



Variation of conditions attached to approval

Turtle Sands Holiday Park redevelopment, Mon Repos Beach, Bundaberg, Queensland (EPBC ref 2018/8385)

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


Approved action

approval holder	Australian Tourist Park Management Pty Limited ACN: 061 270 513
approved action	To redevelop the existing Turtle Sands Caravan Park at Mon Repos Beach, 13 kilometres north-east of Bundaberg, Queensland. See EPBC Act referral 2018/8385.
period for which the approval has effect	This approval has effect until 1 January 2050.

Variation

variation of conditions attached to approval	The variation is: Delete conditions 14, 15, 28, 29 attached to the approval and substitute with the conditions specified in the table below. Revoke condition 27. Add condition 28A. Add definitions of Audit Period, Audit Report, Independent Audit and Audit Report Guidelines, and Independent auditor. Delete Attachment A and substitute with the Attachment A specified in the table below.
date of effect	This variation has effect on the date this instrument is signed.

Person authorised to make decision

name and position	Brendan Linton-Smith Acting Branch Head Environment Assessments (Vic and Tas) and Post Approvals
signature	
date of decision	21 March 2025

date of decision	conditions attached to approval
Part A – Conditions specific to the action	
Lot Conditions	
Original dated 11/08/2020	1. The approval holder must not have an adverse impact on the marine turtle nesting habitat or the nesting behaviour of marine turtles .
Original dated 11/08/2020	2. The approval holder must ensure that only single storey buildings are constructed on the Lot .
Original dated 11/08/2020	3. After the second anniversary of the commencement of the action , the approval holder must ensure that no permanent lighting or temporary lighting on the Lot is directly visible from the beach or the marine turtle nesting habitat during the marine turtle nesting season .
Original dated 11/08/2020	4. The approval holder must ensure that activities do not occur within the Foreshore Property Boundary Area or in the Re-vegetation Zone shown in <u>Attachment A</u> .
Original dated 11/08/2020	5. The approval holder must ensure that the only places where pedestrian beach access can occur at is the three ‘Beach Access’ locations shown in <u>Attachment A</u> . The approval holder must ensure that signage is: <ul style="list-style-type: none"> <li data-bbox="564 1151 1310 1220">a) prominently and clearly visible at each of the three ‘Beach Access’ locations; <li data-bbox="564 1263 1342 1368">b) consistent with signage at the Mon Repos Turtle Centre or as authorised by the relevant Queensland Government agency responsible for Mon Repos Beach; and <li data-bbox="564 1411 1382 1480">c) advises that no unauthorised person may access the beach between 6pm and 6am during the marine turtle nesting season.
Original dated 11/08/2020	6. The approval holder must develop and maintain a code of conduct for their guests . The code of conduct must be binding on guests during the marine turtle nesting season . The code of conduct must: <ul style="list-style-type: none"> <li data-bbox="564 1668 1257 1695">a) be emailed to guests on confirmation of their booking; <li data-bbox="564 1738 1193 1765">b) be provided as part of the checking-in procedure; <li data-bbox="564 1807 1342 1872">c) be consistent with the Turtle Management Plan and Planting Plan;

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	<p>d) be consistent with any relevant code of conduct developed by the Queensland Government, Local Government or the Mon Repos Conservation Centre; and</p> <p>e) specify that during the marine turtle nesting season:</p> <ul style="list-style-type: none"> i. dogs (excluding assistance dogs) and cats are not permitted onto the Lot; ii. unauthorised access to Mon Repos Beach is prohibited between 6pm and 6am; iii. inform guests of appropriate behaviour including the appropriate use of handheld torches and not interfering with nesting turtles or hatchlings and closing curtains; and iv. inform guests of lighting restrictions that are applicable to them, as specified in the Turtle Management Plan and these conditions, such as, closing blackout blinds and curtains.
Action Management Plans	
Original dated 11/08/2020	7. The approval holder must implement the following Action Management Plans for the duration of this approval: <ul style="list-style-type: none"> a) Turtle Management Plan; and b) Planting Plan.
Original dated 11/08/2020	8. The approval holder must ensure that the Turtle Management Plan and Planting Plan are reviewed prior to every 10 year anniversary of the date of this approval by a suitably qualified expert .
Original dated 11/08/2020	9. The suitably qualified expert must provide advice on the effectiveness of the Turtle Management Plan and the Planting Plan in contributing to the achievement of the outcome required by condition 1. The approval holder must have the suitably qualified expert prepare a report providing that advice and any recommended changes to the Turtle Management Plan and Planting Plan .
Original dated 11/08/2020	10. The approval holder must submit each report prepared by a suitably qualified expert to the Department by the same 10 year anniversary of the date of this approval before which those plans must be reviewed.

