Title of Proposal - Elite Cairns Pty Ltd - ROL, Lot 1/ RP804194 (Douglas Track Road, Kamarunga, Cairns)

Section 1 - Summary of your proposed action

Provide a summary of your proposed action, including any consultations undertaken.

1.1 Project Industry Type

Residential Development

1.2 Provide a detailed description of the proposed action, including all proposed activities.

It is proposed to reconfigure the land (Lot 1 on RP804194) to create 17 residential allotments with associated infrastructure such as an access road.

15 of the proposed residential allotments are larger rainforest blocks where residential houses will be nestled in to forest, on predetermined building envelopes to avoid rainforest canopy disturbance. The remaining two lots are 'super lots', which are large lots (7,038m2 and 28,485m2) which have a single building envelope designated, thus ensuring that the remainder of the vegetation on these sites remains completely undisturbed.

A previous iteration of development on the site (development of the entire site including 8 residential allotments, a park lot and a large tourist resort consisting of 56 apartments, 34 1-bedroom lodges and central facilities for reception and dining/function areas) was approved under the EPBC Act (Approval 2006/2761). However, to date operational works on this development have not commenced and the approval for the tourist resort component of the development has now been formally cancelled with Cairns Regional Council. Accordingly, the development proposal has now been amended to consist of 15 residential allotments with the balance of the site remaining as two 'super lots' that will remain undeveloped with the exception of one future residence on each. Hence, the new proposal will impact on a significantly smaller area than the original approved development.

The potential maximum disturbance area, which consists of clearing associated with private driveways, building envelopes and the internal road of all 17 lots is 1.04ha. This total area is 18.3% of the total area of the property (5.682ha) and comprises the maximum area requiring clearing.

It is proposed that the development is completed in three stages, being:
• Stage 1: Lots 1-5;
• Stage 2: Lots 6-10 and 17-18 and internal road; and
• Stage 3: Lots 11-15 and remainder of internal road

1.3 What is the extent and location of your proposed action? Use the polygon tool on the map below to mark the location of your proposed action.

Area	Point	Latitude	Longitude
PropArea	1	-16.87494854848	145.66683417517
PropArea	2	-16.874917747901	145.66685563284
PropArea	3	-16.87494854848	145.66682344634
PropArea	4	-16.873685720629	145.66692000586
PropArea	5	-16.873244242234	145.6681216355
PropArea	6	-16.872689826044	145.6687760945
PropArea	7	-16.87286436465	145.66894775588
PropArea	8	-16.872823296757	145.66949492652
PropArea	9	-16.872956767375	145.66951638419
PropArea	10	-16.8730902379	145.6695485707
PropArea	11	-16.873213441377	145.66974168974
PropArea	12	-16.873377712555	145.67000991065
PropArea	13	-16.873921859812	145.67042833525
PropArea	14	-16.874157998699	145.67000991065
PropArea	15	-16.874260667689	145.66948419768
PropArea	16	-16.874856146728	145.66885119635
PropArea	17	-16.874876680454	145.66871172148
PropArea	18	-16.874804812402	145.66792851645
PropArea	19	-16.874856146728	145.66700583655
PropArea	20	-16.87494854848	145.66683417517

1.5 Provide a brief physical description of the property on which the proposed action will take place and the location of the proposed action (e.g. proximity to major towns, or for off-shore actions, shortest distance to mainland).

Lot 1 / RP804194 is 5.682 hectares in area and is located on the western side of Douglas Track Road, north of Stoney Creek in the suburb of Kamerunga at the foothills of the McAllister Ranges. The site is approximately 8km west of the Cairns airport and 12km north-west of Cairns CBD. The property is bounded on the east by Douglas Track Road, to the south by Lot 32 / RP804194 (which includes Stoney Creek), to the west by Barron Falls National Park, included in the Wet Tropics World Heritage Area. The majority of the northern side of the property is bounded by Lot 19 RP804194 but smaller residential Lots 51, 50 and 49 (all RP899694) bound the northeastern side of the lot.

Native vegetation cover is retained over the majority of the site, only fragmented by an existing 3m wide x 150m long access track, numerous narrow trails and small clearings. There is some

degradation and weed invasion fringing these small disturbed areas, and along the frontage to Douglas Track Road.

1.6 What is the size of the proposed action area development footprint (or work area) including disturbance footprint and avoidance footprint (if relevant)?

1.04ha clearing footprint

1.7 Is the proposed action a street address or lot?

Lot

1.7.2 Describe the lot number and title. Lot 1 / RP804194

1.8 Primary Jurisdiction.

Queensland

1.9 Has the person proposing to take the action received any Australian Government grant funding to undertake this project?

No

1.10 Is the proposed action subject to local government planning approval?

Yes

1.10.1 Is there a local government area and council contact for the proposal?

Yes

1.10.1.0 Council contact officer details

1.10.1.1 Name of relevant council contact officer.

Katherine Wilson

1.10.1.2 E-mail

K.Wilson@cairns.qld.gov.au

1.10.1.3 Telephone Number

07 4044 3692

1.11 Provide an estimated start and estimated end date for the proposed action.

Start date 12/2017

End date 12/2018

1.12 Provide details of the context, planning framework and State and/or Local government requirements.

Current Site Details:

The site is 5.6ha and currently has a split zoning under the current *CairnsPlan 2016*. The north-eastern portion of the site, generally akin to the current location of the approved residential lots is zoned Environmental Management (lighter green), while the remainder of the site is zoned Conservation (darker green). Whilst not prohibiting development, both zones aim to limit development to small scale, low impact type uses such as dwelling houses.

Relevant Local (Cairns Regional Council) Approvals over the Site:

December 2005: Development Permit for Reconfiguring a Lot (1 Lot into 10 Lots and 1 Park Lot) and Preliminary Approval for a Material Change of Use (Tourist Resort);

August 2007: Consent Order – Preliminary Approval for a Material Change of Use (Tourist Resort);

June 2010: Development Permit for a Material Change of Use (Tourist Resort);

August 2011: Extension to the Relevant Period to a Development Permit for Reconfiguring a Lot (1 Lot into 10 Lots plus Park);

December 2013: Request to Extend the Relevant Period and Change Conditions to Development Permit for a Material Change of Use (Tourist Resort);

Approval History

As outlined above, there are a number of approvals over the site at the local level, of which have a long and complex history. The original application over the site was submitted to Cairns

Regional Council (Council) in June 2004 and was a combined application for Reconfiguring a Lot (1 Lot into 10 Lots and 1 Park Lot) and, a Material Change of Use (Tourist Resort). At time of lodgement, the site was zoned 'Residential 3' and located within the 'Tourist Development Area' of the superseded Planning Scheme for the Balance of the City of Cairns (superseded Planning Scheme).

In accordance with the superseded Planning Scheme, the 'Tourist Resort' component of the application was 'Permissible Development'. The repealed *Local Government (Planning and Environment) Act 1990* & the transitional provisions of the repealed *Integrated Planning Act 1997* (IPA) required permissible development to undergo Public Notification (the Reconfiguring a Lot component was not). However, in accordance with section 1.6.4 of the superseded Planning Scheme, combined applications were required to notify the entire application. Accordingly, the entire application (Reconfiguring a Lot and Material Change of Use components) was publicly notified and underwent the equivalent of todays impact assessable process.

