



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

Gold Coast Cruise Ship Terminal, QLD (EPBC 2017/7899)

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 Gold Coast City Council

ABN: 84 858 548 460

proposed action To develop an ocean-side cruise ship terminal at Philip Park at Main Beach, Gold Coast, Queensland [See EPBC Act referral 2017/7899].

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 James Barker
Assistant Secretary
Assessments and Governance Branch

signature

date of decision 15 May 2017

manner in which proposed action must be taken 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)

To mitigate potential impacts, the person taking the action must implement the following management approaches and procedures:

1. Noise from piling activities:

- a) For the protection of the **listed marine fauna**, **piling** operations must be managed in accordance with the **Underwater Piling Noise Guidelines**:
 - i. Pre-start procedure – The presence of **listed marine fauna** in **safety zones** must be visually monitored by a **suitably trained crew member** for at least 30 minutes before the commencement of the soft start procedure.
 - ii. Soft start procedure – If **listed marine fauna** have not been sighted within or are likely to enter the **shut-down zone** during the pre-start procedure, the soft start procedure may commence in which the **piling** impact energy is gradually increased over a 10 minute time period. The soft start procedure must also be used after long breaks of more than 30 minutes in piling activity. Visual observations of **listed marine fauna** within the **safety zones** must be maintained by **suitably trained crew member** throughout soft starts.
 - iii. Normal operation procedure – If **listed marine fauna** have not been sighted within the **shut-down zone** or **observation zone** during the soft start procedure, **piling** may continue at full impact energy. **Suitably trained crew member** must continuously undertake visual observations for **listed marine fauna** during **piling** activities and shut-down periods. After long breaks in **piling** activity or when visual observations ceased or were hampered by poor visibility, the pre-start procedure must be used.
 - iv. Stand-by operations procedure – If **listed marine fauna** is sighted within the **observation zone** during the soft start or normal operation procedures, the operator of the piling rig must be placed on stand-by to shut-down the **piling** rig. A **suitably trained crew member** must continuously monitor the listed marine fauna sighted.
 - v. Shutdown procedure – If **listed marine fauna** is sighted within or about to enter the **shut-down zone**, the **piling** activity must be stopped as soon as possible and within safe work practices. If a shut-down procedure occurred and **listed marine fauna** have been observed to move outside the shut-down zone, or 30 minutes have lapsed since the last sighting, then **piling** activities may recommence using the soft start procedure.
- b) The approval holder must develop **safety zones** to ensure that **listed marine fauna** are not exposed to sound exposure levels of greater than or equal to 183 dB re 1 $\mu\text{Pa}^2\cdot\text{s}$ from piling activities (as at *Table 4 - Underwater noise exposure criteria for physiological impacts* of the **Underwater Piling Noise Guidelines**).
- c) **Safety zones** must be informed by noise modelling based at the site of the piling activities and derived from *Table 5 – Summary of safety zones from impact piling and vibro-driving* of the **Underwater Piling Noise Guidelines**.

2. Vessel Strike:

- a) All vessels associated with construction and operation of the proposed action in **State waters** must operate in accordance with mitigation and management measures as specified in the **EPBC Regulations Part 8** regarding interactions with cetaceans.

Definitions

EPBC Regulations Part 8 means the *Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations), Part 8 (Interacting with cetaceans and whale watching)*.

Listed marine fauna means any of the following species:

- Humpback Whale (*Megaptera novaeangliae*)
- Dugong (*Dugong dugon*)
- Indo-Pacific Humpback Dolphin (*Sousa chinensis*)
- Green Turtle (*Chelonia mydas*)
- Hawksbill Turtle (*Eretmochelys imbricata*)
- Flatback Turtle (*Natator depressus*)
- Loggerhead Turtle (*Caretta caretta*)
- Olive Ridley Turtle (*Lepidochelys olivacea*)
- Leatherback Turtle (*Dermochelys coriacea*)

Observation zone means the zone where **listed marine fauna** is monitored to determine whether they are approaching or entering the **shut-down zone**.

Piling means any impact driving and/or vibro-driving one and/or multiple structural supports into the ground below the waterline.

Safety zones means the combined **observation zone** and **shut-down zone** which are sized based on the likely noise levels produced by the piling activity.

Shut-down zone means the zone where piling must be stopped when **listed marine fauna** is sighted or appears to enter the **shut-down zone**.

State waters means coastal waters within three nautical miles of the Queensland coast.

Suitably trained crew member means a trained marine fauna observer, with demonstrated experience in the identification and management of **listed marine fauna**.

Underwater Piling Noise Guidelines means the *Underwater Piling Noise Guidelines (2012)* (UPNG), Government of South Australia.