



Notification of approval decision

Whalers Way Orbital Launch Complex, SA (EPBC 2021/9013)

This decision is made under section 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Note that section 134(1A) of the EPBC Act also applies to this approval. That provision provides, in general terms, that if the approval holder authorises another person to undertake any part of the Action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such conditions.

Approved Action

person to whom the approval is granted (approval holder)	SOUTHERNLAUNCH.SPACE PTY LTD ACN: 621 420 504
Action	To construct and operate a facility to launch orbital and suborbital rockets from Whalers Way, on the southern tip of the Eyre Peninsula, South Australia. [See EPBC Act referral 2021/9013 subject to the variation of the proposed Action accepted by the Minister under section 156B on 8 September 2023].

Approval decision

decision	My decision on whether or not to approve the taking of the Action for the purposes of each controlling provision for the Action are as follows.	
	Controlling Provision	Decision
	Listed threatened species and communities (section 18 and section 18A)	Approved
	Listed migratory species (section 20 and section 20A)	Approved
	Commonwealth marine area (section 23 and section 24A)	Approved
period for which the approval has effect	This approval has effect until 25 October 2068.	

conditions of approval The approval is subject to conditions under the EPBC Act as set out in Annexure A.

Person authorised to make decision

name and position Kylie Calhoun
Branch Head
Environment Assessments West

signature



date of decision 25 October 2024

Annexure A

Note: Words and terms appearing in **bold** (excluding headings) have the meaning assigned to them at **Part C – Definitions**.

Part A – Avoidance, mitigation, and compensation conditions

CLEARING LIMITS

- 1) The approval holder must not:
 - a) **clear** outside of the **Action area**
 - b) **construct** outside of the **Action area**.
- 2) The approval holder must not **clear** more than 23.4 hectares (ha) of **Southern Emu-wren (Eyre Peninsula) habitat**.
- 3) The approval holder must not **clear** more than 23.4 ha of **Mallee Whipbird habitat**.
- 4) The approval holder must not **clear** any **Southern Emu-wren (Eyre Peninsula) habitat** or **Mallee Whipbird habitat** during the **breeding season**.

LAUNCH SPECIFICATIONS

- 5) The approval holder must:
 - a) not **launch** from outside of the **launch facility**.
 - b) not **launch** more than 36 **orbital rockets** in any one calendar year.
 - c) not **launch** more than 6 **sub-orbital rockets** in any one calendar year.
 - d) not **launch** more than 6 **rockets** outside of **daylight hours** in any one calendar year.

- e) not undertake more than 10 **rocket engine tests** in any one calendar year.
- f) not generate any noise level exceeding 140 decibels (L_{Amax}) as measured 60 meters from the **launch pad** at which the noise is generated.
- g) not generate any noise level exceeding 90 decibels (L_{Amax}) as measured at any shoreline located south of the **Action area**, along the coast from **Flinders Crevasse** to **Cape Wiles** and surrounding **Liguanea Island**.
- h) not **dispose** of any **debris** in an **Australian Marine Park** unless authorised to do so by the **Director of National Parks**.
- i) ensure that **Liguanea Island** is never within a **Three-sigma drop zone** of the **launch** of a **rocket**.
- j) ensure that at least one **Marine Mammal Observer** monitors for **Southern Right Whale** and **Blue Whale** in the marine waters within 1.5 km of the shoreline located south of the **Action area** from **Flinders Crevasse** to **Cape Wiles** for at least 30 minutes immediately prior to each proposed **launch**.
- k) not **launch** if any **Southern Right Whale** or **Blue Whale** is present within 1.5 km of the shoreline located south of the **Action area** from **Flinders Crevasse** to **Cape Wiles**.
- l) not **launch** on any day for which a fire rating of **Extreme** or **Catastrophic** has been declared by the **South Australian Country Fire Service**.
- m) not **launch** during the **Lower Eyre Peninsula Fire Danger Season** unless a permit has been provided by the **South Australian Country Fire Service** in writing for that specific **launch**.

ACTION MANAGEMENT PLANS

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

- 6) The approval holder must submit a CEMP to the **department** for the **Minister's** approval to protect, mitigate and repair **harm** to **protected matters**. In preparing the CEMP the approval holder must consider, but is not limited to, the following documents:
 - a) **Survey guidelines for Australia's threatened birds**,
 - b) Relevant **Conservation Advice**, Recovery Plans and Threat abatement Plans,
 - c) **National Light Pollution Guidelines for Wildlife**.
- 7) The approval holder must not **commence the Action** unless the **Minister** has approved the CEMP in writing. The approval holder must implement the approved CEMP throughout **construction**.
- 8) By implementing the CEMP, the approval holder must achieve the following environmental outcomes during **construction**:
 - a) prevent any avoidable **harm** to **protected matters**,

- b) mitigate and remediate unavoidable and accidental **harm to protected matters**.
- 9) The CEMP must be prepared by a **suitably qualified ecologist**. All commitments, including environmental outcomes, management measures, corrective measures, trigger values and performance indicators in the CEMP must be **SMART** and based on referenced documents or included evidence of effectiveness. The CEMP must be consistent with the **Environmental Management Plan Guidelines**, and must include:
- a) details of the relevant **protected matters** and a reference to **EPBC Act** approval conditions to which the **plan** refers,
 - b) a table of commitments made in the **plan** to achieve the environmental outcomes, and a reference to exactly where these commitments are detailed in the plan,
 - c) commitments capable of ensuring that the environmental outcomes are achieved,
 - d) fire management measures related to **construction** prepared and developed in consultation with the **South Australian Country Fire Service (SA CFS)**,
 - e) an assessment of risks relating to achieving the environmental outcomes and risk management strategies and/or mitigation measures that will be applied to address identified risks,
 - f) impact avoidance, mitigation and/or repair measures, and the timing of those measures,
 - g) a Monitoring, Evaluation and Reporting framework that includes, but is not limited to:
 - i) noise monitoring during **construction** as specified in the approved Noise Monitoring Program required under condition 17,
 - ii) monitoring and analysis of actions to continually improve the effectiveness of fire prevention, preparedness, response and recovery as they relate to **construction** activities,
 - iii) fire **incident** reporting consistent with **SA CFS** performance standards,
 - iv) performance indicators,
 - v) trigger values for corrective measures,
 - vi) the timing and frequency of monitoring, ensuring monitoring is capable of detecting trigger values and changes in the performance indicators,
 - vii) monitoring and analysis on the effectiveness of mitigation and corrective measures,
 - viii) any other specific monitoring measures required to ensure actions to achieving the environmental outcomes and risk management strategies are being achieved.
 - h) links to other relevant plans or conditions of approval (including state approval conditions).

