ConocoPhillips Australia SH1 Pty Ltd and ConocoPhillips Australia SH2 Pty Ltd ('ConocoPhillips Australia') are planning to undertake exploration planned activities in offshore permits VIC/P79 and T/49P located in Commonwealth waters of the Otway Basin, 20 km offshore of Victoria and 28 km offshore of King Island, Tasmania.

ConocoPhillips Australia's proposed Otway Exploration Drilling Program involves seabed surveys at a maximum of nine locations, and drilling a maximum of six exploration wells in water depths ranging from 53 m to 500 m. The activity is scheduled to commence no earlier than 1st of April 2024 and will be completed no later than 31st of December 2028, with the exact timing dependent on the receipt of environmental approvals and the availability of a mobile offshore drilling unit ('MODU').

The following Titleholder's Report on Public Comment applies to the Otway Exploration Drilling Program Environment Plan (EP), as required after completion of the public comment process.

The Otway Exploration Drilling Program EP was submitted to NOPSEMA for completeness check and accepted as complete on 16 November 2023. Following acceptance, the EP was published on the NOPSEMA website for a 30-day public comment period. The EP was available for public comment from 16 November 2023 to 18 December 2023.

ConocoPhillips Australia would like to thank the submitters for their responses pertaining to the Otway Exploration Drilling Program EP. A total of 11,440 public submissions were received from NOPSEMA.

The following report details the issues or themes raised from the received public comments grouped by key matters and matters. ConocoPhillips Australia has identified the sections of the EP that correspond to the matters raised, where the matters have been accounted for in the EP. Where applicable, ConocoPhillips Australia has indicated (by underlining), where updates have been made to the EP in response to the submissions received.

The titleholder and nominated liaison person contact details for the Otway Exploration Drilling Program EP are provided below.

Details of titleholders and liaison person

Details	Titleholder	
	T/49P	**VIC/P79**
Name	ConocoPhillips Australia SH1 Pty Ltd	ConocoPhillips Australia SH2 Pty Ltd
Business Address	Level 1, 33 Park Road, Milton, QLD 4064	Level 1, 33 Park Road, Milton, QLD 4064
Telephone Number	Phone: 07 3182 7122	Phone: 07 3182 7122
Email Address	Otway@conocophillips.com	Otway@conocophillips.com
ABN	18 116 771 450	24 141 253 769
Website	https://conocophillipsaustralia.mysocialpinpoint.com.au/otway-exploration-drilling-program/otway-exploration-drilling-program-home/	
Nominated Liaison Person		
Name	Aaron Burt - Exploration Manager, ConocoPhillips Australia	
Business Address	Level 1, 33 Park Road, Milton, QLD 4064	
Telephone	07 3182 7122	
Email	Otway@conocophillips.com	

Contents

1. Theme: Impact and Risk Assessments, and Mitigation Measures 3
2. Theme: Environmental and Ecological Information and Effects 36
3. Theme: Marine Mammals 51
4. Theme: Fish, Sharks, Invertebrates and Fisheries 92
5. Theme: Birds 112
6. Theme: Consultation 135
7. Theme: Tourism Recreation and Communities 152
8. Theme: First Nations People, Heritage and Culture 158
9. Theme: Climate Change 177
10. Theme: Oil Spills 185
11. Theme: Other 221
12. Theme: Out of Scope 229

1. Theme: Impact and Risk Assessments, and Mitigation Measures

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
Key Matter: Environmental Impact and Risk Assessment Methodology		
I01	**Matter**: Assessment of impacts and risks (general). **Claim**: The risks and impacts of this project have not been adequately assessed or addressed, and it is clear that the EP does not meet the necessary standards for approval. **Claim**: The EP fails to provide comprehensive information on the impacts of this project on World Heritage Areas, Ramsar areas, National Parks, State Marine Parks, Indigenous Protected Areas, Wilderness Zone, Key Ecological Features. **Claim**: Insufficient mapping and detailing of impacts on ocean environments and marine life. **Claim**: In many areas there is not enough information available. This lack of information has the flow on effect that risk management and mitigation plans cannot be adequately designed, as they are being developed using incomplete information. Therefore as further information is gathered, these strategies may need to be comprehensively overhauled. **Claim**: Key critical environmental impacts and risks have not been identified and reduced appropriately within the EP, and we do not believe this EP warrants drilling in this area to proceed.	ConocoPhillips Australia acknowledges claims regarding the identification, assessment and reduction of impacts and risks associated with the proposed activities and has reviewed the Environment Plan (EP) in response to these claims. The environmental impact and risk assessment methodology is comprehensively described in EP Chapter 5 and is consistent with Australian standards, international guidance and NOPSEMAs guidelines and guidance notes, as described in EP Section 5.1. ConocoPhillips Australia has provided extensive information on the environmental impacts and risks associated with the proposed Otway Exploration Drilling Program in EP Chapters 6 and 7. As described in EP section 5.4.2, ConocoPhillips Australia considers the particular values and sensitivities relevant to the EP as per the Environment Protection and Biodiversity Conservation Act 1999 and the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 to be: • presence of Listed threatened species and ecological communities • presence of Listed migratory species (protected under international agreements) • values and sensitivities as part of the Commonwealth marine environment • values of World heritage properties • values of National heritage places • ecological character of a declared RAMSAR wetland • other values include social, economic and cultural values. Information on the identification of particular values and sensitivities that may be affected by the relevant aspect of the activity are detailed within each impact and risk assessment section of the EP. For example, seabirds, shorebirds, marine turtles and ecological communities (i.e. conservation values and sensitivities such as Australian Marine Parks, coastal communities, Threatened Ecological Communities, and prey for threatened species) were identified in EP section 6.4.4 regarding impacts associated with light emissions. Comprehensive information is then provided in the 'Evaluation' section (e.g. Section 6.4.5) of each impact and risk assessment for the identified values and sensitivities. Environmental impacts and risks are described in detail in the EP as follows: • World Heritage Areas: Tables 7-25 and 7-38. • Wetlands of International Importance: Tables 7-21, 7-25, 7-34 and 7-38, and Section 7.8.8.2

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	COMMENTS RECEIVED	*Titleholder response*
		• Australian Marine Parks: Sections 6.3.5.2, 6.4.5.2, 6.5.5.2, 6.6.7.3, 6.7.6.2, 6.8.5, 6.9.5.3, 7.3.5.2, 7.4.6, 7.5.5, 7.5.6, 7.6.2.4 Tables 7-17, 7-18, 7-20-7-22, Sections 7.6.7, 7.7.2.3-7.7.2.5, Tables 7-30, 7-31, 7-33, 7-34, 7-35, Section 7.8.8.2, Table 7-45. • State Marine Protected Areas: Tables 7-16, 7-25, 7-38, Section 7.8.8.2. • Cultural Environment: Sections 6.2.4.8, 6.2.5.2, 6.3.4, 6.3.5.4, 6.4.5.4, 6.5.5.2, 6.6.7.4, 6.7.6.4, 6.8.5.4, 6.9.5.4, 7.2.6.3, 7.3.5.4, 7.4.6.3, 7.5.6.3, Tables 7-25, 7-38, Section 7.8.8.4, Tables 8-2, 9-1. • Key Ecological Features: Sections 6.6.7.3, 7.5.5, 7.5.6.1, Tables 7-17, 7-18, 7-20, 7-21, Sections 7.7.2.3, 7.7.2.4, 7.7.2.5, Tables 7-30, 7-31, 7-32, 7-33, 7-34, 7-35, 7.8.8.2. Extensive mapping has been provided through-out the EP. In total, 147 figures have been provided in the EP showing locations of, and overlap of operational areas and the environment that may be affected (EMBA) with a range of values and sensitivities and aspects including: • Figure 4-8: IMCRA Bioregions • Figure 4-9: Australian Marine Parks • Figure 4-10: World and National Heritage Places; Commonwealth Heritage Places within EMBA • Figure 4-12: Wetlands, Threatened Ecological Communities, • Figure 4-14: Key Ecological Features • Figures 4-15 to 4-26 physical features of the environment • Figures 4-27 to 4-35 and 4-65 to 4-101 reported catch and state and commonwealth fisheries • Figures 4-36 to 4-54 Biologically Important Areas and other data for sensitive species • Figures 4-49 to 4-64 Other Marine Users • Figures 4-103 and 4-104 Cultural Heritage • Figures 6-1 to 6-19 to support the assessment of impacts related to interference with other marine and coastal users • Figures 6-20 to 6-25 to support the assessment of impacts associated with light • Figures 6-26 and 6-27 to support the assessment of impacts associated with underwater sound • Figures 7-1 to 7-7 to support the assessment of risks associated with hydrocarbon releases and response activities. Additional figures are provided through-out the technical appendices. ConocoPhillips Australia has provided details on the control measures that will be implemented for the duration of the Otway Exploration Drilling Program to ensure the impacts and risks are reduced to ALARP and an Acceptable Level. Consideration has been given to a number of additional control measures to determine the benefits of their implementation towards impact and risk reduction to determine the practicability and effectiveness of adoption, based on a hierarchy of controls methodology. Environmental Performance

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
		Standards (EPS) have been developed as a statement of performance required of a control measure to ensure the control measure consistently performs to reduce impact or risk to ALARP and to an Acceptable Level, as detailed in EP Chapter 9. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts and risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
I02	**Matter**: identifying potentially impacted features. **Claim:** The key to accurately assessing the potential risks of this proposed drilling exploration program is to firstly adequately identify any, and all features, that could potentially be impacted, even those not initially thought of as within the potential range. This requires a thorough understanding of the geographical spread of the impact of the drilling program and seabed surveys, as well as an understanding of how it can affect a widespread range of marine animals, birds and even land animals. Omitting any of these features when identifying those that are relevant for consideration in this proposal's risk management strategies can have exponentially devastating impacts on the outcome. These environmental features co-exist and what impacts one, has far reaching implications for others. As such, it is imperative that all potentially impacted features are identified and discussed, or the resultant environmental plan is incomplete and thus void.	ConocoPhillips Australia acknowledges claims regarding the identification of potentially impacted features and has reviewed the Environment Plan (EP) in response to these claims. Section 4.1 of the EP provides a detailed explanation of how the environment that may be affected (EMBA) by the Otway Exploration Drilling Program has been established. The EMBA is the term used consistently to describe where a change in the ambient environment condition has the potential to occur as the result of a planned activity or an unplanned event. For the development of this EP a conservative approach was taken whereby the description of the environment is based on the largest predicted spatial extent of any affect (the largest EMBA), even if the predicted affect is below ecologically significant thresholds i.e. having no observable effect on sub-surface waters, or flora and fauna. This EMBA represents the cumulative outline of 1400 hypothetical credible-worst-case spills, (in no way representing the extent of any single spill) and forms the basis of the area within which ConocoPhillips Australia identified environmental features (values and sensitivities) that may be affected by the proposed exploration program. Additional impact EMBAs are also developed for environmental values and sensitivities, including specific receptors, which may be more sensitive to certain aspects of the exploration program than they are to others. For example, impacts like light and noise are known threats to species such as marine turtles. In order to properly assess the impacts these aspects will have on receptors, the description of the environment identifies receptors located within the spatial extents where aspects may have an impact. All of the EMBAs identified for the Otway Exploration Drilling Program are defined in EP Table 4 1. ConocoPhillips Australia uses the Commonwealth government's Protected Matters Search Tool (PMST) and Species Profile and Threats (SPRAT) database, as well as the South-East Commonwealth Marine Reserves Network Management Plan 2013-23 (DNP 2013) and the Temperate East Marine Reserve Network Management Plan 2018 (DNP 2018), to identify the presence of protected species within the EMBAs. The PMST searches are conducted using the largest spatial extent of likely impacts (impact EMBAs) and credible

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
		worst-case risks (Spill EMBAs). The output from the PMST searches is provided in full Appendix B of the EP, and presented within the EP. ConocoPhillips Australia has provided a comprehensive description of the existing environment in EP Chapter 4 (Description of the Environment). This chapter includes detailed information on Australian Marine Parks (Section 4.4.1), World, National and Heritage Places (Sections 4.4.2-4.4.4), Wetlands of International Significance (Section 4.4.5), both marine and terrestrial State Protected Areas (Section 4.4.6 and 4.4.7)), Threatened Ecological Communities (Section 4.4.8), Key Ecological Features (Section 4.4.9) and Indigenous Protected Areas (Sections 4.8.2.1 (Tasmania) and 4.8.2.2 Victoria). It also includes detailed information on the physical environment (Section 4.5), the ecological environment (Section 4.6), the socio-economic environment (Section 4.7) and the cultural environment (Section 4.8). Information on the existing environment was updated in response to feedback from consultation in the preparation of the EP and further updates have been made in response to the identification of new literature, for example EP Sections 4.4.1.1, and the receipt of relevant feedback from the public comment process as described throughout this Report. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
I03	**Mater**: Assessing presence of protected species. **Claim**: Assessing the presence of protected species, and adopting tailored mitigation measures for each species, is a core provision of the EP. The EP should be refused until ConocoPhillips can demonstrate that it has accurately assessed the presence and habitat use of protected species within the proposed operational area.	ConocoPhillips Australia acknowledges claims regarding the assessment of presence of protected species and has reviewed the Environment Plan (EP) to confirm this has been adequately addressed. ConocoPhillips Australia uses the Commonwealth government's Protected Matters Search Tool (PMST) and Species Profile and Threats (SPRAT) database, as well as the South-East Commonwealth Marine Reserves Network Management Plan 2013-23 (DNP 2013) and the Temperate East Marine Reserve Network Management Plan 2018 (DNP 2018), to identify the presence, Biologically Important Areas (BIAs) and behaviours of protected species. The PMST searches are conducted using the largest spatial extent of likely impacts (impact EMBAs) and credible worst-case risks (Spill EMBAs). The output from the PMST searches is provided in full Appendix B of the EP, and presented within the EP as follows: • Table 4-6: Fish species that may occur within relevant EMBAs, and protection status • Table 4-7: Fish biologically important areas (BIAS) in relation to EMBAs • Table 4-8: Amphibian species that may occur within relevant EMBAs, and protection status • Table 4-9 Seabird, shorebird and other marine listed bird species that may occur within the relevant EMBAs, and protection status • Table 4-10 Seabird and shorebird biologically important areas (BIAs) in relation to EMBAs

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	COMMENTS RECEIVED	*Titleholder response*
		• Table 4-11: Marine reptile species that may occur within the relevant EMBAs, and protection status • Table 4-12: Marine mammal species that may occur within relevant EMBAs, and protection status • Table 4-13: Marine mammals biologically important areas within relevant EMBAs • Table 4-14: Terrestrial mammal species that may occur within the relevant EMBAs, and protection status. This information is supplemented with published peer reviewed literature on protected species and through ConocoPhillips Australia's own baseline monitoring data, with the Cetacean Surveillance Program Report (2022-23) now included in Appendix P) and informs the identification of sensitive receptors for impact and risk assessments. Mitigation measures specific to sensitive receptors are identified where required to support the achievement acceptable levels of impact that are as low as reasonably practicable. For example, the adoptions of control measure 'CM07: Light Management Plan' which will be based on the National Light Pollution Guidelines for Wildlife to reduce the impact of light on seabirds and the Adoption of the (newly titled) Fauna Management Plan (Appendix N) to mitigate impacts to a range of species. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
I04	**Matter**: Mitigation actions limited to addressing population-level risks only. **Claim**: The Environment Plan primarily considers population level impacts and/or regulatory requirements (e.g. Recovery Plans etc.) to determine the level of risk from operations to bird and marine mammal species. However, we suggest that the risk assessments and regulatory framework should ideally include the involuntary take of individuals of any listed species (Threatened Species Protection Act 1995 and the Nature Conservation (Wildlife) Regulations 2021), as well as impacts on animal welfare, so that these risks can be adequately mitigated and minimised. NRE Tas considers it deficient for offshore operators to limit mitigation actions to address population-level risks only. Considering that marine species experience	ConocoPhillips Australia acknowledges claims regarding the Threatened Species Protection Act 1995 and the Nature Conservation (Wildlife) Regulations 2021 and has reviewed the Environment Plan (EP) to ensure that the Otway Exploration Drilling Program complies. COPA acknowledges the preference that the assessment process and regulatory framework include the involuntary take of individuals of any listed species (as required under the Tasmanian Threatened Species Protection Act 1995 and the Nature Conservation (Wildlife) Regulations 2021), and has experience with this approach in other countries. However, this legislation does not apply to ConocoPhillips Australia in relation to the activities proposed by the EP. Regarding the claim that the EP considers primarily population level impacts and/or regulatory requirements, ConocoPhillips Australia's EP provides a structured process (described in detail in Chapter 5) for identifying, assessing and managing environmental impacts and risks to both marine life at the level of individual species, and to overall ecosystems including habitats and food chains where cause-effect pathways have been defined (as described in EP Section 5.4 Identify and Analyse Impacts and Risks). Further, the effects of past projects and activities, and currently operating projects, are captured when describing the existing condition of, and any pressure or threats affecting the environment (see Section 4 Description of the Environment).

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
	a variety of pressures across vast distribution ranges, such an approach may be detrimental to the stability and/or recovery of marine species populations.	This baseline condition and understanding of the capacity of the receiving environment and receptors to accommodate changes, in light of existing pressures and threats, informs the environmental impact assessments conducted in Section 6 of the EP. Further, ConocoPhillips Australia's environmental impact and risk assessment methodology, as described in EP Chapter 5, includes an evaluation of the potential for cumulative impacts, as defined by NOPSEMA (NOPSEMA Environment Plan Decision Making Guideline, N-04750-GL1721 A524696, Dec 2022) to values and sensitivities within the environment that may be affected. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
I05	**Matter**: Unacceptable impacts to threatened species. **Claim:** It is particularly important that drilling operations do not kill or injure threatened species.	ConocoPhillips Australia acknowledges that killing or injuring threatened species is not an acceptable impact for the Otway Exploration Drilling Program, and has an established Environmental Performance Outcome (EPO) in the Environment Plan (EP), EPO3, which states 'No death or injury to listed threatened or migratory species from the activity'. EPOs represent the measurable levels of environmental performance ConocoPhillips Australia is seeking to achieve to ensure impacts are of an acceptable level. Death or injury to listed threatened or migratory species represents an unacceptable impact and control measures and environmental performance standards have been established to ensure this EPO can be achieved, as detailed in EP Chapter 9. Further, injury or death of threatened or migratory fauna listed in the Environment Protection and Biodiversity Conservation Act 1999 represents a 'reportable incident to NOPSEMA and, as such, must be reported within the timeframes, and to others, as specified in EP Table 10-8 (Reportable Incident reporting requirements). Under Part 5 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006, NOPSEMA inspectors have the authority to enter ConocoPhillips Australia premises, including survey vessels, the MODU and support vessels, to undertake monitoring or investigation against this EP. ConocoPhillips Australia will cooperate fully with the regulator if such investigations take place. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
I06	**Matter**: Failure to identify biologically important behaviours.	ConocoPhillips Australia acknowledges claims regarding the identification of biologically important behaviours associated with the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure these behaviours were adequately assessed.

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: The lack of a pre-defined Biological Important Area identified in the PMST does not prove that a species does not exhibit biologically important behaviours in the specified area. Impact on wildlife should not be estimated based on the overlap of a Biological Important Area with the Environment that May Be Affected (EMBA) alone. The likely presence of a species within the EMBA may be sufficient to require risk control.	Section 4 of the EP describes what is known of the existing biological environment of the Operational Areas and the environment that may be affected (EMBA). The information presented in the EP and relating to the existing environment has been collated using the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) Protected Matters search plus published and unpublished sources (studies, data, and reports) to produce a comprehensive baseline understanding of the environmental sensitivities in the region. In all instances, the source of the information presented in Section 4 of the EP is fully referenced to ensure transparency of the information that has been relied upon. The EPBC Act Protected Matters Search Tool is a key data source for describing the existing biological environment. For each EMBA, the tool is used to identify protect matters under the EPBC Act which could occur within that spatial extent, based on published data. The tool also provides an indication of any behaviours which may, are likely to or are known to occur within the spatial extent of the search, including breeding, foraging, roosting and migration. ConocoPhillips Australia has updated Tables 4-6, 4-8, 4-9, 4-11, 4-12 and 4-14 within Chapter 4 of the EP to include the identification of these biologically important behaviours. Subsequently, ConocoPhillips Australia has considered both the presence of Biologically Important Areas and the presence of species undertaking biologically important behaviours in the description of the existing environment, and also in the assessment of impacts to those receptors. In addition, ConocoPhillips Australia considers the values and sensitivities relevant to the assessment of impacts associated with Otway Exploration Drilling Program as per the EPBC Act and the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023, to be: • presence of Listed threatened species and ecological communities • presence of Listed migratory species (protected under international agreements) • values and sensitivities as part of the Commonwealth marine environment • values of World heritage properties • values of National heritage places • ecological character of a declared RAMSAR wetland • other values include social, economic and cultural values. These requirements are described in Section 5.4.2 of the EP. In addition, Section 4 of the EP has been prepared in accordance with the NOPSEMA (2020) Guidance Note 'Environment Plan Content Requirement'. ConocoPhillips Australia has updated Tables 4-6, 4-8, 4-9, 4-11, 4-12 and 4-14 within Chapter 4 of the EP to include the identification of these biologically important behaviours and has confirmed these are assessed throughout the EP, in response to these claims.

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
I07	**Matter**: Lack of evidence demonstrating all risks have been assessed and mitigated. **Claim**: Risk Assessment Methodology: The EP states that its methodology provides a structured process for managing environmental impacts and risks. However, there is a lack of evidence demonstrating that all potential risks, especially those with high uncertainty, have been thoroughly assessed and mitigated.	ConocoPhillips Australia acknowledges claims regarding the identification, assessment and mitigation of all risks associated with the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure this has been adequately addressed. The ConocoPhillips Australia environmental impact and risk assessment methodology (EP Chapter 5) provides a structured and comprehensive process for identifying, assessing and managing environmental impacts and risks associated with an offshore petroleum activity. The methodology aligns with ConocoPhillips Australia's Risk Management Procedure which is part of ConocoPhillips Australia's Health, Safety and Environmental Management System (HSEMS) (see Section 10). The methodology meets the requirements of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 and is consistent with: • Australian and New Zealand Standard for Risk Management (AS/NZS ISO 31000:2018, Risk Management – Principles and Guidelines) • AS/NZS ISO 14001:2016: Environmental Management System (EMS) – Requirements with guidance for use • UK offshore oil and gas industry guidance on risk-related decision making (Oil & Gas UK, formerly UKOOA, 2014) • NOPSEMAs Environment Plan Decision Making Guideline (N-04750-GL1721, December 2022), and • NOPSEMAs Environment Plan Content Requirements Guidance Note (N-04750-GN1344, September 2020). ConocoPhillips Australia undertook relevant persons consultation during the preparation of the EP to further our knowledge of the existing environment and any potential impacts and risks associated with the Otway Exploration Drilling Program on the functions, interests and activities of relevant persons. A Preliminary Environmental Impact and Risk Assessment was developed and made publicly available on the consultation hub on in April 2023 to support this effort. Where additional hazards, pathways, impacts and risks were identified during consultation and resulted in modification of EP content, these changes were documented within the EP and relevant persons were provided with information on the assessment of merit of, and any changes made in response to, their feedback prior to submission for public comment. The environmental impact and risk assessment process includes an assessment of uncertainty, i.e. where there is uncertainty in a prediction or effectiveness of a measure that may result in the possibility for unacceptable impacts, the uncertainty is identified and managed. As described in detail in EP Section 5.6.2 (Chapter 5 Environmental Impact and Risk Assessment Methodology), at the conclusion of each impact and

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
		risk assessment impacts/risks that are considered serious or irreversible are identified and the adequacy and appropriateness of information to understand impacts and risks is assessed. A level of predictive uncertainty is assigned, described as a 'Decision type' as described below: • Type A good industry practice is sufficient to manage the impact or risk to ALARP. • Type B requires the use of engineering risk-based tools to assess the results of probabilistic analyses such as modelling, quantitative risk assessment and/or cost benefit analysis to support the selection of control measures identified during the risk assessment process. • Type C requires the application of the Precautionary Principle when good industry practice and engineering risk-based tools fail to address uncertainties. For most assessments, impacts and risks are well understood and there is a high confidence in the predictions and the effectiveness of control measures (Type A). Where impacts or risks were identified that are considered to be only relatively well understood (Type B) any uncertainty has been managed through modelling (e.g. oil spill modelling) to ensure there is a high confidence associated with predictions, and additional control measures have been considered to ensure impacts and risks are managed to ALARP and acceptable levels. Potential risks associated with the Otway Exploration Drilling Program are comprehensively assessed in EP Chapter 7. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
I08	**Matter**: Inadequate assessment of sound and light impacts. **Claim**: The impact of sound and light pollution; which will impact critical marine species, has not been properly addressed in the EP. **Claim**: Sections discussing marine fauna (p. 540-542, 549-551) and underwater sound emissions (p. 464-469) highlight potential impacts but fall short in presenting a robust strategy for ongoing monitoring and mitigation. **Claim**: While ConocoPhillips acknowledges ambient noises currently run between 110-161 dBs, I believe that they	ConocoPhillips Australia acknowledges claims regarding underwater sound and light impacts associated with the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that these impacts were adequately assessed. ConocoPhillips Australia considers that EP Sections 6.4 (Light Emissions), 6.6 (Underwater Sound Emissions – Non-Impulsive) and 6.7 (Underwater Sound Emissions – Impulsive) comprehensively assess the impacts of the proposed activity to potentially affected receptors including threatened marine species. As detailed in response to Matter I28, impacts and risks are both managed to ALARP and must comply with ConocoPhillips Australia's acceptability evaluation criteria. The impact and risk assessment process has been designed to meet the requirements of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 and is consistent with multiple Australian and international requirements and guidelines, again as listed in response to Matter I28 and in Section 5 of the EP.

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
	underestimate the level of anthropogenic noises during their proposed timeframe for their testing. **Claim**: The impact of drilling on marine ecosystems is still a long way from being settled, in particular the impact of underwater noise levels that are far louder than we have previously thought/been told, detrimentally impacting and/or killing off underwater wildlife sustainability.	Regarding information on ambient noise levels in the offshore environment, ambient sound levels in the Otway Basin have been measured as part of previous impact assessment activities for the petroleum industry. Acoustic monitoring conducted by Santos (2004) recorded broadband underwater sounds of 93 to 97 dB re 1 µPa. Passive acoustic monitoring, commissioned by Origin, conducted 5 km offshore from the coastline east of Warrnambool, identified that ambient underwater sound in coastal areas are generally higher than offshore waters, with a mean of 110 dB re 1 µPa and maximum of 161 dB re 1 µPa (Duncan et al. 2013). Regarding the assessment of underwater sound impacts, ConocoPhillips acknowledges that the proposed activities will increase the sound exposure levels of the receiving environment and commissioned an international acoustic expert to conduct noise modelling (Appendix G) to determine conservative distances to effect thresholds for a range of species using peer reviewed literature to determine relevant threshold values in Sections 6.6 and 6.7. Noise levels generated during the drilling program are well understood. Source levels used in noise modelling are based on in situ measurements of similar platforms, vessels, SBP and sound source arrays as those proposed for the Otway Exploration Drilling Program (Martin et al. 2012, McPherson et al. 2021). In addition, exposure criteria thresholds were selected for modelling and impact assessment based on current best available science and acceptance by regulatory agencies as detailed in EP Sections 6.6.2 and 6.7.2.1. The control measures, detailed in EP Sections 6.6.8 and 6.7.6, and the updated Fauna Management Plan, provide a robust strategy to detect relevant species and minimise anthropogenic noise impacts, and can effectively mitigate impacts to as low as reasonably practicable and acceptable levels, in compliance with environmental regulatory requirements, including the objectives of the blue whale and southern right whale Conservation Management Plans. Regarding the assessment of impacts associated with light emissions, ConocoPhillips Australia commissioned a suitably qualified specialist to conduct conservative modelling to predict changes to ambient light. A conservative approach was taken whereby, for example, the maximum predicted flow rate was applied for flaring. The impact assessment for changes to ambient light is based on the National Light Pollution Guidelines for Wildlife, current best available science and acceptance by regulatory agencies, as detailed in EP Section 6.4. Therefore, ConocoPhillips Australia considers that the light and underwater sound impact assessments detailed in EP Sections 6.4, 6.6, 6.7 are comprehensive and are commensurate to the magnitude of impacts and risks arising from the activity. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts and risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
I09	**Matter**: Failure to address cumulative impacts. **Claim**: The information provided in this EP has broken up each potential risk and harm into disaggregated possibilities and mitigations, which fails to consider and detail the cumulative impacts of harms from sound pollution, light pollution, hydrocarbon spills and effects of flaring gas from these 6 proposed drill sites. This EP needs to be refused outright as the impacts to our ocean environment and marine life have not been adequately mapped or detailed, or adequate information on measures to mitigate impact. **Claim**: The cumulative impacts of drilling, along with other seismic testing has not been considered for key marine threatened species and important habitats in the region. **Claim**: Based on the information provided in the Environmental Plan (EP) there is insufficient information given on dedicated mitigation measures, considerations of cumulative impact that would avoid harm to listed species. **Claim**: Now is the right time to consider all the impositions on our marine species and sanctuaries. **Claim**: The plan does not provide an estimate of the overall impact.	ConocoPhillips Australia's environmental impact and risk assessment methodology, as described in Environment Plan (EP) Chapter 5, includes an evaluation of the potential for cumulative impacts. NOPSEMA defines cumulative environmental impacts in the context of offshore petroleum activities, as successive, additive or synergistic impacts of collectively significant activities or projects with material impacts on the environment that have the potential to accumulate over temporal and spatial scales (NOPSEMA Environment Plan Decision Making Guideline, N-04750-GL1721 A524696, Dec 2022). Consequently, cumulative impact screening has been conducted for all potential impacts associated with the activity, as part of the acceptability assessment, to determine which aspects, when assessed in conjunction with other aspects and with other significant activities or projects, result in material impacts that have the potential to accumulate over temporal and spatial scales. These aspects have been analysed in the cumulative impact assessment detailed in EP Chapter 9. Regarding underwater noise impacts, acoustic modelling for the Otway Exploration Drilling Program involved the assessment of a range of activities occurring in isolation and in parallel to assesses the cumulative impact of multiple continuous sound sources in close proximity, as described in EP Section 6.6.1. Regarding impacts from planned operational discharges from the MODU and support vessels, given the small quantities and intermitted nature of discharges, cumulative impacts are not predicted to increase the impact extent. ConocoPhillips Australia considers the cumulative impact assessment is commensurate to the magnitude of impacts associated with the Otway Exploration Drilling Program and other reasonably foreseeable activities and projects within the region. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
I10	**Matter**: Cumulative Impacts on fauna from noise. **Claim**: ConocoPhillips should provide information on the cumulative impacts on fauna from noise generated by its operations. **Claim**: ConocoPhillips should provide information on the cumulative impacts on fauna from noise generated by its operations. ConocoPhillips should accept the 60-km range	ConocoPhillips Australia's environmental impact and risk assessment methodology, as described in Environment Plan (EP) Chapter 5, includes an evaluation of the potential for cumulative impacts which are assessed in detailed in EP Chapter 9. Regarding underwater noise impacts, acoustic modelling for the Otway Exploration Drilling Program involved the assessment of a range of activities occurring in isolation and in parallel to assesses the cumulative impact of multiple continuous sound sources in close proximity, as described in EP Section 6.6.1.

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
	or, if they do not, to explain the difference between the Scarborough models and its models for the Otway Basin. **Claim**: Inadequate recognition that noise-induced damage is cumulative and irreversible, and that noise-induced damage applies to the ecosystem (not just individuals).	Further, the relevant effect thresholds used to assess noise induced impacts take into consideration the potential for permanent injury (i.e. permanent threshold shift) and 'accumulated dose' (i.e. SEL_{24h}) related nature of noise exposures. As detailed in the Technical Noise Modelling report in EP Appendix G, SEL24h is a cumulative metric that reflects the dosimetric impact of noise levels within 24 hours based on the assumption that an animal is consistently exposed to such noise levels at a fixed position. The corresponding SEL24h radii therefore represent a worst-case scenario. More realistically, marine mammals (as well as fish and turtles) would not stay in the same location for 24 h. Therefore, a reported radius for SEL24h criteria does not mean that marine fauna travelling within this radius of the source will be injured, but rather that an animal could be exposed to the sound level associated with impairment if it remained in that location for 24 hours. Regarding the claim that ConocoPhillips Australia should accept the 60 km range on the basis of previous JASCO modelling for the Scarborough Gas Field, modelling is site specific and accounts for project specific bathymetry, sound speed profiles, substrate type and noise source. Further, the Scarborough Gas Field modelling was conducted for a marine seismic survey and ConocoPhillips Australia are not proposing to conduct a marine seismic survey. Consequently, the 60 km range is not applicable to the Otway Exploration Drilling Program. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
I11	**Matter**: Failure to address long-term impacts. **Claim**: The long-term environmental impacts, particularly on unique marine ecosystems, are not addressed comprehensively in the Plan. **Claim**: It will have devastating long term environmental consequences for generations to come. **Claim**: Air quality, water, quality and a vibrant ecosystem are of immense value and delicately interdependent. The proposal as such threatens this region and its loss has repercussions for hundreds of living plants and animals, humans included, for decades to come.	ConocoPhillips Australia acknowledges claims regarding long-term impacts to the receiving environment as the result of the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that impacts were adequately assessed. The impacts associated with the proposed Otway Exploration Drilling Program are considered localised, short term and recoverable. • The Otway Exploration Drilling Program is not proposing the installation of any permanent infrastructure nor the development of a longer-term commercial project. • Although the term of the EP is effectively 5 years (earliest start date for seabed surveys is 1 April 2024, drilling is 1 October 2024, and end date for EP is 31 December 2028), the activity will not occur continuously over that period but will rather be conducted in shorter campaigns. Consequently, the actual drill time is predicted to be in the range of 180 to 540 days, depending on the number of wells drilled (up to a maximum of 6) and the duration at each well (ranging from 30-90 days) over the term of the EP.

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: The project will have devastating long term environmental consequences for generations to come **Claim**: Greater investigation is needed into the direct and longtime impacts on sea life, coastlines and general environment.	• Impacts associated with planned events, may extend out to a maximum of 50 km from operational areas. Light modelling predicts this to be the maximum distance where an increase in ambient light can occur during flaring. Flaring will occur for a maximum of 120 hours per well over multiple short-term events at a maximum of 6 wells. Other specific impacts from planned activities are detailed within EP Chapter 6. Like most industries petroleum activities do not operate to a no-impact standard. Instead, ConocoPhillips Australia is required to define the acceptable level of impact and work below that level. Acceptable levels of impact are established based on the principles of ecologically sustainable development, relevant up-to-date technical and scientific studies, legislative and government requirements and advice, and are considerate of uncertainty and the information gathered through the consultation process. Activities conducted on petroleum titles are regulated by the Commonwealth National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA). ConocoPhillips Australia is required to demonstrate to NOPSEMA that petroleum activities will be carried out in a manner that is consistent with the principles of ecologically sustainable development as set out in section 3A of the Environment Protection and Biodiversity Conservation Act (EPBC Act 1999). Additionally, these activities must be carried out in a manner that reduces the environmental impacts and risks associated with them to as low as reasonably practicable (ALARP), demonstrating that all reasonable control measures have been considered and evaluated, while also ensuring that any remaining environmental impacts and risks are at an acceptable level. These objectives are critical to the protection of the marine environment and marine ecosystems from negative impacts associated with offshore petroleum activities. ConocoPhillips Australia considers the impact assessments are commensurate to the magnitude of impacts associated with proposed activities, and no long-term environmental, social, economic or cultural impacts have been predicted as the result of the Otway Exploration Drilling Program. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts and risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
I12	**Matter**: Insufficient information on seabed survey and drill sites to support assessments. **Claim**: ConocoPhillips should seek drilling approval based on preferred drilling locations once they are known to enable the risks to be properly assessed and mitigation measures properly considered.	ConocoPhillips Australia acknowledges claims regarding drilling locations and areas of assessment and has reviewed the Environment Plan (EP) to ensure that an adequate explanation of the assessment process was provided. As detailed in EP Section 1.4 (Scope of this Environment Plan), the process for selecting final drilling locations involves the completion of seismic data processing in order to select targets with a high probability of success and an analysis of the efficiency of the drilling program to confirm resources with the least number

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: ConocoPhillips hasn't identified specific drilling sites, potential environmental impacts cannot be properly assessed without this information; A proper assessment of threatened species risks and mitigations requires identification of drilling locations and timing (for example some seasons would reasonably be avoided to reduce risks to ALARP). **Claim**: The EP lacks sufficient detail on the locations of the six proposed test drilling sites in Commonwealth waters. Consequently, it fails to furnish adequate information on; makes it impossible to understand; the risks and mitigation measures for impacts on noted endangered species such as blue and southern right whales in the area, in a way that fulfils the ability to understand if risks have been mitigated to As Low As Reasonably Practicable (ALARP) requirements; hindering the assessment of whether risks have been mitigated to As Low As Reasonably Practicable (ALARP) standards. **Claim**: The EP fails to identify where the exploration drills sites will occur, providing insufficient information to enable fully informed public comment on this EP, and the potential impacts on the marine environment, and the EMBA modeling provided. This includes 9 Ramsar sites, 11 Australian Marine Parks (Commonwealth), and 16 Tasmanian Marine Reserves and protected areas, 2 Victorian Marine National Parks and Marine Sanctuaries, Indigenous Protected Areas, Wilderness Zones, the entire coastline of the Tasmanian Wilderness World Heritage Areas, and Key Ecological Features spanning the coastlines and territorial waters of 4 states (New South Wales, South Australia, Tasmania and Victoria). This lack of detail on where the drill sites would be from which a potential spill would emanate, fails to provide comprehensive and	of wells. Therefore, operational areas have been designed to represent the broadest area within which petroleum activities can occur. ConocoPhillips Australia has provided a thorough description of the environment within the operational areas and the environment that may be affected (EMBA) in EP Chapter 4. ConocoPhillips Australia has undertaken to assess the environmental impacts and risks associated with seabed surveys and drilling activities that may occur anywhere within broader operational areas associated with petroleum titles VIC/P79 and T/49P. This ensures that the impacts and risks associated with all potential survey and drilling locations are assessed. It is recognised that this may result in an overestimation of impacts and risks. However, a precautionary approach is being taken that assesses worst-case impacts and applies appropriate control measures across the board to minimise impacts and risks to acceptable levels that are as low as reasonably practicable. Further, presenting the full extent of ConocoPhillips Australia's proposed activities allows for the full consideration of impacts and risks across the broadest possible spatial and temporal extents on one occasion is considered preferable and aims to reduce consultation burden when compared to the alternative of developing multiple environment plans for a reduced number of specific drilling locations, without consideration of feedback from consultation or disclosure of the full extent of the proposed Otway Exploration Drilling Program. For example, ConocoPhillips Australia has assumed that a species and their habitat identified in a PMST search within a sound, light or planned discharge EMBA could be affected by drilling or survey activities. Further, the assessment process assumes that seabed surveys and drilling could occur at the closest location, or location that results in the largest or most significant overlap with relevant sensitive areas, such as Biologically Important Areas (BIAs). This represents a highly conservative approach, with mitigation measures being applied at any location regardless of any reduction in the likelihood of interacting with particular species, or a reduced overlap with sensitive areas, on the basis of selecting other locations. Regarding oil spill modelling, as described in detail in EP Sections 7.6.2 (Spill Modelling – for a marine diesel oil spill) and 7.7.2 (Spill Modelling – for a loss of well control event), ConocoPhillips Australia contracted RPS to conduct modelling for activities at locations selected to be representative of all potential activity locations within the operational areas based on water depth, proximity to the coast and continental slope. Consequently, ConocoPhillips Australia considers the modelling is appropriate for drilling in any location within the Operational Areas.

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
	comprehensible information to relevant persons for us to provide informed submissions on the potential impact to marine life and ecosystems as part of public comment processes. **Claim**: Failure to provide specific locations for drilling activities makes it impossible to adequately assess environmental risks and nominate appropriate mitigation measures. **Claim**: The lack of specified drilling sites hinders proper/robust assessment of location-based environmental impacts; as it is impossible to determine the full extent of the risks; risks of serious impacts; and the adequacy of the proposed mitigation measures. **Claim**: The location of the drilling sites and extent of activity is unclear. **Claim**: It is not considered acceptable for ConocoPhillips to seek approval for test drilling at up to six well sites without having first identified the sites and undertaken a detailed environmental risk assessment based on the specifics of those sites. The possible drilling area is extensive and contains varied and complex ecological contexts. It is simply not appropriate to grant a catch all approval. **Claim**: Specific locations on vertical seismic blasting and seabed surveys yet to be confirms, thus unknown risk to what and where. **Claim**: Where are the wells located? Why haven't they been marked on the maps? It is impossible to assess the impact of the drilling itself and the subsequent testing on the surrounding ecosystem unless the reader knows where they are. What is ConocoPhillips hiding if they are not prepared to identify the locations? Are there going to be more of them in the future?	EP Chapter 2 (Description of the Activity) provides a suitable description of the activity, in that it clearly states ConocoPhillips Australia are proposing to drill a maximum of 6 exploration wells and this is the maximum number of wells for which approval is being sought under this EP. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: How can regulators assess possible impacts, safety of employees, environmental impacts and sea life including vegetation if they do not have this information?	
I13	**Matter**: Impacts associated with seabed disturbance are inadequately addressed. **Claim**: The Environmental Plan (p. 393-395) inadequately addresses the risks of seabed disturbance and its impact on marine life. Despite acknowledging these risks, the mitigation measures proposed do not convincingly demonstrate that they are reduced to ALARP. Given the ecological sensitivity of the area, it is critical that these risks are more rigorously managed. **Claim**: The damage and destruction to the sea floor may be out of sight from land but is still destruction.	ConocoPhillips Australia acknowledges claims regarding seabed disturbance and has reviewed the Environment Plan (EP) to ensure that the impact assessment was adequate. Impacts to the seabed including injury/mortality to fauna from smothering or damage, change in water quality from sedimentation and turbidity, change in habitat (such as temporary increase in sedimentation and turbidity, permanent alteration of seabed habitat and habitat smothering) are comprehensively assessed in EP Section 6.3 (Seabed Disturbance). Information from recent studies within the Zeehan Marine Park found that extensive areas of rocky reefs or outcrops (where sponges, coral and more diverse fauna may be present) are unlikely to be present in the operational areas, and that the fractured limestone reef pavement in the Zeehan Marine Park was rarely undercut and therefore unsuitable for crevice-dwelling species such as the southern rock lobster (Davey et al. 2022; Barrett et al. 2023). Further, ConocoPhillips Australia has committed to a range of control measures to reduce impacts to the seabed to levels that are as low as reasonably practicable, as detailed in Table 9-1. These include the implementation of a Mooring Plan which requires, for example, seabed surveys to be conducted prior to finalising MODU position and location of mooring equipment, ROV surveys prior to installing or removing the wellhead to minimise impacts to seabed features, mooring analysis and tensioning to minimise the risk of anchor slippage which can result in increased benthic disturbance, etc. In response to these claims, change have been made to the EP. Environmental Performance Standard EPS 6.1 was updated in EP Table 9-1 to address some uncertainty in the prediction of impacts associated with the broad spatial extent of the operational areas. EPS 6.1 now includes a requirement for seabed survey data and seabed imagery to be analysed by a suitably qualified spatial benthic ecologist to identify benthic values and sensitivities and inform protection priorities, measures and reporting requirements prior to finalising the mooring plan.
I14	**Matter**: Seabed surveys should be conducted prior to determining drilling locations. **Claim**: ConocoPhillips should, at this time, be seeking approval to conduct seabed surveys, not drilling activity. Alternatively, if ConocoPhillips currently holds approval to	ConocoPhillips Australia acknowledges claims regarding the use of seabed survey data to inform drilling locations and has reviewed the Environment Plan (EP) to ensure that the impact assessment was adequate. ConocoPhillips Australia has committed to a range of control measures to reduce impacts to the seabed to levels that are as low as reasonably practicable, as detailed in Table 9-1. These include the implementation of a Mooring Plan which requires seabed surveys to be conducted prior to finalising MODU position and

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
	conduct seabed surveys, these should be conducted and completed prior to an EP for test drilling being submitted.	location of mooring equipment. As detailed in response to Matter I13 above, changes to the EP have been made in response to these claims. EPS 6.1 has been updated following public comment to include a requirement for seabed survey data and seabed imagery to be analysed by a suitably qualified spatial benthic ecologist to identify benthic values and sensitivities and inform protection priorities, measures and reporting requirements prior to finalising the mooring plan. ConocoPhillips Australia considers it is appropriate to be seeking approval for the full extent of the proposed exploration program, rather than preparing separate EPs and seeking separate approvals for these interrelated activities.
I15	**Matter**: Clarification needed on the number and type of MODU(s) to support assessment. **Claim**: While, understandably, the EP lacks the exact details of the locations of the proposed drilling test sites there needs to be clarification related to the number of MODUs that will likely be used and an indication of when the community would be notified of the exact locations where the wells will be drilled. We were told in consultation with ConocoPhillips that there were going to be 6 MODUs in operation but the EP indicated there are now 9 test sites. **Claim**: There are no details on the chosen or hired rig yet, thus no information on the biosecurity issues, no information on the ballast and bilge effluent, anchor or other impacts.	ConocoPhillips Australia acknowledges claims regarding the MODU associated with the Otway Exploration Drilling Program and have reviewed the Environment Plan (EP) to ensure that adequate information has been provided. The Proposed Otway Exploration Drilling Program has been extensively described during consultation through the provision of detailed project updates, in community information sessions, and the development of a video that explains the drilling process using a single rig (all documented on the project consultation hub: https://conocophillipsaustralia.mysocialpinpoint.com.au/otway-exploration-drilling-program/otway-exploration-drilling-program-home. The proposed activities and number of locations have not changed since the initial Activity Overview was provided in Project Update – May 2023. This updated clearly stated the scope of the project includes nine locations for seabed surveys and six locations for drilling. This information is reflected in EP Section 2.1.2 (Operating Envelope). Details on the rig that are relevant to the environmental management of the proposed activity are detailed in EP Tables 2-4 (Environmentally relevant details for drilling operations) and 2.5 (Typical moored semi-submersible specifications (based on Transocean Equinox). ConocoPhillips Australia has not provided information stating that six rigs would be used. We have, however, responded to a similar question during consultation and formally responded clarifying the use of a single rig (Event ID: 3133; FB ID: 257) in the EP provided for public comment - EP Section 2.2.2 (Drilling Operations), which states 'Exploration wells will be drilled using a single semi-submersible mobile offshore drilling unit (MODU, rig or drilling rig). Each individual exploration well will be drilled, evaluated, tested and then plugged and abandoned prior to moving on to the next exploration well as all wells will be drilled with a single drilling rig (Event ID: 3133, FB ID: 257; Event ID: 2417, FB ID: 124)'.

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
		Regarding impacts and risks associated with anchoring, planned operational discharges and biosecurity, these have been extensively assessed in EP Sections 6.3 (Seabed Disturbance), 6.9 (Planned Operational Discharges) and 7.5 (Introduction, Establishment and Spread of Invasive Marine Species (IMS). As detailed in EP Section 2.1.2.1, the exact location of the drilling sites will not be known upon submission of the EP. ConocoPhillips Australia committed to providing updates on drilling locations as they are identified in Webinar 2 (Event ID: 2844, timestamp 33:19), with the same content presented during community information sessions in May, June and July (Event IDs: 1364, 2527, 1633, 1635, 1636, 1792, 1793, 1791, 2641, 2642, 2643). Having considered these claims, ConocoPhillips Australia has updated EP Table 10-5 (Ongoing Consultation, including for unplanned events) to include the requirement to provide notification of confirmation of drilling locations.
I16	**Matter**: Failure to assess other impacts. **Claim**: Marine vessel movements in state and commonwealth waters are not included in the EP. Consequently, it fails to furnish adequate information on the risks and mitigation measures concerning endangered species such as blue and southern right whales, hindering the assessment of whether risks have been mitigated to As Low As Reasonably Practicable (ALARP) standards. **Claim**: The EP inadequately addresses the risks posed by vessel traffic to and from the drill sites. **Claim**: The EP excludes any information on vessel traffic involved with supporting and supplying this project and does not provide details on risks and threats of associated vessel traffic to and from these proposed drill sites. **Claim**: The EP is lacking in sufficient detail on associated vessel movements in state and commonwealth waters. As a result this EP fails to provide adequate details of the risks and mitigation measures for impacts on noted endangered species, such as blue and southern right whales in the area, in a way that fulfils the ability to understand if risks have	ConocoPhillips Australia acknowledges claims regarding the assessment of impacts associated with the Otway Exploration Drilling Program and have reviewed the Environment Plan (EP) to ensure that the scope of impact assessment is commensurate to the magnitude of impacts and nature and scale of the petroleum activity. The definition of petroleum activity in the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 is directly related to a title granted under the Offshore Petroleum and Greenhouse Gas Storage Act 2006 and applies to those petroleum activities that will be conducted within the boundary of a petroleum title. Activities occurring outside the boundary of a petroleum title are governed under the Navigation Act 2012 (Navigation Act) and other relevant legislative requirements. Maritime controls are in place for other activities that will not be conducted within the boundary of a petroleum title and are not included within the scope of the EP. For example: A Master's obligation to navigate at a safe speed, and maintain a safe and proper lookout, is outlined in the Convention on the International Regulations for Preventing Collisions at Sea (COLREG) and enacted in Australian legislation (the Navigation Act 2012). Further, under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) persons undertaking any activity that results in the unintentional death or injury of a cetacean in or beyond the Australian Whale Sanctuary, i.e. vessels and the drilling rig outside of the operational areas, must notify the Secretary of the Department of Climate Change, Energy, the Environment and Water within seven days of becoming aware of the results of your activity. The Australian Whale Sanctuary includes all Commonwealth waters from the 3 nautical mile state waters limit out to the boundary of the Exclusive Economic Zone (i.e. out to 200 nautical miles and further in some places). Within the Sanctuary it is an

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
	been mitigated to As Low As Reasonably Practicable (ALARP) requirements. **Claim**: The EP fails to detail the vessel traffic, both sea and air, coming and going from port facilities to the OA, and those anchored outside of the OA that are servicing operations. The EP states that the following topics are outside the scope of the EP: 'Vessels transiting to or from the operational areas. The vessels are deemed to be operating under the Commonwealth Navigation Act 2012 and not performing a petroleum activity whilst outside the operational areas.' The failure to provide information and assess risks posed to the marine environment and any other ocean users that may be impacted by vessels involved in the projects is a failure to fully assess risk and mitigation measures for this project as a whole. **Claim**: It is inappropriate to excise vessel movements (including rig movements) to and from the EMBA from the EP for the purposes of assessment of impact and risks and approval. Such vessel movements occur only because of and in facilitation of the proposed exploration project. **Claim**: Vessel movements would be captured if they were regulated under the EPBC Act and they do create additional impacts and risks to the receiving environment (noting that they are cumulative risks in the context of other non-project-related vessel movements). These are not non-negligible impacts and risks given the prevalence of cetaceans in the region (both off- and inshore) and the potential for rig movements to impact species including the orange-bellied parrot depending on timing. These potential impacts of vessel movements cannot be fully understood and redacted to ALARP without specific drill site locations.	offence to kill, injure or interfere with a cetacean. Severe penalties apply to anyone convicted of such offences. Having considered these claims, ConocoPhillips Australia has updated the (now titled) Fauna Management (CM08, formerly Whale Management Plan, EP Appendix N) which includes detailed monitoring and mitigation measures to protect marine fauna in Section 4 (Fauna Management Actions – Interactions between Vessels and Fauna). The FMP reinforces that all vessels at all times must comply with the Environment Protection and Biodiversity Conservation Regulations 2000 Part 8: Vessel and Operating Procedures, which stipulates a 300 m caution zone for whales and a 150 m caution zone for dolphins.

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: ConocoPhillips failure to account for the full vessel movements and their potential risks and impacts associated with this activity.	
I17	**Matter**: Failure to assess impacts from anchor prelay. **Claim**: The EP fails to provide reasoning for, or explanation of impacts resulting from anchoring activities and the extended timeframe in which they are proposed to occur. According to the EP section 2.2.2.1 Transit and Anchoring, "Anchors will be laid in position by the AHTS [Anchor Handling Tug Supply] vessels. The anchor lay activities may occur up to 3 months prior to transit of the MODU to an operational area." As these anchoring activities are scheduled to occur prior to drilling activities, an account of the risks and impacts of these activities (including risks to cetaceans from vessel strike, spills from refueling) should be included in the EP. If this includes the vessel being anchored outside of the Operational Area for any period of time in the lead up to drilling operations, or in transit between to Vic and Tas lease, this needs to be outlined clearly in the EP.	ConocoPhillips Australia acknowledges claims regarding impacts associated with anchor pre-lay and has reviewed the Environment Plan (EP) to ensure that these were adequately assessed. ConocoPhillips Australia acknowledges that the activities associated with anchor pre-lay were not detailed thoroughly within EP Chapter 2 (Description of the Activity). However, associated impacts and risks have been assessed commensurate to the magnitude of impacts throughout the EP. Anchor pre-lay activities are expected to consist of a single AHST vessel operating within the operational area for approximately 4-6 days, depending on weather, for each drilling location (maximum 6 drilling locations). This time will vary depending on the final mooring design which will consist of 8 to 12 anchors and chains up to 1.6 km in length each. AHST pre-lay activities within the operational areas are short-term and temporary. The impacts and risks associated with these activities are addressed in the following sections of the EP: • Section 6.2 (Interference with Other Marine and Coastal Users) addresses potential interference of support vessels with other marine users within the operational area with the residual Impact consequence rating of Minor (2). • Section 6.6 (Underwater Sound Emissions – Non-impulsive) and Appendix G assess noise impacts associated with prelay activities, • Section 7.4 (Interaction with Marine Fauna) addresses risks associated to cetaceans resulting from a vessel strike with the likelihood of remote and a risk rating of Low (RR I). • Section 7.6 (Marine Diesel Oil Release) addresses risks associated with a spill event from support vessels with the likelihood of remote and a risk rating of (Medium (RR II). It should be noted that due to the short-duration of anchor pre-lay, refuelling of the AHTS within the operational area will likely not occur at sea. The transit of vessels outside the operational areas is outside the scope of the EP and is managed under the Commonwealth Navigation Act 2012. A review of incidents or accidents relating to marine vessels offshore Victoria did not identify any incident relating to pre-lay anchors having occurred since 2006 (ATSB, 2042). In addition, control measures to be implemented throughout the Otway Exploration Drilling Program are considered effective and appropriate to manage the impacts of interference on identified receptors. For

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
		example, anchor buoy management is considered in control measures in Table 6-5 of the EP, CM06 (MODU Mooring Plan) which details the benefit of marking the position of the anchor buoys with a surface buoy and navigation light and the issuing of AUSCOAST navigation warnings, minimising the risk of interactions. The risk of vessel interactions with marine fauna are extensively addressed in CM08 Fauna Management Plan, namely Table 7-2. ConocoPhillips Australia considers the impacts and risks associated with prelay activities are adequately assessed in the EP. Having considered these claims, ConocoPhillips Australia has EP Chapter 2, Section 2.2.2 (Drilling Operations) has been updated in response to these claims to include the approximate time AHST vessels will be within the operational area as part of pre-lay activities.
I18	**Matter**: Need for ecological surveys for impact assessments. **Claim**: Many of these projects also lack in sufficiently thorough ecological surveys before going ahead, making accurate environmental impact assessments impossible.	ConocoPhillips Australia acknowledges claims regarding the importance of ecological surveys in informing the impact assessment of the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that impacts were adequately assessed. ConocoPhillips Australia recognise the unique environmental values and sensitivities of the Otway region and are committed to managing risks and mitigating impacts to biodiversity associated with our activities in line with our Biodiversity Position (see section 10.1.2.3). ConocoPhillips Australia has committed to collecting data and information on local biodiversity through site assessments and baseline studies including: • Conducting seabed surveys as part of the development of mooring plans to ensure that maritime archaeological finds are identified and protected. • Implementation of a multi-year marine mammal survey program (beginning 2021) which has produced contemporary data to support effective decision-making in the Otway Basin. This research continues to improve knowledge on the presence/absence, distribution and behaviours of key species during and outside of known peak seasons. • Funding of a literature review, fishers survey and fisheries data analysis focussed on southern rock lobsters and their habitat in the Zeehan Marine Park and the broader area. • Advocate for community-based research programs with the Dolphin Research Institute, who are expanding their Two Bays Whale Program and support research, through the Arthur Rylah Institute, in expanding their southern right whale aerial monitoring program along the Victorian coastline. Further, published, peer reviewed research is used to inform the impact and risk assessment sections of the EP to ensure that up to date and accurate information is considered in the impact assessment. Having considered these claims, as detailed in response to Matter I13, ConocoPhillips Australia has included an additional element to Environmental Performance Standard EPS 6.1 (b) that requires that seabed survey

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
		data and seabed imagery will be analysed by a suitably qualified spatial benthic ecologist to identify benthic values and sensitivities and inform protection priorities, measures and reporting requirements prior to finalising the mooring plan.
I19	**Matter:** Failure to assess operational discharges from vessels. **Claim**: No full disclosure on pollution from bilge, fuel, drill fluids, sewage and other wastes dumped into the ocean from vessels involved in the process.	ConocoPhillips Australia acknowledges claims regarding the assessment of operational discharges resulting from the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that impacts were adequately assessed. Details of operational and drilling discharges to the marine environment as a result of the Otway Exploration Drilling Program have been detailed in EP Chapter 2 and assessed in Sections 6.8 and 6.9 as follows: • Table 2-6 details routine discharges, including bilge, sewage, putrescible waste, etc • Table 2-7 details routine drilling discharges, including drilling cuttings, fluids and cement • Table 6-39 describes the environment that may be affected by the planned drilling discharges. Section 6.8.5 then evaluates the physical, ecological, cultural environments, including conservation values and sensitivities, that occur within this area and have a potential to be impacted. • Table 6-42 describes the environment that may be affected by the planned operational discharges. Section 6.9.5 then evaluates the physical, ecological, cultural environments, including conservation values and sensitivities, that occur within this area and have a potential to be impacted. In accordance with the control measures set out within the EP, the Otway Exploration Drilling Program will be managed so that the potential impacts and risks will be mitigated to ALARP and Acceptable Levels in accordance with environmental regulatory requirements. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
I20	**Matter**: Incorrect information and mapping of the Bonney Upwelling Key Ecological Feature and blue whale BIAs. **Claim**: The EP inaccurately characterises the Bonney Upwelling as being smaller, less extensive than it actually is. In reality, the upwelling overlaps with the OA and provides the nutrient-dense water that is critical for primary production and zooplankton growth. Blue whales and pygmy blue whales feed on these zooplankton in the waters of the Bonney Upwelling and the OA, thus an accurate	ConocoPhillips Australia acknowledges claims regarding information and mapping provided on the Bonney Coast Upwelling Key Ecological Feature (KEF) and Biologically Important Areas (BIAs) for pygmy blue whales, and has reviewed the Environment Plan (EP) to ensure the information provided is accurate. A detailed referenced description of the Bonney Coast Upwelling KEF is provided in EP Section 4.4.9.1 (Bonney Coast Upwelling), and its importance to plankton (including krill) and the species that forage on plankton is described in EP Sections 4.6.3 (Plankton) and 4.6.9 (Marine Mammals). The spatial extent of the Bonney Coast Upwelling KEF, as shown in EP Figure 4-10, is based on data from the Australian Government Department of Climate Change, Energy the Environment and Water's (DCCEEWs) National Conservation Values Atlas (NCVA) and is considered the most appropriate source for this data.

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
	characterisation of the Bonney Upwelling is crucial to understanding the connection between the physical environment and the food webs and species present in the OA and EMBA. These inaccuracies in the EP in detailing the BIA and the Key Ecological Feature of the Bonney Upwelling is another reason this EP should be refused**.**	The spatial extent of the BIAs for blue whale, as shown in Figure 4-52, is similarly based on the data from the NCVA and is considered the most appropriate source for this data. This figure shows that distribution and foraging BIAs for the pygmy blue whale are overlapped by the operational areas. Consequently, ConocoPhillips Australia considers the EP provides a thorough and accurate description of both the Bonney Coast Upwelling KEF and the BIAs for pygmy blue whales. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
I21	**Matter**: No consideration of impacts to great southern reef. **Claim**: This EP has given no regard to how ConocoPhillips intend to mitigate damage to the Great Southern Reef that spans along the entire southern coast of Australia. **Claim**: The Great Southern Reef contributes to Australia with its ecosystem services for tourism, wellbeing, and the fishing industry.	ConocoPhillips Australia acknowledges claims regarding impacts and risks to the Great Southern Reef and has reviewed the Environment Plan (EP) to ensure that the value of this ecosystem was adequately assessed. Chapter 4 of the EP provides a comprehensive review of the existing environment, including the identification of coastal and benthic habitat communities located within the environment that may be affected (EMBA). The Great Southern Reef is characterised by multiple shallow temperate reefs which span 8,000 km of coastline from northern NSW down the east coast of mainland Australia, around Tasmania, along Australia's southern coastline and north as far as Kalbarri, WA (Bennett et al. 2016). Shallow temperate reefs in Australia are located in water depths of <30 m and are typically defined by kelp forests. Values and sensitivities considered and assessed throughout the EP include: • Section 4.3 (Regional Environment Setting) includes a description of the three marine regions that the EMBA overlaps (south-east, south-west and temperate east). These descriptions consider each regions associated values and highlight the diversity, habitat variety and endemism found within the region which are largely influenced by the mixing of tropical and temperate water currents. • Section 4.6.1.2 (Marine Flora) includes a description of marine flora communities which may occur within the EMBA, including kelp. Although this section focuses primarily on species endemic to the south-east marine region it highlights the ecosystem services provided by kelp and acknowledges the commercial importance. • Sections 4.6.3 to 4.6.9 includes a description of all species and commercially important invertebrates listed in the Environment Protection and Biodiversity Conservation Act 1999 which may be present within the EMBA. Considering the high diversity associated with the Great Southern Reef many of these species are likely to rely on the habitat provided by this ecosystem. • Section 4.7 (Socio-economic Environment) describes industries which operate within the EMBA including tourism and commercial fishing.

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
		Multiple reefs that are collectively known as the Great Southern Reef occur mostly in depths <30 m. The shallowest depth within the Operational Area is approximately 53 m therefore there will be no planned impacts in areas considered part of the Great Southern Reef. Risks to this ecosystem are restricted to the unlikely event of a hydrocarbon spill. EP Sections 7.6 (Marine Diesel Oil Release) and 7.7 (Loss of Well Control) assess risks to ecological, social, economic and cultural values of the marine and coastal environment commensurate to the magnitude of the potential risks. More specifically any changes in habitat or ecosystem dynamics within the EMBA are assessed in Sections 7.6.5 and 7.7.5. ConocoPhillips Australia considers that the values and sensitivities of the Great Southern Reef and associated risks to these, have been adequately identified, analysed and evaluated in the EP. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts and risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims. ***References**:* *Bennett S, Wernberg T, Connell SD, Hobday AJ, Johnson CR and Poloczanska ES (2016) 'The 'Great Southern Reef': social, ecological and economic value of Australia's neglected kelp forests', Marine and Freshwater Research, 67: 47-56. http://dx.doi.org/10.1071/MF15232*
I22	**Matter:** Failure to assess impacts across the spill EMBA. **Claim**: The EP acknowledges that the impact of drilling operations is likely to have an enormous environmental footprint that spans across the state of Victoria, Tasmania, and parts of South Australia and NSW. The map from ConocoPhillips EP highlighting this expansive area as 'The environment that might be affected'. This incredibly large impact area alone should be an outright rejection of this project. The impacts to this wider area have not been considered enough. We do not believe that the impacts on the marine environment have been adequately addressed within this EP.	ConocoPhillips Australia acknowledges claims regarding the footprint of the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure the information provided is accurate. The environment that may be affected (EMBA) referred to in Figure 4-7 of the EP is the area used to describe and assess where a change in the ambient environment condition has the potential to occur as the result of a planned activity or an unplanned event. It is noted that a change within the EMBA does not always imply that an adverse impact will occur, particularly given the conservative low threshold used to define this area which may not represent an ecological effect. The EMBA encompasses the entire spatial extent of all predicted impacts and possible risks associated with the Otway Exploration Drilling Program. This includes the combined spatial extent of 1400 modelled scenarios of credible worst-case marine diesel oil releases, and 1400 modelled scenarios of credible worst-case accidental loss of well control events. This EMBA is used to support preparedness by identifying a planning area, within which environmental values and sensitivities are identified and priorities for protection are established for these extremely unlikely hydrocarbon release scenarios. Impacts associated with planned activities are detailed in EP Chapter 6 (Environmental Impact Assessment). EP Section 6.3 (Seabed Disturbance) provides a detailed description of the actual predicted physical footprint

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
		of the Otway Exploration Drilling Program through direct seabed disturbance. Disturbance to the seabed will occur as a result of the activities listed below: • Seabed surveys (sampling, sandbag anchors) • MODU activities (anchoring, tethers) • Drilling activities (surface hole, drill cuttings). The total direct footprint for nine seabed surveys and six wells, is 0.037 km^2. Impacts associated with drilling discharges at the seabed, including smothering, are predicted to be short duration, localised and recoverable and are described in EP Section 6.8 (Planned Drilling Discharges). Impacts associated with the Otway Exploration Drilling Program are therefore not predicted to have a significant environmental footprint. All activities will be conducted in accordance with the control measures set out within the EP, so that potential impacts and risks are mitigated to ALARP and Acceptable Levels in accordance with environmental regulatory requirements. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts and risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
Key Matter: Mitigation measures and demonstration of ALARP		
I23	**Matter**: Insufficient information on mitigation measures to demonstrate As Low As Reasonably Practicable (ALARP) (general). **Claim**: The EP fails to provide comprehensive and comprehensible/ adequate/sufficient details/information to make an informed decision on what measures will be taken to prevent/avoid harming marine life, and enforceable safeguards/measures to ensure that the key ecological features and threatened species in these areas will not be harmed; to prove the risks have been reduced to meet the ALARP criteria. **Claim**: Lack of comprehensive information on mitigation measures. **Claim**: Mitigation measures fall short of ALARP criteria.	ConocoPhillips Australia acknowledges claims regarding the demonstration of ALARP and has reviewed the ALARP methodology in Environment Plan (EP) Chapter 5 and demonstrations provided in EP Section 6 and 7, to ensure information about the decisions to adopt or reject control measures are clear. ConocoPhillips Australia is committed to environmental protection and has evaluated all reasonable control measures and adopted control measures that are demonstrably effective in managing the impacts and risks arising from the activity to ALARP. The demonstrations have been made systematically and include information on, for example, technical feasibility, the possibility of introducing additional impacts or risks (trade-off evaluation), the effectiveness of the change, the overall benefit gained and cost, to ensure they are reproducible. More information on considerations in this process are included in EP Section 5.6.2 (Determine ALARP Status). Further, the level of detail included within the ALARP assessment is based on the nature and scale of the residual impact or risk, the degree of uncertainty in the assessment, and the effectiveness of controls; and is of a similar level of detail to previous ConocoPhillips Australia EP submissions and other peer EP's. Environmental Performance Standards (EPS), against which the environmental performance of the titleholder is to be measured during the activity, and Measurement Criteria, that will allow the titleholder

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: The EP fails to fulfil the requirement of understanding if risks have been mitigated to ALARP standards. **Claim**: Control Measures and ALARP Demonstration: The EP discusses additional control measures that were not adopted as they were deemed impracticable or not providing further environmental benefit. This raises concerns about whether all feasible steps were taken to reduce risks**.** **Claim**: The Plan lacks transparency in the cost-benefit analysis for risk mitigation measures. Without this information, it's challenging to assess whether all reasonably practicable measures have been taken to minimize risks. This lack of transparency (p. 342, 344) makes it difficult to determine if further risk reduction measures could be economically feasible**.** **Claim**: The Relevant Person believes further extensive discussions with relevant persons are required to reduce risks to a range of cetaceans, shore birds and marine species to ALARP.	and NOPSEMA to determine if the performance outcomes and performance standards have been met, have been developed for each control measure and are detailed in EP Chapter 9, Table 9-1 (Environmental Performance). Compliance with the EPS is measured on an ongoing basis and is enforceable. ALARP involves weighing environmental benefit against the sacrifice required to deliver that benefit. This is not simply a cost equation where spending more would always result in more protection. This view of ALARP fails to consider the comparative reduction already achieved by the measures already adopted. Other comments also point to a misunderstanding of the ALARP criteria in practice. ConocoPhillips Australia acknowledges that the assessment of ALARP does involve subjective criteria and has catered for professional judgement by reviewing control measures and assessing ALARP with a multi-disciplinary team to provide a balanced assessment. Further, during consultation the draft EP chapters were made available to support the consultation process, and input was invited into ConocoPhillips Australia's decision making on adoption/rejection of control measures, as evidenced throughout the EP. Having considered these claims, ConocoPhillips Australia has included additional information on the involvement of a multidisciplinary team in the determination of ALARP and adoption or rejection of control measures has been provided in EP Section 5.6.2 (Determine ALARP Status).
Key Matter: The EPBC Act and Principles of Ecologically Sustainable Development		
I24	**Matter:** The EP is inconsistent with the EPBC Act and international requirements. **Claim**: The Environmental Plan is not consistent with the objectives, principles and requirements outlined in the Environment Protection and Biodiversity Conservation Act 1999. **Claim**: This is completely out of line with all national and international global intentions, goals and efforts to abate the devastating effects of human destruction of the natural environment.	ConocoPhillips Australia does not concur with claims that the Environment Plan (EP) is inconsistent with the Environment Protection and Biodiversity Conservation Act 1999 or any of Australia's national and international requirements. As described in detail in EP Section 1.6.1 (Commonwealth Legislation), the primary legislation governing the exploration project is the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (OPGGS Act) and the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 (the Environment Regulations). The OPGGS Act provides the regulatory framework for all offshore exploration and production activities in Commonwealth waters (those areas beyond three nautical miles from the Territorial Sea baseline and with the Commonwealth Petroleum Jurisdiction Boundary). The Environment Regulations have been made under

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	COMMENTS RECEIVED	*Titleholder response*
		the auspices of the OPGGS Act for the purposes of ensuring (as described in section 3) that any petroleum activity or greenhouse gas activity carried out in an offshore area is: • Carried out in a manner consistent with the principles of ecologically sustainable development set out in section 3A of the EPBC Act; and • Carried out in a manner by which the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable; and • Carried out in a manner by which the environmental impacts and risks of the activity will be of an acceptable level". The EP meets the requirements of the Environment Regulations by providing a plan that: • Is appropriate for the nature and scale of the activity • Demonstrates that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable (ALARP) • Demonstrates that the environmental impacts and risks of the activity will be of an acceptable level • Provides for appropriate environmental performance outcomes, environmental performance standards and measurement criteria • Includes an appropriate implementation strategy and monitoring, recording, and reporting arrangements • 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 with the meaning of the EPBC Act • Demonstrates that: o an appropriate level of consultation, as required by Division 2.2A, has been carried out, and o the measures (if any) adopted, or proposed to be adopt, because of consultations are appropriate, and o Complies with the OPGGS Act and the Environment Regulations. Consistency with legislative and other requirements forms part of the acceptable levels demonstrated within each impact and risk assessment within the EP. Under the Commonwealth government streamlining arrangements, NOPSEMA's assessment of this EP provides an appropriate level of consideration of the impacts to matters of national environmental significance (MNES) protected under Part 3 of the EPBC Act. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
I25	**Matter**: Application of the precautionary principle. **Claim**: There is insufficient evidence to prove adherence to the precautionary principle where research is insufficient to make an informed decision on the impacts of test drilling, vertical seismic blasting and associated impacts of proposed operations on the marine environment and biodiversity, and impact on Marine Protected Areas that are included in the Operational Area of this project. **Claim**: The plan fails to adequately account for the need for environmental precautionary principles to be considered regarding the effects on marine mammals, shellfish and fish from seismic blasts. The research on collateral damage to local marine life is insufficient to say the seismic blasts have benign or insignificant effects. Hence the applicant cannot reliably state that the proposed seismic testing can be performed within their duty of care for the marine environment. "Out of sight, out of mind" does not extinguish duty of care; in fact it heightens the need for regulatory protection. **Claim**: Application of the Precautionary Principle (a key tenet of environmental management) demands that this application is rejected by NOPSEMA. **Claim**: As defined by the 1998 Wingspread conference, the Precautionary Principle states; 'When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically.' In this context the proponent of an activity, rather than the public, should bear the burden of proof. The process of applying the Precautionary Principle must be open, informed and democratic and must include potentially affected parties. It must also involve an	ConocoPhillips Australia acknowledges claims regarding the application of the precautionary principle and has reviewed the EP to ensure this is adequately described in the EP. ConocoPhillips Australia has routinely been precautionary in its assessments, applying conservative criteria, rounding up buffer zones, underestimating effectiveness of control measures etc. These are techniques that are good practice in environmental assessments. The comments received seem to apply one facet of the precautionary principles to try to stop the activity proceeding. Part of the precautionary principle requires that, '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'. ConocoPhillips Australia notes the absence of a definition of 'serious' environmental damage in relation to the Principles of ESD under the Environment Protection and Biodiversity Conservation Act 1999 and considers a serious impact to have the potential to result in a threat to population or community viability. The ConocoPhillips Australia Otway Exploration Drilling EP only presents one threat of serious or irreversible harm – that arising from an extremely unlikely, unplanned, and thoroughly prepared for release from a loss of well control. Having met this precondition for the application of the precautionary principle there also needs to be scientific uncertainty about the threat. In the case of an uncontrolled gas release the effects are preventable with a high degree of confidence, and in the unlikely circumstances an event occurs, the effects to the environment are well understood and have been extensively modelling to ensure there is a high confidence associated with predictions of impacts, and additional control measures have been considered to ensure risks are managed to ALARP and acceptable levels. Therefore, the preconditions for application of the precautionary principle have not been satisfied. As a result, no changes have been made to the EP in response to these claims. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims. **Note**: marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. However, as stated in Section 6.7 certain short-term, temporary activities, often confused with seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation (VSP) as described in detail elsewhere in this report.

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
	examination of the full range of alternatives, including no action.	
I26	**Matter**: Irreversible impacts on future generations (Intergeneration Equity). **Claim**: Concern regarding the unhealthy and non-viable future being left to younger generations on account of the ongoing destruction of our oceanic natural world, with new gas projects such as the one proposed by ConocoPhillips causing potentially irreversibly damage the ecosystem of the ocean which is very much needed for a healthy life on land. We must protect biodiversity, ocean health and provide habitat protection to preserve the other half of 'the lungs of the earth'- our ocean. **Claim**: The future of our precious planet has a huge and potentially devastating impact on just not following generations, but on every living thing that balances our eco system. **Claim**: Australia is in a unique position with the iconic natural beauty and ecosystems of the Victorian coast line and Bass Strait. This needs to be protected and sustainable in the long - term. The proposed drilling of up to six new gas wells does not follow this need. **Claim**: This action will affect all of us wherever we live in Australia, and harm not only the environment but irreversibly marine life and also the impact of these actions on future generations cannot be reversed. **Claim**: This proposal compromises Intergenerational Equity for future generation. **Claim**: There is no advantage to the present or the future for fossil fuels. So there is also no need for seismic blasting and drilling the ocean floor to look for oil. The fossil fuels	ConocoPhillips Australia acknowledges claims regarding intergenerational equity and has reviewed the Environment Plan (EP) in response to these claims. ConocoPhillips Australia's of Otway Exploration Drilling Program includes short-term, temporary seabed surveys and exploration drilling. A detailed assessment of the potential environmental impacts and risks associated with these activities is included in EP Chapters 6 (Environmental Impact Assessment), 7 (Environmental Risk Assessment) and 8 (Cumulative Impact Assessment). Based on these assessments, and in accordance with the control measures set out within the EP, the Otway Exploration Drilling Program will be managed so that the potential impacts and risks are mitigated to acceptable levels that are as low as reasonably practicable, in accordance with all environmental regulatory requirements. The acceptability assessments within each impact and risk assessment section of the EP demonstrate achievement of the acceptable levels set out in Table 5-3 (Acceptability evaluation criteria, process checks and application to the EP). The evaluation criteria include consideration of long-term impacts and risks to biological, ecological, socio-economic and cultural features of the environment that could affect future generations. Only activities that result in temporary / reversible, small scale and/ or low intensity environmental damage are considered acceptable, i.e. activities that result in large scale / irreversible and/or high intensity environmental damage would not be considered acceptable. ConocoPhillips Australia acknowledges claims about irreversible impacts from the activity and the link to the principle of intergenerational equity. However, the comments received do not relate to the adverse effects of the Otway Exploration Drilling Program which consists of short-term, temporary seabed surveys and exploratory drilling. A detailed assessment of the potential environmental impacts and risks associated with these activities is included in EP Chapters 6 (Environmental Impact Assessment), 7 (Environmental Risk Assessment) and 8 (Cumulative Impact Assessment). ConocoPhillips Australia is currently seeking approval to conduct exploration activities, including seabed hazard surveys and exploration drilling with plug and abandonment. The primary objective of an exploration well is to evaluate the presence of hydrocarbons in a specific area. This provides information on the resources available to future generations and informs decision making around potential commercial developments. Many factors are involved in deciding to develop a gas reserve and environmental approvals

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
	would effectively kill any of the poor creatures that were not already annihilated by the seismic blasting and ocean floor drilling. **Claim**: Our grandchildren/unborn descendants won't be able to see endangered whales with their own eyes. **Claim**: Drilling projects like ConocoPhillips', especially without any safeguards (hmmmmm like Adani?), go 100% against wishes to leave Australia and earth better than the way it was inherited. **Claim**: The way we're treating our environment, the young people will have to deal with and probably suffer from the condition we are leaving as legacy. **Claim**: I want my children to have the same opportunities and I did. Please please please do not drill six new gas wells in the ocean off Victoria. We are in a climate crisis - we need to transition away from fossil fuels. **Claim**: All our grandchildren have the right to know Australia's wild southern oceans in their current state with enormous environmental and cultural significance. Do not put at risk this right for the profits of private company and shareholders. **Claim**: For our grandchildren's future there must not be approval for such drilling projects. The Australian government and NOPSEMA should reject this drilling proposed by ConocoPhillips to protect the climate, nature and people, namely future generations. **Claim**: The rawness and beauty of the coast can NOT be jeopardised. We need to guarantee this clean paradise for generations to come.	are typically staged to support strategic development plans. Separate approvals and further consultation would be required to support the development of a commercial project with permanent operating infrastructure. Further, marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. However, as stated in EP Section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation (VSP) as described in detail elsewhere in this report. Having considered these claims, ConocoPhillips Australia has included additional information has been included in EP Section 1.4 (Scope of this Environment Plan) to clarify exclusions from the EP.

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
I27	**Matter**: Absence of financial details. **Claim**: Ecologically Sustainable Development (ESD) Principles: While the EP refers to the principles of ESD, the absence of financial details limits the public's ability to assess whether these principles have been adequately prioritised.	ConocoPhillips Australia acknowledges claims regarding the principles of ecologically sustainable development (ESD), namely the valuation, pricing and incentives principle, and has reviewed the Environment Plan (EP) in response to these claims. The valuation, pricing and incentives principle of ESD is about the internalisation of environmental management costs, where the application of measures provides for the titleholder to bear the cost of environmental management for the activity to ensure that the environmental impacts and risks are reduced to levels that are as low as reasonably practicable (ALARP) and acceptable. The ALARP assessment inherently balances the economic cost against environmental benefit and is demonstrated in the ALARP assessment previously discussed in response to Matter I23. The 'cost' in this context means the sacrifice associated with implementing a control measure which includes an evaluation of the trade-off in benefits versus the impost such as money, time and/or effort required to implement a particular control measure. ConocoPhillips Australia has undertaken to consider and evaluate all reasonable control measures that are relevant to the evaluation of impacts and risks using a systematic approach throughout the impact and risk assessments. There is an incorrect assumption that this principle relates to the public having the ability to assess whether the principles of ESD have been adequately prioritised. The public are not the appointed assessor, nor decision maker for EP's and the document has not been prepared for this purpose. In response to these claims, ConocoPhillips Australia has reviewed the ALARP demonstrations provided throughout the EP, and has updated information about the sacrifices, through the evaluation of trade-offs, required for rejected control measures in the control measures and demonstration of ALARP Tables throughout EP Chapters 6 and 7.
Other Matters		
I28	**Matter**: Inconsistency with the Victorian Marine and Coastal Act. **Claim**: There are unacceptable risks and impacts posed on the marine environment due to inconsistency with the Victorian Marine and Coastal Act.	ConocoPhillips Australia acknowledges claims regarding legislative requirements and has reviewed the Marine and Coastal Act 2018 alongside the Environment Plan (EP) to ensure that the Otway Exploration Drilling Program complies, where relevant. The Marine and Coastal Act 2018 was introduced to improve the management and oversight arrangements for the State's marine and coastal environment. The marine and coastal environment is defined by the Act as between the outer limit of Victorian coastal waters and 5 km inland of the high-water mark of the sea. By this definition, the Otway Exploration Drilling Program activities are not proposed to occur within Victorian

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: The Environmental Plan is not consistent with the objectives, principles and requirements outlined in the Victorian Marine and Coastal Act. **Claim**: This project is projected to have impacts on the Victorian marine and coastal environment. Therefore the principles under the primary guiding legislation The Marine and Coastal Act, 2018 should be followed. The Act has the following objectives which in the EP does not consider adequately. These objectives are for: Integrated coastal zone management, Ecosystem-based management, Ecologically sustainable development, Evidence-based decision-making, Precautionary principle, Proportionate and risk-based principle.	marine and coastal land. The outer limit of Victorian coastal waters is approximately 14 km from the VICP/79 operational area at its closest point. ConocoPhillips Australia nevertheless recognises that Victorian marine and coastal environments have the potential to be impacted by planned and unplanned events and has considered the claim in this context, as outlined further below. As explained in EP Section 1.6.1 and in response to Matter I24, the primary legislation governing the exploration project is the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (OPGGS Act) and the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 (Environment Regulations). The overarching purpose of the EP is to demonstrate that ConocoPhillips Australia's proposed Otway Exploration Drilling Program can meet the objectives of the Environment) Regulations which are to ensure that any petroleum activity carried out in an offshore area is conducted in a manner consistent with the principles of ecologically sustainable development (ESD), as set out in section 3A of the Environment Protection and Biodiversity Conservation Act 1999. Additionally, these activities must be carried out in a manner that reduces the environmental impacts and risks associated with them to as low as reasonably practicable (ALARP), while also ensuring that any remaining environmental impacts and risks are at an acceptable level. EPs are developed using the best available and relevant environmental, social and economic understanding, including lessons learnt from previous operations and recognising that information may not always be available. With this in mind ConocoPhillips Australia has applied the precautionary principle in the ALARP decision-making process as defined in EP Chapter 5, Section 5.6.2, Table 5-2. Impacts and risks are both managed to ALARP and must comply with ConocoPhillips Australia's acceptability evaluation criteria. The methodology of this process meets the requirements of the Environment Regulations and is consistent with: • Australian and New Zealand Standard for Risk Management (AS/NZS ISO 31000:2018, Risk Management – Principles and Guidelines) • AS/NZS ISO 14001:2016: Environmental Management System (EMS) – Requirements with guidance for use • UK offshore oil and gas industry guidance on risk-related decision making (Oil & Gas UK, formerly UKOOA, 2014) • NOPSEMAs Environment Plan Decision Making Guideline (N-04750-GL1721, December 2022), and • NOPSEMAs Environment Plan Content Requirements Guidance Note (N-04750-GN1344, September 2020). ConocoPhillips Australia identified that light emissions from planned operational lighting and flaring may extended 20 km and 50 km, respectively, and therefore may increase ambient light levels in the Victorian marine and coastal environment. Impacts to light sensitive biological species such as seabirds, shorebirds and

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	**COMMENTS RECEIVED**	***Titleholder response***
		marine turtles have been assessed in EP Section 6.4.5.1. Further, cumulative impacts associated with light emissions from reasonably foreseeable future projects and activities in the Otway Basin were assessed in EP Chapter 8 (Cumulative Impact Assessment). ConocoPhillips Australia also identified that in the extremely unlikely event of an accidental hydrocarbon spill, Victorian marine and coastal environments have the potential to be affected. The Offshore Petroleum and Greenhouse Gas Storage Act 2006 requires titleholders like ConocoPhillips Australia to prevent the escape of hydrocarbons to the environment from their activities. Prior to activities occurring titleholders must demonstrate to the independent expert regulator, NOPSEMA, that all reasonably practicable measures are in place to prevent pollution. Failure to prevent the escape of hydrocarbons is an offence. Oil Spill modelling was conducted for two credible worst-case spill scenarios; Marine Diesel Oil (MDO) and a Loss of Well Control Event (LOWC). Impacts to receptors such as marine species, coastal communities and industries have been assessed in Sections 7.6.5 and 7.7.5 of Sections 7.6 and 7.7 of the EP with additional detail available in the oil spill modelling in EP Appendix E. Further, ConocoPhillips Australia has developed an Oil Pollution Emergency Plan (OPEP, EP Appendix I) in consultation with the relevant State Government Control Agencies, to be implemented in the extremely unlikely event of a release. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
I29	**Matter**: Lack of assessment of Victorian listed marine protected areas. **Claim**: Lack of assessment within the EMBA for many Victorian listed marine protected areas. **Claim**: Victoria has 30 marine protected areas, specifically 24 marine national parks and sanctuaries -important areas for the conservation of marine biodiversity. Over 70% of Twenty-three of those are mentioned to be affected by the project (within the EMBA), however there is no specific risk assessment for these areas. Key critical environmental impacts and risks have not been identified and reduced appropriately within the EP, and we do not believe this EP warrants drilling in this area to proceed.	ConocoPhillips Australia acknowledges claims regarding impacts on Victorian listed marine protected areas and has reviewed the Environment Plan (EP) to ensure that the value of these protected areas were adequately assessed. The EP identifies values and sensitivities of the area and establishes the context of the impact and risk assessments. A comprehensive description of the values and sensitivities associated with each Victorian listed marine protected area within the broadest environment that may be affected (EMBA) is detailed in EP Section 4.4.6.2. State marine protected areas do not occur within the Operational Areas or impact EMBAs for the Otway Exploration Drilling Program and, therefore, planned activities will not affect these areas. These ecosystems could only be affected in the extremely unlikely event of a hydrocarbon release. EP Sections 7.6 (Marine Diesel Oil Release) and 7.7 (Loss of Well Control) assess the risks to ecological, social, economic and cultural values of the marine and coastal environment, including State marine protected areas. Table 7-16 shows that State marine protected areas were an important criterion used in determining receptors sensitivity to a hydrocarbon spill. Further, Table 7-25 and Table 7-38 include the risk assessments for marine diesel oil and

	THEME	IMPACT/RISK ASSESSMENT AND MITIGATIONS (I)
#	COMMENTS RECEIVED	*Titleholder response*
		gas condensate releases, respectively, on coastal habitats and communities, including State marine protected areas. The likelihood of a hydrocarbon release event occurring has been assessed as remote. The Otway Exploration Drilling Program EP and Oil Pollution Emergency Plan (OPEP, Appendix I) document the controls that will be in place to reduce the likelihood of a hydrocarbon spill and to ensure an efficient response should an event occur, thus reducing potential environmental impacts. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.

