

EPBC Act referral



Australian Government

Department of Agriculture, Water and the Environment

Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

Title of proposal	2021/9054 - TURTLECOVE HAVEN RETIREMENT VILLAGE 3
Section 1	
Summary of your proposed action	
1.1 Project industry type	Commercial Development
1.2 Provide a detailed description of the proposed action, including all proposed activities	
<p>TCHRV 3 consists of 84 ILU (Independent Living Units) located at a distance of 250m from HAT(HIGHEST ASTRONOMICAL TIDE) to ensure that no significant impacts occur to Numenius madagascariensis. The action will consist of an onsite STP (Sewerage Treatment Plant) and internal roads. Recreational vehicle storage and a community facilities site. The proposal is in effect a scaled down version of the concept of EPBC 2021/8930, which the Minister decided she could not approve due to the absence of a 250m buffer from HAT. The Ministers decision noted that there would be no impacts to MNES (MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE) relating to the GSS RAMSAR (GREAT SANDY STRAITS RAMSAR) as a result of EPBC 2021/8930 with the exception of potential significant impacts to Numenius madagascariensis. It is therefore considered that this 'scaled down' version of the proposal which reduces the intensity of the footprint from 'up to 207 ILU' and a Solar Farm, to merely 84 ILU and a stand alone on site STP (SEWERAGE TREATMENT PLANT) capable of servicing the site (380 PEOPLE PERSON EQUIVALENTS)) combined with a reduced storage area for treated water, is unlikely to result in significant impacts to the MNES described in EPBC 2021/8930. The STP would be required to be capable of managing 214 PPE , which is a 62% reduction in the former requirement for handling 1000 PPE (500 ILU) , which naturally transcribes to much less potential for WQ impacts to the GSS RAMSAR.</p> <p>The Ministers decision for EPBC 2021/8930 , was that (p 41.) "Given the extent to which the development area encroaches the 250 m buffer, and that a 250 m buffer dissects the development area , I consider that impacts to the Eastern Curlew cannot be avoided. In correspondence with the department, and noting the little remaining project area outside the 250 m buffer, I understand the proponent has not indicated a willingness to vary the proposed action in order to implement a 250 m buffer area , "</p> <p>In EPBC 2013/7038 the Ministers decision was "i am satisfied that the quality and quantity of the water produced by the action , could be managed to ensure that no unacceptable impacts to MNES would occur (Minister's Reasons for Decision point 50)" .</p> <p>Therefore the likelihood of a 62% reduction in capacity creating impacts to MNES is negligible. The project site has an area of 114.9ha .The project footprint has an area of 6.6 ha. The project avoidance area is 107.5 ha .There will be no indirect nor direct impacts to MNES , please refer to 2013-7038-statement-of-reasons-.pdf, where the Minister clarifies that the only predicted impact from a proposal at the site , would be to Numenius madagascariensis from the absence of a 200-250m buffer . The Ministers decision reasons (2013-7038-statement-of-reasons-.pdf) clearly indicates that no 'other' of the MNES related to the site proposal , would be directly or non directly impacted.</p> <p>The proposal will entail operational earthworks for road construction , drainage , sewerage, and power supply for construction of the 84 units. No vegetation is required to be removed. All works are to be performed under a site based Environmental Management Plan, designed to manage environmental impacts.</p>	
1.3 What is the extent and location of your proposed action?	
See Appendix B	
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)	
TCHRV is located at Havenna Road Turtle Cove which is ca 8km south of Hervey Bay Airport. The property is an elongated former sugar cane and pineapple site which adjoins the Great Sandy Marine Park and is surrounded by urban development.	
1.6 What is the size of the proposed action area development footprint (or work area) including disturbance footprint and avoidance footprint (if relevant)?	
The disturbance area footprint is ca 6.6ha and the avoidance area is ca 107.5ha. Please refer to AREAS 1-4.	
1.7 Proposed action location	
Lot - 996SP129069, 124SP156870	



Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
1.10 Is the proposed action subject to local government planning approval? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
1.10.1 Is there a local government area and council contact for the proposal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
1.10.1.0 Council contact officer details		
1.10.1.1 Name of relevant council contact officer	MR JAMES COCKBURN	
1.10.1.2 E-mail	James.Cockburn@frasercoast.qld.gov.au	
1.10.1.3 Telephone Number	1300794929	
1.11 Provide an estimated start and estimated end date for the proposed action	Start Date	01/06/2023
	End Date	01/06/2025
1.12 Provide details of the context, planning framework and state and/or local Government requirements EPBC 2013/7038 PER contains all consultation data on the site including public submissions. please click on this link https://turtle-cove.com/page/ to access all relevant technical documentation. Please refer to section 1. 13 of tchrv_per_epbc2013_7038-4.pdf1.13		
1.13 Describe any public consultation that has been, is being or will be undertaken, including with Indigenous stakeholders EPBC 2013/7038 PER contains all consultation data on the site including public submissions.please click on this link (https://turtle-cove.com/page/) to access all relevant technical documentation https://turtle-cove.com/page/ Please refer to section 1. 14 of tchrv_per_epbc2013_7038-4.pdf1.14		
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 tchrv_per_epbc2013_7038_remc_final_207072018.pdf contains all environmental assessment data on the site including public submissions. please click on this link (https://turtle-cove.com/page/) to access all relevant technical documentation go to , https://turtle-cove.com/page/ Please refer to to tchrv_per_epbc2013_7038_remc_final_27072018.pdf		
1.15 Is this action part of a staged development (or a component of a larger project)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
1.16 Is the proposed action related to other actions or proposals in the region? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		



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Section 2

Matters of national environmental significance

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

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ Yes ☐ No

Wetland

Please refer to pages 18-57 of tchrv_per_epbc2013_7038-4.pdf

Impact

Please refer to pages 18-57 of tchrv_per_epbc2013_7038-4.pdf

2.3.2 Do you consider this impact to be significant?

☐ Yes ☒ 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 ☐ No

Species or threatened ecological community

Please refer to pages 18-57 of tchrv_per_epbc2013_7038-4.pdf

Impact

Please refer to pages 18-57 of tchrv_per_epbc2013_7038-4.pdf

2.4.2 Do you consider this impact to be significant?

☐ Yes ☒ 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?

☒ Yes ☐ No

Migratory species

Please refer to pages 18-57 of tchrv_per_epbc2013_7038-4.pdf

Impact

Please refer to pages 18-57 of tchrv_per_epbc2013_7038-4.pdf

2.5.2 Do you consider this impact to be significant?

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☐ Yes ☒ No



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2.8 Is the proposed action taking place in the Great Barrier Reef Marine Park? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2.9 Is the proposed action likely to have any direct or indirect impact on a water resource from coal seam gas or large coal mining development? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2.10 Is the proposed action a nuclear action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2.11 Is the proposed action to be taken by a Commonwealth agency? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2.12 Is the proposed action to be undertaken in a Commonwealth Heritage place overseas? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2.13 Is the proposed action likely to have any direct or indirect impact on any part of the environment in the Commonwealth marine area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No



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Section 3
Description of the project area
3.1 Describe the flora and fauna relevant to the project area EPBC 2013/7038 contains all flora and fauna reports relevant to the site. Please refer to appendices A-B, L-M and N.
3.2 Describe the hydrology relevant to the project area (including water flows) EPBC 2013/7038 contains all relevant hydrology reports. Please refer to APPENDIX S for relevant hydrological technical issues.
3.3 Describe the soil and vegetation characteristics relevant to the project area EPBC 2013/7038 contains all relevant soil and vegetation reports. please refer to ASSMP Proposed Turtlecove Retirement Village_c_s.pdf
3.4 Describe any outstanding natural features and/or any other important or unique values relevant to the project area EPBC 2013/7038 contains all relevant reports. Please refer to tchrv_per_epbc2013_7038-4.pdf3.5
3.5 Describe the status of native vegetation relevant to the project area EPBC 2013/7038 contains all relevant reports. Please refer to tchrv_per_epbc2013_7038-4.pdf3.5
3.6 Describe the gradient (or depth range if action is to be taken in a marine area) relevant to the project area EPBC 2013/7038 contains all relevant landscape and hydrography reports. Please refer to tchrv_per_epbc2013_7038-4.pdf
3.7 Describe the current condition of the environment relevant to the project area EPBC 2013/7038 contains all relevant condition reports. Please refer to tchrv_per_epbc2013_7038-4.pdf
3.8 Describe any Commonwealth Heritage places or other places recognised as having heritage values relevant to the project The site is contiguous to, but separated from, the GSS RAMSAR by 500m of freehold title.
3.9 Describe any Indigenous heritage values relevant to the project area EPBC 2013/7038 contains all relevant cultural heritage reports. Please refer to tchrv_per_epbc2013_7038-4.pdf
3.10 Describe the tenure of the action area (e.g. freehold, leasehold) relevant to the project area The site is Freehold title fee simple . All tidal lands within the lot are freehold tenure fee simple.
3.11 Describe any existing or any proposed uses relevant to the project area NOT APPLICABLE current use is vacant.



