

Acceptance of Offshore Gas Victoria Drilling and P&A Activities Environment Plan

Document No: A1183840

Date: 10 March 2025

1. On 6 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 Offshore Gas Victoria Drilling and P&A Activities Environment Plan (Document No: V-1000-P1-RP-0002, Revision 4, dated 18 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 'Beach Energy (Operations) Limited' (ACN: 007 845 338) (**titleholder**), to enable the titleholder to undertake the petroleum activity described in the EP, which involves drilling of up to five exploration/appraisal wells within the Otway Basin and the plug and abandonment of five legacy suspended exploration wells in the Otway and Bass Basins, 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 three 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 February 2024, the titleholder submitted the EP (Rev 0, dated 9 February 2024) to NOPSEMA in accordance with the Environment Regulations.
8. On 27 February 2024, NOPSEMA provisionally decided in accordance with reg 27 that the EP included material addressing all of the provisions in Division 2 of the Environment Regulations and published the EP on NOPSEMA's website in accordance with reg 28(1).
9. On 27 February 2024, NOPSEMA published the EP for a 30-day public comment period in line with reg 30. The period for public comment closed on 28 March 2024, with seven comments received during this period.
10. On 19 April 2024, following completion of the public comment period, the titleholder resubmitted the EP (Rev 1, dated 19 April 2024) to NOPSEMA in accordance with reg 30(3).
11. On 29 April 2024, NOPSEMA published the EP and the titleholder's Report on Public Comment (Document No. V-1000-P1-RP-0002, dated 19 April 2024) on its website in accordance with reg 30(5).
12. On 6 June 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 3, dated 26 July 2024) on 26 July 2024 incorporating additional information pursuant to reg 32(3).
13. On 12 September 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 4, dated 18 December 2024) on 18 December 2024.

14. On 6 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 summaries how NOPSEMA took public comments into account in its decision, in accordance with reg 35(4).

Materials

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

Decision Overview

16. 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.
17. 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.
18. 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 [21] – [29] below.
19. 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 (OPGGGS 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.
20. 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 [30] – [116] below.

Findings

Does the Environment Plan comply with Division 2

21. 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

22. 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

23. 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 6.1 of the EP);
 - b. a description of the conservation values and sensitivities that may be affected by the activity (Section 6.2 of the EP);
 - c. a description of the physical and ecological environment that may be affected by the activity (Sections 6.3 and 6.4 of the EP); and
 - d. the social, economic and cultural features of the environment that may be affected by the activity (Sections 6.5 and 6.6 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 6.2.1 of the EP);
 - b. the National Heritage values of relevant National Heritage places (Section 6.2.3 of the EP);
 - c. the ecological character of relevant declared Ramsar wetlands (Sections 6.2.6 of the EP);
 - d. the presence of listed threatened species and listed threatened ecological communities (Sections 6.4.6, 6.4.7 and 6.4.8 of the EP);
 - e. the presence of listed migratory species (Sections 6.4.7 and 6.4.8 of the EP); and
 - f. values and sensitivities of the Commonwealth marine area (Section 6 of the EP).

Regulation 21(4) – Requirements

24. I found that the EP met the requirements of reg 21(4), as it included the following information:
- (a) a description of the requirements, including legislative requirements that apply to the activity and are relevant to the environmental management of the activity (Sections 5 and 7 of the EP); and
 - (b) a demonstration of how these requirements will be met (Sections 5 and 7 of the EP).

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

25. 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 (Section 7 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 (Section 7 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 7 of the EP).

Regulation 21(7) - Environmental Performance Outcomes and Standards

26. 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 (Section 7 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 7 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 7 of the EP).

Implementation strategy for the EP: regulation 22

27. 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 8 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 8.1 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 (Section 8.2 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 8.2 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 8.3 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 8.3 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 8.3 of the EP) (reg 22(7));

- (h) an Oil Pollution Emergency Plan (**OPEP**) with the provision for updating of the plan (Section 8.4.2 of the EP and the Victoria Offshore OPEP (Document No. CDN/ID 18986979, Revision 4, dated 20 October 2024) (reg 22(8));
- (i) an OPEP that includes adequate arrangements for responding to and monitoring oil pollution (Section 8 of the OPEP) 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 8.4.3 of the EP and the Offshore Operational Scientific Monitoring Plan (**OSMP**) (Document No. CDN/ID S4100AH717908, Revision 6b, dated 17 December 2024)) (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 (Section 5 of the OPEP) (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 of the OPEP) (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 of the OPEP) (reg 22(13));
- (n) a proposed schedule of tests (Section 10 of the OPEP), 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 4.20 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 8 of the EP) (reg 22(16)).

Details of titleholder and liaison person: regulation 23

28. 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 1.2 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 1.2 of the EP) (reg 23(3)).

Other information in the EP: regulation 24

29. I found that the EP met the requirements of reg 24, as it included the following information:
- (a) the titleholder's corporate 'Environment Policy' (Section 8.1 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 B 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 B of the EP) (reg 24(b)(ii));
 - c. a statement of the titleholder's response to each objection or claim (Appendix B 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 (reg 24(b)(iv));
 - (c) details of reportable incidents in relation to the proposed activity (Section 8.3.1 of the EP) (reg 24(c)).

Should the Environment Plan be accepted?

30. Under the Environment Regulations, in order to accept the EP, I had to be reasonably satisfied that the criteria in reg 34 were met.
31. 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] and [13], which resulted in the final version of the EP (Revision 4); and
 - (b) any public comments received under reg 30(2). I note that seven public comments were received during the public comment period for the EP (as referenced at [9]).
32. 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)

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

34. I found that the EP (Section 3 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 drilling of up to five exploration wells in the Otway Basin, including:
 - i. One exploration well in VIC/P43 (Hercules 1);
 - ii. One exploration well in VIC/L35 (Doris 1);
 - iii. One exploration or appraisal well in VIC/L36 (La Bella 2); and
 - iv. Up to two exploration wells in T/30P (Mavis and Race 1).
 - b. the petroleum activity also involves the plug and abandonment (P&A) of five legacy suspended exploration wells, including:
 - i. Thylacine 1 in T/L2;
 - ii. Geographe 1 in VIC/L23;
 - iii. Trefoil 1 in T/L5;
 - iv. Yolla 1 in T/L1; and
 - v. White Ibis 1 in T/RL4.
 - c. two Operational Areas (referred to as 'Otway Operational Area', and 'Bass 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 3.1, Figure 3-1 and Figure 3-2 of the EP). the Operational Areas encompass the outer extent of mooring equipment on the seabed, and the 500 metre (m) petroleum safety zone (**PSZ**);
 - d. Section 3 of the EP outlines that the Operational Areas extend beyond the petroleum titles listed in the EP (Figure 3-1 and Figure 3-2 of the EP) and Section 5.2 of the EP describes how the titleholder will seek and gain authorisation to operate in these adjacent areas in accordance with the OPGGS Act 2006;
 - e. the locations and water depths of the proposed exploration/appraisal wells and the legacy suspended exploration wells are provided in Table 3-1 of the EP (and shown in Figure 3-1 and Figure 3-2). The locations of the proposed exploration/appraisal wells are indicative. The process for selecting the final exploration/appraisal well locations is outlined in Section 3.1 of the EP. As such, the titleholder has assessed the environmental impacts and risks associated with the petroleum activity occurring anywhere within the Operational Areas (Sections 7 of the EP); and
 - f. the indicative timing and duration of each stage of the activity is outlined in Section 3.2 of the EP. The EP accounts for the petroleum activity to take place within the period of 1 January 2025 (that is, effectively, from the date of EP acceptance) to 31 December 2028.