2. Theme: Environmental and Ecological Information and Effects

	THEME	ENVIRONMENTAL/ECOLOGICAL INFORMATION AND EFFECTS (E)
#	COMMENTS RECEIVED	*Titleholder response*
Key Matter: Australian Marine Parks		
E01	**Matter**: Unacceptable impacts and/or risks on marine parks; inadequate mitigations. **Claim**: The EP fails to address the impacts on marine parks, including the Zeehan Marine Park off the NW coast of Tasmania. **Claim**: The EP shows there is an unacceptable level of risk and impact on our marine parks, both from the immediate vertical seismic blasting, vessel traffic including the drill rig, drilling operations, and impact of hydrocarbon spills as shown in the EMBA map will have on the Zeehan Marine Park, and impact of hydrocarbon spills as shown in the EMBA map will have on marine parks in the South East Marine Park Network. **Claim**: The areas in which 6 proposed, yet undisclosed, drill locations could occur includes/encompasses parts of the Zeehan Marine Park off the Northwest coast of Tasmania. The EP fails to provide any information on where these proposed drill sites will be or address the ecological	ConocoPhillips Australia acknowledges claims regarding impacts and risks to marine parks and has reviewed the Environment Plan (EP) to ensure that these were adequately assessed. The Zeehan Marine Park multiple use zone (IUCN VI) provides for a wide range of sustainable activities by allowing those that do not significantly impact benthic (seafloor) habitats or result in an unacceptable impact on the values of the area. Authorisation is required for activities within the Multiple Use Zone such as commercial fishing, mining, structure and works, among others. In accordance with the Director of National Parks (DNP) and the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) Guidance note to support environmental protection and effective consultation regarding petroleum activities in Australian Marine Parks, the EP has identified all impacts and risks on Australian Marine Park (AMP) values (including ecosystem values as described in EP Section 4.4) and provides detail on how these will be managed to an acceptable level including consideration of options to avoid or reduce impacts and risks to as low as reasonably practicable. This information is detailed through-out Chapter 6. Environmental Impact Assessment (namely Sections 6.3 Seabed

	THEME	ENVIRONMENTAL/ECOLOGICAL INFORMATION AND EFFECTS (E)
#	**COMMENTS RECEIVED**	***Titleholder response***
	significance of this Commonwealth Marine Park and the species known to inhabit it; and potential impacts on noise-sensitive animals. **Claim**: The impacts on the benthic and other ecological communities identified within the marine park make it unacceptable that sea bed sampling, vertical seismic blasting and drilling be allowed to take place within a marine park, irrespective of the zone in which activities are proposed. **Claim**: ConocoPhillips is leaving the possibility open to conduct drilling within the Marine Park. The Zeehan Marine Park is recognised for its ecological significance and it is a reasonable mitigation measure to have the marine park area, and its surrounds, excluded from consideration for drilling activity. **Claim**: It is particularly disturbing that the Zeehan Marine Park, recognised for its ecological significance, has not been excluded from the area where drilling might occur. **Claim**: The EP fails to provide sufficient information on risks to the marine park and its unique environmental values from drilling operation and any associated pollution that comes with these proposed drill sites will have on the species known to be in the area of the Zeehan Marine Park during projected operational periods. **Claim**: The EP's shortcomings extend to Marine Parks, where the undisclosed drill locations within the Zeehan Marine Park lack detailed information on ecological significance and impacts of seismic blasting. **Claim**: Drilling in the Marine Park between Tasmania and Victoria will cause direct harm to ocean ecosystems, marine life and exacerbate climate change. **Claim**: There's a lack of information on how the proposed activity might affect marine parks.	Disturbance, 6.4 Light Emissions, 6.5 Atmospheric Emissions, 6.6 Underwater Sound Emissions - Non-impulsive, 6.7 Underwater Sound - Impulsive, 6.8 Planned Drilling Discharges and 6.9 Planned Operational Discharges) and Chapter 7 (namely sections 7.3 Minor Loss of Containment, 7.4 Interaction with Marine Fauna, 7.5 Introduction, Establishment and Spread of Invasive Marine Species, 7.6 Marine Diesel Oil Release, 7.7 Loss of Well Control and 7.8 Spill Responses Activities). The impacts and risks associated with the Otway Exploration Drilling Program are considered to be of an acceptable level given the existing condition and assimilative capacity of the receiving environment, and do not have the potential to result in long-term, serious, irreversible or cumulative impacts. The adopted control measures are considered effective and appropriate to the temporary, small scale and reversible nature of the predicted environmental impacts and risks. The activity can be managed in a way that is not inconsistent with the South-east Commonwealth Marine Reserves Network Management Plan, and the Temperate East Marine Parks Network Management Plan where relevant to the wider EMBA, as detailed in the abovementioned impact and risk sections. ConocoPhillips Australia has considered options to eliminate activities within the Zeehan Marine Park (for example directional drilling from outside the AMP) and, although technically feasible depending on location, the evaluation of trade-offs indicates the additional time and cost to implement would lead to disproportionately increased impacts associated with emissions, discharges and noise. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts and risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
E02	**Matter**: Failure to assess vessel traffic risks on the marine park. **Claim**: The EP excludes any information on vessel traffic involved with supporting and supplying this project that would come and go from the	ConocoPhillips Australia acknowledges claims regarding vessel traffic associated with the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that petroleum activities were adequately assessed.

	THEME	ENVIRONMENTAL/ECOLOGICAL INFORMATION AND EFFECTS (E)
#	**COMMENTS RECEIVED**	***Titleholder response***
	marine park, and does not provide details on risks and threats of associated vessel traffic to and from these proposed drill sites**.**	The definition of petroleum activity in the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* is directly related to a title granted under the Offshore Petroleum and Greenhouse Gas Storage Act 2006 and applies to those petroleum activities that will be conducted within the boundary of a petroleum title. Activities occurring outside the boundary of a petroleum title are governed under the Navigation Act 2012 (Navigation Act) and other relevant legislative requirements. EP Chapter 7, namely sections 7.2 (Loss of Materials or Waste Overboard), 7.3 (Minor Loss of Containment), 7.4 (Interaction with Marine Fauna), 7.5 (Introduction, Establishment and Spread of Invasive Marine Species) and 7.6 (Marine Diesel Oil Release) provide detailed assessments of the risks associated with the presence of moving or stationary MODU, vessels and aircraft within the Operational Areas including the multiple use zone of the Zeehan Marine Park. Maritime controls are in place for other activities that will not be conducted within the boundary of a petroleum title and are not included within the scope of the Environment Plan. For example: A Master's obligation to navigate at a safe speed, and maintain a safe and proper lookout, is outlined in the Convention on the International Regulations for Preventing Collisions at Sea (COLREG) and enacted in Australian legislation (the Navigation Act); and requirements to report vessel collisions with a protected marine species under the Environment Protection and Biodiversity Conservation Act 1999, with failure to notify an offence punishable on conviction by a fine. Additionally, the measures implemented for the petroleum activity will provide benefit to other species including cetaceans in that only one drilling operation will be occurring at any time in the region which represents a significant control measure for cumulative impact. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts and risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
E03	**Matter:** Failure to protect marine parks/marine protected areas. **Claim**: How can this even be considered in a truly significant, remarkable and vulnerable area completely surrounded by national parks. **Claim**: The Zeehan Marine Park is a significant natural wonder of the Otway Basin.	ConocoPhillips Australia acknowledges claims regarding protections for marine parks and has reviewed the Environment Plan (EP) to ensure that these have been appropriately considered. The Zeehan Marine Park multiple use zone (IUCN VI) (Multiple use Zone) provides for a wide range of sustainable activities by allowing those that do not significantly impact benthic (seafloor) habitats or result in an unacceptable impact on the values of the area. Authorisation is required for activities within the Multiple Use Zone such as commercial fishing, mining, structure and works, among others. ConocoPhillips Australia has undertaken

	THEME	ENVIRONMENTAL/ECOLOGICAL INFORMATION AND EFFECTS (E)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: The fact that the Zeehan Marine Park has been included in the potential drilling area is beyond the pale. What is the point of environmental protections if they are not adhered to by the government? **Claim**: The development of gas proposals in a marine reserve makes a farce of our marine parks systems. It is completely unacceptable to undertake gas exploration activities that include impacts within a marine reserve**.** **Claim**: Marine Parks should be wholly protected from all new exploration and mining activities for fossil fuels, and based on the real and present risks to Marine Parks from test drilling demonstrated in this EP, NOPSEMA should refuse ConocoPhillips' EP**.** **Claim**: The inevitable degradation of the Zeehan Marine Park will occur should gas drilling take place there. It should always be the case that Marine Parks, like other National Parks on land, should never be used for mining of any sort. That is why they are proclaimed - so they can remain as pristine as possible for future generations. **Claim**: Marine Protected Areas (MPAs) are areas set aside to protect and restore marine biodiversity, and are generally located in regions of unique or exceptional environmental values. Relevant person does not support any exploration and mining activities for fossil fuels within the Commonwealth or State or Territory MPAs. Based on the real and present risks to Marine Parks from test drilling demonstrated in this EP, NOPSEMA should refuse ConocoPhillips' EP. **Claim**: Marine parks are established especially for the conservation of biodiversity under the World Conservation Union Guidelines. They act as a reference or baselines in scientific studies to assess the impact of other activities, like fishing, or in this instance, oil and gas exploration. **Claim**: Drilling for gas in Zeehan commonwealth marine park threatens environmental values that made this area marine park in the first place. **Claim**: The company has no right to threaten the Zeehan Marine Park, recognised for its ecological significance. For the rights of your	consultation with the Director of National Parks as the authority responsible for the management of the Zeehan Marine Park in accordance with their consultation guideline: Guidance note - Petroleum Activities and Australian Marine Parks.pdf (nopsema.gov.au) The EP has identified all impacts and risks on Australian Marine Park (AMP) values (including ecosystem values as described in EP Section 4.4) and provides detail on how these will be managed to an acceptable level including consideration of options to avoid or reduce impacts and risks to as low as reasonably practicable. This information is detailed through-out Chapter 6. Environmental Impact Assessment (namely sections 6.3 Seabed Disturbance, 6.4 Light Emissions, 6.5 Atmospheric Emissions, 6.6 Underwater Sound Emissions - Non-impulsive, 6.7 Underwater Sound - Impulsive, 6.8 Planned Drilling Discharges and 6.9 Planned Operational Discharges) and Chapter 7 (namely sections 7.3 Minor Loss of Containment, 7.4 Interaction with Marine Fauna, 7.5 Introduction, Establishment and Spread of Invasive Marine Species, 7.6 Marine Diesel Oil Release, 7.7 Loss of Well Control and 7.8 Spill Responses Activities). The impacts and risks associated with the Otway Exploration Drilling Program are considered to be of an acceptable level given the existing condition and assimilative capacity of the receiving environment, and do not have the potential to result in long-term, serious, irreversible or cumulative impacts. The adopted control measures are considered effective and appropriate to the temporary, small scale and reversible nature of the predicted environmental impacts and risks. The activity can be managed in a way that is not inconsistent with the South-east Commonwealth Marine Reserves Network Management Plan, and the Temperate East Marine Parks Network Management Plan where relevant to the wider EMBA, as detailed in the abovementioned impact and risk sections. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.

	THEME	ENVIRONMENTAL/ECOLOGICAL INFORMATION AND EFFECTS (E)
#	**COMMENTS RECEIVED**	***Titleholder response***
	grandchildren and mine to not have drilling over their future environment, immediately have this area protected.	
E04	**Matter**: Failure to consider precautionary principle in light of review of marine park management plan **Claim**: Given this ongoing federal government review of the marine park Management Plan, the EP must be refused as it fails the precautionary principle, and risks undermining the conservation values of impacted marine parks and the review outcomes.	ConocoPhillips Australia acknowledges claims regarding the application of the precautionary principle in relation to marine parks and has reviewed the Environment Plan (EP) to ensure that this has been appropriately considered. Activities conducted on petroleum titles are regulated by the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA). ConocoPhillips Australia is required to demonstrate to NOPSEMA that petroleum activities will be carried out in a manner that is consistent with the principles of ecologically sustainable development as set out in section 3A of the Environment Protection and Biodiversity Conservation Act 1999, among other considerations and requirements. The principles of ecologically sustainable development require consideration of the precautionary principle, whereby "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." ConocoPhillips Australia has included the assessment of uncertainty in its impact and risk assessment methodology, outlined in EP Chapter 5, whereby at the conclusion of each impact and risk assessment a level of uncertainty is assigned. If there are threats of serious or irreversible environmental damage, the residual uncertainty will be assessed, and measures implemented to either remove the uncertainty or apply the precautionary principle. Subsequently, all impacts and risks evaluated in the EP are assessed using the precautionary principle, including impacts to marine parks and their conservation values. ConocoPhillips Australia is aware that the South-east Marine Parks Network Management Plan is currently under review. Chapter 10 (Implementation Strategy) of the EP (particularly section 10.2.7 Management of Change), describes the processes whereby emerging and escalating issues are taken into consideration for the term of the EP (including changes in legislation, science and associated changes to impact and risk assessments and ongoing consultation) in order to maintain impacts to ALARP and acceptable levels. This process applies to any changes resulting from the release of the next South-east Marine Parks Network Management Plan. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.

	THEME	ENVIRONMENTAL/ECOLOGICAL INFORMATION AND EFFECTS (E)
#	**COMMENTS RECEIVED**	***Titleholder response***
E05	**Matter**: The right of the Australian Government/NOPSEMA to approve activities in a marine park. **Claim**: We question how NOPSEMA can make approval decisions without having any specific marine experts assessing these activities when areas allocated for gas extraction overlap two marine parks. Marine parks which have been designated for their immense biological diversity and rare endemic species. **Claim**: Governments shouldn't be approving exploratory projects for non-renewables, particularly in Marine Park areas. **Claim**: The Minister for Environment has not stood up for the protection of the Zeehan Marine Park, recognised for its ecological significance. **Claim:** Whose idea was this to allow exploration and seismic testing inside marine parks? **Claim**: One arm of the government is looking to extend the marine park system around our coastlines and another is considering allowing more exploration for gas in the same areas. This makes no sense at all.	The Zeehan Marine Park multiple use zone (IUCN VI) (Multiple Use Zone) provides for a wide range of sustainable activities by allowing those that do not significantly impact benthic (seafloor) habitats or result in an unacceptable impact on the values of the area. Authorisation is required for activities within the Multiple Use Zone such as commercial fishing, mining, structure and works, among others. ConocoPhillips Australia has undertaken consultation with the Director of National Parks as the authority responsible for the management of the Zeehan Marine Park in accordance with their guidance note to support environmental protection and effective consultation regarding petroleum activities in Australian Marine Parks: Guidance note - Petroleum Activities and Australian Marine Parks.pdf (nopsema.gov.au) Activities conducted on petroleum titles are regulated by the Commonwealth National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA). NOPSEMA is Australia's independent expert statutory authority established under the Offshore Petroleum and Greenhouse Gas Storage Act 2006. Further, NOPSEMA relies on scientific evidence and a team of highly qualified experts to ensure high quality decision making and high quality advice to industry and other stakeholders. NOPSEMA's Environment Division is staffed by personnel with extensive experience in environmental sciences and offshore oil and gas (over half of this number hold PhD's or Masters degrees). Environment specialists generally have a range of previous experience related to environmental disciplines such as marine research, baseline studies, monitoring and modelling; environment impact assessments; preparation of environmental policy guidance related to marine parks, water quality, protected species, conservation and recovery plans; and environmental management systems. NOPSEMA also has a team of dedicated experts with backgrounds in oil spill and emergency response arrangements who have experience within the Australian and international context. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
Key Matter: Misconception that the proposed activity involves a 3D marine seismic survey (general)		
E06	**Matter**: Harm/impacts associated with a marine seismic survey/blasting/ bombing.	ConocoPhillips Australia acknowledges claims regarding the impacts associated marine seismic surveys and has reviewed the Environment Plan (EP) to ensure it accurately describes the activities proposed as part of the Otway Exploration Drilling Program.

	THEME	ENVIRONMENTAL/ECOLOGICAL INFORMATION AND EFFECTS (E)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: Given the high level of biodiversity present in the South-East Marine Region, the number of BIAs for EPBC-listed species within the EMBA, and the prior Commonwealth recognition of the need to protect whales throughout the entirely of their Australian habitats, It is recommended that NOPSEMA reject the EP on the basis that seismic surveys constitute an unacceptable risk to biodiversity within the EMBA. **Claim**: Seismic blasting is horrifically cruel and MUST NOT be permitted due to the impacts on marine life! **Claim**: Seismic blasting has destroyed most of the keystone sea creatures in the area and then some. This is an ecosystem that has taken millions of years to develop and you think you can come and blast it into nothing! What planet are you on? This is our ONLY chance to a future without devastation to protect our wildlife NOW. Did you know that the species that will become extinct after this project goes ahead will literally never be seen again? They only thrive in the Tasmanian cool water. Only there. And you're happy to kill them for money. This reminds me of dumb bombs being used right now in war. Just complete obliteration. **Claim**: The EP should state accurately the risks of seismic surveys to the marine ecosystem within the operational areas. **Claim**: Seismic Blasting Harms Marine Life and Ecosystems. it concerned me greatly to hear about the proposed activities by ConocoPhillips when I heard about their project, including how they would be using seismic blasting to survey the seafloor for prospective gas sources. At the level of intensity at which seismic blasting operates, there can be significant impact upon marine life, which in turn has a flow-on effect to other species through the food chains, including humans with our local fisheries. **Claim**: The use of Seismic surveys is detrimental to life in and around our oceans. Really anything over 120 dB is seismic blasting! The seismic blasts harm all levels of the food chain from marine plankton (phytoplankton and zooplankton) and krill through to whales (12). and they are main sources of food for many larger animals and birds. Harm to the bottom of the food chain would cause a catastrophic chain reaction that would	Marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. As stated in EP section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation and geophysical surveys. • Downhole formation evaluation is necessary to analyse any potential gas or condensate within the borehole. The evaluation is undertaken by a number of tools including the Vertical Seismic Profiling (VSP) tool. VSP produces impulsive sound and is anticipated to occur for approximately 20 hours per well (for a maximum of 6 wells). • Geophysical surveys are necessary to minimise impact to the seabed and ensure safe positioning of the Mobile Offshore Drilling Unit (MODU). These surveys will include impulsive sound generated by sub-bottom profiling (SBP). The geophysical surveys will last approximately 1 week at each potential well location (maximum of 9 locations). VSP represents the highest amplitude sound source between VSP and SBP and was used to determine the worst-case consequence evaluation in underwater sound emission impact assessment. VSP involves shallow subsurface imaging by placing a string of hydrophones in a borehole and transmitting to them from a near-surface seismic source. A VSP seismic source in the marine environment is typically an airgun array with a total volume of less than 1,000 cubic inches (with 750 cui as the maximum volume proposed for the Otway Exploration Drilling Program). VSP has significantly reduced sound pressure levels than those from seismic surveys and is conducted over a very short time scale (~20 hours per well). Seismic surveys are conducted over large areas of the marine environment where as VSP is conducted in the vicinity of the exploration drilling and is targeted at the borehole. ConocoPhillips Australia considers that Sections 6.6. (Underwater Sound Emissions – Non-Impulsive) and 6.7 (Underwater Sound Emissions - Impulsive) demonstrate that there will be Negligible (1) to Minor (2) residual consequences associated with noise emissions which do not have the potential to result in long-term, serious, or irreversible impacts to marine species. Potential impacts to prey species, such as krill (*Nyctiphanes australis*), are expected to be limited by intermittent exposure, dispersive characteristics of the open water in the operational areas, and high reproductive rates. The magnitude of noise impacts (≤50 m for injury from the VSP source) on species such as krill, is highly localised and not discernible at the

	THEME	ENVIRONMENTAL/ECOLOGICAL INFORMATION AND EFFECTS (E)
#	**COMMENTS RECEIVED**	***Titleholder response***
	affect the entire marine ecosystem despite the nutrient rich Bonney upwelling. **Claim**: There are thousands of different marine animal species in the ConocoPhillips proposed drilling survey area. All of the marine animals will be affected either directly or indirectly through the food chains, as a result of physical harm or mortality, or through behavioural changes in trying to avoid the harmful effects of the seismic blasting, or by a flow-on food chain effect from relying on another species to survive. ConocoPhillips will not deny that their actions will have a negative effect on the marine life to some degree, but they will see it as being acceptable as long as the different species as a whole will recover eventually, even if millions of individual marine animals are killed, stressed or hurt in the process. **Claim**: Marine animals will suffer having to endure the horrendous bombing of their only home. **Claim**: The science is clear that seismic blasting and drilling the seabed will decimate to ecosystem.	regional scale when considering natural variation in their spatial and temporal abundance. Continuous reproduction through the year coupled with a high growth rate means krill have very high productivity (IMAS 2011). Considering the localised and temporary impact to krill with rapid replacement of the species, any impacts from short term activities are not expected to be ecologically significant. ConocoPhillips Australia is aware of seismic surveys being proposed by others and has provided contact details for the companies preparing the relevant EP's for those activities, during the consultation process. During consultation ConocoPhillips Australia has been transparent around the overlap of the Regia 3D Marine seismic survey with the VIC/P79 operational area. The Cumulative Impact Assessment, detailed in EP Chapter 8, includes an assessment of impacts in consideration of impacts associated with reasonably foreseeable activities and projects within the region, including the Regia 3D Marine Seismic Survey. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
E07	**Matter**: Lack of research regarding seismic surveys impacts. **Claim**: Seismic blasting has been found to be harmful to marine life and ecosystems in much of the scientific research that has been undertaken thus far. Not enough independent scientific research has been done in relation to how seismic blasting affects marine species and ecosystems as a whole to inform us as to whether it is a sensible idea. **Claim**: More independent scientific study needs to be done on the effect of seismic blasting on marine species and ecosystems before allowing it to be conducted in our oceans. If such proposed projects are necessary now at all, alternative, proven, far less harmful methods of surveying should be utilised in place of seismic blasting, instead of assuming that marine species and ecosystems are robust enough to handle it.	ConocoPhillips Australia acknowledges claims regarding the research on seismic survey impacts and has reviewed the Environment Plan (EP) to ensure that relevant impacts are adequately assessed. As previously stated in Matter response E06, marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. As stated in EP Section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation and geophysical surveys as described in detail above. As part of the impact assessment process, ConocoPhillips Australia has commissioned an international acoustic expert to conduct noise modelling to determine highly conservate distances to effect thresholds for a range of species using peer reviewed literature to determine relevant threshold values. The peer review process for publication is considered to provide for an appropriate level of independent review. As a Titleholder, ConocoPhillips

	THEME	ENVIRONMENTAL/ECOLOGICAL INFORMATION AND EFFECTS (E)
#	**COMMENTS RECEIVED**	***Titleholder response***
		Australia is also required to take newly published peer reviewed literature into consideration, where relevant, for the duration of the activity. The exposure criteria thresholds selected for modelling and impact assessment were based on current best available science and acceptance by regulatory agencies, as described in EP Sections 6.6.3 and 6.7.2.1 (Exposure Criteria Thresholds – for non-impulsive and impulsive sound respectively) and detailed in the JASCO Applied Sciences Noise Modelling Report (EP Appendix G). ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
Other Matters Related to Environmental/Ecological Information and Effects		
E08	**Matter**: Unacceptable impacts and failure to mitigate (general). **Claim**: History and scientific evidence shows that test drilling for gas exploration in our oceans causes environmental harm; the science is clear about the ecological threats of this proposal. **Claim**: Drilling for fossil fuel, by a technique that in itself is very harmful for the environment. **Claim**: The proposal to conduct test drilling for gas exploration in our oceans between Tasmania and Victoria will cause direct harm to ocean ecosystems, marine life and exacerbate climate change**;** including in T/49P and VIC/P79; impacting already susceptible and important ecological system and the marine life in the in the Tasmanian/Victorian coast. **Matter**: The proposed activity will result in unacceptable impacts/harm to marine life that cannot be mitigated. **Claim**: Test drilling for gas in the Otway Basin poses unacceptable harm to our oceans, marine life and coastal communities; and the entire planet. **Claim**: The Australian government and NOPSEMA should reject this drilling proposed by ConocoPhillips to protect the climate, nature and people.	ConocoPhillips Australia acknowledges claims regarding environmental and ecological impacts associated with the Otway Exploration Program, and their mitigation. In accordance with the applicable regulatory requirements, ConocoPhillips has prepared an evidence-based case that the impacts and risks arising from the Otway Exploration Drilling activity can be managed to below an acceptable level. A similar evidentiary burden would be required to influence ConocoPhillips Australia's position away from the effects of this activity being anything other than short-term, localised, and recoverable, as detailed in EP Chapters 6 (Environmental Impact Assessment) and 8 (Cumulative Impact Assessment). Some claims relate to a believe that no impact is acceptable from these activities. This is not the legal standard in Australia and it not a reasonable standard to apply. Petroleum activities do not operate to a no-impact standard. Instead, ConocoPhillips Australia is required to define the acceptable level of impact and work below that level. Acceptable levels of impact are established based on relevant up-to-date technical and scientific studies, government advice, and are considerate of the information gathered through the consultation process. ConocoPhillips Australia predicts the levels of impact expected to occur and compares that to the previously defined acceptable levels. This assessment is then scrutinised by NOPSEMA who will determine if the EP demonstrates that the environmental impacts and risks of the activity will be of an acceptable level and that the EP meets the requirements of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023.

	THEME	ENVIRONMENTAL/ECOLOGICAL INFORMATION AND EFFECTS (E)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: These wells will impact on our precious marine life as well as on sea and shore birds. **Claim**: It cannot prevent creating an unacceptable risk to all marine wildlife and fisheries at sea and along our coastlines; we should do everything possible to protect the wild life that is remaining **Claim**: Marine life will be affected if new drilling for gas is allowed in the Southern Oceans. **Claim**: The unacceptable environmental costs threaten the climate, First Nations' cultural heritage and endangered species including the blue whale, southern right whale and the critically endangered orange bellied parrot. **Claim**: Drilling has the potential to affect everyone on the planet. **Claim**: This area in the Southern Ocean has so much ecological significance which would be disturbed by drilling activities. **Claim**: The search for such fuels disrupts important ocean environments and their species. **Claim**: It is no longer acceptable to be expanding fossil fuel extraction, while damaging our critical natural environment. **Claim**: The rich marine life in the region would be disturbed by drilling for a product that is no longer needed in a heating world. **Claim**: This program has the very real possibility of causing deadly consequences to sea mammals and fish who have absolutely nowhere else to live. **Claim**: This will begin the end of the creatures that call the wild southern oceans home; The survival of our endemic species and habitats risks being squandered for fossil fuels. **Claim**: ConocoPhillips drilling exploration wells in our southern oceans. Will cause the destruction of nature, the planet and the future.	ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.

	THEME	ENVIRONMENTAL/ECOLOGICAL INFORMATION AND EFFECTS (E)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: Drilling and mining cause devastation and we should now be looking at saving what is left of the environment, especially in areas that are sensitive to vulnerable animals and if cultural significance. **Claim**: The proposed Otway Drilling program will do permanent damage to this very important eco system. **Claim**: Any new gas drilling anywhere off the Australian coast or inland is a grave threat to our environment, including, but not limited to, many threatened and/or endangered species of flora and fauna. **Claim**: Marine ecosystems are extremely important to not only our survival, but also to the survival of every bird, mammal, reptile and fish. **Claim**: Deep sea drilling causes critical destructive impacts upon the environment. **Claim**: Exploration as described in the plan is extremely destructive, with no guaranteed, economic benefits, and should be rejected. **Claim**: This action will affect all of us wherever we live in Australia, and harm not only the environment but irreversibly marine life and also the impact of these actions on future generations cannot be reversed. **Claim**: Any damage done through misadventure and neglect would be irreversible. **Claim**: Further drilling for oil and gas (and new coal mines) in pristine areas will have a massive impact on the natural life that inhabits the oceans and land. **Claim**: The ecological impact of deep-sea drilling can be massive, affecting migratory whales and deep-sea bed dwellers. **Claim**: If this proposal by ConocoPhillips is allowed, it will create a huge risk to the immediate environment, including species which are already on the brink of extinction. **Claim**: This is not a proposal in alignment with our country's future for a cleaner, healthier environment. This project will place conservation significant fauna in grave danger.	

	THEME	ENVIRONMENTAL/ECOLOGICAL INFORMATION AND EFFECTS (E)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: This proposal, if given the green light, represents an imminent threat to our precious ocean ecosystems, marine life. **Claim**: Plenty of scientific studies available to show this action to be a Serious and irreversible mistake; It will severely harm marine life, backed by scientific evidence.	
E09	**Matter**: Failure to consider protections for environmental values and sensitivities. **Claim**: Australia's wild southern oceans have enormous environmental (and cultural) significance that would be put at risk by new gas drilling. **Claim**: The environmental damage to waterways, beaches, marine life, bird life and more is a risk. **Claim**: This company has no right to pollute and destroy our pristine marine and coastal environment. **Claim**: Our oceans, and the animals who reside there must be protected; Our oceans are precious for sustaining human life as are the animals that call this ecosystem home. **Claim**: While I am not opposed to some continued use of fossil fuels, it is vital to conserve areas of wilderness and ecological significance. **Claim**: The proposed exploration sites and test drilling areas within the operational area and the Environment That May Be Affected (EMBA) hold significant ecological importance, particularly within the expansive South-East Marine Region. Encompassing over 1.6 million square kilometres, this region features diverse shallow and deep-water habitats, including the vital Bonney Upwelling and the Bass Strait Cascade, supporting a plethora of marine life**.** **Claim**: The EMBA intersects with multiple Biologically Important Areas (BIAs), hosting iconic species like the pygmy blue whale, southern right whale, fin whale, sei whale, and the Australian sea lion, alongside marine turtles, elasmobranchs, and various other species.	ConocoPhillips Australia acknowledges claims regarding the environmental significance of the Otway bioregion where the activities associated with the Otway Exploration Drilling Program are proposed to occur and has reviewed the Environment Plan (EP) to ensure that impacts to the marine region were adequately assessed. Activities conducted on petroleum titles are regulated by the Commonwealth National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) in accordance with the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* (Environment Regulations). ConocoPhillips Australia is required to demonstrate to NOPSEMA that petroleum activities will be carried out in a manner that is consistent with the principles of ecologically sustainable development as set out in section 3A of the Environment Protection and Biodiversity Conservation Act 1999. ConocoPhillips Australia considers the values and sensitivities relevant to the assessment of impacts associated with Otway Exploration Drilling Program as per the EPBC Act and the Environment Regulations, to be: • presence of listed threatened species and ecological communities • presence of listed migratory species (protected under international agreements) • values and sensitivities as part of the Commonwealth marine environment • values of world heritage properties • values of national heritage places • ecological character of a declared Ramsar wetland • other values including social, economic and cultural values. These requirements are described in Section 5.4.2 of the EP. Chapter 4 of the EP has been prepared in accordance with the NOPSEMA (2020) Guidance Note 'Environment Plan Content Requirement' and describes what is known of the existing ecological, physical, social, economic and cultural environment of the operational areas and the environment that may be affected (EMBA). These descriptions include, for example, threatened species and associated Biologically Important Areas (BIAs) (EP Section 4.6),

	THEME	ENVIRONMENTAL/ECOLOGICAL INFORMATION AND EFFECTS (E)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: How can this even be considered in a truly significant, remarkable and vulnerable area completely surrounded by national parks. **Claim**: The preservation of our pristine waters is of utmost importance and should by far out weigh the benefits; making every effort to protect our struggling oceans is critical now; Life needs undisturbed waters, particularly with freak weather events and climate change. **Claim**: Wildlife protection should be a priority for us all.	conservation values and sensitivities such as Australian Marine Parks (EP Section 4.4.1), Parks and the Bonney Coast Upwelling Key Ecological Feature (EP Section 4.4.9.1). As described in EP Section 4.3 (Regional Environmental Setting), the Otway marine bioregion is an area of cool temperate waters which originate from the Southern Ocean with slow to moderate currents and high wave energy. Nutrient-rich waters characterise the region supporting high species diversity and ecological productivity. The description of the environment detailed in EP Chapter 4 is used to inform the impact and risk assessments, in Chapters 6 and 7, to ensure that the values and sensitivities of the operational areas and EMBAs are fully considered. Like most industries, petroleum activities do not operate to a no-impact standard. Instead, ConocoPhillips Australia is required to define the acceptable level of impact and work below that level. Acceptable levels of impact are established based on relevant up-to-date technical and scientific studies, government advice, and are considerate of the information gathered through the consultation process, including information on existing pressures and threats. These objectives are critical to the protection of the marine environment, marine ecosystems and marine fauna from negative impacts associated with offshore petroleum activities. EP Chapter 5, Section 5.6.2 defines the ALARP decision making process utilised in the development of this EP. The methodology of this process meets the requirements of the Environment Regulations and is consistent with: • Australian and New Zealand Standard for Risk Management (AS/NZS ISO 31000:2018, Risk Management – Principles and Guidelines) • AS/NZS ISO 14001:2016: Environmental Management System (EMS) – Requirements with guidance for use • UK offshore oil and gas industry guidance on risk-related decision making (Oil & Gas UK, formerly UKOOA, 2014) • NOPSEMAs Environment Plan Decision Making Guideline (N-04750-GL1721, December 2022), and • NOPSEMAs Environment Plan Content Requirements Guidance Note (N-04750-GN1344, September 2020). To ensure that environmental impacts and risks will be of an acceptable level, operators are required to develop Environmental Performance Outcomes (EPOs) which provide a measurable level of performance for the management of environmental aspects of an activity. A complete

	THEME	ENVIRONMENTAL/ECOLOGICAL INFORMATION AND EFFECTS (E)
#	COMMENTS RECEIVED	*Titleholder response*
		list of EPOs and associated Environmental Performance Standards and Measurement Criteria can be found in EP Chapter 9. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
E10	**Matter**: Consideration of existing pressures on the environment. **Claim**: We have the knowledge that the ocean, an ecology that helps regulate temperature, atmosphere and storms, is under stress and needs to be cared for not tampered with. **Claim**: Oceans are already under so much pressure from climate change impacts. This activity will kill further sections of our ocean landscapes. **Claim**: Australia's Exclusive Economic Zone (EEZ) is a known biodiversity hotspot and it is also widely recognised that this area is a significantly understudied biological area. Any development in this area will have unknown impacts on this marine ecosystem, which is already under significant stress due to marine warming from climate change. **Claim**: Ocean life around the world is already facing serious threats from over-fishing and pollution. I believe that test drilling for gas exploration in our ecologically rich oceans between Tasmania and Victoria will threaten the health of these ocean ecosystems and their marine life. **Claim**: Natural environments do not need any more stresses placed on them, and the risk of catastrophic mishap in a place like the Southern Ocean is not worth it for the sake of a fossil fuel that we don't need. **Claim**: Marine animals are already in drastic decline which affects the very existence of humans on earth as we are all interdependent. **Claim**: Our environment is already teetering on the brink of disaster and collapse, but you are intent on adding to that burden. **Claim**: Continued intrusion and works in the ocean contributes negatively to the decline in wildlife populations and the balance in the ecosystem of our oceans world wide.	ConocoPhillips Australia acknowledges claims regarding existing pressures on the environment and has reviewed the Environment Plan (EP) to ensure these pressures were adequately considered. ConocoPhillips Australia's Otway Exploration Drilling Program includes short-term, temporary seabed surveys and exploration drilling. A detailed assessment of the potential environmental impacts and risks associated with these activities is included in EP Chapters 6 (Environmental Impact Assessment), 7 (Environmental Risk Assessment) and 8 (Cumulative Impact Assessment). The assessment process inherently requires the consideration of the predictive certainty in the assessment, inclusive of existing pressures on the environment. The evaluation criteria include consideration of long-term impacts and risks to biological, ecological, socio-economic, and cultural features of the environment. Only activities that result in temporary / reversible, small scale and/ or low intensity environmental impacts are considered acceptable, i.e. activities that result in large scale / irreversible and/or high intensity environmental damage would not be considered acceptable. The impacts and risks associated with the Otway Exploration Drilling Program are well understood, as supported by peer reviewed publications, and the EP demonstrates they are of an acceptable level. ConocoPhillips Australia has undertaken further analysis to identify evidence to assess the validity of these claims. This assessment focussed on the identification of unacceptable impacts by considering whether the activity in its entirety meets the acceptable levels. ConocoPhillips Australia has updated EP Chapter 8 (Cumulative Impact Assessment) in response to these claims.

	THEME	ENVIRONMENTAL/ECOLOGICAL INFORMATION AND EFFECTS (E)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: The Great Barrier Reef is in trouble and we now spend millions on it to keep it going. How can anyone in corporations or the government allow more havoc on our oceans, land and air. **Claim**: We cannot allow more oil and gas industrialisation in Australia's south-east seas, where marine life is already experiencing multiple threats, including climate change, with the waters there warming 3-4 times the global average.	
E011	**Matter**: Inadequate assessment of extent of underwater sound impacts. **Claim**: The EP of ConocoPhillips indicated that the survey instruments used are both sonar and seismic. For example, Echosounders, Side Scan Sonars as well as Sub bottom Profilers. Sonar frequencies vary (100 Hz to 100,000 Hz) therefore, have an enormous potential for negatively impacting upon marine life. Sonar sounds travel horizontally unlike air guns, therefore extending the areas affected. **Claim**: Contributions to ambient noises with their ocean explorations, have the capacity on their own to destroy our echo marine systems.	ConocoPhillips Australia acknowledges claims regarding the assessment of underwater sound impacts associated with the Otway Exploration Drilling Program and have reviewed the Environment Plan (EP) to ensure that these have been adequately assessed. As previously stated in the response to Matter E06, marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. As stated in EP Section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation and geophysical surveys as described in detail above. As part of the impact assessment process, ConocoPhillips Australia has commissioned an international acoustic expert to conduct noise modelling to determine highly conservate distances to effect thresholds for a range of species using peer reviewed literature to determine relevant threshold values. This includes impacts from a variety of impulsive sources including multibeam echosounder (MBES), side scan sonar (SSS) and sub-bottom profiling (SBP) as described in Section 2.2.1 of the EP. The exposure criteria thresholds selected for modelling and impact assessment were based on current best available science and acceptance by regulatory agencies, as described in EP Sections 6.6.3 and 6.7.2.1 (Exposure Criteria Thresholds – for non-impulsive and impulsive sound respectively) and detailed in the JASCO Applied Sciences Noise Modelling Report (EP Appendix G). ConocoPhillips believes that theses sections show sufficient justification that there will be Negligible (1) to Minor (2) residual consequences associated with noise emissions which do not have the potential to result in long-term, serious, or irreversible impacts to marine species.

	THEME	ENVIRONMENTAL/ECOLOGICAL INFORMATION AND EFFECTS (E)
#	COMMENTS RECEIVED	*Titleholder response*
		ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.

3. Theme: Marine Mammals

	THEME	MARINE MAMMALS (M)
#	COMMENTS RECEIVED	*Titleholder response*
Key Matter: Impacts and risks to marine mammals		
M01	**Matter**: Impacts to marine mammals will occur from January 2024 through to December 2028. **Claim**: The proposed start date for this seabed survey to commence is January 2024, with the earliest date for drilling to start being April 2024, running through to December 2028. This four year period results in impacts on every species known to inhabit and migrate through the area, and those species will be affected by the associated vessel traffic, vertical seismic blasting and drilling proposed in whale habitat, calving grounds and Biologically Important Areas (BIA), threatening species listed on the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), and critical feeding, calving and migration routes. Specifically; - September through to December is known feeding period for the EPBC listed endangered blue whale, with January through to June being the peak feeding time for the blue whale. - October is calving period for the EPBC listed endangered southern right whale in this region, and	ConocoPhillips Australia acknowledges claims regarding impacts to marine mammals over the duration of the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that impacts to these species are adequately assessed. Although the term of the EP is effectively 5 years (earliest start date for seabed surveys is 1 April 2024, drilling is 1 October 2024, and end date for EP is 31 December 2028), the activity will not occur continuously over that period but will rather be conducted in shorter campaigns where by the two commitment wells are likely to be drilled consecutively over typically 30-40 days each, up to a maximum of 90 days each. The rig is then contracted to other titleholders to undertake discrete activities before potentially returning to ConocoPhillips Australia's operational areas to drill up to a maximum of 4 optional wells. Consequently, the actual drill time is predicted to be in the range of 180 to 540 days, depending on the number of wells drilled (up to a maximum of 6) and the duration at each well (ranging from 30-90 days) over the term of the EP. The maximum 540 day campaign is similar in duration to previous continuous campaigns conducted in the Otway Basin. Information on the Environment Protection and Biodiversity Conservation Act 1999 listing and seasonal presence of blue, southern right, sei and dwarf minke whales, as well as other species, is provided in section 4.6.9.2 of the EP, with relevant excerpts provided below: • **Pygmy blue whales** occupy the western area of the Bonney Upwelling system in the Eastern Great Australian Bight and adjacent to the Kangaroo Island canyons from November and December, then move south-east to the Bonney Upwelling system off eastern South Australia and Victoria (between Robe, SA and Cape Otway, Vic) from January to April and then decrease between May and June (Commonwealth of Australia 2015c). ConocoPhillips Australia commissioned aerial surveys along designated transects through T/49P and opportunistic sighting while traversing VIC/P79 from July to October 2021; and along

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
	they will be migrating through the OA and nominated area around these calving periods. - May - September is peak breeding and calving period for southern right whales in the Otway Basin; May to September is the calving period for the EPBC-listed endangered southern right whale in this region, and they will be migrating through the OA and nominated area around these calving periods. - November - May is feeding period for the sei whale (listed Vulnerable under the EPBC Act), known to occur in the area - November - May is feeding period for the minke whale, known to occur in the area.	designated transects through VIC/P79, along the shelf break between VIC/P79 and T/49P and along a transect through T/49P between August 2022 and May 2023 (Event ID: 4145, FB ID: 49; Event ID: 3480, FB ID: 393). Key observations include: - The arrival of small numbers of blue whales, presumed to be pygmy blue whales, in the Otway Basin/western and central Bass Strait in September (two in T/49P in 2021) and October (two in T/49P in 2021, one in VIC/P79 in 2022 and two in central Bass Strait in 2022) - Peak numbers of blue whales within the survey area in March and April 2023, and - A significant decrease in blue whale numbers in May 2023. • For the **southern right whale**, the National Conservation Values Atlas (2023) has spatially defined migration and reproduction BIAs for the species which occur within the environment that may be affected (EMBA) (Figure 4 53), with the migration period stated as approximately April to October and reproductive period stated as May to September. However, the Draft National Recovery Plan for the Southern Right Whale states that Australian southern right whales predominantly occupy the coastal and breeding aggregation areas where they calve and nurse their young from May to October, although may occur as early as April and as late as November on the Australian coast. The peak period of abundance is typically in late July and August, although there is within season variability that differs between females with calves and unaccompanied whales (CoA 2022). Therefore, as a conservative estimate based on published data it is assumed that the southern right whale may be present anytime from May to October. • In an aerial survey conducted between 2002-2013 the **sei whale** was observed feeding 20–60 km offshore on the continental shelf in the Bonney Coast Upwelling between the summer and autumn months (November to May) (DoE 2022). Currently, there is no confirmed foraging BIAs that occur within Australia waters, however the sightings of individuals feeding in the Bonney Coast Upwelling may indicate that this area is used for opportunistic feeding. • In Australia the southern extent of the dwarf minke whale is approximately 41° S which runs through the Bass Strait between Tasmania and mainland Australia and a northern extent of 11° S which runs across the top of mainland Australia (DoE 2023). It is unlikely that the dwarf minke whale migrates to the Antarctic waters, however there is potential for an increase in range with warmer water extending southwards. Satellite tagging of the subspecies shows that they are likely to migrate along the east coast of Australia from an aggregation area in the Great Barrier Reef south as far as the Bass Strait (Birtles et al. 2015 cited in IUCN-MMPATF 2022). However, insufficient evidence is available as to how Australian dwarf minke whales use their habitat as no specific feeding or breeding grounds have been discovered off Australia (DoE 2023).

	THEME	MARINE MAMMALS (M)
#	COMMENTS RECEIVED	*Titleholder response*
		The proposed operational areas do overlap the seasonally occupied blue whale foraging Biologically Important Areas (BIAs) (as shown in EP Figure 4-52), and southern right whale migration BIA (as shown in EP Figure 4-53), but do not overlap the southern right whale reproductive BIA (i.e. calving grounds). Impacts and risks to marine mammals have been assessed in EP Sections 6.6 (Underwater Sound Emissions – Non-Impulsive), 6.7 (Underwater Sound Emissions –Impulsive) and 7.4 (Interaction with Marine Fauna). Measures to mitigate impacts are also detailed in these sections and in the Fauna Management Plan included in Appendix N of the EP that includes whale detection and measures to minimise anthropogenic threats to whales, associated with both resupply operations, i.e. when a vessel is on DP, and vessel strike for all species. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
M02	**Matter**: Underwater sound impacts to marine mammals and their habitat (general). **Claim**: Marine threatened species could be impacted through a hearing impairment (temporary or permanent), physiological changes such as stress responses, indirectly by impacting their prey, behavioural alterations such as avoidance responses, displacement, or a change in vocalizations, or through masking. The control measures proposed are not effective enough to reduce these impacts. **Claim**: The literature (2) (3) has indicated that marine mammals rely heavily upon acoustics as a primary means of communicating, navigating and foraging for food in the ocean as well as avoiding danger. Past research has indicated that any changes to their acoustic environments impact upon their behavioural patterns. [(2) George Frisk (2012) Noiseonomics: the relationship between ambient noise levels in the sea and global economic trends. Nature Article No. 437, Retrieved Dec. 4th, 2923 from https://www.nature.com/articles/srepoo437; (3) Tom	ConocoPhillips Australia acknowledges claims regarding impacts to marine mammals and their habitat from underwater sound associated with the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that impacts to these species were adequately assessed. ConocoPhillips Australia has provided a detailed discussion of the scientific literature outlining potential impacts to whales from seabed surveys and exploratory drilling throughout EP Sections 6.6 (Underwater Sound Emissions – Non-impulsive) and 6.7 (Underwater Sound Emissions – Impulsive). Activity-specific underwater sound modelling (Appendix G of the EP) was commissioned to ensure that the extent of potential impacts to marine mammals were fully understood. In acknowledgement of the potential for the Otway Exploration Drilling Program to impact whales within the Otway Basin, ConocoPhillips Australia developed control measures in consultation with marine mammal experts, taking into consideration relevant Conservation Management Plans and all environmental regulatory requirements. Control measures to reduce impacts from anthropogenic noise are outlined in EP Sections 6.6.8 and 6.7.7. Control measure CM08: Fauna Management Plan (Appendix N) outlines specific measures to minimise anthropogenic noise threats to relevant species, including the implementation of increased safe operating distances between vessels and whales, pre-activity surveys for specific activities, night-time and low visibility controls and establishment of safe points for operational activities in accordance with the Safety Case and Well Integrity requirements. ConocoPhillips Australia has assessed the claims pertaining to underwater sound impacts and considers the detailed control measures included in the Fauna Management Plan will reduce the impacts associated with underwater sound to as low as reasonably practicable and acceptable levels.

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Mustil (2022). How to speak whale: Voyage into the Future of Animal Communication. William Collins] **Claim**: Sensitive mammals' feeding and breeding habits would inevitably be disturbed by drilling activity and the movement of vessels in the region. The destructive impact of drilling and vessel movement actions have already been well documented in similar coastal locations around the world, such as on the eastern coastline of Nova Scotia and Canada. **Claim**: Whales hearing is amazing, their paths are mapped into their DNA, so they can not deviate their route. Any drilling would damage their ears & completely disorientate them.	ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
M03	**Matter:** Research on impacts of anthropogenic noise on whales. **Claim**: When more and more studies are coming out about how anthropogenic noise effects communication and stress in such species (e.g. Melcón, M.L. et al. 2012, Weilgart, Linda S. 2007, Lemos, L.S. 2022), there is no acceptable reason to allow a loud and destructive operation close to or within a marine sanctuary.	ConocoPhillips Australia acknowledges claims regarding impacts from anthropogenic noise associated with the Otway Drilling Exploration Program on whale species and has reviewed the references provided. Jasco Applied Sciences performed modelling studies (included in Appendix G of the Environment Plan (EP)) which assessed distances from activities where underwater sound levels reached exposure criteria corresponding to various levels of potential impact to marine fauna. This was done for both impulsive (sub-bottom profiling and vertical seismic profiling) and non-impulsive (e.g. vessels, drilling, MODU) sound. The exposure criteria thresholds selected for modelling and impact assessment were based on current best available science and acceptance by regulatory agencies (see the Jasco sound modelling report in Appendix G for further details on the exposure criteria (thresholds) modelled). The references provided in this claim do not provide additional information to inform the impact assessment further than the current, accepted science that has been applied. Lemos, L.S. et. al. 2022 aims to investigate the physiological response of baleen whales to noise from vessel traffic. The study assesses fGC (fecal glucocorticoid metabolite) levels in the faecal matter of gray whales, based on fGC being known to increase following a stress event. The study finds on a strong positive correlation between vessel counts from nearby ports and variable ambient noise levels, and between fGC concentrations and increased vessel counts, however cannot assign noise as a causative factor for increase in fGC. Multiple factors can confound the assessment of hormone concentrations in faeces, such as sex, age, nutritional status, reproductive state, and environmental factors (e.g., temperature) (Lemos, L.S. et. al. 2022). The gray whale is not listed under the

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
		Environment Protection and Biodiversity Conservation Act 1999 or known to occur in the environment that may be affected (EMBA) for the Otway Drilling Exploration Program. The Melcón, M.L. et al. 2012 study aimed to determine whether anthropogenic noise in the mid-frequency range (1–8 kHz) elicited a behavioural response in blue whales. The results found an acoustical response from blue whales to MFA sonar and ship noise. Behavioural response of blue whales to underwater sound is not in doubt, and has been considered throughout the impact assessment using the current interim NMFS thresholds (NOAA 2019). Weilgart, L.S., 2007 provides a brief review of known effects of noise on marine mammals. The references used in the EP, in conjunction with noise modelling conducted by Jasco Applied Sciences, provide comprehensive, recent studies to assess the impacts of noise on marine mammals. The additional references provided in the claim have not been incorporated based on not adding value to the impact assessment, or being less relevant than references used in the EP. As stated in response to Matter M12 below, descriptions of the distribution and ecology of whale species most likely to be present are provided in Section 4.6.9.2 of the EP. This includes descriptions of any known reproductive, foraging, and migratory behaviours and biologically important areas that have been published in scientific literature and that are relevant to the operational areas. Regarding the claim that 'there is no acceptable reason to allow a loud and destructive operation close to or within a marine sanctuary.', impacts to conservation values including marine protected areas, from sound associated with the Otway Drilling Exploration program, have been assessed in Sections 6.6.6.3 and 6.7.6.2. Control measure CM08: Fauna Management Plan (Appendix N) outlines specific measures to minimise anthropogenic noise threats to relevant species. This includes the implementation of increased safe operating distances between vessels and whales, pre-activity surveys for specific activities, night-time and low visibility controls and establishment of safe points for operational activities in accordance with the Safety Case and Well Integrity requirements. The Otway Exploration Drilling Program will be managed so that the potential impacts and risks will be mitigated to ALARP and Acceptable Levels in accordance with all environmental regulatory requirements. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
M04	**Matter:** Vertical Seismic Profiling (VSP) impacts on cetaceans. **Claim:** The EP fails to provide sufficient details on the impacts that vertical seismic blasting that is proposed at	ConocoPhillips Australia acknowledges claims regarding VSP impacts on cetaceans and has reviewed the Environment Plan (EP) to ensure these impacts have been adequately assessed.

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
	each of the 6 test wells will have on noise sensitive animals, such as whales and dolphins.	EP Section 6.7 (Underwater Sound – Impulsive) provides a comprehensive assessment of the impacts associated with VSP, with additional detail provided in the noise modelling undertaken for the EP (Appendix G). EP Section 6.7.2.1 states the sound exposure guidelines for the onset of Permanent Threshold Shift (PTS), Temporary Threshold Shift (TTS) and the current interim criterion for impulsive sound sources for marine mammals' behavioural threshold. Table 6-35 of the EP shows that PTS and TTS was predicted maximum distances of 330 m and 2.39 km (low-frequency cetaceans) and 60 m and 250 m (very high-frequency cetaceans), respectively over 24 hours of activity from the sound source. The noise effect criteria for PTS and TTS was not reached for high-frequency cetaceans, which includes dolphins. Behavioural responses for all whales excluding the southern right whale were predicted within 1.5 km of the sound source. To assess the potential behavioural responses by migrating southern right whales with calves, the Wood et al. (2012) migrating mysticete category has been applied thereby increasing the protection afforded to this species. Behavioural responses for southern right whale calf-cow pairs were therefore predicted to increase from 1.5 km to 6.48 km from the sound source. Therefore, predicted impacts for all cetaceans (excluding the southern right whale) would be limited to a highly localised area of 2.39 km from the sound source while infrequent, short-term VSP activities are undertaken. Predicted impacts to the southern right whale are limited to 6.48 km from the sound source while infrequent, short-term VSP activities are undertaken. Impulsive sound production from VSP activities is anticipated to occur for approximately 20 hours per well (for a maximum of 6 wells). Control measure CM08: Fauna Management Plan (Appendix N) outlines specific measures to minimise anthropogenic noise threats to relevant species. This includes the implementation of controls specific to VSP, such as the use of soft-start procedures and pre-activity whale detection surveys. The Otway Exploration Drilling Program will be managed so that the potential impacts and risks will be mitigated to ALARP and Acceptable Levels in accordance with all environmental regulatory requirements. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
M05	**Matter**: Detecting and mitigating impacts to cetaceans in absence of drilling locations. **Claim**: Without disclosing the locations of the drill sites or the locations where vertical seismic profiling will occur, it is unclear how ConocoPhillips intends to detect	ConocoPhillips Australia acknowledges claims regarding the detection and mitigation of impacts on cetaceans in the absence of confirmed drilling locations and has reviewed the Environment Plan (EP) to ensure detection and mitigation measures are adequately described. As described in EP Section 1.4, to account for the uncertainty surrounding the final drilling locations, ConocoPhillips Australia has assessed the impacts to marine mammals assuming the wells are located at

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
	and mitigate impacts to cetaceans that will be affected by these activities.	closest point to potential areas of sensitivity, or with the greatest extent of overlap with areas of sensitivity. This allows ConocoPhillips Australia to assess all possible locations within the operational areas and predict the level of impact to ensure appropriate mitigation measures are implemented to reduce impacts to levels which are Acceptable and as low as reasonably practicable. ConocoPhillips Australia has developed a comprehensive Fauna Management Plan (CM08: Appendix N) which outlines specific measures to detect fauna and minimise anthropogenic noise threats to relevant species. This includes the implementation of increased safe operating distances between vessels and whales, pre-activity surveys for specific activities, night-time and low visibility controls and establishment of safe points for operational activities in accordance with the Safety Case and Well Integrity requirements. This Plan will be applied consistently across the operational areas, regardless of seabed survey or drilling location, given that cetaceans are inherently wide-ranging species that migrate and feed across large areas and, therefore, may be present at any location (see Appendix P, Cetacean Surveillance Program Report for more information). <u>ConocoPhillips Australia has included additional information on the expected broad distribution of whales within the petroleum titles in Section 4.6.9.2 of the EP in response to these claims.</u>
M06	**Matter**: Disruption of marine mammal migrations. **Claim**: The activity would disrupt the migration of all marine mammals.	ConocoPhillips Australia acknowledges claims regarding the potential of the Otway Exploration Drilling Program to disturb the migration of marine mammals and has reviewed the Environment Plan (EP) to ensure that these impacts were adequately assessed. The EP identifies that a wide variety of whale species are known to be or could possibly be present in and around the operational areas (see EP Table 4-12). Descriptions of the distribution and ecology of whale species most likely to be present are described in EP Section 4.6.9.2. These accounts include descriptions of any known migratory behaviours (including migration corridors and timing of migration season) that have been published in the scientific literature and that are relevant to the Operational Areas. This information is then used to inform relevant impact and risk assessment Sections (6.6, 6.7 and 7.4) where potential impacts and risks to the migration patterns and behaviours of marine mammals are assessed to ensure they are adequately considered, and impacts are minimised to ALARP and acceptable levels. Additionally, ConocoPhillips Australia has developed a Fauna Management Plan (Appendix N) which outlines specific measures to minimise anthropogenic noise threats to relevant species, including the implementation of increased safe operating distances between vessels and whales, pre-activity surveys for specific activities, night-time and low visibility controls and establishment of safe points for operational activities in accordance with the Safety Case and Well Integrity requirements. These measures will assist in minimising any potential impacts to marine mammals, including those that are migrating.

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
		On this basis, the EP fully acknowledges, describes and assesses marine mammal migrations and the spatial and temporal overlap with the planned Otway Exploration Drilling Program. In accordance with the control measures set out within the EP, the Otway Exploration Drilling Program will be managed so that the potential impacts and risks will be mitigated to ALARP and Acceptable Levels in accordance with all environmental regulatory requirements. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
M07	**Matter:** ConocoPhillips assumed 50% of the population would be unaffected. **Claim**: ConocoPhillips should provide information on what proportion of the population they will consider to be unaffected and how they will go about estimating this using a dose-response function rather than assuming 50% of the population will be unaffected and provide details of the dose-response function used. ConocoPhillips should provide the population distribution that is used in any calculations and what number of animals are in within the range of damage that are not observable from the MODU and its support vessels.	ConocoPhillips Australia acknowledges claims regarding population level impacts associated with the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to see if further clarifications are required. ConocoPhillips Australia has not assumed '50% of the population will be unaffected' but has rather commissioned an international acoustic expert to conduct noise modelling to determine highly conservate distances to effect thresholds for a range of species using peer reviewed literature to determine relevant threshold values. ConocoPhillips Australia understands this claim may be in reference to the highly conservative application of the Wood et al. 2012 marine mammal behavioural response threshold for a 50% probability of response for impulsive sound sources that has been applied to the migration Biologically Important Area (BIA) for southern right whales with calves. To assist in assessing potential behavioural responses by migrating southern right whales with calves, a graded probability of response for impulsive sounds using a frequency weighted SPL metric, as described in Wood et al. (2012), has been applied. Wood et al. (2012) defined behavioural response categories for sensitive species (including harbour porpoise and beaked whales) and for migrating mysticetes. The migrating mysticete category has been applied to southern right whale in this analysis, during migration, to assess behavioural response to impulsive sounds. The Wood et al. (2012) approach was also updated to consider the frequency weighting from Southall et al. (2019) for low-frequency cetaceans as opposed to that from Southall et al. (2007). The use of this conservative approach resulted in an increase in the behavioural disturbance effect distance from 1.5 km (NOAA2019) to 6.48 km, thereby increasing the protection afforded to this species. ConocoPhillips Australia has included additional information on the application of the Wood et al, (2012) criteria in EP Section 6.7.2.1 (Exposure Criteria Thresholds) in response to these claims. ***References:***

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
		Wood JD, Southall BL and Tollit DJ (2012) 'PG&E offshore 3-D Seismic Survey Project Environmental Impact Report–Marine Mammal Technical Draft Report', Report by SMRU Ltd. 121 p. https://www.coastal.ca.gov/energy/seismic/mm-technical-report-EIR.pdf
M08	**Matter**: Inclusion of data from marine mammal aerial survey program. **Claim**: While it is noted that information from aerial cetacean surveys was used to inform the Environment Plan, it is recommended that this data is included in the Environment Plan.	ConocoPhillips Australia acknowledges claims regarding the incorporation of the aerial survey data into the Environment Plan (EP). ConocoPhillips Australia has included the Cetacean Surveillance Program Report as Appendix P in the EP, and has included references to Appendix P where results of the surveillance program are discussed in response to these claims.
M09	**Matter**: Acknowledging presence of high frequency cetaceans. **Claim**: 6.6.7.1 Ecological Receptors High Frequency Cetaceans (p. 452) - Although no defined BIAs were found through the PMST, it is very likely that foraging HF cetaceans will be encountered within the EMBAs, particularly dolphin species.	ConocoPhillips Australia acknowledges claims regarding the presence of high frequency cetaceans and has reviewed the Environment Plan (EP) to ensure the extent of information provided has allowed for an appropriate assessment of the impacts and risk associated with the Otway Exploration Drilling Program. Detailed information on the likely presence of high-frequency cetaceans within operational areas and relevant EMBAs is provided in EP Section 4.6.9 (Marine Mammals), and in Table 4-12 (Marine mammal species that may occur within relevant environment that may be affected (EMBA). A breeding BIA was identified for the Indian Ocean bottlenose dolphin which intercepts the low threshold loss of well control EMBA (Figure 4 58). EP Sections 6.6 (Underwater Sound Emissions – Non-impulsive) and 6.7 (Underwater Sound Emissions – Impulsive) assess impacts to high frequency cetaceans associated with underwater noise from the Otway Exploration Drilling Program, with detailed noise modelling provided in EP (Appendix G). The impact assessment for non-impulsive noise (EP Section 6.6.7) did not predict permanent or temporary threshold shift (PTS and TTS) could occur but did identify that impacts to high-frequency cetaceans would likely be limited to behavioural responses, such as avoidance, out to 22.8 km from the sound source while periodic, short-term activities are undertaken. The PMST Report (Appendix B; 22.8 km EMBA for behavioural disturbance to marine mammals on the shelf edge) identified HF cetaceans such as several dolphin species (e.g., *Tursiops aduncus, Tursiops truncatus s. str., Delphinus delphis* and *Grampus griseus*), and beaked whales (e.g., *Mesoplodon bowdoini, Mesoplodon hectori, Berardius arnuxii,* and *Ziphius cavirostris*) may occur within the 22.8 km EMBA. However, no biologically important areas or behaviours were identified within the area of ensonification. The impact assessment for impulsive noise (EP Section 6.7.6) identified that noise criteria for PTS and TTS for high-frequency cetaceans were not reached, and therefore any predicted impacts would be limited to

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
		behavioural response out to 130 m from seabed surveys (~1 week per location) and out to 1.5 km from Vertical Seismic Profiling (<20 hours per well). As the Bonney Coast Upwelling is a known feeding aggregation area for a variety of marine mammal species It is considered appropriate to assume that HF cetaceans would also forage within this area. No HF cetaceans are known to be resident within the operational areas; however, they may occur throughout the Bonney Coast Upwelling KEF and adjacent waters based on where krill aggregations occur. However, only a small area of the Bonney Coast Upwelling KEF is overlapped by the largest on-shelf threshold distance (12.6 km EMBA for behavioural disturbance). Therefore, any impacts to foraging behaviours are expected to be temporary and localised. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
M10	**Matter**: Acknowledging presence of sperm whales. **Claim:** Sperm whales have been recorded in the deep water areas of the operational area off the west coast of Tasmania, with the greatest number of sightings occurring in October and November.	ConocoPhillips Australia acknowledges claims regarding the presence of the sperm whale off the west coast of Tasmania and have reviewed the Environment {Plan (EP) to ensure that the assessment of potential impacts to sperm whales has been an appropriate. The sperm whale is a listed migratory species under the Environment Protection and Biodiversity Conservation Act 1999 and has an identified presence as "species or species habitat may occur" within the operational areas by the Protected Matters Search Tool (PMST). Detailed information on the lifestyle characteristics and presence of sperm whales in Australian waters is provided in EP Section 4.6.9.2 (Cetaceans). ConocoPhillips Australia considers that impacts to high-frequency species, such as the sperm whale, have been adequately assessed within the EP (see response to M09 for impacts to high-frequency cetaceans associated with underwater sound). Further, ConocoPhillips Australia has developed a Fauna Management Plan (Appendix N) which outlines specific measures to minimise anthropogenic noise threats and threats associated with vessel movements to marine fauna. All of which will assist in minimising any potential impacts and risks to sperm whales to ALARP and Acceptable Levels in accordance with all environmental regulatory requirements. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
M11	**Matter**: Incorrect number of species present. **Claim**: The EP notes on p.203 that 39 marine mammal species potentially occur within the operational areas. Confusingly, it then states that "six of the 35 marine mammal species have an EPBC threatened status, including 3 endangered species (blue whale, southern right whale, Australian sea lion) and 3 vulnerable species (sei whale, fin whale, southern elephant seal)." The EP fails to correctly and consistently state the number of protected species occurring within the operational areas.	ConocoPhillips Australia acknowledges claims regarding the accurate calculation of the number of species present within operational areas and has undertaken a review of the Environment Plan (EP) to correct any miscalculations. The number of marine mammal species stated in EP Section 4.6.9 (Marine Mammals) should state '39', and the EP has been updated accordingly. Additionally, ConocoPhillips Australia conducted a review to identify any EPBC Act listing changes and updates were made through-out the EP where necessary. ConocoPhillips Australia appreciates public commenters bringing this error to its attention.
Key Matter: Impacts and risks to threatened whale species and their habitat		
M12	**Matter**: Activity impacts to listed species and their habitat. **Claim:** Species that inhabit and migrate through the area will be affected by the associated vessel traffic, vertical seismic blasting and drilling proposed in whale habitat, calving grounds and Biologically Important Areas (BIA), which pose a threat to species listed on the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), and critical feeding, calving and migration routes. **Claim**: The project may affect important aggregating areas (BIA's) for whales listed as threatened species under state and federal law. Some of these species include the Southern Right Whales, Blue Whales, and Humpback Whales.	ConocoPhillips Australia acknowledges claims regarding impacts to species listed under the Environment Protection and Biodiversity Conservation Act 1999 and their habitat as a result of the Otway Exploration Drilling program and has reviewed the Environment Plan (EP) to ensure that impacts have been adequately assessed. The EP acknowledges a wide variety of whale species are known to be, or could possibly be, present in and around the operational areas (see EP Section 4.6.9 and Table 4-12), including southern right whales, blue whales and humpback whales. Descriptions of the distribution and ecology of those whale species most likely to be present are described in EP Section 4.6.9.2. This includes descriptions of any known reproductive, foraging and migratory behaviours and biologically important areas that have been published in the scientific literature and that are relevant to the operational areas. Note: ConocoPhillips Australia is not proposing to conduct any activities within the southern right whale Reproduction BIA (i.e. calving grounds). On this basis, the EP fully acknowledges and describes whale migrations and spatial and temporal overlap with the planned Otway Exploration Drilling Program and assesses the impacts associated with seabed surveys and drilling operations, including vertical seismic profiling and support vessel movements, as detailed in EP Chapters 6 and 7. In accordance with the control measures set out within the EP, the Otway Exploration Drilling Program will be managed so that the potential impacts and risks will be mitigated to ALARP and Acceptable Levels in accordance with all environmental regulatory requirements.

	THEME	MARINE MAMMALS (M)
#	COMMENTS RECEIVED	*Titleholder response*
		ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
M13	**Matter:** Research on impacts of anthropogenic noise on endangered whales. **Claim**: There are no studies on the effects to endangered blue whales foraging grounds and no studies on the effects to endangered southern right whale calving grounds.	ConocoPhillips Australia acknowledges claims regarding a lack of studies on impacts to blue whale foraging grounds and southern right whale calving grounds and has reviewed the Environment Plan (EP) to ensure that appropriate scientific information and modelling studies were included. JASCO Applied Sciences performed modelling studies to assess distances from activities where underwater sound levels reached exposure criteria corresponding to various levels of potential impact to marine fauna. This was done for both impulsive (sub-bottom profiling and vertical seismic profiling) and non-impulsive (e.g. vessels, drilling. MODU) sound. The exposure criteria thresholds selected for modelling and impact assessment were based on current best available science and acceptance by regulatory agencies, as described in EP Sections 6.6.3 and 6.7.2.1 (Exposure Criteria Thresholds – for non-impulsive and impulsive sound respectively) and detailed in the JASCO Applied Sciences Noise Modelling Report (EP Appendix G). The impact assessment uses these references and modelling to assess impacts on species listed under the Environment Protection and Biodiversity Conservation Act 1999, with application of conservative distances within which species may be impacted by sound. The EP identifies and assesses potential impacts to blue whales and southern right whales, including assessment of potential impacts to species undertaking important behaviours within Biologically Important Areas (BIAs). This is described in Sections 6.6.7.1 and 6.7.6.1. (Ecological Receptors). Möller et al (2020), referenced within the EP, has conducted studies on the movements and behaviour of the blue whale within Australian waters, including the use of foraging grounds along the southern coast. The southern right whale is known to utilise coastal waters of the southern Australian coastline for reproductive activities. A number of locations were identified within the draft National Recovery Plan for the southern right whale (CoA 2022), however they have recently been superseded by spatial data released by the National Conservation Values Atlas (NCVA 2023) which has been used as the basis of the impact assessments in the EP. Note: ConocoPhillips Australia is not proposing to conduct any activities within the southern right whale Reproductive BIA (i.e. calving grounds) and these areas are not within the underwater sound environments that may be affected (EMBAs). Control measure CM08: Fauna Management Plan (Appendix N) outlines specific measures to minimise anthropogenic noise threats to relevant species. This includes the implementation of increased safe operating distances between vessels and whales, pre-activity surveys for specific activities, night-time and low visibility controls and establishment of safe points for operational activities in accordance with the Safety Case and Well Integrity requirements. The Otway Exploration Drilling Program will be managed so that the potential

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
		impacts and risks to cetaceans will be mitigated to ALARP and Acceptable Levels in accordance with all environmental regulatory requirements. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP using reputable literature and modelling studies. As a result, the EP has not been updated in response to these claims.
M14	**Matter:** Underwater sound impacts on pygmy blue whales and southern right whales. **Claim**: Conducting vertical seismic blasting as part of test drilling during known periods of presence for endangered species such as blue whales and southern right whales, are very likely to lead to harm and disruption in navigation, feeding, breeding and migration activities of cetaceans in the area; as well as sei whales and minke whales. **Claim**: These oceans are home to diverse and vulnerable marine life including the blue whale, southern right whale and pygmy blue whale. These sensitive mammals' feeding and breeding habits would be disturbed by drilling activity. **Claim**: There is a lack of knowledge regarding potential impacts of noise generated from vertical seismic profiling and exploratory drilling on the species highlighted in this submission [threatened species]. **Claim**: The EP fails to sufficiently address the risks to marine life, including the unique species in the south-east oceans. Concerns include the potential harm from vertical seismic blasting during critical periods for whale species, such as feeding, calving, and migration.	ConocoPhillips Australia acknowledges claims regarding underwater noise impacts on species listed as threatened under the Environment Protection and Biodiversity Conservation Act 1999, particularly blue whales/pygmy blue whales and southern right whales that utilise important habitat in and around the operational areas and has reviewed the Environment Plan (EP) to ensure that these impacts are adequately assessed. Section 4.6.9.2 of the EP describes the distribution of blue/pygmy blue whales in and around the operational areas, noting that pygmy blue whales not only occur on the Continental Shelf, but also in deeper waters, and that it is likely that whales occurring throughout this region are taking advantage of the highly productive waters associated with both the Bonney Upwelling and the subtropical convergence as foraging habitat, with peak foraging season occurring from January to April. The EP acknowledges that the operational area overlaps with pygmy blue whale foraging BIAs as shown in EP Figure 4-52. EP Section 4.6.9.2 describes the southern right whale migration BIA that overlaps the operational areas, noting that the reproductive BIA along the coast is occupied May to September (NCVA 2023) or conservatively May to October (CoA 2022) and that female-calf pairs may migrate south from wintering areas through Western Bass Strait, including the proposed operational areas. The EP acknowledges that the operational areas overlap the southern right whale Migration BIA as shown in EP Figure 4-53. Note: ConocoPhillips Australia is not proposing to conduct any activities within the southern right whale Reproductive BIA (i.e. breeding habitats/calving grounds) and these areas are not within the underwater sound environments that may be affected (EMBAs). A key component of the EP is to describe how underwater noise from seabed surveys and exploratory drilling can impact whales, noting that underwater noise has been identified as the most significant potential impact to marine mammals. Potential physiological, behavioural and perceptual impacts from underwater noise are comprehensively discussed in EP sections 6.6 and 6.7. See M13 and the JASCO Noise Modelling Report (Appendix G of EP) for a description of noise exposure criteria thresholds used in the impact assessment. A comprehensive suite of control measures has been developed to protect threatened marine mammal species from underwater noise, as described in the Whale Management Plan (CM08: Appendix N of the EP).

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
		In accordance with the control measures set out within the EP, the Otway Exploration Drilling Program will be managed so that the potential impacts and risks will be mitigated to ALARP and Acceptable Levels in accordance with all environmental regulatory requirements. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
M15	**Matter:** Inconsistency with the Conservation Management Plan for the Blue Whale. **Claim**: Action Area A.2 of the Blue Whale Conservation Management Plan states "Anthropogenic noise in biologically important areas will be managed such that any blue whale continues to utilise the area without injury, and is not displaced from a foraging area". This requirement is in place regardless of activity type (migration, foraging, breeding), behaviour (nursing, singing, resting, etc.), time of year, and timeframe of use. There is some evidence that pygmy blue whales feed year round 1 and their foraging patterns are closely linked to the timing of the Bonney Upwelling system, which is spatially and temporally variable. As a result, foraging by pygmy blue whales within the Operating Area (OA) can occur as early as September and last through late April. Based on the growing evidence of year round habitation of the OA by pygmy blue whales, test drilling and vertical seismic surveys in this area pose unacceptable risks to these endangered species. **Claim**: ConocoPhillips should comply with the EPBC Act. The EP is inconsistent with the Blue Whale Conservation Management Plan. Given that the Blue Whale Conservation Plan stipulates that "any blue whale continues to utilise the area without injury", ConocoPhillips should provide comprehensive	ConocoPhillips Australia acknowledges claims regarding requirements for titleholders to undertake their activity in a manner that is not inconsistent with the Blue Whale Conservation Management Plan and has reviewed the Environment Plan (EP) to ensure this is adequately addressed. ConocoPhillips has established Environmental Performance Outcome (EPO) EPO9 which requires that 'Anthropogenic noise in biologically important areas will be managed such that any blue whale continues to utilise the area without injury, and is not displaced from a foraging area'. The consequence evaluation of impacts to these species, and the proposed control measures and environmental performance standards (EPSs) in place to ensure the EPO can be achieved, are documented in Sections 6.6, 6.7, 7.4, 8 and 9 of the EP. Control measure CM08: Fauna Management Plan (Appendix N) outlines specific measures to minimise anthropogenic noise threats to relevant species. This includes the implementation of increased safe operating distances between vessels and whales, pre-activity surveys for specific activities, night-time and low visibility controls and establishment of safe points for operational activities in accordance with the Safety Case and Well Integrity requirements. The Otway Exploration Drilling Program will be managed so that the potential impacts and risks will be mitigated to ALARP and Acceptable Levels in accordance with environmental regulatory requirements. See EP Section 5.6.2 for a detailed explanation of the ALARP status determination used for the Otway Exploration Drilling Program. Further, as described in EP Chapter 10 (Implementation Strategy) namely Section 10.5 (Continuous Improvement), ConocoPhillips Australia will undertake measuring, monitoring and auditing of performance, investigate incidents and report non-compliances, identify opportunities for improvement and review and adjust the EP to ensure that impacts and risks are maintained to ALARP and Acceptable Levels for the duration of the activity. The EPOs, EPS' and control measures outlined in the EP ensure the Otway Exploration Drilling program will be consistent with the Blue Whale Management Plan.

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
	justification as to how the EP demonstrates compliance with this requirement.	ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
M16	**Matter**: Application of precautionary principle for threatened species. **Claim**: The OA overlaps with the 'core range' BIA of the southern right whale (SRW), which is listed as Endangered under the EPBC Act, and that EPBC-listed fin and sei whales are known to occur within the OA and Environment that May Be Affected (EMBA). There is limited information available concerning the lifecycle and habitat use of these species. Relevant person recommends that the precautionary principle be applied in recognition of the lack of understanding of how these species will be affected, both immediately and cumulatively, by the proposed vertical seismic surveys and test drilling in their important habitats areas.	ConocoPhillips Australia acknowledges claims regarding the application of the precautionary principle in the assessment of impacts to threatened marine mammal species. ConocoPhillips Australia has routinely been precautionary in its assessments, applying conservative criteria, rounding up buffer zones, being conservative when assessing the effectiveness of control measures etc. These are techniques that are good practice in environmental assessments. As described in Section 5.6.2.2 of the Environment Plan (EP), uncertainty in the assessment of impacts and risks is addressed by applying the Decision Making Framework (Figure 5-5 of the EP). This is an internationally recognised approach to impact assessment and is recommended by NOPSEMA in the NOPSEMA ALARP Guidance Note (N-04300-GN01660166, June 2020). The Decision Making Framework guides the assessment in determining the Decision Context based on activity type, risk and uncertainty and stakeholder influence, which in turn is used to guide the types of decision-making tools which are appropriate to consider (Table 5-2). As described in Sections 6.6 and 6.7 of the EP, Decision Context B has been applied to the assessment of underwater noise impacts. Decision Context B acknowledges that there is some uncertainty in the level of risk, and recommends that engineering risk-based tools (such as modelling) should be used to support the assessment of impacts and identification of controls. In this case, some uncertainty exists regarding lifecycle and habitat use of threatened marine mammals present within or in proximity to the operational areas, however the combination of activity-specific underwater noise modelling by an industry-leading specialist (JASCO, Appendix G) and conservative application of adaptive management (Fauna Management Plan, Appendix N), reduces this uncertainty. On this basis, ConocoPhillips concludes that the decision Context B is appropriate and ensures the Otway Exploration Drilling Program will be managed so that the potential impacts and risks will be mitigated to ALARP and Acceptable Levels in accordance with applicable environmental regulatory requirements. Similarly, the concept of uncertainty is key to the assessment of cumulative impacts, and is built into the process for assessing and treating cumulative impacts and risks. The precautionary principle is a key component of the Ecologically Sustainable Development (ESD) framework, against which the Acceptability evaluation criteria for the project are considered. This criteria guides the assessment to consider whether there is sufficient information available to understand the risks, and if not it states that the precautionary principle should be applied. In this way, the precautionary principle is applied at

	THEME	MARINE MAMMALS (M)
#	COMMENTS RECEIVED	*Titleholder response*
		both the treatment phase (i.e. the application of mitigation measures) and the evaluation phase (i.e. the assessment of Acceptability) of each impact and risk assessment, and thus integral to the assessment methodology. ConocoPhillips Australia considers that the appropriate level of conservatism has been applied to the assessment of species listed as threatened under the Environment Protection and Biodiversity Conservation Act 1999. By resolving uncertainty in this way throughout the assessment, ConocoPhillips Australia is able to ensure that an informed decision making process is undertaken, and remain confident in the suitability and effectiveness of controls. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
M17	**Matter**: Disturbance from vessel movements. **Claim**: These oceans are home to diverse and vulnerable marine life including the blue whale, southern right whale and pygmy blue whale. These sensitive mammals' feeding and breeding habits would be disturbed by the movement of vessels in the region. **Claim**: The EP on p.439 states that "The use of [dynamic positioning or DP] systems for maintaining a stationary vessel during certain activities was identified during consultation as likely to be the noisiest activity associated with the Otway Exploration Drilling Program." The response by ConocoPhillips, as detailed in the consultation report (Appendix C2, p.13) is "ConocoPhillips Australia reviewed feedback provided by relevant person and committed to the development and implementation of a marine mammal adaptive management procedure to ensure that impacts to marine mammals are reduced to ALARP and acceptable levels. This will be used to inform CM08: Whale Management Plan." This response was used verbatim for several other points raised by relevant persons and	ConocoPhillips Australia acknowledges the claim regarding the increased movements of vessels within the marine environment as a result of the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that these risks have been adequately considered. Further, ConocoPhillips Australia acknowledges the claim relating to the use of Dynamic Positioning (DP) in the Otway Exploration Drilling Program and has addressed these concerns below. Marine mammal species with known Biologically Important Areas (BIAs) or species that exhibit biologically important behaviours within the operational area include the southern right whale (migration BIA), pygmy blue whale (foraging BIA), sei whale (foraging or feeding behaviour), fin whale (foraging or feeding behaviour) and the pygmy right whale (foraging or feeding behaviour). As described in Section 7.4 (Interaction with Marine Fauna) individuals distracted by behavioural activities such as feeding, mating or nursing may be more vulnerable to vessel collision (Laist et al. 2001). However, a study by McKenna et al. (2015) showed that blue whales demonstrated limited behavioural response when being approached by ships. While some animals responded by undertaking shallow dives at a slow descent, none showed signs of horizontal movement away from the approaching ship. Due to the short duration of exploration activities, slow vessel speeds within operational areas, and vessel/whale separation distances (500 m) it is considered unlikely that vessel strikes will impact the ability of species to conduct important behaviours within the operational area. As stated in EP Section 6.6 (Underwater Sound Emissions – Non-impulsive), certain activities within the scope of the Otway Exploration Drilling Program result in the generation of continuous underwater sound emissions including drilling activities and the operation of vessels and the Mobile Offshore Drilling Unit (MODU).

