



Australian Government

Department of Climate Change, Energy,
the Environment and Water

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

Decommissioning Campaign #1 – Stage 2 Transportation and Offloading Operations, Barry Beach Marine Terminal and Victorian State waters, Victoria (EPBC 2026/10434)

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	ESSO Australia Resources Pty Ltd ACN: 091 829 819
proposed Action	The transport of offshore structures by either Heavy Transport Vessel or barge from the Victorian Coastal waters limit to Barry Beach Marine Terminal for offloading and set-down, and short-term storage within the Onshore Reception Centre.

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 <u>Annexure A</u> .
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Person authorised to make decision

name and position	Brendan Linton-Smith, Acting Branch Head Environment Assessments (Vic and Tas) and Post Approvals Branch Environment Regulation Division
signature	
date of decision	14 April 2026

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:

- Wetlands of international importance (sections 16 and 17B)
- Listed threatened species and communities (sections 18 and 18A)
- Listed migratory species (sections 20 and 20A)

PROJECT AREA BOUNDARY AND TRANSIT LIMITS

- 1) The person taking the Action must not take the Action outside the **project area**.
- 2) The person taking the Action must not undertake more than 26 **transit operations**.
- 3) The person taking the Action must not undertake any **transit operations** before 1 September 2027 or after 29 February 2028.

CETACEAN INTERACTION MINIMISATION

- 4) The person taking the Action must ensure that no **vessel** in an **operational convoy** travels at a speed greater than 8 knots when undertaking a **transit operation**.
- 5) Between 1 September and 31 October of the same year, the person taking the Action must ensure there are at least two **Marine Mammal Observers (MMO)** present at any given time when undertaking a **transit operation** or operating in **Dynamic Positioning Mode**.
- 6) The person taking the Action must ensure **Trained Crew** are present on any **operational convoy**. All bridge watch crew onboard an **operational convoy** must be **Trained Crew** and must observe the **Precaution Zone** prior to and when undertaking a **transit operation** or operating in **Dynamic Positioning Mode**.
- 7) If one or more **whale** is observed within the **Precaution Zone** during a **transit operation** or while operating in **Dynamic Positioning Mode**, the person taking the Action must ensure that, as soon as possible thereafter, a minimum of one **MMO** during the **SRW Migration Period** or two **Trained Crew** at any other time continuously monitor the **Precaution Zone** and monitor the movements of **whales** until all **whales** have left the **Precaution Zone** or at least 30 minutes have passed since the most recent observation of a **whale**.

TRANSIT OPERATION OBSERVATIONS

- 8) During **good visibility** conditions, the person taking the Action must ensure at least one **MMO** during the **SRW Migration Period** or two **Trained Crew** at any other time will undertake continuous monitoring of the **Precaution Zone** for the entire duration of each **transit operation** and while in **Dynamic Positioning Mode**. The person taking the Action must ensure the **MMO** or **Trained Crew**:

- a) Commence surveying of the **Precaution Zone** for **whales** at least 30 minutes prior to commencing any **transit operation** or start-up of **Dynamic Positioning Mode** to detect the presence and direction of movement of any **whale**.
- b) The **MMOs** must not undertake any other duties whilst required to undertake surveying for **whales**.
- c) Continuously monitor the movements of **whales** to detect whether any **whale** has entered or appears likely to enter the **Precaution Zone**.

TRANSIT OPERATION OBSERVATIONS AT NIGHT TIME AND IN LOW VISIBILITY

- 9) During **night time**, the person taking the Action must ensure two **Trained Crew** undertake continuous monitoring for **whales** to the furthest extent that **technology** allows for the entire duration of a vessel undertaking any **transit operation** or while in **Dynamic Positioning Mode**. The person taking the Action must ensure the **Trained Crew**:
 - a) Commence surveying of the area around the **vessel** to the furthest extent that **technology** allows at least 30 minutes prior to commencing a **transit operation** or start-up of **Dynamic Positioning Mode** to detect the presence and direction of movement of any **whale**.
- 10) In **low visibility** conditions, the person taking the Action must ensure at least one **MMO** during the **SRW Migration Period** or two **Trained Crew** at any other time undertake continuous monitoring for **whales** to the furthest extent that **technology** allows for the entire duration of a vessel undertaking its **transit operation** or while in **Dynamic Positioning Mode**. The person taking the Action must ensure the **MMO** or **Trained Crew**:
 - a) Commence surveying of the area around the **vessel** to the furthest extent that **technology** allows at least 30 minutes prior to commencing a **transit operation** or start-up of **Dynamic Positioning Mode** to detect the presence and direction of movement of any **whale**.

