

Acceptance with conditions of the Nganhurra Operations Cessation Environment Plan

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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 Nganhurra Operations Cessation Environment Plan, 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 Nganhurra Operations Cessation Environment Plan, K1005UH1400288790, Revision 13, May 2023 means the Environment Plan (EP).
 - e. The *Environment Protection and Biodiversity Conservation Act 1999* is referred to as the EPBC Act.
 - f. The titleholder means Woodside Energy Limited.
 - g. The term 'petroleum activity' means the operation of the Nganhurra Operations Cessation activity.
 - h. The term 'environment' means:
 - i. ecosystems and their constituent parts, including people and communities and
 - ii. natural and physical resources and
 - iii. the qualities and characteristics of locations, places, and areas and
 - iv. the heritage value of places and includes
 - v. the social, economic, and cultural features of the matters mentioned in paragraphs (i), (ii), (iii) and (iv).
 - i. The term 'environmental impact' means any change to the environment, whether adverse or beneficial, that wholly or partially results from an activity.
 - j. The term 'control measure' means a system, an item of equipment, a person or a procedure, that is used as a basis for managing environmental impacts and risks.

- k. The term 'environmental management system' includes the responsibilities, practices, processes and resources used to manage the environmental aspects of an activity.
 - l. The term 'environmental performance' means the performance of a titleholder in relation to the environmental performance outcomes and standards mentioned in an environment plan.
 - m. The term 'environmental performance outcome' (EPO) means a measurable level of performance required for the management of environmental aspects of an activity to ensure that environmental impacts and risks will be of an acceptable level.
 - n. The term 'environmental performance standard' (EPS) means a statement of the performance required of a control measure.
 - o. The term 'principles of ecologically sustainable development' (ESD) means the principles of ESD set out in Section 3A of the EPBC Act.
 - p. The term 'relevant person' has the meaning provided under regulation 11A of the Environment Regulations.
 - q. The term 'operational area' is taken to be the operational area for the petroleum activity as defined in Section 3.3.1 of the EP.
 - r. The *Program Report – Strategic Assessment of the environmental management authorisation process for petroleum and greenhouse gas storage activities administered by the National Offshore Petroleum Safety and Environmental Management Authority under the Offshore Petroleum and Greenhouse Gas Storage Act 2006* that was endorsed on 7 February 2014, is referred to as the Program.
 - s. The term 'as low as reasonably practicable' is referred to as 'ALARP'.
2. Terms used in this Statement of Reasons which are defined in the Environment Regulations or the OPGGS Act have the same meaning as under the Environment Regulations or OPGGS Act.

Decision

- 3. On 27 July 2023 NOPSEMA made the decision, pursuant to regulation 10(6) of the Environment Regulations, to accept the EP subject to conditions applying to operations for the activity.
- 4. Acceptance of the EP permits the titleholder to undertake the petroleum activity described in the EP, which includes inspection, maintenance and repairs whilst on location and the removal of the riser turret mooring (RTM) from the offshore area to an onshore disposal facility. The activity is in Commonwealth waters in the Exmouth Sub-basin. The RTM is situated approximately 38 km north of North West Cape (Western Australia).
- 5. In undertaking the petroleum 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 27 July 2023.
- 6. The notice of decision was provided to the titleholder on 27 July 2023, 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, David Christensen, am the decision maker responsible for this decision. At the time of making this decision, I held the position of Manager Decommissioning within NOPSEMA. I was empowered to make the decision pursuant to delegation made by Sue McCarrey, 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 a 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 considered and accepted advice and recommendations from the assessment team within NOPSEMA.

Legislative framework

12. The Environment Regulations relevantly provide that:
 - a. Before commencing any significant modification or new stage of the petroleum activity, a titleholder must submit a proposed revision of the EP for the significant modification or new stage of the petroleum activity to the Regulator (regulation 17(5)).
 - b. Regulation 21 provides that regulations 9AA, 9AB, 9AC, 9A, 10, 10A, 11 and 11A, and regulations 11B and 11C if relevant, apply to the proposed revision as if:
 - i. A reference in those regulations to the submission, acceptance or non-acceptance of the environment plan were a reference to the submission, acceptance or non-acceptance of the proposed revision; and
 - A. The reference in regulation 9AA to submission of an environment plan under regulation 9 were a reference to the submission of the proposed revision under regulation 17, 18 or 19; and
 - B. Any other reference in those regulations to the environment plan were a reference to the plan as revised by the proposed revision.

- c. 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).
- d. If a titleholder receives a request under regulation 9A, they 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.
- e. If the EP is resubmitted under regulation 9A, the Regulator must have regard to that further information in making the decision under regulation 10.
- f. Within 30 days after the day the Regulator publishes the EP (under regulation 9AB) 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)).
- g. A notice to a titleholder under regulation 10(2) must:
 - i. state that the Regulator is not reasonably satisfied that the EP submitted by the titleholder meets the acceptance 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.
- h. Pursuant to regulation 5G NOPSEMA must not accept an environment plan unless it is reasonably satisfied that the titleholder is compliant with subsection 571(2) of the Act in relation to the petroleum activity, and the compliance is in a form that is acceptable to NOPSEMA.
- i. Regulation 10A provides the acceptance 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 ALARP
 - iii. demonstrates that the environmental impacts and risks of the activity will be of an acceptable level
 - iv. provides for appropriate environmental performance outcomes (EPOs), environmental performance standards (EPSs) 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.

13. Section 3A of the EPBC Act provides:

- a. The following principles are principles of ecologically sustainable development:
 - i. Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social, and equitable considerations.
 - ii. If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
 - iii. The principle of inter-generational equity—that the present generation should ensure that the health, diversity, and productivity of the environment is maintained or enhanced for the benefit of future generations.
 - iv. The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making.
 - v. Improved valuation, pricing and incentive mechanisms should be promoted.