In December 2005, Council approved the application by way of issuing a Development Permit for the Reconfiguring a Lot and a Preliminary Approval for the Material Change of Use components. Council's decision with regards to the Material Change of Use component was appealed by way of a submitter appeal, with the appeal eventually being dismissed by the Planning and Environment Court and a consent order being issued in August 2007. It was as part of these court proceedings, i.e., after the Council Decision Notice was issued, where the court 'split' the Reconfiguring a Lot and Material Change of Use components of the original application into two (2) separate 'applications'.

A later application sought to convert the Preliminary Approval for the Material Change of Use (Tourist Resort) to a Development Permit. This application was submitted by the applicant while appeal matters were underway in order to allow for the continued assessment of the proposal under the superseded Planning Scheme. On 24 June 2010, Council issued a Development Permit via a Negotiated Decision Notice for the Tourist Resort.

Since this time, a number of requests to extend the relevant period have been lodged with, and approved by Council. More specifically, the Development Permit for the Tourist Resort was extended for a further four (4) years on 24 June 2014, while the Development Permit for the Reconfiguring a Lot and Preliminary Approval for a Material Change of Use (Tourist Resort) was extended by Council on 21 January 2010 for one (1) year, with a further extension in August 2011 granting a further four (4) year extension, and a final extension being issued by Council in April of 2015. These requests have resulted in all of the approvals over the site being due to lapse on 24 June 2018. In order to allow sufficient time to complete the development, a further

request to extend the relevant period will need to be lodged with Council in early 2018.

In May of 2017, a further application was lodged with Council for further changes to the existing approval. The changes proposed as part of this application generally include:

* An increase in the total number of allotments;

* Removal of the Tourist Resort;

* Removal of the Parkland Lot (as per Council's suggestion as additional parkland in this area will simply result in a maintenance burden for Council);

* Realignment of lot boundaries and existing building envelopes; and

* Introduction of sub-staging

This application has been approved 'in principle' by Council and draft conditions have been received.

1.13 Describe any public consultation that has been, is being or will be undertaken, including with Indigenous stakeholders.

Public consultation in accordance with the requiremnents of the repealed IPA was undertaken for the orginal 2005 approval.

There were a number of submissions received by Council during this public consultation process, which eventually led to a submitter appeal against Council's approval of the Tourist Resort component of the proposed development. However, none of the submissions received by Council were in relation to the subdivision component of the proposed development.

There has been no direct consultation with any indigenous people. However, the development will be undertaken in accordance with the (Queensland) Cultural Heritage Duty of Care Guidelines and will be managed in accordance with Category 4 of the guidelines.

1.14 Describe any environmental impact assessments that have been or will be carried

out under Commonwealth, State or Territory legislation including relevant impacts of the project.

There has been no formal EIS assessment completed on the development. However several detailed environmental assessment reports have been completed.

Refer to Section 3.1.1 - Attachment - Appendices 1, 3, 4, 5

Appendix 1 - Environmental Experts Joint Report

Appendix 3 - Flora Report

Appendix 4 - Fauna Report

Appendix 5 - Weed Management Plan

1.15 Is this action part of a staged development (or a component of a larger project)?

No

1.16 Is the proposed action related to other actions or proposals in the region?

No

Section 2 - Matters of National Environmental Significance

Describe the affected area and the likely impacts of the proposal, emphasising the relevant matters protected by the EPBC Act. Refer to relevant maps as appropriate. The interactive map tool can help determine whether matters of national environmental significance or other matters protected by the EPBC Act are likely to occur in your area of interest. Consideration of likely impacts should include both direct and indirect impacts.

Your assessment of likely impacts should consider whether a bioregional plan is relevant to your proposal. The following resources can assist you in your assessment of likely impacts:

• Profiles of relevant species/communities (where available), that will assist in the identification of whether there is likely to be a significant impact on them if the proposal proceeds;

• Significant Impact Guidelines 1.1 – Matters of National Environmental Significance;

• Significant Impact Guideline 1.2 – Actions on, or impacting upon, Commonwealth land and Actions by Commonwealth Agencies.

2.1 Is the proposed action likely to have ANY direct or indirect impact on the values of any World Heritage properties?

No

2.2 Is the proposed action likely to have ANY direct or indirect impact on the values of any National Heritage places?

No

2.3 Is the proposed action likely to have ANY direct or indirect impact on the ecological character of a Ramsar wetland?

No

2.4 Is the proposed action likely to have ANY direct or indirect impact on the members of any listed species or any threatened ecological community, or their habitat?

Yes

2.4.1 Impact table

Species	Impact
Southern Cassowary (Casuarius casuarius	The southern cassowary is listed as

Species	Impact
johnsonii)	Endangered under the EPBC Act 1999 and the NCA Act 1992. The site is likely to represent habitat for the southern cassowary. The Cairns Hillslopes is a location listed as known cassowary habitat in the Species Recovery Plan (Queensland Parks and Wildlife Service, 2001). Habitat values for the southern cassowary were assessed during site survey and although four different habitat types were recorded, all areas are suitable for the species with the exception of the steep slopes associated with Stoney Creek. The differences in value between the high value and moderate value forests on site relate to minor disturbance from walking/bike trails and historical clearing. In regard to vegetation structure, canopy closure and food resources, the forest habitats show little difference and are likely to be used equally by cassowaries. The species is known to forage in a wide range of vegetation communities, including secondary forests and previously disturbed forests. The study area is not known to be within the home range of any cassowaries. However, it is possible that the site will used transiently by cassowaries that hold territories in the nearby Barron Gorge National Park. There were no signs of cassowaries (sightings or scats) recorded within the study area during either of the site surveys completed in 2004 and 2017. Any impacts on the southern cassowary will be minimal as basic habitat features used by cassowaries (including forest floor, canopy and fruit bearing trees) will essentially remain undisturbed over approximately 82% of the site. The areas where clearing will occur are small and will be chosen to minimize disturbance to large trees and canopy connectivity. The clearing of building envelopes that are small and isolated will not form a restriction to cassowary movement. The development of the internal access road will also not form a linear barrier to cassowary movement as the road will be relatively narrow (maximum width of 10m), retain canopy connectivity and have very low vehicle numbers traveling at low speeds. Crome and Moore

Species	Impact
	(1988) suggest that cassowaries can tolerate some structural damage to their habitat and that an intermediate level of damage, particularly that which promotes high species diversity, may favour them. But they believe that there appears to be a threshold of damage beyond which cassowaries decline. Due to the small amount of clearing (18% of site) and the sensitive development of individual residential dwellings whilst retaining the rainforest habitat, it is not likely to exceed the critical damage threshold. The development will ensure that the forest canopy will remain and the planned low density development will mean cassowary movement will be unimpeded throughout the site. The lots will not be fenced around their boundary, instead the building envelope will be fenced. Thus allowing cassowary movement throughout the site. Dogs will be kept within the fenced yards (to applicable Council standards) within the building envelope and hence will not impact on cassowary use of the site. In summary, it is possible that cassowaries may visit the site. In regard to habitat preferences, the entire site shows high habitat values for the southern cassowary. However, the development proposes to retain maximum forest cover and the minimal vegetation clearing (18% of site or 1ha) will not prevent the species from utilising the site.
Waterfall frog (Litoria nannotis)	The waterfall frog is listed as Endangered under the EPBC Act 1999 and the NCA Act 1992. The following is an extract from the species' recovery plan (Northern Queensland Threatened Frogs Recovery Team, 2000): "Litoria nannotis occurred throughout the Wet Tropics Biogeographical Region between Paluma (190 01'S, 146012'E) and Mungumby Creek (150 42'S, 1460 16'E), north-east Queensland (McDonald 1992). L. nannotis inhabits fast-flowing streams around waterfalls and cascades in rainforest from 80-1300 m (McDonald 1992). Frogs are generally found on boulders beside or behind waterfalls, but may be perched on trees or litter beside streams (Liem 1974, K.R. McDonald pers. obs.).

