

Acceptance of Scarborough Drilling and Completions Environment Plan

Document No: A835389

Date: 14/12/2023

1. On 01 December 2023, I, [REDACTED], Environment Manager – Drilling and Spill Risk within the National Offshore Petroleum Safety and Environmental Management Authority (**NOPSEMA**), delegate of the Chief Executive Officer of NOPSEMA decided, pursuant to regulation 10 of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (Cth) (**Environment Regulations**), to accept, the Scarborough Drilling and Completions Environment Plan (Document No: SA0006AD1401382459, Revision 6, dated October 2023) (**EP**). The EP was submitted by Woodside Energy Scarborough Pty Ltd (ACN 650 177 227) (**titleholder**), to enable the titleholder to undertake development drilling and completions activities within Commonwealth Petroleum Production Licences WA-61-L and WA-62-L (**activity**).
2. The reasons for my decision are set out below. All references to a regulation (**reg**) are to the Environment Regulations unless otherwise stated.

Legislative framework

3. The legislation relevant to my decision is set out in **Attachment B**.

Background

4. On 08 November 2021, the titleholder submitted the EP (Document No: SA0006AD1401382459, Revision 0, dated November 2021) to NOPSEMA in accordance with reg 9.
5. On 15 November 2021, the EP (Document No: SA0006AD1401382459, Revision 0, dated November 2021) was found to be complete for assessment in accordance with reg 9AA and published by NOPSEMA on NOPSEMA's website in accordance with reg 9AB.
6. On 30 May 2022 and 10 July 2023, NOPSEMA issued two not reasonably satisfied notices requiring the titleholder to modify and re-submit the EP, pursuant to reg 10. These notices identified areas where NOPSEMA considered the EP did not meet the criteria in reg 10A.
7. In addition, NOPSEMA made five requests for further information during this timeframe, pursuant to reg 9A. These requests for further information identified areas where further information was necessary about matters required by the regulations before a decision could be made against the reg 10A criteria.
8. In response to these requests, the titleholder re-submitted six EPs which incorporated additional information pursuant to reg 9A(3) and modifications pursuant to reg 10. The EP the subject of this decision was received on 18 October 2023, and is identified as Document No: SA0006AD1401382459, Revision 6, dated October 2023.

Materials

9. The materials which NOPSEMA considered in making this decision are set out in **Attachment C**. Where relevant to the decision, the materials are identified in the reasons below.

Decision Overview

10. The issue before me was whether the Environment Plan (EP) should be accepted pursuant to reg 10 of the Environment Regulations. In making this decision, I have taken into account and considered advice and recommendations from NOPSEMA's assessment team.
11. Prior to considering whether I was reasonably satisfied that the EP met the criteria in reg 10A, I considered whether the EP complied with Division 2.3, which sets out the matters which must be included in the EP.
12. I was satisfied that the EP contained the matters in Division 2.3. My reasons are set out at [17] - [36] below.
13. In accordance with reg 5G(2) of the Regulations, I must not accept an Environment Plan unless I am reasonably satisfied that the titleholder is compliant with subsection 571(2) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (the **OPGGs Act**) in relation to the petroleum activity, and the compliance is in a form that is acceptable to NOPSEMA. On review of the titleholder's financial assurance declaration and confirmation forms, I was reasonably satisfied that the titleholder had demonstrated financial assurance in accordance with the requirements of reg 5G(2).
14. I then considered whether I was reasonably satisfied that the EP meets each of the criteria in reg 10A.
15. If I was reasonably satisfied that the Environment Plan met the criteria in reg 10A, I must accept it. However, if I was not reasonably satisfied that the Environment Plan met the criteria in reg 10A, I must:
- give the titleholder the opportunity to resubmit the Environment Plan; or
 - refuse to accept the Environment Plan; or
 - accept the Environment Plan in part for a particular stage of the activity; or
 - accept the Environment Plan subject to limitations or conditions applying to operations for the activity.
16. I considered that the criteria in reg 10A were all satisfied. My reasons are set out at [39] – [145] below. I am aware that another delegate expressed reasons in similar terms in relation to the Scarborough 4D B1 Marine Seismic Survey EP (also accepted on 1 December 2023), however the reasons below are my own, and any similarity is a product of the similar nature of the considerations.

Findings

Does the Environment Plan comply with Division 2.3?

17. Regulation 12 of the Environment Regulations requires that an EP must include the matters set out in regulations 13, 14, 15 and 16. As I was satisfied that the EP met regulations 13-16 (for the reasons set out individually below), I was satisfied that reg 12 was met and the EP complied with Division 2.3.

Environmental assessment: regulation 13

Regulation 13(1) - Description of the petroleum activity

18. Section 3 of the EP is titled 'Description of the Activity' and included the following information:

- a. the description of the activity, which is the drilling and completion of up to ten development wells within the area covered by Commonwealth Petroleum Production Licences WA-61-L and WA-62-L. The activity also includes the installation of a subsea xmas tree upon each well and the ongoing management (inspection, monitoring, maintenance and repair) of the complete wells (noting that future commissioning and production phases must be provided for in separate EPs). The Petroleum Activity Area (**PAA**) is located approximately 226 km from the nearest shoreline (North West Cape) and approximately 374 km west-northwest of Dampier. Water depths in the PAA range from approximately 900m to 955m;
- b. the location of the petroleum activity is clearly set out in the EP by high quality contextual maps containing the relevant petroleum production licence, operational areas (collectively referred to as PAA) and temporary petroleum safety zone and coordinates of the approximate location of each development well;
- c. the activity will be undertaken using a mobile offshore drilling unit (**MODU**), which is either a dynamically positioned or a moored MODU, an installation vessel, a subsea support vessel may be used for light well intervention if required, and a support vessel(s) used to re-supply and for other logistical and operational activities, with representative vessel specifications for each type of vessel provided in the EP (Section 3.9);
- d. information considered relevant for the consideration of environmental impacts and risks of the petroleum activity. Key aspects of the description included the following:
 - i. timing and duration of the petroleum activity, including a description of the stages of the activity, which may occur any time between 2023 and 2028, with the estimated duration of drilling being approximately 60 days per well, and the installation of subsea infrastructure expected to have a total duration of approximately 14 days. Continuous operations are planned during drilling and completion activities (24 hours per day, seven days per week). Vessel-based activities for well management could occur any time following well completion for a short duration (days) per well;
 - ii. general details of the construction and layout of the facility and infrastructure involved in the petroleum activity, including the MODU, project vessels, helicopters, wells and subsea equipment;
 - iii. a description of the target hydrocarbon and its physical/chemical characteristics;

- iv. routine and non-routine emissions and discharges from the petroleum activity, including light emissions, acoustic emissions, disturbance to benthic habitats, atmospheric and greenhouse gas emissions, MODU and project vessel discharges and drilling related discharges; and
- v. the EP also evaluates unplanned chemical and hydrocarbon discharges, ranging from a diesel spill in a vessel collision scenario to a dry gas release in a loss of well control scenario.

19. Based on the findings above I was reasonably satisfied that the EP contained a comprehensive description of the petroleum activity that met the requirements of reg 13(1).

Regulation 13(2) and (3) - Description of the environment that may be affected

20. Regulations 13(2) and (3) require that the EP describe the existing environment that may be affected by the activity, including the relevant values and sensitivities (if any) of that environment. The EP addressed each of these matters in Section 4 and Appendix I of the EP. In particular, the EP described and included the following information:

- a. a thorough description of the physical and biological environment, and details of relevant values and sensitivities, that may be affected by the petroleum activity, including under emergency conditions is defined by an operational area (PAA) and a broader environment that may be affected (**EMBA**) defined by the largest spatial extent where an unplanned hydrocarbon release could have an environmental consequence based on stochastic modelling of the worst-case spill scenario;
- b. that the activity or any part of the activity will not be undertaken in any part of a declared World Heritage Property or National Heritage Place, nor a declared *Ramsar* wetland, within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*, as described in Section 4.3 of the EP;
- c. values and sensitivities within the PAA have been identified and described:
 - i. that the PAA does not overlap with any Australian Marine Parks (**AMPs**), State marine parks, management areas and reserves, Commonwealth heritage places, Wetlands of international or national importance, or any biologically important areas (**BIAs**) for EPBC Act listed species;
 - ii. the PAA intersects the key ecological feature (**KEF**) of the Exmouth Plateau, as defined in the North-west Marine Bioregional Plan, which is a unique seafloor feature with ecological properties of regional significance, which apply to both the benthic and pelagic habitats within the feature;
 - iii. presence of listed threatened species, listed threatened ecological communities, and listed migratory species under the EPBC Act, including five threatened and/or migratory fish, sharks and ray species; five threatened and/or migratory marine reptile species; nine threatened and/or migratory marine mammal species; nine threatened and/or migratory shorebirds and seabird species; and no listed threatened ecological communities.
 - iv. social, economic and cultural features of the environment within the PAA have been identified and described (where identified) relating to cultural heritage, commercial fisheries, traditional fisheries, tourism and recreation, commercial shipping, defence and oil and gas activities, specifically:

- A. four Commonwealth-managed fisheries were identified as overlapping with the PAA, including the Western Deepwater Trawl Fishery, Southern Bluefin Tuna Fishery, Western Skipjack Tuna Fishery and Western Tuna and Billfish Fishery. None of these fisheries have been identified as having a potential for interaction within the PAA, due to the current distribution of fishing effort or the limited fishing effort of the fishery;
 - B. eight West Australian-managed fisheries were identified as overlapping with the PAA, including the West Coast Deep Sea Crustacean Managed Fishery, Pilbara Line Fishery, Pilbara Crab Managed Fishery, Mackerel Managed Fishery (Area 2 and 3), Marine Aquarium Managed Fishery, South West Coast Salmon Managed Fishery, West Coast Rock Lobster Fishery and Pearl Oyster Managed Fishery. None of these fisheries have been identified as having a potential for interaction within the PAA, due to the current distribution of fishing effort or the limited fishing effort of the fishery;
 - C. fishing tour operators have been identified as having no potential for interaction within the PAA, due to the current distribution of fishing effort from tour operators;
 - D. no traditional or customary fisheries were identified within the PAA;
 - E. tourism and recreation activities are not expected to be present within the PAA, as the PAA is located approximately 215 km from Exmouth and approximately 216 km from the Muiron Islands;
 - F. no other oil and gas developments or facilities are located within the PAA. In addition, no commercial shipping fairways are located within the PAA;
 - G. the PAA intersects the North West Exercise Area, a designated Department of Defence practice area; and
 - H. no Native Title claims or determinations, or Indigenous Land Use Agreements (**ILUAs**) were identified within the PAA. In addition, no Indigenous archaeology was identified within the PAA. An ethnographic survey of the Scarborough Project found no ethnographic sites or values within the PAA. Sea Country values held by coastally adjacent First Nations groups have been described, where the values may occur within the PAA (Table 4-16 and Table 4-17). These values have been determined using multiple lines of evidence, including a desktop assessment of Sea Country values from publicly available sources, specific studies including ethnographic surveys and archaeological heritage assessments and consultation with First Nations groups and individuals.
- d. values and sensitivities within the EMBA, have been identified and described, including:
- i. Australian Marine Parks (**AMPs**), specifically the Gascoyne AMP is the only AMP located within the EMBA and is located approximately 83 km from the PAA;
 - ii. key ecological features (**KEFs**) of the EMBA include the Exmouth Plateau, Canyons linking the Cuvier Abyssal Plain and the Cape Range Peninsula and Continental Slope Demersal Fish Communities;
 - iii. biologically important areas (**BIAs**) for EPBC Act listed species, including the migration BIA for the pygmy blue whale and the breeding and foraging BIA for the wedge-tailed shearwater;

- iv. presence of listed threatened species, listed threatened ecological communities, and listed migratory species under the EPBC Act, including 15 threatened and/or migratory fish, sharks and ray species, five threatened and/or migratory marine reptile species, 11 threatened and/or migratory marine mammal species, 21 threatened and/or migratory shorebirds and seabird species and no listed threatened ecological communities; and
- v. social, economic and cultural features of the EMBA have been identified and described relating to cultural heritage, traditional fisheries, tourism and recreation, commercial shipping, oil and gas and defence activities, specifically:
 - A. five Commonwealth-managed fisheries were identified as overlapping with the EMBA, including the North West Slope Trawl Fishery, Western Deepwater Trawl Fishery, Southern Bluefin Tuna Fishery, Western Skipjack Tuna Fishery and Western Tuna and Billfish Fishery. The North West Slope Trawl Fishery and Western Deepwater Trawl Fishery were identified as having a potential for interaction within the EMBA;
 - B. seven West Australian-managed fisheries were identified as overlapping with the EMBA, including West Coast Deep Sea Crustacean Managed Fishery, Pilbara Line Fishery, Pilbara Crab Managed Fishery, Mackerel Managed Fishery (Areas 2 and 3), Marine Aquarium Managed Fishery, South West Coast Salmon Managed Fishery and Beche-de-mer Fishery. The West Coast Deep Sea Crustacean Managed Fishery, Pilbara Line Fishery, Mackerel Managed Fishery (Areas 2 and 3), and Marine Aquarium Managed Fishery were identified as having a potential for interaction within the EMBA;
 - C. fishing tour operators have been identified as having a potential for interaction within the EMBA, due to the current distribution of fishing effort from tour operators;
 - D. no traditional or customary fisheries were identified within the EMBA;
 - E. tourism and recreation activities are not expected to be present within the EMBA;
 - F. no established oil and gas facilities are located within the EMBA. The proposed Equus Development Project is located approximately 70 km from the PAA, within the EMBA;
 - G. the EMBA intersects the North West Exercise Area, a designated Department of Defence practice area;
 - H. a number of commercial shipping fairways intersect the EMBA; and
 - I. First Nations people's cultural heritage values in the EMBA have been identified and described (Section 4.9.1). No Native Title claims or determinations, or ILUAs were identified within the EMBA; however, a number of Native Title claims or determinations, or ILUAs that are coastally adjacent to the EMBA were identified. In addition, no Indigenous archaeology was identified within the EMBA. An ethnographic survey of the Scarborough Project found no ethnographic sites or values within the EMBA. Sea Country values held by coastally adjacent First Nations groups have been described, where the values may occur within the EMBA (Table 4-16 and Table 4-17). These values have been determined using multiple lines of evidence, including a desktop assessment of Sea Country values from publicly available sources, specific studies including ethnographic surveys and archaeological heritage assessments and consultation with First Nations groups and individuals.

21. Based on the findings above, I was reasonably satisfied that the EP met the requirements in regulation 13(2) and (3).

Regulation 13(4) - Requirements

22. I noted that the EP provided a detailed table at Appendix B identifying various Commonwealth legislative requirements that apply to the activity. Various parts of the EP, in particular Section 1.10 (“Description of Relevant Requirements”) and Section 6 (“Environmental Risk Assessment, Performance Outcomes, Standards and Measurement Criteria”) provide descriptions of the legislative requirements that apply to the activity and how they are relevant to the environmental management of the activity.

23. I was therefore reasonably satisfied that the EP met requirements of regulation 13(4).

Regulation 13(5) and (6) - Evaluation of environmental impacts and risks

24. Section 6 of the EP detailed the environmental impacts and risks, including those arising from potential emergency conditions whether resulting from accident or any other reason, for the petroleum activity. The details of the environmental impacts and risks associated with receptors such as soil and groundwater, marine sediment, water quality, air quality, ecosystems/ habitat, species and, socio-economic environment for;

a. planned activities (routine and non-routine) such as:

- i. routine light emissions: external lighting on MODU and project vessels, including well completion (flaring);
- ii. routine atmospheric and greenhouse gas (GHG) emissions: emissions from MODU, vessel and helicopter operations, well flowback (flaring) and contingency activities (venting);
- iii. routine acoustic emissions: generation of noise from MODU, project vessels and positioning equipment;
- iv. physical presence: interaction with other marine users; and disturbance to benthic habitat from MODU anchoring, drilling operations, subsea installation and ROV operations; and
- v. routine and non-routine discharges: MODU and project vessels (discharges of sewage, grey water, putrescible waste, deck and bilge water, brine and cooling water); drill cuttings and drilling fluids; and cement, cementing fluids, subsea well fluids, produced water and unused bulk product; and

b. unplanned activities (accidents, incidents, emergency situations) such as:

- i. hydrocarbon release from vessel collision and loss of well control;
- ii. discharge: chemicals and hydrocarbons; bunkering; and hazardous and non-hazardous solid waste/equipment; and
- iii. physical presence: seabed disturbance; accidental introduction and establishment of invasive marine pests; and collision with marine fauna.

