

Acceptance of Prion 3D Marine Seismic Survey

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The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) provides the following statement of reasons for its decision to accept the Prion 3D Marine Seismic Survey Environment Plan (EP), subject to conditions, in accordance with regulation 10 of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*.

Relevant terms

1. 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 2009* are referred to as the Environment Regulations.
 - d. The Prion 3D Marine Seismic Survey Environment Plan (Revision 3, dated 11 August 2021) means the Environment Plan (EP).
 - e. The *Environment Protection and Biodiversity Conservation Act 1999* is referred to as the EPBC Act.
 - f. 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.
 - g. The titleholder is referred to as Beach Energy (Operations) Limited.
 - h. The term 'petroleum activity' means the Prion 3D Marine Seismic Survey.
 - i. 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).

- j. The term 'environmental impact' means any change to the environment, whether adverse or beneficial, that wholly or partially results from an activity.
- k. 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.
- l. The term 'environmental management system' includes the responsibilities, practices, processes and resources used to manage the environmental aspects of an activity.
- m. The term 'environmental performance' means the performance of a titleholder in relation to the environmental performance outcomes and standards mentioned in an environment plan.
- n. The term 'relevant person' has the meaning provided under regulation 11A of the Environment Regulations.
- o. 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.
- p. The term 'environmental performance standard' (EPS) means a statement of the performance required of a control measure.
- q. The term 'principles of ecologically sustainable development (ESD)' means the principles of ESD set out in Section 3A of the EPBC Act.
- r. The term 'operational area' is taken to be the operational area for the petroleum activity as defined in Section 2.3 of the EP.
- s. The Southern Right Whale calving biologically important area (BIA) means the area defined in the National Conservation Values Atlas – Object ID 2599 published by the Department of Environment and Energy (DoEE) (now Department of Agriculture, Water and the Environment; DAWE).
- t. The blue whale foraging BIA is taken to be the area defined in the National Conservation Values Atlas as the blue whale foraging area – Object ID2664 published by DAWE.
- u. Marine mammal observer is referred to as 'MMO'
- v. The term 'as low as reasonably practicable' is referred to as 'ALARP'.

Decision

- 2. On 9 September 2021, NOPSEMA made the decision pursuant to regulation 10(4)(b)(iii) and 10(6)(b) of the Environment Regulations to accept the EP, subject to conditions applying to operations for the activity.
- 3. Acceptance of the EP permits the titleholder to undertake the activity described in the EP, which is a marine seismic survey in Commonwealth waters of the central Bass Strait. This is the Prion 3D Marine Seismic Survey (MSS) to be undertaken pursuant to Access Authority T-04-AA and over titles T/RL2, T/RL4 and T/RL5, located approximately central in the Bass Strait. Water depths in the area range from approximately 55 to 80 meters. The Prion 3D MSS is proposed to take place during a period of up to 40 days, within which there will be approximately 25 days when the seismic source will operate to acquire data. The survey will occur within an area of 880 km².

4. The activity will comprise of a seismic vessel towing 12 streamers of approximately 8 km in length and a 2499 cubic inch (cui) airgun array, supported by two support vessels. The seismic vessel will acquire data along 76 sail lines spaced 75 m apart with an airgun shot interval of approximately 8.3 m and a travel speed of approximately 4 knots.
5. In undertaking the activity, the titleholder is subject to the requirements of the Environment Regulations and relevant provisions in the OPGGS Act, as well as the conditions as set out in the notice of decision dated 9 September 2021.
6. The notice of decision was provided to the titleholder on 9 September 2021, in accordance with regulation 11 of the Environment Regulations.

Authority

7. The decision maker for acceptance of an EP under regulation 10 of the Environment Regulations is the 'Regulator'. Where the decision relates to a petroleum activity, as it does here, regulation 4 of the Environment Regulations defines the Regulator to be NOPSEMA.
8. I, [REDACTED], am the decision maker responsible for this decision. At the time of making this decision, I held the position of Environment Manager, Offshore Projects & Seismic within NOPSEMA. I was empowered to make the decision pursuant to a delegation made by Stuart Smith, Chief Executive Officer (CEO) of NOPSEMA. Pursuant to section 666(2) of the OPGGS Act, anything done by the CEO in the name of NOPSEMA is taken to have been done by NOPSEMA.
9. A copy of the relevant instrument of delegation is available from NOPSEMA on request.
10. In this Statement of Reasons:
 - a. when I refer to NOPSEMA having made a request, I am referring to a request made by me in exercising my authority to make this decision;
 - b. when I refer to NOPSEMA having considered or had regard to a matter, whether it be expressed in those words or similar phrasing, I am referring to matter that I have considered or taken into account in exercising the authority delegated to me to make this decision; and
 - c. when I refer to NOPSEMA making a finding of fact or accepting a submission, I am referring to a finding made by me in exercising the authority delegated to me to make this decision.
11. Where appropriate, in making this decision, I have taken into account and accepted advice and recommendations from the assessment team within NOPSEMA.

The assessment process

12. The titleholder initially submitted an EP for the Prion 3D Marine Seismic Survey activity on 11 December 2020. A public comment period for that initial submission commenced on 18 December 2020. On 8 January 2021, the titleholder advised NOPSEMA that it had decided to withdraw that initial EP submission and NOPSEMA cancelled its assessment of that initial EP on the same day.
13. On 8 January 2021, the titleholder submitted a new EP (Revision 0) to NOPSEMA in accordance with sub-regulation 9(1) of the Environment Regulations.

14. On 8 January 2021, the EP (Revision 0) was published by NOPSEMA on NOPSEMA's website for public comment in accordance with regulation 9AB of the Environment Regulations, with the period for public comment closing on 8 February 2021. Five public comment submissions were received by NOPSEMA during this period.
15. Fifteen public comments had been received during the public comment campaign for the initial submission before the titleholder's decision to withdraw it. NOPSEMA wrote to all persons who had lodged a comment during the initial public comment campaign advising that given there had been no material change to the content of the EP, comments made on the initial submission would be taken to be relevant to the new EP submitted on 8 January 2021. Those persons were also advised that they may make comments again on the new submission during the subsequent 30-day public comment campaign, which commenced on 8 January 2021 and ran its full course.
16. On 22 February 2021, following the completion of the 30-day public comment process, the titleholder resubmitted the EP (Revision 1) to NOPSEMA in accordance with sub-regulation 9(1) of the Environment Regulations.
17. On 18 March 2021, the titleholder was notified that NOPSEMA was unable to make an assessment decision under sub-regulation 10(1)(c) of the Environment Regulations, with the notice date for the decision being revised from 24 March 2021 to 30 March 2021.
18. On 30 March 2021, NOPSEMA notified the titleholder that they were required to modify and resubmit the EP, as NOPSEMA was not reasonably satisfied that the EP met the acceptance criteria as set out in sub-regulation 10A of the Environment Regulations.
19. On 28 May 2021, the titleholder resubmitted the EP (Revision 2) to NOPSEMA in accordance with sub-regulation 9(1) of the Environment Regulations.
20. On 28 June 2021, the titleholder was notified that NOPSEMA was unable to make an assessment decision under sub-regulation 10(1)(c) of the Environment Regulations and NOPSEMA requested further written information from the titleholder, as NOPSEMA was not reasonably satisfied that the EP met the acceptance criteria as set out in sub-regulation 10A of the Environment Regulations.
21. On 11 August 2021, the titleholder resubmitted the EP (Revision 3) to NOPSEMA in accordance with sub-regulation 9(1) of the Environment Regulations.
22. On 9 September 2021, NOPSEMA accepted the EP (Revision 3), subject to conditions and/or limitations. A notice of this decision was provided to the titleholder on 9 September 2021, in accordance with regulation 11 of the Environment Regulations.
23. The NOPSEMA assessment team comprised an assessment manager, lead assessor and experienced environment technical specialists with expert knowledge in environmental and marine science relevant to offshore oil and gas activities and their associated impacts and risks. The assessment included an examination of higher order impacts and risks, with the specialist NOPSEMA assessors paying particular attention to those matters. The assessment included a general assessment of the EP and detailed topic assessments of the EP content, as follows:
 - a. Matters protected under Part 3 of the EPBC Act with a focus on whether underwater noise impacts on marine mammals (whales and pinnipeds) will be managed to an acceptable level and not inconsistent with relevant recovery plans.

- b. Socio-economic scope with a focus on whether impacts to commercially targeted octopus and scallop stocks will be managed to as low as reasonably practicable (ALARP) and acceptable levels, and that appropriate consultation was undertaken with relevant persons from the fishing sector.
24. On 9 September 2021, pursuant to regulation 10(4)(b)(iii) of the Environment Regulations, I accepted the assessment team's recommendation that the EP does not meet all the criteria set out in regulation 10A, but that it could be accepted subject to conditions applying to the operations for the activity pursuant to regulation 10(6)(b) of the Environment Regulations. In deciding to accept the plan subject to conditions applying to operations for the activity, NOPSEMA has considered and agree with each of the findings and conclusions made by the assessment team in relation to the general assessment and each topic assessment. Notice of this decision was provided in writing to the titleholder on 9 September 2021.

