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**From:** [REDACTED]  
**Sent:** Thursday, 6 October 2022 9:59 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Letter - RFFWI - Santos NA Barossa Pty Ltd Barossa Development Drilling and Completions - 6 October 2022  
**Attachments:** Letter - RFFWI - Tipakalippa v NOPSEMA decision - Santos NA Barossa Pty Ltd Barossa Development Drilling and Completions - 6 October 2022.pdf

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Hello [REDACTED]

Please find attached a letter from NOPSEMA regarding the Barossa Development Drilling and Completions EP.

The EP now appears under assessment and 'with titleholder' on our website: [https://info.nopsema.gov.au/environment\\_plans/556/show\\_public](https://info.nopsema.gov.au/environment_plans/556/show_public)

Regards

[REDACTED]



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Our ref: ID: 6773, A880596  
Your ref: BAD-200-0003 - Revision 3  
Contact: [REDACTED]  
Email: [REDACTED]

[REDACTED]  
Santos NA Barossa Pty Ltd  
Level 7, 100 St Georges Terrace  
**PERTH WA 6000**

barossa.regulatory@santos.com

Dear [REDACTED]

**RE: REQUEST FOR FURTHER WRITTEN INFORMATION - SANTOS NA BAROSSA PTY LTD - BAROSSA DEVELOPMENT DRILLING AND COMPLETIONS**

I refer to the Barossa Development Drilling and Completions Environment Plan (the EP) submitted to NOPSEMA on 6 October 2021 and subsequently accepted by NOPSEMA on 14 March 2022.

On 21 September 2022, in the matter of [\*Tipakalippa v National Offshore Petroleum Safety and Environmental Management Authority \(No 2\) \[2022\] FCA 1121\*](#) the Federal Court of Australia set aside the decision to accept the EP, effective from 6 October 2022. The judgement now represents the law regarding requirements for consultation in accordance with the Environment Regulations.

Accordingly, additional information will now be required as to whether the EP addresses these requirements. The reasons for this, including what further information is required for NOPSEMA to make a decision, are detailed in Attachment 1.

In accordance with subregulation 9A(3) of the Environment Regulations, Santos NA Barossa Pty Ltd must submit to NOPSEMA an updated EP incorporating the requested information as well as any other contemporaneous information required to meet the EP acceptance criteria. Please provide this information in the form of a modified EP submission, together with a copy showing all changes made to each document (via: <https://securefile.nopsema.gov.au/filedrop/submissions>).

Noting the information you have provided with regard to the period required for consultation, the resubmission must be submitted to NOPSEMA no later than 90 days from the date of this letter. If you require a longer period of time, please request an extension within 7 days of receipt of this letter.

As NOPSEMA will be unable to make a decision within the 30-day statutory timeframe of the original submission, we will provide you with an assessment decision within 30 days of receiving the additional information. Should you have any questions please contact [REDACTED]

Yours sincerely

[REDACTED]  
06 October 2022

**Attachment 1 – Matters requiring further written information**

| Item  | Description  |
|---|--|
| <p><b>Acceptance Criteria 10A(g) – the EP does not demonstrate that consultation required by Division 2.2A has been carried out and that measures (if any) have been adopted, or are proposed to be adopted, because of the consultation are appropriate because:</b></p> |  |
| <p>1.1</p>  | <p><i>Effective consultation has not taken place with relevant persons</i></p> <p><b>Requirements:</b> In the course of preparing an EP, a titleholder must consult with relevant persons in accordance with regulation 11A, and demonstrate that the measures (if any) that the titleholder has adopted, or proposes to adopt, because of the consultations are appropriate. The decision made by the Federal Court of Australia in <a href="#"><i>Tipakalippa v National Offshore Petroleum Safety and Environmental Management Authority (No 2) [2022] FCA 1121</i></a> on 21 September 2022, represents the law regarding requirements for consultation in accordance with the Environment Regulations.</p> <p><b>Issue:</b> The EP does not demonstrate that consultation has occurred with relevant persons in accordance with regulation 11A, as the EP does not address the requirements for consultation consistent with the decision made by the Federal Court of Australia in <i>Tipakalippa v National Offshore Petroleum Safety and Environmental Management Authority (No 2) [2022] FCA 1121</i> on 21 September 2022.</p> <p><b>Request:</b> Please revise the EP to demonstrate that consultation has occurred with relevant persons in accordance with regulation 11A, and consistent with the decision made by the Federal Court of Australia in <i>Tipakalippa v National Offshore Petroleum Safety and Environmental Management Authority (No 2) [2022] FCA 1121</i> on 21 September 2022.</p> |