

Acceptance of Athena Supply Project Environment Plan

Document No: A1209161

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1. On 8 May 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 Athena Supply Project Environment Plan (Document No: VOB-EN-EMP-0006 Rev, Revision 3, dated 09 April 2025) (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 'Cooper Energy'¹ (CH) Pty. Ltd.' (ABN: 70 615 355 023) (**titleholder**), to enable the titleholder to undertake the petroleum activity described in the EP, which involves geophysical surveys and the drilling of up to three exploration wells in the Otway Basin, located in Commonwealth waters.
3. For the purposes of assessing the EP, I was assisted by an assessment team comprised of a lead assessor and four environment specialists.
4. The reasons for my decision are set out below.
5. All references to a regulation (**reg**) are to the Environment Regulations unless otherwise stated.
6. **Appendix A** provides definitions for terms used throughout my reasons, that I have not otherwise defined.

Background

7. On 6 September 2024, the titleholder submitted the EP (Rev 0, dated 6 September 2024) to NOPSEMA in accordance with the Environment Regulations.
8. On 13 September 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 13 September 2024, NOPSEMA published the EP for a 30-day public comment period in line with reg 30. The period for public comment closed on 13 October 2024, with two comments being received during this period.
10. On 11 November 2024, following completion of the public comment period, the titleholder resubmitted the EP (Rev 1, dated 11 November 2024) to NOPSEMA in accordance with reg 30(3).
11. On 11 November 2024, NOPSEMA published the EP and the titleholder's Report on Public Comment (Document No. VOB-EN-EMP-0006, Rev 1, dated 11 November 2024) on its website in accordance with reg 30(5).
12. On 16 December 2024, NOPSEMA made a request for further information, pursuant to reg 32. The request identified that further information on a number of the criteria in reg 34 was required. In response to this request, the titleholder resubmitted the EP (Rev 2, dated 20 February 2025) on 21 February 2025 incorporating additional information pursuant to reg 32(3).

¹ I noted that Cooper Energy officially changed its name to Amplitude Energy Limited on November 12, 2024. However, the name remains 'Cooper Energy (CH) Pty. Ltd.' on the title itself.

13. On 1 April 2025, NOPSEMA made an additional request for further information, pursuant to reg 32. The request identified that further information on a number of the criteria in reg 34 was required. In response to this request, the titleholder resubmitted the EP (Rev 3, dated 9 April 2025) on 10 April 2025 incorporating additional information pursuant to reg 32(3).
14. On 8 May 2025, NOPSEMA published the accepted EP, excluding the sensitive information part of the EP, on its website in accordance reg 35(4). NOPSEMA also published a Key Matters Report on its website, which summarises how NOPSEMA took public comments into account in its decision, in accordance with reg 35(4).

Materials

15. The relevant materials considered in making this decision are set out in **Appendix B** and are referenced, 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 [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 (OPGGs Act)* in relation to the petroleum activity, and the compliance is in a form that is acceptable to me. On review of the titleholder's financial assurance declaration and confirmation forms, I was reasonably satisfied that the titleholder was compliant with section 571(2) of the OPGGS Act, and the financial assurance declaration and confirmation forms were acceptable. I therefore considered that the precondition in reg 16 was met.
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 [3030] – [9797] 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 3 of the EP);
- b. the location of the activity (Section 3.1 of the EP);

- c. general details of the construction and layout of any facility that is used in undertaking the activity (Sections 3.1, 3.3 and 3.5 of the EP);
- d. an outline of the operational details of the activity and proposed timetables for undertaking the activity (Sections 3.2 and 3.5 of the EP); and
- e. information relevant to consideration of environmental impacts and risks of the activity (Section 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:
 - i. a description of the regional environmental setting of the activity (Section 4.3 and Appendix 2 of the EP); and
 - ii. a description of the physical, ecological, social and cultural environment that may be affected by the activity (Section 4.4 and Appendix 2 of the EP);
- b. a description of matters protected under Part 3 of the EPBC Act that may be affected by the activity, including:
 - i. the world heritage values of relevant declared World Heritage properties (Section 4.4.3 and Appendix 2 of the EP);
 - ii. the National Heritage values of relevant National Heritage places (Section 4.4.3 and Appendix 2 of the EP);
 - iii. the ecological character of relevant declared Ramsar wetlands (Section 4.4.3 and Appendix 2 of the EP);
 - iv. the presence of listed threatened species and listed threatened ecological communities (Section 4.4.3, Appendix 2 and Appendix 3 of the EP);
 - v. the presence of listed migratory species (Section 4.3.3, Appendix 2 and Appendix 3 of the EP); and
 - vi. values and sensitivities of the Commonwealth marine area (Section 4 and Appendix 2 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 (Section 2 of the EP); and
- b. a demonstration of how these requirements will be met (Sections 2, 6, 7, 8 and 9 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 (Sections 6, 7, 8 and 9 of the EP);

- b. an evaluation of all the environmental impacts and risks, whether arising directly or indirectly, and including those arising from potential emergency conditions whether resulting from accident or any other reason, appropriate to the nature and scale of each impact or risk (Sections 6, 7, 8 and 9 of the EP); and
- c. details of the control measures that will be used to reduce the impacts and risks of the activity to as low as reasonably practicable (**ALARP**) and an acceptable level (Sections 6, 7, 8, 9 and 10 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 10 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 10 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 10 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 11 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 11.1 of the EP) (reg 22(2)):
 - i. environmental impacts and risks of the activity continue to be identified and reduced to a level that is ALARP; and
 - ii. control measures are effective in reducing the environmental impacts and risks of the activity to as ALARP and an acceptable level; and
 - iii. 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 11.5 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 (Section 11.6 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 11.15 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 11.15.1 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 11.15.3 of the EP) (reg 22(7));