Key materials considered in making the decision

25. In making this decision, NOPSEMA considered the documents making up the EP submission in accordance with legislative requirements and NOPSEMA policy and procedure. The material that NOPSEMA had regard to in making this decision includes:
- a. The EP (Revision 3, dated 11 August 2021), comprising:
 - i. supporting EP documentation (Appendices [1, 2, 3, 4 ,5 ,6, 7, 8, 9, 10 and 11] and Sensitive Information provided in Appendix 4); and
 - ii. the titleholder's statement as to how public comments were taken into account.
 - b. The legislative framework relevant to EP assessments, including:
 - i. the OPGGS Act;
 - ii. the Environment Regulations; and
 - iii. the Program.¹
 - c. Policies and Guidelines
 - i. NOPSEMA, N-04000-PL0050 – *Assessment policy*;
 - ii. NOPSEMA, N-04750-PL1347 – *Environment plan assessment policy*;
 - iii. NOPSEMA, N-04750-GL1721 – *Environment plan decision-making guidelines*;
 - iv. Department of the Environment, Water, Heritage and the Arts, *Significant Impact Guidelines 1.1 – Matters of National Environmental Significance*, EPBC Act Policy Statement (2013); and
 - v. Department of the Environment, Water, Heritage and the Arts, *EPBC Act Policy Statement 2.1 – Interaction between offshore seismic exploration and whales: Industry Guidelines*, (September 2008).
 - d. Guidance:
 - i. NOPSEMA, N-04750-GN1344 – *Environment plan content requirements*;

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

- ii. NOPSEMA, N-04750-GN1785 – *Petroleum activities and Australian marine parks*;
 - iii. NOPSEMA, N-04750-GN1488 – *Oil pollution risk management*;
 - iv. NOPSEMA, N-04750-IP1765 – *Acoustic impact evaluation and management*; and
 - v. NOPSEMA, N-04750-IP1349 – *Operational and scientific monitoring programs*.
- e. Procedures:
- i. NOPSEMA, N-04750-SOP1369 – *Environment plan assessment standard operating procedure*.
- f. Other relevant documents and records:
- i. Director of National Parks. (2013). South-east Commonwealth Marine Reserves Network Management Plan 2013-23;
 - ii. relevant policies, plans of management, recovery plans, conservation advice and other guidance for matters protected under the EPBC Act;
 - iii. the Conservation Management Plan for the Blue Whale: A Recovery Plan under the EPBC Act (DoE, 2015);
 - iv. the Conservation Management Plan for the Southern Right Whale: A Recovery Plan under the EPBC Act (DSEWPC, 2011);
 - v. the Humpback Whale (*Megaptera novaeangliae*) Conservation Advice (DoE, 2015);
 - vi. relevant published, peer-reviewed scientific literature, including the scientific literature cited in the EP;
 - vii. the titleholder's report on public comment; and
 - viii. public comments received during the public comment period.

Legislative framework

26. The Environment Regulations relevantly provide that:

- a. Before commencing an activity, a titleholder must submit an EP for the activity to the Regulator (sub-regulation 9(1)).
- b. If a titleholder submits an EP, the Regulator may request the titleholder to provide further written information about any matter required by the Environment Regulations to be included in the EP (regulation 9A).
- c. If a titleholder receives a request under regulation 9A, it must provide the information requested by incorporating the information into the EP and resubmitting the EP within the period specified or within a longer period agreed to by the Regulator.
- d. If the EP is resubmitted under regulation 9A, the Regulator must have regard to that further information in making the decision under regulation 10.
- e. Within 30 days after the day the Regulator receives the written statement addressing public comments on the EP under regulation 11B(3), if the Regulator is:

- i. reasonably satisfied that the EP meets the criteria set out in regulation 10A, the Regulator must accept the EP (regulation 10(1)(a));
 - ii. not reasonably satisfied that the EP meets the criteria set out in regulation 10A, the Regulator must give the titleholder notice in writing (regulation 10(2)); or
 - iii. if the Regulator is unable to make a decision on the EP within the 30 day period, the Regulator must give the titleholder notice in writing and set out a proposed timetable for consideration of the EP (regulation 10(1)(c)).
- f. A notice to a titleholder under sub-regulation 10(2) must:
- i. state that the Regulator is not reasonably satisfied that the EP submitted by the titleholder meets the criteria set out in regulation 10A;
 - ii. identify the criteria set out in regulation 10A about which the Regulator is not reasonably satisfied; and
 - iii. set a date by which the titleholder may resubmit the EP.
- g. Regulation 10A provides the criteria the Regulator must consider in determining whether to accept an EP, and includes that the plan:
- i. is appropriate for the nature and scale of the activity;
 - ii. demonstrates that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable;
 - iii. demonstrates that the environmental impacts and risks of the activity will be of an acceptable level;
 - iv. provides for appropriate environmental performance outcomes, environmental performance standards and measurement criteria;
 - v. includes an appropriate implementation strategy and monitoring, recording and reporting arrangements;
 - vi. does not involve the activity or part of the activity, other than arrangements for environmental monitoring or for responding to an emergency, being undertaken in any part of a declared World Heritage property within the meaning of the EPBC Act;
 - vii. demonstrates that:
 - A. the titleholder has carried out the consultation required by Division 2.2A; and
 - B. the measures (if any) that the titleholder has adopted, or proposes to adopt, because of the consultation are appropriate; and
 - viii. complies with the OPGGS Act and the Environment Regulations.

Consideration and findings of material facts

27. NOPSEMA took into account the following considerations and findings of material fact which informed the decision to accept the EP with conditions.

Requirement that the EP be submitted in writing

28. The titleholder has submitted the EP in writing as required by regulation 9(6) of the Environmental Regulations.

The EP meets the formal requirements of regulation 12

29. NOPSEMA is satisfied that the EP meets all the formal requirements of regulation 12 of the Environment Regulations, as it includes the matters set out in regulations 13, 14, 15 and 16 of the Environment Regulations.

Environmental Assessment: regulation 13

Description of the activity

30. NOPSEMA considered the description of the activity in Section 3 of the EP and found that:

- a. a comprehensive description of the activity had been provided relevant to the consideration of environmental impacts and risks of the activity. Key aspects of the description included the following:
 - i. The petroleum activity described in the EP is a marine seismic survey (MSS), consisting of a three-dimensional (3D) MSS located in Commonwealth waters in central Bass Strait, approximately 75 km east of King Island (Tasmania), 57 km north of the town of Stanley (Tasmania) and 84 km south of Cape Liptrap (Victoria).
 - ii. The activity will be undertaken using a purpose-built survey vessel equipped with the necessary hardware to conduct a seismic acquisition survey.
 - iii. The location of the activity is clearly set out by diagrams, figures and coordinates depicting the survey operational area (up to 2,272 km²) and acquisition area (3D MSS totalling up to 880 km²).
- b. information considered relevant for the consideration of environmental impacts and risks (such as the operational details of the activity and proposed timetable) included:
 - i. a statement in the EP that the survey is planned to occur within the period between September 2021 and August 2023, excluding the January to April (inclusive) period to account for the foraging blue whale season;
 - ii. the activity duration, which is a maximum of 40 days (with approximately 25 acquisition days);
 - iii. the hours of operation, which is 24 hours a day;
 - iv. the activity location, which is within T/RL2, T/RL4 and T/RL5 and adjacent open acreage in Commonwealth waters in the general vicinity of central Bass Strait;
 - v. the water depths of the activity location, which range from approximately 50 to 80 m Lowest Astronomical Tide (LAT);
 - vi. the number of source arrays, which is three;
 - vii. the tow depth of source arrays, which is approximately 6 to 10 m below sea level;
 - viii. the maximum total volume of source arrays, which is 2,495 cui;

- ix. the operating pressure of source arrays, which is 2000 psi;
- x. the shot point interval, which is approximately 8.33 m;
- xi. the hydrophone type, length and tow depth, which is 12 solid hydrophone streamers towed 75 m apart, 8,000 m long and towed between 10 to 25 m depth; and
- xii. general details of the vessels to be used for the activity.

Description of the environment that may be affected

31. NOPSEMA considered the description of the environment in Section 5 of the EP that may be affected by the activity, including relevant values and sensitivities and found that:

- a. the description includes the physical environmental features and biological ecosystems and their constituent parts in the area that may be affected by the activity, including under emergency conditions.
- b. Department of the Environment and Energy's (DoEE) (now Department of Agriculture, Water and the Environment; DAWE) EPBC Protected Matters Search tool (see Appendix 5 of the EP for the report) was used to determine the conservation values and sensitivities in the environment that may be affected by the activity. The results of this search were that 109 listed threatened and 78 listed migratory species within the meaning of the EPBC Act were identified, including 14 species of cetaceans in the survey area and an additional 18 cetaceans in the broader environment that may be affected (EMBA) by oil spill scenarios.
- c. the proposed activity overlaps a foraging biologically important area (BIA) for the blue whale (described as a possible foraging area in the Conservation Management Plan for the Blue Whale) and is located 83 km from a connecting habitat BIA for the southern right whale. The activity overlaps with an area defined as the known core range within the Conservation Management Plan for the Southern Right Whale, with potential for cows and calves to transit through the operational area to and from coastal aggregation and calving areas. The activity also overlaps with the 'species core range' for humpback whales (Threatened Species Scientific Committee 2015) though does not overlap with humpback whale BIAs defined in the National Conservation Values Atlas (NCVA).
- d. the activity or any part of the activity will not be undertaken in any part of a declared World Heritage property within the meaning of the EPBC Act, as supported by the results from DoEE's (now DAWE) EPBC Act Protected Matters Search tool provided in Appendix 5 of the EP.
- e. values and sensitivities of the Central Bass Strait bioregion within the Commonwealth marine area have been identified and described.
- f. values and sensitivities of the following Australian Marine Parks (AMP) have been identified and described: Apollo AMP; Boags AMP; East Gippsland AMP; Zeehan AMP; Beagle AMP; Franklin AMP; and Flinders AMP.
- g. in identifying relevant values and sensitivities of AMPs, the EP has had regard to the South-east Commonwealth Marine Reserves Network Management Plan 2013-23.
- h. values and sensitivities of the following key ecological features (KEFs) have been identified and described: Upwelling East of Eden; West Tasmanian Canyons; and Big Horseshoe Canyon.

