>Crassostrea gigas</i> ) identified on the approved aquaculture area are destroyed.	Life of aquaculture operation
23	Oysters must not be brought into Queensland on sticks.	Life of aquaculture operation



Our reference: SDA-0314-008773

## Attachment 2—SPA Appeal Conditions

### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

#### **Part 8 Dealing with decision notices and approvals**

#### **Division 1 Changing decision notices and approvals during applicant's appeal period**

##### **360 Application of div 1**

This division applies only during the applicant's appeal period.

##### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

##### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

##### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the **negotiated decision notice**) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or
    - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.



- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

#### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

#### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
- if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application (1) may appeal to the court against any of the following—
- the refusal, or the refusal in part, of the development application;
  - any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - the decision to give a preliminary approval when a development permit was applied for;
  - the length of a period mentioned in section 341;
  - a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
- if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

##### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—

- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
- (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
- (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.



**466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

**Division 11 Making and appeal to Court****481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

**482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (ii) the assessment manager for the development application to which the notice relates; and



- (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
- (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and
  - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

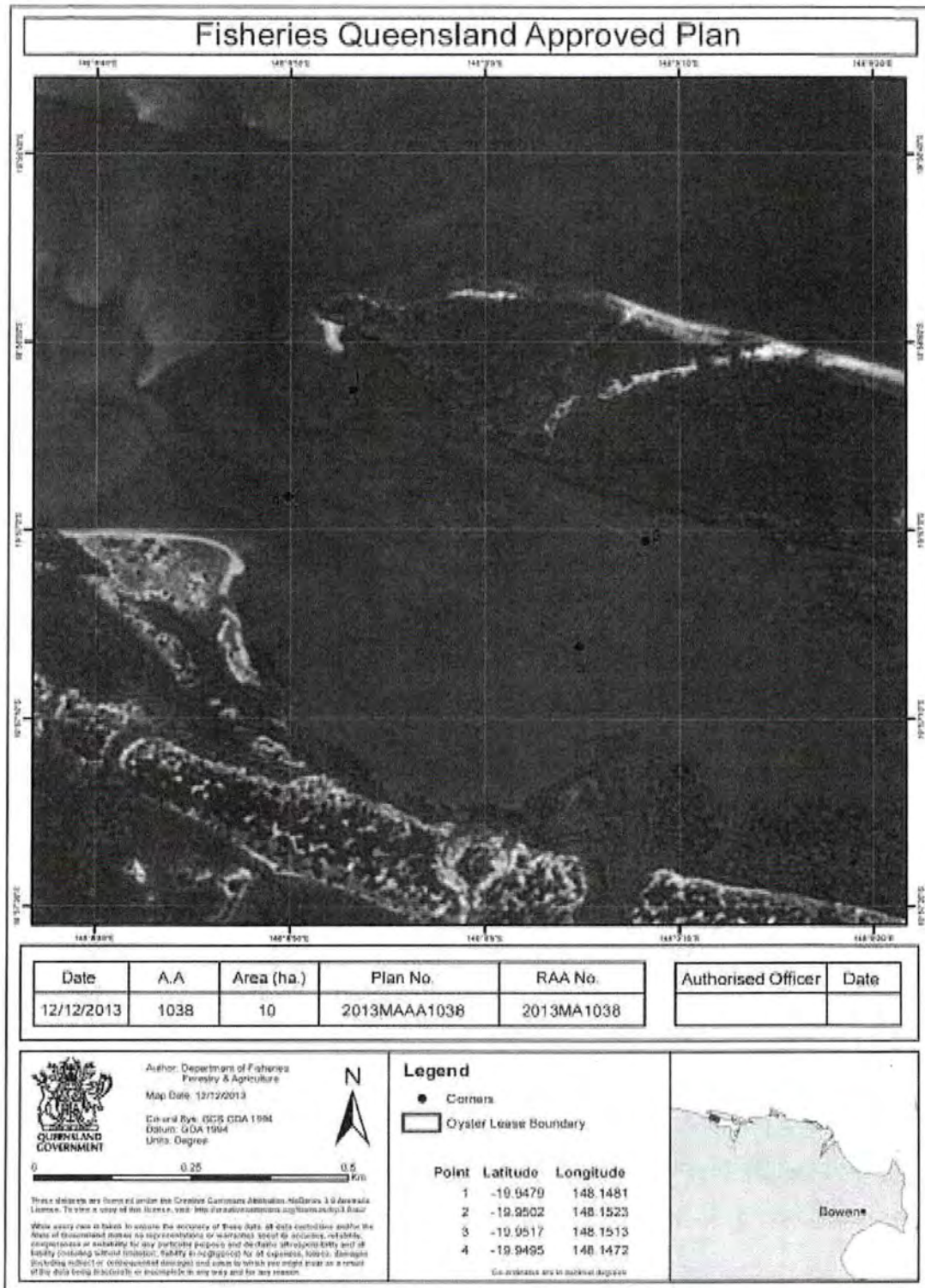
**490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.



Our reference: SDA-0314-008773

**Attachment 3—Approved Plans and Specifications**







Queensland  
Government

Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SDA-0514-010137  
Your reference: IR1278149

31 July 2014

Mr Ken McLoughlin  
Chief Executive Officer  
South Burnett Regional Council  
PO Box 336  
KINGAROY QLD 4610  
info@southburnett.qld.gov.au

Dear Mr McLoughlin

**Concurrence agency response—with conditions**

1135 Barambah - Moffatdale, South Burnett Regional - QLD4605 - 34 RP7168  
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning under section 272 of the *Sustainable Planning Act 2009* on 14 May 2014.

**Applicant details**

---

Applicant name: David W & Jillita A Rose  
Applicant contact details: MS 361  
Murgon Qld 4605  
[redgatefishfarm@yahoo.com.au](mailto:redgatefishfarm@yahoo.com.au)

**Site details**

---

Street address: 1135 Barambah - Moffatdale, South Burnett Regional -  
QLD4605  
Real property description: 34 RP7168  
Local government area: South Burnett Regional Council

### Application details

Proposed development: Development Permit for Material Change of Use for Aquaculture Facility

### Referral triggers

The development application was referred to the department under the following provisions of the Sustainable Planning Regulation 2009:

Referral trigger 7.2.28 - A material change of use of premises for aquaculture made assessable under schedule 3, part 1, table 2, item 10

### Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the department requires that the conditions set out in Attachment 1 attach to any development approval.

### Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department is required to set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

### Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 4 attach to any development approval.

Drawing or document	Reference no.	Version	Date
Response to information request – Figure 4 (page 5)	-	-	17 June 2014
DAFF SDA-0514-010137 – 01	-	-	08-07-2014

A copy of this response has been sent to the applicant for their information.

If you require any further information, please contact Holly Sorohan, Senior Planning Officer, Wide bay Burnett on 07 4331 5605, or via email [WBBSARA@dssip.qld.gov.au](mailto:WBBSARA@dssip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Michelle Riley  
Manager (Planning)

cc: David W & Jillita A Rose,  
[redgatefishfarm@yahoo.com.au](mailto:redgatefishfarm@yahoo.com.au)  
enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Approved Plans and Specifications

Our reference: SDA-0514-010137

Your reference: IR1278149

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing																										
Material Change of Use																												
<p>Aquaculture —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of Department of Agriculture Fisheries and Forestry to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>																												
1.	<p>Development authorised under this approval is limited to the following development:</p> <ul style="list-style-type: none"> <li>- a material change of use for a land-based freshwater finfish aquaculture facility is limited to a maximum pond area of 10ha within the area shown on Drawing <i>DAFF SDA-0514-010137-01, dated 28/07/2014</i> and in a layout in general accordance with plan <i>Figure 4: Proposed Pond Layout for 1135 Barambah Road</i></li> </ul>	At all times																										
2.	<p>The operator is authorised to conduct aquaculture on an harvest the following approved species:</p> <table border="0" data-bbox="355 1025 1114 1568"> <thead> <tr> <th style="text-align: left;"><u>Common Name</u></th> <th style="text-align: left;"><u>Scientific Name</u></th> </tr> </thead> <tbody> <tr> <td>Australian bass</td> <td><i>Macquaria novemaculeata</i></td> </tr> <tr> <td>Barcoo grunter</td> <td><i>Scortum barcoo</i></td> </tr> <tr> <td>Barramundi</td> <td><i>Lates calcarifer</i></td> </tr> <tr> <td>Eel tail catfish</td> <td><i>Tandanus tandanus</i></td> </tr> <tr> <td>Golden perch (Cooper Creek strain)</td> <td><i>Macquaria ambigua n.sp</i></td> </tr> <tr> <td>Golden perch (Dawson River strain)</td> <td><i>Macquaria ambigua oriens</i></td> </tr> <tr> <td>Golden perch (Murray-Darling strain)</td> <td><i>Macquaria ambigua ambigua</i></td> </tr> <tr> <td>Gulf Saratoga</td> <td><i>Scleropages jardinii</i></td> </tr> <tr> <td>Murray cod</td> <td><i>Maccullochella peelii peelii</i></td> </tr> <tr> <td>Silver perch</td> <td><i>Bidyanus bidyanus</i></td> </tr> <tr> <td>Sleepy cod</td> <td><i>Oxyeleotris lineolatus</i></td> </tr> <tr> <td>Southern saratoga</td> <td><i>Scleropages leichardti</i></td> </tr> </tbody> </table>	<u>Common Name</u>	<u>Scientific Name</u>	Australian bass	<i>Macquaria novemaculeata</i>	Barcoo grunter	<i>Scortum barcoo</i>	Barramundi	<i>Lates calcarifer</i>	Eel tail catfish	<i>Tandanus tandanus</i>	Golden perch (Cooper Creek strain)	<i>Macquaria ambigua n.sp</i>	Golden perch (Dawson River strain)	<i>Macquaria ambigua oriens</i>	Golden perch (Murray-Darling strain)	<i>Macquaria ambigua ambigua</i>	Gulf Saratoga	<i>Scleropages jardinii</i>	Murray cod	<i>Maccullochella peelii peelii</i>	Silver perch	<i>Bidyanus bidyanus</i>	Sleepy cod	<i>Oxyeleotris lineolatus</i>	Southern saratoga	<i>Scleropages leichardti</i>	At all times
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3.	<p>Written notice of the date of commencement of a material change of use for aquaculture must be provided to the administering authority <a href="mailto:notifications@daff.qld.gov.au">notifications@daff.qld.gov.au</a> at least five (5) business days but no greater than twenty (20) business days prior to the commencement of fisheries development works. The email must contain a subject heading and other information clearly identifying the permit and works to which the notification applies.</p>	Prior to commencement of works																										
4.	<p>The administering authority must be informed via <a href="mailto:notifications@daff.qld.gov.au">notifications@daff.qld.gov.au</a> of any changes to the personal contact details for this development approval within 28 working days. The email must contain a subject heading and other information clearly identifying the permit and works to which the notification applies.</p>	Within 28 days of changes to contact details																										



No.	Conditions	Condition timing
5.	An aquaculture production return must be submitted in the approved form to DAFF Fisheries Qld, by close of business on 31 July each year during the term of this development approval. This includes lodging a nil return when no activity has occurred.	On the 31st July every year
6.	This approval does not permit the collection of broodstock from the wild.	At all times
7.	<p>The following fish may not be aquacultured:</p> <ul style="list-style-type: none"> <li>a. Barramundi within the Murray-Darling, Lake Eyre and Bulloo Bancannia restricted drainage divisions;</li> <li>b. any other regulated species listed identified as nil possession species (no take) under the Fisheries Regulation 2008, Schedule 2 (for example Mary River cod , Australian lungfish) and;</li> <li>c. Species listed under federal or state legislation as requiring special management requirements (with the exception of silver perch) ;</li> <li>d. noxious fish listed in the Fisheries Regulation 2008, Schedule 6, Part 1.</li> </ul>	At all times
8.	Aquaculture fisheries resources must not be released into Queensland waters (as defined in the Acts Interpretation Act 1954) other than those waters approved under this development approval.	At all times
9.	Unless otherwise authorised, aquaculture fisheries resources must not be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	At all times
10.	<p>The operator(s) must comply with:</p> <ul style="list-style-type: none"> <li>a. the most recent version of the Health Management Technical Guidelines for Aquaculture; and</li> <li>b. the disease notification requirements in section 100 of the Fisheries Act, which states that <i>'a person who knows or reasonably suspects fishery resources or a fish habitat is showing signs of disease, or knows or reasonably suspects disease may be in fisheries resources or fish habitat, must immediately notify the chief executive or an inspector'</i>.</li> </ul>	At all times
11.	Any development approval and/or resource allocation authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the Fisheries Act 1994 during reasonable hours.	At all times
12.	The movement of animals of any species cultivated under this approval must comply with the relevant species specific health protocol. If a species being cultivated under this approval does not have a species specific health protocol the following conditions apply.	At all times
13.	Animals of a species approved for aquaculture under this development approval must not be brought into Queensland for rearing without a health certificate or pathology report issued by the exporting state or territory's fisheries, or a veterinary authority certifying the animals health, which must include a statement that	At all times

No.	Conditions	Condition timing
	<p>the specimens originate from:</p> <ul style="list-style-type: none"> <li>a. a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the World Organisation for Animal Health (OIE) Manual of Diagnostic Tests for Aquatic Animals, current edition (Fifth edition 2006 or later) for recognition as free from infection;</li> <li>b. a hatchery, farm, aquaculture premises or region in which an appropriately targeted surveillance scheme over 2 years has been undertaken under the supervision of state or territory fisheries agencies or fisheries-approved veterinary authorities, and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fifth edition 2006 or later), have been met; or</li> <li>c. a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to QPIF Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</li> <li>d. Animals of an aquatic species that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species</li> </ul>	
14.	<p>Animals of a species approved for aquaculture under this development approval must not be brought into Queensland for rearing unless an "Application to allow the translocation of live aquatic animals into and within Queensland form" (FDU1398) and pathology report has been completed and the administering authority has provided written acknowledgement and approval of the application and the pathology report.</p> <p>The "Application to allow the translocation of live aquatic animals into and within Queensland form" and a signed copy of the pathology report (as detailed above) must be provided to the administering authority a minimum of 3 working days prior to all shipments into Queensland.</p> <p>It is a requirement that the pathology report/ health certificate is dated no more than 14 days before shipment date. After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the Queensland Boating and Fisheries Patrol. If directed by an officer of the administering authority, specimens must be forwarded to a veterinary laboratory as directed by the officer.</p>	At all times
15.	This development approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a commercial fisher, or holder of any other authority that allows the sale of the approved species.	At all times
16.	The possession and use of 'regulated fishing apparatus' under the Fisheries Regulation 2008, Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and	At all times



No.	Conditions	Condition timing
	189 (marine), are authorised at the approved aquaculture area.	
17.	Ponds and tanks are designed, constructed, managed and maintained to avoid leakage, ensure immunity from flooding, and minimise biosecurity and disease risks.	At all times
18.	Containers used to cultivate indigenous aquaculture fisheries resources are constructed with the lowest point of the top of wall at least the height of the Q100 flood level.	At all times
19.	The control over the release of water from all ponds, tanks and drainage systems within the approved aquaculture area must be maintained at all times.	At all times
20.	The aquaculture area is secured to prevent the overland escape of aquaculture product by maintaining a perimeter barrier that is impervious to all size classes of the aquaculture fisheries resources that are capable of overland escape.	At all times
21.	All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria drainage systems etc.) on the approved aquaculture area are screened in such a way to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters (as defined in the Acts Interpretation Act 1954).	At all times
22.	Where waters are introduced for the aquaculture of the approved species, all reasonable measures must be taken to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved aquaculture area	At all times



Our reference: SDA-0514-010137

Your reference: IR1278149

## **Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

- Condition 1 – To define the nature, extent and location of development to which the approval and conditions for this type of development applies. Required for administration and enforcement purposes where DAFF is the assessing authority under section 255D(3) of the Sustainable Planning Act 2009.
- Condition 2 - Required for administration and enforcement purposes where DAFF is the assessing authority under section 255D(3) of the Sustainable Planning Act 2009.
- Condition 3 – Required for administration and enforcement purposes where DAFF is the assessing authority under section 255D(3) of the Sustainable Planning Act 2009.
- Condition 4 – To keep accurate record of contact details for DA – submit stat returns, disease incidents
- Condition 5 – To keep accurate record of aquaculture production in Queensland. Reporting requirements to ABARE, used by industry to justify funding for research projects
- Condition 6 – To ensure that broodstock is not collected from the wild without the correct permit
- Condition 7 – Aquaculture of these species is a higher risk and not considered appropriate to be undertaken under a self-assessable code
- Condition 8 - Ensure aquaculture resources are not released into Queensland water – biosecurity issue
- Condition 9 – Required for administration and enforcement purposes to minimise disease issues
- Condition 10 - Required for administration and enforcement purposes to minimise disease issues
- Condition 11 – Required enforcement issues to allow inspection of aquaculture operations
- Condition 12 – Required for administration and enforcement purposes of translocation requirements
- Condition 13 – Required for administration and enforcement purposes of translocation requirements
- Condition 14 - Required for administration and enforcement purposes of translocation requirements
- Condition 15 – Purchase of broodstock / culturestock
- Condition 16 – Allow use of regulated fishing apparatus on the approved aquaculture area eg nets
- Condition 17 – Required for administration and enforcement purposes of Biosecurity issues
- Condition 18 – Required for administration and enforcement purposes of Biosecurity issues
- Condition 19 – Required for administration and enforcement purposes of Biosecurity issues
- Condition 20 – Required for administration and enforcement purposes of Biosecurity issues
- Condition 21 – Required for administration and enforcement purposes of Biosecurity issues
- Condition 22 – Required for administration and enforcement purposes of Biosecurity issues

### ***Findings on material questions of fact***

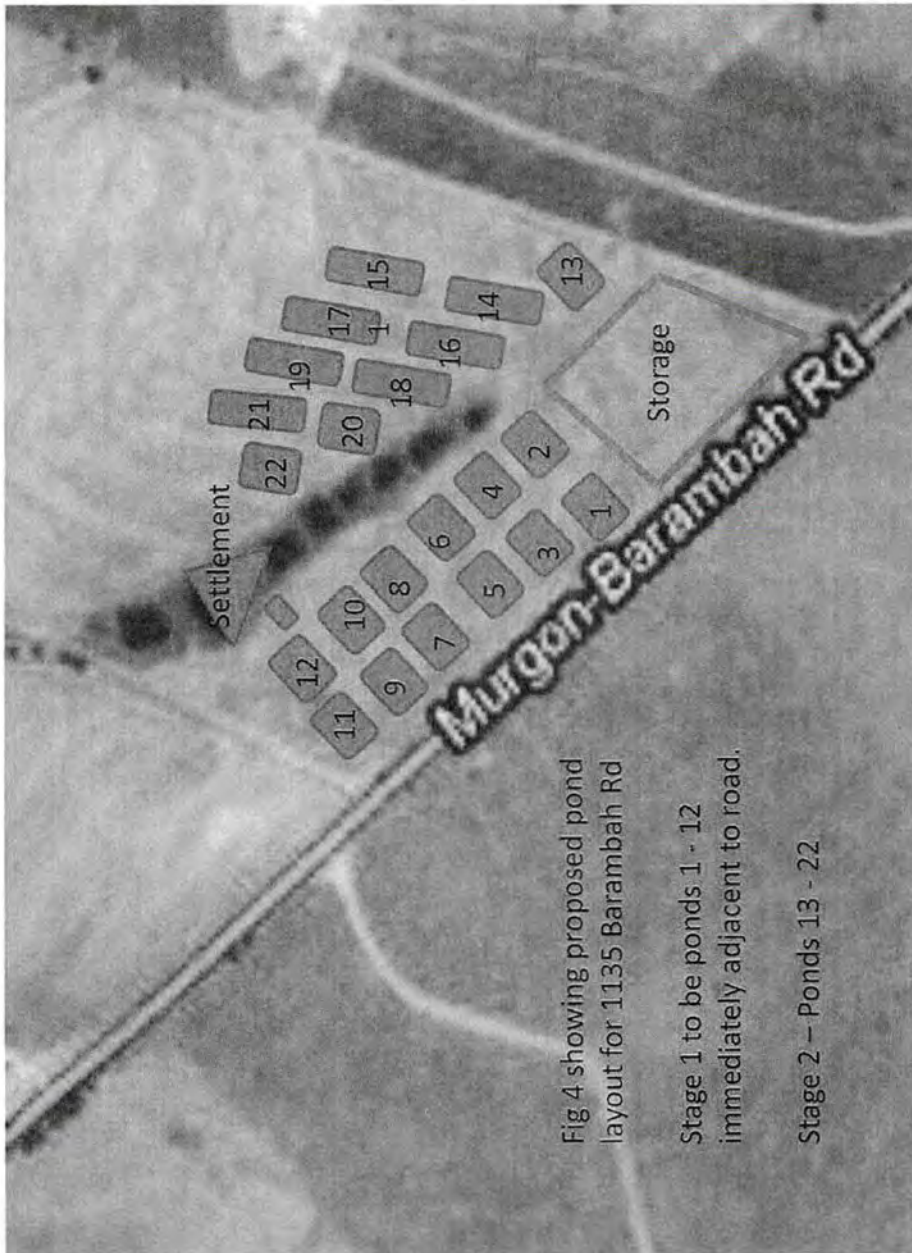
- The facts on which the decision is based are self-evident, non-conflictive and come directly from the supporting information provided in the application as well as the information request response as provided by the applicant.
- The development application has met the provisions of Module 3 of the SDAP (V1.2)
- The works are for aquaculture development

***Evidence or other material on which the findings were based***

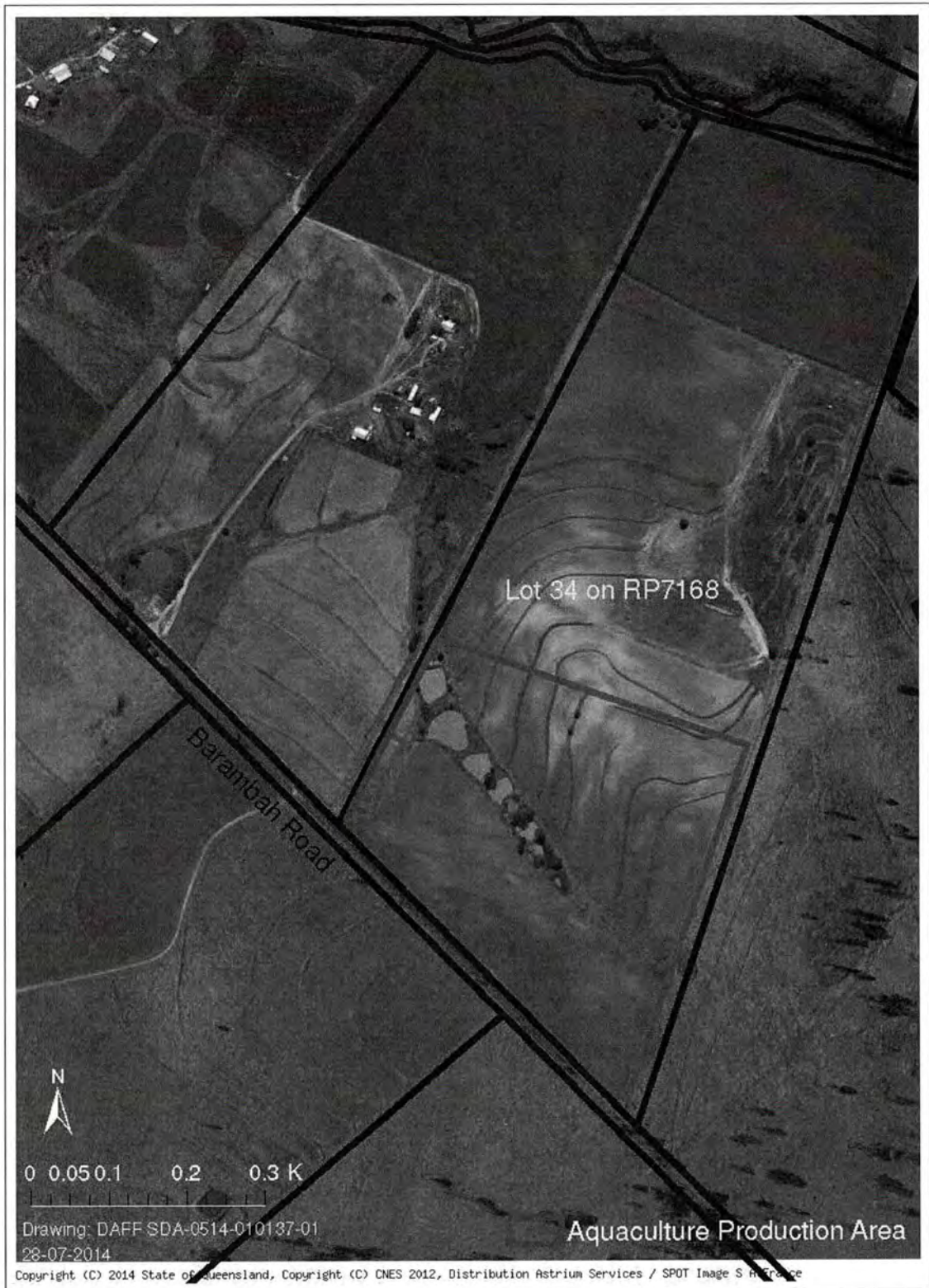
- SDAP V1.2, Module 3
- Aquaculture Site Management Plan, Aquaculture Operations Plan and Environmental Management Plan, for Freshwater Aquaculture Facility & Hatchery, 1135 Barambah Road; Moffatdale (as per DA dated 12/03/2014)
- Information Request – Concurrence Agency, 1135 Barambah Rd – Moffatdale, South Burnett regional council - QLD 4605, Response; dated 17 June 2014.

Our reference: SDA-0514-010137  
Your reference: IR1278149

**Attachment 3—Approved plans and specifications**









Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SDA-0614-011007  
Your reference: A/A 33

04 August 2014

Australian Shellfish IP Pty Ltd  
PO Box 821  
Cleveland Qld 4163  
admin@australianshellfish.com

Dear Craig Duncombe and Brian Russell

**Notice of decision**

Great Sandy Regional Marine Aquaculture Plan – Site 33  
(Given under section 285 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning advises that the development application described below has been approved subject to conditions.

**Applicant details**

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Applicant name: Australian Shellfish IP Pty Ltd

**Site details**

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Lot on plan: N/A  
Local government area: FRASER COAST REGIONAL

**Application details**

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Proposed development: Development Permit for Material Change of Use -  
Aquaculture

A decision notice for this application is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the *Sustainable Planning Act 2009*

Page 1

Wide Bay - Burnett Region  
Level 1, 7 Takalvan Street  
PO Box 979  
Bundaberg QLD 4670

- any plans and specifications approved in relation to the decision notice.

For further information, please contact Holly Sorohan, Senior Planning Officer, SARA Wide Bay Burnett on 07 4331 5605, or email [WBBSARA@dsdip.qld.gov.au](mailto:WBBSARA@dsdip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Michelle Riley  
Manager (Planning)

enc: Decision notice  
Attachment 1—Assessment manager conditions  
Attachment 2—Further Advice  
Attachment 3—SPA appeal provisions  
Attachment 4—Approved plans and specifications



**Decision notice**(Given under section 334 of the *Sustainable Planning Act 2009*)**Applicant details**

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Applicant name: Australian Shellfish IP Pty Ltd  
 Applicant contact details: PO Box 821  
 Cleveland Qld 4163  
 admin@australianshellfish.com

**Application details**

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Level of assessment: Code assessment  
 Properly made date: 26 June 2014

**Site details**

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Site Description: Great Sandy Regional Marine Aquaculture Plan – Site 33

Site Coordinates:	Point	Latitude	Longitude
	1	-25.715356	153.098724
	2	-25.714691	153.118529
	3	-25.759556	153.12001
	4	-25.760208	153.100232

Lot on plan: N/A

**Decision**

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Date of decision: 4 August 2014  
 Decision details: Approved subject to conditions

**Referral agencies**

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There were no referral agencies for this application.

**Conditions**

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This approval is subject to:

- the assessment manager conditions in Attachment 1
- there are no concurrence agency conditions for this approval.

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

### Aspects of development and development approval granted

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	Aquaculture Authority for 10SqKm - 2 SqKm (2000000 sqm) gross net area subsurface infrastructure and 10SqKm commercial sea ranching	Code Assessment

### Properly made submissions

Not applicable—No part of the application required impact assessment.

### Rights of appeal

The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

### Relevant period for the approval

This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.

### Approved plans and specifications

Copies of the following approved plans and specifications are attached:

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
<b>Material Change of Use</b>				
Fisheries Queensland Approved Plan	Department of Agriculture Fisheries and Forestry	17/07/2014	2014BCA0614	-

Our reference: SDA-0614-011007

Your reference: A/A 33

**Attachment 1—Assessment manager conditions**

No.	Conditions of development approval	Condition timing																																										
Material Change of use																																												
Aquaculture—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Agriculture Fisheries and Forestry to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																																												
1.	Aquaculture authorised under this approval is limited to the area as described in plan titled 'Fisheries Queensland Approved Plan' plan number 2014BCA0612, dated 17/07/2014.	Life of development/structure																																										
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3.	Development on or in Queensland waters or on unallocated tidal State land is undertaken for prescribed aquaculture only. The extent and nature of any works involving tidal aquaculture may only include those that are consistent with works that have been permitted under a Resource Allocation Authority for prescribed aquaculture issued under the <i>Fisheries Act 1994</i> .	Life of development/structure																																										
4.	Persons identified by the aquaculturist operating under this approval may assist in aquaculture activities on the approved area.	Life of development/structure																																										
5.	This development approval authorises the use of boat(s) identified as A0606 in aquaculture activities and:	Life of																																										



No.	Conditions of development approval	Condition timing
	<ul style="list-style-type: none"> <li>a) the identification must be displayed on each side of the boat above the water line, where it can be clearly seen; and</li> <li>b) the identification letters and numbers must be in block capitals that are a minimum height of 200 mm; and</li> <li>c) the identification must be dark displayed upon a light background or light displayed upon a dark background; and</li> <li>d) the identification is to be kept legible and conspicuously displayed on the boat(s).</li> </ul>	development/ structure
6.	The administering authority must be informed via notifications@daff.qld.gov.au of any changes to the personal contact details for this development approval within 28 working days. The email must contain a subject heading and other information clearly identifying the permit and works to which the notification applies.	Life of development/ structure
7.	An aquaculture production return must be submitted in the approved form to DAFF Fisheries Qld, by close of business on 31 July each year during the term of this development approval. This includes lodging a nil return when no activity has occurred.	Life of development/ structure
8.	Aquaculture fisheries resources must not be released into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ) other than those waters approved under this development approval.	Life of development/ structure
9.	<p>This approval does not provide any entitlement to access or harvest an aquaculture fisheries resource that becomes an unauthorised escape or release, including but not limited to:</p> <ul style="list-style-type: none"> <li>a) animal(s) stocked within the approved aquaculture area that move outside the area; or</li> <li>b) spawn or progeny of an aquaculture fisheries resource should such eggs, larvae, juveniles or adult progeny become distributed outside of the approved aquaculture area.</li> </ul>	Life of development/ structure
10.	Any development approval and/or resource allocation authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during reasonable hours.	Life of development/ structure
11.	The approval holder must ensure that this approval, or a true copy, is available for inspection at all times.	Life of development/ structure
12.	Unless otherwise authorised, aquaculture fisheries resources must not be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	Life of development/ structure
13.	This development approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that	Life of development/ structure

No.	Conditions of development approval	Condition timing
	allows the sale of the approved species.	
14.	All excess furniture and equipment, unwanted, discarded debris, rubbish and other waste material is to be removed from the aquaculture area and disposed of in accordance with local government guidelines for disposal of refuse as part of the regular maintenance of each aquaculture area.	Life of development/ structure
15.	Where aquaculture equipment or product are cleaned on board a vessel or a platform, wastewater and waste generated by cleaning shall be screened to remove solids prior to wash water being discharged to natural waters.	Life of development/ structure
16.	No hazardous items or materials are to be placed on, or in, the approved aquaculture area in a manner that endangers, or is likely to endanger, a person, a person's property, or the environment.	Life of development/ structure
17.	Only aquaculture furniture which has industry acceptance and/or authorisation from the administering authority is to be used and is to be placed only within the boundaries of the approved aquaculture area. This approval does not authorise the use of structures such as sheds, fences, pontoons, docks or wave walls unless separate written approval has been granted by the relevant authority.	Life of development/ structure
18.	The approval holder must remove any material that is deposited outside of the alignment of the works shown on the approved plans or any debris that falls or is deposited on tidal lands or into tidal waters during the construction of the works.	Life of development/ structure
19.	No CCA treated timber is to be used until external surfaces are dry from the CCA treatment process. All treated timber is to be sawn or drilled over a catchment sheet and all off-cuts are to be disposed of to an approved landfill site.	Life of development/ structure
20.	<p>The approval holder must, within three (3) months of the date of practical completion of the works, submit to the Department of Environment and Heritage Protection a letter from a Registered Professional Engineer of Queensland certifying that:</p> <ul style="list-style-type: none"> <li>a) The works (including any other associated works) has been constructed in accordance with the approved drawings and these conditions; and</li> <li>b) The works: <ul style="list-style-type: none"> <li>- are structurally adequate for anticipated usage; and</li> <li>- comply with all relevant codes — including Department of Environment and Heritage Protection operational policy, <i>Building and engineering standards for tidal works</i>; and</li> </ul> </li> <li>c) The bed and banks of the waterway for a distance of 15 metres around the site of the works is clear of all debris.</li> </ul>	Life of development/ structure
21.	Lines to be kept taut and adequately spaced, with sufficient floatation.	Life of development/ structure



No.	Conditions of development approval	Condition timing
22.	Vertical dropper lines must be suspended from a single horizontal line. Multiple horizontal lines between a single set of anchor points are not permitted.	Life of development/ structure
23.	The line floatation system must comply with the dimensions and specifications shown on the attached diagram labelled A3 4038 sheet 1 (date 22/8/2013), A3 4038 sheet 2 (date 19/7/2012) and A3 4038 sheet 3 (date 19/7/2012).	Life of development/ structure
24.	Any direct disturbance of marine plants (for anchor points, posts etc) is avoided where possible or minimised.	Life of development/ structure
25.	A water quality and meat sampling program consistent with the operations manual for the Australian Shellfish Quality Assurance Program must be maintained at the expense of the approval holder.	Life of development/ structure
26.	<p>Procedures for Dealing with Injured Wildlife or Cetaceans</p> <ul style="list-style-type: none"> <li>a) Any wildlife injured within the Marine Park as a result of aquaculture activities must be reported to the DEHP Hotline Phone on 1300 130 372.</li> <li>b) Any interaction with fauna listed under the EPBC Act must be reported to the Secretary of the Department of the Environment (includes turtles, dugongs, cetaceans etc).</li> <li>c) Any person who 'undertakes an activity that results in the unintentional death, injury, moving, harassment, chasing (or) marking a cetacean' must notify the Secretary of the Department of the Environment within seven days of being aware of the results of the activity.</li> </ul> <p style="text-align: center;">Contact details:  The Secretary,  Department of the Environment  GPO Box 787, Canberra ACT 2601  Phone: +61 2 6274 1111, Fax: +61 2 6274 1666  <a href="mailto:protected.species@environment.gov.au">protected.species@environment.gov.au</a>  Website for cetacean interaction notifications: Refer to the 'Notification of activities affecting listed species or ecological communities in or on a Commonwealth area' page on the Department of the Environment website at <a href="http://www.environment.gov.au">www.environment.gov.au</a></p> <ul style="list-style-type: none"> <li>d) In the event of an entanglement, response measures detailed in the 'entanglement strategy' must be implemented immediately.</li> </ul>	Life of development/ structure
27.	The approval holder may trawl the approved area a maximum of 3 passes only over the seabed for the given harvest period of any year.	Life of development/ structure
28.	The approval holder must advise the administrating authority at least one week prior to commencing seeding and sea ranching	Life of development/



No.	Conditions of development approval	Condition timing
	harvesting activities.	structure
29.	Any boat exhibiting the symbol A0606 and being used for the purposes of sea ranching aquaculture under this authority, must: <ul style="list-style-type: none"> <li>(a) notify the nearest Queensland Boating and Fisheries Patrol (QBFP) office at least 24 hours prior to any operation to advise when and where the activities will occur and describe the details of the vessel (e.g. boat mark); and</li> <li>(b) have a copy of the aquaculture approval on board at all times.</li> </ul>	Life of development/ structure
30.	Any stock, including spat, culture stock and/or broodstock must be sourced, or is to have originated, from stock from the Hervey Bay area (excluding saucer scallops). The Hervey Bay area is determined to be from Sandy Cape to Burnett Heads in the north to Hook Point to Inskip Point in the south, including all coastal waters within these boundaries but excluding any Department of Defence areas.	Life of development/ structure
31.	Broodstock that are used for aquaculture production must be sufficient in number to ensure that sufficient genetic variation occurs within the product to avoid any risks that the operation may pose to the genetic diversity of the resident population/s of the species and/or impacts to associated ecosystems.	Life of development/ structure
32.	Scallops bred for the purpose of release into open water: <ul style="list-style-type: none"> <li>a) must be sourced from broodstock taken from waters between Townsville to the Queensland/New South Wales border; and</li> <li>b) spat must be sourced from a number of broodstock, such that any release of spat into the wild must be sourced from a minimum of twenty (20) broodstock; and</li> <li>c) spawners used to generate hatchery-reared spat may only be held for a period of 12 months and must be disposed of after this period.</li> </ul>	Life of development/ structure
33.	Any Pacific oysters ( <i>Crassostrea gigas</i> ) identified on the approved aquaculture area must be immediately destroyed.	Life of development/ structure
34.	The movement of animals of any species cultivated under this approval must comply with the relevant species specific health protocol. If a species being cultivated under this approval does not have a species specific health protocol then conditions 36 and 37 below apply.	Life of development/ structure
35.	Animals of a species approved for aquaculture under this development approval must not be placed on the approved aquaculture area for rearing without a health certificate or pathology report issued by the exporting state or territory's fisheries, or a veterinary authority certifying the animals health, which must include a statement that the specimens originate from: <ul style="list-style-type: none"> <li>a) a hatchery, farm, aquaculture premises or region which has not experienced unusual or unexplained mortalities for the species in question for the last six months, and is recognised as free from infection by the diseases on the</li> </ul>	Life of development/ structure

No.	Conditions of development approval	Condition timing
	<p>Queensland Declared Disease List based on the requirements listed in the OIE Aquatic Animal Health Code, current edition (2013 or later) for recognition as free from infection; or</p> <p>b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Aquatic Animal Health Code current edition (2013 or later) have been met; or</p> <p>c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species. A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment.</p>	
36.	<p>Animals of a species approved for aquaculture under this development approval must not be placed on the approved aquaculture area for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland" form (FDU1398) available on the DAFF website: <a href="http://www.business.qld.gov.au/industry/fisheries/aquaculture/policies-licences-and-fees/moving-live-aquatic-animals">http://www.business.qld.gov.au/industry/fisheries/aquaculture/policies-licences-and-fees/moving-live-aquatic-animals</a> is submitted to the administering authority via <a href="mailto:translocation@daff.qld.gov.au">translocation@daff.qld.gov.au</a>. For animals, a signed copy of the Pathology Report or Health Certificate must be submitted with this form.</p> <p>The form and Pathology Report or Health Certificate must be provided to the administering authority, a minimum of three (3) working days prior to all shipments. Earlier notice is recommended to allow any issues to be resolved prior to the intended date of translocation. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date.</p> <p>Translocation may not proceed until the administering authority provides written acknowledgement and approval of the "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" before translocation can proceed.</p> <p>After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the Queensland Boating and Fisheries Patrol. If directed by an officer of the administering authority, specimens must be forwarded to a veterinary laboratory as directed by the officer.</p>	Life of development/ structure
37.	The movement of all bivalves must comply with the "Health	Life of



No.	Conditions of development approval	Condition timing
	Protocol for the Importation and Movement of Live Bivalve Molluscs (FAMPR003)".	development/ structure
38.	Prior to commencing any aquaculture activities under this authority, the applicant must submit to the Department of Environment and Heritage Protection a bond in the form of an unconditional bank guarantee to the value of \$5 000 from an institution authorised under the Banking Act 1959 to carry on banking business in Australia to recover costs associated with rescuing marine animals that may become entangled within aquaculture infrastructure.	Life of development/ structure



Our reference: SDA-0614-011007

Your reference: A/A 33

### Attachment 2—Further Advice

No.	
1.	Where plans or other material submitted with the development application conflicts with these conditions, the conditions apply.
2.	Section 100 of the Fisheries Act 1994 requires 'a person who knows or reasonably suspects fishery resources or a fish habitat is showing signs of disease, or knows or reasonably suspects disease may be in fisheries resources or fish habitat, must immediately notify the chief executive or an inspector'
3.	It is advised that under Section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website: <a href="http://www.datsima.qld.gov.au/datsima/aboriginal-torres-strait-islander/aboriginal-torres-strait-islander-peoples/aboriginal-and-torres-strait-islander-cultural-heritage">http://www.datsima.qld.gov.au/datsima/aboriginal-torres-strait-islander/aboriginal-torres-strait-islander-peoples/aboriginal-and-torres-strait-islander-cultural-heritage</a>

Our reference: SDA-0614-011007

Your reference: A/A 33

## Attachment 3—SPA Appeal Provisions

### ***Sustainable Planning Act 2009—Representation and appeal provisions***

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

#### **Part 8 Dealing with decision notices and approvals**

#### **Division 1 Changing decision notices and approvals during applicant's appeal period**

#### **360 Application of div 1**

This division applies only during the applicant's appeal period.

#### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

#### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

#### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the ***negotiated decision notice***) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or
    - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.



- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

#### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

#### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
- if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
- the refusal, or the refusal in part, of the development application;
  - any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - the decision to give a preliminary approval when a development permit was applied for;
  - the length of a period mentioned in section 341;
  - a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
- if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

##### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—



- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
- (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
- (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - i. a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - ii. a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

**Division 11 Making and appeal to Court****481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

**482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (b) the assessment manager for the development application to which the notice relates; and



- (c) any entity that was a concurrence agency for the development application to which the notice relates; and
- (d) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - i. the assessment manager is the respondent; and
  - ii. if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - iii. any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.



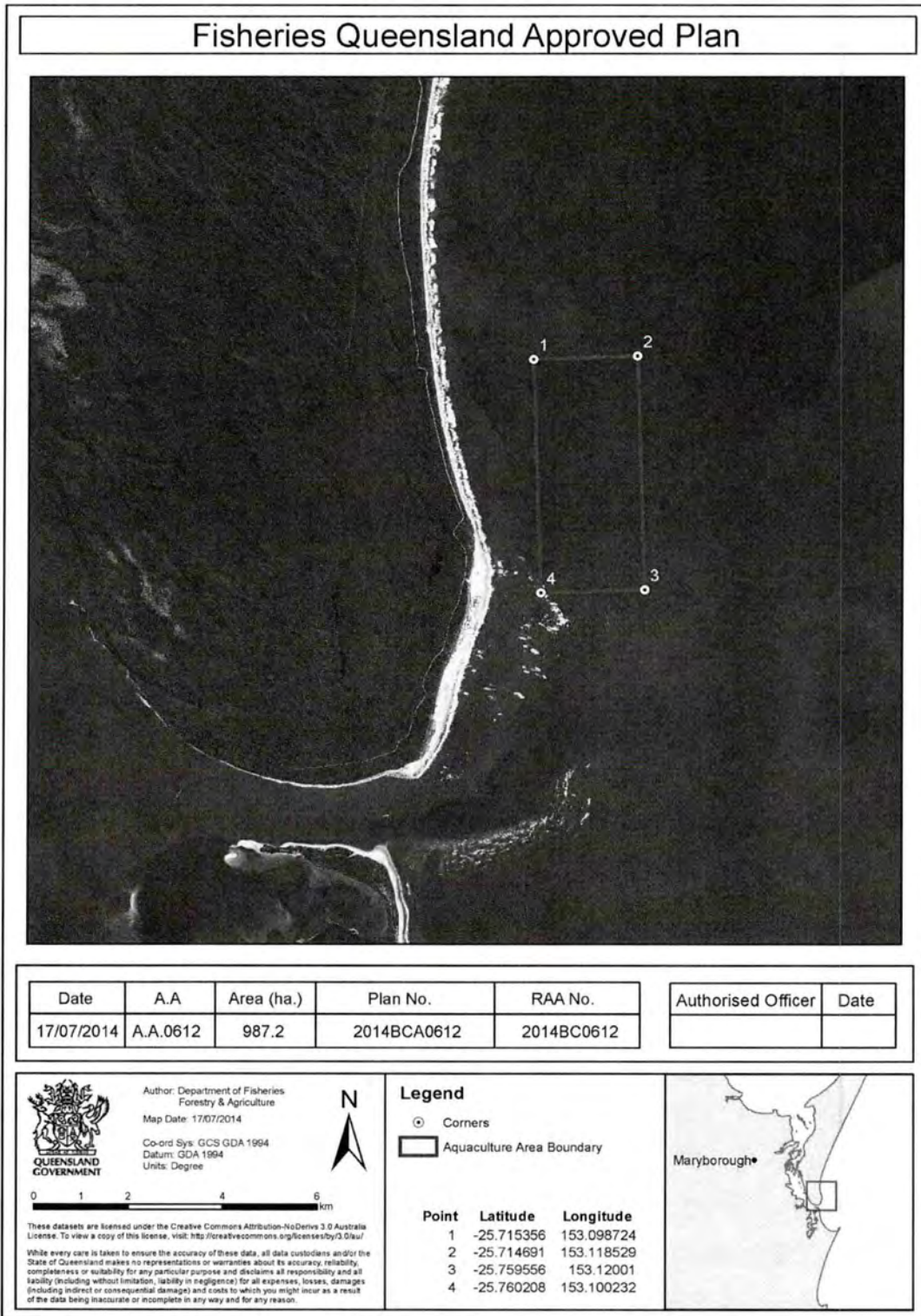
**488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

**490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

Attachment 4—Approved Plans





Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SDA-0614-010980

Your reference: A/A 48

04 August 2014

Australian Shellfish IP Pty Ltd  
PO Box 821  
Cleveland Qld 4163  
admin@australianshellfish.com

Dear Craig Duncombe and Brian Russell

**Notice of decision**

Great Sandy Regional Marine Aquaculture Plan – Site 48  
(Given under section 285 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning advises that the development application described below has been approved subject to conditions.

**Applicant details**

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Applicant name: Australian Shellfish IP Pty Ltd

**Site details**

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Lot on plan: N/A

Local government area: BUNDABERG REGIONAL

**Application details**

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Proposed development: Development Permit for Material Change of Use -  
Aquaculture

A decision notice for this application is attached.

Copies of the following documents are also attached:

Page 1

Wide Bay - Burnett Region  
Level 1, 7 Takalvan Street  
PO Box 979  
Bundaberg QLD 4670



- relevant appeal provisions in the *Sustainable Planning Act 2009*
- any plans and specifications approved in relation to the decision notice.

For further information, please contact Holly Sorohan, Planning Officer, SARA Wide Bay Burnett on 07 4331 5605, or email [WBBSARA@dspdip.qld.gov.au](mailto:WBBSARA@dspdip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Michelle Riley  
Manager (Planning)

enc: Decision notice  
Attachment 1—Assessment manager conditions  
Attachment 2—Further Advice  
Attachment 3—SPA appeal provisions  
Attachment 4—Approved plans

**Decision notice**

(Given under section 334 of the *Sustainable Planning Act 2009*)

**Applicant details**

Applicant name: Australian Shellfish IP Pty Ltd  
 Applicant contact details: PO Box 821  
 Cleveland Qld 4163  
 admin@australianshellfish.com

**Application details**

Level of assessment: Code assessment  
 Properly made date: 26 June 2014

**Site details**

Site Description: Great Sandy Regional Marine Aquaculture Plan – Site 48  
 Site Coordinates:

Point	Latitude	Longitude
1	-24.621325	152.179157
2	-24.588441	152.148618
3	-24.574956	152.163139
4	-24.607867	152.193666

Lot on plan: N/A

**Decision**

Date of decision: 4 August 2014  
 Decision details: Approved subject to conditions

**Referral agencies**

There were no referral agencies for this application.

**Conditions**

This approval is subject to:

- the assessment manager conditions in Attachment 1
- there are no concurrence agency conditions for this approval.

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

### Aspects of development and development approval granted

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	Aquaculture Authority for 10SqKm - 2 SqKm (2000000 sqm) gross net area subsurface infrastructure and 10SqKm commercial sea ranching	Code Assessment

### Properly made submissions

Not applicable—No part of the application required impact assessment.

### Rights of appeal

The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

### Relevant period for the approval

This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.

### Approved plans and specifications

Copies of the following approved plans and specifications are attached:

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
<b>Material Change of Use</b>				
Fisheries Queensland Approved Plan	Department of Agriculture Fisheries and Forestry	17/07/2014	2014BCA0614	-



Our reference: SDA-0614-010980

Your reference: A/A 48

**Attachment 1—Assessment manager conditions**

No.	Conditions of development approval	Condition timing																																										
Material Change of USE																																												
Aquaculture—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Agriculture Fisheries and Forestry to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																																												
1.	Aquaculture authorised under this approval is limited to the area as described in plan titled 'Fisheries Queensland Approved Plan' plan number 2014BCA0614, dated 17/07/2014.	Life of development/ structure																																										
2.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="0"> <tr> <td><b>Common Name:</b></td> <td><b>Scientific Name:</b></td> </tr> <tr> <td>Ark Cockle</td> <td><i>Andara trapezia</i></td> </tr> <tr> <td>Surf Clam</td> <td><i>Dosinia caerulea</i></td> </tr> <tr> <td>Blood Cockle</td> <td><i>Anadara granosa</i></td> </tr> <tr> <td>Cockle (Vongole)</td> <td><i>Katelysia scalarina</i></td> </tr> <tr> <td>Cockle (Vongole)</td> <td><i>Katelysia peronii</i></td> </tr> <tr> <td>Cockle (Vongole)</td> <td><i>Katelysia rhytiphora</i></td> </tr> <tr> <td>Pipi</td> <td><i>Donax deltioids</i></td> </tr> <tr> <td>Venus Clam</td> <td><i>Dosinia sculpta</i></td> </tr> <tr> <td>Surf Clam</td> <td><i>Macra turgida</i></td> </tr> <tr> <td>Surf Clam</td> <td><i>Macra meretriciformis</i></td> </tr> <tr> <td>Finger Nail Clam</td> <td><i>Solen vaginoides</i></td> </tr> <tr> <td>Fan Scallop</td> <td><i>Annachlamys flabellate</i></td> </tr> <tr> <td>Saucer Scallop</td> <td><i>Amusium balloti</i></td> </tr> <tr> <td>Akoya Pearl Oyster</td> <td><i>Pinctada imbricata</i></td> </tr> <tr> <td>Pearl Oyster</td> <td><i>Pinctada maxima</i></td> </tr> <tr> <td>Penguin Pearl Oyster</td> <td><i>Pteria penguin</i></td> </tr> <tr> <td>Sand Fish</td> <td><i>Holothuria (Mwetriatyla) scabra</i></td> </tr> <tr> <td>Trochus</td> <td><i>Trochus niloticus</i></td> </tr> <tr> <td>Sea Urchin</td> <td><i>Tripneustes gratila</i></td> </tr> <tr> <td>Abalone</td> <td><i>Haliotis asinina</i></td> </tr> </table>	<b>Common Name:</b>	<b>Scientific Name:</b>	Ark Cockle	<i>Andara trapezia</i>	Surf Clam	<i>Dosinia caerulea</i>	Blood Cockle	<i>Anadara granosa</i>	Cockle (Vongole)	<i>Katelysia scalarina</i>	Cockle (Vongole)	<i>Katelysia peronii</i>	Cockle (Vongole)	<i>Katelysia rhytiphora</i>	Pipi	<i>Donax deltioids</i>	Venus Clam	<i>Dosinia sculpta</i>	Surf Clam	<i>Macra turgida</i>	Surf Clam	<i>Macra meretriciformis</i>	Finger Nail Clam	<i>Solen vaginoides</i>	Fan Scallop	<i>Annachlamys flabellate</i>	Saucer Scallop	<i>Amusium balloti</i>	Akoya Pearl Oyster	<i>Pinctada imbricata</i>	Pearl Oyster	<i>Pinctada maxima</i>	Penguin Pearl Oyster	<i>Pteria penguin</i>	Sand Fish	<i>Holothuria (Mwetriatyla) scabra</i>	Trochus	<i>Trochus niloticus</i>	Sea Urchin	<i>Tripneustes gratila</i>	Abalone	<i>Haliotis asinina</i>	Life of development/ structure
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3.	Development on or in Queensland waters or on unallocated tidal State land is undertaken for prescribed aquaculture only. The extent and nature of any works involving tidal aquaculture may only include those that are consistent with works that have been permitted under a Resource Allocation Authority for prescribed aquaculture issued under the <i>Fisheries Act 1994</i> .	Life of development/ structure																																										
4.	Persons identified by the aquaculturist operating under this approval may assist in aquaculture activities on the approved area.	Life of development/ structure																																										
5.	This development approval authorises the use of boat(s) identified as A0606 in aquaculture activities and:	Life of																																										

No.	Conditions of development approval	Condition timing
	<ul style="list-style-type: none"> <li>a) the identification must be displayed on each side of the boat above the water line, where it can be clearly seen; and</li> <li>b) the identification letters and numbers must be in block capitals that are a minimum height of 200 mm; and</li> <li>c) the identification must be dark displayed upon a light background or light displayed upon a dark background; and</li> <li>d) the identification is to be kept legible and conspicuously displayed on the boat(s).</li> </ul>	development/ structure
6.	The administering authority must be informed via <a href="mailto:notifications@daff.qld.gov.au">notifications@daff.qld.gov.au</a> of any changes to the personal contact details for this development approval within 28 working days. The email must contain a subject heading and other information clearly identifying the permit and works to which the notification applies.	Life of development/ structure
7.	An aquaculture production return must be submitted in the approved form to DAFF Fisheries Qld, by close of business on 31 July each year during the term of this development approval. This includes lodging a nil return when no activity has occurred.	Life of development/ structure
8.	Aquaculture fisheries resources must not be released into Queensland waters (as defined in the Acts Interpretation Act 1954) other than those waters approved under this development approval.	Life of development/ structure
9.	<p>This approval does not provide any entitlement to access or harvest an aquaculture fisheries resource that becomes an unauthorised escape or release, including but not limited to:</p> <ul style="list-style-type: none"> <li>a) animal(s) stocked within the approved aquaculture area that move outside the area; or</li> <li>b) spawn or progeny of an aquaculture fisheries resource should such eggs, larvae, juveniles or adult progeny become distributed outside of the approved aquaculture area.</li> </ul>	Life of development/ structure
10.	Any development approval and/or resource allocation authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during reasonable hours.	Life of development/ structure
11.	The approval holder must ensure that this approval, or a true copy, is available for inspection at all times.	Life of development/ structure
12.	Unless otherwise authorised, aquaculture fisheries resources must not be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	Life of development/ structure
13.	This development approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that	Life of development/ structure



No.	Conditions of development approval	Condition timing
	allows the sale of the approved species.	
14.	All excess furniture and equipment, unwanted, discarded debris, rubbish and other waste material is to be removed from the aquaculture area and disposed of in accordance with local government guidelines for disposal of refuse as part of the regular maintenance of each aquaculture area.	Life of development/ structure
15.	Where aquaculture equipment or product are cleaned on board a vessel or a platform, wastewater and waste generated by cleaning shall be screened to remove solids prior to wash water being discharged to natural waters.	Life of development/ structure
16.	No hazardous items or materials are to be placed on, or in, the approved aquaculture area in a manner that endangers, or is likely to endanger, a person, a person's property, or the environment.	Life of development/ structure
17.	Only aquaculture furniture which has industry acceptance and/or authorisation from the administering authority is to be used and is to be placed only within the boundaries of the approved aquaculture area. This approval does not authorise the use of structures such as sheds, fences, pontoons, docks or wave walls unless separate written approval has been granted by the relevant authority.	Life of development/ structure
18.	The approval holder must remove any material that is deposited outside of the alignment of the works shown on the approved plans or any debris that falls or is deposited on tidal lands or into tidal waters during the construction of the works.	Life of development/ structure
19.	No CCA treated timber is to be used until external surfaces are dry from the CCA treatment process. All treated timber is to be sawn or drilled over a catchment sheet and all off-cuts are to be disposed of to an approved landfill site.	Life of development/ structure
20.	<p>The approval holder must, within three (3) months of the date of practical completion of the works, submit to the Department of Environment and Heritage Protection a letter from a Registered Professional Engineer of Queensland certifying that:</p> <ul style="list-style-type: none"> <li>a) The works (including any other associated works) has been constructed in accordance with the approved drawings and these conditions; and</li> <li>b) The works: <ul style="list-style-type: none"> <li>- are structurally adequate for anticipated usage; and</li> <li>- comply with all relevant codes — including Department of Environment and Heritage Protection operational policy, <i>Building and engineering standards for tidal works</i>; and</li> </ul> </li> <li>c) The bed and banks of the waterway for a distance of 15 metres around the site of the works is clear of all debris.</li> </ul>	Life of development/ structure
21.	Lines to be kept taut and adequately spaced, with sufficient floatation.	Life of development/ structure



No.	Conditions of development approval	Condition timing
22.	Vertical dropper lines must be suspended from a single horizontal line. Multiple horizontal lines between a single set of anchor points are not permitted.	Life of development/ structure
23.	The spacing between horizontal backbone lines must be not less than 50m.	Life of development/ structure
24.	Any lines that have the potential to become slack (eg. at low tide) must be enclosed in rigid casing.	Life of development/ structure
25.	Any direct disturbance of marine plants (for anchor points, posts etc) is avoided where possible or minimised.	Life of development/ structure
26.	A water quality and meat sampling program consistent with the operations manual for the Australian Shellfish Quality Assurance Program must be maintained at the expense of the approval holder.	Life of development/ structure
27.	<p>Procedures for Dealing with Injured Wildlife or Cetaceans</p> <ul style="list-style-type: none"> <li>a) Any wildlife injured within the Marine Park as a result of aquaculture activities must be reported to the DEHP Hotline Phone on 1300 130 372.</li> <li>b) Any interaction with fauna listed under the EPBC Act must be reported to the Secretary of the Department of the Environment (includes turtles, dugongs, cetaceans etc).</li> <li>c) Any person who 'undertakes an activity that results in the unintentional death, injury, moving, harassment, chasing (or) marking a cetacean' must notify the Secretary of the Department of the Environment within seven days of being aware of the results of the activity.</li> </ul> <p>Contact details:  The Secretary,  Department of the Environment  GPO Box 787, Canberra ACT 2601  Phone: +61 2 6274 1111, Fax: +61 2 6274 1666  <a href="mailto:protected.species@environment.gov.au">protected.species@environment.gov.au</a>  Website for cetacean interaction notifications: Refer to the 'Notification of activities affecting listed species or ecological communities in or on a Commonwealth area' page on the Department of the Environment website at <a href="http://www.environment.gov.au">www.environment.gov.au</a></p> <ul style="list-style-type: none"> <li>d) In the event of an entanglement, response measures detailed in the 'entanglement strategy' must be implemented immediately.</li> </ul>	Life of development/ structure
28.	The approval holder may trawl the approved area a maximum of 3 passes only over the seabed for the given harvest period of any year.	Life of development/ structure

No.	Conditions of development approval	Condition timing
29.	The approval holder must advise the administering authority at least one week prior to commencing seeding and sea ranching harvesting activities.	Life of development/ structure
30.	Any boat exhibiting the symbol A0606 and being used for the purposes of sea ranching aquaculture under this authority, must: <ul style="list-style-type: none"> <li>(a) notify the nearest Queensland Boating and Fisheries Patrol (QBFP) office at least 24 hours prior to any operation to advise when and where the activities will occur and describe the details of the vessel (e.g. boat mark); and</li> <li>(b) have a copy of the aquaculture approval on board at all times.</li> </ul>	Life of development/ structure
31.	Any stock, including spat, culture stock and/or broodstock must be sourced, or is to have originated, from stock from the Hervey Bay area (excluding saucer scallops). The Hervey Bay area is determined to be from Sandy Cape to Burnett Heads in the north to Hook Point to Inskip Point in the south, including all coastal waters within these boundaries but excluding any Department of Defence areas.	Life of development/ structure
32.	Broodstock that are used for aquaculture production must be sufficient in number to ensure that sufficient genetic variation occurs within the product to avoid any risks that the operation may pose to the genetic diversity of the resident population/s of the species and/or impacts to associated ecosystems.	Life of development/ structure
33.	Scallops bred for the purpose of release into open water: <ul style="list-style-type: none"> <li>a) must be sourced from broodstock taken from waters between Townsville to the Queensland/New South Wales border; and</li> <li>b) spat must be sourced from a number of broodstock, such that any release of spat into the wild must be sourced from a minimum of twenty (20) broodstock; and</li> <li>c) spawners used to generate hatchery-reared spat may only be held for a period of 12 months and must be disposed of after this period.</li> </ul>	Life of development/ structure
34.	Any Pacific oysters ( <i>Crassostrea gigas</i> ) identified on the approved aquaculture area must be immediately destroyed.	Life of development/ structure
35.	The movement of animals of any species cultivated under this approval must comply with the relevant species specific health protocol. If a species being cultivated under this approval does not have a species specific health protocol then conditions 36 and 37 below apply.	Life of development/ structure
36.	Animals of a species approved for aquaculture under this development approval must not be placed on the approved aquaculture area for rearing without a health certificate or pathology report issued by the exporting state or territory's fisheries, or a veterinary authority certifying the animals health, which must include a statement that the specimens originate from: <ul style="list-style-type: none"> <li>a) a hatchery, farm, aquaculture premises or region which has not experienced unusual or unexplained mortalities for the</li> </ul>	Life of development/ structure



No.	Conditions of development approval	Condition timing
	<p>species in question for the last six months, and is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Aquatic Animal Health Code, current edition (2013 or later) for recognition as free from infection; or</p> <p>b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Aquatic Animal Health Code current edition (2013 or later) have been met; or</p> <p>c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species. A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment.</p>	
37.	<p>Animals of a species approved for aquaculture under this development approval must not be placed on the approved aquaculture area for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland" form (FDU1398) available on the DAFF website: <a href="http://www.business.qld.gov.au/industry/fisheries/aquaculture/policies-licences-and-fees/moving-live-aquatic-animals">http://www.business.qld.gov.au/industry/fisheries/aquaculture/policies-licences-and-fees/moving-live-aquatic-animals</a> is submitted to the administering authority via <a href="mailto:translocation@daff.qld.gov.au">translocation@daff.qld.gov.au</a>. For animals, a signed copy of the Pathology Report or Health Certificate must be submitted with this form.</p> <p>The form and Pathology Report or Health Certificate must be provided to the administering authority, a minimum of three (3) working days prior to all shipments. Earlier notice is recommended to allow any issues to be resolved prior to the intended date of translocation. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date.</p> <p>Translocation may not proceed until the administering authority provides written acknowledgement and approval of the "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" before translocation can proceed.</p> <p>After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the Queensland Boating and Fisheries Patrol. If directed by an officer of the administering authority, specimens must be forwarded to a veterinary laboratory</p>	Life of development/ structure



No.	Conditions of development approval	Condition timing
	as directed by the officer.	
38.	The movement of all bivalves must comply with the "Health Protocol for the Importation and Movement of Live Bivalve Molluscs (FAMPR003)".	Life of development/structure
39.	Prior to commencing any aquaculture activities under this authority, the applicant must submit to the Department of Environment and Heritage Protection a bond in the form of an unconditional bank guarantee to the value of \$5 000 from an institution authorised under the Banking Act 1959 to carry on banking business in Australia to recover costs associated with rescuing marine animals that may become entangled within aquaculture infrastructure.	Life of development/structure

Our reference: SDA-0614-010980

Your reference: A/A 48

**Attachment 2—Further Advice**

No.	
1.	Where plans or other material submitted with the development application conflicts with these conditions, the conditions apply.
2.	Section 100 of the Fisheries Act 1994 requires 'a person who knows or reasonably suspects fishery resources or a fish habitat is showing signs of disease, or knows or reasonably suspects disease may be in fisheries resources or fish habitat, must immediately notify the chief executive or an inspector'

Our reference: SDA-0614-010980

Your reference: A/A 48

## Attachment 3—SPA Appeal Provisions

### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

##### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

##### **360 Application of div 1**

This division applies only during the applicant's appeal period.

##### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

##### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

##### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the **negotiated decision notice**) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or
    - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.



- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

#### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

#### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
- if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
- the refusal, or the refusal in part, of the development application;
  - any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - the decision to give a preliminary approval when a development permit was applied for;
  - the length of a period mentioned in section 341;
  - a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
- if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

##### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—

- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
- (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
- (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
- (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
- i. a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - ii. a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
- (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.



**466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

**Division 11 Making and appeal to Court****481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

**482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (ii) the assessment manager for the development application to which the notice relates; and



- (c) any entity that was a concurrence agency for the development application to which the notice relates; and
- (d) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - i. the assessment manager is the respondent; and
  - ii. if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - iii. any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

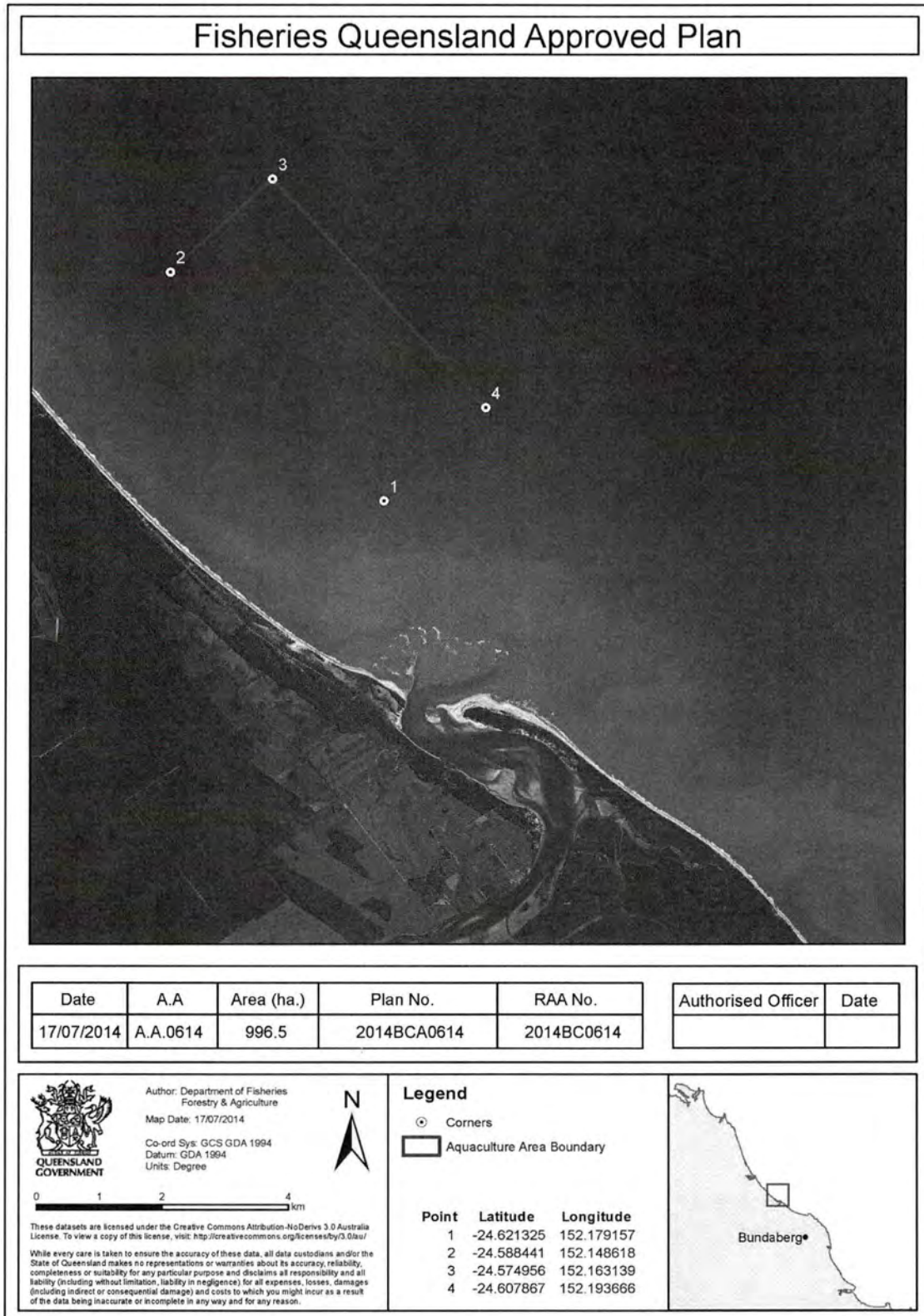
**488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

**490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

Attachment 4—Approved Plans







Queensland  
Government

Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SDA-0614-011011

Your reference: A/A 43

04 August 2014

Australian Shellfish IP Pty Ltd  
PO Box 821  
Cleveland Qld 4163  
admin@australianshellfish.com

Dear Craig Duncombe and Brian Russell

#### **Notice of decision**

Great Sandy Regional Marine Aquaculture Plan – Site 43

(Given under section 285 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning advises that the development application described below has been approved subject to conditions.

#### **Applicant details**

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Applicant name: Australian Shellfish IP Pty Ltd

#### **Site details**

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Lot on plan: N/A

Local government area: FRASER COAST REGIONAL

#### **Application details**

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Proposed development: Development Permit for Material Change of Use -  
Aquaculture

A decision notice for this application is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the *Sustainable Planning Act 2009*
- any plans and specifications approved in relation to the decision notice.

For further information, please contact Holly Sorohan, Planning Officer, SARA Wide Bay Burnett on 07 4331 5605, or email [WBBSARA@dssip.qld.gov.au](mailto:WBBSARA@dssip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Michelle Riley  
Manager (Planning)

enc: Decision notice  
Attachment 1—Assessment manager conditions  
Attachment 2—Further Advice  
Attachment 3—SPA appeal provisions  
Attachment 4—Approved plans

**Decision notice**

(Given under section 334 of the *Sustainable Planning Act 2009*)

**Applicant details**

Applicant name: Australian Shellfish IP Pty Ltd  
 Applicant contact details: PO Box 821  
 Cleveland Qld 4163  
 admin@australianshellfish.com

**Application details**

Level of assessment: Code assessment  
 Properly made date: 26 June 2014

**Site details**

Site Description: Great Sandy Regional Marine Aquaculture Plan – Site 33

Site Coordinates:	Point	Latitude	Longitude
	1	-25.149702	152.715401
	2	-25.121329	152.715401
	3	-25.121329	152.746767
	4	-25.149702	152.746767

Lot on plan: N/A

Name of owner: FRASER COAST REGIONAL

**Decision**

Date of decision: 4 August 2014  
 Decision details: Approved subject to conditions

**Referral agencies**

There were no referral agencies for this application.

**Conditions**

This approval is subject to:

- the assessment manager conditions in Attachment 1
- there are no concurrence agency conditions for this approval.

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.



### Aspects of development and development approval granted

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	Aquaculture Authority for 10SqKm - 2 SqKm (2000000 sqm) gross net area subsurface infrastructure and 10SqKm commercial sea ranching	Code Assessment

### Properly made submissions

Not applicable—No part of the application required impact assessment.

### Rights of appeal

The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

### Relevant period for the approval

This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.

### Approved plans and specifications

Copies of the following approved plans and specifications are attached:

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
<b>Material Change of Use</b>				
Fisheries Queensland Approved Plan	Department of Agriculture Fisheries and Forestry	17/07/2014	2014BCA0606	-

Our reference: SDA-0614-011011

Your reference: A/A 43

**Attachment 1—Assessment manager conditions**

No.	Conditions of development approval	Condition timing																																										
Material Change of Use																																												
Aquaculture—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Agriculture Fisheries and Forestry to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																																												
1.	Aquaculture authorised under this approval is limited to the area as described in plan titled 'Fisheries Queensland Approved Plan' plan number 2014BCA0606, dated 17/07/2014.	Life of development/structure																																										
2.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="0"> <tr> <td><b>Common Name:</b></td> <td><b>Scientific Name:</b></td> </tr> <tr> <td>Ark Cockle</td> <td><i>Andara trapezia</i></td> </tr> <tr> <td>Surf Clam</td> <td><i>Dosinia caerulea</i></td> </tr> <tr> <td>Blood Cockle</td> <td><i>Anadara granosa</i></td> </tr> <tr> <td>Cockle (Vongole)</td> <td><i>Katelysia scalarina</i></td> </tr> <tr> <td>Cockle (Vongole)</td> <td><i>Katelysia peronii</i></td> </tr> <tr> <td>Cockle (Vongole)</td> <td><i>Katelysia rhytiphora</i></td> </tr> <tr> <td>Pipi</td> <td><i>Donax deltiods</i></td> </tr> <tr> <td>Venus Clam</td> <td><i>Dosinia sculpta</i></td> </tr> <tr> <td>Surf Clam</td> <td><i>Macra turgida</i></td> </tr> <tr> <td>Surf Clam</td> <td><i>Macra meretriciformis</i></td> </tr> <tr> <td>Finger Nail Clam</td> <td><i>Solen vaginoides</i></td> </tr> <tr> <td>Fan Scallop</td> <td><i>Annachlamys flabellate</i></td> </tr> <tr> <td>Saucer Scallop</td> <td><i>Amusium balloti</i></td> </tr> <tr> <td>Akoya Pearl Oyster</td> <td><i>Pinctada imbricata</i></td> </tr> <tr> <td>Pearl Oyster</td> <td><i>Pinctada maxima</i></td> </tr> <tr> <td>Penguin Pearl Oyster</td> <td><i>Pteria penguin</i></td> </tr> <tr> <td>Sand Fish</td> <td><i>Holothuria (Mwetriatyla) scabra</i></td> </tr> <tr> <td>Trochus</td> <td><i>Trochus niloticus</i></td> </tr> <tr> <td>Sea Urchin</td> <td><i>Triploneustes gratila</i></td> </tr> <tr> <td>Abalone</td> <td><i>Haliotis asinina</i></td> </tr> </table>	<b>Common Name:</b>	<b>Scientific Name:</b>	Ark Cockle	<i>Andara trapezia</i>	Surf Clam	<i>Dosinia caerulea</i>	Blood Cockle	<i>Anadara granosa</i>	Cockle (Vongole)	<i>Katelysia scalarina</i>	Cockle (Vongole)	<i>Katelysia peronii</i>	Cockle (Vongole)	<i>Katelysia rhytiphora</i>	Pipi	<i>Donax deltiods</i>	Venus Clam	<i>Dosinia sculpta</i>	Surf Clam	<i>Macra turgida</i>	Surf Clam	<i>Macra meretriciformis</i>	Finger Nail Clam	<i>Solen vaginoides</i>	Fan Scallop	<i>Annachlamys flabellate</i>	Saucer Scallop	<i>Amusium balloti</i>	Akoya Pearl Oyster	<i>Pinctada imbricata</i>	Pearl Oyster	<i>Pinctada maxima</i>	Penguin Pearl Oyster	<i>Pteria penguin</i>	Sand Fish	<i>Holothuria (Mwetriatyla) scabra</i>	Trochus	<i>Trochus niloticus</i>	Sea Urchin	<i>Triploneustes gratila</i>	Abalone	<i>Haliotis asinina</i>	Life of development/structure
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3.	Development on or in Queensland waters or on unallocated tidal State land is undertaken for prescribed aquaculture only. The extent and nature of any works involving tidal aquaculture may only include those that are consistent with works that have been permitted under a Resource Allocation Authority for prescribed aquaculture issued under the Fisheries Act 1994.	Life of development/structure																																										
4.	Persons identified by the aquaculturist operating under this approval may assist in aquaculture activities on the approved area.	Life of development/structure																																										
5.	This development approval authorises the use of boat(s) identified as A0606 in aquaculture activities and:	Life of development/																																										



No.	Conditions of development approval	Condition timing
	<ul style="list-style-type: none"> <li>a) the identification must be displayed on each side of the boat above the water line, where it can be clearly seen; and</li> <li>b) the identification letters and numbers must be in block capitals that are a minimum height of 200 mm; and</li> <li>c) the identification must be dark displayed upon a light background or light displayed upon a dark background; and</li> <li>d) the identification is to be kept legible and conspicuously displayed on the boat(s).</li> </ul>	structure
6.	The administering authority must be informed via <a href="mailto:notifications@daff.qld.gov.au">notifications@daff.qld.gov.au</a> of any changes to the personal contact details for this development approval within 28 working days. The email must contain a subject heading and other information clearly identifying the permit and works to which the notification applies.	Life of development/ structure
7.	An aquaculture production return must be submitted in the approved form to DAFF Fisheries Qld, by close of business on 31 July each year during the term of this development approval. This includes lodging a nil return when no activity has occurred.	Life of development/ structure
8.	Aquaculture fisheries resources must not be released into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ) other than those waters approved under this development approval.	Life of development/ structure
9.	<p>This approval does not provide any entitlement to access or harvest an aquaculture fisheries resource that becomes an unauthorised escape or release, including but not limited to:</p> <ul style="list-style-type: none"> <li>a) animal(s) stocked within the approved aquaculture area that move outside the area; or</li> <li>b) spawn or progeny of an aquaculture fisheries resource should such eggs, larvae, juveniles or adult progeny become distributed outside of the approved aquaculture area.</li> </ul>	Life of development/ structure
10.	Any development approval and/or resource allocation authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during reasonable hours.	Life of development/ structure
11.	The approval holder must ensure that this approval, or a true copy, is available for inspection at all times.	Life of development/ structure
12.	Unless otherwise authorised, aquaculture fisheries resources must not be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	Life of development/ structure
13.	This development approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat	Life of development/



No.	Conditions of development approval	Condition timing
	licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.	structure
14.	All excess furniture and equipment, unwanted, discarded debris, rubbish and other waste material is to be removed from the aquaculture area and disposed of in accordance with local government guidelines for disposal of refuse as part of the regular maintenance of each aquaculture area.	Life of development/ structure
15.	Where aquaculture equipment or product are cleaned on board a vessel or a platform, wastewater and waste generated by cleaning shall be screened to remove solids prior to wash water being discharged to natural waters.	Life of development/ structure
16.	No hazardous items or materials are to be placed on, or in, the approved aquaculture area in a manner that endangers, or is likely to endanger, a person, a person's property, or the environment.	Life of development/ structure
17.	Only aquaculture furniture which has industry acceptance and/or authorisation from the administering authority is to be used and is to be placed only within the boundaries of the approved aquaculture area. This approval does not authorise the use of structures such as sheds, fences, pontoons, docks or wave walls unless separate written approval has been granted by the relevant authority.	Life of development/ structure
18.	The approval holder must remove any material that is deposited outside of the alignment of the works shown on the approved plans or any debris that falls or is deposited on tidal lands or into tidal waters during the construction of the works.	Life of development/ structure
19.	No CCA treated timber is to be used until external surfaces are dry from the CCA treatment process. All treated timber is to be sawn or drilled over a catchment sheet and all off-cuts are to be disposed of to an approved landfill site.	Life of development/ structure
20.	<p>The approval holder must, within three (3) months of the date of practical completion of the works, submit to the Department of Environment and Heritage Protection a letter from a Registered Professional Engineer of Queensland certifying that:</p> <ul style="list-style-type: none"> <li>a) The works (including any other associated works) has been constructed in accordance with the approved drawings and these conditions; and</li> <li>b) The works: <ul style="list-style-type: none"> <li>- are structurally adequate for anticipated usage; and</li> <li>- comply with all relevant codes — including Department of Environment and Heritage Protection operational policy, <i>Building and engineering standards for tidal works</i>; and</li> </ul> </li> <li>c) The bed and banks of the waterway for a distance of 15 metres around the site of the works is clear of all debris.</li> </ul>	Life of development /structure
21.	Lines to be kept taut and adequately spaced, with sufficient floatation.	Life of development/ structure

No.	Conditions of development approval	Condition timing
		structure
22.	Vertical dropper lines must be suspended from a single horizontal line. Multiple horizontal lines between a single set of anchor points are not permitted.	Life of development/ structure
23.	The spacing between horizontal backbone lines must be not less than 50m.	Life of development/ structure
24.	Any lines that have the potential to become slack (eg. at low tide) must be enclosed in rigid casing.	Life of development/ structure
25.	Any direct disturbance of marine plants (for anchor points, posts etc) is avoided where possible or minimised.	Life of development/ structure
26.	A water quality and meat sampling program consistent with the operations manual for the Australian Shellfish Quality Assurance Program must be maintained at the expense of the approval holder.	Life of development/ structure
27.	<p>Procedures for Dealing with Injured Wildlife or Cetaceans</p> <ul style="list-style-type: none"> <li>a) Any wildlife injured within the Marine Park as a result of aquaculture activities must be reported to the DEHP Hotline Phone on 1300 130 372.</li> <li>b) Any interaction with fauna listed under the EPBC Act must be reported to the Secretary of the Department of the Environment (includes turtles, dugongs, cetaceans etc).</li> <li>c) Any person who 'undertakes an activity that results in the unintentional death, injury, moving, harassment, chasing (or) marking a cetacean' must notify the Secretary of the Department of the Environment within seven days of being aware of the results of the activity.</li> </ul> <p>Contact details:  The Secretary,  Department of the Environment  GPO Box 787, Canberra ACT 2601  Phone: +61 2 6274 1111, Fax: +61 2 6274 1666  <a href="mailto:protected.species@environment.gov.au">protected.species@environment.gov.au</a>  Website for cetacean interaction notifications: Refer to the 'Notification of activities affecting listed species or ecological communities in or on a Commonwealth area' page on the Department of the Environment website at <a href="http://www.environment.gov.au">www.environment.gov.au</a></p> <ul style="list-style-type: none"> <li>d) In the event of an entanglement, response measures detailed in the 'entanglement strategy' must be implemented immediately.</li> </ul>	Life of development/ structure
28.	The approval holder may trawl the approved area a maximum of 3 passes only over the seabed for the given harvest period of any	Life of development/



No.	Conditions of development approval	Condition timing
	year.	structure
29.	The approval holder must advise the administrating authority at least one week prior to commencing seeding and sea ranching harvesting activities.	Life of development/ structure
30.	Any boat exhibiting the symbol A0606 and being used for the purposes of sea ranching aquaculture under this authority, must: <ul style="list-style-type: none"> <li>(a) notify the nearest Queensland Boating and Fisheries Patrol (QBFP) office at least 24 hours prior to any operation to advise when and where the activities will occur and describe the details of the vessel (e.g. boat mark); and</li> <li>(b) have a copy of the aquaculture approval on board at all times.</li> </ul>	Life of development/ structure
31.	Any stock, including spat, culture stock and/or broodstock must be sourced, or is to have originated, from stock from the Hervey Bay area (excluding saucer scallops). The Hervey Bay area is determined to be from Sandy Cape to Burnett Heads in the north to Hook Point to Inskip Point in the south, including all coastal waters within these boundaries but excluding any Department of Defence areas.	Life of development/ structure
32.	Broodstock that are used for aquaculture production must be sufficient in number to ensure that sufficient genetic variation occurs within the product to avoid any risks that the operation may pose to the genetic diversity of the resident population/s of the species and/or impacts to associated ecosystems.	Life of development/ structure
33.	Scallops bred for the purpose of release into open water: <ul style="list-style-type: none"> <li>a) must be sourced from broodstock taken from waters between Townsville to the Queensland/New South Wales border; and</li> <li>b) spat must be sourced from a number of broodstock, such that any release of spat into the wild must be sourced from a minimum of twenty (20) broodstock; and</li> <li>c) spawners used to generate hatchery-reared spat may only be held for a period of 12 months and must be disposed of after this period.</li> </ul>	Life of development/ structure
34.	Any Pacific oysters ( <i>Crassostrea gigas</i> ) identified on the approved aquaculture area must be immediately destroyed.	Life of development/ structure
35.	The movement of animals of any species cultivated under this approval must comply with the relevant species specific health protocol. If a species being cultivated under this approval does not have a species specific health protocol then conditions 36 and 37 below apply.	Life of development/ structure
36.	Animals of a species approved for aquaculture under this development approval must not be placed on the approved aquaculture area for rearing without a health certificate or pathology report issued by the exporting state or territory's fisheries, or a veterinary authority certifying the animals health, which must include a statement that the specimens originate from:	Life of development/ structure



No.	Conditions of development approval	Condition timing
	<p>a) a hatchery, farm, aquaculture premises or region which has not experienced unusual or unexplained mortalities for the species in question for the last six months, and is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Aquatic Animal Health Code, current edition (2013 or later) for recognition as free from infection; or</p> <p>b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Aquatic Animal Health Code current edition (2013 or later) have been met; or</p> <p>c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species. A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment.</p>	
37.	<p>Animals of a species approved for aquaculture under this development approval must not be placed on the approved aquaculture area for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland" form (FDU1398) available on the DAFF website: <a href="http://www.business.qld.gov.au/industry/fisheries/aquaculture/policies-licences-and-fees/moving-live-aquatic-animals">http://www.business.qld.gov.au/industry/fisheries/aquaculture/policies-licences-and-fees/moving-live-aquatic-animals</a> is submitted to the administering authority via <a href="mailto:translocation@daff.qld.gov.au">translocation@daff.qld.gov.au</a>. For animals, a signed copy of the Pathology Report or Health Certificate must be submitted with this form.</p> <p>The form and Pathology Report or Health Certificate must be provided to the administering authority, a minimum of three (3) working days prior to all shipments. Earlier notice is recommended to allow any issues to be resolved prior to the intended date of translocation. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date.</p> <p>Translocation may not proceed until the administering authority provides written acknowledgement and approval of the "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" before translocation can proceed.</p>	Life of development/ structure

No.	Conditions of development approval	Condition timing
	After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the Queensland Boating and Fisheries Patrol. If directed by an officer of the administering authority, specimens must be forwarded to a veterinary laboratory as directed by the officer.	
38.	The movement of all bivalves must comply with the "Health Protocol for the Importation and Movement of Live Bivalve Molluscs (FAMPR003)".	Life of development/structure
39.	Prior to commencing any aquaculture activities under this authority, the applicant must submit to the Department of Environment and Heritage Protection a bond in the form of an unconditional bank guarantee to the value of \$5 000 from an institution authorised under the Banking Act 1959 to carry on banking business in Australia to recover costs associated with rescuing marine animals that may become entangled within aquaculture infrastructure.	Life of development/structure

Our reference: SDA-0614-011011

Your reference: A/A 43

### Attachment 2—Further Advice

No.	
1.	Where plans or other material submitted with the development application conflicts with these conditions, the conditions apply.
2.	Section 100 of the Fisheries Act 1994 requires 'a person who knows or reasonably suspects fishery resources or a fish habitat is showing signs of disease, or knows or reasonably suspects disease may be in fisheries resources or fish habitat, must immediately notify the chief executive or an inspector'
3.	It is advised that under Section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website: <a href="http://www.datsima.qld.gov.au/datsima/aboriginal-torres-strait-islander/aboriginal-torres-strait-islander-peoples/aboriginal-and-torres-strait-islander-cultural-heritage">http://www.datsima.qld.gov.au/datsima/aboriginal-torres-strait-islander/aboriginal-torres-strait-islander-peoples/aboriginal-and-torres-strait-islander-cultural-heritage</a>



Our reference: SDA-0614-011011  
 Your reference: A/A 43

## Attachment 3—SPA Appeal Provisions

### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

##### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

##### **360 Application of div 1**

This division applies only during the applicant's appeal period.

##### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

##### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

##### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the **negotiated decision notice**) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or
    - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.

- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
- if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
- the refusal, or the refusal in part, of the development application;
  - any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - the decision to give a preliminary approval when a development permit was applied for;
  - the length of a period mentioned in section 341;
  - a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
- if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

##### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—



- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
- (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
- (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
- (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
- i. a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - ii. a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
- (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.



**466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

**Division 11 Making and appeal to Court****481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

**482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (ii) the assessment manager for the development application to which the notice relates; and

- (c) any entity that was a concurrence agency for the development application to which the notice relates; and
- (d) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - i. the assessment manager is the respondent; and
  - ii. if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - iii. any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.



**488 How an entity may elect to be a co-respondent**

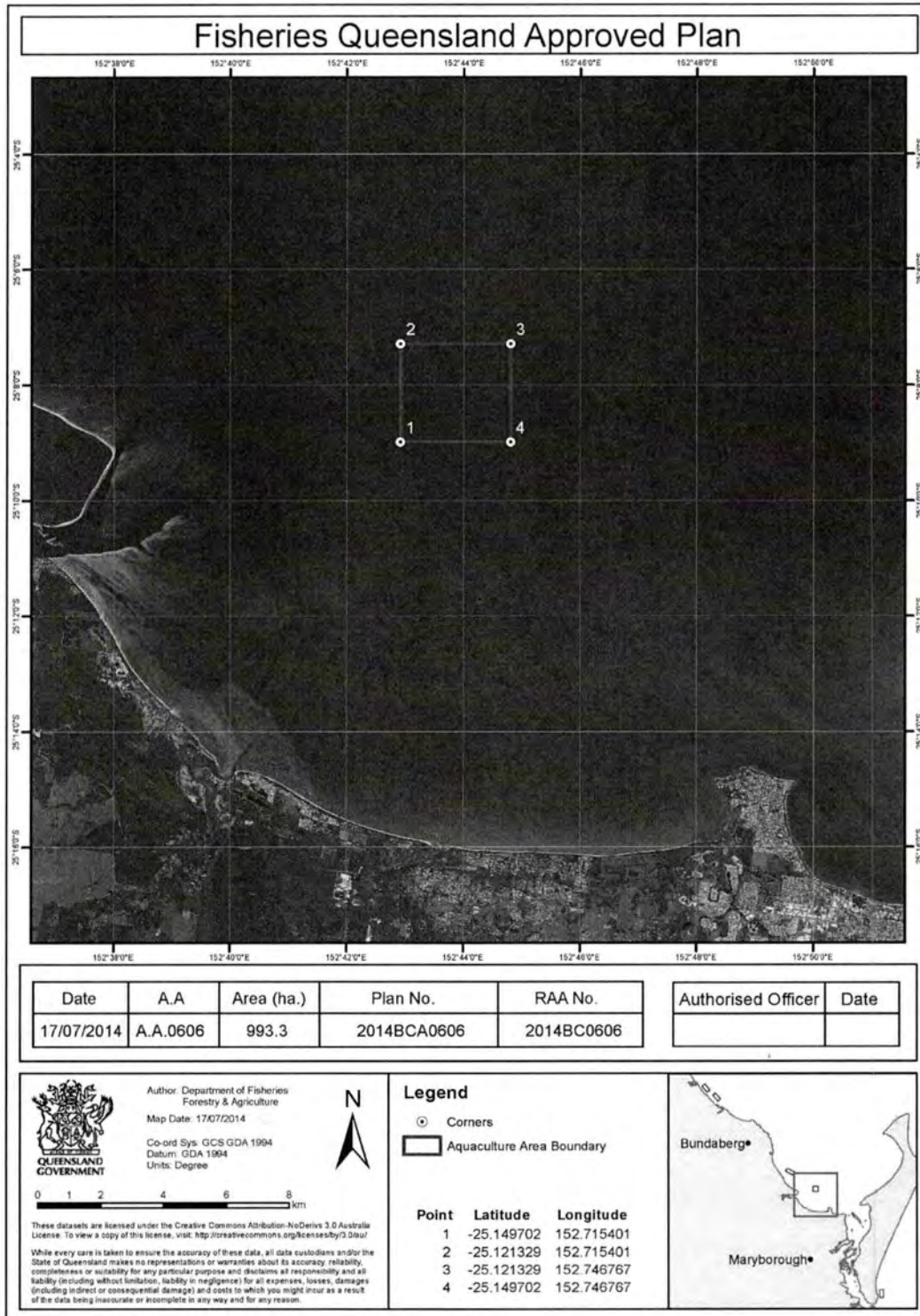
An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

**490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.



Attachment 4—Approved Plans





Queensland  
Government

Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SDA-0614-011013

Your reference: A/A 39

05 August 2014

Australian Shellfish IP Pty Ltd  
PO Box 821  
Cleveland Qld 4163  
admin@australianshellfish.com

Dear Craig Duncombe and Brian Russell

**Notice of decision**

Great Sandy Regional Marine Aquaculture Plan – Site 39

(Given under section 285 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning advises that the development application described below has been approved subject to conditions.

**Applicant details**

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Applicant name: Australian Shellfish IP Pty Ltd

**Site details**

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Lot on plan: N/A

Local government area: FRASER COAST REGIONAL COUNCIL

**Application details**

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Proposed development: Development Permit for Material Change of Use -  
Aquaculture

A decision notice for this application is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the *Sustainable Planning Act 2009*
- any plans and specifications approved in relation to the decision notice.

For further information, please contact Holly Sorohan, Senior Planning Officer, SARA Wide Bay Burnett on 07 4331 5605, or email [WBBSARA@dsdip.qld.gov.au](mailto:WBBSARA@dsdip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Michelle Riley  
Manager (Planning)

enc: Decision notice  
Attachment 1—Assessment manager conditions  
Attachment 2—Further Advice  
Attachment 3—SPA appeal provisions  
Attachment 3—Approved plans



**Decision notice**

(Given under section 334 of the *Sustainable Planning Act 2009*)

**Applicant details**

Applicant name: Australian Shellfish IP Pty Ltd  
 Applicant contact details: PO Box 821  
 Cleveland Qld 4163  
 admin@australianshellfish.com

**Application details**

Level of assessment: Code assessment  
 Properly made date: 26 June 2014

**Site details**

Site Description: Great Sandy Regional Marine Aquaculture Plan – Site 48

Site Coordinates:	Point	Latitude	Longitude
	1	-25.052369	152.601722
	2	-25.030802	152.562365
	3	-25.013424	152.571891
	4	-25.035021	152.611242

Lot on plan: N/A

**Decision**

Date of decision: 5 August 2014  
 Decision details: Approved subject to conditions

**Referral agencies**

There were no referral agencies for this application.

**Conditions**

This approval is subject to:

- the assessment manager conditions in Attachment 1
- there are no concurrence agency conditions for this approval.

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

### Aspects of development and development approval granted

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	Aquaculture Authority for 10SqKm - 2 SqKm (2000000 sqm) gross net area subsurface infrastructure and 10SqKm commercial sea ranching	Code Assessment

### Properly made submissions

Not applicable—No part of the application required impact assessment.

### Rights of appeal

The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

### Relevant period for the approval

This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.

### Approved plans and specifications

Copies of the following approved plans and specifications are attached:

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
<b>Material Change of Use</b>				
Fisheries Queensland Approved Plan	Department of Agriculture Fisheries and Forestry	17/07/14	2014BCA0614	-

Our reference: SDA-0614-011013

Your reference: A/A 39

**Attachment 1—Assessment manager conditions**

No.	Conditions of development approval	Condition timing																																										
Material Change Of Use																																												
Aquaculture—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Agriculture Fisheries and Forestry to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																																												
1.	Aquaculture authorised under this approval is limited to the area as described in plan titled 'Fisheries Queensland Approved Plan' plan number 2014BCA0610, dated 17/07/2014.	Life of development/ structure																																										
2.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="0"> <tr> <td><b>Common Name:</b></td> <td><b>Scientific Name:</b></td> </tr> <tr> <td>Ark Cockle</td> <td><i>Andara trapezia</i></td> </tr> <tr> <td>Surf Clam</td> <td><i>Dosinia caerulea</i></td> </tr> <tr> <td>Blood Cockle</td> <td><i>Anadara granosa</i></td> </tr> <tr> <td>Cockle (Vongole)</td> <td><i>Katelysia scalarina</i></td> </tr> <tr> <td>Cockle (Vongole)</td> <td><i>Katelysia peronii</i></td> </tr> <tr> <td>Cockle (Vongole)</td> <td><i>Katelysia rhytiphora</i></td> </tr> <tr> <td>Pipi</td> <td><i>Donax deltioids</i></td> </tr> <tr> <td>Venus Clam</td> <td><i>Dosinia sculpta</i></td> </tr> <tr> <td>Surf Clam</td> <td><i>Maetra turgida</i></td> </tr> <tr> <td>Surf Clam</td> <td><i>Maetra meretriciformis</i></td> </tr> <tr> <td>Finger Nail Clam</td> <td><i>Solen vaginoides</i></td> </tr> <tr> <td>Fan Scallop</td> <td><i>Annachlamys flabellate</i></td> </tr> <tr> <td>Saucer Scallop</td> <td><i>Amusium balloti</i></td> </tr> <tr> <td>Akoya Pearl Oyster</td> <td><i>Pinctada imbricata</i></td> </tr> <tr> <td>Pearl Oyster</td> <td><i>Pinctada maxima</i></td> </tr> <tr> <td>Penguin Pearl Oyster</td> <td><i>Pteria penguin</i></td> </tr> <tr> <td>Sand Fish</td> <td><i>Holothuria</i> <i>(Mwetriatyla) scabra</i></td> </tr> <tr> <td>Trochus</td> <td><i>Trochus niloticus</i></td> </tr> <tr> <td>Sea Urchin</td> <td><i>Tripneustes gratila</i></td> </tr> <tr> <td>Abalone</td> <td><i>Haliotis asinina</i></td> </tr> </table>	<b>Common Name:</b>	<b>Scientific Name:</b>	Ark Cockle	<i>Andara trapezia</i>	Surf Clam	<i>Dosinia caerulea</i>	Blood Cockle	<i>Anadara granosa</i>	Cockle (Vongole)	<i>Katelysia scalarina</i>	Cockle (Vongole)	<i>Katelysia peronii</i>	Cockle (Vongole)	<i>Katelysia rhytiphora</i>	Pipi	<i>Donax deltioids</i>	Venus Clam	<i>Dosinia sculpta</i>	Surf Clam	<i>Maetra turgida</i>	Surf Clam	<i>Maetra meretriciformis</i>	Finger Nail Clam	<i>Solen vaginoides</i>	Fan Scallop	<i>Annachlamys flabellate</i>	Saucer Scallop	<i>Amusium balloti</i>	Akoya Pearl Oyster	<i>Pinctada imbricata</i>	Pearl Oyster	<i>Pinctada maxima</i>	Penguin Pearl Oyster	<i>Pteria penguin</i>	Sand Fish	<i>Holothuria</i> <i>(Mwetriatyla) scabra</i>	Trochus	<i>Trochus niloticus</i>	Sea Urchin	<i>Tripneustes gratila</i>	Abalone	<i>Haliotis asinina</i>	Life of development/ structure
<b>Common Name:</b>	<b>Scientific Name:</b>																																											
Ark Cockle	<i>Andara trapezia</i>																																											
Surf Clam	<i>Dosinia caerulea</i>																																											
Blood Cockle	<i>Anadara granosa</i>																																											
Cockle (Vongole)	<i>Katelysia scalarina</i>																																											
Cockle (Vongole)	<i>Katelysia peronii</i>																																											
Cockle (Vongole)	<i>Katelysia rhytiphora</i>																																											
Pipi	<i>Donax deltioids</i>																																											
Venus Clam	<i>Dosinia sculpta</i>																																											
Surf Clam	<i>Maetra turgida</i>																																											
Surf Clam	<i>Maetra meretriciformis</i>																																											
Finger Nail Clam	<i>Solen vaginoides</i>																																											
Fan Scallop	<i>Annachlamys flabellate</i>																																											
Saucer Scallop	<i>Amusium balloti</i>																																											
Akoya Pearl Oyster	<i>Pinctada imbricata</i>																																											
Pearl Oyster	<i>Pinctada maxima</i>																																											
Penguin Pearl Oyster	<i>Pteria penguin</i>																																											
Sand Fish	<i>Holothuria</i> <i>(Mwetriatyla) scabra</i>																																											
Trochus	<i>Trochus niloticus</i>																																											
Sea Urchin	<i>Tripneustes gratila</i>																																											
Abalone	<i>Haliotis asinina</i>																																											
3.	Development on or in Queensland waters or on unallocated tidal State land is undertaken for prescribed aquaculture only. The extent and nature of any works involving tidal aquaculture may only include those that are consistent with works that have been permitted under a Resource Allocation Authority for prescribed aquaculture issued under the <i>Fisheries Act 1994</i> .	Life of development/ structure																																										
4.	Persons identified by the aquaculturist operating under this approval may assist in aquaculture activities on the approved area.	Life of development/ structure																																										
5.	This development approval authorises the use of boat(s) identified as A0606 in aquaculture activities and:	Life of																																										



No.	Conditions of development approval	Condition timing
	<ul style="list-style-type: none"> <li>a) the identification must be displayed on each side of the boat above the water line, where it can be clearly seen; and</li> <li>b) the identification letters and numbers must be in block capitals that are a minimum height of 200 mm; and</li> <li>c) the identification must be dark displayed upon a light background or light displayed upon a dark background; and</li> <li>d) the identification is to be kept legible and conspicuously displayed on the boat(s).</li> </ul>	development/ structure
6.	The administering authority must be informed via notifications@daff.qld.gov.au of any changes to the personal contact details for this development approval within 28 working days. The email must contain a subject heading and other information clearly identifying the permit and works to which the notification applies.	Life of development/ structure
7.	An aquaculture production return must be submitted in the approved form to DAFF Fisheries Qld, by close of business on 31 July each year during the term of this development approval. This includes lodging a nil return when no activity has occurred.	Life of development/ structure
8.	Aquaculture fisheries resources must not be released into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ) other than those waters approved under this development approval.	Life of development/ structure
9.	<p>This approval does not provide any entitlement to access or harvest an aquaculture fisheries resource that becomes an unauthorised escape or release, including but not limited to:</p> <ul style="list-style-type: none"> <li>a) animal(s) stocked within the approved aquaculture area that move outside the area; or</li> <li>b) spawn or progeny of an aquaculture fisheries resource should such eggs, larvae, juveniles or adult progeny become distributed outside of the approved aquaculture area.</li> </ul>	Life of development/ structure
10.	Any development approval and/or resource allocation authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during reasonable hours.	Life of development/ structure
11.	The approval holder must ensure that this approval, or a true copy, is available for inspection at all times.	Life of development/ structure
12.	Unless otherwise authorised, aquaculture fisheries resources must not be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	Life of development/ structure
13.	This development approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that	Life of development/ structure

No.	Conditions of development approval	Condition timing
	allows the sale of the approved species.	
14.	All excess furniture and equipment, unwanted, discarded debris, rubbish and other waste material is to be removed from the aquaculture area and disposed of in accordance with local government guidelines for disposal of refuse as part of the regular maintenance of each aquaculture area.	Life of development/ structure
15.	Where aquaculture equipment or product are cleaned on board a vessel or a platform, wastewater and waste generated by cleaning shall be screened to remove solids prior to wash water being discharged to natural waters.	Life of development/ structure
16.	No hazardous items or materials are to be placed on, or in, the approved aquaculture area in a manner that endangers, or is likely to endanger, a person, a person's property, or the environment.	Life of development/ structure
17.	Only aquaculture furniture which has industry acceptance and/or authorisation from the administering authority is to be used and is to be placed only within the boundaries of the approved aquaculture area. This approval does not authorise the use of structures such as sheds, fences, pontoons, docks or wave walls unless separate written approval has been granted by the relevant authority.	Life of development/ structure
18.	The approval holder must remove any material that is deposited outside of the alignment of the works shown on the approved plans or any debris that falls or is deposited on tidal lands or into tidal waters during the construction of the works.	Life of development/ structure
19.	No CCA treated timber is to be used until external surfaces are dry from the CCA treatment process. All treated timber is to be sawn or drilled over a catchment sheet and all off-cuts are to be disposed of to an approved landfill site.	Life of development/ structure
20.	<p>The approval holder must, within three (3) months of the date of practical completion of the works, submit to the Department of Environment and Heritage Protection a letter from a Registered Professional Engineer of Queensland certifying that:</p> <ul style="list-style-type: none"> <li>a) The works (including any other associated works) has been constructed in accordance with the approved drawings and these conditions; and</li> <li>b) The works: <ul style="list-style-type: none"> <li>- are structurally adequate for anticipated usage; and</li> <li>- comply with all relevant codes — including Department of Environment and Heritage Protection operational policy, <i>Building and engineering standards for tidal works</i>; and</li> </ul> </li> <li>c) The bed and banks of the waterway for a distance of 15 metres around the site of the works is clear of all debris.</li> </ul>	Life of development/ structure
21.	Lines to be kept taut and adequately spaced, with sufficient floatation.	Life of development/ structure



No.	Conditions of development approval	Condition timing
22.	Vertical dropper lines must be suspended from a single horizontal line. Multiple horizontal lines between a single set of anchor points are not permitted.	Life of development/ structure
23.	The spacing between horizontal backbone lines must be not less than 50m.	Life of development/ structure
24.	Any lines that have the potential to become slack (eg. at low tide) must be enclosed in rigid casing.	Life of development/ structure
25.	Any direct disturbance of marine plants (for anchor points, posts etc) is avoided where possible or minimised.	Life of development/ structure
26.	A water quality and meat sampling program consistent with the operations manual for the Australian Shellfish Quality Assurance Program must be maintained at the expense of the approval holder.	Life of development/ structure
27.	<p>Procedures for Dealing with Injured Wildlife or Cetaceans</p> <ul style="list-style-type: none"> <li>a) Any wildlife injured within the Marine Park as a result of aquaculture activities must be reported to the DEHP Hotline Phone on 1300 130 372.</li> <li>b) Any interaction with fauna listed under the EPBC Act must be reported to the Secretary of the Department of the Environment (includes turtles, dugongs, cetaceans etc).</li> <li>c) Any person who 'undertakes an activity that results in the unintentional death, injury, moving, harassment, chasing (or) marking a cetacean' must notify the Secretary of the Department of the Environment within seven days of being aware of the results of the activity.</li> </ul> <p>Contact details:  The Secretary,  Department of the Environment  GPO Box 787, Canberra ACT 2601  Phone: +61 2 6274 1111, Fax: +61 2 6274 1666  <a href="mailto:protected.species@environment.gov.au">protected.species@environment.gov.au</a>  Website for cetacean interaction notifications: Refer to the 'Notification of activities affecting listed species or ecological communities in or on a Commonwealth area' page on the Department of the Environment website at <a href="http://www.environment.gov.au">www.environment.gov.au</a></p> <ul style="list-style-type: none"> <li>d) In the event of an entanglement, response measures detailed in the 'entanglement strategy' must be implemented immediately.</li> </ul>	Life of development/ structure
28.	The approval holder may trawl the approved area a maximum of 3 passes only over the seabed for the given harvest period of any year.	Life of development/ structure



No.	Conditions of development approval	Condition timing
29.	The approval holder must advise the administrating authority at least one week prior to commencing seeding and sea ranching harvesting activities.	Life of development/ structure
30.	Any boat exhibiting the symbol A0606 and being used for the purposes of sea ranching aquaculture under this authority, must: <ul style="list-style-type: none"> <li>(a) notify the nearest Queensland Boating and Fisheries Patrol (QBFP) office at least 24 hours prior to any operation to advise when and where the activities will occur and describe the details of the vessel (e.g. boat mark); and</li> <li>(b) have a copy of the aquaculture approval on board at all times.</li> </ul>	Life of development/ structure
31.	Any stock, including spat, culture stock and/or broodstock must be sourced, or is to have originated, from stock from the Hervey Bay area (excluding saucer scallops). The Hervey Bay area is determined to be from Sandy Cape to Burnett Heads in the north to Hook Point to Inskip Point in the south, including all coastal waters within these boundaries but excluding any Department of Defence areas.	Life of development/ structure
32.	Broodstock that are used for aquaculture production must be sufficient in number to ensure that sufficient genetic variation occurs within the product to avoid any risks that the operation may pose to the genetic diversity of the resident population/s of the species and/or impacts to associated ecosystems.	Life of development/ structure
33.	Scallops bred for the purpose of release into open water: <ul style="list-style-type: none"> <li>a) must be sourced from broodstock taken from waters between Townsville to the Queensland/New South Wales border; and</li> <li>b) spat must be sourced from a number of broodstock, such that any release of spat into the wild must be sourced from a minimum of twenty (20) broodstock; and</li> <li>c) spawners used to generate hatchery-reared spat may only be held for a period of 12 months and must be disposed of after this period.</li> </ul>	Life of development/ structure
34.	Any Pacific oysters ( <i>Crassostrea gigas</i> ) identified on the approved aquaculture area must be immediately destroyed.	Life of development/ structure
35.	The movement of animals of any species cultivated under this approval must comply with the relevant species specific health protocol. If a species being cultivated under this approval does not have a species specific health protocol then conditions 36 and 37 below apply.	Life of development/ structure
36.	Animals of a species approved for aquaculture under this development approval must not be placed on the approved aquaculture area for rearing without a health certificate or pathology report issued by the exporting state or territory's fisheries, or a veterinary authority certifying the animals health, which must include a statement that the specimens originate from: <ul style="list-style-type: none"> <li>a) a hatchery, farm, aquaculture premises or region which has</li> </ul>	Life of development/ structure

No.	Conditions of development approval	Condition timing
	<p>not experienced unusual or unexplained mortalities for the species in question for the last six months, and is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Aquatic Animal Health Code, current edition (2013 or later) for recognition as free from infection; or</p> <p>b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Aquatic Animal Health Code current edition (2013 or later) have been met; or</p> <p>c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species. A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment.</p>	
37.	<p>Animals of a species approved for aquaculture under this development approval must not be placed on the approved aquaculture area for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland" form (FDU1398) available on the DAFF website: <a href="http://www.business.qld.gov.au/industry/fisheries/aquaculture/policies-licences-and-fees/moving-live-aquatic-animals">http://www.business.qld.gov.au/industry/fisheries/aquaculture/policies-licences-and-fees/moving-live-aquatic-animals</a> is submitted to the administering authority via <a href="mailto:translocation@daff.qld.gov.au">translocation@daff.qld.gov.au</a>. For animals, a signed copy of the Pathology Report or Health Certificate must be submitted with this form.</p> <p>The form and Pathology Report or Health Certificate must be provided to the administering authority, a minimum of three (3) working days prior to all shipments. Earlier notice is recommended to allow any issues to be resolved prior to the intended date of translocation. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date.</p> <p>Translocation may not proceed until the administering authority provides written acknowledgement and approval of the "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" before translocation can proceed.</p> <p>After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the Queensland Boating and Fisheries Patrol. If directed by an officer of the administering</p>	Life of development/ structure



No.	Conditions of development approval	Condition timing
	authority, specimens must be forwarded to a veterinary laboratory as directed by the officer.	
38.	The movement of all bivalves must comply with the "Health Protocol for the Importation and Movement of Live Bivalve Molluscs (FAMPR003)".	Life of development/structure
39.	Prior to commencing any aquaculture activities under this authority, the applicant must submit to the Department of Environment and Heritage Protection a bond in the form of an unconditional bank guarantee to the value of \$5 000 from an institution authorised under the Banking Act 1959 to carry on banking business in Australia to recover costs associated with rescuing marine animals that may become entangled within aquaculture infrastructure.	Life of development/structure



Our reference: SDA-0614-011013

Your reference: A/A 39

### Attachment 2—Further Advice

The following concurrence agencies have imposed conditions on this approval:

No.	
1.	Where plans or other material submitted with the development application conflicts with these conditions, the conditions apply.
2.	Section 100 of the Fisheries Act 1994 requires 'a person who knows or reasonably suspects fishery resources or a fish habitat is showing signs of disease, or knows or reasonably suspects disease may be in fisheries resources or fish habitat, must immediately notify the chief executive or an inspector'

Our reference: SDA-0614-011013

Your reference: A/A 39

## Attachment 3—SPA Appeal Provisions

### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

##### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

##### **360 Application of div 1**

This division applies only during the applicant's appeal period.

##### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

##### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

##### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the **negotiated decision notice**) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or
    - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.



- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
- if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
- the refusal, or the refusal in part, of the development application;
  - any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - the decision to give a preliminary approval when a development permit was applied for;
  - the length of a period mentioned in section 341;
  - a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
- if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

##### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—



- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
- (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
- (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
- (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
- i. a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - ii. a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
- (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

**Division 11 Making and appeal to Court****481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

**482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (ii) the assessment manager for the development application to which the notice relates; and



- (c) any entity that was a concurrence agency for the development application to which the notice relates; and
- (d) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - i. the assessment manager is the respondent; and
  - ii. if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - iii. any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.



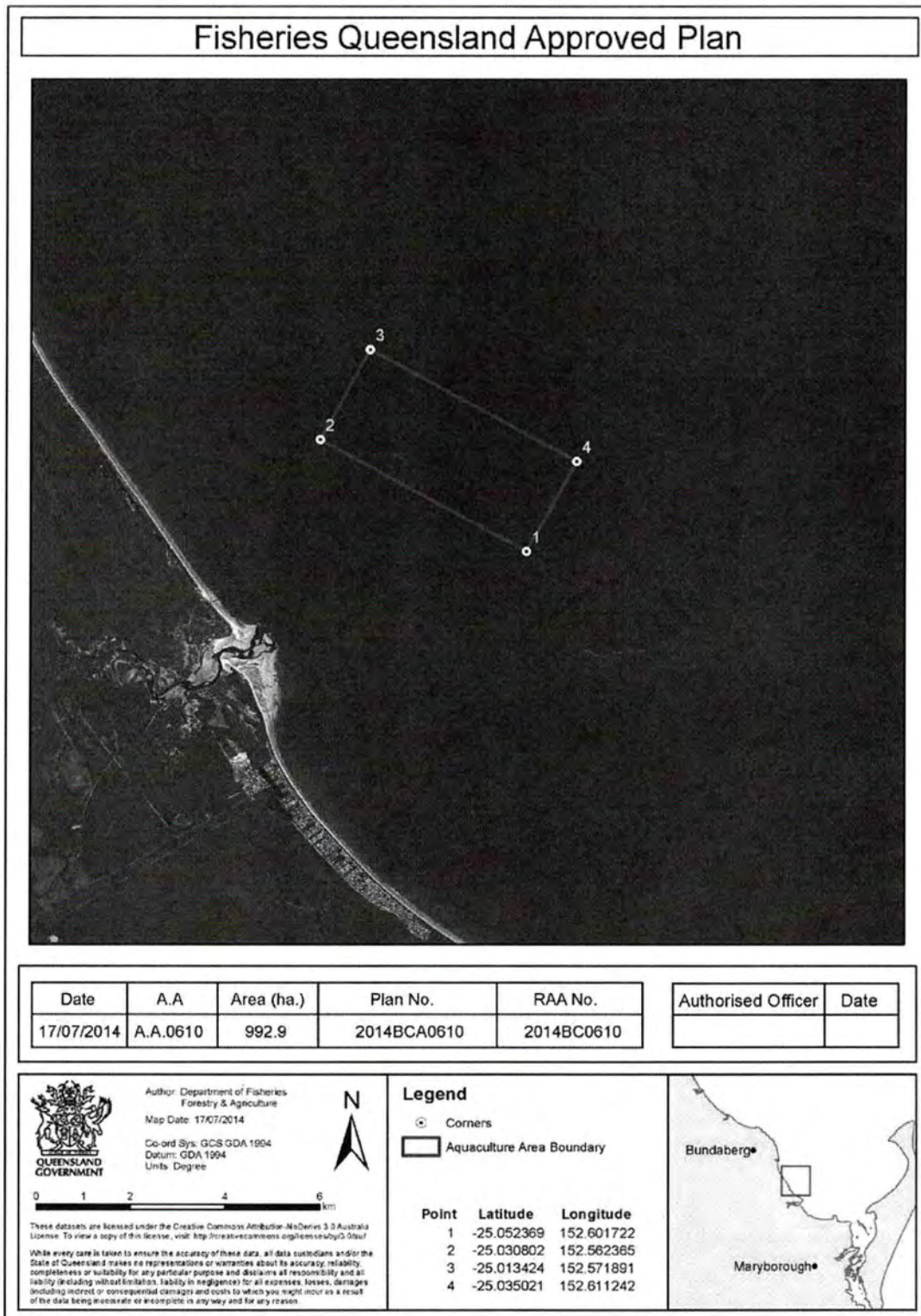
**488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

**490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

Attachment 1—Assessment manager conditions





Queensland  
Government

Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SDA-0614-011018  
Your reference: A/A 47

05 August 2014

Australian Shellfish IP Pty Ltd  
PO Box 821  
Cleveland Qld 4163  
admin@australianshellfish.com

Dear Craig Duncombe and Brian Russell

**Notice of decision**

Great Sandy Regional Marine Aquaculture Plan – Site 47  
(Given under section 285 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning advises that the development application described below has been approved subject to conditions.

