



Notification of

REFERRAL DECISION – not controlled action if undertaken in a particular manner

Redcliffe Offshore Superboat Race, Moreton Bay, Qld (2010/5595)

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

Proposed action

person named in the referral

Russell Embleton
Australian Power Boat Association Offshore Council Inc.

proposed action

To conduct an offshore power boat race, involving 20-30 power boats, approximately 10 observer vessels and approximately two observer helicopters, over a total duration of 2.5 hours on 18 and 19 September 2010, off Redcliffe, Moreton Bay, Queensland as described in the referral and associated documentation dated 27 July 2010 and additional information dated 10 and 25 August 2010.

Referral decision: Not a controlled action if undertaken in a particular manner

status of proposed action

The proposed action is not a controlled action provided it is undertaken in the manner set out in this decision.

Person authorised to make decision

Name and position

Ms Michelle Wicks
Assistant Secretary
Environment Assessment Branch

signature

date of decision

26 August 2010

manner in which proposed action must be taken

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

- Wetlands of international importance (sections 16 & 17B)
- Listed threatened species and communities (sections 18 & 18A)
- Listed migratory species (sections 20 & 20A)

- 1.a. The race will be suspended if any EPBC Act protected fauna^A is observed within 200 metres of the race course or within the race course itself.
- b. Racing may recommence once the EPBC Act protected fauna^A is at least 200 metres from the race course and observed to be travelling away from the course.
2. Oral and written briefings and instructions will be provided prior to the event to participants in all vessels, including staff in rescue vessels and helicopters. These briefings and instructions must describe procedures required for the identification, observation, avoidance and reporting of

EPBC Act protected fauna^A occurring within 500 metres of the race course. The procedures must incorporate communication arrangements to the race director or a delegated officer who will act as the single point of contact.

3. In addition to staff in rescue vessels and helicopters, at least one independent and suitably qualified observer^B of protected marine fauna^A will be sourced, to:
 - a. verify the race course and surrounds are effectively observed for EPBC Act protected fauna^A,
 - b. verify the details of any interactions with EPBC Act protected fauna^A, and
 - c. verify the procedures implemented by the proponent, competitors, rescue vessels and helicopters to prevent death or injury of EPBC Act protected fauna^A.
4. Should a sighting of EPBC Act protected fauna^A occur on or in the vicinity of the event course during a race, this fact will be communicated to race control and, in turn, to the competing craft in order that evasive action (as per particular manner #1) can be taken, to prevent death or injury of protected fauna.
5. The event's race control facility will be in direct radio communication with all competitors at all times during each race to facilitate communication in accordance with particular manner #4.
6. Not less than 10 rescue vessels will be strategically positioned on the course for a period commencing 60 minutes prior to the start of each race and for the duration of each race. These rescue vessels will contact the race director immediately if any EPBC Act protected fauna^A are observed, so that evasive action may be implemented (as per particular manner #1).
7. The rescue helicopter pilots and crew will be briefed to enable them to adequately observe EPBC Act protected fauna^A. The helicopter crew will contact the race director immediately in the event any EPBC Act protected fauna^A are observed so that evasive action may be implemented (as per particular manner #1).
8. A 'sweep' will be conducted one hour prior to the start of each race by all rescue vessels and a number of smaller personal water craft, so as to create a low level disturbance in the area to encourage any EPBC Act protected fauna^A to move away from the race area, to prevent death or injury of protected fauna.
9. Interactions with any EPBC protected fauna^A will be reported to the Federal Department of Environment, Water, Heritage and the Arts (Carol Oates on 0458 245 174) within 72 hours of the event. Information will include details of the species and number of individual fauna involved, the nature of the interaction, number of fatalities or injuries (if applicable), nature and result of any evasive action taken. This information will be verified by the independent observer detailed at particular manner #2.
10. Race and associated activities will be conducted in accordance with the proponent's Environmental Management Plan dated July 2010. To the extent that these particular manner measures and the EMP are inconsistent, these particular manner measures shall prevail to the extent of the inconsistency.

11. The proponent will demonstrate, in writing within 3 months, to the satisfaction of the Federal Department of Environment, Water, Heritage and the Arts that they have met the requirements outlined in these particular manner measures. This will be verified by the independent observer detailed at particular manner #2.

^A Includes all species protected under the EPBC Act, but of particular concern are:

- Dugong (*Dugong dugon*) - Migratory
- Green Turtle (*Chelonia mydas*) – Threatened and Migratory
- Hawksbill Turtle (*Eretmochelys imbricate*) – Threatened and Migratory
- Humpback Whale (*Megaptera novaeangliae*) Threatened and Migratory
- Indo-Pacific Humpback Dolphin (*Sousa chinensis*) – Migratory
- Loggerhead Turtle (*Caretta caretta*) – Threatened and Migratory
- Southern Right Whale (*Eubalaena australis*) – Threatened and Migratory

^B Independent observers can include suitably qualified people from:

- Queensland Department of Environment and Resource Management
- Queensland Department of Fisheries
- Wildlife rescue organisations
- ecologists/zoologist/marine biologists
- Researchers from academic institutions

