



Our Ref: LM:MF:DA/4158:D20/13701

Your Ref:

20 May 2020

Aquatec Pty Ltd
C/- 3ScienceSolutions Pty Ltd
252 Boulders Road
Babinda QLD 4861
Attention: Chris Robertson

Dear Mr Robertson

Decision Notice - Approval (with conditions)
Given under section 63 of the *Planning Act 2016*

The development application described below was properly made to Cook Shire Council on 9 March 2020.

Applicant details

Applicant name: Aquatec Pty Ltd
C/- 3Science Solutions Pty Ltd

Applicant contact details: 3ScienceSolutions Pty Ltd
252 Boulders Road
Babinda QLD 4861
Attention: Chris Robertson

Application details

Application number: DA/4158

Approval sought: Development Permit for a Material Change of Use and
Carrying out Operational Works

Description of the development proposed: Material Change of Use for Aquaculture, Caretaker's
Accommodation and Rural Worker's Accommodation

Operational Works for Tidal Works (Pump Station)

Location details

Street address: 349-351 Mulligan Highway Cooktown

Real property description: Lot 4 on RP887249
Lot A on AP23422 (Permit to Occupy 0/241196)

Decision

Date of decision: 19 May 2020

Decision Details: Approved in full with conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

Details of the approval

Development Permit Material Change of Use for Aquaculture, Caretaker's Accommodation and Rural Worker's Accommodation

Operational Works for Tidal Works (Pump Station)

Conditions

This approval is subject to the conditions in Attachment 1.

Further development permits

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

1. Carrying out Building Works (Including Demolition);
2. Plumbing and Drainage Approval;
3. Operational Works Permit (Road Works and Erosion and Sediment Control)

Properly made submissions

There were no properly made submissions for this application.

Referral Agencies

The referral agencies for the application are:

| Referral Agency | Referral Matter | Referral Role |
|--|--|---------------|
| Chief Executive - Department of State Development, Manufacturing, Infrastructure and Planning Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870 Ph: (07) 07 4048 1111 Email: CairnsSARA@dsdmip.qld.gov.au MyDAS2 online referrals: https://prod2.dev-assess.qld.gov.au/ | Schedule 10, Part 17, Division 3, Table 1, Item 1 – Tidal works or work in a coastal management district (operational work) Schedule 10, Part 17, Division 3, Table 2, Item 1 – Tidal works or work in a coastal management district (operational work for tidal works in tidal waters) Schedule 10, Part 17, Division 3, Table 6, Item 1 – Work in a coastal management district (material change of use) | Concurrence |

| | | |
|--|--|--|
| | <p>Schedule 10, Part 3, Division 4, Table 3, Item 1 – Clearing native vegetation (material change of use)</p> <p>Schedule 10, Part 5, Division 4, Table 2, Item 1 – Environmentally relevant activities (only if ERA has not been devolved to a local government) (material change of use)</p> <p>Schedule 10, Part 6, Division 1, Subdivision 3, Table 1, Item 1 – Fisheries – aquaculture (material change of use)</p> <p>Schedule 10, Part 6, Division 3, Subdivision 3, Table 2, Item 1 – Fisheries – marine plants (material change of use)</p> <p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – State transport corridors and future State transport corridors (material change of use).</p> | |
|--|--|--|

Other requirements under section 43 of the Planning Regulation

Environmental authority - section 43(d)

Reference: EA0002229

Effective Date: On a day to be decided later

Prescribed environmentally relevant activity (ERA): ERA01 – Aquaculture 1: Cultivating or holding crustaceans in enclosures that are on land and have a total area of more than 10ha but not more than 100ha

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.

Approved plans and specifications

Copies of the following plans, specifications and/or drawings are enclosed in Attachment 1.

Currency period for the approval

This approval lapses if the first change of use does not happen within six (6) years from the date of this approval.

Lapsing of approval if development started but not completed

Any period required under a development condition.

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 by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

An applicant and/or submitter may appeal to the Planning and Environment Court or the Development tribunal against a number of matters (see Schedule 1 of the *Planning Act 2016*).

A copy of the extracts of the above referenced sections of the *Planning Act 2016* are attached (Attachment 2).

For further information please contact Council's Planning Officer Michael Fallon on (07) 4082 0500.

Yours sincerely



Lisa Miller
Manager Planning and Environment
Cook Shire Council

cc: Chief Executive – Department of State Development, Manufacturing, Infrastructure and Planning
Far North Queensland Regional Office
Cairns QLD 4870
Email: CairnsSARA@dsdmip.qld.gov.au

enc: **Attachment 1 (Part 1)** – Conditions imposed by the Assessment Manager (Council)

Attachment 1 (Part 2) – Conditions imposed by a Concurrence Agency (DSDMIP via SARA)

Attachment 2 – Extract of Appeal Provisions (Chapter 6, Part 1 and Part 2 and Schedule 1 of the *Planning Act 2016*).

A. Assessment Manager (Council) Conditions

Approved Plans

1. The development must be carried out generally in accordance with the following proposal plans (Appendix 'A') except for any modifications required to comply with the Conditions of this approval:
 - Concept Aerial View prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 21/01/20, reference AQU18001-SK2, revision E;
 - Concept Typical Production Pond prepared by Maddocks & Associates Pty Ltd consulting engineers dated 10/12/19, reference AQU18001-SK10 revision D;
 - Concept Layout (Sheet 1 of 4) prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 13/12/19, reference AQU18001-SK3, revision D;
 - Concept Layout (Sheet 2 of 4) prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 26/07/19, reference AQU18001-SK4, revision C;
 - Concept Layout (Sheet 3 of 4) prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 26/07/19, reference AQU18001-SK5, revision C;
 - Concept Layout (Sheet 4 of 4) prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 10/12/19, reference AQU18001-SK6, revision D;
 - Section A prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 13/05/19, reference AQU18001- SK7, revision B;
 - Section B prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 13/05/19, reference AQU18001- SK8, revision B;
 - Sections C - F prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 13/05/19, reference AQU18001- SK9, revision B;
 - Concept Existing Pump Station Upgrade prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 10/12/19, reference AQU18001-SK16, revision D;
 - Concept New Outlet Drain prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 21/01/20, reference AQU18001-SK17, revision E;
 - Floor Plan prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 21/12/18, reference AQU18001-A01, revision A;
 - Roof Plan prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 21/12/18, reference AQU18001-A02, revision A;
 - Elevation Plan prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 21/12/18, reference AQU18001-A03, revision A;
 - Concept Proposed Hatchery prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 10/12/18, reference AQU18001-SK15, revision D;
 - Concept Proposed Processing and Feed Storage Buildings (1 of 3) prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 13/12/19, reference AQU18001-SK13, revision D;
 - Concept Proposed Processing and Feed Storage Buildings (2 of 3) prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 13/12/19, reference AQU18001-SK13A, revision D;
 - Concept Proposed Processing and Feed Storage Buildings (3 of 3) prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 13/12/19, reference AQU18001-SK14, revision D;

- First Floor Plan prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 30/12/19, reference AQU19001-B01, revision B;
- Elevations 1 prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 30/12/19, reference AQU19001-B02, revision B;
- Elevations 2 prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 30/12/19, reference AQU19001-B03, revision B;
- Concept Proposed Managers Residence prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 13/12/19, reference AQU18001-SK12, revision D;
- Concept Intersection of Proposed New Access Road with Mulligan Highway prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 13/05/19, reference AQU18001-SK11, revision B.

Vehicle Access

2. Vehicle access to the site must be via the proposed access road.

Road Works

3. The applicant must construct the access road from the Mulligan Highway intersection to the property access to a Rural Road Standard in accordance with the approved drawings. Construction must be in accordance with the FNQROC Development Manual requirements. Engineering drawings must be submitted for approval by Council's Director Infrastructure as part of an Operational Works application prior to work commencing.

Operational Works

4. Prior to the commencement of construction of external works other than by Council, an application must be submitted for a development permit for Operational Works for the following:
 - Road works; and
 - Erosion and sediment control.

This application will need to include Operational Works plans prepared by a Registered Professional Engineer Queensland (RPEQ) in accordance with the FNQROC Development Manual standards, and are to be to the satisfaction of Council's Director Infrastructure.

Certificate and Maintenance

5. Upon completion of the works required by Condition 4, a certificate from a Registered Professional Engineer Queensland must be submitted to Council stating that the works have been carried out properly and in accordance with the plans and specifications approved by Council. The certificate shall set out the full engineering details of the works as completed and shall show all relevant survey data and levels, together with a bond for five (5) percent of the total works costs, to meet the costs of any maintenance period not exceeding twelve (12) months.

Parking

6. Parking must be provided on site in locations shown on the approved plans and is to be in accordance with the FNQROC Development Manual and the relevant Australian Standard.

Public Utilities

7. The developer is responsible for the cost of any alterations to public utilities as a result of complying with the Conditions of this approval.

Utilities design must be in accordance with the FNQROC Development Manual D8 Operational Works Design Guidelines "Utilities".

Effluent Disposal

8. Wastewater treatment and disposal applications must include details of proposed wastewater disposal systems and calculations demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS, 1547:2000 – On-site Domestic Wastewater Management. Details to be provided at the time of lodgement of a Plumbing or Building application and prior to the issue of a Development Permit for Building Works. The works must be completed to the satisfaction of Council's Plumbing Inspector, prior to the commencement of the use.
9. The applicant is required to obtain the necessary ERA permit for an on-site sewage system exceeding 21 EP. Upon receiving this ERA license, confirmation is to be provided to Council's Manager Planning and Environment.

Water Supply

10. The development must be connected to a reliable potable water supply for the accommodation facilities (Caretaker's residence and Rural Worker's accommodation). If rain water tanks are proposed, they must have a minimum capacity of 50,000 litres and the proposed rain water collection system must be fitted with sufficient first flush diverters to divert the first 2mm of rainfall over the entire area of roof used for rainwater harvesting. The inlets and outlets of the rain water collection tanks must be fitted with insect screens.
11. The roof material and sealant used must be suitable for the collection of drinking water. All guttering used for rain water harvesting must be fitted with leaf screens.
12. Prior to the commencement of the use and if rain water tanks are proposed to service the accommodation facilities, the applicant is to submit to Council a report prepared by a qualified expert demonstrating the proposed water source complies with the Australian Drinking Water Guidelines. The report is to also detail proposed water treatment devices, including operating parameters and quality testing regimes.

Electricity Supply

13. The applicant is to ensure that the Caretaker's dwelling and Rural Workers' accommodation have a reliable electricity supply, prior to the commencement of the use.

Flooding

14. Buildings must have a minimum floor level 0.3m above Q100.

Bushfire

15. The Caretaker's dwelling and Rural Workers' Accommodation must be provided with a 50,000L water tank each, for firefighting purposes.
16. Firebreaks from hazardous vegetation (of 1.5 times the predominant mature canopy tree height or 10 m, whichever is the greater) must be maintained by the owners at all times and

flammable material must not be allowed to build up around the buildings so as not to create a fire hazard.

Environmental

17. The applicant must submit for approval, a rehabilitation plan identifying the areas to be replanted and/or rehabilitated including ongoing weeding and maintenance programs and the proposed timing of works.
18. The applicant must ensure that no soil or silt runoff occurs from the site during the construction and operational phase of the development.
19. No State Declared or Environmental pest plants and pest animals are to be introduced onto the property.

Compliance

20. All conditions of this Development Permit are to be complied with prior to the use commencing and, where relevant, maintained during operation.

Outstanding Charges

21. All rates, service charges, interest and other charges levied on the land must be paid prior to the use commencing.

Currency Period

22. The currency period for this application is six (6) years. Should the approved Aquaculture, Caretaker's Residence and Rural Workers' Accommodation not be established within this time, the approval shall lapse.

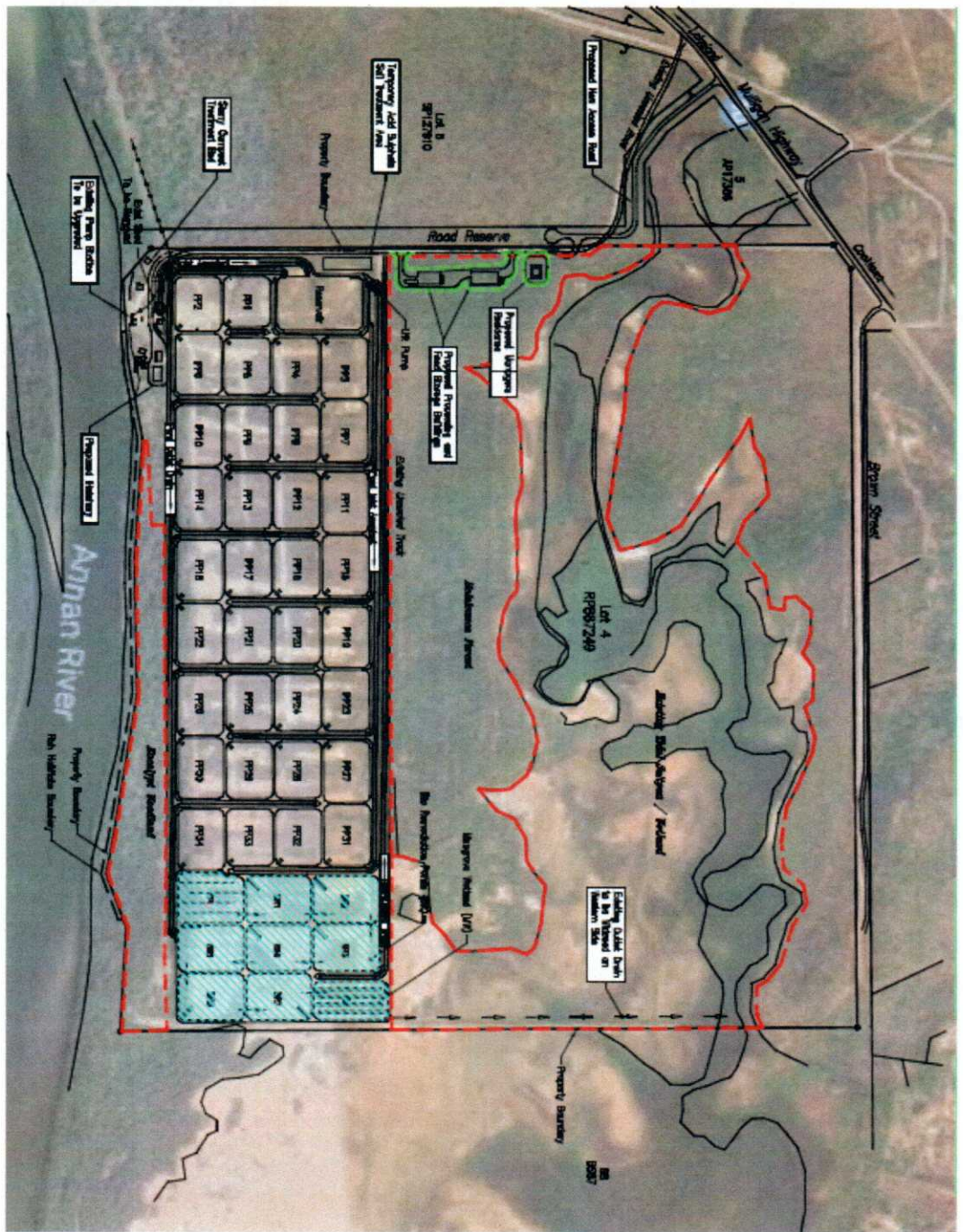
B. Advice (Council)

A development permit is required for carrying out Building Works (including demolition), and a Plumbing and Drainage Approval/compliance permit is required for Plumbing and Drainage Works prior to construction of any buildings associated with this development.