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Original dated 11/08/2020	11. The approval holder must revise the Turtle Management Plan and/or Planting Plan consistent with any reasonable recommendations of the suitably qualified expert . If the approval holder revises the Turtle Management Plan and/or Planting Plan , the approval holder must submit the revised Turtle Management Plan and/or Planting Plan to the Minister , within 3 months of the submission of the report prepared by the suitably qualified expert , for approval in accordance with condition 12.
Revision of action management plans	
Original dated 11/08/2020	12. The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister under condition 7, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act . If the Minister approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.
Original dated 11/08/2020	13. To the extent of any conflict between these conditions and an Action Management Plan, the conditions prevail to the extent of any inconsistency.
Other Lighting Conditions	
<i>As varied on the date this instrument was signed</i>	<p>14. The approval holder must ensure that, during the marine turtle nesting season, glamping tents (sites 88 to 96 inclusive, as shown in <u>Attachment A</u>) and the beachfront tourist cabins (sites 1 to 12 inclusive, as shown in <u>Attachment A</u>) must:</p> <p>a) have fully effective blackout curtains or blinds installed on all beach facing doors and windows;</p> <p>15. when not occupied, have all internal and external lights turned off between 7.30pm and 6.00am; and</p> <p>16. when occupied and internally lit, have curtains or blinds drawn on all beach facing doors and windows between 7.30pm and 6.00am. Extinguish ('turn off') all external lights between the hours of 7.30pm and 6.00am.</p> <p>Note: The approval holder must comply with all other lighting requirements specified in the Action Management Plans.</p>

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Beachfront Sites	
<i>As varied on the date this instrument was signed</i>	<p>17. During the marine turtle nesting season, motorhomes, campervans, caravans, pop-top trailers, camper trailers, tents, gazebos, annexes, awnings, etc. located in beachfront sites (sites 111 to 127 inclusive, as shown in <u>Attachment A</u>) must:</p> <ul style="list-style-type: none"> c) Not have any external lighting, including lighting that is erected, mounted, hung or affixed in anyway, positioned more than 1 metre above the ground. d) Extinguish ('turn off') all external lighting between the hours of 7.30pm and 6.00am. If internally lit, shut and/or close curtains and blinds on all windows, vents, doors or other openings facing the beach to prevent light from reaching the beach between 7.30pm and 6.00am.
Original dated 11/08/2020	<p>18. The approval holder must install and maintain in good condition a fence during the marine turtle nesting season. The fence must:</p> <ul style="list-style-type: none"> a) be located on the beach side of sites 111 to 127 inclusive and be located as marked as the 'Proposed fence' in <u>Attachment A</u>; b) be at least 1.2 meters in height; and c) have a similar specification, performance and be of similar in design to the fence installed by the Bundaberg Regional Council at Oaks Beach, Burnett Heads, Queensland as pictured in <u>Attachment B</u>. <p style="text-align: center;">Note: Pine posts and beams may be used instead of metal.</p>
Commencement of the action	
Original dated 11/08/2020	<p>19. The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action.</p>
Original dated 11/08/2020	<p>20. If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister.</p>
<i>As varied on 10/06/2022</i>	<p>21. Prior to commencement of the action, the approval holder must:</p> <ul style="list-style-type: none"> a) install the fence in accordance with condition 16; and b) commence implementation of the planting plan.

