

# KUR-WORLD/ KUR-COW

*presents*

**BARNWELL HISTORICALLY ZONED 12 RURAL TITLES**

**KURANDA, FAR NORTH QUEENSLAND**

**IN RELATION TO  
LAND PREPARATION TO KUR-WORLD MASTER PLAN  
*AHEAD OF ANY APPROVALS***

*Just curious... in 2016, in this place, is this legal behaviour following proper protocol?  
Our conservation-oriented community understand it to be unethical for sure, but is it illegal?  
There are two known and documented breaches so far...  
and another 7, and maybe more, up for grabs!*

August 2016

110 slides of Google Earth images, maps, published documents and reports,  
photographs, dates and timelines

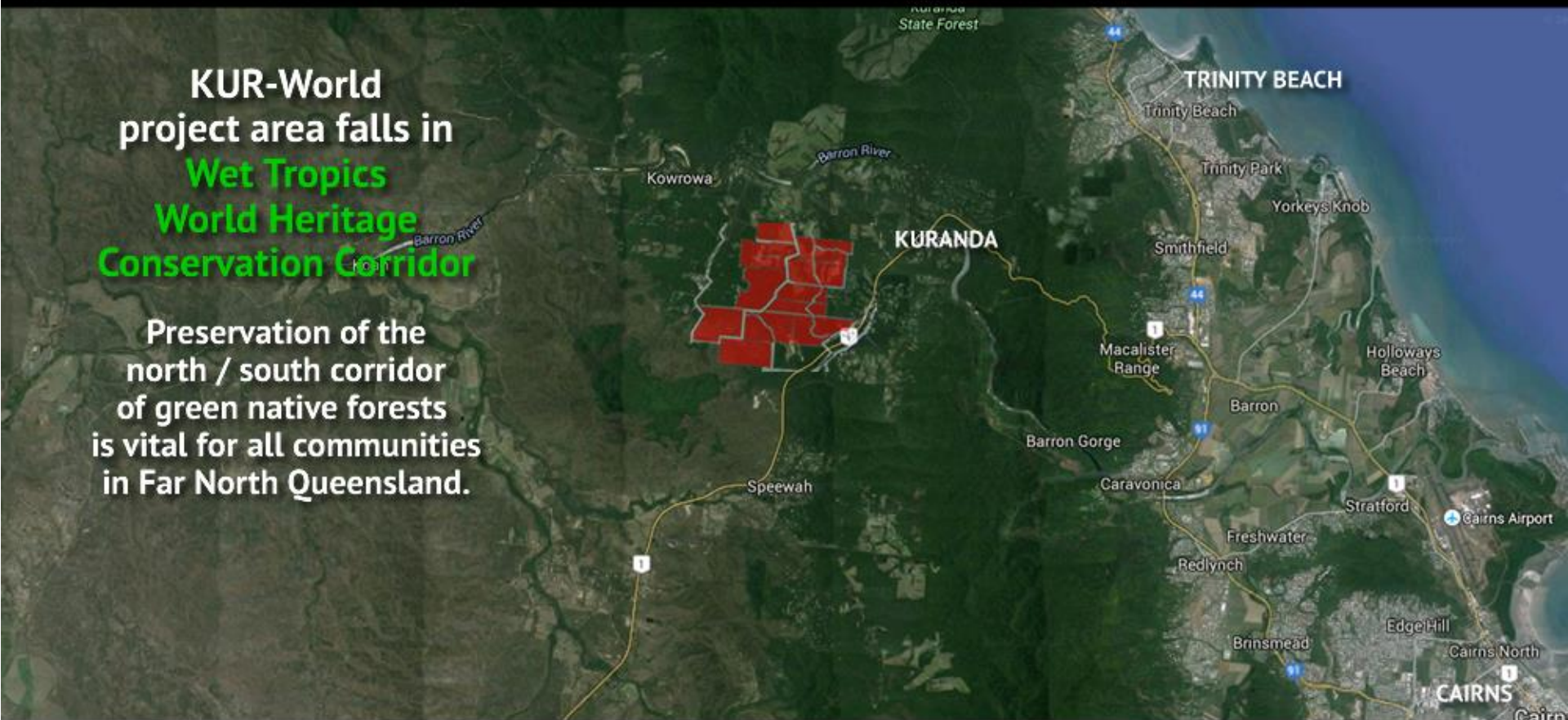
PDF version, link in description below

Video version, click screen to pause on slides

PLEASE HELP US SAVE THE **HEART OF KURANDA**

KUR-World  
project area falls in  
**Wet Tropics  
World Heritage  
Conservation Corridor**

Preservation of the  
north / south corridor  
of green native forests  
is vital for all communities  
in Far North Queensland.



**HISTORICALLY ZONED 626ha 12 Rural Titles. Vital Kuranda Envirolink Corridor Country.**



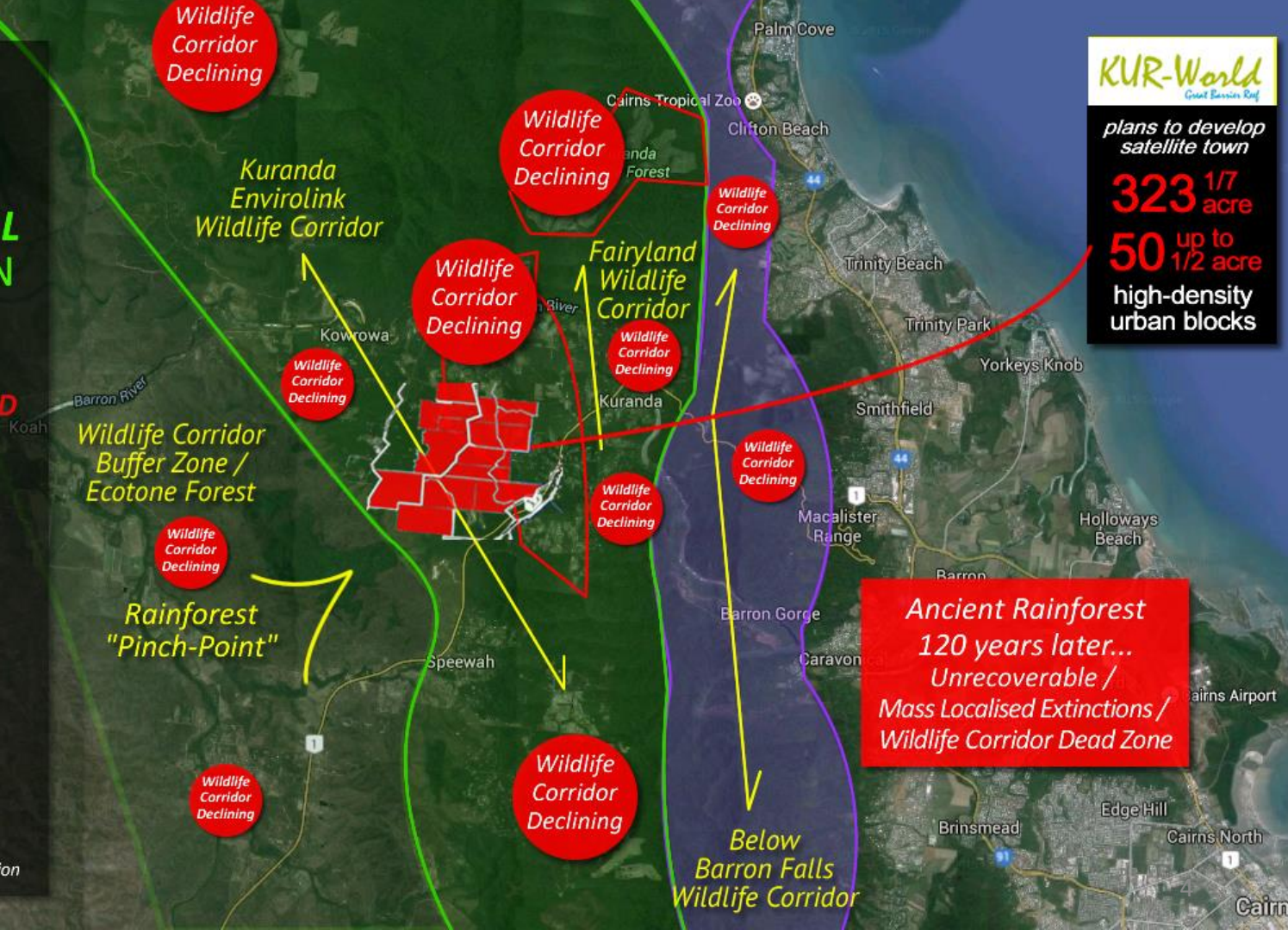
# Conservation of Vital Wildlife Corridors IS NOT OPTIONAL FOR OUR REGION

**PROFITS MUST NEVER  
COME BEFORE  
CONSERVING THIS LAND  
IN OUR LIFETIME**

**"URBANISATION" OF  
THESE CORRIDORS ARE  
THE BIGGEST THREATS:**

- 1. DEFORESTATION**
- 2. PREDATORY  
ANIMALS (PETS)**
- 3. URBAN TRAFFIC  
ROADKILLS\***

*\*Increased traffic on The Range Road,  
local truck traffic during build phase,  
increased local corridor traffic on completion*



**KUR-World**  
*Great Barrier Reef*

*plans to develop  
satellite town*

**323** <sup>1/7</sup> acre

**50** <sup>up to</sup> <sup>1/2</sup> acre

**high-density  
urban blocks**

**Ancient Rainforest**

**120 years later...**

**Unrecoverable /  
Mass Localised Extinctions /  
Wildlife Corridor Dead Zone**



**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW**  HA

# SLIDE INDEX

Document date

MAY 2015



**REFERENCE POINT  
FOR COMPARISONS**

FACT CHECK: **LAND CLEARING**

TO KUR-WORLD  
MASTER PLAN

FACT CHECK: **ENDANGERED SPECIES**

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

FACT CHECK: **CULTURAL HERITAGE**

DUTY OF  
CARE

FACT CHECK: **SITE1 EARTHWORKS**

**DAM** WATER FEATURE ON  
RESIDENTIAL 'LIFESTYLE VILLAS'

FACT CHECK: **SITE2 EARTHWORKS**

URBAN SUBDIVISION  
FIRST LAND RELEASE

FACT CHECK: **SITE3 EARTHWORKS**

BRIDGE LAUNCH / ROAD  
PREPARATION

FACT CHECK: **EXTRAS**

MASTER PLAN FLAW #1,  
UNPERMITTED ACTIVITIES, WHO'S WHO,  
TIMELINE, THE PLAYERS

# FACT CHECK: LAND CLEARING

TO KUR-WORLD  
MASTER PLAN

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW**  HA

Google images from NOV 2014 show a lush, rich colour of regrowth rainforest species across many of the northern titles. Historically the southern titles were never cleared – most likely selectively only - in accessible areas.

Dr Conrad Hoskin who surveyed the property for flora and fauna reports commissioned by the proponent - ***after** up to 200ha had already been cleared* – commented on the good quality regrowth that hadn't yet been cleared on the northern titles.

**URGENT** land clearing continues today and more forest is marked to be cleared on the property - on quality recovering native forests that need to be preserved.

**UNPERMITTED  
LAND CLEARING  
UP TO 200HA**

# FACT CHECK: LAND CLEARING

## TO KUR-WORLD MASTER PLAN

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW** ? HA

**\*ADJOINING RESIDENTS ON LARGE FORESTED RURAL TITLES ARE REPORTING MASS MOVEMENTS OF DISPLACED WILDLIFE ACROSS THEIR PROPERTIES.**

**EXTENSIVE (up to 200ha) LAND CLEARING ON THE PROPERTY FROM TIME OF PURCHASE TO OCTOBER 2015** was completed to the KUR-World Master Plan footprint, it seems, without *any* applications to *any* authority.

If the appropriate permits had been obtained – residents reporting **out of hours machine noise** could have triggered a reaction from Mareeba Shire Council for onsite investigation.

Concerned Kuranda Region Residents were simply advised by council there was **‘No Development Application’** on the property, while the time ticked by, the major earthworks and native forest clearing continued.

The proponent’s **simple failure to submit appropriate applications** has meant up to 200ha of – in many places good quality Recovering Rainforest – was **cleared BEFORE the appropriate flora surveys were even conducted.**

The proponent has demonstrated no regard, appreciation or responsibility for the quality of the habitat on this land.

### 3.2 Hours of Work

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

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JUL 20 2016



Mareeba Shire Council - Agenda

Wednesday 20 July 2016

- 7.00am to 6.00pm, Monday to Friday;
  - 7.00am to 1.00pm Saturdays;
  - No work is permitted on Sundays or Public Holidays.
- (ii) No variation to the above working hours is allowed unless otherwise agreed in writing by Council.



# FACT CHECK: LAND CLEARING

TO KUR-WORLD  
MASTER PLAN

10

MONTHS  
AFTER  
PURCHASE

RECOVERING RAINFOREST  
ON BARNWELL RURAL TITLES  
RICH DIVERSITY OF FOREST  
SPECIES VISIBLE

REFERENCE POINT  
ORIGINAL HOMESTEAD

REFERENCE POINT  
HAREN CREEK

Immature  
regrowth  
colour

Image © 2016 DigitalGlobe

NOV 11 2014

Google earth



# FACT CHECK: LAND CLEARING

TO KUR-WORLD  
MASTER PLAN

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW**  HA

# 16

MONTHS  
AFTER  
PURCHASE

LAND CLEARING TO KUR-WORLD  
MASTER PLAN FOOTPRINT WELL  
UNDER WAY

REFERENCE POINT  
ORIGINAL HOMESTEAD

REFERENCE POINT  
HAREN CREEK

Image © 2016 DigitalGlobe

MAY 6 2015

Google earth



# FACT CHECK: LAND CLEARING

TO KUR-WORLD  
MASTER PLAN

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW** ? HA

21

MONTHS  
AFTER  
PURCHASE

LAND CLEARING TO KUR-WORLD  
MASTER PLAN FOOTPRINT MOSTLY  
COMPLETED BY OCT 2015.

FLORA TRIGGER, FLORA SURVEY DATE  
NOV 2015.

REFERENCE POINT  
ORIGINAL HOMESTEAD

REFERENCE POINT  
HAREN CREEK

OCT 23 2015

Google earth



# FACT CHECK: LAND CLEARING

TO KUR-WORLD  
MASTER PLAN

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW**  HA

2

YEARS  
AFTER  
PURCHASE

FULL EXTENT OF LAND CLEARING  
to MASTER PLAN FOOTPRINT, SITE1  
DAM, SITE3 EARTHWORKS VISIBLE


REFERENCE POINT  
ORIGINAL HOMESTEAD

REFERENCE POINT  
HAREN CREEK

Image © 2016 DigitalGlobe

FEB 12 2016

Google earth

 Tour Guide

 2002

Imagery Date: 2/12/2016 16°49'28.25" S 145°36'16.62" E elev 356 m eye alt 1.14 km

# FACT CHECK: LAND CLEARING

TO KUR-WORLD  
MASTER PLAN

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW** ? HA

**KUR-World Master Plan  
footprint** as supplied by  
the proponent in Initial  
Advice Statement (IAS)



MAY 30 2016

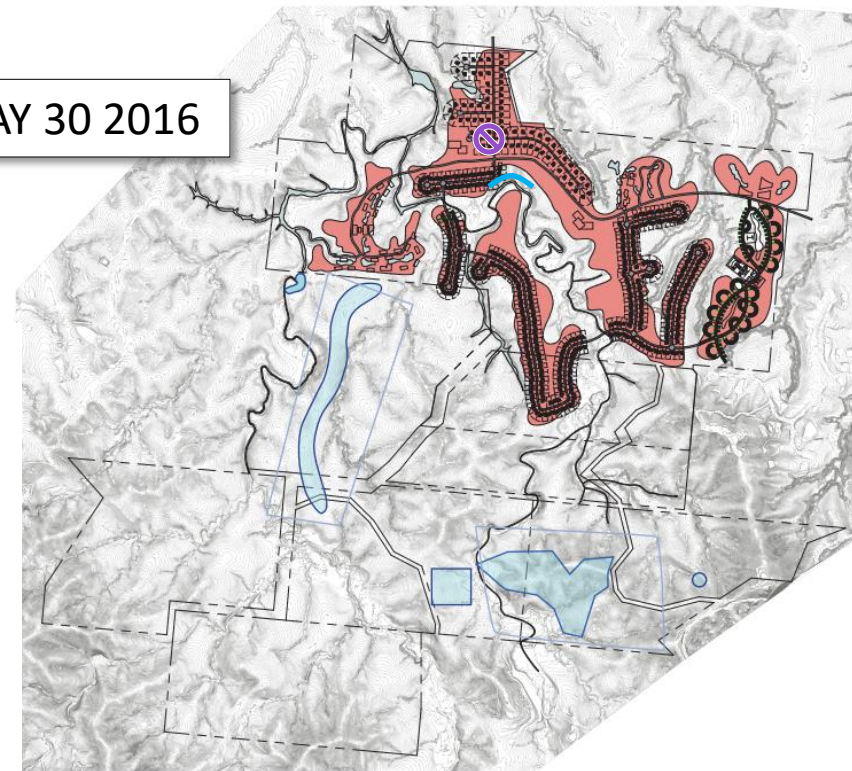
**NORTH**  
- STRUCTURED  
- LUXURIOUS  
- RELAXING  
- REHABILITATING

**SOUTH**  
- WILD  
- ADVENTUROUS  
- CHALLENGING  
- PRISTINE

REFERENCE POINT  
ORIGINAL HOMESTEAD

REFERENCE POINT  
HAREN CREEK

 CLEARED  
 LIMITED DEVELOPMENT



1:20000



# FACT CHECK: LAND CLEARING

TO KUR-WORLD  
MASTER PLAN

Dr Conrad Hoskin

Senior Lecturer & Researcher  
College of Marine & Environmental Science  
James Cook University  
Townsville, 4811

Email: [conrad.hoskin@jcu.edu.au](mailto:conrad.hoskin@jcu.edu.au)  
Phone: +61 (07) 4781 6048  
Website: <https://research.jcu.edu.au/portfolio/conrad.hoskin>



Surveys conducted for Reeve & Ocean Pty Ltd

30<sup>th</sup> April 2016

APR 2016

**Rainforest  
Recovery on  
RURAL TITLES at  
time of purchase**



Some of the areas mapped as non-remnant forest are in an advanced state of regeneration, and contain much of the rainforest wildlife expected for this region. I observed areas of high quality regrowth in the north-west (lot 22N157227), west (lot 2RP703984), north-east (lot 17N157227), and east (lot 18N157227) of the property.

**REFERENCE POINT  
ORIGINAL HOMESTEAD**

**REFERENCE POINT  
HAREN CREEK**

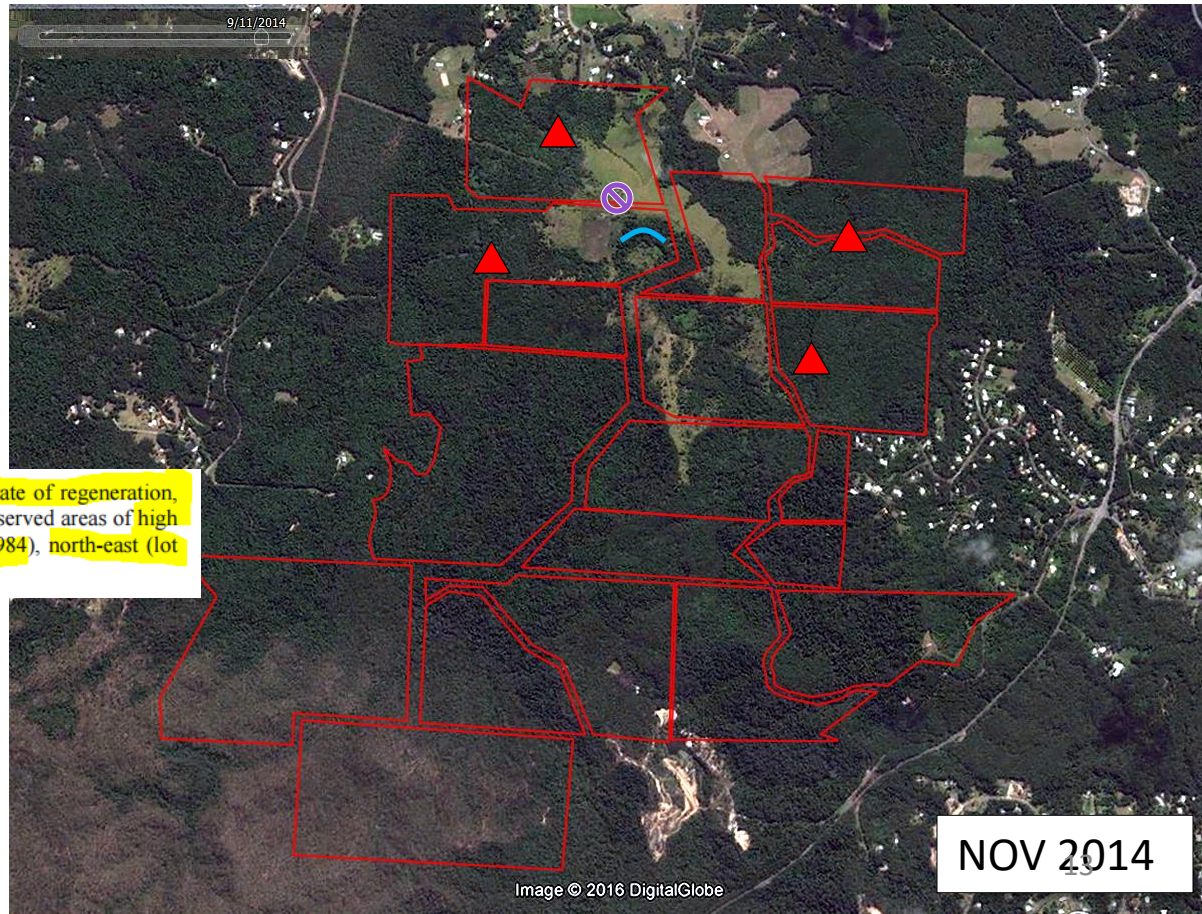


Image © 2016 DigitalGlobe

NOV 2014



# FACT CHECK: LAND CLEARING

TO KUR-WORLD  
MASTER PLAN

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW**  HA

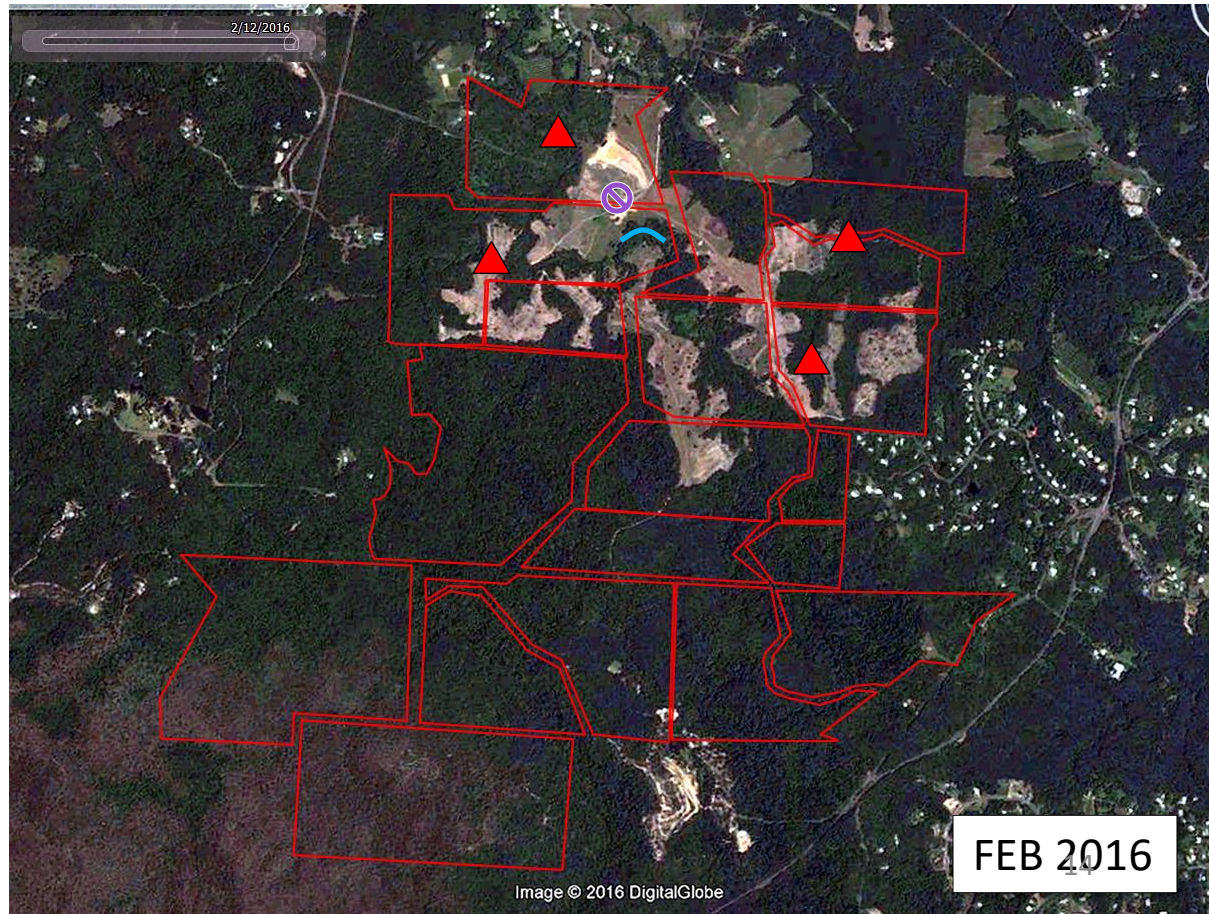
KUR-World Master Plan footprint  
clearly evident.



indicating clearing has occurred on  
'*high quality regrowth*' RURAL TITLES  
and inside 100m breeding creek buffer  
zones

REFERENCE POINT  
ORIGINAL HOMESTEAD

REFERENCE POINT  
HAREN CREEK



FEB 2016



# FACT CHECK: LAND CLEARING


TO KUR-WORLD  
MASTER PLAN

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

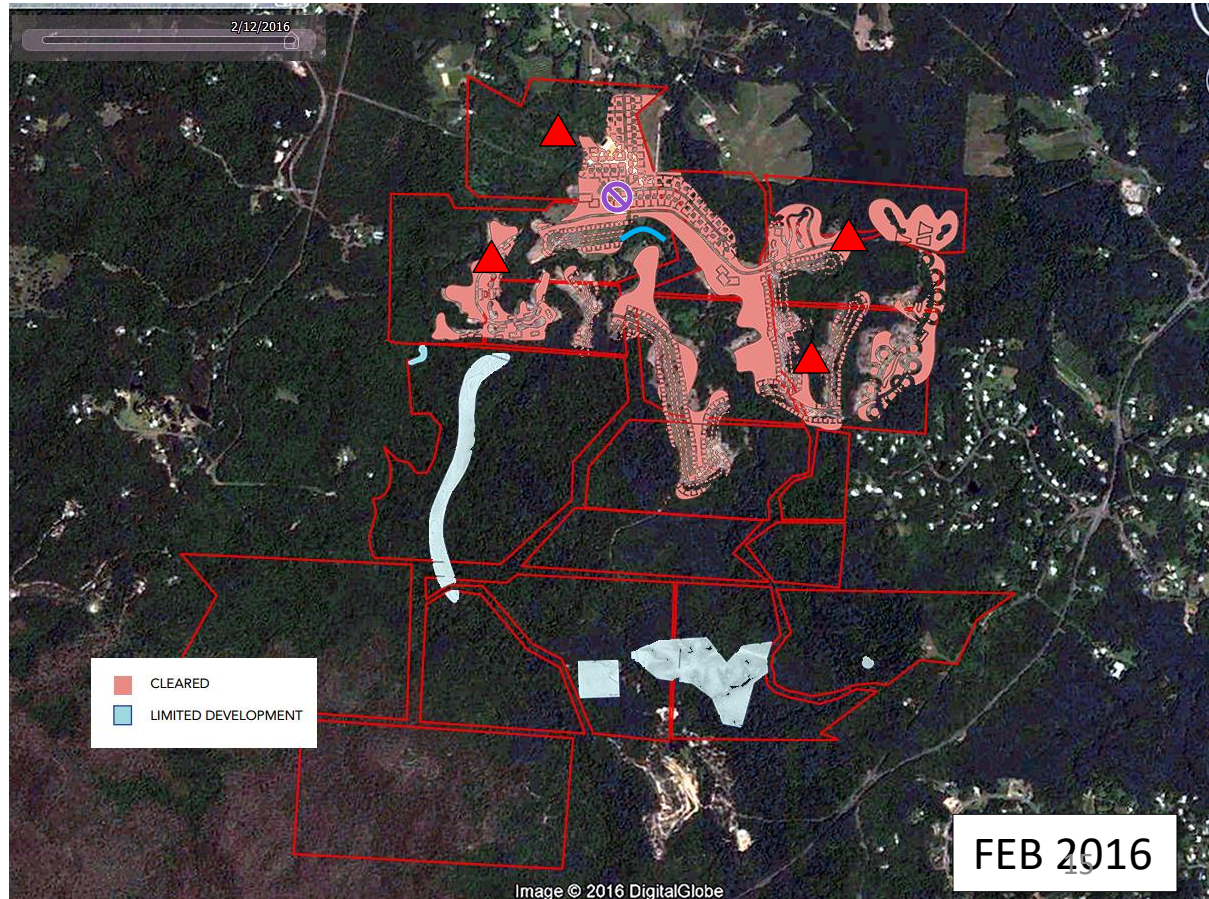
**KUR-COW**  HA

KUR-World Master Plan footprint  
clearly evident.

 indicating clearing has occurred on  
'*high quality regrowth*' RURAL TITLES  
And inside 100m breeding creek buffer  
zones

REFERENCE POINT  
ORIGINAL HOMESTEAD

REFERENCE POINT  
HAREN CREEK



# FACT CHECK: LAND CLEARING

## TO KUR-WORLD MASTER PLAN

### INCORRECT

New company Reeve and Ocean Developments Pty Ltd was not registered until MAY 2016.