**Applicant details**

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Applicant name: Australian Shellfish IP Pty Ltd

**Site details**

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Lot on plan: N/A  
Local government area: FRASER COAST REGIONAL

**Application details**

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Proposed development: Development Permit for Material Change of Use -  
Aquaculture

A decision notice for this application is attached.



Copies of the following documents are also attached:

- relevant appeal provisions in the *Sustainable Planning Act 2009*
- any plans and specifications approved in relation to the decision notice.

For further information, please contact Holly Sorohan, Senior Planning Officer, SARA Wide Bay Burnett on 07 4331 5605, or email [WBBSARA@dssip.qld.gov.au](mailto:WBBSARA@dssip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Michelle Riley  
Manager (Planning)

enc:    Decision notice  
          Attachment 1—Assessment manager conditions  
          Attachment 2—Further Advice  
          Attachment 3—SPA appeal provisions  
          Attachment 4—Approved plans

**Decision notice**(Given under section 334 of the *Sustainable Planning Act 2009*)**Applicant details**

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Applicant name: Australian Shellfish IP Pty Ltd  
 Applicant contact details: PO Box 821  
 Cleveland Qld 4163  
 admin@australianshellfish.com

**Application details**

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Level of assessment: Code assessment  
 Properly made date: 26 June 2014

**Site details**

---

Site Description: Great Sandy Regional Marine Aquaculture Plan – Site 48  
 Site Coordinates: 

Point	Latitude	Longitude
1	-24.569742	152.115764
2	-24.534848	152.087543
3	-24.522387	152.102952
4	-24.557307	152.131159

Lot on plan: N/A

**Decision**

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Date of decision: 5 August 2014  
 Decision details: Approved subject to conditions

**Referral agencies**

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There were no referral agencies for this application.

**Conditions**

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This approval is subject to:

- the assessment manager conditions in Attachment 1
- there are no concurrence agency conditions for this approval.

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

### Aspects of development and development approval granted

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	Aquaculture Authority for 10SqKm - 2 SqKm (2000000 sqm) gross net area subsurface infrastructure and 10SqKm commercial sea ranching	Code Assessment

### Properly made submissions

Not applicable—No part of the application required impact assessment.

### Rights of appeal

The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

### Relevant period for the approval

This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.

### Approved plans and specifications

Copies of the following approved plans and specifications are attached:

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
<b>Material Change Of Use</b>				
Fisheries Queensland Approved Plan	Department of Agriculture Fisheries and Forestry	17/07/2014	2014BCA0608	-



Our reference: SDA-0614-011018

Your reference: A/A 47

**Attachment 1—Assessment manager conditions**

No	Conditions of development approval	Condition timing																																										
Material Change of Use																																												
Aquaculture—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Agriculture Fisheries and Forestry to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																																												
1.	Aquaculture authorised under this approval is limited to the area as described in plan titled 'Fisheries Queensland Approved Plan' plan number 2014BCA0608, dated 17/07/2014.	Life of development/structure																																										
2.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="0"> <tr> <td><b>Common Name:</b></td> <td><b>Scientific Name:</b></td> </tr> <tr> <td>Ark Cockle</td> <td><i>Andara trapezia</i></td> </tr> <tr> <td>Surf Clam</td> <td><i>Dosinia caerulea</i></td> </tr> <tr> <td>Blood Cockle</td> <td><i>Anadara granosa</i></td> </tr> <tr> <td>Cockle (Vongole)</td> <td><i>Katelysia scalarina</i></td> </tr> <tr> <td>Cockle (Vongole)</td> <td><i>Katelysia peronii</i></td> </tr> <tr> <td>Cockle (Vongole)</td> <td><i>Katelysia rhytiphora</i></td> </tr> <tr> <td>Pipi</td> <td><i>Donax deltioids</i></td> </tr> <tr> <td>Venus Clam</td> <td><i>Dosinia sculpta</i></td> </tr> <tr> <td>Surf Clam</td> <td><i>Mactra turgida</i></td> </tr> <tr> <td>Surf Clam</td> <td><i>Mactra meretriciformis</i></td> </tr> <tr> <td>Finger Nail Clam</td> <td><i>Solen vaginoides</i></td> </tr> <tr> <td>Fan Scallop</td> <td><i>Annachlamys flabellate</i></td> </tr> <tr> <td>Saucer Scallop</td> <td><i>Amusium balloti</i></td> </tr> <tr> <td>Akoya Pearl Oyster</td> <td><i>Pinctada imbricata</i></td> </tr> <tr> <td>Pearl Oyster</td> <td><i>Pinctada maxima</i></td> </tr> <tr> <td>Penguin Pearl Oyster</td> <td><i>Pteria penguin</i></td> </tr> <tr> <td>Sand Fish</td> <td><i>Holothuria (Mwetriatyla) scabra</i></td> </tr> <tr> <td>Trochus</td> <td><i>Trochus niloticus</i></td> </tr> <tr> <td>Sea Urchin</td> <td><i>Tripneustes gratila</i></td> </tr> <tr> <td>Abalone</td> <td><i>Haliotis asinina</i></td> </tr> </table>	<b>Common Name:</b>	<b>Scientific Name:</b>	Ark Cockle	<i>Andara trapezia</i>	Surf Clam	<i>Dosinia caerulea</i>	Blood Cockle	<i>Anadara granosa</i>	Cockle (Vongole)	<i>Katelysia scalarina</i>	Cockle (Vongole)	<i>Katelysia peronii</i>	Cockle (Vongole)	<i>Katelysia rhytiphora</i>	Pipi	<i>Donax deltioids</i>	Venus Clam	<i>Dosinia sculpta</i>	Surf Clam	<i>Mactra turgida</i>	Surf Clam	<i>Mactra meretriciformis</i>	Finger Nail Clam	<i>Solen vaginoides</i>	Fan Scallop	<i>Annachlamys flabellate</i>	Saucer Scallop	<i>Amusium balloti</i>	Akoya Pearl Oyster	<i>Pinctada imbricata</i>	Pearl Oyster	<i>Pinctada maxima</i>	Penguin Pearl Oyster	<i>Pteria penguin</i>	Sand Fish	<i>Holothuria (Mwetriatyla) scabra</i>	Trochus	<i>Trochus niloticus</i>	Sea Urchin	<i>Tripneustes gratila</i>	Abalone	<i>Haliotis asinina</i>	Life of development/structure
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3.	Development on or in Queensland waters or on unallocated tidal State land is undertaken for prescribed aquaculture only. The extent and nature of any works involving tidal aquaculture may only include those that are consistent with works that have been permitted under a Resource Allocation Authority for prescribed aquaculture issued under the <i>Fisheries Act 1994</i> .	Life of development/structure																																										
4.	Persons identified by the aquaculturist operating under this approval may assist in aquaculture activities on the approved area.	Life of development/structure																																										

No	Conditions of development approval	Condition timing
5.	<p>This development approval authorises the use of boat(s) identified as A0606 in aquaculture activities and:</p> <ul style="list-style-type: none"> <li>a) the identification must be displayed on each side of the boat above the water line, where it can be clearly seen; and</li> <li>b) the identification letters and numbers must be in block capitals that are a minimum height of 200 mm; and</li> <li>c) the identification must be dark displayed upon a light background or light displayed upon a dark background; and</li> <li>d) the identification is to be kept legible and conspicuously displayed on the boat(s).</li> </ul>	Life of development/ structure
6.	<p>The administering authority must be informed via notifications@daff.qld.gov.au of any changes to the personal contact details for this development approval within 28 working days. The email must contain a subject heading and other information clearly identifying the permit and works to which the notification applies.</p>	Life of development/ structure
7.	<p>An aquaculture production return must be submitted in the approved form to DAFF Fisheries Qld, by close of business on 31 July each year during the term of this development approval. This includes lodging a nil return when no activity has occurred.</p>	Life of development/ structure
8.	<p>Aquaculture fisheries resources must not be released into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i>) other than those waters approved under this development approval.</p>	Life of development/ structure
9.	<p>This approval does not provide any entitlement to access or harvest an aquaculture fisheries resource that becomes an unauthorised escape or release, including but not limited to:</p> <ul style="list-style-type: none"> <li>a) animal(s) stocked within the approved aquaculture area that move outside the area; or</li> <li>b) spawn or progeny of an aquaculture fisheries resource should such eggs, larvae, juveniles or adult progeny become distributed outside of the approved aquaculture area.</li> </ul>	Life of development/ structure
10.	<p>Any development approval and/or resource allocation authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during reasonable hours.</p>	Life of development/ structure
11.	<p>The approval holder must ensure that this approval, or a true copy, is available for inspection at all times.</p>	Life of development/ structure
12.	<p>Unless otherwise authorised, aquaculture fisheries resources must not be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part</p>	Life of development/ structure



No	Conditions of development approval	Condition timing
	of the fish.	
13.	This development approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.	Life of development/ structure
14.	All excess furniture and equipment, unwanted, discarded debris, rubbish and other waste material is to be removed from the aquaculture area and disposed of in accordance with local government guidelines for disposal of refuse as part of the regular maintenance of each aquaculture area.	Life of development/ structure
15.	Where aquaculture equipment or product are cleaned on board a vessel or a platform, wastewater and waste generated by cleaning shall be screened to remove solids prior to wash water being discharged to natural waters.	Life of development/ structure
16.	No hazardous items or materials are to be placed on, or in, the approved aquaculture area in a manner that endangers, or is likely to endanger, a person, a person's property, or the environment.	Life of development/ structure
17.	Only aquaculture furniture which has industry acceptance and/or authorisation from the administering authority is to be used and is to be placed only within the boundaries of the approved aquaculture area. This approval does not authorise the use of structures such as sheds, fences, pontoons, docks or wave walls unless separate written approval has been granted by the relevant authority.	Life of development/ structure
18.	The approval holder must remove any material that is deposited outside of the alignment of the works shown on the approved plans or any debris that falls or is deposited on tidal lands or into tidal waters during the construction of the works.	Life of development/ structure
19.	No CCA treated timber is to be used until external surfaces are dry from the CCA treatment process. All treated timber is to be sawn or drilled over a catchment sheet and all off-cuts are to be disposed of to an approved landfill site.	Life of development/ structure
20.	<p>The approval holder must, within three (3) months of the date of practical completion of the works, submit to the Department of Environment and Heritage Protection a letter from a Registered Professional Engineer of Queensland certifying that:</p> <ul style="list-style-type: none"> <li>a) The works (including any other associated works) has been constructed in accordance with the approved drawings and these conditions; and</li> <li>b) The works: <ul style="list-style-type: none"> <li>- are structurally adequate for anticipated usage; and</li> <li>- comply with all relevant codes — including Department of Environment and Heritage Protection operational policy, <i>Building and engineering</i></li> </ul> </li> </ul>	Life of development/ structure



No	Conditions of development approval	Condition timing
	<p style="text-align: center;"><i>standards for tidal works; and</i></p> <p>c) The bed and banks of the waterway for a distance of 15 metres around the site of the works is clear of all debris.</p>	
21.	Lines to be kept taut and adequately spaced, with sufficient floatation.	Life of development/ structure
22.	Vertical dropper lines must be suspended from a single horizontal line. Multiple horizontal lines between a single set of anchor points are not permitted.	Life of development/ structure
23.	The spacing between horizontal backbone lines must be not less than 50m.	Life of development/ structure
24.	Any lines that have the potential to become slack (eg. at low tide) must be enclosed in rigid casing.	Life of development/ structure
25.	Any direct disturbance of marine plants (for anchor points, posts etc) is avoided where possible or minimised.	Life of development/ structure
26.	A water quality and meat sampling program consistent with the operations manual for the Australian Shellfish Quality Assurance Program must be maintained at the expense of the approval holder.	Life of development/ structure
27.	<p>Procedures for Dealing with Injured Wildlife or Cetaceans</p> <p>a) Any wildlife injured within the Marine Park as a result of aquaculture activities must be reported to the DEHP Hotline Phone on 1300 130 372.</p> <p>b) Any interaction with fauna listed under the EPBC Act must be reported to the Secretary of the Department of the Environment (includes turtles, dugongs, cetaceans etc).</p> <p>c) Any person who 'undertakes an activity that results in the unintentional death, injury, moving, harassment, chasing (or) marking a cetacean' must notify the Secretary of the Department of the Environment within seven days of being aware of the results of the activity.</p> <p style="text-align: center;">Contact details:  The Secretary,  Department of the Environment  GPO Box 787, Canberra ACT 2601  Phone: +61 2 6274 1111, Fax: +61 2 6274 1666  <a href="mailto:protected.species@environment.gov.au">protected.species@environment.gov.au</a>  Website for cetacean interaction notifications:  Refer to the 'Notification of activities affecting listed species or ecological communities in or on a Commonwealth area' page on the Department of the Environment website at</p>	Life of development/ structure

No	Conditions of development approval	Condition timing
	<p style="text-align: center;">www.environment.gov.au</p> <p>d) In the event of an entanglement, response measures detailed in the 'entanglement strategy' must be implemented immediately.</p>	
28.	The approval holder may trawl the approved area a maximum of 3 passes only over the seabed for the given harvest period of any year.	Life of development/ structure
29.	The approval holder must advise the administrating authority at least one week prior to commencing seeding and sea ranching harvesting activities.	Life of development/ structure
30.	<p>Any boat exhibiting the symbol A0606 and being used for the purposes of sea ranching aquaculture under this authority, must:</p> <p>(a) notify the nearest Queensland Boating and Fisheries Patrol (QBFP) office at least 24 hours prior to any operation to advise when and where the activities will occur and describe the details of the vessel (e.g. boat mark); and</p> <p>(b) have a copy of the aquaculture approval on board at all times.</p>	Life of development/ structure
31.	Any stock, including spat, culture stock and/or broodstock must be sourced, or is to have originated, from stock from the Hervey Bay area (excluding saucer scallops). The Hervey Bay area is determined to be from Sandy Cape to Burnett Heads in the north to Hook Point to Inskip Point in the south, including all coastal waters within these boundaries but excluding any Department of Defence areas.	Life of development/ structure
32.	Broodstock that are used for aquaculture production must be sufficient in number to ensure that sufficient genetic variation occurs within the product to avoid any risks that the operation may pose to the genetic diversity of the resident population/s of the species and/or impacts to associated ecosystems.	Life of development/ structure
33.	<p>Scallops bred for the purpose of release into open water:</p> <p>a) must be sourced from broodstock taken from waters between Townsville to the Queensland/New South Wales border; and</p> <p>b) spat must be sourced from a number of broodstock, such that any release of spat into the wild must be sourced from a minimum of twenty (20) broodstock; and</p> <p>c) spawners used to generate hatchery-reared spat may only be held for a period of 12 months and must be disposed of after this period.</p>	Life of development/ structure
34.	Any Pacific oysters ( <i>Crassostrea gigas</i> ) identified on the approved aquaculture area must be immediately destroyed.	Life of development/ structure



No	Conditions of development approval	Condition timing
35.	The movement of animals of any species cultivated under this approval must comply with the relevant species specific health protocol. If a species being cultivated under this approval does not have a species specific health protocol then conditions 36 and 37 below apply.	Life of development/ structure
36.	<p>Animals of a species approved for aquaculture under this development approval must not be placed on the approved aquaculture area for rearing without a health certificate or pathology report issued by the exporting state or territory's fisheries, or a veterinary authority certifying the animals health, which must include a statement that the specimens originate from:</p> <ul style="list-style-type: none"> <li>a) a hatchery, farm, aquaculture premises or region which has not experienced unusual or unexplained mortalities for the species in question for the last six months, and is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Aquatic Animal Health Code, current edition (2013 or later) for recognition as free from infection; or</li> <li>b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Aquatic Animal Health Code current edition (2013 or later) have been met; or</li> <li>c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species. A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment.</li> </ul>	Life of development/ structure
37.	Animals of a species approved for aquaculture under this development approval must not be placed on the approved aquaculture area for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland" form (FDU1398) available on the DAFF website: <a href="http://www.business.qld.gov.au/industry/fisheries/aquaculture/policies-licences-and-fees/moving-live-aquatic-animals">http://www.business.qld.gov.au/industry/fisheries/aquaculture/policies-licences-and-fees/moving-live-aquatic-animals</a> is submitted to the administering authority via <a href="mailto:translocation@daff.qld.gov.au">translocation@daff.qld.gov.au</a> . For animals, a signed copy of the Pathology Report or Health Certificate must be submitted	Life of development/ structure



No	Conditions of development approval	Condition timing
	<p>with this form.</p> <p>The form and Pathology Report or Health Certificate must be provided to the administering authority, a minimum of three (3) working days prior to all shipments. Earlier notice is recommended to allow any issues to be resolved prior to the intended date of translocation. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date.</p> <p>Translocation may not proceed until the administering authority provides written acknowledgement and approval of the "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" before translocation can proceed.</p> <p>After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the Queensland Boating and Fisheries Patrol. If directed by an officer of the administering authority, specimens must be forwarded to a veterinary laboratory as directed by the officer.</p>	
38.	The movement of all bivalves must comply with the "Health Protocol for the Importation and Movement of Live Bivalve Molluscs (FAMPR003)".	Life of development/structure
39.	Prior to commencing any aquaculture activities under this authority, the applicant must submit to the Department of Environment and Heritage Protection a bond in the form of an unconditional bank guarantee to the value of \$5 000 from an institution authorised under the Banking Act 1959 to carry on banking business in Australia to recover costs associated with rescuing marine animals that may become entangled within aquaculture infrastructure.	Life of development/structure

Our reference: SDA-0614-011018

Your reference: A/A 47

**Attachment 2—Further Advice**

No.	
1.	Where plans or other material submitted with the development application conflicts with these conditions, the conditions apply.
2.	Section 100 of the <i>Fisheries Act 1994</i> requires 'a person who knows or reasonably suspects fishery resources or a fish habitat is showing signs of disease, or knows or reasonably suspects disease may be in fisheries resources or fish habitat, must immediately notify the chief executive or an inspector'.

Our reference: SDA-0614-011018  
 Your reference: A/A 47

### Attachment 3—SPA Appeal Provisions

## **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

### **Chapter 6 Integrated development assessment system (IDAS)**

#### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

###### **360 Application of div 1**

This division applies only during the applicant's appeal period.

###### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

###### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

###### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the **negotiated decision notice**) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or
    - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.



- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
- if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
- the refusal, or the refusal in part, of the development application;
  - any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - the decision to give a preliminary approval when a development permit was applied for;
  - the length of a period mentioned in section 341;
  - a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
- if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

##### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—

- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
- (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
- (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - i. a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - ii. a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.



**466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

**Division 11 Making and appeal to Court****481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

**482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (b) the assessment manager for the development application to which the notice relates; and



- (c) any entity that was a concurrence agency for the development application to which the notice relates; and
- (d) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - i. the assessment manager is the respondent; and
  - ii. if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - iii. any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

**488 How an entity may elect to be a co-respondent**

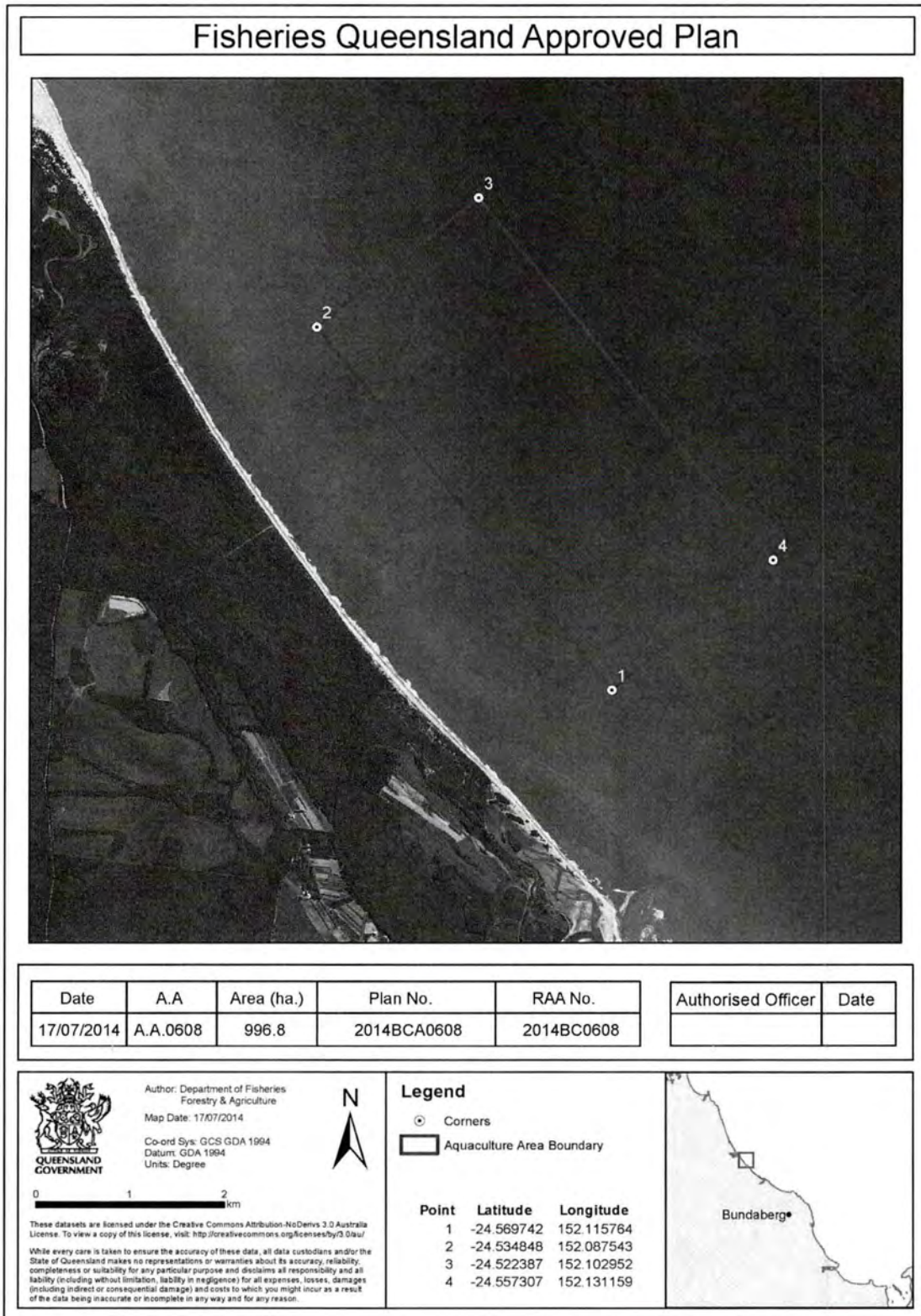
An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

**490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.



**Attachment 4—Assessment manager conditions**







Queensland  
Government

Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SDA-0115-017497

Your reference: MCU14/0096

24 April 2015

Noosa Shire Council  
PO Box 141  
TEWANTIN QLD 4565

Dear Jack Lewis

**Concurrence agency response—with conditions**

3/15 & 4/15 Production Street NOOSAVILLE QLD 4566 – Lot 0 SP184294 & Lot 3 & 4 SP184294  
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning under section 272 of the *Sustainable Planning Act 2009* on 4 February 2015.

**Applicant details**

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Applicant name: Oceanic Technologies Pty Ltd

Applicant contact details: C/- Martoo Consulting Pty Ltd

PO Box 1684

NOOSA HEADS QLD 4567

**Site details**

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Street address: 3/15 & 4/15 Production Street NOOSAVILLE QLD 4566

Lot on plan: Lot 0 SP184294 & Lot 3 & 4 SP184294

Local government area: Noosa Shire Council

**Application details**

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Page 1

SEQ North Region  
Level 6, Mike Ahern Building  
12 First Avenue  
PO Box 1129 Maroochydore QLD 4558

Proposed development: Development Permit for Material Change of Use – Animal Husbandry Type 1 – Traditional (Aquaculture)

### Aspects of development and type of approval being sought

Development Permit for Material Change of Use – Animal Husbandry Type 1 – Traditional (Aquaculture)

### Referral triggers

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger                      Schedule 7, Table 2, Item 28—Certain aquaculture

### Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

### Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

### General advice to applicant

The applicant is requested to provide updated contact details to the Department of Agriculture and Fisheries (DAF) at [notifications@daff.qld.gov.au](mailto:notifications@daff.qld.gov.au) on receipt of the decision notice from the assessment manager. This notice must be in the approved DAF form 'Change of Contact Details' available at [www.daf.qld.gov.au/\\_\\_data/assets/pdf\\_file/0007/76318/Change-contact-detail-DA.pdf](http://www.daf.qld.gov.au/__data/assets/pdf_file/0007/76318/Change-contact-detail-DA.pdf).

### Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 3 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
<b>Aspect of development: material change of use</b>				
Site Plan	Martoo Consulting Pty Ltd	08/03/2015	Drawing No. 1	N/A
Floor Plan	Martoo Consulting Pty Ltd	08/03/2015	Drawing No. 2	N/A
Floor Plan	Martoo Consulting Pty Ltd	08/03/2015	Drawing No. 3	N/A



A copy of this response has been sent to the applicant for their information.

For further information, please contact Sarah Doring, Principal Planning Officer, SARA SEQ North on 07 3882 8411, or email [sarah.doring@dndip.qld.gov.au](mailto:sarah.doring@dndip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Garth Nolan  
Manager Planning

cc: Oceanic Technologies Pty Ltd C/- Martoo Consulting Pty Ltd, [greg@martooconsulting.com](mailto:greg@martooconsulting.com)  
enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Approved Plans and Specifications

Our reference: SDA-0115-017497

Your reference: MCU14/0096

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
Material Change of Use		
7.2.28 Certain aquaculture—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Agriculture and Fisheries to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> <li>• Site Plan prepared by Martoo Consulting Pty Ltd, dated 08/03/2015, Drawing No. 1;</li> <li>• Floor Plan prepared by Martoo Consulting Pty Ltd, dated 08/03/2015, Drawing No. 2;</li> <li>• Floor Plan prepared by Martoo Consulting Pty Ltd, dated 08/03/2015, Drawing No. 3.</li> </ul>	At all times
2.	The development authorised under this approval is limited to indoor, saltwater finfish aquaculture facility with a maximum pond area of 144m <sup>2</sup> .	At all times
3.	The species authorised for aquaculture at this facility is restricted to: <ul style="list-style-type: none"> <li>• Queensland Grouper (<i>Epinephelus lanceolatus</i>)</li> <li>• Barramundi (<i>Lates calcarifer</i>)</li> <li>• Cobia (<i>Rachycentron canadum</i>)</li> <li>• Flowery Cod (<i>Epinephelus fuscoguttatus</i>).</li> </ul>	At all times
4.	Provide written notice to notifications@daff.qld.gov.au, when the development authorised under this approval has started. This notice must state this permit number, the location and the condition number under which the notice is being given.	At least five (5) business days but no greater than twenty (20) business days prior to the commencement of the use
5.	Provide written notice to notifications@daff.qld.gov.au of any changes to the personal contact details for this approval. The notice must state this permit number, the location and the condition number under which the notice is being given.	Within 28 business days of changes to contact details
6.	An aquaculture production return must be submitted to Fisheries Queensland via notifications@daff.qld.gov.au, each year during the term of this development approval. This includes lodging a nil return when no activity has occurred.	On the 31 July each year for the duration of the works the subject of this approval

No.	Conditions	Condition timing
7.	This development approval authorises the purchase of broodstock and culture stock from the holder of a commercial fishing boat licence, a commercial fisher, or holder of any other authority that allows the sale of the approved species.	At all times
8.	The collection of broodstock from the wild is not permitted under this approval.	At all times
9.	Aquaculture fisheries resources must not be released or sold for stocking purposes into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ).	At all times
10.	Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this development approval must not be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	At all times
11.	<p>The permit holder must comply with:</p> <ul style="list-style-type: none"> <li>a) The Department of Agriculture and Fisheries (Queensland) <i>Health management technical guidelines for aquaculture</i>; and</li> <li>b) the disease notification requirements in section 100 of the <i>Fisheries Act 1994</i>, which states that 'a person who knows or reasonably suspects fishery resources or a fish habitat is showing signs of disease, or knows or reasonably suspects disease may be in fisheries resources or fish habitat, must immediately notify the chief executive or an inspector'.</li> </ul>	At all times
12.	<p>Fisheries resources to be aquacultured must not be brought into Queensland for rearing without a health certificate or pathology report issued by the exporting state or territory's fisheries, or a veterinary authority certifying the animals health, which must include a statement that the specimens originate from:</p> <ul style="list-style-type: none"> <li>a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the World Organisation for Animal Health (OIE) <i>Manual of Diagnostic Tests for Aquatic Animals</i>, current edition (Fifth edition 2006 or later) for recognition as free from infection;</li> <li>b) a hatchery, farm, aquaculture premises or region in which an appropriately targeted surveillance scheme over 2 years has been undertaken under the supervision of state or territory fisheries agencies or fisheries-approved veterinary authorities, and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE <i>Manual of Diagnostic Tests for Aquatic Animals</i>, current edition (Fifth edition 2006 or later), have been met; or</li> <li>c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to QPIF Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</li> </ul>	At all times



No.	Conditions	Condition timing
13.	<p>The species approved under this development approval must not be brought into Queensland for rearing unless an application to allow the translocation of live aquatic animals into and within Queensland form (FDU1398) and pathology report has been completed and the administering authority has provided written acknowledgement and approval of the translocation form and the pathology report.</p> <p>The application to allow the translocation of live aquatic animals into and within Queensland and a signed copy of the pathology report (as detailed above) must be provided to the administering authority a minimum of 3 working days prior to all shipments into Queensland.</p> <p>It is a requirement that the pathology report or health certificate is dated no more than 14 days before shipment date.</p> <p>After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the Queensland Boating and Fisheries Patrol. If directed by an officer of the administering authority, specimens must be forwarded to a veterinary laboratory.</p>	At all times
14.	The possession and use of 'regulated fishing apparatus' under the <i>Fisheries Regulation 2008</i> , Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved aquaculture area.	At all times
15.	Ponds and tanks are designed, constructed, managed and maintained to avoid leakage, ensure immunity from flooding, and minimise biosecurity and disease risks.	At all times
16.	The control over the release of water from all ponds, tanks and drainage systems within the approved aquaculture area must be maintained.	At all times
17.	All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria drainage systems etc.) on the approved aquaculture area are screened in such a way to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters (as defined in the <i>Acts Interpretations Act 1954</i> ).	At all times
18.	Where waters are introduced for the aquaculture of the approved species, the permit holder must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved aquaculture area.	At all times
19.	For the purpose of the <i>Fisheries Act 1994</i> , any development approval or resource allocation authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection during reasonable hours.	At all times
20.	The movement of all barramundi must comply with the "Health Protocol for the Importation and Movement of Live Barramundi (FAMPR002)".	At all times

Our reference: SDA-0115-017497  
Your reference: MCU14/0096

## **Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

- To ensure the development is carried out in the location and to the extent specified on the approved plans of development.
- To facilitate the monitoring of the development works for compliance purposes.
- To ensure the aquaculture facility is designed and managed to prevent impacts on fisheries resources and fish habitats.
- To keep accurate record of aquaculture production in Queensland.
- To ensure that broodstock is not collected from the wild without the correct permit.
- To ensure aquaculture resources are not released into Queensland water and to avoid biosecurity risks associated with the uncontrolled release of aquacultured species into the wild.
- Regulated fishing apparatus may be required to efficiently operate the aquaculture facility.
- To allow the purchase of broodstock from commercial fishers or other authority that allows the sale of the approved species.
- To facilitate the monitoring of the development works for compliance purposes of translocation requirements.

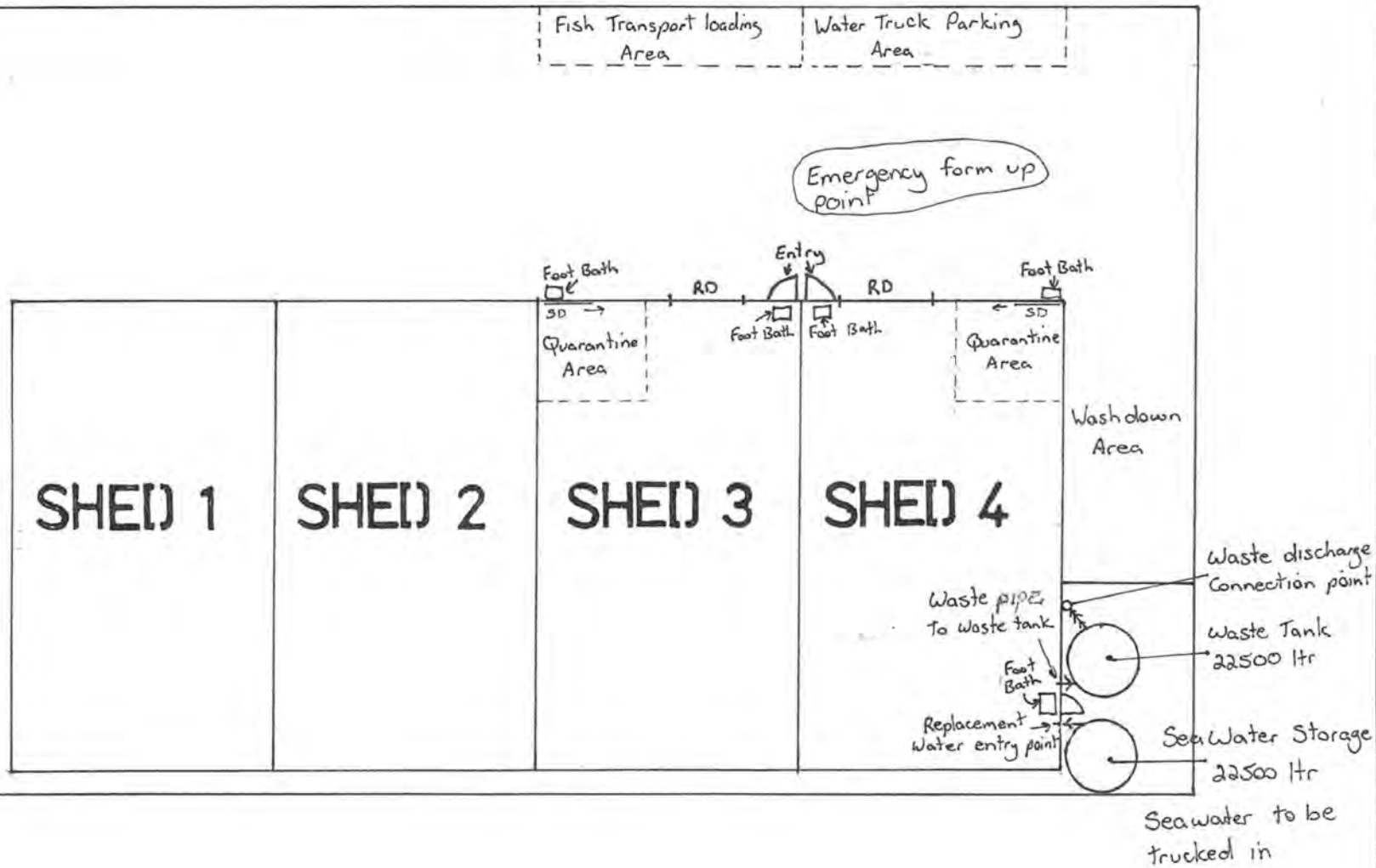
Our reference: SDA-0115-017497  
Your reference: MCU14/0096

**Attachment 3—Approved plans and specifications**

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PRODUCTION STREET

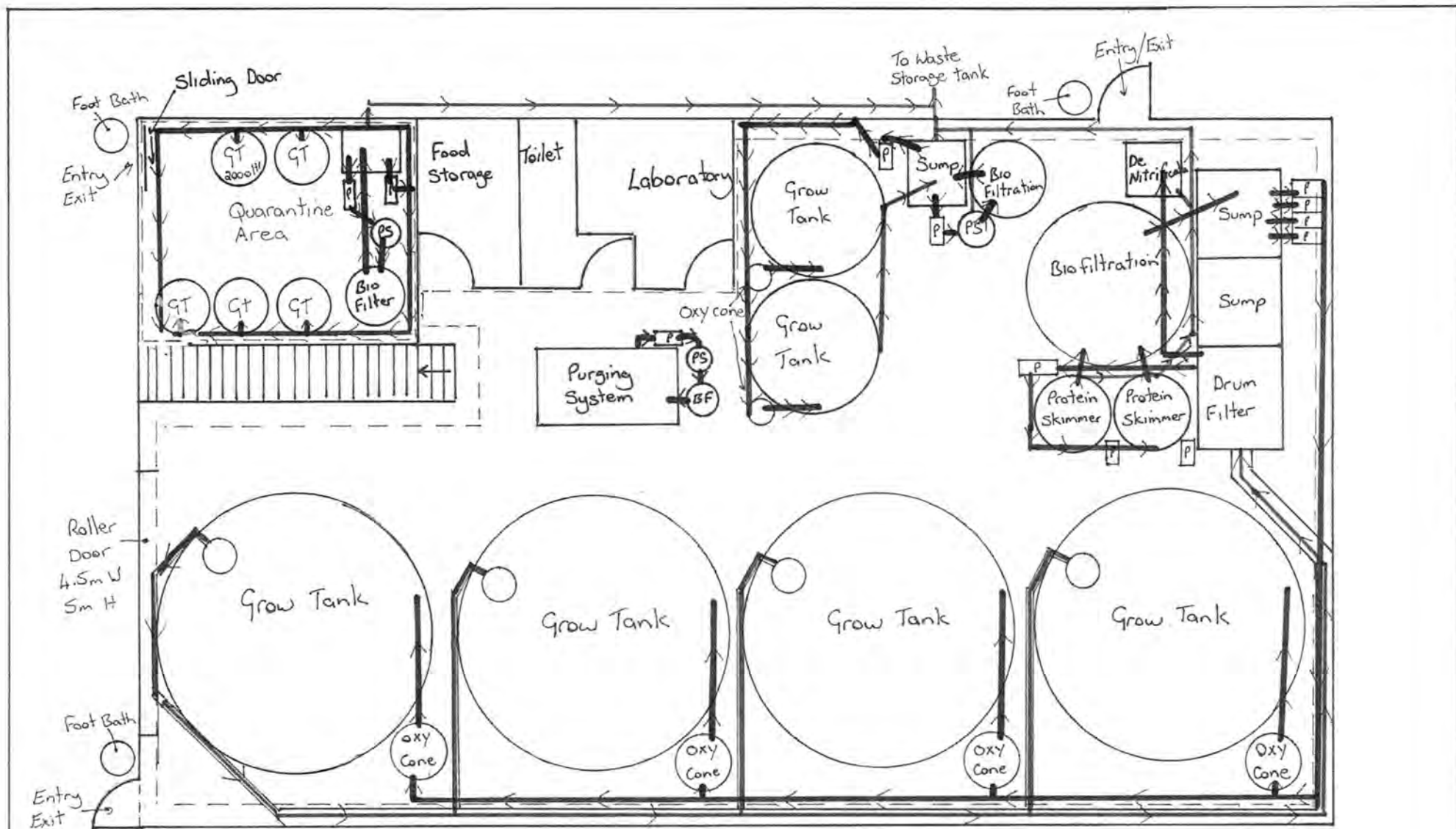


SITE PLAN

Drawing Number - 1

Date - 8-3-2015





Scale - 1:200

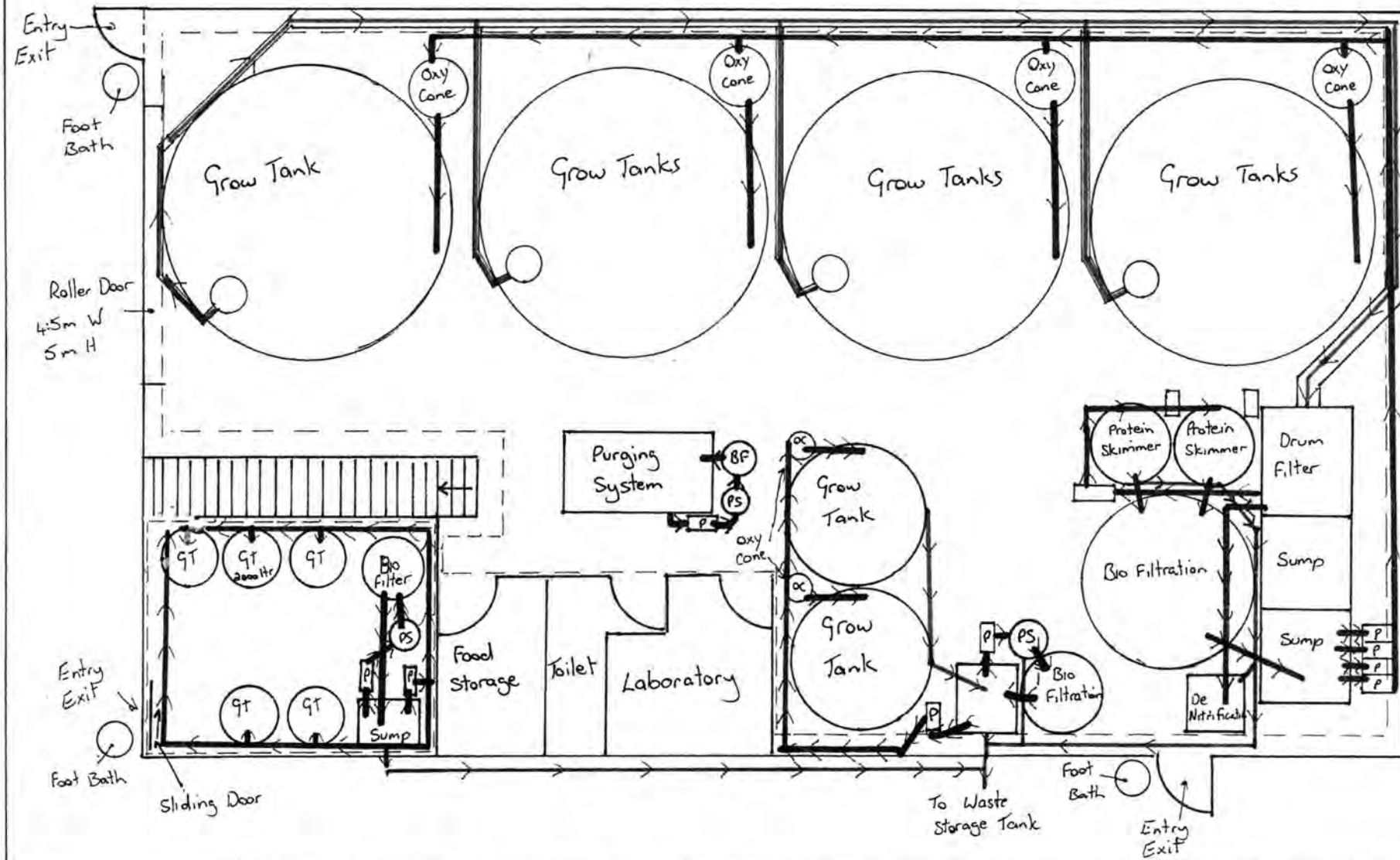


- Return flow to Sump
- ≡≡≡ Water Supply to tanks
- ≡≡≡ Waste to Sewer storage Tank
- Direction of flow

# FLOOR PLAN

Drawing Number - 2
Date - 8-3-2015
Scale - 1:67

-  Direction of flow
-  Waste to sewer storage tank
-  Water supply to tanks
-  Return flow to Sump



# FLOOR PLAN

Drawing Number 3

Date - 8-3-2015

Scale - 1:67





Department of Infrastructure,  
Local Government and Planning

Our reference: SDA-0215-018662  
Your reference: DEV2015/0008

10 September 2015

The Chief Executive Officer  
Cassowary Coast Regional Council  
PO Box 887  
INNISFIAL QLD 4860

*Attn: John Pettigrew*

Dear Sir

**Concurrence agency response—with conditions**

Jay Road Mourilyan, more particularly known as Lot 2 SP237170  
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 27 February 2015.

**Applicant details**

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Applicant name: Lewis Martin Phillips (Jnr) and Linda Maree Phillips  
Applicant contact details: PO Box 2103  
Innisfail QLD 4860  
marlinka@bigpond.com

**Site details**

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Street address: Jay Road Mourilyan  
Lot on plan: Lot 2 on SP237170  
Local government area: Cassowary Coast Regional Council

**Application details**

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Proposed development: Development permit for Material change of use (aquaculture facility)

**Aspects of development and type of approval being sought**

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For further information, please contact Michele Creecy, Senior Planning Officer, SARA Far North QLD on 4037 3206, or email [michele.creecy@dilgp.qld.gov.au](mailto:michele.creecy@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Robin Clark  
Manager (Planning)

cc: Lewis Martin Phillips (Jnr) and Linda Maree Phillips, [marlinka@bigpond.com](mailto:marlinka@bigpond.com)  
enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Approved Plans and Specifications  
Environment Authority



Our reference: SDA-0215-018662  
 Your reference: DEV2015/0008

### Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing																				
<b>Aspect of development: Material change of use (aquaculture facility)</b>																						
Schedule 7, Table 2, Item 1—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Environment and Heritage Protection to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																						
1.	The development must be carried out generally in accordance with the following plans: Proposed Pond layout Lot 2 on SP237170 Jay Road Mourilyan Harbour, Gary T Pozzi, 29/6, 1504 93 90 150452.PLF, version C.	At all times																				
<b>Aspect of development: Material change of use (aquaculture facility)</b>																						
Schedule 7, Table 2, Item 28—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Agriculture and Fisheries to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																						
2.	The development must be carried out generally in accordance with following plans: Proposed Pond Layout Lot 2 on SP 237170 Jay Road Mourilyan Harbour, Gary T. Pozzi, 29/6, 1504 93 90 150452.PLF, version C.	At all times																				
3.	Aquaculture authorised under this approval is limited by the following:  Conduct aquaculture on an approved Aquaculture Area of 12.99 hectares on a total land area of 80.0 hectares. Aquaculture area includes 9.96 hectares of production ponds and 3.03 hectares of treatment ponds, as shown on Proposed Pond layout Lot 2 on SP237170 Jay Road Mourilyan Harbour, Gary T Pozzi, 29/6, 1504 93 90 150452.PLF, version C.	At all times																				
4.	The operator is authorised to conduct aquaculture on and harvest the following approved species.  <table border="0" data-bbox="357 1581 1034 1986"> <thead> <tr> <th data-bbox="357 1581 715 1608"><u>Common Name</u></th> <th data-bbox="730 1581 1034 1608"><u>Scientific Name</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="357 1621 715 1648">Australian bass</td> <td data-bbox="730 1621 1034 1648"><i>Macquaria novemaculeata</i></td> </tr> <tr> <td data-bbox="357 1662 715 1688">Banana prawn</td> <td data-bbox="730 1662 1034 1688"><i>Penaeus merguensis</i></td> </tr> <tr> <td data-bbox="357 1702 715 1729">Barcoo grunter</td> <td data-bbox="730 1702 1034 1729"><i>Scortum barcoo</i></td> </tr> <tr> <td data-bbox="357 1742 715 1769">Barramundi</td> <td data-bbox="730 1742 1034 1769"><i>Lates calcarifer</i></td> </tr> <tr> <td data-bbox="357 1783 715 1809">Barramundi cod</td> <td data-bbox="730 1783 1034 1809"><i>Cromileptes altivelis</i></td> </tr> <tr> <td data-bbox="357 1823 715 1850">Barred-cheek coral trout</td> <td data-bbox="730 1823 1034 1850"><i>Plectropomus maculatus</i></td> </tr> <tr> <td data-bbox="357 1863 715 1890">Black teatfish</td> <td data-bbox="730 1863 1034 1890"><i>Holothuria (Microthela) whitmaei</i></td> </tr> <tr> <td data-bbox="357 1904 715 1930">Black tiger prawn</td> <td data-bbox="730 1904 1034 1930"><i>Penaeus monodon</i></td> </tr> <tr> <td data-bbox="357 1944 715 1971">Blue Swimmer Crab</td> <td data-bbox="730 1944 1034 1971"><i>Portunus pelagicus</i></td> </tr> </tbody> </table>	<u>Common Name</u>	<u>Scientific Name</u>	Australian bass	<i>Macquaria novemaculeata</i>	Banana prawn	<i>Penaeus merguensis</i>	Barcoo grunter	<i>Scortum barcoo</i>	Barramundi	<i>Lates calcarifer</i>	Barramundi cod	<i>Cromileptes altivelis</i>	Barred-cheek coral trout	<i>Plectropomus maculatus</i>	Black teatfish	<i>Holothuria (Microthela) whitmaei</i>	Black tiger prawn	<i>Penaeus monodon</i>	Blue Swimmer Crab	<i>Portunus pelagicus</i>	At all times
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No.	Conditions	Condition timing
	<p>Brown tiger prawn <i>Penaeus esculentus</i></p> <p>Cobia <i>Rachycentron canadum</i></p> <p>Common coral trout <i>Plectropomus leopardus</i></p> <p>Copepods <i>Order Calanoida</i></p> <p>Eel tail catfish <i>Tandanus tandanus</i></p> <p>Estuary cod <i>Epinephelus coioides</i></p> <p>Flowery cod <i>Epinephelus fuscoguttatus</i></p> <p>Golden perch <i>Macquaria ambigua</i></p> <p>Golden Sandfish <i>Holothuria scabra versicolor</i></p> <p>Gulf Saratoga <i>Scleropages jardinii</i></p> <p>Kuruma prawn <i>Penaeus japonicus</i></p> <p>Lolly fish <i>Holothuria atra</i></p> <p>Mangrove jack <i>Lutjanus argentimaculatus</i></p> <p>Mud crab <i>Scylla serrata</i></p> <p>Murray cod <i>Maccullochella peelii peelii</i></p> <p>Passionfruit trout <i>Plectropomus areolatus</i></p> <p>Queensland groper <i>Epinephelus lanceolatus</i></p> <p>Sandfish <i>Holothuria (Metriatyla) scabra</i></p> <p>Sea cucumber <i>Holothuria (Thymioscia) arenicola</i></p> <p>Sea cucumber <i>Holothuria (Metriatyla) albiventer</i></p> <p>Sea cucumber <i>Holothuria (Cystipus) inhabilis</i></p> <p>Sea cucumber <i>Holothuria (Stauropora) olivacea</i></p> <p>Silver perch <i>Bidyanus bidyanus</i></p> <p>Sleepy cod <i>Oxyeleotris lineolatus</i></p> <p>Southern saratoga <i>Scleropages leichardti</i></p> <p>Three Spot crab <i>Portunus sanguinolentus</i></p>	
5.	The administering authority must be informed via <a href="mailto:notification@daf.qld.gov.au">notification@daf.qld.gov.au</a> of any changes to the personal contact details for this development approval.	Within 28 days
6.	An aquaculture production return must be submitted in the approved form to DAF Fisheries Qld, by close of business on 31 July each year. This includes lodging a nil return when no activity has occurred.	At all times
7.	The possession and use of "regulated fishing apparatus" under the <i>Fisheries Regulation 2008</i> , Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved aquaculture area.	At all times
8.	<p>Aquaculture fisheries resources must not be released into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i>) other than those waters approved under this development approval.</p> <p>Unless otherwise authorised, aquaculture fisheries resources must not be sold, traded or given away for the purposes of using</p>	At all times



No.	Conditions	Condition timing
	for bait. This includes the use of whole fish and any part of the fish.	
9.	The movement of animals of any species cultivated under this approval must comply with the relevant species specific health protocol. If the species being cultivated under this approval does not have a species specific health protocol the following conditions 10 and 11 apply.	At all times
10.	<p>Animals of a species approved for aquaculture under this development approval must not be brought into Queensland for rearing without a health certificate or pathology report issued by the exporting state or territory's fisheries, or a veterinary authority certifying the animals health, which must include a statement that the specimens originate from:</p> <p>a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the <i>OIE Manual of Diagnostic Tests for Aquatic Animals</i>, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or</p> <p>b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over 2 years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the <i>OIE Manual of Diagnostic Tests for Aquatic Animals</i>, current edition (Fourth Edition 2003 or later) have been met; or</p> <p>c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to DAF Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</p> <p>d) animals of an aquatic species that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species.</p>	At all times
11.	<p>Animals of a species approved for aquaculture under this development approval must not be brought into Queensland for rearing unless an "<i>Application to allow the Translocation of Live Aquatic Animals into and within Queensland form</i>"(FDU1398) and Pathology Report has been completed and the administering authority has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.</p> <p>The "<i>Application to allow the Translocation of Live Aquatic Animals into and within Queensland form</i>" and a signed copy of the Pathology Report (as detailed above) must be provided to the administering authority via <a href="mailto:translocation@daf.qld.gov.au">translocation@daf.qld.gov.au</a> , a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date.</p> <p>After arrival, any unusual clinical signs or mortalities in the stock</p>	At all times



No.	Conditions	Condition timing
	must be reported immediately to the Queensland Boating and Fisheries Patrol. If directed by an officer of the administering authority, specimens must be forwarded to a veterinary laboratory as directed by the officer.	
12.	The control over the release of water from all ponds, tanks and drainage systems within the approved aquaculture area must be maintained at all times.	At all times
13.	The aquaculture area is secured to prevent the overland escape of aquaculture product by maintaining a perimeter barrier that is impervious to all size classes of the aquaculture fisheries resources that are capable of overland escape.	At all times
14.	All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria drainage systems etc.) on the approved aquaculture area are screened in such a way to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ).	At all times
15.	Where waters are introduced for the aquaculture of the approved species, all reasonable measures must be taken to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved aquaculture area.	At all times
16.	This development approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a commercial fisher, or holder of any other authority that allows the sale of the approved species.	At all times
17.	Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the Fisheries Act 1994 during reasonable hours.	At all times

Our reference: SDA-0215-018662

Your reference: DEV2015/0008

## **Attachment 2—Reasons for decision to impose conditions**

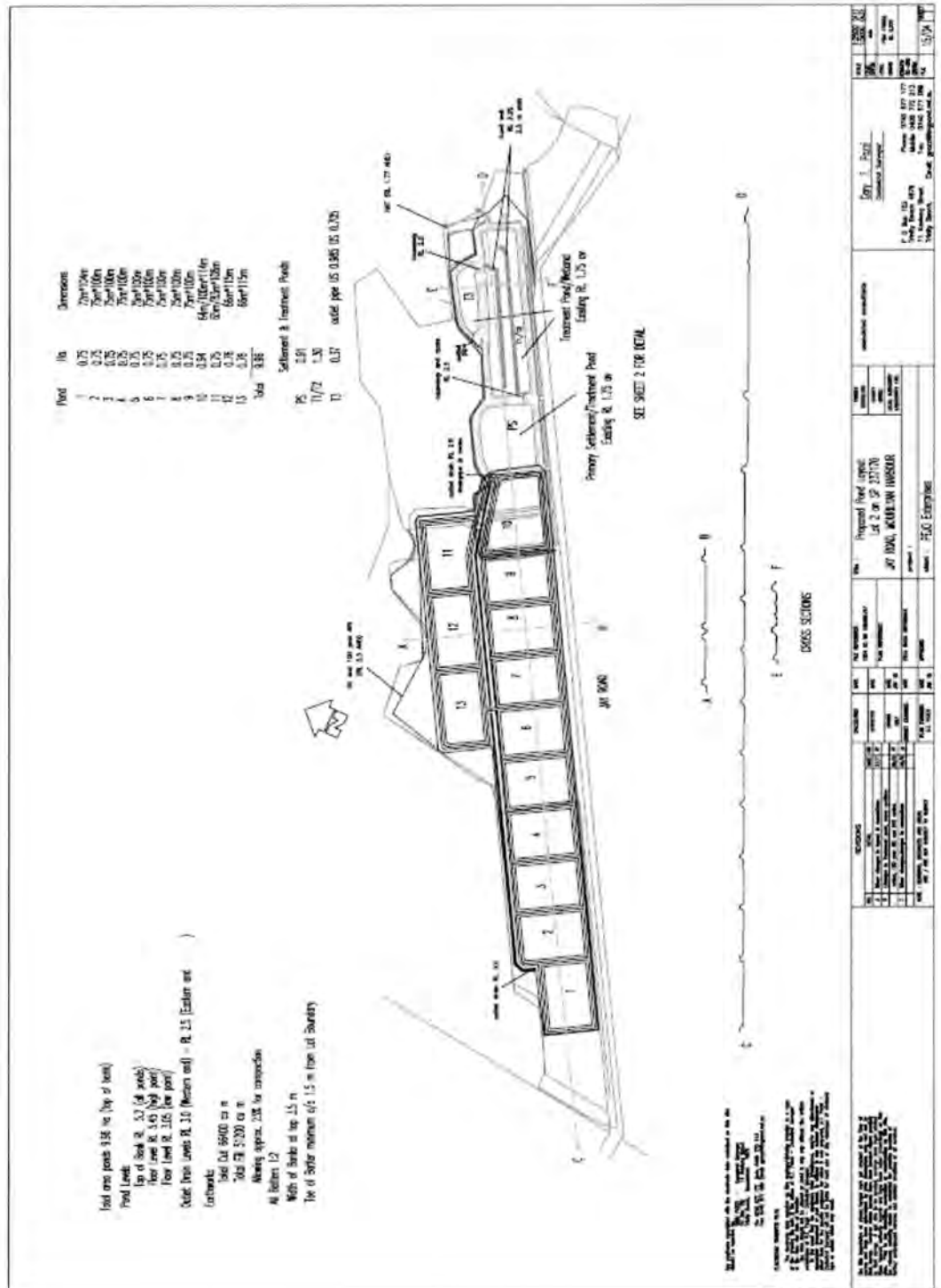
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The reasons for this decision are:

- to ensure the proposed development is carried out generally in accordance with the plan of development submitted with the development application
- to ensure the proposed development is carried out in the location and to the extent specified on the approved plans of development
- to ensure the aquaculture facility is designed and managed to prevent impacts on fisheries resources and fish habitats
- to ensure that the aquaculture facility is designed to maintain integrity of the aquaculture product
- to ensure that the aquaculture facility is designed and constructed to mitigate risks of impact on the natural environment and to allow for the management of disease
- to ensure that land based aquaculture facilities that hold fish capable of overland escape are designed to prevent such escape
- to ensure that ponds are designed, constructed and maintained to avoid leakage, ensure immunity from flooding and minimise biosecurity and disease risks
- to ensure that the authorised species are managed for the net benefit of the species in question and to avoid or acceptably minimise biosecurity risks to any rare, threatened or endangered fish
- to ensure that aquaculture development and practices are ecologically sustainable in a way that supports economic growth.

Our reference: SDF  
 Your reference: DEV

**Attachment 4—A**







Department of  
Environment and  
Heritage Protection

To: Lewis Martin Phillips (Jnr) T/A PEJO  
Enterprises and Ms Linda Phillips  
C/- Lewis Martin Phillips (Jnr) T/A PEJO  
Enterprises  
PO Box 2103  
INNISFAIL QLD 4860

Email: marlinka@bigpond.com

Your reference: EPPR03008115  
Our reference: 242561

#### Application details

I refer to the application for an environmental authority that was received by the administering authority on 11-MAR-2015.

Land description: Jay Road Barramundi Farm Lot 2 Plan SP237170.

#### Decision

Your application has been approved and your environmental authority (reference EPPR03008115) is attached.

Should you have any further enquiries, please contact Graham Rennex on telephone 1300 130 372.

Yours sincerely

*Christine Mooney*

Signature

11/9/15

Date

Christine Mooney  
Department of Environment and Heritage Protection  
Delegate of the administering authority  
*Environmental Protection Act 1994*

#### Enclosed

Permit - environmental authority (reference EPPR03008115)

Page 1 of 2

Graham Rennex  
Government Organisations and Utilities  
Assessment  
Department of Environment and  
Heritage Protection  
GPO Box 2454  
BRISBANE QLD 4001  
Phone: 1300 130 372  
Fax: 07 3330 5754  
Email: graham.rennex@ehp.qld.gov.au  
Website www.ehp.qld.gov.au  
ABN 46 640 294 485

## Department of Environment and Heritage Protection

# Permit<sup>1</sup>

*Environmental Protection Act 1994*

### Environmental authority EPPR03008115

*This environmental authority is issued by the administering authority under Chapter 5 of the Environmental Protection Act 1994.*

#### Permit<sup>1</sup> number: EPPR03008115

The Environmental Authority takes effect when your related development application SDA-0215-018662 is approved. Within 20 business days of the environmental authority taking effect, the Department of Environment and Heritage Protection must be given written notice of the occurrence.

Please send written notification to Permit and Licence Management at the following address:

Permit and Licence Management  
 Department of Environment and Heritage Protection  
 GPO Box 2454  
 BRISBANE QLD 4001  
 OR  
 Email: [palm@ehp.qld.gov.au](mailto:palm@ehp.qld.gov.au)

The anniversary date of this environmental authority is the same day each year as the effective date.

#### Environmental authority holder(s)

Name	Registered address
Lewis Martin Phillips (Jnr) T/A PEJO Enterprises	249 Martyville Road MARTYVILLE QLD 4858
Ms Linda Phillips	249 Martyville Road MARTYVILLE QLD 4858

#### Environmentally relevant activity and location details

Environmentally relevant activity(ies)	Location(s)
1-(2a) Aquaculture >100m <sup>2</sup> but <10ha land	Jay Road Barramundi Farm - Lot 2 Plan SP237170

#### Additional information for applicants

##### Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority is issued is a restatement of the ERA as defined by legislation at the time the approval is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an environmental authority as to

<sup>1</sup> Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation

Permit  
Environmental authority EPPR03008115

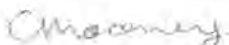
the scale, intensity or manner of carrying out an ERA, then the conditions prevail to the extent of the inconsistency.

An environmental authority authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the authority specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the *Environmental Protection Act 1994* (EP Act).

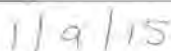
#### Contaminated land

It is a requirement of the EP Act that if an owner or occupier of land becomes aware a notifiable activity (as defined in Schedule 3 and Schedule 4) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the chief executive.



Signature

Christine Mooney  
Department of Environment and Heritage Protection  
Delegate of the administering authority  
*Environmental Protection Act 1994*



Date

**Enquiries:**  
Graham Rennex  
Government Organisations and Utilities  
Assessment  
Department of Environment and Heritage  
Protection  
GPO Box 2454  
BRISBANE QLD 4001  
Phone: 1300 130 372  
Fax: 07 3330 5754  
Email: [Graham.rennex@ehp.qld.gov.au](mailto:Graham.rennex@ehp.qld.gov.au)



Permit  
Environmental authority EPPR03008115

**Obligations under the *Environmental Protection Act 1994***

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

**Conditions of environmental authority**

Environmentally relevant activity(ies)	Location(s)
1-(2a) Aquaculture >100m2 but <10ha land	Jay Road Barramundi Farm - Lot 2 Plan SP237170

The environmentally relevant activity(ies) conducted at the location as described above must be conducted in accordance with the following site specific conditions of approval.

Agency interest: General	
Condition number	Condition
G1	This environmental authority applies to the operation of not more than thirteen (13) ponds at the licenced place having a combined total area of not greater than nine point nine six (9.96) hectares.
G2	All reasonable and practicable <b>measures</b> must be taken to prevent or minimise the likelihood of <b>environmental harm</b> caused by the activity.
G3	The <b>activity</b> must be undertaken in accordance with written procedures that: <ol style="list-style-type: none"> <li>a) identify potential risks to the environment from the <b>activity</b> during routine operations and emergencies; and</li> <li>b) establish and maintain control <b>measures</b> that minimise the potential for environmental harm; and</li> <li>c) ensure plant, equipment and <b>measures</b> are maintained in a proper and effective condition; and</li> <li>d) ensure plant, equipment and <b>measures</b> are operated in a proper and effective manner; and</li> <li>e) ensure that staff are trained and aware of their obligations under the <i>Environmental Protection Act 1994</i>; and</li> <li>f) ensure that reviews of environmental performance are undertaken at least annually.</li> </ol>
G4	All information and records that are required by the conditions of this environmental authority must be kept for a minimum of five (5) years. Environmental monitoring results must be kept until surrender of this environmental authority. All information and records required by the conditions of this environmental authority must be provided to the <b>administering authority</b> upon request.

Permit  
Environmental authority EPPR03008115

G5	Any breach of a condition of this environmental authority must be reported to the <b>administering authority</b> as soon as practicable, or at most, within 24 hours of becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions undertaken.
G6	When required by the <b>administering authority</b> , monitoring must be undertaken in the manner prescribed by the <b>administering authority</b> , to investigate a complaint that is not considered by the <b>administering authority</b> to be frivolous or vexatious, of <b>environmental nuisance</b> arising from the <b>activity</b> . The monitoring results must be provided to the <b>administering authority</b> upon request.
G7	You must record the following details for all environmental complaints received: a) date and time complaint was received; b) name and contact details of the complainant; c) nature of the complaint; d) investigations undertaken; e) conclusions formed; and f) actions taken.
<b>Agency interest: Air</b>	
<b>Condition number</b>	<b>Condition</b>
A1	Odours or airborne contaminants must not cause environmental nuisance to any <b>sensitive place</b> or <b>commercial place</b> .

Permit  
Environmental authority EPPR03008115

Agency interest: Water																																									
Condition number	Condition																																								
W1	<p>An <b>appropriately qualified person(s)</b> must monitor and record all indicator(s) required by and in accordance with Table 1: Contaminant releases limits to water and the associated monitoring requirements.</p> <p><b>Table 1: Contaminant release limits to water</b></p> <table border="1"> <thead> <tr> <th rowspan="2">Monitoring Location</th> <th rowspan="2">Discharge Location</th> <th rowspan="2">Quality Indicator</th> <th colspan="3">Release Limits</th> <th rowspan="2">Minimum Monitoring frequency</th> </tr> <tr> <th>Minimum</th> <th>Mean</th> <th>Maximum</th> </tr> </thead> <tbody> <tr> <td rowspan="4">W1</td> <td rowspan="4">Refer to Figure 2 in schedule 1</td> <td>pH</td> <td>6.5</td> <td>-</td> <td>9.0</td> <td rowspan="2">Daily<sup>1</sup> when a discharge is occurring</td> </tr> <tr> <td>Dissolved Oxygen</td> <td>4.0mg/l or 90% of the receiving water value whichever the greater</td> <td>-</td> <td>-</td> </tr> <tr> <td>Total Nitrogen (mg/L)</td> <td>-</td> <td>-</td> <td>3.0mg/L</td> <td rowspan="2">Monthly – when discharging to receiving waters<sup>2</sup></td> </tr> <tr> <td>Total Phosphorus (mg/L)</td> <td>-</td> <td>-</td> <td>0.4mg/L</td> </tr> <tr> <td>Total Suspended Solids (mg/L)</td> <td>-</td> <td>40mg/L</td> <td>75mg/L</td> <td></td> </tr> </tbody> </table> <p>Associated requirements:</p> <ol style="list-style-type: none"> <li>sampling must be in accordance with the Water Quality Sampling Manual 2009; and</li> <li>all monitoring devices must be effectively calibrated and maintained; and</li> <li>be carried out on samples that are representative of the discharge.</li> </ol>						Monitoring Location	Discharge Location	Quality Indicator	Release Limits			Minimum Monitoring frequency	Minimum	Mean	Maximum	W1	Refer to Figure 2 in schedule 1	pH	6.5	-	9.0	Daily <sup>1</sup> when a discharge is occurring	Dissolved Oxygen	4.0mg/l or 90% of the receiving water value whichever the greater	-	-	Total Nitrogen (mg/L)	-	-	3.0mg/L	Monthly – when discharging to receiving waters <sup>2</sup>	Total Phosphorus (mg/L)	-	-	0.4mg/L	Total Suspended Solids (mg/L)	-	40mg/L	75mg/L	
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		Total Phosphorus (mg/L)	-	-	0.4mg/L																																				
Total Suspended Solids (mg/L)	-	40mg/L	75mg/L																																						
W2	All analysis required under this <b>environmental authority</b> must be carried out by a laboratory that has <b>NATA</b> certification or an equivalent certification for such analysis. The only exception to this condition is for <i>in situ</i> monitoring of pH and dissolved oxygen.																																								
W3	The release of contaminants to <b>waters</b> described as Walter Creek from W1 in accordance with Schedule 1- Figure 1 must only occur from 1/2 hour after local high water until 1 hour before local low water.																																								

<sup>1</sup> Dissolved oxygen measurements must be taken at the discharge and intake sample points within one hour of each other on the same day to determine the 90% of background.



Permit  
Environmental authority EPPR03008115

W4	The release of contaminants to <b>waters</b> described as Walter Creek from W2 in accordance with Schedule 1- Figure 1 must only occur during or immediately after extreme rainfall events when release from the primary settlement pond into the wetland treatment ponds would cause damage to the wetland treatment system.									
W5	The stormwater runoff from disturbed areas, generated by (up to and including) a <b>24 hour storm event with an average recurrence interval of 1 in 10years</b> must be retained on site or managed to remove contaminants before release.									
W6	<p>The amount of contaminants released to <b>waters</b> described as Walter Creek shall not exceed the limits prescribed in Table 2: Maximum permitted quantity of release. The contaminant amounts must be calculated in terms of weight (kg) of contaminant per unit area of total farm (hectares) per day.</p> <p><b>Table 2: Maximum permitted quantity of release</b></p> <table border="1" style="margin-left: 20px;"> <thead> <tr> <th colspan="3" style="text-align: center;">Daily Load<sup>2</sup> (kg/ha/day)</th> </tr> <tr> <th style="text-align: center;">Total Suspended Solids</th> <th style="text-align: center;">Total Nitrogen</th> <th style="text-align: center;">Total Phosphorus</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">12kg/ha/day averaged over the growing season, applied to the entire farm</td> <td style="text-align: center;">0.8kg/ha/day averaged over the growing season, applied to the entire farm</td> <td style="text-align: center;">0.15kg/ha/day averaged over the growing season, applied to the entire farm</td> </tr> </tbody> </table>	Daily Load <sup>2</sup> (kg/ha/day)			Total Suspended Solids	Total Nitrogen	Total Phosphorus	12kg/ha/day averaged over the growing season, applied to the entire farm	0.8kg/ha/day averaged over the growing season, applied to the entire farm	0.15kg/ha/day averaged over the growing season, applied to the entire farm
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<b>Agency interest: Noise</b>										
<b>Condition number</b>	<b>Condition</b>									
N1	Noise generated by the <b>activity</b> must not cause <b>environmental nuisance</b> to any <b>sensitive place</b> or <b>commercial place</b> .									
<b>Agency interest: Land</b>										
<b>Condition number</b>	<b>Condition</b>									
L1	Contaminants must not be released to <b>land</b> .									
L2	Chemicals and fuels in containers of greater than 15 litres must be stored within a <b>secondary containment system</b> .									
L3	Treatment and management of acid sulfate soils must comply with the latest edition of the Queensland Acid Sulfate Soil Technical Manual.									

<sup>2</sup> Daily Load limit shall be calculated using the following formula. Daily Load (kg/ha/day) = [(the average monthly concentration over a growing season A X total volume of wastewater discharged during that growing season) / the number of hectares in production in that season (ha)] / number of days in that growing season. Where A=N, P or TSS in mg/L.

Permit  
Environmental authority EPPR03008115

### Definitions

Note that where a term is not defined, the definition in the *Environmental Protection Act 1994*, its regulations or environmental protection policies must be used. If a word remains undefined it has its ordinary meaning.

**Activity** means the environmentally relevant activities, whether resource activities or prescribed activities, to which the environmental authority relates.

**Acid sulphate Soils** means a soil, sand, mud or clay containing significant levels of pyrite (iron sulphide), which on exposure to oxidising conditions has resulted in or has the capacity to result in the generation of sulphuric acid in quantities greater than the inherent buffer capacity of the soil.

**Administering authority** means the Department of Environment and Heritage Protection or its successors or predecessors.

**Appropriately qualified person(s)** means a person or persons who has professional qualifications, training, skills and experience relevant to the EA requirement and can give authoritative assessment, advice and analysis in relation to the EA requirement using the relevant protocols, standards, methods or literature.

**Averaged over the growing season** means the arithmetic average of water quality results obtained for monitoring of the quality characteristic, where the monitoring is undertaken at approximately equal time intervals, for example monthly, and the averaging period commences on the first day on which grow out pond wastewater is released and continues until the last day of the growing season on which wastewater is released, for example, drainage of the last grow out pond holding water.

**Commercial place** means a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

**Contaminant(s)** as defined in Section 11 of the *Environmental Protection Act 1994*.

**Environmental authority** means an environmental authority granted in relation to an environmentally relevant activity under the *Environmental Protection Act 1994*.

**Environmental harm** as defined in Section 14 of the *Environmental Protection Act 1994*.

**Environmental nuisance** as defined in Chapter 1 of the *Environmental Protection Act 1994*.

**Land** does not include waters.

**Growout pond** means a pond, tank, enclosure or other container for the feeding and growing of aquaculture species.

**Maximum** means that the measured value of the quality characteristic of contaminant must not be greater than the release limit stated.

**Measures** have the broadest interpretation and includes plant, equipment, physical objects, monitoring, procedures, actions, directions and competency.

"mg/L" means milligrams per litre

**NATA** means National Association of Testing Authorities.

**Records** include breach notifications, written procedures, analysis results, monitoring reports and monitoring programs required under a condition of this authority.

**Sensitive place** includes the following and includes a place within the curtilage of such a place reasonably used by persons at that place:

1. a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
2. a motel, hotel or hostel; or
3. a kindergarten, school, university or other educational institution; or
4. a medical centre or hospital; or
5. a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area; or
6. a public thoroughfare, park or garden; or
7. for noise, a place defined as a sensitive receptor for the purposes of the *Environmental Protection (Noise) Policy 2008*.

**Total Nitrogen** means the sum total of Organic Nitrogen, Ammonia, Nitrite plus Nitrate, as mg/L of Nitrogen

**Total Phosphorous** means the sum total of the reactive phosphorous, acid-hydrolysable phosphorous and organic phosphorous, as mg/L of phosphorous. This includes both the organic and inorganic fraction of phosphorous.

Permit  
Environmental authority EPPR03008115

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**“Waters”** includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water, natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

**24 hour storm event with an average recurrence interval of 1 in 10 years** means the maximum rainfall depth from a 24 hour duration precipitation event with an average recurrence interval of once in 10 years. *For example, an Intensity-Frequency-Duration table for a 24 hour duration event with an average recurrence interval of 1 in 10 years, identifies a rainfall intensity of 8.2mm/hour. The rainfall depth for this event is therefore 24 hour x 8.2mm/hour = 196.8mm.*

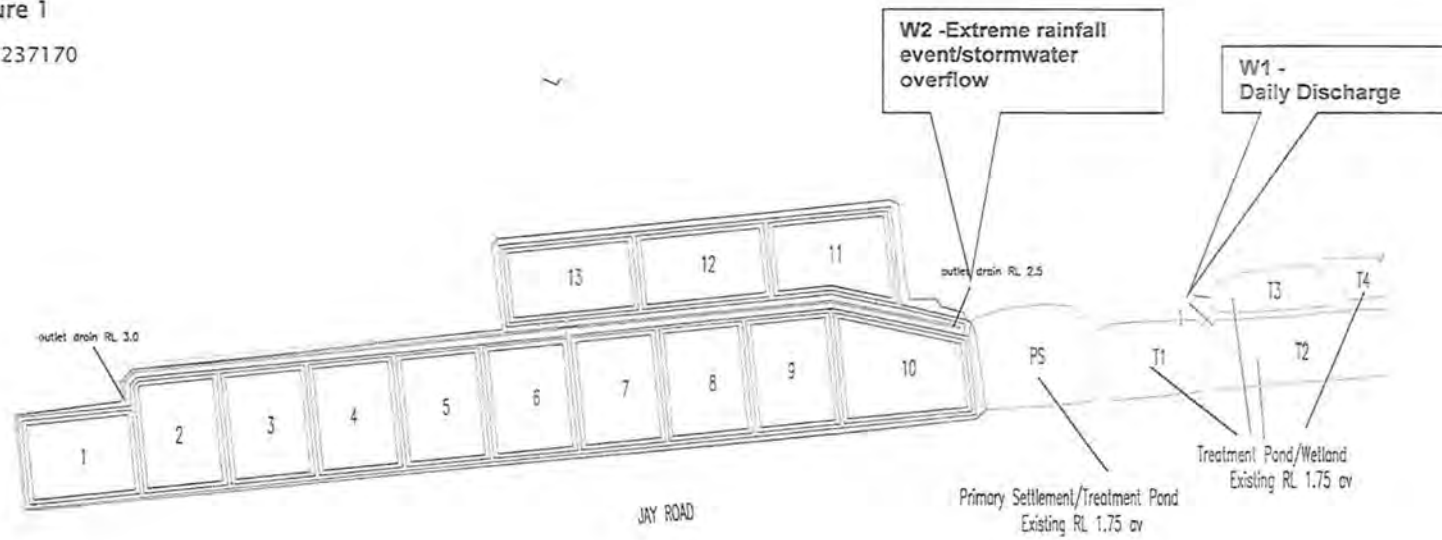
END OF PERMIT



Attachments

Schedule 1 - Figure 1

Location: Lot 2 SP 237170





Department of Infrastructure,  
Local Government and Planning

Our reference: SDA-0615-021561  
Your reference: MC15/0055

17 September 2015

Townsville City Council  
Attention: Javier Samanes  
PO Box 1268  
TOWNSVILLE QLD 4810

Dear Sir or Madam,

**Concurrence agency response—with conditions**

66 Old Coach Road, Majors Creek, Townsville City - QLD  
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 03 July 2015.

**Applicant details**

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Applicant name: Maurclaw Pty Ltd  
Applicant contact details: 49 Alexandra Street  
North Ward QLD 4810  
joe.maurer@maurclaw.com

**Site details**

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Street address: 66 Old Coach Road, Majors Creek, Townsville City - QLD  
Real property description: Lot 32 SP262297  
Local government area: Townsville City Council

**Application details**

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Proposed development: Development Permit for Material Change of Use for  
Aquaculture

**Aspects of development and type of approval being sought**

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	aquaculture - Redclaw 69 x 792m2 Pond = 5.5ha	Code Assessment

**Referral triggers**

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger:                 Schedule 7, Table 2, Item 28 – Certain aquaculture  
   Schedule 7, Table 3, Item 1 – State-controlled road

**Conditions**

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

**Reasons for decision to impose conditions**

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

**Relevant period [delete if not required]**

Under section 287(1)(d) of the *Sustainable Planning Act 2009*, the relevant period for any development approval is to be in accordance with section 341 of the *Sustainable Planning Act 2009*.

**Approved plans and specifications**

The department requires that the following plans and specifications set out below and in Attachment 3 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
<b>Aspect of development: material change of use</b>				
1825 Woodstock-Giru Road Site Plan	Lester Frank	29/04/2015	T0114201	-
Typical Pond Sections 1825 Woodstock-Giru Road	Lester Frank	29/04/2015	T0114202	-

A copy of this response has been sent to the applicant for their information.

For further information, please contact Kristy Nau, Senior Planning Officer, SARA North QLD on , or email [kristy.nau@dspdip.qld.gov.au](mailto:kristy.nau@dspdip.qld.gov.au) who will be pleased to assist.



Yours sincerely



Don Cook  
Manager, Planning

cc: Maurclaw Pty Ltd, joe.maurer@maurclaw.com  
enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Approved Plans and Specifications

Our reference: SDA-0615-021561

Your reference:

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
<b>Development Permit for Material Change of Use for Aquaculture</b>		
<b>Schedule 7, Table 3, Item 1—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the Act nominates the Director-General of the Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</b>		
1.	The development must be carried out generally in accordance with the following plans: <input type="checkbox"/> 1825 Woodstock-Giru Road Site Plan, prepared by Lester Franks, dated 29/04/2015, reference numbers T0114201.	At all times
2.	Access to the site during construction and during operation must be generally in accordance with the Statement addressing relevant parts of the State Development Assessment Provision, prepared by Maurclaw, dated 19th August 2015.	At all times.
3.	The permitted road access location, for which approval under section 62 of the Transport Infrastructure Act 1994 must be obtained, is to be located generally in accordance with the plan titled: 1825 Woodstock-Giru Road Site Plan, prepared by Lester Franks, dated 29/04/2015, reference: T0114201.	At all times.
4.	Road access works comprising a standard rural commercial crossover to the development, for which approval under section 33 of the Transport Infrastructure Act 1994 must be obtained, at the permitted road access location, must be provided generally in accordance with Townsville City Council's standards.  The road access works must be designed and constructed in accordance with Townsville City Council's standards.	Prior to the commencement of use.
<b>Schedule 7, Table 2, Item 28—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the Act nominates the Director-General of the Department of Agriculture and Forestry to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</b>		
5.	Development authorised under this approval is limited as follows: <ul style="list-style-type: none"> <li>• Material change of use for a freshwater crayfish aquaculture facility being limited to a maximum pond area of 5.5 hectares and shown in 1825 Woodstock-Giru Road Site Plan, prepared by Lester Franks, dated 29/04/2015, reference: T0114201 and Typical Pond Sections 1825 Woodstock-Giru Road, prepared by Lester Franks, dated 29/07/2015, reference: T0114202.</li> </ul>	At all times.
6.	The operator is authorised to conduct aquaculture on and harvest the following approved species: <input type="checkbox"/> Redclaw crayfish (common name) <i>Cherax quadricarinatus</i> (scientific name)	At all times.
7.	The administering authority must be informed via <a href="mailto:notification@daf.qld.gov.au">notification@daf.qld.gov.au</a> of any changes to the personal contact details for this development approval.	Within 28 working days.

No.	Conditions	Condition timing
8.	An aquaculture production return must be submitted in the approved form to DAF Fisheries Qld, by close of business on 31 July each year. This includes lodging a nil return when no activity has occurred.	At all times.
9.	<p>Aquaculture fisheries resources must not be released into Queensland waters (as defined in the Acts Interpretation Act 1954) other than those waters approved under this development approval.</p> <p>Unless otherwise authorised, aquaculture fisheries resources must not be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.</p>	At all times.
10.	Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during reasonable hours.	At all times.
11.	The movement of animals of any species cultivated under this approval must comply with the relevant species specific health protocol.	At all times.
12.	This development approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a commercial fisher, or holder of any other authority that allows the sale of the approved species.	At all times.
13.	The possession and use of "regulated fishing apparatus" under the <i>Fisheries Regulation 2008</i> , Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved aquaculture area.	At all times.
14.	The control over the release of water from all ponds, tanks and drainage systems within the approved aquaculture area must be maintained at all times.	At all times.
15.	The aquaculture area is secured to prevent the overland escape of aquaculture product by maintaining a perimeter barrier that is impervious to all size classes of the aquaculture fisheries resources that are capable of overland escape.	At all times.
16.	All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria drainage systems etc.) on the approved aquaculture area are screened in such a way to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ).	At all times.
17.	Where waters are introduced for the aquaculture of the approved species, all reasonable measures must be taken to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved aquaculture area.	At all times.



Our reference: SDA-0615-021561

Your reference:

## **Attachment 2—Reasons for decision to impose conditions**

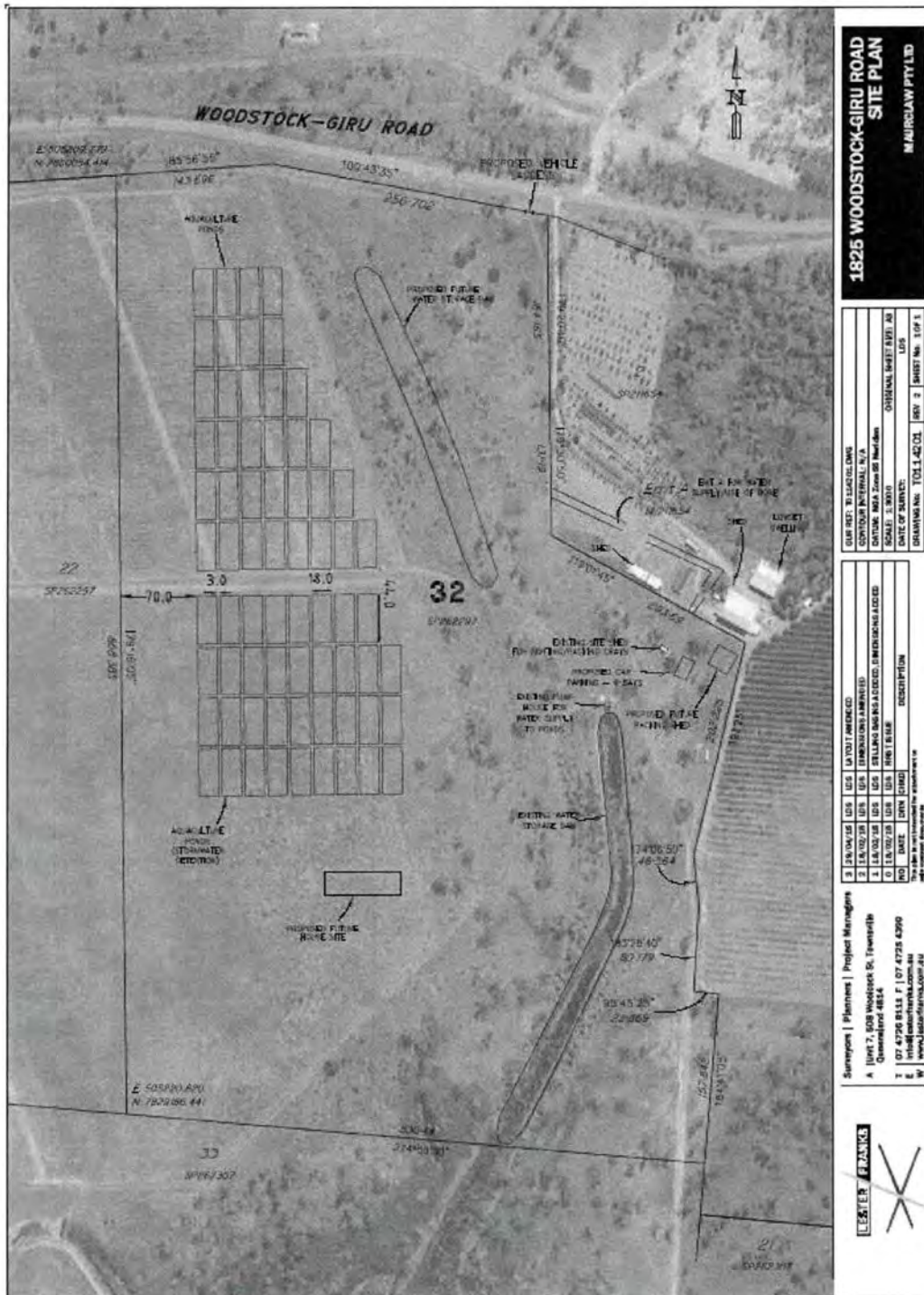
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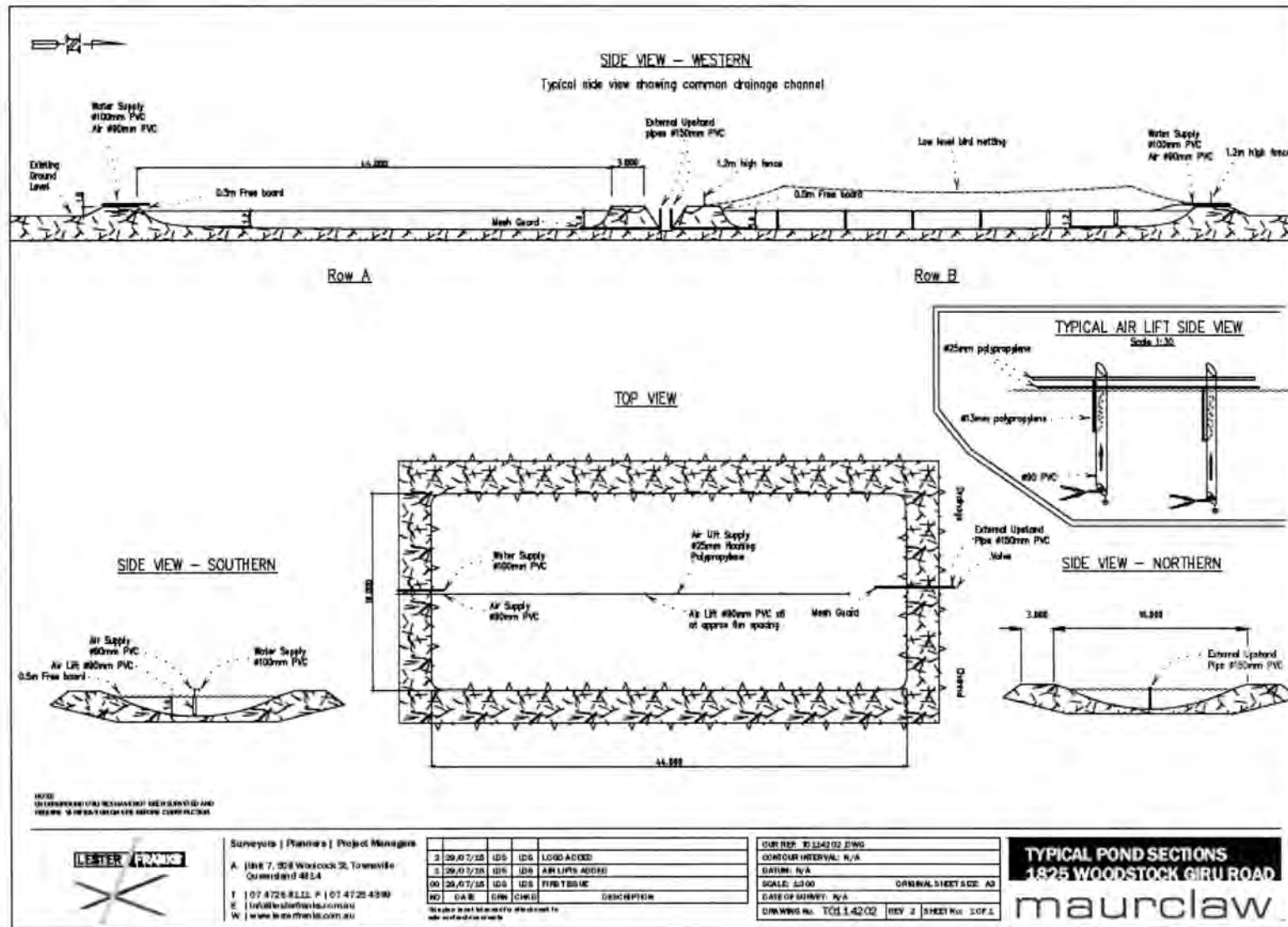
The reasons for this decision are:

- Condition 1: To ensure the development is carried out generally in accordance with the plans of development submitted with the application
- Condition 2: To ensure the development is carried out generally in accordance with the common material submitted with the application
- Condition 3: To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- Condition 4: To ensure the design of any road access maintains the safety and efficiency of the state-controlled road.
- Condition 5: To ensure the development is carried out in the location and to the extent specified on the approved plans of development.
- Condition 6: Required for administration and enforcement purposes where DAF is the assessing authority under section 255D(3) of the Sustainable Planning Act 2009.
- Condition 7: To ensure DAF have correct contact information in the event of a local, regional or state-wide biosecurity (disease) issue and need to contact the operator.
- Condition 8: To ensure aquaculture industry development and practices are ecologically sustainable in a way that also supports economic growth.
- Condition 9: To ensure aquaculture resources are not released into Queensland waters – biosecurity issue and for administration and enforcement purposes to minimise disease issues.
- Condition 10: Required for administration and enforcement purposes where DAF is the assessing authority under section 255D(3) of the Sustainable Planning Act 2009.
- Condition 11: Required for administration and enforcement purposes of translocation requirements.
- Condition 12: To allow the purchase of broodstock from commercial fishers or other authority that allows the sale of the approved species.
- Condition 13: To allow use of regulated fishing apparatus on the approved aquaculture area.
- Conditions 14 – 17: Required for administration and enforcement purposes of Biosecurity issues.

Our reference: SDA-0615-021561  
 Your reference:

**Attachment 3—Approved plans and specifications**





SDA-0615-021561





Department of Infrastructure,  
Local Government and Planning

Our reference: SDA-0915-024307

5 July 2016

Australian Sea Cucumbers Pty Ltd  
PO Box 5479  
MANLY QLD 4179

via email: [info@oceanexplorer.com](mailto:info@oceanexplorer.com)

Dear Jon Day

**Notice of decision**

Oyster Area 138 – Canaipa, North Stradbroke Island

The Department of Infrastructure, Local Government and Planning advise that the development application described below has been refused.

**Applicant details**

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Applicant name: Australian Sea Cucumbers Pty Ltd

**Site details**

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Location: Oyster Area 138 – Canaipa, North Stradbroke Island

Local government area: Redland City Council

**Application details**

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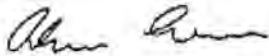
Proposed development: Development Permit for a Material Change of Use for Aquaculture and Operational Works for removal, destruction or damage of marine plants

A decision notice for this application is attached.

A copy of the relevant appeal provisions in the *Sustainable Planning Act 2009* is also attached.

For more information, please contact Isaac Harslett, Principal Planning Officer, on 5644 3222 or via email at [GCSARA@dilgp.qld.gov.au](mailto:GCSARA@dilgp.qld.gov.au).

Yours sincerely



Adam Norris  
A/Manager - Planning

enc: Decision notice  
Attachment 1—SPA appeal provisions  
Attachment 2—Department of Agriculture and Fisheries Advice

**Decision notice**

(Given under section 334 of the *Sustainable Planning Act 2009*)

**Applicant details**

Applicant name:	Australian Sea Cucumbers Pty Ltd
Applicant contact details:	PO Box 5479 MANLY QLD 4179 info@oceanexplorer.com

**Application details**

Level of assessment:	Code assessment
Properly made date:	1 April 2016

**Site details**

Location:	Oyster Area 138 – Canaipa, North Stradbroke Island
Name of owner:	Australian Sea Cucumbers Pty Ltd

**Decision**

Date of decision:	5 July 2016
Decision details:	<b>Refused</b>

**Referral agencies**

There were no referral agencies for this application.

**Details of refusal**

The assessment manager was not directed to refuse the application by a concurrence agency.

**Reasons for refusal**

The reasons for this refusal are:

1. The proposed development does not meet the purpose criteria in section 3.1.1 of the State Development Assessment Provisions (SDAP), Module 3 – Aquaculture state code (v1.7). Namely, items (1), (2), (3) and (8).
2. The proposed development does not meet key Performance Outcomes (POs) of SDAP Module 3 – Aquaculture state code, being PO1, PO2, PO3, PO4, PO7, PO17 and PO18 of Table 3.1.1.
3. The proposed development does not meet the purpose criteria in section 5.3.1 of SDAP, Module 5 – Removal, destruction or damage of marine plants state code (v1.7). The proposed removal of marine plants will not provide ecosystem services that support fisheries productivity.



4. The proposed development does not meet key Performance Outcomes (POs) of SDAP Module 5 – Removal, destruction or damage of marine plants state code, being PO8 and PO25 of Table 5.3.1.

**Findings on material questions of fact**

- The development application proposes to aquaculture sea cucumbers (*Holothuria scabra*) within an existing aquaculture allocation (Oyster Area) on intertidal areas of the western side of North Stradbroke Island. The development application is for Material Change of Use for aquaculture and for Operational Works for the removal, destruction or damage to marine plants under the *Sustainable Planning Regulation 2009*.
- The development application for a Material Change of Use was subject to assessment pursuant to the provisions of Table 3.1.1 (PO1-PO24) of SDAP Module 3 - Aquaculture state code(v1.7).
- Section 3.1.1 of the SDAP Module 3 – Aquaculture state code, provides the purpose of the code. The purpose of the code is to ensure the aquaculture industry development and practices are ecologically sustainable in a way that also supports economic growth.
- The proposed development does not meet the purpose of 3.1.1 of the SDAP Module 3 – Aquaculture state code. While the proposed aquaculture development is being carried out in an identified aquaculture area (Oyster Area), the proposed species and methods used to ranch sea cucumbers are not appropriate in this location. The proposed methods being used to ranch the sea cucumbers especially the visual monitoring method and disease control procedures have not adequately demonstrated that it can control diseases, prevent contamination or accidental release into surrounding waters.
- The proposed development does not meet Table 3.1.1 Performance outcomes of Module 3 – Aquaculture state code of SDAP v 1.7 (relevant to the date of 29 March 2019) have not been met:PO1 - The aquaculture activity is suitably located for the type and scale of aquaculture activity proposed. Namely:
  - o The proposed aquaculture is not being carried out in an appropriate location for this species.
  - o The proposal does not demonstrate that this form of aquaculture development is appropriately located for the type and scale of aquaculture proposed. The floating hatchery poses unique risks that have not been addressed.
  - o The proposed and untried furniture for the culture for the grow-out of sea cucumbers is an unproven method, significantly different to that used in oyster production. The proposal has failed to demonstrate how the development will protect and prevent impact upon a significant area of protected seagrass at the proposed site.
- The proposed development does not meet Table 3.1.1 PO2 *Development on or in Queensland waters or unallocated tidal State land is undertaken for prescribed aquaculture only as the Resource Allocation Authority (RAA):*
  - o The proposal does not meet the criteria to be prescribed aquaculture authorised by the current RAA for the site and consequently has not met the PO. The RAA was originally issued for oyster production and includes condition 6 which states '*The developer must comply with the minimum production levels established in the Policy for maximising rock oyster production: management of non-productive oyster areas*'.
- The proposed development does not meet Table 3.1.1 PO3 *If the development is*



located in a marine park, it is within a zone appropriate for the aquaculture development. Namely:

- o The proposal for sea cucumbers is not consistent with the *Marine Park (Moreton Bay) Zoning Plan 2008* which permits oyster aquaculture development in this area. The applicant has not provided written evidence from the Department of National Parks, Sport and Recreation that this form of aquaculture is acceptable under the current *Marine Park (Moreton Bay) Zoning Plan 2008*.
- o The addition of feed is understood to be a critical issue to the perceived suitability of aquaculture in the Moreton Bay Marine Park. The proposal has included, and then withdrawn other feed addition elements (e.g. Harvested seagrass of unclear origin), and there is insufficient evidence and detail provided in the application that in the absence of feed addition, that the culture of sea cucumbers in the proposed way is viable.
- The proposed development does not meet Table 3.1.1 PO4 *Aquaculture development is located to avoid or minimise impacts on the natural environment*. Namely:
  - o The location of the proposed hatchery on a floating vessel has not demonstrated to avoid or minimise impacts on the natural environment.
  - o The proposed floating hatchery is to be situated in coastal waters of Moreton Bay and subject to a wide range of environmental conditions that may impact the vessels stability and ability to contain all proposed chemicals, aquaculture waste waters, and aquaculture stock. The release of any of these will impact upon the natural environment.
- The proposed development does not meet Table 3.1.1 PO7 *The development will not increase the risk of mortality, disease or injury to, or compromise the health and productivity of fisheries resources*. Namely:
  - o The location of the proposed hatchery on a floating vessel has not demonstrated that the proposed development will not increase the risk of mortality, disease or injury to, or compromise the health and productivity of fisheries resources in Moreton Bay.
  - o The proposed floating hatchery operation has not demonstrated how toxic chemicals will be contained from entering the surrounding waters of Moreton Bay Marine Park during adverse weather events. The release of these chemicals will lead to a high risk of mortality, disease or injury to, or compromise the health and productivity of fisheries resources.
  - o The quarantine procedures described in the application do not describe how the potentially diseased faecal matter will be stored on the vessel and disposed of without causing disease contamination of the surrounding waters.
  - o It is also noted that the proposed floating hatchery is to be situated in coastal waters of Moreton Bay and subject to a wide range of environmental conditions that may impact the vessels stability and ability to contain all proposed chemicals, aquaculture waste waters, and aquaculture stock. The release of any of these will lead to a high risk of mortality, disease or injury to, or compromise the health and productivity of fisheries resources in Moreton Bay.
- The proposed development does not meet Table 3.1.1 PO17 *Animals selected for aquaculture in tidal waters must minimise risks to and avoid impacts on wild fisheries resources and other indigenous flora and fauna specific to that area*. Namely:
  - o There is insufficient information to demonstrate that the proposed species



will not be able to escape the aquaculture area and not impact wild fisheries resources.

- The proposed development does not meet Table 3.1.1 *PO18 Aquaculture infrastructure is designed, constructed, managed and maintained to avoid impacts to fisheries resources*. Namely
  - o Insufficient information has been provided in the application to indicate the proposed hatchery will be able to operate on the proposed vessel within the RAA area without impacting on fisheries resources.
- The development application for Operational works for the removal, damage or destruction of marine plants was subject to assessment pursuant to the provisions of Table 5.3.1 (PO1-PO30) of SDAP Module 5 – Removal, destruction or damage of marine plants state code (v1.7).
- The proposed development does not meet the purpose of SDAP Module 5.3.1 Removal, damage or destruction of marine plants state code of SDAP v1.7. The purpose of the code is to ensure the protection of marine plant communities that are fisheries resources and to ensure development provides ecosystem services that support fisheries productivity.
- The proposed development does not meet the purpose of SDAP Module 5.3.1 Removal, damage or destruction of marine plants state code of SDAP v1.7 as the proposed development is likely to damage between approximately 8000m<sup>2</sup> and 10,000m<sup>2</sup> of marine plants due to physical disturbance and shading effects. The applicant has failed to demonstrate that the proposed aquaculture will not impact upon the existing sea grass communities present within the Oyster lease area.
- The proposed development does not meet Table 5.3.1 *PO8 Development of, or adjacent to, fish habitats avoids the unnecessary loss, degradation or fragmentation of fish habitats and their values and loss of fish movement*. Namely:
  - o The applicant has not demonstrated that the development will not result in an unnecessary loss of fish habitat.
  - o The proposed development has not attempted to avoid impacts to marine plants or even properly identified the extent of light penetration and impacts to the marine plant ecosystem on the proposed site. No evidence has been provided to support the applicant's statement that the corral method proposed to prevent sea cucumber escape and will not cause direct disturbance to marine plants.
- The proposed development does not meet Table 5.3.1 *PO25 Impacts to marine plants or legally secured offset areas for marine plants are avoided or mitigated, and an environmental offset is provided for any significant residual impact*. Namely:
  - o The potential impact has not been clearly and accurately established by the applicant and no environmental offset for this matter of State environmental significance has been proposed.
  - o The application has identified that the proposal is likely to directly permanently disturb 55.44 m<sup>2</sup> of marine plants from the posts and cause temporary disturbance by shading from the proposed furniture of 7,092 m<sup>2</sup> of marine plants. This equates to a total proposed area of marine plant disturbance of 7,147 m<sup>2</sup>. It has been calculated that the total area of the impact of shading from the proposed furniture on the marine plants could vary from 7,903 m<sup>2</sup> to 9,760 m<sup>2</sup>. If the direct impact of 55 m<sup>2</sup> from the posts is added to these estimates. It is estimated that the total proposed area of marine plant disturbance could vary from 7,958 m<sup>2</sup> to 9,815m<sup>2</sup>.
  - o The impact the proposed development has on marine plants has failed to demonstrate how the development has avoided or mitigated impacts to marine plants, nor provided an appropriate offset strategy.



**Evidence or other material on which the findings were based**

- Development application materials received on the 25 September 2015, 23 December 2015 and 29 March 2016
- Responses to information requests received on the 1 December 2015, 18 March 2016 and 10 May 2016
- State Development Assessment Provisions, Version 1.7 (23 November 2015)
- State Planning Policy (July 2014)
- *Sustainable Planning Act 2009*
- Sustainable Planning Regulation 2009

**Aspects of development and development approval sought, but not granted**

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Development Permit for a Material Change of Use for Aquaculture and Operational Works for removal, destruction or damage of marine plants.

**Rights of appeal**

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

**Native title considerations**

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A submission was received during the notification period from the Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC).

Our reference: SDA-0915-024307

## Attachment 1—SPA Appeal Provisions

### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

##### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

##### **360 Application of div 1**

This division applies only during the applicant's appeal period.

##### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

##### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

##### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the **negotiated decision notice**) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or
    - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.



- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

#### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

#### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
- if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
- the refusal, or the refusal in part, of the development application;
  - any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - the decision to give a preliminary approval when a development permit was applied for;
  - the length of a period mentioned in section 341;
  - a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
- if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

##### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—



- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
- (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
- (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
- (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
- (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
- (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

**Division 11 Making and appeal to Court****481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

**482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (ii) the assessment manager for the development application to which the notice relates; and
    - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and



- (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and
  - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.



**490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

Our reference: SDA-0915-024307

### Attachment 3—Department of Agriculture and Fisheries (DAF) advice

1.	<p>As DAF has previously advised, the applicant should investigate the availability of alternate areas that do not contain seagrass. If seagrass were absent, and a proven method identified to prevent escape of sea cucumbers, and feed inputs avoided or reconcilable with any planning for the area, then a grow-out operation could be considered viable.</p> <p>The applicant should consider possible sites available and intended for sea cucumber culture under the Great Sandy Regional Marine Aquaculture Plan, a copy of which is available at:  <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/investment/marine-aquaculture/great-sandy-regional-marine-aquaculture-plan">https://www.daf.qld.gov.au/fisheries/aquaculture/investment/marine-aquaculture/great-sandy-regional-marine-aquaculture-plan</a>.</p> <p>The proposed hatchery floating on a vessel in coastal waters contains a number of specific risks and issues that remain that need to be addressed as any future application.</p>
2.	<p>The literature sourced by the applicant highlighted that aquaculture furniture on different farms have different impacts to the light levels beneath the furniture. This reinforces the need to provide evidence for the impacts of the proposed furniture on light levels underneath the furniture at the proposed site.</p> <p>A sea cucumber aquaculture proposal may be more favorably viewed if a small-scale pilot trial (with relevant approvals) of the furniture and its shading effects were undertaken in an area devoid of seagrass (bare sand) and if the findings supported the applicant's contention that shading will not have an impact.</p> <p>There are instruments available that can measure light levels under the trays over 24 hour and longer cycles that could determine the level of shading. These light levels could then be related to the literature on seagrass tolerance to light levels. Relevant expertise (suitably qualified persons) must be used to design and undertake these trials and interpret the results.</p>
3.	<p>It is again suggested that (with relevant approvals) the corral method could be trialed on a smaller scale in an area devoid of seagrass (bare sand) to first establish the furniture would be stable and not move around in storm events and other predictable conditions.</p> <p>If that is successful, then a small scale trial could be conducted in an area devoid of seagrass (bare sand) to determine whether it is an effective and reliable method of containing the adult sea cucumbers.</p>



Department of Infrastructure,  
Local Government and Planning

Our reference: SDA-1015-024906  
Your reference: CA 1044/2015

24 March 2016

Chief Executive Officer  
Douglas Shire Council  
PO Box 723  
Mossman QLD 4873

*Att: Neil Beck*

Dear Sir / Madam

**Concurrence agency response—with conditions**

Development application for a material change of use (expansion of existing aquaculture facility & caretaker's residence), Reconfiguration of a lot (boundary realignment) and Operational work on land located at Captain Cook Highway, Killaloe and more particularly described as Lot 8 on NR153, Lot 201 on SP222765 and Lot 7 on RP846941  
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 20 October 2015.

**Applicant details**

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Applicant name: Gold Coast Marine Aquaculture  
c/- Gassman Development Perspectives

Applicant contact details: PO Box 392  
Beenleigh QLD 4207  
bcraddock@gassman.com.au

**Site details**

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Street address: Captain Cook Highway, Killaloe

Lot on plan: Lot 8 on NR153, Lot 201 on SP222765 and Lot 7 on RP846941

Local government area: Douglas Shire Council



### Application details

Proposed development: Development permit (combined application) for a material change of use (expansion of existing aquaculture facility & caretaker's residence), Reconfiguration of a lot (boundary realignment) and Operational work for change to ground level

### Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	Expansion of existing aquaculture facility & caretaker's residence	Impact Assessment
Reconfiguring a Lot	Development permit	Boundary realignment	Impact Assessment
Operational Work	Development permit	Change to ground levels	Impact Assessment

### Referral triggers

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger            **Schedule 7, Table 2, Item 13** – Tidal works, or development in a coastal management district  
**Schedule 7, Table 2, Item 28** – Certain aquaculture  
**Schedule 7, Table 3, Item 1** – State-controlled road  
**Schedule 7, Table 3, Item 5** – Coastal management districts

### Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

### Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

### Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

### Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference	Version/Issue
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			no.	
<b>Aspect of development: Material change of use and operational work</b>				
Proposal Plan - Lot 7 on RP846941, Lot 8 on NR153, Lot 201 on SP222765	Gassman Development Perspectives	09-02-16	555 P PP 100	A
Concept Plan Operational Area	Gassman Development Perspectives	04-09-15	555-P CP 01.C	-
Statement of Landscaping Intent	Gassman Development Perspectives	30/06/2015	5555 L LI 01 (Sheet 1 of 3)	-
General Arrangement Sediment & Erosion Control Sheet 06	Mortons Urban Solutions	21-12-15	307-01-015	B
General Arrangement Sediment & Erosion Control Sheet 08	Mortons Urban Solutions	21-12-15	307-01-017	B
Bulk Earthworks CutFill Plan Sheet 06	Mortons Urban Solutions	21-12-15	307-01-035	B
Bulk Earthworks CutFill Plan Sheet 08	Mortons Urban Solutions	02-03-16	307-01-037	C
TMR Layout Plan (20A – 64.48km)	Queensland Government Transport and Main Roads	17/11/2015	275/20A (500-924)	A
Rural Property Access – Single or Dual Carriageway (Conditional)	Austroroads: Part 4 - Intersections and Crossings - General	2009	Figure 7.2	-
<b>Aspect of development: Reconfiguration of a lot</b>				
Existing & Proposed Reconfiguration of Land (Boundary Relocation)	Gassman Development Perspectives	05-02-16	5555 P ROL 02 – 2OF 2 (Sheet 2 of 2)	A

A copy of this response has been sent to the applicant for their information.

