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3 June 2022

**Our Ref:**

**Council Ref: MCU/22/0009**

Chief Executive Officer  
Mareeba Shire Council  
PO BOX 154  
MAREEBA QLD 4880

To: [brianm@msc.qld.gov.au](mailto:brianm@msc.qld.gov.au) (By Email)

Dear Brian

**Response to Information Request Combined Application for Material Change of Use (Cemetery) and Reconfiguring of a Lot (1 Lot into 6 Lots) 70 Kuranda Heights Road, Kuranda (Lot 2 on RP730337)**

The following information is provided in response to Council's Information Request dated 31 May 2022.

This response to Council's Information Request provides **all of the information requested** by Council in accordance with Part 3 (Information Request) of the Development Assessment Rules.

### **Response to Council Matters**

#### ***1. Environmental significance overlay code (Wildlife Habitat)***

Please find attached the following documents-

- a) our assessment against the Environmental Significance Overlay Code; and
- b) amended plans of development demonstrating the extent of proposed statutory environmental covenants to protect existing mapped vegetation.

Please note there is no clearing proposed as part of this Development. The protected vegetation on proposed Lot 6 will be covered by a formal statutory covenant once the



final alignment of the pedestrian connection between the “new” cemetery and the current cemetery has been formalised and constructed. It is considered that the risk of vegetation loss is mitigated in the interim as the lot will remain in Council’s ownership and control.

The protected vegetation within the balance of the five (5) rural residential lots will be protected by a statutory covenant which will be lodged concurrently with the plan of survey.

Should you require any further information, please do not hesitate to contact Kelly Reaston on 0400 974 688 or at [kelly@kellyreaston.com.au](mailto:kelly@kellyreaston.com.au) .

Kind regards

A handwritten signature in black ink, appearing to be 'KR' with a stylized flourish.

**Kelly Reaston** | Director



## **Attachment 1 – Assessment Against Environmental Significance Overlay Code**



## 8.2.4 Environmental significance overlay code

### 8.2.4.1 Application

- (1) This code applies to assessing development where:
  - (a) land the subject of development is affected by a constraint category identified on the **Environmental significance overlay maps (OM-004a-z)**; and
  - (b) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

Note—Biodiversity and Water quality are appropriately reflected in Overlay Map 4 and is required to be mapped by State Government in response to Environment and Heritage State Interests.

### 8.2.4.2 Purpose

- (1) The purpose of the Environmental significance overlay code is to identify and protect matters of environmental significance, which include matters of state environmental significance (MSES) as defined under the state planning policy.

The Environmental significance overlay code ensures that:

- (a) waterways and high ecological significance wetlands are protected and enhanced to maintain ecosystem services and hydrological processes and provide aquatic habitat for flora and fauna; and
  - (b) the environmental values of regulated vegetation, wildlife habitat, protected areas and legally secured offset areas are protected and managed.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) the biodiversity values, ecosystem services and climate change resilience of areas of environmental significance are protected, managed, enhanced and rehabilitated;
  - (b) the biodiversity values of protected areas and legally secured offset areas are protected from development unless overriding community need is demonstrated;
  - (c) development is located, designed and managed to minimise the edge effects of development on areas of regulated vegetation and wildlife habitat;
  - (d) areas of regulated vegetation and wildlife habitat are managed to minimise biodiversity losses;
  - (e) development maintains, protects and enhances a regional network of vegetated corridors that assist in wildlife movement and contribute to the maintenance of habitat and biological diversity;
  - (f) development is appropriately setback from waterways and high ecological significance wetlands to minimise direct and indirect impacts on water quality and biodiversity; and
  - (g) riparian vegetation and vegetation associated with high ecological significance wetlands is protected and enhanced to improve water quality and natural ecosystem function.

### 8.2.4.3 Criteria for assessment

**Table 8.2.4.3A - Environmental significance overlay code - For accepted development subject to requirements and assessable development**

Performance outcomes	Acceptable outcome	Compliance Assessment
<b>For accepted development subject to requirements and assessable development</b>		
<b>Regulated vegetation</b>		
<p><b>PO1</b> Vegetation clearing in areas mapped as 'Regulated vegetation' identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b> is avoided unless:</p> <ul style="list-style-type: none"> <li>(a) it is demonstrated that the area does not support regulated vegetation as mapped;</li> <li>(b) the loss or reduction in regulated vegetation is for community infrastructure and associated access facilities that cannot be avoided;</li> <li>(c) wildlife interconnectivity is maintained or enhanced at a local and regional scale; and</li> <li>(d) the loss or reduction in regulated vegetation is minimised and any residual impacts are offset.</li> </ul> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p><b>AO1.1</b> No clearing of native vegetation is undertaken within areas of 'Regulated vegetation' identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b>.</p>	<p><b>Complies with AO1.1. No clearing of native vegetation is proposed within the areas of 'Regulated Vegetation'. These areas will be protected by environmental covenants.</b></p>
<p><b>PO2</b> Development on sites adjacent to areas of 'Regulated vegetation' identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b> protects the environmental significance of regulated vegetation and:</p> <ul style="list-style-type: none"> <li>(a) does not interrupt, interfere, alter or otherwise impact on underlying natural ecosystem processes such as water quality, hydrology, geomorphology and biophysical processes;</li> <li>(b) does not negatively impact the movement of wildlife at a local or regional scale; and</li> <li>(c) avoids noise, light, vibration or other edge effects, including weed and</li> <li>(d) pest incursion on identified environmental values.</li> </ul> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p><b>AO2</b> Development (excluding roads, earthworks, drainage infrastructure and underground infrastructure) is not located within 20 metres of 'Regulated vegetation' areas identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b>.</p>	<p><b>Complies with AO2. As part of this development no infrastructure (other than the nominated infrastructure) is proposed within 20 metres of regulated vegetation.</b></p> <p><b>The rural residential development nominates large building pads which provides for sufficient area in which to develop future residential uses without the need for further vegetation clearing.</b></p>
<b>Regulated vegetation intersecting a watercourse</b>		