C. Concurrence Agency (Department of Infrastructure, Local Government & Planning) Response:


See the attached (Appendix 'B') letter from the Department of State Development, Manufacturing, Infrastructure and Planning, dated 6 April 2020.

| | | |
|---|--|---|
| NO. | DESCRIPTION | DATE |
| 1 | GRID MAP LAYDOWN | 2/20/78 |
| 2 | GRID DATA (HATCH) THROUGH NO. 101/102 | 3/20/78 |
| 3 | SEE EXHIBIT AND HATCH & SURVEY TOLERANCE | |
| 4 | HATCH TOLERANCE & FIELD STAKE LOCATIONS AND DATA | 3/20/78 |
| 5 | EXHIBIT ATTACHED | |
| MADDUCKS & ASSOCIATES PTY. LTD. CONSULTING ENGINEERS | | CLIENT AQUATEL PTY LTD <small>The Aquatec Group, Limited, is the owner of the land shown on the plan and the person responsible for the accuracy of the data and the accuracy of the information contained in the plan.</small> |
| PROJECT COOK TOWN PLANNING FARM DEVELOPMENT | | CONCEPT AERIAL VIEW |
| SCALE | 1:1,000 | DATE |
| DRAWN | BY | DATE |
| CHECKED | BY | DATE |
| APPROVED | DATE | |
| 100% | | |



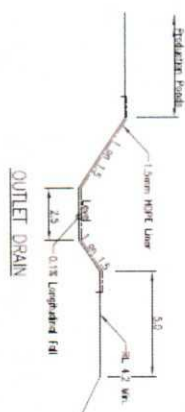
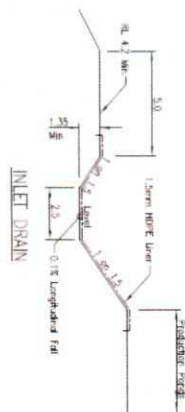
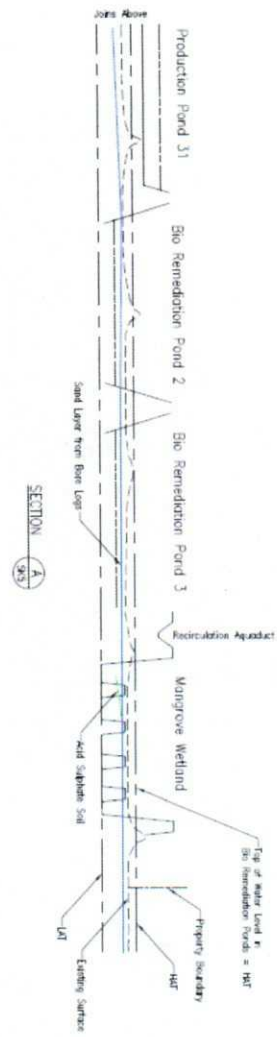
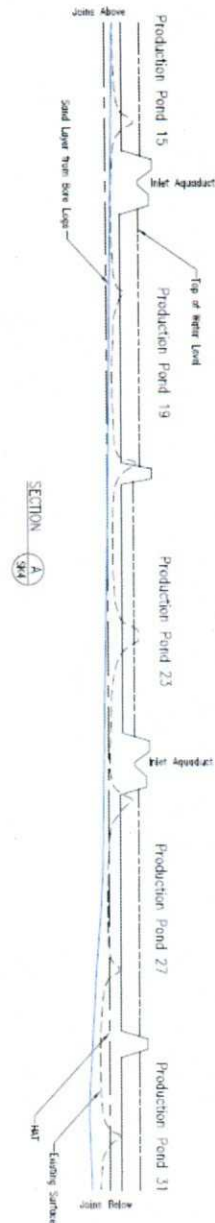
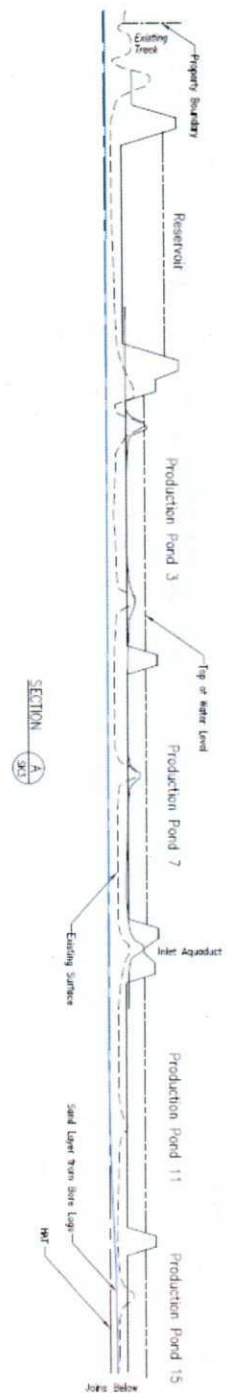
PRELIMINARY



- LEARN**
8. Insurance
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- Insurance Market
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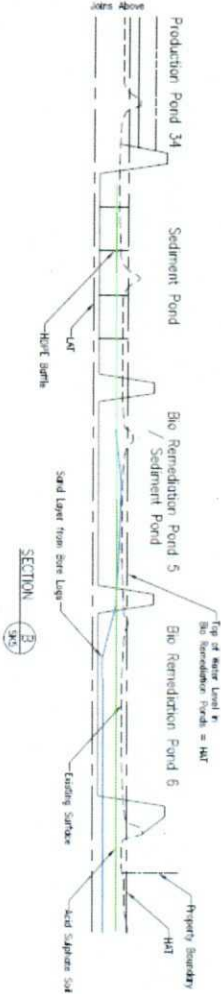
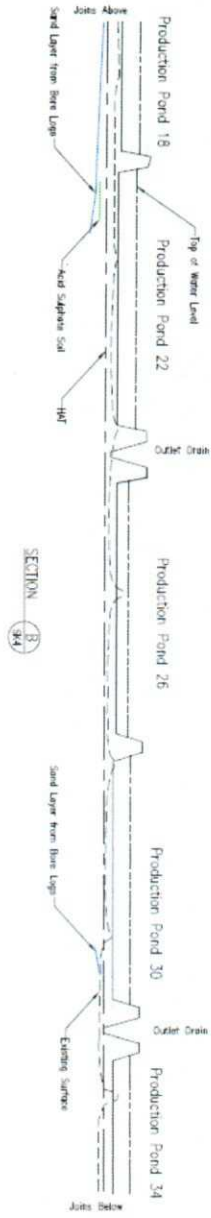
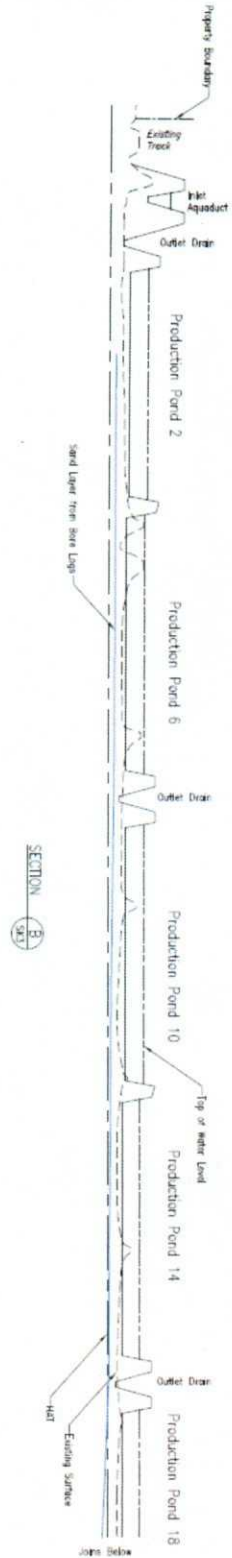






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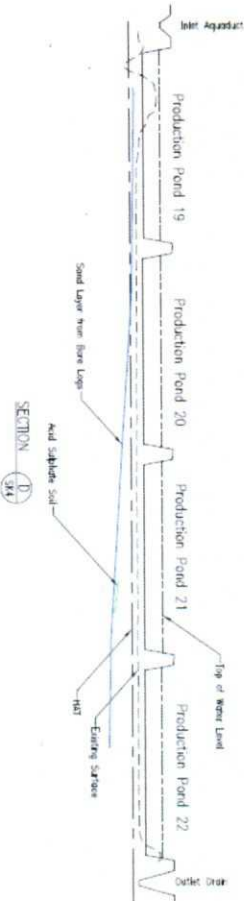
| REV | DESCRIPTION | DATE | CLIENT | PROJECT | SCALE | DATE | SCALE | DATE | SCALE |
|-----|--------------|----------|---------------------------------|---------------------------------|----------|----------|----------|----------|----------|
| 1 | DESIGN | 12/05/18 | MADDOCKS & ASSOCIATES PTY. LTD. | COOKTOWN FRANK FARM DEVELOPMENT | AS SHOWN | 12/05/18 | AS SHOWN | 12/05/18 | AS SHOWN |
| 2 | FOR APPROVAL | 16/07/18 | CLIENT | SECTION A | AS SHOWN | 16/07/18 | AS SHOWN | 16/07/18 | AS SHOWN |
| 3 | FOR APPROVAL | 16/07/18 | CLIENT | SECTION A | AS SHOWN | 16/07/18 | AS SHOWN | 16/07/18 | AS SHOWN |
| 4 | FOR APPROVAL | 16/07/18 | CLIENT | SECTION A | AS SHOWN | 16/07/18 | AS SHOWN | 16/07/18 | AS SHOWN |

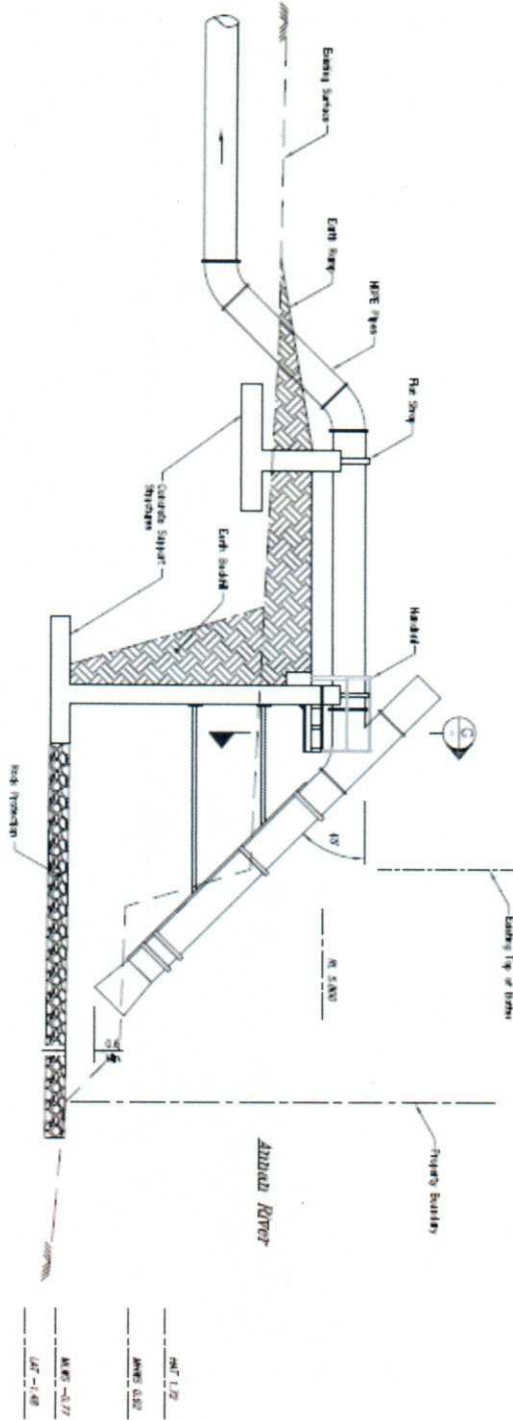
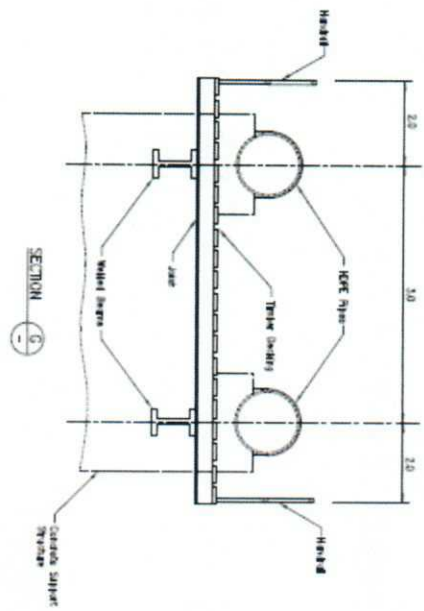


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| REV | DESCRIPTION | DATE | CURRENT | PROJECT | SCALE | AS SHOWN | CAD FILE | DATE |
|-----|------------------|----------|---------------------------------|---------------------------------|-------|----------|----------|------|
| 0 | FOR APPROVAL | 13/02/19 | MADDOCKS & ASSOCIATES PTY. LTD. | COOKTOWN PRAWN FARM DEVELOPMENT | DATE | | DATE | DATE |
| A | CONCEPT APPROVAL | 14/07/19 | ADALTEC PTY LTD | SECTION B | DATE | | DATE | DATE |





PRELIMINARY

| NO. | DESCRIPTION | DATE |
|-----|--------------------------------------|----------|
| 1 | INITIAL DESIGN, DESIGN AND DRAWING | 04/12/18 |
| 2 | REVISED DESIGN AND DRAWING (REVISED) | 04/12/18 |
| 3 | FINAL DESIGN AND DRAWING (REVISED) | 04/12/18 |
| 4 | FOR APPROVAL | 04/12/18 |

