

DELEGATED REPORT

SUBJECT: G & M BEERE - MATERIAL CHANGE OF USE - AQUACULTURE AND ASSOCIATED OPERATIONAL WORKS - BULK EARTHWORKS (AQUACULTURE PONDS) - LOT 2 ON RP737772 - 321 MALONE ROAD, MAREEBA - MCU/19/0003

DATE: 12 August 2019

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	G & M Beere	ADDRESS	321 Malone Road, Mareeba
DATE LODGED	21 March 2019	RPD	Lot 2 on RP737772
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Aquaculture and Associated Operational Works - Bulk Earthworks (Aquaculture Ponds)		

FILE NO	MCU/19/0003	AREA	12.852 ha
LODGED BY	G Beere	OWNER	G & M Beere
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	N/A - Code Assessment only		

ATTACHMENTS:

1. Proposal Plan/s
2. Department of State Development, Manufacturing, Infrastructure and Planning Referral Agency Response dated 29 July 2019

EXECUTIVE SUMMARY

Council is in receipt of a development application described in the above application details.

The applicants propose the construction of an aquaculture facility for redclaw crayfish. The facility will include a maximum of 24 grow out ponds with a total pond water surface area of 2.2 hectares as well as a sediment pond, processing sheds and landscape buffering.

The application is code assessable and was therefore not required to undergo public notification.

The application has been assessed against the Mareeba Shire Council Planning Scheme 2016 and is not considered to conflict with any aspect of the Planning Scheme.

Draft conditions were provided to the Applicant and have been agreed to. It is recommended that the application be approved in full, subject to conditions.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	G & M Beere	ADDRESS	321 Malone Road, Mareeba
DATE LODGED	21 March 2019	RPD	Lot 2 on RP737772
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Aquaculture and Associated Operational Works - Bulk Earthworks (Aquaculture Ponds)		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), concurrence agency response (E) relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

And

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

(A) **APPROVED DEVELOPMENT:** Development Permit for Material Change of Use - Aquaculture and Associated Operational Works - Bulk Earthworks (Aquaculture Ponds)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Plan Showing Water Containment Structures and Sheds	G & M Beere	March 2019
-	Plan Showing All Development Infrastructure	G & M Beere	March 2019
-	Plan Showing Pond Area Development	G & M Beere	March 2019
-	Detailed Plan of Pond Area	G & M Beere	March 2019
-	Plan Showing Location of Sections	G & M Beere	March 2019
-	NNW Long Section Through Sediment Dam	G & M Beere	-
-	NNW Long Section Along Main Drain	G & M Beere	-
-	Generalised Pond Plan	G & M Beere	July 2019

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning SchemeFor Operational Works - Bulk Earthworks (Aquaculture Ponds)

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by the Council's Delegated Officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements;
 - to ensure the works comply in all respects with good engineering practice; and
 - to ensure compliance with the following conditions of approval.

Note: Pond construction can occur in stages at the discretion of the applicant/developer.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with at all times, to the satisfaction of Council's delegated officer except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.2 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual standards (as amended) and to the satisfaction of Council's delegated officer.

3.3 Prior to any ponds/dams becoming operational, the applicant/developer must provide a statement from an RPEQ (Registered Professional Engineer of Queensland) or other suitably qualified professional confirming that the ponds/dams have been constructed in such a way as to ensure their long term stability and/or in accordance with the *Queensland Government Guidelines for Constructing and Maintaining Aquaculture Containment Structures*.

3.4 Hours of work

3.4.1 Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:

- 7.00am to 6.00pm, Monday to Friday;
- 7.00am to 1.00pm Saturdays;
- No work is permitted on Sundays or Public Holidays.

3.4.2 No variation to the above working hours is allowed unless otherwise agreed in writing by Council.

4. Infrastructure services and standards

4.1 Erosion and Sediment Control Plan

4.1.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the operational works.

4.1.2 Prior to works commencing, the applicant must develop an Erosion and Sediment Control Plan. The plan must detail what measures/procedures will be implemented on-site to prevent erosion and sediment run-off during and after dam/pond construction.

4.1.3 The applicant/developer must ensure that the Erosion and Sediment Control Plan is complied with at all times.

For Material Change of Use - Aquaculture

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:

- found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
- to ensure compliance with the following conditions of approval.

2. Timing of Effect

2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.

2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

3. General

3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.

3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.4 Waste management

Where on site refuse storage areas are provided they must be effectively screened from view from adjoining properties and road reserve.

3.5 Irrigation setback

3.5.1 The excess water from the aquaculture ponds/sediment dam shall not be used for irrigation within 50 metres of any waterway.

3.5.2 The excess water from the aquaculture ponds/sediment dam shall not be used for irrigation within 15 metres of any side boundary

3.6 Pond/sediment dam setback

Aquaculture ponds/sediment dam are to be constructed a minimum of 20 metres from any property boundary and a minimum of 50 metres from any waterway or wetland area.

3.7 Flood level and freeboard height

All aquaculture ponds/sediment dam must be located above the Q100 flood level. The aquaculture ponds and sediment dam must be maintained with a minimum freeboard height of 500mm at all times.

3.8 Discharge of contaminants

The approved use must be designed and operated to ensure that no aquaculture pond/sediment dam water, contaminants or farmed crayfish stocks are released to nearby waterways, particularly during annual wet seasons.

4. Infrastructure Services and Standards

4.1 Access

The existing access crossover must be upgraded/constructed (from the edge of Malone Road to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

4.2 Stormwater Management

4.2.1 The applicant/developer must take all necessary steps to ensure a non-worsening affect on surrounding land as a consequence of the development.

4.2.2 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.3 Car Parking

The applicant/developer must allow provision of at least 2 on-site car parking spaces for use by employees or visitors to the site. The parking spaces must be within proximity of the development area or processing shed/s and must be constructed to a all-weather compacted gravel standard (at minimum) and maintained for the life of the development, to the satisfaction of Council's delegated officer.

(D) ASSESSMENT MANAGER'S ADVICE

(a) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(b) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

(c) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.environment.gov.au

(d) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au

(e) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works

on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(E) CONCURRENCE AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 29 July 2019.

(F) RELEVANT PERIOD

When approval lapses if development not started (s.85)

- Operational Works - six (6) years (starting the day the approval takes effect);
- Material Change of Use – six (6) years (starting the day the approval takes effect)

(G) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee).

THE SITE

The subject site is situated at 321 Malone Road, Mareeba, and is described as Lot 2 on RP737772. The site is generally regular in shape with a total area of 12.852 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016. Access to the site is gained from Malone Road via a single gravel crossover situated in the south-east corner of the property.

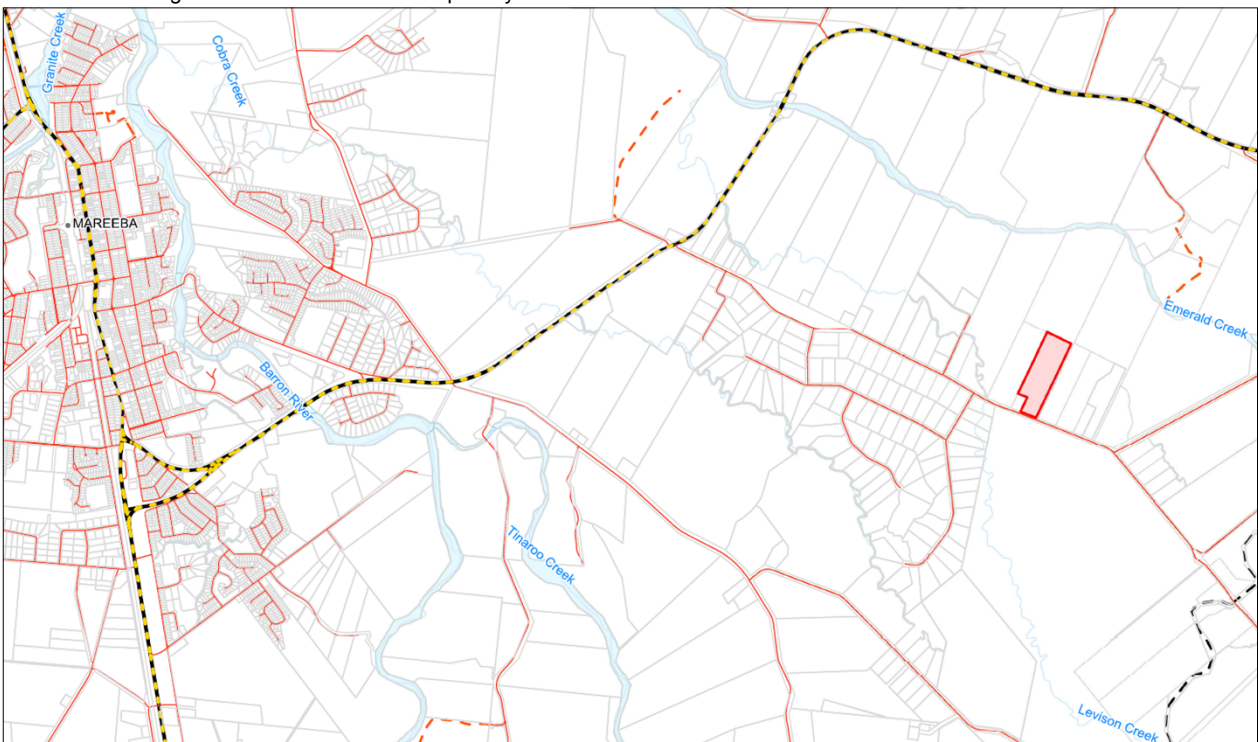
The site is improved by a dwelling house and outbuildings situated in the north-east corner of the site on the high bank of a seasonal watercourse which meanders through the northern end of the property. A lychee orchard or approximately 450 trees is also situated at the northern end of the property adjacent these improvements. The southern half of the site is vacant and cleared of all vegetation.

