

Acceptance of Beehive Multi-Well Exploration Drilling Environment Plan

Document No: A1172610

Date: 17 February 2025

1. On 2 January 2025, I, [REDACTED], Acting Director of Exploration and Development - 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 Beehive Multi-Well Exploration Drilling Environment Plan (Document No: 996161-2024-Beehive-MW-Drilling-EP-Rev2, Revision 2, dated 16 December 2024) (EP).
2. The EP was submitted by 'EOG Resources Australia Block WA-488 Pty Ltd' (ACN: 648 224 293) (titleholder), to enable the titleholder to undertake the petroleum activity described in the EP, which involves pre-drilling geophysical surveys and drilling of up to three exploration or appraisal wells within exploration permit WA-488-P, located in Commonwealth waters.
3. I note that the Beehive-1 Exploration Drilling WA-488-P Environment Plan (accepted by NOPSEMA on 10 June 2024) provided for a similar petroleum activity to the petroleum activity described in this EP.
4. The reasons for my decision are set out below. All references to a regulation (**reg**) are to the Environment Regulations unless otherwise stated.

Background

5. On 2 July 2024, the titleholder submitted the Beehive Multi-Well Exploration Drilling Environment Plan (Rev 0, dated 28 June 2024) to NOPSEMA in accordance with the Environment Regulations.
6. On 8 July 2024, NOPSEMA provisionally decided in accordance with reg 27 that the EP included material addressing all of the provisions in Division 2 of the Environment Regulations and published the EP on NOPSEMA's website in accordance with reg 28(1).
7. On 8 July 2024, NOPSEMA published the EP for a 30-day public comment period in line with reg 30. The period for public comment closed on 7 August 2024, with two comments being received during this period.
8. On 16 September 2024, following completion of the public comment period, the titleholder resubmitted the EP (Rev 1, dated 12 September 2024) to NOPSEMA in accordance with reg 30(3).
9. On 18 September 2024, NOPSEMA published the EP and the titleholder's Report on Public Comment (Document No. 996161-2024-Titleholder-Report-on-Public-Comment-Rev0, dated September 2024) on its website in accordance with reg 30(5).
10. On 16 October 2024, NOPSEMA made a request for further information, pursuant to reg 32. The request identified that further information on a number of the criteria in reg 34 was required. In response to this request, the titleholder resubmitted the EP (Rev 2, dated 16 December 2024) on 17 December 2024 incorporating additional information pursuant to reg 32(3).
11. For the purposes of assessing the EP, I was assisted by an assessment team comprised of a lead assessor and an environment specialist. On 2 January 2025, I decided to accept the EP. I was reasonably satisfied that the EP met the criteria in reg 34.

Materials

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

Decision Overview

13. The issue before me was whether the EP should be accepted pursuant to reg 33. This required that I be reasonably satisfied that the EP meets the 'acceptance criteria' in reg 34.
14. Prior to considering whether I was reasonably satisfied that the EP met the criteria in reg 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 [18] – [40] below.
16. Further, in accordance with regs 16 and 34, 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 me. On review of the titleholder's financial assurance declaration and confirmation forms, I was reasonably satisfied that the titleholder was compliant with s 571(2) of the OPGGS Act, and the financial assurance declaration and confirmation forms were acceptable. I therefore considered that the precondition in reg 16 was met.
17. I then considered the criteria in reg 34 and was reasonably satisfied that the EP met those criteria. I therefore accepted the EP. My reasons for this part of my decision are set out at [42] – [125] 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 regs 21, 22, 23 and 24. As I was satisfied that the EP met regs 21, 22, 23 and 24 (for the reasons set out individually below), I was satisfied that reg 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. I found that the EP addressed each of these matters in Section 2 of the EP, including:
 - (a) a description of the petroleum activity, which includes:
 - (i) pre-drilling geophysical activities (Section 2.6 of the EP and in accordance with reg 56);
 - (ii) drilling of up to three exploration or appraisal wells using a jack-up mobile offshore drilling unit (**MODU**) (Section 2.7 of the EP);
 - (iii) well evaluation (Section 2.7.4 of the EP);
 - (iv) temporary abandonment (**TA**) of wells that encounter success case reservoir conditions (Section 2.8.3 of the EP), and ongoing monitoring of TA wells (Section 2.8.3 of the EP);

- (v) permanent abandonment of wells that do not encounter success case reservoir conditions or those wells that will not be utilised for future evaluation, appraisal or development (Section 2.8.2 of the EP), and removal of well infrastructure and equipment from the seabed; and
 - (vi) permanent abandonment of TA wells if the titleholder decides to not proceed beyond the appraisal phase covered by this EP or failure to obtain acceptance of regulatory documents, and removal of well infrastructure and equipment from the seabed (Section 2.8.4 of the EP).
- (b) the location of the activity, which is within exploration permit WA-488-P, in Commonwealth waters. In this regard, the EP stated that:
- (i) an 'activity area' has been defined as the area within which up to three exploration or appraisal wells are proposed to be drilled. The activity area encompasses the 500 metre (**m**) petroleum safety zone (**PSZ**) around each of the proposed well locations (Section 2.1 of the EP);
 - (ii) the 'activity area' is located approximately 77 kilometres (**km**) off the Western Australian (**WA**) coastline in the Bonaparte Basin of the Joseph Bonaparte Gulf (**JBG**), in water depths of approximately 40-50 m (Section 2.1 of the EP); and
 - (iii) the coordinates for the activity area are provided in Table 2.1 of the EP and outlined in Figure 2.1 of the EP. The precise locations of the proposed exploration or appraisal wells within the activity area are not defined in the EP. However, the titleholder has assessed the environmental impacts and risks associated with the petroleum activity occurring anywhere within the activity area (Sections 6 and 7 of the EP).
- (c) the scope and bounds of the activity. In particular, the EP provides details of the proposed location, timeframe and duration of the activity and an outline of the operational details of the activities that may occur within the activity area. I noted that the scope of the EP does not include the movement of the MODU, helicopters and project vessels outside of the activity area. These activities are undertaken in accordance with other relevant aviation and maritime legislation, such as the *Navigation Act 2012* (Cth);
- (d) information considered relevant for the consideration of environmental impacts and risks of the petroleum activity. Key aspects of the description included:
- (i) timing and duration of the petroleum activity, including a description of the stages of the activity, which will occur between 1 January 2025 and 31 December 2029. Each well is expected to take approximately 55 to 150 days to be drilled and will be undertaken 24 hours per day, seven days a week (Section 2.2 of the EP);
 - (ii) general details and operations of the MODU, support vessels, remotely operated vehicles (**ROV**) and helicopters (Section 2.5 of the EP);
 - (iii) planned emissions and discharges from the petroleum activity, including underwater sound, light and atmospheric emissions (including greenhouse gas emissions), MODU, vessel and drilling-related discharges, as well as physical presence and seabed disturbance (Section 7 of the EP); and
 - (iv) an evaluation of unplanned spills of chemicals and hydrocarbons, release of waste, marine fauna interaction, introduction of invasive marine species, as well as emergency events such as a hydrocarbon release from a loss of well control or vessel collision (Section 8 of the EP).

21. Based on the findings above, I concluded that the EP met the requirements of reg 21(1).

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

22. Regulation 21(2) and (3) requires, in effect, that the EP describe the existing environment that may be affected (**EMBA**) by the activity, including the particular relevant values and sensitivities (if any) of that environment.
23. The EP addressed each of these matters in Section 5 and Appendix 11 of the EP. In particular, the EP described and included the following information:
- (a) a thorough description of the physical and biological environment, and details of relevant values and sensitivities, that may be affected by the petroleum activity, including under emergency conditions;
 - (b) a description of the environment which encompasses the activity area, an impacts EMBA (which has been defined based on the greatest extent of impacts from planned activities) and a spill EMBA (which has been defined by the maximum extent of possible contact with hydrocarbons at low concentrations (Table 5.2 of the EP), based on stochastic modelling of the worst-case spill scenario) (described in Section 5.1.2 of the EP);
 - (c) that the activity or any part of the activity will not be undertaken in any part of a declared World Heritage Property, National Heritage Place, nor a declared Wetland of International Importance (Ramsar wetland) within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* (Section 5.5.2 of the EP);
 - (d) whilst the activity would not be undertaken in any of the places described in sub-para (c) above, there were values and sensitivities within the spill EMBA, which the EP identified and described, including:
 - (i) the values of World Heritage Properties within the spill EMBA, including the Kakadu National Park (Appendix 11);
 - (ii) the values of National Heritage Places located within the spill EMBA, including the Kakadu National Park and the West Kimberley National Heritage Place (Appendix 11);
 - (iii) the values of Wetlands of International Importance ('Ramsar wetlands'), including Ord River Floodplain, Ashmore Reef National Nature Reserve, Cobourg Peninsula and Kakadu National Park (Appendix 11) and Nationally Important Wetlands (Appendix 11);
 - (iv) the values and sensitivities of Australian Marine Parks (AMPs) and State/Territory Protected Areas within the spill EMBA (Appendix 11);
 - (v) the values of Threatened Ecological Communities (**TECs**) within the spill EMBA, including Monsoon vine thickets on the coastal sand dunes of Dampier Peninsula (Appendix 11);
 - (vi) that there are several Key Ecological Features (**KEFs**) in the spill EMBA (Appendix 11);
 - (vii) 23 listed threatened and 39 listed migratory species or their habitat which occur, may occur or are likely to occur, in the impacts EMBA (Section 5.4 and Appendix 10 of the EP), and 84 listed threatened and 85 listed migratory species or their habitat which occur, may occur or are likely to occur, in the spill EMBA (Appendix 10 and Appendix 11); and
 - (viii) the biologically important areas (**BIAs**) for species in the impacts EMBA (Section 5.4 of the EP) and spill EMBA (Appendix 11);
 - (e) the social, economic and cultural features of the spill EMBA have been identified and described relating to cultural features and heritage values, commercial fisheries, tourism and recreation, commercial shipping, oil and gas activities, and defence activities. Specifically, the EP includes a description of:

- (i) Commonwealth-managed fisheries with management areas that overlap with the impacts EMBA (Section 5.7.1 of the EP) and spill EMBA (Appendix 11). The Northern Prawn Fishery (**NPF**) was identified as having a potential interaction with the activity, based on historic fishing effort (Section 5.7.1 of the EP);
 - (ii) Western Australian-managed fisheries with management areas that overlap with the impacts EMBA (Section 5.7.1 of the EP) and spill EMBA (Appendix 11). The Northern Demersal Scalefish Managed Fishery (**NDSMF**) and Mackerel Managed Fisheries (**MMF**) (Area 1 – Kimberley) were identified as having a potential interaction with the activity, based on historic fishing effort (Section 5.7.1 of the EP);
 - (iii) Northern Territory-managed fisheries with management areas that overlap with the spill EMBA (Appendix 11). No fisheries were identified as having a potential interaction with the activity, based on historic fishing effort (Section 5.7.1 of the EP);
 - (iv) tourism and recreational activities within the impacts EMBA (Sections 5.7.5 and 5.7.2 of the EP) and spill EMBA (Appendix 11);
 - (v) Traditional Aboriginal fishing activities within the spill EMBA (Sections 5.7.3 and Appendix 11 of the EP);
 - (vi) commercial shipping in the impacts EMBA (Section 5.7.7 of the EP) and spill EMBA (Appendix 11);
 - (vii) offshore energy exploration and production in the impacts EMBA (Section 5.7.6 of the EP) and spill EMBA (Appendix 11);
 - (viii) defence activities within the impacts EMBA (Section 5.7.8 of the EP) and spill EMBA (Appendix 11); and
 - (ix) offshore submarine cables with the spill EMBA (Section 5.7.9 of the EP);
- (f) a description of cultural heritage values that fall within the impacts EMBA (Section 5.6 of the EP) and spill EMBA (Appendix 11 and Appendix 12), along with specific input received through the consultation process (Sections 3.4.3 and 5.6 of the EP); and
- (g) Section 5.6 of the EP and Appendix 11, which presents details of onshore native title claims, and determinations 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 First Nations archaeology in the offshore marine environment.

24. Based on the findings above, I concluded that the EP met the requirements of reg 21(2) and (3).

Regulation 21(4) – Requirements

25. 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 to demonstrate how those requirements will be met.
26. Section 3 (and in accordance with reg 56) and Appendix 1 of the EP identified the Commonwealth and State/Territory legislative requirements that apply to the activity, as well as the relevant industry standards and guidelines, and international agreements and conventions. The evaluation of environmental impacts and risks in Sections 7 and 8 of the EP provided a description of the legislative requirements that apply to the activity and are relevant to the environmental management of the activity, as well as a demonstration

of how the requirements will be met. I considered that the EP included sufficient information on the legislative and environmental requirements that apply to the activity and demonstrated how the titleholder proposed they will be met throughout the life of the activity.

27. Based on the findings above, I found that the EP met the requirements of reg 21(4).

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

28. Regulation 21(5) and (6) requires that the EP 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 as low as reasonably practicable (**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 an accident or other reasons.

29. Details of the environmental impacts and risks, including those arising from potential emergency conditions whether resulting from an accident or any other reason, are provided in Sections 7 and 8 of the EP. The environmental impacts and risks associated with the petroleum activity are identified in the EP, and included the environmental impacts and risks associated with relevant receptors (described in Section 5 of the EP).

30. 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 are presented in detail in Sections 7 and 8 of the EP. These comprised:

(a) planned aspects:

- (i) physical presence - seabed disturbance (Section 7.1 of the EP);
- (ii) physical presence - displacement of other marine users (Section 7.2 of the EP);
- (iii) routine emissions - light (Section 7.3 of the EP);
- (iv) routine emissions - atmospheric (Section 7.4 of the EP);
- (v) routine emissions - underwater sound (Section 7.5 of the EP);
- (vi) discharge of drill cuttings and muds (Section 7.6 of the EP);
- (vii) discharge of cement (Section 7.7 of the EP);
- (viii) routine discharges - putrescible waste (Section 7.8 of the EP);
- (ix) routine discharges – sewage and grey water (Section 7.9 of the EP);
- (x) routine discharges – cooling and brine water (Section 7.10 of the EP); and
- (xi) routine discharges – bilge water and deck drainage (Section 7.11 of the EP);

(b) unplanned aspects:

- (i) accidental release of waste overboard (Section 8.1 of the EP);
- (ii) vessel collision with megafauna (Section 8.2 of the EP);
- (iii) introduction and establishment of invasive marine species (Section 8.3 of the EP);
- (iv) interference with other marine users (Section 8.4 of the EP);
- (v) unplanned discharge of drilling fluids, chemicals or hydrocarbons (Section 8.5 of the EP);

- (vi) marine diesel oil release (Section 8.6 of the EP);
 - (vii) loss of well control and major oil spill (Section 8.7 of the EP); and
 - (viii) hydrocarbon spill response (Section 9 of the EP);
31. The EP includes details of the control measures that will be used to reduce the impacts and risks of the activity to ALARP and an acceptable level (Sections 7 and 8 of the EP). Control measures have been justified through evaluation and via the application of a hierarchy of controls.
32. Based on the findings above, I concluded that the EP met the requirements of reg 21(5) and (6).

Regulation 21(7) - Environmental Performance Outcomes and Standards

33. Regulation 21(7) requires that the EP set environmental performance standards (**EPS**) for the control measures identified in reg 21(5)(c), set out environmental performance outcomes (**EPO**) and include measurement criteria to determine whether each performance outcome is being met.
34. I considered the EPO, EPS and measurement criteria provided in Sections 7 and 8 of the EP and found that:
- (a) EPOs have been set which define performance for the management of the environmental aspects of the petroleum activity to ensure that environmental impacts and risk will be of an acceptable level. For example:
 - i. no adverse impacts to unexpected finds of underwater cultural heritage (Section 7.1 of the EP);
 - ii. there is no economic loss to other marine users as a result of the activity (Section 7.2 of the EP);
 - iii. no displacement or injury to threatened marine fauna from drilling or pre-drilling geophysical activities (Section 7.5 of the EP);
 - iv. no introduction of invasive marine species through hull fouling or ballast water (Section 8.3 of the EP); and
 - v. no loss of well control will occur for the duration of the activity (Section 8.7 of the EP);
 - (b) for each of the EPO presented, one or more appropriate 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; and
 - (c) measurement criteria are provided that will allow the titleholder to determine whether each EPO and EPS is being met for the duration of the activity.
35. Based on the findings above, I concluded that the EP met the requirements of reg 21(7).

