

Acceptance of Otway Exploration Drilling Program Environment Plan

Document No: A1180100

Date: 28 February 2025

1. On 28 February 2025, I, [REDACTED], 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 Otway Exploration Drilling Program Environment Plan (Document No: ABU2-000-EN-V01-D-00008, Revision 4, dated 20 December 2024) (EP) as I was reasonably satisfied that the EP met the criteria in reg 34 of the Environment Regulations.
2. The EP was submitted by 'ConocoPhillips Australia SH1 Pty Ltd' (ACN: 18 116 771 450) (**titleholder**), to enable the titleholder to undertake the petroleum activity described in the EP, which involves drilling of up to six exploration wells within exploration permits T/49P and VIC/P79, located in Commonwealth waters.
3. For the purposes of assessing the EP, I was assisted by an assessment team comprised of a lead assessor and four environment specialists.
4. The reasons for my decision are set out below.
5. All references to a regulation (**reg**) are to the Environment Regulations unless otherwise stated.
6. **Appendix A** provides definitions for terms used throughout my reasons, that I have not otherwise defined.

Background

7. On 9 November 2023, the titleholder submitted the Otway Exploration Drilling Program Environment Plan (Rev 0, dated 7 November 2023) to NOPSEMA in accordance with the Environment Regulations.
8. On 16 November 2023, 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).
9. On 16 November 2023, NOPSEMA published the EP for a 30-day public comment period in line with reg 30. The period for public comment closed on 18 December 2023, with 11,433 comments received during this period.
10. On 22 February 2024, following completion of the public comment period, the titleholder resubmitted the EP (Rev 1, dated 22 February 2024) to NOPSEMA in accordance with reg 30(3).
11. On 6 March 2024, NOPSEMA published the EP and the titleholder's Report on Public Comment (Document No. ABU2-000-EN-R01-00005, Revision 1, dated 29 February 2024) on its website in accordance with reg 30(5).
12. On 7 May 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 5 July 2024) on 5 July 2024 incorporating additional information pursuant to reg 32(3).
13. On 23 August 2024, NOPSEMA provided an opportunity to the titleholder to modify and resubmit the EP in accordance with reg 33(5) because it was not satisfied that the EP met the acceptance criteria in reg 34(g).

In response to this opportunity, the titleholder resubmitted the EP (Rev 3, dated 21 October 2024) on 21 October 2024.

14. On 19 November 2024, NOPSEMA made an additional 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 4, dated 20 December 2024) on 23 December 2024 incorporating additional information pursuant to reg 32(3).
15. On 28 February 2025, NOPSEMA published the accepted EP, excluding the sensitive information part of the EP, on its website in accordance reg 35(4). NOPSEMA also published a Key Matters Report on its website, which summarises how NOPSEMA took public comments into account in its decision, in accordance with reg 35(4).

Materials

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

Decision Overview

17. 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.
18. 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.
19. 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 paragraphs [22] – [30] below.
20. 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 section 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.
21. 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 paragraphs [31] – [119] below.

Findings

Does the Environment Plan comply with Division 2

22. 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

23. I found that the EP met the requirements of reg 21(1), as it included the following information:

- (a) a description of the petroleum activity (Section 2 of the EP);
- (b) the location of the activity (Section 2.1 of the EP);
- (c) general details of the construction and layout of any facility that is used in undertaking the activity (Section 2.2 of the EP);
- (d) an outline of the operational details of the activity and proposed timetables for undertaking the activity (Sections 2.1 and 2.2 of the EP); and
- (e) information relevant to consideration of environmental impacts and risks of the activity (Sections 2.1, 2.2 and 2.3 of the EP).

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

24. I found that the EP met the requirements of reg 21(2) and (3), as it included the following information:

- (a) a description of the environment that may be affected by planned and unplanned components of the activity, including details of the relevant values and sensitivities of that environment, consistent with the definition of 'environment' in reg 5. This includes:
 - a. a description of the regional environmental setting of the activity (Section 4.3 of the EP);
 - b. a description of the conservation values and sensitivities that may be affected by the activity (Section 4.4 of the EP);
 - c. a description of the physical and ecological environment that may be affected by the activity (Sections 4.5 and 4.6 of the EP); and
 - d. the social, economic and cultural features of the environment that may be affected by the activity (Sections 4.7, 4.8 and 4.9 of the EP).
- (b) a description of matters protected under Part 3 of the EPBC Act that may be affected by the activity, including:
 - a. the world heritage values of relevant declared World Heritage properties (Section 4.4.2 of the EP);
 - b. the National Heritage values of relevant National Heritage places (Section 4.4.3 of the EP);
 - c. the ecological character of relevant declared Ramsar wetlands (Sections 4.4.5 of the EP);
 - d. the presence of listed threatened species and listed threatened ecological communities (Section 4.6 and 4.4.8 of the EP);
 - e. the presence of listed migratory species (Section 4.6 of the EP); and
 - f. values and sensitivities of the Commonwealth marine area (Section 4 of the EP).

Regulation 21(4) – Requirements

25. I found that the EP met the requirements of reg 21(4), as it included the following information:

- (a) a description of the relevant Commonwealth and State legislation that apply to the activity and are relevant to the environmental management of the activity (Section 1.6 and Appendix A of the EP); and
- (b) a description of the relevant international codes of practice, standards and guidelines relevant to the environment management of the activity (Appendix A of the EP); and
- (c) a demonstration of how these requirements will be met (Sections 6 and 7 and Appendix A of the EP).

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

26. I found that the EP met the requirements of reg 21(5) and (6), as it included the following information:
- (a) details of the environmental impacts and risks, including those arising from potential emergency conditions whether resulting from an accident or any other reason (Sections 6, 7 and 8 and Appendix A of the EP);
 - (b) an evaluation of all the environmental 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 (Sections 6, 7 and 8 of the EP); and
 - (c) 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 (Sections 6, 7, 8 and 9 of the EP).

Regulation 21(7) - Environmental Performance Outcomes and Standards

27. I found that the EP met the requirements of reg 21(7), as it included the following information:
- (a) EPOs for the activity against which the performance of the titleholder in protecting the environment will be measured (Sections 6, 7 and 9 of the EP);
 - (b) EPS for each control measure identified as being necessary to reduce the environmental impacts and risks of the activity to ALARP and an acceptable level (Section 9.3 of the EP); and
 - (c) measurement criteria that will allow the titleholder to determine whether each EPO and EPS is being met for the duration of the activity (Section 9.3 of the EP).

Implementation strategy for the EP: regulation 22

28. I found that the EP met the requirements of reg 22, as it included the following information:
- (a) an implementation strategy for the activity in accordance with reg 22 (Section 10 of the EP) (reg 22(1));
 - (b) a description of the environmental management system that will be used for the activity, including the measures that will be used to ensure that, for the duration of the activity that (Section 10 of the EP) (reg 22(2)):
 - a. environmental impacts and risks of the activity continue to be identified and reduced to a level that is ALARP; and
 - b. control measures are effective in reducing the environmental impacts and risks of the activity to as ALARP and an acceptable level; and
 - c. EPOs and EPSs are being met;
 - (c) establishment of a clear chain of command, setting out the roles and responsibilities of employees and contractors in relation to the implementation, management, and review of the EP, including during emergencies or potential emergencies (Sections 10.1.3 and 10.1.4 of the EP) (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 (Sections 10.1.4, 10.2.3 and 10.2.4 of the EP) (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 (Section 10.5 of the EP) (reg 22(5));
- (f) provision for 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 10.5.4 of the EP) (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 (Section 10.5.5. of the EP) (reg 22(7));
- (h) an Oil Pollution Emergency Plan (**OPEP**) with the provision for updating of the plan (Appendix I of the EP) (reg 22(8));
- (i) an OPEP that includes adequate arrangements for responding to and monitoring oil pollution (Appendix I of the EP) and includes (reg 22(9)), including the following:
 - a. the control measures necessary for timely response to an emergency that results or may result in oil pollution;
 - b. 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;
 - c. 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
 - d. the arrangements and capability in place for monitoring oil pollution to inform responses activities;
- (j) 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 (Section 10.4.6 and Appendix Q of the EP) (reg 22(10));
- (k) information demonstrating that the response arrangements in the OPEP are consistent with the national system for oil pollution preparedness and response (Appendix I of the EP) (reg 22(11));
- (l) arrangements for testing the response arrangements in the OPEP that are appropriate to the response arrangements and to the nature and scale of the risk of oil pollution for the activity (Section 10.4.4 of the EP) (reg 22(12));
- (m) arrangements for testing the response arrangements in the OPEP, including 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 10.4.4 of the EP) (reg 22(13));
- (n) a proposed schedule of tests (Section 10.4.4 of the EP), which includes provision for:
 - a. testing the response arrangements when they are introduced;
 - b. testing the response arrangements when they are significantly amended;
 - c. testing the response arrangements not later than 12 months after the most recent test;
 - d. 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
- e. 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));
 - (o) provision for appropriate ongoing consultation with relevant authorities of the Commonwealth, State and other relevant interested persons or organisations (Sections 10.2.5 and 10.5.5 of the EP) (reg 22(15)); and
 - (p) information demonstrating compliance with the OPGGS Act, the regulations and other environmental legislation applicable to the activity (Section 10 of the EP) (reg 22(16)).

Details of titleholder and liaison person: regulation 23

29. I found that the EP met the requirements of reg 23, as it included the following information:

- (p) details for the titleholder, 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 (Section 1.1 of the EP) (reg 23(1)(2)); and
- (q) arrangements for notifying NOPSEMA of a change in the titleholder, the nominated liaison person, or of a change in the contact details of either the titleholder or the liaison person (Section 1.1 of the EP) (reg 23(3)).

Other information in the EP: regulation 24

30. I found that the EP met the requirements of reg 24, as it included the following information:

- (a) the titleholder's corporate 'Health, Safety and Environment (HSE) Policy' (Section 10.1.1 and Appendix M of the EP) (reg 24(a); and
- (b) a report on all consultations under reg 25 of any relevant person by the titleholder that contains:
 - a. a summary of each response made by a relevant person (Appendix C1 of the EP) (24(b)(i));
 - b. an assessment of the merits of any objection or claim about the adverse impact of each activity to which the EP relates (Appendix C1 of the EP) (reg 24(b)(ii));
 - c. a statement of the titleholder's response to each objection or claim (Appendix C1 of the EP) (reg 24(b)(iii)); and
 - d. a copy of the full text of any response by a relevant person is provided in the sensitive information part of the EP (Appendix D) (reg 24(b)(iv));
- (c) details of reportable incidents in relation to the proposed activity (Table 10.7 of the EP) (reg 24(c)).

Should the Environment Plan be accepted?

- 31. Under the Environment Regulations, in order to accept the EP, I had to be reasonably satisfied that the criteria in reg 34 were met.
- 32. 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 those requests was contained in the resubmitted

version of the EP (as set out at paragraphs [12]-[14], which resulted in the final version of the EP (Revision 4); and

(b) any public comments received under reg 30(2). I note that 11,433 public comments were received by NOPSEMA during the public comment period for the EP (as referenced at [9]).