- i. values and sensitivities of the following threatened ecological communities (TECs) have been identified and described: Giant kelp marine forests of south-east Australia; assemblages of species associated with open-coast salt-wedge estuaries of western and central Victoria; and subtropical and temperate coastal saltmarsh.
- j. values and sensitivities of the following wetlands of international importance have been identified and described: Lavinia Nature Reserve; and Corner Inlet.
- k. values and sensitivities of the following National Heritage Places have been identified and described: The Western Tasmania Aboriginal Cultural Landscape; and Great Ocean Road and Scenic Environs.
- l. Commonwealth fisheries including though not limited to the Bass Strait Central Zone Scallop Fishery; Eastern Tuna and Billfish Fishery; Eastern Skipjack Tuna Fishery; Southern Bluefin Tuna Fishery; Small Pelagic Fishery; Southern Squid Jig Fishery; and Southern and Eastern Scalefish and Shark Fishery.
- m. Victorian managed fisheries including though not limited to the Bass Strait Scallop Fishery; Abalone Fishery; Rock lobster Fishery; Wrasse Fishery; Pipi Fishery; Giant Crab Fishery; and Multi-species Ocean fishery.
- n. the level of detail applied to the description of commercial fisheries is commensurate to the likelihood of the fishery being affected by the activity. For example, increased detail is provided in describing the Bass Strait Central Zone Scallop Fishery and the Tasmania Octopus Fishery.
- o. social, economic and cultural features of the environment relating to Aboriginal heritage, Native Title, maritime archaeological heritage, coastal settlements, offshore energy exploration and production, other infrastructure, tourism, recreation, commercial fisheries and commercial shipping have been identified and described.
- p. values and sensitivities within the broader environment that may be affected, such as Victorian Protected Areas and Tasmanian Protected Areas, have also been identified and described.

Requirements

- 32. The EP identifies the legislative requirements that apply to the activity and are relevant to the environmental management of the activity in various parts of the submission, particularly in Section 2 (Environmental Regulatory Framework) and appendices 1 (Assessment of Prion 3DMSS against the aims of marine park management plans) and 2 (Assessment of Prion 3DMSS against the aims of threatened species' management plans). Throughout the EP, a process is applied for evaluating acceptability of environmental impacts and risks that considers whether the activity aligns, or where applicable is not inconsistent, with relevant legislative, environmental and other external context, including the principles of ESD.
- 33. There is a suitable description of the relevant legislative and other requirements applying to the activity, including, but not limited to, relevant plans of management under the EPBC Act provided in the EP; and a suitable demonstration of how these requirements will be met by the titleholder has been provided by integrating these requirements as criteria for demonstrating that impacts and risks of the activity will be of an acceptable level.

Evaluation of environmental impacts and risks

34. As required by regulation 13(5) the EP includes:

- a. details of the environmental impacts and risks, including those arising from potential emergency conditions whether resulting from accident or any other reason, for the activity which are provided in Section 7. The environmental impacts and risks associated with the activity are identified, including environmental impacts and risks associated with:
 - i. underwater sound from the survey (biological receptors);
 - ii. underwater sound from the survey (commercial fisheries);
 - iii. seabed disturbance;
 - iv. displacement of other marine users;
 - v. routine emissions – light;
 - vi. routine emissions – atmospheric;
 - vii. routine discharges – putrescible waste;
 - viii. routine discharges – sewerage and grey water;
 - ix. routine discharges – cooling and brine water;
 - x. routine discharges – bilge water and deck drainage;
 - xi. interference with other marine users;
 - xii. accidental discharge of waste to the ocean;
 - xiii. vessel collision or entanglement with megafauna;
 - xiv. introduction and establishment of invasive marine species;
 - xv. Marine diesel oil (MDO) release; and
 - xvi. hydrocarbon spill response activities.
- b. an evaluation of all the impacts and risks, whether arising directly or indirectly, and including those arising from potential emergency conditions whether resulting from accident or any other reason, appropriate to the nature and scale of each impact or risk (Section 7).
- c. details of the control measures that will be used to reduce the impacts and risks of the activity to ALARP and an acceptable level (Section 7).

Environmental performance outcomes and standards

35. NOPSEMA considered the environmental performance outcomes, environmental performance standards and measurement criteria provided in the EP and found that:

- a. environmental performance standards have been set out for the control measures identified as being necessary to reduce the environmental impacts and risks of the activity to ALARP and acceptable levels;

- b. environmental performance outcomes have been set out which define performance for the management of the environmental aspects of the activity; and
- c. measurement criteria provided will allow the titleholder to determine whether each environmental performance outcome and environmental performance standard is being met for the duration of the activity.

Implementation strategy for the EP: regulation 14

36. The EP includes content addressing the requirements of regulation 14, including the following elements of the implementation strategy:
- a. titleholder performance reporting to NOPSEMA, including an end-of-survey EP Performance Report to be submitted within 3 months of survey completion. Incident reporting requirements are outlined in section 8.10 of the EP.
 - b. a description of the environmental management system for the activity that will be used to ensure that impacts and risks of the activity continue to be identified and that control measures are effective in reducing environmental impacts and risks to ALARP and acceptable levels and that EPOs and EPSs are met. In particular, Section 8.12 outlines assurance and reporting requirements and Section 8.8.1 describes the management of change standard.
 - c. a description of a clear chain of command, setting out roles and responsibilities for personnel, including during emergency conditions. In particular, Section 8.2 outlines the organisation structure for the activity and the roles and responsibilities of key project team members.
 - d. measures to ensure that personnel have awareness of roles and responsibilities and have appropriate competencies and training. In particular, Section 8.5.1 outlines the measures that are in place for ensuring employee and contractor competency, including the training, induction and communications requirements to fulfil their duties.
 - e. provides for sufficient monitoring, recording, audit, management of non-conformance review and monitoring, recording and reporting arrangements are adequate. In particular, Section 8.12 outlines the process for inspections and audits including content that describes management of non-conformances.
 - f. provides for sufficient monitoring and maintenance of emissions and discharges relevant to assessing whether environmental performance outcomes and standards are being met. In particular, Section 8.12 outlines the approach to monitoring and record keeping for emissions and discharges.
37. Section 9 of the EP outlines an oil pollution emergency plan that includes arrangements for responding to and monitoring oil pollution. The EP provides for ongoing consultation during the implementation of the activity with relevant persons, however, NOPSEMA found that that commitments to ongoing consultation were inadequate as addressed below (see paragraphs 59, 60 & 61).

Details of titleholder and liaison person: regulation 15

38. Details for the titleholder were included in the EP, including name, contact details and ACN (within the meaning of the *Corporations Act 2001*) as well as the contact details of the titleholder's nominated liaison person.

39. The EP contained arrangements for notifying NOPSEMA of a change in the titleholder, the nominated liaison person, or of change in the contact details of either.

Other information in the EP: regulation 16

40. NOPSEMA considered other information provided in the EP and found that:

- a. the titleholder's "Environment Policy" was provided (Section 2.1; Figure 2.1); and
- b. details of all reportable incidents, meaning those that have the potential to cause moderate to significant environmental damage relating to the activity, are to be reported to NOPSEMA (Section 8.10.1).

Consultation undertaken in the course of preparing the EP

41. The EP contained a report on all consultations under regulation 11A of any relevant person by the titleholder (section 4 of the EP). That report contains a summary of each response made by a relevant person, and assessment of the merits or claim about the adverse impact of each activity to which the EP relates and a statement of the titleholder's response, or proposed response, if any, to each objection or claim and a copy of the full text of any response by a relevant person (Table 4.2 of the EP). The full text of relevant persons consultation is contained in the sensitive information part of the EP, provided to NOPSEMA as Appendix 4 of the EP.

Consideration of substantive requirements of EP

42. Under the environment regulations, in order to approve the EP, NOPSEMA must be satisfied that the criteria in regulation 10A are met.

43. There are also considerations that NOPSEMA must take into account as a consequence of other legislation, policy statements and common law principles. These include the following:

- a. Pursuant to Australian Government documents 'Streamlining Offshore Petroleum Environmental Approvals: Strategic Assessment Report' (February 2014) and 'Streamlining Offshore Petroleum Environmental Approvals: Program Report' (February 2014), in the course of assessing the EP, NOPSEMA is required to consider certain matters under the EPBC Act.
- b. When assessing the EP, NOPSEMA has considered the principles of ecologically sustainable development; protected matters under Part 3 of the EPBC Act and the cumulative impact of multiple proposed activities.

44. These additional considerations are taken into account at various stages of the assessment and are further addressed at the end of the statement of reasons.