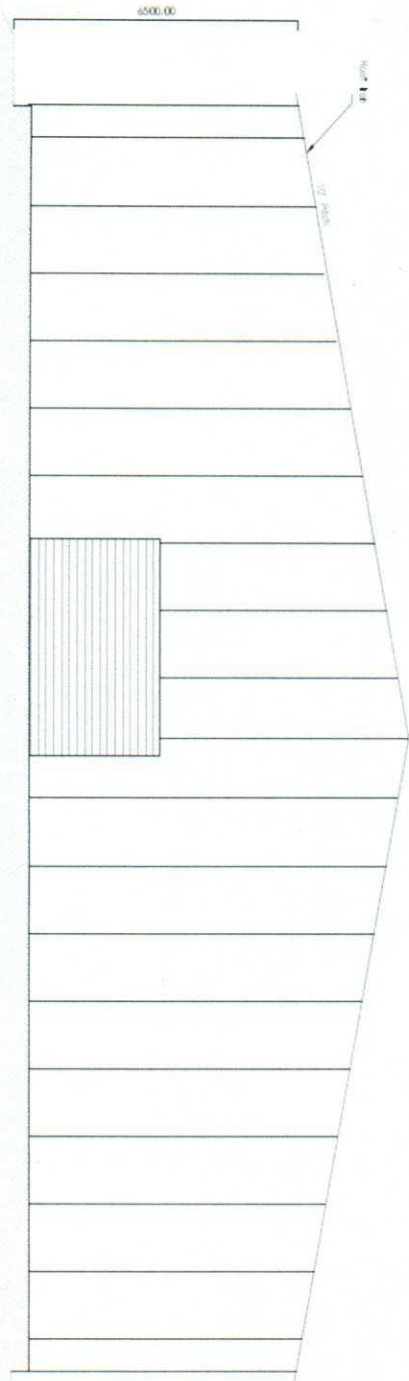
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|---------------------------------|--|---------|---------------------------------------|---------|---------------------------------|-------------|------|----------|------------|
| MADDOCKS & ASSOCIATES PTY. LTD. | | CLIENT | AQUATEX PTY LTD | PROJECT | COOKTOWN PRAWN FARM DEVELOPMENT | SCALE | 1:50 | CAD FILE | 2018-12-18 |
| CONSULTING ENGINEERS | | PROJECT | CONCEPT EXISTING PUMP STATION UPGRADE | DATE | 04/12/18 | APPROVED BY | 1/1 | DATE | 04/12/18 |



PRELIMINARY

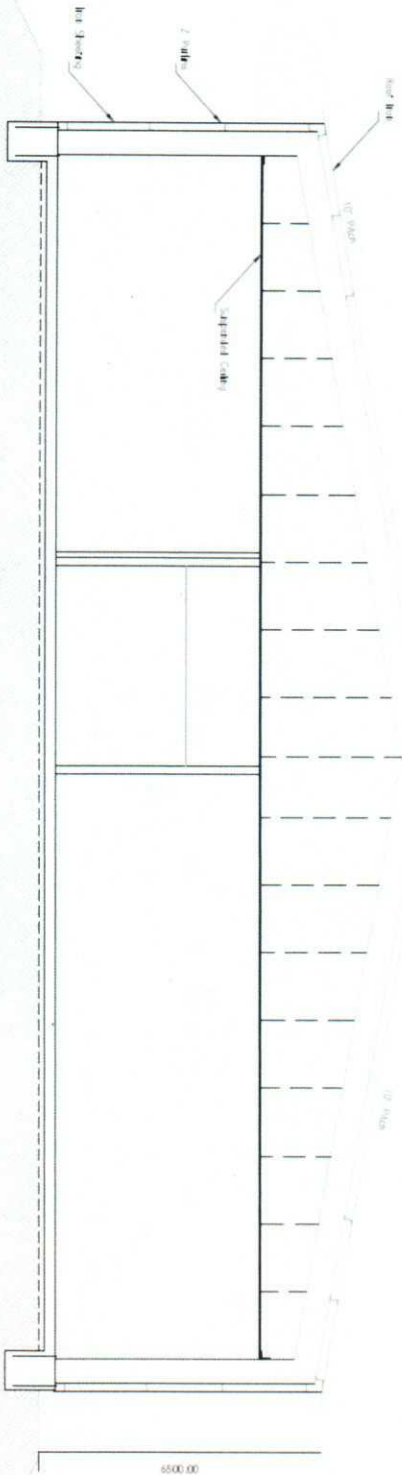
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ELEVATION



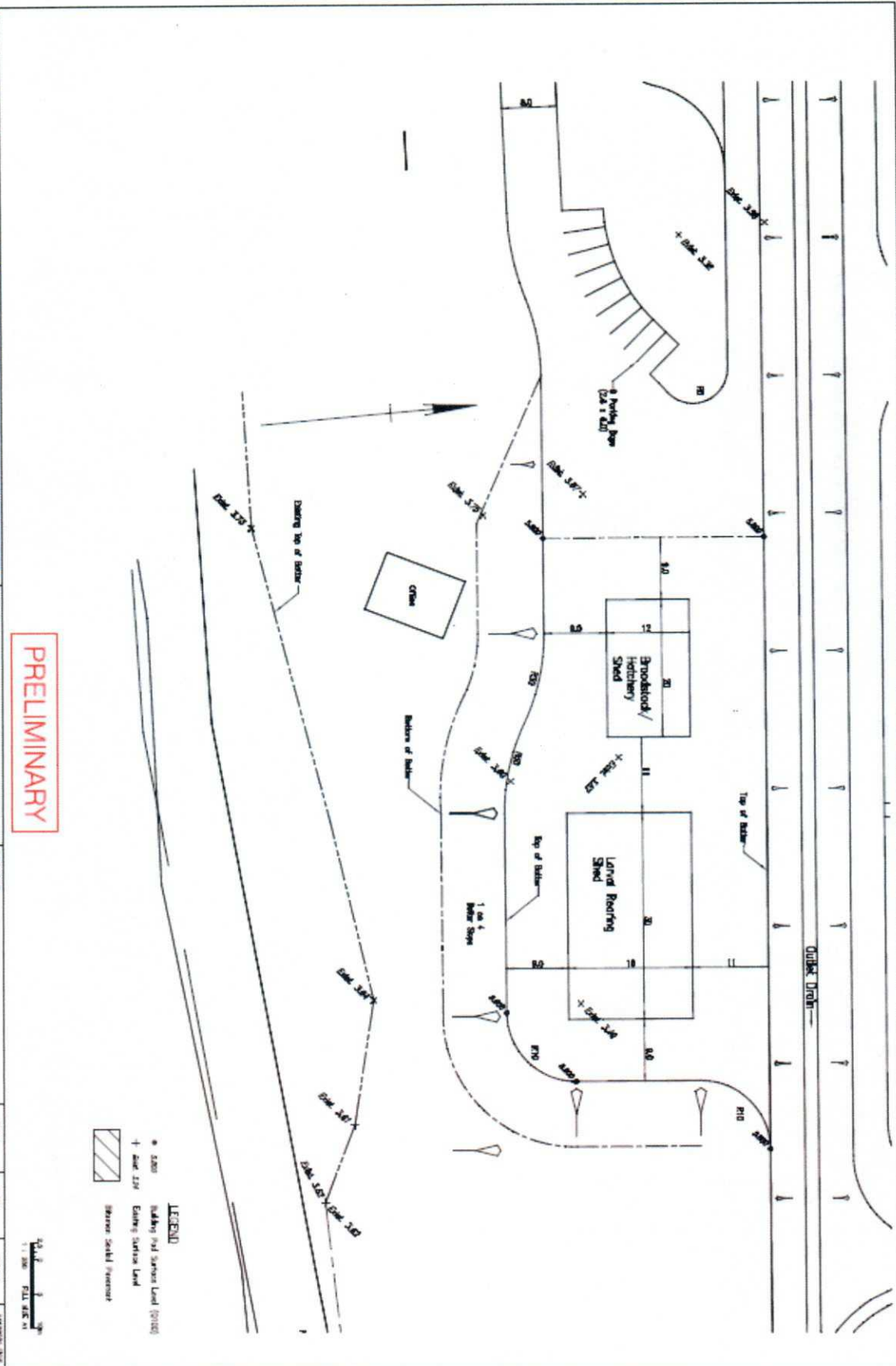
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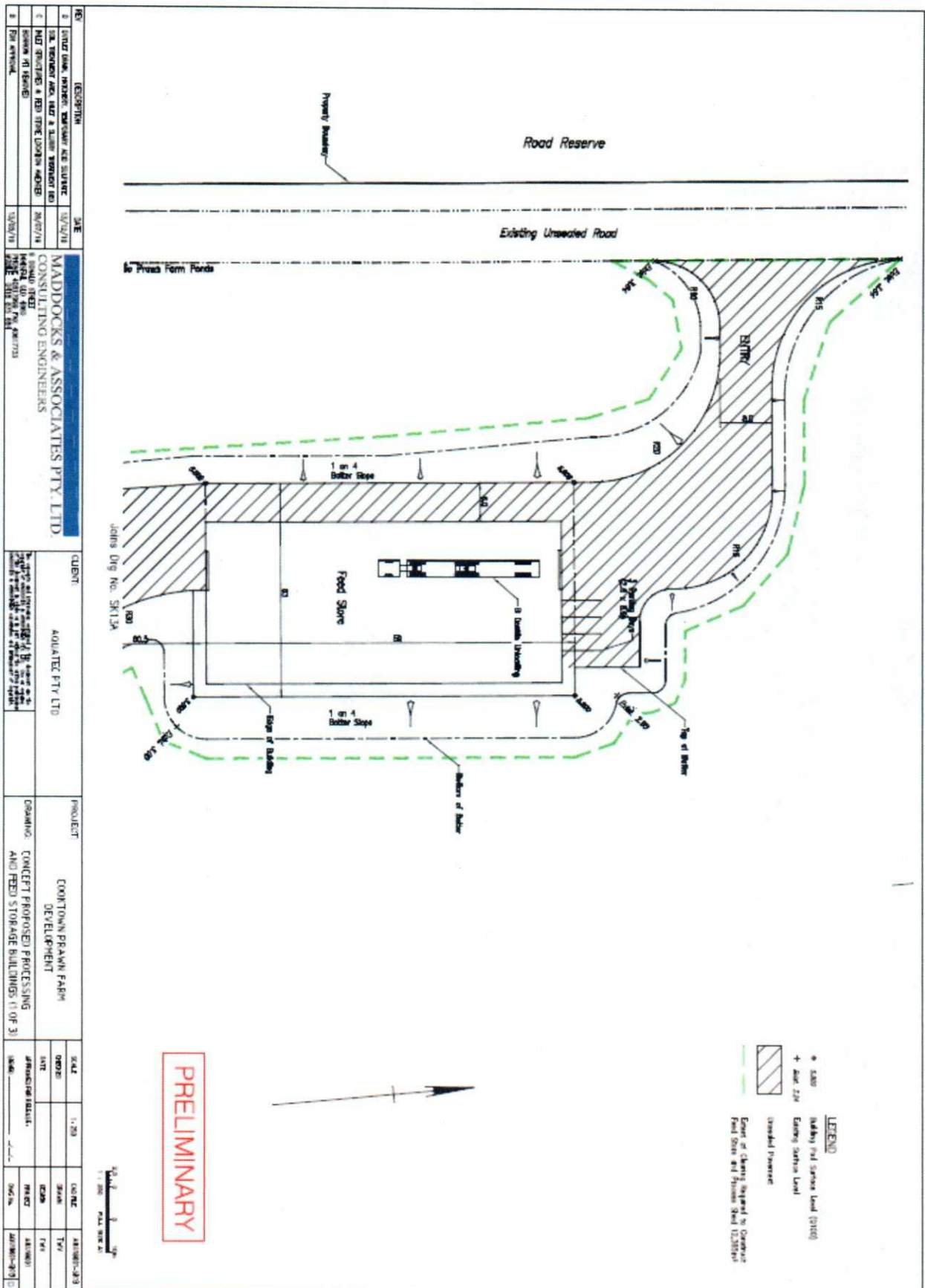
SECTION



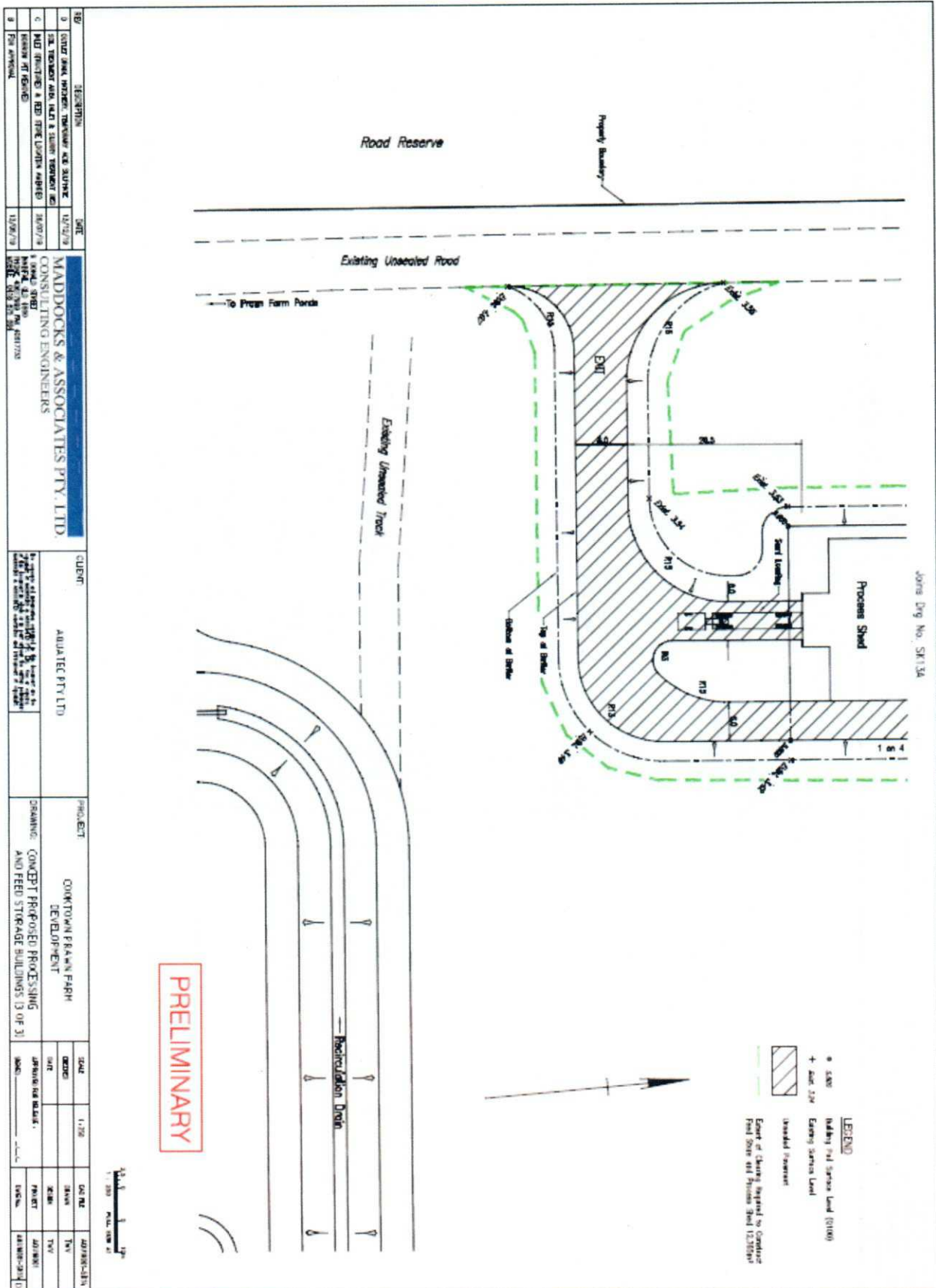
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|---------------------------------|-----------------|---------------------------------|----------------|----------|----------|----------|----------|
| Client | Client | Project | Project | Scale | Scale | Scale | Scale |
| Maddocks & Associates Pty. Ltd. | AQUATEC PTY LTD | COOKTOWN PRAWN FARM DEVELOPMENT | ELEVATION PLAN | 1:100 | 1:100 | 1:100 | 1:100 |
| 10/12/19 | 10/12/19 | 10/12/19 | 10/12/19 | 10/12/19 | 10/12/19 | 10/12/19 | 10/12/19 |

| DESCRIPTION | | DATE |
|-------------|-------------------------------|----------|
| D | WATER MAIN, TRENCH AND LAYOUT | 10/12/18 |
| E | SEWER TRENCH AND LAYOUT | 20/02/19 |
| F | WATER TRENCH AND LAYOUT | 20/02/19 |
| G | SEWER TRENCH AND LAYOUT | 20/02/19 |
| H | WATER TRENCH AND LAYOUT | 20/02/19 |
| I | SEWER TRENCH AND LAYOUT | 20/02/19 |
| J | WATER TRENCH AND LAYOUT | 20/02/19 |
| K | SEWER TRENCH AND LAYOUT | 20/02/19 |
| L | WATER TRENCH AND LAYOUT | 20/02/19 |
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| O | SEWER TRENCH AND LAYOUT | 20/02/19 |
| P | WATER TRENCH AND LAYOUT | 20/02/19 |
| Q | SEWER TRENCH AND LAYOUT | 20/02/19 |
| R | WATER TRENCH AND LAYOUT | 20/02/19 |
| S | SEWER TRENCH AND LAYOUT | 20/02/19 |
| T | WATER TRENCH AND LAYOUT | 20/02/19 |
| U | SEWER TRENCH AND LAYOUT | 20/02/19 |
| V | WATER TRENCH AND LAYOUT | 20/02/19 |
| W | SEWER TRENCH AND LAYOUT | 20/02/19 |
| X | WATER TRENCH AND LAYOUT | 20/02/19 |
| Y | SEWER TRENCH AND LAYOUT | 20/02/19 |
| Z | WATER TRENCH AND LAYOUT | 20/02/19 |











RA6-N



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

SARA reference: 2003-15858 SRA
Council reference: DA/4158
Applicant reference: Prawn Farm

6 April 2020

Chief Executive Officer
Cook Shire Council
PO Box 3
Cooktown Qld 4895
mail@cook.qld.gov.au

Attention: Michael Fallon

Dear Sir/Madam

SARA response—349-351 Mulligan Highway, Cooktown; , Cooktown

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 12 March 2020.