MANAGEMENT OF TRANSIT OPERATIONS

- 11) If, while a vessel is undertaking a **transit operation** or operating in **Dynamic Positioning Mode**, one or more **whale** has been observed in, or appears likely to enter, the **Precaution Zone**, the person taking the Action must ensure that until all **whales** have left the **Precaution Zone**, or at least 30 minutes have passed since the most recent observation of a **whale**, the **vessel** will:
 - a) Reduce **underwater noise-generating activities** to the **lowest safe power setting**.
 - b) Reduce **vessel** speed to a maximum of 6 knots or the **lowest safe vessel speed**.
 - c) Use the **safest alternative route** such that the distance from the **whale** to the vessel is maintained or increased.

MANAGEMENT OF TRANSIT OPERATIONS DURING NIGHT TIME AND IN LOW VISIBILITY

- 12) If there have been three or more **power-down events** in the preceding 24 hour period within the **project area**, the person taking the Action must ensure that no **transit operation** or **Dynamic Positioning Mode** is undertaken at **night time** or in **low visibility** conditions.
- 13) If the person taking the Action is required to cease undertaking any **transit operation** or operating in **Dynamic Positioning Mode** in accordance with Particular Manner 12, the person

taking the Action must not resume undertaking any **transit operation** or operating in **Dynamic Positioning Mode** unless:

- at least one **MMO** during the **SRW Migration Period**; or
- two **Trained Crew** at any other time

observes and reports a continuous period of **good visibility** conditions for at least two consecutive hours and confirms that no **whale** has been observed in the **Precaution Zone** during this two hour period.

- 14) If, while undertaking a **transit operation** or operating in **Dynamic Positioning Mode** at **night time** or in **low visibility** conditions, one or more **whale** has been observed at any distance from the vessel but not further than the **Precaution Zone**, the person taking the Action must ensure that until at least 30 minutes have passed since the most recent observation of a **whale**, the **vessel** will:
- a) Reduce **underwater noise-generating activities** to the **lowest safe power setting**.
 - b) Reduce **vessel** speed to a maximum of 6 knots or the **lowest safe vessel speed**.
 - c) Use the **safest alternative route** such that the distance from the **whale** to the vessel is maintained or increased.

INVASIVE MARINE SPECIES

- 15) The person taking the Action must ensure that it does not, in taking the Action, introduce or spread any **invasive marine species** to areas of the **Corner Inlet Ramsar Site** where it was not previously present.

CONTAMINANTS

- 16) The person taking the Action must ensure that it does not, in taking the Action, introduce or spread any **contaminant** to any area of the **Corner Inlet Ramsar Site**.

MANAGEMENT OF LIGHT EMISSIONS

- 17) During **night time**, the person taking the Action must ensure that no **non-essential outdoor lighting** is directed overboard any **vessel** or onto waters outside any **hardstand area**.
- 18) The person taking the Action must ensure all lighting is operated in accordance with the **National Light Pollution Guidelines for Wildlife**, including:
- a) reducing the use of unnecessary lighting outdoors, including deck lighting on all **vessels** and **hardstand areas**;
 - b) minimise indoor **vessel** lighting spilling into the outdoor environment;
 - c) shield and orientate outdoor lighting to reduce light spill beyond the immediate **vessel** or any **hardstand area**; and
 - d) use the lowest intensity lighting available at **night time**.

Part B – Definitions

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

Barry Beach Marine Terminal or **BBMT** means the area represented in Attachment A by the aqua shaded polygon designated in the legend as ‘Barry Beach Marine Terminal (BBMT)’.

Barry Beach Channel means the navigable shipping channel between Barry Beach Channel entrance beacon No. 2 and **Barry Beach Marine Terminal**, as depicted in the **Gippsland Ports Port Information Handbook** labelled on the map in Attachment C as ‘Barry Beach Channel’.

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

Cetacean means a member of the taxonomic Order Cetacea.

Coastal waters limit means the boundary between coastal (Victorian State) waters and Commonwealth waters, represented in Attachment B by the dotted blue line designated in the legend as ‘Coastal waters limit’.

Commonwealth Operational Area means the area in Commonwealth waters represented in Attachment A by the polygon hatched with blue vertical lines designated in the legend as ‘Commonwealth Operational Area’.