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
	does not specify how the point about DP systems was addressed through underwater sound modelling, or by the inclusion of subsequent mitigation measures. Given the stated impacts of underwater sound on cetaceans (as acknowledged numerous times throughout this EP), this response to a point raised by a relevant person regarding a potential threat to marine life has been inadequately addressed by this EP, which should be refused by NOPSEMA on this basis.	• Vessels are essential for offshore industry as they undertake several critical activities. Underwater sound emissions are generated from propellor cavitation, thrusters, hydrodynamic flow around the hull, and operation of machinery and equipment. • The operation of the MODU is essential in conducting exploration operations. Underwater sound emissions are generated onboard from equipment vibrations (e.g. pumps, generators and machinery), thrusters and a smaller portion are transmitted through drilling activities (i.e., vibration of the drill during drilling) associated with the MODU. Drilling will occur for a maximum of 90 days per drilling location (maximum of 6 drilling locations). Dynamic positioning (DP) is a technology that enables a vessel to maintain its position automatically without a need for anchoring therefore minimising impacts to the seabed. The technology uses a combination of thrusters and sensors to control the vessels position. As described in EP Section 6.6.2 (Underwater Sound Modelling), operational scenarios were identified where the use of DP was required, and included: • Drilling operation from an anchored MODU with an Anchor Handler Tug Supply (AHST - vessel) conducting resupply using DP, and • Drilling operation from an anchored MODU with an AHTS conducting resupply using DP, and a AHTS transiting at low speed within the standby area, 2 km from the MODU. Modelling was conducted of these scenarios to understand the combined noise levels generated during these activities (EP Appendix G), inclusive of DP. Each scenario was modelled at different locations across the operational areas and worst-case maximum distances were calculated (see Tables 6-25 and 6-26) and were used to determine the worst-case consequence evaluation in the continuous underwater sound emission impact assessment in Section 6.6.7. Although DP is considered to be the nosiest activity associated with the Otway Exploration Drilling Program, it will not be used throughout the program, but rather during specific activities (such as resupply). Measures to mitigate impacts from underwater sound emissions and to reduce the risk of vessel interactions with marine fauna have been assessed in relevant sections of the EP as discussed above. ConocoPhillips Australia has further developed a Fauna Management Plan in consultation with technical specialists. All activities relevant to the Otway Exploration Drilling Program, including activities that utilise DP, will comply with these standards and measures and prevent or reduce the impact/risk to ALARP and Acceptable Levels in accordance with environmental regulatory requirements. The Fauna Management Plan outlines specific measures to minimise interactions and anthropogenic noise threats with relevant species, including the implementation of increased safe operating distances between vessels and whales, pre-activity surveys for specific activities, night-time and low visibility controls and

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
		establishment of safe points for operational activities in accordance with the Safety Case and Well Integrity requirements. ConocoPhillips acknowledges that there are inherent challenges in detecting whales and that no one method can guarantee the detection of whales, but by combining several complementary techniques across various platforms, it maximises the likelihood of accurate and early detection. Techniques ConocoPhillips have identified that will be used within the Otway Exploration Drilling Program include Marine Fauna Observers (MFOs), Aerial Surveys and Acoustic Detection. A designated detection area will, at minimum, encompass the Activity Action Zone which has been purposefully considered for each activity (i.e., seabed surveys, VSP, when a vessel is on DP, etc). Having regard to the strong suite of control measures already proposed such as the Fauna Management Plan (CM08: Appendix N), no changes have been made to the EP in response to these claims.
M18	**Matter**: Vessel collision with marine mammals. **Claim**: As dolphins spend large amounts of time on the water surface, this increases the risk of vessel collisions. Increased shipping means increased risk for potential collisions with marine mammals.26 (https://www.worldwildlife.org/threats/oil-and-gas-development) **Claim**: Vessel strikes of whales is known to be a serious problem. The CPA EP does not go far enough to reduce the likelihood and severity of vessel strikes. **Claim**: Marine vessel speeds should be reduced, especially at night, to reduce the likelihood and severity of vessels striking whales. Reducing vessel speeds should also reduce underwater noise thereby better enabling whales to communicate via their natural soundings (eg. clicks). **Claim**: If whales are sighted, all ships in the area should slow down and/or deviate heading to reduce the likelihood and severity of a whale strike.	ConocoPhillips Australia acknowledges claims regarding the risk of vessel collision with marine mammals as a result of the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that these risks are adequately assessed. The website provided in the first claim does not contain referenced information and is neither peer review nor published. The EP has referenced published studies which have found that the overall impact and potential fauna mortality in the event of a vessel strike is directly linked to vessel speed, with studies demonstrating an escalation in speed to cause an increase in injury severity (Vanderlaan and Taggart 2007; Jensen and Silber 2004; Laist et al. 2001). As stated in Section 7.4 (Interaction with Marine Fauna) risks to marine mammals as a result of interaction with vessels may occur as a result of the Otway Exploration Drilling Program. In order to minimise this risk CM02: Vessel and MODU operating procedures state that vessel speeds will be restricted to 5 knots within the drilling area and 10 knots within the operational areas. Further, CM08: Fauna Management Plan (Appendix N – formerly Whale Management Plan) has been updated to include Section 4 (Fauna Management Actions – Interactions between Vessels and Fauna) in response to these claims. Due to the short duration of exploration activities, slow vessel speeds within operational areas, extended vessel/whale separation distances (500 m) and industry standards for watchkeeping in addition to having Marine Fauna Observers on board vessels and acoustic monitoring in the area, it is considered unlikely that vessel activities will result in collisions or affect the ability of species to conduct important behaviours within the operational area. As stated in Chapter 10 (Implementation Strategy) of the EP, in the extremely unlikely and unfortunate circumstance where injury or death occurs to a species listed under the Environment Protection and

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: Vessel strikes can be lethal to any animal but can also affect foraging and mating behaviour. **Claim**: 7.4.7 Control Measures and Demonstration of ALARP Mitigation (p. 551) - Vessel strikes and other wildlife interactions resulting in mortality or injury in T/49P should be reported to relevant state government departments.	Biodiversity Conservation Act 1999, relevant State government departments (listed in Table 10-8) will be contacted within 2 hours of ConocoPhillips Australia becoming aware of the incident. ConocoPhillips Australia has updated the Fauna Management Plan (Appendix N – formerly Whale Management Plan) to include Section 4 (Fauna Management Actions – Interactions between Vessels and Fauna). This has been addressed in EP Table 7-8 and Table 9-1 (EPS 2.16) in response to these claims.
M19	**Matter**: Incorrect assessment of likelihood of interactions with marine mammals **Claim**: 7.4.6.1 Ecological Receptors Marine mammals (p. 545 – 548) - Drilling and seabed surveys will span over a total of over 17 months and 9 weeks respectively between 2024-2028. Therefore, the activities are not considered to be of short duration and the likelihood of marine mammal interactions is higher than Remote, if no control measures are in place.	ConocoPhillips Australia acknowledges the claim that the likelihood of marine mammal interactions is higher than remote if no control measures are in place and has reviewed the Environment Plan (EP) to ensure that the of interactions with marine mammals are appropriately categorised. As outlined in Figure 5-2 of the EP, assessment of likelihood considers historical information and requires professional judgement. Based on the assessment of likelihood, a "remote" likelihood represents an event which has occurred or has been heard of within the industry. ConocoPhillips Australia considers this an appropriate assessment of likelihood given historical records of interaction with marine fauna. The classification of likelihood assumes that legislative and other best practice requirements are in place, such as vessel speed restrictions and separation distances provided for in the Environment Protection and Biodiversity Conservation Regulations 2000 (Part 8 Division 8.1 interacting with cetaceans). Additional control measures have been identified to further reduce likelihood of marine fauna interaction, as outlined in CM08: Fauna Management Plan (Appendix N). This includes the implementation of increased safe operating distances between vessels and whales, pre-activity surveys for specific activities, soft-start and shutdown procedures, night-time and low visibility controls and establishment of safe points for operational activities in accordance with the Safety Case and Well Integrity requirements. The adopted control measures reduce the likelihood of interactions with marine fauna and are considered effective and appropriate to the nature and scale of predicted environmental impacts. In accordance with the control measures set out within the EP, the Otway Exploration Drilling Program will be managed so that the potential impacts and risks will be mitigated to ALARP and Acceptable Levels in accordance with all environmental regulatory requirements. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***

M20	**Matter**: Cumulative impact assessment for marine mammals.
	
	Claim: 8.2 Methodology (p. 701 – 704) - The Cumulative Impact Assessment (CIA) is limited to projects and activities that are reasonably foreseeable to occur within the term of the EP in the offshore Otway Basin. However, where species' BIAs span over areas larger than the offshore Otway Basin, populations and individuals may experience cumulative impacts from a wider range of activities.
	
	Claim: 8.9 Outcome of Cumulative Impact Assessment Blue Whales and Southern Right Whales -Even if sound EMBAs do not overlap, the presence of multiple concurrent sources of significant anthropogenic noise (ie. Drilling and impulsive noise from seismic surveys) within a foraging or reproductive BIA are likely to limit the areas that are accessible to blue whales and southern right whales, with likely negative impacts on behaviour and stress levels. The additional control measures that are described are vague, with no measurable objectives identified for liaison with other titleholders. It is uncertain if these control measures will ensure that risks to these species are reduced to an acceptable level. The Acceptable Level of impact should include no behavioural disturbance or displacement to foraging blue whales and reproductive/migrating southern right whales.
		ConocoPhillips Australia acknowledges claims regarding cumulative impacts to marine mammals and has reviewed the Environment Plan (EP) to ensure that the impacts of the Otway Exploration Drilling Program in isolation and in conjunction with reasonably foreseeable activities and projects are appropriately assessed.
		
		The impact assessments documented in EP Chapter 6 are conducted in consideration of existing pressures and threats, but in the absence of reasonably foreseeable activities within the region. The stated Acceptable Level of impact related to marine mammals within these sections requires that the EP must not be inconsistent with EPBC Management Plans and Recovery Plans and the relevant Environmental Performance Outcomes are established, include:
		
		• EPO3: No death or injury to listed threatened or migratory species from the activity.
		• EPO4: Biologically important behaviours can continue while the activity is being undertaken.
		• EPO9: Anthropogenic noise in biologically important areas will be managed such that:
		  ○ Any blue whale continues to utilise the area without injury, and is not displaced from a foraging area.
		  ○ It does not prevent any southern right whale from utilising the area or cause injury (TTS and PTS) and/or disturbance.
		
		Although the impacts of, for example, underwater sound meet the defined acceptable levels a demonstrated in EP Section 6.6 and 6.7, it was identified that the impacts may be successive, additive or synergistic when considered in relation to other significant activities or projects over temporal and spatial scales. As a result, the potential for cumulative impacts to threatened species related to continuous underwater sound emissions was assessed further in EP Chapter 8.
		
		The cumulative impact assessment (Chapter 8) was prepared using current best practice for cumulative assessment, specifically guidance from the United Kingdom (UK) National Infrastructure Planning Advice Note Seventeen: Cumulative effect assessment relevant to nationally significant infrastructure programs (UK Gov 2019) and the New South Wales (NSW) Cumulative Impact Assessment Guidelines for State Significant Projects (NSW 2022). The methodology also aligns with the ConocoPhillips Sustainable Development Implementation Guidelines.
		
		When scoping the cumulative impact assessment, the spatial and temporal extent of the assessment were determined. For spatial extent, this depended upon the key matter being assessed i.e., the spatial extent for ecological impacts was based on the range and distribution of a particular species. The temporal extent considered both the key matter being assessed and the nature and scale of potential impacts to that key matter, ensuring that any impacts from long-term changes to the marine environment, for example, were captured appropriately.

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
		The assessment of both direct and cumulative impact considered the potential impact on species at an individual and population level. Where a species Biologically Important Area (BIA) spans over an area which is significantly larger than the environments that may be affected (EMBAs), as defined in EP Section 4.1, ConocoPhillips Australia ensured that individual and population level impacts resulting from the Otway Exploration Drilling Program in conjunction with other activities and projects were assessed in the context of the entire BIA, not just the portion that overlaps ConocoPhillips Australia's relevant, i.e. sound, EMBA. This is in line with the methodology described in EP Chapter 8, and international best practise for cumulative impact assessment. The cumulative impact assessment specifically identifies blue whale and southern right whale as key matters for the assessment and recognises that there is potential for cumulative impacts to occur as a result of concurrent and consecutive activities. Additional controls determined as part of the cumulative impact assessment include two new commitments under the Fauna Management Plan (CM08 Appendix N, formerly the Whale Management Plan), specifically designed to ensure that Titleholders are collaborating to mitigate impacts and share information to ensure continuous improvement over time. Measurement criteria for these new EPS are provided in EP Chapter 9. ConocoPhillips Australia will continue to monitor projects and activities which are planned to occur within the spatial and temporal extent of the cumulative impact assessment as part of the Management of Change process (Section 10.2.7 of the EP) and review and update the EP accordingly when any new information is identified. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
Key Matter: Effectiveness of control measures for marine mammals.		
M21	**Matter**: No robust strategy for ongoing monitoring and mitigation. **Claim**: The long-term environmental impacts, particularly on unique marine ecosystems, are not addressed comprehensively in the Plan. Sections discussing marine fauna (p. 540-542, 549-551) and underwater sound emissions (p. 464-469) highlight	ConocoPhillips Australia acknowledges claims regarding ongoing monitoring and mitigation for species present within the environment that may be affected (EMBA) associated with the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that impacts have been adequately mitigated. ConocoPhillips Australia is proposing a short-duration, localised seabed surveys and exploratory drilling program. The assessment of impacts within the EP (Chapter 6) predicted no long-term or population level effects associated with these activities. Each impact section, within Chapter 6, outline the control measures that will be implemented to minimise impacts in accordance with good practice and the hierarchy of controls to ensure residual impacts are

	THEME	MARINE MAMMALS (M)
#	COMMENTS RECEIVED	*Titleholder response*
	potential impacts but fall short in presenting a robust strategy for ongoing monitoring and mitigation.	temporary/ reversible, small scale, and/or low intensity environmental damage which do not have the potential to result in long-term, serious or irreversible impacts. Detailed Environmental Performance Standards (EPS), which state the level of performance required of each control measure, are presented in EP Chapter 9. ConocoPhillips have committed to the development and implementation of multiple control measures for potential impacts to marine and social receptors that are in the process of being, or will be developed in consultation with suitably qualified specialists (e.g. CM07: Light Management Plan, EPS7.1-7.8). The Otway Exploration Drilling Program will comply with these standards and measures to ensure impacts are reduced to ALARP and Acceptable Levels in accordance with all environmental regulatory requirements. For example, control measure CM08: Fauna Management Plan (Appendix N) outlines specific measures to minimise anthropogenic noise threats to relevant species. This includes the implementation of increased safe operating distances between vessels and whales, pre-activity surveys for specific activities, night-time and low visibility controls and establishment of safe points for operational activities in accordance with the Safety Case and Well Integrity requirements. The Implementation Strategy (Section 10 of the EP) outlines the processes ConocoPhillips Australia has in place to ensure that control measures are implemented successfully. This includes processes for measuring and monitoring (Section 10.5.4). Through implementation of these policies and procedures, ConocoPhillips Australia are assured that control measures will be implemented completely, and their effectiveness will be monitored throughout the activity. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
M22	**Matter**: The control measures proposed do not include spotter planes. **Claim:** ConocoPhillips' EP does not include basic marine mammal spotter operations such as using spotter planes for cetaceans every day that vertical seismic blasting, marine bed surveys and drilling are proposed in order to provide a 10km sighting zone. At the very minimum ConocoPhillips must be required to use spotter planes for marine mammals, such as cetaceans, in these operational periods. Based on the failures to adequately avoid impacting cetaceans in the Operating Area, this EP	ConocoPhillips Australia acknowledges claims regarding detections methods used to locate cetaceans and has reviewed the Environment Plan (EP) to ensure that methods have been adequately considered. The Fauna Management Plan (Appendix N (FMP), formerly Whale Management Plan) outlines specific measures to minimise anthropogenic noise threats to relevant species, including the implementation of increased safe operating distances between vessels and whales, pre-activity aerial surveys for specific activities, night-time and low visibility controls and establishment of safe points for operational activities in accordance with the Safety Case and Well Integrity requirements. As stated in the FMP, operational details for aerial surveys, including when aerial surveys are required, the objective of aerial surveys, flight path and observers will be determined by the Expert Panel and, prior to the commencement of the exploration program, a Fauna Management Implementation Plan will be developed with input from a range of specialists to facilitate the implementation of the FMP on the exploration program

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
	should be refused. This EP fails to provide information on the scale of these risks, and how they will be mitigated to protect these species from the proven harm inflicted by such processes to cetaceans and other noise-sensitive species in the area. **Claim**: Day-time aerial spotting of whales should be improved so that ships are warned of the whales' location and apparent path. Thus the observers on the ships can better focus their whale-spotting efforts. **Claim**: The impact on key threatened species have not been adequately addressed, nor have appropriate control measures such as aerial surveys to protect marine mammals been put in place. **Claim**: Further information on the location of the base airfield, the frequency and duration of flights, and how aircraft to ship communication will work should be provided.	vessels and MODU. Details on aviation services and airfields are considered to be outside of the scope of the EP and will form part of the contractual arrangements for these services. ConocoPhillips acknowledges that there are inherent challenges in detecting whales and that no one method can guarantee the detection of whales, but by combining several complementary techniques across various platforms, it maximises the likelihood of accurate and early detection. Techniques ConocoPhillips have identified that will be used within the Otway Exploration Drilling Program include Marine Fauna Observers (MFOs), aerial surveys and acoustic detection. A designated detection area will, at minimum, encompass the Activity Action Zone which has been purposefully considered for each activity (i.e., seabed surveys, drilling, resupply, VSP, etc.). The largest Activity Action Zone (AAZ) resulting from impulsive underwater sound sources are from VSP operations which will have an AAZ distance of 6.5 km for southern right whale cow-calf pairs between April to the end of October. The use of MFOs as a technique for detection is considered appropriate given the observation distances are within the range observable by MMOs (effectively 3 km either side of a surveying vessel during southern right whale migration period, and only 1.5 km distance in total from the VSP source for all other times of year). As per the FMP, aerial surveys and acoustic detection will complement vessel-based operations. The largest Activity Action Zones to occur during MODU resupply (short-duration, non-impulsive sound emissions) for on-shelf locations is 13 km and 23 km in the offshore direction for shelf-edge locations. As detailed in FMP Section 3, whale observation and detection methods consisting of MFOs, acoustic detections and aerial surveys will be conducted, and a pre-activity detection survey will occur prior to commencement of specific activities. Daily use of aerial surveys is not considered appropriate nor practicable on account of weather constraints, aviation safety and aircraft availability. Situations where aerial surveys will be employed are detailed in the FMP. Roles and responsibilities for the implementation of the plan and reporting requirements, including communication of whale sightings, is outlined in Section 2.1 of the FMP (Appendix N). **Note**: regarding the claim that impacts to key threatened species have not been adequately assessed, details have been provided in responses to above Matters to this Theme, and in response to additional Themes including Birds and Fish, Sharks, Invertebrates and Fisheries. ConocoPhillips Australia considers that updates to the Fauna Management Plan, along with the information provided above, adequately address these claims.

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
M23	**Matter:** Marine Fauna Observers (MFOs/MMOs) are not a reliable control. **Claim**: There are challenges with Marine fauna observer (MFO). The effectiveness of this role is highly limited at times of poor visibility, rough seas and other tough environmental conditions which make whale spotting difficult at the easiest of times. They are not a reliable control to prevent or reduce the impact on these threatened species to the standard that needs to be applied. **Claim**: The mitigation measures to avoid impacts on whales are limited. Observers standing on ships can only see whales in daylight and in relatively calm weather conditions, while whales can stay underwater for extended periods of time. Some whales can dive for up to an hour. [https://www.marineconservation.org.au/30000-submissions-over-seismic-blasting-between-otway-coast-nw-tasmania/] **Claim**: ConocoPhillips should implement more stringent operational controls to detect whales during vertical seismic blasting and test drilling operations. Surface monitoring by observers is proposed to detect whales within a 7 km radius of the seismic vessel, but this method does not detect whales present below the surface or during nighttime or low visibility conditions. Nor does it detect whales up to 22.8km away, the distance specified for injury and impacts to pygmy blue whales for drilling on shelf edge areas (see above). As a result, blue whales will be at risk of exposure to seismic blasting and continuous drilling noise because these operational controls are inadequate for mitigating harm.	ConocoPhillips Australia acknowledges claims regarding the ability of Marine Fauna Observers (MFOs) to detect cetaceans listed under the Environment Protection and Biodiversity Conservation Act 1999 and has reviewed the Environment Plan (EP) to ensure that limitations and methods have been adequately considered. The Fauna Management Plan (Appendix N (FMP), formerly Whale Management Plan) outlines specific measures (i.e. protocols) to minimise anthropogenic noise threats to relevant species, including the implementation of increased safe operating distances between vessels and whales, pre-activity aerial surveys for specific activities, night-time and low visibility controls and establishment of safe points for operational activities in accordance with the Safety Case and Well Integrity requirements. ConocoPhillips acknowledges that there are inherent challenges in detecting whales and that no one method can guarantee the detection of whales, but by combining several complementary techniques across various platforms, it maximises the likelihood of accurate and early detection. Techniques ConocoPhillips Australia has identified that will be used within the Otway Exploration Drilling Program include MFOs, aerial surveys and acoustic detection which can operate in conditions of limited visibility and at night, as detailed in Section 3.1 of the FMP. ConocoPhillips Australia acknowledge that visual detection of whales is restricted to daylight hours and reasonable sightings conditions and that animal behaviour, such as deep diving, has the ability to further affect detection probability. Several management procedures such as a pre-activity detection survey are proposed to counter these limitations. In recognition that whales will not be visually detectable when they are submerged, MFOs will undertake pre-start up visual observations in order to monitor for the presence of whales for at least 30 minutes before commencement. The 30-minute pre-start observation period is sufficient on the basis that: • The species identified as deep/long diving cetacean species that could be present in the operational areas are high frequency odontocete species (e.g. sperm whales and beaked whales) for which modelling predicts that PTS and TTS will not occur as a result of impulsive underwater sound emissions • Pygmy blue whales are the threatened species expected at greatest densities during activity, and 30 minutes of pre-start observations is sufficient based on the dive times published by Owen et al. (2016) for this species. Specific protocols have been developed for a situation where a marine mammal is observed within the Activity Action Zone during non-impulsive noise activities and are detailed in Figure 4-1 and 7-2 of the FMP (Appendix N).

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: 6.6.8 Control Measures and Demonstration of ALARP Dedicated Marine Mammal Observers (MMOs) (p. 467) -It is unclear how MMOs will reduce impacts from non-impulsive noise on marine mammals when no specific protocols have been identified to respond to the presence of a marine mammal within an EMBA.	Note, modelling of both non-impulsive and impulsive sound did not predict injury (Permanent and temporary threshold shift) out to 22.8 km as stated in one of the adjacent claims, but rather behavioural disturbance. Further, marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. As stated in Section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation (VSP) as described in detail in response to Matter M04. ConocoPhillips Australia considers the claims relating to MFOs and cetacean monitoring have specific relevance and have been addressed through updates to the Fauna Management Plan.
M24	**Matter**: Additional control measures. Claim: 6.6.8 Control Measures and Demonstration of ALARP - Implementation of soft starts. While it is not feasible to perform a soft start for vessel noise emissions, it is recommended that drilling operations commence with a soft start procedure. Soft start procedures will benefit marine mammals and little penguins. **Claim**: 6.6.8 Control Measures and Demonstration of ALARP Avoid periods of marine fauna sensitivity (i.e. whale migration, foraging) (p. 465, 466) Aerial Surveys Drone Surveys (p. 467) - Prior to commencing drilling operations, the EMBA for behavioural disturbance to LF cetaceans should be scanned for the presence of blue whales and southern right whales to avoid disturbance of these species. **Claim**: Drilling operations should commence with a soft start procedure after whales have left the EMBA. Without scanning the EMBA (through aerial or drone surveys), it is not possible to know if foraging blue whales are displaced when drilling activities commence. Therefore, the likelihood of disturbance of a foraging blue whale is not considered to be Remote.	ConocoPhillips Australia acknowledges claims regarding the potential to add additional control measures such as soft starts and drone surveys to limit potential impacts to marine mammal species and has reviewed the Environment Plan (EP) to ensure these are adequately captured. Soft starts are conducted as part of normal drilling operations, whereby drilling commences at a slower rate to minimise downhole vibrations and torque, effectively reducing the initial sound levels from this activity. EP Table 6-29 (Control measures and ALARP demonstration) has been updated to reflect this normal operation which will allow fauna to move away, potentially reducing impacts. The use of drones to support marine mammal detections has been assessed in EP Table 6-29 (Control measures and ALARP demonstration). It is not known if drone surveys have been effectively used as a real-time monitoring method to date due to the physical range of drones being (4 – 5 km). Further, drone operations are sensitive to wind limiting operations in the Otway. As Marine Fauna Observers (MFOs) will be present, ConocoPhillips Australia consider there to be a negligible observation benefit provided by drones. The dropped object risk, operational limitations and costs are disproportionate to the negligible environmental benefit. **NOTE**: See above matter regarding aerial surveys. ConocoPhillips Australia has updated EP Table 6-29 (Control measures and ALARP demonstration) to reflect the use of soft starts during drilling.

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
M25	**Matter**: Methods detect whales. **Claim**: Drilling activities at the shelf edge have the potential to negatively impact pygmy blue whales offshore at their foraging BIA, but ConocoPhillips' will not be putting in place sufficient mitigation measures to detect pygmy blue whales 22.8km away from the drilling and survey site. On this basis, submitter does not consider that ConocoPhillips has demonstrated an understanding of the risks to EPBC-listed cetaceans, nor met its obligations under the EPBC Act to reduce the risk of injury and behavioural impacts to ALARP. As such, the submitter requests that NOPSEMA reject the EP. **Claim**: Some of the species that visit us are endangered and we are meant to be doing everything we can, ensuring maximum level protection, to help aid their population recoveries. If one single protected whale comes within range of the area, without question it should confidently be able to be detected to ensure zero harm or stress is caused to it, otherwise the activity should not be allowed to be conducted.	ConocoPhillips Australia acknowledges claims regarding the ability to detect cetaceans listed in the Environment Protection and Biodiversity Conservation Act 1999 and has reviewed the Environment Plan (EP) to ensure that methods have been adequately considered. In accordance with the control measures set out within the EP, the (now titled) Fauna Management Plan (EP Appendix N) has been developed. This plan outlines specific measures to minimise anthropogenic noise threats to relevant species, including the implementation of increased safe operating distances between vessels and whales, pre-activity surveys for specific activities, night-time and low visibility controls and establishment of safe points for operational activities in accordance with the Safety Case and Well Integrity requirements. As described in the Fauna Management Plan, ConocoPhillips Australia acknowledges that there are inherent challenges in detecting whales and that no one method can guarantee detection, but by combining several complementary techniques across various platforms, the likelihood of accurate and early detection is maximised. Techniques identified that will be used during the Otway Exploration Drilling Program include Marine Fauna Observers (MFOs), Aerial Surveys and Acoustic Detection. Further, Environmental Performance Standard (EPS) 8.10 required that 'prior to deploying acoustic detection systems, testing will be completed to validate their reliability and confirm the systems' capability to detect whales, including those emitting low-frequency calls.' A designated detection area at minimum will encompass the Activity Action Zone which has been purposefully considered for each activity as described in the Fauna Management Plan (Appendix N). The largest Activity Action Zone will occur for short-duration MODU resupply on the shelf edge with a maximum behavioural disturbance effect distance in the offshore direction of 23 km. Detection methods listed above will be used and a pre-activity detection survey will occur prior to commencement. In accordance with the control measures set out within the EP, the Otway Exploration Drilling Program will be managed so that the potential impacts and risks will be mitigated to ALARP and Acceptable Levels in accordance with all environmental regulatory requirements. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
M26	**Matter**: Whale Management Plan. **Claim**: 6.6.8 Control Measures and Demonstration of ALARP CM08: Whale Management Plan (p. 464) Residual	ConocoPhillips Australia acknowledges claims regarding the Whale Management Plan and has reviewed the Environment Plan (EP) and the (now titled) Fauna Management Plan to ensure these claims have been adequately considered.

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Impact Consequence Ratings (p. 469) - The full Whale Management Plan is not attached in the appendices with the EP. Therefore, it is impossible to assess whether the control measures detailed in the Plan will effectively reduce impacts on sensitive species. As such, it is uncertain if the listed residual impact consequence rating is reliable for marine mammals and little penguins. The Whale Management Plan should be considered in conjunction with the EP, so that the residual consequence impact ratings can be effectively assessed. **Claim**: 6.6.8 Control Measures and Demonstration of ALARP Management Plan for Blue Whales Management Plan for Southern Right Whales (p. 466) - As it is not specified how non-impulsive sound will be managed in BIAs of these species, it is uncertain whether this measure will be effective in reducing risk to these species to acceptable levels. In addition to migration BIAs, anthropogenic sound should be managed so that southern right whales are not displaced or disturbed in calving and aggregation areas. **Claim**: 6.7.7 Control Measures and Demonstration of ALARP CM08: Whale Management Plan (p. 492) -While the implementation of a Whale Management Plan is essential, it is impossible to assess whether this will effectively reduce impacts on sensitive species, as the specific control measures have not been detailed in the EP. **Claim**: Development of the Whale Management Plan should include consultation with NRE Tas. In addition to whales, the Plan should extend to other marine mammals.	The (now titled) Fauna Management Plan was made available during public comment in Appendix N of the EP. The appendices to the EP were located on NOPSEMA's website (docs.nopsema.gov.au/A1032537). Specific control measures relating to the management of impulsive and non-impulsive noise on whales including blue whales and southern right whales are detailed within the Fauna Management Plan (formerly Whale Management Plan included as Appendix N during public comment). Control Measure CM08: Fauna Management Plan and associated EPS' 8.1- 8.11 ensure impacts to whales will be mitigated to ALARP and Acceptable Levels in accordance with all environmental regulatory requirements (see EP table 9-1). The impulsive and non-impulsive sound environments that may be affected (EMBAs) do not overlap the reproduction Biologically Important Area (BIA) for southern right whales, as shown in EP Figure 6-27 which plots the largest sound EMBA. Consequently, impacts are not predicted to result in displacement or disturbance in this area. Environmental Performance Standard 8.2 in the EP (Chapter 9) requires that: The WMP (now FMP) will be developed in consultation with cetacean specialists in Victoria and Tasmania (Event ID: 2521, FB ID: 85). This was intended to include relevant state government department specialists and EPS 8.2 has been updated to ensure that this requirement, and the timing for completion of the Plan, are explicit.

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
M27	**Matter**: Information on and protections for seals **Claim:** Australia's largest population and breeding colony, of Australian Fur Seals occurs at Dean Maar Island and Bridgewater Bay and they visit around the district, up and down the coast. The seal pups are born from late Oct-late Dec. Seals can travel tens of kilometres to forage in search of food, which is exactly what they will need to do, especially if the fish disappear from the region due to the seismic blasting. The blasting can also damage the seals' ears and interfere with hunting for food that relies on sound detection. **Claim**: 7.4.5 Identifying Sensitive Receptors - The long-nosed fur seal (New Zealand fur seal, Arctocephalus forsteri) is listed as Rare under the Tasmanian Threatened Species Protection Act 1995. The long-nosed fur seal and Australian fur seal (Arctocephalus pusillus) are respectively listed as Specially Protected and Protected under the Nature Conservation (Wildlife) Regulations 2021. Although no BIAs were found within the PMST report, Australian fur seals breed on nearby Reid Rocks and lactating females are likely to forage within the operational area of T/49P. **Claim**: 7.4.7 Control Measures and Demonstration of ALARP CM08: Whale Management Plan (p. 549) - In addition to whales, the MMO and Officer of the Watch should take note of seal observations in proximity of the vessels and respond appropriately to avoid potential vessel strikes.	ConocoPhillips Australia acknowledges claims regarding impacts to seals from the Otway Exploration Drilling Program and have reviewed the Environment Plan (EP) to ensure that impacts to these species are adequately assessed. As stated in Section 6.6 certain activities, such as the operation of vessels, the MODU and helicopters, generate continuous underwater sound emissions. Noise modelling was undertaken for the EP (Appendix G). Section 6.6.3 of the EP states the sound exposure guidelines for the onset of Permeant Threshold Shift (PTS), Temporary Threshold Shift (TTS) and the current interim criterion for continuous sound sources for marine mammals' behavioural threshold. Table 6-25 of the EP shows that the noise effect criteria for PTS and TTS for otariid seals was predicted during: • PTS – Scenario 4: MODU + Supply Vessel and Scenario 6: MODU + Supply + Resupply Vessel at T/49P • TTS – Scenario 4: MODU + Supply Vessel Maximum distances for potential impact extend 60 m and 100 m, respectively, over 24 hours of activity from the sound source. The PMST Report for the largest conservative effect distance of 3.59 km (Appendix B) based on TTS criteria for low-frequency cetaceans, identified 3 species of EPBC pinnipeds (*Arctocephalus forsteri*, *Arctocephalus pusillus* and *Neophoca cinerea*) listed under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), none of which have biologically important areas or behaviours identified within the 3.59 km environment that may be affected (EMBA). It is unlikely that a seal would be within 60 to 100 m of the MODU for up to 24 hrs and thus PTS or TTS to seals is not predicted. Any predicted impacts from continuous underwater sound emissions would likely be limited to behavioural responses, such as avoidance, within highly localised areas. Table 6-26 of the EP shows that the noise effect behavioural sound criteria for marine mammals was a maximum of 12.6 km at the shelf and 22.8 km at the shelf edge (extending in the offshore direction only). Behavioural impacts to otariid seals are predicted to result in temporary avoidance within highly localised areas (maximum 22.8 km from the sound source) while periodic, short-term activities are undertaken. The PMST Report (Appendix B; 22.8 km EMBA for behavioural disturbance to marine mammals on the shelf edge) identified 3 species pinnipeds (*Arctocephalus forsteri*, *Arctocephalus pusillus* and *Neophoca cinerea*) listed under the EPBC Act, which may occur within the 22.8 km EMBA. No biologically important areas were identified; however, breeding was a behaviour identified to occur for the Australian fur-seal. Marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. As stated in Section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation (VSP) as described in detail above.

	THEME	MARINE MAMMALS (M)
#	COMMENTS RECEIVED	*Titleholder response*
		Section 6.7.2.1 of the EP states the sound exposure guidelines for the onset of Permeant Threshold Shift (PTS), Temporary Threshold Shift (TTS) and the current interim criterion for impulsive sound sources for marine mammals' behavioural threshold. Table 6-36 of the EP shows that the noise effect criteria for PTS and TTS for otariid seals was not reached during any modelled scenario. Therefore, any predicted impacts would be limited to behavioural responses, such as avoidances within highly localised areas (maximum 1.5 km from the sound source) while infrequent, short-term SBP and VSP activities are undertaken. The PMST Report (Appendix B; 2 km EMBA for behavioural disturbance to marine mammals during VSP) identified 3 species of pinnipeds (*Arctocephalus forsteri*, *Arctocephalus pusillus* and *Neophoca cinerea*) listed under the EPBC Act, which may occur within the 2 km EMBA, however, no biologically important areas or behaviours were identified. No BIAs were identified within the maximum extent where seals may be impacted (22.8 km- behavioural threshold for non-impulsive noise), however a biologically important behaviour (breeding) for the Australian fur-seal was identified in the PMST search for this area. Several breeding islands are known to be located on the offshore islands of Tasmania. Reid Rocks is identified in the EP as one of the nearest breeding colonies to the T/49P operational area for the Australian fur-seal (EP Section 4.6.9 and Figure 4-47). Reid Rocks is located approximately 52 km from the T/49P operational area, approximately 29 km beyond the largest noise EMBA (22.8 km). ConocoPhillips Australia has reviewed the literature used in the EP to inform the presence of seals undertaking foraging and breeding behaviours. Section 6.6.7.1 and 6.7.6.1 of the EP have been updated with consideration of literature which found that female seals tend to forage in the mid- outer continental shelf/ shelf waters at depths of <200 m and therefore may forage within the operational areas (Arnould and Kirkwood, 2008; Shaughnessy, 1999). These impact assessment sections have also been updated to include consideration of the Reid Rocks breeding colony and reflects the information previously provided in the Existing Environment (Section 4.6.9). Anthropogenic noise impacts to seals have been thoroughly assessed in Sections 6.6.6 and 6.7.6 of the EP. As stated above it is unlikely for seals to remain within 60-100 m of the sound source for the duration required to experience PTS and TTS from non-impulsive sound (24 hours). Therefore, physical impacts to seals affecting their ability to utilise underwater sounds while hunting is not predicted to occur. Further, impacts associated with the furthest EMBA (22.8 km) are purely behavioural and have the potential to result in the species avoidance of the area. Any behavioural impacts associated with impulsive sound sources are restricted to within 1.5 km of VSP and will be infrequent and short-term. Therefore, although foraging may occur within the operational areas it is not anticipated that activities associated with the Otway Exploration Drilling Program will affect the foraging success of pinniped species due to large foraging range of the species and the localised area of disturbance.

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
		As detailed in Section 6.7.6.1 of the EP, the noise effect criteria for mortality, recoverable injury and TTS thresholds of fish species was predicted during VSP at maximum distances of only 30 m, 40 m and 450 m, respectively, over 24 hours of activity from the sound source. Note, VSP represents the highest amplitude sound source between VSP and SBP and was used to determine the worst-case consequence evaluation. Due to the short-term, temporary activity with minimal areas of impact from the VSP and SBP sound sources, these activities will not result in prolonged or extreme exposure to fish species. Therefore, any impacts to fish species are not expected to impact the foraging success of seal species. Note, PTS and TTS resulting from continuous underwater sound emissions was not predicted for fish species. Finally, as described in Section 7.4 (Interaction with Marine Fauna) pinnipeds such as those with a potential presence within the operational area (*Arctocephalus forsteri*, *Arctocephalus pusillus* and *Neophoca cinerea*) are highly agile species that have the ability to haul themselves onto rocks and oil and gas platform structures. A review conducted by Peel et al. (2016) of Australian vessel strike data from 2000-2015 found that there were no vessel interaction reports during the period for Australia sea-lions, Australian or New Zealand fur-seals. Although there have been incidents of seals being injured by boat propellers, all indications can be attributed to the seal interacting/playing with a boat, rather than 'boat strike', with a number of experts indicating the incidence of boat strike for seals is very low (Peel et al. 2016). Due to the short duration of exploration activities and slow vessel speeds within operational areas the risk of vessel strike to pinnipeds is considered low. The Fauna Management Plan has been updated to include detection of seals within MFO duties and a requirement for the implementation of avoidance measures if an individual is spotted has been included. The EP has been updated to include the Tasmanian Threatened Species Status of *Arctocephalus forsteri* in section 4.6.9.1. Updates to the Fauna Management Plan have occurred to include the detection of seals within MFO duties in Section 4. Further, sections 6.6.7.1 and 6.7.6.1 of the EP have been updated with consideration of literature that finds female seals may forage in the mid- outer continental shelf/ shelf waters in depths of <200 m.
Key Matter: Impacts of seismic blasting on marine mammals		
M28	**Matter**: Impacts of seismic blasting to marine life in general. **Claim**: The marine life of our south east oceans are unique and under increasing threat from the expansion of the offshore oil and gas industry, including through	ConocoPhillips Australia acknowledges claims regarding impacts from impulsive noise emissions associated with the Otway Exploration Drilling Program on marine life and has reviewed the Environment Plan (EP) to ensure that these impacts are adequately assessed. ConocoPhillips Australia has not proposed a 10 km 'safe range' or 'safe levels'. ConocoPhillips Australia has commissioned an international acoustic expert to conduct noise modelling (Appendix G) to determine highly

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
	vertical seismic blasting exploration and drilling for fossil fuels such as proposed by ConocoPhillips in this plan. Evidence that seismic blasting harms marine life is growing. Research has shown that seismic blasting (and sonar activity and well drilling) results in serious harm to a variety of marine life, including deafening whales and disrupting whale and seal feeding and migration; and destroying baseline food sources. **Claim**: Air-gun discharges are in fact explosions and have a well-documented history alluding to their impact on marine mammals. Potential impacts of noise include interruption of essential behaviours, masking signals of interest (e.g., the sounds of predators, conspecifics or prey), displacement from crucial habitat, direct physical injury including temporary or permanent hearing loss and in extreme cases, death. ConocoPhillips should justify the use of 10 kilometres as the safe range. We can demonstrate from the scientific literature that the impact of seismic surveys, regardless of the modelled sound levels, propagation or received sounds by whales, has impacts well beyond the specified 10 km range. **Claim**: There is inadequate recognition that noise-induced damage is cumulative and irreversible, and that noise-induced damage applies to the ecosystem (not just individuals). ConocoPhillips should provide the confidence intervals for all the data used. Without these, the data are incomplete and insufficient to determine "safe" levels.	conservate distances to effect thresholds for a range of species using peer reviewed literature to determine relevant threshold values in Sections 6.6 and 6.7. As stated in Section 6.6 certain activities within the scope of the Otway Exploration Drilling Program result in the generation of continuous underwater sound emissions including drilling activities and the operation of vessels and the MODU. • The operation of vessels is essential for offshore industry as they undertake several critical activities. Underwater sound emissions are generated from propellor cavitation, thrusters, hydrodynamic flow around the hull, and operation of machinery and equipment. A maximum of 2 support/standby vessels will occur within 2 km of the MODU at one time. • The operation of the MODU is essential in conducting exploration operations. Underwater sound emissions are generated onboard from equipment vibrations (e.g. pumps, generators and machinery), thrusters and a smaller portion are transmitted through drilling activities (i.e., vibration of the drill during drilling) associated with the MODU. Drilling will occur for a maximum of 90 days per drilling location (maximum of 6). Six operational scenarios were identified as possible combinations of drilling and vessel activities resulting in continuous sound emissions. Each scenario was modelled at different locations across the operational areas and worst-case maximum distances were calculated (see Table 6-25 and 6-26) and used to determine the worst-case consequence evaluation in the continuous underwater sound emission impact assessment in Section 6.6.7. Marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. As stated in Section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation and geophysical surveys. • Downhole formation is conducted to analyse any potential gas or condensate within the borehole. The evaluation is undertaken by a number of tools including the Vertical Seismic Profiling (VSP). VSP produces impulsive sound and is anticipated to occur for approximately 20 hours per well (for a maximum of 6 wells). • Geophysical surveys are conducted to minimise impact to the seabed and ensure safe positioning of the Mobile Offshore Drilling Unit (MODU). These surveys will include impulsive sound generated by sub-bottom profiling (SBP). Side-scan sonar (SSS) may also be used during geophysical surveys. Information collected using this technique is utilised by Geosciences Australia and many research institutes to map

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
		the seafloor. The geophysical surveys will last approximately 1 week at each potential well location (maximum of 9 locations). VSP represents the highest amplitude sound source between VSP and SBP and was used to determine the worst-case consequence evaluation in underwater sound emission impact assessment. VSP involves shallow subsurface imaging by placing a string of hydrophones in a borehole and transmitting to them from a near-surface seismic source. A VSP seismic source in the marine environment is typically an airgun array with a total volume of less than 1,000 cubic inches (with 750 cui as the maximum volume proposed for the Otway Exploration Drilling Program). VSP has significantly reduced sound pressure levels than those from seismic surveys and is conducted over a very short time scale (~20 hours per well). Seismic surveys are conducted over large areas of the marine environment where as VSP is conducted in the vicinity of the exploration drilling and is targeted at the borehole. Both non-impulsive and impulsive underwater sound emissions have associated effect thresholds which are used to assess noise induced impacts on species and take into consideration the potential for permanent injury (i.e. permanent threshold shift) and 'accumulated dose' (i.e. SEL_{24h}) related to the nature of noise exposures. As detailed in the Noise Modelling report (Appendix G) SEL24h is a cumulative metric that reflects the dosimetric impact of noise levels within 24 hours based on the assumption that an animal is consistently exposed to such noise levels at a fixed position. The corresponding SEL24h radii therefore represent a worst-case scenario. More realistically, marine mammals (as well as fish and turtles) would not stay in the same location for 24 hours. Therefore, a reported radius for SEL24h criteria does not mean that marine fauna travelling within the radius of the source will be injured, but rather that an animal could be exposed to the sound level associated with impairment if it remained in that location for 24 hours. In accordance with the control measures set out within the EP, the Otway Exploration Drilling Program will be managed so that the potential impacts and risks will be mitigated to ALARP and Acceptable Levels in accordance with all environmental regulatory requirements. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
M29	**Matter**: Impacts of seismic blasting on whales. **Claim**: Whales rely on echolocation for communication with each other, finding food and navigation. Seismic	ConocoPhillips Australia acknowledges claims regarding impacts associated with impulsive sound on whales and has reviewed the Environment Plan (EP) to ensure that impacts to these species are adequately assessed. Marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. As stated in Section 6.7 certain short-term, temporary activities, often

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
	blasting can damage whale hearing, prevent echolocation and kill or displace their food supply. **Claim**: ConocoPhillips should respond about how it will accommodate the information about whale movements and speed, and safe distance from seismic blasts.	misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation (VSP) and geophysical surveys (SBP) as described in detail above. Noise modelling was undertaken for the EP (Appendix G). Section 6.7.2.1 of the EP states the sound exposure guidelines for the onset of Permeant Threshold Shift (PTS), Temporary Threshold Shift (TTS) and the current interim criterion for impulsive sound sources for marine mammals' behavioural threshold. Table 6-35 of the EP shows that PTS and TTS for the largest conservative effect distance across all whales and was predicted for low-frequency cetaceans during VSP at maximum distances of 330 m and 2.39 km, respectively, over 24 hours of activity from the sound source. While behavioural responses for all whales excluding the southern right whale were predicted within 1.5 km of the sound source. To assess the potential behavioural responses by migrating southern right whales with calves, the Wood et al. (2012) migrating mysticete category has been applied thereby increasing the protection afforded to this species. Behavioural responses for southern right whale calf-cow pairs were therefore predicted to increase from 1.5 km to 6.48 km from the sound source. Any predicted impacts would be limited to a highly localised area of 2.39 km from the sound source while infrequent, short-term SBP and VSP activities are undertaken for all whale species, excluding the southern right whale. Predicted impacts to the southern right whale are limited to 6.48 km from the sound source while infrequent, short-term SBP and VSP activities are undertaken. The magnitude of impacts (≤50 m for recoverable injury from the VSP source) on prey species is highly localised and is not expected to be discernible at the regional scale when considering the large natural spatial and temporal variability and scale of plankton and spawning biomass in the South-east Marine Region. If plankton species are impacted, noting modelling of recoverable injury from the VSP source at ≤50 m, localised predicted impacts to plankton do not remove them from the food web. Nutrients and energy they contain are retained in the water column for several days as their carcasses remain are likely scavenged before any remaining matter sinks to the seafloor to be consumed by opportunistic benthic organisms (Kirillin et al. 2012, Tang et al. 2014, Dubovskaya et al. 2015). Furthermore, impacts to predator/ prey interactions are highly unlikely, given the localised and short-term duration of impulsive sound emissions, with the activity not likely to result in any ecologically significant impacts at a population level for any zooplankton, fish eggs or larvae, other prey species that may be present in the water column within or adjacent to the operational area. Thus, impacts to primary production and ecosystem function are not predicted. Geophysical survey and VSP operations will be managed to ensure they are consistent with the Conservation Management Plans (CMPs) for the blue whale and the southern right whale. Further, a Fauna Management Plan (Appendix N, formerly Whale Management Plan) has been developed and outlines specific measures to minimise anthropogenic noise threats to relevant species, including the implementation of increased safe operating distances between vessels and whales, pre-activity surveys for specific activities, night-time and low

	THEME	MARINE MAMMALS (M)
#	COMMENTS RECEIVED	*Titleholder response*
		visibility controls and establishment of safe points for operational activities in accordance with the Safety Case and Well Integrity requirements. Therefore, ConocoPhillips Australia considers the impact assessment of Moderate (3) for low-frequency cetaceans, including baleen whales, to be adequate. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
M30	**Matter:** Impacts of seismic blasting on dolphins. **Claim:** Dolphins come and go at all times of the year in the Moyne region. They are affected by seismic blasting in similar sorts of ways as whales, as they also rely heavily on echolocation to survive in an underwater world. They are expected to leave the area when seismic blasting regimes are conducted. It hardly seems fair, given the ocean is their habitat. People love to see the dolphins visiting our waters. We should be looking after them, not letting them be hurt or scared away from areas that they prefer to inhabit.	ConocoPhillips Australia acknowledges claims regarding the potential impacts to dolphins from impulsive underwater sound emissions and has reviewed the Environment Plan (EP) to ensure that impacts to dolphins are adequately assessed. Marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. As stated in Section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation (VSP) and geophysical surveys (SBP) as described in detail above. Noise modelling was undertaken for the EP (Appendix G). Section 6.7.2.1 of the EP states the sound exposure guidelines for the onset of Permeant Threshold Shift (PTS), Temporary Threshold Shift (TTS) and the current interim criterion for impulsive sound sources for marine mammals' behavioural threshold. Table 6-36 of the EP shows that the noise effect criteria for PTS and TTS for high-frequency cetaceans (such as dolphins) was not reached during any modelled scenario. Therefore, any predicted impacts would be limited to behavioural responses, such as avoidance, within highly localised areas (maximum 1.5 km from the sound source) while infrequent, short-term SBP and VSP activities are undertaken. The PMST Report (Appendix B; 2 km environment that may be affected (EMBA) for behavioural disturbance to marine mammals during VSP) identified HF cetaceans such as several dolphin species (e.g. bottlenose dolphin (*Tursiops truncatus s. str*.) and dusky (*Lagenorhynchus obscurus*)), and beaked whales (e.g. *Mesoplodon bowdoini*, *Berardius arnuxii*, and *Ziphius cavirostris*) may occur within the 2 km EMBA. However, no biologically important areas or behaviours were identified within the area of ensonification. Therefore, ConocoPhillips Australia considers the impact assessment for impulsive underwater sound emissions of Negligible (1) for high-frequency cetaceans, including dolphins, to be adequate. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
M31	**Matter**: Seasonal exclusions should be in place. **Claim**: Seismic surveys should be rejected during the months when Pygmy Blue Whales or Southern Right Whales are present. **Claim**: Seismic blasting may be avoided at certain times of the year to minimise the chance of harming the whales or interfering with their feeding, but no matter what time of the year activity is conducted, whales of some species will be visiting.	ConocoPhillips Australia acknowledges claims regarding seasonal exclusions and have reviewed the Environment Plan (EP) accordingly. Marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. As stated in Section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation (VSP) and geophysical surveys (SBP) as described in detail above. ConocoPhillips Australia recognises the importance of the offshore Otway Basin and nearby coastlines for a number of species including blue whales who may be present September through to June and migrating southern right whales who may be migrating through the area between April and October. Given the diversity of biologically important activities with differing peak periods, there is no perfect window where exploration activities can occur without the potential for impact in the absence of effective controls. NOPSEMA provides clear guidance on the acceptability of petroleum activities with the potential for underwater noise levels within a foraging area above the relevant published behavioural disturbance threshold for blue whales. If an offshore project or activity creates noise above relevant published injury and/or behavioural disturbance impact criteria inside a Foraging Area, titleholders should firstly evaluate all feasible measures to avoid times of the year when blue whales are likely to be foraging. As detailed in EP section 6.6.7.1 (Ecological Receptors – Low Frequency Cetaceans) ConocoPhillips Australia has determined that the risk to all listed marine fauna cannot be avoided due to variability in timing of environmentally sensitive periods and unpredictable presence of some species, with blue whales typically present in foraging areas in higher numbers between January and April, and southern right whale typically present in Australian waters from early April to early November. Therefore, there is no period where avoidance of both species is possible. If it is not possible to avoid sensitive times of year, there are requirements of the Environment Protection and Biodiversity Conservation Act (EPBC Act) and the NOPSEMA EPBC Act-endorsed Program that constrain decision makers to 'not act inconsistently' with EPBC Act instruments, such as a recovery plan (e.g. the Conservation Management Plan for Blue Whales (CMP)). Accordingly, in order to demonstrate, with a high level of confidence, that requirements of the CMP will be met, approvals documentation needs to include content such as: • well-founded Environmental Impact Assessment,

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
		• commitment(s) to implement whale detection that will be effective in detecting whales over the extent and duration of predicted impacts, including provision for detection measures to be scalable based on triggers such as activity timing and location, and whale sighting data; and • associated management measures that are likely to be effective at preventing unacceptable impacts over the extent and duration scales informed by impact predictions and whale detection data gathered during the activity. Consequently, ConocoPhillips Australia has undertaken to assess impacts to these species from the exploration drilling program and has made commitments to implement a Fauna Management Plan (Appendix N, formerly a Whale Management Plan) that includes whale detection and management measures to minimise anthropogenic noise threats to all whales, with a particular focus on blue whales and southern right whales given the activity overlaps relevant biologically important areas. In accordance with the control measures set out within the EP, the Otway Exploration Drilling Program will be managed so that the potential impacts and risks will be mitigated to ALARP and Acceptable Levels in accordance with all environmental regulatory requirements. On the basis of the strong suite of control measures already proposed, no changes have been made to the EP in response to these claims.
M32	**Matter**: Seismic testing and drilling causes mass strandings. **Claim**: A study conducted by the National Marine Fisheries Service focused on examining the largest known mass stranding of Stejneger's beaked whales, which identified seismic testing as the likely cause. There were heavy dolphin and whale strandings between June and October 2021 off the coast of Shanghai. Although the dolphins were able to be released, the whales were not so fortunate. The whales that were found deceased were studied and they were found to have hearing loss believed to have been caused by transient intense anthropogenic sonar or chronic shipping noise exposures.33 (https://www.sciencedirect.com/science/article/pii/S0147651321011593)	ConocoPhillips Australia acknowledges claims regarding a potential connection between impulsive underwater noise emissions and mass stranding's of marine mammals and has reviewed current scientific literature, including the material provided, to ensure that the risks to marine mammals were adequately assessed in the Environment Plan (EP). Marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. As stated in Section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation (VSP) and geophysical surveys (SBP) as described in detail above. The referenced study does not identify seismic testing as the likely cause of this stranding event, but rather found "severe hearing loss in the melon headed whale was probably caused by transient intense anthropogenic sonar or chronic shipping noise exposures" (Wang et al. 2021). However, a study referenced within the reported study did conclude that "Seismic surveys should be also regarded as potential co-factors, even if no evidence of direct impact has been detected" in relation to a mass stranding of sperm whales, despite there being no information of any naval seismic surveys being performed at the time of stranding or during the preceding weeks" (Mazzariol et al. 2011). Additionally, a further study reviewed all documented Stenjneger's beaked whale stranding's in Alaska over a 26-year period. A total of 35 individuals were reported

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: Strandings may result when dolphins are disoriented by loud underwater noise such as drilling or startled into rising to the surface too fast, resulting in gases in the blood coming out of solution as bubbles, a painful and often lethal condition known to divers as "the bends". [https://savedolphins.eii.org/news/why-do-whales-strand-unraveling-the-mystery; https://onlinelibrary.wiley.com/doi/epdf/10.1111/mms.12780]	stranded. Of these, only 3 were suspected cases of barotrauma and another 2 cases of infectious disease possibly complicated by barotrauma (Savage et al. 2021). Neither of which were linked to geophysical seismic activity. The study further reported that 14 days following signals detected which had a profile of vibrations consistent with anthropogenic geophysical seismic activity the largest known mass stranding of Stenjneger's beaked whale occurred. It was speculated that the mass stranding may have been linked to the seismic activity, however no cases of barotrauma were identified as the cause of death (Savage et al. 2021). On the basis of these findings and having regard to the activity proposed for the Otway Exploration Drilling Program, ConocoPhillips Australia is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims. ***References**:* *Wang Z-T, Supin AY, Akamatsu T, Duan P-X, Yang YN, Wang K-X and Wang D (2021) 'Auditory evoked potential in stranded melon-headed whales (Peponocephala electra): With severe hearing loss and possibly caused by anthropogenic noise pollution', Ecotoxicology and Environmental Safety, 228: 113047. https://doi.org/10.1016/j.ecoenv.2021.113047* *Mazzariol S,DiGuardo G,Petrella A,Marsili L,Fossi CM,et al. (2011) 'Sometimes Sperm Whales (Physeter macrocephalus) Cannot Find Their Way Back to the High Seas: A Multidisciplinary Study on a Mass Stranding', PLoS ONE, 6 (5): e19417. doi:10.1371/journal.pone.0019417* *Savage KN, Burek-Huntington K, Wright SK, Bryan AL, Sheffield G, Webber M, Stimmelmayr R, Tuomi P, Delaney MA and Walker W (2021) 'Stejneger's beaked whale strandings in Alaska, 1995–2020', Marine Mammal Science 2021:1-7.*
M33	**Matter**: New guidelines for seismic activities are yet to be released. **Claim**: The Australian Government is currently developing National Anthropogenic Underwater Noise Guidelines, which include an update to EPBC Act Policy Statement 2.1 - Interaction between offshore seismic exploration and whales: Industry guidelines. **Claim**: The Environmental Plan (EP) should be rejected on the following grounds. 1. The Australian Government	ConocoPhillips Australia acknowledges claims regarding the development of National Anthropogenic Underwater Noise Guidelines, which include an update to EPBC Act Policy Statement 2.1. Marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. As stated in Section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation (VSP) and geophysical surveys (SBP) as described in detail above. Even though ConocoPhillips Australia is not conducting a marine seismic survey, it is proposed to use highly conservative seismic survey control measures for short -term VSP activities, such as pre-start observations and soft-starts, as described in the Fauna Management Plan (Appendix N).

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
	is currently developing National Anthropogenic Underwater Noise Guidelines.	Any changes to impact assessments or mitigation measures, needed as a result of the release of the underwater noise guidelines and policy statement 2.1 will be addressed through the Management of Change process described in EP Section 10.2.7 (Management of Change), located within the Implementation Strategy for the EP (EP Chapter 10). ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
Key Matter: Impacts on dolphins from underwater sound		
M34	**Matter:** Impacts from impulsive sound on dolphins are not adequately assessed. **Claim**: In Chapter 6.7 about impulsive noise, it suggests that because the noise lasts less than 20 hours and only affects a limited area of 1.5km that this will result in a limited effect on dolphins. There have been studies that show that exposure to high-level pure tones for an hour or more will damage the sensory cells in the ears of species including dolphins. Noise pollution can disrupt their ability to use sensors to find food, socialise, and navigate underwater and in some cases can cause temporary hearing loss. **Claim**: Prioritising profit over dolphin welfare in decision making is an unacceptable level of risk mitigation**.**	ConocoPhillips Australia acknowledges claims regarding the potential impacts to marine mammals as a result of the impulsive underwater sound emissions generated by the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that the risk to marine mammals, such as dolphins were adequately assessed. Impacts to high frequency dolphins from impulsive noise sources such as sub-bottom profiling (SBP) and vertical seismic profiling (VSP) are assessed in section 6.7 of the EP. Noise modelling was undertaken for the EP (Appendix G). The noise effect criteria for permanent or temporary threshold shift (or injury) for high frequency (HF) cetaceans was not reached (Table 6-35), therefore any predicted impacts would be limited to behavioural response such as avoidance within highly localised areas (maximum 1.5 km from the sound source) while infrequent, short-term SBP and VSP activities are undertaken. The PMST Report (Appendix B; 2 km environment that may be affected (EMBA) for behavioural disturbance to marine mammals during VSP) identified HF cetaceans such as several dolphin species (e.g. bottlenose dolphin (Tursiops truncatus s. str.) and dusky (*Lagenorhynchus obscurus*)), and beaked whales (e.g. *Mesoplodon bowdoini*, *Berardius arnuxii*, and *Ziphius cavirostris*) may occur within the 2 km EMBA. However, no biologically important areas or behaviours were identified within the area of ensonification. Given the infrequent and short duration of the seabed surveys (1 week per location), and the very limited spatial area (up to 130 m) of exposure to impulsive sounds above behavioural thresholds, any impacts are expected to be localised and short-term. Given the infrequent and short duration (< 20 hours per well) of the VSP operations, and the very limited spatial area (up to 1.5 km) of exposure to impulsive sounds above behavioural thresholds, behavioural impacts are predicted to be temporary avoidance for the short duration of the activity. ConocoPhillips Australia considers the impact assessment of **Negligible (1)** for high-frequency cetaceans, including dolphins, is comprehensive.

	THEME	MARINE MAMMALS (M)
#	COMMENTS RECEIVED	*Titleholder response*
		ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
M35	**Matter:** Impacts from drilling sounds on dolphins are not adequately assessed. **Claim**: Drilling can cause sudden loud noises which can startle the dolphins, whilst continued exposure to these noises can disrupt their daily routines, breeding patterns and migration routes. **Claim**: The noise produced by drilling may produce a similar result to seismic testing ((involving huge blasts into the sediment of the ocean floor to detect returning sound waves indicating possible oil reserves), affecting dolphins. **Claim**: Prioritising profit over dolphin welfare in decision making is an unacceptable level of risk mitigation.	ConocoPhillips Australia acknowledges claims regarding potential impacts to marine mammals from continuous underwater sound emissions generated by the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that impacts to marine mammals, such as dolphins are adequately assessed. EP Sections 6.6 (Underwater Sound Emissions – Non-impulsive) and 6.7 (Underwater Sound Emissions – Impulsive) assess impacts to high frequency cetaceans associated with underwater noise from the Otway Exploration Drilling Program, with detailed noise modelling provided in EP (Appendix G). The impact assessment for non-impulsive noise (EP Section 6.6.7) did not predict permanent or temporary threshold shift (PTS and TTS) could occur but did identify that impacts to high-frequency cetaceans would likely be limited to behavioural responses, such as avoidance, out to 22.8 km from the sound source while periodic, short-term activities are undertaken. The PMST Report (Appendix B; 22.8 km environment that may be affected (EMBA) for behavioural disturbance to marine mammals on the shelf edge) identified HF cetaceans such as several dolphin species (e.g., *Tursiops aduncus, Tursiops truncatus s. str., Delphinus delphis* and *Grampus griseus*), and beaked whales (e.g., *Mesoplodon bowdoini, Mesoplodon hectori, Berardius arnuxii,* and *Ziphius cavirostris*) may occur within the 22.8 km EMBA. However, no biologically important areas or behaviours were identified within the area of ensonification. Note that drilling operations do not produce sounds that are similar to seismic testing. Drilling operations produce non-impulsive sounds, rather than impulsive sounds. Behavioural effects of drilling are predicted to be temporary avoidance, rather than a startle response. The impact assessment for impulsive noise (EP Section 6.7.6) identified that noise criteria for PTS and TTS for high-frequency cetaceans were not reached, and therefore any predicted impacts would be limited to behavioural response out to 130 m from seabed surveys (~1 week per location) and out to 1.5 km from Vertical Seismic Profiling (<20 hours per well). Control measure CM08: Fauna Management Plan (Appendix N) outlines specific measures to minimise anthropogenic noise threats to relevant species, including dolphins. This includes the implementation of a soft-start procedure for VSP to allow fauna to move away, potentially reducing impacts. ConocoPhillips Australia has identified that soft starts are conducted as part of normal drilling operations, whereby drilling commences at a slower rate to minimise downhole vibrations and torque, effectively reducing the initial sound levels from this activity. Information on the application of a drilling soft-start has

	THEME	MARINE MAMMALS (M)
#	COMMENTS RECEIVED	*Titleholder response*
		been added to EP Table 6-29 (Control measures and ALARP demonstration) and Table 9-1 (EPS 9.18) in response to these claims.
M36	**Matter:** Impacts on dolphins associated with masking are not adequately assessed. **Claim**: The noise from increased commercial vessel traffic in the area can lead to masking. This is where the noise the vessels emit overwhelms the noise/sound the dolphins emit. This makes it challenging for them to detect and locate food. This interference can lead to malnourishment and decline in overall health [https://www.ncbi.nlm.nih.gov/books/NBK221255/; https://www.euronews.com/green/2023/01/16/dolphins-have-to-shout-to-hear-each-other-over-noise-pollution-research-reveals; https://www.dolphinsandyou.com/how-are-dolphins-affected-by-ocean-sound-pollution/]	ConocoPhillips Australia acknowledges claims regarding potential behavioural impacts (like masking) on marine mammals as a result of the underwater sound emissions generated by the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that the risk to marine mammals, such as dolphins are adequately assessed. Behavioural impacts to high-frequency species such as dolphins from vessel traffic or non-impulsive noise is assessed in EP Section 6.6. Noise modelling was undertaken for the EP (Appendix G). Section 6.6.3 of the EP states the current interim criterion for non-impulsive sound sources for marine mammals' behavioural threshold. Table 6-26 of the EP shows that the noise effect behavioural sound criteria for marine mammals was a maximum of 12.6 km at the shelf and 22.8 km at the shelf edge (extending in the offshore direction only). Behavioural impacts to high-frequency (HF) cetaceans, including dolphins, are predicted to result in temporary avoidance within highly localised areas (maximum 22.8 km from the sound source) while periodic, short-term activities are undertaken. The PMST Report (Appendix B; 22.8 km environment that may be affected (EMBA) for behavioural disturbance to marine mammals on the shelf edge) identified HF cetaceans such as several dolphin species (e.g., *Tursiops aduncus*, *Tursiops truncatus* s. str., *Delphinus delphis* and *Grampus griseus*), and beaked whales (e.g., *Mesoplodon bowdoini*, *Mesoplodon hectori*, *Berardius arnuxii*, and *Ziphius cavirostris*) may occur within the 22.8 km EMBA. However, no biologically important areas or behaviours were identified within the area of ensonification. Therefore, ConocoPhillips Australia considers the impact assessment for non-impulsive underwater sound emissions of **Negligible (1)** for high-frequency cetaceans, including dolphins, to be adequate and have not updated the EP in response. The referenced material provided in the claim states that noise emissions have the potential to disrupt the sensory abilities of dolphins effecting their abilities to find food, socialise and navigate underwater. Two of the references provided in the claim come from unpublished sources such as news articles and blog posts and are therefore discounted. However, the news article mentions a study conducted on the impact of anthropogenic noise on the cooperation of dolphins. This paper investigated the effect of noise on coordination between two bottlenose dolphins performing a cooperative task and found that dolphins nearly doubled their whistle durations and increased whistle amplitude in response to increasing noise (Sørensen et al. 2023). Subsequently, performance success decreased from 85% during ambient noise to 62.5% during the highest noise exposure (Sørensen et al. 2023). Although this study suggests that noise exposure can decrease the success of communication between dolphins the results are not considered relevant to the Otway Exploration Drilling

	THEME	MARINE MAMMALS (M)
#	COMMENTS RECEIVED	*Titleholder response*
		Program as the study was conducted within an experimental lagoon in shallow depths (Sørensen et al. 2023). In shallow water sound waves are more likely to interact with the seafloor causing reflections and leading to multiple arrivals of sound at the receptor, i.e. the dolphin. In deeper waters, such as those within the operational areas, seabed interaction are reduced. Regarding the book titled "Ocean Noise and Marine Mammals", this book states that dolphins show multiple responses to boats depending on their mood as resting dolphins tend to avoid boats, foraging dolphins ignore them, and socializing dolphins may approach (National Research Council 2003). This suggests that the presence of vessels doesn't inhibit or mask dolphins' abilities to perform critical activities such as foraging. On the basis of these findings, ConocoPhillips Australia is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims. ***References**:* *National Research Council (2003) 'Ocean Noise and Marine Mammals', National Research Council (US) Committee on Potential Impacts of Ambient Noise in the Ocean on Marine Mammals, Washington (DC): National Academies Press (US); 2003. PMID: 25057640.* *Sørensen, P.M., Haddock, A., Guarino, E., Jaakkola, K., McMullen, C., Jensen, F. H., Tyack, P.L., and King, S. L. (2023). Anthropogenic noise impairs cooperation in bottlenose dolphins, Current Biology, 33, 1-6. DOI: 10.1016/j.cub.2022.12.063*
Key Matter: Impacts on Burrunan Dolphins		
M37	**Matter**: Impacts and risk are not assessed for the Burrunan dolphins. **Claim:** The EP mentions that Gippsland Lakes is within the Environment that may be affected (EMBA) section 4.4.5.3 of the EP. However, the EP does not mention once the Burrunan Dolphins that make the Gippsland Lakes their home. Burrunan Dolphins are a particularly important species, in such that they are categorised as Critically Endangered /Threatened according to the Victoria's Flora and Fauna Guarantee Act, and it is our opinion it is a great oversight of ConocoPhillips to not	ConocoPhillips Australia acknowledges claims regarding impacts to Burrunan dolphins and has reviewed the Environment Plan (EP) to ensure that risks to marine mammals, such as Burrunan dolphins, were adequately assessed. The Burrunan Dolphin was first characterised by Charlton-Robb et al. (2011) and considered to be a species of bottlenose dolphin that is endemic to the coastal waters of southern Australia. However, this taxonomic classification has not been accepted by the International Committee for Taxonomy for marine mammals who state that the basis of classification is "questionable" and that a "rigorous re-evaluation of the relevant data and arguments" is needed (Committee on Taxonomy 2023). The Federal Government, International Whaling Committee, IUCN and other State Governments (besides Victoria) therefore continue to recognise these individuals as the common bottlenose dolphin (Dolphin Research Institute 2022). In any case with these recommendations in mind the State of Victoria has continued to list the species separately and consider it to critically endangered under the Victorian Flora and Fauna Guarantee Act 1988.

	THEME	MARINE MAMMALS (M)
#	**COMMENTS RECEIVED**	***Titleholder response***
	consider this species in their EP. [Burrunan dolphin (environment.vic.gov.au)]. **Claim**: Commercial vessel speeds should be reduced within 15km of these dolphins. **Claim:** ConocoPhillips should undertake a review of how the drilling program could affect the Burrunan Dolphins and what measures they will put in place to protect them. **Claim:** Request studies into the effects of underwater noise pollution on dolphin behaviour, health and population numbers. **Claim:** Request studies into the effects of drilling on dolphin behaviour, health and population numbers.	On the basis of these findings ConocoPhillips Australia is confident that the EP fully acknowledges and describes impacts and risks to dolphin species, including the common bottlenose dolphin, in Chapters 6 and 7 which may occur as a result of the Otway Exploration Drilling Program. Any changes related to the taxonomic classification of the Burrunan dolphin will be addressed through the Management of Change process documented in the Implementation Strategy of the EP, in Section 10.2.7. On the basis of these findings, ConocoPhillips Australia is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims. ***References**:* *Charlton-Robb K, Gershwin L-A, Thompson R, Austin J, Owen K and McKechnie S (2011) 'A New Dolphin Species, the Burrunan Dolphin Tursiops australis sp. nov., Endemic to Southern Australian Coastal Waters', PLOS One 6 (9): e24047. https://doi.org/10.1371/journal.pone.0024047* *Committee on Taxonomy (2023) 'List of marine mammal species and subspecies', Society for Marine Mammalogy, accessed January 2024.* *Dolphin Research Institute (2022) 'Burrunan Dolphins' Dolphin Research Institute, accessed January 2024.*

4. Theme: Fish, Sharks, Invertebrates and Fisheries

	THEME	FISH, SHARKS, INVERTEBRATES AND FISHERIES (F)
#	**COMMENTS RECEIVED**	***Titleholder response***
Key Matter: Impacts to fish and sharks		
F01	**Matter**: Impacts to fish and sharks from seismic surveys. **Claim**: Seismic air guns severely damage fish ears at distances of 500m – several kms from the survey (McCauley et.al, 2003). They also react by swimming to deeper depths, "freezing" and becoming more active. Hugely reduced catch rates and decreased abundance have subsequently been reported near seismic surveys. If fish populations were negatively affected either directly or indirectly from seismic	ConocoPhillips Australia acknowledges claims regarding the impacts of marine seismic surveys on fish and shark species and has reviewed the Environment Plan (EP) to ensure that impacts to these species were adequately described and assessed. Marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval.

	THEME	FISH, SHARKS, INVERTEBRATES AND FISHERIES (F)
#	**COMMENTS RECEIVED**	***Titleholder response***
	blasting, it would not only affect the marine ecosystems, but the local fisheries industry. **Claim**: The impact of seismic surveys on fishes has not been widely addressed. Much of the work has been conducted using modelling approaches where estimates of impacts have been established based on the physical structure of various organs, the use of caged experimental studies and laboratory research. The state of the science was reviewed by Carroll et al. who provided a detailed summary. After this paper there has only been one additional study of particular note. **Claim:** Seismic testing is deadly for marine life and decimates seafood populations. It is well known that seismic blasting changes the behaviour of fish, can disorientate and destroy them. **Claim**: The application provides information on the impact of seismic discharge levels on fishes and sharks from modelling exercises, but there is no attempt to provide real world data or reference to even the scant published scientific literature available. The assumption appears to be that the area impacted is minimal and that thus the level of impact will follow. The impacted area is approximately 1250 km. This is not minimal. In the current state of limited knowledge, the Precautionary Principle should be applied. **Claim**: Seismic surveys should be rejected during the months Blue Fin Tuna are present. **Claim**: The EP assumes that because elasmobranchs are not sensitive to sound pressure, they will not be affected by sound in water; however, research has shown elasmobranchs can hear underwater sounds and are most sensitive to sounds in the 20-1500 Hz range[2], which overlaps with the range of seismic surveys (10-300 Hz) proposed to be undertaken, as noted in the EP. The precautionary principle should be applied in recognition of the lack of understanding of how these species will be affected, both immediately and cumulatively, by ConocoPhillips' proposed activities in these BIAs and other habitat areas. [2: Carroll, A. G., et al. "A critical review of the potential impacts of marine seismic	However, as stated in EP section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation and geophysical surveys. • Downhole formation evaluation is necessary to analyse any potential gas or condensate within the borehole. The evaluation is undertaken by a number of tools including the Vertical Seismic Profiling (VSP) tool. VSP produces impulsive sound and is anticipated to occur for approximately 20 hours per well (for a maximum of 6 wells). • Geophysical surveys are conducted to minimise impact to the seabed and ensure safe positioning of the Mobile Offshore Drilling Unit (MODU). These surveys will include impulsive sound generated by sub-bottom profiling (SBP). The geophysical surveys will last approximately 1 week at each potential well location (maximum of 9 locations). VSP represents the highest amplitude sound source between VSP and SBP and was used to determine the worst-case consequence evaluation in underwater sound emission impact assessment. VSP involves shallow subsurface imaging by placing a string of hydrophones in a borehole and transmitting to them from a near-surface seismic source. A VSP seismic source in the marine environment is typically an airgun array with a total volume of less than 1,000 cubic inches (with 750 cui as the maximum volume proposed for the Otway Exploration Drilling Program). VSP has significantly reduced sound pressure levels than those from seismic surveys and is conducted over a very short time scale (~20 hours per well). Seismic surveys are conducted over large areas of the marine environment where as VSP is conducted in the vicinity of the exploration drilling and is targeted at the borehole. The EP acknowledges that sharks may be impacted by underwater sound. Sound exposure criteria thresholds and impacts to fish and sharks were identified using extensive peer review, published literature (referenced throughout EP Sections 6.6 and 6.7 and listed in Chapter 13) and noise modelling was conducted by internationally renowned underwater noise specialist, Jasco Applied Sciences, for the EP (Appendix G). As described in detail in EP Section 6.7, noise modelling demonstrates that no impact to fish and sharks would be expected beyond 450m of the VSP source, and any impact inside 450 m will only be for the duration of the VSP activity which is limited to a maximum of 20 hours per well. Due to the minimal areas of impact from the VSP and SBP sound sources, these activities will not result in prolonged or extreme exposure to fish or shark species or have population level

	THEME	FISH, SHARKS, INVERTEBRATES AND FISHERIES (F)
#	**COMMENTS RECEIVED**	***Titleholder response***
	surveys on fish & invertebrates." Marine Pollution Bulletin 114.1 (2017): 9-24]. **Claim**: The EP should be refused until more research is done on the impacts of seismic exploration and fossil fuel drilling on elasmobranch species identified in the OA. With the current lack of research on the impacts of vertical seismic blasting and drilling operations on elasmobranchs, there is no way to effectively mitigate the threat, and undertake seismic exploration with an understanding of the cumulative impact and what a precautionary principle approach would entail. **Claim**: The loss of oceans as a food source would cause widespread suffering and disaster throughout the world.	impacts. In addition, noise generated by VSP and SBP will be temporary and limited to short-term durations, with additional control measures in place to mitigate impacts to individuals from VSP including the use of soft-start procedures to give animals time to move away. Impacts associated with non-impulsive sound are detailed in EP Section 6.6 which predicts only localised behavioural impacts, such as avoidance. ConocoPhillips Australia has included additional information in EP Section 1.4 (Scope of this Environment Plan) to clarify that marine seismic surveys are not within the scope of this EP in response to these claims.
F02	**Matter**: Impacts to important aggregation areas for sharks. **Claim**: The project may affect important aggregating areas (BIA's) for sharks listed as threatened species under state and federal law, e.g. Great White Shark. **Claim**: The OA overlaps multiple BIAs of white sharks and grey nurse sharks. There is limited information available concerning the lifecycle and habitat use of these species, and very little research in general on the impacts of offshore industrial activities (such as drilling, vertical seismic surveys, and condensate leaks) on elasmobranchs (i.e. sharks, rays, skates, etc).	ConocoPhillips Australia acknowledges claims regarding the impacts associated with the Otway Exploration Drilling Program on important shark habitats and has reviewed the Environment Plan (EP) to ensure that impacts to these species were adequately assessed. The Protected Matter Search Tool (PMST) report for the relevant environment that may be affected (EMBA) of 2 km ((Appendix B; 2 km EMBA for injury to fish during VSP) identified fish species which may occur within the 2 km EMBA, including three shark species (*Carcharodon carcharias*, *Galeorhinus galeus and Centrophorus zeehaani*) and four ray-finned fish species (*Prototroctes maraena*, Seriolella brama, *Thunnus maccoyii* and *Hoplostethus atlanticus*) listed under the Environment Protection and Biodiversity Conservation Act 1999. One species with Biologically Important Areas (BIAs) within the area of ensonification was identified and is described below. The National Conservation Values Atlas (NCVA) is used to identify BIAs for marine species. One species of shark, the white shark, has BIAs that have been identified to overlap the operational area. The entire South-east Marine Region (1,632,402 km^2) is considered a distribution BIA for the white shark while waters within the marine region which surround pinniped colonies, such as Deen Maar, are considered foraging BIAs for the species. For impulsive sound, due to the minimal area of impact (maximum of 450 m from sound source), in addition to the temporary, short-term nature of the activities **Negligible (1)** impacts to all fish species, including sharks, and their ability to conduct biologically important behaviours in BIAs are expected. For non-impulsive sound, only behavioural impacts, such as avoidance, are predicted.

	THEME	FISH, SHARKS, INVERTEBRATES AND FISHERIES (F)
#	**COMMENTS RECEIVED**	***Titleholder response***
		The risks associated with a loss of well control event are extensively detailed in EP Section 7.7 (Loss of Well Control), with sharks specifically addressed in EP Table 7-33. Controls are in place to reduce the likelihood of a LOWC event to Remote (2) and ensure an efficient response should an event occur, thus reducing the potential environmental impacts. These systems are well practiced and well understood. If an incident occurred, it impacts would largely be restricted to upper water column and coastal areas and are expected to be restricted to individual fauna and unlikely to impede the recovery of a protected species or any associated food chains within the South-East bioregion. ConocoPhillips Australia has updated Section 4.6.5.1 of the EP to include a review of the known aggregation areas for the grey nurse shark located within the EMBA in response to these claims.
F03	**Matter**: Stress responses in sharks. **Claim**: When sharks are stressed out, they have been known to vomit and sometimes they even regurgitate their entire stomach. Some sharks are voracious eaters that gobble down whatever they find, including things that aren't very digestible, like bird feathers, turtle shells, or other bones. If a shark finds itself in a high-stress situation which could result from drilling or seismic testing its instinct reaction is to get rid of that foreign, hard-to-digest food right away to make it easier to escape on an empty stomach. A stressed pregnant shark might abort its foetus in similar conditions.	ConocoPhillips Australia acknowledges claims providing information on the potential stress responses in sharks and has reviewed the Environment Plan (EP) to ensure that the information provided allowed for an appropriate assessment of the potential to induce stress related responses in sharks. Cases of stomach eversion are common in sharks captured during fishing activities and are thought to void the gastrointestinal tract of noxious or indigestible items (Andrzejaczek, et al, 2024). Cases of parturition are typically the result of capture-induced or stress-induced situations where the birthing of offspring occurs prematurely (Adam et al. 2018). This is well studied in the fishing industry as it occurs most commonly from indirect impacts of fishing such as incidental capture (Adam et al. 2018; Andrzejaczek, et al, 2024; Bouyoucos et al. 2018). Other stressors which may lead to parturition include variable environmental conditions such as temperature, salinity, and dissolved oxygen variations (Bouyoucos et al. 2018). No known cases of stomach eversion or parturition have been linked to offshore oil and gas activities such as exploration drilling. Impacts to sharks associated with non-impulsive sound are assessed in detail in EP Sections 6.6, which predicts short-term and localised impacts to sharks with no prolonged or extreme exposure or population level impacts. In addition, control measures are in place to mitigate impacts to individuals from VSP including the use of soft-start procedures to give animals time to move away. Impacts associated with non-impulsive sound are detailed in EP Section 6.6 which predicts only localised behavioural impacts, such as avoidance.

