



Review of Mareeba Shire Council Planning Scheme Environmental Significance Overlay

Closing Date: 4pm - 28 February 2017

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Attachment

- 1. Community Overlay criticism/feedback**

1. INTRODUCTION

The Mareeba Shire Council Planning Scheme (MSCPS) was adopted by Council on 15 June 2016 and commenced on and from 1 July 2016.

The MSCPS includes an Environmental Significance Overlay which is based on the Queensland Department of Environment and Heritage Protection's Matters of State Environmental Significance (MSES) mapping and the requirements of the Queensland State Planning Policy.

Council has resolved to seek quotes from suitably qualified consultants to review and update the Environmental Significance Overlay of the MSCPS, to include matters of local environmental significance which did not transition from the public notification version of the planning scheme.

2. BACKGROUND INFORMATION

In May 2009, the Tablelands Regional Council (TRC) commenced work on a new single planning scheme covering the four (4) amalgamated local government areas of Atherton Shire, Eacham Shire, Herberton Shire and Mareeba Shire.

Work on the new single planning scheme reached the public consultation stage in early 2013 and public consultation was conducted between 21 January 2013 and 28 March 2013. A total of 2047 submissions were received during the public consultation period, with 923 of the submissions of specific relevance to Mareeba Shire local government area.

The Queensland Government introduced the Single State Planning Policy in December 2013.

On 1 January 2014, Mareeba Shire Council (MSC) de-amalgamated from the continuing Tablelands Regional Council and the public notification version of the draft TRC planning scheme became the draft Mareeba Shire Council Planning Scheme.

MSC and its appointed planning scheme consultant considered and workshopped all submissions received by TRC between 21 January 2013 and 28 March 2013. Minor changes were made to the draft planning scheme in response to some submissions and administrative amendments.

The changes made to the State Planning Policy (SPP) post 28 March 2013 (end of the public consultation period) were also reflected in the draft MSCPS. In respect to the Environmental Significance Overlay of the draft MSCPS, the overlay mapping and code provisions transitioned from the Areas of Ecological Significance (AES) mapping to the Matters of State Environmental Significance (MSES) mapping.

The MSES mapping in general terms reduced the areas identified by the Environmental Significance Overlay in comparison with the previous overlay based on AES mapping.

On 16 September 2015, MSC resolved that the draft MSCPS, including the amended Environmental Significance Overlay, proceed to adoption and approval be sought from the Minister for adoption to occur. All 2047 submitters were provided with a written response to their submission/s.

Subsequent to the submitters being advised of the amendments made to the draft MSCPS, several community groups and various community members made representations to Council and the Minister requesting that adoption of the draft MSCPS be postponed pending a review of the Environmental Significance Overlay to strengthen the protection of Matters of Local Environmental Significance in particular.

MSC maintained the view that an amendment of the State sourced MSES mapping to include Matters of Local Environmental Significance would require the draft MSCPS to revert back to Stage 1 of MALPI and would likely to delay the implementation of the new planning scheme, during which time the limited development controls and environmental protections offered by the Mareeba Shire Planning Scheme 2004 would continue to apply.

With this view in mind, the MSCPS was adopted on 15 June 2016, with Council giving the commitment to review and update the Environmental Significance Overlay of the MSCPS, to include Matters of Local Environmental Significance which did not transition from the public notification version of the planning scheme.

Link to relevant Planning Scheme versions

1. Public notification version of the Tablelands Regional Council Planning Scheme
<https://www.dropbox.com/s/fqf6pppzolzfnu4/Public%20notification%20version.zip?dl=0>
2. Mareeba Shire Council Planning Scheme - July 2016
<https://www.dropbox.com/s/4ot0lf1mkqvhoe4/MSCPS%20July%202016%20complete%20incl%20maps.pdf?dl=0>

3. SPECIFIC REQUIREMENTS

3.1 WHO WE ARE LOOKING FOR

MSC is looking for a consultant who has recent experience in strategic planning within the Queensland planning framework, in particular, planning scheme preparation. Experience in the drafting of similar environmental overlays will be highly regarded.