Both **unpublished reports** were commissioned by Reeve and Ocean Pty Ltd



Australian Government  
Department of the Environment

### Referral of proposed action

**Project title:** KUR-World Integrated Eco-resort

## 8 Information sources and attachments

### 8.1 References

Bureau of Mineral Resources, Geology and Geophysics, 1962, 1: mapsheet, SE55-2.

Danielsen, S., 2015, *Flora Survey Report, Barnwell Rd, Myola*. Unpublished report by Astrebla Ecological Services, commissioned by Reeve and Ocean Developments Pty Ltd for this project. Department of the Environment, 2016, *Litoria rheocola*, in Species Profile and Threats Database, Department of the Environment, Canberra. Available from: <http://www.environment.gov.au/sprat>. Accessed Mon, 18 Apr 2016.

Dowe, J.L., 2010, *Australian Palms. Biogeography, Ecology and Systematics*. CSIRO Publishing, Melbourne.

Dowe, J.L. and Hodel, D.R., 1994, A Revision of *Archontophoenix* H. Wendl. & Drude (Arecaceae). *Austrobaileya* 4 (2): 227-244.

Hoskin, C., 2007, Description, biology and conservation of a new species of Australian tree frog (Amphibia: Anura: Hylidae: *Litoria*) and an assessment of the remaining populations of *Litoria genimaculata* Horst, 1883: systematic and conservation implications of an unusual speciation event, *Biological Journal of the Linnean Society*, **91**, 549-563.

Hoskin, C., 2016, *Surveys for endangered frogs and other wildlife on Barnwell Road Holdings*, unpublished report commissioned by Reeve and Ocean Developments Pty Ltd for this project.

Neilsen, L., 1996, *Birds of Queensland's Wet Tropics and Great Barrier Reef, Australia*. Gerard Industries Proprietary Limited, Adelaide.

Dr Conrad Hoskin

Senior Lecturer & Researcher  
College of Marine & Environmental Science  
James Cook University  
Townsville, 4811

Email: [conrad.hoskin@jcu.edu.au](mailto:conrad.hoskin@jcu.edu.au)  
Phone: +61 (07) 4781 6048

<https://research.jcu.edu.au/portfolio/conrad.hoskin>

MAY 2016

? 2015

APR 2016



# FACT CHECK: LAND CLEARING

## TO KUR-WORLD MASTER PLAN

UNPUBLISHED  
REPORT

### Flora Survey Report

Barnwell Road, Myola  
Prepared by Astrebla Ecological Services  
November 2015

A flora survey report for clearing in an area mapped as a high risk area on a flora trigger map, as required under section 256 of the Nature Conservation (Wildlife Management) Regulation 2006. This report demonstrates that section 263(2A) of that regulation is met, and therefore clearing is authorised under the regulation.

UNPUBLISHED  
REPORT

### Dr Conrad Hoskin

Senior Lecturer & Researcher  
College of Marine & Environmental Science  
James Cook University  
Townsville, 4811

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Surveys conducted for Reeve & Ocean Pty Ltd

30<sup>th</sup> April 2016

? 2015

NOV 2015

? 2016

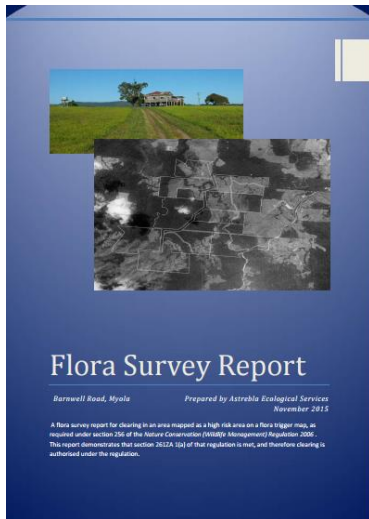
APR 2016

**MISLEADING** LAND CLEARING (up to 200ha) started NOV 2014 and completed prior to OCT 2015. Published surveys and reports dated after most clearing already completed to the KUR-World Master Plan footprint.

# FACT CHECK: LAND CLEARING

## TO KUR-WORLD MASTER PLAN

**BARNWELL** 12 RURAL TITLES 626HA  
**KUR-WORLD** 230HA  
**KUR-COW** ? HA



NOV 2015

### 1.1 Overview

Reever and Ocean Pty Ltd (the landowner) own a parcel of adjoining freehold lots in the Myola area, two kilometres west of Kuranda town centre. This land holding, at the southern of Barnwell Road terminus (street number 112), was previously a cattle farm. The majority of these lots are now vegetated by remnant vegetation that is predominately mapped as least concern regional ecosystems (see Appendix A).

However, a number of lots in the north of the project area are primarily mapped as non-remnant vegetation, and the landowners wish to clear some of this non-remnant vegetation so as to reinstate the property to its original condition as an operating farm.

The lots (referred to hereafter as 'the subject lots') which were surveyed for this Flora Report, all located in Mareeba Shire in a rural zone, are mapped in Figure 1 (the lots with white boundaries) and are:

- Lot 17 N157227
- Lot 18 N157227
- Lot 19 N157452

Most of the non-remnant vegetation in these lots is mapped as a high risk area on a flora trigger map. Therefore, under section 256 of the *Nature Conservation (Wildlife Management) Regulation 2006* (the NCWMR) a flora survey and flora survey report is required prior to clearing.

Note – parts of these lots have already been cleared in breach of s.256 and this breach has been self-reported to the Department of Environment and Heritage Protection (EHP) by the landowners (letter to Wildlife Officer Kerry Walsh dated 7 September 2015, see Appendix C).

By October 2015 most land clearing to KUR-World Master Plan completed.

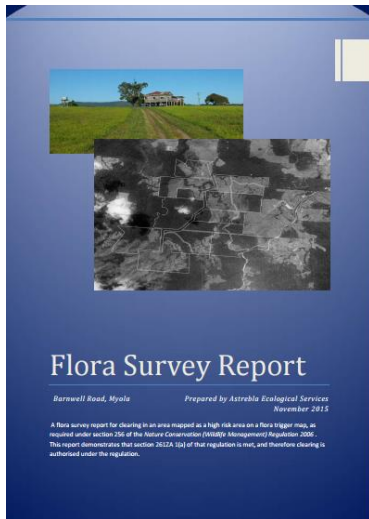
# FACT CHECK: LAND CLEARING

## TO KUR-WORLD MASTER PLAN

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW** ? HA



NOV 2015

### 1.3 Proposed land use and clearing area

The landowner proposes to restore this land, zoned rural, to its previous status as a farm, by clearing the non-remnant vegetation located outside of areas mapped as reef-regrowth watercourse vegetation (category R under the *Vegetation Management Act 1999*). In addition, a 60 m buffer from all creek lines (as detected on the ground, not as mapped in any publicly available mapping) has been imposed to protect habitat potentially utilised by the Kuranda treefrog (*Litoria myola*).

Therefore, only vegetation mapped as non-remnant will be directly impacted. The land proposed to be used for this purpose is mapped in Figure 1 and comprises all coloured areas – that is, areas mapped in Figure 1 as ‘currently clear/open areas’ and ‘proposed new clearing areas’. Areas mapped in black are the areas proposed to be cleared which are the subject of this report (numbered one to five).

### 1.5 Clearing dates

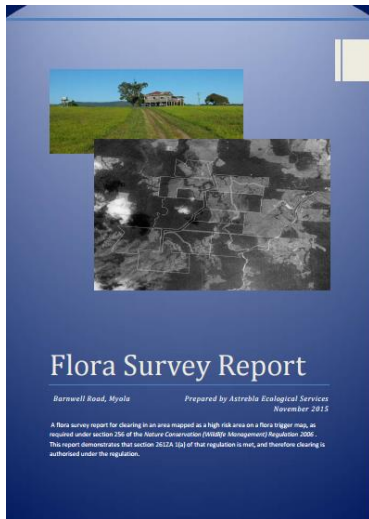
Clearing dates will be weather dependant and will be between 28 December 2015 and 28 December 2016. It is expected that clearing will occur sooner rather than later. However, in case of unforeseen delays, the dates on the application form have been entered as 28 December 2015 to 28 December, 2017.

By October 2015 most land clearing to KUR-World Master Plan completed

# FACT CHECK: LAND CLEARING

## TO KUR-WORLD MASTER PLAN

**BARNWELL** 12 RURAL TITLES 626HA  
**KUR-WORLD** 230HA  
**KUR-COW** ? HA



NOV 2015

### 1.4.2 Site survey

As recommended in the *Flora Survey Guidelines – Protected Plants* (Department of Environment and Heritage Protection, 2014), a random meander method was used to search for protected plants on this site. The survey was conducted over two survey events between 29 August and 4 September, and 9 to 18 November, 2015. The surveys were conducted in areas that are proposed to be cleared that are 'in the wild', and the impact area (encompassing a 100 m buffer of 'in the wild' vegetation as defined in the guidelines). The objective of the surveys was to determine the presence of protected plants in the areas proposed to be cleared and in the impact areas.

This survey results in 'unpublished report'

Astrebla Ecological Services | Flora Survey Report, Barnwell Road, Myola | Reeve & Ocean Pty Ltd

3

Up to 200ha was cleared on property prior to this report.

The total area proposed to be cleared is 20.13 ha. According to the *Flora Survey Guidelines – Protected Plants* (Department of Environment and Heritage Protection, 2014), areas of less than 10 ha should be surveyed at a density of at least one transect. Those between 10 and 100 ha should be surveyed at a minimum density of two to five transects. All except one area proposed for clearing are less than 10 ha, and that area exceeds the 10 ha threshold by only 0.35 ha.

There is no flora survey for land clearing prior to October 2015.



# FACT CHECK: LAND CLEARING

TO KUR-WORLD  
MASTER PLAN

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW**  HA

**Sediment from land clearing** reached Warrill Creek mouth on the Barron River.

No permit for land clearing, **no Sediment and Erosion Management Plan** was in effect at time of clearing in 2015.

## 4 Potential impacts and mitigative measures

### 4.1 Potential impacts and mitigation measures

The potential impacts expected from this clearing are outlined below.

#### 4.1.1 Impacts to threatened species

No threatened flora species were detected in the clearing impact areas (that is, within the clearing areas or a 100 m buffer). Fauna species that may utilise these areas include the Kuranda tree frog and the Australian lacelid (*Litoria dayi*) (Hoskin, 2007). Vegetation buffers of 60 m from all creeks on the property have been adopted to ensure habitat for both species is retained. This will also assist to protect water quality in these creeks, which are ephemeral and have either no or very low flow in most dry seasons.

#### 4.1.2 Impacts from soil erosion and sedimentation

**Exposure of soil in this area can result in soil erosion and associated sedimentation of waterways.**

This is particularly an issue on slopes and where sub-surface sections of the soil profile are exposed, especially during the wet season.

As outlined above, native vegetation buffers of 60 m will be retained adjacent to all waterways. This will assist to filter any overland flows from clearing areas. In addition, **a sediment and erosion management plan prepared by a suitably qualified engineer** will be implemented immediately after areas are cleared, to ensure that best practice sediment and erosion management standards are adopted.



### Flora Survey Report

Barnwell Road, Myola Prepared by Kateble Ecological Services November 2015

A flora survey report for clearing in an area mapped as a high risk area on a flora trigger map, as required under section 246 of the Nature Conservation (Wildlife Management) Regulation 2006. The report demonstrates that section 242(2) of that regulation is met, and therefore clearing is authorised under the regulation.

NOV 2015





# FACT CHECK: LAND CLEARING

TO KUR-WORLD  
MASTER PLAN

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW** ? HA

Dr Conrad Hoskin

Senior Lecturer & Researcher  
College of Marine & Environmental Science  
James Cook University  
Townsville, 4811

Email: [conrad.hoskin@jcu.edu.au](mailto:conrad.hoskin@jcu.edu.au)  
Phone: +61 (07) 4781 6048  
Website: <https://research.jcu.edu.au/portfolio/conrad.hoskin>



Surveys conducted for Reeve & Ocean Pty Ltd

30<sup>th</sup> April 2016

APR 2016

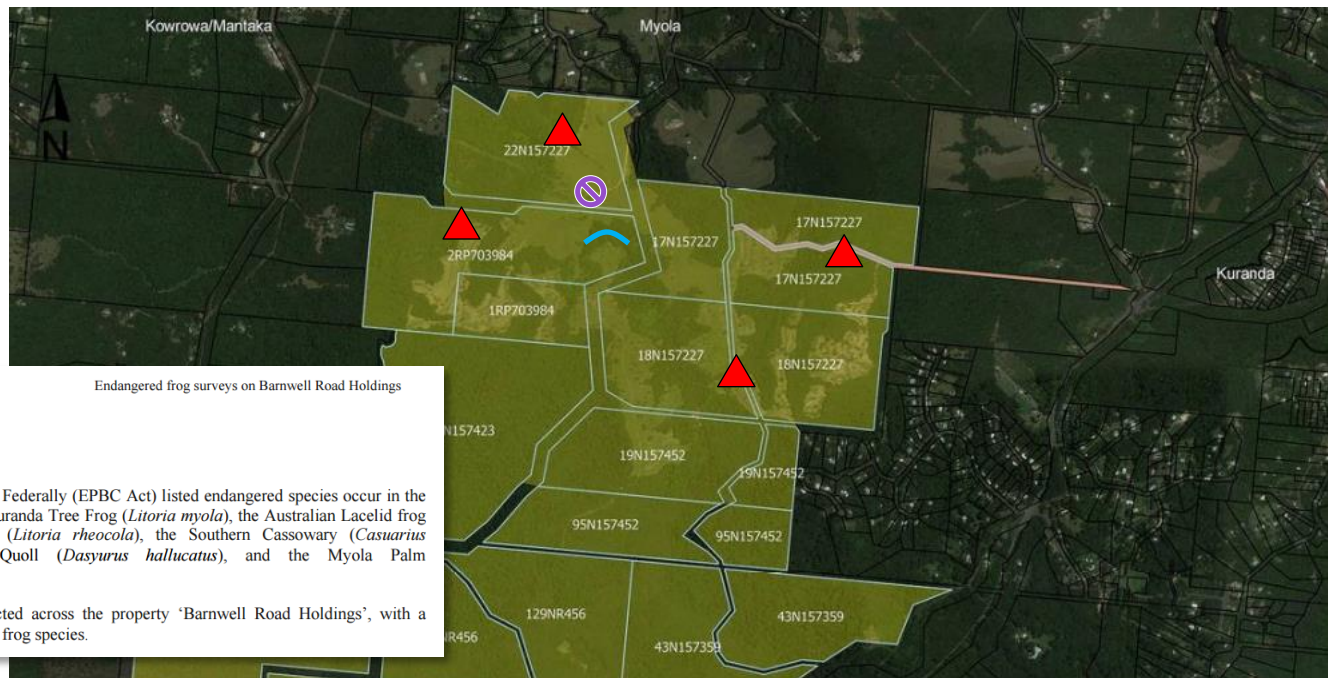
Dr Conrad Hoskin

Endangered frog surveys on Barnwell Road Holdings

## Executive Summary

A number of State (NCA) and Federally (EPBC Act) listed endangered species occur in the Kuranda area, including the Kuranda Tree Frog (*Litoria myola*), the Australian Lacelid frog (*Litoria dayi*), the Mistfrog (*Litoria rheocola*), the Southern Cassowary (*Casuarius casuarius*), the Northern Quoll (*Dasyurus hallucatus*), and the Myola Palm (*Archontophoenix myolensis*).

Wildlife surveys were conducted across the property 'Barnwell Road Holdings', with a particular focus on endangered frog species.



Some of the areas mapped as non-remnant forest are in an advanced state of regeneration, and contain much of the rainforest wildlife expected for this region. I observed areas of high quality regrowth in the north-west (lot 22N157227), west (lot 2RP703984), north-east (lot 17N157227), and east (lot 18N157227) of the property.

# FACT CHECK: LAND CLEARING

## TO KUR-WORLD MASTER PLAN



The property with good quality regrowth visible (larger image in later slides) at the time of private sale purchase of BARNWELL 12 RURAL TITLES by Ken Lee.

NOV 11 2014



In the next 6 months, the proponent scrapes back and clears regrowth and more mature forest, failing to submit an application and thereby triggering any protections of flora or fauna.

MAY 6 2015

Ken Lee knows his property has triggered the EPBC Act here



The proponent continues to clear extensive areas of forest to the KUR-World Master Plan footprint, including forest within 100m breeding buffer for Federally listed protected species.

OCT 23 2015

### EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected.

Information on the coverage of this report and qualifications on data supporting this report are contained in the caveat at the end of the report.

Information is available about [Environment Assessments](#) and the EPBC Act including significance guidelines, forms and application process details.

Report created: 29/06/15 11:28:18

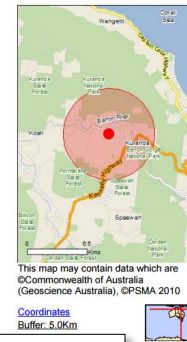
#### Summary

#### Details

[Matters of NES](#)  
[Other Matters Protected by the EPBC Act](#)  
[Extra Information](#)

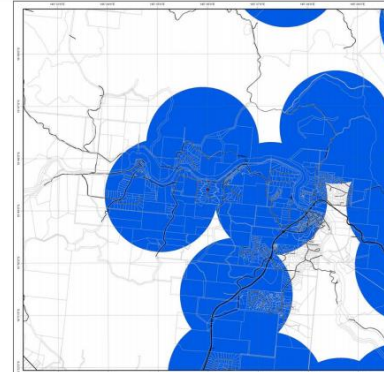
#### Caveat

#### Acknowledgements



Coordinates  
Buffer: 5.0km

13/07/2015 17:52:49  
Longitude: 145.6 Latitude: -16.81



### Protected Plants Flora Survey Trigger Map

#### Legend

Coordinates

High sea area

Coastline

Proponent's proposed clearing area

Proponent's proposed clearing area

Proponent's proposed clearing area

Proponent's proposed clearing area

Proponent's proposed clearing area

Proponent's proposed clearing area

Proponent's proposed clearing area

Proponent's proposed clearing area

Proponent's proposed clearing area

Proponent's proposed clearing area

Proponent's proposed clearing area

Proponent's proposed clearing area

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Proponent's proposed clearing area

Proponent's proposed clearing area

These reports were generated by the proponent's commissioned flora surveyor Simon Danielsen. The Protected Plants Flora Survey Trigger Map resulted in the initiation of a Survey Report – that is marked as unpublished – and was superseded by the NOV 2015 Survey Report – once all the clearing was completed by OCT 2015.

# FACT CHECK: LAND CLEARING

TO KUR-WORLD  
MASTER PLAN

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW** ? HA

- **LARGE STANDING CABINET TIMBER TREES** – old-growth rainforest species vs “clearing regrowth”?
- **DAMS** – there were no dams on the property at time of purchase



EXCITED: Stuart Ricketts, of Urban Sync, said Ken Lee had a long-term vision for the property owned by the Barnwell family since 1930. PICTURE: NELLIE PRATT

Mr Ricketts said Mr Lee had axed plans for a \$2 million luxury home on the site with a design concept dubbed the Dragon's Lair.

He said brief discussions had been held with the Mareeba Shire Council but no development applications had been submitted.

The property includes two creeks, springs and **dams**, rainforest and **regrowth** and **large standing cabinet timber trees**.

The Cairns Post

JAN 2016



BIG PLANS: Ken Lee of Reeve and Ocean capital management has started transforming the rundown 626ha Barnwell Rd farm which he bought for \$2 million at Kuranda. PICTURE: SUPPLIED

Business

## Sydney businessman plans for new eco-tourism venture at Kuranda

NICK DALTON, The Cairns Post  
January 9, 2016 6:10am



# FACT CHECK: LAND CLEARING

TO KUR-WORLD  
MASTER PLAN

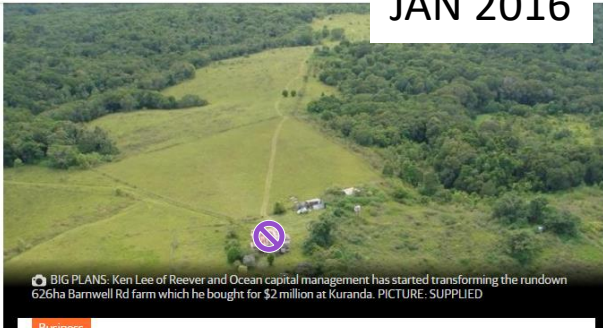
**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW**  HA

**The Cairns Post**

**JAN 2016**




**PHOTO LEFT:**  
**TAKEN PRIOR NOV 2014**

**PHOTO MAIN:**  
**HOW THE PROPERTY**  
**ACTUALLY LOOKED IN**  
**JAN 2016**

**Sydney businessman plans for  
new eco-tourism venture at  
Kuranda**

NICK DALTON, The Cairns Post  
January 9, 2016 6:10am

**REFERENCE POINT**  
**ORIGINAL HOMESTEAD**

 Tour Guide

 2002

Image © 2016 DigitalGlobe

**FEB 2016**

Google earth

Imagery Date: 2/12/2016 16°49'09.13" S 145°36'07.36" E elev 365 m eye alt 393 m

# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW**  HA

The proponent, Ken Lee, has conducted at least 3 major earthworks and extensive land clearing (up to 200ha) on the Barnwell property since purchase in January 2014.

These unpermitted activities, hence with no proper Soil and Erosion Plans, over the last two years to the KUR-World Master Plan footprint, ahead of the proper approvals for the 'Integrated Eco-Resort', have caused evidence-based devastation on the waterbodies that flow from the Barnwell land catchment, to the Barron River, and on to the Great Barrier Reef.

**The proponent has managed to prepare the KUR-World site to the Master Plan, relatively unhindered by Mareeba Shire Council, prior to KUR-World becoming a State Coordinated Project in June 2016.**

**WELL DOCUMENTED  
EFFECTS OF UNPERMITTED  
EARTHWORKS AND LAND  
CLEARING ON ESSENTIAL  
HABITAT FOR FEDERALLY  
PROTECTED SPECIES**



# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD 230HA**

**KUR-COW**  **HA**

*This land is simply too  
ecologically sensitive for  
mass urbanisation.*

## KUR-WORLD PROPOSAL AREA 12 RURAL TITLES

**UNSUITABLE FOR HIGH-DENSITY URBAN  
SUBDIVISION WITH MEGA-TONS OF CONCRETE,  
4000 HUMANS, DOMESTIC PREDATORY  
ANIMALS (PETS), MASSIVE INCREASE IN  
CORRIDOR VEHICLE TRAFFIC**



Australian Government

Department of the Environment

### Referral of proposed action

**Project title:** **KUR-World Integrated Eco-resort**

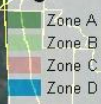
#### 3.3 (j) Other important or unique values of the environment

The KUR-World project site is located two kilometres west of Barron Gorge National Park, and two kilometres south of Kuranda State Forest (both of which fall within the **Wet Tropics World Heritage Area**). It is located precisely on the **transition zone or ecotone between** the wetter rainforest communities of the Lamb and MacAlister Ranges to the east, and the drier sclerophyll dominated woodland communities to the west, with this transition evident in the south western lots of the project site (lots 131 and 290 in particular contain extensive areas of ironbark and forest red gum open forest).

Its rainforest is also contiguous with one of the Wet Tropics Heritage Area 'pinch points' – areas where the rainforest narrows considerably, constraining movement in a north-south direction by **fauna that are restricted to rainforest habitats**. Dr Hoskin (2007) has previously identified the central Wet Tropics area, and Kuranda in particular, as a 'suture' or contact zone between areas of historic refugia for rainforest species, where 'evolutionary novelties' (i.e. new species and phenotypic variations) can arise relatively rapidly. **Therefore, he ascribes some conservation significance to this contact zone.**

VITAL ENVIROLINK WILDLIFE  
CORRIDOR ALREADY SEVERELY  
FRAGMENTED AND COMPROMISED  
BY HISTORICAL LAND CLEARING

Legend



**WORLD HERITAGE  
GREAT BARRIER REEF**  
*not so great these days :- (*

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD 230HA**

**KUR-COW**  HA

IN RELATION TO  
ZONE A AND ZONE B  
WORLD HERITAGE  
NATIONAL PARK

**KUR-WORLD PROPOSAL AREA**

**12 RURAL TITLES**

*UNSUITABLE FOR HIGH-DENSITY URBAN  
SUBDIVISION WITH MEGA-TONS OF CONCRETE,  
4000 HUMANS, DOMESTIC PREDATORY  
ANIMALS (PETS), MASSIVE INCREASE IN  
CORRIDOR VEHICLE TRAFFIC*

es material © Airbus DS 2013-16, all rights reserved

Google earth



VITAL ENVIROLINK WILDLIFE  
CORRIDOR MUST BE PROTECTED  
IN THIS PLACE TO ENSURE  
CONTINUITY OF NORTH/SOUTH  
WORLD HERITAGE WET TROPICS  
NATIVE FORESTS

#### Legend

- Zone A
- Zone B
- Zone C
- Zone D



**WORLD HERITAGE  
GREAT BARRIER REEF**  
*not so great these days :- (*

**BARNWELL** 12 RURAL TITLES 626HA  
**KUR-WORLD** 230HA  
**KUR-COW** \_HA

IN RELATION TO  
WORLD HERITAGE  
NATIONAL PARK,  
STATE FOREST,  
FOREST RESERVES

- ☒ Land Parcel Tenures
- ☐ Freehold
- ☐ State Land
- ☐ Lands Lease
- ☒ National Park
- ☒ State Forest, Forest Reserve, ...
- ☒ Reserve

**KUR-WORLD PROPOSAL AREA**

**12 RURAL TITLES**

*UNSUITABLE FOR HIGH-DENSITY URBAN  
SUBDIVISION WITH MEGA-TONS OF CONCRETE,  
4000 HUMANS, DOMESTIC PREDATORY  
ANIMALS (PETS), MASSIVE INCREASE IN  
CORRIDOR VEHICLE TRAFFIC*

es material © Airbus DS 2013-16, all rights reserved

Google earth

# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

## EPBC PROTECTED SPECIES HABITAT REPORT



The property with good quality regrowth visible (larger image in later slides) at the time of private sale purchase of BARNWELL 12 RURAL TITLES by Ken Lee.