Contaminants means all chemical contaminants (and excluding marine growth) listed as ‘Potential Contaminants of Concern’ in tables C1, C2, D1 and D2 of ‘Tier 1 environmental risk assessment for potential release of residual contaminants into the environment during Activity Group 2 – Decommissioning Campaign #1 summary report’ (Jasonsmith et al., Murrang Earth Sciences) (2026) identified in ‘Att1-App1-EnvironmentalChemicalRiskAssessmentReport’ (2026), available at the following link at the time of this decision: [Project Decision · EPBC Act Public Portal](#).

Corner Inlet Ramsar Site or **Corner Inlet** means the **EPBC Act** listed Wetland of International Importance (‘Ramsar Site’) represented in Attachment B by the area hatched with pink diagonal lines designated in the legend as ‘Corner Inlet Ramsar Wetland’.

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 Corner Inlet, Victoria, on the particular day.

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

Dynamic Positioning Mode means an engine that is engaged in automatic position control to hold a **vessel** steady (in a fixed position) and minimise its drift.

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

Franklin Channel Anchorage means the site defined in the **Gippsland Ports Port Information Handbook** as extending westward from the principal channel of Corner Inlet of Singapore Deep with depths of 11.0 meters to 26.0 meters south of Franklin Bank, on the north side of the channel and includes the Designated Swing Mooring Area.

Gippsland Ports Port Information Handbook means the *Gippsland Ports Port Information Handbook Part 1 Port of Corner Inlet and Port Albert* available at the following link at the time of this decision: [Port information Handbook](#).

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

Hardstand area means any worksite area at **BBMT** used for Load-in of structures from **vessels** to the **Onshore Reception Centre**, including the wharf when **vessels** are berthed.

Invasive marine species means an organism that does not naturally occur in a particular location and has the potential to naturalise and impact native species naturally occurring there.

Lowest safe power setting means the lowest possible power that would not risk damaging a **vessel** or endanger human safety.

Lowest safe vessel speed means the lowest possible **vessel** speed that would not risk damaging a **vessel** or endanger human safety.

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

Marine Mammal Observers or **MMO** means a person trained and experienced in **cetacean** identification and behaviour, distance estimation, and capable of making accurate identifications and observations of **cetaceans**.

National Light Pollution Guidelines for Wildlife means the *National Light Pollution Guidelines for Wildlife (2023)* available at the following link at the time of this decision: [National Light Pollution Guidelines for Wildlife - DCCEEW](#).

Night time means all times which fall outside of **day time** that prevent clear visual detection and identification of any **whale** in the **Precaution Zone**.

Non-essential outdoor lighting means lighting located outside the bridge and not needed for human or workplace safety.

Onshore Reception Centre or **ORC** means the site within **BBMT** used to receive and set-down the structures for short-term storage, represented in [Attachment A](#) by the area stippled with blue dots designated in the legend as 'Onshore Reception Centre'.

Operational convoy means a convoy consisting of a Heavy Transport Vessel or barge accompanied by tug boats.

Power-down event means the reduction of underwater noise-generating activities to the **lowest safe power setting** in accordance with a requirement of this notice.

Precaution Zone means the following:

- all waters within 3.5 km of a **vessel** when the **vessel** is in transit from the **Coastal waters limit to Barry Beach Channel**;
- all waters within 1.5 km of a **vessel** when the **vessel** is in transit from **Barry Beach Channel to BBMT**;
- all waters within 2.5 km of a **vessel** when the **vessel** is at the **Franklin Channel Anchorage**, transiting at a speed less than 3 knots or operating in **Dynamic Positioning Mode**.

Project area means the location of the Action, represented in Attachment B by area enclosed by the blue line designated in the legend as 'Indicative project area' and includes the **Seal Islands Contingency Transit Corridor**.

Safest alternative route means any alternative route within the **project area** that would not risk damaging a **vessel** or endanger human safety.

Seal Islands Contingency Transit Corridor means waters around Seal Islands that may be required for transit as a contingency, represented in Attachment B by the area bordered by dashed blue lines designated in the legend as 'Seal Island contingency transit corridor'.

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

SRW Migration Period means the annual period commencing on 1 May and ending on 31 October of the same year during which the **Southern Right Whale** normally undertakes important migration and reproductive behaviour.

Technology means infrared or thermal equipment.

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.

Transit operation means the safe navigation of an **operational convoy** as a return journey, between the **Commonwealth Operational Area** and **Corner Inlet**.

