



Variation of conditions attached to approval

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

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Approved action

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| approval holder | Jumrum Rainforest Pty Ltd ABN: 14 146 366 029 |
| approved 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. |

Variation

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| variation of conditions attached to approval | The variation is: Delete condition 1 attached to the approval and substitute with the conditions specified in the table below. Revoke condition 13 attached to the approval. |
| date of effect | This variation has effect on the date this instrument is signed. |

Person authorised to make decision

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| name and position | Rachel Short Branch Head Environment Assessments (Vic and Tas) and Post Approvals Nature Positive Regulation Division |
| signature |  |
| date of decision | 28 October 2024 |

| date of decision | conditions attached to approval |
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| As varied on the date this instrument was signed | <p>1) Prior to commencement of the action, the approval holder must meet the requirements of:</p> <p>a) Council Approval Condition 3.10 (at <u>Appendix B</u>) that requires the preparation and registration of a statutory covenant with Mareeba Shire Council pursuant to S97A of the <i>Land Title Act 1994</i> 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. The covenants must be registered at the time of the survey plan endorsement.</p> <p>b) Council Approval Condition 4.3 (at <u>Appendix D</u>) 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.</p> |
| Original dated 5 August 2014 | <p>2) For the protection of the Myola Palm (<i>Archontophoenix myolensis</i>); the Kuranda Tree Frog (<i>Litoria myola</i>); Waterfall Frog (<i>Litoria nannotis</i>); Common Mistfrog (<i>Litoria rheocola</i>) and Lace-eyed Tree Frog (<i>Nyctimystes dayi</i>), 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.</p> <p>The WMP must include at least the following information:</p> <p>a) water quality and flow regime maintenance objectives;</p> <p>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;</p> <p>c) details of the water monitoring network to be established including:</p> <p>i) at least one monitoring point upstream of all potential inflows from the subject site and not more than 50 m from</p> |

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.

Original dated 5 August 2014

- 3) 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.

Original dated 5 August 2014

- 4) 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 (*Casuarius casuarius johnsonii*) along that watercourse.
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| Original dated 5 August 2014 | 5) 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. |
| Original dated 5 August 2014 | 6) 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 <i>Environment Protection and Biodiversity Conservation Act 1999</i> (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. |
| Original dated 5 August 2014 | 7) 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. |
| Original dated 5 August 2014 | <p>8) 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.</p> <p>The notice provided to the Department under this condition must specify:</p> <ul style="list-style-type: none"> 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; |

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| | <p>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</p> <p>vii) the time by when the approval holder will rectify the non-compliance.</p> |
| Original dated 5 August 2014 | 9) 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 . |
| Original dated 5 August 2014 | 10) 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. |
| Original dated 5 August 2014 | 11) 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. |
| Original dated 5 August 2014 | 12) 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 |

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| | approval holder must continue to implement the management plan/s originally approved, as specified in the conditions. |
| As varied on the date this instrument was signed | 13) REVOKED |
| Original dated 5 August 2014 | 14) 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. |
| date of decision | definitions attached to approval |
| Original dated 5 August 2014 | 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. |
| Original dated 5 August 2014 | 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. |
| Original dated 5 August 2014 | Corrective actions: Actions taken in response to performance criteria and or objectives falling outside of set objectives. |
| Original dated 5 August 2014 | Council Approval Condition: A condition prescribed by the Mareeba Shire Council for the <i>Approval of the Application for Reconfiguring a Lot — Subdivision (1 into 83 Lots) Lot 72 RP 903071</i> situated at 1593 Kennedy Highway, Kuranda issued by Mareeba Shire Council under the <i>Sustainable Planning Act 2009</i> and dated 22 April 2014. |
| Original dated 5 August 2014 | Department: the Australian Government Department administering the <i>Environment Protection and Biodiversity Conservation Act</i> . |
| Original dated 5 August 2014 | Jumrum Creek system: Jumrum Creek and its tributaries. |
| Original dated 5 August 2014 | Minister: The Minister administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> and includes a delegate of the Minister. |
| Original dated 5 August 2014 | Publish/ed: documentation available on the approval holder's website for the life of the approval. |

Original dated 5 August 2014 **Subject Site:** Lot 72 RP 903071 situated at 1593 Kennedy Highway, Kuranda, Queensland and as shown by map at Appendix A.