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN (OEMP)

- 10) The approval holder must submit an OEMP to the **department** for the **Minister's** approval to protect, mitigate and repair **harm** to **protected matters**. In preparing the OEMP the approval holder must consider, but is not limited to, the following documents:
 - a) **Survey guidelines for Australia's threatened birds**,
 - b) Relevant **Conservation Advice**, Recovery Plans and Threat abatement Plans,
 - c) **National Light Pollution Guidelines for Wildlife**.
- 11) The approval holder must not **launch** any **rocket** unless the **Minister** has approved the OEMP in writing. The approval holder must implement the approved OEMP until the **completion of the Action**.
- 12) By implementing the OEMP, the approval holder must achieve the following environmental outcomes during the operational phase of the Action:
 - a) prevent any avoidable **harm** to **protected matters**,
 - b) mitigate and remediate unavoidable and accidental **harm** to **protected matters**.
- 13) The OEMP must be prepared by a **suitably qualified ecologist**. All commitments, including environmental outcomes, management measures, corrective measures, trigger values and performance indicators in the OEMP must be **SMART** and based on referenced or included evidence of effectiveness. The OEMP must be consistent with the **Environmental Management Plan Guidelines**, and must include:
 - a) details of the relevant **protected matters** and a reference to **EPBC Act** approval conditions to which the **plan** refers,
 - b) a table of commitments made in the **plan** to achieve the environmental outcomes, and a reference to exactly where these commitments are detailed in the plan,
 - c) commitments capable of ensuring that the environmental outcomes are achieved,
 - d) fire management measures related to **launch operation** prepared and developed in consultation with the **SA CFS**,
 - e) details of how the approval holder will maintain a level of firefighting capability to provide effective initial response to fires,
 - f) an assessment of risks relating to achieving the environmental outcomes and risk management strategies and/or mitigation measures that will be applied to address identified risks,
 - g) impact avoidance, mitigation and/or repair measures, and the timing of those measures,
 - h) a Monitoring, Evaluation and Reporting framework that includes, but is not limited to:
 - i) noise monitoring during **launch operation** as specified in the approved Noise Monitoring Program required under condition 17,

- ii) native vegetation management and monitoring as specified in the approved Native Vegetation Management and Monitoring Plan required under condition 19,
 - iii) monitoring and analysis of actions to continually improve the effectiveness of fire prevention, preparedness, response and recovery as they relate to **launch operations**,
 - iv) fire **incident** reporting consistent with **South Australian Country Fire Service** performance standards,
 - v) reporting of **rocket** componentry for each **launch**, including constituent chemicals and propellants and quantities,
 - vi) Monitoring of **Eastern Osprey** and **White-bellied Sea Eagle** nest usage within the **Action area**,
 - vii) performance indicators,
 - viii) trigger values for corrective measures,
 - ix) limits that the approval holder commits to not exceed,
 - x) the timing and frequency of monitoring, ensuring monitoring is capable of detecting trigger values and changes in the performance indicators,
 - xi) monitoring and analysis on the effectiveness of mitigation and corrective measures,
 - xii) any other specific monitoring measures required to ensure actions to achieving the environmental outcomes and risk management strategies are being achieved,
 - xiii) links to other relevant plans or conditions of approval (including state or territory approval conditions).
- 14) If the approval holder detects that a limit specified in the approved OEMP has been exceeded, the approval holder must notify the **department** in writing of this **incident** in accordance with conditions 55 and 56.

REHABILITATION AND DECOMMISSIONING MANAGEMENT PLAN (RDMP)

- 15) To ensure adequate rehabilitation within the **Action area**, the approval holder must submit a RDMP to the **department** for the **Minister's** approval no more than 5 years after the **commencement of the Action**. The approval holder must not **launch** more than 150 **rockets** unless the **Minister** has approved the RDMP in writing. The approval holder must implement the approved RDMP until the **completion of the Action**.
- 16) The RDMP must include, but is not limited to:
- a) Details and schedule of the rehabilitation management measures that will be implemented by the approval holder to return all of the **Action area** to **Mallee Whipbird habitat** and **Southern Emu-wren (Eyre Peninsula) habitat** of the same or better **habitat quality** and form as it had immediately prior to the **commencement of the Action**.

- b) a commitment to regularly report to the **department** on any rehabilitation activities undertaken during and post-**construction**, and during and post-**launch operation**, including an assessment of their effectiveness and details of what monitoring, evaluation and reporting will be undertaken and when.