(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**), 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
- b. mobilisation of the MODU and support vessels into Australian Commonwealth waters and Victorian State waters, and associated biosecurity and ballast water management prior to the arrival of the MODU 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. drilling activities will be undertaken using a moored semi-submersible MODU with a thruster assisted mooring system. The MODU will be supported by up to three support vessels, helicopter operations and a remotely operated vehicle (**ROV**) (Section 3.3 of the EP); and
- b. the equipment that may be used in connection with the activity is outlined in Section 3 of the EP, such as anchors and mooring chains, positioning equipment (transponders), 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 3 and 7 of the EP).

35. I found that the EP (Section 6 of the EP) contains a thorough description of the environment that may be affected (**EMBA**) by the activity. This is because:

(a) the EMBA (referred to the 'Planning Area' in the EP) is defined as the largest extent where an unplanned hydrocarbon release could have an environmental consequence. It encompasses the area over which impacts from the activity may occur (such as the extent of drilling related discharges, light emissions, and sound emissions) and the Operational Areas (Section 6 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 6 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. conservation values and sensitivities of the EMBA (Section 6.2 of the EP), and matters protected under Part 3 of the EPBC Act that may be present within the EMBA (Sections 6.2 and 6.4 of the EP). The EP utilises relevant 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 6 of the EP);
- b. the physical environment of the EMBA, including metocean conditions, ambient sound levels, water quality, sediment quality, air quality and ambient light (Section 6.3 of the EP);

- c. the ecological environment of the EMBA, including benthic habitats and species assemblages, mangroves, saltmarsh, plankton, invertebrates, threatened ecological communities, marine fauna of conservation significant and threatened and migratory species (Section 6.4 of the EP);
 - d. the socio-economic environment of the EMBA, including coastal settlements, offshore petroleum industry, offshore renewable energy activities, other infrastructure, defence activities, shipping, tourism, recreational diving, recreational fishing, commercial fisheries and seaweed industry (Section 6.5 of the EP); and
 - e. the First Nations cultural features of the EMBA (Section 6.6 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, and information from an independent literature review of First Nations cultural values (Section 6.6.1 of the EP). In particular, I noted that:
 - i. the description includes consideration of both tangible and intangible aspects relating to First Nations cultural features of the environment, including sea country values, submerged cultural heritage and landscapes and conservation and contemporary cultural values (Section 6.6.3 of the EP); and
 - ii. the EP includes details of onshore native title claims, determinations and Indigenous Land Use Agreements (**ILUAs**) made under the *Native Title Act 1993* and Indigenous Protected Areas (**IPAs**) established as part of Australia's National Reserve System, (Sections 6.6.2 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 impact by planned components of the activity (Section 6 of the EP). The titleholder has utilised contemporary information on the distribution and behaviours of pygmy blue whales and southern right whales (Section 6.4 of the EP) to inform the impact and risk evaluations (Section 7 of the EP);
36. I found that the impact and risk assessments (Section 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 2.2 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 (Table 7-1 and Section 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/or 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 and risks 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) and risks. 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 and helicopters. 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 7.3 of the EP);

- (c) the EP consider the cumulative impacts of the activity, both in terms of the cumulative impact of all activities under this EP, and in terms of the potential for cumulative impacts 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 7.15 of the EP has been applied thoroughly, which I considered was an appropriate approach to the assessment of cumulative impacts to relevant environmental receptors (Section 7.15 of the EP). Further, I noted that cumulative impacts of all activities under this EP have been considered in the evaluation of environmental impacts and risks in Section 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 underwater sound emissions impact assessment (Section 7.4 of the EP) includes an evaluation of environmental impacts to the values and sensitivities of nearby marine protected areas, including the Zeehan AMP (located 1 km from the closest Operational Area); 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 or relied upon 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 noise modelling (Appendix G of the EP) and oil spill modelling (Appendix I of the EP); and
 - b. the underwater sound emissions impact assessment in Section 7.4 of the EP, includes 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);

37. 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 (Section 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.

38. I found that the EP (Section 5 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 (Sections 5 and 7 of the EP). For example:

- a. Table 5.2 of the EP outlines that the Minamata Convention on Mercury (Minamata Convention) is a relevant requirement for this activity. The titleholder has given consideration to the Minamata Convention, in relation to the management of drilling discharges (in particular barite) that may contain mercury (Hg) and the titleholder has adopted relevant control measures as a result (CM09: Drilling and P&A Activities);
 - 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 (Section 7 of the EP). For example:
 - a. Section 7.2 of the EP outlines that the National Recovery Plan for the Orange-bellied Parrot (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. Section 7.4 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) identify underwater noise emissions as a threat to each species and provides a demonstration that the petroleum activity will not be inconsistent with these Plans.
39. 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)

40. Based on the findings below, I was reasonably satisfied that the EP met the requirements of reg 34(b)
41. 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 2) 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 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, the 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 7.8 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 additional solids control equipment. 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 7.2 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, CM06 and CM09);
- (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 risk to ALARP; and
- (g) the titleholder has adopted the typical control measures that I would expect of a drilling activity (such as CM01, CM02 and CM06). Where standards or guidelines were available, these were adopted by the titleholder. For example, CM16: Source Control Emergency Response Plan (**SCCP**) aligns with International Oil and Gas Producers (**IOGP**) Report 594 - Subsea Well Source Control Emergency Response Planning Guide for Subsea Wells (2019).

42. In relation to an oil pollution incident, I found that the EP demonstrated that this specific risk will be reduced to ALARP, because:

- (a) the EP (Section 7.14 of the EP) and OPEP (Section 8 of the OPEP) presents a strategic net environmental benefit analysis (**NEBA**) of all the potential spill response strategies, which informed the selection of response spill strategies. The response strategies selected include source control, monitoring and evaluation, protection and deflection, shoreline clean-up, oiled wildlife response, waste management and environmental monitoring. I considered that these response strategies were appropriate for the oil pollution risks of the activity;
- (b) the OPEP (Sections 8 and 9 of the OPEP) 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 (Sections 9 and 10 of the OPEP). I considered these arrangements to be appropriate; and
- (c) the EP (Section 7.14) provides reasoned and supported arguments for the rejection of additional well control equipment (such as emergency shut-in devices (**ESID**)) to reduce impacts and risks to ALARP.