All surrounding lots are zone Rural as well and are used for a variety of rural uses include herb farming, sugar cane cropping, other fruit orchards and horse agistment. A rural lifestyle lot adjoins the site in the south-west corner which was previously excised from the subject land.



Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Aquaculture and Associated Operational Works - Bulk Earthworks (Aquaculture Ponds) in accordance with the plans shown in **Attachment 1**.

The site has an area of 12.85 hectares and currently contains a dwelling, farm sheds and a small producing Lychee orchard. The majority of the site is currently undeveloped and used for hay production.

The proposed "redclaw" crayfish aquaculture development will occupy approximately 3.5 hectares of the site and will include 24 earthen grow-out ponds with a total water surface area of 2.2 hectares. A sediment settling pond will also be constructed which will be used in the process of recycling water emptied from the grow-out ponds when crayfish stocks are harvested. Sediment will be removed from the pond water before being re-cycled back into the grow-out ponds or irrigated onto the balance of the site which will continue to be used for hay production.

Landscaping strips are also proposed to minimise visual impact.

REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The site contains no areas of ecological significance.

PLANNING SCHEME DESIGNATIONS

	Land Use Categories
	<ul style="list-style-type: none">▪ Rural Agricultural Area▪ Rural Other
	Natural Environment Elements
	<ul style="list-style-type: none">▪ Biodiversity Area
Strategic Framework:	
Zone:	Rural zone
	<ul style="list-style-type: none">▪ Agricultural Land Overlay▪ Airport Environs Overlay▪ Environmental Significance Overlay▪ Transport Infrastructure Overlay
Overlays:	

Planning Scheme Definitions

The proposed use is defined as:-

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
Aquaculture	<i>Premises used for the cultivation of aquatic animals or plants in a confined area that may require the provision of food either mechanically or band hand.</i>	Pond farms, tank systems, hatcheries, raceway system, rack and line systems, sea cages	<i>Intensive animal industry.</i>

RELEVANT PLANNING INSTRUMENTS

Assessment of the proposed development against the relevant planning instruments is summarised as follows:-

(a) Far North Queensland Regional Plan 2009-2031

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

(b) State Planning Policy

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

(c) Mareeba Shire Council Planning Scheme 2016

Relevant Development Codes

The following Development Codes are considered to be applicable to the assessment of the application:

- 6.2.9 Rural zone code
- 8.2.1 Agricultural land overlay code
- 8.2.2 Airport environs overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.12 Transport infrastructure overlay code
- 9.3.6 Rural activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes (or performance outcome where no acceptable outcome is provided) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural Zone Code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where not acceptable outcome is provided).
Agricultural Land Overlay Code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where not acceptable outcome is provided).
Airport Environs Overlay Code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where not acceptable outcome is provided).
Environmental Significance Overlay Code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where not acceptable outcome is provided).
Transport Infrastructure Overlay Code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where not acceptable outcome is provided).
Rural Activities Code	<p>The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where not acceptable outcome is provided) apart from the following:</p> <ul style="list-style-type: none"> ▪ Acceptable Outcome AO1.1 ▪ Acceptable Outcome AO2.1 <p>Refer to planning discussion section of report.</p>
Landscaping Code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where not acceptable outcome is provided).
Parking and Access Code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where not acceptable outcome is provided).
Works, Services and Infrastructure Code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where not acceptable outcome is provided).

(e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring all development works be designed and constructed in accordance with FNQROC Development Manual standards.

REFERRALS

The application triggered referral to the Department of State Development, Manufacturing, Infrastructure and Planning as a Referral Agency (DES, DAFF).

That Department advised in a letter dated 29 July 2019 (amended response) that they require the conditions to be attached to any approval (**Attachment 2**).

Internal Consultation

Nil

PLANNING DISCUSSION

Noncompliance with the relevant acceptable outcomes of the Rural Activities code is discussed below. Where the development cannot comply with an acceptable outcome, it is considered compliance with the higher order Performance Outcome can be achieved.

9.3.6 Rural activities code

PO1

Aquaculture is of an appropriate scale and does not adversely impact on surrounding land uses, having regard to:

- (a) the nature of surrounding land use;*
- (b) the proximity of surrounding land use;*
- (c) hours of operation; and*
- (d) emissions of:*
 - (i) odour;*
 - (ii) noise; and*
 - (iii) light*

AO1.1

If located in the Rural zone, Aquaculture:

- (a) is located in an existing dam; or*
- (b) does not involve any filling or excavation greater than 1,000m³*

Comment

The construction of the proposed aquaculture earthen ponds will involve well in excess of 1,000m³ of filling and excavation and is therefore non-compliant with AO1.1.

The 1,000m³ limit was likely included for aquaculture developments that are acceptable development only. Any reasonably sized assessable aquaculture development would exceed this acceptable outcome in nearly every instance. Aquaculture developments are considered more than appropriate in the Rural zone, in fact, no other zone would be considered reasonable for the scale of development proposed. That said, the scale of development proposed is not unreasonable and is not likely to result in any unacceptable impacts on nearby sensitive land uses.

It is considered the proposed development can achieve compliance with PO1.

PO2

Aquaculture:

- (a) does not result in contamination or the reduction in quality of ground or surface waters; or*
- (b) adversely impact upon surrounding ecological systems, including existing native vegetation.*

AO2.1

All wastewater from the facility (including wash-down water) is discharged directly into the sewer or in accordance with a trade waste permit.

Comment

The applicant states the following in the application:

"Water in the grow-out ponds are expected to be of similar quality as water fed into the ponds: crayfish biomass and yield at harvest are anticipated to be 300kg per pond at best. Crayfish biomass therefore is expected to be at most 0.05% of the total holding of each pond (300kg crayfish in 600m³/tonnes water).

Crayfish feed is plant based and monitored during grow out such that feed and consumption are in balance, reducing fouling of water.

Ponds and sediment dam are located in soils with sufficient clay content (+20%) to naturally hold water with leakage minimised by compaction during construction. If leakage occurs post-construction, sealing products such as bentonite or polymers can be added to reduce leakage; impermeable liners have been considered but will detract from the economic viability of the development.

Wastewater from processing facilities will be pumped to the sediment dam and wastewater from the ponds will be temporarily held in the sediment dam before use elsewhere on the property."

Furthermore, the Department of Agriculture, Forestry and Fisheries (DAFF) has appropriately conditioned the development to ensure compliance with PO2.


Date Prepared: 6 August 2019

DECISION BY DELEGATE

DECISION

Having considered the Planning Officer's report detailed above, I approve, as delegate of Council, the application subject to the conditions listed in the report.