NOISE MONITORING PLAN (NMP)

- 17) The approval holder must submit a NMP for the **construction** and **launch operation** phases of the Action to the **department** for the **Minister's** approval to protect and mitigate **harm** to **protected matters** caused by noise. The NMP must be prepared by a **suitably qualified person** and must be consistent with the **Environmental Management Plan Guidelines**, and include, but not be limited to:
 - a) measures to consistently measure noise generated by the Action.
 - b) spatial representation of potential impact zones for permanent threshold shift, temporary threshold shift, masking and physiological and behavioural responses to noise generated by the Action.
 - c) definition of the areas of noise impact and their levels of severity.
 - d) monitoring and analysis of noise impacts to **protected matters** during **construction** and **launch operations**.
 - e) a Monitoring Evaluation and Reporting Framework that must include, but is not limited to:
 - i) performance indicators,
 - ii) trigger values for corrective measures,
 - iii) the timing, frequency and location of monitoring, ensuring monitoring is capable of detecting trigger values and changes in the performance indicators,
 - iv) monitoring and analysis on the effectiveness of mitigation and corrective measures,
 - v) any other specific monitoring measures required to ensure the Action will not **harm protected matters** and risk management strategies are being achieved,
 - vi) having a **suitably qualified field ecologist** monitor for any detrimental behavioural changes by any **Australian Sea Lion** on the shorelines located south of the **Action area** from **Flinders Crevasse** to **Cape Wiles** and the marine waters within 1.5 km of this shoreline for at least 30 minutes prior to and after each **launch**.
 - vii) details of how a peer reviewed scientific report (or reports) prepared by a **suitably qualified field ecologist** that analyses the impact of noise arising from the Action on **Australian Sea Lion**, will be provided to the **department** 3 months after the third **breeding season** following the **commencement of launch operations** and at 5 yearly intervals thereafter,

- viii) details of how a peer reviewed scientific report (or reports) prepared by a **suitably qualified bird ecologist** that analyses the impact of noise arising from the Action on **Southern Emu-wren (Eyre Peninsula)** and **Mallee Whipbird** will be provided to the **department** 3 months after the third **breeding season** following the **commencement of launch operations** and at 5 yearly intervals thereafter,
 - ix) links to other relevant plans or conditions of approval (including state approval conditions).
- 18) The approval holder must not **launch** any **rockets** unless the **Minister** has approved the NMP in writing. The approval holder must implement the NMP approved by the **Minister** from the **commencement of the Action** until the **completion of the Action**.

NATIVE VEGETATION MANAGEMENT AND MONITORING PLAN (NVMP)

- 19) The approval holder must submit a NVMP to the **department** for the **Minister's** approval to protect and mitigate **harm** to **protected matters** from vegetation **clearance**. The NVMP must be prepared by a **suitably qualified ecologist**.
- 20) The approval holder must not **commence the Action** unless the **Minister** has approved the NVMP in writing. The approval holder must implement the NVMP approved by the **Minister** from the **commencement of the Action** until the **completion of the action**. The **NVMP** must be prepared in consultation with the **SA Department for Environment and Water**.
- 21) The NVMP must include, but is not limited to:
- a) Spatially representation of the area of potential impact of habitat contamination from **launch** activities.
 - b) Fire and emergency management measures to maximise the effectiveness of fire prevention, preparedness, responses and recovery of habitat for **protected matters** and developed in consultation with **SA CFS**.
 - c) Rehabilitation plans and corrective measures in the event of habitat loss caused by operations.
 - d) A Monitoring, Evaluation and Reporting framework that includes, but is not limited to:
 - i) performance indicators,
 - 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) monitoring and analysis of the effectiveness of mitigation and corrective measures,
 - v) any other specific monitoring measures required to ensure the Action will not degrade habitat for **protected matters** outside the **clearance** limits specified in conditions 1, 2, 3 and 4.

- vi) links to other relevant plans or conditions of approval (including state approval conditions).

OFFSET MANAGEMENT PLAN (OMP)

- 22) To compensate for the residual significant impacts of the Action on **Southern Emu-wren (Eyre Peninsula)** and **Mallee Whipbird**, prior to **commencement of the Action**, the approval holder must submit to the **department** for approval by the **Minister** an Offset Management Plan (OMP).
- 23) The approval holder must not **commence the Action** unless the OMP has been approved in writing by the **Minister**. The approval holder must commence implementing the approved OMP no later than the **commencement of the Action** and continue to implement the approved OMP until the **completion of the action**.
- 24) The OMP must meet the requirements of the **Environmental Offsets Policy** and the **Environmental Management Plan Guidelines** to the satisfaction of the **Minister**. All commitments, including environmental outcomes, management measures, corrective actions, trigger values and performance indicators in the OMP must be **SMART** and based on referenced or included evidence of effectiveness. The OMP must be prepared by a **suitably qualified ecologist** and must include, but is not limited to:
 - a) detailed information on the residual impacts to **protected matters** that will be compensated for by the offset (comprising both the securement of all offset sites and the **habitat quality** improvements to be achieved each offset site), including all areas of habitat, and the **habitat quality**, for **protected matters** at all locations impacted by the Action which the offset is to address,
 - i) the relevant **protected matters** and a reference to the **EPBC Act** approval conditions to which the OMP refers,
 - ii) detailed information and a shapefile specifying the location, area and boundaries of each proposed offset site,
 - iii) detailed baseline information on the areas of the habitat, and the **habitat quality**, for protected matters at each offset site,
 - iv) achievable offset outcomes, relevant to the conservation of **Southern Emu-wren (Eyre Peninsula)** and **Mallee Whipbird**, for each proposed offset site and the timeframes in which they will be achieved, including the outcomes to be achieved at each offset site within 15 years of commencing implementation of the approved OMP,
 - v) a table summarising all commitments to achieve the offset outcomes for protected matters at each offset site and a reference to where each commitment is detailed in the OMP,

- vi) reporting and review mechanisms to inform the **department** annually regarding compliance with the implementation of management measures and the attainment and maintenance of the offset outcomes,
 - vii) an assessment of risks to achieving each offset outcome and what risk management measures and/or strategies will be applied to address these,
- b) a monitoring and evaluation program, which must specify:
- i) measurable performance indicators and the timeframes for their achievement to gauge attainment of each offset outcome for the **protected matters**.
 - ii) trigger values for corrective actions, and
 - iii) the proposed timing (including season/time of day/frequency) methods and effort, and an explanation of how these will be effective for this purpose, of monitoring to detect trigger values, changes in the performance indicators and to gather evidence that effectively demonstrates actual progress towards, attainment of and maintenance of all offset outcomes for the **protected matters**,
 - iv) corrective actions to be implemented to ensure all offset outcomes for the **protected matters** are achieved or maintained if trigger values are reached or performance indicators not achieved in the specified timeframes,
 - v) references to related plans and conditions of approval (including state approval conditions), and
 - vi) how each offset site will be protected, including **securement**, and all offset outcomes maintained or improved, at least until the expiry of this approval.
- 25) Within 5 **business days** of commencing implementation of the approved OMP, the approval holder must notify the **department** of the date on which implementation of the OMP commenced.

