



24 May 2023

Planning Officer: Carl Ewin
Direct Phone: (07) 4086 4656
Our Reference: OPW/23/0001
Your Reference: 23009 OW

Kelli J McDowell
C/- Scope Town Planning
38 Kowa Street
MAREEBA QLD 4880

Dear Applicants,

Decision Notice

Planning Act 2016

I refer to your application and advise that on 23 May 2023 under delegated authority, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

| | |
|----------------------------|--|
| Application No: | OPW/23/0001 |
| Street Address: | 12B Morton Street, Kuranda |
| Real Property Description: | Lot 3 on SP213770 |
| Planning Scheme: | Mareeba Shire Council Planning Scheme 2016 |

DECISION DETAILS

| | |
|-------------------|---|
| Type of Decision: | Approval |
| Type of Approval: | Development Permit for Operational Works (Vegetation Clearing) Assessable against the Mareeba Shire Council Planning Scheme 2016 - Environmental Significance Overlay and Hill and Slope Overlay |
| Date of Decision: | 23 May 2023 |

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is two (2) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

INFRASTRUCTURE

Not Applicable.

ASSESSMENT MANAGER CONDITIONS**(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)**

1. The extent and location of operational works (clearing) carried out on the site must be generally in accordance with that shown on the approved plan/s.
2. All vegetation cleared from the approved area must be either removed from the site, relocated or wood chipped for reuse as mulch on-site.
3. No further assessable clearing can be carried out on the site without prior Council approval.

REFERRAL AGENCIES

Not Applicable.

APPROVED PLANS

The following plans are Approved plans for the development:

| Plan/Document Number | Plan/Document Title | Prepared by | Dated |
|----------------------|--|---------------------|----------|
| 23009 | Site Plan Lot 3 SP213770 | Scope Town Planning | May 2023 |
| - | Ecological Report – 12B Morton St, Kuranda | Land Plan | 6/5/23 |

ADVISORY NOTES

Not Applicable.

PROPERTY NOTES

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable.

SUBMISSIONS

Not Applicable.

RIGHTS OF APPEAL

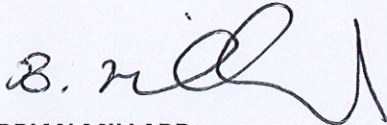
You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

OTHER DETAILS

If you wish to obtain more information about Council's decision, electronic copies are available on line at www.msc.qld.gov.au, or at Council Offices.