33. Against this background, having considered the public comments and 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)

34. Based on the reasons below, I was reasonably satisfied that the EP met the requirements of reg 34(a).

35. I found that the EP (Section 2 of the EP) contains a suitable description of the activity to inform how it may affect the environment. This is because, the scope and bounds of the activity are clearly described in the EP and in such a way that I understood the manner in which the activity would interact with the environment and the limitations of the activity, and therefore what impacts and risks could occur, allowing for an assessment of those environmental impacts and risks. In particular:

(a) the EP provides details of the proposed location, spatial extent, timeframe, and duration of the activity and an outline of the operational details of the activities. For example, I noted that:

- a. the petroleum activity involves conducting seabed surveys at up to nine locations and drilling of up to a maximum of six exploration wells within exploration permits VIC/P79 and T/49P;
- b. three Operational Areas (referred to as 'VIC/P79-North Operational Area', 'VIC/P79-South Operational Area', 'T/49P Operational Area' or collectively referred to as the 'Operational Areas') have been defined in the EP as the areas within which planned activities are proposed to occur (Section 2.1.1 and Figure 1-1 of the EP). Section 2.1 of the EP outlines that the Operational Areas extend beyond the petroleum titles listed in the EP (Figure 1-1 of the EP) and describes how the titleholder will seek and gain authorisation to operate in these adjacent areas in accordance with the OPGGS Act;
- c. The Operational Areas encompass the outer extent of mooring equipment on the seabed, and the 500 metre (m) petroleum safety zone (PSZ). The water depths and coordinates of the Operational Areas are provided in Section 1.4 of the EP;
- d. the locations of the proposed exploration wells 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 Operational Areas (Sections 6 and 7 of the EP). The process for selecting the final exploration well locations is outlined in Section 2.3 of the EP;
- e. the indicative timing and duration of each stage of the activity is outlined in Section 2.1 of the EP. The EP accounts for the petroleum activity to take place within the period of 1 January 2025 to 31 December 2028;
- f. the titleholder has committed to apply limitations to the petroleum activity (Section 2.3 of the EP), such as limiting the Operational Areas to water depths between 53 m and 200 m (AL#1) and limiting the number of wells that can be drilled in each Operational Area (AL#4, AL#5 and AL#6).

(b) the EP includes details of activities that are not included in the scope of the EP. For example, I noted that:

- a. the movement of the mobile offshore drilling unit (MODU), survey vessel, support vessels and helicopters outside of the Operational Areas are not included in the scope of the EP (Section 1

- of the EP). These activities are undertaken in accordance with other relevant maritime and aviation legislation and requirements, such as the *Navigation Act 2012* and the South-East Marine Parks Network Management Plan (2025); and
- b. mobilisation of the drill rig and vessels into Australian Commonwealth waters and Victorian State waters, and associated biosecurity and ballast water management prior to the arrival of the drill rig and vessels into the Operational Areas are not included in the scope of this EP (Section 1 of the EP). The drill rig and vessels are subject to biosecurity control on entering Australian territory (12 nm offshore) in accordance with the *Biosecurity Act 2015*;
- (c) the EP includes a description of the equipment and property that will be brought into the title areas and used to undertake the activity. For example, I noted that:
- a. seabed surveys will be conducted by one or two survey vessels (Section 2.2.1 of the EP);
 - b. drilling activities will be undertaken using a moored semi-submersible MODU with a thruster assisted mooring system (Section 2.2.7 of the EP). The MODU will be supported by up to three support vessels, helicopter operations and a remotely operated vehicle (**ROV**) (Section 2.2.7 of the EP); and
 - c. the equipment that may be used in connection with the activity is outlined in Section 2 of the EP, such as anchors and mooring chains, positioning equipment (transponders), tool deployment, blow-out preventor (**BOP**) (and tethering systems) and well infrastructure.
- (d) the EP contains 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).
36. I found that the EP (Section 4 of the EP) contains a thorough description of the environment that may be affected (**EMBA**) by the activity. This is because:
- (a) the EMBA is defined as the largest area where an unplanned hydrocarbon release could have an environmental consequence. This includes the area over which impacts from the activity may occur (such as the extent of drilling discharges, light emissions, and noise emissions) and the Operational Areas (Section 4.1 of the EP);
 - (b) the EP utilises relevant references and information sources to adequately inform and support the descriptions, such as contemporary peer-reviewed scientific literature and other authoritative sources (Section 4 of the EP). This approach is appropriate, as it ensures that the description of the EMBA encompasses all aspects of the environment, including cultural and socio-economic aspects that may interact with the activity. For example, the EP includes a description of:
 - a. matters protected under Part 3 of the EPBC Act that may be present within the EMBA. The EP utilises relevant information to adequately inform and support the descriptions, such as information available on the Department of Climate Change, Energy, the Environment and Water (DCCEEW) website, including plans of management, threat abatement plans, threatened species recovery plans and marine bioregional plans (Section 4 of the EP);
 - b. the biological and ecological environment of the EMBA, including benthic habitats and communities, coastal habitats and communities, plankton, marine invertebrates, fish, amphibians, seabirds and shorebirds, marine reptiles, marine mammals, terrestrial mammals, terrestrial invertebrates, and invasive marine species (Section 4.6 of the EP);

- c. the socio-economic and cultural features, values and sensitivities of the EMBA, including coastal settlements, offshore petroleum industry, defence activities, shipping, tourism, commercial fisheries, seaweed industry and maritime archaeological heritage (Sections 4.7 and 4.9 of the EP);
 - d. the First Nations cultural features of the EMBA (Section 4.8 of the EP), which has been informed by multiple sources of relevant and suitable information, including information published by First Nations groups, such as sea country management plans, information provided by relevant persons during consultation, information provided in public comments, and information from an independent desktop assessment of First Nations cultural values completed by suitably qualified professionals (Appendix L of the EP), including:
 - i. consideration of both tangible and intangible aspects relating to First Nations cultural features of the environment, including sea country values, culturally significant marine species, coastal sites within the EMBA, dreaming stories and cultural practices, and submerged cultural heritage and landscapes (Section 4.8 of the EP); and
 - ii. details of onshore native title claims, determinations and Indigenous Land Use Agreements (**ILUAs**) made under the *Native Title Act 1993*, Indigenous Protected Areas (**IPAs**) established as part of Australia's National Reserve System, and cultural values related information published in State/Territory and Commonwealth Marine Park Management Plans (Sections 4.8.2 and 4.8.3 of the EP);
- (c) the level of detail included in the EP is appropriately scaled to the nature of the impacts and risks. For example, the EP includes a greater level of detail on those receptors that may be impacted by planned components of the activity (Section 4 of the EP). The titleholder has utilised contemporary information on the distribution and behaviours of pygmy blue whales and southern right whales (Section 4.6 of the EP) to inform the impact and risk evaluations (Sections 6 and 7 of the EP);
37. I found that the impact and risk assessments (Sections 6 and 7 of the EP) are commensurate to the magnitude of impacts and risks and the level of analysis and evaluation is appropriate for the nature and scale of the activity and the severity of individual impacts and risks. This is because:
- (a) a sufficiently robust method, consistent with internationally recognised standards ISO 31000:2018 (Risk Management), has been applied in the EP for the identification and evaluation of environmental impacts and risks of the petroleum activity (Section 5 of the EP);
 - (a) the EP includes details of all environmental impacts and risks that are relevant to the activity and provides an evaluation that is appropriate to the nature and scale of each impact and risk (Sections 6 and 7 of the EP). I found that the range of impacts and risks detailed in the EP are what I would expect and are the full range of reasonably foreseeable impacts and/or risks from the activity, given the description of this activity and the environment in which it will occur, and included all potential impacts and risks raised in public comment and consultation with relevant persons;
 - (b) the EP details the sources, potential events, likelihood and consequences, confidence levels and the magnitude of impacts and risks. In addition, the EP includes an analysis of the extent, duration, severity and certainty of impacts from both planned events (i.e. the impact that this decision will permit to occur) and unplanned events (i.e., impact that is not permitted to occur but which needs to be understood in order to carry out a risk assessment and to inform contingency planning). These details have a logical and reasonable basis. For example, I noted that the EP evaluates the impacts of greenhouse gas (**GHG**) emissions associated with the petroleum activity, including emissions generated by the MODU, vessels, helicopters and flaring operations. The EP includes estimates of the total GHG emissions that may be emitted over the life of the activity using the method set out in the *National*

Greenhouse and Energy Reporting (Measurement) Determination 2008 (Cth). The assessment recognises the petroleum activities' contribution to the global scale of GHG emissions and evaluates the potential impacts of these emissions on the environment (Section 6.5 and Appendix J of the EP).

- (c) the EP considers the cumulative impacts of the activity, both in terms of the cumulative impact of drilling all wells and conducting all surveys permitted by this EP, and in terms of the potential cumulative impact as a result of other activities occurring in the region (such as seismic surveys and other drilling activities). The cumulative impact assessment methodology detailed in Section 8 of the EP (and Appendix A of the EP) has been applied thoroughly, which I considered was an appropriate approach to the assessment of cumulative impacts. Further, I noted that cumulative impacts of drilling all exploration wells under this EP have been considered in the evaluation of environmental impacts and risks in Sections 6 and 7 of the EP;
 - (d) the impact and risk evaluations are specific for the nature and location of the activity and the environmental receptors that may be affected. For example, the light impact assessment (Section 6.4 of the EP) includes an evaluation of environmental impacts to the values and sensitivities of nearby marine protected areas, including the Zeehan AMP and Apollo AMP; and
 - (e) the titleholder has applied more detail and rigour to the evaluation of higher order impacts and risks and to receptors with the greatest potential for impact/most vulnerable. For example:
 - a. the EP provides details of the additional studies that were undertaken by the titleholder to adequately support and inform those impact and risk evaluations where there is a higher degree of scientific uncertainty in predictions of impact and risks and/or severity of potential consequences of impacts and risk, including oil spill modelling (Appendix E of the EP), light modelling (Appendix F of the EP), noise modelling (Appendix G of the EP), geospatial visibility analysis (Appendix H of the EP) and cultural heritage (Appendix L of the EP); and
 - b. the underwater sound emissions impact assessments in Sections 6.6 (non-impulsive sound sources) and 6.7 (impulsive sound sources) of the EP, include more detailed assessments for pygmy blue whales and southern right whales, reflecting the conservation status and biologically significant behaviours and areas for these two species in the Otway Basin, as well as specific requirements of the Conservation Management Plan for the Blue Whale (2015) and the National Recovery Plan for the Southern Right Whale (2024);
38. I found that the EP demonstrates that the evaluation of impacts and risks has informed the selection of suitable control measures appropriate for the nature and scale of the activity (Sections 6 and 7 of the EP). This is because:
- (a) the evaluation of impacts and risks takes into consideration the intended performance of the control measure to demonstrate that impacts and risks have been reduced to ALARP; and
 - (b) suitable control measures have been included to reduce impacts and risks to ALARP and an acceptable level.
39. I found that the EP (Sections 1.6, 6 and 7 and Appendix A of the EP) includes sufficient information on the legislative requirements that are relevant to the activity and demonstrates how they will be met throughout the life of the activity. This is because:
- (a) the EP includes an overview of relevant legislation and other environmental requirements (such as laws, codes, standards, agreements, treaties, conventions or practices) that apply to the activity and demonstrates how they will be met (Section 1.6 and Appendix A of the EP); and

- (b) the EP describes the requirements from policies, plans of management, recovery plans, conservation advice and other guidance for matters protected under the EPBC Act and demonstrates how these will be met in the relevant impact and risk assessments (Sections 6 and 7 of the EP). For example:
- a. Section 6.4.5.1 of the EP outlines that the National Recovery Plan for the Orange-bellied Parrott (2016) identifies light emissions as a threat to the species and provides a demonstration that the petroleum activity will not be inconsistent with the Plan; and
 - b. Sections 6.6 and 6.7 of the EP outlines that the Conservation Management Plan for the Blue Whale (2015) and the National Recovery Plan for the Southern Right Whale (2024) identifies underwater noise emissions as a threat to each species and provides a demonstration that the petroleum activity will not be inconsistent with these Plans.
40. I was reasonably satisfied that information provided during relevant persons consultation and in public comments had been appropriately considered, evaluated and incorporated into the EP where it was relevant.

