

Assessment findings

Assessment ID [6780](#)

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

Findings relating to OPGGS(S)

Regulation Clause ID	Regulation Clause	Topic Scope	Submission Comment
1	Environment Plan is appropriate for nature and scale of activity	General	<p>Submission 1 Rev 0</p> <p>A suitable description of the activity</p> <p>The EP includes a description of the activity in Section 3 (page 35). The description of the activity provides content to describe the applicable elements of the activity (summarised below) that relate to the potential environmental impacts and risks requiring assessment in the EP.</p> <p>Titleholder: Woodside Energy Scarborough Limited</p> <p>Activity type: New 3D MSS of the Scarborough field as part of an appraisal program for reservoir management (4D baseline MSS), which will be acquired in the Northern Carnarvon Basin on the Exmouth Plateau within Woodside's permit areas WA-61-L, WA-62-L, WA-61-R, as well as surrounding permit areas WA-63-R, WA-530-P, WA-66-R, WA-67-R, WA-68-R, WA-83-R, WA-89-R, WA-268-P, WA-365-P, WA-365-P LL, WA-365-P LK, WA-383-P, WA-474-P, WA-474-P LS, WA-518-P and gazetted block W19-35. Additionally, the proposed activity includes a potential extension to cover the Jupiter field to the north-east, within permit area WA-61-R.</p> <p>Location: Seismic data is proposed to be acquired within an Active Source Area which is within a broader Operational Area. The Active Source Area is ~5650 km² in water depths ranging ~800-1500 m and represents the maximum extent where the seismic source may be discharged. The Operational Area is ~9200 km² in water depths ranging ~800-1500 m and includes a buffer surrounding the Active Source Area for the purpose of vessel line turns and other manoeuvres. The seismic source will not be discharged within this buffer. In the EP, an appropriately scaled figure has been included depicting the location of the Active Source Area and Operational Area (refer to Figure 3-1, page 37). A table with the boundary coordinates for the Active Source Area and Operational Area is also provided (refer to Table 3-2, page 38).</p> <p>Timing and duration: The planned survey duration is 80 days. This includes a maximum of 70 days of seismic data acquisition and allowance for 10 days of contingency for potential vessel or equipment down time and adverse weather conditions. The survey will be undertaken in the period between 1 January 2022 to 31 December 2023. It is noted that in the stakeholder consultation information sheet, the presented duration and timing was 70 days in Q3 2022 (this inconsistency is further evaluated below in findings under 'appropriate level of consultation').</p> <p>Seismic characteristics:</p> <ol style="list-style-type: none"> 1. Sail lines: Maximum length of 105 km, spaced ~450 m apart and orientated either 25°/205° or 38.5°/218.5° North East - South West. The seismic vessel will traverse sail lines at a speed of ~4-5 knots. 2. Seismic source: Airgun array with a total volume of up to 3150 cubic inches, operating pressure of ~13,800 kPa (2000 psi) and peak frequency range of 2-200 Hz. Tow depth of the airgun array will be 6-8 m (±1 m). Will most likely use a triple source configuration ('flip-flop-flap' discharge) but may also use a dual source configuration ('flip-flop' discharge). As the seismic vessel traverses along sail lines, the seismic source will emit regular acoustic pulses with a shot point interval of 12.5 m (triple source configuration) or 18.75 m (dual source configuration). 3. Hydrophone streamers: 14 solid streamers, towed at a depth of ~15-25 m, with streamer spacing (separations) of 50-100 m (maximum streamer array width of ~1.5 km). Streamers will be ~8000 m in length and towed ~500 m behind the seismic vessel, therefore extending ~8.5 km behind the seismic vessel. Streamers will contain steering devices and will be fitted with streamer recovery devices that automatically deploy inflatable airbags if streamers fall below ~50 m, to raise streamers to the surface for retrieval. 4. Bottom hydrophone nodes: Section 3.6.1 (page 39) indicates that automated underwater vehicle (AUV) nodes or commercial nodes may be used while Section 3.6.4.2 (page 41) indicates AUV nodes and commercial nodes will be used (for the purpose of 'ground truthing' the AUV node technology by verifying the quality of the seismic data recorded). RFI - clarify the type of nodes that will be used and remove any ambiguity throughout the EP. An "option" for use of the nodes is described in Section 3.6.4.2

(page 41) involving inclusion of up to 50 nodes (AUV and commercial combined) laid out at the start of the survey in a grid of ~500 m x ~500 m in a ~10 km² area within the Active Source Area. RFI - no other options appear to be presented so clarification is required if it is intended for there to be other options to the one described in the EP? It is explained that the AUV nodes will relocate autonomously up to five times, each time landing near a commercial node. RFI - clarification is required for the number of placements for both types of nodes because the information presented in the EP doesn't seem correct considering the proposed number of nodes (50 AUV and commercial nodes combined) and survey area design (grid of ~500 m x ~500 m in a ~10 km² area = 441 placement positions). The dimensions of the nodes are described: AUV nodes are ~100 cm long, ~30 cm in diameter and weigh ~30 kg in air and ~10 kg in seawater; and, commercial nodes are ~45 cm (H) x ~35 cm (L) x ~30 cm (W) and weigh ~68.2 kg in air and ~10.2 kg in seawater. The method for deployment and retrieval of the nodes is explained: AUV nodes will have all movements pre-programmed prior to deployment and operate autonomously; and, commercial nodes will be deployed to the seabed via 'gravity', with each commercial node attached to a biodegradable concrete pad (made of aggregate comprising rock fragments and sand and Portland cement) that is ~5 cm (H), ~45 cm (L) and ~50 cm (W) and weighing ~25 kg in air and ~16 kg in seawater. The commercial nodes will be recovered via 'positive buoyancy' and the concrete pads will remain on the seafloor to "biodegrade". AUV and commercial node deployment will be from a support/chase vessel. The functionality and benefits of the additional features of the AUV nodes are described (e.g. position tracking and monitoring capabilities and self-recovery mechanisms). There is a thorough description of the environment

The EP includes a description of the existing environment relevant to the activity in Section 4 (page 44). The description of the existing environment is also supported by the Master Woodside Existing Environment (Appendix H), which includes a master document that has been prepared to describe the existing environment within WEL areas of activity located in Commonwealth waters off north-western Western Australia (WA), with a focus on the North-west Marine Region (NWMR).

The EP approaches describing the existing environment by reference to the following areas: 1) Active Source Area, 2) Operational Area, and 3) the environment that may be affected (EMBA). The EMBA is a conservative approximation of the furthest extent that could be affected in any credible planned or unplanned impact scenario from the activity, to ensure that the EP identifies and describes the key features / values and sensitivities that may be affected by the activity. In this instance, the EMBA was derived from oil spill modelling. The process described in the EP to define the extent of the oil spill EMBA is summarised in Section 4.1 (page 44) and appears to follow a conservative, clear and logical approach. The description of the existing environment provided in the EP appears to be thorough and includes descriptions of the key features/values and sensitivities that may be affected by the activity with reference to authoritative sources, including matters protected under Part 3 of the EPBC Act and key physical, biological and socio-economic features, values and sensitivities of the environment of the Commonwealth marine area (CMA).

Matters protected under Part 3 of the EPBC Act (in the context of the general assessment) In describing matters protected under Part 3 of the EPBC Act, searches were undertaken of DAWE's Protected Matters Search Tool for the Operational Area (completed 08/04/2021) and EMBA (completed 11/05/2021). These search reports are provided in Appendix B and the results are summarised in Section 4.3 of the EP (page 46). A synthesis of the results to inform the general assessment is provided below as follows:

5. World heritage properties: none in the Operational Area or EMBA. 6. National heritage places: none in the Operational Area or EMBA. 7. Wetlands of international importance: none in the Operational Area or EMBA. 8. Listed threatened ecological communities: none in the Operational Area or EMBA. 9. Listed threatened species: 12 species in the Operational Area (including species of birds, marine mammals, marine reptiles and sharks) and 31 species in the EMBA (including species of birds, marine mammals, marine reptiles and sharks). 10. Listed migratory species: 25 species in the Operational Area (including species of birds, marine mammals, marine reptiles, sharks and rays) and 50 species in the EMBA (including species of birds, marine mammals, marine reptiles, sharks and rays). 11. CMA: the Operational Area is within the EEZ and Territorial Sea and the EMBA is within the EEZ and Territorial Sea and Extended Continental Shelf. WEL's approach to identifying the listed species potentially occurring in the Operational Area and EMBA was appropriate, however, there are some issues with WEL's process for determining which listed species are relevant for evaluations of impacts and risks - see findings under the assessment topic scope for matters protected under Part 3 of the EPBC Act. Biologically important areas or habitat critical to survival for listed species were identified in the EP - none of these areas overlap with the Operational Area. Relevant recovery plans are identified in Section 6.7.

The EP does not provide a thorough assessment of likely presence and use of the Operational Area and EMBA by listed species at a level of detail that is appropriate for the nature and scale of the activity to inform evaluations of impacts and risks. This is because the EP cross references to the Master Woodside Existing Environment (Appendix H) for this detail, but it is presented in the context of broad regions (e.g. north west marine region). While this approach may be appropriate when the effects of an impact are anticipated to be widespread at a regional scale (e.g. marine oil spill incident), it is not particularly useful when the effects of an impact are anticipated to occur at more localised scale (e.g. seismic source noise emissions). This is considered further under the assessment topic scope for matters

protected under Part 3 of the EPBC Act.

Key physical, biological and socio-economic features, values and sensitivities of the environment of the CMA

In describing the key physical, biological and socio-economic features, values and sensitivities of the environment of the CMA, WEL references primary literature and authoritative sources. Descriptions are provided for environmental aspects including benthic communities and habitats (BCH; Section 4.5, page 49), key ecological features (KEFs; Section 4.7, page 67), protected areas including Australian Marine Parks (AMPs; Section 4.8, page 68) and the socio economic environment including cultural heritage, commercial fisheries, traditional fisheries, tourism and recreation, oil and gas activities, commercial shipping activities and defence activities (Section 4.9, page 70). In general, it appears descriptions are provided at a level of detail that is appropriate for the nature and scale of the activity to inform evaluations of impacts and risks. This is with exception to the description of BCH for the same reason as noted under the protected matters findings above.

The Operational Area is located in the Exmouth Plateau KEF which is generally an area of low habitat heterogeneity; however, it is likely to be an important area of biodiversity as it provides an extended area offshore for communities adapted to depths of around 1000 m (page 49). No habitat mapping data is available for the Operational Area where direct impacts to BCH are expected from the placement of the AUV and commercial nodes.

Uncertainty in the types, extent and distribution of BCH in the Operational Area will need to be considered in the evaluation of impacts and risks.

The impact and risk assessment is commensurate to magnitude of impacts and risks

Cumulative impacts - The timing proposed by WEL to undertake the proposed MSS appears to overlap the timing proposed by WEL to undertake proposed drilling activities associated with the Scarborough Offshore Project (drilling may occur at any time within the five year period between 2022 and 2027 and this activity is planned to commence in H2 2022; see Assessment 6807). Further information is required by WEL to clarify the timeline for completing these activities (e.g. concurrently vs sequentially) and further evaluation of the cumulative impacts from the drilling activity should be completed based on the response provided - ISSUE.

Relevant person consultation has been incorporated

See below findings under 'appropriate level of consultation'.

Suitable control measures have been included

See below findings under 'impacts and risks will be reduced to ALARP'.

Legislative requirements are included

Section 1.9 of the EP (page 18) details the relevant legislative requirements that apply to the activity, with reference made to Appendix B for the full list of identified applicable legislation. The content provided in Appendix B includes a table listing the relevant legislation and a high-level summary describing its purpose. In the EP, detailed descriptions of the applicable environmental legislation are provided for the OPGGS Act and Regulations (Section 1.9.1, page 18) and the EPBC Act, including specific requirements in relation to Recovery Plans and Threat Abatement Plans, Australian Marine Parks and World Heritage Properties (Section 1.9.2, page 19).

The level of analysis and evaluation is based on nature and scale of the activity

Severe weather preparation - the EP includes a severe weather preparation arrangements which indicate that the survey vessel, possibly with seismic equipment deployed, may be outside of the Operational Area during the activity (e.g. when taking shelter during a severe weather event). While the EP does not include an evaluation of the potential impacts and risks of the survey vessel departing the Operational Area during the activity (e.g. interactions with other marine users), this is expected to be managed under other maritime legislation. Further, the Operational Area is located 133 km north of the Gascoyne AMP Habitat Protection Zone and 174 km north of the Gascoyne AMP National Park Zone (see Section 4.8, page 58). Therefore, given the considerable distances to these areas, if the vessel departs the Operational Area during the survey it is unlikely that it will be operated inconsistent with the Management Plan for the North network of marine parks (i.e. no activity within Habitat Protection or National Park Zones).

GHG emissions - Noting that the purpose of the activity is described as providing baseline data for reservoir management, it is not clear how WEL has had regard to the Indirect Consequences Policy, particularly in relation to determining whether there are indirect GHG emissions (Scope 2 and 3) that are 'impacts' of the activity which require assessment and management in the EP - ISSUE.

Also see below findings under 'impacts and risks will be reduced to ALARP'.

CONCLUSION:

While some factors that influence decision making are adequately addressed, at this stage of the assessment further information is required in relation to the following in order to draw informed conclusions and make a recommendation regarding this criterion:

12. Revise the EP to include a suitably clear and consistent description of the proposed use of AUV and commercial nodes to provide an appropriately informed environmental impact and risk evaluation (in line with the above findings).
13. Cumulative impacts evaluation to consider other activities in the area that have the potential to result cumulative impacts (e.g. Scarborough drilling and completions activity).
14. Revise the EP to consider the Indirect Consequences Policy to determine whether indirect GHG emissions (scope 2 and scope 3) are indirect consequences that are considered 'impacts' of the activity.

Editorial issues:

15. The number of EPBC Act listed species referenced in Section 4.6 (page 49) is inconsistent with those in other areas of the EP (e.g. Section 4.3, page 46) and in the DAWE's Protected Matters Search Tool reports (Appendix C).

Submission 2 Rev 1

Response to RFFWI #1:

A suitable description of the activity

Item 1.1 – It was requested for WEL to provide a clear and comprehensive description of the proposed use of the AUV and commercial nodes.

WEL has removed the use of AUV and commercial nodes from the activity. In doing so, all references to nodes have been removed from EP, including deletion of the relevant impact assessment section (i.e. Physical Presence: Disturbance to Benthic Habitat from Placement of AUV and Commercial Nodes). Consequently, this issue is no longer relevant.

The impact and risk assessment is commensurate to magnitude of impacts and risks

Item 1.2 – It was requested for WEL to identify and evaluate whether cumulative and/or additive underwater noise impacts may arise from both seismic and other activity types (e.g. drilling and completions activities) within the area.

Sections 6.3 and 6.6.2 have been updated to include an additional assessment of potential cumulative and/or additive noise impacts arising from concurrent WEL activities, and concurrent other oil and gas projects. The assessment now identifies that Scarborough drilling and completion activities may be undertaken within WA-61-L but there will be no temporal overlap with the survey and that the survey may coincide with other oil and gas activities in the region (e.g. drilling of the Sasonof-1 exploration well in WA-519-P, and activities associated with the Jansz-10 Compression project) located >50 km (Sasonof-1) and >90 km (Jansz-10) from the Active Source Area. Also see the protected matters topic scope findings that considers whether impacts from cumulative and/or additive underwater noise will be ALARP and acceptable level.

Now that the cumulative impact assessment for underwater noise impacts considers and evaluates all historic and simultaneous seismic surveys and other activity types within the area affected by the activity which generate underwater noise, it is considered to be commensurate to the magnitude of impacts and risks.

The level of analysis and evaluation is based on nature and scale of the activity

Item 1.3 – It was requested for WEL to consider the Indirect Consequences Policy to determine the extent of indirect impacts for this MSS activity, including whether indirect greenhouse gas (GHG) emissions are indirect consequences considered 'impacts' of the activity.

WEL, in their EP submission in response to NOPSEMA's RFFWI, provided the following conclusion regarding their extent of consideration of indirect impacts for this MSS activity: "The extraction of Scarborough gas for onshore processing is not included in this Petroleum Activities Program. Future petroleum activities must first be authorised under the OPGGS(E)R and implemented before Scarborough gas is able to be extracted for onshore processing. Therefore, any indirect impacts and risks arising from the onshore processing of Scarborough gas are not considered indirect impacts/risks of this Petroleum Activities Program, but will be evaluated in Scarborough EPs as appropriate" (Section 6.5).

In considering the above conclusion, the following key reasons are noted:

1. The Scarborough project consists of several defined stages of activity. 2. At this stage of the activity, i.e. MSS, there is no extraction or production of gas from the Scarborough reservoir. 3. In order to conduct activities within further stages of the broader Scarborough project, there is the requirement for acceptance of an EP prior to proceeding. Therefore, for the above noted reasons, consideration of the indirect consequences of gas extraction or production, including the potential impacts of increased industrial air pollution from the onshore Pluto gas plant on the Murujuga rock art, is not within the scope of this EP.

In addition, where NOPSEMA has been considering indirect (Scope 2/3) GHG emissions in the context of the EPBC Act S527E Indirect Consequences Policy in relation to this activity and has had regard to this matter throughout the assessment, for the above noted reasons, it is considered that the scope of impacts and risks from the activity relate to those emissions arising from this stage only. Section 6.6.4 includes an evaluation of impacts and risks from GHG emissions that considers only direct emissions associated with vessel and helicopter operations for the MSS activity. This is considered reasonable given that the extent of this EP only relates to a MSS activity and does not permission production operations for the Scarborough development. No further findings against Scope 2/3 relevant content in the EP have been made - this is reflected against all acceptance criteria below.

Now that the EP includes information that determines the extent of indirect impacts for this MSS activity, the level of analysis and evaluation is considered to be commensurate to the nature and scale of the activity.

CONCLUSION:

Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered that the EP is appropriate for nature and scale of activity because:

4. 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. 5. 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. 6. 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-10 Compression project). 7. 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. 8. 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). 9. 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. 10. 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.

Submission 3 Rev 2

No material changes since last revision.

Conclusions for this decision criteria are available in the above findings for 'Additional Information 1'.