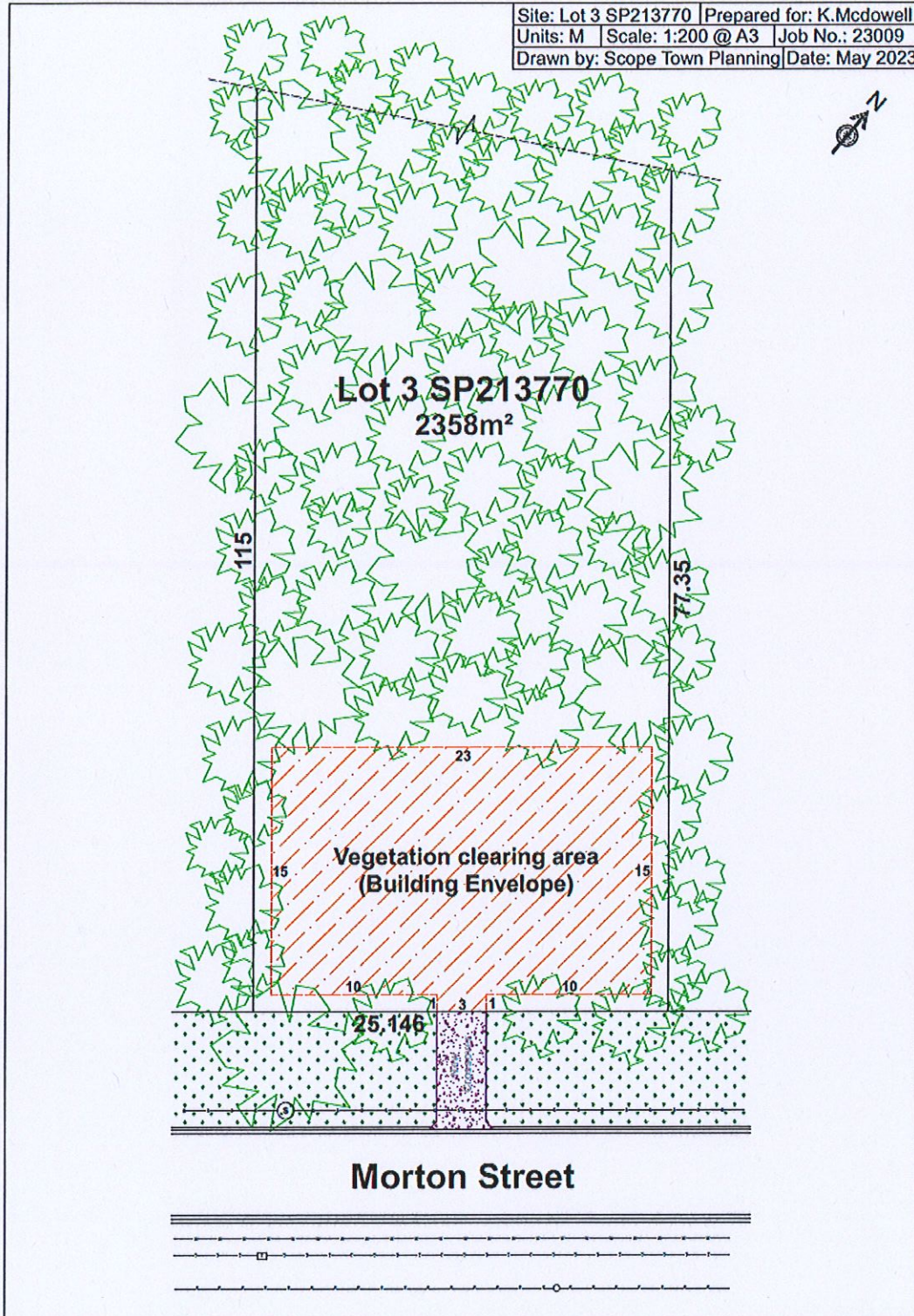
Yours faithfully



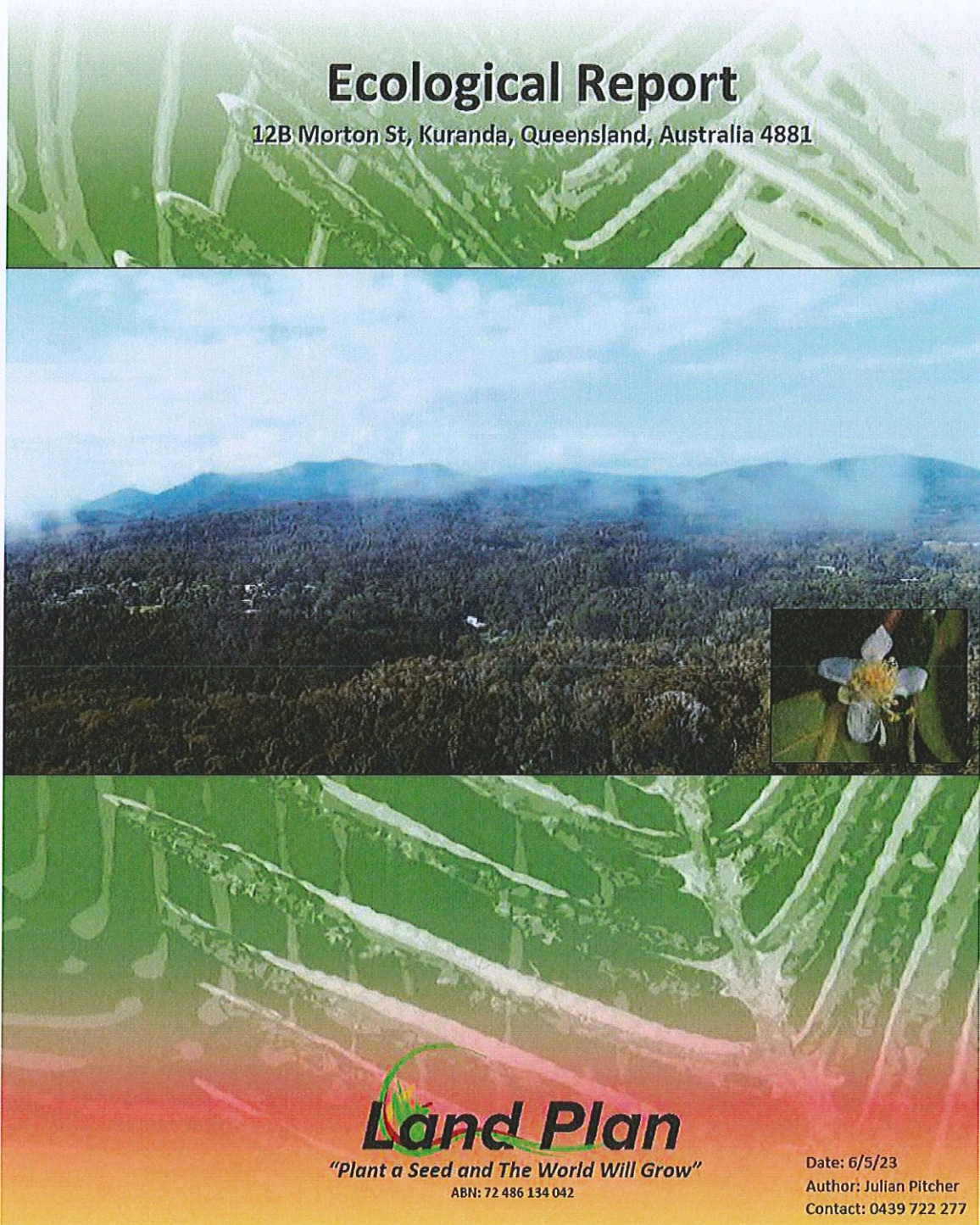
BRIAN MILLARD
SENIOR PLANNER

Enc: Approved Plans/Documents
Referral Agency Response

Approved Plans/Documents



24/5/2023
B. n. d.



Ecological Report 2023

12B Morton St, Kuranda, Queensland, Australia 4881

Front Cover images

Top: Aerial view of rainforest featured SE of site

Bottom right: Endangered *Rhodamnia sessiliflora* in flower

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1. Abstract

Summary points

- Proposed clearance area approximately 385m²
- Compliant with PO1, PO2, PO3, PO4, acceptable outcomes as per MSC environmental significance overlay code, and not within a legally secured offset area or protected area (PO6, PO7)
- Proposed clearance area within Essential habitat (PO5) – protects and enhances environment. (CEEVNT flora support, invasive flora removal, short term and small scale clearing, buffers in place, responsible pet ownership and biosecurity considerations).
- CEEVNT flora (*Rhodamnia sessiliflora*) were identified (NCA 1992) and impact management plan required for DES.
- Exemptions may apply (VMA 1999) “to establish necessary built Infrastructure” in least concern category b regional ecosystem
- Fauna Spotter catcher recommended prior to/during clearing
- Recommend controlling invasive flora, and supporting diverse regeneration
- Recommend pets be kept as per local government by laws
- Ensure all machinery comes and leaves clean, contact Biosecurity Queensland after works to confirm presence or absence of invasive ants

2. Introduction

At the request of the Mareeba Shire Council, to support a proposed development application by the landholder, this report has been produced to assist with a material change in use application for a primary dwelling at 12B Morton Street. This report shall propose mitigation strategies of negative impacts to natural assets, and demonstrate compliance with;

- Mareeba Shire Council Environmental Significance Overlays
- Exempt clearing work, or requiring an ADVCC under the Vegetation Management Act 1999

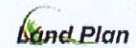
This property is indigenously vegetated with various natural values and is located in close proximity to the town centre, just a 10-minute walk away. At a little over half an acre (2296m²) in size, and largely rectangle in shape, the northern corner is missing with Glenn creek running through it. The longest side runs 115m NW to SE, and is 25m wide.

Various properties of similar dimension and landscape exist on each side of the property, and Morton street runs along the front. The Barron River sits 750m to the North, and further abroad is a network of national parks and housing estates.

A fair NW slope exists across the property, and channelling occurs at around 40m down the parcel in its centre, where a seasonal drainage line exists and flows into Glenn Creek. The Eastern end of the property starts at around 360m ASL and descends to 340m ASL at the Western side (creek line).

Disturbance exists across the front property with various incursions of invasive flora and nursery cultivars from roadside dumping. This section appears to have also been significantly cleared prior to the

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1950's but is now comprised of typical rainforest regeneration for the area, and although young it has good structure and diversity, even harbouring a population of one species of endangered flora.

Environmental legislation is relatively simple, with one local government layer of concern, and a high risk protected plant trigger being present across the property.

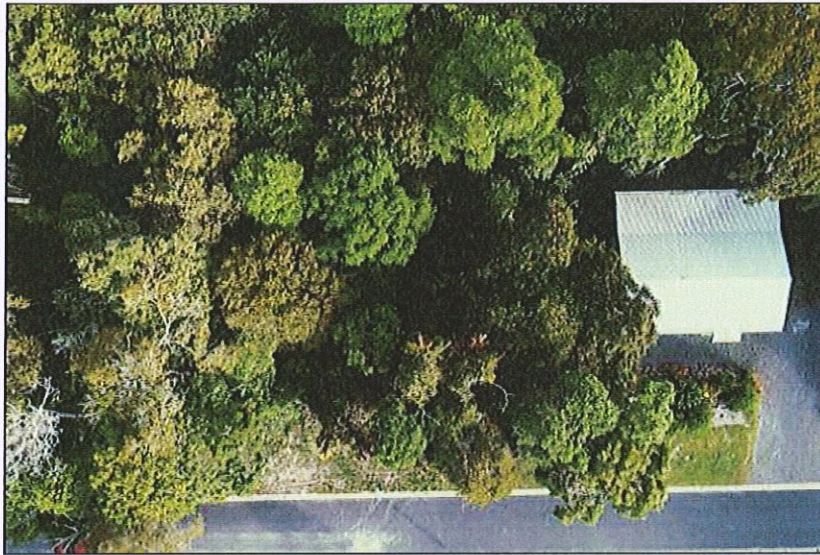


Figure 1: Aerial view over the area to be cleared at 12B Morton St, Kuranda, Queensland Australia 4881.