The assessment process

- 14. On 22 July 2022, the titleholder submitted a proposed revision of the EP (K1005UH1400288790 Revision 11 dated July 2022) to NOPSEMA in accordance with regulation 17(5) of the Environment Regulations.
- 15. On 2 August 2022, the EP (K1005UH1400288790 Revision 11 dated July 2022) was published by NOPSEMA on NOPSEMA's website.
- 16. On 29 August 2022, the titleholder was requested to provide further written information under Regulation 9A.
- 17. On 5 October 2022, the titleholder was requested to provide further written information under Regulation 9A in relation to the Federal Court decision (*Tipakalippa v National Offshore Petroleum Safety and Environmental Management Authority (No 2)* [2022] FCA 1121.)
- 18. On 8 December 2022, the titleholder was requested to provide further written information under Regulation 9A in relation to the Appeal decision (*Santos NA Barossa Pty Ltd v Tipakalippa* [2022] FCAFC 193 (Appeal Decision))

19. In response to the requests from NOPSEMA to provide further written information, the titleholder resubmitted the EP in accordance with regulation 9A(1) of the Environment Regulations on 3 February 2023 (K1005UH1400288790 Revision 12 dated February 2023).
20. On 28 February 2023, the titleholder was given notice under Regulation 10(2) that NOPSEMA is not reasonably satisfied that the EP meets criteria set out in Regulation 10A and provided the titleholder with the opportunity to modify and resubmit the EP.
21. In response to the request from NOPSEMA to modify and resubmit the EP, the titleholder resubmitted the EP on 26 May 2023 (K1005UH1400288790 Revision 13 dated May 2023).
22. 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 whole EP and detailed topic assessments of the EP content, as follows:
 - a. Matters protected under Part 3 of the EPBC Act: Risks and impacts to the values of the Commonwealth Marine Area, in particular the Ningaloo World Heritage Area, will be reduced to an acceptable level.
 - b. Decommissioning: appropriateness of the control measures in place to ensure the RTM remains on station and retains integrity for the extended timeframe, decision making criteria for selection of the option for removal and the removal activity.
 - c. Socio-economic: adequacy of consultation methodology in the context of the activities proposed under the EP.
23. On 27 July 2023, pursuant to regulation 10(4)(b)(iii) of the Environment Regulations, I accepted the assessment team's recommendation that the EP (K1005UH1400288790, Revision 13, May 2023) still does not meet all the acceptance criteria set out in regulation 10A of the Environment Regulations, in particular, regulations 10A(b) and 10A(g). Pursuant to regulation 10(6)(b) of the Environment Regulations, the Regulator is permitted to accept the EP subject to limitations or conditions applying to operations for the petroleum activity. On 14 July 2023 I invited the titleholder to comment on the proposed conditions applying to operations for the activity. A response to this invitation was received on 25 July 2023 which I considered prior to making my decision to accept the plan subject to conditions applying to operations for the activity.
24. In deciding to accept the plan for the activity subject to limitations or conditions, I have 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 27 July 2023, in accordance with regulation 11 of the Environment Regulations.

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 (K1005UH1400288790, Revision 13, May 2023), comprising:

- i. Nganhurra Operations Cessation Environment Plan (Document No. K1005UH1400288790, Revision 13, dated May 2023);
 - ii. Oil Pollution Emergency Arrangements – Australia – Guideline (Document No. W0000AV0003.0001 Revision 14); and
 - iii. Nganhurra Operations Cessation Environment Plan Revision Sensitive Information Document (Revision 13, dated May 2023)
- b. The legislative framework relevant to EP assessments, including:
- i. the OPGGS Act
 - ii. the Environment Regulations and
 - iii. the Program¹.
- c. Policies and Guidelines:
- i. NOPSEMA Assessment policy (N-04000-PL0050)
 - ii. NOPSEMA Environment plan assessment policy (N-04750-PL1347)
 - iii. NOPSEMA Environment plan decision making guidelines (N-04750-GL1721)
 - iv. NOPSEMA Consultation in the course of preparing an Environment Plan guideline (N-04750-GL2086)
 - v. NOPSEMA Section 572 Maintenance and removal of property regulatory policy (N-00500-PL1903)
 - vi. NOPSEMA Financial assurance for petroleum titles policy (N-04730-PL1780)
 - vii. Department of the Environment, Water, Heritage and the Arts, Significant Impact Guidelines 1.1 – Matters of National Environmental Significance, EPBC Act Policy Statement (2013).
 - viii. Department of Agriculture, Water and the Environment's (DAWE) 'Indirect consequences' of an action: Section 527E of the EPBC Act (2013).
- d. Guidance:
- i. NOPSEMA Environment plan content requirements guidance note (N-04750-GN1344)
 - ii. NOPSEMA Petroleum activities and Australian marine parks guidance note (N-04750-GN1785)
 - iii. NOPSEMA Oil pollution risk management guidance note (N-04750-GN1488)
 - iv. NOPSEMA Acoustic impact evaluation and management information paper (N-04750-IP1765)
 - v. NOPSEMA Operational and scientific monitoring programs information paper (N-04750-IP1349)
 - vi. NOPSEMA Reducing marine pest biosecurity risks through good practice biofouling management (N-04750-IP1899) and

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

- vii. Department of Industry, Science, Energy and Resources, Offshore Petroleum Decommissioning Guideline (2018).
- e. Procedures:
- i. NOPSEMA Environment plan assessment standard operating procedure (N-04750-SOP1369).
- f. Other relevant documents and records:
- i. relevant policies, plans of management, recovery plans, conservation advice and other guidance for matters protected under the EPBC Act, including:
- Commonwealth of Australia, Recovery Plan for Marine Turtles in Australia 2017–2027 (2017)
 - Commonwealth of Australia, Conservation Management Plan for the Blue Whale 2015–2025 (2015)
 - Threat Abatement Plan for the impacts of marine debris on the vertebrate wildlife of Australia's coasts and oceans 2018 (2018)

Consideration and findings of material facts

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

The EP meets the formal requirements in regulation 12

27. NOPSEMA is satisfied that the revised EP meets all the formal requirements of regulation 12, as required by regulation 20 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 (regulation 13(1))

28. NOPSEMA considered the description of the petroleum activity in Section 3 of the EP and found that:
- a. a comprehensive description of the petroleum activity had been provided relevant to the consideration of environmental impacts and risks of the petroleum activity. Key aspects of the description included the following:
- i. the location of the petroleum activity, which is clearly set out in the EP by figures and tables, including coordinates
- ii. the operational area and petroleum safety zone
- iii. operational details of the activity such as equipment spread, vessels; methodology and decision making framework
- iv. timing and duration of the activity
- v. routine and non-routine emissions and discharges from the petroleum activity, including atmospheric, acoustic and light emissions
- vi. unplanned discharges ranging from diesel spill in a vessel collision to the release of polyurethane foam from the RTM in an unplanned sinking event.

