



Approval

**Eco@Jumrum Housing Development, 3km southwest of Kuranda, Queensland
(EPBC Ref 2011/5939)**

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted Jumrum Rainforest Pty Ltd

proponent's ACN ACN 14146366029

proposed action Construction of a residential subdivision of 84 lots, from a 45.71 hectare parcel of land on lot 72, RP 903071, 3 km south west of Kuranda, Queensland [See EPBC Act referral 2011/5939].

Approval decision

Controlling Provision	Decision
World Heritage properties (sections 12 & 15A)	Approved
National Heritage places (sections 15B & 15C)	Approved
Listed threatened species and communities (sections 18 & 18A)	Approved

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 July 2024.

Decision-maker

name and position Deb Callister
Assistant Secretary
Queensland and Sea Dumping Assessment Branch

signature

date of decision

5 August 2014

Conditions attached to the approval

1. Prior to **commencement of the action**, the approval holder must meet the requirements of:
 - (a) **Council Approval Condition 3.10** (at Appendix B) that requires the preparation and registration of a statutory covenant with Mareeba Shire Council pursuant to S97A of the *Land Title Act 1994* for the purposes of preserving native animals, plants and their habitat. A copy of the agreed covenant must be submitted to the **Department** within one month of the finalisation of the covenant and prior to the **commencement of the action**.
 - (b) **Council Approval Condition 4.3** (at Appendix D) that requires the submission to the Mareeba Shire Council of a Stormwater Management Plan that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual. A copy of the Stormwater Management Plan must be submitted to the **Minister** within one month of the written notification from Mareeba Shire Council that the plan is acceptable and prior to the **commencement of the action**.
2. For the protection of the Myola Palm (*Archontophoenix myolensis*); the Kuranda Tree Frog (*Litoria myola*); Waterfall Frog (*Litoria nannotis*); Common Mistfrog (*Litoria rheocola*) and Lace-eyed Tree Frog (*Nyctimystes dayi*), the approval holder must submit to the **Minister** for approval, at least 3 months prior to the proposed **commencement of the action**, a Water Management Plan (WMP) for the **Jumrum Creek system** to maintain or improve water quality and to maintain the natural water flow regime on and downstream of the **subject site**.
3. For the protection of the Myola Palm (*Archontophoenix myolensis*); the Kuranda Tree Frog (*Litoria myola*); Waterfall Frog (*Litoria nannotis*); Common Mistfrog (*Litoria rheocola*) and Lace-eyed Tree Frog (*Nyctimystes dayi*), the approval holder must submit to the **Minister** for approval, at least 3 months prior to the proposed **commencement of the action**, a Water Management Plan (WMP) for the **Jumrum Creek system** to maintain or improve water quality and to maintain the natural water flow regime on and downstream of the **subject site**.

The WMP must include at least the following information:

- (a) water quality and flow regime maintenance objectives;
- (b) specific physical structures and construction methods that will be implemented to minimise sediment and other pollutants entering the stormwater drains and the **Jumrum Creek system**;
- (c) details of the water monitoring network to be established including:
 - i) at least one monitoring point upstream of all potential inflows from the **subject site** and not more than 50 m from each point where the **Jumrum Creek system** enters the **subject site**;
 - ii) at least one monitoring point downstream of all potential inflows from the **subject site** and not more than 50 m from each point where the **Jumrum creek system** exits the **subject site**; and
 - iii) at least one monitoring point on the **Jumrum Creek system** approximately half way between each of the points where the **Jumrum Creek system** enters and exits the **subject site**;

- (d) detail of monitoring methods to be used, including frequency and timing. Monitoring must begin at least three months prior to the commencement of the action to establish practicability of the monitoring regime and to provide baseline data. A higher frequency of monitoring is required for the first twelve months following commencement of the action; following heavy rain events and during the main breeding seasons for the above named frog species;
- (e) **corrective actions**, catalyst and timing trigger of implementation of **corrective actions**, and the parties responsible for implementing **corrective actions**; and
- (f) content and timing of submission to the Department of monitoring reports and **corrective actions**.

The action must not **commence** until the WMP is approved by the **Minister**. The approved WMP must be implemented.