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

43. Based on the findings below, I was reasonably satisfied that the EP met the requirements of reg 34(c).

44. 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 2.8) describes the method used to demonstrate that impacts and risks will be managed to an acceptable level, which I considered was commensurate with 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 (Section 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:
 - a. the EP had regard to the South-East Commonwealth Marine Reserves Network Management Plan (2013-2023), which expired on 30 June 2023, noting that transitional arrangements extended the zoning and activity rules of the plan until the new plan came into effect on 13 February 2025 (after acceptance of the EP). The EP demonstrated that the activity was not inconsistent with the management plan that was in-force at the time of the decision. I note that the titleholder has an appropriately robust implementation strategy (Section 8 of the EP) and management of change process (Section 8.3.4 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 consider this to include changes in management plans, such as the new South-east Marine Parks Network Management Plan (2025);
 - (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 3, 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 DCCEEW 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 7.2 of the EP);
 - (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 noise modelling (Appendix G of the EP) and oil spill modelling (Appendix I of the EP) to inform the relevant impact assessments (Section 7 of the EP); and
 - (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.
45. 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 all components of the activity (Section 7.4 of the EP) to relevant whale species, including blue whales and southern right whales;
 - (b) the evaluation has 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. I noted that the Operational Areas and sound EMBA (Section 7.4.4 of the EP) does not overlap with the reproduction BIA for southern right whales;

- (c) the evaluation has been supported by underwater acoustic modelling studies (Appendix G of the EP) 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. I noted that the titleholder did not undertake site-specific acoustic modelling for this activity; however, I considered that the studies used were suitable proxies. The modelling studies were based on representative and well-reasoned parameters and assumptions (Appendix G of the EP). The evaluation references the maximum effects ranges for each activity scenario from the modelling studies, which has been used to inform the proposed control measures (Section 7.4 of the EP);
- (d) the evaluations have been informed by contemporary peer-review literature on underwater sound impacts and internationally accepted impact evaluation thresholds (Section 7.4 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 updated thresholds may result in broader predicted spatial areas of auditory injury and TTS and that the changes 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. Regardless, the titleholder has committed to undertake re-modelling of relevant activity scenarios and a review of the underwater sound evaluation and proposed control measures (Section 7.4.10 of the EP); and
 - b. the titleholder has an appropriately robust implementation strategy (Section 8 of the EP) and management of change process (Sections 8.3.4 and 8.3.6 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 studies (Appendix G 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 (Section 7.4 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 (Section 7.4 of the EP). I found that this line of reasoning provided an appropriately conservative and precautionary approach by the titleholder;
- (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 7.4 of the EP);
- (h) the EP describes the Whale Management Procedure (**WMP**) (CM08) (Appendix H 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 WMP outlines activity specific measures, including pre-activity observations (such as vessel marine fauna observers (**MFOs**) and aerial surveys), vessel caution and avoidance, pre-activity procedures, during-activity procedures and night-time/low-visibility procedures;

- (i) 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 evaluation (Section 7.4 of the EP) for southern right whales provides a reasonable and supported demonstration that actions within the migration BIA are unlikely to prevent any southern right whale from utilising the area or cause auditory impairment (consistent with Action Area A5.2) and that the risk of behavioural disturbance is minimised (consistent with Action Area A5.3); and
- (j) 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 evaluation (Section 7.4 of the EP) for blue whales provides 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 (consistent with Action Area A.2).

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

- 46. Based on the findings below, I was reasonably satisfied that the EP met the requirements of reg 34(d).
- 47. Section 7.16 of the EP presents a summary of the EPOs, EPSs and measurement criteria for the environmental impacts and risks of the petroleum activity.
- 48. 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 performance outcomes for management of environmental aspects of the activity that were related to acceptable levels of environmental impact and risk described in the EP;
 - (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).
- 49. By way of example, I found that the EP includes appropriate EPOs for the management of underwater sound emissions, such as:
 - (a) EPO2: No death or injury to listed threatened or migratory species from the activity;
 - (b) EPO3: Biologically important behaviours can continue while the activity is being undertaken; and
 - (c) EPO4: Anthropogenic noise in biologically important areas and habitat critical to the survival of a species will be managed such that: (1) Any blue whale continues to utilise biologically important areas without injury, and is not displaced from a foraging area; (2) It does not prevent any southern right whale from utilising biologically important areas or habitat critical to the survival of a species or cause auditory impairment (TTS and PTS).
- 50. 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 7 of the EP;
- (b) 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
- (c) 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.

51. By way of example, I found that the EP sets appropriate EPSs for CM08: Whale Management Plan, as they detail a suite of control measures (covering a range of environmental conditions and scenarios), contained within the Whale Management Plan, that together will reduce impacts of underwater noise emissions to ALARP and an acceptable level.
- Further, I found that the OPEP (Section 9 of the OPEP) provides appropriate EPS for oil pollution response preparedness and implementation that reasonably set an appropriate level of performance that the controls for oil pollution response are expected to meet. Similarly, the OSMP (Section 3.7 of the OSMP) provides appropriate EPS for maintaining operational and scientific monitoring capability and implementation of monitoring plans.
52. I found that the EPOs, EPSs and measurement criteria are clearly linked and complementary of one another, as presented in Section 7.16 of the EP.

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

53. As per my reasons at paragraph [27], I found that the EP (Section 8 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 8 of the EP provides a range of systems, practices and processes (see further detail below), of which 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.
54. I found that the implementation strategy describes the titleholder's environmental management system (EMS) for the activity, the 'Operations Excellence Management System (**OEMS**)' (Section 8.1 of the EP). I was satisfied that this was appropriate as the system provides an integrated and structured framework that sets common expectations governing how all employees and contractors will work.
55. I found that the implementation strategy (Section 8.2.1 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. Further, the EP outlines the roles and responsibilities of those involved in implementation critical control measures, such as MFOs in relation to CM08 (Section 8.2 and Appendix H of the EP). Section 5.2 of the OPEP outlines the crisis and emergency management framework for an oil pollution incident, which includes a Crisis Management Team (**CMT**), Emergency Management Team (**EMT**) and Emergency Response Team(s) (**ERT**). The roles and responsibilities for responding to an oil pollution event are appropriately described (for example the role of the CMT and EMT are described in Figure 5-3 and Figure 5-4 of the OPEP and the responsibilities of the titleholder's EMT are documented in Appendix A.3 of the OPEP).
56. I found that the implementation strategy (Section 8.2.2 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 a general environmental

induction. The titleholder will record and maintain records associated with training and inductions. Further, a number of adopted control measures rely on suitably qualified persons to provide expert evaluation and recommendations (such as CM05, CM07 and CM08). Section 8.2.3 of the EP outlines what the titleholder considers to be a suitable qualified person and provides criteria for determining suitability. I found that the OPEP (Section 11 of the OPEP) outlines the minimum training and competency requirements of the EMT personnel defines training standards that are aligned with relevant industry good practice, and national and state emergency management training programs. Overall, appropriate commitment is made to training to ensure that all employees and contractors have suitable competencies.