NOV 11 2014



In the next 6 months, the proponent scrapes back land and clears regrowth.

MAY 6 2015

Ken Lee knows his property has triggered the EPBC Act here



The proponent continues to clear extensive areas of forest to the KUR-World Master Plan footprint, including forest within 60m or 100m buffer for Federally listed protected species.

OCT 23 2015

## EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected.

Information on the coverage of this report and qualifications on data supporting this report are contained in the caveat at the end of the report.

Information is available about [Environment Assessments](#) and the EPBC Act including significance guidelines, forms and application process details.

Report created: 29/06/15 11:28:18

[Summary](#)

[Details](#)

[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

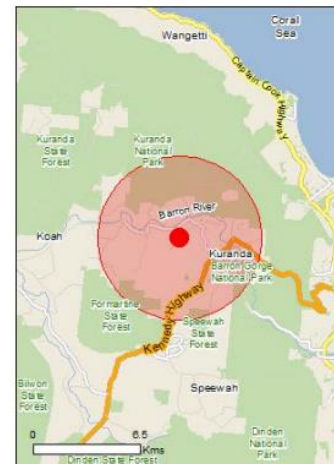
[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)

JUN 29 2015

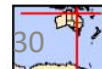
Report generated by the proponent's commissioned flora surveyor Simon Danielsen.



This map may contain data which are ©Commonwealth of Australia (Geoscience Australia), ©PSMA 2010

[Coordinates](#)

Buffer: 5.0Kms







# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE










**BARNWELL** 12 RURAL TITLES 626HA

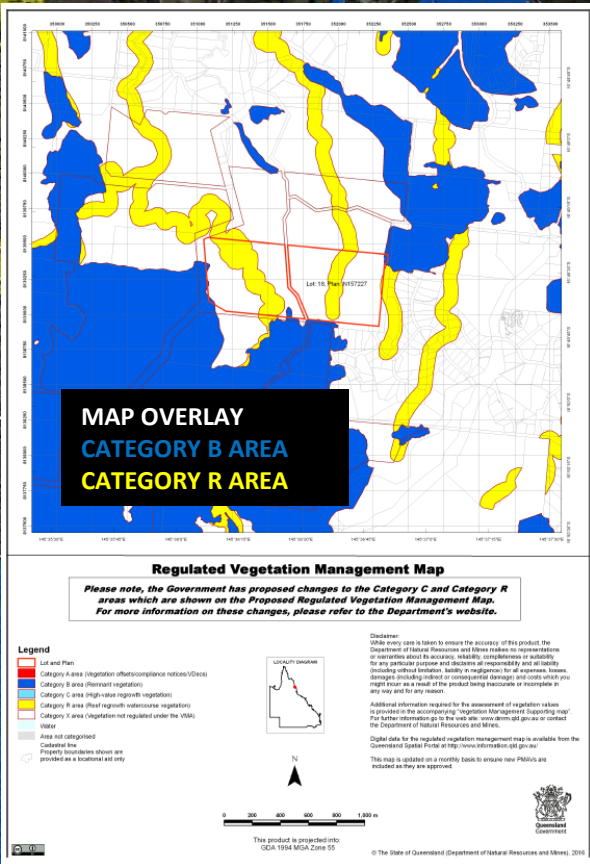
**KUR-WORLD** 230HA

**KUR-COW**  HA

 KUR-World project area  
 Proposed road

## Legend

-  Lot and Plan
-  Category A area (Vegetation offsets/compliance notices/VDecs)
-  Category B area (Remnant vegetation)
-  Category C area (High-value regrowth vegetation)
-  Category R area (Reef regrowth watercourse vegetation)
-  Category X area (Vegetation not regulated under the VMA)
-  Water
-  Area not categorised
-  Cadastral line
- Property boundaries shown are provided as a locational aid only



PROPOSED MAIN ROAD  
TO BE CUT THROUGH  
CATEGORY B  
(REMNANT  
VEGETATION)

NOV 2014



# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW** ? HA

RECOVERING  
RAINFOREST AT TIME  
OF PURCHASE

BARRON RIVER /  
GREAT BARRIER REEF

BARRON RIVER /  
GREAT BARRIER REEF

--- KUR-World project area  
--- Proposed road

## Legend

- Lot and Plan
- Category A area (Vegetation offsets/compliance notices/VDecs)
- Category B area (Remnant vegetation)
- Category C area (High-value regrowth vegetation)
- Category R area (Reef regrowth watercourse vegetation)
- Category X area (Vegetation not regulated under the VMA)
- Water
- Area not categorised
- Cadastral line
- Property boundaries shown are provided as a locational aid only

Image © 2016 DigitalGlobe

NOV 2014



# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW** ? HA

LAND CLEARING ON  
CATEGORY R AREA  
WITHOUT SOIL &  
EROSION CONTROLS  
IN PLACE

— KUR-World project area  
— Proposed road

BARRON RIVER /  
GREAT BARRIER REEF

BARRON RIVER /  
GREAT BARRIER REEF

PROPOSED MAIN ROAD  
TO BE CUT THROUGH  
CATEGORY B  
(REMNANT  
VEGETATION)

## Legend

- Lot and Plan
- Category A area (Vegetation offsets/compliance notices/VDecs)
- Category B area (Remnant vegetation)
- Category C area (High-value regrowth vegetation)
- Category R area (Reef regrowth watercourse vegetation)
- Category X area (Vegetation not regulated under the VMA)
- Water
- Area not categorised
- Cadastral line
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Image © 2016 DigitalGlobe

MAY 2015



# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW** ?\_HA

LAND CLEARING ON  
CATEGORY R AREA  
WITHOUT SOIL &  
EROSION CONTROLS  
IN PLACE

— KUR-World project area  
— Proposed road

## Legend

- Lot and Plan
- Category A area (Vegetation offsets/compliance notices/VDecs)
- Category B area (Remnant vegetation)
- Category C area (High-value regrowth vegetation)
- Category R area (Reef regrowth watercourse vegetation)
- Category X area (Vegetation not regulated under the VMA)
- Water
- Area not categorised
- Cadastral line
- Property boundaries shown are provided as a locational aid only

OCT 2015



# FACT CHECK: ENDANGERED SPECIES

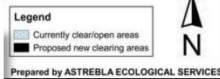
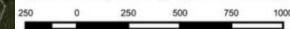
MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

BARNWELL  
KUR-WO  
KUR-CO

GREY SHOW  
'CURRENTLY  
OPEN AREA  
\*NOTE: THIS CLEARING  
COMPLETED OCTOBER  
TO NOV 2015 SURVEY

BARRON RIVER /  
GREAT BARRIER REEF

Figure 1 Subject lots, proposed clearing and existing clearing



## NOV 2015 - Astrebla Ecological Services | Flora Survey Report Simon Danielsen

Most of the non-remnant vegetation in these lots is mapped as a high risk area on a flora trigger map. Therefore, under section 256 of the *Nature Conservation (Wildlife Management) Regulation 2006* (the NCWMR) a flora survey and flora survey report is required prior to clearing.

Note – parts of these lots have already been cleared in breach of s.256 and this breach has been self-reported to the Department of Environment and Heritage Protection (EHP) by the landowners (letter to Wildlife Officer Kerry Walsh dated 7 September 2015, see Appendix C).

This report is concerned only with areas not impacted under that previous clearing.

The next map shows 'parts of these lots have already been cleared in breach of s.256' as a GREY overlay from the report.

### Legend

- Lot and Plan
- Category A area
- Category B area
- Category C area
- Category R area
- Category X area
- Water
- Area not categorised
- Cadastral line
- Property boundaries shown are provided as a locational aid only

OCT 2015  
35

# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW** ? HA

**GREY SHOWS  
'CURRENTLY CLEAR /  
OPEN AREAS'**

**\*NOTE: THIS CLEARING  
COMPLETED OCT 2015 PRIOR  
TO NOV 2015 SURVEY**

**--- KUR-World project area**  
**--- Proposed road**

## Legend

- Lot and Plan
- Category A area (Vegetation offsets/compliance notices/VDecs)
- Category B area (Remnant vegetation)
- Category C area (High-value regrowth vegetation)
- Category R area (Reef regrowth watercourse vegetation)
- Category X area (Vegetation not regulated under the VMA)
- Water
- Area not categorised
- Cadastral line
- Property boundaries shown are provided as a locational aid only

**BARRON RIVER /  
GREAT BARRIER REEF**

Figure 1 Subject lots, proposed clearing and existing clearing

250 0 250 500 750 1000 m

Imagery © Google, Taken 6/5/2015. This image reproduced at 1:7500 when printed at A4.  
Morelia Shire DC08 © State of Queensland (Department of Natural Resources and Mines) (2015)  
GIS operator Simon Dawson, Austrelio Ecological Services, 13/12/15

**Legend**  
Currently clear/open areas  
Proposed new clearing areas

Prepared by ASTREBLA ECOLOGICAL SERVICES

**BARRON RIVER /  
GREAT BARRIER REEF**

OCT 2015



# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

7 September, 2015

Kerry Walsh  
Wildlife Officer  
Dept. Environment and Heritage Protection  
Queensland government

Dear Mr Walsh

I am writing on behalf of my client (the landowner) to advise you of clearing of native vegetation that he has conducted on the following lots in the Myola area (Mareeba Shire):  
Lots 1 and 2 RP703984  
Lots 17 and 18 N157227  
Lot 19 N157452

The clearing has occurred in mapped non-remnant vegetation under the *Vegetation Management Act 1999* and was commissioned after liaison with the Townsville unit of the Vegetation Management section in the Department of Natural Resources and Mines.

However, it is located in an area mapped as 'high risk' on a Flora Trigger map, and a flora survey was not conducted prior to clearing commencing.

I have been instructed to formally inform you of this clearing and request instruction from you in relation to your department's requirements. All clearing on the properties has been halted until we obtain your advice.

I can be contacted on 0423 706 440 or you can email me at [simond1313@gmail.com](mailto:simond1313@gmail.com).

Regards

Simon Danielsen  
Principal Ecologist  
Astrebla Ecological Services

BARNWELL  
KUR-WOR  
KUR-COW

OVERLAY SHOW  
\*ACTUAL CLEAR  
TAKEN PLACE P  
TO THE FORMA  
REPORTING TO

## Legend

- Lot and Plan
- Category A area (Vegetation)
- Category B area (Remnant)
- Category C area (High-risk)
- Category R area (Reef)
- Category X area (Vegetation)
- Water
- Area not categorised
- Cadastral line
- Property boundaries shown provided as a locational aid only

This is the letter to EHP reporting the breach for clearing 'in an area mapped as 'high risk'.

Next map shows the vast amount of recovering rainforest that was cleared in the time prior to this letter.

NOV 2014



# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW** ? HA

OVERLAY SHOWS \***ACTUAL**  
CLEARING TAKEN PLACE  
PRIOR TO THE FORMAL  
REPORTING TO EHP  
- NOTE CLEARING ON PROTECTED  
CATEGORY A

— KUR-World project area  
— Proposed road

## Legend

- Lot and Plan
- Category A area (Vegetation offsets/compliance notices/VDecs)
- Category B area (Remnant vegetation)
- Category C area (High-value regrowth vegetation)
- Category R area (Reef regrowth watercourse vegetation)
- Category X area (Vegetation not regulated under the VMA)
- Water
- Area not categorised
- Cadastral line
- Property boundaries shown are provided as a locational aid only

BARRON RIVER /  
GREAT BARRIER REEF

BARRON RIVER /  
GREAT BARRIER REEF

Immature  
regrowth  
colour

NOV 2014



# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW** ? HA

**WHITE SHOWS  
PROPOSED NEW  
CLEARING AREAS**

**\*NOTE: CLEARING NOT  
COMMENCED BY LATEST  
GOOGLE IMAGE FEB 2016**

**--- KUR-World project area**  
**--- Proposed road**

## Legend

- Lot and Plan
- Category A area (Vegetation offsets/compliance notices/VDecs)
- Category B area (Remnant vegetation)
- Category C area (High-value regrowth vegetation)
- Category R area (Reef regrowth watercourse vegetation)
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**BARRON RIVER /  
GREAT BARRIER REEF**

**BARRON RIVER /  
GREAT BARRIER REEF**

OCT 2015

# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

UNPUBLISHED  
REPORT

## Flora Survey Report

Barnwell Road, Myola  
Prepared by Astrebla Ecological Services  
November 2015

A flora survey report for clearing in an area mapped as a high risk area on a flora trigger map, as required under section 256 of the Nature Conservation (Wildlife Management) Regulation 2006. This report demonstrates that section 263(2A) of that regulation is met, and therefore clearing is authorised under the regulation.

UNPUBLISHED  
REPORT

Dr Conrad Hoskin

Senior Lecturer & Researcher  
College of Marine & Environmental Science  
James Cook University  
Townsville, 4811

Email: [conrad.hoskin@jcu.edu.au](mailto:conrad.hoskin@jcu.edu.au)  
Phone: +61 (07) 4781 6048  
Website: <https://research.jcu.edu.au/portfolio/conrad.hoskin>



Surveys conducted for Reeve & Ocean Pty Ltd

30<sup>th</sup> April 2016

? 2015

NOV 2015

? 2016

APR 2016

**MISLEADING LAND CLEARING** (up to 200ha) started NOV 2014 and completed prior to OCT 2015. Published surveys and reports dated after most clearing already completed to the KUR-World Master Plan footprint.



# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

## FAUNA / FLORA SURVEY MAPS SUPPLIED IN BOTH PUBLISHED SURVEY REPORTS

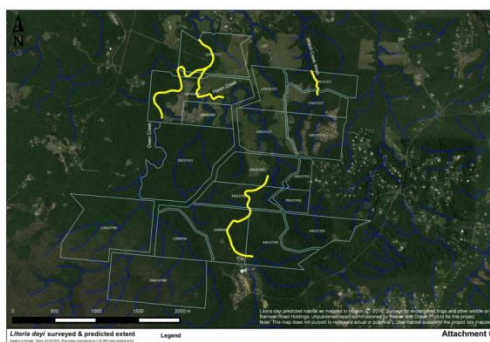
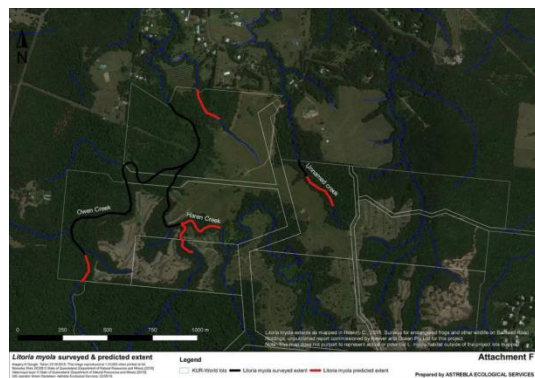
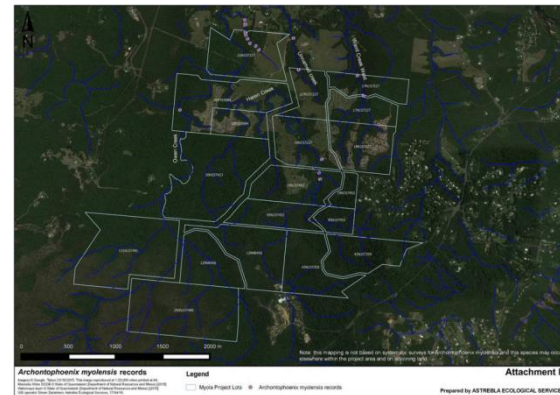
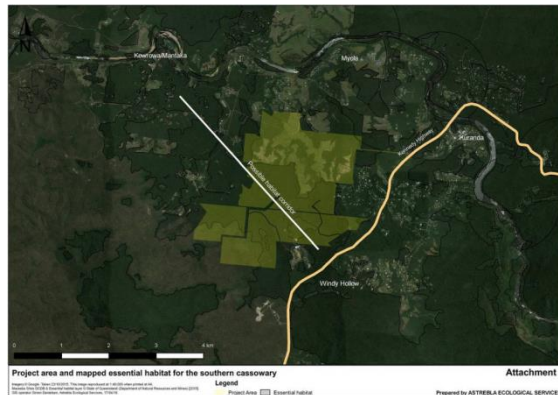
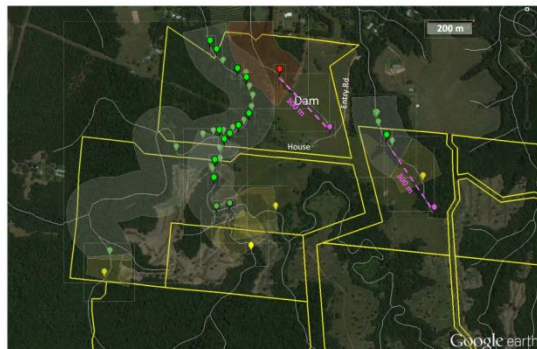


Fig. 4. Potential habitat for the Australian Lacled frog (*Litoria dayi*). Sections of creek marked in yellow are of potentially suitable habitat for *Litoria dayi*, based on habitat use at nearby sites in the Myola area. Map prepared by Simon Danielsen (Astrella Ecological Services), in consultation with Conrad Hoskin (JCU)





# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

## HIGH PROFILE ENDANGERED SPECIES

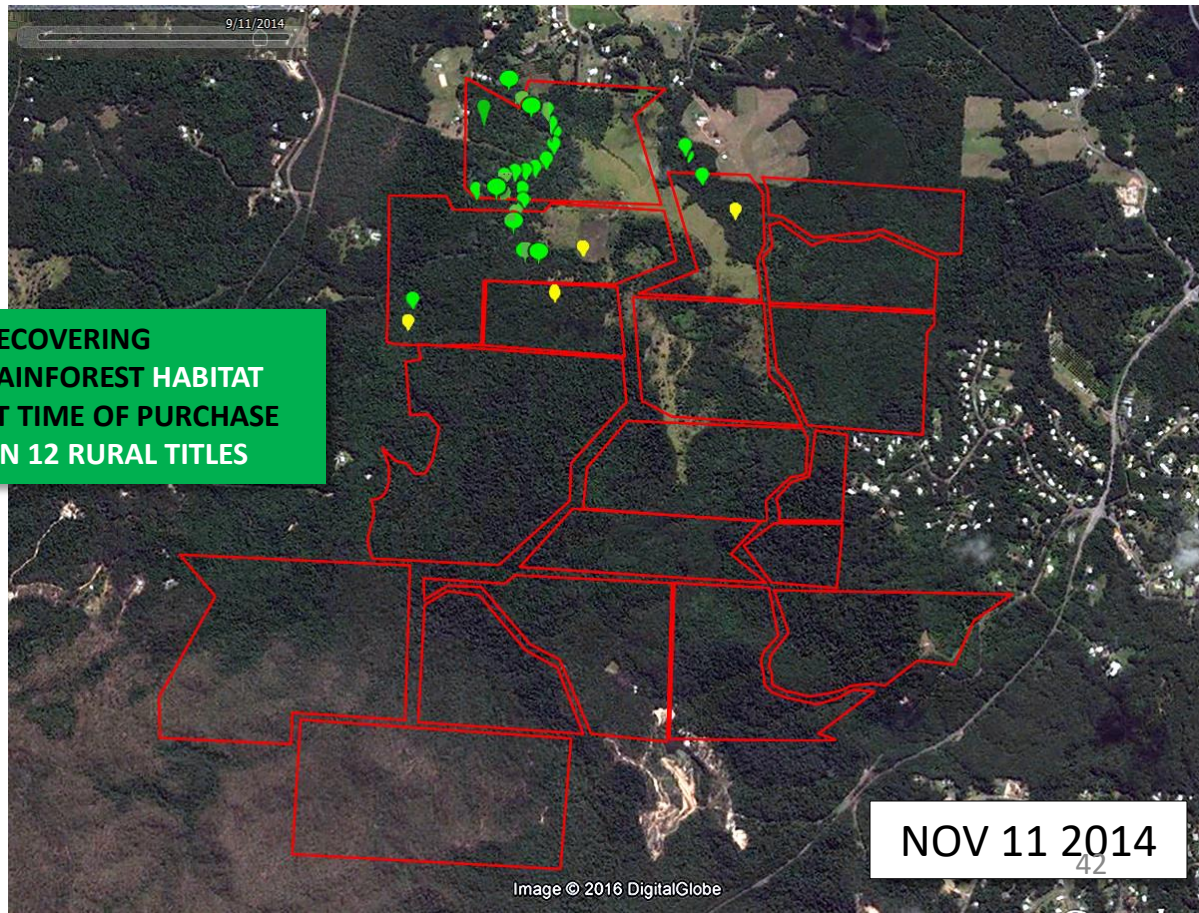
### KURANDA TREE FROG

*Litoria myola*

- Records
- Estimated potential extent



RECOVERING  
RAINFOREST HABITAT  
AT TIME OF PURCHASE  
ON 12 RURAL TITLES



NOV 11 2014



# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

## HIGH PROFILE ENDANGERED SPECIES

### KURANDA TREE FROG

*Litoria myola*

- Records
- Estimated potential extent

#### Suggested actions for further surveys of endangered species

Determine the upstream limits of *Litoria myola* on the three streams it is known to occur (i.e., resolve the areas shaded yellow in Figure 3).

Perforated areas of potential  
Habitat  
Reserve  
Perforated areas of potential  
Habitat  
Reserve  
Perforated areas of potential  
Habitat  
Reserve



*Litoria myola* was recorded on three streams on the property: Owen Ck, Haren Ck and a small unnamed creek in the center-north of the property (Figs 2 & 3). All *Litoria myola* were found in the north-west sector of the property, in lots 22N157227, 2RP703984 and 17N157227. *Litoria myola* is generally present at good density along the sections of stream marked in green on Figure 3. Based on the number of frogs detected during the surveys, I would coarsely estimate that 100-200 *Litoria myola* adults are present on the property. However, weather and stream conditions were not ideal during the surveys, so this estimate is coarse and the actual number may be more. The core *Litoria myola* habitat on the property is along lower Owen Creek up to the Owen/Haren junction and at least 1 km upstream of this junction on Owen Ck and at least 500 m upstream on Haren Ck (Fig. 3). This Owen/Haren population would appear to be the third largest breeding population of this species.

A fourth creek on the property, the small creek downstream of the dam by the homestead, would almost certainly have had *Litoria myola* until recently (marked in red shading on Figure 3). However, sediment from dam construction and the eroding dam wall has filled this creek for hundreds of meters downstream of the dam and the habitat is no longer suitable for *Litoria myola* breeding. The reasons I can be fairly sure this creek had *Litoria myola* are: (1) It is within the typical distance *Litoria myola* occurs upstream from the Barron River; (2) The creeks on either side have *Litoria myola* up to at least this point; and

upstream limits of *Litoria myola* in yellow on the map (Fig. 3). *Litoria myola* could reasonably be expected to occur in these yellow shaded areas. Further surveys under more ideal weather conditions would refine upstream limits more accurately.

Dr Conrad Hoskin

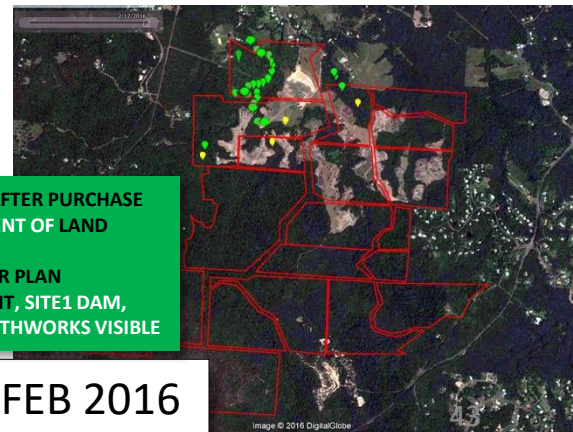
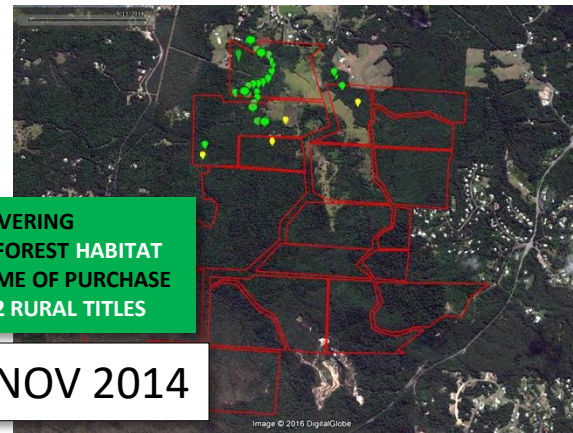
Endangered frog surveys on Barnwell Road Holdings

RECOVERING  
RAINFOREST HABITAT  
AT TIME OF PURCHASE  
ON 12 RURAL TITLES

NOV 2014

2 YEARS AFTER PURCHASE  
FULL EXTENT OF LAND  
CLEARING  
to MASTER PLAN  
FOOTPRINT, SITE1 DAM,  
SITE3 EARTHWORKS VISIBLE

FEB 2016




# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

## HIGH PROFILE ENDANGERED SPECIES

### AUSTRALIAN LACELID FROG

*Litoria dayi*

 Potentially suitable habitat



RECOVERING  
RAINFOREST HABITAT  
AT TIME OF PURCHASE  
ON 12 RURAL TITLES

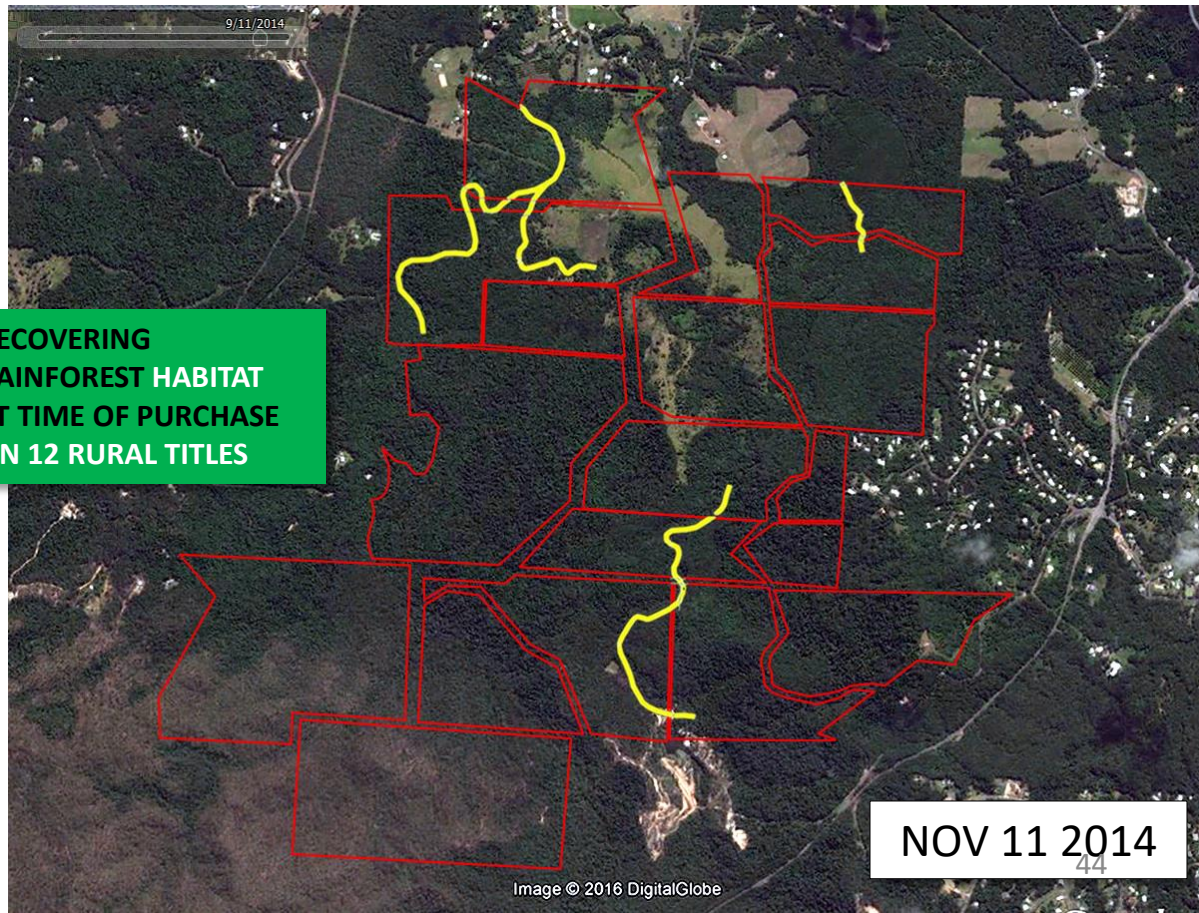


Image © 2016 DigitalGlobe

NOV 11 2014



# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

## HIGH PROFILE ENDANGERED SPECIES

### AUSTRALIAN LACELID FROG

*Litoria dayi*

➤ Potentially suitable habitat

Dr Conrad Hoskin

Endangered frog surveys on Barnwell Road Holdings

#### Suggested actions for further surveys of endangered species

Determine the upstream limits of *Litoria myola* on the three streams it is known to occur (i.e., resolve the areas shaded yellow in Figure 3).