Response

| | |
|-------------------|---|
| Outcome: | Referral agency response – with conditions. |
| Date of response: | 6 April 2020 |
| Conditions: | The 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 (prawn farm) and caretaker's accommodation and rural workers accommodation and Operational work for tidal works (pump station) |
|--------------|--------------------|---|

| | |
|----------------------------|--|
| SARA role: | Referral Agency |
| SARA trigger: | <p>Schedule 10, Part 3, Division 4, Table 1, Item 1</p> <p>Schedule 10, Part 5, Division 4, Table 2, Item 1</p> <p>Schedule 10, Part 6, Division 1, Subdivision 3, Table 1, Item 1</p> <p>Schedule 10, Part 6, Division 3, Subdivision 3, Table 2, Item 1</p> <p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1</p> <p>Schedule 10, Part 17, Division 3, Table 1, Item 1</p> <p>Schedule 10, Part 17, Division 3, Table 2, Item 1</p> <p>Schedule 10, Part 17, Division 3, Table 6, Item 1</p> <p>(Planning Regulation 2017)</p> <p>Development application for a material change of use and operational work involving:</p> <ul style="list-style-type: none"> • native vegetation clearing • environmentally relevant activity • aquaculture • development within 25 metres of a state-controlled road • removal, destruction or damage of marine plants • tidal works or work in a coastal management district |
| SARA reference: | 2003-15858 SRA |
| Assessment Manager: | Cook Shire Council |
| Street address: | 349-351 Mulligan Highway, Cooktown |
| Real property description: | Lot 4 on RP887249 and Lot AA on P23422 |
| Applicant name: | Aquatec Pty Ltd C/- 3ScienceSolutions Pty Ltd |
| Applicant contact details: | 252 Boulders Road Babinda QLD 4861 chris@3ss.com.au |
| Environmental Authority: | <p>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:</p> <ul style="list-style-type: none"> • Approved • Reference: EA0002229 • Effective date: On a day to be decided later <p>Prescribed environmentally relevant activity (ERA): ERA01 – Aquaculture 1: Cultivating or holding crustaceans in enclosures that are on land and have a total area of more than 10ha but not more than 100ha</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.

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

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Aquatec Pty Ltd C/- 3ScienceSolutions Pty Ltd, chris@3ss.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions
Attachment 5 - Approved plans and specifications

Attachment 1—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 3, Division 4, Table 3, Item 1- Native vegetation —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources, Mines and Energy 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. | No clearing of vegetation is to occur within areas identified as Area A (Parts A ¹ -A ³) as shown on the attached Technical Agency Response Plan (TARP) 2003-15858 SRA dated 17/03/2020. | At all times |
| 2. | No built structure, other than for fences, roads and underground services, is to be established, constructed or located within areas identified as Area B (Parts B ¹ -B ³) as shown on attached Technical Agency Response Plan (TARP) 2003-15858 SRA dated 17/03/2020. | At all times |
| 3. | Any person(s) engaged or employed to carry out the clearing of vegetation under this development approval must be provided with a full copy of this development approval, and must be made aware of the full extent of clearing authorised by this development approval. | Prior to clearing |
| 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 condition: | | |
| 4. | The development must be carried out generally in accordance with the following plan: <ul style="list-style-type: none"> • Concept Aerial View prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 21/01/20, reference AQU18001-SK2, revision E. | At all times |
| Material change of use and operational work | | |
| Schedule 10, Part 17, Division 3, Table 3, Item 1 – Tidal works or work in a coastal management district and Schedule 10, Part 17, Division 3, Table 6, Item 1 – Coastal management district - — 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: | | |
| 5. | The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> • Concept Typical Production Pond prepared by Maddocks & Associates Pty Ltd consulting engineers dated 10/12/19, | Prior to the commencement of use and to be maintained at all times, an |

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| | <p>reference AQU18001-SK10 revision D</p> <ul style="list-style-type: none"> • Concept Layout (Sheet 1 of 4) prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 13/12/19, reference AQU18001-SK3, revision D • Concept Layout (Sheet 2 of 4) prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 26/07/19, reference AQU18001-SK4, revision C (as amended in red) • Concept Layout (Sheet 3 of 4) prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 26/07/19, reference AQU18001-SK5, revision C (as amended in red) • Concept Layout (Sheet 4 of 4) prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 10/12/19, reference AQU18001-SK6, revision D • Section A prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 13/05/19, reference AQU18001-SK7, revision B • Section B prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 13/05/19, reference AQU18001-SK8, revision B • Sections C - F prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 13/05/19, reference AQU18001-SK9, revision B • Concept Existing Pump Station Upgrade prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 10/12/19, reference AQU18001-SK16, revision D • Concept New Outlet Drain prepared by Maddocks & Associates Pty Ltd consulting engineers, dated 21/01/20, reference AQU18001-SK17, revision E | |
| 6. | For the proposed works, only use clean materials and ensure that the works do not cause contamination. | For the duration of works |
| 7. | <p>(a) An erosion and sediment control plan must be prepared by an appropriately qualified person(s)*, in accordance with <i>Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association)</i>,</p> <p>(b) Provide the erosion and sediment control plan to the palm@des.qld.gov.au or mailed to:</p> <p style="padding-left: 40px;">Department of Environment and Science Permit and License Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001</p> <p>(c) Undertake the development generally in accordance with the erosion and sediment control plan; and</p> <p>(d) Provide written evidence from an appropriately qualified person(s) that all elements of this condition have been complied</p> | <p>(a) Prior works occurring</p> <p>(b) Prior to works occurring</p> <p>(c) While works are occurring</p> <p>(d) Upon completion of</p> |

| | with. Note: Appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills and experience relevant to erosion management and can give authoritative assessment, advice and analysis in relation to erosion management using the relevant protocols, standards, methods or literature | the works |
|-----|--|---|
| 8. | Should the inlet structure, pump station, outlet drain or concrete spillway collapse, fail or otherwise suffer structural consequences which impact their integrity or ability to function as intended, the works must be: (a) reinstated in accordance with this development approval; or (b) removed and disposed of at an appropriately licensed facility. | As soon as reasonably practicable subsequent to the damage |
| 9. | Submit "As Constructed drawings" to palm@des.qld.gov.au or mail to: Department of Environment and Science Permit and License Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001 | Within two (2) weeks of the completion of the works |
| 10. | (a) In the event that the works cause disturbance or oxidisation of acid sulfate soil, the affected soil must be treated and thereafter managed (until the affected soil has been neutralised or contained) in accordance with the current <i>Queensland Acid Sulfate Soil Technical Manual: Soil management guidelines</i> , prepared by the Department of Science, Information Technology, Innovation and the Arts, 2014. (b) Certification by an appropriately qualified person(s)*, confirming that the affected soil has been neutralised or contained, in accordance with (a) above is to be provided to palm@des.qld.gov.au or mailed to: Department of Environment and Science Permit and License Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001 NOTE: Appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills and experience relevant to soil chemistry or acid sulfate soil management and can give authoritative assessment, advice and analysis in relation to acid sulfate soil management using the relevant protocols, standards, methods or literature. | (a) Upon disturbance or oxidisation until the affected soil has been neutralised or contained. (b) At the time the soils have been neutralised or contained. |

| Material change of use | | | | | | | | | | | | |
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| 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: | | | | | | | | | | | | |
| 11. | <p>Development authorised under this approval is limited as follows:</p> <p>Prawn and finfish grow out operations being limited to an area of 42.84 ha of a total aquaculture area of 47.4 ha and shown in:</p> <ul style="list-style-type: none">• Concept General Layout, prepared by Maddocks & Associates Pty. Ltd., dated 21/01/2020, referenced AQU18001-SK1, revision E• Concept Typical Production Pond, prepared by Maddocks & Associates Pty. Ltd., dated 10/12/19, referenced AQU18001-SK10, revision D• Concept Layout (Sheet 1 of 4), prepared by Maddocks & Associates Pty. Ltd., dated 13/12/2019, referenced AQU18001-SK3, revision D• Concept Layout (Sheet 2 of 4), prepared by Maddocks & Associates Pty. Ltd., dated 26/07/2019, referenced AQU18001-SK4, revision C (amended in red)• Concept Layout (Sheet 3 of 4), prepared by Maddocks & Associates Pty. Ltd., dated 26/07/2019, referenced AQU18001-SK5, revision C (amended in red)• Section A, prepared by Maddocks & Associates Pty. Ltd., dated 13/05/2019, referenced AQU18001-SK7, revision B• Section B, prepared by Maddocks & Associates Pty. Ltd., dated 13/05/2019, referenced AQU18001-SK8, revision B• Section C - F, prepared by Maddocks & Associates Pty. Ltd., dated 13/05/2019, referenced AQU18001-SK9, revision B• Concept Existing Pump Station Upgrade, prepared by Maddocks & Associates Pty. Ltd., dated 10/12/2019, referenced AQU18001-SK16, revision D• Concept New Outlet Drain, prepared by Maddocks & Associates Pty. Ltd., dated 21/01/2020, referenced AQU18001-SK17, revision E <p>Prawn and finfish hatchery operations being limited to an area of 215 m² and shown in:</p> <ul style="list-style-type: none">• Floor Plan, prepared by Maddocks & Associates Pty. Ltd., dated 01/12/2018, referenced A01, revision A. | At all times | | | | | | | | | | |
| 12. | <p>The approved fisheries resources the subject of this approval are limited to the following species.</p> <table><tr><th>Common Name</th><th>Scientific Name</th></tr><tr><td>Tiger Prawn</td><td><i>Peneaus monodon</i></td></tr><tr><td>Banana Prawn</td><td><i>Peneaus merguensis</i></td></tr><tr><td>Barramundi</td><td><i>Lates calcarifer</i></td></tr><tr><td>Milkfish</td><td><i>Chanos chanos</i></td></tr></table> | Common Name | Scientific Name | Tiger Prawn | <i>Peneaus monodon</i> | Banana Prawn | <i>Peneaus merguensis</i> | Barramundi | <i>Lates calcarifer</i> | Milkfish | <i>Chanos chanos</i> | Prior to commencement and to be maintained at all times |
| Common Name | Scientific Name | | | | | | | | | | | |
| Tiger Prawn | <i>Peneaus monodon</i> | | | | | | | | | | | |
| Banana Prawn | <i>Peneaus merguensis</i> | | | | | | | | | | | |
| Barramundi | <i>Lates calcarifer</i> | | | | | | | | | | | |
| Milkfish | <i>Chanos chanos</i> | | | | | | | | | | | |

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| | Hereafter referred to as the "approved species". | |
| 13. | <p>Provide written notice to notifications@daf.qld.gov.au, when the development (expansion) authorised under this approval:</p> <p>a) Will start, and b) When it has been completed</p> <p>These notices must state this permit number 2003-15858 SRA.</p> | <p>At least 5 business days but no greater than 20 business days prior to the commencement of the works</p> <p>Within 15 business days of the completion of the fisheries development works</p> |
| 14. | 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 |
| 15. | <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 |
| 16. | Spoil is not disposed of on tidal lands or within waterways and is managed to prevent acid soil development. | At all times |
| 17. | 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 |
| 18. | 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. | By close of business on 31 July each year |
| 19. | 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 and bioremediation ponds subject to this approval. | At all times |
| 20. | <p>The movement of fisheries resources into, or within, Queensland must comply with the current versions of the relevant translocation protocols.</p> <p>Note: Health protocols and application form FDU1398 can be found at https://www.daf.qld.gov.au/data/assets/pdf_file/0009/72468/translocation-form.pdf</p> | At all times |
| 21. | <p>Maintain control over the release of water from all ponds, tanks and drainage systems within the approved aquaculture area.</p> <p>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.</p> | Upon commencement and of the use and be maintained at all times |

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| 22. | <p>Provide an impervious barrier in the location shown on approved plans:</p> <ul style="list-style-type: none"> • Concept Layout (Sheet 2 of 4), prepared by Maddocks & Associates Pty. Ltd., dated 26/07/2019, referenced AQU18001-SK4, revision C, (amended in red). • Concept Layout (Sheet 3 of 4), prepared by Maddocks & Associates Pty. Ltd., dated 26/07/2019, referenced AQU18001-SK5, revision C, (amended in red) <p>to prevent the overland intrusion of fish, capable of overland movement, into the approved aquaculture area.</p> | Prior to commencement of use and be maintained at all times |
| 23. | Install adequate 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>). | Prior to commencement of use and be maintained at all times |
| 24. | Install adequate 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 be maintained at all times |
| 25. | <p>Ponds, tanks and containers used to cultivate and grow indigenous aquaculture fisheries resources are constructed with the lowest point of the top of wall at or above Q100 flood level.</p> <p>Ponds, tanks and containers free of aquaculture fisheries resources are constructed with the lowest point of the top of wall at or above Q50 flood level.</p> | Prior to commencement of use and be maintained at all times |
| 26. | All deceased animals must be disposed of lawfully at a licenced facility or in accordance with the current Australian Government Department of Agriculture's AQUAVETPLAN as found online. | At all times |
| Material change of use | | |
| <p>Schedule 10, Part 6, Division 3, Subdivision 3, Table 2, Item 1 – Removal, destruction or damage of marine plants — 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:</p> | | |
| 27. | <p>The collection of mangrove seeds and propagules is limited to the following species and numbers:</p> <ul style="list-style-type: none"> • <i>Rhizophora spp.</i> 2,000 propagules • <i>Ceriops tagal</i> 500 propagules • <i>Excoecaria agallocha</i> 500 seeds • <i>Lumnitzera racemosa</i> 500 seeds • <i>Xylocarpus granatum</i> 500 seeds | Within 5 years of issue of this development approval |
| 28. | The collection of mangrove seeds and propagules must be undertaken by hand and within 100 km of the planting site. Seeds and propagules must be unattached (free from parent tree and/or the substrate). | At all times |
| 29. | Provide written notice to notifications@daf.qld.gov.au , when and where each of the collections of seeds and propagules authorised under this approval: | |