29. Based on the findings above, NOPSEMA is reasonably satisfied that the requirements of regulation 13(1) are met.

Description of the environment that may be affected (regulation 13(2) and (3))

30. NOPSEMA considered the description of the existing environment in section 4 of the EP and found that:
- a. a thorough description of the environment that may be affected (EMBA) by the petroleum activity, including under emergency conditions, had been provided.
 - b. the activity or any part of the activity will not be undertaken in any part of a declared World Heritage Property or National Heritage Place within the meaning of the EPBC Act, as described in section 4.3 of the EP.
 - c. values and sensitivities of the following Australian Marine Parks (AMPs) in the EMBA, have been identified and described: Gascoyne AMP, Ningaloo AMP, Shark Bay AMP, Carnarvon Canyon AMP and Montebello AMP.
 - d. in identifying values and sensitivities of the relevant AMPs, the EP has had regard to the North West Marine Parks Network Management Plan, South West Marine Parks Network Management Plan and North Marine Parks Network Management Plan.
 - e. values and sensitivities of the following key ecological features in the EMBA, have been identified and described: Canyons linking the Cuvier Abyssal Plain and the Cape Range Peninsula, Continental slope demersal fish communities, Commonwealth waters adjacent to Ningaloo Reef, Ancient coastline at 125m depth contour, Exmouth Plateau and Western demersal slope and associated fish communities.
 - f. the following Commonwealth managed fisheries in the EMBA, have been identified and described: North West Slope Trawl Fishery, Western Deepwater Trawl Fishery, Western Tuna and Billfish Fishery, Southern Bluefin Tuna Fishery and Western Skipjack Tuna Fishery.
 - g. the following state managed fisheries in the EMBA, have been identified and described: Pilbara Line Fishery, Pilbara Trap Managed Fishery, Pilbara Fish Trawl (interim) Managed Fishery, Pilbara Crab Managed Fishery, Specimen Shell Managed Fishery, Marine Aquarium Fish Managed Fishery, West Coast Deep Sea Crustacean Managed Fishery, Mackerel Managed Fishery, Western Australia Sea Cucumber Fishery, Open Access in the North Coast, Gascoyne Coast and West Coast Bioregions, West Coast Rock Lobster Fishery, Onslow Prawn Managed Fishery, Land Hermit Crab Managed Fishery, Exmouth Prawn Managed Fishery, Gascoyne Demersal Scalefish Fishery, Shark Bay Prawn Managed Fishery, Shark Bay Scallop Managed Fishery, Shark Bay Crab Managed Fishery, Pearl Oyster Managed Fishery, South West Coast Salmon Managed Fishery, Western Australia Abalone Managed Fishery and WA North Coast Shark Fishery.
 - h. key values and sensitivities of the social, economic and cultural features of the environment relating to Aboriginal heritage (tangible and intangible aspects), maritime archaeological heritage, tourism and recreation, shipping, oil and gas production and defence activities have been identified and described using relevant and recognised sources. For example, Section 4.9.1 of the EP summarises currently recognised Native Title, Sea Country and Heritage Values that fall within the EMBA by summarising information contained in existing Indigenous cultural heritage and sea country literature, government commissioned reports and Marine Park Management Plans to help determine whether known Indigenous cultural values and sensitivities that may be impacted by the proposed

activity. The information provided was consistent with the sources, which include (but are not limited to):

- i. Sea Countries of the North-West; Literature review on Indigenous connection to and uses of the North West Marine Region (DCCEEW)
- ii. The five applicable and relevant Marine Park Management Plans (Parks Australia)
- iii. Recent and relevant literature and reports pertaining to cultural heritage, including Indigenous underwater heritage sensitivities.

31. Based on the findings above, NOPSEMA is reasonably satisfied that the requirements of regulation 13(2) and (3) are met.

Requirements (regulation 13(4))

32. The EP identifies the legislative requirements that apply to the petroleum activity and are relevant to the environmental management of the petroleum activity in various parts of the submission, particularly in Appendix B (description of legislative requirements relevant to the activity), section 2 (impact and risk assessment methodology), section 6.6 (planned activities risk and impact assessment) and section 6.7 (Unplanned activities risk and impact assessment). Throughout the EP, a process is applied for evaluating acceptability of environmental impacts and risks that considers whether the petroleum activity aligns or, where applicable, is not inconsistent with relevant legislative, environmental and other external context.

33. Based on the findings above, NOPSEMA is reasonably satisfied that the requirements of regulation 13(4) are met.

Evaluation of environmental impacts and risks (regulation 13(5) and (6))

34. As required by regulation 13(5) and (6), 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 petroleum activity which are provided in section 6 of the EP. The environmental impacts and risks associated with the petroleum activity are identified, including environmental impacts and risks associated with:
 - i. receptors:
 - A. plankton
 - B. invertebrates
 - C. fish
 - D. sharks and rays
 - E. birds
 - F. marine mammals
 - G. marine reptiles
 - H. commercial fisheries;
 - I. Cultural heritage values
 - J. other marine users.
 - ii. planned aspects:
 - A. noise emissions
 - B. acoustic emissions
 - C. atmospheric emissions (including greenhouse gas)
 - D. seabed and benthic habitat disturbance

- E. interactions with other marine users
 - F. operational discharges from project vessels and RTM removal (including deck drainage, sewage, grey water, putrescible waste, cooling water, bilge water, brine and ballast water)
- iii. unplanned aspects:
- A. unplanned discharges from the RTM such as foam
 - B. release of solid hazardous / non-hazardous waste
 - C. introduction of invasive marine species
 - D. vessel collision with marine fauna
 - E. disturbance to other marine users
 - F. disturbance to seabed from dropped objects and accidental sinking of the RTM
 - G. non-hydrocarbon and chemicals release
 - H. hydrocarbon spill —condensate, marine diesel and minor hydrocarbon release.
- 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 6, Appendix D and Appendix E of the EP); and
- 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 6, Appendix D and Appendix E of the EP).
35. Based on the findings above, NOPSEMA is reasonably satisfied that the requirements of regulation 13(5) and (6) are met.

Environmental performance outcomes and standards (regulation 13(7))

36. NOPSEMA considered the Environmental Performance Outcomes (EPOs), Environmental Performance Standards (EPSs) and measurement criteria provided in Section 6, Appendix E of the EP and throughout the Oil Pollution Emergency Plan (OPEP), and found that:
- a. EPOs have been set which define performance for the management of the environmental aspects of the activity;
 - b. EPSs have been set for control measures identified as being necessary to reduce the environmental impacts and risks of the activity to ALARP and acceptable levels; and
 - c. measurement criteria are provided that will allow the titleholder to determine whether each environmental performance outcome and environmental performance standard is being met for the duration of the activity.
37. Based on the findings above, NOPSEMA is reasonably satisfied that the requirements of regulation 13(7) are met.

