



Variation of conditions attached to approval

Bowen Orbital Spaceport, Queensland (EPBC ref 2021/9071)

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Approved action

approval holder	Gilmour Space Technologies Pty Ltd ABN: 17 166 858 260
approved action	To operate a purpose-built Orbital Spaceport for space vehicle launches from the north-eastern corner of the Abbot Point State Development Area (APSDA), in the Whitsunday Region, Queensland. See EPBC Act referral 2021/9071: subject to the variation of the action accepted by the minister under section 156B on 19 January 2022. See EPBC Act referral 2021/9071.
period for which the approval has effect	This approval has effect until 31 December 2035.

Variation

variation of conditions attached to approval	The variation is: Delete condition 1 attached to the approval and substitute with the condition specified in the table below. Delete definitions of Debris , Disposal or dispose of , Intact , Launch and Off-nominal flight attached to the approval and substitute with the definitions specified in the table below. Add new definitions of Charon launch vehicle , Licence area and Nominal flight specified in the table below. Add stand-alone definitions of Anomalous debris and Scheduled debris specified in the table below. Add new Attachment D.
date of effect	This variation has effect on the date this instrument is signed.

Person authorised to make decision

name and position	Brendan Linton-Smith Acting Branch Head Environment Assessments (Vic and Tas) and Post Approvals Branch Nature Positive Regulation Division
--------------------------	--

signature



date of decision

24 March 2025

Date of decision

Conditions attached to approval

Part A – Conditions specific to the Action

LAUNCH SPECIFICATIONS

As varied on the date this instrument was signed

1. To minimise **harm to protected matters**, the approval holder must:
 - a. not **launch** outside of the **launch facility**.
 - b. only **launch Eris launch vehicles** and **Charon launch vehicles**.
 - c. not **dispose of scheduled debris** outside of the **impact band**.

REPORTING AND REMEDIATION REQUIREMENTS

Original dated 3 November 2023

2. The approval holder must, within 15 **business days** of each **launch**, provide the **department** with a report that includes:
 - a. a description including the confirmation of successful **launch** including the date and time,
 - b. best available evidence that the **launch** did not result in **anomalous debris**, including that **debris** was **disposed** entirely within the **impact band** and remained **intact**.

Original dated 3 November 2023

3. If the approval holder is unable to provide evidence demonstrating conclusively that a **launch** did not result in **anomalous debris**, the report required under condition 2 must also include:
 - a. best available evidence of the actual point of **disposal** for each separate part of **debris**, including mapped and coordinate data,
 - b. an assessment of actual and potential **harm to protected matters** arising from the particular **launch** and **disposal(s)**,
 - c. a commitment to undertake all reasonable steps to:
 - i. locate and retrieve any **anomalous debris** (including floating **debris** that poses a risk to wildlife) as soon as possible, and

-
- ii. otherwise act in accordance with the *Space (Launches and Returns) Act 2018*,
 - d. the details of any measures that have been, or will be, undertaken by the approval holder to locate and salvage **anomalous debris**, including a proposed schedule by which the success or failure of each measure will be reported in writing to the **department**,
 - e. the details of any remediation that has been, or will be, undertaken by the approval holder, including:
 - i. the method and timing of any remediation,
 - ii. specific and measurable environmental outcomes to be achieved,
 - iii. an assessment of the expected or predicted effectiveness of any remediation,
 - f. a conclusion on whether there has been, or will likely be, residual **harm to protected matters** from the **launch**, following any remediation, and
 - g. commitments to any corrective actions and/or procedural changes to prevent a recurrence of **anomalous debris**.

*Original dated
3 November 2023*

- 4. If not satisfied with the report provided under condition 2, or if satisfied that a **launch** has resulted in residual **harm to protected matters**, the **Minister** may direct in writing that the approval holder:
 - a. suspend the Action.
 - b. provide additional data and/or evidence,
 - c. implement specified remediation at the expense of the approval holder,
 - d. submit to the **department** for the **Minister's** written approval, an Offset Management Plan (OMP, as prescribed in condition 5) that details how residual **harm** will be compensated for, within 6 months after notification by the **department**.