25. The EP included an evaluation of all the impacts and risks, whether arising directly or indirectly, and including those arising from potential emergency conditions whether resulting from accident or any other reason, appropriate to the nature and scale of each impact or risk (Section 6 and Appendix D). The impact and risk analysis process are described in Section 2 and includes assigning a consequence rating (defined in Figure 2-2) for all impacts and risks and a likelihood rating for unplanned events, which together were used to categorise planned and unplanned activities into a rating for the acceptability of the impact or risk. A description was provided in Table 2-1 about how the titleholder demonstrates that the impacts and risks will be managed to as low as reasonably practicable (**ALARP**). The outcome of the process for the impacts and risks identified in Table 6-1, with the impacts and risks generated by the activity being considered to be acceptable or broadly acceptable when taking into account the application of control measures and considering the extent, severity and duration of any planned or unplanned impacts to environmental receptors. The full evaluation of each individual impact and risk is provided in Section 6 of the EP.
26. The EP included details of the control measures that will be used to reduce the impacts and risks of the petroleum activity to ALARP and to an acceptable level (Section 6, and Appendix D). Control measures have been justified through evaluation considering additional, alternative or improved controls.
27. The evaluation addressed matters of national environmental significance (**MNES**) protected under the EPBC Act, including World Heritage properties, National Heritage properties, *Ramsar* wetlands, listed threatened species and communities, listed migratory species, Commonwealth marine areas, and the Great Barrier Reef Marine Park. The other MNES protected under the EPBC Act are not applicable to the proposed petroleum activity, including nuclear actions and water resources affected by coal seam gas development and large coal mining development.
28. The EP presented facts and evidence in support of the evaluations presented, which included, but is not limited to, the following:
- a. in relation to GHG emissions:
 - i. the EP evaluated the impacts of GHG emissions associated with the petroleum activity, including emissions generated by the MODU, vessels, helicopters, well flowback (flaring) and contingency activities (venting) (Section 6.7.2). The EP includes estimates of the total GHG emissions from the petroleum activity and evaluates the potential impacts of GHG emissions. The evaluation recognises the petroleum activities' contribution to the global scale of GHG emissions and acknowledges the cumulative nature of global GHG emissions;
 - ii. the titleholder estimated the total GHG emissions for the petroleum activity to be 150,000 tonnes CO₂-equivalent (t CO₂-e), approximately 0.02% of the Scarborough project lifecycle GHG emissions (Section 6.7.2). The EP references the impact evaluation provided in Section 7.1.3.8 of the Scarborough OPP, which evaluates the potential impacts of the total lifecycle GHG emissions (including scope 3 emissions) of the Scarborough project, including implications for the Australian environment as a result of global climate change; and
 - iii. the EP clarifies that the extraction of Scarborough gas for onshore processing is not included as part of the petroleum activity and therefore there are no GHG emissions associated with gas consumption/combustion which would be considered indirect consequences of the petroleum activity;

- b. in relation to routine acoustic emissions:
- i. the EP evaluates the impacts of underwater noise emissions associated with the petroleum activity, which are predominantly from the MODU, project vessels, and the positioning equipment (transponders). The EP references current, contemporary scientific literature and applicable modelling studies to inform the evaluation, as well as providing predictions of received levels of underwater noise in relation to biologically relevant thresholds; and
 - ii. a number of listed threatened and migratory cetacean species were identified as potentially occurring within the PAA, however no BIAs for cetaceans were identified to overlap with the PAA. The nearest BIA is the pygmy blue whale migration BIA, which is approximately 35 km from the PAA. Relevant recovery plans and conservation advice, including the Conservation Management Plan for the Blue Whale, have been considered in the evaluation;
- c. in relation to unplanned hydrocarbon release:
- i. the EP evaluates the credible hydrocarbon spill scenarios that could occur during the petroleum activity, including a vessel collision resulting in a rupture of a fuel tank, loss of well integrity and loss of containment during bunkering. The worst-case spill scenario identified was to be an instantaneous surface release of 250m³ of marine diesel oil (**MDO**), representing a loss of vessel fuel tank integrity following a collision. A loss of well integrity was determined to have no credible liquid hydrocarbon spill scenario, given the Scarborough reservoir contains dry gas and no or only trace liquid hydrocarbons. In the event of a loss of well integrity, there is expected to be no or negligible liquid component. The maximum credible discharge volume from a bunkering incident was 50 m³ of MDO;
 - ii. the EMBA was defined based on stochastic modelling of the worst-case spill scenario, an instantaneous surface release of 250m³ of MDO resulting from a vessel collision. MDO is a non-persistent fuel oil and contains a small proportion of heavy components (or low volatile components) that tend to physically entrain into the upper water column in the presence of moderate winds (>12 knots) and breaking waves but may re-float to the surface if these conditions abate. In the event of a substantial spill, the heavier components can remain entrained or remain on the sea surface for an extended period. When spilt into the activity area (warm tropical and subtropical marine environment), MDO will spread rapidly and form a very thin slick, with most of the volatile components typically evaporating in less than a day. Approximately 41% by mass of this oil is predicted to evaporate over the first couple of days depending on the prevailing wind conditions, with further evaporation slowing over time. The heavier (low volatility) components of the oil will tend to entrain into the upper water column due to wind-generated waves but can subsequently resurface depending on conditions;
 - iii. the EMBA is the potential spatial extent of surface, in-water, and shoreline accumulation hydrocarbons at concentrations above ecological impact thresholds (surface 10 g/m², entrained 100 parts per billion (**ppb**), dissolved 50 ppb, shoreline accumulation 100 g/m²). The EMBA has been developed based on multiple weather and metocean conditions, therefore conservatively covers a larger area than the area that is likely to be affected during any single spill event. The EMBA represents the total extent of all the locations where hydrocarbon thresholds could be exceeded from all modelling runs (200 hypothetical spills);
 - iv. the EP also identifies the area where surface hydrocarbon concentrations may be visible but are not expected to cause ecological impacts (Section 6.8.1.3). The threshold for visible surface oil

(1 g/m²) has been used to define an additional boundary within which socio-cultural impacts to the visual amenity of the marine environment may occur. The EP recognises that any ecological impacts from dissolved and entrained hydrocarbons above prescribed thresholds may also result in socio-cultural impacts. The socio-economic EMBA, with the addition of entrained hydrocarbon threshold of 10 ppb has been used to define the planning area for the purposes of scientific monitoring (Appendix D);

- v. the EMBA presented in the EP identifies a surface hydrocarbon slick extending up to about 52 km from the release location at or above the 10 g/m² impact threshold. No contact with sensitive receptor locations is predicted. Visible surface hydrocarbons of 1 g/m² may extend up to about 58 km from the release site, entrained hydrocarbons at or above the threshold concentration of 100 ppb extending 236 km from the release site, dissolved aromatic hydrocarbons at concentrations equal to or greater than the 50 ppb threshold extending up to 145 km from the site. Shoreline accumulated hydrocarbons above threshold concentration of 100 g/m² were not predicted to occur at any location; and
- vi. the outputs of the spill modelling were used to assess the environmental risk, by delineating which areas of the marine environment could be exposed to hydrocarbon levels exceeding hydrocarbon threshold concentrations. A description was provided of the physical and chemical pathways and potential impacts of exposure to receptors in the event of a hydrocarbon spill.

29. Based on the findings above, I was reasonably satisfied that the EP met the requirements of regulation 13(5) and (6).

Regulation 13(7) - Environmental Performance Outcomes and Standards

30. I considered the environmental performance outcomes (EPOs), environmental performance standards (EPSs) and measurement criteria provided in Section 6 of the EP and Appendix D and was satisfied that the:

- a. EPOs have been set which define performance for the management of the environmental aspects of the petroleum activity to ensure that environmental impacts and risks will be of an acceptable level. The EP notes that the EPOs presented are consistent with the EPOs in the Scarborough Offshore Petroleum Project (Table 6-2). For example:
 - i. Undertake the Petroleum Activities Program in a manner that will not seriously disrupt the lifecycle (breeding, feeding, migration or resting behaviour) of an ecologically significant proportion of the population of a migratory species (EPO 3).
 - ii. Undertake the Petroleum Activities Program in a manner that prevents a substantial adverse effect on a population of fishes, marine mammals, marine reptiles, or the spatial distribution of a population (EPO 4).
 - iii. No release of hydrocarbons to the marine environment due to a vessel collision associated with the Petroleum Activities Program (EPO 16).
 - iv. No loss of well control resulting in loss of hydrocarbons to the marine environment during the Petroleum Activities Program (EPO 17).



- v. Undertake the Petroleum Activities Program in a manner which prevents a known or potential pest species (IMS) becoming established (EPO 23).
- b. EPSs have been set for control measures identified as being necessary to reduce the environmental impacts and risks of the petroleum activity to ALARP and acceptable levels. For example:
- i. Wells drilled in compliance with the accepted well operations management plan (**WOMP**), including implementation of barriers to prevent a loss of well integrity (PS 2.2.1).
 - ii. Maintain gas flare, air supply and oil burner to maximise efficiency of combustion and minimise venting (PS 2.4.1).
 - iii. Oil burner will have combustion efficiency greater than 99% (PS 2.5.1).
 - iv. GHG emission regulatory reporting undertaken as required (PS 2.9.1).
 - v. Vessel speed will be managed to reduce fuel consumption where practicable (PS 2.11.1).
 - vi. GHG emission performance reviewed periodically during the campaign (when data is available) for optimisation opportunities (PS 2.13.2).
 - vii. During moves to the next well location MODU or installation vessel will not approach within 500 m of pygmy blue whales or humpback whale(s) or an area where pygmy blue whales or humpback whale(s) were observed within the previous 30 minutes (PS 3.2.1).
 - viii. Support vessels relocate, where safety allows, from vicinity of the MODU when pygmy blue whale(s) or humpback whale(s) are observed within 500m of the MODU (PS 3.4.1).
 - ix. Consideration of cultural values/new information, through the life of the EP, and the development of avoidance or mitigation strategies in collaboration with Traditional Custodians if impacts to cultural values are identified. Where avoidance is not possible, impact minimisation will be prioritised and demonstrated through a written options analysis/ALARP to ensure an acceptable level of impact. This will be documented through Woodside's Management of Change and Management of Knowledge processes (PS 28.1.1).
- c. measurement criteria provided will allow the titleholder to determine whether each EPO and EPS is being met for the duration of the petroleum activity. For example:
- i. An approved Source Control Emergency Response Plan (MC 9.3);
 - ii. Records demonstrate chemical selection, assessment and approval process for selected chemicals is followed (MC 6.5.1).
 - iii. Records demonstrate no breaches with *Environment Protection Biodiversity Conservation Regulations 2000 (EPBC Regulations 2000)*- Part 8 Division 8.1 Interacting with cetaceans (MC 3.1.1).
 - iv. Records of review indicates that GHG emission performance was considered and opportunities for improvement documented/communicated if appropriate (MC 2.13.2).

- v. Records demonstrate flaring was restricted to a duration necessary to achieve well objectives (MC 1.2.1).
- vi. Records demonstrate all relevant marine crew have completed inductions that include cultural material (MC 28.3.1).

31. Based on the findings above, I was reasonably satisfied that the EP met the requirements of regulation 13(7).

Implementation strategy for the EP: regulation 14

32. In relation to the requirements in reg 14 regarding the implementation strategy, the EP includes:

- a. an implementation strategy for the activity in accordance with regulation 14 of the Environment Regulations (reg 14(1));
- b. the timing for when the titleholder will report to NOPSEMA in relation to the titleholder's environmental performance for the activity, with the interval between reports not being more than one year. Section 7.10.2 outlines the routine reporting obligations to NOPSEMA, including annual environmental performance reporting (reg 14(2));
- c. a description of the environmental management system (**EMS**) for the activity in Sections 1.9 and 7 of the EP, including specific measures to be used to ensure that, for the duration of the activity, the environmental impacts and risks of the activity continue to be identified and reduced to a level that is ALARP, control measures described in the EP are effective in reducing the environmental impacts and risks of the activity to ALARP and an acceptable level, and EPOs and EPSs set out in the EP are being met. The EP review process and management of change process are described in Sections 7.7 and 7.8, respectively (reg 14(3));
- d. establishment of a clear chain of command, setting out the roles and responsibilities of personnel in relation to the implementation, management and review of the EP, including during emergencies or potential emergencies. Section 7.3 outlines the organisational structure for the petroleum activity and the roles and responsibilities of key project team members. The chain of command and roles and responsibilities of key personnel involved in spill preparation and response are defined in the Oil Spill Preparedness and Response Mitigation Assessment (Appendix D) (reg 14(4));
- e. measures to ensure that each employee or contractor working on, or in connection with, the activity is aware of their responsibilities in relation to the EP, including during emergencies or potential emergencies, and has the appropriate competencies and training). Section 7.6 outlines the measures that are in place for ensuring employee and contractor competency, including the necessary awareness, training and induction requirements to fulfil their duties. Section 7.12 defines the emergency response training and minimum competency levels of personnel with responsibilities for emergency response, and defines the Source Control IMT structure and capability requirements (reg 14(5));
- f. provision for sufficient monitoring, recording, audit, management of non-conformance and review of the titleholder's environmental performance and the implementation strategy to ensure that the EPOs and EPSs in the EP are being met. In particular, Section 7.7 outline the process for inspections and audits, and management of non-conformances (reg 14(6));

- g. sufficient monitoring of, and maintaining a quantitative record of, emissions and discharges (whether occurring during normal operations or otherwise), such that the record can be used to assess whether the EPOs and EPSs in the EP are being met. In particular, Section 7.7.1 outlines the approach to monitoring and record keeping for emissions and discharges (reg 14(7));
- h. an oil pollution emergency plan (**OPEP**) with provision for the updating of the plan, made up of the following components: Woodside Oil Pollution Emergency Arrangements (Australia) – Guideline, Oil Pollution First Strike Plan (Appendix H) and Oil Spill Preparedness and Response Mitigation Assessment (Appendix D) (reg 14(8));
- i. the documents that comprise the OPEP define appropriate arrangements for responding to and monitoring oil pollution (Appendix D and Appendix H), and includes:
 - i. the control measures necessary for timely response to an emergency that results or may result in oil pollution (monitor and evaluate, source control for a vessel spill, source control for a loss of well containment and oiled wildlife);
 - ii. the arrangements and capability that will be in place for the duration of the activity to ensure timely implementation of the control measures, including arrangements of ongoing maintenance of response capability, WOMP, Oil Pollution First Strike Plan, Source Control Emergency Response Plan (**SCERP**), Australian Marine Oil Spill Centre (**AMOSC**) membership, Oil Spill Response Limited (**OSRL**) membership, Wild Well Control (**WWC**) membership, emergency response vessel providers master services agreements, aviation services master services agreement, labour hire contract services agreement, oil spill trajectory modelling contract, tracking buoy service provider contract, satellite imagery service provider contract, Operational and Scientific Monitoring Plan (**OSMP**) service provider contract, signatory to the Australian Petroleum Production & Exploration Association (**APPEA**) Memorandum of Understanding (**MoU**) for well services, frame agreements with remotely operated vehicle (**ROV**) providers, monitoring availability of larger vessels through Frame Agreements, response personnel accessible through Woodside's People and Global Capability Surge Labour Requirement Plan);
 - iii. the arrangements and capability that will be in place for monitoring the effectiveness of the control measures and ensuring that the EPSs for the control measures are met (Woodside Environmental Team and oil spill response service providers); and
 - iv. the arrangements and capability in place for monitoring oil pollution to inform response activities (Woodside Environmental Team and OSMP service providers) (reg 14(8AA));
- j. arrangements for testing the response arrangements in the OPEP that are appropriate to the response arrangements and to the nature and scale of the risk of oil pollution for the activity. Section 7.12 provides details of the emergency and oil spill response testing and exercises, including specific details on the testing of the primary response arrangements for source control. Further details of the test and exercise objectives and processes are provided in the and Oil Spill Preparedness and Response Mitigation Assessment (Appendix D) (reg 14(8A));
- k. the arrangements for testing the response arrangements, including a description of the objectives of testing (Section 7.12.8 and Appendix D), a proposed schedule of tests (Section 7.12.8), mechanisms to examine the effectiveness of response arrangements against the objectives of testing, and mechanisms to address recommendations arising from tests (reg 14(8B));

- i. testing the response arrangements when they are introduced;
 - ii. testing the response arrangements when they are significantly amended;
 - iii. testing the response arrangements not later than 12 months after the most recent test;
 - iv. if a new location for the activity is added to the EP after the response arrangements have been tested, and before the next test is conducted – testing the response arrangements in relation to the new location as soon as practicable after it is added to the plan; and
 - v. if a facility becomes operational after the response arrangements have been tested and before the next test is conducted – testing the response arrangements in relation to the facility when it becomes operational (regulation 14(8C));
 - m. the documents comprising the OPEP provide for monitoring of impacts to the environment from oil pollution and response activities that is appropriate to the nature and scale of the risk of the environmental impacts and risks for the activity and is sufficient to inform any remediation activities (Appendix D) (regulation 14(8D));
 - n. the arrangements in Appendix D and Appendix H are consistent with the national system for oil pollution preparedness and response (regulation 14(8E));
 - o. provision for appropriate ongoing consultation during the implementation of the petroleum activity with relevant authorities of the Commonwealth, a State or Territory and other relevant interested persons or organisations. In particular, Section 5.7 and Section 7.11 outlines the arrangements for ongoing consultation. The EP also provides a program of ongoing engagement with traditional custodians (Appendix J) (regulation 14(9)); and
 - p. the implementation strategy complies with the Act, the regulations and any other environmental legislation applying to the activity (as outlined in Section 1.10 and Appendix B) (regulation 14(10)).
33. Based on the findings above, NOPSEMA is reasonably satisfied that the EP met the requirements of reg 14.

Details of titleholder and liaison person: regulation 15

34. I considered the EP (particularly Section 1.8) and found that it includes:
 - a. details for the titleholder, including name, business address, contact details and Australian Company Number or ACN (within the meaning of the *Corporations Act 2001*) (reg 15(1));
 - b. details for the titleholder's nominated liaison person including name, business address and contact details (reg 15(2)); and
 - c. arrangements for notifying NOPSEMA of a change in titleholder, a change in the titleholder's nominated liaison person or a change in the contact details for either the titleholder or the liaison person in Section 1.8.3 (reg 15(3)).

35. Based on the findings above, I am reasonably satisfied that the EP met the requirements of reg 15.

Other information in the EP: regulation 16

36. I considered that the EP met reg 16 as it contains:

- a. the titleholder's "Environment and Biodiversity Policy", "Healthy and Safety Policy" and "Risk Management Policy" (Appendix A);
- b. the information required under reg 16(b), specifically a report on all consultations under regulation 11A of any relevant person by the titleholder in Section 5 and Appendix F of the EP and the Sensitive Information Report (Revision 6, dated October 2023), including:
 - i. a summary of each response made by a relevant person (see Appendix F, Table 1). The titleholder has provided a summary of responses received from relevant persons, such that relevant claims or objections can be adequately identified;
 - ii. an assessment of the merits of any objection or claim raised during relevant persons consultation (see Appendix F, Table 1). The titleholder has identified claims and objections raised by relevant persons and assessed the merit of each objection or claim about the adverse impact of the activity described in the EP. Where there was merit to relevant claims or objections regarding the adverse impact of the activity to which the EP relates, the titleholder has considered the claims against the content of the EP to ensure relevant management measures have been included. The consultation has progressed to resolve objections and claims made by relevant persons as far as reasonably practicable. The titleholder's assessment of merit and all responses to objections and claims were reasonable and supported by evidence;
 - iii. a statement of the titleholder's response, or proposed response, if any, to each objection or claim (see Appendix F, Table 1). Where there has been a claim or objection identified, the titleholder has provided a response or proposed response to each objection or claim that has been raised; and
 - iv. a copy of the full text of any response by a relevant person was included in the Sensitive Information Report;
- c. details of any reportable incidents in relation to the proposed activity in Section 7.10.4 of the EP.

Should the Environment Plan be accepted?

37. Regulation 10 requires that when making my decision as to whether the EP should be accepted, refused or accepted in part or with conditions, I must consider the further information that the titleholder had provided under reg 9A(3). The information that I considered was contained in the various resubmitted EPs, which resulted in the EP.
38. Against this background (and having considered the materials at **Attachment C**), I made the following findings against each criterion.