- h. an Oil Pollution Emergency Plan (**OPEP**) with the provision for updating of the plan (Section 11.7.2 of the EP and the Offshore Victoria OPEP (Document No. VIC-ER_EMP-0001, Revision 12, dated February 2025) (reg 22(8));
- i. an OPEP that includes adequate arrangements for responding to and monitoring oil (reg 22(9)), including the following:
 - i. the control measures necessary for timely response to an emergency that results or may result in oil pollution;
 - ii. the arrangements and capability that will be in place for the duration of the activity to ensure timely implementation of the control measures, including arrangements of ongoing maintenance of response capability;
 - iii. arrangements and capability that will be in place for monitoring the effectiveness of the control measures and ensuring that the EPSs for the control measures are met; and
 - iv. the arrangements and capability in place for monitoring oil pollution to inform responses 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 11.7.2 of the EP and the Offshore Victoria Operational Scientific Monitoring Plan (**OSMP**) (Document No. VIC-ER-EMP-0002, Revision 6, dated 3 September 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 1 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 1.6 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 1.6 of the OPEP) (reg 22(13));
 - i. a proposed schedule of tests (Section 1.6 of the OPEP), which includes provision for:
 - ii. testing the response arrangements when they are introduced;
 - iii. testing the response arrangements when they are significantly amended;
 - iv. testing the response arrangements not later than 12 months after the most recent test;
 - v. 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
 - vi. if a facility becomes operational after the response arrangements have been tested and before the next test is scheduled to be conducted — testing the response arrangements in relation to the facility when it becomes operational (reg 22(14));
- n. provision for appropriate ongoing consultation with relevant authorities of the Commonwealth, State and other relevant interested persons or organisations (Sections 11.12 of the EP) (reg 22(15)); and

- o. information demonstrating compliance with the OPGGS Act, the regulations and other environmental legislation applicable to the activity (Sections 2 and 11 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:

- a. 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 1.6 of the EP) (reg 23(1)(2)); and
- b. 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 11.13.2 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 'Health, Safety and Environment Policy' (Section 11.1 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:
 - i. a summary of each response made by a relevant person (Appendix 6 of the EP) (24(b)(i));
 - ii. an assessment of the merits of any objection or claim about the adverse impact of each activity to which the EP relates (Appendix 6 of the EP) (reg 24(b)(ii));
 - iii. a statement of the titleholder's response to each objection or claim (Appendix 6 of the EP) (reg 24(b)(iii)); and
 - iv. 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 11.14 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 must also consider:

- a. the further information that the titleholder provided pursuant to the requests made by NOPSEMA. The information the titleholder provided in response to such a request was contained in the resubmitted versions of the EP (as set out at paragraphs [12] and [13], which resulted in the final version of the EP (Rev 3); and
- b. any public comments received under reg 30(2). I note that two public comments were received during the public comment period for the EP (as referenced at [9]).

32. Against this background (and having considered the materials in **Appendix B**), I made the following findings against each criterion for acceptance of the EP in reg 34.

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

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:
 - i. the petroleum activity involves undertaking geophysical surveys and drilling up to three exploration wells in the Otway Basin (Section 3 of the EP);
 - ii. Operational Areas have been defined in the EP, as the areas within which planned activities are proposed to occur (Section 3.1.1 and Figure 3-1 of the EP). The Operational Areas encompass the outer extent of mooring equipment in the seabed and the 500 metre (**m**) petroleum safety zone (**PSZ**);
 - iii. the indicative locations and water depths of the proposed exploration wells and the seabed surveys are provided in Table 3-1 of the EP (and shown in Figure 3-1); and
 - iv. 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 2029.
- b. the EP includes details of activities that are not included in the scope of the EP. For example, I noted that:
 - i. the movement of the mobile offshore drilling unit (**MODU**), survey vessels and support vessels outside of the Operational Areas are not included in the scope of the EP (Section 1.5 of the EP). These activities are undertaken in accordance with other relevant maritime legislation and requirements, such as the *Navigation Act 2012*.
- 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:
 - i. 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 3.5 of the EP); and
 - ii. 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 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 6 of the EP).

35. I found that the EP (Section 4 of the EP) contains a thorough description of the environment that may be affected (**EMBA**) by the activity. This is because:

- a. the EMBA is defined as the largest spatial extent where unplanned events could have an environmental consequence on the surrounding environment. I noted that in this case, the EMBA is the combined potential spatial extent of surface and in-water hydrocarbons at concentrations above ecological impact thresholds based on stochastic modelling of a loss of well control (Sections 4.2 and 6.8 of the EP). This area 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 also defines a 'Monitoring Area' that is based on the combined potential spatial extent of surface and in-water hydrocarbons at concentrations at low hydrocarbon exposure thresholds based on stochastic modelling of a loss of well control (Section 4.2 and 6.8 of the EP). I noted that this area has been used to inform the geospatial extent of the description of the existing environment (Section 4 of the EP). The monitoring area encompasses the EMBA and Operational Areas (noted above);
 - c. the EP utilises relevant references and information sources to adequately inform and support the descriptions, such as contemporary peer-reviewed scientific literature and other authoritative sources (Section 4 of the EP). This approach is appropriate, as it ensures that the description of the Monitoring Area 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:
 - i. conservation values and sensitivities of the monitoring area (Section 4.4 and Appendix 2 of the EP), and matters protected under Part 3 of the EPBC Act that may be present within the Monitoring Area (Sections 4.4, Appendix 2 and Appendix 3 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 4 of the EP);
 - ii. the physical aspects of the Monitoring Area, including climate, winds, tides, currents, water quality, water temperature, sediment quality, air quality, ambient light and ambient noise (Section 4.4.1 and Appendix 2 of the EP);
 - iii. the ecological receptors of the Monitoring Area, including benthic assemblages, coastal habitats, marine fauna and invasive species (Section 4.4.2 and Appendix 2 of the EP);
 - iv. the social receptors of the Monitoring Area, including socio-ecological systems (such as Commonwealth Marine Area, State Parks and Reserves, Wetlands of International Importance and Heritage) and socio-economic systems (such as commercial fisheries, recreational fisheries, recreation and tourism, coastal settlements, industry, and other offshore infrastructure) (Section 4.4.3 and Appendix 2 of the EP); and
 - v. the cultural receptors of the Monitoring Area, including tangible and intangible cultural heritage (Section 4.4.4 and Appendix 2 of the EP). I noted that the description had been informed by multiple sources of relevant and suitable information, including information published by First Nations groups, such as Sea Country Management Plans and information provided by relevant persons during consultation.
 - d. the level of detail included in the EP is appropriately scaled to the nature of the impacts and risks. For example, the EP includes a greater level of detail on those receptors that may be impacted by planned components of the activity (Section 4 of the EP). The titleholder has utilised contemporary information on the distribution and behaviours of pygmy blue whales and southern right whales (Section 6.4 of the EP) to inform the impact and risk evaluations (Section 6 of the EP);
36. I found that the impact and risk assessments (Sections 6, 7, 8 and 9 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 has been applied in the EP for the identification and evaluation of environmental impacts and risks of the petroleum activity (Section 5 of the EP);

