

# Assessment conclusions

Assessment ID [6780](#)

Duty holder: Woodside Energy Scarborough Pty Ltd  
Facility/Activity: Scarborough 4D B1 Marine Seismic Survey  
Facility/Activity type: Petroleum Activity  
Assessment type: Environment Plan (Exploration)

## Conclusions

### Submission number

1	Acceptance criteria	Team conclusion	Outcome
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1	Environment Plan is appropriate for nature and scale of activity	<p>The assessment team recommends that the decision maker can be reasonably satisfied that the EP is appropriate for the nature and scale of the activity because:</p> <ol style="list-style-type: none"> <li>1. There is a suitable description of the activity - the EP is considered to provide a suitable description of the activity that is appropriate for informing impact and risk evaluations. For example, the temporal and spatial scopes and bounds of the activity are clearly described including details of the seismic parameters which provide important context for evaluating the impacts and risks from the seismic source acoustic emissions.</li> <li>2. There is a thorough description of the environment - the EP is considered to provide a thorough description of the environment that is suitable for informing impact and risk evaluations. An appropriate process has been followed to define the areas that may be affected by the activity and identify and describe the environmental values in this area during the proposed timeframe for the activity. The description includes physical, biological and socio-economic values and appropriately references EPBC Act plans of management and tools (e.g. PMST) to describe Matters of National Environmental Significance. Information collected during consultation with relevant persons during preparation of the EP has also been incorporated into the description of the environment, where appropriate.</li> <li>3. The impact and risk assessment is commensurate to magnitude of impacts and risks - the EP describes the process for assessing environmental impacts and risks, appropriately follows this process and reaches outcomes that are consistent with relevant internal and external context. Greater effort has been applied to aspects with greater potential for impact and risk to the environment (e.g. seismic source acoustic emissions). The EP also includes an evaluation of cumulative impacts that is commensurate to the magnitude of impacts and risks as it includes not only seismic activities, but other petroleum activities (e.g. drilling of the Sasanof-1 exploration well in WA-519-P, and activities associated with the Jansz-lo Compression project).</li> <li>4. Relevant person consultation has been incorporated - the EP implements a systematic process for evaluating the acceptability of environmental impacts and risks which includes an assessment of whether predicted levels of impact and risk for higher order impacts and risks are consistent with stakeholder expectations based on feedback received through the consultation process with relevant persons.</li> <li>5. Suitable control measures have been included - the EP includes a range of suitable control measures have been adopted to reduce the extent, severity and duration of impacts and risks posed by the activity with greater effort applied to identify and evaluate control measures for aspects with greater potential for impact and risk to the environment (e.g. seismic source acoustic emissions).</li> <li>6. Legislative requirements are included - appropriate information on legislative requirements is provided in the EP, including in Appendix B. In addition, a demonstration of how relevant requirements such as legislation, codes and standards are taken into consideration and met is included in the impact and risk acceptability evaluations throughout the EP.</li> <li>7. The level of analysis and evaluation is based on nature and scale of the activity - appropriate impact and risk evaluations are provided in the EP that reflect the nature and scale of the activity, and in turn this provides the basis for control measures to be appropriately identified and evaluated</li> <li>8. While in general, the EP is appropriate for the nature and scale of the activity. In relation to the topic assessment of impacts of noise emissions on whales, there is a suitable description of the activity, the impact and risk assessment and level of analysis and evaluation are commensurate to the magnitude of impacts and risks. Issues with the description of the environment as relates to the distribution range of blue whales, adequate representation of DAWE consultation, use of suitable control measures and reference to legislative requirements are addressed in the OMR letter under issues with reduction of impacts to ALARP and an acceptable level.</li> </ol>	Recommended
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1	Environment Plan demonstrates that the impacts and risks will be reduced to ALARP	<p>The assessment team recommend that the decision maker can be reasonably satisfied that the EP demonstrates that impacts and risks will be reduced to ALARP because:</p> <ol style="list-style-type: none"> <li>1. All reasonable control measures have been considered and evaluated - the EP has identified and evaluated an appropriate suite of control measures. In the process of identifying and evaluating control measures, it generally appears that further effort has been applied to considering additional measures or improving performance of existing measures for the higher order impacts and risks.</li> <li>2. Evaluation of impacts and risks has been informed by suitable control measures - in the demonstration of acceptability process, clear links are established between the predicted levels of impact and risk and the adopted of control measures to demonstrate how the impacts and risks of the activity will be managed to levels that are ALARP and acceptable. In addition, the EP explicitly identifies areas of predictive uncertainty and appropriately applies precautionary control measures to address this uncertainty (e.g. seismic source validation - C 3.1).</li> <li>3. Enough detail of the control measures has been provided - control measures are described in sufficient detail to be reasonably satisfied that they will be effective in reducing the impacts and risks to ALARP for the duration of the activity.</li> <li>4. The evaluation of adoption of control measures is based on environmental benefit and is systematic, applied thoroughly, defensible and reproducible - the evaluation of the adoption of control measures is sound and the ALARP process has been consistently followed. The level of detail in the ALARP assessment appears commensurate to the nature and scale of the impact or risk.</li> <li>5. Relevant person consultation has been incorporated - information gathered from the consultation process has been appropriately incorporated into the EP, including in the process of identifying and selecting control measures to demonstrate impacts and risks will be managed to ALARP. For example, notification requests have been included in ongoing stakeholder consultation arrangements (see Section 7.9.2.1) and also included as adopted control measures (e.g. C 1.1)</li> </ol> <p>However, the assessment team recommend that the decision maker cannot be reasonably satisfied that the EP demonstrates that impacts and risks will be reduced to ALARP because:</p> <ol style="list-style-type: none"> <li>6. The impacts to blue whales from noise emissions generated by the survey have not been reduced to ALARP. This is because the EP does not acknowledge that the survey is being undertaken in the known distribution range for blue whales, the controls that are in place are not sufficiently effective to not injure or disturb a while should they be encountered because the the experience levels of MFO's to be used for the survey are unknown, the observation effort of MFO's on board the vessel is unknown, and the observation distances for MFO's and shutdown distance are significantly less than the distance at which TTS and behavioural disturbance can occur.</li> </ol>	Do not Recommend
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1	<p>Environment Plan demonstrates that impacts and risks will be of an acceptable level</p>	<p>The assessment team recommends that the decision maker can be reasonably satisfied that the EP demonstrates that impacts and risks will be of an acceptable level because:</p> <ol style="list-style-type: none"> <li>1. Acceptable levels are defined</li> <li>2. Acceptable levels are compared to predicted levels</li> <li>3. The proposed activity does not contravene a plan for management for a WHP, NHP or Ramsar wetland</li> </ol> <p>The assessment team recommends that the decision maker cannot be reasonably satisfied that the EP demonstrates that impacts and risks will be of an acceptable level because:</p> <ol style="list-style-type: none"> <li>4. The EP does not demonstrate impacts and risks will be of an acceptable level because the EP does not explain and demonstrate how WEL implements processes described in the EP that require consideration of principles of ESD when concluding that environmental impacts and risks will be of an acceptable level for high order impacts and risks. Consequently, the demonstration of acceptability of impacts and risks in the EP is not defensible and reproducible.</li> <li>5. Furthermore, in relation to management of noise emissions from the activity, the plan is currently inconsistent with the overall objectives of the blue whale conservation management plan because it does not demonstrate how the EPO that whales will not be injured or disturbed will be met. The EP does not show regard to the fact that the activity is proposed to occur in a known area of blue whale distribution as outlined in the blue whale conservation management plan and does not address uncertainty in predictions about whether or not whales will be present when the survey is undertaken. Furthermore, definitions of biologically important areas provided by DAWE through relevant persons consultation that are applied to blue whales are not supported with the consultation records.</li> </ol>	Do not Recommend
	<p>Environment Plan provides for appropriate performance outcomes, standards and measurement criteria</p>	<p>The assessment team recommend that the decision maker can be reasonably satisfied that the EP provides for appropriate performance outcomes, standards and measurement criteria because:</p> <ol style="list-style-type: none"> <li>1. EPOs are linked to acceptable levels - while WEL's process for establishing EPOs does not involve defining acceptable levels, EPOs included in the EP generally provide levels of performance that are consistent with predicted levels of impact and risk which are demonstrably acceptable and ALARP based on the outcomes of demonstration of acceptability evaluations provided in the EP. As a result, EPOs are considered to be linked to acceptable levels.</li> <li>2. EPOs address all identified impacts and risks - overall the EPOs address identified environmental impacts and risks appropriately for the nature and scale of the activity and environment that may be affected.</li> <li>3. EPOs reflect levels of environmental performance - EPOs when read in conjunction with EPS and MC provide a framework for establishing performance for the management of environmental impacts and risks.</li> <li>4. EPSs are linked to control measures - the EP details control measures and sets out EPS in a way which enables them to be directly linked to applicable control measures (i.e. through the EP's application of a reference numbering system). They also provide a reasonable level of detail to understand how they will function and secure ongoing compliance throughout the activity.</li> <li>5. EPSs have clear measurement criteria (MC) that can easily be monitored for compliance - the EP includes an appropriate suite of MC to provide records of compliance with relevant EPS.</li> <li>6. EPOs, EPSs and MC are linked and complementary - while EPOs, EPSs and MC are presented across different parts of the EP (i.e. in tables at the end of each impact and risk evaluation), reasonable links can be made through the EP's application of a reference numbering system. Overall it is considered that the suite of EPOs, EPSs and MC are complementary</li> <li>7. While there are some issues with the EPS for MFO's for the purposes of impact mitigation for noise effects on blue whales, meaning that it is not clear that EPO4 will be met, this has been addressed through the letter points relating to the demonstration that impacts are ALARP and of an acceptable level.</li> </ol>	Recommend