The EP is appropriate to the nature and scale of the activity: regulation 10A(a)

39. I noted that Section 3 of the EP includes a description of the scope and bounds of the activity. The activity is described in sufficient detail to inform subsequent impact and risk assessment processes, including relevant routine and non-routine emissions and discharges, and potential unplanned discharges resulting from emergency conditions. The EP provides more detail on the activity components with the greatest potential to generate impacts and risks to the environment.
40. I considered that Section 4 and Appendix I of the EP contained a thorough description of the environment, and appropriately considers relevant values and sensitivities (including matters protected under Part 3 of the EPBC Act). The description of the EMBA includes areas that may be affected by potential emergency conditions in the event of an oil pollution incident which is conservatively defined through stochastic modelling of the worst-case spill scenario. The level of detail included in the EP is appropriately scaled to the nature of the impacts and risks. A greater level of detail is included in the EP on the environment that may be affected by planned operations (the PAA), compared with the broader environment that may be exposed to low levels of hydrocarbon (in the unlikely event of a worst-case hydrocarbon release). Specifically, the EP includes:
- a. a logical process that is applied to identify and describe the matters protected under Part 3 of the EPBC Act that may be present within the EMBA. The EP utilises relevant information to adequately inform and support the descriptions, such as information available on The Department of Climate Change, Energy, Environment and Water (**DCCEEW**) website such as plans of management, threat abatement plans, threatened species recovery plans and marine bioregional plans (Section 4 and Appendix I);
 - b. a description of the key physical, biological, social, economic, and cultural features, values and sensitivities of the environment of the Commonwealth marine area. In particular, the EP applies a logical process to identify and describe the key physical, biological, social, economic, and cultural features, values and sensitivities of the environment that overlap with the EMBA. The EP utilises relevant references and information sources to adequately inform and support the descriptions, such as contemporary peer-reviewed scientific literature and other authoritative sources (Section 4 and Appendix I); and
 - c. a description of First Nations cultural features and heritage values of the EMBA (Section 4.9.1), In particular:
 - i. the description in the EP includes consideration of both tangible and intangible aspects and is supported by multiple sources of relevant and suitable information. For example, the EP includes details of onshore native title claims, determinations and Indigenous Land Use Agreements (**IULAs**) made under the *Native Title Act 1993*, cultural values related information published in State and Commonwealth Marine Park Management Plans, information on the cultural features of marine ecosystems including the broader concept of “sea country”, and information on Indigenous archaeology in the offshore marine environment. The EP also provided opportunities through relevant persons consultation to inform the description of the potential for First Nations cultural features within the EMBA;
 - ii. the description in the EP is supported by a desktop assessment of sea country values (Section 4.9.1.5.1) undertaken by the titleholder where it reviewed publicly available literature for any records of previously identified sea country values or cultural features that may occur within

the PAA or EMBA. A summary of sea country values or cultural features identified through the desktop assessment is presented in Table 4-16;

- iii. consultation with relevant persons has built on the knowledge of cultural features of the environment available through published research in the area. A summary of the values raised by First Nations relevant persons during consultation for this activity are presented in Table 4-17. Based on the desktop assessment and information obtained from First Nations relevant persons, the titleholder identified a number of cultural features and heritage values (summarised in Table 4-18) including, but not limited to:
 - A. songlines;
 - B. creation/ dreaming sites, sacred sites and ancestral beings;
 - C. cultural obligations to care for country;
 - D. knowledge of country/ customary law and transfer of knowledge;
 - E. connection to country, access to country;
 - F. kinship systems and totemic species, resource collection; and
 - G. marine ecosystems and marine species.
- iv. the description in the EP is supplemented with results from an ethnographic heritage assessment undertaken for the Scarborough project development footprint (as presented in Figure 4-10 of the EP), noting that a landscape-scale approach was undertaken, which identified no ethnographic sites or values within the EMBA. I recognise that there is some uncertainty about the suitability of this ethnographic survey to provide a comprehensive understanding of ethnographic sites and values in the EMBA. This uncertainty exists given that it was undertaken by a limited group of traditional custodian representatives (i.e. Murujuga Aboriginal Corporation (**MAC**) Circle of Elders) and for another purpose (i.e. the EP describes that the survey purpose included providing an understanding of the cultural heritage values associated with the submerged landscape and providing an understanding of the cultural values within the coastal, nearshore and offshore proposed Scarborough trunkline and associated works areas). Nevertheless, I was reasonably satisfied that this uncertainty has been addressed in the EP through relevant persons consultation with a broader group of First Nations groups to inform the titleholder's understanding of the potential for First Nations cultural heritage values within the EMBA, and the desktop assessment of sea country values and cultural features (Table 4-16). Specifically, where information relating to the identification of First Nations cultural heritage values was provided to the titleholder during relevant persons consultation it has been incorporated into the description in the EP (Section 4.9.1.5.3); and
- v. during the assessment process, an expert report was obtained by NOPSEMA from Extent Heritage to assist NOPSEMA's understanding and consideration of cultural features of the environment broadly applicable to the geographic area of the Scarborough Drilling and Completions activity. Extent Heritage concluded that there is no potential for any in-situ First Nations submerged terrestrial archaeological deposits within the subject area based on consideration of the location and water depths of the area relative to the Pleistocene coastal landscape, and that there are no known records of First Nations submerged archaeological

deposits within Commonwealth waters. Additionally, the report notes that the subject area is located well beyond the inundated coastal plain Aboriginal people lived on during the Pleistocene, and likely beyond the extent of viewlines from the Last Glacial Maximum (**LGM**) coast and beyond the extent that Aboriginal watercraft were likely to have travelled. The conclusions in the report are consistent with information presented in the EP that does not identify any known First Nations archaeological sites in the PAA or EMBA located in Commonwealth waters.

41. I also noted that a sufficiently robust method, consistent with internationally recognised standard ISO 31000:2018 Risk Evaluation, has been applied in the EP for the identification and evaluation of environmental impacts and risks of the petroleum activity (Section 2.2). The detail and rigour applied to the impact and risk assessments (Section 6) is commensurate to the magnitude of the impacts and risks related to the petroleum activity, and the level of analysis and evaluation is proportionate to the nature and scale of the environmental impacts and risks generated by the petroleum activity.
42. I considered that the EP demonstrates that the evaluation of impacts and risks has informed the selection of suitable control measures appropriate for the nature and scale of the activity (Section 6). For example, specific control measures for higher order environmental impacts and risks have been addressed via the inclusion of EPOs, EPSs and measurement criteria (as per reg 13(7)) and are addressed further below.
43. The EP includes sufficient information on the legislative requirements that are relevant to the activity (Section 1.10 and Appendix B). In addition, the environmental impact and risk assessments (Section 6) include a description of how the relevant requirements are met throughout the life of the activity.
44. Based on the findings above, I was reasonably satisfied that the EP met the requirements of reg 10A(a).

The EP demonstrates that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable: regulation 10A(b)

45. Having regard to the EP I considered that:
 - a. Section 2 of the EP describes the process applied to evaluate whether impacts and risks are reduced to ALARP. Section 6 of the EP presents a clear, systematic, defensible and reproducible process for the evaluation of all impacts and risks, which details the control measures to be implemented, including an evaluation of additional potential control measures, and justifies why control measures are either adopted or rejected (with reasoned conclusions) to demonstrate that the environmental impacts and risks of the activity will be reduced to ALARP. The evaluation of the adoption of control measures is based on environmental benefits and the consideration of the feasibility and cost/sacrifice of implementation. The control measures adopted are considered sufficient for the impacts and risks presented.
 - b. I considered that the titleholder has applied the environmental risk assessment process (described in Section 2) appropriately for planned aspects of the activity, in particular for higher order hazards associated with the activity, such as drilling related discharges and underwater noise emissions. For such higher order impacts and risks, I accepted that the exploration of alternative, additional or improved control measures had been evidenced, and that the control measures adopted demonstrate that environmental impacts will be reduced to ALARP.

- c. Unplanned aspects of the activity are described in Section 6 of the EP, including accidental introduction and establishment of invasive marine species, unplanned discharge of hazard and non-hazardous waste, collision with marine fauna, unplanned seabed disturbance, and unplanned hydrocarbon and chemical releases. These aspects are appropriately described and evaluated to give confidence that the control measures selected are appropriate and risks are reduced to ALARP.
- d. The evaluation of impacts and risks has informed the selection of suitable control measures to either reduce the consequence/severity or likelihood of impacts and risks. The control measures outlined in Section 6 of the EP are sufficiently detailed to demonstrate they will be effective in reducing the impacts and risks for the duration of the activity. The level of detail in the ALARP assessment is commensurate to the nature and scale of the potential impacts and risks. For higher order impacts and risks, the exploration of alternative, additional or improved control measures is evident by the titleholder. The EP has demonstrated, through reasoned and supported arguments that there are no other practical control measures that could reasonably be taken to reduce impacts and risks any further.
- e. The EP considers, evaluates and incorporates information gathered from the consultation process when demonstrating impacts and risks are or will be reduced to ALARP, such as advice from DCCEEW relating to BIAs, feedback from the Department of Defence, requirements for notifications, and information provided on the cultural features of the environment by First Nations relevant persons (Table 4-17). Each impact and risk evaluated in Section 6 of the EP (i.e., demonstration of ALARP tables) addresses the range of matters raised by relevant persons. Section 6.10 of the EP includes an assessment of impacts and risks to cultural features and heritage values. I note that the EP includes control measures that address impacts and risks on First Nations cultural features and heritage values, including those that relate to the women's only gender-restricted material provided to NOPSEMA as part of the EP (see [112]), and I am satisfied that those impacts and risks will be reduced to ALARP with the implementation of those control measures.
- f. In some instances, the titleholder adopted additional control measures or improved existing control measures in response to information obtained from relevant persons during consultation. For example, the titleholder adopted additional control measures to minimise impacts and risks to whale sharks (C 3.5) and marine turtles (C 3.6) and amended existing control measures that were specific to pygmy blue whales to extend the requirements to humpback whales (C 3.2 and C 3.4).
- g. I am satisfied that the EP adequately identifies and evaluates the potential impacts and risks from the activity to threatened and migratory whales and other marine fauna, by being informed by the likelihood of species presence, distribution and behaviour within the area that may be affected by underwater noise emissions and supported with peer-reviewed literature. In particular:
 - i. the evaluation of impacts and risks to threatened and migratory whales were informed by applying suitable control measures, including those set out within EPBC Regulations 2000 – Part 8 Division 8.1 Interacting with cetaceans; and
 - ii. the EP considered, evaluated, and detailed all reasonable control measures that could reduce impacts to threatened and migratory whales and other marine fauna to ALARP.
- h. I considered that the EP provided reasons that were supported by evidence for why the adopted controls for threatened and migratory whales and other marine fauna, reduce the potential impacts to the point that any additional or alternative control measures are either not feasible, or their cost

would be grossly disproportionate to the benefit that would be achieved. Control measures adopted include:

- A. implement adaptive management procedure prior to and during MODU or installation vessel moves to the next well location, during daylight hours (C 3.2);
 - B. move support vessel(s) away from MODU (>2 km) if pygmy blue whale(s) or humpback whale(s) observed within 500m – when support vessel is not being used to perform functionality as required by Safety Case (C 3.4);
 - C. project vessels will not travel greater than 6 knots within 250 m of a whale shark and not allow the vessel to approach closer than 30 m of a whale shark (C 3.5); and
 - D. vessels will not travel greater than 6 knots within 300 m of a turtle (referred to as the “caution zone”). If the turtle shows signs of being disturbed, vessels will immediately withdraw from the caution zone at a constant speed of less than 6 knots (C 3.6);
- i. I noted that the analysis of impacts to threatened and migratory whales and other marine fauna, includes consideration of the objections and claims raised by relevant persons in relation to the management of impacts to these species to reduce these to ALARP.

46. Based on the findings above, I was reasonably satisfied that the EP met the requirements of reg 10A(b).

The EP demonstrates that the environmental impacts and risks of the activity will be of an acceptable level: regulation 10A(c)

47. I considered that the EP demonstrated that the environmental impacts and risks of the activity will be of an acceptable level, specifically I found that:

- a. Section 6 of the EP applies a clear, systematic, defensible, and reproducible process for demonstrating how environmental risks will be of an acceptable level. The process is commensurate with the nature and scale of the activity and the severity of its impacts and risks. The statements and conclusions drawn by the titleholder in the EP have been sufficiently supported with scientific literature. For example, the titleholder has applied more effort and rigour to evaluations where there is a higher degree of scientific uncertainty in predictions of impacts and risks and/or severity of potential consequence of impacts and risks;
- b. Section 2.3.5 of the EP describes the process undertaken by the titleholder to determine acceptable levels of impact and risk for the petroleum activity, including thorough consideration of the principles of ESD, internal context, external context and other requirements. I considered that the impact and risk assessments provided in Section 6 of the EP demonstrate that the impacts and risks of the activity will be managed to an acceptable level;
- c. the EP demonstrates that the petroleum activity is not likely to have a significant impact on MNES protected under the EPBC Act, including World Heritage properties, National Heritage properties, *Ramsar* wetlands, listed threatened species and communities, listed migratory species, Commonwealth marine areas, and the Great Barrier Reef Marine Park;
- d. the EP includes appropriate and accurate content to demonstrate that the proposed activity is not inconsistent with relevant key documents such as recovery plans, conservation advice and

management plans, which are outlined in Section 6.9. In particular, an assessment of the activity against the relevant objectives and action areas in these plans is provided in Table 6-19, Table 6-20, and Table 6-21. For example, the noise evaluation in Section 6.7.3 demonstrated that the petroleum activity will be managed in a manner that is not inconsistent with the Conservation Management Plan for the Blue Whale; and

- e. in relation to planned aspects of the activity (Section 6), predictions have been made regarding impacts and risks to the environment that are considered suitably conservative and result in the inclusion of appropriate controls given the nature of the activity. For example, the environmental assessment includes consideration of aspects typical for drilling activities, such as light emissions, acoustic emissions, disturbance to benthic habitats, atmospheric and greenhouse gas emissions, MODU and project vessel marine discharges (i.e. sewage, grey water, putrescible waste, deck and bilge water and brine or cooling water) and drilling related discharges (i.e. drill cuttings, drilling fluids, cement, cementing fluids, subsea well fluids, produced water and unused bulk product).

48. Specifically in relation to GHG emissions, I considered that the EP demonstrated that this specific impact will be of an acceptable level because:

- a. the EP evaluated the impacts of GHG emissions associated with the petroleum activity, including emissions generated by the MODU, vessels, helicopters, well flowback (flaring) and contingency activities (venting) (Section 6.7.2). The EP includes estimates of the total GHG emissions from the petroleum activity and evaluates the potential impacts of GHG emissions. The evaluation recognises the petroleum activity's contribution to the global scale of GHG emissions and acknowledges the cumulative nature of global GHG emissions;
- b. the EP clarifies that the extraction of Scarborough gas for onshore processing is not included as part of the petroleum activity. As such, I accepted that there are no GHG emissions associated with gas processing, consumption or combustion which would be considered indirect consequences of the petroleum activity. Subsequent and future petroleum activities must first be subject to their own assessment and approval under the Environment Regulations, prior to extraction of Scarborough gas for onshore processing, transport, sale and consumption or combustion;
- c. a summary of the estimated total greenhouse gas emissions for the petroleum activity is provided at Table 6-4 of the EP. Total greenhouse gas emissions attributable to the petroleum activity are 150,000 tCO₂e;
- d. the EP considers current published and reputable literature (e.g., IPCC reports) regarding GHG emissions and climate change, as well as Australia's updated Nationally Determined Contribution (NDC) under the Paris Agreement. The EP presented a case that the petroleum activity is not inconsistent with Australia's target to reduce GHG emissions by 43% below 2005 levels by 2030, on a path leading to net zero by 2050 (Section 6.7.2);
- e. the EP explains that the titleholder, at a corporate level, has committed to targets to reduce net equity Scope 1 and 2 emissions below the gross 2016-2020 annual average by 15% in 2025 and 30% in 2030 for all of its projects which includes the petroleum activity. The titleholder will apply offsets (carbon credits) where necessary to meet its obligations under these corporate targets;
- f. the EP includes an EPO (EPO 6, Section 6.7.2) that accounts for the review and reduction of GHG emissions, specifically to 'Assess opportunities to improve energy efficiency and reduce GHG

emissions from the petroleum activity'. To demonstrate how this EPO will be met, the titleholder has committed to the management measures, including, but not limited to:

- i. assess opportunities to eliminate well flowback flaring to MODU (C 2.10);
 - ii. contracting strategy and evaluation for hire of support vessels includes consideration of vessel emissions parameters and low carbon / alternative fuels (C 2.12);
 - iii. contractors will be engaged to identify additional GHG emissions reduction opportunities (C 2.13); and
 - iv. track and review emissions during the petroleum activity with the objective to identify further opportunities to improve efficiencies (C 2.14);
- g. the EP demonstrates that with the implementation of the proposed management measures, GHG emissions from the petroleum activity are unlikely to result in an impact significance greater than negligible and therefore will be managed to an acceptable level.

49. Specifically in relation to routine acoustic emissions, I considered that the EP demonstrated that this specific impact to threatened and migratory whales (such as injury or significant behavioural disturbance) will be of an acceptable level because:

- a. the PAA does not overlap with any BIAs for threatened and migratory whales. The closest BIA to the PAA is the pygmy blue whale migration BIA, located 35 km from the PAA. No other BIAs for threatened and migratory whales are located within the EMBA. Therefore, I was satisfied that the EP was not inconsistent with the Commonwealth of Australia, Conservation Management Plan for the Blue Whale 2015–2025 made under section 269A of the EPBC Act, Guidance on Key Terms within the Blue Whale Conservation Management Plan (2021), Blue Whale Conservation Management Plan – FAQs published by NOPSEMA, and Department of Sustainability, Environment, Water, Population and Communities, Marine Bioregional Plan for the North-west Marine Region;
- b. the noise evaluation (Section 6.7.3) has been informed by contemporary peer-reviewed literature and internationally accepted impact evaluation thresholds;
- c. the acceptable level of impact for underwater noise impacts on whales is compared to the predicted level of impact, which is derived from comparing noise modelling studies with published studies on the distribution patterns of whales, to demonstrate that the environmental impacts of the activity will be managed to an acceptable level. In particular, the EP (Section 4.6.3 and Section 6.7.3) considered recent research on blue whale distribution patterns published in peer-reviewed literature that indicated the possibility of blue whale presence in and around the PAA;
- d. the EP evaluates the potential for permanent threshold shift (**PTS**) and temporary threshold shift (**TTS**) in hearing and behavioural disturbance to whales, due to underwater noise exposure from the activity;
- e. the EP addresses impacts and risks from underwater noise to whales, in particular pygmy blue whales. It details modelling which predicts that PTS and TTS will not be exceeded in the pygmy blue whale migration BIA, located 35 km from the PAA. The EP explains that the predicted distances to PTS and TTS from modelling are based upon exposure for 24-hours by a stationary receptor, which is conservative given it is not a realistic scenario based on the predicted movement patterns of

whales. The EP concludes that PTS and TTS are not expected to occur for whales transiting through the PAA;

- f. the activity will not have an unacceptable level of impact on blue whale foraging because the PAA is not located in a designated pygmy blue whale foraging area (as defined in the Blue Whale Conservation Management Plan and Thums et al. 2022) and there is a low likelihood of foraging expected to occur in the area. In the event pygmy blue whales are sighted by appropriately trained crew, with the adoption of adaptive management controls (Section 6.7.3) impacts to biologically important behaviours of pygmy blue whales are unlikely;
- g. the EP demonstrates, based upon scientifically supported predictions and the location of the activity outside designated BIAs for pygmy blue whales, that the likelihood of encountering pygmy blue whales in the area within which received noise levels may result in PTS, TTS and behavioural disturbance is low. If greater than expected numbers of whales are observed in the area, the EP provides for adaptive management whereby the titleholder will initiate and follow its change and revision processes (which I consider in reg 10A(e) below);
- h. the EP describes a range of control measures to reduce underwater noise impacts to pygmy blue whales and other marine fauna to an acceptable level, including, but not limited to:
 - i. EPBC Regulations 2000 – Part 8 Division 8.1 Interacting with cetaceans, including the following measures:
 - A. project vessels will not travel greater than 6 knots within 300 m of a cetacean (caution zone) and not approach closer than 100 m from a whale;
 - B. project vessels will not approach closer than 50 m for a dolphin or and/or 100 m for a whale (with the exception of animals bow riding); and
 - C. if the cetacean shows signs of being disturbed, project vessels will immediately withdraw from the caution zone at a constant speed of less than 6 knots (C 3.1);
 - ii. implement adaptive management procedure prior to and during MODU or installation vessel moves to the next well location, during daylight hours (C 3.2);
 - iii. move support vessel(s) away from MODU (>2 km) if pygmy blue whale(s) or humpback whale(s) observed within 500m – when support vessel is not being used to perform functionality as required by Safety Case (C 3.4);
 - iv. project vessels will not travel greater than 6 knots within 250 m of a whale shark and not allow the vessel to approach closer than 30 m of a whale shark (C 3.5); and
 - v. vessels will not travel greater than 6 knots within 300 m of a turtle (caution zone). If the turtle shows signs of being disturbed, vessels will immediately withdraw from the caution zone at a constant speed of less than 6 knots (C 3.6); and
- i. the EP demonstrates that with the implementation of the proposed management measures, the petroleum activity is not expected to injure or result in biologically significant behavioural disturbance to blue whales, and therefore will be managed to an acceptable level.