Submission 4 Rev 3

New cultural heritage information has been added to the description of indigenous sites of significance in Section 4.9.1.1 of the EP. This new information describes that the Scarborough project area has been subject to ethnographic surveys in 2019 and 2020 and based on the results of these surveys, Woodside has not identified any cultural features of the environment that may be affected by the 4D MSS. Given the reliance on the ethnographic surveys to inform the presence of cultural features of the environment that may be affected by the activity, it is considered that further information is required to understand the scope and applicability of these surveys such as:

1. details of the geographical extent of the ethnographic surveys relative to the environment that may be affected by the activity;
2. details of the scope and applicability of the of the ethnographic surveys relative to the nature and scale of the activity;
3. details of the specific types of cultural features of the environment that were assessed in the ethnographic surveys; and
4. details that demonstrates that First Nations peoples with the relevant cultural authority were appropriately engaged and involved in the ethnographic surveys for the environment that may be affected by the activity and have acknowledged that the survey reports contain an accurate representation of ethnographic features. With the exception to the above, there has been no other material changes since the last EP revision.

Submission 5 Rev 4

RFFWI #2, item 1:
NOPSEMA request

It was requested for Woodside to provide additional information in relation to the ethnographic surveys that inform the presence of cultural features of the environment that may be affected by the MSS activity. In particular, it was requested for Woodside to provide additional information that describes the geographical extent of the ethnographic surveys relative to the environment that may be affected by the activity, describes the scope and applicability of the of the ethnographic surveys relative to the nature and scale of the

activity, describes the specific types of cultural features of the environment that were assessed in the ethnographic surveys, and demonstrates that First Nations peoples with the relevant cultural authority were appropriately engaged and involved in the ethnographic surveys for the environment that may be affected by the activity and have acknowledged that the survey reports contain an accurate representation of ethnographic features.

Woodside response

In response to NOPSEMA's RFFWI, Woodside has updated Section 4.9.1.1 of the EP to provide additional detail on the ethnographic surveys as follows:

Describes the geographical extent of the ethnographic surveys relative to the environment that may be affected by the activity

1. The EP describes that the ethnographic surveys were conducted nominally for the proposed development footprint of the broader Scarborough Project. Woodside has included to the EP a new figure (Figure 4-13) showing the location and geographical extent of this area. Although this area overlaps with only part of the area that will be affected by the activity, the EP describes that the surveys were undertaken following a landscape-scale approach given the limited knowledge of the submerged landscape. On this basis, it is expected that the surveys were representative in extent for informing the presence of cultural features of the environment that may be affected by the activity. Describes the scope and applicability of the ethnographic surveys relative to the nature and scale of the activity / describes the specific types of cultural features of the environment that were assessed in the ethnographic surveys

2. The EP includes new information describing that "Participants were not restricted in the types of heritage or other values they were encouraged to identify, but typical results from surveys of this nature might include songlines, ceremonial places such as 'thalu' sites for managing environmental resources, or places where activities such as birthing, initiation or other significant activities are performed." Given that the survey participants were not restricted in the types of heritage or other values they were encouraged to identify, it is expected that the scope of the surveys was applicable for informing the presence of cultural features of the environment that may be affected by the activity. Demonstrates that First Nations peoples with the relevant cultural authority were appropriately engaged and involved in the ethnographic surveys for the environment that may be affected by the activity and have acknowledged that the survey reports contain an accurate representation of ethnographic features

3. The EP describes that activity is located significantly beyond not only the current extent of the coastline but more than 160 km beyond the furthest extent of the ancient coastline, and identifies that there is no Native Title claim or determination and no clear evidence of any Traditional Group with cultural authority over the offshore Commonwealth waters where the activity is located. Further to this, the EP contains information demonstrating that Woodside consulted Yamatji Marlpa Aboriginal Corporation (YMAC) for information on cultural values of the nearest Australian Marine Parks (AMPs) to the activity (i.e. Gascoyne, Montebello and Ningaloo AMPs) and for feedback as to whether those cultural values (if any) extend to the environment that may be affected by the activity, or to alternatively be directed to the appropriate Traditional Custodians of this knowledge. In response to Woodside's information request, YMAC advised that the most appropriate stakeholders for the Scarborough project generally are Murujuga Aboriginal Corporation (MAC) and Ngarluma Aboriginal Corporation (NAC) who are not represented by YMAC. It is noted that the sensitive information report contains the full text of this consultation. 4. Under

this circumstance where there is no clear evidence of any Traditional Group with cultural authority over the offshore Commonwealth waters where the activity is located, it is considered that there is a reasonable and logical basis provided by the EP for as to why Woodside has consulted YMAC as an appropriate stakeholder to either provide Woodside with information relevant to cultural values for their area of interest or to direct Woodside to the appropriate Traditional Custodians of this knowledge, and this is because YMAC is identified in the North-west Marine Parks Network Management Plan 2018 as the relevant Native Title Representative Body (NTRB) for those regions (i.e. Pilbara and Geraldton [Yamatji]) that are closest to the nearest AMPs to the activity. In addition, it is noted those regions for where YMAC is the NTRB include the Native Title claim or determination areas that are closest in distance to the activity. 5. Based on YMAC's feedback to Woodside (i.e. the most appropriate stakeholders for the Scarborough project generally are MAC and NAC) and other information in the EP demonstrating that both NAC and MAC nominated individuals with cultural authority and appropriate knowledge of Indigenous lore and tradition to be involved in the ethnographic surveys, it is expected that the surveys were undertaken by appropriate Traditional Custodians for informing the presence of cultural features of the environment that may be affected by the activity. 6. Where the EP describes that "The resulting report is owned by MAC and was approved by the Circle of Elders prior to be provided to Woodside", it is expected that appropriate Traditional Custodians for informing the presence of cultural features of the environment that may be affected by the activity have acknowledged that the survey reports contain an accurate representation of ethnographic features. This report is not included in the EP. Taking the additional information provided by Woodside (summarised above) into consideration, it is recommended that further information is still required in relation to the ethnographic surveys to verify conclusions made by Woodside. In particular, whether the survey participants were aware that the seismic survey area formed part of the area they were being

asked to address. In addition, where the EP does not include the ethnographic survey report, it is expected that the EP provides an accurate summary of the findings, however, the decision maker may wish to submit a request to Woodside to review the report, or relevant data from the report, in order to verify this assumption - ISSUE.

Separate to NOPSEMA's RFFWI, Woodside has included new information to Section 4.9.1.1 of the EP describing "Through consultation with the appropriate cultural authorities for the onshore and nearshore components of the Scarborough project, it was made clear 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." In connection with this statement, Woodside has also included new information in Section 6.1 of the EP that describes Woodside's process for the analysis and evaluation of impacts and risks as follows "As described in Section 4.9.1.1 marine ecosystems hold both cultural and environmental value to traditional custodians. As such the intrinsic link between these types of values (cultural and environmental) demonstrates that when the impacts and risks to environmental receptors have been reduced to ALARP and an acceptable level, the potential impacts and risks to cultural values associated with the environment are also reduced to ALARP and an acceptable level."

The full reference for "MAC, 2021" is not included in the reference list (see Section 8 of the EP) or the sensitive information report. Without this reference, the description of the cultural features of the environment that may be affected is not appropriately supported. In addition, it is considered important for the EP to include the full details of this reference because it is what underpins the credibility of Woodside's approach for demonstrating how potential impacts and risks to cultural values associated with the environment are reduced to ALARP and an acceptable level - ISSUE.

Decision factors:

7. A suitable description of the activity
8. There is a thorough description of the environment
9. The impact and risk assessment is commensurate to magnitude of impacts and risks
10. Relevant person consultation has been incorporated
11. Suitable control measures have been included
12. Legislative requirements are included
13. The level of analysis and evaluation is based on nature and scale of the activity

Submission 6 Rev 5A

Following the appeal decision made by the Federal Court of Australia in relation to the Santos NA Barossa Pty Ltd v Tipakalippa [2022] FCAFC 193 court case, a topic assessment relating to 'sensitive environments' has been established in relation to this assessment (Revision 5 onwards). Any assessment findings/issues relating to consultation with First Nations people/groups is now captured within this topic assessment, including the following assessment findings which are outlined above: ethnographic surveys which have been used to inform the cultural heritage information included in the EP (OMR # 3 dated 19 Sep 2022, attachment 2, item 1); and inclusion of the MAC 2021 citation (report) with the resubmission of the EP (OMR # 3 dated 19 Sep 2022, attachment 3, item 1).

The following information relates to the general assessment of Revision 5A of the EP.
Attachment 4 - Item 1

Issue: There is potential for the timing of the activity to change relative to other seismic surveys and noise generating activities that are proposed to occur within the vicinity of the area. The cumulative impacts of the MSS have been based on the understanding the seismic survey will not occur concurrent to other noise generating activities in the area.

Advice: If external circumstances result in a change in the timing, sequencing, or overlap with petroleum activities that may be undertaken by other titleholders before, during or after the activity described in the EP, Woodside should re-evaluate the potential for cumulative impacts and determine whether additional or varied control measures are warranted to ensure that the environmental impacts of the activity continue to be reduced to ALARP and an acceptable level.

Findings: Revision 5A of the EP (Section 3.4, Timing) has been revised to confirm that the start and end dates of the activity will be considered in conjunction with other Scarborough activity EPs to ensure consideration of possible concurrent and cumulative impacts. Although this does not account for other noise generating activities that are not related to the Scarborough Project, Woodside confirm that other oil and gas permits/activities are located more than 50km away.

Additional Amendments

From a general assessment perspective the following additional amendments have been made to Revision 5A of the EP:

1. Reference to petroleum title WA-63-R as one of Woodside's permit areas, rather than it being a 'surrounding permit area' (Section 1.1 and 3.1).
2. The activity may now be undertaken utilising four (not three) vessels which includes one seismic vessel, one support vessel, one chase vessel and one spotter vessel if the activity is undertaken between May and June (Section 3.1 and 3.5.5). A dedicated spotter vessel with two MFOs will be deployed ahead of the seismic vessel if acquisition overlaps the May to June period for northbound migration of pygmy blue whales (Section 3.5.5). This information has also been included in the description of the source of impact in Section 6.6.4 (Routine Acoustic Emissions: Project Vessels).
3. The activity will be completed in Q3/Q4 2023. Although the start day may vary,

Revision 5A of the EP confirms that the activity will be completed by 31 December 2023 which is consistent with the information made available on the NOPSEMA website during the public comment period. 4. Figure 4.1 (EMBA by the Petroleum Activities Program) has been revised as a result of the worst-case spill scenario associated with the proposed activity being reduced from a hydrocarbon volume of 1,062m³ marine diesel oil to a volume of 250m³. This is due to a reduction in the size of the seismic vessel diesel tank. 5. PMST (now dated 16 January 2023) has been revised based on the reduction of the EMBA (as referenced above) and also to ensure the information in the EP is up-to-date and current. This has resulted in modifications being made to the description of the environment including the number of listed threatened (14) and migratory (26) species identified as potentially occurring in the operational area (Table 4.2) and the number of listed threatened (27) and migratory (43) species identified as potentially occurring within the EMBA (Table 4.3). For example, reference to the following species is now included in the EP: freshwater sawfish, scalloped hammerhead, southern bluefin tuna (Table 4.5); common sandpiper, sharp-tailed sandpiper, pectoral sandpiper, osprey, white-tailed tropicbird, Christmas Island white-tailed tropic bird, campbell albatross (Table 4.12). The following species and/or sensitivities have been removed from the EP as they are no longer identified as potentially occurring within the operational area and/or EMBA: short-nosed sea snake, dugong, indo-pacific humpback dolphin, and the roseate tern BIA. Refer to Appendix C for the full list of marine species identified as potentially occurring within the operational area and the EMBA. 6. Due to the reduction in the EMBA, reference to a number of environmental sensitivities have been removed from the EP including key ecological features (Ancient Coastline, Wallaby Saddle, Western demersal slope and associated fish communities) (Table 4.15) and protected places (Carnarvon Canyon AMP and Abrolhos AMP) (Table 4.16). 7. Figure 4.6 (Habitat Critical to the Survival of Marine Turtles) has been included in the EP - this illustrates that there are no habitats critical to the survival of marine turtles within the operational area however the EMBA encroaches (marginally) over the flatback turtle internesting buffer (habitat critical to the survival of marine turtles). 8. Section 4.10.2 has been updated to include current information relating to the identification of Commonwealth and State managed fisheries that may be impacted by the proposed activity e.g. current catch and effort data as well as fishing effort data. 9. In relation to the acceptability of impacts associated with interactions with other marine users (Section 6.6.1), Woodside states that activities will not interfere with other marine users rights to a greater extent than is necessary. 10. Section 6.6.4 (Routine Acoustic Emissions: Project Vessels) and Section 6.7.6 (Physical Presence: Vessel Collision/Entanglement with Marine Faun) has been revised to include reference to the known presence of a PBW within the operational area and refers to the Thum et al. 2022 paper. The EP describes that the PBW may be encountered within the operational area during their northbound migration (April - July) and southbound migration (October - January), however the likelihood of encountering migrating or foraging PBW is considered low, and the likelihood of vessel collision is considered highly unlikely (given the slow vessel speeds and presence of MFOs). Refer to the technical assessment scope relating to Matters Protected under Part 3 of the EPBC Act for higher order impacts to this species. CONCLUSION:

Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered that the EP is appropriate for nature and scale of activity because:

11. 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. 12. 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, dated 16 January 2023) 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. 13. 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). 14. 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). 15. 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.16. 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. Considered from the perspective of the general assessment, and having taken additional information provided into account, it can not yet be considered that the EP is appropriate for nature and scale of activity because:

17. Relevant person consultation has been incorporated - although 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 relevant persons expectations (based on feedback received through the consultation process with relevant persons), it is not yet possible to be reasonably satisfied that all information provided during relevant persons consultation has been incorporated into the relevant sections of the EP because consultation, in some cases does not appear to be complete and it is not yet clear whether Woodside have identified all relevant persons under Regulation 11A(1). Refer to findings below under 'appropriate level of consultation'.

Submission 7 Revision 7

There were no material changes since the last revision of the EP. It is noted that an assessment of any additional information (relevant to the general assessment scope) provided in Revision 7 of the EP (A941010/A941007) was undertaken.

CONCLUSION:

Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered that the EP is appropriate for nature and scale of activity because:

1. There is a suitable description of the activity to inform how it may affect the environment including:
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.
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.
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.
5. There is a thorough description of the environment that may be affected by the activity including:
6. 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.
7. 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.
8. 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.
9. 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:
10. 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.
11. 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.
12. 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: 13. Oil spill trajectory modelling (section 6.7.1).14. Underwater sound modelling (Appendix G).15. 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.16. Information provided during relevant persons consultation is appropriately considered, evaluated, and incorporated into the EP where it is relevant.

Matters protected under Part 3 of the EPBC Act

Submission 1 Rev 0

Draft Letter Points:

The EP does not demonstrate that it is not inconsistent with the Conservation Management Plan for the Blue Whale

Requirement: The EP must demonstrate that the activity is not inconsistent with a recovery plan for a listed threatened species [Regulation 13(4); EP Content Requirements Guidance Note Section 3.3.2].

Issue: The EP does not provide a robust, defensible evaluation of underwater noise impacts to blue whales to demonstrate that the activity is not inconsistent with the Conservation Management Plan (CMP) for the Blue Whale. The CMP requires that anthropogenic noise in biologically important areas be managed such that any blue whale continues to utilise the area without injury, and is not displaced from a foraging area. The noise evaluation considers noise impacts to blue whales within the migratory BIA, however the evaluation has not considered whether the proposed seismic survey may overlap with the blue whale distribution BIA. Therefore, it is unclear if the activity will be managed so that blue whales continue to utilise the BIA without injury (noting that permanent threshold shift and temporary threshold shift constitute injury).

The Department of Agriculture, Water and the Environment (DAWE) recently published guidance on key terms within the CMP, in particular providing clarity on the definition of a Foraging Area. The guidance also notes that where it can be reasonably predicted that blue whale foraging is probable, known or whale presence is detected, adaptive management should be used. While the guidance is acknowledged within the EP and adaptive management for night time operations is included, the noise evaluation has not considered noise impacts to foraging blue whales, or whether the area may reasonably be considered to support opportunistic foraging.

Request: Please revise the EP to include:

- a. A comprehensive description of the environment that appropriately identifies whether or not the activity is within the blue whale distribution BIA;
- b. An evaluation of underwater noise impacts to blue whales, taking into consideration the blue whale distribution BIA and the likelihood of foraging blue whales being present within the proposed survey area;
- c. An evaluation of additional, alternative or improved control measures to demonstrate impacts will be managed to levels which are acceptable and ALARP, and provide for the implementation of any control measures adopted;
- d. An appropriate EPO that clearly reflects the acceptable level of impact for blue whales and is consistent with the requirements of the CMP; and
- e. An assessment against the relevant CMP action areas to clearly demonstrate that the activity is not inconsistent with the CMP (in context of the above).

Implementation Strategy

The monitoring, recording and reporting arrangements are not adequate – Reportable incidents

Requirement: The EP must detail the types of incidents that have the potential to cause moderate to significant environmental damage if those incidents were to occur [EP Content Requirements Guidance Note Section 3.12].

Issue: The EP does not identify any reportable incidents, as no impacts or risks were identified that have the potential to cause a consequence level of Moderate (C) for the proposed seismic survey. However, there are still incidents that warrant reporting to NOPSEMA as reportable incidents.

Request: Please revise the EP to include the following as reportable incidents:

1. Hydrocarbon release from vessel tank rupture
2. Death or injury to marine fauna
3. Introduction of invasive marine species

There is not appropriate training in place to ensure employees

Requirements: The EP should describe the training and competency of those persons responsible for implementing critical control measures [Regulation 14(5); EP Content Requirements Guidance Note Section 3.10].

Issue: The EP does not provide confidence that MMOs responsible for implementing PS2.1 control measures and blue whale adaptive management will have the appropriate experience and competence. Further, PS 5.2 pertains to the number of MFOs on board and not observation effort, consequently it is not evident that sufficient MMOs will be available to provide an appropriate level of observation effort.

Request: Please revise the EP to include:

- a. clearly defined competency/experience requirements for MFOs
- b. a demonstration that an appropriate number of MFO's will be undertaking observations during daylight hours, noting this may require more than two MFO's to be on board to ensure

appropriate work/rest cycles can be maintained.