3. Exemptions

Local Government (MSC)

Most of the property in question is situated within one or more layers on the Mareeba Shire Councils environmental significance overlay map, as such an ecological report is requested, no exemption identified.

Department of Resources (DR)

The freehold land consists of least concern category B vegetation and is described in table 2 on page 6 of the "List of exempt clearing work". It states, clearing on freehold land "To establish necessary built infrastructure" (including core airport infrastructure) other than contour banks, fences, roads or vehicular tracks is exempt clearing under the VMA Act 1999 if:

- a. The clearing is not to source timber
- b. The total area cleared is less than 2ha; and
- c. The total area covered by the infrastructure¹ is on less than 2ha

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Infrastructure, for this exemption, includes a building, or other structure, built or used for any purpose.

This clearing meets the required elements of this exemption.

Department of Environment and Science (DES)

Proposed clearing is within the high-risk trigger area and the vegetation matches the definition of wild, or remnant. A flora survey is required, no exemptions apply.

4. Site assessment / methodology

Flora

Prior to the commencement of field works, a desktop survey was conducted. This included the use of MSES spatial data, generation of DNR vegetation reports, and review of the Australian Virtual Herbarium (AVH) EVNT records. Historical imagery was also sought to further understand the history of the site in question.

This data demonstrated the presence of numerous CEEVNT flora and fauna in the area and a history of clearing and regeneration.

On the 24/3/2023 a timed meander was carried out to identify flora species present and to confirm the presence or absence of CEEVNT species. Based off personal familiarity and field books/keys, approximately 40 species were identified in situ, the upper canopy consisting largely of *Acacia Celsa*, and *Alstonia muelleriana*. The middle canopy is dominated by these same species but demonstrates more diversity with *Elaeocarpus grandis*, *Acronychia acronychioides*, *Mishocarpus lachnocarpus* and others. Shrub layer is comprised again of these same species with increasing diversity. Here we start to see *Davindsonia pruriens*, *Tabernaemontana pandacaqui*, and *Rhodamnia sesseliflora* emerge, with a range of invasive flora or nursery cultivars coming in. The ground layer is sparse with seedlings from the upper and middle canopy and minor occurrences of invasive flora.

Vine elements consist of *Cissus penninervis*, *Tetracera nordtiana*, and *Calamus australis*.

Epiphytes observed include *Drynaria rigida* and *Platyserium hillii*.

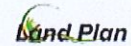
The clearance area can best be described as wild and within its late secondary stage of succession. There were considerable exotics present at the roadside front of the property at the time of surveillance, testament to numerous dumping of garden clippings and disturbance from clearing on neighbouring properties.

A number of plants had samples taken for ex situ identification using the ATH rainforest key and Atlas of Living Australia, this then increased the number of identified plants to 44.

Remote Sensing was carried out using remote piloted aircraft and an RGB (camera) sensor, this was used to create current orthomosaic imagery and to overlay the timed meander results. This assisted with the identification of canopy species and any epiphytes that were not detectable from the ground.

The property is mapped as being regional ecosystem 7.11.1 and is described as Simple-complex mesophyll to notophyll vine forest on moderately to poorly drained metamorphics (excluding amphibolites) of moderate fertility of the moist and wet lowlands, foothills and uplands.

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Vegetation is of higher quality to the rear of the property where Glenn creek runs. The neighbouring properties have previously cleared their front sections too and so we see a corridor being maintained on this natural drainage line which boasts diverse and intact mature rainforest with minor weed incursions.

Due to the linear nature and slope of these properties, vehicle access to the mature forest is also restricted and such impacts are not observed at this stage.

Fauna

Prior to the commencement of field works, a desktop survey was again conducted. This too included the use of MSES spatial data, and generation of DNRME vegetation reports.

DNRME vegetation and management reports identify essential habitat as being vegetation that is used permanently or during the life cycle of fauna which is special least concern or EVNT and found within 1.1km of the vegetation. Likely fauna identified in the report for this property includes;

- *Litoria seratta* – Tapping Green-eyed Frog
- *Litoria myola* – Myola Tree Frog
- *Casuarius casuarius* – Southern Cassowary
- *Pteropus conspicillatus* – Spectacled Flying Fox

A visual survey via timed meander did not identify any evidence or presence of CEEVNT fauna. This includes observations of scats, tracks, tree markings, nests or other evidence of presence. The survey was conducted in April 2023 during daylight hours. An acoustic survey is recommended during peak calling times and prior to clearance which should be supervised by a fauna spotter catcher.

Roosting of *Pteropus conspicillatus* has been observed in pine trees of neighbouring properties, as they utilise the nearby flowers of *Alstonia muelleriana* as a food source throughout the wet season. Whilst this plant is present in the proposed clearance area, no roosting has been observed.

The proposed clearance area totals approximately 385m² and is due to commence during the dry season in 2023. This will reduce the need for any erosion and sediment control and it is believed there should be no Spectacled flying foxes in the area as food sources are low. Significant fragmentation exists in the broader area with highways, minor roads and fences. The likelihood of Cassowary in this area is low, but CEEVNT frogs may be present as they push out from the streams and as such an acoustic survey and fauna spotter catchers are recommended.

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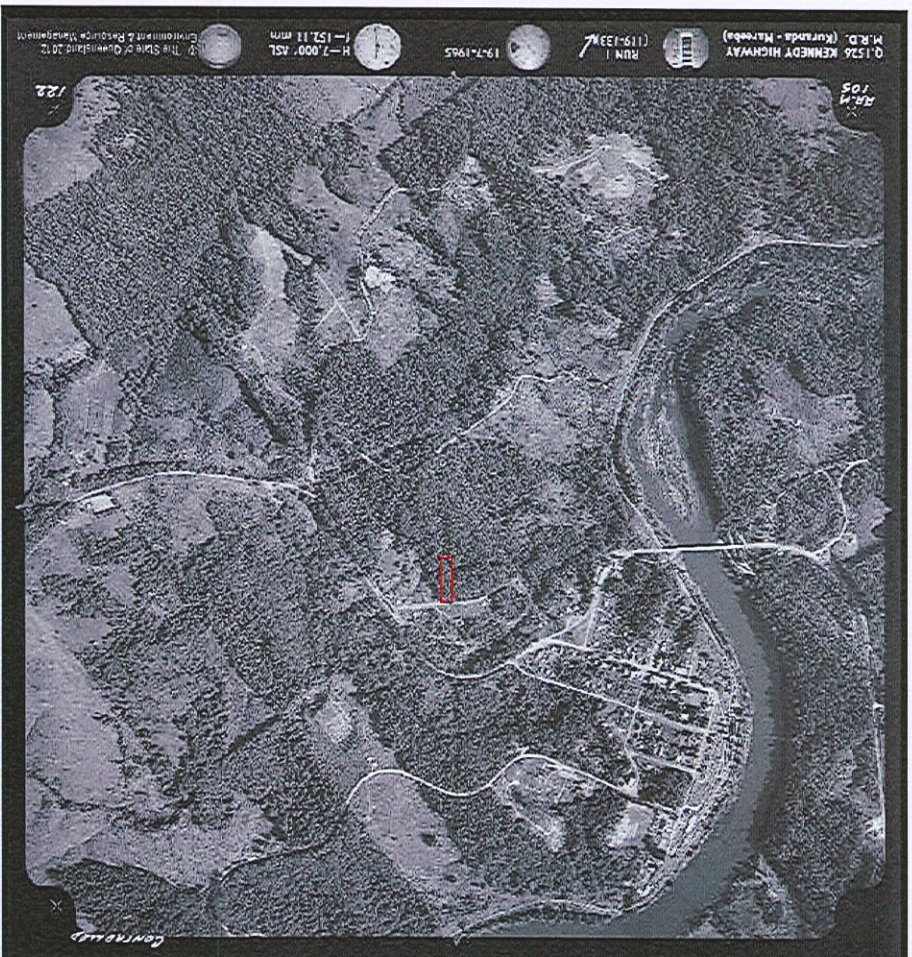


Figure 2. Aerial imagery of Kuranda village from the 1960's. Approximate property location highlighted in red.