OFFSET SITE SECUREMENT

- 26) To compensate for the residual impacts of the Action on **Southern Emu-wren (Eyre Peninsula)** and **Mallee Whipbird**, the approval holder must not **commence the Action** unless all offset sites specified in the approved OMP have been **secured**.
- 27) The approval holder must notify and provide evidence to the **department** in writing within 5 **business days** of each offset site being **secured**.

OFFSET ACHIEVEMENT OF OUTCOMES

- 28) The approval holder must achieve all offset outcomes for each offset site specified in the approved OMP by the time specified in the approved OMP, unless otherwise agreed in writing by the **Minister** prior to the specified time. Once achieved, the approval holder must maintain or exceed the offset outcomes at least until the **completion of the action**.

- 29) The approval holder must, within 40 **business days** of the of the 15th anniversary of the date of commencing implementation of the approved OMP:
- a) have each offset site assessed by an **independent suitably qualified bird ecologist** to determine if the offset outcomes have been achieved,
 - b) submit to the **department** a report prepared by the **independent suitably qualified bird ecologist** detailing the presence of **Southern Emu-wren (Eyre Peninsula)** and **Mallee Whipbird** and the **habitat quality** of their habitat within each offset site at the time of the assessment, and
 - c) notify the **department** in writing of any offset outcomes that has not been achieved at any offset site and, if any offset outcome has not been achieved, the likely reason(s) for this.

Part B – Administrative conditions

REVISION OF ACTION MANAGEMENT PLANS

- 30) The approval holder may, at any time, apply to the **Minister** for a variation to an action management plan approved by the **Minister** or as subsequently revised in accordance with the following conditions, by submitting an application in accordance with the requirements of section 143A of the **EPBC Act**. If the **Minister** approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of any previous version of the action management plan.
- 31) The approval holder may choose to revise an action management plan approved by the **Minister** under condition 6, 10, 15, 17 or 19 or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the Action in accordance with the RAMP would not be likely to have a **new or increased impact**.
- 32) If the approval holder makes the choice under condition 31 to revise an action management plan without submitting it for approval, the approval holder must:
- a) notify the **department** electronically that the approved action management plan has been revised and provide the **department** with:
 - i) an electronic copy of the RAMP,
 - ii) an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP,
 - iii) an explanation of the differences between the approved action management plan and the RAMP,
 - iv) the reasons the approval holder considers that taking the Action in accordance with the RAMP would not be likely to have a new or increased impact,

- v) written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 business days after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the **department**.
 - b) subject to condition 34, implement the RAMP from the RAMP implementation date.
- 33) The approval holder may revoke its choice to implement a RAMP under condition 31 at any time by giving written notice to the **department**. If the approval holder revokes the choice under condition 31, the approval holder must implement the action management plan in force immediately prior to the revision undertaken under condition 31.
- 34) If the **Minister** notifies the approval holder that the **Minister** is satisfied that the taking of the Action in accordance with the RAMP would be likely to have a **new or increased impact**, then:
- a) condition 31 does not apply, or ceases to apply, in relation to the RAMP.
 - b) the approval holder must implement the action management plan specified by the **Minister** in the notice.
- 35) At the time of giving the notice under condition 34, the **Minister** may also notify that for a specified period of time, condition 31 does not apply for one or more specified action management plans.

Note: Conditions 31-35 are not intended to limit the operation of section 143A of the **EPBC Act** which allows the approval holder to submit a revised action management plan, at any time, to the **Minister** for approval.

SUBMISSION AND PUBLICATION OF PLANS

- 36) Wherever these conditions require the approval holder to submit any **plan** to the **department**, all such **plans** must be submitted to the **department** electronically.
- 37) Unless otherwise agreed to in writing by the **Minister**, the approval holder must publish each **plan** on the **website** within 15 **business days** of the date:
- a) the **plan** is approved by the **Minister** in writing, if the **plan** requires the approval of the **Minister**,
 - b) the **plan** is submitted to the **department** in accordance with a requirement of these conditions, if the **plan** does not require the approval of the **Minister**.
- 38) The approval holder must keep all **plans** published on the **website**, in a format that is easily accessible and downloadable, from the first date which that **plan** must be published and until the expiry date of this approval. This requirement applies to all current and superseded versions of **plans**.
- 39) The approval holder is required to exclude or redact **sensitive biodiversity data** from any version of a **plan** before that **plan** is published on the **website** or otherwise provided to a member of the public. If **sensitive biodiversity data** is excluded or redacted from a **plan**, the

approval holder must notify the **department** in writing what exclusions and redactions have been made in the version published on the **website**.

COMMENCEMENT OF THE ACTION

- 40) 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**.
- 41) The approval holder must not **commence the Action** later than 5 years after the date of this approval decision.

COMMENCEMENT OF LAUNCH OPERATIONS

- 42) The approval holder must notify the **department** electronically of the date of **commencement of launch operations** within 5 **business days** following **commencement of launch operations**.

COMPLIANCE RECORDS

- 43) The approval holder must maintain accurate and complete **compliance records** and document the procedure for recording and storing **compliance records**.
- 44) 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.