The EP is appropriate to the nature and scale of the activity: regulation 10A(a)

45. NOPSEMA is reasonably satisfied that the EP is appropriate to the nature and scale of the activity because:

- a. a suitable description of the activity is provided and there is a thorough description of the environment relevant to the area that may be affected by the activity (see paragraphs 30 & 31 above);

- b. the EP is clearly scoped and bounded with clarity on the seismic operations, data acquisition and temporal exclusion of the months of January and April inclusive to avoid primary foraging season for blue whales;
- c. the EP considers public comments and relevant persons consultation which is part of the risk and impact assessment process, and control measures have been proposed for all impacts and risks identified including invasive marine species, marine birds, marine mammals, commercial fishers and unplanned release of hydrocarbons;
- d. the statements and conclusions drawn by the titleholder regarding environmental impacts and risks have been sufficiently supported by scientific literature, with greater effort afforded to support aspects of evaluation where there is a higher degree of uncertainty in the predicted environmental impacts and / high severity of potential consequences e.g. potential impacts to socio-economic receptors and noise sensitive marine fauna;
- e. appropriate additional studies to support the evaluation of impacts and risks and are provided in the EP, specifically:
 - i. underwater sound modelling (Appendix 9); and
 - ii. oil spill trajectory modelling (Section 7.15.1).
- f. having regard to the nature and scale of each impact or risk, NOPSEMA is reasonably satisfied that the evaluation of each impact and risk set out in the EP is appropriate to the nature and scale of each impact or risk and that the EP includes details of the control measures that will be used to reduce the impacts and risks of the activity to ALARP and an acceptable level.

The EP demonstrates that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable: regulation 10A(b)

46. NOPSEMA is reasonably satisfied that the EP demonstrates that the environmental impact and risks of the activity will be reduced to ALARP because (see paragraph 34 above):
- a. The approach to demonstrating that impacts and risks are managed to ALARP involves consideration of good industry practice, assessing available and feasible control measures for their environmental benefit and cost, and for higher order impacts and risks, implementing further controls if feasible and reasonably practicable to do so.
 - b. It is evident that the process for evaluating whether impacts and risks have been managed to ALARP has been applied with additional control measures adopted for higher order impacts and risks (e.g., control measures for the management of underwater noise impacts on cetaceans and commercial fisheries).
 - c. All reasonable control measures have been considered and evaluated, the evaluation of impacts and risks has been informed by suitable control measures and there is sufficient detail of the control measures to understand how control measures are intended to perform.

- d. The EP provides supported conclusions that the adopted controls have lowered the potential impact to the point that any additional or alternative control measures either fail to lower the impact any further or are grossly disproportionate to the residual impact consequence.

Commercial fisheries

47. NOPSEMA is reasonably satisfied that the EP demonstrates that the environmental impact and risks of the activity to commercial fisheries will be reduced to ALARP because:

- a. The EP adequately identifies and evaluates the potential impacts and risks from the activity to molluscs (scallops and octopus) and their respective fisheries. The EP considers both the potential physiological/mortality impacts to molluscs from underwater sound and the subsequent potential impact to commercial fisheries. The titleholder's evaluation is commensurate to the predicted magnitude of impacts and risks to scallops and octopus.
- b. The EP adequately evaluates control measures that could be reasonably considered to reduce impacts to scallops, octopus and their respective fisheries to ALARP. Justification as to whether or not a control measure is adopted is based on the consideration of environmental benefit, cost and a cost-benefit analysis.
- c. Relevant person consultation has been undertaken, and information provided during this process has been considered by the titleholder and incorporated into the control measures where appropriate. For example, reducing the size of the survey area (50–55 m depths) based on scallop fishers' advice that these water depths may be important habitat for future scallop fishing.

Marine mammals

48. NOPSEMA is reasonably satisfied that the EP demonstrates that the environmental impact and risks of the activity to marine mammals will be reduced to ALARP because:

- a. The EP adequately identifies and evaluates the potential impacts and risks from the activity to marine mammals, including cetaceans and pinnipeds, based on the likely occurrence of species within the operational area, and the prediction of impact based on peer-reviewed acoustic effect thresholds and independent underwater noise propagation modelling.
- b. The EP adequately evaluates control measures that could be reasonably considered to reduce impacts to marine mammals, including cetaceans and pinnipeds, to ALARP. Justification as to whether or not a control measure is adopted is based on the consideration of environmental benefit and feasibility. Specifically:
 - i. Additional control measures have been applied for those species for which there is a higher potential for biologically significant impacts, such as baleen whales. For example, a seasonal exclusion has been applied from January to April inclusive to cover the time period when the Bass Strait is likely to be seasonally productive and support foraging whales, reducing impacts to whales that may forage opportunistically in the region when it is highly productive, to ALARP.
 - ii. The use of additional vessel-based platforms has been adopted to increase the effective range over which marine mammal observers can undertake observations, improving the efficacy and reliability of shut down protocols for marine mammals. Adaptive mitigation measures,

informed by whale occurrence and mitigation actions (as outlined in Appendix 10), were adopted to ensure that impacts and risks would continue to be managed to ALARP, including during night time and low visibility conditions, for the duration of the activity.

- iii. An increased 2 km low power zone has been implemented for all whale species which is much larger than the distance over which the impulsive noise injury thresholds (< 70 m for PK metric for injury from instantaneous exposure) is predicted to occur for all cetaceans migrating through the area.
 - iv. Additional control measures were evaluated for pinnipeds and the reasons for not adopting them were based on a comprehensive evaluation of the environmental benefit and reasonable practicability of implementation. The evaluation of impacts was supported by peer-reviewed literature that indicates the operational area is unlikely to support large numbers of foraging fur seals.
- c. The EP provides supported reasons that the adopted controls for marine mammals have lowered the potential impact to the point that any additional or alternative control measures would be grossly disproportionate to any remaining impact.

The EP demonstrates that the environmental impacts and risks of the activity will be of an acceptable level: regulation 10A(c)

49. NOPSEMA is reasonably satisfied that the EP demonstrates that the environmental impact and risks of the activity will be of an acceptable level (with the exception of underwater noise impacts to blue whales, see paragraphs 52 & 79 below, addressed by a condition imposed) because:

- a. The EP involves a process for evaluating the acceptable levels of impact and risk that considers internal and external policy setting, stakeholder feedback, legislative context, industry practice, environmental context including the sensitivity / status of receptors and the principles of ESD (see paragraph 32 above). For the matters that are considered higher order impacts and risks, and where there is potential for inconsistency with the principles of ESD, it is evident that acceptable effort has been afforded to addressing these matters either through temporal, spatial or administrative control measures. NOPSEMA considers that the EP will ensure that the activity can be managed consistent with the principles of ESD because:
 - i. The titleholder's consideration and response to public comments, consultation with relevant persons and the evaluation of the socio-economic, cultural and ecological features of the environment that may be affected by the activity demonstrates that the impacts of the activity will be managed to ALARP and acceptable levels.
 - ii. A precautionary approach to the management of impacts on commercial fisheries and cetaceans has been applied. This includes:
 - A. A process for scallop and octopus fishers to be appropriately compensated for any proven economic loss due to the Prion 3D MSS;
 - B. Undertaking a scallop biomass assessment and Prion 3D MSS before-after-control-impact (BACI) study to determine the direct impacts of the MSS on scallop biomass within the known and potential scallop habitat areas in the acquisition area, with the results made

- available for relevant scallop fishing associations and individual licenced scallop fishers to reference if making a claim using Beach's compensation process;
- C. Avoiding potentially important areas of scallop and octopus habitat as informed by relevant stakeholders;
 - D. Exclusion of the survey during the primary blue whale foraging season (January to April);
 - E. Adaptive management procedures with sensitive triggers to ensure that no seismic acquisition will take place if two or more blue whales are observed from any detection platform to account for possible variability the timing of the blue whale foraging period.
 - F. Application of protective control measures to blue and large unidentified baleen whales to ensure appropriate control measures are implemented efficiently without the need to confirm species identification, while also offering additional protection to other listed threatened species including sei and fin whales.
- iii. There are control measures in place to avoid and minimise environmental impacts and risks such that they will be managed to be an acceptable level and ALARP for the duration of the environmental impact(s) generated by the activity and the environmental impacts and risks of the activity will not forego the health, diversity and productivity of the environment for future generations.
 - iv. The control measures for environmental impacts to the biodiversity and ecological values of the environment affected, including matters of national environmental significance; demonstrate that impacts to biodiversity values are ALARP and acceptable.
- b. The EP content demonstrates that the proposed activity is not inconsistent with:
 - i. Recovery plans for a listed threatened species or ecological community, including the Conservation Management Plan for the Southern Right Whale.
 - ii. South-east Commonwealth Marine Reserves Network Management Plan 2013-23 (DNP, 2013).
 - c. The EP evaluates environmental impacts associated with atmospheric emissions, including greenhouse gases generated by the activity. With the implementation of adopted control measures such as controls on low sulphur fuel use and management in accordance with international maritime requirements, NOPSEMA formed a view that the impacts of the activity's emissions to the atmosphere will be managed to an acceptable level.
 - d. The EP shows regard was had to relevant policy documents, guidance, bioregional plans, wildlife conservation plans, management plans, gazettal instruments under the EPBC Act, conservation advices, including the Megaptera novaeangliae (humpback whale) Conservation Advice, marine bioregional plans and other information on the DAWE website including spatial data (e.g. National Conservation Values Atlas).