- b. 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 6-1 and Sections 6, 7, 8 and 9 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;
- c. 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, helicopters and well clean-up and flowback operations. The EP includes estimates of the total GHG emissions that may be emitted over the life of the activity using the method set out in the *National Greenhouse and Energy Reporting (Measurement) Determination 2008 (Cth)*. The assessment recognises the petroleum activities' contribution to the global scale of GHG emissions and evaluates the potential impacts of these emissions on the environment (Section 6.4 of the EP);
- d. the EP considers 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 9 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 9 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 6 of the EP;
- e. 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 assessments (Sections 6.5 and 6.6 of the EP) include an evaluation of environmental impacts to biologically important areas for listed threatened and migratory species; and
- f. 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:
 - i. 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 5 of the EP) and oil spill modelling (Appendix 4 of the EP); and
 - ii. the underwater sound emissions impact assessments in Sections 6.5 and 6.6 of the EP (impulsive and continuous noise sources, respectively), 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 6 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 2 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, standards, agreements, treaties, conventions, guidelines or practices) that apply to the activity (Section 2 of the EP) and demonstrates how they will be met (Sections 2, 6, 7, 8, 9 and 11 of the EP). For example:
 - i. 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 (CM28: Inventory Control and CM18: Titleholder Collaboration).
 - b. the EP describes the requirements from policies, plans of management, recovery plans, conservation advice and other guidance for matters protected under the EPBC Act and demonstrates how these will be met in the relevant impact and risk assessments (Sections 6, 7, 8 and 9 of the EP). For example:
 - i. Sections 2.2 and 6.2.1 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.
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 5) describes the method applied to evaluate whether impacts and risks are reduced to ALARP. The method of evaluation is systematic, applied thoroughly, defensible and reproducible. The evaluation of 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 greenhouse gas emissions (Section 6.4 of the EP), the titleholder evaluated a number of additional controls, such as

use of alternative fuels or use of non-hydrocarbon powered vessels. 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 seabed disturbance impact evaluation (Section 6.3 of the EP) informed the adoption of the Underwater Cultural Heritage Disturbance Risk Management Measures (CM13);
 - 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 underwater sound emissions (Sections 6.5 and 6.6 of the EP);
 - 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 (Section 6 of the EP); and
 - g. the titleholder has adopted the typical control measures that I would expect of a drilling activity (such as CM1, CM2, CM3, CM8, CM10, CM12 and CM28). Where standards or guidelines were available, these were adopted by the titleholder.
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 of the EP) and 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, decontamination and waste management and scientific monitoring. I considered that these response strategies were appropriate for the oil pollution risks of the activity; and
 - b. the OPEP (Sections 6, 7, 8, 9, 10, 11 and 12 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. I considered these arrangements to be appropriate.

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

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 5.2 of the EP) 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 terms of how they comply with relevant internal and external context, 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 6 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, 7, 8 and 9 of the EP). I noted that the EP had regard to the 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 2, 4 and 6 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, 7, 8 and 9 of the EP). For example, the titleholder had regard to the National Light Pollution Guidelines for Wildlife (2023) in the light impact evaluation (Section 6.2.1 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 5 of the EP) and oil spill modelling (Appendix 4 of the EP) to inform the relevant impact and risks assessments (Sections 6, 7, 8 and 9 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, both impulsive and continuous noise sources (Sections 6.5 and 6.6 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 6.5 and 6.6 of the EP) do not overlap with the reproduction BIA for southern right whales;
 - c. the evaluation has been supported by underwater acoustic modelling studies of suitably representative scenarios (Appendix 5 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. The modelling studies were based on representative and well-reasoned parameters and assumptions (Appendix 5 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 (Sections 6.5 and 6.6 of the EP);

