



Approval

Turtle Street Beach Resort, Curtis Island, Queensland (EPBC 2015/7585)

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

Proposed action

person to whom the approval is granted	QRE Pty Ltd
proponent's ACN (if applicable)	067 532 601
proposed action	To construct and operate a tourist resort at Black Head on the eastern coast of Curtis Island, Queensland, as described in the referral received by the Department on 16 October 2015 [See EPBC Act referral 2015/7585].

Approval decision

Controlling Provision	Decision
World Heritage properties (sections 12 & 15A)	Approved
National Heritage places (sections 15B & 15C)	Approved
Listed threatened species and communities (sections 18 & 18A)	Approved
Listed migratory species (sections 20 & 20A)	Approved


conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 30 June 2067

Decision-maker

name and position	James Barker Assistant Secretary Assessments and Governance Branch
signature	
date of decision	18 / 8 / 2017

Conditions attached to the approval

1. The approval holder must undertake **construction** of the **proposed action** as described in the preliminary documentation and wholly within the **project area**.
2. To protect **MNES**, the approval holder must prepare and submit a Fauna Management Plan for the **Minister's** written approval.

The Fauna Management Plan must be prepared in accordance with the **Department's Environmental Management Plan Guidelines** and include:

- a) details of all measures that will be taken to avoid, mitigate and manage impacts to **MNES**
 - b) details of how proposed management measures take into account relevant **approved conservation advices** and are consistent with measures contained in relevant **recovery plans** and **threat abatement plans**
 - c) details of monitoring that will be undertaken to measure the success of mitigation and management measures that will be undertaken to protect and preserve **MNES** affected by this project
 - d) details of performance indicators proposed to determine the success or otherwise of mitigation and management measures
 - e) details of **corrective actions** the approval holder will undertake if performance indicators are not achieved
 - f) details of **contingency arrangements** that will be undertaken to limit impacts to **MNES** in the event of anthropogenic or natural extreme conditions
 - g) consistent maps and figures with a clear legend
 - h) Nominated points at the boundary of the **proposed action** area to erect signage designed to raise awareness of marine turtle activity beyond the resort boundary AND a commitment to erect such signage.
3. The approval holder must not commence the action unless the **Minister** has approved the Fauna Management Plan. The approved Fauna Management Plan must be implemented.
 4. To protect **MNES**, the approval holder must prepare and submit for the **Minister's** written approval, a Dam Monitoring Program for Hobble Gully Dam.

Data reflecting all seasons, including but not limited to catchment flows, water quality and sedimentation must be collected prior to the **commencement** of **construction** which will inform the baseline for the Dam Monitoring Program.

The Dam Monitoring Program must be prepared in accordance with the **Department's Environmental Management Plan Guidelines** and include:

- a) monthly collection of data prior to **commencement** and during **construction** of the Hobble Gully Dam
- b) biannual (wet season and dry season) collection of data from commencement of **operation** of the Hobble Gully Dam
- c) a defined baseline for the Dam Monitoring Program using data collected prior to **commencement**

- d) performance indicators for monitoring during the **construction and operation** stages of the Dam Monitoring Program that are informed by baseline data
 - e) details of how performance indicators determine the absence or otherwise of **adverse effects** attributable to the damming of the catchment
 - f) a set of **corrective actions** to be implemented in the event of any consequential **adverse effects**
 - g) commitments detailing how, should monitoring demonstrate any **adverse effects** to **MNES**, the approval holder will promptly notify the Department and implement **corrective actions** to address the **adverse effects**
 - h) details of how the Dam Monitoring Program is consistent with the National Water Quality Management Strategy
 - i) details of how monitoring of flow rates, water quality and sedimentation is in accordance with **ANZECC Guidelines** including, but not limited to, pH, salinity, suspended solids and turbidity.
5. Data collected under the approved Dam Monitoring Program must be published on the approval holder's website and remain published for the life of the approval until such time as advised by the **Minister** in writing.
 6. If after five years of resort **operation**, the data collected by the Dam Monitoring Program demonstrates no **adverse effects** to **MNES**, the approval holder may apply for the approval of the **Minister** to cease the Dam Monitoring Program.
 7. The approval holder must not commence the action unless the **Minister** has approved the Dam Monitoring Program. The approved Dam Monitoring Program must be implemented.
 8. To protect **MNES** the approval holder must not **provide** or **facilitate** the use of **motorised vehicles** for **private recreational** use.
 9. To protect **MNES** the approval holder must make readily available to resort **visitors**, species and conservation information to raise awareness of their role in minimising impacts on **MNES**.