Implementation strategy for the EP: regulation 14

38. NOPSEMA considered the implementation strategy for the activity which included the following elements:
- a. titleholder performance reporting to NOPSEMA. For example, Section 7.8 outlines the routine reporting obligations to NOPSEMA including annual environmental performance reporting.

- b. a description of the environmental management system that will be used to ensure that impacts and risks continue to be identified and that control measures are effective in reducing environmental impacts and risks to ALARP and acceptable levels so that EPOs and EPSs continue to be met. In particular section 7 outlines the titleholder's environmental management system and includes a management of change process (section 7.6) and EP review process (section 7.5.5.3).
 - c. a description of an established chain of command, setting out roles and responsibilities for personnel, including during emergency conditions. In particular, section 7.3 outlines the roles and responsibilities of key project team members for the activity, while the titleholder's OPEP outlines the roles and responsibilities of key personnel required to manage emergencies (Appendix D and Appendix J).
 - d. measures to ensure that personnel have awareness of roles and responsibilities and have appropriate competencies and training. In particular, EP section 7.4 and OPEP section 5.7 outline the measures that are in place for ensuring employee and contractor competency, including the necessary awareness, training and induction requirements to fulfil their duties.
 - e. sufficient monitoring, recording, audit, management of non-conformance, review and reporting arrangements. In particular, EP section 7.5 outlines the process for inspections and audits including content that describes management of non-conformances.
 - f. sufficient monitoring and maintenance of emissions and discharges relevant to assessing whether EPOs and EPSs are being met. In particular, section 7.7 outlines the approach to monitoring and record-keeping for emissions and discharges.
 - g. the OPEP which includes adequate arrangements for responding to and monitoring oil pollution in accordance with regulation 14(8AA) and 14(8D). As described in Table 7.8 of the EP, the OPEP comprises the Woodside Oil Pollution Emergency Arrangements, the First Strike Plan (Appendix J) and the Spill Preparedness and Response Mitigation Assessment (Appendix D). It also includes arrangements for testing the response arrangements in accordance with regulation 14(8A) & 14(8B) and a schedule consistent with the requirements of regulation 14(8C). The arrangements established are consistent with the National system for oil pollution preparedness and response in accordance with regulation 14(8E). Section 7.6.2 in the EP describes the approach to updating the OPEP.
 - h. ongoing consultation during the implementation of the activity with relevant interested persons. In particular, section 5.6 of the EP provides an overview of the ongoing Consultation process, whilst section 7.8.2.1 outlines the arrangements for ongoing consultation including with relevant authorities of the Commonwealth, State or Territory and other relevant interested persons or organisations.
 - i. the implementation strategy complies with the Act, the regulations and any other environmental legislation applying to the activity.
39. Based on the findings above, NOPSEMA is reasonably satisfied that the requirements of regulation 14 are met.

Details of titleholder and liaison person: regulation 15

40. NOPSEMA considered the EP, and found that it includes:
- a. Details for the titleholder, including name, contact details and Australian Company Number or ACN (within the meaning of the *Corporations Act 2001*) as well as the contact details of the titleholder's nominated liaison person (section 1.8 of the EP).

- b. Arrangements for notifying NOPSEMA of a change in the titleholder, the nominated liaison person, or of a change in either of their contact details (Section 1.8.3 of the EP).

41. Based on the findings above, NOPSEMA is reasonably satisfied that the requirements of regulation 15 are met.

Other information in the EP: regulation 16

42. NOPSEMA considered other information provided in the EP and found that it contains:

- a. A statement of the titleholder's Environment and Biodiversity Policy in Appendix A.
- b. A report on all consultations with relevant persons under regulation 11A by the titleholder (Section 5.8). 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. A copy of the full text of any response by a relevant person was provided in the sensitive information report.
- c. 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 7.8 of the EP).

43. Based on the findings above, NOPSEMA is reasonably satisfied that the requirements of regulation 16 are met.

Consideration of substantive requirements of the EP

44. Under the environment regulations, to accept the EP, NOPSEMA must be reasonably satisfied that the criteria in regulation 10A are met.

45. NOPSEMA must also consider other legislation, policy statements and common law principles. These include:

- 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. the principles of ecologically sustainable development; protected matters under Part 3 of the EPBC Act and the cumulative impact of multiple proposed activities.
- c. the appeal decision made by the Full Federal Court of Australia in *Santos NA Barossa Pty Ltd v Tipakalippa [2022] FCAFC 193* on 02 December 2022.

46. 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)

47. In making a decision regarding whether the EP demonstrates that the requirements of regulation 10A(a) are met, NOPSEMA considered the EP and found that:

- a. The activity is described in sufficient detail to inform subsequent impact and risk assessment processes, including relevant routine and non-routine emissions and discharges, and potential unplanned discharges resulting from emergency conditions.
 - b. The description of the environment is thorough and appropriately considers relevant values and sensitivities (including matters protected under Part 3 of the EPBC Act). The description of the environment extends to areas that may be affected by potential emergency conditions in the event of an oil pollution incident and is conservatively defined through stochastic modelling of worst-case spill scenarios consistent with NOPSEMA guidance.
 - c. The impact and risk assessment is commensurate to the magnitude of the hazards related to the activity, and the level of analysis and evaluation is proportionate to the nature and scale of the activity. The assessment includes appropriate consideration of impacts and risks from the petroleum removal activity, including in emergency conditions as per regulation 13(6).
 - d. Relevant person consultation was conducted in a manner which is commensurate to the nature and scale of the activity, with use of a conservative EMBA to inform the relevant person identification process. Outcomes from the consultation process have been incorporated, meeting the EP content requirements in regulation 16(b). The requirements of regulation 11A are further addressed in clause 61 and clause 62 below.
 - e. The EP includes sufficient information on legislative requirements as they relate to the nature and scale of the activity (Appendix B of the EP). How legislation is relevant to the activity is defined, along with reference to the relevant sections of the EP is provided. These sections describe how the relevant requirements are met, consistent with regulation 13(4).
48. Based on the above findings, NOPSEMA is reasonably satisfied that the requirements of regulation 10A(a) are met.