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Section 4

Measures to avoid or reduce impacts

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

EPBC 2013/7038 contains all relevant mitigation reports for avoiding and reducing impacts.

Please refer to tchrv_per_2013_7083-4.pdf

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

No significant impacts to MNES will be generated by the proposal. The Ministers finding that only *Numenius madagascariensis* could be impacted in the absence of a 250m buffer, is now negated as a >250m buffer from HAT is proposed.

EPBC 2013/7038 contains all relevant mitigation reports. The Ministers final decision for impacts to MNES for EPBC 2013/7038, was based on the potential for significant impacts to *Numenius madagascariensis*, in the absence of a 250m buffer from HAT.

This referral includes a 250m buffer from HAT and hence the likelihood of a significant impact occurring to *Numenius madagascariensis* has been negated.

Please refer to tchrv_per_epbc2013_7038-4_.pdf



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Section 5

Conclusion on the likelihood of significant impacts

5.1 You indicated the below ticked items to be of significant impact and therefore you consider the action to be a controlled action

- ☐ World Heritage properties
- ☐ National Heritage places
- ☐ Wetlands of international importance (declared Ramsar wetlands)
- ☐ Listed threatened species or any threatened ecological community
- ☐ Listed migratory species
- ☐ Marine environment outside Commonwealth marine areas
- ☐ Protection of the environment from actions involving Commonwealth land
- ☐ Great Barrier Reef Marine Park
- ☐ A water resource, in relation to coal seam gas development and large coal mining development
- ☐ Protection of the environment from nuclear actions
- ☐ Protection of the environment from Commonwealth actions
- ☐ Commonwealth Heritage places overseas
- ☐ Commonwealth marine areas

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 only MNES likely to be insignificantly impacted is *Numenius madagascariensis*.

The Ministers response to EPBC 2021/8930 indicated that a buffer of 250m from HAT was required to ensure that a significant impact to *N.madagascariensis* would not occur .

This referral includes a 250m buffer from HAT.



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Section 6

Environmental record of the person proposing to take the action

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

YES

EPBC 2013/7038 indicates such.

Please refer to tchrv_per_epbc2013_7038-4.pdf

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

THERE ARE NO PAST OR PRESENT PROCEEDINGS .

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?

☐ Yes ☒ 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 ☐ No

6.4.1 EPBC Act No and/or Name of Proposal

EPBC 2013/7038 TURTLECOVE HAVEN RETIREMENT VILLAGE

EPBC 2021/8930 TURTLECOVE HAVEN RETIREMENT VILLAGE



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Section 7

Information sources

Reference source

EPBC 2013/7038 contains all relevant references.

Please refer to tchrv_per_epbc2013_7038-4.pdf

Reliability

EPBC 2013/7038 contains all relevant references.

Please refer to tchrv_per_epbc2013_7038-4.pdf

Uncertainties

EPBC 2013/7038 contains all relevant references.

Please refer to tchrv_per_epbc2013_7038-4.pdf



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Section 8
Proposed alternatives
Do you have any feasible alternatives to taking the proposed action? Yes <input checked="" type="checkbox"/> No



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Section 9**Person proposing the action**

9.1.1 Is the person proposing the action an organisation or business?

☒ Yes ☐ No

Organisation

Organisation name (as registered for ABN/ACN)

ANSCAPE PTY LTD

Business name

ABN

61565196828

ACN

Business address

PO BOX 1052 BROADBEACH BOULIVARDE,
BROADBEACH, 4218, QUEENSLAND,
AUSTRALIA

Postal address

Broadbeach Boulevard, Broadbeach, 4218, QLD, Australia

Main Phone number

0429 445 099

Fax

Primary email address

brianshir@hotmail.com

Secondary email address

9.1.2 I qualify for exemption from fees under Regulation 5.23(1)(ii) of the EPBC Regulations because I am:

☐ Small business

☒ Not applicable

9.1.2.2 I would like to apply for a waiver of full or partial fees under Regulation 5.21A of the EPBC Regulations

☐ Yes ☒ No

9.1.3 Contact (for an organisation - the contact details of the person authorised to sign on behalf of the organisation)

First name

BRIAN

Last name

CLARKE

Job title

PROPONENT

Phone

61755368366

Mobile

0429445099

Fax

Email

brianshir@hotmail.com

Primary address

PO BOX 1052 BROADBEACH BOULIVARDE,
BROADBEACH, 4218, QUEENSLAND, AUSTRALIA

Address

Declaration: Person proposing the action (To be signed by the person at 9.1.3)

I, BRIAN JOHN CLARKE, 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 or for the benefit of any other person or entity.