Perform targeted surveys for *Litoria dayi* in identified areas of potentially suitable habitat on Haren Ck, Owen Ck, and upper Warril Ck (Fig. 4).

Resolve the identity of the *Archontophoenix* palms on the

Perform targeted surveys for Northern Quolls in lots 131N



detected. *Litoria dayi* is known to occur at sites 1.5 km and 1.8 km from the property. The property has potentially suitable habitat for *Litoria dayi*, particularly on Haren and Owen Creeks (Fig. 4), but weather conditions during the survey period were not suitable for determining whether the species is present or not.

Time constraints and unfavourable weather conditions (too dry) precluded surveying some key sections of streams or gullies. The section of Haren Ck that flows through the three road crossings requires further surveys for *Litoria myola* to better determine abundance and upstream limits. Sections of potentially suitable habitat for *Litoria dayi* were identified on lower and mid Haren Ck, Owen Ck, and an upper tributary of Warril Ck (Fig. 4), and these require targeted surveys when the creeks have more flow. *Litoria dayi* occurs nearby in the Myola area, and is a difficult species to detect when not breeding during dry conditions.

Conditions were dry through much of the survey period; there but the wet season total was very low. Therefore, stream level large streams that would typically flow in the wet season were dry. Larger streams were targeted because they were carrying water, but smaller creeks and gullies were also searched in the hope of finding foraging frogs. Conditions were too dry to survey a number of small gullies. Conditions were also not suitable for surveying for the Australian Lacelid Frog (*Litoria dayi*), which generally only calls along streams during wet periods when they are flowing well. Further targeted surveys are required to cover these gaps in knowledge for the property.

The Australian Lacelid frog (*Litoria dayi*) was not detected on the property. It is present at nearby sites in the Myola area, and potentially suitable habitat is present on the property. However, the surveys were conducted during a poor wet season (with little stream flow) and it was not possible to adequately survey these areas of habitat for this species. Further surveys are required for *Litoria dayi* in the areas highlighted herein.

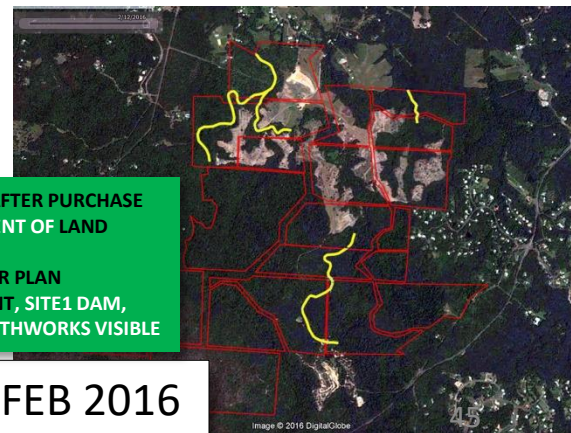
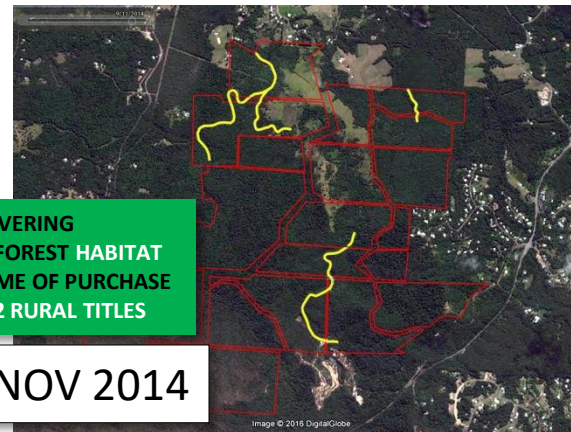


RECOVERING  
RAINFOREST HABITAT  
AT TIME OF PURCHASE  
ON 12 RURAL TITLES

NOV 2014

2 YEARS AFTER PURCHASE  
FULL EXTENT OF LAND  
CLEARING  
to MASTER PLAN  
FOOTPRINT, SITE1 DAM,  
SITE3 EARTHWORKS VISIBLE

FEB 2016



# FACT CHECK: ENDANGERED SPECIES

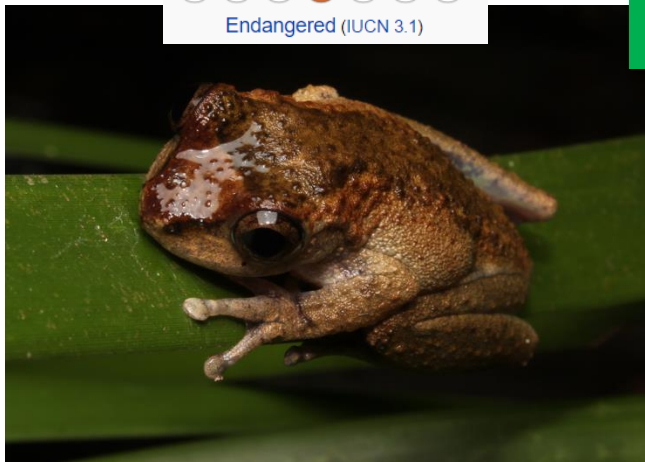
MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

## HIGH PROFILE ENDANGERED SPECIES

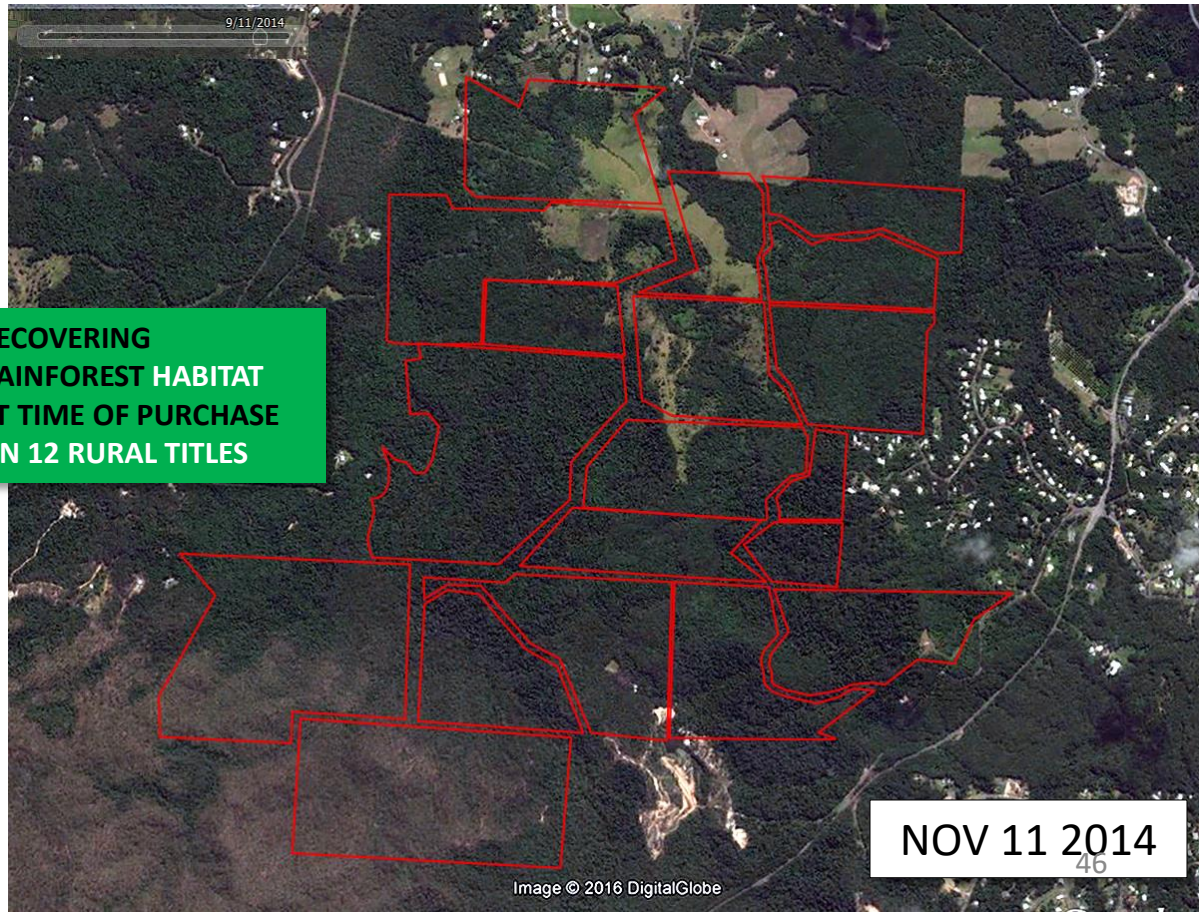
### MISTFROG

*Litoria rheocola*

No data from survey



RECOVERING  
RAINFOREST HABITAT  
AT TIME OF PURCHASE  
ON 12 RURAL TITLES



NOV 11 2014



# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

## HIGH PROFILE ENDANGERED SPECIES

### MISTFROG

*Litoria rheocola*

No data from survey

Dr Conrad Hoskin

Endangered frog surveys on Barnwell Road Holdings

A number of State (NCA) and Federally (EPBC Act) listed endangered species occur in the Kuranda area, including the Kuranda Tree Frog (*Litoria myola*), the Australian Lacelid frog (*Litoria dayi*), the Mistfrog (*Litoria rheocola*), the Southern Cassowary (*Casuarius casuarius*), the Northern Quoll (*Dasyurus hallucatus*), and the Myola Palm (*Archontophoenix myolensis*).



All 15 frog species are breeding on the property, as determined by the presence of calling males. The frog fauna consisted of 8 species of rainforest frogs and 7 frog species more typically associated with open forest or disturbed habitats. The rainforest frogs consisted of 6 stream-breeding species (*Litoria myola*, *Litoria serrata*, *Litoria jungguy*, *Litoria xanthera*, *Mixophyes coggeri*, *Rana daemeli*) and two species (*Austrochaperina pluvialis* and *Cophixalus ornatus*) that breed on land.

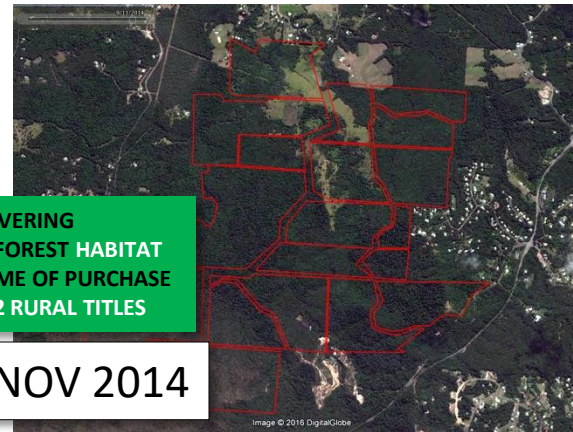
The property has a nearly full complement of the rainforest frogs that occur in the Kuranda region. The Mistfrog (*Litoria rheocola*) and the Australian Lacelid (*Litoria dayi*) were not

detected. *Litoria dayi* is known to occur at sites 1.5 km and 1.8 km from the property. The property has potentially suitable habitat for *Litoria dayi*, particularly on Haren and Owen Creeks (Fig. 4), but weather conditions during the survey period were not suitable for determining whether the species is present or not.



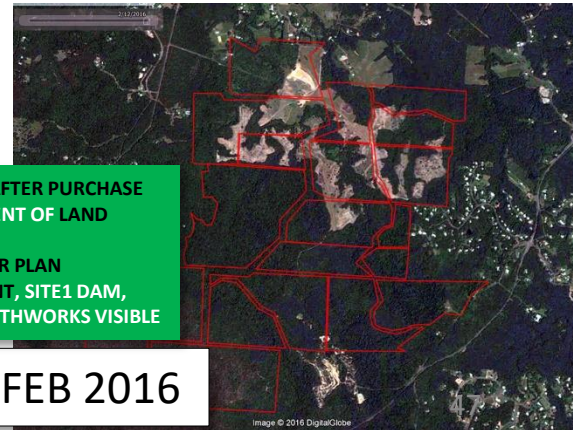
RECOVERING  
RAINFOREST HABITAT  
AT TIME OF PURCHASE  
ON 12 RURAL TITLES

NOV 2014



2 YEARS AFTER PURCHASE  
FULL EXTENT OF LAND  
CLEARING  
TO MASTER PLAN  
FOOTPRINT, SITE1 DAM,  
SITE3 EARTHWORKS VISIBLE

FEB 2016





# FACT CHECK: ENDANGERED SPECIES

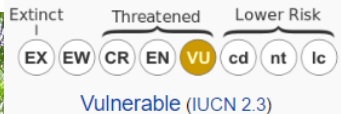
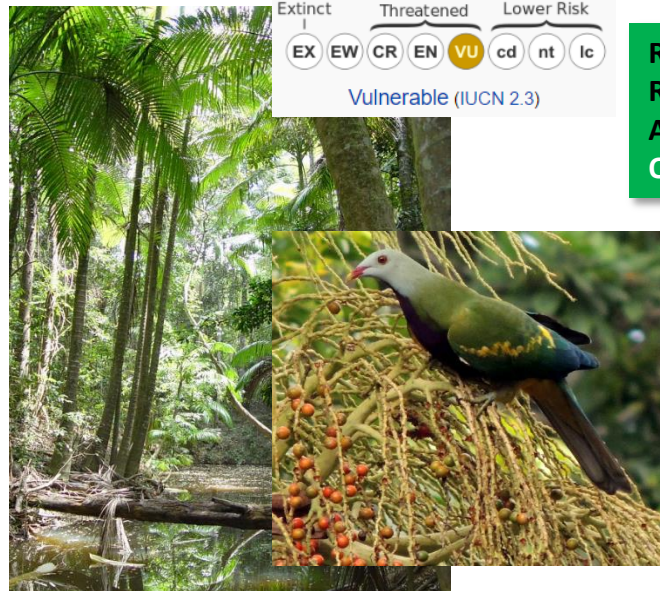
MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

## HIGH PROFILE ENDANGERED SPECIES

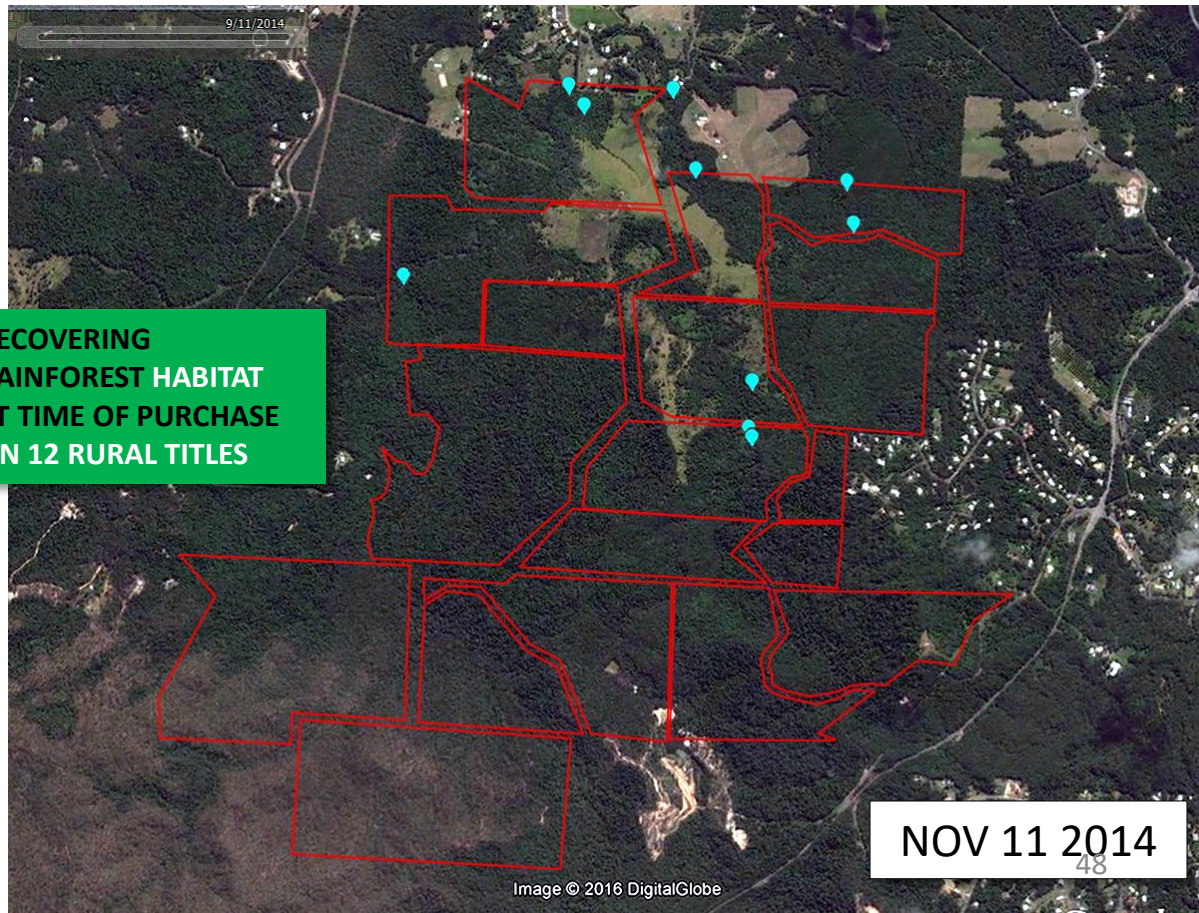
### MYOLA PALM

*Archontophoenix myolensis*

● Records



RECOVERING  
RAINFOREST HABITAT  
AT TIME OF PURCHASE  
ON 12 RURAL TITLES



NOV 11 2014



# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

## HIGH PROFILE ENDANGERED SPECIES

### MYOLA PALM

*Archontophoenix myolensis*

- Records

Dr Conrad Hoskin

Endangered frog surveys on Barnwell Road Holdings



A number of species in the Kuranda area are listed as threatened at the State (Qld NCA) and Federal/Commonwealth (EPBC) level. Two endangered species are entirely restricted to the Kuranda/Myola area—the Kuranda Tree Frog (*Litoria myola*) and the Myola Palm (*Archontophoenix myolensis*). The Kuranda Tree Frog is restricted to about 10 breeding streams that enter the Barron River between Kuranda and Kowrova. The most significant stand of the Myola Palm occurs on Warril Ck, with scattered records in nearby areas along the Barron River. Both the Kuranda Tree Frog and the Myola Palm are listed as Endangered at the Queensland (NCA, 2014a; NCA, 2014b) and Federal (EPBC, 2016a; EPBC, 2016b) levels. Other Endangered species known from the Kuranda area include the Australian

A number of *Archontophoenix* palms were located along the streams and these likely represent *Archontophoenix myolensis* (given the close proximity to known stands). *Archontophoenix myolensis* is an endangered species under the EPBC Act.

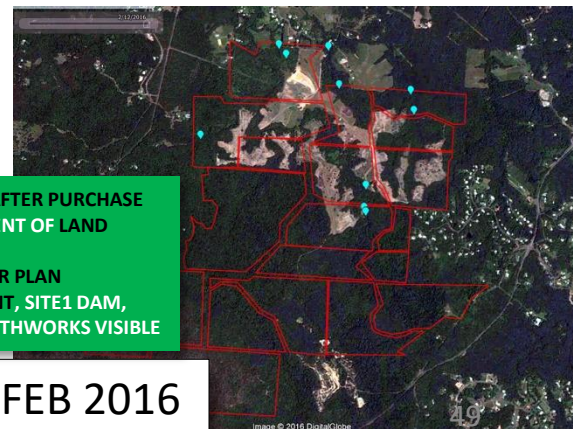
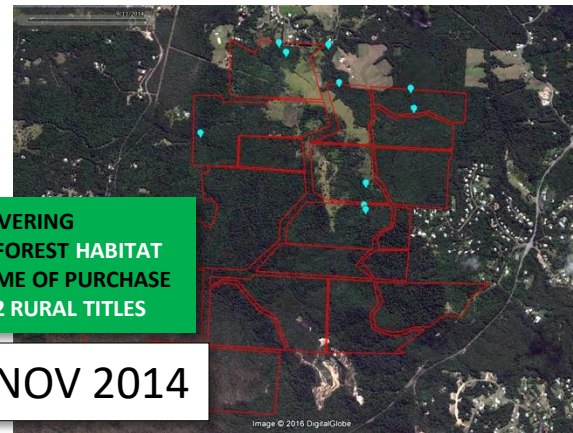
birds or as a corridor for movement of adults and subadults). The remnant forest also buffers the downstream sections of the streams, in terms of maintaining natural water flow, water quality and sedimentation characteristics. It therefore contributes directly to the viability of downstream populations of *Litoria myola* and, potentially, *Archontophoenix myolensis*.

RECOVERING  
RAINFOREST HABITAT  
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NOV 2014

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FOOTPRINT, SITE1 DAM,  
SITE3 EARTHWORKS VISIBLE

FEB 2016



# FACT CHECK: ENDANGERED SPECIES

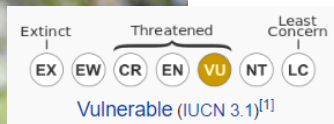
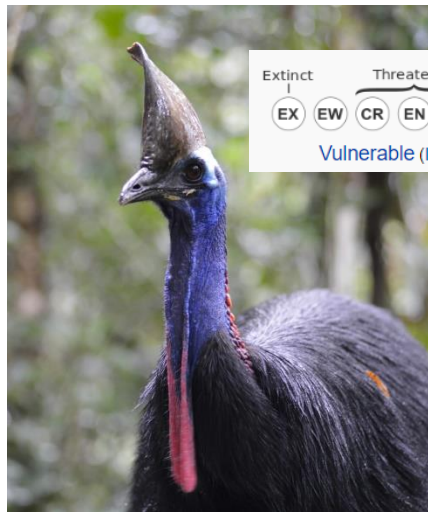
MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

## HIGH PROFILE ENDANGERED SPECIES

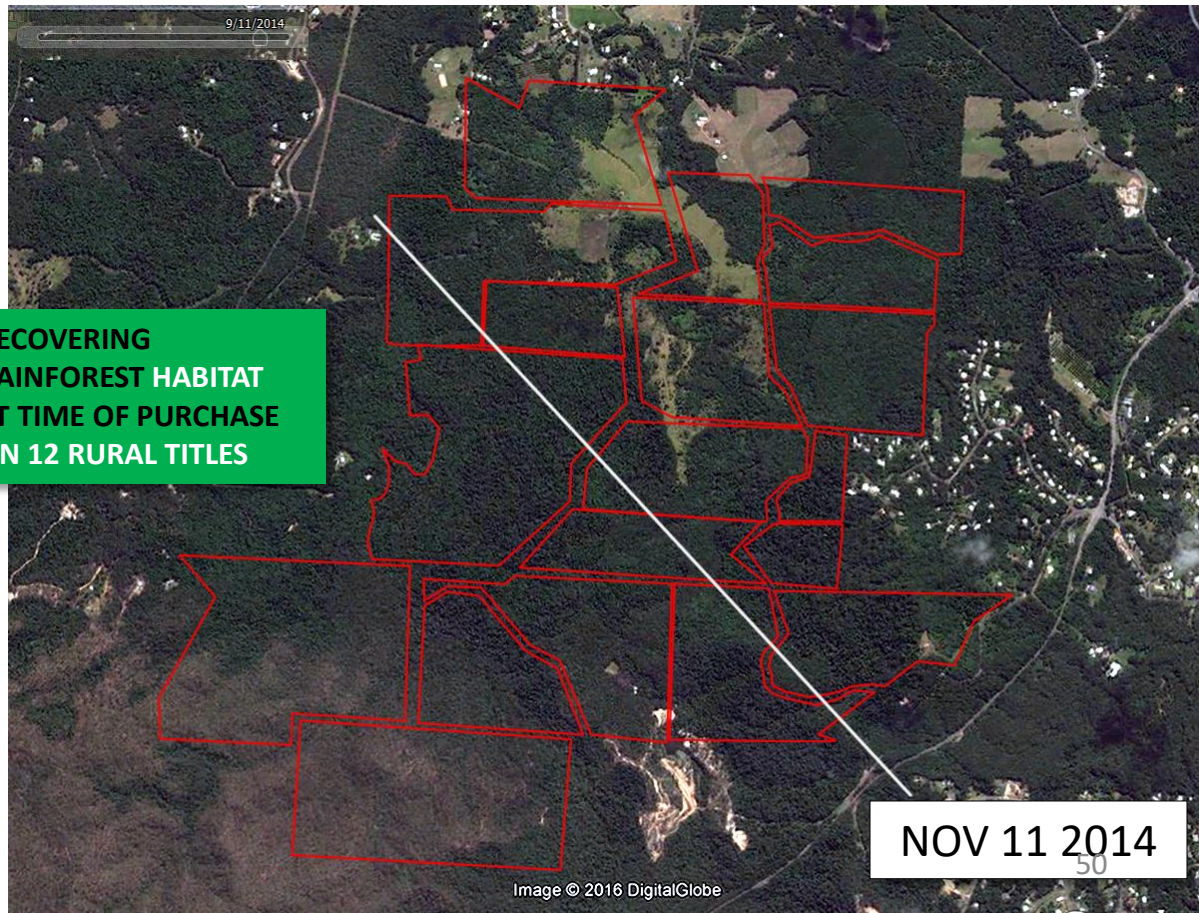
### SOUTHERN CASSOWARY

*Casuarus casuarus*

✓ Suitable habitat



RECOVERING  
RAINFOREST HABITAT  
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NOV 11 2014



# FACT CHECK: ENDANGERED SPECIES

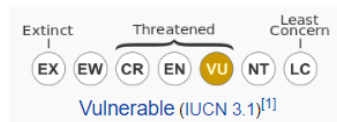
MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

## HIGH PROFILE ENDANGERED SPECIES

### SOUTHERN CASSOWARY

*Casuarus casuarius*

✓ Suitable habitat



Dr Conrad Hoskin

Endangered frog surveys on Barnwell Road Holdings

The remnant forest in the southern half of the property was not surveyed in detail due to time constraints and access limitations. However, from the time I spent in this habitat it is clear that it is high quality rainforest with a mature structure. This habitat will contain a good diversity of fauna and flora and certainly appears suitable for Cassowary (either for resident birds or as a corridor for movement of adults and subadults). The remnant forest also buffers the downstream sections of the streams, in terms of maintaining natural water flow, water

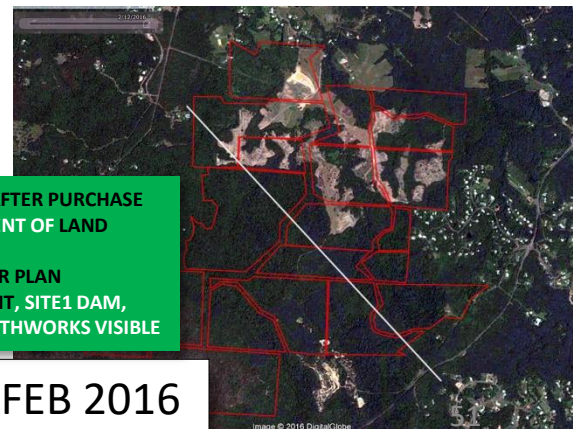
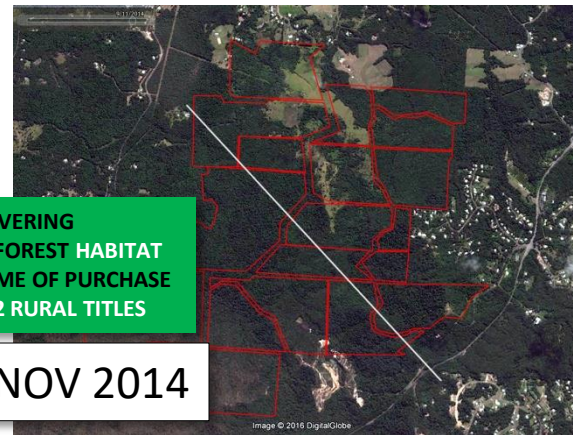
A number of State (NCA) and Federally (EPBC Act) listed endangered species occur in the Kuranda area, including the Kuranda Tree Frog (*Litoria myola*), the Australian Lacelid frog (*Litoria dayi*), the Mistfrog (*Litoria rheocola*), the Southern Cassowary (*Casuarus casuarius*), the Northern Quoll (*Dasyurus hallucatus*), and the Myola Palm (*Archontophoenix myolensis*).