The consultant will bring to the project relevant disciplines to provide a quality, easily interpreted and rigorous planning outcome.

3.2 PROPOSAL

You are invited to develop a project proposal and fee estimate to provide the deliverables outlined in this section.

The aim of the project is to review the Environmental Significance Overlay of the adopted MSCPS against the Biodiversity Areas Overlay/Wetlands and Watercourse Corridors Overlay of the public notification version of the draft planning scheme and to prepare planning scheme amendments, in the form of amended overlay mapping and code, to be incorporated into the MSCPS in order to deliver coordinated and sustainable:

- Protection of significant environmental and biodiversity values, **including matters of local environmental significance.**

Specific matters to be addressed:

- The project must consider and respond where appropriate, to the relevant overlay criticism outlined in the correspondence attached to this brief (**Attachment 1**).
- Due to the changes to be made by the upcoming Planning Act 2016, the Ecological Corridors mapped on Strategic Framework Maps SFM001-009 must be replicated on the Environmental Significance Overlay Maps.

The proposal is to include:

- A demonstrated understanding of the project
- Detailed Methodology
- Individual tasks within the methodology
- legislation and standards that will be referenced
- Timeframes and milestones
- Format of mapping and documents
- Proposed consultants, their experience and background (including any sub-contracted consultants)
- Brief description of similar projects delivered
- Individual costs for specific tasks as proposed in the methodology
- Expectation on MSC officer time required

Deliverables

Amended Environmental Significance Overlay mapping in Mapinfo format
 Amended Environmental Significance Overlay Code in Microsoft Word format
 A project summary report in Microsoft Word format and one (1) hard copy

Milestones and Timeframes

A project inception meeting will be held with the successful consultant during the week commencing 20 March 2017.

It is anticipated that the review project will be completed within three (3) months of commencement.

Reporting Requirements

All matters should be directed through Senior Planner Brian Millard. Meetings will be called from time to time when the need arises. It is much appreciated if all relevant personnel could make themselves available for these meetings.

Proposal Evaluation Weighting

Staff Experience	30%
Methodology	30%
Timeframe	20%
Cost	20%

4. CLOSING TIME AND PLACE FOR SUBMISSIONS

Submissions endorsed "Environmental Significance Overlay Review – Consultant's Offer", must be lodged in the tender box at Mareeba Shire Council, PO Box 154, Rankin Street, Mareeba, Queensland 4880 by 4.00 pm on Tuesday 28 February 2017.

For queries relating to this brief, please contact:

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Attachment 1

<https://www.dropbox.com/sh/6e8kradiq8m0daj/AAAKVQTZ-9hu8b1ayHdSQGcTa?dl=0>

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.

FRIENDS OF THE EARTH KURANDA

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The Kuranda Region's Vanishing Biodiversity

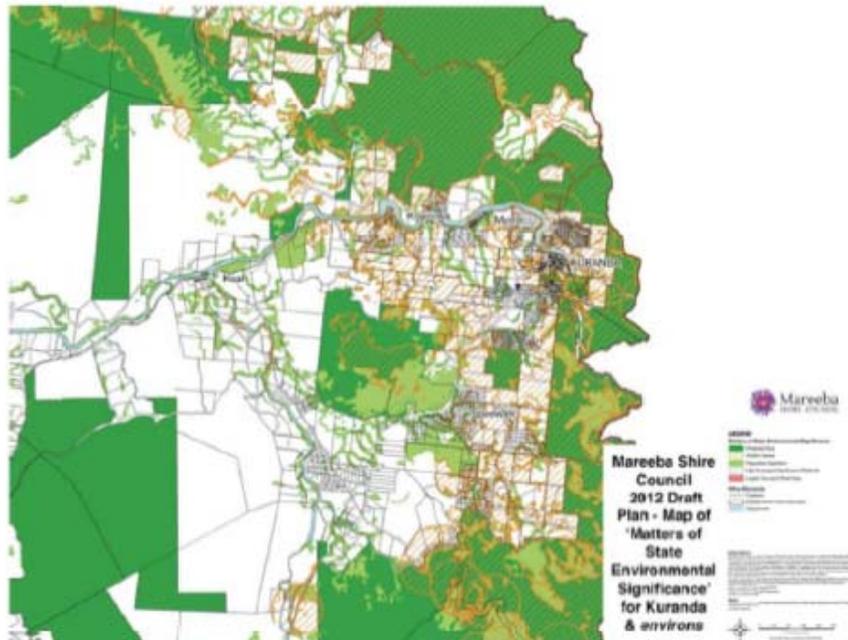
Syd Walker // Regional Planning, Wildlife and Biodiversity // 