For further information, please contact Joanne Manson, Principal Planning Officer, SARA Far North QLD on 4037 3228 or email [joanne.manson@dilgp.qld.gov.au](mailto:joanne.manson@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Graeme Kenna  
Manager (Planning)

cc: Gold Coast Marine Aquaculture, c/- Gassman Development Perspectives  
email: bcraddock@gassman.com.au

enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Further advice  
Attachment 4—Approved Plans and Specifications



Our reference: SDA-1015-024906

Your reference: 5555.BC

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
<b>Material change of use (expansion of existing aquaculture facility &amp; caretaker's residence), and Operational work</b>		
<b>Schedule 7, Table 2, Item 13</b> – Tidal work, or development in a coastal management district (operational work) and <b>Schedule 7, Table 3, Item 5</b> - Coastal management districts (material change of use) —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the <b>Department of Environment and Heritage Protection</b> to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>The development must be carried out generally in accordance with the following plan:</p> <ul style="list-style-type: none"> <li>• Existing &amp; Proposed Reconfiguration of Land (Boundary Relocation), prepared by Gassman Development Perspectives, dated 05-02-16, drawing no. 555P ROI02-OF2, Sheet 2 of 2, Issue A</li> <li>• Proposal Plan - Lot 7 on RP846941, Lot 8 on NR153 and Lot 201 on SP222765, prepared by Gassman Development Perspectives, dated 09-02-16, drawing no. 555 P PP100, Issue A</li> <li>• Concept Plan Operational Area, prepared by Gassman Development Perspectives, dated 04-09-15, drawing no. 555-P CP 01.C</li> </ul>	Prior to the commencement of use and to be maintained at all times
2.	Erosion and sediment control measures are to be installed and maintained to prevent the release of sediment to tidal waters.	Prior to commencement of the works and maintained until their completion
3.	Any disturbed or oxidised acid sulphate soil must be treated and managed in accordance with the current <i>Queensland Acid Sulfate Soil Technical Manual: Soil Management Guidelines v4.0</i> , prepared by the Department of Science, Information Technology, Innovation and the Arts, 2014.	For the duration of the works the subject of this approval
<b>Material change of use (expansion of existing aquaculture facility)</b>		
<b>Schedule 7, Table 2, Item 28</b> — Certain aquaculture - Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the <b>Department of Agriculture and Fisheries</b> to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
4.	<p>The development must be carried out generally in accordance with following plans:</p> <ul style="list-style-type: none"> <li>• Proposal Plan Lot 7 on RP846941, Lot 8 on NR153, Lot 201 on SP222765 prepared by Gassman Development Perspectives dated 09-12-16, reference 5555 P PP 100, Issue A</li> </ul>	Prior to the commencement of use and to be maintained at all times

No.	Conditions	Condition timing																																																				
5.	Development authorised under this approval is limited as follows: <ul style="list-style-type: none"> <li>Conduct aquaculture in the approved Aquaculture Area being limited to 62.42 hectares and show in Proposal Plan Lot 7 on RP846941, Lot 8 on NR153 Lot 201, on SP222765 prepared by Gassman Development Perspectives dated 09-02-16, reference 5555 P PP 100, Issue A</li> </ul>	At all times																																																				
6.	The operator is authorised to conduct aquaculture on and harvest the following approved species. <table border="0" data-bbox="359 645 1109 1975"> <thead> <tr> <th data-bbox="359 645 710 678"><u>Common Name</u></th> <th data-bbox="710 645 1109 678"><u>Scientific Name</u></th> </tr> </thead> <tbody> <tr><td data-bbox="359 689 710 723">Australian bass</td><td data-bbox="710 689 1109 723"><i>Macquaria novemaculeata</i></td></tr> <tr><td data-bbox="359 734 710 768">Banana prawn</td><td data-bbox="710 734 1109 768"><i>Penaeus merguensis</i></td></tr> <tr><td data-bbox="359 779 710 813">Barcoo grunter</td><td data-bbox="710 779 1109 813"><i>Scortum barcoo</i></td></tr> <tr><td data-bbox="359 824 710 857">Barramundi</td><td data-bbox="710 824 1109 857"><i>Lates calcarifer</i></td></tr> <tr><td data-bbox="359 869 710 902">Barramundi cod</td><td data-bbox="710 869 1109 902"><i>Cromileptes altivelis</i></td></tr> <tr><td data-bbox="359 913 710 947">Barred-cheek coral trout</td><td data-bbox="710 913 1109 947"><i>Plectropomus maculatus</i></td></tr> <tr><td data-bbox="359 958 710 992">Batik Lobster</td><td data-bbox="710 958 1109 992"><i>Panulirus longipes</i></td></tr> <tr><td data-bbox="359 1003 710 1037">Black Lobster</td><td data-bbox="710 1003 1109 1037"><i>Panulirus penicillatus</i></td></tr> <tr><td data-bbox="359 1048 710 1081">Black Slipper Lobster</td><td data-bbox="710 1048 1109 1081"><i>Parribacus antarcticus</i></td></tr> <tr><td data-bbox="359 1093 710 1126">Black tiger prawn</td><td data-bbox="710 1093 1109 1126"><i>Penaeus monodon</i></td></tr> <tr><td data-bbox="359 1137 710 1171">Blue endeavour prawn</td><td data-bbox="710 1137 1109 1171"><i>Metapenaeus endeavouri</i></td></tr> <tr><td data-bbox="359 1182 710 1216">Blue-spot coral trout</td><td data-bbox="710 1182 1109 1216"><i>Plectropomus laevis</i></td></tr> <tr><td data-bbox="359 1227 710 1261">Blunt Slipper Lobster</td><td data-bbox="710 1227 1109 1261"><i>Scyllarides squammosus</i></td></tr> <tr><td data-bbox="359 1272 710 1305">Brown tiger prawn</td><td data-bbox="710 1272 1109 1305"><i>Penaeus esculentus</i></td></tr> <tr><td data-bbox="359 1317 710 1350">Cobia</td><td data-bbox="710 1317 1109 1350"><i>Rachycentron canadum</i></td></tr> <tr><td data-bbox="359 1361 710 1395">Common coral trout</td><td data-bbox="710 1361 1109 1395"><i>Plectropomus leopardus</i></td></tr> <tr><td data-bbox="359 1406 710 1440">Eel tail catfish</td><td data-bbox="710 1406 1109 1440"><i>Tandanus tandanus</i></td></tr> <tr><td data-bbox="359 1451 710 1485">Estuary cod</td><td data-bbox="710 1451 1109 1485"><i>Epinephelus coioides</i></td></tr> <tr><td data-bbox="359 1496 710 1529">Flowery cod</td><td data-bbox="710 1496 1109 1529"><i>Epinephelus fuscoguttatus</i></td></tr> <tr><td data-bbox="359 1541 710 1597">Golden perch (Cooper Creek strain)</td><td data-bbox="710 1541 1109 1597"><i>Macquaria ambigua n.sp</i></td></tr> <tr><td data-bbox="359 1608 710 1664">Golden perch (Dawson River strain)</td><td data-bbox="710 1608 1109 1664"><i>Macquaria ambigua oriens</i></td></tr> <tr><td data-bbox="359 1675 710 1731">Golden perch (Murray-Darling strain)</td><td data-bbox="710 1675 1109 1731"><i>Macquaria ambigua ambigua</i></td></tr> <tr><td data-bbox="359 1742 710 1776">Golden Snapper</td><td data-bbox="710 1742 1109 1776"><i>Lutjanus johnii</i></td></tr> <tr><td data-bbox="359 1787 710 1821">Green Tropical Lobster</td><td data-bbox="710 1787 1109 1821"><i>Panulirus versicolor</i></td></tr> <tr><td data-bbox="359 1832 710 1865">Gulf Saratoga</td><td data-bbox="710 1832 1109 1865"><i>Scleropages jardinii</i></td></tr> </tbody> </table>	<u>Common Name</u>	<u>Scientific Name</u>	Australian bass	<i>Macquaria novemaculeata</i>	Banana prawn	<i>Penaeus merguensis</i>	Barcoo grunter	<i>Scortum barcoo</i>	Barramundi	<i>Lates calcarifer</i>	Barramundi cod	<i>Cromileptes altivelis</i>	Barred-cheek coral trout	<i>Plectropomus maculatus</i>	Batik Lobster	<i>Panulirus longipes</i>	Black Lobster	<i>Panulirus penicillatus</i>	Black Slipper Lobster	<i>Parribacus antarcticus</i>	Black tiger prawn	<i>Penaeus monodon</i>	Blue endeavour prawn	<i>Metapenaeus endeavouri</i>	Blue-spot coral trout	<i>Plectropomus laevis</i>	Blunt Slipper Lobster	<i>Scyllarides squammosus</i>	Brown tiger prawn	<i>Penaeus esculentus</i>	Cobia	<i>Rachycentron canadum</i>	Common coral trout	<i>Plectropomus leopardus</i>	Eel tail catfish	<i>Tandanus tandanus</i>	Estuary cod	<i>Epinephelus coioides</i>	Flowery cod	<i>Epinephelus fuscoguttatus</i>	Golden perch (Cooper Creek strain)	<i>Macquaria ambigua n.sp</i>	Golden perch (Dawson River strain)	<i>Macquaria ambigua oriens</i>	Golden perch (Murray-Darling strain)	<i>Macquaria ambigua ambigua</i>	Golden Snapper	<i>Lutjanus johnii</i>	Green Tropical Lobster	<i>Panulirus versicolor</i>	Gulf Saratoga	<i>Scleropages jardinii</i>	At all times
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No.	Conditions	Condition timing
	<p>Kuruma prawn <i>Penaeus japonicus</i></p> <p>Mahi Mahi <i>Coryphaena hippurus</i></p> <p>Mangrove jack <i>Lutjanus argentimaculatus</i></p> <p>Moreton Bay bug <i>Thenus orientalis</i></p> <p>Moreton Bay bug <i>Thenus indicus</i></p> <p>Mud Lobster <i>Panulirus polyphagus</i></p> <p>Mulloway <i>Argyrosomus japonicus</i></p> <p>Murray cod <i>Maccullochella peelii peelii</i></p> <p>Passionfruit trout <i>Plectropomus areolatus</i></p> <p>Queensland groper <i>Epinephelus lanceolatus</i></p> <p>Sand Lobster <i>Panulirus homarus</i></p> <p>Sand whiting <i>Sillago ciliata</i></p> <p>Silver perch <i>Bidyanus bidyanus</i></p> <p>Sleepy cod <i>Oxyeleotris lineolatus</i></p> <p>Snapper <i>Pagrus auratus</i></p> <p>Southern saratoga <i>Scleropages leichardti</i></p> <p>Tropical rock lobster <i>Panulirus ornatus</i></p>	
7.	The administering authority must be informed via notifications@daf.qld.gov.au of any changes to the personal contact details for this development approval.	Within 28 days
8.	An aquaculture production return must be submitted in the approved form to the Department of Agriculture and Fisheries (Fisheries Qld). This includes lodging a nil return when no activity has occurred.	By 31 July each year
9.	The possession and use of "regulated fishing apparatus" under the <i>Fisheries Regulation 2008</i> , Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved aquaculture area.	At all times
10.	<p>Aquaculture fisheries resources must not be released into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i>) other than those waters approved under this development approval.</p> <p>Unless otherwise authorised, aquaculture fisheries resources must not be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.</p>	At all times
11.	The movement of animals of any species cultivated under this approval must comply with the relevant species specific health protocol. If the species being cultivated under this approval does not have a species specific health protocol the following conditions 12 and 13 apply.	At all times
12.	Animals of a species approved for aquaculture under this development approval must not be brought into Queensland for rearing without a health certificate or pathology report issued by	At all times



No.	Conditions	Condition timing
	<p>the exporting state or territory's fisheries, or a veterinary authority certifying the animals health, which must include a statement that the specimens originate from:</p> <ul style="list-style-type: none"> <li>(a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the <i>OIE Manual of Diagnostic Tests for Aquatic Animals</i>, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or</li> <li>(b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over 2 years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the <i>OIE Manual of Diagnostic Tests for Aquatic Animals</i>, current edition (Fourth Edition 2003 or later) have been met; or</li> <li>(c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to DAF Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</li> <li>(d) an animal of an aquatic species that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species.</li> </ul>	
13.	<ul style="list-style-type: none"> <li>(a) Animals of a species approved for aquaculture under this development approval must not be brought into Queensland for rearing unless an "<i>Application to allow the Translocation of Live Aquatic Animals into and within Queensland form</i>"(FDU1398) and Pathology Report has been completed and the administering authority has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.</li> <li>(b) The "<i>Application to allow the Translocation of Live Aquatic Animals into and within Queensland form</i>" and a signed copy of the Pathology Report (as detailed above) must be provided to the administering authority via <a href="mailto:translocation@daf.qld.gov.au">translocation@daf.qld.gov.au</a>, a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date.</li> <li>(c) After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the Queensland Boating and Fisheries Patrol. If directed by an officer of the administering authority, specimens must be forwarded to a veterinary laboratory as directed by the officer.</li> </ul>	<p>(a) At all times</p> <p>(b) A minimum three working days prior to shipments into Queensland</p> <p>(c) At all times</p>
14.	The control over the release of water from all ponds, tanks and	At all times

No.	Conditions	Condition timing
	drainage systems within the approved aquaculture area must be maintained at all times.	
15.	The aquaculture area is secured to prevent the overland escape of aquaculture product by maintaining a perimeter barrier that is impervious to all size classes of the aquaculture fisheries resources that are capable of overland escape.	At all times
16.	All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria drainage systems etc.) on the approved aquaculture area are screened in such a way to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ).	At all times
17.	Where waters are introduced for the aquaculture of the approved species, all reasonable measures must be taken to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved aquaculture area.	At all times
18.	This development approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a commercial fisher, or holder of any other authority that allows the sale of the approved species	At all times
19.	Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during reasonable hours.	At all times
<b>Material change of use (expansion of existing aquaculture facility &amp; caretakers residence)</b>		
<b>Schedule 7, Table 3, Item 1</b> — State-controlled road (material change of use) - Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the <b>Department of Transport and Main Roads</b> to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
<b>In accordance with approved plans</b>		
20.	<p>The development must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> <li>• Existing &amp; Proposed Reconfiguration of Land (Boundary Relocation), prepared by Gassman Development Perspectives, dated 05-02-16, drawing no. 555P ROI02-OF2, Sheet 2 of 2, Issue A</li> <li>• Proposal Plan Lot 7 on RP846941, Lot 8 on NR153, Lot 201 on SP222765, prepared by Gassman Development Perspectives, dated 09-02-16, Drawing No 555 P PP 100, Issue A</li> <li>• Statement of Landscaping Intent, prepared by Gassman Development Perspectives, dated 30/06/2015, Dwg No 5555 L LI 01, Sheet 1 of 3</li> <li>• General Arrangement Sediment &amp; Erosion Control Sheet 06 prepared by Mortons Urban Solutions, dated 21-12-15, Drawing No 307-01-015, Amend B</li> <li>• General Arrangement Sediment &amp; Erosion Control Sheet</li> </ul>	Prior to the commencement of use and to be maintained at all times



No.	Conditions	Condition timing
	08, prepared by Mortons Urban Solutions, dated 21-12-15, Drawing No 307-01-017, Amend B <ul style="list-style-type: none"> <li>• Bulk Earthworks CutFill Plan Sheet 06 prepared by Mortons Urban Solutions, dated 21-12-15, Drawing No 307-01-035, Amend B</li> <li>• Bulk Earthworks CutFill Plan Sheet 08 prepared by Mortons Urban Solutions, dated 02-03-16, Drawing No 307-01-037, Amend C</li> <li>• TMR Layout Plan (20A – 64.48km) prepared by Queensland Government Transport and Main Roads, dated 17/11/2015, File Ref: 275/20A (500-924), Issue A.</li> </ul>	
<b>In accordance with approved report</b>		
21.	The development must be in accordance with the Development Application, prepared by Gassman Development Perspectives, dated September 2015, and given reference/revision number Section 6.0: The Proposal and in particular: <ul style="list-style-type: none"> <li>• Creation of an additional 21 aquaculture ponds and associated buildings.</li> <li>• No excavated fill will be transported from the land (balance cut/fill).</li> <li>• No retail sales to the general public all deliveries are freighted to the Cairns Airport</li> </ul>	Prior to the commencement of use and to be maintained at all times
<b>Location of the direct vehicular access to the state-controlled road</b>		
22.	The permitted road access location, for which approval under section 62 of the <i>Transport Infrastructure Act 1994</i> must be obtained, is to be located generally in accordance with TMR Layout Plan (20A – 64.48km) prepared by Queensland Government Transport and Main Roads, dated 17/11/2015, File Ref: 275/20A (500-924), Issue A.	At all times
<b>Design vehicle and traffic volume</b>		
23.	Road access works comprising of a sealed property access to the development, for which approval under section 33 of the <i>Transport Infrastructure Act 1994</i> must be obtained, at the permitted road access location, must be provided generally in accordance with TMR Layout Plan (20A – 64.48km) prepared by Queensland Government Transport and Main Roads, dated 17/11/2015, File Ref: 275/20A (500-924), Issue A.  The road access works must be designed and constructed in accordance with Guide to Road Design - Part 4 of Austroads: Intersections and Crossings - General, Figure 7.2 (rural property access – single or dual carriageway (conditional)).	Prior to the commencement of use and to be maintained at all times
<b>Stormwater and Drainage impacts on the state-controlled road</b>		
24.	(a) The development must be in accordance with the Stormwater Management Plan entitled Proposed Prawn Farm Expansion - Flood Assessment, prepared by BMT WBM Pty Ltd, dated 24/08/15, and given reference/revision number R.B21286.00:  (b) Any works on the land must not: <ol style="list-style-type: none"> <li>i. create any new discharge points for stormwater runoff onto the state-controlled road;</li> <li>ii. interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road;</li> </ol>	(a) and (b) At all times



No.	Conditions	Condition timing
	<p>iii. surcharge any existing culvert or drain on the state-controlled road;</p> <p>iv. reduce the quality of stormwater discharge onto the state-controlled road.</p> <p>AND</p> <p>(c) RPEQ certification must be provided to the Program Delivery and Operations Unit, Department of Transport and Main Roads, Far North Queensland Region: (<a href="mailto:Far.North.Queensland.IDAS@tmr.qld.gov.au">Far.North.Queensland.IDAS@tmr.qld.gov.au</a>), within the Department of Transport and Main Roads, confirming that the development has been designed and constructed in accordance with parts (a) and (b) of this condition.</p>	<p>(c) Prior to the commencement of use</p>

Our reference: SDA-1015-024906

Your reference: 5555:BC

## **Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure the development carried out generally in accordance the aspects of the planning report submitted with the application.
- To ensure the development is carried out in the location and to the extent specified on the approved plans of development.
- To ensure the development avoids or minimises adverse impacts on coastal resources and their values.
- To ensure that the authorised species are managed for the net benefit of the species in question and to avoid or acceptably minimise biosecurity risks to any rare, threatened or endangered fish.
- To facilitate the monitoring of the development works for compliance purposes.
- To ensure that the aquaculture facility is designed to maintain integrity of the aquaculture product.
- To ensure that the aquaculture facility is designed and constructed to mitigate risks of impact on the natural environment and to allow for the management of disease.
- To ensure that the aquaculture facility is designed and constructed to mitigate risks of impact on the natural environment and to allow for the management of disease and to ensure that land based aquaculture facilities that hold fish capable of overland escape are designed to prevent such escape.
- To ensure the aquaculture facility is designed, constructed and maintained to avoid leakage, to ensure immunity from flooding and minimise biosecurity and disease risks.
- To ensure that the authorised species are managed for the net benefit of the species in question and to avoid or acceptably minimise biosecurity risks to any rare, threatened or endangered fish.
- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- To ensure the design of any road access maintains the safety and efficiency of the state-controlled road.
- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating adverse impacts on the state transport corridor.
- To ensure the development achieves the outcomes in 3.1 Aquaculture state code, 10.1 Tidal works, or development in a coastal management district and 19.1 Access to state-controlled roads state code in the State Development Assessment Provisions version 1.6.

Our reference: SDA-1015-024906

Your reference: CA 1044/2015

### Attachment 3—Further advice

General advice	
<b>Ref</b>	<b>State Planning Policy July 2014 interim development assessment provisions</b>
1.	Douglas Shire Council, in its role as assessment manager, must assess the development application against the State Planning Policy July 2014, and in particular the interim development assessment provisions (Part E), such Coastal environment, Water quality and Natural hazards, risk and resilience and to the extent it is relevant to the proposed development.
Further development permits, compliance permits or compliance certificates	
<b>Ref</b>	<b>Road access works approval</b>
2.	<p>Under sections 62 and 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road.</p> <p>Please contact the Department of Transport and Main Roads on 4045 7144 at the Cairns district office to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve.</p> <p>The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p><b>The road access works approval process takes time – please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</b></p>
Applicable self-assessable codes	
<b>Ref</b>	<b>Self-assessable code MPO3 On-farm drain maintenance works involving the removal, destruction or damage of marine plant (Department of Agriculture and Fisheries)</b>
3.	Section 6.10 Marine plants are only removed from the bed and one bank from drains that are 2 to 8 metres wide.
4.	Section 6.5 The removal of marine plants is only undertaken where necessary to maintain the function of existing on-farm drains.
5.	Section 6.6 a. Mangroves are pruned or trimmed no more frequently than every 12 months; b. Mangroves are pruned or trimmed by no more than a third of their height.



Our reference: SDA-1015-024906  
Your reference: 5555:BC

**Attachment 4—Approved plans and specifications**

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**development perspectives** planning design environment surveying

1000 GARDNER DRIVE  
 SUITE 8  
 100 GARDNER DRIVE, SUITE 8, KILLALOE, DUBLIN 18  
 T: 01 202 2012  
 F: 01 202 2018  
 E: info@developmentperspectives.ie  
 W: www.developmentperspectives.ie

Client:  
**GCMA**

Site Address:  
**Captain Cook Highway, Killaloe**

HPD:  
 Lot:  
 Plan:  
 Parish:  
 County:  
 Local Authority: **Clonaghs Parish Council**  
 Level Datum:  
 Meridian:  
 Contour Interval:  
 PGM:  
 RL:

Associated Consultants:

This is a Development Perspective for the site shown. It is not a site plan and should not be used for any other purpose. It is intended to provide a visual impression of the site and its surroundings. It is not intended to be used as a basis for any other purpose. It is not intended to be used as a basis for any other purpose. It is not intended to be used as a basis for any other purpose.

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	09-02-16

Scale at A3: **1:5000**

Date: **09-02-16**

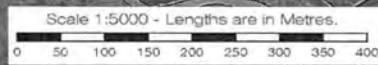
Design: **-**

Drawn: **RM**

Checked: **BC**

Drawing Title:  
**Proposal Plan  
 Lot 7 on RP846941  
 Lot 8 on NR153  
 Lot 201 on SP222765**

Drawing No: **5555 P PP 100** Rev No:





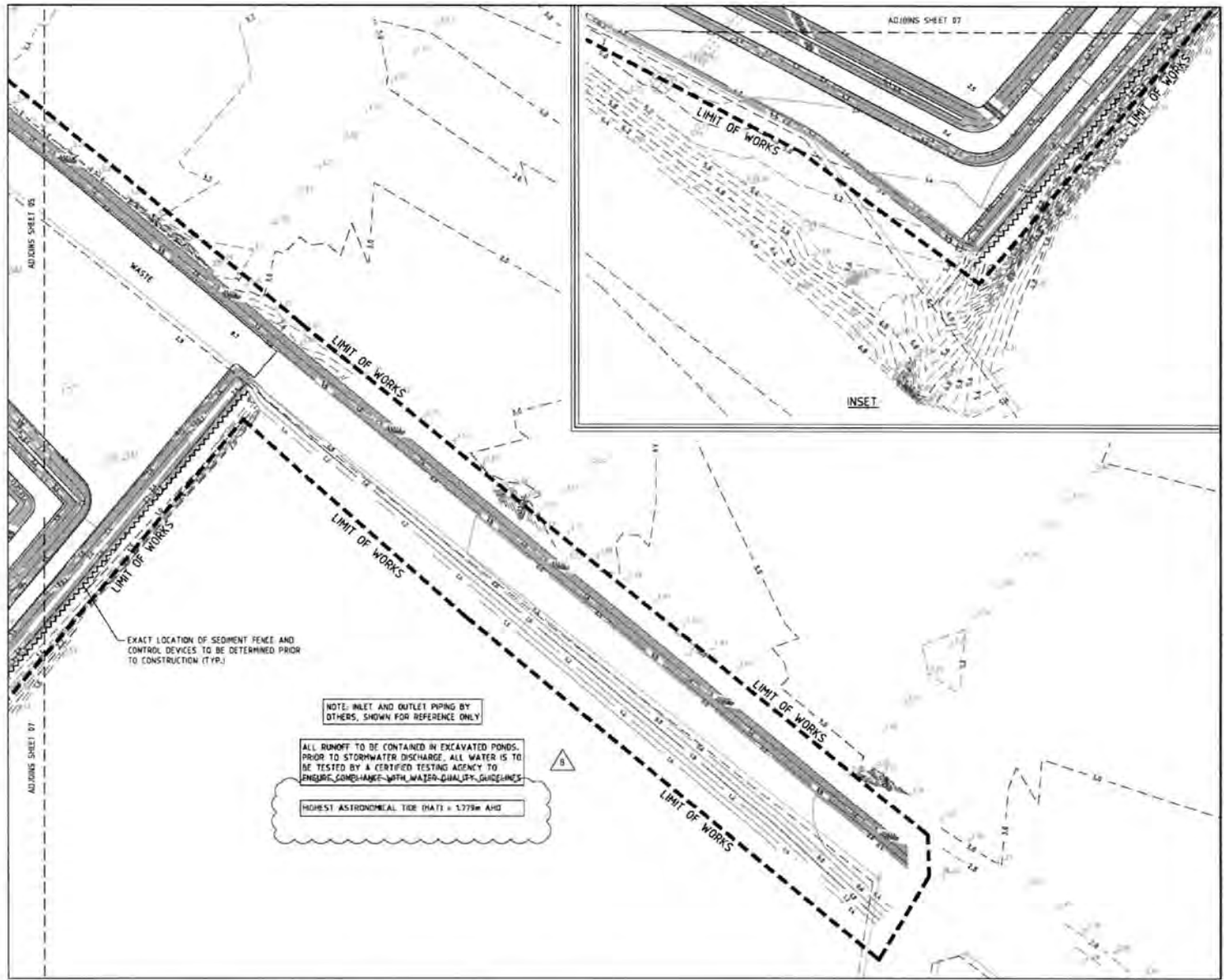






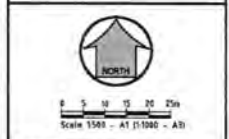






PROJECT NAME  
**MOSSMAN**  
 CHANGE OF LEVEL OF LAND  
 BULK EARTHWORKS-STAGE 01 & 02  
 R.F. DESCRIPTION  
 LOT 8, 4053  
 MOSSMAN PARK

CLIENT  
**GOLD COAST MARINE  
 AQUACULTURE**



ISSUES	DATE
OWNER	10/01/18
CONTRACTOR	

NO.	DATE	DESCRIPTION
1	25/01/18	ISSUE 001
2	25/01/18	ISSUE 002

PREPARED BY: **MR MORTON**  
 CHECKED BY: **MR MORTON**

ALL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH 300-NOTES AND 002-LEGEND

ASSOCIATED CONSULTANTS

DRAWING TITLE  
**GENERAL ARRANGEMENT  
 SEDIMENT & EROSION  
 CONTROL PLAN  
 SHEET 08**

**MORTONS**  
 urban solutions  
 Urban & Regional Planning  
 Civil Engineering  
 Project Coordination

M/S Pty Ltd T/A  
 Mortons Urban Solutions  
 ABN 38 78 875 865

Postal Address  
 100 Box 2166  
 Southport QLD 4215

mortons@urbansolutions.com.au  
 www.urbansolutions.com.au

Gold Coast Office  
 Suite 6, 79 Sheri St  
 Southport QLD 4215

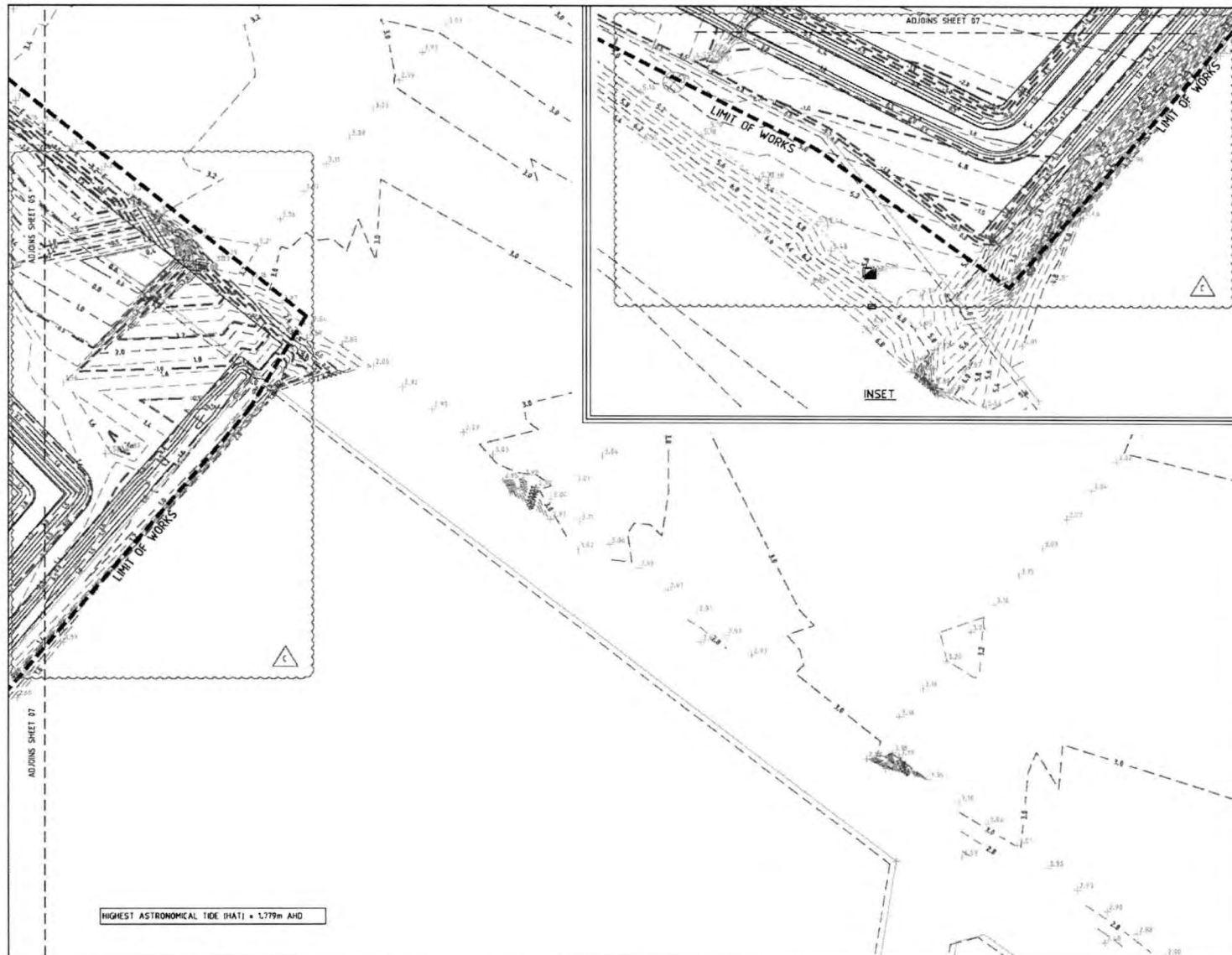
DATE: 10/01/18  
 DRAWN BY: MR MORTON  
 CHECKED BY: MR MORTON

DRAWING NUMBER: **307-01-017**  
 REVISION: **B**

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PROJECT NAME  
**MOSSMAN**  
 CHANGE OF LEVEL OF LAND  
 BULK EARTHWORKS-STAGE 01 & 02  
 N.P. DESCRIPTION  
 LOT 8, 8R33  
 MOSSMAN FARM

CLIENT  
**GOLD COAST MARINE  
 AQUACULTURE**

  
 NORTH

0 5 10 15 20 25m  
 Scale 1:500 - A1 (1:1000 - A3)

ISSUES	DATE
TENDER	
CONTRACT	20-07-16
CONSTRUCTION	

NO.	DATE	REVISION
1	20-07-16	ISSUES REVIEWED
2	21-07-16	NOTE ADDED
3	21-07-16	CHECK DONE

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ASSOCIATED CONSULTANTS

DRAWING TITLE  
**BULK EARTHWORKS  
 CUTFILL PLAN  
 SHEET 08**

  
**MORTONS**  
 urbansolutions  
 Urban & Regional Planning  
 Civil Engineering  
 Project Coordination

MUS, Pty Ltd 17/8a  
 Mortons-Urban Solutions  
 ADM 31 76 375 645  
 www.mortonsurbansolutions.net.au  
 Tel: 67 5571 5886  
 Fax: 67 5571 5888

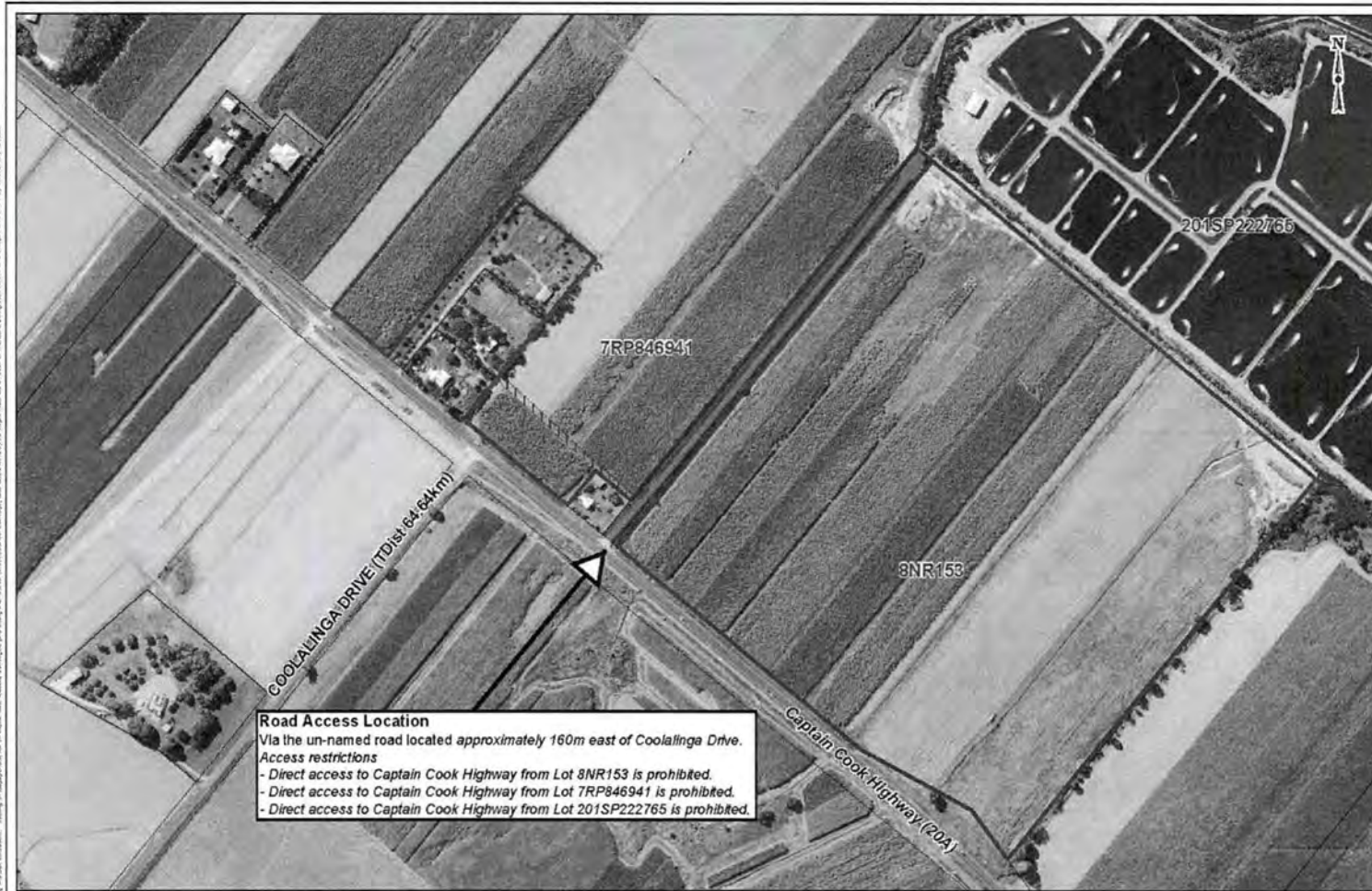
Postal Address  
 PO Box 2184  
 Southport QLD 4275  
 Gold Coast Office  
 Suite 2, 19 Church St  
 Southport QLD 4275

DRAWING NO: 307-01-037  
 DATE: 20-07-16  
 SCALE: 1:500  
 SHEET: 28-56-15  
 PROJECT: 307-01-037  
 CLIENT: C

I:\mossman\024906\gold\_coast\_marine\_aquaculture\p02m\01 - mossman\024906\gold\_coast\_marine\_aquaculture\01-020.dwg, CUT FILL PLAN-SHEET 08, 20/07/2016 10:18:11 AM

HIGHEST ASTRONOMICAL TIDE (HAT) = 1.779m AHD





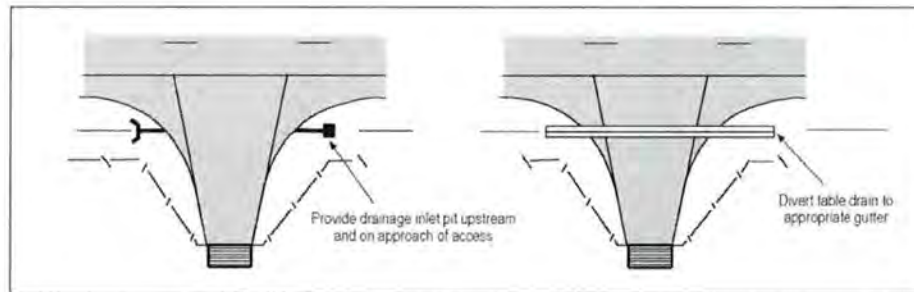
**Road Access Location**  
 Via the un-named road located approximately 160m east of Coolalinga Drive.  
**Access restrictions**

- Direct access to Captain Cook Highway from Lot 8NR153 is prohibited.
- Direct access to Captain Cook Highway from Lot 7RP846941 is prohibited.
- Direct access to Captain Cook Highway from Lot 201SP222765 is prohibited.

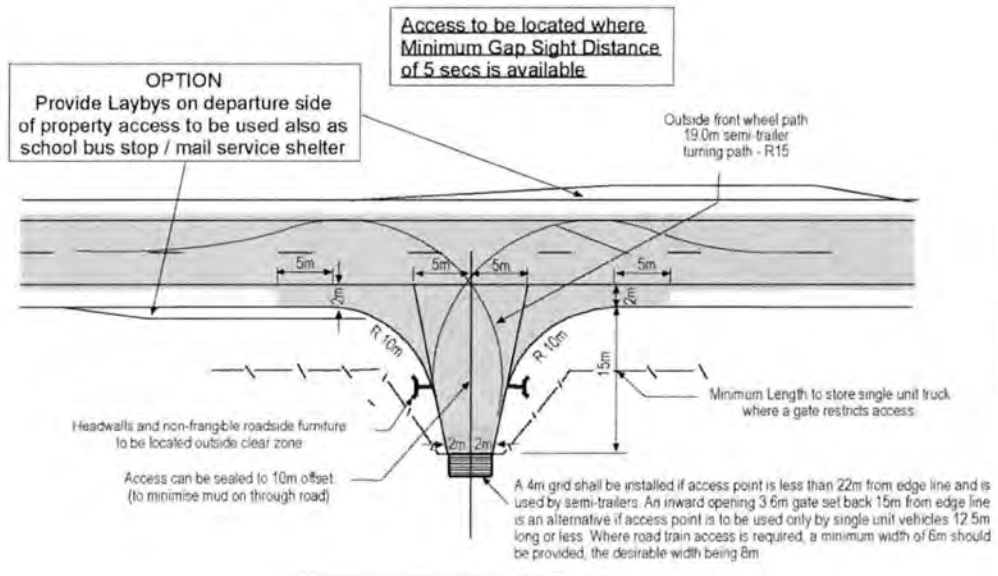
Branch/Unit :	Corridor Management/Far North Region
Project/lot :	
Datum :	Geocentric Datum of Australia (GDA) 1994
SUBJECT LAND	

**TMR Layout Plan  
 (20A - 64.48km)**

Queensland Government Transport and Main Roads		
Plan No:	1/1	Issue: A Date: 17/11/2015
Drawn by:	RPK	File ref: 275/20A (500-934)



ALTERNATE TREATMENTS FOR TABLE DRAIN CROSSING





Department of Infrastructure,  
Local Government and Planning

Our reference: SDA-0317-038203  
Your reference: MCU17/0020

6 June 2017

The Chief Executive Officer  
Noosa Council  
PO Box 141  
TEWANTIN QLD 4565  
mail@noosa.qld.gov.au

Attn: Mr Patrick Murphy

Dear Mr Murphy

**Amended concurrence agency response – with conditions**

3 Sanders Street, Noosaville

(Given under section 290(1)(b) of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning (the department) issued a concurrence agency response under section 285 of the *Sustainable Planning Act 2009* on 25 May 2017. On 1 June 2017 the department received representations from the applicant under section 320(1) of the Act requesting that the department amend its concurrence agency response under section 290(1)(b)(i) of the Act.

The department has considered the written representations and agrees to issue the following amended concurrence agency response.

**Applicant details**

---

Applicant name: Martoo Consulting  
Applicant contact details: PO Box 1864, Noosa Heads QLD 4567

**Site details**

---

Street address: 3 Sanders Street, Noosaville  
Lot on plan: Lot 250 on CP839190  
Local government area: Noosa Council



### Application details

Proposed development: Development Permit for a Material Change of Use for Aquaculture (Animal Husbandry – Type 2 – Intensive)

### Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development Permit	Aquaculture for production of native saltwater fish within above ground tanks	Impact Assessment

### Referral triggers

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger Schedule 7, Table 2, Item 28 – Aquaculture

### Amended conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the amended conditions set out in Attachment 1 must be attached to any development approval.

### Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

### Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

### Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/ Issue
<b>Aspect of development: Material Change of Use</b>				
Hatchery Site Plan	Bobbie Tomlinson	3 March 2017	0104	-

The applicant has provided written agreement to this amended concurrence agency response, as attached.

For further information, please contact Kieran Hanna, Principal Planning Officer, SARA SEQ West on (07) 3432 2404, or email IpswichSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Ursula O'Donnell  
**Manager – Planning**

enc: Attachment 1—Amended conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Further advice  
Applicant written agreement to amended concurrence agency response

cc: Department of Agriculture and Fisheries, [planningassessment@daf.qld.gov.au](mailto:planningassessment@daf.qld.gov.au)  
Martoo Consulting, [jack@martooconsulting.com](mailto:jack@martooconsulting.com)

Our reference: SDA-0317-038203

Your reference: MCU17/0020

**Attachment 1—Amended conditions to be imposed**

No.	Conditions	Condition timing																
<b>Development Permit for Material Change of Use for Animal Husbandry Type 2 Intensive (Aquaculture)</b>																		
Aquaculture—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Agriculture and Fisheries (DAF) to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:																		
1.	<p>The maximum pond area associated with the aquaculture facility is limited to a maximum pond area of 243m<sup>2</sup>, and must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> <li>Hatchery Site Plan, reference 0104, prepared by Bobbie Tomlinson and dated 3 March 2017.</li> </ul> <p>The aquaculture facility must be carried out generally in accordance with the following plan:</p> <ul style="list-style-type: none"> <li>Hatchery Site Plan, reference 0104, prepared by Bobbie Tomlinson and dated 3 March 2017.</li> </ul>	At all times																
2.	Provide written notice to DAF Fisheries QLD (at <a href="mailto:notifications@daf.qld.gov.au">notifications@daf.qld.gov.au</a> ), when the aquaculture facility use has started. The written notice must state this concurrence agency response reference number, being SDA-0317-038203.	Within 20 days of the commencement of the use																
3.	<p>The operator is authorised to conduct aquaculture on and harvest the following species only:</p> <table border="0"> <thead> <tr> <th><u>Common Name</u></th> <th><u>Scientific Name</u></th> </tr> </thead> <tbody> <tr> <td>Queensland Grouper</td> <td><i>Epinephelus lanceolatus</i></td> </tr> <tr> <td>Barramundi</td> <td><i>Lates calcarifer</i></td> </tr> <tr> <td>Flowery Cod</td> <td><i>Epinephelus fuscoguttatus</i></td> </tr> <tr> <td>Cobia</td> <td><i>Rachycentron canadum</i></td> </tr> <tr> <td>Barramundi Cod</td> <td><i>Cromileptes altivelis</i></td> </tr> <tr> <td>Maori Wrasse</td> <td><i>Cheilinus undulates</i></td> </tr> <tr> <td>Mud crab</td> <td><i>Scylla serrata</i></td> </tr> </tbody> </table>	<u>Common Name</u>	<u>Scientific Name</u>	Queensland Grouper	<i>Epinephelus lanceolatus</i>	Barramundi	<i>Lates calcarifer</i>	Flowery Cod	<i>Epinephelus fuscoguttatus</i>	Cobia	<i>Rachycentron canadum</i>	Barramundi Cod	<i>Cromileptes altivelis</i>	Maori Wrasse	<i>Cheilinus undulates</i>	Mud crab	<i>Scylla serrata</i>	At all times
<u>Common Name</u>	<u>Scientific Name</u>																	
Queensland Grouper	<i>Epinephelus lanceolatus</i>																	
Barramundi	<i>Lates calcarifer</i>																	
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Maori Wrasse	<i>Cheilinus undulates</i>																	
Mud crab	<i>Scylla serrata</i>																	
4.	<p>Inform the Department of Agriculture and fisheries (via <a href="mailto:notifications@daf.qld.gov.au">notifications@daf.qld.gov.au</a>) of any changes to the personal contact details for this development approval.</p> <p><i>Note: Forms for reporting a change in contact details can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals">https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals</a></i></p>	Within 28 days of changes to contact details																



No.	Conditions	Condition timing
5.	<p>Submit an aquaculture production return/survey in the approved form to the Department of Agriculture and fisheries (via <a href="mailto:notifications@daf.qld.gov.au">notifications@daf.qld.gov.au</a> ). This includes lodging a nil return when no activity has occurred.</p> <p><i>Note: The requirement to complete the production survey is a mandatory condition imposed on all holders of a current aquaculture development approval. Fisheries QLD contact aquaculture operators on an annual basis to complete the survey.</i></p>	By close of business on the 31 July each year
6.	Aquaculture fisheries resources must not be released into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ) other than the tanks associated with the aquaculture use.	At all times
7.	Unless otherwise authorised by DAF Fisheries QLD, aquaculture fisheries resources must not be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	Upon commencement of the use and to be maintained
8.	<p>The movement of animals of any species cultivated under this deemed approval must comply with the relevant species specific health protocol. If a species being cultivated under this deemed approval does not have species specific health protocol conditions:</p> <p>(a) Animals of a species approved for aquaculture under this development approval must not be brought into Queensland for rearing without a health certificate or pathology report issued by the exporting state or territory's fisheries, or a veterinary authority certifying the animals health, which must include a statement that the specimens originate from:</p> <ul style="list-style-type: none"> <li>(i) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the World Organisation for Animal Health (OIE) <i>Manual of Diagnostic Tests for Aquatic Animals</i>, current edition (Fifth edition 2006 or later) [or subsequent version thereof] for recognition as free from infection;</li> <li>(ii) a hatchery, farm, aquaculture premises or region in which an appropriately targeted surveillance scheme over 2 years has been undertaken under the supervision of state or territory fisheries agencies or fisheries-approved veterinary authorities, and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE <i>Manual of Diagnostic Tests for Aquatic Animals</i>, current edition (Fifth edition 2006 or later) [or subsequent version thereof], have been met; or</li> <li>(iii) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to DAF Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</li> <li>(iv) Animals of an aquatic species that is not finfish,</li> </ul>	At all times

No.	Conditions	Condition timing
	<p>crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species.</p> <p>(b) Animals of a species approved for aquaculture under this development approval must not be brought into Queensland for rearing without a health certificate or pathology report issued by the exporting state or territory's fisheries, or a veterinary authority certifying the animals health, which must include a statement that the specimens originate from:</p> <ul style="list-style-type: none"> <li>(i) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the World Organisation for Animal Health (OIE) <i>Manual of Diagnostic Tests for Aquatic Animals</i>, current edition (Fifth edition 2006 or later) [or subsequent version thereof] for recognition as free from infection;</li> <li>(ii) a hatchery, farm, aquaculture premises or region in which an appropriately targeted surveillance scheme over 2 years has been undertaken under the supervision of state or territory fisheries agencies or fisheries-approved veterinary authorities, and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE <i>Manual of Diagnostic Tests for Aquatic Animals</i>, current edition (Fifth edition 2006 or later) [or subsequent version thereof], have been met; or</li> <li>(iii) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to DAF Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</li> <li>(iv) Animals of an aquatic species that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species.</li> </ul> <p>(c) Animals of a species approved for aquaculture under this development approval must not be brought into Queensland for rearing unless an "Application to allow the translocation of live aquatic animals into and within Queensland form" (FDU1398) and pathology report has been completed and the Department of Agriculture and Fisheries (assessing authority) has provided written acknowledgement and approval of the application and the pathology report.</p> <p>The "Application to allow the translocation of live aquatic animals into and within Queensland form" and a signed copy of the pathology report (as detailed above) must be provided to the Department of Agriculture and Fisheries (assessing</p>	



No.	Conditions	Condition timing
	<p>authority) a minimum of 3 working days prior to all shipments into Queensland. It is a requirement that the pathology report/ health certificate is dated no more than 14 days before shipment date.</p> <p>After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the Queensland Boating and Fisheries Patrol. If directed by the Department of Agriculture and Fisheries (assessing authority) officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.</p>	
9.	The possession and use of 'regulated fishing apparatus' under the <i>Fisheries Regulation 2008</i> , Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved aquaculture area	At all times
10.	<p>Construct and maintain all ponds and tanks to:</p> <ul style="list-style-type: none"> <li>(i) avoid leakage;</li> <li>(ii) maintain a minimum 50cm freeboard from overtopping; and</li> <li>(iii) minimise biosecurity and disease risks.</li> </ul>	Prior to the commencement of use and to be maintained
11.	All ponds, tanks and the drainage system must be designed and constructed to control the flow/release of water.	At all times
12.	Screen all ponds and tanks in such a way as to prevent the escape of any aquaculture specimens (eggs, juveniles or adults) into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ).	At all times
13.	Screen all intake waters to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved aquaculture area.	At all times
14.	<p>The following must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during business hours:</p> <ul style="list-style-type: none"> <li>(i) the development approval, including this concurrence agency response;</li> <li>(ii) any areas which are used for activities related to the approved aquaculture operation (including processing);</li> <li>(iii) all records relating to the aquaculture activity.</li> </ul>	At all times
15.	Broodstock and/or culture stock must only be obtained from a person with a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.	At all times
16.	The movement of all barramundi must comply with the "Health Protocol for the Importation and Movement of Live Barramundi (FAMPR002)".	At all times



Our reference: SDA-0317-038203

Your reference: MCU17/0020

### **Attachment 2—Amended reasons for decision to impose conditions**

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The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure the aquaculture facility is designed and managed to prevent impacts on fisheries resources and fish habitats.
- To facilitate the monitoring of the aquaculture facility for compliance purposes.
- To ensure the development avoids and protects identified fish habitats and fisheries resources.
- To ensure the development will not increase the risk of mortality, disease or injury, compromise the health and productivity of fisheries resources.
- To ensure that broodstock is not collected from the wild without the correct permit.

Our reference: SDA-0317-038203  
 Your reference: MCU17/0020

### **Attachment 3—Amended further advice**

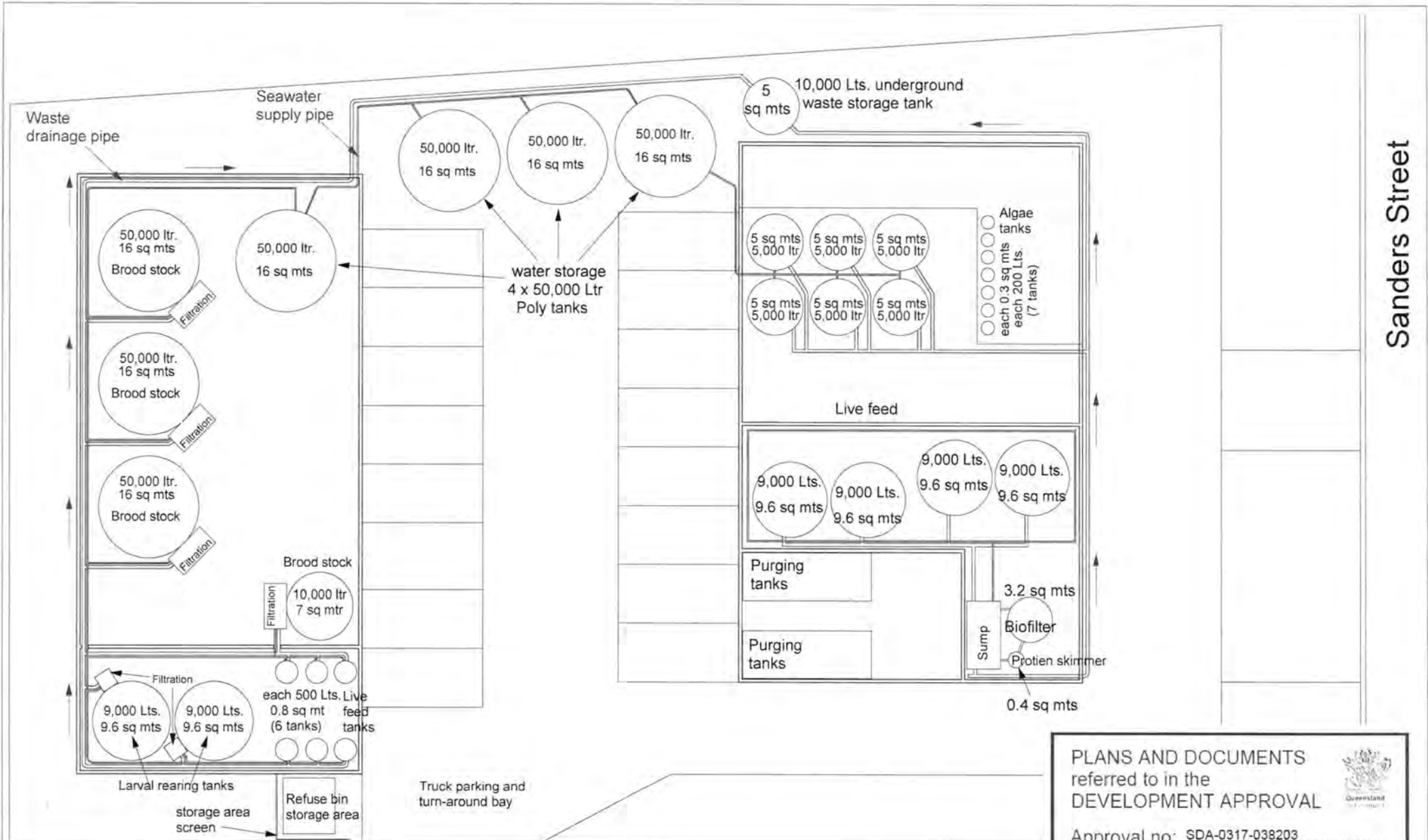
<b>General advice</b>	
1.	The authority holder must be familiar with general biosecurity obligations under section 23 of <i>Biosecurity Act</i> 2014.
2.	<p>This approval does not permit the collection of broodstock from the wild.</p> <p>To obtain broodstock or culture stock for the purpose of aquaculture, the authority holder must be familiar with:</p> <ul style="list-style-type: none"> <li>• the Department of Agriculture, Fisheries (DAF) guideline on "Broodstock and Culture stock collection", and</li> <li>• the Australian Government Great Barrier Reef Marine Park Authority (GBRMPA) "Policy on Managing Activities that include the Direct Take of a Protected Species from the Great Barrier Reef Marine Park".</li> </ul>

Our reference: SDA-0317-038203  
Your reference: MCU17/0020

**Attachment 4—Approved plans and specifications**

---





Sanders Street

PLANS AND DOCUMENTS referred to in the DEVELOPMENT APPROVAL

Approval no: SDA-0317-038203

Date: 6 June 2017

Josh McNally  
Phone 04 0972 3829

Drawn by Bobbie Tomlinson	<b>Hatchery site plan</b>
Date 3 March 2017	
Scale Not to scale	
copyright 2017 Grouper industries	Drawing No. 0104

**HPE CM: RE: Change Condition 1 - [SDA-0317-038203] SARA concurrence agency response - Condition 1**

Jack Lewis <jack@martooconsulting.com>

Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

Tue 6/06/2017 2:48 PM

IpswichSARA

Hi Kieran

The applicant agrees to the changes. Thanks for your prompt response.

Regards,

**Jack Lewis**

*Senior Town Planner*

**martoo consulting pty ltd**

0406 334 227

town planners + urban designers +  
development managers



**SUNSHINECOAST**

13/6-12 Bottlebrush Ave NOOSA HEADS  
PH: 07 5447 2550  
PO BOX 1684, Noosa Heads, Qld 4567

**GYMPIE**

38 Nash St GYMPIE  
PH: 07 5482 7440  
PO BOX 391, Gympie Qld 4570

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Department of Infrastructure,  
Local Government and Planning

Our reference: SDA-0317-037692  
Your reference: GC16-396-T01

16 May 2017

The Chief Executive  
Bundaberg Regional Council  
PO Box 3130  
Bundaberg QLD 4670

Email: [ceo@bundaberg.qld.gov.au](mailto:ceo@bundaberg.qld.gov.au)

Dear Sir/Madam

**Concurrence agency response—with conditions**

Abington Aquaculture – Proposed aquaculture facility at 510 Abington Road, Abington, otherwise described as Lot 71 on CK2941.

(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 4 May 2017.

**Applicant details**

---

Applicant name: Abington Aquaculture Pty Ltd C/- Insite SJC  
Applicant contact details: PO Box 1688  
Bundaberg QLD 4670  
[shane@insitesjc.com.au](mailto:shane@insitesjc.com.au)

**Site details**

---

Street address: 510 Abington Road, Abington  
Lot on plan: Lot 71 on CK2941  
Local government area: Bundaberg Regional Council

**Application details**

---

Page 1

Wide Bay - Burnett Region  
Level 1, 7 Takalvan Street  
PO Box 979  
Bundaberg QLD 4670





For further information, please contact Chris Adamson on (07) 3452 7661, or email [chris.adamson@dilgp.qld.gov.au](mailto:chris.adamson@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to be 'C Adamson', with a long horizontal stroke extending to the right.

Chris Adamson  
A/Manager

cc: Abington Aquaculture Pty Ltd C/- Insite SJC, [shane@insitesjc.com.au](mailto:shane@insitesjc.com.au)  
enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for imposing conditions  
Attachment 3—Approved Plans and Specifications

Our reference: SDA-0317-037692

Your reference: GC16-396-T01

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing																
<b>Material change of use for aquaculture</b>																		
Aquaculture—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Agriculture and Fisheries (DAF) to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:																		
1.	<p>The water surface area associated with the hatchery tanks, spawn tanks, stock dams, grow out fingerling dams and fish raceways/runs is limited to a combined maximum area of 5.5 hectares, and must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> <li>i. Plan of Existing Site and Adjoining Uses (as amended in red), prepared by Insite SJC, dated January 2017, plan reference GC16-396-T01 – Sheet 1</li> <li>ii. Proposed concrete fish runs – Site Plan, prepared by John Gatley Building Designs, dated 25 September 2016, plan reference 6531-02.</li> </ul>	At all times.																
2.	<p>The operator is authorised to conduct aquaculture on and harvest the following species only:</p> <table border="0" data-bbox="352 1205 959 1570"> <thead> <tr> <th data-bbox="352 1205 544 1234"><u>Common Name</u></th> <th data-bbox="655 1205 847 1234"><u>Scientific Name</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="352 1249 539 1279">Australian bass</td> <td data-bbox="655 1249 959 1279"><i>Macquaria novemaculeata</i></td> </tr> <tr> <td data-bbox="352 1294 539 1323">Barcoo grunter</td> <td data-bbox="655 1294 842 1323"><i>Scortum barcoo</i></td> </tr> <tr> <td data-bbox="352 1339 496 1368">Barramundi</td> <td data-bbox="655 1339 831 1368"><i>Lates calcarifer</i></td> </tr> <tr> <td data-bbox="352 1384 523 1413">Golden perch</td> <td data-bbox="655 1384 879 1413"><i>Macquaria ambigua</i></td> </tr> <tr> <td data-bbox="352 1429 539 1458">Mangrove jack</td> <td data-bbox="655 1429 959 1458"><i>Lutjanus argentimaculatus</i></td> </tr> <tr> <td data-bbox="352 1473 496 1503">Silver perch</td> <td data-bbox="655 1473 863 1503"><i>Bidyanus bidyanus</i></td> </tr> <tr> <td data-bbox="352 1518 523 1547">Sooty Grunter</td> <td data-bbox="655 1518 927 1547"><i>Hephaestus Fuliginosus</i></td> </tr> </tbody> </table>	<u>Common Name</u>	<u>Scientific Name</u>	Australian bass	<i>Macquaria novemaculeata</i>	Barcoo grunter	<i>Scortum barcoo</i>	Barramundi	<i>Lates calcarifer</i>	Golden perch	<i>Macquaria ambigua</i>	Mangrove jack	<i>Lutjanus argentimaculatus</i>	Silver perch	<i>Bidyanus bidyanus</i>	Sooty Grunter	<i>Hephaestus Fuliginosus</i>	At all times.
<u>Common Name</u>	<u>Scientific Name</u>																	
Australian bass	<i>Macquaria novemaculeata</i>																	
Barcoo grunter	<i>Scortum barcoo</i>																	
Barramundi	<i>Lates calcarifer</i>																	
Golden perch	<i>Macquaria ambigua</i>																	
Mangrove jack	<i>Lutjanus argentimaculatus</i>																	
Silver perch	<i>Bidyanus bidyanus</i>																	
Sooty Grunter	<i>Hephaestus Fuliginosus</i>																	
3.	Provide written notice to the DAF Fisheries QLD (at <a href="mailto:notifications@daf.qld.gov.au">notifications@daf.qld.gov.au</a> ), when the aquaculture use has started. The written notice must state this concurrence agency response reference number, being SDA-0317-037692.	Within 28 days of the commencement of the use.																
4.	<p>a) Submit to the DAF Fisheries QLD (at <a href="mailto:notifications@daf.qld.gov.au">notifications@daf.qld.gov.au</a>), the following information:</p> <ul style="list-style-type: none"> <li>i. Scale plans/drawings that show the water distribution system for the aquaculture use, demonstrating that: the risk of impacts to the natural environment has been mitigated; system leakage has been avoided; and, biosecurity and disease risks have been minimised. The plans/drawings must include the water supply system to</li> </ul>	<p>a) Prior to the commencement of works.</p> <p>b) Prior to the commencement of use.</p>																



No.	Conditions	Condition timing
	<p>the production ponds and the concrete fish raceways/runs and the drainage system from the production ponds and concrete fish raceways/runs to the settlement pond.</p> <p>ii. A scale floor plan of the hatchery demonstrating that the design will maintain the integrity of the aquaculture product and allow for the management of disease. The scale floor plan must include the quarantine facility, broodstock facility, larval rearing, nursery, sites for hand wash and footbaths between quarantine and non-quarantine areas, and the water distribution system for the hatchery facility, including water supply and the drainage system and filtration system.</p> <p>b) Construct the development in accordance with the plans/drawings submitted under part a) of this condition.</p>	
5.	<p>a) Submit to the DAF Fisheries QLD (at <a href="mailto:notifications@daf.qld.gov.au">notifications@daf.qld.gov.au</a>), a disease management plan for the hatchery. The disease management plan must be prepared by a suitably qualified and experienced person and include procedures that detail hatchery biosecurity and sanitation standard operating procedures on a day to day basis and in the event of a disease outbreak, quarantine practices proposed for new stock entering the hatchery, storage capacity for all dead fish and location and disposal procedures for dead fish.</p> <p><i>Note: A suitably qualified and experienced person for the purpose of preparing a disease management plan means a person who has qualifications and demonstrable experience in fisheries biology and the disease management of fisheries/aquaculture activities.</i></p> <p>b) Conduct the aquaculture use in accordance with the disease management plan submitted under part a) of this condition.</p>	<p>a) Prior to the commencement of the use.</p> <p>b) At all times.</p>
6.	<p>Unless otherwise authorised by DAF Fisheries QLD, aquaculture fisheries resources must not be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.</p>	<p>At all times.</p>
7.	<p>a) The movement of animals of any species cultivated must comply with the relevant Department of Agriculture and Fisheries species specific health protocol.</p> <p>b) If the species being cultivated does not have a species specific health protocol, the following requirements apply:</p> <p>i. Animals of a species approved for aquaculture must not be brought into Queensland for rearing without a health certificate or pathology report issued by the exporting state or territory's fisheries, or a veterinary authority certifying the animals health, which must include a</p>	<p>a) At all times.</p> <p>b) i. At all times.</p> <p>b) ii. At all times or as indicated within the condition.</p>

No.	Conditions	Condition timing
	<p>statement that the specimens originate from:</p> <ul style="list-style-type: none"> <li>• a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the <i>OIE Manual of Diagnostic Tests for Aquatic Animals</i>, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or</li> <li>▪ a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over 2 years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the <i>OIE Manual of Diagnostic Tests for Aquatic Animals</i>, current edition (Fourth Edition 2003 or later) have been met; or</li> <li>• a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to DAF Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</li> </ul> <p>ii. Animals of a species approved for aquaculture must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" (FDU1398) and Pathology Report has been completed and DAF has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.</p> <p>The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be provided to DAF (at <a href="mailto:translocation@daf.qld.gov.au">translocation@daf.qld.gov.au</a>), a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date.</p> <p>After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the Queensland Boating and Fisheries Patrol. If directed by an officer of DAF, specimens must be forwarded to a veterinary laboratory as directed by the officer.</p>	
8.	<p>Aquaculture fisheries resources must not be released into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i>) other than the hatchery/spawn tanks, grow out fingerling dams, fish raceways/runs and stock dams associated with the aquaculture use.</p>	At all times.



No.	Conditions	Condition timing
9.	All ponds, tanks, fish raceways/runs and the drainage system must be designed and constructed to manually control the flow/release of water.	Prior to the commencement of use and to be maintained.
10.	Water used for aquaculture is not to be discharged such that it is able to enter waterways. If not reused immediately, all excess water used for aquaculture is retained in a settlement pond until reuse.	At all times.
11.	All waters associated with the aquaculture use (ponds, tanks, aquaria drainage systems etc.) are screened in such a way to prevent the escape of any aquaculture specimens (eggs, juveniles or adults) into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ), other than the hatchery/spawn tanks, grow out fingerling dams, fish raceways/runs and stock dams associated with the aquaculture use.	Prior to the commencement of use and to be maintained.
12.	Where new water is introduced to the aquaculture use, the water is screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the aquaculture area/use.	At all times.
13.	Ponds must be designed and constructed to maintain a minimum 50cm freeboard from overtopping.	Prior to the commencement of use and to be maintained.
14.	Tanks and fish raceways/runs must be designed, constructed and maintained to prevent overflow.	At all times.
15.	All ponds, tanks, fish raceways/runs and the drainage system used to cultivate aquaculture fisheries resources must be designed and constructed with the lowest point of the top of wall at or above the height of the Q100 flood level.	Prior to the commencement of use and to be maintained.
16.	All ponds used for treatment and settlement: <ul style="list-style-type: none"> <li data-bbox="384 1285 1086 1375">i. must be designed and constructed with the lowest point of the top of wall at or above the height of the Q50 flood level</li> <li data-bbox="384 1375 1086 1413">ii. are not used for production or bioremediation.</li> </ul>	Prior to the commencement of use and to be maintained.
17.	All ponds, tanks, fish raceways/runs and the drainage system must be designed and constructed to prevent the ingress of stormwater run-off.	Prior to the commencement of use and to be maintained.
18.	The following must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during business hours: <ul style="list-style-type: none"> <li data-bbox="384 1599 1062 1666">i. the development approval, including this concurrence agency response</li> <li data-bbox="384 1666 1062 1733">ii. any areas which are used for activities related to the approved aquaculture operation (including processing).</li> </ul>	At all times.
19.	The possession and use of "regulated fishing apparatus" under the <i>Fisheries Regulation 2008</i> , Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the aquaculture area.	At all times.
20.	An aquaculture production return/survey must be submitted in the approved form to the DAF Fisheries QLD (at <a href="mailto:notifications@daf.qld.gov.au">notifications@daf.qld.gov.au</a> ). This includes lodging a nil return when no activity has occurred.	By close of business on 31 July each year, until the use has ceased or is



No.	Conditions	Condition timing
	<p><i>Note: The requirement to complete the production survey is a mandatory condition imposed on all holders of a current aquaculture development approval. DAF Fisheries QLD contact aquaculture operators on an annual basis to complete the survey.</i></p>	abandoned.
<p>Vegetation clearing—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the Act nominates the Director-General of the Department of Natural Resources and Mines to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:</p>		
21.	<p>Clearing of category B regulated vegetation is limited to the 'Areas of Category B vegetation clearing' as shown in red on the following plan:</p> <ul style="list-style-type: none"> <li>i Plan of Existing Site and Adjoining Uses (as amended in red), prepared by Insite SJC, dated January 2017, plan reference GC16-396-T01 – Sheet 1.</li> </ul>	At all times.

Our reference: SDA-0317-037692

Your reference: GC16-396-T01

## **Attachment 2—Reasons for imposing conditions**

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The reasons for imposing conditions are:

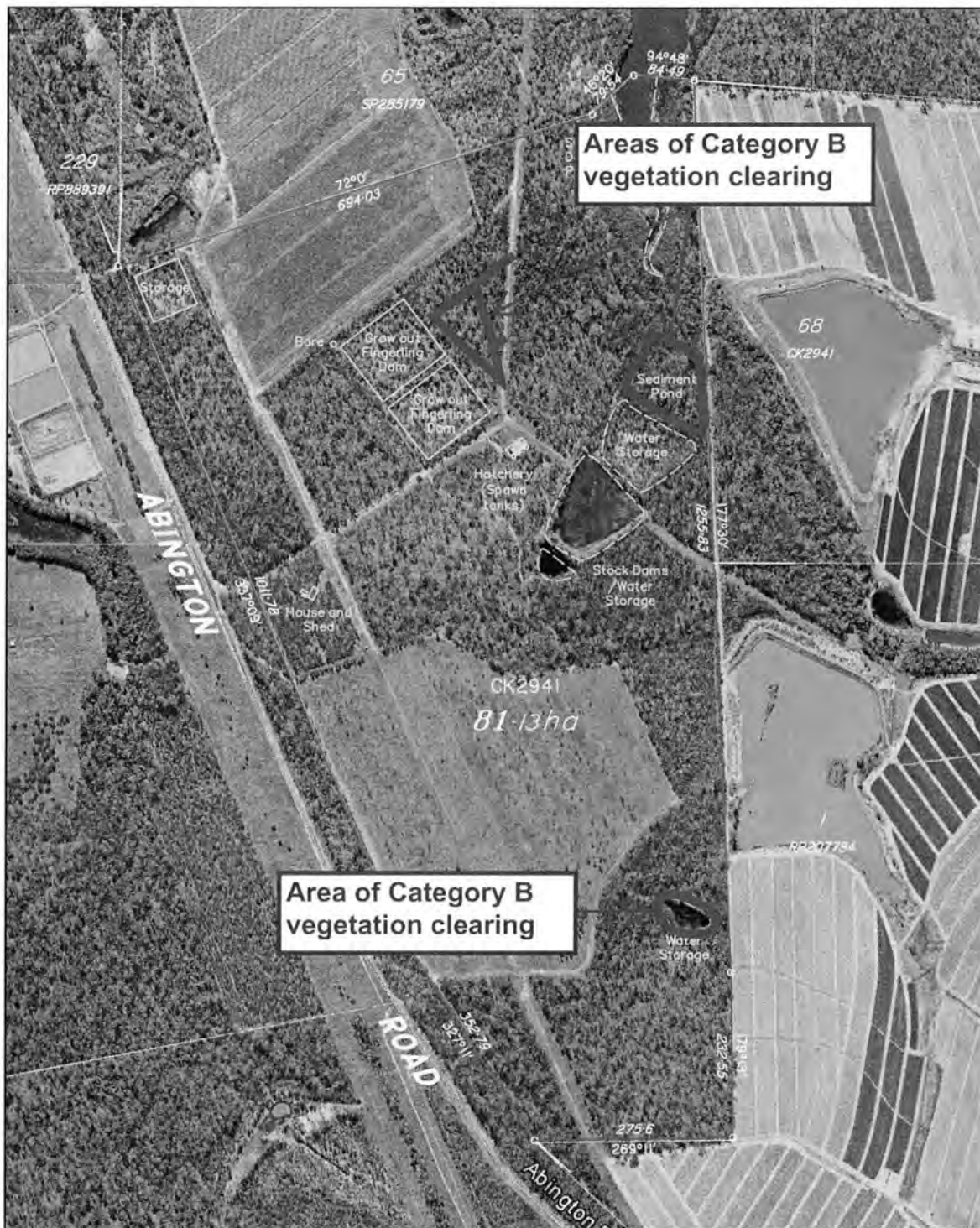
- To ensure the aquaculture facility is designed, constructed and managed to prevent impacts on fisheries resources and fish habitats.
- To ensure the aquaculture facility is designed, constructed and managed to mitigate the risk of impacts to the natural environment.
- To ensure the aquaculture facility is designed to allow for management (prevention, control and eradication) of disease and to maintain the integrity of the aquaculture product.
- To ensure the aquaculture facility is designed and constructed to minimise the escape or accidental release of aquaculture fisheries resources.
- To ensure the development is carried out in accordance with the plan of development in order to protect regulated vegetation on the site.

Our reference: SDA-0317-037692  
Your reference: GC16-396-T01

**Attachment 3—Approved plans**

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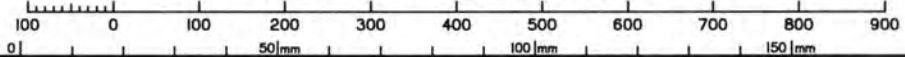
**Area of Category B  
vegetation clearing**

**Areas of Category B  
vegetation clearing**

Indicative due to lack of updated aerial photography data.

Amended in red by DILGP - 11 May 2017

Scale 1:6000 - Lengths are in Metres.



**Insite SJC**  
 67 Barolin Street  
 PO Box 1688  
 BUNDABERG QLD 4670  
 ABN 62 329 746 562  
 Phone: 07 4151 6677  
 admin@insitesjc.com.au  
 www.insitesjc.com.au

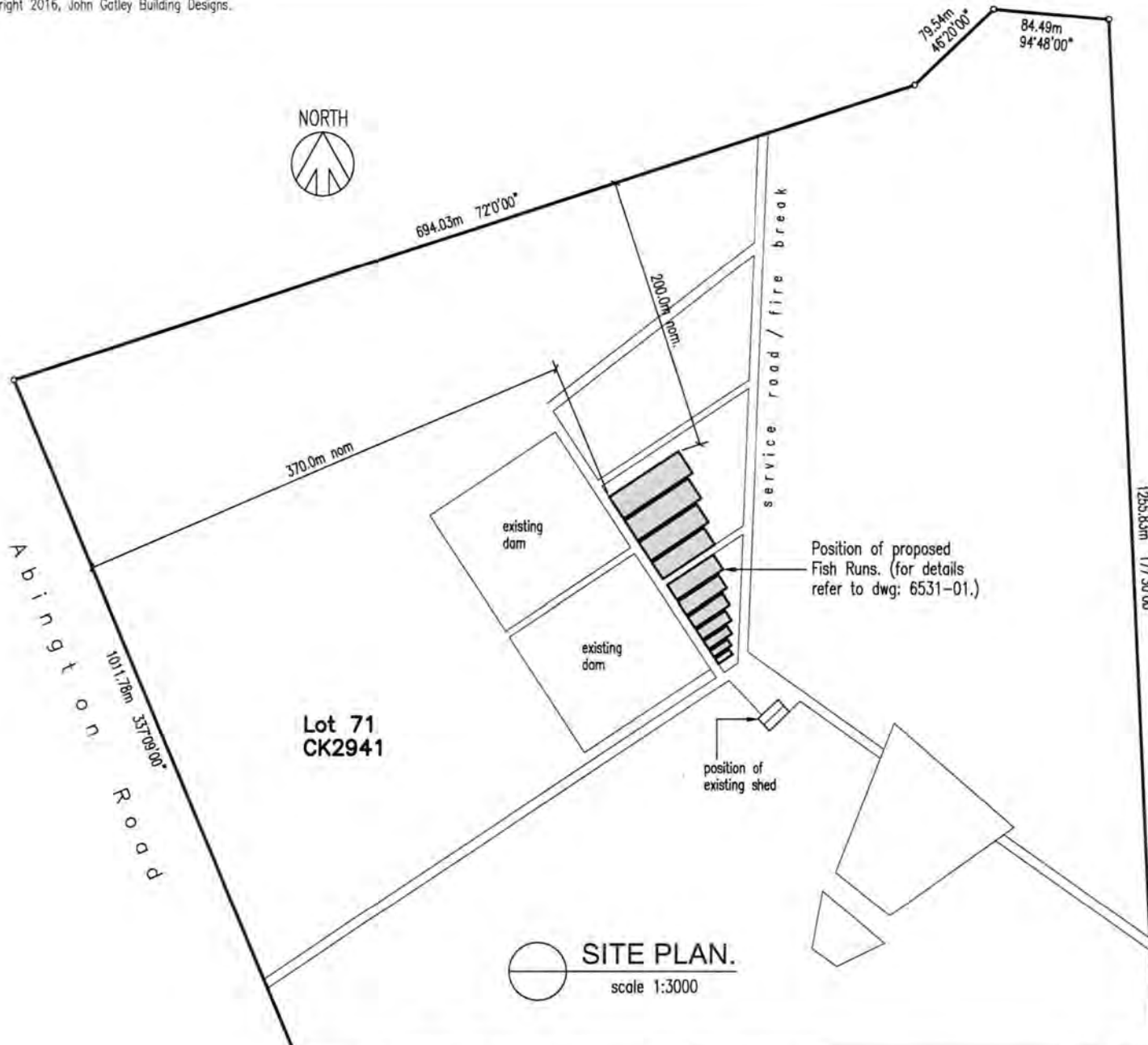
**PLAN OF EXISTING SITE AND ADJOINING USES**  
 Lot 71 on CK2941  
 510 Abbington Road, Abbington

PARISH of **ISIS**  
 COUNTY of **Cook**  
 CLIENT: Abbington Aquaculture Pty Ltd  
 SCALE: **1:6000** at A3


**PROPOSAL PLAN ONLY**  
 Not to be used for contractual purposes.  
 Areas & Dimensions are approximate only & subject to Council's Conditions of approval & final survey.

PLANNING SCHEME:  
 BUNDABERG 2015  
 LOCALITY: ABINGTON  
 LOCAL GOVERNMENT: BUNDABERG R.C.

DESIGN <i>SB</i>	DRAWN <i>RP</i>	CHECKED <i>SB</i>	PLAN REFERENCE No. <b>GC16-396 -T01</b>
DATE <i>Jan. 2017</i>	DATE <i>Jan. 2017</i>	DATE <i>Jan. 2017</i>	



**SITE PLAN.**  
scale 1:3000

 <p>Q.B.S.A. No: 1010905 P.O. Box 1530 Bundaberg, 4670 Ph: (07) 41531183 Fax: (07) 41523958</p>	<p>Title: PROPOSED CONCRETE FISH RUNS ABINGTON FISH FARM, LOT 71, ABINGTON RD. SITE PLAN</p>	<p>Drawn by: J.G.</p>	<p>Revision No:</p>	<p>All unsealed drawings are to be presented "unapproved for construction". Any manually deleted changes or details that have not been indicated by the designer have NOT been approved by the designer. Signed:</p>
		<p>Scale: 1:3000</p>	<p>Drawing No: <b>6531-02</b></p>	
		<p>Date: 25/9/16</p>		





Department of Infrastructure,  
Local Government and Planning

Our reference: SDA-0517-039735

16 August 2017

Aquafarms Queensland Pty Ltd  
PO Box 7287  
URANGAN QLD 4655  
[fraserislandclams@gmail.com](mailto:fraserislandclams@gmail.com)

**Attention: Mr David Williams**

Dear Mr Williams

**Notice of decision**

Tidal waters off Lot 915 on FTY1775 – Resource Allocation Authority Site 42 under the Great Sandy Region Marine Aquaculture Plan, Tinnanbar  
(Given under Section 334 of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning advises that the development application described below has been approved subject to conditions.

**Applicant details**

---

Applicant name: Aquafarms Queensland Pty Ltd  
[fraserislandclams@gmail.com](mailto:fraserislandclams@gmail.com)

**Site details**

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Location: Tidal waters off Lot 915 on FTY1775 - Resource Allocation Authority (RAA) Site 42 under the Great Sandy Region Marine Aquaculture Plan (GSRMAP), Tinnanbar

Latitude/Longitude: -25.74399 / 152.94236  
-25.73710 / 152.94806  
-25.74028 / 152.95191  
-25.74718 / 152.94623  
(Datum GDA 1994)



**Application details**

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Proposed development:      Development Permit for Material Change of Use –  
Aquaculture (Sea Ranching)

A Decision Notice for this application is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the *Sustainable Planning Act 2009*
- any plans and specifications approved in relation to the decision notice.

If you require any further information, please contact Peter Mulcahy, Principal Planning Officer on (07) 4331 5614 or via email at [WBBSARA@dilgp.qld.gov.au](mailto:WBBSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Anthony Walsh  
**Manager (Planning)**

encl:    Decision notice  
         Attachment 1—Assessment manager conditions  
         Attachment 2—Reasons for decision to impose conditions  
         Attachment 3—Further advice  
         Attachment 4—SPA appeal provisions  
         Attachment 5—Approved plans and specifications

**Decision notice**(Given under Section 334 of the *Sustainable Planning Act 2009*)**Applicant details**

---

Applicant name: Aquafarms Queensland Pty Ltd  
 Applicant contact details: PO Box 7287  
 URANGAN QLD 4655  
[fraserislandclams@gmail.com](mailto:fraserislandclams@gmail.com)

**Application details**

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Level of assessment: Code Assessment  
 Properly made date: 14 June 2017

**Site details**

---

Location: Tidal waters off Lot 915 on FTY1775 - Resource Allocation Authority (RAA) Site 42 under the Great Sandy Region Marine Aquaculture Plan (GSRMAP), Tinnanbar

Latitude/Longitude: -25.74399 / 152.94236  
 -25.73710 / 152.94806  
 -25.74028 / 152.95191  
 -25.74718 / 152.94623  
 (Datum GDA 1994)

**Decision**

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Date of decision: 16 August 2017  
 Decision details: Approved subject to conditions  
 This application is taken to have been approved under Section 331 of the *Sustainable Planning Act 2009*.

**Referral agencies**

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There were no referral agencies for this application.

**Conditions**

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This approval is subject to:

- the Assessment Manager conditions in Attachment 1
- there are no Concurrence Agency conditions for this approval.

The Department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under Section 255D(3) of the *Sustainable*

*Planning Act 2009.*

### Aspects of development and development approval granted

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development Permit	Aquaculture (Sea Ranching)	Code Assessment

### Properly made submissions

Not applicable—No part of the application required impact assessment.

### Rights of appeal

The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in Chapter 7, Part 1, Division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see Chapter 7, Part 2 of the Act).

Copies of the relevant appeal provisions are attached.

### Relevant period for the approval

This development approval will lapse if development is not started within the relevant periods stated in Section 341 of the Act, specifically four (4) years.

### Approved plans and specifications

Copies of the following approved plans and specifications are attached:

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
<b>Aspect of development: Development Permit for Material Change of Use – Aquaculture (Sea Ranching)</b>				
<i>Fisheries Queensland Approved Plan</i>	Department of Agriculture and Fisheries	7 March 2017	2017BCA0152	-



Our reference: SDA-0517-039735

**Attachment 1—Assessment manager conditions**

No.	Conditions of development approval	Condition timing
Development Permit for Material Change of Use – Aquaculture (Sea Ranching)		
Schedule 6, Table 3, Item 10 of the <i>Sustainable Planning Regulation 2009</i> —Pursuant to Section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Agriculture and Fisheries to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
General		
1.	The operator is authorised to conduct aquaculture on and harvest the following approved species: Common Name: <b>Sand Fish scabra</b> Scientific Name: <b>Holothuria (Metriatyla)</b>  Hereafter referred to as the "approved species".	Prior to the commencement of use and to be maintained at all times.
2.	The ranching of the approved species is limited to a combined maximum area of 49.66 hectares, within the Approved Aquaculture Boundary as shown in the following plan: <ul style="list-style-type: none"> <li>Fisheries Queensland Approved Plan, 2017BCA0152, dated 7 March 2017.</li> </ul>	Prior to the commencement of use and to be maintained at all times.
3.	Provide written notice to <a href="mailto:notifications@daf.qld.gov.au">notifications@daf.qld.gov.au</a> , when the development authorised under this approval: <p>(a) will start; and</p> <p>(b) when it has been completed.</p> <p>These notices must state this permit number <b>SDA-0517-039735</b>.</p>	(a) At least five (5) business days but no greater than twenty business days prior to the commencement of the works.  (b) Within 15 business days of the completion of the fisheries development works.
Development and construction of an aquaculture facility generally		
4.	This aquaculture development constitutes a place that is required to be open for inspection by an inspector at all times, pursuant to Section 145 of the <i>Fisheries Act 1994</i> .	At all times.
5.	Inform the assessing authority Department of Agriculture and Fisheries via <a href="mailto:notifications@daf.qld.gov.au">notifications@daf.qld.gov.au</a> of any changes to the personal contact details for this development approval. <i>Note: Forms for reporting a change in contact details can be found at</i>	Within 28 days of change to personal contact details

No.	Conditions of development approval	Condition timing
	<a href="https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals">https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals</a>	
6.	Aquaculture fisheries resources must not be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	At all times.
7.	Provide an annual aquaculture production return in the approved form to the Department of Agriculture and Fisheries. This includes lodging a nil return when no activity has occurred. <i>Note: This is an information requirement pursuant to Section 118 of the Fisheries Act 1994. Details on how to lodge and electronic aquaculture production return will be sent to operators annually.</i>	By close of business on the 31 July each year.
8.	Aquaculture fisheries resources must not be released into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ) with the exception of the approved species within the Aquaculture Area Boundary shown on drawing: Fisheries Queensland Approved Plan, 2017BCA0152, dated 7 March 2017. <i>Note: It is an offence under the Fisheries Act 1994 to unlawfully release aquaculture fisheries resources, or cause aquaculture fisheries resources to be released, into Queensland waters. Maximum penalty—2000 penalty units.</i>	At all times.
9.	The movement of fisheries resources into, or within, Queensland must comply with: <ul style="list-style-type: none"><li>☐ Health protocol for movement of aquatic animals for aquaculture in Queensland</li></ul> <i>Note: Health protocols and application form FDU1398 can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies">https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies</a></i> <i>Note: Commonwealth quarantine protocols must be successfully completed for the relevant organisms of any species prior to their introduction to the approved aquaculture area.</i>	At all times.
Tidal aquaculture development		
10.	(a) Provide to Department of Agriculture and Fisheries via <a href="mailto:notifications@daf.qld.gov.au">notifications@daf.qld.gov.au</a> identification of the persons undertaking aquaculture activities on the approved aquaculture area under this development approval. The notification must state this permit number <b>SDA-0517-039735</b> .  (b) Only persons who have been identified in writing as operating under this development approval may assist in aquaculture activities on the approved aquaculture area.	(a) Prior to the commencement of use and to be maintained at all times.  (b) Upon commencement of the use and to be maintained at all times.
11.	The approved aquaculture area must be kept free from hazards that may endanger a person, person's property or the environment.	At all times.
12.	Broodstock must be sufficient in number to ensure that genetic variation within the product avoids risks that the operation may	At all times.



No.	Conditions of development approval	Condition timing
	pose to the genetic diversity of the resident population/s of the species and/or impacts to associated ecosystems.	
13.	Any stock, including spat, culture stock and/or broodstock must be sourced, or is to have originated, from stock from the Hervey Bay area. The Hervey Bay area is determined to be from Sandy Cape to Burnett Heads in the north to Hook Point to Inskip Point in the south, including all Queensland waters within these boundaries but excluding any Department of Defence areas.	At all times.
14.	This development approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.	At all times.
15.	<p>This development approval authorises the use of boat(s) identified as A0688 in aquaculture activities and:</p> <ul style="list-style-type: none"> <li>a) the identification must be displayed on each side of the boat above the water line, where it can be clearly seen; and</li> <li>b) the identification letters and numbers must be in block capitals that are a minimum height of 200 mm; and</li> <li>c) the identification must be dark displayed upon a light background or light displayed upon a dark background; and</li> <li>d) the identification is to kept legible and conspicuously displayed on the boat(s).</li> </ul>	At all times.
16.	<p>Any boat exhibiting the symbol A0688 and being used for the purposes of sea ranching aquaculture under this authority, must:</p> <ul style="list-style-type: none"> <li>(a) notify the nearest Queensland Boating and Fisheries Patrol (QBFP) office at least 24 hours prior to any operation to advise when and where the activities will occur and describe the details of the vessel (e.g. boat mark); and</li> <li>(b) have a copy of the aquaculture approval on board at all times.</li> </ul>	At all times.
17.	Where aquaculture equipment or product are cleaned on board a vessel or a platform, wastewater and waste generated by cleaning shall be screened to remove solids prior to wash water being discharged to Queensland waters.	At all times.
18.	Aquaculture furniture must not be placed within the boundaries of the approved aquaculture area.	At all times.
19.	Harvesting may only occur by hand.	At all times.



Our reference: SDA-0517-039735

## **Attachment 2—Reasons for decision to impose conditions**

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- To ensure the aquaculture facility is designed and managed to prevent impact on fisheries resources and fish habitats
- To clarify the extent and nature of the approved aquaculture area
- To facilitate the monitoring of the development works for compliance purposes
- Allow inspections of aquaculture operations – enforcement
- Section 73(3) of the *Fisheries Act 1994* states that within 21 days after a change in circumstances prescribed under a regulation or a management plan, the holder of an authority must give the Chief Executive written particulars of the change in the approved form (failure to do so is an offence provision attracting a maximum of 300 penalty units)
- Minimise risk of spread of disease
- To enable the Department of Agriculture and Fisheries (DAF) to meet State and Commonwealth (ABARE) reporting requirements
- To protect Queensland fisheries resources
- Translocation requirements to protect fisheries resources and aquaculture industry
- To assist Department of Agriculture and Fisheries officers and inspectors to administer, monitor and undertake required enforcement against unauthorised fishing in an approved aquaculture area
- To prevent harm to fish habitats
- To ensure genetic variation

Our reference: SDA-0517-039735

### Attachment 3—Further advice

<b>Aquaculture advice</b>
<p>Immediately report any unusual clinical signs or mortalities of any fisheries resources brought into Queensland, to the Queensland Boating and Fisheries Patrol. If directed, specimens must be forwarded to a veterinary laboratory.</p> <p><i>Note: Information on reporting disease in aquaculture can be found at <a href="https://www.business.qld.gov.au/industry/fisheries/aquaculture/health-pests-and-diseases-of-aquaculture/managingdisease-in-aquaculture-farms/identifying-and-reporting-disease-in-aquaculture">https://www.business.qld.gov.au/industry/fisheries/aquaculture/health-pests-and-diseases-of-aquaculture/managingdisease-in-aquaculture-farms/identifying-and-reporting-disease-in-aquaculture</a></i></p>
<p>This approval does not permit the harvest of broodstock and culture stock.</p> <p><i>Note: Broodstock and/or culture stock may be purchased from the holder of an authority or licence that authorises the sale of the approved species. In Queensland, this includes from a commercial fisher holding an appropriate Fisheries Act 1994 licence.</i></p> <p><i>Note: Forms to apply for the collection of broodstock or culture stock for aquaculture under a Fisheries Act 1994 General Fisheries Permit can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals">https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals</a></i></p> <p><i>Note: Depending on the species sought and its location, additional permits may be required under other legislation, for example the Environmental Protection and Biodiversity Conservation Act 1999, the Great Barrier Reef Marine Park Act 1975, the Nature Conservation Act 1992.</i></p>
<p>This approval does not provide any entitlement to access or harvest an aquaculture fisheries resource that becomes an unauthorised escape or release, including but not limited to:</p> <ul style="list-style-type: none"> <li>a) animal(s) stocked within the approved aquaculture area that move outside the area; or</li> <li>b) spawn or progeny of an aquaculture fisheries resource should such eggs, larvae, juveniles or adult progeny become distributed outside of the approved aquaculture area.</li> </ul> <p>The responsibility for any impact of unauthorised escapes or releases of aquaculture fisheries resources is with the operator. Additional permits may be required under the <i>Fisheries Act 1994</i> to authorise processes required to be readily available to effectively manage this risk.</p>
<p>Development on or in Queensland coastal waters or waterways or on unallocated tidal State land can only occur if a Resource Allocation Authority (RAA) under the <i>Fisheries Act 1994</i> is held and the aquaculture is consistent with the prescribed aquaculture specified on the RAA.</p>

Our reference: SDA-0517-039735

## Attachment 4—SPA Appeal Provisions

### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with Section 336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

#### **Part 8 Dealing with decision notices and approvals**

#### **Division 1 Changing decision notices and approvals during applicant's appeal period**

#### **360 Application of div 1**

This division applies only during the applicant's appeal period.

#### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant cannot make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

#### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

#### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the **negotiated decision notice**) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or
    - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.



- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

#### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

#### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
- if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
- the refusal, or the refusal in part, of the development application;
  - any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - the decision to give a preliminary approval when a development permit was applied for;
  - the length of a period mentioned in section 341;
  - a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
- if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

##### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—

- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
- (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
- (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
- (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
- i. a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - ii. a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
- (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.



**466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

**Division 11 Making and appeal to Court****481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

**482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (b) the assessment manager for the development application to which the notice relates; and



- (c) any entity that was a concurrence agency for the development application to which the notice relates; and
- (d) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - i. the assessment manager is the respondent; and
  - ii. if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - iii. any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

**488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

**490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

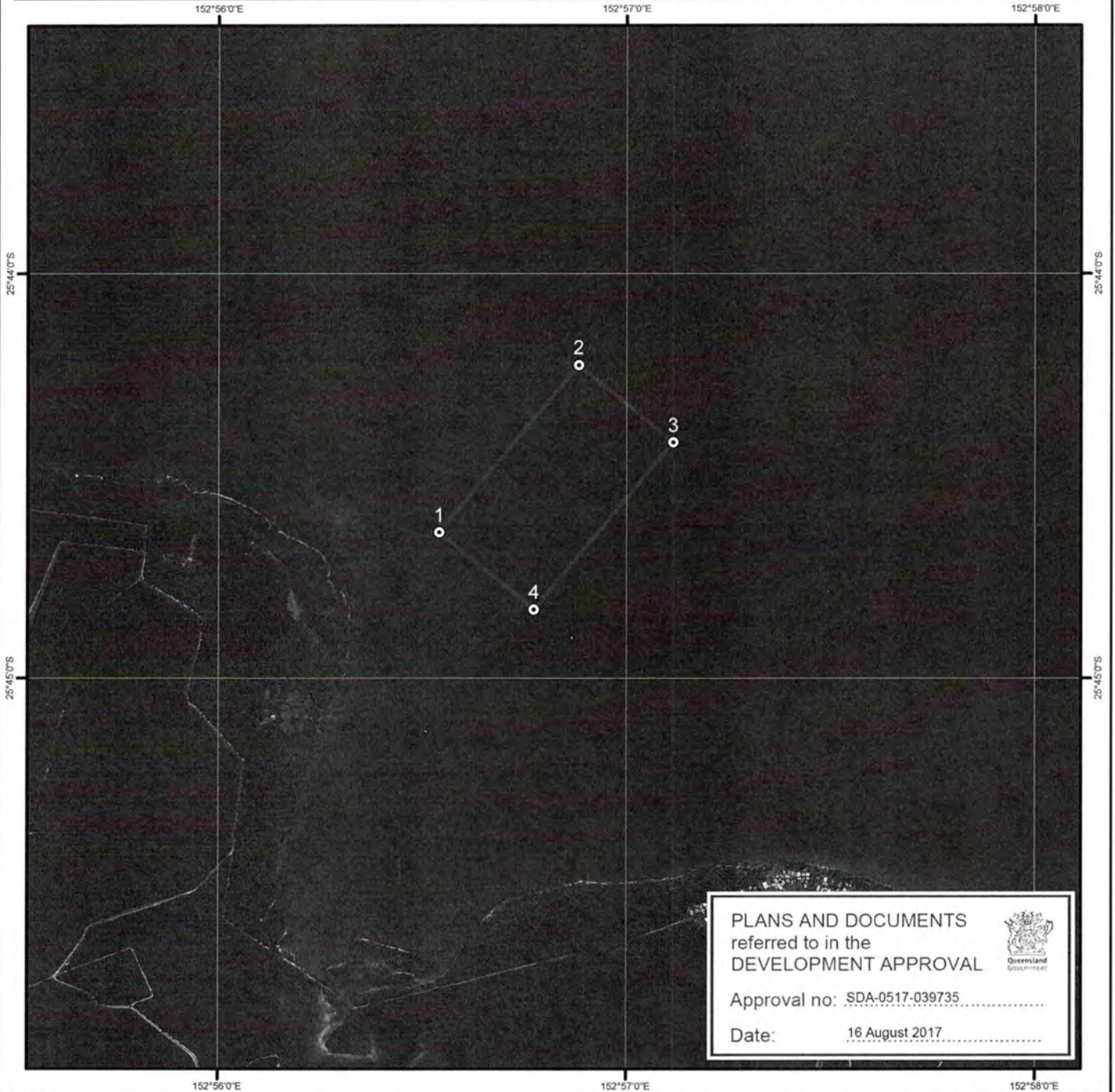
Our reference: SDA-0517-039735

**Attachment 5—Approved plans and specifications**

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# Fisheries Queensland Approved Plan




PLANS AND DOCUMENTS referred to in the DEVELOPMENT APPROVAL

Approval no: SDA-0517-039735

Date: 16 August 2017



Date	A.A	Area (ha.)	Plan No.	RAA No.	Authorised Officer	Date
7/03/2017	A.A.0152	49.66	2017BCA0152	2017BC0152		



Author: Department of Agriculture and Fisheries  
 Map Date: 7/03/2017  
 Co-ord Sys: GCS GDA 1994  
 Datum: GDA 1994  
 Units: Degree



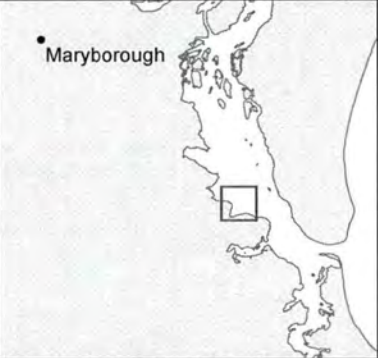
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While every care is taken to ensure the accuracy of these data, all data custodians and/or the State of Queensland makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs to which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.

**Legend**

- Corners
- Aquaculture Area Boundary

Point	Latitude	Longitude
1	-25.74399	152.94236
2	-25.7371	152.94806
3	-25.74028	152.95191
4	-25.74718	152.94623





Department of Infrastructure,  
Local Government and Planning

Our reference: SDA-0517-039740

16 August 2017

Aquafarms Queensland Pty Ltd  
PO Box 7287  
URANGAN QLD 4655  
[fraserislandclams@gmail.com](mailto:fraserislandclams@gmail.com)

**Attention: Mr David Williams**

Dear Mr Williams

**Notice of decision**

Tidal waters off Lot 28 on SP103952 – Resource Allocation Authority Site 802 under the Great Sandy Region Marine Aquaculture Plan, Inskip Point  
(Given under Section 334 of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning advises that the development application described below has been approved subject to conditions.

**Applicant details**

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Applicant name: Aquafarms Queensland Pty Ltd  
[fraserislandclams@gmail.com](mailto:fraserislandclams@gmail.com)

**Site details**

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Location: Tidal waters off Lot 28 on SP103952 - Resource Allocation Authority (RAA) Site 802 under the Great Sandy Region Marine Aquaculture Plan (GSRMAP), Inskip Point

Latitude/Longitude: -25.817223 / 153.063101  
-25.819601 / 153.065601  
-25.818701 / 153.066501  
-25.816301 / 153.063901  
(Datum GDA 1994)



**Application details**

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Proposed development:      Development Permit for Material Change of Use –  
Aquaculture (Sea Ranching)

A Decision Notice for this application is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the *Sustainable Planning Act 2009*
- any plans and specifications approved in relation to the decision notice.

If you require any further information, please contact Peter Mulcahy, Principal Planning Officer on (07) 4331 5614 or via email at [WBBSARA@dilgp.qld.gov.au](mailto:WBBSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Anthony Walsh  
**Manager (Planning)**

encl:    Decision notice  
         Attachment 1—Assessment manager conditions  
         Attachment 2—Reasons for decision to impose conditions  
         Attachment 3—Further advice  
         Attachment 4—SPA appeal provisions  
         Attachment 5—Approved plans and specifications



**Decision notice**

(Given under Section 334 of the *Sustainable Planning Act 2009*)

**Applicant details**


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Applicant name: Aquafarms Queensland Pty Ltd  
 Applicant contact details: PO Box 7287  
 URANGAN QLD 4655  
[fraserislandclams@gmail.com](mailto:fraserislandclams@gmail.com)

**Application details**


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Level of assessment: Code Assessment  
 Properly made date: 26 June 2017

**Site details**


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Location: Tidal waters off Lot 28 on SP103852 - Resource Allocation Authority (RAA) Site 802 under the Great Sandy Region Marine Aquaculture Plan (GSRMAP), Inskip Point  
 Latitude/Longitude: -25.817223 / 153.063101  
 -25.819601 / 153.065601  
 -25.818701 / 153.066501  
 -25.816301 / 153.063901  
 (Datum GDA 1994)

**Decision**


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Date of decision: 16 August 2017  
 Decision details: Approved subject to conditions

This application is taken to have been approved under Section 331 of the *Sustainable Planning Act 2009*.

**Referral agencies**


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There were no referral agencies for this application.

**Conditions**


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This approval is subject to:

- the Assessment Manager conditions in Attachment 1
- there are no Concurrence Agency conditions for this approval.

The Department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under Section 255D(3) of the *Sustainable Planning Act 2009*.

### Aspects of development and development approval granted

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development Permit	Aquaculture (Sea Ranching)	Code Assessment

### Properly made submissions

Not applicable—No part of the application required impact assessment.

### Rights of appeal

The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in Chapter 7, Part 1, Division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see Chapter 7, Part 2 of the Act).

Copies of the relevant appeal provisions are attached.

### Relevant period for the approval

This development approval will lapse if development is not started within the relevant periods stated in Section 341 of the Act, specifically four (4) years.

### Approved plans and specifications

Copies of the following approved plans and specifications are attached:

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
<b>Aspect of development: Development Permit for Material Change of Use – Aquaculture (Sea Ranching)</b>				
<i>Fisheries Queensland Approved Plan</i>	Department of Agriculture and Fisheries	24 February 2015	2104BCA0689	-





No.	Conditions of development approval	Condition timing
	<a href="https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals">https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals</a>	
6.	Aquaculture fisheries resources must not be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	At all times.
7.	Provide an annual aquaculture production return in the approved form to the Department of Agriculture and Fisheries. This includes lodging a nil return when no activity has occurred. <i>Note: This is an information requirement pursuant to Section 118 of the Fisheries Act 1994. Details on how to lodge and electronic aquaculture production return will be sent to operators annually.</i>	By close of business on the 31 July each year.
8.	Aquaculture fisheries resources must not be released into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ) with the exception of the approved species within the Aquaculture Area Boundary shown on drawing: Fisheries Queensland Approved Plan, 2014BCA0689, dated 24 February 2015. <i>Note: It is an offence under the Fisheries Act 1994 to unlawfully release aquaculture fisheries resources, or cause aquaculture fisheries resources to be released, into Queensland waters. Maximum penalty—2000 penalty units.</i>	At all times.
9.	The movement of fisheries resources into, or within, Queensland must comply with: Health protocol for movement of aquatic animals for aquaculture in Queensland <i>Note: Health protocols and application form FDU1398 can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies">https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies</a></i> <i>Note: Commonwealth quarantine protocols must be successfully completed for the relevant organisms of any species prior to their introduction to the approved aquaculture area.</i>	At all times.
Tidal aquaculture development		
10.	(a) Provide to Department of Agriculture and Fisheries via <a href="mailto:notifications@daf.qld.gov.au">notifications@daf.qld.gov.au</a> identification of the persons undertaking aquaculture activities on the approved aquaculture area under this development approval. The notification must state this permit number <b>SDA-0517-039740</b> .  (b) Only persons who have been identified in writing as operating under this development approval may assist in aquaculture activities on the approved aquaculture area.	(a) Prior to the commencement of use and to be maintained at all times.  (b) Upon commencement of the use and to be maintained at all times.
11.	The approved aquaculture area must be kept free from hazards that may endanger a person, person's property or the environment.	At all times.

No.	Conditions of development approval	Condition timing
12.	Broodstock must be sufficient in number to ensure that genetic variation within the product avoids risks that the operation may pose to the genetic diversity of the resident population/s of the species and/or impacts to associated ecosystems.	At all times.
13.	Any stock, including spat, culture stock and/or broodstock must be sourced, or is to have originated, from stock from the Hervey Bay area. The Hervey Bay area is determined to be from Sandy Cape to Burnett Heads in the north to Hook Point to Inskip Point in the south, including all Queensland waters within these boundaries but excluding any Department of Defence areas.	At all times.
14.	This development approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.	At all times.
15.	<p>This development approval authorises the use of boat(s) identified as A0688 in aquaculture activities and:</p> <ul style="list-style-type: none"> <li>a) the identification must be displayed on each side of the boat above the water line, where it can be clearly seen; and</li> <li>b) the identification letters and numbers must be in block capitals that are a minimum height of 200 mm; and</li> <li>c) the identification must be dark displayed upon a light background or light displayed upon a dark background; and</li> <li>d) the identification is to kept legible and conspicuously displayed on the boat(s).</li> </ul>	At all times.
16.	<p>Any boat exhibiting the symbol A0688 and being used for the purposes of sea ranching aquaculture under this authority, must:</p> <ul style="list-style-type: none"> <li>(a) notify the nearest Queensland Boating and Fisheries Patrol (QBFP) office at least 24 hours prior to any operation to advise when and where the activities will occur and describe the details of the vessel (e.g. boat mark); and</li> <li>(b) have a copy of the aquaculture approval on board at all times.</li> </ul>	At all times.
17.	Where aquaculture equipment or product are cleaned on board a vessel or a platform, wastewater and waste generated by cleaning shall be screened to remove solids prior to wash water being discharged to Queensland waters.	At all times.
18.	Aquaculture furniture must not be placed within the boundaries of the approved aquaculture area.	At all times.
19.	Harvesting may only occur by hand.	At all times.



Our reference: SDA-0517-039740

## **Attachment 2—Reasons for decision to impose conditions**

- To ensure the aquaculture facility is designed and managed to prevent impact on fisheries resources and fish habitats
- To clarify the extent and nature of the approved aquaculture area
- To facilitate the monitoring of the development works for compliance purposes
- Allow inspections of aquaculture operations – enforcement
- Section 73(3) of the *Fisheries Act 1994* states that within 21 days after a change in circumstances prescribed under a regulation or a management plan, the holder of an authority must give the Chief Executive written particulars of the change in the approved form (failure to do so is an offence provision attracting a maximum of 300 penalty units)
- Minimise risk of spread of disease
- To enable the Department of Agriculture and Fisheries (DAF) to meet State and Commonwealth (ABARE) reporting requirements
- To protect Queensland fisheries resources
- Translocation requirements to protect fisheries resources and aquaculture industry
- To assist Department of Agriculture and Fisheries officers and inspectors to administer, monitor and undertake required enforcement against unauthorised fishing in an approved aquaculture area
- To prevent harm to fish habitats
- To ensure genetic variation



Our reference: SDA-0517-039740

### Attachment 3—Further advice

<b>Aquaculture advice</b>
<p>Immediately report any unusual clinical signs or mortalities of any fisheries resources brought into Queensland, to the Queensland Boating and Fisheries Patrol. If directed, specimens must be forwarded to a veterinary laboratory.</p> <p><i>Note: Information on reporting disease in aquaculture can be found at <a href="https://www.business.qld.gov.au/industry/fisheries/aquaculture/health-pests-and-diseases-of-aquaculture/managing-disease-in-aquaculture-farms/identifying-and-reporting-disease-in-aquaculture">https://www.business.qld.gov.au/industry/fisheries/aquaculture/health-pests-and-diseases-of-aquaculture/managing-disease-in-aquaculture-farms/identifying-and-reporting-disease-in-aquaculture</a></i></p>
<p>This approval does not permit the harvest of broodstock and culture stock.</p> <p><i>Note: Broodstock and/or culture stock may be purchased from the holder of an authority or licence that authorises the sale of the approved species. In Queensland, this includes from a commercial fisher holding an appropriate Fisheries Act 1994 licence.</i></p> <p><i>Note: Forms to apply for the collection of broodstock or culture stock for aquaculture under a Fisheries Act 1994 General Fisheries Permit can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals">https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals</a></i></p> <p><i>Note: Depending on the species sought and its location, additional permits may be required under other legislation, for example the Environmental Protection and Biodiversity Conservation Act 1999, the Great Barrier Reef Marine Park Act 1975, the Nature Conservation Act 1992.</i></p>
<p>This approval does not provide any entitlement to access or harvest an aquaculture fisheries resource that becomes an unauthorised escape or release, including but not limited to:</p> <ul style="list-style-type: none"> <li>a) animal(s) stocked within the approved aquaculture area that move outside the area; or</li> <li>b) spawn or progeny of an aquaculture fisheries resource should such eggs, larvae, juveniles or adult progeny become distributed outside of the approved aquaculture area.</li> </ul> <p>The responsibility for any impact of unauthorized escapes or releases of aquaculture fisheries resources is with the operator. Additional permits may be required under the Fisheries Act 1994 to authorise processes required to be readily available to effectively manage this risk.</p>
<p>Development on or in Queensland waters or on unallocated tidal State land can only occur if a Resource Allocation Authority (RAA) under the <i>Fisheries Act 1994</i> is held and the aquaculture is consistent with the prescribed aquaculture specified on the RAA.</p>

Our reference: SDA-0517-039740

## Attachment 4—SPA Appeal Provisions

### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with Section 336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

##### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

##### **360 Application of div 1**

This division applies only during the applicant's appeal period.

##### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant cannot make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

##### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

##### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the **negotiated decision notice**) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or
    - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.



- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

#### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

#### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
- if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
- the refusal, or the refusal in part, of the development application;
  - any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - the decision to give a preliminary approval when a development permit was applied for;
  - the length of a period mentioned in section 341;
  - a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
- if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

##### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—



- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
- (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
- (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
- (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
- i. a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - ii. a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
- (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

**Division 11 Making and appeal to Court****481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

**482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (b) the assessment manager for the development application to which the notice relates; and



- (c) any entity that was a concurrence agency for the development application to which the notice relates; and
- (d) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - i. the assessment manager is the respondent; and
  - ii. if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - iii. any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.



**488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

**490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

Our reference: SDA-0517-039740

**Attachment 5—Approved plans and specifications**

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# Fisheries Queensland Approved Plan



Date	A.A	Area (ha.)	Plan No.	RAA No.
24/02/2015	A.A.0689	4.83	2014BCA0689	2014BC0689

Authorised Officer	Date



Author: Department of Agriculture and Fisheries  
 Map Date: 24/02/2015  
 Co-ord Sys: GCS GDA 1994  
 Datum: GDA 1994  
 Units: Degree



### Legend

- ⊙ Corners
- Aquaculture Area Boundary

(Site 802 identified in the Great Sandy Regional Marine Aquaculture Plan)

Point	Latitude	Longitude
1	-25.817223	153.063101
2	-25.819601	153.065601
3	-25.818701	153.066501
4	-25.816301	153.063901



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Department of Infrastructure,  
Local Government and Planning

Our reference: SDA-0717-040826  
Your reference: MI17/0022

7 September 2017

Chief Executive Officer  
Townsville City Council  
PO Box 1268  
Townsville QLD 4810

Attention: Melanie Percival

Dear Melanie,

**Concurrence agency response—with conditions**

Application for Material Change of Use – Aquaculture (Crayfish Hatchery) on land at 21 Everett Street - Mount St John, Townsville City, more particularly Lot 7 on RP882870  
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 12 July 2017.

**Applicant details**

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Applicant name: Australian Crayfish Hatchery Pty Ltd  
Applicant contact details: 1/21 Everett Street  
Mount St John Queensland 4818  
admin@redclawhatchery.com.au

**Site details**

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Street address: 21 Everett Street - Mount St John, Townsville City – QLD  
4818  
Lot on plan: Lot 7 on RP882870  
Local government area: Townsville City

**Application details**

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Proposed development: Development Permit for Material Change of Use –  
Aquaculture (Crayfish Hatchery)

**Aspects of development and type of approval being sought**

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development Permit	Aquaculture (Crayfish Hatchery)	Code Assessment

**Referral triggers**

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger                      Schedule 7, Table 2, Item 28 – Certain aquaculture

**Conditions**

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

**Reasons for decision to impose conditions**

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

**Further advice**

The department offers advice about the application to the applicant—see Attachment 3.

**Approved plans and specifications**

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
<b>Aspect of development: material change of use</b>				
Marked Up Floor Plan - 21 Everett Street, Mount St. John	Urban Designers	26/06/17	-	-

A copy of this response has been sent to the applicant for their information.

For further information, please contact Javier Samanes, A/ Principal Planning Officer, SARA North QLD on 4758 3416, or email [javier.samanes@dilgp.qld.gov.au](mailto:javier.samanes@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Graeme Kenna

Manager (Planning)

cc: Australian Crayfish Hatchery Pty Ltd, admin@redclawhatchery.com.au  
enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Further advice  
Attachment 4—Approved Plans and Specifications



Our reference: SDA-0717-040826

Your reference: MI17/0022

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
Development Permit for Material Change of Use – Aquaculture (Crayfish Hatchery)		
Schedule 7, Table 2, Item 28 – Certain aquaculture – Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Agriculture and Fisheries to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	<p>The approved fisheries resources the subject of this approval are limited to the following species</p> <p>Common Name                      Scientific Name  Redclaw crayfish                      <i>Cherax quadricarinatus</i></p> <p>Hereafter referred to as the "approved species".</p>	At all times
2.	<p>Development authorised under this approval is limited as follows:</p> <p>(a) Redclaw crayfish (<i>Cherax quadricarinatus</i>) hatching and larval rearing facility with periodic research and trial of adult crayfish being limited to a floor area of 569m<sup>2</sup> that includes a maximum of 2 x 60m<sup>2</sup> hatchery modules, each containing a maximum of 8 x 100L incubators and 3 x 70<sup>2</sup> above ground tanks for housing adult crayfish for trials and research and shown in Marked Up Floor Plan - 21 Everett Street, Mount St. John, prepared by Urban Designers and dated 26/06/17.</p>	At all times
3.	<p>Provide written notice to notifications@daf.qld.gov.au, when the development authorised under this approval:</p> <p>(a) will start, and</p> <p>(b) when it has been completed.</p> <p>These notices must state this permit number SDA-0717-040826.</p>	<p>(a) At least 5 business days but no greater than 20 business days prior to the commencement of the works</p> <p>(b) Within 15 business days of the completion of the fisheries development works.</p>
4.	<p>This aquaculture development constitutes a place that is required to be open for inspection by an inspector at all times, pursuant to section 145 of the Fisheries Act 1994.</p>	At all times
5.	<p>Aquaculture fisheries resources must not be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.</p>	At all times
6.	<p>Inform the assessing authority Department of Agriculture and</p>	Within 28 days of

No.	Conditions	Condition timing
	Fisheries via <a href="mailto:notifications@daf.qld.gov.au">notifications@daf.qld.gov.au</a> of any changes to the personal contact details for this development approval. Note: Forms for reporting a change in contact details can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals">https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals</a>	change to personal contact details
7.	Provide an annual aquaculture production return in the approved form to the Department of Agriculture and Fisheries. This includes lodging a nil return when no activity has occurred.  Note: This is an information requirement pursuant to section 118 of the Fisheries Act 1994. Details on how to lodge and electronic aquaculture production return will be sent to operators annually.	By close of business on the 31 July each year
8.	Aquaculture fisheries resources must not be released into Queensland waters (as defined in the Acts Interpretation Act 1954)	At all times
9.	The movement of fisheries resources into, or within, Queensland must comply with the current version of: (a) [insert relevant species specific health protocols]; and (b) any approved species not included in a species specific health protocol: "Health protocol for movement of aquatic animals for aquaculture in Queensland"  Note: Health protocols and application form FDU1398 can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies">https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies</a>  Note: Commonwealth quarantine protocols must be successfully completed for the relevant organisms of any species prior to their introduction to the approved aquaculture area.	At all times
10.	Maintain control over the release of water from all ponds, tanks and drainage systems within the approved aquaculture area.  Note: Control may be achieved through ensuring ponds, tanks and containers integrity at all times, having adequate freeboard to avoid any overtopping, preventing overland flow, ensuring all equipment intended to control releases is functioning correctly at all times and backup systems or equipment are in place.	Upon commencement of the use and to be maintained at all times
11.	Provide an impervious perimeter barrier to prevent the overland release of <i>Cherax quadricarinatus</i> from the approved aquaculture area.	Prior to the commencement of the use and to be maintained at all times
12.	Install screening that is 250µm mesh on all points of water release or discharge from all tanks and incubators and water systems within the approved aquaculture area to prevent the escape of any aquaculture fisheries resources (eggs, juveniles or adults) into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ).	Prior to the commencement of the use and to be maintained at all times
13.	Install screening on all intake waters to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved aquaculture area.	Prior to commencement of use and to be maintained at all times

No.	Conditions	Condition timing
14.	Ponds, tanks and containers used to cultivate indigenous aquaculture fisheries resources are constructed with the lowest point of the top of wall above Q100 flood level.	Prior to commencement of use and to be maintained at all times



Our reference: SDA-0717-040826

Your reference: MI17/0022

## **Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

- To ensure the aquaculture facility is designed and managed to prevent impacts on fisheries resources and fish habitats.
- To ensure the development is carried out in the location and to the extent specified on the approved plans of development.
- To facilitate the monitoring of the development works for compliance purposes.
- To allow inspections of aquaculture operations – enforcement
- Section 73(3) of the Fisheries Act 1994 states that within 21 days after a change in circumstances prescribed under a regulation or a management plan, the holder of an authority must give the chief executive written particulars of the change in the approved form (failure to do so is an offence provision attracting a maximum of 300 penalty units).
- To minimise risk of spread of disease
- To enable DAF to meet State and Commonwealth (ABARE) reporting requirements.
- To protect Queensland fisheries resources.
- To protect fisheries resources and aquaculture industry.
- To prevent the escape of aquaculture fisheries resources into Queensland Waters.
- To prevent the escape of aquaculture fisheries resources into Queensland Waters.
- To ensure the development is designed and constructed to mitigate biosecurity and disease risk on the natural environment.