Conclusion:

The EP is not appropriate to the nature and scale of the activity because it does not include:

4. a thorough description of the environment. 5. The description of the environment is limited to tables within the EP and the content included within the Woodside Mater Environment Document. The information within this document is not specific to the activity area and does not provide sufficient information to inform the evaluation of impacts and risks. 6. The activity appears to be within the PBW Distribution BIA however according to the EP (Figure 7-2, p.631) the activity does not overlap with any blue whale BIAs 7. The impact and risk assessment is commensurate to magnitude of impacts and risks because 8. the process by which listed species are determined to be relevant to the evaluation of impacts appears to be dependent on whether or not a species/ecological community has a Recovery Plan, Conservation Advice or Threat abatement plan and consequently a number of species are not appropriately considered in the evaluation 9. Relevant person consultation has not been appropriately incorporated as CCWA were not provided an extended timeframe to provide their comments however did provide feedback through 3rd party corro. - See general assessor findings 10. the level of analysis and evaluation is not based on the nature and scale of the activity. for example, 11. the evaluation of cumulative impacts is focused solely on seismic surveys and not other activities that may occur concurrently. Given this is a 4D survey linked with the Scarborough development, a more detailed analysis of cumulative impacts would be appropriate. 12. the evaluation of impacts to blue whales has not been undertaken in the context of overlap with the distribution BIA, underwater noise modelling to support the EIA was based solely on blue whales being present in the migratory BIA and not within the distribution BIA and consequently it is not clear the control measures selected are appropriate or suitable for managing impacts/risks - discussed further in ALARP/acceptability below. The EP does however provide:

13. a suitable description of the activity that details the extent, duration and at a high level the features of the nodes. 14. Legislative requirements including recovery plans are included in section 6.7.15. Editorial:

16. Appendix H references a 'southern blue whale' sub species - assume this is meant to be 'Antarctic blue whale' - given that both pygmy blue and Antarctic blue whales are 'southern' sub species please amend to use the correct name to avoid confusion.

Findings:

Description of Env.

17. PM search tool utilised on 10 & 11 May 21, full list of species in Appendix C. 25 species potentially identified as occurring 18. key sensitivities likely to occur in EMBA within this scope include 19. minke, sei, Bryde's, blue, fin, humpback, killer and sperm whales. Beaked whales are not identified as likely to occur however based on water depths it is possible beaked whales will feed in the area. 20. nearest BIAs for marine mammals include PBW migration BIA 14 km to SE of operational area. Foraging BIA is 154 km south, and humpback whale migration BIA 138 km to east. Most likely species within area are blue/fin/sei whales and deep diving odontocetes including sperm, beaked and killer whales. 21. PBW migration periods - north apr-jul, south oct-jan 22. activity overlaps Exmouth Plateau KEF, values (described in Appendix H, p. 657) are unique seafloor feature with ecological properties of regional significance. size and expanse of plateau modifies deepwater flow resulting in internal tides and subsequent upwelling. Satellite imagery indicates that primary productivity is enhanced along northern and southern boundaries of the plateau. Fauna including larger predatory species are likely to be attracted to seasonal upwellings (Brewer et al. 2007) - p.657 23. relevant recovery plans are identified in section 6.7 24. the process by which listed species are determined to be relevant to evaluation of impacts appears to be dependent on whether or not a species/ecological community has a Recovery Plan, Conservation Advice or Threat abatement plan and consequently a number of species are not appropriately considered in the evaluation. - ISSUE 25. The description of environmental sensitivities relies entirely on information contained within the Woodside Master Environment Document that is presented in the context of broad regions (eg. NW shelf) and not at a granular enough level for informing the evaluation of impacts and risks - ISSUE 26. identification of marine mammals limited by threatened status - noting that ALL whales and dolphins are protected within the Australian whale sanctuary under the EPBC Act it is not appropriate to limit the evaluation of impacts to only those species that are listed threatened - ISSUE 27. description of killer whales states 'killer whales are known to make seasonal movements, and probably follow regular migratory routes (p.623), but no information is available for the species in Australian waters'. Suggest that WEL revise their master environment document to consider the wealth of killer whale research that has been published in recent years for Australian populations. - ISSUE 28. Fig 4-7 within EP does not include PBW distribution BIA - based on Figure 7-2 (p.631) within Master Environment Doc it would appear that the operational area may overlap the PBW distribution BIA however it is not possible to tell without adding this BIA layer to the map within EP. - ISSUE Description of Activ.

29. survey to acquire 3D and baseline 4D seismic survey over Scarborough and Jupiter fields as part of an appraisal program for reservoir management. Intent to provide updated 3D information that can double as baseline information for any future monitoring seismic surveys over the same area 30. offshore NW WA 31. timing 80 days (70 days acquisition 10 days down time) earliest commencement 1 Jan 2022 and anticipated acquisition will be

completed by end of 2022. However may be acquired until 31 Dec 202332. streamers 8 km towed 500 m behind vessel, double or triple source, shot point interval 12.5 m / 5 sec33. commercial and AUV nodes - appears commercial nodes will not have buoys/ropes attached? if that is the case negligible impact to marine mammals expected. However if ropes/buoys to be used will need to evaluate entanglement risk.

Submission 2 Rev 1

Letter point 2.2 - The activity is inconsistent with the Conservation Management Plan for the Blue Whale

Requirement: The EP must demonstrate that the activity is not inconsistent with a recovery plan for a listed threatened species [Regulation 13(4); EP Content Requirements Guidance Note Section 3.3.2]. The Conservation Management Plan for the Blue whale (CMP) requires that anthropogenic noise in biologically important areas be managed such that any blue whale continues to utilise the area without injury, and is not displaced from a foraging area. Issue: The EP does not provide a robust, defensible evaluation of underwater noise impacts to blue whales to demonstrate that the activity is not inconsistent with the Conservation Management Plan (CMP) for the Blue Whale. This is because:

1. The noise evaluation considers noise impacts to blue whales within the migratory BIA, however the evaluation has not considered that the activity overlaps with the blue whale distribution BIA. Therefore, the EP does not evaluate how the activity will be managed so that blue whales continue to utilise the distribution BIA without injury (TTS and PTS); and 2. The Department of Agriculture, Water and the Environment (DAWE) recently published guidance on key terms within the CMP, in particular providing clarity on the definition of a Foraging Area. The guidance also notes that where it can be reasonably predicted that blue whale foraging is probable, known or whale presence is detected, adaptive management should be used. While the guidance is acknowledged within the EP and adaptive management for night time operations is included, the noise evaluation has not considered noise impacts to foraging blue whales, or whether the area may reasonably be considered to support opportunistic foraging.

Request: Please revise the EP to include:

3. A comprehensive description of the environment that appropriately identifies whether or not the activity is within the blue whale distribution BIA; 4. An evaluation of underwater noise impacts to blue whales, taking into consideration the blue whale distribution BIA and the likelihood of foraging blue whales being present within the proposed survey area; 5. An evaluation of additional, alternative or improved control measures to demonstrate impacts will be managed to levels which are acceptable and ALARP (eg. seasonal avoidance, minimising source size or acquisition area), and provide for the implementation of any control measures adopted; 6. An appropriate EPO that clearly reflects the acceptable level of impact for blue whales that demonstrates all impacts to be managed to acceptable levels; and 7. An assessment against the relevant CMP action areas to clearly demonstrate that the activity is not inconsistent with the CMP (in context of the above). The Blue Whale Conservation Management Plan (Action Area 2) states that anthropogenic noise in BIAs should be managed such that any blue whale continues to utilise the area without injury (DoE, 2015a). Advice from DAWE is that TTS should be considered a form of injury to pygmy blue whales and this should be prevented within the BIAs.

WEL have made limited changes to the EP in response to this letter point. The only changes made are the inclusions of three additional controls that are dismissed in the ALARP section and an addition to the EPO4 to also "minimise the potential for biologically significant behavioural disturbance".

WEL have not provided the full text of correspondence from DAWE to support their consultation in relation to their advice received in relation to the definition of the distribution "BIA".

Even if the distribution area is not considered a BIA, WEL have not acknowledged in the impact evaluation section of the EP that the activity is being undertaken in an area known for the presence of blue whales as designated in the blue whale recovery plan and NCVA. In fact, the way that the EP is set out does not make clear that the noise footprint is in the vicinity of the migratory corridor for blue whales (according to WEL modelling around 30 km distant (p139 "Based on the information presented in Section 4.6.3, there are no BIAs for cetaceans identified within the Operational Area, however a pygmy blue whale migration and foraging BIA are located 14 km south-east and 154 km south of the Operational Area, respectively and p141 The closest point of approach from the Active Source Area and the pygmy blue whale migration BIA is 29.9 km) and within an area where blue whales are known to occur according to the CMP. This information is appended in the Jasco modelling although very hard to tell) and also in the PMST output and generic description of environment. Limited information is also provided about the fact the whole operational area is in the Exmouth Plateau KEF which is known for its productivity, and therefore could be an area used for foraging by blue whales.

The EP also does not explicitly recognise TTS as injury as in the definition of key terms by DAWE.

The activity could occur Jul-Aug-Sep which is between migratory seasons, controls appear to apply regardless of BIA location/season so there are no limitations on this mitigation. But given TTS can occur to 22km and behavioural disturbance to 7.6km and observation zone is only 3km it is not clear how the activity will be consistent with the recovery plan action.

WEL needs to consider how to improve management such that whales are protected from TTS within what is reasonably practicable e.g. having a greater observation zone e.g. 5km where possible and a shut down zone also a 5km because TTS is predicted out to 22km. WEL will need to implement adaptive management actions to avoid injury and behavioural disturbance to whales if whales are seen.

NB FAQ 7: Is it necessary to take into account that feeding opportunities for blue whales may be present outside of designated Foraging Areas and foraging BIAs? Yes. The Blue Whale Conservation Management Plan states that blue whale feeding grounds are areas of high primary productivity that can support sufficient densities of krill. It also highlights that feeding opportunities may exist outside of the designated Foraging Areas and foraging Biologically Important Areas. The management of anthropogenic underwater noise where opportunistic foraging may potentially exist continues to be an important consideration for industry. There are areas outside of those identified in the CMP or in the National Conservation Values Atlas (NCVA) that may have credible evidence for blue whale foraging. In such cases, monitoring and adaptive management should be used during industry activities to prevent the potential occurrence of unacceptable impacts to blue whales from underwater anthropogenic noise. This approach is consistent with requirements of EPBC Act Policy Statement 2.1 – Interaction between offshore seismic exploration and whales, with respect to marine mammal observation and activity adaptive management, avoidance, and mitigation measures

Letter point 3.1 -There is not appropriate training in place to ensure employees and contractors have appropriate competencies

Requirements: The EP should describe the training and competency of those persons responsible for implementing critical control measures [Regulation 14(5); EP Content Requirements Guidance Note Section 3.10].

Issue: The EP does not provide confidence that MMOs responsible for implementing PS2.1 control measures and blue whale adaptive management will have the appropriate experience and competence. Further, PS 5.2 pertains to the number of MFOs on board and not observation effort, consequently it is not evident that sufficient MMOs will be available to provide an appropriate level of observation effort.

Request: Please revise the EP to include:

8. Clearly defined competency/experience requirements for MFOs 9. A demonstration that an appropriate number of MFO's will be undertaking observations during daylight hours, noting this may require more than two MFO's to be on board to ensure appropriate work/rest cycles can be maintained.

1. WEL have included a new performance standard in the revised EP (PS 4.2.2) in section 6.6.2 to describe the MFO training requirement. This addition states "All MFOs engaged for the Petroleum Activities Program complete relevant training detailing marine fauna identification and EPBC Act Policy Statement 2.1 requirements." The performance standard addresses training requirements, but doesn't clearly define competency/experience requirements for MFO's.

2. WEL have made not any changes to the EP to address point 2 and clarify the level of observation effort that will be implemented by the two MFOs on board, but in the response note WEL mention "based on use of two MFOs for daylight visual observations...." .Also, for PAM the EP states "employ two dedicated PAM operators "wherever possible" but EPS is 24-hour basis....MFO section should be as clear.

Letter point 3.2 - The monitoring, recording and reporting arrangements are not adequate

Requirements: The EP must detail the types of incidents that have the potential to cause moderate to significant environmental damage if those incidents were to occur (GN1344, Section 3.12).

Issue: The EP does not appear to identify any reportable incidents, as no impacts or risks were identified that have the potential to cause a consequence level of Moderate (C) or above.

However, there are still incidents that warrant reporting to NOPSEMA as reportable incidents. For example:

10. Hydrocarbon release from vessel collision or bunkering¹¹. Death or injury to marine fauna¹². Introduction of invasive marine species¹³. Vessel collision.

Request: Please revise the EP to ensure that incidents that warrant reporting to NOPSEMA as reportable incidents are included.

WEL have not made changes to the EP to clarify whether they will report the events identified above, aside from the following sentence "Where an actual or potential environment consequence of C+ is identified this incident will still be classified as a reportable incident and appropriate notifications completed."

OMR letter points 1 and 2 due to limited information provided in WEL's response to the RFFWI

Requirements:

The environment plan must set out the environmental performance outcomes against which the performance of the titleholder in protecting the environment is to be measured [Reg 13(7)(b)], include details of the control measures that will be used to reduce the impacts and risks of the activity to as low as reasonably practicable and an acceptable level [Reg 13(5)(c)], which is set by the environmental performance outcome, and must also set environmental performance standards for the control measures identified [Reg 13(7)(a)].

Issue:

There are several deficiencies in the EP relating to the description, evaluation, and management of impacts of noise on blue whales that were not addressed in the response to the RFFWI letter dated 16 December 2021:

14. The impact evaluation section of the EP does not identify that the activity is located within the known distribution range for blue whales based on direct observations, satellite tagged whales or acoustic detections (Conservation Management Plan for Blue Whales DoE 2015) (previous letter point 2.2 (1)). Notwithstanding the advice WEL have received from DAWE that the distribution range is not considered a biologically important area (BIA), there is still a higher likelihood of encountering whales in the distribution range where blue whales are “known to occur” than elsewhere. In addition, blue whale foraging opportunities in the survey area are possible because the activity overlaps the highly productive Exmouth Plateau key ecological feature (KEF).¹⁵ Should blue whales be observed in the distribution range during WEL's various Scarborough activities, there is the potential for cumulative noise impacts from sequential noise generating activities related to the Scarborough project in the operational area, and this has not been identified and evaluated in the EP, although the EP was revised in response to previous letter point 1.2 (1) to consider simultaneous noise generating activities.¹⁶ The effectiveness of control measures to prevent injury to whales and minimise the potential for biologically significant behavioural disturbance (EPO4) is not demonstrated. This is because the modelled distances over which temporary threshold shift (TTS) injuries (22km) and behavioural disturbances (7.6km) may occur are much greater than the proposed observation (3km) and shutdown (2km) zones proposed as controls (previous letter point 2.2 (3)).¹⁷ The EP does not provide an appropriate description of the levels of observation effort that will be undertaken by the two MFO's on board the vessel during daylight hours, or that the MFO's will have appropriate competencies (previous letter point 3.1).

Request:

Please modify the EP to:

18. Describe in the impact evaluation that the survey area is located within the known distribution range for blue whales, as is identified in the Blue Whale Conservation Management Plan (DoE 2015) and National Conservation Values Atlas.¹⁹ Identify the potential for cumulative impacts from noise due to sequential conduct of Scarborough activities and demonstrate that these impacts will be reduced to ALARP and will be of an acceptable level.²⁰ Include further adaptive management control measures (as per B6. Adaptive Management in EPBC PS2.1) to demonstrate that the potential impacts from noise generated by the seismic activity, in terms of whales being injured or disturbed, will be reduced to ALARP and of an acceptable level and EPO4 will be met.²¹ Include information in relation to the competency requirements for MFO's (i.e., proven experience as detailed in EPBC PS2.1) and details of observation efforts during the survey to demonstrate that the controls will be effective in mitigating impacts to whales.

OMR letter point 2

Requirements:

The environment plan must contain a report on all consultations under regulation 11A of any relevant person by the titleholder that contains a summary of each response made by a relevant person, and a copy of the full text of any response by a relevant person [Reg 16(b)(i) and (iv)].

Issue:

WEL included text in their Response to RFFWI document that they had received advice from DAWE that the “distribution BIA” for blue whales as denoted in the National Conservation Values Atlas (NCVA) is not considered to be a biologically important area (BIA) where biologically important behaviours (e.g., foraging, migrating) occur. WEL have used this interpretation for the purposes of the evaluation of potential impacts to whales from noise generated during the seismic survey in the EP. However, WEL did not revise the EP to include a summary of this consultation (as part of relevant persons consultation) or include the full text of consultation to support their impact evaluation.

Request:

Please modify the EP so that it provides a copy of the full text of consultation between DAWE and WEL on this matter in the consultation report for the EP and include a summary of consultation in the EP (as part of relevant persons consultation).

Letter point 3 excluded by RON as per email 24 Mar 2022:

However, I do think that we can leave the cumulative impact point because sequential noise generating activities are more of an issue if the same animals are subject to sequential noise. Given it is not a foraging area, and not within the defined migration area, I think the probability of the same whales staying within the area across both the drilling activity and seismic activity is low. Also, I'm not sure what additional management we would expect WEL to put in place

apart from adaptive management as we have required. My preference is to therefore no go back on sequential noise impacts.

Conclusion:

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.

Submission 3 Rev 2

Woodside have updated the EP in relation to the impact assessment and management to mitigate noise impacts to pygmy blue whales. In relation to the focus of the protected matters topic scope, which is a focus on the potential impacts of acoustic emissions on marine mammals including pygmy blue whales and deep diving species such as sperm and beaked whales, the findings of the assessment against this acceptance criteria are that: The EP includes a suitable description of the activity - this includes detailed information about the noise source and modelling to predict potential disturbances and injury to whales There is a thorough description of the environment - this includes information about the likely presences of whales in the area and has been updated to include acknowledgement that the activity is in the distribution range of PBW but when probability of occurrence is applied (ANIMAT modelling) is outside of the migratory BIA. The impact and risk assessment is commensurate to magnitude of impacts and risks - a suitable level of detail has been applied to the impact assessment in accordance with the nature and scale of the risks to listed and threatened whale species. Relevant person consultation has been incorporated - Relevant persons consultation with DAWE has been used to inform the EP in relation to PBW presence. Suitable control measures have been included - 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, recommend inspection of the effectiveness of the control measures for an activity of this nature and scale in accordance with inspection programming policy. Legislative requirements are included - Relevant legislative requirements, for this topic specifically the blue whale recovery plan have been described including how the requirements will be met by implementing the control measures. The level of analysis and evaluation is based on nature and scale of the activity - the level of analysis and evaluation for the impacts of noise emissions to whales is at a suitable level for the potential significant environmental impacts if the activity is not managed properly.