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

49. In making a decision regarding whether the EP demonstrates that the requirements of regulation 10A(b) are met, NOPSEMA considered the EP and found that:
- a. For all impact and risk aspects evaluated in section 6.6 (planned events) and section 6.7 (unplanned events) of the EP, an ALARP evaluation has been included that details the control measures to be implemented, including evaluating additional potential control measures and justifying why control measures are either adopted or rejected in order to reach an ALARP position. However, there remains some uncertainty in relation whether all reasonable and practicable control measures have been identified to reduce impacts and risk to ALARP (see clause 50 below).
 - b. The submission has generally applied a risk assessment process appropriately for planned aspects of the activity with commensurate focus on higher order hazards associated with the activity. The control measures adopted are generally reasonable for reducing impacts to the environment from the activity in the circumstances. Unplanned aspects of the activity are described in section 6.7 and include aspects such as discharges from unplanned sinking of the RTM, invasive marine species, marine fauna interactions, and spill scenarios. These impacts and risks are generally appropriately described and evaluated, noting some areas of uncertainty as discussed below.

- c. Control measures proposed are generally sufficiently detailed to demonstrate they will be effective in reducing the impacts and risks for the duration of the activity. The approach used to analyse the adoption or exclusion of control measures is commensurate to the nature and scale of the activity.
 - d. The evaluation of the adoption of control measures is generally sound and the ALARP process described in section 5 has been followed. The level of detail in the ALARP assessment is generally commensurate to the nature and scale of each of the potential impacts and risks identified in sections 6.6 and 6.7 of the EP.
 - e. The EP provides a summary in table 5-4 of the EP on information gathered from the consultation process and the range of corresponding control measures selected and incorporated to reduce impacts and risks to ALARP.
50. Despite the above, I noted that there was some uncertainty in the EP as to whether all reasonable and practicable control measures available had been considered to reduce impacts and risk to ALARP, namely:
- a. Allowing a reasonable time to wait for a suitable weather window to lift the RTM in the title area to reduce the risk of sinking of the RTM from towing activities and consequences to the environment if this occurs in the sheltered water location.
 - b. Undertaking an invasive marine species risk assessment by an independent person before wet towing the RTM out of the title area to reduce biosecurity risks to the environment.
 - c. In the event of an unplanned sinking of the RTM and potential rupture of the hull, whether:
 - i. an appropriate and adequate response readiness for mitigation of foam release and foam containment has been provided for, and
 - ii. appropriate timeframes, preparation and planning for seabed recovery have been considered.
51. Due to this uncertainty, NOPSEMA wrote to the titleholder inviting comment on proposed conditions to apply to operations for the activity. The titleholder responded to this invitation which I considered prior to making a decision.
52. Noting this uncertainty in the EP, NOPSEMA was not reasonably satisfied that the requirements of regulation 10A(b) have been met. However, if the matters set out in the conditions to apply to operations for the activity (refer to clause 77) are implemented, I considered that the EP could be accepted.

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

53. In making a decision whether the EP demonstrates that the requirements of 10A(c) are met, NOPSEMA considered the EP and found that:
- a. The evaluation methods selected have been followed and applied thoroughly and justifiable conclusions can be reached regarding acceptable levels of impact and risk.
 - b. Acceptable levels are evaluated using information that is considered appropriate, including relevant legislation, international agreements and conventions, guidelines and codes of practice, recovery plans, conservation advice and marine park zoning objectives, the titleholder's policies and standards, information acquired during relevant person consultation and the principles of ESD. The assessment

of each impact and risk includes a demonstration of acceptability statement which considers these elements. For example, it is noted that by removing the RTM for onshore disposal, any ongoing impacts and risks to future generations is also removed.

- c. Key documents (such as recovery plans, conservation advices and management plans) are outlined in Section 6.8 of the EP and are considered for relevant receptors and applicable impacts and risk. These have been considered in the environmental assessment sections of the EP (6.6 and 6.7) for planned and unplanned aspects to demonstrate the proposed activity is not inconsistent with the requirements contained in the key documents (Table 6-11 and Table 6-12 of the EP).
- d. In relation to planned aspects of the activity, predictions have been made regarding impacts and risks to the environment that are considered suitably conservative and result in the inclusion of appropriate control measures given the nature of the activity. For example, the environmental assessment includes consideration of impact and risk aspects typical for decommissioning and construction activities, such as light emissions, noise emissions, seabed disturbance, atmospheric emissions, and a particular focus on discharges from accidental sinking of the RTM.
- e. In relation to unplanned aspects, consideration has been given to dropped objects, sinking and recovery of the RTM, introduction of invasive marine species, marine fauna interactions, and spill scenarios. Uncertainty has been addressed in the evaluation of oil pollution incidents through the application of appropriately conservative stochastic modelling and recognition of assumptions made, and the scalability of response options have been considered. The evaluation of risks posed by spill scenarios includes consideration of potential impacts to the receptors outlined in the description of the environment and informs the selection of appropriate spill response options.
- f. An evaluation has been undertaken in relation to the unplanned sinking and recovery of the RTM, providing a demonstration that impacts and risks will be managed to acceptable levels.
- g. The EP provides an appropriate evaluation of impacts and risks specific to the nature and location of the activity and relevant environmental receptors. The evaluation is commensurate to the level of impact or risk presented and provides justifiable conclusions that impacts and risks will be managed to an acceptable level.
- h. Generally the EP has incorporated, considered and evaluated information received during relevant person consultation. For example, Table 5.4 of the EP includes a description of how the claims of the Ningaloo Coast World Heritage Advisory Committee have been addressed in the EP.

54. Based on the above findings, NOPSEMA is reasonably satisfied that the requirements of 10A(c) are met.

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

55. In making a decision whether the EP demonstrates that the requirements of regulation 10A(d) are met, NOPSEMA considered the EP and found that:
- a. All the relevant EPOs for the activity are presented throughout Section 6, Appendix D and Appendix E of the EP. EPOs identified in this section provide suitable linkage to the range of acceptable levels identified within the individual environmental assessments for risk aspects of the activity described in section 6 of the EP.
 - b. The EPOs address all of the key impact and risk aspects presented in the EP, and address identified impacts and risks appropriately given the nature, scale and duration of the activity.