Our reference: SDA-0717-040826  
 Your reference: MI17/0022

### Attachment 3—Further advice

General advice	
1.	<p>Immediately report any unusual clinical signs or mortalities of any fisheries resources brought into Queensland, to the Queensland Boating and Fisheries Patrol. If directed, specimens must be forwarded to a veterinary laboratory.</p> <p>Note: Information on reporting disease in aquaculture can be found at <a href="https://www.business.qld.gov.au/industry/fisheries/aquaculture/health-pests-and-diseases-of-aquaculture/managingdisease-in-aquaculture-farms/identifying-and-reporting-disease-in-aquaculture">https://www.business.qld.gov.au/industry/fisheries/aquaculture/health-pests-and-diseases-of-aquaculture/managingdisease-in-aquaculture-farms/identifying-and-reporting-disease-in-aquaculture</a></p>
2.	<p>This approval does not provide any entitlement to access or harvest an aquaculture fisheries resource that becomes an unauthorised escape or release, including but not limited to:</p> <ul style="list-style-type: none"> <li>(a) animal(s) stocked within the approved aquaculture area that move outside the area; or</li> <li>(b) spawn or progeny of an aquaculture fisheries resource should such eggs, larvae, juveniles or adult progeny become distributed outside of the approved aquaculture area. The responsibility for any impact of unauthorized escapes or releases of aquaculture fisheries resources is with the operator. Additional permits may be required under the Fisheries Act 1994 to authorise processes required to be readily available to effectively manage this risk.</li> </ul>

Our reference: SDA-0717-040826

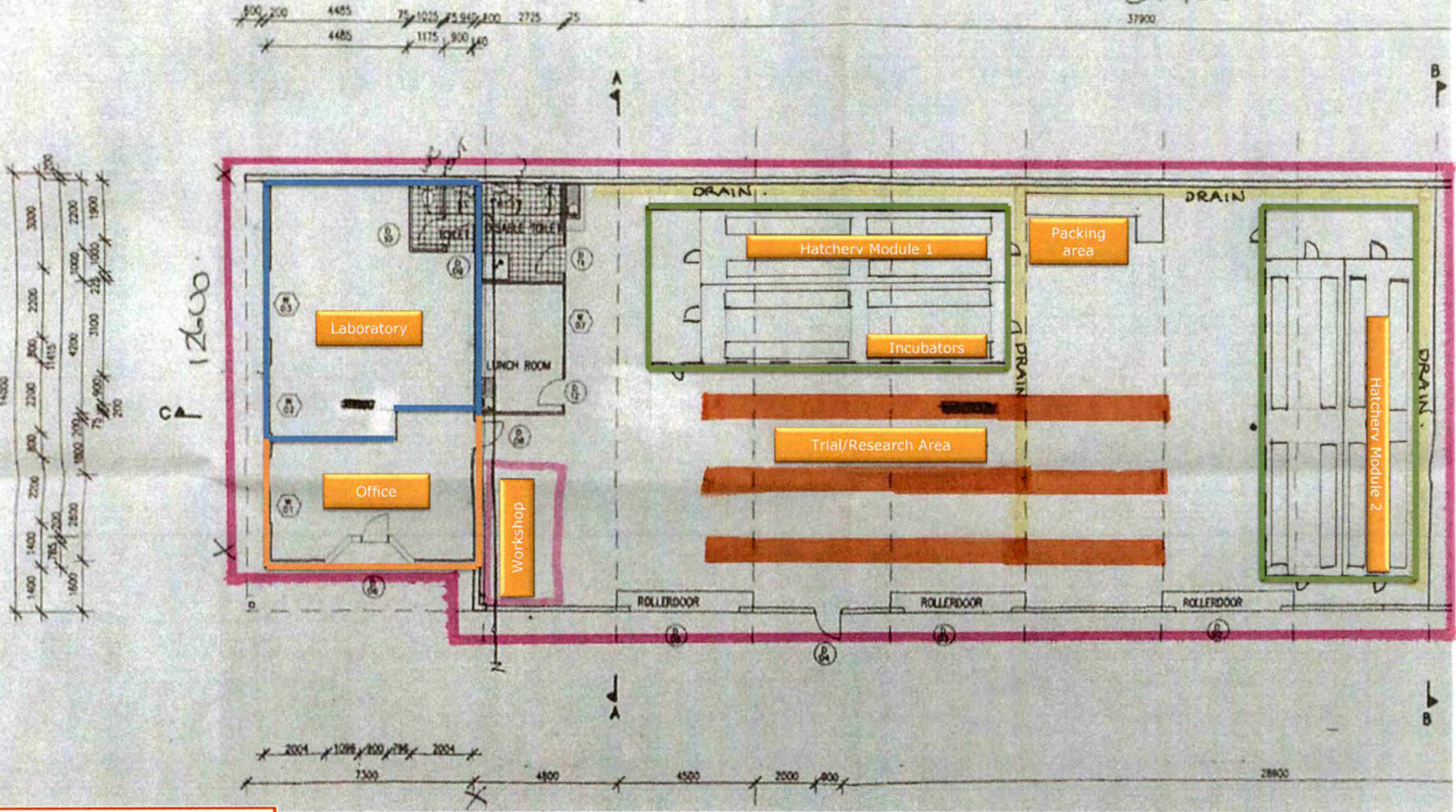
Your reference: MI17/0022

**Attachment 4—Approved plans and specifications**

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37900  
37900



PLANS AND DOCUMENTS referred to in the DEVELOPMENT APPROVAL

Approval no: SDA-0717-040826

Date: 7 September 2017



TOWN PLANNERS - DEVELOPMENT CONSULTANTS - URBAN DESIGNERS

15 ALLEN STREET, SOUTH TORNSVILLE AIN 3 1 163 935 132

PO BOX 5483, TORNSVILLE (1481) AGN 162 888 132

PHONE (07) 4721 5113 HFG@NSFCPLANNING.COM.AU

**MARKED UP FLOOR PLAN**  
21 EVERETT STREET, MOUNT ST. JOHN

DRAW N

DATE: 26/06/17

JOB:

SCALE: APROX 1:200

DRAWING NUMBER: REV:





Department of  
**State Development,  
 Manufacturing,  
 Infrastructure and Planning**

Our reference: 1710-1866 SDA

5 April 2018

Mr David Williams  
 91 Shore Road East  
 BOORAL QLD 4655  
 fraserislandclams@gmail.com

**Attention: Mr David Williams**

Dear Mr Williams

**Decision notice—approved with conditions**

(Given under Section 63 of the *Planning Act 2016*)

The development application described below was properly made to the Department of State Development, Manufacturing, Infrastructure and Planning (the department) on 23 November 2017.

**Applicant details**

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Applicant name:	Mr David Williams
Applicant contact details:	91 Shore Road East BOORAL QLD 4655 fraserislandclams@gmail.com

**Location details**

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Street address:	Tidal Waters off Tuan State Forest (Lot 915 on FTY1755) – Resource Allocation Authority (RAA) Site 9 under the Great Sandy Region Marine Aquaculture Plan (GSRMAP)
Latitude/Longitude:	152.970924 -25.676867 152.975916 -25.676876 152.975916 -25.685812 152.970907 -25.685812 (Datum GDA 1994)
Local government area:	Not Applicable

**Decision**

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Date of decision:	5 April 2018
Decision details:	Approved subject to conditions

**Approval details**

Development Permit

Aquaculture

**Conditions**

This approval is subject to:

- the assessment manager conditions in Attachment 1

The department has, for conditions of this approval, nominated the Department of Agriculture and Fisheries (DAF) to be the enforcement authority for that condition under the *Planning Act 2016*.

**Currency period for the approval**

This development approval will lapse if development is not started within the currency periods stated in Section 85 of the *Planning Act 2016*.

**Approved plans and specifications**

Copies of the following approved plans and specifications are enclosed.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
<b>Aspect of development: Development Permit for Material Change of Use (Aquaculture)</b>				
<i>Fisheries Queensland Approved Plan</i>	Department of Agriculture and Fisheries (Fisheries Queensland)	7 August 2014	2014BCA0688	N/A

For further information please contact Peter Mulcahy, Principal Planning Officer, on (07) 4331 5614 or via email [WBBSARA@dsmip.qld.gov.au](mailto:WBBSARA@dsmip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Luke Lankowski  
Manager, Planning

- cc: Department of Agriculture and Fisheries  
[PlanningAssessment@daf.qld.gov.au](mailto:PlanningAssessment@daf.qld.gov.au)
- enc: Attachment 1—Assessment manager conditions  
Attachment 2—reasons for decision to impose conditions  
Attachment 3—Further advice  
Appeal provisions  
Approved plans and specifications



## Attachment 1—Assessment manager conditions

No.	Conditions of development approval	Condition timing										
<b>Development Permit for Material Change of Use (Aquaculture)</b>												
Schedule 8, Table 4, Item 3(a) of the <i>Planning Act 2016</i> —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Agriculture and Fisheries to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):												
1.	<p>The approved fisheries resources the subject of this approval are limited to the following species.</p> <table border="0"> <tr> <td><b>Common Name:</b></td> <td><b>Scientific Name:</b></td> </tr> <tr> <td>Black Lipped</td> <td><i>Sacrostrea echinada</i></td> </tr> <tr> <td>Milky Oysters</td> <td><i>Sacrostrea calculada</i></td> </tr> <tr> <td>Sandfish</td> <td><i>Holothuria (Metriatyla) scabra</i></td> </tr> <tr> <td>Sydney Rock Oysters</td> <td><i>Sacrostrea glomertata</i></td> </tr> </table> <p>Hereafter referred to as the “approved species”.</p>	<b>Common Name:</b>	<b>Scientific Name:</b>	Black Lipped	<i>Sacrostrea echinada</i>	Milky Oysters	<i>Sacrostrea calculada</i>	Sandfish	<i>Holothuria (Metriatyla) scabra</i>	Sydney Rock Oysters	<i>Sacrostrea glomertata</i>	At all times.
<b>Common Name:</b>	<b>Scientific Name:</b>											
Black Lipped	<i>Sacrostrea echinada</i>											
Milky Oysters	<i>Sacrostrea calculada</i>											
Sandfish	<i>Holothuria (Metriatyla) scabra</i>											
Sydney Rock Oysters	<i>Sacrostrea glomertata</i>											
2.	<p>The aquaculture of the approved species under this approval is limited to a combined maximum area of 50 hectares, and must be carried out generally in accordance with within the Approved Aquaculture Boundary as shown in the following plans:</p> <p>Fisheries Queensland Approved Plan, 2014BCA0688, dated 07/08/2014.</p>	At all times.										
3.	<p>This aquaculture development constitutes a place that is required to be open for inspection by an inspector at all times, pursuant to Section 145 of the <i>Fisheries Act 1994</i>.</p>	At all times.										
4.	<p>Inform the assessing authority Department of Agriculture and Fisheries via <a href="mailto:notifications@daf.qld.gov.au">notifications@daf.qld.gov.au</a> of any changes to the personal contact details for this development approval.</p> <p>Note: Forms for reporting a change in contact details can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals">https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals</a></p>	Within 28 days of change to personal contact details.										
5.	<p>Aquaculture fisheries resources must not be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.</p>	At all times.										
6.	<p>Provide an annual aquaculture production return in the approved form to the Department of Agriculture and Fisheries. This includes lodging a nil return when no activity has occurred.</p> <p>Note: This is an information requirement pursuant to Section 118 of the <i>Fisheries Act 1994</i>. Details on how to lodge and electronic aquaculture production return will be sent to operators annually.</p>	By close of business on 31 July each year.										

No.	Conditions of development approval	Condition timing
7.	<p>Aquaculture fisheries resources must not be released into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i>) with the exception of the approved species within the Aquaculture Area Boundary shown on drawing: Fisheries Queensland Approved Plan, 2014BCA0688, dated 07/08/2014.</p> <p>Note: It is an offence under the <i>Fisheries Act 1994</i> to unlawfully release aquaculture fisheries resources, or cause aquaculture fisheries resources to be released, into Queensland waters.</p> <p>Maximum penalty—2000 penalty units.</p>	At all times.
8.	<p>The movement of fisheries resources into, or within, Queensland must comply with the current version of:</p> <p>(a) Health protocol for the movement of live bivalve molluscs (FAMPR003); and</p> <p>(b) any approved species not included in a species specific health protocol: "Health protocol for movement of aquatic animals for aquaculture in Queensland"</p> <p>Note: Health protocols and application form FDU1398 can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies">https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies</a></p> <p>Note: Commonwealth quarantine protocols must be successfully completed for the relevant organisms of any species prior to their introduction to the approved aquaculture area.</p>	At all times.
9.	<p>(a) Provide to Department of Agriculture and Fisheries via <a href="mailto:notifications@daf.qld.gov.au">notifications@daf.qld.gov.au</a> identification of the persons undertaking aquaculture activities on the approved aquaculture area under this development approval. The notification must state this permit number 1710-1866 SDA.</p> <p>(b) Only persons who have been identified in writing as operating under this development approval may assist in aquaculture activities on the approved aquaculture area.</p>	<p>(a) Prior to the commencement of use and to be maintained at all times.</p> <p>(b) Upon commencement of the use and to be maintained at all times.</p>
10.	All structures associated with aquaculture development must be constructed to prevent movement of the structure from within the approved aquaculture area and from the intended point of placement, anchoring or mooring within the approved aquaculture area.	Prior to the commencement of use and to be maintained at all times.
11.	The approved aquaculture area must be kept free from hazards that may endanger a person, person's property or the environment.	At all times.
12.	All Aquaculture furniture must be removed on cessation of the aquaculture operation.	Within 12 months of the cessation of the aquaculture operation.



No.	Conditions of development approval	Condition timing
13.	Oyster aquaculture infrastructures do not include fixed structures on the substrate except for otherwise authorised moorings and/or supporting posts that will later be removed.	At all times.
14.	All materials used in the construction of aquaculture furniture or placed within the premises are inert and non-hazardous.	At all times.
15.	Broodstock must be sufficient in number to ensure that genetic variation within the product avoids risks that the operation may pose to the genetic diversity of the resident population/s of the species and/or impacts to associated ecosystems.	At all times.
16.	Any Pacific oysters ( <i>Crassostrea gigas</i> ) identified within the approved aquaculture area are to be immediately destroyed.	At all times.
17.	All excess furniture and equipment, unwanted, discarded debris, rubbish and other waste material is to be removed from the aquaculture area and disposed of in accordance with local government guidelines for disposal of refuse as part of the regular maintenance of each aquaculture area.	At all times.
18.	<p>Storage of furniture and equipment within the aquaculture area:</p> <ul style="list-style-type: none"> <li>• Oyster furniture and equipment may be temporarily stored on the oyster area for a maximum period of six months. There is to be no permanent storage of oyster furniture and equipment on the oyster area. Oyster furniture and equipment must be stored on a fixed platform, floating pontoon or designated storage area and must not be stored in the Marine Park directly on the substrate.</li> <li>• Oyster areas are not to be used to store equipment that is not directly related to or being used for the oyster operation.</li> </ul>	At all times.
19.	Only aquaculture furniture which has industry acceptance and/or Department of Agriculture and Fisheries authorisation is to be used and is to be placed only within the boundaries of the approved aquaculture area. This approval does not authorise the use of structures such as sheds, fences, pontoons, docks or wave walls unless separate written approval has been granted by the relevant authority.	At all times.
20.	The approval holder must remove any material that is deposited outside of the alignment of the works shown on the approved plans or any debris that falls or is deposited on tidal lands or into tidal waters during the construction of the works.	At all times.
21.	The approval holder must, within three (3) months of the date of practical completion of the works, submit to the Department of Environment and Science a letter from a Registered Professional Engineer of Queensland certifying that:	Within three (3) months of the practical completion of works.



No.	Conditions of development approval	Condition timing
	<ul style="list-style-type: none"> <li>• The works (including any other associated works) has been constructed in accordance with the approved drawings and these conditions.</li> <li>• The works:               <ul style="list-style-type: none"> <li>- are structurally adequate for anticipated usage</li> <li>- comply with all relevant codes - including the Department of Environment and Science's operational policy, <i>Building and engineering standards for tidal works</i>.</li> </ul> </li> <li>• The bed and banks of the waterway for a distance of 15 metres around the site of the works is clear of all debris.</li> </ul>	
22.	<p><u>Cultivation Methods and Rack Furniture</u></p> <ul style="list-style-type: none"> <li>• The nature of any furniture must be such as to allow the natural systems (e.g. seagrass communities) to retain their integrity.</li> <li>• The furniture must be of a temporary nature and not include fixed structures except for the supporting posts.</li> <li>• All materials used for furniture must be of an inert nature.</li> <li>• The following furniture may be used under the Plan within the Marine Park provided it is appropriately maintained and other than the supporting posts, not placed directly on the substrate:               <ul style="list-style-type: none"> <li>- Post and rail furniture used for stick cultivation, tray cultivation, floating cylinders, and rack and basket system. The furniture used for these cultivation methods involve two parallel rails supported by posts at regular intervals driven into the substrate. These rails and posts are commonly constructed using sawn hardwood treated with creosote, radiata pine timber treated with creosote or CCA, galvanised iron, aluminium, PVC or large diameter poly pipe. Where creosote is used to treat timber it must be applied using vacuum-pressure treatment in approved industrial facilities. Refer to section 6.8 for specific requirements for using timber treated with creosote in the Marine Park. The sticks, trays, floating cylinders or baskets are laid across the rails and secured to the structure.</li> <li>- BST longline systems. Bags are suspended by either stainless steel wire coated in plastic or polypropylene wire covered in a sheath of poly pipe, stretched between anchor posts of hardwood, CCA treated timber, galvanised iron, aluminium, PVC or large diameter poly pipe.</li> <li>- Spat batteries. A stick battery consists of sticks of hardwood laid out at regular intervals and nailed to cross beams to form frames which are stacked on top of each other. PVC collecting slats consists of PVC water pipe or plastic slats laid horizontally at regular intervals to form a grid. The spat collecting batteries are laid out on rails in rows and secured by wire or bolts to the rack or suspended from lines stretched between two anchoring points.</li> <li>- Sub-tidal. Various types of furniture can be used to accommodate aquaculture in sub-tidal waters, including trays suspended on buoys or lantern nets. Such furniture would be assessed to ensure impacts on the marine environment are minimal.</li> <li>- Nursery systems. Spat is contained in a series of small mesh baskets or cylinders fixed in position and subject to a continual upwelling of water by means of small air-water lifts.</li> </ul> </li> </ul>	At all times.

No.	Conditions of development approval	Condition timing
23.	<p><u>Working Platforms</u></p> <ul style="list-style-type: none"> <li>• Working platforms may be necessary for farmers to conduct their operations and to store equipment. Each aquaculture area is permitted to have one working platform to assist with operating the aquaculture area and to store equipment.</li> <li>• The working platform can be a fixed platform or a floating pontoon and must be located entirely within the boundaries of the aquaculture area.</li> <li>• Use of platforms would only be supported for active leases.</li> <li>• The working platform and pontoon shall not be used for live aboard accommodation (i.e. not to be used as a dwelling).</li> <li>• Any fixed or floating platforms that do not meet the requirements below may still be permitted but will require a marine park assessment and approval.</li> <li>• Certified plans are required for the construction of a fixed platform. A fixed platform must be constructed in accordance with the certified plans to ensure that the platform is designed and structurally adequate for the intended location and anticipated usage.</li> <li>• Fixed structures must meet the following requirements under the Plan within the marine park: <ul style="list-style-type: none"> <li>- a maximum of 40m<sup>2</sup> in total area</li> <li>- a maximum height of 2.5 metres above the highest astronomical tide</li> <li>- entirely located within the boundaries of the approved aquaculture area.</li> </ul> </li> <li>• Floating platforms, including barges and pontoons, must meet the following requirements under the Plan within the marine park: <ul style="list-style-type: none"> <li>- a maximum of 10 metres in length and 5 metres in width</li> <li>- a maximum height of 2.5 metres above deck level</li> <li>- have an anchoring system that secures the floating pontoon safely</li> <li>- entirely located within the boundaries of the approved aquaculture area.</li> </ul> </li> <li>• All platforms, whether fixed or floating, must be maintained in a condition amenable to public safety.</li> </ul>	At all times
24.	<p><u>Moorings</u></p> <ul style="list-style-type: none"> <li>• Approval holders may require buoy moorings at their aquaculture area to moor work platforms and aquaculture vessels.</li> <li>• All vessels and pontoons must be moored at an authorised buoy mooring.</li> <li>• Aquaculture areas that do not have a fixed platform and are under 5 hectares may have one buoy mooring and aquaculture areas 5 hectares and greater, may have up to two buoy moorings for the purpose of mooring vessels or to anchor floating pontoons.</li> </ul>	At all times.
25.	<p><u>Treatment processes for timber</u></p> <ul style="list-style-type: none"> <li>• The use of treated timber for aquaculture furniture within the Marine Park will conform to the following standards: <ul style="list-style-type: none"> <li>- Treated timber used in the works must be sourced from a</li> </ul> </li> </ul>	Prior to the commencement and works and to be maintained at all times.



No.	Conditions of development approval	Condition timing
	<p>timber treatment plant registered under either the <i>Queensland Timber Utilisation and Marketing Act 1987</i> or the <i>New South Wales Timber Marketing Act 1977</i>, or is treated in accordance with Australian Standard 1604-1993 'Timber — Preservation-treated-sawn and round'</p> <ul style="list-style-type: none"> <li>- CCA treated timber (including double treated timber) that will be embedded in the substrate or in direct contact with sea water, either permanently or as a result of tidal influence must be withheld from use for a minimum period of 6 weeks after treatment, or demonstrated to more than 99% of Cr (V1) fixed in the timber</li> <li>- All other CCA treated timber used in the works must be completely dry prior to use</li> <li>- Where creosote is used to treat timber (including double treated timber) to be used in the works it must be applied using vacuum-pressure treatment in approved industrial facilities at retention rates specified in the Australian Standard 1604 or the <i>Timber Utilisation and Marketing Act 1987</i>. Timber that is only surface treated with creosote is not acceptable for use in the Marine Park.</li> <li>- All off-cuts and sawdust must be collected and disposed of to an approved landfill site.</li> </ul>	
26.	<p>The person operating under this approval must indemnify the State, acting through the Department of Agriculture and Fisheries (including agents of the State), from and against any loss, damage or expense arising from any claim, demand, action, suit or proceeding that may be made or brought by any persons against the State in respect of:</p> <ul style="list-style-type: none"> <li>• the death of or injury to any persons</li> <li>• the loss of or damage to any property where such death, injury, loss or damage arises out of or in connection with the approval holder's activity within the approved area managed by the Department of Agriculture and Fisheries and is caused by the negligent act or omission of the approval holder or an employee, member, agent, invitee or client of the approval holder.</li> </ul>	Prior to the commencement of use and to be maintained at all times.
27.	<p>This development approval authorises the use of boat(s) identified as A0688 in aquaculture activities and:</p> <ol style="list-style-type: none"> <li>a) the identification must be displayed on each side of the boat above the water line, where it can be clearly seen; and</li> <li>b) the identification letters and numbers must be in block capitals that are a minimum height of 200 mm; and</li> <li>c) the identification must be dark displayed upon a light background or light displayed upon a dark background; and</li> <li>d) the identification is to be kept legible and conspicuously displayed on the boat(s).</li> </ol>	At all times.
28.	<p>Each corner of the approved aquaculture area must be marked with posts as follows:</p> <ul style="list-style-type: none"> <li>• secure a corner marker post at the corners of the approved aquaculture area</li> <li>• each corner marker post must display the words 'approved aquaculture area' in lettering no less than 25 mm in height, and the</li> </ul>	Prior to the commencement of use and to be maintained at all times.



No.	Conditions of development approval	Condition timing
	<p>area number in legible figures no less than 80 mm in height</p> <ul style="list-style-type: none"> <li>• maintain the corner marker posts and signs in good condition</li> <li>• when necessary the approval holder must replace corner marker posts and signs</li> <li>• the marker posts must be no less than 50 mm in diameter and the tops of the corner marker posts must be no less than 0.5 m above highest astronomical tide</li> <li>• the signs must be retro-reflective, and must be kept legible at all times</li> <li>• intermediate marker posts must be placed on the boundaries of the approved aquaculture area, with the top 0.5 m of intermediate marker posts yellow in colour</li> <li>• where the boundary or boundaries of the approved aquaculture area is not adjacent to an marked boat channel the markers must be no more than 100 m apart along the boundaries of the approved aquaculture area, and where the boundary or boundaries of the approved aquaculture area is adjacent to any boat channel the markers must be no more than 25 m apart.</li> </ul>	
29.	<p><u>Inspection of approval</u></p> <ul style="list-style-type: none"> <li>• The approval holder must ensure that this approval, or a true copy, is available for inspection by the Department of Agriculture and Fisheries at all times.</li> </ul>	At all times.
30.	<p>For edible oysters. Written records which detail:</p> <ul style="list-style-type: none"> <li>• source of stock</li> <li>• number of bags placed</li> <li>• date of placement</li> <li>• exact position on the approved aquaculture area</li> <li>• method of holding oysters</li> <li>• identification tag of each consignment of oysters</li> <li>• date of harvest and destination of oysters on harvest must be maintained</li> <li>• for 7 years from the date of harvest and made available for inspection if required by Department of Agriculture and Fisheries.</li> </ul>	At all times.
31.	<p>Any boat exhibiting the symbol A0688 and being used for the purposes of sea ranching aquaculture under this authority, must:</p> <p>(a) notify the nearest Queensland Boating and Fisheries Patrol (QBFP) office at least 24 hours prior to any operation to advise when and where the activities will occur and describe the details of the vessel (e.g. boat mark); and</p> <p>(b) have a copy of the aquaculture approval on board at all times.</p>	At all times.
32.	<p><b>For sea cucumbers.</b> Any stock, including spat, culture stock and/or broodstock must be sourced, or is to have originated, from stock from the Hervey Bay area. The Hervey Bay area is determined to be from Sandy Cape to Burnett Heads in the north to Hook Point to Inskip Point in the south, including all coastal waters within these</p>	Prior to the commencement of use and to be maintained at all times.

No.	Conditions of development approval	Condition timing
	boundaries but excluding any Department of Defence areas.	
33.	Oysters must not be brought into Queensland on sticks.	At all times.
34.	Where aquaculture equipment or product are cleaned on board a vessel or a platform, wastewater and waste generated by cleaning shall be screened to remove solids prior to wash water being discharged to natural waters.	At all times.
35.	A water quality and meat sampling program consistent with the operations manual for the Australian Shellfish Quality Assurance Program must be maintained at the expense of the approval holder.	At all times.
36.	For edible oysters. The approval holder must comply with the minimum production levels established in the 'Maximising rock oyster production: management of non-productive oyster areas policy'.	At all times.
37.	Any direct disturbance of marine plants (for anchor points, posts etc) is avoided where possible or minimised.	Prior to the commencement of use and to be maintained at all times.
38.	<b>For sea cucumbers.</b> Harvesting may only occur by hand.	At all times.
39.	Where coral communities are present in the approved area, structures must be located so as to avoid damage to coral. Department of Agriculture and Fisheries and Department of Environment and Science will assess the development plan including proposed location of structures.	At all times.

## Attachment 2—Reasons for decision to impose conditions

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The reasons for this decision are:

- To ensure the aquaculture facility is designed and managed to prevent impacts on fisheries resources and fish habitats.
- To clarify the extent and nature of the approved aquaculture area.
- To allow inspections of aquaculture operations – enforcement.
- Section 73(3) of the *Fisheries Act 1994* states that within 21 days after a change in circumstances prescribed under a regulation of management plan, the holder of an authority must give the chief executive written particulars of the change in the approved form (failure to do so is an offence provisions attracting a maximum of 300 penalty units).
- To minimise the spread of disease.
- To enable the Department of Agriculture and Fisheries to meet State and Commonwealth (ABARE) reporting requirements.
- To protect Queensland fisheries resources.
- To protect fisheries resources and aquaculture industry.
- To assist Department of Agriculture and Fisheries officers and inspectors to administer, monitor and undertake required enforcement against unauthorised fishing in an approved aquaculture area.
- To prevent the movement of structures from their intended point of placement within the approved aquaculture area.
- To prevent harm to fisheries habitats.
- To protect and restore fish habitats and prevent the accumulation of abandoned structures.
- To ensure genetic variation.
- To manage biosecurity risks.



### Attachment 3—Further advice

<b>Aquaculture advice</b>
<p>Immediately report any unusual clinical signs or mortalities of any fisheries resources brought into Queensland, to the Queensland Boating and Fisheries Patrol. If directed, specimens must be forwarded to a veterinary laboratory.</p> <p>Note: Information on reporting disease in aquaculture can be found at <a href="https://www.business.qld.gov.au/industry/fisheries/aquaculture/health-pests-and-diseases-of-aquaculture/managing-disease-in-aquaculture-farms/identifying-and-reporting-disease-in-aquaculture">https://www.business.qld.gov.au/industry/fisheries/aquaculture/health-pests-and-diseases-of-aquaculture/managing-disease-in-aquaculture-farms/identifying-and-reporting-disease-in-aquaculture</a></p>
<p>This approval does not permit the harvest of broodstock and culture stock.</p> <p>Note: Broodstock and/or culture stock may be purchased from the holder of an authority or licence that authorises the sale of the approved species. In Queensland, this includes from a commercial fisher holding an appropriate <i>Fisheries Act 1994</i> licence.</p> <p>Note: Forms to apply for the collection of broodstock or culture stock for aquaculture under a <i>Fisheries Act 1994</i> General Fisheries Permit can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals">https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals</a></p> <p>Note: Depending on the species sought and its location, additional permits may be required under other legislation, for example the <i>Environmental Protection and Biodiversity Conservation Act 1999</i>, the <i>Great Barrier Reef Marine Park Act 1975</i>, the <i>Nature Conservation Act 1992</i>.</p>
<p>This approval does not provide any entitlement to access or harvest an aquaculture fisheries resource that becomes an unauthorised escape or release, including but not limited to:</p> <ul style="list-style-type: none"> <li>(a) animal(s) stocked within the approved aquaculture area that move outside the area; or</li> <li>(b) spawn or progeny of an aquaculture fisheries resource should such eggs, larvae, juveniles or adult progeny become distributed outside of the approved aquaculture area.</li> </ul> <p>The responsibility for any impact of unauthorized escapes or releases of aquaculture fisheries resources is with the operator. Additional permits may be required under the <i>Fisheries Act 1994</i> to authorise processes required to be readily available to effectively manage this risk.</p>
<p>Development on or in Queensland waters or on unallocated tidal State land can only occur if a Resource Allocation Authority (RAA) under the <i>Fisheries Act 1994</i> is held and the aquaculture is consistent with the prescribed aquaculture specified on the RAA.</p>

**Appeal provisions**

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# Planning Act 2016 – Appeal provisions

The following provisions are the **appeal rights** as defined in the Planning Act 2016, schedule 2.

## Chapter 6            Dispute resolution

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### Part 1            Appeal rights

#### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
  - (a) matters that may be appealed to—
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) the person—
    - (i) who may appeal a matter (the **appellant**); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
  - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note—*  
See the P&E Court Act for the court's power to extend the appeal period.
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.



- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
  - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
  - (f) for an appeal to the P&E Court—the chief executive; and
  - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
  - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

### 231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
 

**decision** includes—

  - (a) conduct engaged in for the purpose of making a decision; and
  - (b) other conduct that relates to the making of a decision; and
  - (c) the making of a decision or the failure to make a decision; and
  - (d) a purported decision; and
  - (e) a deemed refusal.

**non-appealable**, for a decision or matter, means the decision or matter—

  - (a) is final and conclusive; and
  - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
  - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

### 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

## Schedule 1 Appeals

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### 1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
  - (a) the P&E court; or
  - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
  - (a) the refusal, or deemed refusal of a development application, for—
    - i a material change of use for a classified building; or
    - ii operational work associated with building work, a retaining wall, or a tennis court; or
  - (b) a provision of a development approval for—
    - i a material change of use for a classified building; or
    - ii operational work associated with building work, a retaining wall, or a tennis court; or
  - (c) if a development permit was applied for—the decision to give a preliminary approval for—
    - i a material change of use for a classified building; or
    - ii operational work associated with building work, a retaining wall, or a tennis court; or



- (d) development condition if—
    - i the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
    - ii the building is, or is proposed to be, not more than 3 storeys; and
    - iii the proposed development is for not more than 60 sole-occupancy units; or
  - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
  - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
  - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
  - (h) a decision to give an enforcement notice—
    - i in relation to a matter under paragraphs (a) to (g); or
    - ii under the Plumbing and Drainage Act; or
  - (i) an infrastructure charges notice; or
  - (j) the refusal, or deemed refusal, of a conversion application; or
  - (k) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
    - i a development approval for which the development application required impact assessment; and
    - ii a development approval in relation to which the assessment manager received a properly made submission for the development application; or
  - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
- (a) column 1 states the appellant in the appeal; and
  - (b) column 2 states the respondent in the appeal; and
  - (c) column 3 states the co-respondent (if any) in the appeal; and
  - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—
- storey** see the Building Code, part A1.1.



**Table 1**  
**Appeals to the P&E Court and, for certain matters, to a tribunal**

**1. Development applications**

For a development application other than a development application called in by the minister, an appeal may be made against—

- (a) the refusal of all or part of the development application; or
- (b) the deemed refusal of the development application; or
- (c) a provision of the development approval; or
- (d) if a development permit was applied for—the decision to give a preliminary approval.

<b>Column 1 Appellant</b>	<b>Column 2 Respondent</b>	<b>Column 3 Co-respondent (if any)</b>	<b>Column 4 Co-respondent by election (if any)</b>
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	<ol style="list-style-type: none"> <li>1. A concurrence agency that is not a co-respondent</li> <li>2. If a chosen assessment manager is the respondent—the prescribed assessment manager</li> <li>3. Any eligible advice agency for the application</li> <li>4. Any eligible submitter for the application</li> </ol>

**2. Change applications**

For a change application other than a change application made to the P&E Court or called in by the Minister, an appeal may be made against—

- (a) the responsible entity's decision on the change application; or
- (b) a deemed refusal of a change application.

<b>Column 1 Appellant</b>	<b>Column 2 Respondent</b>	<b>Column 3 Co-respondent (if any)</b>	<b>Column 4 Co-respondent by election (if any)</b>
<ol style="list-style-type: none"> <li>1. The applicant</li> <li>2. If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice</li> </ol>	The responsible entity	If an affected entity starts the appeal—the applicant	<ol style="list-style-type: none"> <li>1. A concurrence agency for the development application</li> <li>2. If a chosen assessment manager is the respondent—the prescribed assessment manager</li> <li>3. A private certifier for the development application</li> <li>4. Any eligible advice agency for the change application</li> <li>5. Any eligible submitter for the change application</li> </ol>

<p><b>3. Extension applications</b>  For an extension application other than an extension application called in by the Minister, an appeal may be made against—</p> <p>(a) The assessment manager's decision on the extension application; or  (b) A deemed refusal of the extension application.</p>			
<b>Column 1 Appellant</b>	<b>Column 2 Respondent</b>	<b>Column 3 Co-respondent (if any)</b>	<b>Column 4 Co-respondent by election (if any)</b>
<p>1. The applicant</p> <p>2. For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application</p>	The assessment manager	If a concurrence agency starts the appeal—the applicant	If a chosen assessment manager is the respondent—the prescribed assessment manager
<p><b>4. Infrastructure charges notices</b>  An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—</p> <p>(a) the notice involved an error relating to—</p> <p>(i) the application of the relevant adopted charge; or  Examples of errors in applying an adopted charge:</p> <ul style="list-style-type: none"> <li>▪ the incorrect application of gross floor area for a non-residential development</li> <li>▪ applying an incorrect 'use category', under a regulation, to the development</li> </ul> <p>(ii) the working out of extra demand, for section 120; or  (iii) an offset or refund; or</p> <p>(b) there was no decision about an offset or refund; or  (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or  (d) the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			
<b>Column 1 Appellant</b>	<b>Column 2 Respondent</b>	<b>Column 3 Co-respondent (if any)</b>	<b>Column 4 Co-respondent by election (if any)</b>
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—
<p><b>5. Conversion applications</b>  An appeal may be made against—</p> <p>(a) the refusal of a conversion application; or  (b) a deemed refusal of a conversion application.</p>			
<b>Column 1 Appellant</b>	<b>Column 2 Respondent</b>	<b>Column 3 Co-respondent (if any)</b>	<b>Column 4 Co-respondent by election (if any)</b>
The applicant	The local government to which the conversion application was made	—	—
<p><b>6. Enforcement notices</b>  An appeal may be made against the decision to give an enforcement notice.</p>			

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	—	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

**Table 2  
Appeals to the P&E Court only**

**1. Appeals from tribunal**

An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—

- (a) an error or mistake in law on the part of the tribunal; or
- (b) jurisdictional error.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—

**2. Eligible submitter appeals**

For a development application or change application other than an application decided by the P&E Court or called in by the Minister, an appeal may be made against the decision to approve the application, to the extent the decision relates to—

- (a) any part of the development application or change application that required impact assessment; or
- (b) a variation request

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<ol style="list-style-type: none"> <li>1. For a development application—an eligible submitter for the development application</li> <li>2. For a change application—an eligible submitter for the change application</li> </ol>	<ol style="list-style-type: none"> <li>1. For a development application—the assessment manager</li> <li>2. For a change application—the responsible entity</li> </ol>	<ol style="list-style-type: none"> <li>1. The applicant</li> <li>2. If the appeal is about a concurrence agency's referral response—the concurrence agency</li> </ol>	Another eligible submitter for the application

**3. Eligible submitter and eligible advice agency appeals**

For a development application or change application other than an application decided by the P&E Court or called in by the Minister, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to—

- (a) any part of the development application or the change application, that required impact assessment; or
- (b) a variation request.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)



<ol style="list-style-type: none"> <li>1. For a development application—an eligible submitter for the development application</li> <li>2. For a change application—an eligible submitter for the change application</li> <li>3. An eligible advice agency for the development application or change application</li> </ol>	<ol style="list-style-type: none"> <li>1. For a development application—the assessment manager</li> <li>2. For a change application—the responsible entity</li> </ol>	<ol style="list-style-type: none"> <li>1. The applicant</li> <li>2. If the appeal is about a concurrence agency's referral response—the concurrence agency</li> </ol>	<p>Another eligible submitter for the application</p>
<p><b>4. Compensation claims</b>  An appeal may be made against—</p> <ol style="list-style-type: none"> <li>(a) a decision under section 32 about a compensation claim; or</li> <li>(b) a decision under section 265 about a claim for compensation; or</li> <li>(c) a deemed refusal of a claim under paragraph (a) or (b).</li> </ol>			
<p><b>Column 1</b>  <b>Appellant</b></p>	<p><b>Column 2</b>  <b>Respondent</b></p>	<p><b>Column 3</b>  <b>Co-respondent</b>  (if any)</p>	<p><b>Column 4 Co-respondent</b>  by election (if any)</p>
<p>A person dissatisfied with the decision</p>	<p>The local government to which the claim was made</p>	<p>—</p>	<p>—</p>
<p><b>5. Registered premises</b>  An appeal may be made against a decision of the Minister under chapter 7, part 4.</p>			
<p><b>Column 1</b>  <b>Appellant</b></p>	<p><b>Column 2</b>  <b>Respondent</b></p>	<p><b>Column 3</b>  <b>Co-respondent</b>  (if any)</p>	<p><b>Column 4 Co-respondent</b>  by election (if any)</p>
<ol style="list-style-type: none"> <li>1. A person given a decision notice about the decision</li> <li>2. If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision</li> </ol>	<p>The Minister</p>	<p>—</p>	<p>If an owner or occupier starts the appeal—the owner of the registered premises</p>
<p><b>6. Local laws</b>  An appeal may be made against a decision of a local government, or conditions applied, under a local law about—</p> <ol style="list-style-type: none"> <li>(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or</li> <li>(b) the erection of a building or other structure.</li> </ol>			

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	—	—
<b>Table 3 Appeals and tribunal only</b>			
<b>1. Building advisory agency appeals</b>			
An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	<ol style="list-style-type: none"> <li>1. A concurrence agency for the development application related to the approval</li> <li>2. A private certifier for the development application related to the approval</li> </ol>
<b>2. Inspection of building work</b>			
An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision	—	—
<b>3. Certain decisions under the Building Act and the Plumbing and Drainage Act</b>			
An appeal may be made against—			
<ol style="list-style-type: none"> <li>(a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or</li> <li>(b) a decision under the Plumbing and Drainage Act, part 4 or 5, if an information notice about the decision was given or required to be given under that Act.</li> </ol>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision	The person who made the decision	—	—
<b>4. Local government failure to decide application under the Building Act</b>			
An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.			

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive notice of the decision	The local government to which the application was made	—	—



**Approved plans and specifications**

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Department of  
**State Development,  
 Manufacturing,  
 Infrastructure and Planning**

Our reference: 1712-3087 SRA  
 Your reference: 2017-1876

27 April 2018

The Chief Executive Officer  
 Gympie Regional Council  
 PO Box 155  
 GYMPIE Qld 4570  
 planning@gympie.qld.gov.au

Attention: Ashleigh McMillan

Dear Ashleigh

**Referral agency response—with conditions**

(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 18 December 2017.

**Applicant details**

Applicant name:	Crayton Redclaw Pty Ltd c/- Martoo Consulting
Applicant contact details:	PO Box 391 Gympie QLD 4570 sarah@martooconsulting.com

**Location details**

Street address:	67 Verne Road, Wolvi
Real property description:	Lot 9 on RP179758
Local government area:	Gympie Regional Council

**Application details**

Development permit	Material change of use for aquaculture (redclaw crayfish farm)
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**Referral triggers**

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.6.1.3.1.1 Fisheries – aquaculture

**Conditions**

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

**Reasons for decision to impose conditions**

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

**Approved plans and specifications**

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
<b>Aspect of development: Material change of use</b>				
Site Plan (amended in red by SARA on 27 April 2018)	RBM Aquaculture	30.03.2018	C110	-
Section A Cross Section A-B	RBM Aquaculture	30.03.2018	C110	-
Section C Cross Section C-D	RBM Aquaculture	30.03.2018	C110	-

A copy of this response has been sent to the applicant for their information.

For further information please contact Holly Sorohan, Principal Planner, on 43315605 or via email [WBBSARA@dsgmip.qld.gov.au](mailto:WBBSARA@dsgmip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Luke Lankowski  
Manager, Planning

cc Crayton Redclaw Pty Ltd, [sarah@martooconsulting.com](mailto:sarah@martooconsulting.com)

enc Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Approved plans and specifications  
Statement of reasons





	<p>personal contact details for this development approval.</p> <p><i>Note: Forms for reporting a change in contact details can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals">https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals</a></i></p>	contact details
7.	<p>Aquaculture fisheries resources must not be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.</p>	At all times
8.	<p>Provide an annual aquaculture production return in the approved form to the Department of Agriculture and Fisheries. This includes lodging a nil return when no activity has occurred.</p> <p><i>Note: This is an information requirement pursuant to section 118 of the Fisheries Act 1994. Details on how to lodge and electronic aquaculture production return will be sent to operators annually.</i></p>	By close of business on the 31 July each year
9.	<p>Aquaculture fisheries resources must not be released into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i>).</p> <p><i>Note: It is an offence under the Fisheries Act 1994 to unlawfully release aquaculture fisheries resources, or cause aquaculture fisheries resources to be released, into Queensland waters. Maximum penalty—2000 penalty units.</i></p>	At all times
10.	<p>The movement of fisheries resources into, or within, Queensland must comply with the current version of:</p> <p>(a) <i>Health protocol for the movement of live freshwater crayfish and prawns; and</i>  (b) <i>any approved species not included in a species specific health protocol: "Health protocol for movement of aquatic animals for aquaculture in Queensland"</i></p> <p><i>Note: Health protocols and application form FDU1398 can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies">https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies</a>.</i></p> <p><i>Note: Commonwealth quarantine protocols must be successfully completed for the relevant organisms of any species prior to their introduction to the approved aquaculture area.</i></p>	At all times
11.	<p>Maintain control over the release of water from all ponds, tanks and drainage systems within the approved aquaculture area.</p> <p><i>Note: Control may be achieved through ensuring ponds, tanks and containers integrity at all times, having adequate freeboard to avoid any overtopping, preventing overland flow, ensuring all equipment intended to control releases is functioning correctly at all times and backup systems or equipment are in place.</i></p>	Upon commencement of the use and to be maintained at all times
12.	<p>Provide an impervious perimeter barrier to prevent the overland release of <i>Cherax quadricarinatus</i> from the approved aquaculture area.</p>	Prior to the commencement of the use and to be maintained at all times
13.	<p>Install screening being appropriately sized mesh on all points of water release or discharge from nursery ponds, growout ponds, sediment ponds, pumps, drainage systems etc. within the approved</p>	Prior to the commencement of the use and to be

	aquaculture area to prevent the escape of any aquaculture fisheries resources (eggs, juveniles or adults) into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ).	maintained at all times
14.	Install screening being appropriately sized mesh, on all intake waters to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved aquaculture area.	Prior to the commencement of the use and to be maintained at all times
15.	Install, screening bird netting on all ponds, tanks and containers used to contain exotic non-indigenous fish, to prevent vertebrate predators such as birds from accessing the non-indigenous fish	Prior to commencement of use and to be maintained at all times



## Attachment 2—Reasons for decision to impose conditions

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The reasons for this decision are:

- To ensure the development is carried out in the location and to the extent specified on the approved plans of development.
- To ensure the aquaculture facility is designed and managed to prevent impacts on fisheries resources and fish habitats.
- To clarify the extent and nature of the approved aquaculture area.
- To allow inspections of aquaculture operations – enforcement.
- Section 73(3) of the *Fisheries Act 1994* states that within 21 days after a change in circumstances prescribed under a regulation or a management plan, the holder of an authority must give the chief executive written particulars of the change in the approved form (failure to do so is an offence provision attracting a maximum of 300 penalty units).
- To minimise risk of spread of disease.
- To enable DAF to meet State and Commonwealth (ABARE) reporting requirements.
- To protect Queensland fisheries resources.
- To protect fisheries resources and aquaculture industry.
- To prevent the escape of aquaculture fisheries resources into Queensland Waters.
- To prevent the escape of aquaculture fisheries resources into Queensland Waters.
- To ensure the development is designed and constructed to mitigate biosecurity and disease risk on the natural environment.

## Attachment 3—further advice

General advice	
1.	<p>Immediately report any unusual clinical signs or mortalities of any fisheries resources brought into Queensland, to the Queensland Boating and Fisheries Patrol. If directed, specimens must be forwarded to a veterinary laboratory.</p> <p><i>Note: Information on reporting disease in aquaculture can be found at <a href="https://www.business.qld.gov.au/industry/fisheries/aquaculture/health-pests-and-diseases-of-aquaculture/managing-disease-in-aquaculture-farms/identifying-and-reporting-disease-in-aquaculture">https://www.business.qld.gov.au/industry/fisheries/aquaculture/health-pests-and-diseases-of-aquaculture/managing-disease-in-aquaculture-farms/identifying-and-reporting-disease-in-aquaculture</a>.</i></p>
2.	<p>This approval does not permit the harvest of broodstock and culture stock.</p> <p><i>Note: Broodstock and/or culture stock may be purchased from the holder of an authority or licence that authorises the sale of the approved species. In Queensland, this includes from a commercial fisher holding an appropriate Fisheries Act 1994 licence.</i></p> <p><i>Note: Forms to apply for the collection of broodstock or culture stock for aquaculture under a Fisheries Act 1994 General Fisheries Permit can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals">https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals</a>.</i></p> <p><i>Note: Depending on the species sought and its location, additional permits may be required under other legislation, for example the Environmental Protection and Biodiversity Conservation Act 1999, the Great Barrier Reef Marine Park Act 1975, the Nature Conservation Act 1992.</i></p>
3.	<p>This approval does not provide any entitlement to access or harvest an aquaculture fisheries resource that becomes an unauthorised escape or release, including but not limited to:</p> <ul style="list-style-type: none"> <li>(a) animal(s) stocked within the approved aquaculture area that move outside the area; or</li> <li>(b) spawn or progeny of an aquaculture fisheries resource should such eggs, larvae, juveniles or adult progeny become distributed outside of the approved aquaculture area.</li> </ul> <p>The responsibility for any impact of unauthorized escapes or releases of aquaculture fisheries resources is with the operator. Additional permits may be required under the <i>Fisheries Act 1994</i> to authorise processes required to be readily available to effectively manage this risk.</p>



Department of  
**State Development,  
 Manufacturing,  
 Infrastructure and Planning**

**Department of State Development, Manufacturing, Infrastructure and Planning**

**Statement of reasons for application 1712-3087 SRA**

(Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

**Applicant details**

Applicant name: Crayton Redclaw Pty Ltd  
 c/- Martoo Consulting

Applicant contact details: PO Box 391  
 Gympie QLD 4570  
 sarah@martooconsulting.com

**Location details**

Street address: 67 Verne Road, Wolvi

Real property description: Lot 9 on RP179758

Local government area: Gympie Regional Council

**Development details**

Development permit: Material change of use for aquaculture (redclaw crayfish farm)

**Assessment matters**

Aspect of development requiring code assessment	Applicable codes
1. Material Change of Use	State Development Assessment Provisions, version 2.1, State Code 17: Aquaculture

**Reasons for the department's decision**

The reasons for the decision are:

- The development appropriately carries out the use of fisheries and aquaculture fisheries resources.
- The development will be managed to ensure fisheries resources are not adversely affected.

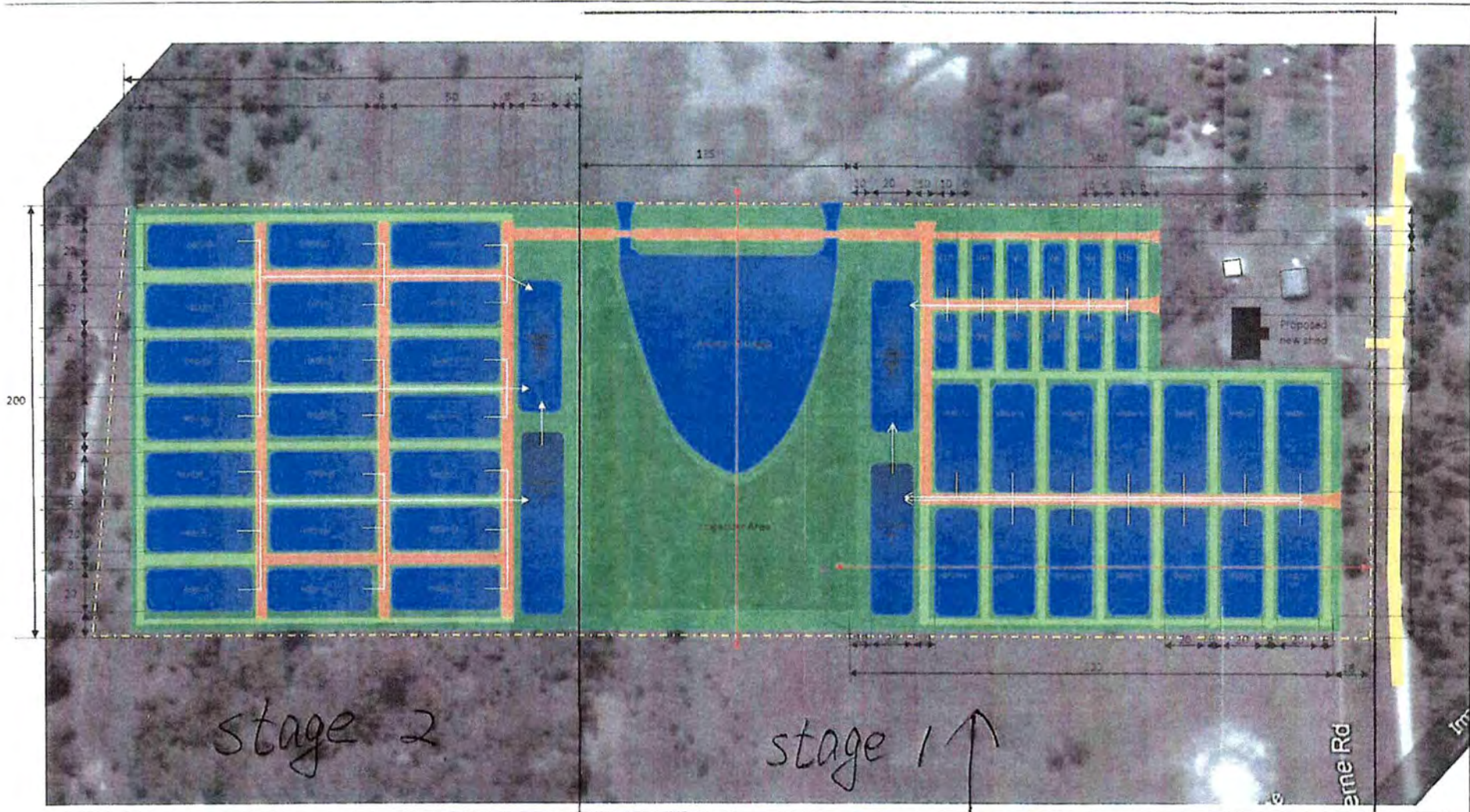
**Decision**

- The development is for material change of use to carry out land based aquaculture for the farming of redclaw crayfish.
- The concurrence agency response includes conditions relating to the development and operation of the aquaculture to ensure it is carried out in accordance with the requirements of State Code 17 and does not adversely impact other fisheries resources.
- The concurrence agency response was issued on 27 April 2018



**Evidence**

- Development application common material
- State Development Assessment Provisions, version 2.1 published by the Department of State Development, Manufacturing, Infrastructure and Planning
- *Planning Act 2016*
- Planning Regulation 2017

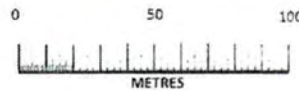


stage 2

stage 1 ↑

**Proposed Aquaculture development comprising:**

- New Shed—22.5m x 12m
- 12 Nursery ponds—25m x 10m
- 35 Growout Ponds—50m x 20m
- 4 Sediment Ponds
- Water Storage Dam—100m x 100m (Triangular)
- Irrigation Area



**SITE PLAN**

CLIENT	PROJECT	PROJECT No.	ISSUE	DRAWN BY
Crayton Redclaw P/L	67 Verne Road Wolve Queensland	C310	30.03.2018	REM

**1**

Gympie Regional Council  
APPROVED PLAN

Signature: 

File No. 2017-1876 Date: 27.08.18





Department of  
**State Development,  
 Manufacturing,  
 Infrastructure and Planning**

Our reference: 1707-494 SDA

23 January 2018

Nusqe Spanton  
 69/15 Dunes Ct  
 PEREGIAN SPRINGS QLD 4573  
 nusqespanton@yahoo.com

Dear Mr Spanton

**Negotiated decision notice—approved with conditions**

(Given under section 76(2) of the *Planning Act 2016*)

The Department of State Development, Manufacturing, Infrastructure and Planning received your change representations under section 75 of the *Planning Act 2016* on 28 November 2017. This negotiated decision notice replaces the decision notice dated 8 November 2017

The changes agreed to are:

1. Change condition 1 to include additional approved species.
2. Change condition 15 to state that Akoya pearl oysters must be sourced, or is to have originated, from stock from the east coast of Australia.
3. Amend conditions 19 and 24 to reflect new department names.

**Applicant details**

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Applicant name: Nusqe Spanton  
 Applicant contact details: 69/15 Dunes Ct  
 PEREGIAN SPRINGS QLD 4573  
 nusqespanton@yahoo.com

**Location details**

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Street address: Esplanade, Tuan Forest  
 Real property description: Lot 601 on T4291  
 Local government area: Fraser Coast Regional Council

**Decision**

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Date of decision: 23 January 2018  
 Decision details: Approved subject to conditions



**Approval details**


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Development permit                      Material change of use for aquaculture

**Referral agencies**


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Not applicable

**Conditions**


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This approval is subject to:

- the assessment manager conditions in Attachment 1

The department has, for conditions of this approval, nominated an entity to be the enforcement authority for that condition under the *Planning Act 2016*.

**Rights of appeal**


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The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration from a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

Copies of the relevant appeal provisions are enclosed.

**Currency period for the approval**


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This development approval will lapse if development is not started within the currency periods stated in section 85 of the *Planning Act 2016*.

For further information please contact Holly Sorohan, Principal Planner, on 43315605 or via email [WBBSARA@dilgp.qld.gov.au](mailto:WBBSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Luke Lankowski  
Manager (Planning)

cc        Fraser Coast Regional Council, [enquiry@frasercoast.qld.gov.au](mailto:enquiry@frasercoast.qld.gov.au)

enc       Attachment 1—Assessment manager conditions  
           Attachment 2—Reasons for conditions  
           Attachment 3—advice  
           Appeal provisions  
           Statement of reasons

## Attachment 1—Assessment manager conditions

No.	Conditions of development approval	Condition timing																																																				
Material Change of Use																																																						
Aquaculture—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Agriculture and Fisheries to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																																																						
1.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="0"> <tr> <td><b>Common Name:</b></td> <td><b>Scientific Name:</b></td> </tr> <tr> <td>Akoya Pear Oyster</td> <td><i>Pinctada Imbricata</i></td> </tr> <tr> <td>Australian South Sea Pearl Oyster</td> <td><i>Pinctada maxima</i></td> </tr> <tr> <td>Saucer scallop</td> <td><i>Amisium japonicum balloti</i></td> </tr> <tr> <td><u>Red seaweed</u></td> <td><u><i>Acanthophora</i> spp.</u></td> </tr> <tr> <td><u>Red seaweed</u></td> <td><u><i>Asparagopsis taxiformis</i></u></td> </tr> <tr> <td><u>Red seaweed</u></td> <td><u><i>Eucheuma denticulatum</i></u></td> </tr> <tr> <td><u>Red seaweed</u></td> <td><u><i>Gelidium</i> spp.</u></td> </tr> <tr> <td><u>Red seaweed</u></td> <td><u><i>Gelidiella</i> spp.</u></td> </tr> <tr> <td><u>Red seaweed</u></td> <td><u><i>Gracilaria</i> spp.</u></td> </tr> <tr> <td><u>Red seaweed</u></td> <td><u><i>Halymenia floresii</i></u></td> </tr> <tr> <td><u>Red seaweed</u></td> <td><u><i>Hypnea</i> spp.</u></td> </tr> <tr> <td><u>Red seaweed</u></td> <td><u><i>Plocamium</i> spp.</u></td> </tr> <tr> <td><u>Red seaweed</u></td> <td><u><i>Porphyra</i> spp.</u></td> </tr> <tr> <td><u>Red seaweed</u></td> <td><u><i>Pterocladia</i> spp.</u></td> </tr> <tr> <td><u>Red seaweed</u></td> <td><u><i>Sarconema filiforme</i></u></td> </tr> <tr> <td><u>Red seaweed</u></td> <td><u><i>Solieria</i> spp.</u></td> </tr> <tr> <td><u>Green seaweed</u></td> <td><u><i>Caulerpa</i> spp.</u></td> </tr> <tr> <td><u>Green seaweed</u></td> <td><u><i>Chaetomorpha</i> spp.</u></td> </tr> <tr> <td><u>Green seaweed</u></td> <td><u><i>Codium</i> spp.</u></td> </tr> <tr> <td><u>Green seaweed</u></td> <td><u><i>Ulva</i> spp.</u></td> </tr> <tr> <td><u>Brown seaweed</u></td> <td><u><i>Cystoseria</i> spp.</u></td> </tr> <tr> <td><u>Brown seaweed</u></td> <td><u><i>Dictyota</i> spp.</u></td> </tr> <tr> <td><u>Brown seaweed</u></td> <td><u><i>Hydroclathrus</i></u></td> </tr> <tr> <td><u>Brown seaweed</u></td> <td><u><i>Sargassum</i> spp.</u></td> </tr> <tr> <td><u>Brown seaweed</u></td> <td><u><i>Spatoglossum</i> sp.</u></td> </tr> </table> <p>Hereafter referred to as the "approved species".</p>	<b>Common Name:</b>	<b>Scientific Name:</b>	Akoya Pear Oyster	<i>Pinctada Imbricata</i>	Australian South Sea Pearl Oyster	<i>Pinctada maxima</i>	Saucer scallop	<i>Amisium japonicum balloti</i>	<u>Red seaweed</u>	<u><i>Acanthophora</i> spp.</u>	<u>Red seaweed</u>	<u><i>Asparagopsis taxiformis</i></u>	<u>Red seaweed</u>	<u><i>Eucheuma denticulatum</i></u>	<u>Red seaweed</u>	<u><i>Gelidium</i> spp.</u>	<u>Red seaweed</u>	<u><i>Gelidiella</i> spp.</u>	<u>Red seaweed</u>	<u><i>Gracilaria</i> spp.</u>	<u>Red seaweed</u>	<u><i>Halymenia floresii</i></u>	<u>Red seaweed</u>	<u><i>Hypnea</i> spp.</u>	<u>Red seaweed</u>	<u><i>Plocamium</i> spp.</u>	<u>Red seaweed</u>	<u><i>Porphyra</i> spp.</u>	<u>Red seaweed</u>	<u><i>Pterocladia</i> spp.</u>	<u>Red seaweed</u>	<u><i>Sarconema filiforme</i></u>	<u>Red seaweed</u>	<u><i>Solieria</i> spp.</u>	<u>Green seaweed</u>	<u><i>Caulerpa</i> spp.</u>	<u>Green seaweed</u>	<u><i>Chaetomorpha</i> spp.</u>	<u>Green seaweed</u>	<u><i>Codium</i> spp.</u>	<u>Green seaweed</u>	<u><i>Ulva</i> spp.</u>	<u>Brown seaweed</u>	<u><i>Cystoseria</i> spp.</u>	<u>Brown seaweed</u>	<u><i>Dictyota</i> spp.</u>	<u>Brown seaweed</u>	<u><i>Hydroclathrus</i></u>	<u>Brown seaweed</u>	<u><i>Sargassum</i> spp.</u>	<u>Brown seaweed</u>	<u><i>Spatoglossum</i> sp.</u>	Prior to the commencement of use and to be maintained at all times
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2.	<p>Development authorised under this approval is limited as follows:</p> <p>The aquaculture of the approved species is limited to a combined maximum area of 20 hectares and shown in the following plans: Fisheries Queensland Approved Plan, 2017BC0611 dated 26/09/201</p>	Prior to the commencement of use and to be maintained at all times																																																				
3.	<p>a) Provide to Department of Agriculture and Fisheries via <a href="mailto:notifications@daf.qld.gov.au">notifications@daf.qld.gov.au</a> identification of the persons undertaking aquaculture activities on the approved aquaculture area under this development approval. The notification must state this permit number 1707-494 SDA</p> <p>b) Only persons who have been identified in writing as operating under this development approval may assist</p>	<p>(a) Prior to the commencement of use and to be maintained at all times</p> <p>(b) Upon commencement</p>																																																				



No.	Conditions of development approval	Condition timing
		of the use and to be maintained at all times
4.	This aquaculture development constitutes a place that is required to be open for inspection by an inspector at all times, pursuant to section 145 of the <i>Fisheries Act 1994</i>	At all times
5.	<p>Inform the assessing authority Department of Agriculture and fisheries via <a href="mailto:notifications@daf.qld.gov.au">notifications@daf.qld.gov.au</a> of any changes to the personal contact details for this development approval.</p> <p>Note: Forms for reporting a change in contact details can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/aquacultureapprovals">https://www.daf.qld.gov.au/fisheries/aquaculture/aquacultureapprovals</a></p>	Within 28 days of change to personal contact details
6.	Aquaculture fisheries resources must not be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	At all times
7.	<p>Provide an annual aquaculture production return in the approved form to the Department of Agriculture and Fisheries. This includes lodging a nil return when no activity has occurred.</p> <p>Note: This is an information requirement pursuant to section 118 of the <i>Fisheries Act 1994</i>. Details on how to lodge and electronic aquaculture production return will be sent to operators annually.</p>	By close of business on the 31 July each year
8.	<p>Aquaculture fisheries resources must not be released into Queensland waters (as defined in the Acts Interpretation Act 1954) with the exception of the approved species within the Aquaculture Area Boundary shown on drawing: Fisheries Queensland Approved Plan, 2017BC0611 dated 26/09/201</p> <p>Note: It is an offence under the Fisheries Act 1994 to unlawfully release aquaculture fisheries resources, or cause aquaculture fisheries resources to be released, into Queensland waters.</p> <p>Maximum penalty—2000 penalty units.</p>	At all times
9.	<p>The movement of fisheries resources into, or within, Queensland must comply with the current version of:</p> <ol style="list-style-type: none"> <li>Health protocol for the translocation and movement of live bivalve molluscs and</li> <li>any approved species not included in a species specific health protocol :“Health protocol for movement of aquatic animals for aquaculture in Queensland”</li> </ol> <p>Note: Health protocols and application form FDU1398 can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/management-andpolicies">https://www.daf.qld.gov.au/fisheries/aquaculture/management-andpolicies</a></p> <p>Note: Commonwealth quarantine protocols must be successfully completed for the relevant organisms of any species prior to their</p>	At all times



No.	Conditions of development approval	Condition timing
	introduction to the approved aquaculture area.	
10.	All structures associated with aquaculture development must be constructed, correctly deployed and operated to prevent movement of the structure from within the approved aquaculture area and from the intended point of placement, anchoring or mooring within the approved aquaculture area.	Prior to the commencement of use and to be maintained at all times
11.	The approved aquaculture area must be kept free from hazards that may endanger a person, person's property or the environment.	At all times
12.	All Aquaculture furniture must be removed on cessation of the aquaculture operation.	Within 12 months of the cessation of the aquaculture operation
13.	All materials used in the construction of aquaculture furniture or placed within the premises are inert and non-hazardous.	At all times
14.	Broodstock must be sufficient in number to ensure that genetic variation within the product avoids risks that the operation may pose to the genetic diversity of the resident population/s of the species and/or impacts to associated ecosystems.	At all times
15.	Any stock, including spat, culture stock and/or broodstock must be sourced, or is to have originated, from stock from the Hervey Bay area (excluding Saucer scallops <b>and Akoya pearl oysters</b> ). The Hervey Bay area is determined to be from Sandy Cape to Burnett Heads in the north to Hook Point to Inskip Point in the south, including all coastal waters within these boundaries but excluding any Department of Defence areas. Saucer scallops must be sourced, or is to have originated, from stock from between Townsville to the Queensland/New South Wales Border. <b><u>Akoya pearl oysters must be sourced, or is to have originated, from stock from the east coast of Australia.</u></b>	At all times
16.	This development approval authorises the use of boat(s) identified as A0611 in aquaculture activities and: a) the identification must be displayed on each side of the boat above the water line, where it can be clearly seen; and b) the identification letters and numbers must be in block capitals that are a minimum height of 200 mm; and c) the identification must be dark displayed upon a light background or light displayed upon a dark background; and d) the identification is to be kept legible and conspicuously displayed on the boat(s).	At all times
17.	Where aquaculture equipment or product are cleaned on board a vessel or a platform, wastewater and waste generated by cleaning shall be screened to remove solids prior to wash water being discharged to natural waters.	At all times
18.	Only aquaculture furniture which has industry acceptance and/or authorisation from the administering authority is to be used and is to be placed only within the boundaries of the approved aquaculture area. This approval does not authorise the use of structures such as	At all times

No.	Conditions of development approval	Condition timing
	sheds, fences, pontoons, docks or wave walls unless separate written approval has been granted by the relevant authority.	
19.	<p>The approval holder must, within three (3) months of the date of practical completion of the works, submit to the Department of Environment and <del>Heritage Protection</del> <b>Science</b> a letter from a Registered Professional Engineer of Queensland certifying that:</p> <p>a) The works (including any other associated works) has been constructed in accordance with the approved drawings and these conditions; and</p> <p>b) The works:</p> <ul style="list-style-type: none"> <li>- are structurally adequate for anticipated usage; and</li> <li>- comply with all relevant codes — including Department of Environment and <del>Heritage Protection</del> <b>Science</b> operational policy, Building and engineering standards for tidal works; and</li> </ul> <p>c) The bed and banks of the waterway for a distance of 15 metres around the site of the works is clear of all debris.</p>	within three (3) months of the date of practical completion of the works
20.	Lines must be kept taut and adequately spaced, with sufficient floatation.	At all times
21.	Vertical dropper lines must be suspended from a single horizontal line. Multiple horizontal lines between a single set of anchor points are not permitted.	At all times
22.	Where coral communities are present in the approved area, structures must be located so as to avoid damage to coral	At all times
23.	<p>Procedures for Dealing with Injured Wildlife or Cetaceans must be carried out:</p> <p>a) Any wildlife injured within the Marine Park as a result of aquaculture activities must be reported to the RSPCA on 1300 264 635.</p> <p>b) Any interaction with fauna listed under the EPBC Act must be reported to the Secretary of the Department of the Environment (includes turtles, dugongs, cetaceans etc).</p> <p>c) Any person who 'undertakes an activity that results in the unintentional death, injury, moving, harassment, chasing (or) marking a cetacean' must notify the Secretary of the Department of the Environment within seven days of being aware of the results of the activity.</p> <p>Contact details:  The Secretary,  Department of the Environment  GPO Box 787, Canberra ACT 2601  Phone: +61 2 6274 1111, Fax: +61 2 6274 1666  protected.species@environment.gov.au  Website for cetacean interaction notifications: Refer to the 'Notification of activities affecting listed species or ecological</p>	At all times
24.	Prior to commencing any aquaculture activities under this authority, the applicant must submit to the Department of Environment and	Prior to the commencement

No.	Conditions of development approval	Condition timing
	<del>Heritage Protection</del> <b>Science</b> a bond in the form of an unconditional bank guarantee to the value of \$5000 from an institution authorised under the Banking Act 1959 to carry on banking business in Australia to recover costs associated with rescuing marine animals that may become entangled within aquaculture infrastructure.	of use and to be maintained at all times



## Attachment 2—Reason for conditions

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The reasons for this decision are:

- To ensure the aquaculture facility is designed and managed to prevent impacts on fisheries resources and fish habitats.
- To clarify the extent and nature of the approved aquaculture area.
- To assist Department of Agriculture and Fisheries (DAF) officers and inspectors to administer, monitor and undertake required enforcement against unauthorised fishing in an approved aquaculture area.
- To allow inspections of aquaculture operations – enforcement.
- Section 73(3) of the *Fisheries Act 1994* states that within 21 days after a change in circumstances prescribed under a regulation or a management plan, the holder of an authority must give the chief executive written particulars of the change in the approved form (failure to do so is an offence provision attracting a maximum of 300 penalty units).
- To minimise risk of spread of disease.
- To enable DAF to meet State and Commonwealth (ABARE) reporting requirements.
- To protect Queensland fisheries resources.
- To protect fisheries resources and aquaculture industry.
- To prevent the movement of structures from their intended point of placement within the approved aquaculture area.
- To prevent harm to fisheries habitats.
- To ensure genetic variation.
- To ensure no unauthorised access to the development site and to assist DAF officers and inspectors to administer, monitor and undertake required enforcement against unauthorised fishing in an approved aquaculture area.
- To ensure no excess nutrients are introduced into the environment.
- To ensure inappropriate structures are not constructed or placed on the approved aquaculture area
- To ensure any structures which are constructed in accordance with submitted plans and are structurally adequate.
- To minimise risks to the public and marine mammals.
- To minimise risks to marine mammals.
- To minimise impacts to coral communities.
- To ensure risks to marine mammals is minimised and interactions recorded.
- To ensure any costs associated with marine animal rescue is covered by the proponent.

**Attachment 3—Further advice**

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**General Advice**

- |    |  |
|----|--|
| 1. | This development approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species. |
|----|--|

# Planning Act 2016 – Appeal provisions

The following provisions are the *appeal rights* as defined in the *Planning Act 2016*, schedule 2.

## Chapter 6 Dispute resolution

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### Part 1 Appeal rights

#### 228 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
  - (a) matters that may be appealed to—
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) the person—
    - (i) who may appeal a matter (the *appellant*); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The appeal period is—
  - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—  
See the P&E Court Act for the court's power to extend the appeal period.
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.



- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
- (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

**229 Notice of appeal**

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
- (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
- (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
  - (ca) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
  - (d) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (ca); and
  - (e) for an appeal to the P&E Court—the chief executive; and
  - (f) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

**230 Other appeals**

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.

(4) In this section—

**decision** includes—

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

**non-appealable**, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

### 231 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

## Schedule 1 Appeals

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### 1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
  - (a) the P&E court; or
  - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
  - (a) the refusal, or deemed refusal of a development application, for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (b) a provision of a development approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (c) if a development permit was applied for—the decision to give a preliminary approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (d) a development condition if—
    - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
    - (ii) the building is, or is proposed to be, not more than 3 storeys; and



- (iii) the proposed development is for not more than 60 sole-occupancy units; or
  - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
  - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
  - (g) a matter under this Act, to the extent the matter relates to—
    - (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
    - (ii) the Plumbing and Drainage Act, part 4 or 5; or
  - (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
  - (i) a decision to give an infrastructure charges notice; or
  - (j) the refusal, or deemed refusal, of a conversion application; or
  - (k) a matter that, under another Act, may be appealed to the tribunal; or
  - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
    - (i) a development approval for which the development application required impact assessment; and
    - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
  - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
- (a) column 1 states the appellant in the appeal; and
  - (b) column 2 states the respondent in the appeal; and
  - (c) column 3 states the co-respondent (if any) in the appeal; and
  - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

<p><b>Table 1</b>  <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b></p>
<p><b>1. Development applications</b>          An appeal may be made against—</p> <ul style="list-style-type: none"> <li>(a) the refusal of all or part of the development application; or</li> <li>(b) the deemed refusal of the development application; or</li> <li>(c) a provision of the development approval; or</li> <li>(d) if a development permit was applied for—the decision to give a preliminary approval.</li> </ul>
<p><b>Table 1</b>  <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b></p>



Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	<ol style="list-style-type: none"> <li>1 A concurrence agency that is not a co-respondent</li> <li>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</li> <li>3 Any eligible advice agency for the application</li> <li>4 Any eligible submitter for the application</li> </ol>

**2. Change applications**  
 An appeal may be made against—  
 (a) a responsible entity's decision for a change application, other than a decision made by the P&E court; or  
 (b) a deemed refusal of a change application.

**Table 1**  
**Appeals to the P&E Court and, for certain matters, to a tribunal**

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<ol style="list-style-type: none"> <li>1 The applicant</li> <li>2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice</li> </ol>	The responsible entity	If an affected entity starts the appeal—the applicant	<ol style="list-style-type: none"> <li>1 A concurrence agency for the development application</li> <li>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</li> <li>3 A private certifier for the development application</li> <li>4 Any eligible advice agency for the change application</li> <li>5 Any eligible submitter for the change application</li> </ol>

**3. Extension applications**  
 An appeal may be made against—  
 (a) The assessment manager's decision about an extension application; or  
 (b) A deemed refusal of an extension application.

**Table 1**  
**Appeals to the P&E Court and, for certain matters, to a tribunal**

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal—the applicant	If a chosen assessment manager is the respondent—the prescribed assessment manager

#### 4. Infrastructure charges notices

An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—

- (a) the notice involved an error relating to—  
 (i) the application of the relevant adopted charge; or

*Examples of errors in applying an adopted charge:*

- the incorrect application of gross floor area for a non-residential development
- applying an incorrect 'use category', under a regulation, to the development

- (ii) the working out of extra demand, for section 120; or  
 (iii) an offset or refund; or  
 (b) there was no decision about an offset or refund; or  
 (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or  
 (d) the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.

**Table 1**  
**Appeals to the P&E Court and, for certain matters, to a tribunal**

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—

#### 5. Conversion applications

An appeal may be made against—

- (a) the refusal of a conversion application; or  
 (b) a deemed refusal of a conversion application.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	—	—

#### 6. Enforcement notices

An appeal may be made against the decision to give an enforcement notice.

<b>Table 1 Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
<b>Column 1 Appellant</b>	<b>Column 2 Respondent</b>	<b>Column 3 Co-respondent (if any)</b>	<b>Column 4 Co-respondent by election (if any)</b>
The person given the enforcement notice	The enforcement authority	—	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

**Table 2  
Appeals to the P&E Court only**

**1. Appeals from tribunal**  
An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—  
(a) an error or mistake in law on the part of the tribunal; or  
(b) jurisdictional error.

<b>Column 1 Appellant</b>	<b>Column 2 Respondent</b>	<b>Column 3 Co-respondent (if any)</b>	<b>Column 4 Co-respondent by election (if any)</b>
A party to the proceedings for the decision.	The other party to the proceedings for the decision	—	—

**2. Eligible submitter appeals**  
An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to—  
(a) any part of the development application for the development approval that required impact assessment; or  
(b) a variation request

**Table 2  
Appeals to the P&E Court only**

<b>Column 1 Appellant</b>	<b>Column 2 Respondent</b>	<b>Column 3 Co-respondent (if any)</b>	<b>Column 4 Co- respondent by election (if any)</b>
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application

**3. Eligible submitter and eligible advice agency appeals**  
An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to—  
(a) any part of the development application or the change application, for the development approval, that required impact assessment; or  
(b) a variation request.

**Table 2  
Appeals to the P&E Court only**



Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application 3 An eligible advice agency for the development application or change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
<b>4. Compensation claims</b> An appeal may be made against— (a) a decision under section 32 about a compensation claim; or (b) a decision under section 265 about a claim for compensation; or (c) a deemed refusal of a claim under paragraph (a) or (b).			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	—	—
<b>Table 2</b> <b>Appeals to the P&amp;E Court only</b>			
<b>5. Registered premises</b> An appeal may be made against a decision of the Minister under chapter 7, part 4.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 A person given a decision notice about the decision 2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision	The Minister	—	If an owner or occupier starts the appeal—the owner of the registered premises

<p><b>6. Local laws</b></p> <p>An appeal may be made against a decision of a local government, or conditions applied, under a local law about—</p> <p>(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or</p> <p>(b) the erection of a building or other structure.</p>			
<p><b>Table 2</b>  <b>Appeals to the P&amp;E Court only</b></p>			
<p><b>Column 1</b>  <b>Appellant</b></p>	<p><b>Column 2</b>  <b>Respondent</b></p>	<p><b>Column 3</b>  <b>Co-respondent</b>  <b>(if any)</b></p>	<p><b>Column 4 Co-respondent</b>  <b>by election (if</b>  <b>any)</b></p>
<p>A person who—</p> <p>(a) applied for the decision; and</p> <p>(b) is dissatisfied with the decision or conditions.</p>	<p>The local government</p>	<p>—</p>	<p>—</p>
<p><b>Table 3</b>  <b>Appeals to a tribunal only</b></p>			
<p><b>1. Building advisory agency appeals</b></p> <p>An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.</p>			
<p><b>Column 1</b>  <b>Appellant</b></p>	<p><b>Column 2</b>  <b>Respondent</b></p>	<p><b>Column 3</b>  <b>Co-respondent</b>  <b>(if any)</b></p>	<p><b>Column 4 Co-respondent</b>  <b>by election (if</b>  <b>any)</b></p>
<p>A building advisory agency for the development application related to the approval</p>	<p>The assessment manager</p>	<p>The applicant</p>	<p>1 A concurrence agency for the development application related to the approval</p> <p>2 A private certifier for the development application related to the approval</p>
<p><b>Table 3</b>  <b>Appeals to a tribunal only</b></p>			
<p><b>2. Inspection of building work</b></p> <p>An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.</p>			
<p><b>Column 1</b>  <b>Appellant</b></p>	<p><b>Column 2</b>  <b>Respondent</b></p>	<p><b>Column 3</b>  <b>Co-respondent</b>  <b>(if any)</b></p>	<p><b>Column 4 Co-respondent</b>  <b>by election (if</b>  <b>any)</b></p>
<p>The applicant for the development approval</p>	<p>The person who made the decision</p>	<p>—</p>	<p>—</p>
<p><b>3. Certain decisions under the Building Act and the Plumbing and Drainage Act</b></p> <p>An appeal may be made against a decision under—</p> <p>(a) the Building Act, other than a decision made by the Queensland Building and Construction Commission; or</p> <p>(b) the Plumbing and Drainage Act, part 4 or 5.</p>			

<b>Column 1 Appellant</b>	<b>Column 2 Respondent</b>	<b>Column 3 Co-respondent (if any)</b>	<b>Column 4 Co-respondent by election (if any)</b>
A person who received, or was entitled to receive, notice of the decision	The person who made the decision	—	—

**4. Local government failure to decide application under the Building Act**  
 An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.

**Table 3  
 Appeals to a tribunal only**

<b>Column 1 Appellant</b>	<b>Column 2 Respondent</b>	<b>Column 3 Co-respondent (if any)</b>	<b>Column 4 Co-respondent by election (if any)</b>
A person who was entitled to receive notice of the decision	The local government to which the application was made	—	—





Department of  
**State Development,  
Manufacturing,  
Infrastructure and Planning**

GE78-N

**Department of State Development, Manufacturing, Infrastructure and Planning**  
**Statement of reasons for application 1708-494 SDA**

(Given under section 63 of the *Planning Act 2016*)

Departmental role: Assessment manager

**Applicant details**

Applicant name: Nusqe Spanton  
Applicant contact details: 69/15 Dunes Ct  
Peregian Springs Qld 4573

**Location details**

Real property description: Waterway adjoining Lot 601 on T4291  
Local government area: Fraser Coast Regional Council

**Development details**

Development permit: Material change of use - aquaculture

**Assessment matters**

Aspect of development requiring code assessment	Applicable codes
1. Material Change of Use	State Development Assessment Provisions, version 2.1, State Code 17: Aquaculture

**Reasons for the department's decision**

The reasons for the decision are:

- The development appropriately carries out the use of fisheries and aquaculture fisheries resources.
- The development will be managed to ensure fisheries resources are not adversely affected.
- The additional approved seaweed species in the negotiated decision will not adversely affect fisheries resources.
- The change in the negotiated decision notice to allow Akoya pearl oysters to be sourced from the east coast of Australia will not adversely affect fisheries resources.

**Decision**

- The development is for material change of use to carry out marine aquaculture for the farming of pearl oyster species, scallops and sea algae.
- This negotiated decision included conditions relating to the development and operation of the aquaculture to ensure it is carried out in accordance with the requirements of State Code 17 and does not adversely impact other fisheries resources.
- The negotiated decision was made on 23 January 2018.

**Evidence or other material on which the findings were based**

- Development application common material
- State Development Assessment Provisions, version 2.1 published by the Department of State Development, Manufacturing, Infrastructure and Planning
- *Planning Act 2016*
- Planning Regulation 2017



Department of Infrastructure,  
Local Government and Planning

Our reference: SPD-0517-036672

30 August 2017

Freshwater Australian Crayfish Traders Pty Ltd  
785 Tarome Road  
TAROME QLD 4309  
Jason@jardiniinternational.com

Attn: Mr Jason Coe

Dear Mr Coe

**Notice of decision—changed approval (responsible entity)**

785 Tarome Road, Tarome

(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning (the department) received a request for a permissible change under section 369 of the *Sustainable Planning Act 2009* on 30 May 2017 requesting changes to the concurrency agency conditions for the original decision described below.

**Applicant details**

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Applicant name: Freshwater Australian Crayfish Traders Pty Ltd  
785 Tarome Road  
Tarome QLD 4309

**Site details**

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Lot on plan: Lot 1 on SP179982 and Lot 2 on RP162996.  
Local government area: Scenic Rim Regional Council

**Application details**

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Proposed development: Development Permit for Material Change of Use  
(Aquaculture)



### **Original decision**

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Date of referral agency decision            26 August 2016

Original decision details:            Approved subject to conditions

### **Changes to concurrence agency conditions**

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The department has completed assessment of the changes sought to the concurrence agency conditions and agrees in part with the changes. Condition 1 has been amended to include most of the additional species sought, with three of the additional species sought not approved.

Changed concurrence agency conditions for this request are attached as Attachment 1.

The department does not agree with the changes sought to condition 1 in full for the following reasons:

- The applicant has not demonstrated approval for *Pristis pristis*, *Euastacus hystricosus* and *Euastacus suttoni* complies with the Performance Outcomes within Module 3 of the State Development Assessment Provisions.

### **Findings on material questions of fact**

- The permissible change request sought the addition of multiple species to the approval.
- The majority of the additional species sought comply with the Performance Outcomes within Module 3 of the State Development Assessment Provisions.
- Insufficient information has been provided to justify approval for *Pristis pristis*, *Euastacus hystricosus* and *Euastacus suttoni* complies with the Performance Outcomes within Module 3 of the State Development Assessment Provisions.

### **Evidence or other material on which the findings were based**

- Permissible change request material.
- State Development Assessment Provisions version 1.9, published by the Department of Infrastructure, Local Government and Planning.
- *Sustainable Planning Act 2009*.
- Sustainable Planning Regulation 2009.

Copies of the following documents are also attached:

- relevant appeal provisions in the Act.

For further information, please contact Kieran Hanna, Principal Planning Officer, SARA SEQ West on (07) 3432 2404, or email [IpswichSARA@dilgp.qld.gov.au](mailto:IpswichSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Ursula O'Donnell  
**Manager – Planning**

enc: Attachment 1—Changed concurrence agency conditions  
Attachment 2—SPA appeal provisions

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Our reference: SPD-0517-036672

**Attachment 1—Changed concurrence agency conditions**

No.	Conditions of development approval	Condition timing																																										
<b>Development Permit for Material Change of Use (Aquaculture)</b>																																												
Sustainable Planning Regulation 2009, Schedule 7, Table 2, Item 28 Certain aquaculture— Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of the Department of Agriculture and Fisheries (DAF) to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:																																												
1.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="0"> <thead> <tr> <th data-bbox="360 837 762 869"><u>Common Name</u></th> <th data-bbox="786 837 1179 869"><u>Scientific Name</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="360 891 762 922">Australian bass</td> <td data-bbox="786 891 1179 922"><i>Macquaria novemaculeata</i></td> </tr> <tr> <td data-bbox="360 945 762 976"><b>Australian sleepy cod</b></td> <td data-bbox="786 945 1179 976"><b>Oxyeleotris lineolatus</b></td> </tr> <tr> <td data-bbox="360 999 762 1030"><b>Australian snakehead gudgeon</b></td> <td data-bbox="786 999 1179 1030"><b>Giuris margaritacea</b></td> </tr> <tr> <td data-bbox="360 1052 762 1084">Barramundi</td> <td data-bbox="786 1052 1179 1084"><i>Lates calcarifer</i></td> </tr> <tr> <td data-bbox="360 1106 762 1137">Crimson spotted rainbowfish</td> <td data-bbox="786 1106 1179 1137"><i>Melanotaenia doboulayi</i></td> </tr> <tr> <td data-bbox="360 1160 762 1191">Eel tail catfish</td> <td data-bbox="786 1160 1179 1191"><i>Tandanus tandanus</i></td> </tr> <tr> <td data-bbox="360 1214 762 1245">Firetail gudgeon</td> <td data-bbox="786 1214 1179 1245"><i>Hypseleotris galii</i></td> </tr> <tr> <td data-bbox="360 1267 762 1299">Freshwater shrimp</td> <td data-bbox="786 1267 1179 1299"><i>Macrobrachium australiensis</i></td> </tr> <tr> <td data-bbox="360 1321 762 1352"><b>Freshwater sole</b></td> <td data-bbox="786 1321 1179 1352"><b><i>Brachirus selheimi</i></b></td> </tr> <tr> <td data-bbox="360 1375 762 1406"><b>Giant glass fish</b></td> <td data-bbox="786 1375 1179 1406"><b><i>Parambassis gulliveri</i></b></td> </tr> <tr> <td data-bbox="360 1429 762 1491">Golden perch (Cooper Creek strain)</td> <td data-bbox="786 1429 1179 1491"><i>Macquaria ambigua n.sp</i></td> </tr> <tr> <td data-bbox="360 1514 762 1576">Golden perch (Dawson River strain)</td> <td data-bbox="786 1514 1179 1576"><i>Macquaria ambigua oriens</i></td> </tr> <tr> <td data-bbox="360 1599 762 1662">Golden perch (Murray-Darling strain)</td> <td data-bbox="786 1599 1179 1662"><i>Macquaria ambigua ambigua</i></td> </tr> <tr> <td data-bbox="360 1684 762 1715"><b>Jungle perch</b></td> <td data-bbox="786 1684 1179 1715"><b><i>Kuhlia rupestris</i></b></td> </tr> <tr> <td data-bbox="360 1738 762 1769"><b>Khaki grunter</b></td> <td data-bbox="786 1738 1179 1769"><b><i>Hephaestus tulliensis</i></b></td> </tr> <tr> <td data-bbox="360 1792 762 1823"><b>Lamington crayfish</b></td> <td data-bbox="786 1792 1179 1823"><b><i>Euastacus sulcatus</i></b></td> </tr> <tr> <td data-bbox="360 1845 762 1877">Lungfish</td> <td data-bbox="786 1845 1179 1877"><i>Neoceratodus forsteri</i></td> </tr> <tr> <td data-bbox="360 1899 762 1930"><b>Mangrove jack</b></td> <td data-bbox="786 1899 1179 1930"><b><i>Lutjanus argentimaculatus</i></b></td> </tr> <tr> <td data-bbox="360 1953 762 1984"><b>Mary River cod</b></td> <td data-bbox="786 1953 1179 1984"><b><i>Maccullochella mariensis</i></b></td> </tr> <tr> <td data-bbox="360 2007 762 2038"><b>Murray cod</b></td> <td data-bbox="786 2007 1179 2038"><b><i>Maccullochella peelii</i></b></td> </tr> </tbody> </table>	<u>Common Name</u>	<u>Scientific Name</u>	Australian bass	<i>Macquaria novemaculeata</i>	<b>Australian sleepy cod</b>	<b>Oxyeleotris lineolatus</b>	<b>Australian snakehead gudgeon</b>	<b>Giuris margaritacea</b>	Barramundi	<i>Lates calcarifer</i>	Crimson spotted rainbowfish	<i>Melanotaenia doboulayi</i>	Eel tail catfish	<i>Tandanus tandanus</i>	Firetail gudgeon	<i>Hypseleotris galii</i>	Freshwater shrimp	<i>Macrobrachium australiensis</i>	<b>Freshwater sole</b>	<b><i>Brachirus selheimi</i></b>	<b>Giant glass fish</b>	<b><i>Parambassis gulliveri</i></b>	Golden perch (Cooper Creek strain)	<i>Macquaria ambigua n.sp</i>	Golden perch (Dawson River strain)	<i>Macquaria ambigua oriens</i>	Golden perch (Murray-Darling strain)	<i>Macquaria ambigua ambigua</i>	<b>Jungle perch</b>	<b><i>Kuhlia rupestris</i></b>	<b>Khaki grunter</b>	<b><i>Hephaestus tulliensis</i></b>	<b>Lamington crayfish</b>	<b><i>Euastacus sulcatus</i></b>	Lungfish	<i>Neoceratodus forsteri</i>	<b>Mangrove jack</b>	<b><i>Lutjanus argentimaculatus</i></b>	<b>Mary River cod</b>	<b><i>Maccullochella mariensis</i></b>	<b>Murray cod</b>	<b><i>Maccullochella peelii</i></b>	At all times
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No.	Conditions of development approval	Condition timing
	<p>Olive perchlet <i>Ambassis nigripinnis</i></p> <p><b>Ornate rainbow fish</b> <i>Rhadinocentrus ornatus</i></p> <p><b>Pacific blue eye</b> <i>Pseudomugil signifer</i></p> <p>Purple striped gudgeon <i>Mogurnda mogurnda</i></p> <p><b>Rainbow fish</b> <i>Melanotaenia boesemani</i></p> <p>Redclaw crayfish <i>Cherax quadricarinatus</i></p> <p><b>Strong crayfish</b> <i>Euastacus valentulus</i></p> <p>Silver perch <i>Bidyanus bidyanus</i></p> <p><b>Sooty grunter</b> <i>Hephaestus fuliginosus</i></p> <p>Southern blue eye <i>Pseudomugil signifer</i></p> <p><b>Southern saratoga</b> <i>Scleropages leichardti</i></p> <p>Spangled perch <i>Leiopotherapon unicolor</i></p> <p><b>Spotted blue eye</b> <i>Pseudomugil gertrudae</i></p> <p><b>Tropical eel tailed catfish</b> <i>Tandanus tropicanus</i></p>	
2.	This development approval authorises activities within an approved Aquaculture Area of 9.0 hectares defined within Lot 1 on SP179982 and Lot 2 on RP162996.	At all times
3.	<p>Aquaculture authorised under this approval is limited by the following:</p> <p>Proposal Details: Conduct aquaculture on an approved aquaculture area of 9.0 hectares (production area) on a total land area of 60.0 hectares</p> <p>Location: Lot 1 on SP179982, Parish of Fassifern, County of Churchill, Shire of Boonah</p> <p>Address: Tarome Road, Tarome QLD 4309</p> <p>Location: Lot 2 on RP162996, Parish of Fassifern, County of Churchill, Shire of Boonah</p> <p>Address: Tarome Road, Tarome QLD 4309</p>	At all times
4.	DAF must be informed of any changes to the personal contact details for this Development Approval within 28 working days.	At all times
5.	An Aquaculture Production Return must be submitted to the chief executive of the DAF, by close of business on 31 July each year during the term of this Development Approval. This includes lodging a "nil return" when no activity has occurred.	Annually for the life of the development
6.	Under this approval aquaculture fisheries resources must not be released into Queensland waters other than those waters approved under this Development Approval.	At all times

No.	Conditions of development approval	Condition timing
7.	Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded, or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish	At all times
8.	Freshwater prawn ( <i>Macrobrachium australiense</i> ) may be sold as bait.	At all times
9.	Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity , must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during reasonable hours.	At all times
10.	<p>The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from:</p> <ul style="list-style-type: none"> <li>(a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by prohibited matter listed in the <i>Biosecurity Act 2014</i> based on the requirements listed in the OIE Aquatic Animal Health Code, current edition (2016 or later) for recognition as free from infection; or</li> <li>(b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Aquatic Animal Health Code, current edition (2016 or later) have been met; or</li> <li>(c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques to provide evidence of freedom from disease.</li> </ul> <p>A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species</p>	At all times
11.	<p>The species to be farmed under this approval must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form"(FDU1398) and Pathology Report has been completed and a DAF officer has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.</p> <p>The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be given to the DAF office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland. It is a</p>	At all times

No.	Conditions of development approval	Condition timing
	<p>requirement that the pathology report/health certificate is dated no more than 14 days before shipment date.</p> <p>After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating &amp; Fisheries Patrol. If directed by a DAF officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.</p>	
12.	The possession and use of "regulated fishing apparatus" under the Fisheries Regulation 2008, Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved Aquaculture Area.	At all times
13.	The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times.	At all times
14.	A perimeter barrier/fence, which is impervious, must be maintained, for all size classes of the species that are approved under this Authority which are capable of overland escape.	At all times
15.	All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc.) and associated plumbing, pumps etc. on the approved Aquaculture Area must be implemented and secured in such a way as to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters.	At all times
16.	Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area.	At all times
17.	This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.	At all times
18.	The movement of all barramundi must comply with DAF 'Health Protocol for the Importation and Movement of Live Barramundi'.	At all times
19.	DAF officers must be granted access to lungfish broodstock and progeny to obtain tissue samples for compliance analysis (proponents to cover testing according to prescribed fees).	At all times
20.	In the case of lungfish broodstock mortalities, the frozen carcasses must be provided to DAF within 28 days.	At all times



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## Attachment 2—SPA Appeal Provisions

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### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

##### **Part 8 Dealing with decision notices and approvals**

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##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

###### **360 Application of div 1**

This division applies only during the applicant's appeal period.

###### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

###### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

###### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or

- (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—

- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

#### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—
- (a) the part of the approval relating to the assessment manager’s decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager’s decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
- (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
- (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter’s appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency’s response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency’s response to the extent it relates to—
- (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
- (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency’s response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
- (a) any part of the approval relating to the assessment manager’s decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager’s decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.



#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

### **Division 11 Making and appeal to Court**

#### **481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

#### **482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or

- (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (ii) the assessment manager for the development application to which the notice relates; and
    - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
    - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
  - (d) if the appellant is a person mentioned in section 466(1)—
    - (i) the chief executive; and
    - (ii) the responsible entity for making the change to which the appeal relates; and
    - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
    - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
  - (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
- (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
- (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and
  - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and

- (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.





Department of Infrastructure,  
Local Government and Planning

Our reference: SPD-0816-029632

26 August 2016

Freshwater Australian Crayfish Traders Pty Ltd  
785 Tarome Road  
TAROME QLD 4309  
Jason@jardiniinternational.com

Attn: Mr Jason Coe

Dear Mr Coe

**Notice of decision—changed approval (responsible entity)**

785 Tarome Road, Tarome

(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning received representations under section 369 of the *Sustainable Planning Act 2009* on 10 August 2016 requesting changes to the concurrency agency conditions for the original decision described below.

**Applicant details**

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Applicant name: Freshwater Australian Crayfish Traders Pty Ltd  
785 Tarome Road  
Tarome QLD 4309

**Site details**

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Lot on plan: Lot 1 on SP179982 and Lot 2 on RP162996.  
Local government area: Scenic Rim Regional Council

**Application details**

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Proposed development: Development Permit for Material Change of Use  
(Aquaculture)

**Original decision**

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Date of amended referral 13 October 2011  
agency decision

Original decision details: Approved subject to conditions

Changed concurrence agency conditions for this request are attached as Attachment 1.

Copies of the following documents are also attached:

- relevant appeal provisions in the Act.

For further information, please contact Kieran Hanna, Principal Planning Officer, SARA SEQ West on (07) 3432 2404, or email [IpswichSARA@dilgp.qld.gov.au](mailto:IpswichSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Ursula O'Donnell  
**Manager – Planning**

enc: Attachment 1—Changed concurrence agency conditions  
Attachment 2—SPA appeal provisions

cc: Department of Agriculture and Fisheries, [planningassessment@daf.qld.gov.au](mailto:planningassessment@daf.qld.gov.au)  
Scenic Rim Regional Council, [mail@scenicrim.qld.gov.au](mailto:mail@scenicrim.qld.gov.au)

Our reference: SPD-0816-029632

**Attachment 1—Changed concurrence agency conditions**

No.	Conditions of development approval	Condition timing																																		
<b>Development Permit for Material Change of Use (Aquaculture)</b>																																				
Schedule 7, Table 2, Item 28 Certain aquaculture—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of the Department of Agriculture and Fisheries to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																																				
1.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="0"> <thead> <tr> <th data-bbox="347 779 746 813"><b><u>Common Name</u></b></th> <th data-bbox="770 779 1139 813"><b><u>Scientific Name</u></b></th> </tr> </thead> <tbody> <tr> <td data-bbox="347 824 746 857">Australian bass</td> <td data-bbox="770 824 1139 857"><i>Macquaria novemaculeata</i></td> </tr> <tr> <td data-bbox="347 880 746 913">Barramundi</td> <td data-bbox="770 880 1139 913"><i>Lates calcarifer</i></td> </tr> <tr> <td data-bbox="347 936 746 969">Crimson spotted rainbowfish</td> <td data-bbox="770 936 1139 969"><i>Melanotaenia doboulayi</i></td> </tr> <tr> <td data-bbox="347 992 746 1025">Eel tailcatfish</td> <td data-bbox="770 992 1139 1025"><i>Tandanus tandanus</i></td> </tr> <tr> <td data-bbox="347 1048 746 1081">Firetail gudgeon</td> <td data-bbox="770 1048 1139 1081"><i>Hypseleotris galii</i></td> </tr> <tr> <td data-bbox="347 1104 746 1137">Freshwater shrim</td> <td data-bbox="770 1104 1139 1137"><i>Macrobrachium australiense</i></td> </tr> <tr> <td data-bbox="347 1160 746 1216">Golden perch (Cooper Creek strain)</td> <td data-bbox="770 1160 1139 1216"><i>Macquaria ambigua n.sp</i></td> </tr> <tr> <td data-bbox="347 1238 746 1294">Golden perch (Dawson River strain)</td> <td data-bbox="770 1238 1139 1294"><i>Macquaria ambigua oriens</i></td> </tr> <tr> <td data-bbox="347 1317 746 1373">Golden perch (Murray Darling strain)</td> <td data-bbox="770 1317 1139 1373"><i>Macquaria ambigua ambigua</i></td> </tr> <tr> <td data-bbox="347 1395 746 1429"><b>Lungfish</b></td> <td data-bbox="770 1395 1139 1429"><b><i>Neoceratodus forsteri</i></b></td> </tr> <tr> <td data-bbox="347 1451 746 1485">Olive perchlet</td> <td data-bbox="770 1451 1139 1485"><i>Ambassis nigripinnis</i></td> </tr> <tr> <td data-bbox="347 1507 746 1541">Purple striped gudgeon</td> <td data-bbox="770 1507 1139 1541"><i>Mogurnda mogurnda</i></td> </tr> <tr> <td data-bbox="347 1563 746 1597">Redclaw crayfish</td> <td data-bbox="770 1563 1139 1597"><i>Cherax quadricarinatus</i></td> </tr> <tr> <td data-bbox="347 1619 746 1653">Silver perch</td> <td data-bbox="770 1619 1139 1653"><i>Bidyanus bidyanus</i></td> </tr> <tr> <td data-bbox="347 1675 746 1709">Southern blue eye</td> <td data-bbox="770 1675 1139 1709"><i>Pseudomugil signifer</i></td> </tr> <tr> <td data-bbox="347 1731 746 1765">Spangled perch</td> <td data-bbox="770 1731 1139 1765"><i>Leiopotherapon unicolor</i></td> </tr> </tbody> </table>	<b><u>Common Name</u></b>	<b><u>Scientific Name</u></b>	Australian bass	<i>Macquaria novemaculeata</i>	Barramundi	<i>Lates calcarifer</i>	Crimson spotted rainbowfish	<i>Melanotaenia doboulayi</i>	Eel tailcatfish	<i>Tandanus tandanus</i>	Firetail gudgeon	<i>Hypseleotris galii</i>	Freshwater shrim	<i>Macrobrachium australiense</i>	Golden perch (Cooper Creek strain)	<i>Macquaria ambigua n.sp</i>	Golden perch (Dawson River strain)	<i>Macquaria ambigua oriens</i>	Golden perch (Murray Darling strain)	<i>Macquaria ambigua ambigua</i>	<b>Lungfish</b>	<b><i>Neoceratodus forsteri</i></b>	Olive perchlet	<i>Ambassis nigripinnis</i>	Purple striped gudgeon	<i>Mogurnda mogurnda</i>	Redclaw crayfish	<i>Cherax quadricarinatus</i>	Silver perch	<i>Bidyanus bidyanus</i>	Southern blue eye	<i>Pseudomugil signifer</i>	Spangled perch	<i>Leiopotherapon unicolor</i>	At all times
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2.	This development approval authorises activities within an approved Aquaculture Area of 9.0 hectares defined within Lot 1 on SP179982 and Lot 2 on RP162996.	At all times																																		



No.	Conditions of development approval	Condition timing
3.	<p>Aquaculture authorised under this approval is limited by the following:</p> <p>Proposal Details: Conduct aquaculture on an approved aquaculture area of 9.0 hectares (production area) on a total land area of 60.0 hectares</p> <p>Location: Lot 1 on SP179982, Parish of Fassifern, County of Churchill, Shire of Boonah</p> <p>Address: Tarome Road, Aratula <b>Tarome</b> QLD 4309</p> <p>Location: Lot 2 on RP162996, Parish of Fassifern, County of Churchill, Shire of Boonah</p> <p>Address: Tarome Road, Aratula <b>Tarome</b> QLD 4309</p>	At all times
4.	<p><del>DEEDI</del> <b>DAF</b> must be informed of any changes to the personal contact details for this Development Approval within 28 working days.</p>	At all times
5.	<p>An Aquaculture Production Return must be submitted to the chief executive of the <del>DEEDI</del> <b>DAF</b>, by close of business on 31 July each year during the term of this Development Approval. This includes lodging a "nil return" when no activity has occurred.</p>	Annually for the life of the development
6.	<p>Under this approval aquaculture fisheries resources must not be released into Queensland waters other than those waters approved under this Development Approval.</p>	At all times
7.	<p>Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded, or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish</p>	At all times
8.	<p>Freshwater prawn (<i>Macrobrachium australiense</i>) may be sold as bait.</p>	At all times
9.	<p>Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during reasonable hours.</p>	At all times
10.	<p>The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from:</p> <p>(a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by <b>prohibited matter listed in the <i>Biosecurity Act 2014</i></b>, <del>the diseases on the Queensland Declared Disease List based on the requirements listed in the <b>OIE Aquatic Animal Health Code, Manual of Diagnostic Tests for Aquatic Animals</b>, current edition (2016 or later Fourth Edition 2003 or later)</del> for recognition as free from infection; or</p> <p>(b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State</p>	At all times

No.	Conditions of development approval	Condition timing
	<p>or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE <b>Aquatic Animal Health Code Manual of Diagnostic Tests for Aquatic Animals</b>, current edition (<b>2016 or later</b> <del>Fourth Edition 2003 or later</del>) have been met; or</p> <p>(c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (<del>refer to DPI&amp;F DAF Health Translocation Protocols appropriate for the approved species</del>) to provide evidence <b>of freedom from disease</b>. <del>that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</del></p> <p>A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species</p>	
11.	<p>The species to be farmed under this approval must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form"(FDU1398) and Pathology Report has been completed and a <del>DEEDI</del> <b>DAF</b> officer has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.</p> <p>The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be given to the <del>DEEDI</del> <b>DAF</b> office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date.</p> <p>After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating &amp; Fisheries Patrol. If directed by a <del>DEEDI</del> <b>DAF</b> officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.</p>	At all times
12.	<p><del>This Development Approval authorises the possession and use of "regulated fishing apparatus" under the Fisheries Regulation 1995, Schedule 8, Part 1 and Part 2 (marine), and the Fisheries (Freshwater) Management Plan 1999, Part 6 (freshwater) (excluding an electrofisher) at the approved Aquaculture Area.</del></p> <p><b>The possession and use of "regulated fishing apparatus" under the Fisheries Regulation 2008, Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved Aquaculture Area.</b></p>	At all times
13.	The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be	At all times

No.	Conditions of development approval	Condition timing
	maintained at all times.	
14.	A perimeter barrier/fence, which is impervious, must be maintained, for all size classes of the species that are approved under this Authority which are capable of overland escape.	At all times
15.	All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc.) and associated plumbing, pumps etc. on the approved Aquaculture Area must be implemented and secured in such a way as to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters.	At all times
16.	Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area.	At all times
17.	This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.	At all times
18.	The movement of all barramundi must comply with <del>DEED</del> <b>DAF</b> 'Health Protocol for the Importation and Movement of Live Barramundi'.	At all times
19.	<b>DAF officers must be granted access to lungfish broodstock and progeny to obtain tissue samples for compliance analysis (proponents to cover testing according to prescribed fees).</b>	At all times
20.	<b>In the case of lungfish broodstock mortalities, the frozen carcasses must be provided to DAF within 28 days.</b>	At all times



Our reference: SPD-0816-029632

## Attachment 2—SPA Appeal Provisions

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### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

<h4><b>Chapter 6 Integrated development assessment system (IDAS)</b></h4>
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#### **Part 8 Dealing with decision notices and approvals**

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#### **Division 1 Changing decision notices and approvals during applicant's appeal period**

##### **360 Application of div 1**

This division applies only during the applicant's appeal period.

##### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

##### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

##### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or

- (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—

- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
- (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

#### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager’s decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager’s decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter’s appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency’s response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency’s response to the extent it relates to—
  - (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency’s response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager’s decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager’s decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.



**465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

**Division 11 Making and appeal to Court****481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

**482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or

- (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (ii) the assessment manager for the development application to which the notice relates; and
    - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
    - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
  - (d) if the appellant is a person mentioned in section 466(1)—
    - (i) the chief executive; and
    - (ii) the responsible entity for making the change to which the appeal relates; and
    - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
    - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
  - (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
- (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
- (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and
  - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and

- (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.





Department of Infrastructure,  
Local Government and Planning

**Changed decision notice**

Our reference: 1707-95 SPD

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**Decision notice—approved with conditions**

(Given under Section 63 of the *Planning Act 2016*)

Original reference: 2005BC0355

**Applicant details**

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Applicant name: Mr Robert Walker  
Applicant contact details: 278 Hermans Road, GUNALDA QLD 4570

**Application details**

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Level of assessment: Code assessment  
Properly made date: Unknown

**Site details**

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Street address: 278 Hermans Road, GUNALDA  
Lot on plan: Lot 15 on RP866098  
Local government area: Gympie Regional Council (formerly Tiaro Shire Council)

**Decision**

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Date of decision: 1 August 2017  
Decision details: Approved subject to conditions

## Conditions

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This approval is subject to:

- the assessment manager conditions in Attachment 1

The Department has, for conditions of this approval, nominated an entity to be the enforcement authority for that condition under the *Planning Act 2016*.

## Aspects of development and development approval granted

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Development Permit

Material Change of Use – Aquaculture

## Properly made submissions

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Not applicable—No part of the application required impact assessment.

## Reasons for decision

- The Department considers that the proposed Change Application seeking to delete Condition No. 4 does not result in a substantially different development to that approved within the original development approval issued by the former Department of Primary Industries & Fisheries on 8 May 2002.

## Findings on material questions of fact

- A Development Permit for Material Change of Use (Aquaculture) was issued by the former Department of Primary Industries & Fisheries on 8 May 2002
- The original Decision Notice contained Condition No. 4 which stated that the currency period expired on 31 October 2017
- The Change Application received by SARA on 7 July 2017 requests that Condition No. 4 be deleted
- The proposed Change Application is considered to meet the definition of a 'minor change' as set out within Schedule 2 of the *Planning Act 2016*

## Evidence or other material on which the findings were based

- Department of Primary Industries & Fisheries Decision Notice – Approval dated 8 May 2002 (Reference: 2005BC0355)
- Gympie Regional Council Affected Entity Response dated 28 July 2017 (Reference: SF/ZSH4056)
- Department of Agriculture and Fisheries assessment dated 28 July 2017 (Reference: 002/0001149)
- State Development Assessment Provisions (SDAP) published by the Department of Infrastructure, Local Government and Planning
- *Fisheries Act 1994*
- *Integrated Planning Act 1997*
- *Integrated Planning Regulation 1998*

## Rights of appeal

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The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration from a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

Copies of the relevant appeal provisions are attached.

**Relevant period for the approval**

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This development approval will lapse if development is not started within the relevant periods stated in Section 85 of the *Planning Act 2016*.

enc Attachment 1—Changed assessment manager conditions  
Appeal provisions



## Attachment 1—Changed assessment manager conditions

No.	Conditions of development approval																																
Development Permit for Material Change of Use (Aquaculture)																																	
Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Department of Agriculture and Fisheries to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																																	
1.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="0"> <thead> <tr> <th data-bbox="368 689 568 719"><u>Common Name</u></th> <th data-bbox="868 689 1070 719"><u>Scientific Name</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="368 741 560 770">Australian bass</td> <td data-bbox="868 741 1182 770"><i>Macquaria novemaculeata</i></td> </tr> <tr> <td data-bbox="368 792 555 822">Barcoo grunter</td> <td data-bbox="868 792 1059 822"><i>Scortum barcoo</i></td> </tr> <tr> <td data-bbox="368 844 517 873">Barramundi</td> <td data-bbox="868 844 1054 873"><i>Lates calcarifer</i></td> </tr> <tr> <td data-bbox="368 896 544 925">Eel tail catfish</td> <td data-bbox="868 896 986 925"><i>Tandanus</i></td> </tr> <tr> <td data-bbox="368 947 600 976">Freshwater shrimp</td> <td data-bbox="868 947 1198 976"><i>Macrobrachium rosenbergii</i></td> </tr> <tr> <td data-bbox="368 999 804 1028">Golden perch (Cooper Creek strain)</td> <td data-bbox="868 999 1166 1028"><i>Macquaria ambigua n.sp</i></td> </tr> <tr> <td data-bbox="368 1050 804 1079">Golden perch (Dawson River strain)</td> <td data-bbox="868 1050 1187 1079"><i>Macquaria ambigua oriens</i></td> </tr> <tr> <td data-bbox="368 1102 815 1131">Golden perch (Murray-Darling strain)</td> <td data-bbox="868 1102 1107 1131"><i>Macquaria ambigua</i></td> </tr> <tr> <td data-bbox="368 1153 544 1182">Gulf Saratoga</td> <td data-bbox="868 1153 1107 1182"><i>Scleropages jardinii</i></td> </tr> <tr> <td data-bbox="368 1205 512 1234">Murray cod</td> <td data-bbox="868 1205 1114 1234"><i>Maccullochella peeli</i></td> </tr> <tr> <td data-bbox="368 1256 580 1285">Redclaw crayfish</td> <td data-bbox="868 1256 1150 1285"><i>Cherax quadricarinatus</i></td> </tr> <tr> <td data-bbox="368 1308 517 1337">Silver perch</td> <td data-bbox="868 1308 979 1337"><i>Bidyanus</i></td> </tr> <tr> <td data-bbox="368 1359 512 1388">Sleepy cod</td> <td data-bbox="868 1359 1123 1388"><i>Oxyeleotris lineolatus</i></td> </tr> <tr> <td data-bbox="368 1411 596 1440">Southern saratoga</td> <td data-bbox="868 1411 1139 1440"><i>Scleropages leichardti</i></td> </tr> <tr> <td data-bbox="368 1462 453 1491">Yabby</td> <td data-bbox="868 1462 1086 1491"><i>Cherax destructor</i></td> </tr> </tbody> </table>	<u>Common Name</u>	<u>Scientific Name</u>	Australian bass	<i>Macquaria novemaculeata</i>	Barcoo grunter	<i>Scortum barcoo</i>	Barramundi	<i>Lates calcarifer</i>	Eel tail catfish	<i>Tandanus</i>	Freshwater shrimp	<i>Macrobrachium rosenbergii</i>	Golden perch (Cooper Creek strain)	<i>Macquaria ambigua n.sp</i>	Golden perch (Dawson River strain)	<i>Macquaria ambigua oriens</i>	Golden perch (Murray-Darling strain)	<i>Macquaria ambigua</i>	Gulf Saratoga	<i>Scleropages jardinii</i>	Murray cod	<i>Maccullochella peeli</i>	Redclaw crayfish	<i>Cherax quadricarinatus</i>	Silver perch	<i>Bidyanus</i>	Sleepy cod	<i>Oxyeleotris lineolatus</i>	Southern saratoga	<i>Scleropages leichardti</i>	Yabby	<i>Cherax destructor</i>
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2.	This development approval authorises activities within an approved Aquaculture Area of 4.9 hectares defined within Lot 15 on RP866098.																																
3.	<p>Aquaculture authorised under this approval is limited by the following:</p> <p>Proposal Details: Conduct aquaculture on an approved Aquaculture Area of 4.9 hectares (production area) on a total land area of 54.88 hectares. NM NRM/030/000(968)</p> <p>Location: Lot 15 On Rp866098, County Of March, Parish Of Curra, Shire Of Tiaro</p> <p>Address: Lot 15 Hermans Road, Gunalda, QLD 4570</p>																																

No.	Conditions of development approval
4.	This Development Approval is for the period Wednesday 8 May 2002 until Tuesday 31 October 2017.
5.	DPI&F DAF must be informed of any changes to the personal contact details for this Development Approval within 28 working days.
6.	An Aquaculture Production Return must be submitted to the chief executive of the DPI&F DAF, by close of business on 31 July each year during the term of this Development Approval. This includes lodging a "nil return" when no activity has occurred.
7.	Under this approval aquaculture fisheries resources must not be released into Queensland waters other than those waters approved under this Development Approval.
8.	Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded, or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.
9.	Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during reasonable hours.
10.	<p>The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from:</p> <p>a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or</p> <p>b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or</p> <p>c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to DPI&amp;F DAF Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species</p> <p>A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species.</p>
11.	The species to be farmed under this approval must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" (FDU1398) and Pathology Report has been completed and a

No.	Conditions of development approval
	<p>DPI&amp;F <b>DAF</b> officer has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.</p> <p>The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be given to the DPI&amp;F <b>DAF</b> office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date.</p> <p>After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating &amp; Fisheries Patrol. If directed by a DPI&amp;F <b>DAF</b> officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.</p>
12.	<p>This Development Approval authorises the possession and use of "regulated fishing apparatus" under the Fisheries Regulation 1995 <b>2008, Chapter 4, Part 1, Division 4, Subdivision 1(freshwater) and Subdivision 2, sections 188 and 189 (marine)</b>Schedule 8, Part 1 and Part 2 (marine), and the Fisheries (Freshwater) Management Plan 1999, Part 6 (freshwater) (excluding an electrofisher) at the approved Aquaculture Area.</p>
13.	<p>The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times.</p>
14.	<p>A perimeter barrier/fence, which is impervious, must be maintained, for all size classes of the species that are approved under this Authority which are capable of overland escape.</p>
15.	<p>Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area.</p>
16.	<p>This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.</p>
17.	<p>The movement of all barramundi must comply with DPI&amp;F <b>DAF</b> 'Health Protocol for the Importation and Movement of Live Barramundi'.<b>(FAMPR002)</b></p>





Department of Infrastructure,  
Local Government and Planning

Our reference: 1707-95 SPD

2 August 2017

Mr Robert Walker  
PO Box 53  
Gunalda QLD 4570  
[rewalker42@hotmail.com](mailto:rewalker42@hotmail.com)

Dear Mr Walker

**Decision notice—change application**

(Given under Section 83 of the *Planning Act 2016*)

Your change application under Section 78 of the *Planning Act 2016* for the development approval dated 8 May 2002 was made to the Department of Infrastructure, Local Government and Planning on 7 July 2017.