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

41. Based on the reasons below, I was reasonably satisfied that the EP met the requirements of reg 34(b).
42. I found that the EP demonstrates that the environmental impacts and risks of the activity will be reduced to ALARP. This is because:
- (a) the EP (Section 5) describes the method applied to evaluate whether impacts and risks are reduced to ALARP. The method of evaluation is systematic, applied thoroughly, defensible and reproducible. The evaluation of the adoption of control measures is based on environmental benefits and the consideration of the feasibility and cost/sacrifice of implementation. Where control measures have been rejected on the basis that the cost of implementation outweighs the environmental benefit, the titleholder has provided suitable justification and evidence to support that position;
 - (b) all control measures that could reasonably be considered are evaluated by the titleholder. The level of detail in the ALARP assessment is commensurate to the nature and scale of the potential impacts and risks. For higher order impacts and risks, a greater exploration of alternative, additional or improved control measures is evident by the titleholder. For example, as part of the ALARP demonstration for drilling discharges (Section 6.8 of the EP), the titleholder evaluated a number of additional controls, including skip and ship waste to shore, use of a riserless mud recovery system and use of slim hole design. These control measures were rejected on the basis that the cost of implementation grossly outweighed the environmental benefits;
 - (c) the EP has demonstrated, through reasoned and supported arguments that there are no other practical control measures that could reasonably be taken to reduce impacts and risks any further;
 - (d) the evaluation of impacts and risks has informed the selection of suitable control measures to either reduce the consequence/severity or likelihood of impacts and risks. For example, the light impact evaluation (Section 6.4 of the EP) informed the adoption of the Light Management Plan (CM07), which includes requirements to minimise non-essential lighting on the MODU and support vessels, as well as a program for handling grounded birds;
 - (e) there is sufficient detail of the control measures to demonstrate that the measures will be effective in reducing impacts and risks to ALARP for the duration of the EP, if implemented as described. For example, the EP describes a range of control measures in sufficient detail to minimise impacts of seabed disturbance, such as undertaking a seabed survey prior to the commencement of drilling activities to

- inform final selection of well locations, drill rig position and location of mooring equipment (CM05 and CM06);
- (f) there is a clear link in the EP between control measures and the impacts and risks that those control measures are being put in place to manage. In that way, the EP sets out how each control measure is intended to function in reducing that impact or that risk to ALARP;
 - (g) the titleholder has adopted the typical control measures that I would expect of a drilling activity (such as CM01, CM02, CM09, CM11 and CM12). Where standards or guidelines were available, these were adopted by the titleholder. For example, CM16: Source Control Emergency Response Plan aligns with International Oil and Gas Producers (IOGP) Report 594 - Subsea Well Source Control Emergency Response Planning Guide for Subsea Wells (2019);
43. In relation to an oil pollution incident, I found that the EP demonstrated that the risks associated with responding to an oil pollution incident, as well as the impacts from an unplanned oil pollution incident will be reduced to ALARP (should it occur), because:
- (a) the EP (Section 7.8) and OPEP (Section 2.6) present a strategic net environmental benefit analysis (**NEBA**) of all the potential spill response strategies, which informed the selection of response strategies that will result in the lowest overall environmental impact and maximum protection, or recovery of receptors identified at risk within the EMBA. The feasible response strategies identified include source control, surveillance, modelling and visualisation, natural dispersion, shoreline protection and deflection, shoreline clean-up, oiled wildlife response, waste management and operational and scientific monitoring. I considered that these response strategies were appropriate for the oil pollution risks of the activity; and
 - (b) the OPEP (Sections 4 and 5) sets out how and when the spill response control measures will be implemented, including how the titleholder will deploy sufficient capability in the required timeframes. I also note that the OPEP details how the titleholder will maintain oil pollution response readiness at all times during the activity. I considered these arrangements to be appropriate.

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

44. Based on the reasons below, I was reasonably satisfied that the EP met the requirements of reg 34(c).
45. I found that the EP demonstrates that the environmental impacts and risks of the activity will be of an acceptable level. This is because:
- (a) the EP (Section 5) describes the method used to demonstrate that impacts and risks will be managed to an acceptable level, which I considered was commensurate to the nature and scale of the activity and the severity of its impacts and risks. The process involves evaluating impacts and risks in the context of how they comply or align with relevant internal and external policy settings, consideration of feedback received by the titleholder during relevant persons consultation (and feedback provided in public comments), relevant legislative requirements, including but not limited to, 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. I was satisfied that the process was clear, systematic, defensible and reproducible;
 - (b) the titleholder has applied more effort and rigour to evaluations where there is a higher degree of scientific uncertainty in predictions of impacts and risks and/or severity of potential consequence of impacts and risks (Sections 6 and 7 of the EP);

- (c) 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 International Union for Conservation of Nature (**IUCN**) Reserve Management Principles in operation for an Australian Marine Park (**AMP**) or a management plan for a Commonwealth Heritage Place (Sections 6 and 7 of the EP). I noted that the EP has had regard to the South-East Commonwealth Marine Reserves Network Management Plan (2013-2023), which expired on 30 June 2023 (Appendix A, Sections 6 and 7 of the EP), noting that transitional arrangements extended the zoning and activity rules of the plan until the new plan came into effect. I acknowledge that the South-east Marine Parks Network Management Plan (2025) came into effect on 13 February 2025, after the final EP was submitted to NOPSEMA and therefore, the EP has not had regard to the now in-force management plan. However, noting that the petroleum activity will not occur within an AMP and considering the impact and risk evaluations and the proposed control measures to manage impacts and risks to ALARP and an acceptable level, the EP demonstrates that the activity is not inconsistent with the in-force management plan. Further, the titleholder has an appropriately robust implementation strategy (Section 10 of the EP) and management of change process (Section 10.2.7 of the EP) to identify and determine the significance of any potential increased or new environmental impacts or risks not provided for in the EP. I considered this to include changes in management plans;
- (d) the EP demonstrates that the activity does not contravene Australian World Heritage Management principles, National Heritage management principles, Australian Ramsar management principles or Commonwealth Heritage management principles (Sections 2, 6 and 7 of the EP);
- (e) 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 DCCEE website (Sections 6 and 7 of the EP). For example, the titleholder had regard to the National Light Pollution Guidelines for Wildlife (2023) in the light impact evaluation (Section 6.4 of the EP); and
- (f) the titleholder has identified and addressed areas of uncertainty in the impact and risk evaluations. Predictions of environmental impact and risk are suitably conservative, supported by appropriate modelling. For example, the titleholder commissioned light modelling, noise modelling and oil spill modelling, among other studies, to inform the relevant impact assessments (Section 6 of the EP);
- (g) the EP provides well-reasoned and supported conclusions that impacts and risks will be managed to acceptable levels with the implementation of suitable control measures to either reduce the consequence/severity or likelihood of environmental impacts and risks. The impact and risk evaluations demonstrate that the acceptable level will be met, and that the EPO will be achieved; and
46. In relation to underwater sound emissions, I found that the EP demonstrated that this specific impact to threatened and migratory whales will be of an acceptable level, because:
- (a) the EP evaluates the impacts of underwater sound emissions from non-impulsive (continuous) and impulsive sources (Sections 6.6 and 6.7 of the EP, respectively) to relevant whale species, including blue whales and southern right whales;
- (b) the evaluations have taken into consideration the likelihood of species presence, distribution and expected behaviours within the area that may be affected by underwater sound emissions and is supported with peer-reviewed literature. I noted that the Operational Areas overlap with foraging biologically important areas (**BIAs**) for blue whales and a migration BIA for southern right whales, noting that the reproduction BIA (habitat critical to the survival (**HCTS**)) for southern right whales is located approx. 17.5 km from the nearest Operational Area;

- (c) the evaluations have been supported by underwater acoustic propagation modelling to determine the ranges over which permanent threshold shift (**PTS**) and temporary threshold shift (**TTS**) effects and behavioural disturbance may occur due to the activity. Acoustic modelling was undertaken for a range of activity scenarios, at numerous locations within the Operational Areas (including the worst-case locations closest to key sensitivities, such as the southern right whale reproduction BIA), and using representative and well-reasoned parameters and assumptions (Sections 6.6.2 and 6.7.2 and Appendix G of the EP). I note that the impact assessments for non-impulsive and impulsive underwater sound reference the maximum effects ranges for each activity scenario from the modelling, which has been used to inform the proposed control measures;
- (d) the evaluations have been informed by contemporary peer-review literature on underwater sound impacts and internationally accepted impact evaluation thresholds (Sections 6.6 and 6.7 of the EP). I note that the EP has acknowledged and evaluated recent updates to threshold criteria for auditory injury and TTS in marine mammals (NMFS 2024) that have been published after acoustic modelling was completed (as referenced above). In particular:
- a. the EP details that the expected increases in effect distances for auditory injury and TTS based on the updated thresholds are not expected to materially alter the impact assessment conclusions for whales, nor the selection of control measures, given that the proposed control measures are based on the predicted behavioural effect ranges, which are larger than the predicted TTS ranges and will, therefore, continue to protect whales against auditory injury and TTS effects. With the exception of anchor prelay and vertical seismic profiling (**VSP**) activities, where the titleholder has committed to undertake new acoustic modelling and review the proposed control measures, given that the proposed control measures for these activities are based on TTS effect ranges; and
 - b. the titleholder has an appropriately robust implementation strategy (Section 10 of the EP) and management of change process (Section 10.2.7 of the EP) to identify and determine the significance of any potential increased or new environmental impacts or risks not provided for in the EP. I considered this to include changes in understanding of the potential impacts and risks arising from new acoustic modelling.
- (e) the defined acceptable level of impact has been compared to the predicted level of impact, which has been derived from comparing the results of the acoustic modelling study (Appendix L of the EP) with published studies on the distribution patterns and behaviours of relevant whale species, to demonstrate that the environmental impacts of the activity will be managed to an acceptable level. I noted that the defined acceptable levels of impact for blues whales and southern right whales are linked to the relevant action areas and recovery actions in their respective recovery plans (Sections 6.6 and 6.7 of the EP);
- (f) the EP explains that the modelled distances to PTS and TTS effects for whales are based upon exposure for 24-hours by a stationary receptor, which is conservative given it is not a realistic scenario based on the predicted movement patterns of whales in the region. The EP concludes that PTS and TTS effects for whales are unlikely to occur as a result of the activity (Sections 6.6 and 6.7 of the EP);
- (g) the EP details that whales may exhibit behavioural responses as a result of the activity; however, these responses are expected to be short-term and limited to individual whales (Sections 6.6 and 6.7 of the EP);
- (h) the titleholder has identified and addressed areas of uncertainty in the underwater sound impact evaluations (Sections 6.6 and 6.7 of the EP). For example, the titleholder acknowledged uncertainties associated with the application of marine mammal behavioural response criteria for impulsive noise to migrating southern right whale cow-calf pairs and to reproduction behaviours in the reproduction BIA