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| | (a) will start, and (b) when it has been completed. These notices must state this permit number 2003-15858 SRA. | |
| 30. | (a) Development approval authorises maintenance works that involve the removal, destruction or damage of marine plants within the constructed mangrove wetland (b) Marine plants or any other material must not be disposed of on tidal land. | At all times |
| Material change of use | | |
| Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – State transport corridors — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads 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: | | |
| 31. | (a) Road works comprising of sealing and treatment works for a Basic right-turn (BAR) and Rural basic left-turn (BAL), must be provided generally in accordance with Concept Intersection of Proposed New Access Road with Mulligan Highway prepared by Maddocks & Associates Pty Ltd Consulting Engineers, dated 13/05/19, Reference Dwg No AQU18001-SK11 and Revision B. (b) The road works must be designed and constructed in accordance with Austroads Guide to Road Design, Part 4: Intersections and Crossing – General and Part 4A: Unsignalised and Signalised Intersections; specifically: <ul style="list-style-type: none"> • Figure A26 Basic right (BAR) turn treatment on a two-lane rural road; and • Figure 8.2 Rural basic left-turn treatment (BAL). | Prior to the commencement of use. |
| 32. | Direct access is not permitted between the Mulligan Highway and the subject site. | At all times |
| Operational work | | |
| Schedule 10, Part 17, Division 3, Table 2, Item 1 – Tidal works in tidal waters — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads (Maritime Safety QLD) 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: | | |
| 33. | Any debris or similar obstruction encountered whilst undertaking the work must be disposed of at the applicant's cost. | At all times |

Attachment 2—Advice to the applicant

| General advice | |
|----------------|---|
| 1. | 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) [v2.6]. If a word remains undefined it has its ordinary meaning. |
| 2. | To request an electronic file of the Derived Points (Attached to Plan: 2003-15858 SRA) as contained in this technical agency response, email a request to the Department of Natural Resources, Mines and Energy (DNRME) at northvegetation@dnrme.qld.gov.au and include application reference (2003-15858 SRA). |
| 3. | <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> |
| 4. | <p>This approval does not permit the harvest of broodstock and culture stock other than under regulations that apply for recreational fishing. As per Fisheries Declaration 2019, the recreational possession limit of milkfish is 20 (Schedule 2, part 2, last item in table). Broodstock collected under recreational limits must be clearly identifiable and not to be sold, traded or given away.</p> <p>This includes the use of whole fish and any part of the fish.</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 Fisheries Act 1994 licence.</p> <p>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 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> |
| 5. | <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> <p>(a) animal(s) stocked within the approved aquaculture area that move outside the area; or</p> <p>(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> <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> |
| 6. | <p>Additional marine plant seeds or propagules may be required in the future to maintain the constructed mangrove wetland. These may be collected under the accepted development requirements for operational works that is the removal, destruction or damage of marine plants (ADR) from within the approved development footprint only.</p> <p>This includes the farm discharge channel. The relevant work type is 3.6 For maintenance of a</p> |

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| | constructed drain that is unlined, eight (8) metres or less in width from top of bank to top of bank. When doing so, the works must comply with all requirements set out in the ADR document. |
| 7. | <p>Advertising advice should be obtained from the Department of Transport and Main Roads (DTMR) if the development intends to erect, alter or operate an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>Note: DTMR has powers under section 139 of the <i>Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015</i> to require removal or modification of an advertising sign and/or a device which is deemed that it creates a danger to traffic.</p> |
| Further permits | |
| 8. | <p>Proposed operational works that is the clearing of native vegetation to construct vehicular access within land that is dedicated as a road under the Land Act may be considered accepted development if consistent with the either of the following descriptions of exempt clearing work:</p> <ul style="list-style-type: none"> a. Schedule 21, Part 2, Section 5(a) – that is carried out by a local government, or by or for the chief executive (transport) if necessary to construct or maintain road transport infrastructure; and b. Schedule 21, Part 2, Section 5(g) – that is necessary for reasonable access to adjoining land from the formed road for a maximum width of 10m. <p>Should the proposed road works not meet a description of exempt clearing work under Schedule 21 of the Planning Regulation 2017, development approval will be required for operational work for native vegetation clearing.</p> <p>The development application will need to be accompanied with a relevant purpose determination for undertaking relevant infrastructure activities to construct a road or vehicular track under s22A of the <i>Vegetation Management Act 1999</i>.</p> |
| 9. | Despite this development approval, other permits or approvals may be required for the clearing of vegetation. To determine if the proposed clearing requires other approvals under other local, State or federal laws go to www.qld.gov.au (search 'vegetation clearing requirements'). |
| 10. | Development approval is required for any additional operational work that cannot comply with the accepted development requirements for operational work that is the removal, destruction or damage of marine plants |
| 11. | <p>In accordance with section 33 of the <i>Transport Infrastructure Act 1994</i> (TIA), an applicant must obtain written approval from Department of Transport and Main Roads (DTMR) to carry out road works, including road access works on a state-controlled road.</p> <p>Please contact DTMR on 4045 7144 to make an application under section 33 of the TIA to carry out road works. This approval must be obtained prior to commencing any works on the state-controlled road reserve. 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>The road works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</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 proposed development is for the re-establishment of an abandoned aquaculture facility.
- The proposal is to re-establish the hatchery and pond production area using water recirculation methods, and to discharge pond water through treatment ponds that include bioremediation and sedimentation.
- The total aquaculture area will be 42.84 ha, including bioremediation ponds that includes aquaculture fisheries resources.
- The proposed development is an environmentally relevant activity for Aquaculture.
- The proposed development is coastal-dependant and cannot feasibly be located elsewhere.
- Vehicle access to the proposed development is from a new access via the Mulligan Highway intersection, a state-controlled road is required.
- The proposal will result in 4.605 hectares of Category B of concern and least concern regulated vegetation.
- Marine plant disturbance is required to establish the constructed mangrove wetland.
- The department carried out an assessment against State code, 1, State code 7, State code 8, State code 11, State code 16, State code 17 and State code 22 and found that, with conditions the proposed development:
 - avoids clearing, or where avoidance is not reasonably possible, minimises clearing to conserve vegetation, avoids land degradation, avoids the loss of biodiversity and maintains ecological processes
 - is located and designed to protect life, buildings and infrastructure from the impacts of coastal erosion
 - is located and designed to maintain coastal processes and conserve coastal resources
 - is located and designed to avoid or mitigate environmental harm or environmental values of the natural environment, adjacent sensitive land uses and sensitive receptors
 - maintains the health and productivity of fisheries resources and fish habitat
 - minimises impacts on the management, use, development and protection of fisheries resources and fish habitat
 - appropriately carries out the use of fisheries and aquaculture fisheries resources
 - meets standards in the prevention, control and eradication of disease in fish
 - suitably contains aquaculture fisheries resources to prevent escape and release
 - prevents the entry of fisheries resources into the development area
 - meets the relevant standards for location of ponds
 - manages any proposed disturbance or adverse impact to fisheries resources
 - does not result in a significant residual impact on matters of state environmental significance
 - does not impact on the safety, efficiency or operation of the state-controlled road; and

- does not impede the safe movement of vessels in a navigable waterway or interfere with aids to navigation.

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 [2.6]), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

Attachment 4—Change representation provisions

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Development Assessment Rules—Representations about a referral agency response (concurrency)

The following provisions are those set out in sections 28 and 30 of the *Development Assessment Rules*¹ regarding representations about a referral agency response (concurrency).

Part 6: Changes to the application and referral agency responses and Part 7: Miscellaneous

28 Concurrency agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrency agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrency agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrency agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrency agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrency agency proposes to change its referral agency response under section 28.2(a), the concurrency agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrency agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrency agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrency agency under section 30, and the concurrency agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

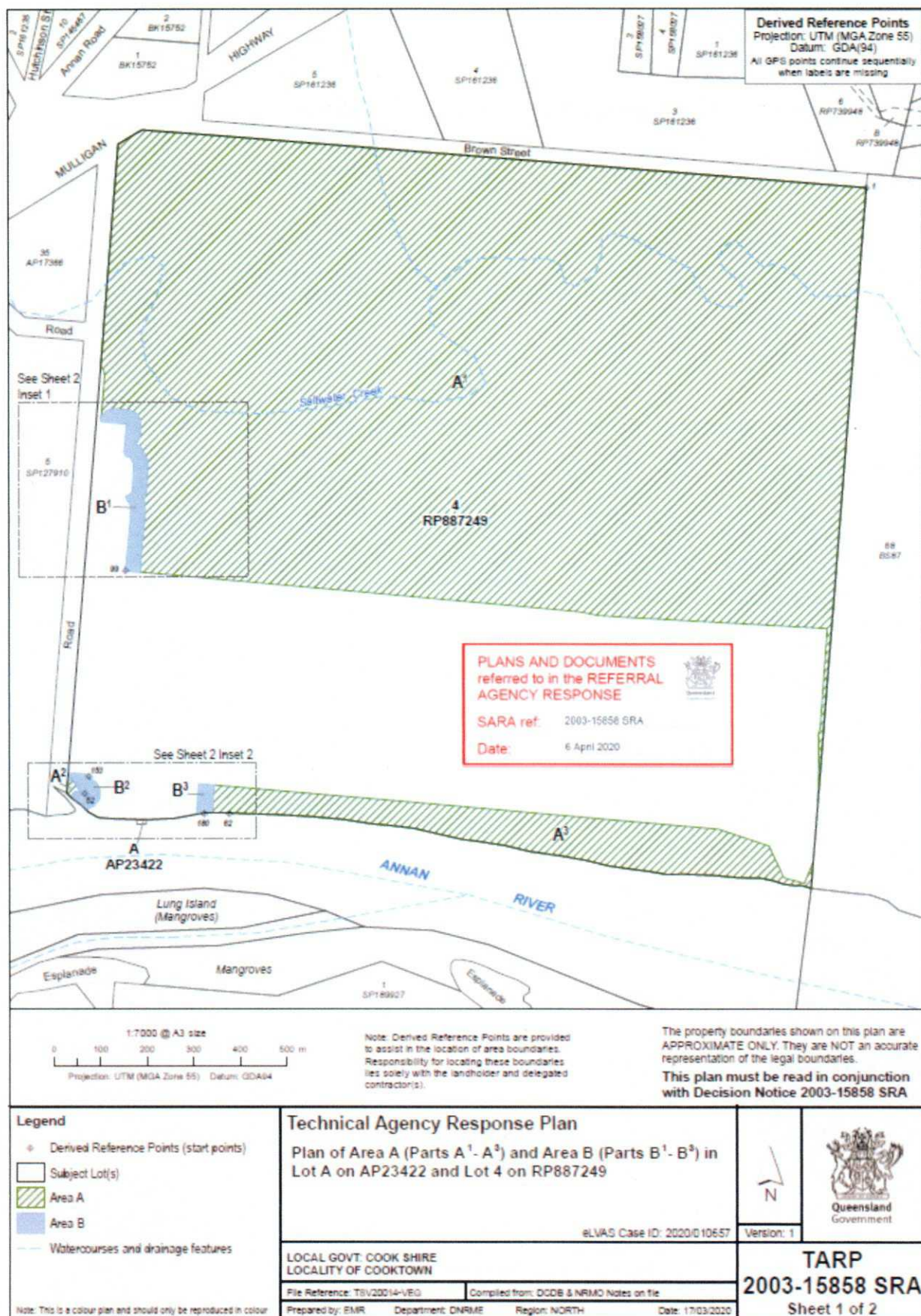
30 Representations about a referral agency response

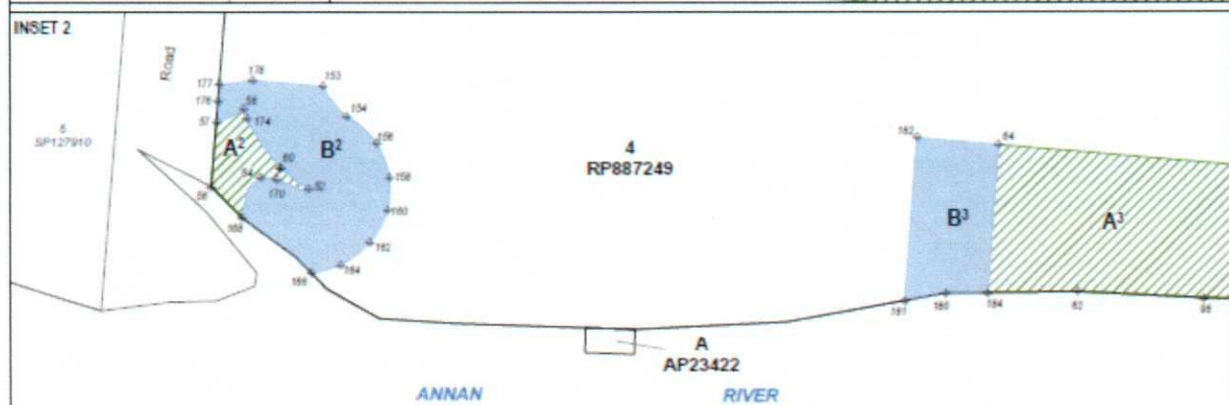
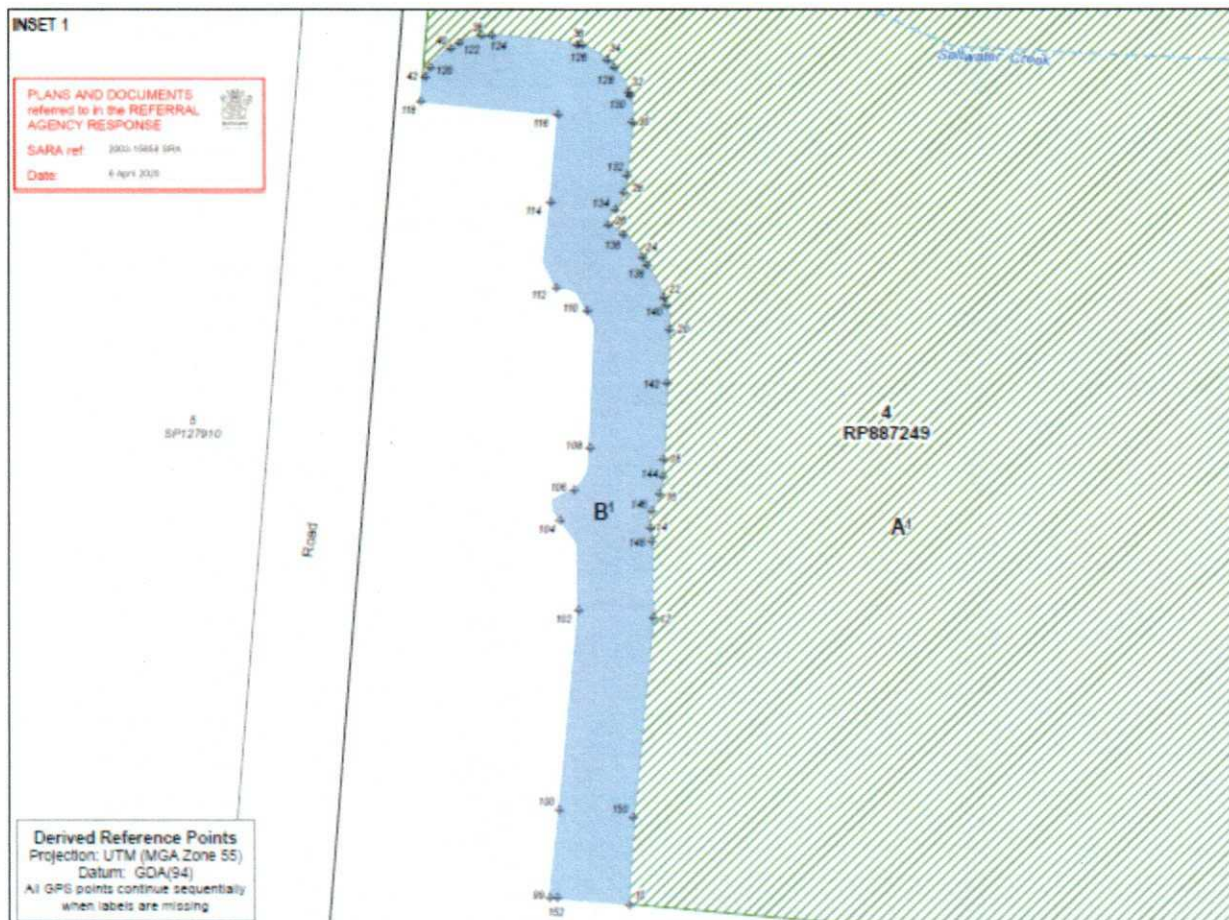
30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