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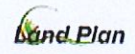


Figure 3: Aerial view (facing West) of approximate clearance area.

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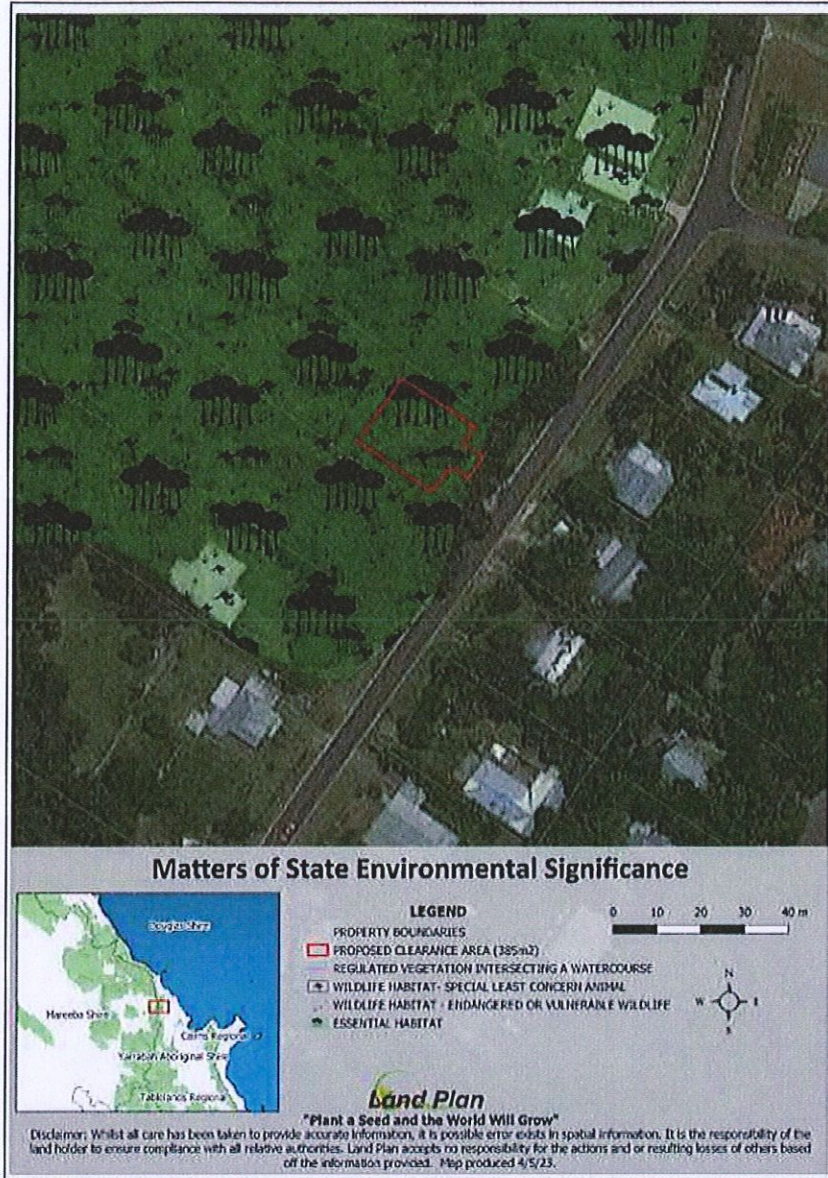


Figure 4: Matters of state environmental Significance map.

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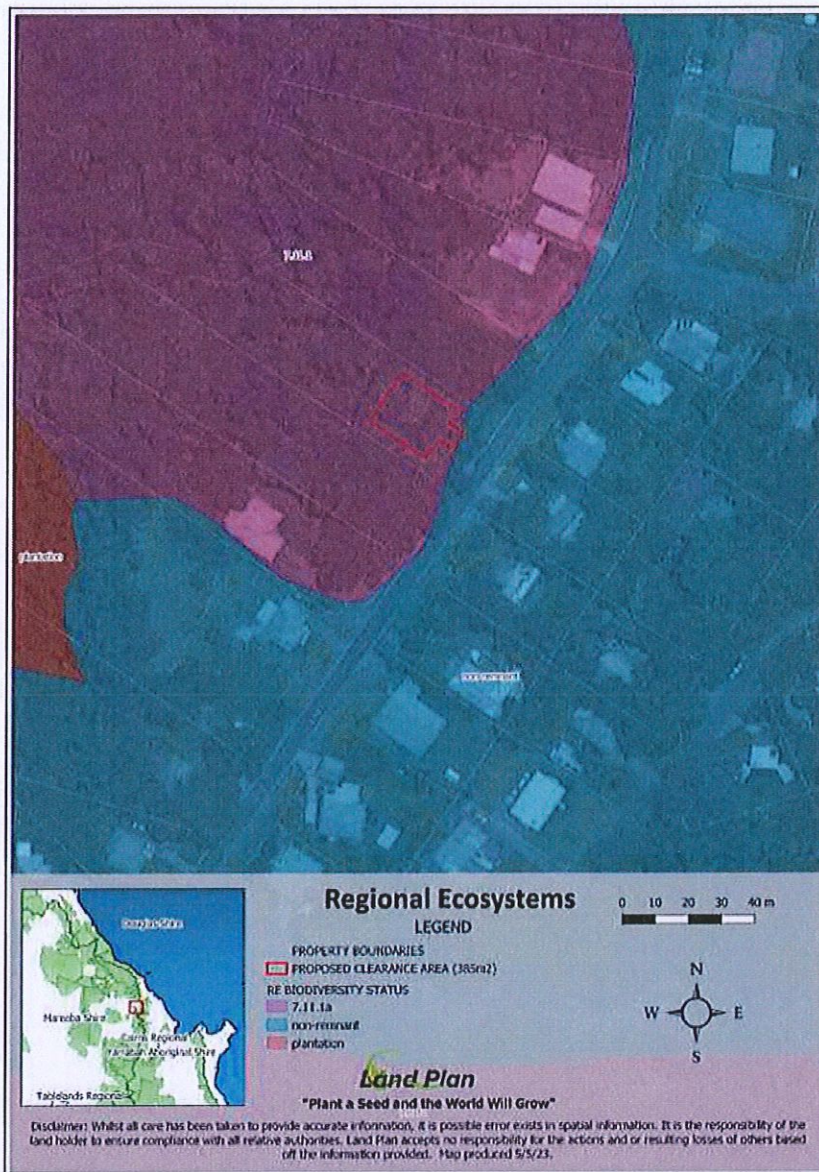
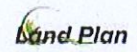


Figure 5: A map of surrounding regional ecosystems and their status.