- 4. The approval holder must ensure that no individuals of the Myola Palm (*Archontophoenix myolensis*) on the **subject site** are removed or destroyed. Each palm of the Archontophoenix genus which is found on or in the vicinity of the **subject site** (map at Appendix A) must be treated as *Archontophoenix myolensis* until such time as the individual is confirmed to be a different species by the Queensland Herbarium.
- 5. Where a crossing is to be constructed over a **watercourse**, the crossing must be of a type that does not impede or deter the movement of the Southern Cassowary (*Casuaris casuaris johnsonii*) along that watercourse.
- 6. Within ten (10) days of the **commencement of the action**, the approval holder must advise the **Department** in writing of the actual date of commencement.
- 7. The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans and council conditions required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.
- 8. Within three (3) months of every 12 month anniversary of commencement of the action (and until 2 years after the **cessation of the action**), the approval holder must provide the **Minister** with a report addressing compliance with the conditions of this approval over the previous 12 months, including implementation of any management plans and council conditions as specified in the conditions.
- 9. The approval holder must notify the department in writing of non-compliance with any condition of this approval as soon as practical and within no later than two business days of becoming aware of the non-compliance.

The notice provided to the Department under this condition must specify:

- i. the condition which the approval holder has potentially breached;
- ii. the nature of the non-compliance;
- iii. when and how the approval holder became aware of the non-compliance;
- iv. how the non-compliance will affect the approved action;

- v. how the non-compliance will affect the anticipated impacts of the approved action, in particular how the non-compliance will affect the impacts on the MNES;
 - vi. the measures the approval holder will take to address the impacts of the non-compliance on the MNES and rectify the non-compliance; and
 - vii. the time by when the approval holder will rectify the non-compliance.
10. Upon the direction of the **Minister**, the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.
 11. If the approval holder wishes to carry out any activity otherwise than in accordance with the management plans as specified in the conditions, the approval holder must submit to the **Department** for the **Minister's** written approval a revised version of that management plan. The varied activity shall not commence until the **Minister** has approved the varied management plan in writing. The **Minister** will not approve a varied management plan unless the revised management plan would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the revised management plan, that management plan must be implemented in place of the management plan originally approved.
 12. If the approval holder wishes to request from Mareeba Shire Council a variation to **Council Approval Condition 3.10** or **4.3** as specified in the Commonwealth conditions, the approval holder must obtain agreement in writing from the **Department** to the proposed variation prior to making the request to council to vary the **Council Approval Condition**. The **Department** will not agree to a variation of **Council Approval Condition 3.10** or **4.3** unless the variation would result in an equivalent or improved environmental outcome over time.
 13. If the **Minister** believes that it is necessary or convenient for the better protection of listed threatened species and communities, World Heritage properties or National Heritage places to do so, the **Minister** may request that the approval holder make revisions to the management plan/s specified in the conditions and submit the revised management plan/s for the **Minister's** written approval. The approval holder must comply with any such request. The revised approved management plan/s must be implemented. Unless the **Minister** has approved the revised management plan/s then the approval holder must continue to implement the management plan/s originally approved, as specified in the conditions.
 14. If, at any time after three years from the date of this approval, the approval holder has not substantially **commenced** the action, then the approval holder must not commence the action without the written agreement of the **Minister**.
 15. Unless otherwise agreed to in writing by the **Minister**, the approval holder must **publish** all management plans and council conditions referred to in these conditions of approval on their website. Each management plan must be **published** on the website within 1 month of being approved and remain on the website for the life of action.

Definitions:

Cessation of the action – Two years after the completion of construction of road works, stormwater and water infrastructure, drainage, earthworks and sewerage infrastructure on the subject site.

Commencement of the action / Commenced - The clearing of any vegetation or construction of any infrastructure, including road works, stormwater and water infrastructure, drainage, earthworks and sewerage infrastructure on the subject site.

Corrective actions – actions taken in response to performance criteria and or objectives falling outside of set objectives.

Council Approval Condition – A condition prescribed by the Mareeba Shire Council for the *Approval of the Application for Reconfiguring a Lot – Subdivision (1 into 83 Lots) Lot 72 RP 903071 situated at 1593 Kennedy Highway, Kuranda* issued by Mareeba Shire Council under the *Sustainable Planning Act 2009* and dated 22 April 2014.

Department – the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act*.