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As varied on 10/06/2022	<p>22. If commencement of the action has not occurred within 3 years of the date of this approval, the approval holder must forthwith:</p> <ul style="list-style-type: none"> c) install a fence (or a temporary fence) in accordance with condition 16; and d) commence implementation of the planting plan.
Original dated 11/08/2020	<p>23. The approval holder must maintain accurate and complete compliance records.</p>
Original dated 11/08/2020	<p>24. If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request.</p> <p>Note: Compliance records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the Department's website or through the general media.</p>
Preparation and publication of plans	
Original dated 11/08/2020	<p>25. The approval holder must:</p> <ul style="list-style-type: none"> a) submit plans electronically to the Department; b) publish each plan on the website within 20 business days of the date the plan is approved by the Minister or of the date a plan is submitted to the Minister or the Department, unless otherwise agreed to in writing by the Minister; c) exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and d) keep all plans published on the website until the end date of this approval.
Annual compliance reporting	
Original dated 11/08/2020	<p>26. The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must:</p> <ul style="list-style-type: none"> a) publish each compliance report on the website within 60 business days following the relevant 12 month period;

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	<p>b) notify the Department by email that a compliance report has been published on the website and provide the weblink for the compliance report within 5 business days of the date of publication;</p> <p>c) keep all compliance reports publicly available on the website until this approval expires;</p> <p>d) exclude or redact sensitive ecological data from compliance reports published on the website; and</p> <p>e) where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.</p> <p>Note: Compliance reports may be published on the Department's website.</p>
	Reporting non-compliance
Original dated 11/08/2020	<p>27. The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than 2 business days after becoming aware of the incident or noncompliance. The notification must specify:</p> <p>a) any condition which is or may be in breach;</p> <p>b) a short description of the incident and/or non-compliance; and</p> <p>c) the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.</p>
	Part B – Standard Administrative Conditions
Original dated 11/08/2020	<p>28. The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <p>a) any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;</p> <p>b) the potential impacts of the incident or non-compliance; and</p>

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	<p>c) the method and timing of any remedial action that will be undertaken by the approval holder.</p>
	<p>Independent audit</p>
<p><i>As varied on the date this instrument was signed</i></p>	<p>29. Revoke</p>
<p><i>As varied on the date this instrument was signed</i></p>	<p>30. The approval holder must ensure that an independent audit of compliance with the conditions is conducted for every audit period.</p> <p>The approval holder must submit details of the proposed independent auditor and their qualifications to the department within 10 business days following the end of each audit period.</p> <p>The approval holder must ensure the scope of each independent audit is sufficient to determine the compliance status for each conditions of approval, and each commitment made in each plan.</p> <p>The approval holder must ensure the criteria for each independent audit and the undertaking of each independent audit are consistent with the Independent Audit and Audit Report Guidelines.</p> <p>Note: The approval holder is not required to receive the department’s written approval of an independent auditor, audit scope, audit criteria and methodology (per sections 5.5 and 5.8 of the Independent Audit and Audit Report Guidelines).</p>
<p><i>As varied on the date this instrument was signed</i></p>	<p>28A. The approval holder must submit an audit report to the department for written agreement from the department within 3 months following the end of each audit period, or as otherwise directed by the Minister in writing</p> <p>a) The approval holder must ensure each audit report is completed to the satisfaction of the Minister and is consistent with the Independent Audit and Audit Report Guidelines.</p>
<p><i>As varied on the date this instrument was signed</i></p>	<p>31. The approval holder must publish each audit report on the website, in a format that is easily accessible and downloadable, within 10 business days of the date the department agrees to that audit report in writing.</p> <p>a) The approval holder must notify the department within 5 business days of the date the audit report is published on the website. In this notification, the approval holder must provide the department with the web address for where the audit report is published on the website.</p>

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	b) The approval holder must keep each audit report published on the website from the first date which that audit report must be published and until the expiry date of this approval.

