

Acceptance of Stybarrow End State Decommissioning Environment Plan

Document No: A1091846

Date: 19 June 2024

1. On 23 May 2024, I, [REDACTED], Director Decommissioning - Environment delegate of the Chief Executive Officer of NOPSEMA decided, pursuant to regulation 33 of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 (**Environment Regulations**), to accept the Stybarrow End State Decommissioning Environment Plan (Document No: BHPB-00SC-N000-0007, Revision 2) dated 23 April 2024 (**EP**).
2. The EP was submitted by Woodside Energy (Australia) Pty Ltd (ACN 39 006 923 879) (**titleholder**), to enable the titleholder to undertake the petroleum activity described in the EP, which involves the *in situ* decommissioning of 9 anchors, 10 suction base foundations piles and a historical exploration wellhead within Commonwealth Petroleum Production licence WA-32-L, in water depths ranging from approximately 810 to 850m, approximately 53 km northwest of Exmouth.
3. The reasons for my decision are set out below.

Legislative framework

4. The legislation relevant to my decision is set out in **Appendix B**.

Background

5. On 31 July 2022, the titleholder submitted the EP (dated 29 July 2022) to NOPSEMA in accordance with the then in *force Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (the 2009 Environment Regulations)*.
6. On 8 August 2022, NOPSEMA provisionally decided in accordance with regulation 9AA of the 2009 Environment Regulations that the EP included material addressing all of the provisions in Division 2 of the 2009 Environment Regulations and published the EP on NOPSEMA's website in accordance with regulation 9AB.
7. On 13 September 2022, NOPSEMA made a request for further information, pursuant to regulation 9A of the 2009 Environment Regulations. NOPSEMA also made two additional requests for further information pursuant to regulation 9A on 5 October 2022 and 9 December 2022.
8. In response to these 3 requests to provide further written information, the titleholder resubmitted the EP in accordance with regulation 32(3) of the Environment Regulations on 19 January 2024 (Document No. BHPB-00SC-N000-0007, Revision Number 1).
9. On 19 February 2024, NOPSEMA made a further request for further and final information from the titleholder. In response to this last request, the titleholder resubmitted the EP on 23 April 2024 (Document No: BHPB-00SC-N000-0007, Revision Number 2) incorporating additional information pursuant to regulation 32(3) and modifications pursuant to regulation 33 of the Environment Regulations.



10. The NOPSEMA assessment team comprised an assessment manager, lead assessor and experienced environment technical specialists with expert knowledge in environmental and marine science relevant to offshore oil and gas activities and their associated impacts and risks. The assessment included an examination of higher order impacts and risks (those with potential for significant and/or long-term effects), with the specialist NOPSEMA assessors paying particular attention to those matters. The process included a general assessment of the whole EP and one detailed topic assessment of the EP content, as follows:
 - a. Matters Protected under Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* - In the context of the location of the field within the Demersal Fish Communities Key Ecological Feature (**KEF**), consider whether the proposal to permanently abandon the property (with suction piles, anchors and a well head left *in situ*) is acceptable and as low as reasonably practicable (**ALARP**) over the long-term.
11. On 23 May 2024, pursuant to regulation 33 of the 2023 Environment Regulations, I accepted the assessment team's recommendation that the EP meets the relevant criteria in regulation 34 of the 2023 Environment Regulations and decided to accept the EP. In deciding to accept the EP, I have considered and agree with each of the findings made by the assessment team in relation to the general assessment and each topic assessment.
12. Notice of this decision was provided in writing to the titleholder on 23 May 2024, in accordance with regulation 35 of the Environment Regulations.

Materials

13. The materials considered in making this decision are set out in **Appendix C** and are referenced where relevant in the reasons below.

Decision Overview

14. The issue before me was whether the EP should be accepted pursuant to regulation 33 of the 2023 Environment Regulations.

Prior to considering whether I was reasonably satisfied that the EP met the criteria in regulation 34, I considered whether the EP complied with Division 2 of the Environment Regulations, which sets out the matters which must be included in an EP.
15. I was satisfied that the EP contained the matters required by Division 2. My reasons for this part of my decision are set out at [20] – [42] below.
16. In accordance with regulation 34 of the 2023 Environment Regulations, I must not accept an EP unless I am reasonably satisfied that the titleholder is compliant with subsection 571(2) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006 (OPGGs Act)* in relation to the petroleum activity, and the compliance is in a form that is acceptable to NOPSEMA. On review of the titleholder's financial assurance declaration and confirmation forms, I was reasonably satisfied that the titleholder had demonstrated financial assurance in accordance with the requirements of regulation 16.
17. I then considered the criteria in regulation 34 and was reasonably satisfied that the EP met the criteria in regulation 34. I therefore accepted the EP. My reasons for this part of my decision are set out at [43] – [114] below.



Findings

Does the Environment Plan comply with Division 2

18. Regulation 20 in Division 2 of the Environment Regulations requires that an EP must include the matters set out in regulations 21, 22, 23 and 24. As I was satisfied that the EP met regulations 21, 22, 23 and 24 (for the reasons set out individually below), I was satisfied that regulation 20 was met and the EP complied with Division 2.

Environmental assessment: regulation 21

Regulation 21(1) - Description of the petroleum activity

19. Regulation 21(1) requires the EP to contain a comprehensive description of the activity including details of each activity and stage, general details and layout of the facilities, operational details, and proposed timetables.
20. The EP addresses each of these matters in section 4 of the EP ('Description of the Activity') and includes the following information:
- a. Woodside Energy (Australia) Pty Ltd is the operator and nominated titleholder of WA-32-L. Titleholder details are outlined in Section 1.8, consistent with the requirements of regulation 23(1) and 23(2).
 - b. Detailed information regarding the location of the activity is provided in Section 3.2. As no planned operations are proposed, an 'Operational Area' has not been defined. However, an area around the subsea infrastructure proposed to be decommissioned *in situ*, where environmental impacts have the potential to occur has been defined.
 - c. The activity is located in water depths between 810 m and 850 m, approximately 53 km northwest of Exmouth, Western Australia, within Production Licence WA-32-L, in Commonwealth waters.
 - d. EP Sections 1.3, 3 and 4 clearly describe the scope and bounds of the activity. In particular:
 - i. Other activities relevant to the decommissioning of the Stybarrow field are covered in other EPs and include:
 - Management and removal of most of the subsea equipment in the Stybarrow field, as defined and addressed in Section 4 of the Stybarrow Decommissioning and Field Management EP (BHPB-00SC-N000-0003). The equipment to be removed includes the disconnectable turret mooring (DTM), DTM mooring legs, mooring support buoys, flexible risers, flexible production flowlines, gas and water injection flowlines, umbilicals and termination assemblies, wellheads, a water injection manifold and anode skids. This work is expected to be conducted over a cumulative period of around six months, with activities to be completed no later than 31 March 2025 (as required by General Direction 833).
 - Plug and abandonment of shut-in wells in the Stybarrow field, addressed in the Stybarrow Plug and Abandonment EP (BHPB-00SC-N000-0005). This work is expected to be conducted over a cumulative period of around six months, with activities to be completed no later than 30 September 2024 (as required by General Direction 833).
 - ii. The activity pertaining to this EP does not involve any operations in the marine environment. The activity described in Section 4 as the permanent in-situ abandonment of equipment covered under this EP, is 9 anchors, 10 suction base foundation piles and a historical



exploration wellhead (Eskdale-1) that was unable to be removed at the time of its plug and abandonment, with no associated operations or works.

iii. Although the petroleum activity described in the EP does not involve any operations, it is taken to be scheduled to 'commence' in March 2025, once the equipment removal activities described in the Stybarrow Decommissioning and Field Management EP are completed.

iv. The petroleum activities in this EP will have been completed once the title holder has demonstrated that environmental performance standards have been met (which includes obtention of any required Sea Dumping permits), to the satisfaction of NOSPEMA.

21. There is a comprehensive description of the activity relevant to the consideration of environmental impacts and the risks of the activity. Key aspects include the following:

- a. Section 3 presents a decommissioning options assessment, in which feasible decommissioning options for the equipment groups are assessed against different environmental, safety, technical, cost, and socio-economic outcomes. An evaluation for each decommissioning option was undertaken to determine the impacts of each option on environmental values and sensitivities.
- b. Section 4.1 presents an overview of the production history of the Stybarrow field, including the current status and proposed fate of any remaining infrastructure and the reasons for the proposed end-states.
- c. Section 4.8 provides an inventory of all infrastructure proposed to be left *in situ* in the Stybarrow field, along with an adequate description of the infrastructure (including dimensions, mass, composition of material and current status). Some of the compositional details are provided in Section 8.2. This includes:
 - i. Nine (9) carbon steel anchors (uncoated), weighing approximately 11 tonnes each, all confirmed to be completely buried (~0.3 to 3m in depth). Associated buried sections of chain (which may not be recovered but cut as close as practicable to the seabed (estimated as up to 20m section per anchor), weighing up to 25 tonnes in total.
 - ii. Ten (10) low carbon steel suction piles (including one suction pile used as a foundation for the water injection manifold), approximately 7.5-7.8 meters in length and 4.0-6.4 meters in diameter, weighing approximately 207 tonnes each and partially covered with epoxy paints on the upper part of the pile for corrosion protection. The piles protrude between ~0.75 -1 m above the mudline.
 - iii. One (1) wellhead (Eskdale-1) comprised of mild steel (approximately 7.5 tonnes), ~3 kg of nitrile rubber (associated with hydraulic tubing and o-rings), and surface coatings and epoxy paints for corrosion protection. The wellhead extends ~2.7 m above the mudline. Imagery from a recent visual inspection of the wellhead has been provided in the EP, providing contemporary information about its condition.
- d. Section 4.6. provides an overview of studies which have been completed on field equipment in order to inform the decommissioning options assessment, and the evaluation of impacts and risks associated with the proposal to leave specific property *in situ*. The studies confirm that none of the equipment within the scope of this EP was exposed to production fluids and hence they do not contain any traces of Naturally Occurring Radioactive Material (**NORM**) or mercury which can be present in some production systems. The steel does contain trace amounts of alloying metals (including copper, nickel and chromium) which were considered as part of the impact assessment in the EP.



