



Australian Government

Department of Climate Change, Energy,
the Environment and Water**Notification of referral decision – not controlled action if taken in a particular manner****Shelly to Moffat Beach Coastal Study, Shelly Beach, Qld (EPBC 2023/09578)**

This decision is made under sections 75 and 77A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).


Proposed Action

person proposing to take the Action	Sunshine Coast Regional Council ABN: 37 876 973 913
proposed Action	To modify the vegetation and profile of a portion of a dune on Shelly Beach, Qld as part of a pilot study into habitat restoration for nesting marine turtles (See EPBC Act referral 2023/09578).

Referral decision: not a controlled action if taken in a particular manner

status of proposed Action	The proposed Action is not a controlled action provided it is taken in the manner set out in <u>Annexure A</u> .
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Person authorised to make decision

name and position	Mark Say Acting Branch Head Environment Assessments Queensland Branch
signature	
date of decision	18 September 2023

Annexure A

Note: Words appearing in **bold** have the meaning assigned to them at PART B – DEFINITIONS.

Part A – Particular manners specific to the Action

The following measures must be taken to avoid significant impacts on:

Listed threatened species and communities (sections 18 & 18A)

Listed migratory species (sections 20 & 20A)

CLEARING LIMITS

- 1) To avoid impacts to **marine turtles**, the person taking the Action must not **clear** outside the **project area**.

TIMING OF THE ACTION

- 2) To avoid impacts to **marine turtles**, the person taking the Action must not undertake **works** within the **marine turtles nesting season**.

SOURCING SAND FOR DUNE RENOURISHMENT/ REPROFILING

- 3) To avoid impacts to **marine turtles**, in taking the Action, the person taking the Action must not source sand from the landward side of the **highest astronomical tide mark**.

Part B – Definitions

In these particular manners any bolded use of a word or term refers to the below definition of that word or term:

Clear means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation, but does not include weeds (see the *Australian Weeds Strategy 2017-2027*, Commonwealth of Australia 2017 for further guidance).

Highest astronomical tide mark means the boundary represented in Attachment A by the blue dashed line designated “Highest Astronomical Tide (HAT) – 1.188m”.

Marine turtles means the **EPBC Act** listed threatened species *Caretta caretta* (Loggerhead turtle) and *Chelonia mydas* (Green turtle).

Nesting season means the period commencing 1 October in any year and ending 30 April of the following year.

Project area means the location of the Action, represented in Attachment A by the zones:

enclosed by the outer edge of red and white dashed line designated ‘Pilot Study Site’, and the area shaded orange designated the ‘Disturbance Footprint’.

Works means the use of an excavator or similar heavy machinery to **clear** or move sand for the purposes of the taking the Action. **Works** does not include any earth moving required to respond to an emergency situation.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

Attachments

- 1) Attachment A – Project area



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