Species	Impact
	Tadpoles are found predominantly in fast flowing sections of the stream, attached to rocks (Richards 1992, K.R. McDonald pers. obs.)". No population declines have been observed in populations occurring below 400m, but L. nannotis is now absent from most sites above this altitude. The waterfall frog is a true stream dwelling species, unlikely to venture far from the waterway. It's habitat is noted to comprise high light intensity, sparse vegetation and a ground surface that is heavily disturbed from regular flooding. This description differs from the habitat on-site which consists of a closed canopy (low-light intensity), moderate to dense vegetation, and irregular disturbance from flooding. The only section of the site that may be utilised by the waterfall frog is Stoney Creek bed and banks. The frog is unlikely to use habitat beyond the Stoney Creek levee. The impacts on the population, if individuals are present, will be minimal. There will be no disturbance of the creek or drainage lines during construction. There will be strictly enforced best practice erosion and sediment control during construction and with appropriate management of stormwater discharge there will not be any contributing pollution of the stream habitat. Erosion and sediment control and water quality will be documented in reports to be provided to, and approved by Council in accordance with Council requirements and Australian Standards best practice as part of the Operational Works application and approvals process. A buffer zone of 30m will be maintained along the southern boundary of the site which will be kept free of building and other significant disturbance with the aim of providing a protective buffer to the riparian zone. Given that this is a 'true stream-dwelling species unlikely to venture far from the waterway' with regular nocturnal movement of up to 15m from the stream, it is concluded that the proposed buffer is adequate for this species. An independent evaluation of the size of the buffers completed by Peter Stanton in 2008 confirmed that a buffer size of 20m is adequate

Species	Impact
	for this species. However, as a gesture of ecological goodwill, the proponent is now proposing a 30m buffer from Stoney Creek. Additionally, domestic cats will not be allowed to be kept by residents of the development.
Common mistfrog (Litoria rhecola)	The common mist frog is listed as Endangered under the EPBC Act 1999 and the NCA Act 1992. The following is an extract from the species' recovery plan (Northern Queensland Threatened Frogs Recovery Team, 2000): "L. rheocola occurred in rainforests north of the Herbert River in the Wet Tropics Biogeographical Region from Broadwater Creek National Park (180 23'S, 1450 57'E) to Amos Bay (150 41'S, 1450 19'E) (McDonald 1992). No population declines have been observed in lowland rainforests below 400 m, but L. rheocola has disappeared from most sites above this altitude. L. rheocola is usually found on rocks and vegetation near fast-flowing streams in rainforest from 0-1180 m. Tadpoles are found in swiftly flowing rainforest streams, clinging to rocks in riffles, torrents, and highly oxygenated pools (Liem 1974, pers. obs.)." In summary, it is possible that the Common Mistfrog occurs in Stoney Creek adjacent to the site. The riparian levee habitat adjacent to Stoney Creek, on the southern portion of the property, shows moderate habitat values for the common mistfrog. No other areas on site show habitat value for the species. The impacts on the population, if individuals are present, will be minimal. There will be no disturbance of the creek or drainage lines during construction. There will be strictly enforced best practice erosion and sediment control during construction and with appropriate management of stormwater discharge there will not be any contributing pollution of the stream habitat. Erosion and sediment control and water quality will be documented in reports to be provided to, and approved by Council in accordance with Council requirements and Australian Standards best practice as part of the Operational Works application and approvals process. A buffer zone of 30m will be maintained along the

Species	Impact
	southern boundary of the site which will be kept free of building and other significant disturbance with the aim of providing a protective buffer to the riparian zone. Given that this is a species that makes limited use of streamside vegetation, it is concluded that the proposed buffer is adequate for this species. An independent evaluation of the size of the buffers completed by Peter Stanton in 2008 confirmed that a 20m buffer size is adequate for this species. However, as a gesture of ecological goodwill, the proponent now proposes a 30m buffer from Stoney Creek. Additionally, domestic cats will not be allowed to be kept by residents of the development.
Australian Lacelid (Litoria dayi syn. Nyctimystes dayi)	The Australian lacelid is listed as Endangered under the EPBC Act 1999 and the NCA Act 1992. The following is an extract from the species recovery plan (Northern Queensland Threatened Frogs Recovery Team, 2000): “Nyctimystes dayi occurred throughout the Wet Tropics Biogeographical Region between Paluma (190 01'S, 1460 13'E) and Big Tableland (150 44'S, 1450 18'E), north-east Queensland (McDonald 1992, McDonald and Martin unpubl. data). No population declines have been observed in populations occurring in lowland rainforests below 300 m, but N. dayi is now absent from all sites above this altitude... N. dayi is restricted to rainforest and rainforest margins from 0-1200 m. In montane areas fastflowing, rocky streams are preferred, but slower watercourses are also utilised. Adults are generally located on rocks and vegetation adjacent to the stream, though females have been found on large mossy boulders and tall vegetation some distance (100m) from the water (Czechura et al. 1987). Tadpoles are found clinging to, or sheltering under, rocks in torrents and riffles of fast flowing rainforest streams (Davies and Richards 1990).” It is possible that the Australian Lacelid occurs in Stoney Creek adjacent to the site. The riparian levee habitat adjacent to Stoney Creek, on the southern portion of the property, shows high habitat values for the Australian lacelid frog.

Species	Impact
	The species has been recorded as far as 100m from stream banks, however due to the steep slopes to the north of Stoney Creek it is unlikely any individuals would venture this far. In some areas the levee extends to 40m from the creek line and this would be the potential limit of the species range within the site. In addition, the deeply incised ephemeral drainage channels running north to south of the property contain moderate habitat values for the species. No other areas on site show habitat value for the species. The impacts on the population, if individuals are present, will be minimal as there will be no disturbance of the creek or drainage lines during construction. There will be strictly enforced best practice erosion and sediment control during construction and with appropriate management of stormwater discharge there will not be any contributing pollution of the stream habitat. Erosion and sediment control and water quality will be documented in reports to be provided to, and approved by Council in accordance with Council requirements and Australian Standards best practice as part of the Operational Works application and approvals process. However it should be noted that threats to the frog from pollution and chemical toxins cannot be mitigated by buffers as the study area is only a very small part of the lower catchment of Stoney Creek. A buffer zone of 30m will be maintained along the southern boundary of the site which will be kept free of building and other significant disturbance with the aim of providing a protective buffer to the riparian zone. However, unlike the two other frog species considered, this species can range beyond the stream bank environment. In this instance, it is expected that the levee that extends some 40m from the creek line and has steep embankments may be the potential limit of this species range within the site. However, there is a low potential for this species to be found outside of the Stoney Creek levy and within the drainage channels on site, hence the implementation of a 30m buffer of Stoney Creek. It is not practicable to enforce buffer

