



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Notification of referral decision – not controlled action if taken in a particular manner

Unmanned Surface Vessel Based Geophysical Surveys (EPBC 2025/10270)

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	XOCEAN Australia Pty Ltd ABN: 52 662 491 358
proposed Action	To undertake a series of marine geophysical surveys, from the date of this decision until 31 December 2031, within the Gippsland offshore wind zone through the deployment of up to 8 unmanned surface vessels. (See EPBC Act referral 2025/10270).

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 Annexure A .
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Person authorised to make decision

name and position	Rachel Short Branch Head Environment Assessments (Vic and Tas) and Post Approvals Branch Environment Regulation Division
signature	
date of decision	11 November 2025

Annexure A

Note: Words and terms appearing in **bold** (excluding headings) 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 and 18A)

PROJECT AREA BOUNDARY

- 1) The person taking the Action must not take the Action outside the **project area**.

CETACEAN INTERACTION MINIMISATION

- 2) The person taking the Action must ensure that no **Unmanned Geophysical Survey** is undertaken within 2 kilometres of the **SRW Reproduction BIA** in any period between 1 May and 31 October of the same year if there have been three or more sightings of **Southern Right Whale** by a **Senior Marine Mammal Observer (Senior MMO)** within a 24 hour period while undertaking the Action.
- 3) If a **Senior MMO** cannot make a positive identification of a species of **whale** during observations, the person taking the Action must proceed as if the **whale** is a **Southern Right Whale** for the purposes of Particular Manner 2.

TRAINING, RECORDING AND PRECAUTIONARY MEASURES

- 4) The person taking the Action must ensure the **Unmanned surface vessel** is operated by **trained crew**.
- 5) For each **Unmanned surface vessel**, the person taking the Action must ensure that at least one member of the **trained crew** is a **Senior MMO**. The **Senior MMO** must monitor for **whales** continuously during the operation of the **Unmanned surface vessel** and the operation of the **Sub-bottom Profiler**.

UNMANNED GEOPHYSICAL SURVEY OBSERVATIONS

- 6) During **good visibility** conditions, the person taking the Action must ensure at least one **Senior MMO** and one **trained crew** member undertake continuous monitoring of the **Precaution Zone** for the entire duration that any **Sub-bottom Profiler** is operating. The person taking the Action must ensure the **trained crew** and **Senior MMO**:
 - a) Use **technology** to support the detection of any **whale** in the **Precaution Zone**.
 - b) Commence pre-start up surveying of the **Precaution Zone** for **whales** at least 30 minutes prior to operating any **Sub-bottom Profiler**. If a **whale** is observed within the **Shut-down Zone** during this time, the person taking the Action must ensure that no **Sub-bottom Profiler** begins operating unless:

- i) At least 30 minutes have passed since the most recent observation of a **whale** in the **Shut-down Zone** and any **Sub-Bottom Profiler** is operated in accordance with the **Soft-start Procedure**.
- c) The **Senior MMO** must not undertake any other duties whilst required to undertake surveying for **whales**.
- d) Continuously monitor the movements of **whales** to detect whether any **whale** has entered, or appears likely to enter, the **Observation Zone** or the **Shut-down Zone**.

UNMANNED GEOPHYSICAL SURVEY OBSERVATIONS DURING LOW VISIBILITY

- 7) During **low visibility** conditions, the person taking the Action must ensure at least one **Senior MMO** and one **trained crew** undertake continuous monitoring to the furthest extent that **technology** allows for the entire duration that any **Sub-bottom Profiler** is operating. The person taking the Action must ensure the **Senior MMO** and **trained crew**:
 - a) Commence pre-start up surveying of the area around an **Unmanned surface vessel** to the furthest extent that **technology** allows for **whales** at least 30 minutes prior to operating any **Sub-bottom Profiler**. If a **whale** is observed at any distance to the **Unmanned surface vessel**, the person taking the Action must ensure that no **Sub-bottom Profiler** begins operating unless:
 - i) At least 30 minutes have passed since the most recent observation of a **whale** and any **Sub-bottom Profiler** is operated in accordance with the **Soft-Start Procedure**.

MANAGEMENT OF UNMANNED GEOPHYSICAL SURVEY OPERATIONS

- 8) If, while operating any **Sub-bottom Profiler**, one or more **whale** has been observed in, or appears likely to enter the **Shut-down Zone**, the person taking the Action must ensure that the operation of any **Sub-bottom Profiler** ceases. The person taking the Action must not begin the operation of any **Sub-bottom Profiler** unless:
 - a) At least 30 minutes have passed since the most recent observation of a **whale**, and any **Sub-bottom Profiler** is operated in accordance with the **Soft-start Procedure**.