The approval holder must comply with the **Minister's** direction.

If the Action is suspended in this manner, the approval holder must not resume the Action without the written agreement of the **Minister**.

OFFSET REQUIREMENTS

Original dated
3 November 2023

5. If the **Minister** notifies the approval holder that he or she is satisfied residual **harm** to a **protected matter** is likely to have resulted from a **launch** and/or **disposal**, the approval holder must, within 6 months of receiving such notice, submit to the **department** for the **Minister's** written approval an Offset Management Plan (OMP) that details how residual **harm** will be compensated for. The OMP must:
 - a. be prepared by a **suitably qualified expert**.
 - b. be consistent with the **EPBC Act Environmental Offsets Policy** and prepared in accordance and the **Environmental Management Plan Guidelines**.
 - c. reference the **EPBC Act** approval conditions to which the OMP refers.
 - d. detail the residual **harm** to **protected matters**.
 - e. demonstrate how the implementation of the OMP will fully compensate for the residual **harm** on **protected matters**.
 - f. commit to achievable specified improvement outcomes, targeted to the aspect of the environment impacted, and timeframes for their achievement.
 - g. include a table of commitments made in the OMP to achieve the environmental improvement outcomes, and a reference to exactly where these commitments are detailed in the OMP.
 - h. detail specific, measurable and timebound management measures to achieve the improvement outcomes.
 - i. include a schedule of reporting and review mechanisms to demonstrate compliance with the commitments made in the OMP.
 - j. include an assessment of risks relating to achieving the improvement outcomes and risk management strategies and/or mitigation measures that will be applied to address identified risks.
 - k. detail a monitoring program, including:
 - i. measurable performance indicators to monitor attainment of the improvement outcomes.
 - ii. trigger values for corrective measures.

-
- iii. the timing and frequency of monitoring, ensuring monitoring is capable of detecting trigger values and changes in the performance indicators.
 - iv. proposed corrective measures which will be undertaken, and the timing of those measures, if trigger values are reached.
- I. include links to other relevant **plans** or conditions of approval, including state approval conditions.

The approval holder must implement the OMP approved by the **Minister** in writing until the expiry date of this approval.

*Original dated
3 November 2023*

- 6. If the **Minister** notifies the approval holder that he or she is satisfied that residual **harm** to a **protected matter** is likely to have resulted from a **launch** and/or **disposal**, the approval holder must stop the action, from the date of notification, and not recommence until an OMP has been approved in writing by the **Minister**.

*Original dated
3 November 2023*

- 7. If the OMP has not been approved by the **Minister** in writing within 8 months of the date on which the **Minister** notifies the approval holder that he or she is satisfied that residual **harm** to a **protected matter** is likely to have resulted from a **launch**, and the **Minister** notifies the approval holder that the submitted OMP is not suitable for approval, the **Minister** may, at least two months after notifying the approval holder that the submitted OMP is not suitable for approval, approve a version of the OMP revised by the **department**.

Part B – Administrative conditions

NOTIFICATION OF DATE OF COMMENCEMENT OF THE ACTION

*Original dated
3 November 2023*

- 8. The approval holder must notify the **department** electronically of the date of **commencement of the Action**, within 5 **business days** following **commencement of the Action**.

*Original dated
3 November 2023*

- 9. If the **commencement of the Action** does not occur within 5 years from the date of this approval, then the approval holder must not **commence the Action** without the prior written agreement of the **Minister**.

COMPLIANCE RECORDS

*Original dated
3 November 2023*

- 10. The approval holder must maintain accurate and complete **compliance records**.
-