Species	Impact
	zones on the drainage channel given their irregular shape and size (narrowing to less than 1m in some locations). An independent evaluation of the size of the buffers completed by Peter Stanton in 2008 confirmed that the protection for this frog must rely more on the commitments to best practice soil and erosion control as well as canopy protection. This methodology, as well as as increase to the proposed buffer to Stoney Creek from the previously approved 20m to 30m will be implemented as part of the proposed development to ensure there are no impacts on this frog species. Additionally, domestic cats will not be allowed to be kept by residents of the development.
Spectacled flying fox (Pteropus conspicillatus)	The spectacled flying fox is listed as Vulnerable under the EPBC Act 1999 and the NCA Act 1992. The species feeds on fruits and flowers, primarily in the canopy vegetation of a wide range of vegetation communities, including closed forest, riparian forest, eucalypt forest, Melalueca thickets, Coastal swamps, mangroves and commercial fruit crops. Roosting occurs in large aggregations (camps or colonies) in canopy trees. P. conspicillatus occurs in north-eastern Queensland, within the WTWHA between Townsville and Cooktown. The species is wide-ranging and highly mobile.It is likely that the spectacled flying fox does fly over site and potentially utilises the site for foraging. However no camps are evident during surveys. The entire site shows high habitat values by way of foraging sites and future roosting potential for the spectacled flying fox. However, the development proposes to retain maximum forest cover and large trees and therefore will have no impact on the survival of the species within the region. The impacts on the population will be minimal as there will be only minor disturbance to vegetation and large trees are to be mostly retained.
A fern (Diplazium cordifolium)	The fern Diplazium cordifolium is listed as Vulnerable under the EPBC Act 1999 and the NCA Act 1992. The species is known to occur

Species	Impact
	along the Stoney Creek riparian margin, surveys in 2004 collected a record for the species in the western precinct of the property. Due to imprecise location data due to the inability to fix a location on the GPS, it is uncertain if this record was within or adjacent to the property boundary. Surveys completed by Jago (Cairns Council, 2009) and Biotropica Australia in 2017 did not record this species in the Stoney Creek stream bed, banks or terraces. It is noted that Jago observed that there was no suitable habitat for this species within the area that he surveyed on site. In summary, it is apparent that Diplazium cordifolium does not occur in Stoney Creek in or adjacent to the site at this time. The impacts on the population, if individuals are present on the property, will be minimal as there will be no disturbance of the creek or drainage lines during construction. Erosion and sediment control and water quality will be documented in reports to be provided to, and approved by Council in accordance with Council requirements and Australian Standards best practice as part of the Operational Works application and approvals process. With strictly enforced best practice erosion and sediment control during construction and appropriate management of stormwater discharge there will not be any contributing pollution of the stream habitat. A buffer zone of 30m will be maintained along the southern boundary of the site which will be kept free of building and other significant disturbance with the aim of providing a protective buffer to the riparian zone. An independent review of the riparian buffer in 2008 concluded that there was no argument to be found for an extension of the riparian buffer to protect this species (Stanton, 2009). However, as a gesture of ecological goodwill, the proponent now proposes a 30m buffer from Stoney Creek.

2.4.2 Do you consider this impact to be significant?

No

2.5 Is the proposed action likely to have ANY direct or indirect impact on the members of any listed migratory species, or their habitat?

No

2.6 Is the proposed action to be undertaken in a marine environment (outside Commonwealth marine areas)?

No

2.7 Is the proposed action to be taken on or near Commonwealth land?

No

2.8 Is the proposed action taking place in the Great Barrier Reef Marine Park?

No

2.9 Is the proposed action likely to have ANY direct or indirect impact on a water resource related to coal/gas/mining?

No

2.10 Is the proposed action a nuclear action?

No

2.11 Is the proposed action to be taken by the Commonwealth agency?

No

2.12 Is the proposed action to be undertaken in a Commonwealth Heritage Place Overseas?

No

2.13 Is the proposed action likely to have ANY direct or indirect impact on a water resource related to coal/gas/mining?

No

Section 3 - Description of the project area

Provide a description of the project area and the affected area, including information about the following features (where relevant to the project area and/or affected area, and to the extent not otherwise addressed in Section 2).

3.1 Describe the flora and fauna relevant to the project area.

Flora (refer **section 3.1.1 - Attachment 1 - Appendix 3)**

The site soil consists of red earths derived from Metamorphic Rock. These are typically deeply weathered, and can support tall, well developed rainforest, of which substantial remnants are present on the site.

A comprehensive flora survey was conducted in May 2004 (Chester and Small 2004) (refer **section 3.1.1 - Attachment 1 - Appendix 3**). This work reviewed all relevant references and available data and undertook detailed surveys on site including both line intersect transects and area search quadrats, with general attributes scored including species presence/abundance, changes in floristic structure and integrity, introduced species, obvious evidence of disturbance and successional processes, forest structure (height, composition and general integrity) and flora species of conservation significance. An additional site walkover was conducted in August 2017 to provide an updated assessment of the habitats present within the study area.

Queensland Herbarium has mapped the vegetation of the property, under the *Vegetation Management Act 1999* (Queensland) as Regional Ecosystem (RE) 7.11.7 (complex notophyll vine forests using the Tracey/Webb designation). The *Vegetation Management Regulation 2000* (Queensland) lists the conservation status of this RE under the VMA as being “Least Concern”. Currently greater than 30% of the original extent of this community still remains and is well represented in protected area estates with approximately 27,000 hectares within in the Wet Tropics of Queensland World Heritage Area.This RE usually occurs on the moist foothills and uplands in the Cairns area on metamorphic derived yellow podzolics, however parts of this RE in the Barron Gorge are to be found on granite derived soils. The community is characterised by a number of deciduous canopy species, and typical signature canopy emergents include kauri pine (*Agathis robusta*), acacia cedar (*Paraserianthes toona*) and rose butternut (*Blepharocarya involucrigera*).

Results from the 2004 report showed that in total there are 215 records of species of conservation significance in the area recorded by HERBRECS**,** however this data list includes

species in community types not represented in the study area such as mountain tops and sclerophyll woodlands. These species would not be found in notophyll vine forests recorded within the study area. Twenty six species of flora of conservation significance (as listed under the schedules of the *Nature Conservation (Wildlife) Regulation 1994*) could be expected to be found in the in the habitats represented in the Stoney Creek area. These species are listed in the Flora survey report.

A systematic search of transects across the property in 2004 identified two species that were listed as being of conservation significance at that time, *Rourea brachyandra* (a vine) and *Diplazium cordifolium* (Athyriaceae - a fern). *Rourea brachyandra* is no longer listed as a threatened species and will not be considered further within this application.

Stoney Creek is a known important habitat for the fern *Diplazium cordifolium* (the locality is specifically identified on the HERBRECS database), and this fern was identified in the riparian margin of this creek in the western precinct of the property during the survey by Small in 2004. There is some imprecision in the locality of the observation as the location could not be GPS fixed, and the current demarcation of the streamline in relation to the digital cadastre database of the Cairns Regional Council is inaccurate. It is possible that the location is outside the boundary of the property in question. It is certainly away from the areas of disturbance of the proposed development. A site survey completed by Jago (Cairns Council) in 2009 did not record any *D. cordifolium*, nor any habitat suitable for this species within the creek bed, banks and associated terraces. It is concluded that *D. cordifolium* will not be impacted by the proposed development.