**Decision for change application**

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Date of decision: 2 August 2017

Decision details: Make the change and amend existing conditions

The changes agreed to are:

1. Condition No. 4 - deleted
2. Conditions No. 5, 6, 10, 11 and 17 - amended to update department name
3. Condition No. 12 - amended to update reference to legislation

For further information please contact Peter Mulcahy, Principal Planning Officer, on 0743315603 or via email [WBBSARA@dilgp.qld.gov.au](mailto:WBBSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read "A Walsh", written over a light grey circular stamp.

Anthony Walsh  
**Manager (Planning)**

cc

Department of Agriculture and Fisheries, [PlanningAssessment@daf.qld.gov.au](mailto:PlanningAssessment@daf.qld.gov.au)  
Gympie Regional Council, [planning@gympie.qld.gov.au](mailto:planning@gympie.qld.gov.au)

enc

Attachment 1—Change decision notice  
Appeal provisions



Department of  
**State Development,  
Manufacturing,  
Infrastructure and Planning**

### Changed decision notice

Our reference: 1712-3160 SPD

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### Decision notice—approved with conditions

(Given under Section 334 of the *Sustainable Planning Act 2009*)

Original reference: 2010BI0037

### Applicant details

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Applicant name: Mr David Williams  
Aquafarms Queensland

Applicant contact details: 91 Shore Road East, URANGAN QLD 4655

### Application details

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Level of assessment: Code assessment

Properly made date: Unknown

### Site details

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Street address: 91 Shore Road East, URANGAN

Lot on plan: Lot 20 on SP145088

Local government area: Fraser Coast Regional Council

### Decision

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Date of decision: 29 January 2018

Decision details: Approved subject to conditions

This application is taken to be approved under Section 83 of the *Planning Act 2016*.



## Conditions

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This approval is subject to:

- the assessment manager conditions in Attachment 1

The department has, for conditions of this approval, nominated the Department of Agriculture and Fisheries to be the enforcement authority for that condition under Section 255D(3) of the *Sustainable Planning Act 2009*.

## Aspects of development and development approval granted

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Development Permit                      Material Change of Use – Aquaculture

## Properly made submissions

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Not applicable—No part of the application required impact assessment.

## Reasons for decision

- The Department considers that the proposed Change Application seeking to amend Condition No. 1 (inclusion of additional species) does not result in a substantially different development to that approved within the original development approval issued by the former Department of Agriculture, Fisheries and Forestry on 14 March 2013.
- In order to update to current provisions and conditions administered by the State Assessment and Referral Agency (SARA), it recommended that Condition Nos. 4, 5, 8, 9, 11, 12, 13, 14, 17 and 18 be updated to reflect current SARA model conditions.
- Condition Nos. 2, 3, 6, 7 and 16 are to be retained and Condition Nos. 10, 17, 18 and 19 are to be deleted based on advice from the Department of Agriculture and Fisheries (DAF).
- It is also recommended that two (2) additional conditions be included regarding pond construction about Q100 flood level where ponds, tanks and containers are used to cultivate indigenous aquaculture fisheries resources and a requirement to destroy any pacific oysters (*Crassostrea gigas*) if identified as part of aquaculture operations (Conditions No. 20 and 21).
- Advice statements have been included in relation to reporting mortalities of fisheries resources, broodstock, culture stock and the responsibility of the operator under the *Fisheries Act 1994* in the event of any unauthorized escapes or releases of fisheries resources.

## Findings on material questions of fact

- A Development Permit for Material Change of Use (Aquaculture) was issued by the former Department of Agriculture, Fisheries and Forestry on 14 March 2013 (Reference: 2010BI0037)
- The original Decision Notice contained Condition No. 1 which listed all species which could be cultivated under approved Aquaculture operations on the subject site.
- The Change Application received by SARA on 8 January 2018 requests that Condition No. 1 be amended to include four (4) additional species.
- The proposed Change Application is considered to meet the definition of a 'minor change' as set out within Schedule 2 of the *Planning Act 2016*.

## Evidence or other material on which the findings were based

- Department of Agriculture, Fisheries and Forestry Decision Notice – Approval dated 14 March 2013 (Reference: 2010BI0037)
- State Development Assessment Provisions (SDAP)
- *Fisheries Act 1994*
- *Sustainable Planning Act 2009*
- *Sustainable Planning Regulation 2009*

**Rights of appeal**

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

**Relevant period for the approval**

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This development approval will lapse if development is not started within the relevant periods stated in Section 341 of the Act.

enc     Attachment 1—Changed assessment manager conditions  
         Attachment 2—Further advice  
         Appeal provisions

## Attachment 1—Changed assessment manager conditions

No.	Conditions of development approval	Condition timing																																																
Development Permit for Material Change of Use (Aquaculture)																																																		
Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Department of Agriculture and Fisheries to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																																																		
1.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="0"> <thead> <tr> <th data-bbox="316 685 517 719"><b><u>Common Name</u></b></th> <th data-bbox="699 685 900 719"><b><u>Scientific Name</u></b></th> </tr> </thead> <tbody> <tr> <td>Abalone</td> <td><i>Haliotis asinina</i></td> </tr> <tr> <td>Barramundi</td> <td><i>Lates calcarifer</i></td> </tr> <tr> <td>Barramundi cod</td> <td><i>Cromileptes altivelis</i></td> </tr> <tr> <td>Barred-cheek coral trout</td> <td><i>Plectropomus maculatus</i></td> </tr> <tr> <td>Black teatfish</td> <td><i>Holothuria (Microthele) whitmaei</i></td> </tr> <tr> <td><b>Blacklip oyster</b></td> <td><b><i>Saccostrea echinata</i></b></td> </tr> <tr> <td>Blue Swimmer Crab</td> <td><i>Portunus pelagicus</i></td> </tr> <tr> <td>Blue-spot coral trout</td> <td><i>Plectropomus laevis</i></td> </tr> <tr> <td>Cobia</td> <td><i>Rachycentron canadum</i></td> </tr> <tr> <td>Common coral trout</td> <td><i>Plectropomus leopardus</i></td> </tr> <tr> <td>Estuarine clam</td> <td><i>Tapes dorsatus</i></td> </tr> <tr> <td>Estuary cod</td> <td><i>Epinephelus coioides</i></td> </tr> <tr> <td>Flowery cod</td> <td><i>Epinephelus fuscoguttatus</i></td> </tr> <tr> <td>Golden Sandfish</td> <td><i>Holothuria scabra versicolor</i></td> </tr> <tr> <td>Golden Snapper</td> <td><i>Lutjanus johnii</i></td> </tr> <tr> <td>Mahi Mahi</td> <td><i>Coryphaena hippurus</i></td> </tr> <tr> <td>Mangrove jack</td> <td><i>Lutjanus argentimaculatus</i></td> </tr> <tr> <td><b>Manila clam</b></td> <td><b><i>Tapes Dorsatus</i></b></td> </tr> <tr> <td><b>Milkfish</b></td> <td><b><i>Chanos chanos</i></b></td> </tr> <tr> <td>Mud crab</td> <td><i>Scylla serrata</i></td> </tr> <tr> <td>Mulloway</td> <td><i>Argyrosomus japonicus</i></td> </tr> <tr> <td>Passionfruit trout</td> <td><i>Plectropomus areolatus</i></td> </tr> <tr> <td>Queensland groper</td> <td><i>Epinephelus lanceolatus</i></td> </tr> </tbody> </table>	<b><u>Common Name</u></b>	<b><u>Scientific Name</u></b>	Abalone	<i>Haliotis asinina</i>	Barramundi	<i>Lates calcarifer</i>	Barramundi cod	<i>Cromileptes altivelis</i>	Barred-cheek coral trout	<i>Plectropomus maculatus</i>	Black teatfish	<i>Holothuria (Microthele) whitmaei</i>	<b>Blacklip oyster</b>	<b><i>Saccostrea echinata</i></b>	Blue Swimmer Crab	<i>Portunus pelagicus</i>	Blue-spot coral trout	<i>Plectropomus laevis</i>	Cobia	<i>Rachycentron canadum</i>	Common coral trout	<i>Plectropomus leopardus</i>	Estuarine clam	<i>Tapes dorsatus</i>	Estuary cod	<i>Epinephelus coioides</i>	Flowery cod	<i>Epinephelus fuscoguttatus</i>	Golden Sandfish	<i>Holothuria scabra versicolor</i>	Golden Snapper	<i>Lutjanus johnii</i>	Mahi Mahi	<i>Coryphaena hippurus</i>	Mangrove jack	<i>Lutjanus argentimaculatus</i>	<b>Manila clam</b>	<b><i>Tapes Dorsatus</i></b>	<b>Milkfish</b>	<b><i>Chanos chanos</i></b>	Mud crab	<i>Scylla serrata</i>	Mulloway	<i>Argyrosomus japonicus</i>	Passionfruit trout	<i>Plectropomus areolatus</i>	Queensland groper	<i>Epinephelus lanceolatus</i>	
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No.	Conditions of development approval	Condition timing
	<p>Rock oysters <i>Saccostrea glomerata</i></p> <p>Sand whiting <i>Sillago ciliata</i></p> <p>Sandfish <i>Holothuria (Metriatyla) scabra</i></p> <p><b>Saucer scallop</b> <i>Amusium japonicum balloti</i></p> <p>Snapper <i>Pagrus auratus</i></p> <p>Surf clam <i>Mactra turgida</i></p> <p>Three Spot crab <i>Portunus sanguinolentus</i></p> <p>Yellowfin bream <i>Acanthopagrus australis</i></p>	
2.	<p>This development approval authorises activities within an approved Aquaculture Production Area of 0.1ha defined and described on plan numbers 07 09202, 2709-2 and Plan A (original hatchery) as supplied in your application excluding 0.3ha of settlement ponds.</p>	
3.	<p>Aquaculture authorised under this approval is limited by the following:</p> <p>Proposal Details: Aquaculture - Marine Hatchery - 0.1 ha total shed area plus two water settlement ponds (P2 875 square metres, P3 600 square metres) and a discharge pond (P1 1500 square metres) on a total area of 2.849 hectares.</p> <p>Location: Lot 20 on SP145088, Fraser Coast Regional Council (2.849 ha)</p> <p>Address: 91 Shore Road East, Wondunna, Urangan, QLD 4655</p> <p>DAFF Plan No.: 2709-2, 070902, A</p>	
4.	<p><del>DPI&amp;F must be informed of any changes to the personal contact details for this Development Approval within 28 working days.</del></p> <p><b>Inform the assessing authority Department of Agriculture and Fisheries via <a href="mailto:aquaculture@daf.qld.gov.au">aquaculture@daf.qld.gov.au</a> of any changes to the personal contact details for this development approval.</b></p> <p><b>Note: Forms for reporting a change in contact details can be found at <a href="http://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals">http://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals</a></b></p>	<p><b>Within 28 days of change to personal contact details.</b></p>
5.	<p><del>An Aquaculture Production Return must be submitted to the chief executive of the DPI&amp;F, by close of business on 31 July each year during the term of this Development Approval. This includes lodging a "nil return" when no activity has occurred.</del></p> <p><b>Provide an annual aquaculture production return in the approved form to the Department of Agriculture and</b></p>	<p><b>By close of business on the 31 July each year.</b></p>

No.	Conditions of development approval	Condition timing
	<p><b>Fisheries. This includes lodging a nil return when no activity has occurred.</b></p> <p><i>Note: This is an information requirement pursuant to Section 118 of the Fisheries Act 1994. Details on how to lodge and electronic aquaculture production return will be sent to operators annually.</i></p>	
6.	Under this approval aquaculture fisheries resources must not be released into Queensland waters other than those waters approved under this Development Approval.	
7.	Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded, or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	
8.	<p>Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the Fisheries Act 1994 during reasonable hours.</p> <p><b>This aquaculture development constitutes a place that is required to be open for inspection by an inspector at all times, pursuant to section 145 of the Fisheries Act 1994.</b></p>	<b>At all times.</b>
9.	<p>The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from:</p> <p>a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or</p> <p>b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or</p> <p>c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to DAFF Health Translocation Protocols</p>	<b>At all times.</b>

No.	Conditions of development approval	Condition timing
	<p>appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</p> <p>A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species</p> <p><b>The movement of fisheries resources into, or within, Queensland must comply with the current version of:</b></p> <p><b>(a) Health Protocol for the Importation and Movement of Live Barramundi (FAMPR002), Health Protocol for the Importation and Movement of Live Bivalve molluscs (FAMPR003), Health Protocol for the Importation and Movement of Live Marine Crustaceans including crabs, lobsters and bugs (FAMPR004); and</b></p> <p><b>(b) any approved species not included in a species specific health protocol: "Health protocol for movement of aquatic animals for aquaculture in Queensland"</b></p> <p><i>Note: Health protocols and application form FDU1398 can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies">https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies</a></i></p> <p><i>Note: Commonwealth quarantine protocols must be successfully completed for the relevant organisms of any species prior to their introduction to the approved aquaculture area.</i></p>	
10.	<p>The species to be farmed under this approval must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form"(FDU1398) and Pathology Report has been completed and a DAFF officer has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.</p> <p>The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be given to the DAFF office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date.</p> <p>After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating &amp; Fisheries Patrol. If directed by a DAFF officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.</p>	
11.	This Development Approval authorises the possession and use of "regulated fishing apparatus" under the <i>Fisheries Regulation 2008</i>	



No.	Conditions of development approval	Condition timing
	1995, Schedule 8, Part 1 and Part 2 (marine), and the Fisheries (Freshwater) Management Plan 1999, Part 6 (freshwater) (excluding an electrofisher) at the approved Aquaculture Area.	
12.	<p>The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times.</p> <p><b>Maintain control over the release of water from all ponds, tanks and drainage systems within the approved aquaculture area.</b></p> <p><i>Note: Control may be achieved through ensuring ponds, tanks and containers integrity at all times, having adequate freeboard to avoid any overtopping, preventing overland flow, ensuring all equipment intended to control releases is functioning correctly at all times and backup systems or equipment are in place</i></p>	<p><b>Upon commencement of the use and to be maintained at all times.</b></p>
13.	<p>A perimeter barrier/fence, which is impervious, must be maintained, for all size classes of the species that are approved under this Authority which are capable of overland escape.</p> <p><b>Provide an impervious perimeter barrier to prevent the overland release of all approved species that are capable of overland escape from the approved aquaculture area.</b></p>	<p><b>Prior to the commencement of the use and to be maintained at all times.</b></p>
14.	<p>All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc.) and associated plumbing, pumps etc. on the approved Aquaculture Area must be implemented and secured in such a way as to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters.</p> <p><b>Install screening on all points of water release or discharge from ponds and tanks within the approved aquaculture area to prevent the escape of any aquaculture fisheries resources (eggs, juveniles or adults) into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i>).</b></p>	<p><b>Prior to the commencement of the use and to be maintained at all times.</b></p>
15.	<p>Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area.</p> <p><b>Install screening on all intake waters to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved aquaculture area.</b></p>	<p><b>Prior to the commencement of the use and to be maintained at all times.</b></p>
16.	<p>This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.</p>	

No.	Conditions of development approval	Condition timing
17.	<p>Each batch of gherkins (juvenile sea cucumbers) produced from a hatchery will require a pathology report indicating freedom from disease issued by one of DAFF's animal health laboratories, or by another NATA accredited laboratory for pathology of aquatic animals, prior to its removal from the facility to a approved grow out site in open water. If necessary DAFF may require inspection of the stock prior to movement.</p> <p>Approved species must not be brought into Queensland unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" (FDU1398) and Pathology Report (as detailed above) has been completed and a DAFF officer has provided written acknowledgement and approval of the "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and Pathology Report.</p> <p>The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and Pathology Report must be given to the DAFF office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland.</p>	
18.	<p>After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the nearest DAFF office. If directed by a DAFF officer, the developer must forward specimens to a veterinary laboratory as directed by the officer.</p> <p>a) Samples from each batch of juvenile sea cucumbers must be submitted for examination for freedom from disease at least 7 working days prior to the removal of juvenile sea cucumbers from the hatchery. A total sample of at least 300 juveniles of appropriate size, with a sub-sample to be taken from each of the tanks containing juvenile sea cucumbers, should be fixed in 10% formalin seawater.</p> <p>b) Any of the following signs of disease or lesions will be reason for a pathology report not indicating freedom from disease:</p> <ul style="list-style-type: none"> <li>-the presence of any virus associated with a lesion (eg. inclusion bodies or focal necrosis) or a virus known or suspected to be pathogenic to sea cucumber (or holothurian) species; or</li> <li>-the presence of any protozoan associated with an ulceration, inflammatory-like reaction or degenerative lesion or a protozoan known or suspected to be pathogenic to sea cucumber (or holothurian) species (the presence of symbiotic or opportunistic protozoa will not be regarded as a sign of disease); or</li> <li>-the presence of metazoan parasites associated with an ulceration, inflammatory-like reaction, degenerative lesion or atrophy of internal organ or which are suspected to be pathogenic to sea cucumber (or holothurian) species (the presence of</li> </ul>	

No.	Conditions of development approval	Condition timing
	<p>symbiotic or commensal metazoa will not be regarded as a sign of disease); or</p> <ul style="list-style-type: none"> <li>- the presence of a fungal infection that causes lesions (eg. necrosis or degenerative lesions); or</li> <li>- the presence of bacteria associated with ulceration or degenerative lesions; or</li> <li>- the presence of unexplained lesions; or</li> <li>- the occurrence of unexplained mortalities in the batch at a level which the certifying pathologist considers unacceptable.</li> </ul> <p>c) A batch of juvenile sea cucumbers without a pathology report indicating freedom from disease cannot be seeded into the wild.</p>	
19.	<p>The movement of all barramundi must comply with DAFF 'Management arrangements for translocation of live aquatic organisms (transport between bioregions) for aquaculture' Aquaculture Policy and DAFF 'Health Protocol for the Importation and Movement of Live Barramundi'.</p>	
20.	<p><b>Ponds, tanks and containers used to cultivate indigenous aquaculture fisheries resources are constructed with the lowest point of the top of wall above Q100 flood level.</b></p>	<p><b>Prior to the commencement of the use and to be maintained at all times.</b></p>
21.	<p><b>Any Pacific oysters (<i>Crassostrea gigas</i>) identified within the approved aquaculture area are to be immediately destroyed.</b></p>	<p><b>Prior to the commencement of the use and to be maintained at all times.</b></p>



## Attachment 2—Further advice

1.	<p>Immediately report any unusual clinical signs or mortalities of any fisheries resources brought into Queensland, to the Queensland Boating and Fisheries Patrol. If directed, specimens must be forwarded to a veterinary laboratory.</p> <p><i>Note: Information on reporting disease in aquaculture can be found at <a href="https://www.business.qld.gov.au/industry/fisheries/aquaculture/health-pests-and-diseases-of-aquaculture/managingdisease-in-aquaculture-farms/identifying-and-reporting-disease-in-aquaculture">https://www.business.qld.gov.au/industry/fisheries/aquaculture/health-pests-and-diseases-of-aquaculture/managingdisease-in-aquaculture-farms/identifying-and-reporting-disease-in-aquaculture</a></i></p>
2.	<p>This approval does not permit the harvest of broodstock and culture stock.</p> <p><i>Note: Broodstock and/or culture stock may be purchased from the holder of an authority or licence that authorises the sale of the approved species. In Queensland, this includes from a commercial fisher holding an appropriate Fisheries Act 1994 licence.</i></p> <p><i>Note: Forms to apply for the collection of broodstock or culture stock for aquaculture under a Fisheries Act 1994 General Fisheries Permit can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals">https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals</a></i></p> <p><i>Note: Depending on the species sought and its location, additional permits may be required under other legislation, for example the Environmental Protection and Biodiversity Conservation Act 1999, the Great Barrier Reef Marine Park Act 1975, the Nature Conservation Act 1992.</i></p>
3.	<p>This approval does not provide any entitlement to access or harvest an aquaculture fisheries resource that becomes an unauthorised escape or release, including but not limited to:</p> <ul style="list-style-type: none"> <li>(a) animal(s) stocked within the approved aquaculture area that move outside the area; or</li> <li>(b) spawn or progeny of an aquaculture fisheries resource should such eggs, larvae, juveniles or adult progeny become distributed outside of the approved aquaculture area.</li> </ul> <p>The responsibility for any impact of unauthorized escapes or releases of aquaculture fisheries resources is with the operator. Additional permits may be required under the <i>Fisheries Act 1994</i> to authorise processes required to be readily available to effectively manage this risk.</p>



Department of  
**State Development,  
Manufacturing,  
Infrastructure and Planning**

Our reference: 1712-3160 SPD

29 January 2018

Mr David Williams  
91 Shore Road East  
URANGAN QLD 4655  
fraserislandclams@gmail.com

Dear Mr Williams

**Decision notice—change application**

(Given under Section 83 of the *Planning Act 2016*)

Your change application under Section 78 of the *Planning Act 2016* for the development approval dated 14 March 2013 was made to the Department of State Development, Manufacturing, Infrastructure and Planning on 8 January 2018.

**Decision for change application**

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Date of decision:	29 January 2018
Decision details:	Make the change and amend existing conditions

The changes agreed to are outlined below:

1. Condition No. 1 (amended)
2. Condition No. 4 (amended)
3. Condition No. 5 (amended)
4. Condition No. 8 (amended)
5. Condition No. 9 (amended)
6. Condition No. 10 (deleted)
7. Condition No. 11 (amended)
8. Condition No. 12 (amended)
9. Condition No. 13 (amended)
10. Condition No. 14 (amended)
11. Condition No. 15 (amended)
12. Condition No. 17 (deleted)
13. Condition No. 18 (deleted)
14. Condition No. 19 (deleted)
15. Condition No. 20 (additional condition)
16. Condition No. 21 (additional condition)

All other conditions are to be retained as per the original Decision Notice issued by the former Department of Agriculture, Fisheries and Forestry on 14 March 2013 (Reference: 2010BI0037).

For further information please contact Peter Mulcahy, Principal Planning Officer, on (07) 433 5614 or via email [WBBSARA@dilgp.qld.gov.au](mailto:WBBSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Luke Lankowski  
**Manager (Planning)**

cc Department of Agriculture and Fisheries  
[PlanningAssessment@daf.qld.gov.au](mailto:PlanningAssessment@daf.qld.gov.au)

enc Attachment 1—Change decision notice  
Attachment 2—Further advice  
Appeal provisions





Department of  
**State Development,  
 Manufacturing,  
 Infrastructure and Planning**

**Department of State Development, Manufacturing, Infrastructure and Planning**

**Statement of reasons for application 1712-3160 SPD**

(Given under Section 83 of the *Planning Act 2016*)

Departmental role: Responsible entity

**Applicant details**

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Applicant name: Mr David Williams  
 Applicant contact details: 91 Shore Road East  
 URANGAN QLD 4655  
 fraserislandclams@gmail.com

**Location details**

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Street address: 91 Shore Road, Urangan  
 Real property description: Lot 20 on SP145088  
 Local government area: Fraser Coast Regional Council

**Development details**

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Proposed Change Application (Minor) to Development Permit for Material Change of Use (Aquaculture)

**Reasons for the department's decision**

The reasons for the decision are:

- The proposed Change Application (Minor) complies with relevant Performance Outcomes within State Code 17: Aquaculture under the State Development Assessment Provisions (SDAP)

Evidence or other material on which the findings were based:

- Change Application (Minor)
- State Development Assessment Provisions (SDAP) published by the Department of State Development, Manufacturing, Infrastructure and Planning
- Department of Agriculture, Fisheries and Forestry Decision Notice – Approval dated 14 March 2013 (Reference: 2010BI0037)
- *Fisheries Act 1994*
- *Fisheries Regulation 2008*
- *Sustainable Planning Act 2009*
- *Sustainable Planning Regulation 2009*
- *Planning Act 2016*



Department of  
**State Development,  
 Manufacturing,  
 Infrastructure and Planning**

### Changed decision notice

Our reference: 1806-4834 SPD

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### Decision notice—approved with conditions

(Given under section 63 of the *Planning Act 2016*)

Original reference: 2005BC0407

### Applicant details

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Applicant name: Pond Perch Farming Pty Ltd  
 Applicant contact details: PO Box 812  
 Childers QLD 4660  
 pondperch@gmail.com

### Application details

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Level of assessment: Code assessment

### Site details

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Street address: 539 Knockroe Road, North Isis  
 Lot on plan: Lot 92 on RP902565  
 Local government area: Bundaberg Regional Council

### Decision

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Date of decision: 13 July 2018  
 Decision details: Approved subject to conditions

### Referral agencies

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There were no referral agencies for this application.

### Conditions

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This approval is subject to:

- the assessment manager conditions in Attachment 1

The department has, for conditions of this approval, nominated an entity to be the enforcement authority for that condition under the *Planning Act 2016*.

### Aspects of development and development approval granted

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Development permit

Material change of use for aquaculture

### Rights of appeal

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The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016* (the Act). For particular applications, there may also be a right to make an application for a declaration from a tribunal (see chapter 6, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

### Relevant period for the approval

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This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.

### Approved plans and specifications

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Copies of the following approved plans and specifications are enclosed.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
<b>Aspect of development: Material Change of use</b>				
Proposed Aquaculture Expansion Lot 92 on RP902565	Wayne Say & Associates	10.07.2018	18018	-

enc    Changed assessment manager conditions  
 Advice to applicant  
 Appeal provisions  
 Approved plans and specifications



## Changed assessment manager conditions

No.	Conditions of development approval	Condition timing																														
Material Change of Use																																
The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Agriculture and Fisheries to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																																
1.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="1" data-bbox="300 674 1235 1473"> <thead> <tr> <th data-bbox="300 674 762 719">Common name:</th> <th data-bbox="762 674 1235 719">Scientific name:</th> </tr> </thead> <tbody> <tr> <td data-bbox="300 719 762 763">Australian bass</td> <td data-bbox="762 719 1235 763"><i>Macquaria novemaculeata</i></td> </tr> <tr> <td data-bbox="300 763 762 808">Barcoo grunter</td> <td data-bbox="762 763 1235 808"><i>Scortum barcoo</i></td> </tr> <tr> <td data-bbox="300 808 762 853">Barramundi</td> <td data-bbox="762 808 1235 853"><i>Lates calcarifer</i></td> </tr> <tr> <td data-bbox="300 853 762 898">Eel tail catfish</td> <td data-bbox="762 853 1235 898"><i>Tandanus tandanus</i></td> </tr> <tr> <td data-bbox="300 898 762 943">Golden perch (Cooper Creek strain)</td> <td data-bbox="762 898 1235 943"><i>Macquaria ambigua n.sp</i></td> </tr> <tr> <td data-bbox="300 943 762 987">Golden perch (Dawson River strain)</td> <td data-bbox="762 943 1235 987"><i>Macquaria ambigua oriens</i></td> </tr> <tr> <td data-bbox="300 987 762 1077">Golden perch (Murray-Darling strain)</td> <td data-bbox="762 987 1235 1077"><i>Macquaria ambigua ambigua</i></td> </tr> <tr> <td data-bbox="300 1077 762 1122">Gulf Saratoga</td> <td data-bbox="762 1077 1235 1122"><i>Scleropages jardinii</i></td> </tr> <tr> <td data-bbox="300 1122 762 1167"><b><u>Jungle perch</u></b></td> <td data-bbox="762 1122 1235 1167"><b><u><i>Kuhlia rupestris</i></u></b></td> </tr> <tr> <td data-bbox="300 1167 762 1211">Murray cod</td> <td data-bbox="762 1167 1235 1211"><i>Maccullochella peeli peeli</i></td> </tr> <tr> <td data-bbox="300 1211 762 1256">Silver perch</td> <td data-bbox="762 1211 1235 1256"><i>Bidyanus bidyanus</i></td> </tr> <tr> <td data-bbox="300 1256 762 1301">Sleepy cod</td> <td data-bbox="762 1256 1235 1301"><i>Oxyeleotris lineolatus</i></td> </tr> <tr> <td data-bbox="300 1301 762 1346"><b><u>Sooty grunter</u></b></td> <td data-bbox="762 1301 1235 1346"><b><u><i>Hephaestus fuliginosus</i></u></b></td> </tr> <tr> <td data-bbox="300 1346 762 1391">Southern Saratoga</td> <td data-bbox="762 1346 1235 1391"><i>Scleropages leichardti</i></td> </tr> </tbody> </table>	Common name:	Scientific name:	Australian bass	<i>Macquaria novemaculeata</i>	Barcoo grunter	<i>Scortum barcoo</i>	Barramundi	<i>Lates calcarifer</i>	Eel tail catfish	<i>Tandanus tandanus</i>	Golden perch (Cooper Creek strain)	<i>Macquaria ambigua n.sp</i>	Golden perch (Dawson River strain)	<i>Macquaria ambigua oriens</i>	Golden perch (Murray-Darling strain)	<i>Macquaria ambigua ambigua</i>	Gulf Saratoga	<i>Scleropages jardinii</i>	<b><u>Jungle perch</u></b>	<b><u><i>Kuhlia rupestris</i></u></b>	Murray cod	<i>Maccullochella peeli peeli</i>	Silver perch	<i>Bidyanus bidyanus</i>	Sleepy cod	<i>Oxyeleotris lineolatus</i>	<b><u>Sooty grunter</u></b>	<b><u><i>Hephaestus fuliginosus</i></u></b>	Southern Saratoga	<i>Scleropages leichardti</i>	Prior to commencement of use and to be maintained at all times
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2.	<p><del>This development approval authorises activities within an approved Aquaculture Area of 7.0 hectares defined within Lot 92 on RP902565.</del></p> <p><b><u>The aquaculture production pond area is limited to a combined maximum area of 10.03 hectares on Lot 92 on RP902565 at 539 Knockroe Road, North Isis, QLD 4660, and must be carried out generally in accordance with the following plans:</u></b></p> <ul style="list-style-type: none"> <li>- <b><u>Proposed Aquaculture Expansion Lot 92 on RP902565, prepared by Wayne Say &amp; Associates, dated 10.07.2018, reference 18018</u></b></li> </ul>	Prior to commencement of use and to be maintained at all times																														
3.	Aquaculture authorised under this approval is limited by the following:	Within 28 days of change to personal contact details																														

No.	Conditions of development approval	Condition timing
	<p>Proposal Details: Conduct aquaculture on an approved Aquaculture Area of 7.0 hectares (production area) on a total land area of 38.88 hectares.</p> <p>Location: Lot 92 on RP902565, Parish Of Gregory, County Of Cook, Shire Of Isis</p> <p>Address: 539 Knockroe Road, North Isis, QLD 4660</p>	
4.	<p>DEEDI must be informed of any changes to the personal contact details for this Development Approval within 28 working days.</p> <p><b><u>Inform the assessing authority Department of Agriculture and Fisheries via notifications@daf.qld.gov.au of any changes to the personal contact details for this development approval.</u></b></p> <p><b><u>Note: Forms for reporting a change in contact details can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals">https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals</a></u></b></p>	Within 28 days of change to personal contact details
5.	<p>An Aquaculture Production Return must be submitted to the chief executive of the DEEDI, by close of business on 31 July each year during the term of this Development Approval. This includes lodging a "nil return" when no activity has occurred.</p> <p><b><u>Provide an annual aquaculture production return in the approved form to the Department of Agriculture and Fisheries. This includes lodging a nil return when no activity has occurred.</u></b></p> <p><b><u>Note: This is an information requirement pursuant to section 118 of the Fisheries Act 1994. Details on how to lodge and electronic aquaculture production return will be sent to operators annually.</u></b></p>	By close of business on the 31 July each year
6.	<p>Under this approval aquaculture fisheries resources must not be released into Queensland waters other than those waters approved under this Development Approval.</p> <p><b><u>Aquaculture fisheries resources must not be released into Queensland waters (as defined in the Acts Interpretation Act 1954) with the exception of those waters approved under this development approval.</u></b></p>	At all times
7.	<p>Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded, or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.</p>	At all times
8.	<p>Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the Fisheries Act 1994 during reasonable hours.</p>	At all times

No.	Conditions of development approval	Condition timing
	<p><b><u>This aquaculture development constitutes a place that is required to be open for inspection by an inspector at all times, pursuant to section 145 of the Fisheries Act 1994.</u></b></p>	
9.	<p>The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from:</p> <ul style="list-style-type: none"> <li>a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or</li> <li>b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or</li> <li>c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to DPI&amp;F Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</li> </ul> <p>A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species.</p> <p><b><u>The movement of fisheries resources into, or within, Queensland must comply with the current version of:</u></b></p> <ul style="list-style-type: none"> <li>(a) <b><u>Health protocol for the importation and movement of live barramundi (Version 4 June 2011 or later)</u></b></li> <li>(b) <b><u>Health protocol for the movement of live freshwater native finfish (other than barramundi and eels) (Version 1 June 2011 or later)</u></b></li> <li>(c) <b><u>Health protocol for movement of aquatic animals for aquaculture in Queensland (April 2017 or later)</u></b></li> </ul> <p><b><u>Note: Health protocols and application form FDU1398 can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies">https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies</a></u></b></p> <p><b><u>Note: Commonwealth quarantine protocols must be successfully completed for the relevant organisms of any species prior to their introduction to the approved aquaculture area.</u></b></p>	At all times



No.	Conditions of development approval	Condition timing
10.	<p>The species to be farmed under this approval must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form"(FDU1398) and Pathology Report has been completed and a <del>DEEDI</del> <b>Department of Agriculture and Fisheries</b> officer has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.</p> <p>The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be given to the <del>DEEDI</del> <b>Department of Agriculture and Fisheries</b> office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date.</p> <p><del>After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating &amp; Fisheries Patrol. If directed by a DEEDI officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.</del></p>	At all times
11.	<p>This Development Approval authorises the possession and use of "regulated fishing apparatus" under the Fisheries Regulation 1995, Schedule 8, Part 1 and Part 2 (marine), and the Fisheries (Freshwater) Management Plan 1999, Part 6 (freshwater) (excluding an electrofisher) at the approved Aquaculture Area.</p>	At all times
12.	<p>The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times.</p> <p><b><u>Note: Control may be achieved through ensuring ponds, tanks and containers integrity at all times, having adequate freeboard to avoid any overtopping, preventing overland flow, ensuring all equipment intended to control releases is functioning correctly at all times and backup systems or equipment are in place.</u></b></p>	Upon commencement of the use and to be maintained at all times
13.	<p>All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc.) and associated plumbing, pumps etc. on the approved Aquaculture Area must be implemented and secured in such a way as to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters.</p> <p><b><u>Install screening on all points of water release or discharge from ponds and drainage systems within the approved aquaculture area to prevent the escape of any aquaculture fisheries resources (eggs, juveniles or adults) into Queensland waters (as defined in the Acts Interpretation Act 1954).</u></b></p>	Prior to the commencement of the use and to be maintained at all times
14.	<p><del>Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are</del></p>	Prior to the commencement

No.	Conditions of development approval	Condition timing
	<p>sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area.</p> <p><b><u>Install screening on all intake waters to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved aquaculture area</u></b></p>	<p>of the use and to be maintained at all times</p>
15.	<p>This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species</p>	
16.	<p>The movement of all barramundi must comply with DEEDI 'Health Protocol for the Importation and Movement of Live Barramundi'.</p>	

**Advice to applicant**

<b>No.</b>	<b>General Advice</b>
1.	<p>Immediately report any unusual clinical signs or mortalities of any fisheries resources brought into Queensland, to the Queensland Boating and Fisheries Patrol. If directed, specimens must be forwarded to a veterinary laboratory.</p> <p><i>Note: Information on reporting disease in aquaculture can be found at <a href="https://www.business.qld.gov.au/industry/fisheries/aquaculture/health-pests-and-diseases-of-aquaculture/managing-disease-in-aquaculture-farms/identifying-and-reporting-disease-in-aquaculture">https://www.business.qld.gov.au/industry/fisheries/aquaculture/health-pests-and-diseases-of-aquaculture/managing-disease-in-aquaculture-farms/identifying-and-reporting-disease-in-aquaculture</a></i></p>
2.	<p>This approval does not permit the harvest of broodstock and culture stock.</p> <p><i>Note: Broodstock and/or culture stock may be purchased from the holder of an authority or licence that authorises the sale of the approved species. In Queensland, this includes from a commercial fisher holding an appropriate Fisheries Act 1994 licence.</i></p> <p><i>Note: Forms to apply for the collection of broodstock or culture stock for aquaculture under a Fisheries Act 1994 General Fisheries Permit can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals">https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals</a></i></p> <p><i>Note: Depending on the species sought and its location, additional permits may be required under other legislation, for example the Environmental Protection and Biodiversity Conservation Act 1999, the Great Barrier Reef Marine Park Act 1975, the Nature Conservation Act 1992.</i></p>
3.	<p>This approval does not provide any entitlement to access or harvest an aquaculture fisheries resource that becomes an unauthorised escape or release, including but not limited to:</p> <ul style="list-style-type: none"> <li>(a) animal(s) stocked within the approved aquaculture area that move outside the area; or</li> <li>(b) spawn or progeny of an aquaculture fisheries resource should such eggs, larvae, juveniles or adult progeny become distributed outside of the approved aquaculture area.</li> </ul> <p>The responsibility for any impact of unauthorized escapes or releases of aquaculture fisheries resources is with the operator. Additional permits may be required under the <i>Fisheries Act 1994</i> to authorise processes required to be readily available to effectively manage this risk.</p>



Our reference: 1806-5834 SPD

13 July 2018

Mr Steve Volz  
PO Box 812  
CHILDERS QLD 4660  
pondperch@gmail.com

Dear Mr Steve Volz

**Decision notice—change application**

(Given under section 83 of the *Planning Act 2016*)

Your change application under section 78 of the *Planning Act 2016* for the development approval dated 12 October 2011 was made to the Department of State Development, Manufacturing, Infrastructure and Planning on 15 June 2018.

**Decision for change application**

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Date of decision: 13 July 2018  
Decision details: Make the change and amend existing conditions.

The changes agreed to are:

1. Increase the size of the aquaculture area as shown on the approved plans
2. Add Sooty Grunter and Jungle Perch to the approved species list
3. Consequential changes to conditions

For further information please contact Holly Sorohan, Principal Planner, on 43315605 or via email [WBBSARA@dsdmip.qld.gov.au](mailto:WBBSARA@dsdmip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Luke Lankowski  
Manager, Planning

enc Decision notice showing the change  
Approved plans and specifications  
Statement of reasons  
Appeal provisions



Department of  
**State Development,  
 Manufacturing,  
 Infrastructure and Planning**

## Department of State Development, Manufacturing, Infrastructure and Planning

### Statement of reasons for application 1806-5834 SPD

(Given under section 83 of the *Planning Act 2016*)

Departmental role: Responsible entity

#### Applicant details

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Applicant name: Pond Perch Farming Pty Ltd

Applicant contact details: PO Box 812  
 Childers QLD 4660  
 pondperch@gmail.com

#### Location details

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Street address: 539 Knockroe Road, North Isis

Real property description: Lot 92 on RP902565

Local government area: Bundaberg Regional Council

#### Development details

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##### Assessment matters

- Section 81 of the *Planning Act 2016* – Assessing and deciding application for minor changes.

##### Reasons for the department's decision

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The reasons for the decision are:

- The proposed change meets the definition of a minor change under Schedule 2 of the *Planning Act 2016* and could therefore be assessed as a minor change to the development permit.
- The increase in to the size of the aquaculture area will not change the impacts of the aquaculture facility.
- The additional fish species are considered suitable for aquaculture in the approved facility.

Decision:

- The change application requests to increase the size of the aquaculture area from 7 hectares to 10.3 hectares and add two fish species.
- The conditions of the development permit have been changed to reflect the amended plans and add additional fish species. The conditions have also been changed to reflect new departmental names and simplify and update wording.
- The decision was made on 13 July 2018

Relevant Material:

- Change application material
- State Development Assessment Provisions published by the Department of State Development, Manufacturing, Infrastructure and Planning
- *Planning Act 2016*

- *Fisheries Act 1994*
- Planning Regulation 2017



Our reference: 1809-7562 SPD  
Your reference:

31 October 2018

James Cook University  
James Cook University C/MARFU DB67.019  
Douglas QLD 4814  
ben.lawes@jcu.edu.au

Attention: Ben Lawes

Dear Mr Lawes,

#### **Decision notice—change application**

Application for a Minor Change to a Development Permit for Material Change of Use for Aquaculture at 150 Angus Smith Drive, Douglas, more specifically described as Lot 40 on SP189822  
(Given under section 83 of the *Planning Act 2016*)

Your change application under section 78 of the *Planning Act 2016* for the development approval dated 5 August 2011 was made to the Department of State Development, Manufacturing, Infrastructure and Planning on 28 September 2018.

#### **Decision for change application**

---

Date of decision: 31 October 2018  
Decision details: Make the change and amend existing conditions.

The changes agreed to are:

1. Update of condition 1 to include additional species of seaweed, finfish, crustaceans and molluscs
2. Updating and rationalisation of suite of conditions to reflect new departmental names and simplify and update wording.

For further information please contact Kristy Nau, Senior Planning Officer, on 47583414 or via email [NQSARA@dsmip.qld.gov.au](mailto:NQSARA@dsmip.qld.gov.au) who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G Kenna', with a stylized flourish at the end.

Graeme Kenna  
Manager (Planning)

enc     Decision notice showing the change  
         Appeal provisions

### Changed decision notice

Our reference: 1809-7562 SPD

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### Decision notice—approved with conditions

(Given under section 334 of the *Sustainable Planning Act 2009*)

Original reference: 2006TO0385

### Applicant details

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Applicant name: JCU Marine & Aquaculture Research Facilities Unit  
 Applicant contact details: James Cook University  
 Townsville QLD 4810

### Application details

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Level of assessment: Code assessment  
 Properly made date: 28 June 2006

### Site details

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Street address: 150 Angus Smith Drive, Douglas  
 Lot on plan: 40 on SP116222  
 Local government area: Townsville City Council

### Decision

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Date of decision: 31 October 2018  
 Decision details: Approved subject to conditions

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### Referral agencies

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There were no referral agencies for this application.

### Conditions

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This approval is subject to:

- the assessment manager conditions in Attachment 1

The department has, for conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.



## Aspects of development and development approval granted

Development permit

Material Change of Use for Aquaculture

## Further development permits or compliance permits

Please be advised that the following development permits or compliance permits are required to be obtained before the development can be carried out:

1. Not applicable

## Self-assessable codes

Please be advised that the following codes may need to be complied with for self-assessable development related to the approved development:

1. Not applicable

## Compliance assessment

Compliance assessment is required under chapter 6, part 10 of the *Sustainable Planning Act 2009* for the following documents or works in relation to the development:

1. Not applicable

## Properly made submissions

Not applicable—No part of the application required impact assessment.

## Conflicts with relevant instruments

This decision does not conflict with a relevant instrument.

## Rights of appeal

The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

## Relevant period for the approval

This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.

## Approved plans and specifications

Copies of the following approved plans and specifications are enclosed.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
<b>Aspect of development: Material change of use</b>				
JCU Plan 1A	JCU	Received 8/5/11	JCU Plan 1A	-
Detail Survey of JCU Aquarium Department	K&A Surveyors	26/05/2010	8453/09	-

Detail Survey of JCU Aquarium Department	K&A Surveyors	26/05/2010	8453/10	-
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enc Attachment 1—Changed assessment manager conditions  
Appeal provisions  
Approved plans and specifications

## Attachment 1—Changed assessment manager conditions

No.	Conditions of development approval	Condition timing																																																								
Development Permit for Material change of use for Aquaculture																																																										
10.6.1.1.9 Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Agriculture and Fisheries to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																																																										
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<u>Cobia</u>	<u><i>Rachycentron canadum</i></u>
<u>Combtooth Blenny</u>	<u><i>Meiacanthus reticulatus</i></u>
<u>Comet</u>	<u><i>Calloplelesiopts altivelis</i></u>
<u>Common coral trout</u>	<u><i>Plectropomus leopardus</i></u>
<u>Coral Beauty Angelfish</u>	<u><i>Centropyge bispinosa</i></u>
<u>Eel tail catfish</u>	<u><i>Tandanus tandanus</i></u>
<u>Estuary cod</u>	<u><i>Epinephelus coioides</i></u>
<u>Eye-lash harp-tail blenny</u>	<u><i>Meiacanthus atrodorsalis</i></u>
<u>Fairy Wrasse</u>	<u><i>Cirrhilabrus lineatus</i></u>
<u>False Clown anemonefish</u>	<u><i>Amphiprion ocellaris</i></u>
<u>Fire clownfish</u>	<u><i>Amphiprion melanopus</i></u>
<u>Flame Hawkfish</u>	<u><i>Neocirrhites armatus</i></u>
<u>Flowery cod</u>	<u><i>Epinephelus fuscoguttatus</i></u>
<u>Freshwater shrimp</u>	<u><i>Macrobrachium spinipes</i></u>
<u>Freshwater shrimp</u>	<u><i>Macrobrachium australiensis</i></u>
<u>Giant clam</u>	<u><i>Tridacna maxima</i></u>
<u>Giant clam</u>	<u><i>Tridacna gigas</i></u>
<u>Gold lip pearl oyster</u>	<u><i>Pinctada maxima</i></u>
<u>Golden perch</u>	<u><i>Macquaria ambigua</i></u>
<u>Golden Snapper</u>	<u><i>Lutjanus johnii</i></u>
<u>Green Algae</u>	<u><i>Caulerpa lentillifera</i></u>
<u>Green algae</u>	<u><i>Caulerpa racemosa var. laetevirens</i></u>
<u>Green Algae</u>	<u><i>Chaetomorpha linum</i></u>
<u>Green Algae</u>	<u><i>Cladophora coelothrix</i></u>
<u>Green Algae</u>	<u><i>Cladophora fascicularis</i></u>
<u>Green Algae</u>	<u><i>Derbessia tenuissima</i></u>
<u>Green Algae</u>	<u><i>Rhizoclonium riparium</i></u>
<u>Green Algae</u>	<u><i>Oedogonium cardiacum</i></u>
<u>Green Algae</u>	<u><i>Hydrodictyon reticulatum</i></u>
<u>Green Algae</u>	<u><i>Spirogyra maxima</i></u>
<u>Green Algae</u>	<u><i>Nannochloropsis oculata</i></u>
<u>Green Algae</u>	<u><i>Scenedesmus obliquus</i></u>
<u>Green Algae</u>	<u><i>Tetraselmis chuii</i></u>
<u>Green Algae</u>	<u><i>Picochlorum atomus</i></u>
<u>Green Algae</u>	<u><i>Ulva lactuca</i></u>
<u>Greenlip abalone</u>	<u><i>Haliotis laevigata</i></u>
<u>Golden-lined spinefoot</u>	<u><i>Siganus lineatus</i></u>
<u>Gulf Saratoga</u>	<u><i>Scleropages jardinii</i></u>

<u>Harlequin filefish</u>	<u><i>Oxymonacanthus longirostris</i></u>
<u>Horses hoof clam</u>	<u><i>Hippopus hippopus</i></u>
<u>Lungfish</u>	<u><i>Neoceratodus forsteri</i></u>
<u>Magnificent sea anemone</u>	<u><i>Heteractis magnifica</i></u>
<u>Mahi Mahi</u>	<u><i>Coryphaena hippurus</i></u>
<u>Mandarin Fish</u>	<u><i>Synchiropus splendidus</i></u>
<u>Mangrove jack</u>	<u><i>Lutjanus argentimaculatus</i></u>
<u>Mud crab</u>	<u><i>Scylla serrata</i></u>
<u>Mulloway</u>	<u><i>Argyrosomus japonicus</i></u>
<u>Murray cod</u>	<u><i>Maccullochella peelii peelii</i></u>
<u>Orchid dottyback</u>	<u><i>Pseudochromis fridmani</i></u>
<u>Pajama cardinalfish</u>	<u><i>Sphaeramia nematoptera</i></u>
<u>Passionfruit trout</u>	<u><i>Plectropomus areolatus</i></u>
<u>Penguin pearl oyster</u>	<u><i>Pteria penguin</i></u>
<u>Peppermint Shrimp</u>	<u><i>Lysmata vittata</i></u>
<u>Queensland groper</u>	<u><i>Epinephelus lanceolatus</i></u>
<u>Red algae</u>	<u><i>Asparagopsis taxiformis</i></u>
<u>Red algae</u>	<u><i>Gracilaria edulis</i></u>
<u>Red Algae</u>	<u><i>Eucheuma denticulatum</i></u>
<u>Red Algae</u>	<u><i>Halymenia lacerata</i></u>
<u>Redclaw crayfish</u>	<u><i>Cherax quadricarinatus</i></u>
<u>Red seaweed</u>	<u><i>Acanthophora specifera</i></u>
<u>Rock oysters</u>	<u><i>Saccostrea glomerata</i></u>
<u>Sand whiting</u>	<u><i>Sillago ciliata</i></u>
<u>Sea urchin</u>	<u><i>Tripneustes gratilla</i></u>
<u>Silver perch</u>	<u><i>Bidyanus bidyanus</i></u>
<u>Sleepy cod</u>	<u><i>Oxyeleotris lineolatus</i></u>
<u>Smooth giant clam</u>	<u><i>Tridacna derasa</i></u>
<u>Snapper</u>	<u><i>Pagrus auratus</i></u>
<u>Soft coral</u>	<u><i>Sinularia flexibilis</i></u>
<u>Southern saratoga</u>	<u><i>Scleropages leichardti</i></u>
<u>Spanish flag snapper</u>	<u><i>Lutjanus carponotatus</i></u>
<u>Spine-cheeked anemonefish</u>	<u><i>Premnas biaculeatus</i></u>
<u>Spiny chromis</u>	<u><i>Acanthochromis polyacanthus</i></u>
<u>Striped fangblenny</u>	<u><i>Meiacanthus grammistes</i></u>
<u>Three Spot crab</u>	<u><i>Portunus sanguinolentus</i></u>
<u>Tropical seahorse</u>	<u><i>Hippocampus kuda</i></u>
<u>Two-colour combtooth blenny</u>	<u><i>Ecsenius bicolor</i></u>

	<p><u>Two-toned pygmy squid</u>                      <u><i>Idiosepius pygmaeus</i></u></p> <p><u>Yabby</u>    <u><i>Cherax destructor</i></u></p> <p>Hereafter referred to as the “approved species”.</p>	
2.	<p>Aquaculture authorised under this approval is limited by the following:</p> <p>Proposal Details:    Conduct aquaculture</p> <p>Location:                Within James Cook University as detailed on JCU Plan 1A (JCU site overview) and defined by JCU Plan 1B (Marine and Aquaculture Research Facilities Unit) and JCU Plan 1C (Microalgae Biodiesel) on Lot 40 on SP189822, Townsville City Council.</p> <p>Address:                 James Cook Drive, James Cook University, QLD 4811</p> <p>DPI Plan No.:          JCU Plans 1A, 1B, 1C</p>	At all times.
3.	<p>Inform the assessing authority Department of Agriculture and Fisheries via <a href="mailto:notifications@daf.qld.gov.au">notifications@daf.qld.gov.au</a> of any changes to the personal contact details for this development approval. <i>Note: Forms for reporting a change in contact details can be found at</i> <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals">https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals</a></p>	Within 28 days of change to personal contact details.
4.	<p>Provide an annual aquaculture production return in the approved form to the Department of Agriculture and Fisheries. This includes lodging a nil return when no activity has occurred.</p> <p><i>Note: This is an information requirement pursuant to section 118 of the Fisheries Act 1994. Details on how to lodge and electronic aquaculture production return will be sent to operators annually.</i></p>	By close of business on the 31 July each year
5.	<p>The movement of fisheries resources into, or within, Queensland must comply with the current version of:</p> <ul style="list-style-type: none"> <li><i>a. Health Protocol for the movement of live prawns (FAMPR001)</i></li> <li><i>b. Health Protocol for the Importation and Movement of Live Barramundi (FAMPR002)</i></li> <li><i>c. Health protocol for the movement of live bivalve molluscs (FAMPR003)</i></li> <li><i>d. Health protocol for the movement of live marine crustaceans including crabs, lobsters and bugs (FAMPR004)</i></li> <li><i>e. Health protocol for the movement of live freshwater crayfish and prawns (FAMPR006)</i></li> <li><i>f. Health protocol for the movement of live freshwater native finfish (other than barramundi and eels) (FAMPR007)</i></li> <li><i>g. Health protocol for movement of aquatic animals for aquaculture in Queensland (FAMPR008)</i></li> </ul> <p><i>Note: Health protocols and application form FDU1398 can be found at</i> <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/management-">https://www.daf.qld.gov.au/fisheries/aquaculture/management-</a></p>	At all times.



	<p><i>and-policies</i></p> <p><i>Note: Commonwealth quarantine protocols must be successfully completed for the relevant organisms of any species prior to their introduction to the approved aquaculture area.</i></p>	
6.	<p>Maintain control over the release of water from all ponds, tanks and drainage systems within the approved aquaculture area.</p> <p><i>Note: Control may be achieved through ensuring ponds, tanks and containers integrity at all times, having adequate freeboard to avoid any overtopping, preventing overland flow, ensuring all equipment intended to control releases is functioning correctly at all times and backup systems or equipment are in place.</i></p>	Upon commencement of the use and to be maintained at all times
7.	<p>Aquaculture fisheries resources must not be released into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i>) with the exception of</p> <ul style="list-style-type: none"> <li>• Aquaculture fisheries resources must not be released into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i>) with the exception of those waters approved under this Development Approval.</li> <li>•</li> </ul> <p><i>Note: It is an offence under the Fisheries Act 1994 to unlawfully release aquaculture fisheries resources, or cause aquaculture fisheries resources to be released, into Queensland waters. Maximum penalty—2000 penalty units.</i></p>	At all times.
8.	<p>Provide an impervious perimeter barrier in the location shown on approved JCU plans 1A, 1B, 1C to prevent the overland release of crustaceans that are capable of overland escape from the approved aquaculture area.</p>	Prior to the commencement of the use and to be maintained at all times
9.	<p>Install screening at all points of water release or discharge from all waters and drainage systems within the approved aquaculture area to prevent the escape of any aquaculture fisheries resources (eggs, juveniles or adults) into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i>).</p>	Prior to the commencement of the use and to be maintained at all times
10.	<p>Aquaculture fisheries resources must not be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.</p>	At all times.
11.	<p>This aquaculture development constitutes a place that is required to be open for inspection by an inspector at all times, pursuant to section 145 of the <i>Fisheries Act 1994</i>.</p>	At all times

## Attachment 2—General advice

1.	<p>Immediately report any unusual clinical signs or mortalities of any fisheries resources brought into Queensland, to the Queensland Boating and Fisheries Patrol. If directed, specimens must be forwarded to a veterinary laboratory.</p> <p><i>Note: Information on reporting disease in aquaculture can be found at <a href="https://www.business.qld.gov.au/industry/fisheries/aquaculture/health-pests-and-diseases-of-aquaculture/managing-disease-in-aquaculture-farms/identifying-and-reporting-disease-in-aquaculture">https://www.business.qld.gov.au/industry/fisheries/aquaculture/health-pests-and-diseases-of-aquaculture/managing-disease-in-aquaculture-farms/identifying-and-reporting-disease-in-aquaculture</a></i></p>
2.	<p>This approval does not permit the harvest of broodstock and culture stock.</p> <p><i>Note: Broodstock and/or culture stock may be purchased from the holder of an authority or licence that authorises the sale of the approved species. In Queensland, this includes from a commercial fisher holding an appropriate Fisheries Act 1994 licence.</i></p> <p><i>Note: Forms to apply for the collection of broodstock or culture stock for aquaculture under a Fisheries Act 1994 General Fisheries Permit can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals">https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals</a></i></p> <p><i>Note: Depending on the species sought and its location, additional permits may be required under other legislation, for example the Environmental Protection and Biodiversity Conservation Act 1999, the Great Barrier Reef Marine Park Act 1975, the Nature Conservation Act 1992.</i></p>



Department of Infrastructure,  
Local Government and Planning

Our reference: SPD-0416-026564

04 May 2016

Carpentaria Shire Council  
23 Vallely Street  
Freshwater QLD 4870

E-mail: [liz@elizabethtaylor.net.au](mailto:liz@elizabethtaylor.net.au)

Dear Liz,

**Notice of decision—changed approval (responsible entity)**

148 Yappar Street - Karumba, Carpentaria Shire – QLD 4891 – Trustee Lease NO  
702097739 on Lot 108 on NM146

(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning received representations under section 369 of the *Sustainable Planning Act 2009* on 16 April 2016 for the original decision described below.

**Applicant details**

---

Applicant name: Carpentaria Shire Council C/- Elizabeth Taylor

**Site details**

---

Lot on plan: Trustee Lease NO 702097739 on Lot 108 on NM146

Local government area: Carpentaria Shire Council

**Application details**

---

Proposed development: Development Permit for Material Change of Use to Conduct Aquaculture



**Original decision**

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Date of original decision: 2 November 2001

Original decision details: Approved subject to conditions

A changed decision notice for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the Act
- any plans and specifications approved in relation to the decision notice.

For further information, please contact Javier Samanes, Senior Planning Officer, SARA Central West - North West on 4758 3416, or email [javier.samanes@dilgp.qld.gov.au](mailto:javier.samanes@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Graeme Kenna  
Manager (Planning)

enc: Changed decision notice  
Attachment 1—Changed assessment manager conditions  
Attachment 2—SPA appeal provisions

Our reference: SPD-0416-026564

### Changed decision notice

(Given under section 376 of the *Sustainable Planning Act 2009*)

#### Applicant details

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Applicant name: Carpentaria Shire Council C/- Elizabeth Taylor  
 Applicant contact details: 23 Valley Street  
 Freshwater QLD 4870

#### Application details

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Level of assessment: Code assessment  
 Original application properly made date: Unknown  
 Date of request for change: 16 April 2016

#### Site details

---

Street address: 148 Yappar Street - Karumba, Carpentaria Shire - QLD  
 Lot on plan: Trustee Lease NO 702097739 on Lot 108 on NM146

#### Nature of the changes

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The nature of the changes agreed to are:

1. Removal of Condition 4 relating to the operational period of the approved use

#### Original decision

---

Date of original decision: 2 November 2001  
 Original decision details: Approved subject to conditions

#### Changed decision

---

Date of changed decision: 4 May 2016  
 Changed decision details: Approved subject to conditions

#### Conditions

---

This approval is subject to:

- the changed assessment manager conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

### Aspects of development and development approval granted

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Chang of Use	Development permit	Aquaculture	Code Assessment

### Further development permits or compliance permits

Please be advised that the following development permits or compliance permits are required to be obtained before the development can be carried out:

1. Not applicable

### Self-assessable codes

Please be advised that the following codes may need to be complied with for self-assessable development related to the approved development:

1. Not applicable

### Compliance assessment

Compliance assessment is required under chapter 6, part 10 of the *Sustainable Planning Act 2009* for the following documents or works in relation to the development:

1. Not applicable

### Properly made submissions

Not applicable—No part of the application required impact assessment.

### Conflicts with relevant instruments

This decision does not conflict with a relevant instrument.

### Rights of appeal

The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

### Relevant period for the approval

This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.



### **Native title considerations**

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There are no procedural rights to native title parties under the Native Title Act 1993

Our reference: SPD-0416-026564

## **Attachment 1—Changed assessment manager conditions**

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- 1 The operator is authorised to conduct aquaculture on and harvest the following approved species:

<b><u>Common Name</u></b>	<b><u>Scientific Name</u></b>
Australian bass	<i>Macquaria novemaculeata</i>
Barcoo grunter	<i>Scortum barcoo</i>
Barramundi	<i>Lates calcarifer</i>
Eel tail catfish	<i>Tandanus tandanus</i>
Golden perch	<i>Macquaria ambigua</i>
Gulf Saratoga	<i>Scleropages jardinii</i>
Javelin grunter	<i>Pomadasys kaakan</i>
Murray cod	<i>Maccullochella peeli peeli</i>
Silver perch	<i>Bidyanus bidyanus</i>
Sleepy cod	<i>Oxyeleotris lineolatus</i>
Southern saratoga	<i>Scleropages leichardti</i>

- 2 This development approval authorises activities within an approved Aquaculture Area of 0.5 hectares as defined within Lot 108 on NM146.
- 3 Aquaculture authorised under this approval is limited by the following:
 

Proposal Details:	Conduct aquaculture on an approved Aquaculture Area of 0.5 hectares (production area) on a total land area of 0.966 hectares.
Location:	Trustee Lease No 702097736 On Lot 108 On Crown Plan Nm146, County Of Norman, Parish Of Kimberley, Shire Of Carpentaria
Address:	148 Yappar Street, Karumba, QLD 4891
- 4 ~~This development approval is for the period Friday 2 November 2001 until Sunday 31 July 2016~~
- 5 DAF must be informed of any changes to the personal contact details for this Development Approval within 28 working days.
- 6 An Aquaculture Production Return must be submitted to the chief executive of the DAF, by close of business on 31 July each year during the term of this Development Approval. This includes lodging a "nil return" when no activity has occurred.

- 7 Under this approval aquaculture fisheries resources must not be released into Queensland waters other than those waters approved under this Development Approval.
- 8 Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded, or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish
- 9 Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the Fisheries Act 1994 during reasonable hours.
- 10 The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from:
  - a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or
  - b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or
  - c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to DAF Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.

A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species

- 11 The species to be farmed under this approval must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form"(FDU1398) and Pathology Report has been completed and a DAF officer has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.

The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above)



must be given to the DAF office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date.

After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating & Fisheries Patrol. If directed by a DAF officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.

- 12 This Development Approval authorises the possession and use of "regulated fishing apparatus" under the Fisheries Regulation 1995, Schedule 8, Part 1 and Part 2 (marine), and the Fisheries (Freshwater) Management Plan 1999, Part 6 (freshwater) (excluding an electrofisher) at the approved Aquaculture Area.
- 13 The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times.
- 14 All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc.) and associated plumbing, pumps etc. on the approved Aquaculture Area must be implemented and secured in such a way as to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters.
- 15 Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area.
- 16 This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.
- 17 The movement of all barramundi must comply with DAF 'Health Protocol for the Importation and Movement of Live Barramundi'.

Basis for inclusion of conditions:

- The Department of Agriculture and Fisheries must assess the development application against the purposes of the *Fisheries Act 1994*. This application can only comply with those purposes, including promoting ecological sustainable development, if compliance with the abovementioned conditions is achieved.



Department of Infrastructure,  
Local Government and Planning

Our reference: SPD-0517-036599

Your reference:

15 June 2017

Carpentaria Shire Council  
PO Box 244  
Normanton QLD 4890  
anne.clarke6@bigpond.com

Dear Peter Watton

**Notice of decision—changed approval (responsible entity)**

108 Yappar Street Karumba QLD 4890 – Lot 77 on NM 88 – Development Permit  
for Operational Works (Removal, destruction or damage of a marine plant)  
(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning received representations under section 369 of the *Sustainable Planning Act 2009* on 19 May 2017 for the original decision described below.

**Applicant details**

---

Applicant name: Carpentaria Shire Council

**Site details**

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Real property description: Lot 77 on NM88

Local government area: Carpentaria Shire Council

**Application details**

---

Proposed development: Development Permit for Operational Works (Removal, destruction or damage of a marine plant)

**Original decision**

---

Date of original decision: 21 September 2016  
Original decision details: Approved subject to conditions

A changed decision notice for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the Act
- any plans and specifications approved in relation to the decision notice.

For further information, please contact Sian Roberts, Acting Planning Officer, SARA North QLD on 4758 3423, or via email [sian.roberts@dilgp.qld.gov.au](mailto:sian.roberts@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Graeme Kenna  
Manager - Planning

enc: Changed decision notice  
Attachment 1—Changed assessment manager conditions  
Attachment 2—SPA appeal provisions



Our reference: SPD-0517-036599

Your reference:

### **Changed decision notice** [please notate changed details in the following sections]

(Given under section 376 of the *Sustainable Planning Act 2009*)

#### **Applicant details**

---

Applicant name: Carpentaria Shire Council

Applicant contact details: PO Box 244  
Normanton QLD 4890

#### **Application details**

---

Level of assessment: Code assessment

Original application properly made date: 21 September 2016

Date of request for change: 19 May 2017

#### **Site details**

---

Street address: 108 Yappar Street Karumba QLD 4890

Lot on plan: Lot 77 on NM88

Name of owner: Carpentaria Shire Council

#### **Nature of the changes**

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The nature of the changes agreed to are:

1. The proposed change is to amend the plans by adding a pond for educational purposes.

#### **Original decision**

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Date of original decision: 21 September 2016

Original decision details: Approved subject to conditions

#### **Changed decision**

---

Date of changed decision: 15 June 2017

Changed decision details: Approved subject to conditions

## Conditions

---

This approval is subject to:

- the changed assessment manager conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

## Aspects of development and development approval granted

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Development Permit for Operational Works (Removal, destruction or damage of a marine plant)

## Further development permits or compliance permits

---

Please be advised that the following development permits or compliance permits are required to be obtained before the development can be carried out:

1. Not applicable

## Self-assessable codes

---

Please be advised that the following codes may need to be complied with for self-assessable development related to the approved development:

1. Not applicable

## Compliance assessment

---

Compliance assessment is required under chapter 6, part 10 of the *Sustainable Planning Act 2009* for the following documents or works in relation to the development:

1. Not applicable

## Rights of appeal

---

The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

## Relevant period for the approval

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This development approval will lapse if development is not started within the relevant

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periods stated in section 341 of the Act.

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**Approved plans and specifications**

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Copies of the following approved plans and specifications are attached:

<b>Drawing/Report Title</b>	<b>Prepared by</b>	<b>Date</b>	<b>Reference no.</b>	<b>Version /Issue</b>
<b>Aspect of development: Development Permit for Operational Works (Removal, destruction or damage of a marine plant)</b>				
Siteworks Plan	Pdr Engineers	Jan 2017	16660- C01	A



Our reference: SPD-0517-036599

Your reference:

**Attachment 1—Changed assessment manager conditions**

No.	Conditions	Condition timing
Development Permit for Operational Works for Fisheries development other than aquaculture (Marine Plant Removal)		
Schedule 6, Table 3, Item 11 – Fisheries development other than aquaculture – Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of the Department of Agriculture and Fisheries to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>AMENDED</p> <p>Development authorised under this approval is limited as follows:</p> <ul style="list-style-type: none"> <li>Operational works to remove, destroy marine plants being limited 40 square metres of saltmarsh species located above Highest Astronomical Tide within the permanent works footprint shown in siteworks plan, prepared by pdr engineers, dated Jan 2017, reference 16660 – C01, revision A.</li> </ul>	At all times
2.	<p>Provide written notice to notifications@daff.qld.gov.au, when the development authorised under this approval has started, and when it has been completed.</p> <p>These notices must state this permit number, the location and the condition number under which the notice is being given.</p> <p>The notice advising of the completion date must also include a report documenting the completed development works, including but not limited to:</p> <ul style="list-style-type: none"> <li>photographs taken before, during and after the development works at specific photo-monitoring sites.</li> </ul>	<p>At least five (5) business days but no greater than twenty (20) business days prior to the commencement of fisheries development works</p> <p>And then, as to the notice advising of the completion date, within 15 business days of the completion of the fisheries development works</p>
3.	Spoil is not disposed of on tidal lands or within waterways and is managed to prevent acid soil development.	At all times
4.	Until the works have been completed, permit access to the place where the works are located by Department of Agriculture, Fisheries and Forestry officers if requested.	For the duration of the works the subject of this approval



Department of Infrastructure,  
Local Government and Planning

Our reference: SPD-0716-028787

22 August 2016

Tropical Fish International Australia Pty Ltd  
108 Mackintosh Drive  
NORTH LAKES QLD 4509

Dear Sir/Madam,

**Notice of decision—changed approval (responsible entity)**  
**3-13 Kleinschmidt Road, Steiglitz, QLD 4207 – Lot 1 on RP137859**  
(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning (the department) received representations under section 369 of the *Sustainable Planning Act 2009* on 4 May 2016 for the original decision described below.

**Applicant details**

---

Applicant name: Tropical Fish International Australia Pty Ltd

**Site details**

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Lot on plan: Lot 1 on RP137859

Local government area: Council of the City of Gold Coast

**Application details**

---

Proposed development: Development Permit for Material Change of Use –  
Aquaculture

### Original decision and previous changes

---

Date of original decision: 30 May 2007

Original decision details: Approved subject to conditions

Date of changed approval: 27 May 2016

- Details of the change
1. Addition of the following species to be harvested:
 

<u>Common Name</u>	<u>Scientific Name</u>
Barcoo grunter	<i>Scortum barcoo</i>
Barramundi	<i>Lates calcarifer</i>
Cherabin	<i>Macrobrachium spinipes</i>
Crimson spotted rainbowfish	<i>Melanotaenia duboulayi</i>
Ornate rainbowfish	<i>Rhadinocentrus ornatus</i>
Pacific blue eye	<i>Pseudomugil signifer</i>
Redclaw	<i>Cherax quadricarinatus</i>
Sleepy cod	<i>Oxyeleotris lineolata</i>
Spotted blue eye	<i>Pseudomugil gertrudae</i>
Yabby	<i>Cherax destructor destructor</i> ;
  2. Removal of condition 4, which stated the period the use must end;
  3. New condition to prevent any species capable of overland escape from escaping (condition 16); and
  4. Amendment to various conditions to reference updated legislation.

A changed decision notice for this request is attached.



Copies of the following documents are also attached:

- Relevant appeal provisions in the Act
- Any plans and specifications approved in relation to the decision notice.

For further information, please contact Fraser Gassman, Senior Planning Officer, on 5644 3216, or email [GCSARA@dilgp.qld.gov.au](mailto:GCSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Kim Kirstein  
Manager – Planning

enc:    Changed decision notice  
          Attachment 1—Changed assessment manager conditions  
          Attachment 2—SPA appeal provisions

Our reference: SPD-0516-027046

### Changed decision notice

(Given under section 376 of the *Sustainable Planning Act 2009*)

#### Applicant details

---

Applicant name: Tropical Fish International Australia Pty Ltd  
 Applicant contact details: 108 Mackintosh Drive  
 North Lakes, QLD 4509

#### Application details

---

Level of assessment: Code assessment  
 Original application properly made date: Date Not Available  
 Date of request for change: 25 July 2016

#### Site details

---

Street address: 3-13 Kleinschmidt Road, Steiglitz, QLD 4207  
 Lot on plan: Lot 1 on RP137859  
 Name of owner: Gunter Investments PTY LTD

#### Nature of the changes

---

The nature of the change agreed to is:

5. Addition of the following species to be harvested:

**Common Name**

**Scientific Name**

*Acanthastrea sp.*

*Acroporidae sp.*

*Actinodiscus sp.*

*Briareum sp.*

*Caulastrea furcata*

*Cespitularia sp.*

*Cladiella sp.*

*Clavularia sp.*

*Diploastrea sp.*

*Euphyllia glabrescens*

*Favia sp.*  
*Favites sp.*  
*Goniastrea sp.*  
*Goniopora Sp.*  
*Lobophyllia sp.*  
*Montastrea sp.*  
*Nepthea sp.*  
*Olouphyllia sp.*  
*Pachyclavularia sp.*  
*Parazoanthus sp.*  
*Platygyra sp.*  
*Ricordea sp.*  
*Sarcophyton sp.*  
*Sinularia sp.*  
*Xenia sp.*  
*Zoanthus sp*

### **Original decision**

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Date of original decision: 30 May 2007  
 Original decision details: Approved subject to conditions

### **Changed decision**

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Date of changed decision: 22 August 2016  
 Changed decision details: Approved subject to conditions

### **Conditions**

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This approval is subject to:

- The changed assessment manager conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.



**Aspects of development and development approval granted**

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Development Permit for Material Change of Use – Aquaculture

**Properly made submissions**

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Not applicable—No part of the application required impact assessment.

**Rights of appeal**

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

**Relevant period for the approval**

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This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.

**Native title considerations**

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No notification requirements were applicable to this development application.

Our reference: SPD-0716-028787

**Attachment 1—Changed assessment manager conditions**

No.	Conditions of development approval	Condition timing																																								
<b>Material Change of Use – Aquaculture</b>																																										
Aquaculture—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Agriculture and Fisheries to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																																										
1.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="0" data-bbox="336 869 1145 2018"> <thead> <tr> <th data-bbox="336 869 718 913"><b><u>Common Name</u></b></th> <th data-bbox="722 869 1145 913"><b><u>Scientific Name</u></b></th> </tr> </thead> <tbody> <tr><td>Banded goby</td><td><i>Amblygobius phalaena</i></td></tr> <tr><td>Barcoo grunter</td><td><i>Scortum barcoo</i></td></tr> <tr><td>Barramundi</td><td><i>Lates calcarifer</i></td></tr> <tr><td>Barrier reef anemonefish</td><td><i>Amphiprion akindynos</i></td></tr> <tr><td>Blue-band goby</td><td><i>Valenciennea strigata</i></td></tr> <tr><td>Cherabin</td><td><i>Macrobrachium spinipes</i></td></tr> <tr><td>Clown anemonefish</td><td><i>Amphiprion percula</i></td></tr> <tr><td>Crimson spotted rainbowfish</td><td><i>Melanotaenia duboulayi</i></td></tr> <tr><td>Cuttlefish</td><td><i>Sepia spp</i></td></tr> <tr><td>Eastern blue devil</td><td><i>Paraplesiops bleekeri</i></td></tr> <tr><td>False Clown anemonefish</td><td><i>Amphiprion ocellaris</i></td></tr> <tr><td>Fire clownfish</td><td><i>Amphiprion melanopus</i></td></tr> <tr><td>High-crown seahorse</td><td><i>Hippocampus procerus</i></td></tr> <tr><td>Hinchbeak shrimp</td><td><i>Rhynchocinetes spp</i></td></tr> <tr><td>Longnose seahorse</td><td><i>Hippocampus trimaculatus</i></td></tr> <tr><td>Northern blue devil</td><td><i>Paraplesiops poweri</i></td></tr> <tr><td>Ornate rainbowfish</td><td><i>Rhadinocentrus ornatus</i></td></tr> <tr><td>Pacific blue eye</td><td><i>Pseudomugil signifer</i></td></tr> <tr><td>Pipehorse</td><td><i>Syngnathoides biaculeatus</i></td></tr> </tbody> </table>	<b><u>Common Name</u></b>	<b><u>Scientific Name</u></b>	Banded goby	<i>Amblygobius phalaena</i>	Barcoo grunter	<i>Scortum barcoo</i>	Barramundi	<i>Lates calcarifer</i>	Barrier reef anemonefish	<i>Amphiprion akindynos</i>	Blue-band goby	<i>Valenciennea strigata</i>	Cherabin	<i>Macrobrachium spinipes</i>	Clown anemonefish	<i>Amphiprion percula</i>	Crimson spotted rainbowfish	<i>Melanotaenia duboulayi</i>	Cuttlefish	<i>Sepia spp</i>	Eastern blue devil	<i>Paraplesiops bleekeri</i>	False Clown anemonefish	<i>Amphiprion ocellaris</i>	Fire clownfish	<i>Amphiprion melanopus</i>	High-crown seahorse	<i>Hippocampus procerus</i>	Hinchbeak shrimp	<i>Rhynchocinetes spp</i>	Longnose seahorse	<i>Hippocampus trimaculatus</i>	Northern blue devil	<i>Paraplesiops poweri</i>	Ornate rainbowfish	<i>Rhadinocentrus ornatus</i>	Pacific blue eye	<i>Pseudomugil signifer</i>	Pipehorse	<i>Syngnathoides biaculeatus</i>	At all times.
<b><u>Common Name</u></b>	<b><u>Scientific Name</u></b>																																									
Banded goby	<i>Amblygobius phalaena</i>																																									
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Pipehorse	<i>Syngnathoides biaculeatus</i>																																									

No.	Conditions of development approval	Condition timing
	<p>Redclaw <i>Cherax quadricarinatus</i></p> <p>Rough Snout Ghost pipefish <i>Solenostomus paegnius</i></p> <p>Sleepy cod <i>Oxyeleotris lineolata</i></p> <p>Spine-cheeked anemonefish <i>Premnas biaculeatus</i></p> <p>Spotted blue eye <i>Pseudomugil gertrudae</i></p> <p>Spotted seahorse <i>Hippocampus kuda</i></p> <p>Yabby <i>Cherax destructor destructor</i></p> <p>Zebra seahorse <i>Hippocampus zebra</i></p> <p><b><i>Acanthastrea sp.</i></b></p> <p><b><i>Acroporidae sp.</i></b></p> <p><b><i>Actinodiscus sp.</i></b></p> <p><b><i>Briareum sp.</i></b></p> <p><b><i>Caulastrea furcata</i></b></p> <p><b><i>Cespitularia sp.</i></b></p> <p><b><i>Cladiella sp.</i></b></p> <p><b><i>Clavularia sp.</i></b></p> <p><b><i>Diploastrea sp.</i></b></p> <p><b><i>Euphyllia glabrescens</i></b></p> <p><b><i>Favia sp.</i></b></p> <p><b><i>Favites sp.</i></b></p> <p><b><i>Goniastrea sp.</i></b></p> <p><b><i>Goniopora Sp.</i></b></p> <p><b><i>Lobophyllia sp.</i></b></p> <p><b><i>Montastrea sp.</i></b></p> <p><b><i>Nepthea sp.</i></b></p> <p><b><i>Olouphyllia sp.</i></b></p> <p><b><i>Pachyclavularia sp.</i></b></p> <p><b><i>Parazoanthus sp.</i></b></p> <p><b><i>Platygyra sp.</i></b></p>	



No.	Conditions of development approval	Condition timing
	<p style="text-align: center;"><b><i>Ricordea sp.</i></b></p> <p style="text-align: center;"><b><i>Sarcophyton sp.</i></b></p> <p style="text-align: center;"><b><i>Sinularia sp.</i></b></p> <p style="text-align: center;"><b><i>Xenia sp.</i></b></p> <p style="text-align: center;"><b><i>Zoanthus sp</i></b></p>	
2.	This development approval authorises activities within an approved Aquaculture Area of 2000 square metres as defined within Lot 1 on RP137859.	At all times.
3.	<p>Aquaculture authorised under this approval is limited by the following:</p> <p>Proposal Details: Conduct aquaculture on an approved Aquaculture Area of 2000 square metres (production area) on a total land area of 2.187 hectares. 030/000(991)</p> <p>Location: Lot 1 On RP137859, County Of Ward, Parish Of Albert, Shire Of Gold Coast</p> <p>Address: 3-13 Kleinschmidt Road, Steiglitz, QLD 4207</p>	At all times.
4.	DAF must be informed of any changes to the personal contact details for this Development Approval within 28 working days.	As indicated.
5.	An Aquaculture Production Return must be submitted to the chief executive of DAF, by close of business on 31 July each year during the term of this Development Approval. This includes lodging a "nil return" when no activity has occurred.	As indicated.
6.	Under this approval aquaculture fisheries resources must not be released into Queensland waters other than those waters approved under this Development Approval.	At all times.
7.	Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded, or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	At all times.
8.	Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during	At all times.

No.	Conditions of development approval	Condition timing
	reasonable hours.	
9.	<p>The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from:</p> <ul style="list-style-type: none"> <li>a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or</li> <li>b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or</li> <li>c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to DAF Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</li> </ul> <p>A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species</p>	At all times.
10.	<p>The species to be farmed under this approval must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form"(FDU1398) and Pathology Report has been completed and a DAF officer has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.</p> <p>The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be given to the DAF office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all</p>	At all times and as indicated.

No.	Conditions of development approval	Condition timing
	<p>shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date.</p> <p>After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating &amp; Fisheries Patrol. If directed by a DAF officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.</p>	
11.	The possession and use of “regulated fishing apparatus” under the <i>Fisheries Regulation 2008</i> , Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved Aquaculture Area.	At all times.
12.	The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times.	At all times.
13.	All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc.) and associated plumbing, pumps etc. on the approved Aquaculture Area must be implemented and secured in such a way as to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters.	At all times.
14.	Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area.	At all times.
15.	This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.	At all times.
16.	Install and maintain an impervious perimeter barrier to prevent overland escape of any aquaculture fisheries resource.	Prior to the commencement of use and to be maintained at all times.



Our reference: SPD-0716-028787

## Attachment 2—SPA Appeal Provisions

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### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

##### **Part 8 Dealing with decision notices and approvals**

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##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

###### **360 Application of div 1**

This division applies only during the applicant's appeal period.

###### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

###### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

###### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or

- (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—

- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

#### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—
- (a) the part of the approval relating to the assessment manager’s decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager’s decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
- (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
- (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the ***submitter’s appeal period***) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency’s response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency’s response to the extent it relates to—
- (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
- (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency’s response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
- (a) any part of the approval relating to the assessment manager’s decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager’s decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**



- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

### **Division 11 Making and appeal to Court**

#### **481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

#### **482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—

- (i) the chief executive; and
- (ii) the assessment manager; and
- (iii) any referral agency; and
- (iv) the applicant; or
- (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
  - (i) the chief executive; and
  - (ii) the assessment manager for the development application to which the notice relates; and
  - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
  - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and
  - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and

- (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.





Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SPD-0813-000939

**Date: 06/09/2013**

Aimee Christine Brooks  
131 McClintock Road  
Wamuran, Queensland, 4512

Dear Aimee Christine Brooks

**Notice of decision—changed approval (responsible entity)**

123-153 McClintock Rd, Wamuran Qld

(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received a request under section 369 of the *Sustainable Planning Act 2009* (SPA) on 16 August 2013 for the original decision described below.

The request sought to change conditions of the original Decision Notice by the Department of Agriculture, Fisheries and Forestry. Specifically, you requested the deletion of condition 4, which provides an expiry date.

The department has assessed and decided your request under sections 374 and 375 of SPA, and advises your request as been approved. A change has also been made to condition 11, to reference current regulation in place of repealed regulation. As per section 376 of SPA, the original decision notice is attached, showing the changes.

**Applicant details**

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Applicant name: Aimee Christine Brooks

**Site details**

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Real property description: 31 on RP202798

Local government area: Moreton Bay

**Application details**

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Proposed development: Development Permit for Material Change of Use  
(Aquaculture)

**Original decision**

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Date of original decision: 30 June 1998  
Original decision details: Approved subject to conditions

Copies of the following documents are also attached:

# relevant appeal provisions in the *Sustainable Planning Act 2009*.

If you require any further information, please contact Caroline Plank, Senior Planning Officer, Regional Services (SEQ North) on 07 5459 8293 who will be pleased to assist.

Yours sincerely



Garth Nolan  
Manager (Planning)

enc: Attachment 1—Original decision notice showing the changes  
SPA appeal provisions

Our reference: SPD-0813-000939

## Permissible change notice

(Given under section 376 of the *Sustainable Planning Act 2009*)

### Applicant details

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Applicant name:	Aimee Christine Brooks
Applicant contact details:	131 McClintock Road Wamuran, Queensland, 4512

### Application details

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Level of assessment:	Code assessment
Date of request for change:	16 August 2013

### Site details

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Street address:	123-153 McClintock Rd, Wamuran Qld
Real property description:	31 on RP202798

### Nature of the changes

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The following condition has been deleted:

4. This Development Approval is for the period Tuesday 30 June 1998 until Monday 30 September 2013.

The following condition has been amended:

11. This development Approval authorises the possession and use of "regulated fishing apparatus" under the Fisheries Regulation 1995, Schedule 8, Part 1 and Part 2 (marine), and the Fisheries (Freshwater) Management Plan 1999, Part 6 (freshwater) (excluding an electrofisher) at the approved Aquaculture Area.

Condition 11 now reads:

11. The possession and use of "regulated fishing apparatus" under the Fisheries Regulation 2008, Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved Aquaculture Area.

### Conditions

---

This approval is subject to:

# the changed assessment manager conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

### Rights of appeal

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the *Sustainable Planning Act 2009*).

Copies of the relevant appeal provisions are attached





Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SPD-1013-002225  
Your reference: 2005BC0351

Date: 28/10/2013

Wayne & Kerry Douglas  
Douglas Redclaw  
1080 Louis Bazo Drive  
Boreen Point, Queensland, 4565

Dear Wayne & Kerry Douglas

**Notice of decision—changed approval (responsible entity)**

1080 Louis Bazzo - Cootharaba, Sunshine Coast Regional - QLD

(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received representations under section 369 of the *Sustainable Planning Act 2009* (SPA) on 10 October 2013 for the original decision described below.

**Applicant details**

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Applicant name: Douglas Redclaw

**Site details**

---

Real property description:

Page 1

SEQ North Region  
Level 8, Mike Ahern Building  
12 First Avenue  
PO Box 1127 Maroochydore QLD 4558

1RP810777

Local government area: Sunshine Coast Regional Council

**Application details**

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Proposed development: Development Permit - Aquaculture of Freshwater Species

**Original decision**

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Date of original decision: 19 March 1998

Original decision details: Approved subject to conditions

A changed decision notice for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the *Sustainable Planning Act 2009*

If you require any further information, please contact Blake Petchell, Planning Officer, on 5459 9661 or [blake.petchell@dndip.qld.gov.au](mailto:blake.petchell@dndip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Garth Nolan  
Manager (Planning)

enc: Changed decision notice  
Attachment 1—Changed assessment manager conditions  
SPA appeal provisions

Our reference: SPD-1013-002225

Your reference: 2005BC0351

**Changed decision notice** [please notate changed details in the following sections]

(Given under section 376 of the *Sustainable Planning Act 2009*)

**Applicant details**

Applicant name: Douglas Redclaw  
 Applicant contact details: 1080 Louis Bazzo Drive  
 Boreen Point, Queensland, 4565

**Application details**

Level of assessment: Code assessment  
 Original application properly made date: 19 March 1998  
 Date of request for change: 10 October 2013

**Site details**

Street address: 1080 Louis Bazzo Drive, Cootharaba, QLD  
 Real property description: 1 RP810777  
 Site area: 23980 m<sup>2</sup>  
 Name of owner: Mr Wayne Kenneth Douglas & Mrs Kerry Beryl Douglas

**Nature of the changes**

The nature of the changes agreed to are:

Relevant Period

1.	<del>This Development Approval is for the period Thursday 19 March 1998 until Thursday 31 October 2013.</del>	Commencing the day the changed approval takes effect
2.	All other conditions of development approval number 2005BC0351 are maintained	At all times



### Original decision

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Date of original decision: 19 March 1998  
 Original decision details: Approved subject to conditions

### Changed decision

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Date of changed decision: 28 October 2013  
 Changed decision details: Approved subject to conditions

### Conditions

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This approval is subject to:

- the changed assessment manager conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

### Aspects of development and development approval granted

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Type of development	Development Permit	Preliminary Approval
<ul style="list-style-type: none"> <li>• Material Change of Use to Conduct Aquaculture</li> </ul>	✓	

### Conflicts with relevant instruments

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This decision does not conflict with a relevant instrument.

- The above development application was assessed against the purpose of the *Fisheries Act 1994*.

### Rights of appeal

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the *Sustainable Planning Act 2009*).

Copies of the relevant appeal provisions are attached.

Our reference: SPD-1013-002225

Your reference: 2005BC0351

### **Attachment 1—Changed assessment manager conditions**

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- 1 The operator is authorised to conduct aquaculture on and harvest the following approved species:

<u>Common Name</u>	<u>Scientific Name</u>
Australian bass	<i>Macquaria novemaculeata</i>
Barcoo grunter	<i>Scortum barcoo</i>
Barramundi	<i>Lates calcarifer</i>
Eel tail catfish	<i>Tandanus tandanus</i>
Freshwater shrimp	<i>Macrobrachium rosenbergii</i>
Golden perch (Cooper Creek strain)	<i>Macquaria ambigua n.sp</i>
Golden perch (Dawson River strain)	<i>Macquaria ambigua oriens</i>
Golden perch (Murray-Darling strain)	<i>Macquaria ambigua ambigua</i>
Gulf Saratoga	<i>Scleropages jardinii</i>
Murray cod	<i>Maccullochella peeli peeli</i>
Redclaw crayfish	<i>Cherax quadricarinatus</i>
Silver perch	<i>Bidyanus bidyanus</i>
Sleepy cod	<i>Oxyeleotris lineolatus</i>
Southern saratoga	<i>Scleropages leichardti</i>
Yabby	<i>Cherax destructor</i>

- 2 This development approval authorises activities within an approved Aquaculture Area of 200 square metres defined within Lot 1 on RP810777.
- 3 Aquaculture authorised under this approval is limited by the following:

Proposal Details:	Conduct aquaculture on an approved Aquaculture Area of 200 square metres (production area) on a total land area of 2.398 hectares.
Location:	Lot 1 On Rp810777, Parish Of Noosa, County Of March, Shire Of Noosa
Address:	1080 Louis Bazzo Drive,, Boreen Point, QLD 4565

- ~~4 This Development Approval is for the period Thursday 19 March 1998 until Thursday 31 October 2013.~~
- 4 DAFF must be informed of any changes to the personal contact details for this Development Approval within 28 working days.

- 5 An Aquaculture Production Return must be submitted to the chief executive of the DAFF, by close of business on 31 July each year during the term of this Development Approval. This includes lodging a "nil return" when no activity has occurred.
- 6 Under this approval aquaculture fisheries resources must not be released into Queensland waters other than those waters approved under this Development Approval.
- 7 Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded, or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish
- 8 Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the Fisheries Act 1994 during reasonable hours.
- 9 The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from:
  - a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or
  - b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or
  - c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to DAFF Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.

A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species
- 10 The species to be farmed under this approval must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form"(FDU1398) and Pathology Report has been completed and a DAFF officer has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.



The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be given to the DAFF office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date.

After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating & Fisheries Patrol. If directed by a DAFF officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.

- 11 ~~This Development Approval authorises the possession and use of "regulated fishing apparatus" under the Fisheries Act 1994, Schedule 8, Part 1 (marine) and Schedule 8, Part 2 (freshwater), (excluding an electrofisher) at the approved Aquaculture Area.~~  
The possession and use of "regulated fishing apparatus" under the Fisheries Regulation 2008, Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved Aquaculture Area.
- 12 The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times.
- 13 A perimeter barrier/fence, which is impervious, must be maintained, for all size classes of the species that are approved under this Authority which are capable of overland escape.
- 14 All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc.) and associated plumbing, pumps etc. on the approved Aquaculture Area must be implemented and secured in such a way as to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters.
- 15 Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area.
- 16 This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.
- 17 The movement of all barramundi must comply with DAFF 'Health Protocol for the Importation and Movement of Live Barramundi'.

## **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

### **Chapter 6 Integrated development assessment system (IDAS)**

#### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

###### **360 Application of div 1**

This division applies only during the applicant's appeal period.

###### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

###### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

###### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or
    - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

**364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

**366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

**Chapter 7 Appeals, offences and enforcement****Part 1 Planning and Environment Court****Division 8 Appeals to court relating to development applications and approvals****461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

**462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—



- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
- (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
- (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.

- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
- (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

### **Division 11 Making and appeal to Court**

#### **481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

#### **482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
- (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and

- (ii) the assessment manager for the development application to which the notice relates; and
- (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
- (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and
  - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—



- (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
  - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

**488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

**490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.



Department of  
**State Development,  
Infrastructure and Planning**

SARA reference: SPD-0714-009704

29 August 2014

Mr Lloyd and Nadia Bowtell  
946 North Arm-Yandina Creek Road  
Yandina Creek QLD 4561

Dear Mr Lloyd and Nadia Bowtell

**Notice of decision—changed approval (responsible entity)**

946 North Arm Yandina Creek Road - Yandina Creek – QLD  
(Lot 491 CG619)  
(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received representations under section 369 of the *Sustainable Planning Act 2009* on 24 July 2014 for the original decision described below.

**Applicant details**

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Applicant name: Mr Lloyd and Nadia Bowtell

**Site details**

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Real property description: Lot 491 CG619  
Local government area: Sunshine Coast Regional Council

**Application details**

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Proposed development: Aquaculture Permit - Aquaculture Freshwater (Growout)

**Original decision**

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Date of original decision: Effective from 31 May 1999

Original decision details: Approved subject to conditions

A changed decision notice for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the Act
- any plans and specifications approved in relation to the decision notice.

For further information, please contact Tracey Smith, Senior Planning Officer, on 3882 8409, or email [SEQNorthSARA@dsdip.qld.gov.au](mailto:SEQNorthSARA@dsdip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Garth Nolan  
Manager (Planning)

enc: Changed decision notice  
Attachment 1—Changed Concurrence agency conditions  
Attachment 2—SPA appeal provisions  
Approved plans and specifications



SARA reference: SPD-0714-009704

## Changed decision notice

(Given under section 376 of the *Sustainable Planning Act 2009*)

### Applicant details

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Applicant name: Mr Lloyd and Nadia Bowtell  
 Applicant contact details: 946 North Arm-Yandina Creek Road  
 Yandina Creek QLD 4561

### Application details

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Level of assessment: Code assessment  
 Date of request for change: 24 July 2014

### Site details

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Street address: 946 North Arm Yandina Creek Road - Yandina Creek, QLD  
 Real property description: Lot 491 CG619  
 Name of owner: Sunshine Coast Regional Council

### Nature of the changes

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The nature of the changes agreed to are removal of permit expiry date and update legislative references for regulated fishing apparatus.

### Original decision

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Date of original decision: Effective from 31 May 1999  
 Original decision details: Approved subject to conditions

### Changed decision

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Date of changed decision: 27 August 2014  
 Changed decision details: Approved subject to conditions

### Conditions

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This approval is subject to:

- the changed concurrence agency conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

## **Rights of appeal**

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

SARA reference: SPD-0714-009704

**Attachment 1—Changed concurrence agency conditions**

No.	Conditions of development approval
	<p>Fisheries development that is aquaculture—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the Act nominates the Director-General of the Department of Agriculture Fisheries and Forestry to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>
1.	<p><b>Condition 4</b></p> <p><del>This Development Approval is for the period Monday 31 May 1999 until Friday 31 October 2014.</del></p> <p>The administering authority* must be informed of any changes to the personal contact details for this Development Approval within 28 working days.</p> <p>*As at 26/08/2014 the administering authority is the Department of Agriculture, Fisheries and Forestry</p>
2.	<p><del>This Development Approval authorises the possession and use of "regulated fishing apparatus" under the Fisheries Regulation 1995, Schedule 8, Part 1 and Part 2 (marine), and the Fisheries (Freshwater) Management Plan 1999, Part 6 (freshwater) (excluding an electrofisher) at the approved Aquaculture Area.</del></p> <p>The possession and use of "regulated fishing apparatus" under the Fisheries Regulation 2008, Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved Aquaculture Area.</p>



SARA reference: SPD-0714-009704

## Attachment 2—SPA Appeal Provisions

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### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

##### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

##### **360 Application of div 1**

This division applies only during the applicant's appeal period.

##### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

##### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

##### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or

- (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—

- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
- (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

#### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager’s decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager’s decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the ***submitter’s appeal period***) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency’s response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency’s response to the extent it relates to—
  - (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency’s response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager’s decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager’s decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**



- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

### **Division 11 Making and appeal to Court**

#### **481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

#### **482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—

- (i) the chief executive; and
- (ii) the assessment manager; and
- (iii) any referral agency; and
- (iv) the applicant; or
- (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
  - (i) the chief executive; and
  - (ii) the assessment manager for the development application to which the notice relates; and
  - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
  - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and
  - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and

- (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.





Department of  
**State Development,  
Infrastructure and Planning**

SARA reference: SPD-0215-015204

23 March 2015

D and M Knowles  
PO Box 662  
COOROY QLD 4563

Dear Mr Darren Knowles

**Notice of decision—changed approval (responsible entity)**

429 Kennedys Road, Pomona, Noosa Shire Council

(Lot 7 MCH793)

(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received representations under section 369 of the *Sustainable Planning Act 2009* on 6 February 2015 for the original decision described below.

**Applicant details**

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Applicant name: D and M Knowles

**Site details**

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Real property description: 7 MCH793

Local government area: Noosa Shire Council

**Application details**

---

Proposed development: Development Permit for Environmentally relevant activity

**Original decision**

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Date of original decision: 17 October 2013

Original decision details: Approved subject to conditions

A changed decision notice for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the Act
- any plans and specifications approved in relation to the decision notice.

For further information, please contact Tracey Smith, Senior Planning Officer, on 3882 8409, or email [SEQNorthSARA@dsdip.qld.gov.au](mailto:SEQNorthSARA@dsdip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Garth Nolan  
Manager (Planning)

enc: Changed decision notice  
Attachment 1—Changed Concurrence agency conditions  
Attachment 2—SPA appeal provisions

SARA reference: SPD-0215-015204

### **Changed decision notice**

(Given under section 376 of the *Sustainable Planning Act 2009*)

#### **Applicant details**

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Applicant name: D and M Knowles  
 Applicant contact details: PO Box 662  
 COOROY QLD 4563

#### **Application details**

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Date of request for change: 6 February 2015

#### **Site details**

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Street address: 429 Kennedys Road, Pomona, Noosa Shire Council  
 Real property description: Lot 7 MCH793

#### **Nature of the changes**

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The nature of the changes agreed to remove condition 20 of the aquaculture permit relating to Mary River Cod.

#### **Original decision**

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Date of original decision: 17 October 2013  
 Original decision details: Approved subject to conditions

#### **Changed decision**

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Date of changed decision: 23 March 2015  
 Changed decision details: Approved subject to conditions

#### **Conditions**

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This approval is subject to:

- the changed concurrence agency conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

#### **Rights of appeal**

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of



the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

SARA reference: SPD-0215-015204

### **Attachment 1—Changed concurrence agency conditions**

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<b>No.</b>	<b>Conditions of development approval</b>
Material change of use	
ERA Aquaculture (operational works associated with aquaculture)—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Agriculture, Fisheries and Forestry to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):	
1.	<p><b>Condition 20</b></p> <p><del>Mary River Cod must not be sold traded or given away for stocking of Queensland waters (as defined in the Acts Interpretation Act 1954). They may however be sold to the aquarium trade or for direct consumption.</del></p>

SARA reference: SPD-0215-015204

## Attachment 2—SPA Appeal Provisions

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### ***Sustainable Planning Act 2009*—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

##### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant’s appeal period**

##### **360 Application of div 1**

This division applies only during the applicant’s appeal period.

##### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

##### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

##### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the ***negotiated decision notice***) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or



- (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—

- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
- (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

#### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager’s decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager’s decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter’s appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency’s response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency’s response to the extent it relates to—
  - (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency’s response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager’s decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager’s decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

### **Division 11 Making and appeal to Court**

#### **481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

#### **482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—



- (i) the chief executive; and
- (ii) the assessment manager; and
- (iii) any referral agency; and
- (iv) the applicant; or
- (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
  - (i) the chief executive; and
  - (ii) the assessment manager for the development application to which the notice relates; and
  - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
  - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and
  - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and

- (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.



Department of  
**State Development,  
Infrastructure and Planning**

SARA reference: SPD-0415-016605

21 May 2015

Carlo Sebastian  
PO Box 7  
Beerwah QLD 4519  
seeker1948@hotmail.com

Dear Carlo Sebastian

**Notice of decision—changed approval (responsible entity)**

Oyster Area 31, Ningi Creek, Ningi QLD  
(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received representations under section 369 of the *Sustainable Planning Act 2009* on 9 April 2015 for the original decision described below.

**Applicant details**

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Applicant name: Carlo Sebastian

**Site details**

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Lot on plan: N/A (Oyster Area 31, Tidal waters, Ningi Creek, Ningi QLD)  
Local government area: Moreton Bay Regional

**Application details**

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Proposed development: Development Permit for Material Change of Use (Aquaculture)



**Original decision**

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Date of original decision: 14 July 2000  
Original decision details: Approved subject to conditions

A changed decision notice for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the Act
- any plans and specifications approved in relation to the decision notice.

For further information, please contact Tom Kasauskas, Planning Officer, SARA SEQ North on 5352 9717, or email [tom.kasauskas@dilgp.qld.gov.au](mailto:tom.kasauskas@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Garth Nolan  
Manager (Planning)

enc: Changed decision notice  
Attachment 1—Changed assessment manager conditions  
Attachment 2—SPA appeal provisions

SARA reference: SPD-0415-016605

### Changed decision notice

(Given under section 376 of the *Sustainable Planning Act 2009*)

#### Applicant details

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Applicant name: Carlo Sebastian  
 Applicant contact details: PO Box 7  
 Beerwah QLD 4519

#### Application details

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Level of assessment: Code assessment  
 Original application properly made date: Date Not Available  
 Date of request for change: 9 April 2015

#### Site details

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Street address: N/A (Oyster Area 31, Ningi Creek, Ningi QLD)  
 Lot on plan: N/A (Tidal waters)  
 Name of owner: Moreton Bay Regional

#### Nature of the changes

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The nature of the changes agreed to are:

1. Removal of duplicated species reference in Condition 1
2. Removal of Condition 2
3. Rewording of Condition 3 to replace reference to the site location co-ordinates with a reference to the associated resource allocation authority
4. Removal of Condition 4

#### Original decision

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Date of original decision: 14 July 2000  
 Original decision details: Approved subject to conditions

#### Changed decision

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Date of changed decision: 21 May 2015  
 Changed decision details: Approved subject to conditions

**Conditions**

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This approval is subject to:

- the changed assessment manager conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

**Aspects of development and development approval granted**

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Development Permit for Material Change of Use (Aquaculture)

**Properly made submissions**

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Not applicable—No part of the application required impact assessment.

**Conflicts with relevant instruments**

---

This decision does not conflict with a relevant instrument.

**Rights of appeal**

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

**Relevant period for the approval**

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This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.



SARA reference: SPD-0415-016605

**Attachment 1—Changed assessment manager conditions**

No.	Conditions of development approval	Condition timing
Material Change of Use (Aquaculture)		
Aquaculture — Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Agriculture and Fisheries to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The operator is authorised to conduct aquaculture on and harvest the following approved species:  Common Name                      Scientific Name  Rock oysters                          Saccostrea glomerata	At all times
2.	(Condition 2 deleted)	
3.	Aquaculture authorised under this approval is limited by the following:  Proposal Details: Oyster aquaculture on a total area of 1.4 hectares as described by resource allocation authority 2006BC0131.  Location:                      Ningi Creek  DPI&F Plan No.: 95SEBD95430A0031	At all times
4.	(Condition 4 deleted)	

SARA reference: SPD-0415-016605

## Attachment 2—SPA Appeal Provisions

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### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

##### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

##### **360 Application of div 1**

This division applies only during the applicant's appeal period.

##### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

##### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

##### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the ***negotiated decision notice***) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or

- (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—



- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

#### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—
- (a) the part of the approval relating to the assessment manager’s decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager’s decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
- (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
- (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter’s appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency’s response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency’s response to the extent it relates to—
- (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
- (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency’s response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
- (a) any part of the approval relating to the assessment manager’s decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager’s decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

### **Division 11 Making and appeal to Court**

#### **481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

#### **482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—

- (i) the chief executive; and
- (ii) the assessment manager; and
- (iii) any referral agency; and
- (iv) the applicant; or
- (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
  - (i) the chief executive; and
  - (ii) the assessment manager for the development application to which the notice relates; and
  - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
  - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and
  - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and



- (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

**488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

**490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.



Department of Infrastructure,  
Local Government and Planning

Our reference: SPD-0916-030239

17 November 2016

Norman Wayne Green  
Redclaw Aquatica  
71 Murphys Road  
BEERBURRUM QLD 4517  
[crays@redclawaquatica.com.au](mailto:crays@redclawaquatica.com.au)

Dear Mr Green

**Notice of decision—changed approval (responsible entity)**

71 Murphys Road, Beerburrum, Lot 664 on RP839237  
(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning received representations under section 369 of the *Sustainable Planning Act 2009* on for the original decision described below.

**Applicant details**

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Applicant name: Redclaw Aquatica

**Site details**

---

Real property description: Lot 664 on RP839237  
Local government area: Sunshine Coast Regional Council

**Application details**

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Proposed development: Development permit for material change of use  
(Aquaculture)

**Original decision**

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Date of original decision: 3 February 2011  
Original decision details: Approved subject to conditions

A changed decision notice for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the Act
- any plans and specifications approved in relation to the decision notice.

For further information, please contact Holly Sorohan, Principal Planning Officer, SARA Wide Bay Burnett on 07 4331 5614, or via email [WBBSARA@dilgp.qld.gov.au](mailto:WBBSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Darren Cooper

**A/Manger (Planning)**

enc: Changed decision notice  
Attachment 1—Changed assessment manager conditions  
Attachment 2—SPA appeal provisions

cc: Department of Agriculture and Fisheries; [PlanningAssessment@daf.qld.gov.au](mailto:PlanningAssessment@daf.qld.gov.au)  
Sunshine Coast Regional Council; [mail@sunshinecoast.qld.gov.au](mailto:mail@sunshinecoast.qld.gov.au)



Our reference: SPD-0916-030239

## Changed decision notice

(Given under section 376 of the *Sustainable Planning Act 2009*)

### Applicant details

---

Applicant name: Redclaw Aquatica, Norman Wayne Green  
 Applicant contact details: 71 Murphys Road  
 BEERBURRUM QLD 4517  
 crays@redclawaquatica.com.au

### Application details

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Level of assessment: Code assessment  
 Date of request for change: 19 October 2016

### Site details

---

Street address: 71 Murphys Road, Beerburrum  
 Lot on plan: Lot 664 on RP839237  
 Name of owner: Sunshine Coast Regional Council

### Nature of the changes

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The nature of the changes agreed to are:

1. Amend condition 1 to add additional approved fish species.

### Original decision

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Date of original decision: 3 February 2011  
 Original decision details: Approved subject to conditions

### Changed decision

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Date of changed decision: 15 November 2016  
 Changed decision details: Approved subject to conditions

### Conditions

---

This approval is subject to:

- the changed assessment manager conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

**Properly made submissions**

---

Not applicable—No part of the application required impact assessment.

**Rights of appeal**

---

The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

**Relevant period for the approval**

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This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.

Our reference: SPD-0916-030239

Your reference:

**Attachment 1—Changed assessment manager conditions**

No.	Conditions of development approval	Condition timing																																														
Development permit for material change of use (aquaculture)																																																
Schedule 6, table 3, item 10 – Aquaculture—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Agriculture and Fisheries to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																																																
1.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="1" data-bbox="347 831 1134 2022"> <thead> <tr> <th data-bbox="352 837 692 882"><b><u>Common Name</u></b></th> <th data-bbox="697 837 1129 882"><b><u>Scientific Name</u></b></th> </tr> </thead> <tbody> <tr> <td data-bbox="352 889 692 934">Australian bass</td> <td data-bbox="697 889 1129 934"><i>Macquaria novemaculeata</i></td> </tr> <tr> <td data-bbox="352 940 692 985">Barcoo Bass</td> <td data-bbox="697 940 1129 985"><i>Scortum barcoo</i></td> </tr> <tr> <td data-bbox="352 992 692 1037">Barramundi</td> <td data-bbox="697 992 1129 1037"><i>Lates calcarifer</i></td> </tr> <tr> <td data-bbox="352 1043 692 1088">Eel tail catfish</td> <td data-bbox="697 1043 1129 1088"><i>Tandanus tandanus</i></td> </tr> <tr> <td data-bbox="352 1095 692 1140">Eels</td> <td data-bbox="697 1095 1129 1140"><i>Anguilla reinhardtii</i></td> </tr> <tr> <td data-bbox="352 1146 692 1191">Eels</td> <td data-bbox="697 1146 1129 1191"><i>Anguilla australis</i></td> </tr> <tr> <td data-bbox="352 1198 692 1243">Empire gudgeon</td> <td data-bbox="697 1198 1129 1243"><i>Hypseleotris compressa</i></td> </tr> <tr> <td data-bbox="352 1249 692 1294">Firetale gudgeon</td> <td data-bbox="697 1249 1129 1294"><i>Hypseleotris galii</i></td> </tr> <tr> <td data-bbox="352 1301 692 1346">Golden perch (Cooper Creek strain)</td> <td data-bbox="697 1301 1129 1346"><i>Macquaria ambigua n.sp</i></td> </tr> <tr> <td data-bbox="352 1352 692 1420">Golden perch (Dawson River strain)</td> <td data-bbox="697 1352 1129 1420"><i>Macquaria ambigua oriens</i></td> </tr> <tr> <td data-bbox="352 1426 692 1494">Golden perch (Murray-Darling strain)</td> <td data-bbox="697 1426 1129 1494"><i>Macquaria ambigua ambigua</i></td> </tr> <tr> <td data-bbox="352 1500 692 1545">Gulf Saratoga</td> <td data-bbox="697 1500 1129 1545"><i>Scleropages jardinii</i></td> </tr> <tr> <td data-bbox="352 1552 692 1597">Murray Cod</td> <td data-bbox="697 1552 1129 1597"><i>Maccullochella peeli peeli</i></td> </tr> <tr> <td data-bbox="352 1603 692 1648">Redclaw crayfish</td> <td data-bbox="697 1603 1129 1648"><i>Cherax quadricarinatus</i></td> </tr> <tr> <td data-bbox="352 1655 692 1700">Silver perch</td> <td data-bbox="697 1655 1129 1700"><i>Bidyanus bidyanus</i></td> </tr> <tr> <td data-bbox="352 1706 692 1751">Sleepy cod</td> <td data-bbox="697 1706 1129 1751"><i>Oxyeleotris lineolatus</i></td> </tr> <tr> <td data-bbox="352 1758 692 1803">Southern saratoga</td> <td data-bbox="697 1758 1129 1803"><i>Scleropages leichardti</i></td> </tr> <tr> <td data-bbox="352 1809 692 1854"><b>Agassiz's olive glassfish</b></td> <td data-bbox="697 1809 1129 1854"><b><i>Ambassis agassizi</i></b></td> </tr> <tr> <td data-bbox="352 1861 692 1906"><b>Berney's catfish</b></td> <td data-bbox="697 1861 1129 1906"><b><i>Arius berneyi</i></b></td> </tr> <tr> <td data-bbox="352 1912 692 1957"><b>Big headed gudgeon</b></td> <td data-bbox="697 1912 1129 1957"><b><i>Philypnodon grandiceps</i></b></td> </tr> <tr> <td data-bbox="352 1964 692 2009"><b>Black catfish</b></td> <td data-bbox="697 1964 1129 2009"><b><i>Neosilurus ater</i></b></td> </tr> <tr> <td data-bbox="352 2016 692 2060"><b>Bony bream</b></td> <td data-bbox="697 2016 1129 2060"><b><i>Nematalosa erebi</i></b></td> </tr> </tbody> </table>	<b><u>Common Name</u></b>	<b><u>Scientific Name</u></b>	Australian bass	<i>Macquaria novemaculeata</i>	Barcoo Bass	<i>Scortum barcoo</i>	Barramundi	<i>Lates calcarifer</i>	Eel tail catfish	<i>Tandanus tandanus</i>	Eels	<i>Anguilla reinhardtii</i>	Eels	<i>Anguilla australis</i>	Empire gudgeon	<i>Hypseleotris compressa</i>	Firetale gudgeon	<i>Hypseleotris galii</i>	Golden perch (Cooper Creek strain)	<i>Macquaria ambigua n.sp</i>	Golden perch (Dawson River strain)	<i>Macquaria ambigua oriens</i>	Golden perch (Murray-Darling strain)	<i>Macquaria ambigua ambigua</i>	Gulf Saratoga	<i>Scleropages jardinii</i>	Murray Cod	<i>Maccullochella peeli peeli</i>	Redclaw crayfish	<i>Cherax quadricarinatus</i>	Silver perch	<i>Bidyanus bidyanus</i>	Sleepy cod	<i>Oxyeleotris lineolatus</i>	Southern saratoga	<i>Scleropages leichardti</i>	<b>Agassiz's olive glassfish</b>	<b><i>Ambassis agassizi</i></b>	<b>Berney's catfish</b>	<b><i>Arius berneyi</i></b>	<b>Big headed gudgeon</b>	<b><i>Philypnodon grandiceps</i></b>	<b>Black catfish</b>	<b><i>Neosilurus ater</i></b>	<b>Bony bream</b>	<b><i>Nematalosa erebi</i></b>	At all times
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	<b>Bullrout</b>	<i>Notesthes robusta</i>	
	<b>Celebes goby</b>	<i>Glossogobius celebius</i>	
	<b>Coal grunter</b>	<i>Hephaestus carbo</i>	
	<b>Common galaxias</b>	<i>Galaxias maculatus</i>	
	<b>Concave goby</b>	<i>Glossogobius concavifrons</i>	
	<b>Coopers Creek tandan</b>	<i>Neosilurus sp.3</i>	
	<b>Desert goby</b>	<i>Chlamydogobius eremius</i>	
	<b>Dwarf flathead gudgeon</b>	<i>Philypnodon sp. 1</i>	
	<b>Dwarf goby</b>	<i>Glossogobius sp. 1</i>	
	<b>Estuary perchlet</b>	<i>Ambassis marianus</i>	
	<b>Flathead goby</b>	<i>Glossogobius giurus</i>	
	<b>Fly specked hardyhead</b>	<i>Craterocephalu stercusmuscarum</i>	
	<b>Gilbert's grunter</b>	<i>Pingalla gilberti</i>	
	<b>Golden tank goby</b>	<i>Glossogobius aureus</i>	
	<b>Lake Eyre hardyhead</b>	<i>Craterocephalus eyresii</i>	
	<b>Lake carp gudgeon</b>	<i>Hypseleotris sp.1</i>	
	<b>Leathery grunter</b>	<i>Scortum hили</i>	
	<b>Long tom</b>	<i>Strongylure krefftii</i>	
	<b>Lorentz's grunter</b>	<i>Pingalla lorentzi</i>	
	<b>Macleay's glassfish</b>	<i>Ambassis macleayi</i>	
	<b>Mangrove Jack</b>	<i>Lutjanus argentimaculatus</i>	
	<b>Marjorie's hardyhead</b>	<i>Craterocephalus marjoriae</i>	
	<b>Midgley's carp gudgeon</b>	<i>Hypseleotris sp.2</i>	
	<b>Mouth almighty</b>	<i>Glossamia aprion</i>	
	<b>Mulgrave goby</b>	<i>Glossogobius sp.2</i>	
	<b>Mullet</b>	<i>Mugil cephalus</i>	
	<b>Olive perchlet</b>	<i>Ambassis nigripinnis</i>	
	<b>Pacific blue eye</b>	<i>Pseudomugil signifler</i>	
	<b>Pennyfish</b>	<i>Denariusa bandata</i>	
	<b>Pinkey mullet</b>	<i>Myxus petardi</i>	
	<b>Poreless gudgeon</b>	<i>Oxeleotris nullipora</i>	
	<b>Purple spotted gudgeon</b>	<i>Mogurnda adpersa</i>	
	<b>Rainbowfish</b>	<i>Melanotaenia spp.</i>	
	<b>Rendahl's catfish</b>	<i>Porochilus rendahli</i>	
	<b>Roman nose goby</b>	<i>Awaous crassilaburs</i>	

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2.	This development approval authorises activities within an approved Aquaculture Area of 5.0 hectares as defined within Lot 664 on RP839237.	At all times																												
3.	<p>Aquaculture authorised under this approval is limited by the following:</p> <p>Proposal Conduct aquaculture on an approved  Details: Aquaculture Area of 5.0 hectares (production area) on a total land area of 13.18 hectares.</p> <p>Location: Lot 664 On RP839237, Parish of Beerwah, County Of Canning, Shire Of Caloundra.</p> <p>Address: Murphys Road, Beerburrum, QLD 4517</p> <p>DEEDI Plan No.:2011RedclawAquatica1</p>	At all times																												
4.	DAF must be informed of any changes to the personal contact details for this Development Approval within 28 working days.	Within 28 business days of any changes																												
5.	An Aquaculture Production Return must be submitted to the chief executive of DAF, by close of business on 31 July each year during the term of this Development Approval. This includes lodging a "nil return" when no activity has occurred.	By close of business on 31 July each year during the term of this Development Approval.																												
6.	Under this approval aquaculture fisheries resources must not be released into Queensland waters other than those waters approved under this Development Approval.	At all times																												
7.	Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded, or given away for the purposes of using for bait.	At all times																												

No.	Conditions of development approval	Condition timing
	This includes the use of whole fish and any part of the fish.	
8.	Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during reasonable hours.	At all times
9.	<p>The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from:</p> <ul style="list-style-type: none"> <li>a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or</li> <li>b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or</li> <li>c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to DAF Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</li> </ul> <p>A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species</p>	At all times
10.	<p>The species to be farmed under this approval must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form"(FDU1398) and Pathology Report has been completed and a DAF officer has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.</p> <p>The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be given to the DAF office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is</p>	At all times



No.	Conditions of development approval	Condition timing
	dated no more than 14 days before shipment date. After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating & Fisheries Patrol. If directed by a DAF officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.	
11.	The possession and use of "regulated fishing apparatus" under the <i>Fisheries Regulation 2008</i> , Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved Aquaculture Area.	At all times
12.	The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times.	At all times
13.	A perimeter barrier/fence, which is impervious, must be maintained, for all size classes of the species that are approved under this Authority which are capable of overland escape.	At all times
14.	All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc.) and associated plumbing, pumps etc. on the approved Aquaculture Area must be implemented and secured in such a way as to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters.	At all times
15.	Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area.	At all times
16.	This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.	at all times
17.	The movement of all barramundi must comply with DAF 'Health protocol for the importation and movement of live barramundi'.	At all times
18.	The movement of all live freshwater finfish must comply with DAF 'Health protocol for the movement of live freshwater native finfish (other than barramundi and eels).	At all times
19.	All containers used to aquaculture exotic species are to be screened to exclude vertebrate predators (eg. Birds).	At all times
20.	No water originating from the aquaculture of exotic species is permitted to reach Queensland waters (as defined in the Acts Interpretation Act 1954) with the exception of constructed storage dams located above Q100 limits and used for the purposes of water storage and reuse only.	At all times

Our reference: SPD-0916-030239

Your reference:

## Attachment 2—SPA Appeal Provisions

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### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

##### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

##### **360 Application of div 1**

This division applies only during the applicant's appeal period.

##### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

##### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

##### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—

- (i) the decision notice previously given; or
  - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
- (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
- (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.



- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

#### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

**465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

**Division 11 Making and appeal to Court****481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

**482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or

- (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (ii) the assessment manager for the development application to which the notice relates; and
    - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
    - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
  - (d) if the appellant is a person mentioned in section 466(1)—
    - (i) the chief executive; and
    - (ii) the responsible entity for making the change to which the appeal relates; and
    - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
    - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
  - (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
    - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
    - (b) otherwise—10 business days after the appeal is started.
  - (3) The notice must state—
    - (a) the grounds of the appeal; and
    - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and



- (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
- (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.



Department of Infrastructure,  
Local Government and Planning

Our reference: SPD-1216-032697

28 February 2017

Darren and Maree Knowles  
PO Box 662  
COOROY QLD 4563  
Email: knowlesy63@hotmail.com

**Attention:** Darren Knowles

Dear Mr Knowles

**Notice of decision—changed approval (responsible entity)**

429 Kennedys Road, Pomona QLD 4568; Lot 7 on MCH793

(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning received representations under section 369 of the *Sustainable Planning Act 2009* on 10 December 2016 for the original decision described below.

**Applicant details**

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Applicant name: Darren and Maree Knowles  
PO Box 662  
COOROY QLD 4563

**Site details**

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Real property description: Lot 7 on MCH793  
Local government area: Noosa Shire Council

**Application details**

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Proposed development: Development Permit for Material Change of Use -  
Aquaculture

**Original concurrence agency response**

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Date of original  
concurrence agency  
response: 31 May 2012

Original concurrence  
agency response details: Approved subject to conditions

A changed concurrence agency response for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the Act

For further information, please contact Lauren Higgins, Planning Officer, SARA SEQ North on 3452 7618, or via email [SEQNorthSARA@dilgp.qld.gov.au](mailto:SEQNorthSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Garth Nolan  
Manager (Planning)

enc: Changed concurrence agency response  
Attachment 1—Changed Concurrence agency conditions  
Attachment 2—SPA appeal provisions



Our reference: SPD-1216-032697

## Changed concurrence agency response

(Given under section 285 of the *Sustainable Planning Act 2009*)

### Applicant details

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Applicant name: Darren and Maree knowles  
 Applicant contact details: PO Box 662  
 Cooroy Qld 4563

### Application details

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Level of assessment: Code assessment  
 Date of request for change: 10 December 2016

### Site details

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Street address: 429 Kennedys Road, Pomona QLD 4568  
 Lot on plan: Lot 7 on MCH793  
 Name of owner: Noosa Shire Council

### Nature of the changes

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The nature of the changes agreed to are:

1. Inclusion of the following species to the list of approved species in Condition 1:
  - Australian Lungfish;
  - Firetail Gudgeon;
  - Northern Purplespotted Gudgeon;
  - Southern Purplespotted Gudgeon;
  - Mouth Almighty;
  - Hyrtls Catfish;
  - Cladocera (Water Flea);
  - Copepoda (Copepods);
  - Anostraca (Fairy Shrimp); and
  - Conchostraca (Clam Shrimp).
2. Inclusion of additional condition (as recommended by Department of Agriculture and Fisheries) which is required to manage the new impacts created by the addition of 'Australian Lungfish' to the approved list of species.

### Original decision

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Date of original concurrence agency response: 31 May 2012  
 Original concurrence agency response details: Approved subject to conditions

## Changed decision

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Date of changed concurrence agency response:	28 February 2017
Changed concurrence agency response details:	Approved subject to conditions

## Conditions

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This approval is subject to:

- the changed concurrence agency conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

## Aspects of development and development approval granted

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Aspect 1: Development Permit for Material Change of Use - Aquaculture

## Rights of appeal

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

Our reference: SPD-1216-032697

## Attachment 1—Changed concurrence agency conditions

No.	Conditions of development approval	Condition timing																																						
Development Permit for Material Change of Use - Aquaculture																																								
<p>7.2.28 Certain aquaculture—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the Act nominates the Director-General of the Department of Agriculture and Fisheries to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:</p>																																								
1.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="1" data-bbox="320 819 1171 1998"> <thead> <tr> <th data-bbox="320 819 746 875">Common Name</th> <th data-bbox="746 819 1171 875">Scientific Name</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 875 746 931">Australian bass</td> <td data-bbox="746 875 1171 931"><i>Macquaria novemaculeata</i></td> </tr> <tr> <td data-bbox="320 931 746 987"><b>Australian Lungfish</b></td> <td data-bbox="746 931 1171 987"><b><i>Neoceratodus forsteri</i></b></td> </tr> <tr> <td data-bbox="320 987 746 1043">Barcoo grunter</td> <td data-bbox="746 987 1171 1043"><i>Scortum barcoo</i></td> </tr> <tr> <td data-bbox="320 1043 746 1099">Barramundi</td> <td data-bbox="746 1043 1171 1099"><i>Lates calcarifer</i></td> </tr> <tr> <td data-bbox="320 1099 746 1155"><b>Clam Shrimp</b></td> <td data-bbox="746 1099 1171 1155"><b><i>Conchostraca</i></b></td> </tr> <tr> <td data-bbox="320 1155 746 1211"><b>Copepods</b></td> <td data-bbox="746 1155 1171 1211"><b><i>Copepoda</i></b></td> </tr> <tr> <td data-bbox="320 1211 746 1267">Eel tail catfish</td> <td data-bbox="746 1211 1171 1267"><i>Tandanus tandanus</i></td> </tr> <tr> <td data-bbox="320 1267 746 1323">Eels</td> <td data-bbox="746 1267 1171 1323"><i>Anguilla reinhardtii</i></td> </tr> <tr> <td data-bbox="320 1323 746 1379">Eels</td> <td data-bbox="746 1323 1171 1379"><i>Anguilla australis</i></td> </tr> <tr> <td data-bbox="320 1379 746 1435"><b>Fairy Shrimp</b></td> <td data-bbox="746 1379 1171 1435"><b><i>Anostraca</i></b></td> </tr> <tr> <td data-bbox="320 1435 746 1491"><b>Firetail Gudgeon</b></td> <td data-bbox="746 1435 1171 1491"><b><i>Hypseleotris galli</i></b></td> </tr> <tr> <td data-bbox="320 1491 746 1547">Freshwater shrimp</td> <td data-bbox="746 1491 1171 1547"><i>Macrobrachium rosenbergii</i></td> </tr> <tr> <td data-bbox="320 1547 746 1603">Freshwater shrimp</td> <td data-bbox="746 1547 1171 1603"><i>Macrobrachium australiensis</i></td> </tr> <tr> <td data-bbox="320 1603 746 1659">Gold-cheek krib</td> <td data-bbox="746 1603 1171 1659"><i>Pelvicachromis subocellatus</i></td> </tr> <tr> <td data-bbox="320 1659 746 1715">Golden dwarf cichlid</td> <td data-bbox="746 1659 1171 1715"><i>Nannacara anomala</i></td> </tr> <tr> <td data-bbox="320 1715 746 1771">Golden perch (Cooper Creek strain)</td> <td data-bbox="746 1715 1171 1771"><i>Macquaria ambigua n.sp</i></td> </tr> <tr> <td data-bbox="320 1771 746 1827">Golden perch (Dawson River strain)</td> <td data-bbox="746 1771 1171 1827"><i>Macquaria ambigua oriens</i></td> </tr> <tr> <td data-bbox="320 1827 746 1883">Golden perch (Murray-Darling strain)</td> <td data-bbox="746 1827 1171 1883"><i>Macquaria ambigua ambigua</i></td> </tr> </tbody> </table>	Common Name	Scientific Name	Australian bass	<i>Macquaria novemaculeata</i>	<b>Australian Lungfish</b>	<b><i>Neoceratodus forsteri</i></b>	Barcoo grunter	<i>Scortum barcoo</i>	Barramundi	<i>Lates calcarifer</i>	<b>Clam Shrimp</b>	<b><i>Conchostraca</i></b>	<b>Copepods</b>	<b><i>Copepoda</i></b>	Eel tail catfish	<i>Tandanus tandanus</i>	Eels	<i>Anguilla reinhardtii</i>	Eels	<i>Anguilla australis</i>	<b>Fairy Shrimp</b>	<b><i>Anostraca</i></b>	<b>Firetail Gudgeon</b>	<b><i>Hypseleotris galli</i></b>	Freshwater shrimp	<i>Macrobrachium rosenbergii</i>	Freshwater shrimp	<i>Macrobrachium australiensis</i>	Gold-cheek krib	<i>Pelvicachromis subocellatus</i>	Golden dwarf cichlid	<i>Nannacara anomala</i>	Golden perch (Cooper Creek strain)	<i>Macquaria ambigua n.sp</i>	Golden perch (Dawson River strain)	<i>Macquaria ambigua oriens</i>	Golden perch (Murray-Darling strain)	<i>Macquaria ambigua ambigua</i>	At all times.
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No.	Conditions of development approval	Condition timing
	Goldfish <i>Carassius auratus</i>	
	Gold-line rasbora <i>Rasbora steineri</i>	
	Gulf Saratoga <i>Scleropages jardinii</i>	
	Guppy <i>Poecilia reticulata</i>	
	Hard lipped barb <i>Osteochilus hasseltii</i>	
	Harlequin rasbora <i>Trigonostigma heteromorpha</i>	
	Hatchetfish <i>Carnegiella spp.</i>	
	Hatchetfish <i>Thoracocharax spp.</i>	
	Headstander <i>Abramites hypselonotus</i>	
	Headstander <i>Anostomus spp.</i>	
	Hi-spot rasbora <i>Rasbora dorsiocellata</i>	
	Honey dwarf gourami <i>Trichogaster chuna (Colisa chuna)</i>	
	<b>Hyrtls Catfish</b> <b><i>Neosilurus hyrtlii</i></b>	
	Indian hatchetfish <i>Chela laubuca</i>	
	Javanese rice fish <i>Oryzias javanicus</i>	
	Julie <i>Julidochromis spp.</i>	
	Kerrs danio <i>Brachydanio kerri</i>	
	Keyhole cichlid <i>Cleithracara maroni (Aequidens maronii)</i>	
	Killiefish <i>Aphyosemion spp.</i>	
	Kissing gourami <i>Helostoma temmincki</i>	
	Kooli barb <i>Puntius vittatus</i>	
	Kuhli loach <i>Pangio kuhli (Acanthopthalmus kuhli)</i>	
	Latticed cichlid <i>Limnotilapia dardennii</i>	
	Leopard danio <i>Danio frankei (Brachydanio frankei)</i>	
	Lipstick leporinus <i>Leporinus arcus</i>	
	Little giant gourami <i>Colisa fasciatus (Colisa fasciata)</i>	
	Long-band rasbora <i>Rasbora einthovenii</i>	
	Longfin barb <i>Puntius arulius (Capoeta arulis)</i>	



No.	Conditions of development approval		Condition timing
	Long-finned african tetra	<i>Brycinus longipinnis</i>	
	Malayan flying barb	<i>Esomus malayensis</i>	
	Malayan halfbeak	<i>Dermogenys pusillus</i>	
	Mary River cod	<i>Maccullochella peelii mariensis</i>	
	Medaka	<i>Oryzias latipes</i>	
	Melanochromis	<i>Melanochromis similis</i>	
	Microbrycon	<i>Boehlkea fredcochui (Microbrycon fredcochui)</i>	
	Mono	<i>Monodactylus argenteus</i>	
	<b>Mouth almighty</b>	<b><i>Glossamia aprion</i></b>	
	Moonlight gourami	<i>Trichogaster microlepis</i>	
	Moori	<i>Tropheus moorii</i>	
	Multi-banded leporinus	<i>Leporinus multifasciatus</i>	
	Murray cod	<i>Maccullochella peelii peelii</i>	
	Myers hillstream loach	<i>Pseudogastromyzon myersi</i>	
	Neon tetra	<i>Paracheirodon innesi</i>	
	<b>Northern purplespotted gudgeon</b>	<b><i>Mogurnda mogurnda</i></b>	
	Orange-finned rasbora	<i>Rasbora vaterifloris</i>	
	Ornate pimelodus	<i>Pimelodus ornatus</i>	
	Oscar	<i>Astronotus ocellatus</i>	
	Panchax	<i>Aplocheilus spp.</i>	
	Panchax	<i>Epiplatys spp</i>	
	Paradise fish	<i>Macropodus opercularis</i>	
	Pearl danio	<i>Brachydanio albolineatus</i>	
	Pearl gourami	<i>Trichogaster leeri</i>	
	Pencilfish	<i>Nannostomus spp.</i>	
	Pencilfish	<i>Poecilibrycon spp.</i>	
	Penguin fish	<i>Thayeria spp.</i>	
	Platy	<i>Xiphophorus maculatus</i>	

No.	Conditions of development approval		Condition timing
	Platy variatus	<i>Xiphophorus variatus</i>	
	Poormans glass catfish	<i>Kryptopterus macrocephalus</i>	
	Pristella	<i>Pristella maxillaris</i>	
	Pygmy gourami	<i>Trichopsis pumilus</i>	
	Rainbow shark	<i>Epalzeorhynchus munense (Labeo erythrurus)</i>	
	Rainbowfish	<i>Chilatherina spp</i>	
	Rainbowfish	<i>Glossolepis spp</i>	
	Rainbowfish	<i>Melanotaenia spp.</i>	
	Red striped barb	<i>Puntius bimaculatus</i>	
	Redclaw crayfish	<i>Cherax quadricarinatus</i>	
	Red-finned black shark	<i>Epalzeorhynchus bicolor (Labeo bicolor)</i>	
	Red-finned shark	<i>Epalzeorhynchus frenatus (Labeo frenatus)</i>	
	Red-line rasbora	<i>Rasbora pauciperforata</i>	
	Rosy barb	<i>Puntius conchoniuis</i>	
	Saddled hillstream loach	<i>Homaloptera orthogoniata</i>	
	Sailfin molly	<i>Poecilia latipinna</i>	
	Sarawak rasbora	<i>Rasbora sarawakensis</i>	
	Scissor-tail rasbora	<i>Rasbora trilineata</i>	
	Siamese flying fox	<i>Crossocheilus siamensis (Epalzeorhynchus siamensis)</i>	
	Silver perch	<i>Bidyanus bidyanus</i>	
	Silver prochilodus	<i>Semaprochilodus insignis</i>	
	Silver rasbora	<i>Rasbora argyrotaenia</i>	
	Sleepy cod	<i>Oxyeleotris lineolatus</i>	
	<b>Southern purple spotted gudgeon</b>	<b><i>Mogurnda adspersa</i></b>	
	Southern saratoga	<i>Scleropages leichardti</i>	
	Sphenops mollie	<i>Poecilia sphenops</i>	
	Spiny eel	<i>Macrogathus aculeatus</i>	

No.	Conditions of development approval	Condition timing
	Spot-tailed leporinus <i>Leporinus melanopleura</i>	
	Spot-tailed rasbora <i>Rasbora caudimaculata</i>	
	Spotted danio <i>Danio nigrofasciatus (Brachydanio nigrofasciatus)</i>	
	Spotted leporinus <i>Leporinus maculatus</i>	
	Spotted rasbora <i>Boraras maculatus (Rasbora maculata)</i>	
	Striped barb <i>Puntius lineatus</i>	
	Striped kribensis <i>Pelvicachromis taeniatus</i>	
	Striped leporinus <i>Leporinus striatus</i>	
	Sucker catfish <i>Otocinclus flexilis (Otocinclus arnoldi)</i>	
	Swegles tetra <i>Hyphessobrycon sweglesi (Megalamphodus sweglesi)</i>	
	Swordtail <i>Xiphophorus helleri</i>	
	Tetra <i>Hemigrammus spp.</i>	
	Tetra <i>Hyphessobrycon spp.</i>	
	Tetra <i>Moenkhausia spp</i>	
	Thick lipped gourami <i>Trichogaster labiosus (Colisa labiosa)</i>	
	Thin-banded barb <i>Puntius semifasciolatus (Capoeta semifasciolatus)</i>	
	Tic-tac-toe barb <i>Puntius ticto</i>	
	Tiger barb <i>Puntius tetrazona (Capoeta tetrazona)</i>	
	Tricolor shark <i>Balantiocheilos melanopterus</i>	
	Twig catfish <i>Farlowella acus</i>	
	Variegated shark <i>Labeo variegatus</i>	
	<b>Water flea</b> <b>Cladocera</b>	
	Whiptail catfish <i>Loricaria filamentosa</i>	
	White cloud mountain minnow <i>Tanichthys albonubes</i>	
	Yabby <i>Cherax destructor</i>	
	Yellow tail rasbora <i>Rasbora dusonensis</i>	

No.	Conditions of development approval	Condition timing				
	<table border="1"> <tr> <td data-bbox="320 344 746 389">Yucatan molly</td> <td data-bbox="751 344 1171 389"><i>Poecilia velifera</i></td> </tr> <tr> <td data-bbox="320 396 746 441">Zebra danio</td> <td data-bbox="751 396 1171 441"><i>Danio rerio (Brachydanio rerio)</i></td> </tr> </table>	Yucatan molly	<i>Poecilia velifera</i>	Zebra danio	<i>Danio rerio (Brachydanio rerio)</i>	
Yucatan molly	<i>Poecilia velifera</i>					
Zebra danio	<i>Danio rerio (Brachydanio rerio)</i>					
2.	Development authorised under this approval is limited as follows: Aquaculture and harvest being limited to 7.2 hectares (excluding the 5.67 hectare waters storage dam) as illustrated in Plan showing location of proposed ponds at lot 7 on MCH793, Max Watterson and Associates, Reference 11-3121AA. At all times.	At all times.				
3.	<p>Aquaculture authorised under this approval is limited by the following:</p> <p>Proposal Details: Aquaculture freshwater – hatchery and growout.</p> <p>Location: Lot 7 on MCH793, Sunshine Coast Council.</p> <p>Address: 429 Kennedys Road, Pomona, QLD 4568.</p> <p>DAF Plan No.: 11-3121AA.</p>	At all times.				
4.	DAF must be informed of any changes to the personal contact details within 28 working days.	At all times.				
5.	An Aquaculture Production Return must not be submitted to the Chief executive of the DAF by close of business on 31 July each year during the term of this Development Approval. This includes lodging a “nil return” when no activity has occurred.	At all times.				
6.	Aquaculture fisheries resources must not be released into Queensland waters (as defined in the <i>Acts Interaction Act 1954</i> ) other than those waters approved under this Developed Approval.	At all times.				
7.	Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded, or given away for the purposes of the purposes of using for bait. This includes the use of whole fish and any part of the fish.	At all times.				
8.	Freshwater prawn ( <i>Macrobrachium australiensis</i> ) can be sold as bait.	At all times.				
9.	Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during reasonable hours.	At all times.				
10.	The possession and use if “regulates fishing apparatus” under the <i>Fisheries Regulation 2008</i> , Chapter 4, Part 1, Division 4, Subdivision (freshwater) and Subdivision 2, section 188 and 189 (marine), are authorised at the approved Aquaculture Area.	At all times.				
11.	A perimeter barrier/fence, which is impervious, must be maintained, for all size classes of the species that approved under this authority which are capable of overland escape.	At all times.				



No.	Conditions of development approval	Condition timing
12.	All reasonable and practicable measure to ensure that all waters (ponds, tanks, aquaria etc.) on the approved area are screened in such a way to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters (as defined in the <i>Acts Interpretation Act 1945</i> )	At all times.
13.	This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.	At all times.
14.	The control over the release of water from all ponds, tanks and drainage systems within the approved area must be maintained at all times.	At all times.
15.	Where waters are introduced for the aquaculture of the approved species, the development must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved area.	At all times.
16.	The movement of all freshwater crayfish and prawns must comply with the "Health Protocol for the Importation and Movement of Live Freshwater Crayfish and Prawns (FAMPR006)".	At all times.
17.	The movement of all freshwater native finfish (other than barramundi and eels) must comply with the "Health Protocol for the Importation and Movement of Live Freshwater Native Finfish (other than barramundi and eels) (FAMPR007)".	At all times.
18.	The movement of all eels must comply with the "Health Protocol for the Importation and Movement of Live Eels (FAMPR005)".	At all times.
19.	The movement of all barramundi must comply with the "Health Protocol for the Importation and Movement of Live Barramundi (FAMPR002)".	At all times.
20.	No organisms originating from the aquaculture of exotic species is permitted to reach Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ).	At all times.
21.	All containers used to aquaculture exotic species are to be screened to exclude vertebrate predators (e.g. Birds).	At all times.
22.	Containers used for the aquaculture of exotic species must be constructed on land that is situated above the 1:100 (Q100) flood level.	At all times.
23.	Filters or screens must be installed to ensure that all waters leaving containers used for the aquaculture of exotic species are treated to prevent the escape of eggs, juveniles or adults into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ).	At all times.
24.	No water originating from the aquaculture of exotic species is permitted to reach Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ) with the exception of constructed storage dams located above	At all times.

No.	Conditions of development approval	Condition timing
	Q100 limits and used for the purposes of water storage and reuse only.	
25.	<p><b>The following are additional conditions related to Lungfish:</b></p> <ul style="list-style-type: none"> <li>- <b>Department of Agriculture and Fisheries (DAF) officers must be granted access to lungfish broodstock and progeny to obtain tissue samples for compliance analysis (proponents to cover testing according to prescribed fees); and</b></li> <li>- <b>In the case of lungfish broodstock mortalities, the frozen carcasses must be provided to DAF within 28 days.</b></li> </ul>	<b>At all times.</b>

Our reference: SPD-1216-032697

## Attachment 2—SPA Appeal Provisions

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### ***Sustainable Planning Act 2009*—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

##### **Part 8 Dealing with decision notices and approvals**

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##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

###### **360 Application of div 1**

This division applies only during the applicant's appeal period.

###### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

###### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

###### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the ***negotiated decision notice***) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or

- (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—



- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

#### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—
- (a) the part of the approval relating to the assessment manager’s decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager’s decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
- (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
- (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter’s appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency’s response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency’s response to the extent it relates to—
- (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
- (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency’s response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
- (a) any part of the approval relating to the assessment manager’s decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager’s decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

### **Division 11 Making and appeal to Court**

#### **481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

#### **482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—

- (i) the chief executive; and
- (ii) the assessment manager; and
- (iii) any referral agency; and
- (iv) the applicant; or
- (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
  - (i) the chief executive; and
  - (ii) the assessment manager for the development application to which the notice relates; and
  - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
  - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and
  - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and

- (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.





Department of Infrastructure,  
Local Government and Planning

Our reference: 1709-1505 SPD  
Your reference: NRM/030/000'971'

17 October 2017

Christopher Paul Muir  
Lot 3 Kimbah Court  
COOROIBAH QLD 4565  
suncoastnativefish@gmail.com

Dear Christopher Paul Muir

**Decision notice—change application**

(Given under section 83 of the *Planning Act 2016*)

Your change application under section 78 of the *Planning Act 2016* for the development approval dated 28 November 2007 was made to the Department of Infrastructure, Local Government and Planning on 20 September 2017.

**Decision for change application**

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Date of decision:	17 October 2017
Decision details:	Make the change and amend existing conditions.

The changes agreed to are:

1. Deletion of Condition 4 that refers to a currency period for the development permit

Please note that conditions have also been updated to refer to the Department of Agriculture and Fisheries (formerly the Department of Primary Industries and Fisheries), and current regulations for regulated fishing apparatus and health protocols for movement of fisheries resources under the Fisheries Regulation 2008.

For further information please contact Celeste Bownds, Senior Planning Officer, on 53529707 or via email [SEQNorthSARA@dilgp.qld.gov.au](mailto:SEQNorthSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Garth Nolan', written in a cursive style.

Garth Nolan  
Manager (Planning)

cc Department of Agriculture and Fisheries, [planningassessment@daf.qld.gov.au](mailto:planningassessment@daf.qld.gov.au)  
Noosa Shire Council, [mail@noosa.qld.gov.au](mailto:mail@noosa.qld.gov.au)

enc Decision notice showing the change  
Appeal provisions



Department of Infrastructure,  
Local Government and Planning

### Changed decision notice

Our reference: 1709-1505 SPD

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### Decision notice—approved with conditions

(Given under section 63 of the *Planning Act 2016*)

Date of original response: 30 May 2007  
 Original reference: 02BRBC083  
 Date of previous change response: 28 November 2007  
 Previous change response reference: 2005BC0685

The development application described below was properly made on 1 May 2002.

### Applicant details

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Applicant name: Mr Christopher Paul Muir  
 Applicant contact details: 20 Boward Close  
 YAROOMBA QLD 4573

### Location details

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Street address: 9 Kimbah Court  
 COOROIBAH QLD 4565  
 Real property description: Lot 3 on RP227490  
 Local government area: Noosa Shire Council

### Decision

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Date of decision: 28 November 2007  
 Decision details: Approved subject to conditions

### Approval details

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Development permit: Material change of use for aquaculture

### Referral agencies

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There were no referral agencies for this application.

### Conditions

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This approval is subject to:

- the assessment manager conditions in Attachment 1

The department has, for conditions of this approval, nominated an entity to be the enforcement authority for that condition under the *Planning Act 2016*.

**Further development permits**

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Please be advised that the following development permits are required to be obtained before the development can be carried out:

1. Not applicable

**Properly made submissions**

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Not applicable—No part of the application required public notification.

**Rights of appeal**

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The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration from a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

Copies of the relevant appeal provisions are attached.

**Currency period for the approval**

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This development approval will lapse if development is not started within the currency periods stated in section 85 of the *Planning Act 2016*.

enc Attachment 1—Changed assessment manager conditions  
Appeal provisions



## Attachment 1—Changed assessment manager conditions

No.	Conditions of development approval	Condition timing																																																				
Material change of use																																																						
Schedule 8, Part 1, Table 2, Item 8 – For aquaculture, of the <i>Integrated Planning Act 1997</i> (repealed)—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Agriculture and Fisheries to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:																																																						
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No.	Conditions of development approval	Condition timing
2.	This development approval authorises activities within an approved Aquaculture Area of 0.02 hectares defined within Lot 3 on RP227490.	At all times
3.	<p>Aquaculture authorised under this approval is limited by the following:</p> <p>Proposal Details: Conduct aquaculture on an approved Aquaculture Area of 0.02 hectares (production area) on a total land area of 2.0 hectares.</p> <p>Location: Lot 3 On Rp227490, County Of March, Parish Of Noosa, Shire Of Noosa</p> <p>Address: 9 Kimba Court, Cooroibah, QLD 4565</p>	At all times
4.	<del>This Development Approval is for the period Friday 21 June 2002 until Saturday 30 September 2017.</del>	
5.	<del>DPI&amp;F</del> <b>The Department of Agriculture and Fisheries (DAF)</b> must be informed of any changes to the personal contact details for this Development Approval within 28 working days.	At all times
6.	An Aquaculture Production Return must be submitted to the chief executive of <del>the DPI&amp;F</del> <b>DAF</b> , by close of business on 31 July each year during the term of this Development Approval. This includes lodging a "nil return" when no activity has occurred.	At all times
7.	Under this approval aquaculture fisheries resources must not be released into Queensland waters other than those waters approved under this Development Approval.	At all times
8.	Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded, or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	At all times
9.	Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the Fisheries Act 1994 during reasonable hours.	At all times
10.	<p>The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from:</p> <p>a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as</p>	At all times

No.	Conditions of development approval	Condition timing
	<p>free from infection; or</p> <p>b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or</p> <p>c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to <b>DPI&amp;F DAF</b> Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</p> <p>A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species</p>	
11.	<p>The species to be farmed under this approval must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" (FDU1398) and Pathology Report has been completed and a <b>DPI&amp;F DAF</b> officer has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.</p> <p>The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be given to the <b>DPI&amp;F DAF</b> office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date.</p> <p>After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating &amp; Fisheries Patrol. If directed by a <b>DPI&amp;F DAF</b> officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.</p>	At all times
12.	<p>This Development Approval authorises the possession and use of "regulated fishing apparatus" under the Fisheries Regulation 1995 Schedule 8, Part 1 and Part 2 (marine), and the Fisheries (Freshwater) Management Plan 1999, Part 6 (freshwater) (excluding an electrofisher) <b>Fisheries Regulation 2008, Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine)</b> at the approved Aquaculture Area.</p>	At all times

No.	Conditions of development approval	Condition timing
13.	The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times.	At all times
14.	Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area.	At all times
15.	This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species	At all times
16.	<p>The movement of all barramundi must comply with DPI&amp;F 'Health Protocol for the Importation and Movement of Live Barramundi'.</p> <p><b><u>The movement of fisheries resources into, or within, Queensland must comply with the current version of:</u></b></p> <ul style="list-style-type: none"> <li>a) <b><u>Health protocol for the importation and movement of live barramundi (FAMPR002), Health protocol for the movement of live freshwater native finfish (other than barramundi and eels) (FAMPR007); and</u></b></li> <li>b) <b><u>any approved species not included in a species specific health protocol: "Health protocol for movement of aquatic animals for aquaculture in Queensland".</u></b></li> </ul> <p><i>Note: Health protocols and application form FDU1398 can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies">https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies</a></i></p> <p><i>Note: Commonwealth quarantine protocols must be successfully completed for the relevant organisms of any species prior to their introduction to the approved aquaculture area.</i></p>	At all times





Department of Infrastructure,  
Local Government and Planning

Our reference: 1710-1947 SPD

7 December 2017

Fay Esme Rimmington  
179 Butler Road  
VERRIERDALE QLD 4562  
leighoakley44@gmail.com

Attention: Leigh Oakley

Dear Fay Esme Rimmington

### **Decision notice—change application**

(Given under section 83 of the *Planning Act 2016*)

Your change application under section 78 of the *Planning Act 2016* for the development approval dated 11 November 2011 was made to the Department of Infrastructure, Local Government and Planning on 13 October 2017.

### **Decision for change application**

---

Date of decision:	7 December 2017
Decision details:	Make the change and amend existing conditions.

The changes agreed to are:

1. Additional species added to the list of approved species in Condition 1
2. New conditions (Conditions 17-23) that are relevant to the additional species.

The following changes have been made to the conditions to ensure the development meets the current requirements under the *Fisheries Act 1994*:

1. Update to Condition 4 and Condition 5 to refer to current contact details for the Department of Agriculture and Fisheries and requirements under the *Fisheries Act 1994*
2. Amendment to Condition 8 to require that the place is open for inspection by an inspector
3. Amendment to Condition 9 to refer to current health protocols for movement of fisheries resources
4. Deletion of Condition 10 as the requirements for the movement of fisheries resources is included in Condition 9
5. Update to Condition 11 to refer to the *Fisheries Regulation 2008* and the possession of regulated fishing apparatus
6. Updates to Conditions 12-15 to refer to current requirements relating to the release of water, installation of barriers and screening.

South East Queensland (North) regional  
office  
Mike Ahern Building, Level 3, 12 First  
Avenue, Maroochydore  
PO Box 1129, Maroochydore QLD 4558

The Department of Agriculture and Fisheries has provided general advice in Attachment 2 of the decision notice.

For further information please contact Celeste Bownds, Senior Planning Officer, on 5352 9707 or via email [SEQNorthSARA@dilgp.qld.gov.au](mailto:SEQNorthSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Garth Nolan', written in a cursive style.

Garth Nolan  
Manager (Planning)

- cc Department of Agriculture and Fisheries, [planningassessment@daf.qld.gov.au](mailto:planningassessment@daf.qld.gov.au)  
Sunshine Coast Regional Council, [mail@sunshinecoast.qld.gov.au](mailto:mail@sunshinecoast.qld.gov.au)
- enc Decision notice showing the change  
Appeal provisions



Department of Infrastructure,  
Local Government and Planning

### Changed decision notice

Our reference: 1710-1947 SPD

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### Decision notice—approved with conditions

(Given under section 63 of the *Planning Act 2016* )

Original reference: 2005BC0484  
 Date of original response: 28 June 2006  
 Date of previous change response: 11 November 2011

The development application described below was decided by the Department of Agriculture and Fisheries (formerly the Department of Employment, Economic Development and Innovation) on 11 November 2011.

### Applicant details

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Applicant name: Mr Joseph George Rimmington and Mrs Faye Esme Rimmington  
 Applicant contact details: 179 Butler Road  
 Verrierdale, Eumundi Qld 4562

### Location details

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Street address: 179 Butler Road, Verrierdale, Eumundi Qld 4562  
 Real property description: Lot 6 SP179598  
 Local government area: Sunshine Coast Regional Council

### Decision

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Date of decision: 11 November 2011  
 Decision details: Approved subject to conditions

### Approval details

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Development permit: Material change of use for aquaculture

### Referral agencies

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There were no referral agencies for this application.

### Conditions

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This approval is subject to:

- the assessment manager conditions in Attachment 1
- there are no concurrence agency conditions for approval.

South East Queensland (North) regional  
 office  
 Mike Ahern Building, Level 3, 12 First  
 Avenue, Maroochydore  
 PO Box 1129, Maroochydore QLD 4558

The department has, for conditions of this approval, nominated an entity to be the enforcement authority for that condition under the *Planning Act 2016*.

### **Rights of appeal**

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The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration from a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

Copies of the relevant appeal provisions are attached.

### **Currency period for the approval**

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This development approval will lapse if development is not started within the currency periods stated in section 85 of the *Planning Act 2016*.

enc     Attachment 1—Changed assessment manager conditions  
         Attachment 2—General advice  
         Appeal provisions



## Attachment 1—Changed assessment manager conditions

No.	Conditions of development approval	Condition timing																																														
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shrimp	<i>Macrobrachium rosenbergii</i>	Redclaw crayfish	<i>Cherax quadricarinatus</i>	Yabby	<i>Cherax destructor</i>	<b><u>Common Name</u></b>	<b><u>Scientific Name</u></b>	<b><u>Angel fish</u></b>	<b><u><i>Pterophyllum spp.</i></u></b>	<b><u>Archer fish</u></b>	<b><u><i>Toxotes jaculatrix</i></u></b>	<b><u>Australian bass</u></b>	<b><u><i>Macquaria novemaculeata</i></u></b>	<b><u>Barcoo grunter</u></b>	<b><u><i>Scortum barcoo</i></u></b>	<b><u>Barramundi</u></b>	<b><u><i>Lates calcarifer</i></u></b>	<b><u>Cobia</u></b>	<b><u><i>Rachicentron canadum</i></u></b>	<b><u>Checked rainbowfish</u></b>	<b><u><i>Melanotaenia splendida inornata</i></u></b>	<b><u>Crimson spotted rainbowfish</u></b>	<b><u><i>Melanotaenia doboulayi</i></u></b>	<b><u>Eel tail catfish</u></b>	<b><u><i>Tandanus tandanus</i></u></b>	<b><u>Empire gudgeon</u></b>	<b><u><i>Hypseleotris compressa</i></u></b>	<b><u>Firetail gudgeon</u></b>	<b><u><i>Hypseleotris galii</i></u></b>	<b><u>Fork tail catfish</u></b>	<b><u><i>Neoarius australis</i></u></b>	<b><u>Freshwater Flounder</u></b>	<b><u><i>Trinectes maculates</i></u></b>	<b><u>Freshwater shrimp</u></b>	<b><u><i>Macrobrachium australiensis</i></u></b>	<b><u>Freshwater shrimp</u></b>	<b><u><i>Macrobrachium rosenbergii</i></u></b>	<b><u>Glass fish</u></b>	<b><u><i>Chanda spp.</i></u></b>	<b><u>Golden perch (Cooper Creek strain)</u></b>	<b><u><i>Macquaria ambigua n.sp</i></u></b>	<b><u>Golden perch (Dawson River</u></b>	<b><u><i>Macquaria ambigua oriens</i></u></b>	<b><u>Prior to commencement of use and to be maintained at all times</u></b>
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No.	Conditions of development approval	Condition timing
	<p><u>strain)</u></p> <p><u>Golden perch (Murray-Darling strain)</u>      <u><i>Macquaria ambigua ambigua</i></u></p> <p><u>Gold fish</u>      <u><i>Carassius auratus</i></u></p> <p><u>Gulf Saratoga</u>      <u><i>Scleropages jardinii</i></u></p> <p><u>Guppy</u>      <u><i>Poecilia reticulata</i></u></p> <p><u>Jungle perch</u>      <u><i>Kuhlia rupestris</i></u></p> <p><u>Mary River cod</u>      <u><i>Maccullochella peelii mariensis</i></u></p> <p><u>Mullet</u>      <u><i>Mugil cephalus</i></u></p> <p><u>Mulloway</u>      <u><i>Argyrosomus japonicas</i></u></p> <p><u>Murray cod</u>      <u><i>Maccullochella peelii peelii</i></u></p> <p><u>Pacific blue eye</u>      <u><i>Pseudomugil signifer</i></u></p> <p><u>Pinkeye mullet</u>      <u><i>Myxus petardi</i></u></p> <p><u>Purple spotted gudgeon</u>      <u><i>Mogurnda adspersa</i></u></p> <p><u>Queensland grouper</u>      <u><i>Epinephelus lanceolatus</i></u></p> <p><u>Redclaw crayfish</u>      <u><i>Cherax quadricarinatus</i></u></p> <p><u>Sand whiting</u>      <u><i>Sillago Ciliata</i></u></p> <p><u>Silver perch</u>      <u><i>Bidyanus bidyanus</i></u></p> <p><u>Sleepy cod</u>      <u><i>Oxyeleotris lineolatus</i></u></p> <p><u>Sooty grunter</u>      <u><i>Hephaestus fuliginosus</i></u></p> <p><u>Southern saratoga</u>      <u><i>Scleropages leichardti</i></u></p> <p><u>Spangled perch</u>      <u><i>Leiopotherapon unicolor</i></u></p> <p><u>Striped gudgeon</u>      <u><i>Gobiomorphus australis</i></u></p> <p><u>Swordtail</u>      <u><i>Xiphorus helleri</i></u></p> <p><u>Yabby</u>      <u><i>Cherax destructor</i></u></p> <p><b><u>Hereafter referred to as the “approved species”.</u></b></p>	
2.	This development approval authorises activities within an approved Aquaculture Area of 3.0 hectares defined within Lot 6 on SP179598.	<b><u>Prior to commencement of use and to be maintained at all times</u></b>
3.	<p>Aquaculture authorised under this approval is limited by the following:</p> <p>Proposal Details: Conduct aquaculture on an approved Aquaculture Area of 3.0 hectares (production area) on a total land area of 13.2 hectares.</p> <p>Location: Lot 2 On Rp160633, Parish Of Maroochy, County Of Canning, Shire Of Maroochy. Updated to Lot 6 on SP179598</p>	<b><u>Prior to commencement of use and to be maintained at all times</u></b>

No.	Conditions of development approval	Condition timing
	Address: 179 Butler Road, Verrierdale, Eumundi, QLD 4562	
4.	<p>DEEDI must be informed of any changes to the personal contact details for this Development Approval within 28 working days.</p> <p><b><u>Inform the assessing authority Department of Agriculture and Fisheries via <a href="mailto:aquaculture@daf.qld.gov.au">aquaculture@daf.qld.gov.au</a> of any changes to the personal contact details for this development approval.</u></b></p> <p><b><u>Note: Forms for reporting a change in contact details can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals">https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals</a></u></b></p>	<b><u>Within 28 days of change to personal contact details</u></b>
5.	<p>An Aquaculture Production Return must be submitted to the chief executive of the DEEDI, by close of business on 31 July each year during the term of this Development Approval. This includes lodging a "nil return" when no activity has occurred.</p> <p><b><u>Provide an annual aquaculture production return in the approved form to the Department of Agriculture and Fisheries. This includes lodging a nil return when no activity has occurred.</u></b></p> <p><b><u>Note: This is an information requirement pursuant to section 118 of the Fisheries Act 1994. Details on how to lodge and electronic aquaculture production return will be sent to operators annually.</u></b></p>	<b><u>By close of business on the 31 July each year</u></b>
6.	Under this approval aquaculture fisheries resources must not be released into Queensland waters other than those waters approved under this Development Approval.	<b><u>At all times</u></b>
7.	Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded, or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	<b><u>At all times</u></b>
8.	<p>Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during reasonable hours.</p> <p><b><u>This aquaculture development constitutes a place that is required to be open for inspection by an inspector at all times, pursuant to section 145 of the Fisheries Act 1994.</u></b></p>	<b><u>At all times</u></b>
9.	<p>The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from:</p> <p>a) — a hatchery, farm, aquaculture premises or region which is</p>	<b><u>At all times</u></b>

No.	Conditions of development approval	Condition timing
	<p>recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or</p> <p>b) — a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or</p> <p>c) — a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to DEEDI Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</p> <p>A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species</p> <p><b><u>The movement of fisheries resources into, or within, Queensland must comply with the current version of:</u></b></p> <p>(a) <b><u>Health Protocol for the Importation and Movement of Live Barramundi (FAMPR002), Health Protocol for the Importation and Movement of Live Freshwater Crayfish and Prawns (FAMPR006), Health Protocol for the Importation and Movement of Live Freshwater Native Finfish (other than barramundi and eels) (FAMPR007);</u></b> <b><i>and</i></b></p> <p>(b) <b><u>any approved species not included in a species specific health protocol: “Health protocol for movement of aquatic animals for aquaculture in Queensland”</u></b></p> <p><b><u>Note: Health protocols and application form FDU1398 can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies">https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies</a></u></b></p> <p><b><u>Note: Commonwealth quarantine protocols must be successfully completed for the relevant organisms of any species prior to their introduction to the approved aquaculture area.</u></b></p>	
10.	<p>The species to be farmed under this approval must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form"(FDU1398) and Pathology Report has been completed and a DEEDI officer has provided written acknowledgement and approval</p>	<b><u>Condition deleted</u></b>



No.	Conditions of development approval	Condition timing
	<p>of the "Details of translocation form" and the Pathology Report.</p> <p>The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be given to the DEEDI office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date.</p> <p>After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating &amp; Fisheries Patrol. If directed by a DEEDI officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.</p> <p><b><u>Condition deleted</u></b></p>	
11.	<p>This Development Approval authorises the possession and use of "regulated fishing apparatus" under the <i>Fisheries Regulation 1995</i>, Schedule 8, Part 1 and Part 2 (marine), and the Fisheries (Freshwater) Management Plan 1999, Part 6 (freshwater) (excluding an electrofisher) at the approved Aquaculture Area.</p> <p><b><u>This Development Approval authorises the possession and use of "regulated fishing apparatus" under the Fisheries Regulation 2008.</u></b></p>	<b><u>At all times</u></b>
12.	<p>The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times.</p> <p><b><u>Maintain control over the release of water from all ponds, tanks and drainage systems within the approved aquaculture area.</u></b></p> <p><b><u>Note: Control may be achieved through ensuring ponds, tanks and containers integrity at all times, having adequate freeboard to avoid any overtopping, preventing overland flow, ensuring all equipment intended to control releases is functioning correctly at all times and backup systems or equipment are in place.</u></b></p>	<b><u>Upon commencement of the use and to be maintained at all times</u></b>
13.	<p>A perimeter barrier/fence, which is impervious, must be maintained, for all size classes of the species that are approved under this Authority which are capable of overland escape.</p> <p><b><u>Provide an impervious perimeter barrier to prevent the overland release of all approved species that are capable of overland escape from the approved aquaculture area.</u></b></p>	<b><u>Prior to the commencement of the use and to be maintained at all times</u></b>
14.	<p>All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc.) and associated plumbing, pumps etc. on the approved Aquaculture Area must be implemented and secured in such a way as to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters.</p>	<b><u>Prior to the commencement of the use and to be maintained at all times</u></b>

No.	Conditions of development approval	Condition timing
	<b><u>Install screening on all points of water release or discharge from ponds and tanks within the approved aquaculture area to prevent the escape of any aquaculture fisheries resources (eggs, juveniles or adults) into Queensland waters (as defined in the Acts Interpretation Act 1954).</u></b>	
15.	Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area. <b><u>Install screening on all intake waters to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved aquaculture area.</u></b>	<b><u>Prior to the commencement of the use and to be maintained at all times</u></b>
16.	This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.	<b><u>At all times</u></b>
17.	<b><u>Ponds, tanks and containers used to cultivate indigenous aquaculture fisheries resources are constructed with the lowest point of the top of wall above Q100 flood level.</u></b>	<b><u>Prior to commencement of use and to be maintained at all times</u></b>
18.	<b><u>Ponds, tanks or containers used for the aquaculture of approved species of exotic fish are only located on land that is not subject to Q100 flood level.</u></b>	<b><u>At all times</u></b>
19.	<b><u>No water originating from the aquaculture of exotic fish may reach any Queensland waters.</u></b>	<b><u>At all times</u></b>
20.	<b><u>Install, screening on all ponds, tanks and containers used to contain exotic fish, to prevent vertebrate predators such as birds from accessing the exotic fish.</u></b>	<b><u>Prior to commencement of use and to be maintained at all times</u></b>
21.	<b><u>Water leaving ponds, tanks or containers used for the aquaculture of exotic fish must be treated through the use of filters with screens to prevent the escape of eggs, juveniles or adults.</u></b>	<b><u>At all times</u></b>
22.	<b><u>Freshwater shrimp (<i>Macrobrachium australiensis</i>) can be sold, traded or given away as bait.</u></b>	<b><u>At all times</u></b>
23.	<b><u>Mary River cod (<i>Maccullochella peelii mariensis</i>) must not be sold, traded or given away for stocking of Queensland waters</u></b>	<b><u>At all times</u></b>

No.	Conditions of development approval	Condition timing
	<u>(as defined in the <i>Acts Interpretation Act 1954</i>). Mary River cod (<i>Maccullochella peelii mariensis</i>) must only be sold, traded or given away to the aquarium trade or for direct consumption.</u>	

## Attachment 2—General advice

General advice	
1.	<p>Immediately report any unusual clinical signs or mortalities of any fisheries resources brought into Queensland, to the Queensland Boating and Fisheries Patrol. If directed, specimens must be forwarded to a veterinary laboratory.</p> <p>Note: Information on reporting disease in aquaculture can be found at <a href="https://www.business.qld.gov.au/industry/fisheries/aquaculture/health-pests-and-diseases-of-aquaculture/managingdisease-in-aquaculture-farms/identifying-and-reporting-disease-in-aquaculture">https://www.business.qld.gov.au/industry/fisheries/aquaculture/health-pests-and-diseases-of-aquaculture/managingdisease-in-aquaculture-farms/identifying-and-reporting-disease-in-aquaculture</a>.</p>
2.	<p>This approval does not permit the harvest of broodstock and culture stock.</p> <p>Note: Broodstock and/or culture stock may be purchased from the holder of an authority or licence that authorises the sale of the approved species. In Queensland, this includes from a commercial fisher holding an appropriate <i>Fisheries Act 1994</i> licence.</p> <p>Note: Forms to apply for the collection of broodstock or culture stock for aquaculture under a <i>Fisheries Act 1994</i> General Fisheries Permit can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals">https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals</a>.</p> <p>Note: Depending on the species sought and its location, additional permits may be required under other legislation, for example the <i>Environmental Protection and Biodiversity Conservation Act 1999</i>, the <i>Great Barrier Reef Marine Park Act 1975</i>, the <i>Nature Conservation Act 1992</i>.</p>
3.	<p>This approval does not provide any entitlement to access or harvest an aquaculture fisheries resource that becomes an unauthorised escape or release, including but not limited to:</p> <ul style="list-style-type: none"> <li>(a) animal(s) stocked within the approved aquaculture area that move outside the area; or</li> <li>(b) spawn or progeny of an aquaculture fisheries resource should such eggs, larvae, juveniles or adult progeny become distributed outside of the approved aquaculture area.</li> </ul> <p>The responsibility for any impact of unauthorized escapes or releases of aquaculture fisheries resources is with the operator. Additional permits may be required under the <i>Fisheries Act 1994</i> to authorise processes required to be readily available to effectively manage this risk.</p>





Department of Infrastructure,  
Local Government and Planning

Our reference: SPD-0616-028557  
Your reference: 2005DB0395

11 August 2016

Alan and Karen Licciardi  
207 Joynsons Road  
Torbanlea QLD 4662  
alkar207@live.com.au

Dear Alan and Karen Licciardi

**Notice of decision—changed approval (responsible entity)**

207 Joynsons Road, Torbanlea, QLD 4662 - Lot 15 on RP835546  
(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning received representations under section 369 of the *Sustainable Planning Act 2009* on 26 June 2016 for the original decision described below.

**Applicant details**

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Applicant name: Alan and Karen Licciardi

**Site details**

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Real property description: Lot 15 on RP835546  
Local government area: Fraser Coast Regional Council

**Application details**

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Proposed development: Development Permit for Material Change of Use  
(to Conduct Aquaculture)

**Original decision**

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Date of original decision: 5 October 2004  
Original decision details: Approved subject to conditions

A changed decision notice for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the Act
- any plans and specifications approved in relation to the decision notice.

For further information, please contact Rachel Pratt, A/Planning Officer, SARA Wide Bay Burnett on 07 4331 5614, or via email [WBBSARA@dilgp.qld.gov.au](mailto:WBBSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Holly Sorohan  
Acting Manager Planning

enc: Changed decision notice  
Attachment 1—Changed assessment manager conditions  
Attachment 2—SPA appeal provisions

Our reference: SPD-0616-028557

Your reference: 2005DB0395

## Changed decision notice

(Given under section 376 of the *Sustainable Planning Act 2009*)

### Applicant details

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Applicant name: Alan and Karen Licciardi

Applicant contact details: 207 Joynsons Road  
Torbanlea QLD 4662

### Application details

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Level of assessment: Code assessment

Date of request for change: 5 July 2016

### Site details

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Street address: 207 Joynsons Road, Torbanlea QLD 4662

Lot on plan: Lot 15 on RP835546

Name of owner: Alan Mario and Karen Maree Licciardi

### Nature of the changes

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The nature of the changes agreed to are:

1. Removal of Condition 4 - This development approval is for the period Tuesday 5 October 2004 until Friday 4 October 2019.

### Original decision

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Date of original decision: 5 October 2016

Original decision details: Approved subject to conditions

### Changed decision

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Date of changed decision: 11 August 2016

Changed decision details: Approved subject to conditions

### Conditions

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This approval is subject to:

- the changed assessment manager conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

### **Aspects of development and development approval granted**

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Development Permit for Material Change of Use (to conduct aquaculture)

### **Further development permits or compliance permits**

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Please be advised that the following development permits or compliance permits are required to be obtained before the development can be carried out:

- Not applicable

### **Self-assessable codes**

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Please be advised that the following codes may need to be complied with for self-assessable development related to the approved development:

- Not applicable

### **Compliance assessment**

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Compliance assessment is required under chapter 6, part 10 of the *Sustainable Planning Act 2009* for the following documents or works in relation to the development:

- Not applicable

### **Properly made submissions**

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Not applicable—No part of the application required impact assessment.

### **Rights of appeal**

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

### **Relevant period for the approval**

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This development approval will lapse if the development is not started within the following period:

- Not applicable

### **Native title considerations**

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The Department is satisfied that the proposed change will have no further effect on native title as it deemed to be minor change.





Our reference: SPD-0616-028557  
Your reference: 2005DB0395

**Attachment 1—Changed assessment manager conditions**

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11 August 2016:

Original Decision Notice showing the approved changes as per section 367 (2)(c) of the *Sustainable Planning Act 2009*



## DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY CONDITIONS

**Applicant(s)/Address:** Mr Alan Licciardi of 207 Joynsons Road, TORBANLEA, QLD 4662  
Mrs Karen Licciardi of 207 Joynsons Road, Torbanlea, QLD 4662

**Purpose:** Aquaculture Freshwater - Growout

**DAFF Reference:** 2005DB0395

**File Number:** 002/0000639

The Department of Agriculture, Fisheries and Forestry has assessed the above development application against the purpose of the *Fisheries Act 1994*.

It has been determined that the approval should be a Development Permit to which the following conditions apply:

- 1 The operator is authorised to conduct aquaculture on and harvest the following approved species:

<u>Common Name</u>	<u>Scientific Name</u>
Australian bass	<i>Macquaria novemaculeata</i>
Barcoo grunter	<i>Scortum barcoo</i>
Barramundi	<i>Lates calcarifer</i>
Eel tail catfish	<i>Tandanus tandanus</i>
Freshwater shrimp	<i>Macrobrachium rosenbergii</i>
Golden perch (Cooper Creek strain)	<i>Macquaria ambigua n.sp</i>
Golden perch (Dawson River strain)	<i>Macquaria ambigua oriens</i>
Golden perch (Murray-Darling strain)	<i>Macquaria ambigua ambigua</i>
Gulf Saratoga	<i>Scleropages jardinii</i>
Murray cod	<i>Maccullochella peeli peeli</i>
Redclaw crayfish	<i>Cherax quadricarinatus</i>
Silver perch	<i>Bidyanus bidyanus</i>
Sleepy cod	<i>Oxyeleotris lineolatus</i>
Southern saratoga	<i>Scleropages leichardti</i>

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- 2 This development approval authorises activities within an approved Aquaculture Area of 4.9 hectares defined within Lot 15 on RP835546.
- 3 Aquaculture authorised under this approval is limited by the following:

Proposal Details: Conduct aquaculture on an approved Aquaculture Area of 4.9 hectares (production area) on a total land area of 52.14 hectares. 030/253

Location: Lot 15 on RP 835546, Parish of Walsh, County of Cook, Shire of Hervey Bay

Address: 207 Joynsons Road, Torbanlea, QLD 4662

- 4 ~~This Development Approval is for the period Thursday 5 October 2004 until Friday 4 October 2019.~~
- 5 DPI&F must be informed of any changes to the personal contact details for this Development Approval within 28 working days.
- 6 An Aquaculture Production Return must be submitted to the chief executive of the DPI&F, by close of business on 31 July each year during the term of this Development Approval. This includes lodging a "nil return" when no activity has occurred.
- 7 Under this approval aquaculture fisheries resources must not be released into Queensland waters other than those waters approved under this Development Approval.
- 8 Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded, or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish
- 9 Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the Fisheries Act 1994 during reasonable hours.
- 10 The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from:
  - a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or
  - b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or
  - c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to DPI&F Health Translocation Protocols appropriate for the



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approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.

A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species

- 11 The species to be farmed under this approval must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form"(FDU1398) and Pathology Report has been completed and a DPI&F officer has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.

The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be given to the DPI&F office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date.

After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating & Fisheries Patrol. If directed by a DPI&F officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.

- 12 This Development Approval authorises the possession and use of "regulated fishing apparatus" under the Fisheries Regulation 1995, Schedule 8, Part 1 and Part 2 (marine), and the Fisheries (Freshwater) Management Plan 1999, Part 6 (freshwater) (excluding an electrofisher) at the approved Aquaculture Area.
- 13 The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times.
- 14 A perimeter barrier/fence, which is impervious, must be maintained, for all size classes of the species that are approved under this Authority which are capable of overland escape.
- 15 All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc.) and associated plumbing, pumps etc. on the approved Aquaculture Area must be implemented and secured in such a way as to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters.
- 16 Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area.
- 17 This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.
- 18 The movement of all barramundi must comply with DPI&F 'Health Protocol for the Importation and Movement of Live Barramundi'.



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Basis for inclusion of conditions:

- The Department of Agriculture, Fisheries and Forestry must assess the development application against the purposes of the *Fisheries Act 1994*. This application can only comply with those purposes, including promoting ecological sustainable development, if compliance with the abovementioned conditions is achieved.



Delegate of the  
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Our reference: SPD-0616-028557

Your reference: 2005DB0395

## Attachment 2—SPA Appeal Provisions

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### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

##### **Part 8 Dealing with decision notices and approvals**

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##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

###### **360 Application of div 1**

This division applies only during the applicant's appeal period.

###### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

###### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

###### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and

- (c) must state the nature of the changes; and
- (d) replaces—
  - (i) the decision notice previously given; or
  - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;



- (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

#### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.

- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

### **Division 11 Making and appeal to Court**

#### **481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

#### **482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and

- (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (ii) the assessment manager for the development application to which the notice relates; and
    - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
    - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
  - (d) if the appellant is a person mentioned in section 466(1)—
    - (i) the chief executive; and
    - (ii) the responsible entity for making the change to which the appeal relates; and
    - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
    - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
  - (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
- (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
- (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and

- (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
- (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.





Department of Infrastructure,  
Local Government and Planning

Our reference: SPD-0815-020388

21 September 2015

Adam Daryl Schubel and Nicole Lee Schubel  
PO Box 5001  
BUNDABERG QLD 4670  
nicole.schubel@bigpond.com

Dear Adam and Nicole Schubel

**Notice of decision—changed approval (responsible entity)**

93 Lakeview Drive Alloway QLD

Lot 6 on RP177611

(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received representations under section 369 of the *Sustainable Planning Act 2009* on 20 August 2015 for the original decision described below.

**Applicant details**

---

Applicant name: Mr Martin Andrew Rudd and Mrs Lisa Samantha Rudd

**Site details**

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Lot on plan: Lot 6 on RP177611

Local government area: Bundaberg Regional Council

**Application details**

---

Proposed development: Development Permit for Material Change of Use to Conduct Aquaculture

**Original decision**

---

Date of original decision: 26 October 2000

Original decision details: Approved subject to conditions

A notice of decision for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the Act

For further information, please contact Shelley Jackson, Senior Planning Officer, SARA Wide Bay Burnett on 4122 0407, or email [WBBSARA@dilgp.qld.gov.au](mailto:WBBSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Michelle Riley  
Manager (Planning)

enc: Notice of decision  
Attachment 1—Changed assessment manager conditions  
Attachment 2—SPA appeal provisions

Our reference: SPD-0815-020388

### **Notice of decision (permissible change)**

(Given under section 376 of the *Sustainable Planning Act 2009*)

#### **Applicant details**

---

Applicant name: Adam Daryl Schubel and Nicole Lee Schubel  
 Applicant contact details: PO Box 5001  
 BUNDABERG QLD 4670

#### **Application details**

---

Level of assessment: Code assessment  
 Original application properly made date: Date Not Available  
 Date of request for change: 20 August 2015

#### **Site details**

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Street address: 93 Lakeview Drive Alloway Bundaberg QLD  
 Lot on plan: Lot 6 on RP177611  
 Name of owner: Adam Daryl Schubel and Nicole Lee Schubel

#### **Nature of the changes**

---

The nature of the changes agreed to are:

1. Delete condition 4 which states: This development approval is for the period Thursday 26 October 2000 until Wednesday 30 September 2015.

#### **Original decision**

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Date of original decision: 26 October 2000  
 Original decision details: Approved subject to conditions

#### **Changed decision**

---

Date of changed decision: 21 September 2015  
 Changed decision details: Approved subject to conditions

## Conditions

---

This approval is subject to:

- the changed assessment manager conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

## Aspects of development and development approval granted

---

Development Permit - Material Change of Use to Conduct Aquaculture

## Properly made submissions

---

Not applicable—No part of the application required impact assessment.

## Rights of appeal

---

The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

## Relevant period for the approval

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This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.

## Native title considerations

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Native title notification is not required.



Our reference: SPD-0815-020388

**Attachment 1—Changed assessment manager conditions**

---

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## DECISION NOTICE - APPROVAL

This notice is issue by the Department of Primary Industries and Fisheries pursuant to sections 3.5.15 of the *Integrated Planning Act 1997*.

### Development Application details:

**Applicant's name:** Mr Martin Andrew Rudd, Mrs Lisa Samantha Rudd

**Applicant's address:** 93 Lakeview Drive  
Alloway QLD 4670

**Proposed development:** Aquaculture of Freshwater Species

**Description of the land:** Lot on Plan: Lot 6 on RP177611 Shire of Burnett  
Street Address: Lakeview Drive  
Alloway QLD 4670

**DPI&F ID:** 2005BC0420

**File number:** NRM/030/000(896)

The Department of Primary Industries and Fisheries, acting as assessment manager under the *Integrated Planning Act 1997*, has assessed the above development application and on 15 December 2006 this application was approved with conditions.

**Approval Number:** 2005BC0420

### Details of the approval:

The following type of approval has been issued:

Type of development	Development Permit	Preliminary Approval
<ul style="list-style-type: none"> <li>Material Change of Use to Conduct Aquaculture</li> </ul>	✓	

### Currency period

The following currency period applies to the all aspects of development in this approval:

Thursday 26 October 2000 **until** Wednesday 30 September 2015



Delegate of the  
Chief Executive

Date: 05/01/2007  
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## Conditions

Conditions imposed by the Department of Primary Industries and Fisheries are the conditions listed in the 'DPI&F conditions' attached.

### Additional Information to applicants:

#### Cultural Heritage

Under the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). An assessment of your proposed activity against the duty of care guidelines will help you determine whether or to what extent Aboriginal cultural heritage may be harmed by your activity. If following an assessment of the duty of care guidelines you believe cultural heritage may be harmed by your proposed activity, you should contact the Cultural Heritage Coordination Unit for further advice on (07) 3238 3838. Further information on cultural heritage and a copy of the duty of care guidelines and cultural heritage search forms can be obtained from [www.nrm.qld.gov.au](http://www.nrm.qld.gov.au).

#### Acid Sulfate Soil

Any soil disturbance resulting from development works should be managed to prevent acid sulfate soil development as outlined in the current version of the Qld Acid Sulfate Soils Technical Manual Soil Management Guidelines. To obtain a copy of this document or for further information on acid sulfate soils, please contact Queensland Acid Sulfate Soils Investigation Team (QASSIT) on 3896 9819 or access the website [www.nrm.qld.gov.au](http://www.nrm.qld.gov.au).

#### Other Legislation

Any person who carries out an approved activity must comply with the requirements of all relevant legislation. Current versions of all Queensland Legislation can be obtained from the Office of the Parliamentary Counsel.

#### Appeal rights

Attached is an extract from the *Integrated Planning Act 1997* which details your appeal rights regarding this decision.

#### When the development approval takes effect

This development approval takes effect:

from 26 October 2000

**This approval will lapse unless substantially started within the above stated currency periods (refer to sections 3.5.19 and 3.5.20 of IPA for further details).**



Delegate of the  
Chief Executive

Date: 05/01/2007  
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## DEPARTMENT OF PRIMARY INDUSTRIES AND FISHERIES CONDITIONS

**Applicant(s)/Address:** Mr Adam Daryl Schubel of 93 Lakeview Drive , Alloway, QLD  
4670

Ms Nicole Lee Schubel of 93 Lakeview Drive, Alloway, QLD  
4670

**Purpose:** Aquaculture Freshwater - Growout

**DPI&FF Reference:** 2005BC0420

**File Number:** 002/0000589

The Department of Primary Industries and Fisheries has assessed the above development application against the purpose of the *Fisheries Act 1994*.

It has been determined that the approval should be a Development Permit to which the following conditions apply:

- 1 The operator is authorised to conduct aquaculture on and harvest the following approved species:

<u>Common Name</u>	<u>Scientific Name</u>
Australian bass	<i>Macquaria novemaculeata</i>
Barcoo grunter	<i>Scortum barcoo</i>
Barramundi	<i>Lates calcarifer</i>
Eel tail catfish	<i>Tandanus tandanus</i>
Golden perch (Cooper Creek strain)	<i>Macquaria ambigua n.sp</i>
Golden perch (Dawson River strain)	<i>Macquaria ambigua oriens</i>
Golden perch (Murray-Darling strain)	<i>Macquaria ambigua ambigua</i>
Gulf Saratoga	<i>Scleropages jardinii</i>
Murray cod	<i>Maccullochella peeli peeli</i>
Silver perch	<i>Bidyanus bidyanus</i>
Sleepy cod	<i>Oxyeleotris lineolatus</i>
Southern saratoga	<i>Scleropages leichardti</i>



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2 This development approval authorises activities within an approved Aquaculture Area of 0.18 hectares within Lot 6 on RP177611.

3 Aquaculture authorised under this approval is limited by the following:

Proposal Details: Conduct aquaculture on an approved Aquaculture Area of 0.18 hectares (production area) on a total land area of 16.14 hectares. NRM/030/000(896)

Location: Lot 6 on RP177611, Shire of Burnett

Address: Lot 6, Lakeview Drive, Alloway, QLD 4670

4 ~~This Development Approval is for the period Thursday 26 October 2000 until Wednesday 30 September 2015.~~

5 The DPI&F Department of Agriculture and Fisheries must be informed of any changes to the personal contact details for this Development Approval within 28 working days.

6 An Aquaculture Production Return must be submitted to the chief executive of the DPI&F the Department of Agriculture and Fisheries, by close of business on 31 July each year during the term of this Development Approval. This includes lodging a "nil return" when no activity has occurred.

7 Under this approval aquaculture fisheries resources must not be released into Queensland waters other than those waters approved under this Development Approval.

8 Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded, or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish

9 Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the Fisheries Act 1994 during reasonable hours.

10 The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from: a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the




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requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to DPI&F Department of Agriculture and Fisheries Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species. A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species

- 11 The species to be farmed under this approval must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form"(FDU1398) and Pathology Report has been completed and a DPI&F Department of Agriculture and Fisheries officer has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report. The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be given to the DPI&F Department of Agriculture and Fisheries office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date. After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating & Fisheries Patrol. If directed by a DPI&F Department of Agriculture and Fisheries officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.
- 12 The possession and use of "regulated fishing apparatus" under the Fisheries Regulation 2008, Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved Aquaculture Area.
- 13 The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times.
- 14 All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc.) and associated plumbing, pumps etc. on the approved Aquaculture Area must be implemented and secured in such a way as to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters.
- 15 Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area.
- 16 This Development Approval authorises the purchase of broodstock and/or culture



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stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.

- 17 The movement of all barramundi must comply with ~~DPI&F~~ Department of Agriculture and Fisheries 'Health Protocol for the Importation and Movement of Live Barramundi'.

Basis for inclusion of conditions:

- The Department of Agriculture, Fisheries and Forestry must assess the development application against the purposes of the *Fisheries Act 1994*. This application can only comply with those purposes, including promoting ecological sustainable development, if compliance with the abovementioned conditions is achieved.



Delegate of the  
Chief Executive

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Our reference: SPD-0815-020388

## Attachment 2—SPA Appeal Provisions

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### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

##### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

##### **360 Application of div 1**

This division applies only during the applicant's appeal period.

##### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

##### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

##### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or



- (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—

- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

#### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—
- (a) the part of the approval relating to the assessment manager’s decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager’s decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
- (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
- (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter’s appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency’s response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency’s response to the extent it relates to—
- (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
- (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency’s response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
- (a) any part of the approval relating to the assessment manager’s decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager’s decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

### **Division 11 Making and appeal to Court**

#### **481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

#### **482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—

- (i) the chief executive; and
- (ii) the assessment manager; and
- (iii) any referral agency; and
- (iv) the applicant; or
- (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
  - (i) the chief executive; and
  - (ii) the assessment manager for the development application to which the notice relates; and
  - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
  - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and
  - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and



- (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.



Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SPD-0215-015198

20 March 2015

Mr Murray Zipt  
Rockaqua Pty Ltd  
4 Rocky Point Road  
WOONGOOLBA QLD 4207  
[admin@rockypointprawn.com](mailto:admin@rockypointprawn.com)

Dear Mr Zipt

**Notice of decision—changed approval (responsible entity)**

45 Melcer Road, Elliot Heads QLD 4570; Lot 102 on CK459  
(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received representations under section 369 of the *Sustainable Planning Act 2009* on 12 February 2015 for the original decision described below.

**Applicant details**

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Applicant name: Rockaqua Pty Ltd

**Site details**

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Lot on plan: Lot 102 on CK459

Local government area: Bundaberg Regional Council

**Application details**

---

Proposed development: Development Permit for Material Change of Use to conduct Aquaculture

**Original decision**

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Date of original decision: 28 November 2005  
Original decision details: Approved subject to conditions

A changed decision notice for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the Act

For further information, please contact Danica Clark, Planning Officer, SARA Wide Bay Burnett on (07) 4331 5619, or email [WBBSARA@dssip.qld.gov.au](mailto:WBBSARA@dssip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Michelle Riley  
Manager (Planning)

enc: Changed decision notice  
Attachment 1—Changed assessment manager conditions  
Attachment 2—SPA appeal provisions

Our reference: SPD-0215-015198

### Changed decision notice

(Given under section 376 of the *Sustainable Planning Act 2009*)

#### Applicant details

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Applicant name: Rockaqua Pty Ltd  
 Applicant contact details: 4 Rocky Point Road  
 Woongoolba QLD 4207

#### Application details

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Level of assessment: Code assessment  
 Original application properly made date: Date Not Available  
 Date of request for change: 12 February 2015

#### Site details

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Street address: 45 Melcer Road, Elliot Heads QLD 4570  
 Lot on plan: Lot 102 on CK459  
 Name of owner: Rockaqua Pty Ltd

#### Nature of the changes

The nature of the changes agreed to are:

1. Removal of the expiration date contained in Condition 4
2. Addition of several new aquaculture species is supported however; new conditions relating to the movement of the new aquaculture species are required.

The additional species agreed to are:

Barramundi	( <i>Lates calcarifer</i> )
Barramundi cod	( <i>Cromileptes altivelis</i> )
Barred-cheek coral trout	( <i>Plectropomus maculatus</i> )
Blue swimmer crab	( <i>Portunus pelagicus</i> )
Blue-spot coral trout	( <i>Plectropomus laevis</i> )
Brown tiger prawn	( <i>Penaeus esculentus</i> )
Cobia	( <i>Rachycentron canadum</i> )
Common coral trout	( <i>Plectropomus leopardus</i> )
Estuary cod	( <i>Epinephelus coioides</i> )
Flowery cod	( <i>Epinephelus fuscoguttatus</i> )
Golden snapper	( <i>Lutjanus johnii</i> )
Mahi mahi	( <i>Coryphaena hippurus</i> )
Mangrove jack	( <i>Lutjanus argentimaculatus</i> )



Mud crab

(Scylla serrata)

The nature of the change refused are:

1. Removal of Condition 18 and Condition 19.

### Original decision

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Date of original decision: 28 November 2005

Original decision details: Approved subject to conditions

### Changed decision

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Date of changed decision: 20 March 2015

Changed decision details: Approved in part, subject to conditions

### Conditions

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This approval is subject to:

- the changed assessment manager conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

### Aspects of development and development approval granted

Aspect 1	Development Permit for Material Change of Use for to conduct Aquaculture
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### Reasons for decision to partly refuse the request

- Retaining condition 18, providing that it has already been achieved, does not impact on the ongoing operations of the aquaculture facility
- Condition 19 is required as it is an ongoing requirement.

### Findings on material questions of fact

- Condition 18 relates to the construction of the ponds and was to be complied with prior to the commencement of the use
- Condition 19 relates to the integrity of the ponds and preventing leakage of waters. This is important to prevent nuisance to adjoining premises and environmental harm.
- **Evidence or other material on which the findings were based**
  - Permissible change application
  - *Sustainable Planning Act 2009*
  - *Fisheries Act 1994*

**Rights of appeal**

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

**Relevant period for the approval**

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This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.

Our reference: SPD-0215-015198

**Attachment 1—Changed assessment manager conditions**

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20 March 2015: Original decision notice showing the approved changes as per section 367(2)(c) of the *Sustainable Planning Act 2009*

Department of  
Primary Industries and Fisheries

## DECISION NOTICE - APPROVAL

This notice is issued by the Department of Primary Industries and Fisheries pursuant to sections 3.5.15 of the *Integrated Planning Act 1997*.

### Development Application details:

**Applicant's name:** Rockaqua Pty Ltd  
**Applicant's address:** 4 Rocky Point Road, Woongoolba QLD 4207  
**Proposed development:** Aquaculture of Marine Species  
**Description of the land:** 1) Lot 102 Plan Cp Ck495, Parish of Barolin  
 County of Cook, Shire of Burnett  
 2) 45 Melcers Road Elliott Heads, Qld 4670  
**DPI&F ID:** 2005DB0326  
**File number:** DEC/030/000(215)

The Department of Primary Industries and Fisheries, acting as assessment manager under the *Integrated Planning Act 1997*, has assessed the above development amendment and on 28 November 2005 this application was approved with conditions.

### Approval Number:

#### 1. Detail of the approval:

The following type of approval has been issued:

Type of development	Development Permit	Preliminary Approval
<i>Material Change of Use to conduct Aquaculture</i>	✓	

#### 2. Currency period

The standard currency period stated in section 3.5.21 of IPA apply to each respect of development in this approval.



### 3. IDAS referral agencies

The IDAS referral agencies applicable to this application are:

Referral trigger	Name of agency	Status	Address
		[	

### 4. Conditions

Conditions imposed by the Department of Primary Industries and Fisheries are the conditions listed in the 'DPI&F conditions' attached.

### 5. Additional Information to the applicants:

#### Native Title

No Native Title searches were conducted for this application.

#### Cultural Heritage

Under the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). An assessment of your proposed activity against the duty of care guidelines will help you determine whether or to what extent Aboriginal cultural heritage may be harmed by your activity. If following an assessment of the duty of care guidelines you believe cultural heritage may be harmed by your proposed activity, you should contact the Cultural Heritage Coordination Unit for further advice on (07) 3238 3838. Further information on cultural heritage and a copy of the duty of care guidelines and cultural heritage search forms can be obtained from [www.nrm.qld.gov.au](http://www.nrm.qld.gov.au).

[Enter Torres Strait Islander Cultural Heritage Act 2003 when relevant].

#### Acid Sulfate Soil

Any soil disturbance resulting from the development works should be managed to prevent acid sulfate soil development as outlines in the current version of the Qld Acid Sulfate Soils Technical Manual Soil Management Guidelines. To obtain a copy of this document or for further information on acid sulfate soils, please contact Queensland Acid Sulfate Soils Investigation Team (QASSIT) on 3896 9819 or access the website [www.nrm.qld.gov.au](http://www.nrm.qld.gov.au).

### 6. Appeal rights

Attached is an extract from the *Integrated Planning Act 1997* which details your appeal rights regarding this decision.

### 7. When the development approval takes effect

This development approval takes effect:

from the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court


OR

when the submitters appeal period ends, if there is a submitter and the applicant does not appeal the decision to the court

OR

subject to the decision of the court, when the appeal is finally decided, if an appeal is made to the court.

This approval will lapse unless substantially started within the above stated currency periods (refer to sections 3.5.19 and 3.5.20 of IPA for further details).

  
Delegate of the  
Chief Executive  
Date: 28/11/05

## DEPARTMENT OF PRIMARY INDUSTRIES AND FISHERIES CONDITIONS

**Applicant(s)/Address:** Rockaqua Pty Ltd of 4 Rocky Point Road, Woongoolba, QLD 4207

**Purpose:** Aquaculture

**DPI&F Reference:** 2005DB0326

**File number:** DEC/030/000(215)

Department of Primary Industries and Fisheries has assessed the above development application against the purpose of the *Fisheries Act 1994*.

It has been determined that the approval should be a Development Permit to which the following conditions apply:

- The operator is authorized to conduct aquaculture on the following approved species:

<b><u>Common Name</u></b>	<b><u>Scientific Name</u></b>
Banana prawn	<i>Penaeus merguensis</i>
Black tiger prawn	<i>Penaeus monodon</i>
Greasyback prawn	<i>Metapenaeus insolitus</i>
Kuruma prawn	<i>Penaeus japonicas</i>
School prawn	<i>Metapenaeus macleayi</i>
<b>Barramundi</b>	<b>(<i>Lates calcarifer</i>)</b>
<b>Barramundi cod</b>	<b>(<i>Cromileptes altivelis</i>)</b>
<b>Barred-cheek coral trout</b>	<b>(<i>Plectropomus maculatus</i>)</b>
<b>Blue swimmer crab</b>	<b>(<i>Portunus pelagicus</i>)</b>
<b>Blue-spot coral trout</b>	<b>(<i>Plectropomus laevis</i>)</b>
<b>Brown tiger prawn</b>	<b>(<i>Penaeus esculentus</i>)</b>
<b>Cobia</b>	<b>(<i>Rachycentron canadum</i>)</b>
<b>Common coral trout</b>	<b>(<i>Plectropomus leopardus</i>)</b>
<b>Estuary cod</b>	<b>(<i>Epinephelus coioides</i>)</b>
<b>Flowery cod</b>	<b>(<i>Epinephelus fuscoguttatus</i>)</b>
<b>Golden snapper</b>	<b>(<i>Lutjanus johnii</i>)</b>
<b>Mahi mahi</b>	<b>(<i>Coryphaena hippurus</i>)</b>
<b>Mangrove jack</b>	<b>(<i>Lutjanus argentimaculatus</i>)</b>
<b>Mud crab</b>	<b>(<i>Scylla serrate</i>)</b>

2. This development approval authorises activities within an approved Aquaculture Area of 4.5 hectares (growout ponds) on a total area of land of 7.3 hectares.
3. Aquaculture authorised under this approval is limited by the following:

Tenure: ~~\_\_\_\_\_ This approval will lapse on 31 August 2007~~

Proposal Details: **PRAWN FARMING AND FINFISH FARMING**

Location: Lot 102 on Plan Cp Ck495, Parish of Barolin, County of Cook, Shire of Burnett

Address: 45 Melcers Road, Elliot Heads, QLD 4670

4. DPI&F must be informed of any changes to the personal contact details for this Development Approval within 28 working days.
5. An Aquaculture Production Return must be submitted to the chief executive of the DPI&F, by close of business on 31 July each year during the term of this Development Approval. This includes lodging a "nil return" when no activity has occurred.
6. When selling aquaculture fisheries resources a docket must be supplied to the buyer which contains the following particulars:
  - the seller's name, usual address and Development Approval number, the buyer's name, usual address and authority number (if any),
  - the date of the sale,
  - the species of aquacultured fisheries resources sold, the estimated quantity or number of each species sold,Where live aquaculture fisheries resources are to be sold for release into Queensland waters, the docket must identify the species to be released and the location where the species are to be released; and
  - keep a legible copy of all dockets issued for seven (7) years from date of issue.
7. Under this approval aquaculture fisheries resources must not be released into Queensland waters other than those waters approved under this Development Approval.
8. Persons operating under this Development Approval must immediately notify the chief executive or an authorised officer of the DPI&F if they know or reasonably suspect fisheries resources are showing signs of disease occurring in areas as specified in this Development Approval.
9. Unless otherwise authorized, fisheries resources that are to be aquacultured and the subject to this Development Approval must not be sold, traded, or given away for the purposes of using for bait. This included the use of whole fish and any part of the fish.
10. Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the *Fisheries Act 1994* during reasonable hours.
11. The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from:
  - a) a hatchery, farm, aquaculture premises or region which is recognized as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or

  
Delegate of the  
Chief Executive

b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or

c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to DPI&F Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.

A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species

11. The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from:
12. The species to be farmed under this approval must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" (FDU1398) and Pathology Report has been completed and a DPI&F officer has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.

The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be given to the DPI&F office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date.

After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the nearest (insert a generic position here e.g. District officer of QBFP) DPI&F office. If directed by a DPI&F officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.

13. This Development Approval authorises the possession and use of "regulated fishing apparatus" under the Fisheries Act 1994, Schedule 8, Part 1 (marine) and Schedule 8, Part 2 (freshwater), (excluding an electrofisher) at the approved Aquaculture Area.
14. The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times.
15. All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc.) and associated plumbing, pumps etc. on the approved Aquaculture Area must be implemented and secured in such a way as to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters.
16. Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area.

  
**Delegate of the  
Chief Executive**



17. This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat license, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species
18. Pond 8 is not to be filled until:
- A report, detailing appropriate remedial work to overcome pond leakage, by an appropriately qualified and independent consultant, has been assessed and accepted by DPI&F; and
  - the remedial work (see Condition 22) has been undertaken in accordance to the recommendations of the accepted report and any conditions developed by DPI&F based on the remediation report.

19. The integrity of the ponds must ensure that
- water leaking from the ponds does not enter the adjacent properties or road reserve; and
  - only minimal water from the ponds enters the shallow water aquifer underlying these areas.

20. The soil water-monitoring system program must be based on the use of existing piezometer tubes installed at a number of points around the property. This includes 6 Piezometers (M1 to M6) to measure ground water within the shallow water aquifer.

All water samples must be collected following the procedures as indicated in 'EPA Water Quality Sampling Manual, 1999'.

21. The licensee must undertake the following monitoring program:

Shallow monitoring piezometers (M1, M2, M3, M4, MS & M6)

The level of groundwater in the shallow aquifer must be measured from all shallow piezometers (M1 to M6) on a weekly basis during the period that the ponds are emptied, the day that filling the ponds is started and twice a week for the following 2 weeks after the filling of the ponds. The level of the groundwater is to be measured on a monthly basis at all other times.

If, during a scheduled monitoring event, groundwater levels in any of Piezometers M1 to M6 are less than 250mm above their base, the subject piezometers should be bailed or pumped dry (within practical limits) and measured after a period of 24 hours to ensure that standing water levels are representative of aquifer conditions and not 'stagnant' bore water. Due to the difficulty of total removal of 'stagnant' groundwater, standing water levels within 50mm of the base of any bore 24 hours after evacuation will be regarded as representative of a 'dry' bore.

The Results of the above monitoring are to be provided to the Regional Manager, Fisheries and Aquaculture Development (PO Box 76, Deception Bay, Qld 4508, Fax Number 07 3817 9522) **Impact Assessment and Management Unit (PO Box 5083, Nambour QLD 4560; email: [notifications@daf.qld.gov.au](mailto:notifications@daf.qld.gov.au))** on a monthly basis, within 7 days after the last reading for that month.

22. The results of the monitoring of the shallow water piezometers (M1, M2, M3, M4, MS & M6) up to and including December 2005 will be analysed by the DPI&F and compared to the results of the 2004-2005 measurements.

If the DPI&F determine that current measurement of the shallow ground water level does not show a significant reduction in height compared to the 2004-05 monitoring, the operators of the development approval will be advised that no further stocking and culture of prawns will be permitted until:

- a) a Farm Remediation Plan has been developed and approved by the DPI&F; and
- b) remedial work has been undertaken in accordance to the accepted Plan; and
- c) conditions imposed by DPI&F on the implementation of the remedial work have been met.

If the DPI&F determine that current measurement of the shallow ground water level does show a significant reduction in height compared to the 2004-05 monitoring, the operators of the development approval will be advised that further stocking and culture of prawns will be permitted.

23. The specified monitoring regime shall remain in place unless varied by DPI&F as a result of evidence provided as part of the Ground Water Monitoring program.
24. **The movement of all barramundi must comply with the "Health Protocol for the Importation and Movement of Live Barramundi (FAMPR002)".**
25. **The movement of all marine crustaceans must comply with the "Health Protocol for the Importation and Movement of Marine Crustaceans including Crabs, Lobsters and Bugs (FAMPR004)".**
26. **The movement of penaeid broodstock must comply with DAF "Health Protocol for the Importation of Selected Live Penaeid Species from Outside Queensland's East Coast Waters (i.e. Gulf of Carpentaria, Torres Strait, Northern Territory and Western Australia) FAMPOR001".**

Basis for inclusion of conditions:

- The Department of Primary Industries and Fisheries must assess the development application against the purposes of the Fisheries Act 1994. This application can only comply with those purposes, including promoting ecological sustainable development, if compliance with the abovementioned conditions is achieved.

Our reference: SPD-0215-015198

## Attachment 2—SPA Appeal Provisions

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### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

##### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

##### **360 Application of div 1**

This division applies only during the applicant's appeal period.

##### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

##### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

##### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or

- (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—



- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

#### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—
- (a) the part of the approval relating to the assessment manager’s decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager’s decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
- (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
- (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter’s appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency’s response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency’s response to the extent it relates to—
- (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
- (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency’s response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
- (a) any part of the approval relating to the assessment manager’s decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager’s decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

### **Division 11 Making and appeal to Court**

#### **481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

#### **482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—

- (i) the chief executive; and
- (ii) the assessment manager; and
- (iii) any referral agency; and
- (iv) the applicant; or
- (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
  - (i) the chief executive; and
  - (ii) the assessment manager for the development application to which the notice relates; and
  - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
  - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and
  - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and

- (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.





Department of  
**State Development,  
 Infrastructure and Planning**

Our reference: SPD-0814-010663  
 Your reference: 2005BC0419

24 September 2014

Mr. Darren Colin Emmett  
 212 North Isis Road  
 CHILDERS QLD 4660  
[redl2000@aol.com](mailto:redl2000@aol.com)

Dear Mr. Emmett

**Notice of decision—changed approval (responsible entity)**

212 North Isis Road, Childers QLD 4660; Lot 1 on RP179688  
 (Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning (the department) received representations under section 369 of the *Sustainable Planning Act 2009* on 27 August 2014 for the original decision described below.

**Applicant details**

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Applicant name: Darren Colin Emmett

**Site details**

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Lot on plan: Lot 1 on RP179688  
 Local government area: Bundaberg Regional Council

**Application details**

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Proposed development: Development Permit for Material Change of Use (Aquaculture)

**Original decision**

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Date of original decision: 30 August 2001  
 Original decision details: Approved subject to conditions

A changed decision notice for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the Act
- any plans and specifications approved in relation to the decision notice.

For further information, please contact Danica Clark, Planning Officer, SARA Wide Bay Burnett on (07) 4331 5619, or email [WBBSARA@dship.qld.gov.au](mailto:WBBSARA@dship.qld.gov.au) who will be pleased to assist.

Yours sincerely



Michelle Riley  
Manager (Planning)

enc: Changed decision notice  
Attachment 1—Changed assessment manager conditions  
Attachment 2—SPA appeal provisions  
Approved plans and specifications

Our reference: SPD-0814-010663

Your reference: 2005BC0419

## Changed decision notice

(Given under section 376 of the *Sustainable Planning Act 2009*)

### Applicant details

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Applicant name: Darren Colin Emmett

Applicant contact details: 212 North Isis Road  
Childers QLD 4660

### Application details

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Level of assessment: Code assessment

Original application properly made date: Not available

Date of request for change: 27 August 2014

### Site details

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Street address: 212 North Isis Road, Childers QLD 4660

Lot on plan: Lot 1 on RP179688

Name of owner: Bundaberg Regional Council

### Nature of the changes

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The nature of the changes agreed to are:

1. Amend condition 1 to add the following two species to the list of species the operator is authorised to conduct aquaculture on and harvest:
  - *Anguilla reinhardtii*
  - *Anguilla australis*
2. Include the following additional condition as a consequence of the above change:

New condition 19: The movement of all eels must comply with the DAFF "Health Protocol for the Importation and Movement of Live Eels (FAMPR005)".

### Original decision

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Date of original decision: 30 August 2001

Original decision details: Approved subject to conditions

### Changed decision

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Date of changed decision: 24 September 2014

Changed decision details: Approved subject to conditions

## Conditions

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This approval is subject to:

- the changed assessment manager conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

## Aspects of development and development approval granted

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Aspect 1: Development Permit for Material Change of Use (Aquaculture)

## Rights of appeal

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

## Relevant period for the approval

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This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.



Our reference: SPD-0814-010663  
Your reference: 2005BC0419

**Attachment 1—Changed assessment manager conditions**

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# Queensland Government

Department of  
**Agriculture, Fisheries  
and Forestry**

Our reference: 002/0000600

3 July 2013

NG & PKARBON  
212 North Isis Road  
Childers QLD 4660

**24 September 2014: Original decision notice showing the approved changes as per section 367(2)(c) of the Sustainable Planning Act 2009**

Dear Mr & Ms Arbon

## Amended Decision notice

(Issued under the *Sustainable Planning Act 2009*)

**Proposal:** Aquaculture  
**Location:** 212 North Isis Road, Childers QLD 4660  
**Property Description:** Lot 1 RP179688

Fisheries Queensland, Department of Agriculture, Fisheries and Forestry, advises that the application described above has been:

Approved in full with conditions

### 1. Approvals

The following approvals have been issued:

Development	Development Permit	Approval Number
Making a material change of use for aquaculture	✓	2005BC0419

### 2. Referral agencies

There were no referral agencies for this application.

### 3. Conditions imposed by Fisheries Queensland

Conditions imposed on this development by the assessment manager are listed in the 'Department of Agriculture, Fisheries and Forestry Conditions' attached to this notice.

Maroochy Research Facility  
47 Mayers Road Nambour  
PO Box 5083 SCMC Nambour  
Queensland 5460 Australia  
Customer Service Centre: 13 25 23  
Website: [www.daff.qld.gov.au](http://www.daff.qld.gov.au) ABN:  
66 934 348 189

**Basis for inclusion of conditions:**

Fisheries Queensland must assess the development application against the purposes of the *Fisheries Act 1994*. This application can only comply with those purposes, including promoting ecologically sustainable development, if compliance with the abovementioned conditions is achieved.

**4. Appeal rights**

Attached is an extract from the *Sustainable Planning Act 2009* which states your appeal rights and the appeal rights of any submitters regarding this decision.

**5. When the development approval takes effect**

This development approval takes effect -

- from the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court; **OR**,
- if there is a submitter and the applicant does not appeal the decision, the earlier date of either:
  - when the submitter's appeal period ends; or
  - the day the last submitter gives the assessment manager written notice that the submitter will not be appealing the decision; **OR**,
- if an appeal is made to the court, subject to the decision of the court, when the appeal is finally decided or withdrawn.

**6. Additional advice****Cultural Heritage**

Under the Aboriginal *Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). An assessment of your proposed activity against the duty of care guidelines will help you determine whether or to what extent Aboriginal cultural heritage may be harmed by your activity. If following an assessment of the duty of care guidelines you believe cultural heritage may be harmed by your proposed activity, you should contact the Cultural Heritage Coordination Unit for further advice on (07) 3238 3838. Further information on cultural heritage and a copy of the duty of care guidelines and cultural heritage search forms can be obtained from [www.derm.qld.gov.au](http://www.derm.qld.gov.au).

**Acid Sulfate Soil**

Any soil disturbance resulting from development works should be managed to prevent acid sulfate soil development as outlined in the current version of the Qld Acid Sulfate Soils Technical Manual Soil Management Guidelines. To obtain a copy of this document or for further information on acid sulfate soils, please contact Queensland Acid Sulfate Soils Investigation Team (QASSIT) on telephone (07) 3896 9819 or access the website [www.derm.qld.gov.au](http://www.derm.qld.gov.au).

If you require any further information regarding this notice, please contact the Impact Assessment and Management Unit on 5453 5860 or email [planning&assessment@daff.qld.gov.au](mailto:planning&assessment@daff.qld.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nikki Moore'. The signature is fluid and cursive, with the first name 'Nikki' being more prominent than the last name 'Moore'.

Dr. Nikki Moore

**Manager  
Impact Planning and Assessment  
Fisheries Queensland**

Att: Department of Agriculture, Fisheries and Forestry Conditions;  
SPA Appeal Rights



## DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY CONDITIONS

**Applicant(s)/Address:** Mr Neville Arbon of 212 North Isis Road, Childers, QLD 4660  
**Purpose:** Material change of use for aquaculture  
**DAFF Reference:** 2005BC0419  
**File Number:** BAC/030/000(561)

The Department of Agriculture, Fisheries and Forestry has assessed the above development application against the purpose of *the Fisheries Act 1994*.

It has been determined that the approval should be a Development Permit to which the following conditions apply:

1. The operator is authorised to conduct aquaculture on and harvest the following approved species:

<u>Common Name</u>	<u>Scientific Name</u>
Australian bass	<i>Macquaria novemaculeata</i>
Barcoo grunter	<i>Scortum barcoo</i>
Barramundi	<i>Lates calcarifer</i>
Barramundi cod	<i>Cromileptes altivelis</i>
Barred-cheek coral trout	<i>Plectropomus maculatus</i>
Blue-spot coral trout	<i>Plectropomus laevis</i>
Cobia	<i>Rachycentron canadum</i>
Common coral trout	<i>Plectropomus leopardus</i>
Dusky flathead	<i>Platycephalus fuscus</i>
Eel tail catfish	<i>Tandanus tandanus</i>
<u>Eels</u>	<u><i>Anguilla reinhardtii</i></u>
<u>Eels</u>	<u><i>Anguilla australis</i></u>
Estuary cod	<i>Epinephelus coioides</i>
Flowery cod	<i>Epinephelus fuscoguttatus</i>
Freshwater shrimp	<i>Macrobrachium rosenbergii</i>
Freshwater shrimp	<i>Macrobrachium australiense</i>
Golden perch (Cooper Creek strain)	<i>Macquaria ambigua n.sp</i>
Golden perch (Dawson River strain)	<i>Macquaria ambigua oriens</i>
Golden perch (Murray-Darling strain)	<i>Macquaria ambigua ambigua</i>
Golden Snapper	<i>Lutjanus johnii</i>
Gulf Saratoga	<i>Scleropages jardinii</i>
Jungle perch	<i>Kuhlia rupestris</i>
Mahi Mahi	<i>Coryphaena hippurus</i>
Mangrove jack	<i>Lutjanus argentimaculatus</i>
Milkfish	<i>Chanos chanos</i>
Mullet	<i>Mugil cephalus</i>
Mulloway	<i>Argyrosomus japonicus</i>
Murray cod	<i>Maccullochella peelii peeli</i>
Passionfruit trout	<i>Plectropomus areolatus</i>

Queensland groper	<i>Epinephelus lanceolatus</i>
Redclaw crayfish	<i>Cherax quadricarinatus</i>
Sand flathead	<i>Platycephalus arenarius</i>
Sand whiting	<i>Sillago ciliata</i>
Silver perch	<i>Bidyanus bidyanus</i>
Sleepy cod	<i>Oxyeleotris lineolatus</i>
Snapper	<i>Pagrus auratus</i>
Sooty grunter	<i>Hephaestus fuliginosus</i>
Southern saratoga	<i>Scleropages leichardti</i>
Yabby	<i>Cherax destructor</i>
Yellowfin bream	<i>Acanthopagrus australis</i>

2. This development approval authorises activities within an approved Aquaculture Area of 3.0 hectares defined within Lot 1 on RP179688.

3. Aquaculture authorised under this approval is limited by the following:

Proposal Details:	Conduct aquaculture on an approved Aquaculture Area of 3.0 hectares (production area) on a total land area of 8.489 hectares.
Location:	Lot 1 on Rp 179688, Parish of Childers, County of Cook, Shire of Isis
Address:	212 North Isis Road, Childers, QLD 4660

4. DPI&F must be informed of any changed to the personal contact details for this Approval within 28 working days.
5. An Aquaculture Production Return must be submitted to the chief executive of the DPI&F, by close of business on 31 July each year during the term of this Development Approval. This includes lodging a nil return when no activity has occurred.
6. Under this approval aquaculture fisheries resources must not be released into Queensland waters other than those waters approved under this Development Approval.
7. Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.
8. Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the *Fisheries Act 1994*, during reasonable hours.
9. The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animals health, which must include a statement that the specimens originate from:
  - (a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based

on the requirements listed in the World Organisation for Animal Health (OIE) *Manual of Diagnostic Tests for Aquatic Animals*, current edition (Fourth Edition 2003 or later) for recognition as free from infection;

- (b) a hatchery, farm, aquaculture premises or region in which an appropriately targeted surveillance scheme over 2 years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later), have been met; or
- (c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to DPI&F Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.

A species of an aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species.

10. The species to be farmed under this approval must be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" (FDU1398) and Pathology Report has been completed and a DPI&F officer has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.

The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be given to the DPI&F office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/ health certificate is dated no more than 14 days before shipment date.

After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating & Fisheries Patrol. If directed by a DPI&F officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.

11. The possession and use of 'regulated fishing apparatus' under the Fisheries Regulation 2008, Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved Aquaculture Area.
12. The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times.
13. All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc.) and associated plumbing, pumps etc. on the Approved Aquaculture Area must be implemented and secured in such a way to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters.
14. Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area.

15. This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.
16. The movement of all barramundi must comply with DPI&F 'Health Protocol for the Importation and Movement of Live Barramundi'.
17. Freshwater prawn (*Macrobrachium australiensis*) may be sold as bait.
18. A perimeter barrier/fence, which is impervious, must be maintained, for all size classes of the species that are approved under this Authority which are capable of overland escape.
19. **The movement of all eels must comply with the DAFF "Health Protocol for the Importation and Movement of Live Eels (FAMPR005)".**

Basis for inclusion of conditions:

- The Department of Agriculture, Fisheries and Forestry must assess the development application against the purposes of the *Fisheries Act 1994*. This application can only comply with those purposes, including promoting ecological sustainable development, if compliance with the abovementioned conditions is achieved.



Our reference: SPD-0814-010663

Your reference: 2005BC0419

## Attachment 2—SPA Appeal Provisions

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### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

##### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

##### **360 Application of div 1**

This division applies only during the applicant's appeal period.

##### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

##### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

##### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—

- (i) the decision notice previously given; or
  - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
- (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
- (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.

- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

#### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

### **Division 11 Making and appeal to Court**

#### **481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

#### **482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or



- (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (ii) the assessment manager for the development application to which the notice relates; and
    - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
    - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
  - (d) if the appellant is a person mentioned in section 466(1)—
    - (i) the chief executive; and
    - (ii) the responsible entity for making the change to which the appeal relates; and
    - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
    - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
  - (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
    - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
    - (b) otherwise—10 business days after the appeal is started.
  - (3) The notice must state—
    - (a) the grounds of the appeal; and
    - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and

- (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
- (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

**488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

**490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.



Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SPD-1013-002082

30/10/2013

Peter Robert & Maria Rozalina Sharp  
1024 Cannindah Road  
Monto, Qld, 4630  
[oakvale@skymesh.com.au](mailto:oakvale@skymesh.com.au)

Dear Peter Robert & Maria Rozalina Sharp

**Notice of decision—changed approval (responsible entity)**

1024 Cannindah - Cannindah, North Burnett Regional - QLD4630  
1024 Cannindah - Cannindah, North Burnett Regional - QLD4630

(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received representations under section 369 of the *Sustainable Planning Act 2009* (SPA) on for the original decision described below.

**Applicant details**

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Applicant name: Peter Robert & Maria Rozalina Sharp

**Site details**

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Real property description: Lots 64 and 65 on YL408

Local government area: North Burnett Regional Council

Page 1

Wide Bay - Burnett Region  
Level 1, 7 Takalvan Street  
PO Box 979  
Bundaberg QLD 4670

**Application details**

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Proposed development: Development Permit for Material Change of Use for aquaculture of freshwater species.

**Original decision**

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Date of original decision: 07/05/1998

Original decision details: Approved subject to conditions

The application was taken to have been approved under section 331 of the *Sustainable Planning Act 2009*.

A changed decision notice for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the *Sustainable Planning Act 2009*

If you require any further information, please contact Holly Sorohan, Planning Officer, Wide Bay Burnett on (07) 4151 9744 who will be pleased to assist.

Yours sincerely



Michelle Riley  
Manager (Planning)

enc: Notice of Change  
Attachment 1—Changed assessment manager conditions  
Original Decision Notice showing the changes  
SPA appeal provisions



Our reference: SPD-1013-002082

## Notice of Change

(Given under section 376 of the *Sustainable Planning Act 2009*)

### Applicant details for permissible change

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Applicant name: Peter Robert & Maria Rozalina Sharp  
 Applicant contact details: 1024 Cannindah Road  
 Monto, Qld, 4630

### Site details

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Street address: 1024 Cannindah - Cannindah QLD4630  
 Real property description: Lots 64 and 65 on YL408  
 Site area: 310.328 hectares  
 Name of owner: North Burnett Regional Council

### Original decision

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Date of original decision: 07/05/1998  
 Original decision details: Approved subject to conditions

The original application was taken to be approved under section 3.5.15 of the *Integrated Planning Act 1997*

### Change of approval request

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Date of request for change: 12 September 2013  
 Changes requested to approval given by the former Department of Primary Industries and Fisheries on 28 November 2013: Remove condition 4 to ensure the development can continue to operate without expiry

### Changed decision

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Date of changed decision: 8 October 2013  
 Changed decision details: Approved subject to conditions

## Conditions

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This approval is subject to:

- the changed assessment manager conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

## Rights of appeal

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the *Sustainable Planning Act 2009*).

Copies of the relevant appeal provisions are attached.

Our reference: SPD-1013-002082

### **Attachment 1—Changed assessment manager conditions**

---

**4 Amend condition 4 from:**

This Development Approval is for the period Thursday 7 May 1998 until Thursday 31 October 2013.

**To:**

DAFF must be informed of any changes to the personal contact details for this Development Approval within 28 working days.

**11 Change Condition 11 from:**

This Development Approval authorises the possession and use of "regulated fishing apparatus" under the Fisheries Regulation 1995, Schedule 8, Part 1 and Part 2 (marine), and the Fisheries (Freshwater) Management Plan 1999, Part 6 (freshwater) (excluding an electrofisher) at the approved Aquaculture Area.

**To:**

The possession and use of "regulated fishing apparatus" under the Fisheries Regulation 2008, Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved Aquaculture Area.



**30 October 2013:** Original decision notice showing the approved changes (section 376(2)(c) of the *Sustainable Planning Act 2009*)

Department of  
Primary Industries and Fisheries

## DECISION NOTICE –APPROVAL

This notice is issued by the Department of Primary Industries and Fisheries pursuant to sections 3.5.15 of the *Integrated Planning Act 1997*.

### Development Application details:

**Applicant's Name:** Mrs Maria Rozalina Sharp, Mr Peter Robert Sharp

**Applicant's address:** "Oakvale"  
Cannindah Road  
Monto QLD 4562

**Proposed development:** Aquaculture of Freshwater Species

**Description of the land:** Lot on Plan: Lot 64 on YL408 Parish of Cannindah, County of Yarrol, Shire of Monto  
Street address: "Oakvale"  
Cannindah Road  
Monto QLD 4562

**DPI&F ID:** 2005BC0533

**File number:** NRM/030/000(675)

Department of Primary Industries and Fisheries has assessed the above development application against the purpose of the *Fisheries Act 1994*.

It has been determined that the approval should be a Development Permit to which the following conditions apply:

- 1 The operator is authorised to conduct aquaculture on and harvest the following approved species:

<u>Common Name</u>	<u>Scientific Name</u>
Freshwater shrimp	<i>Macrobrachium australiensis</i>
Freshwater shrimp	<i>Macrobrachium rosenbergii</i>
Redclaw crayfish	<i>Cherax quadricarinatus</i>
Yabby	<i>Cherax destructor</i>



2 This development approval authorises activities within an approved Aquaculture Area of 3.0 hectares defined within Lot 65 on YL408 and defined within Lot 64 on YL408.

3 Aquaculture authorised under this approval is limited by the following:

Proposal Details: Conduct aquaculture on an approved Aquaculture Area of 3.0 hectares (production area) on a total land area of 310.0 hectares.

eDOCs file # 002/0000766

Location: Lot 64 On Cp YL408, Parish Of Cannindah, County Of Yarrol, Shire Of Monto

Address: "Oakvale", Cannindah Road,, Monto, QLD 4630

Location: Lot 65 On Cp YL408, Parish Of Cannindah, County Of Yarrol, Shire Of Monto

Address: "Oakvale", Cannindah Road,, Monto, QLD 4630

4 ~~This Development Approval is for the period Thursday 7 May 1998 until Thursday 31 October 2013.~~

5 DAFF must be informed of any changes to the personal contact details for this Development Approval within 28 working days.

6 An Aquaculture Production Return must be submitted to the chief executive of the DAFF, by close of business on 31 July each year during the term of this Development Approval. This includes lodging a "nil return" when no activity has occurred.

7 Under this approval aquaculture fisheries resources must not be released into Queensland waters other than those waters approved under this Development Approval.

8 Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded, or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish

9 Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the Fisheries Act 1994 during reasonable hours.

10 The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from: a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested

using suitable techniques (refer to DAFF Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species. A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species

11. The species to be farmed under this approval must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form"(FDU1398) and Pathology Report has been completed and a DAFF officer has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report. The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be given to the DAFF office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date. After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating & Fisheries Patrol. If directed by a DAFF officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.
12. ~~This Development Approval authorises the possession and use of "regulated fishing apparatus" under the Fisheries Regulation 1995, Schedule 8, Part 1 and Part 2 (marine), and the Fisheries (Freshwater) Management Plan 1999, Part 6 (freshwater) (excluding an electrofisher) at the approved Aquaculture Area.~~  
The possession and use of "regulated fishing apparatus" under the Fisheries Regulation 2008, Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved Aquaculture Area.
13. The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times.
14. A perimeter barrier/fence, which is impervious, must be maintained, for all size classes of the species that are approved under this Authority which are capable of overland escape.
15. All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc.) and associated plumbing, pumps etc. on the approved Aquaculture Area must be implemented and secured in such a way as to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters.
16. Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area.
17. This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.
18. Freshwater prawn (*Macrobrachium australiense*) may be sold as bait.

#### Basis for inclusion of conditions:

- The Department of Primary Industries and Fisheries must assess the development application against the purposes of the *Fisheries Act 1994*. This application can only comply with those purposes, including promoting ecological sustainable development, if compliance with the abovementioned conditions is achieved.

## **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

### **Chapter 6 Integrated development assessment system (IDAS)**

#### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

###### **360 Application of div 1**

This division applies only during the applicant's appeal period.

###### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

###### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

###### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or
    - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

**364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

**366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

**Chapter 7 Appeals, offences and enforcement****Part 1 Planning and Environment Court****Division 8 Appeals to court relating to development applications and approvals****461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

**462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—



- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
    - (a) the giving of a development approval;
    - (b) any provision of the approval including—
      - (i) a condition of, or lack of condition for, the approval; or
      - (ii) the length of a period mentioned in section 341 for the approval.
  - (3) However, a submitter may not appeal if the submitter—
    - (a) withdraws the submission before the application is decided; or
    - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
  - (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.

- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
- (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

### **Division 11 Making and appeal to Court**

#### **481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

#### **482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
- (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and

- (ii) the assessment manager for the development application to which the notice relates; and
- (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
- (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and
  - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—

- (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
  - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

**488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

**490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.





Department of Infrastructure,  
Local Government and Planning

Our reference: SPD-0916-030239

17 November 2016

Norman Wayne Green  
Redclaw Aquatica  
71 Murphys Road  
BEERBURRUM QLD 4517  
[crays@redclawaquatica.com.au](mailto:crays@redclawaquatica.com.au)

Dear Mr Green

**Notice of decision—changed approval (responsible entity)**

71 Murphys Road, Beerburrum, Lot 664 on RP839237  
(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning received representations under section 369 of the *Sustainable Planning Act 2009* on for the original decision described below.

**Applicant details**

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Applicant name: Redclaw Aquatica

**Site details**

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Real property description: Lot 664 on RP839237  
Local government area: Sunshine Coast Regional Council

**Application details**

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Proposed development: Development permit for material change of use (Aquaculture)

**Original decision**

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Date of original decision: 3 February 2011  
Original decision details: Approved subject to conditions

A changed decision notice for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the Act
- any plans and specifications approved in relation to the decision notice.

For further information, please contact Holly Sorohan, Principal Planning Officer, SARA Wide Bay Burnett on 07 4331 5614, or via email [WBBSARA@dilgp.qld.gov.au](mailto:WBBSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Darren Cooper

**A/Manger (Planning)**

enc: Changed decision notice  
Attachment 1—Changed assessment manager conditions  
Attachment 2—SPA appeal provisions

cc: Department of Agriculture and Fisheries; [PlanningAssessment@daf.qld.gov.au](mailto:PlanningAssessment@daf.qld.gov.au)  
Sunshine Coast Regional Council; [mail@sunshinecoast.qld.gov.au](mailto:mail@sunshinecoast.qld.gov.au)

Our reference: SPD-0916-030239

## Changed decision notice

(Given under section 376 of the *Sustainable Planning Act 2009*)

### Applicant details

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Applicant name: Redclaw Aquatica, Norman Wayne Green  
 Applicant contact details: 71 Murphys Road  
 BEERBURRUM QLD 4517  
 crays@redclawaquatica.com.au

### Application details

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Level of assessment: Code assessment  
 Date of request for change: 19 October 2016

### Site details

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Street address: 71 Murphys Road, Beerburrum  
 Lot on plan: Lot 664 on RP839237  
 Name of owner: Sunshine Coast Regional Council

### Nature of the changes

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The nature of the changes agreed to are:

1. Amend condition 1 to add additional approved fish species.

### Original decision

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Date of original decision: 3 February 2011  
 Original decision details: Approved subject to conditions

### Changed decision

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Date of changed decision: 15 November 2016  
 Changed decision details: Approved subject to conditions

### Conditions

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This approval is subject to:

- the changed assessment manager conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

**Properly made submissions**

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Not applicable—No part of the application required impact assessment.

**Rights of appeal**

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

**Relevant period for the approval**

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This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.