	THEME	FISH, SHARKS, INVERTEBRATES AND FISHERIES (F)
#	**COMMENTS RECEIVED**	***Titleholder response***
		ConocoPhillips Australia has considered these claims and is satisfied that impacts to sharks have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims. ***References:*** *Adams K, Fetterplace L, Davis A, Taylor M, and Knott N (2018) 'Sharks, rays and abortion: The prevalence of capture-induced parturition in elasmobranchs', Biological Conservation, 217: 11-27. DOI:10.1016/j.biocon.2017.10.010.* *Andrzejaczek S, Gleiss A, Lear K, McGregor F, Chapple T, and Meekan M(2024). Stomach eversion and retraction by a tagged tiger shark at Ningaloo Reef, Western Australia. Fisheries Research 269 (2024) 106875.* *Bouyoucos IA, Weideli OC, Planes S, Simpfendorfer CA and Rummer JL (2018) 'Dead tired: evaluating the physiological status and survival of neonatal reef sharks under stress', Conservation Physiology, 6 (1). https://doi.org/10.1093/conphys/coy053*
F04	**Matter:** Review of the Action Plan for relevant shark species/ importance of sharks. **Claim**: One in eight shark and ray species in Australian waters are threatened with extinction, with some of those occurring in the OA and EMBA for this project. Refer to The Action Plan for Australian Sharks and Rays 20213 which provides a comprehensive and consistent review of the extinction risk of all 328 species occurring in Australian waters. It provides a benchmark from which changes in population and extinction risk can be measured, and to help guide management for their conservation. It is recommended that the proponents use the Action Plan and the specific actions required to address vast knowledge gaps, and conservation objectives for each species to develop an EP that addresses these issues with a view to cumulative impact, and the precautionary principle where sufficient research is lacking. [https://www.nespmarine.edu.au/node/4406] **Claim**: For over 420 million years, sharks and rays have roamed our oceans, maintaining balance in ever-changing marine ecosystems. Australia is home to 322 species of sharks and rays, with 51% of these unique to our waters.38 (https://hsi.org.au/marine-	ConocoPhillips Australia acknowledges claims providing further information on the importance of shark species to the marine ecosystem. ConocoPhillips Australia have reviewed Environment Plan (EP) Section 4.6.5.1 (Sharks) and relevant impact and risk assessment Sections (6.6, 6.7, 6.8, 6.9, 7.2, 7.3, 7.4, 7.6 and 7.7) to ensure the extent of information provided allowed for an appropriate assessment of the impacts and risk to sharks species associated with the Otway Exploration Drilling Program. A total of 11 EPBC listed species belonging to the Class Chondrichthyes (includes sharks, rays and chimeras) were identified to potentially occur within the Environment that May be Affected (EMBA). Of these 7 are listed as threatened species, three of which were identified to occur within the operational areas (*Carcharodon carcharias*, *Centrophorus zeehaani* and *Galeorhinus galeus*). Biologically important areas (BIAs) for foraging and distribution for one species, the white shark (*Carcharodon carcharias)* have been also identified to occur within the operational areas. Significant threats as listed by the Action Plan for Australian Sharks and Rays (Kyne et al. 2021) to these species include: • Fishing (commercial, recreational and Indigenous) – *Carcharodon carcharias, Centrophorus zeehaani, Galeorhinus galeus* • Fishing (Shark control) – *Carcharodon carcharias, Galeorhinus galeus.*

	THEME	FISH, SHARKS, INVERTEBRATES AND FISHERIES (F)
#	**COMMENTS RECEIVED**	***Titleholder response***
	wildlife/sharks/?gclid=CjwKCAjwjaWoBhAmEiwAXz8DBQNWvDM-AHv7CHk7t8R1Y83Uq_roL0aT16pKWh0IAUsRf9gufmeR2BoCcPAQAvD_BwE) Predators are a vital component of ecosystem health. Large sharks are apex predators and are a significant part of marine ecosystems, but they are also slower growing than other species, later to breed and have relatively few offspring. Fishing and other human activities have dramatically reduced shark numbers all over the world, particularly in recent decades, and they are very sensitive to any disturbance. Because they breed relatively late in life and have fewer offspring than many large fish, it would take a long time for shark numbers to recover. In 2014, nearly a quarter of shark species were listed as threatened or endangered by the International Union for the Conservation of Nature (IUCN). By 2021 this number had grown to more than one-third of all sharks now facing extinction. Many more have not been sufficiently studied to conclude their conservation status.39 (https://www.seashepherd.org.au/why-are-sharks-important/).	Relevant Conservation Actions as listed by the Action Plan for Australian Sharks and Rays (Kyne et al. 2021) to these species include: • Identify and protect critical habitat – *Carcharodon carcharias, Centrophorus zeehaani, Galeorhinus galeus.* ConocoPhillips Australia considers that impacts and risks relevant to shark species, particularly those listed as threatened and/or those with biologically important areas within the EMBA, have been adequately assessed within relevant chapters. In accordance with the measures outlined within the EP, the Otway Exploration Drilling Program will be managed so that potential impacts and risks to sharks are reduced to ALARP and Acceptable Levels in accordance with all environmental regulatory requirements. ConocoPhillips Australia has included additional detail has been included in EP Section 4.6.5.1 (Sharks) to capture information on the status of these species as a whole and highlights the importance of sharks to the marine ecosystem in response to these claims. ***References**:* *Kyne PM, Heupel MR, White WT and Simpfendorfer CA (2021) 'The Action Plan for Australian Sharks and Rays 2021', National Environmental Science Program, Marine Biodiversity Hub, Hobart*
F05	**Matter:** Vessel collision risk to threatened shark species. **Claim**: The report provided to ConocoPhillips identified 37 species of fish, including sharks, potentially in the operational zone. Two of these sharks are classified as having threatened species status under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC). These species are: The Australian Grayling (Prototroctes Maraena) and The White shark (Carcharodon Carcharias). It is critically important that these sharks are protected. **Claim**: Vessel strikes can be lethal to sharks, but other collisions can result in injuries to the back and dorsal fin of sharks leading to blood loss, possible infection and reduced swimming ability. Sharks are highly mobile and could be in the area subjected to shipping associated with drilling at any time. The EP admits that there is a lack of data about the reporting of collisions to marine life. The effects of vessel strike and	ConocoPhillips Australia acknowledges claims regarding the risk of vessel collisions to threatened shark species and have reviewed the Environment Plan (EP) to ensure that any risks to these species were adequately considered. As stated in the EP, a total of 37 EBPC Listed fish species, 5 of which are sharks, were identified to occur within the operational areas associated with the Otway Exploration Drilling Program. Of these 5 shark species, 3 are listed as threatened under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act): • White shark (*Carcharodon carcharias*) – known to occur • Southern dogfish (*Centrophorus zeehaani*) – likely to occur • School shark (*Galeorhinus galeus*) – may occur The white shark is the only species listed under the EPBC Act with a presence of "known to occur" within the operational area. It has a vast known distribution in the South-east Marine Region, particularly in waters extending from the coastline out to 1,000 m in depth. They are a highly mobile and transitory species, therefore, it is unlikely that individuals will be resident within the operational areas. Further, sharks are known to exhibit avoidance behaviour from a

	THEME	FISH, SHARKS, INVERTEBRATES AND FISHERIES (F)
#	**COMMENTS RECEIVED**	***Titleholder response***
	injury & mortality to sharks is underrated in the risk assessment for the drilling proposed by ConocoPhillips.	sound source if it reaches levels that may cause behavioural or physiological effects (see Section 6.6 and Section 6.6.10), as such the likelihood of a slow-moving vessel getting close enough for a collision is very low. In addition, the Recovery Plan for the White Shark does not list vessel collisions as a threat to the species. Therefore, given the lifestyle characteristics of the white shark and the requirements of vessels to maintain a low speed within the operational areas the risk likelihood assessment of **Improbable** is considered acceptable. The Australian grayling (*Prototroctes Maraena*) is not a species of shark. It belongs to the Actinopterygii class which are classified as ray finned fish. This species is listed vulnerable under the EPBC Act and its presence was identified as "species or species habitat may occur" within the operational areas by the Protected Matters Search Tool (PMST). The Australian grayling is a diadromous, migratory species that inhabits estuarine waters and coastal seas as larvae/juveniles, and freshwater rivers and streams as adults (TSSC 2021b). Adults migrate downstream to spawn. Eggs are laid and hatch after 10-20 days. Free swimming larvae emerge which are swept downstream into marine habitats by river flow (TSSC 2021b). The operational areas are located approximately 28 km from King Island shoreline (T/49P) and approximately 19 km (VICP/79) from the nearest Victorian shoreline (Port Fairy). Therefore, it is unlikely that the species will be encountered, however if it is it will be strictly of a transitory nature. ConocoPhillips Australia has included additional detail in Section 4.6.5.2 (Fish), including a description of the lifestyle characteristics of the Australian Grayling in response to these claims.
Key Matter: Impacts to invertebrates, scallops, bivalves, their food sources and benthic habitat		
F06	**Matter**: Impacts to invertebrates, scallops and bivalves. **Claim**: The geophysical surveys envisaged for the proposed exploration, such as sub-bottom profiling and vertical seismic profiling, are of particular concern. Seismic surveys in Bass Strait have been associated in the past with significant declines of some marine populations (e.g. shellfish – scallops) and harm to others (e.g. cetaceans, lobsters – larvae and adults). **Claim**: Section 6.6.7.2 of the EP reports that sound exposure is unlikely to impact invertebrates unless within metres of a continuous sound source. However, there is clear evidence that anthropogenic noise affects a wide range of species from a variety of different taxonomic	ConocoPhillips Australia acknowledges claims regarding impacts associated with the Otway Exploration Drilling Program on marine invertebrates such as scallops and bivalves and has reviewed the Environment Plan (EP) to ensure that impacts to these species were adequately assessed. Marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. However, as stated in Section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation (VSP) and geophysical surveys (SBP) as described in detail above. VSP represents the highest amplitude sound source between VSP and SBP and was used to determine the worst-case consequence evaluation in underwater sound emission impact

	THEME	FISH, SHARKS, INVERTEBRATES AND FISHERIES (F)
#	**COMMENTS RECEIVED**	***Titleholder response***
	groups. Statocysts, the mechanosensory organs common to many marine invertebrates, have shown sensitivity to aquatic noise in both crustacea (Day et al., 20201; Cowan et al., 20212) and cephalopods (Sole et al., 20133). Anthropogenic noise can also delay hatching or egg development (Sole et al., 20234) and cause a reduction in feeding behaviour (Wale et al. 20135) in some crustacea. **Claim**: Rock Lobsters – Seismic blasting causes significant damage to the special organ, called the mechanosensory organ, which provides a sense of balance, body position and movement, which are critical for predator avoidance (Day et.al, 2021). This affects their ability to avoid predation and may affect the populations of lobsters, which are an important part of the local fishing industry in Moyne. **Claim:** Seismic testing is deadly for marine life and decimates seafood populations. It is well known that seismic blasting can kill scallops and impact upon the immune systems of southern rock lobsters. **Claim**: Research has shown that seismic blasting (and sonar activity and well drilling) results in serious harm to a variety of marine life, damaging the ability of southern rock lobster to function and navigate. **Claim**: Sonar activity and seismic blasting has been implicated in destroying baseline food sources, disrupting feeding and migration patterns of southern rock lobsters. **Claim**: Scallops and other Bivalves – Significant mortality, physiological harm and changes in behaviour have been found to result from exposure to seismic signals, the levels of which increased as the number of exposures increased (Day et. al. 2017). **Claim**: Research shows the impacts of seismic activity on zooplankton, shellfish and crustaceans causes mortalities and disruption to life cycles, and disruptions to migrating and foraging species found within marine parks in the OA. **Claim**: There is a lack of research on the impacts of vertical seismic blasting and test drilling on the benthic biodiversity of our oceans, and	assessment. These are considered Impulsive sound sources. Non-impulsive or continuous sound sources are those typically generated from vessel propellor cavitation, thrusters, hydrodynamic flow around the hull plus operation of machinery and equipment. These are assessed in Section 6.6 of the EP. Noise modelling undertaken for the EP (Appendix G) showed that the noise effect criteria for marine invertebrates is not predicted to be reached at the seafloor for VSP or SBP. Impulsive underwater sound emissions from short duration VSP and SBP do not reach the noise effect criteria for impairment of marine invertebrates at the seafloor. However, sub-lethal effects may occur within the effect distance to the 'no effect' criteria at the seafloor which was reached at 170 m for VSP. Therefore, within water depths <170 m, marine invertebrates directly below the impulsive sound source during short-duration VSP (maximum 20 hours per well) are likely to detect a change in ambient sound; however, negligible consequences are predicted given other, more conservative criteria are not reached at the seafloor over the range of water depths within the operational areas. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.

	THEME	FISH, SHARKS, INVERTEBRATES AND FISHERIES (F)
#	**COMMENTS RECEIVED**	***Titleholder response***
	other marine life that are known to inhabit the marine parks of SE Australia.	
Key Matter: Impacts to plankton and krill		
F07	**Matter**: Impacts on plankton and krill from anthropogenic sound. **Claim**: Sonar activity and seismic blasting has been implicated in destroying baseline food sources. **Claim**: Scallops and other bivalves are filter feeders and so feed on plankton. If zooplankton stocks are killed off significantly in the Operating Area from seismic blasting, this could affect food supply for scallops and other bivalves and affect the fisheries industry in the Port Fairy area. **Claim**: While ConocoPhillips has acknowledged that their acoustic surveys will impact zooplankton they have failed acknowledged the extent to which this is an issue. As is the case with previous applications of this type, key and significant information has been left out of the document and citations of sources of evidence have been incorrectly applied or studies referred to that have been thoroughly discredited. McCauley et al. showed that seismic discharges kill krill larvae up to 1.2 km from the sound source (sound discharges from VSP systems are of a similar magnitude). Assuming that the mortality of krill larvae is accurate (McCauley et al.) and the operational area is 4,507.5 km2, the proposed survey has the potential to kill all krill larvae across the entire survey. **Claim**: ConocoPhillips should accurately represent the findings of McCauley et al. and desist from quoting Richardson et al. until their report has been peer-reviewed and published in the literature, and not just by APPEA/CSIRO, and should set aside any studies conducted by members of APPEA, i.e. The Australian Institute of Marine Sciences to prevent unprejudiced consideration of the facts and selection of one preferred outcome over another.	ConocoPhillips Australia acknowledges claims regarding impacts associated with the Otway Exploration Drilling Program on zooplankton and krill and has reviewed the Environment Plan (EP) to ensure that impacts to these species are adequately assessed. Marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. As stated in Section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation and geophysical surveys as described in detail above. The magnitude of impacts on prey species such as zooplankton, fish eggs, larvae and krill, is highly localised (≤50 m for injury from the VSP source) and not expected to be discernible at the regional scale when considering the large natural spatial and temporal variability and scale of plankton and spawning biomass in the South-east Marine Region. If plankton species are impacted, noting modelling of recoverable injury from the VSP source at ≤50 m, localised predicted impacts to plankton do not remove them from the food web. Nutrients and energy they contain are retained in the water column for several days as their remains are likely scavenged before sinking to the seafloor to be consumed by opportunistic benthic organisms (Kirillin et al. 2012, Tang et al. 2014, Dubovskaya et al. 2015). Thus, impacts to primary production and ecosystem function are not predicted. The Commonwealth Scientific and Industrial Research Organisation (CSIRO) is an Australian Government entity who operate under the provisions of the Science and Industry Research act 1949. The organisation work with industry, government and the research community to address Australia's greatest challenges. Therefore, the utilisation of data from works published by CSIRO, including Richardson et al. 2017, is acceptable as it is considered representative of the subject matter. Krill's (Nyctiphanes australis') range extends from approximately Sydney round the southern coast through Bass Strait to central South Australia, and throughout all Tasmanian coastal waters (Nyan Taw 1978, Ritz and Hosie 1982, in IMAS 2011). There is a main peak of spawning from early spring to late autumn, but reproduction continues through all months with as many as

	THEME	FISH, SHARKS, INVERTEBRATES AND FISHERIES (F)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: Research has shown that seismic blasting results in serious harm to a variety of marine life, causing mortality in small fish and zooplankton. After seismic blasts, many zooplankton are found dead as far away as 1.2 kilometres from the blast site, and potentially further [University of Tasmania, 2023, New Research Reveals Impact Of Seismic Surveys On Zooplankton]; This is what has already happened in T/49P. **Claim**: The Operational Area (OA) is where baleen whales (e.g. Pygmy Blue and Southern Right Whales) eat plankton. This means that any significant impact on keystone species has a cascading and widespread impact on the ecological community they support. The proposed ConocoPhillips operational area is 4,507.5 km2 in depths ranging from 53 to 500m potentially impacting roughly 1,250 km3 of oceanic habitat. We know that the noise associated with seismic blasting kills or seriously debilitates many zooplankton species including killing krill larvae at least up to 1.2 km from the source of the sound. **Claim**: While it has been suggested that zooplankton will recover within four days, this assumption is based upon on the lifecycle of small copepods living in a high current and there is a misunderstanding of the life cycle of krill. Given the time that the krill spend in the areas of seismic blasting the entire year-classes of larvae would potentially be killed and would not recover in 4 days. **Claim**: Seismic blasting causes significant death of zooplankton, with research showing this effect out to a distance and depth of 1.2km from the seismic source. (McCauley et.al, 2017). With the extent of passes to be conducted through the Operating Area, there would be significant mortality to the zooplankton, which contains not only next generation larvae of many marine species, but is a food supply for small fish, filter feeding shellfish such as scallops, jellyfish, baleen whales and certain seabirds such as the Short-Tailed Shearwater. **Claim**: ConocoPhillips should undertake additional valid studies (independent, in-field, and spatially representative) to determine the actual range and impact that repeated intense acoustic discharges over the full duration of their testing has on zooplankton, and to determine	three generations produced each year. This continuous reproduction through the year coupled with its high growth rate means that Nyctiphanes australis has very high productivity (IMAS 2011). Although the entire operational area has conservatively been assessed against the impacts of impulsive sound emissions, as stated in Section 6.7 (Underwater Sound Emissions – Impulsive), ConocoPhillips Australia is proposing only 6 exploration well locations within this area, resulting in a significantly smaller area of potential recoverable injury from the VSP source, i.e. within 50 m of the source at each location for the short duration of these activities (maximum of 20 hours per well). Considering the localised and temporary impact to krill with rapid replacement of the species, any impacts from short term activities are not expected have effects to krill are ecologically significant. ConocoPhillips Australia has included additional information on the life cycle of krill to EP Section 4.6.3 in response to these claims.

	THEME	FISH, SHARKS, INVERTEBRATES AND FISHERIES (F)
#	**COMMENTS RECEIVED**	***Titleholder response***
	the true recovery time for zooplankton on the completion of that testing, with clarification on the total area affected in the various tests; Given the importance of plankton, in particular krill, there should be further long-termed scientific studies, prior to seismic surveys.	
F08	**Matter**: The importance of krill is not adequately described. **Claim**: The importance of plankton, especially krill, needs to be is better described in the EP. The importance of krill, the keystone species in this ecosystem in the Environmental Plan, and biased and inaccurate assessment of the threat to plankton and inadequate recognition of that effect on the entire ecosystem including zooplankton, fishes and eels, cetaceans and pinnipeds, and Birds.	ConocoPhillips Australia acknowledges claims regarding impacts associated with the Otway Exploration Drilling Program on krill (*Nyctiphanes australis*) and have reviewed the Environment Plan (EP) to ensure the importance of this species was adequately described. The importance of krill is described throughout EP Chapter 4 (Description of the Environment), in Sections 4.4.9.1 (Bonney Coast Upwelling), 4.4.9.4 (Upwelling East of Eden), 4.6.3 (Plankton – Krill), 4.6.3.1 (Bonney Coast Upwelling), 4.6.4 (Marine Invertebrates), 4.6.7 (Seabirds and Shorebirds), 4.6.9 (Marine Mammals). Impacts to prey species/ plankton (which includes zooplankton/krill) associated with light emissions are detailed in EP Sections 6.4.5.2 (Conservation Values and Sensitivities), with no population level impacts predicted. Impacts to prey species/ plankton (which includes zooplankton/krill) associated with impulsive underwater sound are detailed in EP Section 6.7.6 (Consequence Evaluation). These impacts are predicted to be limited by intermittent exposure and the dispersive characteristics of the open water in the operational areas. The magnitude of impacts on species such as krill, is highly localised (≤50 m for injury from the VSP source) and not expected to be discernible at the regional scale when considering the large natural spatial and temporal variability and scale of krill. *Nyctiphanes australis*' range extends from approximately Sydney round the southern coast through Bass Strait to central South Australia, and throughout all Tasmanian coastal waters (Nyan Taw 1978, Ritz and Hosie 1982, in IMAS 2011). There is a main peak of spawning from early spring to late autumn, but reproduction continues through all months with as many as three generations produced each year. This continuous reproduction through the year coupled with its high growth rate means that *Nyctiphanes australis* has very high productivity (IMAS 2011). Impacts to prey species/ plankton (which includes zooplankton/krill) associated with discharges are detailed in EP Sections 6.8.5 (Consequence Evaluation) and 6.9.5.2 (Ecological Receptors). Impacts are predicted to be short-term, localised and are not expected to result in impacts to foraging marine species given the overall abundance of food resources within the region.

	THEME	FISH, SHARKS, INVERTEBRATES AND FISHERIES (F)
#	**COMMENTS RECEIVED**	***Titleholder response***
		Considering the localised and temporary impact to krill with rapid replacement of the species, any impacts from short term activities are not expected have effects to krill are ecologically significant. ConocoPhillips Australia has included additional information on the life cycle of krill to EP Section 4.6.3 in response to these claims. ***Reference**:* *IMAS (Institute for Marine and Antarctic Studies) (2011) 'Zooplankton, Nyctiphanes australias', IMAS, University of Tasmania, Hobart.*
F09	**Matter:** Impacts of increased turbidity on phytoplankton. **Claim**: The EP ignores the fact that drilling activities will increase turbidity, which will impact the ability of the phytoplankton to produce the oxygen we like to breathe - 80 percent of the oxygen we breathe comes from our oceans. It will impact greatly on our own species.	ConocoPhillips Australia have reviewed the feedback provided and consider the item raised to be sufficiently addressed within the EP. EP sections 6.3 (Seabed Disturbance) and 6.8 (Planned Drilling Discharges) assess the impacts of turbidity to the receiving marine environment, including the impacts to plankton. Potential impacts to plankton, including fish and invertebrate larvae, is expected to be limited by intermittent exposure and the dispersive characteristics of the open water in the operational areas. Considering the naturally high mortality of plankton and the rapid replacement of the species (Richardson et al. 2017) any impacts from short term exposure to drilling discharges to the marine environment are not expected have effects to plankton that are ecologically significant. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
Key Matter: Impacts to eels		
F10	**Matter**: Failure to assess impacts of seismic blasts on eels. **Claim**: The effects of seismic blasting on Shortfin eels have not been mentioned in the EP. **Claim**: Studies have shown that seismic blast surveys kill about 64% of zooplankton out to at least 1.2 km from the sound source and so larval eels are almost certainly killed by these activities. The effects of seismic blasting on Shortfin eels have not been mentioned in the EP.	ConocoPhillips Australia acknowledges claims regarding the impacts associated with the Otway Exploration Drilling Program on eels, and the cultural significance of this species to First Nations peoples as described in Environment Plan (EP) Section 4.8.2.2 and have reviewed the EP to ensure that impacts to these species were adequately assessed. Marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. However, as stated in Section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the

	THEME	FISH, SHARKS, INVERTEBRATES AND FISHERIES (F)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: With the establishment of the Budj Bim eel interpretative centre, in conjunction with the World Heritage overlay in the area, Short-finned Freshwater Eels have become a recently recognised additional question mark in relation to seismic blasting, with new studies of their complex migratory life cycle pattern having been conducted (Koster et.al, 2021). The adults migrate out of the freshwater rivers, into deep water through the ocean, all the way to the tropical Coral Sea. There they breed and the larvae return down the East Coast, as part of the zooplankton, to return to the rivers as juveniles. The Short-Finned Eel is of great cultural significance to the indigenous Gunditjmara people. No studies have been done on the effect of seismic blasting on the "near threatened" Short-finned Freshwater Eel. **Claim**: Short fin eels have an immense cultural value for the indigenous peoples of South-West Victoria, forming the basis of a UNESCO World Heritage site at Budj Bim. Their cultural connection to the land and the eels stretches back 40 to 60 thousand years which Australia has global responsibilities to protect. It is well known that seismic blasts kill fish. We also know that these surveys change the behaviour of fish: they can disorientate them and they can make them more vulnerable to predators, and other adverse impacts. Specific information about seismic blasts relating to short fin eels is absent but the effects on other kinds of eel are damaging. We have no reason to believe that short fin eels are any different. Adding an additional pressure to these already vulnerable animals is irresponsible and a breach of our duty to protect World Heritage sites and cultural traditions that may be 60,000 years old and ignores consultation with Indigenous groups who venerate the importance of eels to their society. **Claim**: Specific information relating to the effects of seismic basting on short fin eels needs to be explored as the migration patterns of the eel are intricate. Eels are vulnerable throughout their life cycle and have a single opportunity to successfully reproduce. Larval eels return on ocean currents to southwest Victoria as part of the zooplankton and	scope of the Otway Exploration Drilling Program including downhole formation evaluation (VSP) and geophysical surveys (including SBP) as described in detail above. As detailed in Section 6.7.6.1 of the EP, the American National Standards Institute (ANSI) accredited report of sound exposure guidelines (Popper et al. 2014) defines three types of immediate effects to fish (including eels) from underwater sound emissions; mortality (including injury leading to death), recoverable injury (including injuries unlikely to result in mortality, such as hair cell damage, masking and minor haematoma), and TTS (such as reduction in hearing). Noise modelling was undertaken for the EP (Appendix G) which predicted the worst-case mortality, recoverable injury and TTS thresholds for fish species (including eels) to occur during VSP at maximum distances of only 30 m, 40 m, and 450 m, respectively, over 24 hours of activity from the sound source. Further, a study conducted on anguilliform fish, such as eels, under experimental conditions found that the introduction of acoustic stimuli influenced the behaviour (i.e. increased swimming speeds, movements away from ensonified walls) of the river lamprey (Lampetra fluviatilis) and the European eel (Anguilla anguilla) but did not influence route selection and therefore didn't influence movements of either species (Deleau et al. 2019). It was stated that the observed responses would likely be insufficient to induce a strong deterrent effect in the field if used in isolation (Deleau et al. 2019). Due to the temporary occurrence and short duration of impulsive noise emissions in combination with the minimal areas of impact from VSP (and SBP) impulsive sound sources, these activities will not result in prolonged or extreme exposure to fish species (including eels). ConocoPhillips has provided additional information in Section 4.6.5.3 (Eels) to describe this species, and in the consequence evaluations in EP Sections 6.6.7.1 (Underwater Sound – non-impulsive) and 6.7.6.1 (Underwater Sound – Impulsive) to clarify that the existing impact assessments address eels, in response to these claims. ***References**:* *Deleau MJC, White PR, Peirson G, Leighton TG and Kemp PS (2019) 'The response of anguilliform fish to underwater sound under and experimental setting', River research and Applications, 36 (6): 441-451.*

	THEME	FISH, SHARKS, INVERTEBRATES AND FISHERIES (F)
#	**COMMENTS RECEIVED**	***Titleholder response***
	there is every likelihood, they will die during seismic blasting activity. (13) Additional pressure to already vulnerable animals is irresponsible. A quantitative longitudinal study to explore the impact of seismic blasting on the lifespan of eels should be conducted prior to further exploration for gas.	
Key Matter: Impacts to other species		
F11	**Matter**: Impacts of seismic blasts on octopus. **Claim:** In the few months following the seismic blasting conducted by CGG at Lakes Entrance in 2020, the ABC reported on fishers saying that their octopus catch was down by 80% (Davis & Burns, 2020). Research has been conducted by Associate Professor Jayson Semmens et.al. at the University of Tasmania into the effect of seismic blasting on octopus where males were found to have reduced adventurousness and depressed feeding, females were shown to have reduced maternal care of their eggs, there were significant increases in stress as shown by pH levels and neuromuscular function was affected (Day et.al., 2023). Clearly seismic blasting has a negative impact on octopi. For such a species that would be unable to move quickly and easily of a surveyed area, this is cruel and could have a negative impact on a population.	ConocoPhillips Australia acknowledges claims regarding the impacts associated with the Otway Exploration Drilling Program on octopus species and have reviewed the Environment Plan (EP) to ensure that impacts to these species were adequately assessed. Marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. However, as stated in Section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation (VSP) and geophysical surveys (SBP) as described in detail in response to Matter F01 above. These activities are of short-duration and produce highly localised impacts. Noise modelling for impulsive underwater sound can be found in Section 6.7.2 (Underwater Sound Modelling) or Appendix G of the EP. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
F12	**Matter**: Impacts to coastal and benthic habitats. **Claim**: The exploration leases lie in close proximity to coastal habitats crucial for threatened or endangered species — e.g. rocky reefs of northern and western Tasmania and Victoria (kelps [declining alarmingly with climate change] and their dependent species), and the Bass Strait islands.	ConocoPhillips Australia acknowledges claims regarding the impacts associated with the Otway Exploration Drilling Program on benthic and coastal habitats and have reviewed the Environment Plan (EP) to ensure that impacts to these species were adequately assessed. The operational areas are located approximately 28 km from King Island shoreline (T/49P) and approximately 19 km (VIC/P79) from the nearest Victorian shoreline (Port Fairy). No Threatened Ecological Communities (TECs), including the Giant Kelp Marine Forests of South East Australia are overlapped by the operational areas. Further, no Key Ecological Features (KEFs), including shelf rocky reefs are overlapped by the operational areas. The seafloor of the operational areas where direct impacts may occur is primarily composed of soft sediments such as sand, silt and mud (see Section 4.6.1). Linear limestone reefs have been identified within the T/49P permit area however they are disconnected and widely interspersed with sand. Therefore, it is unlikely

	THEME	FISH, SHARKS, INVERTEBRATES AND FISHERIES (F)
#	**COMMENTS RECEIVED**	***Titleholder response***
		that extensive areas of rocky reefs or outcrops (where sponges, coral, kelp and more diverse fauna may be present) occur. Any potential impacts to benthic and intertidal assemblages such as rocky reefs and kelp forests would only be the result of a hydrocarbon spill. However, the likelihood of such an event occurring has been assessed as remote. The Otway Exploration Drilling Program EP and Oil Pollution Emergency Plan (Appendix I) document the controls that will be in place to reduce the likelihood of a hydrocarbon spill and to ensure an efficient response should an event occur, thus reducing potential environmental impacts. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
F13	**Matter**: Impacts of seismic surveys on abalone. **Claim**: Cumulative impact of the multiple surveys proposed for the Otway basin area in the coming year, including, but not limited to the ConocoPhillips Otway Exploration Drilling Program. Of particular concern to us is the impact that Marine Seismic Surveys (MSS) have on abalone during their early life stages, when they are most vulnerable to stressors. To date, there has been no research undertaken studying the impacts of MSS on abalone, juvenile or mature. **Claim**: Uncertainty remains with regard to how any MSS activity impacts mature blacklip abalone, juvenile blacklip abalone and their planktonic larvae. Until such time that this research has been completed, we will not be fully satisfied that the impacts of any Marine Seismic Survey are non-detrimental to the abalone resource.	ConocoPhillips Australia acknowledges claims regarding the impacts associated with the Otway Exploration Drilling Program on abalone and has reviewed the Environment Plan (EP) to ensure that impacts to these species were adequately assessed. Marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. However, as stated in Section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation and geophysical surveys as detailed in response to Matter F01 above. Impulsive underwater sound emissions from short duration VSP and SBP do not reach the noise effect criteria for impairment of marine invertebrates at the seafloor. However, sub-lethal effects may occur within the effect distance to the 'no effect' criteria at the seafloor which was reached at 170 m for VSP. Therefore, within water depths <170 m, marine invertebrates directly below the impulsive sound source during short-duration VSP (maximum 20 hours per well) are likely to detect a change in ambient sound; however, negligible consequences are predicted. ConocoPhillips Australia is not proposing to conduct seabed surveys or drilling activities within water depths below 53 m. Given that commercially important species such as the blacklip abalone are reef-dwelling species that attach onto hard substrates in water depths up to 40 m, impacts to juvenile and adult abalone are not predicted. Regarding impacts to planktonic larvae, the magnitude of impacts on prey species such as zooplankton, fish eggs, larvae and krill, is highly localised (≤50 m for injury from the VSP source)

	THEME	FISH, SHARKS, INVERTEBRATES AND FISHERIES (F)
#	**COMMENTS RECEIVED**	***Titleholder response***
		and not expected to be discernible at the regional scale when considering the large natural spatial and temporal variability and scale of spawning biomass. Female abalone produce and release millions of eggs each year into the water column which hatch into larvae and after about a week the larvae develop into small juveniles which settle onto rocks (DPIRD 2016). Noise modelling for impulsive underwater sound can be found in Section 6.6.1.2 or Appendix G of the EP. ConocoPhillips Australia has included additional detail in Section 4.6.4.4 (Gastropods) to capture the lifecycle characteristics of abalone.
Key Matter: Impacts to fishers and fisheries		
F14	**Matter**: Information on the economic importance and/or management arrangements for fisheries. **Claim**: The proposed operational areas for planned exploration drilling activity in the Otway Basin described in this EP are directly in conflict with sensitive habitats and productive fishing grounds for several commercially important Victorian state managed fisheries, including Southern Rock Lobster, Giant Crab and Pale Octopus. **Claim**: Tasmanian wild fisheries contribute significantly to the islands identity and economic value. **Claim**: There are high-value markets for shellfish, crustaceans and scale fish and there are also almost 100,000 recreational fishers in Tasmania (according to the Tasmanian Association of Recreational Fishing). **Claim**: Southern Rock Lobster (Jasus edwardsii) is a quota managed resource in Victoria and is the State's most valuable fishery. The operational areas described in the EP overlap with over 20% of Victorian fishing grid cells with reported catch for the Western Zone Rock Lobster Fishery over the 2011-2021 period. **Claim**: The Giant Crab (Pseudocarcinus gigas) fishery is a quota managed resource in Victoria classified as sustainable. The proposed operational areas described in the EP overlap with over 55% of	ConocoPhillips Australia appreciates the additional information provided on the presence of commercial and recreational fishing activity within the operational areas of the Otway Exploration Drilling Program. ConocoPhillips Australia have reviewed Environment Plan (EP) Section 4.7.7 (Victorian Managed Fisheries), 4.7.8 (Tasmanian Managed Fisheries) and the aspects chapters identified to impact fish and marine invertebrates (i.e. impulsive underwater sound emissions, seabed disturbance) which are assessed in EP Sections 6.7 and 6.3, respectively, and predict no changes to the populations of these mobile species as the result of the Otway Exploration Drilling Program. Further, as detailed in EP Section 6.2 no impacts to the stock status of the giant crab or southern rock lobster fisheries are predicted as the result of the proposed Otway Exploration Drilling Program. The Victorian octopus fishery's status is undefined, however, VFA (2022) data shows the majority of the fishing effort is to the east of the operational areas with the two reporting grids partially overlapping VIC/P79 in the northern extent reporting less than five vessels being present. Considering aspects identified to impact marine invertebrates will occur on a localised extent for a short-term, impacts to species productivity at an ecosystem or population level would be negligible and a change in commercial or recreational catch is considered highly unlikely. The Operational Areas for the exploration program are defined as 'the areas within which petroleum activities may occur' which are detailed in Section 2.1.1 of the EP. However, for the maximum 6 proposed drilling locations a Drilling Area will be established around each exploration well within the broader Operational Areas. Each drilling area will be represented by a 2 km radius cautionary zone around the well site while the rig is moored on location. This radius

	THEME	FISH, SHARKS, INVERTEBRATES AND FISHERIES (F)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Victorian fishing grid cells with reported Giant Crab catch over the 2011-2021 period. **Claim**: The first quota managed octopus fishery in Victoria was established in the East of the State. There are currently exploratory permits operating off the coast of Western Victoria with a view to using that data to inform future management of sustainable octopus catch in the region. The Northern extent of the operational areas described in the EP overlap with fishing grounds for octopus.	encompasses the outer extent of mooring equipment and the 500 m Petroleum Safety Zone (PSZ). The 2 km radius Drilling Areas will be short-term only (each well will typically take 30-40 days to drill, but may take up to a maximum of 90 days to account for potential operational delays and environmental constraints like weather events). In addition, the Drilling Area will occupy a relatively small area (12.57 km^2) which represents only a small fraction of the fisheries stated and areas which other marine users may be displaced while the drilling rig is on location. ConocoPhillips Australia is committed to undertaking the Otway Exploration Drilling Program in a manner that will not interfere with other marine users to a greater extent that is necessary and has committed to developing a Commercial Marine Operators Adjustment Protocol (CM04: Commercial Marine Operators Adjustment Protocol). ConocoPhillips Australia has included additional detail has in Section 4.7.5.4 (Recreational Fishing) to capture information on the recreational fishing trends of Tasmanians as a whole.
F15	**Matter**: Impacts to fishers and fisheries. **Claim**: The proposed gas exploration will impact on many of our local fisheries and reliant communities including the ports at Currie on King Island, Stanley, Strahan and other smaller harbours. **Claim**: There are concerns regarding the suitability of the NERA protocol as a compensation framework in relation to displacement of Victorian commercial fishers. Under the NERA Protocol, displacement of Victorian licence holders will result in increased fishing pressure on other reefs causing risk of localised depletion, and a reduction in profitability not only of the displaced parties, but also those incurring increased competition in the remaining limited fishing grounds. **Claim**: Offshore oil and gas developers seeking to exclude Victorian commercial fishing licence holders from areas with historical fishing activity should design an appropriate compensation protocol that does not compel fishers to relocate their fishing operations. This can be achieved through 'retirement of quota' whereby licence holders abstain from fishing for the relevant period and are compensated for loss of revenue based on historical catch rates and current market price. This type of framework has been used successfully in the past by offshore oil and gas companies in the Southern Ocean to avoid risks associated with	ConocoPhillips Australia acknowledges claims regarding the impacts associated with the Otway Exploration Drilling Program to fishers and have reviewed existing control measures to ensure that no fishers are economically disadvantaged as a result of the proposed activity. As described in Environment Plan (EP) Section 6.2.5, the Otway Exploration Drilling Program has the potential to interfere with commercial fishing activities by the exclusion of commercial vessels from specific locations, through inadvertent damage to fishing equipment and as a result of loss of catch. An assessment of impacts on sail time is included which identified it would take approximately 10 minutes to detour around a drilling area, which is unlikely to result in a significantly longer sail time or increase in fuel use. Further, commercial fishers will be notified via Notice to Mariners and through pre-start notifications from ConocoPhillips Australia of where and when activities will be undertaken, allowing vessels to plan their transit to avoid increased travel time and distance. ConocoPhillips Australia has committed to undertaking the Otway Exploration Drilling Program in a manner that will not interfere with other marine users to a greater extent that is necessary. To mitigate impacts to fishers, ConocoPhillips Australia has committed to the development of a Commercial Marine Operators Adjustment Protocol. Development of this protocol will occur in consultation with peak fishing associations and individual fishers to ensure that claims of fishers can be assessed and compensated (CM04: Commercial Marine Operators Adjustment Protocol) for the exploration program. This includes a commitment to working with industry, relevant

	THEME	FISH, SHARKS, INVERTEBRATES AND FISHERIES (F)
#	**COMMENTS RECEIVED**	***Titleholder response***
	displacing fishing effort for species with localised habitats and limited fishing grounds. **Claim**: Section 6.2.2 of the EP acknowledges that the presence of seabed survey vessels, the drilling rig and support vessels used for the activity, and the establishment of exclusion zones, may result in the displacement of other marine users engaging in activities such as commercial fishing. This may result in impacts to catch and higher costs of production for those fishers needing to alter routine fishing practices, including increased sailing time resulting in higher fuel and labour costs. **Claim**: The EP will not protect local Fishing Industries.	fishery associations and persons, to design an application process for compensation that minimises the potential for cumulative impacts to commercial fishers. No long-term impacts to fisheries are predicted as detailed in Section 6.2, therefore a full retirement of quota is not considered an appropriate response to this short-term, recoverable activity with no predicted population level impacts to commercially important species. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
F16	**Matter:** Impacts to divers. **Claim**: It is necessary to ensure divers are not within the vicinity of any type of seismic activity. As has been suggested previously, this can be achieved simply by surveying outside daylight hours. **Claim**: There is mention of any preventative measures so that drilling does not interfere with fish and human divers that are susceptible to vibration and underwater noise. Obviously they have not explored the bubble walling designed in Germany and used around all drilling in the North Sea. It is virtually criminal not to explore and put into place this cheap and effective methodology that has been proven to be highly successful in surrounding drilling activities with protection for undersea dwellers. **Claim**: it is necessary to ensure divers are not within the vicinity of any type of seismic activity. As has been suggested previously, this can be achieved simply by surveying outside daylight hours.	ConocoPhillips Australia acknowledges claims regarding impacts to divers and alternative controls and has reviewed the Environment Plan (EP) to ensure these are adequately addressed. Marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. However, as stated in Section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation and geophysical surveys as described in response to Matter F01 above. Based on sound modelling, as described in detail below and added to EP Section 6.7.6.3 (Socio-economic Receptors), no impacts are predicted to commercial or recreational divers. VSP represents the highest amplitude sound source between VSP and SBP and was used to determine the worst-case consequence evaluation in underwater sound emission impact assessment. Noise modelling conducted for the EP uses the human health assessment threshold for divers and swimmers of 145 dB re 1 µPa (Parvin 2005). Based on the Rmax value for VSP this threshold is reached at 6.01 km from the sound source. The current locations of the proposed drilling sites are not yet known. However, even if a drilling location was situated on the most northerly boundary of VIC/P79 operational area (which is closest to the Victorian coastline) the 145 dB re 1 µPa threshold will be approximately 11 km from the coast. In addition, due to the northern boundary being situated away from the Victorian coastline, the 145 dB re 1 µPa threshold would not be present in waters shallower than approximately 44 m. It should be noted that abalone typically occur nearshore on hard bottom marine habitats with the majority occurring between 5-10 m, however they can be found in depths up to 40 m (DPI

	THEME	FISH, SHARKS, INVERTEBRATES AND FISHERIES (F)
#	**COMMENTS RECEIVED**	***Titleholder response***
		2024). Abalone diving operations are undertaken using surface-supplied breathing apparatus (SSBA) and under Australian Standard AS/NZS 2299.1:1999 which limits SSBA diving operations to 30 m depths. In addition, most diving agencies recommend a maximum depth limit of 40 m for recreational scuba divers. Therefore, depths where the human health assessment threshold for divers and swimmers can be reached occur beyond those used by both commercial and recreational divers. Regarding the use of bubble curtains, ConocoPhillips has operations in the North Sea and sought advice from the Norway business unit regarding use in drilling operations. The website of the provider https://www.hydrotechnik-luebeck.de/offshore-noise-protection/ does not describe any installs for drilling operations and ConocoPhillips is not aware of any such operations being conducted in relevant operational water depths the North Sea. It is understood that the application has been trialled in shallow water offshore wind farm installations during pile driving operations, which is considered one of the most intense underwater anthropogenic noise sources. ConocoPhillips Australia is not proposing to conduct pile driving, nor a marine seismic survey. Further, the effectiveness of bubble curtains through dispersion are predicted to be negligible in the water depths and metocean (current predominately) conditions in the Operational Areas. ConocoPhillips Australia has included additional detail in Section 4.6.4.4 (Gastropods) of the EP to capture the habitat characteristics of abalone and the assessment of impacts to divers has been included in EP Section 6.7.6.3 (Socio-economic Receptors).
F17	**Matter:** Avoidance of fisheries and habitats known to be important for Southern rock lobster, giant crab and octopus. **Claim:** Given the lack of current understanding regarding potential impacts of drilling activity on species highly susceptible to physiological and behavioural disruption associated with anthropogenic noise, habitat types known to be important to stocks of Southern Rock Lobster, Giant Crab and octopus should be avoided wherever possible in the final placement of the nine exploratory drilling sites within the large operational areas described in the EP. **Claim:** In planning the nine exploratory drilling sites within the large operational areas described in the EP, efforts should be made to avoid those areas most relied upon by commercial fishing operations. This	ConocoPhillips Australia acknowledges claims regarding impacts to fisheries and has reviewed the Environment Plan (EP) to ensure these are adequately addressed. ConocoPhillips Australia consider the claims raised to be sufficiently addressed within the EP. Aspects identified to impact marine invertebrates include impulsive underwater sound emissions and seabed disturbance which are assessed in Sections 6.7 and 6.3, respectively, and predict no changes to the populations of these mobile species as the result of the Otway Exploration Drilling Program. Further, as detailed in Section 6.2 no impacts to the sustainable stock status of the giant crab or southern rock lobster fisheries are predicted as the result of the proposed Otway Exploration Drilling Program. The Victorian octopus fishery's status is undefined, however, VFA (2022) data shows the majority of the fishing effort is to the east of the operational areas with the two reporting grids partially overlapping VIC/P79 in the northern extent reporting less than 5 vessels being present. Considering aspects identified to impact

	THEME	FISH, SHARKS, INVERTEBRATES AND FISHERIES (F)
#	**COMMENTS RECEIVED**	***Titleholder response***
	includes the Northern End of VIC/79 (Southern Rock Lobster, Pale Octopus) and West side of T/49P (Giant Crab).	marine invertebrates will occur on a localised extent for a short-term, impacts to species productivity at an ecosystem or population level would be negligible and a change in commercial or recreational catch is considered highly unlikely. It should be noted that there are a maximum of 6 exploration wells planned (2 firm wells and up to 4 optional wells). A Drilling Area will be established around each exploration well within the broader Operational Areas. Each drilling area will be represented by a 2 km radius cautionary zone around the well site while the rig is moored on location. This radius encompasses the outer extent of mooring equipment and the 500 m Petroleum Safety Zone (PSZ). The 2 km radius Drilling Areas will be short-term only (each well will typically take 30-40 days to drill, but may take up to a maximum of 90 days to account for potential operational delays and environmental constraints like weather events). The Drilling Area will occupy a relatively small area (12.57 km^2) which represents only a small fraction of the fisheries stated and areas which other marine users may be displaced while the drilling rig is on location. ConocoPhillips Australia is committed to undertaking the Otway Exploration Drilling Program in a manner that will not interfere with other marine users to a greater extent that is necessary and has committed to developing an Adjustment Protocol (CM04: Commercial Marine Operators Adjustment Protocol). ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
F18	**Matter:** Insufficient information on impacts to fisheries from Vertical Seismic Profiling. **Claim**: At present there is a lack of knowledge regarding potential impacts of noise generated from vertical seismic profiling and exploratory drilling on the species highlighted in this submission.	ConocoPhillips Australia acknowledges claims regarding impacts to fisheries from VSP and has reviewed the Environment Plan (EP) to ensure these are adequately addressed. ConocoPhillips Australia considers the claims raised to be sufficiently addressed in EP Section 6.7 which assesses the potential impacts that impulsive underwater noise sources, such as short-duration VSP, will have on relevant receptors. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.

5. Theme: Birds

	THEME	BIRDS (B)
#	**COMMENTS RECEIVED**	***Titleholder response***
Key Matter: Little Penguins		
B01	**Matter:** Impacts on little penguins from seismic blasting. **Claim:** The Little Penguin is a tourist attraction around the Otway Basin. To the best of our knowledge, no research has been done on the effects of seismic blasting on the Little Penguin, or as significantly, on its prey species. There have been observational reports of the strong impact of blasting on Southern Rockhopper Penguins which were found floating unconscious near blast sites off Marion Island and Saldhana Bay, South Africa.	ConocoPhillips Australia acknowledges claims regarding impacts on little penguins and has reviewed the Environment Plan (EP) to ensure that impacts to this species were adequately assessed. Response to Matter B04 below also includes an assessment of impacts on penguin tourism in Victoria. Marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. Regarding claims of impacts on Southern Rockhopper Penguins off Marion Island and Saldhana Bay, these were the result of detonating explosives on the seabed and are not considered relevant to the assessment of impacts associated with the proposed Otway Exploration Drilling Program, which involves short duration seabed surveys and exploratory drilling. As stated in EP section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation and geophysical surveys. • Downhole formation evaluation is necessary to analyse any potential gas or condensate within the borehole. The evaluation is undertaken by a number of tools including the Vertical Seismic Profiling (VSP) tool. Each discharge of the sound source from VSP generates a short, discrete, low frequency sound impulse, which rapidly decreases with distance from the source. The sound energy generated by VSP is much lower than conventional 3D seismic surveys. In addition, seismic surveys are undertaken over large areas whereas the sound energy from VSP is focussed towards the seabed in close proximity to the borehole only. VSP produces impulsive sound and is a short-duration activity limited to a maximum of 20 hours per well (at 6 wells). • Geophysical surveys are necessary to minimise impact to the seabed and ensure safe positioning of the Mobile Offshore Drilling Unit (MODU). These surveys include impulsive sound generated by a range of techniques including sub-bottom profiling (SBP). SBP systems operate at much lower source levels and operate at higher frequencies than seismic surveys. Geophysical surveys are of short duration, taking approximately 1 week to complete at each potential well location (maximum of 9 locations). ConocoPhillips Australia has provided a comprehensive description of the existing environment, including the identification of seabirds potentially present within the operational areas. Identification of species was based on the results of the Environment Protection and Biodiversity Conservation Act 1999 Protected Matters Search Tool (PMST) which identified little penguins as present within the wider environment that may be affected

	THEME	BIRDS (B)
#	COMMENTS RECEIVED	*Titleholder response*
		(EMBA), but not the operational areas. Potential impacts on little penguins from impulsive underwater sound emissions have been assessed as Negligible (1) within EP Section 6.7.6.1. Little penguins are known to prey on small fish, squid and krill (DELWP 2017). Potential impacts to little penguin prey including fish and marine invertebrates are described in EP Section 6.7.6.1, which concludes Negligible (1) impacts based on: • Temporary behavioural impacts to fish such as startle responses or avoidance behaviours. • Temporarily detection of impulsive underwater noise by marine invertebrates that will not result in any effects. EP Section 6.7.6.1 describes that indirect impacts, such as displacement of prey species, will be limited to close proximity of the impulsive sound source. Given that the operational areas are more than 20 km from the little penguin foraging Biologically Important Area (BIA), the potential temporary displacement of prey species outside of the foraging BIA for little penguins is considered a Negligible (1) impact. Encounter rates with little penguins within the operational areas is expected to be low, as the operational area for T/49P is > 20 km from the little penguin BIA, and the VIC/P79 operational area is approximately 20 km from the closest breeding colony of Fairy Penguins at Middle Island near Warrnambool. If individual little penguins are within the operational areas during VSP or seabed survey activities, impacts are expected to be limited to startle and strong avoidance behavioural responses (Pichegru et al., 2017; Sorensen et al., 2020)). These impacts will be temporary and infrequent given the short duration of seabed surveys (1 week per location, at up to 9 locations) and VSP operations (< 20 hours per well, for a maximum of 6 wells). On this basis, impacts to little penguin from impulsive underwater sound emissions are considered Negligible (1). ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
B02	**Matter:** Lack of consideration of Middle Island Little Penguin Colony in the EP **Claim:** There is a breeding colony of Fairy Penguins at Middle Island near Warrnambool, which is of great significance to the township of Warrnambool. Fairy Penguins also inhabit Dean Maar Island. No studies have been done specifically on the effect of seismic blasting on Fairy Penguins. With their night time underwater	ConocoPhillips Australia acknowledges claims regarding impacts on the Middle Island little penguin colony and has reviewed the Environment Plan (EP) to ensure that impacts to this colony were adequately assessed. As stated in response to Matter B01 above, marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. As stated in EP Section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation and geophysical surveys as described in detail above.

	THEME	BIRDS (B)
#	**COMMENTS RECEIVED**	***Titleholder response***
	foraging, they would be impossible to spot and prone to harm with any seismic blasting within their range. Their food supply may well be impacted by seismic blasting, whether directly or in a flow-on effect up the food chain from zooplankton being killed in the Operating Area. **Claim**: The area that is considered under this proposed seismic testing plan contains a diverse range of species, all of which need to be considered when risks and impacts are being assessed. Considering that even the geographical range that needs to be considered is still not adequately defined, it becomes even more difficult to compile an exhaustive list of potentially affected species. This was identified during the public consultation conducted by ConocoPhillips, which failed to identify the Middle Island colony of little penguins. Just including the colony in the EP is insufficient, as it gives rise to making NOPSEMA believe that the effects of this program on the colony has been extensively studied and considered, when in reality, it has only been included as an afterthought. We acknowledge that ConocoPhillips has now identified that the Warrnambool (Middle Island) colonies are in the range to be affected by the exploration drilling program. But, we are extremely concerned that ConocoPhillips, which failed to identify the Middle Island colony of little penguins in its first draft of the EP, has only had this omission rectified due to the public consultation. It is our opinion that just including the colony in the EP is insufficient, as it gives rise to making NOPSEMA believe that the effects of this program on the colony has been extensively studied and considered, when in reality its existence has been included only as an afterthought.	Information regarding the Middle Island penguin colony was provided to ConocoPhillips Australia during relevant persons consultation in the preparation of the EP. Relevant persons consultation is intended to identify additional environmental values and sensitivities that we would not otherwise be aware of and, as such, proved effective in capturing this information that was not available via the federal governments Species Profile and Threats (Database) Tool (SPRAT) as this species is not listed as threatened under the Environment Protection and Biodiversity Conservation Act 1999 nor the Victorian Flora and Fauna Guarantee Act. Whilst the information on the Middle Island colony, located approximately 20 km from the closest point of the operational areas, has been included in the impact assessments within the EP, the little penguin breeding colony at Lady Julia Percy Island (Deen Maar), which is approximately 17 km from the closest point of the operational areas, had already been considered in impact assessments. Further, as previously stated (response B01) displacement of prey species will be limited to within close proximity of the impulsive sound source. Therefore, the potential temporary displacement of prey species outside of the foraging BIA for little penguins is considered a Negligible (1) impact. Impacts associated with light at Middle Island are addressed in EP Section 6.4.5.1: The closest breeding aggregation areas exist at Christmas Island located of off nearby King Island approximately 30 km from the T/49P operational area (see **Error! Reference source not found.**) and at Lady Julia Percy Island and Middle Island located approximately 17 and 20 km from VIC/P79, respectively. Breeding typically occurs from September to February. Studies suggest that penguins were habituated to artificial lights and were unaffected by a 15 lux increase in artificial illumination (Rodriguez et al. 2016). The breeding BIA for the species only overlaps with the environmental that may be affected (EMBA) by flaring. The increase in light level intersecting the coastline at Christmas Island has been estimated as being approximately <0.003 lux. In addition, increases at Warrnambool, Middle Island and Lady Julia Percy Island range between <0.005 to <0.007 lux (**Error! Reference source not found.**). Note light levels from a quarter moon and a moonless clear night sky (new moon) are 0.01 Lux and 0.001 Lux respectively. A change in ambient light levels from flaring operations will only be intermittent and temporary (maximum 120 hours per well over multiple short-term events) and are not expected to cause impact at a population level. Therefore, minor changes in ambient light within the EMBAs is unlikely to cause behavioural changes or result in injury/mortality to the little penguin. ConocoPhillips Australia has included additional detail in EP Section 4.6.7.5 (Other marine listed species) to capture the breeding colony at Middle Island in response to these claims.

	THEME	BIRDS (B)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: On page 407 of the EP, the closest breeding ground is identified as Christmas Island, which is 30 km from the permit sites. However, due to adding little penguins at Middle Island as an afterthought, this section was NOT updated to include the colony living 20 km from the permit sites. Given this omission, NOPSEMA should ask ConocoPhillips to resubmit their EP once they conduct in-depth, scientific research into the effects on little penguins. **Claim:** The impact of light emissions on breeding colonies near T49 is discussed in Chapter 6.4. The chapter references that studies suggest direct disturbance to nesting grounds may disorient or prevent birds from returning to shore. The T49 breeding BIA overlaps with the flaring EMBA and the EP states it is unlikely to cause behavioural change or result in injury/death for the species. The impact of light emissions on the breeding colony at Warrnambool (Middle Island) has not been considered.	
B03	**Matter:** Impacts on little penguins from acoustic disturbance **Claim**: Due to their largely aquatic existence and lack of flight ability, Little Penguins are expected to be more susceptible to effects of acoustic disturbance from drilling than other seabirds. **Claim**: 6.7.6.1 Ecological Receptors Birds (p. 484, 485) and 6.6.7.1 Ecological Receptors Birds (p. 450) - The lack of identified noise thresholds for seabirds does not infer that the consequences to these species are negligible. The timing of the little penguin breeding season is increasingly variable, with chicks recorded as early as July along the north-west coast of Tasmania. Therefore, both	ConocoPhillips Australia acknowledges claims regarding impacts on little penguins form acoustic disturbance and has reviewed the Environment Plan (EP) to ensure these impacts were adequately assessed. As stated in response to Matter B01, marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. As stated in EP Section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation and geophysical surveys as described in detail above. It is known that individual little penguins can forage up to 62 to 147 km from their colony (McCutcheon et al 2011) during the winter non-breeding period. However, the same study shows 72% of individuals conducting single-day trips typically foraged 8-14 km from the colony. During the breeding season (October to December) this species is expected to remain closer, within 15 km, to their colonies (Australian Wildlife, 2014). The closest little penguin foraging biological important area (BIA – where species are known or likely to display important behaviours such as foraging) to the operational areas is situated >20 km from T/49P. Whilst the presence of

	THEME	BIRDS (B)
#	**COMMENTS RECEIVED**	***Titleholder response***
	longer and shorter foraging trips are expected to occur year-round, and it is likely that little penguins will be encountered in the T/49P operational area. Precautions should be considered to prevent hearing injury to little penguins that may be foraging in the operational area when drilling activities commence.; and when SBP and VSP activities commence. It is noted that seabirds will benefit from soft-start procedures that are implemented to minimise risks to cetaceans. **Claim:** The EP references penguins having wide foraging behaviour, with individuals able to spend weeks away at sea foraging (McCutcheon, 2011)15 (McCutcheon C., Dann P., Salton M., Renwick L., Hoskins A. J., Gormley A. M., Arnould J. P. Y. (2011) The foraging range of Little Penguins (Eudyptula minor) during winter. Emu 111, 321-329.). The study conducted by McCutcheon found 75% of individuals undertook day trips where foraging occurred 8-14 km from the colony and the remaining 25% underwent multiple day trips up to a maximum distance of 62 - 147 km. Given their maximum foraging distance can be up to 147 km, more research needs to be conducted on the impact of noise disturbance on their foraging behaviours. **Claim:** A study by Pichegru et al. (2017)16 references that although knowledge of penguins' use of vocalisation for communication at sea is limited, it is known that they use sound extensively on land for intraspecific communication including mate and chick recognition. Contact calls have been primarily recorded for penguins at the surface when at sea (Jouventin, 1982 and Bronti,1985)17,18 . As drilling may impair hearing ability, this may lessen an individual's ability to detect socially relevant signals which therefore could affect biologically	little penguins within operational areas is possible, encounter rates are expected to be low and impacts from impulsive underwater sound emissions are therefore considered Negligible (1). If foraging individuals are encountered within the environment that may be affected (EMBA) by sound they are expected to exhibit avoidance behaviours and move away from the noise source. Due to the short-term, temporary nature of the proposed activities penguins are expected to return quickly to the location. Referenced material provided in these claims (Pichegru et al. 2017; Bronti 1985) state that penguins are highly vocal species that have been recorded to emit vocalisations at the sea surface, a behaviour possibly associated with group formation and group foraging, and suggest that it is likely they also communicate socially underwater. However, no evidence is provided. While assessing this claim a more recent study was found which assessed the emission of vocalisations underwater by three species of penguin (Thiebault et al. 2019). A total of 203 underwater vocalisations were emitted, 50% of which were directly linked to foraging behaviours. However, there was no recorded underwater vocalisations concomitantly to synchronised diving activity (even when such activity was recorded) it is therefore unlikely that these vocalisations could have been used to coordinate feeding activities. Thiebault et al. (2019) concluded the function of vocalisations to be speculative and were unable to demonstrate the significance of the behaviour. Although this study provides first evidence of underwater vocalisations in penguin species, as previously detailed penguins species are anticipated to exhibit avoidance to impulsive sound sources (Pichegru et al. 2017). ConocoPhillips Australia has previously committed to implementing soft start procedures for VSP. Soft-starts involve gradually increasing the source power and frequency over a 30-minute period (see Appendix N). However, soft starts are not possible to implement for geophysical surveys (SBP) as the equipment is unable to be slowly increased. Additionally, soft-starts are conducted as part of normal drilling operations, whereby drilling commences at a slower rate to minimise downhole vibrations and torque, effectively reducing the initial sound levels from this activity, allowing for fauna to move away from the sound source. ConocoPhillips Australia has included additional detail in EP Section 6.7.6.1 (Underwater Sound Emissions - Impulsive) to capture the assessment of little penguin vocalisations in response to these claims. ***References***: *McCutcheon C, Dann P, Salton M, Renwick L, Hoskins A, Gormley A & Arnould J.P.Y (2011) The foraging range of Little Penguins (Eudyptula minor) during winter, Emu - Austral Ornithology, 111:4, 321-329, DOI: 10.1071/MU10078* *Thiebault A, Charrier I, Aubin T, Green DB, Pistorius PA. 2019. First evidence of underwater vocalisations in hunting penguins. PeerJ 7:e8240 https://doi.org/10.7717/peerj.8240*

	THEME	BIRDS (B)
#	**COMMENTS RECEIVED**	***Titleholder response***
	important processes. There are significant concerns that drilling will cause the disruption of essential behaviours for Little Penguin survival such as breeding, foraging, displacement from crucial habitat and physical injury including temporary or permanent hearing loss.19,20,21 (Broni, S. C. Social and spatial foraging patterns of the jackass penguin, Spheniscus demersus. South Afr. J. Zool. 20, 241–245 (1985); https://www.nzherald.co.nz/nz/seismic-surveys-could-be-hurting-penguins-experts/KEB5TG25QPAQLUVL7DW4SIFFCQ/ ; https://theconversation.com/are-seismic-surveys-driving-penguins-from-their-feeding-grounds-90864)	
B04	**Matter**: Tourism value of little penguin. **Claim:** The Environment Plan does not recognise the importance of Little Penguins for tourism in Victoria (Section 4.7.5), which is of concern given they are a significant drawcard for regional tourism.	ConocoPhillips Australia acknowledges claims regarding impacts on little penguins in relation to tourism and has reviewed the Environment Plan (EP) to ensure that the items raised are adequately assessed. EP Section 4.7.5.1 (Tourism) recognises that bird watching, particularly of penguins, accounts for 9% of tourism activities undertaken in Tasmania. Whilst penguin tourism is not mentioned in the top 9 regional Victorian attractions (DJSIR 2019) it is noted that The Penguin Parade on Phillip Island receives over 700,000 visitors annually and over 1,800 individuals engaged in the Penguin Protectors talks at Middle Island, Warrnambool in the 2012-2022 season (Warrnambool Council 2022). All are acknowledged as being an important economic source to the regional economy. However, as previous detailed in response to Matters B01 – B03 above, the impacts from underwater noise on diving birds including penguins, has been assessed as negligible with light impacts and foraging impacts assessed as minor but unlikely. ConocoPhillips Australia has included additional detail in EP Section 4.7.5.2 (Tourism - Victoria) to capture the importance of penguin tourism in Victoria in response to these claims. ***References**:* *https://tourism.vic.gov.au/research-and-insights/research-overview Regional-Victorias-Top-Attractions-year-ending-December-2019.pdf (business.vic.gov.au).* *The* Middle Island Project Season Report 21/22*, Warrnambool Council.*

	THEME	BIRDS (B)
#	**COMMENTS RECEIVED**	***Titleholder response***
Key Matter: Shearwaters		
B05	**Matter:** Short-tailed shearwaters and their prey are already under stress **Claim:** This species is under stress due to environmental factors, including increasing light pollution and food shortages within breeding grounds. Short-tailed shearwaters are also a licensed commercial and recreationally harvested species, highly valued by the north-west Tasmanian community. **Claim:** The Short-tailed Shearwater breed and feed their chicks throughout summer in Tasmania, flying long-distances off the coastline to gather food for their growing chicks, with krill the most important part of their diet. Earlier this year a cold-water upwelling off western Tasmania saw local naturalists recording krill being washed up on beaches in large numbers from Strahan through to Marrawah on Tasmania's west coast. These small creatures thrive in this proposed exploration area and underpin a healthy marine environment for Tasmania and Victoria. **Claim:** The shearwaters' food supplies would be affected by the seismic blasting and could have a substantial effect on the health of the adult birds and their chicks. **Claim: I**t is important that their food source is protected in their breeding grounds	ConocoPhillips Australia acknowledges claims regarding current environmental stressors on shearwaters, particularly the short-tailed shearwater, and prey species and has reviewed the Environment Plan (EP) to ensure that these impacts were adequately assessed. As stated in response to Matter B01, marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. As stated in EP Section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation and geophysical surveys as described in detail above. ConocoPhillips Australia has provided a comprehensive description of the existing environment, including a description of shearwater species, including the short-tailed shearwater, and the species' importance to cultural, commercial and non-commercial practices (Section 4.6.7.2). Potential impacts to prey species, such as krill (*Nyctiphanes australis*), are expected to be limited by intermittent exposure, dispersive characteristics of the open water in the operational areas, and high reproductive rates. The magnitude of noise impacts (≤50 m for injury from the VSP source) on species such as krill, is highly localised and not discernible at the regional scale when considering natural variation in spatial and temporal abundance. Continuous reproduction through the year coupled with a high growth rate means krill have very high productivity (IMAS 2011). Considering the localised and temporary impact to krill with rapid replacement of the species, any impacts from short term activities are not expected to be ecologically significant. As described in EP Section 6.4 (Light Emissions) the environment that may be affected (EMBA) extends out 20 km for routine lighting and 50 km for flaring. Routine lighting is associated with the operation of the vessels and MODU, such as deck lighting, which is essential for navigation and human safety. Light emissions from flaring will be intermittent and temporary, limited to 120 hours per well over multiple short-term events. As detailed in EP Section 6.4.5.1 the short-tailed shearwater spends its breeding season in Australia and its non-breeding season north of the equator. When present in Australian waters (September to May) the species are known to typically forage during daylight, returning to the colonies after feeding at night (AAD 2020). Therefore, light emissions are not expected to impact the foraging behaviours of the short-tailed shearwater. The closest identified breeding Biologically Important Area (BIA) for the short-tailed shearwater is located on King Island, 28 km from the T/49P operational area, and is outside of the routine light EMBA. However, there are other locations where short-tailed shearwaters may breed such as Deen Maar and Middle and Griffiths

	THEME	BIRDS (B)
#	COMMENTS RECEIVED	*Titleholder response*
		islands and which are 17 km and 20 km respectively from the VIC/P79 operational area. These are not identified as BIAs, likely due to a lower number of breeding pairs in comparison to other offshore islands. During consultation, ConocoPhillips Australia was advised that shearwater fledglings are particularly susceptible to disorientation due to artificial lighting and can be affected by lights up to 15 km away, or at light level at 0.18 Lux. (Chevillion et al 2022, Rodríguez et al. 2015, National Light Pollution Guidelines for Wildlife (CoA 2020), Rodríguez 2014). The increase in ambient light related to flaring at 17 km distance has been calculated at <0.009 Lux. This increase is significantly lower than that used for assessment in the National Light Pollution Guidelines for Wildlife (2020) and detailed in Rodríguez et al. 2015. In addition, shearwaters usually undertake the activity of "fledging" only in the first two hours after sunset (Gineste 2016 cited in Chevillion et al. 2022), therefore the period in which fledglings are at risk of being affected per day is limited. ConocoPhillips Australia considers that EP Sections 6.4 (Light Emissions), 6.6. (Underwater Sound Emissions – Non-Impulsive) and 6.7 (Underwater Sound Emissions - Impulsive) plus previous responses to B01 – B03 demonstrate sufficient justification that there will be Negligible (1) to Minor (2) residual consequences associated with the Otway Exploration Drilling Program, with no long-term, serious, or irreversible impacts to seabirds. As detailed in the EP, the assessment considers: • Light levels are well below those known to cause groundings at breeding sites. • The limited time per day that fledglings are at risk from increased light emissions. • Control measures including the development of a Light Management Plan, and the initial flaring event at each well commencing during daylight hours to reduce the impacts of the initial event. ConocoPhillips Australia has included additional information in EP Section 6.4.5.1 regarding the assessment of light impacts to fledging shearwaters, as detailed above in response to these claims. ***References**:* *Chevillon L, Tourmetz J, Dubos J, Soulaimana-Mattoir Y, Hollinger C, Pinet P, Couzi F, Riethmuller F, Le Corre M, 2022. 25 years of light-induced petrel groundings in Reunion Island: Retrospective analysis and predicted trends. Global Economy of conservation 28 (2022) e02232.*
B06	**Matter**: Shearwaters would be impossible to avoid harming whilst underwater. **Claim:** The Short Tailed Shearwater colony at Griffiths Island are a significant species for the township of Port Fairy. They arrive late Sept and stay until April, before their huge migration. Shearwaters feed on tiny	ConocoPhillips Australia acknowledges claims regarding impacts associated with impulsive underwater noise emissions on shearwaters and have reviewed the Environment Plan (EP) to ensure that impacts to these species were adequately assessed. As stated in response to Matter B01, marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. As stated in Section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the

	THEME	BIRDS (B)
#	**COMMENTS RECEIVED**	***Titleholder response***
	crustaceans in the zooplankton, small fish and squid. They immerse their heads before diving up to 20m deep in search of prey. Foraging from just before sunrise through to sunset, both near and far from their nesting colony, they wouldn't necessarily be easy to spot and in such numbers, they would be nigh on impossible to avoid harming whilst underwater, when in the vicinity of the blasting. **Claim**: Seismic surveys should be rejected during the months when Sooty Shearwaters, are present.	Otway Exploration Drilling Program including downhole formation evaluation and geophysical surveys as described in detail above. There are currently no regulatory thresholds or criteria established to assess potential behavioural responses or injury to bird species from underwater noise. Southall et al. (2019) therefore recommended using guidance for other carnivores in water (OCW) as a proxy. Using OCW thresholds the noise effect criteria for permanent threshold shift (PTS) and temporary threshold shift (TTS) were not reached, therefore any predicted impacts would be limited to behavioural response such as avoidance of highly localised areas while SBP and VSP are undertaken. Although shearwater species have been documented to forage for prey through a technique called 'pursuit diving' where the individual dives beneath the surface to collect prey the length of dives are brief. A study conducted on the foraging behaviour of the short-tailed shearwater found that dives have a mean duration of approximately 9 seconds per dive (Berlincourt et al. 2015). Therefore, if individuals were to forage within the area of ensonification they would not be exposed to underwater noise emissions for a long enough period of time to cause injury. Behavioural responses such as avoidance could occur, however these would be short-term and temporary. ConocoPhillips Australia has updated EP Sections 6.7.2.1 (Exposure Criteria Thresholds) and 6.7.6.1 (Ecological Receptors – Birds) in response to these claims. ***References**:* *Berlincourt M, Angel LP and Arnould JPY (2015) 'Combined use of GPS and Accelerometry Reveals Fine Scale Three-Dimensional Foraging Behaviour in the Short-Tailed Shearwater', PlosOne, 10(10): e0139351. https://doi.org/10.1371/journal.pone.0139351*
B07	**Matter:** Attraction of Shearwaters to platforms **Claim:** Artificial reefs create habitat for fish and invertebrates, which will increase the foraging opportunities for Shearwaters, and make platforms attractive to them. This is particularly pronounced at night, when foraging can occur around lights and flares that attract prey to the water surface. The effects on Shearwaters are habitat alteration, increased energetic costs, and change in number and type of predators. Increased habitat loss and degradation, such as water	ConocoPhillips Australia acknowledges claims regarding the attraction of shearwaters and other birds to offshore platforms and has reviewed the Environment Plan (EP) to ensure that these impacts were adequately assessed. Wells associated with the Otway Exploration Drilling Program will be drilled with a single semi-submersible mobile offshore drilling unit (MODU). Unlike platforms, MODUs are mobile and are not permanently installed on the ocean floor. The Otway Exploration Drilling Program is exploratory with no proposed installation of permanent operating infrastructure. During the activity temporary infrastructure such as anchors and chains installed on the seabed will be used to hold the MODU in position and will be removed once the activity is complete. Drilling at each location typically takes 30-40 days but can take up to a maximum of 90 days. This timeframe is not conducive

	THEME	BIRDS (B)
#	**COMMENTS RECEIVED**	***Titleholder response***
	quality, has an effect on seabirds that forage in marine environments. **Claim**: Foraging and roosting opportunities increase Shearwater's exposure to oil and other chemicals on the rigs; platforms should be designed to limit these opportunities to not attract Shearwaters. It is estimated that 500,000 – 1,000,000 birds are killed annually in the United States alone, by birds landing on fluid-filled chemicals on drilling sites. **Claim**: Vessel based stationary and transects surveys should be conducted using distance sampling protocols to accurately assess at sea densities at and within 20km of platforms. **Claim:** Liquid chemical pits should be completely removed from platforms.	to the growth of artificial reefs which typically takes many years to develop, especially to a stage that would support larger species such as fish and invertebrates. The news article within this claim (https://www.audubon.org/news/five-deadly-industrial-traps-birds-we-can-prevent) references a number of issues associated with onshore industrial wastes or infrastructure. All operations associated with the Offshore Exploration Drilling Program are located in the offshore environment. The article specifically mentions oil pits and evaporation ponds as problematic. However, as the MODU will not have open air evaporation ponds and oil pits will be fully enclosed in pit rooms on the rig, the potential for chemical pits entrapping seabirds has been eliminated. In addition, EP Sections 6.8 (Planned Drilling Discharges) and 6.9 (Planned Operational Discharges) detail the chemical selection procedure, ensuring adherence to regulatory requirements and relevant guidelines. The EP provides a comprehensive description of the existing environment, including the identification of seabirds potentially present within operational areas and the environment that may be affected (EMBA) in EP Section 4.6.7. Identification of species was based on the results of the Environment Protection and Biodiversity Conservation Act 1999 Protected Matter search, the National Conservation Atlas, as well as published and unpublished sources (studies, data, and reports). Consequently, ConocoPhillips Australia does not believe vessel-based surveys are required to appropriately assess impacts and risks from the Otway Exploration Drilling Program activities. ConocoPhillips Australia has included additional information to EP in Section 7.4 (Interaction with Marine Fauna) to describe the enclosed 'pit-room' system on the MODU, and elimination of the potential for entrapping seabirds. ***References**:* *Roconi RA, Allard KA and Taylor PD (2014) 'Bird interactions with offshore oil and gas platforms: Review of impacts and monitoring techniques', Journal of Environmental Management, 147: 34-35*
B08	**Matter:** Displacement of Short-tailed Shearwaters from foraging habitat **Claim:** Platforms can displace birds from otherwise suitable foraging habitat. Shearwaters are known to be in high densities within 10-50km of platforms. There are not enough studies conducted to determine the effect of displacement due to platforms on Shearwaters, but they are expected to have a large effect on Shearwaters	ConocoPhillips Australia acknowledges claims regarding the potential displacement of shearwaters from suitable habitat associated with offshore platforms and has reviewed the Environment Plan (EP) to ensure that these impacts were adequately assessed. Wells associated with the Otway Exploration Drilling Program will be drilled with a single semi-submersible mobile offshore drilling unit (MODU). Unlike platforms, MODUs are portable and are not permanently installed on the ocean floor. The MODU commissioned by ConocoPhillips Australia will move between each of the 6 drilling locations. Each well will typically take 30-40 days to drill but may take up to a maximum of 90 days to account for potential operational delays and environmental constraints like weather events.

	THEME	BIRDS (B)
#	**COMMENTS RECEIVED**	***Titleholder response***
	where platforms are in abundance or close to shelf edges and slopes.	As described in EP Section 4.6.7.2 (Shearwaters), shearwater species are pelagic foraging species who target a variety of fish, cephalopods and crustaceans. These species have large ranges and the ability to forage away from breeding colonies for multiple days at a time. Any displacement of foraging shearwaters due to the presence of the MODU will be minimal considering their immense foraging range and the short-term, temporary nature of the proposed activity. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
B09	**Matter:** Impact of light on shearwaters **Claim**: 6.4.5.1. Ecological Receptors - It is incorrect to assume that light pollution is not a threat to shearwaters based on the lack of a recovery plan for the species (noting the lack of a recovery plan/conservation advice is due to this species' non-threatened status, not a lack of threats). Injury and mortality associated with disorientation due to artificial lighting are well documented for shearwater fledgelings in Tasmania and Victoria. Even intermittent and temporary flaring is very likely to have a substantial impact on nearby breeding colonies if the operation coincides with shearwater fledging, which is a synchronised event. This applies to both short-tailed and wedge-tailed shearwaters. Although shearwaters are not listed as threatened, they are migratory and culturally significant species. **Claim**: In the Chapter 6.4 - Light Emissions, it advises light as not a risk for wedge-tailed shearwaters, but provides no evidence to back up this claim. The EP advises "no conservation advice exists for the species". Given that no evidence exists, and there are no studies to show that wedge-tailed shearwaters are not affected by light emissions, we encourage ConocoPhillips to conduct studies to ensure that the drilling program has limited	ConocoPhillips Australia acknowledges claims regarding impacts on shearwater species associated with light emissions and has reviewed the Environment Plan (EP) to ensure these impacts were adequately assessed. As detailed in the response to Matter B05, light emissions from operational activities and flaring will be temporary and small-scale, with low light intensity levels at nearby breeding areas. Through the ALARP process, and as detailed in the response to Matter B05, ConocoPhillips Australia considers it has demonstrated that there will be Negligible (1) to Minor (2) residual consequences associated with light emissions which do not have the potential to result in long-term, serious, or irreversible impacts to shearwater species. ConocoPhillips Australia has developed a set of control measures (Table 6-13 of the EP) for operational lighting in line with the National Light Pollution Guidelines for Wildlife and has undertaken an environmental risk assessment (as per Section 6.4 of the EP) where there is important habitat within 20 km of the operational areas. ConocoPhillips Australia has committed to contracting a suitably qualified specialist to develop and support the implementation of a Light Management Plan which will detail additional mitigations to ensure artificial lighting is reduced to minimum levels based on the information in the Seabird Light Mitigation Toolbox (CoA 2023). A primary focus for ConocoPhillips Australia will be on reducing outward facing lighting to minimum levels where practicable. Further, directions to minimise non-essential lights (e.g. close blinds, turn lights off when leaving a room etc.) during sensitive timing will be included in inductions and periodic meetings. ConocoPhillips Australia has further developed control measures specific to flaring activities, whereby flaring will be limited to a maximum of 120 hours per well and the initial event will commence during daylight hours to reduce the impact of the initial event. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.

	THEME	BIRDS (B)
#	**COMMENTS RECEIVED**	***Titleholder response***
	effect on wedge-tailed shearwaters. Simply identifying and acknowledging that no data exists, doesn't mean they have done enough to mitigate this risk. **Claim:** Research needs to be conducted to identify whether light emissions have no effect on wedge-tailed shearwaters. **Claim**: Research should be conducted to confirm that localised change in ambient light won't affect Shearwater foraging behaviours or cause injury/death.	
B10	**Matter**: Control measures and demonstration of ALARP**.** **Claim**: 6.4.5.1 Ecological Receptors (p. 409) - Without control measures in place, the consequence severity of light and flaring impacts on shearwaters should be considered higher than Minor (2). **Claim**: 6.4.6 Control Measures and Demonstration of ALARP CM07: Light Management Plan (p. 420) - While the implementation of a Light Management Plan as per the National Light Pollution Guidelines (CoA 2023) is essential, it is unproven if this control measure is likely to effectively reduce impacts on sensitive species given that it is currently unknown what mitigation measures it will include. 6.4.6 Control Measures and Demonstration of ALARP CM07: Light Management Plan (p. 420) – The residual impact rating can only be reliably determined after review of the Light Management Plan. Development of the Light Management Plan should include consultation with relevant state government departments. **Claim**: 6.4.6 Control Measures and Demonstration of ALARP Limit flaring to daylight hours only (p. 421) - Initial well testing should commence in daylight hours	ConocoPhillips Australia acknowledges claims regarding impacts on shearwater species and has reviewed the Environment Plan (EP) to ensure that impacts to these species were adequately assessed. As previous detailed in response to Matter B05, light emissions from operational activities and flaring will be temporary and small-scale, with low light intensity levels at nearby breeding areas. Through the ALARP process, and as detailed in response to Matter B05, ConocoPhillips Australia has demonstrated that there will be Negligible (1) to Minor (2) residual consequences associated with light emissions which do not have the potential to result in long-term, serious, or irreversible impacts to shearwater species. In addition, ConocoPhillips Australia has developed a set of control measures under the guidance of the National Light Pollution Guidelines for Wildlife which recommend using Best Practice Lighting Design and undertaking an environmental risk assessment (i.e. the impact assessment within the EP) where there is important habitat within 20 km of a project. As stated in the Control Measures and Performance Standards Guidance Note (N-04300-GN0271, August 2020), ALARP demonstration may contain the evaluation of the reasonable practicability of the identified measures and the implementation (*or planned implementation*) of the identified reasonably practicable measures. As per this process a light management plan will be implemented prior to the commencement of any operational activities. ConocoPhillips Australia has updated Table 6-13 to include additional information regarding the avoidance of flaring for the two week period while shearwaters fledge and has updated Environmental Performance Standard (EPS) 7.1 to require that the Light Management Plan is in place 30 days prior to the commencement of activities within the operational areas.