The vegetation of the property can be characterised broadly into four categories (as evidenced by the 2004 flora surveys and the August 2017 site assessment). The specific elements that divide the categories are: general species composition; canopy height and dominant characteristic canopy species; frequency and abundance of successional and transgressive species; levels of disturbance related to past logging and access requirements; and presence/absence of introduced species. The four categories include:

• tall complex notophyll vine forest of very high value;
• notophyll vine forest of high value, showing minor disturbance;
• riparian/levee vine forest along Stoney Creek:

* non-remnant vegetation

The approximate demarcation of these communities is shown in section 3.1.1 - Attachment 2 Map (August 2017)

The most significant flora habitat areas are the riparian and levee forests along Stoney Creek, and the complex notophyll vine forests of the western section of the lot. These areas have limited evidence of anthropogenic disturbance, have the highest diversity of species represented and generally are most characteristic of their community type. Of lesser value as a significant flora habitat area is the disturbed notophyll vine forest about the access track and clearing. With ongoing successional processes well advanced and with minimal ongoing disturbance evident, this area provides opportunity for flora species of conservation significance

to recruit successfully.

The vegetation about the access track, as mapped, has obvious evidence of recent disturbance (less than 50 years) through timber cutting, storm damage, and clearing of the access track. It is suspected that the clearing may have been the site of the original log dump (in the 1960s) prior to timber being hauled to the nearby sawmill at Stratford.

Fauna (refer **section 3.1.1 - Attachment 1 - Appendix 4**)

A targeted fauna study was carried out in October 2006. An additional site walkover survey was carried out in August 2017.

Animals listed under the Environment Protection and Biodiversity Conservation Act 1999 which are known to occur in the locality containing the site include the following species:

Southern Cassowary - Casuarius casuarius johnsonii
Waterfall Frog - Litoria nannotis
Common Mist Frog - Litoria rheocola
Australian Lacelid - Litoria dayi syn. Nyctimystes dayi

Spectacled flying fox - Pteropus conspicillatus

The most significant habitat areas for these species are the riparian and levee forests along Stoney Creek for the frog species. The southern cassowary and Spectacled flying-fox would both use the relatively homogenous high value and medium value notophyll vine forest on the site.

3.2 Describe the hydrology relevant to the project area (including water flows).

There are no permanent water channels which traverse the site. However, the site does contain a number of deeply incised natural gullies which are ephemeral drainage lines, these will for the most part, be retained in an undisturbed state as part of the development of the site.

Stoney Creek forms the southern boundary of the site. All water flow from the site will deposit into Stoney Creek. However the study area forms only a very small part of the catchment of lower Stoney Creek. The catchment already includes areas of residential development and is

far from pristine.

3.3 Describe the soil and vegetation characteristics relevant to the project area.

The site soil consists of red earths derived from Metamorphic Rock. These are typically deeply weathered, and can support tall, well developed rainforest, of which substantial remnants are present on the site.

A comprehensive flora survey was conducted in May 2004 (Chester and Small 2004) (refer **section 3.1.1 - Attachment 1 - Appendix 3**). This work reviewed all relevant references and available data and undertook detailed surveys on site including both line intersect transects and area search quadrats, with general attributes scored including species presence/abundance, changes in floristic structure and integrity, introduced species, obvious evidence of disturbance and successional processes, forest structure (height, composition and general integrity) and flora species of conservation significance. An additional site walkover was conducted in August 2017 to provide an updated assessment of the habitats on site.

Queensland Herbarium has mapped the vegetation of the property, under the Vegetation Management Act 1999 (Queensland) as Regional Ecosystem (RE) 7.11.7 (complex notophyll vine forests using the Tracey/Webb designation). The Vegetation Management Regulation 2000 (Queensland) lists the conservation status of this RE under the VMA as being “Least Concern”. Currently greater than 30% of the original extent of this community still remains and is well represented in protected area estates with approximately 27,000 hectares within in the Wet Tropics of Queensland World Heritage Area.This RE usually occurs on the moist foothills and uplands in the Cairns area on metamorphic derived yellow podzolics, however parts of this RE in the Barron Gorge are to be found on granite derived soils. The community is characterised by a number of deciduous canopy species, and typical signature canopy emergents include kauri pine (*Agathis robusta*), acacia cedar (*Paraserianthes toona*) and rose butternut (*Blepharocarya involucrigera*).

The vegetation of the property can be characterised broadly into four categories (based on 2004 flora surveys and the August 2017 site assessment). The specific elements that divide the categories are: general species composition; canopy height and dominant characteristic canopy species; frequency and abundance of successional and transgressive species; levels of disturbance related to past logging and access requirements; and presence/absence of introduced species. The four categories include:

• tall complex notophyll vine forest of high value;
• notophyll vine forest of moderate value, showing minor disturbance;
• riparian/levee vine forest along Stoney Creek:

* non-remnant vegetation

The approximate demarcation of these communities is shown in section 3.1.1 - Attachment 2 Map (August 2017)

The most significant areas of vegetation on site are the riparian and levee forests along Stoney Creek, and the complex notophyll vine forests of the western section of the lot. These areas have limited evidence of anthropogenic disturbance, have the highest diversity of species represented and generally are most characteristic of their community type. Of lesser value as a significant flora habitat area is the disturbed notophyll vine forest about the access track and clearing.

3.4 Describe any outstanding natural features and/or any other important or unique values relevant to the project area.

The site is not known to contain any outstanding topographical natural features. There are no caves on site.

3.5 Describe the status of native vegetation relevant to the project area.

Queensland Herbarium has mapped the vegetation of the property under the Vegetation Management Act 1999 (Queensland) as Regional Ecosystem (RE) 7.11.7 (complex notophyll vine forests using theTracey/Webb designation). The Vegetation Management Regulation 2000 (Queensland) lists the conservation status of this RE under the VMA as being “Least Concern”. Currently greater than 30% of the original extent of this community still remains and is well represented in protected area estates with approximately 27,000 hectares within in the Wet Tropics of Queensland World Heritage Area.

3.6 Describe the gradient (or depth range if action is to be taken in a marine area) relevant to the project area.

The topography of the site slopes from north to south with an average gradient of 1:3. The proposed subdivision has been designed to reduce the impact on the natural topography as much as possible. The proposed road is to be located on the flattest part of the site and the location and shape of allotments will be determined by the natural availability of dwelling house pads.

3.7 Describe the current condition of the environment relevant to the project area.

The site retains high quality rainforest cover over most of the area, however this is partially fragmented by existing clearings and tracks. Cyclone damage is evident surrounding clearings, and along the degraded frontage to Douglas Track Road. Continuous canopy cover is present through the western end of the site where it adjoins Barron Gorge National Park, and this area is considered the least disturbed and highest value vegetation on site.

The property's frontage to Stoney Creek has a narrow band of vegetation along the creek bank that has a distinct riparian character, dominated by Syzygium tierneyanum. There is an existing easement within the site adjacent the frontage to Stoney Creek. The easement precludes development and provides a riparian buffer to the creek.