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Part C – Definitions	
Original dated 11/08/2020	In these conditions, except where contrary intention is expressed, the following definitions are used:
Original dated 11/08/2020	Activities include but is not limited to camping or the construction of permanent infrastructure and/or buildings, but excludes actions associated with implementing a condition, a management plan or providing pedestrian access on established paths.
<i>As varied on the date this instrument was signed</i>	Audit period means an initial 2 year period following commencement of the Action , and every subsequent five-year period after the initial audit period until the expiry date of this approval, unless otherwise specified in writing by the Minister .
<i>As varied on the date this instrument was signed</i>	Audit report means a written report of an independent audit .
Original dated 11/08/2020	Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
Original dated 11/08/2020	Camping means the use of tents, swags or other temporary shelter.
As varied on 10/06/2022	<p>Commencement of the action means the first instance of any specified activity associated with the action including demolition and/or removal of existing buildings, facilities, infrastructure or construction and upgrading of any infrastructure. Commencement of the action does not include:</p> <ul style="list-style-type: none"> i) implementation of the planting plan ii) installation of signage and /or temporary fencing to prevent unapproved use of the project area; iii) protecting environmental and property assets from fire, weeds and pests, including installation of temporary fencing, and use of existing surface access tracks; and iv) installation of temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on the protected matters.
Original dated 11/08/2020	Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder’s possession or that are within the approval holder’s power to obtain lawfully.
Original dated 11/08/2020	Compliance reports means written reports:

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	<ul style="list-style-type: none"> i) providing accurate and complete details of compliance, incidents, and non-compliance with the conditions and the plans; ii) consistent with the Department’s Annual Compliance Report Guidelines (2014); iii) include a shapefile of any clearance of any protected matters, or their habitat, undertaken within the relevant 12 month period; and iv) annexing a schedule of all plans prepared and in existence in relation to the conditions during the relevant 12 month period.
Original dated 11/08/2020	Construction means the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of temporary fences and signage.
Original dated 11/08/2020	Department means the Australian Government agency responsible for administering the EPBC Act .
Original dated 11/08/2020	EPBC Act means the Environment Protection and Biodiversity Conservation Act 1999 (Cth).
Original dated 11/08/2020	External lighting/lights includes any artificial lighting that is located on the outside of a cabin, glamping tent, caravan, campervan, motorhome, car, pop-top trailer or a tent and includes all electric lights such as but not limited to LED lights, gas lanterns, electric lanterns, fluro lights, hand held torches, headlamps, etc. To avoid confusion, external lighting includes any artificial light that is in, on or under a gazebo, annex, awning, canopy, shelter or in the open air.
Original dated 11/08/2020	Guests includes customers, patrons, visitors or any other person permitted onto the Lot .
Original dated 11/08/2020	Incident means any event which has the potential to, or does, impact on one or more protected matter(s) .
Original dated 11/08/2020	Independent audit means an audit conducted by an independent and suitably qualified person as detailed in the <i>Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines (2019)</i> .
As varied on the date this instrument was signed	Independent Audit and Audit Report Guidelines means the <i>Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines, Commonwealth of Australia 2019</i> , excluding the requirement to receive the department’s written approval of an independent auditor , audit scope, audit criteria and methodology (per