Submission 4 Rev 3

Decision categories

1. A suitable description of the activity 2. There is a thorough description of the environment 3. The impact and risk assessment is commensurate to magnitude of impacts and risks 4. Relevant person consultation has been incorporated 5. Suitable control measures have been included 6. Legislative requirements are included 7. The level of analysis and evaluation is based on nature and scale of the activity Findings 8. In response to information received through stakeholder correspondence, WEL have updated section 4.9.1.1 Indigenous Sites of Significance in the EP. 9. However, the information provided is not at a sufficient level of detail nor has supporting evidence been provided to give confidence that all potential environmental receptors for first Nations Persons has been identified e.g. in the event that there is a relationship with potential impacts to whales .10. Subsequently, there is not a thorough description of the environment that has incorporated information obtained via relevant person consultation.

Submission 5 Rev 4

A suitable description of the activity There is a thorough description of the environment The impact and risk assessment is commensurate to magnitude of impacts and risks Relevant person consultation has been incorporated Suitable control measures have been included Legislative requirements are included The level of analysis and evaluation is based on nature and scale of the activity

Findings

1. Limited additional text has been provided in s 4.9.1.1 Indigenous Sites of Significance and the information provided is not at a sufficient level of detail nor has supporting evidence been provided to give confidence that all potential environmental receptors for first Nations Persons has been identified e.g. in the event that not all environmental values have been identified. The reference cited has not been provided. Further information in relation to this has been requested in the letter (Attachment 2)

Submission 6 Rev 5A

Request: Please revise the EP to utilise contemporary and historical satellite tracking data, including those satellite tracks in the Thums et al 2022 paper, to spatially represent the recorded presence of pygmy blue whales relative to the boundaries of the active source area, operational area and ensonified area for the MSS.

Is there a suitable description of the activity?

1. Additional information included in this submission is the addition of title WA-63-R to Woodside's titles instead of being a 'surrounding permit area' and the addition of a spotter vessel that will be used in May and June, increasing the total number of vessels for the activity to four for this period (s3.1, s3.5.5). The spotter vessel will have two MFOs aboard and will be deployed ahead of the vessel if acquisition overlaps the May-June peak period for northbound migration of pygmy blue whales. (note: but see item 3 in relation to timing of spotter vessel/additional MFOs which shouldn't be limited to particular months but have provisions in place for in the event whales are being sighted in the operational area at any time and therefore the description of the activity may have further updates) Is there a thorough description of the environment?

2. Changes have been made in the revised submission in Table 4-11 Marine Mammal BIAs within the EMBA and Figure 4-7 (to show tracks of tagged PBW adjacent to and within the active source area from Thums et al. 2022) and minor changes to the text of Figure 4-8 showing HBW (culturally significant fauna) migration routes over 100km to the east of the operational area. 3. Additional text has also been added to the revision (s4.6.3.1) to include description of the fact that there is the possibility that some migrating pygmy blue whales could be opportunistically foraging to the west of the migration BIA and in the source area as proposed by Thums et al. 2022 as evidenced from the track of one of twenty tagged individuals showing low move persistence during its northbound migration indicative of opportunistic foraging including within the acquisition area, and text recognising that the Exmouth Plateau is an area of localised upwelling and therefore potential foraging opportunities and that PBW may transit in and around the operational area during north and south migrations. 4. S4.10 now includes a description of tangible and intangible cultural values, native title, ILUA and Marine Park Management Plans, the ancient landscape, indigenous sites of significant, marine ecosystems, ethnographic heritage assessment, which may be relevant to this topic in that HB whales have cultural significance to First Nation's People. 5. S6.2 describes WEL's approach in that Woodside considers that when the impacts and risks to marine species, including potential totemic species, have been reduced to ALARP and an acceptable level in offshore areas, the potential impacts and risks to cultural values associated with coastal Indigenous connection with, or traditional uses of marine species and associated ecosystems in nearshore coastal waters are also reduced to ALARP and an acceptable level. 6. NOPSEMA has received third party correspondence in regard to the potential cultural significance of marine mammals to First Nations Persons and interest to Environment NGOs. In addition, the details of the consultation undertaken that is currently included in the EP suggests that consultation in preparation of the EP (e.g. SOS and GAP) may not yet be complete (see general and topic assessments for letter points in relation to this). There are still outstanding issues in relation to mitigation of acoustic impacts to whales that may be of interest to these groups. Some further consultation has resulted in no cultural values being identified in the operational area/ area affected by noise. However, confirmation in relation to these conclusions will need to be achieved via completed consultation with all groups. Is the the impact and risk assessment is commensurate to magnitude of impacts and risks?

7. In relation to the PM topic, the assessment is commensurate to magnitude and has additional measures included in response to the letters (but see impact assessment findings in 2 and 3). Has information from relevant persons consultation has been incorporated?

8. See findings above in relation to description of the environment. Has the evaluation of impacts and risks informed the selection of suitable control measures?

9. Changes made to the EP in the description of the environment has informed the selection of additional control measures (but see also impact assessment findings in 2 and 3). Are legislative requirements included?

10. As per previous version, legislative requirements have been included in relation to the PM topic. Is the level of analysis and evaluation is based on nature and scale of the activity?

11. As per previous version, the level of analysis and evaluation is based on the nature and scale of the activity for this topic. Other related items included in the letters concern relevant persons consultation and cultural heritage (see general and topic assessments).

Additional information has been provided in the EP revision from conclusions derived from the Extent Heritage report, namely that it is unlikely that cultural values will be present in the area due to its distance offshore, as well as that if environmental values such as marine mammals are protected to ALARP and an acceptable level, this is likely to result in protection of cultural values. This information has been incorrectly referenced and will be requested to be altered.

Subsequently, the description of the environment cannot be determined to be completed in relation to overlap with cultural values of First Nation's people to ensure the description of environmental values is complete and no further impacts need to be evaluated, and potentially mitigated, in relation to impacts of acoustic emissions on marine mammals. This issue will be addressed in the letter via consultation points.

A suitable description of the activity.

Figure 3-2 has been included to describe the arrangement of vessels including the spotter, support and chase vessels around the seismic vessel.

There is a thorough description of the environment.

Section 4.10.1 Cultural Heritage has been updated to provide further information about Native Title Rights and Interests, including coastally adjacent Native Title Claims, Determinations and ILUAs as there are none that overlap the operational area and EMBA. Sections 4.10.1.4 and 5 have been updated to include further information about Marine Parks and marine ecosystems as relates to cultural heritage. Of most relevance is a statement that "in some coastal places, clouds that can be seen well over 100km out to sea are imbued with spiritual significance. For those groups with elaborate canoe technology, seascapes extend well over the horizon" and that "Cultural features of coastal areas may include marine species (e.g., humpback whales)".

Sections 4.10.1.6 Indigenous Archaeological Heritage and 7 Ethnographic Heritage Assessment have also been updated to state that the operational area doesn't overlap the ancient coastline and therefore it is unlikely that there will be submerged heritage in the area, and that no ethnographic sites were identified in the operational area for the seismic survey although the MSS wasn't specifically mentioned during the ethnographic survey but overlapped some of the trunkline route and subsea installation area.

Section 6.2 includes the statement that in managing impacts to environmental receptors to ALARP and acceptable potential impacts and risks to cultural features associated with coastal Indigenous connection with, or traditional uses of marine species and associated ecosystems in nearshore coastal waters are also reduced to ALARP and an acceptable level, and that consultation with Indigenous Groups has not resulted in any advice which contradicts this approach in regards to cultural, spiritual or environmental values. Where ongoing consultation identifies a need for additional mitigations beyond those established to manage environmental values, this will be managed through the processes described in Section 7.6 NOPSEMA has received third party correspondence in regard to the potential cultural significance of marine mammals to First Nations Persons and interest to Environment NGOs (see topic assessments).

The impact and risk assessment is commensurate to magnitude of impacts and risks.

No material changes from previous submission

Information from relevant persons consultation has been incorporated.

New information included in the EP:

1. p144 includes information about information from DCCEEW as a relevant person being incorporated into the EP. 2. WEL and [REDACTED] have been in consultation (p153) which will assist in identifying if there will be cumulative impacts from [REDACTED] activities that need to be considered in the current submission. 3. GAP, ACF, TWS, SNTSG new summaries of claims. Third party correspondence from relevant persons that has come in since the EP was submitted include letters from Greenpeace and ACF that relate to this topic assessment. Matters raised are included in the assessments of evaluation of impacts to ALARP and an acceptable level.

The evaluation of impacts and risks has informed the selection of suitable control measures.

No material changes from previous submission

Legislative requirements are included.

No material changes from previous submission

The level of analysis and evaluation is based on nature and scale of the activity.

No material changes from previous submission

Conclusions

In relation to the focus of the protected matters topic scope, which is a focus on the potential impacts of acoustic emissions on marine mammals including pygmy blue whales and deep diving species such as sperm and beaked whales, the findings of the assessment against this acceptance criteria are that:

The EP includes a suitable description of the activity, which 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.

The EP includes a suitable description of the environment including information about the likely presences of whales in the area and during the assessment was updated to include acknowledgement that the activity is in the distribution range of PBW albeit out of the migration BIA when probability of occurrence is applied (ANIMAT modelling) and to reference contemporary information about the recorded presence of whales in the survey area, which could be opportunistically foraging to the west of the migration BIA over the Exmouth Plateau which is a Key Ecological Feature noted for its localised upwelling potential. HBW (culturally significant fauna) migration routes are over 100km to the east of the operational area (s4.6.3.1). NOPSEMA has received third party correspondence in regard to the potential cultural significance of marine mammals to First Nations Persons and interest to Environment NGOs which has been included in the stakeholder consultation records and assessment of merits.

The impact and risk assessment in the EP is commensurate to magnitude of impacts and risks.

A suitably increased level of detail has been applied to the impact assessment in accordance

with the nature and scale of the risks to listed and threatened whale species. Relevant person consultation has been incorporated in the EP, 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 that had claims and objections in relation to the potential impacts of noise from the seismic survey on whales. Suitable control measures, informed by the evaluation of impacts and risks have been included in the EP to reduce the likelihood of impacts to whales, 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. Relevant legislative requirements, specifically the blue whale recovery plan for this topic scope, have been described including how the requirements will be met by implementing the control measures.

The level of analysis and evaluation for the impacts of noise on whales is based on the nature and scale of the activity, with significantly more detail included compared to other lower order impacts and risks described in the EP.

Based on the above findings NOPSEMA is reasonably satisfied that the requirements of regulation 10A(a) are met for this topic scope.

Sensitive environments

Submission 6 Rev 5

A suitable description of the activity and how it may affect the environment including: the scope and bounds of the activity; a thorough description of the activity components with greatest potential to generate impacts and risks to the environment; and a comprehensive list of all equipment and property brought onto title for the activity.
Refer to the general assessment findings - outside of the scope of this topic.

The EP contains a thorough description of the environment that may be affected by the activity including: key values and sensitivities of the social, economic and cultural features of ecosystems and their constituent parts, the physical resources, qualities and characteristics of locations, places and areas and the heritage values of places (this should be described using relevant references and information sources); and matters protected under Part 3 of the EPBC Act are adequately described utilising relevant information, including information available on the DCCEEW website such as plans of management, threat abatement plans, threatened species recovery plans and marine bioregional plans.

OMR #3 dated 19 Sep 22, attachment 2, item 1 (in relation to application of the ethnographic surveys for identifying and describing cultural values and sensitivities).

Issue: The EP has been updated to provide overview level information in response to Item 1 of RFFWI dated 11 August 2022 and the EP continued to place heavy reliance on the results of the 2019 and 2020 ethnographic surveys to conclude that no cultural features of the environment have been identified relevant to the Scarborough 4D MSS. Given the weight placed on the results of the ethnographic surveys, there is insufficient information in the EP to verify that those with cultural authority were involved in the surveys and that the "these surveys have found no ethnographic values within the Operational Area or EMBA" (EP, p73). Request: Please provide extracts from the ethnographic surveys undertaken in 2019 and 2020 of for the Scarborough project area (or the full survey reports if appropriate) to verify that: 1. Those with relevant cultural authority were present and engaged in the ethnographic surveys; 2. Participants were provided with a map that did not exclude the Scarborough 4D MSS operational area and were not restricted in the types of heritage or other values they were encouraged to identify; and 3. No ethnographic values were identified within the Operational Area or EMBA for the MSS. Note: Extracts to address the above point may be included in the Sensitive Information Part of the EP.

Response: In response to the issue and request made by NOPSEMA in the OMR #3 letter, Woodside has not included the relevant extracts from the ethnographic survey report in the updated EP submission. Woodside has advised NOPSEMA that Murujuga Aboriginal Cooperation (MAC) do not agree for the ethnographic survey report to be provided to NOPSEMA. However, in response to the appeal decision made by the Federal Court of Australia in Santos NA Barossa Pty Ltd v Tipakalippa [2022] FCAFC 193 on 2 December 2022, Woodside has revised their process for identifying and undertaking consultation with relevant persons, and as a result of these changes Woodside has now undertaken consultation with a broader group of First Nations persons/organisations whose functions, interests or activities may be affected by the proposed activity, such as with MAC and other Traditional Custodians of the coastline adjacent to the EMBA (findings in relation to this consultation are included under EP demonstrates appropriate level of consultation). The relevant persons consultation process enables Woodside to receive information that will inform the understanding of the First Nations cultural features of the EMBA and can therefore assist with addressing NOPSEMA's previous uncertainty about Woodside's understanding of the cultural features of the environment based on the heavy reliance on the ethnographic surveys undertaken by First Nations people/organisations with only a limited representation, and negates NOPSEMA's need to view the ethnographic survey report if Woodside does not have permission from the report owner to share it with NOPSEMA to inform decision making.

OMR #3 dated 19 Sep 22, attachment 3, item 1 (in relation to application of MAC 2021 citation for management of cultural values and sensitivities) – this also corresponds with RFFWI #3 dated 7 Sep 22, attachment 1, item 1.

Issue: 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.” However, the basis for this statement is not clearly supported in the EP because: the citation for the MAC 2021 document is not included in the reference list (EP, s8); 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.

Request: Please review and amend the EP to include the MAC 2021 citation and the information that was relied upon to conclude that the management of environmental values will preserve the cultural values of environmental receptors. This may include the full MAC 2021 report or relevant excerpts from the report that support the intrinsic link between ecological and cultural features of the environment. This information may be included in the sensitive information part of the EP.

Response: In response to the issue and request made by NOPSEMA in the OMR #3 letter, Woodside has included the full citation for the MAC 2021 document in the reference list in the updated EP submission (i.e. Murujuga Aboriginal Corporation (MAC), 2021. Cultural Values of the Environment for Scarborough DSDMP – Consultation report on Mermaid Sound) but has since removed the statement that was in the previous EP submission in relation to the intrinsic link between ecological and cultural features of the environment based on the MAC 2021 document from the updated EP submission. However, the EP still includes content establishing this intrinsic link, but Woodside is now basing this from the advice given to NOPSEMA by Extent Heritage under a contract for services which is not appropriate because it was provided to Woodside as part of procedural fairness under NOPSEMA’s EP Assessment Policy and not for the purpose of addressing the content requirements of an EP or for the purposes of demonstrating the acceptance criteria of an EP have been met (refer to the below findings in relation to the Extent Heritage report for further detail). The MAC 2021 document, or the information from this document in relation to the intrinsic link, has also not been included in the updated EP submission because Woodside has advised NOPSEMA that MAC do not agree for the document to be provided to NOPSEMA, but it is no longer necessary for NOPSEMA to need to view this document to inform decision making given the corresponding intrinsic link content has been removed from the updated EP.

Independent advice from Extent Heritage in relation to Aboriginal cultural heritage (see A883896, dated 18 October 2022)

ISSUE - On 26 October 2022, NOPSEMA provided to Woodside a copy of a 2022 report containing opinion and advice given to NOPSEMA by Extent Heritage under a contract for services. This report was provided to Woodside as part of procedural fairness under NOPSEMA’s EP Assessment Policy. The EP (see section 4.10.1, section 6.2) includes direct quotes from Extent Heritage’s report. The Extent Heritage report has not been provided to Woodside to address the content requirements of an EP or for the purposes of demonstrating the acceptance criteria of an EP have been met and cannot be quoted directly in a EP. The Extent Heritage report was commissioned by NOPSEMA to obtain expert Aboriginal cultural heritage feedback and advice in relation to the activity that may support NOPSEMA’s assessment of the EP. Further findings showing how NOPSEMA has had regard to the Extent Heritage report will be provided as part of the assessment of the next EP submission given that Woodside will need to make further updates to the cultural heritage description of the existing environment in the EP to address the issue identified above.

Information provided during relevant persons consultation

ISSUE - The description of the existing environment in the EP includes content describing "No sites of significance within the Operational Area or EMBA were identified by Traditional Custodians during the course of preparing the EP" (Section 4.10.1.4) and "No cultural values related to marine species within the Operational Area or EMBA were raised by Traditional Custodians during the course of preparing the EP" (Section 4.10.1.5). In connection with the findings of this sensitive environments topic assessment under 'Environment Plan demonstrates appropriate level of consultation', it is not evident that effective consultation has taken place with all First Nations individuals/groups (including Traditional Custodians) that Woodside identifies as relevant persons in the EP. Therefore, it is considered that these statements are not appropriately supported until effective consultation has taken place and this prevents the EP from demonstrating that it contains a thorough description of the environment that may be affected by the activity.

The detail and rigour applied to the impact and risk assessments are commensurate to the magnitude of impacts and risks arising from the activity.

Refer to the general assessment findings - outside of the scope of this topic.

The information provided during relevant persons consultation is incorporated, considered and evaluated in the relevant sections of the EP.

See above findings under "The EP contains a thorough description of the environment that may be affected by the activity..."

