



5 February 2018

s22

Director – Queensland South and Sea Dumping Section
Assessments and Governance Branch
Department of the Environment and Energy, Canberra.

**Re Shoreline Redlands Pty Ltd urban village development, Redland Bay, Qld (EPBC 2016/7776)
Draft conditions response.**

Dear s22

Thank you for providing the draft conditions for our review and cross checking, it is greatly appreciated. As discussed we have reviewed the draft conditions and feel there are some which are unwarranted or already addressed by way of the documentation previously submitted as part of the Shoreline Redlands application and public notification process for the EPBC approval.

We provide a summary of the conditions below and rational as to why we feel there is grounds for a revised version of the draft conditions provided by the department.

Period for which the approval has effect

We would like to request the reduction of the approval time from 20 years to 15 years to 2032. This is based on the development is likely to be complete or substantially completed by that time and the approval period has direct relevance to condition 3 in respect to the ongoing monitoring, as the development is progressed the open space areas will be under the control of Redland City Council and State government meaning Shoreline Redlands will have no access or influence over the ongoing management or control once the development is completed.

It is our view as per our submission that upon the development being around 65% complete we will have had sufficient monitoring to provide a sound understanding of any ongoing management issues and these will be identified and reported in the various monitoring reports required annually. The monitoring also includes recommendations on mitigation actions required.

Condition 3

We request this condition be changed to reflect directly to the development and actions under its control. For example the areas identified as shorebird foraging habitat are offsite and out of Shorelines control. We can only control/limit access and disturbance form our lands. We also have concern that natural events and/processes could reduce the amount of eastern curlew density, area or quality of shorebird habitats and which is beyond our control regardless of the development proceeding or not.

We Request this condition be worded:

For the period for which this approval has effect, the approval holder must ensure there is no decline in eastern curlew (*Numenius madagascariensis*) (word **density** be deleted), foraging habitat quality, or foraging habitat extent in the site identified as 'shorebird foraging habitats' at Attachment A3, compared to pre-commencement **as a result of the approved action.**

Shoreline Redlands Pty Ltd

Shop 27, Building H, Victoria Point Lakeside Shopping Centre
7-15 Bunker Road, Victoria Point Queensland 4165

PO Box 649, Cleveland QLD 4163

t 07 3821 1204 e info@shorelineredlands.com.au w www.shorelineredlands.com.au

ABN 92 163 078 715



Condition 4

We request this condition be reworded to **require the implementation of the ECIMP as approved**. The Eastern Curlew Impact Management Plan (ECIMP) and other ecological documentation submitted already provides the background data and relevant contingency and time frames for shorebird monitoring and management.

Back ground data and bird surveys have been compiled in accordance with the relevant EPBC guidelines and proposed survey/monitoring methodology is also compliant.

We note there is a relatively low risk on a low number of birds. There is no roosting in the adjoining habitats so it is only the mudflats/feeding areas which are being utilised.

Condition 5

We request this condition becomes obsolete if the department accepts the rational for condition 4.

Should any changes or variations be sought to this or any other plans this would be covered by condition 14.

Condition 6

It is our view and request that the ECIMP is to be approved as submitted and therefore this condition is somewhat irrelevant and request it be removed, especially if condition 4 is revised as requested as the management plan covers this item. The pre-commencement surveys have been undertaken in accordance with EPBC shorebird guidelines and the ECIMP has been developed in consultation with the Department.

If this condition is retained we strongly seek that the setback distance be reduced to 150m. This distance allows for the project to undertake initial site establishment etc whilst any finalised details are approved.

We note that currently there is active farming and/or slashing conducted across the various lots up to and even within the Ramsar wetland. Given there is no roosting and the relatively low number of birds utilising the marine mudflats during low tide, when these areas are not accessible from land or water.

We request the wording for condition 6 as follows

The ECIMP is approved and must be implemented by the approval holder with all reporting made available in compliance with condition 12.

Or alternatively (if the department holds the view we need to update the ECIMP)

The approval holder must not undertake construction within 150m of the Shorebird foraging habitat identified as 'shorebird foraging habitats' at Attachment A3 or facilitate public access to the Moreton Bay Ramsar wetland until the finalised ECIMP is approved. .

We submit that a 150m setback is more than sufficient for construction. The mangrove foreshores provide a natural barrier/buffer to the adjoining intertidal feeding areas. It is noted that currently disturbances (slashing, farming and vehicular movements) occur regularly and the development will ultimately remove these uses and provide an increased buffer.

Whilst it is known that shorebirds do have an increased energy cost as a result of regular disturbances, there are no regular disturbances expected in the area.

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Further, shorebirds are known to habituate to repetitive stimuli that do not present a direct mortality risk (Deniz et al.2003). Many studies have demonstrated the ability of many shorebird species to habituate to many forms of repetitive disturbance (Smit and Visser 1993; West et al. 2002; Baudains and Lloyd 2007).

A setback distance to the feeding areas of 150m provides ample separation. If this clause is required we will program most works, within the setback distance, outside of the wader bird migration period (primarily winter) and therefore avoid all potential disturbances until a finalised ECIMP is agreed and approved.

Condition 7

*It is our view that the submitted Water quality Management Plan (WQMP) can be approved and this condition is somewhat irrelevant and should be reworded to **require the implementation of the WQMP as approved.***

The submitted WQMP has been developed in consultation with the department and its stated requirements and provides:

- baseline water quality monitoring results;
- quantification of potential impacts;
- performance and completion criteria of compliant with the national water quality guidelines;
- management measures and responsible persons;
- monitoring and auditing details;
- corrective measures;

It is clear from the water quality reporting that the development results in an overall net benefit in water quality entering the Ramsar wetlands and there is a clear framework to ensure this outcome is delivered and maintained during the project.