Commercial fisheries

50. NOPSEMA is reasonably satisfied that the EP demonstrates that the environmental impact and risks of the activity on commercial fisheries will be of an acceptable level because:

- a. The EP provides clearly defined acceptable levels of impacts for molluscs (scallops and octopus), the scallop fishery and the octopus fishery, and compares these levels to the predicted levels of impact and risk to demonstrate that the environmental impacts of the activity will be managed to an acceptable level.
- b. The methods for predicting levels of impact (including activity-specific acoustic modelling undertaken for assessing marine fauna sound exposures and relevant scientific literature) are considered to be systematic, defensible and reproducible.
- c. Where uncertainty in predictions exists (e.g. potential impacts from seismic generated underwater noise on octopus and scallops), the titleholder has committed to ensuring commercial fishers will not incur a financial loss due to the Prion survey through a robust compensation process and is committed to providing additional evidence to support this EPO through studies such as the scallop BACI survey and underwater sound validation.
- d. The titleholder has undertaken considerable relevant persons consultation, with information from fishers and fisheries bodies (e.g. Bass Strait Scallop Industry Association, Scallop Fisherman's Association of Tasmania, T.O.P Fish Tasmania, etc.) appropriately incorporated into the EP so that the activity will be managed to an acceptable level.

Marine mammals

51. NOPSEMA is reasonably satisfied that the EP demonstrates that the environmental impact and risks of the activity on marine mammals, with the exception of blue whales (see paragraphs 52 & 79 below), will be of an acceptable level because:
- a. The EP has regard to relevant policy documents, guidance, bioregional plans, wildlife conservation plans, management plans, marine bioregional plans and other information on the DAWE website including spatial data (e.g. National Conservation Values Atlas) and evaluates the impacts of anthropogenic noise on all relevant listed species.
 - b. The EP provides clearly defined acceptable levels of impacts for marine mammals (including cetaceans and pinnipeds) and compares these levels to the predicted level of impact and risk to demonstrate that the environmental impacts of the activity will be managed to acceptable levels.
 - c. The EP considers the potential for permanent and temporary injury and behavioural disturbance as a result of underwater noise exposure and any subsequent potential impact to individual fitness and population viability. The titleholder's evaluation is commensurate to the predicted magnitude of impacts and risks to marine mammals.
 - d. The EP predicts that impacts to fur seals will be limited to temporary behavioural disturbance of individuals within the survey area which does not appear to constitute important foraging habitat. Consequently, the activity is not predicted to result in unacceptable impacts to fur seals.
 - e. The EP provides an evaluation of impacts and risks that is systematic, defensible and supported by relevant information. The evaluation of impacts is supported by acoustic propagation modelling, which indicates that for mid frequency cetacean species, including dolphins and toothed whales, and pinnipeds, auditory impacts including injury are not predicted to occur.

- f. In relation to low frequency cetaceans, including baleen whales, the EP provides a robust demonstration that impacts to migratory whales, including humpback and dwarf minke whales, will be reduced to acceptable levels through the application of control measures including EPBC Policy Statement 2.1, a 2 km power down zone, the use of qualified and experienced marine mammal observers (MMOs) and additional vessel-based observation platforms to improve the efficacy of visual observations to inform management responses.
 - g. Based on acoustic modelling predictions, additional control measures were required to reduce impacts to acceptable levels for species undertaking critical behaviours within the operational area and hence may be resident within a localised area for over 24 hours. This includes southern right and blue whales.
 - h. The EP provides a comprehensive evaluation of the potential impacts to southern right whales within the core coastal range, particularly cows and calves that may be migrating out of coastal BIAs. Based on the adoption of substantial additional controls, including increased precaution zones, extended shutdowns, and precautionary adaptive mitigation, the impacts to southern right whales biologically important behaviours are not predicted to be unacceptable.
 - i. The adoption of additional control measures is commensurate with the nature and scale of the risk, and will reduce the risk of vessel strike, and potential for auditory and behavioural impacts to southern right whales, particularly cows and calves, to acceptable levels. The EP demonstrates how the activity will be managed consistent with the Recovery Plan for Southern Right Whales and provides suitable control measures for cows and calves.
 - j. To demonstrate that the activity could be managed consistent with the Conservation Management Plan for the Blue Whale, substantial additional control measures were adopted showing that the survey data would not be acquired during a period when foraging blue whales were present. This included:
 - i. Survey exclusion of the primary blue whale foraging period;
 - ii. precautionary detection and mitigation measures including pre-start surveys, extended shut-down of the seismic source, aerial surveys to inform occurrence; and
 - iii. no night-time operations if any blue whales have been sighted to ensure that blue whales were not present within the largest predicted range of impact (based on conservative 24 hour exposure thresholds).
52. Notwithstanding the measures outlined in paragraphs 49, 50 and 51 above, NOPSEMA was not reasonably satisfied that the impacts of underwater noise on blue whales would be of an acceptable level because:
- a. The EP required two or more positive blue whale identifications before triggering the deployment of spotter aircraft to inform ongoing management of the activity (EPS-16 and Appendix 10) and NOPSEMA was of the view that:
 - i. this approach could result in a delay to the implementation of aerial observations and appropriate management responses in circumstances where two or more blue whales are present but have not been positively identified (e.g., unidentified baleen whale); and

- ii. to obtain a positive identification of a blue whale, the EP allowed for the support and/or chase vessel to actively follow blue whales at potentially close distances (up to 100 m) to confirm whale identification (RSK-03, EPS-01) and consequently there would be potential for underwater noise generated by the support/chase vessel to displace foraging blue whale(s), which could result in impacts that would be inconsistent with the Conservation Management Plan for the Blue Whale.

53. NOPSEMA imposed a condition on acceptance of the EP which required the titleholder to implement actions to ensure timely shut down of airguns in response to baleen whale detections, aerial surveillance to inform decisions about re-starting the activity after a shut down and to prevent support or chase vessels intentionally approaching whales. Further detail of the terms of the condition is provided in paragraph 79 below.
54. NOPSEMA formed the view that compliance by the titleholder with the condition imposed (see paragraph 79 below) addresses the concerns outlined above and allow for NOPSEMA to be reasonably satisfied that impacts to blue whales will be of an acceptable level during operations for the activity.

The EP provides for appropriate environmental performance outcomes, environmental performance standards, and measurement criteria: regulation 10A(d)

55. NOPSEMA considered the EPOs provided in the EP, including the relevant EPOs for seabirds, invasive marine species, commercial fisheries and marine mammals and found that they were appropriate because:
- a. the EPOs, including those for higher order environmental impacts and risks such as underwater noise impacts on noise sensitive receptors:
 - i. are relevant to identified environmental impacts and risks for the activity;
 - ii. establish measurable levels for management of environmental aspects of activities that are part of the project; and
 - iii. when read in conjunction with the relevant environmental impact/risk evaluation content and environmental performance standards and measurement criteria, demonstrate that impacts and risks will be of an acceptable level.
 - b. the EPOs generally reflect the defined acceptable level and are presented as measurable levels of environmental performance. There are EPSs for each control measure and these EPSs contain statements of performance that clarify how the control measure is to function in order to effectively mitigate impacts (e.g. EPOs and EPSs for light impacts on birds).
 - c. the EPOs and EPSs when read together, define levels of performance required of the activity environmental management and how that level of performance will be measured. For example, the environmental performance outcome defined for introduced marine species (IMS) risk management is no introduction of IMS, the achievement of which is supported by environmental performance standards set for each of a number of control measures that are specific to IMS risk treatment.
 - d. Measurement criteria are considered to be records that could reasonably be expected to be a basis for monitoring compliance, by both the titleholder and NOPSEMA.

Commercial fishers

56. NOPSEMA is reasonably satisfied that the EP provides for appropriate EPOs, EPSs and measurement criteria as it relates to commercial fishers because:

- a. the EP contains clear, unambiguous EPOs for impacts and risks to the scallop and octopus fisheries that are directly linked to Beach's defined acceptable levels for each respective aspect. For example, separate EPOs provide for impacts to scallops and octopus, the scallop fishery, and the octopus fishery:
 - i. Scallops and octopus EPO: *no population level impacts to molluscs from the MSS.*
 - ii. Scallop fishery EPO: *commercial scallop fishers are compensated for any economic loss due to the MSS.*
 - iii. Octopus fishery EPO: *the commercial octopus fisher is compensated for any proven loss of catch.*
 - iv. EPSs for controls relevant to the management of impacts to commercial fishers are supported with clear measurement criteria that can be easily monitored. For example, for scallop fishers 'Beach makes their Fair Ocean Access procedure and claim form available to the scallop fishing associations and individual licenced scallop fishers who have requested it from Beach so that they are able to make a claim for losses' (IMP-02: EPS-09), and there are suitable measurement criteria linked to the EPS.

Marine mammals

57. NOPSEMA is reasonably satisfied that the EP provides for appropriate EPOs, EPSs and measurement criteria as it relates to marine mammals because:

- a. the EP contains clear, unambiguous EPOs for impacts and risks to the marine mammals that are directly linked to the defined acceptable levels for each respective aspect. EPOs are provided for cetaceans and pinnipeds that reflect the defined acceptable levels of impact. For example:
 - i. There is a clear and unambiguous EPO for cetaceans that reflects the defined acceptable level of impact for cetaceans and is consistent with requirements of the Conservation Management Plan for the Blue Whale: *Cetaceans can migrate through and forage in and around the survey area without displacement or injury.*
 - ii. There is a clear and unambiguous EPO for pinnipeds that reflects an acceptable level of impact for fur seals: *No population or ecosystem level effects on pinnipeds.*
 - iii. EPSs for control measures that are relevant to the management of impacts to marine mammals and are support by clear measurement criteria that can be easily monitored. For example, 'Operations procedure (IMP-01:EPS-14). Examples of EPSs relevant to the control measures for marine mammals include (though are not limited to):
 - A. If a whale is sighted within or about to enter the low power zone (2 km), the acoustic source will be powered down to the lowest possible setting.
 - B. If a whale is observed within the shutdown zone of the source (500 m), the acoustic source will be shut down.