RECOVERING  
RAINFOREST HABITAT  
AT TIME OF PURCHASE  
ON 12 RURAL TITLES

NOV 2014

2 YEARS AFTER PURCHASE  
FULL EXTENT OF LAND  
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to MASTER PLAN  
FOOTPRINT, SITE1 DAM,  
SITE3 EARTHWORKS VISIBLE

FEB 2016



**MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE**

*Casuarium casuarium*



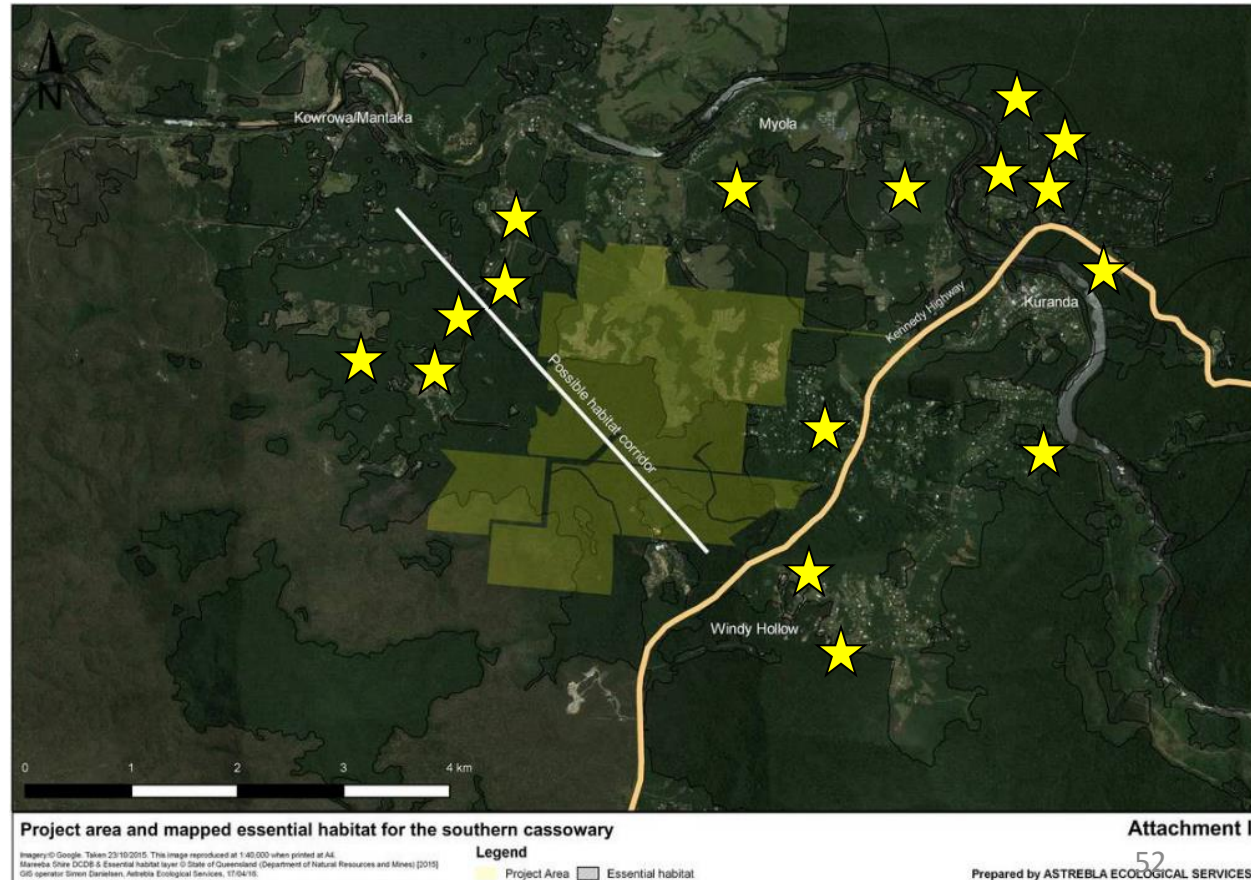
## Suitable habitat



## Local cassowary sightings



If a cassowary is in a rainforest and no scientist is around to record it, <sup>(or anyone else)</sup> does the cassowary exist?





# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

## HIGH PROFILE ENDANGERED SPECIES

### SOUTHERN CASSOWARY

*Casuarus casuarus*



Suitable habitat



Local cassowary sightings



If a **cassowary** s#%!s  
in a rainforest and **no scientist**  
(or anyone else)  
is around to **record it**,  
does the cassowary **exist**?



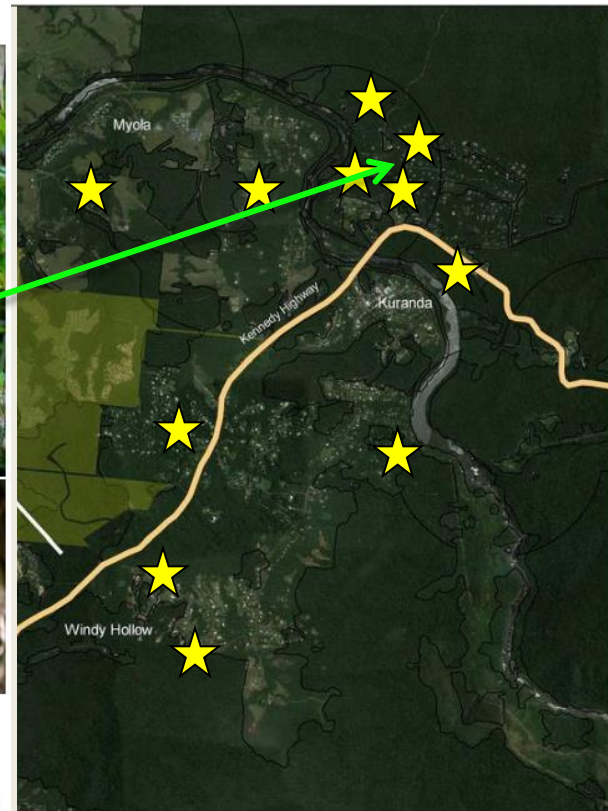
Black mountain road Kuranda!



Kelvin Marshall added 3 new photos — looking for wildlife with Liz Gallie and 2 others at Kuranda National Park. August 9 at 7:05pm · Cairns, QLD · 📍

In nearly 20 years of guiding here in the Wet Tropics I have never seen a pair of mating Cassowaries in the wild. I was recently walking in the rainforest just ...

[See More](#)



Attachment I

53

Prepared by ASTREBLA ECOLOGICAL SERVICES



# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

## HIGH PROFILE ENDANGERED SPECIES

### SOUTHERN CASSOWARY

*Casuarus casuaris*



Suitable habitat



If a cassowary s#!s  
in a rainforest and no scientist  
(or anyone else)  
is around to record it,  
does the cassowary exist?



#### REGROWTH VEGETATION MAP - Version 2.1

- 1087 Vegetation Management Act Essential Regrowth Habitat with example label number
- Great Barrier Reef Wetland Protection Area
- High value regrowth vegetation containing Endangered regional ecosystems
- High value regrowth vegetation containing Of Concern regional ecosystems
- High value regrowth vegetation that is a Least Concern regional ecosystem
- Remnant Vegetation (Refer to the Vegetation Management Act Regional Ecosystem and Remnant Map also available from the Department of Environment and Resource Management website for further information on these areas)
- Non-remnant
- PMAV Category X area
- Regrowth watercourse (Stream order shown as black number against stream)
- Other watercourse (Stream order shown as black number against stream where available)
- Subject Lot
- Roads (Pitney Bowes Business Insight 2012)
- Cadastral line (Property boundaries shown as provided as a locational aid only)
- Towns
- Coordinate entered



#### LOCALITY DIAGRAM



CLEARED

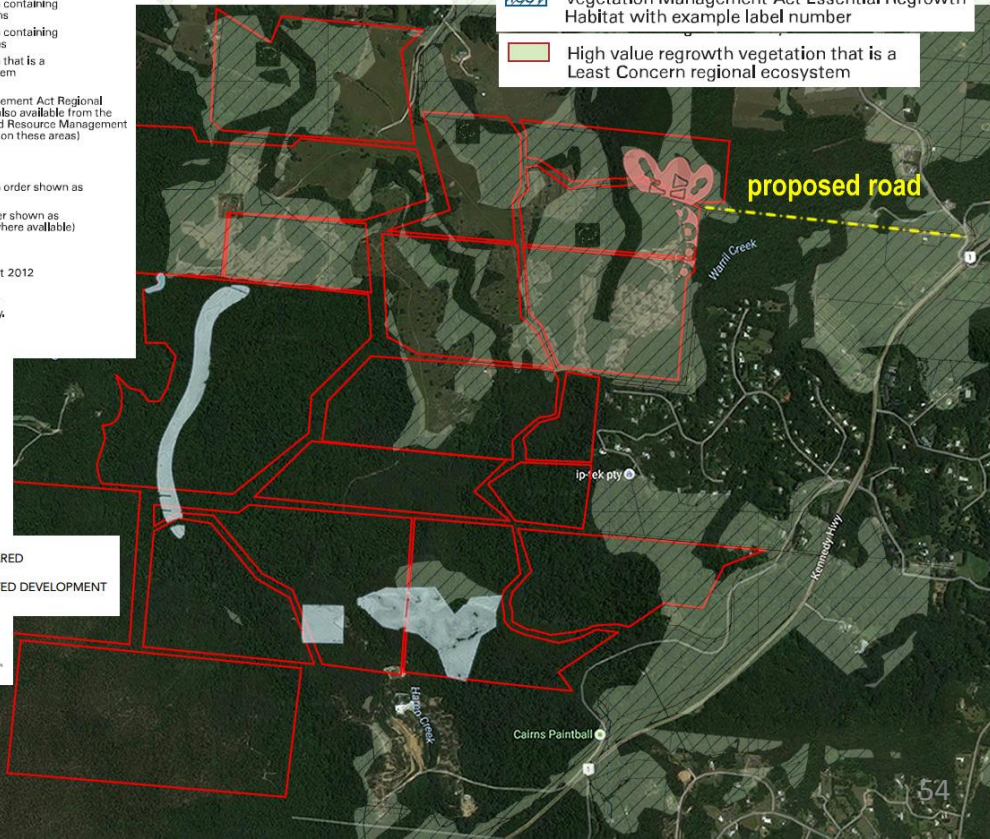
LIMITED DEVELOPMENT



#### REGROWTH VEGETATION MAP - Version 2.1

- 1087 Vegetation Management Act Essential Regrowth Habitat with example label number
- High value regrowth vegetation that is a Least Concern regional ecosystem

proposed road





# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

## HIGH PROFILE ENDANGERED SPECIES

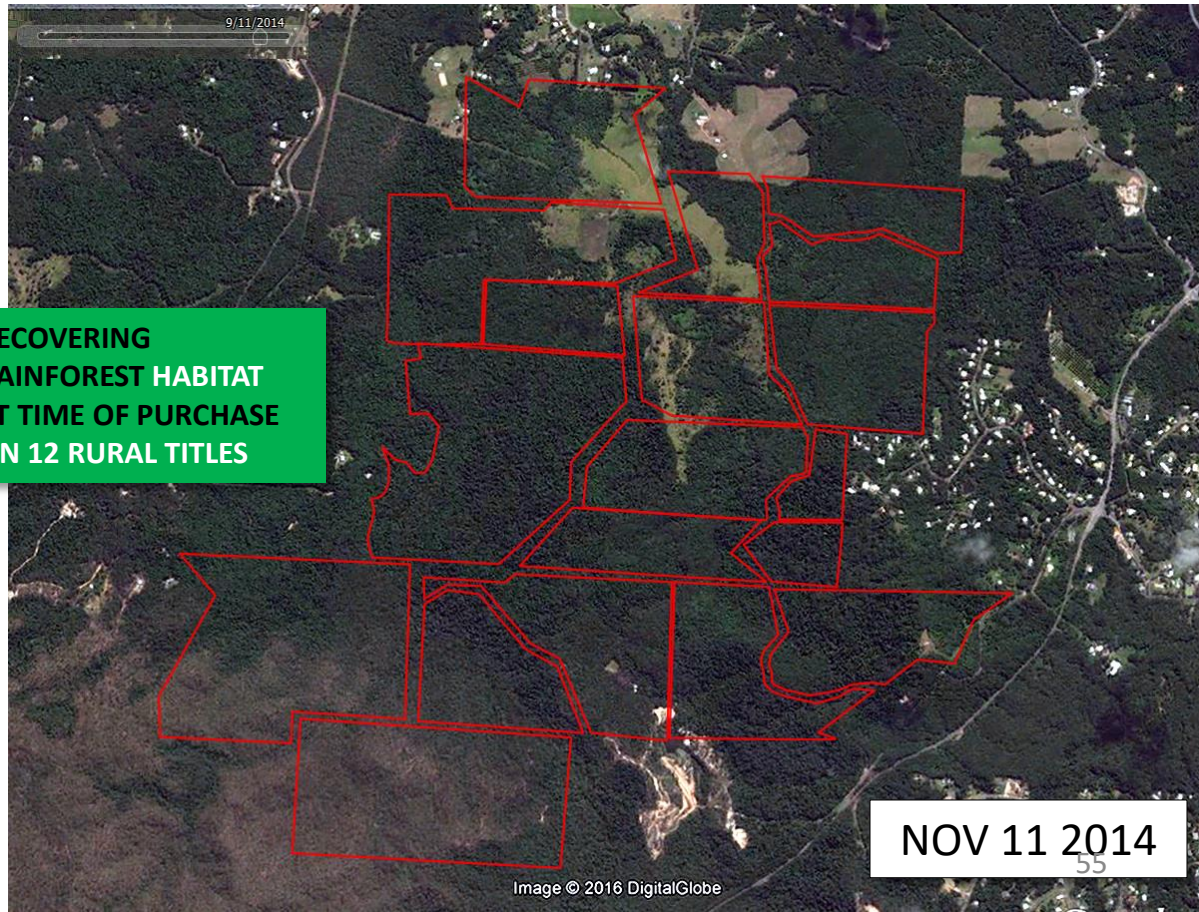
### NORTHERN QUOLL

*Dasyurus hallucatus*

No data from survey



RECOVERING  
RAINFOREST HABITAT  
AT TIME OF PURCHASE  
ON 12 RURAL TITLES



NOV 11 2014

# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
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SIGNIFICANCE

## HIGH PROFILE ENDANGERED SPECIES

### NORTHERN QUOLL *Dasyurus hallucatus*

No data from survey



Dr Conrad Hoskin

Endangered frog surveys on Barnwell Road Holdings

#### Suggested actions for further surveys of endangered species

Determine the upstream limits of *Litoria myola* on the three streams it is known to occur (i.e., resolve the areas shaded yellow in Figure 3).

Perform targeted surveys for *Litoria dayi* in identified areas of potentially suitable habitat Haren Ck, Owen Ck, and upper Warril Ck (Fig. 4).

Resolve the identity of the *Archontophoenix* palms on the property.

Perform targeted surveys for Northern Quolls in lots 131N157491 and 290N157480.

Time and access limitations precluded surveying the drier forests in the south-west of the property (lots 131N157491 & 290N157480). The endangered Northern Quoll (*Dasyurus hallucatus*) may occur in this area given the habitat type and proximity to known records.

The focus of my surveys was frogs in the remnant and non-remnant rainforest vegetation on the property. Time and access constraints precluded wildlife surveys of the drier forest areas of the south-west sector of the property (lots 131N157491 & 290N157480). The habitat on these lots may be suitable for the Northern Quoll, which occurs in this region.



A number of State (NCA) and Federally (EPBC Act) listed endangered species occur in the Kuranda area, including the Kuranda Tree Frog (*Litoria myola*), the Australian Lacelid frog (*Litoria dayi*), the Mistfrog (*Litoria rheocola*), the Southern Cassowary (*Casuarus casuarus*), the Northern Quoll (*Dasyurus hallucatus*), and the Myola Palm (*Archontophoenix myolensis*).

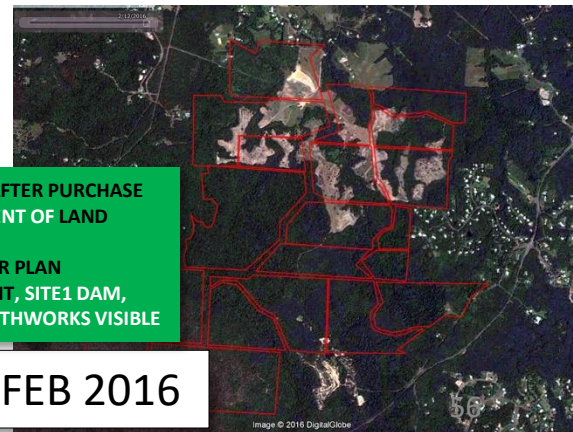
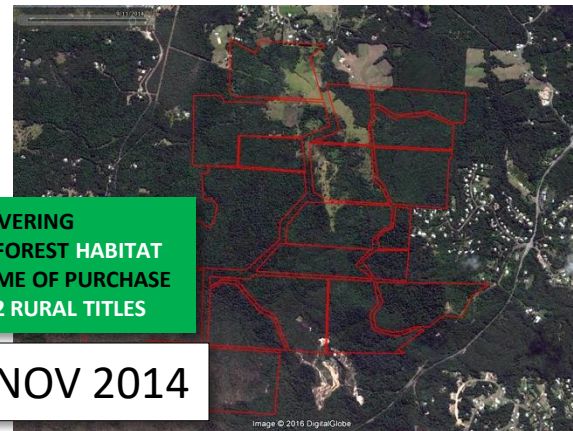
the Barron River. Both the Kuranda Tree Frog and the Myola Palm are listed as Endangered at the Queensland (NCA, 2014a; NCA, 2014b) and Federal (EPBC, 2016a; EPBC, 2016b) levels. Other Endangered species known from the Kuranda area include the Australian Lacelid frog (*Litoria dayi*), the Mistfrog (*Litoria rheocola*), the Southern Cassowary (*Casuarus casuarus*), and the Northern Quoll (*Dasyurus hallucatus*). These four species are also all listed as Endangered under the State (NCA) and Federal (EPBC) legislation. The legislation associated with these Acts impacts how developments can proceed in areas containing threatened species; hence thorough surveys are required.

RECOVERING  
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FEB 2016





# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
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SIGNIFICANCE