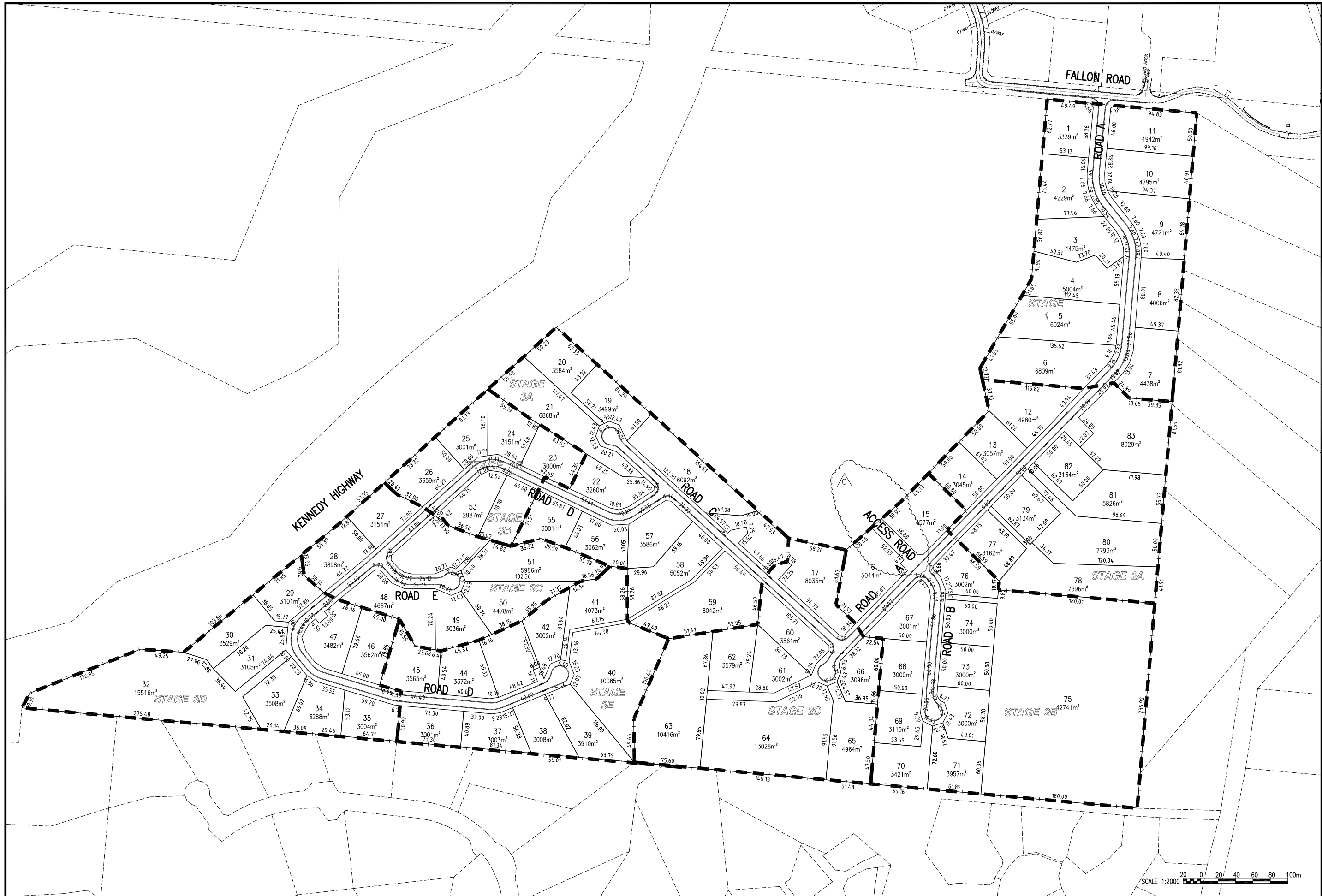
Jumrum Creek system – Jumrum Creek and its tributaries.

Minister – The Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the Minister.

Publish/ed – documentation available on the approval holder's website for the life of the approval.

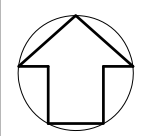
Subject Site - Lot 72 RP 903071 situated at 1593 Kennedy Highway, Kuranda, Queensland and as shown by map at Appendix A.

Watercourse - a natural or artificial channel through which water intermittently or permanently flows.



amendments		
A	ORIGINAL ISSUE	30.05.12
B	STAGE BOUNDARIES SHOWN	09.11.12
C	LOT LAYOUT ALTERED	29.01.13

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eco@ajunrum
The ultimate Kuranda address

PROPOSED RURAL RESIDENTIAL DEVELOPMENT
AT FALLON ROAD, KURANDA.