	THEME	BIRDS (B)
#	**COMMENTS RECEIVED**	***Titleholder response***
	regardless of the location or season. This is to reduce impacts to all bird species sensitive to flaring light emissions during night time hours. **Claim**: 6.4.6 Control Measures and Demonstration of ALARP Manage the timing of the activity to avoid biologically sensitive periods (p. 422) - The most biologically sensitive period for shearwaters is synchronised fledging (around April/May), as fledglings commence their migration and are active at night. While the biologically sensitive periods for orange-bellied parrots, common diving petrels and little penguins cover longer timespans, it is more feasible and recommended to avoid flaring during a two-week window in late April/early May to prevent the injury/mortality of a large number of fledgling shearwaters. **Claim**: 6.4.6 Control Measures and Demonstration of ALARP Residual Impact Consequence Ratings (p. 424) - With the listed control measures in place, the rating for shearwaters should be higher than Negligible (1), due to the potential for significant light pollution near breeding colonies during the fledging season. **Claim**: 6.4.7 Acceptability Assessment (p. 425) - This requirement may not be met if flaring is undertaken near a shearwater breeding colony during fledging.	
Key Matter: Orange-bellied Parrot		
B11	**Matter:** The activity will affect the migration and recovery of the orange-bellied parrot (OBP) **Claim:** The proposed gas wells would affect the migration route the endangered orange-bellied parrots fly each year.	ConocoPhillips Australia acknowledges claims regarding impacts on the orange-bellied parrot and has reviewed the Environment Plan (EP) to ensure that impacts to this species were adequately assessed. EP Section 4.6.7.5 (Other Marine Listed Species) provides a detailed description of the orange-bellied parrot and captures the progress made by the population over the past few years. The PMST Report (Appendix B) identifies the likely presence of the species during migration within the operational areas, and light and flaring EMBAs, which are displayed in Table 4-9. The PMST utilises a broad search grid of up to 32 x 32 km in offshore

	THEME	BIRDS (B)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: Australia has spent millions to bring the orange-bellied parrot from the edge of extinction with some success. To jeopardise this is not just wasteful of taxpayers' money but also a disgrace on our country for sending yet another animal extinct. **Claim**: I'm also concerned about potential impacts on the critically endangered orange-bellied parrot. **Claim**: ConocoPhillips, in a response to this relevant person's statement of concerns about the critically endangered orange bellied parrot, states a light management plan will be developed in the future. However, The relevant person believes a light management plan should be developed at the stage of preparing the EP, based on drilling location, and failing to do so is just one example of ConocoPhillips cutting corners in the preparation of the EP.	areas. Therefore, during the assessment for the orange-bellied parrot additional data on its habitat range and migration routes was sourced. This showed both habitat presence and migration routes to be outside of the operational areas (Section 4.6.7.5) but overlapped by both the operational light and flaring environments that may be affected (EMBAs) (Section and 6.4.5.1). The orange-bellied parrot does not have assigned Biologically Important Areas (BIAs). The orange-bellied parrot completes bi-annual migrations across the Bass Strait between breeding grounds in south-western Tasmania and overwintering grounds along the coastline of south-eastern Australia. As detailed in the National Recovery Plan for the Orange-bellied Parrot (DELWP 2016) and assessed in Section 6.4 (Light Emissions) of the EP, the behaviour of this species may be modified by the presence of barriers such as illuminated structures and boats, with the impacts of barriers greatest where they occur on migration routes. The operational areas do not overlap with habitat range or migration routes (as detailed in Section 4.6.7.5). Therefore, the MODU and support vessels themselves will not present a barrier to the orange-bellied parrot and will not present a risk as per activities in its path. Full details on the assessment of impacts from operational lighting and flaring are detailed in Section 6.4.5.1) In summary: • The operational areas do not overlap the migration route of the orange-bellied parrot. • No presence of barriers such illuminated structure and boats will occur within migration routes as a result of the Otway Exploration Drilling Program. • A change to ambient light from operational and flaring activities within the migration route will be temporary, of short duration (120 hours per well). • Changes in ambient light in the non-breeding range associated with short-term flaring at the closest possible distance of 19 km are negligible. ConocoPhillips Australia believes it has shown sufficient justification that there will be Minor (2) residual consequences associated with light emissions to seabirds, including the orange-bellied parrot, as detailed above. The control measures associated with industry best practice are considered appropriate to ensure the environmental impacts relating to light emissions from vessels and the MODU are as low as reasonably practicable (ALARP) and at Acceptable Levels. These control/mitigation measures are provided in EP Table 6-13. In particular, ConocoPhillips Australia has taken into consideration the National Light Pollution Guidelines for Wildlife. These guidelines recommend using Best Practice Lighting Design and undertaking an environmental risk assessment (i.e. the impact assessment within the EP) where there is important habitat

	THEME	BIRDS (B)
#	COMMENTS RECEIVED	*Titleholder response*
		within 20 km of a project. As stated in the Control Measures and Performance Standards Guidance Note (N-04300-GN0271, August 2020), ALARP demonstration may contain the following process: • evaluation of the reasonable practicability of the identified measures and the implementation (*or planned implementation*) of the identified reasonably practicable measures. ConocoPhillips Australia has committed to the development of a Light Management Plan which must assist in managing environmental impacts and risks of light emissions to ALARP and is legally required to be completed prior to commencement of activity. ConocoPhillips Australia will contract a suitably qualified specialist to develop and support the implementation of the Plan as per the National Light Pollution Guidelines for Wildlife. ConocoPhillips Australia has updated Environmental Performance Standard (EPS) 7.1 to require that the Light Management Plan is in place 30 days prior to the commencement of activities within the operational areas.
Other Matters Related to Birds		
B12	**Matter:** Impacts associated with artificial light emissions. **Claim:** A light management plan should be developed at the stage of preparing the EP, based on drilling location. **Claim:** Poor weather such as fog, low cloud cover can exacerbate the attraction to lights. Due to the low natural light, it makes the light on the platforms more of an attraction to birds.	ConocoPhillips Australia acknowledges claims regarding impacts on birds associated with light emissions and has reviewed the Environment Plan (EP) to ensure that impacts to these species were adequately assessed. The control measures associated with industry best practice are considered appropriate to ensure the environmental impacts relating to light emissions from vessels and the MODU are as low as reasonably practicable (ALARP) and at Acceptable Levels. These control/mitigation measures are provided in EP Table 6-13. In particular, ConocoPhillips Australia has taken into consideration the National Light Pollution Guidelines for Wildlife. These guidelines recommend using Best Practice Lighting Design and undertaking an environmental risk assessment (i.e. the impact assessment within the EP) where there is important habitat within 20 km of a project. As stated in the Control Measures and Performance Standards Guidance Note (N-04300-GN0271, August 2020), ALARP demonstration may contain the evaluation of the reasonable practicability of the identified measures and the implementation (*or planned implementation*) of the identified reasonably practicable measures. ConocoPhillips Australia has committed to the development of a Light Management Plan that will assist in managing environmental impacts and risks of light emissions to ALARP and is legally required to be completed prior to commencement of activity. ConocoPhillips Australia will contract a suitably qualified specialist to develop and support the implementation of the Plan as per the National Light Pollution Guidelines for Wildlife. The claim "*poor weather, such as fog, precipitation and low cloud cover, can exacerbate the effect of nocturnal attraction to lights*" is mostly based on anecdotal evidence (Ronconi et al. 2014). Only a few studies cite weather effects related to seabird attraction. However, there has been no systematic evaluation of bird

	THEME	BIRDS (B)
#	COMMENTS RECEIVED	*Titleholder response*
		attraction in relation to specific weather variables except at one offshore wind energy platform in the German Bight (Ronconi et al. 2014). ConocoPhillips Australia considers the inherent consequence severity of light and flaring impacts on birds assessed as **Minor (2)** based on the assessment for light impacts of Negligible (1) for birds to be adequate. ConocoPhillips Australia has committed to contract a suitably qualified specialist to develop and support the implementation of a Light Management Plan, as per the National Light Pollution Guidelines for Wildlife (CoA 2023), for the activity (Control Measure CM07); and has updated Environmental Performance Standard (EPS) 7.1 to require that the Light Management Plan is in place 30 days prior to the commencement of activities within the operational areas.
B13	**Matter**: Likelihood of interactions with birds. **Claim**: 7.4.6.1 Ecological Receptors Birds (p. 543, 544) - Within the identified BIAs, the continental shelf and slope of Western Bass Strait is a key foraging area for seabirds. In addition, artificial lighting and flaring attract seabirds to offshore operations. Therefore, the likelihood of interactions with birds should be higher than Remote. This likelihood is even higher for shearwater species.	ConocoPhillips Australia acknowledges claims regarding an increased likelihood of interactions with birds associated with light emissions and has reviewed the Environment Plan (EP) to ensure that these impacts were adequately assessed. Potential vessel strike on seabirds from the Otway Exploration Drilling Program has been discussed within Section 7.4 of the EP. While this acknowledges that there is potential for vessel strike to occur, this is expected to be Remote due to: • the low operating speeds of the vessels and MODU • the limited number of vessels (3) within operational areas at any time • seabirds in the path of vessels are expected to relocate to avoid collision. Environmental Performance Standard (EPS) 2.16 requires vessels to avoid flocks of rafting birds, whose identification will be assisted by Marine Fauna Observers as detailed in the updated Fauna Management Plan (EP Appendix N, previously Whale Management Plan). EPS10.1 limits flaring to a maximum of 120 hours per well and EPS10.2 requires the initial flaring event at each well to commence during daylight hours to reduce the impact of the initial event. However, the timing of subsequent events at each well will be determined by operational safety and testing requirements; and EPS10.3 requires that prior to the commencement of the initial flaring event at each well, the area extending from the tip of the flare will be visually confirmed clear of birds. In addition, EP Section 6.4.6 provides several control/ mitigation measures to reduce the potential for artificial lighting on the MODU and Vessels to act as an attractant to seabirds and therefore decrease the risk of vessel strike on seabirds. As previously detailed in response to Matter B05, light emissions from operational activities and flaring will be temporary and small-scale, with low light intensity levels at nearby breeding areas (<0.009 Lux). In accordance with the control measures set out within the EP, the Otway Exploration Drilling Program will be managed so

	THEME	BIRDS (B)
#	COMMENTS RECEIVED	*Titleholder response*
		that the potential impacts and risks will be mitigated to ALARP and Acceptable Levels in accordance with environmental regulatory requirements. The likelihood of interactions with seabirds including shearwaters has been assessed as Remote due to the assumptions detailed in EP Section 6.4.5.1, and outlined in response to Matter B05, which include: • the low modelled light intensity levels calculated from Rodríguez 2014 • the low light intensity levels calculated at the closest breeding grounds • the limited time frame that shearwater fledglings can be impacted (2 hours after sunset during a 2 week period at the end of April/ beginning of May). ConocoPhillips Australia considers that the Remote likelihood of interactions with birds is appropriate, given that interactions have been heard of within the offshore oil and gas industry (as defined in EP Table 5-1). However, movements within the operational areas are expected to be slow and flaring activities are limited in duration resulting in a Low inherent risk. ConocoPhillips Australia has included additional detail in EP Section 6.4.5.1 to include an assessment of light impacts to fledging shearwaters and updates have been made to Section 4 of the Fauna Management Plan (EP Appendix N, previously Whale Management Plan) to include protections for rafting birds.
B14	**Matter:** Vessel strike on birds. **Claim:** Even if collisions with vessels are avoided, it is known that birds that circle platforms for long periods, potentially looking for somewhere to nest or forage, may suffer latent lethal effects and could die from depleted body reserves. **Claim**: Specify the control measures needed to reduce the impact of seismic vessels and towed vessels for shearwater populations.	ConocoPhillips Australia acknowledges claims regarding other effects on birds associated with attraction to vessels and the MODU and has reviewed the Environment Plan (EP) to ensure that impacts to these species were adequately assessed. ConocoPhillips Australia has conducted a review into the potential for birds to deplete their body reserves as a result of offshore oil and gas platforms or vessels. The information provided in the claim appears to be sourced from Ronconi et al. 2015 which assessed landbird migrations which cross marine areas. Ronconi et al 2015 state birds being susceptible to being "steered" off course with individuals possibly losing the ability to resume their migration or continue without adequate energy to arrive at the destination. The EP has identified two species of landbird that migrate across the Bass Strait between mainland Australia and Tasmania and potentially overfly the operational areas. These are the swift parrot (*Lathamus discolor*) and the orange-bellied parrot (*Neophema chrysogaster*). A detailed description of both species and their movements patterns has been provided within EP section 4.6.7.5. Impacts to the swift parrot are addressed in Section 6.4.5.1 of the EP (assessed a Minor (2) residual consequence rating to birds from activities), with details presented in response to Matter B17 below.

	THEME	BIRDS (B)
#	COMMENTS RECEIVED	*Titleholder response*
		Impacts to the orange-bellied parrot are also addressed in Section 6.4.5.1 of the EP (assessed a Minor (2) residual consequence rating to birds from activities), with details as previously presented in response to Matter B11. ConocoPhillips Australia believes that EP Sections 6.4 (Light Emissions) provides sufficient justification that there will be Minor (2) residual consequences associated with light emissions. ConocoPhillips Australia considers that light emissions associated with the Otway Drilling Program will not have the potential to result in long-term, serious or irreversible impacts to seabirds. In accordance with the control measures set out within the EP, the Otway Exploration Drilling Program will be managed so that the potential impacts and risks will be mitigated to ALARP and Acceptable Levels in accordance with environmental regulatory requirements. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims. ***References**:* *Ronconi RA, Allard KA and Taylor PD (2015) 'Bird Interactions with offshore oil and gas plateforms: Review of impacts and monitoring techniques', Journal of environmental management, 147: 34-45.*
B15	**Matter:** Acoustic impacts to other seabirds (general). Claim: The noise from drilling has been found to cause birds to have fewer chicks. This could be possibly due to less food, as more birds are attracted to the platforms, or also increased predator activities. The noise can interfere with communication between adult birds or drown out the sounds that birds use to mate or alert others to the presence of predators. Nest survival decreased close to drilling sites due to noise, dust, traffic, air pollution and other disturbances. (https://jpt.spe.org/study-finds-oil-and-gas-infrastructure-hurting-nesting-birds-in-arctic-alaska; https://www.nationalgeographic.com/animals/article/birds-animals-energy-noise-reproduction) **Claim:** It should be recognised that there is potential for physiological damage to occur to seabirds who exhibit	ConocoPhillips Australia acknowledges claims regarding impacts on seabirds associated with underwater noise and has reviewed the Environment Plan (EP) to ensure that these impacts were adequately assessed. As stated in response to Matter B01, marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. As stated in EP Section 6.7 certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation and geophysical surveys as described in detail above. The study mentioned in the claim linking noise pollution to stress and disrupting reproduction is assessing the impacts to terrestrial birds in close proximity to land based drilling. It is therefore not relevant to offshore activities within the Otway Basin. Section 4 of the EP describes the seabird species that could be present in the operational areas and the environment that may be affected (EMBA) and highlights the fact that the operational areas overlap with several Biologically Important Areas (BIAs) for seabirds. ConocoPhillips Australia considers that EP Sections 6.6. (Underwater Sound Emissions – Non-Impulsive) and 6.7 (Underwater Sound Emissions - Impulsive) show sufficient justification that there will be Negligible (1) residual consequences associated with noise emissions which do not have the potential to result in long-term, serious, or irreversible impacts to seabirds.

	THEME	BIRDS (B)
#	**COMMENTS RECEIVED**	***Titleholder response***
	diving behaviours, and those that are in close proximity to acoustic disturbance. **Claim**: Sonar activity and seismic blasting has been implicated in destroying baseline food sources, disrupting feeding and migration patterns of penguins and coastal birds.	In the unlikely event that birds dive and forage near the drilling operation, this is likely to only affect individual birds, resulting in a startle response with the affected birds expected to move away from the area as a result. The consequence of this is expected to be negligible and impacts at a population level are extremely unlikely to occur. The claim states that '*it should be recognised that there is potential for physiological damage to occur to seabirds who exhibit diving behaviours*'. The Otway Exploration Drilling Program EP assesses this consequence as Negligible (1). In addition, response B07 details proxy thresholds for the assessment of underwater noise on diving seabirds, response to Matter B01 addresses short-term and temporary changes to behaviour and startle responses to penguins with response the Matter B03 addressing underwater noise and vocalisation. The claim that operations will '*destroying baseline food sources*' is discussed above in response to Matter B05. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
B16	**Matter:** Impacts to shy albatross. **Claim:** The Shy Albatross's threatened species listing was recently upgraded from vulnerable to endangered and it only breeds on three Tasmanian offshore islands, including Albatross Island within this project's potential impact area. **Claim**: The project may affect important aggregating areas (BIA's) for birds listed as threatened species under state and federal law, including the Shy Albatross.	ConocoPhillips Australia acknowledges claims regarding the impact that the Otway Exploration Drilling Program may have on the endangered shy albatross and has reviewed the Environment Plan (EP) to ensure that impacts to these species were adequately assessed. EP Section 4.6.7.1 (Albatross and Giant-petrels) provides a detailed description of the shy albatross and its EPBC listing status. The PMST Report (Appendix B) identifies the likely presence of the species within operational areas, and light and flaring EMBAs which are shown in EP Table 4-9. Further, a foraging biologically important area (BIA) was identified within the operational areas, and light and flaring environments that may be affected (EMBAs) which covers the whole south-east marine region. No breeding BIAs were identified within the potential impact EMBAs (Albatross Island is located approximately 96 km from the T/49P permit area); however, it is understood that breeding individuals will likely use the area for foraging. EP Sections 6.6 and 6.7, along with responses to Matters B01 and B05 assess the potential impact of underwater sound emissions on marine invertebrates and fish species, both potential prey of the shy albatross. Due to the localised extent of impacts (maximum 2 km from the sound source), no ecosystem or population level impacts, or impacts to the foraging success of the shy albatross are predicted. EP Section 6.4 (Light Emissions) assess the potential impact of light on the shy albatross and found that with the largest light footprint (50 km around the drilling area during flaring) the Otway Exploration Drilling Program would overlap a maximum of 0.7% of their likely foraging areas (Figure 6-22), assuming the worst-case location was selected with the greatest area of overlap. This indicates that foraging opportunities for the

	THEME	BIRDS (B)
#	COMMENTS RECEIVED	*Titleholder response*
		shy albatross extend far beyond the area affected by an increase in light for short duration flaring activities. Therefore, the foraging success of the shy albatross is not expected to be impacted due to the temporary and localised nature of the proposed activity and short duration of flaring activities. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
B17	**Matter:** Impacts to other critically endangered migratory species **Claim:** Increased activity and light pollution have the potential to affect critically endangered species that utilise the area as a migratory route including the orange-bellied parrot, the Swift Parrot, Eastern Curlew and the lesser understood Bogong Moth.	ConocoPhillips Australia acknowledges claims regarding the impact that the Otway Exploration Drilling Program may have on critically endangered species and has reviewed the Environment Plan (EP) to ensure that impacts to these species were adequately assessed. EP Section 6.4 (Light Emissions) assesses the impacts of light emissions to critically endangered species such as the swift parrot, eastern curlew and the orange-bellied parrot (see Section 6.4.5.1 for further details). Additional details concerning the low level of light intensity levels have been discussed in response to Matter B05. As detailed in EP Section 4.6.11 (Terrestrial Invertebrates), the bogong moth is a migratory terrestrial invertebrate whose range extends from southern Queensland to South Australia. During spring, they fly south to south-eastwards, to high altitude regions in the southern part of the Dividing Range. However, sometimes they are blown towards the coast by westerly winds and may be blown over to Tasmania due to the north-westerly prefrontal winds (Warrant et al 2016) and therefore may overfly the operational areas and light environments that may be affected (EMBAs). However, there is no evidence of a permanent larval population in Tasmania. Consequently, impacts to the bogong moth associated with routine operational lighting and short-term flaring are not predicted and were not assessed in the EP. In accordance with the control measures set out within the EP, the Otway Exploration Drilling Program will be managed so that potential impacts and risks will be mitigated to ALARP and Acceptable Levels in accordance with environmental regulatory requirements. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
B18	**Matter:** Additional monitoring, mitigation and reporting requirements should be implemented for birds	ConocoPhillips Australia acknowledges claims regarding monitoring, mitigation and reporting requirements for birds and has reviewed the Environment Plan (EP) to ensure that these requirements were adequately addressed.

	THEME	BIRDS (B)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: Implement observer-based monitoring, by trained, dedicated and arms-length observers. **Claim**: 6.4.6 Control Measures and Demonstration of ALARP Design and implement a rescue program for grounded birds (p. 423) – All seabird and shorebird incidents should be reported to the relevant state government department. **Claim:** Implement mandatory reporting of dead, injured, or stranded Shearwaters. **Claim:** Develop and test technology (radar, acoustic, thermal imaging etc.) for monitoring bird-platform interactions. **Claim**: Implement shielding and limiting the use of lights. **Claim**: Undertake comprehensive studies into the effects of drilling on Little Penguins and their prey species. **Claim**: Establish regulatory thresholds to assess potential hearing impairment or behavioural responses by diving birds to underwater noise.	In response to the following claims: • *'implement observer-based monitoring, by trained, dedicated and arms-length observers'* • *'all seabird and shorebird incidents should be reported to the relevant state government department'* • *'implement mandatory reporting of dead, injured, or stranded Shearwaters'* EP Section 6.4 (Light Emissions, namely Table 6-13, details that crew will be instructed to remain vigilant for seabird collisions with the MODU and vessels (such as grounding on decks) and any observed/ discovered incidents will be recorded and reported, as follows: • Report any injury or death of listed threatened or migratory species from the activity to NOPSEMA (as per EP Table 10-8). • Submit annual EP Performance Reports to NOPSEMA. • Submit an end-of-activity EP Performance Report to NOPSEMA. • Observations of marine fauna within the T/49P operational area to the Department of Natural Resources and Environment Tasmania. In addition, ConocoPhillips Australia will update EP Table 10-10 to include the reporting of bird related incidents to both the Department of Natural Resources and Environment Tasmania and the Department of Energy, Environment and Climate Action. In response to the claim '*develop and test technology (radar, acoustic, thermal imaging etc.) for monitoring bird-platform interactions'* ConocoPhillips believes that developing either *radar, acoustic or thermal imaging* detection methods for seabirds is technically impractical and provides no further benefit in reducing impacts to seabirds. As detailed in EP Section 6.9 (Planned Operational Discharges) namely Table 7-8, part of Control Measure CM10 is the process of conducting a visual clearance assessment for birds prior to initial flaring event at each well which will eliminate the potential to impact to birds. This control measure is practicable to implement for the initial flaring event at each well but thereafter flaring is determined by safety and testing requirements. In response to the claim concerning '*Implement shielding and limiting the use of lights'* ConocoPhillips has implemented the following Control Measures: • CM07: Light Management Plan • CM10: Well Testing Program ConocoPhillips Australia will contract a suitably qualified specialist to develop and support the implementation of a Light Management Plan as per the National Light Pollution Guidelines for Wildlife (CoA 2023) which is described in EP Section 10.3.1. Once safety navigational lighting requirements are met (as per vessel class), the

	THEME	BIRDS (B)
#	COMMENTS RECEIVED	*Titleholder response*
		Light Management Plan will detail additional mitigations to ensure artificial lighting is reduced to minimum levels based on the information in the Seabird Light Mitigation Toolbox (CoA 2023), wherever practicable, whilst maintaining safe working conditions and navigation. Control measures CM07 and CM10 are detailed in EP Sections 6.4 (Light Emissions), 6.5 (Atmospheric Emissions) and 7.4 (Interaction with Marine Fauna). The proposed Control Measure of shielding the gas flare on the MODU was rejected as shields are not standard fixtures and could reduce safety during flaring operations. Flaring is necessary for safe evaluation. In response to the claim '*Undertake comprehensive studies into the effects of drilling on Little Penguins and their prey species'* ConocoPhillips Australia considers that EP Sections 6.4 (Light Emissions), 6.6 (Underwater Sound Emissions – Non-Impulsive) and 6.7 (Underwater Sound Emissions – Impulsive), along with previous responses to Matters B01, B05, B07, B08, B12, provide sufficient justification that there will be Negligible (1) to Minor (2) residual consequences associated with light emissions and Negligible (1) residual consequences associated with noise emissions. ConocoPhillips Australia believes neither light or noise emissions associated with activities under the Otway Drilling Program EP will have the potential to result in long-term, serious or irreversible impacts to seabirds. In response to the claim '*Establish regulatory thresholds to assess potential hearing impairment or behavioural responses by diving birds to underwater noise',* ConocoPhillips Australia is not in authority to set such regulatory thresholds. However, through the ALARP process and as detail is responses B01, B05, B06, B07, B08 and B12 ConocoPhillips Australia believes it has shown sufficient justification that there will be Negligible (1) residual consequences associated with noise emissions to seabirds. Any changes related to the establishment of regulatory thresholds for birds will be addressed through the Management of Change process documented in the Implementation Strategy of the EP, in Section 10.2.7. <u>ConocoPhillips Australia has included additional information in EP Section 10.5.5 (Notifications and Reporting) to include additional reporting requirements for bird related incidents in response to these claims.</u>
B19	**Matter:** Evaluate impacts for all potentially present species within a habitat **Claim**: Ensure that where multiple subspecies share the habitat, for example: Sooty Shearwaters and Short tailed Shearwaters, the impacts on both are evaluated as there may be differences in the risks and impacts based on behaviours, habitat and vulnerability status of the different subspecies.	ConocoPhillips Australia acknowledges claims regarding impacts associated with the Otway Exploration Drilling Program on multiple subspecies, particularly when they share habitats, and has reviewed the Environment Plan (EP) to ensure that impacts to these species were adequately assessed. ConocoPhillips Australia understands that although species may belong to the same Genus, they may display different behaviours (i.e. movement patterns, prey or habitat preferences) or be susceptible to different threats. As suggested in the claim, the short-tailed shearwater was subject to a more thorough impact/risk assessment than the sooty shearwater. This is because only the short-tailed shearwater, often referred to as a muttonbird,

	THEME	BIRDS (B)
#	COMMENTS RECEIVED	*Titleholder response*
		was identified as having cultural and commercial importance. This species is annually harvested each year on multiple islands offshore of Tasmania in the Bass Strait. Sooty shearwaters are not harvested in Australia (DCCEEW 2023). Further, a foraging BIA was identified for the short-tailed shearwater that overlaps the operational areas and a breeding BIA identified to overlap the flaring environments that may be affected (EMBAs). Although there were foraging and breeding BIAs identified for the sooty shearwater these are located on the southern coast of Tasmania and NSW which are hundreds of kilometres from the operational areas and are therefore only overlapped by hydrocarbon spill risk event EMBAs. In addition, BIAs are designed to inform decision making about actions which may impact protected marine species. Therefore, as the short-tailed shearwater has BIAs located within the EMBAs where a known impact will occur it was assessed as a higher priority species. Regardless of potentially different lifestyle characteristics of the two species, considering they are subspecies, any control measure or mitigation approach that has been applied to protect the short-tailed shearwater will also subsequently protect the sooty shearwater. ConocoPhillips Australia has included information on the potential presence of the Sooty Shearwater in EP Section 6.4.5.1 (Ecological Receptors) in response to these claims. ***References***: *DCCEEW (Department of Climate Change, Energy, the Environment and Water) (2023). Conservation Advice for Ardenna grisea (sooty shearwater). Commonwealth of Australia, DCCEEW, Canberra.*
B20	**Matter**: Failure to assess impacts to birds from seismic surveys. **Claim**: Seismic surveys in the OA imperil large populations of vulnerable, threatened, endangered, and critically endangered birds, and that ConocoPhillips has not assessed the risks accurately	ConocoPhillips Australia acknowledges claims regarding impacts on birds from impulsive sound and has reviewed the Environment Plan (EP) to ensure that impacts to these species were adequately assessed. As previously stated in response to Matter B01, marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program and will not be conducted under this approval. As stated in EP Section 6.7 (Underwater Sound Emissions – Impulsive) certain short-term, temporary activities, often misinterpreted as seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation and geophysical surveys as described in detail above. Similar claims have been previously addressed in responses: • B01 / B03 - Marine seismic surveys are not within the scope of activity of the Otway Exploration Drilling Program • B05 – Prey species will not be significantly impacted • B06 – No significant impact on diving birds • B08 – No significant displacement of bird species

	THEME	BIRDS (B)
#	**COMMENTS RECEIVED**	***Titleholder response***
		• B12 – Negligible (1) to Minor (2) residual consequences associated with light emissions which do not have the potential to result in long-term, serious or irreversible impacts to seabirds. • B13 – Low risk of bird strikes • B15 - No significant impact on diving birds As a result, ConocoPhillips Australia is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.

6. Theme: Consultation

	THEME	CONSULTATION (C)
#	**COMMENTS RECEIVED**	***Titleholder response***
Key Matter: Insufficient Information to support consultation		
C01	**Matter**: Drilling locations not specified. **Claim**: The EP is lacking in sufficient detail on the locations of the 6 proposed test drilling locations, and associated vessel movements in State and Commonwealth waters. **Claim**: The proposed drilling sites constitute information necessary to ensure proper and complete relevant person (and community) consultation regarding the impact and risks on the functions, interests and activities of other parties.	ConocoPhillips Australia acknowledges claims regarding undefined drilling locations and vessel movements associated with the Otway Exploration Drilling Program. As explained in detail in Environment Plan (EP) Section 1.4 (Scope of This Environment Plan), ConocoPhillips Australia has undertaken to assess the environmental impacts and risks associated with seabed surveys and drilling activities that may occur anywhere within broader operational areas associated with petroleum tittles VIC/P79 and T/49P. This ensures that the impacts and risks associated with all potential survey and drilling locations are assessed. It is recognised that this may result in an overestimation of impacts and risks. The precautionary approach taken assesses worst-case impacts and applies appropriate control measures across the board to minimise impacts and risks to acceptable levels that are as low as reasonably practicable. As also explained in EP Section 1.4, vessels transiting to or from the operational areas are operating under the Commonwealth Navigation Act 2012 and are not performing a petroleum activity whilst outside the operational areas. Impacts and risks associated with vessels operating within the operational areas in Commonwealth waters are assessed throughout the EP, for example, EP Section 6.9 (Planned Operational Discharges) and 7.4 (Interactions with Marine Fauna).

	THEME	CONSULTATION (C)
#	**COMMENTS RECEIVED**	***Titleholder response***
		Regarding environmental impact and risk assessment and mitigation, ConocoPhillips Australia has undertaken to assess the impacts and risks of the proposed activity in EP Chapters 6, 7 and 8. ConocoPhillips Australia received and responded to similar claims during the course of consultation, with extensive evidence of consultation provided in EP Appendices C and D . ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts and risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims. **NOTE**: Claims related to Impact/Risk Assessment and Mitigation are addressed under that THEME.
Key Matter: Submission of EP prior to completion of consultation with individual relevant person		
C02	**Matter**: Information provided was inadequate or not comprehensive or comprehensible to relevant person. **Claim:** Over many months, a relevant person has attempted to gain sufficient information on the proposal to engage meaningfully in the consultation process. This has been unsatisfactory with written requests for information often going unresponded to, or if responded to failing to address the specifics of the questions put forward in relation to the information available at time of writing the correspondence. We have communicated to ConocoPhillips that we have not been able to consult fully in this process as the information provided was neither comprehensive or comprehensible.	ConocoPhillips Australia acknowledges claims regarding consultation in the preparation of the Otway Exploration Drilling Program Environment Plan (EP) and has reviewed the consultation process undertaken. ConocoPhillips Australia has undertaken extensive consultation as required under Division 3 and section 25 of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023*. Formal consultation commenced in February 2023, with initial communications outlining the proposed approach to consultation, a consultation timeline and information on the activity. Simultaneous to this, ConocoPhillips Australia undertook a significant advertising campaign and created an online consultation hub to support the identification of potentially relevant persons. ConocoPhillips Australia extended the original consultation period twice to ensure relevant persons had a reasonable period with sufficient information to engage in the consultation process (EVENT ID: 2625, 3050). ConocoPhillips Australia also made draft EP chapters and technical supporting reports available to relevant persons via the consultation hub on 31 August 2023 and communicated this availability and instructions on how to provide feedback via email to relevant persons (EVENT ID 3181). EP Chapter 3 (Consultation) outlines in detail the methods, approaches and communication tools used to support consultation, with extensive evidence of consultation provided in EP Appendices C and D. This consultation has included providing substantive information on the proposed activities in a variety of forms.

	THEME	CONSULTATION (C)
#	COMMENTS RECEIVED	*Titleholder response*
		During the course of consultation, ConocoPhillips Australia documented and responded to all received objections, claims, requests for information, statements and items of feedback from relevant persons, as detailed in EP Appendix C2. ConocoPhillips Australia considers that sufficient information was provided to allow relevant persons and potentially relevant persons to make an informed assessment of the possible consequences of the activity on their functions, interests or activities, and that each relevant person and potentially relevant persons has been provided with a reasonable period for the consultation, with ample opportunity to provide information and feedback on the Otway Exploration Drilling Program as detailed in EP Chapter 3 and Appendix C. ConocoPhillips Australia has provided comprehensive and timely responses to the feedback raised by relevant persons, and changes were made to the EP in relation to a number of the objections and claims received, as summarised in EP Appendix C2.
C03	**Matte**r: Inadequate response to concerns raised to ConocoPhillips' draft EP chapters provided online. **Claim**: ConocoPhillips made selected chapters of the draft EP chapters available online in staggered stages via their portal in August 2023. Relevant person undertook reviewing these chapters as they became available and wrote to ConocoPhillips on 19 September 2023 outlining significant comments and concerns. Our comments and concerns were not responded to and it took relevant person seeking an online meeting with ConocoPhillips to discuss them to get a response from the proponents. The meeting was not helpful in addressing the purpose we had stated upon requesting it, or the specific areas we had indicated we were looking for more information on. ConocoPhillips participants, including consultants, insisted on focusing on the definitions of relevant persons consultation versus public comment. Relevant person said from the outset we understood, based on reading the NOPSEMA website, being recognised as relevant persons, and legal advice.	ConocoPhillips Australia advised all relevant persons that the draft Environment Plan (EP) chapters and technical supporting reports were available on the consultation hub via electronic direct mailout on 24 August and 31 August (Event ID: 3050, 3181). In both instances, relevant persons were also invited to call, email or write to the Otway Exploration Drilling Program team (the project team) to request specific information (PDF versions of EP chapters, excerpts, or a summary of the EP information) and/or arrange an opportunity to discuss the proposed activity and/or any aspect of the information provided (including draft EP chapters), with the project team, in-person. The draft chapters were made available via the consultation hub as soon as they were ready, which resulted in some chapters being released earlier than others (24 August 2023, Event ID: 3050). Relevant persons were notified of this on 25 August 2023. All draft chapters were online by 31 August 2023, and were available for over 30 days, with additional information provided to relevant persons (Event ID: 3181) to support consultation in the preparation of the EP. ConocoPhillips Australia considered and responded to all feedback that was received and made updates to the EP to reflect feedback received, where considered appropriate. ConocoPhillips Australia notes that the provision of draft EP chapters is not a regulatory requirement but aligns with ConocoPhillips Australia's objective to ensure the provision of all possible information available to support consultation. When the public comment period concluded on 18 December 2023, the draft EP had been available to anyone that wished to access them for a total of 110 days.

	THEME	CONSULTATION (C)
#	**COMMENTS RECEIVED**	***Titleholder response***
	At the point where only 10 minutes were left of the allocated meeting time, and relevant person had not yet been able to present questions that we needed answering as a follow on to our 2 previous correspondence, relevant person declared it would be best to end this unsatisfactory consultation meeting, and again send the questions in by writing to be addressed. Written responses to these questions were not sent until after the consultation period had been paused for ConocoPhillips to prepare the EP for submission to NOPSEMA for completeness check. Again, the answers provided were neither comprehensive nor comprehensible for the relevant person to provide informed feedback on the proposal, and its environmental impacts.	Regarding relevant person claims about meeting outcomes and the provision of written responses, ConocoPhillips Australia has undertaken to engage in meaningful, codesigned consultation, has made considerable efforts to meet with relevant persons as requested, and has invited consultants to support consultation, with extensive evidence of consultation provided in EP Appendices C and D. Further, ConocoPhillips Australia has provided comprehensive and timely responses to the feedback raised by relevant persons, and changes were made to the EP in relation to a number of the objections and claims received, as summarised in EP Appendix C2. In accordance with section 25(15) of the Environment Regulations, and as outlined in EP Section 3.10, ConocoPhillips Australia's implementation plan includes ongoing consultation procedures. ConocoPhillips Australia has provided comprehensive and timely responses to the feedback raised by relevant persons and sought to consult with them throughout the extended consultation period. Changes were made to the EP in response to a number of the objections and claims received, as summarised in EP Appendix C2.
C04	**Matter:** Staggered release of draft EP chapters published by ConocoPhillips without notice to relevant persons. **Claim**: Subsequent to the initial documentation being published online, ConocoPhillips published further EP chapters. The relevant person is unclear of the date at which this occurred as we did not receive notification. The community groups we work with who are noted relevant persons also did not receive any notification of these releases, and were not able to meaningfully engage with these staggered release of chapters. It is not reasonable for relevant persons to have to constantly check company websites and find for themselves when additional documents are published. This relevant person is engaging in multiple relevant person consultations including with other activities in the Otway Basin and does not think it is fair or reasonable that the onus is put on relevant persons to be constantly surveying company websites for new information. The onus must be on proponents to directly provide full information to relevant persons as it becomes available, and directly to the nominated contact point that is on record. When relevant person	ConocoPhillips Australia does not concur with claims that relevant persons were not notified of subsequent draft Environment Plan (EP) chapters being made available. ConocoPhillips Australia made the first tranche of draft EP chapters available to relevant persons via the online consultation hub on 24 August 2023 and communicated this availability and instructions on how to provide feedback via an emailed project update (EVENT ID 3050). ConocoPhillips Australia made all draft EP chapters available to relevant persons via the consultation hub on 31 August 2023 and communicated this availability and instructions on how to provide feedback via email to relevant persons at this time (EVENT ID 3181). ConocoPhillips Australia notes that the provision of draft EP chapters is not a regulatory requirement, aligns with ConocoPhillips' objective to ensure the provision of all possible information available to support consultation. This was also supported by summary information provided in information sheets and project updates throughout consultation. Consequently, ConocoPhillips Australia considers that sufficient information to allow relevant persons and potentially relevant persons to make an informed assessment of the possible consequences of the activity on their functions, interests or activities has been provided and that each relevant person and potentially relevant person has been provided with a reasonable period

	THEME	CONSULTATION (C)
#	**COMMENTS RECEIVED**	***Titleholder response***
	became aware of this further documentation, we sought an additional time to respond. The chapters we have specific interest in are large and technically complex and compose critical parts of the Environment Plan including spills, impacts on MNES, TWWHA and cumulative impacts. ConocoPhillips did not respond to our request for further time. This is a failure of consultation standards and this EP should be refused.	for the consultation, with ample opportunity to provide information and feedback on the Otway Exploration Drilling Program. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised were adequately addressed, for the reasons outlined above. As a result, no further changes have been made to the EP in response to these claims.
C05	**Matter:** Conduct of ConocoPhillips consultant in engaging with relevant persons and at community consultation events. **Claim**: There is concern at what we have experienced and witnessed in the conduct of these consultation sessions, in that information has been confusing, often not in keeping with what we understand of the EP's and at times confrontational. We have raised specific questions with ConocoPhillips directly regarding statements made by the consultant that have confused communities in King Island and the Victorian Surf Coast, and further entrenched views that this consultation process is a 'tick box' process, and there is no input or feedback they can provide that will change the plans of the company. These comments include: ● A statement was made by the ConocoPhillips consultant during a public consultation event that, 'there will never be a scientific or cultural reason that would halt the project. There will always be a work around.' How does this meet acceptable consultation conduct as part of community engagement as part of developing an EP, and proper conduct in relation to NOPSEMA expectations? ● We note a similar question sent to ConocoPhillips dated September 19 regarding comments made at a King Island public consultation meeting by ConocoPhillips consultant that there will be no test drilling in the lease adjacent to King Island. We again sought clarification on this, as in our meeting on October 18 it was stated that no final decision had been made on where the 6 proposed drill	In addition to the response provided above to Matter C02: 'Information provided was inadequate or not comprehensive or comprehensible to relevant person', ConocoPhillips Australia has addressed all of the claims pertaining to this additional Matter in previous written responses to the same objections and claims that were raised during consultation in preparation of the Environment Plan (EP). The 17 Community Information Sessions undertaken by ConocoPhillips Australia (March to July 2023) followed a consistent presentation format based on an informative ppt presentation and a Q&A session. The video of the King Island Community Information Session that was held on the island on 18 May 2023 is available online in the Resource Library on the Otway Consultation Hub. The recording demonstrates the appropriateness and accessibility of the information provided and the active and engaged participation of the King Island community who attended the session. Further opportunities to meet with the Otway Exploration Drilling Program team to seek information and/or ask questions about content presented in the information sessions was provided in webinars held on 23 May 2023, 26 July 2023 and 20 September (Event ID: 1329, 2844, 2481). Recordings of webinars (1 and 2) were also uploaded in the Resource Library at https://conocophillipsaustralia.mysocialpinpoint.com.au/otway-exploration-drilling-program/otway-exploration-drilling-program-doclibrary ConocoPhillips Australia has previously responded to claims relating to a statement 'that there would never be a scientific or cultural reason that would halt the project', stating: "ConocoPhillips Australia believes that the activity can always be adapted and/or modified to respect the scientific, cultural, social, and economic values and sensitivities in order to meet the requirements of the Regulations. We have considered all feedback received through the consultation process to inform the development of the EP". Claims regarding comments made at a King Island "public consultation meeting…that there will be no test drilling in the lease adjacent to King Island" is misreported. As documented on the audio

	THEME	CONSULTATION (C)
#	**COMMENTS RECEIVED**	***Titleholder response***
	sites will be located. Based on these egregious failings of proper community consultation conduct, this EP should be refused	soundtrack of the King Island Community Information session video (18 May 2023) that is available on the Consultation Hub, the verbatim comment by ConocoPhillips Australia's consultant was in response to a question from a King Island community member about the map of the operational areas shown in a slide and the number and location of drilling wells in T/49P. Q. The (maximum) six sites – are they in each area or across the two areas? A. We have a commitment to undertake one well in each of the two outlines (operational areas) that you can see behind me and we have a maximum in the next five years of six wells entirely. It's possible that there would be five wells in T/49P…I think that's unlikely. They're more likely to be in "P79", BUT I can't make that commitment to you at the moment. ConocoPhillips Australia extended consultation on two occasions in response to feedback received through the consultation process (EVENT ID: 2625, 3050), for a total extension of 61 days. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised were adequately addressed, for the reasons outlined above. As a result, no further changes have been made to the EP in response to these claims.
C06	**Matter**: ConocoPhillips refusing to provide information. **Claim:** On May 23 2023, relevant person engaged in a half hour online consultation with ConocoPhillips which was requested by relevant pesron to understand more about the information provided in the documents available at the time, and ask some specific questions. At the end of the meeting it was agreed relevant person would send questions needing further attention to ConocoPhillips to respond to. As a recognised relevant person with specific interests in ocean ecosystem health and marine life relevant person requested information on shutdowns ConocoPhillips have undertaken previously on sighting of significant species, especially cetaceans. ConocoPhillips responded that supplying such information would be a heavy time commitment to the company. Relevant person was instructed to go to the Australian Antarctic Division to seek such information for ourselves. This is in contradiction to undertaking a meaningful consultation process that provides information requested. Being told to go to a government department for	ConocoPhillips Australia does not concur with these claims and notes that the request for information was related to a different activity not related to the Otway Exploration Drilling Program covered under the Environment Plan (EP). Despite keeping records of all engagement with relevant persons, we have no records of a meeting on the date outlined in this claim, but does have records of a meeting on 4 May 2023. Regarding the request for data related to another project, ConocoPhillips Australia provided information on the collection and use of data on cetacean presence in the operational areas since 2021 and advised that the data had been made available to government agencies and research organisations and had been used to inform the development of the EP. ConocoPhillips Australia queried how the provision of historical data for a different petroleum activity was relevant to the environmental management for the proposed drilling activity and advised the relevant person that under (then current) Regulation 11A(2) of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009, titleholders should consider the functions, interests or activities of relevant persons and the impacts and risks that affect them when determining information requirements.

	THEME	CONSULTATION (C)
#	**COMMENTS RECEIVED**	***Titleholder response***
	information that is held by the proponent on their own historical company practices is an unsatisfactory response.	ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised were adequately addressed, for the reasons outlined above. As a result, no further changes have been made to the EP in response to these claims.
C06 a	**Matter**: Individual relevant persons questions remain unanswered. **Claim**: Relevant person claims questions remain unanswered from initial May 23 questions, including: ● Given gas is high in methane which is more climate intensive that C02, what is being done to measure the methane emissions as they occur, and where will that information be collated and made available? ● In light of the SGM recent amendments, what are ConocoPhillips plans for how you will address offsetting requirements? ● What decommissioning projections and planning have taken place to estimate the impacts on marine environment for your projected drill sites, both exploratory and final production? ● The two representatives in the consultation meeting are members of the northern Tasmanian and Victorian coast communities that will be impacted by these proposals. What benefit does ConocoPhillips suggest will be added to the towns and communities should your project go ahead? ● What research and estimations have been done on the potential for the projects proposed in these two leases becoming stranded assets? Relevant person requested copies of that information and stated that based on the failures to respond to questions submitted in online consultation meetings and subsequent correspondence in a manner that provides either comprehensive or comprehensible information for the relevant person to engage in proper and informed consultation, the development of this EP fails basic consultation standards and should be refused.	ConocoPhillips Australia does not concur with these claims and notes that responses to all objections, claims and questions received during consultation were provided to relevant persons, as summarised in EP Appendix C2. Given that responses to all relevant person objections, claims and questions were provided, and that, having considered the claims, ConocoPhillips Australia has satisfied itself that the potential risks and impacts referred to have been adequately addressed in the Environment Plan (EP), no changes have been made to the EP in response to these comments.

	THEME	CONSULTATION (C)
#	**COMMENTS RECEIVED**	***Titleholder response***
C07	**Matter**: Consultation pause occurred prior to completion of consultation with individual relevant person. **Claim**: ConocoPhillips paused relevant persons consultation before relevant person had received response to our queries raised in the consultation process. ConocoPhillips' website advises that "In line with our consultation approach for the Otway Exploration Drilling Program, ConocoPhillips Australia is briefly pausing consultation during October while we compile the Environment Plan for submission to NOPSEMA for formal public comment." Relevant person received an email notifying us of this on October 3, 2023, that public consultation had been paused, and in our meeting with Conocophillips on October 19, 2023 revealed the pause commenced on October 1, 2023 - two days before we were notified by email. Relevant person is concerned ConocoPhillips attempted to prematurely stop consultation with relevant persons while substantive issues have yet to be discussed or resolved and believes this approach is contrary to requirements for consultation under the OPGGS Act**.**	ConocoPhillips Australia acknowledges claims regarding consultation in the preparation of the Otway Exploration Drilling Program Environment Plan (EP) and has reviewed the consultation process undertaken. ConocoPhillips Australia acknowledges that in the email sent to all relevant persons on 31 August (Event ID: 3181), ConocoPhillips Australia advised *"We are asking relevant persons to provide feedback by 30 September 2023, after which time we will pause consultation so we can collate a submission to NOPSEMA for public comment and assessment."* When outlining these timeframes ConocoPhillips Australia had not taken into consideration the occurrence of a long-weekend and the administrative impact this would have on the consultation pause. As a result, ConocoPhillips Australia considered and responded to all feedback that was received between 30 September and 3 October 2023 in compiling the EP. ConocoPhillips Australia notes that in the email on 3 October 2023 (Event ID: 3859) notifying relevant persons of the consultation pause it was stated: *"During this time we will also respond to all individuals and organisations who provided feedback or raised objections and claims to the draft Environment Plan content that was made available via our online consultation hub. These chapters remain available on the consultation hub. Please note that during this time our responses may be delayed but we will get back to you."* In line with ConocoPhillips Australia's review, consultation was extended by an additional two days beyond the original 30 September 2023 close date, rather than prematurely ended as claimed. In accordance with section 25 of Environment Regulations, and as outlined in EP Section 3.10, ConocoPhillips Australia's implementation strategy includes ongoing consultation procedures. As a result, ConocoPhillips Australia has not made changes to the EP in response to this these claims.
C08	**Matter:** Confusion over who was undertaking what activity. **Claim**: The experience as a relevant person being 'consulted' in this project has been lacking in transparency and clarity. This has been especially problematic in relation to the engagement of a consultant to lead the public consultation for ConocoPhillips while he was also acting as a consultant for another project in the Otway Basin in an area that overlaps with the Vic/P79 lease. **Claim**: Relevant person expressed deep concern with the way in which public consultation has been undertaken in developing this EP	ConocoPhillips Australia acknowledges claims that there was community confusion about representatives for proponents during the consultation process. Consultation fatigue was identified by a range of relevant persons as an issue during the early stages of consultation and as a way to address this ConocoPhillips Australia sought to undertake collaborative engagement, as outlined in Section 3.3 of the Environment Plan (EP). This resulted in confusion in some areas along the Victorian coastline. Once this confusion was identified, ConocoPhillips Australia ceased utilising collaborative engagement approaches in certain locations. Throughout consultation, ConocoPhillips Australia recorded 60 discrete objections, claims, statements or feedback relating to seismic acquisition associated with marine seismic surveys.

	THEME	CONSULTATION (C)
#	**COMMENTS RECEIVED**	***Titleholder response***
	for submission to NOPSEMA for completeness check, and subsequent 30 day Public Comment period we are now responding to. It is evident that this, and the two other NOPSEMA public consultation processes taking place in the Otway Basin for seismic blasting projects at present, are being directed by the proponents. This consultation model gives proponents the power to dictate the terms of reference, scope, level of information provided and tenor of community engagement and information provided. **Claim**: On May 23, 2023 relevant persons had requested a meeting with ConocoPhillips regarding this proposal and at the last minute were advised that a consultant would be joining the Zoom call as the representative for another project in the region. This came about after I specifically requested information on what seismic blasting activity would be involved in the ConocoPhillips project, either in the proposed Access Area and Operational Area. Relevant person had not requested that the other project representative be included in this meeting, as our objective was to find out more about the ConocoPhillips test drilling project, and associated vertical seismic blasting. The consultant joined via phone from his car while on the road, and made for a confused and disjointed meeting where our questions regarding the ConocoPhillips project were not able to be addressed coherently, or responded to in the meeting. This experience has been replicated with community groups we collaborate with having the same consultant wearing dual hats between ConocoPhillips and another project, often at the same meeting. This was most commonly the case at public consultation meetings set up by the respective proponents presenting overlapping information that resulted in confusion in those attending the consultations - a concern which was voiced to this relevant person by community members in Warrnambool and Port Fairy as recently as the first week of December 2023.	Responses provided advised that a marine seismic survey was not part of the proposed activity for the Otway Exploration Drilling Program and information was provided about proponents in the region proposing seismic surveys. In response to the specific claims raised by relevant persons, ConocoPhillips Australia also notes that as the majority titleholder and operator of the Otway Exploration Drilling Program, ConocoPhillips Australia is responsible for undertaking consultation with relevant persons in respect of the Otway Exploration Drilling Program, the subject of the EP. ConocoPhillips Australia has been undertaking its own consultation process and is occasionally supported in this effort by a number of consultants. All consultation communications about the proposed activity have been sent by, or on behalf of ConocoPhillips Australia. Information sheets only display ConocoPhillips Australia branding and contact details and meeting information has been delivered on a ConocoPhillips Australia-branded slide pack. At the beginning of each consultation meeting, ConocoPhillips Australia has also introduced itself and the other meeting attendees including supporting consultants. Based on feedback received early in the consultation programme from relevant persons, ConocoPhillips Australia has ensured it has clearly communicated that ConocoPhillips Australia is the titleholder and operator of the Otway Exploration Drilling Program (as identified in the EP). The consultation model adopted has been one of co-design with numerous offers of meetings provided to relevant persons to understand how they'd like to be consulted throughout the EP development process. ConocoPhillips Australia notes that it has no record of a meeting on 23 May 2023, but does have records of a meeting on 4 May 2023 as outlined in response to Matter C06. Correspondence in the lead up to this meeting shows that the relevant person requested ConocoPhillips Australia to confirm whether representatives from another project would be attending to talk to their activities within the lease and that ConocoPhillips Australia undertook to ensure the consultants availability at short notice. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised were adequately addressed, for the reasons outlined above. As a result, no further changes have been made to the EP in response to these claims.
Other Matters Related to Consultation		

	THEME	CONSULTATION (C)
#	**COMMENTS RECEIVED**	***Titleholder response***
C09	**Matter**: Omissions triggering resubmission and new consultation process. **Claim**: Any omissions will require significant re-evaluation of the plan, and a resubmission for approval, and will also trigger a new consultation process as the risks and management strategies will have changed.	ConocoPhillips Australia acknowledges that under section 39 of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 (Environment Regulation) a titleholder may, in certain circumstances, be required to submit a revised Environment Plan (EP) under section 26 of the Environment Regulation. ConocoPhillips Australia has not updated the EP in response to these claims.
C10	**Matter**: Consultation is inadequate. **Claim**: Consultation with local business and tourism operators who may be impacted by the proposed drilling program is not thorough. **Claim**: ConocoPhillips' consultation with certain relevant persons under Regulation 11A of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations (Cth) (OPGGS Environment Regulations) was inadequate. **Claim**: The relevant person believes it is premature for ConocoPhillips to have submitted this EP to NOPSEMA knowing our organisation, and others, do not consider relevant person consultation has been completed. **Claim**: The relevant person considers that not only is ConocoPhillips' consultation with the relevant person as a relevant person incomplete, but that it has been inadequate, rushed and unprepared. We have not been provided sufficient information, useful dialogue or sufficient time to review late-published documents. ConocoPhillips uploaded new documents to the project website without notifying relevant persons. The relevant person does not consider this sufficient. Relevant persons cannot be expected to constantly monitor company websites just in case new documents are added. **Claim**: The relevant person has not had sufficient opportunity to discuss risks associated with this project that we consider unacceptable, or mitigation measures we consider important to reduce risks to ALARP.	ConocoPhillips Australia acknowledges claims regarding the adequacy of consultation in the preparation of the Otway Exploration Drilling Program Environment Plan (EP) and has reviewed the consultation process undertaken. ConocoPhillips Australia has undertaken extensive consultation as required under Division 3 and section 25 of the Environment Regulations. Formal consultation commenced in February 2023, with initial communications outlining the proposed approach to consultation, a consultation timeline and activity information. Simultaneous to this, ConocoPhillips Australia undertook a significant advertising campaign and created an online consultation hub to support the identification of potentially relevant persons. ConocoPhillips Australia extended the consultation period twice to ensure relevant persons had a reasonable period with sufficient information to engage in the consultation process (EVENT ID: 2625, 3050). ConocoPhillips Australia also made draft EP chapters available to relevant persons via the consultation hub on 31 August 2023 and communicated this availability and instructions on how to provide feedback via email to relevant persons (EVENT ID 3181). Refer to ConocoPhillips Australia's response to Matter C03 above in relation to public notification on the availability of the draft EP chapters. EP Chapter 3 (Consultation) outlines in detail the methods, approaches and communication tools used to support consultation, with extensive evidence of consultation provided in EP Appendices C and D. ConocoPhillips Australia considers that sufficient information to allow relevant persons and potentially relevant persons to make an informed assessment of the possible consequences of the activity on their functions, interests or activities has been provided. Further, that each relevant person and potentially relevant persons has been provided with a reasonable period for the

	THEME	CONSULTATION (C)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: The relevant person and ConocoPhillips have identified multiple issues that warrant further discussion. For example, ConocoPhillips responded to our preliminary statement of concerns just two weeks prior to submitting an EP to NOPSEMA and made statements including: 'We would appreciate hearing from the relevant person in regard to any other mitigation measures that could be considered.' [In regards to impacts on cetaceans.] ConocoPhillips Australia requests clarification of which benefits the relevant person is referring to that have been defined as negligible.' [In regards to spill risk for the Zeehan Marine Park]. Given all of these deficiencies in the consultation process, we have certainly not had sufficient opportunity to discuss risks associated with this project that we consider unacceptable or mitigation measures we consider important to reduce risks to ALARP.	consultation, with ample opportunity to provide information and feedback on the Otway Exploration Drilling Program. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised were adequately addressed, for the reasons outlined above. As a result, no further changes have been made to the EP in response to these claims.
C11	**Matter**: No social licence to operate. **Claim:** The proposed activity fails to pass any public interest or social licence evaluation as there is no justification for more fossil fuel deposits to be discovered. **Claim**: It is apparent that communities impacted by proposals like the Otway Exploration Drilling Program do not support the ongoing (and overwhelming) expansion of offshore exploration in the oceans of the south east of Australia. These are important and sensitive marine environments and I call on the Australian Environment Minister to intervene to protect them and the communities so clearly calling for oceans and threatened species to take precedence over fossil fuel vested interests. **Claim**: There is no social licence for exploratory drilling for gas and oil, and certainly not in risky environments such as undersea.	ConocoPhillips Australia acknowledges claims regarding the importance of consultation in the preparation of the Otway Exploration Drilling Program Environment Plan (EP) and has reviewed the consultation process undertaken. ConocoPhillips Australia has been granted petroleum titles by the Commonwealth National Offshore Petroleum Titles Administrator (NOPTA). The terms of these petroleum titles require ConocoPhillips Australia to undertake exploration activities within timeframes agreed with NOPTA. Titleholders are required to demonstrate in their environment plan how the concerns, objections or claims raised by relevant persons were considered and demonstrate that their response to that information was appropriate. ConocoPhillips Australia has conducted consultation in accordance with such requirements. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised were adequately addressed, for the reasons outlined above. As a result, no further changes have been made to the EP in response to these claims.
C12	**Matter**: Failure of ConocoPhillips to provide information to relevant person on GHG emissions.	ConocoPhillips Australia does not concur with these claims, as ConocoPhillips Australia responded directly to all feedback during consultation, as demonstrated in Environment Plan (EP) Appendix C2.

	THEME	CONSULTATION (C)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: I have asked for detail from ConocoPhillips to quantify the potential total GHG emissions which could eventuate as a result of this exploration but they have not forthcoming in answering.	Relevant persons requested information on the maximum quantity of gas predicted to be found, the associated GHG emissions for a commercial development, and how a large flaring adjacent gas field development would affect the regional climate, air quality, brand and tourism. ConocoPhillips Australia, in its response, advised that the objection or claim was not relevant to the adverse effects of the proposed Otway Exploration Drilling Program to which the Environment Plan (EP) relates and was beyond the scope of this assessment. Further, ConocoPhillips Australia provided information on the assessment of impacts associated with the proposed activity and additional information on the offshore petroleum lifecycle, the staged development approach taken in offshore developments (depending on the outcome of exploration drilling) and requirements for subsequent assessments and consultation. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised were adequately addressed, for the reasons outlined above. As a result, no further changes have been made to the EP in response to these claims.
C13	**Matter**: Failure of ConocoPhillips to provide information to relevant person on drill rig. **Claim**: The EP fails to provide comprehensive information regarding the sourcing of a drill rig, despite being requested to provide this information by a relevant person in a letter sent on 18 October 2023. ConocoPhillips was specifically asked, "What type of drill rig is being allocated for the MODU? Where will it be sourced from, and what is the expected turnaround time to do that?" The response from ConocoPhillips dated 9 November 2023 did not explicitly answer these questions. The relevant person later found an article in Offshore magazine dated 13 July 2023 which identified the drill rig as the Transocean Equinox, which according to marinetraffic.com is currently located in Norway. If the proponents had this information confirmed within industry networks, it is unclear why this information was not made freely available to relevant persons either in updates via the consultation portal and meetings, or in response to direct questions.	ConocoPhillips Australia does not concur with claims that the Environment Plan (EP) fails to provide comprehensive information regarding the drilling rig. Section 2.2.2 of the EP outlines that exploration wells will be drilled using a single, semi-submersible mobile offshore drilling unit (MODU, rig or drilling rig). Details on the type of drill rig proposed for the Otway Exploration Drilling Program are included in EP Chapter 2, specifically Table 2-5 (Typical moored semi-submersible specifications (based on Transocean Equinox)). Further, ConocoPhillips Australia provided confirmation of the selected rig in the August 2023 Project Update, emailed to relevant persons and made publicly available on the consultation hub. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised were adequately addressed, for the reasons outlined above. As a result, no further changes have been made to the EP in response to these claims.

	THEME	CONSULTATION (C)
#	**COMMENTS RECEIVED**	***Titleholder response***
C14	**Matter:** Consultation and modification of plans in response to feedback. **Claim:** The current assessment process for new offshore oil and gas leaves consultation at the hands of industry, that systematically attempt to overwhelm communities with consultation requests, but then fail to provide answers to their questions or requests for information, or to modify their plans in response to extensive feedback from communities.	ConocoPhillips Australia acknowledges claims regarding consultation and modification of the Environment Plan (EP) in response to feedback on the Otway Exploration Drilling Program and has reviewed the process undertaken. Section 24 of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 outlines the process where titleholders are required to report on consultation, including providing an assessment of merit of any objection or claim about the adverse impact of each activity to which the EP relates. Throughout the EP, where additional information was identified during consultation and resulted in a modification of EP content, the relevant consultation event was indicated by the Event ID and the specific feedback provided was linked to a unique ID number. Examples of this can be found in EP Section 3.8 (Appropriate Measures Adopted) and throughout Chapter 6 (Environmental Impact Assessment) and Chapter 7 (Environmental Risk Assessment). Full summaries on how objections and claims received during the course of consultation for the Otway Exploration Drilling Program were considered in the EP can be found in Appendix C2. Regarding claims that the offshore industry is attempting to overwhelm communities with consultation requests, consultation fatigue was identified by a range of relevant persons as an issue during the early stages of consultation and as a way to address this ConocoPhillips Australia sought to undertake collaborative engagement. As outlined in Section 3.3 of the EP. This resulted in confusion in some areas along the Victorian coastline resulting in the cessation of collaborative engagement approaches in certain locations. Additional strategies to mitigate consultation fatigue reduce the risk of people being overwhelmed were implemented by ConocoPhillips Australia, including in-community information sessions (including sessions with drilling and regulatory specialists, and regular updates during consultation), an online consultation hub, regular project updates, a preliminary environmental impact and risk assessment, a range of information sheets, an EP Summary, to make communication/ understanding easier, and to enable transparent communication. These strategies are described in EP Chapter 3. Further, the consultation period was extended on two occasions to account for the consultation overwhelm felt by some relevant persons resulting in a total extension of 61 days (EVENT ID: 2625, 3050). ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised were adequately addressed, for the reasons outlined above. As a result, no further changes have been made to the EP in response to these claims.

	THEME	CONSULTATION (C)
#	**COMMENTS RECEIVED**	***Titleholder response***
C15	**Matter**: The consultation process is overwhelming and inaccessible. **Claim**: This process is completely overwhelming and inaccessible. We have already invested huge amounts of time trying to understand this process. We are overwhelmed by the amount of information provided in the environmental plan, we cannot readily see where our comments are and if they have been considered. We feel we are being buried in process. This system is inaccessible. **Claim**: We would like to initially express our exhaustion and overwhelm in being involved in ongoing community representation for offshore gas exploration around Tasmania. As a community of Tasmanian volunteers we are trying to grasp if there is anything for us to gain from spending so much of our personal time responding to these processes which are shown to consistently favour powerful profit making entities over local communities and everyday Australian citizens. **Claim**: The EP is misnamed, obscure and hard to understand. **Claim**: It is very difficult for ordinary community members to be able to read the long extensive Environmental plan. **Claim:** The current assessment process for new offshore oil and gas leaves consultation at the hands of industry, that systematically attempt to overwhelm communities with consultation requests, but then fail to provide answers to their questions or requests for information, or to modify their plans in response to extensive feedback from communities.	ConocoPhillips Australia has noted multiple incorrect references to other proponents or activities during the review of submissions. ConocoPhillips Australia is aware many of the submitters and relevant persons are being requested to, or in the process of, providing feedback on other offshore proposals and are finding resourcing challenging. ConocoPhillips Australia has discussed and acknowledges consultation fatigue amongst relevant persons within Environment Plan (EP) Section 3.3.2 (Raising Awareness). Given the number and frequency of similar projects proposed and occurring within the broader South-east Marine Region, it is understood from relevant persons consulted during the preparation of the EP that many relevant persons have received a high volume of communications from titleholders, resulting in decreased capacity and willingness to consult. With respect to this constraint, ConocoPhillips Australia acknowledged the relevant person's comments and advised them they will remain within the consultation program to continue to receive updates and invited relevant persons to contact ConocoPhillips Australia at any time throughout the project with any comments or queries. Strategies to mitigate consultation fatigue and overwhelm were implemented by ConocoPhillips Australia, including collaborative consultation with other titleholders, in-community information sessions (including sessions with drilling and regulatory specialists, and regular updates during consultation), an online consultation hub, regular project updates, a preliminary environmental impact and risk assessment, a range of information sheets, an EP Summary, to make communication/ understanding easier, and to enable transparent communication. These strategies are described in EP Chapter 3. Further, the consultation period was extended on two occasions for a total extension of 61 days to account for the consultation overwhelm felt by some of relevant persons (EVENT ID: 2625, 3050). ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised were adequately addressed, for the reasons outlined above. As a result, no further changes have been made to the EP in response to these claims.
C16	**Matter**: Online processes exclude people. **Claim**: This way of Public Comment by online submission, is by its very nature excluding most people from having a voice. Many people do not have access to computers or capacity to read long documents. Even leaders have limited time and resources, so that although they know something is not right they are disadvantaged in being able to raise their concerns although they are very real. This	ConocoPhillips does not discriminate based on age or technical capabilities and was open to requests for additional and alternative consultation methods from persons who did not believe they had an opportunity to engage in the consultation. Environment (EP) Section 3 includes detail on the variety of methods ConocoPhillips Australia adopted to ensure that people were afforded access to information and were given the opportunity to engage in consultation in a manner suitable for them.

	THEME	CONSULTATION (C)
#	**COMMENTS RECEIVED**	***Titleholder response***
	may be leading to a type of indirect discrimination against those with less access to the help they need to oppose this proposal. Children and more elderly folk especially come to mind, as well as those who are less confident in literacy and computer skills. These are things which need to be addressed with more support offered to remote communities such as king Island if the level of participation in this process it is to be fair in, and is considered as representing a true level of the wish to be heard about this plan by ConocoPhillips.	For example, ConocoPhillips Australia diverted from typical drop-in sessions to community information sessions and adapted these to hold sessions at different times of day/evening to account to persons availability, providing opportunity for individuals to consult directly at different times of day, if preferrable. Further, hard copies of information sheets and project updates were made available during information sessions and could be requested at any time. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised were adequately addressed, for the reasons outlined above. As a result, no further changes have been made to the EP in response to these claims.
C17	**Matter**: Consultation has not been well intentioned or genuine. **Claim**: It has been disturbing to listen to their interactions with the King Island community. This is a community of many sincere and hardworking intelligent people, but the feeling is that they are worn down to a sense of hopelessness about this proposal because the tactics to bamboozle and debate, to deflect and twist genuine questions with glib debating style answers. **Claim**: They pick and choose information and fail to be genuine in hearing the real questions and concerns about their proposals from the king Island community in particular regarding T/49P. **Claim**: The EP is not easily understood by the lay person and it is 800 pages long. We feel this is and intentional action by the proponent and we object to this tactic. **Claim**: Concern that there is a large silent majority on King Island who are not participating, and that will be misinterpreted as people not caring about these proposals, when in fact the opposite is true - that even were they to take the time to attempt to make a public comment , or to register as a relevant person it would make no difference and their voices would be disregarded. **Claim**: The tactics employed by ConocoPhillips have worn folks down. It is locally described as a 'David and Goliath' battle with the sense that it is pointless or hopeless.	ConocoPhillips Australia has been and remains committed to respectfully engaging with Otway stakeholders to understand how their functions, interests and activities and the unique values and sensitivities of the environmental planning area may interact with aspects of our activity. We have sought to integrate consultation feedback into our plans and activities, to reduce the impact of our operations and contribute to meaningful economic development. ConocoPhillips welcomed feedback on our performance. During consultation we invited feedback on how we could improve our engagement with individuals, groups and organisations potentially affected by the proposed activities during the development of the Environment Plan (EP). ConocoPhillips Australia encouraged all potentially relevant persons to be involved in the relevant persons consultation phase. Individuals and organisations have had the opportunity to provide information (that we may have otherwise been unaware of), that improved our understanding of the existing environment, the assessment of environmental impacts and risks and the development of control measures for the activity. We recognise and appreciate the value that local knowledge can provide through consultation and public comment. ConocoPhillips Australia recognises that the thorough assessment of impacts and risks associated with the proposed activity results in the EP being a lengthy document. We undertook to inform consultation through the provision of a range of documents providing different levels of detail including: • abridged information sheets, project updates, a preliminary environmental impact and risk assessment and an EP Summary, as well as • draft EP chapters in full, which contained detailed impact and risk assessments. ConocoPhillips Australia is not proposing a marine seismic survey as part of the Otway Exploration Drilling Program and has addressed confusion around who is undertaking what activity, in response

	THEME	CONSULTATION (C)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: ConocoPhillips have obfuscated the fact that this plan includes further Seismic Surveying which is funded by them and outsources to another group. They try to create the impression that they are not doing any further seismic surveys. **Claim**: The way they have interacted in Webinars and at Town Hall style meeting to be very insulting to the local people.	to Matter C08. ConocoPhillips Australia is aware of seismic surveys being proposed by others, including the Regia 3D Marine Seismic Survey, and has provided contact details for the companies preparing the relevant EPs for those activities, during the consultation process. During consultation ConocoPhillips Australia has been transparent around the overlap of the Regia 3D Marine seismic survey with the VIC/P79 operational area. The Cumulative Impact Assessment, detailed in EP Chapter 8, includes an assessment of impacts in consideration of impacts associated with reasonably foreseeable activities and projects within the region, including the Regia 3D Marine Seismic Survey. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised were adequately addressed, for the reasons outlined above. As a result, no further changes have been made to the EP in response to these claims.
C18	**Matter:** The public comment period is inadequate. **Claim**: The inadequacy of the public consultation process leading up to the creation of this EP, and the subsequent short 30 day period to make comment on a 810 document is a flaw in the public comment process. This EP contains a lot of information, but no clarity on critical elements of areas outlined including sea bed sampling sites, drill sites or mitigation measures for environment and identified species, all further reasons this EP should be refused by NOPSEMA. **NOTE:** Specific claims relating to the public comment period and First Nations Peoples are included under the THEME: First Nations Peoples, Heritage and Culture. **Claim**: The public comment period for such a large and complex document is inadequate. Australian people and communities need a realistic amount of time and opportunity to respond to such environmental plans, if ConocoPhillips is going to do their consultation fairly and well. **Claim**: Even with expertise in this area, it would be a challenge to find enough time to read through and respond t such a document. For the average member of the public, it takes far longer to process, understand, research, consider and respond to it. I, for one, would be interested to read the Environment Plan in its entirety, to	ConocoPhillips Australia does not concur with claims that the public comment period was inadequate. ConocoPhillips Australia undertook extensive consultation as required under Division 3 and section 25 of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 in the months preceding the public comment period. EP Chapter 3 (Consultation) outlines in detail the methods, approaches and communication tools used to support consultation, with extensive evidence of consultation provided in EP Appendices C and D. To support consultation, ConocoPhillips Australia also made draft EP chapters available to relevant persons via the consultation hub on 31 August 2023 and communicated this availability and instructions on how to provide feedback via email to relevant persons (EVENT ID 3181). When public comment closed on 18 December 2023 it had been available to the public for 110 days for review. ConocoPhillips Australia also advertised extensively throughout the consultation process in an attempt to identify potentially relevant persons, most recently placing public notifications in national, state and regional papers notifying the public of the public comment period. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised were adequately addressed, for the reasons outlined above. As a result, no further changes have been made to the EP in response to these claims.

	THEME	CONSULTATION (C)
#	**COMMENTS RECEIVED**	***Titleholder response***
	understand the full intentions, however that is sadly an impossible task. ConocoPhillips has not allowed a fair and reasonable time for the reading and public comment of their Environment Plan. An extended period of time, at least 3 months, should be allowed for a task of such magnitude and importance. **Claim**: The EP is full of complicated language, extremely large volume to read and released just days before Xmas making it impossible for coastal resident/layperson to read. The EP needs to be understood by lay people, rather than a complicated document - discouraging public comment!	
C19	**Matter**: There is confusion over who is undertaking which activity. **Claim**: Consultation has been unclear for the community. Most people who attended combined information sessions came away not realising that there were two separate proposals or what they involved.	ConocoPhillips Australia acknowledges claims that there was community confusion about proponents during the consultation process. Consultation fatigue was identified by a range of relevant persons as an issue during the early stages of consultation and as a way to address this ConocoPhillips Australia sought to undertake collaborative engagement. As outlined in section 3.3 of the Environment Plan (EP), this resulted in confusion in some areas along the Victorian coastline resulting in the cessation of collaborative engagement approaches in certain locations. Throughout consultation, ConocoPhillips Australia recorded 60 discrete objections, claims, statements or feedback relating to seismic acquisition associated with marine seismic surveys. Responses provided advised that a marine seismic survey was not part of the proposed activity for the Otway Exploration Drilling Program and information was provided about proponents in the region proposing seismic surveys. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised were adequately addressed, for the reasons outlined above. As a result, no further changes have been made to the EP in response to these claims.
C20	**Matter**: Information provided is inadequate or not comprehensive or comprehensible. **Claim**: The number of exploratory wells initially proposed for T/49P has risen, but is still unclear.	ConocoPhillips Australia identified that the relevant person had misinterpreted information provided in the August 2023 Project Update (EVENT ID:3050, DOC ID 3735) and undertook to correct this misconception on a number of occasions in subsequent correspondence. The maximum number of wells proposed has remained consistent since the commencement of consultation, with the initial Information Sheet issued in February 2023 stating that 'the proposed

	THEME	CONSULTATION (C)
#	**COMMENTS RECEIVED**	***Titleholder response***
		exploration program will involve seabed surveys and drilling up to a maximum of six exploration wells'. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised were adequately addressed, for the reasons outlined above. As a result, no further changes have been made to the EP in response to these claims.

7. Theme: Tourism Recreation and Communities

	THEME	TOURISM, RECREATION AND COMMUNITIES (T)
#	**COMMENTS RECEIVED**	***Titleholder response***
T01	**Matter**: Social impacts including impacts to aesthetics, tourism, recreation, community health, safety and wellbeing and outdoor education. **Claim**: If the ConocoPhillips Exploration Drilling Program is allowed to commence, this will have a negative effect on tourism, commercial businesses and recreation. This will have a direct effect on the community around the permit sites and their families. **Claim**: This project will have extremely detrimental economic and health effects on our community. It benefits no one, except the big money makers - why do they need more money? **Claim**: In the interests of maintaining the safety and wellbeing of their populations many coastal councils have opposed surveys and drilling activities in the belief that they would further upset the balance that currently exists to the determent of their marine populations. **Claim**: It's a really beautiful part of the world, for walking, whale watching, seal watching. Putting it at risk for short term financial gain for a few people at a time when everyone recognises the dangers of burning fossil fuels is the definition of stupid.	ConocoPhillips Australia acknowledges the environmental and social value of the natural coastal environment in Victoria and Tasmania and has reviewed the Environment Pan (EP) to ensure these are adequately described. ConocoPhillips Australia describes the existing environment of the Operational Areas and the environment that may be affected (EMBA), with a description of tourism provided in EP Sections 4.7.5 (Tourism), 4.7.5.3 (Recreational Diving and Surfing) 4.7.5.4 (Recreational Fishing, including Charters and Nature Experiences) and tourism and recreational activities described through-out EP Chapter 4, for example, Section 4.4.5.3 (Gippsland Lakes). Due to the offshore nature of the Operational Areas, overlap of the proposed activities with tourism and recreational activities is limited primarily to visual and aesthetic values. This is due mainly to the large distances between the operational areas and the closest coastal settlements, for example, 42km to Portland, 19km to Port Fairy, 29km to Peterborough and 36km to Port Campbell from VIC/P79 and 45km to Cape Otway and 28km to Currie for T/49P as shown in Figure 1-1 in the EP. The extent to which coastal recreation and tourism is likely to be affected by the visibility of the drill rig and support vessels when in close proximity to the coastline during different operations was extensively assessed through Zones of Theoretical Visibility (ZTV) analysis (Appendix H) and in EP Section 6.2 (Interference with Other Marine and Coastal Users). Further, impacts of light emissions to coastal users and ecological receptors were modelled (Appendix F) and assessed in EP Section 6.4 (Light Emissions).

	THEME	TOURISM, RECREATION AND COMMUNITIES (T)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: I've been down to the great ocean walk several times. I love this walk. This coastline. It's some of my favourite in the world and I would be beyond heartbroken if drilling were to start up here. **Claim**: Just today I arrived home from a school bushwalk along the Great Ocean Walk. It was amazing. But coming home to find out the very place I had just been to was under threat was not the welcome I was hoping for. I would love to go back there again one day but I'm worried. I'm worried about how different it will be there if this gas project goes ahead. **Claim**: We recently travelled around Tasmania appreciating the natural beauty and wildlife and fresh food. We live near the Great Ocean Road, Victoria which has similar natural assets. We fear greatly for the future of sea life and health of our natural systems which will be negatively affected by drilling in this pristine area. **Claim**: It is crucial that this coastline remains untouched.	ConocoPhillips Australia's assessment of impacts to aesthetic values and visual amenity, and the extent to which coastal recreation and tourism is likely to be affected by the visibility of the activity, is short-term, fully recoverable (when the rig relocates to other areas or is demobilised from the area), with no long-term impacts to visual amenity or aesthetic values given no permanent/ visible infrastructure will be left in place. ZTV modelling indicates that the main deck of the rig could be visible from elevated locations along the Victorian coastline, but not along the Great Ocean Walk given the significant distances involved. The tip of the derrick (tall structure centrally located on the rig) may be visible as a dot on the horizon for the short duration of drilling activities, from the Victorian coastline including elevated locations along the Great Ocean Walk. We note that there is existing permanent gas infrastructure in closer proximity to the Great Ocean Walk and Great Ocean Road. Further, drilling has been conducted safely for over 50 years in the offshore environment in the Otway Basin and has most recently been carried out in 2021-22 by another titleholder. Consequently, economic, health, safety and wellbeing impacts to coastal communities are not predicted. ConocoPhillips Australia has noted four local councils' direct opposition to new oil and gas exploration and/or seismic acquisition in the Otway Basin through the course of consultation. ConocoPhillips Australia received and responded to similar claims relating to aesthetics, recreation, community health, safety and wellbeing and outdoor education during consultation in developing the EP. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims. **NOTE**: Claims related to consultation with local business and tourism operators who may be impacted by the proposed drilling program are addressed in THEME: Consultation
T02	**Matter:** Impacts on whale watching tourism in Tasmania. **Claim**: Tasmanians are enjoying an increase in whale presence and awareness which is bringing much joy to coastal communities of King Island and NW Tasmania. Many of our popular coastal tourist towns like Stanley and Boat Harbour regularly attract visitors to look for whales (including this winter 2023), in the usually quiet winter months, where we have experienced Southern Right Whales close to shore for extended periods. The marine drilling activities and	ConocoPhillips Australia received and responded to these claims during consultation and amended the Environment Plan (EP) prior to submission for public comment to include the contextual information provided on the increase in whale presence and awareness in EP Section 4.7.5.1 (Tasmania – Tourism). Impacts to recreation and tourism and detailed in EP Section 6.2.5.1 (Socio-economic Receptors). Relevant to tourism in Tasmania, ZTV analysis predicts for T/49P the derrick could be visible from King Island when operating within the T/49P operational area and the main deck on the MODU could also technically be visible from elevated locations on King Island (Appendix H). At these

	THEME	TOURISM, RECREATION AND COMMUNITIES (T)
#	**COMMENTS RECEIVED**	***Titleholder response***
	discharges of hydrocarbons and other pollutants into this area could have serious detrimental impacts on these species and many others.	heights and distances, it is possible that the main deck could appear just above the horizon depending on weather conditions. As stated in response to Matter T01, these impacts are short-duration, fully recoverable with no long-term impacts to visual amenity or aesthetic values given no permanent/ visible infrastructure will be left in place. Regarding drilling activities, unplanned releases of hydrocarbons and planned operational discharges in this area having serious detrimental impacts on these species and others, ConocoPhillips Australia has assessed the impacts associated with planned drilling and operational discharges in EP Section 6.8 (Planned Drilling Discharges) and 6.9 (Planned Operational Discharges), and the risks of unplanned releases of hydrocarbons in EP Sections 7.3 (Minor Loss of Containment), 7.6 (Marine Diesel Oil Release) and 7.7 (Loss of Well Control). ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
T03	**Matter**: Impact on brand Tasmania **Claim:** Brand Tasmania was established in March 2019 under the Brand Tasmania Act 2018. Brand Tasmania plays a leading role in developing a Tasmanian Brand which differentiates and enhances Tasmania's appeal and national and international competitiveness, and that it is maintained, protected and promoted. Brand Tasmania's mission is to inspire and encourage Tasmanians, and those who want to be Tasmanian, to "quietly pursue the extraordinary". Tasmanians are humble, quietly confident, and cool while the rest of the world is increasingly loud and hot. We're isolated, so we've had to be inventive. We were underestimated, so nothing is ever "good enough." We've had to work harder together, to make determination a core of our culture. The Bass Strait means everything from here is more expensive, so we have learned to focus on the boutique, the bespoke, on "better, not more." This is about quality taking precedence over quantity, on privileging the unusual, and on our choice to protect the wilderness and our environment. Brand Tasmania is industry and community led, and government enabled.	ConocoPhillips Australia received and responded to these claims during consultation. ConocoPhillips Australia acknowledges the importance and significance of Brand Tasmania and the tourism industry within the state and has reviewed the Environment Pan (EP) to ensure these are adequately described. ConocoPhillips Australia describes the existing environment of the Operational Areas and the environment that may be affected (EMBA), with a description of tourism provided in EP Sections 4.7.5 (Tourism), 4.7.5.3 (Recreational Diving and Surfing) 4.7.5.4 (Recreational Fishing, including Charters and Nature Experiences) and tourism and recreational activities described through-out EP Chapter 4, for example, Section 4.4.5.3 (Gippsland Lakes). Due to the offshore nature of the Operational Areas, overlap of the proposed activities with tourism and recreational activities is limited primarily to visual and aesthetic values. Relevant to brand Tasmania, ZTV analysis predicts for T/49P the derrick could be visible from King Island when operating within the T/49P operational area and the main deck on the MODU could also technically be visible from elevated locations on King Island (Appendix H). At these heights and distances, it is possible that the main deck could appear just above the horizon depending on weather conditions. As stated in response to Matter T01, these impacts are short-duration, fully recoverable with no long-term impacts to visual amenity or aesthetic values given no permanent/ visible infrastructure will be left in place.

	THEME	TOURISM, RECREATION AND COMMUNITIES (T)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: The Powered by Tasmania campaign is aimed at getting our Tasmanian community on-board with our required rapid transition to renewable energy sources. ConocoPhillips exploratory drilling operation for the expansion of the fossil gas industry around Tasmania tarnishes our Tasmanian Brand as an island that treasures and protects our environment and also hinders our community efforts to rapidly move to a decarbonized.	We note that drilling has been conducted safely for over 50 years in the offshore environment in the Otway Basin and has most recently been carried out in 2021-22 by another titleholder. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
T04	**Matter:** Impacts on seaweed businesses. **Claim**: Australia is in the process of using seaweed to develop a product to decrease harmful emissions from cattle. This seaweed product is produced in Tasmania and the whole industry may be affected if there is even just a small spill. This new and emerging industry has the potential to create jobs and increase Australia's export earnings. It needs protection in its infancy.	ConocoPhillips Australia acknowledges claims regarding potential risks to seaweed businesses and has reviewed the Environment Pan (EP) to ensure these are adequately assessed. ConocoPhillips Australia has described kelp in EP Sections 4.4.6 (State Protected Areas – Marine), 4.6.1.2 (Marine Flora), 4.4.8.4 (Giant Kelp Forests of South East Australia – Threatened Ecological Communities) and 4.7.8.8 (Marine Plant Fishery – Tasmania) as part of the Socio-economic Environment. The potential risks to kelp associated with a hydrocarbon release are assessed in EP Sections 7.6 (Marine Diesel Oil Release, specifically Table 7-17 (Potential risk of MDO release on benthic assemblages – Marine Flora)) and 7.7 (Loss of Well Control, specifically Table 7-30 (Potential risk of LOWC condensate release on benthic and intertidal assemblages). There is potential for kelp in shallower, more coastal areas to be impacted in the highly unlikely event of a spill, as demonstrated by MDO and LOWC modelling. Information is also provided to explain that these events are extremely unlikely and strict control measures will be in place for the duration of the Otway Exploration Drilling Program to mitigate against the potential for a spill. These are provided within EP Sections 7.6.6 (Control Measures and Demonstration of ALARP – for Marine Diesel Oil Release), 7.7.6 (Control Measures and Demonstration of ALARP – for Loss of Well Control), and Chapter 9 (Environmental Performance), as well as the Oil Pollution Emergency Plan (OPEP) in Appendix I. ConocoPhillips Australia received and responded to similar claims relating to kelp during preparation of the EP. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.

	THEME	TOURISM, RECREATION AND COMMUNITIES (T)
#	**COMMENTS RECEIVED**	***Titleholder response***
		NOTE: Claims related to a loss of well control and marine diesel oil release are addressed in THEME: Oil Spills
T05	**Matter**: Economic impacts including impacts to tourism, local economies and livelihood **Claim**: Both Victoria and Tasmania earn significant amounts from their tourism industries, both domestic and international. **Claim**: New gas drilling plans spell disaster for the Great Ocean Road as well as the Tasmanian Wilderness World Heritage Area that rely on tourism. Areas that host an enormous amount of visitors from all around the world annually - who come to see the incredible wildlife and unspoilt coastline. They are here for the nature, the incredible sea life, the natural beauty, cultural heritage and endangered marine species **Claim**: The jobs created by ConocoPhillips will not out way the jobs lost as the result of the drilling [Offshore Drilling - Chesapeake Bay Foundation (cbf.org)]. **Claim**: Tourism, industry and recreation are major drivers of coastal economies, the Otway Basin depends on clean, swimmable and healthy water systems to thrive [https://usa.oceana.org/wp-content/uploads/sites/4/17335/oil_and_tourism_dont_mix_-_updated_3_2020.pdf]. **Claim**: The exploration and mining of gas will not add significantly to either job growth or the upgrading of the rural sector's skill base. The mining sector is a small direct employer compared with tourism, farming, commercial and recreational fishing… all of which are significant for the welfare of seaside coastal areas. **Claim**: This project will put everything about King island at serious risk. The population of King Island will only suffer greatly. **Claim:** Deeply concerned about ConocoPhillips plans to drill up to six new gas wells in the oceans along Victoria's iconic Great Ocean Road and along the coast of King Island, north of Lutruwita / Tasmania.	ConocoPhillips Australia acknowledges the economic significance and value of recreation and tourism in coastal communities within the Environmental Planning Area and has reviewed the Environment Plan (EP) to ensure potential impacts on these industries have been adequately assessed. ConocoPhillips Australia describes the existing environment of the Operational Areas and the environment that may be affected (EMBA), with a description of tourism provided in EP Sections 4.7.5 (Tourism), 4.7.5.3 (Recreational Diving and Surfing) 4.7.5.4 (Recreational Fishing, including Charters and Nature Experiences) and tourism and recreational activities described through-out EP Chapter 4, for example, Section 4.4.5.3 (Gippsland Lakes). Due to the offshore nature of the Operational Areas, overlap of the proposed activities with tourism and recreational activities is limited primarily to visual and aesthetic values. ConocoPhillips Australia's assessment of impacts to aesthetic values and visual amenity, and the extent to which coastal recreation and tourism is likely to be affected by the visibility of the activity, is short-term, fully, with no long-term impacts to visual amenity or aesthetic values as described in response to Matter T01. ConocoPhillips Australia acknowledges that the Otway Exploration Drilling Program may interfere with the operation of Commonwealth and State fisheries through temporary displacement and that this displacement may extend to other commercial marine operators. Whilst the impact to commercial fisheries has been assessed as short-term and recoverable, ConocoPhillips Australia has committed to having a Commercial Marine Users Adjustment Protocol in place prior to the commencement of the program to address economic impact as a result of displacement. ConocoPhillips Australia notes that drilling has been conducted safely for over 50 years in the offshore environment in the Otway Basin and has most recently been carried out in 2021-22 by another titleholder. Consequently, economic impacts to coastal communities are not predicted. ConocoPhillips Australia received and responded to similar claims relating to economic impacts to tourism and local economies during preparation of the EP. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.