- d. the evaluations have been informed by contemporary peer-reviewed literature on underwater sound impacts and internationally accepted impact evaluation thresholds (Sections 6.5 and 6.6 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:
 - i. the EP details that the updated thresholds may result in larger predicted spatial areas of auditory injury and TTS for marine mammal hearing groups in the order of a few hundred metres greater than predicted by current modelling. The titleholder noted that the changes are not expected to materially alter the impact assessment conclusions and that the proposed control measures (CM17: Offshore Victoria Whale Disturbance Risk Management Procedure) are based on the predicted behavioural effect ranges, which are much larger than the predicted TTS ranges and will, therefore, continue to protect whales against auditory injury and TTS effects, which I found was a reasonable conclusion. Regardless, the titleholder has committed to undertake re-modelling of activity scenarios prior to drilling commencement, as part of the risk review process described in Section 11.10 of the EP; and
 - ii. the titleholder has an appropriately robust implementation strategy (Section 11 of the EP) and management of change process (Section 11.13 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 5 of the EP) with published studies on the distribution patterns and behaviours of relevant whale species, to demonstrate that the environmental impacts of the activity will be managed to an acceptable level. I noted that the defined acceptable levels of impact for blues whales and southern right whales are linked to the relevant action areas and recovery actions in their respective recovery plans (Sections 6.5 and 6.6 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 in whales are not expected as a result of the activity (Sections 6.5 and 6.6 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 6.5 and 6.6 of the EP);
- h. the EP describes the Offshore Victoria Whale Disturbance Risk Management Procedure (CM17), as the main control measure to reduce underwater sound impacts to whales, in particular to blue whales and southern right whales;
- i. the EP demonstrates that the activity will be undertaken in a manner that is not inconsistent with the National Recovery Plan for the Southern Right Whale (2024). In particular, the evaluations (Sections 6.5 and 6.6 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 be undertaken in a manner that is not inconsistent with the Conservation Management Plan for the Blue Whale (2015). In particular, the evaluations (Sections 6.5 and 6.6 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 10 of the EP presents a summary of the EPOs, control measures, EPSs and measurement criteria for the environmental impacts and risks of the petroleum activity.
48. The EP provided appropriate EPOs, which I found:
- a. were relevant and addressed all the identified environmental impacts and risks for the activity;
 - b. when read in conjunction with associated EPSs, established measurable performance outcomes for the management of environmental aspects of the activity that were related to acceptable levels of environment impact and risk described in the EP;
 - c. when read in conjunction with the relevant environmental impact and risk evaluation, and adopted control 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. I found that the EP provided appropriate EPSs that:
- a. are directly linked to control measures determined through the impact and risk evaluations in Section 6 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.
50. By way of example, I found that the EP sets appropriate EPSs for CM17: Offshore Victoria Whale Disturbance Risk Management Procedure, as they as they detail a suite of control measures (covering a range of environmental conditions and scenarios), contained within the Procedure, that together will reduce impacts of underwater noise emissions to ALARP and an acceptable level.
51. Further, I found that the OPEP provides appropriate EPSs 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 provides appropriate EPSs 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 10 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 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 11 of the EP provides a range of systems, practices and processes (see further detail below), 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 adequately describes the titleholder's environmental management system (**EMS**) for the activity, the 'Cooper Energy Management System' (Section 11.1 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 employees and contractors will work.
55. I found that the implementation strategy (Section 11.5 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 MMOs in relation to CM017 (Section 11.5 of the EP). Section 3.2 of the OPEP outlines management framework for an oil pollution incident, which includes an Incident Management Team (IMT), Crisis Management Team (CMT) and field teams. The roles and responsibilities described in the EP for responding to an oil pollution event are appropriate (for example, the role and responsibilities of the CMT, IMT and field teams are described in Section 3.2 of the OPEP).
56. I found that the implementation strategy (Section 11.6 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 personnel who work on the activity are required to complete an environmental induction. The titleholder will record and maintain records associated with training and inductions (Section 11.6.3 of the EP). I found that the OPEP (Section 1.6 of the OPEP) outlines the minimum training and competency requirements of the IMT personnel 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 11.15 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 marine assurance inspection will be undertaken for offshore vessels and the MODU to ensure they can meet the requirements of the EP and OPEP. Further, I noted that a fortnightly offshore HSEC inspection will be conducted to ensure compliance with EP commitments, for the duration of the activity. The tracking of non-compliances and actions will be undertaken using the titleholder's corrective action tracking system, which includes assigning a responsible person for ensuring the action is addressed and closed out (Sections 11.15.5 and 11.15.6 of the EP).
58. I found that the management of change (**MOC**) process in Section 11.13 of the EP was adequately described and appropriate, because the process provides:
- changes will be assessed as per the environmental risk management methodology, to determine the significance of any potential new environmental impacts or risks not provided for in the EP;
 - risk assessment outcomes will be reviewed for compliance with reg 39;
 - minor changes that do not trigger a requirement for a formal revision under reg 39(2), will be considered a 'minor revision' and tracked in a document control system;

- d. any relevant new information or matters received from ongoing consultation (Section 12 of the EP), will be assessed using the management of change process (Section 11.13 of the EP) to ensure impacts and risks continue to be identified and managed to ALARP and acceptable levels; and
 - e. a process for learning and knowledge sharing as well as review of impacts, risk and controls across the life of the EP (Section 10.13.1 of the EP).
59. I found that the implementation strategy (Section 11.15.1 of the EP) provides for sufficient monitoring of, and maintaining a quantitative record of, emissions and discharges (whether occurring during normal operations or otherwise), such that the record can be used to assess whether the EPOs and EPSs in the EP are being met. Table 11-9 of the EP details the types of emissions and discharges that shall be recorded including the monitoring method and frequency of reporting.
60. I found that the implementation strategy (Sections 11.15.2, 11.15.3 and 11.4 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. I found that the implementation strategy (Section 11.15 of the EP) provides for appropriate reporting to other government agencies and departments. For example, I noted that Section 11.15.4 of the EP details that cetacean observation data will be reported to DCCEEW, within 3 months of the completion of the activity.
62. I found that 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. Specific to me being reasonably satisfied, I found that, the OPEP:
- a. details the arrangements for activation of a spill response, including notifications and immediate response actions (first strike) (Section 2 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 (Sections 6, 7, 8, 9, 10, 11 and 12 of the OPEP);
 - c. details the arrangements for responding to and monitoring oil pollution to inform response activities (Sections 7 and 12 of the OPEP and the OSMP);
 - d. details the arrangements for updating and testing the oil pollution response arrangements and control measures (Sections 1.5 and 1.6 of the OPEP); and
 - e. provides for the monitoring of impacts to the environment from oil pollution and response activities (the OSMP).
63. The implementation strategy (Section 11.12 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. where feedback is received following EP acceptance that identifies any new information or matters, the titleholder will apply its EP management of change processes (Section 11.13 of the EP);
64. 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)

65. Based on the reason below, I was reasonably satisfied that the EP met the requirements of reg 34(f).

66. 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 4 of the EP).

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

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

68. 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)).

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

70. 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 12 of the EP).

71. 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 12.2.1.1-12.2.1.4 of the EP.

72. 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 12.2.1.1-12.2.1.4 of the EP);
- b. broadly applied 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 12.2.1 of the EP);
- c. includes reference to multiple sources of information used to identify relevant persons, such as publicly available materials, review of databases and registers, published guidance, as well as advice from authorities and other relevant persons (Sections 12.2.1.1 of the EP); and
- d. included details and evidence of the steps taken by the titleholder to create public awareness of the petroleum activity and the consultation process, to encourage potentially relevant persons that the titleholder may not be aware of (for example, those persons or organisations that are not readily ascertainable), to make themselves known to the titleholder (Section 12.2.1.1.5 of the EP). For example, the titleholder:

- i. established a dedicated consultation website in 2024. I noted that the website contained information on the consultation process (including the purpose of consultation and upcoming consultation sessions), an overview of the activity, environmental impacts and risks of the activity and management control measures, among other information;
 - ii. hosted a number of online webinars in November and December 2024;
 - iii. hosted a number of drop-in consultation sessions in December 2024 in a number of locations, including in Portland and Warrnambool;
 - iv. published notices in national, regional and First Nations print media in July 2024 (additional notices published in regional print media in January 2025). I noted that links and/or quick-response (**QR**) codes to the consultation website were included in the published notices;
 - v. published notices in regional print media targeting First Nations groups/people between November 2024 and December 2024. I noted that links and/or QR codes to the consultation website were included in the published notices;
 - vi. posted on community notice boards in a number of locations, including Warrnambool, Portland and Peterborough in December 2024. I noted that links and/or QR codes to the consultation website were included in the notices;
 - vii. ran radio advertisements on local radio stations between November 2024 and December 2024; and
 - viii. ran geotargeted social media posts between November 2024 and December 2024. I noted that links and/or QR codes to the consultation website were included in the media posts;
- e. included details of how the titleholder made an assessment to determine whether an individual or organisation who had self-identified as a relevant person, was or was not considered to be a relevant person for the purposes of reg 25(1) (Section 12.2.1.1.7 of the EP).
73. I found that the steps taken by the titleholder to identify relevant persons were thorough and widespread. Whilst there may be some limitations posed by each of these steps, when considered collectively the efforts that the titleholder applied were reasonable and effective. This is supported by the fact that there were persons or organisations that did self-identify and were subsequently consulted as relevant persons by the titleholder. There were also relevant persons that provided the titleholder with suggestions of other potentially relevant persons, who were subsequently contacted by the titleholder (unless they had already been engaged as a relevant person) to afford them with the opportunity to participate in consultation.
74. I found that the nature of the activity, description of the environment and the possible impacts and risks of the activity have been appropriately taken into account by the titleholder in determining whether the activity may be relevant to authorities, or determining whose functions, interests and activities may be affected. This is because the identification process includes relevant information demonstrating that:
- a. the titleholder has considered the nature and scale of the activity (Section 3 of the EP) and all of the possible planned and unplanned impacts and risks of the activity (Sections 6, 7, 8, and 9 of the EP) when determining relevant persons. I noted that this consideration is presented in Table 12-2 of the EP; and
 - b. the titleholder considered all of the known environmental values and sensitivities within the full extent of the environment that may be affected by the activity (Section 4 of the EP) when determining relevant persons (Section 12.1.1.1). I noted that the titleholder applied a greater focus on consultation efforts with persons or organisations that may have functions, interest or activities within the EMBA (also referred to

as Consultation Focus Area (**CFA**) in the EP). The titleholder applied additional enquiry methods (as noted at paragraph [72] above) to allow self-identification of persons outside of the EMBA.

75. I found that Sections 12.2.1.2, 12.2.1.3, 12.2.1.4 of the EP provide clear details of who was identified as a relevant person, following implementation of the identification process, including the category each relevant person falls within as defined in regs 25(1)(a), (b), (c), (d) and (e), and the rationale the titleholder used to determine who they consider falls within those definitions. A total of 250 relevant persons were defined in the EP, including:
- a. 27 Commonwealth and State/Territory departments and/or agencies for the purposes of reg 25(1)(a)-(c) (Table 12-6 of the EP). The titleholder determined that relevant persons under the category of reg 25(1)(c) were not applicable to this EP, which I considered to be appropriate, given that the Operational Areas and EMBA do not extend into the Northern Territory offshore area;
 - b. 223 persons or organisations for the purposes of reg 25(1)(d) (Table 12-7 of the EP); and
 - c. 0 persons or organisations for the purposes of reg 25(1)(e) (Section 12.2.1.4 of the EP). I found this to be appropriate and reasonable considering the definition for this relevant person category.
76. I found that the EP contains suitable details, evidence and records to demonstrate that the titleholder has carried out consultation with each relevant person defined within the EP in the manner specified in reg 25(2) under Division 3. This is because 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 (Section 12.2.1.6 of the EP). I formed this view because:
- a. the titleholder sufficiently informed relevant persons of the purpose of consultation, including advising relevant persons of the titleholder's obligations for consultation. For example, relevant persons were provided with information on the titleholder's consultation process via email, along with a link to the NOPSEMA brochure 'Consultation on offshore petroleum environment plans: Information for the community';
 - b. the titleholder provided relevant persons with sufficient information about the activity, the environment and the potential environmental impacts and risks to allow relevant persons to make an informed assessment of the possible consequences of the activity on their functions, interests or activities. For example, I noted that at a minimum, all identified relevant persons were provided with an overview of the proposed activities and a link to the titleholder's dedicated consultation website, which contained further information on the activity, a location map, a summary of the environmental impacts and risks associated with the activity, and a summary of the proposed control measures (Section 12.2.1.6 of the EP);
 - c. other means by which the titleholder provided sufficient information included that:
 - i. the titleholder appropriately varied its approach to provision of sufficient information for different relevant persons depending on their functions, interests and activities, as well as the extent to which relevant persons chose to engage and participate in the consultation process;
 - ii. information provided by the titleholder was in readily accessible and appropriate forms for most relevant persons being consulted. In addition, there were some instances where the information provided had been tailored to suit the needs of different relevant persons;
 - d. the consultation provided relevant persons with the opportunity to provide input and engage in a genuine two-way dialogue. I noted that offers were made to meet and discuss with relevant persons, there were meetings, phone calls and emails exchanged between the titleholder and numerous relevant persons in relation to consultation, and that the titleholder actively responded to and answered any questions raised by relevant persons in an iterative manner;