and therefore, applied more conservative response thresholds for migrating southern right whale cow-calf pairs (Section 6.7 of the EP);

- (i) the EP describes the Fauna Management Plan (**FMP**) (CM08) (Appendix N of the EP), as the main control measure to reduce underwater sound impacts to whales, in particular to blue whales and southern right whales. I noted that the Fauna Management Plan outlines activity specific measures, including pre-activity observations (such as vessel marine fauna observers (**MFOs**), aerial surveys and passive acoustic monitoring (**PAM**)), vessel caution and avoidance, pre-activity procedures, during-activity procedures, night-time/low-visibility procedures, and adaptive management procedures;
 - (j) the EP demonstrates that the activity will not be undertaken in a manner that is not inconsistent with the National Recovery Plan for the Southern Right Whale (2024). In particular, the evaluations (Sections 6.6 and 6.7 of the EP) for southern right whales provide a reasonable and supported demonstration that actions within the migration BIA and adjacent to the reproduction BIA (HCTS) are unlikely to prevent any southern right whale from utilising the areas or cause auditory impairment (consistent with recovery plan action A5.2) and that the risk of behavioural disturbance is minimised (consistent with recovery plan action A5.3); and
 - (k) the EP demonstrates that the activity will not be undertaken in a manner that is not inconsistent with the Conservation Management Plan for the Blue Whale (2015). In particular, the evaluations (Sections 6.6 and 6.7 of the EP) for blue whales provide a reasonable and supported demonstration that activities will not result in injury to a blue whale and that appropriate mitigations measures will be implemented to reduce the risk of displacement occurring within the foraging BIA.
47. In relation to impacts and risks to First Nations cultural features, I found that the EP demonstrated that this will be of an acceptable level, because:
- (a) the EP adequately identifies and evaluates impacts and risks to First Nations cultural features as a result of conducting this activity (Sections 6 and 7 of the EP). The evaluation of impacts and risks to cultural features had regard to multiple sources of relevant and suitable information, such as publicly available databases on cultural heritage sites, sea country management plans, management plans for AMPs, cultural heritage report (Appendix L of the EP), published literature, consultation with First Nations relevant persons and information from public comments, in order to demonstrate that any impact that may occur due to the activity is of an acceptable level. It also demonstrated that while the occurrence of an unplanned event, particularly the worst-case scenarios contemplated in the EP, would be unacceptable, the risk of such an event occurring, and subsequently the risks of impacts to the full extent contemplated is so remote as to be acceptable, particularly given commitments to mitigation and contingency plans in order to reduce the consequences;
 - (b) the EP also had regard to relevant information, including policy documents, guidance and management plans, such as DCCEE's Assessing and Managing Impacts to Underwater Cultural Heritage in Australian waters guideline (2024), as well as the International Council on Monuments and Sites (**ICOMOS**) Burra Charter and the United Nations Educational, Scientific and Cultural Organisation (**UNESCO**) Convention for the Safeguarding of the Intangible Cultural Heritage;
 - (c) the titleholder engaged suitably qualified experts to inform the assessment of impacts and risks on First Nations cultural features of the environment (Appendix L of the EP), whose opinions have been incorporated into the relevant impact and risk assessments (Sections 6 and 7 of the EP); and
 - (d) the impact and risk evaluations (Sections 6 and 7 of the EP) outline, and I accept, that:

- a. 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 6 and 7 of the EP); and
- b. the activity will be managed to the defined acceptable level of impact for First Nations cultural features, such that there are no significant impacts to First Nations cultural features or values (Sections 6 and 7 of the EP).

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

48. Based on the reasons below, I was reasonably satisfied that the EP met the requirements of reg 34(d).
49. Section 9 of the EP presents a summary of the EPOs, EPSs and measurement criteria for the environmental impacts and risks of the petroleum activity.
50. The EP provides 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 and risk evaluation, and adopted management measures, demonstrated that the environmental impacts and risks will be managed to an acceptable level and ALARP; 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).
51. By way of example, I found that the EP includes appropriate EPOs for the management of impacts and risks associated with First Nations cultural features, such as EPO6b: No impacts to underwater cultural heritage.
52. I found that the EP provided appropriate EPSs, that:
 - (a) are directly linked to control measures determined through the impact and risk evaluations in Section 6 and 7 of the EP;
 - (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 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.
53. By way of example, I found that the EP sets appropriate EPSs for CM08: Fauna Management Plan, a critical control measure to reduce impacts of underwater noise emissions to ALARP and an acceptable level, such as:
 - (a) EPS 8.1: ConocoPhillips Australia will implement a Fauna Management Plan for the activity. This Plan will be in place 30 days prior to the commencement of activities within the Operational Areas;
 - (b) EPS 8.4: At all times, two MFOs will be stationed on the seabed survey vessel whilst seabed surveys are occurring, and on the MODU support vessels whilst drilling and VSP activities are occurring; and

(c) EPS 8.15: The VSP acoustic source will be ramped up over 30 minutes to allow fauna time to move away from the source.

54. Further, I found that the OPEP (Section 6) provides appropriate EPS for oil pollution response preparedness and implementation, and the Operational and Scientific Monitoring Program (**OSMP**) (Appendix Q of the EP) provides appropriate EPS for maintaining operational and scientific monitoring capability and implementation of monitoring plans.
55. I found that the EPOs, EPSs and measurement criteria are clearly linked and complementary of one another, as presented in Section 9 of the EP.

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

56. Based on the reasons below, I was reasonably satisfied that the EP met the requirements of reg 34(e).
57. As stated at paragraph [28], I found that the EP (Section 10 of the EP) contains an implementation strategy for the activity that meets the requirements of reg 22 and is compliant with the OPGGS Act and other environmental legislation applicable to the activity. I found that the implementation strategy outlined in Section 10 of the EP provides a range of systems, practices and processes (see further detail below), that I was satisfied would provide for all impacts and risks to continue to be managed to ALARP and acceptable levels for the duration of the activity.
58. I found that the implementation strategy describes the titleholder's environmental management system (EMS) for the activity, the 'Health, Safety and Environmental Management System' (**HSEMS**) Standard (Section 10.1 of the EP). I was satisfied that this was appropriate as the system provides a structured framework that sets common expectations governing how all employees and contractors will work. The management system consists of the following elements: policy and leadership, preparation and documentation (plan), functional areas (do) and continuous improvement (assess and adjust) (Section 10.1 of the EP).
59. I found that the implementation strategy (Section 10.1.4 and Table 10-3) of the EP establishes a clear chain of command, setting out the roles and responsibilities of personnel in relation to the implementation, management and review of the EP. Section 3.3 of the OPEP outlines the emergency management structure for an oil pollution incident, which includes a Crisis Management Team (**CMT**), Incident Management Team (**IMT**) and Emergency Response Team(s) (**ERT**). The roles and responsibilities of the titleholder's IMT are provided in Table 3-8 of the OPEP.
60. I found that the implementation strategy (Section 10.2.3 of the EP) includes 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. I noted that all offshore personnel are required to complete an environmental induction. The titleholder will record and maintain records associated with project-specific training, environmental training and inductions. Overall, appropriate commitment is made to training to ensure that all employees and contractors have suitable competencies.
61. I found that the OPEP (Section 1.6 and Appendix 1) outlines the minimum training and competency requirements of the IMT, CMT and field response personnel and defines training standards that are aligned with relevant industry good practice, and national and state emergency management training programs.
62. I found that the implementation strategy (Section 10.5.6 of the EP) provides 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. I noted that a HSE due diligence inspection is proposed to be conducted on survey vessels, MODU and support vessels, post award and pre-spud (Table 10-10), and that weekly inspections are proposed to be

conducted on the survey vessels, MODU and support vessels (Table 10-10) for the duration of the activity. The tracking of non-compliances and actions will be undertaken using the titleholder's incident management system, which includes assigning a responsible person for ensuring the action is addressed and closed out.