Note: **Compliance records** may be subject to audit by the **department**, or by an **independent auditor** in accordance with section 458 of the **EPBC Act**, and/or be used to verify compliance with the conditions. Summaries of the results of an audit may be published on the **department's** website or through the general media.

- 45) The approval holder must ensure that any **monitoring data**, surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guidelines for biological survey and mapped data*, Commonwealth of Australia 2018, or as otherwise specified by the **Minister** in writing.
- 46) The approval holder must ensure that any **monitoring data**, surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guide to providing maps and boundary data for EPBC Act projects*, Commonwealth of Australia 2021, or as otherwise specified by the **Minister** in writing.
- 47) The approval holder must submit all **monitoring data**, surveys, maps, other spatial and metadata and all species occurrence record data (sightings and evidence of presence) electronically to the **department** within 20 **business days** of the next anniversary of the date of this **approval decision** except where otherwise specified in a **plan**.

ANNUAL COMPLIANCE REPORTING

- 48) The approval holder must prepare a **compliance report** for each **Annual Compliance Report period (ACR period)**.
- 49) The approval holder must ensure each **compliance report** includes:
 - a) accurate and complete details of compliance and any non-compliance with:

- i) each condition attached to this approval decision, and
 - ii) all commitments made in each **plan**,
 - b) a schedule of all **plans** in effect in relation to these conditions during the **ACR period**,
 - c) accurate and complete details of how each **plan** was implemented during the **ACR period**, and
 - d) if any **incident** occurred, accurate and complete details of each **incident**.
- 50) The approval holder must ensure each **compliance report** is completed to the satisfaction of the **Minister** and is consistent with the *Annual Compliance Report Guidelines*, Commonwealth of Australia 2023.
- 51) The approval holder must, within 20 **business days** following the end of each **ACR period**, in a format that is easily accessible and downloadable, publish on the **website**:
- a) each **compliance report**, and
 - b) a **shapefile** showing all **clearing of protected matters**, and their habitat, undertaken within the **ACR period**.
- 52) The approval holder must:
- a) exclude or redact **sensitive biodiversity data** from each **compliance report** and **shapefile** published on the **website** or otherwise provided to a member of the public.
 - b) if **sensitive biodiversity data** is excluded or redacted from a version of a **compliance report** published or otherwise provided to a member of the public, 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** or otherwise provided to a member of the public.
 - c) if **sensitive biodiversity data** is excluded or redacted from a version of a **shapefile** published or otherwise provided to a member of the public, submit the full **shapefile** 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** or otherwise provided to a member of the public.
- 53) The approval holder must notify the **department** electronically, within 5 **business days** of each date of publication that the **compliance report** has been published on the **website**. In this notification, the approval holder must provide the **department** with the web address for where the **compliance report** and related **shapefile** are published on the **website**.
- 54) The approval holder must keep each **compliance report** and related **shapefile** published on the **website** from the first date which that **compliance report** must be published and until the expiry date of this approval.

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

REPORTING NON-COMPLIANCE

- 55) The approval holder must notify the **department** electronically, within 2 **business days** of becoming aware of any **incident**. The approval holder must specify in each notification:
- a) any condition or commitment made in a **plan** which has not been, or may have not been, complied with,
 - b) a short description of the **incident**, and
 - c) the location (if applicable, including co-ordinates), date and time of the **incident**.
- 56) The approval holder must provide to the **department** in writing, within 12 **business days** of becoming aware of an **incident**, the details of that **incident**. The approval holder must specify:
- a) all corrective measures and investigations which the approval holder has already taken in respect of the **incident**,
 - b) the potential impacts of the **incident**,
 - c) the method and timing of any corrective measures that the approval holder proposes to undertake to address the **incident**, and
 - d) any variation of these conditions or revision of a **plan** that will be required to prevent recurrence of the **incident** and/or to address its consequences.

INDEPENDENT AUDIT

- 57) The approval holder must:
- a) ensure that an **independent audit** of compliance with the conditions is conducted for every **audit period**.
 - b) submit details of the proposed **independent auditor** and their qualifications to the **department** within 10 **business days** following the end of each **audit period**.
 - c) ensure the scope of each **independent audit** is sufficient to determine the compliance status for each condition of approval, and each commitment made in each **plan**.
 - d) ensure the criteria for each **independent audit** and the undertaking of each **independent audit** are consistent with the **Independent Audit and Audit Report Guidelines**.
 - e) submit an **audit report** to the **department** for written agreement from the **department** within 3 months following the end of each **audit period**, or as otherwise directed by the **Minister** in writing.
 - f) ensure each **audit report** is completed to the satisfaction of the **Minister** and is consistent with the **Independent Audit and Audit Report Guidelines** to the extent that the Guidelines are consistent with these conditions.

- g) publish each **audit report** on the **website**, in a format that is easily accessible and downloadable, within 10 **business days** of the date the **department** agrees to that **audit report** in writing.
- h) notify the **department** within 5 **business days** of the date the **audit report** is published on the **website**. In this notification, the approval holder must provide the **department** with the web address for where the **audit report** is published on the **website**.
- i) keep each **audit report** published on the **website** from the first date which that **audit report** must be published and until the expiry date of this approval.

COMPLETION OF THE ACTION

- 58) Within 20 **business days** after the **completion of the Action**, and, in any event, at least 20 **business days** 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**.
- 59) 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.

Note: Section 145C of the **EPBC Act** entitles the approval holder to request an extension to the period of effect of this approval.

Part C – Definitions

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

Action area means the location of the Action, represented in Attachment A by the zones enclosed or covered by the following lines: the orange line designated ‘Proposed Action Area’, the yellow lines designated ‘Construction Zone’, the blue line designated ‘Existing Road Minor Upgrade’, the green lines designated ‘New Road’, and the pink line designated ‘Upgraded Access Road’.