Implementation strategy for the EP: regulation 22

36. The EP includes content addressing the requirements of reg 22, including the following elements of the implementation strategy:
- (a) an implementation strategy for the activity in accordance with reg 22 (reg 22(1));
 - (b) a description of the environmental management system (**EMS**) 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 the EPOs and EPSs continue to be met (Sections 6 and 10.3 of the EP) (reg 22(2));
 - (c) establishment of a clear chain of command, setting out the roles and responsibilities of personnel in relation to the implementation, management, and review of the EP, including during emergencies or

potential emergencies. Sections 10.1 and 10.2 of the EP outlines the organisational structure for the petroleum activity and the roles and responsibilities of key project team members. The chain of command and roles and responsibilities of key personnel involved in spill preparation and response are defined in Table 10.1 of the EP and are consistent with the Oil Pollution Emergency Plan (**OPEP**) (reg 22(3));

- (d) measures to ensure that each employee or contractor working on, or in connection with, the activity is aware of their responsibilities in relation to the EP, including during emergencies or potential emergencies, and has the appropriate competencies and training. Section 10.4 of the EP outlines the measures that are in place for ensuring employee and contractor competency, including the necessary awareness, training, and induction requirements to fulfil their duties. Section 10.4.3 of the EP defines the emergency response training, competency, and exercise requirements to ensure the emergency response personnel are aware of their roles and responsibilities (reg 22(4));
- (e) provision for sufficient monitoring, recording, audit, management of non-conformance and review of the titleholder's environmental performance and the implementation strategy to ensure that the EPOs and EPSs in the EP are being met. In particular, Sections 10.7 and 10.10 of the EP outline the process for performance monitoring, assurance actions (inspections and audits), and management of non-conformances (reg 22(5));
- (f) sufficient monitoring of, and maintaining a quantitative record of, emissions and discharges, such that the record can be used to assess whether the EPOs and EPSs in the EP are being met. Section 10.10.1 of the EP outlines the approach to monitoring and record keeping for emissions and discharges (reg 22(6));
- (g) the timing for when the titleholder will report to NOPSEMA in relation to the titleholder's environmental performance for the activity. Sections 10.10.2 and 10.10.6 of the EP outline the routine reporting obligations to NOPSEMA, including end-of-activity environmental performance reporting (reg 22(7));
- (h) an OPEP (Document No. 96161-2022-Beehive#1-Drilling-OPEP-Rev6, Revision 6, dated 28 June 2024) with the provision for updating of the plan (reg 22(8));
- (i) the OPEP outlines appropriate arrangements for responding to and monitoring oil pollution and includes (reg 22(9)):
 - i. the control measures necessary for timely response to an emergency that results or may result in oil pollution, such as source control from a loss of well control, source control from a vessel spill, containment and recovery, shoreline protection and deflection, shoreline clean-up, oiled wildlife response, waste management, and operational and scientific monitoring (Section 5 of the OPEP);
 - ii. the arrangements and capability that will be in place for the duration of the activity to ensure timely implementation of the control measures, including arrangements of ongoing maintenance of response capability. For example, Australian Marine Oil Spill Centre (**AMOSC**) participating membership, Oil Spill Response Limited (**OSRL**) membership, environmental service providers, labour hire and vessel provider agreements;
 - iii. the arrangements and capability that will be in place for monitoring the effectiveness of the control measures and ensuring that the EPSs for the control measures are met; and
 - iv. the arrangements and capability in place for monitoring oil pollution to inform responses, such as operational and scientific monitoring, vessel and aerial surveillance, satellite imagery contracts, tracking buoys, trained aerial surveillance and emergency response personnel.

- (j) the OPEP (Appendix C) provides for monitoring of impacts to the environment from oil pollution and response activities that is appropriate to the nature and scale of the risk of the environmental impacts and risks for the activity and is sufficient to inform any remediation activities (reg 22(10));
 - (k) the arrangements in the OPEP are consistent with the national system for oil pollution preparedness and response (reg 22(11));
 - (l) the arrangements for testing the response arrangements in the OPEP are appropriate to the response arrangements and to the nature and scale of the risk of oil pollution for the activity (Section 8.2 of the OPEP) (reg 22(12)). The OPEP includes a description of the objectives of testing, a proposed schedule of test mechanisms to examine the effectiveness of response arrangements against the objectives of testing, and mechanisms to address recommendations arising from tests (Section 8.2 of the OPEP) (reg 22(13));
 - (m) the proposed schedule of tests (Section 8.2 of the OPEP) includes provision for:
 - i. testing the response arrangements when they are introduced;
 - ii. testing the response arrangements when they are significantly amended;
 - iii. testing the response arrangements not later than 12 months after the most recent test;
 - iv. if a new location for the activity is added to the EP after the response arrangements have been tested, and before the next test is scheduled to be conducted — testing the response arrangements in relation to the new location as soon as practicable after it is added to the plan; and
 - v. if a facility becomes operational after the response arrangements have been tested and before the next test is scheduled to be conducted — testing the response arrangements in relation to the facility when it becomes operational (reg 22(14));
 - (n) provision for appropriate ongoing consultation during the implementation of the petroleum activity with relevant authorities of the Commonwealth, a State or Territory and other relevant interested persons or organisations. Section 4 of the EP and Appendix 2 outlines the arrangements for ongoing consultation, ranging from notifications to further consultation engagements (reg 22(15)); and
 - (o) the implementation strategy complies with the OPGGS Act, the regulations and any other environmental legislation applying to the activity (reg 22(16)).
37. Based on the findings above, I concluded that the EP met the requirements of reg 22.

Details of titleholder and liaison person: regulation 23

38. Details for the titleholder were included on the title page of the EP and in Section 1.3 of the EP, including the name, contact details and Australian Company Number (**ACN**) (within the meaning of the *Corporations Act 2001*) as well as the contact details of the titleholder's nominated liaison person.
39. Section 1.3 of the EP also contains appropriate arrangements for notifying NOPSEMA of a change in the titleholder, the nominated liaison person, or of a change in the contact details of either.
40. Based on the findings above, I concluded that the EP met the requirements of reg 23.

Other information in the EP: regulation 24

41. I considered that the EP met reg 24 as it contains:

- (a) the location of the published titleholder's 'Safety and Environmental Policy' (Section 3 of the EP and in accordance with reg 56); and
- (b) the information required under reg 24(b), specifically a report on all consultations under reg 25 with any relevant person by the titleholder in Section 4, Appendix F and the sensitive information part of the EP, which includes:
 - i. a summary of each response made by a relevant person (Appendix 8);
 - ii. 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 (Table 4.6 and Appendix 8 of the EP);
 - iii. 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 a response or proposed response to each objection or claim that has been raised (Table 4.6 of the EP);
 - iv. a copy of the full text of any response by a relevant person in the 'Sensitive Information Report' (Appendix 7); and
 - v. details of any reportable incidents in relation to the proposed activity in Table 10.1 of the EP.

Should the Environment Plan be accepted?

42. Under the Environment Regulations, in order to accept the EP, I had to be reasonably satisfied that the criteria in reg 34 were met.
43. 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:
 - (a) the further information that the titleholder provided pursuant to the requests made by NOPSEMA. The information the titleholder provided in response to such a request was contained in the re-submitted version of the EP, which resulted in the final version of the EP (Revision 2); and
 - (b) any public comments received under reg 30(2). I note that two public comments were received during the public comment period for the EP (as referenced at [7]), of which I took into account in determining that I was reasonably satisfied that the EP met the criteria for acceptance.
44. Against this background (and having considered the materials in **Appendix B**), I made the following findings against each criterion for acceptance of the EP in reg 34.

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

45. I noted that Section 2 of the EP included a description of the scope and bounds of the activity. In particular, the EP provided details of the proposed location, spatial extent, timeframe, and duration of the drilling activities, including a description of the types and specifications of equipment and property that will be brought into the title areas and used to undertake the activity.
46. The EP contained a thorough description of the activity components with the greatest potential to generate impacts and risks to the environment throughout the activity duration, and appropriately, provides more detail on activity components with the greatest potential to generate impacts and risks to the environment (Sections 2, 7 and 8 of the EP).
47. I considered that Section 5 and Appendix 11 of the EP contained a thorough description of the environment and appropriately addressed relevant values and sensitivities (including matters protected under Part 3 of

the EPBC Act). I noted the description of the EMBA includes areas that may be affected by potential emergency conditions in the event of an oil pollution incident, which is conservatively defined through stochastic modelling of the worst-case spill scenarios (a loss of well control and an accidental vessel collision resulting in breach of project vessel fuel tanks).

