



SARA reference: 2303-33949 SRA  
Council reference: D/161-2022  
Applicant reference: GTP 2119

24 May 2023

The Chief Executive Officer  
Rockhampton Regional Council  
PO Box 1860  
Rockhampton QLD 4700  
enquiries@rrc.qld.gov.au

Attention: Brendan Standen

Dear Sir/Madam

## SARA referral agency response—559 Alton Downs Nine Mile Road, Alton Downs

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 24 April 2023.

### Response

Outcome:	Referral agency response – with conditions
Date of response:	24 May 2023
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval
Advice:	Advice to the applicant is in <b>Attachment 2</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>

### Development details

Description:	Development permit	Material change of use for Aquaculture (Red Claw)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 6, Division 1, Subdivision 3, Table 1, Item 1	

(10.6.1.3.1.1) (Planning Regulation 2017)

Development application for a material change of use involving aquaculture

SARA reference: 2303-33949 SRA  
 Assessment manager: Rockhampton Regional Council  
 Street address: 559 Alton Downs Nine Mile Road, Alton Downs  
 Real property description: Lot 113 on P4037  
 Applicant name: Range Industries c/- Gideon Town Planning  
 Applicant contact details: PO Box 450  
 Rockhampton QLD 4700  
 gg@gideontownplanning.com.au

*Human Rights Act 2019* considerations: Consideration of the *Human Rights Act 2019* sections 15 to 35 has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

## 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 Tracey Beath, Senior Planning Officer, on (07) 4924 2917 or via email RockhamptonSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Karley Lawler  
 Manager, Planning and Development Services (SEQ South)

cc Range Industries c/- Gideon Town Planning, info@gideontownplanning.com.au

enc Attachment 1 - Referral agency conditions  
 Attachment 2 - Advice to the applicant  
 Attachment 3 - Reasons for referral agency response  
 Attachment 4 - Representations about a referral agency response provisions  
 Attachment 5 - Documents referenced in conditions

## 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 documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing				
Material change of use						
10.6.1.3.1.1 – Material change of use involving 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 condition(s):						
1.	Development is limited to aquaculture within 35,904 m <sup>2</sup> as shown on the Site Plan prepared by Gideon Town Planning dated 17/01/2021, drawing no. SK-001 and revision 4.	At all times				
2.	<div>The approved fisheries resources the subject of this approval are limited to the following species:<table><tr><th>Common Name of Species</th><th>Scientific Name of Species</th></tr><tr><td>Redclaw Crayfish</td><td>Cherax quadricarinatus</td></tr></table>Hereafter referred to as the “approved species”.</div>	Common Name of Species	Scientific Name of Species	Redclaw Crayfish	Cherax quadricarinatus	Prior to the commencement of use and to be maintained at all times
Common Name of Species	Scientific Name of Species					
Redclaw Crayfish	Cherax quadricarinatus					
3.	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				
4.	This <b>aquaculture</b> development constitutes a place that is required to be open for inspection by an inspector pursuant to section 145 of the <i>Fisheries Act 1994</i> .	At all times				
5.	<b>Aquaculture fisheries resources</b> 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				
6.	<b>Aquaculture fisheries resources</b> must not be released into Queensland waters.  <i>Note: It is an offence under the Fisheries Act 1994 to unlawfully release <b>aquaculture fisheries resources</b>, or cause <b>aquaculture fisheries resources</b> to be released, into Queensland waters.</i>	At all times				
7.	The movement of <b>fisheries resources</b> into, or within, Queensland must comply with the current versions of any relevant health protocols including FAMPR006 specific for moving live aquatic animals found online.  <i>Note: Health protocols and application forms can be found on the Department’s and Business Queensland website.</i>  <i>Note: Commonwealth quarantine protocols must be successfully completed for the relevant organisms of any species prior to their introduction to the approved aquaculture development.</i>	At all times				
8.	Maintain control over the release of water from all <b>ponds, tanks</b> and drainage systems within the approved <b>aquaculture</b> development.	Upon commencement of the use and to be maintained at all times				
9.	Provide an impervious perimeter barrier in the location shown on the	Prior to the				