Conditions 8&9

We request these conditions become obsolete if the department accepts the rationale above for condition 7.

Should any changes or variations be sought to this or any other plans this would be covered by condition 14.

Conditions 10-20

No Changes sought.

You are welcome to contact me directly should you wish to discuss or clarify any of the above. I would like to discuss the above recommended changes with you and your nominated representative at your earliest convenience.

Yours faithfully,

s47F

CEO
Shoreline Redlands Pty Ltd

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1 March 2018

Director – Queensland South and Sea Dumping Section
Assessments and Governance Branch.
Department of the Environment and Energy, Canberra.
Via email- s22 @environment.gov.au

Dear s22

**Re Shoreline Redlands Pty Ltd urban village development, Redland Bay, Qld (EPBC 2016/7776)
Draft conditions response.**

Thank you for providing the draft conditions for our review and cross checking, and your time during our recent phone discussions with s22 and s22 towards finalisation of our approval. It is greatly appreciated.

We have further reviewed the draft conditions following our phone discussions and provide the following for your consideration.

Period for which the approval has effect

We accept the proposed approval period, however please be mindful in due course we may need your assistance to ensure this ongoing matter is agreed with the local and state government departments as Shoreline won't have access or control for the additional 5 years after the development is complete.

Condition 3

We request this condition be changed to reflect directly to the development and actions under its control.

For example the areas identified as shorebird foraging habitat are offsite and out of Shorelines control. We can only control/limit access and disturbance from our lands. We also have concern that natural events and/processes could reduce the amount of eastern curlew density, area or quality of shorebird habitats and which is beyond our control regardless of the development proceeding or not.

BAAM have commenced additional shorebird surveys of both the habitats adjoining the site and other nearby habitats to provide additional background information on the Eastern Curlew and its habitat partitioning and population.

These surveys will be completed in mid-march when the Shorebirds leave for their annual migration. We still believe the conditions should directly reflect the proposed action.



We request this condition be worded as follows:

For the period for which this approval has effect, the approval holder must ensure there is no decline in eastern curlew (*Numenius madagascariensis*) density, foraging habitat quality, or foraging habitat extent in the site identified as 'shorebird foraging habitats' at Attachment A3, compared to pre-commencement **as a result of the approved action.**

Condition 4-5

We accept these conditions for the purpose of this approval.

We are currently updating The Eastern Curlew Impact Management Plan (ECIMP) with the additional background data we are collecting to provide a more robust measure of the species occurrence and its use of the adjoining mud flats.

We have also undertaken additional high tide surveys of the adjoining habitats and reaffirm that there is no roosting in the adjoining habitats so it is only the mudflats/feeding areas which are being utilised.

We will have the updated ECIMP independently reviewed prior to submission for approval by the minister in due course.

Condition 6

We request this condition be amended as we strongly seek that the setback distance be reduced to 200m.

This distance allows for the project to undertake initial site establishment etc whilst the finalised ECIMP is in the process of being approved. A 500 meter setback will ultimately stall the project, this distance also takes in part of Serpentine Creek Road which is an existing state controlled busy roadway.

We note that over the past 50 years there has been existing heavy commercial agriculture /farming activities conducted across the various lots up to and even within the Ramsar wetland. In addition there are active heavy machinery sheds and similar uses all within 100 meters of the foraging habitats.

Given there is no roosting in proximity to the site and any birds currently utilising the marine mudflats during low tide, are doing so with machinery active in and around the foreshore. Please note the adjoining mangrove and dense vegetation habitats provide a very effective barrier/buffer.

We do understand the background and rationale of the concerns raised. We believe that the updated ECIMP will be submitted and approved in time to ensure this condition does not have any significant impact on the development programming. However, should there be any delay in the ECIMP approval this condition would effectively sterilise our initial works which we are required to undertake by way of our approval conditions.

Further, shorebirds are known to habituate to repetitive stimuli that do not present a direct mortality risk (Deniz et al. 2003). Many studies have demonstrated the ability of many shorebird species to habituate to many forms of repetitive disturbance (Smit and Visser 1993; West et al. 2002; Baudains and Lloyd 2007) and their ongoing use of the adjoining mudflats provides clear indication this is correct.

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A setback distance to the feeding areas of 200m provides ample separation. If this clause is required we will program most works, within the setback distance, outside of the wader bird migration period (primarily winter) and therefore avoid all potential disturbances until a finalised ECIMP is agreed and approved.

We also note that the birds are about to depart in March for their annual migration and will not be returning to the area until September.

We therefore request the wording for condition 6 as follows,

The approval holder must not undertake construction within 200m of the Shorebird foraging habitat identified as 'shorebird foraging habitats' at Attachment A3 or facilitate public access to the Moreton Bay Ramsar wetland, between September 1st and March 30th unless the finalised ECIMP is approved.

Condition 7-9

We accept these conditions for the purpose of this approval.

We have had good rainfall in the area over the last week and have used this opportunity to collect additional background/baseline information.

This additional information will be added to an updated Water Quality Management Plan (WQMP) and resubmitted for approval by the minister in due course.

Conditions 10-20

No Changes sought for these proposed conditions.

You are welcome to contact me directly should you wish to discuss or clarify any of the above. I would like to discuss the above recommended changes with you and your nominated representative at your earliest convenience.

Thank you for your time and assistance in progressing this referral and look forward to receipt of your final draft conditions.

Yours faithfully,

s47F

CEO
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ABN 92 163 078 115