	THEME	**TOURISM, RECREATION AND COMMUNITIES (T)**
#	**COMMENTS RECEIVED**	***Titleholder response***
T06	**Matter:** Compensation for other coastal users. **Claim**: It is pleasing to see the potential for compensation for lost income to Tasmanian commercial fishers and we would like to see this opportunity extended to other Tasmanian community groups and industries, recognising that the many impacts and 'costs' of gas exploration activities may not be as tangible as loss of access to commercial fishing resources.	ConocoPhillips Australia received and responded to these claims during consultation. ConocoPhillips Australia describes the existing environment of the Operational Areas and the environment that may be affected (EMBA), with a description of other coastal users provided in EP Section 4.7 (Socio-Economic Environment). ConocoPhillips Australia considers the impacts associated with interference with other marine and coastal user to be of an acceptable level and as low as reasonably practicable, as detail in the assessment in Environment Plan (EP) Section 6.2. The Otway Exploration Drilling Program may interfere with the operation Commonwealth and State fisheries through temporary displacement, the impact is short-term and recoverable. ConocoPhillips Australia believes the proposed activity can sustainably coexist without negatively impacting the activities and livelihood of other marine and coastal users. To ensure this, ConocoPhillips Australia has also committed to having a Commercial Marine Users Adjustment Protocol in place prior to the commencement of the program to address economic impact as a result of displacement. The Adjustment Protocol will be negotiated with peak fishing associations to ensure that any claims of fishers can be assessed and compensated. The protocol will also be developed based on feedback from consultation with other commercial marine operators who identified they could be potentially impacted by the Otway Exploration Drilling Program. We will also be working towards a regional approach for compensation that minimises the potential for cumulative impacts to commercial fishers and will share more information on this as development progresses. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims. **NOTE:** Claims related to commercial fishing are also addressed in THEME: Fish, Sharks, Invertebrate and Fisheries.

8. Theme: First Nations People, Heritage and Culture

	THEME	FIRST NATIONS PEOPLES, HERITAGE AND CULTURE (FN)
#	**COMMENTS RECEIVED**	***Titleholder response***
Key Matter: Consultation with First Nations Peoples		
FN01	**Matter:** Consultation with First Nations Peoples is inadequate or has not occurred. **Claim:** There has been a failure of the proponents to properly consult with representatives from Southern Ocean Protection Embassy Collective (SOPEC), founded by Gunditjmara people to protect Southern Ocean Sea Country, their whale ancestors and kin. **Claim**: The lack of proper consultation with the Southern Ocean Protection Embassy Collective and potential exclusion of Gunditjmara people from their coastal lands during a spill raises significant ethical and cultural concerns. **Claim**: The consultation process, while extensive, did not adequately engage with indigenous communities. This oversight is significant as these communities hold traditional knowledge about the marine environment, which is crucial for a holistic environmental assessment.	ConocoPhillips Australia acknowledges claims regarding the adequacy of consultation with First Nations peoples and has reviewed the Environment Plan (EP) and the consultation process undertaken to ensure that the engagement process was adequately detailed and described. ConocoPhillips Australia has undertaken extensive consultation as required under Section 25 of the Environment Regulations as outlined in the EP, Section 3.2. This has included consultation with First Nations groups identified as relevant to the Otway Exploration Drilling Program EP. In addition to the consultation framework provided in the EP at 3.2, ConocoPhillips Australia adopted a tailored approach to consultation with First Nations relevant persons, in accordance with NOPSEMA's Guideline: Consultation in the course of preparing an environment plan (Document No: N-04750-GL2086 A900179: 10. First Nations people/groups). ConocoPhillips Australia's tailored consultation process was used to identify relevant First Nations groups and individuals and is outlined in the EP in Appendix C4. For example, Table 1-4 in Appendix C4, documents each of the 45 identified First Nations relevant persons, the rationale for engagement, and details of the invitation to participate in the co-design of culturally appropriate consultation (Event ID 2817, 2851). Advertising in First Nations media was also used to support Public Notices about consultation at the start of consultation in February 2023, and again in August and September 2023 (see Appendix C3 tear sheets, for example August 23 National Indigenous Times), when the draft EP was released for consultation. ConocoPhillips Australia acknowledges First Nations Peoples' unique relationships to the land, sea and waterways, and their ownership and stewardship of Country, including traditional knowledge of Sea Country and the marine environment that is held by, and belongs to, Traditional Owners (see EP 4.8.2 First Nations Heritage). ConocoPhillips Australia's understanding of the tangible and intangible cultural heritage values of First Nations communities with Sea Country within or adjacent to the operational areas has been acquired to date through desktop research and information-sharing and storytelling by Traditional Owners during conversations on Country (detailed in Appendix D of the EP). ConocoPhillips Australia acknowledges the extent of the Southern Sea Country and has identified impacts and risks to the marine environment associated with the activity. Information on the proposed activity and

	THEME	FIRST NATIONS PEOPLES, HERITAGE AND CULTURE (FN)
#	COMMENTS RECEIVED	*Titleholder response*
		associated impacts and risks has been made available in information sheets, project updates, a Preliminary Environmental Impact Risk Assessment, draft EP Chapters and the EP Summary. As a result of consultation during the development of the EP, and in recognition of First Nations groups' stewardship of their heritage and Country, ConocoPhillips Australia will establish a Cultural Heritage Protection Program (CM05) and will seek to partner with First Nations cultural heritage advisors and indigenous communities with Sea Country within or adjacent to the operational areas, to co-design and co-implement control measures to protect cultural values and sensitivities. The claim regarding potential exclusion of Gunditjmara people from their coastal lands during a (oil) spill has been addressed in response to Matter FN12. Additional understanding of cultural heritage values and sensitivities was acquired through a further literature review of Sea Country and proactive monitoring of SOPEC's social media, where the ongoing Citizens Protection Declaration campaign was launched on 16 February 2023. As a result of this consultation, ConocoPhillips Australia has expanded the definition of Sea Country in the EP in 4.8.2 to include acknowledgement of Dreaming ancestors.
FN02	**Matter:** Request for full disclosure of consultation with First Nations peoples. **Claim**: The EP addresses First Nations Heritage and Native Title, but it does not explicitly detail the extent of consultation with Indigenous communities or how their specific concerns have been addressed. ● Cultural Risk Assessment: While cultural risks are assessed, the lack of detailed consultation feedback from Indigenous communities in the region may indicate an oversight in fully understanding and mitigating these risks. ● Incorporation of Indigenous Knowledge and Concerns: The methodology for environmental impact and risk assessment does not clearly demonstrate how Indigenous knowledge and concerns have been integrated into the risk management process.	ConocoPhillips Australia acknowledges claims regarding the full disclosure of engagement with First Nations peoples and has reviewed the Environment Plan (EP) to ensure that the engagement process was adequately detailed and described. Section 26(8) of the Environment Regulations states that "All sensitive information (if any) in an Environment Plan, and the full text of any response by a relevant person to consultation under Section 25 in the course of preparation of the plan, must be contained in the sensitive information part of the plan and not anywhere else in the plan". NOPSEMA is required to publish (on their website) the EP with all sensitive information removed. All information, including sensitive information, has been provided to NOPSEMA for their assessment. A full list of the organisations, groups and individuals who have been consulted as relevant persons to the Otway Exploration Drilling Program is provided within Appendix C1 of the EP, including a list of the First Nations People with whom ConocoPhillips Australia has consulted. Information regarding all First Nations groups that were contacted as part of this process are included in Appendix C4 of the EP. Names of individuals have been redacted as per the requirements of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 under Section 26(8). Appendix D contains all unedited correspondence with relevant persons. ConocoPhillips Australia's methodology for assessment of impacts and risks aligns with AS/NZS ISO 31000:2018: Risk Management – Principles and Guidelines, and the requirements of the OPPGS (Environment) Regulation. Consideration of key environmental matters (ecological, socio-economic and cultural values and sensitivities)

	THEME	FIRST NATIONS PEOPLES, HERITAGE AND CULTURE (FN)
#	COMMENTS RECEIVED	*Titleholder response*
		that are valued because of their rarity or importance, including the critical role they play in supporting systems which are essential for the environment, people and/or the economy underpins the EP methodology for environmental impact and risk assessment. For example, as a result of consultation during the development of the EP, and in recognition of First Nations groups' stewardship of their heritage and Country, ConocoPhillips identified the need for a Cultural Heritage Protection Program that will ensure Indigenous knowledge and concerns inform the risk management process for the protection of heritage and the marine environment. The implementation of a Cultural Heritage Protection Program (CM05) will support the identification of priorities and measures to protect cultural heritage values and will be co-designed with First Nations cultural heritage advisors and indigenous communities with Sea Country within or adjacent to the operational areas, and co-implemented, to ensure cultural impacts and risks are mitigated. ConocoPhillips Australia has also included requirements for ongoing consultation with First Nations peoples in the implementation strategy (see 10.2.5.1 Ongoing Consultation with First Nations Peoples). ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
Key Matter: Understanding of First Nations values		
FN03	**Matter:** Inadequate demonstration of how feedback from engagement with First Nations Peoples has been integrated into the impact and risk assessment process. **Claim**: While cultural risks are assessed, the lack of detailed consultation feedback from Indigenous communities in the region may indicate an oversight in fully understanding and mitigating these risks. **Claim**: The methodology for environmental impact and risk assessment does not clearly demonstrate how Indigenous knowledge and concerns have been integrated into the risk management process.	ConocoPhillips Australia acknowledges claims regarding how feedback from engagement with First Nations peoples has been integrated not the EP and has reviewed the Environment Plan (EP) to ensure this adequately detailed and described. Note: Claims regarding the adequacy of consultation have been addressed in response to Matter FN01. Regarding the stated lack of detailed consultation feedback presented in the EP, Section 27(8) of the Environment Regulations requires that "All sensitive information (if any) in an environment plan, and the full text of any response by a relevant person to consultation under section 25 in the course of preparation of the plan, must be contained in the sensitive information part of the plan and not anywhere else in the plan". NOPSEMA is required to publish (on their website) the EP with all sensitive information removed. All information, including sensitive information, has been provided to NOPSEMA for their assessment. A full list of the organisations, groups and individuals who have been consulted as relevant persons to the Otway Exploration Drilling Program is provided within Appendix C1 of the EP, including a list of the First Nations People that have been consulted with. Information regarding all First Nations groups that were contacted as part of this process are included in Appendix C4 of the EP. Names of individuals have been redacted as per the requirements of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023

	THEME	FIRST NATIONS PEOPLES, HERITAGE AND CULTURE (FN)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: There is a lack of information on how the project may affect cultural heritage and the rights of indigenous peoples.	(Environment Regulations) under Section 26(8). Appendix D contains all unedited correspondence with relevant persons. ConocoPhillips Australia has undertaken an extensive consultation program as required by the Environment Regulations under section 25, including with First Nations groups who may have functions, interests or activities within the Operational Areas and wider EMBA as described in EP Appendix C4. ConocoPhillips Australia's methodology for assessment of impacts and risks aligns with AS/NZS ISO 31000:2018: Risk Management – Principles and Guidelines, and the requirements of the Environment Regulation. Consideration of key environmental matters (ecological, socio-economic and cultural values and sensitivities) that are valued because of their rarity or importance, including the critical role they play in supporting systems which are essential for the environment, people and/or the economy underpins the EP methodology for environmental impact and risk assessment. For example, as a result of consultation during the development of the EP, and in recognition of First Nations groups' stewardship of their heritage and Country, ConocoPhillips identified the need for a Cultural Heritage Protection Program. The implementation of a Cultural Heritage Protection Program (CM05) will support the identification of priorities and measures to protect cultural heritage values and will be established in consultation with First Nations cultural heritage advisors and indigenous communities with Sea Country within or adjacent to the operational areas, to ensure cultural impacts and risks are mitigated. ConocoPhillips Australia has also included requirements for ongoing consultation with First Nations peoples in the implementation strategy (see 10.2.5.1 Ongoing Consultation with First Nations Peoples). ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
FN04	**Matter**: Inadequate acknowledgment of cultural heritage and sea country connections. **Claim**: Cultural heritage and sea country connections of First Nations peoples are inadequately acknowledged in the EP.	ConocoPhillips Australia acknowledges claims regarding a lack of acknowledgement of cultural heritage and sea country connections and has reviewed the Environment Plan (EP) to ensure that these are adequately reflected in the EP. First Nations cultural heritage and sea country connections are addressed in detail in the EP in 4.8.2 First Nations Heritage. A word search of the EP also identifies 171 references to cultural heritage (including 3.3.5 First Nations Australians Overview; 4.8 Cultural Environment; 4.8.2 First Nations Heritage; Appendix L Biosis Cultural Heritage Report; 6.2.5.2 Cultural Environment; 6.9.5.4 Cultural Environment). A word search of Sea Country identifies 73 references, including Sea Country as a Sensitive Receptor at 6.3.4.

	THEME	FIRST NATIONS PEOPLES, HERITAGE AND CULTURE (FN)
#	**COMMENTS RECEIVED**	***Titleholder response***
		Indigenous Protected Areas (IPAs) within the EMBA are also integral to ConocoPhillips Australia's Cultural Impact Assessment (see 4.8.2 First Nations Heritage) and are classified as sensitive receptors when analysing and evaluating impacts and risks. The Otway Exploration Drilling Program – Preliminary Impact and Risk Assessment (Xodus 2023) includes an assessment of the Cultural Environment of First Nations Peoples (2.4.4 Cultural Environment). The Preliminary Impact and Risk Assessment report was released for review by relevant persons and organisations, including First Nations organisations and groups, in May 2023. Detailed acknowledgement of Cultural Heritage and Sea Country is also provided in Appendix C4 First Nations Consultation Report, which includes 14 references to cultural heritage and 11 references to sea country. ConocoPhillips Australia has committed to the implementation of a Cultural Heritage Protection Program (CM05) to protect cultural heritage values and sensitivities within the area that may potentially be affected by interference. <u>Additional understanding of traditional knowledge was acquired through proactive monitoring of SOPEC's social media where the Citizens Protection Declaration campaign (launched on 16 February 2023 and ongoing) and a further literature review of Sea Country. As a result of this consultation, ConocoPhillips Australia has expanded the definition of Sea Country in the EP in 4.8.2 to include acknowledgement of Dreaming ancestors.</u>
FN05	**Matter:** Acknowledging First Nations opposition to the proposed activity **Claim**: Ancient waters not yours to destroy! ConocoPhillips and their activities as outlined in the EP are not welcome in our sacred Sea Country, we demand that you stop and we invoke our rights as the first people of these lands and seas. **Claim**: "Historically, we the Gunditjmara, have had enough cultural and environmental genocide since November 19th 1834, our invasion day, when the Henty family arrived in Portland, we are the saltwater! we are Koontapool! We are the fighting Gunditjmara and our resistance continues! Our Birthrights will not be dismissed or disregarded, our culture will not be	ConocoPhillips Australia acknowledges the opinions of these First Nations peoples regarding the proposed Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that this is adequately reflected in the EP. ConocoPhillips Australia acknowledges that the impact of colonisation, public policy, racial discrimination and prejudice has had a major effect on the lives of Aboriginal and Torres Strait Islander peoples and that many continue to face disadvantages as well as prejudice and racism as a result. Through the implementation of our Reconciliation Plan our organisation is seeking to understand, identify, and ultimately remove systems and processes that create a barrier to participation and instead, engage and create opportunities. ConocoPhillips Australia has taken additional steps to inform our understanding of Sea Country through our literature review of First Nations publications about Sea Country, including *Sea Country: an Indigenous perspective,* Eastern Maar's *Meerreengeeye ngakeepoorryeeyt* (Country Plan), *Kooyang Sea Country Plan,* and the *paleert tjaara dja - Wadawurrung Healthy Country Plan* (2020-2030). ConocoPhillips Australia has committed to the implementation of a Cultural Heritage Protection Program (CM05) which will be established in consultation with First Nations cultural heritage advisors and indigenous

	THEME	FIRST NATIONS PEOPLES, HERITAGE AND CULTURE (FN)
#	**COMMENTS RECEIVED**	***Titleholder response***
	disrupted by a foreign corporation driven by the pursuit of mass profit!".	communities with Sea Country within or adjacent to the operational areas, to protect cultural values and sensitivities. Additional understanding of traditional knowledge was acquired through proactive monitoring of SOPEC's social media where the Citizens Protection Declaration campaign (launched on 16 February 2023 and ongoing) and a further literature review of Sea Country. As a result of this consultation, ConocoPhillips Australia has expanded the definition of Sea Country in the EP in 4.8.2 to include acknowledgement of Dreaming ancestors.
Key Matter: Impacts to First Nations Peoples, Heritage and Culture		
FN06	**Matter:** Cultural impacts associated with the proposed activity have been inadequately considered/ addressed. **Claim**: The proposed activity is both disrespectful of and threatening to First Nations' cultural heritage sites as recorded in their songlines and traditions. **Claim**: Southern Sea Country covers the ocean from North Tasmania to all the way to South Australia. It includes iconic spots like King Island, the Great Ocean Road, and the Great Australian Bight and encompasses Ngarrindjeri, Buandig, Gunditjmara, Keerray Wooroong, Gadubanud, Waddawurrung and Peerapper Country. Within these oceans live abundant and thriving marine ecosystems, including the Great Southern Reef and the nutrient rich Bonney Upwelling that sustains vital commercial fishing industries**.** **Claim**: Cultural concerns of Victorian and Tasmanian Aboriginal groups have not been adequately addressed and would be severely and permanently impacted by any drilling or production accident in the future.	ConocoPhillips Australia acknowledges claims regarding the adequacy of cultural impact assessments and has reviewed the Environment Plan (EP) to ensure that these impacts were adequately identified and assessed. Cultural heritage and sea country connections are considered and addressed in the EP. The EP includes 171 references to cultural heritage (including 3.3.5 First Nations Australians Overview; 4.8 Cultural Environment; 4.8.2 First Nations Heritage; Appendix L Biosis Cultural Heritage Report; 6.2.5.2 Cultural Environment; 6.9.5.4 Cultural Environment) Sea Country is also acknowledged, considered and addressed throughout the EP which includes 73 references, including Sea Country as a Sensitive Receptor at 6.3.4. Detailed acknowledgement of Cultural Heritage and Sea Country is also provided in Appendix C4 First Nations Consultation Report, which includes 14 references to cultural heritage and 11 references to sea country. As a result of consultation during the development of the EP, and in recognition of First Nations groups' stewardship of their heritage and Country, ConocoPhillips identified the need for a Cultural Heritage Protection Program that will ensure Indigenous knowledge and concerns inform the risk management process for the protection of heritage and the marine environment. The Cultural Heritage Protection Program measure (CM05) has been adopted in the EP. The implementation of a Cultural Heritage Protection Program (CM05) will support the identification of priorities and measures to protect cultural heritage values and will be established in consultation with First Nations cultural heritage advisors and indigenous communities with Sea Country within or adjacent to the operational areas in VIC/P79 and T/49P, to ensure cultural impacts and risks are mitigated. ConocoPhillips Australia has also included requirements for ongoing consultation with First Nations peoples in the implementation strategy (EP Chapter 10).

	THEME	FIRST NATIONS PEOPLES, HERITAGE AND CULTURE (FN)
#	**COMMENTS RECEIVED**	***Titleholder response***
		ConocoPhillips acknowledges the extent of the Southern Sea Country and has identified impacts and risks to the marine ecosystem associated with the activity. The control measures outlined in the EP will reduce the impacts to as low as reasonably practicable (ALARP), including the implementation of a Fauna Management Plan (CM08). ConocoPhillips Australia is committed to protecting the marine ecosystem and has demonstrated this in the EP by: • Applying a science-based approach and considering cumulative effects to develop leading best practices as described through-out the impact and risk assessment EP chapters and Cumulative Impact Assessment chapter. • Collecting data and information on local biodiversity through site assessments and baseline studies through the implementation of multi-year marine mammal survey program, the completion of studies on giant crabs and southern rock lobsters and by supporting citizen science and coastal southern right whale research programs. • Developing indicators and metrics to track biodiversity impacts and risk management performance through the development of control measures, environmental performance standards and measurement criteria. In developing the EP, ConocoPhillips has further demonstrated its commitment to preserving the biodiversity of marine ecosystems by: • Applying technological innovation and practical, sustainable solutions for biodiversity conservation through, for example, coordinating citizen science and aerial survey program for marine mammals. • Collaborating with conservation organisations, governments, and policy bodies by, for example, providing data to state government departments to improve understanding on species presence and federal government departments to support the review of biologically important areas. • Engaging with local communities on biodiversity-related impacts associated with our operations, mitigation actions and proactive initiatives to support biodiversity conservation through community information sessions and funding for citizen science programs. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
FN07	**Matter**: Cultural **i**mpacts to southern ocean from drilling.	ConocoPhillips Australia acknowledges the cultural significance of the southern ocean as a sensitive receptor (the Commonwealth marine environment) and has reviewed the Environment Plan (EP) to ensure that these impacts were adequately identified and assessed.

	THEME	FIRST NATIONS PEOPLES, HERITAGE AND CULTURE (FN)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: Australia's wild southern oceans have enormous environmental and cultural significance that would be put at risk by new gas drilling. **Claim**: We are salt water people, our lives are reliant on the oceans. If they die, so do we.	The environmental impacts and risks associated with the proposed Otway Exploration Drilling Program on environmental values and sensitivities, including social, economic and cultural values, are addressed throughout the EP, for example in EP Section 6.3.4 (Identifying Sensitive Receptors). Further, ConocoPhillips Australia has committed to the collaborative development of a Cultural Heritage Protection Program (CM05). This program will provide an opportunity for First Nations persons with Sea Country values and sensitivities within or adjacent to the operational areas to co-design and co-implement measures that protect cultural values and sensitivities. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
FN08	**Matter**: Reduced capacity for sacred species to hold the collective lore of the ocean. **Claim**: Any activity which reduces the capacity of Koontapool and Kooyang to hold the collective lore of the ocean with us, their kin, cannot be tolerated and must be considered anathema to our Right to Self Determination as established under the United Nations Declaration on the Rights of Indigenous People, a declaration which Australia has agreed to.	ConocoPhillips Australia recognises the significance of totemic species, in particular, Koontapool – Southern Right Whales, and Kooyang – Short-finned Eels and has reviewed the Environment Plan (EP) to ensure that these impacts were adequately identified and assessed. As stated in EP Section 10.1.2.3 (Biodiversity Position), ConocoPhillips Australia recognises the importance of managing biodiversity risks associated with our global operations and demonstrating leadership in habitat stewardship practices. We will only operate exploration activities in habitats of significant importance to critically endangered species, or other critical habitat, where we can adequately mitigate impacts through mitigation hierarchy measures in accordance with our sustainable development management system, regulatory requirements and through local engagement., Further, ConocoPhillips Australia has committed to implementing a Fauna Management Plan (CM08) that includes whale detection and management measures to minimise anthropogenic noise threats to all whales, with a particular focus on blue whales and southern right whales given the activity overlaps relevant Biologically Important Areas (BIAs). The Fauna Management Plan includes specific controls such as increased safe operating distances, pre-activity surveys for specific activities, night-time and low visibility controls and the establishment of safe points for operational activities and will ensure that impacts to marine mammals are reduced to ALARP and acceptable levels. ConocoPhillips Australia is cognisant that the Environment that May Be Affected (EMBA) overlaps the Gunditjmara Sea Country Indigenous Protected Area (IPA) Consultation Area (Gunditj Mirring Traditional Owners Aboriginal Corporation with Eastern Maar Aboriginal Corporation) and is also cognisant of the Gunditjmara Sea Country IPA program (the IPA program) and the need to align the codesign of the Cultural Heritage Protection Program with the IPA program.

	THEME	FIRST NATIONS PEOPLES, HERITAGE AND CULTURE (FN)
#	COMMENTS RECEIVED	*Titleholder response*

		ConocoPhillips Australia must act consistently with the Environment Protection and Biodiversity Conservation Act 1999 and instruments made under it, such as a conservation management plans, recovery plans and conservation advice. This include both the Conservation Management Plans for Blue Whales and Southern Right Whales and has established relevant Environmental Performance Outcomes (EPOs) that measurable benchmarks for environmental performance that ConocoPhillips Australia is seeking to achieve for the life of the activity. These are stated throughout the EP and collated in EP Chapter 9, and include as examples:
		• EPO3: No death or injury to listed threatened or migratory species from the activity.
		• EPO4: Biologically important behaviours can continue while the activity is being undertaken.
		• EPO6: No substantial or unrecoverable change in seabed quality which may adversely impact on biodiversity, ecological integrity, social amenity, cultural values or human health.
		• EPO9: Anthropogenic noise in biologically important areas will be managed such that:
		  ○ Any blue whale continues to utilise the area without injury, and is not displaced from a foraging area.
		  ○ It does not prevent any southern right whale from utilising the area or cause injury (TTS and PTS) and/or disturbance.
		• EPO10: No substantial or unrecoverable change in water quality which may adversely impact on biodiversity, ecological integrity, social amenity, cultural values or human health.
		ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.

FN09	**Matter:** Impacts on sacred whale species **Claim**: There has been a failure of the proponents to properly consult with representatives from Southern Ocean Protection Embassy Collective (SOPEC), founded by Gunditjmara people to protect Southern Ocean Sea Country, their whale ancestors and kin. Whale species including Koontapool, southern right whale, and Wuuloc, the pygmy blue whale, are sacred to the Gunditjmara and hold significance in their cultural practices. **Claim**: The blue whale and the southern right whale, not only endangered species but also of great cultural	ConocoPhillips Australia acknowledges claims regarding impacts on whale species and has reviewed the Environment Plan (EP) to ensure that these impacts were adequately identified and assessed. Claims relating to consultation with First Nations peoples has been addressed in response to FN01. ConocoPhillips Australia's acknowledgement of the significance of Koontapool and Wuuloc is documented in previous responses above (see Key Matter: Consultation with First Nations Peoples and Key Matter: Impacts to First Nations Peoples, Heritage and Culture – FN01 and FN02). The claim of ConocoPhillips Australia's lack of understanding of the cultural values and sensitivities associated with Gunditjmara Sea Country is addressed in the response to Matter FN08. ConocoPhillips Australia has assessed potential impacts to migrating southern right whales based on the migration and reproductive Biologically Important Area (BIA) geospatial data released in September 2023, and

	THEME	FIRST NATIONS PEOPLES, HERITAGE AND CULTURE (FN)
#	**COMMENTS RECEIVED**	***Titleholder response***

	importance to First Nations' peoples, are threatened by this project.
	
	Claim: Whale species including Koontapool, southern right whale, and Wuuloc, the pygmy blue whale, are sacred to the Gunditjmara and hold significance in their cultural practices.
	
	Claim: The EP is incomplete as it does not demonstrate basic understanding of the unique biodiverse ecosystems across Gunditjmara Sea Country and its interconnections to the deeper parts of the Southern Ocean. One specific area which has not been identified is a critical blue whale feeding ground, one of three in the southern hemisphere, encompassing the natural phenomenon of the Bonny upwelling**.**
		the established foraging BIAs for blue whales, and has subsequently applied conservative effect thresholds for behavioural disturbance.
		
		ConocoPhillips Australia has developed and will implement a (now titled) Fauna Management Plan (FMP – CM08) to ensure that impacts to marine mammals are reduced to ALARP and acceptable levels (Appendix N). This Plan will be implemented to ensure Environmental Performance Outcomes (EPOs) for marine mammals can be achieved, including:
		• EPO3: No death or injury to listed threatened or migratory species, from the activity.
		• EPO4: Biologically important behaviours can continue while the activity is being undertaken.
		• EPO9: Anthropogenic noise in biologically important areas will be managed such that:
		  ○ It does not prevent any southern right whale from utilising the area or cause injury (TTS and PTS) and/or disturbance.
		  ○ Any blue whale continues to utilise the area without injury, and is not displaced from a foraging area.
		
		Requirements for record keeping and reporting are detailed in the Fauna Management Plan (EP Appendix N).
		
		Regarding data on cetacean presence in the operational areas proposed for the Otway Exploration Drilling Program, ConocoPhillips Australia has been conducting marine mammal surveys since 2021 to produce contemporary data that supports effective decision-making in the Otway Basin. This research continues to improve knowledge on the presence/absence, distribution and behaviours of key species during and outside of known peak seasons.
		
		Data has been made available to government agencies and research organisations and can be made available to other commercial operators in the region through a memorandum of understanding; and has been used to inform the development of the EP.
		
		ConocoPhillips Australia is also an advocate for community-based research programs with the Dolphin Research Institute, who are expanding their Two Bays Whale Program. We also support research, through the Arthur Rylah Institute, in expanding their southern right whale aerial monitoring program along the Victorian coastline.
		
		ConocoPhillips Australia is cognisant that the Environment that May Be Affected (EMBA) overlaps the Gunditjmara Sea Country Indigenous Protected Area (IPA) Consultation Area (Gunditj Mirring Traditional Owners Aboriginal Corporation with Eastern Maar Aboriginal Corporation) and is also cognisant of the Gunditjmara Sea Country IPA program (the IPA program) and the need to align the codesign of the CHPP with the IPA program.
		
		The Bonney Upwelling is documented in the EP. A word-search of the EP for 'Bonney Upwelling' identified 18 references, including 4.3 Regional Environmental Setting.

	THEME	FIRST NATIONS PEOPLES, HERITAGE AND CULTURE (FN)
#	COMMENTS RECEIVED	*Titleholder response*
		ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
FN10	**Matter:** Impacts on Kooyang, the short finned Eel. **Claim:** Breeding populations of Kooyang could become locally extinct in the Southern Ocean region including across Gunditjmara Sea Country if this destructive project goes ahead. **Claim**: It could be disruptive to the migratory pathways of Kooyang and compromise their chance of arriving safely in the Coral Sea and then returning to the Southern Ocean in their early life stage. **Claim**: Short fin eels have an immense cultural value for the indigenous peoples of South-West Victoria, forming the basis of a UNESCO World Heritage site at Budj Bim. Their cultural connection to the land and the eels stretches back 40 to 60 thousand years which Australia has global responsibilities to protect. It is well known that seismic blasts kill fish. We also know that these surveys change the behaviour of fish: they can disorientate them and they can make them more vulnerable to predators, and other adverse impacts. **Claim**: Specific information about seismic blasts relating to short fin eels is absent but the effects on other kinds of eel are damaging. We have no reason to believe that short fin eels are any different. Adding an additional pressure to these already vulnerable animals is irresponsible and a breach of our duty to protect World Heritage sites and cultural traditions that may be 60,000 years old and ignores consultation with Indigenous groups who venerate the importance of eels to their society.	ConocoPhillips Australia acknowledges claims regarding impacts on the short-finned eel and has reviewed the Environment Plan (EP) to ensure that these impacts were adequately identified and assessed. ConocoPhillips Australia is not proposing to conduct a marine seismic survey as part of the Otway Exploration Drilling Program. ConocoPhillips Australia's program involves seabed surveys, and drilling operations. ConocoPhillips Australia has previously provided information about the formation evaluation tool (Vertical Seismic Profiling (VSP)) for relevant persons in the Commercial Fishing Information Sheet 4 – May 2023, has extensively assessed the impacts of VSP to eels in EP Section 6.7 (Underwater Sound Emissions – Impulsive), and has provided a comprehensive response to claims of impacts to eels under the Theme 'Fish, Sharks, Invertebrates and Fisheries, within this Response Report. ConocoPhillips Australia acknowledges the UNESCO World Heritage Status of Budj Bim and the cultural significance of Kooyang, the short-finned eel (Short-finned eel – Anguilla australis). Our knowledge is enhanced by the cultural heritage tour taken by a member of the project team, where the Gunditjmara cultural and economic significance of Kooyang at Tak Rae was explained, including the cycle of migration and reproduction. ConocoPhillips Australia will only operate exploration activities in habitats of significant importance to critically endangered species, or other critical habitat, where we can adequately mitigate impacts through mitigation hierarchy measures in accordance with our sustainable development management system, regulatory requirements and through local engagement. ConocoPhillips Australia is cognisant that the Environment that May Be Affected (EMBA) overlaps the Gunditjmara Sea Country Indigenous Protected Area (IPA) Consultation Area (Gunditj Mirring Traditional Owners Aboriginal Corporation with Eastern Maar Aboriginal Corporation) and is also cognisant of the Gunditjmara Sea Country IPA program (the IPA program) and the need to align the codesign of the CHPP with the IPA program. ConocoPhillips Australia has included additional information in EP Section 4.6.5.3 (Eels) regarding the life-cycle and cultural significance of the short-finned eel in response to these claims.

	THEME	FIRST NATIONS PEOPLES, HERITAGE AND CULTURE (FN)
#	**COMMENTS RECEIVED**	***Titleholder response***
FN11	**Matter:** Impacts to underwater cultural heritage. **Claim:** The proposal will directly impact ancient underwater cultural heritage and the ancient pathways people used to navigate south to Lutrawita, known as Tasmania. We have significant and tangible proof that where the sea is currently there used to be native pine and manna gum old growth forests.	ConocoPhillips Australia acknowledges claims regarding impacts to underwater cultural heritage sites and has reviewed the Environment Plan (EP) to ensure that these impacts were adequately identified and assessed. For all proposed offshore activities in the EP, ConocoPhillips Australia used the Australian Cultural Heritage database (DCCEEW 2023) to identify Underwater Cultural Heritage Protected Zones and submerged Aboriginal heritage sites. ConocoPhillips Australia is not aware of any spatial data for submerged Aboriginal Heritage sites, however, the cultural heritage significance of Sea Country and the "vanished underwater landscape" is acknowledged in the EP in the Biosis Cultural heritage desktop assessment (2023) in 2.1.1 Archaeology of the Sea Floor, and the "original land bridge" is also acknowledged in 4.4.6.1 Tasmania and 4.8.2 First Nations Heritage. A geophysical seabed survey will be undertaken before drilling starts to identify any seabed hazards, including underwater cultural heritage. Data from seabed surveys will be provided to an appropriately qualified underwater archaeologist to identify cultural heritage values and sensitivities and inform protection priorities and measures. ConocoPhillips Australia will partner with First Nations People to implement a Cultural Heritage Protection Program (CM05), which addresses the protection of Sea Country and includes the co-design of measures that will sufficiently protect the cultural features of the environment. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
Key Matter: Risks to First Nations Peoples, Heritage and Culture associated with oil spills and invasive marine species		
FN12	**Matter:** Oil spill risks to sea country **Claim:** Regardless of how small the risk of a spill occurring, the submitters modelling based on information provided by ConocoPhillips represents an untenable risk to the health of Sea Country.	ConocoPhillips Australia acknowledges claims regarding oil spill risks to Sea Country and has reviewed the Environment Plan (EP) to ensure that these risks were adequately identified and assessed. ConocoPhillips believes that the risk associated with an accidental release of small volumes of chemicals or hydrocarbons due to a spill or minor loss of containment (minor LOC) are well understood. Dispersion and evaporation rates of minor spills are based on oil spill modelling conducted specifically for the Otway Exploration Program (Section 7.6) and peer reviewed material. The small volumes associated with a minor loss of containment (LOC) are not predicted to have a material impact. As detailed in Section 7.3 of the Environment Plan, rapid dilution is predicted with environmental effects during a minor LOC incident predicted to be temporary and localised on the sea surface near the source. No impacts to benthic communities are expected.

	THEME	FIRST NATIONS PEOPLES, HERITAGE AND CULTURE (FN)
#	COMMENTS RECEIVED	*Titleholder response*
		Hydrocarbon releases which are not considered minor, i.e. larger volume marine diesel oil (MDO) spills from a vessel collision, or a Loss of Well Control (LOWC) associated with drilling activities, have been modelled based on worst-case credible spill scenarios to provide an informed estimate of where hydrocarbons might go if nothing is done to respond, and supports the prediction of possible effects. Hundreds of hypothetical individual spills (1400 in this case) have been simulated for each worst-case scenario to show where hydrocarbons from a spill could go under different metocean conditions (such as currents, wind, waves and temperature). The Otway Exploration Drilling Program EMBA (Figure 4-6: Otway Exploration Drilling Program Loss of Well Control (LOWC) EMBAs) does not in any way represent the extent of any single spill event, but rather the combined modelled output from 1400 hypothetical worst-case spills. The geographical extent of an individual spill would be much smaller. ConocoPhillips Australia has developed an Oil Pollution Emergency Plan for the Otway Exploration Drilling Program in consultation with state control agencies and has prepared an Operational and Scientific Monitoring Program (OSMP) to inform initial response activities and monitor the environment through to recovery. In the highly unlikely event of a spill, the response, including implementation of these plans, will include integration with local, national and international response organisations to mobilise resources, including experts and specialist equipment and engagement with First Nations people to facilitate site surveys and tagging out and protection of identified areas of importance, as described in the OPEP (Appendix I of the EP). The implementation of the Cultural Heritage Protection Program (CM05) will support the development of additional mitigation strategies for culturally important species that may be at risk in the extremely unlikely event of a spill. These measures are consistent with legislative, international and national standards and good practice guidelines, and reduce the risks associated with hydrocarbons releases to medium levels that are ALARP and acceptable. ConocoPhillips Australia has considered these claims and is satisfied that the potential risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
FN13	**Matter**: Oil spill risks to culture. **Claim**: In the oil spill modelling provided by ConocoPhillips, it shows that the Gunditjmara people could be excluded from their coastal lands and sea country for any duration of a spill. If this spill were to take place during the southern right whale calving period from Oct to Nov, this would negatively impact	ConocoPhillips Australia acknowledges claims regarding oil spill risks to cultural heritage values and sensitivities and has reviewed the Environment Plan (EP) to ensure that these risks were adequately identified and assessed. As previously noted in the response above to Matter FN12 the Otway Exploration Drilling Program EMBA (Figure 4-6: Otway Exploration Drilling Program Loss of Well Control (LOWC) EMBAs) does not in any way represent the extent of any single spill event, but rather the combined modelled output from 1400 hypothetical worst-case spills. The geographical extent of an individual spill would be much smaller and would not exclude First Nations People in multiple states from their Sea Country in the highly unlikely event of a LOWC. As described in detail in

	THEME	FIRST NATIONS PEOPLES, HERITAGE AND CULTURE (FN)
#	**COMMENTS RECEIVED**	***Titleholder response***
	the ability for people to undertake cultural practices of welcoming Kontapool (the southern right whale) back to Sea Country for their calving times. **Claim**: Based upon the scant level of information provided on potential exploration and drill sites that informed the hydrocarbon spills EMBA, it would appear that First Nations People in multiple states would be excluded from their Sea Country and ability to practice their cultural heritage in the event of a spill. Based on the projections in the EP of 90-100 days for a spill response to be enacted, and the spill stemmed/contained, it is feasible that Traditional Owners could be excluded from their Sea Country and cultural practices for up to 100 days, with the highest risk of that posed to the Victorian coastal Sea Country.	EP Sections 7.6.2 (Spill Modelling – for a marine diesel oil spill) and 7.7.2 (Spill Modelling – for a loss of well control event), ConocoPhillips Australia contracted RPS to conduct modelling for activities at locations selected to be representative of all potential activity locations within the operational areas based on water depth, proximity to the coast and continental slope. The worst-case spill scenario which is modelled over 90 days represents an unrestricted LOWC event without any spill response intervention. This release over 90 days is considered conservative, as an unrestricted LOWC is considered the worst-case, not necessarily the most credible. As such, the volume released, and duration of the response is likely to be less. The 90-day timeframe does not represent the period 'for a response to be enacted', with details of the immediate response actions to be taken in the extremely unlikely event of a release provided in the Oil Pollution Emergency Plan (OPEP) (Appendix I of the EP). As stated in EP Section 4.6.9 (Marine Mammals), the National Conservation Values Atlas (2023) has spatially defined migration and reproduction Biologically Important Areas (BIAs) for the southern right whale which occur within the EMBA (Figure 4 53), with the migration period stated as approximately April to October and reproductive period stated as May to September (i.e. calving period). Potential impacts to southern right whales, and associated cultural values, from a marine diesel oil release are detailed in EP Section 7.6.5, Tables 7-22 (Potential risk of MDO release on marine mammals) and 7-25 (Potential risk of MDO release on coastal habitats and communities) which predict short-term and localised impacts; with no population level, long-term or permanent changes predicted. Controls are in place for all vessels engaged in Otway Exploration Drilling Program activities to reduce the risk of vessel collision and limit the total volume of MDO released. These systems are well practiced and well understood. Potential impacts to southern right whales from with a loss of well control are detailed in EP Section 7.7.5, Table 7-35 (Potential risk of LOWC on marine mammals) which predicts the potential for interaction with southern right whales but not to the extent that they would impede the recovery of this species. Potential impacts to cultural values from with a loss of well control are detailed in EP Table 7-38 (Potential risk of LOWC on coastal habitats and communities) which predicts that, although no long-term or permanent changes to the marine environment or coastal sites and places are expected, it is considered that the visual presence of floating oil or shoreline oil accumulations may impact Sea Country at a spiritual level and that these impacts could affect culturally important activities such as mutton-birding, or affect totem fauna. Controls are in place to reduce the likelihood of a LOWC event to Remote (2) and ensure an efficient response should an event occur, thus reducing the potential environmental impacts. These systems are well practiced and well understood. Emergency spill response capability will be maintained in accordance with the NOPSEMA Accepted Oil Pollution Emergency Plan (OPEP – CM13).

	THEME	FIRST NATIONS PEOPLES, HERITAGE AND CULTURE (FN)
#	**COMMENTS RECEIVED**	***Titleholder response***
		In the highly unlikely event of a spill, the response, including implementation of these plans, will include integration with local, national and international response organisations to mobilise resources, including experts and specialist equipment and engagement with First Nations people to facilitate site surveys and tagging out and protection of identified areas of importance, as described in the OPEP (Appendix I of the EP). ConocoPhillips Australia has considered these claims and is satisfied that the potential risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
FN14	**Matter:** Oil spill risks to whales and their food. **Claim**: Whales are kin and are ancient elders of the sea. Such activity could force sacred whale kin to breathe and feed in waters polluted with oil and other hydrocarbons that burn their eyes and line their lungs. The impacts of any potential spill on the zooplankton could also have extensive impacts on the productivity of the system which could have flow on effects for whale kin by reducing their food sources. **Claim**: An oil spill would harm southern right whales and potentially stop them from being able to calve in these waters without facing harm.	ConocoPhillips Australia acknowledges claims regarding oil spill impacts on cultural values associated with whales and their food and has reviewed the Environment Plan (EP) to ensure that these risks were adequately identified and assessed. The impacts of an oil spill on plankton, including krill, have been assessed in the EP, including the general sensitivity of plankton to oiling and the potential consequence from LOWC condensate release (see 7.7.5 Evaluation of Environmental Risks; specifically, Table 7-31: Potential risk of LOWC condensate release on plankton). The magnitude of potential risk associated with a LOWC condensate release is considered to result in short-term and localised impacts, representing a small portion of the plankton population that is widely representative of the region, with no population level impact or impact to dependent species expected. Controls are in place to reduce the likelihood of a LOWC event to Remote (2) and ensure an efficient response should an event occur, thus reducing the potential environmental impacts. These systems are well practiced and well understood. If an incident occurred, it would be restricted to the upper water column within the photic zone (up to 30 m depth) and would be unlikely to impede the recovery of a plankton and associated food chains within the South-East bioregion. The claim regarding harm to Southern right whales and potential to stop them from being able to calve has been addressed in responses to Matters FN08, FN09 and FN13. ConocoPhillips Australia has considered these claims and is satisfied that the potential risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
FN15	**Matter**: Oil spill risks to coastal cultural heritage sites. **Claim**: Spills could also reach the coastline, damaging irreplaceable cultural heritage sites.	ConocoPhillips Australia acknowledges claims regarding oil spill risks to cultural heritage sites and has reviewed the Environment Plan (EP) to ensure that these risks were adequately identified and assessed.

	THEME	FIRST NATIONS PEOPLES, HERITAGE AND CULTURE (FN)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: The proposed exploration drilling program has the potential to negatively impact on significant cultural sites and values across north-west Tasmania.	Potential impacts to cultural values from a marine diesel oil release are detailed in EP Section 7.6.5, Table 7-25 (Potential risk of MDO release on coastal habitats and communities) which predict short-term and localised impacts; with no long-term or permanent changes predicted. Controls are in place for all vessels engaged in Otway Exploration Drilling Program activities to reduce the risk of vessel collision and limit the total volume of MDO released. These systems are well practiced and well understood. Potential impacts to cultural values from with a loss of well control are detailed in EP Table 7-38 (Potential risk of LOWC on coastal habitats and communities) which identified that cultural heritage sites and places including rock art, middens and stone quarry's that are present along the coastline could be impacted by hydrocarbons depending on location, spill trajectory and presence within area exposed to tidal inundation. Although no long-term or permanent changes to the marine environment or coastal sites and places are expected, the visual presence of floating or shoreline accumulations of weathered condensate may impact Sea Country at a spiritual level and could affect culturally important activities such as mutton-birding, shellfish harvesting, or affect totem fauna. Shorelines predicted to be exposed to moderate hydrocarbon threshold loading are exposed, mostly rocky and are subject to strong wave action assisting in natural degradation of hydrocarbons, with no long-term or permanent changes expected. Controls are in place to reduce the likelihood of a LOWC event to Remote (2) and ensure an efficient response should an event occur, thus reducing the potential environmental impacts. These systems are well practiced and well understood. ConocoPhillips Australia has considered these claims and is satisfied that the potential risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
FN16	**Matter**: Oil spill risks to coastal mutton bird and shellfish harvesting. **Claim**: The North-West tribe of Tasmanian Aboriginal people were a maritime people occupying the coastal strip and the islands off the west and northwest coast of lutriwita/Tasmania. These coastal areas continue to be important to the palawa/pakana people for seasonal yula (mutton bird or Short-tailed Shearwater), other traditional shellfish harvesting, connection to country and traditional cultural practices. Palawa/pakana culture, like so many other	ConocoPhillips Australia acknowledges claims regarding oil spill risks to coastal harvesting practices and has reviewed the Environment Plan (EP) to ensure that these risks were adequately identified and assessed. ConocoPhillips Australia understands and has acknowledged the cultural and economic significance of seasonal mutton bird and shellfish harvesting in EP Section 4.8.2.1. Potential impacts to cultural values from with a loss of well control are detailed in EP Table 7-38 (Potential risk of LOWC on coastal habitats and communities) which identified that cultural heritage sites and places that are present along the coastline could be impacted by hydrocarbons depending on location, spill trajectory and presence within area exposed to tidal inundation. Although no long-term or permanent changes to the marine environment or coastal sites and places are expected, the visual presence of floating or shoreline accumulations of weathered condensate may impact Sea Country at a spiritual level and could affect culturally important activities such as mutton-birding, shellfish harvesting, or affect totem fauna. Shorelines predicted to be exposed to moderate hydrocarbon threshold

	THEME	FIRST NATIONS PEOPLES, HERITAGE AND CULTURE (FN)
#	**COMMENTS RECEIVED**	***Titleholder response***
	cultural and economic activities in north-west Tasmania, relies on a healthy marine environment.	loading are exposed, mostly rocky and are subject to strong wave action assisting in natural degradation of hydrocarbons, with no long-term or permanent changes expected. Controls are in place to reduce the likelihood of a LOWC event to Remote (2) and ensure an efficient response should an event occur, thus reducing the potential environmental impacts. These systems are well practiced and well understood. ConocoPhillips Australia has considered these claims and is satisfied that the potential risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
FN17	**Matter:** Invasive marine species (IMS) risks to cultural values. **Claim**: Although a Cultural Heritage Protection Program is in place, the likelihood of invasive marine species (IMS) affecting cultural values is considered 'Improbable', which might indicate an underestimation of cultural risks.	ConocoPhillips Australia acknowledges claims regarding Invasive Marine Species (IMS) risks to cultural values and has reviewed the Environment Plan (EP) to ensure that these risks were adequately identified and assessed. ConocoPhillips Australia has addressed the possible impacts of the establishment of IMS in the Otway Basin and acknowledges that they could potentially affect marine invertebrates and associated benthic habitats, protected marine areas and commercial fisheries without suitable control measures in place. Successful establishment in a new environment depends on water currents, upwellings, habitat type, water depth, wave exposure, water temperature, salinity and the distance from the coast; with most species preferring shallow disturbed waters, such as those found in ports, and hard rocky substrates. The benthic environment within the operational areas does not represent favourable habitat given the deep, well mixed waters away from coastal habitats. ConocoPhillips Australia has developed a suite of Environmental Performance Outcomes (EPOs) that articulate the specific and measurable benchmarks for environmental performance that we are seeking to achieve for the life of the activity, including EP011: No invasive marine species introduced, established or spread attributable to the activity. The IMS control measures are outlined in the EP Section 10.3.3 (Invasive Marine Species), including compliance with ConocoPhillips Australia's Marine Assurance process involving an IMS Risk Assessment for the MODU, vessels and submersible equipment, prior to initial mobilisation into the operational area. Based on the control measures that support EP011, the likelihood of IMS becoming established within the operational areas, spreading to proximal areas of conservation value, and affecting associated cultural values is **Improbable (1).** The assigned likelihood of improbable relates to the likelihood of an introduction leading to establishment and spread and is not related to the consequence of this event on cultural values. Having considered these claims, ConocoPhillips Australia has updated EP Section 7.5.6.3 (Cultural Environment) to include the consequence of IMS establishment and spread, which had been omitted from this section. The

	THEME	FIRST NATIONS PEOPLES, HERITAGE AND CULTURE (FN)
#	COMMENTS RECEIVED	*Titleholder response*
		consequence rating had been assessed as **Major (4)** where it results in changes to the functions, interests or activities of First Nations peoples, resulting in the inherent risk rating of **Low (RR1)**.
Other Matters Related to First Nations Peoples, Heritage and Culture		
FN18	**Matter:** The UN Declaration on the rights of Indigenous Peoples. **Claim**: The EP fails Article 32, Item 2 of the UN Declaration on the Rights of Indigenous Peoples [UN, 2018, United Nations Declaration on the Rights of Indigenous Peoples]. The introduction of the Protecting the Spirit of Sea Country Bill 2023 into the Australian Parliament in August of 2023 further demonstrates this EP has not met the basic needs for First Nations and Sea Country Traditional Owner consultation.	ConocoPhillips Australia acknowledges claims regarding the UN Declaration on the right of Indigenous Peoples and has reviewed the Environment Plan (EP) to ensure that these rights were adequately reflected. The UN Declaration on the Rights of Indigenous Peoples "addresses both individual and collective rights, cultural rights and identity, rights to education, health and employment, language, and others. It outlaws discrimination against indigenous people and promotes their full and effective participation in all matters that concern them. It also ensures their right to remain distinct and to pursue their own priorities in economic, social and cultural development". The Declaration "explicitly encourages harmonious and cooperative relations between States and indigenous peoples" (United Nations, 2007). Australia's support for the Declaration does not make it law in Australia (Source: Australian Human Rights Commission at https://humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/projects/un-declaration-rights) Notwithstanding this, ConocoPhillips Australia recognises the enduring and unique connection to land and waters that Aboriginal and Torres Strait Islander peoples have, and we celebrate their ongoing contributions to Australia's political, economic and social landscapes. ConocoPhillips Australia acknowledges that the impact of colonisation, public policy, racial discrimination and prejudice has had a major effect on the lives of Aboriginal and Torres Strait Islander peoples and that many continue to face disadvantages as well as prejudice and racism as a result. Through the implementation of our Reconciliation Action Plan, our organisation is seeking to understand, identify, and ultimately remove systems and processes that create a barrier to participation and instead, engage and create opportunities. As a result of consultation during the development of the EP, and in recognition of First Nations groups' stewardship of their heritage and Country, ConocoPhillips identified the need for a Cultural Heritage Protection Program that will ensure Indigenous knowledge and concerns inform the risk management process for the protection of heritage and the marine environment. The Cultural Heritage Protection Program measure (CM05) has been adopted. The implementation of a Cultural Heritage Protection Program (CM05) will support the identification of priorities and measures to protect cultural heritage values and will be co-designed with First Nations cultural heritage

	THEME	FIRST NATIONS PEOPLES, HERITAGE AND CULTURE (FN)
#	**COMMENTS RECEIVED**	***Titleholder response***
		advisors and indigenous communities with Sea Country within or adjacent to the operational areas, to ensure cultural impacts and risks are mitigated. This commitment aligns with Article 18 of the UN Declaration on the Rights of Indigenous Peoples which states "Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions". ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
FN19	**Matter:** Inadequate public comment period for First Nations Peoples. **Claim**: The public have been given just 30 days to comment on ConocoPhillips' 810-page proposal. This is inadequate time to fully digest the implications of the plan. As Traditional Owners of parts of the OA, and whale loreholders, we will not accept this comment period as adequately addressing our need for Free Prior and Informed Consent as established under the United Nationals Declaration of the Rights of Indigenous People.	ConocoPhillips Australia acknowledges claims that the public comment period was considered to inadequate for First Nations Peoples to fully digest the implications of the Environment Plan (EP). The comment regarding the duration of the prescribed public comment period does not relate to the EP, or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. The 30-day period for public comment is prescribed in the Offshore Petroleum and Greenhouse Gas (Environment) Regulations 2023, section 30. ConocoPhillips Australia has undertaken extensive consultation as required under Division 3 and section 25 (1) (d) of the Environment Regulations as outlined in Otway Exploration Drilling Program EP in Section 3.2. This has included consultation with First Nations groups identified as relevant to the Otway Exploration Drilling Program EP, which is described in detail in EP Appendix C4. ConocoPhillips Australia extended the consultation period twice to ensure relevant persons, including First Nations Peoples, had a reasonable period with sufficient information to engage in the consultation process (EVENT ID: 2625, 3050). ConocoPhillips Australia also made draft EP chapters available to relevant persons via the consultation hub on 31 August 2023 and communicated this availability and instructions on how to provide feedback via email to relevant persons (EVENT ID 3181). Availability of the Draft EP and advice about how to provide feedback or seek information was advertised in the Koori Mail, the Indigenous National Times, and on Koori radio. EP Chapter 3 (Consultation) outlines in detail the methods, approaches and communication tools used to support consultation, with extensive evidence of consultation provided in EP Appendices C and D.

	THEME	FIRST NATIONS PEOPLES, HERITAGE AND CULTURE (FN)
#	COMMENTS RECEIVED	*Titleholder response*
		Consequently, ConocoPhillips Australia considers that the consultation process has allowed ample opportunity for relevant First Nations Peoples to make an informed assessment of the possible consequences of the activity on their functions, interests or activities. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.

9. Theme: Climate Change

	THEME	CLIMATE CHANGE (CL)
#	COMMENTS RECEIVED	*Titleholder response*
CL01	**Matter**: EP fails to address scope 3 emissions/extraction and combustion of hydrocarbon products. **Claim**: The proposed 6 test drilling wells, and associated vertical seismic blasting at each well, are stepping stones to fossil gas extraction. Such plans are incompatible with global efforts to limit warming to 1.5oC**;** and associated environmental catastrophies; The ongoing and potentially catastrophic future global effect on the climate from continued increase in atmospheric greenhouse gas concentration resulting from extraction, transportation and combustion of fossil (methane) gas. **Claim:** This limited exploratory drilling program (therefore limited scope for opposition within the approval framework) is a gateway for new and extensive fossil gas production in Bass Strait when the world needs to urgently slash fossil fuel use to combat climate change**.** **Claim**: The environmental plan is entirely inadequate because it fails to take account of the impacts that successful finding of further gas and oil reserves will have (from extraction and combustion) on the climate and species extinction.	ConocoPhillips Australia acknowledges claims regarding scope 3 emissions and has reviewed the Greenhouse Gas Emissions Technical Summary (Environment Plan (EP) Appendix J) to ensure the boundary of assessment is appropriate for the Otway Exploration Drilling Program. Through this review ConocoPhillips Australia has amended the assessment conducted in the Greenhouse Gas Emissions Technical Summary (Appendix J) to include all relevant emissions scopes (Scope 1, 2 and 3) which are further categorised into direct and indirect emissions, defined below: Scope 1 GHG emissions (emissions under the operational control of ConocoPhillips Australia) have included flaring, and fugitive emissions assumed to be immaterial. There are no Scope 2 GHG emissions (emissions created indirectly by the purchase of an energy commodity for the Otway Exploration Drilling Program). The Scope 3 GHG emissions (all other indirect emissions throughout the value chain of the Otway Exploration Drilling Program emissions outside the operational control of ConocoPhillips Australia) include the emission sources from mobile offshore drilling unit (MODU), vessels, helicopters, and embodied carbon, i.e. greenhouse gas emissions associated with the materials used in the Otway Exploration Drilling Program (e.g., cement, casing/conductor and water-based drilling fluid). Emissions that occur as a result of the proposed activity are from the materials used (e.g. embodied energy in cement, casings, etc), the operation of aircraft, vessels and the drilling rig, and from well testing in the event that hydrocarbons are discovered. The total expected direct greenhouse gas emissions are estimated to be approximately 106 kT CO2-e over the project life assuming realistic operational condition (typical drilling duration at a maximum of six wells and flaring of only two

	THEME	CLIMATE CHANGE (CL)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: Scope 1 and 2 would be bad enough. Scope 3, untenable, even if it were not in the most pristine and climatically precious zones of the Australian Oceania. **Claim**: The world cannot tolerate the burning of any more fossil fuel. This project if it proceeds to production will contribute to the already catastrophic climate situation. **Claim**: We passed 'safe' levels of CO2 in atmosphere in 1990: at 420.3 ppm we are already 70.3 ppm UNSAFE. **Claim**: Global heating from the burning of fossil fuels will make the human race extinct on this planet if proposals such as yours continue. **Claim**: The Earth's global budget of carbon cannot allow this gas to be used. **Claim**: The EP does not adequately address the potential impacts of the project on climate change. The extraction and burning of fossil gas contribute to greenhouse gas emissions, which are a major driver of climate change. **Claim**: I oppose gas exploration because if gas is found it will negatively and poisonously contribute to heating up the atmosphere. **Claim**: More fossil fuel reserves being opened up will affect the health of my property and the rest of the planet. **Claim**: The risks from such projects goes way beyond the damage caused by the burning of the gas after it is mined. **Claim**: Do not allow drilling for fossil fuels, which will be burnt. When we are trying to reduce global warming, the production of more greenhouse gases only makes the situation so much worse. **Claim**: The detrimental effects of burning fossil fuels have been known for over sixty years. Today science can't be any more clear, we have to stop fossil fuel production and consumption right now in order to keep our climate under control. With that in mind to continue business as usual in the fossil fuel exploration and extraction	wells at maximum duration and rates). Assuming all six wells were drilled in a year, this emissions estimate would represent approximately 0.02% of the annual Australian GHG emissions of 488 Mt CO2-e in 2021 (Department of Climate Change, Energy, the Environment and Water, 2022). While these emissions add to the greenhouse gas load in the atmosphere, they are small when compared to national emissions, insignificant on a global scale and are not predicted to have determinable impacts. ConocoPhillips Australia acknowledges claims regarding the concerns about the future potential for natural gas extraction. ConocoPhillips Australia is not proposing the commercial extraction of natural gas as part of the Otway Exploration Drilling Program. The activity presented in the Environment Plan is for short-term, temporary seabed surveys and exploration drilling. Consequently, this claim is not relevant to the adverse effects of the proposed Otway Exploration Drilling Program to which the EP relates and is beyond the scope of this assessment. NOPSEMA have provided an overview of the offshore petroleum lifecycle: A653855.pdf (nopsema.gov.au). This document explains the staged approach taken by offshore developments, whereby the impacts and risks of each stage are assessed. ConocoPhillips Australia is at the exploratory 'Drilling' stage, and may not find commercially viable quantities of gas. Depending on the outcome of exploration drilling, we may proceed to the 'Design' stage, whereby we would undertake detailed design work to make an informed decision on whether or not to proceed into development and production. Prior to proceeding into development and production, we are required to prepare and submit an Offshore Project Proposal to NOPSEMA to allow a decision on the environmental acceptability of the project on a whole of life-cycle basis. This will include a detailed greenhouse gas inventory across all project phases including the extraction and use of hydrocarbons, assessment of potential environmental impacts and risks arising from greenhouse gas emissions and climate change, further consultation with relevant persons and a public comment period. Australia is facing challenges to the security of its domestic gas supply, specifically in the east coast gas market, and a domestic gas supply shortfall could have serious consequences for Australians (DISR, 2022). Australians rely on gas for residential heating and cooking. Australian industry and manufacturers rely on gas as feedstock and for energy. Insufficient gas supply could impact the stable operation of Australia's electricity network. ConocoPhillips Australia has amended the assessment conducted in the Greenhouse Gas Emissions Technical Summary (Appendix J) to include embodied carbon in materials used in the Otway

	THEME	CLIMATE CHANGE (CL)
#	**COMMENTS RECEIVED**	***Titleholder response***
	is a very serious crime against humanity and on future generations for thousands of years to come. **Claim:** The International Energy Agency stated in 2021 that there can be no new oil or gas exploration or development if we wish to meet net zero goals. Any development coming out of this exploration is inconsistent with this. There is a real risk of very significant environmental damage during the exploration, as set out in the more detailed notes that follow. And this risk is for a project that is itself counter to our need to dramatically reduce our greenhouse gas emissions. **Claim**: This is not a proposal in alignment with our country's future for a cleaner, healthier environment. Projects such as this one severely impact climate by releasing more emissions. **Claim**: As the UN director general has stated clearly recently, the world cannot afford new fossil fuel projects. 2023 was already the hottest year on record. There were unprecedented wildfires across the Northern Hemisphere, and as I write in Sydney today in early December it is over 40 degrees and NSW is covered in bushfires. We're expecting more days like this over the next couple of months, and this is not normal. Climate change is already under way, our agriculture and ocean food supplies are already under pressure as a result, and we cannot permit more test drilling for gas in Australia if we want a liveable future. Because the inevitable next step after test drilling is gas extraction, and more carbon emissions.	Exploration Drilling Program and has updated EP Section 6.5 to reflect the revised calculations in response to these claims.
CL02	**Matter**: Emissions from the project will impact climate/exacerbate climate change. **Claim**: The proposal to conduct test drilling for gas exploration in our oceans between Tasmania and Victoria will cause direct harm to ocean ecosystems, marine life and exacerbate climate change. **Claim**: Even the small amount of venting and flaring (releasing CO2 and CH4) associated with this exploration phase is adding to the atmospheric burden of greenhouse gases and decreasing the	ConocoPhillips Australia acknowledges claims regarding concerns that emissions from the Otway Exploration Drilling Program will increase climate change. As previously stated in response to Matter CL01, the updated total expected direct greenhouse gas emissions are estimated to be approximately 106 kT CO2-e over the project life assuming realistic operational condition. While these emissions add to the greenhouse gas load in the atmosphere, they are small when compared to national emissions, insignificant on a global scale and are not predicted to have determinable impacts.

	THEME	CLIMATE CHANGE (CL)
#	**COMMENTS RECEIVED**	***Titleholder response***
	remaining budget of CO2-e before safe planetary climate bounds are exceeded. **Claim**: New fossil fuel project should be avoided because of the effect of the new CO2 added to the atmosphere. **Claim**: This project poses significant risk to our marine life and will further contribute to climate change. **Claim**: The people of Western Australia lives and properties will be DIRECTLY IMPACTED by the additional carbon spewed into an already overheated atmosphere by the use of this oh so profitable gas. **Claim**: This out of date process is now dangerous to extreme climate change. **Claim**: The UN is warning of a 3 deg C future which will make life on earth unbearable for billions of us. **Claim**: If this proposal by ConocoPhillips is allowed, it will release carbon emissions that this planet simply cannot afford. **Claim**: Oil and gas exploration, though lucrative at this time, do nothing but hinder efforts to keep global warming to 2. Already, Victoria and the entirety of Australia struggle to cope with a warming climate, facing disaster after disaster with little chance for recovery. Ecosystems face disaster after disaster with little chance for recovery. **Claim**: Fears for grandchildrens' future, particularly if this type of project goes ahead given the proven damage large scale gas use will cause to our climate. **Claim**: We have major global warming happening now. Too many bushfires too early in the year. Too many floods and damaging storms. Yes Australia has always had such extremes but not as regularly nor as frequently. People die, animals by the millions die each year. And yet ConocoPhillips has plans to drill exploration wells in our southern oceans.	ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.

	THEME	**CLIMATE CHANGE (CL)**
#	**COMMENTS RECEIVED**	***Titleholder response***
CL03	**Matter**: Background methane trends are not accurately reflected. **Claim**: What the EP plan did not state, was that in Australia CH4 emissions in particular, with a high global warming potential (GWP), have increased four times faster than CO2 since 2005. Refer to data from Cape Grim in chart 1.	ConocoPhillips Australia acknowledges claims regarding Australia's methane emissions. Background methane levels were considered in the context of the Environment Plan (EP) to ensure this was adequately addressed. Whilst a direct discussion of Australia's historical methane emissions is not provided in the EP, the consequence evaluation for greenhouse gas emissions provided in Section 6.5.5.2, describes the existing changes to key Australian environmental, socio-economic and cultural values as a result of climate change. This information, being historical in nature, includes the increased methane emissions outlined in the CSIRO's Cape Grim Greenhouse Gas Emissions Data. Consequently, the claim has already been addressed in the EP. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
CL04	**Matter**: Fugitive emissions are grossly underestimated in the EP. **Claim**: The EP indicated that there would several measures to reduce the GHG emissions form ConocoPhillips exploration processes. However, fugitive emissions, in particular, have been grossly underestimated and likely have grown due to new gas wells, converting Gas to LNG, fracking, decommissioning old wells, and extending pipelines as well as leakages from aging pipelines.	ConocoPhillips Australia acknowledges claims regarding fugitive emissions from the Otway Exploration Drilling Program and has reviewed Environment Plan (EP) Chapter 2 (Description of the Activity) in the to ensure these are adequately described. The proposed Otway Exploration Drilling Program to which the EP relates does not involve activities such as converting natural gas to LNG, fracking, decommissioning or the conveyance of hydrocarbons using pipelines. Fugitive emissions have been identified in EP Section 6.5.1 (Hazards). Volumes are kept to a minimum through upkeep of machinery aboard the MODU and vessels, during implementation of the planned maintenance system. An assessment of accidental fugitive emissions is provided in EP Section 6.5.5.2 (Greenhouse Gas Emissions). The only planned extraction of hydrocarbons for the proposed Otway Exploration Drilling Program is for the purposes of well testing. In the Greenhouse Gas Technical Summary (EP Appendix J), fugitive emissions are immaterial, based on the limited hydrocarbon extraction planned as part of the Otway Exploration Drilling Program. Noting that flaring during well testing is classified as flaring in the Greenhouse Gas Technical Summary. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.

	THEME	CLIMATE CHANGE (CL)
#	COMMENTS RECEIVED	*Titleholder response*
CL05	**Matter**: Mitigations are not effective. **Claim**: Carbon capture and offsets are not effective solutions for fossil fuel extraction: the only safe way to stop our rising carbon emissions is to stop extracting gas and other fossil fuels. The Environment Plan (EP) for this gas drilling proposal should be rejected outright.	ConocoPhillips Australia acknowledges claims regarding the efficiency of carbon capture and offsets. ConocoPhillips Australia is not proposing the commercial extraction of natural gas nor carbon capture and storage as part of the Otway Exploration Drilling Program. The activity presented in the Environment Plan (EP) is for short-term, temporary seabed surveys and exploration drilling. Consequently, this claim is not relevant to the adverse effects of the proposed Otway Exploration Drilling Program to which the EP relates and is beyond the scope of this assessment. Control measures to reduce greenhouse gas emissions to as low as reasonably practicable levels have been detailed in EP Section 6.5.6 (Control Measures and Demonstration of ALARP), and additional reasonable control measures have been considered and evaluated. Achievement of the defined acceptable levels is demonstrated in EP Section 6.5.7 (Acceptability Assessment). ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
CL06	**Matter**: Failure to consider climate change effects of proposed activity on marine turtles. **Claim**: The burning of oil and other fossil fuels is a leading contributor to climate change. Climate change poses a unique threat to sea turtles, since the temperature at which their eggs incubate determines the sex of the turtle. As global temperatures continue to rise, sea turtles could be faced with the reality of only females being born in clutches that are laid in sand with temperatures over 88.6 degrees F.23 (https://defenders.org/sites/default/files/publications/wildlife_and_offshore_drilling_sea_turtles.pdf).	ConocoPhillips Australia acknowledges claims regarding the effects of greenhouse gas emissions and climate change on marine turtles. As previously stated in response to Matter CL01, the total expected direct greenhouse gas emissions are estimated to be approximately 106 kT CO2-e over the project life assuming realistic operational condition. Assuming all six wells were drilled in a year, this emissions estimate would represent approximately 0.02% of the annual Australian GHG emissions of 488 Mt CO2-e in 2021 (Department of Climate Change, Energy, the Environment and Water, 2022). While these emissions add to the greenhouse gas load in the atmosphere, they are small when compared to national emissions, insignificant on a global scale and are not predicted to have determinable impacts, including impacts on marine turtles. Information on impacts to ecological receptors associated with climate change has been included in Environment Plan (EP) Section 6.5.5.2 (Greenhouse Gas Emissions). ConocoPhillips Australia is not proposing the commercial extraction of natural gas as part of the Otway Exploration Drilling Program. The activity presented in the EP is for short-term, temporary seabed surveys and exploration drilling. Consequently, the objection or claim is not relevant to the adverse effects of the proposed Otway Exploration Drilling Program to which the EP relates and is beyond the scope of this assessment.

	THEME	CLIMATE CHANGE (CL)
#	COMMENTS RECEIVED	*Titleholder response*
		As stated in response to Matter CL01, prior to proceeding into development and production activities, ConocoPhillips Australia would be required to prepare and submit an Offshore Project Proposal to NOPSEMA which will include a detailed greenhouse gas inventory across all project phases and include the assessment of potential environmental impacts and risks arising from greenhouse gas emissions and climate change, and further consultation with relevant persons. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
CL07	**Matter**: Failure to consider effects of proposed activity on sea level rise. **Claim**: The Antarctica ice is already thinning and as we know the ice reflects rather than absorb the suns rays so reduces the temperature which maintains the ice cover! If we continue on as we are the ice will continue to thin thereby reducing the reflective factor and accelerate the thinning process causing sea levels to rise to crisis levels affecting all those who live in low lying coastal areas of Australia & neighbouring islands including the Torres Strait Islands. It will have a catastrophic effect on our near neighbours in the Pacific including their Indigenous populations who were there before Australia was colonised by England leading to where we are today. Risking a catastrophic change in the lives of countless people for the sake of short term gain is harmful! **Claim**: The time for new fossil fuel projects is over. I live on a small island and the infrastructure on my island is barely above sea level. So I am extremely concerned about the proposed exploratory drilling and would urge you to reject the proposal. I would point out that all of Australia's major cities are similarly threatened by sea level rise.	ConocoPhillips Australia acknowledges claims regarding the effects of greenhouse gas emissions and climate change on seal level rise. As stated in response to Matter CL01, the total expected direct greenhouse gas emissions are estimated to be approximately 106 kT CO2-e over the project life assuming realistic operational condition. While these emissions add to the greenhouse gas load in the atmosphere, they are small when compared to national emissions, insignificant on a global scale and are not predicted to have determinable impacts, including impacts on sea levels. Information on sea level rise associated with climate change has been included in Environment Plan (EP) Section 6.5.5.2 (Greenhouse Gas Emissions – Physical Environment). ConocoPhillips Australia is not proposing the commercial extraction of natural gas as part of the Otway Exploration Drilling Program. The activity presented in the EP is for short-term, temporary seabed surveys and exploration drilling. Consequently, the objection or claim is not relevant to the adverse effects of the proposed Otway Exploration Drilling Program to which the EP relates and is beyond the scope of this assessment. As stated in response to Matter CL01, prior to proceeding into development and production activities, ConocoPhillips Australia would be required to prepare and submit an Offshore Project Proposal to NOPSEMA which will include a detailed greenhouse gas inventory across all project phases and include the assessment of potential environmental impacts and risks arising from greenhouse gas emissions and climate change, and further consultation with relevant persons. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.

	THEME	CLIMATE CHANGE (CL)
#	COMMENTS RECEIVED	*Titleholder response*
CL08	**Matter**: Failure to consider effects on other countries. **Claim**: Every country is being affected by more extreme weather events and rising sea levels as the planet's ice melts because of warmer temperatures.	ConocoPhillips Australia acknowledges claims regarding the effects of extreme weather events and rising seal levels on other countries. As stated in response to Matter C01, the total expected direct greenhouse gas emissions from the Otway Exploration Drilling Program are estimated to be approximately 106 kT CO2-e over the project life assuming realistic operational condition. While these emissions add to the greenhouse gas load in the atmosphere, they are small when compared to national emissions, insignificant on a global scale and are not predicted to have determinable impacts on other countries. ConocoPhillips Australia is not proposing the commercial extraction of natural gas as part of the Otway Exploration Drilling Program. The activity presented in the EP is for short-term, temporary seabed surveys and exploration drilling. Consequently, the objection or claim is not relevant to the adverse effects of the proposed Otway Exploration Drilling Program to which the Environment Plan relates and is beyond the scope of this assessment. As stated in response to Matter CL01, prior to proceeding into development and production activities, ConocoPhillips Australia would be required to prepare and submit an Offshore Project Proposal to NOPSEMA which will include a detailed greenhouse gas inventory across all project phases and include the assessment of potential environmental impacts and risks arising from greenhouse gas emissions and climate change, and further consultation with relevant persons. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
CL09	**Matter**: Failure to consider climate change effects on vegetation. **Claim**: The seasons are drier and native vegetation that once bloomed during the Spring, is now no longer seen. The changes to our climate are undeniable and we must take every emergency action possible to stop the burning of fossil fuels.	ConocoPhillips Australia acknowledges claims regarding the effects of climate change on vegetation. As stated in response to Matter CL01, the total expected direct greenhouse gas emissions are estimated to be approximately 106 kT CO2-e over the project life assuming realistic operational condition. While these emissions add to the greenhouse gas load in the atmosphere, they are small when compared to national emissions, insignificant on a global scale and are not predicted to have determinable impacts, including on vegetation. Information on impacts of the Otway Exploration Drilling Program on ecological receptors associated with climate change has been included in Environment Plan Section 6.5.5.2 (Greenhouse Gas Emissions).

	THEME	CLIMATE CHANGE (CL)
#	**COMMENTS RECEIVED**	***Titleholder response***
		ConocoPhillips Australia is not proposing the commercial extraction of natural gas as part of the Otway Exploration Drilling Program. The activity presented in the EP is for short-term, temporary seabed surveys and exploration drilling. Consequently, the objection or claim is not relevant to the adverse effects of the proposed Otway Exploration Drilling Program to which the EP relates and is beyond the scope of this assessment. As stated in response to Matter CL01, prior to proceeding into development and production activities, ConocoPhillips Australia would be required to prepare and submit an Offshore Project Proposal to NOPSEMA which will include a detailed greenhouse gas inventory across all project phases and include the assessment of potential environmental impacts and risks arising from greenhouse gas emissions and climate change, and further consultation with relevant persons. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.

10. Theme: Oil Spills

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
Key Matter: Risk assessment for oil spills		
S01	**Matter**: Insufficient information on areas impacted by a loss of well control (LOWC) event. **Claim**: The Environment Plan presented for public comment does not give enough detail on the areas that would be impacted by a wellhead blowout and spill, although what it does show is that the environment that may be affected is massive.	ConocoPhillips Australia acknowledges claims regarding potential impacts associated with a loss of well control (LOWC) event from the Otway Exploration Drilling Program and have reviewed the Environment Plan (EP) to ensure that the information provided allows for an appropriate level of assessment. As described in EP Sections 4.1 (Environment that May be Affected (EMBA)) and 7.7.2 (Spill Modelling), the environment that may be affected (EMBA) by a spill, as shown in EP Figure 4-7 (Otway Exploration Drilling Program EMBA) represents the combined area from 1400 hypothetical marine diesel oil spills and 1400 hypothetical loss of well control events which are modelled under various realistic metocean conditions, across all seasons, from representative drilling locations. Modelled simulations provide an informed estimate of where the oil might go if nothing is done to respond and allows the prediction of possible effects, with the modelling report presented in EP Appendix E. The resultant EMBA does not represent the spatial extent from any single spill, but rather the cumulative outline of all hypothetical spills at low thresholds. It is also important to

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: Re-evaluate the Otway Exploration Drilling Program in light of the risk to endangered species. **Claim**: The Environment that may Be Affected (EMBA) for this project shows that vast areas would be harmed by any spills or incidents during proposed operations from the projected 6 drilling sites. This includes 34 threatened and migratory species identified as having important habitat that overlaps with either the OA of the two project locations and/or the EMBA. **Claim**: A spill from ConocoPhillips' test drilling program could be devastating for Australia's most populated coast, from South Australia across Victoria to NSW, as well as Tasmania and King Island. **Claim**: Modelling from ConocoPhillips' Environment Plan shows hydrocarbon spill scenarios from an uncontained wellhead blowout in its proposed test drilling areas could have major impacts on the coastlines of Victoria, Tasmania, South Australia and as far north as Jervis Bay in New South Wales. **Claim**: Due to the unpredictable nature of wind and tidal dispersal of such a spill, it is conceivable that a major spill could impact areas as far away as the South Australian coastline and Kangaroo Island. **Claim**: Any sort of accident at proposed gas wells would ultimately affect all of	note that the low thresholds used are not ecologically significant and have no observable effect on sub-surface waters, or flora and fauna. The spatial extent of an actual spill would be considerably smaller than that of the EMBA. Regarding claims about insufficient detail on areas that could be effected by a spill, as explained in EP Section 4.6 (Ecological Environment), the key sources of information for the species and ecosystems that may be present in the EMBA are obtained via the Environment Protection and Biodiversity Conservation Act 1999 Protected Matters Search Tool (PMST) and the Species Profile and Threats (SPRAT) databases, as well as the South-East Commonwealth Marine Reserves Network Management Plan 2013-23 (DNP 2013) and the Temperate East Marine Reserve Network Management Plan 2018 (DNP 2018). A copy of the PMST is provided in Appendix B. These sources provide information on the most up-to-date protection status, distribution, and sensitivity of these species. Extensive information on the physical, ecological, socio-economic and cultural features and conservation values and sensitivities within the EMBA is provided in EP Chapter 4. ConocoPhillips Australia considers that claims overstating the extent and impact of an actual spill are inaccurate and believes there is sufficient information in the EP to explain this. ConocoPhillips Australia has considered these claims and is satisfied that the potential impacts have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Australia; far-reaching risks involved from any accidents resulting from gas drilling in the southern ocean. **Claim**: The risk of oil spills and other marine pollution may reach the entire Victorian coastline, most of Tasmania and parts of South Australia and NSW.	
S02	**Matter**: Failure to provide detailed information on location of drilling sites, type of rig and response capabilities. **Claim**: Not having detailed information/precise data on where the gas drilling sites will be located, and the specific type of drill rig to be used, and its ability/capacity to swiftly/rapidly deploy/implement mitigation measures in the event of a Loss of Wellhead Control, should result in this EP being refused/rejected**.**	ConocoPhillips Australia acknowledges claims regarding the information included in the Environment Plan (EP) relating to drilling sites and the type of rig with regard to extremely unlikely spill events and has reviewed the EP to ensure that the information provided allows for an appropriate analysis of risk. As described in detail in EP Sections 7.6.2 (Spill Modelling – for a marine diesel oil spill) and 7.7.2 (Spill Modelling – for a loss of well control event), ConocoPhillips Australia contracted RPS to conduct modelling for activities at locations selected to be representative of all potential activity locations within the operational areas based on water depth, proximity to the coast and continental slope. Consequently, the analysis of risk and response plans, which are based on modelled outcomes, are considered appropriate for all possible drilling locations within the operational areas. ConocoPhillips Australia has provided information on the response strategies to be implemented in the extremely unlikely event of a spill in EP Section 7.8 (Spill Response Activities) and the primary response plan, the Oil Spill Emergency Plan (OPEP), is included in EP Appendix I. Details on the type of drill rig proposed for the Otway Exploration Drilling Program are included in EP Chapter 2, specifically Table 2-5 (Typical moored semi-submersible specifications (based on Transocean Equinox)). Further, ConocoPhillips Australia provided confirmation of the selected rig in the August 2023 Project Update, emailed to relevant persons and made publicly available on the consultation hub. Detailed information on spill response activities is provided in EP Section 7.8. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
S03	**Matter**: Failure to conduct risk analysis or provide comprehensive information on oil spill impacts.	ConocoPhillips Australia acknowledges claims regarding the risk assessment and provision of information relating to oil spill impacts and has reviewed the Environment Plan (EP) to ensure that comprehensive information is provided to inform impact and risk assessment. ConocoPhillips Australia has identified the particular values and sensitivities that may be impacted in the extremely unlikely event of an oil spill, as per the Environment Protection and Biodiversity Conservation Act and the Offshore Petroleum and

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: No risk analysis on any spills of gas condensates and oils from the proposed drill sites. **Claim**: The EP fails to provide comprehensive information on the impacts of this project and modelled spills on World Heritage Areas, Ramsar areas, National Parks, State Marine Parks, Indigenous Protected Areas, Wilderness Zone, Key Ecological Features that would be impacted by the modelled hydrocarbon spills, and other impacts from vessel movements and drilling. **Claim**: Insufficient emphasis placed on the potentially disastrous/diabolical effects of any accidents, on the wildlife and coastline of the southern ocean. **Claim**: The EP does not sufficiently address oil spill risks or provide clear information on mitigation measures. **Claim**: No disclosure on the true impact of potential spills and environmental impacts upon the broader coastline.	Greenhouse Gas Storage (Environment) Regulations 2023 (EP Sections 7.6.4 and 7.7.4). The identification of these values and sensitivities is derived from the associated spill modelling of the worst-case scenario (i.e. the environment that may be affected (EMBA)). This includes: • Listed threatened species and ecological communities, • Listed migratory species (protected under international agreements), • Values and sensitivities as part of the Commonwealth marine environment, • Values of world heritage properties, • Values of national heritage places, • Ecological character of a declared Ramsar wetland, and • Other values including social, economic and cultural values. The particular features which contribute to the conservation value of an area (e.g. cetaceans within Marine Parks) have been assessed separately within the risk assessment chapter. ConocoPhillips Australia utilised the latest literature to assess the potential impacts to these individual values and subsequently the conservation areas. ConocoPhillips Australia considers that the impacts and risks relevant to these values and sensitivities within the EMBA have been adequately assessed within relevant chapters. ConocoPhillips Australia has committed to implement the control measures outlined in Section 7.7 which have been designed to mitigate against the likelihood of a loss of well control (LOWC) event occurring and to lower the impacts on the environment if a LOWC event were to occur. The EP also includes control measures and performance standards within Section 7.8 that will be implemented in the extremely unlikely event of a spill to ensure a rapid response and that further impacts are lowered and avoided where possible. ConocoPhillips Australia considers these control measures appropriate for the activity and have aligned with standard industry practice to ensure potential impacts from the Otway Exploration Drilling Program are managed and reduced to ALARP and Acceptable Levels in accordance with all environmental regulatory requirements. ConocoPhillips Australia has considered these claims and is satisfied that the potential risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
S04	**Matter:** Lack of detailed map showing drill sites and extent of a spill. **Claim**: The entire footprint of the EMBA modelling on where oil/gas spill would impact, contains Biologically Important Areas for EPBC listed species, which must	ConocoPhillips Australia acknowledges claims regarding information related to the location of the wells in the context of the potential extent of an oil spill associated with the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that the information provided is appropriate. ConocoPhillips Australia is required to prevent a spill from occurring and is not 'proposing' a spill. Even though the likelihood of a spill occurring is extremely remote, ConocoPhillips Australia is required to assess the consequences of credible worst-case spills and demonstrate preparedness and capability to respond.