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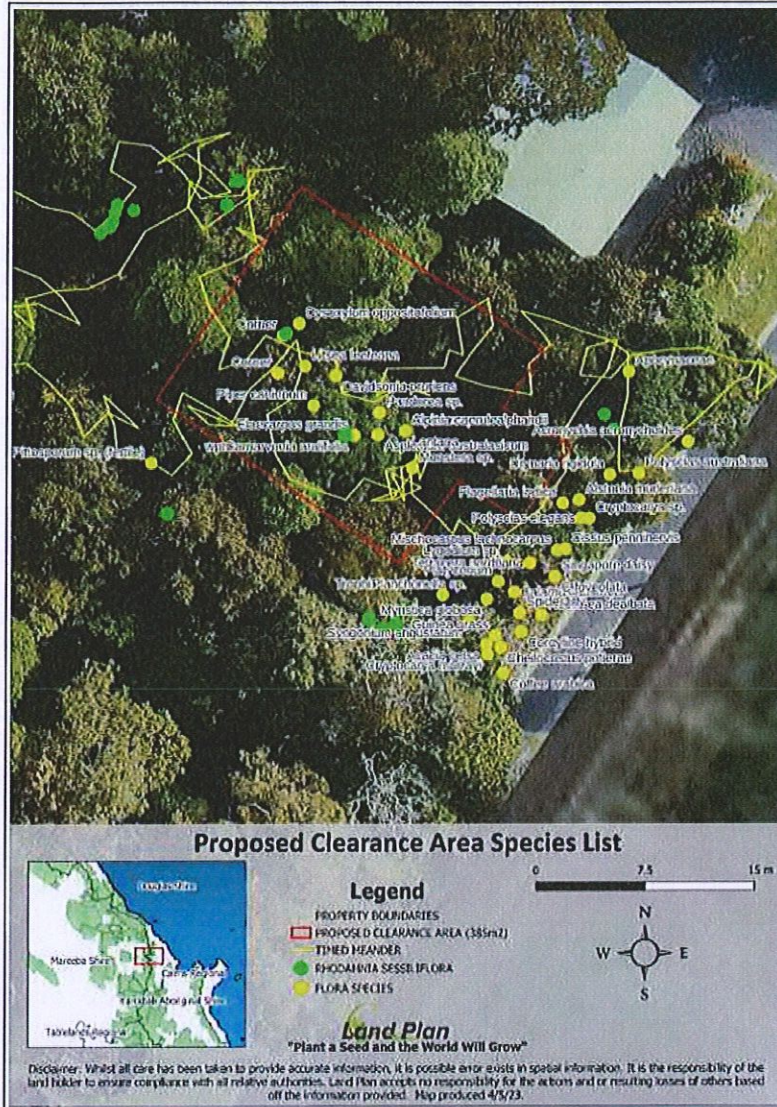
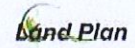
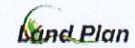


Figure 6: Aerial view showing original GPS data from timed meander overlaid with current property boundaries. Note names are the result of initial field based identification and may have changed after desktop analysis (See Table 1).

Table 1: Species list of indigenous and exotic flora (in red) within the clearance area.

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| Flora species list | | | | | |
|--|------------------------|-----------------|-----------------|------------|-------------------|
| Scientific name | Common name | Family | Lifeform | EVNT (NCA) | Wons / Restricted |
| <i>Acacia eaba</i> | Wattle | Fabaceae | Tree/Shrub | No | No |
| <i>Acronychia acronychioides</i> | White Aspen | Rutaceae | Tree | No | No |
| <i>Alpinia caerulea</i> | Wild ginger | Zingiberaceae | Herb | No | No |
| <i>Aletrisia muelleriana</i> | Milkwood | Apocynaceae | Tree/Shrub | No | No |
| <i>Asplenium australasicum</i> | Birds Nest Fern | Aspleniaceae | Epiphyte | No | No |
| <i>Calamus australis</i> | Hairy Mary | Arecaceae | Vine | No | No |
| <i>Cornarvonla araliifolia</i> var. <i>araliifolia</i> | Red Oak | Proteaceae | Tree/Shrub | No | No |
| <i>Castanopora alphonii</i> | Brown tamarind | Sapindaceae | Tree/Shrub | No | No |
| <i>Chelidocostus potterae</i> (cultivar) | Spiral ginger | Zingiberaceae | Herb | Yes | No |
| <i>Cissus pinninervis</i> | | Vitaceae | Vine | No | No |
| <i>Coffea arabica</i> | Coffee | Rubiaceae | Tree/Shrub | No | No |
| <i>Cordyline</i> sp. | Red sister | Asparagaceae | Shrub | No | No |
| <i>Cryptocarya murrayi</i> | Murray's laurel | Lauraceae | Tree/Shrub | No | No |
| <i>Cryptocarya</i> sp. | | Lauraceae | Tree/Shrub | No | No |
| <i>Cupaniopsis foveolata</i> | Toothed Tuckeroo | Sapindaceae | Tree | No | No |
| <i>Davidsonia pruriens</i> | Davidson's Plum | Cunoniaceae | Tree/Shrub | No | No |
| <i>Drynaria rigidula</i> | Basket Fern | Polypodiaceae | Epiphyte | No | No |
| <i>Duranta erecta</i> | Duranta | Verbenaceae | Shrub/Vine | No | No |
| <i>Dysoxylum oppositifolium</i> | Pink Mahogany | Meliaceae | Tree | No | No |
| <i>Elaeocarpus grandis</i> | Blue Quandong | Elaeocarpaceae | Tree | No | No |
| <i>Flagellaria indica</i> | Supplejack | Flagellariaceae | Tree/Shrub | No | No |
| <i>Lantana camara</i> | Lantana | Verbenaceae | Vine | No | Yes |
| <i>Litsea laefano</i> | | Lauraceae | Tree/Shrub | No | No |
| <i>Lygodium reticulatum</i> | Wire vine | Lygodiaceae | Vine | No | No |
| <i>Megathyrsus maximus</i> | Guinea grass | Poaceae | Large graminoid | No | No |
| <i>Mischocarpus lechnocarpus</i> | Woolly Brush | Sapindaceae | Tree/Shrub | No | No |
| <i>Monstera deliciosa</i> | Fruit salad plant | Araceae | Vine | No | No |
| <i>Myristica insipida</i> | Nutmeg | Myristicaceae | Shrub | No | No |
| <i>Neolitsea dealbata</i> | Bollywood | Lauraceae | Tree/Shrub | No | No |
| <i>Pandorea</i> sp. | Wonga Vine | Bignoniaceae | Vine | No | No |
| <i>Piper caninum</i> | Common Piper | Piperaceae | Vine | No | No |
| <i>Pittosporum rubiginosum</i> | Hairy Red Pittosporum | Pittosporaceae | Tree/Shrub | No | No |
| <i>Planchonella</i> sp. | | Sapotaceae | Tree/shrub | No | No |
| <i>Platycentrum hillii</i> | Eikhorn fern | Polypodiaceae | Epiphyte | No | No |
| <i>Polyscias australiana</i> | Basswood | Araliaceae | Tree/Shrub | No | No |
| <i>Polyscias elegans</i> | Celerywood | Araliaceae | Tree/Shrub | No | No |
| <i>Rhodamnia sessiliflora</i> | Iron Malletwood | Myrtaceae | Shrub | Yes | No |
| <i>Sphagnetica trilobata</i> | Singapore daisy | Asteraceae | Scrambler | No | Yes |
| <i>Hymenocallis littoralis</i> | Spider Lily | Amaryllidaceae | Herb | No | No |
| <i>Syngonium angustatum</i> | Arrowhead vine | Araceae | Vine | No | No |
| <i>Tabernaemontana pandacaqui</i> | Banana bush | Apocynaceae | Shrub | No | No |
| <i>Tetracera nordiana</i> | Small-leaved Fire Vine | Dilleniaceae | Vine | No | No |
| <i>Trophis scandens</i> | Burney vine | Moraceae | Vine | No | No |
| <i>Tabernaemontana pandacaqui</i> | Banana bush | Apocynaceae | Shrub | No | No |