SCALE (AT A1 SIZE)	HOR 1:2000	DRAWN	J.P.
DATE	AUGUST 2012	DESIGNED	J.P.
APPROVED		CHECKED	J.P.
DWG NUMBER	1180 SK14-32	AMDT	C

DRAWING TITLE: DIMENSIONS OF PROPOSED LOTS

Council Approval Condition 3.10 – prescribed by Mareeba Shire Council for the *Approval of the Application for Reconfiguring a Lot – Subdivision (1 into 83 Lots) Lot 72 RP 903071 situated at 1593 Kennedy Highway, Kuranda* issued by Mareeba Shire Council under the *Sustainable Planning Act 2009* and dated 22 April 2014.

Environmental Covenant

The applicant shall be responsible for the preparation and registration of a statutory covenant with Council pursuant to S97A of the Land Title Act for the purposes of preserving native animals, plants and their habitat.

The covenant area shall comprise all parts of each lot excluding the building envelopes identified on Drawing Number 1180 SK14-34 Amdt B (at Appendix C) and the areas required for approved operational works infrastructure, to the satisfaction of Council's delegated officer.

The covenant shall must stipulate that the covenant area must be protected, preserved and conserved, including by strictly adhering to the following non-exhaustive conditions (which may be varied by written agreement between the parties):-

(a) no existing living vegetation or hereafter existing in the covenant area, may be cut down, damaged or destroyed;

(b) no buildings or fences may be erected in the covenant area;

(c) no native animals within the covenant area shall be killed or interfered with;

(d) no other acts may be carried out on or in respect of the covenant area which, in the opinion of the Council, acting reasonably may have a detrimental impact on the covenant area;

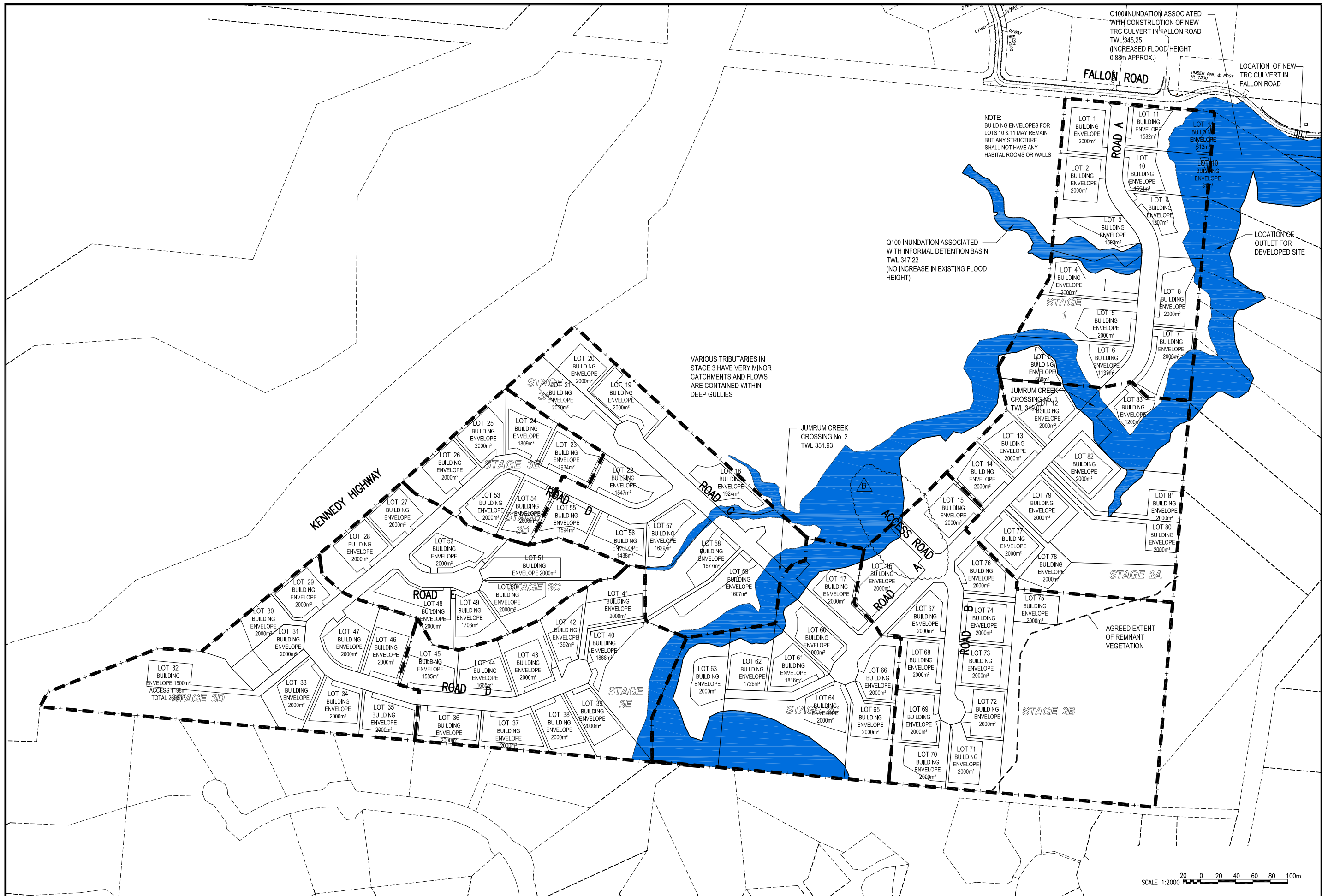
Notwithstanding clause (a) to (d), if any living or dead vegetation on the covenant area poses a risk to human safety:-