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

Regulation 21(2) and (3) - Description of the environment that may be affected

23. Regulations 21(2) and (3) requires the EP to describe the existing environment that may be affected (**EMBA**) by the activity including the particular relevant values and sensitivities (if any) of that environment.
24. The EP (Section 4.7) describes the EMBA as a result of the petroleum activities described in the EP. The changes to the environment from decommissioning *in situ* of the property within the scope of the EP include:
- Limited provision of hard substrate with associated benthic fauna.
 - Changes to sediment quality due to the release of degradation products over time and modification of hydrodynamic regime (limited to within 10s of metres of each piece of property).
 - Physical presence of degrading property resulting in potential avoidance by fishers using trawl equipment.
25. Based on this and given that there is no risk associated with an unplanned hydrocarbon or other release identified, the environment that may be affected by the activity is conservatively defined as the area encompassing a 500 m radius around and up to 5 m above, the property that will be decommissioned *in situ*.
26. In section 5 and Appendix D, the EP provides a thorough description of the physical and biological EMBA by the petroleum activity. This includes the following:
- That the activity or any part of the activity will not be undertaken in any part of a declared World Heritage Property or National Heritage Place within the meaning of the EPBC Act, as described in sections 5.4.2 and 5.4.3 of the EP.
 - That Australian Marine Parks (**AMP**) in the area that may be affected by the petroleum activity have been considered, with no identified Australian or State Marine Parks located in the EMBA.
 - A description of biological and ecological values and sensitivities that fall within the EMBA, including:
 - A description of the EPBC Act listed species identified to occur, may occur or are likely to occur, within the meaning of the EPBC Act, in the EMBA. A total of 20 listed threatened and 31 listed migratory species or their habitat were identified to occur, are likely to occur or may occur within the EMBA (Section 5.5.1).
 - A description of the values and sensitivities of the KEF located within the EMBA, which overlaps with the Continental Slope Demersal Fish Communities KEF.
 - A description of the biologically important areas (**BIA**) and habitat critical to survival (**HCTS**) for species in the EMBA. The EMBA overlaps with the distribution range and migration BIA for the pygmy blue whale and the breeding/foraging BIA for the wedge-tailed shearwater.
 - In Section 5.2, the EP presents information from environmental surveys of the Stybarrow field (Cardno, 2019) and an environment survey of the surrounding canyon systems in the region (BMT, 2016), to characterise the benthic and water column environment surrounding the field. Results from the Cardno (2019) survey found that:



- i. Sediment contamination was localised to areas of disturbance (for example, drilling centres) also characterised by low abundance of infauna and demersal fauna, which is consistent with other locations of similar depths for similar environments (Section 4.4.1).
 - ii. Total Petroleum Hydrocarbons (**TPH**) did not exceed DGVs.
 - iii. Concentrations of radioisotopes in sediments were generally consistent and low across sampling sites (with some unexplained variabilities).
 - iv. No concentrations of metals exceeded any Australian and New Zealand Guidelines for fresh and marine water quality (ANZG 2018) GV-High values however default guideline values (DGV) were exceeded for the following:
 - Nickel DGV was exceeded at 13 of the 19 sites.
 - Lead DGV was exceeded in one of two replicate samples at 2 of the 19 sites.
 - Mercury DGV was exceeded in one of two replicate samples at 2 of the 19 sites.
 - v. The high nickel levels detected across many sites (including controls) suggests that the concentrations of nickel are likely to be natural rather than the result of the Stybarrow field. This is consistent with the findings of BMT Oceanica (2016), which also found similar concentrations of nickel in canyons in the region which have not been impacted by operations.
 - vi. In considering the above description of the physical EMBA, I noted that:
 - The higher concentrations of lead and mercury were at two of the Xmas tree sample sites (not the Eskdale-1 wellsite) and likely the result of previous well drilling activities, given these locations, and the fact that the samples also recorded high levels of barium, which is a drilling mud component.
 - The equipment to be left in situ is not described as containing any mercury or lead, and there is a separation distance of approximately 2 km between the equipment and the drill sites at which exceedances were recorded. In addition, all Xmas trees and wellheads (excluding Eskdale-1) are being removed as part of the P&A and removal activities covered under the other EPs.
 - Environmental monitoring will be undertaken to provide information required to meet the requirements of the Section 270(3)(e),(f) under the accepted Stybarrow decommissioning and field management environment plan (document no.: BHPB-00SC-N000-0003), and as directed under General Direction 833.
- e. A description of social, economic, and cultural features of the socio-cultural EMBA, including First Nations cultural heritage, maritime archaeological heritage, traditional fishing activities, tourism and recreation activities, oil and gas activities, commercial shipping activities and defence activities (Section 5.6 and Appendix D). Specifically:
- i. EP Section 5.6.2 describes and confirms that the Western Deepwater Trawl Fishery is the only Commonwealth managed fishery that overlaps with the area likely to be affected by the petroleum activity. There are no Western Australian state managed fisheries in the vicinity of the EMBA.
 - ii. EP Section 5.6.1 describes currently recognised Native Title, Sea Country and Heritage Values that fall within the EMBA, by summarising information contained in existing and recognised aboriginal cultural heritage and sea country literature, government commissioned reports and Marine Park Management Plans, along with specific input received through the consultation



process (for example, from Yinggarda Aboriginal Corporation (YAC) and Nganhurra Thanardi Garrbu Aboriginal Corporation (NTGAC)) to help identify aboriginal cultural values and sensitivities that may be impacted by the proposed activity.

iii. Section 5.6.1 also presents details of onshore native title claims, determinations and Indigenous Land Use Agreements (**ILUAs**) made under the Native Title Act 1993, cultural values related information published in State and Commonwealth Marine Park Management Plans, information on the cultural features of marine ecosystems including the broader concept of "sea country", and information on Indigenous archaeology in the offshore marine environment.

f. The titleholder has utilised relevant references and information sources to adequately inform and support the descriptions, such as contemporary peer reviewed scientific literature and other authoritative sources.

27. Based on the matters set out above, I was reasonably satisfied that the EP met the requirements in regulation 21(2) and (3).

Regulation 21(4) – Requirements

28. Regulation 21(4) requires the EP to describe the requirements, including legislative requirements, that apply to the activity and are relevant to the environmental management of the activity; and demonstrate how those requirements will be met.

29. Based on the matters set out above, I was satisfied that the EP includes sufficient information on the legislative requirements that are relevant to the activity and demonstrates how they will be met throughout the life of the activity. This is because:

a. The EP includes an overview of relevant legislation and other environmental requirements (such as laws, codes, standards, agreements, treaties, conventions or practices) that apply to the activity and demonstrates how they will be met (Section 2 and Appendix C). For example:

i. The petroleum activity covered by this EP forms part of the Stybarrow Development. The Stybarrow Development was referred for assessment under the EPBC Act (Referral 2004/1469) and subsequently approved by the Commonwealth Minister for the Environment, with a number of conditions set for the action, which were consolidated in 2015. Table 2.2 outlines the conditions that apply to this activity.

ii. NOPSEMA issued the titleholder with a General Direction (General Direction 833) under Section 574 of the OPGGS Act in relation to decommissioning infrastructure relating to the Stybarrow field within WA-32-L. Section 2.1.2 provides a description of the requirements of General Direction 833 and the titleholder's intention for addressing each of the directions, under this EP or under other separate Stybarrow decommissioning EPs.

iii. The EP sets out the Commonwealth and State legislation that applies to this activity and identifies relevant international conventions and treaties (Section 2, Section 7, and Appendix C).

b. Specifically, requirements of the *Sea Dumping Act* 1981 are identified in the EP (Section 2.2.3). The EP recognises that decommissioning *in situ* of the equipment within the scope of this EP will require sea dumping permits. The EP is clear in committing that the titleholder will submit an application for a sea dumping permit and progress the application process as required by the Department of Climate Change, Energy, the Environment and Water (**DCCEEW**).

c. The EP describes the requirements from policies, plans of management, recovery plans, conservation advice and other guidance for matters protected under the EPBC Act and demonstrates how these



will be met. Specifically, Table 4-9 outlines the relevant recovery plans, conservation management plans, threat abatement plans or approved conservation advice in place for EPBC Act-listed threatened species that may potentially occur or use habitat within the EMBA.

- d. Table 4-9 also summarises the actions from these plans relevant to the petroleum activity and demonstrates where the requirements have been addressed in the EP. Section 9 provides an assessment of whether the petroleum activity is not inconsistent with any relevant recovery plans or threat abatement plans.

30. I was therefore reasonably satisfied that the EP met the requirements of regulation 21(4).

Regulation 21(5) and (6) - Evaluation of environmental impacts and risks

31. Regulations 21 (5) and (6) requires the EP to include details of the environmental impacts and risks for the activity; an evaluation of all the impacts and risks, appropriate to the nature and scale of each impact or risk; and details of the control measures that will be used to reduce the impacts and risks of the activity to ALARP and an acceptable level. The evaluation must evaluate all of the environmental impacts and risks arising directly or indirectly from all operations of the activity; and potential emergency conditions, whether resulting from accident or other reasons.

32. Details of the environmental impacts and risks, including those arising from potential emergency conditions whether resulting from accident or any other reason, are provided in section 8 of the EP. The environmental impacts and risks associated with the petroleum activity are identified in the EP, including environmental impacts and risks associated with:

- a. Receptors:
 - i. Commercial fisheries/fishing
 - ii. Cultural heritage values
 - iii. Commercial shipping
 - iv. Other future marine users
 - v. Seabed
- b. Planned aspects
 - i. Physical presence to marine users and seabed
 - ii. Physical presence – equipment degradation
- c. Unplanned aspects:
 - i. Interaction with other marine users
- d. An evaluation of all the impacts and risks, whether arising directly or indirectly, and including those arising from potential emergency conditions whether resulting from accident or any other reason, appropriate to the nature and scale of each impact or risk (section 8 of the EP). These were:
 - i. 8.1 Physical Presence - Interaction with other marine users (S.8.1)
 - ii. 8.2 Physical Presence - Physical degradation (S.8.2)
 - iii. 8.3 Physical Presence - Alteration of seabed and benthic habitats (S.8.3)
 - iv. 8.4 First Nations Cultural Features and Heritage Values (S.8.4)



- e. Details of the control measures that will be used to reduce the impacts and risks of the activity to ALARP and an acceptable level (section 8 of the EP).

33. Based on the matters set out above, I was reasonably satisfied that the EP met the requirements of Regulation 21(5) and (6).

Regulation 21(7) - Environmental Performance Outcomes and Standards

34. Regulation 21(7) requires the EP to set environmental performance standards for the control measures identified in reg 21(5)(c), set out environmental performance outcomes and include measurement criteria to determine whether each performance outcome is being met.

35. I considered the Environmental Performance Outcomes (**EPO**), Environmental Performance Standards (**EPS**) and measurement criteria provided in Section 8 of the EP and found that:

- a. EPOs have been set which define performance for the management of the environmental aspects of the activity. For example:

- EPO 1 - Prevent adverse interactions with other marine users from equipment decommissioned *in situ*
- EPO 2 - Location of all equipment decommissioned *in situ* confirmed to be as described in this EP at the time of abandonment
- EPO 3 - No impacts to benthic habitats greater than a severity level 1 from decommissioning *in situ*
- EPO 4 - No adverse impact to cultural features and heritage values, greater than a consequence level of F from the activity

- b. EPSs have been set for control measures identified as being necessary to reduce the environmental impacts and risks of the activity to ALARP and acceptable levels. For example:

- PS 1.1 – The titleholder continues to engage with DCCEEW regarding the application of the *Environment Protection (Sea Dumping) Act 1981* and to comply with requirements under the Act
- PS 1.2 - Notify the Australian Hydrographic Office (**AHO**) of mooring anchors and residual chains, suction piles and Eskdale-1 wellhead remaining *in situ* so they can continue to be marked on navigation charts
- PS 1.3 - The titleholder consultation with relevant stakeholders to advise them of the location of equipment remaining *in situ*
- PS 1.4 - The titleholder will undertake as-left surveys of the mooring anchors and residual chains, suction piles, and Eskdale-1 wellhead to confirm location, burial status, and condition
- PS 4.1.1 - The titleholder will continue to give voice to Traditional Custodians to identify interests, transmit information and express concern
- PS 4.1.2 - The titleholder will assess and, where deemed practicable, will implement appropriate cultural protocols where requested by Traditional Custodians

- c. Measurement criteria are provided that will allow the titleholder to determine whether each environmental performance outcome and environmental performance standard is being met for the duration of the activity.