63. I found that the management of change (**MOC**) process in Sections 10.2.7 and 10.5.7.1 of the EP was adequately described and appropriate for the activity, because the process outlines that:
- (a) changes will be assessed as per the environmental risk management methodology, to determine the significance of any potential increased or new environmental impacts or risks not provided for in the EP;
 - (b) risk assessment outcomes will be reviewed for compliance with reg 39;
 - (c) minor changes that do not trigger a requirement for a formal revision of the EP under reg 39 (such as minor administrative changes or improvements in the level of environmental performance for the activity), will be made to the EP and considered a 'minor EP revision' (Section 10.5.7.3 of the EP);
 - (d) any relevant new information received from ongoing consultation (Section 10.2.5 of the EP) or any new cultural features of heritage values that are identified and are not described in the EP, will be assessed using the management of change process (Section 10.2.7 of the EP) to ensure impacts and risks continue to be identified and managed to ALARP and acceptable levels;
 - (e) Section 10.3.5.1 of the EP includes a detailed description of the titleholder's 'unexpected find procedure', that is aligned with DCCEEW's Assessing and Managing Impacts to Underwater Cultural Heritage in Australian Waters guideline (2024); and
 - (f) Section 10.5 of the EP provides a reasonable description of the titleholders' continuous improvement processes.
64. I found that the implementation strategy (Section 10.5.4.1 of the EP) provides for sufficient monitoring of, and maintaining a quantitative record of, emissions and discharges (whether occurring during normal operations or otherwise), such that the record can be used to assess whether the EPOs and EPSs in the EP are being met. Table 10-8 of the EP details the types of emissions and discharges that shall be recorded including the monitoring method and frequency of reporting.
65. I found that the implementation strategy (Section 10.5.5 of the EP) provides for appropriate reporting to NOPSEMA in relation to start and end of activity notifications, the titleholder's environmental performance for the activity, as well as incident reporting (reportable and recordable incidents).
66. An appropriate OPEP (Appendix I of the EP) has been provided that includes arrangements that are suitable, given the spill scenarios presented, and addresses each of the EP content requirements in reg 22. Specifically, the OPEP:
- (a) details the arrangements for activation of a spill response, including notifications, initial response actions (first strike) and transition to reactive response operations (Section 3 of the OPEP);
 - (b) 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 OPEP sets out how and when the response control measures will be implemented, including deployment of sufficient capability in the required timeframes (Section 4 of the OPEP);
 - (c) details the arrangements for responding to and monitoring oil pollution to inform response activities (Section 4.7 of the OPEP and Appendix Q of the EP);

- (d) details the arrangements for updating and testing the oil pollution response arrangements and control measures (Section 1.6 of the OPEP); and
 - (e) provides for the monitoring of impacts to the environment from oil pollution and response activities (Section 4.7 of the OPEP and Appendix Q of the EP).
67. The implementation strategy (Section 10.2.5 of the EP) provides for 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. I considered that these arrangements were appropriate because:
- (a) the titleholder will assess, address and respond to feedback received from relevant persons, as required, throughout the life of the EP;
 - (b) feedback received following EP acceptance that identifies any new matters, the titleholder will apply its EP management of change processes;
 - (c) Table 10-5 of the EP includes specific ongoing consultation commitments with a range of relevant persons; and
 - (d) Section 10.2.5.1 of the EP outlines specific ongoing consultation commitments with First Nations relevant persons, including in relation to the Cultural Heritage Protection Program (CM05).

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)

68. Based on the reason below, I was reasonably satisfied that the EP met the requirements of reg 34(f).
69. I was satisfied that the EP clearly described the boundaries of the petroleum activity (Section 2 of the EP), 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 (Section 4.4 of the EP).

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)

70. Based on the reasons below, I was reasonably satisfied that the EP met the requirements of reg 34(g).
71. Reg 34(g) has two components that the decision maker must be reasonably satisfied that 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 regs 25(2)-(4)) (sub-reg 34(g)(i)); and
 - (b) second, that the titleholder adopted, or proposed to adopt, appropriate measures in light of those consultations (sub-reg 34(g)(ii)).
72. Overall, I must be reasonably satisfied that consultation undertaken was appropriate and adapted to the nature of the interests of the relevant persons.
73. I noted that Section 3, Appendix C, and the sensitive information part of the EP (also referred to as 'Sensitive Information Report' or Appendix D) were particularly relevant to this criterion.
74. I found that the EP contained a report on all consultations under regulation 25 of any relevant person by the titleholder in line with reg 24(b) (as identified at paragraph [30] above).

75. I found that the EP provides descriptions of the consultation processes, and the rationale used to determine who is a relevant person and how to consult with each relevant person, including the approach to provision of sufficient information and how a reasonable period for the consultation was determined (Section 3 of the EP). These consultation processes were reasonable and consistently applied, as detailed below.
76. Sections 3.3 and 3.4 of the EP describe the titleholder's process for the identification and broad capture of relevant persons in accordance with reg 25(1). I found that the process was appropriate because it:
- (a) provided for the identification of relevant persons within the categories defined by regs 25(1)(a), (b), (c) (d) and (e);
 - (b) included appropriate definitions for the terms of "functions", "interests" and "activities" in Table 3-2 of the EP for the purposes of identifying relevant persons under reg 25(1)(d) that are consistent with the definitions provided for those terms in NOPSEMA's 'Consultation in the course of preparing an environment plan guideline' (N-04750-GL2086). These terms have been broadly applied in an appropriate manner that promotes the objects of the Environment Regulations;
 - (c) included reference to multiple sources of relevant information, such as publicly available materials (for example, management plans for Commonwealth and State Marine Parks) and review of databases and registers (for example, Australian Fisheries Management Authority (**AFMA**) and Victorian Fisheries Authority (**VFA**) commercial fisheries catch and effort data, the Australasian Underwater Cultural Heritage Database and the National Native Title Register (**NNTR**)) (Section 3.3 and Table 3-5 of the EP);
 - (d) included consideration of published guidance (for example, DCCEEW's 'Interim Engaging with First Nations People and Communities on Assessments and Approvals under the EPBC Act' (2023)), as well as previous consultation history and/or advice from other relevant persons (such as advice from the Director of National Parks, National Indigenous Australians Agency (**NIAA**) and VFA) (Section 3.3 and Appendix C1 of the EP);
 - (e) included details and evidence of the steps taken by the titleholder to create public awareness of the petroleum activity and the consultation process, to encourage potentially relevant persons that the titleholder may not be aware of (for example, those persons or organisations that are not readily ascertainable), to make themselves known to the titleholder (Section 3.3.2 and Appendix C of the EP). For example, the titleholder:
 - a. established a dedicated project website in February 2023. The website contained information on the consultation process (including the purpose of consultation), an overview of the activity, environmental impacts and risks of the activity and management control measures, among other information. In addition, the website included a consultation survey to enable individuals to describe their functions, interests or activities that may be affected by the activity and/or to request further information. I noted that the titleholder updated its website continuously with new information as it became available;
 - b. hosted 20 community information sessions between March 2023 and July 2023, in locations across Tasmania and coastal Victoria, including in Warrnambool, Port Fairy, Port Campbell, Peterborough, Portland and King Island. I noted that each session was advertised on the dedicated project website, in local print media, social media and regional radio;
 - c. hosted 15 online webinars between May 2023 and March 2024. I noted that each webinar was recorded and made available on the dedicated project website (with the exception of one webinar due to technical difficulties);

- d. published notices in national, regional and Indigenous print media between February 2023 and September 2023. I noted that links and/or QR codes to the project website were included in the published notices;
 - e. ran radio advertisements on regional radio stations between April 2023 and September 2023;
 - f. ran geotargeted carousel social and traditional media posts between February 2023 and September 2023. I noted that links and/or quick-response (QR) codes to the project website were included in the media posts; and
 - g. established a project hotline in February 2023 to allow relevant persons to speak directly with representatives of the titleholder.
- (f) included details of how the titleholder made an assessment to determine whether an individual or organisation who had self-identified as a relevant person, was or was not considered to be a relevant person for the purposes of reg 25(1) (Section 3.3.2.1 of the EP).
77. I found that the steps taken by the titleholder to ascertain relevant persons were thorough and widespread. Whilst there may be some limitations posed by each of these steps, when considered collectively the efforts that the titleholder applied were reasonable and effective. This is supported by the fact that there were numerous persons or organisations that did self-identify and were subsequently consulted as relevant persons by the titleholder. For example, 18 additional relevant persons were identified via the consultation survey process on the titleholder's dedicated activity website. There were also relevant persons that provided the titleholder with suggestions of other potentially relevant persons, who were subsequently contacted by the titleholder (unless they had already been engaged as a relevant person) to afford them with the opportunity to participate in consultation.
78. I found that the nature of the activity, description of the environment and the possible impacts and risks of the activity have been appropriately taken into account by the titleholder in determining whether the activity may be relevant to authorities, or determining whose functions, interests and activities may be affected. This is because the identification process includes relevant information demonstrating that:
- (a) the titleholder has considered the nature and scale of the activity (Section 2 of the EP) and all of the possible planned and unplanned impacts and risks of the activity (Sections 6, 7 and 8 of the EP) when determining relevant persons; and
 - (b) the titleholder considered all of the known environmental values and sensitivities within the full extent of the environment that may be affected by the activity (Section 4 of the EP) when determining relevant persons. For example, while most planned impacts are confined to offshore locations in the order of 50 km from the Operational Areas (e.g., light emissions from flaring), the titleholder conservatively applied the EMBA defined by oil spill modelling of an unmitigated loss of well control scenario to the identification of relevant persons (Section 3.3.1 and Table 3-5 of the EP).
79. I found that Appendix C1 of the EP provides clear details of who was identified as a relevant person, following implementation of the identification process, including the category each relevant person falls within as defined in regs 25(1)(a), (b), (c), (d) and (e), and the rationale the titleholder used to determine who they consider falls within those definitions. A total of 1,017 relevant persons were defined in the EP (Table 3-5 of the EP), including:
- (a) 36 Commonwealth and State/Territory departments and/or agencies for the purposes of reg 25(1)(a)-(c). The titleholder determined that relevant persons under the category of reg 25(1)(c) were not applicable to this EP (outlined in Table 3-2 of the EP), which I considered to be appropriate, given that the Operational Areas and EMBA do not extent into the Northern Territory offshore area.;

- (b) 981 persons or organisations for the purposes of reg 25(1)(d). The titleholder further categorised each of these persons or organisations into broad subject-centred groups, as outlined in Table 3-5 of the EP; and
 - (c) 0 persons or organisations for the purposes of reg 25(1)(e). The titleholder did not identify or consult with any persons or organisations under reg 25(1)(e) (Table 3-2 of the EP). I considered this to be appropriate and reasonable having consideration of the definition for this relevant person category in reg 25(1)(e).
80. I found that the EP contains suitable details, evidence and records to demonstrate that the titleholder has carried out consultation with each relevant person defined within the EP in the manner specified in regs 25(2)-(4) under Division 3. This is because:
- (a) as required by reg 25(2), the titleholder gave each relevant person sufficient information to make an informed assessment of the possible consequences of the proposed activity on their functions, interests or activities. I formed this view because:
 - a. the EP includes a description of the titleholder's approach to provision of sufficient information (Section 3.5 and Table 3-7 of the EP);
 - b. the titleholder sufficiently informed relevant persons of the purpose of consultation, including advising relevant persons of the titleholder's obligations for consultation. For example, relevant persons were provided with an information sheet on the titleholder's consultation process (Information Sheet 1 – February 2023), as well as a link to the NOPSEMA brochure 'Consultation on offshore petroleum environment plans: Information for the community' available on the titleholder's dedicated project website;
 - c. the titleholder provided sufficient information about the activity, the environment and the potential environmental impacts and risks to allow relevant persons to make an informed assessment of the possible consequences of the activity on their functions, interests or activities. At a minimum, relevant persons were provided with consultation materials comprising an overview of the activity, a location map (including the Operational Areas and the EMBA), details of the known values and sensitivities in the environment that may be affected by the activity, a summary of the environmental impacts and risks associated with the activity, and a summary of the proposed impact and risk mitigation and management control measures.
 - d. other examples of the titleholder providing sufficient information included that:
 - i. the titleholder established a dedicated project website in February 2023 (as referenced at paragraph [76] above). The website contained information on the consultation process (including the purpose), an overview of the activity, environmental impacts and risks of the activity and management control measures, among other information;
 - ii. the titleholder developed 21 information sheets between February 2023 and December 2024, with information on consultation, the petroleum activity, project updates, commercial fishing, emissions and discharges, marine mammals, marine and coastal users, public comment outcomes, cultural heritage and commercial fisheries, among others (Table 3-7 of the EP). The titleholder distributed these information sheets to relevant persons when they became available, and also uploaded them to the dedicated project website; and
 - iii. the titleholder released draft chapters of the EP and technical reports (such as underwater noise modelling) on its project website in August 2023 and relevant persons were notified of this at the time.