MANAGEMENT OF UNMANNED GEOPHYSICAL SURVEY OPERATIONS DURING LOW VISIBILITY

- 9) If there have been three or more **Shut-down events** within 2 kilometres of each other in the preceding 24 hour period, the person taking the Action must ensure that no **Unmanned Geophysical Survey** is undertaken within 2 kilometres of the location of any of those **Shut-down events** during **low visibility** conditions.
- 10) If the person taking the Action is required to cease undertaking any **Unmanned Geophysical Survey** in accordance with Particular Manner 9, the person taking the Action must not resume undertaking any **Unmanned Geophysical Survey** unless at least one **Senior MMO** and one **trained crew** observe and report a continuous period of **good visibility** conditions for at least two consecutive hours and confirm that no **whale** has been observed in the **Precaution Zone** during this two hour period.
- 11) While operating any **Sub-bottom Profiler** during **low visibility** conditions, the person taking the Action must ensure that the operation of any **Sub-bottom Profiler** ceases if any **whale** is

detected, regardless of the distance of the **whale** from the **Unmanned surface vessel**. The person taking the Action must not resume the operation of any **Sub-bottom Profiler** unless:

- a) At least 30 minutes have passed since the most recent observation of a **whale**, and any **Sub-bottom Profiler** is operated in accordance with the **Soft-start Procedure**.

CUMULATIVE NOISE IMPACTS

- 12) The person taking the Action must ensure that any **Unmanned surface vessel** operating a **Sub-bottom Profiler** maintains a minimum separation of 500 metres from any **other vessel**.

REPORTING MEASURES

- 13) The person taking the Action must report all known or suspected **cetacean** injuries or death to the **department** within 2 hours of the incident.

Part B – Definitions

Words and terms appearing in **bold** (excluding headings) have the meaning assigned to them in the list below:

Biologically Important Area means any spatially and temporally defined areas of the marine environment used by protected marine species for carrying out critical life functions. Biologically Important Areas are designated by identifying areas and times known or likely to be regularly or repeatedly used by individuals or aggregations of a single species, stock, or population for either reproduction, feeding, migration or resting as indicated in the Australian Marine Spatial Information System (AMSIS). On the date of this decision, AMSIS can be accessed at <https://amsis-geoscience-au.hub.arcgis.com/>.

Cetacean means a member of the Order Cetacea.

Day-time means the period of time which commences 30 minutes before sunrise and ends 30 minutes after sunset on any given day, where sunrise and sunset occur at the times specified on the Australian Government Bureau of Meteorology’s official phone app or the Geoscience Australia website (available at the following link at the time of this approval decision: <https://geodesyapps.ga.gov.au/sunrise>) for Seaspray, Victoria, on the particular day.

Department means the Australian Government agency responsible for administering the **EPBC Act**.

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

Geophysical survey means any marine survey that uses non-intrusive methods of sampling the sub-bottom seafloor.

Geotechnical survey means any marine survey that involves borehole sampling the seafloor.

Good visibility means conditions during **day-time** that enable the clear visual detection and identification of any **whale** present in the **Precaution Zone**.

Low visibility means conditions, including **night-time**, rainfall, fog, rough seas and high winds, that would prevent the clear visual detection and identification of any **whale** in the **Precaution Zone**.

Night-time means all times which fall outside of **day-time**.

Observation Zone means all waters within 500 metres of an **Unmanned surface vessel**, or the maximum visibility range possible in the conditions, but not less than 200 metres from an **Unmanned surface vessel**.

Other vessel means a ship, boat or any other things undertaking **geophysical survey** or a **geotechnical survey** operating in the **project area**, including other **Unmanned surface vessels** being used for this Action.

Precaution Zone means the **Observation Zone** and the **Shut-down Zone** combined.

Project area means the location of the Action, represented in Attachment A by the areas enclosed by the green polygon designated in the legend as 'Survey area'.

Senior Marine Mammal Observer or **Senior MMO** means a person who has been trained and has at least 2 years of field experience, including a minimum of 120 days at sea experience or equivalent remote duties, in **cetacean** identification and behaviour, distance estimation, and is capable of making accurate identifications and observations of **cetaceans** in Australian waters.

Shut-down event means the powering down or shutting off of underwater noise producing equipment in accordance with this notice.

Shut-down Zone means all waters within 200 metres from an **Unmanned surface vessel**.

Soft-start procedure means gradually ramping up of the power of a **Sub-bottom Profiler** over 30 minutes, starting from minimum power and only reaching the power required to obtain the desired data for the **Unmanned Geophysical Survey** being undertaken after 30 minutes.

Southern Right Whale means the **EPBC Act** listed threatened species *Eubalaena australis*.

SRW Reproduction BIA means the **biologically important area** represented in Attachment A by the yellow polygon designated in the legend as 'Reproduction'.

Sub-bottom Profiler means geophysical equipment mounted on the hull of an **Unmanned surface vessel** and used to collect information on the characteristics of sediment layers below the seabed.

Technology means optical cameras and infrared or thermal camera technology fitted on board each **Unmanned surface vessel**.

Trained crew means crew that have demonstrated sound understanding of the requirements of this notice and have had experience in and demonstrated aptitude for **whale** observation, **whale** identification, distance estimation and reporting.

Unmanned Geophysical Survey means a non-intrusive method of sampling the sub-bottom seafloor using a **Sub-bottom profiler**.

Unmanned surface vessel means a remotely operated vessel used for **Unmanned Geophysical Survey**.

Whale means a member of the sub-order Mysticeti or Odontoceti of the Order Cetacea.

Attachments

A: Project area map



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