Attachment 5—Approved plans and specifications

(page left intentionally blank – attached separately)





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Projection: UTM (MGA Zone 55) Datum: GDA(94)

Note: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

This plan must be read in conjunction with Decision Notice 2003-15858 SRA

| | | |
|---|---|---|
| <p>Legend</p> <ul style="list-style-type: none"> Derived Reference Point Subject Lot(s) Area A Area B Watercourses and drainage features <p>Note: This is a colour plan and should only be reproduced in colour</p> | <p>Technical Agency Response Plan</p> <p>Plan of Area A (Parts A¹ - A³) and Area B (Parts B¹ - B³) in Lot A on AP23422 and Lot 4 on RP887249</p> <p>LOCAL GOVT: COOK SHIRE LOCALITY OF COOKTOWN</p> <p>File Reference: TSV20014-VFO Compiled from: DCDB & NRM Notes on file</p> <p>Prepared by: EMR Department: DNRME Region: NORTH Date: 17/03/2020</p> | <p>Version: 1</p> <p>TARP 2003-15858 SRA Sheet 2 of 2</p> |
|---|---|---|

**Attachment to Plan: 2003-15858 SRA
Derived Reference Points for GPS**

Page 1 of 2

Datum: GDA 1994, Projection: Transverse Mercator MGA Zone 55

Notes:

Derived Reference Points are provided to assist in the location of area boundaries.
Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).
Coordinates start at a point indicated on the accompanying plan and proceed in a clockwise direction.



| Part ID | Unique ID | Easting | Northing | Part ID | Unique ID | Easting | Northing | Part ID | Unique ID | Easting | Northing |
|---------|-----------|---------|----------|---------|-----------|---------|----------|---------|-----------|---------|----------|
| A1 | 1 | 311989 | 8284850 | A2 | 61 | 310304 | 8283549 | B1 | 121 | 310354 | 8284368 |
| A1 | 2 | 311882 | 8283531 | A3 | 62 | 310617 | 8283505 | B1 | 122 | 310360 | 8284372 |
| A1 | 3 | 311884 | 8283609 | A3 | 63 | 310581 | 8283505 | B1 | 123 | 310367 | 8284374 |
| A1 | 4 | 311887 | 8283608 | A3 | 64 | 310585 | 8283564 | B1 | 124 | 310373 | 8284375 |
| A1 | 5 | 311903 | 8283902 | A3 | 65 | 310622 | 8283561 | B1 | 125 | 310402 | 8284372 |
| A1 | 6 | 311478 | 8283925 | A3 | 66 | 311581 | 8283477 | B1 | 126 | 310409 | 8284371 |
| A1 | 7 | 311413 | 8283929 | A3 | 67 | 311609 | 8283469 | B1 | 127 | 310416 | 8284367 |
| A1 | 8 | 311373 | 8283937 | A3 | 68 | 311776 | 8283434 | B1 | 128 | 310422 | 8284362 |
| A1 | 9 | 310474 | 8284019 | A3 | 69 | 311808 | 8283366 | B1 | 129 | 310426 | 8284356 |
| A1 | 10 | 310428 | 8284023 | A3 | 70 | 311852 | 8283354 | B1 | 130 | 310428 | 8284350 |
| A1 | 11 | 310429 | 8284058 | A3 | 71 | 311872 | 8283400 | B1 | 131 | 310429 | 8284344 |
| A1 | 12 | 310437 | 8284139 | A3 | 72 | 311867 | 8283343 | B1 | 132 | 310427 | 8284318 |
| A1 | 13 | 310437 | 8284170 | A3 | 73 | 311849 | 8283348 | B1 | 133 | 310426 | 8284311 |
| A1 | 14 | 310436 | 8284176 | A3 | 74 | 311830 | 8283349 | B1 | 134 | 310422 | 8284304 |
| A1 | 15 | 310437 | 8284182 | A3 | 75 | 311808 | 8283352 | B1 | 135 | 310419 | 8284298 |
| A1 | 16 | 310440 | 8284189 | A3 | 76 | 311786 | 8283359 | B1 | 136 | 310425 | 8284294 |
| A1 | 17 | 310441 | 8284196 | A3 | 77 | 311757 | 8283364 | B1 | 137 | 310431 | 8284289 |
| A1 | 18 | 310442 | 8284203 | A3 | 78 | 311710 | 8283365 | B1 | 138 | 310435 | 8284281 |
| A1 | 19 | 310443 | 8284233 | A3 | 79 | 311655 | 8283370 | B1 | 139 | 310440 | 8284273 |
| A1 | 20 | 310444 | 8284255 | A3 | 80 | 311594 | 8283373 | B1 | 140 | 310443 | 8284266 |
| A1 | 21 | 310444 | 8284262 | A3 | 81 | 311556 | 8283372 | B1 | 141 | 310444 | 8284259 |
| A1 | 22 | 310442 | 8284268 | A3 | 82 | 311513 | 8283379 | B1 | 142 | 310443 | 8284234 |
| A1 | 23 | 310438 | 8284277 | A3 | 83 | 311473 | 8283384 | B1 | 143 | 310442 | 8284208 |
| A1 | 24 | 310433 | 8284285 | A3 | 84 | 311433 | 8283390 | B1 | 144 | 310441 | 8284196 |
| A1 | 25 | 310427 | 8284292 | A3 | 85 | 311385 | 8283402 | B1 | 145 | 310440 | 8284189 |
| A1 | 26 | 310419 | 8284298 | A3 | 86 | 311330 | 8283412 | B1 | 146 | 310437 | 8284182 |
| A1 | 27 | 310422 | 8284304 | A3 | 87 | 311285 | 8283421 | B1 | 147 | 310436 | 8284176 |
| A1 | 28 | 310426 | 8284311 | A3 | 88 | 311211 | 8283434 | B1 | 148 | 310437 | 8284170 |
| A1 | 29 | 310427 | 8284317 | A3 | 89 | 311159 | 8283442 | B1 | 149 | 310437 | 8284143 |
| A1 | 30 | 310429 | 8284339 | A3 | 90 | 311118 | 8283447 | B1 | 150 | 310429 | 8284058 |
| A1 | 31 | 310429 | 8284346 | A3 | 91 | 311083 | 8283460 | B1 | 151 | 310427 | 8284023 |
| A1 | 32 | 310428 | 8284352 | A3 | 92 | 311015 | 8283471 | B1 | 152 | 310399 | 8284026 |
| A1 | 33 | 310424 | 8284359 | A3 | 93 | 310965 | 8283477 | B2 | 153 | 310314 | 8283588 |
| A1 | 34 | 310419 | 8284365 | A3 | 94 | 310921 | 8283481 | B2 | 154 | 310323 | 8283576 |
| A1 | 35 | 310413 | 8284369 | A3 | 95 | 310886 | 8283490 | B2 | 155 | 310330 | 8283572 |
| A1 | 36 | 310407 | 8284371 | A3 | 96 | 310795 | 8283496 | B2 | 156 | 310335 | 8283565 |
| A1 | 37 | 310376 | 8284375 | A3 | 97 | 310724 | 8283500 | B2 | 157 | 310339 | 8283558 |
| A1 | 38 | 310369 | 8284375 | A3 | 98 | 310688 | 8283502 | B2 | 158 | 310341 | 8283551 |
| A1 | 39 | 310363 | 8284373 | B1 | 99 | 310366 | 8284026 | B2 | 159 | 310341 | 8283545 |
| A1 | 40 | 310356 | 8284370 | B1 | 100 | 310399 | 8284061 | B2 | 160 | 310340 | 8283538 |
| A1 | 41 | 310350 | 8284365 | B1 | 101 | 310405 | 8284122 | B2 | 161 | 310338 | 8283532 |
| A1 | 42 | 310346 | 8284358 | B1 | 102 | 310407 | 8284142 | B2 | 162 | 310333 | 8283525 |
| A1 | 43 | 310346 | 8284366 | B1 | 103 | 310407 | 8284169 | B2 | 163 | 310327 | 8283520 |
| A1 | 44 | 310352 | 8284447 | B1 | 104 | 310400 | 8284179 | B2 | 164 | 310321 | 8283516 |
| A1 | 45 | 310350 | 8284458 | B1 | 105 | 310397 | 8284187 | B2 | 165 | 310315 | 8283514 |
| A1 | 46 | 310344 | 8284467 | B1 | 106 | 310406 | 8284191 | B2 | 166 | 310309 | 8283513 |
| A1 | 47 | 310348 | 8284520 | B1 | 107 | 310411 | 8284198 | B2 | 167 | 310303 | 8283519 |
| A1 | 48 | 310351 | 8284559 | B1 | 108 | 310412 | 8284208 | B2 | 168 | 310281 | 8283536 |
| A1 | 49 | 310382 | 8284945 | B1 | 109 | 310414 | 8284257 | B2 | 169 | 310284 | 8283547 |
| A1 | 50 | 310434 | 8284976 | B1 | 110 | 310411 | 8284263 | B2 | 170 | 310295 | 8283550 |
| A1 | 51 | 310562 | 8284995 | B1 | 111 | 310407 | 8284271 | B2 | 171 | 310306 | 8283546 |
| A2 | 52 | 310308 | 8283547 | B1 | 112 | 310399 | 8284273 | B2 | 172 | 310297 | 8283556 |
| A2 | 53 | 310295 | 8283550 | B1 | 113 | 310394 | 8284283 | B2 | 173 | 310289 | 8283565 |
| A2 | 54 | 310289 | 8283551 | B1 | 114 | 310396 | 8284307 | B2 | 174 | 310283 | 8283575 |
| A2 | 55 | 310281 | 8283535 | B1 | 115 | 310397 | 8284321 | B2 | 175 | 310271 | 8283573 |
| A2 | 56 | 310269 | 8283548 | B1 | 116 | 310399 | 8284342 | B2 | 176 | 310272 | 8283582 |
| A2 | 57 | 310271 | 8283573 | B1 | 117 | 310373 | 8284345 | B2 | 177 | 310272 | 8283589 |
| A2 | 58 | 310282 | 8283579 | B1 | 118 | 310344 | 8284348 | B2 | 178 | 310286 | 8283590 |
| A2 | 59 | 310289 | 8283585 | B1 | 119 | 310345 | 8284355 | B2 | 179 | 310309 | 8283588 |
| A2 | 60 | 310297 | 8283556 | B1 | 120 | 310348 | 8284362 | B3 | 180 | 310564 | 8283504 |

Attachment to Plan: **2003-15858 SRA**
Derived Reference Points for GPS

Page 2 of 2

Datum: GDA 1994, Projection: Transverse Mercator MGA Zone 55

Notes: Derived Reference Points are provided to assist in the location of area boundaries.
Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).
Coordinates start at a point indicated on the accompanying plan and proceed in a clockwise direction.

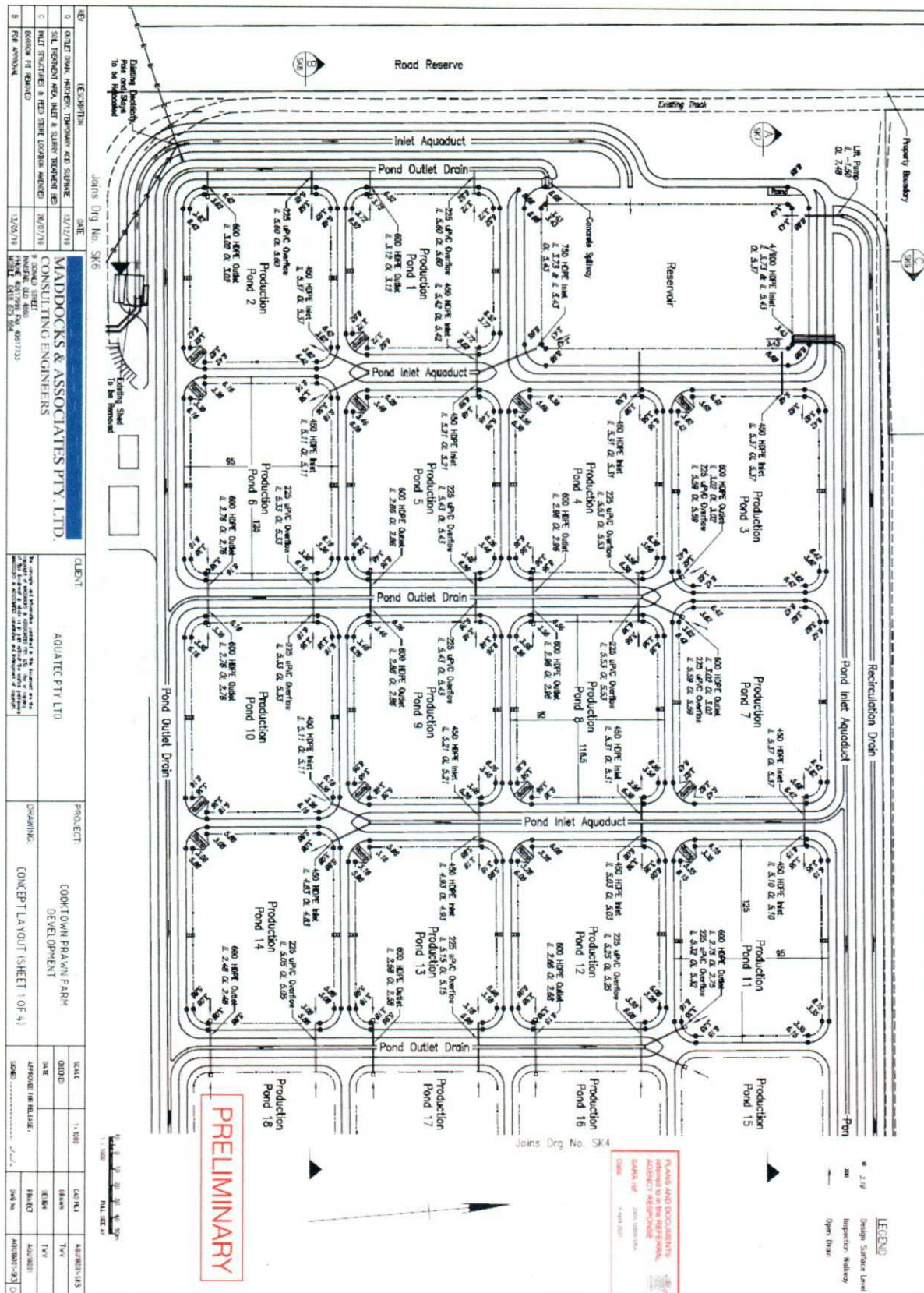
| Part ID | Unique ID | Easting | Northing |
|---------|-----------|---------|----------|
| B3 | 181 | 310548 | 6283501 |
| B3 | 182 | 310553 | 6283567 |
| B3 | 183 | 310585 | 6283564 |
| B3 | 184 | 310581 | 6283505 |