Administrative Conditions:

10. Within 30 days after the **commencement** of the action, the approval holder must advise the Department in writing of the actual date of **commencement**.
11. 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 Fauna Management Plan and Dam Monitoring Program 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 **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 publicized through the general media.
12. Within three months of every 12 month anniversary of the **commencement** of the action, the approval holder must publish a report on its website addressing compliance with each of the conditions of this approval, including implementation of any management plans or programs as specified in the conditions.

Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published.

Reports must remain published for the life of the approval. The approval holder must continue to publish reports until such a time as advised by the **Minister** in writing.

13. 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 and audit criteria must be approved by the **Minister** prior to the commencement of the audit. The audit report must address the criteria to the satisfaction of the **Minister**.
14. The approval holder may choose to revise a management plan or program approved by the Minister under conditions 2 and 4 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan or program would not be likely to have a **new or increased impact**. If the approval holder taking the action makes this choice it must notify the **Department** in writing that the approved management plan or program has been revised and, at least four (4) weeks before implementation of that plan or program, provide the **Department** with:
 - a) with an electronic copy of the revised management plan or program
 - b) an explanation of the differences between the revised management plan or program and the approved management plan or program
 - c) the reasons the approval holder considers that the taking of the action in accordance with the revised management plan or program would not be likely to have a **new or increased impact**
15. The approval holder may revoke its choice under condition 14 at any time by notice to the **Department**. If the approval holder revokes the choice to implement the revised management plan or program without approval under section 143A of the Act, the management plan or program approved by the **Minister** must be implemented.
16. If the **Minister** gives notice to the approval holder that the **Minister** is satisfied that the taking of the action in accordance with the revised management plan or program would be likely to have a **new or increased impact**, then:
 - a) Condition 14 does not apply, or ceases to apply, in relation to the revised management plan or program
 - b) The approval holder must implement the management plan or program approved by the Minister.

To avoid any doubt, this condition does not affect any operation of conditions 14 and 15 in the period before the day the notice is given.

At the time of giving the notice, the **Minister** may also notify the approval holder that, for a specified period of time, condition 14 does not apply for the management plan or program required under the approval.

17. Conditions 14, 15 and 16 are not intended to limit the operation of section 143A of the EPBC Act which allows the person taking the action to submit a revised plan or program to the **Minister** for approval.
18. If, at any time after seven (7) years from the date of this approval, the approval holder has not **substantially commenced** the action, then the approval holder must not **substantially commence** the action without the written agreement of the **Minister**.

19. Unless otherwise agreed to in writing by the **Minister**, the approval holder must publish all management plans or programs referred to in these conditions of approval on its website. Each management plan or program must be published on the website within one (1) month of being approved by the **Minister** or being submitted under condition 14. The published management plan or program must remain on the website for the lifetime of the approval unless otherwise agreed to in writing by the **Minister**.

Definitions

Adaptive management actions: purposeful actions taken in response to identified **adverse effects** designed to rapidly halt and correct those **adverse effects**.

Adaptive management plans: detailed plans made to respond to and correct **adverse effects** or outcomes. These plans must be implemented as approved by the **Minister**.

Adverse effects: an undesired, harmful change or consequence of another action. In this instance a harmful change or consequence affecting **listed threatened species and communities**, **listed** migratory species, the **GBRWHA** and the **GBRNHP**. **Adverse effects** include, but are not limited to, one or more of the following:

- changes in hydrological regimes including but not limited to sedimentation, temperature, water quality and quantity
- changes to water flows, wetland flushing and wetland habitat
- changes to habitat below the dam wall
- other changes attributable to the damming of the catchment at Hobble Gully.

ANZECC Guidelines: Australian and New Zealand Environment and Conservation Council Guidelines for Fresh and Marine Water Quality; the most recent Guidelines available at the time of **commencement** and **operation**.

Approved conservation advices: Guidance regarding the immediate recovery and threat abatement activities that can be undertaken for the protection of species **listed** under the EPBC Act.

Clearance of/clearing native vegetation: The cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, burying or burning of native vegetation.