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As varied on the date this instrument was signed	<p>sections 5.5 and 5.8 of the <i>Independent Audit and Audit Report Guidelines</i>).</p> <p>Independent auditor means a person, or firm, who:</p> <ul style="list-style-type: none"> • does not have any individual, financial*, employment* or family affiliation or any conflicting interests with the Action, the approval holder or the approval holder’s staff, representatives, or associated persons, • has demonstrated experience in undertaking government-regulated environmental compliance audits, and • holds relevant professional qualifications and accreditations. <p>*Other than for the purpose of undertaking the role for which an independent person, or firm, is required.</p>
Original dated 11/08/2020	<p>Lot means Lot 2 on SP316723 Mon Repos, Bundaberg, Queensland. Depicted in <u>Attachment A</u> as all land enclosed by the brown line designated as ‘Park Boundary’.</p>
Original dated 11/08/2020	<p>Marine Turtle/s means Loggerhead Turtle (<i>Caretta caretta</i>), Green Turtle (<i>Chelonia mydas</i>) and Flatback Turtle (<i>Natator depressus</i>).</p>
Original dated 11/08/2020	<p>Marine Turtle Nesting Habitat means the location at which Marine Turtles lay their eggs (‘nest’) including a 2 metre buffer around the Marine Turtle nest.</p>
Original dated 11/08/2020	<p>Marine Turtle Nesting Season means the period commencing on 15 October in any year and ending on 30 April the following year.</p>
Original dated 11/08/2020	<p>Minister means the Australian Government Minister administering the EPBC Act including any delegate thereof.</p>
Original dated 11/08/2020	<p>Permanent lighting includes any light on the Lot that is intended to remain fixed in place for a period of time independent of the change of occupants of individual sites, typically longer than a month and includes, but is not limited to, lights affixed or installed onto buildings, facilities, road lighting, walkway lighting, etc., but does not include emergency lighting or handheld devices.</p>
Original dated 11/08/2020	<p>Planting Plan means the document titled Planting Plan for Proposed Refurbished Turtle Sands Holiday Park prepared by Wide Bay Burnett Environmental Consulting Services (dated 6 September 2019).</p>
Original dated 11/08/2020	<p>Plan/s means any of the documents required to be prepared, implemented by the approval holder and/or published on the website in accordance with these conditions (includes action management plans, revised action management plans and the reports prepared by a suitably qualified expert).</p>
Original dated 11/08/2020	<p>Pre-commencement activities means preparatory or preliminary works, such as surveying, requesting and receiving quotes from trades, etc that are associated with the demolition, construction or refurbishment of the</p>

