

## Questions about Clearing

Many people have been asking about the clearing in dense rainforest on the way to the Kuranda School. Having obtained documents from Council, we were shocked to learn that Council had essentially overridden its own Planning Scheme by allowing the developer to clear five times the area per block that the Planning Scheme allows. It has also relaxed the condition that would not allow clearing on slopes greater than 15 %. These are conditions that apply in a wildlife corridor, and most of this development fell within the Fairyland Link corridor.

“How can this happen?” you might ask.

Well, under the Integrated Planning Act, Councils can override their own Planning Schemes in certain situations. It is not uncommon for a developer who is dissatisfied with the conditions that a Council has applied to take legal action against the Council in the Planning and Environment Court. If the community is not permitted to be involved in those court proceedings (which is the case for development proposals which do not require public notification) then council, the developer, and relevant State agencies can agree on an out-of-Court settlement without involving the community or seeking its input. The settlement can be stamped by the Court and becomes binding on everyone, without involving the community or considering its input. In this case the documents make clear that the Council originally applied its own Planning Scheme conditions, as the final document shows these crossed out. The new conditions have then been added.

This case, and others like it, make a mockery of the Planning Schemes that Councils use to control development. There appears to be no legal hurdle to the Mareeba Shire Council changing its recently endorsed Myola Plan if enough pressure is brought by developers. It appears that any protection it claims to offer is quite illusory, as this current decision makes clear.

It is certainly time for a 2025 Plan that has the legal authority to override Councils. It is also time for a thorough review of the Integrated Planning Act that allows such blatant abuse of Planning Schemes to occur. We also have to ask what the Department of Natural Resources is doing in these situations.

### ***Myola Plan – update***

With Mareeba Shire’s acceptance of the new Myola Plan (in a two hour closed session in a meeting that was not even mentioned at the previous regular Council meeting) it was time to close the Save Myola petition and present it to local Member Steve Wettenhall. Unfortunately the timing was such that we were unable to plan for a larger group of people to

attend, but many thanks to those who did make it at such short notice. Having been roundly abused in the Weekend Cairns Post, we were delighted that all major media attended the handover and showed a great deal of interest in the strong community support we had gathered. Over 880 names were in the petition we presented, 90% from the Kuranda area. This represents about one in four of the adult population – a great response.

Thanks to you all. Steve promised to take the petition to the House and ultimately to the Minister, who will need to sign off the Mareeba Council decision before it can become part of the Planning Scheme.

We now await the release of the draft 2025 plan in April. If Myola is not shown in the urban footprint on that plan, then we can believe that we have won this campaign to Save Myola. However, it is still important that the 2025 plan provide an alternative to the existing Myola Plan. The Mareeba Shire Planning Scheme still contains the original Myola Plan, though hopefully it will be inconsistent with the new 2025 Plan which will override it.

Please respond to the 2025 Plan during the 3 month public consultation phase if you are not happy with the protection given to the Myola area in that plan. In particular, check that protection for wildlife corridors is part of the 2025 plan.

### ***Mayoral Candidates and Myola***

Five Mayoral candidates were asked to give their views on Myola in the Advertiser (6.2.08). Unfortunately most spent more time talking about the Kuranda Range Road upgrade (which all seem to support) than what they would do about Myola. Here are their comments on Myola.

**Tom Gilmore:** “I would insist on a comprehensive review of the plan to ensure every step is taken to preserve the beauty and environmental sensitivity of the area. I would look for the development of an overall design which ignores current property boundaries and mandates the best environmental protection for the area... The proposal ought to be contingent on the construction of the Kuranda Range road and the development of a comprehensive blueprint which preserves all wildlife corridors, creeks, streams and ridge lines and designs all utility corridors.”

**Peter Hodge:** “We would move as soon as possible to create a new planning scheme for the new council and there will be concise public consultation.”

**Joe Moro:** “If the State Government was serious it would allocate funds for the Kuranda Range upgrade and stop putting up barriers to prevent development for its poor planning on infrastructure needs on the

Tableland... If Myola residents do not want any more development in their area, I would consult further on the issue."

**Joe Paronella:** "Any applications to council to house an extra 10,000 plus residents in the Kuranda area should only be considered if the Kuranda Range road upgrade was to take place."

**Geoff Stocker:** "The Myola development was originally seen as a consequence of the Kuranda Range road upgrade... There may be less sensitive alternatives to Myola in the Koah and Clohesy areas but both the State Government and Mareeba Council may be locked into the development of Myola."

Kuranda Envirocare is concerned that the environmental values of the Myola area are given the highest level of protection before any development in Myola is considered. We are surprised and concerned to see that only one of the potential candidates interviewed even mentioned the environment. Kuranda Envirocare endorses the suggestion of a master plan for the Myola area that puts environmental outcomes ahead of development based on current property boundaries.

***Barron River Care  
GREEN CORRIDOR PLANTINGS  
Myola Road infill planting***

Another successful BRICMA Green Corridor planting at Myola Rd, infilling with 700 new

seedlings throughout the stretch from Little Rd to the Rural Fire Brigade shed. Thanks to all who made this a success and especially the morning tea. (You can tell where my second focus is!).

***Koah community planting  
Sat. 29 March - 8am***

BRICMA Green Corridor project is having another community planting at Koah old railway station area, 29<sup>th</sup> March. See next month's Kuranda paper for directions to the site .

***AGM - 12<sup>th</sup> March 7pm  
At Sports and Social club***

To reduce unnecessary postage, please contact the secretary on 40938393 or email secretary @envirocare.org.au for nomination forms. Meeting starts at 7pm sharp for ½ hour , followed by a

***FORUM  
With Tableland Shire Council  
Division 8 candidates***

**12 March 7:30pm, Sports and Social club**

Come and hear the candidates views on what they have to offer Kuranda area with a focus on things green. Candidates will have a short, free speaking time then there'll be plenty of time for question and answer from the floor.

Supper provided. All welcome