1	Environment Plan includes appropriate implementation strategy and monitoring, recording and reporting arrangements	<p>The assessment team recommend that the decision maker can be reasonably satisfied that the EP includes appropriate implementation strategy and monitoring, recording and reporting arrangements because:</p> <ol style="list-style-type: none"> <li>1. Content requirements of Regulation 14 are included - the content included in the EP addressing these requirements appears to be appropriate for the nature and scale of the activity.</li> <li>2. Evidence that all impacts and risks will continue to be reduced to ALARP and acceptable - the implementation strategy includes processes for: monitoring, audit, management of non-conformance and review; management of change and revision of the EP and OPEP; record keeping; and, reporting. Implemented together, these processes should provide for environmental impacts and risk levels to remain acceptable and ALARP for the duration of the EP.</li> <li>3. Management of change, knowledge and learning processes are included - the EP includes an appropriate management of change process that provide for WEL to undertake monitoring for and understand change in both internal and external context relevant to the activity, implement processes to consider change in the context of environmental impacts and risks and regulatory requirements, and to have accepted changes implemented.</li> <li>4. The titleholder's environmental management system is effective - the effectiveness of Woodside's EMS would be tested through implementation of system components, including the processes outlined within the arrangements that will be in place to ensure environmental risks and impacts will continue to be reduced to ALARP and acceptable levels. These measures appear appropriate because they include fundamental 'do', 'check' and 'act' components of an EMS post-planning phase which would include developing the EP.</li> <li>5. Appropriate training and competencies - the EP includes content that demonstrates how persons working on the activity would be made aware of their role and responsibilities and will have appropriate training and competencies.</li> <li>6. Appropriate Oil Pollution Emergency Plan - the EP includes an OPEP for the activity that is comprised of the Woodside Oil Pollution Emergency Arrangements (OPEA) (Australia), Oil Spill Preparedness and Response Mitigation Assessment (Appendix D) and Oil Pollution First Strike Plan (Appendix I). The OPEP is considered to be appropriate for the nature and scale of the risk of pollution for the activity.</li> <li>7. Monitoring, recording and reporting arrangements are adequate - the implementation strategy includes processes for monitoring performance, recording evidence of compliance and reporting internally and externally as necessary on environmental management matters, including incidents. These processes are considered to be adequate for the nature and scale of the activity.</li> <li>8. Audit, review and non-conformance management is included - the implementation strategy includes processes for auditing environmental performance, non-conformance management and review of environmental performance for continuous improvement.</li> <li>9. Testing of response arrangements evident - the EP outlines a reasonable process for testing the OPEP response arrangements that appears to be appropriate to the nature and scale of the risk of oil pollution for the activity.</li> <li>10. Ongoing consultation arrangements are in place - the EP includes details of of the planned ongoing consultations arrangements for the activity with commitments to undertake engagements with the relevant persons that requested ongoing consultation during the consultation in preparation of the EP. The EP also demonstrates that additional relevant persons may be identified and demonstrates commitment to appropriately consult with relevant persons throughout the activity including through assessing and managing new objections and claims.</li> </ol>	Recommended
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1	Environment Plan demonstrates appropriate level of consultation	<p>The assessment team recommend that the decision maker can be reasonably satisfied that the EP demonstrates an appropriate level of consultation because:</p> <ol style="list-style-type: none"> <li>1. In general, effective consultation has taken place</li> <li>2. Objections and claims made by relevant persons have been resolved as far as reasonably practicable</li> </ol> <p>The assessment team recommend that the decision maker cannot be reasonably satisfied that the EP demonstrates an appropriate level of consultation because:</p> <ol style="list-style-type: none"> <li>3. The blue whale distribution BIA advice received from DAWE, who WEL considers to be a relevant person for this activity, is not provided within the report on consultation in EP (including the full text of responses in the Sensitive Information Report) nor been incorporated into the EP</li> </ol>	Do not Recommended
	Environment Plan complies with the Act and regulations	<p>The assessment team recommend that the decision maker can be reasonably satisfied that the EP complies with the Act and regulations because:</p> <ol style="list-style-type: none"> <li>1. The EP content requirements are addressed</li> <li>2. The EP addresses Section 571 and 572 of the Act, regarding maintenance and removal of property</li> <li>3. The EP addresses the notification and reporting requirements of the Regulations</li> </ol> <p>The assessment team recommend that the decision maker can be reasonably satisfied that the EP complies with the Act and regulations because:</p> <ol style="list-style-type: none"> <li>4. The EP is has not demonstrated that has met the Objects of the Regulations because a clear demonstration of how management of the activity is consistent with the principles of ESD is not provided.</li> </ol>	Do not Recommended
	Environment Plan does not involve the activity or part of the activity being undertaken in any part of a declared World Heritage property	The assessment team recommend that the decision maker can be reasonably satisfied that the EP does not involve the activity or part of the activity being undertaken in any part of a declared World Heritage property because the EP does not involve the activity or part of the activity being undertaken in any part of a declared World Heritage property.	Recommended
<b>Commonwealth Environment Program</b>		<b>Result</b>	
World Heritage properties		Relevant requirements met	
National Heritage places		Relevant requirements met	
Ramsar wetlands		Relevant requirements met	
Listed threatened species and communities		Relevant requirements not met	
Listed migratory species		Relevant requirements met	
Commonwealth marine area		Relevant requirements met	
<b>RoN decision</b>	<b>Decision reason</b>	<b>RoN</b>	
Opportunity to modify and resubmit	Based on the available information and my review of the findings of the assessment team and their recommendations above, I am not satisfied that the environment plan meets the criteria set out in regulation 10A.	[REDACTED]	

2	Acceptance criteria	Team conclusion	Outcome
	<p>Environment Plan is appropriate for nature and scale of activity</p>	<p>The assessment team recommends that the decision maker can be reasonably satisfied that the EP is appropriate for the nature and scale of the activity because there were no changes to the EP that related to these criteria specifically and so the following still applies:</p> <ol style="list-style-type: none"> <li>1. There is a suitable description of the activity - the EP is considered to provide a suitable description of the activity (Section 3) that is appropriate for informing impact and risk evaluations and meet the requirements of Regulation 13(1). For example, the temporal and spatial scopes and bounds of the activity are clearly described including details of the seismic parameters which provide important context for evaluating the impacts and risks from the seismic source acoustic emissions.</li> <li>2. There is a thorough description of the environment - the EP is considered to provide a thorough description of the environment (Section 4 and Appendix H) that is suitable for informing impact and risk evaluations and meet the requirements of 13(2) and 13(3). An appropriate process has been followed to define the areas that may be affected by the activity and identify and describe the environmental values in this area during the proposed timeframe for the activity. The description includes physical, biological and socio-economic values and appropriately references EPBC Act plans of management and tools (e.g. PMST Appendix C) to describe Matters of National Environmental Significance. Information collected during consultation with relevant persons during preparation of the EP has also been incorporated into the description of the environment, where appropriate.</li> <li>3. The impact and risk assessment is commensurate to magnitude of impacts and risks - the EP describes the process for assessing environmental impacts and risks, appropriately follows this process and reaches outcomes that are consistent with relevant internal and external context (Section 6) and meets the requirements of Regulation 13(5) and 13(6). Greater effort has been applied to aspects with greater potential for impact and risk to the environment (e.g. modelling for seismic source acoustic emissions (Appendix G)). The EP also includes an evaluation of cumulative impacts that is commensurate to the magnitude of impacts and risks as it includes not only seismic activities, but other petroleum activities (e.g. drilling of the Sasanof-1 exploration well in WA-519-P, and activities associated with the Jansz-lo Compression project).</li> <li>4. Suitable control measures have been included - the EP includes a range of suitable control measures that have been adopted to reduce the extent, severity and duration of impacts and risks posed by the activity with greater effort applied to identify and evaluate control measures for aspects with greater potential for impact and risk to the environment (e.g. seismic source acoustic emissions).</li> <li>5. Legislative requirements are included - appropriate information on legislative requirements is provided in the EP, including in Appendix B. In addition, a demonstration of how relevant requirements such as legislation, codes and standards are taken into consideration and met is included in the impact and risk acceptability evaluations throughout the EP.</li> <li>6. The level of analysis and evaluation is based on nature and scale of the activity - appropriate impact and risk evaluations are provided in the EP that reflect the nature and scale of the activity, and in turn this provides the basis for control measures to be appropriately identified and evaluated</li> </ol>	<p>Recommen d</p>