Annual Compliance Report period or **ACR period** means each subsequent 12-month period following the date of this approval decision until the expiry date of this approval, unless otherwise specified in writing by the **Minister**.

Audit period means each subsequent five-year period following the **commencement of the Action** until the expiry date of this approval unless otherwise specified in writing by the **Minister**.

Audit report means a written report of an **independent audit**.

Australian Sea lion means the **EPBC Act** listed threatened species **Australian Sea lion** (*Neophoca cinerea*).

Australian Space Agency Flight Safety Code means the document Flight Safety Code, Australian Space Agency, 2019. On the date of this approval decision this document is available at: Australian Space Agency Flight Safety Code.

Australian Marine Park means a Commonwealth Marine Park proclaimed in Commonwealth waters.

Biodiversity data means ‘biodiversity data’ as described in the *Policy on Accessing and Sharing Biodiversity Data*, Commonwealth of Australia 2024.

Blue Whale means the EPBC Act listed threatened species **Blue Whale** (*Balaenoptera musculus*).

Business day means a day that is not a Saturday, a Sunday, or a public holiday in South Australia.

Breeding season means the period commencing on 1 August each year and ending on 31 March each following year (considered to be the period encompassing the maximum potential breeding seasons of the **Mallee Whipbird** and the **Southern Emu-wren (Eyre Peninsula)**).

Cape Wiles means the location of that name represented in Attachment A by the point at the tip of the arrowhead labelled ‘Cape Wiles’.

Catastrophic means the maximum fire danger rating as determined by the **South Australian Country Fire Service**.

Clear, cleared or clearing means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation but does not include weeds (see the Australian Weeds Strategy 2017-2027, Commonwealth of Australia 2017 for further guidance)’.

Commence the Action or commences the Action means the first instance of any on-site **clearing, construction** or other physical activity associated with the Action, but does not include minor physical disturbance necessary to:

- Undertake pre-clearance surveys or monitoring programs.
- Install signage and/or temporary fencing to prevent unapproved use of the **Action area**, so long as the signage and/or temporary fencing is located where it does not **harm any protected matter**.
- Protect environmental and property assets from fire, weeds, and feral animals, including use of existing surface access tracks.
- Install temporary site facilities for persons undertaking pre-commencement activities so long as these facilities are located where they do not **harm any protected matter**.
- General maintenance of exiting fences and roadways. This does not include the construction of new roads, upgrading, or widening of existing roads.

Commencement of the Action means the date on which the approval holder **commences the Action**.

Commencement of launch operations means the first date when all activities at the launch facility associated with **launching a rocket** start.

Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met.

Completion of the Action means the date on which all activities associated with the approved Action have permanently ceased and/or been completed.

Compliance records mean all documentation or other material in whatever form required to demonstrate compliance with these conditions of approval (including compliance with commitments made in **plans**) in the approval holder's possession, or that are within the approval holder's power to obtain lawfully.

Compliance report means a written report of compliance with, and fulfilment of, these conditions (including compliance with commitments made in **plans**).

Conservation advice means a conservation advice made or adopted by the **Minister** under the **EPBC Act**.

Construct or Construction means:

- the erection of a building or structure that is, or is to be, fixed to the ground and wholly or partially fabricated on-site,
- the alteration, maintenance, repair or demolition of any building or structure,
- any work which involves breaking of the ground (including pile driving) or bulk earthworks,
- the laying of pipes and other prefabricated materials in the ground, and
- any associated excavation work.

Construction does not include the installation of temporary fences or signage.

Daylight hours mean the period commencing at **sunrise** and ending at **sunset** on any given day.

Debris means material generated from a **launch** event which returns to Earth, including spent **rocket** stages resulting from a successful flight or any **rocket** debris resulting from an unsuccessful event in flight, including aerodynamic breakup or flight termination.

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

Director of National Parks means the holder of the office of Director of National Parks established under Division 5 of the **EPBC Act**, or a delegate thereof.

Dispose means the entry of any part of a **rocket** into or onto the ocean, including State, Commonwealth or International waters.

Eastern Osprey means the **EPBC Act** listed migratory species Eastern Osprey (*Pandion haliaetus*).

Environmental Management Plan Guidelines means the *Environmental Management Plan Guidelines*, Commonwealth of Australia 2024.

Environmental Offsets Policy means the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy*, Commonwealth of Australia 2012.

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

Extreme means the second to maximum fire danger rating as determined by the **South Australian Country Fire Service**.

Flinders Crevasse means the location of that name represented in Attachment A by the point at the tip of the arrowhead labelled 'Flinders Crevasse'.

Habitat quality means a measure of the overall viability of a site and its capacity to support **protected matters**, with respect to site condition, site context and species stocking rate and/or composition.

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

Incident means any:

- event which has the potential to, or does, **harm** any **protected matter**,
- potential non-compliance with these conditions, including the administrative requirements,
- actual non-compliance with these conditions, including the administrative requirements,
- potential non-compliance with one or more commitment made in a **plan**, and/or
- actual non-compliance with one or more commitment made in a **plan**.

Independent means a person, or firm, who does not have any individual, financial*, employment* or family affiliation or any conflicting interests with the Action, the approval holder or the approval holder's staff, representatives, or associated persons.

Independent audit means an audit, conducted by an **independent auditor**, of compliance with and fulfilment of these conditions and the commitments made in **plans**, objectively evaluated against the audit criteria developed by the **independent auditor**, in accordance with the **Independent Audit and Audit Report Guidelines** to the extent that the Guidelines are consistent with these conditions.

Independent Audit and Audit Report Guidelines means the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines*, Commonwealth of Australia 2019.