- e. the titleholder often proactively made requests within emails or during meetings for relevant persons to inform them of any additional information that they may require to make an informed assessment of the possible consequences of the proposed activity on their functions, interests or activities. Where feedback of such was provided by a relevant person, their views of what constitutes sufficient information were considered by the titleholder, with additional information provided when requested; and
 - f. the titleholder invited relevant persons to and held webinars and drop-in consultation sessions (as referenced at paragraph [72] above). In addition to raising awareness about the activity and consultation process as detailed above in paragraph [72], these sessions afforded relevant persons with further opportunities to receive information relating to how their functions, interests or activities may be affected by the activity;
77. I found that the EP contains suitable details, evidence and records to demonstrate that the titleholder has carried out consultation with each relevant person defined within the EP in the manner specified in reg 25(3) under Division 3. This is because, the titleholder allowed a reasonable period for the consultation with relevant persons. I formed this view because:
- a. of the approach taken by the titleholder to determining a reasonable period for consultation (Section 12.2.1.7 of the EP) based on consideration of the relevant person's particular circumstances, the nature, scale and complexity of the activity, as well as the extent and severity of potential impacts and risks on each relevant person's functions, interests or activities. This aligns with NOPSEMA's 'Consultation in the course of preparing an environment plan guideline' (GL2086);
 - b. the titleholder's consultation process for this EP initially commenced in June 2024 and continued throughout the course of preparing the EP. The titleholder commenced a further period for consultation in November 2024. The titleholder continued to consult with relevant persons up until the submission of the accepted EP to NOPSEMA on 10 April 2025;
 - c. in contacting and inviting relevant persons to participate in consultation, the titleholder often introduced dates (usually a minimum of 30 days) for relevant persons to provide feedback by, which I found was a reasonable period;
 - d. the titleholder contacted all relevant persons on at least two or more separate occasions and was often proactive in sending reminders to relevant persons about impending dates for providing feedback. Where there was no response received from a relevant person it was evident that the titleholder attempted to contact the relevant person using an alternative method when it was possible to do so;
 - e. the titleholder also often checked with relevant persons to see if they need further time to consider information and provide an informed response. Where a relevant person requested additional time, their views of what constitutes a reasonable period were considered by the titleholder, with additional time accommodated in most instances; and
 - f. relevant persons had multiple months to consider the information that was provided and engage in the consultation process. The consultation records in the EP (and the sensitive information part of the EP) indicate that the titleholder's efforts to consult all relevant persons were reasonable.
78. As required by reg 25(4)(a), I found the titleholder advised each relevant person that they may request that particular information provided during consultation not be published. For example, this information was included within the consultation records or materials that were provided to relevant persons, such as within emails. I found that the titleholder also ensured that any information subject to such a request was not published in the EP, as required by reg 25(4)(b);

79. I noted that in most cases relevant persons did not make any objections or claims relating to the adverse impacts of the activity. Where there were objections or claims raised by a relevant person, I found that the EP demonstrates the titleholder appropriately assessed the merits of and responded to each objection or claim in a reasonable and supported manner and determined whether or not additional measures were required in response, with suitable justification provided (Appendix 6 of the EP). Further, there were instances where relevant persons requested notifications from the titleholder. By way of example, the Director of National Parks (**DNP**) made a request to be notified in the event of an oil pollution incident that is likely to affect an AMP, and this notification has been included as a commitment in Table 8-4 of the EP.
80. I noted that some relevant persons gave feedback, had concerns and made assertions in regard to the titleholder's approach to consultation, sufficiency of information given in consultation or the timeframe allowed for the consultation. For example, Environment Justice Australia (**EJA**) acting on behalf of Gunditj Mirring Traditional Owners Aboriginal Corporation (**GMTOAC**), presented a view that the titleholder had not carried out the consultations required under Division 3 of the Environment Regulations. In this case, after considering the titleholder's consultation efforts and each of the views presented by GMTOAC (as per correspondence sent by EJA) and the titleholder (as reflected within the report on consultation, including the sensitive information part of the EP), I found that the EP contains suitable details and evidence to conclude that the titleholder has afforded GMTOAC a reasonable opportunity to participate in consultation during the preparation of the EP, and the consultation required under Division 3 has been carried out by the titleholder; and
81. In considering the record of consultation as a whole, I found that the consultation obligation had been discharged with relevant persons and a reasonable opportunity had been provided for relevant persons to participate in the consultation. I am also reasonably satisfied that relevant persons were given sufficient information and allowed reasonable time for them to make an informed assessment of the possible consequences of the activity on their functions, interests or activities and any relevant matters raised through the consultation have been addressed in the EP.

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

82. Based on the reasons below, I was reasonably satisfied that the EP met the requirements of regulation 34(h).
83. I was reasonably satisfied that the EP:
- a. is consistent with the Object of the Environment Regulations at reg 4, including the principles of ESD;
 - b. includes an EP summary (Section 1.2 of the EP) as required by reg 35(7);
 - c. is consistent with section 571 of OPGGS Act, as stated at paragraph [19]; and
 - d. is consistent with section 572 of OPGGS Act as I found that property brought onto the title by the titleholder is addressed 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:
 - i. the EP allows for exploration wells to be shut-in and suspended for future development. However, if an exploration well does not intersect commercial columns of gas, then it will be permanently plugged and abandoned (**P&A**) as part of this activity (Sections 3.2, 3.3 and 3.5 of the EP);
 - ii. the exploration wells that are shut-in and suspended for future development will be monitored in accordance with a NOPSEMA-accepted Well Operations Management Plan (**WOMP**) (Section 3.5.5 of the EP);
 - iii. the EP does not provide for the tie-back of any wells. These activities will be subject to an offshore project proposal (**OPP**) and EP assessment and approval process. If the titleholder does not obtain the

necessary approvals, any shut-in and suspended exploration wells will be P&A in accordance with this EP;

- iv. for the exploration wells that are P&A, all well equipment above the seabed will be removed (Section 3.3 of the EP); and
- v. the titleholder has committed to the recovery of any ancillary equipment following completion of the activity, such as anchors and positioning equipment (transponders) (Section 3 of the EP).

84. 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.

85. 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

86. NOPSEMA received a number of direct communications from third parties raising issues and/or expressing concerns and objections in the course of NOPSEMA's assessment to the EP. This direct communication was forwarded to the titleholder for consideration in the preparation of the EP.

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

87. The Streamlining 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.

88. 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.

89. 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 DCCEE website.

The Program: cumulative environmental impacts

90. In the context of the Program, cumulative impacts refers to the direct and indirect impacts of a number of different petroleum activity actions that may influence the natural environment or other users within a locality or region which, when considered together, have a greater impact on the offshore marine environment than each action or influence considered individually.
91. 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 (see NOPSEMA's Decision Making Guidelines).
92. I considered the potential for cumulative environmental impacts to the Commonwealth marine area as required by the Program, noting that the titleholder had evaluated cumulative impacts of undertaking all components of the activity in Section 6 of the EP. Section 9 of the EP included 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 Sections 9.1 and 9.2 of the EP was applied thoroughly and I considered it to be a reasonable approach to the assessment of cumulative impacts.
93. After considering the information presented in the EP, I was reasonably satisfied that, due to the localised nature and scale of the activity (including its timing and short duration), the potential cumulative impact factors, the environmental receptors at risk, the relative distance to other maritime activities and adopted controls, cumulative impacts were of an acceptable level.