Original dated 3 November 2023	11. If the department makes a request in writing, the approval holder must provide electronic copies of compliance records to the department within the timeframe specified in the request.
Original dated 3 November 2023	12. The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the <i>Guidelines for biological survey and mapped data</i> , Commonwealth of Australia 2018, or as otherwise specified by the Minister in writing.
Original dated 3 November 2023	13. The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the <i>Guide to providing maps and boundary data for EPBC Act projects</i> , Commonwealth of Australia 2021, or as otherwise specified by the Minister in writing.
ANNUAL COMPLIANCE REPORTING	
Original dated 3 November 2023	14. The approval holder must prepare a compliance report for each 12-month period following the date of this approval, or as otherwise agreed to in writing by the Minister .
Original dated 3 November 2023	15. Each compliance report must be consistent with the <i>Annual Compliance Report Guidelines</i> , Commonwealth of Australia 2014.
Original dated 3 November 2023	16. Each compliance report must include: <ul style="list-style-type: none"> <li data-bbox="571 1270 1315 1370">a. accurate and complete details of compliance and any non-compliance with the conditions and the plans, and any incidents. <li data-bbox="571 1404 1374 1505">b. A schedule of all plans in existence in relation to these conditions and accurate and complete details of how each plan is being implemented.
Original dated 3 November 2023	17. The approval holder must: <ul style="list-style-type: none"> <li data-bbox="587 1621 1347 1738">a. Publish each compliance report on the website within 60 business days following the end of the 12-month period for which that compliance report is required. <li data-bbox="587 1771 1390 1888">b. Notify the department electronically, within 5 business days of the date of publication that a compliance report has been published on the website. <li data-bbox="587 1921 1262 1998">c. Provide the weblink for the compliance report in the notification to the department.

-
- d. Keep all published **compliance reports** required by these conditions on the **website** until the expiry date of this approval.
 - e. Exclude or redact **sensitive ecological data** from **compliance reports** published on the **website** or otherwise provided to a member of the public.
 - f. If **sensitive ecological data** is excluded or redacted from the published version, submit the full **compliance report** to the **department within 5 business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website**.

Note: **Compliance reports** may be published on the **department’s** website.

REPORTING NON-COMPLIANCE

*Original dated
3 November 2023*

- 18. The approval holder must notify the **department** electronically within **2 business days** of becoming aware of any **incident** and/or potential non-compliance and/or actual non-compliance with the conditions or commitments made in a **plan**.

*Original dated
3 November 2023*

- 19. The approval holder must specify in the notification:
 - a. Any condition or commitment made in a **plan** which has been or may have been breached.
 - b. A short description of the **incident** and/or potential non-compliance and/or actual non-compliance.
 - c. The location (including co-ordinates), date, and time of the **incident** and/or potential non-compliance and/or actual non-compliance.

Note: If the exact information cannot be provided, the approval holder must provide the best information available.

*Original dated
3 November 2023*

- 20. The approval holder must provide to the **department** electronically, within **12 business days** of becoming aware of any **incident** and/or potential non-compliance and/or actual non-compliance, the details of that **incident** and/or potential non-compliance and/or actual non-compliance with the conditions. The approval holder must specify:
 - a. Any corrective action or investigation which the approval holder has already taken.
 - b. The potential impacts of the **incident** and/or non-compliance.
-

-
- c. The method and timing of any corrective action that will be undertaken by the approval holder.
-

INDEPENDENT AUDIT

*Original dated
3 November 2023*

21. The approval holder must ensure that an **independent audit** of compliance with the conditions is conducted for every five-year period following the **commencement of the Action** until this approval expires, unless otherwise specified in writing by the **Minister**.

*Original dated
3 November 2023*

22. For each **independent audit**, the approval holder must:
- a. Provide the name and qualifications of the **independent auditor**, the draft audit criteria, and proposed timeframe for submitting the **audit report** to the **department** prior to commencing the **independent audit**.
 - b. Only commence the **independent audit** once the nominated **independent auditor**, audit criteria and timeframe for submitting the **audit report** have been approved in writing by the **department**.
 - c. Submit an **audit report** to the **department** for approval within the timeframe specified and approved in writing by the **department**.
 - d. Publish each **audit report** on the **website** within 15 **business days** of the date of the **department's** approval of the **audit report**.
 - e. Keep every **audit report** published on the **website** until this approval expires.

*Original dated
3 November 2023*

23. Each **audit report** must report for the five-year period preceding that **audit report**.

*Original dated
3 November 2023*

24. Each **audit report** must be completed to the satisfaction of the **Minister** and be consistent with the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines*, Commonwealth of Australia 2019.