48. I considered the level of detail included in the EP to be appropriately scaled to the nature of the impacts and risks. A greater level of detail is included in the EP on the EMBA by planned operations (referred to as the 'impacts EMBA'), compared with the broader environment that may be exposed to low levels of hydrocarbon in the unlikely event of a worst-case hydrocarbon release (referred to as the 'spill EMBA'). Specifically, the EP includes:
- (a) a logical process that is applied to identify and describe the matters protected under Part 3 of the EPBC Act that may be present within the activity area, impacts EMBA and spill EMBA. The EP utilises relevant information to adequately inform and support the descriptions, such as information available on the Department of Climate Change, Energy, the Environment and Water (**DCCEEW**) website such as plans of management, threat abatement plans, threatened species recovery plans and marine bioregional plans (Sections 5, 7 and 8 of the EP);
 - (b) a description of the key physical, biological, social, economic, and cultural features, values and sensitivities of the environment of the Commonwealth marine area. In particular, the EP appropriately identifies and describes the key physical, biological, social, economic, and cultural features, values and sensitivities of the environment that overlap with the impacts EMBA and spill EMBA. I considered that the EP utilises relevant references and information sources to adequately inform and support the descriptions, such as contemporary peer-reviewed scientific literature and other authoritative sources (Section 5 and Appendix 11 of the EP);
 - (c) a description of First Nations cultural features and heritage values within the impacts EMBA and spill EMBA (Section 5 and Appendix 11 of the EP). In particular, the EP describes:
 - (i) that the activity area is located in water depths of between 40-50 m in Commonwealth waters, hence parts of the spill EMBA are in close proximity to coastal shorelines and a seabed environment that is, and was previously, occupied by First Nations people;
 - (ii) consideration of both tangible and intangible aspects relating to First Nations cultural features was given and was supported by multiple sources of relevant and suitable information;
 - (iii) information on the cultural features of marine ecosystems including the broader concept of "sea country", and information on First Nations archaeology in the offshore marine environment as relevant to the spill EMBA;
 - (iv) the desktop assessment of First Nations cultural features (Section 5.6 and Appendix 11 of the EP) undertaken by the titleholder where it reviewed publicly available literature for any records of previously identified sea country values or cultural features that may occur within the impacts EMBA or spill EMBA; and
 - (v) that consultation with relevant persons has built on the knowledge of cultural features of the environment available through published research in the area. A summary of the values raised by First Nations relevant persons during consultation for this activity are presented in Section 5.6.2 and Appendix 11 of the EP.
49. I also noted that a sufficiently robust method, consistent with internationally recognised standard 'ISO 31000:2018 Risk Management – Principles and Guidelines', was applied in the EP for the identification and evaluation of the environmental impacts and risks of the petroleum activity (Section 6 of the EP). I found

that the detail and rigour applied to the impact and risk assessments (Sections 7 and 8 of the EP) is commensurate to the magnitude of the impacts and risks related to the petroleum activity, and that the level of analysis and evaluation is proportionate to the nature and scale of the environmental impacts and risks generated by the petroleum activity. Further, I was satisfied that information provided during relevant persons consultation had been appropriately considered, evaluated, and incorporated into the EP where it was relevant.

50. I found that there was a clear demonstration in the EP that the evaluation of impacts and risks informed the selection of suitable control measures appropriate for the nature and scale of the activity to either reduce the consequence/severity or likelihood of environmental impacts and risks. In this regard, the EP included sufficient information on the legislative requirements that are relevant to the activity (Section 3 and Appendix 1 of the EP).
51. Based on the findings above, I was reasonably satisfied that the EP met the requirements of reg 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)

52. In determining whether the EP demonstrated that the environmental impacts and risks of the activity will be reduced to ALARP, I considered, and found, as follows:
- (a) Section 6 of the EP describes the process applied to evaluate whether impacts and risks are reduced to ALARP. A 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. I noted that the evaluation of the adoption of control measures is based on environmental benefits and the consideration of the feasibility and cost/sacrifice of implementation;
 - (b) the titleholder applied the environmental risk assessment process (described in Section 6 of the EP) appropriately for planned and unplanned aspects of the activity, in particular for higher order hazards associated with the activity, such as drilling-related discharges, light emissions, underwater noise emissions, marine fauna interactions and emergency events (such as a hydrocarbon release from a loss of well control or a vessel collision). I accepted that the exploration of alternative, additional or improved control measures had been evidenced, and that the control measures adopted demonstrate that environmental impacts will be reduced to ALARP;
 - (c) the evaluation of impacts and risks has informed the selection of suitable control measures to either reduce the consequence/severity or likelihood of impacts and risks. The control measures outlined in Sections 7 and 8 of the EP are sufficiently detailed to demonstrate they will be effective in reducing the impacts and risks for the duration of the activity. The level of detail in the ALARP assessment is matched to the nature and scale of the potential impacts and risks. The EP demonstrated, which I agreed with, that there are no other practical control measures that could reasonably be taken to reduce impacts and risks any further;
 - (d) the EP considers, evaluates and incorporates information gathered from the consultation process (Section 4 and Appendix 8 of the EP) when demonstrating impacts and risks are or will be reduced to ALARP (Sections 7 and 8 of the EP);
 - (e) available information obtained on the cultural features of the environment was adequately considered (Section 11.5 and Table 11.17 of the EP). Impacts and risk evaluated in Sections 7 and 8 of the EP, consider potential impacts to cultural features and heritage values (e.g., Sections 7.1 and 8.7 of the

- EP), and address the range of matters raised by relevant persons, including First Nations cultural features and heritage values, where applicable;
- (f) the EP also evaluates and includes EPSs (IMP-01:EPS-01, EPS-09, and EPS-10) and associated control measures that address impacts and risks of proposed activities on underwater cultural heritage, along with implementation of an 'unexpected finds' procedure (Section 10.5.4 of the EP);
- (g) in some instances, the titleholder adopted additional control measures or improved existing control measures in response to information obtained from relevant persons during consultation (Sections 6 and 7 of the EP);
- (h) the EP adequately identifies and evaluates the potential impacts and risks from the activity to listed threatened and migratory species, by being informed by the likelihood of species presence, distribution and behaviour within the area that may be affected by the activity and is supported with peer-reviewed literature. In particular:
- (i) the evaluation of impacts and risks to listed threatened and migratory species were informed by applying suitable control measures. For example:
- in accordance with the Well Test Plan, flaring is limited to the minimum time required to safely undertake the drill stem test (**DST**) and achieve data collection requirements (IMP-03: EPS-05) to reduce potential impacts of light emissions on sensitive marine fauna, in particular seabirds and marine turtles;
 - measures consistent with Part A of EPBC Act Policy Statement 2.1 during vertical seismic profiling (**VSP**) and any pre-drill geophysical activities (IMP-05-EPS:01) to reduce potential impacts of underwater noise on sensitive marine fauna, in particular cetaceans and marine turtles; and
 - measures set out within the Environment Protection and Biodiversity Conservation Regulations 2000 (**EPBC Regulations 2000**) – 'Part 8 Division 8.1 Interacting with cetaceans' (IMP-05: EPS-03 and EPS-04), to reduce potential interactions with cetaceans.
- (ii) the EP considered, evaluated, and detailed all reasonable control measures that could reduce impacts to listed threatened and migratory species to ALARP;
- (i) the EP provided reasons that were supported by evidence for why the adopted controls for listed threatened and migratory species reduce the potential impacts to the point that any additional or alternative control measures are either not feasible, or their cost would be grossly disproportionate to the benefit that would be achieved. Control measures adopted, include (but are not limited to):
- (i) administer and implement the Fisheries Compensation Protocol (**FCP**) in a manner such that compensation is provided in a timely manner (within 60 days of receiving a commercial fisher's signed settlement agreement, per Section 9 of the FCP) in response to any evidence-based claims for compensation that have merit (IMP-02:EPS-06);
- (ii) lighting is directed to working areas (rather than overboard) to minimise light spill to the ocean (IMP-03:EPS-02);
- (iii) a high-efficiency well effluent burner head is used during flaring (IMP-04:EPS-10);
- (iv) the retention on cuttings (**ROC**) averages <10% SBM w/w dry weight across the entire length of well drilled with synthetic based muds (**SBM**) (IMP-06:EPS-08);
- (v) bulk dry cement will not be discharged overboard (unless in an emergency situation) (IMP-07:EPS-05);

- (vi) solid waste that is accidentally discharged overboard is recovered if reasonably practicable (RSK-01:EPS-05); and
- (vii) a functional and reliable blowout preventor (**BOP**) is installed on top of the surface casing that meets the requirements of API Standard 53 (Blowout Prevention Equipment Systems for Drilling Wells) (RSK-07:EPS-02).