Dated the 12TH day of AUGUST 2019

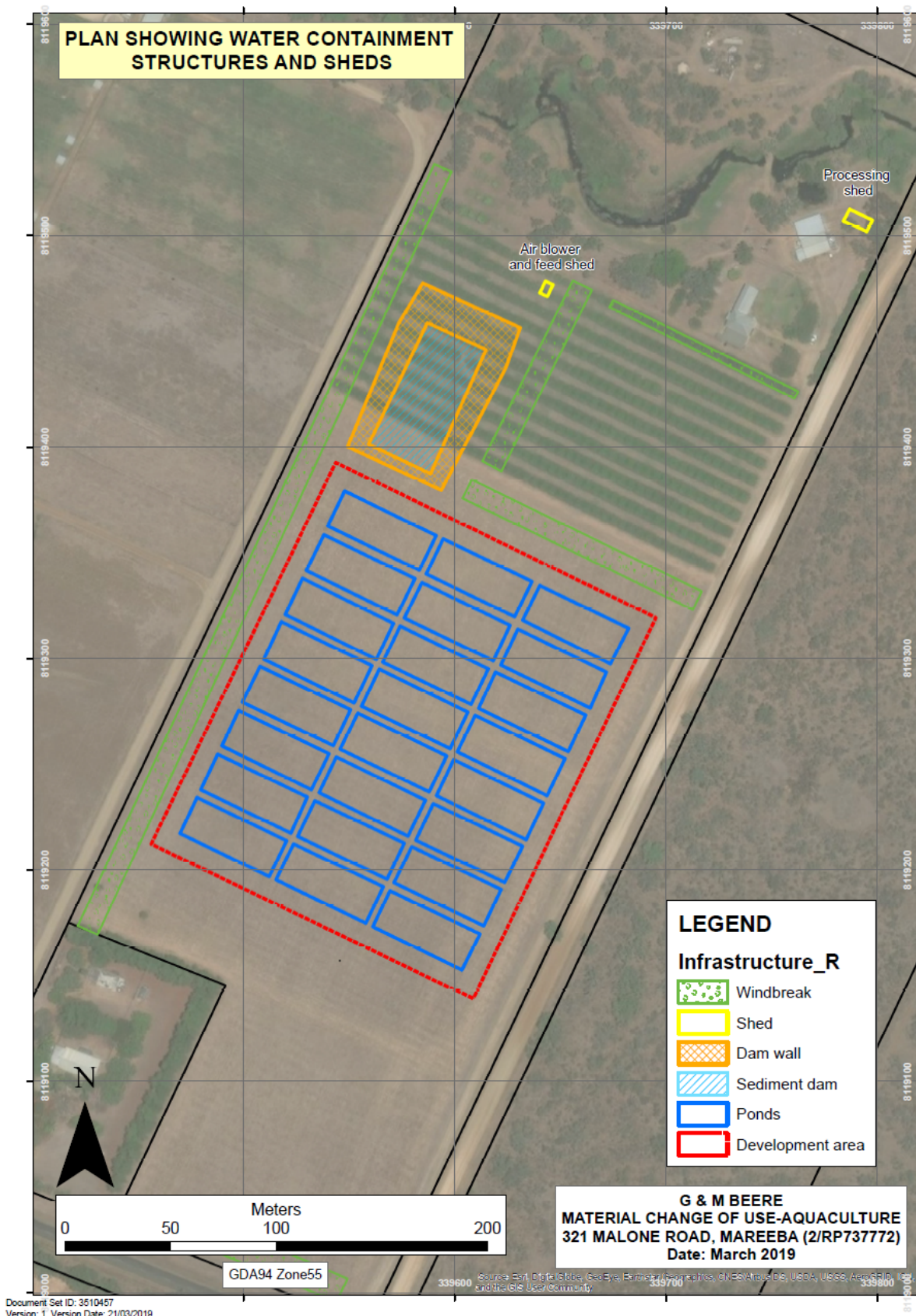


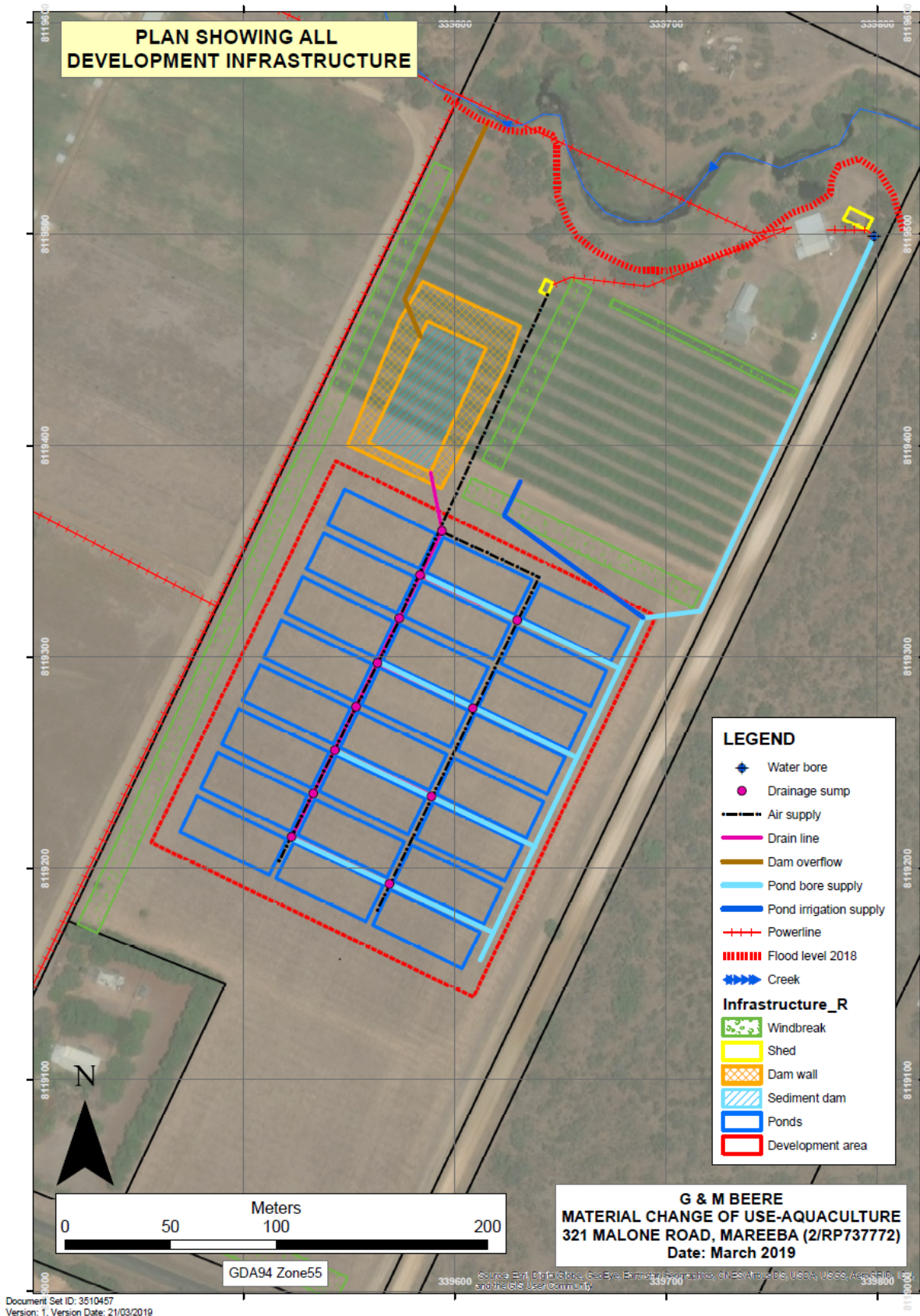
BRIAN MILLARD
SENIOR PLANNER

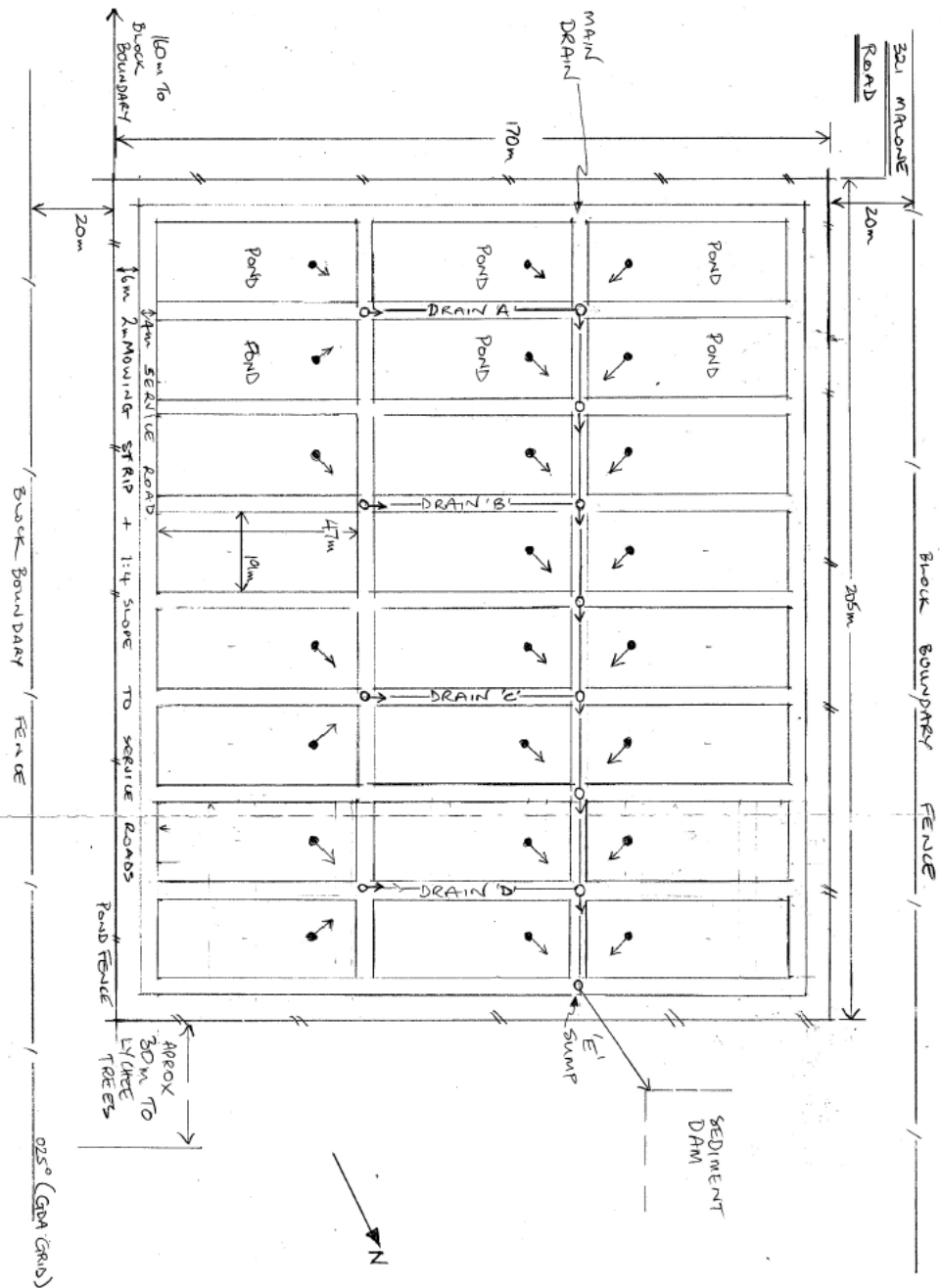
MAREEBA SHIRE
AS DELEGATE OF THE COUNCIL

ATTACHMENT 1

PROPOSAL PLANS (ECM Doc Set ID 3510457 & 3609100)