- e. the titleholder appropriately varied its approach to provision of sufficient information for different relevant persons depending on their functions, interests and activities, as well as the extent to which relevant persons chose to engage and participate in the consultation process;
 - f. information provided by the titleholder was in readily accessible and appropriate forms for the relevant persons being consulted, with different consultation materials and tools often used to support the provision of information such as (but not necessarily limited to) information sheets, presentations, verbal briefings, pictorials, graphics, videos and maps. In addition, there were some instances where the information provided had been tailored to suit the needs of different relevant persons;
 - g. the consultation provided relevant persons with the opportunity to provide input and engage in a genuine two-way dialogue. I noted that offers were made to meet and discuss with relevant persons, there were meetings, phone calls and emails exchanged between the titleholder and numerous relevant persons in relation to consultation, and that the titleholder actively responded to and answered any questions raised by relevant persons in an iterative manner;
 - h. the titleholder often proactively made requests within emails or during meetings for relevant persons to inform them of any additional information that they may require to make an informed assessment of the possible consequences of the proposed activity on their functions, interests or activities. Where feedback of such was provided by a relevant person, their views of what constitutes sufficient information were considered by the titleholder, with additional information provided when requested. This was with exception of those instances considered further at paragraphs [99] and [100] below; and
 - i. the titleholder invited relevant persons to and held numerous community information sessions and online webinars (as referenced at paragraph [76] above). In addition to raising awareness about the activity and consultation process as detailed above in paragraph [76], these sessions afforded relevant persons with further opportunities to receive and/or make requests for information relating to how their functions, interests or activities may be affected by the activity.
- (b) as required by reg 25(3), the titleholder allowed a reasonable period for the consultation with relevant persons. I formed this view because:
- a. the EP describes the approach taken to determining a reasonable period for consultation (Section 3.6 of the EP) that is based on consideration of the relevant person's particular circumstances (such as availability or accessibility issues) 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. This aligns with NOPSEMA's 'Consultation in the course of preparing an environment plan guideline' (N-04750-GL2086);
 - b. the titleholder's consultation process for this EP initially commenced in February 2023 and continued throughout the course of the preparation of the EP. The titleholder continued to consult with relevant persons up until the submission of the accepted EP to NOPSEMA on 23 December 2024;
 - c. in contacting and inviting relevant persons to participate in consultation, the titleholder often introduced dates (usually a minimum of 30 days) for relevant persons to provide feedback by;
 - d. the titleholder contacted all relevant persons on at least two or more separate occasions and was often proactive in sending reminders to relevant persons about impending dates for

providing feedback. When there was no response received from a relevant person it was evident that the titleholder attempted to contact the relevant person using an alternative method (where available);

- e. the titleholder also often proactively made requests within emails or during meetings for relevant persons to inform them if they need further time to consider information and provide an informed response. Where a relevant person requested additional time, their views of what constitutes a reasonable period were considered by the titleholder, with additional time accommodated in most instances. There were some limited cases where requests for additional time and opportunity for consultation in the preparation of the EP were not accommodated by the titleholder. These instances are considered further at paragraphs [99] and [100] below;
- f. the titleholder responded to relevant persons in a reasonably timely manner, in particular considering the high number of relevant persons it was engaging with; and
- g. within the overall timeframe that the titleholder allowed for the consultation process, the consultation records presented in the EP (and the sensitive information part of the EP) indicate that the titleholder's efforts to consult all relevant persons were comprehensive. Relevant persons had multiple months to consider the sufficient information that was provided and engage in the consultation process.

(c) as required by reg 25(4)(i), the titleholder advised each relevant person that they may request that particular information provided during consultation not be published. For example, I found this information was included within the consultation records and/or materials that were provided to relevant persons, such as within emails, information sheets, and on the titleholder's dedicated project website. The titleholder also ensured that any information subject to such a request was not published in the EP, as required by reg 25(4)(ii).

81. The report on consultation (and the sensitive information part of the EP) demonstrates that the titleholder carried out consultation with each relevant person defined under regs 25(1)(a), (c) and (d) in line with regs 25(2) and (3), and in the manner described above at paragraph [80]. Additional findings are provided below in relation to consultation with:

- (a) Government organisations under reg 25(1)(a)-(b). See paragraphs [82]-[85]
- (b) Commercial fishers and fishing bodies under reg 25(1)(d). See in paragraphs [86]-[90];
- (c) First Nations people/groups under reg 25(1)(d). See paragraphs [91]-[95]; and
- (d) Environment non-government organisations (**eNGOs**) and environment focused community groups under reg 25(1)(d). See paragraphs [96]-[100] .

Government organisations under regulation 25(1)(a)-(c)

82. Consultation with government organisations occurred in accordance with NOPSEMA's guideline on 'Consultation with Commonwealth agencies with responsibilities in the marine area' (GL1887), predominately via email unless otherwise requested.

83. The report on consultation (and the sensitive information part of the EP) demonstrates that there were some cases where relevant persons under regulations 25(1)(a)-(c) provided feedback in relation to how consultation with other relevant persons should occur. The EP demonstrates that this feedback had already been enacted or was subsequently considered by the titleholder in a reasonable manner. For example, the National Indigenous Australians Agency (**NIAA**) provided the titleholder with advice on consultation with First Nations people/groups and recommended that the titleholder consult with Eastern Maar Aboriginal Corporation (**EMAC**), Gunditj Mirring Traditional Owners Aboriginal Corporation (**GMTOAC**) and

Wadawurrung Traditional Owners Aboriginal Corporation (**WTOAC**), along with relevant Tasmanian First Nations organisations, including the Aboriginal Heritage Council, Aboriginal Land Council of Tasmania, Tasmanian Aboriginal Centre, and the Land and Sea Aboriginal Corporation Tasmania. At the time of receiving this advice, the titleholder had already been consulting with most of these organisations and for those organisations that had not been engaged they were subsequently consulted with as relevant persons by the titleholder.

84. Most relevant persons under regs 25(1)(a)-(c) did not make any objections or claims relating to the adverse impacts of the activity. Where there were objections or claims raised by a relevant person under regs 25(1)(a)-(c), the EP demonstrates that the titleholder assessed the merits of and responded to each objection or claim in a reasonable and supported manner and determined whether or not additional measures were required in response with suitable justification provided (Appendix C of the EP). An example of measures adopted by the titleholder in response to its consultations with relevant persons under regs 25(1)(a)-(c) include the Department of Defence (**DoD**) who advised the titleholder of the potential for unexploded ordinances (**UXO**) within the Operational Areas and the need for the titleholder to consider the potential associated risks. In response, the titleholder commissioned RPS to complete a UXO assessment (Appendix K of the EP). In addition, the titleholder committed to undertake a seabed survey prior to the commencement of drilling activities to allow for the consideration of UXOs in the final selection of well locations and mooring equipment (CM06: MODU Mooring Plan).
85. Some relevant persons under regs 25(1)(a)-(c) provided other feedback during consultation that was not related to an adverse impact of the activity, but the titleholder still identified that feedback when it was relevant to the environmental management of the activity and indicated if and what changes were made to the EP in response. For example, feedback was provided from a number of relevant persons requesting notifications from the titleholder, including:
- (a) Australian Maritime Safety Authority (**AMSA**) requested certain pre-activity notifications should be directed to its Joint Rescue Coordination Centre (**JRCC**) and to the Australian Hydrographic Office (**AHO**). These have been included as commitments in Table 10-5 of the EP and CM03: Marine and Coastal Users Consultation and Communication Plan (Section 9 of the EP);
 - (b) Marine and Safety Tasmania requested certain pre-activity notifications and general updates. These have been included as commitments in Table 10-5 of the EP and CM03: Marine and Coastal Users Consultation and Communication Plan (Section 9 of the EP); and
 - (c) Director of National Parks (**DNP**) made a request to be notified in the event of an oil pollution incident that is likely to affect an AMP. This has been included as a commitment in Table 10-7 of the EP.

Commercial fishers and fishing bodies under regulation 25(1)(d)

86. The relevant persons identification process (Section 3.3 and Appendix C4 of the EP) has provided for a broad capture of commercial fishers and fishing bodies under regs 25(1)(d), which encompasses the subject-centred groups of 'commercial fishers and aquaculture facilities' and 'commercial fishing representative body, cooperative or fish processor' outlined in Table 3-5 of the EP. Further to the titleholder's process for identifying relevant persons described at paragraph [76] above, the titleholder employed a tailored process to identify commercial fishers and fishing bodies, including:
- (a) identifying Commonwealth and State commercial fisheries that have rights to operate in the Operational Areas and EMBA (Section 4.7 of the EP). The titleholder then categorised these fisheries into different tiers (Tier 1 and Tier 2) to inform the approach and method to identifying the relevant persons within each Tier. I noted that more effort was applied to identifying relevant persons within Tier 1 (as presented in Appendix C4 of the EP);