There is a clear demonstration that the evaluation of impacts and risks has informed the selection of suitable control measures to either reduce the consequence/severity or likelihood.

Refer to the general assessment findings - outside of the scope of this topic.

The EP includes sufficient information on the legislative requirements that are relevant to the activity and a demonstration of how they will be met throughout the life of the activity.

Refer to the general assessment findings - outside of the scope of this topic.

The level of analysis and evaluation presented in the EP is commensurate with the nature and scale of the activity and the severity of individual impacts and risks.

Refer to the general assessment findings - outside of the scope of this topic.

CONCLUSION:

At this stage in the assessment and from the perspective of this sensitive environments' topic assessment, it is not recommended that NOPSEMA could be reasonably satisfied that the EP is appropriate for the nature and scale of the activity. This is because the EP does not contain a thorough description of the environment given that the cultural heritage description is not supported with appropriate evidence.

Submission 7, Rev 6, June 2023

The EP contains a thorough description of the environment that may be affected by the activity

As noted in previous findings, during the assessment process NOPSEMA sought independent expert opinion and advice from Extent Heritage for the purposes of supporting NOPSEMA with its independent assessment of the EP as required under the Environment Regulations (see A883896, dated 18 October 2022). The independent expert opinion and advice provided in the report by Extent Heritage (hereafter, the Report) was considered during this assessment of the EP. In particular, the Report was considered in determining whether the EP includes a thorough description of the environment that may be affected by the activity (EMBA), including the First Nations cultural features and heritage values of the EMBA. It is noted that NOPSEMA provided a copy of the Report to Woodside on 26 October 2022. The Report was provided to Woodside on the basis that the information contained in the Report may be considered in NOPSEMA's assessment of the EP (as part of procedural fairness and as is set out in NOPSEMA's EP Assessment Policy). The expert opinion and advice from Extent Heritage (the Report), supports the information presented by Woodside in the EP. For example, statements in relation to the presence of Indigenous archaeology in Commonwealth waters (as reflected in the findings below).

On 18 April 2023, NOPSEMA issued an OMR4 letter (see A926236, dated 18 April 2023) to Woodside providing notice that it is not reasonably satisfied that the EP meets the criteria set out set out in regulation 10A of the Environment Regulations (particularly regulations 10A(a), (b), (c) and (g) of the Environment Regulations). The reasons why NOPSEMA was not reasonably satisfied were set out in the OMR4 letter to give Woodside an opportunity to modify and resubmit the EP so that it might comply with the criteria set out in the regulation 10A of the Environment Regulations. In relation to regulation 10A(a) in particular, the reasons why NOPSEMA was not reasonably satisfied are set out in item 1 of Attachment 1 in the OMR4 letter. In summary, this included that the EP does not contain a thorough description of the environment that may be affected by the activity because the cultural heritage description is not supported by sufficient and appropriate evidence (i.e. it inappropriately included direct quotes and references to the Report containing independent expert opinion and advice from Extent Heritage, and it included statements relating to consultation with First Nations people/groups that were not supported by an appropriate level of consultation with First Nations people/groups). On 2 June 2023, Woodside resubmitted a modified EP (Submission 7, Rev 6 dated June 2023) to NOPSEMA in response to the OMR4 letter. Based on a review of the modified EP, it is apparent that there have been changes made to the EP to address item 1 of Attachment 1 in the OMR4 letter. For example: all of the direct quotes and references to the Report containing independent expert opinion and advice from Extent Heritage have been removed from the EP; other suitable information has been used by Woodside to support the cultural heritage description in Section 4.10.1 of the EP such as references to publicly available reports and literature, details of an ethnographic heritage assessment undertaken for the Scarborough project development footprint and information gathered through relevant persons consultation where appropriate; and there has been further efforts applied by Woodside to identify and consult with First Nations people/groups with functions, interests or activities that may be affected by the proposed activity (this is considered further in findings under 'Environment Plan demonstrates appropriate level of consultation').

After considering the EP (Submission 7, Rev 6 dated June 2023), including the updates that

have been made in response to the OMR4 letter (dated 18 April 2023) and the independent expert opinion and advice from Extent Heritage (the Report), it has been found that the EP contains a thorough description of the environment that may be affected by the activity including First Nations cultural features and heritage values of that environment (refer to Section 4.10.1 of the EP). For example:

1. the description in the EP includes consideration of both tangible and intangible aspects and is supported by multiple sources of relevant and suitable information. For example, there are details of onshore native title claims, determinations and Indigenous Land Use Agreements (ILUAs) made under the Native Title Act 1993, cultural values related information published in State and Commonwealth Marine Park Management Plans, information on the cultural features of marine ecosystems including the broader concept of "sea country", and information on Indigenous archaeology in the offshore marine environment. 2. the description in the EP is supplemented with results from an ethnographic heritage assessment undertaken for the Scarborough project development footprint which identified no ethnographic sites or values within the EMBA. It is recognised that there is some uncertainty about the suitability of this ethnographic survey to provide a comprehensive understanding of ethnographic sites and values in the EMBA given that it was undertaken by a limited group of traditional custodian representatives (i.e. Murujuga Aboriginal Corporation Circle of Elders) and for another purpose (i.e. the EP describes that the survey purpose included providing understanding of the cultural values within the coastal, nearshore and offshore proposed Scarborough trunkline and associated works areas). However, it is recommended that the decision maker could be reasonably satisfied that this uncertainty has been addressed in the EP through relevant persons consultation with a broader group of traditional custodians to inform the titleholder's understanding of the potential for First Nations cultural heritage values within the EMBA. Specifically, where information relating to the identification of First Nations cultural heritage values was provided to the titleholder during relevant persons consultation it has been incorporated into the description in the EP (also see below findings under 'The information provided during relevant persons consultation is incorporated, considered and evaluated in the relevant sections of the EP'). 3. during the assessment process, an expert report was obtained from Extent Heritage to assist NOPSEMA to determine whether the EP included a thorough description of First Nations cultural features and heritage values of the environment. The expert opinion and advice from Extent Heritage (the Report) supports the information presented by Woodside in the EP's description of the environment. For example, the Report concluded that there is no potential for any in-situ First Nations submerged terrestrial archaeological deposits within the activity's operational area based on consideration of the location and water depths of the activity's operational area relative to the Pleistocene coastal landscape, and that there are no known records of First Nations submerged archaeological deposits within Commonwealth waters. This conclusion in the Report is consistent with information presented in the EP that does not identify any known First Nations archaeological sites in the activity's operational area or EMBA which are located in Commonwealth waters (see EP section 4.10.1.6). It is noted that the EP includes content describing that in the event Woodside receives relevant new information (including any relevant new information on cultural values) throughout the life of the EP, it will be assessed and, where appropriate, Woodside will apply its Management of Change and Revision process that is detailed in Section 7.6 of the EP (Woodside's Management of Change and Revision process has been considered in the general assessment findings). This demonstrates that if Woodside receives any relevant new information on cultural values throughout the life of the EP, there is a process in place that will ensure it will be considered, assessed and responded to by Woodside so that the impacts and risks of the activity will continue to be managed to ALARP and acceptable levels.

The information provided during relevant persons consultation is incorporated, considered and evaluated in the relevant sections of the EP
 After considering the EP (Submission 7, Rev 6 dated June 2023), it has been found that 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. For example, in connection with the above findings under 'The EP contains a thorough description of the environment that may be affected by the activity', where information relating to the identification of First Nations cultural heritage values was provided to the titleholder during relevant persons consultation it has been incorporated into the description of the environment that may be affected by the activity (refer to Section 4.10.1 of the EP). Also see the findings below under 'Environment Plan demonstrates appropriate level of consultation' for further details relating to how information provided by First Nations people/groups during relevant persons consultation is incorporated in the EP.

2	Environment Plan demonstrates that the impacts and risks will be reduced to ALARP	General	Submission 1 Rev 0
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2	Environment Plan demonstrates that the impacts and risks will be reduced to ALARP	General	<p>All reasonable control measures have been considered and evaluated It is not evident that the EP has evaluated all reasonable control measures to reduce environmental impacts and risks to ALARP. For example:</p> <p>Survey design</p> <ol style="list-style-type: none"> 1. The EP does not include a supported case to demonstrate how the size of the selected seismic source will minimise the intensity of underwater noise emissions, while also ensuring that the survey objective(s) are achieved - ISSUE. 2. The EP does not include a supported case to demonstrate how the final acquisition line plan has been designed to minimise the seismic vessel's presence or the intensity, duration and cumulative exposure to underwater noise, while also ensuring that the survey objective(s) are achieved - ISSUE. 3. Seismic source noise emissions <p>3. ?The EP does not provide an evaluation of scheduling the survey timing to avoid seasonal sensitivities for species protected under Part 3 of the EPBC Act - ISSUE. ?Evaluation of impacts and risks has been informed by suitable control measures</p> <p>In connection with above findings above under 'all reasonable control measures have been considered and evaluated', because it appears that all reasonable control measures have not been considered and evaluated it is subsequently not clear that the evaluation of impacts and risks has been informed by suitable control measures.</p> <p>Enough detail of the control measures has been provided</p> <p>For control measures that have been considered and evaluated, sufficient detail to demonstrate how they will function has generally been provided. For instances where there is limited detail provided for a control measure, because the EP has applied a numbering reference system to readily distinguish and link control measures and EPSs, when read together with the relevant EPS enough detail is provided to understand the intent and performance of the controls.</p> <p>The evaluation of adoption of control measures is based on environmental benefit and is systematic, applied thoroughly, defensible and reproducible</p> <p>Throughout Section 6, for all impacts and risks a common approach is applied to demonstrate reduction of impacts and risks to ALARP. When considered across the entire EP, the evaluation of whether a control measure is adopted or not based on environmental benefit vs costs of implementing the control measure appears to be done in a clear and consistent manner. Section 2.7.1 of the EP (page 32) outlines how Woodside undertake ALARP assessment. The level of detail in the ALARP assessments appears to be generally scaled to the nature and scale of the potential impact or risk, where more information is given for higher order impacts and risks compared with lower order ones. At the general level of assessment with a process focussed perspective, this is considered appropriate.</p> <p>Relevant person consultation has been incorporated</p> <p>See below findings under 'appropriate level of consultation'.</p> <p>CONCLUSION:</p> <p>While some factors that influence decision making are adequately addressed, at this stage of the assessment further information is required in relation to the following in order to draw informed conclusions and make a recommendation regarding this criterion:</p> <ol style="list-style-type: none"> 4. Revise the EP to demonstrate that all reasonable control measures have been considered and evaluated to reduce environmental impacts and risks to ALARP (in line with the above findings). <p>Submission 2 Rev 1</p>
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2	Environment Plan demonstrates that the impacts and risks will be reduced to ALARP	General	<p>All reasonable control measures have been considered and evaluated</p> <p>The issues described in the above findings under 'Submission 1' were further considered in the context of demonstrating how the activity is consistent with the CMP for the Blue Whale. See the protected matters topic scope findings under 'Additional Information 1' in relation to the response to item 2.2 of the RFFWI #1. At the general level of assessment, taking a sampled approach that involved focussing on higher order impacts and risks not considered by the protected matters topic scope, it is considered that 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.</p> <p>CONCLUSION:</p> <p>Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered that the EP demonstrates that the impacts and risks will be reduced to ALARP because:</p> <ol style="list-style-type: none"> 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. 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). 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. 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. 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). <p>Submission 3 Rev 2</p> <p>No material changes since last revision.</p> <p>Conclusions for this decision criteria are available in the above findings for 'Additional Information 1'.</p> <p>Submission 4 Rev 3</p> <p>Further consideration and evaluation of control measures has been undertaken in this EP revision (e.g. "Reprocess previously acquired data" on pdf page 169 highlighted version and "Manage Vessel speed to reduce likelihood of interaction with marine fauna" on pdf page 241 highlighted version). This new information has been included by WEL in response to further consultations with Greenpeace and is considered further within assessment findings for 'Submission 3' under 'Environment Plan demonstrates appropriate level of consultation'. With the exception to the above, there has been no other material changes since the last EP revision.</p> <p>Submission 5 Rev 4</p> <p>No material changes since last revision.</p> <p>Decision factors:</p> <ol style="list-style-type: none"> 1. All reasonable control measures have been considered and evaluated 2. Evaluation of impacts and risks has been informed by suitable control measures 3. Enough detail of the control measures has been provided 4. The evaluation of adoption of control measures is based on environmental benefit and is systematic, applied thoroughly, defensible and reproducible 5. Relevant person consultation has been incorporated <p>Submission 6 Rev 5A</p>
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2	Environment Plan demonstrates that the impacts and risks will be reduced to ALARP	General	<p>There were no material changes since the last revision of the EP. It is noted that an assessment of any additional information (relevant to the general assessment scope) provided in Revision 5A of the EP (A921889) was undertaken.</p> <p>CONCLUSION:</p> <p>Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered that the EP demonstrates that the impacts and risks will be reduced to ALARP because:</p> <ol style="list-style-type: none"> 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. 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). 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. 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. <p>Considered from the perspective of the general assessment, and having taken additional information provided into account, it can not yet be considered that the EP demonstrates that the impacts and risks will be reduced to ALARP because:</p> <ol style="list-style-type: none"> 5. Relevant person consultation has been incorporated - although 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 (e.g. 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)), it is not yet possible to be reasonably satisfied that all information provided during relevant persons consultation has been incorporated, considered and evaluated where applicable because consultation, in some cases does not appear to be complete and it is not yet clear whether Woodside have identified all relevant persons under Regulation 11A(1). Refer to findings below under 'appropriate level of consultation'.
Submission 7 Revision 7			
<p>There were no material changes since the last revision of the EP. It is noted that an assessment of any additional information (relevant to the general assessment scope) provided in Revision 7 of the EP (A941010/A941007) was undertaken.</p> <p>CONCLUSION:</p> <p>Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered that the EP demonstrates that the impacts and risks will be reduced to ALARP because:</p> <ol style="list-style-type: none"> 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. 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. 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. 4. 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. 5. 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 (refer to protected matters scope). 			

2	Environment Plan demonstrates that the impacts and risks will be reduced to ALARP	Matters protected under Part 3 of the EPBC Act	<p>Submission 1 Rev 0</p> <p>Conclusion: The EP does not demonstrate that impacts and risks will be reduced to ALARP because 1. All reasonable control measures have not been considered and evaluated, and there are a number of control measures that would reduce the impacts and risks to blue whales further 2. increased shut down zones for blue whales have not been considered 3. avoidance of the PBW migratory period, particularly the southern migration, has not been considered despite the obvious opportunity to eliminate impacts and risks to migratory blue whales. 4. consequently, the evaluation of adoption of control measures is based on environmental benefit and is systematic, applied thoroughly, defensible and reproducible The EP does however: 5. provide sufficient detail of the control measures that have been adopted 6. no relevant person raised concerns re. control measures for marine mammals 7. Evaluation of impacts and risks has been informed by suitable control measures Findings - Control measures: 8. ALARP evaluation p.137. Control measures considered and adopted include 9. PS2.1 including night time and low vis procedures 10. MMOs 11. PAM 12. no operation of source outside Active source area 13. seismic source validation 14. adaptive management for blue whales 15. no operation of airgun within 25 km of migratory BIA 16. 40 km separation between concurrent surveys' 17. avoidance of the PBW migratory period (particularly the southern migration where whales tend to be located further offshore based on acoustic data and of which there is little to no tracking data to inform migratory corridors has not been considered. ALARP evaluation states there are no options to eliminate risks yet this would appear to be an obvious one.</p> <p>Submission 2 Rev 1</p> <p>Letter point 2.2 - The activity is inconsistent with the Conservation Management Plan for the Blue Whale Requirement: The EP must demonstrate that the activity is not inconsistent with a recovery plan for a listed threatened species [Regulation 13(4); EP Content Requirements Guidance Note Section 3.3.2]. The Conservation Management Plan for the Blue whale (CMP) requires that anthropogenic noise in biologically important areas be managed such that any blue whale continues to utilise the area without injury, and is not displaced from a foraging area. Issue: The EP does not provide a robust, defensible evaluation of underwater noise impacts to blue whales to demonstrate that the activity is not inconsistent with the Conservation Management Plan (CMP) for the Blue Whale. This is because: 1. The noise evaluation considers noise impacts to blue whales within the migratory BIA, however the evaluation has not considered that the activity overlaps with the blue whale distribution BIA. Therefore, the EP does not evaluate how the activity will be managed so that blue whales continue to utilise the distribution BIA without injury (TTS and PTS); and 2. The Department of Agriculture, Water and the Environment (DAWE) recently published guidance on key terms within the CMP, in particular providing clarity on the definition of a Foraging Area. The guidance also notes that where it can be reasonably predicted that blue whale foraging is probable, known or whale presence is detected, adaptive management should be used. While the guidance is acknowledged within the EP and adaptive management for night time operations is included, the noise evaluation has not considered noise impacts to foraging blue whales, or whether the area may reasonably be considered to support opportunistic foraging. Request: Please revise the EP to include: 3. A comprehensive description of the environment that appropriately identifies whether or not the activity is within the blue whale distribution BIA; 4. An evaluation of underwater noise impacts to blue whales, taking into consideration the blue whale distribution BIA and the likelihood of foraging blue whales being present within the proposed survey area; 5. An evaluation of additional, alternative or improved control measures to demonstrate impacts will be managed to levels which are acceptable and ALARP (eg. seasonal avoidance, minimising source size or acquisition area), and provide for the implementation of any control measures adopted; 6. An appropriate EPO that clearly reflects the acceptable level of impact for blue whales that demonstrates all impacts to be managed to acceptable levels; and 7. An assessment against the relevant CMP action areas to clearly demonstrate that the activity is not inconsistent with the CMP (in context of the above). See section 1 for evaluation of response to this letter point and OMR letter points 1 and 2.</p> <p>Submission 3 Rev 2</p>
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2	Environment Plan demonstrates that the impacts and risks will be reduced to ALARP	Matters protected under Part 3 of the EPBC Act	<p>Assessment of TH response to OMR</p> <p>1. The EP now acknowledges that the active source area for the seismic survey overlaps with distribution range for PBW, as well as being 25km from the migratory corridor (s4.6.3.1) and cites relevant scientific information to support conclusions made in relation to the likelihood of blue whales to be encountered by the noise footprint generated by the activity as predicted by the ANIMAT modelling. 2. WEL have now included in Table 5-2 Stakeholder Consultation Activities a description of their consultation with DAWE in relation to whether or not the distribution range of PBW is a BIA as specified in the NCVA or not, as is specified in the CMP. DAWE have clarified that it is not the same as a BIA but still PBW potentially present and noise mitigation controls should be applied accordingly. 3. WEL have included additional controls that will be applied to mitigate impacts to PBW. This includes changes to C.1 to increase the observation zone to the limits of visibility for large unidentified whales as a precaution, shutdowns to limits of visibility if certain or probable confident identification of a pygmy blue whales, 3km for large unidentified whales and 2km for all whales (EPBC PS2.1 Part B.4). Because WEL have committed to use MFO's with experience, it is assumed that there is a high likelihood of positive identification of PBW. C4.4 (adaptive management related to night time and low vis - EPBC PS 2.1 Part B.6) has also been modified to reflect that three or more pbw-induced shutdowns within a 24 hours period then there will be no night-time or low vis operations and cannot resume until there has been 24 hours of daylight or good visibility with less than three shutdowns. Although the noise footprint is large (22km) and within the distribution range for PBW, the probability of whale presence is low and therefore chance of an impact unlikely unless whales persist in the noise footprint for 24 hours. However, the ensonified area is not a known foraging BIA where whales would potentially remain in a localised area for 24hrs. This means that whales are more likely to be transiting through the area as per the migration BIA. If whales were not moving through the area it may be possible that they would exhibit avoidance behaviour in relation to the noise emissions. Where noise would be at greater thresholds where TTS could be more severe i.e. closer to the vessels up to the range of visibility (~3-7km), shutdowns would be applied to mitigate any potential impacts. The management arrangements within the EP appear to be within the guidelines outlined in EPBC Act Policy Statement 2.1. WEL would need to also continue to manage their risks to ALARP and an acceptable level during the activity, so should whale presence and behaviour during the activity differ to what was predicted in the EP, WEL would need to implement additional measures to ensure the EPO for noise emissions is met. It is recommended that NOPSEMA inspect this activity in accordance with the inspection policy as relates to seismic activities, to ensure WEL manage noise impacts to whales to ALARP and an acceptable level. 4. WEL have included additional information about MFOs to state that MFO's will have previous experience as well as training, and that of the two on board at least one will be undertaking observations during daylight hours at any one time, and that if there are increased whale sightings then both will observe simultaneously. 5. Additional information has been included in Table 6-21 in relation to how WEL will meet the requirements of the BW CMP in terms of not injuring whales (TTS) or displacing them from foraging areas. Woodside have updated the EP in relation to the impact assessment and management to mitigate noise impacts to pygmy blue whales. In relation to the focus of the protected matters topic scope, which is a focus on the potential impacts of acoustic emissions on marine mammals including pygmy blue whales and deep diving species such as sperm and beaked whales, the findings of the assessment against this acceptance criteria are that: All reasonable control measures have been considered and evaluated - this includes trained and experienced MFO's implementing EPBC PS 2.1 including Part B controls for PBW, and the use of PAM to detect toothed whales known to be present in the area. Evaluation of impacts and risks has been informed by suitable control measures - the evaluation has been informed by the application of suitable control measures. Enough detail of the control measures has been provided - a suitable level of detail about the above-mentioned control measures have been provided in the EP, inspection is an option for confirmation of their effectiveness. The evaluation of adoption of control measures is based on environmental benefit and is systematic, applied thoroughly, defensible and reproducible - a suitable ALARP assessment has been provided to detail WEL's consideration of adoption of control measures. Relevant person consultation has been incorporated - in relation to the PM topic, relevant persons consultation with DAWE in relation to PBW presence used to inform implementation of controls has been included</p>
Submission 4 Rev 3			