53. Based on the findings above, I was reasonably satisfied that the EP met the requirements of reg 34(b).

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

54. I also 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 and 8 of the EP apply a clear, systematic, defensible, and reproducible process for demonstrating how environmental impacts and 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) Section 6 of the EP describes the process undertaken by the titleholder to determine acceptable levels of impact and risk for the petroleum activity. This involved consideration of internal and external policy settings, feedback received by the titleholder during relevant persons consultation, relevant legislative requirements, applicable plans of management, recovery plans, conservation advice and other guidance for matters protected under the EPBC Act, and the principles of ecologically sustainable development (**ESD**) as defined under the EPBC Act;
- (c) the EP demonstrates that the petroleum activity is not likely to have a significant impact on Matters of National Environmental Significance (**MNES**) protected under the EPBC Act, including World Heritage properties, National Heritage properties, Ramsar wetlands, listed threatened species and communities, listed migratory species and commonwealth marine areas;
- (d) the EP has had regard to relevant policy documents, guidance, bioregional plans, wildlife conservation plans, management plans, instruments under the EPBC Act, conservation advice, marine bioregional plans, and other information on the DCCEEW website. In particular, an assessment of the activity against the relevant objectives and action areas in these plans is provided in Sections 5 and 11 of the EP;
- (e) the EP demonstrates that the activity is not inconsistent with a recovery plan or a threat abatement plan for a listed threatened species or ecological community, a management plan or the International Union for Conservation of Nature (**IUCN**) Reserve Management Principles in operation for an Australian Marine Park or a management plan for a Commonwealth Heritage Place. For example, the titleholder has evaluated and concluded that marine fauna interactions from the petroleum activity will be managed in a manner that is not inconsistent with the Conservation Management Plan for the Blue Whale 2015-2025; and
- (f) the titleholder has identified and addressed areas of uncertainty in the impact and risk evaluations (Sections 7 and 8 in the EP). Predictions of environmental impact and risk are suitably conservative and supported by appropriate modelling (such as oil spill modelling) where applicable.

55. In relation to planned aspects of the activity, predictions have been made regarding impacts and risks to the environment that are considered suitably conservative and result in the inclusion of appropriate controls given the nature of the activity. For example, the environmental impact assessments in Section 7 of the EP includes consideration of aspects typical for drilling activities, such as physical presence, lighting, noise (underwater sound), seabed disturbance, vessel and activity discharges (including drill cuttings, mud, and cement), atmospheric emissions and waste management.
56. In relation to unplanned aspects of the activity (Section 8 of the EP), the EP gives appropriate consideration to risks, such as accidental release of waste overboard, unplanned discharge/ spills of drilling fluids, chemicals and hydrocarbons, introduction of invasive marine species, marine fauna interactions, vessel collisions resulting in MDO spills, and loss of well control. Uncertainty has been addressed in the evaluation of oil pollution incidents through the application of what I accepted were appropriately conservative stochastic modelling assumptions. The evaluation of risks posed by spill scenarios includes consideration of potential impacts to the receptors outlined in the description of the environment (Section 5 of the EP) and informs the selection of appropriate spill response options.
57. In relation to impacts and risks to cultural features of the environment, I found that Sections 7 and 8 of the EP demonstrated that this will be of an acceptable level, because:
- (a) the EP adequately identifies and evaluates First Nations cultural features and heritage values (Section 5.6 of the EP);
 - (b) the evaluation of impacts and risks to cultural features utilised multiple sources of relevant and suitable information, ranging from information from Native Title claims, determinations and IPAs, State/Territory and Commonwealth Marine Park Management Plans, healthy country plans, publicly available databases on cultural heritage sites, published literature, as well as support from independent expert opinion and consultation with First Nations relevant persons;
 - (c) I was satisfied that the outcomes of consultation with First Nations relevant persons informed the control measures the titleholder implemented for reducing impacts and risks to acceptable levels; and
 - (d) the impact and risk evaluations outline, and I accept, that appropriate control measures have been adopted to ensure that any impacts and risks to First Nations cultural features will be managed to an acceptable level (Sections 7 and 8 of the EP).
58. I also found the EP provided an appropriate evaluation of impacts and risks specific for the nature and location of the activity and relevant environmental receptors. I found that the evaluation is commensurate to the level of impact or risk presented and provides justifiable conclusions that impacts and risks will be managed to an acceptable level (Sections 7 and 8 of the EP). The impact and risk evaluations demonstrate that the acceptable level will be met, and that the EPO will be achieved.
59. I found that information provided during relevant persons consultation had been appropriately considered, evaluated, and incorporated into the EP where it was relevant. The titleholder has considered information gathered from the consultation process when demonstrating impacts and risks will be managed to an acceptable level.
60. Based on the findings above, I was reasonably satisfied that the EP met the requirements of reg 34(c).

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

61. Sections 7 and 8 of the EP contain EPOs, EPSs and measurement criteria for impacts and risks of the petroleum activity.
62. The EP provided appropriate EPOs, which I found:

- (a) were relevant and addressed all the identified environmental impacts and risks for the activity;
 - (b) when read in conjunction with associated EPSs, established measurable levels for management of environmental aspects of the activity;
 - (c) when read in conjunction with the relevant environmental impact/risk evaluation and adopted management measures, demonstrated that the environmental impacts and risks will be managed to an acceptable level and as low as reasonably practicable; and
 - (d) are consistent with the principles of ESD and relevant requirements (such as plans of management, recovery plans, conservation advice and other guidance for matters protected under the EPBC Act), considering items (a) and (c) above).
63. I also noted that the EP provided 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; and
 - (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.
64. I found that the EPOs, EPSs and measurement criteria are clearly linked and complementary of one another, as presented in the 'Environmental Performance Outcomes, Performance Standards and Measurement Criteria' tables presented for each of the impacts evaluated under Sections 7 and 8 of the EP.
65. Based on the findings above, I was reasonably satisfied that the EP met the requirements of reg 34(d).

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

66. The implementation strategy contains a description of the environmental management system (**EMS**) for the activity, consistent with the requirements of reg 22(2). I noted that the implementation strategy outlined in Section 10 of the EP provides a range of systems, practices and processes (see further detail below), which provided for all impacts and risks to continue to be managed to ALARP and acceptable levels for the duration of the activity.
67. The management of change (**MOC**) process in Sections 10.8 and 10.10 of the EP was adequately described and appropriate, because the process describes that:
- (a) changes will be assessed as per the environmental risk management methodology, to determine the significance of any potential new environmental impacts or risks not provided for in the EP;
 - (b) risk assessment outcomes will be reviewed for compliance with reg 39(2);
 - (c) minor changes that do not trigger a requirement for a formal revision under reg 39(2), will be considered a 'minor revision'; and
 - (d) Section 10.10.3 of the EP provides a reasonable description of the titleholders' learning and knowledge sharing processes as well as review of impacts, risk and controls across the life of the EP.
68. I found that the implementation strategy included measures to ensure that each employee or contractor working on, or in connection with, the activity is aware of their responsibilities set out in the EP, including during emergencies or potential emergencies, and has the appropriate competencies and training, consistent with the requirements of reg 22(4). The key roles and responsibilities of personnel involved in the implementation, management and review of the EP are appropriately outlined in Section 10.5 of the EP

and the roles and responsibilities (including training) for personnel involved in oil spill preparation and response is outlined in the OPEP.

69. An appropriate OPEP has been provided that includes arrangements that are suitable, given the spill scenarios presented. Specifically, the OPEP:
- (a) details the oil pollution response control measures that will be used to reduce the impacts and risks of the activity to ALARP and an acceptable level, the arrangements for responding to and monitoring oil pollution to inform response activities, the arrangements for updating and testing the oil pollution response arrangements and control measures, and provides for the monitoring of impacts to the environment from oil pollution and response activities; and
 - (b) contains immediate response measures (Tables 3.2-3.4 of the OPEP) that provides the oil pollution arrangements and control measures in an operational deployment context.
70. I found that the monitoring, recording and reporting arrangements were adequately described in Section 10.10 of the EP and included routine internal and external reporting requirements and incident reporting arrangements (Table 10.7). I found that these arrangements were appropriate as these Sections of the EP detailed that the information collected will:
- (a) be based on the EPOs, controls, standards and measurement criteria in the EP (Table 10.10); and
 - (b) include environmental discharges reports that record volumes of planned and unplanned discharges to marine environment and atmosphere (Table 10.6).
71. The EP also provides for appropriate auditing, review and management of non-conformances of the titleholder's environmental performance and the implementation strategy in Section 10.10 of the EP. Non-conformances are entered into a management system and assigned corrective actions that are monitored and tracked to close out. I found such processes would ensure prompt action and appropriate corrective measures were taken.
72. The EP provides for the implementation of ongoing consultation arrangements in Section 5.5 of Appendix 2 of the EP including planned notifications to relevant persons. I found the ongoing consultation arrangements described in the EP, as required by reg 22(14), are appropriate. In particular, I noted that the titleholder has committed to:
- (a) where requested:
 - i. provide start and end of activity notifications to relevant government departments, such as the Australian Hydrographic Office (**AHO**) and Department of Defence (**DoD**); and
 - ii. consult in the event of an emergency (such as an oil pollution incident);
 - (b) consult with relevant persons if there is a change to the activity that would affect the relevant person in a new or different manner to that which has been discussed; and
 - (c) comply with routine external reporting requirements.
73. Based on the findings above, I was reasonably satisfied that the EP met the requirements of reg 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)

74. As stated above at [23] and [54], I was satisfied that the EP clearly described the boundaries of the petroleum activity, which demonstrates that no part of the activity will be undertaken in any part of a World Heritage Property within the meaning of the EPBC Act.