	approved plan to prevent the overland escape of Redclaw Crayfish from the approved <b>aquaculture</b> development.	commencement of the use and to be maintained at all times
10.	Install screening on all intake waters to prevent the movement of any juvenile or adult wild fauna (excepting zooplankton) into the approved <b>aquaculture</b> development.	Prior to the commencement of the use and to be maintained at all times
11.	All <b>ponds, tanks</b> and containers used to cultivate indigenous <b>aquaculture fisheries resources</b> must be constructed so that the lowest point of the top of wall is above Q100 flood level.	At all times
12.	All <b>ponds, tanks</b> or containers used solely for treatment and settlement must be constructed so that the lowest point of the top of wall is above Q50 flood level.	At all times
13.	Spoil is not disposed of within waterways.	At all times
14.	Maintain the development in accordance with the plan referenced in condition 1, and the requirements of any conditions included in this referral agency response.	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) (version 3.0). If a word remains undefined it has its ordinary meaning.
Aquaculture	
2.	<p>Immediately report any unusual clinical signs or mortalities of any fisheries resources brought into Queensland, to Biosecurity Queensland. If directed, specimens must be forwarded to a veterinary laboratory.</p> <p>It is further advised that every person has a general biosecurity obligation pursuant to the <i>Biosecurity Act 2014</i> to take all reasonable and practical measures to prevent or minimise biosecurity risks.</p>
3.	<p>This approval does not permit the harvest of broodstock and culture stock.</p> <p>Broodstock and/or culture stock may be purchased from the holder of an authority or licence that authorises the sale of the approved species. In Queensland, this includes from a commercial fisher holding an appropriate <i>Fisheries Act 1994</i> licence.</p> <p>Forms to apply for a <i>Fisheries Act 1994</i> General Fisheries Permit to collect broodstock for aquaculture or pearl oyster culture stock are available from <a href="http://www.qld.gov.au">www.qld.gov.au</a> – search ‘List of aquaculture forms’</p> <p>Depending on the species sought and its location, additional permits may be required under other legislation, for example the <i>Environment Protection and Biodiversity Conservation Act 1999</i>, the <i>Great Barrier Reef Marine Park Act 1975</i>, the <i>Nature Conservation Act 1992</i>.</p>
4.	<p>This approval does not provide any entitlement to access or harvest an <b>aquaculture</b> fisheries resource that becomes an unauthorised escape or release, including but not limited to:</p> <ul style="list-style-type: none"> <li>a) animal(s) stocked within the approved <b>aquaculture</b> development that move outside the area; or</li> <li>b) spawn or progeny of an <b>aquaculture</b> fisheries resource should such eggs, larvae, juveniles or adult progeny become distributed outside of the approved aquaculture development.</li> </ul> <p>The responsibility for any impact of unauthorised escapes or releases of <b>aquaculture fisheries resources</b> 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>
5.	Decapod crustaceans (including freshwater prawn ( <i>Macrobrachium australiense</i> )) and polychaete worms (including blood worm ( <i>Maphysa sanguinea</i> ) and sand wriggler worm ( <i>Perinereis nuntia</i> Fam. <i>Nereidae</i> )) must not be moved out from the white spot disease movement regulated area unless they are cooked.
6.	It is a requirement of the <i>Fisheries Act 1994</i> that an annual aquaculture production return is provided to the Department of Agriculture and Fisheries in the approved form. This includes submitting a nil return when no aquaculture activity has occurred.
7.	It is a requirement under the <i>Fisheries Act 1994</i> that the Department of Agriculture and Fisheries is notified of any changes to the contact details for the responsible person(s) of this development approval within 21 calendar days in the approved form.

## Attachment 3—Reasons for referral agency response

---

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

### **The reasons for SARA's decision are:**

- The proposed aquaculture facility is located more than 700m from the nearest waterway. No water is proposed to be released from the facility.
- Measures are to be implemented to contain the aquaculture product and prevent access of wild fauna to the facility.
- The proposed development is not expected to adversely impact on fisheries resources.
- The proposed development is considered to comply with State code 17 of the State Development Assessment Provisions, subject to the implementation of conditions.

### **Material used in the assessment of the application:**

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

## Attachment 4—Representations about a referral agency response provisions

---

(page left intentionally blank)

## **Attachment 5—Documents referenced in conditions**

---

(page left intentionally blank)

# Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding **representations about a referral agency response**

## Part 6: Changes to the application and referral agency responses

---

### 28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence 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 concurrence 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 concurrence 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.<sup>2</sup>
- 28.3. A concurrence 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 concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence 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 concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

---

<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

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



## **Part 7: Miscellaneous**

### **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.<sup>3</sup>

---

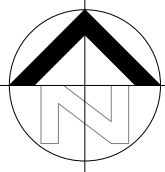
<sup>3</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.





