

Mareeba Shire Draft Planning Scheme

Environmental and Biodiversity Provisions

This document seeks to outline the changes between the environmental and biodiversity provisions in the Tablelands Regional Council (TRC) Draft Planning Scheme 2012 and the Mareeba Shire Council (MSC) Draft Planning Scheme 2015. This document is relevant for the entire Mareeba Shire, although some focus has been given to the Kuranda region.

There are a number of minor changes that have little or no consequence. This document will focus on those that have significant consequence.

Strategic Framework

The Strategic Framework provisions relating to biodiversity and the environment are quite similar and have not changed a great deal. The most important difference to note in the Strategic Framework is the mapping (see the next section of this document).

- Section 3.4.4.1. Biodiversity Areas
 - The 2012 TRC draft specifies that a net gain of biodiversity values is required for development that cannot avoid impacts on areas of high biodiversity significance (SO1). The same provision in the 2015 MSC draft requires no net loss.
 - The 2012 TRC draft has a provision relating to biodiversity areas of general significance which is omitted from the 2015 MSC Draft. There will be more discussion of this in relation to the changes in the Overlays.
 - The 2012 TRC draft is more specific in that it lists what biodiversity areas are of regional, state or higher levels of significance (SO4).
- Section 3.4.5.1. Strategic rehabilitation and regional corridors
 - Both drafts require that development not compromise the ability for (future) ecological connectivity in areas identified as habitat linkages. However, the 2012 TRC draft goes a step further requiring that ecological connectivity of the habitat linkages (within the subject site) be enhanced when development occurs.

Mapping Layers

- Strategic Framework Maps
 - The biodiversity areas mapping in the 2015 MSC draft does not cover as much of the landscape as the mapping from the 2012 TRC draft. This reflects the fact that the strategic framework mapping aligns with the overlays and so the differences outlined below about the overlay mapping are also reflected in the strategic framework.
 - The regional corridors mapping is significantly different. In the 2012 TRC draft it does not actually appear in the strategic framework mapping, but it is in the overlay mapping as a polygon layer of all of the vegetated areas within the large regional corridors. In the 2015 MSC draft there are no corridors mapped in the overlay but the regional corridor centrelines are mapped in the strategic framework. Mapping the centrelines with no explanation or indication about their width makes it very

hard to interpret how to apply the strategic framework provisions for any properties except those that intersect the regional corridor centreline.

- Overlays
 - Wetlands
 - The 2012 TRC draft included both HES and GES wetlands. The 2015 MSC draft only includes the HES wetlands.
 - Biodiversity Areas
 - The 2012 TRC draft has 3 mapping categories. The mapping was conducted locally by FNQROC in conjunction with TRC. The mapping took a variety of State, regional and local datasets and analysed them to come up with the mapping categories of Biodiversity Area High Significance (BAH), Biodiversity Area General Significance (BAG), and Habitat Investment Areas (HIA).
 - The 2015 MSC draft has completely different categories: Protected areas, legally secured offset areas, wildlife habitat and regulated vegetation. The mapping is the MSES mapping done by the Queensland Government and only includes state datasets.
 - As the categories are completely different between the 2012 and 2015 drafts it is hard to compare them; however there are some important differences to note:
 - The State MSES mapping does not include consideration of regional or local data.
 - The 2012 TRC draft mapping covered a much greater area of the region – a logical conclusion is that the 2015 MSC draft mapping has significant ‘gaps’ in comparison to the 2012 TRC draft mapping.
 - The purpose of the HIA category (2012) was to identify areas in the landscape important for habitat connectivity. None of the 2015 draft mapping categories have a similar purpose.
 - The BAG category is not well represented in the MSES mapping at all, and whilst the BAH is better represented than the BAG in the MSES mapping it is still significantly underrepresented. The differences are quite stark in most parts of the shire.
 - The protected area and legally secured offset areas categories are completely new to the 2015 MSC draft and do not have any equivalents in the 2012 draft.
 - Regional Corridors
 - The 2012 TRC draft includes polygons as part of the overlay mapping showing vegetated areas that contribute to regional connectivity. The 2015 MSC draft includes the centrelines of the regional corridors within the strategic framework mapping

Levels of Assessment

- Reconfiguring a lot
 - For the rural residential zone the 2012 TRC draft had a constrained precinct identifying areas where the creation of additional lots would be impact assessable. The 2015 MSC draft does not have the constrained precinct but in affect still has the same provision because it makes the creation of new lots in the rural residential zone impact assessable unless it is identified in one of the three precincts (4,000m²,

1ha, or 2 ha precincts). This would mean that development of new rural residential lots in the Myola area would be impact assessable.

- Kuranda Local Plan
 - The special levels of assessment reflecting the existing welcome pocket approval have been removed.
- Overlays
 - The exemptions for clearing of native vegetation not associated with a material change of use or reconfiguring a lot have been removed. The 2012 TRC draft exemptions included clearing for fencing a boundary and clearing that did not result in the total cleared area for the lot exceeding 2000m². The 2015 MSC scheme is more restrictive in this scenario.
 - Where the clearing is associated with a material change of use the 2015 MSC draft does have exemptions and they differ from the 2012 TRC draft. Primarily in that the 2000m² limit of clearing in the 2012 TRC draft has been replaced by 'clearing vegetation to the extent necessary for building a single dwelling house on a lot and any reasonably associated building or infrastructure'. The newer wording is a lot less clear and enforceable.
 - The 2015 MSC draft introduces a new level of assessment provision requiring impact assessment of development within a protected area or legally secured offset area – regardless of whether the development includes clearing of vegetation. This could have some unintended consequences and make development of walking trails or interpretive signs etc. more difficult in natural areas mapped as protected in the planning scheme.