<p><b>PO3</b> Vegetation clearing in areas mapped as 'Regulated vegetation intersecting a watercourse', identified as 'Waterway' and 'Waterway buffer' on the <b>Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b> is avoided unless wildlife interconnectivity between habitats is maintained or enhanced at a local and regional scale, to the extent that migration or normal movement of significant species between habitats or normal gene flow between populations is not inhibited.</p> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p><b>Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b></p> <p><b>AO3.1</b> A minimum setback in accordance with <b>Table 8.2.4.3B</b> is provided between development and the top of the high bank of a 'Waterway' identified on the <b>Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b>.</p> <p><b>Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b></p> <p><b>AO3.2</b> No clearing of native vegetation is undertaken within the minimum setback identified at <b>AO3.1</b>.</p>	<p>Not applicable. The site is not within a "Waterway buffer".</p>
<b>Waterways and wetlands</b>		
<p><b>PO4</b> 'High ecological significance wetlands' identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b> and 'Waterways' on <b>Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b> and are protected by:</p> <ul style="list-style-type: none"> <li>(a) maintaining adequate separation distances between waterways/wetlands and development;</li> <li>(b) maintaining and enhancing aquatic and terrestrial habitat including vegetated corridors to allow for native fauna (terrestrial and aquatic) movement;</li> <li>(c) maintaining waterway bank stability by minimising bank erosion and slumping;</li> <li>(d) maintaining water quality by providing buffers to allow filtering of sediments, nutrients and other pollutants; and</li> <li>(e) retaining and improving existing riparian vegetation and existing vegetation associated with a wetland.</li> </ul> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p><b>Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b></p> <p><b>AO4.1</b> A minimum setback in accordance with <b>Table 8.2.4.3B</b> is provided between development and the top of the high bank of a 'Waterway' identified on the <b>Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b>.</p> <p><b>Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b></p> <p><b>AO4.1</b> A minimum setback in accordance with <b>Table 8.2.4.3B</b> is provided between development and the top of the high bank of a 'Waterway' identified on the <b>Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b>.</p> <p><b>Where within a 'High ecological significance wetland buffer' on Environmental Significance Overlay Maps (OM-004a-o)</b></p> <p><b>AO4.2</b> A minimum buffer of 200 metres is provided between development and the edge of a 'High ecological significance wetland' identified on the Environmental Significance Overlay Maps (OM-004a-o).</p> <p><b>Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z) or 'High ecological significance wetland buffer' on Environmental Significance Overlay Maps (OM-004a-o)</b></p> <p><b>AO4.3</b> No stormwater is discharged to a 'Waterway' on <b>Environmental Significance</b></p>	<p>Not applicable. The site is not within a "Waterway buffer".</p>

	<p><b>- Waterway Overlay Maps (OM-004p-z) or 'High ecological significance wetland' identified on the Environmental Significance Overlay Maps (OM-004a-o).</b></p> <p>Note— An alternative outcome is required to demonstrate that the ecological impacts of stormwater discharge to a 'Waterway' or 'High ecological significance wetland' are mitigated in accordance with PO3 through appropriate stormwater management / treatment (where possible).</p> <p><b>Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z) or 'High ecological significance wetland buffer' on Environmental Significance Overlay Maps (OM-004a-o)</b></p> <p><b>AO4.4</b></p> <p>No wastewater is discharged to a 'Waterway' on <b>Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b> or 'High ecological significance wetland' identified on the <b>Environmental Significance Overlay Map (OM-004a-z).</b></p> <p>Note— A alternative outcome is required to demonstrate that the ecological impacts of wastewater discharge to a 'Waterway' or 'High ecological significance wetland' are mitigated in accordance with PO3 through appropriate wastewater management / treatment (where possible).</p>	
<b>For assessable development</b>		
<b>Wildlife Habitat</b>		