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

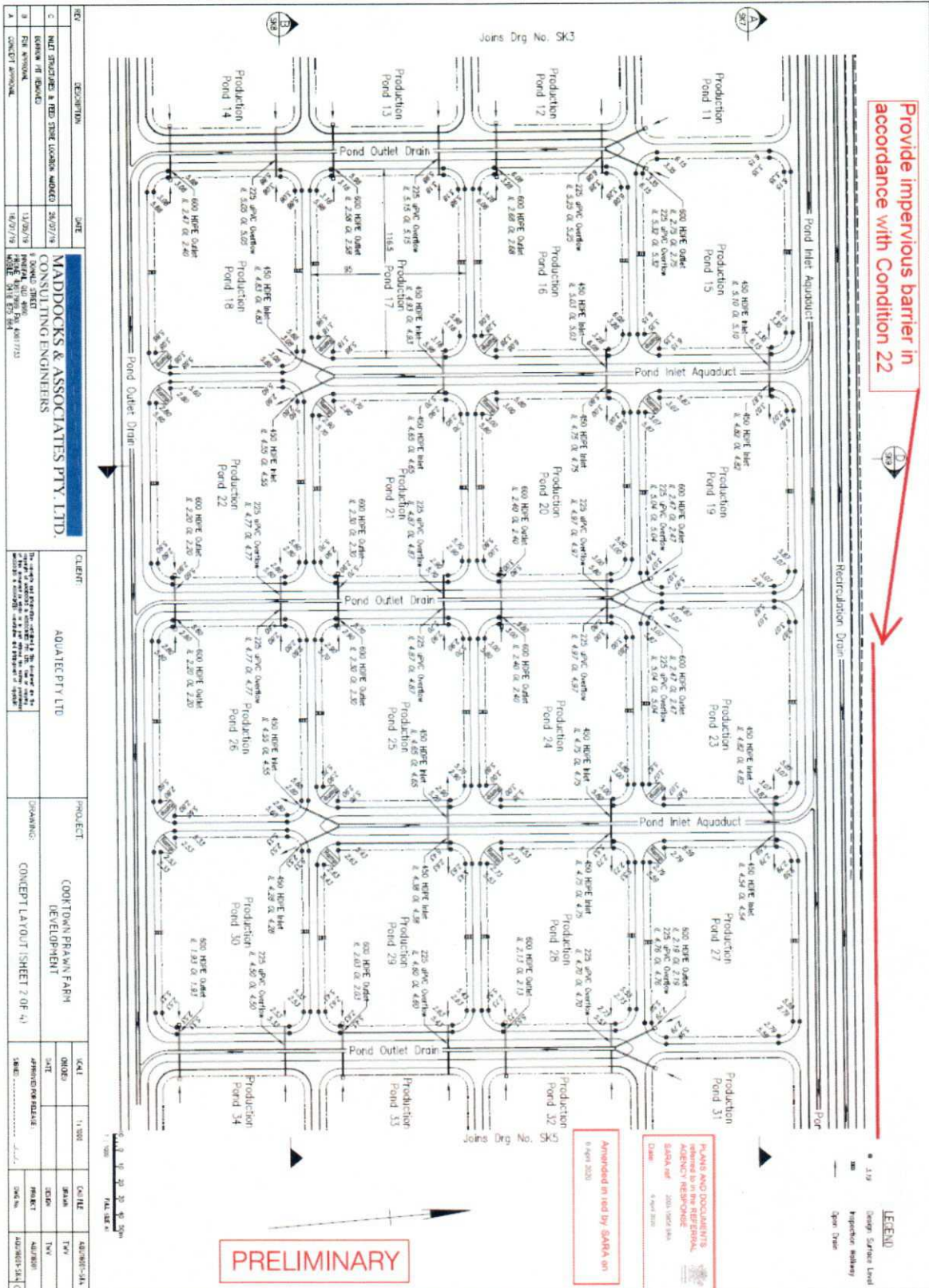


SARA ref: 2003-15858 SRA

Date: 6 April 2020



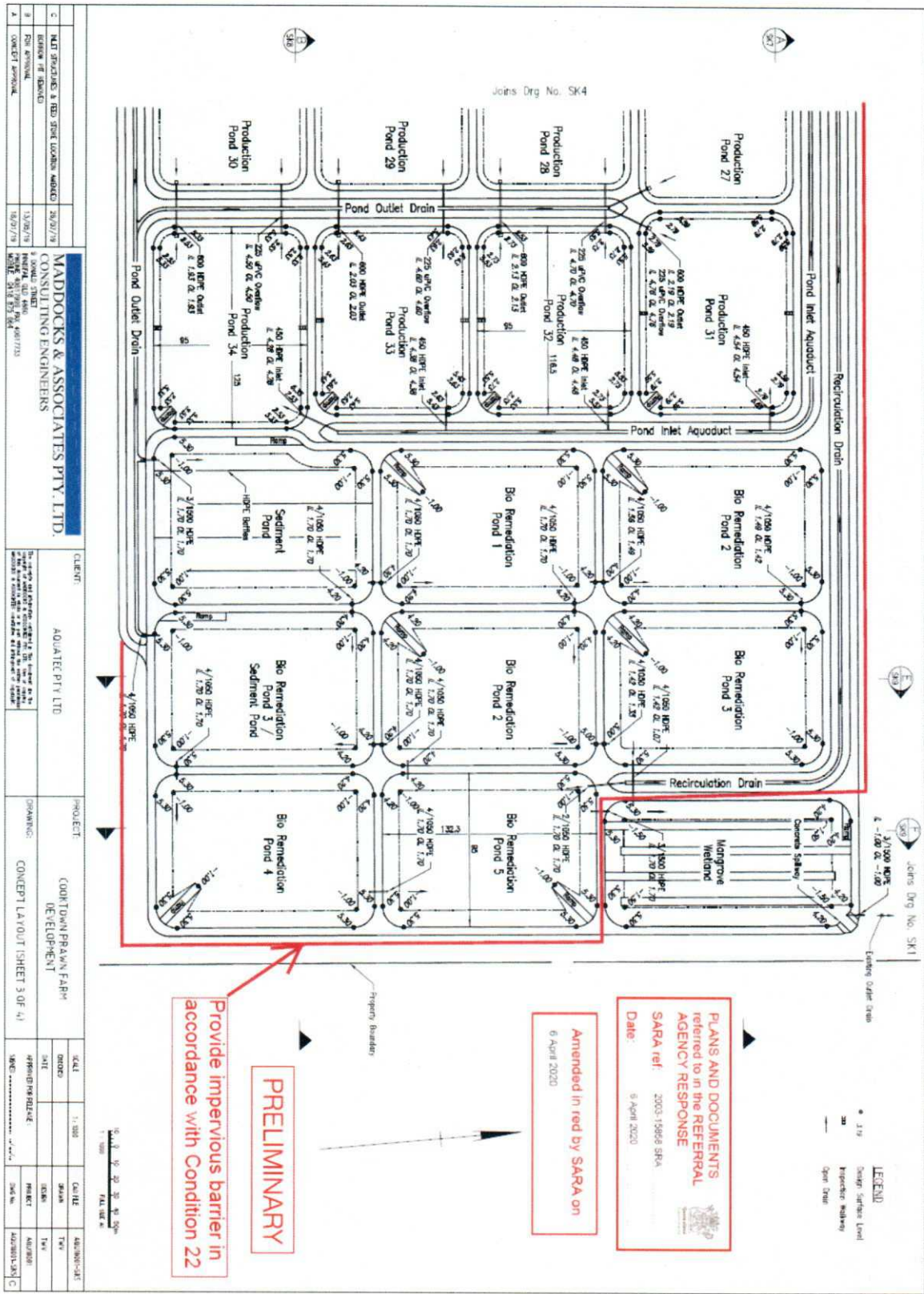
Provide impervious barrier in accordance with Condition 22



PRELIMINARY

Amended in red by SABA on 9 April 2020

PLANS AND DOCUMENTS submitted to the REFERENCE AGENCY RESPONSE SABA ref: 2001/0002/1944 Date: 9 April 2020



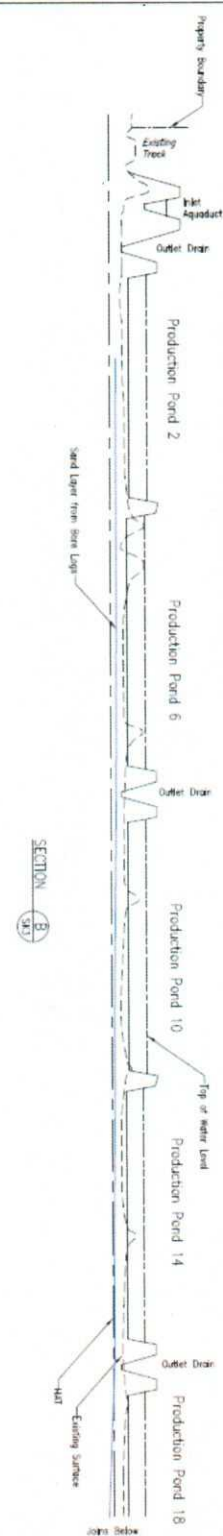
PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE
 SARA ref: 2003-15866 SRA
 Date: 9 April 2020

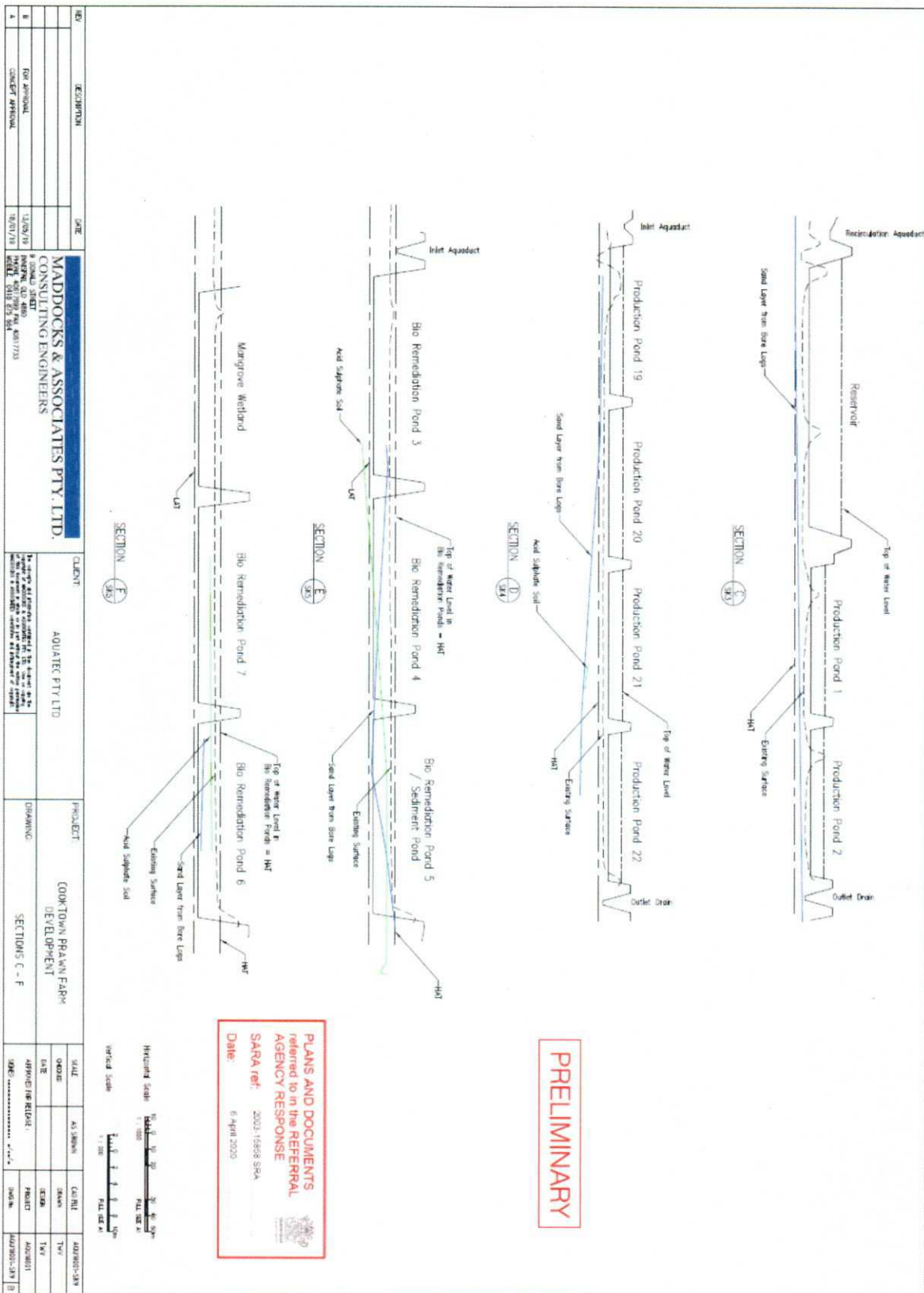
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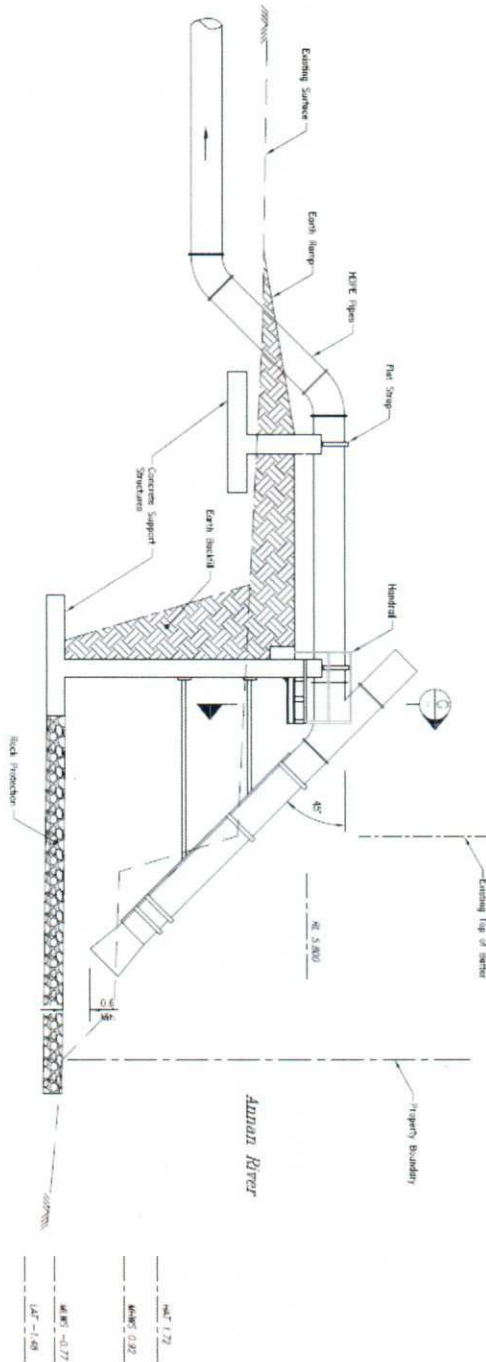
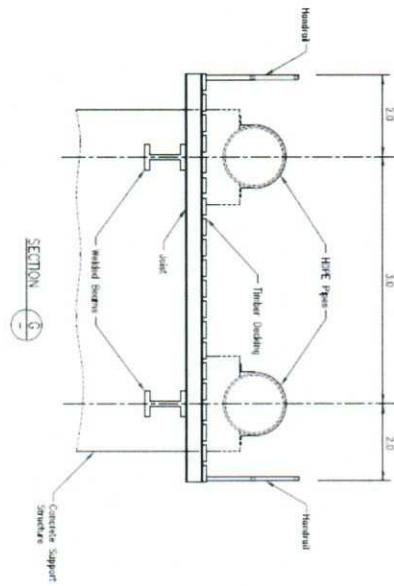
Provide impervious barrier in accordance with Condition 22

