

**REEVER AND OCEAN PTY LTD ACTIONS/BREACH ACTIVITIES ON BARNWELL 12 RURAL TITLES / KUR-COW / KUR-WORLD
DEVELOPMENT SITE** Last update 28 APRIL 2017

Act	Breach	Detail	Penalty Units	Penalty Value
QLD STATE GOVT. ACT Nature Conservation Act 1992. Part 5; Sub 2; No 89.	Part 5 Wildlife and habitat conservation Subdivision 2 Particular restrictions relating to protected plants 89 Restriction on taking etc. particular protected plants.	<i>Land clearing in a high risk area without a permit</i> LETTER: self-reported by proponent to EHP 7 Sep 15	3,000	\$365,700.00
QLD STATE GOVT. ACT Aboriginal Cultural Heritage Act 2003. Part 3; Div 1; No.23	Part 3 Protection of Aboriginal cultural heritage Division 1 Key cultural heritage protection provisions 23 Cultural heritage duty of care	<i>Absent duty of care on Category 5 – high risk site</i> LETTER: Reporting Breach Cultural Heritage Duty of Care to Department of Aboriginal and Torres Strait Islander Partnerships 31 JAN 2017 LETTER: Reporting Earthworks Activity Barnwell to Mareeba Shire Council 9 DEC 16	10,000	\$1,219,000.00
Local govt act./council SUSTAINABLE PLANNING ACT 2009.	578 Carrying out assessable development without permit	<i>SITE1 EARTHWORKS – dam / water feature</i> STOP WORK ordered on dam by MSC DEC 15. Dam retrospectively approved 20 JUL 16. Remediation after 3 engineer designs - finalised DEC 16.	1,665	\$202,963.50
Local govt act./council SUSTAINABLE PLANNING ACT 2009	578 Carrying out assessable development without permit	<i>SITE2 EARTHWORKS – land prep</i> LETTER: Reporting Earthworks to Mareeba Shire Council 9 Dec 16	1,665	\$202,963.50
Local govt act./council SUSTAINABLE PLANNING ACT 2009	578 Carrying out assessable development without permit	<i>SITE3 EARTHWORKS – roadway</i> LETTER: Reporting Earthworks to Mareeba Shire Council 9 Dec 16	1,665	\$202,963.50
Local govt act./council SUSTAINABLE PLANNING ACT 2009	578 Carrying out assessable development without permit	<i>SITE4 EARTHWORKS – cattle infrastructure</i> LETTER: Reporting Earthworks to Mareeba Shire Council 9 Dec 16	1,665	\$202,963.50
Local govt act./council SUSTAINABLE PLANNING ACT 2009	578 Carrying out assessable development without permit	<i>HOMESTEAD RENOVATION</i> LETTER: Reporting BARNWELL Homestead to Mareeba Shire Council 13 Feb 17	1,665	\$202,963.50

FEDERAL GOVERNMENT EPBC ACT 1999. Environment Protection and Biodiversity Conservation Act 1999. Chapter 2; Part 3; Div 1; Sect 18.	Chapter 2 Protecting the environment Part 3 Requirements for environmental approvals/ No application for Permit. Division 1 Requirements relating to matters of national environmental significance	Section 18 – see below (3) A person must not take an action that: (a) has or will have a significant impact on a listed threatened species included in the endangered category;(listed critically endangered species being :1) Kuranda Tree Frog- Litoria myola) or (b) is likely to have a significant impact on a listed threatened species included in the endangered category.(refer to documentation – Dr. Conrad Hoskin JCU)	50,000	\$6,095,000.50
FEDERAL GOVERNMENT EPBC ACT 1999. Environment Protection and Biodiversity Conservation Act 1999. Chapter 2; Part 3; Div 1; Sect 18.	Chapter 2 Protecting the environment Part 3 Requirements for environmental approvals/ No application for Permit. Division 1 Requirements relating to matters of national environmental significance	Section 18 – see below (3) A person must not take an action that: (a) has or will have a significant impact on a listed threatened species included in the endangered category;(listed endangered species being :2) Australian Lacelid Litoria dayi or (b) is likely to have a significant impact on a listed threatened species included in the endangered category.(Dr. Conrad Hoskin JCU)	50,000	\$6,095,000.50
FEDERAL GOVERNMENT EPBC ACT 1999. Environment Protection and Biodiversity Conservation Act 1999. Chapter 2; Part 3; Div 1; Sect 18.	Chapter 2 Protecting the environment Part 3 Requirements for environmental approvals/ No application for Permit. Division 1 Requirements relating to matters of national environmental significance	Section 18 – see below (3) A person must not take an action that: (a) has or will have a significant impact on a listed threatened species included in the endangered category;(listed endangered species being :3) Southern Cassowary Casuarius casuarius johnsonii) or (b) is likely to have a significant impact on a listed threatened species included in the endangered category. (Dr. Conrad Hoskin JCU)	50,000	\$6,095,000.50
FEDERAL GOVERNMENT EPBC ACT 1999. Environment Protection and Biodiversity Conservation Act 1999. Chapter 2; Part 3; Div 1; Sect 18.	Chapter 2 Protecting the environment Part 3 Requirements for environmental approvals/ No application for Permit. Division 1 Requirements relating to matters of national environmental significance	Section 18 – see below (3) A person must not take an action that: (a) has or will have a significant impact on a listed threatened species included in the endangered category;(listed endangered species being: 4) Myola Palm Archontophoenix or (b) is likely to have a significant impact on a listed threatened species included in the endangered category.(Dr. Conrad Hoskin JCU)	50,000	\$6,095,000.50
DRAFT FEDERAL GOVERNMENT EPBC ACT 1999.	Chapter 1. Land Clearance 'Land clearance affecting nationally critically endangered, endangered or vulnerable	Section 1 – see below Key Threatening Processes – Land Clearance s188(4) a;b;c.	50,000	\$6,095,000.50