COMPLETION OF THE ACTION

*Original dated
3 November 2023*

25. The approval holder must notify the **department** electronically 60 **business days** prior to the expiry date of this approval, that the approval is due to expire.

*Original dated
3 November 2023*

26. Within 20 **business days** after the **completion of the Action**, and, in any event, before this approval expires, the approval holder must notify the **department** electronically of the date of **completion of the**
-

	Action and provide completion data . The approval holder must submit any spatial data that comprises completion data as a shapefile .
Part C – Definitions	In these conditions, except where contrary intention is expressed, the following definitions are used:
<i>As varied on the date this instrument was signed</i>	Anomalous debris means any debris resulting from an off-nominal flight .
<i>Original dated 3 November 2023</i>	Audit report means a written report of compliance and fulfilment of the conditions attached to this approval, objectively evaluated against the audit criteria approved by the department .
<i>Original dated 3 November 2023</i>	Business day means a day that is not a Saturday, a Sunday or a public holiday in the state of Queensland.
<i>As varied on the date this instrument was signed</i>	Charon launch vehicle means the orbital launch vehicle developed by Gilmour Space Technologies Pty. Ltd. as described in section 2 ‘Vehicle Description’ of the document <i>An Assessment of the Likely Impacts of Gilmour Space’s HFT001 on the Coral Sea Marine Park, Gilmore Space, version 1.0</i> (Gilmour Space, 17 October 2024).
<i>Original dated 3 November 2023</i>	Commence the Action or Commencement of the Action means the date on which the first instance of any activity associated with the Action is undertaken.
<i>Original dated 3 November 2023</i>	Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met. The department’s preferred spatial data format is shapefile .
<i>Original dated 3 November 2023</i>	Completion of the Action means the date on which all activities associated with this approval have permanently ceased and/or been completed.
<i>Original dated 3 November 2023</i>	Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder’s possession, or that are within the approval holder’s power to obtain lawfully.
<i>Original dated 3 November 2023</i>	Compliance report means a written report of compliance with, and fulfilment of, the conditions attached to the approval.
<i>As varied on the date this instrument was signed</i>	Debris means any materials generated from an Eris launch vehicle or a Charon launch vehicle which enters the Park or Licence Area and is generally made up of materials described in schedule 1 (Table 1 Bowen Orbital Spaceport Public Environment Report V6).

<i>Original dated 3 November 2023</i>	Deepwater trough refers to the geomorphic area within the Townsville Trough (between the Queensland Plateau and Marion Plateau) of the Coral Sea Marine Park.
<i>Original dated 3 November 2023</i>	Department means the Australian Government agency responsible for administering the EPBC Act .
<i>As varied on the date this instrument was signed</i>	Disposal or dispose of means the entry of any part of an Eris launch vehicle or Charon launch vehicle into or onto the ocean.
<i>Original dated 3 November 2023</i>	Environmental Management Plan Guidelines means the <i>Environmental Management Plan Guidelines</i> , Commonwealth of Australia 2014.
<i>Original dated 3 November 2023</i>	EPBC Act Environmental Offsets Policy means the <i>Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy</i> , Commonwealth of Australia 2012.
<i>Original dated 3 November 2023</i>	Eris launch vehicle means the orbital launch vehicle developed by Gilmour Space Technologies Pty. Ltd. As described in schedule 1 (Section 1.4 Bowen Orbital Spaceport Public Environment Report V6).
<i>Original dated 3 November 2023</i>	Harm means any event which has the potential to, or does, harm any protected matter .
<i>Original dated 3 November 2023</i>	<p>Impact band means the scheduled debris disposal area, represented in <u>Attachment B</u> by the zone enclosed within the solid black line designated ‘Impact Band Southernmost Canyon’, or any other area:</p> <ul style="list-style-type: none"> a) within the deepwater trough in the Coral Sea Marine Park; and b) defined as a ‘Licence Area’ in the Commercial Activity Licence issued by the Director of National Parks in relation to the approved action.
<i>Original dated 3 November 2023</i>	Incident means any event which has the potential to, or does, impact on any protected matter .
<i>Original dated 3 November 2023</i>	<p>Independent means a person or firm who does not have any individual, financial*, employment* or family affiliation or any conflicting interests with the project, the approval holder or the approval holder’s staff, representatives, or associated persons.</p> <p>*Other than for the purpose of undertaking the role for which an independent person is required.</p>
<i>Original dated 3 November 2023</i>	Independent audit means an audit conducted by an independent and suitably qualified person as detailed in the <i>Environment Protection and</i>

Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines, Commonwealth of Australia 2019.