36. Based on the matters set out above, I was reasonably satisfied that the EP met the requirements of regulation 21(7).

Implementation strategy for the EP: regulation 22

37. The EP includes content addressing the requirements of regulation 22 of the Environment Regulations, including the following elements of the implementation strategy:
- a. An implementation strategy (Section 10) for the activity in accordance with regulation 22 of the Environment Regulations (regulation 22(1)).
 - b. A number of requirements under regulation 22 that are not applicable, due to the inherent nature of the activity. Specifically, arrangements for Oil Pollution Emergency Plan (**OPEP**) including testing of arrangements, training/competency, emissions and discharges monitoring arrangements are not required for this activity, nor provided for in the EP (noting several relevant aspects are suitably covered in the Stybarrow Decommissioning and Field Management EP).
 - c. A description of the environmental management system that will be used to ensure that impacts and risks continue to be identified and that controls measures are effective in reducing environmental impacts and risks to ALARP and acceptable levels so that EPOs and EPSs continue to be met (Sections 1.5, 7 and 10.1).
 - d. Provides for sufficient monitoring, recording, audit, management of non-conformance, review and monitoring, recording and reporting arrangements are adequate (Section 10.3), taking into account the nature of the activity.
 - e. Performance reporting to NOPSEMA (Section 10.4).
 - f. Provides for appropriate ongoing consultation during the implementation of the activity with relevant persons (Section 10.5).
38. Based on the matters set out above, I was reasonably satisfied that the EP met the requirements of regulation 22.

Details of titleholder and liaison person: regulation 23

39. Details for the titleholder were included in Section 1.8 of the EP, including name, contact details and Australian Company Number or ACN (within the meaning of the *Corporations Act 2001*) as well as the contact details of the titleholder's nominated liaison person.
40. Section 1.8 of the EP also contained arrangements for notifying NOPSEMA of a change in the titleholder, the nominated liaison person, or of a change in the contact details of either.
41. Based on these matters, I was reasonably satisfied that the EP met the requirements of regulation 23.

Other information in the EP: regulation 24

42. I considered that the EP met regulation 24 as it contains:
- a. The titleholder's 'Our Values' environmental policy (Appendix A)
 - b. Details of all reportable incidents, meaning those that have the potential to cause moderate to significant environmental damage relating to the activity, are to be reported to NOPSEMA (section 10.4).
 - c. The information required under regulation 24(b), specifically a report on all consultations under regulation 25 of any relevant person by the titleholder in Section 6, Appendix F, and the sensitive information part of the EP, including a summary of each response made by a relevant person. The



titleholder has provided a summary of responses received from relevant persons (Appendix F, Table 1), such that relevant claims or objections can be adequately identified;

- d. The report presented in Appendix F, Table 1, presents a summary of each response made by a relevant person, an assessment of the objections or claims about the adverse impact of the activity to which the EP relates and a statement of the titleholder's response, or proposed response, if any, to each objection or claim.
- e. A copy of the full text of any response by a relevant person was included in the Sensitive Information Report; and
- f. Details of any reportable incidents in relation to the proposed activity in Section 10.4 of the EP.

Should the Environment Plan be accepted?

- 43. Under the Environment Regulations, in order to accept the EP, NOPSEMA must be reasonably satisfied that the criteria in regulation 34 are met.
- 44. Regulation 33 requires that, when making my decision as to whether the EP should be accepted, refused or accepted in part or with conditions, I was required to consider the further information that the titleholders provided pursuant to requests made by NOPSEMA for that information. The information that I considered was contained in the re-submitted versions of the EP (as set out at [5] to [9]) which resulted in the final version of the EP (Revision 2).
- 45. Against this background (and having considered the materials at Attachment C), I made the following findings against each criterion for acceptance of the EP in regulation 34.

The EP is appropriate to the nature and scale of the activity: regulation 34(a)

- 46. I noted that Section 4 of the EP includes a description of the scope and bounds of the activity. In particular, the EP provides details of the proposed location, spatial extent, timeframe, and duration of the described activities (see above at [20]).
- 47. The activity described in Section 4 as the permanent in-situ abandonment of equipment covered under this EP, is 9 anchors, 10 suction base foundation piles and a historical exploration wellhead (Eskdale-1) that was unable to be removed at the time of plug and abandonment, with no associated operations or works, is suitable for this EP.
- 48. The EMBA has been defined conservatively as a 500m radius around, and up to 5m above, the infrastructure proposed to be decommissioned *in situ*.
- 49. The description of the environment provided in Section 5 incorporates all relevant values and sensitivities, including relevant protected matters, databases and literature searches and information gathered from relevant persons consultation.
- 50. There is a sufficient level of information about the activity, including location, materials composition (also provided in the EP under Sections 4.8.1 and 8.2, Tables 8-3 and 8-4), condition and status of the property proposed to be left in-situ.
- 51. I also noted that a sufficiently robust method, consistent with internationally recognised standard ISO 31000:2018 Risk Management - Guidelines, has been applied in the EP for the identification and evaluation of environmental impacts and risks of the petroleum activity (Section 7). The detail and rigour applied to the impact and risk assessments (Section 8) is commensurate to the magnitude of the impacts and risks related to the petroleum activity, and the level of analysis and evaluation is



proportionate to the nature and scale of the environmental impacts and risks generated by the petroleum activity.

52. The impact and risk assessment outlined in the EP (Section 8) contains suitable detail, to support the evaluation, and incorporates all reasonably ascertainable impacts and risks, and is appropriate to the nature and scale of the activity. These are:
 - a. Physical Presence - Interaction with other marine users (Section 8.1)
 - b. Physical Presence - Equipment degradation (Section 8.2)
 - c. Physical Presence - Alteration of seabed and benthic habitats (Section 8.3)
 - d. Impact to First Nations Cultural Features and Heritage Values (Section 8.4)
53. Where relevant persons consultation has been received through the consultation process, this information has informed the description of the environment and subsequent risk and impact evaluations. For example, the titleholder has consulted with fishing industry bodies, the Western Australian Fishing Industry Council (**WAFIC**) and individual fishing licence holders and First Nation relevant persons, groups and organisations (Section 6, Appendix F) and has addressed the feedback as part of the impact assessment (e.g. Section 8.1.3).
54. Suitable control measures, commensurate with the impacts and risks, have been included (such as navigational controls and notifications) to reduce impacts and risks (Section 8).
55. Legislative requirements are included and are described in the EP and demonstrated to be met through controls. Specifically, requirements of the Sea Dumping Act 1981 are identified under Section 2.2.3, noting:
 - a. The EP recognises that decommissioning *in situ* of the equipment within the scope of this EP will require sea dumping permits. The EP is clear in committing that the titleholder will submit an application for a sea dumping permit and progress the application process as required by DCCEEW.
 - b. This has been confirmed with DCCEEW, as evidenced by records found in the summary of consultations in Appendix F. NOPSEMA has been liaising with the DCCEEW Sea Dumping team on a regular basis and the in-situ scope associated for this proposal (among other) has been regularly communicated to that team. No issues or concerns to date have been raised regarding the scope of this activity.
56. With regard to impact and risks from the physical presence of property left *in situ* on other marine users (Section 8.1), I found that the level of analysis is commensurate to the nature and scale of the activity. This is because the evaluation:
 - a. Included reviews of available technical documentation, available scientific literature, and a review of contemporary fishing data and previously conducted trawl risk evaluations from the Australian Maritime College (**AMC**) for a different project in the region.
 - b. Took into account input from relevant persons consultation (Section 6 and Appendix F).
57. The impacts and risks associated with the physical degradation (Sections 8.2) and physical presence (Section 8.3) from leaving property *in situ* impacting in the long term on values of the Commonwealth Marine Area (Matters of National Environmental Significance) was the focus of a detailed topic assessment [see 10a]. During the EP assessment process, I found that the level of analysis was adequate, and commensurate to the nature and scale of the activity. This is because the evaluation:



- a. Considered impacts and risks associated with physical degradation and physical presence on matters of national environmental significance and other relevant values, such as the Demersal Fish Communities KEF.
 - b. Evaluated the potential for impacts from alloying metals in the steel in suction piles, anchors and chains, by providing an evaluation of potential trace contaminants present in the steel (based on review of available technical data and reasonable assumptions).
 - c. Considered the short and long-term environmental impacts of degradation of equipment abandoned *in situ* in the context of the degree of burial (also considered in Section 3, decommissioning options analysis).
 - d. Estimated areas of impacts that may contain contaminants as the equipment degrades over time, and comparing those with available guideline values (e.g., ANZG 2018)
 - e. Considered the evaluation of local sediment composition, water quality, benthic habitats and infaunal communities, based on information obtained from recent site surveys (e.g., Cardno, 2019) to characterise the local environment.
 - f. Considered uncertainty in the predictions of impact and risk, e.g. from the release of toxicants resulting from steel degradation, and a conservative evaluation was undertaken.
 - g. Considered available relevant technical documentation and scientific literature (e.g. Baker *et al* 2008, Gillett *et al* 2021, Gray 2022) to support assumptions.
58. With regard to impact and risks from the physical presence of property left *in situ* on First Nations cultural features and heritage values (Section 8.4), I found that the level of analysis is commensurate to the nature and scale of the activity. This is because the evaluation:
- a. Considered available relevant literature and information pertaining to Sea Country values (Sections 5.6.1.5 & 5.6.1.6), Indigenous Archaeological Heritage Assessments (Section 5.6.1.7) and Intangible Cultural Features (Section 5.6.1.7)
 - b. Took into account input from relevant persons consultation (Section 6 and Appendix F)
 - c. Considered ongoing and additional consultation arrangements (Sections 6.7, 6.9, 10.5 and Appendix E)
59. Based on the findings above, I was reasonably satisfied that the EP met the requirements of regulation 34(a).

The EP demonstrates that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable: regulation 34(b)

60. Having regard to the EP, I considered that:
- a. Section 7 of the EP describes the process applied to evaluate whether impacts and risks are reduced to ALARP.
 - b. A relatively clear, systematic, and reproducible process for the evaluation of all impacts and risks is outlined, which details the control measures to be implemented, including an evaluation of additional potential control measures, and justifies why control measures are either adopted or rejected (with well-reasoned and supported conclusions) to demonstrate that the environmental impacts and risks of the activity will be reduced to ALARP.
 - c. The evaluation of the adoption of control measures is based on environmental benefits and the consideration of the feasibility and cost/sacrifice of implementation.