2	<p>Environment Plan demonstrates that the impacts and risks will be reduced to ALARP</p>	<p>The assessment team recommend that the decision maker can be reasonably satisfied that the EP demonstrates that impacts and risks will be reduced to ALARP because:</p> <ol style="list-style-type: none"> <li>1. All reasonable control measures have been considered and evaluated - the EP has identified and evaluated an appropriate suite of control measures. In the process of identifying and evaluating control measures, it generally appears that further effort has been applied to considering additional measures or improving performance of existing measures for the higher order impacts and risks.</li> <li>2. Evaluation of impacts and risks has been informed by suitable control measures - in the demonstration of acceptability process, clear links are established between the predicted levels of impact and risk and the adopted of control measures to demonstrate how the impacts and risks of the activity will be managed to levels that are ALARP and acceptable. In addition, the EP explicitly identifies areas of predictive uncertainty and appropriately applies precautionary control measures to address this uncertainty (e.g. seismic source validation - C 3.1).</li> <li>3. Enough detail of the control measures has been provided - control measures are described in sufficient detail to be reasonably satisfied that they will be effective in reducing the impacts and risks to ALARP for the duration of the activity.</li> <li>4. The evaluation of adoption of control measures is based on environmental benefit and is systematic, applied thoroughly, defensible, and reproducible - the evaluation of the adoption of control measures is sound and the ALARP process has been consistently followed. The level of detail in the ALARP assessment appears commensurate to the nature and scale of the impact or risk.</li> </ol> <p>The titleholder has also updated the EP such that:</p> <ol style="list-style-type: none"> <li>5. The impacts to blue whales from noise emissions generated by the survey have been reduced to ALARP. The EP now acknowledges that the survey is being undertaken in the known distribution range for blue whales, the controls that are in place have improved and it appears that they would be effective to not injure or disturb a whale should they be encountered because suitably trained and experienced MFO's will now be used for the survey, the EP has described the observation effort of MFO's on board the vessel, the EP commits to shut down the sound source if PBW are sighted at any distance within the limits of visibility), and suitable night-time and low visibility control measures are to be implemented. The management of noise appears to be within the guidelines outlined in EPBC Act Policy Statement 2.1 including Part B requirements.</li> </ol>	<p>Recommended</p>
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2	Environment Plan demonstrates that impacts and risks will be of an acceptable level	<p>The assessment team recommend that the decision maker can be reasonably satisfied that the EP demonstrates that impacts and risks will be of an acceptable level because:</p> <ol style="list-style-type: none"> <li>1. The EP systematically sets out acceptable levels of impact and risk for each environmental aspect and presents an evaluation to demonstrate how these defined acceptable levels compare to the predicted levels of impact. These comparisons are supported by robust and defensible evidence and conclusions.</li> <li>2. The principles of ESD are among the criteria considered in WEL's acceptability assessment. The EP considers principles of ESD when implementing the process of demonstrating how impacts and risks of the activity will be of an acceptable level. Having regard to impact and risk evaluation content of the EP, it is reasonable to believe that the activity would be carried out consistent with the principles of ESD as written in the EPBC Act.</li> <li>3. The EP identifies key management documents that are relevant to the activity including recovery plans for listed threatened species. In evaluating acceptability of impacts, the EP identifies relevant objectives and conservation actions from the recovery plans for listed threatened species to demonstrate how the activity is considered not inconsistent with the relevant requirements. The EP has been updated to demonstrate how the activity could be conducted so as to not be inconsistent with the objectives of the blue whale conservation management plan (Table 6-21) as well as being consistent with other plans of management addressed in previous submissions.</li> <li>4. The proposed activity does not contravene a plan for management for a WHP, NHP or Ramsar wetland.</li> <li>5. The EP has regard to other relevant government policies, guidelines, bioregional information etc.</li> <li>6. The EP applies an environmental risk assessment methodology process for impact and risk treatment that addresses uncertainty by following a precautionary approach where a conservative or 'worst-case' approach is applied where there is uncertainty in the level of harm. The EP addressed uncertainty in predictions with commitments to update the predictions should changes occur and apply conservative estimates to mitigation practices</li> <li>7. The EP implements a suitable process for demonstrating that impacts and risks generated by the activity will be managed to an acceptable level.</li> <li>8. The EP applies a systematic, thorough, defensible and reproducible method for determining whether or not impacts and risks will be managed to an acceptable level, and this has been applied to all impact pathways in the EP</li> <li>9. The EP has included consideration of relevant persons consultation into their definitions of acceptable levels of impact.</li> </ol>	Recommended
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2	<p>Environment Plan provides for appropriate performance outcomes, standards and measurement criteria</p>	<p>The assessment team recommend that the decision maker can be reasonably satisfied that the EP provides for appropriate performance outcomes, standards, and measurement criteria because:</p> <ol style="list-style-type: none"> <li>1. EPOs are linked to acceptable levels - while WEL's process for establishing EPOs does not involve defining acceptable levels, EPOs included in the EP in Section 6 generally provide levels of performance that are consistent with predicted levels of impact and risk which are demonstrably acceptable and ALARP based on the outcomes of demonstration of acceptability evaluations provided in the EP. As a result, EPOs are considered to be linked to acceptable levels.</li> <li>2. EPOs address all identified impacts and risks - overall there are 16 EPOs that address identified environmental impacts and risks appropriately for the nature and scale of the activity and environment that may be affected. These include EPO's for unplanned events such as no introduction and establishment of IMS (EPO16), no loss of seismic survey equipment (EPO15), no unplanned releases and spills (EPO's 11 to 14) as well as EPO's for planned impacts such as no impacts to long term water quality as a result of vessel discharges (EPO 9) and minimising impacts form noise emissions (EPO3 to 5).</li> <li>3. EPOs reflect levels of environmental performance - EPOs when read in conjunction with EPS and MC provide a framework for establishing performance for the management of environmental impacts and risks.</li> <li>4. EPSs are linked to control measures - the EP details control measures and sets out EPS in a way which enables them to be directly linked to applicable control measures (i.e. through the EP's application of a reference numbering system). They also provide a reasonable level of detail to understand how they will function and secure ongoing compliance throughout the activity.</li> <li>5. EPSs have clear measurement criteria (MC) that can easily be monitored for compliance - the EP includes an appropriate suite of MC to provide records of compliance with relevant EPS.</li> <li>6. EPOs, EPSs and MC are linked and complementary - while EPOs, EPSs and MC are presented across different parts of the EP (i.e., in tables at the end of each impact and risk evaluation), reasonable links can be made through the EP's application of a reference numbering system. Overall, it is considered that the suite of EPOs, EPSs and MC are complementary</li> </ol>	<p>Recommended</p>
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2	Environment Plan includes appropriate implementation strategy and monitoring, recording and reporting arrangements	<p>The assessment team recommend that the decision maker can be reasonably satisfied that the EP includes appropriate implementation strategy and monitoring, recording and reporting arrangements because:</p> <ol style="list-style-type: none"> <li>1. Content requirements of Regulation 14 are included - the content included in the EP addressing these requirements appears to be appropriate for the nature and scale of the activity.</li> <li>2. Evidence that all impacts and risks will continue to be reduced to ALARP and an acceptable level - the implementation strategy includes processes for: monitoring, audit, management of non-conformance and review; management of change and revision of the EP and OPEP; record keeping; and reporting. Implemented together, these processes should provide for environmental impacts and risk levels to remain acceptable and ALARP for the duration of the EP.</li> <li>3. Management of change, knowledge and learning processes are included - the EP includes an appropriate management of change process that provide for WEL to undertake monitoring for and understand change in both internal and external context relevant to the activity, implement processes to consider change in the context of environmental impacts and risks and regulatory requirements, and to have accepted changes implemented.</li> <li>4. The titleholder's environmental management system is effective - the effectiveness of Woodside's EMS would be tested through implementation of system components, including the processes outlined within the arrangements that will be in place to ensure environmental risks and impacts will continue to be reduced to ALARP and acceptable levels. These measures appear appropriate because they include fundamental 'do', 'check' and 'act' components of an EMS post-planning phase which would include developing the EP.</li> <li>5. Appropriate training and competencies - the EP includes content that demonstrates how persons working on the activity would be made aware of their role and responsibilities and will have appropriate training and competencies, including MFO's used for whale observations.</li> <li>6. Appropriate Oil Pollution Emergency Plan - the EP includes an OPEP for the activity that is comprised of the Woodside Oil Pollution Emergency Arrangements (OPEA) (Australia), Oil Spill Preparedness and Response Mitigation Assessment (Appendix D) and Oil Pollution First Strike Plan (Appendix I). The OPEP is appropriate for the nature and scale of the risk of pollution for the activity.</li> <li>7. Monitoring, recording, and reporting arrangements are adequate - the implementation strategy includes processes for monitoring performance, recording evidence of compliance, and reporting internally and externally as necessary on environmental management matters, including incidents. These processes are adequate for the nature and scale of the activity.</li> <li>8. Audit, review, and non-conformance management is included - the implementation strategy includes processes for auditing environmental performance, non-conformance management and review of environmental performance for continuous improvement.</li> <li>9. Testing of response arrangements evident - the EP outlines a reasonable process for testing the OPEP response arrangements that appears to be appropriate to the nature and scale of the risk of oil pollution for the activity.</li> <li>10. Ongoing consultation arrangements are in place - the EP includes details of the planned ongoing consultation arrangements for the activity with commitments to undertake engagements with the relevant persons that requested ongoing consultation during the consultation in preparation of the EP. The EP also demonstrates that additional relevant persons may be identified and demonstrates commitment to appropriately consult with relevant persons throughout the activity including through assessing and managing new objections and claims.</li> </ol>	Recommended
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2	Environment Plan demonstrates appropriate level of consultation	The assessment team recommend that the decision maker should not be reasonably satisfied that the EP demonstrates an appropriate level of consultation because:  1. Effective consultation with relevant persons has not taken place - Greenpeace Australia Pacific Limited (Greenpeace) wrote to Woodside on 7 April 2022 claiming it is a relevant person for the purposes of consultation in accordance with the provisions of regulation 11A, and Woodside's evaluation that Greenpeace does not meet the provisions of regulation 11A has not addressed the relevant basis outlined in this correspondence, and relevant publicly available information (e.g. the active public campaigns by Greenpeace against Woodside's Scarborough project specifically targeting matters relevant to the seismic activity, Greenpeace's prior identification in the Scarborough Offshore Project Proposal), which appears to support Greenpeace's claim that it may be considered a 'relevant person'. Noting this, the EP does not demonstrate that Woodside has carried out the consultations required by Division 2.2A or that any measures that have been or are proposed to be adopted by Woodside because of the consultations are appropriate.	Do not Recommend
	Environment Plan complies with the Act and regulations	The assessment team recommend that the decision maker should not be reasonably satisfied that the EP complies with the Act and regulations because:  1. Commitments of OPGGS Act and Environment Regulations that are not demonstrated to be met include Section 571(2): Financial assurance. Financial assurance declaration and confirmation have not been received at this time.	Do not Recommend
	Environment Plan does not involve the activity or part of the activity being undertaken in any part of a declared World Heritage property	The assessment team recommend that the decision maker can be reasonably satisfied that the EP does not involve the activity or part of the activity being undertaken in any part of a declared World Heritage property because the EP does not involve the activity or part of the activity being undertaken in any part of a declared World Heritage property aside from environmental monitoring in the event of a spill.	Recommend
<b>Commonwealth Environment Program</b>		<b>Result</b>	
World Heritage properties		Relevant requirements met	
National Heritage places		Relevant requirements met	
Ramsar wetlands		Relevant requirements met	
Listed threatened species and communities		Relevant requirements met	
Listed migratory species		Relevant requirements met	
Commonwealth marine area		Relevant requirements met	
<b>RoN decision</b>	<b>Decision reason</b>	<b>RoN</b>	
Opportunity to modify and resubmit	Based on the available information and my review of the findings of the assessment team and their recommendations above, I am not satisfied that the environment plan meets the criteria set out in regulation 10A.  Based on the available information, I am not satisfied that the titleholder complies with financial assurance requirements of the Act (subsection 571(2)) in relation to the petroleum activity, and am unable to determine if the compliance is in a form that is acceptable to NOPSEMA.		

3	Acceptance criteria	Team conclusion	Outcome
	Environment Plan is appropriate for nature and scale of activity	The assessment team recommends that the decision maker should not be reasonably satisfied that the EP is appropriate for the nature and scale of the activity because further information in relation the ethnographic surveys is required to support Woodside's description of the cultural features of the environment that may be affected by the activity (EP, Section 4.9.1.1) and to verify conclusions made by Woodside that are based from this description (also see the conclusion for 'Environment Plan demonstrates that impacts and risks will be of an acceptable level').	Do not Recommend
	Environment Plan demonstrates that the impacts and risks will be reduced to ALARP	<p>The assessment team recommends that the decision maker should not be reasonably satisfied that the EP demonstrates that impacts and risks will be reduced to ALARP because it is not clear that impacts and risks to pygmy blue whales will be reduced to ALARP. This is because:</p> <ol style="list-style-type: none"> <li>1. The EP has not accounted for the recorded presence of pygmy blue whales in the Active Source Area and surrounding ensonified waters that has recently come to NOPSEMA's attention in the submission of the Scarborough Seabed Intervention and Trunkline Installation EP, Rev 3 (Figure 4-12)</li> <li>2. The evaluation of impacts on pygmy blue whales and selection of control measures is based on the 'possibility of encountering individual whales' rather than the recorded presence of pygmy blue whales and the potential for foraging during the northern migration period (EP Section 4.6.3.1) to occur within the operational area and surrounding ensonified waters.</li> </ol>	Do not Recommend
	Environment Plan demonstrates that impacts and risks will be of an acceptable level	<p>The assessment team recommends that the decision maker should not be reasonably satisfied that the EP demonstrates that impacts and risks will be of an acceptable level because:</p> <ol style="list-style-type: none"> <li>1. It is not clear that impacts and risks to pygmy blue whales will be of an acceptable level because of the same reasons that are outlined in the above conclusion for 'Environment Plan demonstrates that the impacts and risks will be reduced to ALARP'.</li> <li>2. It is not clear that the EP implements a suitable process for demonstrating that impacts and risks generated by the activity will be managed to an acceptable level because the EP explains that 'marine ecosystems are considered connected and may hold both cultural and environmental value, with these types of values (cultural and environmental) intrinsically linked (MAC, 2021). Therefore, management of environmental values will preserve the cultural values of environmental receptors', but the citation for the MAC 2021 document is not included in the reference list (EP, section 8) and relevant content from the MAC 2021 document has not been included in the EP to support Woodside's conclusion that the management of environmental values will preserve the cultural values of environmental receptors.</li> <li>3. It is not clear that the description of the cultural features of the environment is sufficient to enable Woodside to demonstrate that the potential impacts of the activity on these features will be acceptable. This is because there is insufficient information in the EP to verify that those with cultural authority were involved in the ethnographic surveys relied on by Woodside to inform the description of the cultural features of the environment, and that 'these surveys have found no ethnographic values within the Operational Area or EMBA' (Section 4.9.1.1).</li> </ol>	Do not Recommend