Weed Infestation
As can be expected, introduced weeds are concentrated under large canopy gaps. These are associated with past clearing and can be found along the existing, partially overgrown access track, along the frontage to Douglas Track Road and in several discrete clearings in the lower part of the site. There are no pest plants listed under the Biosecurity Act recorded on the property. (refer **section 3.1.1 - Attachment 1 - Appendix 5)**

Erosion
Some minor erosion is apparent along the banks of Stoney Creek with exposure of trees' root systems in places.

3.8 Describe any Commonwealth Heritage Places or other places recognised as having heritage values relevant to the project area.

There are no nearby Commonwealth Heritage Places in the Project area.

3.9 Describe any Indigenous heritage values relevant to the project area.

Searches have been undertaken of both the Aboriginal Cultural heritage Database and the Register. The results of the search are that “…no Aboriginal cultural heritage is recorded on the Cultural Heritage Database and Register…”(Paul Travers, Director Cultural Heritage Coordination Unit, Queensland department of Natural Resources and Mines, 20 December 2004).

However, the development will be undertaken in accordance with the (Queensland) cultural heritage duty of care guidelines and will be managed in accordance with Category 4 of the guidelines.

3.10 Describe the tenure of the action area (e.g. freehold, leasehold) relevant to the project area.

Freehold

3.11 Describe any existing or any proposed uses relevant to the project area.

Residential

Section 4 - Measures to avoid or reduce impacts

Provide a description of measures that will be implemented to avoid, reduce, manage or offset any relevant impacts of the action. Include, if appropriate, any relevant reports or technical advice relating to the feasibility and effectiveness of the proposed measures.

Examples of relevant measures to avoid or reduce impacts may include the timing of works, avoidance of important habitat, specific design measures, or adoption of specific work practices.

4.1 Describe the measures you will undertake to avoid or reduce impact from your proposed action.

Fundamentally the proposal is based on achieving a high level of ecological sustainability for the project. The proposal of rainforest housing has strong market acceptance and commercially is worth far more than a cleared site.

The project aims to reduce its ecological impacts such that the natural values and ongoing ecological integrity remain as key outcomes of the site's land use. The intention is to retain the forest canopy. Indicative building envelopes based on a tree survey are shown.

Based on the above, the following measures are proposed to minimise the ecological impacts of the proposal and to ensure there are not impacts on matters of national significance.

•For each proposed residential allotment the actual building envelope will be set out to minimise clearing. Indicative envelopes are shown on the plan and have been chosen based on the result of a detailed tree survey that has been completed on site. There may still be some minor changes to these envelopes.

• The design criteria is to ensure the buildings nestle under the forest canopy. The aim is that no large trees that provide major contribution to canopy cover will be cleared for site development. For this reason, building envelopes and allotment boundaries may change slightly to ensure these can be avoided, although it should be assumed that almost all envelope areas will be cleared.

• There will be no disturbance of riparian vegetation. Buildings that will be located near riparian vegetation will be sited so as to avoid clearing canopy trees and any species of conservation concern. A 30m provided is provided adjacent to Stoney Creek which provides a sufficient buffer zone to the protected frog species that may utilise the creek (as per Stanton 2009). The previous proposed development for the site proposed a 20m buffer to Stoney Creek and this was part of the previous EPBC approval. However, as a geture of ecological goodwill, the current proposal includes a 30m buffer to Stoney Creek.

• Other than for building envielopes, access driveways and the internal rode, shrubs, small trees, saplings and seedlings will be retained as they provide extensive soil protection properties and provide niche habitat and shelter to a range of fauna species.

• The internal road is mostly along a previously disturbed corridor and will not involve clearing of native trees. It will be a total of a 10m width (approx.) seal with a cleared verge on one side only. Further, although kerb and channel will be used on the north side of the road, the south side of the road will use design options other than traditional kerb and channel such that the rainforest floor will essentially remain at grade. The intention is to use shallow concrete lined spoon drains or coarse gravel runoff shoulders for drainage rather than concentrating stormwater flows (subject to detailed design). In this way the total footprint of disturbance of the road and its impact on runoff can be minimised (the culvert will be placed under the road where it crosses the main drainage line.

• The route for access driveways for each allotment will be chosen to maintain rainforest canopy integrity and minimise clearing of trees where practicable. Drainage of these driveways will use whoa boys and cross drains to ensure stormwater is dispersed into the adjoining forest rather than collected into stormwater pipes or discharged onto the road.

• Services (electricity, water, sewage, telecommunications etc.) will be routed in the verge on the northern side of the road carriageway. The routeing of services will be designed to avoid trenching and the resultant cutting of horizontal surface routes of rainforest trees. Some house connection branches (sewer) may run to the sewer main located along the northern boundary, which, although minor plumbing works, may require trenching.

• With regard to site disturbance, the design and construction approach will protect existing trees and their buttress roots to ensure ongoing forest integrity. Any trees proposed to be cleared will be identified. No endangered, of concern or threatened tree species will be cleared as part of the development.

• The colours of buildings (including roofs) will be consistent with the rainforest environment and not gaudy or high contrast. Council will require a Material Change of Use application for the residence for each lot, where aspects such as driveway location, building colours, slope stability, stormwater, erosion and sediment control etc. will be assessed to ensure suitability.

• Earthworks will be kept to a minimum to ensure the natural ground surface will remain as far as possible.

• There will be thorough erosion and sediment control, with a plan developed prior to construction. This plan will be submitted to and approved by Council as part of the Operational Works application

• A weed control plan has been developed and has received approval from Council. Works will be managed in accordance with this plan.

• Mechanisms to avoid the introduction of weeds during construction will include: reduction of the use of fill needing to be brought onto site through the use of minimal roads and low level of site disturbance/ house pads etc.; ensuring that any fill brought on to site is weed free; and lack of use of any vegetative material containing weeds in erosion and sediment control (eg silt fences rather than hay bales etc.).

• A landscaping plan will be developed prior to construction and will be submitted to, and approved by Council, which will involve planting native species to retain the ecological integrity of the site. The landscape plan will address rehabilitation of previously disturbed areas. Guidance for this rehabilitation will be sourced from the Wet Tropics Management Authority publication “Repairing the Rainforest”.

• There is no known cultural heritage material on site, however to be prudent, the development will be undertaken in accordance with the (Queensland) Cultural Heritage Duty of Care Guidelines and will be managed in accordance with Category 4 of the Guidelines.

• Sewage will be collected and pumped to the Cairns City Council sewage reticulation mains. As discussed above, this may require a small amount of trenching. The two super lots will utilise a biocycle system. These systems will be located within the designated building envelope.

• Stormwater will in almost all cases be kept clean and uncontaminated, then dispersed onto the ground of the site such that the presence of infrastructure does not affect local soil moisture and groundwater. Any stormwater, which (after final design) it is determined must be discharged off site will have sedimentation collection and/or treatment systems and be discharged to Stoney Creek at an approved location (downstream most likely). It should be stressed that the aim is for a nil discharge design. A stormwater plan will be required by Council to ensure Council and Australian standards for stormwater leaving the site are met.

• Fencing of lots will be restricted to the boundary of the building envelope. Dogs will be kept within these building envelopes with fences to meet Council requirements. Cats will not be allowed within the proposed development.

* Only a very small portion of the site will be developed - approximately 1ha of clearing is proposed for the building envelopes and associated infrastructure. This is approx. 17% of the are of the site.

* All development is located towards the eastern half of the site, in the areas subject to most historical disturbance. The higher value western side adjacent to the Wet Tropics World Heritage Property will not be developed and will remain undisturbed.