75. In those circumstances, I was reasonably satisfied that the EP met the requirements of reg 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)

76. Regulation 34(g) has two components that I must be reasonably satisfied the EP demonstrates:

- a. first, that consultation has occurred as per the requirements in reg 25. This requires that the titleholder consults with each 'relevant person' as defined in reg 25(1), and imposes certain requirements for how that consultation is to occur (as specified in reg 25(2)-(4)); and
- b. second, that the titleholder adopted, or proposed to adopt, appropriate measures in light of those consultations.

77. Overall, I must be reasonably satisfied that consultation undertaken was appropriate and adapted to the nature of the interests of the relevant persons.

78. I noted that the titleholder's consultation methodology (Section 4 of the EP), Appendices (2, 3, 4, 5, 6, 7 and 8), and the sensitive information part of the EP (also referred to as 'Sensitive Information Report') were particularly relevant to this criterion.

79. I found that Section 4 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.

80. I found that the EP describes a clear process for the identification, and in particular for the broad capture of relevant persons, in accordance with reg 25(1). This is because:

(a) the process (Section 4.2 of the EP) provides for the identification of relevant persons within all the categories of relevant persons defined by reg 25(1)(a), (b), (c) (d) and (e). The relevant person identification methodology for a range of categories is presented in Tables 4-1 and 4-2 of the EP. These included:

(i) under reg 25(1)(a), (b) and (c) (Table 4.1):

- Commonwealth and State/Territory government departments / agencies.

(ii) under reg 25(1)(d) (Table 4.2):

- marine users;
- tourism operators;
- First Nations peoples;
- port users;
- petroleum titleholders;
- commercial fishers;
- recreational fishers;
- Native Title Prescribed Bodies Corporate and Land Councils;
- conservation groups;
- fishing associations;
- other marine users;
- local councils;

- educational bodies;
 - commerce;
 - ports and harbours; and
 - heritage groups.
- (iii) under reg 25(1)(e):
- any other person or organisation that the titleholder considers relevant.
- (b) the titleholder considered the activity area and the broader spill EMBA in undertaking consultation (Section 4.2.1 of the EP). The broadest extent of the EMBA has been determined by reference to the event of a hydrocarbon release resulting from the petroleum activity (Section 5.1 of the EP);
- (c) the process provides for the terms, “functions,” “interests” and “activities” for the purpose of identifying relevant persons under reg 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 reg 25(1)(d) is provided in Appendix 3 of the EP, which is used to assess whether or not the person or organisation is considered to be a relevant person under reg 25(1)(d);
- (d) the process includes reference to multiple sources of information, such as publicly available materials (for example, management plans for Commonwealth and State/Territory Marine Parks), and a review of relevant databases and registers (for example, Australian Fisheries Management Authority (**AFMA**) fishery catch and effort data, the Australian Underwater Cultural Heritage Database and the National Native Title Register);
- (e) the process includes consideration of published guidance, such as the Western Australian Fishing Industry Council (**WAFIC**) consultation guidance for fisheries, as well as previous history and advice from authorities and other relevant persons (such as the Director of National Parks and WA Department of Transport);
- (f) the process (Section 4.2.1 of the EP) includes suitable 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:
- (i) advertising in national, state and relevant local newspapers (Table 4.4);
 - (ii) publishing information relating to the proposed activity and inviting participation in the relevant persons consultation process on the titleholder’s public facing website and a dedicated project-specific website;
 - (iii) posting public notices on notice boards, boat ramps, ports, local councils and other prominent locations (Table 4.5); and
 - (iv) asking already identified relevant persons to share information with, or for advice on, other people and organisations that may be a ‘relevant person’ for the purposes of regulation 25.
81. I found that the EP describes a suitable process (Section 4.2.1 of the EP) for how the titleholder makes an assessment as to determine whether an individual or organisation who has self-identified as a relevant person, is or is not, considered to be a relevant person for the purposes of reg 25.

82. 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 for the purpose of the titleholder determining relevant Commonwealth or State agencies or authorities, or determining whose functions, interests and activities may be affected. Notably:
- (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 5 and Appendix 11 of the EP) 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 (Sections 2, 7 and 8 of the EP).
83. I found that effective consultation has taken place with relevant persons in accordance with reg 25. This is because, the titleholder:
- (a) consulted with each person or organisation identified as a relevant person in the EP (Appendix 3 of the EP);
 - (b) advised relevant persons of the requirement to undertake consultation, along with the purpose. This included providing relevant persons with a copy of the NOPSEMA Consultation on offshore environment plans Brochure. This is evidenced in records of material provided in the Sensitive Information Report (Appendix 7 of the EP);
 - (c) 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 reg 25(2). Specifically:
 - (i) the EP includes a description of the approach for 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 (Section 4.2.2 of the EP);
 - (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 (Section 4.2.2 of the EP). For example, emails sent to various First Nations groups contained a tailored consultation information sheet for that group (as evidenced in records contained in the Sensitive Information Report);
 - (iii) the titleholder 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 (Appendix 7); and
 - (iv) the titleholder's 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, newspaper advertisements and custom PowerPoint presentations and maps for meetings (Appendix 7);
 - (d) allowed relevant persons a reasonable period for the consultation, in accordance with reg 25(3). Specifically:
 - (i) records provided in Appendices 7 and 8 of the EP indicate that the titleholder commenced consultation on this activity with relevant persons in February 2024, with the provision of a consultation information sheet. I note that the titleholder has consulted with similar relevant persons on other activities for the Beehive project since 2021 (as outlined in Section 4 of the EP);

- (ii) records provided in Appendix 7 indicate that the titleholder published advertisements in national, state and relevant local newspapers on 28 and 29 February 2024, advising of the proposed activities and requesting feedback;
 - (iii) more targeted consultation commenced in late April 2024, and continued until July 2024, with the titleholder directly engaging with identified relevant persons, and engaging with them thereafter. I noted the timeframe provided to relevant persons for consultation was 4 to 5 months;
 - (iv) the EP (Section 4.2 and Appendix 2 of the EP) describes the approach taken to determining a reasonable period for consultation, which was 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; and
 - (v) the process for relevant persons consultation provides for the titleholder to take into account any availability and accessibility issues of relevant persons, and the views of what relevant persons consider to be a reasonable period for consultation.
- (e) identified and addressed all correspondence and claims received from relevant persons at the date of the final EP submission to NOPSEMA. The manner in which the titleholder addressed responses is summarised in the EP (Appendix 8), for each relevant person. This for the most part involved the titleholder preparing and sending written correspondences (letters or email) to the relevant persons addressing their response(s) or providing a proposed response in the EP. Records of any written responses were included in the Sensitive Information Report (Appendix 7); and
- (f) 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 reg 25(4). The titleholder had consistently provided these notifications through the information sheets, in specific written correspondence (emails) and at meetings.
84. I found that information gathered through the consultation process was incorporated into the EP and effectively informed the identification of environmental values and sensitivities (Section 5.6.2 of the EP), to ensure impacts and risks are reduced to ALARP and acceptable levels. In particular, it was evident that information from relevant persons:
- (a) built on the titleholder's existing knowledge of environmental values and sensitivities in the EMBA (Section 5 of the EP);
 - (b) 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; and
 - (c) has been included in the titleholder's processes for demonstrating that the environmental impacts and risks of the activity will be reduced to ALARP and acceptable levels.
85. I found that the titleholder's assessment of merit, and all responses to objections and claims were reasonable and supported, and the measures adopted because of the consultation were appropriate (Section 4.2.5 and Appendix 8 of the EP). In this regard, I found that:
- (a) the report on consultation (Appendix 8), in conjunction with Table 4.6 of the EP, provides for the clear identification of objections and claims raised by relevant persons, along with the titleholder's assessment of merit and response to each objection and claim;
 - (b) 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 (Table 4.6 of the EP) through the processes described above and evaluation of additional control measures and changes made to the EP; and

- (c) in most cases, the titleholder's assessment of the merits of objections and claims did not result in additional control measures being adopted, as they were not practicable and/or necessary for the EP to demonstrate that impacts and risks will be reduced to ALARP and acceptable levels.