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5. Primary Environmental Compliance

Performance Outcomes (MSC) – potential impacts and mitigation



Figure 7: Overlay Map 4 (Environmental Significance) and legend from MSC. 12B Morton St is highlighted in red.

P05

Development within a ‘Wildlife habitat’ area identified on the Environmental Significance Overlay Maps (OM-004a-o):

- (a) protects and enhances the habitat of Endangered, Vulnerable and Near Threatened (EVNT) species and local species of significance;
- (b) incorporates siting and design measures to protect and retain identified ecological values and underlying ecosystem processes within or adjacent to the development site;
- (c) maintains or enhances wildlife interconnectivity at a local and regional scale; and
- (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).

Where possible, the siting of the proposed clearance area in essential habitat has been avoided, as per figure 7, a small section of the property in question is outside of the essential habitat layer and this is where most of the clearing is restricted to. This minimises impacts to the highest quality essential

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habitat, the mature forest and sloping land to the rear of the property, and will also aid the construction of a dwelling with this area being the most usable part of the parcel.

The proposed clearance area may protrude into the essential habitat layer minimally and as such various strategies will assist in meeting the requirements of PO5.

In an effort of enhancing and protecting CEEVNT habitat and flora, the endangered *Rhodamnia sessiliflora* which is within the clearance area and surrounding it, an impact management plan needs to be developed and submitted to DES. It is likely this will include the planting of twice as many *Rhodamnia sessiliflora* as are removed, and ongoing monitoring of the planted flora, and the ones that remain outside of the clearance area.

Casuarius casuarius johnsonii generally occupy a large territory of about 12km square each. Adult Cassowaries are solitary (live alone) and are territorial, except during breeding season where they may congregate to take advantage of food resources at times of seasonal abundance and scarcity.

Typical threats to the Cassowary are animal attacks (domestic and feral), vehicle strikes, and habitat fragmentation due to clearing. Fragmentation can disrupt cassowary movement patterns and can separate parts of an individual bird's territory, and reduce habitat resources associated with feeding and breeding activities. Habitat fragmentation can also separate birds from each other, resulting in genetic isolation and local extinctions. Habitat degradation caused changed fire regimes and invasion of weed species also affects cassowaries by reducing the quality of habitat and food sources.

Litoria serrata and *Litoria myola* males are generally found among low hanging vegetation and rocks along streams, while females can be found in or around streams or farther away from the water in the forest canopy. They breed in streams during the wet summer months of September to March. A fauna spotter catcher is recommended, to supervise and relocate vertebrate species during clearing activities.

Pteropus conspicillatus are typically observed in this area during the wet season when primarily foraging on Myrtaceae flowers and Moraceae fruits in riparian area. Breeding occurs from January to June with young being born October to December. Juveniles will venture out at night (at about 5 months age) for as far as they can, and return in the morning when adults do (Atlas of Living Australia, 2023). Roosts are present seasonally in the neighbouring properties but this has not been observed in the proposed clearance area, nor are the significant roosting trees within it. They are expected to not be present on site during clearance in the dry season of 2023, if they are, clearing activities may not commence until they have moved on.

The timing, scale, and location of the clearing is believed to be favourable to reduce impact to these species in that during the dry season minimal fruit and flowers will be present to attract such fauna to the site. Significant fragmentation exists surrounding this property and the likelihood of Cassowary being present is very low. Glenn creek is 51m away and within the typical 100m frog habitable range from creeks. Acoustic surveys prior to clearing and a fauna spotter catcher during clearing are recommended.

A buffer of indigenous flora is to be established around the clearance area by managing natural regeneration. This will maintain site specific connectivity, increase diversity and is to result in the removal of several high-risk weeds such as Lantana and Singapore daisy. OM004C identifies the area as not being an ecological corridor, and so it is expected that the proposed clearance area will not affect

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local or regional connectivity in a negative manner, and the primary corridor of mature vegetation along Glenn creek to the rear will be retained.

Any fencing to be erected should be done so in a manner that does not create “dead ends” or blocks local wildlife from moving. Fencing the clearance area only, and leaving the native buffers open will achieve this. Lighting at night is to be minimised where possible to avoid negative impacts to frogs and spectacled flying foxes and protect them during critical life stage ecological processes such as feeding and breeding.

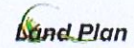
Overall the clearing is expected to be small scale and brief, which further minimises negative impacts, domestic animals are to be kept in accordance with local by laws as per section 6.

Species relevant to the clearance area (using the essential habitat) as identified in the DNRME vegetation management property report, have been identified below and relevant recommendations summarised.

Table 2. Fauna impact management strategies summarised.

| Species using essential habitat | NCA status | Risks from development | Avoid and minimise impact principles |
|---|------------|---|--|
| <i>Litoria myola</i> – Myola Tree Frog | E | Reduced ability to breed through disrupted communication and loss of habitat. Risk of fatality during clearing. | No outside lights after 6PM when near waterlines, no clearing within 100m of permanent waterways, no alterations to natural water flow. Audio survey prior to adjacent clearing. FSC during clearing. Manage invasive species. Time project accordingly to seasonal fauna requirements. Pets kept according to LG by laws. |
| <i>Litoria seratta</i> – Tapping Green-eyed Frog | V | | |
| <i>Casuarus casuaris johnsonii</i> – Southern Cassowary | E | Risk of fatality from vehicle strikes and dog attacks. | No dogs or cats, unless they are confined appropriately. No “dead ends” created by fences, movement must be supported. No feeding Cassowary’s. Manage invasive species. Time project accordingly to seasonal fauna requirements. |
| <i>Pteropus conspicillatus</i> - Spectacled Flying Fox | E | Loss of roost trees and food sources, general disturbance. | No roost trees to be removed, minimal clearing in general, No outside lighting on during night time. Seasonally appropriate clearing, no clearing if present in clearance area. |

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6. Additional Environmental Compliance

Biosecurity Act 2014

Under the Biosecurity Act 2014, every Queensland resident has a “General Biosecurity Obligation” (GBO).