50. In relation to impacts and risks to cultural features of the environment, I considered that the EP (Section 6.10) demonstrated that this will be of an acceptable level because:

- i. the EP adequately evaluates the potential for the petroleum activity to directly or indirectly affect First Nations cultural features and heritage values, including, but not limited to:
 - A. songlines;
 - B. creation/ dreaming sites, sacred sites and ancestral beings;
 - C. cultural obligations to care for country;
 - D. knowledge of country/ customary law and transfer of knowledge;
 - E. connection to country, access to country;
 - F. kinship systems and totemic species, resource collection; and
 - G. marine ecosystems and marine species;
- ii. the evaluation of impacts and risks to cultural features and heritage values was informed by information that the titleholder gathered from First Nations relevant persons through the consultation process in preparation of the EP. This included feedback provided from First Nations relevant persons in relation to the identification and management of cultural features and heritage values that may be present in the EMBA, such as marine turtles, whales and other marine fauna, including species that may be of cultural significance to First Nations people;
- iii. the impact and risk evaluation outlines that:
 - A. no specific details of songlines within the EMBA have been provided by relevant persons, and no landforms typical of songlines (e.g., rocks, mountains, rivers, caves and hills) are anticipated to be impacted by the activity;
 - B. no creation and dreaming sites, sacred sites, and places associated with ancestral beings were identified within the EMBA. I noted that the PAA and EMBA do not overlap with the Ancient Landscape (i.e., the area where potential First Nations archaeological material may exist on the seabed, based on the full extent of possible First Nations occupation);
 - C. no cultural activities to care for country and other traditional practices (knowledge of country/ customary law and transfer of knowledge) were identified within the EMBA;
 - D. no impacts to connection to country are anticipated. I noted that access to areas within the PAA may be limited where exclusion zones are established around vessels for safety purposes. I considered that the PAA is located approximately 215 km from the closest landfall (North West Cape) and no traditional activities within the PAA have been identified. I noted that access to country within the EMBA is not expected to be affected in the highly unlikely event of a marine diesel spill; and
 - E. impacts to marine fauna from the activity are not expected to impact on the totemic or kinship cultural connection;

- iv. the EP demonstrates that with the implementation of the proposed management measures, that planned activities are unlikely to result in an impact greater than negligible and unplanned activities are assessed to have a residual risk rating of moderate (or lower), and therefore the activity will be managed to acceptable levels.

51. In relation to unplanned aspects of the activity (Section 6), I was satisfied that the EP gives appropriate consideration to the accidental introduction and establishment of invasive marine species, unplanned discharge of hazard and non-hazardous waste, collision with marine fauna, unplanned seabed disturbance, and unplanned hydrocarbon and chemical releases. Uncertainty has been addressed in the evaluation of oil pollution incidents through the application of appropriately conservative stochastic modelling and recognition of assumptions made, and the provision for scalability of response arrangements to address spills of different magnitudes. The evaluation of risks posed by spill scenarios includes consideration of potential impacts to the receptors outlined in the description of the environment (Section 4) and informs the selection of appropriate spill response options.
52. I considered that the EP provides an appropriate evaluation of impacts and risks, because it is specific for the nature and location of the activity and the relevant environmental receptors. The evaluation is commensurate to the level of impact or risk presented by the activity and provides justifiable conclusions that impacts and risks will be managed to an acceptable level (Section 6). The impact and risk evaluations demonstrate that the acceptable level will be met, and that the EPO will be achieved with implementation of the proposed management measures.
53. Information provided during relevant persons consultation is appropriately considered, evaluated, and incorporated into the EP, when demonstrating impacts and risks will be managed to an acceptable level (Section 6). For example, impacts of light emissions from the activity was raised during consultation, which the titleholder considered in the demonstration of acceptability for this impact. Each impact and risk evaluated in Section 6 of the EP addresses the range of matters raised by relevant persons. Section 6.10 of the EP includes an assessment of impacts and risks to cultural features and heritage values. Outcomes of consultation with First Nations relevant persons has informed the description of the cultural features of the environment, and the control measures for reducing impacts and risks to ALARP and acceptable levels. I note that the EP includes control measures that address impacts and risks on First Nations cultural features and heritage values, including those that relate to the women's only gender-restricted material provided to NOPSEMA as part of the EP (see [112]), and I am satisfied that those impacts and risks will be of an acceptable level with the implementation of those control measures.
54. Based on the findings above, I was reasonably satisfied that the EP met the requirements of regulation 10A(c).

The EP provides for appropriate environmental performance outcomes, environmental performance standards, and measurement criteria: regulation 10A(d)

55. Section 6 of the EP contains the EPOs, EPSs and measurement criteria for impacts and risks of the petroleum activity.
56. The EP provides appropriate EPOs that I considered:
- a. are relevant to identified environmental impacts and risks for the petroleum activity;

- b. read in conjunction with associated EPS, establish measurable levels for management of environmental aspects of the petroleum activity;
- c. when read in conjunction with the relevant environmental impact/risk evaluation and adopted management measures, demonstrate that the environmental impacts and risks will be managed to an acceptable level; and
- d. are considered consistent with the principles of ESD, considering items a-c above.

57. The EP provides appropriate EPSs that:

- a. are clearly linked to control measures for all impacts and risks; and
- b. for each control measure, contain statements of performance which clarify how the control measure is to function in order to effectively reduce and mitigate impacts and risks; and
- c. have clear measurement criteria that link to the EPS and will provide a record that the EPS has been met.

58. I considered that the EPOs, EPSs and measurement criteria are clearly linked and complementary of one another (presented in Section 6). For each environmental aspect, an EPO is set against which performance in protecting the environment will be managed, multiple EPS state the performance required of relevant control measures, and corresponding measurement criteria are identified to determine whether EPO/EPs are being met.

59. Section 5 of Appendix D (Oil Spill Preparedness and Response Strategy Selection and Evaluation) contains the EPOs, EPSs and measurement criteria for response preparedness and implementation. These are provided for the proposed response strategies.

60. Based on the findings above, I was reasonably satisfied that the EP met the requirements of reg 10A(d).

The EP includes an appropriate implementation strategy and monitoring, recording and reporting arrangements: regulation 10A(e)

61. Regulation 10A(e) requires that I be reasonably satisfied that the implementation strategy, and the monitoring, recording and reporting arrangements were appropriate.

62. I noted that the implementation strategy outlined in Section 7 provides a range of systems, practices and processes (outlined in further detail below) which I was satisfied provided for all impacts and risks to continue to be managed to ALARP and acceptable levels for the duration of the activity.

63. I noted the titleholder has adopted a number of measures for the implementation strategy in response to consultation with relevant persons which included, but was not limited to:

- a. a Thalanyji Sea Country Management process (Section 7.5) to support the identification of cultural features of the Thalanyji people within the EMBA, through ongoing consultation with Buurabalayji Thalanyji Aboriginal Corporation (**BTAC**); and
- b. a 'Program of Ongoing Engagement with Traditional Custodians', which is provided at Appendix J of the EP. This Program includes specific ongoing consultation activities with First Nations relevant

persons, including support of additional ethnographic studies, support for capacity building for ongoing consultation processes and the establishment of consultation protocols/frameworks.

64. I was satisfied that the management of change (**MOC**) process was adequately described in Section 7.8 and was appropriate because:
- a. management of changes relevant to the scope of the activity, will be managed in accordance with regulation 17;
 - b. changes will be assessed as per the environmental risk management methodology (outlined in Section 2.3) to determine the significance of any potential new environmental impacts or risks not provided for in the EP;
 - c. minor changes that do not trigger a requirement for a formal revision under reg 17, will be considered a 'minor revision' and tracked in an 'MOC Register';
 - d. any relevant new information on cultural values will be assessed using the MOC process;
 - e. Section 7.4 includes a detailed description of Woodside's 'Unexpected Finds Procedure'; and
 - f. Section 7.7.1.2 provides a reasonable description of the titleholder's learning and knowledge sharing processes.
65. Section 1.9 of the EP describes the titleholder's environmental management system, the Woodside Management System (presented in Figure 1-1 of the EP). I was satisfied that this was appropriate as the system provides a structured framework of documentation (compass and policies, expectations, processes and procedures, and guidelines) that set common expectations governing how all employees and contractors will work. I also noted the titleholder's commitment in Section 7.1 that the activity will be managed in accordance with the Woodside Management System and the Implementation Strategy in Section 7 of the EP.
66. I was satisfied that the EP (Section 7.6) included appropriate training and competency requirements relevant to the EP with all personnel on the MODU and project vessels required to be competent to perform assigned positions. For example, Section 7.12.2 outlines the minimum levels of competency for the key incident management team positions. Inductions are provided to all relevant personnel before mobilising to or on arrival at the activity location. The induction covers the HSE requirements and environmental information specific to the activity location. Relevant crew onboard the MODU and installation vessels will undertake pygmy blue whale observation training prior to commencing activities, as detailed in Section 7.6.4. Overall, appropriate commitment is made to training to ensure that all employees and contractors have suitable competencies.
67. The key roles and responsibilities of personnel involved in the implementation, management and review of the EP are appropriately outlined in Section 7.3. The roles and responsibilities for personnel involved in oil spill preparation and response are outlined in Oil Spill Preparedness and Response Mitigation Assessment (Appendix D) and the Woodside Oil Pollution Emergency Arrangements (Australia) - Guideline.
68. An appropriate OPEP, comprised of Woodside Oil Pollution Emergency Arrangements (Australia) – Guideline, Oil Spill Preparedness and Response Mitigation Assessment (Appendix D), and Oil Pollution



First Strike Plan (Appendix H) has been provided that includes arrangements that are suitable, given the spill scenarios presented, and addresses each of the EP content requirements in reg 14. Specifically:

- a. the Oil Spill Preparedness and Response Mitigation Assessment (Appendix D) details the oil pollution response control measures that will be used to reduce the impacts and risks of the activity to ALARP and an acceptable level, the arrangements for responding to and monitoring oil pollution to inform response activities, the arrangements for updating and testing the oil pollution response arrangements and control measures, and provides for the monitoring of impacts to the environment from oil pollution and response activities; and
- b. the Oil Pollution First Strike Plan (Appendix H) provides the oil pollution arrangements and control measures in an operational deployment context.

69. I noted that monitoring, recording and reporting arrangements are adequately described in Sections 7.7 and 7.10 and included routine internal and external reporting requirements and incident reporting arrangements. Monitoring and recording arrangements are described in Section 7.7. I considered that these arrangements were appropriate as these sections detailed that the information collected will:

- a. be based on the EPOs, controls, standards and measurement criteria in the EP; and
- b. include environmental discharges reports that record volumes of planned and unplanned discharges downhole (in the well), to ocean and atmosphere.

70. The EP also provides for appropriate auditing, review and management of non-conformances with EPOs and EPSs in Section 7.7. For example, a quarterly environment audit will be performed during the activity, while the MODU is on location, in addition to monthly environmental inspections. Non-conformances are entered into an incident management system and assigned corrective actions that are monitored and closed out in a timely manner.

71. The EP provides for the implementation of ongoing consultation arrangements in Section 7.11, with planned notifications to relevant persons outlined in Table 7-8. I considered that these arrangements were appropriate because the titleholder:

- a. has committed to continue to update relevant persons via community forums and provide notification of significant changes to the activity;
- b. provides a mechanism to subscribe to its website which can be utilised by relevant persons and those interested in the activity to remain up to date on the activity;
- c. will assess, address and respond to feedback and comments received from relevant persons, as required, throughout the life of the EP, in accordance with the intended outcome of consultation (as set out in Section 5.2 of the EP); and
- d. has prepared an 'Program of Ongoing Engagement with Traditional Custodians', which is provided at Appendix J of the EP. This Program includes specific ongoing consultation activities with First Nations relevant persons.

72. In light of the findings above, I considered the ongoing consultation arrangements described in the EP, as required by regulation 14(9), are appropriate.

73. Based on the findings above, I was reasonably satisfied that the EP met the requirements of reg 10A(e).

The EP does not involve the activity, or part of the activity, other than arrangement for environmental monitoring or for responding to an emergency, being undertaken in any part of a declared World Heritage Property within the meaning of the EPBC Act: regulation 10A(f)

74. As I stated above at [20] I was satisfied that the EP clearly describes the boundaries of the petroleum activity (Section 2 and 4), which demonstrates that no part of the activity will be undertaken in any part of a World Heritage Property within the meaning of the EPBC Act.

75. In those circumstances, I am satisfied that the EP met the requirements of reg 10A(f).

The EP demonstrates that the titleholder has carried out the consultations required by Division 2.2A, and the measures (if any) that are adopted because of the consultations are appropriate: regulation 10A(g)

76. Regulation 10A(g) has two components which the EP must demonstrate:

- a. first, that consultation has occurred as per the requirements in Division 2.2A of the Regulations. Division 2.2A requires that the titleholder consult with each 'relevant person' as defined in reg 11A(1), and imposes certain requirements for how that consultation is to occur (as specified in regs 11A(2)-(4)) (subparagraph (i)); and
- b. second, that the titleholder adopted, or proposed to adopt, appropriate measures because of those consultations (subparagraph (ii)).

77. Reg 11A provides that:

(1) In the course of preparing an environment plan, or a revision of an environment plan, a titleholder must consult each of the following (a **relevant person**):

(a) each Department or agency of the Commonwealth to which the activities to be carried out under the Environment Plan, or the revision of the Environment Plan, may be relevant;

(b) each Department or agency of a State or the Northern Territory to which the activities to be carried out under the Environment Plan, or the revision of the Environment Plan, may be relevant;

(c) the Department of the responsible State Minister, or the responsible Northern Territory Minister;

(d) a person or organisation whose functions, interests or activities may be affected by the activities to be carried out under the Environment Plan, or the revision of the Environment Plan;

(e) any other person or organisation that the titleholder considers relevant.

(2) For the purpose of the consultation, the titleholder must give each relevant person sufficient information to allow the relevant person to make an informed assessment of the possible consequences of the activity on the functions, interests or activities of the relevant person.

(3) The titleholder must allow a relevant person a reasonable period for the consultation.

(4) The titleholder must tell each relevant person the titleholder consults that:

(a) the relevant person may request that particular information the relevant person provides in the consultation not be published; and

(b) information subject to such a request is not to be published under this Part.

78. The Act and Regulations do not define what constitutes 'consultation' for the purposes of reg 11A (and therefore satisfaction of reg 10A(g)(i)). However, there must first be identification of the relevant persons to be consulted, followed by consultation, the purpose of which is to ensure that the titleholder has ascertained, understood and addressed all the environmental impacts and risks that might arise from its proposed activity.

79. Whether the steps and actions taken by a titleholder amount to 'consultation' will vary depending upon the particular circumstances and must reflect the characteristics of the relevant persons affected by the titleholder's proposed activity. However, consultation does not require every opportunity to be afforded. It also does not mean that, where those being consulted do not consider they have been properly consulted, 'consultation' has not been carried out. Overall, I must be reasonably satisfied that consultation undertaken was appropriate and adapted to the nature of the relevant persons, and that reasonable opportunity to participate in the consultation during preparation of the EP was given.

80. NOPSEMA received a number of communications directly from relevant persons raising issues and/or expressing concerns with and objections to the activities covered by the EP. Those communications raised a majority of the same issues, concerns and objections as were raised during the consultation with the titleholder required by reg 11A, and are addressed in my reasons below regarding whether reg 10A(g) is met.

81. Section 5 of the EP provides descriptions of the titleholder's consultation processes applied in the preparation of this EP and the rationale used to determine who and how to consult with relevant persons, including the approach to provision of sufficient information to allow the relevant person to make an informed assessment of the possible consequences of the activity on the functions, interests or activities of the relevant person and to allow the relevant person a reasonable period for the consultation.

82. Section 5 of the EP describes a clear process for the identification and broad capture of relevant persons in accordance with reg 11A(1). I considered that the process was appropriate because it included:

- a. reference to multiple sources of information, such as publicly available materials (e.g. management plans for AMPs, Department of Agriculture, Fisheries and Forestry (**DAFF**) Fisheries Status Reports), review of databases and registers (such as commercial fishing catch and effort data), published guidance (such as the Australian Fisheries Management Authority (**AFMA**) consultation guidance), consultation for the Scarborough OPP, as well as advice from authorities and other relevant persons

(such as advice from the Director of National Parks, and Native Title Representative Bodies (NTRBs));

- b. consideration of published guidance developed by relevant persons detailing their functions, interests, or activities and how and when they wish to be consulted on activities. For example, the titleholder refers to guidance published by the Western Australian Fishing Industry Council (**WAFIC**) in relation to consultation with commercial fishing licence holders in WA-managed fisheries where licence holders will only be affected by an unplanned event;
- c. details and evidence of the steps taken by the titleholder to promote awareness of the petroleum activity and the consultation process, to encourage potentially relevant persons that the titleholder may not be aware of, to make themselves known to the titleholder. For example, the titleholder published notices in national, state and local newspapers, hosted community reference group information sessions with the Karratha Community Liaison Group and the Exmouth Community Liaison Group, ran a geo-targeted sponsored social media campaign to local communities and held community information sessions in Roebourne, Broome, Derby, Exmouth, Kununurra and Karratha. In addition, the titleholder published consultation materials on its website, which included information regarding the purpose and approach to consultation, activity summaries and contact details. Links and/or a QR code for the website was included in published notices and social media campaigns; and
- d. details of how the titleholder made an assessment to determine whether an individual or organisation who has self-identified as a relevant person, is or is not, considered to be a relevant person for the purposes of reg 11A having regard to each person's stated functions, interests and activities.

83. I considered that the nature of the activity, description of the environment and the possible impacts and risks of the activity have been appropriately taken into account by the titleholder in determining whether the activity may be relevant to authorities, or determining whose functions, interests and activities may be affected. This is because:

- a. the titleholder has considered the nature and scale of the activity and all of the possible impacts and risks of the activity when determining relevant persons; and
- b. the titleholder considered all of the known environmental values and sensitivities within the full extent of the environment that may be affected by the planned and unplanned impacts and risks of the activity when determining relevant persons. For example, while most planned impacts are confined to offshore locations in the order of 200 km from the nearest coastline, the titleholder has conservatively applied oil pollution risk modelling to the identification of relevant persons.