(e) The vegetation may be cut down or trimmed with the prior written consent of the Council, not to be unreasonably withheld, so as to remove the risk;

Notwithstanding clause (a) to (e), if any native or indigenous animal on the covenant area poses a risk to human safety the native or indigenous animal may be removed with the prior written consent of the Council and any other approvals which might be required by law.

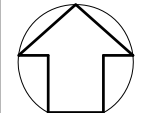
The covenant agreement shall be signed by the registered owner prior to endorsement of the survey plan by Council and the signed covenant shall be jointly lodged for registration with the survey plan, in the Department of Natural Resources & Mines.

The covenant document shall be to the satisfaction of Council's delegated officer, and the applicant shall be responsible for the cost of preparation and registration of the covenant.



amendments		
A	ORIGINAL ISSUE	30.05.12
B	LOT LAYOUT ALTERED	29.01.13

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PROPOSED RURAL RESIDENTIAL DEVELOPMENT
AT FALLON ROAD, KURANDA.

DRAWING TITLE: PLAN OF BUILDING ENVELOPES

SCALE (AT A1 SIZE)	HOR 1:2000	DRAWN	J.P.
DATE	AUGUST 2012	DESIGNED	J.P.
APPROVED		CHECKED	J.P.
DWG NUMBER	1180 SK14-34	AMDT	B

Council Approval Condition 4.3 - prescribed by Mareeba Shire Council for the *Approval of the Application for Reconfiguring a Lot – Subdivision (1 into 83 Lots) Lot 72 RP 903071 situated at 1593 Kennedy Highway, Kuranda* issued by Mareeba Shire Council under the *Sustainable Planning Act 2009* and dated 22 April 2014.

Stormwater Drainage/Water Quality

- a. As part of any subsequent application for Operational Works, the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
- b. That Stormwater Management Plan will deal with the entire site, and will also generally be in accordance with the plan prepared by Jim Papas Drafting Pty Ltd on 16 April 2013, and must ensure a non-worsening effect on surrounding land as a consequence of the development, and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.
- c. As part of any subsequent application for operational works the applicant must also provide:
 - i. A Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer;
 - ii. The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer; and
 - iii. -A demonstration of compliance against the Filling and Excavation Code.
- d. All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.
- e. Construction of drainage must be to FNQROC standards (section D4), including the provision for an ARI 100 year overland flow through open space areas, or, easements within the balance area.
- f. All stormwater drainage must be collected from site and discharged to an approved legal point of discharge, being the proposed retention basins in this instance.
- g. The applicant must video (at their cost) all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.

- h. Detention basins that are constructed within existing creeks and gullies and that are within the Environmental Covenant areas (Condition 3.10) shall be left in the natural condition as much as practicable. Any detention basins that are not within the Environmental Covenant areas shall be constructed such that they are capable of being mowed where necessary, landscaped and maintained. Batter slopes within areas intended for park will be a maximum of 1 in 6 for park road frontages, and 1 in 4 in all other cases.
- i. Any necessary temporary drains and associated drainage easements within the balance area will be provided as part of the relevant stage works and survey plans.