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	be provided for public consultation and comment. Despite the level of threat to many species and ecosystems, a detailed map showing proposed drill sites that would inform the extent of a proposed spill and ALARP measurements of these threats is not available in this EP. ConocoPhillips needs to supply clear information on this critical matter of a test drilling project to allow fully informed public comment on the EP. Based on this lack of information that is the centerpiece of the entire project, this EP should be refused by NOPSEMA. The EP by ConocoPhillips must be refused based on the failure to provide adequate information that is comprehensive and comprehensible to allow public comment on this proposal**.** **Claim**: The lack of a detailed map showing proposed drill sites and the extent of a proposed spill is a critical flaw in this EP. ConocoPhillips needs to supply clear information on this matter in order for a proper assessment of the potential impacts to be made. Without this information, it is impossible to determine the full extent of the risks and the adequacy of the proposed mitigation measures.	As described in detail in response to Matter S01 above, the environment that may be affected (EMBA) by a spill, as shown in EP Figure 4-7 (Otway Exploration Drilling Program EMBA), represents the combined area from 1400 hypothetical Marine diesel oil spills and 1400 hypothetical loss of well control events. The EMBA does not in any way represent the spatial extent from any single spill event, but rather the cumulative outline of all hypothetical spills at low thresholds. It is also important to note that the low thresholds used are not ecologically significant and have no observable effect on sub-surface waters, or flora and fauna. The spatial extent of an actual spill would be considerably smaller than that of the EMBA. Consequently, ConocoPhillips Australia considers the modelling is highly conservative, showing the fullest potential spatial extent of the risks and potential impacts for assessment. As described in detail in EP Sections 7.6.2 (Spill Modelling – for a marine diesel oil spill) and 7.7.2 (Spill Modelling – for a loss of well control event), ConocoPhillips Australia contracted RPS to conduct modelling for activities at locations selected to be representative of all potential activity locations within the operational areas based on water depth, proximity to the coast and continental slope. Consequently, ConocoPhillips Australia considers the modelling is appropriate for drilling in any location within the Operational Areas. Furthermore, the control measures developed to mitigate impacts or risks associated with the Otway Exploration Drilling Program have been developed based on the worst-case scenarios for each impact and risk. It is important to note that the modelling produced a baseline EMBA that does not consider the strict control measures in place to prevent these types of events from occurring, or to minimise the extent of any impact. Control measures that are required to be in place for the duration of the Otway Exploration Drilling Program to mitigate against the potential for a spill are provided within Tables 7-26, 7-39 and 9-1 of the EP, and in the Oil Pollution Emergency Plan (OPEP) included in EP Appendix I. Regarding detailed maps showing Biologically Important Areas (BIAs) within the EMBA, these are provided through-out EP Section 4.6 for the relevant species. Impacts to species, including those with Biologically Important Areas (BIAs) within the low threshold EMBA, are assessed in Tables 7-20 (Potential risk of MDO release on fish), 7-21 (Potential risk of MDO release on birds), 7-22 (Potential risk of MDO release on marine mammals) and Tables 7-33 (Potential risk of LOWC condensate release on fish), 7-34 (Potential risk of LOWC condensate release on birds), 7-35 (Potential risk of LOWC condensate release on marine mammals). ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
S05	**Matter**: Unacceptable likelihood and consequence (general).	ConocoPhillips Australia acknowledges claims regarding the likelihood and consequence level of an oil spill and has reviewed the Environment Plan (EP) to ensure that the information provided allows for an appropriate analysis of likelihood and consequence.

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: The likelihood and consequences of oil spills in the Otway Basin pose an unacceptable risk. **Claim**: The effects of oil spills is underrated in the risk assessment for the drilling proposed by ConocoPhillips.	EP Chapter 5 (Environmental Impact and Risk Assessment Methodology) provides a structured and comprehensive process for identifying, assessing and managing environmental impacts and risks associated with offshore petroleum activities. The methodology aligns with ConocoPhillips Australia's Risk Management Procedure which is part of ConocoPhillips Australia's Health, Safety and Environmental Management System (HSEMS), meets the requirements of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 and is consistent with: • Australian and New Zealand Standard for Risk Management (AS/NZS ISO 31000:2018, Risk Management – Principles and Guidelines) • AS/NZS ISO 14001:2016: Environmental Management System (EMS) – Requirements with guidance for use • UK offshore oil and gas industry guidance on risk-related decision making (Oil & Gas UK, formerly UKOOA, 2014) • NOPSEMAs Environment Plan Decision Making Guideline (N-04750-GL1721, December 2022), and • NOPSEMAs Environment Plan Content Requirements Guidance Note (N-04750-GN1344, September 2020). The evaluation of consequence is based on literature and quantitative assessment to determine the maximum credible consequence arising from each impact and risk, taking into consideration duration and extent, recovery time and predicted effects at an individual, population, ecosystem or industry level. This is standard industry practice. The consequence levels (as described in EP Table 5-1) present criteria to support the assessment team in determining a suitable consequence rating. Similarly, for risk the assessment of likelihood considers the probability of an event occurring, based on historical data for relevant events, with likelihood levels described in Table 5-2 of the EP. Using a combination of likelihood and consequence, ConocoPhillips Australia is then able to assign a risk rating using the ConocoPhillips Australia Risk Matrix (Figure 5-2 of the EP). This matrix includes a description of the level of measures or management approval required to accept a certain level of risk. Two credible worst-case scenarios were identified for hydrocarbon releases, a release of marine diesel oil (MDO) from a vessel collision or refuelling incident and a loss of well control (LOWC) event during drilling. For each, the consequence to individual receptors was assessed, and the likelihood of occurrence was determined to be remote, described as "occurred or has been heard of within the oil and gas industry" based on relevant historical data. These consequence and likelihood assessments are based on quantitative data (i.e. oil spill modelling) and published literature, and are therefore supported by the best available science on the subject. Consequences range from Minor (2) to Major (4). A major consequence is described as "release affecting large areas including sensitive habitats, fisheries, commercial users, threatened species and culturally sensitive areas with potential for short to moderate-term population level impacts". This is appropriate for the potential risks to key sensitive receptors such as birds and marine mammals from a worst-case LOWC event, however population-level impacts are not expected in less sensitive receptors therefore Moderate (3) is more relevant in most cases.

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
		A Remote (2) likelihood and a Major (4) consequence results in a risk rating of RR II. Note that inherent risks assume that legislative and other best practice controls measures are effective to the extent of their scope and applied correctly to the activity. A risk ranking of RRII (Medium) requires "No additional risk-reducing measures required where controls can be verified as functional". The effectiveness and implementation of control measures is described in the ALARP and Acceptability assessment for each aspect (Section 7.6 and 7.7 of the EP), the implementation strategy (Section 10 of the EP) and, where relevant, the Oil Pollution Emergency Plan (OPEP, Appendix I) and Operational and Scientific Monitoring Plan (OSMP). To summarise, ConocoPhillips Australia believes that the impact and risk assessment methodology has been applied rigorously and appropriately to the assessment of oil spill risks, that appropriate control measures have been considered and that measures are in place to ensure those control measures are effective and implemented successfully. ConocoPhillips Australia has considered these claims and is satisfied that the potential risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
S06	**Matter**: Spills are worse in the Otway Basin (increased likelihood and consequence). **Claim**: In this region spills are more problematic than anywhere else because of deep ocean and also the environmental sensitivity. **Claim**: Any drilling (exploratory or operational) for petroleum products in the marine realm comes with a substantial risk of spills; the western Bass Strait in particular is known for its wild, dangerous and unpredictable weather that elevates the risk; Bass Straits are notorious for the unpredictable weather, sea conditions and obstructions. **Claim**: Hydrocarbon leakage when exploiting these resources along with the reality of the Leewin current, the impact of a likely spill-scenario, given the deep water and extreme seas that may have	ConocoPhillips Australia acknowledges claims regarding the risks of an oil spill specific to the Otway Basin and have reviewed the Environment Plan (EP) to ensure that the information provided is appropriate for this location. EP Sections 7.6.5 for a marine diesel oil (MDO) release and 7.7.5 for a loss of well control (LOWC) event detail the evaluation of environmental risks to receptors. These evaluations are based on the general sensitivity of receptors to hydrocarbon exposure as described in published literature, and on the specific exposure predicted by quantitative oil spill modelling, included in EP Appendix E. The receptors included in the assessment were identified using PMST searches specific to the relevant oil spill environments that may be affected (EMBAs) and are therefore considered to be appropriate to the specific environmental sensitivities of the area. Quantitative oil spill modelling was conducted by an industry-leading oil spill modelling specialist provider (RPS), who used industry standard scientific methods to model the potential impacts of credible worst-case releases. As detailed in Sections 3 (Regional Currents), 4 (Wind Data) and 5 (Water Temperature and Salinity) of the modelling report included in EP Appendix E, oil spill modelling uses metocean conditions based on reputable, validated historical datasets and models specific to the region, to predict the range of possible metocean conditions which could occur during each spill. As detailed in Section 3 (Regional Currents) in the modelling report included in EP Appendix E, the operational areas have been identified as relatively shallow; with a reputation for high winds and strong tidal currents; and experience a strong eastward water flow in winter due to the strengthening of the South Australian Current (fed by the Leeuwin Current in the Northwest Shelf). Consequently, the modelling conducted accounts for water depth, extreme weather and the Leeuwin current. Additional details on the metocean conditions and inputs to modelling are provided in the modelling report. The assessment of likelihood uses published data on relevant historical events to understand the probability that such an event could occur in the future. For an MDO release, Australia Marine Safety Authority (AMSA) published data is used,

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	been encountered while attempting to drill such a resource.	combined with an understanding of the complex traffic and navigational pressures on a specific location. For LOWC, the likelihood assessment is based on the International Association of Oil & Gas Producers (IOGP) Risk Assessment Data Directory, which provides global frequencies of blowout events occurring with a focus on the North Sea and the Gulf of Mexico (GoM). Both the North Sea and the GoM are harsh marine environments, with areas of deep water, and both have had major incidents occur in the last 25+ years, which are therefore captured in the frequency data provided. ConocoPhillips Australia has selected a rig contractor and rig specifically designed for harsh weather environments. This ensures that the rig is suitable for the operating conditions, and that the rig contractor is familiar with implementation of the specific control measures determined by ConocoPhillips Australia to be necessary to mitigate risk to an acceptable level. Offshore oil and gas development have safely existed within the Otway Basin for over 50 years (Resources Victoria, 2024). ConocoPhillips Australia is committed to ensuring safe operating conditions and have identified control measures in EP Sections 7.6.6 and 7.7.6 to reduce the likelihood and consequences of a hydrocarbon release. These measures have been developed in consultation with environmental advisors, spill response specialists and align with standard industry practices. This assessment process ensures that the risks associated with the Otway Exploration Drilling Program are reduced to levels that are as low as reasonably practicable. ConocoPhillips Australia has considered these claims and is satisfied that the potential risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims. ***References**:* *https://resources.vic.gov.au/geology-exploration/oil-gas/oil-and-gas-in-victoria*
S07	**Matter**: Oil spills are likely/extremely risky (higher likelihood). **Claim**: Drilling in the oceans carries with it a risk of a spill event polluting the ocean and the surrounding coastline. Please don't pretend this can't happen; This program which has the very real possibility of causing pollution. **Claim**: The data is there to demonstrate the frequency of catastrophic oil spills and there is no way to ensure such spills will not occur; An oil spill is a real possibility according to their own modelling.	ConocoPhillips Australia acknowledges claims regarding the likelihood of a spill occurring and has reviewed the Environment Plan (EP) to ensure that the information provided allows for an appropriate assessment of likelihood. The Offshore Petroleum and Greenhouse Gas Storage Act 2006 (OPGGS Act) requires titleholders like ConocoPhillips Australia to prevent the escape of hydrocarbons to the environment from their activities. However, as the risk of a spill cannot be entirely eliminated, ConocoPhillips Australia has developed detailed response plans to demonstrate preparedness in the extremely unlikely event that a spill occurs. In the highly unlikely event of a spill, the response would be integrated with local, national and international response organisations to mobilise resources including experts and specialist equipment. Details on resourcing and response arrangements for a spill are included in the Oil Pollution Emergency Plan (OPEP) in Appendix I of the EP. As described in response to Matter S06, the assessment of likelihood uses published data on relevant historical events to understand the probability that such an event could occur in the future. For an MDO release, Australia Marine Safety Authority (AMSA) published data is used, combined with an understanding of the complex traffic and navigational pressures on a specific location. For LOWC, the likelihood assessment is based on the International Association of Oil & Gas Producers

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: This extremely risky project includes the possibility of catastrophic spills over a wide area; well integrity is a worthy concept but in practice is demonstrably unreliable. **Claim**: No spill is the ideal and no spill is guaranteed only by stopping ConocoPhillips' plans to drill for fossil fuels; Without an absolute guarantee that no spills will EVER occur this project shouldn't even be given consideration; If there is a small possibility of a leak (ha ha) there will be a leak; We must not risk the threat of a disastrous oil spill in these pristine waters under any circumstances. **Claim**: ConocoPhillips has never undertaken this kind of drilling in the Southern Ocean before. Their track record for oil spills elsewhere in the world is very concerning. **Claim**: Each year, U.S. offshore drilling rigs are responsible for dozens of spills of crude oil, natural gas liquids, diesel and hydraulic fluids into the environment [https://environmentamerica.org/wp-content/uploads/2022/08/AME_offshoretwopager_2015_print-1.pdf]. **Claim**: Past exploration especially around Otway Basin has not had good record. Fires, leaks of oil, and gas, as well as deaths and injuries for workers. **Claim**: Spills that have already occurred in the past - and hundreds of other incidents	(IOGP) Risk Assessment Data Directory, which provides global frequencies of blowout events occurring with a focus on the North Sea and the Gulf of Mexico (GoM). Both the North Sea and the GoM are harsh marine environments, with areas of deep water, and both have had major incidents occur in the last 25+ years, which are therefore captured in the frequency data provided. Further, ConocoPhillips Australia has selected a rig contractor and rig specifically designed for harsh weather environments. This ensures that the rig is suitable for the operating conditions, and that the rig contractor is familiar with implementation of the specific control measures determined by ConocoPhillips Australia to be necessary to mitigate risk to an acceptable level. Controls are in place to reduce the likelihood of a LOWC event to Remote (2) and ensure an efficient response should an event occur, thus reducing the potential environmental impacts. ConocoPhillips Australia considers that the assessment methodology has been applied rigorously and appropriately to the likelihood ranking of oil spill risks, that appropriate control measures have been considered and that measures are in place to ensure those control measures are effective and implemented successfully. ConocoPhillips Australia has considered these claims and is satisfied that the potential risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	involving all forms of energy mining and resulting use that have been reported or discovered and finally revealed by anyone from authorities down to individuals. **Claim**: Too often our coast and waters have been threatened by pollution and disruption to the ecosystem.	
S08	**Matter**: Unacceptable duration of spill. **Claim**: It is not considered acceptable or sufficient that ConocoPhillips' proposal could result in a more than 100 day spill, in the event of a spill that requires a relief well rig to be sourced from Asia. **Claim**: Currently, the closest vessel to clean up an oil spill in Victorian waters is in Saudi Arabia, which is 36 days away. That is 36 days too many for the damage the oil can do to the wildlife, environment, tourism and our heritage features such as the twelve apostles.44 (https://www.oilspillresponse.com/about-osrl/locations-and-capability-map/). **Claim**: If there was a spill there are not adequate measures put in place to protect threatened species given the long response time should there be a spill. There is not sufficient control measures or information in place to reduce harm to threatened species. **Claim**: They do not have spill clean-up facilities on site or nearby.	ConocoPhillips Australia acknowledges claims regarding the duration of a spill associated with the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that the information provided and measures proposed are appropriate. The worst-case spill scenario which is modelled over 90 days represents an unrestricted loss of well control (LOWC) event without any spill response intervention. This release over 90 days is considered conservative, as an unrestricted LOWC is considered the worst-case and not necessarily the most credible. As such the volume released, and duration of the response is likely to be less. As stated, within EP Section 7.8.4.1, there were at least three possible options of Mobile Offshore Drilling Unit (MODU) locations considered: Victoria, Northwest Shelf and Singapore. Based off these three scenarios, ConocoPhillips Australia estimated the timeframes to complete a relief well kill with 90 days considered a conservative medium timeframe. In the extremely unlikely event of a worst-case spill scenario, it is likely that a relief well could be drilled in less than 90 days. The reference to Saudi Arabia only considers one oil spill response provider, Oil Spill Response Limited (OSRL), which is a global spill response company. ConocoPhillips Australia has a membership with the Australian Marine Oil Spill Centre (AMOSC) as specified within Section 5 within the OPEP. As an Australian based company, AMOSC would be the first spill response company to be activated in the event of a spill. AMOSC has trained oil spill responders and specialised oil spill equipment strategically placed around Australia. The closest office and location of personal and response equipment is located within Geelong, Victoria, Australia. The membership includes assurance of 24/7 response and capability to relevant spill events. AMOSC has ensured that equipment and personnel from Geelong can be mobilised within specified timeframes. The AMOSC membership also ensures access to national equipment stockpiles maintained by the Australian Maritime Safety Authority's (AMSA) through the National Plan, and to other AMOSC member companies under the Mutual Aid agreement outlined within the 'AMOSPlan'. These agreements are in addition to the local resources in Victoria and Tasmania and strategically positioned on King Island (which will be available in the event that drilling activities are scheduled to occur within the operational areas immediately

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: No disclosure on how long it would take to rectify a spill.	adjacent to King Island). ConocoPhillips Australia has considered this capacity to be sufficient in relation to the risk of a spill event within the Otway Basin. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
Key Matter: Unacceptable risks associated with an oil spill		
S09	**Matter**: Risks to the Tasmanian Wilderness World Heritage Area. **Claim**: Based on modelling by ConocoPhillips of potential impacts of a Loss of Wellhead Control at any of the proposed 6 test drill sites, the entire coastal area of the Tasmanian Wilderness World Heritage Area (TWWHA) is at risk from pollution and harm. This includes listed species that inhabit or migrate through the coastal areas of the TWWHA, and coastal areas of significant cultural value where aboriginal art and middens are recorded. This poses an unacceptable risk to the World Heritage values of the areas that ConocoPhillips have identified are at risk in multiple spill scenarios, with disastrous impacts on marine environments, coastal ecosystems and the cultural heritage values of beach middens and aboriginal artefacts in the area. These risks are unacceptable. ConocoPhillips has failed to provide sufficient information as to their mitigation measures that would prove ALARP has been met, and as a result this EP should be refused by NOPSEMA.	ConocoPhillips Australia acknowledges claims regarding potential risks to the Tasmanian Wilderness World Heritage Area (TWWHA) associated with the unlikely event of a spill during the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that the information provided allows for an appropriate analysis of risks to this area. EP Section 4.4.2 (World Heritage properties – Tasmanian Wilderness), identifies and acknowledges the importance of the Tasmanian Wilderness World Heritage Area (TWWHA). The outer coastal shoreline of the TWWHA has been identified to be overlapped by the environment that may be affected (EMBA) and is included in the risk assessment in EP Sections 7.6.6 and 7.7.6. The closest operational area, T/49P is, at the closest point, 268 km from the TWWHA northern coastal edge. The spill modelling reports (Appendix E) predicted that in the extremely unlikely event of a LOWC the west coast of Tasmania may be contacted. Modelling demonstrated that a significant majority of the coastline would only be contacted at the lowest threshold which, based on previous literature, is not expected to cause adverse ecological impacts. There was a 10% probability that the moderate threshold (<50 g/m^2) may contact this shoreline. Modelling predicted the minimum time before shoreline contact on the Tasmanian west coast in general ranged from 15 days up to 100 days depending on the drilling location (Appendix E). Modelling also predicts the weathering of condensate, with the majority (approximately 83%) predicted to evaporate within the first 24 hours, with approximately 16 percent continuing to evaporate at a slower rate and only 1 percent being considered persistent weathering to a waxy substance under typical weather conditions for the Otway region. Therefore, it is anticipated that in the unlikely event of a spill, the majority of the condensate will evaporate, with the remainder weathering, before it reaches the coast of Tasmania. ConocoPhillips Australia has acknowledged the First Nations heritage and values of the TWWHA in EP Table 7-38 (potential risk of LOWC on coastal habitats and communities). Control measures have been identified within Section 7.6.6 and 7.7.6 of the EP to reduce the risk and consequence of a hydrocarbon release. These measures have been developed in collaboration with environmental advisors and spill response specialists and in consultation with relevant persons and align with standard industry practices. This risk assessment process ensures the risks associated with the Otway Exploration Drilling Program are reduced to ALARP (as low as reasonably practicable).

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: Drilling in the oceans carries with it a risk of a spill event polluting the ocean and the surrounding coastline. Hydrocarbon pollution would be disastrous for the sensitive Wilderness World Heritage coastline of Lutruwita / Tasmania. **Claim**: The activity is right next to a World Heritage Area (the TWWHA) that would be heavily impacted in case of a spill.	ConocoPhillips Australia has considered these claims and is satisfied that the potential risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
S10	**Matter**: Risks to King Island. **Claim**: Drilling in the oceans carries with it a risk of a spill event polluting the ocean and the surrounding coastline. Hydrocarbon pollution would be disastrous for the King Island environment.	ConocoPhillips Australia acknowledges claims regarding potential risks to King Island environment associated with the unlikely event of a spill during the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that the information provided allows for an appropriate analysis of risks. ConocoPhillips Australia does not consider an oil spill an acceptable outcome of the project. thorough assessment of the potential risks and impacts to coastal habitats and communities, including sensitive habitats on King Island, was completed within Section 7.7.6 of the EP. Given the unique environmental value of coastal areas such as King Island, the risk evaluation determined the consequence on coastal habitats and communities in the unlikely event of a spill to be 'Medium'. As such, considerable effort has been spent identifying control measures to be adopted to reduce the likelihood of a spill event and ensure the risks are mitigated to ALARP (as low as reasonably practicable). These control measures, outlined within Section 7.7.6 of the EP and Section 6 of the oil pollution emergency plan (OPEP), align with standard industry practice and are considered appropriate to the nature and scale of the project. In acknowledgement of the proximity of King Island, Tasmania and the potential adverse impacts that could occur in the unlikely event of a spill, ConocoPhillips Australia has committed to pre-positioning first strike response resources on King Island, Tasmania. This equipment will be placed on King Island prior to activities commencing within the central zone of the T/49P Operational Area. The pre-positioned response equipment will ensure a rapid response in the event of a spill and would reduce the potential impacts specifically to the King Island environment. ConocoPhillips Australia considers the control measures set out within the EP and the OPEP to allow the potential risks and consequences of a spill event to be mitigated to ALARP (as low as reasonably practicable) and Acceptable Levels in accordance with all environmental regulatory requirements. ConocoPhillips Australia has considered these claims and is satisfied that the potential risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
S11	**Matter**: Risks to tourism, recreation and communities associated with an oil spill. **Claim**: A spill on Victoria's Great Ocean Road, would be devastating for local marine and coastal ecosystems, as well as Victoria's tourism industry and reputation; including Phillip Island. **Claim**: A serious spill would do untold damage to the Bass Strait beaches of Victoria and Tasmania — a vital recreational and cultural resource for the populations of both states; including beaches at Airley's Inlet (Surf Coast); Skene's Creek (Apollo Bay). **Claim**: A polluting spill would ruin tourist destinations, as well as heritage and First Nations areas; affecting traditional owners, locals and visitors who inhabit and use area. **Claim**: Studies have shown that where oil and gas drilling rigs are present, tourism dollars drop by 50%. This contradicts industry analysis that tourism and drilling operations can co-exist.46 (https://www.southernenvironment.org/news/oil-drilling-infrastructure-drives-away-tourism-dollars/). The BP Deepwater Horizon incident is a case study as to what is at stake. Since the oil spill - Within two weeks 35% hotel reservations were cancelled; After two weeks 65% hotel reservations were cancelled; Recreational ocean use declined between 33-98% in	ConocoPhillips Australia acknowledges claims regarding potential risks associated with the unlikely event of a spill during the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that the information provided allows for an appropriate analysis of these risks. ConocoPhillips Australia does not consider an oil spill to be an acceptable outcome of the project. The potential adverse impacts to Australia's environment and the socio-economic activities which use these environments (such as tourism, recreational activities, fisheries, and cultural practices) have been taken into consideration in the risk assessment process. As stated within Section 7.7.6, the risk rating of a loss of well control (LOWC) event to 'other marine and coastal users', 'other coastal habitats and communities', and 'First Nations Heritage' has all been rated as 'Medium'. A risk rating of 'Medium' indicates that ConocoPhillips Australia has acknowledged the potential sensitivities of these receptors and specific control measures need to be developed to lower the likelihood of the risk and potential consequences. The control measures within Sections 7.6.5 and 7.7.5 of the EP identify the measures ConocoPhillips Australia will implement to ensure the risk of a spill are reduced, and the potential consequences in the event of a spill are also mitigated. In respect of the claims regarding First Nations Heritage the control measure CM05: Cultural Heritage Protection Program has been developed to ensure the protection of cultural values and sensitivities. These values and sensitivities which were identified in consultation with First Nations cultural heritage advisors and indigenous communities with Sea Country within or adjacent to the operational areas. In respect to the claim referencing the impact to tourism from the BP Deepwater Horizon incident the reference and statistics provided are based on information which is neither peer reviewed nor published and does not provide a reference to academic literature. The BP Deepwater Horizon incident occurred within the Gulf of Mexico off the southern coast of the United States of America, outside of Australian waters and possessed different hydrocarbon properties than those expected to be found through the Otway Exploration Drilling Program. It is therefore not considered an appropriate analogue to compare impacts to socio-economic receptors, such as tourism, against. An assessment of potential impacts from a LOWC event associated with the Otway Exploration Drilling Program to other marine and coastal users, including tourism, can be found in Table 7-37. ConocoPhillips Australia is committed to preventing a spill event from occurring during the Otway Exploration Drilling Program. In the extremely unlikely event that a spill event was to occur, ConocoPhillips is required to hold financial assurance and accountability for credible costs, expenses, and third-party liabilities that may arise from the incident. As stated within Section 7.7.7, control measure CM18: Financial assurance for offshore activity, clearly states that this financial assurance includes costs for operational response to contamination, clean-up and remediation of the environment, including environmental monitoring of the potential impacts. This control measure has been developed in accordance with NOPSEMA's Guideline 'Financial assurance for petroleum titles' and international compensation protocols such as the International Oil Pollution Compensation Funds.

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	the weeks after; Real Estate Values declined between 24-25%. **Claim**: In the event of a leaking well the effect on Bass Strait and the Victorian and Tasmanian coastlines would be devastating for surfing and sailing. **Claim**: Coastal communities shouldn't have to risk a spill tragedy just so an international company can test drill for gas in our oceans. **Claim**: If there was a well blow out or severe spill our lives would be impacted at many levels. Our fishing industries, tourism and our enjoyment of the coast would be impacted**.**	ConocoPhillips Australia commissioned the Australian Marine Oil Spill Centre (AMOSC) to develop a project specific Oil Pollution Emergency Plan (OPEP) (EP Appendix I). The OPEP outlines the response capability and strategies that will be implemented in the unlikely event of a spill. AMOSC was also commissioned to produce additional appendices in support of the OPEP (EP Appendix I), including a Shoreline Protection and Clean-up Plan and tactical response plans (TRPs) which identifies the specific sensitive areas that may be impacted and the most suitable response strategy to be utilised to ensure any impacts are lowered. These documents all contribute to the precautionary measures that ConocoPhillips is undertaking to ensure the risk of a spill event during the activity are mitigated. Regarding reducing the risk of an oil spill, control measures have been identified within Section 7.7.6 of the EP. These measures have been developed in collaboration with environmental advisors, spill response specialists and align with standard industry practices. This risk assessment process ensures the risks associated with the Otway Exploration Drilling Program are reduced to as low as reasonably practicable (ALARP). ConocoPhillips Australia has considered these claims and is satisfied that the potential risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
S12	**Matter**: Risks to commercial fishers. **Claim**: A spill could have impacts further afield as the map does not show oil spill concentrations that would result in the closure of fisheries. **Claim**: A polluting spill would put commercial fishers out of business.	ConocoPhillips Australia acknowledges claims regarding risks to fisheries associated with the unlikely event of a spill and has reviewed the Environment Plan (EP) to ensure that the information provided allows for an appropriate assessment. As described in detail in response to Matter S01 above, the environment that may be affected (EMBA) by a spill, as shown in EP Figure 4-7 (Otway Exploration Drilling Program EMBA), represents the combined area from 1400 hypothetical Marine diesel oil spills and 1400 hypothetical loss of well control events. The EMBA does not in any way represent the spatial extent from any single spill event, but rather the cumulative outline of all hypothetical spills at low thresholds. It is also important to note that the low thresholds used are not ecologically significant and have no observable effect on sub-surface waters, or flora and fauna. The spatial extent of an actual spill, and the area of any potential fishery closures, would be considerably smaller than that of the EMBA. If a fishery closure was necessary, ConocoPhillips Australia would be accountable to assess all compensation claims and pay reasonable, evidence-based claims as per control measure CM18: Financial assurance for offshore activity within Section 7.7.7. This control measure is in accordance with international compensation protocols such as the International Oil Pollution Compensation Funds. In the extremely unlikely event of an accidental hydrocarbon release, an exclusion zone will also be put in place resulting in the displacement of fishing activities.

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
		ConocoPhillips Australia and their contractors will have tested plans in place to support an effective and timely response to minimise the duration of any effects, including: • A Shipboard Oil Pollution Emergency Plan or Shipboard Marine Pollution Emergency Plan, depending on the class of vessel. • An Oil Pollution Emergency Plan. • A Source Control Emergency Response Plan. In addition, an Operational and Scientific Monitoring Program will be implemented to ensure that potential impacts to commercial fisheries are assessed and monitored to recovery. As detailed in EP Section 7.7.5 (Evaluation of Environmental Risks – for a loss of well control), impacts to fish species and fisheries from a release of gas condensate are expected to result in short-term and localised impacts, affecting small portions of fish, larvae and plankton populations and a small portion of invertebrate populations in shallow waters, and are not expected to affect population viability or recruitment, or the long-term sustainability of fisheries. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
S13	**Matter**: Risks to Tasmania's kelp industry. **Claim**: Australia is in the process of using seaweed to develop a product to decrease harmful emissions from cattle. This seaweed product is produced in Tasmania and the whole industry may be affected if there is even just a small spill. This new and emerging industry has the potential to create jobs and increase Australia's export earnings. It needs protection in its infancy.	ConocoPhillips Australia acknowledges claims regarding risks to Tasmania's kelp industry associated with the unlikely event of a spill and has reviewed the Environment Plan (EP) to ensure that the information provided allows for an appropriate analysis of risk. Assessment of the potential risks to marine flora (such as commercially valuable seaweed at King Island) is detailed in EP Table 7-30 (for loss of well control (LOWC)), and Table 7-17 (for a marine diesel oil (MDO) release). Potential impacts to seaweed are expected to be limited based on the naturally occurring mucous coating on macroalgae that prevents oil adherence. Research of field studies conducted by Connell et al. (1981) after spill events and identified a high degree of variability in the level of impact, however, in all instances, macroalgae (or seaweed) appeared to be able to recover rapidly from even very heavy oiling. The rapid recovery of macroalgae was attributed to the fact that for most macroalgae, new growth is produced from near the base of the plant, allowing the flora to be less impacted by the spill which is often concentrated at the sea surface. The control measures within EP Sections 7.6.5 (MDO Release) and 7.7.5 (LOWC) identify the measures ConocoPhillips Australia will implement to mitigate risks, including potential consequences to marine species such as seaweed, to as low as reasonably practicable (ALARP) and Acceptable Levels in accordance with environmental regulatory requirements. Closure of the seaweed industry could occur within area defined by the low threshold (i.e. the environment that may be affected (EMBA)). However, if closure to the industry was seen as necessary, ConocoPhillips Australia would be accountable to assess all compensation claims and pay reasonable, evidence-based claims as per the control measure CM18: Financial

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
		assurance for offshore activity within Section 7.7.7. This control measure is in accordance with international compensation protocols such as the International Oil Pollution Compensation Funds. ConocoPhillips Australia has updated EP Table 7-37 (Potential risk of a LOWC condensate release on other marine and coastal users) to include potential consequences to the nearshore and shoreline kelp industries in the unlikely event of a LOWC in response to these claims.
S14	**Matter**: Unacceptable risk to ecosystems/wildlife from spills (general). **Claim**: The range of ecosystems and species that could be impacted by a spill is large. An oil spill will be catastrophic for marine and coastal plants fish, reptiles, seabirds; the entire food web, from krill to whales, seals, shorebirds (including migratory shore birds from the northern hemisphere), penguins and albatross and any other creatures that live along the coastline of Tasmania and Victoria. **Claim**: The range of ecosystems and species that could be impacted by a spill is large. It includes marine and coastal plants, marine fish and reptiles, aquatic birds and shore birds**.** **Claim**: Chemical burns to the eyes and lungs, as well as injurious smothering of sea animals and birds would result from such spills. **Claim**: A spill would leave marine life much reduced at a time when it is already under pressure from rising ocean temperatures as a result of climate change.	ConocoPhillips Australia acknowledges claims regarding potential risks to ecosystems and wildlife associated with a spill and has reviewed the Environment Plan (EP) to ensure that the information provided allows for an appropriate assessment of risks. In respect to the claim regarding the impact of hydrocarbon spills to marine life, the reference and statistics provided are based on information which is neither peer reviewed nor published and does not provide a reference to academic literature. The brochure was developed within the United States of America and largely focuses on the Gulf of Mexico, outside of Australian waters. It is therefore not considered an appropriate analogue to compare impacts to ecological receptors against due to the lack of scientific backing provided in the referenced material and the vast differences between the marine ecosystems of the Gulf of Mexico and the Otway Basin. Impacts and risks to the ecological environment from hydrocarbon spills have been thoroughly assessed in EP Sections 7.6 (marine diesel oil (MDO) Release) and 7.7 (loss of well control (LOWC)). The species which were identified within Section 4.6 that may be present within the environment that may be affected (EMBA), such as benthic and intertidal assemblages, marine plants, plankton, marine invertebrates, fish, birds, marine mammals, and marine reptiles have been included in assessment of consequences of a spill. The control measures in EP Sections 7.6.5 (MDO Release) and 7.7.5 (LOWC) identify the measures ConocoPhillips Australia will implement to mitigate risks, including potential consequences to marine ecosystems and wildlife, to as low as reasonably practicable (ALARP) and Acceptable Levels in accordance with environmental regulatory requirements. These control measures align with standard industry practice and are considered appropriate to the nature and scale of the project. In accordance with the control measures set out within the EP, the Otway Exploration Drilling Program will be managed so that potential risks are mitigated to as low as reasonably practicable (ALARP) and Acceptable Levels in accordance with environmental regulatory requirements. ConocoPhillips Australia has considered these claims and is satisfied that the potential risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: Oil breaks down into components that accumulate through the food chain, poisoning whales, dolphins, turtles, birds, fish and shellfish. Oil and related chemicals may also damage the immune and reproductive systems of exposed birds, fish and shellfish, lowering populations of affected species and denying food to the predators that depend on them [https://environmentamerica.org/wp-content/uploads/2022/08/AME_offshoretwopager_2015_print-1.pdf**].**	
S15	**Matter**: Risks to endangered birds and mammals. **Claim**: Any risk of hydrocarbon spills is too big a risk. Many vulnerable or endangered bird and mammal species (Shy albatross, Australian Sealion etc) could potentially be wiped out. **Claim**: It will place at extreme risk already endangered species which frequent the proposed areas of development.	ConocoPhillips Australia acknowledges claims regarding potential risks to endangered birds and marine mammals associated with the unlikely event of a spill and has reviewed the Environment Plan (EP) to ensure that the information provided allows for an appropriate assessment of risks. Impacts and risks to the ecological environment from hydrocarbon spills have been thoroughly assessed in EP Section 7.6 (marine diesel oil (MDO) Release) and Section 7.7 (loss of well control (LOWC)). The consequence of a release of hydrocarbons to birds and marine mammals is assessed in Tables 7-21 and 7-22 respectively (for a release of MDO) and Tables 7-34 and 7-35 respectively (for a LOWC). Listed Critical Habitat for the Shy Albatross was identified at Albatross Island (Tasmania), within low threshold for in-water (entrained) exposure. However, the risk direct oiling of nesting sites is considered unlikely, as nests occur above the high tide mark. Modelling identified that high concentrations of hydrocarbon may overlap the foraging BIAs of the Australia Sea Lion within South Australia and offshore waters. However, the probability of exposure is considered low. Control measures have been identified within EP Sections 7.6.6 and 7.7.6. These measures have been developed in consultation with environmental advisors, spill response specialists and align with standard industry practices. This risk assessment process ensures that risks associated with the Otway Exploration Drilling Program are mitigated to as low as reasonably practicable (ALARP) and Acceptable Levels in accordance with environmental regulatory requirements. ConocoPhillips Australia has considered these claims and is satisfied that the potential risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
S16	**Matter**: Risks to biologically important areas and behaviours for whales.	ConocoPhillips Australia acknowledges claims regarding risks to whales associated with the unlikely event of a spill and has reviewed the Environment Plan (EP) to ensure that the information provided allows for an appropriate assessment of risks.

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: A hydrocarbon spill would damage blue whale feeding areas, calving ground for southern right whales, the annual east coast while migration route.	Impacts and risks to the ecological environment from hydrocarbon spills have been thoroughly assessed in EP Sections 7.6 (marine diesel oil (MDO) Release) and 7.7 (loss of well control (LOWC)). The consequence of a hydrocarbon release to marine mammals is assessed in Tables 7-21 and 7-22 (for an MDO release) and Tables 7-34 and 7-35 (for a LOWC). This assessment includes consideration of whales with Biologically Important Areas (BIAs) and behaviours. In the extremely unlikely event of an incident, impacts would largely be restricted to the upper water column and coastal areas, and are expected to be restricted to individual fauna and unlikely to impede the recovery of a protected species. As detailed in EP Sections 7.6.6 (MDO Release) and 7.7.6 (LOWC), controls are in place to reduce the likelihood of a LOWC event to Remote (2) and ensure an efficient response should an event occur. These controls mitigate risks, including potential consequences to whales, to as low as reasonably practicable (ALARP) and Acceptable Levels in accordance with environmental regulatory requirements. These systems are well practiced and well understood. ConocoPhillips Australia has considered these claims and is satisfied that the potential risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
S17	**Matter**: Risks to marine mammals from oil. **Claim**: Oil can affect survival of the reproductive success of marine mammals through exposure to hydrocarbons and by affecting distribution, abundance or availability of prey. Even though ConocoPhillips is drilling for gas, this does not mean that the platform will be free from oil, and there will be no oil spills**.** **Claim**: Oil exposure can cause external problems such as skin or eye irritation or ulceration to whales and internal problems when oil is ingested or inhaled. Some research suggests that oil exposure can result in population-level impacts.25 (https://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/resources/oil-spill-response-and-killer-whales.html)**.**	ConocoPhillips Australia acknowledges claims regarding risks to marine mammals associated with the unlikely event of a spill and has reviewed the Environment Plan (EP) to ensure that the information provided allows for an appropriate assessment of risks. ConocoPhillips Australia does not consider a spill an acceptable outcome of the project. In addition to assessing the impacts of a loss of well control (LOWC). ConocoPhillips Australia has assessed the potential impacts from a minor loss of containment, such as small volumes of hydrocarbons and chemicals (Section 7.3), and a release of marine diesel oil (MDO) from a vessel (Section 7.5). EP Table 7-35 (Potential risk of LOWC condensate release on marine mammals) details the potential consequences of hydrocarbon exposure on marine mammals. ConocoPhillips Australia have identified the sensitivity of marine mammals to hydrocarbons and assessed the credible worst-case consequences of a gas condensate release on marine mammals. This assessment identified a 'medium' sensitivity and 'moderate' consequence for pinnipeds (i.e. seals) as a spill could result in localised minor short-term impacts to species of recognised conservation value. A 'high' sensitivity and 'major' consequence was identified for whales as a spill could be expected to result in major environmental impact, requiring significant mitigation measures to formally managed species/habitats of recognised conservation value. Impacts from a LOWC event to plankton, including krill, are detailed in EP Table 7-31. Once background water quality conditions are re-established following natural weathering and dispersion of hydrocarbons, plankton populations are expected to recover rapidly with no impact to dependent species expected. To lower the likelihood of a hydrocarbon spill event ConocoPhillips Australia has developed control measures to ensure that the potential risk is mitigated to as low as reasonably practicable (ALARP) and Acceptable Levels in accordance with

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
		environmental regulatory requirements. A number of control measures have been set for the activity in Table 7-39 of the EP which will ensure that environmental performance outcomes are achieved. Control measures include, but are not limited to: • NOPSEMA Accepted Oil Pollution Emergency Plan (OPEP) - in the event of a hydrocarbon spill to sea, the OPEP requirements are implemented to mitigate environmental impacts. • Well Design and Delivery Process - well design/well operation standards and manuals are in place manage operational risks associated with drilling to ALARP. • Source Control Emergency Response Plan (SCERP), inclusive of Relief Well Plan - Emergency response capability to implement an effective well kill operation shall be maintained in accordance with well specific SCERP. With respect to the reproductive success of marine mammals following a spill event, there is limited research specific to a spill of gas condensate. It is important to note the difference in hydrocarbon types when considering impacts of a spill. The reference included within the claim (Matkins et al. 2008) is specific to impacts following the release of heavy crude oil from a super tanker into Prince William Sound in 1989. In contrast, a gas condensate spill, would mostly evaporate (approximately 83% within the first 24 hours according to the spill modelling reports within Appendix E) as it is a light, non-persistent product. As stated within Section 4.5 of the Oil Pollution Emergency Plan (OPEP), a response strategy specific to wildlife would be Implemented as directed by the state control agencies and supported by ConocoPhillips Australia and the existing arrangement with the Australian Marine Oil Spill Centre (AMOSC). State authorities have state specific wildlife response plans which have been developed to be used in an emergency response. ConocoPhillips Australia has committed providing resources and support to the State authorities throughout the response in the control measure: Oiled Wildlife Response Resources, included in Table 7-39. ConocoPhillips Australia has considered these claims and is satisfied that the potential risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
S18	**Matter**: Risks to the endangered Maugean skate. **Claim**: The modelling shows spills could also carry toxic hydrocarbons like oil into Macquarie Harbour, the last refuge of the endangered Maugean skate.	ConocoPhillips Australia acknowledges claims regarding spill risks to the Maugean skate and have reviewed the Environment Plan (EP) to ensure that the information provided allows for an appropriate assessment of risks to this species. ConocoPhillips Australia recognises that the last known viable population of Maugean skate occurs within Macquarie harbour (DCCEEW 2023). Whilst the Maugean skate is listed as Endangered according to the Conservation Advice for *Zearaja maugeana* (Maugean skate) (DCCEEW, 2023) the primary threat to the species is habitat degradation resulting from sustained reduction of dissolved oxygen. The most important cause of low dissolved oxygen is decomposition and remineralisation of organic carbon inputs to the Harbour. Risks from oil and gas exploitation activities are not listed as a threat. ConocoPhillips Australia employed specialists to develop spill modelling reports (Appendix E of the EP) to support the identification of the largest potential extent that hydrocarbons may reach in the extremely unlikely event of a spill event.

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
		Table 4-6 of the EP outlines the presence of the Maugean skate in the following environments that may affected (EMBAs) / thresholds: • MDO spill EMBA (low threshold) overlaps majority of Macquarie Harbour (Figure 4-5 in the EP). The low threshold represents sub-lethal concentrations of hydrocarbons and are not predicted to result in ecological effects. • LOWC EMBA (low threshold) overlaps majority of Macquarie Harbour (Figure 4-6 in the EP). The low threshold represents sub-lethal concentrations of hydrocarbons and are not predicted to result in ecological effects (Figure 4-6 in the EP) • LOWC EMBA (moderate threshold) overlaps the lower estuary of Macquarie Harbour only (Figure 4-6 in the EP). As stated above, modelling showed that moderate thresholds of condensate may overlap the lower reaches of Macquarie Harbour in the unlikely event of a LOWC. However, it is important to note that these results are taken from the combination of 1400 hypothetical LOWC scenario simulations modelled under multiple realistic metocean conditions, seasons and from 7 representative drilling locations within the VIC/P79 and T/49P operational areas. The extent of a single spill event would be considerably smaller than those depicted in EP Figures 4-5 and 4-6. Therefore, it is considered extremely unlikely that Macquarie Harbour, being on the extremity of the EMBAs, would be impacted by hydrocarbons at thresholds likely to cause ecological effects. In the extremely unlikely event of a LOWC event, species in the water column or at the surface may come in contact with surface hydrocarbons and experience sublethal impacts if chronically exposed. Further analysis of the spill data showed no surface (floating) hydrocarbons at any modelled threshold within or in close proximity to Macquarie Harbour. Modelling also showed no dissolved condensate at moderate thresholds which are predicted to result in ecological effects within Macquarie Harbour. Laboratory studies have shown that dissolved hydrocarbons exert most of the toxic effects of oil on aquatic biota (Carls et al. 2008; Nordtug et al. 2011; Redman 2015). Only entrained hydrocarbons were modelled to be within the lower reaches of Macquarie Harbour above low thresholds. Entrained hydrocarbons consist of droplets that are suspended in the water column and are insoluble. Insoluble compounds in oil cannot be absorbed from the water column by aquatic organisms, therefore they are not bioavailable through absorption of compounds from water. Exposure to these compounds would require routes of uptake other than absorption of soluble compounds (RPS 2023). EP Table 7-33 (Potential risk of LOWC condensate release on fish) has been updated to reflect the overlap between the moderate entrained threshold for a LOWC event and the presence of the Maugean skate. This section has also been updated to recognise Macquarie Harbour as important habitat for this species. The risk assessment already considers worst case thresholds for fish species (moderate for both LOWC and MDO scenarios). Considering that the moderate threshold only overlaps habitat of the Maugean skate in the extremely unlikely event of a LOWC, and that this only overlaps the lower reaches of Macquarie Harbour, ConocoPhillips Australia believes the risk assessment (Table 7-33 of the EP) is appropriate.

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
		As stated in the Oil Pollution Emergency Plan (OPEP, EP Appendix I), response strategies including shoreline protection and deflection, shoreline clean-up and wildlife response would be Implemented as directed by the state control agencies and supported by ConocoPhillips Australia and the existing arrangement with the Australian Marine Oil Spill Centre (AMOSC). State authorities have state specific wildlife response plans which have been developed to be used in an emergency response. ConocoPhillips Australia has committed providing resources and support to the State authorities throughout the response in the control measure: Oiled Wildlife Response Resources, included in Table 7-39. In addition, ConocoPhillips Australia has identified control measures within Section 7.6.6 and 7.7.6 of the EP to reduce the risk and consequence of hydrocarbon release. These measures have been developed in consultation with environmental advisors, spill response specialists and align with standard industry practices. This assessment process ensures the risks associated with the Otway Exploration Drilling Program are reduced to as low as reasonably practicable (ALARP). ConocoPhillips Australia has updated EP Table 7-33 (Potential risk of LOWC condensate release on fish) to reflect the overlap between the moderate entrained threshold for a LOWC event and the presence of the Maugean skate, and to recognise Macquarie Harbour as important habitat for this species in response to these claims.
S19	**Matter**: Risks to shearwaters. **Claim**: Oil spills can coat Shearwater feathers, interrupting their heat insulation and could also drown them. More needs to be implemented to ensure Shearwaters are protected, than has so far been supplied in the environmental chapters**.** **Claim:** The Short-tailed Shearwater colony which breeds at Griffiths Island near Port Fairy could end up coated in a deadly oily residue, amongst any of the other sea dwelling bird species, if the hydrocarbon spill drifted far enough in the 90 days that ConocoPhillips estimate it would take to acquire the backup equipment required to stop the leak. Not to mention how long it may take to contain and clean up the spill.	ConocoPhillips Australia acknowledges claims regarding spill risks to seabirds and have reviewed the Environment Plan (EP) to ensure that the information provided allows for an appropriate analysis of risks to these species. ConocoPhillips Australia does not consider a spill of any type or volume an acceptable outcome of the project. Potential consequences to birds from a release of marine diesel oil or a loss of well control releasing gas condensate have been assessed in EP Tables 7-21 and 7-34. As stated in Section 4.5 of the Oil Pollution Emergency Plan (OPEP), a response strategy specific to wildlife would be Implemented as directed by the state control agencies and supported by ConocoPhillips Australia and the existing arrangement with the Australian Marine Oil Spill Centre (AMOSC). State authorities have state specific wildlife response plans which have been developed to be used in an emergency response. ConocoPhillips Australia has committed to providing resources and support to the State authorities throughout the response in the control measure: Oiled Wildlife Response Resources, included in Table 7-39. It is important to note that the Otway Exploration Drilling Program is targeting gas condensate, which is significantly different to heavier hydrocarbon types seen in spills such as the Deep-Water Horizon in the Gulf of Mexico. For example, oil spill modelling commissioned for the exploration program (Appendix E) identified that approximately 83% of the gas condensate would likely evaporate within the first 24 hours. The remaining gas condensate and residue will break down relatively quickly when exposed to wave action, and subsequently will not persist in the environment to the extent typical for heavier oils. This information is relevant to the assessment of impacts to seabirds as the lighter and less persistent gas condensate is less likely to smother seabirds in the same way that heavier oils do. Additional information on impacts to seabirds from gas condensate have been identified within Table 7-34 of the EP.

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
		ConocoPhillips considers the impact assessment and control measures sufficient to mitigate the potential risks of a spill event to as low as reasonably practicable (ALARP) in accordance with Acceptable Levels in accordance with all environmental regulatory requirements. ConocoPhillips Australia has considered these claims and is satisfied that the potential risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
S20	**Matter**: Risks to little penguins. **Claim**: Chapter 7.6 references the vulnerability of penguins to oil because they spend a high portion of their time in the water. The potential for oiling, or external contamination of seabirds is particularly problematic and could lead to a loss of insulation, buoyancy and the ability to fly or swim (as observed for penguins). The impact of oil spills on Little Penguins is of significant concern and needs to be addressed**.** **Claim**: The locally significant Fairy Penguins which inhabit Middle Island near Warrnambool could end up coated in a deadly oily residue, amongst any of the other sea dwelling bird species, if the hydrocarbon spill drifted far enough in the 90 days that ConocoPhillips estimate it would take to acquire the backup equipment required to stop the leak. Not to mention how long it may take to contain and clean up the spill.	ConocoPhillips Australia acknowledges claims regarding risks to little penguins associated with a spill and has reviewed the Environment Plan (EP) to ensure that the information provided allows for an appropriate assessment of risks. Potential risks to birds, including little penguins, from a release of marine diesel oil and a loss of well control event have been assessed in EP Tables 7-21 and 7-34. As stated within Section 4.5 of the Oil Pollution Emergency Plan (OPEP), a response strategy specific to wildlife would be implemented as directed by the state control agencies and supported by ConocoPhillips Australia and the existing arrangement with the Australian Marine Oil Spill Centre (AMOSC). State authorities have state specific wildlife response plans which have been developed to be used in an emergency response. ConocoPhillips Australia has committed providing resources and support to the State authorities throughout the response in the control measure: Oiled Wildlife Response Resources, included in Table 7-39. As described in response to Matter S20, approximately 83% of released gas condensate will likely evaporate within the first 24 hours with the remaining gas condensate and residue breaking down relatively quickly when exposed to wave action. Consequently, the lighter and less persistent gas condensate is less likely to smother seabirds in the same way that heavier oils do. Additional information on impacts to seabirds from gas condensate have been identified in EP Table 7-34. ConocoPhillips Australia has identified control measures in EP Sections 7.6.6 and 7.7.6 to mitigate the risk of a hydrocarbon release to as low as reasonably practicable (ALARP) and Acceptable Levels in accordance with environmental regulatory requirements. These measures have been developed in collaboration with environmental advisors, spill response specialists and align with standard industry practices and are well practiced and well understood. ConocoPhillips Australia has considered these claims and is satisfied that the potential risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
S21	**Matter**: Risks to the cape barren goose. **Claim**: A spill would impact the Cape Barren Goose – the second rarest wild	ConocoPhillips Australia acknowledges claims regarding risks to the cape barren goose associated with the unlikely event of a spill and has reviewed the Environment Plan (EP) to ensure that the information provided allows for an appropriate assessment of risks to this species.

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	goose in the world [Derek Smith | Monument Australia].	As stated in EP Table 4-4-9 (Seabird, Shorebird, and other marine listed bird species that may occur within the relevant EMBAs, and protection status) of the EP, seabird species which are found in the area potentially exposed to hydrocarbons in the event of a spill event may be adversely impacted (i.e. 'the environment that may be affected' (EMBA)). Regarding the Cape Barren Goose specifically, it is important distinguish between the species (*Cereopsis novaehollandiae*) found across the southern part of Australia and the sub-species (*Cereopsis novaehollandiae*) specific to the south-western region of Australia. The sub-species specific to western Australia is the only sub species of the Cape Barren Goose that is listed as Vulnerable under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) (DoE 2024). In contrast at the species level, the Cape Barren Goose has not been identified as threatened under the EPBC Act (DoE 2024). Globally, the species is listed as 'Least Concern' on the International Union for Conservation of Nature (IUCN) Red List of Threatened Species which was last updated in 2023 (IUCN, 2023). As seen within Table 4-4-9, this species was not identified by the EPBC Protected Matters Search Tool (PMST), due to the distribution of the EPBC Listed Vulnerable sub-species being well outside the environment that may be affected (EMBA) boundary extent. The risk assessment conducted by ConocoPhillips Australia has identified a risk ranking of 'Medium' for the potential impacts to seabirds in general in the event of a spill. Further, the control measures that have been identified in EP Sections 7.6.6. and 7.7.6 to mitigate the risks and consequences of a spill event will be beneficial to all seabirds that may be present within the EMBA, such as the Cape Barren Goose. ConocoPhillips considers the assessment and control measure identified are sufficient to mitigate the potential risks of a spill event to ALARP and Acceptable Levels in accordance with environmental regulatory requirements. ConocoPhillips Australia has considered these claims and is satisfied that the potential risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims. ***References***: *Cereopsis novaehollandiae (Cape Barren Goose) (iucnredlist.org)*
S22	**Matter**: Risks to fur seals. **Claim**: Australia's largest population of fur seals which inhabit Dean [sic] Maar Island and the much-loved seal colony at Bridgewater Bay would also suffer as a consequence of a well leak.	ConocoPhillips Australia acknowledges claims regarding risks to fur seals associated with a spill and has reviewed the Environment Plan (EP) to ensure that the information provided allows for an appropriate assessment of these risks. EP Section 7.6 (marine diesel oil (MDO) release), specifically Table 7-22 (MDO release), and Section 7.7 (loss of well control (LOWC)), specifically Table 7-35 (LOWC), include an assessment of risks to Australian pinnipeds including fur seals from hydrocarbon spills. Cape Bridgewater and Lady Julia Percy Island (also known as Deen Maar) were identified as known- haul out sites and taken into consideration in the assessment of consequence in EP Tables 7-22 and 7-35. Control measures have been identified in EP Sections 7.6.6 and 7.7.6 to mitigate the risk of a hydrocarbon release to as low as reasonably practicable (ALARP) and Acceptable Levels in accordance with environmental regulatory requirements. These

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
		measures have been developed in collaboration with environmental advisors, spill response specialists and align with standard industry practices and are well practiced and well understood. ConocoPhillips Australia considers that the risks to fur seals associated with a MDO release and LOWC event have been adequately considered in the EP. ConocoPhillips Australia has considered these claims and is satisfied that the potential risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
S23	**Matter**: Risks to marine turtles. **Claim**: The EP fails to acknowledge that a LOWC/hydrocarbon spill from proposed test drilling activities could impact foraging marine turtles through contamination of their food sources. Nor does the EP acknowledge the potential for population-level impacts of marine turtle mortality resulting from a hydrocarbon spill; for leatherback and loggerhead turtles, which are listed as Endangered, mortality of even a small number of individuals can have negative impacts on the population. The EP should be refused due to the failure by ConocoPhillips to acknowledge, ascertain, and address impacts on populations of EPBC-listed species relating to a hydrocarbon spill. [4 Crouse, D. T., Crowder, L. B., & Caswell, H. (1987). A stage-based population model for loggerhead sea turtles and implications for conservation. Ecology, 68(5), 1412-1423]**.** **Claim**: Sea turtles are vulnerable to oil exposure contact with skin, ingestion and inhalation of vapours. The effects vary	ConocoPhillips Australia acknowledges claims regarding risks to marine turtles associated with a spill and has reviewed the Environment Plan (EP) to ensure that the information provided allows for an appropriate assessment of these risks. The potential impacts to marine turtles following a spill event have been assessed within EP Table 7-23 (Potential risk of marine diesel oil (MDO) release on marine reptiles) and Table 7-36 (Potential risk of loss of well control (LOWC) condensate release on marine reptiles). The impact assessment identified general risks to marine turtles based on current scientific literature and allocated marine reptiles a sensitivity rating (to spills) as 'Medium'. As detailed in EP Section 4.6.8, no Biologically Important Areas (BIAs) or habitats critical to the survival of marine turtles were identified within the environment that may be affected (EMBA). Evaluation of the Victorian Biodiversity Atlas (VBA) database was completed to identify recent sightings of marine turtle species within the operational area and EMBA. No sightings were recorded for the operational areas, and only three species were sighted within the greater EMBA area (DELWP 2022). ConocoPhillips Australia sighted only a single marine turtle within the T/49P operational area during marine mammal surveys in 2022-23. Based on the limited sightings and the absence of identified BIAs or habitat critical to the survival of marine turtles, the presence of marine turtles within the waters of southern Australia are expected to be transient in nature, and they are not anticipated to remain with the EMBA for long as they migrate through. Any impact to marine turtles in the extremely unlikely event of an oil spill would not cause population/stock-level impacts or affect the reproductive success of the species. Control measures have been identified in EP Sections 7.6.6 and 7.7.6 to mitigate the risk of a hydrocarbon release to as low as reasonably practicable (ALARP) and Acceptable Levels in accordance with environmental regulatory requirements. These measures have been developed in collaboration with environmental advisors, spill response specialists and align with standard industry practices and are well practiced and well understood. ConocoPhillips Australia considers that the risks to marine turtles associated with a MDO release and LOWC event have been adequately considered in the EP. ConocoPhillips Australia has considered these claims and is satisfied that the potential risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	according to the type of petroleum product involved, and how long it has been present in the environment [Wildlife and Offshore Drilling: Sea Turtles (defenders.org)]. Internal effects include drops in the volume of red blood cells, elevated levels of white blood cells, changes in liver enzymes, and a shutting down of the glands that help the turtles get rid of excess salt. External effects include skin inflammation and swelling, with the loss of skin layers over several weeks following exposure. Low levels of oil exposure that don't cause obvious harm could also have subtle but damaging effects, like impairing the turtles' sense of smell, an important tool in helping them locate food, hampering their immunity, or reducing their levels of gut-dwelling, digestion-aiding bacteria**.**	
S24	**Matter**: Potential for long-term impacts **Claim**: Major oil spills occur occasionally and receive considerable public attention because of the obvious environmental damage, including oil-coated shorelines and dead or moribund wildlife, especially oiled seabirds and marine mammals. Effects may be short term or they may have long-term population or community-level impacts depending on the timing and duration of the spill and the numbers and types of organisms affected.	ConocoPhillips Australia acknowledges claims regarding potential long-term environmental impacts associated with the unlikely event of a spill and has reviewed the Environment Plan (EP) to ensure that the information provided is sufficient. The environmental values and sensitivities that may be impacted in the extremely unlikely event of a spill have been assessed in EP Sections 7.6.5 (Evaluation of Environmental Risks – for a marine diesel oil release) and 7.7.5 (Evaluation of Environmental Risks - for a loss of well control). The assessment evaluates the potential consequences to habitats, species and values when exposed to credible worst-case scenarios, assuming no controls are in place. From this assessment the potential risk to a receptor is ranked based on the highest ranked receptor, ensuring the assessment is conservative. Environmental advisors, spill response specialists, and the latest scientific literature were consulted to ensure all environmental impacts were considered. As outlined within Oil in the Sea III published by the US National Research Council, referenced within the claim, defining the impacts that oils spills have on marine organisms is a difficult topic. For example, Chapter 5: Biological effects of oil (National Academies Press, 2003) states:

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: Oil also enters the sea when small amounts are released over long periods, thus creating chronic exposure to oil and its chemical components. [Biological Effects of Oil Releases - Oil in the Sea III - NCBI Bookshelf (nih.gov)]. **Claim**: Any oil spills, will damage and destroy marine life with on-going damage even after the worst of the oil is contained.	*"Acute and chronic toxicity of petroleum hydrocarbons to marine organisms is dependent upon:* • *concentration of petroleum hydrocarbons and length of exposure,* • *persistence and bioavailability of specific hydrocarbons,* • *the ability of organisms to accumulate and metabolize various hydrocarbons,* • *the fate of metabolized products,* • *the interference of specific hydrocarbons (or metabolites) with normal metabolic processes that may alter an organism's chances for survival and reproduction in the environment (Capuzzo, 1987), and* • *the specific narcotic effects of hydrocarbons on nerve transmission".* Regarding the 'persistence and bioavailability of hydrocarbons', ConocoPhillips Australia commissioned project-specific oil spill modelling (EP Appendix E). Modelling predicts the movements and weathering processes that may occur if gas condensate is released into the marine environment. As described in response to Matter S20, approximately 83% of released gas condensate will likely evaporate within the first 24 hours with the remaining gas condensate and residue breaking down relatively quickly when exposed to wave action. Consequently, lighter and less persistent gas condensate is not predicted to persist in the marine environment to the extent that typical heavier oils do. Control measures have been identified in EP Sections 7.6.6 and 7.7.6 to mitigate the risk of a hydrocarbon release to as low as reasonably practicable (ALARP) and Acceptable Levels in accordance with environmental regulatory requirements. These measures have been developed in collaboration with environmental advisors, spill response specialists and align with standard industry practices and are well practiced and well understood. ConocoPhillips Australia considers that the potential for short term, long-term, population or community-level impacts associated with a MDO release and LOWC event have been adequately considered in the EP. ConocoPhillips Australia does not consider the release of small amounts of hydrocarbons over long periods is a credible scenario for the Otway Exploration Drilling Program. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
Key Matter: Preparedness for and mitigation of oil spill risk		
S25	**Matter**: More detail is needed on precautionary, mitigation and clean-up measures. **Claim**: The risks and impacts on the other state and Commonwealth Marine Parks	ConocoPhillips Australia acknowledges claims regarding measures to mitigate risks associated with spills and has reviewed the Environment Plan (EP) to ensure that the information provided is appropriate. ConocoPhillips Australia commissioned the Australian Marine Oil Spill Centre (AMOSC) to develop a project specific Oil Pollution Emergency Plan (OPEP) (EP Appendix I). The OPEP outlines the response capability and provides details on response strategies that may be implemented in the extremely unlikely event of a spill. ConocoPhillips Australia also has a membership

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	that would be impacted as demonstrated in the EMBA modelling of any hydrocarbon spills from this proposal must be provided in more detail, including/specifically mitigation and clean-up measures. **Claim**: The Environment Plan fails to consider protection against spills or leaks as having potentially catastrophic environmental consequences, such as massive marine pollution, oil coating of seabirds and closure of commercial fisheries, even in scenarios they deem 'low to moderate'. **Claim**: The plan does not include sufficient precautionary and emergency procedures to protect animal life and clean up in accidents and does not provide an estimate of the overall impact on the ecosystem. **Claim**: Ocean drilling raises risks of an oil leak that will cause significant and prolonged environmental damage due to inadequate plans to minimise damage if a leak occurs.	with AMOSC, as specified within Section 5 within the OPEP, which ensures 24/7 access to trained oil spill responders and specialised equipment to allow for a rapid response and to mitigate the potential consequences of a spill. AMOSC was commissioned to produce additional appendices in support of the OPEP (EP Appendix I), including a Shoreline Plan and tactical response plans (TRPs) which identify specific sensitive areas that may be impacted and the most suitable response strategy to be deployed. ConocoPhillips Australia also employed specialists to developed oil spill modelling reports (EP Appendix E) to support the identification of the largest potential extent that hydrocarbons may reach in the extremely unlikely event of a spill event. As described in detail in response to Matter S01 above, the environment that may be affected (EMBA) by a spill, as shown in EP Figure 4-7 (Otway Exploration Drilling Program EMBA), represents the combined area from 1400 hypothetical Marine diesel oil spills and 1400 hypothetical loss of well control events. The EMBA does not in any way represent the spatial extent from any single spill event, but rather the cumulative outline of all hypothetical spills at low thresholds. It is also important to note that the low thresholds used are not ecologically significant and have no observable effect on sub-surface waters, or flora and fauna. The spatial extent of an actual spill would be considerably smaller than that of the EMBA. These documents all contribute to the precautionary approach that ConocoPhillips Australia has undertaking to mitigate the risk of a hydrocarbon release to as low as reasonably practicable (ALARP) and Acceptable Levels in accordance with environmental regulatory requirements. These documents have been developed in consultation with environmental advisors, spill response specialists and align with standard industry practices and are well practiced and well understood. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
S26	**Matter:** Mitigation responses are based acceptable costs, not risks. **Claim:** While the spills modelling EMBA in the EP show significant areas of ocean and coastline would be impacted by a LOWC at any of the undefined 6 proposed test drill locations the mitigation responses	ConocoPhillips Australia acknowledges claims regarding the mitigation measures to address the potential risks of a spill event during the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that the information provided is appropriate. As described in detail in response to Matter S01 above, the environment that may be affected (EMBA) by a spill, as shown in EP Figure 4-7 (Otway Exploration Drilling Program EMBA), represents the combined area from 1400 hypothetical Marine diesel oil spills and 1400 hypothetical loss of well control events. The EMBA does not in any way represent the spatial extent from any single spill event, but rather the cumulative outline of all hypothetical spills at low thresholds. It is also important to

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	outlined in the EP are based upon what the company considers to be acceptable costs to the project bottomline, rather than acceptable risks and appropriate mitigation measures to at risk communities and the marine environment**.** **Claim**: The scope for the rapid mobilisation for the drilling of a relief well in the event of a LOWC has, according to the EP, been created based on what is acceptable to the budget for the project, rather than acceptable risk and management**.**	note that the low thresholds used are not ecologically significant and have no observable effect on sub-surface waters, or flora and fauna. The spatial extent of an actual spill would be considerably smaller than that of the EMBA. The control measures detailed in EP Sections 7.6.6 and 7.7.6 and the response strategies detailed in Section 7.8 have been developed in consultation with state Control Agencies and are consistent with approaches across Australia. Reducing impacts and risks to ALARP is based on the concept of reasonable practicability (NOPSEMA Fact Sheet, August 2020), where the level of environmental impact or risk is compared to the 'cost' (time, money or effort) required to implement measures to reduce those impacts or risks. The 'cost' in this context means the sacrifice associated with implementing a control measure which includes an evaluation of the trade-off in benefits versus the impost such as money, time and/or effort required to implement, and the introduction of additional impacts and risks. As stated in EP Section 7.8, spill response strategies are selected based on the Net Environmental Benefit Analysis (NEBA) to ensure that the response itself will not cause harm to the environment and there will be a benefit to the environment. The NEBA assessment of response strategies is therefore primarily based on whether the response will benefit the environment. In the extremely unlikely event of a Loss of Well Control (LOWC) event, the mobilisation of a drill rig for a relief well occurs in accordance with the timing specified for source control risk assessment in Section 7.8.4.1 of the OPEP, with more detail provided in response to Matter S08. The information on the timing of a relief well were provided by an Australian source control specialist and are in accordance with standard industry practice. ConocoPhillips considers the information provided to support decisions regarding mitigation measures is sufficient. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
S27	**Matter** Additional information required in Oil Pollution Emergency Plan. **Claim**: Given the immense scale of the EMBA for project hydrocarbon spills and the many ecological communities that would be impacted, the submitter requests that ConocoPhillips Oil Spill Emergency Response Plan include a description of chemicals that could be used to clean up spilled oil (including SDSs), and the location and number of vessels available to assist in the case of an	ConocoPhillips Australia acknowledges claims regarding the Oil Pollution Emergency Plan (OPEP) and have reviewed the Environment Plan (EP) and OPEP (Appendix I) to ensure that the information provided is adequate and appropriate. As described in detail in response to Matter S01 above, the environment that may be affected (EMBA) by a spill, as shown in EP Figure 4-7 (Otway Exploration Drilling Program EMBA), represents the combined area from 1400 hypothetical Marine diesel oil spills and 1400 hypothetical loss of well control events. The EMBA does not in any way represent the spatial extent from any single spill event, but rather the cumulative outline of all hypothetical spills at low thresholds. It is also important to note that the low thresholds used are not ecologically significant and have no observable effect on sub-surface waters, or flora and fauna. The spatial extent of an actual spill would be considerably smaller than that of the EMBA. As stated in response to Matter S28 and in EP Section 7.8.2 and Section 2.6.1 of the OPEP, chemical dispersants have not been identified as a feasible response strategy due to the characteristics of relevant hydrocarbons. Section 3 of the Shoreline Plan (provided as Appendix 1 of the OPEP), describes how shoreline responses fall under the control of the relevant state control

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	emergency. Specifically what drill rig would be required in the event of a LOWC, from what region(s) such a rig would be available and how long that would take to be deployed, with information on what that would mean for an uncontrolled spill**.**	agency and, as such, the use of chemicals during the response, such as detergents for oiled wildlife, will be at the direction of the control agency. As stated in response to Matter S08, information on relief well rigs and implementation timeframes has been provided in EP Section 7.8.4.1. The EP covers three possible mobilisation locations (national and international), processes to track rig availability, identification of documentations requires for a relief well, a summary of the technical details and equipment required to drill a relief well, and a detailed evaluation of the mobilisation timeframe of a Mobile Offshore Drilling Unit (MODU) from the three locations. Up to three support vessels may be present within the operational area at any one time to support drilling operations and, as stated in Table 6-1 of the Oil Pollution Emergency Plan (OPEP), ConocoPhillips Australia is required to monitor the location and availability of source control response resources and materials prior to and during drilling, including the available of additional support vessels, among other things. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed, for the reasons outlined above. As a result, no changes have been made in response to these claims.
S28	**Matter**: Chemical dispersants cannot be relied on. **Claim**: Chemical dispersants utilised by industry to clean up oil spills, which by nature are chemicals, cannot be relied on as a fix, especially given much of this coastline is inaccessible to enable amelioration of the damage within the timeframe required.	ConocoPhillips Australia acknowledges claims regarding the use of chemical dispersants and have reviewed the Environment Plan (EP) to ensure that the information provided is appropriate. As stated in EP Section 7.8.2 (Strategic Net Environmental Benefit Analysis) and Section 2.6.1 of the Oil Pollution Emergency Plan (OPEP) (Appendix I of the EP), chemical dispersants have not been proposed as a feasible response strategy for either a spill of condensate or marine diesel oil for the following reason: • Group I and II oils, such as condensate gas and marine diesel oils, have a low viscosity and high volatility which results in the formation of a thin layer or film on the sea surface which evaporates and dissipates quickly, therefore making the application of dispersant is ineffective. Based on this rationale, a response strategy involving chemical dispersants is not recommended and use of dispersants has not been considered further within the EP or associated OPEP. Consequently, no changes have been made to the EP in response to these claims.
S29	**Matter**: No adequate contingency plans/multidisciplinary planning for a spill. **Claim**: I am concerned that no adequate contingency plans seem to be in place for a possible spill during drilling or production phases.	ConocoPhillips Australia acknowledges claims regarding contingency plans for spills that could occur during the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that the information provide is adequate. ConocoPhillips Australia contracted the Australian Marine Oil Spill Centre (AMOSC) to develop an Oil Pollution Emergency Plan (OPEP) (EP Appendix I) to be submitted to NOPSEMA to fulfil requirements and demonstrate the emergency spill response capability, maintenance of the capability, and technical details on the strategies that may be implemented in the extremely unlikely event of a spill.

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: While AMSA and DEECA have rudimentary plans for small shipping spills, an underwater spill would be potentially catastrophic and there has been zero multidisciplinary collective planning for this eventuality. **Claim**: There hasn't been enough care taken in preparing any minimization of spills.	Furthermore, AMOSC was commissioned to produce additional appendices in support of the OPEP including a Shoreline Plan which identifies shorelines that may be affected and, based on the shoreline's characteristics (e.g., level of impact, shoreline type, habitat, sensitivity) specifies the resources (equipment and personnel) required to protect and/or clean the shoreline. ConocoPhillips Australia consulted with the state control agencies in Victoria and Tasmania in the development of the OPEP and has conducted multiple training exercises with AMOSC and other spill response specialists to ensure the documentation produced was of high industry standard and could be implemented in the event of a spill. As stated in the OPEP, response strategies including shoreline protection and deflection, shoreline clean-up and wildlife response would be Implemented as directed by the state control agencies and supported by ConocoPhillips Australia and the existing arrangement with the AMOSC. Further, ConocoPhillips Australia has assessed risks associated with spill response activities in EP Section 7.8 (Spill Response Activities). ConocoPhillips Australia considers that the information within the EP and the OPEP is appropriate for the nature and scale of the Otway Exploration Drilling Program and magnitude of risks. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed, for the reasons outlined above. As a result, no changes have been made in response to these claims.
S30	**Matter**: Standby rig as a control measure. **Claim**: ConocoPhillips could arrange to have a stand by rig in Victorian waters that could significantly reduce the duration of a spill in the event of a blow out—particularly given that ConocoPhillips has determined that a capping stack to stop the spill is too expensive and ineffective for it to provision for. **Claim**: The sensitive environments that could be affected by a spill warrant, at the very least, that ConocoPhillips takes all available measures (like a locally available rig and immediately locally deployable	ConocoPhillips Australia acknowledges claims regarding the control measures considered to mitigate a spill event during the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that suitable control measures have been included. ConocoPhillips Australia commissioned international and national specialists to undertake a capping stack feasibility assessment to evaluate if a capping stack could be safely deployed in the Otway Basin. The assessment concluded that due to the technical complexity of deploying a capping stack in shallow waters with a gas plume environment and harsh metocean conditions, a relief well has been determined to be the primary means source control. The probability of effectively deploying a capping stack was considered very low and presented significant health, safety and environmental (HSE) risks due to the environmental conditions and potential of a gas plume within the response area. It was also identified that deployment of a capping stack in rough seas could worsen the spill event, with significant potential to damage subsea equipment and the wellhead during deployment. The justification for not deploying a capping stack was made on the basis of technical feasibility and HSE risk, and not on the basis of a financial cost. The 'cost' in this context means the sacrifice associated with implementing a control measure which includes an evaluation of the trade-off in benefits versus the impost such as money, time and/or effort, and introduction of other impacts and risks. EP Table 7-39 has been updated to better reflect the ALARP assessment.

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	spill containment and clean up provisions) to reduce the duration of a potential spill. **Claim**: Specifically ruling out having a standby Mobile Offshore Drilling Unit (MODU) on site during the test drilling phases. The reason for this stated on pp 670-71 of the EP is that 'having a MODU on standby would require significant commercial effort and cost (approx. $800k / day) that are considered grossly disproportionate to the level of benefit gained given the relatively small level of potential shoreline oiling at moderate levels'. This is considered a failure of ALARP given the costs, financial and otherwise, in the event of a spill to ocean ecosystems, coastal communities and impacted industries. ConocoPhillips as a global corporation with sizable profits and assets to enable supply of a second MODU, should be enforced to do so to meet ALARP. **Claim**: The option of using two MODU drill rigs simultaneously to provide an additional safeguard in the event of a LOWC has also been rejected in the EP. The stated reason for this is based on additional costs associated with second MODU mobilisation and demobilisation of approximately $5M per month USD plus a premium of $50K/day to align the contract windows'. Again the decisions on what is an acceptable risk and appropriate	As stated in EP Table 7-39 and Section 7.8.4.1, the options of using two rigs simultaneously and having a dedicated rig on standby were both assessed and subsequently rejected as additional controls for the Otway Exploration Drilling Program. The additional associated costs have been identified within the claims as rationale for the rejection. However, the 'cost' in this context means the sacrifice associated with implementing a control measure, which includes an evaluation of the trade-off in benefits versus the impost such as money, time and/or effort, and introduction of other impacts and risks. The inclusion of a secondary rig would increase impacts to the environment. For example, a dedicated standby rig or secondary rig would displace fishers and emit underwater sound, light and have atmospheric emissions; it would also disturb the seabed, have operational discharges in addition to those of the proposed single rig, and require additional vessel movements for resupply whilst it remains on standby. Having a secondary rig in the region/on standby would also increase the likelihood of associated risks, such as interaction with marine fauna as a result of increased vessel movements. The ALARP assessments for a standby and second rig identified that the sacrifice associated with implementing these control measures was grossly disproportionate to the benefit gained. ConocoPhillips Australia has committed to the implementation of control measures as detailed in EP Tables 7-39 and 9-1 and in accordance with the project-specific Oil Pollution Emergency Plan (OPEP) submitted to NOPSEMA to ensure impacts and risks are managed to ALARP and acceptable levels. ConocoPhillips Australia has updated Table 7-39 of the EP to better explain the justification for not deploying a capping stack, being made on the basis of technical feasibility and HSE risk, and not on the basis of a financial cost in response to these claims.

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	measures in the event of such an accident have been decided based on financial cost the the company, rather than doing all possible to control risk to the marine environment and community. This demonstrates a failure of ALARP and this EP should be rejected on those grounds. **Claim**: ConocoPhillips is too irresponsible to even bother saying it could install a capping stack to prevent oil spills. It is even too irresponsible to arrange to have a stand by rig in Victorian waters that could significantly reduce the duration of any spill in the event of a blow out. **Claim**: Failure to reduce impacts to As Low as Reasonably Possible (ALARP) in the case of a spill, due to the failure to provide for a second rig on site or at a close location, for example a Victorian Port, to respond should a well blowout occur.	
S31	**Matter**: Insufficient resources to respond to a spill. **Claim**: During relevant person consultation, ConocoPhillips advised that as a smaller operator in Australia, it does not have the market power to demand rig equipment if and when it might need such equipment. Rather, ConocoPhillips advised it is in the position of needing to take advantage of rigs brought in by other companies during windows of opportunity. The relevant person is	ConocoPhillips Australia acknowledges claims regarding the resources that would be required in the event of a spill during the Otway Exploration Drilling Program and have reviewed the Environment Plan (EP) to ensure that the information provided is appropriate. The decision to utilise a single rig to undertake drilling, and plugging and abandonment, activities within the Otway Basin was a mutual decision made by all companies, not just ConocoPhillips Australia. As described in the August 2023 Project Update, securing the services of a drill rig and mobilising it to the Otway Basin is a considerable logistical and commercial undertaking. The use of a single rig has multiple benefits, including the increased efficiency of activities within the Otway Basin, reducing the time to complete the activities and subsequently lowering the impacts and potential risks associated with the activities. Further, the use of a single rig reduces the potential for cumulative impacts associated with concurrent operations within the region.