57. I found that the implementation strategy (Section 8.3 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 pre-mobilisation EP assurance check will be conducted, which will review EPOs, EPS, implementation strategy and Whale Management Procedure (CM08) requirements. Further, I noted that a weekly offshore inspection will be conducted on the rig and support vessels 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 (Sections 8.3.2 and 8.3.3 of the EP).
58. I found that the management of change (**MOC**) process in Sections 8.3.4 and 8.3.6 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 under reg 39, will be considered a 'minor revision' and tracked in a document control system (as per Section 8.3.6 of the EP);
 - (d) any relevant new information or matters received from ongoing consultation (Section 4.20 of the EP) or any new cultural features are identified that are not described in the EP, will be assessed using the management of change process (Sections 8.3.4 and 8.3.6 of the EP) to ensure impacts and risks continue to be identified and managed to ALARP and acceptable levels; and
 - (e) Section 8.3 of the EP provides a reasonable description of the titleholders' continuous improvement processes.
59. I found that the implementation strategy (Section 8.3.8 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 8-6 of the EP details the types of emissions and discharges that shall be recorded including the monitoring method and frequency of reporting. I noted that Section 8.3.9 of the EP details that marine mammal sightings will be recorded and reported to DCCEEW via the National Marine Mammal Data Portal.
60. I found that the implementation strategy (Sections 4.20, 8.3.1 and 8.3.7 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).
61. An appropriate OPEP 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 and immediate response actions (first strike) (Section 4 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 8 of the OPEP);
 - (c) details the arrangements for responding to and monitoring oil pollution to inform response activities (Section 8 of the OPEP and the OSMP);
 - (d) details the arrangements for updating and testing the oil pollution response arrangements and control measures (Section 10 of the OPEP); and
 - (e) provides for the monitoring of impacts to the environment from oil pollution and response activities (the OSMP).
62. The implementation strategy (Section 4.20 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 continue to consult with relevant persons, as required, throughout the life of the EP;
 - (b) feedback received following EP acceptance that identifies any new information or matters, the titleholder will apply its EP management of change processes (Section 8.3.4 of the EP);
 - (c) Table 4-12 of the EP includes specific ongoing consultation commitments with a range of relevant persons, including First Nations groups; and
 - (d) Section 4.20.1 of the EP outlines specific ongoing consultation commitments with the commercial fishing sector.
63. Based on the matters identified above, I was reasonably satisfied that the EP met the requirements of reg 34(e).

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

64. Based on the reason below, I was reasonably satisfied that the EP met the requirements of reg 34(f).
65. I was satisfied that the EP clearly described the boundaries of the petroleum activity (Section 3 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 6.2 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)

66. Based on the reasons below, I was reasonably satisfied that the EP met the requirements of reg 34(g).
67. Reg 34(g) has two components that the decision maker must be 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 reg 25(2)-(4)) (subparagraph 34(g)(i)); and

- (b) second, that the titleholder adopted, or proposed to adopt, appropriate measures in light of those consultations (subparagraph 34(g)(ii)).
68. Overall, I must be reasonably satisfied that consultation undertaken was appropriate and adapted to the nature of the interests of the relevant persons.
69. I noted that the EP provides descriptions of the consultation processes, and the rationale used to determine who and how to consult with relevant persons, including the approach to provision of sufficient information and how a reasonable period for the consultation was determined (Section 4 of the EP).
70. I also noted that the description of the process that was applied by the titleholder in determining who is a 'relevant person' for the purpose of the consultation required under Division 3 was clear and comprehensive. This is set out in Sections 4.1-4.6 of the EP.
71. In reviewing the titleholder's identification process, I found that it has provided for a broad capture of relevant persons under reg 25(1), such that each relevant person who could be ascertained was identified or could have been identified. 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) (Sections 4.6.5-4.6.9 of the EP);
 - (b) broadly applies the terms of "functions", "interests" and "activities" in reg 25(1)(d) in an appropriate manner that best promotes the objects of the Environment Regulations as reflected in NOPSEMA's 'Consultation in the course of preparing an environment plan guideline' (GL2086) (Section 4.4 and Table 4-2 of the EP);
 - (c) includes reference to multiple sources of information such as publicly available materials, review of databases and registers, published guidance, as well as advice from authorities and other relevant persons (Sections 4.6.5-4.6.9 of the EP); and
 - (d) includes details and evidence of 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. For example, a broad capture of self-identified relevant person was augmented through (but not necessarily limited to):
 - a. publishing information relating to the proposed activity and inviting participation in the relevant persons consultation process on the titleholder's public facing website, including running numerous social media boosted adverts to bring it to the attention of the public (Sections 4.8.1 and 4.8.2 of the EP);
 - b. broadly and hosting numerous online webinars and face-to-face information sessions at several coastal communities located proximate to the Operational Areas and EMBA that involved sharing information about the activity and inviting participation in the relevant persons consultation process (Section 4.8.2 of the EP);
 - c. publishing various public notices and advertisements relating to the activity and relevant persons consultation process across a diverse range of different local, state and national media forums (Section 4.8.3 of the EP); and
 - d. asking already identified relevant persons (particularly First Nations representative groups) to share information with, or for advice on, other people and organisations that may be a 'relevant person' for the purposes of reg 25 (Section 4.6.7 of the EP);

72. In determining whether the activity may be relevant to authorities, or determining whose functions, interests and activities may be affected, I found that the titleholder took into account the nature of the activity, description of the environment and the possible impacts and risks of the activity. For example, while most planned impacts of the activity are confined to offshore locations in the vicinity of the Operational Area, the titleholder conservatively applied the EMBA defined by modelling of an unmitigated diesel and condensate loss of containment scenarios to the identification of relevant persons (Section 4.6.2 of the EP).
73. I found that 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) (Section 4.7 and Appendix A of the EP).
74. I found that the EP contains suitable details, evidence and records to support that the titleholder has carried out consultation with each relevant person 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 approach to the provision of sufficient information (Section 4.8 of the EP);
 - (b) the titleholder sufficiently informed relevant persons about the purpose of consultation, including advising them of the regulatory requirements for consultation. For example, I noted that relevant persons were provided with the NOPSEMA brochure 'Consultation on offshore petroleum environment plans: Information for the community' (Sections 4.1 and 4.8.1 of the EP);
 - (c) the consultation provided sufficient information about the activity and its 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. For example, I noted that at a minimum all relevant persons were given project and activity specific information sheets and a link to the titleholder's public facing website. These consultation materials included (but was not necessarily limited to) a project overview, description of the activity including the locations and timings, activity diagrams, maps of the Operational Areas and EMBA, environment description, and summary of the possible environmental impacts and risks including proposed control measures (Table 4-6 and Appendix C of the EP);
 - (d) the titleholder applied a range of different engagement techniques to its consultations with relevant persons rather than a one-size fits all approach, recognising that different people digest and respond to information differently (Section 4.8.1 of the EP);
 - (e) the details and records of consultation in the EP demonstrate that the titleholder invited relevant persons to make requests for further information (Appendices B and C of the EP). The report on consultation (including the sensitive information part) also demonstrates that there were many cases where relevant persons did make requests for further information and that these requests were subsequently met by the titleholder when it reasonable and practicable to do so;
 - (f) the consultation provided relevant persons with the opportunity to provide input and engage in a genuine two-way dialogue. For example, I noted that many offers were made by the titleholder to meet and discuss with relevant persons in person and/or online. There were also

multiple occasions of iterative information, questions and feedback exchanges between the titleholder and relevant persons. This occurred through various methods such as emails, phone calls and in person and/or online meetings (Appendix B of the EP); and