2	Environment Plan demonstrates that the impacts and risks will be reduced to ALARP	Matters protected under Part 3 of the EPBC Act	<p>Decision categories</p> <p>1. All reasonable control measures have been considered and evaluated 2. Evaluation of impacts and risks has been informed by suitable control measures 3. Enough detail of the control measures has been provided 4. The evaluation of adoption of control measures is based on environmental benefit and is systematic, applied thoroughly, defensible and reproducible 5. Relevant person consultation has been incorporated Findings</p> <p>6. Some additional information has been included in the Demonstration of ALARP for routine acoustic impacts - seismic survey equipment s6.6.2 p171,172 in response to stakeholder objections and claims. This includes WEL identifying that reprocessing previously acquired data or use of alternative technologies is not considered feasible. This additional text contributes to the requirements that relevant person consultation has been incorporated and all reasonable control measures have been considered and evaluated (although were previously implied as not being feasible hence the survey proposal). 7. No changes have been made to the Demonstration of ALARP for routine acoustic impacts - project vessels s6.6.3 8. However, until the further description of the environment is completed, it is not possible to determine whether the evaluation of adoption of control measures is based on environmental benefit.</p> <p>Submission 5 Rev 4</p> <p>All reasonable control measures have been considered and evaluated Evaluation of impacts and risks has been informed by suitable control measures Enough detail of the control measures has been provided The evaluation of adoption of control measures is based on environmental benefit and is systematic, applied thoroughly, defensible and reproducible Relevant person consultation has been incorporated</p> <p>Findings</p> <p>1. No material changes have been made to the demonstration of impacts and risks being reduced to ALARP, but see impacts and risks are acceptable a letter point requesting modification to the EP to determine whether impacts are being reduced to ALARP has been included after new information came to the attention of the assessment team.</p> <p>Submission 6 Rev 5A</p>
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2	Environment Plan demonstrates that the impacts and risks will be reduced to ALARP	Matters protected under Part 3 of the EPBC Act	<p>Request: Please revise the EP to re-evaluate whether additional detection platforms and adaptive management measures, or temporal restrictions during the northern migration period, are warranted to avoid injury or biologically significant behavioural disturbance to blue whales from underwater noise generated by the seismic survey.</p> <p>Have all reasonable control measures have been considered and evaluated.</p> <p>1. The submission has been updated with an additional control (C4.6 in ALARP table) to include the use of a spotter vessel with two MFOs travelling ahead of the survey vessel during May and June, which are the predicted peak months of the northern migration. 2. Additional controls have also been evaluated in this submission including use of spotter aircraft, drones and sonobuoys but not selected. Has the evaluation of impacts and risks has informed the selection of suitable control measures.</p> <p>3. Updates have been made to s6.6.3 to acknowledge that there is a recorded presence of whales in the acquisition area and therefore it is possible that PBW whales may be subjected to acoustic noise during their northern (April to July) and southern (October to January) migrations, which may include foraging deviations in the vicinity of the survey indicated by low move persistence and lower migration speeds. This is despite the survey being outside of the main migration corridor (~25 km East) and distant from foraging BIAs. In response to this change in the predicted presence and behaviour of PBW in the noise affected area, the additional control measure proposed of a potter vessel with two MFO's is suitable, however detail about how the control will be implemented is absent and given that whale movements are predictions only, to reduce the potential for impact further there would need to be an additional adaptive management control included for the event that whales are seen in other months of the year particular for the northern migration, but could also occur during southern migration according to the information included in the EP, that PBW "may transit in and around the operational area during north and south migrations" (s4.6.3.1). A suitable control would be to include the spotter vessel and MFO's in May and June according to predicted whale presence, but additionally, to include an adaptive management control that in the event higher numbers of whales are sighted in other months besides May and June e.g. April, July and Oct to Jan or any other time, there is a trigger for deploying a spotter vessel with MFO's. This should be implemented due to the large distance over which TTS can occur if whales are not moving through the area (65km) and that if whales are being seen it is possible within 5 and 10's of kms of the vessels, more whales may be present that are being noise affected. Has enough detail of the control measures has been provided.</p> <p>4. Enough detail of the controls that were evaluated but not adopted have been provided in the resubmission (aircraft, drones, sonobuoys), however 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 i.e. whether a shutdown distance will be applied that is to the limit of visibility of the MFO's on board the spotter vessel if 'possible' blue whales are seen and the source will be shutdown immediately, or how this distance aligns with the behavioural disturbance and TTS threshold distances. Is the evaluation of adoption of control measures based on environmental benefit and is systematic, applied thoroughly, defensible and reproducible.</p> <p>5. The adoption of the new control has been based on environmental benefit i.e. during northbound migration months of greatest probability of seeing whales with slower migration speeds, but see issue above in relation to additional trigger to deploy in the event of higher than predicted whale presence in other months. Has information from relevant persons consultation has been incorporated.</p> <p>6. As described in item 1, until relevant persons consultation has been completed for environment groups and first nation's people conclusions cannot be made against this item. The submission now includes a point in the statement of acceptability that "impacts and risks to cultural values have been taken into consideration" (p330) however, this cannot be concluded until consultation undertaken in the preparation of the EP is completed.</p> <p>Submission 7 Rev 7</p> <p>Letter request - Please modify the EP to:</p> <p>1. include a trigger that would result in implementation of C4.6 during other months of the whale migration seasons and/or if the presence or behaviour of pygmy blue whales is different than predicted; and 2. provide further details of C4.6 including location of the vessel relative to the seismic vessel, triggers for noise mitigation actions, details of the proposed noise mitigation actions and any other relevant details for the implementation of this control; and 3. demonstrate that implementation of this control will reduce noise impacts to ALARP and an acceptable level that is not inconsistent with the Blue Whale Conservation Management Plan. Changes made to the EP (p300):</p> <p>4. EP specifies that four MFO's will now be implemented, two on the seismic vessel and two on a spotter vessel and shutdowns will occur as a result of whale sightings from either vessel (MFOs to implement C 4.1 (Policy Statement 2.1 Part A Standard Management Procedures and Part B.4) and C 4.4 (Adaptive Management Measures for pygmy blue whales). 5. The spotter vessel will be travelling around 5km ahead of the seismic vessel with the purpose of extending the MFO observation zone to a distance greater than the behavioural disturbance zone out to 7.28km (i.e. ~3km from MFO on support vessel which is 5km ahead of seismic vessel provides for ~8km) and also thereby extending the shutdown zone. 6. In addition, the control will be implemented throughout the period of the activity and not seasonally</p>
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limited. All reasonable control measures have been considered and evaluated.

Aside from the above response to the letter request, no further changes were made to the ALARP evaluation. Based on the response NOPSEMA could be reasonably satisfied that all reasonable control measures have been considered and evaluated.

The evaluation of impacts and risks has informed the selection of suitable control measures. Aside from the above response to the letter request, no further changes were made to the ALARP evaluation. Based on the response NOPSEMA could be reasonably satisfied that the evaluation of impacts and risks has informed the selection of suitable control measures.

Enough detail of the control measures has been provided.

Based on the response provided in the revised EP, NOPSEMA could be reasonably satisfied that enough detail of the control measures has been provided.

The evaluation of adoption of control measures is based on environmental benefit and is systematic, applied thoroughly, defensible and reproducible.

Based on the response provided in the revised EP, NOPSEMA could be reasonably satisfied that the evaluation of adoption of control measures is based on environmental benefit and is systematic, applied thoroughly, defensible and reproducible.

Information from relevant persons consultation has been incorporated.

Potential impacts to blue whales is an issue identified in the relevant persons consultation, and the consultation section of the EP has been updated to include records of the consultation (but see consultation topic assessment in the general assessment).

Conclusions

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 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).

The evaluations of impacts and risks to threatened and migratory whales have been informed by applying suitable control measures:

7. 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. 8. The evaluation indicates that the control measures applied are proportionate to the fact that whales are not expected to be encountered in high numbers given the seismic survey and ensonified area occurs outside of defined biologically important areas identified in the Conservation Management Plan for the Blue Whale 2015–2025 (DoE, 2015a) and in the National Conservation Values Atlas. 9. The predicted movement patterns and speed of whales in the migration BIA (as applied in the acoustic modelling) were used to support an assessment that auditory injury from the survey is unlikely due to lower noise exposure durations and an associated reduction in the TTS effect range meaning that the effect range was outside of the known pygmy blue whale migration corridor (Koessler et al. 2021). 10. The EP also considered research on blue whale distribution patterns published in peer-reviewed literature during the period of the assessment (Thums et al. 2022) that indicated increased possibility of blue whale presence in and around the operational area than previously predicted by the NCVA and Conservation Management Plan for the Blue Whale. 11. An additional control measure was adopted as a result of taking into account the impact of this new information on the probability of encountering whales, so that whale detection is enhanced during the survey to a distance beyond which behavioural disturbance thresholds are reached, and shutdowns can be implemented to protect blue whales from acoustic impacts in the event that they are present. 12. The additional control measure (C4.2 with PS4.2.1, PS4.2.2) was the inclusion of an additional whale detection platform in the form of a spotter vessel resourced with two trained and experienced marine mammal observers (MMOs) travelling 5km ahead of the seismic survey vessel. The spotter vessel and MMOs provide for whale detection at least 8 km ahead of the noise source meaning that should whales be detected, and shutdown of the seismic source initiated, this will be at a distance greater than the distance over which noise is predicted to exceed thresholds that may cause behavioural disturbance (7.3km). The impact and risk evaluation is based on all of these aspects. 13. In relation to sperm and beaked whales, the EP includes a commitment (C4.3 and PS4.3.1) that passive acoustic monitoring (PAM) observations will be undertaken on a 24-hour basis by two trained and experienced PAM operators and the PAM will be used to trigger shutdowns for any sperm and beaked whales detected in the 2km shutdown zone during daylight and night/low visibility periods as well as being used to validate MFO observations and distances. 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. Control measures adopted include:

14. additional control measures for those species for which there is a higher potential for impacts, such as pygmy blue, sperm, and beaked whales. 15. all EPBC Act Policy Statement 2.1 Part A measures will be implemented for all whale species including humpback whales as well as some Part B measures in accordance with an increased likelihood of encounter with

whales considering that the survey occurs in the distribution range of pygmy blue whales.16. use of experienced marine fauna observers (MFOs) and passive acoustic monitoring (PAM) operators on the vessel to detect whales and initiate shutdowns.17. an increased observation zone that extends across the observable distance and immediate shut down to apply to any pygmy blue whales and other large unidentified whales sighted as a precautionary measure.18. use of an additional spotter vessel to travel 5km ahead of the seismic vessel at all times of the year to observe for whales and initiate shutdowns within the limits of visibility for any possible blue whale effectively reducing the potential for behavioural disturbance of blue whales to as low as reasonably practicable.19. use of PAM on a 24-hour basis to detect odontocete whales and a shutdown requirement applies if any sperm or beaked whale is detected within 2km as is required by EPBC Act Policy Statement 2.1.20. adaptive mitigation measures to ensure that impacts and risks would continue to be managed to ALARP, whereby if there are three or more shutdowns over a 24-hour period for pygmy blue whales then seismic operations will cease during low visibility or at night-time and cannot resume at night-time until there has been a cumulative 24-hour period during which there has been less than three sightings/shutdowns. The 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.

Based on the above findings NOPSEMA is reasonably satisfied that the requirements of regulation 10A(b) are met for this topic scope.

In making the conclusion above, 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.

However, 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.

3

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

General

Submission 1 Rev 0

Acceptable levels are defined and compared to predicted levels

The impact and risk evaluation process for demonstrating acceptability is described in detail in Section 2.7.2 of the EP (page 32). This demonstrates that two different processes are followed, depending on the level of risk, impact and decision type:

1. For lower order risks (low or moderate), impacts (negligible, slight or minor) and decision types (A), Woodside provides a demonstration of being 'Broadly Acceptable' if legislative requirements, industry codes and standards and applicable company requirements are met.
2. For higher order risks (high, very high or severe), impacts (moderate and above) and decision types (B or C), Woodside provides a demonstration of being 'Acceptable' if it can be demonstrated that predicted levels of impact and/or residual risk are managed to ALARP and meet defined criteria appropriate to the nature and scale of each impact and risk (e.g. consistent with the principles of ESD, internal and external context and other requirements; see Table 2-6, page 34). At the general level of assessment with a process focussed perspective, the process includes features that are broadly common to other industry players and is considered to be described in enough detail to understand how the process should be implemented for the environmental aspects of the activity. From a review of a sample of EP content relevant to a subset of environmental aspects for the activity, it is evident that the process is employed systematically across assessments of impacts and risks for the activity. The EP considers principles of ESD

Table 2-6 in Section 2.7.2 of the EP (page 32) provides a summary of Woodside's criteria for acceptability. This demonstrates that the principles of ESD are only considered in the criteria for defining acceptable levels for higher order risks and not lower order risks. Further information is needed to explain why the principles of ESD are only considered in the criteria for defining acceptable levels for higher order risks and not lower order risks - ISSUE.

Where the principles of ESD were considered in the EP for defining acceptable levels for higher order risks (e.g. "Routine Acoustic Emissions: Seismic Survey Equipment" in Section 6.5.3 - see page 143), the content provided to demonstrate how the principles of ESD were considered and includes descriptions explaining which relevant principles of ESD were considered in the impact assessment (this is under the acceptability criteria and assessment) and high level statements claiming that "the Petroleum Activities Program is consistent with the relevant principles of ESD" (this is under the statement of acceptability). Further information is needed to demonstrate Woodside's process for determining which principles of ESD are relevant/not relevant to the activity and how Woodside has concluded that the activity is consistent with the relevant principles of ESD - ISSUE.

The EP is not inconsistent with key documents

At the general level of assessment with a process focussed perspective, the EP includes content to demonstrate how it is not inconsistent with key documents including relevant

plans of management (e.g. recovery plans, threat abatement plans and marine park management plans) for matters protected under Part 3 of the EPBC Act (see Section 6.7, page 222). Findings captured under the assessment topic scope for matters protected under Part 3 of the EPBC Act demonstrates whether the provided content is appropriate to demonstrate that the EP is not inconsistent with the relevant key documents.

Areas of uncertainty are identified and addressed

WEL's impact and risk analysis process is described in detail in Section 2.6 of the EP (page 26). The process prompts WEL to consider the level of uncertainty of environmental impacts and risks, to ensure appropriate effort is applied to manage impacts and risks to a level that is acceptable. The effort applied depends on the decision type (which is evaluated using a decision support framework based on principles set out in Oil and Gas UK [2014] Guidance on Risk Related Decision Making), and may include applying further engineering risk assessment tools (Decision Type B) or adoption of a precautionary approach (Decision Type C).