1 SITE PLAN  
1: 3500 @ A3

**GENERAL NOTE:**  
- THESE DRAWINGS ARE PART OF A TOWN PLANNING APPROVAL APPLICATION AND SHOULD NOT BE USED FOR ANY OTHER REASON  
- THESE DRAWINGS ARE APPROXIMATE AND HIGHLY CONCEPTUAL  
- TRAFFIC/STORMWATER/OPERATIONAL WORKS: AS PER CIVIL ENGINEER DOCUMENTS AND DRAWINGS IF REQUIRED  
- CURRENT LOCATIONS AND BOUNDARY LINE ARE APPROXIMATE, RELEVANT SURVEY TO BE CONDUCTED BEFORE ANY DOCUMENTATION OR CONSTRUCTION  
- REFER TO TOWNPLANNING APPLICATION AND OPERATIONAL WORKS DOCUMENTATION WHEN VIEWING THESE PLANS  
- THESE DRAWINGS ARE CONCEPTUAL AND DO NOT REFLECT BUILDING APPROVAL, PLUMBING APPROVAL, QFRS APPROVAL OR DISABILITY REQUIREMENTS. CLIENT TO CONFIRM AND GET APPROVAL FROM RELEVANT AUTHORITIES  
- IF THE SITE OR PROJECT ARE TRIGGERED OR LOCATED IN BUSHFIRE AREA, THEN THE BUILDINGS TO COMPLY WITH BUSHFIRE REQUIREMENTS OR AS PER COUNCIL REQUIREMENTS



drawing title:  
**SITE PLAN**  
  
drawing no: **SK-001**

project: **PROPOSED AQUACULTURE FARM**  
location: 559 ALTON DOWNS NINE MILES ROAD  
client: -

REVISIONS		
REVISIO N	DESCRIPTION	DATE
1	PRELIMINARY	22/04/2021
2	PRELIMINARY	08/06/2021
3	PRELIMINARY	10/08/2021
4	PRELIMINARY	17/01/2021

**PRELIMINARY SKETCH PLANS:**  
If the drawings are labelled and issued 'preliminary', below, they are not suitable for Building Application, tender or construction purposes!  
The intent of preliminary sketch plans are only for presenting the concept for the specific project to the client as nominated in the title sheet.  
  
**COPYRIGHT & LIABILITY:**  
These drawings, concepts and designs are copyrighted and the property of designandarchitecture and not to be used for any other reason without the consent or permission of designandarchitecture PTY.LTD. (ACN 167 978 832)  
  
design+architecture accept no responsibility for the accuracy, completeness of electronically transferred documents.  
  
NEVER SCALE OF DRAWINGS, IF IN DOUBT, ASK!

gg@gideontownplanning.com.au

DRAWINGS BY  
DESIGN+ARCHITECTURE  
designaa.com.au

ISSUED FOR PRELIMINARY		
project no:	scale As indicated	rev
GG-047	date JAN 23	4
	drawn	
	AUTHOR	



TYPICAL PROFILE/SECTIONS

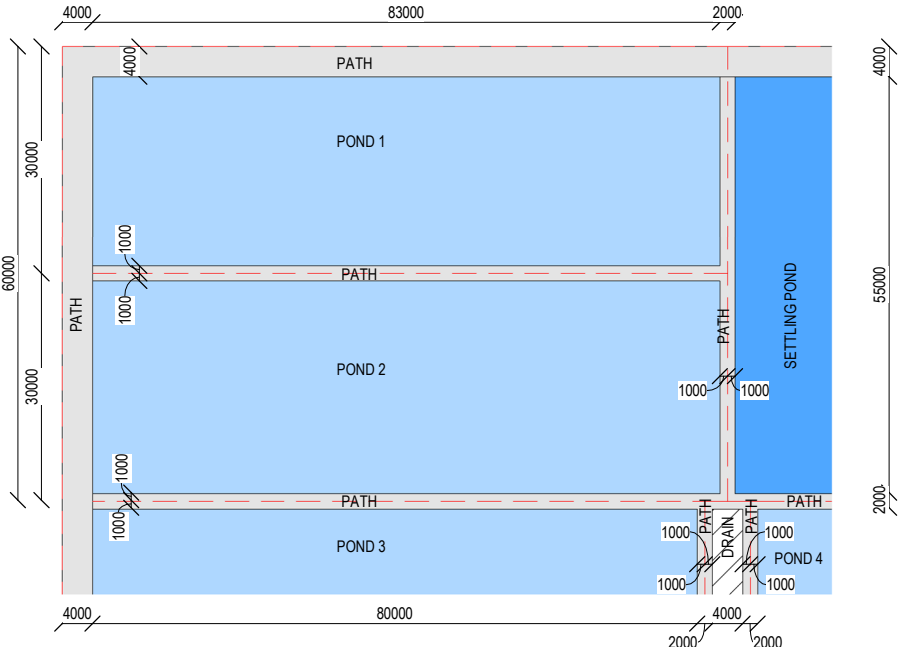
AREA SCHEDULE

TOTAL SITE AREA	: 432236 SQM APPROX
POND	: 35904 SQM APPX
SETTLING POND	: 5280 SQM APPX
DRAIN	: 1056 SQM APPX
EXIS. FARM SHED	: 120 SQM APPX

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2303-33949 SRA  
Date: 24 May 2023

NOTE ALL DIMENSIONS+ BOUNDARY+ LOCATIONS ARE APPROXIMATES ONLY



3 GENERAL POND PLAN  
1: 1000 @ A3

CONCEPT ONLY