Commencement/commenced/commence: Includes any preparatory works required to be undertaken including clearing native vegetation (except for reasonable fire or weed control), the erection of any onsite temporary structures, the use of heavy duty equipment for the purpose of breaking the ground for buildings or infrastructure and the construction of any infrastructure.

Construction: The building, assembly, erection or creation of any infrastructure, excluding fences and signage, associated with the **proposed action**.

Contingency arrangements: a plan devised for an outcome other than would normally be expected, or outside the usual (expected) plan. An arrangement or plan to manage an exceptional risk that, though unlikely, may have catastrophic consequences.

Corrective actions: Actions that might be undertaken to address, counteract, abate, remedy or rectify impacts or **adverse effects** resulting from an action undertaken by the

approval holder or an agent of the approval holder (inclusive of permanent, casual or contracted staff) which adversely affect **MNES**.

Department/Department's: The Australian Government Department or any other agency administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) from time to time.

Environmental Management Plan Guidelines: Guidelines provided by the **Department** detailing the requirements of management plans submitted for approval by the **Minister** and designed to protect or preserve **MNES**.

EPBC Act: Environmental Protection and Biodiversity Conservation Act 1999 (Cth)

Facilitate: make easier; make available to a third party for unrestricted and uncontrolled use; aid or assist actions otherwise prohibited in the conditions of approval.

Facilitated impacts: impacts resulting from the undertaking of, and enabled by, a **proposed action** irrespective of proximity to the location of the **proposed action**.

GBRNHP: Great Barrier Reef National Heritage Place

GBRWHA: Great Barrier Reef World Heritage Area

Listed: listed under the **EPBC Act** at the time of referral.

Listed threatened species and communities: for this **proposed action**, the species to which this refers include, but are not limited to

- i. **EPBC Act** Listed migratory marine turtle species
- ii. **EPBC Act** Listed threatened migratory shorebird species
- iii. **EPBC Act** Listed threatened migratory wetland bird species

Minister: The Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and includes a delegate of the Minister.

MNES: Matters of national environmental significance:

- **Listed threatened species and communities** – likely to experience **facilitated impacts** as a consequence of this project. These species include marine turtles, mammals and migratory bird species that use or inhabit the marine and/or terrestrial environs on, or around Curtis Island.
- **Listed Migratory species** – likely to experience **facilitated impacts** as a consequence of this project. These species include marine turtles, Dugong and migratory bird species that use or inhabit the marine and/or terrestrial environs on, or around Curtis Island.
- World Heritage areas – **GBRWHA**.
- National Heritage Places – **GBRNHP**.

Motorised vehicles: all vehicles propelled by a motor including but not limited to cars, bikes, scooters, segways, all-terrain vehicles, quadbikes, dune buggies, surf skis, jet skis and boats.

New or increased impact: includes any direct or indirect increase in the impacts of an action, an increase to the risk of an impact occurring, a reduction to the monitoring or

Operation: the stage or period in which the resort is fully functioning and is populated with staff and guests.

OUV: Outstanding Universal Value of a World Heritage Area. The values, cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity.

Private: not under the direct control of resort staff or an agent of the approval holder, for or during, a permitted resort activity.

Project Area: the area where the construction and operation of the **proposed action** will be undertaken, as designated by the areas delineated in *Map of Lot 8 - Zenith (Attachment A)* and *Overall Site Plan 13/07/2017- Cardno (Attachment B)*

Proposed action: to construct and operate a tourist resort at Black Head on the eastern coast of Curtis Island, Queensland with a defined **project area** and described in the preliminary documentation

Provide: give, rent to, offer or make available for use.

Recreation/recreational: for the purpose of enjoyment, relaxation, or entertainment of the user or onlookers. This includes but is not limited to resort staff, officials and guests whether paying, by invitation or free visiting. This does not include for the purpose of dealing with emergencies.

Substantially: to a large degree or extent; significantly; greatly.

Visitors: all people who come to the Resort, irrespective of the nature of the visit.