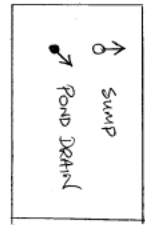


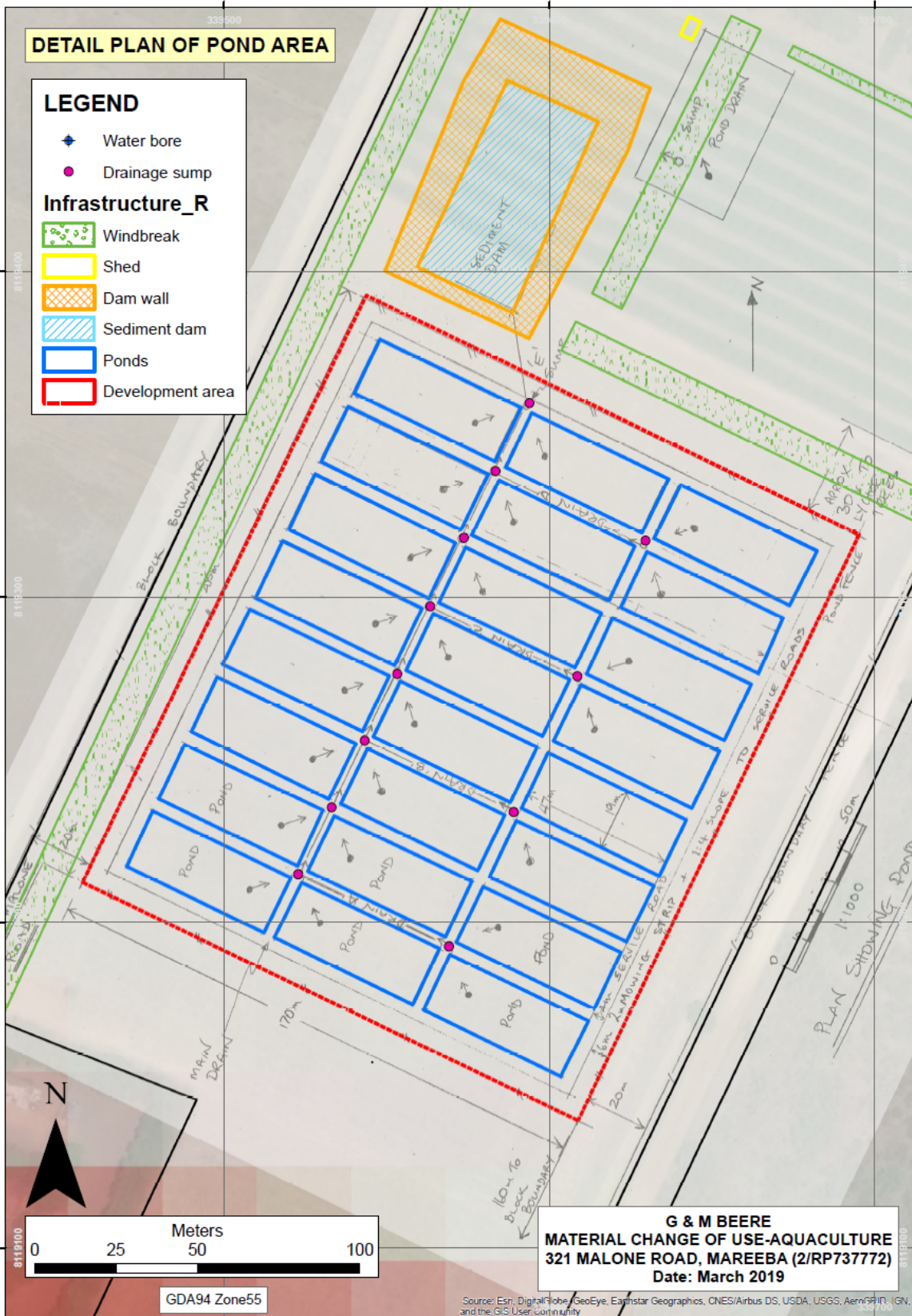




PLAN SHOWING POND AREA DEVELOPMENT

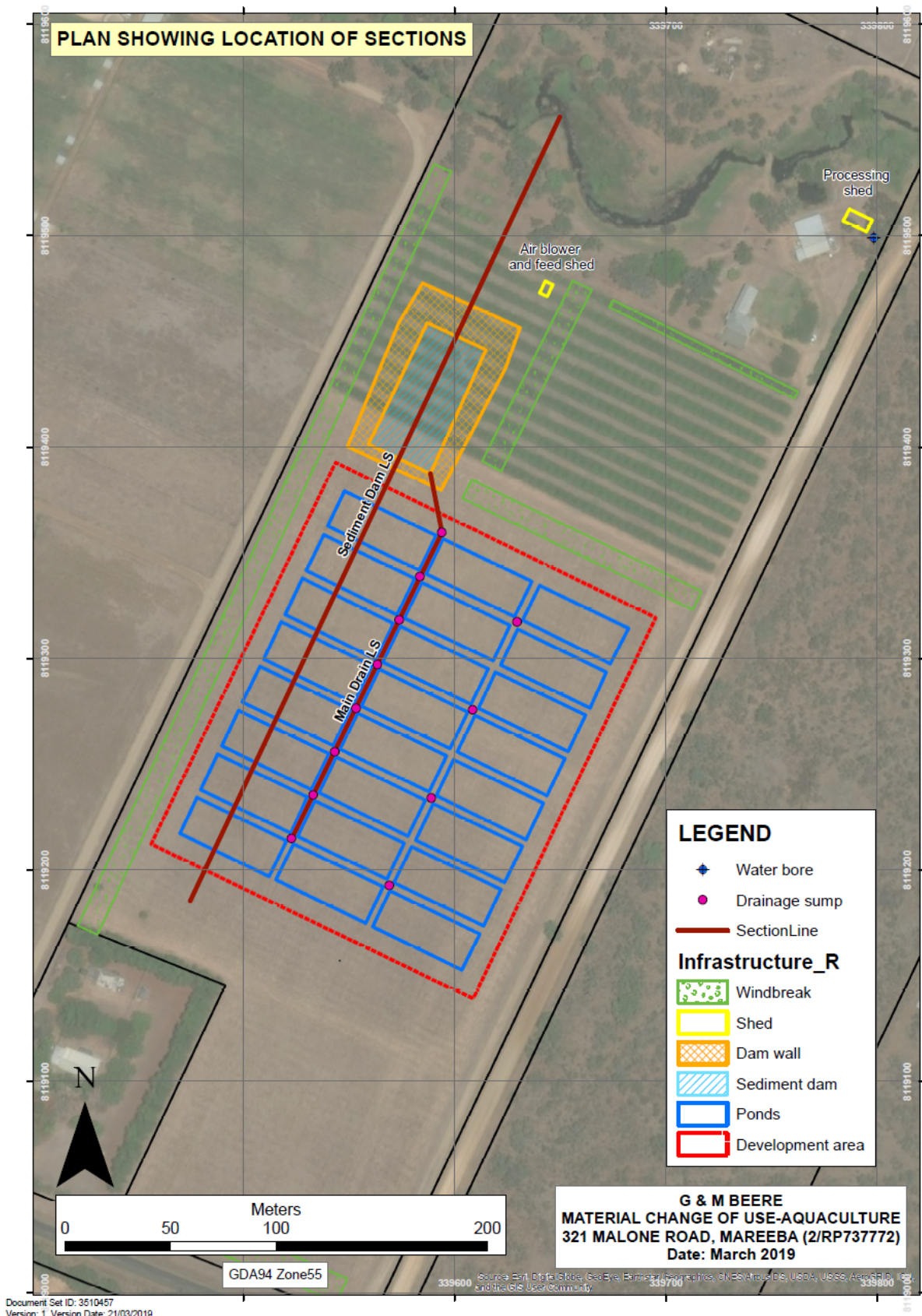
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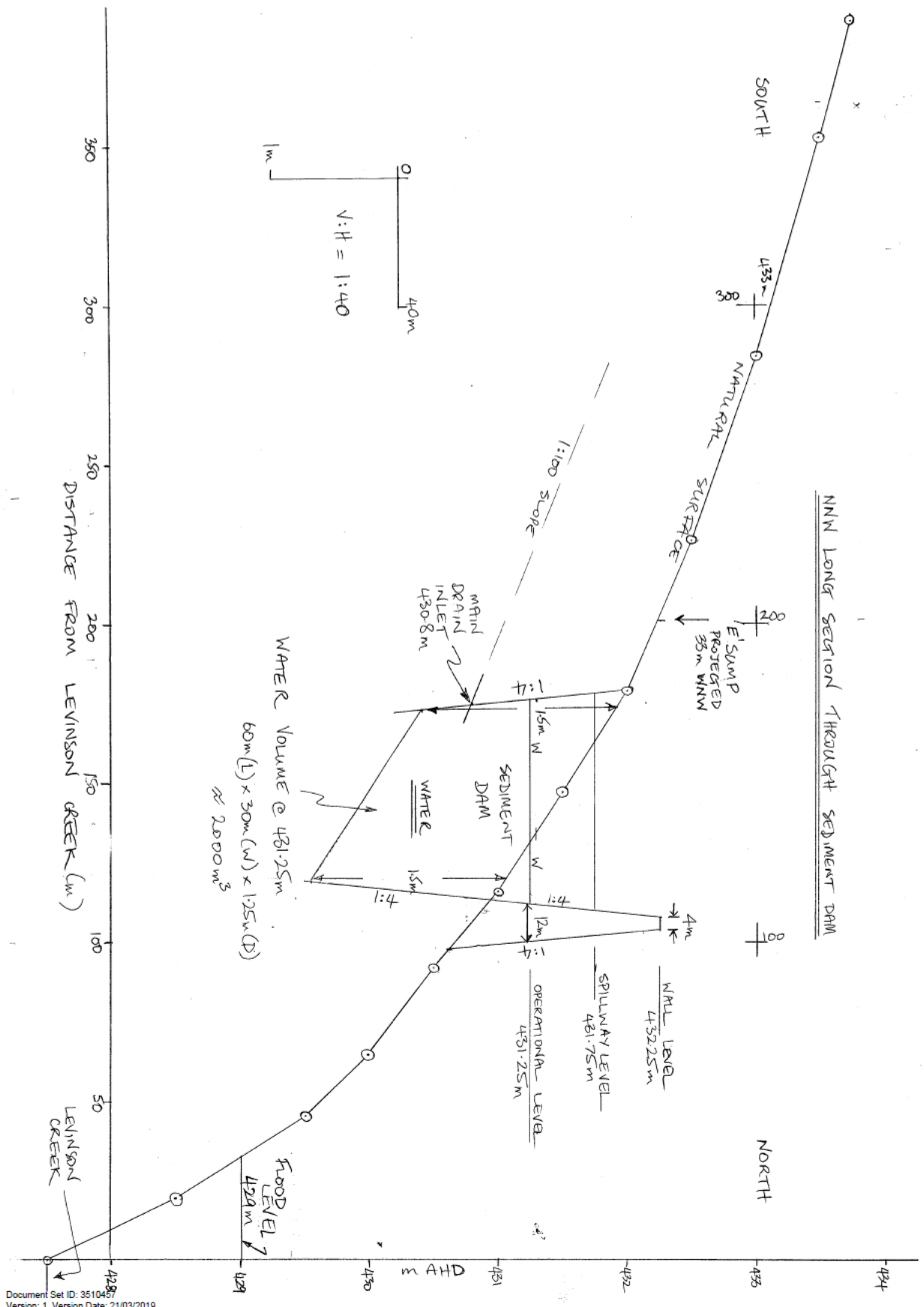