3	<p>Environment Plan provides for appropriate performance outcomes, standards and measurement criteria</p>	<p>The assessment team recommend that the decision maker can be reasonably satisfied that the EP provides for appropriate performance outcomes, standards, and measurement criteria because:</p> <ol style="list-style-type: none"> <li>1. EPOs are linked to acceptable levels - while WEL's process for establishing EPOs does not involve defining acceptable levels, EPOs included in the EP in Section 6 generally provide levels of performance that are consistent with predicted levels of impact and risk which are demonstrably acceptable and ALARP based on the outcomes of demonstration of acceptability evaluations provided in the EP. As a result, EPOs are considered to be linked to acceptable levels.</li> <li>2. EPOs address all identified impacts and risks - overall there are 16 EPOs that address identified environmental impacts and risks appropriately for the nature and scale of the activity and environment that may be affected. These include EPO's for unplanned events such as no introduction and establishment of IMS (EPO16), no loss of seismic survey equipment (EPO15), no unplanned releases and spills (EPO's 11 to 14) as well as EPO's for planned impacts such as no impacts to long term water quality as a result of vessel discharges (EPO 9) and minimising impacts form noise emissions (EPO3 to 5).</li> <li>3. EPOs reflect levels of environmental performance - EPOs when read in conjunction with EPS and MC provide a framework for establishing performance for the management of environmental impacts and risks.</li> <li>4. EPSs are linked to control measures - the EP details control measures and sets out EPS in a way which enables them to be directly linked to applicable control measures (i.e. through the EP's application of a reference numbering system). They also provide a reasonable level of detail to understand how they will function and secure ongoing compliance throughout the activity.</li> <li>5. EPSs have clear measurement criteria (MC) that can easily be monitored for compliance - the EP includes an appropriate suite of MC to provide records of compliance with relevant EPS.</li> <li>6. EPOs, EPSs and MC are linked and complementary - while EPOs, EPSs and MC are presented across different parts of the EP (i.e., in tables at the end of each impact and risk evaluation), reasonable links can be made through the EP's application of a reference numbering system. Overall, it is considered that the suite of EPOs, EPSs and MC are complementary</li> </ol>	<p>Recommended</p>
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3	Environment Plan includes appropriate implementation strategy and monitoring, recording and reporting arrangements	<p>The assessment team recommend that the decision maker can be reasonably satisfied that the EP includes appropriate implementation strategy and monitoring, recording and reporting arrangements because:</p> <ol style="list-style-type: none"> <li>1. Content requirements of Regulation 14 are included - the content included in the EP addressing these requirements appears to be appropriate for the nature and scale of the activity.</li> <li>2. Evidence that all impacts and risks will continue to be reduced to ALARP and an acceptable level - the implementation strategy includes processes for: monitoring, audit, management of non-conformance and review; management of change and revision of the EP and OPEP; record keeping; and reporting. Implemented together, these processes should provide for environmental impacts and risk levels to remain acceptable and ALARP for the duration of the EP.</li> <li>3. Management of change, knowledge and learning processes are included - the EP includes an appropriate management of change process that provide for WEL to undertake monitoring for and understand change in both internal and external context relevant to the activity, implement processes to consider change in the context of environmental impacts and risks and regulatory requirements, and to have accepted changes implemented.</li> <li>4. The titleholder's environmental management system is effective - the effectiveness of Woodside's EMS would be tested through implementation of system components, including the processes outlined within the arrangements that will be in place to ensure environmental risks and impacts will continue to be reduced to ALARP and acceptable levels. These measures appear appropriate because they include fundamental 'do', 'check' and 'act' components of an EMS post-planning phase which would include developing the EP.</li> <li>5. Appropriate training and competencies - the EP includes content that demonstrates how persons working on the activity would be made aware of their role and responsibilities and will have appropriate training and competencies, including MFO's used for whale observations.</li> <li>6. Appropriate Oil Pollution Emergency Plan - the EP includes an OPEP for the activity that is comprised of the Woodside Oil Pollution Emergency Arrangements (OPEA) (Australia), Oil Spill Preparedness and Response Mitigation Assessment (Appendix D) and Oil Pollution First Strike Plan (Appendix I). The OPEP is appropriate for the nature and scale of the risk of pollution for the activity.</li> <li>7. Monitoring, recording, and reporting arrangements are adequate - the implementation strategy includes processes for monitoring performance, recording evidence of compliance, and reporting internally and externally as necessary on environmental management matters, including incidents. These processes are adequate for the nature and scale of the activity.</li> <li>8. Audit, review, and non-conformance management is included - the implementation strategy includes processes for auditing environmental performance, non-conformance management and review of environmental performance for continuous improvement.</li> <li>9. Testing of response arrangements evident - the EP outlines a reasonable process for testing the OPEP response arrangements that appears to be appropriate to the nature and scale of the risk of oil pollution for the activity.</li> <li>10. Ongoing consultation arrangements are in place - the implementation strategy provides for appropriate ongoing stakeholder consultation in accordance with regulation 14(9) because the ongoing consultation process will ensure relevant interested persons or organisations, including relevant persons, will continue to be identified and informed of the activity over time and are able to provide new or additional information relevant to the impacts and risks of the activity, and Woodside will consider and address new relevant information so that impacts and risks continue to be managed to ALARP and acceptable levels. In addition, Woodside will identify and engage with stakeholders that may be affected by the activity in the event of an incident (e.g. during an unplanned hydrocarbon spill event).</li> </ol>	Recommended
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3	Environment Plan demonstrates appropriate level of consultation	<p>The assessment team recommend that the decision maker should not be reasonably satisfied that the EP demonstrates an appropriate level of consultation because relevant person consultation in the course of preparing the EP appears incomplete. This is because:</p> <ol style="list-style-type: none"> <li>1. The EP does not clearly identify who is / is not considered to be a relevant person or provide supporting rationale for the determination. Table 5-1 appears to represent a combination of 'relevant persons' and 'additional persons', and there is a level of ambiguity as to which category each stakeholder has been determined to be. For example, it is unclear whether Save our Songlines who has self-identified as a relevant person, Murujuga Aboriginal Corporation (MAC) and Ngarluma Aboriginal Corporation (NAC) who have been identified as potentially relevant by Yamatji Marlpa Aboriginal Corporation (YMAC), and YMAC who is identified as potentially relevant in the North-West Network Marine Park Management Plan, are considered relevant persons.</li> <li>2. Based on the summary of consultation in Table 5-1 and the full text record in the Sensitive Information Part of the EP, some stakeholders have not been consulted as relevant persons despite one or more relevant person identification factors (EP Section 5.4.1) being met and / or publicly available information that indicates the potential to be considered a 'relevant person'. For example, the Australian Conservation Foundation (ACF), Australian Marine Conservation Society (AMCS) and Say No to Scarborough Gas have not been consulted as relevant persons despite these organisations publicly indicating the potential for their interests, functions or activities to be affected by the activity.</li> </ol>	Do not Recommend
	Environment Plan complies with the Act and regulations	<p>The assessment team recommend that the decision maker can be reasonably satisfied that the EP complies with the Act and regulations because:</p> <ol style="list-style-type: none"> <li>1. Consistent with the principles of ESD - a clear demonstration of how management of the activity is consistent with the principles of ESD has been provided.</li> <li>2. Content requirements of Regulation 13-16 are included - the content requirements of the Environment Regulations are appropriately addressed throughout the EP as demonstrated through the assessment findings. The level of detail is considered commensurate to the impacts and risks (nature and scale of the activity) and sufficient clarity is considered to be provided to demonstrate that the EP addresses the content requirements of regulations 13-16.</li> <li>3. Commitments of OPGGS Act and Environment Regulations - the activity does not involve the deployment of any equipment onto the seafloor, therefore Section 572 of the OPGGS Act is not relevant for this EP. A financial assurance declaration and confirmation has been received for the activity (Section 571(2) of the OPGGS Act). The implementation strategy included in the EP addresses the notification and reporting requirements of the Environment Regulations.</li> </ol>	Recommend
	Environment Plan does not involve the activity or part of the activity being undertaken in any part of a declared World Heritage property	<p>The assessment team recommend that the decision maker can be reasonably satisfied that the EP does not involve the activity or part of the activity being undertaken in any part of a declared World Heritage property because the EP does not involve the activity or part of the activity being undertaken in any part of a declared World Heritage property aside from environmental monitoring in the event of a spill.</p>	Recommend
<b>Commonwealth Environment Program</b>		<b>Result</b>	
World Heritage properties		Relevant requirements met	
National Heritage places		Relevant requirements met	
Ramsar wetlands		Relevant requirements met	
Listed threatened species and communities		Relevant requirements not met	
Listed migratory species		Relevant requirements not met	
Commonwealth marine area		Relevant requirements met	
<b>RoN decision</b>	<b>Decision reason</b>	<b>RoN</b>	