- (g) the titleholder invited relevant persons to, and held, numerous online webinars and face-to-face information sessions at several coastal communities located proximate to the Operational Areas and EMBA (Section 4.8.2 of the EP). In addition to raising awareness about the activity and consultation process as detailed above in [72], these sessions afforded relevant persons with opportunities to receive and/or make requests for information relating the potential environmental impacts and risks of the activity in order to make an informed assessment about how their functions, interests or activities may be affected.
- (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 4.9 of the EP);
 - (b) the approach allows for consideration of what constitutes a reasonable period for consultation on a case-by-case basis, with reference to the nature, scale, and complexity of the activity (Section 4.9 of the EP). This aligns with guidance for a reasonable period within NOPSEMA's 'Consultation in the course of preparing an environment plan guideline' (N-04750-GL2086);
 - (c) the titleholder initially contacted relevant persons about consultation on the activity over an approximately 7 month period between May 2023 and January 2024 (i.e. at least 11 months or more before the final submission of the EP to NOPSEMA), and again after electing to commence a further supplementary period for consultation on the activity over an approximately 3 month period between September 2024 and December 2024 (i.e. at least 3 months before the final submission of the EP to NOPSEMA). It is noted that not all relevant persons were contacted during both of the formal consultation periods given that there were additional relevant persons identified by the titleholder later in the consultation process;
 - (d) during the consultation process, the titleholder provided responses to relevant persons that engaged in consultation in a reasonably timely manner considering the high number of relevant persons it was engaging with. The titleholder also proactively sent reminders to relevant persons about impending dates for providing any response to inform the preparation of the EP (Section 4.8.1 of the EP). In doing so, the timeframes that they were working towards for the submission of the EP to NOPSEMA for public comment and regulatory assessment processes were transparently communicated to relevant persons, including with the provision of subsequent updates when these events occurred (Section 4.8.1 of the EP);
 - (e) the titleholder's engagement efforts included making multiple attempts to contact all non-responsive relevant persons on a minimum of two or more separate occasions using an alternative method of communication when it was possible to do so (Section 4.11 of the EP). When an additional contact method was not able to be ascertained, follow-ups were made using the initial method (Section 4.11 of the EP). The EP describes that the titleholder undertook a qualitative case-by-case approach to consultation, with the number of attempts to establish contact, and the consultation method, being commensurate with the extent to which the titleholder considered that each relevant person's functions, interests or activities may be affected by the activity (Section 4.11.1 of the EP);
 - (f) the titleholder considered, and facilitated when reasonably practicable, requests by relevant persons for additional time to engage in the consultation process. For example, there were

various instances when the titleholder continued to respond to and accommodate further consultation engagements with various relevant persons after it had communicated the close of the initial and supplementary consultation periods (i.e. in January 2024 and December 2024, respectively), including within the time between the two formal consultation periods and following on from them all the way up until the final submission of the EP to NOPSEMA on 18 December 2024; and

(g) there were some limited cases noted during the assessment where requests for additional time and opportunity for consultation in the preparation of the EP were not accommodated by the titleholder. However, after considering the full context surrounding those cases, it is considered that they do not prevent the EP from demonstrating that the titleholder allowed a reasonable period for the consultation with relevant persons for the reasons set out at [87] below;

(c) as required by reg 25(4)(i), the titleholder advised each relevant person they may request that particular information provided during consultation not be published (e.g. via emails, during meetings as shown in the meeting records, and in consultation information sheets). The titleholder also ensured that the EP did not include any information that was subject to such a request, as required by reg 25(4)(ii).

75. Additional findings are given in [77]-[97] below on how it was determined that the titleholder has carried out the consultations required by Division 3, as well as whether the titleholder adopted, or proposed to adopt, appropriate measures in light of its consultations with relevant persons.

Relevant persons under regulation 25(1)(a)-(c)

76. Relevant persons under regs 25(1)(a)-(c) are 'each Commonwealth, State or Northern Territory Department or agency to whom the activity in the EP may be relevant, in addition to the Department of each responsible State Minister or Northern Territory Minister'.

77. After forming a view that the titleholder had implemented an appropriate process for identifying relevant persons including under regs 25(1)(a)-(c) for the reasons at [72]-[74], I noted that relevant persons under this regulatory category includes 40 Commonwealth and State departments and/or agencies. More specifically, these are assigned under regs 25(1)(a) and (b), but not (c), which I considered is appropriate given that the Operational Areas and EMBA do not extent into the Northern Territory offshore area, as contemplated by that reg.

78. I found that the report on consultation (including the sensitive information part) demonstrates that the titleholder carried out consultation with each relevant person defined under regs 25(1)(a)-(c) in the manner described above at [75]. Further to this, consultation with the relevant persons under regs 25(1)(a)-(c) 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. I considered this to be appropriate to allow for a two-way dialogue to occur with government departments and agencies.

79. I found that there were some cases where relevant persons under regs 25(1)(a)-(c) raised some general queries or feedback in relation to how consultation with First Nations and commercial fishery people/groups should occur which I noted had already been undertaken or was subsequently considered by the titleholder in a reasonable manner.

80. In reviewing the report on consultation (including the sensitive information part), I noted that most relevant persons under regs 25(1)(a)-(c) that responded to the titleholder's consultation offers for the activity did not make any objections or claims relating to 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 and responded to each objection or claim, and determined whether or not additional measures were required in a manner that was reasonable and supported (Sections 4.16-4.17 and Appendix B of the EP).