Our reference: SPD-0916-030239

Your reference:

**Attachment 1—Changed assessment manager conditions**

No.	Conditions of development approval	Condition timing																																														
Development permit for material change of use (aquaculture)																																																
Schedule 6, table 3, item 10 – Aquaculture—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Agriculture and Fisheries to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																																																
1.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="1" data-bbox="347 831 1134 2016"> <thead> <tr> <th data-bbox="352 837 692 882"><b><u>Common Name</u></b></th> <th data-bbox="697 837 1129 882"><b><u>Scientific Name</u></b></th> </tr> </thead> <tbody> <tr><td data-bbox="352 889 692 934">Australian bass</td><td data-bbox="697 889 1129 934"><i>Macquaria novemaculeata</i></td></tr> <tr><td data-bbox="352 940 692 985">Barcoo Bass</td><td data-bbox="697 940 1129 985"><i>Scortum barcoo</i></td></tr> <tr><td data-bbox="352 992 692 1037">Barramundi</td><td data-bbox="697 992 1129 1037"><i>Lates calcarifer</i></td></tr> <tr><td data-bbox="352 1043 692 1088">Eel tail catfish</td><td data-bbox="697 1043 1129 1088"><i>Tandanus tandanus</i></td></tr> <tr><td data-bbox="352 1095 692 1140">Eels</td><td data-bbox="697 1095 1129 1140"><i>Anguilla reinhardtii</i></td></tr> <tr><td data-bbox="352 1146 692 1191">Eels</td><td data-bbox="697 1146 1129 1191"><i>Anguilla australis</i></td></tr> <tr><td data-bbox="352 1198 692 1243">Empire gudgeon</td><td data-bbox="697 1198 1129 1243"><i>Hypseleotris compressa</i></td></tr> <tr><td data-bbox="352 1249 692 1294">Firetale gudgeon</td><td data-bbox="697 1249 1129 1294"><i>Hypseleotris galii</i></td></tr> <tr><td data-bbox="352 1301 692 1346">Golden perch (Cooper Creek strain)</td><td data-bbox="697 1301 1129 1346"><i>Macquaria ambigua n.sp</i></td></tr> <tr><td data-bbox="352 1352 692 1420">Golden perch (Dawson River strain)</td><td data-bbox="697 1352 1129 1420"><i>Macquaria ambigua oriens</i></td></tr> <tr><td data-bbox="352 1426 692 1494">Golden perch (Murray-Darling strain)</td><td data-bbox="697 1426 1129 1494"><i>Macquaria ambigua ambigua</i></td></tr> <tr><td data-bbox="352 1500 692 1545">Gulf Saratoga</td><td data-bbox="697 1500 1129 1545"><i>Scleropages jardinii</i></td></tr> <tr><td data-bbox="352 1552 692 1597">Murray Cod</td><td data-bbox="697 1552 1129 1597"><i>Maccullochella peeli peeli</i></td></tr> <tr><td data-bbox="352 1603 692 1648">Redclaw crayfish</td><td data-bbox="697 1603 1129 1648"><i>Cherax quadricarinatus</i></td></tr> <tr><td data-bbox="352 1655 692 1700">Silver perch</td><td data-bbox="697 1655 1129 1700"><i>Bidyanus bidyanus</i></td></tr> <tr><td data-bbox="352 1706 692 1751">Sleepy cod</td><td data-bbox="697 1706 1129 1751"><i>Oxyeleotris lineolatus</i></td></tr> <tr><td data-bbox="352 1758 692 1803">Southern saratoga</td><td data-bbox="697 1758 1129 1803"><i>Scleropages leichardti</i></td></tr> <tr><td data-bbox="352 1809 692 1854"><b>Agassiz's olive glassfish</b></td><td data-bbox="697 1809 1129 1854"><b><i>Ambassis agassizi</i></b></td></tr> <tr><td data-bbox="352 1861 692 1906"><b>Berney's catfish</b></td><td data-bbox="697 1861 1129 1906"><b><i>Arius berneyi</i></b></td></tr> <tr><td data-bbox="352 1912 692 1957"><b>Big headed gudgeon</b></td><td data-bbox="697 1912 1129 1957"><b><i>Philypnodon grandiceps</i></b></td></tr> <tr><td data-bbox="352 1964 692 2009"><b>Black catfish</b></td><td data-bbox="697 1964 1129 2009"><b><i>Neosilurus ater</i></b></td></tr> <tr><td data-bbox="352 2016 692 2060"><b>Bony bream</b></td><td data-bbox="697 2016 1129 2060"><b><i>Nematalosa erebi</i></b></td></tr> </tbody> </table>	<b><u>Common Name</u></b>	<b><u>Scientific Name</u></b>	Australian bass	<i>Macquaria novemaculeata</i>	Barcoo Bass	<i>Scortum barcoo</i>	Barramundi	<i>Lates calcarifer</i>	Eel tail catfish	<i>Tandanus tandanus</i>	Eels	<i>Anguilla reinhardtii</i>	Eels	<i>Anguilla australis</i>	Empire gudgeon	<i>Hypseleotris compressa</i>	Firetale gudgeon	<i>Hypseleotris galii</i>	Golden perch (Cooper Creek strain)	<i>Macquaria ambigua n.sp</i>	Golden perch (Dawson River strain)	<i>Macquaria ambigua oriens</i>	Golden perch (Murray-Darling strain)	<i>Macquaria ambigua ambigua</i>	Gulf Saratoga	<i>Scleropages jardinii</i>	Murray Cod	<i>Maccullochella peeli peeli</i>	Redclaw crayfish	<i>Cherax quadricarinatus</i>	Silver perch	<i>Bidyanus bidyanus</i>	Sleepy cod	<i>Oxyeleotris lineolatus</i>	Southern saratoga	<i>Scleropages leichardti</i>	<b>Agassiz's olive glassfish</b>	<b><i>Ambassis agassizi</i></b>	<b>Berney's catfish</b>	<b><i>Arius berneyi</i></b>	<b>Big headed gudgeon</b>	<b><i>Philypnodon grandiceps</i></b>	<b>Black catfish</b>	<b><i>Neosilurus ater</i></b>	<b>Bony bream</b>	<b><i>Nematalosa erebi</i></b>	At all times
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No.	Conditions of development approval		Condition timing
	<b>Bullrout</b>	<i>Notesthes robusta</i>	
	<b>Celebes goby</b>	<i>Glossogobius celebius</i>	
	<b>Coal grunter</b>	<i>Hephaestus carbo</i>	
	<b>Common galaxias</b>	<i>Galaxias maculatus</i>	
	<b>Concave goby</b>	<i>Glossogobius concavifrons</i>	
	<b>Coopers Creek tandan</b>	<i>Neosilurus sp.3</i>	
	<b>Desert goby</b>	<i>Chlamydogobius eremius</i>	
	<b>Dwarf flathead gudgeon</b>	<i>Philypnodon sp. 1</i>	
	<b>Dwarf goby</b>	<i>Glossogobius sp. 1</i>	
	<b>Estuary perchlet</b>	<i>Ambassis marianus</i>	
	<b>Flathead goby</b>	<i>Glossogobius giurus</i>	
	<b>Fly specked hardyhead</b>	<i>Craterocephalu stercusmuscarum</i>	
	<b>Gilbert's grunter</b>	<i>Pingalla gilberti</i>	
	<b>Golden tank goby</b>	<i>Glossogobius aureus</i>	
	<b>Lake Eyre hardyhead</b>	<i>Craterocephalus eyresii</i>	
	<b>Lake carp gudgeon</b>	<i>Hypseleotris sp.1</i>	
	<b>Leathery grunter</b>	<i>Scortum hillei</i>	
	<b>Long tom</b>	<i>Strongylure krefftii</i>	
	<b>Lorentz's grunter</b>	<i>Pingalla lorentzi</i>	
	<b>Macleay's glassfish</b>	<i>Ambassis macleayi</i>	
	<b>Mangrove Jack</b>	<i>Lutjanus argentimaculatus</i>	
	<b>Marjorie's hardyhead</b>	<i>Craterocephalus marjoriae</i>	
	<b>Midgley's carp gudgeon</b>	<i>Hypseleotris sp.2</i>	
	<b>Mouth almighty</b>	<i>Glossamia aprion</i>	
	<b>Mulgrave goby</b>	<i>Glossogobius sp.2</i>	
	<b>Mullet</b>	<i>Mugil cephalus</i>	
	<b>Olive perchlet</b>	<i>Ambassis nigripinnis</i>	
	<b>Pacific blue eye</b>	<i>Pseudomugil signifler</i>	
	<b>Pennyfish</b>	<i>Denariusa bandata</i>	
	<b>Pinkeye mullet</b>	<i>Myxus petardi</i>	
	<b>Poreless gudgeon</b>	<i>Oxeleotris nullipora</i>	
	<b>Purple spotted gudgeon</b>	<i>Mogurnda adpersa</i>	
	<b>Rainbowfish</b>	<i>Melanotaenia spp.</i>	
	<b>Rendahl's catfish</b>	<i>Porochilus rendahli</i>	
	<b>Roman nose goby</b>	<i>Awaous crassilaburs</i>	

No.	Conditions of development approval	Condition timing																												
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2.	This development approval authorises activities within an approved Aquaculture Area of 5.0 hectares as defined within Lot 664 on RP839237.	At all times																												
3.	<p>Aquaculture authorised under this approval is limited by the following:</p> <p>Proposal Conduct aquaculture on an approved  Details: Aquaculture Area of 5.0 hectares (production area) on a total land area of 13.18 hectares.</p> <p>Location: Lot 664 On RP839237, Parish of Beerwah, County Of Canning, Shire Of Caloundra.</p> <p>Address: Murphys Road, Beerburrum, QLD 4517</p> <p>DEEDI Plan No.:2011RedclawAquatica1</p>	At all times																												
4.	DAF must be informed of any changes to the personal contact details for this Development Approval within 28 working days.	Within 28 business days of any changes																												
5.	An Aquaculture Production Return must be submitted to the chief executive of DAF, by close of business on 31 July each year during the term of this Development Approval. This includes lodging a "nil return" when no activity has occurred.	By close of business on 31 July each year during the term of this Development Approval.																												
6.	Under this approval aquaculture fisheries resources must not be released into Queensland waters other than those waters approved under this Development Approval.	At all times																												
7.	Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded, or given away for the purposes of using for bait.	At all times																												

No.	Conditions of development approval	Condition timing
	This includes the use of whole fish and any part of the fish.	
8.	Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during reasonable hours.	At all times
9.	<p>The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from:</p> <ul style="list-style-type: none"> <li>a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or</li> <li>b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or</li> <li>c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to DAF Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</li> </ul> <p>A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species</p>	At all times
10.	<p>The species to be farmed under this approval must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form"(FDU1398) and Pathology Report has been completed and a DAF officer has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.</p> <p>The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be given to the DAF office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is</p>	At all times



No.	Conditions of development approval	Condition timing
	dated no more than 14 days before shipment date. After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating & Fisheries Patrol. If directed by a DAF officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.	
11.	The possession and use of "regulated fishing apparatus" under the <i>Fisheries Regulation 2008</i> , Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved Aquaculture Area.	At all times
12.	The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times.	At all times
13.	A perimeter barrier/fence, which is impervious, must be maintained, for all size classes of the species that are approved under this Authority which are capable of overland escape.	At all times
14.	All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc.) and associated plumbing, pumps etc. on the approved Aquaculture Area must be implemented and secured in such a way as to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters.	At all times
15.	Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area.	At all times
16.	This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.	at all times
17.	The movement of all barramundi must comply with DAF 'Health protocol for the importation and movement of live barramundi'.	At all times
18.	The movement of all live freshwater finfish must comply with DAF 'Health protocol for the movement of live freshwater native finfish (other than barramundi and eels).	At all times
19.	All containers used to aquaculture exotic species are to be screened to exclude vertebrate predators (eg. Birds).	At all times
20.	No water originating from the aquaculture of exotic species is permitted to reach Queensland waters (as defined in the Acts Interpretation Act 1954) with the exception of constructed storage dams located above Q100 limits and used for the purposes of water storage and reuse only.	At all times

Our reference: SPD-0916-030239

Your reference:

## Attachment 2—SPA Appeal Provisions

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### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

##### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

##### **360 Application of div 1**

This division applies only during the applicant's appeal period.

##### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

##### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

##### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—

- (i) the decision notice previously given; or
  - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
- (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
- (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.

- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

#### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.



**465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

**Division 11 Making and appeal to Court****481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

**482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or

- (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (ii) the assessment manager for the development application to which the notice relates; and
    - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
    - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
  - (d) if the appellant is a person mentioned in section 466(1)—
    - (i) the chief executive; and
    - (ii) the responsible entity for making the change to which the appeal relates; and
    - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
    - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
  - (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
    - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
    - (b) otherwise—10 business days after the appeal is started.
  - (3) The notice must state—
    - (a) the grounds of the appeal; and
    - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and

- (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
- (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.



Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SPD-1113-002944

**Date: 29 November 2013**

Neil and Carin Henry  
PO Box 2273  
Innisfail, Qld, 4860

Dear Mr and Ms Henry,

**Notice of decision—changed approval (responsible entity)**

31 Mynard Road, Coquette Point  
(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received representations under section 369 of the *Sustainable Planning Act 2009* (SPA) on 10 November 2013 for the original decision described below.

**Applicant details**

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Applicant name: Neil Richard Henry & Carin Henry

**Site details**

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Real property description: 37RP839151  
Local government area: Cassowary Coast Regional Council

**Application details**

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Proposed development: Amend development permit for material change of use for aquaculture

**Original decision**

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Date of original decision: 26 August 1996  
Original decision details: Approved subject to conditions

A changed decision notice for this request is attached.

Copies of the following documents are also attached:



- # relevant appeal provisions in the *Sustainable Planning Act 2009*
- # any plans and specifications approved in relation to the decision notice.

If you require any further information, please contact Michele Creecy, Planning Officer, on 4039 8095, who will be pleased to assist.

Yours sincerely

A handwritten signature in cursive script that reads "Angela Foster". The signature is written in dark ink on a light-colored background.

Angela Foster  
Manager (Planning)

enc: Changed decision notice  
Attachment 1—Changed assessment manager conditions  
SPA appeal provisions

Our reference: SPD-1113-002944

Your reference:

### Changed decision notice

(Given under section 376 of the *Sustainable Planning Act 2009*)

#### Applicant details

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Applicant name: Neil Richard Henry & Carin Henry  
 Applicant contact details: PO Box 2273  
 Innisfail, Qld, 4860

#### Application details

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Level of assessment: Code assessment  
 Original application properly made date: Date not available  
 Date of request for change: 10 November 2013

#### Site details

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Street address: 31 Mynard Road, Coquette Point, 4860  
 Real property description: 37RP839151  
 Site area: 74090 sq m  
 Name of owner: Cassowary Coast Regional Council

#### Nature of the changes

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The nature of the changes agreed to are:

- 1The addition of additional species able to be included in the aquaculture facility
- 2Not applicable

#### Original decision

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Date of original decision: 26 August 1996  
 Original decision details: Approved subject to conditions

#### Changed decision

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Date of changed decision: 29 November 2013  
 Changed decision details: Approved subject to conditions

#### Conditions

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This approval is subject to:

- # the changed assessment manager conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

#### Aspects of development and development approval granted

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Aspect 1 Development permit for material change of use – aquaculture

facility  
 Aspect 2 Permissible change under s376 Sustainable Planning Act,  
 2009 – adding additional species

### **Further development permits or compliance permits**

Please be advised that the following development permits or compliance permits are required to be obtained before the development can be carried out:

1. Not applicable

### **Self-assessable codes**

Please be advised that the following codes may need to be complied with for self-assessable development related to the approved development:

- 1 Not applicable

### **Compliance assessment**

Compliance assessment is required under chapter 6, part 10 of the *Sustainable Planning Act 2009* for the following documents or works in relation to the development:

1. Not applicable

### **Properly made submissions**

Not applicable—No part of the application required impact assessment.

### **Conflicts with relevant instruments**

This decision does not conflict with a relevant instrument.

### ***Findings on material questions of fact***

- # The original development application was lodged with the then Department of Primary Industries for a material change of use to operate an aquaculture facility at 37 Mynard Road Innisfail.
- # Development approval was granted on 26 August 1996 with conditions including a range of fish species and other conditions relating to the operation of the aquaculture facility.
- # A permissible change was sought and approved in 2007 to have the original “end-date” of operation removed from the original conditions; the current approval is for an ongoing activity.
- # The current request for permissible change seeks to add additional species to the original list, specifically several types of coral.
- # Department of Agriculture, Forestry and Fisheries have assessed the application and have advised that they have no objection to these species being added to the list of approved species and this change is reflected in the changed conditions attached to this application. The reason for approving this change is that all species are available for aquaculture within Queensland and all species are native to Queensland.

### ***Evidence or other material on which the findings were based***

- # development application
- # original development permits supplied by DAFF

- # State Development Assessment Provisions published by the Department of State Development, Infrastructure and Planning
- # *Sustainable Planning Act 2009*
- # Sustainable Planning Regulation 2009

**Rights of appeal**

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the *Sustainable Planning Act 2009*).

Copies of the relevant appeal provisions are attached.

**Relevant period for the approval**

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This development approval will lapse if development is not started within the relevant periods stated in section 341 of SPA.

**Approved plans and specifications**

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There are no approved plans and specifications



Our reference: SPD-1113-002944

### Attachment 1—Changed assessment manager conditions

No.	Recommended conditions of development approval	Condition timing																																												
1.	<p>The operator is authorised under Development Approval number 2005BC0671 to conduct aquaculture on and harvest the following approved species:</p> <table border="0"> <thead> <tr> <th data-bbox="392 472 552 499"><u>Common Name</u></th> <th data-bbox="778 472 943 499"><u>Scientific Name</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="392 510 496 537"><u>Acan coral</u></td> <td data-bbox="778 510 951 537"><u><i>Acanthastrea spp</i></u></td> </tr> <tr> <td data-bbox="392 548 539 575">Australian bass</td> <td data-bbox="778 548 1034 575"><i>Macquaria novemaculeata</i></td> </tr> <tr> <td data-bbox="392 586 536 613">Barcoo grunter</td> <td data-bbox="778 586 935 613"><i>Scortum barcoo</i></td> </tr> <tr> <td data-bbox="392 624 504 651">Barramundi</td> <td data-bbox="778 624 930 651"><i>Lates calcarifer</i></td> </tr> <tr> <td data-bbox="392 663 517 689"><u>Chalice coral</u></td> <td data-bbox="778 663 951 689"><u><i>Echinophyllia spp</i></u></td> </tr> <tr> <td data-bbox="392 701 528 728"><u>Corallimorphs</u></td> <td data-bbox="778 701 911 728"><u><i>Ricordea spp</i></u></td> </tr> <tr> <td data-bbox="392 739 528 766"><u>Corallimorphs</u></td> <td data-bbox="778 739 919 766"><u><i>Rhodactis spp</i></u></td> </tr> <tr> <td data-bbox="392 777 528 804">Eel tail catfish</td> <td data-bbox="778 777 970 804"><i>Tandanus tandanus</i></td> </tr> <tr> <td data-bbox="392 815 735 842">Golden perch (Cooper Creek strain)</td> <td data-bbox="778 815 1018 842"><i>Macquaria ambigua n.sp</i></td> </tr> <tr> <td data-bbox="392 853 735 880">Golden perch (Dawson River strain)</td> <td data-bbox="778 853 1034 880"><i>Macquaria ambigua oriens</i></td> </tr> <tr> <td data-bbox="392 891 679 945">Golden perch (Murray-Darling strain)</td> <td data-bbox="778 891 1058 945"><i>Macquaria ambigua ambigua</i></td> </tr> <tr> <td data-bbox="392 956 528 983">Gulf Saratoga</td> <td data-bbox="778 956 970 983"><i>Scleropages jardinii</i></td> </tr> <tr> <td data-bbox="392 994 504 1021">Murray cod</td> <td data-bbox="778 994 1026 1021"><i>Maccullochella peeli peeli</i></td> </tr> <tr> <td data-bbox="392 1032 564 1059"><u>Open brain corals</u></td> <td data-bbox="778 1032 1110 1086"><u><i>Scolymia spp. - Australian species only</i></u></td> </tr> <tr> <td data-bbox="392 1075 504 1102">Silver perch</td> <td data-bbox="778 1075 962 1102"><i>Bidyanus bidyanus</i></td> </tr> <tr> <td data-bbox="392 1113 504 1140">Sleepy cod</td> <td data-bbox="778 1113 986 1140"><i>Oxyeleotris lineolatus</i></td> </tr> <tr> <td data-bbox="392 1151 627 1178"><u>Small polyp stony corals</u></td> <td data-bbox="778 1151 1110 1205"><u><i>Acropora spp. - Australian species only</i></u></td> </tr> <tr> <td data-bbox="392 1216 571 1243">Southern saratoga</td> <td data-bbox="778 1216 994 1243"><i>Scleropages leichardti</i></td> </tr> <tr> <td data-bbox="392 1254 504 1281"><u>Stony coral</u></td> <td data-bbox="778 1254 946 1281"><u><i>Blastomussa spp</i></u></td> </tr> <tr> <td data-bbox="392 1292 523 1319"><u>Whisker coral</u></td> <td data-bbox="778 1292 994 1319"><u><i>Duncanopsammia spp</i></u></td> </tr> <tr> <td data-bbox="392 1330 544 1357"><u>Zoanthid polyps</u></td> <td data-bbox="778 1330 914 1357"><u><i>Zoanthus spp</i></u></td> </tr> </tbody> </table>	<u>Common Name</u>	<u>Scientific Name</u>	<u>Acan coral</u>	<u><i>Acanthastrea spp</i></u>	Australian bass	<i>Macquaria novemaculeata</i>	Barcoo grunter	<i>Scortum barcoo</i>	Barramundi	<i>Lates calcarifer</i>	<u>Chalice coral</u>	<u><i>Echinophyllia spp</i></u>	<u>Corallimorphs</u>	<u><i>Ricordea spp</i></u>	<u>Corallimorphs</u>	<u><i>Rhodactis spp</i></u>	Eel tail catfish	<i>Tandanus tandanus</i>	Golden perch (Cooper Creek strain)	<i>Macquaria ambigua n.sp</i>	Golden perch (Dawson River strain)	<i>Macquaria ambigua oriens</i>	Golden perch (Murray-Darling strain)	<i>Macquaria ambigua ambigua</i>	Gulf Saratoga	<i>Scleropages jardinii</i>	Murray cod	<i>Maccullochella peeli peeli</i>	<u>Open brain corals</u>	<u><i>Scolymia spp. - Australian species only</i></u>	Silver perch	<i>Bidyanus bidyanus</i>	Sleepy cod	<i>Oxyeleotris lineolatus</i>	<u>Small polyp stony corals</u>	<u><i>Acropora spp. - Australian species only</i></u>	Southern saratoga	<i>Scleropages leichardti</i>	<u>Stony coral</u>	<u><i>Blastomussa spp</i></u>	<u>Whisker coral</u>	<u><i>Duncanopsammia spp</i></u>	<u>Zoanthid polyps</u>	<u><i>Zoanthus spp</i></u>	Commencing the day the changed approval takes effect
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Murray cod	<i>Maccullochella peeli peeli</i>																																													
<u>Open brain corals</u>	<u><i>Scolymia spp. - Australian species only</i></u>																																													
Silver perch	<i>Bidyanus bidyanus</i>																																													
Sleepy cod	<i>Oxyeleotris lineolatus</i>																																													
<u>Small polyp stony corals</u>	<u><i>Acropora spp. - Australian species only</i></u>																																													
Southern saratoga	<i>Scleropages leichardti</i>																																													
<u>Stony coral</u>	<u><i>Blastomussa spp</i></u>																																													
<u>Whisker coral</u>	<u><i>Duncanopsammia spp</i></u>																																													
<u>Zoanthid polyps</u>	<u><i>Zoanthus spp</i></u>																																													

## Sustainable Planning Act 2009—Representation and appeal provisions

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

### Chapter 6 Integrated development assessment system (IDAS)

## Part 8 Dealing with decision notices and approvals

---

### Division 1 Changing decision notices and approvals during applicant's appeal period

#### 360 Application of div 1

This division applies only during the applicant's appeal period.

#### 361 Applicant may make representations about decision

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

#### 362 Assessment manager to consider representations

The assessment manager must consider any representations made to the assessment manager under section 361.

#### 363 Decision about representations

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the ***negotiated decision notice***) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or
    - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

#### 364 Giving new notice about charges for infrastructure

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice

- or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### 366 Applicant may suspend applicant's appeal period

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
- (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## Chapter 7 Appeals, offences and enforcement

### Part 1 Planning and Environment Court

#### Division 8 Appeals to court relating to development applications and approvals

##### 461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
- (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

##### 462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—

- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
- (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.



**465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

**Division 11 Making and appeal to Court****481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

**482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and

- (iv) any principal submitter whose submission has not been withdrawn; and
- (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
- (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
  - (i) the chief executive; and
  - (ii) the assessment manager; and
  - (iii) any referral agency; and
  - (iv) the applicant; or
- (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
  - (i) the chief executive; and
  - (ii) the assessment manager for the development application to which the notice relates; and
  - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
  - (iii) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.

- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and
  - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.



Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SPD-1013-002588

Date: 31 October 2013

Julian Portelli  
PO Box 17  
Dimbulah 4872

Dear Mr Portelli

**Notice of decision—changed approval (responsible entity)**

**55 Davenport Road Dimbulah, Lot 32 on SP180668**

(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received representations under section 369 of the *Sustainable Planning Act 2009* (SPA) on 25 October 2013 for the original decision described below.

**Applicant details**

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Applicant name: Julian Portelli

**Site details**

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Real property description: Lot 32 on SP180668

Local government area: Tablelands Regional Council

**Application details**

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Proposed development: Request for permissible change to development permit – Aquaculture, request to remove end date and include additional species

Executive Building  
100 George Street Brisbane  
PO Box 15009 City East  
Queensland 4002 Australia  
**Telephone +61 7 3227 8548**  
**Website [www.dsdip.qld.gov.au](http://www.dsdip.qld.gov.au)**  
ABN 29 230 178 530



**Original decision**

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Date of original decision: 29 September 1998  
Original decision details: Approved subject to conditions

A changed decision notice for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the *Sustainable Planning Act 2009*

If you require any further information please contact Julie Colman, on 4048 1118 or email Julie.colman@dspdip.qld.gov.au, who will be pleased to assist.

Yours sincerely



Robin Clark  
Manager (Planning)

enc: Changed decision notice  
Attachment 1—Changed assessment manager conditions  
SPA appeal provisions

Our reference: **SPD-1013-002588**

### **Changed decision notice**

(Given under section 376 of the *Sustainable Planning Act 2009*)

#### **Applicant details**

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Applicant name: Julian Portelli  
 Applicant contact details: PO Box 17  
 Dimbulah QLD 4872

#### **Application details**

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Level of assessment: Code assessment  
 Date of request for change: 25 October 2013

#### **Site details**

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Street address: 55 Davenport Road, Dimbulah  
 Real property description: Lot 32 on SP180668  
 Site area: 67258m2  
 Name of owner: Julian Portelli

#### **Nature of the changes**

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The nature of the changes agreed to are:

1. Condition 1 is altered to include *Anguilla* spp (long finned and short finned eels)
2. Condition 4 is deleted (removing an end date to the development approval)

#### **Original decision**

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Date of original decision: 29 September 1998  
 Original decision details: Approved subject to conditions

#### **Changed decision**

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Date of changed decision: 31 October 2013  
 Changed decision details: Approved subject to conditions

## Conditions

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This approval is subject to:

- the changed assessment manager conditions in Attachment 1.

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

## Aspects of development and development approval granted

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Aspect 1:	Section 369, <i>Sustainable Planning Act 2009</i> , request to change a development approval
Aspect 2:	Development Permit for Aquaculture Freshwater – Growout, DPI&F Reference 2005CA0585, undated

## Further development permits or compliance permits

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Please be advised that the following development permits or compliance permits are required to be obtained before the development can be carried out:

Not applicable

## Self-assessable codes

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Please be advised that the following codes may need to be complied with for self-assessable development related to the approved development:

Not Applicable

## Compliance assessment

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Compliance assessment is required under chapter 6, part 10 of the *Sustainable Planning Act 2009* for the following documents or works in relation to the development:

Not applicable

## Properly made submissions

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Not applicable—No part of the application required impact assessment.

## Conflicts with relevant instruments

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The decision does not conflict with a relevant instrument.

## Rights of appeal

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of

the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the *Sustainable Planning Act 2009*).

Copies of the relevant appeal provisions are attached.

#### **Relevant period for the approval**

---

The development has commenced and the change to conditions removes the lapse date which was previously specified in Condition 4 as 31 October 2013.



Our reference: SPD-1013-002588

**Attachment 1—Changed assessment manager conditions**

No.	Conditions of development approval	Condition timing						
Development Permit - Aquaculture								
Department Agriculture Fisheries and Forestry								
Condition 1	The following are added to the approved species list: <table border="0" style="width: 100%;"> <tr> <td style="text-align: left;"><i>Common Name</i></td> <td style="text-align: left;"><i>Scientific Name</i></td> </tr> <tr> <td>Long finned eels</td> <td>Anguilla reinhardtii</td> </tr> <tr> <td>Short finned eels</td> <td>Anguilla australis</td> </tr> </table>	<i>Common Name</i>	<i>Scientific Name</i>	Long finned eels	Anguilla reinhardtii	Short finned eels	Anguilla australis	From the date of this approval
<i>Common Name</i>	<i>Scientific Name</i>							
Long finned eels	Anguilla reinhardtii							
Short finned eels	Anguilla australis							
Condition 4	The condition is deleted	From the date of this approval						

## **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

### **Chapter 6 Integrated development assessment system (IDAS)**

#### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

###### **360 Application of div 1**

This division applies only during the applicant's appeal period.

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- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

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The assessment manager must consider any representations made to the assessment manager under section 361.

###### **363 Decision about representations**

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  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or
    - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

**364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

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**Chapter 7 Appeals, offences and enforcement****Part 1 Planning and Environment Court****Division 8 Appeals to court relating to development applications and approvals****461 Appeals by applicants**

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  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
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- (a) the giving of a development approval;
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- (3) However, a submitter may not appeal if the submitter—
- (a) withdraws the submission before the application is decided; or
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- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
- (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
- (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
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- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
- (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
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- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
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- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.



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- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
- (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

### **Division 11 Making and appeal to Court**

#### **481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

#### **482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
- (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and

- (ii) the assessment manager for the development application to which the notice relates; and
- (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
- (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and
  - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—

- (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
  - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

**488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

**490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.



Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SPD-0514-007349

**Date: 02/06/2014**

Mr Timothy and Mrs Gail Thiele  
PO Box 159  
Mt Molloy, Qld, 4871

Dear Mr and Mrs Thiele

**Notice of decision—changed approval (responsible entity)**

Development permit for a material change of use to carry out aquaculture (production area of 4.0 hectares) at 1832 Mossman Mount Molloy Road, Julatten, Qld, 4871 described as Lot 2 on RP732519

(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received representations under section 369 of the *Sustainable Planning Act 2009* (SPA) on 19 May 2014 for the original decision described below.

**Applicant details**

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Applicant name: Timothy Neville and Gail Elizabeth Thiele

**Site details**

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Street Address: 1832 Mount Mossman Molly Road, Julatten, Qld, 4871  
Real property description: Lot 2 on RP732519  
Local government area: Mareeba Shire Council

**Application details**

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Proposed development: Development permit for material change of use to carry out aquaculture (production area of 4.0 hectares)

**Original decision**

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Date of Department of Agriculture, Fisheries and Forestry original decision: 21 October 2005  
Original decision details: Approved subject to conditions



A notice of decision for this request for a permissible change is attached.

Copies of the following documents are also attached:

- # relevant appeal provisions in the *Sustainable Planning Act 2009*
- # any plans and specifications approved in relation to the decision notice.

If you require any further information, please contact Joanne Manson, A/Principal Planning Officer, Regional Services – Far North Queensland on (07) 4048 1498 who will be pleased to assist.

Yours sincerely

A handwritten signature in cursive script that reads "Angela Foster". The signature is written in dark ink on a light-colored background.

Angela Foster  
Manager (Planning)

enc: Changed decision notice  
Attachment 1—Changed assessment manager conditions  
SPA appeal provisions

Our reference: SPD-0514-007349

## Notice of decision

(Given under section 376 of the *Sustainable Planning Act 2009*)

### Applicant details

Applicant name:	Timothy Neville and Gail Elizabeth Thiele
Applicant contact details:	PO Box 159 Mt Molloy, Qld, 4871

### Application details

Level of assessment:	Code assessment
Date of request for change:	19 May 2014

### Site details

Street address:	1832 Mossman Mount Molloy Road, Julatten, Qld, 4871
Real property description:	Lot 2 on RP732519
Production site area:	4.0 hectares
Name of owner:	Timothy Neville Thiele and Gail Elizabeth Thiele

### Nature of the changes

The nature of the changes agreed to are:

- 1 Introduce and harvest redclaw crayfish

### Original decision

Date of original decision:	21 October 2005
Original decision details:	Approved subject to conditions

### Changed decision

Date of changed decision:	2 June 2014
Changed decision details:	Approved subject to conditions

### Conditions

This approval is subject to:

- # the changed assessment manager conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

### Aspects of development and development approval granted

Development permit for a material change of use to carry out aquaculture (production area of 4.0 hectares) at 1832 Mossman Mount Molloy Road, Julatten, Qld, 4871 described as Lot 2 on RP732519

### Further development permits or compliance permits

Please be advised that the following development permits or compliance permits are required to be obtained before the development can be carried out:

1. Not applicable

**Self-assessable codes**

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Please be advised that the following codes may need to be complied with for self-assessable development related to the approved development:

- 1 Not applicable

**Compliance assessment**

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Compliance assessment is required under chapter 6, part 10 of the *Sustainable Planning Act 2009* for the following documents or works in relation to the development:

- 1. Not applicable

**Properly made submissions**

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Not applicable—No part of the application required impact assessment.

**Conflicts with relevant instruments**

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This decision does not conflict with a relevant instrument.

**Findings on material questions of fact**

- # Request to change an existing approval under Section 369 of the *Sustainable Planning Act 2009* was lodged with the Department of State Development, Infrastructure and Planning on 19 May 2014.
- # The application was determined to be properly made on 19 May 2014.
- # The permissible change seeks to introduce and harvest redclaw crayfish, as an approved fisheries species, under the aquaculture approval.
- # Redclaw crayfish (*Cherax quadricarinatus*) is on the approved Department of Agriculture, Fisheries and Forestry species list.
- # The aquaculture activity meets the performance outcomes prescribed in Module 3 (Aquaculture) of the State Development Assessment Provisions, version 1.3 published 9 May 2014 and in effect 16 May 2014.

**Evidence or other material on which the findings were based**

- # The development is assessable development under Schedule 3 of the *Sustainable Planning Regulation 2009*, with the chief executive of the act identified as the assessment manager in Schedule 6.
- # State Development Assessment Provisions, version 1.3 published 9 May 2014 and in effect 16 May 2014
- # State Assessment and Referral Agency mapping dated 19 May 2014
- # State Planning Policy December 2013
- # *Fisheries Act 1994*
- # Codes for Australian Aquatic Biota indicates *Cherax quadricarinatus* is native to Queensland

**Rights of appeal**

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right

to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the *Sustainable Planning Act 2009*).

Copies of the relevant appeal provisions are attached.

**Relevant period for the approval**

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This development approval will lapse if development is not started within the relevant periods stated in section 341 of SPA.

**Native title considerations**

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No requirements



Our reference: SPD-0514-007349

**Attachment 1—Changed assessment manager conditions**

No.	Conditions of development approval	Condition timing																										
	Material change of use for a development permit material change of use to carry out aquaculture (production area of 4.0 hectares)																											
	<b>Aquaculture</b> —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of the <b>Department of Agriculture, Fisheries and Forestry</b> to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																											
1.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="0" data-bbox="391 685 1134 1167"> <thead> <tr> <th data-bbox="391 685 762 714"><u>Common Name</u></th> <th data-bbox="762 685 1134 714"><u>Scientific Name</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="391 721 762 750">Australian bass</td> <td data-bbox="762 721 1134 750">Macquaria novemaculeata</td> </tr> <tr> <td data-bbox="391 757 762 786">Barcoo grunter</td> <td data-bbox="762 757 1134 786">Scortum barcoo</td> </tr> <tr> <td data-bbox="391 792 762 822">Barramundi</td> <td data-bbox="762 792 1134 822">Lates calcarifer</td> </tr> <tr> <td data-bbox="391 828 762 857">Eel tail catfish</td> <td data-bbox="762 828 1134 857">Tandanus tandanus</td> </tr> <tr> <td data-bbox="391 864 762 893">Freshwater shrimp</td> <td data-bbox="762 864 1134 902">Macrobrachium rosenbergii</td> </tr> <tr> <td data-bbox="391 900 762 929">Golden perch</td> <td data-bbox="762 900 1134 929">Macquaria ambigua</td> </tr> <tr> <td data-bbox="391 936 762 965">Gulf Saratoga</td> <td data-bbox="762 936 1134 965">Scleropages jardinii</td> </tr> <tr> <td data-bbox="391 972 762 1001">Murray cod</td> <td data-bbox="762 972 1134 1001">Maccullochella peeli peeli</td> </tr> <tr> <td data-bbox="391 1008 762 1037"><b>Redclaw crayfish</b></td> <td data-bbox="762 1008 1134 1037"><b>Cherax quadricarinatus</b></td> </tr> <tr> <td data-bbox="391 1043 762 1072">Silver perch</td> <td data-bbox="762 1043 1134 1072">Bidyanus bidyanus</td> </tr> <tr> <td data-bbox="391 1079 762 1108">Sleepy cod</td> <td data-bbox="762 1079 1134 1108">Oxyeleotris lineolatus</td> </tr> <tr> <td data-bbox="391 1115 762 1144">Southern saratoga</td> <td data-bbox="762 1115 1134 1144">Scleropages leichardti</td> </tr> </tbody> </table>	<u>Common Name</u>	<u>Scientific Name</u>	Australian bass	Macquaria novemaculeata	Barcoo grunter	Scortum barcoo	Barramundi	Lates calcarifer	Eel tail catfish	Tandanus tandanus	Freshwater shrimp	Macrobrachium rosenbergii	Golden perch	Macquaria ambigua	Gulf Saratoga	Scleropages jardinii	Murray cod	Maccullochella peeli peeli	<b>Redclaw crayfish</b>	<b>Cherax quadricarinatus</b>	Silver perch	Bidyanus bidyanus	Sleepy cod	Oxyeleotris lineolatus	Southern saratoga	Scleropages leichardti	Lifetime of approval
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Southern saratoga	Scleropages leichardti																											
2.	This development approval authorises activities within an approved Aquaculture Area of 4.0 hectares as defined within Lot 2 on RP745863.	Lifetime of approval																										
3.	<p>Aquaculture authorised under this approval is limited by the following:</p> <table border="0" data-bbox="391 1402 1134 1637"> <tr> <td data-bbox="391 1402 603 1469">Proposal Details:</td> <td data-bbox="603 1402 1134 1536">Conduct aquaculture on an approved Aquaculture Area of 4.0 hectares (production area) on a total land area of 44.0 hectares.</td> </tr> <tr> <td data-bbox="391 1543 603 1572">Location:</td> <td data-bbox="603 1543 1134 1610">Lot 2 On Rp745863, Parish Of Mar, County Of Dagmar, Shire Of Mareeba</td> </tr> <tr> <td data-bbox="391 1617 603 1646">Address:</td> <td data-bbox="603 1617 1134 1646">Tye Road,, Mt Molloy, QLD 4880</td> </tr> </table>	Proposal Details:	Conduct aquaculture on an approved Aquaculture Area of 4.0 hectares (production area) on a total land area of 44.0 hectares.	Location:	Lot 2 On Rp745863, Parish Of Mar, County Of Dagmar, Shire Of Mareeba	Address:	Tye Road,, Mt Molloy, QLD 4880	Lifetime of approval																				
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Address:	Tye Road,, Mt Molloy, QLD 4880																											
4.	<b><u>The Department of Agriculture, Fisheries and Forestry</u></b> must be informed of any changes to the personal contact details for this Development Approval within 28 working days. <b><u>Email <a href="mailto:planning&amp;assessment@daff.qld.gov.au">planning&amp;assessment@daff.qld.gov.au</a></u></b> .	Lifetime of approval																										
5.	An Aquaculture Production Return must be submitted to the chief executive of the <b>Department of Agriculture, Fisheries and Forestry</b> , by close of business on 31 July each year during the term of this development approval. This includes lodging a "nil return" when no activity has occurred.	Lifetime of approval																										

6.	Under this <b>development</b> approval aquaculture fisheries resources must not be released into Queensland waters other than those waters approved under this development approval.	Lifetime of approval
7.	Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this development approval must not be sold, traded, or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish	Lifetime of approval
8.	Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during reasonable hours.	Lifetime of approval
9.	<p>The species approved under this Authority <b>development approval</b> must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from:</p> <ul style="list-style-type: none"> <li>a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or</li> <li>b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or</li> <li>c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to <b>Department of Agriculture, Fisheries and Forestry</b> Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the</li> </ul>	Lifetime of approval

	Queensland Declared Disease List for that species. A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species	
10.	<p>The species to be farmed under this <b>development approval</b> must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form"(FDU1398) and Pathology Report has been completed and a <b>Department of Agriculture, Fisheries and Forestry</b> officer has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.</p> <p>The Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be given to the <b>Department of Agriculture, Fisheries and Forestry</b> office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date. After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating &amp; Fisheries Patrol. If directed by a <b>Department of Agriculture, Fisheries and Forestry</b> officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.</p>	Lifetime of approval
11.	<b>The possession and use of "regulated fishing apparatus" under the Fisheries Regulation 2008, Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved Aquaculture Area.</b>	Lifetime of approval
12.	The control over the release of water from all ponds, tanks and drainage systems within the approved aquaculture area must be maintained at all times.	Lifetime of approval
13.	A perimeter barrier/fence, which is impervious, must be maintained, for all size classes of the species that are approved under this Authority <b>development approval</b> which are capable of overland escape	Lifetime of approval
14.	All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc.) and associated plumbing, pumps etc. on the approved aquaculture area must be implemented and secured in such a way as to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters.	Lifetime of approval
15.	Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently	Lifetime of approval

	screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved aquaculture area.	
16.	This development approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.	Lifetime of approval
17.	The movement of all barramundi must comply with <b>Department of Agriculture, Fisheries and Forestry</b> 'Health Protocol for the Importation and Movement of Live Barramundi'.	Lifetime of approval



Our reference: SPD-0514-007349

## **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

### **Chapter 6 Integrated development assessment system (IDAS)**

#### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

###### **360 Application of div 1**

This division applies only during the applicant's appeal period.

###### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

###### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

###### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the ***negotiated decision notice***) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or

- (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.

- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

#### 462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### 463 Additional and extended appeal rights for submitters for particular development applications

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency's response mentioned in subsection (2).

#### 464 Appeals by advice agency submitters

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.

- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

### **Division 11 Making and appeal to Court**

#### **481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.



- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

**482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (ii) the assessment manager for the development application to which the notice relates; and
    - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
    - (iii) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
  - (d) if the appellant is a person mentioned in section 466(1)—
    - (i) the chief executive; and
    - (ii) the responsible entity for making the change to which the appeal relates; and
    - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
    - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
  - (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-

respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and
  - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.

- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.



Department of Infrastructure,  
Local Government and Planning

Our reference: SPD-0515-017379

5 June 2015

Daintree Saltwater Barramundi Fish Farms  
Lot 3 Vixies Road  
Wonga Beach QLD 4873

*Att: Mark Hober*

Dear Sir / Madam

**Notice of decision—changed decision notice (assessment manager - responsible entity)**

Development permit for a material change of use for aquaculture on land situated at Vixies Road, Wonga Beach and more particularly described as Lot 3 on SP150448 in the Douglas Shire region

(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning received representations under section 369 of the *Sustainable Planning Act 2009* (SPA) on 1 May 2015 for the original decision described below.

**Applicant details**

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Applicant name: Daintree Saltwater Barramundi Fish Farms

**Site details**

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Real property description: Lot 3 on SP150448  
Local government area: Douglas Shire Council

**Application details**

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Proposed development: Development permit for a material change of use for aquaculture



### Original decision

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Date of original permits / licences (history):	18 September 1988 – Permit for Aquaculture Purposes 7 September 1994 – Permit for Aquaculture Purposes 18 September 1996 – Aquaculture Licence 31 May 2004 – Aquaculture Licence 10 February 2012 – Development Permit for a material change of use to conduct aquaculture
Original decision details:	Approved subject to conditions

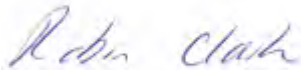
A changed decision notice for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the *Sustainable Planning Act 2009*
- any plans and specifications approved in relation to the decision notice.

If you require any further information, please contact Joanne Manson, Senior Planning Officer, SARA Far North QLD on 4037 3228 who will be pleased to assist.

Yours sincerely



Robin Clark  
Manager (Planning)

enc: Changed decision notice  
Attachment 1—Changed Concurrence agency conditions  
Attachment 2 – Further advice  
SPA appeal provisions  
Approved plans and specifications

Our reference: SPD-0515-017379

### Changed decision notice

(Given under section 376 of the *Sustainable Planning Act 2009*)

#### Applicant details

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Applicant name: Daintree Saltwater Barramundi Fish Farms

Applicant contact details: Lot 3 Vixies Road  
Wonga Beach QLD 4873

#### Application details

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Level of assessment: Code assessment

Original application properly made date: Not known

Date of request for change: 1 May 2015

#### Site details

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Street address: Vixies Road, Wonga Beach QLD 4873

Real property description: Lot 3 on SP150448

Name of owner: Pavel Prokopec

#### Nature of the changes

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The nature of the changes agreed to are:

1. amendment to condition 2 to reference new plans that show the existing production ponds and settlement ponds numbered 1, 2 and 3 within the approved aquaculture area
2. inclusion of two additional species (tropical rock lobster and mud crabs).

### Original decision

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Date of original permits /  
licences (history):

- 18 September 1988 – Permit for Aquaculture Purposes
- 7 September 1994 – Permit for Aquaculture Purposes
- 18 September 1996 – Aquaculture Licence
- 31 May 2004 – Aquaculture Licence
- 10 February 2012 – Development permit for a material change of use to conduct aquaculture

Original decision details: Approved subject to conditions

### Changed decision

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Date of changed decision: 5 June 2015

Changed decision details: Approved subject to conditions

### Conditions

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This approval is subject to:

- the changed concurrence agency conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

### Aspects of development and development approval granted

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Development permit for a material change of use to conduct aquaculture

### Further development permits or compliance permits

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Please be advised that the following development permits or compliance permits are required to be obtained before the development can be carried out:

1. Not applicable

### Self-assessable codes

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Please be advised that the following codes may need to be complied with for self-assessable development related to the approved development:

1. Not applicable

### Compliance assessment

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Compliance assessment is required under chapter 6, part 10 of the *Sustainable Planning Act 2009* for the following documents or works in relation to the development:

1. Not applicable

### Properly made submissions

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Not applicable—No part of the application required impact assessment.

### Conflicts with relevant instruments

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This decision does not conflict with a relevant instrument.

### Rights of appeal

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the *Sustainable Planning Act 2009*).

Copies of the relevant appeal provisions are attached.

### Relevant period for the approval

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This development approval will lapse if development is not started within the relevant periods stated in section 341 of SPA.

### Native title considerations

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Notification for native title was not required.

### Approved plans and specifications

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Copies of the following approved plans and specifications are attached:

Drawing or document	Prepared by	Date	Reference no.	Version
Daintree Saltwater Barramundi Fish Farms Pty Ltd – site plan sheet 1 of 2 – Lot 3 SP150448 Wonga Beach ( <b>as amended in red</b> )	RPS Australia Pty Ltd	27/1/2015	9338-8	N/A
Daintree Saltwater Barramundi Fish Farms Pty Ltd – site plan sheet 2 of 2 – Lot 3 SP150448 Wonga Beach	RPS Australia Pty Ltd	27/1/2015	9338-8	N/A



Our reference: SPD-0515-017379

**Attachment 1—Changed concurrence agency conditions**

No.	Conditions of development approval	Condition timing																																																		
<b>Development permit for a material change of use for aquaculture</b>																																																				
<b>Schedule 6, Table 3, Item 10 – Aquaculture-</b> Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of <b>Department of Agriculture and Fisheries</b> to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																																																				
1.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="1" data-bbox="339 842 1182 2007"> <thead> <tr> <th data-bbox="339 842 791 875"><u>Common Name</u></th> <th data-bbox="791 842 1182 875"><u>Scientific Name</u></th> </tr> </thead> <tbody> <tr><td data-bbox="339 909 791 943">Australian bass</td><td data-bbox="791 909 1182 943"><i>Macquaria novemaculeata</i></td></tr> <tr><td data-bbox="339 954 791 987">Banded rainbowfish</td><td data-bbox="791 954 1182 987"><i>Melanotaenia trifasciata</i></td></tr> <tr><td data-bbox="339 999 791 1032">Barcoo grunter</td><td data-bbox="791 999 1182 1032"><i>Scortum barcoo</i></td></tr> <tr><td data-bbox="339 1043 791 1077">Barramundi</td><td data-bbox="791 1043 1182 1077"><i>Lates calcarifer</i></td></tr> <tr><td data-bbox="339 1088 791 1122">Barramundi cod</td><td data-bbox="791 1088 1182 1122"><i>Cromileptes altivelis</i></td></tr> <tr><td data-bbox="339 1133 791 1167">Barred-cheek coral trout</td><td data-bbox="791 1133 1182 1167"><i>Plectropomus maculatus</i></td></tr> <tr><td data-bbox="339 1178 791 1211">Blue-spot coral trout</td><td data-bbox="791 1178 1182 1211"><i>Plectropomus laevis</i></td></tr> <tr><td data-bbox="339 1223 791 1256">Cobia</td><td data-bbox="791 1223 1182 1256"><i>Rachycentron canadum</i></td></tr> <tr><td data-bbox="339 1267 791 1301">Common coral trout</td><td data-bbox="791 1267 1182 1301"><i>Plectropomus leopardus</i></td></tr> <tr><td data-bbox="339 1312 791 1346">Eel tail catfish</td><td data-bbox="791 1312 1182 1346"><i>Tandanus tandanus</i></td></tr> <tr><td data-bbox="339 1357 791 1391">Estuary cod</td><td data-bbox="791 1357 1182 1391"><i>Epinephelus coioides</i></td></tr> <tr><td data-bbox="339 1402 791 1435">Flowery cod</td><td data-bbox="791 1402 1182 1435"><i>Epinephelus fuscoguttatus</i></td></tr> <tr><td data-bbox="339 1447 791 1480">Freshwater shrimp</td><td data-bbox="791 1447 1182 1480"><i>Macrobrachium rosenbergii</i></td></tr> <tr><td data-bbox="339 1491 791 1525">Golden perch (Cooper Creek strain)</td><td data-bbox="791 1491 1182 1525"><i>Macquaria ambigua n.sp</i></td></tr> <tr><td data-bbox="339 1536 791 1570">Golden perch (Dawson River strain)</td><td data-bbox="791 1536 1182 1570"><i>Macquaria ambigua oriens</i></td></tr> <tr><td data-bbox="339 1581 791 1615">Golden perch (Murray-Darling strain)</td><td data-bbox="791 1581 1182 1615"><i>Macquaria ambigua ambigua</i></td></tr> <tr><td data-bbox="339 1626 791 1659">Golden Snapper</td><td data-bbox="791 1626 1182 1659"><i>Lutjanus johnii</i></td></tr> <tr><td data-bbox="339 1671 791 1704">Gulf Saratoga</td><td data-bbox="791 1671 1182 1704"><i>Scleropages jardinii</i></td></tr> <tr><td data-bbox="339 1715 791 1749">Mahi Mahi</td><td data-bbox="791 1715 1182 1749"><i>Coryphaena hippurus</i></td></tr> <tr><td data-bbox="339 1760 791 1794">Mangrove jack</td><td data-bbox="791 1760 1182 1794"><i>Lutjanus argentimaculatus</i></td></tr> <tr><td data-bbox="339 1805 791 1839">Milkfish</td><td data-bbox="791 1805 1182 1839"><i>Chanos chanos</i></td></tr> <tr><td data-bbox="339 1850 791 1883"><b>Mud crab</b></td><td data-bbox="791 1850 1182 1883"><b><i>Scylla serrata</i></b></td></tr> <tr><td data-bbox="339 1895 791 1928">Mulloway</td><td data-bbox="791 1895 1182 1928"><i>Argyrosomus japonicus</i></td></tr> <tr><td data-bbox="339 1939 791 1973">Murray cod</td><td data-bbox="791 1939 1182 1973"><i>Maccullochella peeli peeli</i></td></tr> </tbody> </table>	<u>Common Name</u>	<u>Scientific Name</u>	Australian bass	<i>Macquaria novemaculeata</i>	Banded rainbowfish	<i>Melanotaenia trifasciata</i>	Barcoo grunter	<i>Scortum barcoo</i>	Barramundi	<i>Lates calcarifer</i>	Barramundi cod	<i>Cromileptes altivelis</i>	Barred-cheek coral trout	<i>Plectropomus maculatus</i>	Blue-spot coral trout	<i>Plectropomus laevis</i>	Cobia	<i>Rachycentron canadum</i>	Common coral trout	<i>Plectropomus leopardus</i>	Eel tail catfish	<i>Tandanus tandanus</i>	Estuary cod	<i>Epinephelus coioides</i>	Flowery cod	<i>Epinephelus fuscoguttatus</i>	Freshwater shrimp	<i>Macrobrachium rosenbergii</i>	Golden perch (Cooper Creek strain)	<i>Macquaria ambigua n.sp</i>	Golden perch (Dawson River strain)	<i>Macquaria ambigua oriens</i>	Golden perch (Murray-Darling strain)	<i>Macquaria ambigua ambigua</i>	Golden Snapper	<i>Lutjanus johnii</i>	Gulf Saratoga	<i>Scleropages jardinii</i>	Mahi Mahi	<i>Coryphaena hippurus</i>	Mangrove jack	<i>Lutjanus argentimaculatus</i>	Milkfish	<i>Chanos chanos</i>	<b>Mud crab</b>	<b><i>Scylla serrata</i></b>	Mulloway	<i>Argyrosomus japonicus</i>	Murray cod	<i>Maccullochella peeli peeli</i>	At all times
<u>Common Name</u>	<u>Scientific Name</u>																																																			
Australian bass	<i>Macquaria novemaculeata</i>																																																			
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No.	Conditions of development approval	Condition timing
	Passionfruit trout <i>Plectropomus areolatus</i> Queensland groper <i>Epinephelus lanceolatus</i> Redclaw crayfish <i>Cherax quadricarinatus</i> Sand whiting <i>Sillago ciliata</i> Silver perch <i>Bidyanus bidyanus</i> Sleepy cod <i>Oxyeleotris lineolatus</i> Snapper <i>Pagrus auratus</i> Southern saratoga <i>Scleropages leichardti</i> Spangled perch <i>Leiopotherapon unicolor</i> <b>Tropical rock lobster</b> <i>Panulirus ornatus</i> Yabby <i>Cherax destructor</i>	
2.	<p>This development approval authorises activities within an approved Aquaculture Area of 3.34 hectares defined within Lot 3 on SP150448 and described in Drawing No. SC1010-S1 Rev A dated November 20052 submitted with the transfer application.</p> <p><b>This development approval authorises activities within an approved Aquaculture Area of 22.67 hectares defined within Lot 3 on SP150448 (this includes approximate area of 3.42 hectares of production ponds and 19.25 hectares of settlement ponds identified as number 1, 2 and 3) as shown in the following plans:</b></p> <ul style="list-style-type: none"> <li>• <b>Daintree Saltwater Barramundi Fish Farms Pty Ltd, Site Plan sheet 1 of 2, Lot 3 SP150448 Wonga Beach, prepared by RPS Australia East Pty Ltd, Drawing number 9338-8, dated 27/1/2015 (as amended in red); in particular</b> <ul style="list-style-type: none"> <li>○ <b>settlement pond 4 identified within the area hatched red is not included in the approved aquaculture area</b></li> </ul> </li> </ul> <p><b>Daintree Saltwater Barramundi Fish Farms Pty Ltd, Site Plan sheet 2 of 2, Lot 3 SP150448 Wonga Beach, prepared by RPS Australia East Pty Ltd, Drawing number 9338-8, dated 27/1/2015</b></p>	At all times
3.	<p><del>Aquaculture authorised under this approval is limited by the following:</del></p> <p><del>Proposal details:</del></p> <p><del>Conduct aquaculture on an approved Aquaculture Area of 3.34 hectares (production area) on a total land area of 49.68 hectares</del></p> <p><del>Location:</del></p> <p><del>Lot 3 on SP150448, Parish of Whyanbeel, County of Solander, Shire of Douglas</del></p> <p><del>Address:</del></p> <p><del>Vixies Road, Wonga Beach, QLD</del></p>	At all times
4.	<del>DEED</del> The Department of Agriculture and Fisheries must be	At all times

No.	Conditions of development approval	Condition timing
	informed of any changes to the personal contact details for this Development Approval within 28 working days.	
5.	An Aquaculture Production Return must be submitted to the chief executive of <del>DEED</del> <b>the Department of Agriculture and Fisheries</b> by close of business on 31 July each year during the term of this Development Approval. This includes lodging a 'nil return' when no activity has occurred.	At all times
6.	Under this approval aquaculture fisheries resources must not be released in Queensland waters other than those waters approved under this Development Approval.	At all times
7.	Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded, or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	At all times
8.	Any Development Approval and/or Resource Allocation Authority Area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during reasonable hours.	At all times
9.	<p>The species approved under this Authority must not be brought in Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from:</p> <ul style="list-style-type: none"> <li>a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or</li> <li>b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or</li> <li>c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer <del>DEED</del> <b>Department of Agriculture and Fisheries</b> Health Translocation Protocols appropriate for approved species) to provide evidence that the batch is free from infection by diseases of concern on the</li> </ul>	At all times

No.	Conditions of development approval	Condition timing
	<p>Queensland Declared Disease List for that species</p> <p>A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species.</p>	
10.	<p>The species to be farmed under this approval must not be brought into Queensland for rearing unless an “Application to all the Translocation of Live Aquatic Animals into and within Queensland form” (FDU1398) and Pathology Report (as detailed above) must be given within three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date.</p> <p>After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating and Fisheries Patrol. If directed by a <del>DEED</del> <b>Department of Agriculture and Fisheries</b> officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.</p>	At all times
11.	<p>The possession and use of “regulated fishing apparatus” under the Fisheries Regulation 2008, Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine) area authorised at the approved Aquaculture Area.</p>	At all times
12.	<p>The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times.</p>	At all times
13.	<p><del>A perimeter barrier/fence, which is impervious, must be maintained, for all size classes of the species that are approved under this Authority which are capable of overland escape.</del></p> <p><b>A barrier/fence, which is impervious, must be maintained, for all size classes of the species that are approved under this Authority which are capable of overland escape.</b></p>	At all times
14.	<p>All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc.) and associated plumbing, pumps etc. on the approved Aquaculture Area must be implemented and secured in such a way as to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters.</p>	At all times
15.	<p>Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area.</p>	At all times
16.	<p>This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that</p>	At all times



No.	Conditions of development approval	Condition timing
	allows the sale of the approved species.	
17.	<b>The movement of animals of any species cultivated under this approval must comply with the relevant species specific health protocol.</b>	At all times
18.	The movement of all barramundi must comply with <del>DEED</del> <b>the Department of Agriculture and Fisheries 'Health Protocol for the Importation and Movement of Live Barramundi'</b> .	At all times
19.	<b>The movement of all live marine crustaceans must comply with the Department of Agriculture and Fisheries 'Health Protocol for the movement of live marine crustaceans including crabs, lobsters and bugs'.</b>	At all times
20.	No water or organisms originating from the aquaculture of exotic species is permitted to reach Queensland waters (as defined in the <i>Fisheries Act 1994</i> ).	At all times
21.	All containers used to aquaculture of exotic species are to be screened to exclude vertebrate predators (eg. Birds).	At all times
22.	Containers used to aquaculture exotic species must be constructed on land this is situated above the 1:100 (Q100) flood level.	At all times
23.	Filters or screens must be installed to ensure that all waters leaving containers used for aquaculture of exotic species are treated to prevent escape of eggs, juveniles or adults.	At all times
24.	<p>This development permit extends to authorising the removal and disposal of marine plants on the two constructed drains on the eastern and western boundaries of the property and the approved Aquaculture Area where:</p> <ul style="list-style-type: none"> <li>a) the removal of marine plants, which have self propagated, is required for the maintenance of the two constructed drains on the eastern and western boundaries of the property; and</li> <li>b) <del>with respect to those species of marine plants, and with respect to that part of the aquaculture site, for which a Marine Plant Permit has been previously issued for initial site works (as per expired DPI Plan No. 01NOCA7965MP0238)</del></li> </ul> <p><b>the removal of marine plants is consistent with the Marine Plant Permit previously issued for initial site works (as per expired DPI Plan No 01NOCA7965MP0238); and</b></p> <ul style="list-style-type: none"> <li>c) <del>where</del> the removal of marine plants, which have self propagated, is required for the maintenance of aquaculture structures such as channels, drains and ponds on the approved Aquaculture Area, <b>excluding settlement ponds 1, 2 and 3 as shown on Daintree Saltwater Barramundi Fish Farms Pty Ltd, Site Plan sheet 1 of 2 Lot 3 SP150448 Wonga Beach, RPS Australia East Pty Ltd, 9338-8, 27/1/2015 (as amended in red).</b></li> </ul>	At all times

No.	Conditions of development approval	Condition timing
	<p>The developer is not authorised to conduct further clearing or maintenance of marine plants outside the approved Aquaculture Area, or to start new site works within the approved area.</p> <p><b>The developer is not authorised to remove, damage or destroy any marine plants within settlement ponds 1, 2 and 3 or outside the approved aquaculture area to start new site works.</b></p>	

## Attachment 2— Further advice

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General advice	
1.	<p>Any future development application for the proposed expansion is likely to trigger state assessment for the following matters of interest under the <i>Sustainable Planning Regulation 2009</i>:</p> <ul style="list-style-type: none"> <li>• aquaculture</li> <li>• development within the coastal management district</li> <li>• clearing vegetation</li> <li>• environmentally relevant activity</li> <li>• impacts on a state-controlled road; and</li> <li>• removal, destruction or damage of marine plants.</li> </ul> <p>It is recommended Douglas Shire Council is also consulted to discuss its requirements under the planning scheme.</p>
2.	<p>It is also recommended prior to lodging any development application that a pre-lodgement meeting is held the State Assessment and Referral Agency division of the department. This meeting can also include Douglas Shire Council if required. Please contact the State Assessment and Referral Agency on 4037 3209 to arrange a meeting.</p>

## ***Sustainable Planning Act 2009*—Representation and appeal provisions**

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The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

### **Chapter 6 Integrated development assessment system (IDAS)**

#### **Part 8 Dealing with decision notices and approvals**

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##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

###### **360 Application of div 1**

This division applies only during the applicant's appeal period.

###### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

###### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

###### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and



- (b) must comply with section 335; and
- (c) must state the nature of the changes; and
- (d) replaces—
  - (i) the decision notice previously given; or
  - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

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## Division 8 Appeals to court relating to development applications and approvals

### 461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the *applicant's appeal period*) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

### 462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the *submitter's appeal period*) after the decision notice or negotiated decision notice is given to the submitter.

### 463 Additional and extended appeal rights for submitters for particular development applications

- (1) This section applies to a development application to which chapter 9, part 7 applies.

- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

### **Division 11 Making and appeal to Court**

#### **481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

#### **482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or



- (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (ii) the assessment manager for the development application to which the notice relates; and
    - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
    - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
  - (d) if the appellant is a person mentioned in section 466(1)—
    - (i) the chief executive; and
    - (ii) the responsible entity for making the change to which the appeal relates; and
    - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
    - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
  - (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
- (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
- (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.

- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and
  - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.



**IMPORTANT NOTE**

This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified.  
 All lots, areas and dimensions are approximate only. Subject to relevant studies, Survey, Engineering and Government approvals.  
 No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage, suffered howsoever arising to any person who may use or rely on this plan.

Detail survey data shown has been compiled from various surveys from 2000 to 2005.

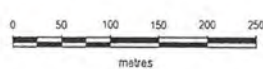
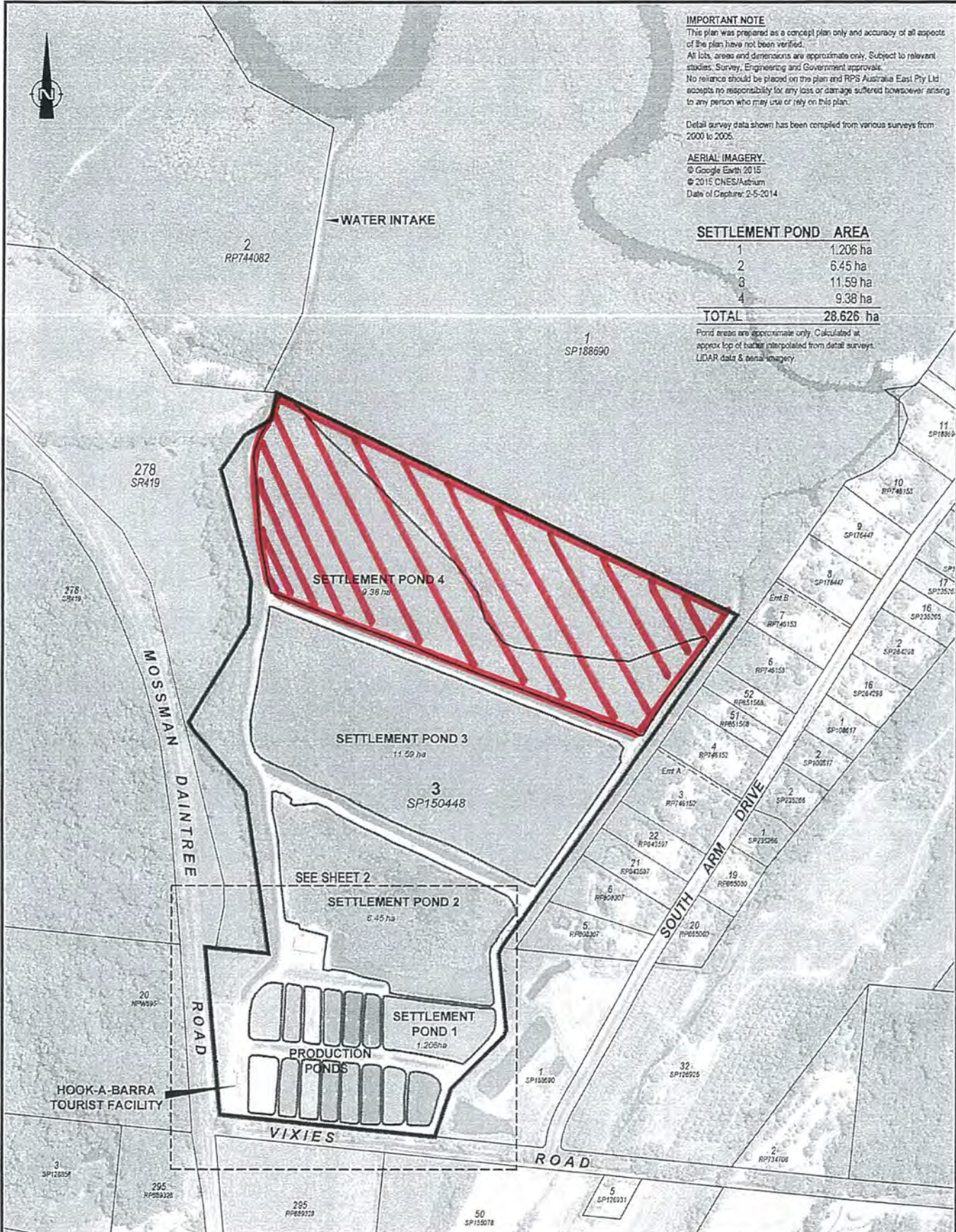
**AERIAL IMAGERY**

© Google Earth 2015  
 © 2015 CHES/Asbium  
 Date of Capture: 2-5-2014

**SETTLEMENT POND AREA**

SETTLEMENT POND	AREA
1	1.206 ha
2	6.45 ha
3	11.59 ha
4	9.38 ha
<b>TOTAL</b>	<b>28.626 ha</b>

Pond areas are approximate only. Calculated at approx top of banks interpolated from detail surveys, LIDAR data & aerial imagery.



SCALE 1:5000 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A3)

AMENDMENTS	PROJECT MANAGER O Caddick-King
	SURVEYED 2000-2005
	COMPILED AMK
CAD REF 9338-8 DWG	SHEET 1 OF 2 SHEET SIZE A3

**DAINTREE SALTWATER BARRAMUNDI FISH FARMS PTY LTD**

**SITE PLAN SHEET 1 OF 2**

LOT 3 SP150448  
 WONGA BEACH

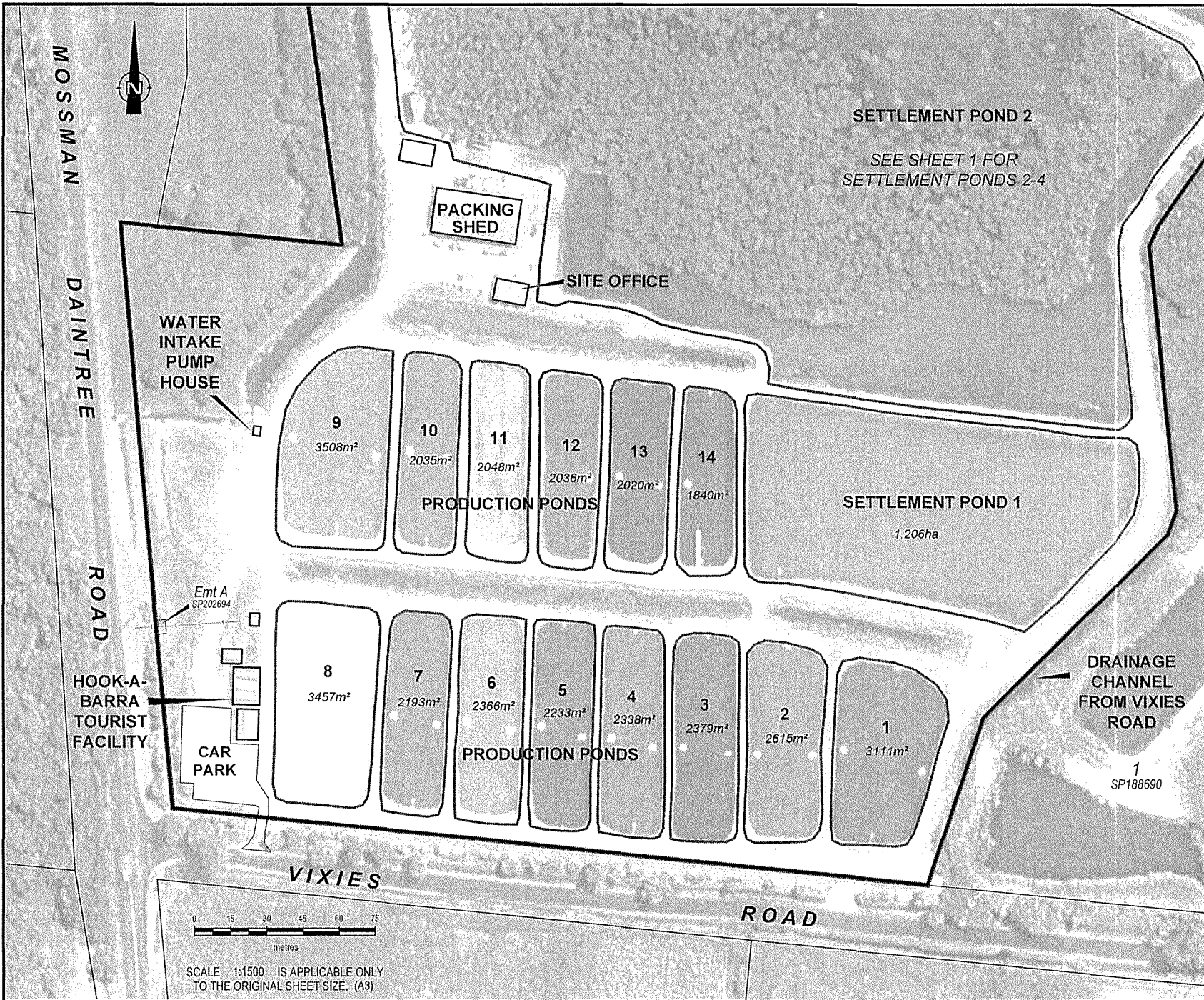
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SCALE 1:5000	DATE 27/1/2015	DRAWING NO 9338-8	ISSUE
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**IMPORTANT NOTE**

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Detail survey data shown has been compiled from various surveys from 2000 to 2005.

**AERIAL IMAGERY.**  
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Date of Capture: 2-5-2014

PRODUCTION POND	AREA
1	3111m <sup>2</sup>
2	2615m <sup>2</sup>
3	2379m <sup>2</sup>
4	2338m <sup>2</sup>
5	2233m <sup>2</sup>
6	2366m <sup>2</sup>
7	2193m <sup>2</sup>
8	3457m <sup>2</sup>
9	3508m <sup>2</sup>
10	2035m <sup>2</sup>
11	2048m <sup>2</sup>
12	2036m <sup>2</sup>
13	2020m <sup>2</sup>
14	1840m <sup>2</sup>
<b>TOTAL</b>	<b>34179m<sup>2</sup></b>

Pond areas calculated at top of batter.

PROJECT MANAGER O. Caddick-King	SURVEYED 2000-2005
COMPILED AMK	CAD REF 9338-8.DWG
SHEET SIZE A3	SHEET OF SHEETS 1 1

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**DAINTREE SALTWATER BARRAMUNDI FISH FARMS PTY LTD**

**SITE PLAN**  
SHEET 2 OF 2  
LOT 3 SP150448  
WONGA BEACH

SCALE <b>1:1500</b>	DATE 27/1/2015	DRAWING NO <b>9338-9</b>	ISSUE
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Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SPD-0714-009859

11 August 2014

Leslie D'Arcy  
C/- The D'Arcy Group P/L ATF The D'Arcy Family Trust  
PO Box 964  
Cairns QLD 4870

Dear Mr D'Arcy

**Notice of decision—changed approval (responsible entity)**

Development permit for a material change of use to carry out aquaculture (production area 5.5 hectares) at 2L and 4L Pine Creek Road, East Trinity QLD 4871, formally described as part Lot 2 on SP132057 and part Lot 4 on SP167917.

(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received representations under section 369 of the *Sustainable Planning Act 2009* on 29 July 2014 for the original decision described below.

**Applicant details**

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Applicant name: The D'Arcy Group P/L ATF The D'Arcy Family Trust

**Site details**

---

Lot on plan: Part Lot 2 on SP132057 and part Lot 4 on SP167917

Local government area: Cairns Regional Council

**Application details**

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Proposed development: Development permit for material change of use to carry out aquaculture (production area of 5.5 hectares)

**Original decision**

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Date of original decision: 22 August 2006  
Original decision details: Approved subject to conditions

A changed decision notice for this request is attached.

Copies of the relevant appeal provisions in the Act are also attached.

For further information, please contact Jenny Sapuppo, Principal Planning Officer, Regional Services – Far North Queensland on (07) 4037 3202 who will be pleased to assist.

Yours sincerely



Robin Clark  
Manager (Planning)

enc: Changed decision notice  
Attachment 1—Changed assessment manager conditions  
Attachment 2—SPA appeal provisions

Our reference: SPD-0714-009859

### Changed decision notice

(Given under section 376 of the *Sustainable Planning Act 2009*)

#### Applicant details

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Applicant name: The D'Arcy Group P/L ATF The D'Arcy Family Trust  
 Applicant contact details: PO Box 964  
 Cairns QLD 4870

#### Application details

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Level of assessment: Code assessment  
 Date of request for change: 29 July 2014

#### Site details

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Street address: 2L and 4L Pine Creek Road, East Trinity QLD 4871  
 Lot on plan: Part Lot 2 on SP132057 and part Lot 4 on SP167917  
 Name of owner: Lot 2 on SP132057  
 The D'Arcy Group Pty Ltd A.C.N. 074 115 138  
 Trustee under instrument no. 706012539  
  
Lot 4 on SP167917  
 William Thomas D'Arcy  
 Kenneth D'Arcy  
 Trustee under instrument no. 708136899

#### Nature of the changes

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The nature of the changes agreed to are:

1. Delete condition 4.
2. The approval has been amended to cover additional species, including:
  - Barramundi (*Lates calcarifer*)
  - Mangrove jack (*Lutjanus argentimaculatus*)
  - Sleepy cod (*Oxyeleotris lineolatus*)
  - Barcoo grunter (*Scortum barcoo*) (also known as Jade perch)

- mud crab (*Scylla serrate*)
- eels (*Anguilla reinhardtii*)
- eels (*Anguilla australis*)
- eels *Anguilla australis*.

Note: The approval has been amended to allow the culture of all marine fin fish (Group ML1), all freshwater finfish (Group F1), and all crab culture (Group ML3) as these are all native species that are approved for culture in Queensland

### Original decision

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Date of original decision: 22 August 2006  
 Original decision details: Approved subject to conditions

### Changed decision

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Date of changed decision: 11 August 2014  
 Changed decision details: Approved subject to conditions

### Conditions

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This approval is subject to the changed assessment manager conditions in Attachment 1. The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

### Aspects of development and development approval granted

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Development permit for a material change of use to carry out aquaculture (production area 5.5 hectares) at 2L and 4L Pine Creek Road, East Trinity, formally described as part Lot 2 on SP132057 and part Lot 4 on SP167917.

### Rights of appeal

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

### Relevant period for the approval

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This development approval will lapse if development is not started within the relevant periods stated in section 341 of the *Sustainable Planning Act 2009*.



Our reference: SPD-0714-009859

**Attachment 1—Changed assessment manager conditions**

No.	Conditions of development approval	Condition timing																																						
Material change of use for a development permit material change of use to carry out aquaculture (production area of 5.5 hectares)																																								
<p><b>Aquaculture</b>—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of the <b>Department of Agriculture, Fisheries and Forestry</b> to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>																																								
1.	<p><b>The operator is authorised to conduct aquaculture with respect to the following approved species:</b></p> <table border="1"> <thead> <tr> <th data-bbox="316 880 831 913"><u>Common Name</u></th> <th data-bbox="831 880 1401 913"><u>Scientific Name</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="316 925 831 992">Australian bass</td> <td data-bbox="831 925 1401 992"><i>Macquaria novemaculeata</i></td> </tr> <tr> <td data-bbox="316 1003 831 1070">Banana prawn</td> <td data-bbox="831 1003 1401 1070"><i>Penaeus merguensis</i></td> </tr> <tr> <td data-bbox="316 1081 831 1126">Barcoo grunter</td> <td data-bbox="831 1081 1401 1126"><i>Scortum barcoo</i></td> </tr> <tr> <td data-bbox="316 1137 831 1171">Barramundi</td> <td data-bbox="831 1137 1401 1171"><i>Lates calcarifer</i></td> </tr> <tr> <td data-bbox="316 1182 831 1216">Barramundi cod</td> <td data-bbox="831 1182 1401 1216"><i>Cromileptes altivelis</i></td> </tr> <tr> <td data-bbox="316 1227 831 1294">Barred-cheek coral trout</td> <td data-bbox="831 1227 1401 1294"><i>Plectropomus maculatus</i></td> </tr> <tr> <td data-bbox="316 1305 831 1350">Black tiger prawn</td> <td data-bbox="831 1305 1401 1350"><i>Penaeus monodon</i></td> </tr> <tr> <td data-bbox="316 1361 831 1395">Blue Swimmer Crab</td> <td data-bbox="831 1361 1401 1395"><i>Portunus pelagicus</i></td> </tr> <tr> <td data-bbox="316 1406 831 1440">Blue-spot coral trout</td> <td data-bbox="831 1406 1401 1440"><i>Plectropomus laevis</i></td> </tr> <tr> <td data-bbox="316 1451 831 1485">Brown tiger prawn</td> <td data-bbox="831 1451 1401 1485"><i>Penaeus esculentus</i></td> </tr> <tr> <td data-bbox="316 1496 831 1574">Cobia</td> <td data-bbox="831 1496 1401 1574"><i>Rachycentron canadum</i></td> </tr> <tr> <td data-bbox="316 1585 831 1653">Common coral trout</td> <td data-bbox="831 1585 1401 1653"><i>Plectropomus leopardus</i></td> </tr> <tr> <td data-bbox="316 1664 831 1697">Eel tail catfish</td> <td data-bbox="831 1664 1401 1697"><i>Tandanus tandanus</i></td> </tr> <tr> <td data-bbox="316 1709 831 1742">Eels</td> <td data-bbox="831 1709 1401 1742"><i>Anguilla reinhardtii</i></td> </tr> <tr> <td data-bbox="316 1753 831 1787">Eels</td> <td data-bbox="831 1753 1401 1787"><i>Anguilla australis</i></td> </tr> <tr> <td data-bbox="316 1798 831 1832">Eels</td> <td data-bbox="831 1798 1401 1832"><i>Anguilla obscura</i></td> </tr> <tr> <td data-bbox="316 1843 831 1910">Estuary cod</td> <td data-bbox="831 1843 1401 1910"><i>Epinephelus coioides</i></td> </tr> <tr> <td data-bbox="316 1921 831 1955">Flowery cod</td> <td data-bbox="831 1921 1401 1955"><i>Epinephelus fuscoguttatus</i></td> </tr> </tbody> </table>	<u>Common Name</u>	<u>Scientific Name</u>	Australian bass	<i>Macquaria novemaculeata</i>	Banana prawn	<i>Penaeus merguensis</i>	Barcoo grunter	<i>Scortum barcoo</i>	Barramundi	<i>Lates calcarifer</i>	Barramundi cod	<i>Cromileptes altivelis</i>	Barred-cheek coral trout	<i>Plectropomus maculatus</i>	Black tiger prawn	<i>Penaeus monodon</i>	Blue Swimmer Crab	<i>Portunus pelagicus</i>	Blue-spot coral trout	<i>Plectropomus laevis</i>	Brown tiger prawn	<i>Penaeus esculentus</i>	Cobia	<i>Rachycentron canadum</i>	Common coral trout	<i>Plectropomus leopardus</i>	Eel tail catfish	<i>Tandanus tandanus</i>	Eels	<i>Anguilla reinhardtii</i>	Eels	<i>Anguilla australis</i>	Eels	<i>Anguilla obscura</i>	Estuary cod	<i>Epinephelus coioides</i>	Flowery cod	<i>Epinephelus fuscoguttatus</i>	At all times
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2.	This development approval authorises activities within an approved Aquaculture Area of 5.5 hectares (which comprises 2.5 hectares for prawn production on Lot 2 on SP132057, and 3.0 hectares for freshwater prawn and crayfish production on Lot 2 on SP132057 and Lot 4 on SP134778) defined within Lot 2 on SP132057 and within Lot 4 on SP134778	At all times																																												
3.	<p>Aquaculture authorised under this approval is limited by the following:</p> <p>Proposal Details: Conduct aquaculture on an approved Aquaculture Area of 5.5 hectares (production area) on a total land area of 141.1 hectares on Lot 2 on SP132057.</p> <p>Location: Part Of Lot 2 On SP132057, Parish Of Trinity, County Of Nares, Shire Of Cairns and Part Of Lot 4 On SP167917, Parish Of Trinity, County Of Nares, Shire Of Cairns</p>	At all times																																												

No.	Conditions of development approval	Condition timing
	<b>Address: 2L and 4L Pine Creek Road, East Trinity QLD 4871</b>	
4.	The Department of Agriculture, Fisheries and Forestry must be informed of any changes to the personal contact details for this Development Approval within 28 working days. Email <a href="mailto:planning&amp;assessment@daff.qld.gov.au">planning&amp;assessment@daff.qld.gov.au</a>	At all times
5.	An Aquaculture Production Return must be submitted to the chief executive of the Department of Agriculture, Fisheries and Forestry, by close of business on 31 July each year during the term of this Development Approval. This includes lodging a "nil return" when no activity has occurred.	At all times
6.	Under this Development Approval, aquaculture fisheries resources must not be released into Queensland waters other than those waters approved under this Development Approval.	At all times
7.	Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded, or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish	At all times
8.	Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the Fisheries Act 1994 during reasonable hours.	At all times
9.	<p>The species approved under this Development Approval must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from:</p> <ul style="list-style-type: none"> <li>a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or</li> <li>b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or</li> <li>c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to Department of Primary Industries, Fisheries and Forestry Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</li> </ul> <p>A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species</p>	At all times
10.	The species to be farmed under this Development Approval must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form"(FDU1398) and Pathology Report has been completed and a Department of Agriculture, Fisheries and Forestry officer has provided	At all times

No.	Conditions of development approval	Condition timing
	<p>written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.</p> <p>The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be given to the Department of Agriculture, Fisheries and Forestry office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date. After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating &amp; Fisheries Patrol. If directed by a Department of Agriculture, Fisheries and Forestry officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.</p>	
11.	<p><b>The possession and use of "regulated fishing apparatus" under the Fisheries Regulation 2008, Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved Aquaculture Area.</b></p>	At all times
12.	<p>The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times.</p>	At all times
13.	<p>A perimeter barrier/fence, which is impervious, must be maintained, for all size classes of the species that are approved under this Authority which are capable of overland escape.</p>	At all times
14.	<p>All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc.) and associated plumbing, pumps etc. on the approved Aquaculture Area must be implemented and secured in such a way as to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters.</p>	At all times
15.	<p>Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area.</p>	At all times
16.	<p>This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.</p>	At all times
17.	<p>For the movement of live penaeid broodstock the developer must comply with the Health Protocol for the Importation of Selected Live Penaeid Species from Outside Queensland's East Coast Waters (i.e. Gulf of Carpentaria, Torres Strait, Northern Territory and Western Australia).</p>	At all times



Our reference: SPD-0714-009859

## Attachment 2—SPA Appeal Provisions

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### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

##### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

##### **360 Application of div 1**

This division applies only during the applicant's appeal period.

##### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

##### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

##### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or

- (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—

- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

#### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—
- (a) the part of the approval relating to the assessment manager’s decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager’s decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
- (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
- (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the ***submitter’s appeal period***) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency’s response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency’s response to the extent it relates to—
- (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
- (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency’s response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
- (a) any part of the approval relating to the assessment manager’s decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager’s decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

### **Division 11 Making and appeal to Court**

#### **481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

#### **482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—



- (i) the chief executive; and
- (ii) the assessment manager; and
- (iii) any referral agency; and
- (iv) the applicant; or
- (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
  - (i) the chief executive; and
  - (ii) the assessment manager for the development application to which the notice relates; and
  - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
  - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
  - (i) the chief executive; and
  - (ii) the responsible entity for making the change to which the appeal relates; and
  - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
  - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and
  - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and

- (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.



Department of Infrastructure,  
Local Government and Planning

Our reference: SPD-0915-021481

15 October 2015

Melivan Pty Ltd  
PO Box 68  
Kurrimine Beach QLD 4871

Email: matzan@bigpond.com

Dear Sir / Madam

**Notice of decision—changed approval (responsible entity)**

Development permit for a material change for aquaculture (marine species) on land located at Murdering Point Road, Kurrimine Beach and more particularly described as Lot 5 on RP74200, Lot 6 on RP74240 and Lot 1 on SP239450  
(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning received representations under section 369 of the *Sustainable Planning Act 2009* on 27 September 2015 for the original decision described below.

**Applicant details**

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Applicant name: Melivan Pty Ltd

**Site details**

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Lot on plan: Lot 5 on RP742700, Lot 6 on RP742700 and Lot 1 on SP239450

Local government area: Cassowary Coast Regional Council

**Application details**

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Proposed development: Development permit for a material change of use for aquaculture (marine species)

**Original decision**

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Date of original decision: 1 August 1996  
Original decision details: Approved subject to conditions

A changed decision notice for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the Act
- any plans and specifications approved in relation to the decision notice.

For further information, please contact Joanne Manson, Senior Planning Officer, SARA Far North QLD on 4037 3228 or email [joanne.manson@dilgp.qld.gov.au](mailto:joanne.manson@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Brett Nancarrow  
A/Manager (Planning)

enc: Changed decision notice  
Attachment 1—Changed assessment manager conditions  
Attachment 2—SPA appeal provisions



Our reference: SPD-0915-021481

**Changed decision notice** [please notate changed details in the following sections]  
(Given under section 376 of the *Sustainable Planning Act 2009*)

### Applicant details

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Applicant name: Melivan Pty Ltd  
 Applicant contact details: PO Box 68  
 Kurrimine Beach QLD 4871

### Application details

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Level of assessment: Code assessment  
 Original application properly made date: Not known  
 Date of request for change: 27 September 2015

### Site details

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Street address: Murdering Point Road, Kurrimine Beach  
 Lot on plan: Lot 5 on RP742700, Lot 6 on RP742700 and  
 Lot 1 on SP239450  
 Name of owner: Cassowary Coast Regional Council

### Nature of the changes

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The nature of the changes agreed to are:

1. **Conditions 2 and 3 amended** – to include reference to Lot 1 on SP239450
2. **Deletion of condition 4** - currency period
3. **Deletion of condition 5** - validity of approval subject to tenure negotiations

### Original decision

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Date of original decision: 1 August 1996  
 Original decision details: Approved subject to conditions  
 Date of changed decision: 21 June 2013  
 Changed decision details: Approved subject to conditions

### Changed decision

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Date of changed decision: 15 October 2015

Changed decision details: Approved subject to conditions

### Conditions

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This approval is subject to:

- the changed assessment manager conditions in Attachment 1.

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

### Aspects of development and development approval granted

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Development permit for a material change of use for aquaculture (marine species)

### Further development permits or compliance permits

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Please be advised that the following development permits or compliance permits are required to be obtained before the development can be carried out:

1. Not applicable

### Self-assessable codes

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Please be advised that the following codes may need to be complied with for self-assessable development related to the approved development:

1. Not applicable

### Compliance assessment

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Compliance assessment is required under chapter 6, part 10 of the *Sustainable Planning Act 2009* for the following documents or works in relation to the development:

1. Not applicable

### Properly made submissions

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Not applicable—No part of the application required impact assessment.

**Conflicts with relevant instruments**

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This decision does not conflict with a relevant instrument.

**Rights of appeal**

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

**Relevant period for the approval**

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This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.

**Native title considerations**

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Notification for native title was not required.

Our reference: SPD-0915-021481

**Attachment 1—Changed assessment manager conditions**

No.	Conditions of development approval	Condition timing										
<b>Development permit for a material change of use for aquaculture (marine species)</b>												
<b>Schedule 6, Table 3, Item 10- Aquaculture</b> - Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the <b>Department of Agriculture and Fisheries</b> to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):												
1.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="0"> <tr> <td><u>Common Name</u></td> <td><u>Scientific Name</u></td> </tr> <tr> <td>Banana prawn</td> <td><i>Penaeus merguensis</i></td> </tr> <tr> <td>Black tiger prawn</td> <td><i>Penaeus monodon</i></td> </tr> <tr> <td>Brown tiger prawn</td> <td><i>Penaeus esculentus</i></td> </tr> <tr> <td>Kuruma prawn</td> <td><i>Penaeus japonicus</i></td> </tr> </table>	<u>Common Name</u>	<u>Scientific Name</u>	Banana prawn	<i>Penaeus merguensis</i>	Black tiger prawn	<i>Penaeus monodon</i>	Brown tiger prawn	<i>Penaeus esculentus</i>	Kuruma prawn	<i>Penaeus japonicus</i>	At all times
<u>Common Name</u>	<u>Scientific Name</u>											
Banana prawn	<i>Penaeus merguensis</i>											
Black tiger prawn	<i>Penaeus monodon</i>											
Brown tiger prawn	<i>Penaeus esculentus</i>											
Kuruma prawn	<i>Penaeus japonicus</i>											
2.	This development approval authorises activities within an approved Aquaculture Area of 10.0 hectares defined within Lots 5 & 6 on RP742700 <b>and Lot 1 on SP239450.</b>	At all times										
3.	<p>Aquaculture authorised under this approval is limited by the following:</p> <p>Proposal Details: Conduct prawn aquaculture on an approved Aquaculture Area of 10.0 hectares (production area) on a total land area of 13.2 hectares.</p> <p>Location: Lots 5 &amp; 6 On Rp742700 <b>and Lot 1 on SP239450</b></p> <p>Address: Kurrimine Beach Road, Kurrimine, QLD 4871</p>	At all times										
4.	<del>This Development Approval is for the period Thursday 1 August 1996 until Sunday 31 July 2016.</del>	At all times										
5.	<del>This approval is valid only if negotiations between the applicant and the State continue to resolve the tenure related to issues of the operation encroaching on State land boundaries. DAFF must be advised of the result of the tenure negotiations as soon as a decision is issued.</del>	At all times										
6.	Department of Agriculture and Fisheries must be informed of any changes to the personal contact details for this Development Approval within 28 working days.	At all times										
7.	An Aquaculture Production Return must be submitted to the chief executive of the Department of Agriculture and Fisheries, by close of business on 31 July each year during the term of this Development Approval. This includes lodging a "nil return" when no activity has occurred.	At all times										
8.	Under this approval aquaculture fisheries resources must not be released into Queensland waters other than those waters approved under this Development Approval.	At all times										



No.	Conditions of development approval	Condition timing
9.	Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded, or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish	At all times
10.	Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during reasonable hours	At all times
11.	<p>The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from:</p> <ul style="list-style-type: none"> <li>a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or</li> <li>b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or</li> <li>c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to Department of Agriculture and Fisheries Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species. A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species</li> </ul>	At all times
12.	<p>The species to be farmed under this approval must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form"(FDU1398) and Pathology Report has been completed and a Department of Agriculture and Fisheries officer has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.</p> <p>The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of</p>	At all times

No.	Conditions of development approval	Condition timing
	<p>the Pathology Report (as detailed above) must be given to the DAF office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date.</p> <p>After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating &amp; Fisheries Patrol. If directed by a Department of Agriculture and Fisheries officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.</p>	
13.	The possession and use of "regulated fishing apparatus" under the Fisheries Regulation 2008, Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved Aquaculture Area.	At all times
14.	The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times.	At all times
15.	All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc.) and associated plumbing, pumps etc. on the approved Aquaculture Area must be implemented and secured in such a way as to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters.	At all times
16.	Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area.	At all times
17.	This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.	At all times
18.	For the movement of live penaeid broodstock the developer must comply with the Health Protocol for the Importation of Selected Live Penaeid Species from Outside Queensland's East Coast Waters (i.e. Gulf of Carpentaria, Torres Strait, Northern Territory and Western Australia).	At all times

<b>General advice</b>	
<b>Ref.</b>	<b>Environmental Authority EPPR00236613</b>
1.	<p>Environmental Authority Number EPPR00236613 issued by the Department of Environment and Heritage Protection on 29 April 2015 will need to be amended to ensure it includes all lots for the Aquaculture operation. Please contact the Department of Environment and Heritage Protection on telephone number 137 468 or visit <a href="https://www.business.qld.gov.au/business/running/environment/licences-permits/applying-environmental-authority/environmentally-relevant-activities">https://www.business.qld.gov.au/business/running/environment/licences-permits/applying-environmental-authority/environmentally-relevant-activities</a> for further information.</p>

Our reference: SPD-0915-021481

Your reference:

## Attachment 2—SPA Appeal Provisions

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### ***Sustainable Planning Act 2009*—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

<b>Chapter 6 Integrated development assessment system (IDAS)</b>
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#### **Part 8 Dealing with decision notices and approvals**

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##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

###### **360 Application of div 1**

This division applies only during the applicant's appeal period.

###### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

###### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

###### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the ***negotiated decision notice***) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or

- (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or



- (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

#### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

#### **465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.

- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

### **Division 11 Making and appeal to Court**

#### **481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

#### **482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or

- (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (ii) the assessment manager for the development application to which the notice relates; and
    - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
    - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
  - (d) if the appellant is a person mentioned in section 466(1)—
    - (i) the chief executive; and
    - (ii) the responsible entity for making the change to which the appeal relates; and
    - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
    - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
  - (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
- (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
- (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and
  - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—

- (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
  - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

**488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

**490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.





Department of Infrastructure,  
Local Government and Planning

### Changed decision notice

Our reference: 1708-796 SPD

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### Decision notice—approved with conditions

(Given under section 63 of the *Planning Act 2016*)

Original reference: 2005CA0079

### Applicant details

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Applicant name: David and Linda Borgelt

Applicant contact details:

### Location details

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Street address: 34 Old Palmerston Highway, Innisfail

Real property description: Lot 4 on RP748403

Local government area: Cassowary Coast Regional Council

### Decision

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Date of decision: 14 December 2009

Decision details: Approved with conditions

### Approval details

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Development permit: Material change of use for aquaculture

### Referral agencies

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There were no referral agencies for this application.

### Conditions

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This approval is subject to:

- the assessment manager conditions in Attachment 1

The department has, for conditions of this approval, nominated an entity to be the enforcement authority for that condition under the *Planning Act 2016*.

### Further development permits

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Please be advised that the following development permits are required to be obtained before the development can be carried out:

1. Not applicable

**Properly made submissions**

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Not applicable—No part of the application required public notification.

**Rights of appeal**

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The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration from a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

Copies of the relevant appeal provisions are attached.

**Currency period for the approval**

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This development approval will lapse if development is not started within the currency periods stated in section 85 of the *Planning Act 2016*.

**Native title considerations**

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Native title notification is not required.

enc     Attachment 1—Changed assessment manager conditions  
          Statement of reasons  
          Appeal provisions

## Attachment 1—Changed assessment manager conditions

Note: additions are shown as bold and underlined text; deletions are shown as struck-through text.

No.	Conditions of development approval	Condition timing																																																						
Material change of use for aquaculture																																																								
Material change of use for aquaculture—The chief executive administering the <i>Planning Act 2016</i> nominates the Department of Agriculture and Fisheries to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																																																								
1.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="0"> <thead> <tr> <th data-bbox="316 786 504 815"><u>Common Name</u></th> <th data-bbox="767 786 956 815"><u>Scientific Name</u></th> </tr> </thead> <tbody> <tr><td>African mono</td><td><i>Monodactylus sebae</i></td></tr> <tr><td>Angelfish</td><td><i>Pterophyllum spp.</i></td></tr> <tr><td>Archer fish</td><td><i>Toxotes chatareus</i></td></tr> <tr><td>Archer fish</td><td><i>Toxotes jaculatrix</i></td></tr> <tr><td>Argentine bloodfin (tetra)</td><td><i>Aphyocharax anisitsi</i></td></tr> <tr><td>Armoured catfish</td><td><i>Corydoras spp.</i></td></tr> <tr><td>Asoka barb</td><td><i>Puntius asoka</i></td></tr> <tr><td>Auratus</td><td><i>Melanochromis auratus</i></td></tr> <tr><td>Australian bass</td><td><i>Macquaria novemaculeata</i></td></tr> <tr><td>Banded barb</td><td><i>Puntius pentozona (Barbodes pentozona)</i></td></tr> <tr><td>Banded leporinus</td><td><i>Leporinus fasciatus</i></td></tr> <tr><td>Banded trumpeter</td><td><i>Terapon theraps</i></td></tr> <tr><td>Barcoo grunter</td><td><i>Scortum barcoo</i></td></tr> <tr><td>Barramundi</td><td><i>Lates calcarifer</i></td></tr> <tr><td>Barramundi cod</td><td><i>Cromileptes altivelis</i></td></tr> <tr><td>Betta</td><td><i>Betta spp.</i></td></tr> <tr><td>Bigeye trevally</td><td><i>Caranx sexfasciatus</i></td></tr> <tr><td>Big-spot rasbora</td><td><i>Rasbora kalochroma</i></td></tr> <tr><td>Bitterling</td><td><i>Rhodeus amarus</i></td></tr> <tr><td>Bitterling</td><td><i>Rhodeus sericeus</i></td></tr> <tr><td>Black banded grunter</td><td><i>Amniataba percoides</i></td></tr> <tr><td>Black ghost knife fish</td><td><i>Apteronotus albifrons</i></td></tr> <tr><td>Black jewfish</td><td><i>Protonibea diacanthus</i></td></tr> <tr><td>Black kingfish</td><td><i>Rachycentron canadus</i></td></tr> <tr><td>Black line silver hatchet fish</td><td><i>Gasteropelecus spp.</i></td></tr> <tr><td>Black phantom tetra</td><td><i>Hyphessobrycon megalopterus (Megalampodus megalopterus)</i></td></tr> </tbody> </table>	<u>Common Name</u>	<u>Scientific Name</u>	African mono	<i>Monodactylus sebae</i>	Angelfish	<i>Pterophyllum spp.</i>	Archer fish	<i>Toxotes chatareus</i>	Archer fish	<i>Toxotes jaculatrix</i>	Argentine bloodfin (tetra)	<i>Aphyocharax anisitsi</i>	Armoured catfish	<i>Corydoras spp.</i>	Asoka barb	<i>Puntius asoka</i>	Auratus	<i>Melanochromis auratus</i>	Australian bass	<i>Macquaria novemaculeata</i>	Banded barb	<i>Puntius pentozona (Barbodes pentozona)</i>	Banded leporinus	<i>Leporinus fasciatus</i>	Banded trumpeter	<i>Terapon theraps</i>	Barcoo grunter	<i>Scortum barcoo</i>	Barramundi	<i>Lates calcarifer</i>	Barramundi cod	<i>Cromileptes altivelis</i>	Betta	<i>Betta spp.</i>	Bigeye trevally	<i>Caranx sexfasciatus</i>	Big-spot rasbora	<i>Rasbora kalochroma</i>	Bitterling	<i>Rhodeus amarus</i>	Bitterling	<i>Rhodeus sericeus</i>	Black banded grunter	<i>Amniataba percoides</i>	Black ghost knife fish	<i>Apteronotus albifrons</i>	Black jewfish	<i>Protonibea diacanthus</i>	Black kingfish	<i>Rachycentron canadus</i>	Black line silver hatchet fish	<i>Gasteropelecus spp.</i>	Black phantom tetra	<i>Hyphessobrycon megalopterus (Megalampodus megalopterus)</i>	At all times
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Black ruby barb	<i>Puntius nigrofasciatus</i>
Black shark	<i>Labeo chrysophekadion (Morulius chrysophekadion)</i>
Black spotted upsidedown catfish	<i>Synodontis nigriventris</i>
Black tetra	<i>Gymnocorymbus ternetzi</i>
Black-banded headstander	<i>Chilodus punctatus</i>
Black-banded osteochilus	<i>Osteochilus vittatus</i>
Black-finned rummy nose	<i>Petitella georgiae</i>
Black-spot filament barb	<i>Puntius filamentosus</i>
Blind cave tetra	<i>Astyanax mexicanus</i>
Blue acara	<i>Aequidens pulcher</i>
Blue gourami	<i>Trichogaster trichopterus</i>
Blue line rasbora	<i>Rasbora taeniata</i>
Coal grunter	<i>Hephaestus carbo</i>
Cochus blue tetra	<i>Boehlkea fredcochui</i>
Common brochis	<i>Brochis splendens</i>
Congo tetra	<i>Phenacogrammus interruptus (Micralestes)</i>
Copper striped rasbora	<i>Rasbora leptosoma</i>
Croaking gourami	<i>Trichopsis vittatus</i>
Cummings barb	<i>Puntius cumingii</i>
Discus	<i>Symphysodon spp.</i>
Duboisii	<i>Tropheus duboisi</i>
Dusky flathead	<i>Platycephalus fuscus</i>
Dusky kribensis (krib)	<i>Pelvicachromis pulcher</i>
Dwarf cichlid	<i>Apistogramma spp.</i>
Dwarf flag cichlid	<i>Laetacara curviceps (Aequidens curviceps)</i>
Dwarf gourami	<i>Colisa lalia</i>
Dwarf lattice cichlid	<i>Nannacara spp.</i>
Dwarf loach	<i>Botia sidthimunki</i>
Eel tail catfish	<i>Tandanus tandanus</i>
<b><u>Eels</u></b>	<b><u>Anquilla reinhardtii</u></b>
<b><u>Eels</u></b>	<b><u>Anquilla australis</u></b>
Elegant rasbora	<i>Rasbora elegans</i>
Elephant nose	<i>Gnathonemus macrolepidatus</i>
Elephantnose (Peters)	<i>Gnathonemus petersii</i>
Emperor tetra	<i>Nematobrycon palmeri</i>
Empire gudgeon	<i>Hypseleotris compressa</i>
Estuary cod	<i>Epinephelus coioides</i>
False magnificent rasbora	<i>Rasbora borapetensis</i>
Flag cichlid	<i>Mesonauta festivus (Cichlasoma festivum)</i>



Flying fox	<i>Epalzeorhynchus kalopterus</i>
Freshwater flounder	<i>Trinectes maculatus</i>
Friderics leporinus	<i>Leporinus friderici</i>
Giant danio	<i>Danio aequipinnatus</i>
Glass barb	<i>Puntius puellus</i>
Glass bloodfin	<i>Prionobrama filigera</i>
Glass catfish	<i>Kryptopterus bicirrhis</i>
Glassfish	<i>Chanda spp.</i>
Glassfish	<i>Ambassis spp.</i>
Gold-cheek krib	<i>Pelvicachromis subocellatus</i>
Golden dwarf cichlid	<i>Nannacara anomala</i>
Golden perch (Cooper Creek strain)	<i>Macquaria ambigua n.sp</i>
Golden perch (Dawson River strain)	<i>Macquaria ambigua oriens</i>
Golden perch (Murray-Darling strain)	<i>Macquaria ambigua ambigua</i>
Goldfish	<i>Carassius auratus</i>
Gold-line rasbora	<i>Rasbora steineri</i>
Graeffes salmon catfish	<i>Arius graeffei</i>
Gulf Saratoga	<i>Scleropages jardinii</i>
Guppy	<i>Poecilia reticulata</i>
Hard lipped barb	<i>Osteochilus hasseltii</i>
Harlequin rasbora	<i>Trigonostigma heteromorpha</i>
Hatchefish	<i>Carnegiella spp.</i>
Hatchefish	<i>Thoracocharax spp.</i>
Headstander	<i>Anostomus spp.</i>
Headstander	<i>Abramites hypselonotus</i>
Hi-spot rasbora	<i>Rasbora dorsiocellata</i>
Honey dwarf gourami	<i>Trichogaster chuna (Colisa chuna)</i>
Indian hatchefish	<i>Chela laubuca</i>
Javanese rice fish	<i>Oryzias javanicus</i>
Javelin grunter	<i>Pomadasys kaakan</i>
Julie	<i>Julidochromis spp.</i>
Jungle perch (northern strain)	<i>Kuhlia rupestris</i>
Kerrs danio	<i>Brachydanio kerri</i>
Keyhole cichlid	<i>Cleithracara maroni (Aequidens maronii)</i>
Killiefish	<i>Aphyosemion spp.</i>
Kissing gourami	<i>Helostoma temmincki</i>
Kooli barb	<i>Puntius vittatus</i>
Kuhli loach	<i>Pangio kuhli (Acanthopthalmus kuhli)</i>
Latticed cichlid	<i>Limnotilapia dardennii</i>
Leopard danio	<i>Danio frankei (Brachydanio frankei)</i>

Lipstick leporinus	<i>Leporinus arcus</i>
Little giant gourami	<i>Colisa fasciatus (Colisa fasciata)</i>
Long tom	<i>Strongylura krefftii</i>
Long-band rasbora	<i>Rasbora einthovenii</i>
Longfin barb	<i>Puntius arulius (Capoeta arulius)</i>
Long-finned african tetra	<i>Brycinus longipinnis</i>
Mahi Mahi	<i>Coryphaena hippurus</i>
Malayan flying barb	<i>Esomus malayensis</i>
Malayan halfbeak	<i>Dermogenys pusillus</i>
Mangrove jack	<i>Lutjanus argentimaculatus</i>
Medaka	<i>Oryzias latipes</i>
Melanochromis	<i>Melanochromis similis</i>
Microbrycon	<i>Boehlkea fredcochui (Microbrycon fredcochui)</i>
Milkfish	<i>Chanos chanos</i>
Mono	<i>Monodactylus argenteus</i>
Moonlight gourami	<i>Trichogaster microlepis</i>
Moori	<i>Tropheus moorii</i>
Mulloway	<i>Argyrosomus japonicas</i>
Multi-banded leporinus	<i>Leporinus multifasciatus</i>
Murray cod	<i>Maccullochella peeli peeli</i>
Myers hillstream loach	<i>Pseudogastromyzon myersi</i>
Neon tetra	<i>Paracheirodon innesi</i>
Orange-finned rasbora	<i>Rasbora vaterifloris</i>
Ornate pimelodus	<i>Pimelodus ornatus</i>
Oscar	<i>Astronotus ocellatus</i>
Pacific blue eye	<i>Pseudomugil signiflier</i>
Panchax	<i>Aplocheilus spp.</i>
Panchax	<i>Epiplatys spp.</i>
Paradise fish	<i>Macropodus opercularis</i>
Pearl danio	<i>Brachydanio albolineatus</i>
Pearl gourami	<i>Trichogaster leeri</i>
Pencilfish	<i>Nannostomus spp.</i>
Pencilfish	<i>Poecilibrycon spp.</i>
Penguin fish	<i>Thayeria spp.</i>
Platy	<i>Xiphophorus maculatus</i>
Platy variatus	<i>Xiphophorus variatus</i>
Poormans glass catfish	<i>Kryptopterus microcephalus</i>
Pristella	<i>Pristella maxillaris</i>
Purple spotted gudgeon	<i>Mogurnda adspersa</i>
Pygmy gourami	<i>Trichopsis pumilus</i>
Queensland groper	<i>Epinephelus lanceolatus</i>
Rainbow shark	<i>Epalzeorhynchus munense (Labeo</i>

	<i>erythrurus)</i>	
Rainbowfish	<i>Glossolepis spp.</i>	
Rainbowfish	<i>Chilatherina spp.</i>	
Rainbowfish	<i>Melanotaenia spp.</i>	
<b><u>Redclaw crayfish</u></b>	<b><u><i>Cherax quadricarinatus</i></u></b>	
Red emperor	<i>Lutjanus sebae</i>	
Red striped barb	<i>Puntius bimaculatus</i>	
Red-finned black shark	<i>Epalzeorhynchus bicolor (Labeo bicolor)</i>	
Red-finned shark	<i>Epalzeorhynchus frenatus (Labeo frenatus)</i>	
Red-line rasbora	<i>Rasbora pauciperforata</i>	
Rosy barb	<i>Puntius conchonius</i>	
Saddled hillstream loach	<i>Homaloptera orthogoniata</i>	
Sailfin molly	<i>Poecilia latipinna</i>	
Sand whiting	<i>Sillago ciliate</i>	
Sarawak rasbora	<i>Rasbora sarawakensis</i>	
Scissor-tail rasbora	<i>Rasbora trilineata</i>	
Siamese flying fox	<i>Crossocheilus siamensis (Epalzeorhynchus siamensis)</i>	
Silver grunter	<i>Mesopristes argenteus</i>	
Silver perch	<i>Bidyanus bidyanus</i>	
Silver prochilodus	<i>Semaprochilodus insignis</i>	
Silver rasbora	<i>Rasbora argyrotaenia</i>	
Sleepy cod	<i>Oxyeleotris lineolatus</i>	
Snakehead gudgeon	<i>Ophieleotris aporos</i>	
Snub-nosed garfish	<i>Arrhamphus sclerolepis</i>	
Sooty grunter	<i>Hephaestus fuliginosus</i>	
Southern saratoga	<i>Scleropages leichardti</i>	
Spangled perch	<i>Leiopotherapon unicolor</i>	
Sphenops mollie	<i>Poecilia sphenops</i>	
Spiny eel	<i>Macrognathus aculeatus</i>	
Spot-tailed leporinus	<i>Leporinus melanopleura</i>	
Spot-tailed rasbora	<i>Rasbora caudimaculata</i>	
Spotted danio	<i>Danio nigrofasciatus (Brachydanio nigrofasciatus)</i>	
Spotted grunter bream	<i>Pomadasyys argenteus</i>	
Spotted leporinus	<i>Leporinus maculatus</i>	
Spotted rasbora	<i>Boraras maculatus (Rasbora maculata)</i>	
Spotted scat	<i>Scatophagus argus</i>	
Striped barb	<i>Puntius lineatus</i>	
Striped kribensis	<i>Pelvicachromis taeniatus</i>	

	<p>Striped leporinus <i>Leporinus striatus</i></p> <p>Striped scat <i>Selenotoca multifasciata</i></p> <p>Sucker catfish <i>Otocinclus flexilis (Otocinclus arnoldi)</i></p> <p>Swegles tetra <i>Hyphessobrycon sweglesi (Megalampodus sweglesi)</i></p> <p>Swordtail <i>Xiphophorus helleri</i></p> <p>Tarpon <i>Megalops cyprinoides</i></p> <p>Tetra <i>Hemigrammus spp.</i></p> <p>Tetra <i>Hyphessobrycon spp.</i></p> <p>Tetra <i>Moenkhausia spp.</i></p> <p>Thick lipped gourami <i>Trichogaster labiosus (Colisa labiosa)</i></p> <p>Thin-banded barb <i>Puntius semifasciolatus (Capoeta semifasciolatus)</i></p> <p>Tic-tac-toe barb <i>Puntius ticto</i></p> <p>Tiger barb <i>Puntius tetrazona (Capoeta tetrazona)</i></p> <p>Tricolor shark <i>Balantiocheilos melanopterus</i></p> <p>Twig catfish <i>Farlowella acus</i></p> <p>Variegated shark <i>Labeo variegatus</i></p> <p>Whiptail catfish <i>Loricaria filamentosa</i></p> <p>White cloud mountain minnow <i>Tanichthys albonubes</i></p> <p>Yellow tail rasbora <i>Rasbora dusonensis</i></p> <p>Yellowfin bream <i>Acanthopagrus australis</i></p> <p>Yellowtail kingfish <i>Seriola lalandei</i></p> <p>Yucatan molly <i>Poecilia velifera</i></p> <p>Zebra danio <i>Danio rerio (Brachydanio rerio)</i></p>	
2.	This development approval authorises activities within an approved Aquaculture Area of 0.2 hectares as defined within Lot 4 on RP748403.	At all times
3.	<p>Aquaculture authorised under this approval is limited by the following:</p> <p>Proposal details: Aquaculture</p> <p>Location: Lot 4 on RP748403, Shire Of Johnstone</p> <p>Address: Lot 4, Old Palmerston Highway, Innisfail, QLD 4860</p>	At all times
4.	<b>DEEDIDAF</b> must be informed of any changes to the personal contact details for this Development Approval within 28 working days.	At all times
5.	An Aquaculture Production Return must be submitted to the chief executive of the <b>DEEDIDAF</b> , by close of business on 31 July each year during the term of this Development Approval. This includes lodging a "nil return" when no activity has occurred.	At all times
6.	Under this approval aquaculture fisheries resources must not be released	At all times



	into Queensland waters other than those waters approved under this Development Approval.	
7.	Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded, or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	At all times
8.	Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during reasonable hours.	At all times
9.	<p>The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from:</p> <p>a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as free from infection;</p> <p>b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or</p> <p>c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to <b>DEEDI<del>D</del>DAF</b> Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</p> <p>A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species.</p>	At all times
10.	<p>The species to be farmed under this approval must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form"(FDU1398) and Pathology Report has been completed and a <b>DEEDI<del>D</del>DAF</b> officer has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.</p> <p>The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be given to the <b>DEEDI<del>D</del>DAF</b> office nearest to the</p>	At all times

	approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date. After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating & Fisheries Patrol. If directed by a DEED officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.	
11.	This Development Approval authorises the possession and use of “regulated fishing apparatus” under the <i>Fisheries Regulation 2008</i> , Subdivision 2, Sections 188 and 189 (marine), and the Fisheries (Freshwater) Management Plan 1999, Part 6 (freshwater) (excluding an electrofisher) at the approved Aquaculture Area.	At all times
12.	The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times.	At all times
13.	All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc.) and associated plumbing, pumps etc. on the approved Aquaculture Area must be implemented and secured in such a way as to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters.	At all times
14.	Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area.	At all times
15.	This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.	At all times
<del>16.</del>	<del>The movement of all barramundi must comply with DEED/DAF 'Health Protocol for the Importation and Movement of Live Barramundi'.</del>	At all times
16.	No water or organisms originating from the aquaculture of exotic species is permitted to reach Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ).	At all times
17.	All containers used to aquaculture exotic species are to be screened to exclude vertebrate predators (eg. Birds).	At all times
18.	Containers used for the aquaculture of exotic species must be constructed on land that is situated above the 1:100 (Q100) flood level.	At all times
19.	Filters or screens must be installed to ensure that all waters leaving containers used for the aquaculture of exotic species are treated to prevent the escape of eggs, juveniles or adults.	At all times
20.	<b><u>Provide an impervious perimeter barrier to prevent the overland release of any of the species approved under Condition 1 of this</u></b>	

	<p><b><u>Authority that are capable of overland escape from the approved aquaculture area.</u></b></p>	
21.	<p><b><u>The movement of fisheries resources into, or within, Queensland must comply with the current version of:</u></b></p> <ul style="list-style-type: none"> <li>a) <b><u>Health protocol for the importation and movement of live barramundi (FAMPR002);</u></b></li> <li>b) <b><u>Health protocol for the movement of live eels (FAMPR005);</u></b></li> <li>c) <b><u>Health protocol for the movement of live freshwater crayfish and prawns (FAMPR006);</u></b></li> <li>d) <b><u>Health protocol for the movement of live freshwater native finfish (other than barramundi and eels) (FAMPR007); and</u></b></li> </ul> <p><b><i>Note: Health protocols and application form FDU1398 can be found at</i></b></p> <p><b><i><a href="https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies">https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies</a></i></b></p> <p><b><i>Note: Commonwealth quarantine protocols must be successfully completed for the relevant organisms of any species prior to their introduction to the approved aquaculture area.</i></b></p>	



Department of Infrastructure,  
Local Government and Planning

### Changed decision notice

Our reference: 1708-833 SPD

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### Decision notice—approved with conditions

(Given under section 63 of the *Planning Act 2016*)

Original reference: 2005BC0442

### Applicant details

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Applicant name: David and Linda Borgelt  
Applicant contact details: 34 Old Palmerston Road  
Coorumba QLD 4860

### Location details

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Street address: Hondroulis Road, Cowley QLD 4871  
Real property description: Lots 21, 22 & 23 on RP804209  
Local government area: Johnstone Shire Council

### Decision

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Date of decision: 4 July 2014  
Decision details: Approved subject to conditions

### Approval details

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Development permit: Material change of use to conduct aquaculture

### Referral agencies

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There were no referral agencies for this application.