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	concerned that this situation could result in an inability for ConocoPhillips to quickly source clean up equipment and it is a further reason we consider it vital that a stand by rig must be available in Victoria.	The rig will hold a current Australian safety case, meet the safety and operational standards of the different oil and gas companies and be subject to regular routine inspections from the different companies. The collaborative use of the offshore rig will ensure the activities are completed efficiently to Australian industry standards, with reduced environmental impacts. As stated in EP Table 7-39 and Section 7.8.4.1, the options of using two rigs simultaneously and having a dedicated rig on standby were both assessed and subsequently rejected as additional controls for the Otway Exploration Drilling Program. The assessment determined that the inclusion of a secondary rig would substantially increase impacts to the environment. For example, a dedicated standby rig or secondary rig would displace fishers and emit underwater sound, light and have atmospheric emissions; it would also disturb the seabed, have operational discharges in addition to those of the proposed single rig, and require additional vessel movements for resupply whilst it remains on standby. Having a secondary rig in the region/on standby would also increase the likelihood of associated risks, such as interaction with marine fauna as a result of increased vessel movements. The ALARP evaluation associated with a standby rig identified that the of environmental trade-offs, along with the significant costs, were grossly disproportionate to the level of benefit gained. To ensure sufficient capability in the unlikely event of an oil spill during the program, ConocoPhillips Australia has a membership with the Australian Marine Oil Spill Centre (AMOSC) as specified within Section 5 within the OPEP which ensures 24/7 access to trained oil spill responders and specialised oil spill equipment to allow for a rapid response and to mitigate the potential consequences of a spill. The closest location of AMOSC's equipment stockpile and specialist responders is Geelong, Victoria, which can be mobilised to the Otway Basin within hours. The AMOSC membership also ensures access to national equipment stockpiles maintained by the Australian Maritime Safety Authority's (AMSA) through the National Plan, and to other AMOSC member companies under the Mutual Aid agreement outlined within the 'AMOSPlan'. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
Other Matters Relating to Oil Spills		
S32	**Matter**: Disregard for accidents/environmental disasters. **Claim**: The EP does not state specific locations where the well will be situated. Surely this indicates disregard for any accidents/environmental disasters which may occur regarding risk management plans.	ConocoPhillips Australia acknowledges claims regarding the location of the wells and has reviewed the Environment Plan (EP) to ensure that the assessment of unplanned events is commensurate to the magnitude of the risks. ConocoPhillips Australia contracted RPS to undertake a highly conservative assessment of the potential consequences of credible worst-case spills at locations selected to be representative of all potential activity locations within the operational areas based on water depth, proximity to the coast and continental slope. As stated in section 4.1 of the EP, the environment that may be affected (EMBA) represents the combined area from 1400 hypothetical Marine diesel oil spills and 1400 hypothetical loss of well control events which are modelled under various realistic metocean conditions, across all seasons and representative drilling locations. The EMBA does not represent the spatial extent from any single spill, but rather the

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
		cumulative outline of all hypothetical spills at low thresholds. It is important to note that the low thresholds used are not ecologically significant and have no observable effect on sub-surface waters, or flora and fauna. EP Sections 7.6.5 (Evaluation of Environmental Risk – for marine diesel oil (MDO) release) and 7.7.5 (Evaluation of Environmental Risk – for a loss of well control) provide information on the criteria used to determine the sensitivity of receptors that may be exposed to hydrocarbons and assessed the potential consequences of exposure on key receptors within the EMBA. Further, EP Section 7.8 (Spill Response Activities), provides an assessment of the potential consequences of response activities on sensitive receptors. Unplanned hydrocarbon releases are prevented during activities through a range of control measures involving detailed planning, engineering and execution. These are detailed in EP Sections 7.6.6 and 7.7.6 and in Chapter 9, Table 9-1 Environmental Performance. ConocoPhillips Australia has detailed plans to respond in the extremely unlikely event of a hydrocarbon release, with the primary response plan being the Oil Pollution Emergency Plan (OPEP, EP Appendix I). The OPEP is developed in consultation with state Control Agencies and is linked to state and national contingency plans. The OPEP is submitted to NOPSEMA for assessment as part of the EP assessment process. ConocoPhillips Australia considers a highly conservative and thorough approach has been taken in the modelling of credible worst-case scenarios, the establishment of the EMBA using low thresholds, the assessment of potential consequences in consideration of sensitivities, and the development of response plans that account for the broadest potential spatial extent of risks. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
S33	**Matter**: Not accounting for historical marine disasters. **Claim**: Decades of knowledge of past marine disasters have been ignored by the companies that cause them. **Claim**: There is a high risk of devastation as happened in the Gulf of Mexico.	ConocoPhillips Australia acknowledges claims regarding consideration of historical maritime incidents in relation to a spill event from the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that relevant historical information has been used to inform the development of the EP. Knowledge from historical maritime disasters has significantly shaped Australia's emergency response requirements. Following on from disasters such as the Deepwater Horizon in 2009, the Australian Government established the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) as the national regulator for safety, well integrity and environmental management in 2012. Information on the likelihood of a spill occurring is based on relevant historical events, as described in EP Sections 7.6.5 (Evaluation of Environmental Risks – for a marine diesel oil (MDO) release) and 7.7.5 (Evaluation of Environmental Risks – for a loss of well control event). For example, the assessment of historical LOWC incidents using the IOGP Risk Assessment Data Directory (2019) provided an indicative probability of a LOWC from exploration drilling that can be reasonably expected to

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
		occur, based on previous incidents. The chances of the activity resulting in a LOWC event are 1.6 x 10-4 per well drilled, i.e. there is a 0.016% chance that the event may occur, which corresponds to a likelihood ranking of Remote (2). It is also important to note that the Otway Exploration Drilling Program is targeting gas condensate, which is significantly different to heavier hydrocarbon types seen in spills such as the Deep-Water Horizon in the Gulf of Mexico. For example, oil spill modelling commissioned for the exploration program (Appendix E) identified that approximately 83% of the gas condensate would likely evaporate within the first 24 hours, approximately 16 percent would continue to evaporate at a slower rate and only 1 percent would be considered persistent and would weather to a waxy substance under typical weather conditions for the Otway region. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
S34	**Matter**: Leaks and spills are associated with other parts of the activity. **Claim**: A leak could occur after plugging at the completion of the extraction process. **Claim**: The Environment that may Be Affected (EMBA) for this project shows vast areas would be harmed by any spills or incidents any time vessels are in the area preparing for vertical seismic blasting, refuelling, resupplying or in transit. This includes 34 threatened and migratory species identified as having important habitat that overlaps with either the OA of the two project locations and/or the EMBA. **Claim**: Increased shipping means increased risk for potential collisions with marine mammals, it also brings more pollution and a greater possibility of oil or fuel spills from a collision.	ConocoPhillips Australia acknowledges claims relating to the potential risk of a spill from other activities associated with the Otway Exploration Drilling Program and has reviewed the Environment Plan (EP) to ensure that other types of spills are adequately described. As described in detail in response to Matter S01 above, the environment that may be affected (EMBA) by a spill, as shown in EP Figure 4-7 (Otway Exploration Drilling Program EMBA), represents the combined area from 1400 hypothetical Marine diesel oil spills and 1400 hypothetical loss of well control events and does not represent the extend of any single spill. The spatial extent of an actual spill would be considerably smaller than that of the EMBA. The spill scenarios assessed in EP Sections 7.6 (Marine Diesel Oil (MDO) Release) and 7.8 (Loss of Well Control (LOWC)) represent the credible worst-case scenarios that could occur during the exploration program to ensure that the control measures adopted, and preparedness undertaken, are adequate to cover all possible spills up to, and including, the credible worst-case scenarios. The control measures identified in EP Sections 7.6.6 and 7.7.5 will be implemented throughout the entire Otway Exploration Drilling Program and are adequate to cover any smaller leaks and spills that may occur during the Otway Exploration Drilling Program. Further, ConocoPhillips Australia is required to hold financial assurance and accountability for credible costs, expenses, and third-party liabilities that may arise from a petroleum incident relating to their activities. As stated within Section 7.7.7, control measure CM18: Financial assurance for offshore activity, clearly states that this financial assurance includes costs for operational response to contamination, clean-up and remediation of the environment, including environmental monitoring of the potential impacts. This control measure has been developed in accordance with NOPSEMA's Guideline 'Financial assurance for petroleum titles' and international compensation protocols such as the International Oil Pollution Compensation Funds.

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
	(https://www.worldwildlife.org/threats/oil-and-gas-development)	Regarding the potential for a leak after plugging and abandonment (P&A), a detailed explanation of the P&A process is provided in response to Matter O08 (Other). Titleholders are required to provide details of the processes and procedures that will be used to ensure that well abandonment is carried out such that the risk is reduced to a level that is as low as reasonably practicable (ALARP) in a Well Operations Management Plan (WOMP). The WOMP is submitted to NOPSEMA in accordance with the requirements of Part 5 of the Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011. EP Section 2.2.6 (Plug and Abandonment) provides an overview of P&A activities and verification tests which are conducted to ensure the integrity and effectiveness of the process meets the requirements outlined in the WOMP. Detailed records and documentation of the P&A process are submitted to regulatory authorities. Regarding the impacts and risks associated with vessel activities during the exploration program these have been assessed within the relevant sections 6.2 (Interference with Other Marine and Coastal Users), 6.4 (Light emissions), 6.5 (Atmospheric emissions), 6.6 (Underwater sound emissions), 7.2 (Loss of Materials or Waste Overboard), 7.3 (Minor Loss of Containment), 7.4. (Interaction with Marine Fauna), 7.5 (Introduction, Establishment and Spread of Invasive Marine Species (IMS)), and 7.6 (Marine Diesel Oil Release). ConocoPhillips Australia deems that the additional impacts and risks associated with increased shipping to be sufficiently addressed within the EP. ConocoPhillips Australia has considered these claims and is satisfied that the potential risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
S35	**Matter**: Lack of responsibility for spills. **Claim**: Responsibility needs to be taken for any spillages from the drilling process.	ConocoPhillips Australia acknowledges claims regarding accountability in the event of a spill and have reviewed the Environment Plan (EP) to ensure that the information provided is appropriate. The relevant control agency and jurisdictional authority for potential spills that may occur during the Otway Exploration Drilling Program have been clearly identified within Section 2.7 of the Oil Pollution Emergency Plan (OPEP) (Appendix I of the EP). Information on the associated roles and responsibilities has also been included. As detailed in EP Chapter 9, ConocoPhillips Australia has outlined several Environmental Performance Standards (EPS) which will be implemented prior to the activity commencing and/or in the event of a spill, such as: • 13.1 - Emergency spill response capability will be maintained in accordance with the NOPSEMA accepted OPEP. • 13.2 - Spill response will be implemented in accordance with relevant EPOs (Environmental Performance Standards) and EPS in the accepted OPEP. • 16.3 - Emergency response capability to implement an effective well kill operation will be maintained in accordance with the SCERP (Source Control Emergency Response Plan). • 16.10 - Contract(s) and memorandums of understanding (MOU) will be in place for source control personnel. • 16.12 - Membership will be in place for the AMOSC Subsea First Response Toolkit (SFRT), which provides for surveillance, debris clearance and trained responders, as well as subsea dispersant application.

	THEME	OIL SPILLS (S)
#	**COMMENTS RECEIVED**	***Titleholder response***
		• 18.1 - ConocoPhillips Australia will hold financial assurance for the Otway Exploration Drilling Program, as per the Offshore Petroleum and Greenhouse Gas Storage Act 2006 and the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 for undertaking a petroleum activity under a petroleum title. The FA (financial assurance) will be calculated using an independently validated, NOPSEMA-endorsed method to estimate the greatest reasonably credible costs, expenses and liabilities associated with response, clean up, and monitoring the impacts of an escape of petroleum; and will be available in an appropriate form, maintained and accessible. ConocoPhillips considers these commitments sufficient to demonstrate their roles and responsibility in the event of a spill event. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.

11. Theme: Other

	THEME	OTHER (O)
#	**COMMENTS RECEIVED**	***Titleholder response***
O01	**Matter**: The duration of the proposed activity. **Claim**: Four years of ongoing gas test drilling and seismic blasting is too long for our marine life to endure let alone the real threat of hydrocarbon spills that would destroy coastlines and countless animals.	ConocoPhillips Australia acknowledges claims regarding the temporal extent of the proposed activities when assessing the duration of impacts and risks associated with the Otway Exploration Drilling Program. Although the term of the Environment Plan (EP) is effectively 4 years (earliest start date for seabed surveys is 1 April 2024, drilling is 1 October 2024, and end date for EP is 31 December 2028), the activity will not occur continuously over that period but will rather be conducted in shorter campaigns where by the two commitment wells are likely to be drilled consecutively over typically 30-40 days each, up to a maximum of 90 days each. The rig is then contracted to other titleholders to undertake discrete activities before potentially returning to ConocoPhillips Australia's operational areas to drill up to a maximum of 4 optional wells. Consequently, the actual drill time is predicted to be in the range of 180 to 540 days, depending on the number of wells drilled (up to a maximum of 6) and the duration at each well (ranging from 30-90 days) over the four year term of the EP. The maximum 540 day campaign is similar in duration to previous continuous campaigns conducted in the Otway Basin. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.

	THEME	OTHER (O)
#	**COMMENTS RECEIVED**	***Titleholder response***
O02	**Matter**: Evaluation of impacts on every species and data quality. **Claim**: Conduct comparative research into all studies on the impacts of drilling to determine the range to which impacts have been observed. Noting the limitations of many of these studies, apply the precautionary principle to determine a correction factor which will create a safety buffer zone around that distance. **Claim**: Conduct thorough observational studies at varied times of day and across all seasons to determine all species found in this impact area. A minimum of a full 12 months of data is especially important to ensure data on migratory species is captured. **Claim**: Sufficient data to evaluate the impact of drilling is required for every species in the impacted area and considering legislation exists protecting marine animals from harm under the EPBC Act 1999, the data must be of a quality that will withstand legal security for completeness, accuracy and robustness. **Claim**: We don't know what it's like to live deep down in the ocean. **Claim**: Evaluate the quality of data on risks and impacts on all species within the operational area and determine where there is a need for additional data. **Claim**: Ensure studies on risks are of research grade quality and have been subjected to peer review.	ConocoPhillips Australia acknowledges claims regarding the evaluation of impacts on relevant species and data quality when assessing impacts associated with the Otway Exploration Drilling Program. ConocoPhillips Australia acknowledges that we will never be in a position to characterise every species that may be present in the area, but rather we rely on published peer-reviewed literature, government advice (including relevant management plans, conservation management plans, recovery plans and conservation advice established under the Environment Protection and Biodiversity Conservation Act 1999, among others), and feedback from the consultation process to inform our understanding of the existing environment and potential impacts and risks. Information on the environmental values and sensitivities that may present within relevant areas is publicly available and can be accessed via the Australian Government Department of Climate Change, Energy, the Environment and Water's Protected Matter Search Tool (PMST) and the National Conservation Values Atlas (NCVA). These data sources provide information on the likely/known presence of a species within an area, as well as information on their protection status, Biologically Important Areas (BIAs) and behaviours and are provided in full in Environment Plan (EP) Appendix B. Additional information, for example, on proposed changes or additions to BIAs, can be obtained through the review of draft plans and through federal government consultation processes and are referenced within the EP. The peer review process for publication is considered to provide for an appropriate level of independent review. Titleholders are also required to take newly published peer reviewed literature into consideration, where relevant, for the duration of the activity. ConocoPhillips Australia has included and assessment of uncertainty, as described in EP Section 5.6.2, around the predictability of impacts and risks, any uncertainty regarding the effects described by the existing research, or the effectiveness of the control measures. At the conclusion of each impact and risk assessment a level of predictive uncertainty is assigned. If there is residual uncertainty this is assessed, and measures are implemented to either remove the uncertainty or apply the precautionary principle. ConocoPhillips Australia considers that there are sufficient peer reviewed published studies available on the impacts associated with seabed surveys and drilling activities, such as those proposed in the Otway Exploration Drilling Program. Environmental impacts are assessed comprehensively in EP Section 6 (Environmental Impact Assessment). Published peer reviewed studies and literature are used to inform the impact and risk assessments and are referenced throughout the EP, with an extensive reference list provided in EP Chapter 13. ConocoPhillips Australia has also established a number of Environmental Performance Standards (EP Chapter 9) to ensure an appropriate level of review of key mitigation measures occurs, for example, 'CM07: Light Management Plan, EPS 7.1: ConocoPhillips Australia will contract a suitably qualified specialist to develop and support the implementation of a Light Management Plan, as per the National Light Pollution Guidelines for Wildlife (CoA 2023), for the activity.' Regarding claims about the need for longitudinal studies, ConocoPhillips Australia has been conducting marine mammal surveys since 2021 to produce contemporary data that supports effective decision-making in the Otway Basin. This

	THEME	OTHER (O)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: Establish an independent panel to review the quality of studies to date and to create a comprehensive list of where the gaps in current knowledge exist. **Claim**: There have been insufficient studies performed on the potential impacts of drilling on marine and other animals to be confident that any proposed mitigations to keep them safe from harm will be adequate. **Claim**: Seismic blasting has been found to be harmful to marine life and ecosystems in much of the scientific research that has been undertaken thus far. Not enough independent scientific research has been done in relation to how seismic blasting affects marine species and ecosystems as a whole to inform us as to whether it is a sensible idea. More independent scientific study needs to be done on the effect of seismic blasting on marine species and ecosystems before allowing it to be conducted in our oceans. If such proposed projects are necessary now at all, alternative, proven, far less harmful methods of surveying should be utilised in place of seismic blasting, instead of assuming that marine species and ecosystems are robust enough to handle it.	research continues to improve knowledge on the presence/absence, distribution and behaviours of key species during and outside of known peak seasons. Note: Marine seismic surveys are not within the scope of the Otway Exploration Drilling Program and will not be conducted under this approval. However, as stated in EP Section 6.7 (Underwater Sound Emissions – Impulsive) certain short-term temporary activities, often confused with seismic surveys, are included within the scope of the Otway Exploration Drilling Program including downhole formation evaluation and geophysical surveys. The impacts associated with these sound sources is assessed extensively in EP Section 6.7. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
O03	**Matter:** Impacts and risks to marine turtles. **Claim**: Three species of turtle were identified to potentially be within the operational area by the Environmental Protection and Biosecurity Act (EPBC) Protected Matters Research Tool report. All have threatened species status and	ConocoPhillips Australia acknowledges claims regarding impacts and risks on marine turtles associated with the Otway Exploration Drilling Program. ConocoPhillips Australia carried out a PMST search and found five species of marine turtle with the potential to occur within the largest (spill) EMBA, as detailed in Environment Plan (EP) Section 4.6.8. All five are listed as 'threatened' under the Environment Protection and Biodiversity Conservation Act 1999; two are Endangered (loggerhead turtle (*Caretta caretta*) and the leatherback turtle (*Dermochelys coriacea*)) with the remaining three listed as Vulnerable (green turtle (*Chelonia*

	THEME	OTHER (O)
#	**COMMENTS RECEIVED**	***Titleholder response***
	two, including the Loggerhead and leatherback turtles are listed as endangered. Threatened species are protected under Australia's national environmental legislation, the EPBC Act which provides critical protection for many of our unique species and ecosystems. Turtles are vulnerable to vessel collisions when they are resting or returning to the surface to breathe. They cannot avoid vessels when the latter are travelling at more than 4 km per hour. Undertake comprehensive studies into the effects of drilling on turtles and their prey species. **Claim**: Research indicates that turtles are sensitive to levels of noise comparable to those that will be emitted during proposed drilling and vertical seismic surveys, although more investigation is needed to determine the nature and extent of impacts, including cumulative impacts on these long-lived species. **Claim**: The precautionary principle should be applied in recognition of the lack of understanding of how these species will be affected, both immediately and cumulatively, by the proposed test drilling and vertical seismic surveys in their habitats areas. **Claim**: Investigate how to mitigate the risk of vehicle strike impacting turtles.	*mydas*), hawksbill turtle (*Eretmochelys imbricata*) and flatback turtle (*Natator depressus*)). There were no Biologically Important Areas (BIAs) identified for marine reptiles within this area, and no nesting or internesting areas identified as habitat critical to the survival of marine turtles within the waters of southern Australia (CoA 2017a). Due to the absence of identified BIAs, including the identification that there is no habitat critical to the survival of marine turtles in the waters of southern Australia, the presence of individuals is expected to only be of a transient nature. ConocoPhillips Australia commissioned international experts to undertake underwater sound modelling to assess distances from activities where underwater sound reached exposure criteria corresponding to various levels of potential impact to marine fauna including marine turtles. The exposure criteria for marine turtles are based on current best available science and acceptance by regulatory agencies. Impacts to marine turtles associated with underwater sound are comprehensively assessed in EP sections 6.6 (Underwater Sound Emissions – Non-impulsive) and 6.7 (Underwater Sound Emissions – Impulsive), and Appendix G). Impacts are predicted to be localised (within 60 m for PTS and 280 m for TTS for non-impulsive noise; and within 30 m for PTS, 270 m for TTS and 920 m for behavioural response during short-duration vertical seismic profiling). Injury (PTS and TTS) are considered unlikely to occur given the duration of relevant activities (typically less than 24 hours), the duration of exposure required for onset and the transient nature of marine turtles in this area. Further, the implementation of a soft-start procedure for VSP, as described in the (now titled) Fauna Management Plan (Appendix N) provides an opportunity for fauna to move away from this sound source. Risks to marine turtles associated with vessel collisions are comprehensively assessed in EP Section 7.4 (Interactions with Marine Fauna). Although the Recovery Plan for Marine Turtles in Australia (CoA 2017) identifies vessel disturbance as a key threat, boat strike (as a standalone threat) has not been shown to cause stock level declines. Further, there are no identified BIAs or habitat critical to the survival marine turtles in this area, thus the presence of marine turtles is expected to be of transitory nature only. Control measures to reduce the likelihood of collisions are in place, including vessel speed limitations and vessel watchkeeping requirements, as detailed in EP Section 7.4.7 (Control Measures and Demonstration of ALARP). Control measures to reduce vessel collision risks to marine fauna are detailed in Section 4 of the Fauna Management Plan, and include the use of Marine Fauna Observers on vessels. The impact and risk assessments did not identify any serious or irreversible threats to marine turtle populations associated with the Otway Exploration Drilling Program requiring the application of the precautionary principle. More detail regarding the application of this principle is described in EP Section 5 (Environmental Impact and Risk Assessment Methodology). ConocoPhillips Australia has undertaken to expand the scope of the Whale Management Plan to incorporate controls for other species. The (now titled) 'Fauna Management Plan' (Appendix N) includes identified measures to mitigate vessel collision risks to marine turtles in response to these claims.
O04	**Matter:** Additional/organisational risk management plans.	ConocoPhillips Australia acknowledges claims regarding the importance of a risk management plan for the Otway Exploration Drilling Program.

	THEME	OTHER (O)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: ConocoPhillips to submit two risk management plans. The plans should cover identification, assessment, mitigation, management and consequences to both 1. Marine life and species, individually, and 2. Overall ecosystems, habitat and food chains. **Claim:** ConocoPhillips should provide a copy of its organisational risk management plan approved at board level and outline how the risks in this application link back to the overall company's risk management plan. **Claim**: ConocoPhillips should rewrite the Risk Management Plan to an acceptable scientific standard.	As detailed in Environment Plan (EP) Section 1.3 (Purpose of the Environment Plan), the purpose of the EP is to document the impact and risk evaluations undertaken to determine the environmental management frameworks and commitments needed to ensure the proposed petroleum activity can be conducted in a manner consistent with the objectives of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009. ConocoPhillips Australia considers the EP has been written to an acceptable scientific standard, with extensive references to published peer reviewed literature, and adequately details and evaluates the activity (Chapter 2), the environment (Chapter 4), regulatory and other requirements (Chapter 1 and throughout the EP), impacts (Chapters 6 and 8) and risks (Chapter 7) associated with the Otway Exploration Drilling Program. ConocoPhillips Australia's EP provides a structured process (described in detail in Chapter 5) for identifying, assessing and managing environmental impacts and risks to both marine life at the level of individual species, and to overall ecosystems including habitats and food chains where cause-effect pathways have been defined (as described in EP Section 5.4 Identify and Analyse Impacts and Risks). Examples where the scope of assessment covers both individual species and broader ecosystems are provided in: • Section 6.3.5 (Consequence Evaluation) which assesses seabed disturbance impacts to individual species like the southern rock lobster and the ecosystems, habitats, communities and sea-floor features associated with the Western Bass Strait Shelf Transition and Bass Strait Shelf Provinces which are major conservation values for the Zeehan Marine Park. • Section 6.6.7 (Consequence Evaluation) which assesses the impact of non-impulsive underwater sound emissions on fish, the white shark, marine turtles, birds including the little penguin, seals and marine mammals by hearing group and individual threatened species; as well as socio-economic receptors such as fisheries and Australian Marine Parks and their associated conservation values and sensitivities. Further, ConocoPhillips Australia have established Environmental Performance Outcomes (EPO), Control Measures and Environmental Performance Standards (EPS) (Chapter 9), against which performance will be measured. The Implementation Strategy for the EP, described in detail in Section 10, outlines how the activity will be conducted in line with ConocoPhillips Australia's Health, Safety and Environmental Management System to ensure activities are conducted in accordance with the outcomes and requirements of the environmental assessment process and ongoing requirements. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.

	THEME	OTHER (O)
#	**COMMENTS RECEIVED**	***Titleholder response***
O05	**Matter**: Independent and transparent monitoring and reporting. **Claim**: Commit to having independent marine wildlife scientists as part of the drilling program to identify and report any signs of distress, injury or death of marine life that could be as a result of drilling activities. **Claim**: Commit to reporting all vessel strikes and collisions on marine life, including but not limited to sharks, whales, dolphins etc. **Claim:** Any reported signs of injury or death to marine life should be made publicly available.	ConocoPhillips Australia acknowledges the importance of independent and transparent monitoring and reporting of environmental performance during the Otway Exploration Drilling Program. Although the appointment of an independent NOPSEMA observer is beyond the control of ConocoPhillips Australia, NOPSEMA inspectors do have authority to enter ConocoPhillips Australia's premises for the purposes of undertaking monitoring or investigations against the Environment Plan (EP) under Part 5 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 and as described in EP Section 10.5.6.1. (Regulatory Inspections). This includes boarding seabed survey vessels, the MODU and support vessels. ConocoPhillips Australia will fully cooperate with NOPSEMA during any such inspections. ConocoPhillips Australia has adopted Control Measure (CM08: Fauna Management Plan, formerly titled 'Whale Management Plan') and Environmental Performance Standard (EPS8.6) which requires the appointment of dedicated, experienced Marine Mammal Observers (MMOs) on the seabed survey vessel and support vessels during drilling. The roles and responsibilities of the MMOs are described in the Implementation Strategy (Chapter 10) and the Fauna Management Plan (Appendix N). Regular reporting will occur during the activity as described in Sections 10.5.2.1. (Recordable Incidents), 10.5.2.2 (Reportable Incidents) and 10.5.5 (Notifications and Reporting), noting that injury or death of any listed threatened or migratory species resulting from the activity is a reportable incident. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
O06	**Matter**: Concern regarding drilling in Otway metocean conditions. **Claim**: The climatic conditions are generally too stormy for drilling in a deep ocean basin.	ConocoPhillips Australia acknowledges the importance of evaluating metocean conditions and other aspects of the physical environment as part of the Otway Exploration Drilling Program. ConocoPhillips Australia commissioned RPS (2020) to conduct a metocean study for locations expected to receive the most extreme conditions within both T/49P and VIC/P79, producing datasets from 1979 to 2021 inclusive as described in Environment Plan (EP) Section 4.5 (Physical Environment). Metocean conditions were evaluated when considering rig suitability, along with operational constraints associated with the relatively shallow water depths across the operational areas which range from 50 to 500 m. Consequently, ConocoPhillips Australia announced in the August 2023 Project Update (Project_Update_AUGUST_23_ABU2-000-EX-R01-D-00019.pdf) that it had secured a harsh environment semi-submersible rig as part of a rig consortium (with commencement of the program remaining dependent on the acceptance of the EP by NOPSEMA).

	THEME	OTHER (O)
#	**COMMENTS RECEIVED**	***Titleholder response***
		Further evaluations related to metocean conditions are detailed in the EP (Chapter 9) including the completion of a Mooring Analysis prior to anchoring to ensure the anchor pattern and any support operations are appropriate for the environment. Drilling has been conducted for over 50 years in the offshore environment in the Otway Basin and was most recently conducted in 2021-22 by another titleholder. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
O07	**Matter**: Risks associated with unexploded ordnance (UXOs). **Claim**: T/49P also contains unexploded ordinance in unknown locations which represents a risk to human life in the activities which are being proposed.	ConocoPhillips Australia acknowledges the importance of evaluating and mitigating risks associated with unexploded ordnance (UXOs) as part of the Otway Exploration Drilling Program. ConocoPhillips Australia has identified and described significant Australian Defence Force facilities, training areas and areas of potential UXO encounter relevant to the Operational Areas and EMBA in Environment Plan (EP) Section 4.7.3. (Defence Activities) and in Figures 6-2 and 6-3. As detailed in EP Section 6.2.4.6. (Defence Activities), ConocoPhillips Australia commissioned RPS Explosives Engineering Services (RPS) (Appendix K, RPS 2022) to establish the risk level presented across both permit areas. This study concluded that there was a 'low' risk of encountering UXOs within VIC/P79 or T/49P for all activities, with the exception of the risk of a UXO being snagged on equipment and subsequently brought onto a vessel, which was assessed as 'moderate'. Reactive mitigations recommended by RPS, including an explosives safety briefing and on-call explosives engineer, will be in place during the Otway Exploration Drilling Program. Additionally, seabed surveys will be undertaken prior to drilling to assess the state of the seabed at potential drilling locations and anchoring positions. Seabed surveys will consist of visual, geophysical and geotechnical sampling techniques depending on rig and anchor specifications. Magnetometry, or similar, will also be conducted to identify ferric materials potentially associated with UXOs. Any detections will be reported to the on-call explosives engineer to support safe operations. ConocoPhillips Australia has considered these claims and is satisfied that the potential risks have been adequately addressed in the EP for the reasons outlined above. As a result, the EP has not been updated in response to these claims.
O08	**Matter**: Ongoing monitoring post plugging and abandonment. **Claim**: Once the drill sites are plugged and abandoned it has been stated that these sites will be monitored remotely. Aside from indicating how often the well sites will be	ConocoPhillips Australia acknowledges the importance of plugging and abandonment (P&A) processes as part of the Otway Exploration Drilling Program. Decommissioning is a normal activity in the offshore petroleum lifecycle. Its purpose is to remove or otherwise satisfactorily deal with, in a safe and environmentally responsible manner, structures, equipment and property previously used to support activities in the offshore area, including plugging and abandoning wells.

	THEME	OTHER (O)
#	**COMMENTS RECEIVED**	***Titleholder response***
	monitored, the EP should state who will monitor them, the length of time, nomination of an independent moderator, and specify who pays for this activity.	Titleholders are required to provide details of the processes and procedures that will be used to ensure that well abandonment is carried out such that the risk is reduced to a level that is as low as reasonably practicable (ALARP) in a Well Operations Management Plan (WOMP). The WOMP is submitted to NOPSEMA in accordance with the requirements of Part 5 of the Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011. Consequently this information does not form part of the Environment Plan (EP) submission made under the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023. In any case, EP Section 2.2.6 (Plug and Abandonment) does provide an overview of P&A activities and verification tests which are conducted to ensure the integrity and effectiveness of the process meets the requirements outlined in the WOMP. The EP also identifies that a Remotely Operated (underwater) Vehicle (ROV) survey of the seabed will be conducted following completion of P&A to confirm the seabed is clear of any debris, and that detailed records and documentation of the P&A process will be submitted to regulatory authorities. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.
O09	**Matter**: Infrastructure affecting marine ecosystems. **Claim**: The infrastructure required for the project can also have detrimental effects. It is crucial to carefully evaluate and manage these environmental impacts and risks to protect the marine ecosystem in this region.	ConocoPhillips Australia acknowledges that the placement of equipment on the seabed will result in seabed disturbance and associated impacts during the Otway Exploration Drilling Program. It is important to note that the Otway Exploration Drilling Program is a short-term, temporary activity that does not involve the installation of any permanent infrastructure on the seabed that will require future decommissioning. Environment Plan (EP) Section 2.2.3 (Drilling Activities) describes the infrastructure and activities associated with drilling with Section 2.2.6. (Plugging and Abandonment) specifically describing that once a well is plugged and abandoned (P&A) the wellhead is cut with the use of a mechanical cutting tool and removed below the mudline leaving no remaining well infrastructure on the seabed. The EP also identifies that a Remotely Operated (underwater) Vehicle (ROV) survey of the seabed will be conducted following completion of P&A to confirm the seabed is clear of any debris, and that detailed records and documentation of the P&A process will be submitted to regulatory authorities. Impacts associated with seabed disturbance are described comprehensively in EP Section 6.3. (Seabed Disturbance). Impacts are predicted to be temporary and localised, with the impacted area of seabed anticipated to return to pre-impacted state with no long-term effects to habitats, population characteristics or productivity. ConocoPhillips Australia has considered these claims and is satisfied that the concerns raised have been adequately addressed in the EP, for the reasons outlined above. As a result, no changes have been made to the EP in response to these claims.

12. Theme: Out of Scope

	THEME	OUT OF SCOPE (OS)
#	**COMMENTS RECEIVED**	***Titleholder response***
Key Matter: Fundamental Objections		
OS01	**Matter**: No fossil fuel development in Australian or International waters. **Claim**: There is no place for fossil fuels in Australian waters or International waters for that matter. To the people who can help save the future of the rare, beautiful and under threat part of Australia: we can't make more mistakes, please make sure this place is safe and free from drilling; Do not let this project go ahead. Look at what is at stake. **Claim:** We must not allow new gas wells in the sea along the Great Ocean Road and along the coast of King Island north of Tasmania; It is crucial that this coastline remains untouched. **Claim**: Just because it's under the ocean and out of sight does NOT mean it is safe; anything goes and they are dumping grounds for all sorts of things including decommissioned rigs, ships of all sizes, oil spills, nets, plastic + + This is a tragedy. **Claim**: AUSTRALIANS DO NOT WANT DRILLING IN THE OCEANS AROUND OUR CONTINENT; No gas wells in our oceans. **Claim**: Completely shocked that this would ever be considered in such a crucial environment for Australia. The cost of these activities is huge for very little benefit. **Claim**: Haven't we learnt from past mistakes concerning our environment. **Claim**: As humans we cannot go on like this. Drilling for oil and gas anywhere in the world is both unsustainable and unforgivable. **Claim**: There is enough land in the deserts in Australia to drill into, we don't need to destroy the Whales, Sharks, Dolphins, Penguins, Fish, Birds etc. **Claim**: Oceans are already suffering enough with plastics and rubbish imposed upon them. **Claim**: The world doesn't need or want any more sea drilling. **Claim**: Too endanger the marine environment to continue searching for oil and gas is environmental vandalism.	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. ConocoPhillips Australia has been granted petroleum titles by the Commonwealth National Offshore Petroleum Titles Administrator (NOPTA). The terms of these petroleum titles require ConocoPhillips Australia to undertake exploration activities within timeframes agreed with NOPTA. Activities conducted on petroleum titles are regulated by the Commonwealth National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA). NOPSEMA is Australia's independent expert statutory authority established under the Offshore Petroleum and Greenhouse Gas Storage Act 2006. NOPSEMA's regulatory processes have long been regarded as world-class. ConocoPhillips Australia is required to demonstrate to NOPSEMA that petroleum activities will be carried out in a manner that is consistent with the principles of ecologically sustainable development as set out in section 3A of the Environment Protection and Biodiversity Conservation Act 1999, among other considerations and requirements. The primary objective of an exploration program is to evaluate the presence of hydrocarbons in a specific area. This provides information on the resources available to future generations and informs decision making around potential commercial developments. Many factors are involved in deciding to develop a gas reserve and environmental approvals are typically staged to support strategic development plans. Separate approvals and further consultation would be required to support the development of a commercial project with permanent operating infrastructure. Exploration activities in the offshore Otway basin have occurred periodically since the early 1990's with production commencing in the early 2000's

	THEME	OUT OF SCOPE (OS)
#	**COMMENTS RECEIVED**	***Titleholder response***
		indicating prolonged and sustainable operations in Australian waters (Otway Basin | Geoscience Australia (ga.gov.au).
OS02	**Matter**: References to unspecified science. **Claim**: No more gas, move away from fossil fuels, Fossil fuels are not the way forward/the future, We now know that we must leave the bulk of known resources untouched; The science is clear. There should be no new fossil fuel projects. Please listen and understand the science and act accordingly; Object to any further fossil gas exploration anywhere on the clear advice of scientists; Stop all new coal and gas projects and listen to the science which is calling for immediate action to reduce the use of fossil fuels for the sake of all our futures; Please stop drilling; Stop it before it gets started; It is a terrible idea; A Very Big NO to your exploration drilling program; No more gas extraction; Wake UP and do the right things; IT MUST NOT HAPPEN! NOT NOW, NOT EVER!!!; 60 years ago gas, oil and coal were the world's greatest assets. Now they are our greatest liabilities; No more gas drilling. No more coal mines. We've run out of time. Make do with what we have. The future promises lots of pain. It's better that we face that sooner than later; Everyone knows what is wrong with fossil fuels; Stop, go away, don't come back; How much longer can we continue to allow this disregard for our conservation and environmental sciences, with evidence which underpins our very existence; ConocoPhillips must not be allowed to drill new gas wells for so many reasons. It is incredible that such a proposal can even be considered in this day and age. It must not be allowed; all the knowledge we have already acquired about the damage fossil fuels usage causes to the environment is not enough to deter the continuing exploitation of the environment for commercial profits. **Claim**: Our kids and futures are more valuable than the plastic crap that we be made and discarded with the oil extracted. **Claim**: Science has already warned us that the major tipping points are about to collapse, creating a domino effect of natural catastrophies on an unimaginable scale. **Claim**: The present scientific consensus is that the earth's climate is warming due to human activity, and the negative impacts of increased greenhouse gas emissions are measurable globally and nationally.	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. ConocoPhillips Australia is not proposing to extract commercial quantities of gas as part of the Otway Exploration Drilling Program. The activity presented in the Environment Plan is for short-term, temporary seabed surveys and exploration drilling. The EP for the proposed activity includes references to peer reviewed, published literature to support the impact and risk assessment process.
Key Matter: The regulatory/approvals process		

	THEME	OUT OF SCOPE (OS)
#	**COMMENTS RECEIVED**	***Titleholder response***
OS03	**Matter**: The government will not use its discretionary powers to protect the environment **Claim**: I am sure that ConocoPhillips Environmental management plan will be in compliance with the regulations; And it is at this juncture there is an issue. If their environmental plan is approved it further clarifies that this government will not use its discretionary powers to protect the environment and will hide behind legislation introduced by former of government in a time before the environmental was as horrifyingly apparent as it is today. That is a unforgivably weak approach and morally unjustifiable and I urge the federal government and the Minister to put a halt to this unnecessary exploration activity in a highly sensitive area. **Claim**: The government isn't listening to us when we say we want them to stop drilling and start saving our precious oceans. **Claim**: I need to know that my government understands the importance preserving our wilderness and pristine oceans. **Claim**: These are important and sensitive marine environments and I call on the Australian Environment Minister to intervene to protect them and the communities so clearly calling for oceans and threatened species to take precedence over fossil fuel vested interests. **Claim**: Successive governments have put corporate profits over long term environmental conservation that will benefit the majority over a much longer period of time than the few jobs these corporations provide for a short time. **Claim**: In your position you have a responsibility to your children and grandchildren, as well as to mine to say no to this project on its current terms. You have a clear duty of care to act in the best interest of the environment and to those who will inherit the earth from us. **Claim**: With all the evidence of climate change Minister Plibersek i implore you to do what is right for the land and its communities who inhabit these areas. Will your conscience support we citizens or the multinational company who is only thinking of their short term profit? **Claim**: The Prime Minister, Federal and relevant State Ministers for the Environment and Industry should stand together to reject any project involving oil or gas on our lands or in our seas and oceans. We cannot afford the harm from these industries to our flora,	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. ConocoPhillips Australia has been granted petroleum titles by the Commonwealth National Offshore Petroleum Titles Administrator (NOPTA). The terms of these petroleum titles require ConocoPhillips Australia to undertake exploration activities within timeframes agreed with NOPTA. Activities conducted on petroleum titles are regulated by the Commonwealth National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA). NOPSEMA is Australia's independent expert statutory authority established under the Offshore Petroleum and Greenhouse Gas Storage Act 2006. NOPSEMA's regulatory processes have long been regarded as world-class. ConocoPhillips Australia is required to demonstrate to NOPSEMA that petroleum activities will be carried out in a manner that is consistent with the principles of ecologically sustainable development as set out in section 3A of the Environment Protection and Biodiversity Conservation Act 1999, among other considerations and requirements.

	THEME	OUT OF SCOPE (OS)
#	**COMMENTS RECEIVED**	***Titleholder response***
	fauna, marine life, wildlife, ground water or seas and oceans, especially as Climate Change continues to cause extreme disasters. **Claim:** The people of King Island as represented by their key community leaders are very clear that they wish NOPSEMA to refuse this plan. They have literally everything to lose if this plan goes ahead. Their environment is their livelihood and they wish to protect it. **Claim**: To ensure community rights are enabled, including for First Nations relevant persons, the government and regulator must take a more proactive role in guiding and overseeing these consultation processes. This would take the proponents out of the driver's seat to address the flaws and systemic problems experienced by relevant persons and the community. **Claim:** NOPSEMA and the Australian government need to take an active role in determining whether genuine social license exists for a project, and that the project must be rejected where it clearly does not.	
OS04	**Matter:** The government should not be continuing to approve new fossil fuel projects in light of climate change. **Claim**: Concern that the Australian government, through NOPSEMA, is still considering approving new fossil fuel projects. The climate crisis is having devastating impacts around the world and in Australia. We've just had our hottest year on record and the fire season for this year has started alarmingly early and is terrifying; with our planet hitting the 2 degree warming mark repeatedly; The International Energy Agency and the United Nations Intergovernmental Panel on Climate Change have made it absolutely clear that our world cannot afford any new fossil fuel projects**;** fossil fuels must be urgently phased out; There is a rapidly closing window of opportunity to secure a liveable and sustainable future for all (March 2023); **Claim**: The Australian government and NOPSEMA should/must reject this drilling proposed by ConocoPhillips to protect the climate, nature and people (to protect our shared environment, address climate change and respect the rights of all people; including the families of all Inhabitants of our planet; from this risky test drilling). **Claim**: It is disappointing that the Albanese government has approved a number of new fossil extraction projects when Australia should (and could) be a world leader in the establishment of new, non-polluting energy initiatives.	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. ConocoPhillips Australia has been granted petroleum titles by the Commonwealth National Offshore Petroleum Titles Administrator (NOPTA). The terms of these petroleum titles require ConocoPhillips Australia to undertake exploration activities within timeframes agreed with NOPTA. Activities conducted on petroleum titles are regulated by the Commonwealth National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA). NOPSEMA is Australia's independent expert statutory authority established under the Offshore Petroleum and Greenhouse Gas Storage Act 2006. NOPSEMA's regulatory processes have long been regarded as world-class. ConocoPhillips Australia is required to demonstrate to NOPSEMA that petroleum activities will be carried out in a manner that is consistent with the principles of ecologically sustainable development as set out in section 3A of the Environment Protection and Biodiversity Conservation Act 1999, among other considerations and requirements. Exploration activities in the Otway Basin are undertaken to help meet Australia's ongoing energy needs. If commercially viable gas reserves are

	THEME	OUT OF SCOPE (OS)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: This proposal is for the profit of a foreign corporation in an environmentally sensitive area when governments should not be approving additional carbon climate damage. **Claim**: This government has taken so little notice of the climate catastrophe we face, of the equally catastrophic destruction of the environments vital to the continued existence of so many unique, precious, continent-defining species of fauna and flora. Actions in this regard have failed miserably to match the rhetoric coming from ministers. **Claim**: Given our climate crisis NOPSEMA and the Australian government need to become actively involved before they consider approving any new fossil fuel projects; NOPSEMA and the Australian government ignore the dire warnings from scientists and the need to end fossil fuel energy when they should be taking a strong stance against new fossil fuel industry proposals which threaten to trigger irreversible climate tipping points and risk the livability of all life on earth. **Claim**: It defies logic to be considering approval of further exploration for fossil fuels when we are in a climate emergency caused by the burning of fossil fuels, and when curbing fossil fuel use is a matter of the utmost urgency. **Claim**: The project is contrary to IPCC and scientific advice to cease fossil fuel use and the Labor party policy for which they were elected to transition from fossil fuels to sustainable renewable energy. **Claim**: This proposed gas drilling should be stopped by the Federal Government as it jeopardizes our chances of addressing climate change. **Claim**: Climate science tells us that we need to phase out fossil fuels and to not produce more.) This is in direct contradiction of what ConocoPhillips is proposing. It also seems at odds with the Australian government's commitment to reducing climate impact and protecting the environment. **Claim**: There is irrefutable evidence that cutting greenhouse gas emissions is urgent, and approving new fossil fuel projects will lead to catastrophic impacts of climate change/will exacerbate climate change even more and global heating that will have dire consequences for us, nature and this planet. **Claim**: Continuing this kind of destructive activity runs directly counter to the action we need to take to avoid catastrophic climate change, and undermines any credibility government has in this area. Many people, myself included, are actively working in our	discovered and developed, it is most likely this will be directed to the domestic market. Additional approvals and further consultation would be required to support the development of a commercial project and associated production wells. Australia is facing challenges to the security of its domestic gas supply, specifically in the east coast gas market and a domestic gas supply shortfall could have serious consequences for Australians (DISR, 2022). Australians rely on gas for residential heating and cooking. Australian industry and manufacturers rely on gas as feedstock and for energy. Insufficient gas supply could impact the stable operation of Australia's electricity network. ConocoPhillips Australia is currently seeking approval to conduct exploration activities, including seabed hazard surveys and exploration drilling with plug and abandonment. Regarding climate change impacts, ConocoPhillips Australia is required to assess the impact of emissions generated as part of the activity. Emissions within the scope of the proposed activity are from the operation of aircraft, vessels and the drilling rig, and from well testing in the event that hydrocarbons are discovered. The total expected direct GHG emissions are estimated to be approximately 106 kT CO2-e over the project life assuming realistic operational condition (typical drilling duration at a maximum of 6 wells and flaring of only two wells at maximum duration and rates). While these emissions add to the GHG load in the atmosphere, they are small when compared to national emissions, insignificant on a global scale and are not predicted to have determinable impacts. The primary objective of an exploration well is to evaluate the presence of hydrocarbons in a specific area. This provides information on the resources available to future generations and informs decision making around potential commercial developments. Many factors are involved in deciding to develop a gas reserve and environmental approvals are typically staged to support strategic development plans. Separate approvals and further consultation would be required to support the development of a commercial project with permanent operating infrastructure.

	THEME	OUT OF SCOPE (OS)
#	**COMMENTS RECEIVED**	***Titleholder response***
	own professional and personal lives to hasten a just and sustainable energy transition, but we need the weight of government behind us. Australia could be a global leader in this. **Claim**: The BIGGEST threat to us is climate change. Politicians should be taking action to reduce the burning of fossil fuels and existing known resources; STOPPING ALL exploration for new resources. It should not be viable for companies such as ConocoPhillips to even bother thinking about its proposed Otway Exploration Drilling Program. It is time to stop issuing any fossil fuel exploration licences as well as ceasing to issue approvals for any new fossil fuel extraction project. **Claim**: The world has failed to listen to scientific evidence on climate change and those with the ability to make a change in direction refuse to listen to the people most affected- primarily the next generation. Greed continues to trump public interest. It is abhorrent that the fossil fuel industry is growing not shrinking with the help of regulators and governments and now they propose putting at risk the great southern oceans for profit. No reasonable government would let this happen! **Claim**: The potential granting of a licence to test would indicate that money for private interests is more important than marine ecosystem health and climate stabilization. **Claim**: All new fossil fuel mining based on the agreed climate science, which warns that to keep global temperature rise below 2 degrees celsius ALL new fossil fuel mining must stop immediately and the world must rapidly transition to clean energy sources; We are heading for 3 degrees when the world ecosystems are done. **Claim**: The climate crisis is worsening and any further exploration for expanding fossil fuels useage will exacerbate the situation. **Claim**: It is abhorrent that the fossil fuel industry is growing not shrinking with the help of regulators and governments and now they propose putting at risk the great southern oceans for profit.	***References**:* *DISR, 2022. Securing Australia's domestic gas supply – Options to improve the Australian Domestic Gas Security Mechanism (1 August 2022), Australian Government Department of Industry, Science and Resources. https://consult.industry.gov.au/securing-australias-domestic-gas-supply*
OS05	**Matter**: Drilling for oil and gas in the ocean is illegal/does not meet international/other obligations. **Claim:** To drill for oil/gas in along the Victorian coast, Tasmania, King Island and Zeehan marine Park, these beautiful, pristine wild oceans is heinous. irresponsible, illegal (I'm	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. ConocoPhillips Australia has been granted petroleum titles by the Commonwealth National Offshore Petroleum Titles Administrator (NOPTA).

	THEME	OUT OF SCOPE (OS)
#	**COMMENTS RECEIVED**	***Titleholder response***
	sure final permits have not been given to drill there yet), destructive, unethical and amoral. **Claim**: Approving this program and allowing drilling in the Otway Basin to commence based on insufficient and inadequate information, and directly flouting the evidence of known negative and even unlawful impacts on wildlife, is not only irresponsible, but potentially criminal. **Claim**: We are bound by international agreements; Australia has just voted to stop fossil fuels completely at COP 28; Australia sought a resolution to phase out fossil fuels at the recent Dubai COP; The reality that there needs to be a stop to new fossil fuel extraction is accepted by the majority of nations. This due to both long term climate effects but also in real time local impacts. **Claim**: The climate catastrophe is unfolding all around us, how can you possible continue with business as usual? You also have international obligation to phase out fossil fuels! **Claim**: Allowing "new" drilling flies in the face of the vociferous concerns of the majority of the member states of the United Nations, and is also against the vociferous concerns of the majority of Pacific Island states to which Australia has been seen as a ""responsible spokesperson"" of the Pacific region. **Claim**: This goes contrary to the unequivocal opinion of the IPCC. We urgently need to dial back fossil fuels and implement alternatives, not expand the current industry. **Claim**: An escalation of fossil fuel usage which is now known to have greatly exacerbated the current climate crisis and for which climate experts have called for a complete ban. Indeed, many nations including France, Ireland, New Zealand and Denmark, have already placed partial or complete bans on fossil fuel exploration and extraction.	The terms of these petroleum titles require ConocoPhillips Australia to undertake exploration activities within timeframes agreed with NOPTA. Activities conducted on petroleum titles are regulated by the Commonwealth National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA). NOPSEMA is Australia's independent expert statutory authority established under the Offshore Petroleum and Greenhouse Gas Storage Act 2006. NOPSEMA's regulatory processes have long been regarded as world-class. ConocoPhillips Australia is required to demonstrate to NOPSEMA that petroleum activities will be carried out in a manner that is consistent with the principles of ecologically sustainable development as set out in section 3A of the Environment Protection and Biodiversity Conservation Act 1999, among other considerations and requirements.
OS06	**Matter**: The right of the Australian government to approve the EP. **Claim**: We challenge the right of the Australian Government, through NOPSEMA, to approve this EP given its potential to damage to Sea Country.	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. ConocoPhillips Australia has been granted petroleum titles by the Commonwealth National Offshore Petroleum Titles Administrator (NOPTA). The terms of these petroleum titles require ConocoPhillips Australia to undertake exploration activities within timeframes agreed with NOPTA.

	THEME	OUT OF SCOPE (OS)
#	**COMMENTS RECEIVED**	***Titleholder response***
		Activities conducted on petroleum titles are regulated by the Commonwealth National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA). NOPSEMA is Australia's independent expert statutory authority established under the Offshore Petroleum and Greenhouse Gas Storage Act 2006. NOPSEMA's regulatory processes have long been regarded as world-class. ConocoPhillips Australia is required to demonstrate to NOPSEMA that petroleum activities will be carried out in a manner that is consistent with the principles of ecologically sustainable development as set out in section 3A of the Environment Protection and Biodiversity Conservation Act 1999, among other considerations and requirements.
OS07	**Matter**: Oil and gas projects need the most stringent regulatory process. **Claim**: Experience has shown that projects such as the proposed exploration and production of gas comes with the potential environmental damage. To allow this project to go ahead without the most stringent environmental assessment, restrictions, monitoring and protection methods put in place is incompetent on the part of any political party or government department.	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. Activities conducted on petroleum titles are regulated by the Commonwealth National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA). NOPSEMA is Australia's independent expert statutory authority established under the Offshore Petroleum and Greenhouse Gas Storage Act 2006. NOPSEMA's regulatory processes have long been regarded as world-class. ConocoPhillips Australia is required to demonstrate to NOPSEMA that petroleum activities will be carried out in a manner that is consistent with the principles of ecologically sustainable development as set out in section 3A of the Environment Protection and Biodiversity Conservation Act 1999, among other considerations and requirements.
OS08	**Matter**: The Government must acknowledge the risks associated with improper development, including offshore wind and oil and gas. **Claim**: The submission to the federal government in August this year regarding offshore wind development in the same region highlighted impacts on endangered species, such as blue and southern right whales. And concluded by stating that, "environmentally, the Southern Ocean region is a highly sensitive area and one that should be approached with extreme caution if offshore wind development is allowed to proceed. The Government must acknowledge the risks associated with improper development and, ideally, not approve this region for intrusive development of any kind." This same concern is	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. ConocoPhillips Australia is not proposing to extract commercial quantities of gas as part of the Otway Exploration Drilling Program. The activity presented in the Environment Plan is for short-term, temporary seabed surveys and exploration drilling. Consequently, the objection or claim is not relevant to the adverse effects of the proposed Otway Exploration Drilling Program to which the EP relates, and is beyond the scope of this assessment.

	THEME	OUT OF SCOPE (OS)
#	**COMMENTS RECEIVED**	***Titleholder response***
	magnified in relation to gas exploration. That this region is being considered for both offshore wind and gas development is environmentally reckless and should cease.	
OS09	**Matter**: NOPSEMA should put all exploration programs on hold. **Claim**: This decision rests with NOPSEMA who could recommend that all exploration be put on hold until appropriate Marine spatial planning for the southern coastal areas has been legislated.	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP.
OS10	**Matter**: The regulatory process is not independent. **Claim:** I this a truly an independent assessment and will the protection of the ocean, and the life it sustains including the people of king Island be weighed properly.	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. Activities conducted on petroleum titles are regulated by the Commonwealth National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA). NOPSEMA is an independent expert statutory authority established under the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (OPGGS Act). NOPSEMA is regularly subject to a range of external reviews and audits to ensure it continues to be effective in bringing about improvements in occupational health and safety, well integrity, and environmental management across the offshore oil and gas industry. ConocoPhillips Australia is required to demonstrate to NOPSEMA that petroleum activities will be carried out in a manner that is consistent with the principles of ecologically sustainable development as set out in section 3A of the Environment Protection and Biodiversity Conservation Act 1999, among other considerations and requirements.
OS11	**Matter**: Inclusion and exclusion of specific research and guidelines. **Claim**: NOPSEMA should make available the JASCO report presented for the development of National Anthropogenic Underwater Noise Guidelines, which includes an update to the EPBC Act Policy Statement 2.1 – Interaction between offshore seismic exploration and whales: Industry guidelines; We also request copies of all independent reviews of the JASCO document.	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. ConocoPhillips Australia relies on peer reviewed published literature and studies conducted by suitably qualified specialists in the development of the EP. A comprehensive reference list is provided in EP Chapter 13 (References).

	THEME	OUT OF SCOPE (OS)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: NOPSEMA should set aside any studies conducted by members of APPEA, who have been funded by the industry to conduct the above studies. This is again apprehended bias, which prevents unprejudiced consideration of the facts and may result in selecting one preferred outcome over another.	
OS12	**Matter**: The public's role in the process. **Claim**: It is unbelievable that it falls to members if the general public to have to seek a cancellation of any exploratory permits and for no mining to be approved. What ARE our ministers thinking!?	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. Titleholders must consult with a specific category of people or organisations referred to as 'relevant persons' while preparing an EP for any offshore petroleum activity. This consultation must be done before the EP is submitted to NOPSEMA. Some categories of relevant persons are specified in the regulations, such as government departments. Titleholders are not required by law to obtain agreement or consent from relevant persons for their offshore petroleum activities to proceed; however, they are required to demonstrate in their environment plan how the concerns, objections or claims raised by relevant persons were considered and demonstrate that their response to that information was appropriate. NOPSEMA's assessment and decision-making will consider if titleholders have adequately demonstrated in the environment plan that genuine consultation has taken place with relevant persons in accordance with regulation. EPs for offshore petroleum exploration activities are subject to a mandatory public comment period. Public comment must be done before the EP is submitted to NOPSEMA for assessment. The public comment process provides an opportunity for community members to raise issues about environmental management matters that have not yet been considered in an environment plan for the proposed activity. To be considered a relevant issue or key matter, a comment must relate to the information contained in the environment plan. Comments could, for example relate to: - the way the existing environment is described in the environment plan for the proposed activity - the environmental impacts and environmental risks of the activity

	THEME	OUT OF SCOPE (OS)
#	**COMMENTS RECEIVED**	***Titleholder response***
		- the titleholders proposed management measures for reducing the environmental impacts and environmental risks - the titleholders proposed methods for monitoring the environmental performance of the activity. Titleholders must respond in 'general terms' to any comments received during the public comment period by outlining their consideration of the issues or themes raised in public comments. A separate response to each comment received is not required. While NOPSEMA will not assess the titleholder's report on public comment, NOPSEMA will consider public comments and assess how the titleholder has taken these into account through its assessment of the EP when determining if the acceptance criteria of the Environment Regulations have been met. If NOPSEMA makes a decision to accept an EP, NOPSEMA will publish a Key matters report that will include statements as to how NOPSEMA has taken public comments into account and any other matters deemed relevant for communicating decisions to the public regarding the assessment of the EP. Further information about public comment can be found at nopsema.gov.au. NOPSEMA publishes environment plans on its website when they are submitted for public comment, for assessment and when they are approved.
Other Out of Scope Matters		
OS13	**Matter**: Need for new gas supplies/ no benefit to Australia. **Claim:** Australians have a sufficient supply of gas for our needs for the time being. The private energy companies are on a profit-based search for increased overseas sales, and not for our own benefit. **Claim:** Australia already produces more gas than we need (Dept. Of Industry, Science, Energy & Resources 2021). **Claim**: Existing gas reserves provide the transitional energy supplies towards a carbon neutral future.	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. ConocoPhillips Australia is not proposing to extract commercial quantities of gas as part of the Otway Exploration Drilling Program. The activity presented in the EP is for short-term, temporary seabed surveys and exploration drilling. Consequently, the objection or claim is not relevant to the adverse effects of the proposed Otway Exploration Drilling Program to which the EP relates, and is beyond the scope of this assessment. ConocoPhillips Australia has been granted petroleum titles by the Commonwealth National Offshore Petroleum Titles Administrator (NOPTA). The conditions of these petroleum titles require ConocoPhillips Australia to

	THEME	OUT OF SCOPE (OS)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: We simply don't need any more gas. Homes and businesses are switching to renewables as fast as they can and any perceived shortage in the meantime will put up gas prices encouraging even faster adaptation to renewables. **Claim**: Allowing a new fossil fuel project to the already oversupplied Australian market is totally contrary to the stated aims of Labour Gov Aust to reduce fossil fuel exploration stop new projects. **Claim:** There is no justification for more gas; We don't need the gas or the oil; the world does not need more gas; Australia gets little comparative return from selling off our fossil fuel, minerals and other natural resources. **Claim**: We don't need this and we don't need the risks involved. **Claim**: We have plenty of gas production in Australia for all our domestic needs already and for current export levels. The new drilling is an expansion of a system that should be shutting down in the next 10-15 years. The companies can see a current increase in demand caused by the Russia-Ukraine war. They will trash the precious environment then walk away. **Claim**: We already have sufficient gas resources to power our transition to clean energy, if greed did not require most of it to be sold overseas, thus creating a false "shortage". **Claim**: As a fossil fuel, gas is on the way out, and even if we do need it as a transitionary fuel (a spurious claim at best) all that needs to be done is implement a domestic gas reservation policy - a process that would be far cheaper, far less dangerous, and far quicker than drilling for new gas. Unfortunately, corporate capture of both sides of politics makes this unlikely to happen, despite it being the obvious, rational and economically sensible thing to do. **Claim**: Gas drilling is not needed because there are other forms of more sustainable energy we can utilise that will not have the negative impact on natural ecosystems and the climate.	undertake exploration activities within timeframes agreed with NOPTA. Exploration activities in the Otway Basin are undertaken to help meet Australia's ongoing energy needs. If commercially viable gas reserves are discovered and developed, it is most likely this will be directed to the domestic market. Additional approvals and further consultation would be required to support the development of a commercial project and associated production wells. Australia is facing challenges to the security of its domestic gas supply, specifically in the east coast gas market and a domestic gas supply shortfall could have serious consequences for Australians (DISR, 2022). Australians rely on gas for residential heating and cooking. Australian industry and manufacturers rely on gas as feedstock and for energy. Insufficient gas supply could impact the stable operation of Australia's electricity network. The implementation of a domestic gas reservation policy is a matter for state, territory, and commonwealth governments and has been subject to review by the Department of Industry, Science and Resources in 2022 and 2023. ***References**:* *DISR, 2022. Securing Australia's domestic gas supply – Options to improve the Australian Domestic Gas Security Mechanism (1 August 2022), Australian Government Department of Industry, Science and Resources. https://consult.industry.gov.au/securing-australias-domestic-gas-supply*
OS14	**Matter**: Threats of legal/other action. **Claim**: Continuing a role in fossil fuel expansion will leave ConocoPhillips vulnerable to current (e.g. State of California action) and future legal actions for the serious harm, knowingly caused.	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. ConocoPhillips Australia has been granted petroleum titles by the Commonwealth National Offshore Petroleum Titles Administrator (NOPTA).

	THEME	OUT OF SCOPE (OS)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: This cavalier approach to pollution shows a blatant disregard for the well being of other humans and life forms. This is a very irresponsible attitude and not one we need, thank you. What influence do I have? Well, I can stop buying any of your products and can encourage all my friends to do the same. I would try to persuage people directly affected by the pollution to take class action suits against the primary pollutants. It just isn't right. **Claim**: In the very near future corporations and individuals who knowingly continued to mine, process and burn fossil fuels will be held to account. **Claim**: There is no justification for more gas and I call for all those CEOs and their political enablers to answer for their climate crimes. **Claim**: The masses will actively look for those who are to blame when their world changes for the worse. You will loose more than you forecast in earnings, and reputation will be unrecoverable.	The conditions of these petroleum titles require ConocoPhillips Australia to undertake exploration activities within timeframes agreed with NOPTA. Activities conducted on petroleum titles are regulated by the Commonwealth National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA). NOPSEMA is Australia's independent expert statutory authority established under the Offshore Petroleum and Greenhouse Gas Storage Act 2006. NOPSEMA's regulatory processes have long been regarded as world-class. ConocoPhillips Australia is required to demonstrate to NOPSEMA that petroleum activities will be carried out in a manner that is consistent with the principles of ecologically sustainable development as set out in section 3A of the Environment Protection and Biodiversity Conservation Act 1999, among other considerations and requirements.
OS15	**Matter:** Unethical behaviour by foreign owned companies and regulators. **Claim**: Foreign companies are trying to destroy our land, ConocoPhillips does not care about the Australian people or the Australian environment; Companies often destroy wilderness and often do not rehabilitate sites. They destroy sacred Aboriginal caves etc at will and provide little employment due to automation; These corporations will stop at nothing. **Claim**: I am deeply disturbed by the lack of education and ignorance displayed by decision makers in regard to the irreparable environmental damage caused by greedy humans; the Government continues to consider fossil fuel projects that are, and continue to damage our environment to kowtow to corporate bullies for their appalling greed. **Claim**: Australia should protect its natural world, with robust laws and processes that aim to enhance our natural world, and not allow it to be mined for the profit of a few. **Claim**: The Environment Minister's duty is to protect the environment for all; the Australian government should be/is obligated to protect its citizens from harm. Not to allow corporates the right to trash our oceans with mining, drilling, of which we will not know the consequences for its inhabitants. **Claim**: Approvals are shaped on industry promises which the Australian government does not then check and restrain where profit driven industry wilfully ignores science and	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. Activities conducted on petroleum titles are regulated by the Commonwealth National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA). NOPSEMA is an independent expert statutory authority established under the Offshore Petroleum and Greenhouse Gas Storage Act 2006. NOPSEMA's regulatory processes have long been regarded as world-class. NOPSEMA is regularly subject to a range of external reviews and audits to ensure it continues to be effective in bringing about improvements in occupational health and safety, well integrity, and environmental management across the offshore oil and gas industry. ConocoPhillips Australia is required to demonstrate to NOPSEMA that petroleum activities will be carried out in a manner that is consistent with the principles of ecologically sustainable development as set out in section 3A of the Environment Protection and Biodiversity Conservation Act 1999, among other considerations and regulatory requirements.

	THEME	OUT OF SCOPE (OS)
#	**COMMENTS RECEIVED**	***Titleholder response***
	community concerns, thus paving the way for industry to ignore the safety and future not only of Victorians but the entire population of our planet. **Claim**: Stop being in the wrong side of things and choose to actually do better: not to pollute, not to harm, not to give to capitals and greeds. That is essential to be good humans leaders. Otherwise you are only selfish, self serving and scared and you should not rule. **Claim**: The United States has allowed these corporations to take over our nation. Don't allow that to happen there; International companies have no moral right to develop new gas (or oil) fields here, no matter what the Australian government might allow. **Claim**: This company is trying to do everything on the cheap and treating Australia as if it was a third world country. **Claim**: The real reason for gas and/or oil drilling is greed. For companies to make more profit. **Claim**: The Company doesn't place enough emphasis on the environment, and is just interested in profits at any cost; Consider the survival of wildlife ahead of greed; When are we going to stop this corrupt invasion of our wildlife and environment by foreign countries that have no duty of care. **Claim**: Big corporations' only concern is making of money, and keeping share holders happy, not realising that if we take away the hand that feeds us (in the case our surroundings) there will be nothing left. **Claim**: We pander to all big corporations whose only concern is the making of money, and to keep their share holders happy, not realising that if we take away the hand that feeds us (in the case our surroundings) there will be nothing left. **Claim**: We need to stop pandering to large foreign companies damaging our natural environments. The greed must stop. What is the future if we have all this money from these oil and gas projects, only to have destroyed species and ocean health in doing so? That destroys our health too. A nation of ill, depressed humans but how wonderful we will have all the money and fossil fuels we need! **Claim**: Think of the young people/children having to cope with extreme weather events, heat, floods, drought, food shortages; climate refugees. All because companies like ConocoPhillips are ONLY CONCERNED WITH MONEY.	

	THEME	OUT OF SCOPE (OS)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: Do not allow this greedy proposal to go ahead. ConocoPhillips already has heaps of $$ and should not be seeking more by polluting the sea and destroying more marine life than it has already. **Claim**: To continue business as usual in the fossil fuel exploration and extraction is a very serious crime against humanity and on future generations for thousands of years to come.	
OS16	**Matter**: Other ways to make money. **Claim**: You read. I read. And even if you don't read you know it's a dumb idea; there are other ways to make money. Be the person in history you always said you'd be. Stop abusing power and start taking on the responsibility of saying no; There is no point in wasting money drilling for oil here or elsewhere; Please Stop Enough is Enough. Put the world before your greed; DON'T BE SO SELFISH! GET SOME PERSPECTIVE; base your decision on your intelligence rather than greed; Greed is the demise of societys breakdown and pillage of the environment; Money over our future yet again. **Claim**: STOP putting PROFIT before HEALTH. We have a responsibility to consider the effects our actions have on the eco systems and other beings we share this planet with. **Claim**: The EP should include information re drilling env impact/economic rational/strategy etc; How can it be too expensive if the plan is to make a profit at the expense of so much?	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. ConocoPhillips Australia has been granted petroleum titles by the Commonwealth National Offshore Petroleum Titles Administrator (NOPTA). The conditions of these petroleum titles require ConocoPhillips Australia to undertake exploration activities within timeframes agreed with NOPTA. ConocoPhillips Australia is not proposing to extract commercial quantities of gas as part of the Otway Exploration Drilling Program. The activity presented in the EP is for short-term, temporary seabed surveys and exploration drilling. Consequently, the matter is not relevant to the adverse effects of the proposed Otway Exploration Drilling Program to which the EP relates, and is beyond the scope of this assessment.
OS17	**Matter**: All foreign and Australian based companies must pay their fair share of taxes to the Australian government. **Claim**: The Australian government must introduce legislation that necessitates all foreign and Australian based companies to pay their fair share of taxes to the Australian government. Further, the government must close all tax loopholes that are currently being exploited by foreign and Australian companies to either avoid or minimise their taxation responsibilities to this country. Until such time the above matters are addressed by the Australian government, the government must not issue any exploration or extraction licences without such undertakings agreed by the said companies and they comply with all environment, safety and industrial instruments for employees.	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. ConocoPhillips Australia is not proposing the commercial extraction of gas. The activity presented in the Environment Plan is for short-term, temporary seabed surveys and exploration drilling. Consequently, the objection or claim is not relevant to the adverse effects of the proposed Otway Exploration Drilling Program to which the EP relates, and is beyond the scope of this assessment. ConocoPhillips Australia is a 47.5 percent shareholder in APLNG. Through this shareholding agreement, we operate the LNG export facility in Gladstone on behalf of APLNG and comply with all Australian taxation law.

	THEME	OUT OF SCOPE (OS)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: ConocoPhillips were complicit in the exploitation of East Timor, and unbeknownst to most, extracted billions of dollars worth of Helium gas from the Sunrise project for which they did not pay tax nor royalties. The only thing they paid was Alexander Downer. **Claim**: ConocoPhillips has lost its social licence to operate in Australia, given its traitorous and ungrateful profiteering at the expense of the Australian people: Not to mention the tax dodging: "APLNG" owned by Origin, ConocoPhillips and Sinopec" is right up there with almost $30bn in income and no tax, as is Shell's BG International." **Claim**: Companies often pay zero in taxes by using avoidance tactics; ConocoPhillips doesn't pay any tax in Australia.	APLNG is an incorporated Joint Venture—a separate legal entity that pays taxes in its own right. Further information can be found in APLNG's 2022 Tax Contribution and Transparency Report available on the APLNG website here. APLNG also pays a significant amount of royalties to the Queensland Government in relation to the domestic sales and export of LNG and various other indirect state taxes and levies such as Stamp Duties and Q-leave. The amount of royalties paid is stated in APLNG's 2022 Tax Contribution and Transparency Report (Taxes Paid by APLNG) on the APLNG website here. ConocoPhillips is an investor, and receives distributions from APLNG after the necessary taxes and royalties are paid.
OS18	**Matter**: ConocoPhillips environmental record related to gas extraction. **Claim**: Whatever revenues Australia receives out of this Gas Extraction operation are humble in comparison to risk Australia bears should there be a failure of gas extraction infrastructure. Please thoroughly examine ConocoPhillips environmental record in America & other parts of the world, you will note several serious incidents of environmental damage. In addition to environmental risk there is also the risk gas Extraction activities (direct & indirect) could have a negative impact on other business & industry activities in the Victorian coastal region.	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates as ConocoPhillips Australia is not proposing the commercial extraction of gas as part of the Otway Exploration Drilling Program EP. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. Regarding ConocoPhillips environmental record relating to exploration activities, ConocoPhillips successfully drilled 50 exploration and appraisal wells between 2013 and 2023 across shallow water, deep water, ultra deep water in Angola, Australia, China, Malaysia, Norway, UK and the USA, with zero loss of well control events, i.e. situations where well control equipment failed resulting in an uncontrolled release of formation fluids contributing to a fire, pollution event and/or direct impacts to personnel where regaining control of the well requires a 3rd party well control specialist). Further, drilling has been conducted safely for over 50 years in the offshore environment in the Otway Basin, and has most recently been carried out in 2021-22 by another titleholder. ConocoPhillips Australia's Otway Exploration Drilling Program is targeting similar geological formations and depths to those previously drilled in the Otway. Drilling operations have a very small footprint, with a maximum diameter of 42 inches (1.07m) for each well. All wells in the Otway Exploration Drilling Program will be safely plugged and abandoned, as per Australian regulatory requirements, with negligible geological impact at the

	THEME	OUT OF SCOPE (OS)
#	COMMENTS RECEIVED	*Titleholder response*
		time of drilling (penetration of the formations at the point of the well) and no predicted short or long-term impacts. Further information about ConocoPhillips' sustainability commitments and performance can be found in the ConocoPhillips' 2022 Sustainability Report here.
OS19	**Matter**: The state of the planet. **Claim**: Our planet is in serious trouble. Can you face these facts? Are you part of the problem or part of the solution? Wouldn't you rather be a Hero than a Villain? The time is quickly running out now; It is time to stop ecocide. Be on the right side of history and not hated by generations to come The planet is already at its limits. **Claim**: We all know that if the planet is to remain habitable (for people and many other species), then we cannot allow new fossil fuel projects to go ahead. **Claim**: We must stop limitless growth to protect our earth. **Claim**: You are at war with humanity with such proposals. You will find more public support if you change your priories to effect genuine progress towards healing the planet. Money won't be of much value in an earth-sized space rock devoid of life. Be good! Do good! **Claim**: Once the environment is gone, it is gone forever. Much of it has already disappeared. All the rest should be preserved; it is impossible to bring back something when it is gone. **Claim**: Where is the long term vision for the future of our oceans, our earth and our children? Please invest in/think of the future of our planet. **Claim**: Mining and development works threaten the natural world they will one day inherit, for my children. **Claim**: The only way to avert complete system, collapse and utter chaos is to ban new coal, oil and gas developments; Gas and oil are killing this planet. **Claims:** I'm imagining a world without clean air to breath, fresh water to drink and an ocean so polluted it can't function properly. Why on our beautiful green earth's name would you risk it again? Please please please consider the safety of our children's future	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. The comments do not raise specific issues relevant to the short-term, temporary, nature of the proposed Otway Exploration Drilling Program, nor the localised and recoverable environment impacts, as described in EP section 6, nor the environmental management and monitoring of the activity.

	THEME	OUT OF SCOPE (OS)
#	**COMMENTS RECEIVED**	***Titleholder response***
	and vote no to this atrocity; why would you destroy a pristine inviroment? Where we are struggling to feed people & to just breathe. **Claim**: This is the climate crisis that we now face that intrinsically also relates to the biodiversity crisis. Nature is crying out for protection, and we are ignoring these pleas. As a result, habitat is bring destroyed at an increased rate, and wildlife is declining. Species on the endangered and critically endangered lists are increasing. **Claim**: Life on earth is a web of life-forms supporting each other. Remove too many of the supports and our only planet can no longer support healthy life. The planet will survive and recover without humans, humans can't live on a broken planet!!!!! Why are we allowing our planet to be broken deliberately? **Claim**: The marine environment is on the verge of disaster, either way with warm sea water destroying kelp forest. **Claim**: We need IMMEDIATE action to stop the extinction crisis; Globally and Locally Species Extinctions are at a critical point across the Planet, none more so than ""head of the pack in species extinctions"" Australia. **Claim**: No new gas fields should be embarked on, even regardless of immediate environmental effects. Gas should remain underground and untouched to prevent planetary disaster. **Claim**: I shall not be here to feel the full effects of our world becoming much hotter but would prefer that the next generations are able to experience this beautiful world as we have. This will not be the case in the future as, we humans, seem to be doing the utmost to destroy all that we have. **Claim**: It is most likely too late to halt the destruction of life on this planet as we have known it and yet projects like the ConocoPhillips proposed Otway Exploration Drilling Program are still being approved with lame excuses like the need for employment and economic growth. **Claim**: We need to shut down fossil fuel extraction as quickly as possible to save our society and planet. **Claim**: Rising sea levels? Homes built near seashores? Islanders losing their islands to rising sea levels? What is not understood?! As well, annihilation of sea creatures, of the	

	THEME	OUT OF SCOPE (OS)
#	**COMMENTS RECEIVED**	***Titleholder response***
	water from which humans emerged. At this rate, we will all be going back to our watery place of birth and life.	
OS20	**Matter:** Transition to renewables **Claim**: Australia's future energy needs should revolve around renewable energy sources and the infrastructure to make them more efficient and reliable. The stranglehold hold that fossil fuel lobby has on our government is not in the best interest of the environment and generations to come. **Claim**: Why are these new drilling plans are even being considered, given the urgency involved in phasing out fossil fuel use globally; This project is contrary to the essential and critical goal of establishing sustainable renewable energy sources; improve Australia's strategic plans for renewable energy and protecting our environment; focus on energy solutions that are environmentally friendly from conception to usage. This proposed drilling fails from this initial stage; This project is contrary to the essential and critical goal of establishing sustainable renewable energy sources; Australia was supposed to be aiming for more renewable and green technologies whilst decreasing fossil fuel support. **Claim**: In a proper environment ConocoPhillips would be applying their skills and money to renewable energy projects; Put your interest in renewable sources and help us to reach carbon zero. You have the resources to do this; Local oil and gas markets are focused within the energy sector in power stations coming to the end of their lifespan. If you are truely seeking to expand the energy market, can I suggest further investment in renewables: wind, hydro and tidal movements are all options across Bass Strait and the Great Australian Bight. **Claim**: It is unconscionable to keep referring to gas as a 'transitional' fuel when we no longer have decades to risk its further use. **Claim**: This project is contrary to the essential and critical goal of establishing sustainable renewable energy sources. **Claim**: As the world faces a climate crisis/global warming crisis with devastating effects, it is imperative that we transition away from fossil fuels and towards renewable energy sources. Approving this gas drilling project would be a step in the wrong direction and would undermine global efforts to mitigate climate change.	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. ConocoPhillips Australia has been granted petroleum titles by the Commonwealth National Offshore Petroleum Titles Administrator (NOPTA). The conditions of these titles require ConocoPhillips Australia to undertake exploration activities within timeframes agreed with NOPTA. Exploration activities in the Otway Basin are undertaken to help meet Australia's ongoing energy needs. If commercially viable gas reserves are discovered and developed, it is most likely this will be directed to the domestic market. Additional approvals and further consultation would be required to support the development of a commercial project and associated production wells. Australia is facing challenges to the security of its domestic gas supply, specifically in the east coast gas market and a domestic gas supply shortfall could have serious consequences for Australians (DISR, 2022). Australians rely on gas for residential heating and cooking. Australian industry and manufacturers rely on gas as feedstock and for energy. Insufficient gas supply could impact the stable operation of Australia's electricity network. ***References**:* *DISR, 2022. Securing Australia's domestic gas supply – Options to improve the Australian Domestic Gas Security Mechanism (1 August 2022), Australian Government Department of Industry, Science and Resources. https://consult.industry.gov.au/securing-australias-domestic-gas-supply*

	THEME	OUT OF SCOPE (OS)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: All around the world businesses are trying to find sustainable ways of providing the energy our human race (thinks) it needs, so why don't you show some intestinal fortitude, tell your shareholders you're joining the 21st century, and put your research money into renewable energy research! **Claim**: Despite all the evidence that we are not going to meet any of the temperature goals due to ongoing use of fossil fuels your company is spending huge amounts of money that could be put towards research for new sustainable energy sources to locate an extract even more fossil fuels! **Claim**: We have more than enough already. What we do need more of is renewable energy. Energy captured directly from the sun, or indirectly via the wind or waves, comes ever more cheaply. And with a fraction of the cost in greenhouse gas emissions.	
OS21	**Matter**: Fracking will affect all life on earth. **Claim**: Fracking is a dirty, water guzzling process that brings polluting, global warming methane & carbon into the atmosphere and threatens all life on earth. **Claim**: Corporations should act responsibly and not worsen the climate crisis by fracking for more gas.	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. ConocoPhillips Australia is not proposing to undertake hydraulic fracturing as part of the Otway Exploration Drilling Program.
OS22	**Matter**: Impacts of mining. **Claim**: The immense damage that will be caused by deep sea mining is beyond calculation. Australia and indeed the world cannot afford the irreversible environmental harm that these proposals incurr. **Claim**: The mining and use of fossil fuels generate an unacceptable risk not just to marine life, but to tourism, farming, and fishing, but the cultural values of first nation peoples.	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. ConocoPhillips Australia is not proposing deep sea mining as part of the Otway Exploration Drilling Program.
OS23	**Matter**: Comparisons with shipping. **Claim**: What is environmentally safer, drilling for oil in the Otway Basin or having to import oil by tankers travelling around our coast? **Claim**: According to a study commissioned by the Australian Maritime Safety Authority (AMSA) extrapolating from international oil spill rates and anticipated Australian exposure, the probability of one or more major oil spills occurring in Australian waters,	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. ConocoPhillips Australia is not proposing the use of oil tankers as part of the Otway Exploration Drilling Program. Regarding the safety of exploration activities, ConocoPhillips successfully drilled 50 exploration and appraisal wells between 2013 and 2023 across shallow water, deep water, ultra deep water in Angola, Australia, China, Malaysia,

	THEME	OUT OF SCOPE (OS)
#	**COMMENTS RECEIVED**	***Titleholder response***
	from tankers, could be as much as 48 per cent in the next five years and 93 per cent in the next 20 years. (https://www.bitre.gov.au/sites/default/files/report_070.pdf).	Norway, UK and the USA, with zero loss of well control events, i.e. situations where well control equipment failed resulting in an uncontrolled release of formation fluids contributing to a fire, pollution event and/or direct impacts to personnel where regaining control of the well requires a 3rd party well control specialist). Offshore drilling is extensively regulated in Australia, with additional approvals and controls required to be in place, outside of the EP process, to ensure the safety of this activity including, for example, an Australian Safety Case for the drill rig, a NOPSEMA accepted Well Operations Management Plan, Source Control Emergency Response Plans, etc. Further, drilling has been conducted safely for over 50 years in the offshore environment in the Otway Basin, and has most recently been carried out in 2021-22 by another titleholder. ConocoPhillips Australia's Otway Exploration Drilling Program is targeting similar geological formations and depths to those previously drilled in the Otway.
OS24	**Matter**: Spatial planning in Bass Strait. **Claim**: Bass Strait is being sold off to the highest bidder. Marinuis Link, wind farms, salmon farming and now this are being targeted to be developed in Bass Strait.	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP. ConocoPhillips Australia has been granted petroleum titles by the Commonwealth National Offshore Petroleum Titles Administrator (NOPTA). The terms of these petroleum titles require ConocoPhillips Australia to undertake exploration activities within timeframes agreed with NOPTA.
OS25	**Matter**: Impacts associated with other projects in other locations. **Claim**: The Great Australian Bight's extraordinary waters are a haven for 36 types of whales and dolphins, including the world's most important nursery for the endangered southern right whale. They're also home to Australia's most important sea lion nursery. In fact, 85% of the marine species in the Bight are unique, and exist nowhere else in the world. An oil spill here would be catastrophic. Equinor's own draft Environment Plan shows that an oil spill in the Great Australian Bight could reach as far as Bondi! **Claim**: Oil extraction in the Great Australian Bight presents unacceptable risks to our marine life, coastal communities, fisheries and tourism across Australia's south-east. While oil giants BP and Chevron have dropped their plans to drill in the Bight, Equinor	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates as ConocoPhillips Australia is not proposing activities within the Great Australian Bight nor Exmouth Gulf, and is not proposing the commercial extraction of oil (or gas) as part of the Otway Exploration Drilling Program EP. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP.

	THEME	OUT OF SCOPE (OS)
#	**COMMENTS RECEIVED**	***Titleholder response***
	(formerly known as Statoil) has taken over the oil and gas leases that BP discarded and still intends to drill in this iconic Australian area. Placing such an immense stretch of the Australian coast at risk is clearly unacceptable. To date, 17 South Australian councils and 3 in Victoria, representing well over half a million people, have expressed concern or outright opposition to risking the Great Australian Bight. All political parties need to support a ban on oil and gas in the Great Australian Bight given its importance for coastal communities, fisheries, tourism, internationally significant ecosystems and some of Australia's most threatened marine life. I urge you to do all you can to ensure your party opposes Equinor's plans, and supports a ban on drilling for oil and gas in the Great Australian Bight. **Claim**: Already many attempts have been denied at these sites, Please continue to protect these regions from creation killing gas mining. **Claim**: Proposed drilling for new gas wells in the Great Australian Bite is a short term fix,using gas as a supposed non fossil fuel. The permanent & long term damage to the sealude fliea & fauna are irreversible. Minister will you be able to tell future generations that destroying the Bite for short term gain was the best desicion? **Claim**: I will have to say Exmouth Gulf was a beautiful place to my grandchildren because they can't see it with their own eyes.	
OS26	**Matter**: Charging user-pay premiums for non-renewable energy. **Claim**: Users of non-renewable energy should be charged USER PAY premiums, the cost of Earth care jobs, measuring their environmental impact according to a 5-point scale. (0% for eco-friendly to 28% for corrsosive). It can fund as many jobs in environmental restoration as will be phased out by automation. Paying occasional projects from general revenue provides little incentive to buyers. They behave cost-conscipous. The Paris Climate Agreement needs to be extended from 'producer only' to include consumers. Until USER PAY charges are levied. Until USER PAY charges are levied, the Australian government and NOPSEMA should reject this drilling proposed by ConocoPhillips to protect the climate, nature and people.	These comments do not relate to the Environment Plan (EP), or the activity to which the EP relates. Consequently, due to the irrelevancy of the comments, they have not been considered further in preparing the EP.
OS27	**Matter**: Support for offshore oil and gas. **Claim**: If it's ok for massive wind farms offshore then this type of drilling is fine.	ConocoPhillips Australia is not proposing to install infrastructure nor extract commercial quantities of gas as part of the Otway Exploration Drilling Program. The activity presented in the Environment Plan (EP) is for short-term, temporary seabed surveys and exploration drilling. Consequently, the objection or claim is

	THEME	OUT OF SCOPE (OS)
#	**COMMENTS RECEIVED**	***Titleholder response***
	Claim: I fully support the Otway drilling program as it will provide enormous benefits to Australia. The Australian government should reject all windfarm proposal in ocean as these project damage the climate, nature and people. Wind turbines kill sea creatures & bird life. Nuclear is the greener way to go.	not relevant to the adverse effects of the proposed Otway Exploration Drilling Program to which the EP relates, and is beyond the scope of this assessment.
OS28	**Matter**: Risk of project becoming a stranded asset. **Claim**: Climate disaster awaits if we burn all the fossil fuel in existing projects. So, new projects are either destined to be stranded assets, left incomplete without adequate clean up or they continue to release carbon and cause global disaster.	ConocoPhillips Australia is not proposing to install infrastructure nor extract commercial quantities of gas as part of the Otway Exploration Drilling Program. The activity presented in the Environment Plan (EP) is for short-term, temporary seabed surveys and exploration drilling. As previously stated, (response CL01), prior to proceeding into development and production activities, ConocoPhillips Australia would be required to prepare and submit an Offshore Project Proposal to NOPSEMA which will include a detailed greenhouse gas inventory across all project phases and include the assessment of potential environmental impacts and risks arising from greenhouse gas emissions and climate change, and further consultation with relevant persons. Consequently, the objection or claim is not relevant to the proposed Otway Exploration Drilling Program to which the EP relates and is beyond the scope of this assessment.