



***ENVIRONMENT PROTECTION AND
BIODIVERSITY CONSERVATION ACT 1999 (Cth)***

Part 10 Strategic Assessment

Section 146 Agreement

Variation Agreement (No.1) to Agreement to undertake a Strategic Assessment of the impacts of a Plan for actions to be taken in the Strategic Assessment Area on matters protected by Part 3 of the EPBC Act.

between

THE COMMONWEALTH MINISTER FOR THE ENVIRONMENT AND WATER

and

THE AUSTRALIAN SUBMARINE AGENCY

Parties

The Parties to this Agreement are:

The Commonwealth Minister for the Environment and Water

and

The Australian Submarine Agency

Background

- A. On 24 November 2023, the Commonwealth Minister for the Environment and the Australian Submarine Agency entered into a Strategic Assessment Agreement (**SAA**) under section 146 of the *Environment Protection and Biodiversity Protection Act 1999 (Cth)*.
- B. Pursuant to clause 14 of the SAA, the Parties have agreed to vary the SAA in accordance with the terms of this Agreement. The new text and new figures are set out in this Agreement.

Agreed provisions

1. Commencement of agreement

- 1.1 This Agreement will commence on the date on which it is signed by the last party.

2. Definitions

- 2.1 Unless the context indicates otherwise, in this Agreement the definitions, meanings and terms in the SAA apply to this Agreement including its attachments.
- 2.2 In this Agreement references to the singular include the plural, subject to any contrary intention.

3. Variation of the SAA

- 3.1 With effect from the commencement of this Agreement, the SAA is varied as follows:
 - a) Delete paragraph (b) of the definition of Supplementary SIAR on page 5 from the SAA and replace it with: “(b) *sets out how comments have been addressed through modification/s to the SIAR, if any, following the public comment period on the draft SIAR*”.
 - b) Delete clause 5.2(d) from the SAA and replace it with: “(d) *Centralisation and coordination of public consultation periods on the draft SIAR, to be managed by ASA*”.

- c) Delete clause 6.5 from the SAA and replace it with: *“6.5 The processes for the review of the draft Plan are detailed at clause 8, the processes for assessing the suitability of the Plan are at clause 9, and the established criteria for endorsement of the Plan by the Commonwealth Minister are at clause 10”.*
- d) Delete clause 8.4 from the SAA and replace it with: *“8.4 Following completion of the process set out in clauses 8.1 – 8.2 of this Agreement, ASA will publish the draft SIAR, and by notice invite public comment on the draft SIAR. ASA must ensure that the notification:*
 - a) *is posted on the ASA website (or any other appropriate website approved by the Environment Department) at a minimum for the period of public consultation specified by the Commonwealth Minister (of at least 28 days);*
 - b) *is published in a national daily newspaper on the first day of the period mentioned in clause 8.4(a);*
 - c) *invites public comment on the draft SIAR for the period mentioned in clause 8.4(a); and*
 - d) *mentions:*
 - i. *that the draft SIAR is available for public comment;*
 - ii. *the period for public comment specified by the Commonwealth Minister;*
 - iii. *the provision of the EPBC Act that requires the draft SIAR to be published (i.e. section 146(2)(b));*
 - iv. *where and how copies may be obtained in an electronic and hard copy form without charge or at a reasonable cost;*
 - v. *contact details for obtaining further information, including reasonable access for persons with special needs; and*
 - vi. *the address to which public comments should be provided.”*
- e) Delete Attachment 1 from the SAA (indicative map) and replace it with Attachment 1 to this Agreement.
- f) Delete Attachment 3 from the SAA (strategic assessment scope) and replace it with Attachment 2 to this Agreement.

4. Counterparts

4.1 This Agreement may be executed in any number of counterparts, each of which may be executed electronically or in handwriting; and will be deemed an original whether kept in electronic or paper form, and all of which taken together will constitute one and the same document.