<p><b>PO5</b> Development within a 'Wildlife habitat' area identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b>:</p> <ul style="list-style-type: none"> <li>(a) protects and enhances the habitat of Endangered, Vulnerable and Near Threatened (EVNT) species and local species of significance;</li> <li>(b) incorporates siting and design measures to protect and retain identified ecological values and underlying ecosystem processes within or adjacent to the development site;</li> <li>(c) maintains or enhances wildlife interconnectivity at a local and regional scale; and</li> <li>(d) mitigates the impact of other forms of potential disturbance (such as presence of vehicles, pedestrian use, increased exposure to domestic animals, noise and lighting impacts) to protect critical life stage ecological processes (such as feeding, breeding or roosting).</li> </ul> <p>Note—Development applications must identify any EVNT species or their habitats that may be affected by the proposal. In particular, applications are to identify and describe how the development avoids adverse impacts on ecological processes within or adjacent to the development area.</p> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p><b>AO5</b> No acceptable outcome is provided</p>	<p><b>Complies with PO5.</b></p> <p>The proposal protects the vegetation mapped as “Wildlife habitat” by proposing an environmental covenant over the full extent of the mapped area. No clearing of wildlife habitat is proposed and the wildlife interconnectivity of the site is retained.</p> <p>The pedestrian link between the “new” cemetery and existing cemetery is not part of this application, however, it will also be ultimately designed to mitigate the impacts of potential disturbance.</p>
<p><b>Legally secured offset areas</b></p>		
<p><b>PO6</b> Development within a 'Legally secured offset area' identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b> or other known Legally Secured Offset Area is consistent with the binding requirements of the offset and does not prejudice, undermine, or negatively impact the inherent ecological values, including all naturally occurring native flora, fauna and their habitat within the Legally Secured Offset Area.</p> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p><b>AO6</b> No acceptable outcome is provided.</p>	<p><b>Not applicable. The site is not within a “Legally secured offset area”</b></p>



Protected areas		
<p><b>PO7</b> Development within a 'Protected area' identified on the Environmental Significance Overlay Maps (OM-004a-o) is consistent with the values of the Protected Area and:</p> <ul style="list-style-type: none"> <li>(a) supports the inherent ecological and community values of the Protected Area asset;</li> <li>(b) maintains or enhances wildlife interconnectivity at a local and regional scale; and</li> <li>(c) does not prejudice, undermine, or negatively impact the inherent ecological values, including all naturally occurring native flora, fauna and their habitat within the Protected Area.</li> </ul> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p><b>AO7</b> No acceptable outcome is provided</p>	<p><b>Not applicable. The site is not within a "Protected area"</b></p>
Ecological corridors and Habitat linkages		
<p><b>PO8</b> Development located:</p> <ul style="list-style-type: none"> <li>(a) in the Conservation zone, Emerging community zone, Recreation and open space zone, Rural zone or Rural residential zone; and</li> <li>(b) within an 'Ecological corridor' or a 'Habitat linkage' identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b></li> </ul> <p>does not compromise the provision of habitat connectivity of the corridor/linkage, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the environmental values of the area of the site identified in the 'Ecological corridor' or 'Habitat linkage';</li> <li>(b) the environmental values of adjoining and nearby land within the 'Ecological corridor' or 'Habitat linkage';</li> <li>(c) the extent of any modification proposed to the natural environment including (but not limited to) vegetation and topography;</li> <li>(d) the location and design of proposed improvements that may impact on the functions of the 'Ecological corridor' or 'Habitat linkage' including (but not limited to) buildings, structures, fences, lighting, vehicle movement areas and infrastructure services; and</li> <li>(e) the ability for the 'Ecological corridor' or 'Habitat linkage' to be enhanced to improve ecological connectivity.</li> </ul> <p>Note—A supporting Ecological Assessment Report prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports may be appropriate to demonstrate compliance with PO8.</p>	<p><b>AO8</b> No acceptable outcome is provided</p>	<p><b>Not applicable. The site is not within a "Ecological corridor" or a "Habitat Linkage" .</b></p>

**Table 8.2.4.3B - Setback and buffer distances from waterways**

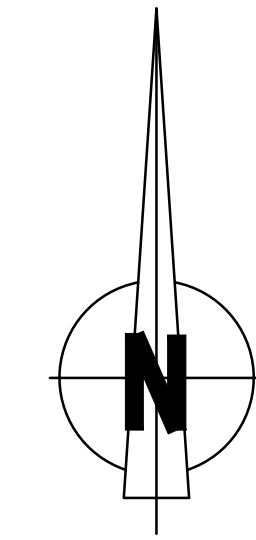
<b>Stream order</b>	<b>Setback and buffer from waterways</b>
1	10 metres from top of high bank
2-4	25 metres from top of high bank
5 or more	50 metres from top of high bank

Note—The stream order of a 'waterway' is to be determined on a case by case basis.

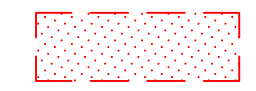


**Attachment 2 – Amended Plan of Development ARO0071- SK01**







LEGEND

-  BUILDING ENVELOPE
-  VEGETATION COVENANT
-  FUTURE VEGETATION COVENANT



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KURANDA CEMETERY  
RESIDENTIAL LAND DEVELOPMENT  
LOT 2 ON RP730337

PROPOSED LOT LAYOUT

ARO0071-SK01

1:1000  
A1 Full Size