3	Opportunity to modify and resubmit	Based on the available information and my review of the findings of the assessment team and their recommendations above, I am not satisfied that the environment plan meets the criteria set out in regulation 10A.	
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4	Acceptance criteria	Team conclusion	Outcome
	Environment Plan is appropriate for nature and scale of activity	<p>The assessment team recommends that the decision maker should not be reasonably satisfied that the EP is appropriate for the nature and scale of the activity because it is not evident that the EP contains a thorough description of the environment that may be affected by the activity. This is because the cultural heritage description is not supported by sufficient appropriate evidence. In particular:</p> <ol style="list-style-type: none"> <li>1. It hasn't been appropriately confirmed via relevant persons consultation that there are no further environmental values of cultural significance in the area affected by the activity given that effective consultation has not taken place with all First Nations relevant persons.</li> <li>2. The cultural heritage description in the EP inappropriately relies on a 2022 report containing opinion and advice given to NOPSEMA by Extent Heritage under a contract for services and provided to Woodside by NOPSEMA as part of procedural fairness as set out in NOPSEMA's EP Assessment Policy and not for purposes of Woodside demonstrating the acceptance criteria of an EP has been met.</li> </ol>	Do not Recommend
	Environment Plan demonstrates that the impacts and risks will be reduced to ALARP	<p>The assessment team recommends that the decision maker should not be reasonably satisfied that the EP demonstrates that impacts and risks will be reduced to ALARP because it is not clear that impacts and risks to pygmy blue whales will be reduced to ALARP. This is because:</p> <ol style="list-style-type: none"> <li>1. The evaluation of impacts and risks has not suitably informed the selection of suitable control measures - Although an additional control measure has been proposed for a spotter vessel with two MFO's to be used during May and June, there is no adaptive management control that in the event that higher numbers of whales are sighted in other months besides May and June e.g. April, July (northern migration) and Oct to Jan (southern migration) or any other time, there is no trigger for deploying the spotter vessel with MFO's to reduce impacts to PBW.</li> <li>2. Enough detail of the control measures has not been provided - In relation to the additional control measure of the spotter vessel, it is not clear what will be the distance ahead that the vessel will maintain, what the triggers for corrective actions will be, what the corrective actions will be and how these additional measures compare with the distances for behavioural disturbance and TTS thresholds to demonstrate that impacts will be reduced to ALARP.</li> </ol>	Do not Recommend
	Environment Plan demonstrates that impacts and risks will be of an acceptable level	<p>The assessment team recommends that the decision maker should not be reasonably satisfied that the EP demonstrates that impacts and risks will be of an acceptable level to pygmy blue whales because:</p> <ol style="list-style-type: none"> <li>1. It is not clear that impacts and risks to pygmy blue whales will be of an acceptable level because of the same reasons that are outlined in the above conclusion for 'Environment Plan demonstrates that the impacts and risks will be reduced to ALARP</li> <li>2. Without the additional adaptive management trigger discussed in relation to ALARP, there is the possibility that the EP will not ensure that impacts will not be inconsistent with the Conservation Management Plan for blue whales and therefore reduced to an acceptable level, because areas of uncertainty in predictions of impact and risk are not addressed. The implementation of the spotter vessel control is constrained to the time of the greatest predicted likelihood of seeing whales, but applying the precautionary principle, there should also be an adaptive management trigger to implement this control in other months should the number of whale sightings be greater than predicted, due to the significant distances over which noise is generated by the activity. In addition, the EM does not demonstrate how the control will work to ensure impacts will be of an acceptable level by providing sufficient detail.</li> </ol>	Do not Recommend

4	<p>Environment Plan provides for appropriate performance outcomes, standards and measurement criteria</p>	<p>The assessment team recommend that the decision maker can be reasonably satisfied that the EP provides for appropriate performance outcomes, standards, and measurement criteria because:</p> <ol style="list-style-type: none"> <li>1. EPOs are linked to acceptable levels - while Woodside's process for establishing EPOs does not involve defining acceptable levels, EPOs included in the EP in Section 6 generally provide levels of performance that are consistent with predicted levels of impact and risk which are demonstrably acceptable and ALARP based on the outcomes of demonstration of acceptability evaluations provided in the EP. As a result, EPOs are considered to be linked to acceptable levels.</li> <li>2. EPOs address all identified impacts and risks - overall there are 16 EPOs that address identified environmental impacts and risks appropriately for the nature and scale of the activity and the environment that may be affected. These include EPOs for unplanned events such as no introduction and establishment of IMS (EPO16), no loss of seismic survey equipment (EPO15), no unplanned releases and spills (EPO 11 - 14) as well as EPOs for planned impacts such as no impacts to long term water quality as a result of vessel discharges (EPO 9) and minimising impacts from noise emissions (EPO 3 - 5).</li> <li>3. EPOs reflect levels of environmental performance - EPOs when read in conjunction with EPSs and MC provide a framework for establishing performance for the management of environmental impacts and risks.</li> <li>4. EPSs are linked to control measures - the EP details control measures and sets out EPSs in a way which enables them to be directly linked to the applicable control measures (i.e. through the EP's application of a reference numbering system). They also provide a reasonable level of detail to understand how they will function and secure ongoing compliance throughout the activity.</li> <li>5. EPSs have clear MC that can easily be monitored for compliance - the EP includes an appropriate suite of MC to provide records of compliance with relevant EPSs.</li> <li>6. EPOs, EPSs and MC are linked and complementary - while EPOs, EPSs and MC are presented across different parts of the EP (i.e., in tables at the end of each impact and risk evaluation), reasonable links can be made through the EP's application of a reference numbering system. Overall, it is considered that the suite of EPOs, EPSs and MC are complementary.</li> </ol>	<p>Recommended</p>
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4	Environment Plan includes appropriate implementation strategy and monitoring, recording and reporting arrangements	<p>The assessment team recommend that the decision maker can be reasonably satisfied that the EP includes an appropriate implementation strategy and monitoring, recording and reporting arrangements because:</p> <ol style="list-style-type: none"> <li>1. Content requirements of Regulation 14 are included - the content included in the EP addressing these requirements appears to be appropriate for the nature and scale of the activity.</li> <li>2. Evidence that all impacts and risks will continue to be reduced to ALARP and an acceptable level - the implementation strategy includes processes for: monitoring; audit; management of non-conformance and review; management of change and revision of the EP and OPEP; record keeping; and reporting. When implemented together, these processes should ensure that all environmental impacts and risks continue to be identified and reduced to ALARP and acceptable levels for the duration of the EP.</li> <li>3. Management of change, knowledge and learning processes are included - the EP includes an appropriate management of change process that provide for Woodside to undertake monitoring and understand change in both internal and external context relevant to the activity, implement processes to consider change in the context of environmental impacts and risks and regulatory requirements, and to have accepted changes implemented.</li> <li>4. The titleholder's environmental management system is effective - the effectiveness of Woodside's EMS would be tested through implementation of system components, including the processes outlined within the arrangements that will be in place to ensure environmental risks and impacts continue to be reduced to ALARP and acceptable levels. These measures appear appropriate because they include fundamental 'do', 'check' and 'act' components of an EMS post-planning phase which would include developing the EP.</li> <li>5. Appropriate training and competencies - the EP includes content that demonstrates how persons working on the activity would be made aware of their role and responsibilities and will have appropriate training and competencies, including MFO's used for whale observations.</li> <li>6. Appropriate Oil Pollution Emergency Plan - the EP includes an OPEP for the activity that is comprised of the Woodside Oil Pollution Emergency Arrangements (OPEA) (Australia), Oil Spill Preparedness and Response Mitigation Assessment (Appendix D) and Oil Pollution First Strike Plan (Appendix I). The OPEP is appropriate for the nature and scale of the risk of pollution for the activity.</li> <li>7. Monitoring, recording, and reporting arrangements are adequate - the implementation strategy includes processes for monitoring performance, recording evidence of compliance, and reporting internally and externally as necessary on environmental management matters, including incidents. These processes are adequate for the nature and scale of the activity.</li> <li>8. Audit, review, and non-conformance management is included - the implementation strategy includes processes for auditing environmental performance, non-conformance management and review of environmental performance for continuous improvement.</li> <li>9. Testing of response arrangements evident - the EP outlines a reasonable process for testing the OPEP response arrangements that appears to be appropriate to the nature and scale of the risk of oil pollution for the activity.</li> <li>10. Ongoing consultation arrangements are in place - the implementation strategy provides for appropriate ongoing stakeholder consultation in accordance with regulation 14(9) because the ongoing consultation process will ensure relevant interested persons or organisations, including relevant persons, will continue to be identified and informed of the activity over time and are able to provide new or additional information relevant to the impacts and risks of the activity. The implementation strategy provides for Woodside to consider and address new relevant information so that impacts and risks continue to be managed to ALARP and acceptable levels. In addition, Woodside will identify and engage with stakeholders that may be affected by the activity in the event of an incident (e.g. during an unplanned hydrocarbon spill event).</li> </ol>	Recommended
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4	Environment Plan demonstrates appropriate level of consultation	The assessment team recommends that the decision maker should not be reasonably satisfied that the EP demonstrates an appropriate level of consultation because: <ul style="list-style-type: none"> <li>1. It is unclear whether all relevant persons under regulation 11A(1) have been appropriately identified and consulted given that Woodside's method for relevant persons identification does not sufficiently provide for the broad capture of relevant persons.</li> <li>2. The consultation process described in the EP does not provide for effective consultation with relevant persons and further to this, it is not evident that effective consultation has taken place with all relevant persons.</li> </ul>	Do not Recommend
	Environment Plan complies with the Act and regulations	The assessment team recommend that the decision maker can be reasonably satisfied that the EP complies with the Act and regulations because: <ul style="list-style-type: none"> <li>1. Consistent with the principles of ESD - a clear demonstration of how the management of the activity is consistent with the principles of ESD has been provided.</li> <li>2. Content requirements of Regulation 13 - 16 are included - the content requirements of the Environment Regulations are appropriately addressed throughout the EP as demonstrated through the assessment findings. The level of detail is considered commensurate to the impacts and risks (nature and scale of the activity) and sufficient clarity is considered to be provided to demonstrate that the EP addresses the content requirements of regulations 13 - 16.</li> <li>3. Commitments of OPGGS Act and Environment Regulations - the activity does not involve the deployment of any equipment onto the seafloor, therefore Section 572 of the OPGGS Act is not relevant for this EP. A financial assurance declaration and confirmation has been received for the activity (Section 571(2) of the OPGGS Act). The implementation strategy included in the EP addresses the notification and reporting requirements of the Environment Regulations.</li> </ul>	Recommend
	Environment Plan does not involve the activity or part of the activity being undertaken in any part of a declared World Heritage property	The assessment team recommend that the decision maker can be reasonably satisfied that the EP does not involve the activity or part of the activity being undertaken in any part of a declared World Heritage property because the EP describes the closest World Heritage property being the Ningaloo Coast World Heritage property which is located approximately 168km South South East of the Operational Area.	Recommend
<b>Commonwealth Environment Program</b>		<b>Result</b>	
World Heritage properties		Relevant requirements met	
National Heritage places		Relevant requirements met	
Ramsar wetlands		Relevant requirements met	
Listed threatened species and communities		Relevant requirements not met	
Listed migratory species		Relevant requirements not met	
Commonwealth marine area		Relevant requirements met	
<b>RoN decision</b>	<b>Decision reason</b>	<b>RoN</b>	
Opportunity to modify and resubmit	Based on the available information and my review of the findings of the assessment team and their recommendations above, I am not reasonably satisfied that the environment plan meets the criteria set out in regulation 10A.		