- C. Soft-start procedures will only resume after the whale has been observed to move outside the low power zone.
- b. There are specific EPSs for southern right whales and blue whales that have a relevant recovery plan in place and are most at risk from the impacts of underwater noise given the life stage potentially affected and their threatened status. Examples of EPSs include:
 - i. If a blue whale or southern right whale is observed, the source will be shut down for no less than 4 hours.
 - ii. Soft start procedures will only resume after there have been 4 continuous hours with no sightings.
 - iii. If 2 or more blue whales are sighted in the preceding daylight hours the survey restart procedure will be enacted (see IMP-01:EPS-16).
- c. Suitable measurement criteria are provided that link to the EPS and will clearly provide a record that the EPS have been met.

The EP includes an appropriate implementation strategy and monitoring, recording and reporting arrangements: regulation 10A(e)

58. NOPSEMA is reasonably satisfied that the EP demonstrates that the EP includes an appropriate implementation strategy and monitoring, recording and reporting arrangements, with the exception of ongoing consultation arrangements (see paragraphs 59 and 79), because:
- a. the content requirements for an implementation strategy under regulation 14 are evident and appropriate for the nature and scale of the activity (see paragraphs 36 and 37 above).
 - b. the EP describes adequate and effective processes and systems in place to ensure that all impacts and risks continue to be identified and reduced to ALARP and acceptable. For example, the environmental management system described in the EP is aligned with recognised standards (AS/NZS ISO 14001: Environmental management systems, AS/NZS ISO 31000: Risk management - Principles and guidelines) and contains specific measures to ensure that the control measures detailed in the EP will be effective in reducing the environmental impacts and risks of the activity to an acceptable level and ALARP; and that the environmental performance outcomes and standards in the EP will be met.
 - c. the environment management system includes measures to ensure that environmental impacts and risks of the activity will continue to be identified and reduced to ALARP and to an acceptable level. Key system elements such as an EP review process are set out and a change management standard which refers to consideration of new emerging external context is also outlined.
 - d. a clear chain of command is established in the EP, with set roles and responsibilities of personnel in relation to the implementation, management and review of the EP, including during emergencies or potential emergencies, with the titleholder responsible for ensuring the activity is undertaken in the manner described in the EP. This includes a description of the titleholder's organisational structure for the activity, and roles and responsibilities of key personnel.
 - e. the EP outlines measures for ensuring employee and contractor training and competency to fulfil their duties and are aware of the responsibilities. For example, the EP identifies system

components addressing contractor evaluation and management, employee training and competency development and a project-specific Health, Safety & Environment (HSE) induction, for all vessel personnel.

- f. there are sufficient arrangements are in place for monitoring, recording, audit, management of non-conformance and review of the titleholder's environmental performance. For example, the EP sets out requirements for internal inspections and audits, including process for tracking any non-conformance or opportunities for improvement identified in the titleholder's incident management systems. This requires assigning responsibilities to personnel to manage issues and verify close out.
- g. sufficient arrangements are in place to allow 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 environmental performance outcomes and standards in the EP are being met. For example, the implementation strategy includes a summary of all environmental monitoring to be carried out for the activity, which includes monitoring parameters, frequency and records for demonstrating compliance.
- h. an oil pollution emergency plan has been provided that is consistent with the national system for oil pollution preparedness and response, and the requirements in regulation 14(8AA) to (8E) addresses arrangements for responding to and monitoring oil pollution, including:
 - i. the control measures necessary for timely response to an emergency;
 - ii. the arrangements and capability in place, for the duration of the activity, to ensure timely implementation of the control measures, including arrangements for ongoing maintenance of response capability;
 - iii. the arrangements and capability in place for monitoring the effectiveness of the control measures and ensuring that the environmental performance standards for the control measures are met;
 - iv. arrangements and capability for monitoring oil pollution to inform response activities are in place. For example, the submission requires the titleholder support the control agency with Type I monitoring and to activate monitoring of impacts to the environment from oil pollution and response activities. Given the nature of the proposed monitoring scopes and the arrangements for working in consultation with the Control Agency, the oil spill monitoring is considered appropriate and sufficient to inform any remediation activities;
 - v. arrangements for testing of the response arrangements in the oil pollution emergency plan reflect requirements of the regulations and are considered commensurate with the risk, including commitments to test spill response arrangements prior to commencing the activity, record any actions arising from the test and track them to completion prior to the start of the activity.
- i. ongoing consultation arrangements are in place, with the ongoing consultation process described in the EP requiring the titleholder to continue to consult with relevant persons as appropriate. This includes commitments to further consultation with key stakeholders in Tasmania, with measures in place for remote meetings if Covid-19 border restrictions prevent face-to-face engagement. The EP also sets out arrangements in place with a commercial fishing association to provide for SMS

notifications to members before, during and after the survey. All stakeholders will also be provided an opportunity to receive regular updates via SMS of the survey start date, updates on progress and completion.

- j. the implementation strategy complies with the OPGGS Act, Environment Regulations and the EPBC Act as required by regulation 14(10). For example, the EP complies with the requirements of the OPGGS Act (including but not limited to the requirements under section 571 and 572 EP), meets the content requirements of an EP required by Division 2.3 of the Environment Regulations, and, in conjunction with the conditions imposed by NOPSEMA, complies with the EPBC Act through the Program (see paragraphs 71 and 72 below).

59. Notwithstanding the measures outlined in paragraph 58 above, the EP does not satisfactorily demonstrate that the implementation strategy provides for appropriate ongoing consultation arrangements as required by regulation 14(9) because:

- a. the EP did not demonstrate that all relevant persons who may undertake concurrent activities on the water will be engaged and notified prior to, and during the activity, so that appropriate arrangements can be put in place to manage simultaneous operations where necessary (e.g. recreational and commercial activities).
- b. while the EP states that, if face to face meetings with stakeholders in Tasmania are not possible due to Covid-19 related border restrictions, these meetings will be conducted remotely, these remote meeting methods do not appear to be extended to stakeholders other than in Tasmania.

60. NOPSEMA imposed a condition on acceptance of the EP which establishes outcomes for appropriate on-going relevant persons consultation, that the titleholder is required to achieve. These outcomes require the titleholder continue the process of identifying and consulting with relevant persons, including those undertaking marine use activities and to take steps to ensure impacts and risks to other marine users are identified and managed to ALARP and acceptable levels. Further detail of the terms of the condition imposed is provided in paragraph 79 below.

61. NOPSEMA formed the view that compliance by the titleholder with the condition imposed (see paragraph 79) addresses concerns outlined above and allows for NOPSEMA to be reasonably satisfied that the implementation strategy is appropriate for ensuring that impacts to other marine users will be reduced to ALARP and be of an acceptable level.

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 10A(f)

62. NOPSEMA is reasonably satisfied, based on the description of the location of the activity in the EP, that it does not involve the activity or part of the activity being undertaken within any part of a declared World Heritage Property.

The EP demonstrates that the titleholder has carried out the consultations required by Division 2.2A, and the measures (if any) that are adopted because of the consultations are appropriate: regulation 10A(g)

63. NOPSEMA is reasonably satisfied that the EP demonstrates that the titleholder has carried out the consultations required by Division 2.2A and the measures adopted because of the consultations are appropriate because (see paragraph 41):
- a. consultation has taken place with relevant persons as required by regulation 11A including by taking into account the relevant persons' functions, interests and activities and providing sufficient information and a reasonable period to consider the information and make an informed response. In particular:
 - i. the process for identifying relevant persons in the EP has been implemented. The full text of the responses by relevant persons has been included in the sensitive information section of the EP where those responses are in written form. The EP includes an appropriate assessment of the merits of each objection and claim raised during relevant persons' consultation.
 - ii. Where appropriate, the titleholder has included additional management measures for example: responded to the claims raised by Tasmanian Department of Primary Industries, Parks, Water and Environment (DPIPWE) in relation to impacts on commercial fishers, cetaceans and vessel lighting.
 - b. The EP includes a method for identification of, and consultation with, relevant persons that comprises:
 - i. Consideration of the requirements for consultation with relevant persons in Regulation 11A;
 - ii. Identification of those whose functions, interests or activities may be affected by the Prion 3DMSS;
 - iii. A methodology for engagement (section 4.5) including project information sheets, one-on-one briefings, dedicated emails and a tailored approach for fishers that may be affected;
 - iv. Consultation commenced in March 2020 and has continued throughout the course of the assessment process (August 2021).
 - c. The titleholder's consultation process in preparing the EP has been effective and meaningful and the measures adopted in the EP appropriately address the concerns raised during the consultation. For example:
 - i. consultation with the DPIPWE has resulted in additional control measures for vessel lighting, ongoing consultation with regard to Tasmanian based scallop fishers and Tasmanian manager octopus fisheries, commitments to consider further research including FRDC research, and a commitment to reporting any marine mammal entanglements.
 - ii. consultation with Bass Strait Scallop Industry Association and the Scallop Fisherman's Association of Tasmania has been effective and meaningful in addressing concerns. Information gathered through the consultation process has been incorporated into the EP (e.g. excising the 50–55 m depths in consultation with the scallop and octopus fishers, designing the scallop biomass and BACI surveys in consultation with the, designing features of the compensation process in consultation with fishers and fishery bodies).
 - iii. consultation with Bunurong Land Council Aboriginal Corporation (BLCAC) and Tasmanian Aboriginal Centre (TAC) has resulted in the provision of sufficient information and time within

which to respond. Ongoing consultation provisions provide a suitable mechanism for Beach to be able to address any forthcoming questions or concerns raised by relevant persons.