81. Further to the above, I also noted that some relevant persons under regs 25(1)(a)-(c) provided other feedback during consultation which 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, a large part of the feedback was that certain bodies should be provided with certain notifications from the titleholder, all of which have been included as commitments in the EP.
82. With reference to my findings at [81]-[82] above, I concluded that appropriate measures have been, or are proposed to be, adopted in the EP as a result of the consultation that occurred between the titleholder and other relevant persons under reg 25(1)(a)-(c). Some specific examples of the additional measures or changes that the titleholder adopted in the EP as a result of its consultations with relevant persons under regs 25(1)(a)-(c) include (but not necessarily limited to):
 - (a) in response to consultation with Director of National Parks (DNP), commitments to providing notifications to DNP of activity start and end dates and in the event of any spill (Sections 4.20 and 8.3.1 of the EP);
 - (b) in response to consultation with Australian Maritime Safety Authority (AMSA), commitments to providing pre-activity notifications to AMSA's Joint Rescue Coordination Centre and to the Australian Hydrographic Office (Section 4.20 of the EP); and
 - (c) in response to consultation with Heritage Victoria and First People State Relations, commitments to:
 - (a) undertake a seabed survey (with involvement by a suitably qualified and experienced archaeologist) prior to the commencement of drilling and P&A activities to allow for the consideration of submerged cultural heritage and landscapes in the final selection of well locations, drill rig position and locations and mooring equipment (refer to CM05: Seabed Survey and CM06: Drill Rig Mooring Plan); and
 - (b) include Sea Country awareness applicable to the Operational Areas in the drilling and P&A activities induction materials (Section 8.2.2 of the EP).

Relevant persons under regulation 25(1)(d)

83. Relevant persons under reg 25(1)(d) are 'a person or organisation whose functions, interests or activities may be affected by the activities to be carried out under the EP, or the revision of the EP'.
84. After forming a view that the titleholder had implemented an appropriate process for identifying relevant persons including under reg 25(1)(d) for the reasons at [72]-[74], I noted that relevant persons under reg 25(1)(d) includes 1,261 persons and organisations.
85. I found that the report on consultation (including the sensitive information part of the EP) demonstrates that the titleholder carried out consultation with relevant persons under reg 25(1)(d) in the manner described above at [75]. Further to this, I noted some additional reasons in forming a view as to whether the EP demonstrates that the titleholder's consultations with relevant persons was carried out in the manner required by reg 25:
 - (a) in relation to the titleholder's approach to consulting with commercial fishers and associations under reg 25(1)(d):

- (a) the titleholder applied an adaptive approach to consultation commensurate with the potential impacts and risks to commercial fishers. For example, commercial fishers were categorised into different tiers (i.e., Tier 1, 2 or 3), and the titleholder adapted the approach and scaled the level of effort that it applied to consulting them based on which tier they were assigned to (i.e., greater efforts were applied by the titleholder to consult those assigned as Tier 1 that are predicted to have an increased risk of being affected by the activity in contrast to those assigned as Tier 3). Specific details of what this involved are set out in detail in Section 4.14 of the EP, and summarised within Figure 4-3 of the EP;
 - (b) further to consulting commercial fishing associations relevant to the commercial fisheries overlapping with the Operational Areas and EMBA, the titleholder entered into fee-for-service agreements with Seafood Industry Victoria (**SIV**), Southeast Trawl Fishing Association (**SETFIA**) / Southern Shark Industry Alliance (**SSIA**) / Small Pelagic Fisheries Association (**SPFA**), and Tuna Australia. Under these agreements, the fishing associations then could assist the titleholder with the dissemination of consultation information to their members and facilitate the engagement with their members (Section 4.14.1 of the EP);
 - (c) the titleholder provided information that was tailored to the functions, interests or activities of commercial fishers and associations. For example, information that contained more comprehensive details relevant to how the activity impacts and risks may affect commercial fishers and commercially targeted species was provided. This included a summary of the method for assessing fishery areas in relation to the Operational Areas and EMBA, including an extract of each applicable map (relevant to their fishery fights held) that showed fishery effort overlaid on the Operational Areas and EMBA (Section 4.14.2 of the EP); and
 - (d) the titleholder organised and attended various in person and online individual and group meetings and exchanged a high volume of emails and phone calls with many commercial fishers and associations specifically in relation to the activity. Further to this, the titleholder also provided commercial fishers and associations with reasonable, supported and often highly detailed responses to all of their queries, requests, concerns, objections or claims raised in consultation (Appendix B of the EP);
- (b) in relation to the titleholder's approach to consulting with First Nations people/groups under reg 25(1)(d):
- (a) for First Nations organisations that the titleholder had not previously engaged with (prior to commencing consultation on this EP) the titleholder's First Nations Engagement Manager made a personal phone call to identify the most appropriate contact, where such information was not obvious on their website (Section 4.6.7 and Appendix B of the EP);
 - (b) consultation was undertaken by the titleholder in a flexible and adaptive manner, to the extent it was reasonably practicable, according to feedback and guidance of First Nations people/groups. For example, in response to a request by Bunurong Land Council Aboriginal Corporation (**BLCAC**), the titleholder supported them with funding to facilitate information sharing and the preparation of a cultural values assessment with their members that was in the context of consultation for the activity. In response to a request by Eastern Maar Aboriginal Corporation (**EMAC**), the titleholder agreed to supporting them with funding to facilitate an independent review of the EP (which was not subsequently taken up). In response to an offer from Gunditj Mirring Traditional Owner Aboriginal Corporation (**GMITOAC**), the titleholder attended and presented information about the activity and consultation process at the "Gunditjmara Offshore Oil and Gas Consultation Day" on 17 February 2024. It is noted that

there were limited cases where requests from First Nations people/groups for consultation to be carried out in a certain manner were not met by the titleholder, which is addressed at [87];

- (c) the titleholder took into account availability and accessibility issues. This included making provision for and undertaking travel to meet in-person with various First Nations people/groups at locations of their preference and choice. For example, the consultation records demonstrate that the titleholder undertook travel to meet in-person with and at the preferred locations of Gunaikurnai Land and Waters Aboriginal Corporation (**GLWAC**) on 6 and 7 September 2023, EMAC on 10 July 2024, GMTOAC on 17 February 2024 and Victorian Aboriginal Heritage Council on 7 December 2023 (Appendix B of the EP);
- (d) when meeting requests were made by First Nations people/groups, the consultation records demonstrate that the titleholder always took steps to arrange and attend these. I noted some cases where First Nations people/groups expressed interest in meeting with the titleholder that did not occur before the final submission of the EP to NOPSEMA on 18 December 2024. However, I found that the titleholder has made reasonable attempts to arrange these requested meetings which did not progress following a subsequent lack of responsiveness by the relevant persons (Appendix B of the EP);
- (e) further to organising and attending various in person and online individual and group meetings, the titleholder exchanged a high volume of emails and phone calls with many of the First Nations people/groups specifically in relation to the activity. Further to this, the titleholder also provided First Nations people/groups with reasonable, supported and often highly detailed responses to all of their queries, requests, concerns, objections or claims raised in consultation (Appendix B of the EP);
- (f) 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 people/groups with costs associated with their participation and attendance in consultation meetings; and
- (g) the timeline that the titleholder allowed for consultation with First Nations people/groups was substantial – over 12 months from initial consultation to the final submission of the EP for all relevant persons in this category