Zone Codes

- Environmental Impacts
 - The TRC 2012 draft had environmental impacts provisions built into the Zone codes. Examples include “building envelopes avoid areas of intact habitat and native vegetation”, “development does not cause environmental nuisance beyond the boundaries of the site”, “development is designed to retain significant trees outside the building envelope or vehicle movement areas”. These have been removed from the 2015 MSC draft - although The 2015 MSC draft does have amenity provisions that cover environmental nuisance.

Kuranda Local Plan

- Welcome Pocket Precinct removed. These provisions in the 2012 TRC draft were to reflect the preliminary approval granted for the site.
- Other precincts are not substantially different – including the green belt precinct which protects some of the rainforest close to Kuranda Village.

Overlay Codes

- Format
 - The TRC 2012 draft had 2 environmental overlays – one for biodiversity areas and the other for wetlands and waterways. The MSC 2015 draft has basically just combined the 2 together into a single environmental significance overlay.
 - The other thing to note about the structure of the codes is that the 2012 TRC draft had a lot of acceptable outcomes giving quite specific requirements of how to satisfy

the performance outcomes. The 2015 MSC draft has very few acceptable outcomes and relies on applicants to demonstrate compliance directly with the performance outcome through provision of an ecological assessment report.

- Covenants
 - The 2012 TRC Draft explicitly requires covenants over biodiversity areas whereas the 2015 MSC Draft does not talk explicitly about them. It does not remove Council's discretion to use or require covenants, but it makes Council's approach less clear/certain for developers and the community.
- Wildlife Movement
 - The 2012 TRC draft has requirements and allows for good consideration of terrestrial wildlife movement, but the 2015 MSC draft only has these considerations in the performance outcomes for wetlands and waterways. So anything other than riparian corridors would not be picked up.
- Regional Corridors
 - The 2012 TRC draft maps these areas well and the requirements in the code allow for consideration of regional connectivity. The 2015 MSC draft only maps these in the strategic framework and so this only allows for consideration of regional connectivity for impact assessable development rather than all assessable development.
- Habitat Connectivity
 - There is no identification of local corridors in the overlays of the 2015 MSC draft. They are mapped in the strategic framework and so for impact assessable development consideration can be given to connectivity. The HIA mapping in the 2012 TRC draft brought that consideration for all assessable development.
- Separation of development from biodiversity areas
 - The 2012 TRC draft included acceptable outcomes with separation distances from BAH and BAG of 100m and 50m respectively. The distances could be reduced by provision of a planted buffer zone. The 2015 MSC draft only has acceptable outcomes with a separation distance for the regulated vegetation mapping category – 20m separation is required. I should note here that both drafts have provisions for environmental nuisance/adjoining impacts which would naturally lead to the consideration of separation distances for all mapping categories.
- Revegetation
 - The 2012 TRC draft has requirements for revegetation as part of development occurring. There is a planning scheme policy about revegetation and it includes a table explaining how much revegetation is required. For the 2015 MSC draft the planning scheme policy table does not exist and whilst revegetation may be required, particularly for impact assessable development, there is no indication of how much would be considered appropriate. I assume that this would be something Council would be looking to address through consideration of the ecological assessment report.
- Wetlands and waterways
 - The 2012 TRC draft has a lot more acceptable outcomes that are quite different to the 2015 MSC draft acceptable outcomes. Both drafts have buffer distances specified and they are the same (although the 2015 MSC draft doesn't map GES wetlands). The 2012 TRC draft includes an acceptable outcome for revegetation that is not present in the 2015 MSC draft. The 2015 MSC draft includes acceptable

outcomes for stormwater and wastewater discharge that are not in the 2012 TRC draft.

Summary of Key Changes

To summarise the differences in the 2012 TRC draft and the 2015 MSC draft outlined above there are a six key differences to note. They are listed below:

1. The overlay mapping of biodiversity areas in the 2012 TRC draft covers a much greater area of the shire than the 2015 MSC draft overlay mapping and includes consideration of areas of general and local environmental significance.
2. Regional and local connectivity mapping is included in the 2012 TRC draft overlay mapping. They are only included in the strategic framework of the 2015 MSC draft and the regional corridors are only mapped as centrelines, rather than the full polygons mapped in the 2012 TRC draft.
3. For the 2015 MSC draft regional and local habitat connectivity is only really a consideration for impact assessable development.
4. Revegetation requirements are not specified for the 2015 MSC draft and revegetation is unlikely to be required except for impact assessable development.
5. Ecological Reports are going to be required for most applications that trigger the 2015 MSC draft environmental significance overlay due to the lack of acceptable outcomes. This is not necessarily a bad thing, provided the performance outcomes are well crafted.
6. The requirements on stormwater and wastewater discharge into waterways are improved in the 2015 MSC draft.

The implications of these changes are quite significant, with the exception of HES wetlands and waterways where the changes are fairly minor and even include improvements. The implications of the greatly reduced overlay mapping to trigger assessment is a serious concern in and of itself. Added to that is the lack of consideration of connectivity for code assessable development and the lack of clarity around what the likely requirements might be for revegetation/rehabilitation in appropriate circumstances. Overall, the 2012 TRC draft provides greater protection and consideration of the environment and biodiversity of the Mareeba Shire.