Friends of the Earth Kuranda has deep concerns about the latest draft plan for this region.

Here's some details about our concerns -and also to show the difference between the old, amalgamated Tablelands Regional Council Draft Plan 2012 and the latest Mareeba Shire Draft Plan 2015.

The 2012 Tablelands Regional Council Draft Plan included a series of biodiversity "overlays" covering the entire Tablelands.

FoE Kuranda joined four of these overlays (maps) together to produce a composite covering the entire greater Kuranda region.



The contrast is dramatic.

In the TRC Map, it seems remnant vegetation was mainly used as a surrogate for biodiversity – probably based on satellite mapping

That's reasonable, because the biodiversity of the region's forests – whether rainforest or the drier forest which borders the Wet Tropics – is *exceptionally* high. Forests around Kuranda are contiguous with the backbone of the Wet Tropics, internationally recognized for World Heritage wildlife values.

By contrast, the Mareeba Shire Council map disguises the extent of environmentally-significant native forest in our region. Instead of using science-

based environmental data-layers, the MSC has mapped a built-in political compromise.

Regional Corridors: a Disappearing Act

The 2012 map showed extensive cross-hatching for 'Regional Corridors'. The extent of this cross-hatching was to be expected. Most of the native forest around Kuranda is broadly connected wildlife habitat. Adjacent to Kuranda, the protected Wet Tropics (essentially a north-south band of forest following the range) contract to a narrow neck. Consequently, remaining forests around Kuranda are important buffers and supplements to this World Heritage forest ecosystem.

The 2012 plan included guidance on protecting and reconnecting 'Regional Corridors' (see below).

3.4.5 Element—Strategic rehabilitation and regional corridors

Existing and potential habitat corridors are protected from development which compromises the existing or potential integrity of the corridor.

3.4.5.1 Specific outcomes

- S01 *Regional corridors* are major existing habitat corridors which link key biodiversity areas within the Tablelands region and greater Far North Queensland region. Development will not compromise the habitat connectivity of *regional corridors*.
- S02 *Habitat linkages* are strategically located future habitat corridors linking biodiversity areas within the region. Development will not compromise the ability to realise these opportunities for ecological connectivity.
- S03 The ecological connectivity function of *habitat linkages* is enhanced within the subject lot when urban development occurs.
- S04 *Habitat linkages* are progressively revegetated with native vegetation. - TRC 2012

This guidance is significantly watered down in the new Mareeba Shire Council Draft Plan (see below):

3.4.5 Element—Strategic rehabilitation and regional corridors

- MSC 2015

3.4.5.1 Specific outcomes

- (1) *Regional corridors* are major existing habitat corridors that link key biodiversity areas within Mareeba Shire and greater Far North Queensland region. Development does not compromise the habitat connectivity of *regional corridors*.
- (2) *Habitat linkages* are strategically located future habitat corridors linking biodiversity areas within the shire. Development does not compromise the ability to realise these opportunities for ecological connectivity through progressive revegetation of *habitat linkages* with native vegetation.

Despite retaining the term 'Regional Corridors', in the Kuranda region at least, the MSC's latest map doesn't map them at all!

Instead, there's a greatly-reduced area of cross-hatching for 'Wildlife Habitat'. It's unclear how this shrinkage was carried out and on what basis.

Many areas shown as plain white in the new Draft Plan in the latest draft plan must surely have significant biodiversity values – and provide important connectivity for wildlife.

By mapping them as lacking significant environmental values, there's an obvious risk this becomes a self-fulfilling prophesy over time