61. The evaluation of impacts and risks has been informed by suitable control measures, noting the impacts and risk of the activity are of a low nature and scale. This has informed the selection of an appropriate number of control measures.
62. The EP considers all reasonable control measures as part of the impact and risk evaluations presented in Section 8 for planned activities, and the adoption or rejection of these controls is supported with a description of potential environmental benefit and evaluation of this relative to the cost.
63. With regard to potential impact and risks from interaction with other marine users (Section 8.1), the adopted control measures are reasonable and considered sufficient, commensurate with the risk posed, and effective at reducing the potential future risk to fishers or other users of the sea. These include:
 - a. Completing an as left survey confirming the location and status of property
 - b. Updating AHO charts accordingly
 - c. Notifying relevant persons (including applicable Commonwealth and State fisheries)
 - d. Obtaining a Sea Dumping permit as required
64. Given this, I considered that a reasonable case was made in the EP that risks to fishers or other users of the sea have been reduced to ALARP, as:
 - a. The infrastructure is planned to mostly be buried or cut below the mudline. The suction piles are mostly buried with a minor protrusion of equipment (up to 1 m) above the seabed. The wellhead extends approximately between 2 m and 3 m above the seabed.
 - b. The infrastructure has a relatively small footprint which will be marked on navigation charts.
 - c. The water depth is over 800m and is very unlikely to be suitable for fishing activities.
65. Details of how the control measures will reduce impacts and risks have been provided and are sufficient to understand how these measures will perform.
66. The titleholder methodology for the assessment of the reduction of risk to ALARP described in Section 7 of the EP is systematic, applied thoroughly and reproducible.
67. With regard to impacts and risks from material degradation (Section 8.2) and benthic disturbance (Section 8.3), the control measures identified are similar to those for 8.1, and no additional control measures were adopted. I consider that those impacts and risks, as evaluated in the EP, are inherently acceptable with those controls in place, and found the approach presented to be reasonable in managing associated impacts and risks to ALARP, also considering the following factors:
 - a. The water depth (>800m), location and status of the property proposed to be left *in situ*, which is mostly buried. Hence the majority of degradation products will be trapped within the sediments surrounding the equipment at sediment depths that are unlikely to result in exposure to sensitive receptors (even e.g., infauna) over significant timeframes.
 - b. The sedimentary environment is depositional and hence the component of deep-buried degradation products are unlikely to be re-mobilised but will remain deposited in the sediment.
 - c. Conservative estimates of volumes of steel (and thus contaminants) with a 1m protrusion for the suction piles has been applied when evaluating the potential mass of steel that may degrade and impact surface sediments.



- d. A reasonably conservative evaluation of potential impacts from alloying metals in the steel is provided, considering potential mass of trace contaminants present in the steel, estimating areas of impacts that may contain the contaminants as the equipment degrades over time, and comparing those with available guideline values.
 - e. Impacts to benthic and infaunal communities (as indicated by predicted exceedances of guidance values) are expected to be limited to changes in community diversity and abundance within 35 m of degraded equipment. Impacts beyond this distance were considered not to be readily distinguished from natural variation. Due to the anticipated long degradation timeframes, this assessment was considered adequately conservative.
 - f. The potentially impacted fauna (epibiota, infauna) occur in a number of discrete locations rather than one large area, which potentially limits degradation impacts to biodiversity and ecological connectivity within the Commonwealth Marine Area matter of national environmental significance. Uncertainties in describing benthic habitats and in faunal communities and predictions of impact and risk from the long-term release of toxicants resulting from steel degradation have also been recognised and considered.
 - g. The fish assemblages associated with the Continental Slope Demersal Fish Communities KEF are not expected to be significantly impacted by potential contaminants in sediments as a result of degradation (Section 8.2.3.1).
 - h. In the EP (Table 8-6), the titleholder rejects a control measure relating to monitoring and/or remediation in the area of the subsea infrastructure left *in situ*. I found that this was acceptable since a site monitoring program covering the EMBA is required under the approved Stybarrow Decommissioning and Field Management EP, in order to inform status of the seabed and evaluate any potential damage, or impacts to the natural resources associated with the title.
68. Based on the findings above and those outlined below at [69] – [79], I was reasonably satisfied that the EP met the requirements of regulation 34(b).

The EP demonstrates that the environmental impacts and risks of the activity will be of an acceptable level: regulation 34(c)

69. I considered that the EP demonstrated that the environmental impacts and risks of the activity will be of an acceptable level. Specifically, I found that:
- a. Sections 7.3 and 8 of the EP applies a clear, systematic, and reproducible process for demonstrating how environmental risks will be of an acceptable level and the statements and conclusions drawn by the titleholder in the EP have been sufficiently supported with scientific literature. The process is commensurate with the nature and scale of the activity and the severity of its impacts and risks, with more effort and rigour applied to evaluations where there is a higher degree of scientific uncertainty in predictions of impacts and risks and/or severity of potential consequence of impacts and risks.
 - b. Appropriate criteria for the acceptability evaluation have been set in the EP and are in line with NOPSEMA guidance.
 - c. Section 3 (Table 3-16) includes consideration of the principles of Ecologically Sustainable Development (**ESD**) as defined in the EPBC Act through the decommissioning options assessment completed for the activity. Furthermore, Section 7.3 describes how principles of ESD are taken into account in the acceptable level demonstration process applied in section 8 of the EP.



- d. The EP is not inconsistent with key documents such as Recovery Plans, Threat Abatement Plans and conservation advice for threatened fauna (evaluated in Section 9 of the EP). Legislative requirements are included and are described in the EP and demonstrated to be met through controls where required. This includes consideration of NOPSEMA's Section 572 Maintenance and removal of property regulatory policy and Section 270 consent to surrender title policy and the *Environment Protection (Sea Dumping) Act 1981*.
 - e. The level of analysis conducted was commensurate to the nature and scale of the activity, including consultation with relevant stakeholders.
 - f. Areas of uncertainty have been identified and addressed through the consultation and evaluation of impacts and risks. Conclusions are reasonable and supported by generic scientific literature and conservative assumptions.
 - g. With regard to potential impacts and risks from interaction with other marine users (Section 8.1), I considered that the EP reasonably demonstrates that impacts and risks would be of an acceptable level. This is because:
 - i. The EP evaluates the potential snagging risks from the infrastructure remaining on the seabed thorough review of available current data, consultation with WAFIC and review of studies conducted by a fisheries subject matter expert regarding potential future trawling usage in the region.
 - ii. The EP explains that the infrastructure does not currently present a hazard to commercial fishing vessels through snagging events, and that potential future impact to commercial fishing activity (should trawling resume in the future) from the presence of the infrastructure on the seabed is considered negligible.
 - h. With regard to impacts and risks from material degradation (Section 8.2) and benthic disturbance (Section 8.3), I consider the EP reasonably demonstrates that impacts and risks would be of an acceptable level. This is because:
 - i. Uncertainties surrounding potential volumes, concentrations and impacts associated with the degradation of metals comprising the suction piles, as well as the condition and status of the Eskdale-1 wellhead have been adequately recognised.
 - ii. Sufficient information was provided about the localised nature and scale of the activity, the absence of sensitive receptors realistically at risk, the water depth (>800 m), the relative distance between the different pieces of infrastructure to be left in the field, the areas of potential impact around each piece of infrastructure (radius of up to approximately 35 m) and the relative distance to other oil and gas activities in the region. Cumulative or overlapping impacts from degradation of infrastructure are not anticipated between the Eskdale-1 wellhead (the closest petroleum property beyond the Stybarrow field area) and the suction piles, anchors and chains to be left *in situ*, given there is approximately 2 km separating them.
 - iii. Indirect impacts, such as the potential for bioaccumulation of degradation contaminants in food resources, are very unlikely and considered to be acceptable due to the small spatial scales of impacts on the seabed, the overall volumes of potential contaminants involved, and the long duration over which degradation is likely to occur.
70. Based on the findings above, I was satisfied that the EP met the requirements of regulation 34(c).



The EP provides for appropriate environmental performance outcomes, environmental performance standards, and measurement criteria: regulation 34(d)

71. Section 8 of the EP contains the EPOs, EPSs and measurement criteria for impacts and risks of the petroleum activity.
72. The EP provides appropriate EPOs that I considered:
 - a. Are relevant to identified environmental impacts and risks for the petroleum activity;
 - b. When read in conjunction with associated EPSs, establish measurable levels for management of environmental aspects of the petroleum activity;
 - c. When read in conjunction with the relevant environmental impact/risk evaluation and adopted management measures, demonstrate that the environmental impacts and risks will be managed to an acceptable level; and
 - d. Are considered consistent with the principles of ESD and relevant requirements (such as Recovery Plans, plans of management and other statutory instruments), considering items a-c above
73. The EP provides appropriate EPSs that:
 - a. Contain clear and unambiguous statements of environmental performance. The statements of environmental performance describe how each of the adopted control measures will function and perform to effectively reduce environmental impacts and risks to ALARP and to an acceptable level;
 - b. Have clear measurement criteria that link to the EPSs and will provide a record that the EPSs have been met. The measurement criteria are suitable for verifying that the defined levels of environmental performance are being met, and for the purpose of monitoring compliance.
74. EPOs are linked to acceptable levels - impacts and risks have been clearly evaluated in the context of acceptability and the EPOs defined are generally more conservative than would be required to meet the assumptions and evaluation made in the impact and risk assessment.
75. The EPOs, EPSs and MC presented are linked and complementary. As an example, this is reflected as a control measure under Table 8-2, and EPO 1, C 1.1, PS 1.1 and MC 1.1.1, which relates to preventing adverse interactions with other marine users from equipment decommissioned *in situ* and linking through the Sea Dumping permitting requirements.
76. EPOs address all identified impacts and risks and the EPOs set a clear level of environmental performance to be attained by this activity.
77. Activity specific and relevant EPSs are clearly defined and linked to control measures.
78. EPSs have clear measurement criteria that can easily be monitored for compliance.
79. Based on the findings above, I was reasonably satisfied that the EP met the requirements of regulation 34(d).

The EP includes an appropriate implementation strategy and monitoring, recording and reporting arrangements: regulation 34(e)

80. Regulation 34(e) requires that I be satisfied that the implementation strategy, and the monitoring, recording and reporting arrangements were appropriate.
81. In reviewing the implementation strategy outlined in Section 10, I noted that there are a number of requirements under Regulation 22 that are not applicable, due to the nature of the activity. Specifically,



arrangements for an oil pollution emergency plan (OPEP) (including testing of arrangements), and related training/competency, auditing or monitoring arrangements for oil spills are not required for this activity, nor provided for in the EP.