The Act states (S24) that a person has “an obligation (a *general biosecurity obligation*) to take all reasonable and practical measures to prevent or minimise the biosecurity risk.”

In short, this means that landholders are legally obliged to manage biosecurity risks such as invasive flora and fauna to prevent negative impacts to biosecurity considerations such health, agriculture and the environment. Suitable measures include controlling weeds, cleaning construction/garden equipment before entering and leaving site and engaging various biosecurity programs to survey and control pests on the property.

- Property exists within National Electric Ant Eradication Program Biosecurity Zone. Category 1 listed pest, notify authorised inspector within 24 hrs of suspected identification.
- Property may exist within Yellow Crazy Ant Eradication Program Biosecurity Zone. Category 2 listed pest, notify authorised officer within 24 hrs of suspected identification.
- Property may exist within National Tropical Weeds Eradication Program Biosecurity Zone, NTWEP notify authorised officer within 24 hrs of suspected identification.



Figure 8: Electric ants (*Wasmannia auropunctata*). Figure 9: Yellow Crazy ants (*Solenopsis gracilipes*)



Figure 10: Several species controlled by the NTWEP and a native Melastome look alike.

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Local Government (MSC)

Pet By-laws

Cats

Mareeba Shire Council has laws and regulations (Local Law 2) regarding pets.

It is an offence to;

- Keep more than two cats on any property
- To allow cats to wander onto public or other private property
- Or to keep cats without a microchip

Failure to comply with these laws and regulations may lead to your cat being impounded, fines, and can cause significant loss of life to native wildlife by either direct attack or disturbance.

Microchipping and desexing your cat is important, it can help find your pet if lost and also prevent unwanted breeding which often puts further pressure on local wildlife.

- Cats born after 1 July 2009 must be microchipped before three months old
- Cats born before 1 July 2009 need to be microchipped if they are being sold or given away
- De-sexing is encouraged, but not compulsory

It is possible that without a microchip to identify that it has an owner it may be considered to be a stray or feral cat.

Dogs

Any dog residing on urban residential, rural residential, rural properties must be registered annually.

Dogs must be kept in a sufficient enclosure that prevents them from interfering with local wildlife. There are minimum standards for keeping dogs;

- enclosures must be cleaned regularly and waste disposed of so as not to create a nuisance or health hazard
- adequate food and water must be provided
- adequate space must be provided for each dog
- not permitting any dog to be kept in such a manner as to be a nuisance, likely to cause an injury or health hazard.

Dogs are required to be leashed at all times when outside of private property, and must be under continuous supervision. This helps avoid distress and fatalities to wildlife such as wallabies and Cassowaries, which is a significant problem in the Mareeba Shire / Wet Tropics region. Several community groups are actively working to protect local rare and threatened fauna, as such compliance from landholders is a great service to both the community and its natural ecosystems.

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7. Conclusion

Based on the findings of this ecological report, it can be concluded that the proposed development at 12B Morton Street will have minimal impact on the natural environment and is compliant with the relevant LG environmental legislation.

The development is small scale, brief, and will accommodate CEEVNT flora such as *Rhodamnia sesilliflora*, and with ongoing management has the potential to be positive impact to CEEVNT flora on site and in the broader community. Additionally, the proposed development will result in the removal of environmental weeds from the property. This will enhance the natural values of the site and contribute positively to the local ecosystem.

Lastly, it is believed that this the report should provide the Mareeba Shire Council with the information necessary to make an informed decision regarding the material change in use application.

8. Errors

Error may exist in maps due to spatial reliability, please ensure all works are ground truthed and relevant authorities consulted prior to works.

Plant names may appear incorrect on timed meander map, however have been corrected within the species list.

Unidentified plants in Table 1 may be inconsistently ordered due to some later being identified during desktop analysis.

Surveys were carried out within the best possible times regarding project requirements and seasonal characteristics displayed by significant flora. None the less, some plants may be incorrectly identified.

9. Bibliography

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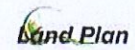
10. Appendix

Appendix 1: RE details

Regional ecosystem details for 7.11.1

| | |
|--|--|
| Regional ecosystem | 7.11.1 |
| Vegetation Management Act class | Least concern |
| Wetlands | Contains palustrine wetland (e.g. in swales). |
| Biodiversity status | No concern at present |
| Subregion | 9, 8, 7, 3, (4), (2) |
| Estimated extent' | Pre-clearing 146000 ha; Remnant 2015 130000 ha |
| Extent in reserves | High |
| Short description | Simple-complex mesophyll to notophyll vine forest on moderately to poorly drained metamorphics (excluding amphibolites) of moderate fertility of the moist and wet lowlands, foothills and uplands |
| Structure category | Dense |
| Description | <p>Simple-complex mesophyll to notophyll vine forest on moderately to poorly drained metamorphics (excluding amphibolites) of moderate fertility of the moist and wet lowlands, foothills and uplands. Lowlands and foothills on xanthozems and red and yellow podzolic soils of metamorphic origin. Very wet and wet rainfall zones. (BVGIM: 2a)</p> <p>Vegetation communities in this regional ecosystem include:</p> <p>7.11.1a: Mesophyll vine forest. Lowlands and foothills on metamorphics. Very wet and wet rainfall zones. (BVGIM: 2a)</p> <p>7.11.1b: Mesophyll vine forest recovering from disturbance, with <i>Acacia</i> spp. canopy or emergents. Lowlands and foothills on metamorphics, of the very wet and wet rainfall zones. (BVGIM: 5d)</p> <p>7.11.1c: Mesophyll vine forest. Lowlands and foothills on greenstone, of the very wet and wet rainfall zones. (BVGIM: 2a)</p> <p>7.11.1d: Mesophyll vine forest. Foothills on Tertiary duricrust (ferricrete) of the very wet and wet rainfall zones. (BVGIM: 2a)</p> <p>7.11.1e: Mesophyll vine forest of steep rocky slopes, and valleys. Canopy frequently broken by fern covered rock faces. Sheltered areas of deeper soil support vine forests allied to Types 1b and 2a, while the most rock-strewn areas support <i>Ficus</i> spp. and <i>Schefflera actinophylla</i>. Foothills and uplands on metamorphics, of the moist and wet rainfall zones. (BVGIM: 2a)</p> <p>7.11.1f: Mosaic of fernland and low vine forest with <i>Chionanthus ramiflorus</i>. Steep rocky slopes and scree slopes on metamorphics. (BVGIM: 2a)</p> <p>7.11.1g: Mesophyll vine forest with scattered feather palms (<i>Archontophoenix alexandrae</i>) in the sub-canopy. Seasonally inundated lowland areas on metamorphics. Floodplain (other than floodplain wetlands). (BVGIM: 4a)</p> |
| Supplementary description | Stanton and Stanton (2005), Q2a, M2a, M2a(a), M2a(b), M2a(c), CM2a, Z2a, M100, M154, M72, L2a; Tracey and Webb (1975), 2a |
| Protected areas | Daintree NP, Woocooooran NP, Japoon NP, Kuranda NP, Ngalba Bulal NP, Dinden NP, Mowbray NP, Little Mulgrave NP, Basilick Range NP, Mount Lewis NP, Ella Bay NP, Djinu NP, Barron Gorge NP, Macalister Range NP, Kuranda West FR, Mount Mackay NP, Moresby Range NP, Gadgarra NP, Danbulla NP, Eubenangee Swamp NP, Tully Gorge NP, Russell River NP, Barron Gorge FR, Walter Hill Range CP, Family Islands NP, Mount Whitfield CP, Grey Peaks NP, Warrubullen CP, Jurnum Creek CP, Kuranda FR, Smithfield CP, Speewah CP, Hull River NP, Japoon FR, Macalister Range FR, Etty Bay Road CP |
| Special values | Habitat for threatened plant species of 7.11.1a include: <i>Archidendron kanisii</i> , <i>Archidendropsis xanthoxylon</i> , <i>Asplenium wildii</i> , <i>Austromuellera trinervia</i> , <i>Beilschmiedia castisinsensis</i> , <i>Cyclophyllum costatum</i> , <i>Dicella hexandra</i> , <i>Endiandra grayi</i> , <i>Endiandra microneura</i> , <i>Euodia hylandii</i> , <i>Euodia pubifolia</i> , <i>Freycinetia marginata</i> , <i>Gardenia actinocarpa</i> , <i>Phlegmarium</i> spp., <i>Lepiderema hirsutum</i> , <i>Megahertzia amplexicaulis</i> , <i>Microsorium membranifolium</i> , <i>Mitrantha bilocularis</i> , <i>Neostrearia fleckeri</i> , <i>Noahdendron nicholasii</i> , <i>Peripentadenia phelpsii</i> , <i>Samadera baileyana</i> , <i>Randia audasii</i> , <i>Ryparosa kurangii</i> , <i>Sankowskyia stipularis</i> , <i>Symplocos crassiramifera</i> , <i>Vrydagzynea grayi</i> , <i>Whyanbeelia terra-reginae</i> and <i>Xanthophyllum fragrans</i> . Also there are many locally restricted regional endemics and unusual species such as: <i>Calleya</i> sp. (Barratt Creek G.Sankowsky 428), <i>Coelospermum dasylobum</i> , <i>Cupaniopsis diploglottoides</i> , <i>Mischarytera megaphylla</i> , <i>Storekiella australiensis</i> , <i>Tainia trinervis</i> and <i>Idiospermum australiense</i> . Other species of local significance are <i>Argyrodendron</i> sp. (Whyanbeel B.P.Hyland RFK1106), <i>Monoon patmahum</i> and <i>Rhodomyrtus effusa</i> . |
| Fire management guidelines | SEASON: Do not burn deliberately. f Oct-Dec (occasionally Sep). INTENSITY: Do not burn deliberately. f Variable, depending on fuel. INTERVAL: Do not burn deliberately. f 10-20 years. There will be practical difficulties in attempting to burn grassland and sedgeland at different intervals. STRATEGY: Do not burn deliberately. Mosaic burning in surrounding fire-adapted ecosystems will minimise spread and |