Underwater noise-generating activities means the operation of propellers or engines, including in **Dynamic Positioning Mode**, for any **vessel**.

Vessel means any ship, boat or any other water craft, including any heavy transport vessel, tug boats, barge or support ship, while being used for a **transit operation** in the **project area**.

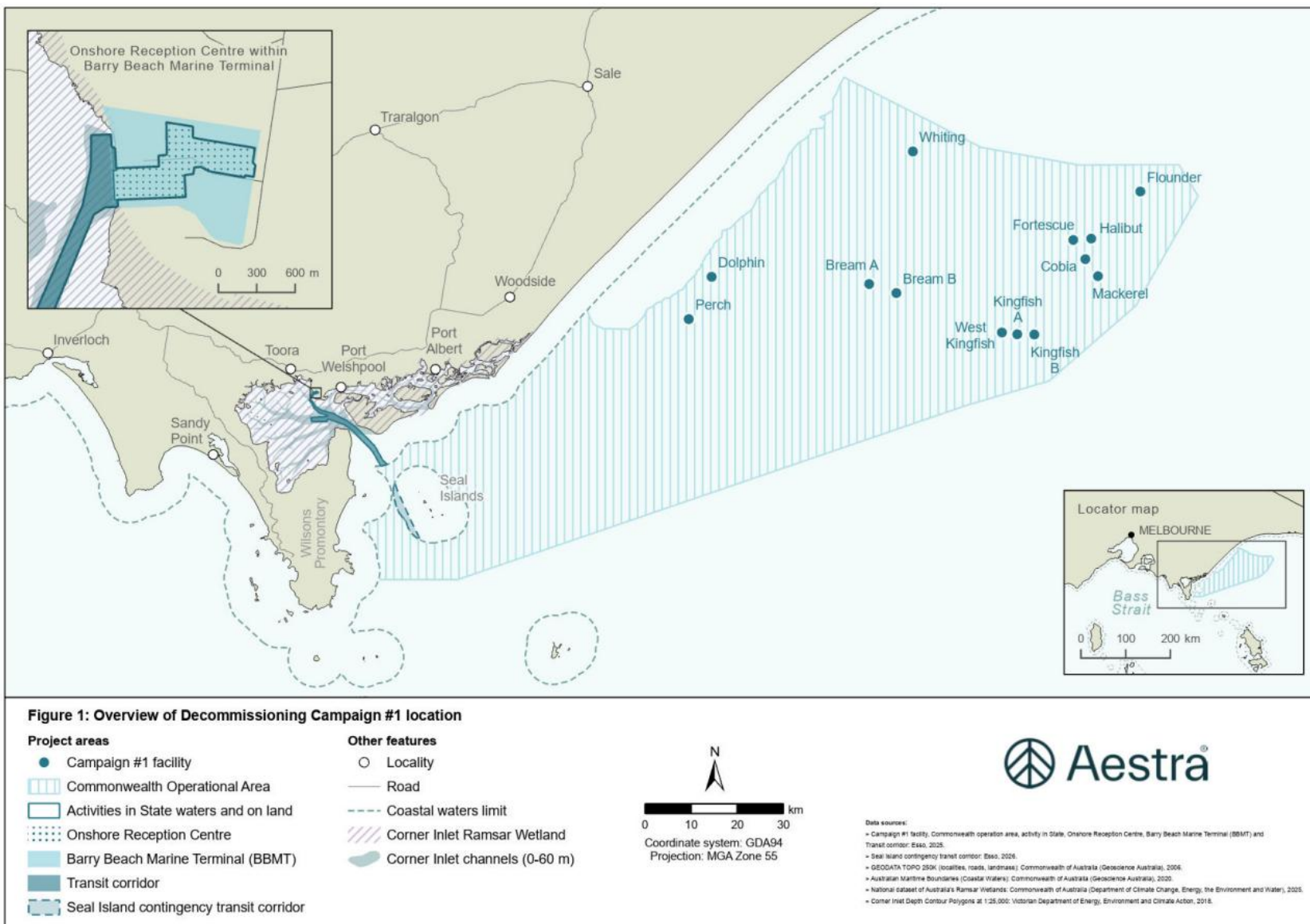
Whale means any **Southern Right Whale** or **Blue Whale**.