82. The EP has sufficiently demonstrated that systems are in place to ensure all impacts and risks will continue to be reduced to ALARP and an acceptable level and that a suitable process is in place to manage changes to the activity and its impacts and risks, should they arise.
83. The titleholder has a comprehensive and mature Environmental Management System, which is described in Sections 2, 7 and 10 of the EP. Various sections of the EP demonstrate how the system has been applied specifically to the proposed activity.
84. Ongoing consultation arrangements are covered in Sections 6.7 and 10.5 of the EP. These are the subject of explicit controls and, while they will be limited in duration, arrangements are appropriate given the nature and scope of the EP and include aspects pertaining to ongoing consultation with First Nations relevant persons.
85. Based on the findings above, I was satisfied that the EP met the requirements of regulation 34(e).

The EP does not involve the activity, or part of the activity, other than arrangement for environmental monitoring or for responding to an emergency, being undertaken in any part of a declared World Heritage Property within the meaning of the EPBC Act: regulation 34(f)

86. As I stated above at [20] I was satisfied that the EP clearly describes the boundaries of the petroleum activity (Section 6), which demonstrates that no part of the activity will be undertaken in any part of a World Heritage Property within the meaning of the EPBC Act.
87. The Ningaloo Coast with World Heritage and National Heritage listings are located approximately 25km from the activity EMBA.
88. In those circumstances, I am satisfied that the EP met the requirements of regulation 34(f).

The EP demonstrates that the titleholder has carried out the consultations required by Division 3, and the measures (if any) that are adopted because of the consultations are appropriate: regulation 34(g)

89. Regulation 34(g) has two components which the EP must demonstrate:
 - a. First, that consultation has occurred as per the requirements in regulation 25 of the Environment Regulations. Reg 34 requires that the titleholder consults with each 'relevant person' as defined in regulation 25(1), and imposes certain requirements for how that consultation is to occur (as specified in regulations 25(2)-(4)) (subparagraph (i)); and
 - b. Second, that the titleholder adopted, or proposed to adopt, appropriate measures in light of those consultations (subparagraph (ii)).
90. The Act and Regulations do not define what constitutes 'consultation' for the purposes of regulation 25 (and therefore satisfaction of regulation 34(g)(i)). However, there must first be identification of the relevant persons to be consulted, followed by consultation, the purpose of which is to ensure that the titleholder has ascertained, understood and addressed all the environmental impacts and risks that might arise from its proposed activity.
91. Whether the steps and actions taken by a titleholder amount to 'consultation' will vary depending upon the particular circumstances and must reflect the characteristics of the relevant persons affected by the titleholder's proposed activity. However, consultation does not require every opportunity to be



afforded. It also does not mean that, where those being consulted may not consider they have been properly consulted, 'consultation' has not been carried out. Overall, I must be reasonably satisfied that consultation undertaken was appropriate and adapted to the nature of the relevant persons, and that a reasonable opportunity to participate in the preparation of the EP was given.

92. In determining whether the consultation requirements set by regulation 34(g) have been met, I had regard to the content of the EP. In particular the titleholder's consultation methodology (Section 6), Appendix F and the sensitive information part of the EP.
93. I found that Section 6 of the EP provides descriptions of the consultation process and the rationale used to determine who and how to consult with relevant persons, including the approach to provision of sufficient information to allow the relevant person to make an informed assessment of the possible consequences of the activity on the functions, interests or activities of the relevant person and to allow the relevant person a reasonable period of time to engage in the consultation process.
94. I found that the EP describes a clear process for the identification and broad capture of relevant persons in accordance with regulation 25(1). This is because:
 - a. The process (Sections 6.3 and 6.8) provides for the identification of relevant persons within all the categories of relevant persons defined by regulations 25 (1)(a), (b), (c), (d) and (e). The relevant person identification methodology for a suitable range of categories is presented in Table 6-2.
 - b. The process provides for the terms, "functions," "interests" and "activities" for the purpose of identifying relevant persons under regulation 25 (1)(d) to be interpreted and applied broadly by the titleholder in a manner consistent with the interpretation of those terms in NOPSEMA's 'Consultation in the course of preparing an environment plan guideline' (N-04750-GL2086). A description of the functions, interests or activities of those persons or organisations identified as relevant persons under regulation 25(1)(d) is provided in Table 6-3.
 - c. The process includes reference to multiple sources of information, such as publicly available materials (including management plans for Commonwealth and State Marine Parks), review of databases and registers (such as commercial fishing catch and effort data), published guidance (such as WAFIC consultation guidance), as well as previous history and advice from authorities and other relevant persons (such as the Director of National Parks).
 - d. The process includes consideration of published guidance developed by relevant persons detailing their functions, interests, or activities and how and when they wish to be consulted on activities. This included, for example, material from WAFIC and WA Department of Transport.
 - e. The process (Section 6.8) includes details and evidence of the steps taken by the titleholder to create awareness of the petroleum activity and the consultation process, to encourage potentially relevant persons that the titleholder may not be aware of, to make themselves known to the titleholder. For example, advertising in national, state and relevant local newspapers, geotargeted social media campaign, community information sessions and community reference group information sessions.
 - f. The process includes details of how the titleholder makes an assessment to determine whether an individual or organisation who has self-identified as a relevant person, is or is not, considered to be a relevant person for the purposes of regulation 25. For example, Friends of the Earth Australia and Maritime Union of Australia self-identified and were then assessed as relevant persons under regulation 25(1)(d), as per Table 6-3 and Appendix F.
 - g. The EP clearly identifies who is a relevant person and the category the person falls within, set out in regulation 25. Relevant persons identified in the EP include, but are not limited to:



- i. Government departments / agencies (marine, environment and industry)
 - ii. Commercial fisheries and peak representative bodies
 - iii. Recreational marine users and peak representative bodies
 - iv. Titleholders and operators
 - v. Peak industry representative bodies
 - vi. Traditional Custodians and First Nations nominated representative corporations
 - vii. Native Title Representative Bodies
 - viii. Heritage groups or organisations
 - ix. Local government and recognised local community reference/liaison groups or organisations
 - x. Other non-government groups or organisations
 - xi. Research institutes and local conservation groups or organisations
95. I found that the nature of the activity, description of the environment and the possible impacts and risks of the activity have been taken into account when determining whether the activity may be relevant to Commonwealth, State or Northern Territory agency or authority, or determining whose functions, interests and activities may be affected. This is because:
- a. The titleholder has considered all the known environmental values and sensitivities within the full extent of the environment that may be affected by the planned and unplanned impacts and risks of the activity (Section 8) when determining relevant persons; and
 - b. The titleholder has considered the nature and scale of the activity and all the possible impacts and risks of the activity when determining relevant persons (Section 6.8).
96. I found that effective consultation has taken place with relevant persons in accordance with regulation 25. This is because:
- a. The titleholder has consulted with each person or organisation identified as a relevant person in the EP (Table 6-3). This also included some other persons or organisations that the titleholder did not deem to be 'relevant persons,' but had chosen to contact (as per EP Section 6.3.4)
 - b. The titleholder advised relevant persons of the requirement to undertake consultation. This included providing relevant persons with a copy of NOPSEMA's Consultation on offshore environment plans Brochure for consultation which occurred after its publication in May 2023.
 - c. The titleholder provided relevant persons with sufficient information to allow the relevant person to make an informed assessment of the possible consequences of the activity on their functions, interests or activities, in accordance with regulation 25(2). This is because:
 - i. The EP (Section 6.4.1) includes a description of the approach to provision of sufficient information that takes into account the functions, interests or activities of relevant persons and the impacts and risks that may affect them.
 - ii. The titleholder tailored the information to suit the needs of the different types of relevant persons and provided information in a form that is readily understood and appropriate for the relevant person being consulted. For example, consultation emails to fishery organisations (e.g., WAFIC, June-July 2023) identified relevant fisheries overlapping the EMBA, information sent to the Director of National Parks (**DNP**) and the Western Australian Department of Biodiversity, Conservation and Attractions (**DBCA**) outlined potential impacts to protected areas.



- iii. The titleholder used different materials to support the provision of information that was suited to the relevant person being consulted, such as pictorials, graphics, verbal briefings and presentations (Section 6.4.1).
 - iv. The titleholder has considered relevant persons' views of what constitutes sufficient information and has considered requests for additional information by relevant person and other persons the titleholder chose to contact. The titleholder responded to requests made, including through provision of additional information in relation to impacts and risks of the activity. For example, additional information was provided to the MUA, WAFIC and relevant First Nations groups.
 - v. The consultation material provided sufficient information about the environment and impacts on the environment to allow relevant persons to make an informed assessment of the possible consequences of the activity on their functions, interests or activities. For example, detailed consultation information sheets, bespoke (plain English) consultation information sheet targeting First Nations groups, activity emails, newspaper advertisements and custom PowerPoint presentations for meetings.
- d. The titleholder has allowed relevant persons a reasonable period for the consultation, in accordance with regulation 25(3). This is because:
- i. Records provided in Appendix F (Tables 1 and 2) indicate that the titleholder commenced consultation with relevant persons throughout March-May 2022 and then following the findings of the Full Federal Court in Santos NA Barossa Pty Ltd v Tipakalippa [2022] FCAFC 193 additional consultation was undertaken in between June-October 2023, providing sufficient time for relevant persons to consider the information provided and make an informed response.
 - ii. The EP (Section 6.4.2) describes the approach taken to determining a reasonable period for consultation that is based on consideration of the relevant person's particular circumstances and includes consideration of the nature, scale and complexity of the activity, as well as the extent and severity of potential impacts and risks on each relevant person's functions, interests or activities.
 - iii. The process for relevant persons consultation provides for the titleholder to take into account any availability and accessibility issues of relevant persons. For example, representatives of the titleholder travelled to regional locations to meet relevant persons, that were widely advertised information sessions held in Broome, Derby, Kununurra, Exmouth, Roebourne and Karratha, and the titleholder hosted community reference group information sessions with the Exmouth and Karratha Community Liaison Groups (Section 6.9).
 - iv. The titleholder has considered relevant persons views of what constitutes a reasonable period for consultation and has considered requests for additional time by relevant persons. Additional time was provided where reasonable requests were made, such as requests for specific timeframes to meet with NTGAC and YAC.
 - v. The titleholder has addressed all responses from relevant persons at the date of EP submission to NOPSEMA (in Section 6 of the EP). The manner in which the titleholder addressed responses is summarised in the EP (Table 1, Appendix F), for all relevant persons. This for the most part involved the titleholder preparing and sending written correspondences (letters or email) to the relevant persons addressing their response(s). In some cases, records were provided indicating that a phone call had been returned or a meeting organised and held. Records of any written responses were also included in the sensitive information report.