5	Acceptance criteria	Team conclusion	Outcome
	<p>Environment Plan is appropriate for nature and scale of activity</p>	<p>The assessment team recommends that the decision maker can be reasonably satisfied that the EP is appropriate for the nature and scale of the activity because:</p> <ol style="list-style-type: none"> <li>1. There is a suitable description of the activity to inform how it may affect the environment including:</li> <li>2. The scope and bounds of the activity. In particular, the EP provides details of the proposed location, spatial extent, timeframe, and duration of the activity and clearly defines the limits of the survey acquisition parameters for the activity.</li> <li>3. A thorough description of the activity components with the greatest potential to generate impacts and risks to the environment throughout the activity duration. In particular, the EP thoroughly applies a logical process to identify and describe the activity components that may present sources of impact and/or risk to the environment and provides more detail on activity components with the greatest potential to generate impacts and risks to the environment, particularly the equipment that will be used to generate and measure acoustic signals during seismic acquisition.</li> <li>4. A comprehensive list of all equipment and property brought into the title areas for the activity. In particular, the EP comprehensively describes the numbers and types of equipment and property that will be brought into the title areas and used to undertake the activity.</li> <li>5. The description of the activity includes detailed information about the noise source and modelling to predict potential disturbances and injury to whales. During the assessment the description of the activity was modified to include a spotter vessel that will be used at all times during the survey, increasing the total number of vessels for the activity to four. The spotter vessel will have two MFOs aboard and will be deployed 5km ahead of the vessel to increase the observation distance for whales.</li> <li>6. There is a thorough description of the environment that may be affected by the activity including:</li> <li>7. Matters protected under Part 3 of the EPBC Act. In particular, the EP thoroughly applies a logical process to identify and describe the matters protected under Part 3 of the EPBC Act that overlap with the areas that may be affected by impacts and risks from the planned and/or unplanned aspects of the activity. The EP has utilised relevant information to adequately inform and support the descriptions, such as information available on DCCEEW's website such as plans of management, threat abatement plans, threatened species recovery plans and marine bioregional plans.</li> <li>8. Key physical, biological, social, economic, and cultural features, values and sensitivities of the environment of the Commonwealth marine area. In particular, the EP thoroughly applies a logical process to identify and describe the key physical, biological, social, economic, and cultural features, values and sensitivities of the environment that overlap with the areas that may be affected by impacts and risks from the planned and/or unplanned aspects of the activity. The EP has utilised relevant references and information sources to adequately inform and support the descriptions, such as contemporary peer reviewed scientific literature and other authoritative sources.</li> <li>9. the EP contains a thorough description of the environment that may be affected by the activity including the First Nations cultural features and heritage values of that environment; and</li> <li>10. the information provided by First Nations people/groups that were consulted during the titleholder's relevant persons consultation process is incorporated in the EP where relevant.</li> <li>11. the description of the environment in the EP also includes information about the likelihood of whales being present in the area and during the assessment the EP was updated to include acknowledgement that the activity is in the distribution range of PBW, although is out of the migration BIA when movement of whales is taken into account (ANIMAT modelling) and to reference contemporary information about the recorded presence of whales in the survey area (which relates to a tagged individual that could have been opportunistically foraging to the west of the migration BIA over the Exmouth Plateau (a Key Ecological Feature noted for its localised upwelling potential). Whale presence has also been recorded in the area from noise loggers Thums et al. HBW (culturally significant fauna) migration routes are over 100km to the east of the operational area (s4.6.3.1).</li> </ol>	<p>Recommen d</p>

12. The EP includes sufficient information on legislative requirements that are relevant to the activity and a demonstration of how they will be met. In particular, the EP includes an outline of the legislative requirements that are relevant to the activity and explains how they will be complied with throughout the life of the EP as part of the process that the EP applies for evaluating whether environmental impacts and risks of the activity will be of an acceptable level. Relevant legislative requirements for protected matters, specifically the blue whale recovery plan, have been described including how the requirements will be met by implementing the control measures.

13. The impact and risk assessment presented in the EP is commensurate to the magnitude of impacts and risks and the level of analysis and evaluation is appropriate for the nature and scale of the activity and the severity of individual impacts and risks. For example:

14. The EP has identified and evaluated all environmental impacts and risks that may arise from the activity, whether arising directly or indirectly, and including those arising from potential emergency conditions whether resulting from an accident or any other reason.

15. Evaluations of impacts and risks provided in the EP are specific for the nature and location of the activity and the environmental receptors that may be affected.

16. A suitably increased level of detail with greater analysis and evaluation has been applied to the impact assessment in accordance with the nature and scale of the risks to listed and threatened whale species.

17. The EP applies more detail and rigour to the impact and risk assessments where there is a higher degree of scientific uncertainty in predictions of impacts and risks and/or severity of potential consequence of impacts and risks and provides details of the additional studies that were undertaken by the titleholder to adequately support and inform those impact and risks evaluations, including:

18. Oil spill trajectory modelling (section 6.7.1).

19. Underwater sound modelling (Appendix G).

20. There is a clear demonstration that the evaluation of impacts and risks has informed the selection of suitable control measures appropriate for the nature and scale of the activity to either reduce the consequence/severity or likelihood of environmental impacts and risks. Suitable control measures have been included in the EP in proportion with the nature and scale of potential impacts to whales. Suitable control measures have been included to mitigate the impacts to whales in proportion to the probability of whale presence, particularly PBW and toothed whales, and it is NOPSEMA's expectation that a MOC process would be implemented if predictions about whale presence and behaviour that underpin the impact assessment are found to be different than expected during the survey.

21. Information provided during relevant persons consultation is appropriately considered, evaluated, and incorporated into the EP where it is relevant including with DCCEEW in relation to the status of the distribution range for PBW's not being a BIA as was at the time indicated in the NVCA, as well as ongoing correspondence with eNGO's with claims and objections in relation to the potential impacts of noise from the seismic survey on whales.

Environment Plan demonstrates that the impacts and risks will be reduced to ALARP

The assessment team recommend that the decision maker can be reasonably satisfied that the EP demonstrates that impacts and risks will be reduced to ALARP because:

1. The EP applies a clear, systematic, defensible, and reproducible process for demonstrating how environmental impacts and risks will be reduced to ALARP. The process involves analysing the effectiveness of a range of control measures that will either reduce the consequence/severity or likelihood of impacts and risks and setting out reasoned conclusions for whether a control measure is adopted based on environmental benefit versus cost of implementing that control measure. The evaluation of adoption of control measures relevant to threatened and migratory whales is based on environmental benefit and is systematic, defensible, and reproducible (section 6.6.2). The EP adequately identifies and evaluates the potential impacts and risks from the activity to pygmy blue whales, humpback whales and deep diving species such as sperm

Do not Recommend

and beaked whales informed by the likelihood of species presence, distribution and behaviour within the area that may be affected by underwater noise emissions and supported with peer-reviewed literature and underwater noise propagation modelling (Appendix G).

2. All reasonable control measures have been considered and evaluated by the titleholder, including control measures reflecting good industry practice. For higher order impacts and risks, the exploration of alternative, additional, or improved control measures by the titleholder is also evident. The EP considers, evaluates, and details all reasonable control measures that could reduce impacts to threatened and migratory whales to ALARP. Justification as to whether a control measure is adopted is based on the consideration of environmental benefit and feasibility. The EP provides supported reasons for why the adopted controls for threatened and migratory whales reduce the potential impacts to the point that any additional or alternative control measures are either not feasible or their cost would be grossly disproportionate to the benefit.

3. The evaluation of impacts and risks has informed the selection of suitable control measures and there is sufficient detail of the control measures provided in the EP, particularly when read in conjunction with EPSs, to understand how control measures are intended to perform and to demonstrate that they will be effective in reducing impacts and/or risks to ALARP for the duration of the EP. The EP provides well-reasoned and supported arguments as to how the adopted control measures will reduce the potential impacts and/or risks to the point that any additional or alternative control measures either are not feasible, fail to lower impacts and/or risks any further or are grossly disproportionate in cost/sacrifice compared to the environmental benefit gained based on the residual consequence of the impact or risk. The evaluations of impacts and risks to threatened and migratory whales have been informed by applying suitable control measures including that the principal control measures applied to inform the evaluation of impacts and risks are those set out within EPBC Act Policy Statement 2.1 - Interaction between offshore seismic exploration and whales.

4. Input from relevant persons relating to impacts to threatened and migratory whales has been incorporated into the EP in Table 5.4 and section 6.6.2 and includes consideration of objections and claims raised in relation to the management of impacts to whales to ALARP. Letters received from relevant persons after the EP was submitted did not raise any new issues that had not already been addressed in the EP previously.

The assessment team recommend that the decision maker cannot be reasonably satisfied that the EP demonstrates that impacts and risks will be reduced to ALARP because:

5. although generally enough detail of the control measures has been provided NOPSEMA has interpreted the EP as proposing to use a spotter vessel with two additional trained and experienced MFO's for the duration of the survey without seasonal limitations as described in section 3.5.5, section 6.6.2( p204, 246, 247), C 4.2, PS 4.2, PS 4.6 and Table 6-20 (p346) of the EP, and on this basis has found reasonable satisfaction that noise impacts to whales will be reduced to ALARP. But in other parts of the EP the description of the spotter vessels states that it will only be used during the peak northbound migration months of May and June (e.g., Table 3-1, Table 5-4, section 6.6.2 (p249, 251, 252), C 4.6, Appendix F). Therefore, it is recommended that NOPSEMA accept the plan subject to conditions applying to the operation of the activity that will ensure that the spotter vessel is used as described in the sections of the EP that commit to not limiting use of this control measure to only May and June.

Environment Plan demonstrates that impacts and risks will be of an acceptable level

The assessment team recommend that the decision maker can be reasonably satisfied that the EP demonstrates that impacts and risks will be of an acceptable level because:

1. The EP applies a clear, systematic, defensible, and reproducible process for demonstrating how environmental impacts and risks will be of an acceptable level. The process involves evaluating impacts and risks in the context of how they comply or align with relevant internal and external policy settings, stakeholder feedback received by the titleholder during relevant persons consultation, relevant legislative requirements including but not limited to applicable plans of management, recovery plans, conservation advice and other guidance for matters protected under the EPBC Act, and the principles of ESD as defined under the EPBC Act. In relation to whales The EP shows regard to relevant policy documents, guidance, bioregional plans and instruments under the EPBC Act and NOPSEMA can be reasonably satisfied that the EP is consistent with key documents including NW Bioregional Plan re: Exmouth Plateau, PS 2.1, and the Blue Whale Conservation Management Plan, particularly that any blue whale continues to

Recommended



utilise an area without injury and is not displaced from a foraging area.