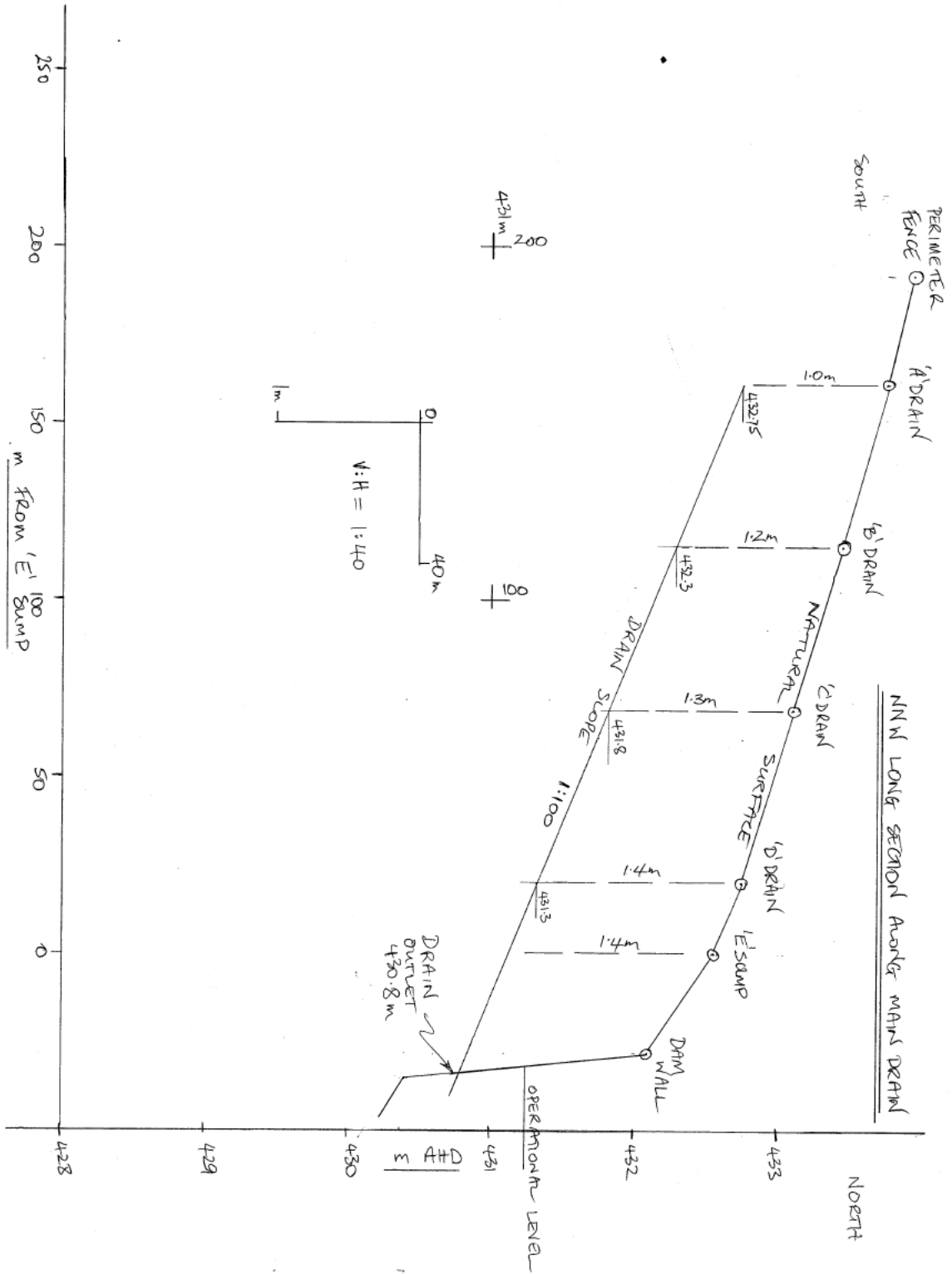
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

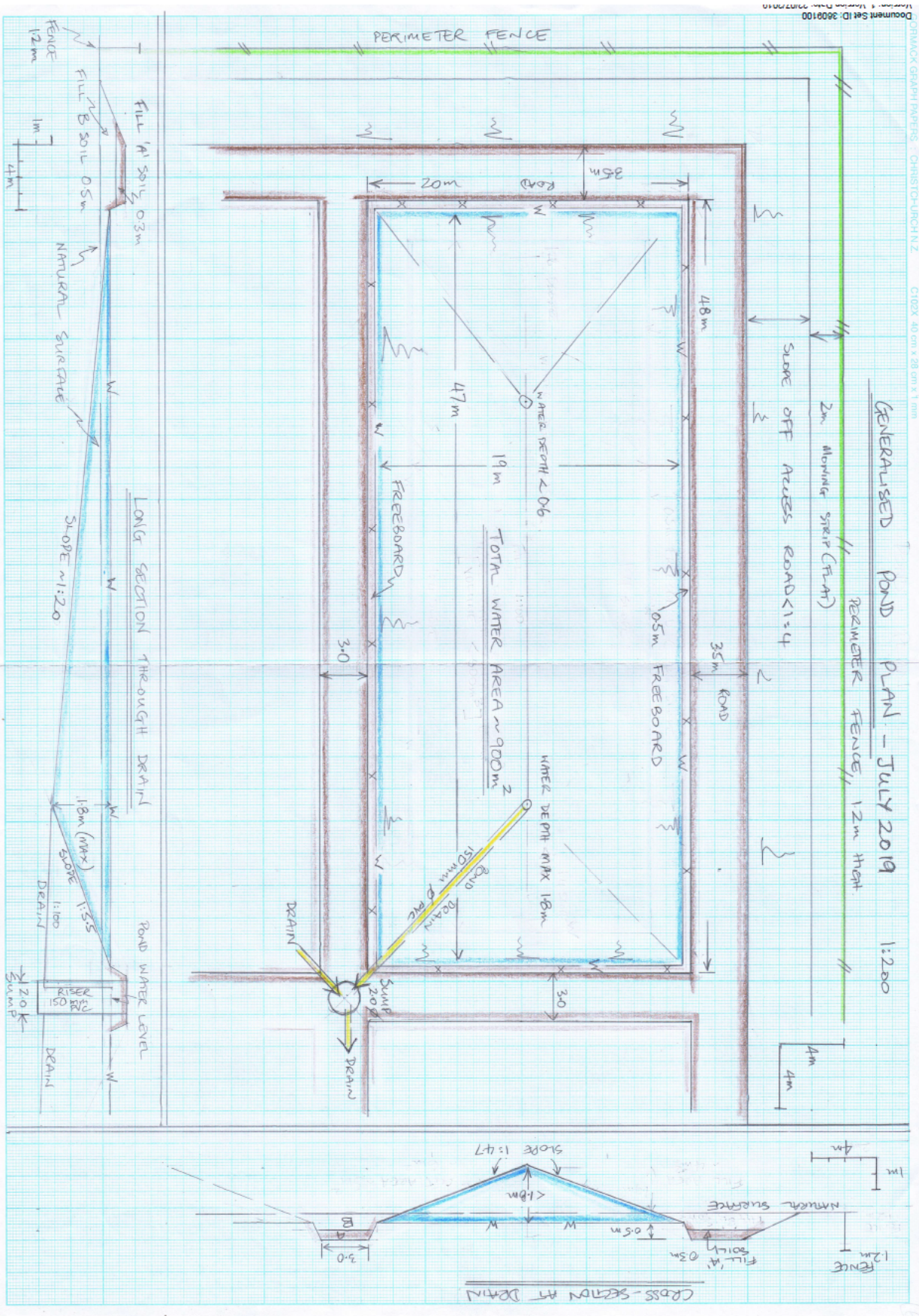




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 Version: 1, Version Date: 21/03/2019



GENERALISED POND PLAN - JULY 2019 1:200



ATTACHMENT 2

R29-N



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

SARA reference: 1904-10584 SRA
 Council reference: MCU/19/0003

29 July 2019

Chief Executive Officer
 Mareeba Shire Council
 PO Box 154
 Mareeba QLD 4880
 planning@msc.qld.gov.au

Attention: Carl Ewin

Dear Sir/Madam

Changed SARA response—321 Malone Road, Mareeba

(Given under section 28 of the Development Assessment Rules)

On 22 July 2019 the department received notice of a change to the development application described below. The department has assessed the changes and now provides this changed referral agency response which replaces the response dated 7 June 2019.