In general, it appears that appropriate effort has been applied by WEL in evaluating impacts and risks with greater uncertainty. For example, acoustic modelling was completed to increase the level of certainty in impact and risk predictions from underwater noise emissions associated with the seismic source (see Section 6.5.3 [page 108] and Appendix G) and to support the evaluation of control measures to be adopted to ensure impacts and risks will be reduced to a level that is ALARP and acceptable. This level of effort would be expected for a MSS activity where the seismic source presents a high level of risk to noise sensitive environmental receptors.

All impacts and risks are managed to acceptable levels

It is not clear that all impacts and risks will be managed to acceptable levels because the evaluation of impacts to benthic habitat from the activity is not underpinned by a defined acceptable level of impact that references relevant policy guidance (e.g. EPBC Act Significant Impact Guidelines 1.1) and therefore does not appropriately include a comparison of the predicted extent, severity and persistence of impacts to the defined acceptable level - ISSUE.

Comparison is systematic, applied thoroughly, defensible and reproducible

While the process for demonstrating that impacts and risks will be of an acceptable level is employed systematically across assessments of impacts and risks for the activity (see above findings under 'acceptable levels are defined and compared to predicted levels'), comparison is not applied thoroughly and is not defensible and reproducible because it is not evident how WEL has determined which principles of ESD are relevant/not relevant to the activity and how WEL has concluded that the activity is consistent with the relevant principles of ESD (this is in connection with above findings under 'the EP considers principles of ESD') - ISSUE.

Relevant person consultation has been incorporated

See below findings under 'appropriate level of consultation'.

CONCLUSION:

While some factors that influence decision making are adequately addressed, at this stage of the assessment further information is required in relation to the following in order to draw informed conclusions and make a recommendation regarding this criterion:

3. Revise the EP to clearly demonstrate how the EP considers principles of ESD (in line with above findings), including further content to explain why the principles of ESD are not considered for lower order impacts and risks. 4. Revise the EP to ensure the evaluation of impacts to benthic habitats from the activity includes a defined acceptable level that references relevant policy guidance (e.g. EPBC Act Significant Impact Guidelines 1.1) and appropriately compares the predicted extent, severity and persistence of impacts to benthic habitats with the defined acceptable level.

Submission 2 Rev 1

Response to RFFWI #1:

The EP considers principles of ESD

Item 2.1 – It was requested for additional information to be provided that explains and demonstrates 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.

No changes were made to the EP in response to the request. In a table presenting WEL's responses to the requests in NOPSEMA's 16 December 2021 letter, WEL provided additional information that explains why the principles of ESD are not considered in WEL's demonstration of acceptability process for lower order impacts.

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. For example, conclusions that "the Petroleum Activities Program is consistent with the relevant principles of ESD" have not been clearly substantiated with references to relevant facts and reasons that connect with content from the impact and risk evaluation for the relevant environmental receptor - ISSUE.

All impacts and risks are managed to acceptable levels

The previous issue described in above findings under 'Submission 1' in relation to the acceptability of impacts to benthic habitats is no longer relevant because WEL has removed the use of AUV and commercial nodes from the activity (also see findings under 'appropriate

for nature and scale of activity’).

Comparison is systematic, applied thoroughly, defensible and reproducible

In connection with the findings above under 'The EP considers principles of ESD', the EP has not provided a clear demonstration of how it considers and is consistent with the principles of ESD. The demonstration of acceptability of impacts and risks in the EP is therefore considered to not be defensible and reproducible - ISSUE.

CONCLUSION:

Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered that 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.

Submission 3 Rev 2

Response to OMR #1:

The EP considers principles of ESD

Item 2 – It was requested to modify the EP to 1) provide appropriate consideration of principles of ESD by setting out the reasons why WEL considers that some principles of ESD are not relevant to the activity; and, 2) demonstrate the activity will be carried out in a manner consistent with principles of ESD by providing additional information that substantiates WEL's conclusions the activity will be carried out in a manner consistent with relevant principles of ESD.

To justify why for lower order impacts and risks the EP does not present a demonstration of consistency with principles of ESD, WEL has modified Section 2.7.2 of the EP so that it now includes additional information describing that "Lower order impacts and risks do not contravene the principles of ESD. Given the classification (Section 2.6.4) of these lower order impacts and risks they will not threaten: serious or irreversible environmental damage; the quality of the environment available to future generations; and, biodiversity and ecological integrity (DAWE, 2003)". This description appears to reflect and reference DAWE guidance on criteria for determining ESD relevance, which is appropriate. Now that WEL has modified the EP to include this information, it provides a reasonable case that explains why a demonstration of consistency with the principles of ESD is not provided for the lower order impacts and risks on the basis that the predicted consequence of these impacts and risks would not be sufficient to result in a contravention of ESD principles.

To demonstrate how higher order impacts and risks of the activity are consistent with relevant principles of ESD and to justify why other principles are not relevant, WEL has modified Section 6.6.2 of the EP (refer to the demonstration of acceptability table) that provides an evaluation of the impacts and risks from 'Routine Acoustic Emissions: Seismic Survey Equipment' (this is the only higher order impact and risk source for the activity). In demonstrating how the impacts and risks from 'Routine Acoustic Emissions: Seismic Survey Equipment' are consistent with relevant ESD principles, there are reasons now included which are based on the consequence classifications of impact and risk predictions with controls adopted. Now that WEL has modified the EP to include this information, there is evidence to substantiate the conclusions made by WEL regarding consistency with relevant ESD principles which includes "Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations" (integration principle); and, "The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making" (biodiversity principle). In justifying why other principles are not considered to be relevant for the activity, the following additional information has also been provided: "Other principles of ESD were considered not relevant given underwater noise emissions from the seismic source do not represent a threat of serious or irreversible environmental damage" (precautionary principle), "they will not result in impacts that affect the maintenance or enhancement of the health, diversity and productivity of the environment over generational timeframes" (intergenerational principle) and "they have no relevance to improved valuation, pricing and incentive mechanisms" (valuation principle). Now that the EP provides additional information that demonstrates WEL has appropriately considered principles of ESD, it enables the demonstration of acceptability to be defensible and reproducible.

While WEL considers that the precautionary principle, intergenerational principle and valuation principle are not relevant principles of ESD for the activity, it is not necessarily agreed by the assessment team that consider that these principles of ESD are relevant. For example:

1. Precautionary principle is considered to be relevant for the activity where the EP: 2. applies project specific acoustic modelling of noise emissions from the seismic source to increase the level of scientific certainty associated with predictions of environmental impacts and risks to marine fauna from anthropogenic noise. 3. applies an environmental risk assessment methodology process for impact and risk treatment that addresses uncertainty through following a precautionary approach by applying a conservative or 'worst-case' scenario when there is uncertainty in the level of harm. 4. includes conservative

environmental management control measures designed to manage residual scientific uncertainty such as through the adoption of (but not limited to): 5. C 4.1 - application of EPBC Policy Statement 2.1 Part A Standard Management Procedures to manage the potential for noise impacts to whales (e.g. implementation soft start procedures, observation and shut down zones, night time and low visibility procedures). 6. C 4.4 - application of EPBC Act Policy Statement 2.1 Part B.6 Adaptive Management to manage the potential for noise impacts to pygmy blue whales (e.g. ceasing seismic operations at night time or during low visibility conditions if have been shutdowns instigated by pygmy blue whale sightings). 7. C 3.1 - implementation of seismic source validation if the selected source is different to the modelled source used to inform the evaluation of noise impacts for the activity. 8. C 6.1 - implementation of a 40 km separation distance between the activity and any identified concurrent seismic survey. 9. Intergenerational principle is considered to be relevant for the activity where the EP:10. adopts a suite of environmental management control measures to avoid and minimise environmental impacts and risks such that they will be managed to be an acceptable level and ALARP for the duration of the environmental impact(s) generated by the activity.11. applies an environmental risk assessment methodology process that requires WEL to provide a demonstration showing how all impacts and risks for the activity will be ALARP and acceptable of which enables a case to be made in the EP that environmental impacts and risks of the activity will not forego the health, diversity and productivity of the environment for future generations.12. Valuation principle is considered to be relevant for the activity where WEL will be responsible for bearing the cost of the environmental management requirements for the activity as detailed in the EP, to ensure that the activity's environmental impacts and risks are managed to ALARP and acceptable levels. In addition, the assessment team considers that there are further reasons why the activity is consistent with the integration principle and biodiversity principle of which are not identified and described in the EP by WEL. For example:

13. Integration principle is considered to be relevant for the activity where the EP:14. includes an evaluation of impacts and risks to the socio-economic, cultural and ecological features of the environment that may be affected by the activity.15. applies an environmental risk assessment methodology process that requires WEL to consider stakeholder expectations based on information gathered through relevant persons consultation in demonstrating that environmental impacts and risks will be ALARP and acceptable.16. Biodiversity principle is considered to be relevant for the activity where the EP:17. includes an evaluation of impacts and risks to the biodiversity and ecological values of the environment that may be affected by the activity, including matters of National Environmental Significance.18. sets out environmental performance outcomes to ensure the impacts and risks to the biodiversity and ecological values of the environment that may be affected by the activity, including matters of National Environmental Significance, will be managed to ALARP and acceptable levels. Taking the above into consideration, as well as the additional information provided by WEL in the EP, it is considered that the EP includes sufficient evidence to support a conclusion that the activity would be carried out consistent with the principles of ESD. Comparison is systematic, applied thoroughly, defensible and reproducible. Now that the EP includes a clear demonstration of how it considers and is consistent with the principles of ESD, the demonstration of acceptability of impacts and risks in the EP is therefore considered to be defensible and reproducible.

CONCLUSION:

Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered that the EP demonstrates that impacts and risks will be of an acceptable level because:

19. Acceptable levels are defined and compared to predicted levels - 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. 20. The EP considers principles of ESD - 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.21. The EP is not inconsistent with key documents - 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 conservation actions from the recovery plans for listed threatened species to demonstrate how the activity is considered not inconsistent with the relevant requirements.22. Areas of uncertainty are identified and addressed - 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 also includes examples of appropriate environmental management practice for accounting for uncertainty such as through the adoption of appropriate control measures to ensure acoustic emission impacts to noise sensitive marine fauna are managed to acceptable levels.23. All impacts and risks are managed to acceptable levels - the EP implements a suitable process for demonstrating that impacts and risks generated by the activity will be managed to an

acceptable level.24. Comparison is systematic, applied thoroughly, defensible and reproducible - when applying the process for demonstrating that impacts and risks for the activity will be managed to an acceptable level, it is thoroughly applied in a clear and consistent manner and is considered defensible and reproducible as it is supported by relevant published scientific evidence and facts, applies suitable prediction methods implemented by subject matter experts (e.g. acoustic modelling experts) and references the applicable statutory criteria.25. Relevant person consultation has been incorporated - the process implemented throughout the EP to make the case that impacts and risks will be acceptable includes standard prompts for considering stakeholder expectations as communicated through consultation.

Submission 4 Rev 3

No material changes since last revision.

Submission 5 Rev 4

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. This is 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." However, the basis for this statement is not clearly supported in the EP where 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 (also see 'Additional Information 2' findings under 'Environment Plan is appropriate for nature and scale of activity') - ISSUE.

Decision factors:

1. Acceptable levels are defined and compared to predicted levels
2. The EP considers principles of ESD
3. The EP is not inconsistent with key documents
4. Areas of uncertainty are identified and addressed
5. All impacts and risks are managed to acceptable levels
6. Comparison is systematic, applied thoroughly, defensible and reproducible
7. Relevant person consultation has been incorporated

Submission 6 Rev 5A

Following the appeal decision made by the Federal Court of Australia in relation to the Santos NA Barossa Pty Ltd v Tipakalippa [2022] FCAFC 193 court case, a topic assessment relating to 'sensitive environments' has been established in relation to this assessment (Revision 5 onwards). Any assessment findings/issues relating to consultation with First Nations people/groups is now captured within this topic assessment, including the following assessment findings which are outlined above: inclusion of the MAC 2021 citation (report) with the resubmission of the EP (OMR # 3 dated 19 Sep 2022, attachment 3, item 1). There were no material changes since the last revision of the EP. It is noted that an assessment of any additional information (relevant to the general assessment scope) provided in Revision 5A of the EP (A921889) was undertaken.

CONCLUSION:

Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered that the EP demonstrates that impacts and risks will be of an acceptable level because:

1. Acceptable levels are defined and compared to predicted levels - 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.
2. The EP considers principles of ESD - 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.
3. The EP is not inconsistent with key documents - 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 conservation actions from the recovery plans for listed threatened species to demonstrate how the activity is considered not inconsistent with the relevant requirements.
4. Areas of uncertainty are identified and addressed - 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 also includes examples of appropriate environmental management practice for accounting for uncertainty such as through the adoption of appropriate control measures to ensure acoustic emission impacts to noise sensitive marine fauna are managed to acceptable levels.
5. All impacts and risks are managed to acceptable levels - the EP implements a suitable process for demonstrating that

impacts and risks generated by the activity will be managed to an acceptable level. 6. Comparison is systematic, applied thoroughly, defensible and reproducible - when applying the process for demonstrating that impacts and risks for the activity will be managed to an acceptable level, it is thoroughly applied in a clear and consistent manner and is considered defensible and reproducible as it is supported by relevant published scientific evidence and facts, applies suitable prediction methods implemented by subject matter experts (e.g. acoustic modelling experts) and references the applicable statutory criteria. Considered from the perspective of the general assessment, and having taken additional information provided into account, it can not yet be considered that the EP demonstrates that impacts and risks will be of an acceptable level because:

7. Relevant person consultation has been incorporated - although the process implemented throughout the EP to make the case that impacts and risks will be acceptable includes standard prompts for considering stakeholder expectations as communicated through consultation, it is not yet possible to be reasonably satisfied that all information provided during relevant persons consultation has been incorporated appropriately, because consultation, in some cases does not appear to be complete and it is not yet clear whether Woodside have identified all relevant persons under Regulation 11A(1). Refer to findings below under 'appropriate level of consultation'.

Submission 7 Revision 7

There were no material changes since the last revision of the EP. It is noted that an assessment of any additional information (relevant to the general assessment scope) provided in Revision 7 of the EP (A941010/A941007) was undertaken.

CONCLUSION:

Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered 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. 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. 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. 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.

Matters protected under Part 3 of the EPBC Act

Submission 1 Rev 0

Conclusions:

The EP does not demonstrate that impacts and risks to marine mammals from underwater noise emissions will be of an acceptable level because:

1. Acceptable levels are not defined and compared to predicted levels. While the statement

of acceptability states that "the Petroleum Activities Program will be managed in a manner that prevents physical injury or displacement (P.141) of pygmy blue whales from migration and foraging BIAs" the EPO's that are provided to demonstrate this level of performance will be achieved relate only to injury. - See EPO point below. 2. The EP does not explicitly demonstrate how it is consistent with the principles of ESD. The principles of ESD are stated on page 141, however there is no comparison of predicted impact or management outcomes that aligns the residual impacts with the principles. (p.141) 3. The EP has not demonstrated that it is not inconsistent with key documents. Specifically, while the requirement of the CMP is that "Anthropogenic noise in biologically important areas will be managed such that any blue whale continues to utilise the area without injury, and is not displaced from a foraging area", however the evaluation of impacts only considers the migratory BIA and not the distribution BIA which is still a designated BIA. (P.141) 4. All impacts and risks do not appear to have been managed to acceptable levels noting that the control measures do not appear to manage the risk of TTS to blue whales that may be migrating outside of the migratory BIA within the distribution BIA. Given that the predicted TTS footprint (based on ANIMAT modelling is 22 km) and the shut down and observation zone is only 3 km, it is not clear how TTS impacts will be prevented to animals that may pass within close proximity of the survey. Note: EP states that TTS will not occur within migratory BIA as animals needed to pass within close proximity of the survey and the survey did not overlap the migratory BIA. Consequently, the EP does not appropriately address uncertainty in the migratory behaviours and distribution of blue whales despite acknowledging that they may occur outside of the migratory BIA and running an ANIMAT scenario to predict range to effects outside of the BIA. The EP does however relevant person consultation was not provided relevant to this scope and hence there was no need to incorporate consultation.

5. provide an evaluation that is systematic, applied thoroughly, defensible and reproducible. For example, ANIMAT modelling has been used to inform the implementation of a 25 km buffer between PBW migratory BIA and the survey area to be acquired. This control will likely be effective at preventing TTS to animals migrating within the migratory BIA, though isolated individuals may still transit through operational area particularly on southern migration (see ALARP above) EDITORIAL:

It is stated that "The Blue Whale Conservation Management Plan (Action Area 2) states that anthropogenic noise in BIAs should be managed such that any blue whale continues to utilise the area without injury (DoE, 2015a). Although TTS in cetaceans has previously been regarded as hearing impairment, not injury, advice from NOPSEMA and DAWE is that TTS should be considered a form of injury to pygmy blue whales and this should be prevented within the BIAs." - however it is not defensible to state TTS has previously been considered to be hearing impairment and not injury as there is no scientific consensus as to what level of hearing impairment equates to an injury. Recommend that WEL refrain from making unsubstantiated statements about TTS, its severity and recoverability without having the scientific basis for this claims (p.127)

Findings:

Predicted impacts:

6. LF cetaceans - cSEL TTS @ 60.7 km, cSEL PTS @ 380 m. 7. p. 126 states there are no blue whale BIAs within operational area - however based on information in Appendix H it would appear the operational area may overlap the distribution BIA 8. behavioural response within 7.28 km 9. stated that "The Blue Whale Conservation Management Plan (Action Area 2) states that anthropogenic noise in BIAs should be managed such that any blue whale continues to utilise the area without injury (DoE, 2015a). Although TTS in cetaceans has previously been regarded as hearing impairment, not injury, advice from NOPSEMA and DAWE is that TTS should be considered a form of injury to pygmy blue whales and this should be prevented within the BIAs." - however it is not defensible to state TTS has previously been considered to be hearing impairment and not injury as there is no scientific consensus as to what level of hearing impairment equates to an injury. Recommend that WEL refrain from making unsubstantiated statements about TTS, its severity and recoverability without having the scientific basis for this claims. - ISSUE10. p. 126 - it is stated that there are no BIAs for cetaceans within the operational area - however it appears the operational area overlaps distribution BIA so this statement is not defensible 11. ANIMAT modelling based on dive depths from tagging of 1 sub-adult PBW (Owen et al. 2016) in the region, and 5 x tagged adults (5 tagged using Mk10 tags from Moller paper - splash tags don't give depth information only satellite positions at surface. Of these tags, none of them remained on the whales along NW shelf, all MK10 tags had come off prior to whales heading north) - EP acknowledges that animals will migrate at depth that minimises drag and energy expenditure - this will be related to the size of the animal and thus a sub adult is not representative of the normal swimming depth for an adult blue whale. 12. ANIMAT modelling reduced effect ranges to 21.73 km for TTS with a probability of exposure for 32% - probability irrelevant noting the actions of CMP relate to individual animals and not a portion of population. 13. PTS comes down to 130 m (65% probability) 14. behavioural response remains constant at 7.33 km with probability of 65% - consequently likely over 50% of animals will experience behavioural disturbance Controls

15. C5.2 - employ 2 dedicated MFO's - 2 is not enough for coverage of whole survey noting need for work rest cycles, would require 2 per shift. (p.138) - issue 16. c 5.3 - use of PAM with

2 dedicated operators (where possible) - query re. where possible, 2 PAM operators required to be sufficient for duty/rest cycle 17. seismic source validation (c4.1) - if source different to that modelled with validate to make sure fits within bounds of predicted impact - complies18. adaptive management - 3 or more BW sightings within 3 km then no night time/low vis ops (c 5.4 - p.138), night time ops can resume as soon as there is a cumulative 24 hrs of daylight operations with 19. no operation of seismic source within 25 km of migratory corridor (C5.5)ESD
20. principles of ESD evaluated p. 141 however are not really evaluated, they just claim to be consistent with themnCumulative impacts
21. cumulative impact assessment limited to seismic surveys and thus not commensurate to nature and scale of potential impacts22.