84. I also considered the content of Section 5, Appendix F, and the sensitive information part of the EP and that the titleholder's approach to the provision of sufficient information allowed the relevant persons to make informed assessments of the possible consequences of the activity on their functions, interests or activities and a reasonable period for the consultation was provided. I formed this view because:

- a. the EP includes a description of the approach to provision of sufficient information that takes into account the functions, interests or activities of relevant persons and the impacts and risks that may affect them. The titleholder has tailored the information to suit the needs of the different types of relevant persons and provided information in a form which I am satisfied is readily assessable and

appropriate for the relevant person being consulted, including fact sheets, presentations, verbal briefings, graphics and videos;

- b. the titleholder sufficiently informed relevant persons of the purpose of consultation, including advising relevant persons of the titleholder's obligations for consultation. This includes sharing the reasons for the consultation and providing a copy of NOPSEMA's *Consultation on offshore environment plans* Brochure as part of consultation;
- c. the information provided by relevant persons throughout the consultation process has assisted the titleholder to ascertain, understand and address all of the environmental impacts and risks that might arise from its proposed activity; and
- d. consultation with relevant persons commenced in July 2021, and has been ongoing until October 2023. Where further relevant persons have been identified, the titleholder has engaged with these relevant persons and consulted with them specifically in a variety of forms including meetings, presentations and through written communications. Comprehensive efforts were made by the titleholder to facilitate the consultation, and follow-up more recently identified relevant persons, so that they all had reasonable opportunities to engage in the consultation process (see Appendix F).

85. Having considered the detailed description of the consultation process in the EP, for the reasons set out in [76]-[84] above, I consider that the approach adopted by the titleholder for identifying relevant persons was appropriate. I also consider that the titleholder has provided sufficient information which allowed for relevant persons to participate in informed consultation. Further, given the period of time afforded by the titleholder for consultation and the evidence of multiple engagements with relevant persons including multiple opportunities for the relevant persons to provide information to the titleholder, that a reasonable period for the consultation has been given. My more detailed reasons are set out below.

Relevant Persons under Regulation 11A(1)(a)-(c)

86. Relevant persons under reg 11A(1)(a)-(c) are each Commonwealth, State or Northern Territory Department or agency to whom the activity in the Environment Plan may be relevant, in addition to the Department of each responsible State Minister or Northern Territory Minister.

87. Table 5-3 of the EP identified 18 Commonwealth and State Departments and agencies in the marine, environment and industry fields, and Section 5.3.1 provided further detail of the identification process, which I considered to be appropriate. The titleholder then made an assessment whether the activities to be carried out under the EP may be relevant to Commonwealth and State bodies. Of the 18 Commonwealth and State bodies identified, 15 were assessed as being relevant persons. Reasons were provided why the 3 remaining Departments and agencies were not considered relevant persons. For example, the Ningaloo Coast World Heritage Advisory Committee was not considered a relevant person because the PAA and EMBA would not impact upon the area for which the Committee has responsibility. I accepted the reasoning provided by the titleholder as to why these bodies were not consulted, namely, because the activity did not have the potential to impact the respective bodies' functions.

88. I noted that consultation with the relevant persons under reg 11A(1)(a)-(c) occurred, in accordance with GL1887 – Consultation with Commonwealth agencies with responsibilities in the marine area – January

2023, via email unless otherwise requested. Emails were sent to the relevant bodies on 2 July 2021, requesting responses by 2 August 2021. Emails were sent (with updated information) on 27 January 2023, requesting responses by 26 February 2023. Reminder emails were sent by the titleholder as this date approached.

89. I considered that sufficient information was provided to allow these relevant persons to make an informed assessment of the possible consequences of the activity on their functions, interests or activities. In particular, I noted that, in many of the cover emails for the respective bodies, the titleholder provided a table of further information specific to the functions, interests or activities of the relevant person. For example, specific details of “Implications for Parks Australia interests” was sent to the Director of National Parks, and specific details of “Potential risks to commercial fishing and proposed mitigation measures” was sent to AFMA and commercial fishing licence holders, and various other examples contained in the EP (Appendix F and Sensitive Information Report).
90. I considered that a reasonable period was provided for the consultations. Relevant persons were initially provided with 30 days to respond, and consultations continued with relevant persons where requested.
91. I noted that the consultation emails sent to each relevant person contained the following statement in accordance with reg 11A(4):

“Please let us know if your feedback for any of the activities proposed under an Environment Plan is sensitive and we will make this known to NOPSEMA upon submission of the Environment Plan to ensure this information remains confidential to NOPSEMA.”

92. Finally, I noted that most relevant persons under reg 11A(1)(a)-(c) provided no feedback or objections to the activity in response to the consultation requests. Where a response was received, it was in the nature of feedback, as opposed to objections or claims relating to the activity. Where feedback was received, the EP identified this and indicated what changes were made to the EP in response. For example, a large part of the feedback was that certain bodies should be notified of things or provided documents when they occur or become available. The EP contains the details of this reporting or commits to providing these documents. For example, the titleholder adopted an additional control measure to notify the Department of Defence no less than five weeks before the scheduled activity commencement date (C 4.8), to mitigate any interference with Department of Defence activities. I considered that these measures were appropriate, and therefore reg 10A(g)(ii) was met.
93. Considering the matters at [86]-[92] above, I was reasonably satisfied that the EP demonstrates that the titleholder has carried out the consultations required by Division 2.2A in respect of reg 11A(1)(a)-(c) and the measures (if any) that the titleholder has adopted, or proposes to adopt, because of the consultations are appropriate, as required by reg 10A(g).

Relevant Persons under Regulation 11A(1)(d)

94. Relevant persons under reg 11A(1)(d) are defined as ‘a person or organisation whose functions, interests or activities may be affected by the activities to be carried out under the Environment Plan, or the revision of the Environment Plan.’

95. I considered that the EP provided clear details of the processes that have been applied to identifying and determining who are relevant persons, as well as the processes undertaken for consulting with them. In particular, the EP correctly states that the terms “functions”, “interests” and “activities” for the purpose of identifying relevant persons under reg 11A(1)(d) is to be interpreted and applied broadly in a manner consistent with the objects of the Regulations and the EPBC Act. The EP also utilised NOPSEMA’s ‘Consultation in the course of preparing an environment plan guideline’ (N-04750-GL2086) (**NOPSEMA’s consultation guideline**) in defining the terms. A description of the functions, interests or activities of those persons or organisations identified as relevant persons under reg 11A(1)(d) is provided in Table 5-2.
96. The EP identified and considered the following broad categories within the scope of reg 11A(1)(d):
- a. Commercial fisheries (Commonwealth and State) and peak representative bodies, such as **WAFIC** and individual licence holders in the Commonwealth-managed Western Deepwater Trawl Fishery;
 - b. Recreational marine users and peak representative bodies, such as Recfishwest and Marine Tourism WA;
 - c. Titleholders and Operators, such as Chevron and Western Gas;
 - d. Peak industry representative bodies, such as APPEA;
 - e. Traditional Custodians (individuals and/or groups/entity) and nominated representative corporations, such as Ngarluma Aboriginal Corporation (**NAC**) and BTAC;
 - f. Native Title Representative Bodies (**NTRBs**), such as Yamatji Marlpa Aboriginal Corporation (**YMAC**);
 - g. Historical heritage groups or organisations;
 - h. Local government and recognised local community/reference/liaison groups or organisations, such as Exmouth Community Reference Group; and
 - i. Other non-government groups or organisations, such as Conservation Council of Western Australia (**CCWA**) and Greenpeace Australia Pacific (**Greenpeace**).
97. The EP documented the titleholder’s consideration of a number of organisations that self-identified through the consultation process; however, the titleholder concluded that their respective functions, interests and activities were not affected by the activity (e.g., Friends of Australia Rock Art. Inc (**FARA**)).
98. I will first explain my conclusions on Traditional Custodians, nominated representative corporations and NTRBs, and then my conclusions on the other six ‘relevant persons’ categories identified at [96] above.

Traditional Custodians and nominated representative corporations and NTRBs

99. I considered that the titleholder’s methodology, as identified in the EP (Section 5.3 and Section 5.5), allows for sufficiently broad capture of First Nations relevant persons through identifying which natural person(s) are to be approached and how the information will be given to allow each “relevant person” to assess the possible consequence of the proposed activities on their functions, interests or activities; so that consultation is not fixed to a rigid process. I considered that this methodology was consistent with the purpose and intention behind reg 11A to ensure that the titleholder had ‘ascertained,

understood and addressed all the environmental impacts and risks that might arise from its proposed activity’.

100. I also noted that the titleholder’s methodology allows for First Nations people or groups with a connection to sea country to be identified and consulted as a relevant person as it is recognised that this may constitute an interest under reg 11A(1)(d)¹.

101. I was reasonably satisfied that the consultation process provided for broad capture of ascertainable First Nations persons and organisations who may have their functions, interests or activities affected, because:

- a. the identification of relevant persons has been informed appropriately by the operational aspects of the activity and the associated impacts and risks, including the highly unlikely scenario of an oil pollution incident, which has been evaluated without implementation of mitigation strategies that would be implemented to reduce the volume, duration and extent of any oil pollution incident. While the activity is located approximately 226 km from the nearest shoreline (North West Cape) and neither the PAA or EMBA overlap any native title claims or determinations, ILUAs or heritage sites, the identification process accounted for cultural connections to sea country by identifying and consulting with all relevant groups along the full extent of the coastline adjacent to the EMBA as relevant persons;
- b. the process appropriately utilised the nominated representative corporations (outlined in Section 5.5.1) as the point of contact with Traditional Custodian groups or individuals and sought the guidance of these corporations in conducting consultation. The nominated representative corporations were consulted in their own right and encouraged to advise of other Traditional Custodian groups or individuals with whom the titleholder should consult; the titleholder asked the identified nominated representative corporations if they are aware of any individuals, who in accordance with Indigenous tradition, may have spiritual and cultural connections to the environment that may be affected by the activity that have not yet been afforded the opportunity to provide information that may inform the management of the activity, and no additional individuals were identified, although there were indications by one First Nations group that there ‘may’ be other relevant persons;
- c. the titleholder took additional steps to generate awareness of the activity and allow Traditional Custodian relevant persons to self-identify to be consulted. This included a suite of broad reaching public notices, advertising, geo-targeted social media campaigns, leveraging existing channels of communication, and hosting associated community information sessions. Opportunities were provided over at least a 10-month period for Traditional Custodian groups or individuals to self-identify as relevant persons in response to widely advertised community information sessions and public facing notices or advertisements, such as (but not limited to) geo-targeted social media campaigns and information stands at community festivals, and all individuals that self-identified were consulted as relevant persons; and
- d. while I recognised there were limitations to each of the individual enquiry methods, I was satisfied that the combination of approaches implemented, when considered holistically, reasonably

¹ See *Santos NA Barossa Pty Ltd v Tipakalippa* [2022] FCAFC 193; (2022) 296 FCR 124 at [62]

provided for traditional owners with a connection to sea country, which may constitute an interest for the purposes of reg 11A(1)(d), to be identified and consulted as a relevant person.

102. The consultation undertaken by the titleholder with Traditional Custodian relevant persons places an emphasis on directing consultation through First Nations representative groups (e.g., NTRBs and nominated representative corporations). Having regard to the information before me, I was satisfied that the titleholder made considerable efforts to ensure that individual relevant persons were identified or able to self-identify (by asking the NTRBs and PBCs to identify any persons and by wider media and public engagements to invite identification).
103. The First Nations people and groups that have been identified as relevant persons in the EP includes one NTRB (YMAC), nine nominated representative corporations (i.e., various PBCs and MAC) and one other group that made themselves known to the titleholder and self-identified as a relevant person (Save our Songlines (**SOS**), including individual representatives). I have considered the titleholder's consultation with the NTRB and nominated representative corporation relevant persons at paragraph [104] and the titleholder's consultations with SOS and individual representatives (i.e., Ms Alec and Ms Cooper) at paragraph [105].
104. In relation to the titleholder's consultations with NTRB and nominated representative corporation relevant persons, I considered the summary of consultation provided at Table 1, Appendix F and the full text consultation records provided in the sensitive information part of the EP. I was reasonably satisfied that the consultations required by Division 2.2A have been carried out with each of these relevant persons because:
- a. the methods applied to consultation with these relevant persons were appropriate and reasonably adapted to the nature of the interests of these relevant persons. In particular:
 - i. the titleholder's approach to consultation with these relevant persons was flexible and adaptive, such that the consultation was undertaken, to the extent it was reasonably practicable, according to the relevant person's preferred method of engagement. For example, when these relevant persons expressed interest in engaging in the consultation process and provided feedback on their preferred method for the consultation, the titleholder accepted that feedback and where reasonably practicable adapted their approach to engaging with them based on their preferred method which typically resulted in the provision of additional verbal briefings and/or presentations supported with information in pictorial or graphic form;
 - ii. the titleholder adapted their approach to consultation in an appropriate manner to accommodate the provision of culturally restricted or sensitive information from these relevant persons where requested. Relevant persons were made aware that they could request the establishment of cultural protocols with the titleholder for the purposes of sharing information in a culturally appropriate and safe way if required, and of the NOPSEMA 'Draft policy for managing gender-restricted information' (PL2098);
 - iii. the purpose of the consultation and the opportunity being afforded was communicated by the titleholder to these relevant persons using clear, simple and directly expressed terms that were aligned with the intent of consultation under reg 11A, being to enable the titleholder to better understand environmental impacts and risks of the activity, and to refine or change the measures the titleholder proposes to address those impacts and risks. I note that relevant persons were provided with the NOPSEMA brochure 'Consultation on offshore petroleum

environment plans: Information for the community', and made aware that the invitation to participate in consultation provides an opportunity for relevant persons to inform the titleholder of, and share with them, the nature of cultural interests that they may have within the environment that may be affected by the activity. The nominated representative corporations were also made aware that the invitation to consult was inclusive of all of their members; and

- iv. further, I noted that the process considered availability and accessibility issues of relevant persons and made provision for travelling to regional locations to meet with relevant persons. For example, representatives of the titleholder travelled to regional locations to identify and meet potential relevant persons at widely advertised community information sessions (at Roebourne on 5, 10, 19 and 24 May 2023, 22 June 2023 and 19 July 2023; Exmouth on 17 June 2023; Broome, Derby and Kununurra on 12, 13 and 15 June 2023 respectively and Karratha on 28 and 29 June 2023) and information stands at community festivals (at Karratha on 5 and 6 August 2023; and Onslow on 18 August 2023) (Section 5.9.1).
- b. the titleholder has provided sufficient information to these relevant persons to allow them to make an informed assessment of possible consequences of the activity on their functions, interests or activities. In particular:
- i. tailored information has been provided to these relevant persons in a readily accessible form and appropriate format. For example, simplified plain English consultation information sheets, developed by Indigenous representatives for a Traditional Custodian audience, were provided to the nominated representative corporations to share with their individual members, and the NTRB was provided with extracts of relevant sections of the EP containing First Nations cultural features and heritage values-related information. The titleholder also used clear, simple, and directly expressed terms within email correspondence to make it clear to the nominated representative corporations that the invitation to participate in consultation provides for an opportunity to inform the titleholder of the nature of cultural interests that the nominated representative corporation or their members may have within the EMBA. Nominated representative corporations were provided presentations of materials at nominated meetings, along with other materials, including responses to any questions raised. This included providing these relevant persons with a copy of the NOPSEMA Consultation on offshore environment plans Brochure;
 - ii. additional information was provided to these relevant persons in an interactive manner, and consultation was adapted in response to the feedback received from relevant persons. The titleholder responded to requests for meetings and made itself available to meet to provide presentations and answer any questions. On a number of occasions this included provision of additional verbal briefings and/or presentations supported with information in pictorial or graphic form;
 - iii. where relevant persons raised queries, objections or claims regarding the adverse impacts of the activity during the consultation process, the full text consultation records in the sensitive information part of the EP demonstrate that the titleholder provided responses to these queries, objections or claims. Further to this, when these relevant persons made reasonable requests for additional support to assist them with understanding the information provided so they could make an informed assessment of consequence, the titleholder met these requests. For example, the titleholder offered funding for the attendance of independent environmental



scientists at consultation meetings and offered to financially support the provision of independent third-party advice;

- iv. accurate and comprehensive information was provided to these relevant persons about the activity that was relevant and necessary to allow an informed assessment. The consultation details within the EP (including the full text records in the sensitive information part) demonstrate that the information that was provided to these relevant persons included clear details regarding the nature of the activity (e.g., location, timing, activity overview etc.), the planned and unplanned environmental impacts and risks associated with the activity, the extent of the environment that may be affected by all environmental impacts and risks of the activity, the environmental values and sensitivities known to occur within the environment that may be affected by the activity, and the control measures that the titleholder is proposing to implement to manage environmental impacts and risks to ALARP and acceptable levels; and
 - v. the titleholder adapted their approach to consultation in an appropriate manner to accommodate the provision of culturally restricted or sensitive information from relevant persons. For example, the titleholder agreed to reasonable requests to meet at specific locations on country and only female staff attending meetings in order to facilitate sharing of gender restricted information. I also note that relevant persons were made aware that they could request the establishment of cultural protocols with the titleholder for the purposes of sharing information in a culturally appropriate and safe way if required.
- c. the titleholder has allowed a reasonable period for the consultation with these relevant persons. In particular:
- i. consultation has occurred with the NTRB over a period of more than 12 months (since July 2022) and with the nominated representative corporations over a period of approximately ten months (since January 2023);
 - ii. within this consultation period, the EP demonstrates that a substantial amount of effort was applied by the titleholder to afford opportunities to these relevant persons to share information and engage in two-way dialogue for the purposes of consultation under reg 11A. There has been an iterative process of information provision and various opportunities to provide feedback in writing or verbally at meetings. Where relevant persons were not responsive during the consultation process, the EP demonstrates that the titleholder made reasonable efforts to continue to engage with them to understand how their functions interests or activities may be affected. In particular, consultation records in the EP (including the sensitive information part), show that the titleholder attempted to follow up with these relevant persons on multiple occasions, using multiple methods (e.g., telephone calls, emails and/or face-to-face meeting attempts) and over a reasonable period (e.g., multiple months);
 - iii. the EP also demonstrates that these relevant persons had numerous opportunities to identify First Nations cultural features and heritage values in the EMBA and provide feedback on the proposed approach to managing the activity so that potential environmental impacts and risks on these features and values will be reduced to ALARP and acceptable levels. The consultation details within the EP (including the full text records in the sensitive information part) satisfy me that genuine attempts were made by the titleholder to understand the First Nations cultural features and heritage values identified by these relevant persons. All First Nations cultural features and heritage values identified by these relevant persons have been appropriately incorporated into the EP to demonstrate how potential environmental impacts and risks on

these features and values will be reduced to ALARP and acceptable levels (refer to Section 4.9.1 and Section 6.10 of the EP). Where these relevant persons expressed interest in a particular environmental value such as (but not limited to) whales and marine turtles, the titleholder provided clear details about how they were proposing to manage the activity's environmental impacts and risks on those values and sought feedback from the relevant persons that resulted in the modification of some existing control measures and some additional control measures being adopted (refer to Table 1, Appendix F of the EP);

- iv. I also considered the rationale presented by the titleholder to support its case that a reasonable period was provided for relevant persons to participate in consultation for this EP. Section 5 of the EP notes that the consultation period for the EP exceeds 250 days from the date of first advertisement. I noted the EP highlights judicial commentary in the *Tipakalippa* proceedings, which limits consultation to a process that must be capable of being discharged within a reasonable time; and
- v. I considered the titleholder provided a sufficient period for potentially relevant persons to self-identify in response to multiple forms of public notifications about the activity across 2023 (over approximately 10 months).