PRELIMINARY

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|---------------------------------|---------------------|-------------------------|---------------------|---|---------------------|
| MADDOCKS & ASSOCIATES PTY. LTD. | | CLIENT: AQUATEC PTY LTD | | PROJECT: COOH TOWN PRAWN FARM DEVELOPMENT | |
| DATE: 26/07/19 | PROJECT: 3000000000 | DATE: 13/09/19 | PROJECT: 3000000000 | DATE: 13/09/19 | PROJECT: 3000000000 |
| DATE: 13/09/19 | PROJECT: 3000000000 | DATE: 13/09/19 | PROJECT: 3000000000 | DATE: 13/09/19 | PROJECT: 3000000000 |
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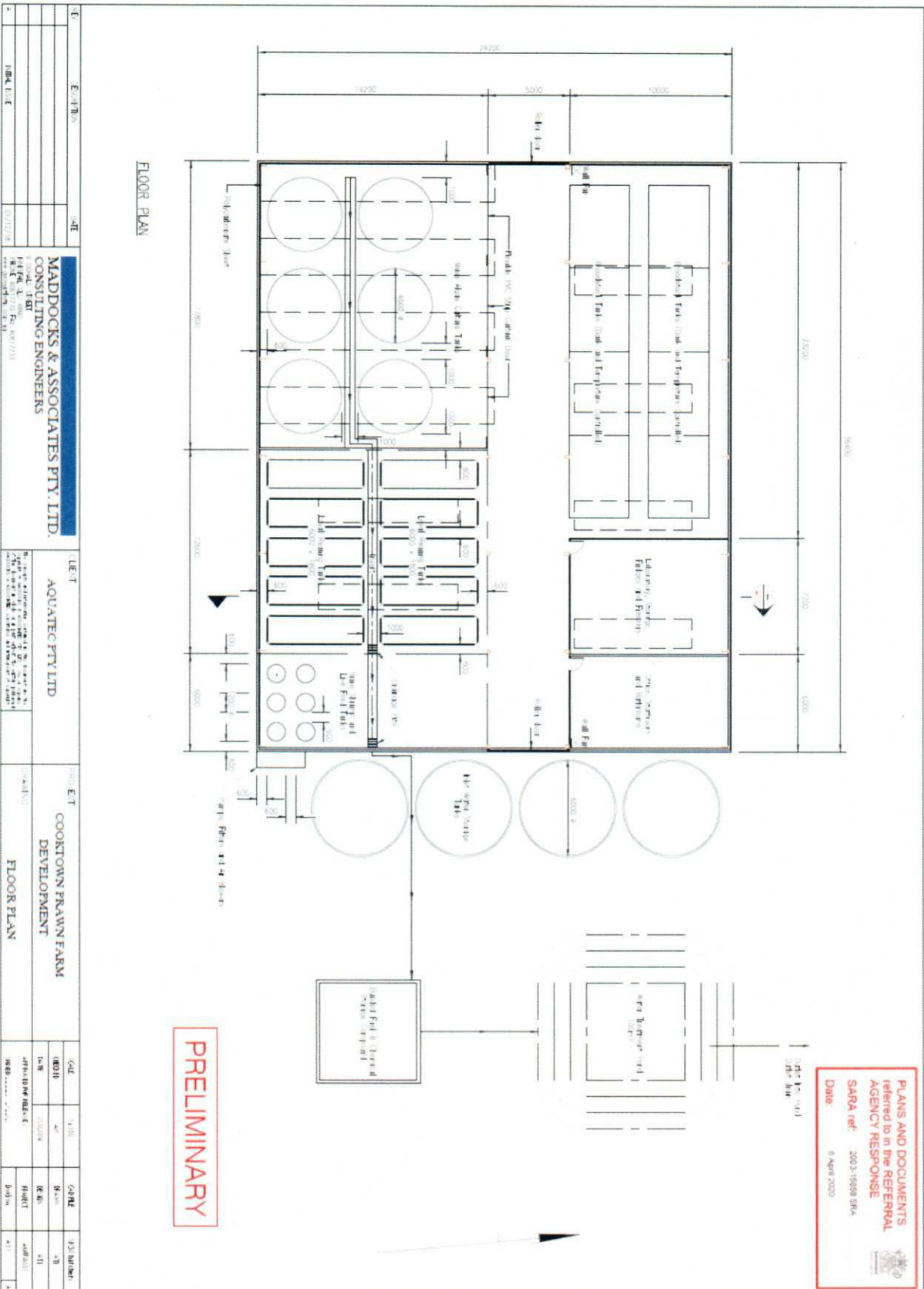


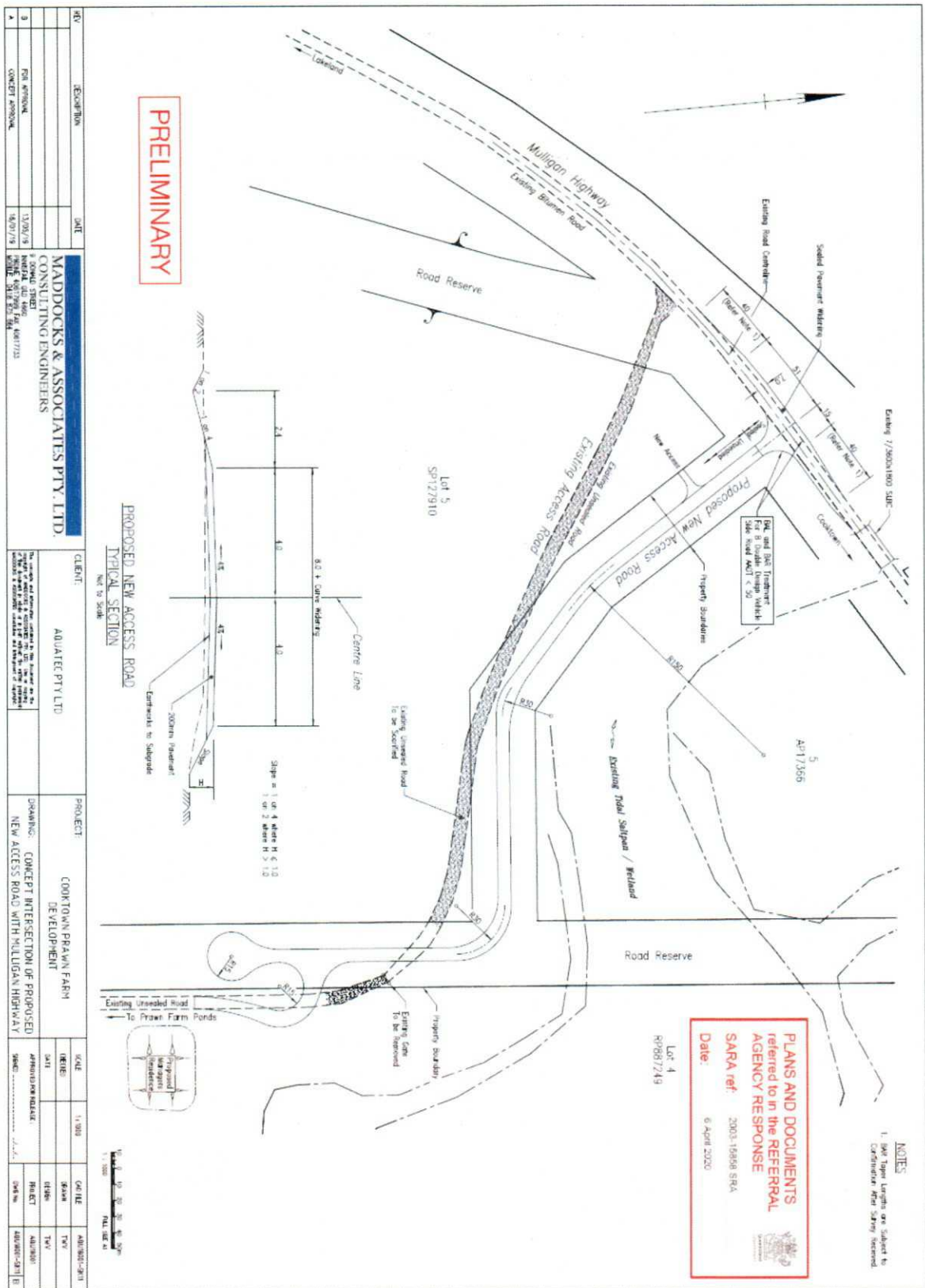




PRELIMINARY

| REV | DESCRIPTION | DATE | CLIENT | PROJECT | SCALE | DATE | SCALE |
|-----|--|----------------------|---------------------------------|----------------------------------|-------|----------|-------|
| 0 | EXIST WORK, BRIDGE, BETWEEN A&B SOURCE | 10/12/19 | ADUATE PTY LTD | COON TOWN PRAWN FARM DEVELOPMENT | 1:10 | 10/12/19 | 1:10 |
| 1 | SOIL TREATMENT AND INLET & SLURRY TREATMENT BED | 20/07/19 | | | 1:10 | | 1:10 |
| 2 | EXISTING STRUCTURES & BED STONE LOCATIONS MARKED | 20/07/19 | | | 1:10 | | 1:10 |
| 3 | REVISION: 10 REMOVED | 12/02/19 | | | 1:10 | | 1:10 |
| 4 | FOR APPROVAL | 12/02/19 | MADDOCKS & ASSOCIATES PTY. LTD. | | 1:10 | 1:10 | |
| | | CONSULTING ENGINEERS | | 1:10 | | 1:10 | |
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Chapter 6 Dispute resolution

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 an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or

- (iii) otherwise—20 business days after the day the notice is given; or
- (g) 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, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; 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 to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.

- (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, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; 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.
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- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.

whether by the Supreme Court, another court, any tribunal or another entity; and

- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any 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

section 229

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 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 2018*; or
 - (i) an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; 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.
- (8) In this section—
storey see the Building Code, part A1.1.

| <p>Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal</p> |
|--|
| <p>1. Development applications</p> <p>For a development application other than an excluded application, an appeal may be made against—</p> <ol style="list-style-type: none"> (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. |

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 applicant | The assessment manager | If the appeal is about a concurrence agency's referral response—the concurrence agency | <p>1 A concurrence agency that is not a co-respondent</p> <p>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</p> <p>3 Any eligible advice agency for the application</p> <p>4 Any eligible submitter for the application</p> |
| <p>2. Change applications</p> <p>For a change application other than an excluded application, an appeal may be made against—</p> <p>(a) the responsible entity's decision on the change application; or</p> <p>(b) a deemed refusal of the change application.</p> | | | |

| 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 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice | The responsible entity | If an affected entity starts the appeal—the applicant | 1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application |
| 3. Extension applications For an extension application other than an extension application called in by the Minister, an appeal may be made against— (a) the assessment manager's decision on the extension application; or (b) a deemed refusal of the 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 |
| <p>4. Infrastructure charges notices</p> <p>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 style="padding-left: 20px;">(i) the application of the relevant adopted charge; or</p> <p><i>Examples of errors in applying an adopted charge—</i></p> <ul style="list-style-type: none"> • the incorrect application of gross floor area for a non-residential development • applying an incorrect ‘use category’, under a regulation, to the development <p style="padding-left: 20px;">(ii) the working out of extra demand, for section 120; or</p> <p style="padding-left: 20px;">(iii) an offset or refund; or</p> <p>(b) there was no decision about an offset or refund; or</p> <p>(c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or</p> <p>(d) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p> | | | |

| 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. | | | |
| 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 excluded application, 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) |
| 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 |

Table 2
Appeals to the P&E Court only

3. Eligible submitter and eligible advice agency appeals

For a development application or change application other than an excluded application, 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 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) |
|--|--|--|---|
| <p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p> | <p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p> | <p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p> | <p>Another eligible submitter for the application</p> |

4. Compensation claims

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).

| 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) |
| A person dissatisfied with the decision | The local government to which the claim was made | — | — |
| 5. Registered premises 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 |
| 6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about— <ul style="list-style-type: none"> (a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or (b) the erection of a building or other structure. | | | |

| 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) |
| A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions. | The local government | — | — |

| Table 3 Appeals to a tribunal only | | | |
|--|---------------------------|---------------------------------------|---|
| 1. Building advisory agency appeals 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 | 1 A concurrence agency for the development application related to the approval 2 A private certifier for the development application related to the approval |

Table 3
Appeals to a tribunal only

| | | | |
|---|-----------------------------------|---------------------------------------|--|
| 2. Inspection of building work 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 | — | — |
| 3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i> An appeal may be made against— <ul style="list-style-type: none"> (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 (b) a decision under the <i>Plumbing and Drainage Act 2018</i>, 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. | | | |
| 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 entity that 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

| 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 | — | — |
| <p>5. Failure to make a decision about an application or other matter under the <i>Plumbing and Drainage Act 2018</i></p> <p>An appeal may be made against a failure to make a decision under the <i>Plumbing and Drainage Act 2018</i>, other than a failure by the Queensland Building and Construction Commission to make a decision, within the period required under that Act, if an information notice about the decision was required to be given under that Act.</p> | | | |
| 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 an information notice about the decision | The entity that failed to make the decision | — | — |