Execution

SIGNED by authorised delegate of the Commonwealth Minister for the Environment and Water:

Rachel Parry
Deputy Secretary
Department of Climate Change, Energy, the Environment and Water



Signature

19 December 2024

SIGNED for and on behalf of the Australian Submarine Agency:

Jonathan Mead, AO
Vice Admiral, RAN
Director-General
Australian Submarine Agency

Tim
HODGSON

Digitally signed by Tim HODGSON
Date: 2024.12.19 14:20:50 +11'00'

Signature

December 2024

Attachment 1: Indicative map of the Strategic Assessment Area

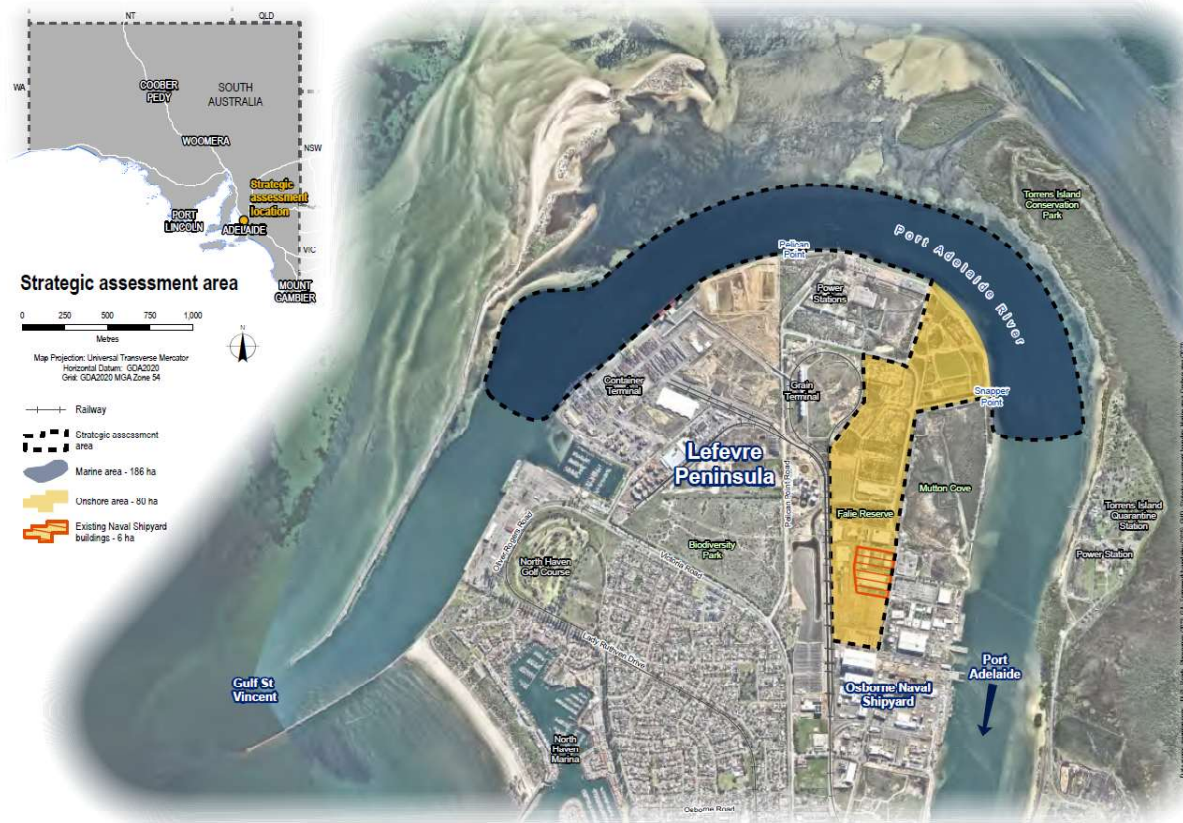


Figure 1: indicative map of the Strategic Assessment Area in and around the Osborne Submarine Construction Yard on the Lefevre Peninsula, Osborne, South Australia.

Attachment 2: Strategic Assessment Scope

The Strategic Assessment for the Osborne Submarine Construction Yard (SCY) will include construction and operation of the SCY as defined below.

Construction of the Osborne SCY is defined to include:

- Early civil works;
- Site wide civil works;
- Construction of office accommodation, amenities and industrial facilities to support the operation of the Osborne SCY;
- Construction of marine facilities, including a wet basin and wharf; and
- Dredging of the Port River to support the construction of marine infrastructure and initial dredging to allow the transport of the submarine from the Osborne SCY to open water.