105. In relation to the titleholder's consultations with SOS and individual representatives, I considered the summary of consultation provided at Table 1, Appendix F and the full text consultation records provided in the sensitive information part of the EP. I was reasonably satisfied that the consultations required by Division 2.2A have been carried out with these relevant persons because:

- a. the methods applied to consultation with these relevant persons were appropriate and reasonably adapted. In particular:
 - i. I note that SOS and individual representatives originally sought to consult on all Scarborough EPs at once (evidenced in correspondence between June 2022 and June 2023); however, later in the consultation process, SOS and individual representatives requested the titleholder to consult on individual EPs (12 June 2023). The titleholder made it clear to SOS and individual representatives that the consultation opportunity being afforded related to each of the Scarborough project EPs and records in the EP (and sensitive information part) show that information about the drilling and completions activity was provided during meetings on 25 July 2023, 12 September 2023 and 4 October 2023. Additionally, I note that there was some confusion initially of the status of SOS and individual representatives as 'relevant persons' under reg 11A(1); however, the titleholder clarified that SOS and individual representatives were considered to be 'relevant persons' under reg 11A(1) at a meeting on 14 March 2023 and subsequently in writing on 3 July 2023;
 - ii. the titleholder's approach to consultation with these relevant persons was adapted and where reasonably practicable undertaken according to their preferred method of engagement. For example, the titleholder accommodated reasonable requests to meet with these relevant persons at their preferred location which included (but was not limited to) travelling to regional locations, attending a meeting on country at Hearson's Cove at the Burrup Peninsula on 14 March 2023, and attending a meeting in Karratha on 04 October 2023. Following a request that the titleholder communicate with SOS and individual representatives through the Environmental Defenders Office, the titleholder did so. The meetings had agreed protocols, including in relation to sensitive information, the use of audio recording only and attendance by female representatives only. I noted that at the meeting on 25 July 2023, the titleholder offered

to facilitate fortnightly meetings with these relevant persons to support consultation; however, this request was declined by the relevant persons. Additionally, I noted that there was a request made by the relevant persons for a meeting at Rosemary Island that was unable to be met by the titleholder. I have considered this matter further at [106]; however, I am satisfied that, despite this request being unable to be met by the titleholder, the approach to consultation with these relevant persons adopted by the titleholder facilitated consultation as required by reg 11A;

- iii. the titleholder agreed to and conducted the consultation in accordance with the cultural protocols requested by these relevant persons. Only female representatives attended consultation meetings with these relevant persons and gender-restricted information was managed to ensure that it was only received by and visible to female representatives of the titleholder; and
 - iv. the purpose of the consultation and the opportunity being afforded was communicated to these relevant persons in a way which satisfies me that the relevant persons had an understanding of the purpose of the consultation and the role which they would have in the two-way dialogue. I noted that on 19 July 2023 and 3 August 2023, these relevant persons were provided with the NOPSEMA brochure 'Consultation on offshore petroleum environment plans: Information for the community'. Further, the transcripts of the meetings (on 25 July 2023, 12 September 2023 and 4 October 2023) demonstrate that these relevant persons asked questions directed to impacts and risks relevant to the drilling and completions activity, responded to questions from the titleholder and spoke about concerns or provided them in writing (including to request clarification or further information). I noted, however, there is some uncertainty in the record as to the time attributed to each component of the meeting, as various activities for the Scarborough project, including this activity, were discussed at the meetings. Despite this, I found that the EP contains evidence of the titleholder engaging in consultation with these relevant persons in relation to this activity and that the consultation was conducted in an appropriate manner with the provision of sufficient information and a reasonable period for the consultation;
- b. the titleholder has provided sufficient information to these relevant persons to allow them to make an informed assessment of possible consequences of the activity on their functions, interests or activities. In particular:
- i. tailored information has been provided to these relevant persons in a readily accessible form and format. These relevant persons were provided with activity specific consultation information sheets on 2 December 2022 and a link to the draft EP, that was published on NOPSEMA's website on 15 November 2021. Information regarding the drilling and completions activity was delivered to these relevant persons in a variety of formats, including in emails, letters, in-person meetings and telephone calls. I note that information was conveyed in verbal format (often supported with PowerPoint presentations that contained various pictorials, graphics and videos) during numerous meetings that were attended by these relevant persons including on country on 14 March 2023, online on 25 July 2023, and in-person on 12 September 2023 and 4 October 2023;
 - ii. additional information was provided to these relevant persons in an iterative manner in response to reasonable requests made during the consultation. When these relevant persons raised queries, objections or claims regarding the activity during the consultation process, the full text consultation records in the sensitive information part of the EP demonstrate that the

titleholder provided responses to queries, objections or claims. For example, questions were asked of the titleholder by these relevant persons at a meeting on 25 July 2023 about the depth of the Scarborough wells at and below sea level, information for whale migration pathways and the underlying information for the modelling of the worst-case hydrocarbon spill scenario. The titleholder provided written responses to these questions and others via email on 27 July 2023. I noted that there were some cases where the titleholder did not provide all of the information that was requested during the consultation process (e.g., heritage survey reports that are the intellectual property of other Traditional Custodians). I have addressed this concern below at [106] and why I did not consider that this meant that sufficient information had not been provided. I was therefore reasonably satisfied that the titleholder provided sufficient information for the purposes of consultation and made reasonable effort to meet the relevant persons' requests for additional information; and

- iii. accurate and comprehensive information was provided to these relevant persons about the activity that was relevant and necessary for allowing an informed assessment. The consultation details within the EP (including the full text records in the sensitive information part) demonstrate that the information that was provided to these relevant persons included clear details regarding the nature of the activity (e.g. location, timing, types of equipment etc.), the planned and unplanned environmental impacts and risks associated with the activity, the extent of the environment that may be affected by all environmental impacts and risks of the activity, the environmental values and sensitivities known to occur within the environment that may be affected by the activity, and the control measures that the titleholder is proposing to implement to manage environmental impacts and risks to ALARP and acceptable levels. I noted that, during meetings, these relevant persons asked targeted and specific questions about impacts and risks, and how they would be managed. For example, questions were asked of the titleholder at a meeting on 4 October 2023 about the environmental impacts and risks of the activity and how the equipment can withstand earthquakes and tectonic movements, and concerns were raised about a potential oil spill. The transcript of the meeting demonstrates that the titleholder responded to the questions and concerns raised by these relevant persons at the meeting;

c. the titleholder has allowed a reasonable period for the consultation with these relevant persons. In particular:

- i. consultation has occurred with these relevant persons over a period of more than 12 months. I note that the EP (and the full text records in the sensitive information report) describe various engagements with the individual representatives of SOS from as early as 2018, relating to the Scarborough project and its component activities;
- ii. I considered that the titleholder afforded these relevant persons with many opportunities to share information and engage in two-way dialogue. I noted that, after these relevant persons self-identified as relevant persons for the purposes of consultation under reg 11A in relation to the Scarborough project EPs including this activity in June 2022, the titleholder and the relevant persons exchanged a high volume of emails, letters and telephone calls in regard to consultation for this activity (between June 2022 and October 2023). The titleholder made multiple offers and attempts to meet with these relevant persons over a period of more than six months until the first meeting took place in March 2023. I note that there were a number of occasions where representatives of the titleholder were available to meet with these relevant persons; however, the relevant persons did not take up the opportunity to participate in the meetings. In total, there were four meetings that took place between the titleholder and these relevant persons, and the Environmental Defenders Office were present during these meetings. At these

meetings, the activity was discussed in detail and the relevant persons were encouraged to share with the titleholder any concerns that they had in relation to how the activity may affect their functions, interests or activities. I noted that there were claims from these relevant persons that the consultation that had occurred to date was for, and only in relation to, the Scarborough 4D B1 Marine Seismic Survey EP and had not been undertaken on this activity. I have addressed this concern below at [106] and why I did not consider that this meant that a reasonable period for the consultation had not been provided; and

- iii. the EP demonstrates that these relevant persons were afforded a number of opportunities to identify, and did identify, First Nations cultural features and heritage values in the environment that may be affected by the activity and provide feedback on the proposed approach to managing the activity so that potential environmental impacts and risks on these features and values will be reduced to ALARP and acceptable levels. I considered that the titleholder took a precautionary approach and, where any potential impact, risk or concern was raised, in a meeting or correspondence, the titleholder identified these, made genuine efforts to understand them and then addressed them in the EP, including whether any additional control measures were required to reduce impacts and risks to ALARP and acceptable levels (refer to Section 4.9.1 and Section 6.10 of the EP). For example, these relevant persons expressed interest in a particular environmental value such as (but not limited to) whales and marine turtles and the titleholder provided clear details about how they were proposing to manage the activity and sought feedback from the relevant persons during consultation (evidenced at the meeting with these relevant persons on 12 September 2023 and 4 October 2023). As a result of that two-way dialogue, the titleholder modified some existing control measures and some additional control measures were adopted (refer to Table 1, Appendix F of the EP). As per my reasons at [111], I was reasonably satisfied that the measures adopted by the titleholder as a result of the consultations were appropriate.

106. I was aware that Traditional Custodian relevant persons raised feedback or concerns regarding the adequacy of the consultation process, and why they considered that consultation had not been completed. Whether or not a relevant person agrees that they have been adequately consulted is not determinative of whether I am satisfied that the requirements of reg 10A(g) have been met. I need to consider all the facts and circumstances of the consultation. My consideration of the feedback and concerns regarding adequacy of the consultation was as follows:

- a. some relevant persons raised concerns about the information provided being too technical, sophisticated and lengthy or not suitable for a Traditional Custodian audience. Having considered the information that was provided, I found that the titleholder had provided these relevant persons with tailored information in a readily accessible form and format such as plain English consultation information sheets developed by Indigenous representatives for a Traditional Custodian audience. I also found that the titleholder provided opportunities for these relevant persons to receive additional support with facilitating their understanding of the information provided to them, such as by funding the attendance of independent environmental scientists at consultation meetings, offering to financially support the provision of independent third-party advice (this was not taken up by any of these relevant persons), and making relevant project personnel and subject matter experts available to attend consultation meetings to assist with explaining information in further detail and answering any questions. I was satisfied that the way the information was presented, and the opportunities provided to clarify and explain the activity, were suitable and appropriate;
- b. some relevant persons raised concerns with the timeframe for consultation not being reasonable. The titleholder commenced the consultation process in October 2022. Since that time, there have

been ongoing opportunities provided by the titleholder to First Nations relevant persons to identify themselves and provide information to the titleholder. I found that the concerns about the timeframes were raised by the relevant persons late in the consultation process after many months of engagement by the titleholder including an iterative process of information provision and various opportunities to provide feedback in writing or verbally at meetings. I also noted that the shortest period for consultation (from when the First Nations relevant person was contacted and an offer to meet made until the submission of the EP) was 9 months;

- c. some relevant persons raised concerns about their lack of capacity to engage in the consultation process in a meaningful way. This included requests for consultation protocols/agreements by some groups (e.g., Nganhurra Thanardi Garrbu Aboriginal Corporation (NTGAC), Yinggarda Aboriginal Corporation (YAC) and Ngarluma Yindjibarndi Foundation Ltd (NYFL)). The titleholder agreed to progress these agreements, though I note that none of the agreements were finalised at the time of EP submission to NOPSEMA. Whilst the agreements were not yet finalised, the titleholder nevertheless facilitated meetings and discussions with these groups to enable them to identify and address any functions, interests or activities which may be affected by the EP. For example, the EP contains evidence that these relevant persons were informed that the titleholder can provide various forms of assistance to support participation in consultation (which was not taken up by all of these relevant persons), and that the titleholder provided relevant persons with various forms of additional assistance in response to reasonable requests (e.g. by covering the costs associated with meeting sitting fees, travelling to the desired meeting locations of the relevant persons, funding the attendance of independent environmental scientists at consultation meetings, and offering to financially support the provision of independent third-party advice which was not taken up by any relevant persons);
- d. some relevant persons stated that there may be other First Nations people with cultural heritage values in the environment that may be affected by the activity, that had not had an opportunity to participate in consultation (e.g., NYFL). I found these statements to be too general for me to place any weight on them. It was not stated how these relevant persons had identified other possible relevant persons, nor how the titleholder might identify and consult with them. I was reasonably satisfied that the titleholder had adopted a methodology of identifying relevant persons which enabled the broad identification of First Nations relevant persons (see paragraphs [99] to [101]), and that all First Nations relevant persons who could be ascertained were identified, or could have self-identified, and were consulted by the titleholder;
- e. a nominated representative corporation (i.e., BTAC) informed the titleholder that they have cultural values including sea country interests in the environment that may be affected by the activity, but that BTAC has not yet developed these values into a format that can be articulated beyond their own culture. BTAC requested support from the titleholder to define and articulate its values in a manner that could be more clearly understood by the offshore sector, government and the community. I noted that the titleholder agreed to provide support for this, including by offering to fund an ethnographic survey in July 2023 and financial support for independent environmental management technical advice and anthropological technical advice that was not taken up by BTAC at the time that the EP was submitted for assessment in October 2023. Whilst the sea country interests and cultural values of the Thalanyji people have not been articulated by way of ethnographic survey at this time, the titleholder has identified that the activity may impact upon Thalanyji Sea Country, and have included control measures in the EP relating to reducing impacts. I was reasonably satisfied that sufficient information and sufficient time had been provided to BTAC, and that the titleholder had adopted, or proposed to adopt, measures which were appropriate. I also note that BTAC made claims about the management of risks. For example, in their letter dated

20 February 2023, BTAC proposed that emergency response capabilities be locally provided, and rangers be employed;

- f. claims were raised by SOS, and individual representatives, that the consultation that had occurred to date was for, and only in relation to, the Scarborough 4D B1 Marine Seismic Survey EP and had not been undertaken on this activity. Despite this, and as noted in my reasons above at [105], I found that the EP contains evidence of the titleholder engaging in consultation with these relevant persons in relation to the drilling and completions activity and that the consultation was conducted in an appropriate manner with the provision of sufficient information and a reasonable period for the consultation. The EP (and sensitive information part) demonstrate that the relevant persons have demonstrated an understanding of the activity, as well as the broader Scarborough project, engaged with information provided and asked questions relevant to the activity described in the EP and its impacts and risks;
- g. the consultation records show that Ms Cooper requested a meeting at Rosemary Island in order to share further information in a culturally safe way. Although the titleholder declined a meeting at this location, I considered that the reasons for doing so (cultural sensitivities expressed by others) were reasonable. The titleholder offered a range of alternative locations for the meeting, including locations where Ms Cooper had previously requested meetings to share information, and also other means by which Ms Cooper could share her information (such as Ms Cooper travelling to the island and recording her stories, the titleholder remaining offshore whilst Ms Cooper told her stories onshore, or circumnavigating around the island whilst Ms Cooper told her stories from the vessel). I note that Ms Cooper declined to share the further information at the alternative meeting locations proposed by the titleholder, and that none of the alternative means for Ms Cooper to share the information were agreed by the titleholder and Ms Cooper (Table 1, Appendix F). I acknowledge that Ms Cooper felt disrespected that she could not provide the titleholder with information from Rosemary Island; however, I was not satisfied that the titleholder not agreeing to travel to Rosemary Island, where many alternatives were offered, means that reg 11A was not met; and
- h. as noted above, on some occasions, the titleholder did not provide relevant persons with information that was requested during the consultation process (largely documentary information such as draft versions of the EP, reports and studies). I considered that the titleholder had provided these relevant persons with sufficient information to enable them to make an informed assessment. Where additional information was requested, it was additional information to that which I already consider to have been sufficient. Further, where the titleholder did not provide information, I considered that there were sound reasons for not doing so. For example, the titleholder did not provide heritage survey reports that were requested by SOS, including Ms Cooper, because the reports were the property of other Traditional Custodians and the titleholder did not have permission to share them. Instead, the titleholder provided the outcomes of these surveys (where possible), or offered alternatives to obtain the information (such as indicating that Ms Cooper may be able to request a copy from the First nations group to whom it relates).

107. I note that a request was made by Ms Cooper to meet with NOPSEMA representatives at Rosemary Island. NOPSEMA declined this invitation. The legislative regime requires the titleholder to consult with relevant persons and address the appropriateness of the measures it proposes to adopt in response to the consultation in the EP. The sharing of information directly with NOPSEMA would not accord with reg 11A.

108. For the reasons given above, I found that consultation as required by reg 11A(2) and reg 11A(3) with Traditional Custodians (individuals and/or groups/entities), nominated representative corporations and

NTRBs had been undertaken. I acknowledge that some relevant persons may have a different view. However, I am satisfied on the information before me that a reasonable opportunity has been afforded to relevant persons to be consulted on the activity.

109. I note that there is evidence in the consultation records that the titleholder have advised relevant persons that they may request that particular information they provide is not published in accordance with reg 11A(4) and it is evident that these requests have been addressed by the significant volume of sensitive material that was not to be published with the EP.

110. I was, accordingly, reasonably satisfied that reg 10A(g)(i) was met.

111. Having found that reg 10A(g)(i) was satisfied, I then considered whether the titleholder adopted, or proposed to adopt, appropriate measures in light of those consultations. I was reasonably satisfied that the measures adopted by the titleholder as a result of the consultations were appropriate for the following reasons:

- a. the EP includes a summary of any feedback, objections or claims raised by Traditional Custodian relevant persons in Table 1 of Appendix F, along with the titleholder's assessment of merits of any feedback, objections or claims and its response, and corresponding further measures;
- b. the EP demonstrates the titleholder has considered any feedback provided from Traditional Custodian relevant persons regarding cultural features of the environment, and the proposed approach to management of the environmental impacts and risks of the activity relating to the protection of cultural features and heritage values. See my reasons at [50];
- c. the titleholder has adopted a range of control measures in response to the consultation with Traditional Custodian relevant persons to ensure that the activity's environmental impacts and risks to cultural features and heritage values will be of an acceptable level and reduced to ALARP. For example:
 - i. to manage any potential impacts to the Thalanyji people's cultural features that were identified within the PAA and EMBA, new control measures and associated performance standards have been introduced to prevent/reduce impacts from underwater noise and vessel collisions to marine turtles (C 3.6); and
 - ii. in addition, for other Traditional Custodian groups new control measures were introduced for protection of whale sharks (C3.5). Further, the titleholder modified C 3.2 and C 3.4 to extend the requirement to humpback whales, given its importance as a totemic species to some groups;
- d. the titleholder has adopted further measures as a result of the consultations with Traditional Custodian relevant persons. In particular:
 - i. the Thalanyji Sea Country Management process (Section 7.5);
 - ii. offers of capacity building in support of ongoing consultation processes (e.g., BTAC);
 - iii. support of additional ethnographic studies and efforts to define sea country values (e.g., MAC and BTAC);

- iv. a proposed Program of Ongoing Engagement with Traditional Custodians (Appendix J); and
- v. the titleholder will apply its management of change and management of knowledge processes if circumstances arise where new cultural features of the environment are identified, to ensure that impacts and risks continue to be managed to ALARP and acceptable levels.