Independent auditor means a person, or firm, who:

- does not have any individual, financial*, employment* or family affiliation or any conflicting interests with the Action, the approval holder or the approval holder's staff, representatives, or associated persons,
- has demonstrated experience in undertaking government-regulated environmental compliance audits, and
- holds relevant professional qualifications and accreditations.

*Other than for the purpose of undertaking the role for which an independent person, or firm, is required.

Launch or launching means the dispatch or attempted dispatch of an **orbital rocket** or a **sub-orbital rocket** or part thereof from the **launch facility**.

Launch facility means the Whalers Way Orbital Launch Complex, specifically designed and constructed as a facility or place from which **rockets** can be launched or tested, located where represented in Attachment A by the zones enclosed by the yellow line labelled 'Launch Site A' and 'Launch Site B'.

Launch operations means all activities at the **launch facility** associated with **launching a rocket**.

Launch pads mean any and all of the concrete footing areas enclosed by the yellow lines labelled 'Launch Site A' and 'Launch Site B' as represented in Attachment A.

L_{Amax} means maximum sound level occurring for a fraction of a second and includes a spectral adaptation to represent human hearing.

Liguanea Island means the island known by this name, located approximately 3.5 km from the southwest corner of the Eyre Peninsula in South Australia.

Lower Eyre Peninsula Fire Danger Season means the period declared by the South Australian Country Fire Service Chief Officer and published in *South Australian Government Gazette* to be the Fire Danger Season for the Lower Eyre Peninsula, beginning and ending at midnight on the declared first and final dates.

Mallee Whipbird means the **EPBC Act** listed threatened species Mallee Whipbird (*Psophodes leucogaster leucogaster*).

Mallee Whipbird habitat means habitat as defined in the *Conservation Advice for Psophodes leucogaster leucogaster* (Mallee Whipbird), Commonwealth of Australia 2023. The entire **Action area** comprises **Mallee Whipbird habitat**.

Marine Mammal Observer means a person who has been trained and has at least 2 years of field experience in **whale** observation, **whale** identification and marine distance estimation and

is capable of making accurate identifications and observations of **whales** and their distance from the coast in Australian waters using relevant protocols, standards and/or methods, including technology-based approaches should his/her physical attendance pose a safety issue.

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

Monitoring data means the data required to be recorded under the conditions of this approval, including **sensitive biodiversity data**.

National Light Pollution Guidelines for Wildlife means the *National Light Pollution Guidelines for Wildlife*, Commonwealth of Australia, 2023.

New or increased impact means any direct or indirect increase in the impacts of an Action, an increase to the likelihood of an impact occurring, a reduction to the monitoring or mitigation measures for a **protected matter**, and/or a change to the nature or management of an environmental offset as outlined in the *Guidance on 'new or increased impact' relating to changes to approved management plans under EPBC Act environmental approvals*, Commonwealth of Australia 2017.

Orbital rocket means a vehicle capable of placing payloads into or beyond the Earth's orbit.

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

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

Rocket means either or both of an **orbital rocket** or a **sub-orbital rocket**.

Rocket engine tests mean different kind of tests conducted to rocket engines mounted on a test stand while it is firmly secured to the ground under controlled conditions. The purpose of these tests is to ensure that the engines operate correctly.

SA Department of Environment and Water means the South Australian Government Department for Environment and Water.

Secured or securement means to provide enduring conservation protection on the title of land under a mechanism agreed to in writing by the **department**, to provide protection for the site against development incompatible with conservation.

Sensitive biodiversity data means **biodiversity data** which, if released, published or otherwise exposed, may result in **harm** to the relevant **protected matter** as a result of the intentional or unintentional misuse of that **biodiversity data**.

Shapefile means location and attribute information about the Action provided in an Esri shapefile format containing:

- '.shp', '.shx', '.dbf' files,

- a '.prj' file which specifies the projection or geographic coordinate system used, and
- an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

SLR Act means the *Space (Launches and Returns) Act 2018*.

SMART means specific, measurable, achievable, relevant and time bound.

South Australian Country Fire Service (SA CFS) means the volunteer-based service in that has responsibility as the Control Agency for firefighting, rescues and hazardous materials and inland waterways in the country regions of South Australia.

Southern Emu-wren (Eyre Peninsula) means the **EPBC Act** listed threatened species Southern Emu-wren (*Stipiturus malachurus parimeda*).

Southern Emu-wren (Eyre Peninsula) habitat means habitat as defined in the *Conservation Advice for Stipiturus malachurus parimeda (Eyre Peninsula southern emu-wren)*, Commonwealth of Australia 2023. The entire **Action area** comprises **Southern Emu-wren (Eyre Peninsula) habitat**.

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

Southern Right Whale breeding season means the period beginning on 1 May and ending on 30 October inclusive in any given year.

Sub-orbital rocket means a vehicle that does not have adequate velocity to achieve orbit around Earth.

Suitably qualified bird ecologist (for the purpose of undertaking behavioural monitoring and/or surveys of the **Southern Emu-wren (Eyre Peninsula)** and/or **Mallee Whipbird**) means a person who has relevant professional qualification and at least 3 years of work experience studying **Southern Emu-wren (Eyre Peninsula)** and/or **Mallee Whipbird** behaviour and/or designing and implementing surveys and monitoring for the **Southern Emu-wren (Eyre Peninsula)** and/or **Mallee Whipbird** and can give an authoritative assessment and advice on the presence and/or behaviour change in **Southern Emu-wren (Eyre Peninsula)** and/or **Mallee Whipbird** using relevant protocols, standards, methods and/or literature, including technology-based approaches should his/her physical attendance pose a safety issue.

Suitably qualified ecologist (for the purpose of preparing and implementing environmental management plans) means a person who has relevant professional qualifications and:

- at least 3 years of work experience writing and implementing management plans for the habitat of **protected matters**,
- has implemented and reported on management plans for the habitat of **protected matters**, and can demonstrate the implementation of those plans achieved the desired **habitat quality** for habitat of **protected matters**, and

- can give authoritative assessment and advice on offset management to improve the **habitat quality** of the habitat of **protected matters** using relevant protocols, standards, methods and/or literature.