Signature: [Signature] Date: 19.10.21

I, BRIAN JOHN CLARKE, the person proposing the action, consent to the designation of ANSCAPE PTY LTD as the proponent for the purposes of the action described in this EPBC Act Referral.

Signature: [Signature] Date: 19.10.21



Note: PDF may contain fields not relevant to your application. These fields will appear blank or unticked. Please disregard these fields.

Proposed designated proponent**9.2.1 Is the proposed designated proponent an organisation or business?**

☒ Yes ☐ No

Organisation**Organisation name (as registered for ABN/ACN)**

ANSCAPE PTY LTD

Business name**ABN**

61565196828

ACN**Business address**PO BOX 1052 BROADBEACH BOULIVARDE,
BROADBEACH, 4218, QUEENSLAND, AUSTRALIA**Postal address**

Broadbeach Boulevard, Broadbeach, 4218, QLD, Australia

Main Phone number

0429 445 099

Fax**Primary email address**

brianshir@hotmail.com

Secondary email address**9.2.2 Contact (for an organisation - the contact details of the person authorised to sign on behalf of the organisation)****First name**

BRIAN

Last name

CLARKE

Job title

PROPONENT

Phone

61755368366

Mobile

0429445099

Fax**Email**

brianshir@hotmail.com

Primary addressPO BOX 1052 BROADBEACH BOULIVARDE,
BROADBEACH, 4218, QUEENSLAND, AUSTRALIA**Address****Declaration: Proposed Designated Proponent**

I, BRIAN JOHN CLARKE .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: 19.10.21



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Referring party (person preparing the information)**9.3.1 Is the referring party an organisation or a business?**

☒ Yes ☐ No

Organisation**Organisation name (as registered for ABN/ACN)**

ANSCAPE PTY LTD

Business name**ABN**

61565196828

ACN**Business address**PO BOX 1052 BROADBEACH BOULIVARDE,
BROADBEACH, 4218, QUEENSLAND, AUSTRALIA**Postal address**

Broadbeach Boulevard, Broadbeach, 4218, QLD, Australia

Main Phone number

0429 445 099

Fax**Primary email address**

brianshir@hotmail.com

Secondary email address**9.3.2 Contact (for an organisation - the contact details of the person authorised to sign on behalf of the organisation)****First name**

BRIAN

Last name

CLARKE

Job title

PROPONENT

Phone

61755368366

Mobile

0429445099

Fax**Email**

brianshir@hotmail.com

Primary addressPO BOX 1052 BROADBEACH BOULIVARDE,
BROADBEACH, 4218, QUEENSLAND, AUSTRALIA**Address****Declaration: Referring party (person preparing the information)**

I, BRIAN JOHN CLARKE, 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: 19.10.21



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Appendix A	
Attachment	
Document Type	File Name
action_area_images	Turtle Cove 250 Buffer Sheet 1 08082021.pdf
action_area_images	Turtle Cove 250 Buffer Sheet 2 08082021.pdf
action_area_images	Turtle Cove 250 Buffer Sheet 3 08082021.pdf
action_area_images	210831 Turtle Cove Current Layout Plans.pdf
govt_approval_conditions	EPBC 20137038 STATE_APPROVAL.pdf
public_consultation_reports	tchrv_per_epbc2013_7038_remc_final_27072018.pdf
supporting_tech_reports	tchrv_per_epbc2013_7038-4.pdf
supporting_tech_reports	APPENDICES A-B.pdf
supporting_tech_reports	APPENDIX C-F.pdf
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supporting_tech_reports	APPENDIX R.pdf
supporting_tech_reports	APPENDIX S.pdf
hydro_investigation_files	ASSMP Proposed Turtle Cove Retirement Village_c_s.pdf
hydro_investigation_files	METACAP ENVIRONMENT POLICY.pdf
corp_env_policy_docs	

Appendix B
Coordinates
Area 1
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-25.383493843713,152.90381121111
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