- iv. consultation with Surfrider Foundation Australia (SFA) has resulted in improved detail on the migration patterns of dwarf minke whales and humpback whales relevant to informing the evaluation of impacts and risks to these species, improved control measures for undertaking night time operations including the commitment to not undertake night-time operations if any blue or southern right whale is observed in the four hours prior to sunset, and consultation with BLCAC and TAC who were previously excluded from the relevant persons consultation category.
- v. consultation with the Australian Southern Bluefin Tuna Industry Association (ASBTIA) has resulted in an improved understanding that, due to the timing of the survey, impacts on southern bluefin tuna fishing activities and stock is likely to be extremely localised and unlikely to result in SBT changing migration course that would impact on fishing effort or catch either in Bass Strait or in traditional fishing grounds to the east and west.

The EP complies with the Act and Regulations: regulation 10A(h)

64. NOPSEMA is reasonably satisfied that, in accordance with regulation 5G of the Environment Regulations, and at the time of making the decision to accept the EP, the titleholder has demonstrated it has maintained financial assurance in compliance with subsection 571(2) of the OPGGS Act in relation to the activity, and that the compliance is in a form that is acceptable to NOPSEMA.
65. Part 1B of the Environment Regulations specifies that titleholders are required to maintain sufficient financial assurance to meet the costs, expenses and liabilities that may result from a worst-case event associated with its offshore activities. In the case of the Prion 3D MSS, the most credible of such an event would be a large-scale marine diesel oil spill. Through review of the titleholder's financial assurance declaration and confirmation forms, NOPSEMA is satisfied that the titleholder has made commitments to having insurance policies in place that will cover the costs of spill response and operational and scientific monitoring.
66. NOPSEMA is reasonably satisfied that the EP complies with the requirements of the OPGGS Act and regulations because:
 - a. the EP is consistent with the 'Objects' of the Environment Regulations including the principles of ESD.
 - b. There is sufficient information to address each of the content requirements of regulations 13-16 of the Environment Regulations with enough clarity, consistency and detail commensurate to the nature and scale of the activity.
67. The EP acknowledges and commits to the requirements of the OPGGS Act (including but not limited to the requirements under section 571 and 572) to maintain equipment and property brought into the title area and to remove it when neither used, nor to be used, in connection with operations. The EP does not allow for any equipment to be left on the seabed at the completion of the activity. For example, the EP makes commitments to recovering loggers for sound validation at the completion of the MSS, avoiding the loss of streamers/dropped objects and for recovering accidentally lost streamers.

68. The EP acknowledges and commits to complying with the requirements of the Environment Regulations (including but not limited to the requirements under sections 26 and 29) to notifying reportable incidents and start and end of an activity.

Other considerations

The regulator must consider public comments received: regulation 11B(6)

69. NOPSEMA is required to consider public comments that were received during the public comment period on the Prion 3D MSS when deciding whether to accept an EP under Regulation 10.

70. NOPSEMA's consideration of public comments is documented in NOPSEMA's Key Matters Report (published on NOPSEMA's website) which sets out how NOPSEMA took into account comments received (as described in subregulation 11B(2)) when making its decision under Regulation 10.

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

71. The Program endorsed under section 146 of the EPBC Act outlines the environmental management authorisation process for offshore petroleum and greenhouse gas activities administered by NOPSEMA and requires NOPSEMA to comply with Program responsibilities and commitments.

72. In implementing the Program, NOPSEMA conducts assessments of EPs against the requirements of the Program, which include 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. Some examples of how NOPSEMA has applied the program requirements to this EP include ensuring that the decision to accept this EP with limitations and conditions:

- a. is not inconsistent with relevant recovery plans, threat abatement plans and wildlife conservation plans, and that these documents have been taken into account when determining the acceptability of the EP where impacts to listed threatened species and ecological communities may arise. Examples include the Conservation Management Plan for the Blue Whale and the Conservation Management Plan for the Southern right whale.
- b. ensures that impacts to the Commonwealth marine area will be of an acceptable level having regard to relevant policy documents, gazettal instruments, bioregional plans, wildlife conservation plans, plans of management and EPBC Act guidance documents on the DAWE website.
- c. ensures that the decision will not result in unacceptable impacts to a migratory species or an area of important habitat for a migratory species having regard to relevant policy documents, wildlife conservation plans and guidelines on the DAWE website.

The Program: Cumulative environmental impacts

73. 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.

74. NOPSEMA considered the potential for cumulative environmental impacts to the Commonwealth marine area as required by the Program. NOPSEMA is reasonably satisfied that the environmental impacts of the activity combined with existing and proposed future pressures on the Commonwealth marine area, in particular noise sensitive receptors that are most at risk from the activity, would be of an acceptable level because:
- a. the EP has considered the potential cumulative impact pathways to scallops from multiple noise exposures over the duration of the activity and from consecutive activities. The broader distribution/high biomass of scallops outside the survey acquisition area which, in combination with the associated management commitments outlined in the EP, provide confidence that the impacts to scallops, when considered in the context of other anthropogenic pressures, will be of an acceptable level.
 - b. the EP has considered the potential impacts to pinnipeds from multiple exposures to seismic noise over the duration of the activity and noise exposures from multiple, different sources of sound. The evaluation has been undertaken in the context of the likely behaviours and habitat use of pinnipeds in the region, which, in combination with the limited overlap of the survey with foraging habitat, and associated management commitments outlined in the EP provides confidence that the impacts to pinnipeds, when considered in the context of other anthropogenic pressures, will be of an acceptable level.
 - c. the EP has considered the potential impacts to cetaceans from multiple noise exposures over the duration of the activity, as well as the impacts of multiple and different sources of sound (e.g. shipping and other petroleum activities) over consecutive seasons in areas that are considered biologically important for marine mammal species. The evaluation of impacts to cetaceans from the activity has been undertaken in the context of the likely behaviour of species in the area to inform the likelihood of exposure to extended durations of seismic noise. The evaluation in combination with the associated management commitments outlined in the EP provides confidence that the impacts to marine mammals, when considered in the context of other anthropogenic pressures, will be of an acceptable level.
 - d. the cumulative impact assessment concludes that impacts resulting from cumulative exposure to underwater noise are more likely for species that may remain within the operational area for extended periods of time due to particular biologically important behaviours. This is particularly relevant to blue whales which may be foraging in discrete areas for extended periods of time. Taking into account the precautionary control measures that apply to blue whales as set out in the EP and the temporal exclusion of the blue whale foraging season, the evaluation in combination with the associated management commitments outlined in the EP provides confidence that the impacts to blue whales, when considered in the context of other anthropogenic pressures, will be of an acceptable level.

Potential environmental impacts arising from Greenhouse gas emissions (GHG)

75. In assessing the EP, NOPSEMA had regard to the EPBC Act Policy Statement 'Indirect consequences of an action: Section 527E of the EPBC Act (SEWPaC 2013), in particular in relation to GHG emissions, including scope 3 emissions. The Prion MSS is an exploration activity only and therefore does not

involve the production of reservoir hydrocarbons. Accordingly, there are no Scope 2 or 3 emissions that could be considered impacts of the activity.

76. NOPSEMA's consideration of impacts associated with the activity's emissions to the atmosphere, including greenhouse gases, is set out in paragraph 48.

Acceptance subject to conditions

77. In accordance with regulation 10 and based on the available facts and evidence, NOPSEMA was reasonably satisfied that the EP met the following criteria set out in sub-regulation 10A of the Environmental Regulations:

10A(a) the EP is appropriate for the nature and scale of the activity; and

10A(b) the EP demonstrates that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable; and

10A(d) the EP provides for appropriate environmental performance outcomes, environmental performance standards and measurement criteria; and

10A(f) the EP does not involve the activity or part of the activity, other than arrangements for environmental monitoring or for responding to an emergency, being undertaken in any part of a declared World Heritage property within the meaning of the EPBC Act; and

10A(g) the EP demonstrates that:

- i. the titleholder has carried out the consultations required by Division 2.2A; and
- ii. the measures (if any) that the titleholder has adopted, or proposes to adopt, because of the consultations are appropriate; and

10A(h) the EP complies with the Act and the regulations.

78. For the reasons set out in paragraphs 52, 53, 54, 59, 60 and 61 NOPSEMA was not reasonably satisfied that the EP met the following two criteria set out in sub-regulation 10A of the Environmental regulations:

10A(c) the EP demonstrates that the environmental impacts and risks of the activity will be of an acceptable level; and

10A(e) the EP includes an appropriate implementation strategy and monitoring, recording and reporting arrangements.

79. However, NOPSEMA was reasonably satisfied that it was appropriate to accept the EP if the following two conditions were imposed:

Blue whale noise mitigation

1. For the purpose of implementing **Survey re-start procedure (blue whales)**, if two or more whales are sighted the following actions will be taken:

- i. an immediate shutdown of the airguns; and

- ii. *deployment of spotter aircraft with suitably qualified marine mammal observers to undertake observations to inform a timely and effective adaptive management response in accordance with **Survey re-start procedure (blue whales)**.*

2. *Any support or chase vessel that is operating in connection with the Prion 3D MSS activity is not permitted to intentionally approach a whale for any purpose, including species identification.*

Appropriate consultation with relevant persons

3. *Ensure there is an ongoing consultation process that applies prior to, during and, where appropriate, following the activity so that:*

- i. *all relevant persons, particularly those undertaking marine use activities continue to be identified, included on the relevant stakeholder registers and are provided sufficient information; and*
- ii. *impacts and risks to **other marine users** continue to be identified and managed to as low as reasonably practicable (ALARP) and acceptable levels.*

Definitions

For the purposes of interpreting the conditions in this attachment the following definitions apply:

Unless otherwise specified all terms specified in the conditions have the same meaning as in the Environment Regulations.