86. I found that the EP complies with reg 24(b), in that:

- (a) the EP (Appendix 8) contains a summary of each response made by a relevant person. The assessment team reviewed the full text records (Appendix 7) to verify the accuracy of the summary of the consultation (Appendix 8) and I am satisfied the summary adequately reflects the response received from relevant persons, such that relevant claims or objections can be adequately identified;
- (b) the EP contains an assessment of the merits of any objection or claim raised during relevant persons consultation (Section 4.2.5 and Appendix 8 of the EP). 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 to the relevant person's objection or claim;
- (c) the EP contains a statement of the titleholder's response to each objection or claim raised by a relevant person. Where there has been a claim or objection identified, the titleholder has provided a response, which was considered adequate to each objection or claim;
- (d) a copy of the full text of any response by a relevant person was included in the sensitive information attachment part of the EP; and
- (e) 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 titleholder's assessment of claims and its responses to objections and claims were reasonable and supported, with cross-referencing to records where applicable. This is evident through review of Table 4.6 of the EP.

Relevant Persons under Regulation 25(1)(a)-(c)

- 87. Relevant persons under reg 25(1)(a)-(c) are each Commonwealth, State or Northern Territory Department or agency to whom the activity in the EP may be relevant, in addition to the Department of each responsible State Minister or Northern Territory Minister.
- 88. Section 4.2.1 of the EP outlines the process for the identification and consultation with Commonwealth and State/Territory Departments and/or agencies, which I considered to be appropriate. Appendix 3 in the EP provides the titleholder's assessment of the Commonwealth and State/Territory Departments and agencies that it considered to be a relevant person under reg 25(1)(a)-(c).
- 89. I noted that consultation with the relevant persons under reg 25(1)(a)-(c) occurred, in accordance with NOPSEMA's 'Consultation with Commonwealth agencies with responsibilities in the marine area guideline' (GL1887), predominately via email, unless otherwise requested.
- 90. I found that sufficient information was provided to allow the relevant persons under reg 25(1)(a)-(c) to make an informed assessment of the possible consequences of the activity on the functions, interests or activities.
- 91. The titleholder initially contacted and commenced consultation with relevant persons under reg 25(1)(a)-(c) between February 2024 and August 2024. Relevant persons were initially provided with at least 30 days to respond, and consultations continued with relevant persons where requested. I found that relevant persons under reg 25(1)(a)-(c) were provided with a reasonable period for the consultation.

92. I noted the consultation records in the EP show that the titleholder provided information to relevant persons under reg 25(1)(a)-(c) regarding the titleholder's consultation obligations and that under reg 25(4) that relevant persons may request that particular information the relevant person provides in the consultation not be published. I also noted that no such requests were made by relevant persons under reg 25(1)(a)-(c).
93. I also noted that most relevant persons under reg 25(1)(a)-(c) that responded to the consultation did not make any objections or claims relating to adverse effects of the activity in response to the consultation requests.
94. Finally, I noted that some relevant persons under reg 25(1)(a)-(c) provided feedback during consultation which was not related to an adverse impact of the activity and found that, in any case, the titleholder identified the feedback and indicated what changes were made to the EP in response.

Relevant Persons under Regulation 25(1)(d)

95. Relevant persons under reg 25(1)(d) are 'a person or organisation whose functions, interests or activities may be affected by the activities to be carried out under the EP, or the revision of the environment plan.'
96. I noted that Appendix 2 of the EP includes appropriate definitions for the terms of "functions", "interests" and "activities" that are consistent with the definitions provided for those terms in NOPSEMA's 'Consultation in the course of preparing an environment plan guideline'. I found the interpretation and application of the terms to appropriately promote the objects of the Environment Regulations, including that offshore petroleum and greenhouse gas activities are carried out in a manner consistent with the principles of ESD.
97. Section 4.2.1 of the EP outlines the process for the identification of persons and organisations whose functions, interests or activities may be affected by the activities to be carried out under the EP, which I found to be appropriate, as per my reasons at paragraph [80] above.
98. Table 4.2 in the EP (and Appendix 3) provides the titleholder's assessment of the persons or organisations that are considered to be a relevant person under reg 25(1)(d), within the broad categories of Commonwealth, WA and NT fisheries associations, Commonwealth, WA and NT fishers, tourism operators, petroleum titleholders, Traditional Owners, Northern Territory fishers and other.
99. I found that Appendix 3 provides a comprehensive overview of who has been identified as a relevant person for the purposes of reg 25(1)(d), includes details of the rationale the titleholder has used to determine who they consider fall within that definition and broadly describes the functions, interests or activities of those persons or organisations.
100. I was reasonably satisfied that the consultation process provided for broad capture of ascertainable persons and organisations who may have their functions, interests or activities affected by the proposed activity for the purposes of reg 25(1)(d). This was because, as I have outlined in my reasons at paragraph [80] above, the EP describes a clear process for the identification and broad capture of relevant persons in accordance with reg 25(1).
101. I noted that the consultation records in the EP show that the titleholder provided information to relevant persons under reg 25(1)(d) regarding the titleholder's consultation obligations and relevant persons rights in line with reg 25(4).
102. I found that sufficient information and a reasonable period was provided to allow the relevant persons under reg 25(1)(d) to make an informed assessment of the possible consequences of the activity on the functions, interests or activities. The EP records indicate the titleholder provided sufficient information and a reasonable period in a similar way to my findings at paragraph [83] above, and responded reasonably to requests for information or other feedback received.

103. I noted that most relevant persons under reg 25(1)(d) that responded to the consultation did not make any objections or claims relating to adverse effects of the activity in response to the consultation requests. Where there were objections or claims raised by a relevant person under reg 25(1)(d), the EP demonstrates that the titleholder assessed the merit of each objection or claim, and determined whether or not additional measures were required in response (Table 4.6 of the EP).

Relevant Persons under Regulation 25(1)(e)

104. Reg 25(1)(e) states that a titleholder must consult with 'any other person or organisation that the titleholder considers relevant'.

105. Sections 4.2.1 of the EP outlines the process for the identification of any other person or organisation that the titleholder considers relevant, which I found to be appropriate given this category is at the discretion of the titleholder. Appendix 3 clearly identifies those persons or organisations considered to be relevant under reg 25(1)(e).

106. I found that sufficient information and a reasonable period was provided to allow the relevant persons under reg 25(1)(e) to make an informed assessment of the possible consequences of the activity on the functions, interests or activities. The EP records indicate the titleholder provided sufficient information and a reasonable period in a similar way to my findings at [83] above, and responded reasonably to requests for information or other feedback received.

107. I noted that most relevant persons under reg 25(1)(e) that responded to the consultation did not make any objections or claims relating to adverse effects of the activity in response to the consultation requests. Where there were objections or claims raised by a relevant person under reg 25(1)(e), the EP demonstrates that the titleholder assessed the merit of each objection or claim, and determined whether or not additional measures were required in response (Table 4.6);

108. I noted the consultation records in the EP show that the titleholder provided information to relevant persons under reg 25(1)(e) regarding the titleholder's consultation obligations and relevant persons rights in accordance with reg 25(4). I also noted that no such requests were made by relevant persons under reg 25(1)(e).

Conclusion

109. Based on the above findings set out above in paragraphs [76] – [108], I was reasonably satisfied that the EP met the requirements of reg 34(g).

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

110. In determining whether the EP demonstrated that the requirements of reg 34(h) were met, I was reasonably satisfied that the EP:

- (a) is consistent with the 'Objects' of the Environment Regulations, including the principles of ESD;
- (b) includes an EP summary report (Section 1.5 of the EP) as required by reg 35(7); and
- (c) is consistent with s 571 and 572 of the OPGGS Act.

111. I accepted that consultation with relevant persons has informed the titleholder in its obligations under section 280 of the OPGGS Act which require 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.

112. For the reasons set out above, I was satisfied that the EP addressed the content requirements of regs 21 to 24 with enough clarity, consistency and detail commensurate to the nature and scale of the activity. Specifically:
- (a) the titleholder has submitted the EP in writing as required by reg 26(6); and
 - (b) the EP commits to complying with the requirements in regs 47, 48, 49, 50, 51, 52, 53 and 54 regarding various notifications and reporting to NOPSEMA.
113. Based on the above, I was reasonably satisfied that the EP met the requirements of regulation 34(h).

Other considerations

Correspondence received directly by NOPSEMA

114. I note that NOPSEMA did not receive any direct communications from third parties raising issues and/or expressing concerns with and objections to the EP in the course of the assessment.