The Program: indirect consequences of an action

94. Under the Program, when assessing an EP, NOPSEMA must have regard to EPBC Act definitions and requirements, including section 527E of the EPBC Act and the EPBC Act Policy Statement - 'Indirect consequences' of an action: section 527E of the EPBC Act (indirect consequences policy). NOPSEMA considers section 527E and the policy to determine where indirect consequences may be considered an 'impact' of an activity. This consideration is on a case-by-case basis against the circumstances of the activity in accordance with the matters set out in the policy.
95. In assessing the EP, I had regard to section 527E and the indirect consequences policy, in relation to indirect GHG emissions, and found that:
 - a. the activity does not directly involve the recovery of petroleum. Rather the activity involves geophysical surveys and drilling for petroleum exploration;
 - b. the extraction of gas for onshore processing is not included in the activity, and as such is not authorised by the EP;
 - c. further activities, including development drilling, completions, and installation of infrastructure are required, prior to the point that any gas can be extracted and transported for gas processing and sale, and will themselves be subject to a separate environmental plan assessment and approval process; and
 - d. extraction and supply of gas for processing and subsequent sale, transport, consumption and combustion will require a future approval through an OPP and EP for construction and for operations.



96. Given this, emissions from gas processing, consumption and combustion of gas are not facilitated to a major extent by the activity covered by this EP and therefore would not be considered a substantial cause of emissions generated from processing, consumption, or combustion of gas.

Conclusion

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

SIGNED

Director, Digital Process Transformation (*formerly Director, Exploration and Development – Environment*)

06 June 2025

Appendix A: Relevant Terms

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

- a. The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* is referred to as the OPGGS Act.
- b. The National Offshore Petroleum Safety and Environmental Management Authority is referred to as NOPSEMA.
- c. The Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 are referred to as the Environment Regulations.
- d. The Athena Supply Project Environment Plan (Document No: VOB-EN-EMP-0006 Rev, Revision 3, dated 09 April 2025) and associated documents referenced at [99] means the Environment Plan (**EP**).
- e. The Environment Protection and Biodiversity Conservation Act 1999 is referred to as the EPBC Act.
- f. The titleholder means 'Cooper Energy (CH) Pty. Ltd.'
- g. The term 'petroleum activity' means in this case geophysical surveys and exploration drilling activities.
- h. The term 'environment' means:
 - i. ecosystems and their constituent parts, including people and communities; and
 - ii. natural and physical resources; and
 - iii. the qualities and characteristics of locations, places, and areas; and
 - iv. the heritage value of places; and includes:
 - v. the social, economic, and cultural features of the matters mentioned in paragraphs (i), (ii), (iii) and (iv).
- i. The term 'environmental impact' means any change to the environment, whether adverse or beneficial, that wholly or partially results from an activity.
- j. The term 'control measure' means a system, an item of equipment, a person or a procedure, that is used as a basis for managing environmental impacts and risks.
- k. The term 'environmental management system' includes the responsibilities, practices, processes, and resources used to manage the environmental aspects of an activity.
- l. The term 'environmental performance' means the performance of a titleholder in relation to the environmental performance outcomes and standards mentioned in an environment plan.
- m. The term 'environmental performance outcome' (**EPO**) means a measurable level of performance required for the management of environmental aspects of an activity to ensure that environmental impacts and risks will be of an acceptable level.
- n. The term 'environmental performance standard' (**EPS**) means a statement of the performance required of a control measure.
- o. The term 'principles of ecologically sustainable development' (**ESD**) means the principles of ESD set out in Section 3A of the EPBC Act.
- p. The term 'relevant person' has the meaning provided under reg 25 of the Environment Regulations.
- q. The term 'Operational Area' is taken to be the operational area for the petroleum activity as defined in Sections 3.1.1 and 4.2 of the EP.

- r. The term 'EMBA' is taken to be the environment that may be affected by the activity as defined in Section 4.2 of the EP.
- s. 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.
- t. The term 'as low as reasonably practicable' is referred to as 'ALARP.'

Appendix B: Key materials considered in making the decision

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

- a. the EP comprising:
 - i. Athena Supply Project Environment Plan (Document No: VOB-EN-EMP-0006 Rev, Revision 3, dated 09 April 2025);
 - ii. Athena Supply Project Environment Plan – Appendices (Document No., Revision and date not stated);
 - iii. Athena Supply Project Environment Plan – Sensitive Information (Document No., Revision and date not stated);
 - iv. Offshore Victoria Oil Pollution Emergency Plan (Document No. VIC-ER_EMP-0001, Revision 12, dated February 2025); and
 - v. Offshore Victoria Operational Scientific Monitoring Plan (Document No. VIC-ER-EMP-0002, Revision 6, dated 3 September 2024);
- b. the Titleholder's Report on Public Comment (Document No. VOB-EN-EMP-0006, Rev 1, dated 11 November 2024) and the public comments made during the public comment period for the EP;
- c. the legislative framework relevant to EP assessments, including:
 - i. the OPGGS Act;
 - ii. the Environment Regulations; and
 - iii. the EPBC Act Program².
- d. NOPSEMA's published policies and guidelines:
 - i. NOPSEMA Assessment policy (N-04000-PL0050);
 - ii. NOPSEMA Environment plan assessment policy (N-04750-PL1347);
 - iii. NOPSEMA Environment plan levies and cost recovery policy (N-11200-PL1791);
 - iv. NOPSEMA Environment plan decision making guidelines (N-04750-GL1721);
 - v. NOPSEMA Consultation in the course of preparing an Environment Plan guideline (N-04750-GL2086);
 - vi. NOPSEMA Section 572 Maintenance and removal of property regulatory policy (N 00500 PL1903);
 - vii. NOPSEMA Financial assurance for petroleum titles guidelines (N-04730-GL1381); and
 - viii. NOPSEMA Making submissions to NOPSEMA guideline (N-04000-GL0225);
- e. NOPSEMA published guidance and other:
 - i. NOPSEMA Environment plan content requirements guidance note (N-04750-GN1344);
 - ii. NOPSEMA Responding to public comment on environment plans guidance note (N-04750-GN1847);
 - iii. NOPSEMA Petroleum activities and Australian marine parks guidance note (N-04750-GN1785);