A.D.N. 92-430-096-302
 Q.B.S.A. Lic. No. 65213
 50 Michel Drive, Narangba QLD 4504
 Phone: 3888 2555
 Fax: 3888 2444
 Email: pzimmermann@bigpond.com

FLOOR AREAS:

TOTAL AREAS:

PROJECT :
 TURTLE STREET BEACH
 RESORT

**REAL PROPERTY
 DESCRIPTION :**

PARISH :
 COUNTY :
 SITE AREA:

CLIENT :
 Q.R.E. Pty Ltd

PROJECT ADDRESS :
 CURTIS ISLAND,
 QUEENSLAND

DRAWING
 MAP OF LOT 8

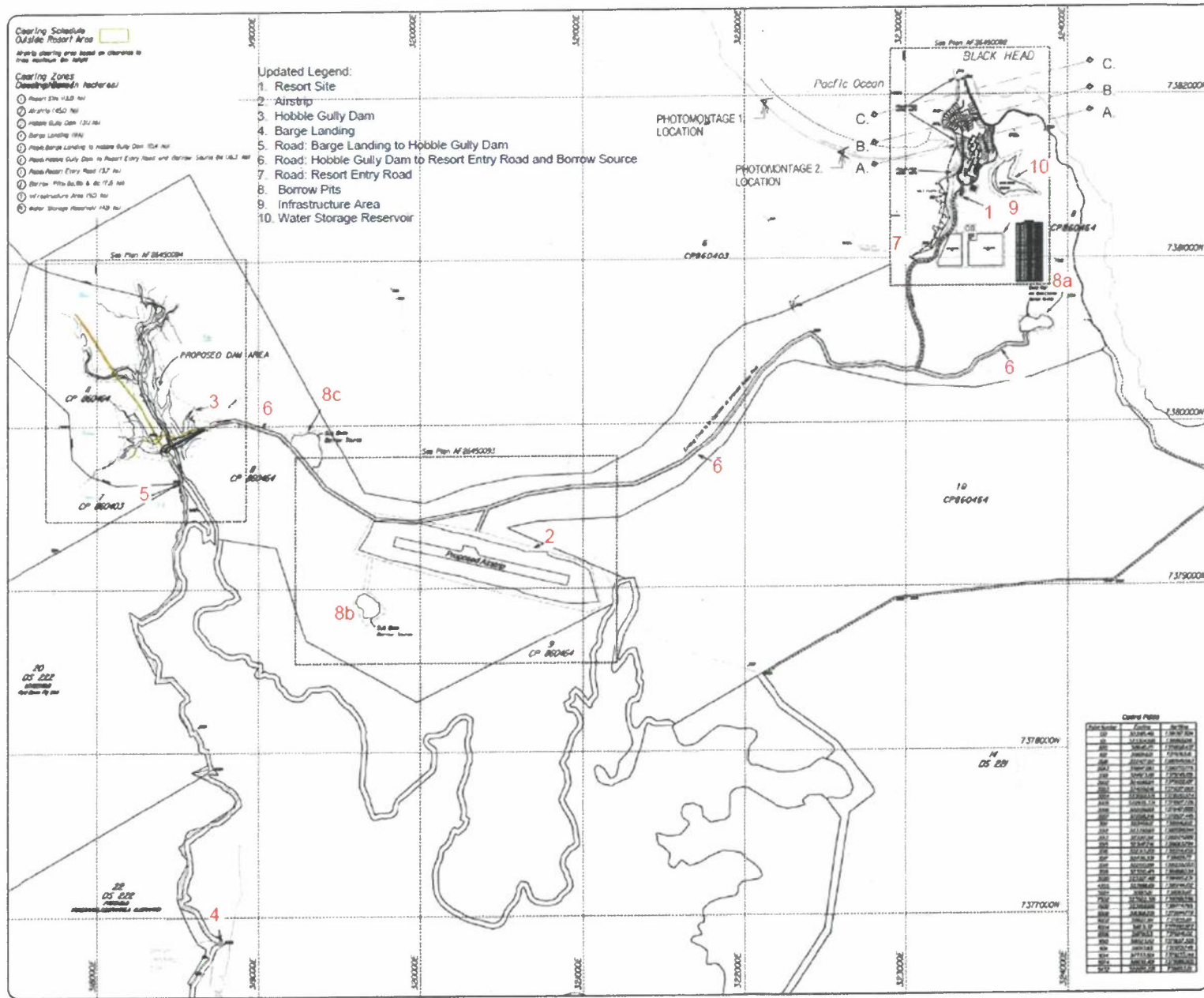
SHEET: 002 OF

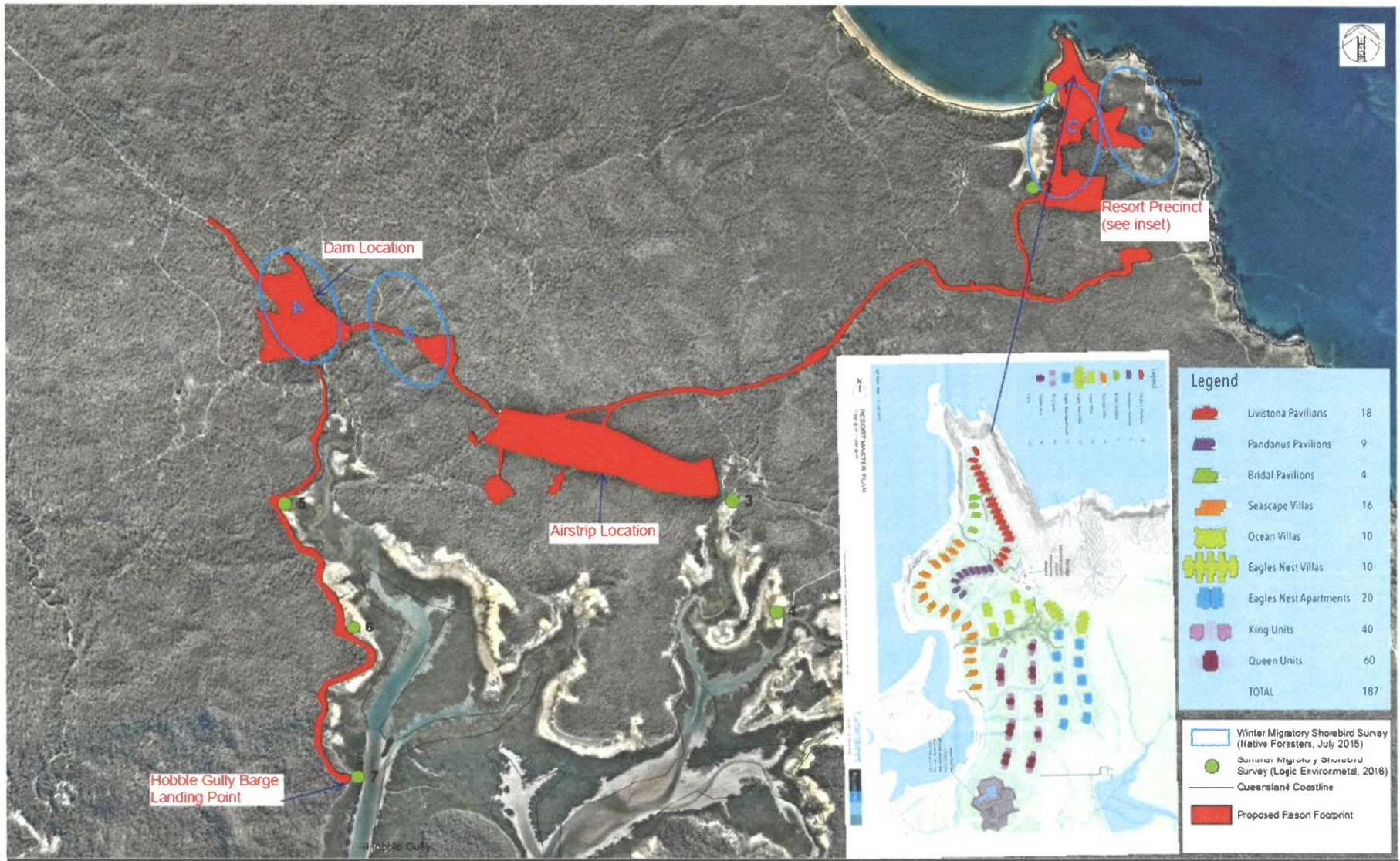
SCALE: 1 : 25000
 DATE: 22/09/2010 8:48:43 AM

DRAWN: Ide
 CHECKED: pz
 JOB NO: 787-08

COPYRIGHT ZENITH DESIGN

Legend Updates 13/07/2017





© Cardno Limited All Rights Reserved
 This document is provided by Cardno Limited solely for the
 benefit of and use by the client in accordance with the
 terms of the relevant Cardno Limited does not accept any
 responsibility for accuracy or liability whatsoever to any
 third party for any loss or damage by any party
 on the content of this document.



QRE PTY LTD
 SITE STUDIES

Date
 8/10/2016

Scale
 1 : 70,000

Size
 A3

01
 Revision