- c. The EPOs reflect levels of performance that are required, and logically flow from the environmental assessments provided for the various risk aspects.
- d. The EPSs for the activity are presented throughout Section 6 and Appendix D of the EP and are clear and unambiguous and able to be matched to the relevant control measures described. Overall, the EPSs provide a suitable level of detail to ensure they can be monitored for compliance throughout the activity.
- e. The measurement criteria are clearly stated for the activity and are presented throughout Section 6, Appendix D and Appendix E of the EP.
- f. The EPOs, EPSs and measurement criteria are suitably linked and complement one another.

56. Based on the above findings, NOPSEMA is reasonably satisfied that the requirements of regulation 10A(d) are met.

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

57. In making a decision whether the EP demonstrates that the requirements of regulation 10A(e) have been met, NOPSEMA considered the EP and found that:

- a. The content requirements of regulation 14 are evident and appropriately addressed. An implementation strategy is outlined, which complies with the Act, regulations and other legislative requirements as required by regulation 14(1) and 14(10).
- b. There is evidence that impacts and risks will continue to be reduced to ALARP and acceptable levels as required by regulations 14(3), and 14(6). Section 7 of the EP outlines the implementation strategy, including the environmental management system (EMS). The Section also provides for ongoing hazard identification, assessment and control through document and record management, management of change (MOC) and reviews as well as audits and inspections. The implementation strategy and environmental management system provide a range of systems and processes to ensure that impacts and risks will continue to be managed to ALARP and acceptable levels for the duration of the activity.
- c. The MOC process is well described in section 7.6 of the EP. The MOC process includes consideration for further consultation depending on the nature and scale of the change. The MOC process also allows for the assessment of new information that may become available after EP acceptance, such as new management plans for Australian marine parks, new recovery plans or conservation advice for species, and changes to the EPBC Protected Matters Search Tool results. Accepted MOCs are tracked in management of change records, project records and incorporated during internal updates.
- d. Section 7 of the EP describes the EMS as a framework of policies, standards, processes, procedures, tools and control measures and specifically states that the EMS ensures control measures in the EP continue to be effective and that appropriate monitoring is in place (see section 7.5.1) to form the basis for demonstrating that the environmental performance outcomes and standards are met.
- e. Appropriate training and competencies are covered in section 7.4 of the EP as required by regulation 14(4) and 14(5), and include activity inductions, and training and competency. All personnel on vessels will complete an induction that will include a component addressing their EP responsibilities. Roles and responsibilities are appropriately addressed in section 7.3 of the EP.

Overall, appropriate commitment is made to training to ensure that all employees and contractors have suitable competencies.

- f. An appropriate OPEP (refer also to clause 38(g)) has been provided that includes suitable arrangements given the spill scenarios presented, addresses the EP content requirements and included an operational and scientific monitoring plan in Appendix D of the EP.
- g. Monitoring, recording and reporting arrangements are adequate, and are described in section 7.8 of the EP including regulatory, and other notification and compliance reporting requirements.
- h. Section 7.5.2 of the EP addresses reviews, audits and inspections. Non-conformance management (section 7.5.4) will be entered into an internal computerised database called 'First Priority' to record and report incidents and assign corrective actions, timeframes and responsible persons.
- i. OPEP testing arrangements are included in table 7.10 of the EP and are appropriate for the cessation activities. Appropriate objectives and frequencies for each test are included.
- j. Ongoing consultation arrangements are appropriate as summarised in section 5.6 and described in section 7.8.2 of the EP. This includes a process for identifying new relevant persons, sending them appropriate information and notifications as necessary, including in the unlikely event of an oil pollution incident.

58. Based on the above findings, NOPSEMA is reasonably satisfied that the requirements of regulation 10A(e) are met.

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)

59. In making a decision regarding whether the EP demonstrates that the requirements of regulation 10A(f) are met, NOPSEMA considered the EP and found that it includes a description of the location of the activity which does not involve the activity, or part of the activity, being undertaken within any part of a declared World Heritage Property.

60. Based on the above findings, NOPSEMA is reasonably satisfied that the requirements of regulation 10A(f) are met.

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)

61. In making the decision regarding whether the EP demonstrates that the requirements of regulation 10A(g) are met, NOPSEMA considered the EP and found that:

- a. The EP (Section 5) provides a clear description of the methodology that the titleholder has developed to identify and engage with potentially relevant persons who may have activities, functions and interests that may be affected by the proposed activity (with the exception of the process for identifying First Nations relevant persons which is separately considered below in clause 62). Specifically:
 - i. There was a two-step process to identify and consult with relevant persons in accordance with regulation 11A.

- ii. A reasonably conservative approach was taken to establish the EMBA from the proposed activity and used for the identification of potentially relevant persons.
 - iii. The methodology was applied to a broad range of relevant person categories, groups and organisation, in a manner that appears informed by the environmental context, is commensurate to the nature and scale of the activity and is consistent with NOPSEMA's 'Consultation in the course of preparing an environment plan guideline' (N-04750-GL2086).
- b. The nature of the activity, description of the environment and the possible impacts and risks of the activity have been taken into account when determining whose functions, interests and activities may be affected. For example, consultation input from two First Nations groups has been incorporated in the description of the environment presented in section 4.9.1.3 of the EP, noting these were general/regional in nature, and that to date no claim pertaining to potential impacts of the proposed activity on sea country or heritage values specific to the operational area have been made.
- c. The EP (Section 5) contains a report on consultation summarising each response made by a relevant person, an assessment of the objections or claims about the adverse impact of the activity to which the EP relates and a statement of the titleholder's response, or proposed response, if any, to each objection or claim. A copy of the full text of all responses by relevant persons was provided to NOPSEMA in a separate sensitive information document. The information provided reasonably indicates that the consultation process:
- i. Has resulted in consultation efforts that cannot be reasonably described as 'superficial', or 'token'.
 - ii. Applied discernible means to customise the engagement method and content of the consultation material and information provided. Some of the material demonstrated that it was modified or developed to be bespoke for a specific relevant person or group of people.
 - iii. Specifically, this includes a variety of methods (active and passive) used to engage with relevant persons, including opportunities for self-identification, and the provision of sufficient information. The following were implemented:
 - A. Development and dissemination of consultation information sheets, summary documents, maps and presentations
 - B. Actively proposing, organising and holding face-to-face (virtual or in person) meetings, either involving specific relevant person(s)/group(s), and at a hosted community forum)
 - C. Using targeted emails, phone calls and letters
 - D. Running advertisement campaigns in national, state and relevant local newspapers (The Australian, The West Australian, Pilbara News, North West Telegraph, Mid West Times and the Geraldton Guardian)
 - E. Maintaining a website information sharing page and information update subscription service
 - F. Provision of a toll-free consultation telephone number and feedback email
 - G. Rolling out of a geotargeted social media campaign linking to the website and associated material.