² <https://www.environment.gov.au/protection/assessments/strategic/offshore-petroleum-greenhouse-gas>

- iv. NOPSEMA Petroleum activity guidance note (N-04750-GN1343); and
- v. NOPSEMA Oil pollution risk management guidance note (N-04750-GN1488);
- vi. NOPSEMA Source control planning and procedures information paper (N-04750-IP1979);
- vii. NOPSEMA Operational and scientific monitoring programs information paper (N-04750-IP1349);
- viii. NOPSEMA Acoustic impact evaluation and management information paper (N-04750-IP1765); and
- ix. NOPSEMA Oil spill modelling bulletin (April 2019);
- f. NOPSEMA's procedures:
 - i. NOPSEMA Environment plan assessment standard operating procedure (N-04750-SOP1369).
- g. other relevant documents and records:
 - i. NOPSEMA's assessment team's findings and conclusions;
 - ii. NOPSEMA's Key Matters Report, which summarises how NOPSEMA took public comments into account in making its decision on the EP (our reference: A1169496);
 - iii. NOPSEMA Assessment Guide: Considerations when assessing greenhouse gas emissions and associated impacts to the environment through global climate change (our reference: A1180927);
- h. relevant published, peer-reviewed scientific literature, including the scientific literature cited in the EP;
- i. relevant policies, plans of management, recovery plans, conservation advice and other guidance for matters protected under the EPBC Act, including:
 - i. Commonwealth of Australia, Conservation Management Plan for the Blue Whale 2015–2025 (2015);
 - ii. Commonwealth of Australia, Marine Bioregional Plan for the South-West Marine Region (2012);
 - iii. Commonwealth of Australia, Marine Bioregional Plan for the Temperate East Marine Region (2012);
 - iv. Commonwealth of Australia, National Recovery Plan for Albatrosses and Petrels (2022);
 - v. Commonwealth of Australia, National Recovery Plan for the Australian Fairy Tern (*Sternula nereis*) (2020);
 - vi. Commonwealth of Australia, National Recovery Plan for the Australian Painted Snipe (*Rostratula australis*) (2022);
 - vii. Commonwealth of Australia, National Recovery Plan for the Australasian Bittern (*Botaurus poiciloptilus*) (2022);
 - viii. Commonwealth of Australia, National Recovery Plan for the Malleefowl (*Leipoa ocellata*) (2024);
 - ix. Commonwealth of Australia, National Recovery Plan for the Orange-bellied parrot (*Neophema chrysogaster*) (2016);
 - x. Commonwealth of Australia, National Recovery Plan for the Plains-wanderer (*Pedionomus torquatus*) (2016);
 - xi. Commonwealth of Australia, National Recovery Plan for the Regent Honeyeater (*Anthochaera phrygia*) (2016);
 - xii. Commonwealth of Australia, National Recovery Plan for the South-Eastern Red-Tailed Black-Cockatoo (*Calyptorhynchus banksii graptogyne*) (2006);

- xiii. Commonwealth of Australia, National Recovery Plan for the Southern Right Whale (*Eubalaena australis*) (2024);
- xiv. Commonwealth of Australia, National Recovery Plan for the Swift Parrot (*Lathamus discolor*) (2024);
- xv. Commonwealth of Australia, Recovery Plan for Marine Turtles in Australia 2017–2027 (2017);
- xvi. Commonwealth of Australia, Recovery Plan for the Australian sea lion (*Neophoca cinerea*) (2013);
- xvii. Commonwealth of Australia, Recovery Plan for the Grey Nurse Shark (*Carcharias taurus*) (2014);
- xviii. Commonwealth of Australia, Recovery Plan for the White Shark (*Carcharodon carcharias*) (2013);
- xix. Commonwealth of Australia, Recovery Plan for Three Handfish Species: Spotted handfish (*Brachionichthys hirsutus*), Red handfish (*Thymichthys politus*) and Ziebell's handfish (*Brachiopsilus ziebelli*) (2015);
- xx. Commonwealth of Australia, South-East Marine Region Profile (2015);
- xxi. Commonwealth of Australia, Sub-Antarctic Fur Seal and Southern Elephant Seal Recovery Plan (2002);
- xxii. Commonwealth of Australia, Threat Abatement Plan for the Impacts of Marine Debris on the Vertebrate Wildlife of Australia's Coasts and Oceans (2018);
- xxiii. Commonwealth of Australia, Wildlife Conservation Plan for Seabirds (2020);
- xxiv. Department of Agriculture, Water and the Environment (DAWE), Guidance on key terms within the Blue Whale Conservation Management Plan (2021);
- xxv. Department of Climate Change, Energy, the Environment and Water (DCCEEW), Guidelines for Assessing and Managing Impacts to Underwater Cultural Heritage in Australian Waters (2024);
- xxvi. Department of Climate Change, Energy, the Environment and Water (DCCEEW), National Light Pollution Guidelines for Wildlife, including marine turtles, seabirds and migratory shorebirds (2023);
- xxvii. Department of Sustainability and Environment (VIC), National Recovery Plan for the Dwarf Galaxias (*Galaxiella pusilla*) (2010);
- xxviii. Department of Sustainability and Environment (VIC), National Recovery Plan for the Yarra Pygmy Perch (*Nannoperca obscura*) (2010);
- xxix. Department of Sustainability and Environment (VIC), National Recovery Plan for Australian Grayling (*Prototroctes maraena*) (2008);
- xxx. Department of Sustainability and Environment (VIC), National Recovery Plan for the Variegated Pygmy Perch (*Nannoperca variegata*) (2010);
- xxxi. Department of Sustainability, Environment, Water, Population and Communities' (DSEWPaC) 'Indirect consequences' of an action: Section 527E of the EPBC Act (2013);
- xxxii. Department of the Environment and Conservation (NWS), Gould's Petrel (*Pterodroma leucoptera leucoptera*) Recovery Plan (2006);
- xxxiii. 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);
- xxxiv. Director of National Parks (DNP), South-East Marine Parks Network Management Plan 2025 (2025); and



- xxxv. Office of Environment and Heritage (NSW), National Recovery Plan for Eastern Bristlebird (*Dasyornis brachypterus*) (2012);
- j. relevant legislative requirements that apply to the activity and are relevant to the environmental management of the activity; and
 - k. relevant Federal Court of Australia authority.