- e. The titleholder had informed relevant persons that they may request that particular information provided during consultation not be published and information subject to such a request was not published, in accordance with regulation 25(4). The titleholder had consistently provided these notifications through the information sheets, in specific written correspondence and at meetings.
97. I found that information gathered through the consultation process has been incorporated into the rest of the EP and effectively informed the identification of environmental values and sensitivities to ensure impacts and risks are reduced to ALARP and acceptable levels. This is because:
- a. Information obtained from relevant persons has informed the identification of environmental values and sensitivities where relevant (Section 5).
 - b. Information obtained from relevant persons (or other persons or organisations that Woodside has chosen to contact) has been considered in the evaluation of environmental impacts and risks, and in the titleholder's processes for demonstrating that the environmental impacts and risks of the activity will be reduced to ALARP and acceptable levels, where relevant. For example, potential impacts identified by the DNP, Ningaloo Coast World Heritage Advisory Committee (NCWHAC) and Cape Conservation Group (CCG).
98. Information obtained from relevant persons has been considered in the evaluation of environmental impacts and risks, and in the titleholder's processes for demonstrating that the environmental impacts and risks of the activity will be reduced to ALARP and acceptable levels where relevant.
99. I considered that the titleholder's assessment of merit and all responses to objections and claims are reasonable and supported, and the measures adopted (if any) because of the consultation are appropriate. This is because:
- a. The titleholder has resolved objections and claims raised by relevant persons as far as reasonably practicable and has demonstrated that the additional control measures adopted because of the consultations are appropriate. This consultation summary report (Table 1, Appendix F), provides a clear listing of all objections and claims, catalogued against the evaluation and response provided by the titleholder. These in turn, are linked (where relevant) to any updates made to control measures and identified the Table.
 - b. In some cases, the titleholder's assessment of the merits of objections and claims resulted in the adoption of additional control measures in order to demonstrate that impacts and risks will be reduced to ALARP and acceptable levels. For example, control measures identified through consultation with DCCEW's Sea Dumping branch (C 1.1) or consultation with fishers (e.g., C. 1.3) are included in the EP (Section 8).
 - c. In other cases, the titleholder's assessment of the merits of objections and claims resulted in no additional control measures adopted when they were not practicable and/or necessary for the EP to demonstrate that impacts and risks will be reduced to ALARP and acceptable levels.
100. I found that the EP includes a report on all consultations under regulation 25 of any relevant person by the titleholder in accordance with regulation 24(b). This is because:
- a. The EP (Appendix F, Table 1) contains a summary of each response made by a relevant person. The summary adequately reflects the responses received from relevant persons, such that relevant claims or objections can be adequately identified. The assessment team reviewed the full text records to verify the accuracy of the summary of the consultation.



- b. The EP (Section F, Table 1) contains an assessment of the merits of any objection or claim raised during relevant persons consultation. The titleholder has identified claims and objections raised by relevant persons and assessed the merit of each objection or claim about the adverse impact of the activity described in the EP. The assessment of merit has subsequently informed the titleholder's response or proposed response to the relevant person's objection or claim. The report contains a statement of the titleholder's response, or proposed response, if any, to each objection or claim. Where there has been a claim or objection identified, the titleholder has provided response or proposed response which I considered adequate to each objection or claim that has been raised.
- c. A copy of the full text of any response by a relevant person was included in the sensitive information part of the EP.
- d. Where claims or objections regarding the adverse impact of the activity were raised, relevant to the activity to which the EP relates, the titleholder has considered the claims against the content of the EP to ensure relevant management measures have been included. The consultation has progressed to resolve objections and claims made by relevant persons as far as reasonably practicable. I considered that the titleholder's assessment of claims and its responses to objections and claims were reasonable and supported, with cross-referencing to records where applicable.

101. In reviewing the consultation records, I found that effective consultation had taken place with relevant persons, and that assessments of merit and responses to objections and claims had been reasonable and supported. For example:

- a. Consultation with the MUA has occurred since February 2023 relating to a number of matters, including activities covered by this EP.
 - i. This included by:
 - Sending an information sheet and email seeking consultation feedback
 - Exchanges of emails and phone calls to establish consultation arrangement and address specific matters
 - Holding an in-person meeting with MUA representatives (4 August 2023) to discuss a number of matters, including specific questions regarding leaving some of the Stybarrow field property *in situ*
 - Providing written responses to direct correspondence, addressing specific questions, claims, and requests
 - ii. The records indicate that the titleholder has addressed the following MUA claims:
 - The objections that infrastructure proposed to be left in situ rather than removed under the OPPGS Act and that full removal of infrastructure should always be preferred practice were responded to and is addressed through the options and impact evaluations.
 - The concerns that specific recent research determined further investigation is required into the impact of steel contamination over time of equipment left in situ, was addressed by acknowledging that the research in question was unrelated to the proposed activity, given differences in nature, scale and location. The title holder had



also attempted to clarify what additional studies if any, the MUA considered it should be taking into account.

- b. Consultation with WAFIC commenced in May 2022 relating to a number of matters, including those pertaining to this EP.
 - i. This included by:
 - Sending information sheets and emails seeking consultation feedback
 - Exchanges of emails and phone calls to establish consultation arrangement and address specific matters
 - Holding an in-person meeting with WAFIC representatives (28 August 2023) to discuss a number of matters, including specific questions regarding leaving Stybarrow field property *in situ*
 - Providing written responses to direct correspondence, addressing specific questions, claims, and requests
- c. The records indicate that the titleholder has addressed the WAFIC questions and claims in the following way:
 - Clarifications regarding the nature of the activity, material composition and options evaluation.
 - Concerns about the Eskdadle-1 wellhead being left in situ were addressed through provision of information surrounding the previous removal attempts and evaluation of trawl fishing activities in the area.
 - The objection to the suction gravity bases or any equipment that has an epoxy-based paint being left in situ were responded to through provision of the options analysis outcome, and discussing the conclusion reached from the impact evaluations contained in the EP regarding material degradation.
- d. In considering whether the matters raised by the MUA and WAFIC above had been adequately addressed by the titleholder, I also noted that:
 - Domestic legislation and guidance, as well as international conventions and guidelines, all allow for deviations from the 'base case' of full removal pertaining to petroleum infrastructures of this nature; and
 - The evaluation of impacts and risks (including adoption of relevant control measures where applicable) reasonably demonstrated that there would not be any credible significant impact on other marine users, and contamination impacts would be localised, negligible and acceptable.

102. I noted that the titleholder has tailored their approach to First Nations consultation to assess the possible consequence of the proposed activity on their functions, interests, or activities. My evaluation of the titleholders' application of this approach is presented below [103-109].

Consultation with First Nations people/groups

103. The EP describes a clear process for the identification and broad capture of First Nations relevant persons in accordance with regulation 25(1)(d). This is because:



- a. The process for relevant person identification provides for the capture of First Nations representative groups by identifying and consulting with all relevant groups who were coastally adjacent to the EMBA as relevant persons as defined by existing systems of recognition provided under native title or cultural heritage legislation, marine park management plans or identification by other First Nations groups or entities (Section 6.8).
 - b. The process (Tables 5-1 and 5-2) clearly identifies that First Nations groups, such as Native Title Representative Bodies (NTRBs) and Prescribed Body Corporates (PBCs), may be relevant persons with a function that may be affected by the activities in the EP. In addition, where a First Nations person, group or entity self-identifies and/or asserts cultural rights, interests, functions, or activities they are included in the definition of "Traditional Custodian" for the purpose of this EP.
 - c. The process (Table 5-2 Section 6.8) recognises "Traditional Owners" with a connection to sea country may constitute an interest for the purposes of regulation 25(1)(d) and provides for them to be identified and consulted as a relevant person.
 - d. The process appropriately utilised the nominated representative corporations as the point of contact with First Nations people and sought the guidance of these groups in conducting consultation. The nominated representative corporations were consulted in their own right and requested to forward consultation information to their members and to advise of other Traditional Custodian groups or individuals with whom the titleholder should consult (Section 6.3).
 - e. The process enabled First Nations individuals to self-identify as relevant persons in response to widely distributed public notices in national and local newspapers, geotargeted social media campaigns and community engagement opportunities (Sections 6.5).
 - f. The First Nations people/groups identified as relevant persons for this EP (Table 6-3) consists of one Native Title Representative Body (i.e., Yamatji Marlpa Aboriginal Corporation (YMAC) and two Prescribed Body Corporates (NTGAC and YAC). No other First Nations groups made themselves known to the titleholder and/or self-identified as a relevant person.
104. The EP demonstrates that the titleholder has carried out consultation with First Nations relevant persons in an effective manner, providing sufficient information to allow the relevant person to make an informed assessment of the possible consequences of the activity on the functions, interests or activities of the relevant person and a reasonable period for the consultation.
105. In reviewing the consultation summary report (Appendix F) and records provided in the sensitive information report ('consultation records') relating to consultation with First Nation relevant persons, I found that:
- a. The consultation undertaken by the titleholder was comprehensive and provided for the identification and consultation with those persons and organisations reasonably capable of ascertainment. Consultation for the activity has been underway for a substantial time period (over 12 months), allowing multiple opportunities and sufficient time for relevant persons to engage.
 - b. First Nations relevant persons or groups consulted for this activity were specifically requested to help identify other First Nations relevant persons who hold communal cultural interests that may be affected by the activity, or to provide advice on the appropriate means to identify and consult with these individuals and/or groups.



- c. The consultation process has also considered the established and ongoing operational presence of the titleholder in the area for some decades, and previous consultation undertaken for this and other activities in the region.
 - d. An iterative, targeted, repeated, and reasonable effort was made to engage with specific persons or groups of relevant persons in order to elicit a response and engage with the process.
 - e. There is evidence in the consultation records that the titleholders have advised First Nations relevant persons that they may request that particular information they provide is not published in accordance with regulation 25A(4) and it is evident that these requests have been addressed where necessary.
 - f. No specific objection or concern regarding the proposed activity, that had not been reasonably responded to, addressed or incorporated into the EP as a result of the consultation process remains outstanding. I noted that:
 - g. A majority of claims that arose chiefly related to collective matters pertaining to agreement confirming funding and supporting capacity building to deal with the titleholder's EP consultation workload.
 - h. None of the claims related to potential impacts to cultural heritage sensitivities/features within the operational area due to planned impacts associated with the Stybarrow *in situ* decommissioning proposal; and
 - i. A number of First Nations relevant persons, requested that the titleholder enter into a consultation protocol/framework, as summarised in Appendix F. The EP includes evidence that demonstrates the titleholder has been progressing these requests for consultation agreements in support of ongoing consultation in accordance with regulation 22(15) and on future EP consultations and that the titleholder has developed a program of ongoing engagement with Traditional Custodians, to actively support Traditional Custodians' capacity for ongoing engagement and consultation on environment plans and implementation of Management of Change protocols as required. The table provided in Appendix E (table 6) summarises the status of these agreements for each of the groups.
 - j. In the course of the EP being prepared (throughout 2023 and 2024) NTGAC put forward a position that consultation could not be undertaken without consultation agreements in place or that they were not satisfied with the manner in which consultation had been undertaken.
 - k. A review of consultation records between the titleholder and NTGAC indicates that additional consultation progressed with the group and resulted in the development of a consultation agreement (e.g. 28-29 February 2024 correspondence between the titleholder and NTGAC).
106. In light of this (and previous consultation records), the EP provides evidence that sufficient information and a reasonable period has been provided to these relevant persons and reasonable requests for resources and material to support effective consultation has been met. This includes communication, notification and measures adopted as a direct result of consultation with First Nations relevant persons.
107. The EP also demonstrates that the titleholder has applied considerable effort to effectively consult with each identified group on the activity, including over a reasonable period of time (in all cases beyond 12 months) and in a manner that accommodated for the provision of sufficient information



(such as holding bespoke meetings, office visits, provision of customised information sheets, slide packs, phone conversations, newspaper and social media advertisements)).