- d. The report on consultation demonstrates that a reasonable period has been provided to relevant persons to allow them to make an informed assessment of the possible consequences of the activity on their functions, interests and activities (with the exception of consultation with certain First Nations relevant persons as described below in clause 62). Specifically, the EP demonstrates that:
 - i. Consultation for the activity has been underway since May 2022, allowing multiple opportunities and sufficient time for relevant persons to engage
 - ii. An iterative, targeted, repeated and reasonable effort was made to engage with specific persons or groups of relevant persons in order to elicit a response and engage with the process
 - iii. The consultation process has also considered the established and ongoing operational presence of the titleholder in the area for some decades, and previous consultation undertaken for this and other activities in the region.
- e. The titleholder's assessment of merit and responses to objections and claims as summarised in EP Table 5-4 (and available consultation records) are reasonable and supported, including provision of additional information where required and informing the adoption of measures because of the consultation.

Consultation with First Nations people/groups

62. In making a decision regarding whether the EP demonstrates that the requirements of regulation 10A(g) are met in relation to consultation with First Nations relevant persons, NOPSEMA considered the EP and found that despite the above, the EP still presents uncertainty as to whether all First Nations relevant persons identifying as traditional custodians having interests, functions or activities that may be affected by the proposed activity were identified and consulted in accordance with the requirements in Division 2.2A of the Regulations. For example:
- a. The methodology presented in Section 5.1 (particularly descriptions presented under Tables 5-1 and 5-2) still describes a process for self-identification that contains some limiting steps that may restrict the broad capture of First Nations relevant persons, as 'relevance' of the person or organisation is determined through membership in or engagement with the Prescribed Body Corporate (PBC) or 'native title group'.
 - b. The consultation records do not provide evidence that the 'Traditional Custodians' consulted for this activity were specifically requested to help identify other First Nations relevant persons who hold communal cultural interests that may be affected by the activity, or to provide advice on the appropriate means to identify and consult with these individuals and/or groups. Although the EP (Section 4.9.1.3 & Table 5-4) mentions enquiries made to the Yamatji Marlpa Aboriginal Corporation) regarding identification of 'Traditional Custodians' who may hold knowledge of heritage values or cultural features, there is no further evidence provided that indicates whether such inquiries were systematically and clearly made to all other First Nation relevant persons (including PBC members) engaged in the course of preparing the plan.
 - c. It is not apparent that all consultation material provided to First Nations relevant persons contained sufficient information to allow an informed assessment of the possible consequences of the activity on the functions, interests or activities of the relevant person. For example, no evidence was available to demonstrate that consultation with any of the First Nation groups was conducted through:

- i. Properly notified and conducted meetings, organised in consultation with a PBC or a Native Title Representative Body (NTRB) where appropriate.
 - ii. Organising other engagements (whether attended by all group members or not) that facilitate genuine two-way dialogue between the titleholder and relevant persons specifically for the clearly expressed intent of gaining input on matters of cultural and heritage significance (beyond holding a community reference forum).
- d. Although most objections and claims by First Nation groups appear to have been addressed, some summary statements provided in Table 5-4 in the EP and associated records indicate that not all objections, claims or request have been fully addressed. These include:
- i. A meeting with the Buurabalayji Thalanyji Aboriginal Corporation (BTAC) to progress the discussed engagement and collaborative agreement matters had not yet been held, in addition to previous exchanges and correspondence
 - ii. A meeting between the Yinggarda Aboriginal Corporation (YAC) Board of Directors and Woodside to discuss the proposed activity has been indefinitely postponed; due to organisational changes within YAC, including changing the name of the organisation to the Gumala Aboriginal Corporation
 - iii. Some outstanding information was still expected from the Murujuga Aboriginal Corporation (MAC) following an initial meeting, in addition to previous exchanges and correspondence.
63. Due to this uncertainty, NOPSEMA wrote to the titleholder inviting comment on proposed conditions to apply to operations for the activity. The titleholder responded to this invitation which I considered prior to making a decision.
64. Noting this uncertainty in the EP, NOPSEMA is not reasonably satisfied that the requirements of 10A(g) have been fully met. However, if the actions and measures described in the conditions (refer to clause 77) are taken by the titleholder, I considered that the EP could be accepted.

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

65. In making a decision regarding whether the EP demonstrates that the requirements of regulation 10A(h) are met, NOPSEMA considered the EP and found that:
- 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.
 - c. In addition to those addressed elsewhere in this document, these requirements include: an EP summary statement has been included in the EP as required by Regulation 11(3) and (4).
 - d. The EP complies with the requirements of the OPGGS Act including:
 - i. the requirements under section 571. For example, the titleholder has demonstrated, in a form that is acceptable to NOPSEMA, that it has maintained financial assurance in relation to the activity.
 - ii. the requirements under section 572. For example, the titleholder has demonstrated that the activity involves the removal of property (the RTM) that is no longer in use.

- iii. the consultation process has assisted the titleholder to meet its obligation under section 280 and 460 of the OPGGS Act which requires that it must carry out the activity in a manner that does not interfere with navigation, fishing, conservation of resources of the sea and seabed, other offshore electricity infrastructure and petroleum activities, and the enjoyment of native title rights and interests (within the meaning of the *Native Title Act 1993*) to a greater extent than is necessary for the reasonable exercise of the titleholder's rights and obligations.
- e. the EP acknowledges and commits to the requirements of the Environment Regulations that are relevant to the activity including the requirements under regulations 26 and 29 for notifying reportable incidents and start and end of an activity.

66. Based on the above findings, NOPSEMA is reasonably satisfied that the requirements of regulation 10A(h) are met.

Other considerations

67. NOPSEMA considered additional correspondence received directly from a number of third parties during the course of the assessment relating to the activity and environment plan assessment, all of which had already been identified by the titleholder as part of consultation with relevant persons.