Suitably qualified field ecologist (for the purpose of undertaking behavioural monitoring and/or surveys of the **Australian Sea Lion**) means a person who has relevant professional qualifications and at least 3 years of work experience studying **Australian Sea Lion** behaviour and/or designing and implementing surveys and monitoring for the **Australian Sea Lion** and can give an authoritative assessment and advice on the presence and/or behaviour change in **Australian Sea Lion** using relevant protocols, standards, methods and/or literature, including technology-based approaches should his/her physical attendance pose a safety issue.

Suitably qualified person means a person or organisation who has relevant qualifications, training, skills and/or at least 3 years of experience related to the measurement, monitoring and limiting of noise emissions and can give authoritative independent assessment, advice and analysis on performance relative to the measurement, monitoring and limiting of noise emissions using relevant protocols, standards, methods and literature.

Sunrise means the time of sunrise 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>) at Coffin Bay, South Australia on the particular day.

Sunset means the time of sunset 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>) at Coffin Bay, South Australia on the particular day.

Survey guidelines for Australia's threatened birds means the document titled *Survey guidelines for Australia's threatened birds, Guidelines for detecting birds listed as threatened under the Environment Protection and Biodiversity Conservation Act 1999, Revision in April 2017*.

Three sigma drop zone means the zone where 99.7% of scheduled (planned) debris associated with a **launch** is predicted to land as determined in accordance with the **SLR Act** and **Australian Space Agency Flight Safety Code**.

Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Whales means aquatic mammals belonging to the order Cetacea.

White-bellied Sea Eagle means the **EPBC Act** listed marine species White-bellied Sea Eagle (*Haliaeetus leucogaster*).

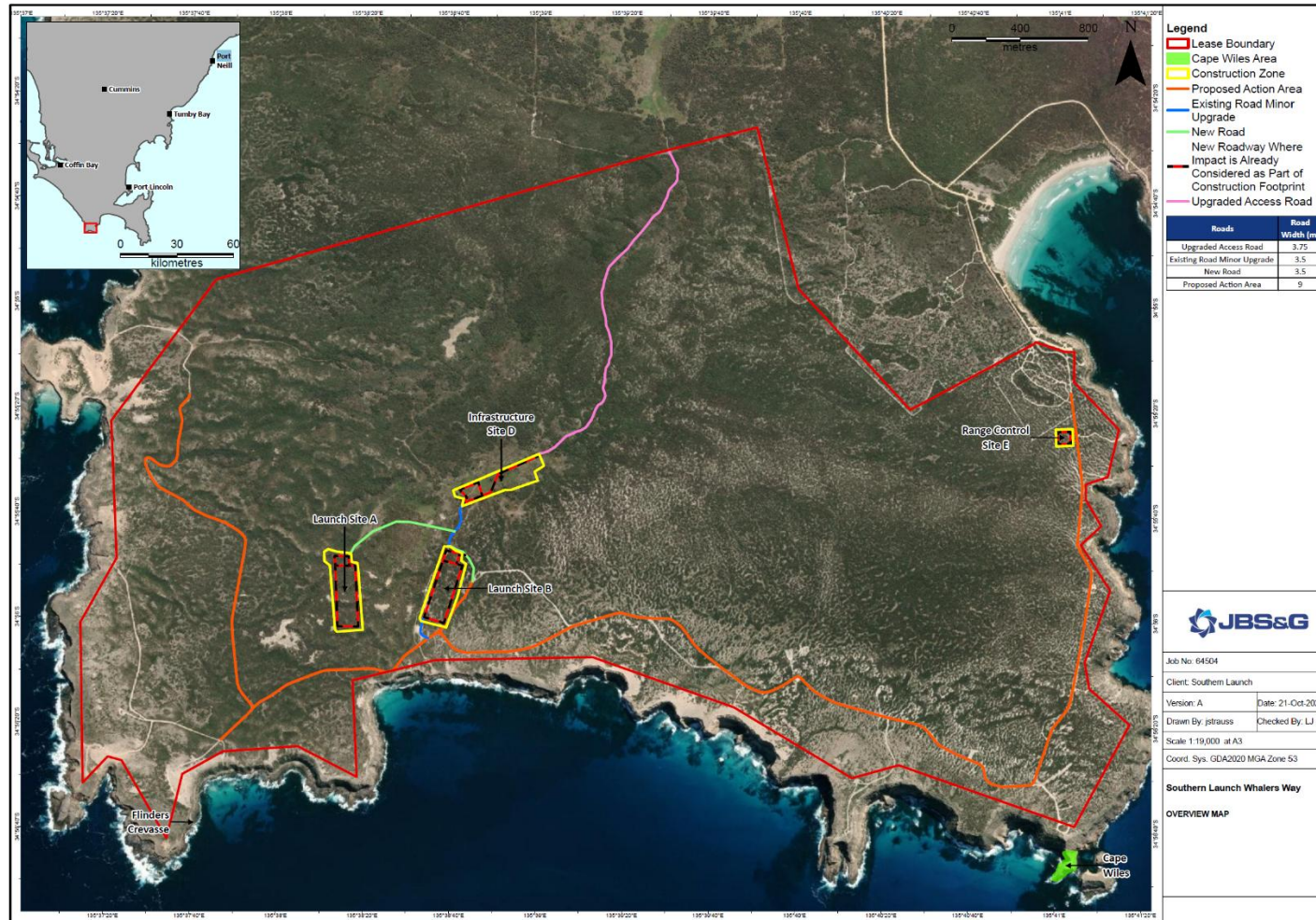


Australian Government

Department of Climate Change, Energy,
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Attachment A – Action Area



DCCEEW.gov.au

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