## HIGH PROFILE ENDANGERED SPECIES

### KURANDA TREE FROG

*Litoria myola*

### AUSTRALIAN LACELID FROG

*Litoria dayi*

### MISTFROG

*Litoria rheocola*

### MYOLA PALM

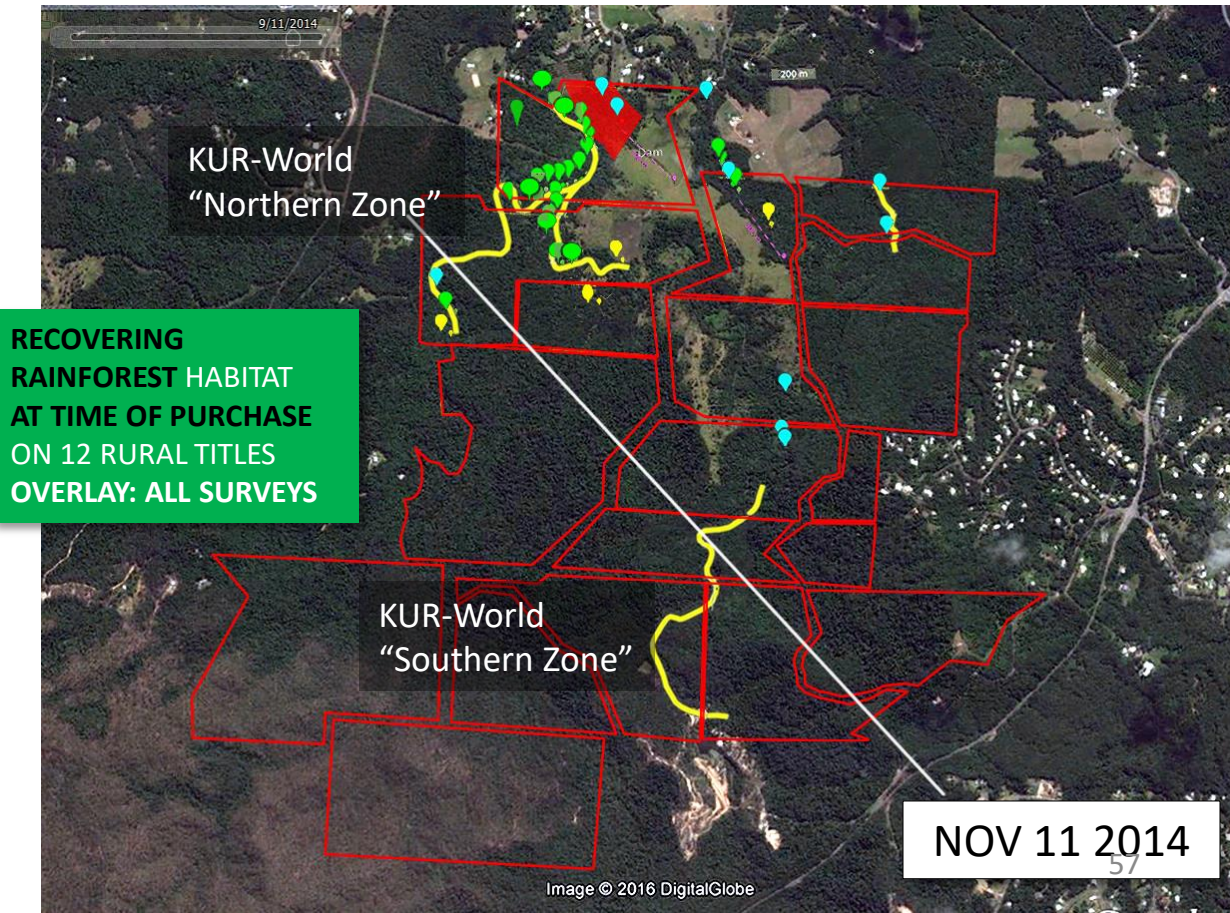
*Archontophoenix myolensis*

### SOUTHERN CASSOWARY

*Casuarius casuarius*

### NORTHERN QUOLL

*Dasyurus hallucatus*





# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

## HIGH PROFILE ENDANGERED SPECIES

### KURANDA TREE FROG

*Litoria myola*

### AUSTRALIAN LACELID FROG

*Litoria dayi*

### MISTFROG

*Litoria rheocola*

### MYOLA PALM

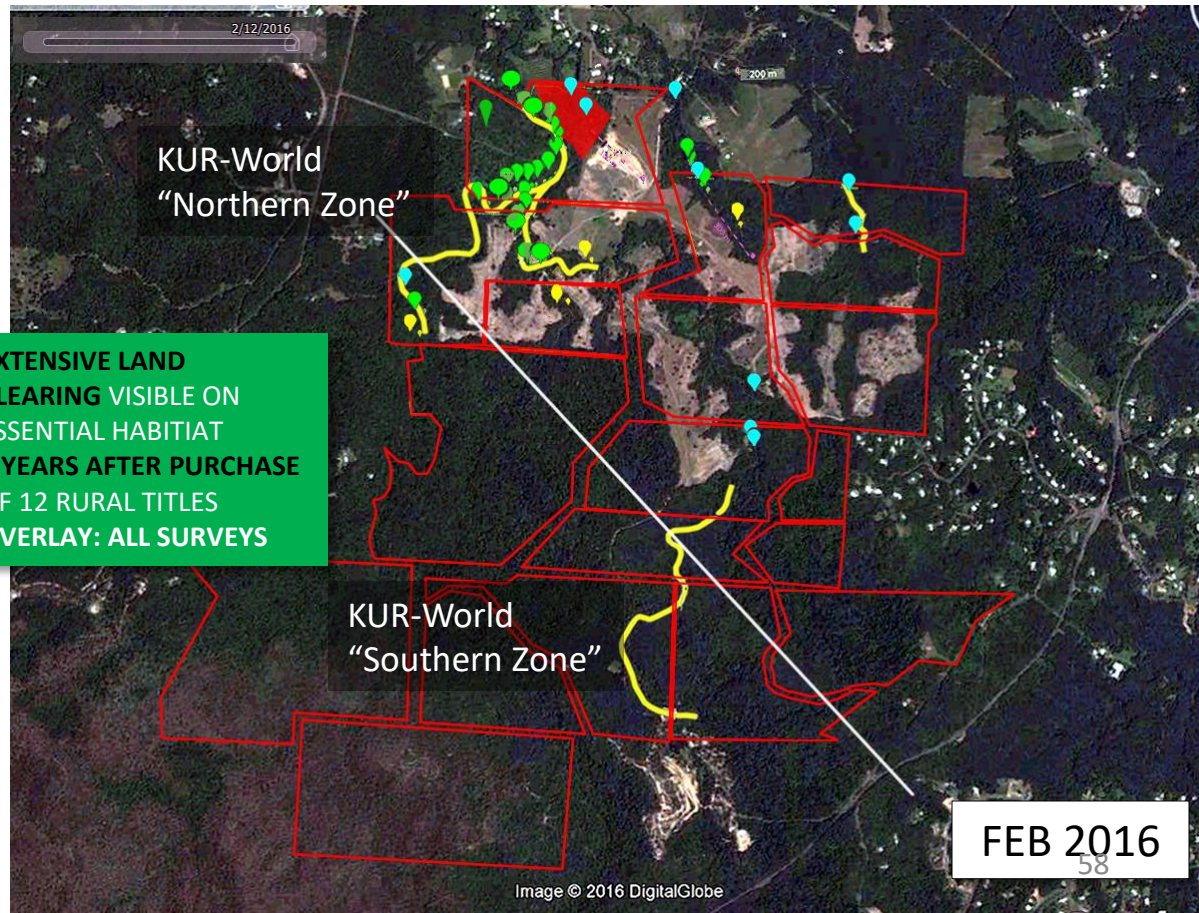
*Archontophoenix myolensis*

### SOUTHERN CASSOWARY

*Casuarius casuarius*

### NORTHERN QUOLL

*Dasyurus hallucatus*





# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

## HIGH PROFILE ENDANGERED SPECIES

### KURANDA TREE FROG

*Litoria myola*

### AUSTRALIAN LACELID FROG

*Litoria dayi*

### MISTFROG

*Litoria rheocola*

### MYOLA PALM

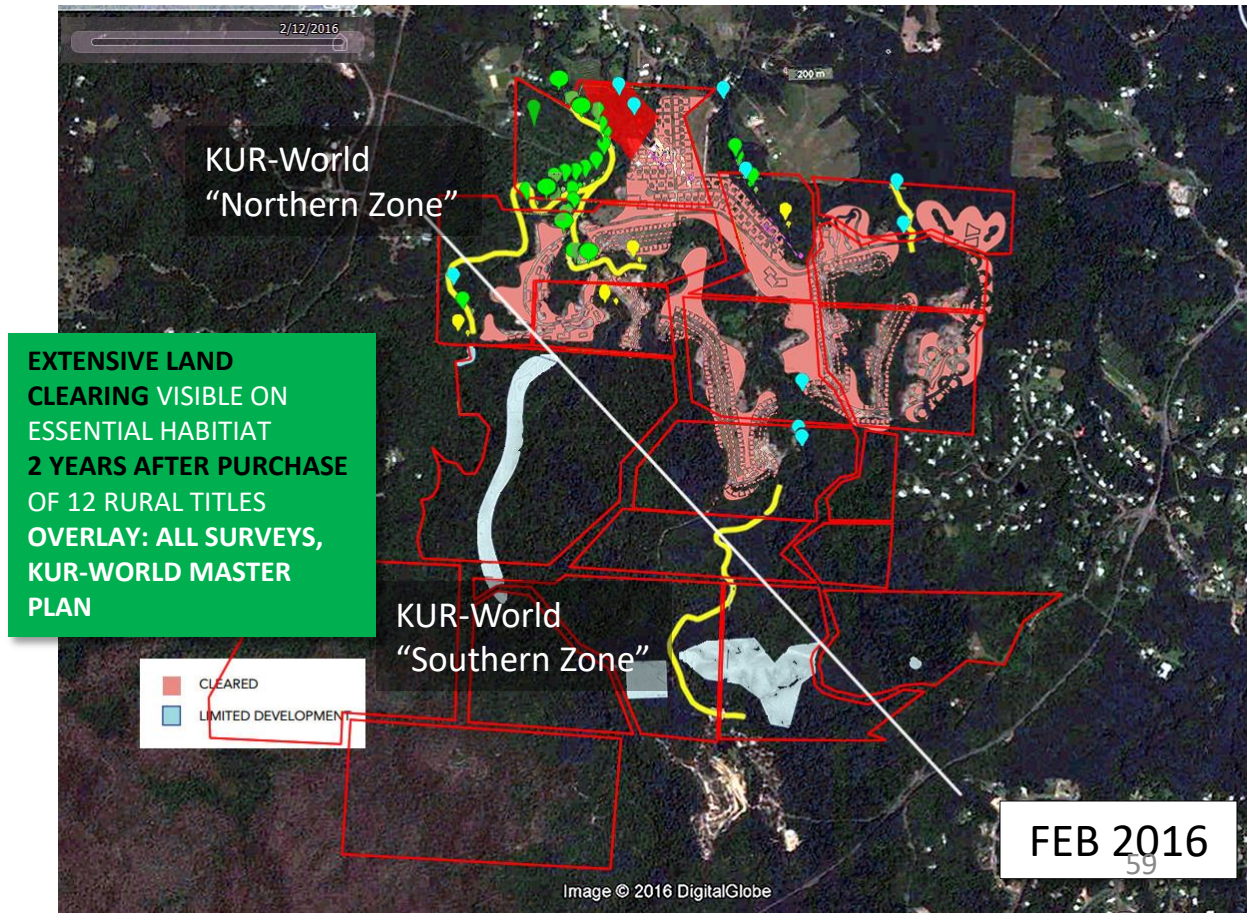
*Archontophoenix myolensis*

### SOUTHERN CASSOWARY

*Casuarus casuarius*

### NORTHERN QUOLL

*Dasyurus hallucatus*



# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

## HABITAT DESTROYED

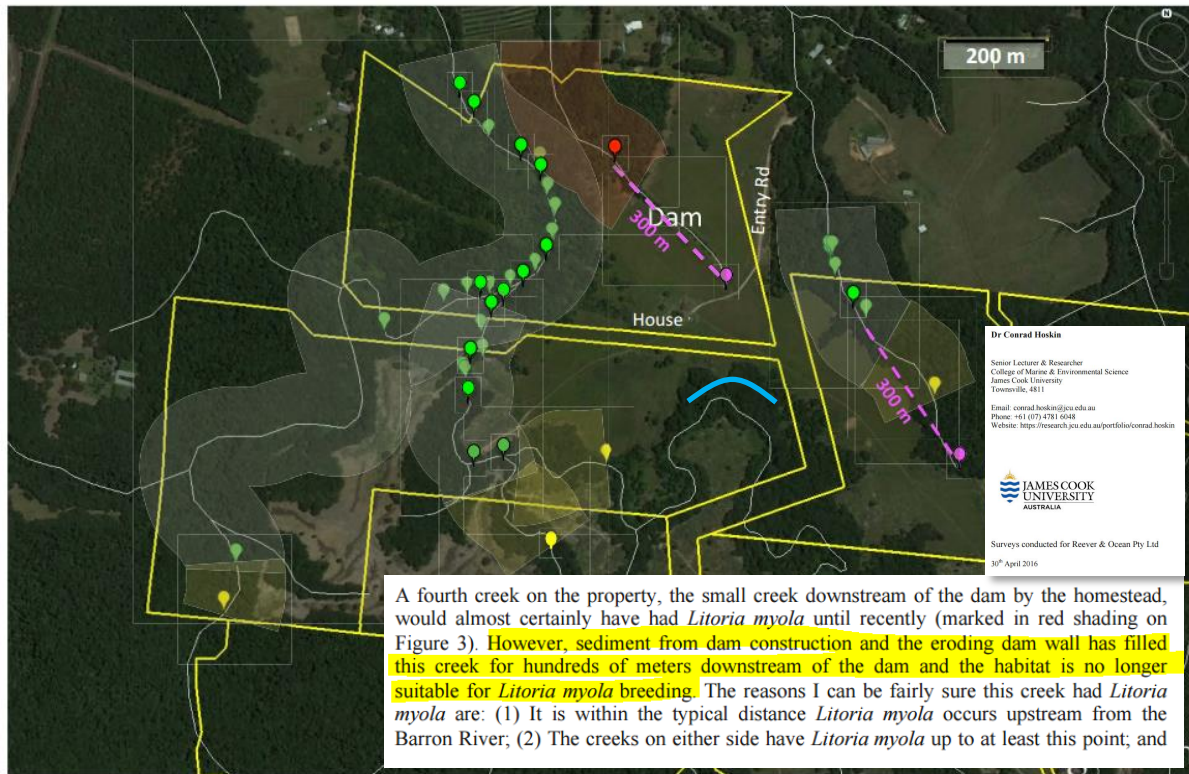
FEDERALLY LISTED

CRITICALLY ENDANGERED

**KURANDA TREE FROG** *Litoria myola*

- Unpermitted dam cut on ephemeral breeding habitat
- Creek below dam wall filled with sediment for hundreds of meters downstream

**Fig 3.** Close-up of *Litoria myola* records. *Litoria myola* records are shown as green symbols. Transparent **green shading** shows a **buffer of approx. 100m** wide on either side of stretches of creeks where *Litoria myola* was detected. Estimated potential upstream extents of *Litoria myola* are shown as yellow symbols, with a **100 m buffer (yellow shading)** or either side of the creeks. **The red shaded area is a creek that probably had *Litoria myola* but is now filled with sediment from the dam.** The red symbol within this shading shows the potential former upstream extent of *L. myola* on this creek. This was determined as 200 m downstream from the top of this creek, which is the same distance as *L. myola* occurs from the top of the adjacent small creek (pink symbols and dashed lines).



**Fig. 3.** Close-up of *Litoria myola* records. *Litoria myola* records are shown as green symbols. Transparent green shading shows a buffer of approx. 100 m wide on either side of stretches of creeks where *Litoria myola* was detected. Estimated potential upstream extents of *Litoria myola* are shown as yellow symbols, with a 100 m buffer (yellow shading) on either side of the creeks. The red shaded area is a creek that probably had *Litoria myola* but is now filled with sediment from the dam. The red symbol within this shading shows the potential former upstream extent of *L. myola* on this creek. This was determined as 300 m downstream from the top of this creek, which is the same distance as *L. myola* occurs from the top of the adjacent small creek (pink symbols and dashed lines).



# FACT CHECK: ENDANGERED SPECIES

MATTERS OF  
NATIONAL ENVIRONMENTAL  
SIGNIFICANCE

## HABITAT DESTROYED

FEDERALLY LISTED

CRITICALLY ENDANGERED

OCCURS ONLY IN LOCAL STREAMS IN MYOLA

**KURANDA TREE FROG** *Litoria myola*

- Unpermitted dam cut on ephemeral breeding habitat
- Creek below dam wall filled with sediment for hundreds of metres downstream

A Mareeba Shire Council spokesman said some regrowth had been removed.

"The consultant managing the property ... informed council that the clearing was undertaken to improve pastures integral to the cattle grazing use," he said.

The Department of Environment and Energy said it was looking into activities at the site.

Penalties of up to \$9 million could be imposed for any action "that has, will, or is likely to result in a significant impact on a matter of national environmental significance without a relevant approval".

## The Cairns Post



📷 Aerial photograph of KUR-World construction site at Kuranda. Conservationists claim there has been illegal vegetation removal at the site, which the developer has dismissed.

Tableland

## Kuranda eco-resort under scrutiny by environment watchdog

Daniel Bateman, The Cairns Post  
August 10, 2016 9:03am

# FACT CHECK: CULTURAL HERITAGE

FAILURE IN  
DUTY OF CARE

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW**  HA

Cultural Heritage Party:  
Djabugay-Bulway-Yirrgay-Nyakali-Guluy People

The proponent did not initiate a Cultural Heritage Assessment **PRIOR to making major excavations on the land and extensive land clearing up to 200ha.**



Australian Government

Department of the Environment

## Referral of proposed action

**Project title:** KUR-World Integrated Eco-resort

### 2.6 Public consultation (including with Indigenous stakeholders)

No public consultation has occurred at this stage.

### 3.3 (i) Indigenous heritage values

The KUR-World project site is located within Djabugay country. No indigenous heritage values have been identified on the site to date.



# FACT CHECK: CULTURAL HERITAGE

## FAILURE IN DUTY OF CARE

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD 230HA**

**KUR-COW ? HA**

Cultural Heritage Party reference –  
no contact made with Gregory Bell.

Document advises ‘proposed  
activity is a **Category 5** activity...  
**activity should not proceed  
without cultural heritage  
assessment.**’

Cultural heritage party for the area is:

QC Ref Number	QUD Ref Number	Party Name	Contact Details
QC2015/005	QUD398/2015	Djabugay-Bulway-Yirrgay-Nyakali-Guluy People	Gregory Bell North Queensland Land Council 61 Anderson Street MANUNDA QLD 4870 Phone: 07 4042 7000 Fax: 07 4042 7033

I refer to your application in which you requested advice on Aboriginal cultural heritage places recorded on the above location.

The Cultural Heritage Database and Register search has been completed and I would like to advise that no Aboriginal cultural heritage is currently recorded in your specific search area, from the data provided by you. However, it is probable that the absence of recorded Aboriginal cultural heritage places reflects a lack of previous cultural heritage surveys of the area. Therefore, our records are not likely to reflect a true picture of the Aboriginal cultural heritage values of the area.

I note that, pursuant to the Cultural Heritage Duty of Care Guidelines, you have advised that the proposed activity is a 'Category 5 activity'. As such, I take this opportunity to remind you that in accordance with those Guidelines:-

Where an activity is proposed under category 5 there is generally a high risk that it could harm Aboriginal cultural heritage. In these circumstances, the activity should not proceed without cultural heritage assessment.

Where an activity is proposed under category 5, it is necessary to notify the Aboriginal Party and seek:

- (a) Advice as to whether the feature constitutes Aboriginal cultural heritage; and
- (b) If it does, agreement as to how best the activity may be managed to avoid or minimise harm to any Aboriginal cultural heritage.

I remind you also that the extent to which the person has complied with Cultural Heritage Duty of Care Guidelines and the extent to which the person consulted with Aboriginal parties about the carrying out of the activity, and the results of the consultation are factors a court may consider when determining if a party has complied with the duty of care.

Please refer to our website [www.datsip.qld.gov.au/people-communities/aboriginal-and-torres-strait-islander-cultural-heritage](http://www.datsip.qld.gov.au/people-communities/aboriginal-and-torres-strait-islander-cultural-heritage) for a copy of the gazetted Cultural Heritage duty of care guidelines, which set out reasonable and practical measures for meeting the duty of care.

Should you have any further queries, please do not hesitate to contact the approval officer on (07) 3405 3050.

Kind regards

# FACT CHECK: CULTURAL HERITAGE

## FAILURE IN DUTY OF CARE

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW**  HA

The proponent has failed to take reasonable and practical measures or responsibility to his Cultural Heritage Duty of Care **PRIOR to making major excavations on the land and extensive land clearing up to 200ha.**



## Aboriginal Cultural Heritage Act 2003

Current as at 31 March 2013—revised version

### Part 3

### Protection of Aboriginal cultural heritage

#### Division 1

#### Key cultural heritage protection provisions

#### 23 Cultural heritage duty of care

- (1) A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the *cultural heritage duty of care*).

Maximum penalty—

- (a) for an individual—1000 penalty units;
  - (b) for a corporation—10,000 penalty units.
- (2) Without limiting the matters that may be considered by a court required to decide whether a person has complied with the cultural heritage duty of care in carrying out an activity, the court may consider the following—

- (a) the nature of the activity, and the likelihood of its causing harm to Aboriginal cultural heritage;
- (b) the nature of the Aboriginal cultural heritage likely to be harmed by the activity;
- (c) the extent to which the person consulted with Aboriginal parties about the carrying out of the activity, and the results of the consultation;
- (d) whether the person carried out a study or survey, of any type, of the area affected by the activity to find out the location and extent of Aboriginal cultural heritage, and the extent of the study or survey;
- (e) whether the person searched the database and register for information about the area affected by the activity;
- (f) the extent to which the person has complied with cultural heritage duty of care guidelines;
- (g) the nature and extent of past uses in the area affected by the activity.



# FACT CHECK: SITE1 EARTHWORKS

**DAM** WATER FEATURE ON  
RESIDENTIAL 'LIFESTYLE VILLAS'

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD 230HA**

**KUR-COW**  **HA**

**URGENT REMEDIATION REQUIRED** on dam wall - by experts - prior to WET SEASON 2016.  
**URGENT REMEDIATION REQUIRED** to remove sedimentation material hundreds of metres downstream that will be picked up and moved to the Barron River WET SEASON 2016.  
**ONGOING** downstream residents wanting assurances for if/ when the dam wall breaks.

The massive dam (*CAPACITY is not documented in council application or approval docs, dam height in docs is not ACTUAL HEIGHT*) was discovered by Mareeba Shire Council after adjoining residents repeated concerns were raised by phone and email.

The dam was ordered *stop work* mid-December by MSC.

A rain event in the same month saw the **first sediment load from the dam wall destroy hundreds of metres of Kuranda Tree Frog *Litoria myola* breeding habitat in the creek behind the dam wall.** The actually gully that was cut and dammed – *was* an ephemeral creek breeding habitat – that is *obviously now totally destroyed*.

The destroyed creek behind the dam wall is also habitat to fellow endangered species, the magnificent Myola Palm *Archontophoenix myolensis*.

**UNPERMITTED  
SITE1 EARTHWORKS**

An aerial photograph of a landscape, likely a wetland or forested area, with a yellow circle marking a specific location. The image is used as a background for the slide.

# FACT CHECK: SITE1 EARTHWORKS

**DAM** WATER FEATURE ON  
RESIDENTIAL 'LIFESTYLE VILLAS'

**REFERENCE POINT**  
MID DAM

**JAN 2014**

Ken Lee purchases BARNWELL 12 RURAL TITLES 626HA  
for \$2 million in Kuranda, Far North Queensland,  
World Heritage Wet Tropics Envirolink Corridor Country

**JUN 2013**





# FACT CHECK: **SITE1 EARTHWORKS**

**DAM** WATER FEATURE ON  
RESIDENTIAL 'LIFESTYLE VILLAS'



**REFERENCE POINT**  
MID DAM

First Google Earth image to show SITE1 EARTHWORKS: DAM

FEB 2016

# FACT CHECK: SITE1 EARTHWORKS

**DAM** WATER FEATURE ON  
RESIDENTIAL 'LIFESTYLE VILLAS'

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW** ? HA

Gully pictured,  
ephemeral  
breeding habitat  
for **CRITICALLY  
ENDANGERED**  
Kuranda Tree Frog  
(*Litoria myola*) and  
**ENDANGERED**  
Myola Palm  
(*Archontophoenix  
myolensis*) habitat  
behind dam wall.

**REFERENCE POINT**  
MID DAM

NOV 2014

0:53 / 3:15

68



# FACT CHECK: SITE1 EARTHWORKS

**DAM** WATER FEATURE ON  
RESIDENTIAL 'LIFESTYLE VILLAS'

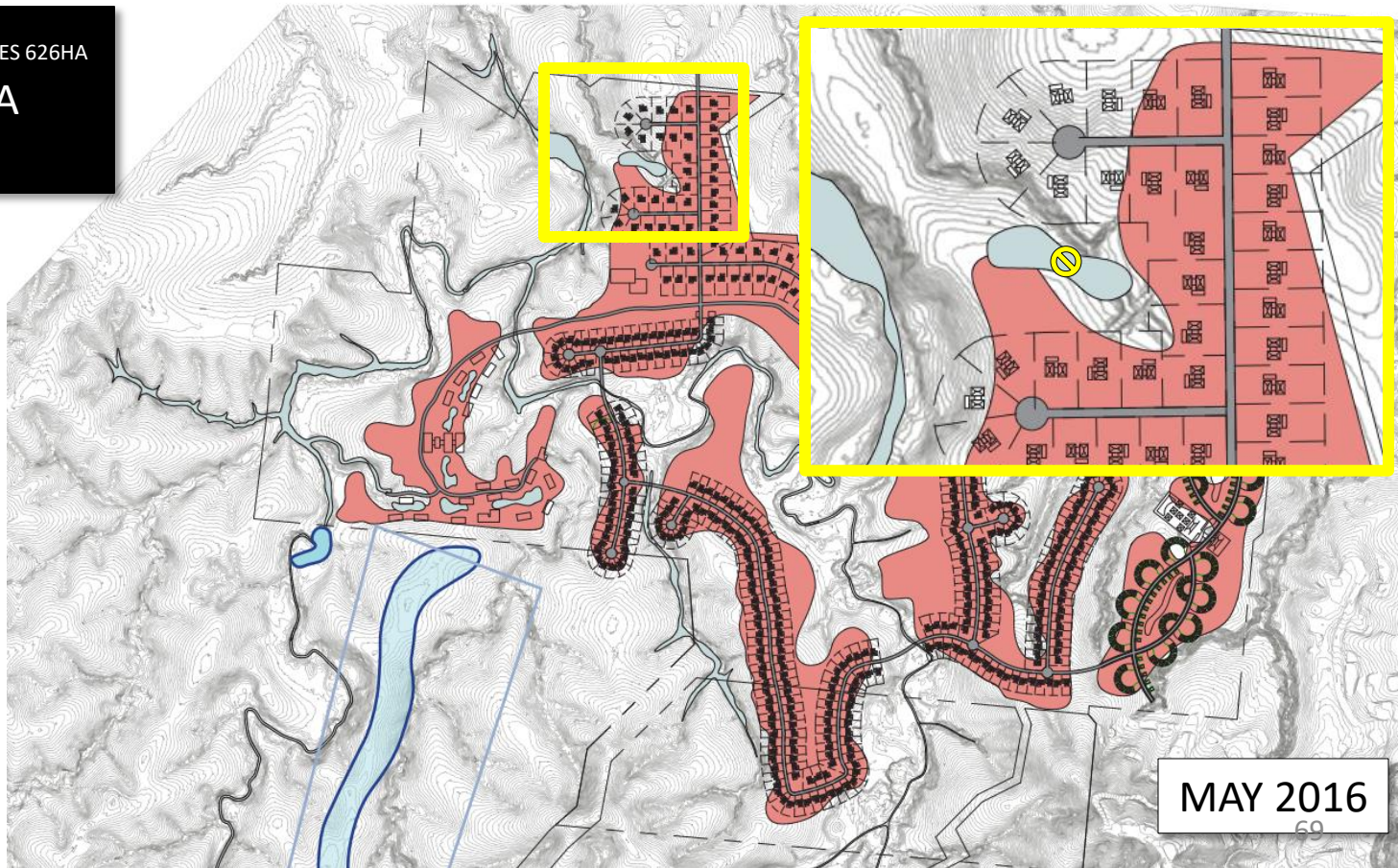
**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW** ? HA

**Dam footprint on  
KUR-World Initial  
Advice Statement  
(IAS) Master Plan**  
as water feature on  
urban residential  
blocks in 'Lifestyle  
Villas' suburb

**REFERENCE POINT  
MID DAM**



MAY 2016

# FACT CHECK: SITE1 EARTHWORKS

**DAM** WATER FEATURE ON  
RESIDENTIAL 'LIFESTYLE VILLAS'

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD 230HA**

**KUR-COW ? HA**

**Dam footprint on KUR-World Initial Advice Statement (IAS) Master Plan** as water feature on urban residential blocks in 'Lifestyle Villas' suburb

**KUR-Cow Pty Ltd**, the '**lawfully established grazing operations**' was not registered until after the dam was approved.

**There are no allocated hectares for KUR-Cow 'lawfully established grazing operations'** on the KUR-World Master Plan which is packed to the rafters with urban residential subdivision blocks and fluffy 'eco-resort'.

**SITE1** was earthworked from existing fenced cattle yard to first land release footprint.

**JUL 28 2016**

## KUR-COW PTY LTD

Company Name:	KUR-COW PTY LTD
Company Current Name:	
Company Status ⓘ :	Registered ⓘ
ABN:	-
ACN:	613 933 029
Company Type:	Australian proprietary company
Company Class:	Limited by Shares
Company Subclass:	PROP ⓘ
Locality	Not recorded
Date of registration	07/28/16

**JUL 20 2016**

## EXECUTIVE SUMMARY

Council is in receipt of an **impact assessable development application** described in the above application details. During the mandatory public notification period, six (6) submissions were received objecting to the proposed development.

The applicant proposes the construction of a **water storage dam** over an existing seasonal gully with an approximate surface area of 1.3 hectares and a finished dam wall height of approximately eight (8) metres. The dam construction was **nearing completion** in mid-

Page 59



Mareeba Shire Council - Agenda

Wednesday 20 July 2016

December 2015 when Council was first made aware of the works, which were subsequently stopped at the request of Council officers. In recognition of the environmental values found throughout the Myola zone, when drafting the Mareeba Shire Planning Scheme 2004, it was decided to make **operational works involving the excavation or filling of more than 50 cubic metres of material, impact assessable development.**

The application and supporting documentation has been assessed against the relevant statutory planning instruments including the FNQ Regional Plan, the State Planning Policy and the Mareeba Shire Planning Scheme 2004 and does not conflict with any relevant planning instrument.

The key issues with the proposed development are ensuring the dam wall is constructed to the appropriate standards and erosion and sediment control is appropriately managed. The dam is intended to support **lawfully established grazing operations** and as such, no consideration has been given to any potential future use as part of the potential KUR-world **concept.**

It is recommended that the application be approved in full, subject to conditions.

70



# FACT CHECK: SITE1 EARTHWORKS

**DAM** WATER FEATURE ON  
RESIDENTIAL 'LIFESTYLE VILLAS'

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD 230HA**

**KUR-COW ? HA**

**Dam footprint on  
KUR-World Initial  
Advice Statement  
(IAS) Master Plan  
as water feature on  
urban residential  
blocks in 'Lifestyle  
Villas' suburb**

**Do the Federally protected  
*matters of national  
environmental significance*  
not count in the Queensland  
State Planning Policy?**



Mareeba Shire Council - Agenda

Wednesday 20 July 2016

**JUL 20 2016**

State Planning Policy is not reflected in the Planning Scheme and is, therefore, applicable to the assessment of the application.

An officer assessment of the proposed development against the provisions contained within the SPP has been undertaken, and it is not considered to be in conflict with any relevant aspect of the SPP.

Queensland State Planning Policy - July 2014		
State Interest	Complies	Assessment Requirements & Comments
<b>Biodiversity</b> A development application where the land relates to a matter of state environmental significance, if the application is for: (a) operational work, or (b) a material change of use other than for a dwelling house, or (c) reconfiguring a lot that results in more than six lots or lots less than five hectares.		<b>Development:</b> (1) identifies any potential significant adverse environmental impacts on matters of state environmental significance, and (2) manages the significant adverse environmental impacts on matters of state environment significance by, in order of priority: (a) avoiding significant adverse environmental impacts, and (b) mitigating significant adverse environmental impacts where these cannot be avoided, and (c) where applicable, offsetting any residual adverse impacts.  <b>Comment</b> The proposed dam will not impact on any mapped MSES (regulated vegetation). Conditions will be attached to any approval requiring the preparation of an Erosion and Sediment Control Plan to manage runoff during and after the construction of the dam.

# FACT CHECK: SITE1 EARTHWORKS

**DAM** WATER FEATURE ON  
RESIDENTIAL 'LIFESTYLE VILLAS'

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD 230HA**

**KUR-COW** ? HA

## Dam footprint on KUR-World Initial Advice Statement (IAS) Master Plan

as water feature on  
urban residential  
blocks in 'Lifestyle  
Villas' suburb

On the same day the dam was approved at the Mareeba Shire Council 30 km away, the sedimentation from the poorly built dam had trashed  
**Federally protected *matters of national environmental significance*** Kuranda Tree Frog and Myola Palm habitat in a MINOR RAIN EVENT.

This is the same creek Conrad Hoskin notes in his report as **no longer being suitable habitat due to sedimentation hundreds of metres downstream of the dam wall.**

The dam was **built in December 2015** – 6 months prior to being approved. As the dam was UNPERMITTED – Erosion and Sediment Control Plan not active.

JUL 20 2016

DEO	Complies	Comments
(a) Significant natural features such as the dense tropical rainforest adjoining the Wet Tropics area, the savannas, the major river systems, wetlands and wildlife corridors, areas identified in the Areas of Regional significance for the Conservation of Biodiversity under the FNQ Regional Plan are protected	✓	Clearing of regrowth vegetation has already been undertaken on the subject land to facilitate the grazing use. No further vegetation clearing will occur in the construction of the proposed dam.  Conditions will be attached to any approval requiring the preparation of an Erosion and Sediment Control Plan to minimise sedimentation of downstream Owen Creek during and after construction.

JUL 20 2016





# FACT CHECK: SITE1 EARTHWORKS

**DAM** WATER FEATURE ON  
RESIDENTIAL 'LIFESTYLE VILLAS'

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW**  HA

8 months after Dam was built  
poor grass cover on shoulders  
and poor compaction ripples  
evident

**REFERENCE POINT**  
DAM – BELOW WALL

**REFERENCE POINT**  
MID DAM



**JUL 2016**

# FACT CHECK: SITE1 EARTHWORKS

**DAM** WATER FEATURE ON  
RESIDENTIAL 'LIFESTYLE VILLAS'

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW** ? HA

AUG 2016 dam new  
machine work visible

**REFERENCE POINT**  
DAM – BELOW WALL

**REFERENCE POINT**  
MID DAM



**AUG 2016**



# FACT CHECK: SITE1 EARTHWORKS

**DAM** WATER FEATURE ON  
RESIDENTIAL 'LIFESTYLE VILLAS'

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW** ? HA

**Behind the DAM WALL,**  
as noted by Conrad Hoskins  
report from FEB 2016: "The red  
shaded area is a creek that  
probably had *Litoria myola* but is  
now filled with sediment from  
the dam."