86. I found that some relevant persons under reg 25(1)(d) presented feedback, concerns or assertions to the titleholder about their approach to consultation, sufficiency of information given in consultation or the timeframe that they had allowed for the consultation. Details of what this involved, and how it was considered to form a view as to whether the EP demonstrates that the titleholder's consultations with relevant persons was carried out in the manner required by reg 25, include:

- (a) Seafood Industry Tasmania (**SIT**) / Tasmanian Industry Seafood Council (**TSIC**) presented assertions about whether King Island fishers had been adequately consulted. The assertions of SIT / TSIC were considered to be valid based on the titleholder's initial consultation efforts, but was subsequently addressed through the further consultation efforts that were employed by the titleholder during NOPSEMA's assessment of the EP as reflected in the titleholder's report on consultation in the EP;
- (b) Surfriider Foundation (Surf Coast Branch) presented an assertion that it has been unable to consult with the titleholder because they did not hold a community information session in the Torquay area or along the Surf Coast. In considering this, I formed a view that consultation had occurred as per the requirements under Division 3 after reviewing the titleholder's comprehensive assessment of the Surfriider Foundation (Surf Coast Branch) assertion within the EP (Section 4.15.1 of the EP), which I

found to be well supported by the consultation records and details within the report on consultation (including the sensitive information part); and

- (c) the titleholder received a number of emails and letters from Environment Justice Australia (**EJA**) acting on behalf of GMTOAC that present assertions the titleholder had not carried out the consultations required under Division 3 of the regs. The reasons given by GMTOAC for this are outlined in detail within this correspondence, and are summarised within the EP. At a high-level, they included because GMTOAC considers that the corporation and their members have not yet had a reasonable opportunity to participate in consultation during the preparation of the EP, and because consultation was not conducted in accordance with the "Gunditjmara Consultation & Negotiation Protocol". In considering this, I formed a view that consultation had occurred as per the requirements under Division 3 after reviewing the titleholder's assessment of the GMTOAC assertions within the EP (Section 4.15.2 of the EP), which I found to be well supported by the consultation records and details within the report on consultation (including the sensitive information part). I also considered that the regulations do not require titleholders to enter into agreements with relevant persons for their offshore petroleum activities to proceed.

87. When relevant persons under reg 25(1)(d) raised objections or claims relating to adverse impacts of the activity or presented feedback relevant to the environmental management of the activity, I found that the titleholder had identified these cases in the EP, provided an assessment of the merits and responses for each objection or claim, and explained how all other feedback was considered in the context of the environmental management of the activity in a manner that I considered was reasonable and supported (Appendix F of the EP).
88. I noted that the objections, claims or feedback given in consultation by relevant persons under reg 25(1)(d) did not always result in the adoption of any additional measures or changes to the EP. I found that these were for valid reasons such as the titleholder demonstrating that the suggested measures are not reasonably practical to be implemented or necessary for the EP to demonstrate that the environmental impacts and risks of the activity will be reduced to ALARP and acceptable levels, or that there were already existing measures or information in EP that address the objections, claims or feedback.
89. In reviewing the titleholder's report on consultation (including the sensitive information part), I noted many instances where First Nations people/groups under reg 25(1)(d) raised with the titleholder the potential for First Nations cultural features and heritage values that the activity may affect. I found that these had been appropriately incorporated into the EP and taken into account within impact and risk evaluation processes where applicable to demonstrate how potential environmental impacts and risks posed by the activity will be reduced to ALARP and acceptable levels.
90. With reference to my findings at [88]-[90] above, I concluded that appropriate measures have been, or are proposed to be, adopted in the EP as a result of the consultation that occurred between the titleholder and relevant persons under reg 25(1)(d). Specific examples of the additional measures or changes that the titleholder adopted in the EP as a result of its consultations with relevant persons under regs 25(1)(d) include (but not necessarily limited to):
 - (a) in response to consultation with SETFIA, an activity limitation where wells will not be located in water depths >400 m to minimise potential impacts to trawl and giant crab fishing (CM09: Drilling and P&A Activities);
 - (b) in response to consultation with Fishermen Direct Pty Ltd., updates were made to the EP to include a direct assessment of the potential impacts and risks of the activity on King George whiting spawning and recruitment in relation to the Corner Inlet Fishery (Sections 7.4.8.4, 7.4.10 and 7.13.5.2 of the EP); and

- (c) in response to consultation with GLWAC, a commitment to notifying them in the event of an unplanned hydrocarbon spill (Table 4-8 of the OPEP).

Relevant persons under regulation 25(1)(e)

91. Relevant persons under reg 25(1)(e) are 'any other person or organisation that the titleholder considers relevant'.
92. After forming a view that the titleholder had implemented an appropriate process for identifying relevant persons including under reg 25(1)(e) for the reasons at [72]-[74], I noted that relevant persons under this regulatory category includes 36 persons and organisations).
93. I found that the titleholder carried out consultation with each of the other relevant persons defined under reg 25(1)(e) in the manner described above at [75]. Further to this, I found that none of the relevant persons under reg 25(1)(e) presented adverse 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.
94. In reviewing the report on consultation (including the sensitive information part), I noted that many of the relevant persons under reg 25(1)(e) did not respond to the titleholder. When the relevant persons did respond, none of them raised objections or claims relating to adverse impacts of the activity. There was also no other feedback relevant to the environmental management of the activity given by the relevant persons for the titleholder to consider in the preparation of the EP.
95. I found that the titleholder did not adopt any additional measures or make any changes to the EP as a result of its consultations with relevant persons under reg 25(1)(e). I considered this to be reasonable in light of the lack of objections, claims or other feedback as reflected in [95] above.
96. With reference to my findings above at [95]-[96], I concluded that appropriate measures have been, or are proposed to be, adopted in the EP as a result of the consultation that occurred between the titleholder and other relevant persons under reg 25(1)(e).

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

97. Based on the reasons below, I was reasonably satisfied that the EP met the requirements of regulation 34(h).
98. 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 1.1 of the EP) as required by reg 35(7);
 - (c) is consistent with section 571 of OPGGS Act, as stated at paragraph [19]; and
 - (d) is consistent with section 572 of OPGGS Act. This is because I found that property brought onto the title has provisions in the EP to ensure that it is maintained and, if it is no longer to be used, will be removed from the title. Specifically:
 - a. in relation to the new exploration/appraisal wells:
 - i. the EP allows for exploration/appraisal wells (drilled in VIC/P43, VIC/L35 or VIC/L36) to be suspended with temporary cement plugs for future re-entry and completions, if the prospect is deemed to be economically viable for future development. If the exploration or appraisal well is not economically viable then it will be permanently P&A as part of this activity (Sections 3.6.4 and 3.6.5 of the EP);