- (b) identifying commercial fishing associations and bodies that represent fishers in the relevant commercial fisheries (Appendix C4 of the EP);
 - (c) consulting with those associations and bodies, including assessing their membership coverage, representation role, consultation approach and any engagement arrangements required (Appendix C4 of the EP); and
 - (d) sourcing relevant commercial fishing licence holder lists where available (e.g., AFMA licence holder database) and consulting directly with the licence holders (Appendix C4 of the EP).
87. The report on consultation (and the sensitive information part of the EP) demonstrates that the titleholder carried out consultation with commercial fishers and fishing bodies under reg 25(1)(d) in line with regs 25(2) and (3), and in the manner described above at paragraph [80]. Other notable aspects of the titleholder's approach to consulting with commercial fishers and fishing bodies, included:
- (a) as I noted above at paragraph [86], relevant persons were categorised into different tiers (Tier 1 and 2), and the titleholder adapted the approach and scaled the level of effort that it applied to consulting with relevant persons based on which tier they were assigned to. For example, relevant persons within Tier 1 were given an initial period of 45-days to participate in consultation, whilst relevant persons within Tier 2 were given an initial period of 30 days. Additional time was given to Tier 1 relevant persons due to the potential impact of the activity on their functions, interests and activities, among other reasons outlined in Appendix C4 of the EP;
 - (b) the titleholder provided information that was tailored to the functions, interests or activities of commercial fishers and bodies. For example, the titleholder provided them with information that contained more comprehensive details relevant to how the activity may affect commercial fisheries;
 - (c) further to consulting directly with commercial fishers and commercial fishing bodies, the titleholder entered into engagement agreements with a number of commercial fishing associations, including Seafood Industry Victoria (**SIV**), Seafood Industry Tasmania (**SIT**) and Tuna Australia. Under these agreements, the fishing associations assisted the titleholder with the dissemination of consultation information to their members and/or facilitated the engagement with their members (Appendix C4 of the EP). I noted that a number of commercial fishers that were contacted by the titleholder directly also nominated the association to consult on their behalf. For example, a number of commercial fishing licence holders in the Commonwealth fisheries nominated Tuna Australia to consult on their behalf; and
 - (d) the titleholder held three community information sessions specific to commercial fisheries, in addition to meeting with commercial fishers and bodies on a number of occasions (Appendix C1 of the EP). The report on consultation (and the sensitive information part of the EP) demonstrates that the titleholder provided commercial fishers and bodies with reasonable, supported and often highly detailed responses to all of their queries, requests, concerns, objections or claims raised in consultation.
88. Most relevant persons under regs 25(1)(d) did not make any objections or claims relating to the adverse impacts of the activity. Where there were objections or claims raised by a relevant person, the EP demonstrates that the titleholder assessed the merits of and responded to each objection or claim in a reasonable and supported manner and determined whether or not additional measures were required in response with suitable justification provided (Appendix C1 of the EP). Examples of measures adopted by the titleholder or changes made to the EP in response to its consultations with commercial fishers and bodies include:
- (a) South East Trawl Fishing Industry Association (**SETFIA**) requested that the titleholder consider a text message campaign prior to and during the activity to create awareness and mitigate interactions with commercial fishers. In response, the titleholder agreed to enter an engagement arrangement with

SETFIA to send messages to commercial fishers. This has been included in CM03: Marine and Coastal Users Consultation and Communications Plan; and

(b) Atlantis Fisheries Consulting Group Pty Ltd raised concerns that the proposed safety zones will not be communicated to commercial fishers. In response, the titleholder committed to pre-activity notifications, and developing a safe operations guide that will detail pre-activity and on-water communication processes. These have been included in CM03: Marine and Coastal Users Consultation and Communications Plan.

89. Some of the commercial fishers and bodies under reg 25(1)(d) presented feedback, concerns and/or assertions in regard to the approach to consultation, sufficiency of information given in consultation or the timeframe that the titleholder allowed for the consultation. I noted that SIT suggested that the titleholder postpones a visit to King Island, as another operator was visiting King Island the week prior to the scheduled visit. In response, the titleholder postponed the visit to King Island (Appendix C1 of the EP).
90. In considering the record of consultation, I found that the consultation obligation had been discharged with these relevant persons and a reasonable opportunity had been provided for these relevant persons to participate in the consultation. I am reasonably satisfied that there was a two-way dialogue in which relevant persons were given sufficient information and allowed reasonable time for them to make an informed assessment of the possible consequences of the activity on their functions, interests or activities and relevant matters raised through the consultation have been addressed in the EP.

First Nations organisations under regulation 25(1)(d)

91. The relevant persons identification process (Section 3.3 and Appendix C3 of the EP) has provided for a broad capture of First Nations organisations under reg 25(1)(d). Further to the titleholder's process for identifying relevant persons described at paragraph [76] above, the titleholder employed a tailored process to identify First Nations organisations, including:
- (a) identifying First Nations organisations within a primary and secondary stakeholder area (as defined in Appendix C3 of the EP) through comprehensive desktop research. Further, the titleholder conducted a spatial overlay to map and identify the First Nations groups that may have environmental values and sensitivities within the EMBA or have connections to sea country; and
- (b) the titleholder also commissioned cultural heritage specialists to conduct a cultural heritage desktop assessment (Appendix L of the EP), which informed the description of the existing environment and consultation with relevant persons.
92. The report on consultation (and the sensitive information part of the EP) demonstrates that the titleholder carried out consultation with First Nations organisations under reg 25(1)(d) in line with regs 25(2) and (3), and in the manner described above at paragraph [80]. Other notable aspects of the titleholder's approach to consulting with First Nations organisations, included:
- (a) early in the consultation process, the titleholder wrote to the Chief Executive Officers of First Nations corporations with an invitation to participate in the co-design of a consultation process that would achieve mutually beneficial outcomes, including the protection of cultural heritage;
- (b) the initial invitation letter was followed-up multiple times and using alternative methods of communication, including letters, phone calls, text messages and messages on social networking platforms, as well as visits to registered offices. I noted that most of the First Nations organisations that were invited to participate in consultation, did not respond;
- (c) consultation was undertaken by the titleholder in a flexible and adaptive manner, to the extent it was reasonably practicable, according to feedback and guidance from First Nations organisations;

- (d) the titleholder took into account availability and accessibility issues. This included making provision for and undertaking travel to meet in-person with First Nations organisations at locations of their preference;
 - (e) the sensitive information report contains full text consultation records showing that there were some cases where the titleholder provided reasonable assistance to support First Nations organisations with costs associated with their participation and attendance in consultation meetings; and
 - (f) the titleholder provided First Nations groups with an initial period of 60-days to participate in consultation and in most cases, the titleholder allowed over 12 months for consultation.
93. Some of the First Nations organisations under reg 25(1)(d) presented objections or claims relating to the adverse impacts of the activity. The EP demonstrates that the titleholder assessed the merits of and responded to each objection or claim in a reasonable and supported manner and determined whether or not additional measures were required in response, with suitable justification provided (Appendix C1 of the EP). Examples of measures adopted by the titleholder or changes made to the EP in response to its consultations with First Nations organisations include:
- (a) GMTOAC informed the titleholder of cultural values that were important to GMTOAC and the Gunditjmara people. The titleholder has considered these cultural values in the EP, including within the description of the environment (Section 4 of the EP) and the impact and risk assessments, where relevant (Sections 6 and 7 of the EP). Further to this, GMTOAC raised concerns relating to the cumulative impacts of offshore activities on sea country. The titleholder has appropriately considered the potential for sea country to be affected by cumulative impacts of the proposed activity and other existing and reasonably foreseeable offshore activities in Section 8 of the EP.
94. Some of the First Nations organisations under reg 25(1)(d) presented feedback, concerns and/or assertions in regard to the approach to consultation, sufficiency of information given in consultation or the timeframe that the titleholder allowed for the consultation. For example, Environment Justice Australia (**EJA**) acting on behalf of GMTOAC, presented a view that the titleholder had not carried out the consultations required under Division 3 of the Environment Regulations. After considering the titleholder's consultation efforts and each of the views presented by GMTOAC (as per correspondence sent by EJA) and the titleholder (as reflected within the report on consultation, including the sensitive information part of the EP), I found that the EP contains suitable details and evidence to conclude that the titleholder has afforded GMTOAC a reasonable opportunity to participate in consultation during the preparation of the EP, and the consultation required under Division 3 have been carried out by the titleholder.
95. In considering the record of consultation, I found that the consultation obligation had been discharged with First Nations organisation and a reasonable opportunity had been provided for these organisations to participate in the consultation. I am reasonably satisfied that there was a two-way dialogue in which relevant persons were given sufficient information and allowed reasonable time for them to make an informed assessment of the possible consequences of the activity on their functions, interests or activities and relevant matters raised through the consultation have been addressed in the EP.

eNGOs and environment focused community groups under regulation 25(1)(d)

96. The relevant person identification process (Section 3.3 of the EP) has provided for a broad capture of eNGOs and environment focused community groups under reg 25(1)(d), in a manner consistent with the process described at paragraph [76] above.
97. The report on consultation (and the sensitive information part of the EP) demonstrates that the titleholder carried out consultation with eNGOs and community groups under reg 25(1)(d) in the manner described at paragraph [80] above.

98. Some of the eNGOs and community groups under reg 25(1)(d) presented objections or claims relating to the adverse impacts of the activity. Where there were objections or claims raised by a relevant person, the EP demonstrates that the titleholder assessed the merits of and responded to each objection or claim in a reasonable and supported manner and determined whether or not additional measures were required in response with suitable justification provided (Appendix C1 of the EP). Example of measures adopted by the titleholder, or changes made to the EP, in response to its consultations with eNGOs and community groups include:
- (a) the Australian Marine Conservation Society (**AMCS**) and the Wilderness Society raised a number of claims in relation to the activity occurring within the Zeehan AMP. I noted that, during NOPSEMA's assessment of the EP, the titleholder further refined the scope and bounds of the activity, which included introducing activity limitations and reducing the extent of the Operational Areas (Section 2 of the EP). The Operational Areas no longer overlap with the Zeehan AMP; and therefore, the activity will not occur within the AMP; and
 - (b) the AMCS and the Wilderness Society raised a number of claims in relation to the lack of detail on the location of the proposed exploration wells. In response, the titleholder incorporated additional information into the EP on the process for selecting the locations of the wells, and context for the assessment of environmental impacts and risks (Appendix C4 of the EP).
99. Some of the eNGOs and community groups under reg 25(1)(d) presented feedback, concerns or assertions in regard to the approach to consultation, sufficiency of information given in consultation or the timeframe that the titleholder allowed for the consultation. For example:
- (a) the AMCS raised numerous concerns in relation to provision of sufficient information and a reasonable period for consultation, including the lack of engagement and responsiveness of the titleholder. I noted that there were some cases where the AMCS requests for additional time and/or information were not accommodated by the titleholder. In these circumstances, the EP (Appendix C1 of the EP) presents reasoning and justification to support why the titleholder was not able to accommodate such requests. Further, I noted that there were instances late in the consultation process, where the titleholder did not respond to AMCS in a timely manner. After considering the record of consultation, I was satisfied that the consultations required under Division 3 have been carried out by the titleholder;
100. In considering the record of consultation and iterative nature in which information was provided and responses addressed, I found that the consultation obligation had been discharged with these groups and a reasonable opportunity had been provided for these groups to participate in the consultation. While the consultation process with these groups was protracted in some cases and resolutions have not always been achieved, I am reasonably satisfied that there was a two-way dialogue in which relevant persons were given sufficient information and allowed reasonable time for them to make an informed assessment of the possible consequences of the activity on their functions, interests or activities and the relevant matters raised through the consultation have been addressed in the EP.