**REFERENCE POINT**  
DAM – BELOW WALL

**\* URGENT REMEDIATION  
REQUIRED TO REMOVE  
SEDIMENTATION MATERIAL**

JUL 2016





# FACT CHECK: SITE1 EARTHWORKS

**DAM** WATER FEATURE ON  
RESIDENTIAL 'LIFESTYLE VILLAS'

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW** ? HA

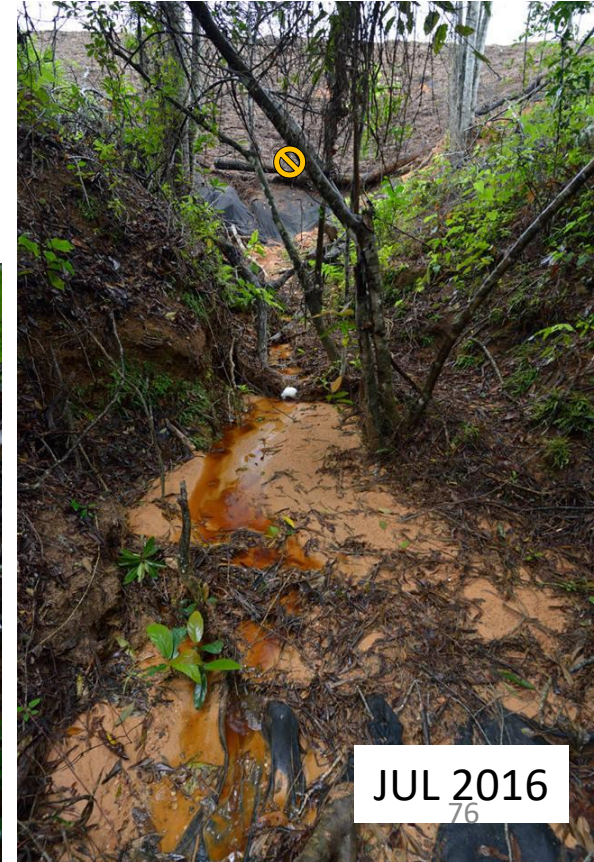
**Dam cut SEP-DEC 2015 still destroying  
ENDANGERED SPECIES HABITAT,**  
sediment has reached the Barron River  
and is waiting for Wet Season Delivery to  
World Heritage Great Barrier Reef.

**6 MONTHS LATER,**  
sediment below DAM  
WALL after **MINOR RAIN  
EVENT**, in **ENDANGERED  
SPECIES** Kuranda Tree Frog  
and Myola Palm recorded  
habitat.

**REFERENCE POINT**  
DAM – BELOW WALL

**\* URGENT REMEDIATION  
REQUIRED TO REMOVE  
SEDIMENTATION  
MATERIAL**

**JUL 2016**



**JUL 2016**



# FACT CHECK: SITE2 EARTHWORKS

URBAN SUBDIVISION  
FIRST LAND RELEASE

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW** ? HA

This area of the property was a large fenced cattle paddock as can be seen from earlier Google Earth images. The unpermitted earthworks for this part of the KUR-World Master Plan started after Feb 2016 and was mostly completed by July 2016, as visible from aerial images.

The land preparation for the first urban residential land release 600m2 lines up on the KUR-World Master Plan.

These major earthworks are upslope of Haren Creek where downstream habitat can be found for two Federally protected frog species. Inadequate soil and erosion controls in place at time of earthworks, discernible from aerials.

Two newly cut sediment pits were documented at the bottom of the site – cut only a week ahead of the proponent's EHP inspection on 17 August 2016.

**UNPERMITTED  
SITE2 EARTHWORKS**

An aerial photograph of a rural landscape. The terrain is a mix of green fields and dark, dense forest. In the center-right, there is a small, rectangular, light-colored area that appears to be a fenced cattle yard. A red circle with a white center is placed on the ground near this area, serving as a reference point. The overall scene is captured from a high angle, showing the boundaries of the land and the surrounding vegetation.

# FACT CHECK: SITE2 EARTHWORKS

URBAN SUBDIVISION  
FIRST LAND RELEASE

REFERENCE POINT  
SITE2 EARTHWORKS

Fenced cattle yard on SITE2 EARTHWORKS: URBAN SUBDIVISION

JUN 2013





# FACT CHECK: SITE2 EARTHWORKS

URBAN SUBDIVISION  
FIRST LAND RELEASE



REFERENCE POINT  
SITE2 EARTHWORKS

FEB 2016



# FACT CHECK: SITE2 EARTHWORKS

URBAN SUBDIVISION  
FIRST LAND RELEASE

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW**  HA

Fenced cattle paddock  
earth-worked to KUR-World  
Master Plan footprint

REFERENCE POINT  
SITE2 EARTHWORKS

REFERENCE POINT  
HAREN CREEK





# FACT CHECK: SITE2 EARTHWORKS

URBAN SUBDIVISION  
FIRST LAND RELEASE

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW**  HA

HAREN CREEK DOWNHILL  
FROM SITE2.  
DOWNSTREAM HABITAT FOR  
MATTERS OF ENVIRONMENTAL  
SIGNIFICANCE - KURANDA  
TREE FROG (*Litoria myola*)  
AND AUSTRALIAN LACELID  
(*Litoria dayi*)

REFERENCE POINT  
SITE2 EARTHWORKS

REFERENCE POINT  
HAREN CREEK



# FACT CHECK: SITE2 EARTHWORKS

URBAN SUBDIVISION  
FIRST LAND RELEASE

**BARNWELL** 12 RURAL TITLES 626HA

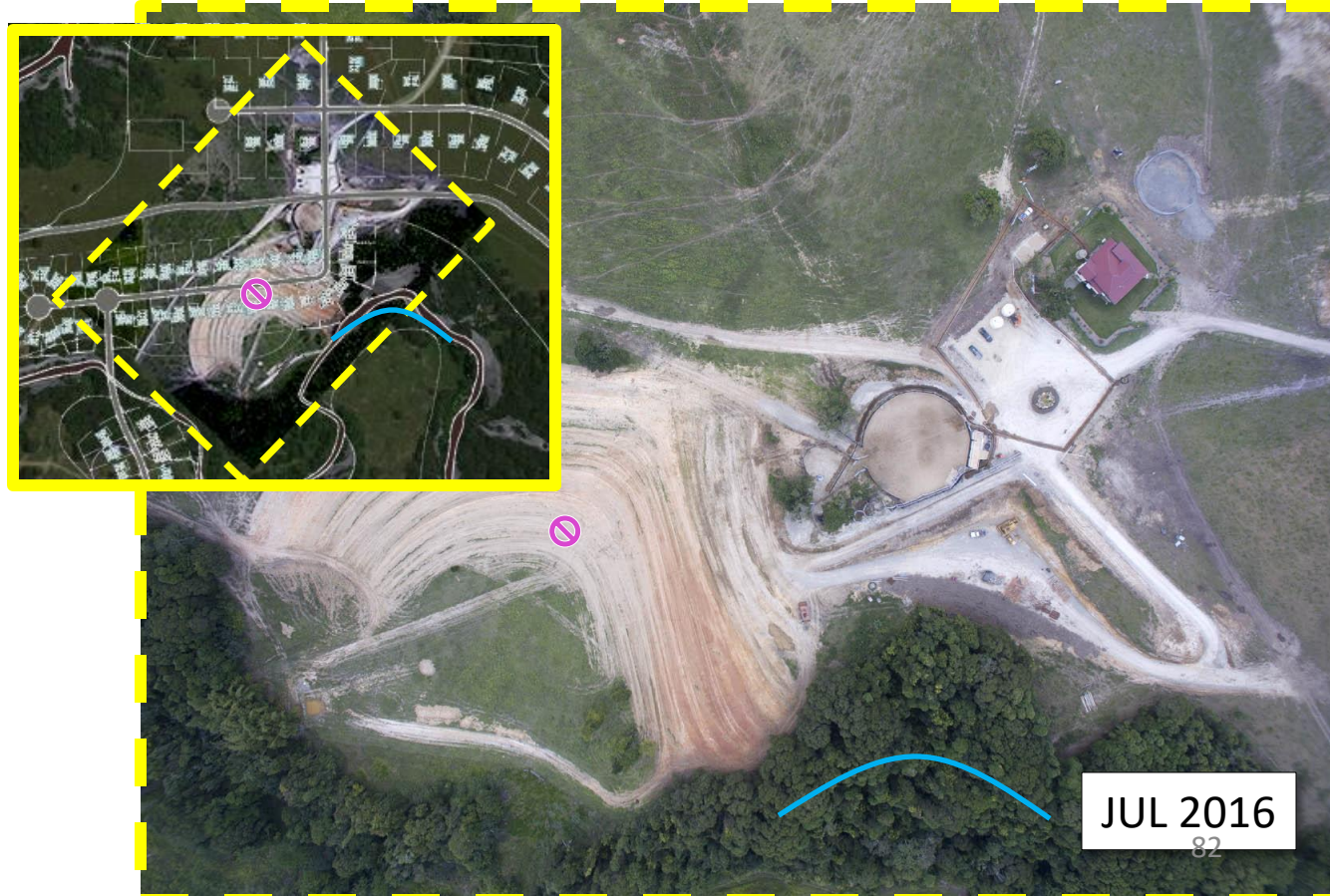
**KUR-WORLD** 230HA

**KUR-COW** ? HA

URBAN SUBDIVISION  
FOOTPRINT AHEAD OF  
APPROVALS ABOVE  
HAREN CREEK. NO SOIL  
AND EROSION  
CONTROL VISIBLE AT  
TIME OF EARTHWORKS

REFERENCE POINT  
SITE2 EARTHWORKS

REFERENCE POINT  
HAREN CREEK



JUL 2016



# FACT CHECK: SITE2 EARTHWORKS

URBAN SUBDIVISION  
FIRST LAND RELEASE

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW**  HA

SITE2 EARTHWORKS

INSET URBAN SUBDIVISION

FOOTPRINT AHEAD OF APPROVALS

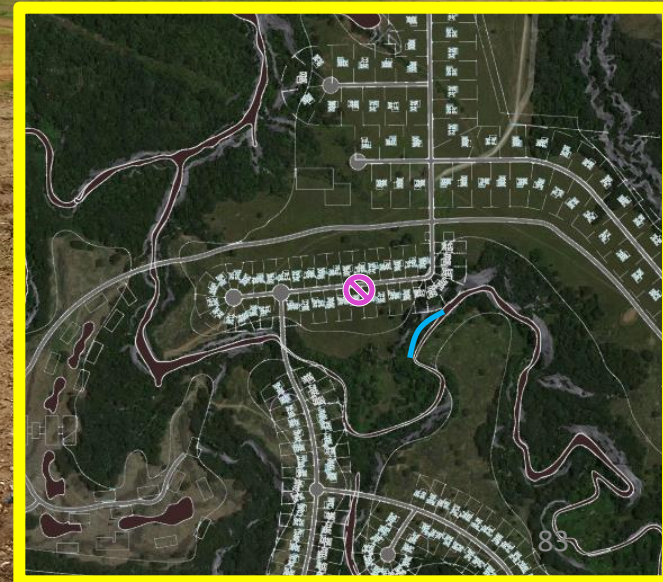
ABOVE HAREN CREEK. NO SOIL AND

EROSION CONTROL VISIBLE AT TIME

OF EARTHWORKS

REFERENCE POINT  
SITE2 EARTHWORKS

REFERENCE POINT  
HAREN CREEK



# FACT CHECK: SITE3 EARTHWORKS

BRIDGE LAUNCH /  
ROAD PREPARATION

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW**  HA

The early photo of homestead shows SITE3 in the foreground and the dam back right. SITE3 looks to be filled with cut from the dam.

Further excavations under the fill into natural ground can be seen in the catchment above Haren Creek, upstream of Federally protected frog habitat.

Unknown if any Soil and Erosion Plan was designed and implemented on this site. Community access to creek for assessment of sedimentation has not been done. Unknown if any remediation is required on SITE3.

**UNPERMITTED  
SITE3 EARTHWORKS**



k

# FACT CHECK: SITE3 EARTHWORKS

BRIDGE LAUNCH /  
ROAD PREPARATION



REFERENCE POINT  
SITE3 EARTHWORKS

NOV 2014

# FACT CHECK: SITE3 EARTHWORKS

BRIDGE LAUNCH /  
ROAD PREPARATION

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW**  HA

Google Earth image shows  
unpermitted SITE3 was  
started prior to February  
2016

REFERENCE POINT  
SITE3 EARTHWORKS

REFERENCE POINT  
HAREN CREEK



FEB 2016

Google earth



# FACT CHECK: SITE3 EARTHWORKS

BRIDGE LAUNCH /  
ROAD PREPARATION

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW** ? HA

Media photo  
showing SITE3  
EARTHWORKS  
underway

REFERENCE POINT  
SITE3 EARTHWORKS

REFERENCE POINT  
HAREN CREEK



2016

# FACT CHECK: SITE3 EARTHWORKS

BRIDGE LAUNCH /  
ROAD PREPARATION

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW**  HA

Aerial image July 2016  
shows unpermitted SITE3  
EARTHWORKS as  
completed

**REFERENCE POINT**  
SITE3 EARTHWORKS

**REFERENCE POINT**  
HAREN CREEK



JUL 2016



# FACT CHECK: SITE3 EARTHWORKS

BRIDGE LAUNCH /  
ROAD PREPARATION

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW** ? HA

Size of  
excavation with  
Haren Creek  
below cut.  
Unknown if Soil  
and Erosion Plan  
active at time of  
earthworks.

REFERENCE POINT  
SITE3 EARTHWORKS

REFERENCE POINT  
HAREN CREEK



AUG 2016



# FACT CHECK: SITE3 EARTHWORKS

BRIDGE LAUNCH /  
ROAD PREPARATION

**BARNWELL** 12 RURAL TITLES 626HA

**KUR-WORLD** 230HA

**KUR-COW** ? HA

Size of  
excavation with  
Haren Creek  
below cut.  
Unknown if Soil  
and Erosion Plan  
active at time of  
earthworks.



**REFERENCE POINT**  
SITE3 EARTHWORKS

**REFERENCE POINT**  
HAREN CREEK



AUG 2016




# FACT CHECK: EXTRAS

## MASTER PLAN FLAW #1

Is the proponent, Ken Lee, planning to clear **RIPARIAN BUFFER ZONES** (native forest zones on protected waterways) for the proposed KUR-World 18 HOLE GOLF COURSE?

**URGENT** when is this clearing scheduled to commence? Activity is illegal.

 Category R area (Reef regrowth watercourse vegetation)

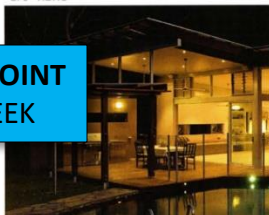
KUR-WORLD GOLF CLUB AND PREMIUM VILLAS



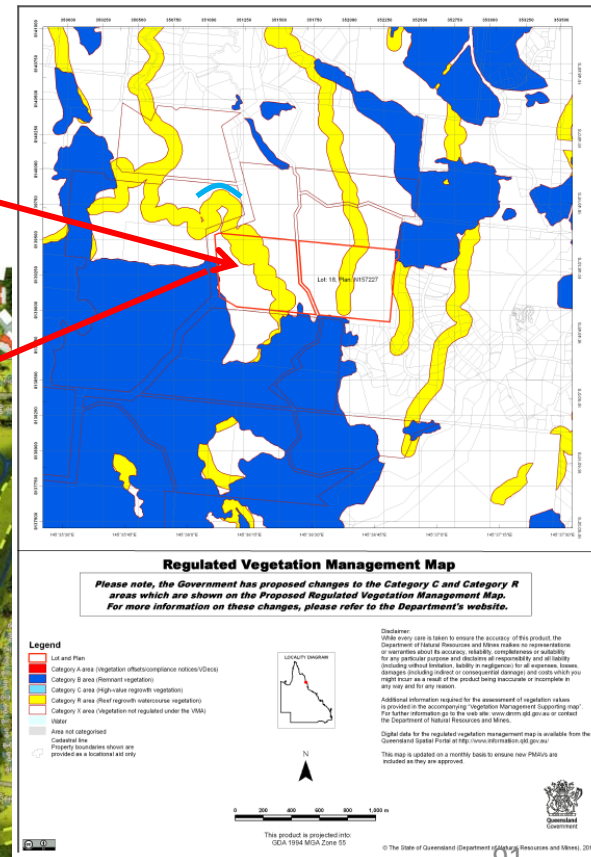
ICONIC ARCHITECTURE



270° VIEWS



REFERENCE POINT  
HAREN CREEK



# FACT CHECK: EXTRAS

## MASTER PLAN FLAW #1

Is the proponent, Ken Lee, planning to clear **RIPARIAN BUFFER ZONES** (native forest zones on protected waterways) for the proposed KUR-World 18 HOLE GOLF COURSE?

MASTER PLAN FOR 18 HOLE  
GOLF COURSE OVERLAY

REFERENCE POINT  
HAREN CREEK



Pettigee Kuranda  
Rainforest Retreat

Hilltop Ct



# FACT CHECK: EXTRAS

## MASTER PLAN FLAW #1

Is the proponent, Ken Lee, planning to clear **RIPARIAN BUFFER ZONES** (native forest zones on protected waterways) for the proposed KUR-World 18 HOLE GOLF COURSE?

MASTER PLAN FOR 18 HOLE  
GOLF COURSE OVERLAY –  
PROPOSED FAIRWAYS  
OUTLINED IN RED

REFERENCE POINT  
HAREN CREEK

CLUBHOUSE

Pettigee Kuranda  
Rainforest Retreat

Hilltop Cl



# FACT CHECK: EXTRAS

## MASTER PLAN FLAW #1

Is the proponent, Ken Lee, planning to clear **RIPARIAN BUFFER ZONES**  
(native forest zones on protected waterways) for the proposed KUR-World 18 HOLE GOLF COURSE?

*Promo video shows Haren  
Creek cleared completely  
to the waterbody*

REFERENCE POINT  
ORIGINAL HOMESTEAD

REFERENCE POINT  
HAREN CREEK



# FACT CHECK: EXTRAS

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(native forest zones on protected waterways) for the proposed KUR-World 18 HOLE GOLF COURSE?

*Thankfully* protected frog  
creeks haven't yet been  
cleared to the waterbodies

REFERENCE POINT  
ORIGINAL HOMESTEAD

REFERENCE POINT  
HAREN CREEK

Image © 2016 DigitalGlobe

Google earth



# FACT CHECK: EXTRAS

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REFERENCE POINT  
ORIGINAL HOMESTEAD

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HAREN CREEK

Image © 2016 DigitalGlobe

Google earth





# FACT CHECK: EXTRAS

MASTER PLAN  
FLAW #1

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REFERENCE POINT  
ORIGINAL HOMESTEAD

REFERENCE POINT  
HAREN CREEK

Image © 2016 DigitalGlobe

Google earth





This place does matter. KUR-World project area is not on "re-growth" instead 45-75yo Recovering Rainforest on the top titles, and Old Growth on the bottom titles. This land has not been Culturally Assessed by an Indigenous Stakeholder.

CYCADS  
FROGS  
DRAGONFLIES

CONIFERS

GIANT  
FERNS

SPIDERS

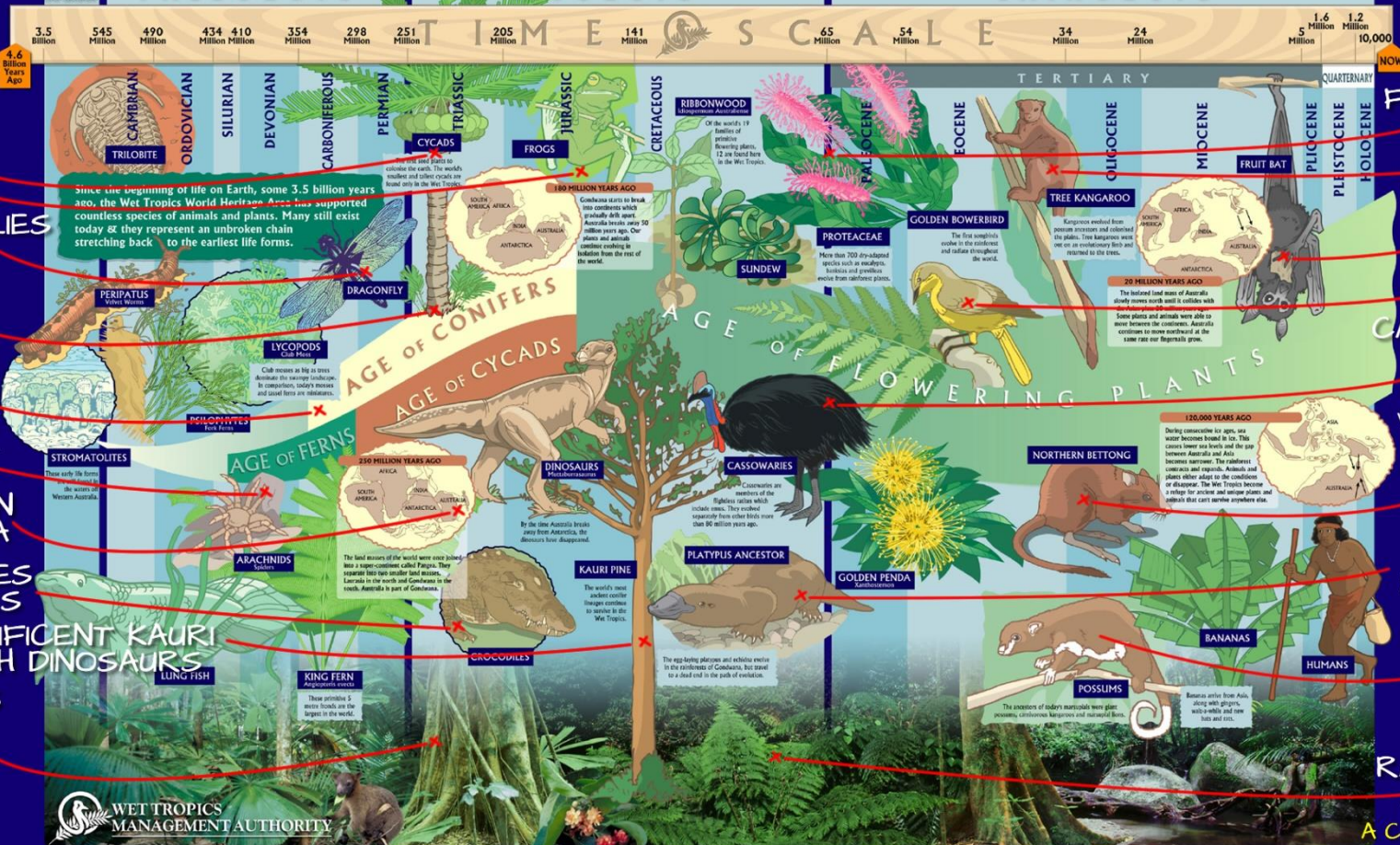
KURANDA IN  
GONDWANA

CROCODILES  
ANCESTORS

OUR MAGNIFICENT KAURI  
LIVING WITH DINOSAURS

KURANDA'S  
ANCIENT  
FORESTS

STILL CARRY &  
SUPPORT THESE  
SPECIES TO THE  
PRESENT DAY



FLOWERING  
PLANTS

TREE  
KANGAROO

BATS

BIRDS

CASSOWARY  
KEYSTONE  
SPECIES

OF THE  
WET TROPICS  
WORLD HERITAGE  
RAINFOREST

BETTONG

PLATYPUS  
ANCESTOR  
KURANDA VILLAGE  
IS NGUNBAY  
OR PLATYPUS

POSSUMS

LUSH  
TROPICAL  
RAINFOREST  
WITH GIANT  
TREES MAKING  
A CANOPY OF 50M



# FACT CHECK: EXTRAS

## UNPERMITTED ACTIVITIES

	ACTIVITY	LEGAL ENTITY	DESCRIPTION	RELEVANT ACT / LEGISLATION	PENALTY
<b>A</b>	<b>LAND CLEARING:</b> Area mapped as 'high risk' on flora trigger map. Flora and survey and report was not conducted prior to clearing	KEN LEE/REEVER AND OCEAN PTY LTD	<ul style="list-style-type: none"> <li>BREACH REPORTED 17 SEP 2015 SIMON DANIELSEN (ASTREBLA)</li> </ul>	<ul style="list-style-type: none"> <li>Section 256 Nature Conservation (Wildlife Management) Regulation 2006 <b>Department of Environment and Heritage Protection</b></li> </ul>	MIN: \$ _____ MAX: \$ _____
<b>B</b>	<b>MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE:</b> Unpermitted operational works have directly affected Federally listed endangered species on the 12 Rural Titles	KEN LEE/REEVER AND OCEAN PTY LTD	<ul style="list-style-type: none"> <li>Evidence of significant impacts on multiple Federally listed endangered species</li> </ul>	<ul style="list-style-type: none"> <li><b>Environment Protection and Biodiversity Conservation Act 1999 (EPBC)</b> #4 Listed threatened species and ecological communities.</li> <li>Quote from Cairns Post 10 August: <b>The Department of Environment and Energy</b> said it was looking into activities at the site. Penalties of up to \$9 million could be imposed for any action <b>"that has, will, or is likely to result in a significant impact on a matter of national environmental significance without a relevant approval"</b>.</li> </ul>	MIN: \$ _____ MAX: \$9m
<b>C</b>	<b>CLEARING CATEGORY R AREA</b> (REEF REGROWTH WATERCOURSE) TO UNDER 10 M	KEN LEE/REEVER AND OCEAN PTY LTD	<ul style="list-style-type: none"> <li>Evidence on the site</li> </ul>		MIN: \$ _____ MAX: \$ _____

# FACT CHECK: EXTRAS

## UNPERMITTED ACTIVITIES

	ACTIVITY	LEGAL ENTITY	DESCRIPTION	RELEVANT ACT / LEGISLATION	PENALTY
<b>D</b>	<b>EXTENSIVE LAND CLEARING (up to 200HA): TO KUR-WORLD FOOTPRINT AHEAD OF APPROVALS</b>	KEN LEE/ REEVER AND OCEAN PTY LTD	<ul style="list-style-type: none"> <li>Unpermitted land clearing up to 200ha</li> <li>First flora trigger / survey / report published SEP 2015 after most clearing was already done, by OCT 2015 (Google Earth)</li> <li>Sediment from land clearing on Warrill catchment on eastern titles reached the Barron River (photo / video)</li> </ul>	<ul style="list-style-type: none"> <li>Section 256 Nature Conservation (Wildlife Management) Regulation 2006 <b>Department of Environment and Heritage Protection</b></li> </ul>	MIN: \$ ____ MAX: \$ ____
<b>E</b>	<b>SITE1 EARTHWORKS: DAM / WATER FEATURE TO KUR-WORLD FOOTPRINT AHEAD OF APPROVALS</b>	KEN LEE/ REEVER AND OCEAN PTY LTD	<ul style="list-style-type: none"> <li>Unpermitted, excavated site greater than 50m3, above Owen Creek</li> <li>Sediment documented 'hundreds of meters downstream' from the dam wall – habitat destroyed</li> </ul>		MIN: \$ ____ MAX: \$ ____
<b>F</b>	<b>SITE2 EARTHWORKS: URBAN SUBDIVISION FIRST LAND RELEASE TO KUR-WORLD FOOTPRINT AHEAD OF APPROVALS</b>	KEN LEE/ REEVER AND OCEAN PTY LTD	<ul style="list-style-type: none"> <li>Unpermitted, excavated site greater than 50m3, above Haren Creek</li> <li>Unknown sedimentation in Haren Creek below earthworks</li> </ul>		MIN: \$ ____ MAX: \$ ____
<b>G</b>	<b>SITE3 EARTHWORKS: BRIDGE LAUNCH/ ROAD PREP TO KUR-WORLD FOOTPRINT AHEAD OF APPROVALS</b>	KEN LEE/ REEVER AND OCEAN PTY LTD	<ul style="list-style-type: none"> <li>Unpermitted, excavated site greater than 50m3, above Haren Creek</li> <li>Unknown sedimentation in Haren Creek below earthworks</li> </ul>		MIN: \$ ____ MAX: \$ ____