4.2 For matters protected by the EPBC Act that may be affected by the proposed action, describe the proposed environmental outcomes to be achieved.

The environmental outcome to be achieved is that there is to be no impact on the EPBC listed species that may occur on site.

For the frog species, the 30m buffer zone from Stoney Creek and the strictly enforced best practice erosion and sediment control during construction, together with the stormwater discharge control will ensure that there is no impact on these species.

The southern cassowary may use the site transiently as part of a larger home range. The small amount of clearing (approximately 1ha) and the layout of the clearing (e.g. small individual clearing rather than linear barriers will ensure that this species is not impacted as a result of the development. The higher value section of the site to the west and adjacent to the Wet Tropics World Heritage Area boundary will not be impacted and will remain undisturbed.

There is no evidence that the Spectacled flying fox currently utilises the site, however it is likely that it transiently forages on the canopy trees present. The species is wide rangeing and favours a wide range of habitats, therefore it is unlikely any disturbance to the site will greatly impact the species in the region. Retention of large trees on site will reduce any negative impact on the species.

The fern *Diplazium cordifolium* has been previously recorded within the vicinity of Stoney Creek on or adjacent to the south-western boundary of the property. This species has not been recorded on the site since 2004 despite two additional surveys of Stoney Creek in 2009 and 2017. The development will not impact on this species.

Section 5 – Conclusion on the likelihood of significant impacts

A checkbox tick identifies each of the matters of National Environmental Significance you identified in section 2 of this application as likely to be a significant impact.

Review the matters you have identified below. If a matter ticked below has been incorrectly identified you will need to return to Section 2 to edit.

5.1.1 World Heritage Properties

No

5.1.2 National Heritage Places

No

5.1.3 Wetlands of International Importance (declared Ramsar Wetlands)

No

5.1.4 Listed threatened species or any threatened ecological community

No

5.1.5 Listed migratory species

No

5.1.6 Commonwealth marine environment

No

5.1.7 Protection of the environment from actions involving Commonwealth land

No

5.1.8 Great Barrier Reef Marine Park

No

5.1.9 A water resource, in relation to coal/gas/mining

No

5.1.10 Protection of the environment from nuclear actions

No

5.1.11 Protection of the environment from Commonwealth actions

No

5.1.12 Commonwealth Heritage places overseas

No

5.2 If no significant matters are identified, provide the key reasons why you think the proposed action is not likely to have a significant impact on a matter protected under the EPBC Act and therefore not a controlled action.

The proposed action is not considered to be a controlled action as the development is being planned to minimise ecological impacts. There are numerous mitigation strategies (outlined in this referral) which will ensure that the Protected Matters are unlikely to be affected.

* Only 1ha (or 18% of the site) will be cleared to allow the development of the residential Lots. This is approximately 70% less area to be developed than the current approval for the site.

* Whilst the site adjoins the Wet Tropics World Heritage area on it's western boundary, there will be no disturbance to the western half of the site which will remain completely undisturbed in perpetuity.

* Weeds will be controlled and only native species planted in the sites landscaping and rehabilitation.

* The site will be developed to allow fauna movement and to maintain fauna habitat.

•There are potential populations of the threatened species of frogs (Waterfall frog, Common Mist frog and Lace-eyed Tree frog) in Stoney Creek which forms the southern boundary of the site. There will be no direct disturbance of their habitat in Stoney Creek as a result of the proposal. A buffer zone of 30m will be enforced to ensure that there will be no direct impacts on the riparian environment and potential frog habitat. Domestic cats will not be allowed within the development.

* There will be no disturbance of drainage lines on the site and as such there is not expected to be any affects on the site’s drainage patterns. Further, stormwater will not be directly

discharged to Stoney Creek (a Council approved stormwater plan will be implemented), site development will not involve any major earthworks and during construction a Council approved best practice erosion and sediment control plan will be implemented to ensure no impacts on Stoney Creek.

• The southern cassowary has a population in the adjoining world heritage area and whilst the site is not thought to be within the home range of individuals currently, occasional forays onto the site by cassowaries from the adjoining Barron Gorge National Park are possible. Cassowaries will remain able to move throughout the site and feed on available rainforest resources due to the very small amount (approx. 1ha) and layout of the clearing (e.g. no significant linear barriers to movement). The only onsite road will be the narrow access road, vehicle traffic will be very slow and hence likelihood of fauna strike is very low. Pet dogs will be constrained to the fenced building envelopes and will not impact on cassowaries passing through the site.

*The spectacled flying fox does not roost on the site but is likely to forage on the canopy trees present. The species is wide ranging and favours a wide range of habitats, therefore it is unlikely any disturbance to the site will greatly impact the species in the region. Retention of large trees on site will reduce any negative impact on the species.

*The fern *Diplazium cordifolium* has been previously recorded within Stoney Creek on the south-western boundary of the property. However this species has not been recorded since 2005, despite two surveys of Stoney Creek adjacent to the site. A survey by Jago of Cairns Council concludes that there is no habitat for this species present. It is considered unlikely that this species is present on or adjacent to site. As no works are proposed to take place in the riparian areas or in the western portion of the site, where the original record was taken, the species will not be impacted by the development. The 20m buffer from the creekline provides additional assurance of no impact to the species should it establish within Stoney Creek adjacent to the site.

• Given that there are no residential lots within the western half of the site adjoining the World Heritage Area, and an overall aim of maintaining the integrity of the forest canopy and maintenance of the majority of understorey vegetation within the development, there is not expected to be any impacts from microclimate changes, weeds invasion or other structural disturbance of the forest in the World Heritage Area.

(Refer section 4.3 - Attachment)

Section 6 – Environmental record of the person proposing to take the action

Provide details of any proceedings under Commonwealth, State or Territory law against the person proposing to take the action that pertain to the protection of the environment or the conservation and sustainable use of natural resources.

6.1 Does the person taking the action have a satisfactory record of responsible environmental management? Please explain in further detail.

Yes.

The person taking the action has not contradicted the previous EPBC approval issued for the site and has not undertaken any other developments which require Federal referral or approval.

6.2 Provide details of any past or present proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against either (a) the person proposing to take the action or, (b) if a permit has been applied for in relation to the action – the person making the application.

Nil

6.3 If it is a corporation undertaking the action will the action be taken in accordance with the corporation's environmental policy and framework?

No

6.4 Has the person taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act?

Yes

6.4.1 EPBC Act No and/or Name of Proposal.

A previous proposal for the same site (Lot 1 on RP804194) was approved in 2010.
EPBC Ref: 2006/2761

Section 7 – Information sources

You are required to provide the references used in preparing the referral including the reliability of the source.

7.1 List references used in preparing the referral (please provide the reference source reliability and any uncertainties of source).