Response

Outcome:	Changed referral agency response – with conditions.
Date of response:	29 July 2019
Conditions:	The changed conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Material change of use for aquaculture and associated operational works for bulk earthworks
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Page 1 of 10

Far North Queensland regional office
 Ground Floor, Cnr Grafton and Hartley
 Street, Cairns
 PO Box 2358, Cairns QLD 4870

Document Set ID: 3611679
 Version: 1, Version Date: 29/07/2019

1904-10584 SRA

SARA role:	Referral Agency.
SARA triggers:	Schedule 10, Part 5, Division 4, Table 2, Item 1 and Schedule 10, Part 6, Division 1, Subdivision 3, Table 1, Item 1- (Planning Regulation 2017) Development application for a material change of use for an environmentally relevant activity and aquaculture
SARA reference:	1904-10584 SRA
Assessment Manager:	Mareeba Shire Council
Street address:	321 Malone Road, Mareeba
Real property description:	Lot 2 on RP737772
Applicant name:	Glenn and Marisa Beere
Applicant contact details:	PO Box 2842 Mareeba QLD 4880 gmbeere@tpg.com.au
Environmental Authority:	This referral included an application for an environmental authority under section 115 of the <i>Environmental Protection Act 1994</i> . Below are the details of the decision: <ul style="list-style-type: none"> • Approved • Reference: EA0001805 • Effective date: On a date to be decided later <p>Prescribed environmentally relevant activity (ERA): ERA 01- Aquaculture, 1: Cultivating or holding crustaceans in enclosures that are on land and have a total area of, (a) more than 100 square metres</p> <p>If you are seeking further information on the environmental authority, the Department of Environment and Science's website includes a register. This can be found at: www.des.qld.gov.au</p>

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules)

Copies of the relevant provisions are in **Attachment 4**.

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

1904-10584 SRA

For further information please contact Joanne Manson, Principal Planning Officer, SARA Far North QLD on 40373228 or via email CairnsSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Glenn and Marisa Beere, gmbeere@tpg.com.au

enc Attachment 1 – Changed referral agency conditions
Attachment 2 – Advice to the applicant
Attachment 3 – Reasons for referral agency response
Attachment 4 – Change representation provisions
Attachment 5 – Approved plans and specifications

Attachment 1— Changed referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at **Attachment 5**)

No.	Conditions	Condition timing				
Material change of use						
Schedule 10, Part 5, Division 4, Table 2, Item 1- Environmentally relevant activities —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science 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:						
1.	<p>The Environmentally Relevant Activity for Aquaculture must be undertaken generally in accordance with the following plans:</p> <ul style="list-style-type: none"> Plan Showing All Development Infrastructure, prepared by G and M Beere, dated March 2019. Detail Plan of Pond Area, prepared by G and M Beere, dated Mar 2019 	Prior to commencement and be maintained at all times				
Schedule 10, Part 6, Division 1, Subdivision 3, Table 1, Item 1—Aquaculture —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:						
2.	<p>Development authorised under this approval is limited as follows: Redclaw pond aquaculture being limited to 24 grow-out ponds and one storage dam and shown in:</p> <ul style="list-style-type: none"> Plan Showing All Development Infrastructure, prepared by G and M Beere, dated March 2019. NNW Long Section Through Sediment Dam, prepared by G and M Beere, received 5 April 2019 NNW Long Section Along Main Drain, prepared by G and M Beere, received 5 April 2019 Generalised Pond, Cross Section At Drain and Long Section Through Drain plan, prepared by G and M Beere, received 5 April 2019 received 22 July 2019 	At all times				
3.	<p>The approved fisheries resources the subject of this approval are limited to the following species.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Common Name</td> <td style="width: 50%;">Scientific Name</td> </tr> <tr> <td>Redclaw</td> <td><i>Cherax quadricarinatus</i></td> </tr> </table> <p>Hereafter referred to as the "approved species".</p>	Common Name	Scientific Name	Redclaw	<i>Cherax quadricarinatus</i>	Prior to commencement of use and to be maintained at all times
Common Name	Scientific Name					
Redclaw	<i>Cherax quadricarinatus</i>					
4.	<p>The water surface area associated with the grow out ponds is limited to a combined maximum area of 45,500 m² 2.2 hectares and must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> Plan Showing All Development Infrastructure, prepared by G and M Beere, dated March 2019. 	Prior to commencement of use and to be maintained at all times				

5.	<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 1904-10584 SRA.</p>	<p>(a) At least 5 business days but no greater than 20 business days prior to commencement of the works</p> <p>(b) Within 15 business days of the completion of the fisheries development works</p>
6.	Spoil is not disposed of within waterways.	At all times
7.	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
8.	<p>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.</p> <p>Note: Forms for reporting a change in contact details can be found at https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals</p>	Within 28 days of change to personal contact details
9.	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>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 Fisheries Act 1994. 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
11.	<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 all grow-out ponds approved under condition 2.</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. Maximum penalty—2000 penalty units.</p>	At all times
12.	<p>The movement of fisheries resources into, or within, Queensland must comply with the current version of Health protocol for the movement of live freshwater crayfish and prawns Aquaculture Protocol FAMPR006</p> <p>Note: Health protocols and application form FDU1398 can be found at https://www.daf.qld.gov.au/fisheries/aquaculture/management-and-policies</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
13.	Maintain control over the release of water from all ponds, tanks and drainage systems within the approved aquaculture area.	Upon commencement of the use and to be maintained at all times

	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.	
14.	Provide an impervious perimeter barrier to prevent the overland release of Redclaw from the approved aquaculture area.	Prior to the commencement of the use and to be maintained at all times
15.	Install screening of 250 µm at all points of water release or discharge from ponds 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>).	Prior to the commencement of the use and to be maintained at all times
16.	Install screening of 250 µm 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
17.	All ponds, drainage systems and storage dam must be constructed in a manner and with materials that prevent water leakage to Queensland waters.	Prior to the commencement of the use and to be maintained at all times

Attachment 2—Advice to the applicant

General advice	
1.	<p>Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) [v2.4]. If a word remains undefined it has its ordinary meaning.</p>
2.	<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 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</p>
3.	<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 https://www.daf.qld.gov.au/fisheries/aquaculture/aquaculture-approvals</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>
4.	<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"> (a) animal(s) stocked within the approved aquaculture area that move outside the area; or (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. <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>

Attachment 3—Reasons for referral agency response

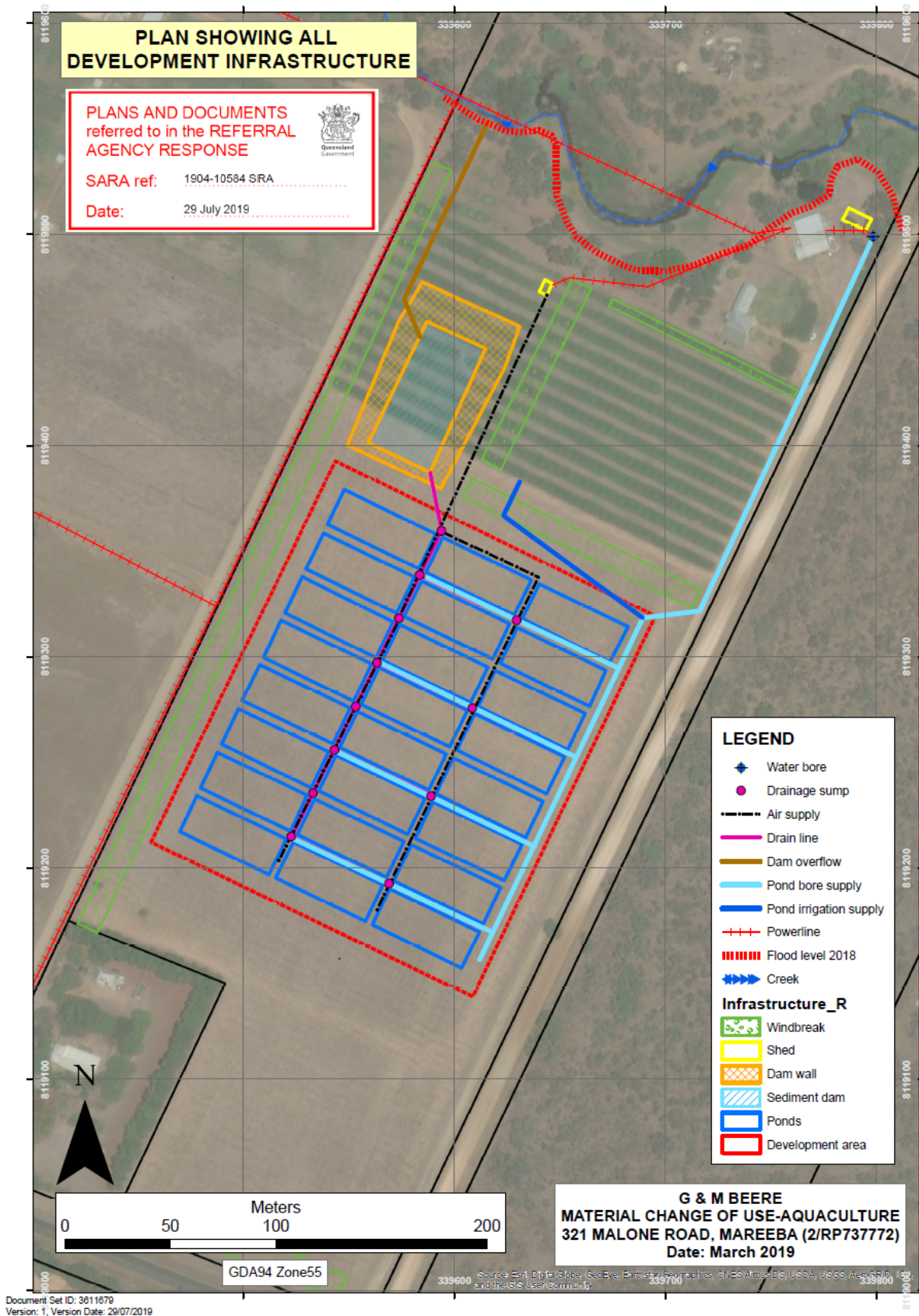
(Given under section 56(7) of the *Planning Act 2016*)