As varied on the date this instrument was signed

Intact means, in the context of the **disposal** of **scheduled debris** or **anomalous debris**, the S102, S103, and s104 airframe components of any **ERIS launch vehicle** (as shown at [Attachment C](#)) and the S02, S03, S04 and S05 airframe components of any **Charon launch vehicle** (as shown at Attachment D) remaining connected, regardless of whether any fuel chambers or associated electric pumps from within the S101 or S01 airframe separate from the S102 or S02 airframe upon impact with the ocean.

As varied on the date this instrument was signed

Launch means the launch of the whole or a part of an **Eris launch vehicle** or a **Charon launch vehicle** into an area beyond the distance of 100 km above mean sea level, or attempt to do so.

*Original dated
3 November 2023*

Launch facility means the Bowen Orbital Spaceport facility, specifically designed and constructed as a facility or place from which small class orbital launch vehicles can be launched, represented on the map at [Attachment A](#) by the zone enclosed by the white line designated 'Lot 10 Boundary'.

As varied on the date this instrument was signed

Licence Area means the area within the Coral Sea Marine Park specified in a Commercial Activity Licence issued by the Commonwealth Director of National Parks in relation to the Action.

*Original dated
3 November 2023*

Minister means the Australian Government Minister administering the **EPBC Act**, including any delegate thereof.

*Original dated
3 November 2023*

Monitoring data means the data required to be recorded under the conditions of this approval.

As varied on the date this instrument was signed

Nominal flight means a **launch** that operated as planned or intended.

As varied on the date this instrument was signed

Off-nominal flight means a **launch** that did not operate as planned or intended, including deviation from the planned trajectory, aerodynamic breakup or flight termination.

*Original dated
3 November 2023*

Plan means any action management plan or strategy that the approval holder is required by these conditions to implement.