112. I note that Ms Cooper met with female representatives of the titleholder on 12 September 2023. The information shared at this meeting was recorded in a transcript and contained gender-restricted material (women only). The transcript was provided to NOPSEMA as part of the EP, and communicated and stored in a way that was only accessible to female staff. The assessment team comprises of five representatives including three women. Two of these women reviewed this women's only gender-restricted material. After reviewing the records of consultation with Ms Cooper within the EP, and accepting the advice from the female representative that the EP already contains the information about cultural and heritage features of the environment that are explained within the gender-restricted material, I am satisfied that the cultural features and heritage values raised by Ms Cooper during that meeting on 12 September 2023 have been identified in the EP (refer to Table 4-17 in Section 4.9.1.5.3 of the EP), and that measures are in place, or have been adopted.

113. On the basis outlined above, I was reasonably satisfied that the measures adopted by the titleholder because of the consultations are appropriate, and reg 10A(g)(ii) was met.

114. Accordingly, for the reasons set out above, I am reasonably satisfied that consultation as per the requirements of reg 10A(g), insofar as they relate to Traditional Custodians (individuals and/or groups/entities) and nominated representative corporations and NTRBs has been satisfied.

Other 'relevant persons'

115. The EP (Table 5-3) clearly identifies who has been identified as a relevant person, includes details of the rationale the titleholder has used to determine who they consider fall within that definition and broadly describes the functions, interests or activities of those persons or organisations identified as relevant persons under reg 11A(1)(d). The EP includes reference to multiple sources of information used by the titleholder to assist in the identification of relevant persons, such as publicly available materials, review of databases and registers, published guidance, previous history and advice from authorities and other relevant persons.

116. Table 5-2 and Table 5-3 of the EP provide a comprehensive overview of the identification and assessment of the relevant persons (outside of those addressed at [99] above) falling within reg 11A(1)(d). I considered the nature of the activity, description of the environment and the possible impacts and risks of the activity have been taken into account when determining whose functions, interests and activities may be affected. For example:

- a. the titleholder considered all known environment values and sensitivities within the full extent of the environment that may be affected by the planned and unplanned impacts and risks of the activity when determining relevant persons; and
- b. the titleholder considered the nature and scale of the activity and all of the possible impacts and risks of the activity when determining relevant persons.



117. I was satisfied that the process of identifying these other relevant persons was sufficient and appropriate to the activity. I note that consultation extended to those groups or organisations advertising a direct interest in the activity, including those with publicly stated position of opposition.
118. Eight non-government groups or organisations have been identified in the EP as relevant persons, including the Australian Conservation Foundation (**ACF**), Greenpeace, CCWA, The Wilderness Society and Say No to Scarborough Gas.
119. Having identified these relevant persons, I considered the information that had been provided to them in accordance with reg 11A(2). I considered the report on consultation provided at Table 1, Appendix F demonstrates that the titleholder has provided sufficient information over a reasonable period of time, for each relevant person to participate in consultation and make an informed assessment of the possible consequences of the activity on their functions, interests or activities. Full text records of consultations described have been provided in the Sensitive Information Report.
120. I considered that the information provided was sufficient, in particular:
- a. the EP includes a description of the approach to provision of sufficient information that takes into account the functions, interests or activities of relevant persons and the possible consequences of the activity that may affect them;
 - b. the titleholder sufficiently informed relevant persons of the purpose of consultation, including advising relevant persons of titleholder obligations for consultation;
 - c. the consultation provided sufficient information about the environment and potential impacts and risks to allow relevant persons to make an informed assessment of the possible consequences of the activity on their functions, interests or activities. For example, an activity specific information sheet (see Appendix F) was provided to relevant persons. The consultation package included an activity summary, location map, coordinates, water depth, distance to key regional features, petroleum safety zone details and estimated timing and duration. It also outlined relevant impacts and risks together with a summary of selected management control measures and encouraged feedback on the proposed activity;
 - d. the consultation provided relevant persons with the opportunity to provide input and engage in a genuine two-way dialogue. I noted that offers were made to meet and discuss with relevant persons and steps were taken by the titleholder to create awareness of the activity and to encourage potentially relevant persons to make themselves known to the titleholder. In some instances, non-government groups or organisations have presented claims that they have not been provided with sufficient information or a reasonable period for the consultation (e.g., Greenpeace and CCWA). Considering the record of consultation and iterative nature in which information was provided and responses addressed, I am satisfied that the consultation obligation has been discharged with these groups and a reasonable opportunity has been provided for these groups to participate in the consultation. While the consultation process with non-government groups or organisations was protracted and resolutions have not always been achieved, I was satisfied that there was still a two-way dialogue in which relevant persons were given sufficient information and allowed reasonable time for them to make an informed assessment of the possible consequences of the activity on their functions, interests or activities and relevant matters raised through the consultation have been addressed in the EP;

- e. the titleholder tailored the information to suit the needs of the different types of relevant persons and provided information in a form that is readily accessible and appropriate for the relevant person being consulted. Further, the titleholder used different materials to support the provision of information that was suited to the relevant person being consulted, such as pictorials, graphics and maps. For example, the presentation to the Karratha Community Reference Group contained information about traffic through the local airport associated with the petroleum activity;
 - f. the titleholder has considered relevant persons' views of what constitutes sufficient information and has considered requests for additional information by relevant person. The titleholder responded to requests made by relevant persons, either through provision of additional information in relation to impacts and risks of the activity, and advice that the EP was publicly available on the NOPSEMA website, or by clarifying the scope of the activity and where impacts and risks related to the broader project but were not impacts of the activity to which this EP relates. Noting some areas of concern related to the broader Scarborough project and subsequent phases of development, the titleholder has committed to providing further information with respect to future activities of the project during the consultation processes for the relevant EPs for those activities (Section 5 of the EP);
 - g. the titleholder has provided responses to reasonable requests for information, and where information has not been provided, there is a reasonable basis as to why this is the case; and
 - h. although there are examples where the titleholder did not provide certain relevant persons with additional information requested (e.g., scientific literature, copy of the latest version of the EP), I was satisfied that sufficient information was made available to the relevant person including: a link to the publicly available EP; the Consultation Information Sheet; numerous email responses tailored to a relevant person's objections and claims raised; as well as the measures the titleholder proposes to adopt as a result of the consultation undertaken. I considered that provision of further information in these circumstances appeared to be beyond what is required to make an informed assessment of the possible consequences of the activity on respective functions, interests or activities.
121. I am satisfied that a reasonable period was provided for the consultations. This is because:
- a. the EP (Section 5) describes the approach taken to determining a reasonable period for consultation that is based on case-by-case consideration of the relevant person's particular circumstances and includes consideration of the nature, scale and complexity of the activity;
 - b. the process for relevant persons consultation provided for the titleholder to take into account any availability and accessibility issues of relevant persons;
 - c. the titleholder notes a period of more than 250 days was provided for consultation on this activity, from the date of first advertising to the date of EP submission to NOPSEMA, to support the case that the period allowed for consultation has been reasonable; and
 - d. the titleholder considered relevant persons' views of what constitutes a reasonable period for consultation, considered requests for additional time by relevant persons, with additional time provided in response to reasonable requests. I also noted that the titleholder was proactive in sending reminders to relevant persons about impending dates for providing any response.

122. Taking all of these matters into account, I am satisfied that a reasonable period for consultation had been given (as per reg 11A(3)).
123. I accepted that reg 11A(4) was satisfied because relevant persons were informed (in similar terms to those at [109] above), that they may request that particular information provided during consultation not be published and information subject to such a request was not published.
124. For the purposes of reg 10A(g)(ii), I found that:
- a. information gathered through the consultation process with the other relevant persons under reg 11A(1)(d) has been incorporated into the EP, and effectively informed the identification of environmental values and sensitivities to ensure impacts and risks are reduced to ALARP and acceptable levels. For example, information obtained from relevant persons has informed the identification of environmental values and sensitivities where relevant and information obtained from relevant persons has been considered in the evaluation of environmental impacts and risks, and in the titleholder's processes for demonstrating that the environmental impacts and risks of the activity will be reduced to ALARP and acceptable levels, where relevant. This includes, but is not limited to, the provision of notifications to relevant persons and other marine users as agreed to during consultation, amendments made to the OPEP as a result of relevant persons' feedback received in the preparation of the EP, and a revised cumulative underwater noise impact assessment being undertaken in response to information received; and
 - b. the titleholder's assessment of merit and all responses to objections and claims are reasonable and supported by evidence, and the measures adopted (if any) because of the consultation are appropriate. In some cases, the titleholder's assessment of the merits of objections and claims did not result in the adoption of additional control measures because additional control measures were not reasonably practicable to implement and/or necessary to demonstrate that impacts and risks will be reduced to ALARP and acceptable levels. For example, in response to objections and claims raised by Greenpeace, the titleholder evaluated the use of a thermomechanical system to treat drill cuttings to achieve <1% average oil on cuttings prior to discharge to the marine environment; however, the control was rejected on the basis that the cost of implementation outweighs the environmental benefits.
125. In relation to Greenpeace, I considered the summary of consultation provided at Table 1, Appendix F presents a suitable demonstration that the titleholder has provided sufficient information over a reasonable period of time, for the relevant person to participate in consultation and make an informed assessment of the possible consequences of the activity on their functions, interests or activities. The record demonstrates a protracted engagement with the relevant persons on this activity. The full text of consultation records provided in the Sensitive Information Report indicate that the relevant person has demonstrated an understanding of the activity, engaged with the information, asked questions and raised a number of objections and claims. The EP demonstrates that the titleholder has assessed the merits of the objections and claims raised and provided a response.
126. I was satisfied that the measures which the titleholder adopted in response to the consultation were appropriate. Accordingly, I was reasonably satisfied that the EP met the requirements of reg 10A(g)(ii).
127. Considering the matters discussed above, I was reasonably satisfied that, in relation to relevant persons as defined by reg 11A(1)(d), the EP demonstrates that the titleholder has carried out the

consultations required by Division 2.2A and the measures (if any) that the titleholder has adopted, or propose to adopt, because of the consultations are appropriate, as required by reg 10A(g).

Relevant persons under Regulation 11A(1)(e)

128. Reg 11A(1)(e) states that a titleholder must consult with 'any other person or organisation that the titleholder considers relevant'. The titleholder consulted with the following 'other persons or organisations' that it considered to be relevant, including:

- a. the Shire of Exmouth;
- b. the City of Karratha and the Karratha Community Liaison Group; and
- c. non-government organisations such as Sea Shepherd Australia and Australian Marine Conservation Society (**AMCS**).

129. I was reasonably satisfied that consultations with these persons met the requirements in reg 11A(2)-(4). The EP demonstrates that consultation took the form of emails and presentations (where requested), and were over a reasonable period (ranging from April and September 2022 until May 2023). The information provided to the relevant persons was sufficient which included the consultation information sheets. Once again, the information that was provided was tailored to the particular relevant person.

130. Appendix F, Table 1 of the EP demonstrates that no objections or claims were raised by any of these relevant persons, and that control measures because of the consultations were not necessary. I agreed with the conclusions in this table. No substantive responses were received (as opposed to queries), which required the titleholder to consider additional measures.

131. I also acknowledged the ongoing consultation commitment in the EP. I considered this was appropriate measure which would ensure that any future feedback, objections or claims which may arise from such persons would be assessed and reported.

132. I was therefore reasonably satisfied that Reg 10A(g) was met in relation to 'relevant persons' as defined by reg 11A(1)(e).

The EP complies with the Act and Regulations: regulation 10A(h)

133. I considered the EP and was satisfied that it was compliant with the Act and Regulations, in particular that:

- a. the EP does not allow for any equipment that is not to be used for future production to be left on the seabed at the completion of the activity and includes provision for the inspection, maintenance, monitoring, and repair of subsea infrastructure installed for future production, consistent with the requirements of section 572 of the OPGGS Act (see Section 3.8). All equipment installed above the mudline has been designed to allow for removal. The petroleum activity involves the drilling of up to 10 development wells (8 planned and 2 contingency wells), which are not proposed to be abandoned until the end of the production field life (see Section 3.10.7). In the event a well is plugged and abandoned for technical reasons, the EP commits to the removal of the marine riser and blowout preventer, and reasonable attempts at retrieval of the wellhead. If removal of the

wellhead is unsuccessful, the wellhead may be left in-situ. Final decommissioning of the wellhead and other subsea infrastructure at the end of field life will be subject to a separate EP; and

- b. consultation with relevant persons (Section 5) has informed the titleholder in its obligations under sections 280 of the OPGGS Act that the proposed petroleum activity will not interfere with navigation, fishing, conservation of resources of the sea and seabed, other offshore electricity infrastructure and petroleum activities, and the enjoyment of native title rights and interests (within the meaning of the *Native Title Act 1993*) to a greater extent than is necessary for the reasonable exercise of the titleholder's rights and obligations.

134. For the reasons set out above (at [17] – [36]) I was satisfied that the EP addressed the content requirements of regs 13-16 of the Environment Regulations with enough clarity, consistency and detail commensurate to the nature and scale of the activity. Specifically:

- a. the titleholder has submitted the EP in writing as required by reg 9(6) of the Environment Regulations; and
- b. the EP commits to complying with the requirements in regs 26, 26A, 26AA, 26B, 26C, 27, 28 and 29 regarding various notifications and reporting to NOPSEMA as well as storage and access to records (Section 7.9).

135. Based on the above, I was reasonably satisfied that the EP met the requirements of regulation 10(h).

Other considerations

Principles of ecological sustainable development (ESD)

136. The Regulations provide that their object is to ensure that any activity or greenhouse gas activity carried out in an offshore area is carried out in a manner consistent with the principles of ESD set out in section 3A of the EPBC Act. I considered that the EP was consistent with the principles of ESD, as provided below:

- a. Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the 'integration principle'):
 - i. The EP includes the titleholder's evaluation of the socio-economic, cultural and ecological features of the EMBA by the activity and consultation with relevant persons which demonstrates an integrated approach to considering all environmental features, including relevant social, cultural and economic features that make up the definition of environment under reg 4. Further, the EP includes an evaluation of the potential impacts and risks of the petroleum activity on cultural heritage, commercial fisheries, traditional fisheries, tourism and recreation, commercial shipping, oil and gas and defence activities. I considered that these matters were consistent with ensuring that this decision-making process should effectively integrate both long term and short term economic, environment, social and equitable considerations.
- b. If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the 'precautionary principle'):

- i. The EP detailed the titleholder's evaluation of environmental impacts and risks, the reasons and evidence in support of how the impacts and risks will be of an acceptable level and suitable approaches for addressing scientific uncertainty associated with predictions of environmental impacts and risks. Consideration was also given in the EP to the effectiveness of management measures in ensuring the petroleum activity will not result in serious or irreversible environmental harm, specifically it was noted that the petroleum activity will not have a significant impact on a MNES and will not result in serious or irreversible environmental damage.
- c. That the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the 'intergenerational principle'):
 - i. The EP identifies measures the titleholder has adopted to minimise the environmental impacts and risks of the petroleum activity. The titleholder applied a mitigation hierarchy, such that where avoidance was not possible, control measures were adopted to ensure impacts and risks are managed to ALARP and an acceptable level. I considered this was consistent with the intergenerational principle.
- d. The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the 'biodiversity principle'):
 - i. The EP included the titleholder's evaluation of environmental impacts and risks to the biodiversity and ecological values of the Commonwealth marine area, including EPBC Act listed threatened and/or migratory species, and the EPOs defined in the EP. I noted that the titleholder defined acceptable levels of impact and risk for biodiversity and ecological values at levels that are below the significant impact criteria (defined in Significant Impact Guidelines 1.1 – Matters of National Environmental Significance) for matters protected under Part 3 of the EPBC Act.
 - ii. There is evidence in the EP that the titleholder undertook a robust evaluation of environmental impacts and risks using appropriate impact assessment tools (such as oil spill modelling) to provide the basis for assessing higher order impacts and risks and demonstrating that impacts and risks will be managed at or below the acceptable level;
 - iii. The EP contains an assessment against relevant requirements of statutory instruments to demonstrate that the activity would not be inconsistent with these instruments (such as the Conservation Management Plan for the Blue Whale).
 - iv. The environmental impact and risk evaluations and EPOs in the EP collectively demonstrate that the activity will be managed such that impacts and risks to biological diversity and the ecological integrity of the Commonwealth marine area will be of an acceptable level.
 - v. I concluded that the petroleum activity will not have a significant impact on MNES protected under the EPBC Act including World Heritage properties, National Heritage properties, Ramsar wetlands of international significance, listed threatened species and communities, listed migratory species, Commonwealth marine areas, and the Great Barrier Reef Marine Park.
- e. Improved valuation, pricing and incentive mechanisms should be promoted (the 'valuation principle').

- i. The EP construct is such that the titleholder is required to bear the costs relating to environmental management of the activity, to ensure that environmental impacts and risks are managed to ALARP and to an acceptable level. I considered that the onus is on the titleholder to protect ecological services and capital associated with the EMBA of the activity, and to the extent that the valuation principle is relevant for an individual activity, the EP demonstrates compliance with Australian government legislation and policy requirements relating to environmental management.

The Program: protected matters under Part 3 of the EPBC Act

137. The Program endorsed under section 146 of the EPBC Act outlines the environmental management authorisation process for offshore petroleum and greenhouse gas activities administered by NOPSEMA and requires NOPSEMA to comply with Program responsibilities and commitments.
138. In implementing the Program, NOPSEMA conducts assessments of EPs against the requirements of the Program, which includes meeting the acceptance criteria and content requirements under the Environment Regulations. Specific Program commitments relating to protected matters under Part 3 of the EPBC Act are outlined in Table 2 of the Program report and must be applied during decision-making with respect to offshore projects and activities.
139. I considered matters protected under Part 3 of the EPBC Act, including listed threatened and migratory species and the Commonwealth marine area, and was reasonably satisfied that the activity under the EP met the requirements of the Program on the basis that:
 - a. the activity will not result in unacceptable impacts on listed threatened species and is not inconsistent with relevant recovery plans and threat abatement plans for listed threatened species. I note my reasons above (see my reasons at [47]-[54]), where I have considered these documents when determining the acceptability of the EP where impacts to listed threatened species may arise;
 - b. there are control measures in place to ensure that impacts to the Commonwealth marine area will be of an acceptable level, having regard to relevant policy documents, gazettal instruments, bioregional plans, wildlife conservation plans, plans of management and EPBC Act guidance documents on the DCCEEW website. See my reasons at [47]-[54]; and
 - c. there are control measures in place to ensure that the petroleum activity will not result in unacceptable impacts to a migratory species or an area of important habitat for a migratory species, having regard to relevant policy documents, wildlife conservation plans and guidelines on the DCCEEW website. See my reasons at [47]-[54].

The Program: indirect consequences of an action

140. Under the Program, NOPSEMA must have regard to EPBC Act requirements, including *EPBC Act Policy Statement - 'Indirect consequences' of an action: Section 527E of the EPBC Act (indirect consequences policy)*. NOPSEMA gives consideration to the policy to determine where indirect consequences may be considered an 'impact' of a petroleum activity. This consideration is on a case-by-case basis against the particular circumstances of the petroleum activity in accordance with the criteria set out in the policy.
141. In assessing the EP, I had regard to the indirect consequences policy, in particular in relation to indirect GHG emissions. I gave consideration as to whether the petroleum activity is a substantial cause of GHG emissions from the processing, consumption and combustion of gas, and are facilitated to a

major extent by the petroleum activity, within the contemplation of the titleholder, and are a reasonably foreseeable consequence of the petroleum activity.