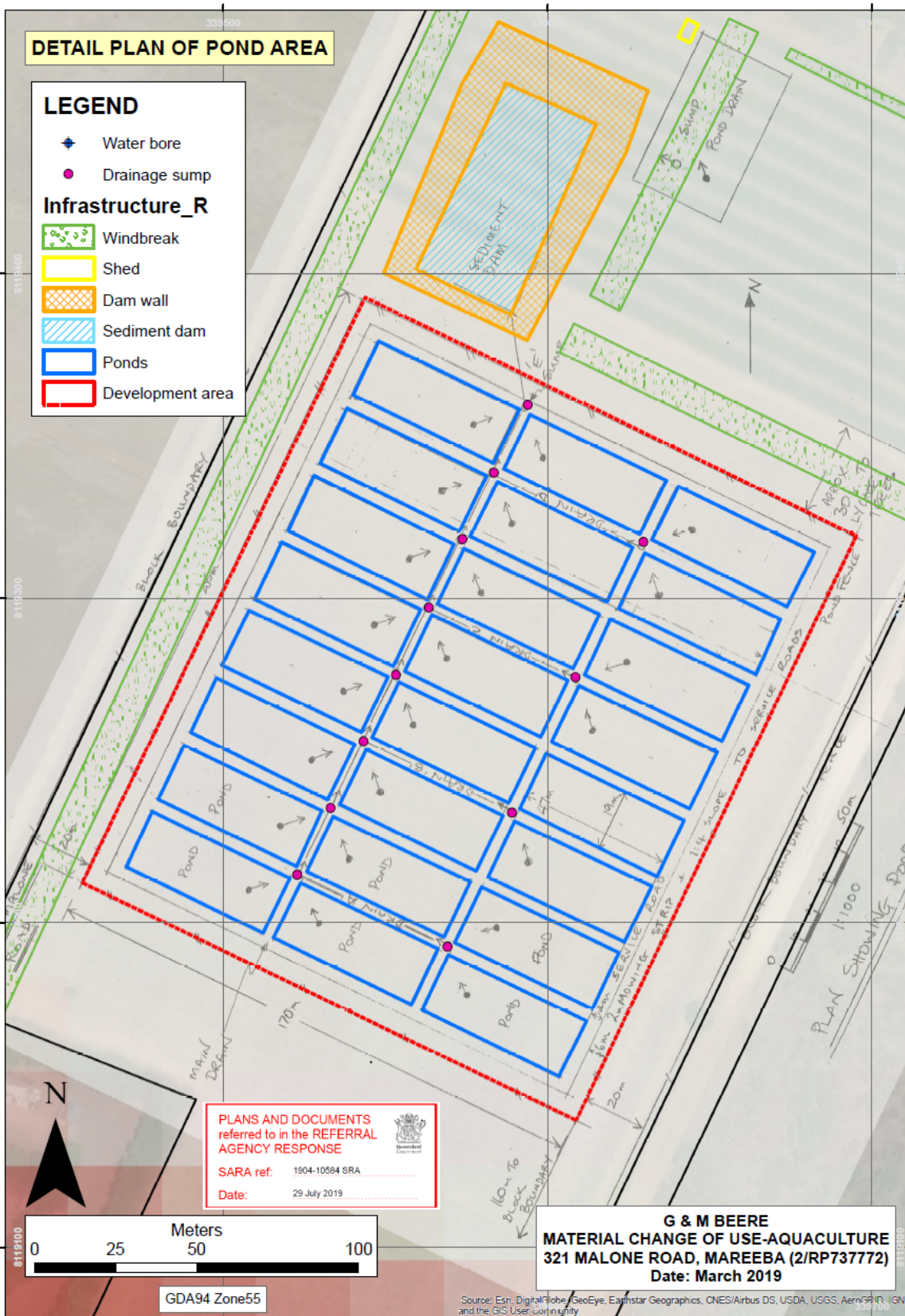
The reasons for the department's decision are:

- The department carried out an assessment of the development application against the relevant state codes and with conditions the proposal complies with the relevant performance outcomes.
- The proposed development is located and designed to avoid and mitigate environmental harm on the environmental values of the natural environment.
- The proposed development appropriately carries out the use of fisheries and aquaculture fisheries resources.
- The proposed development meets standards in the prevention, control and eradication of disease in fish.
- The proposed development suitably contains aquaculture fisheries resources to prevent escape and release
- The proposed development meets the relevant standards for aquaculture.
- The proposed development does not impact on matters of state environmental significance.

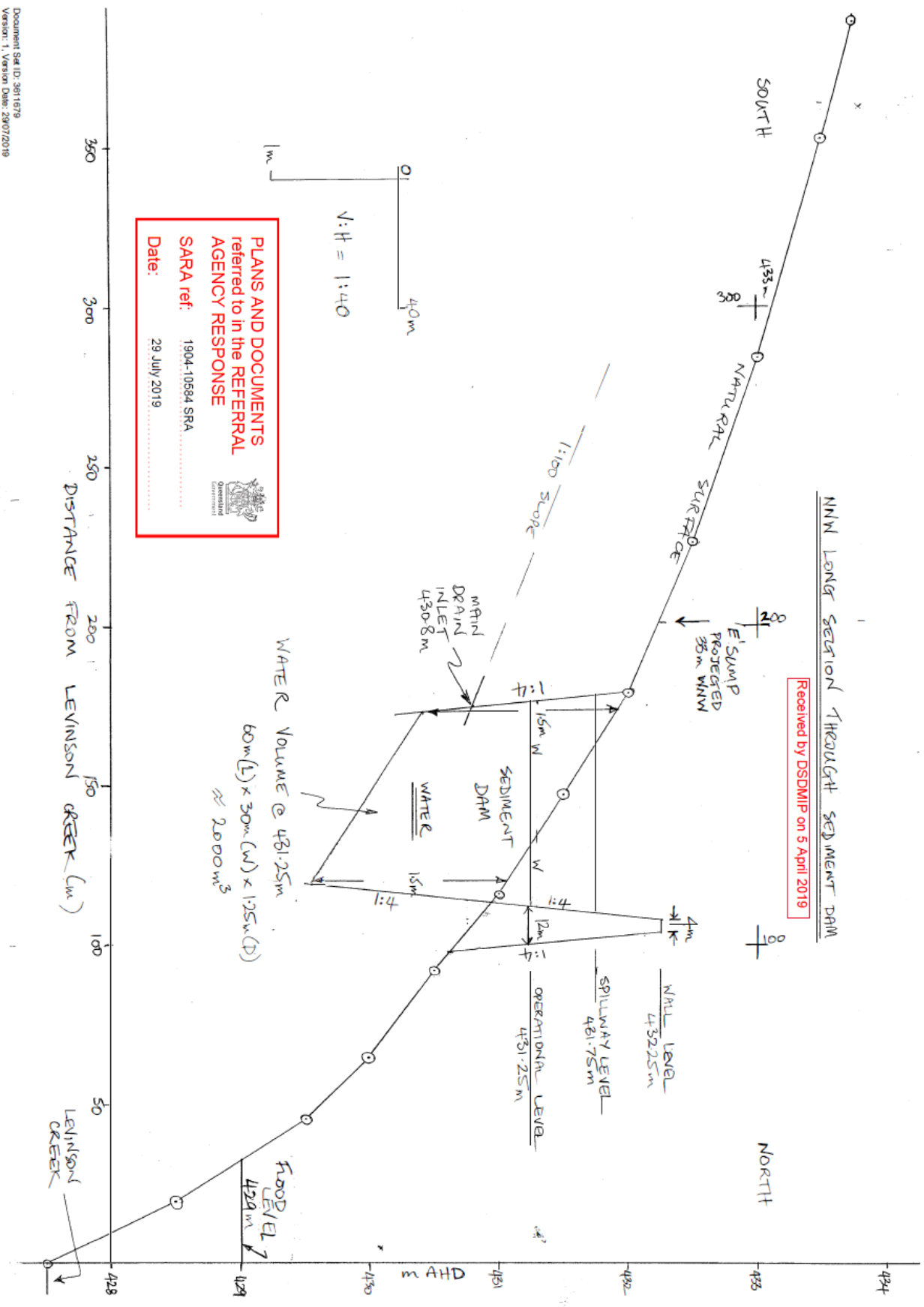
Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version [2.4]), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system