Operation of the Osborne SCY is defined to include:

- Processing of raw steel material to manufacture submarine pressure hull, large structures and small to medium sized components;
- General steel processing including cutting, forming, welding and non-destructive evaluation;
- General and specialist machining in support of fabrication and outfitting;
- Outfitting of submarine sections and other structures with welded components such as submarine decks and fixed pipework;
- Outfitting units and other structures with electrical, mechanical and piping components;
- Assembly, testing, commissioning and services installation in support of combat system integration;
- Contained (or temporarily contained) abrasive blasting of units;
- Application of protective paint coatings;
- Manufacture of pipe and electrical components;
- Integration of the power module into the nuclear steam-raising plant;
- Consolidation of large submarine sections into a complete submarine;
- Submarine system testing and set-to-work activities, excluding active commissioning;

- Use supporting facilities:
 - Guard houses;
 - Car parking;
 - Warehousing;
 - Office accommodation;
 - Health centre;
 - Data centre and general Information and Communication Technology services;
 - Sleeping quarters; and
 - General amenities.
- Routine dredging to allow the transport of the submarine from the Osborne SCY to open water; and
- It is expected that further construction will be required at Osborne SCY during the life of the approval. These activities may include decommissioning, dismantling, recycle and or refurbishment of existing facilities; and are likely to include further construction.

The following is considered out of scope of the Strategic Assessment for the Osborne SCY:

- The operation, sustainment and decommissioning of the submarines built at the Osborne SCY is considered out of scope of the Strategic Assessment and will be managed via separate environmental assessment processes and approvals as necessary.
- The reactor power module will be sealed and delivered to Osborne SCY for integration into the nuclear steam-raising plant. The manufacture, delivery and subsequent operation of the reactor power module is considered outside of the scope of the Strategic Assessment, however the assembly into the submarine is included.
- As a responsible nuclear steward, Australia will manage all radioactive waste generated by Australia's nuclear powered submarine program. The disposal pathway for such radioactive waste is considered outside the scope of the Strategic Assessment and will be managed via separate environmental assessment processes and approvals as necessary.
- Development associated with the 'Existing Naval Shipyard Buildings' in the outlined area in Figure 2 below. This includes:
 - i. Alterations and additions to the Existing Naval Shipyard Buildings;
 - ii. Industrial buildings to manufacture componentry; or
 - iii. Any related ancillary development.

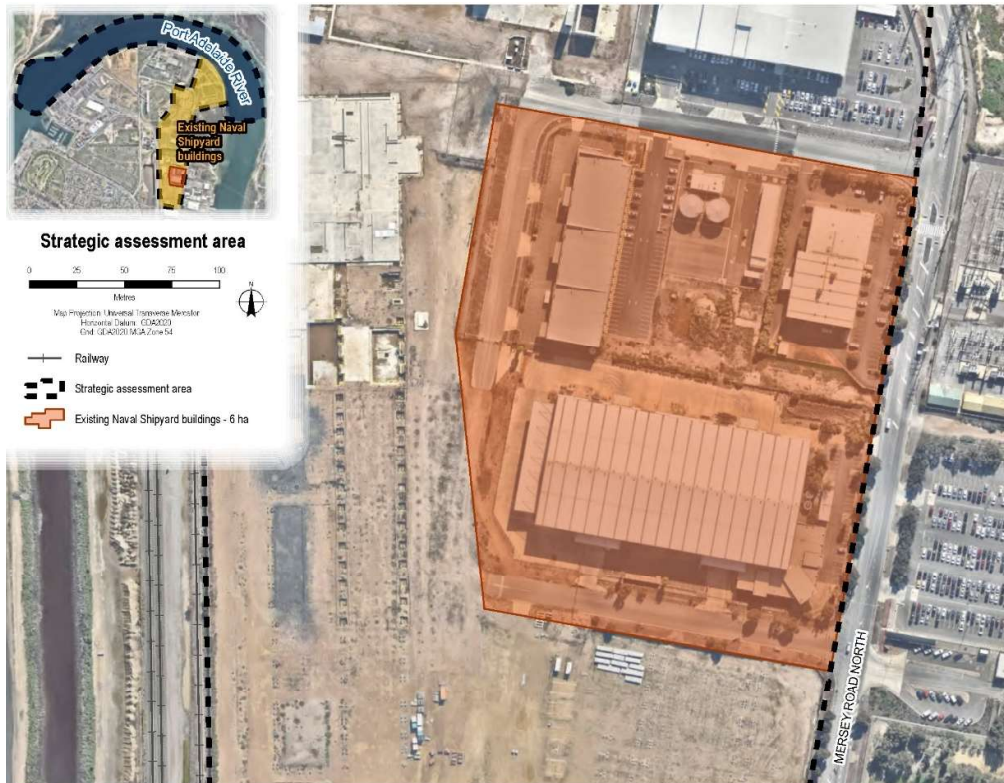


Figure 2: Existing Naval Shipyard Buildings within the Strategic Assessment Area on the Lefevre Peninsula, Osborne, South Australia.