



Australian Government

Department of Climate Change, Energy,
the Environment and Water

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

SMAP telecommunications submarine cable installation, WA, SA, VIC, NSW and Commonwealth marine waters (EPBC 2024/09989)

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	SUBCO South Pty Ltd ACN: 663 521 631
proposed Action	To install a telecommunications submarine cable network through Commonwealth marine waters from Western Australia to New South Wales with five landings: City Beach and Garden Island (WA), West Beach (SA), Torquay (VIC) and Broadarrow Reserve (NSW) (See EPBC Act referral 2024/09989).

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	Sarah Reachill A/g Branch Head Environment Assessments NSW and ACT
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signature

date of decision	21 February 2025
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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)
- Listed migratory species (sections 20 and 20A)
- Commonwealth marine areas (sections 23 and 24A).

MANAGEMENT MEASURES TO AVOID AND MITIGATE

DISTURBANCE FOOTPRINT

- 1) The person taking the Action must not undertake any **cable operations** outside the **project area**.

MARINE MEGAFUNA SPECIES MORTALITY AND INJURY AVOIDANCE

- 2) The person taking the Action must take all precautions to ensure that no **marine megafauna** individuals are **harmed** in taking the Action.
- 3) The person taking the Action must ensure that all **cable operations** are taken in accordance with the **Guidelines for Whale and Dolphin Watching**.
- 4) The person taking the Action must ensure that all **cable operations** are only taken in accordance with Part 8 of **EPBC Regulations** (Interacting with Cetaceans and Whales).

ARTIFICIAL LIGHT POLLUTION

- 5) The person taking the Action must ensure that all **cable operations** are taken in accordance with the **National Light Pollution Guidelines for Wildlife (2020)**.

VESSEL OPERATION

- 6) The person taking the Action must ensure that all **vessels** are only operated by a licenced operator.
- 7) The person taking the Action must take all precautions to avoid any **vessel strikes**.

Part B – Definitions

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

Cable operations means any activity that is undertaken in preparation for or during the installation and maintenance of the telecommunication cable, including any pre-lay grapnel run(s), grapnel use, installation (burial and laying), and repair activities.

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

EPBC Regulations means the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth).

Guidelines for Whale and Dolphin Watching means the *Australian National Guidelines for Whale and Dolphin Watching*, Commonwealth of Australia 2017.

Harm means to cause any measurable direct or indirect disturbance or deleterious change as a result of any activity associated with the Action.

Marine megafauna means any species of **EPBC Act** listed threatened, migratory and/or marine whale, dolphin, porpoise, shark or marine turtle. This includes but is not limited to the grey nurse shark (*Carcharias taurus*), blue whale (*Balaenoptera musculus*), fin whale (*Balaenoptera physalus*), sei whale (*Balaenoptera borealis*), southern right whale (*Eubalaena australis*), humpback whale (*Megaptera novaeangliae*), flatback turtle (*Natator depressus*), green turtle (*Chelonia mydas*), leatherback turtle (*Dermochelys coriacea*), loggerhead turtle (*Caretta caretta*), olive Ridley turtle (*Lepidochelys olivacea*) and hawksbill turtle (*Eretmochelys imbricata*).

National Light Pollution Guidelines for Wildlife means the *National Light Pollution Guidelines for Wildlife*, Commonwealth of Australia 2020.

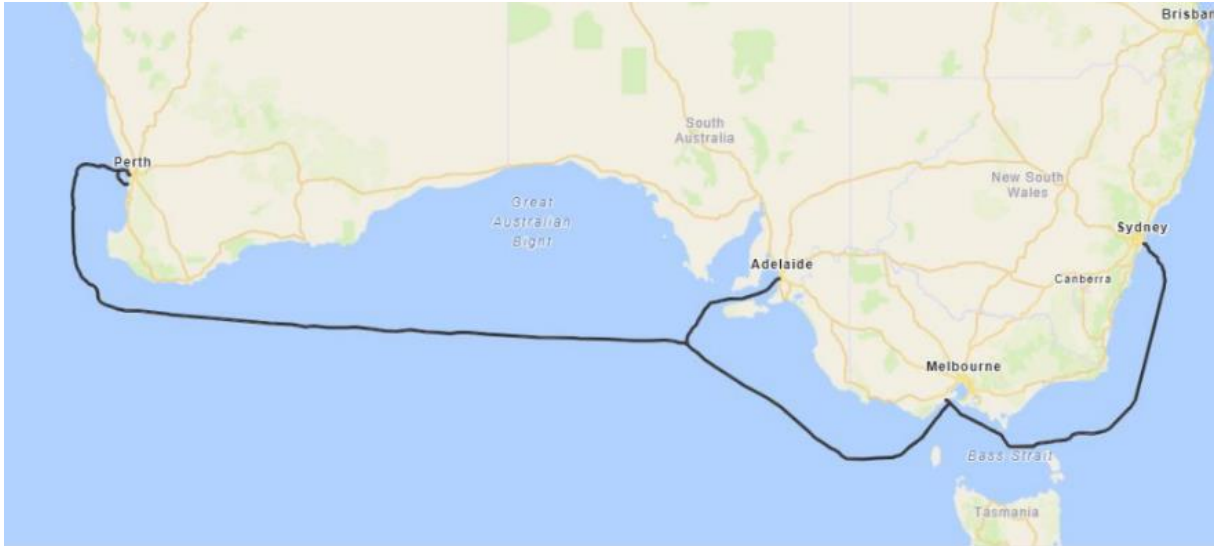
Project area means the location of the Action, comprising any location within 5 km of the linear centre of the locations represented in Appendix A by the black line.

Vessel means a ship, boat, raft or pontoon or any other thing capable of carrying persons or goods through or on water and includes a floating structure and hovercraft.

Vessel strike means a collision with **marine megafauna**.

Attachments

A: Overview of project area – proposed action area is that included within Australia’s EEZ.



SMAP Cable Route (black line), with landings in Western Australia (Perth and Garden Island), South Australia (West Beach), Victoria (Torquay or Voss’ Circuit) and NSW (Sydney).