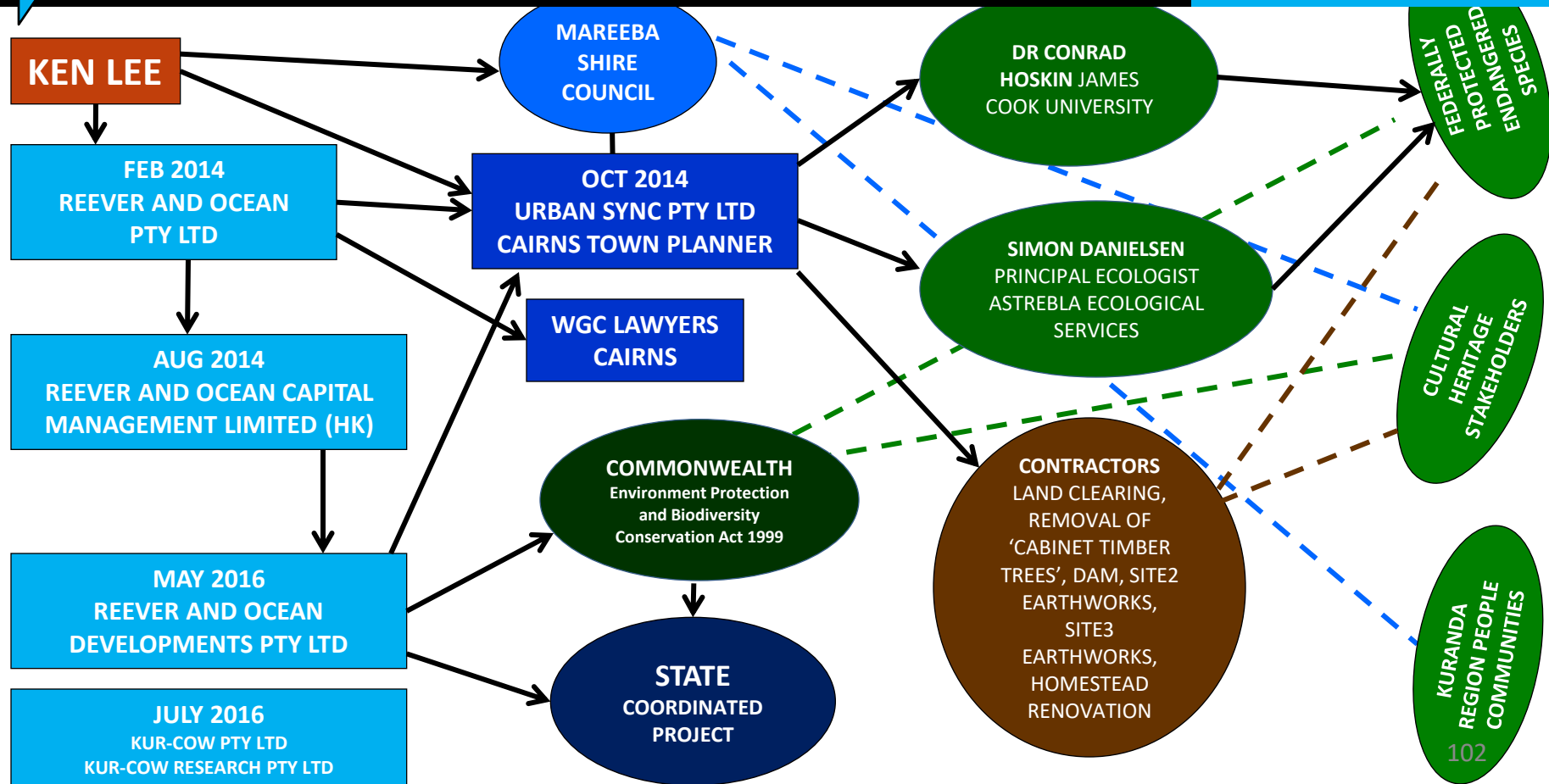
# FACT CHECK: EXTRAS

## UNPERMITTED ACTIVITIES

	ACTIVITY	LEGAL ENTITY	DESCRIPTON	RELEVANT ACT / LEGISLATION	PENALTY
H	<b>TIMBER GETTING (LOGGING):</b> OLD-GROWTH RAINFOREST SPECIES LOGGED ON PROPERTY DURING LAND CLEARING	KEN LEE/ REEVER AND OCEAN PTY LTD	Cairns Post quote 'Large standing cabinet timber trees'		MIN: \$ ____ MAX: \$ ____
I	<b>HOMESTEAD RENOVATION</b> – no council permit	KEN LEE/ REEVER AND OCEAN PTY LTD	Extensive renovations on original homestead		MIN: \$ ____ MAX: \$ ____
J	<b>OPERATIONAL WORKS</b> – outside permitted hours	KEN LEE/ REEVER AND OCEAN PTY LTD	Residents document machine noise outside permitted hours		MIN: \$ ____ MAX: \$ ____

# FACT CHECK: EXTRAS

WHO'S  
WHO





# FACT CHECK: EXTRAS

**TIMELINE**  
**JAN 2014 – JUL 2016**

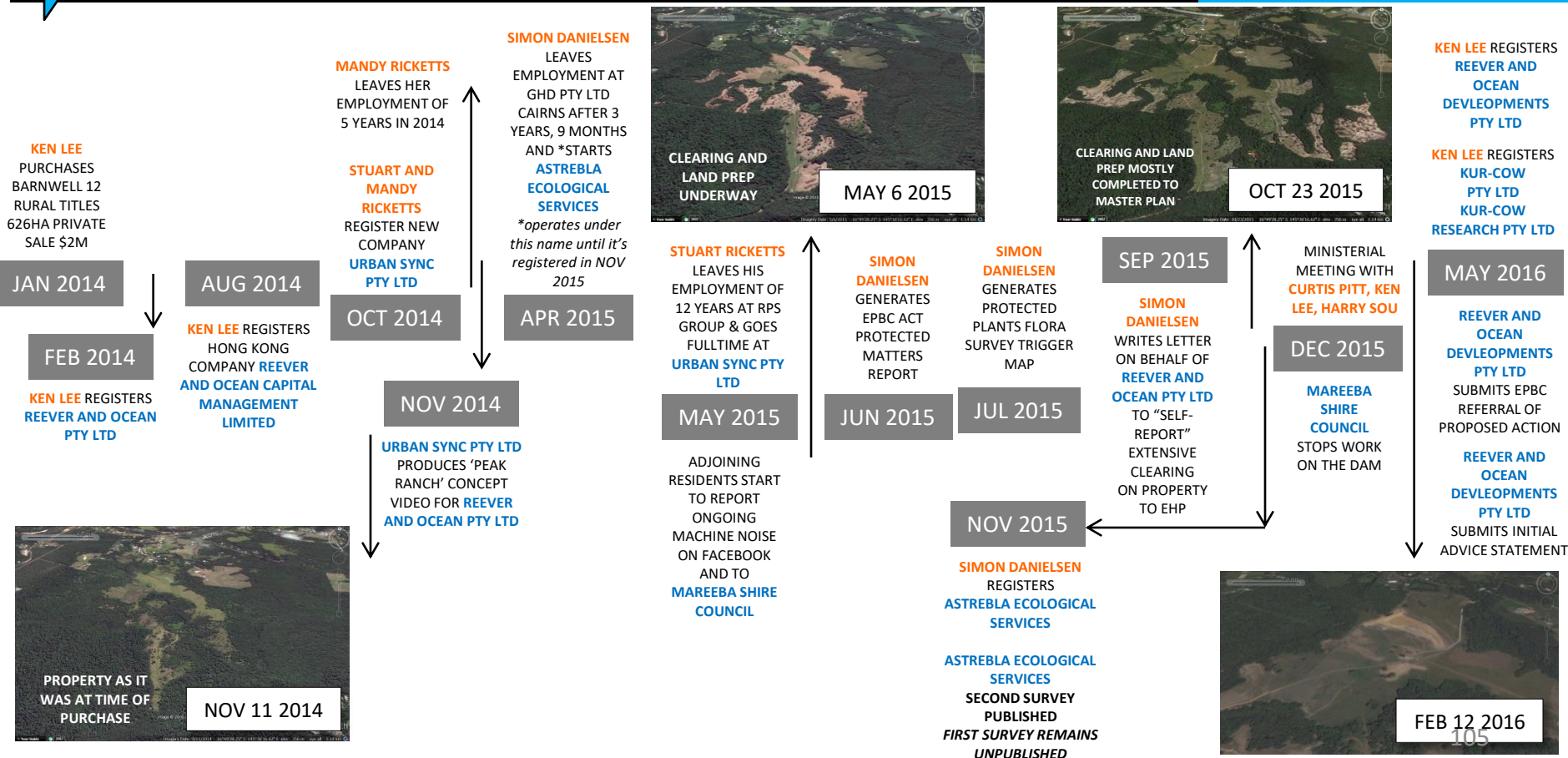
<b>2014 FIRST HALF</b>	<b>Rumour has it that new owner Ken Lee approached a Cairns Town Planner and discussed high-density urban subdivision on Barnwell 626ha. This company was not engaged by Ken Lee.</b>
2014 JANUARY	Ken Lee purchased historically zoned Barnwell 12 Rural Title 626ha for \$2million
2014 FEBRUARY	Ken Lee registered Australian company 'Reever and Ocean Pty Ltd'
2014 AUGUST	Ken Lee registered Hong Kong company 'Reever and Ocean Capital Management Limited'
2014 OCTOBER	Stuart and Mandy Ricketts register Urban Sync Pty Ltd
	<i>Why engage a Town Planner if you're not planning a town?</i>
2014 NOVEMBER	First Youtube video produced by Urban Sync for Ken Lee 'Peak Ranch' published
2015 MAY	<i>Land preparation and clearing underway on Google Earth images</i>
2015 JUNE	Simon Danielsen generates EPBC Protected Matters Report, on behalf of proponent, listing 2 Critically Endangered, 20 Endangered and 13 Threatened (Vulnerable) species
2015 JUNE	First Google Earth image to show that clearing and scraping back the land had started on Barnwell.
2015 JULY	Simon Danielsen generates Protected Plants Flora Survey Trigger Map, on behalf of proponent, which triggers the 12 titles.
2015 AUGUST	Urban Sync creates the working document for the Referral of proposed action (footer date on EPBC inserted doc)
2015 SEPTEMBER	Simon Danielsen Principal Ecologist Astrebla Ecological Services (unregistered entity) reports to Department Environment and Heritage Protection land 'cleared in breach of s.256'
	<i>EPBC doc notes unpublished report by Danielsen, S. 2015 Astrebla Ecological Services (unregistered entity)</i>
2015 NOVEMBER	Simon Danielsen registers business Astrebla Ecological Services
2015 NOVEMBER	Simon Danielsen Principal Ecologist Astrebla Ecological Services second report published
2015 DECEMBER	<i>Full extent of land clearing up to 200ha visible on Google Earth</i>
2015 DECEMBER	Dam completed on property – stop work ordered by Mareeba Shire Council after community reports

CONT.	
2015 DECEMBER	Ministerial Diary Curtis Pitt MP - Meeting with Harry Sou and Ken Lee of Reeve and Ocean Pty Ltd
2016 FEBRUARY	Dam and Site2, Site3 Earthworks appear on Google Earth for the first time
2016 FEBRUARY	Retrospective Dam application submitted to council
2016 MARCH	Road closure request submitted on KUR-World proposed site
2016 APRIL	Mareeba Shire Council approves road closure on KUR-World proposed site (following month)
2016 APRIL	KUR-WORLD.COM domain name is purchased by Ken Lee's Australian company Reeve and Ocean Pty Ltd
	<i>EPBC doc notes unpublished report by Hoskin, C., 2016</i>
2016 APRIL	Dr Conrad Hoskins second report published
2016 MAY	Ken Lee registers Australian company Reeve and Ocean Developments Pty Ltd
2016 MAY	KUR-COW.COM domain name purchased by Ken Lee's Australian company Reeve and Ocean Pty Ltd
2016 MAY	EPBC Referral of proposed action for 'KUR-World' submitted by Reeve & Ocean Developments Pty Ltd
	<i>KUR-Cow 'lawfully established grazing operations' not accounted for on master plan footprint</i>
2016 MAY	Initial Advice Statement (IAS) submitted by Reeve & Ocean Developments Pty Ltd
2016 JULY	KUR-World proposal is declared a State Coordinated Project
	<i>Why would a 'lawfully established grazing operation' be a State Coordinated Project?</i>
2016 JULY	3rd Cairns Post article, first mention of 'KUR-Cow'
2016 JULY	Retrospective dam approval by Mareeba Shire Council 20 July
2016 JULY	KUR-Cow Pty Ltd, KUR-Cow Research Pty Ltd registered 28 July



# FACT CHECK: EXTRAS

TIMELINE  
JAN 2014 – MAY 2016



### Ken Lee

“He started to work in the tourism and hotel industry at the age of 19, first at Star City in Sydney and then Casinos Austria, which gave him the opportunity to work in Cairns at the Reef Hotel Casino”

“... Lee’s past ten years of work in Macau as vice president of marketing for Wynn Resorts...”

#### Cairns Post



**BIG PLANS:** Ken Lee of Reeve and Ocean capital management has started transforming the rundown G20ha Barnwell Rd farm which he bought for \$2 million at Kuranda. PICTURE: SUPPLIED

#### Sydney businessman plans for new eco-tourism venture at Kuranda

NICK DALTON, The Cairns Post  
January 9, 2016 6:10am

A SYDNEY property investor has bought a cattle property at Kuranda with plans for an eco-tourism venture.

#### Cairns Post



**Macau developer Ken Lee, seen here scuba diving on the Great Barrier Reef, is behind a \$650 million integrated resort at Kuranda. PICTURE: SUPPLIED**

#### \$650 million integrated resort revealed for Kuranda

The Cairns Post  
June 8, 2016 10:00am

A MACAU developer has revealed plans for a \$650 million integrated resort at Kuranda with construction slated to start mid-2018. Reeve and Ocean Developments chairman Ken Lee has signed off on a master plan for KUR-World, an integrated eco-tourism and

#### Cairns Post



**Developer Ken Lee at his Kur-Cow property near Kuranda where his proposed \$640m eco resort will be built. PICTURE: STEWART McLEAN**

#### Developer knocks casino on head for Kuranda

Nick Dalton, The Cairns Post  
July 17, 2016 5:00am

THE developer of a \$640 million eco-resort at Kuranda has ruled out including a casino as part of the venture.

#### Cairns Post



**Macau developer Ken Lee, seen here scuba diving on the Great Barrier Reef, is behind a \$650 million integrated resort at Kuranda.**

#### \$640m Kuranda eco-resort project gets special government status

Nick Dalton, The Cairns Post  
July 13, 2016 5:00am

THE developers of a \$640 million integrated eco-resort near Kuranda are urging the community to have their say on the venture which has been declared a co-ordinated project.



### Ken Lee's legal entities

**JAN 2014**

PRIVATE SALE  
12 RURAL TITLES  
626HA IN KURANDA  
\$2 MILLION

**FEB 2014**

REEVER AND OCEAN  
PTY LTD

**AUG 2014**

REEVER AND OCEAN CAPITAL  
MANAGEMENT LIMITED (HK)

**MAR 2016**

KURWORLD.COM

**APR 2016**

KUR-WORLD.COM

**MAY 2016**

REEVER AND OCEAN  
DEVELOPMENTS PTY LTD

**MAY 2016**

KUR-COW.COM

**JULY 2016**

KUR-COW PTY LTD  
KUR-COW RESEARCH PTY LTD

### Stuart Ricketts



#### Stuart Ricketts

Director - Senior Planner at Urban Sync Pty Ltd  
Cairns, Australia | Renewables & Environment

334  
connections

Current Urban Sync Pty Ltd  
Previous RPS Group, Hallibuton KBR  
Education Griffith University  
Websites Company Website

#### Experience

##### Director - Senior Planner

Urban Sync Pty Ltd  
July 2014 – Present (2 years 3 months)

Professional consultant capable of coordinating and delivering greenfield/infill projects on behalf of the private development sector through experience and solid industry relationships.

##### Principal - Planner

RPS Group  
August 2002 – July 2014 (12 years)

RPS

##### Town Planner

Hallibuton KBR  
September 2000 – July 2002 (1 year 11 months)

### Mandy Ricketts

#### Mandy Ricketts

Operations Manager at Urban Sync  
Cairns, Australia | Law Practice

22  
connections

Previous Preston Law Firm, Lorna Jane, Miller Harris Lawyers  
Education University of Southern Queensland



#### Experience

##### Legal Secretary

Preston Law Firm  
2009 – 2014 (5 years)

##### Retail Assistant/2IC

Lorna Jane  
2012 – 2013 (1 year)

200 LORNA JANE

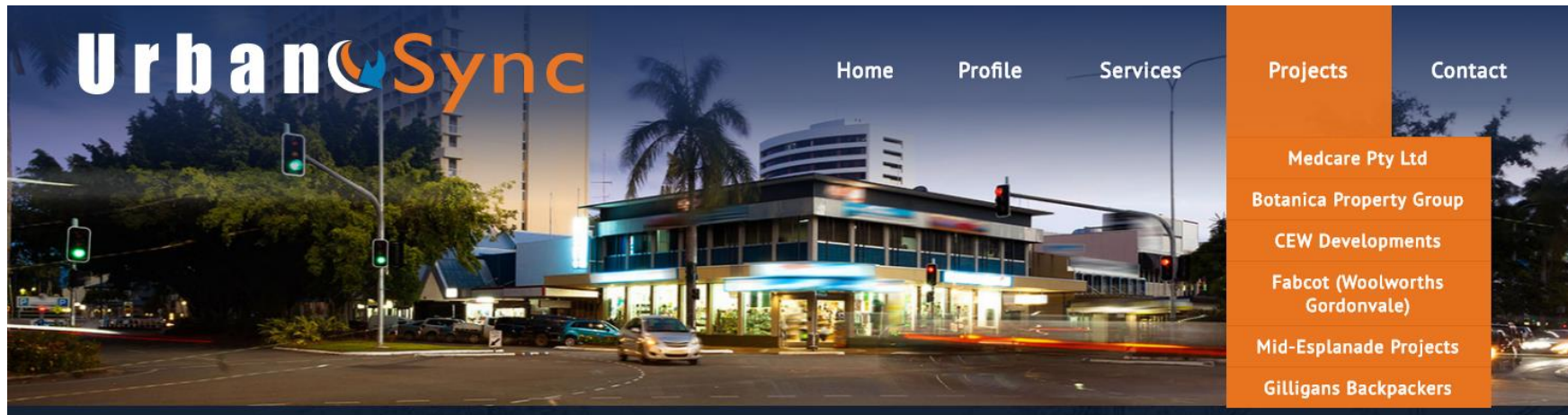
##### Legal Secretary

Miller Harris Lawyers  
2004 – 2009 (5 years)



# FACT CHECK: EXTRAS

## THE PLAYERS KUR-WORLD TEAM



?

Why is KUR-World not listed on the Urban Sync website under 'Projects'?

KUR-World Integrated  
Eco-Resort \$650M

### Simon Danielsen

#### Simon Danielsen

Principal Ecologist at Astrebla Ecology Consulting  
Brisbane, Australia | Environmental Services

Current	Astrebla Ecology Consulting
Previous	GHD Pty Ltd, Bangkok Forestry Herbarium (BKF), NRW
Education	Griffith University
Recommendations	1 p. Summary



#### Experience

##### Principal Ecologist

Astrebla Ecology Consulting  
April 2015 – Present (1 year 6 months)

I am now available for ecological survey and advisory work within the Australia/Pacific and South East Asian regions. I specialise in vegetation community characterization and mapping, threatened flora surveys, weed surveys and mapping, and advice and specialist support in relation to infrastructure projects and developments, in particular as it relates to Commonwealth and State legislation and the approval process.

I can also offer support to other ecologists in terms of report reviewing and overflow work servicing.

#### Business Name Summary

Name: ASTREBLA ECOLOGICAL SERVICES  
Registration Number:  
Registered State:  
Registration Date: 08/11/2015  
Status: Registered  
Type: Business Names  
Regulator: Australian Securities & Investments Commission

#### Principal Ecologist

GHD Pty Ltd  
August 2011 – April 2015 (3 years 9 months)



Major projects, most of which included approvals from Queensland and Commonwealth governments, include:  
Team leader, ecological survey of the Australia Pacific LNG Spring Gully development area, north of Roma, ~ 350, 000 ha, half of which is greenfield: includes the Scott Ck mound spring;  
Botanical survey/mapping of Doongmabulla Springs, a Great Artesian Basin mound spring complex rated 1A, and the vulnerable waxy cabbage palm popltn, for the proposed Carmichael Coal mine;  
Overall baseline botanical survey & vegetation mapping for proposed Carmichael Coal mine site, an ~60, 000 ha mostly greenfield site;  
Baseline botanical survey for proposed Theresa Creek coal mine site, near Emerald, inc. natural grassland surveys & mapping of Dichanthium queenslandicum;  
Botanical and EIS surveys for major Queensland linear infrastructure projects:  
- Proposed Adani rail project from Galliee basin to Moranbah and Abbot Point (over 300 km)  
- Previously proposed PRX rail corridor, Abbot Point to Moranbah (almost 300 km)  
- Proposed Hancock Coal/GVK rail project Abbot Point to Alpha (Galliee Basin) (495 km)  
- Queensland Rail 'Northern Missing Link' (later 'Coal Connect alliance') (70 km)  
- Ecology studies for proposed GVK/Hancock/Powerlink 275 kV transmission line - Lilyvale to Alpha mine (200 km)  
- Ecology studies for multiple Powerlink lines in the Roma-Wandoan area.  
Baseline survey for operational areas proposed by Interol in the PNG Gulf province;  
Baseline botanical survey & impact assessment for Chinalco bauxite mine near Weipa in Cape York Peninsula;  
Botanical surveys supporting search for armour rock quarry, Townsville City Council;  
Botanical survey on Lord Howe Island for AirServices Australia infrastructure,  
Black ironbox (Eucalyptus raveretiana) population survey and impact assessment for Sonoma Coal, near Collinsville (including expert witness report for P&E court);  
Numerous vegetation mapping projects, PMAV & PVMPs and EPBC referrals for Qld property developers.

I am an enthusiastic and experienced consultant vegetation ecologist/botanist with a background in policy implementation and interpretation. I have extensive experience preparing vegetation community mapping, weed mapping, conducting detailed botanical surveys and targeted searches for threatened species of flora, and designing and implementing ecological surveys and species management plans for threatened species. In particular, I have experience working with linear infrastructure projects such as powerlines, pipelines, and railways.

I have worked with numerous developers of housing estates assisting them to comply with vegetation laws. I can assist proponents in meeting their legal requirements under the Queensland Vegetation Management Act 1999, Sustainable Planning Act 2009, and Nature Conservation Act 1994, and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. I have also provided expert witness services for legal matters.

Specialties: Vegetation community and weed survey and mapping, detailed botanical surveys (specialising in Queensland grassland and sclerophyll vegetation), and advice in relation to compliance with NSW/Queensland and Commonwealth laws in relation to flora and fauna. I have particular experience in working with proposed and existing linear infrastructure, and rural residential housing developments.

I have prepared and presented a series of hands-on microscope workshops aimed at developing skills in grass ID, and I can provide training to small groups in relation to botanical ID and survey skills.



# FACT CHECK: EXTRAS

## THE PLAYERS KUR-WORLD TEAM

### Harry Sou



#### Harry Sou

Founder & Managing Director at Cafe China Group

Cairns, Australia | Hospitality

**Current** Cafe China Group, Reeve & Ovens Developments (KUR-World), Tourism Tropical North Queensland (TTNQ)

**Previous** Tastes of China, Radisson Hotel Cairns - Captains Table Restaurant, Mask of China

**Education** Computer Power Institute

58  
connections

#### Experience

##### Founder & Managing Director

Cafe China Group

September 1995 – Present (21 years 1 month) | Cairns, Australia

##### Chief Operations Officer

Reeve & Ovens Developments (KUR-World)

July 2016 – Present (3 months) | Cairns, Australia

##### Eastern/Greater China Strategic Panel

Tourism Tropical North Queensland (TTNQ)

February 2001 – Present (15 years 8 months) | Cairns, Australia



##### Founder & Owner

Tastes of China

May 1993 – May 1995 (2 years 1 month) | Cairns, Australia

##### Chef de Cuisine

Radisson Hotel Cairns - Captains Table Restaurant

March 1992 – April 1993 (1 year 2 months) | Cairns, Australia



#### Ministerial Diary<sup>1</sup>

##### Treasurer

Minister for Aboriginal and Torres Strait Islander Partnerships

Minister for Sport

The Hon Curtis Pitt MP

1 DECEMBER 2015 – 31 DECEMBER 2015

18 DECEMBER 2015	Meeting with Harry Sou and Ken Lee of Reeve and Ocean Pty Ltd	Portfolio discussion
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#### The Cairns Post



Cafe China master chef Andrew Fu and owner Harry Sou (right). Mr Sou will spearhead a new eco-resort project in Kuranda. PICTURE: ANNA ROGERS

Business

### Cairns businessman Harry Sou heads \$640m Kuranda eco-resort

Nick Dalton, The Cairns Post  
September 5, 2016 5:00am

BUSINESSMAN and restaurateur Harry Sou has been appointed to run the Australian venture behind a \$640 million resort proposed for Kuranda.



# FACT CHECK: EXTRAS

## Source files

[www.kurandaregion.org/kur-world](http://www.kurandaregion.org/kur-world)

## Outstanding documents

### Right to Information application

Subject matter of the documents you are seeking:

I am seeking documents that demonstrate compliance of and adherence to, the protected plant framework of the Nature Conservation Act by the owner of the rural titles listed below: .

22N157227 2RP703984 1RP703984 17N157227 18N157227 19N157452 95N157452

The type of documents:

generated flora survey trigger map, flora survey, permit to clear

The time period / date range you would like us to search within:

January 2014 - November 2015

SEP 2016

JUN 2016

8 June 2016: email to Curtis Pitt ([Mulgrave@parliament.qld.gov.au](mailto:Mulgrave@parliament.qld.gov.au))

Hi Curtis,

I am interested in obtaining a copy of your minutes from this meeting:

18 DECEMBER 2015 – Meeting with Harry Sou and Ken Lee of Reeve and Ocean Pty Ltd – Portfolio discussion

As listed here in your Ministerial Diary:

<http://www.cabinet.qld.gov.au/ministers/diaries/assets/2015/december-2015/curtis-pitt.pdf>



Every effort has been made to ensure this  
timeline and details are correct.

All source files are available at  
[www.kurandaregion.org/kur-world](http://www.kurandaregion.org/kur-world)

*Please let us know if any documents are missing  
and/ or if there are any corrections to be made.*

# CORRECTIONS

All corrections to this document are recorded in this section.

Please advise if there are other omissions of corrections required.

Unfortunately the video promo version can't be altered – link to corrections noted in video description.



Removed from EXTRAS - TIMELINE

Business Name Summary	
Name:	ASTREBLA ECOLOGICAL SERVICES
Registration Number:	
Registered State:	
Registration Date:	08/11/2015
Status:	Registered
Type:	Business Names
Regulator:	Australian Securities & Investments Commission

Added to EXTRAS – KUR-WORLD TEAM

Simon Danielsen registers Astrebla Ecological Services November 2015



Correction to 2015

**SIMON DANIELSEN**  
**REGISTERS**  
**ASTREBLA ECOLOGICAL**  
**SERVICES**