*Original dated
3 November 2023*

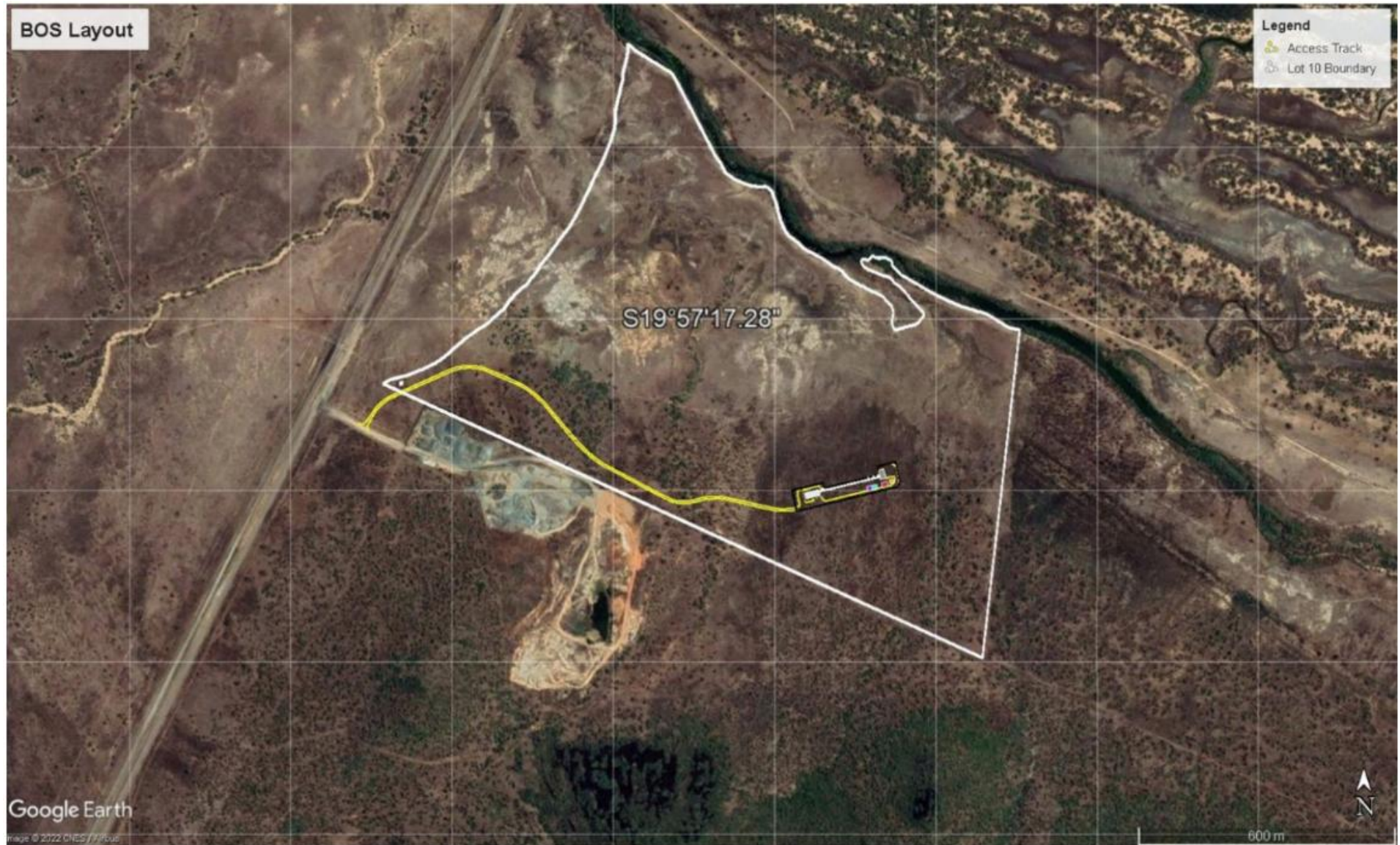
Protected matter means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