### Conditions

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This approval is subject to:

- the assessment manager conditions in Attachment 1

The department has, for conditions of this approval, nominated an entity to be the enforcement authority for that condition under the *Planning Act 2016*.



**Further development permits**

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Please be advised that the following development permits are required to be obtained before the development can be carried out:

1. Not applicable

**Properly made submissions**

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Not applicable—No part of the application required public notification.

**Rights of appeal**

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The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration from a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

Copies of the relevant appeal provisions are attached.

**Currency period for the approval**

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This development approval will lapse if development is not started within the currency periods stated in section 85 of the *Planning Act 2016*.

**Native title considerations**

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Native title notification is not required.

enc      Attachment 1—Changed assessment manager conditions  
             Statement of reasons  
             Appeal provisions

## Attachment 1—Changed assessment manager conditions

Note: additions are shown as bold and underlined text; deletions are shown as struck-through text

No.	Conditions of development approval	Condition timing																																																																										
Material change of use for aquaculture																																																																												
Material change of use for aquaculture—The chief executive administering the <i>Planning Act 2016</i> nominates the Department of Agriculture and Fisheries to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																																																																												
1.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="0"> <thead> <tr> <th data-bbox="256 808 448 837"><u>Common Name</u></th> <th data-bbox="740 808 927 837"><u>Scientific Name</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="256 842 435 873"><b><u>African mono</u></b></td> <td data-bbox="740 842 1007 873"><b><u><i>Monodactylus sebae</i></u></b></td> </tr> <tr> <td data-bbox="256 878 384 909"><b><u>Angelfish</u></b></td> <td data-bbox="740 878 975 909"><b><u><i>Pterophyllum spp.</i></u></b></td> </tr> <tr> <td data-bbox="256 913 403 945"><b><u>Archer fish</u></b></td> <td data-bbox="740 913 979 945"><b><u><i>Toxotes chatareus</i></u></b></td> </tr> <tr> <td data-bbox="256 949 403 981"><b><u>Archer fish</u></b></td> <td data-bbox="740 949 971 981"><b><u><i>Toxotes jaculatrix</i></u></b></td> </tr> <tr> <td data-bbox="256 985 584 1016"><b><u>Argentine bloodfin (tetra)</u></b></td> <td data-bbox="740 985 1011 1016"><b><u><i>Aphyocharax anisitsi</i></u></b></td> </tr> <tr> <td data-bbox="256 1021 483 1052"><b><u>Armoured catfish</u></b></td> <td data-bbox="740 1021 938 1052"><b><u><i>Corydoras spp.</i></u></b></td> </tr> <tr> <td data-bbox="256 1057 408 1088"><b><u>Asoka barb</u></b></td> <td data-bbox="740 1057 924 1088"><b><u><i>Puntius asoka</i></u></b></td> </tr> <tr> <td data-bbox="256 1093 363 1124"><b><u>Auratus</u></b></td> <td data-bbox="740 1093 1042 1124"><b><u><i>Melanochromis auratus</i></u></b></td> </tr> <tr> <td data-bbox="256 1128 443 1160">Australian bass</td> <td data-bbox="740 1128 1054 1160"><i>Macquaria novemaculeata</i></td> </tr> <tr> <td data-bbox="256 1164 424 1196"><b><u>Banded barb</u></b></td> <td data-bbox="740 1164 1121 1196"><b><u><i>Puntius pentozona (Barbodes</i></u></b></td> </tr> <tr> <td></td> <td data-bbox="740 1200 884 1232"><b><u><i>pentozona)</i></u></b></td> </tr> <tr> <td data-bbox="256 1236 488 1267"><b><u>Banded leporinus</u></b></td> <td 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Barcoo grunter	<i>Scortum barcoo</i>																																																																											
Barramundi	<i>Lates calcarifer</i>																																																																											
<b><u>Barramundi cod</u></b>	<b><u><i>Cromileptes altivelis</i></u></b>																																																																											
<b><u>Betta</u></b>	<b><u><i>Betta spp.</i></u></b>																																																																											
<b><u>Bigeye trevally</u></b>	<b><u><i>Caranx sexfasciatus</i></u></b>																																																																											
<b><u>Big-spot rasbora</u></b>	<b><u><i>Rasbora kalochroma</i></u></b>																																																																											
<b><u>Bitterling</u></b>	<b><u><i>Rhodeus amarus</i></u></b>																																																																											
<b><u>Bitterling</u></b>	<b><u><i>Rhodeus sericeus</i></u></b>																																																																											
<b><u>Black banded grunter</u></b>	<b><u><i>Amniataba percoides</i></u></b>																																																																											
<b><u>Black ghost knife fish</u></b>	<b><u><i>Apteronotus albifrons</i></u></b>																																																																											
<b><u>Black jewfish</u></b>	<b><u><i>Protonibea diacanthus</i></u></b>																																																																											
<b><u>Black kingfish</u></b>	<b><u><i>Rachycentron canadus</i></u></b>																																																																											
<b><u>Black line silver hatchet fish</u></b>	<b><u><i>Gasteropelecus spp.</i></u></b>																																																																											
<b><u>Black phantom tetra</u></b>	<b><u><i>Hyphessobrycon megalopterus</i></u></b>																																																																											
	<b><u><i>(Megalampodus megalopterus)</i></u></b>																																																																											
<b><u>Black ruby barb</u></b>	<b><u><i>Puntius nigrofasciatus</i></u></b>																																																																											
<b><u>Black shark</u></b>	<b><u><i>Labeo chrysophekadion (Morulius</i></u></b>																																																																											
	<b><u><i>chrysophekadion)</i></u></b>																																																																											
<b><u>Black spotted upsidedown catfish</u></b>	<b><u><i>Synodontis nigriventris</i></u></b>																																																																											
<b><u>Black tetra</u></b>	<b><u><i>Gymnocorymbus ternetzi</i></u></b>																																																																											
<b><u>Black-banded headstander</u></b>	<b><u><i>Chilodus punctatus</i></u></b>																																																																											
<b><u>Black-banded osteochilus</u></b>	<b><u><i>Osteochilus vittatus</i></u></b>																																																																											
<b><u>Black-finned rummy nose</u></b>	<b><u><i>Petitella georgiae</i></u></b>																																																																											

No.	Conditions of development approval	Condition timing
	<p> <u>Black-spot filament barb</u>  <u>Blind cave tetra</u>  <u>Blue acara</u>  <u>Blue gourami</u>  <u>Blue line rasbora</u>  <u>Coal grunter</u>  <u>Cochus blue tetra</u>  <u>Common brochis</u>  <u>Congo tetra</u>    <u>Copper striped rasbora</u>  <u>Croaking gourami</u>  <u>Cummings barb</u>  <u>Discus</u>  <u>Duboisii</u>  <u>Dusky flathead</u>  <u>Dusky kribensis (krib)</u>  <u>Dwarf cichlid</u>  <u>Dwarf flag cichlid</u>    <u>Dwarf gourami</u>  <u>Dwarf lattice cichlid</u>  <u>Dwarf loach</u>  Eel tail catfish  Eels  Eels  <u>Elegant rasbora</u>  <u>Elephant nose</u>  <u>Elephantnose (Peters)</u>  <u>Emperor tetra</u>  <u>Empire gudgeon</u>  <u>Estuary cod</u>  <u>False magnificent rasbora</u>  <u>Flag cichlid</u>    <u>Flying fox</u>  <u>Freshwater flounder</u>  <u>Friderics leporinus</u>  <u>Giant danio</u>  <u>Glass barb</u>  <u>Glass bloodfin</u>  <u>Glass catfish</u>  <u>Glassfish</u>  <u>Glassfish</u>  <u>Gold-cheek krib</u>  <u>Golden dwarf cichlid</u>  Golden perch (Cooper Creek strain)  Golden perch (Dawson River strain)  Golden perch (Murray-Darling strain)  <u>Goldfish</u>  <u>Gold-line rasbora</u>  <u>Graeffes salmon catfish</u> </p>	<p> <u>Puntius filamentosus</u>  <u>Astyanax mexicanus</u>  <u>Aequidens pulcher</u>  <u>Trichogaster trichopterus</u>  <u>Rasbora taeniata</u>  <u>Hephaestus carbo</u>  <u>Boehlkea fredcochui</u>  <u>Brochis splendens</u>  <u>Phenacogrammus interruptus</u>  <u>(Micralestes)</u>  <u>Rasbora leptosoma</u>  <u>Trichopsis vittatus</u>  <u>Puntius cumingii</u>  <u>Symphysodon spp.</u>  <u>Tropheus duboisi</u>  <u>Platycephalus fuscus</u>  <u>Pelvicachromis pulcher</u>  <u>Apistogramma spp.</u>  <u>Laetacara curviceps (Aequidens curviceps)</u>  <u>Colisa lalia</u>  <u>Nannacara spp.</u>  <u>Botia sidthimunki</u>  <u>Tandanus tandanus</u>  <u>Anguilla reinhardtii</u>  <u>Anguilla australis</u>  <u>Rasbora elegans</u>  <u>Gnathonemus macrolepidatus</u>  <u>Gnathonemus petersii</u>  <u>Nematobrycon palmeri</u>  <u>Hypseleotris compressa</u>  <u>Epinephelus coioides</u>  <u>Rasbora borapetensis</u>  <u>Mesonauta festivus (Cichlasoma festivum)</u>  <u>Epalzeorhynchus kalopterus</u>  <u>Trinectes maculatus</u>  <u>Leporinus friderici</u>  <u>Danio aequipinnatus</u>  <u>Puntius puellus</u>  <u>Prionobrama filigera</u>  <u>Kryptopterus bicirrhis</u>  <u>Chanda spp.</u>  <u>Ambassis spp.</u>  <u>Pelvicachromis subocellatus</u>  <u>Nannacara anomala</u>  <u>Macquaria ambigua n.sp</u>  <u>Macquaria ambigua oriens</u>  <u>Macquaria ambigua ambigua</u>  <u>Carassius auratus</u>  <u>Rasbora steineri</u>  <u>Arius graeffei</u> </p>

No.	Conditions of development approval	Condition timing
	<p>Gulf Saratoga  <u>Guppy</u>  <u>Hard lipped barb</u>  <u>Harlequin rasbora</u>  <u>Hatchetfish</u>  <u>Hatchetfish</u>  <u>Headstander</u>  <u>Headstander</u>  <u>Hi-spot rasbora</u>  <u>Honey dwarf gourami</u>  <u>Indian hatchetfish</u>  <u>Javanese rice fish</u>  <u>Javelin grunter</u>  <u>Julie</u>  Jungle perch (northern strain)  <u>Kerrs danio</u>  <u>Keyhole cichlid</u></p> <p><u>Killiefish</u>  <u>Kissing gourami</u>  <u>Kooli barb</u>  <u>Kuhli loach</u></p> <p><u>Latticed cichlid</u>  <u>Leopard danio</u></p> <p><u>Lipstick leporinus</u>  <u>Little giant gourami</u>  <u>Long tom</u>  <u>Long-band rasbora</u>  <u>Longfin barb</u>  <u>Long-finned african tetra</u>  <u>Mahi Mahi</u>  <u>Malayan flying barb</u>  <u>Malayan halfbeak</u>  <u>Mangrove jack</u>  <u>Medaka</u>  <u>Melanochromis</u>  <u>Microbrycon</u></p> <p><u>Milkfish</u>  <u>Mono</u>  <u>Moonlight gourami</u>  <u>Moori</u>  <u>Mulloway</u>  <u>Multi-banded leporinus</u>  Murray cod  <u>Myers hillstream loach</u>  <u>Neon tetra</u>  <u>Orange-finned rasbora</u>  <u>Ornate pimelodus</u>  <u>Oscar</u></p>	<p><i>Scleropages jardinii</i>  <u><i>Poecilia reticulata</i></u>  <u><i>Osteochilus hasseltii</i></u>  <u><i>Trigonostigma heteromorpha</i></u>  <u><i>Carnegiella spp.</i></u>  <u><i>Thoracocharax spp.</i></u>  <u><i>Anostomus spp.</i></u>  <u><i>Abramites hypselonotus</i></u>  <u><i>Rasbora dorsiocellata</i></u>  <u><i>Trichogaster chuna (Colisa chuna)</i></u>  <u><i>Chela laubuca</i></u>  <u><i>Oryzias javanicus</i></u>  <u><i>Pomadasys kaakan</i></u>  <u><i>Julidochromis spp.</i></u>  <i>Kuhlia rupestris</i>  <u><i>Brachydanio kerri</i></u>  <u><i>Cleithracara maroni (Aequidens maronii)</i></u>  <u><i>Aphyosemion spp.</i></u>  <u><i>Helostoma temmincki</i></u>  <u><i>Puntius vittatus</i></u>  <u><i>Pangio kuhli (Acanthopthalmus kuhli)</i></u>  <u><i>Limnotilapia dardennii</i></u>  <u><i>Danio frankei (Brachydanio frankei)</i></u>  <u><i>Leporinus arcus</i></u>  <u><i>Colisa fasciatus (Colisa fasciata)</i></u>  <u><i>Strongylura krefftii</i></u>  <u><i>Rasbora einthovenii</i></u>  <u><i>Puntius arulius (Capoeta arulius)</i></u>  <u><i>Brycinus longipinnis</i></u>  <u><i>Coryphaena hippurus</i></u>  <u><i>Esomus malayensis</i></u>  <u><i>Dermogenys pusillus</i></u>  <u><i>Lutjanus argentimaculatus</i></u>  <u><i>Oryzias latipes</i></u>  <u><i>Melanochromis similis</i></u>  <u><i>Boehlkea fredcochui (Microbrycon fredcochui)</i></u>  <u><i>Chanos chanos</i></u>  <u><i>Monodactylus argenteus</i></u>  <u><i>Trichogaster microlepis</i></u>  <u><i>Tropheus moorii</i></u>  <u><i>Argyrosomus japonicas</i></u>  <u><i>Leporinus multifasciatus</i></u>  <i>Maccullochella peeli peeli</i>  <u><i>Pseudogastromyzon myersi</i></u>  <u><i>Paracheirodon innesi</i></u>  <u><i>Rasbora vaterifloris</i></u>  <u><i>Pimelodus ornatus</i></u>  <u><i>Astronotus ocellatus</i></u></p>



No.	Conditions of development approval	Condition timing
	<p> <u>Pacific blue eye</u>  <u>Panchax</u>  <u>Panchax</u>  <u>Paradise fish</u>  <u>Pearl danio</u>  <u>Pearl gourami</u>  <u>Pencilfish</u>  <u>Pencilfish</u>  <u>Penguin fish</u>  <u>Platy</u>  <u>Platy variatus</u>  <u>Poormans glass catfish</u>  <u>Pristella</u>  <u>Purple spotted gudgeon</u>  <u>Pygmy gourami</u>  <u>Queensland groper</u>  <u>Rainbow shark</u>   <u>Rainbowfish</u>  <u>Rainbowfish</u>  <u>Rainbowfish</u>  <u>Redclaw crayfish</u>  <u>Red emperor</u>  <u>Red striped barb</u>  <u>Red-finned black shark</u>   <u>Red-finned shark</u>   <u>Red-line rasbora</u>  <u>Rosy barb</u>  <u>Saddled hillstream loach</u>  <u>Sailfin molly</u>  <u>Sand whiting</u>  <u>Sarawak rasbora</u>  <u>Scissor-tail rasbora</u>  <u>Siamese flying fox</u>   <u>Silver grunter</u>  Silver perch  <u>Silver prochilodus</u>  <u>Silver rasbora</u>  Sleepy cod  <u>Snakehead gudgeon</u>  <u>Snub-nosed garfish</u>  <u>Sooty grunter</u>  Southern saratoga  <u>Spangled perch</u>  <u>Sphenops mollie</u>  <u>Spiny eel</u>  <u>Spot-tailed leporinus</u>  <u>Spot-tailed rasbora</u>  <u>Spotted danio</u> </p>	<p> <u><i>Pseudomugil signifier</i></u>  <u><i>Aplocheilus spp.</i></u>  <u><i>Epiplatys spp.</i></u>  <u><i>Macropodus opercularis</i></u>  <u><i>Brachydanio albolineatus</i></u>  <u><i>Trichogaster leeri</i></u>  <u><i>Nannostomus spp.</i></u>  <u><i>Poecilobrycon spp.</i></u>  <u><i>Thayeria spp.</i></u>  <u><i>Xiphophorus maculatus</i></u>  <u><i>Xiphophorus variatus</i></u>  <u><i>Kryptopterus microcephalus</i></u>  <u><i>Pristella maxillaris</i></u>  <u><i>Mogurnda adspersa</i></u>  <u><i>Trichopsis pumilus</i></u>  <u><i>Epinephelus lanceolatus</i></u>  <u><i>Epalzeorhynchos munense (Labeo erythrurus)</i></u>  <u><i>Glossolepis spp.</i></u>  <u><i>Chilatherina spp.</i></u>  <u><i>Melanotaenia spp.</i></u>  <u><i>Cherax quadricarinatus</i></u>  <u><i>Lutjanus sebae</i></u>  <u><i>Puntius bimaculatus</i></u>  <u><i>Epalzeorhynchos bicolor (Labeo bicolor)</i></u>  <u><i>Epalzeorhynchos frenatus (Labeo frenatus)</i></u>  <u><i>Rasbora pauciperforata</i></u>  <u><i>Puntius conchoniis</i></u>  <u><i>Homaloptera orthogoniata</i></u>  <u><i>Poecilia latipinna</i></u>  <u><i>Sillago ciliate</i></u>  <u><i>Rasbora sarawakensis</i></u>  <u><i>Rasbora trilineata</i></u>  <u><i>Crossocheilus siamensis (Epalzeorhynchus siamensis)</i></u>  <u><i>Mesopristes argenteus</i></u>  <i>Bidyanus bidyanus</i>  <u><i>Semaprochilodus insignis</i></u>  <u><i>Rasbora argyrotaenia</i></u>  <i>Oxyeleotris lineolatus</i>  <u><i>Ophieleotris aporos</i></u>  <u><i>Arrhamphus sclerolepis</i></u>  <u><i>Hephaestus fuliginosus</i></u>  <i>Scleropages leichardti</i>  <u><i>Leiopotherapon unicolor</i></u>  <u><i>Poecilia sphenops</i></u>  <u><i>Macrognathus aculeatus</i></u>  <u><i>Leporinus melanopleura</i></u>  <u><i>Rasbora caudimaculata</i></u>  <u><i>Danio nigrofasciatus</i></u> </p>

No.	Conditions of development approval	Condition timing
	<p> <u><b>Spotted grunter bream</b></u>  <u><b>Spotted leporinus</b></u>  <u><b>Spotted rasbora</b></u>    <u><b>Spotted scat</b></u>  <u><b>Striped barb</b></u>  <u><b>Striped kribensis</b></u>  <u><b>Striped leporinus</b></u>  <u><b>Striped scat</b></u>  <u><b>Sucker catfish</b></u>    <u><b>Swegles tetra</b></u>    <u><b>Swordtail</b></u>  <u><b>Tarpon</b></u>  <u><b>Tetra</b></u>  <u><b>Tetra</b></u>  <u><b>Tetra</b></u>  <u><b>Thick lipped gourami</b></u>    <u><b>Thin-banded barb</b></u>    <u><b>Tic-tac-toe barb</b></u>  <u><b>Tiger barb</b></u>    <u><b>Tricolor shark</b></u>  <u><b>Twig catfish</b></u>  <u><b>Variegated shark</b></u>  <u><b>Whiptail catfish</b></u>  <u><b>White cloud mountain minnow</b></u>  <u><b>Yellow tail rasbora</b></u>  <u><b>Yellowfin bream</b></u>  <u><b>Yellowtail kingfish</b></u>  <u><b>Yucatan molly</b></u>  <u><b>Zebra danio</b></u> </p> <p> <u><b>(Brachydanio nigrofasciatus)</b></u>  <u><b>Pomadasys argenteus</b></u>  <u><b>Leporinus maculatus</b></u>  <u><b>Boraras maculatus (Rasbora maculata)</b></u>  <u><b>Scatophagus argus</b></u>  <u><b>Puntius lineatus</b></u>  <u><b>Pelvicachromis taeniatus</b></u>  <u><b>Leporinus striatus</b></u>  <u><b>Selenotoca multifasciata</b></u>  <u><b>Otocinclus flexilis (Otocinclus arnoldi)</b></u>  <u><b>Hyphessobrycon sweglesi (Megalampodus sweglesi)</b></u>  <u><b>Xiphophorus helleri</b></u>  <u><b>Megalops cyprinoides</b></u>  <u><b>Hemigrammus spp.</b></u>  <u><b>Hyphessobrycon spp.</b></u>  <u><b>Moenkhausia spp.</b></u>  <u><b>Trichogaster labiosus (Colisa labiosa)</b></u>  <u><b>Puntius semifasciolatus (Capoeta semifasciolatus)</b></u>  <u><b>Puntius ticto</b></u>  <u><b>Puntius tetrazona (Capoeta tetrazona)</b></u>  <u><b>Balantiocheilos melanopterus</b></u>  <u><b>Farlowella acus</b></u>  <u><b>Labeo variegatus</b></u>  <u><b>Loricaria filamentosa</b></u>  <u><b>Tanichthys albonubes</b></u>  <u><b>Rasbora dusonensis</b></u>  <u><b>Acanthopagrus australis</b></u>  <u><b>Seriola lalandei</b></u>  <u><b>Poecilia velifera</b></u>  <u><b>Danio rerio (Brachydanio rerio)</b></u> </p>	
2.	This development approval authorises activities within an approved Aquaculture Area of 15.0 hectares defined within Lot 21 on RP804209, defined within Lot 22 on RP804209 and defined within Lot 23 on RP804209.	At all times
3.	<p>Aquaculture authorised under this approval is limited by the following:</p> <p>Proposal details: Conduct aquaculture on an approved Aquaculture Area of 15.0 hectares (production area) on a total land area of 31.0 hectares.</p> <p>Location: Lots 21, 22 &amp; 23 on RP 804209, Parish of Mourilyan, County Of Nares, Shire Of Johnstone</p> <p>Address: Hondroulis Road, Cowley, QLD 4871</p>	At all times
4.	DAFF <del>DAF</del> must be informed of any changes to the personal contact details for this Development Approval within 28 working days.	At all times
5.	An Aquaculture Production Return must be submitted to the chief executive of the DAFF <del>DAF</del> , by close of business on 31 July each year during the term of	At all times

No.	Conditions of development approval	Condition timing
	this Development Approval. This includes lodging a "nil return" when no activity has occurred.	
6.	Under this approval aquaculture fisheries resources must not be released into Queensland waters other than those waters approved under this Development Approval.	At all times
7.	Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded, or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	At all times
8.	Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during reasonable hours.	At all times
9.	<p>The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from:</p> <p>a) hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as free from infection;</p> <p>b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or</p> <p>c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to <b>DAFF/DAF</b> Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</p> <p>A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species.</p>	At all times
10.	The species to be farmed under this approval must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form"(FDU1398) and Pathology Report has been completed and a <b>DAFF/DAF</b> officer has provided written acknowledgement and approval of the "Details of translocation form" and the	At all times

No.	Conditions of development approval	Condition timing
	<p>Pathology Report.</p> <p>The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be given to the <del>DAFF</del><b>DAF</b> office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date. After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating &amp; Fisheries Patrol. If directed by a <del>DAFF</del><b>DAF</b> officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.</p>	
11.	The possession and use of "regulated fishing apparatus" under the Fisheries Regulation 2008, Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved Aquaculture Area.	At all times
12.	The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times.	At all times
13.	A perimeter barrier/fence, which is impervious, must be maintained, for all size classes of the species that are approved under this Authority which are capable of overland escape.	At all times
14.	All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc.) and associated plumbing, pumps etc. on the approved Aquaculture Area must be implemented and secured in such a way as to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters.	At all times
15.	Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area.	At all times
16.	This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.	At all times
17.	The movement of all barramundi must comply with <del>DAFF</del> <b>DAF</b> 'Health Protocol for the Importation and Movement of Live Barramundi'.	
17.	<p><b><u>The movement of fisheries resources into, or within, Queensland must comply with the current version of:</u></b></p> <ul style="list-style-type: none"> <li>a) <b><u>Health protocol for the importation and movement of live barramundi (FAMPR002);</u></b></li> <li>b) <b><u>Health protocol for the movement of live eels (FAMPR005);</u></b></li> <li>c) <b><u>Health protocol for the movement of live freshwater crayfish and prawns (FAMPR006);</u></b></li> <li>d) <b><u>Health protocol for the movement of live freshwater native finfish (other than barramundi and eels) (FAMPR007); and</u></b></li> </ul>	<b><u>At all times</u></b>



No.	Conditions of development approval	Condition timing
	<p><i>Note: Health protocols and application form FDU1398 can be found at <a href="https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies">https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies</a></i></p> <p><i>Note: Commonwealth quarantine protocols must be successfully completed for the relevant organisms of any species prior to their introduction to the approved aquaculture area.</i></p>	
18.	<p><b><u>Install screening on all points of water release or discharge from within the approved aquaculture area to prevent the escape of any aquaculture fisheries resources (eggs, juveniles or adults) into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i>).</u></b></p>	<p><b><u>Prior to the commencement of the use and to be maintained at all times</u></b></p>
19.	<p><b><u>No water originating from the aquaculture of exotic species may reach any Queensland waters.</u></b></p>	<p><b><u>At all times</u></b></p>
20.	<p><b><u>Install screening on all ponds, tanks and containers used to contain exotic fish, to prevent vertebrate predators such as birds from accessing the exotic fish.</u></b></p>	<p><b><u>Prior to the commencement of the use and to be maintained at all times</u></b></p>
21.	<p><b><u>Ponds, tanks or containers used for the aquaculture of exotic fish are only located on land that is not subject to Q100 flood level.</u></b></p>	<p><b><u>At all times</u></b></p>



Department of  
**State Development,  
 Manufacturing,  
 Infrastructure and Planning**

## Changed decision notice

Our reference: 1801-3646 SPD

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### Decision notice—approved with conditions

(Given under section 63 of the *Planning Act 2016*)

Original reference: 2005BC0378

The development application described below was properly made to the Department of State Development, Manufacturing, Infrastructure and Planning on 31 January 2018.

### Applicant details

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Applicant name: G & M Schionning T/as Kuranda Fish Farm  
 Applicant contact details: PO Box 483  
 Kuranda QLD 4881

### Location details

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Street address: 168 Stoney Creek Road, Speewah  
 Real property description: Lot 2 on RP718472  
 Local government area: Mareeba Shire Council

### Decision

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Date of decision: 26 February 2018  
 Decision details: Approved subject to conditions

### Approval details

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Development permit: Material change of use to conduct aquaculture

### Referral agencies

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There were no referral agencies for this application.

### Conditions

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This approval is subject to:

- the assessment manager conditions in Attachment 1

The department has, for conditions of this approval, nominated an entity to be the enforcement authority for that condition under the *Planning Act 2016*.

**Further development permits**

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Please be advised that the following development permits are required to be obtained before the development can be carried out:

1. Not applicable

**Properly made submissions**

---

Not applicable—No part of the application required public notification.

**Rights of appeal**

---

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration from a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

Copies of the relevant appeal provisions are attached.

**Currency period for the approval**

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This development approval will lapse if development is not started within the currency periods stated in section 85 of the *Planning Act 2016*.

**Native title considerations**

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A native title assessment was completed for this application in accordance with the *Native Title Act 1993 (Cth)*. It was determined that the change will have no further effect on native title given the nature of the change.

enc      Attachment 1—Changed assessment manager conditions  
            Appeal provisions

## Attachment 1—Changed assessment manager conditions

No.	Conditions of development approval	Condition timing																																										
Material change of use to conduct aquaculture																																												
<p><b>Schedule 8, Table 4, Item 3(a)</b> – A material change of use for aquaculture -The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the <b>Department of Agriculture and Fisheries</b> to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:</p>																																												
1.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <p><b><u>The approved fisheries resources the subject of this approval are limited to the following species.</u></b></p> <table border="0"> <thead> <tr> <th data-bbox="316 779 512 808"><b><u>Common Name</u></b></th> <th data-bbox="699 779 903 808"><b><u>Scientific Name</u></b></th> </tr> </thead> <tbody> <tr> <td data-bbox="316 831 507 860">Australian bass</td> <td data-bbox="699 831 1018 860"><i>Macquaria novemaculeata</i></td> </tr> <tr> <td data-bbox="316 891 635 920"><b><u>Australian Glass Shrimp</u></b></td> <td data-bbox="699 891 970 920"><b><u><i>Paratya australiensis</i></u></b></td> </tr> <tr> <td data-bbox="316 943 507 972">Barcoo grunter</td> <td data-bbox="699 943 895 972"><i>Scortum barcoo</i></td> </tr> <tr> <td data-bbox="316 1003 464 1032">Barramundi</td> <td data-bbox="699 1003 890 1032"><i>Lates calcarifer</i></td> </tr> <tr> <td data-bbox="316 1055 491 1084"><b><u>Coal Grunter</u></b></td> <td data-bbox="699 1055 938 1084"><b><u><i>Hephaestus carbo</i></u></b></td> </tr> <tr> <td data-bbox="316 1115 491 1144">Eel tail catfish</td> <td data-bbox="699 1115 943 1144"><i>Tandanus tandanus</i></td> </tr> <tr> <td data-bbox="316 1167 539 1196">Freshwater prawn</td> <td data-bbox="699 1167 1050 1196"><i>Macrobrachium australiensis</i></td> </tr> <tr> <td data-bbox="316 1227 544 1256">Freshwater shrimp</td> <td data-bbox="699 1227 1034 1256"><i>Macrobrachium rosenbergii</i></td> </tr> <tr> <td data-bbox="316 1279 671 1346">Golden perch (Cooper Creek strain)</td> <td data-bbox="699 1279 1002 1308"><i>Macquaria ambigua n.sp</i></td> </tr> <tr> <td data-bbox="316 1368 671 1435">Golden perch (Dawson River strain)</td> <td data-bbox="699 1368 1023 1397"><i>Macquaria ambigua oriens</i></td> </tr> <tr> <td data-bbox="316 1458 683 1525">Golden perch (Murray-Darling strain)</td> <td data-bbox="699 1458 1050 1487"><i>Macquaria ambigua ambigua</i></td> </tr> <tr> <td data-bbox="316 1547 491 1576">Gulf Saratoga</td> <td data-bbox="699 1547 943 1576"><i>Scleropages jardinii</i></td> </tr> <tr> <td data-bbox="316 1608 459 1637">Murray cod</td> <td data-bbox="699 1608 1011 1637"><i>Maccullochella peeli peeli</i></td> </tr> <tr> <td data-bbox="316 1659 485 1688"><b><u>Rainbowfish</u></b></td> <td data-bbox="699 1659 1007 1688"><b><u><i>Melanotaenia splendida</i></u></b></td> </tr> <tr> <td data-bbox="316 1720 528 1749">Redclaw crayfish</td> <td data-bbox="699 1720 986 1749"><i>Cherax quadricarinatus</i></td> </tr> <tr> <td data-bbox="316 1771 469 1800">Silver perch</td> <td data-bbox="699 1771 932 1800"><i>Bidyanus bidyanus</i></td> </tr> <tr> <td data-bbox="316 1832 459 1861">Sleepy cod</td> <td data-bbox="699 1832 963 1861"><i>Oxyeleotris lineolatus</i></td> </tr> <tr> <td data-bbox="316 1883 592 1912"><b><u>Snakehead Gudgeon</u></b></td> <td data-bbox="699 1883 970 1912"><b><u><i>Giurus margaritacea</i></u></b></td> </tr> <tr> <td data-bbox="316 1944 491 1973">Sooty grunter</td> <td data-bbox="699 1944 986 1973"><i>Hephaestus fuliginosus</i></td> </tr> <tr> <td data-bbox="316 1995 544 2024">Southern saratoga</td> <td data-bbox="699 1995 970 2024"><i>Scleropages leichardti</i></td> </tr> </tbody> </table>	<b><u>Common Name</u></b>	<b><u>Scientific Name</u></b>	Australian bass	<i>Macquaria novemaculeata</i>	<b><u>Australian Glass Shrimp</u></b>	<b><u><i>Paratya australiensis</i></u></b>	Barcoo grunter	<i>Scortum barcoo</i>	Barramundi	<i>Lates calcarifer</i>	<b><u>Coal Grunter</u></b>	<b><u><i>Hephaestus carbo</i></u></b>	Eel tail catfish	<i>Tandanus tandanus</i>	Freshwater prawn	<i>Macrobrachium australiensis</i>	Freshwater shrimp	<i>Macrobrachium rosenbergii</i>	Golden perch (Cooper Creek strain)	<i>Macquaria ambigua n.sp</i>	Golden perch (Dawson River strain)	<i>Macquaria ambigua oriens</i>	Golden perch (Murray-Darling strain)	<i>Macquaria ambigua ambigua</i>	Gulf Saratoga	<i>Scleropages jardinii</i>	Murray cod	<i>Maccullochella peeli peeli</i>	<b><u>Rainbowfish</u></b>	<b><u><i>Melanotaenia splendida</i></u></b>	Redclaw crayfish	<i>Cherax quadricarinatus</i>	Silver perch	<i>Bidyanus bidyanus</i>	Sleepy cod	<i>Oxyeleotris lineolatus</i>	<b><u>Snakehead Gudgeon</u></b>	<b><u><i>Giurus margaritacea</i></u></b>	Sooty grunter	<i>Hephaestus fuliginosus</i>	Southern saratoga	<i>Scleropages leichardti</i>	At all times
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No.	Conditions of development approval	Condition timing
	<p><b><u>Spangled Perch</u></b>                      <b><u>Leiopotherapon unicolor</u></b>  Yabby    <i>Cherax destructor</i></p> <p><b>Hereafter referred to as the “approved species”.</b></p>	
2.	This development approval authorises activities within an approved Aquaculture Area of 10.0 hectares defined within Lot 2 on RP718472.	At all times
3.	<p>Aquaculture authorised under this approval is limited by the following:</p> <p>Proposal Details: Conduct aquaculture on an approved Aquaculture Area of 10.0 hectares (production area) on a total land area of 61.0 hectares.</p> <p>Location: Lot 2 (25V) On RP 718472, Parish Of Cairns, County of Nares, Shire Of Mareeba</p> <p>Address: 168 Stoney Creek ReAd <b>Road</b>, Speewah,-QLD 4881</p>	At all times
4.	DAFF <b>Department of Agriculture and Fisheries</b> must be informed of any changes to the personal contact details for this Development Approval within 28 working days.	Within 28 working days of any changes
5.	An Aquaculture Production Return must be submitted to the chief executive of the DAFF <b>Department of Agriculture and Fisheries</b> , by close of business on 31 July each year during the term of this Development Approval. This includes lodging a "nil return" when no activity has occurred.	By close of business on 31 July each year
6.	Under this approval aquaculture fisheries resources must not be released into Queensland waters other than those waters approved under this Development Approval.	At all times
7.	Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded, or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	At all times
8.	Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> during reasonable hours.	At all times
9.	The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's	At all times

No.	Conditions of development approval	Condition timing
	<p>Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from:</p> <ul style="list-style-type: none"> <li>a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or</li> <li>b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or</li> <li>c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to DAFF Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</li> </ul> <p>A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species.</p>	
10.	<p>The species to be farmed under this approval must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form"(FDU1398) and Pathology Report has been completed and a <b>DAFF Department of Agriculture and Fisheries</b> officer has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.</p> <p>The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be given to the <b>DAFF Department of Agriculture and Fisheries</b> office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland. It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date.</p> <p>After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating &amp; Fisheries Patrol. If directed by a <b>DAFF Department of Agriculture and Fisheries</b> officer, specimens</p>	At all times

No.	Conditions of development approval	Condition timing
	must be forwarded to a veterinary laboratory as directed by the officer.	
11.	The possession and use of "regulated fishing apparatus" under the <i>Fisheries Regulation 2008</i> , Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved Aquaculture Area.	At all times
12.	The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times.	Upon commencement of the use and to be maintained at all times
13.	A perimeter barrier/fence, which is impervious, must be maintained, for all size classes of the species that are approved under this Authority which are capable of overland escape.	Prior to the commencement of the use and to be maintained at all times
14.	All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc.) and associated plumbing, pumps etc. on the approved Aquaculture Area must be implemented and secured in such a way as to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters.	Prior to the commencement of the use and to be maintained at all times
15.	Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area.	Prior to the commencement of the use and to be maintained at all times
16.	This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.	At all times
17.	The movement of all barramundi must comply with DAFF <b>Department of Agriculture and Fisheries</b> 'Health Protocol for the Importation and Movement of Live Barramundi'.	At all times



Department of Infrastructure,  
Local Government and Planning

Our reference: SPD-0716-029026  
Your reference: 2005BC0253

10 August 2016

GFB Fisheries Pty Ltd  
PO BOX 237  
Bowen QLD 4805

**Attention: Justin Forrester**

Dear Mr. Forrester,

**Notice of decision—changed approval (responsible entity) given under section 376 of the *Sustainable Planning Act 2009* for Development Permit for Material Change of Use (Aquaculture of Marine Species) over part of Lot 21 on CP882855, Bruce Highway, Guthalungra, QLD, 4805**

The Department of Infrastructure, Local Government and Planning received representations under section 369 of the *Sustainable Planning Act 2009 (SPA)* on 14 July 2016 for the original decision described below.

#### **Applicant details**

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Applicant name: GFB Fisheries Pty Ltd

#### **Site details**

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Real property description: Lot 21 on CP882855  
Local government area: Whitsunday Regional Council

#### **Application details**

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Proposed development: Development Permit for Material Change of Use  
(Aquaculture of Marine Species)



**Original decision**

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Date of original decision: 27 October 2006  
Original decision details: Approved subject to conditions

A changed decision notice for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the *Sustainable Planning Act 2009*
- any plans and specifications approved in relation to the decision notice.

For further information, please contact Dylan Brown, A/Senior Planning Officer, Mackay Isaac Whitsunday Regional Office on (07) 4898 6812, or via email [dylan.brown@dilgp.qld.gov.au](mailto:dylan.brown@dilgp.qld.gov.au), who will be pleased to assist.

Yours sincerely



Patrick Ruettjes

**Manager (Planning) – Mackay Isaac Whitsunday Regional Office**

enc: Changed decision notice  
Attachment 1—Changed assessment manager conditions  
Attachment 2—SPA appeal provisions

Our reference: SPD-0716-029026

Your reference: 2005BC0253

### Changed decision notice

(Given under section 376 of the *Sustainable Planning Act 2009*)

#### Applicant details

---

Applicant name: GFB Fisheries Pty Ltd

Applicant contact details: PO BOX 237  
Bowen QLD 4805

#### Application details

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Level of assessment: Code assessment

Original application properly made date: Date Not Available

Date of request for change: 14 July 2016

#### Site details

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Street address: Bruce Highway Saltwater Creek 4805

Lot on plan: Lot 21 on CP882855

Name of owner: GFB Fisheries Pty Ltd

#### Nature of the changes

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The nature of the changes agreed to are:

- The addition of the following marine species to be authorised for Aquaculture under Condition 1 of the Development Permit reference number 2005BC0253:

<u>Common Name</u>	<u>Scientific Name</u>
Blackfish	<i>Actinopyga palauensis</i>
Blacklip Oyster	<i>Striostria mytiloides</i>
Black Spot Tusk Fish	<i>Choerodon schoenleinii</i>
Burrowing Blackfish	<i>Actinopyga spinea</i>
Giant Triton	<i>Charonia tritonis</i>
Grass Emperor	<i>Letherinus laticaudis</i>
Prickly Redfish	<i>Thelenota ananas</i>
Red Throat Emperor	<i>Letherinus minatus</i>

Rock Oyster	<i>Saccostrea glomerata</i>
Sandfish	<i>Holothuria scabra</i>
Spangled Emperor	<i>Letherinus nebulosus</i>
Triple Tail Cod	<i>Lobotes surinamensis</i>
Tropical Sea Urchin	<i>Tripneustes gratilla</i>
White Teatfish	<i>Holothuria fuscogilva</i>

### Original decision

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Date of original decision: 27 October 2006  
 Original decision details: Approved subject to conditions

### Changed decision

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Date of changed decision: 10 August 2016  
 Changed decision details: Approved subject to conditions

### Conditions

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This approval is subject to:

- the changed assessment manager conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

### Aspects of development and development approval granted

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Development Permit for Material Change of Use (Aquaculture of Marine Species)

### Further development permits or compliance permits

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Please be advised that the following development permits or compliance permits are required to be obtained before the development can be carried out:

2. Not applicable

### Self-assessable codes

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Please be advised that the following codes may need to be complied with for self-assessable development related to the approved development:

1. Not applicable

**Compliance assessment**

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Compliance assessment is required under chapter 6, part 10 of the *Sustainable Planning Act 2009* for the following documents or works in relation to the development:

1. Not applicable

**Properly made submissions**

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Not applicable—No part of the application required impact assessment.

**Conflicts with relevant instruments**

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This decision does not conflict with a relevant instrument.

**Rights of appeal**

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

**Relevant period for the approval**

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This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.

**Native title considerations**

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A native title assessment was completed for this application under the *Native Title Act 1993* (Cth). It was determined that there would be no effect on native title, and consequently procedural rights were not required. Further consideration of native title is not required and a decision can be issued under the *Sustainable Planning Act 2009*.



Our reference: SPD-0716-029026

Your reference: 2005BC0253

**Attachment 1—Changed assessment manager conditions**

No.	Conditions of development approval	Condition timing																																														
<p>Schedule 6, Table 3, Item 10 —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the Act nominates the Director-General of the Department of Agriculture and Fisheries to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>																																																
1.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="1" data-bbox="336 808 1153 2029"> <thead> <tr> <th data-bbox="336 808 719 853"><u>Common Name</u></th> <th data-bbox="719 808 1153 853"><u>Scientific Name</u></th> </tr> </thead> <tbody> <tr><td data-bbox="336 853 719 898">Abalone</td><td data-bbox="719 853 1153 898"><i>Haliotis asinina</i></td></tr> <tr><td data-bbox="336 898 719 943">Akoya pearl oyster</td><td data-bbox="719 898 1153 943"><i>Pinctada imbricata</i></td></tr> <tr><td data-bbox="336 943 719 987">Areolate rock cod</td><td data-bbox="719 943 1153 987"><i>Epinephelus areolatus</i></td></tr> <tr><td data-bbox="336 987 719 1032">Australian bass</td><td data-bbox="719 987 1153 1032"><i>Macquaria novemaculeata</i></td></tr> <tr><td data-bbox="336 1032 719 1077">Banana prawn</td><td data-bbox="719 1032 1153 1077"><i>Penaeus merguensis</i></td></tr> <tr><td data-bbox="336 1077 719 1122">Banana prawn</td><td data-bbox="719 1077 1153 1122"><i>Penaeus indicus</i></td></tr> <tr><td data-bbox="336 1122 719 1167">Barcoo grunter</td><td data-bbox="719 1122 1153 1167"><i>Scortum barcoo</i></td></tr> <tr><td data-bbox="336 1167 719 1211">Barramundi</td><td data-bbox="719 1167 1153 1211"><i>Lates calcarifer</i></td></tr> <tr><td data-bbox="336 1211 719 1256">Barramundi cod</td><td data-bbox="719 1211 1153 1256"><i>Cromileptes altivelis</i></td></tr> <tr><td data-bbox="336 1256 719 1301">Barred-cheek coral trout</td><td data-bbox="719 1256 1153 1301"><i>Plectropomus maculatus</i></td></tr> <tr><td data-bbox="336 1301 719 1346">Batik lobster</td><td data-bbox="719 1301 1153 1346"><i>Panulirus longipes</i></td></tr> <tr><td data-bbox="336 1346 719 1391">Blackfish</td><td data-bbox="719 1346 1153 1391"><i>Actinopyga palauensis</i></td></tr> <tr><td data-bbox="336 1391 719 1435">Black jewfish</td><td data-bbox="719 1391 1153 1435"><i>Protonibea diacanthus</i></td></tr> <tr><td data-bbox="336 1435 719 1480">Blacklip oyster</td><td data-bbox="719 1435 1153 1480"><i>Striostria mytiloides</i></td></tr> <tr><td data-bbox="336 1480 719 1525">Black lip pearl oyster</td><td data-bbox="719 1480 1153 1525"><i>Pinctada margaritifera</i></td></tr> <tr><td data-bbox="336 1525 719 1570">Black lobster</td><td data-bbox="719 1525 1153 1570"><i>Panulirus penicillatus</i></td></tr> <tr><td data-bbox="336 1570 719 1615">Black slipper lobster</td><td data-bbox="719 1570 1153 1615"><i>Parribacus antarcticus</i></td></tr> <tr><td data-bbox="336 1615 719 1659">Black spot tusk fish</td><td data-bbox="719 1615 1153 1659"><i>Choerodon schoenleinii</i></td></tr> <tr><td data-bbox="336 1659 719 1704">Black tiger prawn</td><td data-bbox="719 1659 1153 1704"><i>Penaeus monodon</i></td></tr> <tr><td data-bbox="336 1704 719 1749">Blue salmon</td><td data-bbox="719 1704 1153 1749"><i>Eleutheronema tetradactylum</i></td></tr> <tr><td data-bbox="336 1749 719 1794">Bluefin trevally</td><td data-bbox="719 1749 1153 1794"><i>Caranx melampygus</i></td></tr> <tr><td data-bbox="336 1794 719 1839">Blue-spot coral trout</td><td data-bbox="719 1794 1153 1839"><i>Plectropomus laevis</i></td></tr> </tbody> </table>	<u>Common Name</u>	<u>Scientific Name</u>	Abalone	<i>Haliotis asinina</i>	Akoya pearl oyster	<i>Pinctada imbricata</i>	Areolate rock cod	<i>Epinephelus areolatus</i>	Australian bass	<i>Macquaria novemaculeata</i>	Banana prawn	<i>Penaeus merguensis</i>	Banana prawn	<i>Penaeus indicus</i>	Barcoo grunter	<i>Scortum barcoo</i>	Barramundi	<i>Lates calcarifer</i>	Barramundi cod	<i>Cromileptes altivelis</i>	Barred-cheek coral trout	<i>Plectropomus maculatus</i>	Batik lobster	<i>Panulirus longipes</i>	Blackfish	<i>Actinopyga palauensis</i>	Black jewfish	<i>Protonibea diacanthus</i>	Blacklip oyster	<i>Striostria mytiloides</i>	Black lip pearl oyster	<i>Pinctada margaritifera</i>	Black lobster	<i>Panulirus penicillatus</i>	Black slipper lobster	<i>Parribacus antarcticus</i>	Black spot tusk fish	<i>Choerodon schoenleinii</i>	Black tiger prawn	<i>Penaeus monodon</i>	Blue salmon	<i>Eleutheronema tetradactylum</i>	Bluefin trevally	<i>Caranx melampygus</i>	Blue-spot coral trout	<i>Plectropomus laevis</i>	N/A
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No.	Conditions of development approval	Condition timing
	Blunt slipper lobster <i>Scyllarides squammosus</i>	
	Brown tiger prawn <i>Penaeus esculentus</i>	
	Burrowing blackfish <i>Actinopyga spinea</i>	
	Chinaman rockcod <i>Epinephelus rivulatus</i>	
	Cobia <i>Rachycentron canadum</i>	
	Common coral trout <i>Plectropomus leopardus</i>	
	Diamond scale mullet <i>Liza vaigiensis</i>	
	Diver whiting <i>Sillago maculata</i>	
	Eel tail catfish <i>Tandanus tandanus</i>	
	Estuary cod <i>Epinephelus coioides</i>	
	Estuary cod <i>Epinephelus tauvina</i>	
	Flowery cod <i>Epinephelus fuscoguttatus</i>	
	Giant clam <i>Tridacna gigas</i>	
	Giant oystercracker <i>Trachinotus anak</i>	
	Giant trevally <i>Caranx ignobilis</i>	
	Giant triton <i>Charonia tritonis</i>	
	Gold lip pearl oyster <i>Pinctada maxima</i>	
	Golden perch (Cooper Creek strain) <i>Macquaria ambigua n.sp</i>	
	Golden perch (Dawson River strain) <i>Macquaria ambigua oriens</i>	
	Golden perch (Murray-Darling strain) <i>Macquaria ambigua ambigua</i>	
	Golden snapper <i>Lutjanus johnii</i>	
	Golden trevally <i>Gnathanodon speciosus</i>	
	Goldenline whiting <i>Sillago analis</i>	
	Grass emperor <i>Letherinus laticaudis</i>	
	Green tropical lobster <i>Panulirus versicolor</i>	
	Grooved tiger prawn <i>Penaeus semisulcatus</i>	
	Gulf saratoga <i>Scleropages jardinii</i>	
	High-fin coral trout <i>Plectropomus oligacanthus</i>	
	Hump-head maori wrasse <i>Cheilinus undulatus</i>	
	King threadfin <i>Polydactylus macrochir</i>	

No.	Conditions of development approval	Condition timing
	Kuruma prawn <i>Penaeus japonicus</i>	
	Mahi Mahi <i>Coryphaena hippurus</i>	
	Malabar grouper <i>Epinephelus malabaricus</i>	
	Mangrove jack <i>Lutjanus argentimaculatus</i>	
	Moreton Bay bug <i>Thenus orientalis</i>	
	Moreton Bay bug <i>Thenus indicus</i>	
	Mud Lobster <i>Panulirus polyphagus</i>	
	Mulloway <i>Argyrosomus japonicus</i>	
	Murray cod <i>Maccullochella peeli peeli</i>	
	Northern whiting <i>Sillago sihama</i>	
	Passionfruit trout <i>Plectropomus areolatus</i>	
	Penguin pearl oyster <i>Pteria penguin</i>	
	Prickly redfish <i>Thelenota ananas</i>	
	Queensland groper <i>Epinephelus lanceolatus</i>	
	Red throat emperor <i>Letherinus minatus</i>	
	Rock oyster <i>Saccostrea glomerata</i>	
	Sandfish <i>Holothuria scabra</i>	
	Sand lobster <i>Panulirus homarus</i>	
	Sand whiting <i>Sillago ciliata</i>	
	Silver perch <i>Bidyanus bidyanus</i>	
	Sleepy cod <i>Oxyeleotris lineolatus</i>	
	Snapper <i>Pagrus auratus</i>	
	Snub-nosed dart <i>Trachinotus blochii</i>	
	Southern saratoga <i>Scleropages leichardti</i>	
	Spangled emperor <i>Letherinus nebulosus</i>	
	Stout whiting <i>Sillago robusta</i>	
	Triple tail cod <i>Lobotes surinamensis</i>	
	Triple-tail maori wrasse <i>Cheilinus trilobatus</i>	
	Tropical rock lobster <i>Panulirus ornatus</i>	
	Tropical sea urchin <i>Tripneustes gratilla</i>	
	White teatfish <i>Holothuria fuscogilva</i>	

No.	Conditions of development approval	Condition timing
2.	Aquaculture being limited to an approved aquaculture area of 46.7 hectares (production area) on a total land area of 187 hectares and defined within Part of Lot 21 CP882855	N/A
3.	The administering authority must be informed via notifications@daf.qld.gov.au of any changes to the personal contact details for this development approval within 28 working days. The email must contain a subject heading and other information clearly identifying the permit and works to which the notification applies	Within 28 working days.
4.	An aquaculture production return must be submitted in the approved form to Fisheries Queensland, DAF, by close of business on 31 July each year during the term of this development approval. This includes lodging a nil return when no activity has occurred.	By close of business on 31 July each year.
5.	Aquaculture fisheries resources must not be released into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ) other than those waters approved under this development approval.	N/A
6.	Unless otherwise authorised, aquaculture fisheries resources must not be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	N/A
7.	The development approval area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> .	N/A
8.	Animals of a species approved for aquaculture under this development approval must not be brought into Queensland for rearing without a health certificate or pathology report issued by the exporting state or territory's fisheries, or a veterinary authority certifying the animals health, which must include a statement that the specimens originate from: <ul style="list-style-type: none"> <li>a. a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the World Organisation for Animal Health (OIE) <i>Manual of Diagnostic Tests for Aquatic Animals</i>, current edition (fifth edition 2006 or later) for recognition as free from infection;</li> <li>b. a hatchery, farm, aquaculture premises or region in which an appropriately targeted surveillance scheme over 2 years has been undertaken under the supervision of state or territory fisheries agencies or fisheries-approved veterinary authorities, and where</li> </ul>	N/A



No.	Conditions of development approval	Condition timing
	<p>the requirements for recognition as free from infection by diseases of concern for that species on the OIE <i>Manual of Diagnostic Tests for Aquatic Animals</i>, current edition (fifth edition 2006 or later), have been met; or</p> <p>c. a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to DAFF Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</p> <p>Animals of an aquatic species that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species.</p>	
9.	<p>Animals of a species approved for aquaculture under this development approval must not be brought into Queensland for rearing unless an “Application to allow the translocation of live aquatic animals into and within Queensland form” (FDU1398) and pathology report has been completed and the administering authority has provided written acknowledgement and approval of the application and the pathology report.</p> <p>The “Application to allow the translocation of live aquatic animals into and within Queensland form” and a signed copy of the pathology report (as detailed above) must be provided to the administering authority a minimum of 3 working days prior to all shipments into Queensland. It is a requirement that the pathology report/ health certificate is dated no more than 14 days before shipment date.</p> <p>After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the Queensland Boating and Fisheries Patrol. If directed by an officer of the administering authority, specimens must be forwarded to a veterinary laboratory as directed by the officer.</p>	N/A
10.	<p>The possession and use of ‘regulated fishing apparatus’ under the <i>Fisheries Regulation 2008</i>, Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved aquaculture area.</p>	N/A
11.	<p>The control over the release of water from all ponds, tanks and drainage systems within the approved aquaculture area must be maintained.</p>	At all times.

No.	Conditions of development approval	Condition timing
12.	All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria drainage systems etc.) on the approved aquaculture area are screened in such a way to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ).	N/A
13.	Where waters are introduced for the aquaculture of the approved species, all reasonable measures must be taken to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved aquaculture area.	N/A
14.	This development approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a commercial fisher, or holder of any other authority that allows the sale of the approved species.	N/A
15.	Live pearl oysters (of the species stated in the authority) are not permitted to be brought into Queensland for placement into Queensland waters or aquaculture premise.	N/A
16.	The movement of all bivalves is subject to the Aquaculture Translocation Policy (DAF) and appropriate DAF Management Arrangements and DAF Aquaculture Translocation Protocols.	N/A
17.	<p>This Development Approval:</p> <p>a) is authorised to culture and keep regulated pearl oysters which have been produced by hatchery operations at an approved Aquaculture Area in Queensland which is authorised to culture those species; and</p> <p>b) Prior to placement into Queensland waters the holder must submit spat for examination for freedom from disease and provide Fisheries DAF with a pathology report (as detailed above) from a DAF animal health laboratory or a NATA accredited laboratory for pathology of aquatic animals for each batch of spat; and</p> <p>i) the pathology report must state that each batch of spat does not show any signs of significant pathogens or lesions; and</p> <p>ii) any of the following signs of disease or lesions may be reason for a pathology report not indicating freedom from disease (or absence of significant pathogens or lesions)</p> <ul style="list-style-type: none"> <li>- the presence of any virus associated with a lesion (e.g. inclusion bodies or focal necrosis) or a virus known or suspected to be pathogenic to pearl oyster species; or</li> <li>- the presence of any protozoan associated with an inflammatory or degenerative lesion or a protozoan known or suspected to be pathogenic to pearl oyster species (the</li> </ul>	N/A

No.	Conditions of development approval	Condition timing
	<p>presence of symbiotic or opportunistic protozoa will not be regarded as a sign of disease); or</p> <ul style="list-style-type: none"> <li>- the presence of metazoan parasites that cause a lesion in the pearl oysters or which are suspected to be pathogenic for the species in question; or</li> <li>- the presence of a fungal infection that causes lesions (e.g. necrosis / inflammation) in the spat; or</li> <li>- the presence of bacteria associated with lesions or inflammation; or</li> <li>- the presence of Rickettsia associated with lesions or inflammation; or</li> <li>- the presence of unexplained lesions; or</li> <li>- the occurrence of unexplained mortalities in the batch at a level which the certifying pathologist considers unacceptable.</li> </ul>	
18.	The movement of all marine crustaceans must comply with the "Health Protocol for the movement of live marine crustaceans including crabs, lobsters and bugs (FAMPR004)".	N/A
19.	Erosion minimisation and mitigation measures must be implemented to ensure that eroded sediment from the intake channel, settlement pond and other bund walls on Lot 21 on CP882855 does not adversely impact upon adjacent tidal lands. This is to be achieved by: a) the installation and maintenance of sediment control fences at the base of walls that are adjacent to tidal lands and where bank erosion is occurring; b) eroded sediment that has washed onto the adjoining tidal lands must be removed from tidal lands by 1 June each year; c) eroded sections of the bunds must be repaired by the 1 June each year; and d) erosion prevention and mitigation measures, such as spoon drains on intake channel walls and sediment fences must be maintained in a functioning order.	N/A
20.	The movement of all bivalves must comply with the "Health Protocol for the Importation and Movement of Live Bivalve Molluscs (FAMPR003)"	At all times.
21.	<p>Each batch of juvenile sea cucumbers produced from a hatchery will require a pathology report indicating freedom from disease issued by one of DAF's animal health laboratories, or by another NATA accredited laboratory for pathology of aquatic animals, prior to its removal from the facility to an approved grow out site in Queensland waters. If necessary DAF may require inspection of the stock prior to movement. To obtain the pathology report indicating freedom from disease:</p> <ul style="list-style-type: none"> <li>a) Samples from each batch of juvenile sea cucumbers must be submitted for examination for freedom from</li> </ul>	N/A

No.	Conditions of development approval	Condition timing
	<p>disease at least 7 working days prior to the removal of juvenile sea cucumbers from the hatchery. A total sample of at least 300 juveniles of appropriate size, with a sub-sample to be taken from each of the tanks containing juvenile sea cucumbers, should be fixed in 10% formalin seawater.</p> <p>b) Any of the following signs of disease or lesions will be reason for a pathology report not indicating freedom from disease: - the presence of any virus associated with a lesion (e.g. inclusion bodies or focal necrosis) or a virus known or suspected to be pathogenic to sea cucumber (or holothurian) species; or - the presence of any protozoan associated with an ulceration, inflammatory-like reaction or degenerative lesion or a protozoan known or suspected to be pathogenic to sea cucumber (or holothurian) species (the presence of symbiotic or opportunistic protozoa will not be regarded as a sign of disease); or - the presence of metazoan parasites associated with an ulceration, inflammatory-like reaction, degenerative lesion or atrophy of internal organ or which are suspected to be pathogenic to sea cucumber (or holothurian) species (the presence of symbiotic or commensal metazoa will not be regarded as a sign of disease); or - the presence of a fungal infection that causes lesions (e.g. necrosis or degenerative lesions); or - the presence of bacteria associated with ulceration or degenerative lesions; or - the presence of unexplained lesions; or - the occurrence of unexplained mortalities in the batch at a level which the certifying pathologist considers unacceptable.</p> <p>c) A batch of juvenile sea cucumbers without a pathology report indicating freedom from disease cannot be seeded into Queensland waters.</p>	



Our reference: SPD-0716-029026

Your reference: 2005BC0253

## Attachment 2—SPA Appeal Provisions

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### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

##### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

##### **360 Application of div 1**

This division applies only during the applicant's appeal period.

##### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

##### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

##### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—

- (i) the decision notice previously given; or
  - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
- (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
- (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.

- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

#### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

**465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

**Division 11 Making and appeal to Court****481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

**482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or



- (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (ii) the assessment manager for the development application to which the notice relates; and
    - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
    - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
  - (d) if the appellant is a person mentioned in section 466(1)—
    - (i) the chief executive; and
    - (ii) the responsible entity for making the change to which the appeal relates; and
    - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
    - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
  - (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
    - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
    - (b) otherwise—10 business days after the appeal is started.
  - (3) The notice must state—
    - (a) the grounds of the appeal; and
    - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and

- (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
- (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.



Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SPD-0914-011060  
Your reference: 2005MAO645

12 February 2015

Bakers Creek Marine Farm  
43 Mooreland Street  
Bakers Creek QLD 4740  
bcmfarm@bigpond.com

**Attention: Mick Lisle**

Dear Mr Lisle,

**Notice of decision—changed approval (responsible entity) given under section 376 of the *Sustainable Planning Act 2009* for Material Change of Use (Aquaculture) over Lot 13 on RP743535, Mooreland Street, Bakers Creek, Mackay QLD 4740**

The Department of State Development, Infrastructure and Planning received representations under section 369 of the *Sustainable Planning Act 2009* on 27 January 2015 for the original decision described below.

#### **Applicant details**

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Applicant name: Bakers Creek Marine Farm

#### **Site details**

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Lot on plan: Lot 13 on RP743535

Local government area: Mackay Regional Council

#### **Application details**

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Proposed development: Development Permit for Material Change of Use (Aquaculture)

**Original decision**

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Date of original decision: 5 October 2000

Original decision details: Approved subject to conditions

A changed decision notice for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the Act
- any plans and specifications approved in relation to the decision notice.

For further information, please contact Dylan Brown, Planning Officer, Mackay Isaac Whitsunday Regional Office on (07) 4898 6812, or email [MIWSARA@dsdip.qld.gov.au](mailto:MIWSARA@dsdip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Patrick Ruetjjes

**Manager (Planning) – Mackay Isaac Whitsunday Regional Office**

enc: Changed decision notice  
Attachment 1—Changed assessment manager conditions  
Attachment 2—SPA appeal provisions



Our reference: SPD-0914-011060

Your reference: 2005MAO645

### Changed decision notice

(Given under section 376 of the *Sustainable Planning Act 2009*)

#### Applicant details

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Applicant name: Bakers Creek Marine Farm

Applicant contact details: 43 Mooreland Street  
Bakers Creek QLD 4740

#### Application details

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Level of assessment: Code assessment

Original application properly made date: N/A

Date of request for change: 27 January 2015

#### Site details

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Street address: 43 Mooreland Street - Bakers Creek QLD 4740

Lot on plan: Lot 13 on RP743535

Name of owner: Mackay Regional Council

#### Nature of the changes

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The nature of the changes agreed to are a cancellation to Condition 4 of development approval No. 2005MAO645 which states: "*This Development Approval is for the period Monday 4 December 2000 until Sunday 31 May 2015.*"

#### Original decision

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Date of original decision: 5 October 2000

Original decision details: Approved subject to conditions

#### Changed decision

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Date of changed decision: 11 February 2015

Changed decision details: Approved subject to conditions

## Conditions

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This approval is subject to:

- the changed assessment manager conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

## Aspects of development and development approval granted

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Development Permit for Material Change of Use (Aquaculture)

## Further development permits or compliance permits

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Please be advised that the following development permits or compliance permits are required to be obtained before the development can be carried out:

1. Not applicable

## Self-assessable codes

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Please be advised that the following codes may need to be complied with for self-assessable development related to the approved development:

1. Not applicable

## Compliance assessment

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Compliance assessment is required under chapter 6, part 10 of the *Sustainable Planning Act 2009* for the following documents or works in relation to the development:

1. Not applicable

## Properly made submissions

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Not applicable—No part of the application required impact assessment.

## Conflicts with relevant instruments

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This decision does not conflict with a relevant instrument.

## Rights of appeal

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

**Relevant period for the approval**

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This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.

Our reference: SPD-0914-011060

Your reference: 2005MAO645

**Attachment 1—Changed assessment manager conditions OR Changed concurrence agency conditions**

No.	Conditions of development approval	Condition timing																																				
<p>Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the Act nominates the Director-General of the Department of Agriculture Forestry and Fisheries (DAFF) to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>																																						
1.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="0"> <thead> <tr> <th data-bbox="336 898 703 929">Common Name</th> <th data-bbox="708 898 1150 929">Scientific Name</th> </tr> </thead> <tbody> <tr> <td data-bbox="336 949 703 981">Australian bass</td> <td data-bbox="708 949 1150 981"><i>Macquaria novemaculeata</i></td> </tr> <tr> <td data-bbox="336 1001 703 1032">Barcoo grunter</td> <td data-bbox="708 1001 1150 1032"><i>Scortum barcoo</i></td> </tr> <tr> <td data-bbox="336 1052 703 1084">Barramundi</td> <td data-bbox="708 1052 1150 1084"><i>Lates calcarifer</i></td> </tr> <tr> <td data-bbox="336 1104 703 1135">Barramundi cod</td> <td data-bbox="708 1104 1150 1135"><i>Cromileptes altivelis</i></td> </tr> <tr> <td data-bbox="336 1155 703 1187">Eel tail catfish</td> <td data-bbox="708 1155 1150 1187"><i>Tandanus tandanus</i></td> </tr> <tr> <td data-bbox="336 1207 703 1238">Estuary cod</td> <td data-bbox="708 1207 1150 1238"><i>Epinephelus coioides</i></td> </tr> <tr> <td data-bbox="336 1258 703 1290">Estuary cod</td> <td data-bbox="708 1258 1150 1290"><i>Epinephelus tauvina</i></td> </tr> <tr> <td data-bbox="336 1310 703 1341">Golden perch</td> <td data-bbox="708 1310 1150 1341"><i>Macquaria ambigua</i></td> </tr> <tr> <td data-bbox="336 1361 703 1393">Gulf Saratoga</td> <td data-bbox="708 1361 1150 1393"><i>Scleropages jardinii</i></td> </tr> <tr> <td data-bbox="336 1413 703 1444">Mangrove jack</td> <td data-bbox="708 1413 1150 1444"><i>Lutjanus argentimaculatus</i></td> </tr> <tr> <td data-bbox="336 1464 703 1496">Mulloway</td> <td data-bbox="708 1464 1150 1496"><i>Argyrosomus japonicus</i></td> </tr> <tr> <td data-bbox="336 1516 703 1547">Murray cod</td> <td data-bbox="708 1516 1150 1547"><i>Maccullochella peeli peeli</i></td> </tr> <tr> <td data-bbox="336 1568 703 1599">Queensland groper</td> <td data-bbox="708 1568 1150 1599"><i>Epinephelus lanceolatus</i></td> </tr> <tr> <td data-bbox="336 1619 703 1650">Sand whiting</td> <td data-bbox="708 1619 1150 1650"><i>Sillago ciliata</i></td> </tr> <tr> <td data-bbox="336 1671 703 1702">Silver perch</td> <td data-bbox="708 1671 1150 1702"><i>Bidyanus bidyanus</i></td> </tr> <tr> <td data-bbox="336 1722 703 1753">Sleepy cod</td> <td data-bbox="708 1722 1150 1753"><i>Oxyeleotris lineolatus</i></td> </tr> <tr> <td data-bbox="336 1774 703 1805">Southern saratoga</td> <td data-bbox="708 1774 1150 1805"><i>Scleropages leichardti</i></td> </tr> </tbody> </table>	Common Name	Scientific Name	Australian bass	<i>Macquaria novemaculeata</i>	Barcoo grunter	<i>Scortum barcoo</i>	Barramundi	<i>Lates calcarifer</i>	Barramundi cod	<i>Cromileptes altivelis</i>	Eel tail catfish	<i>Tandanus tandanus</i>	Estuary cod	<i>Epinephelus coioides</i>	Estuary cod	<i>Epinephelus tauvina</i>	Golden perch	<i>Macquaria ambigua</i>	Gulf Saratoga	<i>Scleropages jardinii</i>	Mangrove jack	<i>Lutjanus argentimaculatus</i>	Mulloway	<i>Argyrosomus japonicus</i>	Murray cod	<i>Maccullochella peeli peeli</i>	Queensland groper	<i>Epinephelus lanceolatus</i>	Sand whiting	<i>Sillago ciliata</i>	Silver perch	<i>Bidyanus bidyanus</i>	Sleepy cod	<i>Oxyeleotris lineolatus</i>	Southern saratoga	<i>Scleropages leichardti</i>	At all Times
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2.	<p>This development approval authorises activities within an approved Aquaculture Area of 2.18 hectares on a total land area of 13.13 hectares as defined within Lot 13 on RP743535. The approved Aquaculture Area is shown as the seven ponds labelled E1 to E5 and W1 and W2 on</p>	At all Times																																				



No.	Conditions of development approval	Condition timing
	Figure 4 of the Supplementary Report submitted with the Aquaculture Licence application.	
3.	DAFF must be informed of any changes to the personal contact details for this Development Approval within 28 working days.	At all Times
4.	An Aquaculture Production Return must be submitted to the chief executive of the DAFF, by close of business on 31 July each year during the term of this Development Approval. This includes lodging a "nil return" when no activity has occurred.	At all Times
5.	Under this approval aquaculture fisheries resources must not be released into Queensland waters other than those waters approved under this Development Approval.	At all Times
6.	Unless otherwise authorised, fisheries resources that are to be aquacultured and subject to this Development Approval must not be sold, traded, or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	At all Times
7.	Any Development Approval and/or Resource Allocation Authority area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the Fisheries Act 1994 during reasonable hours.	At all Times
8.	<p>The species approved under this Authority must not be brought into Queensland for rearing without a health certificate or Pathology Report, issued by the exporting State or Territory's Fisheries or Veterinary authority certifying the animal's health, which must include a statement that the specimens originate from:</p> <p>a) a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) for recognition as free from infection; or</p> <p>b) a hatchery, farm, aquaculture premises or region in which an appropriate targeted surveillance scheme over two years has been undertaken under the supervision of State or Territory Fisheries agencies or fisheries approved Veterinary authorities and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE Manual of Diagnostic Tests for Aquatic Animals, current edition (Fourth Edition 2003 or later) have been met; or</p>	At all Times

No.	Conditions of development approval	Condition timing
	c) a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to DAFF Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species. A species of aquatic animal that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species.	
9.	<p>The species to be farmed under this approval must not be brought into Queensland for rearing unless an "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form"(FDU1398) and Pathology Report has been completed and a DAFF officer has provided written acknowledgement and approval of the "Details of translocation form" and the Pathology Report.</p> <p>The "Application to allow the Translocation of Live Aquatic Animals into and within Queensland form" and a signed copy of the Pathology Report (as detailed above) must be given to the DAFF office nearest to the approved Aquaculture Area, a minimum of three (3) working days prior to all shipments into Queensland.</p> <p>It is a requirement that the pathology report/health certificate is dated no more than 14 days before shipment date. After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the District Officer of the nearest Queensland Boating &amp; Fisheries Patrol. If directed by a DAFF officer, specimens must be forwarded to a veterinary laboratory as directed by the officer.</p>	At all Times
10.	The possession and use of "regulated fishing apparatus" under the Fisheries Regulation 2008, Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved Aquaculture Area.	At all Times
11.	The control over the release of water from all ponds, tanks and drainage systems within the approved Aquaculture Area must be maintained at all times.	At all Times
12.	All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria etc.) and associated plumbing, pumps etc. on the approved Aquaculture Area must be implemented and secured in such a way as to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters.	At all Times

No.	Conditions of development approval	Condition timing
13.	Where waters are introduced for the aquaculture of the approved species, the developer must implement all reasonable measures to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved Aquaculture Area.	At all Times
14.	This Development Approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a Commercial Fisher, or holder of any other authority that allows the sale of the approved species.	At all Times
15.	The movement of all barramundi must comply with DAFF 'Health Protocol for the Importation and Movement of Live Barramundi.'	At all Times
16.	The developer must ensure that all culture stock are held in secure cages in the ponds on the approved area unless the culture stock are from strains of the approved species that are endemic to the Mackay region.	At all Times

Our reference: SPD-0914-011060

Your reference: 2005MAO645

## Attachment 2—SPA Appeal Provisions

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### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

##### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

##### **360 Application of div 1**

This division applies only during the applicant's appeal period.

##### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

##### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

##### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—



- (i) the decision notice previously given; or
  - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.

- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

#### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

**465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

**Division 11 Making and appeal to Court****481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

**482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or

- (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (ii) the assessment manager for the development application to which the notice relates; and
    - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
    - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
  - (d) if the appellant is a person mentioned in section 466(1)—
    - (i) the chief executive; and
    - (ii) the responsible entity for making the change to which the appeal relates; and
    - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
    - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
  - (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
    - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
    - (b) otherwise—10 business days after the appeal is started.
  - (3) The notice must state—
    - (a) the grounds of the appeal; and
    - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and



- (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
- (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.



Department of Infrastructure,  
Local Government and Planning

Our reference: SPD-1016-031336  
Your reference: 2005BC0253

7 November 2016

GFB Fisheries Pty Ltd  
PO Box 237  
Bowen QLD 4805  
farmmanager@coralcoastbarra.com.au

Attention: Justin Forrester

Dear Mr Forrester,

**Notice of decision—changed approval (responsible entity) given under section 376 of the *Sustainable Planning Act 2009* for Development Permit for Material Change of Use (Aquaculture of Marine Species) over part of Lot 21 on CP882855, Bruce Highway, Guthalungra, QLD, 4805**

The Department of Infrastructure, Local Government and Planning received representations under section 369 of the *Sustainable Planning Act 2009* on 13 October 2016 for the original decision described below.

#### **Applicant details**

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Applicant name: GFB Fisheries Pty Ltd

#### **Site details**

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Real property description: Part Lot 21 on CP882855

Local government area: Whitsunday Regional Council

#### **Application details**

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Proposed development: Development Permit for Material Change of Use (Aquaculture of Marine Species)

**Original decision**

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Date of original decision: 27 October 2006  
Original decision details: Approved subject to conditions

A changed decision notice for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the Act
- any plans and specifications approved in relation to the decision notice.

For further information, please contact Vickie Wood, Senior Planning Officer, SARA Mackay Isaac Whitsunday on (07) 4898 6825 or via email [MIWSARA@dilgp.qld.gov.au](mailto:MIWSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



**Patrick Ruettjes**  
**Manager (Planning) – Mackay Isaac Whitsunday Regional Office**

enc: Changed decision notice  
Attachment 1—Changed assessment manager conditions  
Attachment 2—SPA appeal provisions

Our reference: SPD-1016-031336

Your reference: 2005BC0253

### Changed decision notice

(Given under section 376 of the *Sustainable Planning Act 2009*)

#### Applicant details

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Applicant name: GFB Fisheries Pty Ltd

Applicant contact details: PO Box 237  
Bowen QLD 4805

#### Application details

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Level of assessment: Code assessment

Date of request for change: 13 October 2016

#### Site details

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Street address: Bruce Highway, Saltwater Creek 4805

Lot on plan: Part Lot 21 on CP882855

Name of owner: Whitsunday Regional Council

#### Nature of the changes

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The nature of the changes agreed to are:

- The additional of the following marine species to be authorised for Aquaculture under Condition 1 of the Development Permit reference number 2005BC0253:

Green Algae            *Caulerpa lentillifera*

Green Algae            *Ulva spp.*

#### Original decision

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Date of original decision: 27 October 2006

Original decision details: Approved subject to conditions

#### Changed decision

---

Date of changed decision: 7 November 2016

Changed decision details: Approved subject to conditions



## Conditions

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This approval is subject to:

- the changed assessment manager conditions in Attachment 1.

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

## Compliance assessment

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Compliance assessment is required under chapter 6, part 10 of the *Sustainable Planning Act 2009* for the following documents or works in relation to the development:

1. Not applicable

## Properly made submissions

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Not applicable—No part of the application required impact assessment.

## Conflicts with relevant instruments

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This decision does not conflict with a relevant instrument.

## Rights of appeal

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

## Relevant period for the approval

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This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.

## Native title considerations

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A native title assessment was completed for this application under the *Native Title Act 1993* (Cth). It was determined that there would be no effect on native title, and consequently procedural rights were not required. Further consideration of native title is not required and a decision can be issued under the *Sustainable Planning Act 2009*.

Our reference: SPD-1016-031336

Your reference:

**Attachment 1—Changed assessment manager conditions**

No.	Conditions of development approval	Condition timing																																												
<p>Schedule 6. Table 3, Item 10—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the Act nominates the Director-General of the Department of Agriculture and Fisheries to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>																																														
1.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="1" data-bbox="304 891 1273 1995"> <thead> <tr> <th data-bbox="304 898 683 936"><u>Common Name</u></th> <th data-bbox="686 898 1273 936"><u>Scientific Name</u></th> </tr> </thead> <tbody> <tr><td data-bbox="304 943 683 981">Abalone</td><td data-bbox="686 943 1273 981"><i>Haliotis asinina</i></td></tr> <tr><td data-bbox="304 987 683 1025">Akoya pearl oyster</td><td data-bbox="686 987 1273 1025"><i>Pinctada imbricata</i></td></tr> <tr><td data-bbox="304 1032 683 1070">Areolate rock cod</td><td data-bbox="686 1032 1273 1070"><i>Epinephelus areolatus</i></td></tr> <tr><td data-bbox="304 1077 683 1115">Australian bass</td><td data-bbox="686 1077 1273 1115"><i>Macquaria novemaculeata</i></td></tr> <tr><td data-bbox="304 1122 683 1160">Banana prawn</td><td data-bbox="686 1122 1273 1160"><i>Penaeus merguensis</i></td></tr> <tr><td data-bbox="304 1167 683 1205">Banana prawn</td><td data-bbox="686 1167 1273 1205"><i>Penaeus indicus</i></td></tr> <tr><td data-bbox="304 1211 683 1249">Barcoo grunter</td><td data-bbox="686 1211 1273 1249"><i>Scortum barcoo</i></td></tr> <tr><td data-bbox="304 1256 683 1294">Barramundi</td><td data-bbox="686 1256 1273 1294"><i>Lates calcarifer</i></td></tr> <tr><td data-bbox="304 1301 683 1339">Barramundi cod</td><td data-bbox="686 1301 1273 1339"><i>Cromileptes altivelis</i></td></tr> <tr><td data-bbox="304 1346 683 1384">Barred-cheek coral trout</td><td data-bbox="686 1346 1273 1384"><i>Plectropomus maculatus</i></td></tr> <tr><td data-bbox="304 1391 683 1429">Batik Lobster</td><td data-bbox="686 1391 1273 1429"><i>Panulirus longipes</i></td></tr> <tr><td data-bbox="304 1435 683 1473">Blackfish</td><td data-bbox="686 1435 1273 1473"><i>Actinopyga palauensis</i></td></tr> <tr><td data-bbox="304 1480 683 1518">Black jewfish</td><td data-bbox="686 1480 1273 1518"><i>Protonibea diacanthus</i></td></tr> <tr><td data-bbox="304 1525 683 1563">Blacklip Oyster</td><td data-bbox="686 1525 1273 1563"><i>Striostria mytiloides</i></td></tr> <tr><td data-bbox="304 1570 683 1608">Black lip pearl oyster</td><td data-bbox="686 1570 1273 1608"><i>Pinctada margaritifera</i></td></tr> <tr><td data-bbox="304 1615 683 1653">Black Lobster</td><td data-bbox="686 1615 1273 1653"><i>Panulirus penicillatus</i></td></tr> <tr><td data-bbox="304 1659 683 1697">Black Slipper Lobster</td><td data-bbox="686 1659 1273 1697"><i>Parribacus antarcticus</i></td></tr> <tr><td data-bbox="304 1704 683 1742">Black Spot Tusk Fish</td><td data-bbox="686 1704 1273 1742"><i>Choerodon schoenleinii</i></td></tr> <tr><td data-bbox="304 1749 683 1787">Black tiger prawn</td><td data-bbox="686 1749 1273 1787"><i>Penaeus monodon</i></td></tr> <tr><td data-bbox="304 1794 683 1832">Black tiger prawn</td><td data-bbox="686 1794 1273 1832"><i>Penaeus monodon</i></td></tr> <tr><td data-bbox="304 1839 683 1877">Blue salmon</td><td data-bbox="686 1839 1273 1877"><i>Eleutheronema tetradactylum</i></td></tr> </tbody> </table>	<u>Common Name</u>	<u>Scientific Name</u>	Abalone	<i>Haliotis asinina</i>	Akoya pearl oyster	<i>Pinctada imbricata</i>	Areolate rock cod	<i>Epinephelus areolatus</i>	Australian bass	<i>Macquaria novemaculeata</i>	Banana prawn	<i>Penaeus merguensis</i>	Banana prawn	<i>Penaeus indicus</i>	Barcoo grunter	<i>Scortum barcoo</i>	Barramundi	<i>Lates calcarifer</i>	Barramundi cod	<i>Cromileptes altivelis</i>	Barred-cheek coral trout	<i>Plectropomus maculatus</i>	Batik Lobster	<i>Panulirus longipes</i>	Blackfish	<i>Actinopyga palauensis</i>	Black jewfish	<i>Protonibea diacanthus</i>	Blacklip Oyster	<i>Striostria mytiloides</i>	Black lip pearl oyster	<i>Pinctada margaritifera</i>	Black Lobster	<i>Panulirus penicillatus</i>	Black Slipper Lobster	<i>Parribacus antarcticus</i>	Black Spot Tusk Fish	<i>Choerodon schoenleinii</i>	Black tiger prawn	<i>Penaeus monodon</i>	Black tiger prawn	<i>Penaeus monodon</i>	Blue salmon	<i>Eleutheronema tetradactylum</i>	N/A
<u>Common Name</u>	<u>Scientific Name</u>																																													
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No.	Conditions of development approval	Condition timing
	Bluefin trevally <i>Caranx melampygus</i>	
	Blue-spot coral trout <i>Plectropomus laevis</i>	
	Blunt Slipper Lobster <i>Scyllarides squamosus</i>	
	Brown tiger prawn <i>Penaeus esculentus</i>	
	Burrowing Blackfish <i>Actinopyga spinea</i>	
	Chinaman rockcod <i>Epinephelus rivulatus</i>	
	Cobia <i>Rachycentron canadum</i>	
	Common coral trout <i>Plectropomus leopardus</i>	
	Diamond scale mullet <i>Liza vaigiensis</i>	
	Diver whiting <i>Sillago maculata</i>	
	Eel tail catfish <i>Tandanus tandanus</i>	
	Estuary cod <i>Epinephelus coioides</i>	
	Estuary cod <i>Epinephelus tauvina</i>	
	Flowery cod <i>Epinephelus fuscoguttatus</i>	
	Giant clam <i>Tridacna gigas</i>	
	Giant oystercracker <i>Trachinotus anak</i>	
	Giant trevally <i>Caranx ignobilis</i>	
	Giant Triton <i>Charonia tritonis</i>	
	Gold lip pearl oyster <i>Pinctada maxima</i>	
	Golden perch (Cooper Creek strain) <i>Macquaria ambigua n.sp</i>	
	Golden perch (Dawson River strain) <i>Macquaria ambigua oriens</i>	
	Golden perch (Murray-Darling strain) <i>Macquaria ambigua ambigua</i>	
	Golden snapper <i>Lutjanus johnii</i>	
	Golden trevally <i>Gnathanodon speciosus</i>	
	Goldenline whiting <i>Sillago analis</i>	
	Grass Emperor <i>Letherinus laticaudis</i>	
	Green Tropical Lobster <i>Panulirus versicolor</i>	
	Green Algae <i>Caulerpa lentillifera</i>	
	Green Algae <i>Ulva spp.</i>	
	Grooved tiger prawn <i>Penaeus semisulcatus</i>	
	Gulf Saratoga <i>Scleropages jardinii</i>	
	High-fin coral trout <i>Plectropomus oligacanthus</i>	
	Hump-head maori wrasse <i>Cheilinus undulatus</i>	

No.	Conditions of development approval	Condition timing
	King threadfin <i>Polydactylus macrochir</i>	
	Kuruma prawn <i>Penaeus japonicus</i>	
	Mahi Mahi <i>Coryphaena hippurus</i>	
	Malabar grouper <i>Epinephelus malabaricus</i>	
	Mangrove jack <i>Lutjanus argentimaculatus</i>	
	Moreton Bay bug <i>Thenus orientalis</i>	
	Moreton Bay bug <i>Thenus indicus</i>	
	Mud Lobster <i>Panulirus polyphagus</i>	
	Mulloway <i>Argyrosomus japonicus</i>	
	Murray cod <i>Maccullochella peeli peeli</i>	
	Northern whiting <i>Sillago sihama</i>	
	Passionfruit trout <i>Plectropomus areolatus</i>	
	Penguin pearl oyster <i>Pteria penguin</i>	
	Prickly Redfish <i>Thelenota ananas</i>	
	Queensland groper <i>Epinephelus lanceolatus</i>	
	Red Throat Emperor <i>Letherinus minatus</i>	
	Rock Oyster <i>Saccostrea glomerata</i>	
	Sandfish <i>Holothuria scabra</i>	
	Sand Lobster <i>Panulirus homarus</i>	
	Sand whiting <i>Sillago ciliata</i>	
	Silver perch <i>Bidyanus bidyanus</i>	
	Sleepy cod <i>Oxyeleotris lineolatus</i>	
	Snapper <i>Pagrus auratus</i>	
	Snub-nosed dart <i>Trachinotus blochii</i>	
	Southern saratoga <i>Scleropages leichardti</i>	
	Spangled Emperor <i>Letherinus nebulosus</i>	
	Stout whiting <i>Sillago robusta</i>	
	Triple Tail Cod <i>Lobotes surinamensis</i>	
	Triple-tail maori wrasse <i>Cheilinus trilobatus</i>	
	Tropical rock lobster <i>Panulirus ornatus</i>	
	Tropical Sea Urchin <i>Tripneustes gratilla</i>	
	White Teatfish <i>Holothuria fuscogilva</i>	



No.	Conditions of development approval	Condition timing
2.	Aquaculture being limited to an approved aquaculture area of 46.7 hectares (production area) on a total land area of 187 hectares and defined within Part of Lot 21 on CP882855.	N/A
3.	The administering authority must be informed via notifications@daf.qld.gov.au of any changes to the personal contact details for this development approval within 28 working days. The email must contain a subject heading and other information clearly identifying the permit and works to which the notification applies.	Within 28 working days.
4.	An aquaculture production return must be submitted in the approved form to Fisheries Queensland, DAF, by close of business on 31 July each year during the term of this development approval. This includes lodging a nil return when no activity has occurred.	By close of business on 31 July each year.
5.	Aquaculture fisheries resources must not be released into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ) other than those waters approved under this development approval.	N/A
6.	Unless otherwise authorised, aquaculture fisheries resources must not be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	N/A
7.	The development approval area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> .	N/A
8.	<p>Animals of a species approved for aquaculture under this development approval must not be brought into Queensland for rearing without a health certificate or pathology report issued by the exporting state or territory's fisheries, or a veterinary authority certifying the animals health, which must include a statement that the specimens originate from:</p> <ol style="list-style-type: none"> <li>a. a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the World Organisation for Animal Health (OIE) <i>Manual of Diagnostic Tests for Aquatic Animals</i>, current edition (fifth edition 2006 or later) for recognition as free from infection;</li> <li>b. a hatchery, farm, aquaculture premises or region in which an appropriately targeted surveillance scheme over 2 years has been undertaken under the supervision of state or territory fisheries agencies or fisheries-approved veterinary authorities, and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE <i>Manual of Diagnostic Tests for Aquatic Animals</i>, current edition (fifth edition 2006 or later), have been met; or</li> <li>c. a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to DAF Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</li> </ol> <p>Animals of an aquatic species that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species.</p>	N/A

No.	Conditions of development approval	Condition timing
9.	<p>Animals of a species approved for aquaculture under this development approval must not be brought into Queensland for rearing unless an “Application to allow the translocation of live aquatic animals into and within Queensland form” (FDU1398) and pathology report has been completed and the administering authority has provided written acknowledgement and approval of the application and the pathology report.</p> <p>The “Application to allow the translocation of live aquatic animals into and within Queensland form” and a signed copy of the pathology report (as detailed above) must be provided to the administering authority a minimum of 3 working days prior to all shipments into Queensland. It is a requirement that the pathology report/ health certificate is dated no more than 14 days before shipment date.</p> <p>After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the Queensland Boating and Fisheries Patrol. If directed by an officer of the administering authority, specimens must be forwarded to a veterinary laboratory as directed by the officer.</p>	N/A
10.	The possession and use of ‘regulated fishing apparatus’ under the Fisheries Regulation 2008, Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved aquaculture area.	N/A
11.	The control over the release of water from all ponds, tanks and drainage systems within the approved aquaculture area must be maintained at all times.	N/A
12.	All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria drainage systems etc.) on the approved aquaculture area are screened in such a way to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ).	N/A
13.	Where waters are introduced for the aquaculture of the approved species, all reasonable measures must be taken to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved aquaculture area.	N/A
14.	This development approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a commercial fisher, or holder of any other authority that allows the sale of the approved species.	N/A
15.	Live pearl oysters (of the species stated in the authority) are not permitted to be brought into Queensland for placement into Queensland waters or aquaculture premise.	N/A
16.	The movement of all bivalves is subject to the Aquaculture Translocation Policy (DAF) and appropriate DAF Management Arrangements and DAF Aquaculture Translocation Protocols.	N/A
17.	<p>This Development Approval:</p> <p>a) is authorised to culture and keep regulated pearl oysters which have been produced by hatchery operations at an approved Aquaculture Area in Queensland which is authorised to culture those species; and</p> <p>b) Prior to placement into Queensland waters the holder must submit spat for examination for freedom from disease and provide Fisheries DAF with a</p>	N/A

No.	Conditions of development approval	Condition timing
	<p>pathology report (as detailed above) from a DAF animal health laboratory or a NATA accredited laboratory for pathology of aquatic animals for each batch of spat; and</p> <p>i) the pathology report must state that each batch of spat does not show any signs of significant pathogens or lesions; and</p> <p>ii) any of the following signs of disease or lesions may be reason for a pathology report not indicating freedom from disease (or absence of significant pathogens or lesions)</p> <ul style="list-style-type: none"> <li>- the presence of any virus associated with a lesion (eg. inclusion bodies or focal necrosis) or a virus known or suspected to be pathogenic to pearl oyster species; or</li> <li>- the presence of any protozoan associated with an inflammatory or degenerative lesion or a protozoan known or suspected to be pathogenic to pearl oyster species (the presence of symbiotic or opportunistic protozoa will not be regarded as a sign of disease); or</li> <li>- the presence of metazoan parasites that cause a lesion in the pearl oysters or which are suspected to be pathogenic for the species in question; or</li> <li>- the presence of a fungal infection that causes lesions (eg. necrosis / inflammation) in the spat; or</li> <li>- the presence of bacteria associated with lesions or inflammation; or</li> <li>- the presence of Rickettsia associated with lesions or inflammation; or</li> <li>- the presence of unexplained lesions; or</li> <li>- the occurrence of unexplained mortalities in the batch at a level which the certifying pathologist considers unacceptable.</li> </ul>	
18.	The movement of all marine crustaceans must comply with the "Health Protocol for the movement of live marine crustaceans including crabs, lobsters and bugs (FAMPR004)".	N/A
19.	Erosion minimisation and mitigation measures must be implemented to ensure that eroded sediment from the intake channel, settlement pond and other bund walls on Lot 21 on CP882855 does not adversely impact upon adjacent tidal lands. This is to be achieved by: a) the installation and maintenance of sediment control fences at the base of walls that are adjacent to tidal lands and where bank erosion is occurring; b) eroded sediment that has washed onto the adjoining tidal lands must be removed from tidal lands by 1 June each year; c) eroded sections of the bunds must be repaired by the 1 June each year; and d) erosion prevention and mitigation measures, such as spoon drains on intake channel walls and sediment fences must be maintained in a functioning order.	N/A
20.	The movement of all bivalves must comply with the "Health Protocol for the Importation and Movement of Live Bivalve Molluscs (FAMPR003)"	N/A
21.	Each batch of juvenile sea cucumbers produced from a hatchery will require a pathology report indicating freedom from disease issued by one of DAF's animal health laboratories, or by another NATA accredited laboratory for pathology of aquatic animals, prior to its removal from the facility to an approved grow out site in Queensland waters. If necessary DAF may require inspection of the stock prior to movement. To obtain the pathology report indicating freedom from disease:	N/A

No.	Conditions of development approval	Condition timing
	<p>a) Samples from each batch of juvenile sea cucumbers must be submitted for examination for freedom from disease at least 7 working days prior to the removal of juvenile sea cucumbers from the hatchery. A total sample of at least 300 juveniles of appropriate size, with a sub-sample to be taken from each of the tanks containing juvenile sea cucumbers, should be fixed in 10% formalin seawater.</p> <p>b) Any of the following signs of disease or lesions will be reason for a pathology report not indicating freedom from disease: - the presence of any virus associated with a lesion (e.g. inclusion bodies or focal necrosis) or a virus known or suspected to be pathogenic to sea cucumber (or holothurian) species; or - the presence of any protozoan associated with an ulceration, inflammatory-like reaction or degenerative lesion or a protozoan known or suspected to be pathogenic to sea cucumber (or holothurian) species (the presence of symbiotic or opportunistic protozoa will not be regarded as a sign of disease); or - the presence of metazoan parasites associated with an ulceration, inflammatory-like reaction, degenerative lesion or atrophy of internal organ or which are suspected to be pathogenic to sea cucumber (or holothurian) species (the presence of symbiotic or commensal metazoa will not be regarded as a sign of disease); or - the presence of a fungal infection that causes lesions (e.g. necrosis or degenerative lesions); or - the presence of bacteria associated with ulceration or degenerative lesions; or - the presence of unexplained lesions; or - the occurrence of unexplained mortalities in the batch at a level which the certifying pathologist considers unacceptable.</p> <p>c) A batch of juvenile sea cucumbers without a pathology report indicating freedom from disease cannot be seeded into Queensland waters.</p>	



Our reference: SPD-1016-031336

Your reference: 2005BC0253

## Attachment 2—SPA Appeal Provisions

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### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

##### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

##### **360 Application of div 1**

This division applies only during the applicant's appeal period.

##### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

##### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

##### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—

- (i) the decision notice previously given; or
  - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
- (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
- (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.

- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

#### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

**465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

**Division 11 Making and appeal to Court****481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

**482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or



- (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (ii) the assessment manager for the development application to which the notice relates; and
    - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
    - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
  - (d) if the appellant is a person mentioned in section 466(1)—
    - (i) the chief executive; and
    - (ii) the responsible entity for making the change to which the appeal relates; and
    - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
    - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
  - (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
    - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
    - (b) otherwise—10 business days after the appeal is started.
  - (3) The notice must state—
    - (a) the grounds of the appeal; and
    - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and

- (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
- (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.



Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SPD-1214-014010  
Your reference: 2005BC0253

16 January 2015

GFB Fisheries Pty Ltd  
PO Box 237  
Bowen QLD 4805  
farmmanager@gfbfisheries.com

**Attention: Justin Forrester**

Dear Mr. Forrester,

**Notice of decision—changed approval (responsible entity) given under section 376 of the *Sustainable Planning Act 2009* for Development Permit for Material Change of Use (Aquaculture of Marine Species) over part of Lot 21 on CP882855, Bruce Highway, Guthalungra, QLD, 4805**

The Department of State Development, Infrastructure and Planning received representations under section 369 of the *Sustainable Planning Act 2009* on 17 December 2014 for the original decision described below.

#### **Applicant details**

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Applicant name: GFB Fisheries Pty Ltd

#### **Site details**

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Lot on plan: Part of Lot 21 on CP882855

Local government area: WHITSUNDAY REGIONAL COUNCIL

#### **Application details**

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Proposed development: Development Permit for Material Change of Use (Aquaculture of Marine Species)

**Original decision**

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Date of original decision: 27 October 2006  
Original decision details: Approved subject to conditions

A changed decision notice for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the Act
- any plans and specifications approved in relation to the decision notice.

For further information, please contact Dylan Brown, Planning Officer, Mackay Isaac Whitsunday Regional Office on (07) 4898 6812, or email [dylan.brown@dndip.qld.gov.au](mailto:dylan.brown@dndip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Don Cook

**Manager (Planning) – Fitzroy and Central Regional Office**

enc: Changed decision notice  
Attachment 1—Changed assessment manager conditions  
Attachment 2—SPA appeal provisions



Our reference: SPD-1214-014010

Your reference: 2005BC0253

**Changed decision notice** [please notate changed details in the following sections]

(Given under section 376 of the *Sustainable Planning Act 2009*)

**Applicant details**

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Applicant name: GFB Fisheries Pty Ltd

Applicant contact details: PO Box 237  
Bowen QLD 4805

**Application details**

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Level of assessment: Code assessment

Date of request for change: 15 January 2015

**Site details**

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Street address: Bruce Highway Saltwater Creek4805

Lot on plan: Part of Lot 21 on CP882855

Name of owner: WHITSUNDAY REGIONAL COUNCIL

**Nature of the changes**

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The nature of the changes agreed to are:

1. The addition of the following marine species to be authorised for Aquaculture under Condition 1 of the Development Permit reference number 2005BC0253:

Category A –	ML5 Marine Crayfish
Golden Trevally	<i>Gnathanodon speciosus</i>
Giant Trevally	<i>Caranx ignobilis</i>
Bluefin Trevally	<i>Caranx melampygus</i>
Permit	<i>Trachinotus blochi</i>
Oyster pompano	<i>Trachinotus anak</i>
Black jewfish	<i>Protonibea diacanthus</i>
Blue Salmon/Threadfin	<i>Eleutheronema tetradactylum</i>
King Threadfin	<i>Polydactylus macrochir</i>
Golden-lined whiting	<i>Sillago analis</i>
Trumpeter whiting	<i>Sillago maculata</i>
Stout whiting	<i>Sillago robusta</i>
Northern whiting	<i>Sillago sihama</i>
Donkey ear abalone	<i>Haliotis asinina</i>

**Original decision**

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Date of original decision: 27 October 2006  
 Original decision details: Approved subject to conditions

**Changed decision**

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Date of changed decision: 15 January 2015  
 Changed decision details: Approved subject to conditions

**Conditions**

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This approval is subject to:

- the changed assessment manager conditions in Attachment 1

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

**Compliance assessment**

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Compliance assessment is required under chapter 6, part 10 of the *Sustainable Planning Act 2009* for the following documents or works in relation to the development:

1. Not applicable

**Properly made submissions**

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Not applicable—No part of the application required impact assessment.

**Conflicts with relevant instruments**

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This decision does not conflict with a relevant instrument.

**Rights of appeal**

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The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7, part 2 of the Act).

Copies of the relevant appeal provisions are attached.

**Relevant period for the approval**

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This development approval will lapse if development is not started within the relevant periods stated in section 341 of the Act.

**Native title considerations**

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A native title assessment was completed for this application under the *Native Title Act*

1993 (Cth). It was determined that there would be no effect on native title, and consequently procedural rights were not required. Further consideration of native title is not required and a decision can be issued under the *Sustainable Planning Act 2009*.

Our reference: SPD-1214-014010

Your reference: 2005BC0253

**Attachment 1—Changed assessment manager conditions**

No.	Conditions of development approval	Condition timing																																														
Schedule 6, Table 3, Item 10—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Agriculture Forestry and Fisheries (DAFF) to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):																																																
1.	<p>The operator is authorised to conduct aquaculture on and harvest the following approved species:</p> <table border="0"> <thead> <tr> <th data-bbox="343 887 651 920"><u>Common Name</u></th> <th data-bbox="655 887 1144 920"><u>Scientific Name</u></th> </tr> </thead> <tbody> <tr><td>Abalone</td><td><i>Haliotis asinina</i></td></tr> <tr><td>Akoya pearl oyster</td><td><i>Pinctada imbricata</i></td></tr> <tr><td>Areolate rock cod</td><td><i>Epinephelus areolatus</i></td></tr> <tr><td>Australian bass</td><td><i>Macquaria novemaculeata</i></td></tr> <tr><td>Banana prawn</td><td><i>Penaeus merguensis</i></td></tr> <tr><td>Banana prawn</td><td><i>Penaeus indicus</i></td></tr> <tr><td>Barcoo grunter</td><td><i>Scortum barcoo</i></td></tr> <tr><td>Barramundi</td><td><i>Lates calcarifer</i></td></tr> <tr><td>Barramundi cod</td><td><i>Cromileptes altivelis</i></td></tr> <tr><td>Barred-cheek coral trout</td><td><i>Plectropomus maculatus</i></td></tr> <tr><td>Batik Lobster</td><td><i>Panulirus longipes</i></td></tr> <tr><td>Black jewfish</td><td><i>Protonibea diacanthus</i></td></tr> <tr><td>Black lip pearl oyster</td><td><i>Pinctada margaritifera</i></td></tr> <tr><td>Black Lobster</td><td><i>Panulirus penicillatus</i></td></tr> <tr><td>Black Slipper Lobster</td><td><i>Parribacus antarcticus</i></td></tr> <tr><td>Black tiger prawn</td><td><i>Penaeus monodon</i></td></tr> <tr><td>Black tiger prawn</td><td><i>Penaeus monodon</i></td></tr> <tr><td>Blue salmon</td><td><i>Eleutheronema tetradactylum</i></td></tr> <tr><td>Bluefin trevally</td><td><i>Caranx melampygus</i></td></tr> <tr><td>Blue-spot coral trout</td><td><i>Plectropomus laevis</i></td></tr> <tr><td>Blunt Slipper Lobster</td><td><i>Scyllarides squammosus</i></td></tr> <tr><td>Brown tiger prawn</td><td><i>Penaeus esculentus</i></td></tr> </tbody> </table>	<u>Common Name</u>	<u>Scientific Name</u>	Abalone	<i>Haliotis asinina</i>	Akoya pearl oyster	<i>Pinctada imbricata</i>	Areolate rock cod	<i>Epinephelus areolatus</i>	Australian bass	<i>Macquaria novemaculeata</i>	Banana prawn	<i>Penaeus merguensis</i>	Banana prawn	<i>Penaeus indicus</i>	Barcoo grunter	<i>Scortum barcoo</i>	Barramundi	<i>Lates calcarifer</i>	Barramundi cod	<i>Cromileptes altivelis</i>	Barred-cheek coral trout	<i>Plectropomus maculatus</i>	Batik Lobster	<i>Panulirus longipes</i>	Black jewfish	<i>Protonibea diacanthus</i>	Black lip pearl oyster	<i>Pinctada margaritifera</i>	Black Lobster	<i>Panulirus penicillatus</i>	Black Slipper Lobster	<i>Parribacus antarcticus</i>	Black tiger prawn	<i>Penaeus monodon</i>	Black tiger prawn	<i>Penaeus monodon</i>	Blue salmon	<i>Eleutheronema tetradactylum</i>	Bluefin trevally	<i>Caranx melampygus</i>	Blue-spot coral trout	<i>Plectropomus laevis</i>	Blunt Slipper Lobster	<i>Scyllarides squammosus</i>	Brown tiger prawn	<i>Penaeus esculentus</i>	N/A
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No.	Conditions of development approval	Condition timing
	Chinaman rockcod <i>Epinephelus rivulatus</i>	
	Cobia <i>Rachycentron canadum</i>	
	Common coral trout <i>Plectropomus leopardus</i>	
	Diamond scale mullet <i>Liza vaigiensis</i>	
	Diver whiting <i>Sillago maculata</i>	
	Eel tail catfish <i>Tandanus tandanus</i>	
	Estuary cod <i>Epinephelus coioides</i>	
	Estuary cod <i>Epinephelus tauvina</i>	
	Flowery cod <i>Epinephelus fuscoguttatus</i>	
	Giant clam <i>Tridacna gigas</i>	
	Giant oystercracker <i>Trachinotus anak</i>	
	Giant trevally <i>Caranx ignobilis</i>	
	Gold lip pearl oyster <i>Pinctada maxima</i>	
	Golden perch (Cooper Creek strain) <i>Macquaria ambigua n.sp</i>	
	Golden perch (Dawson River strain) <i>Macquaria ambigua oriens</i>	
	Golden perch (Murray-Darling strain) <i>Macquaria ambigua ambigua</i>	
	Golden snapper <i>Lutjanus johnii</i>	
	Golden trevally <i>Gnathanodon speciosus</i>	
	Goldenline whiting <i>Sillago analis</i>	
	Green Tropical Lobster <i>Panulirus versicolor</i>	
	Grooved tiger prawn <i>Penaeus semisulcatus</i>	
	Gulf Saratoga <i>Scleropages jardinii</i>	
	High-fin coral trout <i>Plectropomus oligacanthus</i>	
	Hump-head maori wrasse <i>Cheilinus undulatus</i>	
	King threadfin <i>Polydactylus macrochir</i>	
	Kuruma prawn <i>Penaeus japonicus</i>	
	Mahi Mahi <i>Coryphaena hippurus</i>	
	Malabar grouper <i>Epinephelus malabaricus</i>	
	Mangrove jack <i>Lutjanus argentimaculatus</i>	
	Moreton Bay bug <i>Thenus orientalis</i>	
	Moreton Bay bug <i>Thenus indicus</i>	
	Mud Lobster <i>Panulirus polyphagus</i>	



No.	Conditions of development approval	Condition timing
	<p>Mulloway <i>Argyrosomus japonicus</i></p> <p>Murray cod <i>Maccullochella peeli peeli</i></p> <p>Northern whiting <i>Sillago sihama</i></p> <p>Passionfruit trout <i>Plectropomus areolatus</i></p> <p>Penguin pearl oyster <i>Pteria penguin</i></p> <p>Queensland groper <i>Epinephelus lanceolatus</i></p> <p>Sand Lobster <i>Panulirus homarus</i></p> <p>Sand whiting <i>Sillago ciliata</i></p> <p>Silver perch <i>Bidyanus bidyanus</i></p> <p>Sleepy cod <i>Oxyeleotris lineolatus</i></p> <p>Snapper <i>Pagrus auratus</i></p> <p>Snub-nosed dart <i>Trachinotus blochii</i></p> <p>Southern saratoga <i>Scleropages leichardti</i></p> <p>Stout whiting <i>Sillago robusta</i></p> <p>Triple-tail maori wrasse <i>Cheilinus trilobatus</i></p> <p>Tropical rock lobster <i>Panulirus ornatus</i></p>	
2.	Aquaculture being limited to an approved aquaculture area of 46.7 hectares (production area) on a total land area of 187 hectares and defined within Part of Lot 21 CP882855.	N/A
3.	The administering authority must be informed via notifications@daff.qld.gov.au of any changes to the personal contact details for this development approval within 28 working days. The email must contain a subject heading and other information clearly identifying the permit and works to which the notification applies.	Within 28 Working Days
4.	An aquaculture production return must be submitted in the approved form to Fisheries Queensland, DAFF, by close of business on 31 July each year during the term of this development approval. This includes lodging a nil return when no activity has occurred.	By close of business on 31 July each year.
5.	Aquaculture fisheries resources must not be released into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ) other than those waters approved under this development approval.	N/A
6.	Unless otherwise authorised, aquaculture fisheries resources must not be sold, traded or given away for the purposes of using for bait. This includes the use of whole fish and any part of the fish.	N/A
7.	The development approval area, and any associated areas which are used for activities related to the approved aquaculture operation (including processing), and all	N/A

No.	Conditions of development approval	Condition timing
	records relating to the aquaculture activity, must be made available for inspection by an inspector under the <i>Fisheries Act 1994</i> .	
8.	<p>Animals of a species approved for aquaculture under this development approval must not be brought into Queensland for rearing without a health certificate or pathology report issued by the exporting state or territory's fisheries, or a veterinary authority certifying the animals health, which must include a statement that the specimens originate from:</p> <ol style="list-style-type: none"> <li>a. a hatchery, farm, aquaculture premises or region which is recognised as free from infection by the diseases on the Queensland Declared Disease List based on the requirements listed in the World Organisation for Animal Health (OIE) <i>Manual of Diagnostic Tests for Aquatic Animals</i>, current edition (fifth edition 2006 or later) for recognition as free from infection;</li> <li>b. a hatchery, farm, aquaculture premises or region in which an appropriately targeted surveillance scheme over 2 years has been undertaken under the supervision of state or territory fisheries agencies or fisheries-approved veterinary authorities, and where the requirements for recognition as free from infection by diseases of concern for that species on the OIE <i>Manual of Diagnostic Tests for Aquatic Animals</i>, current edition (fifth edition 2006 or later), have been met; or</li> <li>c. a single batch of gametes, larvae, fry, post-larvae, spat or early juvenile or adult of a species of finfish, crustaceans or molluscs, isolated from open waters, which has been tested using suitable techniques (refer to DAFF Health Translocation Protocols appropriate for the approved species) to provide evidence that the batch is free from infection by diseases of concern on the Queensland Declared Disease List for that species.</li> </ol> <p>Animals of an aquatic species that is not finfish, crustacean or mollusc must not be brought into Queensland for rearing without a specific risk assessment and under a specific translocation protocol for that species.</p>	N/A
9.	<p>Animals of a species approved for aquaculture under this development approval must not be brought into Queensland for rearing unless an "Application to allow the translocation of live aquatic animals into and within Queensland form" (FDU1398) and pathology report has been completed and the administering authority has provided written acknowledgement and approval of the application and the pathology report.</p> <p>The "Application to allow the translocation of live aquatic</p>	N/A

No.	Conditions of development approval	Condition timing
	<p>animals into and within Queensland form” and a signed copy of the pathology report (as detailed above) must be provided to the administering authority a minimum of 3 working days prior to all shipments into Queensland. It is a requirement that the pathology report/ health certificate is dated no more than 14 days before shipment date.</p> <p>After arrival, any unusual clinical signs or mortalities in the stock must be reported immediately to the Queensland Boating and Fisheries Patrol. If directed by an officer of the administering authority, specimens must be forwarded to a veterinary laboratory as directed by the officer.</p>	
10.	The possession and use of ‘regulated fishing apparatus’ under the <i>Fisheries Regulation 2008</i> , Chapter 4, Part 1, Division 4, Subdivision 1 (freshwater) and Subdivision 2, sections 188 and 189 (marine), are authorised at the approved aquaculture area.	N/A
11.	The control over the release of water from all ponds, tanks and drainage systems within the approved aquaculture area must be maintained at all times.	N/A
12.	All reasonable and practicable measures to ensure that all waters (ponds, tanks, aquaria drainage systems etc.) on the approved aquaculture area are screened in such a way to prevent the escape of any specimens (eggs, juveniles or adults) into Queensland waters (as defined in the <i>Acts Interpretation Act 1954</i> ).	N/A
13.	Where waters are introduced for the aquaculture of the approved species, all reasonable measures must be taken to ensure all waters are sufficiently screened to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved aquaculture area.	N/A
14.	This development approval authorises the purchase of broodstock and/or culture stock from the holder of a commercial fishing boat licence, a commercial fisher, or holder of any other authority that allows the sale of the approved species.	N/A
15.	Live pearl oysters (of the species stated in the authority) are not permitted to be brought into Queensland for placement into Queensland waters or aquaculture premise.	N/A
16.	The movement of all bivalves is subject to the Aquaculture Translocation Policy (DAFF) and appropriate DAFF Management Arrangements and DAFF Aquaculture Translocation Protocols.	N/A
17.	<p>This Development Approval:</p> <p>a) is authorised to culture and keep regulated pearl oysters which have been produced by hatchery operations at an</p>	

No.	Conditions of development approval	Condition timing
	<p>approved Aquaculture Area in Queensland which is authorised to culture those species; and</p> <p>b) Prior to placement into Queensland waters the holder must submit spat for examination for freedom from disease and provide Fisheries DAFF with a pathology report (as detailed above) from a DAFF animal health laboratory or a NATA accredited laboratory for pathology of aquatic animals for each batch of spat; and</p> <p>i) the pathology report must state that each batch of spat does not show any signs of significant pathogens or lesions; and</p> <p>ii) any of the following signs of disease or lesions may be reason for a pathology report not indicating freedom from disease (or absence of significant pathogens or lesions)</p> <ul style="list-style-type: none"> <li>- the presence of any virus associated with a lesion (eg. inclusion bodies or focal necrosis) or a virus known or suspected to be pathogenic to pearl oyster species; or</li> <li>- the presence of any protozoan associated with an inflammatory or degenerative lesion or a protozoan known or suspected to be pathogenic to pearl oyster species (the presence of symbiotic or opportunistic protozoa will not be regarded as a sign of disease); or</li> <li>- the presence of metazoan parasites that cause a lesion in the pearl oysters or which are suspected to be pathogenic for the species in question; or</li> <li>- the presence of a fungal infection that causes lesions (eg. necrosis / inflammation) in the spat; or</li> <li>- the presence of bacteria associated with lesions or inflammation; or</li> <li>- the presence of Rickettsia associated with lesions or inflammation; or</li> <li>- the presence of unexplained lesions; or</li> <li>- the occurrence of unexplained mortalities in the batch at a level which the certifying pathologist considers unacceptable.</li> </ul>	
18.	The movement of all marine crustaceans must comply with the "Health Protocol for the movement of live marine crustaceans including crabs, lobsters and bugs (FAMPR004)".	N/A
19.	Erosion minimisation and mitigation measures must be implemented to ensure that eroded sediment from the intake channel, settlement pond and other bund walls on Lot 21 on CP882855 does not adversely impact upon adjacent tidal lands. This is to be achieved by: a) the installation and maintenance of sediment control fences at the base of walls that are adjacent to tidal lands and where bank erosion is occurring; b) eroded sediment that has	

No.	Conditions of development approval	Condition timing
	washed onto the adjoining tidal lands must be removed from tidal lands by 1 June each year; c) eroded sections of the bunds must be repaired by the 1 June each year; and d) erosion prevention and mitigation measures, such as spoon drains on intake channel walls and sediment fences must be maintained in a functioning order.	



Our reference: SPD-1214-014010

Your reference: 2005BC0253

## Attachment 2—SPA Appeal Provisions

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### **Sustainable Planning Act 2009—Representation and appeal provisions**

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

#### **Chapter 6 Integrated development assessment system (IDAS)**

##### **Part 8 Dealing with decision notices and approvals**

##### **Division 1 Changing decision notices and approvals during applicant's appeal period**

##### **360 Application of div 1**

This division applies only during the applicant's appeal period.

##### **361 Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

##### **362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

##### **363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—

- (i) the decision notice previously given; or
  - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

### **364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
- (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

## **Chapter 7 Appeals, offences and enforcement**

### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
- (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.

- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

#### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

#### **463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency's response mentioned in subsection (2).

#### **464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

**465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
  - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

**Division 11 Making and appeal to Court****481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

**482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or

- (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
    - (i) the chief executive; and
    - (ii) the assessment manager for the development application to which the notice relates; and
    - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
    - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
  - (d) if the appellant is a person mentioned in section 466(1)—
    - (i) the chief executive; and
    - (ii) the responsible entity for making the change to which the appeal relates; and
    - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
    - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
  - (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
    - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
    - (b) otherwise—10 business days after the appeal is started.
  - (3) The notice must state—
    - (a) the grounds of the appeal; and
    - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

#### **485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and



- (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
- (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

#### **488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

#### **490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.