2. The process that the EP applies for demonstrating that impacts and risks will be of an acceptable level is commensurate with the nature and scale of the activity and the severity of its impacts and risks. For example, the EP demonstrates that the process has driven the titleholder to apply more effort and rigour to evaluations where there is a higher degree of scientific uncertainty in predictions of impacts and risks and/or severity of potential consequence of impacts and risks. The acceptable level of impact for underwater noise impacts on whales is compared to the predicted level of impact, which is derived from comparing noise modelling studies with published studies on the distribution and abundance patterns of whales to demonstrate that the environmental impacts of the activity will be managed to an acceptable level defined by the principles of ESD, Conservation Management Plan, internal policies, stakeholder consultation and DCCEEW policies, which are the criteria for assessment of acceptability for all impacts and risks and appear to be systematic/ applied thoroughly/ defensible/ reproducible.

3. The EP includes appropriate and accurate content to demonstrate that the proposed activity is not inconsistent with a recovery plan or a threat abatement plan for a listed threatened species or ecological community, a management plan or IUCN Reserve Management Principles in operation for an Australian Marine Park or a management plan for a Commonwealth Heritage Place.

4. The EP includes content demonstrating the proposed activity does not contravene Australian World Heritage Management principles, National Heritage management principles, Australian Ramsar management principles or Commonwealth Heritage management principles.

5. Areas of uncertainty in predictions of impact and risk are identified, acknowledged, and addressed. For example, the process that the EP applies for demonstrating how environmental impacts and risks will be of an acceptable level considers the uncertainty in the level of harm associated with individual impacts and risks and adopts a precautionary approach (e.g. conservative 'worst-case' approach) for those impacts and risks involving greater uncertainty. Areas of uncertainty in predictions of noise impacts to whales are addressed by the control measures implemented whereby acoustic exposure immediately ceases across observable distances that are extended beyond the distance at which noise can occur above thresholds known to cause behavioural disturbances, through use of an additional support vessel with two trained and experienced MMOs on board at all times during the survey for possible pygmy blue whales and in accordance with EPBC Act Policy Statement 2.1 for other whales. In addition, although the survey is being undertaken in the distribution range for blue whales, PS 2.1 has been implemented as per a medium likelihood of whale encounter accounting for recent scientific literature regarding whale distribution patterns (Thums et al.)

6. The EP provides well-reasoned and supported conclusions that impacts and risks will be acceptable or managed to acceptable levels with the implementation of suitable control measures to either reduce the consequence/severity or likelihood of environmental impacts and risks.

7. The EP evaluates environmental impacts and risks associated with the activity, including but not limited to atmospheric emissions (including greenhouse gases) and light emissions generated by the activity, and the potential for the introduction of invasive marine species (IMS). With the implementation of monitoring and adopted control measures that consider relevant guidelines/requirements, such as Marine Order 97 – Marine Pollution Prevention – Air Pollution, the National Light Pollution Guidelines for Wildlife, and the Australian Ballast Water Management Requirements, NOPSEMA formed a view that the impacts and risks of the activity's atmospheric emissions to the atmosphere, light emissions, and the potential risk of introducing of IMS will be managed to an acceptable level.

8. Information received during relevant person consultation is incorporated, considered and evaluated in the EP. Additional information received after the EP was submitted was determined to not contain issues that had not been raised in consultation previously, including in relation to noise impacts on whales.

<p>Environment Plan provides for appropriate performance outcomes, standards and measurement criteria</p>	<p>The assessment team recommend that the decision maker can be reasonably satisfied that the EP provides for appropriate performance outcomes, standards and measurement criteria because:</p> <ol style="list-style-type: none"> <li>1. The EP provides a suite of EPOs that:</li> <li>2. Are clear, unambiguous and address all environmental impacts and risks relevant to the activity (noting that one EPO may relate to multiple impacts and risks), including the</li> </ol>	<p>Recommended</p>
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combinations of all environmental aspects and the cumulative impacts on all values and sensitivities that may be affected by the activity.

3. Establish levels for environmental performance that are equivalent to or better than the predicted levels of environmental impact or risk that the EP has demonstrated are acceptable.

4. Reflect levels of environmental performance for management that are achievable, consistent with the principles of ESD and are compliant with relevant legislative requirements including the Program requirements.

5. Address all identified impacts and risks and are directly linked to acceptable levels for whales. Furthermore, the EPOs reflect the level of environmental performance set by recovery plans where relevant (blue whales):

6. The EP includes EPSs that:

7. Are directly linked to control measures determined through impact and risk evaluations to be necessary to ensure environmental impacts and risks are reduced to ALARP and to an acceptable level.

8. Contain clear and unambiguous statements of environmental performance. The statements of environmental performance established by the EPSs describe how each of the adopted control measures will function and perform to effectively reduce environmental impacts and risks to ALARP and to an acceptable level.

9. Have clear measurement criteria defining how environmental performance will be measured for demonstrating that the defined levels of environmental performance are being met and impacts and risks are being reduced to ALARP and to an acceptable level.

10. EPSs can be directly linked to control measures that are relevant to the management of impacts to whales and are supported by clear measurement criteria that can be easily monitored. EPSs relevant to the control measures for management of the impacts of noise on whales, are in accordance with EPBC Act Policy Statement 2.1.

11. The EPOs, EPSs and measurement criteria are all linked and complementary and can therefore easily be monitored for compliance, by both the titleholder and NOPSEMA, to ensure environmental impacts and risks are being reduced to ALARP and to an acceptable level. Suitable measurement criteria are provided that link to the EPSs and EPOs relevant to the management of impacts and risks to whales.

Environment Plan includes appropriate implementation strategy and monitoring, recording and reporting arrangements

The assessment team recommend that the decision maker can be reasonably satisfied that the EP includes an appropriate implementation strategy and monitoring, recording and reporting arrangements because:

1. The content requirements under regulation 14 are evident in the EP and are appropriate for the nature and scale of the activity.

2. 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 levels. For example, the implementation strategy includes processes and systems for environmental performance monitoring, audit, management of non-conformance and review, management of knowledge, learning and change, record keeping and reporting are set out. When implemented together, these processes and systems should provide for all impacts and risks to continue to be identified and reduced to ALARP and acceptable levels for the duration of the EP.

3. The EMS includes measures to ensure that control measures in the EP continue to be effective in reducing impacts and risks to ALARP and acceptable levels, and monitoring arrangements are in place to determine whether, and ensure that, EPOs and EPSs are being met. The effectiveness of the EMS would be tested through implementation of system components, including the processes outlined within the arrangements that will be in place to ensure environmental risks and impacts will continue to be reduced to ALARP and acceptable levels. These measures are appropriate as they include fundamental 'do', 'check' and 'act' components of an EMS post-planning phase.

4. The implementation strategy includes appropriate management of knowledge and change processes that provide for the titleholder to undertake monitoring for and understand change in both internal and external context relevant to the activity, implement processes to consider change in the context of environmental impacts and risks and regulatory requirements, and to have accepted changes implemented. The implementation strategy outlines circumstances where additional risk assessments will be undertaken on an ongoing basis, including when new relevant scientific

Recommended

information/papers become available.

5. Sufficient arrangements are in place for monitoring, recording, audit, management of non-conformance and review of the titleholder's environmental performance. For example, system components for monitoring and recording of information relevant to the activity are outlined, including routine reporting and notifications. The EP also provides for auditing and inspection of performance, including non-compliant incident investigation and tracking of close-out actions.

6. 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 EPOs and EPSs in the EP are being met.

7. A clear chain of command is established in the EP. The EP describes the titleholder's organisational structure for the activity and sets out roles and responsibilities of key personnel in a generally hierarchical manner. The titleholder's emergency management structure is also detailed in the OPEP.

8. The EP outlines measures for ensuring employee and contractor training and competency to fulfil their duties and maintain awareness of their responsibilities. For example, the EP identifies management system components that include contractor evaluation and management, employee training and competency development, and activity-specific induction of personnel as key measures.

9. The EP contains an OPEP that is appropriate for the nature and scale of the activity and consistent with the content requirements set out in regulation 14(8) with sufficient arrangements in place to respond to and monitor oil pollution in the event of an unplanned hydrocarbon spill, including:

10. The control measures necessary for timely response to an emergency.

11. 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.

12. The arrangements and capability in place for monitoring the effectiveness of the control measures and ensuring that the EPSs for the control measures are met.

13. The arrangements and capability in place for monitoring oil pollution to inform response activities.

14. The arrangements and capability in place to undertake appropriate monitoring of impacts to the environment from oil pollution and response activities in consultation with the control agency.

15. The arrangements for testing of the response arrangements in the OPEP that reflect requirements of the regulations and are considered commensurate with the risk, including commitments to test spill response arrangements prior to commencing the activity.

16. Appropriate ongoing consultation arrangements are in place. The process for ongoing consultation described in the EP demonstrates that the titleholder will consult with relevant interested persons or organisations, and continue to consult with relevant persons, throughout the life of the EP as appropriate. For example, any significant changes to the activity will be communicated to relevant persons and in the event of an incident, such as an unplanned hydrocarbon spill, the titleholder will ensure stakeholders that may be affected are identified and engaged. The titleholder will continue to accept feedback from relevant interested persons or organisations, including relevant persons, during the life of the EP, and assess the feedback for merit. Any relevant new information will be assessed using the EP management of knowledge and change processes to ensure impacts and risks continue to be identified and managed to ALARP and acceptable levels.

Environment Plan demonstrates appropriate level of consultation

The assessment team recommend that the decision maker can be reasonably satisfied that the EP demonstrates an appropriate level of consultation because:

1. The process for relevant persons identification is clearly described and provides for the broad capture of relevant persons such that each relevant person who can be ascertained is identified (with the exception of the process for identifying First Nations relevant persons which is considered separately). For example:

2. The EP includes clear details of the processes that have been applied to identifying and determining who are relevant persons, as well as the processes undertaken for

Do not Recommend

consulting with them.

3. The process provides for the identification of relevant persons within the categories of relevant persons as defined by regulations 11A(1)(a), (b), (c), (d) and (e).

4. The process includes details and evidence of the steps taken by the titleholder to create awareness of the activity and to encourage potentially relevant persons to make themselves known to the titleholder.

5. The process includes details of how the titleholder makes an assessment to determine whether a person or organisation who has self-identified as a relevant person, is or is not considered to be a relevant person for the purposes of regulation 11A.

6. The process includes reference to multiple sources of information used by the titleholder to assist in the identification of relevant persons, such as publicly available materials, review of databases and registers, published guidance, previous history and advice from authorities and other relevant persons.

7. The process includes consideration of published guidance developed by relevant persons detailing their functions, interests or activities and how and when they wish to be consulted on activities.