<p>Environment Protection and Biodiversity Conservation Act 1999.</p> <p>Endangered Species Protection Act 1992 (ESP Act).</p> <p>The threatening process meets s188(4)(a), s188(4)(b) and s188(4)(c) of the EPBC Act.</p> <p>NO PERMITS for land clearance. Contravention of the Act.</p>	<p>species or ecological communities'.</p> <p>Section 18 of the act.</p> <p>Part 3 Requirements for environmental approvals/ No application for Permit.</p> <p>Division 1 Requirements relating to matters of national environmental significance</p> <p>The threatening process meets s188(4)(a), s188(4)(b) and s188(4)(c) of the EPBC Act.</p>	<ul style="list-style-type: none"> The threatening process caused a native species or an ecological community to become Extinct, Extinct in the Wild, Critically Endangered, Endangered or Vulnerable. The threatening process caused a native species or an ecological community to become eligible to be listed in another category representing a higher degree of endangerment. The threatening process adversely affected 2 or more listed threatened species (other than conservation dependent species) or 2 or more listed threatened ecological communities.(choose which fits, under those guidelines) <p>EXTENSIVE LAND CLEARING without flora survey, permit and soil / erosion control plan. Qld State Govt Act. Full extent of land clearing and scraping up to 200ha visible on Google Earth.</p> <p>IMPACTS</p> <ul style="list-style-type: none"> Failure to obtain proper approvals for clearing on EPBC triggered land without a Flora survey or permit (State Penalty – s.89 Nature Conservation Act 1992); Endangered Species Protection Act 1992 (ESP Act). EPBC as above. No soil and erosion control used on land clearing adjacent to habitat, including rainforest creeks. Multiple reports from adjoining residents reporting mass movements of wildlife onto their land – away from the forest clearing and windrow burning. <p>SPECIES AFFECTED -Species as listed above.</p> <p>Surveys/maps Dr Conrad Hoskin JCU – KUR-World EPBC Referral of proposed action; Simon Danielsen Astrebla Ecology Consulting – KUR-World EPBC Referral of proposed action.</p>		
<p>Draft FEDERAL GOVERNMENT EPBC ACT 1999.</p> <p>Environment Protection and Biodiversity Conservation Act 1999.</p> <p>1)207B Offence of knowingly damaging critical habitat.</p> <p>2)196 Killing or injuring</p>	<p>(1) A person is guilty of an offence if:</p> <p>(a) the person takes an action; and</p> <p>(b) the person knows the action significantly damages or will significantly damage critical habitat for a listed threatened species (except a conservation dependent species) or of a listed threatened ecological community; and</p> <p>(c) the habitat is in or on a Commonwealth area.</p>	<p>DESCRIPTION</p> <p>SITE1 EARTHWORKS (DAM/WATER FEATURE) - 16°49'1.65"S 145°36'5.83"E</p> <p>Dam earthworks is a deep disturbance of earth extending at least 8m into clay 'natural ground'. 7,625m3 earth cut-to-fill, on seasonal rainforest creek, within 1km of Barron River.</p> <p>IMPACTS</p> <ul style="list-style-type: none"> 7,625m3 major earthworks > 50m3 illegally constructed. Sustainable Planning Act 2009 578 <p>Carrying out assessable development without permit.</p>	<p>1)1000 units (corporate rate?)</p> <p>2)1000 units (corporate rate?)</p> <p>3)500 units (corporate rate?)</p>	<p>\$180,000.00</p> <p>\$180,000.00</p> <p>\$90,000.00</p>