As varied on the date this instrument was signed

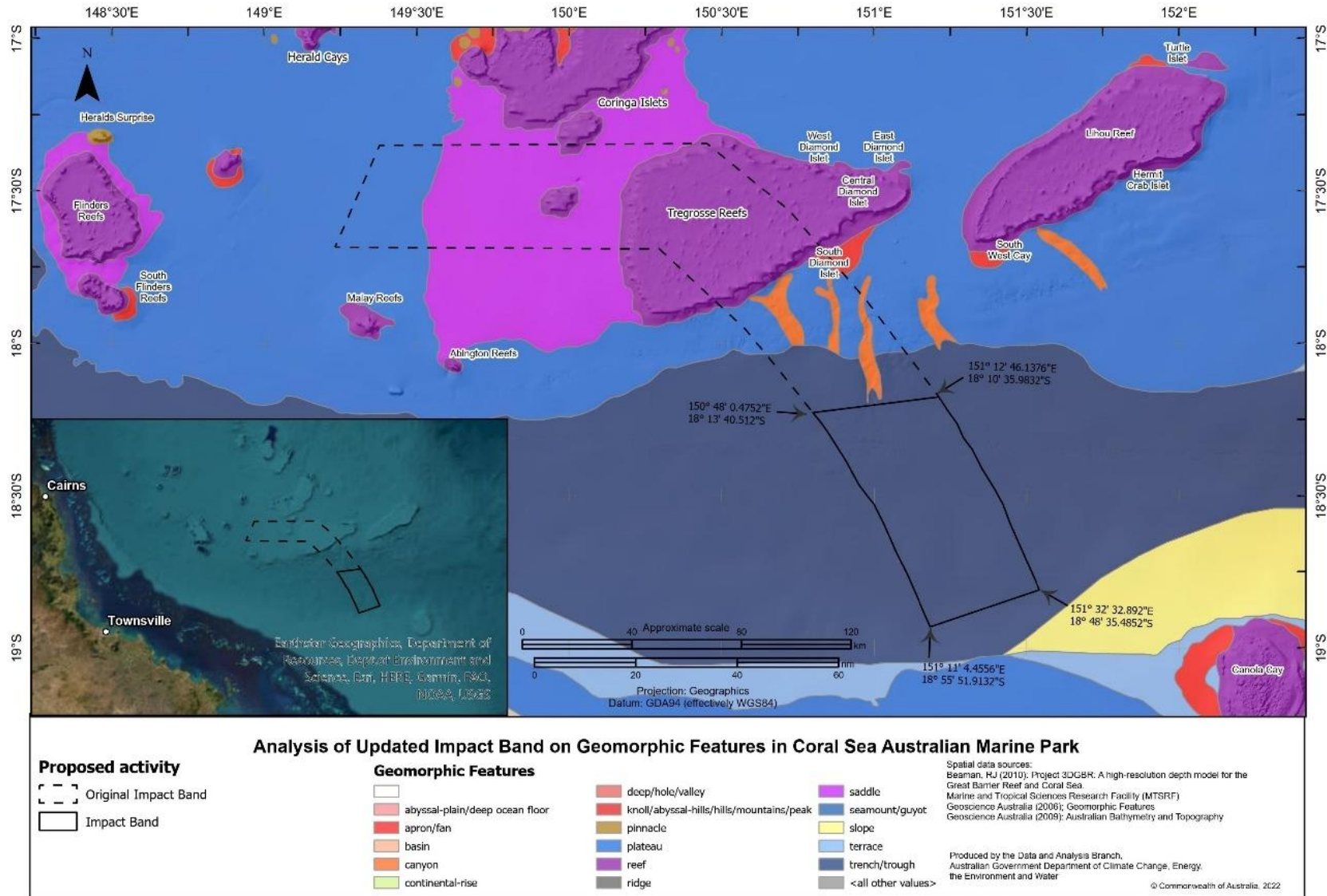
Scheduled Debris means any **debris** resulting from a **nominal flight** and separation of booster stages that is disposed of within the **impact band**.

<p><i>Original dated 3 November 2023</i></p>	<p>Sensitive ecological data means data as defined in the Australian Government Department of the Environment <i>Sensitive Ecological Data – Access and Management Policy V1.0</i>, Commonwealth of Australia 2016.</p>
<p><i>Original dated 3 November 2023</i></p>	<p>Shapefile means location and attribute information of the Action provided in an Esri shapefile format containing:</p> <ul style="list-style-type: none"> a) '.shp', '.shx', '.dbf' files. b) a '.prj' file that specifies the projection/geographic coordinate system used. c) an '.xml' metadata file that describes the shapefile for discovery and identification purposes.
<p><i>Original dated 3 November 2023</i></p>	<p>Suitably qualified expert means a person who has relevant professional qualifications in writing and at least three years' experience and implementing offset management plans with knowledge of the conservation management requirements of the protected matters.</p>
<p><i>Original dated 3 November 2023</i></p>	<p>Suitably qualified person means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.</p>
<p><i>Original dated 3 November 2023</i></p>	<p>Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.</p>
<p>Attachments</p>	
<p><i>Original dated 3 November 2023</i></p>	<p>1. <u>Attachment A</u> – Launch Facility</p>
<p><i>Original dated 3 November 2023</i></p>	<p>2. <u>Attachment B</u> – Impact Band</p>
<p><i>Original dated 3 November 2023</i></p>	<p>3. <u>Attachment C</u> – Eris Launch Vehicle Stage 1</p>
<p><i>As varied on the date this instrument was signed</i></p>	<p>4. <u>Attachment D</u> – Charon Launch Vehicle</p>