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

Correspondence received directly by NOPSEMA

109. NOPSEMA received a number of direct communications from third parties raising issues and/or expressing concerns with and objections to the EP. Information received directly from third parties was forwarded to the titleholder for consideration and incorporation into the EP.
110. NOPSEMA received correspondences directly from: Maritime Union of Australia (MUA), Cape Conservation Group, Tuna Australia, and the UNESCO Ningaloo Coast World Heritage Advisory Committee (NCWHAC) and the DBCA World Heritage Program Manager Ningaloo Coast (DBCA).
111. I was therefore reasonably satisfied that Regulation 34(g) was met in relation to 'relevant persons' as defined by regulation 25(1).

The EP complies with the Act and Regulations: regulation 34(h)

112. I was satisfied that the EP was compliant with the Act and Regulations because:
- a. The EP is consistent with the 'Objects' of the Environment Regulations, including the principles of ESD.
 - b. There is sufficient information to address each of the content requirements of regulations 21-24 of the Environment Regulations with sufficient clarity, consistency, and detail commensurate to the nature and scale of the activity.
 - c. The EP includes a summary statement (Section 1.6) as required by regulation 36(c).
113. The EP demonstrates through consultation with relevant persons (Section 6) that the proposed petroleum activity will not interfere with navigation, fishing, conservation of resources of the sea and seabed, other offshore electricity infrastructure and petroleum activities, and the enjoyment of native title rights and interests (within the meaning of the *Native Title Act 1993*) to a greater extent than is necessary for the reasonable exercise of the titleholder's rights and obligations, in accordance with the requirements of Section 280 and Section 460 of the OPGGS Act.
114. The EP acknowledges and commits to complying with the requirements of the Environment Regulations that are relevant to the petroleum activity, including the requirements under regulation 26 and 29 to notify NOPSEMA of reportable incidents and the start and end of the petroleum activity (Section 10.4).
115. Appendix B provides further details related to relevant legislation, regulations, and other requirements within this EP.

Section 572 of the OPGGS Act

116. NOPSEMA issued the titleholder with a General Direction (General Direction 833) under Section 574 of the OPGGS Act in relation to decommissioning of infrastructure relating to the Stybarrow field within WA-32-L. Section 2.1.2 of the EP provides a description of the requirements of General Direction 833 and the titleholder's intention for addressing each of the directions, under this EP or under other separate Stybarrow decommissioning EPs.



117. Direction 2 requires the titleholder to remove, or cause to be removed, to the satisfaction of NOPSEMA, from the title area all property brought into that area by any person engaged or concerned in the operations authorised by the title as soon as practicable and no later than 31 March 2025.
118. Direction 3 requires the titleholder, until such time as Direction 1 and 2 are complete, to maintain all property on the title to NOPSEMA's satisfaction, to ensure removal of the property is not precluded. The Stybarrow Decommissioning and Field Management EP, covers ongoing inspection and maintenance activities on all subsea infrastructure (including wells).
119. Based on the above, I was reasonably satisfied that the EP met the requirements of regulation 34.

Other considerations

Principles of ecological sustainable development (ESD)

120. The Environment Regulations provide that their object is to ensure that any activity or greenhouse gas activity carried out in an offshore area is carried out in a manner consistent with the principles of ESD set out in section 3A of the EPBC Act. I considered that the EP was consistent with the principles of ESD (considering information provided under Section 3.2.2, Table 3-4) and the risks assessments provided in Section 8), as provided below:
 - a. The Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social, and equitable considerations (the 'integration principle'):
 - i. The titleholder has undertaken a range of studies to determine the approach to decommissioning the Stybarrow field, which have informed the titleholder's deliberations. The decommissioning strategy being pursued by the titleholder integrates long-term and short-term economic, environmental, social, and equitable considerations.
 - b. If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the 'precautionary principle'):
 - i. Precautionary principle: The physical presence of the infrastructure and equipment degradation, and its potential impacts, are well understood, and there is no risk of serious or irreversible environmental damage from this activity.
 - c. That the present generation should ensure that the health, diversity, and productivity of the environment is maintained or enhanced for the benefit of future generations (the 'intergenerational principle'):
 - i. In the context of its scale and location, the physical presence – equipment degradation aspect will not impact upon the environment such that future generations cannot meet their needs.
 - d. The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the 'biodiversity principle'):
 - i. The physical presence of the infrastructure and equipment degradation will not impact upon biodiversity or ecological integrity.
 - e. Improved valuation, pricing and incentive mechanisms should be promoted (the 'valuation principle'):
 - i. The options analysis (Section 3) adequately considers contracting strategies and the hierarchy of waste management, within the context of the nature and scale of the proposed activity. This included a comparative evaluation of short and long term environmental impacts and risks for



relevant aspects (i.e., benthic habitats, fauna, GHG emissions, materials management, sediment quality, water quality, other users of the sea).

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

121. The Program endorsed under section 146 of the EPBC Act outlines the environmental management authorisation process for offshore petroleum and greenhouse gas activities administered by NOPSEMA and requires NOPSEMA to comply with Program responsibilities and commitments.
122. In implementing the Program, NOPSEMA conducts assessments of EPs against the requirements of the Program, which includes meeting the acceptance criteria and content requirements under the Environment Regulations. Specific Program commitments relating to protected matters under Part 3 of the EPBC Act are outlined in Table 2 of the Program report and must be applied during decision making with respect to offshore projects and activities.
123. I considered protected matters under Part 3 of the EPBC Act, as required by the Project, and was reasonably satisfied that the EP meets these criteria. Some examples of how NOPSEMA has applied the Program requirements to this EP include ensuring that the decision to accept this EP:
 - a. Is not inconsistent with relevant recovery plans, threat abatement plans and wildlife conservation plans, and that these documents have been taken into consideration when determining the acceptability of the EP where impacts to listed threatened species and ecological communities may arise. For example, the activity is not inconsistent with the *Conservation Management Plan for the Blue Whale, a Recovery Plan under the Environment Protection and Biodiversity Conservation Act 1999 2015-2025* (Commonwealth of Australia, 2015) as habitat modification and debris from the degrading infrastructure will not directly impact blue or pygmy blue whales which do not dive to the depths of the property (>800m). Further, the proposed activity was not considered inconsistent with the *Threat Abatement Plan for the Impacts of Marine Debris on the Vertebrate Wildlife of Australia's Coasts and Oceans* (Commonwealth of Australia, 2018) due to the long degradation period (referred to as being 'hundreds to thousands of years' in the EP) and the minimal amounts of plastic material that were present in the wellhead.
 - b. Ensures that impacts to the Commonwealth marine area will be of an acceptable level having regard to relevant policy documents, gazettal instruments, bioregional plans, wildlife conservation plans, plans of management and EPBC Act guidance documents on the DCCEEW website. For example, control measures such as compliance with the Sea Dumping Act (C 1.1, PS 1.1 and MC 1.1.1), and an 'as left' survey (C1.4, PS 1.4, MC 1.4.1) will be implemented to verify the location, condition and burial status of property left *in situ* and to confirm it is as described in the EP (EPO 2). Further, environmental monitoring will be undertaken to provide information required to meet the requirements of the Section 270(3)(e), (f) under the accepted Stybarrow decommissioning and field management environment plan (document no.: BHPB-00SC-N000-0003), and as directed under General Direction 833.
 - c. Ensures that the decision will not result in unacceptable impacts to a migratory species or an area of important habitat for a migratory species having regard to relevant policy documents, wildlife conservation plans listed in Appendix C. For example, the migration BIA for the Pygmy blue whale is one of only two BIA's that overlaps with the activity EMBA, as the whales tend to pass along the shelf edge at water depths of 500 m to 1000 m. The wedge tailed shearwater breeding/foraging BIA also overlaps with the activity EMBA, but is not realistically impacted, given the nature and scale of the activity.
 - d. The decommissioning of property left *in situ* is not likely to result in unacceptable impacts to pygmy blue whales as the whales cannot dive to water depths of 800 m, and therefore direct



impacts are not likely. It is also not likely that wedge tailed shearwaters would be impacted given they will only ever be present at or near the sea surface.

- e. Indirect impacts, such as the potential for bioaccumulation of degradation contaminants in food resources, are very unlikely and considered to be acceptable due to the small spatial scales of impacts on the sea bed, and the long duration over which degradation is likely to occur.

The Program: Cumulative environmental impacts

124. In the context of the Program, cumulative impacts refers to the direct and indirect impacts of a number of different petroleum activity actions that may influence the natural environment or other users within a locality or region which, when considered together, have a greater impact on the offshore marine environment than each action or influence considered individually.
125. In the context of NOSPSEMA's Decision Making Guidelines for offshore petroleum activities, cumulative environmental impacts are 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.
126. NOPSEMA considered the potential for cumulative environmental impacts to the Commonwealth marine area as required by the Program. NOPSEMA is reasonably satisfied that, due to the localised nature and scale of the activity, the potential cumulative impact factors, the receptors at risk, the water depth (>800 m) the relative distance between infrastructure to be left *in situ*, and the relative distance to other oil and gas activities, cumulative impacts were of an acceptable level.

Potential environmental impacts arising from greenhouse gas emissions (GHG)

127. In assessing the EP, NOPSEMA has had regard to the EPBC Act Policy Statement 'Indirect consequences of an action: Section 527E of the EPBC Act (DSEWPaC, 2013), in particular in relation to GHG emissions, including scope 3 emissions.
128. NOPSEMA considered the potential environmental impacts arising from GHG emissions as required by the Program. NOPSEMA is reasonably satisfied that there will be no potential impacts arising from GHG emissions as the accepted activity has no planned field operations (as this is a 'decommission *in situ*' activity).

Conclusion

129. Following review of the titleholder's financial assurance declaration and confirmation forms, NOPSEMA is reasonably satisfied, in accordance with regulation 16 of the Environment Regulations, and at the time of making the decision to accept the EP, that the titleholder is compliant with subsection 571(2) of the OPGGS Act in relation to the petroleum activity, and the compliance is in a form that is acceptable to NOPSEMA.
130. For the reasons set out above, I was reasonably satisfied that the EP met the following criteria set out in sub-reg 34 of the Environment Regulations and should therefore be accepted, as the EP:
 - a. Is appropriate for the nature and scale of the activity;
 - b. Demonstrates that the environmental impacts and risks of the activity will be reduced to ALARP
 - c. Demonstrates that the environmental impacts and risks of the activity will be of an acceptable level
 - d. Provides for appropriate EPOs, EPSs and measurement criteria



- e. Includes an appropriate implementation strategy and monitoring, recording, and reporting arrangements and
- f. Does not involve the activity or part of the activity, other than arrangements for environmental monitoring or for responding to an emergency, being undertaken in any part of a declared World Heritage property within the meaning of the EPBC Act and
- g. Demonstrates that:
 - i. The titleholder has carried out the consultations required by Division 3 and
 - ii. The measures (if any) that the titleholder has adopted, or proposes to adopt, because of the consultations are appropriate and
- h. Complies with the Act and the regulations.