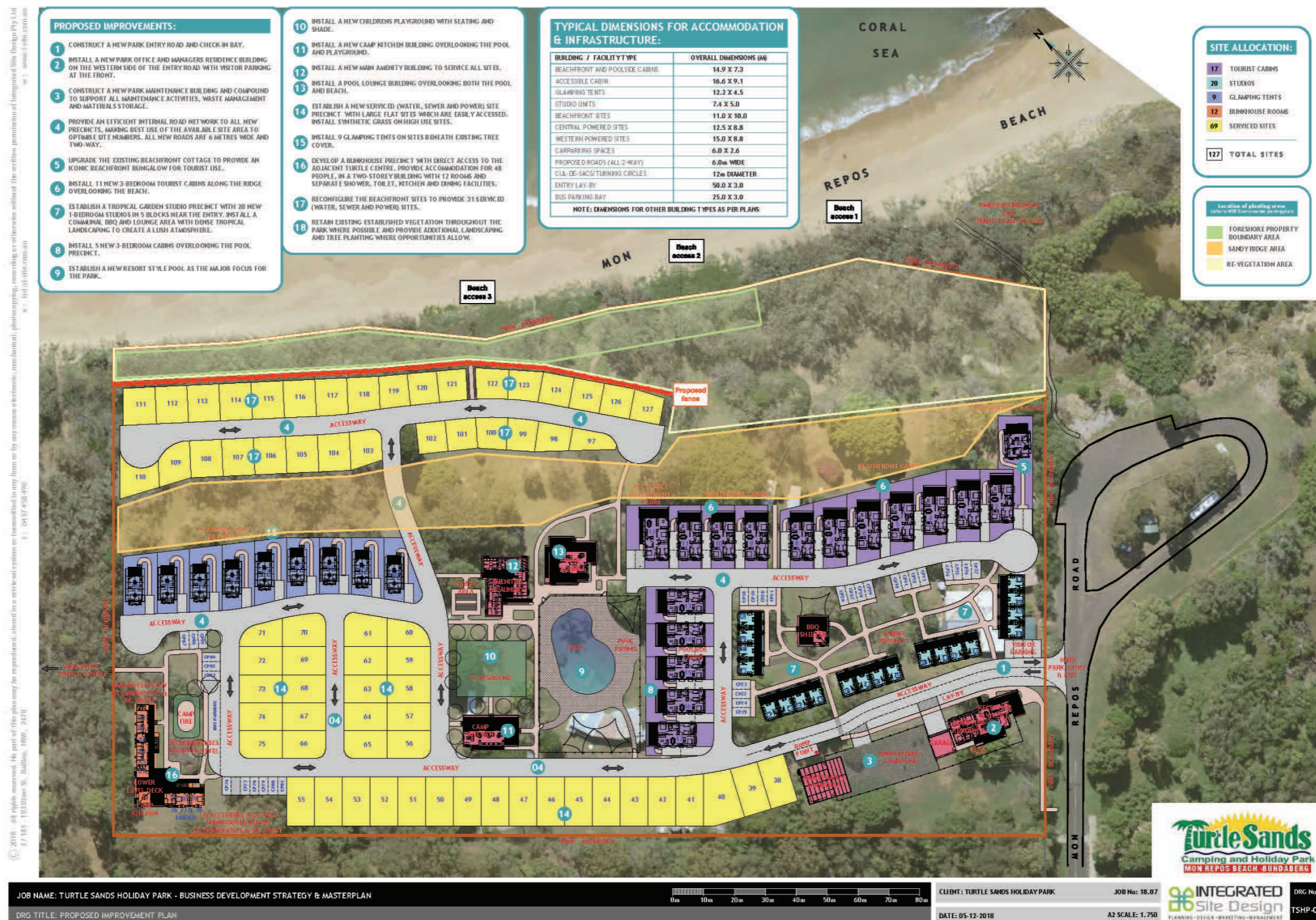
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	glamping sites, tourist cabins, bunkhouse, offices, or any other permanent building on the Lot .
Original dated 11/08/2020	Protected matter/s means a matter protected under a controlling provision in Part 3 of the EPBC Act for which this approval has effect.
Original dated 11/08/2020	Sensitive ecological data means data as defined in the Australian Government Department of the Environment (2016) <i>Sensitive Ecological Data – Access and Management Policy V1.0</i> .
Original dated 11/08/2020	Shapefile means location and attribute information of the action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.
Original dated 11/08/2020	Suitably qualified expert means a person who has professional qualifications and at least three (3) years of work experience who can give an authoritative assessment and advice on Marine Turtles using relevant protocols, standards, methods and/or literature. If the person does not have appropriate professional qualifications, the person must have at least five (5) years of work experience who can give an authoritative assessment and advice for Marine Turtles .
Original dated 11/08/2020	Temporary lighting means light originating from cars, motorhomes, campervans, caravans, pop-top trailers, camper trailers, tents, gazebo's, annexes, awnings and similar, but excludes emergency lighting and handheld torches or other personal devices.
Original dated 11/08/2020	Turtle Management Plan means the Plan submitted to the Department as part of the referral dated December 2018 and updated by the following documents: <ul style="list-style-type: none"> a) Turtle Sands Holiday Park redevelopment at Mon Repos Beach, Bundaberg, Queensland (EPBC 2018/8385) b) Supplementary measures & Adaptive Management Approach submitted 13 March 2020.
Original dated 11/08/2020	Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.
Part C – Attachments	
Original dated 11/08/2020	ATTACHMENT A – Site Plan of the Lot (Lot 2 on SP316723 Mon Repos, Bundaberg, Queensland)
Original dated 11/08/2020	ATTACHMENT B – Photos of fencing at Oaks Beach, Burnett Heads, Queensland

date of decision

Annexure A

As varied on the date this instrument was signed

ATTACHMENT A – Site Plan of the Lot (Lot 2 on SP316723 Mon Repos, Bundaberg, Queensland)



Original dated
11/08/2020

ATTACHMENT B – Photos of fencing at Oaks Beach, Burnett Heads, Queensland