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

115. 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.
116. 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.
117. I considered matters protected under Part 3 of the EPBC Act, including listed threatened and migratory species and the Commonwealth marine area, and was reasonably satisfied that the activity under the EP met the requirements of the Program on the basis that:
- (a) the activity will not result in unacceptable impacts on listed threatened species and is not inconsistent with relevant recovery plans and threat abatement plans for listed threatened species. For example, I found that the activity is not inconsistent with the Recovery Plan for Marine Turtles in Australia (2017). I considered this document (and other relevant recovery plans and/or threat abatement plans) when determining the acceptability of the EP where impacts to listed threatened species may arise;
 - (b) there are control measures in place to ensure that impacts to the Commonwealth marine area will be of an acceptable level, having regard to relevant policy documents, gazettal instruments, bioregional plans, wildlife conservation plans, plans of management and EPBC Act guidance documents on the DCCEEW website. For example, I found the titleholder had regard to the 'Assessing and Managing Impacts to Underwater Cultural Heritage in Australian Waters guideline' (Commonwealth of Australia, 2024), when evaluating impacts and adopting controls (e.g., IMP-01:EPS-09 and EPS-10) for the activity, and in the 'unexpected finds procedure' described in Section 10.5.4 of the EP; and
 - (c) there are control measures in place to ensure that the petroleum activity will not result in unacceptable impacts to a migratory species or an area of important habitat for a migratory species, having regard to relevant policy documents, wildlife conservation plans and guidelines on the DCCEEW website. For example, I found the EP requires for all project vessels to comply with the 'EPBC Regulations 2000 – Part 8 Division 8.1 interacting with cetaceans' in relation to distances to cetaceans' (RSK-02:EPS-01).

The Program: cumulative environmental impacts

118. 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.
119. In the context of NOSPEMA'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.
120. In considering the potential for cumulative environmental impacts to the Commonwealth marine area as required by the Program, the EP demonstrates that the titleholder had evaluated cumulative impacts in relevant parts of the EP. I noted that the titleholder considered the potential cumulative environmental impacts of drilling up to three wells in succession as part of this activity. For example, Section 7.3 of the EP (light emissions) and Section 7.5 of the EP (underwater sound) where the EP specifically evaluated the potential for cumulative light impacts to marine turtles and cumulative noise impacts to fish, plankton, and marine fauna, respectively.
121. After considering the information presented in the EP, I was reasonably satisfied that, due to the localised nature and scale of the activity (including its timing and short duration), the potential cumulative impact factors, the environmental receptors at risk, the relative distance to other maritime activities and adopted controls, cumulative impacts were of an acceptable level.

The Program: indirect consequences of an action

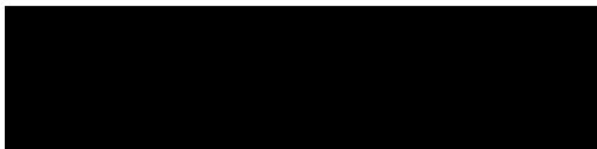
122. Under the Program, NOPSEMA must have regard to relevant EPBC Act policies, including EPBC Act Policy Statement - 'Indirect consequences' of an action: section 527E of the EPBC Act (indirect consequences policy). NOPSEMA considers the policy to determine where indirect consequences may be considered an 'impact' of an activity under s527E. This consideration is on a case-by-case basis against the circumstances of the activity in accordance with the criteria set out in the policy.
123. In assessing the EP, I had regard to the indirect consequences policy, in relation to indirect greenhouse gas (GHG) emissions, and found that:
- (a) the activity does not directly involve the recovery of petroleum. Rather the activity involves drilling for petroleum exploration and field appraisal of the Beehive prospect (within exploration permit WA-488-P);
 - (b) the extraction of gas for onshore processing is not included in the activity, and as such is not authorised by the EP;
 - (c) further activities, including development drilling, completions, and installation of infrastructure are required, prior to the point that any gas can be extracted and transported for gas processing and sale, and will themselves be subject to a separate environmental plan assessment and approval process; and
 - (d) extraction and supply of gas for processing and subsequent sale, transport, consumption and combustion will require a future approval through an offshore project proposal (OPP) and environment plan for construction and for operations.
124. Future activities require their own separate OPP and environment plan approvals, including consideration of the indirect consequences policy and appropriate coverage of 'impacts' of any activity based on the case specific circumstances. In the case of this EP, there is no resource extraction component to the activity and future regulatory approvals are required prior to any activity with a resource extraction component

occurring. Given this, I consider that emissions from gas processing, consumption and combustion of gas are not facilitated to a major extent by the activity and would not be considered a substantial cause of emissions generated in the future from processing, consumption, or combustion of gas.

Conclusion

125. For the reasons set out above, I was reasonably satisfied that the EP met the criteria set out in reg 34. Being satisfied that the titleholder was compliant with s 571(1) of the OPGGS Act (and met reg 16), I accepted the EP.

SIGNED



Environment Specialist, Exploration and Development - Environment

17 February 2025

Appendix A: Relevant Terms

126. 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 Beehive Multi-Well Exploration Drilling Environment Plan (Document number 996161-2024-Beehive-MW-Drilling-EP-Rev2, Rev 3, dated 16 December 2024) and associated documents referenced at [127(1)(a)] 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 'EOG Resources Australia Block WA-488 Pty Ltd.'
- (g) The term 'petroleum activity' means in this case pre-drilling geophysical activities and exploration drilling activities.
- (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 reg 25 of the Environment Regulations.
- (q) The term 'activity area' is taken to be the operational area for the petroleum activity as defined in Sections 2.1 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: Key materials considered in making the decision

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

- (a) the EP comprising:
 - (i) Beehive Multi-Well Exploration Drilling Environment Plan (Document number 996161-2024-Beehive-MW-Drilling-EP-Rev2, Revision 2, dated 16 December 2024);
 - (ii) Beehive-1 Exploration Drilling Oil Pollution Emergency Plan (Document No. 96161-2022-Beehive#1-Drilling-OPEP-Rev6, dated 28 June 2024); and
 - (iii) Sensitive Information Report - Beehive Multi-Well Exploration Drilling Environment Plan (Revision 2, dated 16 December 2024);
- (b) the Titleholder's Report on Public Comment (Document No. 996161-2024-Titleholder-Report-on-Public-Comment-Rev0, dated September 2024) and the public comments made during the public comment period for the EP;
- (c) the legislative framework relevant to EP assessments, including:
 - (i) the OPGGS Act;
 - (ii) the Environment Regulations; and
 - (iii) the EPBC Act Program¹.
- (d) 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) NOPSEMA Petroleum activity guidance note (N-04750-GN1343);
 - (vii) Department of Climate Change, Energy, Environment and Water (DCCEEW), Significant Impact Guidelines 1.1 – Matters of National Environmental Significance, EPBC Act Policy Statement (2013);
 - (viii) DCCEEW, Guidelines for Assessing and Managing Impacts to Underwater Cultural Heritage in Australian Waters (2024); and
 - (ix) Department of Sustainability, Environment, Water, Population and Communities' (DSEWPaC) 'Indirect consequences' of an action: Section 572E of the EPBC Act (2013);
- (e) guidance:

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

- (i) NOPSEMA Environment plan content requirements guidance note (N-04750-GN1344);
 - (ii) NOPSEMA Petroleum activities and Australian marine parks guidance note (N-04750-GN1785);
and
 - (iii) NOPSEMA Oil pollution risk management guidance note (N-04750-GN1488);
- (f) procedures:
- (i) NOPSEMA Environment plan assessment standard operating procedure (N-04750-SOP1369);
- (g) other relevant documents and records:
- (i) relevant published, peer-reviewed scientific literature, including the scientific literature cited in the EP;
 - (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);
 - 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);
 - Department of Agriculture, Water and the Environment (DAWE), Guidance on key terms within the Blue Whale Conservation Management Plan (2021);
 - Commonwealth of Australia, Sawfish and River Sharks Multispecies Recovery Plan (2015);
 - Commonwealth of Australia, Recovery Plan for the White Shark (2013);
 - Commonwealth of Australia, Wildlife Conservation Plan for Seabirds (2020);
 - DCCEEW, National Light Pollution Guidelines for Wildlife, including marine turtles, seabirds and migratory shorebirds (2023);
 - Department of Sustainability, Environment, Water, Population and Communities, Marine Bioregional Plan for the North-west Marine Region (2012);
 - Department of Sustainability, Environment, Water, Population and Communities, Marine Bioregional Plan for the North Marine Region (2012);
 - Director of National Parks, North-west Marine Parks Network Management Plan (2018); and
 - Director of National Parks, North Marine Parks Network Management Plan (2018);
- (h) relevant legislative requirements that apply to the activity and are relevant to the environmental management of the activity; and
- (i) relevant Federal Court of Australia authority.