8. The EP clearly identifies who is a relevant person, includes details of the rationale the titleholder has used to determine who they consider falls within that definition and broadly describes the functions, interests or activities of those persons or organisations identified as relevant persons under regulation 11A(1)(d). The categories of relevant persons identified in the EP include:

9. Commonwealth and State Government Departments or Agencies;
10. Commercial fisheries (Commonwealth and State) and peak representative bodies;
11. Recreational marine users and peak representative bodies;
12. Titleholders and operators;
13. Peak industry representative bodies;
14. Traditional Custodians and nominated representative corporations;
15. Native Title Representative Bodies (NTRBs);
16. Historical heritage groups or organisations;
17. Local government and recognised local community reference/liaison groups or organisations;
18. Other non-government groups or organisations; and
19. Research institutes and local conservation groups or organisations.

20. 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:

21. The titleholder has considered all of the known environmental values and sensitivities within the full extent of the environment that may be affected by the planned and unplanned impacts and risks of the activity when determining relevant persons.

22. The titleholder has considered the nature and scale of the activity and all of the possible impacts and risks of the activity when determining relevant persons.

23. Consultation has taken place with relevant persons demonstrating a reasonable period has been provided to relevant persons to provide input and a genuine two-way dialogue has occurred (additional findings on the consultation with First Nations relevant persons are provided separately). Specifically the EP demonstrates that:

24. Relevant persons have been provided sufficient information in accordance with regulation 11A(2). For example:

25. The EP includes a description of the approach to provision of sufficient information that takes into account the functions, interests or activities of relevant persons and the possible consequences of the activity that may affect them.

26. The titleholder has tailored the information to suit the needs of the different types of relevant persons and provided information in a form that is readily accessible and appropriate for the relevant person being consulted.

27. The titleholder has used different materials to support the provision of information

that was suited to the relevant person being consulted, such as pictorials, graphics, verbal briefings and presentations.

28. The titleholder has considered the views of relevant persons as to what level of information is "sufficient" to allow the relevant person to make an informed assessment of the possible consequences of the activity on the functions, interest or activities of the relevant person. In particular, the titleholder has considered requests for additional information by certain relevant persons, and provided such additional information in response to reasonable requests. Although there are examples where the titleholder has not provided certain relevant persons with additional information requested (e.g. scientific literature, copy of the latest version of the EP etc.), NOPSEMA is satisfied that sufficient information was made available to the relevant person including: a link to the publicly available EP; the Consultation Information Sheet; numerous email responses tailored to a relevant person's objections and claims raised; as well as the measures the titleholder proposes to adopt as a result of the consultation undertaken.

29. The consultation provided sufficient information about the environment and impacts on the environment to allow relevant persons to make an informed assessment of the possible consequences of the activity on their functions, interests or activities.

30. Relevant persons have been provided a reasonable period to consider information and make an informed response in accordance with regulation 11A(3). For example:

31. The EP does not define a timeframe that constitutes a reasonable period for each relevant person consultation to occur. However, the EP does describe the approach taken to determining a reasonable period based on consideration of the relevant person's particular circumstances on a case-by-case basis and includes consideration of the nature, scale and complexity of the activity, as well as the extent and severity of potential impacts and risks on each relevant person's functions, interests or activities.

32. The process undertaken for relevant persons consultation by the titleholder considered availability and accessibility issues of relevant persons. For example, travelling to regional locations to meet with relevant persons.

33. The titleholder has considered relevant persons views of what constitutes a reasonable period for consultation and has considered requests for additional time by relevant persons, with additional time provided in response to reasonable requests.

34. Relevant persons were informed by the titleholder that they may request that particular information provided during consultation not be published and information subject to such a request was not published, in accordance with regulation 11A(4).

35. Information gathered through the consultation process has been incorporated into the rest of the EP and effectively informed the identification of environmental values and sensitivities to ensure impacts and risks are reduced to ALARP and acceptable (additional findings on the consultation with First Nations relevant persons are provided separately). For example:

36. Information obtained from relevant persons has informed the identification of environmental values and sensitivities where relevant.

37. Information obtained from relevant persons has been considered in the evaluation of environmental impacts and risks, and in the titleholder's processes for demonstrating that the environmental impacts and risks of the activity will be reduced to ALARP and acceptable levels where relevant. This includes, but is not limited to, the provision of notifications to relevant persons and other marine users as agreed to during consultation, amendments made to the OPEP as a result of relevant persons feedback received in the preparation of the EP, and a revised cumulative underwater noise impact assessment being undertaken in response to information received.

38. The titleholder's assessment of merit and all responses to objections and claims are reasonable and supported, and the measures adopted (if any) because of the consultation are appropriate (except for consultation with First Nations relevant persons, which is considered separately). For example:

39. In some cases, the titleholder's assessment of the merits of objections and claims

did not result in the adoption of additional control measures when they were reasonably practicable to implement and/or necessary to demonstrate that impacts and risks will be reduced to ALARP and acceptable levels. However, some items that were the subject of objections and claims were considered by NOPSEMA to be reasonable, as NOPSEMA was also requiring them to be addressed in the EP through requests for written information and opportunities to modify and resubmit. For example, in relation to controls for mitigating noise impacts to blue whales. Consequently, the titleholder adopted additional control measures or improved performance standards which addressed the objections and claims of relevant persons.

40. In other cases, the titleholder's assessment of the merits of objections and claims resulted in no additional control measures adopted when they were not reasonably practicable to implement and/or necessary to demonstrate that the impacts and risks of the activity will be reduced to ALARP and acceptable levels.

41. The report on consultation includes the prescriptive elements outlined in regulation 16(b) and a sufficient description of the consultation process, for NOPSEMA to be reasonably satisfied that the titleholder's duty to identify and consult with each relevant person has been discharged.

The assessment team recommend that the decision maker can be reasonably satisfied that the EP demonstrates an appropriate level of consultation because:

42. despite the titleholder's process for relevant persons identification providing for the broad capture of First Nations representative groups such as NTRBs and PBCs by identifying and consulting with all relevant groups along the full extent of the coastline adjacent to the EMBA as relevant persons, there is still uncertainty in the EP as to whether all First Nations people/groups with functions, interests or activities that may be affected by the proposed activity have been identified and consulted with. In summary, this uncertainty is due to:

43. the process places a heavy reliance on directing consultation through First Nations representative groups such as native title representative bodies (NTRBs) and prescribed body corporates (PBCs) that may not represent all traditional custodians;

44. the consultation records with First Nations representative groups show that they were not in all cases asked to support the identification of other traditional custodian individuals or groups known to hold cultural interests that intersect with the activity operational area or EMBA despite the EP describing that this is what was done by Woodside;

45. some of the advertisements used during the public notification process that the titleholder applied to create opportunities for First Nations relevant persons that they may not be aware of to self-identify do not describe the opportunity for consultation in clear, simple and directly expressed terms so that individuals were sufficiently informed as to the opportunity being afforded to them; and

46. the process includes some limiting steps that may prevent the titleholder from identifying and consulting with First Nations relevant persons even if they were to self-identify.

47. despite the titleholder carrying out relevant persons consultation with First Nations people/groups in an effective manner, there is still uncertainty in the EP as to whether all First Nations relevant persons have been afforded a reasonable period to consult on the consequences of the activity. In summary, this uncertainty is because:

48. although reasonable attempts were made by the titleholder to arrange a meeting with Yinggarda Aboriginal Corporation (YAC) over an approximately 4.5 month period, the consultation records in the EP indicate that the titleholder has not been successful in holding a meeting with YAC to determine whether the group or their members have functions, interests or activities that may be affected by the proposed activity.

49. although reasonable attempts were made by the titleholder to consult with individual representatives of Save our Songlines (SoS) that included (but was not limited to) attending a face-to-face meeting on country in an appropriate manner that accommodated for the provision of culturally restricted or sensitive information, the consultation records in the EP and records of third-party correspondence that NOPSEMA has received during the assessment process indicate that the individual representatives of SoS have requested a second meeting with the titleholder in order to further

understand the proposed activity and to share information on their functions, interests or activities that may be affected, and this has not yet taken place before the EP was resubmitted.

50. although information gathered through the relevant persons consultation process with First Nations people/groups has been appropriately incorporated into the EP, there is uncertainty as to whether appropriate measures have been adopted by the titleholder in response to the relevant persons consultation with all First Nations people/groups. In summary, this uncertainty is because Buurabalayji Thalanyji Aboriginal Corporation (BTAC) informed the titleholder that the Thalanyji people have environmental values of sea country in the EMBA but the EP does not include a clear commitment for Woodside to continue working with BTAC to identify, manage and protect the Thalanyji people's environmental values of sea country throughout the life of the EP.

Environment Plan complies with the Act and regulations

The assessment team recommend that the decision maker can be reasonably satisfied that the EP complies with the Act and regulations because:

1. The EP is consistent with the 'Objects' of the Environment Regulations, including the principles of ESD.
2. There is sufficient information in the EP to address each of the content requirements of regulations 13 - 16 with enough clarity, consistency and detail commensurate to the nature and scale of the activity.
3. The EP complies with the requirements of the OPGGS Act including:
  4. 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.
  5. The requirements under section 572. For example, the titleholder has demonstrated that the activity does not allow for any equipment or property to be left on the seabed at the completion of the activity because the EP includes commitments for avoiding the loss of streamers/dropped objects and for recovering accidentally lost streamers/dropped objects.
  6. 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.
7. 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.

Recommended

Environment Plan does not involve the activity or part of the activity being undertaken in any part of a declared World Heritage property

The assessment team recommend that the decision maker can be reasonably satisfied that the EP does not involve the activity or part of the activity being undertaken in any part of a declared World Heritage Property because:

1. The EP provides a description of the activity in the context of the boundaries of declared World Heritage Properties to clearly demonstrate that no part of the activity will be undertaken in any part of a World Heritage Property. The closest World Heritage Property to the activity is the Ningaloo Coast World Heritage Property, located approximately 168 km south-south-east from the Operational Area, and outside of the unplanned hydrocarbon spill EMBA that represents the largest spatial extent where unplanned events could have an environmental consequence on the surrounding environment.

Recommended

Commonwealth Environment Program	Result
World Heritage properties	Relevant requirements met
National Heritage places	Relevant requirements met
Ramsar wetlands	Relevant requirements met
Listed threatened species and communities	Relevant requirements met

Listed migratory species	Relevant requirements met	
Commonwealth marine area	Relevant requirements met	
RoN decision	Decision reason	RoN
Accepted with conditions and/or limitations	<p>Based on the available information and my review of the findings of the assessment team and their recommendations above, I am reasonably satisfied that the environment plan meets the criteria set out in regulation 10A, subject to conditions requiring the titleholder to address residual issues associated with reg 10A(b) and 10A(g).</p> <p>Based on the available information, I am reasonably satisfied that the titleholder complies with financial assurance requirements of the Act (subsection 571(2)) in relation to the petroleum activity. Further, I am reasonably satisfied that the compliance is in a form that is acceptable to NOPSEMA.</p>	