- ii. a decision to P&A or suspend an exploration/appraisal well will be made before the rig is released from that well. Where the well is suspended, the decision (and subsequent action) to P&A or complete the well will be made before the rig is released from the consortium and within the life of this EP (Sections 3.6.4 and 3.6.5 of the EP);
 - iii. the EP does not provide for the completion and/or tie-back of any wells. These activities will be subject to an offshore project proposal (**OPP**) and environment plan assessment and approval process. If the titleholder does not obtain the necessary approvals, any suspended exploration/appraisal wells will be P&A;
 - iv. the exploration/appraisal wells that are suspended for future development will be monitored in accordance with the titleholder's standards (Section 8.7 of the EP);
 - v. the exploration wells drilled in exploration permit T/30P will be P&A regardless of well results (Section 3.6.5 of the EP); and
 - vi. the exploration/appraisal wells that are P&A, the wellhead will be cut below the mudline and subsequently removed from the seabed. An ROV seabed survey will be conducted to confirm the seabed is clear of any debris (Section 3.6.5 of the EP);
 - b. in relation to the five legacy suspended exploration wells:
 - i. the legacy exploration wells will be monitored in accordance with the titleholder's standards (Sections 3.7.2 and 8.7 of the EP);
 - ii. the EP provides for the P&A of the five legacy suspended exploration wells (Section 3.7 of the EP);
 - iii. following P&A of the wells, the wellheads will be cut below the mudline and subsequently removed. Further, any equipment associated with the wells, such as permanent and temporary guide bases, guidelineless re-entry assembly template, remaining guideposts, cut conductor and casing section(s) will be removed from the seabed (Section 3.7.8 of the EP); and
 - iv. an ROV seabed survey will be conducted to confirm all infrastructure on the seabed has been removed (Section 3.7.8 of the EP);
 - c. the titleholder has committed to the recovery of any ancillary equipment following completion of the activity, such as anchors and positioning equipment (transponders and clump weights) (Section 3 of the EP).
99. I also noted that the EP addressed the requirements of section 270 of the OPGGS Act, given that two of the legacy suspended exploration wells (Trefoil 1 and White Ibis 1) are located on titles (T/L5 and T/RL4) that do not contain other infrastructure or operations, and therefore, this EP may be the final EP for the titles (Section 8.7 of the EP). I was reasonably satisfied that the EP contains sufficient information to allow NOPSEMA, in the future, to provide advice to the Joint Authority under section 270 of the OPGGS Act.
100. 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.

101. 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.

Other considerations

Correspondence received directly by NOPSEMA

102. 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.
103. 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

104. 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.
105. 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.
106. 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

107. 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.

108. In the context of NOPSEMA'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.
109. 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 7.15 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 7.15 has been applied thoroughly and is considered to be a defensible approach to the assessment of cumulative impacts.
110. I noted that the titleholder considered the potential cumulative environmental impacts of undertaking all components of this activity in Section 7.
111. 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

112. 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 section 527E. 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.
113. In assessing the EP, I had regard to the indirect consequences policy, in relation to indirect GHG emissions, and considered that:
 - (d) the activity does not directly involve the recovery of petroleum. Rather the activity involves drilling for petroleum exploration and the P&A of legacy suspended exploration wells;
 - (e) the extraction of gas for onshore processing is not included in the activity, and as such is not authorised by the EP;
 - (f) 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
 - (g) 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.
114. 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

115. 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 signature]

Director of Exploration and Development - Environment

10 March 2025

Appendix A: Relevant Terms

116. 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 Offshore Gas Victoria Drilling and P&A Activities Environment Plan (Document No: V-1000-P1-RP-0002, Revision 4, dated 18 December 2024) and associated documents referenced at [118(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 'Beach Energy (Operations) Limited.'
- (g) The term 'petroleum activity' means in this case exploration/appraisal drilling activities and plug and abandonment 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 3.1 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

117. 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. Offshore Gas Victoria Drilling and P&A Activities Environment Plan (Document No. V-1000-P1-RP-0002, Revision 4, dated 18 December 2024);
- b. Offshore Gas Victoria Drilling and P&A Activities Environment Plan - Appendices (Document No., Revision and date not stated);
- c. Offshore Gas Victoria Drilling and P&A Activities Environment Plan – Sensitive Information Reports A, B, C and D (Document No. Revision and date not stated);
- d. Victoria Offshore Oil Pollution Emergency Plan (Document No. CDN/ID 18986979, Revision 4, dated 20 October 2024); and
- e. Offshore Operational and Scientific Monitoring Plan (Document No. CDN/ID S4100AH717908, Revision 6b, dated 17 December 2024)

(b) the Titleholder's Report on Public Comment (Document No. V-1000-P1-RP-0002, dated 19 April 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 published guidance and other:

- a. NOPSEMA Environment plan content requirements guidance note (N-04750-GN1344);

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

- 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 (our ref: A1082455);
 - b. NOPSEMA's Key Matters Report, which summarises how NOPSEMA took public comments into account in making its decision on the EP (our reference: A1169496);
 - 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, National Recovery Plan for Albatrosses and Petrels (2022);
 - iii. Commonwealth of Australia, National Recovery Plan for the Australian Fairy Tern (*Sternula nereis nereis*) (2020);
 - iv. Commonwealth of Australia, National Recovery Plan for the Australian Painted Snipe (*Rostratula australis*) (2022);
 - v. Commonwealth of Australia, National Recovery Plan for the Australasian Bittern (*Botaurus poiciloptilus*) (2022);
 - vi. Commonwealth of Australia, National Recovery Plan for the Orange-bellied parrot (*Neophema chrysogaster*) (2016);
 - vii. Commonwealth of Australia, National Recovery Plan for the Plains-wanderer (*Pedionomus torquatus*) (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 (*Calyptrorhynchus banksii graptogyne*) (2006);
- 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 Giant Freshwater Crayfish (*Astacopsis gouldi*) (2017);
- 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. Department of Agriculture, Water and the Environment (DAWE), Guidance on key terms within the Blue Whale Conservation Management Plan (2021);
- xxi. Department of Climate Change, Energy, the Environment and Water (DCCEEW), Guidelines for Assessing and Managing Impacts to Underwater Cultural Heritage in Australian Waters (2024);
- xxii. Department of Climate Change, Energy, the 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 Yarra Pygmy Perch (*Nannoperca obscura*) (2010);
- xxv. Department of Sustainability and Environment (VIC), National Recovery Plan for Australian Grayling (*Prototroctes maraena*) (2008);
- xxvi. Department of Sustainability, Environment, Water, Population and Communities' (DSEWPac) 'Indirect consequences' of an action: Section 527E of the EPBC Act (2013);

- xxvii. Department of the Environment and Conservation (NWS), Gould's Petrel (*Pterodroma leucoptera leucoptera*) Recovery Plan (2006);
 - xxviii. Department of the Environment, Water, Heritage and the Arts (DEWHA), Significant Impact Guidelines 1.1 – Matters of National Environmental Significance, EPBC Act Policy Statement (2013); and
 - xxix. Director of National Parks (DNP), South-East Commonwealth Marine Reserves Network Management Plan 2013–2023 (2013).
- (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.