Reference Source	Reliability	Uncertainties
EPBC Referral Form (2006)	The information is from proven sources and considered highly reliable. Biodiversity data was “tested” by field surveys.	Changes to EPBC matters since initial application. The information used is considered reliable for the purposes of this referral and the Commonwealth’s decision making in relation to the referral.
Ecosustainability (2007) Rainforest Estate: Lot 1 RP804194, Douglas Track Road - Further Information for Department of Environment and Water Resources. Prepared for the Cairns Rainforest Resort, 18th August 2007, Cairns.	The information is from proven sources and considered highly reliable. Biodiversity data was “tested” by field surveys.	Changes to EPBC matters since initial application. The information used is considered reliable for the purposes of this referral and the Commonwealth’s decision making in relation to the referral.
Chester G and Small A (2004) Rainforest Estate: Lot 1 RP804194, Douglas Track Road, Flora Study, Unpublished report by EcoSustainAbility.	The information is from proven sources and considered highly reliable. Biodiversity data was “tested” by field surveys.	Changes to EPBC matters since initial application. The information used is considered reliable for the purposes of this referral and the Commonwealth’s decision making in relation to the referral.
Northern Queensland Threatened Frogs Recovery Team (2000) Stream-dwelling Rainforest Frogs of the Wet Tropics Biogeographic Region of North-east Queensland Recovery Plan 2000-2004 report published by Queensland Environmental Protection Agency.	The information is from proven sources and considered highly reliable. Biodiversity data was “tested” by field surveys.	None
Queensland Parks and Wildlife	The information is from proven	None

Reference Source	Reliability	Uncertainties
Service (2001) Recovery plan for the southern cassowary Casuarius casuarius johnsonii 2001–2005. Queensland Parks and Wildlife Service, Brisbane.	sources and considered highly reliable. Biodiversity data was “tested” by field surveys.	
Current Subdivision Plan - August 2017	The information has been provided by Arup Civil Engineers, Cairns and is considered highly reliable.	None
Assessment of Buffers (Stanton 2008)	The information in the report has been provided by Peter Stanton, an ecological expert from the Cairns region.	Changes to EPBC matters since initial application. The information used is considered reliable for the purposes of this referral and the Commonwealth’s decision making in relation to the referral.

Section 8 – Proposed alternatives

You are required to complete this section if you have any feasible alternatives to taking the proposed action (including not taking the action) that were considered but not proposed.

8.0 Provide a description of the feasible alternative?

A previous iteration of this proposal included the development of a tourist development as well as eight residential allotments and one park lot. This has since been revised to the current proposal which excludes the tourist development and will have a lower environmental impact.

A smaller subdivision in this location would not be financially feasible. The proponent has decided against the prior tourist development proposal.

There are no feasible alternatives to the proposed development on this site, which is already much reduced from the previous approved proposal.

8.1 Select the relevant alternatives related to your proposed action.

8.27 Do you have another alternative?

No

Section 9 – Contacts, signatures and declarations

Where applicable, you must provide the contact details of each of the following entities: Person Proposing the Action; Proposed Designated Proponent and; Person Preparing the Referral. You will also be required to provide signed declarations from each of the identified entities.

9.0 Is the person proposing to take the action an Organisation or an Individual?

Organisation

9.2 Organisation

9.2.1 Job Title

Managing Director

9.2.2 First Name

Greg

9.2.3 Last Name

Clyde-Smith

9.2.4 E-mail

greg@eliteplus.com.au

9.2.5 Postal Address

7 Rhapis Court
Whitfield QLD 4870
Australia

9.2.6 ABN/ACN ELITE CAIRNS PTY LTD ATF ACN 051 397 849

ABN 54 140 120 313

~~83120538722 - CLYDE-SMITH FAMILY TRUST~~ CLYDE-SMITH INVESTMENT TRUST

9.2.7 Organisation Telephone

0417 538 000

9.2.8 Organisation E-mail

greg@eliteplus.com.au

9.2.9 I qualify for exemption from fees under section 520(4C)(e)(v) of the EPBC Act because I am:

Small business

9.2.9.1 You must provide the Date/Income Year that you became a small business entity:

Mon, 03/12/1990

Small Business Declaration

I have read the Department of the Environment and Energy's guidance in the online form concerning the definition of a small a business entity and confirm that I qualify for a small business exemption.

Signature: ..... Date: 18/9/17

9.2.9.2 I would like to apply for a waiver of full or partial fees under Schedule 1, 5.21A of the EPBC Regulations

No

9.2.9.3 Under sub regulation 5.21A(5), you must include information about the applicant (if not you) the grounds on which the waiver is sought and the reasons why it should be made

Person proposing the action - Declaration

I, Gregory Clode-Smith, declare that to the best of my knowledge the information I have given on, or attached to the EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. I declare that I am not taking the action on behalf of or for the benefit of any other person or entity.

Signature: ..... Date: 18/9/17

I, _____, the person proposing the action, consent to the designation of _____ as the proponent of the purposes of the action describe in this EPBC Act Referral.

Signature: ..... Date: 13/9/17

9.3 Is the Proposed Designated Proponent an Organisation or Individual?

Organisation

9.5 Organisation

9.5.1 Job Title

Managing Director

9.5.2 First Name

Greg

9.5.3 Last Name

Clyde-Smith

9.5.4 E-mail

greg@eliteplus.com.au

9.5.5 Postal Address

7 Rhapis Court
Whitfield QLD 4870
Australia

9.5.6 ABN/ACN ELITE CAIRNS PTY LTD ATF ACN 054 397 819

ABN 51 101 720 313

~~83120538722 - CLYDE-SMITH FAMILY TRUST~~ CLYDE-SMITH INVESTMENT TRUST

9.5.7 Organisation Telephone

0417538000

9.5.8 Organisation E-mail

greg@eliteplus.com.au

Proposed designated proponent - Declaration

I, _____, the proposed designated proponent, consent to the designation of myself as the proponent for the purposes of the action described in this EPBC Act Referral.

Signature:…… Date: ……

9.6 Is the Referring Party an Organisation or Individual?

Organisation

9.8 Organisation

9.8.1 Job Title

Manager

9.8.2 First Name

Sarah

9.8.3 Last Name

Holt

9.8.4 E-mail

sarahholt@biotropica.com.au

9.8.5 Postal Address

PO Box 866
Malanda QLD 4885
Australia

9.8.6 ABN/ACN

ABN

21100960236 - BIOTROPICA AUSTRALIA PTY LTD

9.8.7 Organisation Telephone

07 4095 1116

9.8.8 Organisation E-mail

Signature:..... Date: .....

9.6 Is the Referring Party an Organisation or Individual?

Organisation

9.8 Organisation

9.8.1 Job Title

Manager

9.8.2 First Name

Sarah

9.8.3 Last Name

Holt

9.8.4 E-mail

sarahholt@biotropica.com.au

9.8.5 Postal Address

Australia

9.8.6 ABN/ACN

ABN

21100960236 - BIOTROPICA AUSTRALIA PTY LTD

9.8.7 Organisation Telephone

07 4095 1116

9.8.8 Organisation E-mail

info@biotropica.com.au

Referring Party - Declaration

I, SARAH HOLT, I declare that to the best of my knowledge the

information I have given on, or attached to this EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence.

Signature:..... Date: 6/SEPT/17.....

Appendix A - Attachments

The following attachments have been supplied with this EPBC Act Referral:

1. 2015-04-23_crc_mcu_ral_decision_notice_extention_of_relevant_period.pdf
2. current_subdivision_plan.pdf
3. guy_chester_further_information_cairns_rainforest_resort_13-8-2007.pdf
4. guy_chester_further_information_cairns_rainforest_resort_2007.pdf
5. letter_to_applicant_-_cancelling_approval_-_stoney_creek_road.pdf
6. skmbt_c28017081716440_2.pdf
7. urb17.08.01_-_site_walkover_-_map_1.jpg