Accordingly, NOPSEMA decided to accept the EP.

Signed

Director Decommissioning - Environment

21 June 2024



Appendix A: Relevant Terms

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

- a. The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* is referred to as the OPGGS Act.
- b. The National Offshore Petroleum Safety and Environmental Management Authority is referred to as NOPSEMA.
- c. The Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 are referred to as the Environment Regulations.
- d. The Stybarrow End State Decommissioning Environment Plan (Document number BHPB-00SC-N000-0007, Rev 2, dated 23 April 2024) means the Environment Plan (EP).
- e. The *Environment Protection and Biodiversity Conservation Act 1999* is referred to as the EPBC Act.
- f. The titleholder means 'Woodside Energy (Australia) Pty Ltd.'
- g. The term 'petroleum activity' means in this case the *in situ* abandonment of property associated with the Stybarrow field petroleum development.
- h. The term 'environment' means:
 - i. ecosystems and their constituent parts, including people and communities and
 - ii. natural and physical resources and
 - iii. the qualities and characteristics of locations, places, and areas and
 - iv. the heritage value of places and includes
 - v. the social, economic, and cultural features of the matters mentioned in paragraphs (i), (ii), (iii) and (iv).
- i. The term 'environmental impact' means any change to the environment, whether adverse or beneficial, that wholly or partially results from an activity.
- j. The term 'control measure' means a system, an item of equipment, a person or a procedure, that is used as a basis for managing environmental impacts and risks.
- k. The term 'environmental management system' includes the responsibilities, practices, processes, and resources used to manage the environmental aspects of an activity.
- l. The term 'environmental performance' means the performance of a titleholder in relation to the environmental performance outcomes and standards mentioned in an environment plan.
- m. The term 'environmental performance outcome' (EPO) means a measurable level of performance required for the management of environmental aspects of an activity to ensure that environmental impacts and risks will be of an acceptable level.
- n. The term 'environmental performance standard' (EPS) means a statement of the performance required of a control measure.
- o. The term 'principles of ecologically sustainable development' (ESD) means the principles of ESD set out in Section 3A of the EPBC Act.
- p. The term 'relevant person' has the meaning provided under regulation 11A of the Environment Regulations.



- q. The term 'operational area' is taken to be the operational area for the petroleum activity as defined in Sections 4.3 and 4.7 of the EP.
- r. The *Program Report – Strategic Assessment of the environmental management authorisation process for petroleum and greenhouse gas storage activities administered by the National Offshore Petroleum Safety and Environmental Management Authority under the Offshore Petroleum and Greenhouse Gas Storage Act 2006* that was endorsed on 7 February 2014, is referred to as the Program.
- s. The term 'as low as reasonably practicable' is referred to as 'ALARP.'



Appendix B: Legislative Framework

132. The Environment Regulations provide that:

- a. Before commencing a petroleum activity¹, a titleholder must submit an EP for the petroleum activity to the Regulator (reg 26(1)).
- b. A petroleum activity means any operation or works in an offshore area carried out for the purpose of (a) exercising a right conferred on a petroleum titleholder under the OPGGS Act by a petroleum title; or (b) discharging an obligation imposed on a petroleum titleholder by the OPGGS Act or a legislative instrument under the OPGGS Act (reg 5).
- c. An EP for a petroleum activity that is, or is part of, an offshore project may only be submitted if the Regulator has accepted an OPP that includes that activity or if the Environment Minister has made a decision or granted approval under the EPBC Act relating to an action that is equivalent or includes that activity (reg 26(3)).
- d. If a titleholder submits an EP, the Regulator may request the titleholder to provide further written information about any matter required by the Environment Regulations to be included in the EP (reg 32).
- e. If a titleholder receives a request under regulation 32, they must provide the information requested by incorporating the information into the EP and resubmitting the EP within the period specified or within a longer period agreed to by the Regulator.
- f. If the EP is resubmitted under reg 32, the Regulator must have regard to that further information in making the decision under reg 33.
- g. Within 30 days after the day the Regulator publishes the EP (reg 28) if the Regulator is:
 - i. reasonably satisfied that the EP meets the criteria set out in regulation 34, the Regulator must accept the EP (regulation 33(1)(a));
 - ii. not reasonably satisfied that the EP meets the criteria set out in regulation 34, the Regulator must give the titleholder notice in writing (regulation 33(5)); or
 - iii. if the Regulator is unable to make a decision on the EP within the 30-day period, the Regulator must give the titleholder notice in writing and set out a proposed timetable for consideration of the EP (regulation 33(3)(b)).
- h. A notice to a titleholder under regulation 33(5) must:
 - i. state that the Regulator is not reasonably satisfied that the EP submitted by the titleholder meets the acceptance criteria set out in regulation 34;
 - ii. identify the criteria set out in regulation 34 about which the Regulator is not reasonably satisfied; and
 - iii. set a date by which the titleholder may resubmit the EP.
- i. Pursuant to regulation 16, NOPSEMA must not accept an environment plan unless it is reasonably satisfied that the titleholder is compliant with subsection 571(2) of the Act in relation to the activity, and the compliance is in a form that is acceptable to NOPSEMA.
- j. Regulation 34 provides the acceptance criteria the Regulator must consider in determining whether to accept an EP, and includes that the plan:



- i. is appropriate for the nature and scale of the activity;
 - ii. demonstrates that the environmental impacts and risks of the activity will be reduced to ALARP;
 - iii. demonstrates that the environmental impacts and risks of the activity will be of an acceptable level;
 - iv. provides for appropriate environmental performance outcomes (EPOs), environmental performance standards (EPSs) and measurement criteria;
 - v. includes an appropriate implementation strategy and monitoring, recording, and reporting arrangements;
 - vi. does not involve the activity or part of the activity, other than arrangements for environmental monitoring or for responding to an emergency, being undertaken in any part of a declared World Heritage property within the meaning of the EPBC Act;
 - vii. demonstrates that:
 - A. the titleholder has carried out the consultation required by Division 3; and
 - B. the measures (if any) that the titleholder has adopted, or proposes to adopt, because of the consultation are appropriate; and
 - viii. complies with the OPGGS Act and the Environment Regulations.
- k. Reg 33(10)(a)(ii) provides that the Regulator may accept the plan subject to limitations or conditions
- i. applying to operations for the activity.
133. The Environment Regulations provides for the authorisation of a petroleum activity, but does not authorise an oil spill, which is considered for risk evaluation and contingency planning in the EP only. Section 569 of the OPGGS Act places obligations on petroleum titleholders to control the flow and prevent the escape of petroleum within the permit area, lease area or licence area.
134. The Environment Regulations impose a duty on the titleholder to demonstrate to NOPSEMA in the EP that a proposed activity will be carried out in a manner:
- a. consistent with the principles of ecological sustainable development set in section 3A of the EPBC Act; and
 - b. by which impacts and risks of the activity will be reduced to as low as reasonably practicable (ALARP) and acceptable levels.



Appendix C: Key materials considered in making the decision

135. In making this decision, NOPSEMA considered the documents making up the EP submission in accordance with legislative requirements and NOPSEMA policy and procedure. The material that NOPSEMA had regard to in making this decision includes:

- a. The EP (revision number 2, dated 23 April 2024), comprising:
 - i. Stybarrow End State Decommissioning Environment Plan (Document number BHPB-00SC-N000-0007, Rev 2, dated 23 April 2024)
 - ii. Sensitive Information Report - Stybarrow End State Decommissioning Environment Plan (Revision 2, dated April 2024)
- b. The legislative framework relevant to EP assessments, including:
 - i. the OPGGS Act
 - ii. the 2023 Environment Regulations and
 - iii. the Program¹.
- c. Policies and Guidelines:
 - i. NOPSEMA Assessment policy (N-04000-PL0050)
 - ii. NOPSEMA Environment plan assessment policy (N-04750-PL1347)
 - iii. NOPSEMA Environment plan decision making guidelines (N-04750-GL1721)
 - iv. NOPSEMA Consultation in the course of preparing an Environment Plan guideline (N-04750-GL2086)
 - v. NOPSEMA Section 572 Maintenance and removal of property regulatory policy (N-00500-PL1903)
 - vi. NOSPEMA Section 270 Consent to surrender title regulatory policy (N-00500-PL1959)
 - vii. NOPSEMA Petroleum activity guidance note (N-04750-GN1343)
 - viii. Department of Climate Change, Energy, Environment and Water (DCCEEW), Significant Impact Guidelines 1.1 – Matters of National Environmental Significance, EPBC Act Policy Statement (2013)
 - ix. Department of Sustainability, Environment, Water, Population and Communities' (DSEWPaC) 'Indirect consequences' of an action: Section 572E of the EPBC Act (2013).
- d. Guidance:
 - i. NOPSEMA Environment plan content requirements guidance note (N-04750-GN1344)
 - ii. NOPSEMA Petroleum activities and Australian marine parks guidance note (N-04750-GN1785)
 - iii. NOPSEMA Oil pollution risk management guidance note (N-04750-GN1488) and
 - iv. Department of Industry, Science, Energy and Resources, Offshore Petroleum Decommissioning Guideline (2018).

¹ <https://www.environment.gov.au/protection/assessments/strategic/offshore-petroleum-greenhouse-gas>



- e. Procedures:
 - i. NOPSEMA Environment plan assessment standard operating procedure (N-04750-SOP1369).
- f. Other relevant documents and records:
 - i. relevant published, peer-reviewed scientific literature, including the scientific literature cited in the EP and relevant national/international standards such as the Australian and New Zealand Guidelines for fresh and marine water quality (ANZG, 2018).
 - ii. relevant policies, plans of management, recovery plans, conservation advice and other guidance for matters protected under the EPBC Act, including:
 - Commonwealth of Australia, Threat Abatement Plan for the Impacts of Marine Debris on the Vertebrate Wildlife of Australia's Coasts and Oceans (2018)
 - Recovery Plan for the White Shark (*Carcharodon carcharias*) (2013)
 - Director of National Parks, North-west Marine Parks Network Management Plan 2018 (2018)
 - Commonwealth of Australia, Recovery Plan for Marine Turtles in Australia 2017–2027 (2017)
 - Commonwealth of Australia, Conservation Management Plan for the Blue Whale 2015–2025 (2015)
 - Threatened Species Scientific Committee, Conservation Advice Megaptera novaeangliae humpback whale (2015)
 - National Recovery Plan for Threatened Albatrosses and Giant Petrels 2011-2016 (2011)
 - Offshore Petroleum Decommissioning (Department of Industry, Science, Energy and Resources, 2022)
- g. Relevant legislative requirements that apply to the activity and are relevant to the environmental management of the activity; and
- h. Relevant Federal Court of Australia authority.