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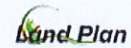
| | |
|------------------------|--|
| | <p>severity of wildfire during severe weather events. f Entire continuous areas are likely to burn at any one time. Burn 25-30% of these communities in WET in any one year. Attempt to time burning when water level is high enough to cover both peat and sedge bases. Protect from wildfire or manage surrounding country to reduce the potential of fire incursion. ISSUES: Typically unlikely to burn owing to lack of flammable grasses. Occasional high intensity fires along fringes, particularly on hillslopes, may lead to loss of rainforest at edges. Low intensity burns away from rainforest edge can be used to protect margins, when humidity and soil moisture are high. Where appropriate, use revegetation of rainforest species to provide buffer to cleared areas. Occasional high intensity fires in adjoining communities may be required to prevent expansion of rainforest elements. f A planned burn is likely to be over 100% of the planned burn area; so while mosaic burning is desirable to maintain structure and protect animal habitat and food, it will rarely be achievable. Under dry conditions, with little soil moisture, peat may burn as it is highly flammable in such circumstances. Sedges are disadvantaged by repeated high intensity fires.</p> |
| <p>Comments</p> | <p>7.11.1: Occurs on more poorly-drained and lower fertility soils than 7.11.23. Many accessible areas have been subjected to extensive logging in the past. Widespread over central and eastern parts of the bioregion north of Tully.</p> |

Appendix 2: Example of vegetation on site.



Figure 11: RE 7.11.1 within proposed clearance area.

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Appendix 3: Acronyms

ADVCC – Accepted development clearing codes
ANPC – Australian Network for Plant Conservation
AVH – Australian Virtual Herbarium
BA – Biosecurity Act 2014
CIA – Clearance Impact Area
EPBC – Environmental Protection and Biodiversity Conservation Act 1999
CEEVNT – Critically Endangered, Endangered, Vulnerable, Near Threatened
DES – Department of Environment and Science
DR – Department of Resources
DSC – Douglas Shire Council
LG – Local Government
MSC – Mareeba Shire Council
NCA – Nature conservation Act 1992
RE – Regional Ecosystem
VMA – Vegetation Management Act 1999

Appendix 4: About the Author

Julian Pitcher (SQP)

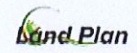
Julian completed his Diploma in Conservation and Land Management in 2008 and has since been actively engaged in the environmental industry as both a professional and citizen scientist. As a result, he possesses a diverse range of skills in land management, film production, flying remote piloted aircraft, digital data collection, and writing development applications/ecological reports

He has developed resources and delivered accredited training under various RTO's which covered CLM units such as identify plants, develop a management plan, control weeds, and workplace health and safety. His DIY site management planner has been taken on by Land Care groups and assisted with the training of local land officers.

After spending several years in training and conducting restoration works, Julian commenced work for Biosecurity Queensland as an authorised officer surveying for invasive species in the National Tropical Weeds Eradication Program. During this time, he identified and collected additional data on various orchids and saprophytes (*Anoetochilus papuanus*, *Aphyllorchis anomala*, *Vrydagzynea albostrata*, *Sciaphilla sp.*, and *Gymnosyphon sp.*, among others) which assisted the Australian Tropical Herbarium, and also international botanists. He continues these relationships today by contributing data to ongoing projects. His training has also been furthered with short plant identification courses conducted by the ATH, along with venomous snake handling qualifications and remote sensing licences.

A keen orchid enthusiast, Julian has been successful in attaining funding from the Australian Orchid Foundation and producing a series of films promoting native orchids, their conservation issues and the stakeholders supporting them. In addition to this, Julian has been mapping native orchids for over ten years and recorded data on more than 2000 populations. This information is again assisting the ATH and other citizen science projects such as Wild Orchid Watch.

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Disclaimer

Whilst all care has been taken to present the necessary information to the most accurate degree it should be noted that the surveys conducted upon the property in question are not fully comprehensive and unidentified flora and fauna may exist. Spatial data is based upon the reliability of data sources and some error may exist as a result. Care should be taken by the landholders to ensure compliance is met with all relevant agencies and authorities. Approval of applications and alike cannot be guaranteed by Land Plan.

Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the *Planning Act 2016* 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.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
- (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-

- (a) the adopted charge itself; or
- (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
 - (a) the respondent for the appeal ; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
 - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
decision includes-
 - (a) conduct engaged in for the purpose of making a decision; and

- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or failure to make a decision; and
- (d) a purported decision ; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter-

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.