142. Having regard to the indirect consequences policy and the assessment team's findings and conclusions, I agreed that:
- a. the activity the subject of this EP does not involve or authorise the extraction of gas for onshore processing and is therefore not authorised by the EP (if accepted);
 - b. while the activity is a necessary precursor to the extraction of gas, further activities are required prior to the point any gas can be extracted, processed, consumed or combusted and will themselves be subject to a separate assessment and approval process; and
 - c. future activities require their own EP under the Environment Regulations including consideration of the indirect consequences policy and appropriate coverage of impacts for each activity, based on the case specific circumstances. Therefore, I consider that emissions from gas processing, consumption and combustion of gas are not facilitated to a major extent by the activity and would not be considered a substantial cause of emissions generated in the future from processing, consumption, or combustion of gas.

The Program: cumulative environmental impacts

143. In the context of the Program, cumulative impacts refers to the direct and indirect impacts of a number of different petroleum activity actions that may influence the natural environment or other users within a locality or region, which when considered together, have a greater impact on the offshore marine environment than each action or influence considered individually.
144. NOPSEMA considered the potential for cumulative environmental impacts to the Commonwealth marine area as required by the Program. NOPSEMA is reasonably satisfied that the environmental impacts of the petroleum activity combined with existing and future pressures on the Commonwealth marine area would be of an acceptable level, because:
- a. the EP considered the potential cumulative impacts of drilling up to 10 development wells within the PAA, including cumulative disturbance to marine sediment quality and benthic communities, and cumulative noise impacts to marine fauna from elevated noise levels associated with multiple noise emitting sources (i.e., MODU and project vessels). The impact evaluations in combination with the associated control measures provide confidence that impacts of the petroleum activity, when considered in the context of other anthropogenic pressures, will be of an acceptable level; and
 - b. the EP considered the potential cumulative impacts of other petroleum activities proposed for the Scarborough project, including the Scarborough 4D B1 Marine Seismic Survey and the Scarborough Seabed Intervention and Trunkline Installation (SITI). The EP states that the Scarborough 4D B1 Marine Seismic Survey will not be undertaken concurrently with this petroleum activity (Scarborough Drilling and Completions) and therefore no cumulative impacts are expected. The Scarborough SITI may result in cumulative impacts due to both a spatial and temporal overlap with this petroleum activity (Scarborough Drilling and Completions). I understand these impacts are to be described, assessed and managed under the Scarborough SITI EP, which is currently under assessment by NOPSEMA. NOPSEMA notes that other petroleum activities proposed for the Scarborough project will be subject to separate EPs, of which NOPSEMA will consider as part of the EP assessment, the potential for cumulative impacts to the Commonwealth marine area.

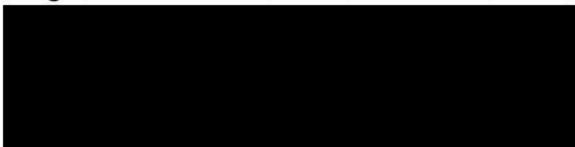


Conclusion

145. For the reasons set out above, I was reasonably satisfied that the EP met the following criteria set out in sub-regulation 10A of the Environment Regulations and should therefore be accepted:

- a. the EP is appropriate for the nature and scale of the activity; and
- b. the EP demonstrates that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable; and
- c. the EP provides for appropriate EPOs, EPSs, and measurement criteria; and
- d. the EP includes an appropriate implementation strategy and monitoring, recording and reporting arrangements; and
- e. the EP does not involve the activity or part of the activity, other than arrangements for environmental monitoring or for responding to an emergency, being undertaken in any part of a declared World Heritage property within the meaning of the EPBC Act; and
- f. the EP demonstrates that:
 - i. the titleholder has carried out the consultations required by Division 2.2A; and
 - ii. the measures (if any) that the titleholder has adopted, or proposes to adopt, because of the consultations are appropriate; and
- g. the EP complies with the Act and the regulations.

Signed



Environment Manager – Drilling & Spill Risk

14 December 2023



Attachment A: Relevant terms

146. In this statement, the words and phrases have the following meaning:

- a. The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* is referred to as the OPGGS Act.
- b. The National Offshore Petroleum Safety and Environmental Management Authority is referred to as NOPSEMA.
- c. The *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* are referred to as the Environment Regulations.
- d. The Environment Plan (EP) means the Scarborough Drilling and Completions Environment Plan (Document No: SA0006AD1401382459, Revision 6, dated October 2023).
- e. The *Environment Protection and Biodiversity Conservation Act 1999* is referred to as the EPBC Act.
- f. The titleholder means Woodside Energy Scarborough Pty Ltd.
- g. The term 'petroleum activity' means the Scarborough Drilling and Completions activity.
- h. The term 'environment' means:
 - i. ecosystems and their constituent parts, including people and communities; and
 - ii. natural and physical resources; and
 - iii. the qualities and characteristics of locations, places and areas; and
 - iv. the heritage value of places; and includes
 - v. the social, economic and cultural features of the matters mentioned in paragraphs (i), (ii), (iii) and (iv).
- i. The term 'environmental impact' means any change to the environment, whether adverse or beneficial, that wholly or partially results from an activity.
- j. The term 'control measure' means a system, an item of equipment, a person or a procedure, that is used as a basis for managing environmental impacts and risks.
- k. The term 'environmental management system' includes the responsibilities, practices, processes and resources used to manage the environmental aspects of an activity.
- l. The term 'environmental performance' means the performance of a titleholder in relation to the environmental performance outcomes and standards mentioned in an environment plan.
- m. The term 'environmental performance outcome' (EPO) means a measurable level of performance required for the management of environmental aspects of an activity to ensure that environmental impacts and risks will be of an acceptable level.



- n. The term 'environmental performance standard' (EPS) means a statement of the performance required of a control measure.
 - o. The term 'principles of ecologically sustainable development' (ESD) means the principles of ESD set out in Section 3A of the EPBC Act.
 - p. The term 'relevant person' has the meaning provided under regulation 11A of the Environment Regulations.
 - q. The term 'Petroleum Activity Area' (PAA) is taken to be the operational area for the petroleum activity as defined in Section 3.5 of the EP.
 - r. The Program Report – Strategic Assessment of the environmental management authorisation process for petroleum and greenhouse gas storage activities administered by the National Offshore Petroleum Safety and Environmental Management Authority under the Offshore Petroleum and Greenhouse Gas Storage Act 2006 that was endorsed on 7 February 2014, is referred to as the Program.
 - s. The term 'as low as reasonably practicable' is referred to as 'ALARP'.
147. Terms used in this Statement of Reasons which are defined in the Environment Regulations or the OPGGS Act have the same meaning as under the Environment Regulations or OPGGS Act.

Attachment B: Legislative framework

148. All offshore petroleum activities that are undertaken for the purpose of petroleum recovery, other than on an appraisal basis, are required to have an Offshore Project Proposal (OPP) accepted by NOPSEMA under the Environment Regulations or an equivalent approval by the Environment Minister under the EPBC Act.
149. The OPP framework enables a proponent to achieve a whole of project authorisation; however, it does not permit offshore petroleum activities to commence until an EP (or multiple EPs) for the activities has been accepted by NOPSEMA under the Environment Regulations.
150. Additional approvals may be required before a titleholder can commence a petroleum activity. A Well Operations Management Plan (WOMP) is required to be accepted by NOPSEMA under the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* for petroleum activities that involve well-related activities. A Safety Case is required to be accepted by NOPSEMA under the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009* for facilities involved in the petroleum activity.
151. The Environment Regulations provide that:
- a. Before commencing a petroleum activity², a titleholder must submit an EP for the petroleum activity to the Regulator (regulation 9(1)).
 - b. A petroleum activity means any operation or works in an offshore area carried out for the purpose of (a) exercising a right conferred on a petroleum titleholder under the OPGGS Act by a petroleum title; or (b) discharging an obligation imposed on a petroleum titleholder by the OPGGS Act or a legislative instrument under the OPGGS Act (regulation 4).
 - c. An EP for a petroleum activity that is, or is part of, an offshore project may only be submitted if the Regulator has accepted an OPP that includes that activity or if the Environment Minister has made a decision or granted approval under the EPBC Act relating to an action that is equivalent or includes that activity (regulation 9(3)).
 - d. If a titleholder submits an EP, the Regulator may request the titleholder to provide further written information about any matter required by the Environment Regulations to be included in the EP (regulation 9A).
 - e. If a titleholder receives a request under regulation 9A, they must provide the information requested by incorporating the information into the EP and resubmitting the EP within the period specified or within a longer period agreed to by the Regulator.
 - f. If the EP is resubmitted under regulation 9A, the Regulator must have regard to that further information in making the decision under regulation 10.

² Petroleum activity is defined under regulation 4 of the Environment Regulations.



- g. Within 30 days after the day the Regulator publishes the EP (under regulation 9AB) if the Regulator is:
 - i. reasonably satisfied that the EP meets the criteria set out in regulation 10A, the Regulator must accept the EP (regulation 10(1)(a));
 - ii. not reasonably satisfied that the EP meets the criteria set out in regulation 10A, the Regulator must give the titleholder notice in writing (regulation 10(2)); or
 - iii. if the Regulator is unable to make a decision on the EP within the 30 day period, the Regulator must give the titleholder notice in writing and set out a proposed timetable for consideration of the EP (regulation 10(1)(c)).
- h. A notice to a titleholder under regulation 10(2) must:
 - i. state that the Regulator is not reasonably satisfied that the EP submitted by the titleholder meets the acceptance criteria set out in regulation 10A;
 - ii. identify the criteria set out in regulation 10A about which the Regulator is not reasonably satisfied; and
 - iii. set a date by which the titleholder may resubmit the EP.
- i. Pursuant to regulation 5G, NOPSEMA must not accept an environment plan unless it is reasonably satisfied that the titleholder is compliant with subsection 571(2) of the Act in relation to the petroleum activity, and the compliance is in a form that is acceptable to NOPSEMA.
- j. Regulation 10A provides the acceptance criteria the Regulator must consider in determining whether to accept an EP, and includes that the plan:
 - i. is appropriate for the nature and scale of the activity;
 - ii. demonstrates that the environmental impacts and risks of the activity will be reduced to ALARP;
 - iii. demonstrates that the environmental impacts and risks of the activity will be of an acceptable level;
 - iv. provides for appropriate environmental performance outcomes (EPOs), environmental performance standards (EPSs) and measurement criteria;
 - v. includes an appropriate implementation strategy and monitoring, recording and reporting arrangements;
 - vi. does not involve the activity or part of the activity, other than arrangements for environmental monitoring or for responding to an emergency, being undertaken in any part of a declared World Heritage property within the meaning of the EPBC Act;
 - vii. demonstrates that:
 - A. the titleholder has carried out the consultation required by Division 2.2A; and

B. the measures (if any) that the titleholder has adopted, or proposes to adopt, because of the consultation are appropriate; and

viii. complies with the OPGGS Act and the Environment Regulations.

k. Regulation 10(6)b provides that the Regulator may accept the plan subject to limitations or conditions applying to operations for the activity.

152. The Environment Regulations provides for the authorisation of a petroleum activity, but does not authorise an oil spill, which is considered for risk evaluation and contingency planning in the EP only. Section 569 of the OPGGS Act places obligations on petroleum titleholders to control the flow and prevent the escape of petroleum within the permit area, lease area or licence area.

153. The Environment Regulations impose a duty on the titleholder to demonstrate to NOPSEMA in the EP that a proposed activity will be carried out in a manner:

- a. consistent with the principles of ecological sustainable development set in section 3A of the EPBC Act; and
- b. by which impacts and risks of the activity will be reduced to as low as reasonably practicable (ALARP) and acceptable levels.

Attachment C: Key materials considered in making the decision

154. In making this decision, NOPSEMA considered the documents making up the EP submission in accordance with legislative requirements and NOPSEMA's policies and procedures. The key material that NOPSEMA had regard to in making this decision includes, but not limited to:

- a. The EP, comprising:
 - i. Scarborough Drilling and Completions Environment Plan (Document No: SA0006AD1401382459, Revision 6, dated October 2023);
 - ii. Oil Pollution Emergency Arrangements – Australia – Guideline (Document No: W0000AV0003.0001, Revision 17); and
 - iii. Scarborough Drilling and Completions Environment Plan Sensitive Information Report (Revision 6, dated October 2023).
- b. Scarborough Offshore Project Proposal (OPP) (Document No. SA0006AF0000002, Revision 5) and supporting documentation (Appendices A, B, C, D, E, F, G, H, I, J, K, L, and M), accepted by NOPSEMA on 30 March 2020 (as referred to by the titleholder under regulation 31 in the EP);
- c. The legislative framework relevant to EP assessments, including:
 - i. the OPGGS Act;
 - ii. the Environment Regulations; and
 - iii. the Program³.
- d. NOPSEMA Environment plan assessment policies, guidelines and guidance:
 - i. NOPSEMA Assessment policy (N-04000-PL0050);
 - ii. NOPSEMA Environment plan assessment policy (N-04750-PL1347);
 - iii. NOPSEMA Financial assurance for petroleum titles policy (N-04730-PL1780);
 - iv. NOPSEMA Section 572 Maintenance and removal of property regulatory policy (N-00500-PL1903);
 - v. NOPSEMA Managing gender-restricted information (draft) (N-04750-PL2098)
 - vi. NOPSEMA Financial assurance for petroleum titles guideline (N-04730-GL1381);
 - vii. NOPSEMA Environment plan decision making guideline (N-04750-GL1721);

³ <https://www.environment.gov.au/protection/assessments/strategic/offshore-petroleum-greenhouse-gas>

- viii. NOPSEMA Consultation in the course of preparing an Environment Plan guideline (N-04750-GL2086);
 - ix. NOPSEMA Environment plan content requirements guidance note (N-04750-GN1344);
 - x. NOPSEMA Making submissions to NOPSEMA guideline (N-04000-GL0225);
 - xi. NOPSEMA Petroleum activities and Australian marine parks guidance note (N-04750-GN1785);
 - xii. NOPSEMA Consultation with Commonwealth agencies with responsibilities in the marine area guideline (N-06800-GL1887);
 - xiii. NOPSEMA Oil pollution risk management guidance note (N-04750-GN1488);
 - xiv. NOPSEMA Operational and scientific monitoring programs information paper (N-04750-IP1349);
 - xv. NOPSEMA Acoustic impact evaluation and management information paper (N-04750-IP1765)
 - xvi. NOPSEMA Petroleum activity guidance note (N-04750-GN1343);
 - xvii. NOPSEMA Source control planning and procedures information paper (N-04750-IP1979);
 - xviii. NOPSEMA Environmental bulletin — oil spill modelling (April 2019); and
 - xix. NOPSEMA Blue Whale Conservation Management Plan – Frequently asked questions (November 2021); and
 - xx. NOPSEMA Consultation on offshore petroleum environment plans brochure (May 2023).
- e. Procedures:
- i. NOPSEMA Environment plan assessment standard operating procedure (N-04750-SOP1369).
- f. Other relevant documents and records:
- i. NOPSEMA's assessment team's iterative notes regarding assessment of how the EP met the acceptance criteria set out in regulation 10A of the Environment Regulations;
 - ii. relevant advice from other agencies or organisations:
 - A. advice received on 22 March 2022 from the Protected Species and Communities Branch at the Department of Climate Change, Energy, the Environment and Water (DCCEEW) (formerly *Department of Agriculture, Water and the Environment*) in response to NOPSEMA's request for information on biologically important areas for blue whales;
 - B. advice received on 27 July 2022 from the National Indigenous Australians Agency (NIAA) in response to NOPSEMA's request for advice on the appropriate cultural authority to provide information on the cultural heritage values and relevant persons associated with sea country off the Burrup Peninsula;

- C. letter dated 05 October 2022 from the National Offshore Petroleum Titles Administrator (NOPTA) in response to NOPSEMA's request for information related to the geological field integrity of the Scarborough Field Development;
 - D. expert report of Extent Heritage Pty Ltd (dated 18 October 2022), engaged by NOPSEMA to provide Aboriginal cultural heritage advice in relation to the Scarborough 4D B1 Marine Seismic Survey and broadly applicable to the geographic area of the Scarborough Drilling and Completions activity;
- iii. Published consultation guidance by relevant persons:
- A. Australian Fisheries Management Authority, Petroleum industry consultation with the commercial fishing industry, available at: <https://www.afma.gov.au/petroleum-industry-consultation-commercial-fishing-industry>;
 - B. Department of Agriculture, Fisheries and Forestry (DAFF), Fisheries and the environment – Offshore Petroleum and Fisheries, available at: <https://www.agriculture.gov.au/agriculture-land/fisheries/environment/opgga>;
 - C. Department of Climate Change, Energy, the Environment and Water, Interim Engaging with First Nations People and Communities on Assessments and Approvals under the *Environment Protection and Biodiversity Conservation Act 1999* (2023);
 - D. WA Department of Fisheries, Guidance statement for oil and gas industry consultation with the Department of Fisheries, Fisheries Occasional Publication No. 113, July 2013
 - E. WA Department of Transport, Offshore Petroleum Industry Guidance Note, Marine Oil Pollution: Response and Consultation Arrangements, July 2020; and
 - F. Western Australian Fishing Industry Council, Consultation approach for unplanned events, available at: <https://www.wafic.org.au/what-we-do/access-sustainability/oil-gas/consultation-approach-for-unplanned-events/>.
- iv. relevant published, peer-reviewed scientific literature, including the scientific literature cited in the EP;
- v. relevant policies, plans of management, recovery plans, conservation advice and other guidance for matters protected under the EPBC Act, including, but not limited to:
- A. Department of the Environment, Water, Heritage and the Arts, Significant Impact Guidelines 1.1 – Matters of National Environmental Significance, EPBC Act Policy Statement (2013);
 - B. Department of Sustainability, Environment, Water, Population and Communities, 'Indirect consequences' of an action: Section 527E of the EPBC Act, EPBC Act Policy Statement (2013);
 - C. Department of the Environment and Energy, National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds (2020);
 - D. Commonwealth of Australia, Recovery Plan for Marine Turtles in Australia 2017–2027 (2017);



- E. Commonwealth of Australia, Conservation Management Plan for the Blue Whale 2015–2025 (2015);
 - F. Department of Agriculture, Water and the Environment, Guidance on key terms within the Blue Whale Conservation Management Plan (2021);
 - G. Commonwealth of Australia, Conservation Management Plan for the Southern Right Whale 2011-2021 (2012);
 - H. Commonwealth of Australia, Threat Abatement Plan for the impacts of marine debris on the vertebrate wildlife of Australia's coasts and oceans (2018);
 - I. Commonwealth of Australia, Wildlife Conservation Plan for Seabirds (2020);
 - J. Department of Sustainability, Environment, Water, Population and Communities, Marine Bioregional Plan for the North-west Marine Region (2012); and
 - K. Director of National Parks, North-west Marine Parks Network Management Plan (2018).
- vi. relevant legislative requirements that apply to the activity and are relevant to the environmental management of the activity; and
- vii. relevant Federal Court authority.