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

101. Based on the reasons below, I was reasonably satisfied that the EP met the requirements of regulation 34(h).
102. 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 (Section 1.2 of the EP) as required by reg 35(7);
 - (c) is consistent with sections 571 of OPGGS Act, as stated at paragraph [20]; and
 - (d) is consistent with section 572 of OPGGS Act. This is because:

- i. the EP provides for the drilling of up to six exploration wells (Section 2 of the EP), as outlined in paragraph [34] above, and the titleholder has committed to plug and abandon (P&A) each exploration well, prior to moving the MODU off location;
 - ii. following P&A operations and confirmation of the installation of permanent barriers, the wellhead will be cut using a mechanical cutting tool and removed below the mudline (approximately 1.5 m below the seabed). No well infrastructure will be left on the seabed;
 - iii. the titleholder will conduct a survey of the seabed using a ROV to confirm the seabed is clear of any debris (Section 2.2.6 of the EP); and
 - iv. all ancillary equipment and infrastructure placed on the seabed, such as anchors, anchor chains, positioning equipment (transponders), will be removed from the seabed at completion of the activity (Section 2 of the EP).
103. 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.
104. 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.
105. 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

106. NOPSEMA received a number of direct communications from third parties raising issues and/or expressing concerns with and objections to the EP in the course of the assessment. Information received directly from third parties was forwarded to the titleholder for consideration in the preparation of the EP.
107. I found that matters raised in the correspondence and addressed in the EP, were either consistent with matters previously raised in the course of the consultation process, and/or were adequately addressed in the EP, as set out above.

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

108. 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.
109. 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.

110. 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;
 - (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; 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.

The Program: cumulative environmental impacts

111. In the context of the Program, cumulative environmental 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.
112. 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.
113. 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 particular, Section 8 of the EP includes an assessment of the potential for cumulative impacts to relevant environmental receptors as a result of other activities occurring in the region (such as seismic surveys and drilling activities). The cumulative impact assessment methodology detailed in Section 8 of the EP has been applied thoroughly and is considered to be a reasonable approach to the assessment of cumulative impacts.
114. I noted that the titleholder considered the potential cumulative environmental impacts of drilling up to 6 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) specifically evaluated the potential for cumulative light impacts to marine turtles and cumulative noise impacts to fish, plankton, and marine fauna, respectively.
115. After considering the information presented in the EP, I found 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

116. Under the Program, NOPSEMA must have regard to relevant EPBC Act policies, including the 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.
117. In assessing the EP, I had regard to the indirect consequences policy, in relation to indirect GHG emissions, and considered that:



- (a) the activity does not directly involve the recovery of petroleum. Rather the activity involves drilling for petroleum exploration (within exploration permit T/30P and VIC/P79);
- (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.

118. 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

119. 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 section 571(1) of OPGGS Act (and met reg 16), I accepted the EP.

SIGNED

[Redacted signature]

[Redacted name]

Director of Exploration and Development - Environment

28 February 2025

Appendix A: Relevant Terms

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

- (a) The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Cth) 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 Otway Exploration Drilling Program Environment Plan (Document No. ABU2-000-EN-V01-D-00008, Revision 4, dated 20 December 2024) and associated documents referenced at [121(a)] means the Environment Plan (**EP**).
- (e) The *Environment Protection and Biodiversity Conservation Act 1999* (Cth) is referred to as the EPBC Act.
- (f) The titleholder means 'ConocoPhillips Australia SH1 Pty Ltd.'
- (g) The term 'petroleum activity' means in this case seabed surveys and exploration drilling activities.
- (h) The term 'environment' means:
 - a. ecosystems and their constituent parts, including people and communities; and
 - b. natural and physical resources; and
 - c. the qualities and characteristics of locations, places, and areas; and
 - d. the heritage value of places; and includes:
 - e. 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 'operational area' is taken to be the operational area for the petroleum activity as defined in Section 2.1.1 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

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

(a) the EP comprising:

- a. Otway Exploration Drilling Program Environment Plan (Document No. ABU2-000-EN-V01-D-00008, Revision 4, dated 20 December 2024);
- b. Otway Exploration Drilling Program Environment Plan - Appendices (A, B, E, F, G, H, I, J, K, L, M, N, O, P and Q) (Document No., Revision No. and date not stated) (our reference: A1166699);
- c. Otway Exploration Drilling Program Environment Plan – Appendix C: Consultation Artifacts (Document No., Revision No. and date not stated (our reference: A1166697);
- d. Otway Exploration Drilling Program Environment Plan – Oil Pollution Emergency Plan (OPEP) (Document No. ABU2-000-EN-V01-D-00005, Revision 3, dated 20 December 2024); and
- e. Otway Exploration Drilling Program Environment Plan – Appendix D: Sensitive Information Report (Document No., Revision No. and date not stated)

(b) the Titleholder's Report on Public Comment (Document No. Document No. ABU2-000-EN-R01-00005, Revision 1, dated 29 February 2024) and the public comments made during the public comment period for the EP.

(c) the legislative framework relevant to EP assessments, including:

- a. the OPGGS Act;
- b. the Environment Regulations; and
- c. the EPBC Act Program¹.

(d) NOPSEMA's published policies and guidelines:

- a. NOPSEMA Assessment policy (N-04000-PL0050);
- b. NOPSEMA Environment plan assessment policy (N-04750-PL1347);
- c. NOPSEMA Environment plan levies and cost recovery policy (N-11200-PL1791);
- d. NOPSEMA Environment plan decision making guidelines (N-04750-GL1721);
- e. NOPSEMA Consultation in the course of preparing an Environment Plan guideline (N-04750-GL2086);
- f. NOPSEMA Section 572 Maintenance and removal of property regulatory policy (N-00500-PL1903);
- g. NOPSEMA Financial assurance for petroleum titles guidelines (N-04730-GL1381); and
- h. NOPSEMA Making submissions to NOPSEMA guideline (N-04000-GL0225);

(e) NOPSEMA's published guidance and other:

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

- a. NOPSEMA Environment plan content requirements guidance note (N-04750-GN1344);
 - b. NOPSEMA Responding to public comment on environment plans guidance note (N-04750-GN1847);
 - c. NOPSEMA Petroleum activities and Australian marine parks guidance note (N-04750-GN1785);
 - d. NOPSEMA Petroleum activity guidance note (N-04750-GN1343); and
 - e. NOPSEMA Oil pollution risk management guidance note (N-04750-GN1488);
 - f. NOPSEMA Source control planning and procedures information paper (N-04750-IP1979);
 - g. NOPSEMA Operational and scientific monitoring programs information paper (N-04750-IP1349);
 - h. NOPSEMA Acoustic impact evaluation and management information paper (N-04750-IP1765); and
 - i. NOPSEMA Oil spill modelling bulletin (April 2019);
- (f) NOPSEMA's procedures:
- a. NOPSEMA Environment plan assessment standard operating procedure (N-04750-SOP1369).
- (g) other relevant documents and records:
- a. NOPSEMA's Assessment Team's Report, which outlines the assessment team's findings against the criteria set out in regulation 34 (our reference: A1068106);
 - b. NOPSEMA's Key Matters Report, which summarises how NOPSEMA took public comments into account in making its decision on the EP (our reference: A1169494);
 - c. NOPSEMA Assessment Guide: Considerations when assessing greenhouse gas emissions and associated impacts to the environment through global climate change (our reference: A1180927);
 - d. relevant published, peer-reviewed scientific literature, including the scientific literature cited in the EP;
 - e. relevant policies, plans of management, recovery plans, conservation advice and other guidance for matters protected under the EPBC Act, including:
 - i. Commonwealth of Australia, Conservation Management Plan for the Blue Whale 2015–2025 (2015);
 - ii. Commonwealth of Australia, Marine Bioregional Plan for the South-West Marine Region (2012);
 - iii. Commonwealth of Australia, Marine Bioregional Plan for the Temperate East Marine Region (2012);
 - iv. Commonwealth of Australia, National Recovery Plan for Albatrosses and Petrels (2022);
 - v. Commonwealth of Australia, National Recovery Plan for the Australian Fairy Tern (*Sternula nereis nereis*) (2020);
 - vi. Commonwealth of Australia, National Recovery Plan for the Australian Painted Snipe (*Rostratula australis*) (2022);

- vii. Commonwealth of Australia, National Recovery Plan for the Orange-bellied parrot (2016);
- viii. Commonwealth of Australia, National Recovery Plan for the Regent Honeyeater (*Anthochaera phrygia*) (2016);
- ix. Commonwealth of Australia, National Recovery Plan for the South-Eastern Red-Tailed Black-Cockatoo (*Calyptorhynchus banksii graptogyne*);
- x. Commonwealth of Australia, National Recovery Plan for the Southern Right Whale (*Eubalaena australis*) (2024);
- xi. Commonwealth of Australia, National Recovery Plan for the Swift Parrot (*Lathamus discolor*) (2024);
- xii. Commonwealth of Australia, Recovery Plan for Marine Turtles in Australia 2017–2027 (2017);
- xiii. Commonwealth of Australia, Recovery Plan for the Australian sea lion (*Neophoca cinerea*) (2013);
- xiv. Commonwealth of Australia, Recovery Plan for the Grey Nurse Shark (*Carcharias taurus*) (2014);
- xv. Commonwealth of Australia, Recovery Plan for the White Shark (*Carcharodon carcharias*) (2013);
- xvi. Commonwealth of Australia, Recovery Plan for Three Handfish Species: Spotted handfish (*Brachionichthys hirsutus*), Red handfish (*Thymichthys politus*) and Ziebell's handfish (*Brachiopsilus ziebelli*) (2015);
- xvii. Commonwealth of Australia, South-East Marine Region Profile (2015);
- xviii. Commonwealth of Australia, Threat Abatement Plan for the Impacts of Marine Debris on the Vertebrate Wildlife of Australia's Coasts and Oceans (2018);
- xix. Commonwealth of Australia, Wildlife Conservation Plan for Seabirds (2020);
- xx. DCCEEW, Guidelines for Assessing and Managing Impacts to Underwater Cultural Heritage in Australian Waters (2024);
- xxi. Department of Agriculture, Water and the Environment (DAWE), Guidance on key terms within the Blue Whale Conservation Management Plan (2021);
- xxii. Department of Climate Change, Energy, Environment and Water (DCCEEW), National Light Pollution Guidelines for Wildlife, including marine turtles, seabirds and migratory shorebirds (2023);
- xxiii. Department of Sustainability and Environment (VIC), National Recovery Plan for the Dwarf Galaxias (*Galaxiella pusilla*) (2010);
- xxiv. Department of Sustainability and Environment (VIC), National Recovery Plan for the Variegated Pygmy Perch (*Nannoperca variegata*) (2010);
- xxv. Department of Sustainability and Environment (VIC), National Recovery Plan for the Yarra Pygmy Perch (*Nannoperca obscura*) (2010);

- xxvi. Department of Sustainability and Environment (VIC), National Recovery Plan for Australian Grayling (*Prototroctes maraena*) (2008);
 - xxvii. Department of Sustainability, Environment, Water, Population and Communities' (DSEWPaC) 'Indirect consequences' of an action: Section 527E of the EPBC Act (2013);
 - xxviii. Department of the Environment and Conservation (NWS), Gould's Petrel (*Pterodroma leucoptera leucoptera*) Recovery Plan (2006);
 - xxix. Director of National Parks, South-East Marine Parks Network Management Plan 2025 (2025); and
 - xxx. Office of Environment and Heritage (NSW), National Recovery Plan for Eastern Bristlebird (*Dasyornis brachypterus*) (2012);
- (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.