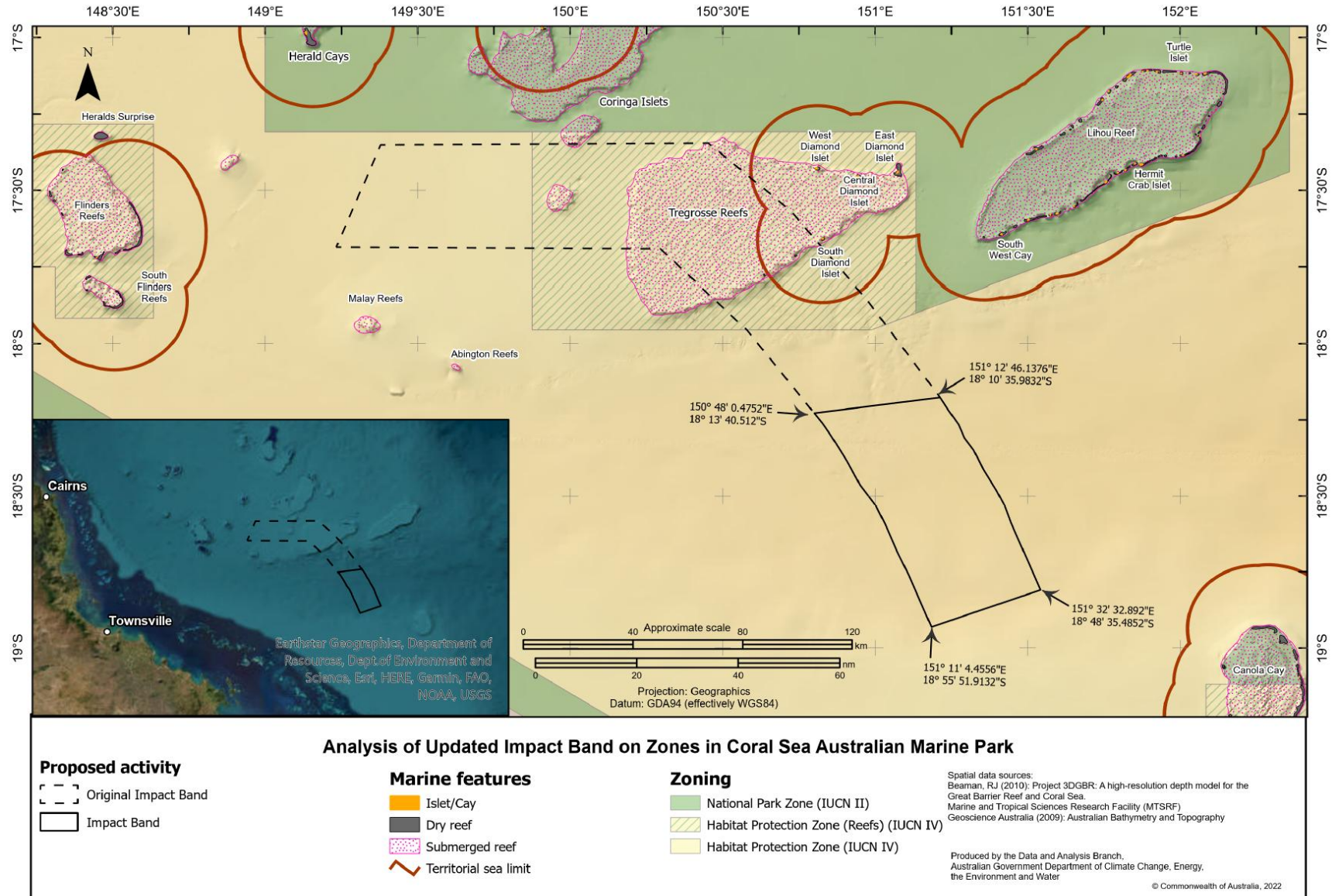
Attachment A – Launch Facility



Attachment B – Impact Band



MAP ID: MAR20230414_3



MAP ID: MAR20230414_3

Attachment C – ERIS launch vehicle Stage 1

S101 Airframe

Hybrid rocket engines

S102 Airframe

Electric subsystem

S103 Airframe

Oxidiser tank

S104 Airframe

Transition section



Attachment D – Charon launch vehicle