<p>member of listed threatened species or community</p> <p>3)196A Strict liability for killing or injuring member of listed threatened species or community</p> <p>NO PERMITS</p>	<p>(proposed extinction of Myola Litoria)</p>	<ul style="list-style-type: none"> • Destroyed rainforest creek habitat hundreds of metres downstream (Dr. Conrad Hoskin's report) • Adjoining resident's water quality affected. • Sediment load from dam travels to Barron River (photo) • No approved engineer's design at the time of earthworks. • Earthworks such poor quality a total of three (3) different designs attempted to correct it. • No soil and erosion control used at the time of earthworks. • No water quality plan in place. <p>SPECIES AFFECTED</p> <ul style="list-style-type: none"> • Kuranda Tree Frog Litoria myola; EPBC listed and CRITICALLY ENDANGERED 		
--	---	---	--	--

Notes on Federal Breaches – Summary Table above

Environment Protection and Biodiversity Conservation Act 1999

ACTION #1

DESCRIPTION

EXTENSIVE LAND CLEARING without flora survey, permit and soil / erosion control plan

IMPACTS

- Failure to obtain proper approvals for clearing on EPBC triggered land without a Flora survey or permit (State Penalty – s.89 Nature Conservation Act 1992)
- No soil and erosion control used on land clearing adjacent to habitat, including rainforest creeks.
- Multiple reports from adjoining residents reporting mass movements of wildlife onto their land – away from the forest clearing and windrow burning.

SPECIES AFFECTED

- Kuranda Tree Frog *Litoria myola* CRITICALLY ENDANGERED
- Australian Lacelid *Litoria dayi* ENDANGERED
- Myola Palm *Archontophoenix myolensis* ENDANGERED
- Southern Cassowary *Casuarius casuarius johnsonii* ENDANGERED

SURVEYS / MAPS

Dr Conrad Hoskin JCU – KUR-World EPBC Referral of proposed action

Simon Danielsen Astrebla Ecology Consulting – KUR-World EPBC Referral of proposed action

ACTION #2

DESCRIPTION

SITE1 EARTHWORKS (DAM/WATER FEATURE) - 16°49'1.65"S 145°36'5.83"E

Dam earthworks is a deep disturbance of earth extending at least 8m into clay 'natural ground'. 7,625m³ earth cut-to-fill, on seasonal rainforest creek, within 1km of Barron River.

IMPACTS

- 7,625m³ major earthworks > 50m³ illegally constructed. Sustainable Planning Act 2009 578 Carrying out assessable development without permit.
- Destroyed rainforest creek habitat hundreds of metres downstream (Dr. Conrad Hoskin's report)
- Adjoining resident's water quality affected.
- Sediment load from dam travels to Barron River (photo)
- No approved engineer's design at the time of earthworks.
- Earthworks such poor quality a total of three (3) different designs attempted to correct it.
- No soil and erosion control used at the time of earthworks.
- No water quality plan in place.

SPECIES AFFECTED

- Kuranda Tree Frog *Litoria myola* CRITICALLY ENDANGERED
- Myola Palm Archontophoenix *myolensis* ENDANGERED

SURVEYS / MAPS

Dr Conrad Hoskin JCU – KUR-World EPBC Referral of proposed action

ACTION #3
-----**DESCRIPTION**

SITE3 EARTHWORKS (ROAD CORNER) - 16°49'9.34"S 145°36'7.01"E

SITE3 EARTHWORKS is a deep disturbance of earth extending at least 4m into clay 'natural ground'. Unknown volume of earth cut-to-fill, disturbed material from dam used for fill, within 50m permanent rainforest creek, within 1km of Barron River.

IMPACTS

- Earthworks > 50m³ illegally constructed. Sustainable Planning Act 2009 578 Carrying out assessable development without permit.
- No engineer's approved design.
- No soil and erosion control used at the time of earthworks.

SPECIES AFFECTED

- Kuranda Tree Frog *Litoria myola* CRITICALLY ENDANGERED
- Australian Lacelid *Litoria dayi* ENDANGERED

SURVEYS / MAPS

Dr Conrad Hoskin JCU – KUR-World EPBC Referral of proposed action

NOTE: TOTAL OF 22 ENDANGERED (2 CRITICAL) AND 13 THREATENED SPECIES OR SPECIES HABITAT LIKELY ON THE SITE. LIMITED WILDLIFE SURVEYS AND MAPPING TO DATE.

<http://kurandaregion.org/kur-myth-kur-world-developer-ken-lee-reever-and-ocean-developments-pty-ltd-has-acted-in-accordance-with-the-local-laws/>

<http://kurandaregion.org/kur-myth-kur-world-developer-ken-lee-reever-and-ocean-developments-pty-ltd-has-acted-in-accordance-with-the-state-laws/>