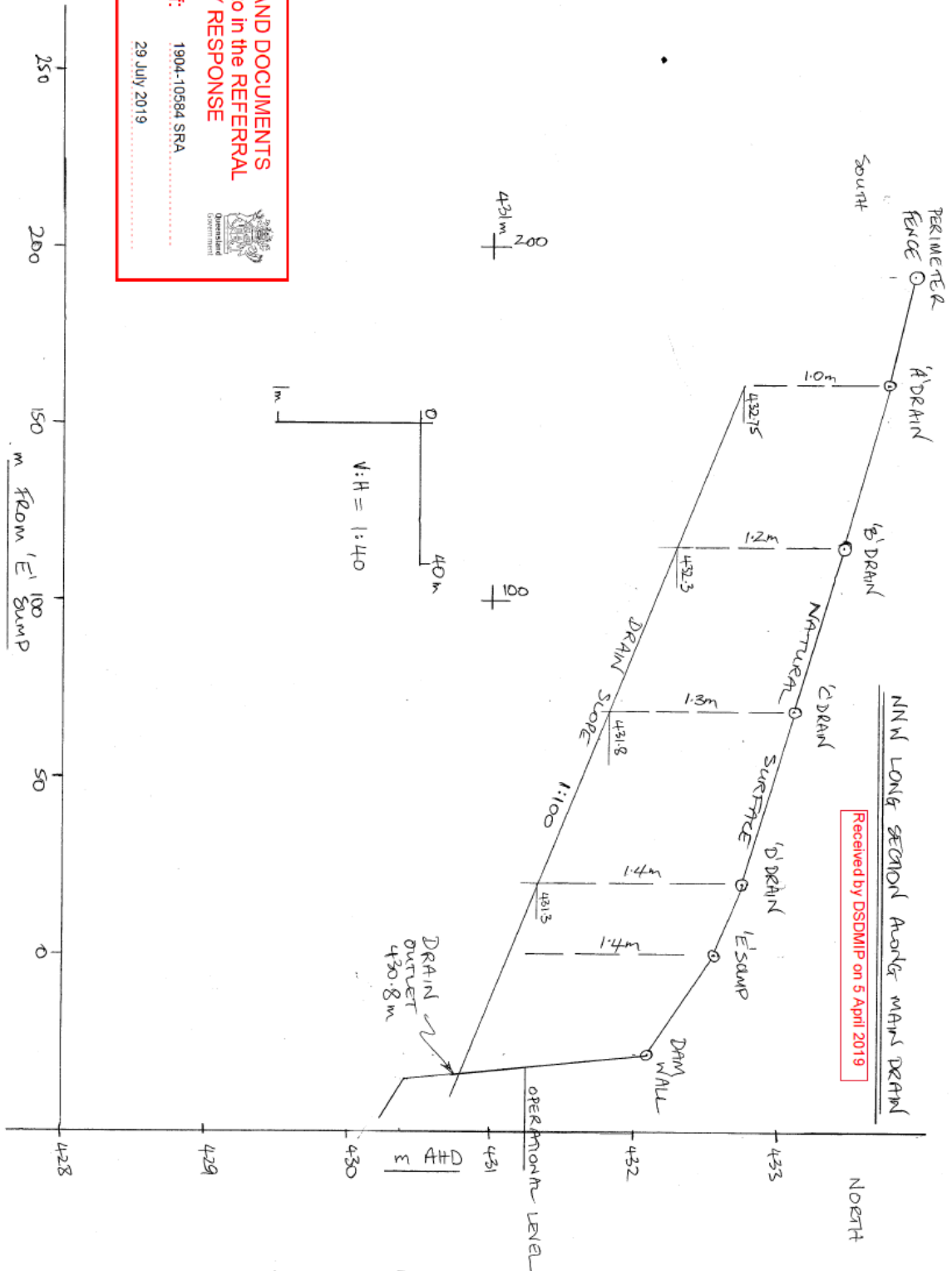


Document Set ID: 3611679
 Version: 1, Version Date: 29/07/2019



**PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE**

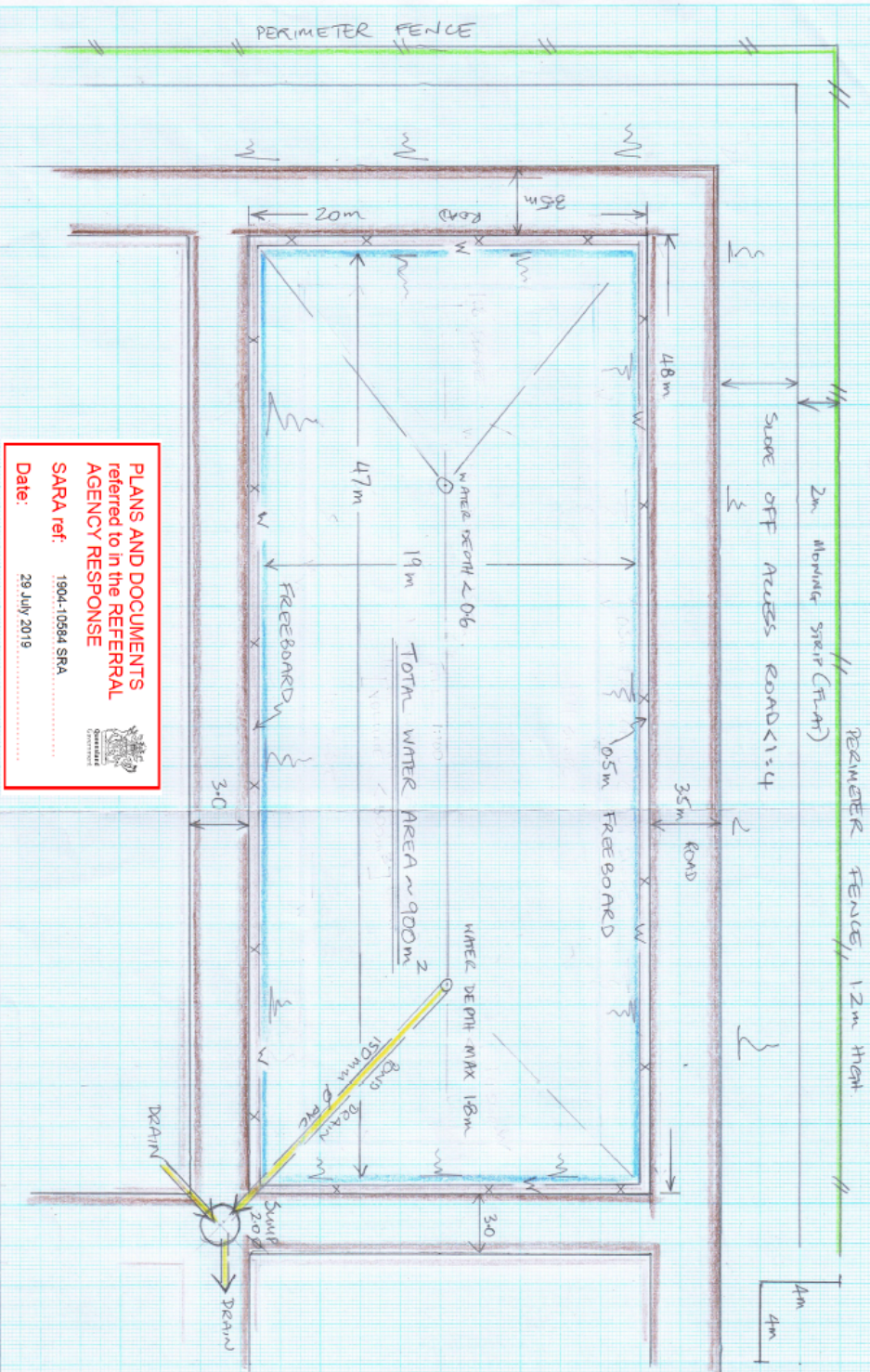
SARA ref: 1904-10584 SRA
Date: 29 July 2019

Received by DSDMIP on 22 July 2019

GENERALISED POND PLAN - JULY 2019 1:200

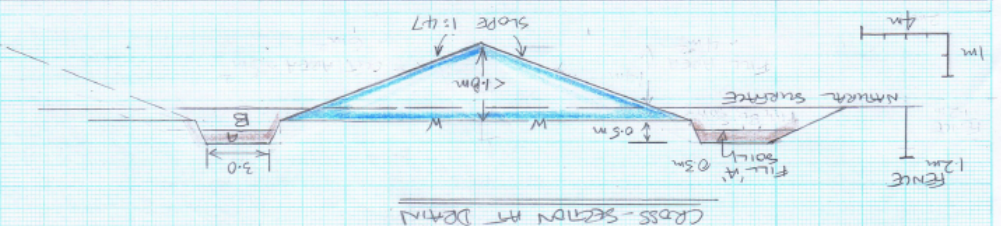
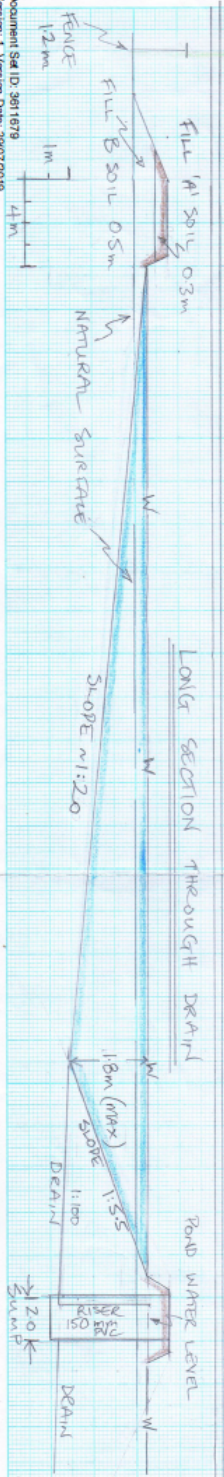
COROMAKO GRAPH PAPERS - CHRISTCHURCH N.Z. C102X 40 cm x 28 cm x 1 mm



PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 1904-10584 SRA

Date: 29 July 2019

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