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

68. 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.
69. In implementing the Program, NOPSEMA conducts assessments of EPs against the requirements of the Program, which includes meeting the acceptance criteria and content requirements under the Environment Regulations. Specific Program commitments relating to protected matters under Part 3 of the EPBC Act are outlined in Table 2 of the Program report and must be applied during decision making with respect to offshore projects and activities.
70. NOPSEMA considered protected matters under Part 3 of the EPBC Act, as required by the Program. NOPSEMA is reasonably satisfied that the EP meets these criteria. Some examples of how NOPSEMA has applied the Program requirements to this EP include ensuring that the decision to accept this EP:
- 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
 - b. has control measures in place to ensure that impacts to the Commonwealth marine area will be of an acceptable level having regard to relevant policy documents, gazettal instruments, bioregional plans, wildlife conservation plans, plans of management and EPBC Act guidance documents on the Department of Climate Change, Energy, the Environment and Water (DCCEEW) website
 - c. has control measures in place to ensure that the decision to accept the EP will not result in unacceptable impacts to a migratory species or an area of important habitat for a migratory species having regard to relevant policy documents, wildlife conservation plans and guidelines on the DCCEEW website.

The Program: Cumulative environmental impacts

71. 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.
72. NOPSEMA considered the potential for cumulative environmental impacts to the Commonwealth marine area as required by the Program. NOPSEMA is reasonably satisfied that cumulative impacts have been assessed in the evaluation of impacts and risk appropriately and are of an acceptable level. For example, the impact assessment for acoustic emissions has modelled and considered the emissions from multiple vessels in Section 6.6.6 of the EP.
73. NOPSEMA considered potential environmental impacts and risks arising directly or indirectly from the activity within the title area, tow route and the sheltered water location. For example, there is a commitment that vessels will maintain a 12km buffer to turtle nesting beaches for the lifting and towing activity to mitigate potential impacts from light and noise emissions on turtles.

Pre-condition of acceptance: financial assurance

74. Through review of the titleholder's financial assurance declaration and confirmation forms, NOPSEMA is reasonably satisfied, in accordance with regulation 5G of the Environment Regulations, and at the time of making the decision to accept the EP, the titleholder is compliant with subsection 571(2) of the OPGGS Act in relation to the petroleum activity, and the compliance is in a form that is acceptable to NOPSEMA.

Acceptance subject to conditions

75. 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 Environment Regulations:
- a. 10A(a) the EP is appropriate for the nature and scale of the activity; and
 - b. 10A(c) the EP demonstrates that the environmental impacts and risks of the activity will be of an acceptable level; and
 - c. 10A(d) the EP provides for appropriate EPOs, EPSs and measurement criteria; and
 - d. 10A(e) the EP includes an appropriate implementation strategy and monitoring, recording and reporting arrangements; and
 - e. 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
 - f. 10(h) the EP complies with the Act and the regulations.
76. For the reasons set out in clauses 51 and 63, NOPSEMA was still not reasonably satisfied that the EP met the following criteria set out in sub-regulation 10A of the Environmental regulations:
- a. 10A(b) the EP demonstrates that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable; and

- b. 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 (10A(g)).

77. However, NOPSEMA considers that it is appropriate to accept the EP if the following conditions are imposed:

Removal of the RTM from the title area

- a. Condition 1: If there is a suitable weather window to complete the lift of the RTM on location within the title area within 10 days of completing the preparatory work for the lift, the RTM must not be wet towed off location.
- b. Condition 2: Before the RTM is wet towed out of the title area, the titleholder must engage a suitably qualified and independent person to complete a marine pest risk assessment of the structure based on good practice standards considering removal options and implement all recommended control measures.

Removal of the RTM in the event of sinking

- c. Condition 3: Prior to commencing planned removal activities, the titleholder must prepare a detailed plan to provide for the rapid deployment of foam containment measures and enable the commencement of seabed recovery operations within 6 months of the RTM sinking (if this occurs). The plan must detail the timeline and actions necessary to implement foam containment response measures and the timeline and actions necessary to commence safe and environmental responsible seabed recovery operations.
- d. Condition 4: Within 14 days of acceptance of the EP, the titleholder must ensure all necessary containment equipment and materials, including but not limited to the magnetic base drill, are available to mitigate the escape of foam from the RTM to the environment.
- e. Condition 5: Within 4 days of the RTM sinking (if this occurs), the titleholder must complete an underwater survey of the structure and implement all reasonable and practicable containment measures to reduce environmental risks and impacts to levels that are acceptable and ALARP.
- f. Condition 6: Before commencing seabed recovery operations, the titleholder must complete a review of the environmental impact and risks, and implement all control measures arising from that review.

Consultation with First Nations Groups and people

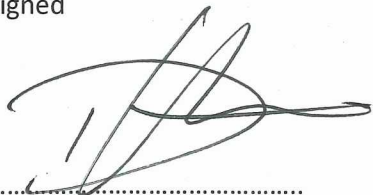
- g. Condition 7: Prior to commencement of the activity, the titleholder must consult registered native title bodies corporate and representative Aboriginal / Torres Strait Islander bodies identified in the EP to confirm whether:
 - (a) They are aware of any people, who in accordance with Indigenous tradition, may have spiritual and cultural connections to the environment that may be affected by the activity that have not yet been afforded the opportunity to provide information that may inform the management of the activity.

- h. Condition 8: The purpose of the consultation outlined in Condition 7 is to be communicated and relevant persons are provided with a copy of the NOPSEMA Consultation on offshore environment plans Brochure as part of consultation.
- i. Condition 9: If at any time, as a result of compliance with Condition 7, relevant persons are identified, they must be consulted in accordance with the NOPSEMA Guideline on Consultation in the course of preparing an environment plan (GL2086).
- j. Condition 10: At any time, prior to or during the activity, if new cultural features and/or heritage values within the environment that may be affected by the activity are identified that are not described in the EP, the titleholder must:
 - (a) Ensure the environmental impacts and risks of the activity continue to be managed to as low as reasonably practicable and an acceptable level.
 - (b) Notify NOPSEMA in writing within 7 days of these cultural features and/or heritage values of places and the potential environmental impacts and risks of the activity on these features, values and/or places.
- k. Condition 11: The titleholder must submit a report to NOPSEMA no later than 14 days after the notification in Condition j which confirms the following in relation to the new cultural features and/or heritage value of places:
 - (a) The control measures that have been adopted to ensure that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable and an acceptable level.
 - (b) The consultation undertaken with any relevant persons to develop these control measures, including:
 - (i) the control measures that those persons considered as reasonably necessary to manage impacts on the cultural features and/or heritage values in accordance with Indigenous tradition; and
 - (ii) the views of the relevant persons in relation to the control measures.

Conclusion

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

Signed



David Christensen

Manager Decommissioning

27 July 2023