Attachments

- A: Project area map
- B: Corner Inlet Ramsar Site map
- C: Corner Inlet Channel map

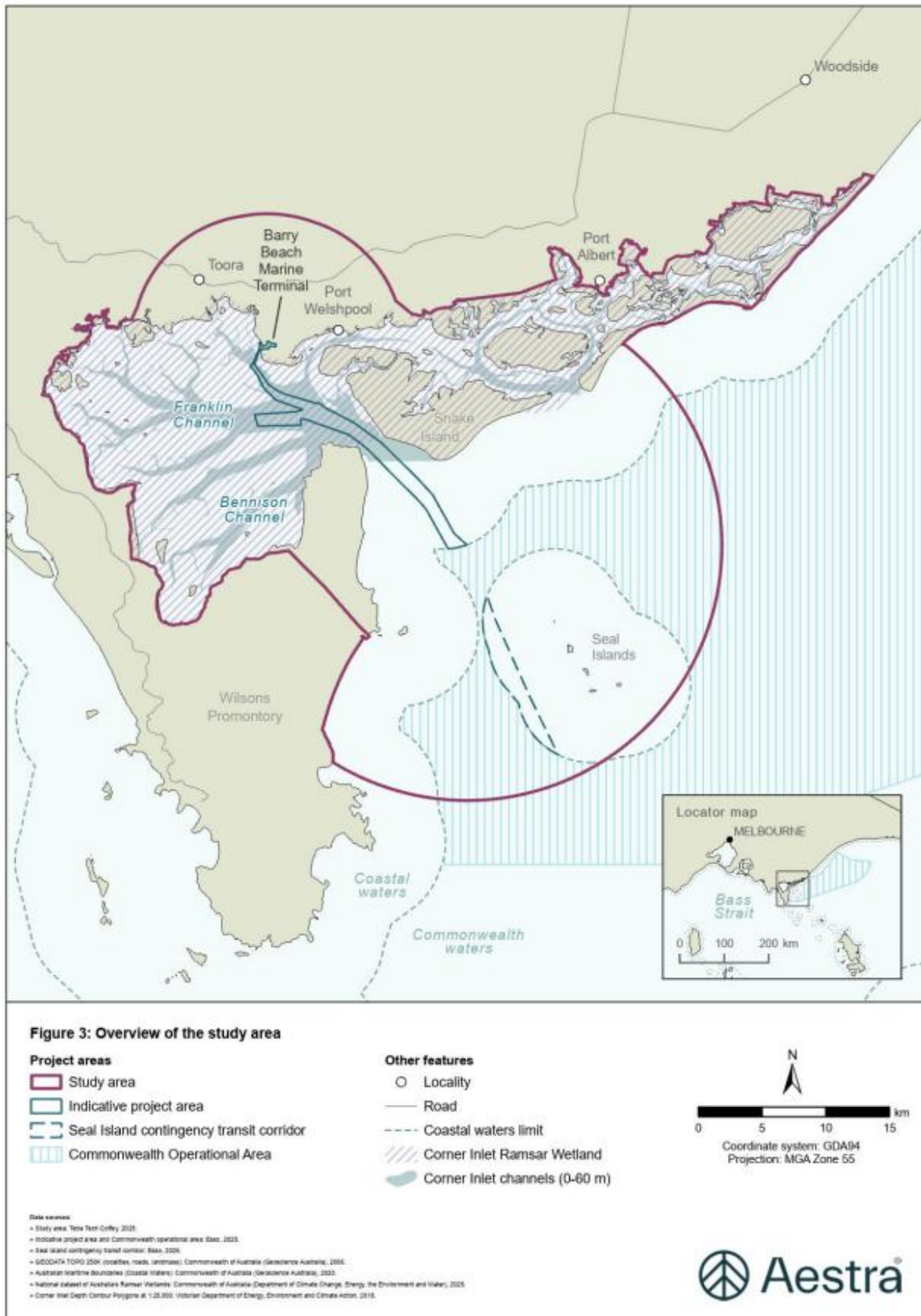


Attachment A





Attachment B



Attachment C

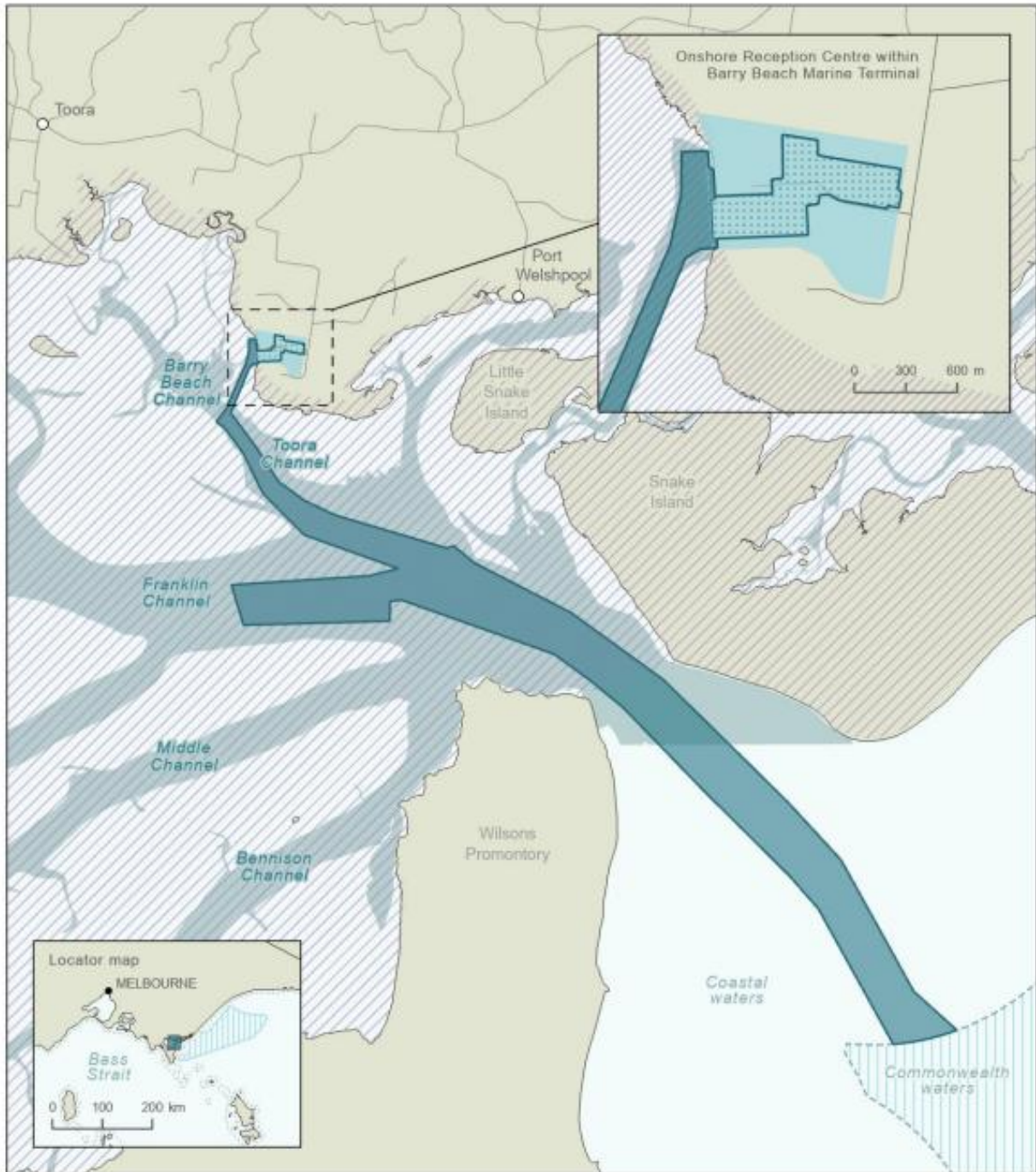


Figure 2: Overview of the indicative project area

Project areas		Other features		Corner Inlet Ramsar Wetland Corner Inlet channels (0-60 m)	N 0 1 2 3 km Coordinate system: GDA94 Projection: MGA Zone 55
	Indicative project area		Locality		
	Onshore Reception Centre		Road		
	Barry Beach Marine Terminal (BBMT)		Coastal waters limit		
	Transit corridor				
	Commonwealth Operational Area				

Data sources:
 - Indicative project area, Onshore Reception Centre, Barry Beach Marine Terminal (BBMT), transit corridor and Commonwealth operational area Base, 2020
 - DEEDATA TOPO 2500 (contours, roads, landmarks), Commonwealth of Australia (Geoscience Australia), 2018
 - Australian Marine Boundaries (Coastal Waters), Commonwealth of Australia (Geoscience Australia), 2020
 - National System of Australia's Ramsar Wetlands, Commonwealth of Australia (Department of Climate Change, Energy, the Environment and Water), 2020
 - Corner Inlet Depth Contour Polygons at 1:25,000, Victorian Department of Energy, Environment and Climate Action, 2018



Fig 2 - Project Area_20200222