Original dated 5 August 2014 **Watercourse:** a natural or artificial channel through which water intermittently or permanently flows.

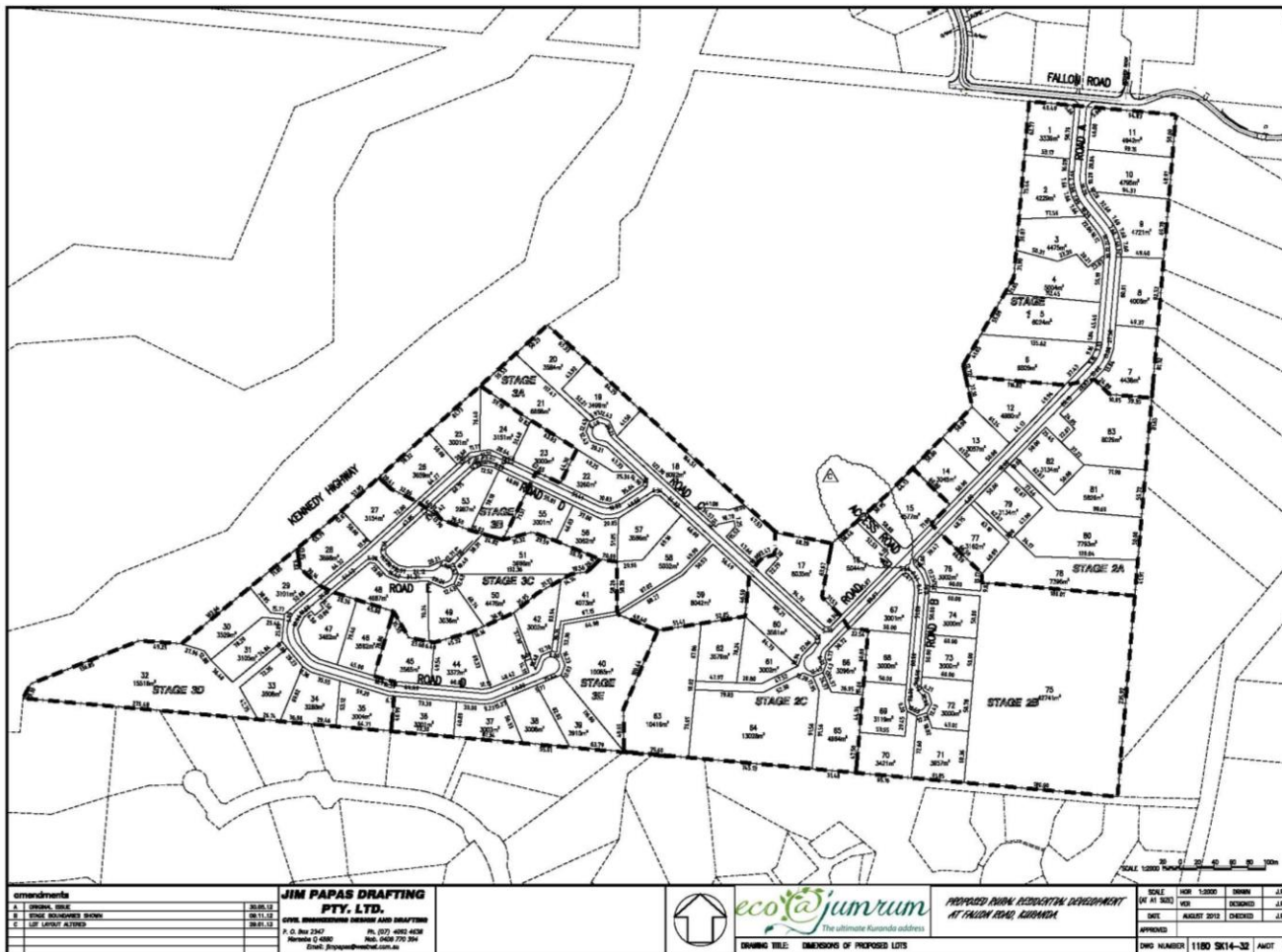


date of decision

Appendices

Original dated 5
 August 2014

Appendix A – Map of subject site





Original dated 5
August 2014

Appendix B –

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.



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Appendix D

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

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- 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.
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