Survey re-start procedure (blue whales): *[6] Survey re-start procedure (blue whales) as documented in Appendix 10 of the Environment Plan Prion 3D Marine Seismic Survey (T/RL2, T/RL4, T/RL5) (Document No. T-5200-05-MP-0001), Revision 3, dated 11 August 2021).*

Whales: *Balaenoptera musculus spp (blue whale) or an unidentified baleen whale.*

Other marine users: *relevant persons who use the marine environment within the area that may be affected by the operations of the Prion MSS, including but not limited to, recreational and commercial fishers and divers.*

80. As NOPSEMA is reasonably satisfied that, subject to the above conditions, the EP meets the criteria set out in sub-regulation 10A of the Environmental Regulations, NOPSEMA accepted the EP subject to those conditions pursuant to sub-regulation 10A(6)(b) of the Environment Regulations.
81. NOPSEMA also noted the compliance monitoring powers contained in the OPGGS Act which may be used to ensure compliance with the EP, including conditions imposed.

Conclusion

82. Having regard to the relevant Acts and Regulations and the available facts and evidence, NOPSEMA is reasonably satisfied that the EP, subject to conditions:
 - a. is appropriate for the nature and scale of the activity;
 - b. demonstrates that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable; and
 - c. demonstrates that the environmental impacts and risks of the activity will be of an acceptable level; and

- d. provides for appropriate environmental performance outcomes, environmental performance standards and measurement criteria; and
- e. includes an appropriate implementation strategy and monitoring, recording and reporting arrangements; and
- f. does not involve the activity or part of the activity, other than arrangements for environmental monitoring or for responding to an emergency, being undertaken in any part of a declared World Heritage property within the meaning of the EPBC Act; and
- g. demonstrates that:
 - i. the titleholder has carried out the consultations required by Division 2.2A; and
 - ii. the measures (if any) that the titleholder has adopted, or proposes to adopt, because of the consultations are appropriate; and
- h. complies with the Act and the regulations.

Accordingly, NOPSEMA decided to accept the EP, subject to the conditions outlined above.

Signed



Environment Manager – Offshore Projects & Seismic

12 October 2021



NOPSEMA

Australia's offshore energy regulator

Our ref: ID: 5496; A800890

Your ref: T-5200-05-MP-0001

Contact: [REDACTED]

Email: [REDACTED]

[REDACTED]
Seismic Acquisition and Survey Lead
Beach Energy (Operations) Limited
[REDACTED]
[REDACTED]

Dear [REDACTED]

RE: ENVIRONMENT PLAN ACCEPTANCE WITH CONDITIONS – PRION 3D MARINE SEISMIC SURVEY

Please be advised that the Prion 3D Marine Seismic Survey environment plan (EP), comprising:

- Environment Plan Prion 3D Marine Seismic Survey (T/RL2, T/RL4, T/RL5) (Document No. T-5200-05-MP-0001), Revision 3, dated 11 August 2021);
- Environment Plan Appendices Prion 3D Marine Seismic Survey (T/RL2, T/RL4, T/RL5); and
- Environment Plan Appendices – Sensitive Information Prion 3D Marine Seismic Survey (T/RL2, T/RL4, T/RL5)

has been accepted subject to conditions in accordance with regulation 10(6) of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (Environment Regulations).

An assessment of the EP was conducted in accordance with the Environment Regulations and NOPSEMA's assessment policies. This included a general assessment of the whole EP and two detailed topic assessments of the EP content, as follows:

- Matters protected under Part 3 of the EPBC Act focused on underwater noise impacts on marine mammals (whales and pinnipeds) will be managed to an acceptable level and not inconsistent with relevant recovery plans.
- Socio-economic focused on
 - (a) impacts to commercially targeted octopus and scallop stocks are managed to ALARP and acceptable levels and
 - (b) appropriate consultation has been undertaken with relevant persons from the fishing sector.

In accordance with regulation 11(1)(c) NOPSEMA gives notice that acceptance of the EP is subject to conditions applying to operations for the Prion 3D Marine Seismic Survey as detailed in Attachment 1.

The reasons for my decision to accept the plan subject to conditions are:

- The EP requires two or more positive blue whale identifications before triggering the deployment of spotter aircraft to inform ongoing management of the activity (EPS-16 and Appendix 10). This approach does not demonstrate that the underwater noise impacts will be of an acceptable level because:



- There could be a delay to the implementation of aerial observations and appropriate management responses in circumstances where two or more blue whales are present but have not been positively identified (e.g., unidentified baleen whale); and
 - To obtain a positive identification of a blue whale, the EP allows for the support and/or chase vessel to actively follow blue whales at potentially close distances (up to 100m) to confirm whale identification ((RSK-03, EPS-01)). Consequently, there is potential for underwater noise generated by the support/chase vessel to displace foraging blue whale(s), resulting in impacts that would be inconsistent with the Conservation Management Plan for the Blue Whale (2015-2025).
- The implementation strategy for the activity is not appropriate as it is not clear that it will provide for suitable timing and breadth of consultation with relevant persons. In particular:
 - The EP does not demonstrate that relevant persons who may undertake concurrent activities on the water will be engaged and notified prior to and during the activity so that appropriate arrangements can be put in place to manage simultaneous operations where necessary (e.g., recreational and commercial fishing and diving).
 - The EP suggests that there are limitations on the scope of persons engaged by remote methods in the event that Covid-19 restrictions prevent face to face engagement. For example, while the EP states that if face to face meetings with stakeholders in Tasmania are not possible due to border restrictions these meetings will be conducted remotely, however, these remote meeting methods do not appear to be extended to relevant stakeholders outside of Tasmania (e.g. commercial fishers operating from Victoria) (Section 4.8).

Please note that the responsibility for the ongoing environmental performance of the Prion 3D Marine Seismic Survey activity remains, at all times, with Beach Energy (Operations) Limited.

Beach Energy (Operations) Limited is reminded that once a title for the activity is granted, titleholders have a duty under section 571 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* to maintain sufficient financial assurance. NOPSEMA may seek evidence of compliance with the duty through its compliance monitoring activities which may include Beach Energy (Operations) Limited providing a declaration of financial assurance compliance. For further information, see NOPSEMA's Guideline N-04750-GL1381 Financial assurance for petroleum titles.

NOPSEMA will communicate this acceptance decision on its website and will publish the final EP, excluding the sensitive information part, in accordance with regulation 9(2A). To provide transparency of its assessment decision, NOPSEMA will also publish a key matters report outlining the factors contributing to the decision, including how matters raised through public comment were taken into account.

Please be advised that in accordance with regulation 7, an activity must not be undertaken in a way that is contrary to the EP in force for the activity, or any condition applying to operations for the activity under the Environment Regulations.

You are reminded that in accordance with regulation 29, Beach Energy (Operations) Limited must notify NOPSEMA at least ten days before commencement and within ten days after completion of any stage of an activity outlined in the EP.



Should you have any queries regarding the above, please contact the lead assessor for your submission

[REDACTED]

Yours sincerely

[REDACTED]

Environment Manager, Offshore Projects & Seismic

wA521992

09 September 2021

Attachment 1

In accordance with regulation 11(1)(c) NOPSEMA gives notice that acceptance of the EP is subject to the following conditions applying to operations of the Beach Energy (Operations) Limited Prion 3D Marine Seismic Survey.

Blue whale noise mitigation

1. For the purpose of implementing **Survey re-start procedure (blue whales)**, if two or more whales are sighted the following actions will be taken:
 - a. an immediate shutdown of the airguns; and
 - b. deployment of spotter aircraft with suitably qualified marine mammal observers to undertake observations to inform a timely and effective adaptive management response in accordance with **Survey re-start procedure (blue whales)**.
2. Any support or chase vessel that is operating in connection with the Prion 3D MSS activity is not permitted to intentionally approach a whale for any purpose, including species identification.

Appropriate consultation with relevant persons

Ensure there is an ongoing consultation process that applies prior to, during and, where appropriate, following the activity so that:

- i. all relevant persons, particularly those undertaking marine use activities continue to be identified, included on the relevant stakeholder registers and are provided sufficient information; and
- ii. impacts and risks to other **marine users** continue to be identified and managed to as low as reasonably practicable (ALARP) and acceptable levels.

Definitions

For the purposes of interpreting the conditions in this attachment the following definitions apply:

Unless otherwise specified all terms specified in the conditions have the same meaning as in the Environment Regulations.

Survey re-start procedure (blue whales): [6] Survey re-start procedure (blue whales) as documented in Appendix 10 of the Environment Plan Prion 3D Marine Seismic Survey (T/RL2, T/RL4, T/RL5) (Document No. T-5200-05-MP-0001), Revision 3, dated 11 August 2021).

Whales: *Balaenoptera musculus spp* (blue whale) or an unidentified baleen whale.

Other marine users: relevant persons who use the marine environment within the area that may be affected by the operations of the Prion MSS, including but not limited to, recreational and commercial fishers and divers.