Submission 2 Rev 1

Letter point 1.2 - The impact and risk assessment is not commensurate to the magnitude of impacts and risks from the activity

Requirements: To be appropriate for the nature and scale of the activity, the level of detail and rigour applied to environmental impact and risks evaluation must reflect the magnitude of impacts and risks (GL1721, section 6.3).

Issue: The EP is not appropriate for the nature and scale of the activity as the level of rigour applied to the evaluation of cumulative impacts does not demonstrate a full understanding of the environmental impacts associated with the proposed activity. Specifically, the EP only considers cumulative and additive impacts from historic and concurrent seismic activities, and not other activity types.

Request: Please revise the EP to:

1. identify and evaluate whether cumulative and/or additive underwater noise impacts may arise from both seismic and other activity types (e.g. drilling and completions activities) within the area; and 2. provide an EPO (or revise existing EPOs) to provide confidence that cumulative and additive impacts will be of an acceptable level.

See EPO section for evaluation of WEL's response to this point, see OMR letter point 1.

Letter point 2-1 - There is not an appropriate consideration of ecologically sustainable development (ESD)

Requirements: An object of the Environment Regulations is to ensure that offshore petroleum activities are carried out in a manner consistent with the principles of ESD set out in Section 3A of the EPBC Act (regulation 3(a)). The titleholder's consideration of the principles of ESD in demonstrating that environmental impacts and risks will be of an acceptable level is a factor considered in decision making on EPs (GL1721, Section 8.3).

Issue: The EP does not demonstrate the environmental impacts and risks will be of an acceptable level because:

3. There is no rationale for why WEL only considers the principles of ESD in the criteria for defining acceptable levels for higher order risks and not lower order risks (see Table 2-6 in Section 2.7.2, page 32) or why this approach will ensure that the activity meets the intent of the Environment Regulations. 4. Where the principles of ESD were considered in the EP for defining acceptable levels for higher order risks (e.g. "Routine Acoustic Emissions: Seismic Survey Equipment" in Section 6.5.3, page 143), it is not clear how WEL has determined which principles of ESD are relevant/not relevant to the activity or how it was concluded that the activity is consistent with the relevant principles of ESD.

Request: Please provide additional information that explains and demonstrates 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.

WEL have made no changes to the EP in response to this letter point, see OMR letter point 3.

Letter point 2.2 - The activity is inconsistent with the Conservation Management Plan for the Blue Whale

Requirement: The EP must demonstrate that the activity is not inconsistent with a recovery plan for a listed threatened species [Regulation 13(4); EP Content Requirements Guidance Note Section 3.3.2]. The Conservation Management Plan for the Blue whale (CMP) requires that anthropogenic noise in biologically important areas be managed such that any blue whale continues to utilise the area without injury, and is not displaced from a foraging area.

Issue: The EP does not provide a robust, defensible evaluation of underwater noise impacts to blue whales to demonstrate that the activity is not inconsistent with the Conservation Management Plan (CMP) for the Blue Whale. This is because:

5. The noise evaluation considers noise impacts to blue whales within the migratory BIA, however the evaluation has not considered that the activity overlaps with the blue whale

distribution BIA. Therefore, the EP does not evaluate how the activity will be managed so that blue whales continue to utilise the distribution BIA without injury (TTS and PTS); and 6. The Department of Agriculture, Water and the Environment (DAWE) recently published guidance on key terms within the CMP, in particular providing clarity on the definition of a Foraging Area. The guidance also notes that where it can be reasonably predicted that blue whale foraging is probable, known or whale presence is detected, adaptive management should be used. While the guidance is acknowledged within the EP and adaptive management for night time operations is included, the noise evaluation has not considered noise impacts to foraging blue whales, or whether the area may reasonably be considered to support opportunistic foraging.

Request: Please revise the EP to include:

7. A comprehensive description of the environment that appropriately identifies whether or not the activity is within the blue whale distribution BIA; 8. An evaluation of underwater noise impacts to blue whales, taking into consideration the blue whale distribution BIA and the likelihood of foraging blue whales being present within the proposed survey area; 9. An evaluation of additional, alternative or improved control measures to demonstrate impacts will be managed to levels which are acceptable and ALARP (eg. seasonal avoidance, minimising source size or acquisition area), and provide for the implementation of any control measures adopted; 10. An appropriate EPO that clearly reflects the acceptable level of impact for blue whales that demonstrates all impacts to be managed to acceptable levels; and 11. An assessment against the relevant CMP action areas to clearly demonstrate that the activity is not inconsistent with the CMP (in context of the above). See section 1 for evaluation of the response to this letter point, and OMR letter points 1 and 2

Submission 3 Rev 2

Assessment of TH response to OMR

1. See assessment findings in part 2 Woodside have updated the EP in relation to the impact assessment and management to mitigate noise impacts to pygmy blue whales. In relation to the focus of the protected matters topic scope, which is a focus on the potential impacts of acoustic emissions on marine mammals including pygmy blue whales and deep diving species such as sperm and beaked whales, the findings of the assessment against this acceptance criteria are that:

Acceptable levels are defined and compared to predicted levels - acceptable levels for PBW are as per requirements in the CMP, acceptable levels for other whales are as per significant impact guidelines and to meet the principles of ESD. The EP considers principles of ESD - ESD has been included in the EP, see general level topic scope but has also been applied to PM for this topic scope. The EP is not inconsistent with key documents - the EP makes the case that the impacts from the activity will not be inconsistent with the BW CMP. Areas of uncertainty are identified and addressed - uncertainty of impacts from acoustic emissions have been addressed by noise modelling and a commitment to undertake additional modelling if sound source differs from what is presented in the EP. Uncertainty in controls has been addressed by acting conservatively and implementing Park B controls from PS 2.1. All impacts and risks are managed to acceptable levels - impacts and risks from noise emissions are being managed to an acceptable levels within the bounds of what is practicable. A key challenge is the large footprint for TTS to whales if present in the ensounded area for more than 24 hours.

Comparison is systematic, applied thoroughly, defensible and reproducible - the analysis of impacts has been applied consistently to this topic scope as per the rest of the EP. Relevant person consultation has been incorporated - relevant persons consultation with DAWE has been included for this topic scope.

Submission 4 Rev 3

Decision categories

1. Acceptable levels are defined and compared to predicted levels 2. The EP considers principles of ESD 3. The EP is not inconsistent with key documents 4. Areas of uncertainty are identified and addressed 5. All impacts and risks are managed to acceptable levels 6. Comparison is systematic, applied thoroughly, defensible and reproducible 7. Relevant person consultation has been incorporated Findings

8. Table 5-1 p88 includes advice from YMAC to consult with MAC and NAC to determine whether all first nations people's environmental values have been identified, but this has not yet been completed and therefore an assessment of the management of impacts to whales from noise to an acceptable level cannot yet be completed 9. Table 5-1 p88 of the EP identifies that during the course of preparing the EP GAP self-identified as a relevant person and as such they have been provided with information as requested. At the time of the assessment WEL has provided an assessment of merits of GAPs claims and objections in the EP and responded as such to GAP. During the assessment, on Wednesday 3 August, NOPSEMA received further third party correspondence from GAP requesting additional time to respond to WEL's responses to their objections and claims, and claiming they had not been provided with a reasonable period to consult and requesting NOPSEMA delay its decision. However, it should be noted that the Scarborough MSS EP went out for a 4 week public comment period between 18 October and 17 November 2021 during which no

public comments were received and during which GAP did not self-identify as a relevant person for the purposes of consultation. Furthermore, NOPSEMA has already made a decision that the EP does not yet meet the requirements of the regulations and will be requesting additional information, and as such no decision will be made in the time frame of Greenpeace's claim and they will be afforded the extra time they are requesting by default. 10 . Table 5-2 p102 provides a high level summary of GAP claims and how WEL has responded. This matter is addressed in the general stakeholder consultation part of the assessment. 11. In terms of the additional written information being requested, for this topic scope, the items being requested relate to Woodside's responses to items raised in the letter from Greenpeace dated 29 June 2022 that (1) in some cases do not appropriately assess the merits of Greenpeace's objections and claims, and (2) in some cases do not demonstrate that suitable measures have been adopted to appropriately address the consultations. These are also summarised in Table 5-4 in the EP and for this topic scope relate to letter items: 4 (impacts to plankton and subsequent plankton feeders), 5 (cumulative impacts), 6, 7, 9, (cetacean impacts).12. Item 4 and 6a: In the EP WEL has included an evidence based assessment of impacts to zooplankton in the EP that concludes that while there may be mortality in the immediate vicinity of air guns, there would be no long terms impacts to plankton assemblages in the operational are, therefore they did not include an assessment of higher order food chain impacts. In the EP Woodside have identified that the operational area is not located in an area where there is likely to be whale foraging area (i.e. not identified by the BW RP as a BIA), but is in the area identified as part of the BW distribution range. In the event that whales are seen WEL have control measures in place to ensure BW are not displaced from foraging. WEL have not provided this information in response to GAP and the only update made to the EP is to include a statement that there is unlikely to be higher order trophic impacts; however, the Environment Regulations only require that a report on consultations is made that includes an assessment of merits of any objection or claim about the adverse impacts of each activity to which the environment plan relates, and a statement of the titleholder's response, and that the measures that the titleholder has adopted or proposes to adopt because of the consultations are appropriate. The EP has included an assessment, provides the response and had previously demonstrated in the EP that the measures adopted to manage this impact were ALARP and Acceptable therefore no further measures were required as a result of the consultations. GAP have also stated that WEL commission additional modelling to determine the impacts of their activity on "BIAs, National Parks etc.". WEL have however used other published science (including modelling) to inform their impact assessment and have noted that they have funded prior research into the impacts of seismic surveys.13. Item 5: GAP raises the issue of sequential cumulative impacts in their correspondence. In the EP, WEL includes a statement of their response, which only identifies that the EP was updated to acknowledge that the D&C activities will not occur concurrently to the MSS and that therefore no cumulative impacts are predicted. WEL does not identify in their response that the MSS will likely occur prior to the drilling activity, and therefore GAPs claims about MSS following smothering by drill cuttings has not been addressed in the response. As this will be the first of the Scarborough activities to occur, sequential cumulative impact assessment will be required for subsequent EPs if relevant i.e. depending on impact pathways. 14. Items 6, 7 and 9: GAP raise objections in relation to impacts to cetaceans in that the ANIMAT modelling only applies where whales are migrating and not foraging or resting and refers to Thums et al 2022 as evidence of this stating "Thums et al (2022) acknowledge that the majority of important migration areas for north-west Australia were encompassed by the Migration BIA". However, Thums et al. 2022 also state that "in general pygmy blue whales off Western Australia were mostly engaged in migration, interspersed with relatively short periods (median = 28 h, range = 2 – 1080 h) of low move persistence (slow movement with high turning angles), which is indicative of foraging." (see also Fig 3h) The data included in Thums include tagged data from one individual whale (Fig S3 No. 182667) that showed low move persistence in an area over the eastern Exmouth Plateau outside of the migration corridor, although still immediately east of the operational area for the survey with a predicted low percentage of whales in this area between 1 and 9% (Fig 2c). Thums et al.2022 (and supplementary data) also shows data on the presence of singing whales over the area of the Exmouth Plateau as measured by noise loggers (Fig 6, 8, S1.1, S2.22). The presence of whale song and thus whale individuals was shown during both northern (May and June) and southern (November and December) (Fig 6, 8) migrations, although the whale densities from these predictions are low (Figs S2.23 and 2.24 e.g. less than one whale per 1000km² (Fig S10, S12) and less than one call per day (Fig S13). Thums et al. 2022 predict that besides already identified foraging BIAs in the recovery plan, the shelf edge from Ningaloo to the Rowley Shoals (not continuous) may also represent "important foraging/resting/breeding area for PBW, and do not include specifically mention of the Exmouth Plateau (Fig 4). Thums et al. conclude that "The spatial modelling shows that singing whales are more likely present off the NW coast of Australia from April to July with low/no density occurring during August to October and only low density from October to December. This suggests that pygmy blue whales either: (1) may not sing as much on the southern migration compared to the northern migration (2) travel faster/have shorter residency times on the southern than northern migration; (3) use different migration routes to travel south; or (4) some combination of these factors." Overall, it appears that while the Exmouth Plateau is not an area likely to have high densities of PBW present, there is the potential for a small percentage of the population to be present during May/June and

Nov/Dec that are not actively migrating, and as such WEL must apply control measures to ensure whales will continue to forage and will not be injured by the survey if they are in the area to meet the requirements of the recovery plan. It is noted that WEL engaged directly with DAWE requesting interpretation of the "distribution BIA" as designated in the NCVA in Dec 2021, and then again in 31 March 2022, at such a time as the Thums et al. paper had been published (available 15 Feb 2022) and DAWE did not provide any additional interpretation to WEL about the distribution range and potential for the presence of foraging PBW in relation to the published Thums et al. 2022 paper. WEL have provided an evidence based assessment of potential impacts to whales in the EP including use of modelling that use accepted acoustic impact thresholds and controls in line with PS 2.1. The EP includes relevant elements of a monitoring and management plan as requested by GAP.15. GAP also raises that there may be behavioural impacts to PBW not related to movement or foraging such as social interactions, masking, song interference and energetic costs to mothers and calves. This may be the case for the period that they survey is occurring, however, this was not raised in the initial assessment and the case made by WEL is that seismic noise is intermittent and therefore communication can occur between noise pulses. As the noise generated from the survey is not predicted to affect the migration corridor, the only energetic costs would be if mothers and calves are engaged in non-migratory activity over the Exmouth Plateau area, for which there is no information at present. Subsequently only precautionary measures and capacity to adaptively manage this would be required. WEL are implementing PS2.1, including Part B measures, which apply to areas with a moderate to high likelihood of whale encounters that are not BIAs. At present, the Exmouth Plateau is not classified as a biologically important habitat, however, based on the information presented in Thums et al. 2022 and Gavrilov et al. 2018, and given the survey is within the distribution range of the PBW, there is some likelihood of encounter. The Policy Statement states that it "has been written with the goal of minimising the likelihood of injury or hearing impairment of whales based on current scientific understanding. Calculations are primarily based on received sound energy levels that are estimated to lead to a temporary threshold shift (TTS) in baleen whale hearing. This Policy Statement is not intended to prevent all behavioral changes, which might occur in response to detectable, but non-traumatic sound levels. In fact, it is likely that whales in the vicinity of seismic surveying will avoid the immediate area due to an aversive response to the sound. This aversion is relied upon as a form of mitigation to prevent whales from approaching or being approached closely enough to cause acoustic injury from intense or prolonged sound exposure. At the scale of a seismic survey, such temporary displacements are unlikely to result in any real biological cost to the animals unless the interaction occurs during critical behaviours (e.g. breeding, feeding and resting), or in important areas such as narrow migratory corridors. In these biologically important habitats (defined in Section 4 below), where the displacement of whales may have a more significant or biologically relevant effect, the proponent is encouraged to conduct the survey at different times of year to avoid overlap with the presence of whales." At present it is not yet known what the relevance of the Exmouth Plateau is to PBW, with detection of songs and therefore whales during both northern and southern migration periods and one tagged whale with low move persistence indicating foraging or activities other than migrating. Beyond the literature indicating the potential for whale presence in the Exmouth Plateau region during migration seasons, there is no further information on whale behaviour that enables an assessment of potential impacts of the survey on masking, singing or social and resting behaviours of PBW. As such the precautionary principle should be applied and Part B control measures have been included. The Environment Regulations also rely on Reg 14(3) whereby the TH has an obligation to continually adapt to new information and ensure that all EPOs are met. This activity has been programmed on a risk basis for inspection under NOPSEMA's Inspection Policy in relation to this issue, and the application of new information in relation to PBW presence and behaviour in the vicinity of the survey can be inspected. Currently WEL are implementing visual observations and shutdowns out to 7km, with TTS at 22km predicted if whales are migrating through the area or to 60km if whales are stationary in the area. This has been accepted due to the low likelihood of encounter and because WEL have consulted with DAWE in relation to the survey who advised that the area was not a biologically important area.16. GAP also provides objections to continuing the seismic survey in the event of a PAM malfunction, however conditions are included that are not unlike PS2.1 whereby if there are no detections for previous 2 hours then the survey can continue for a limited time.17. GAP provides objections and claims in relation to the continuous noise that will be generated by project vessels. This continuous noise that may have behavioural disturbance will be eclipsed by seismic noise and therefore existing control measures will address this disturbance. 18. WEL's response to GAP about these issues are not evidence based, do not describe the control measures being implemented to address some of the issues raised and rely heavily on the ANIMAT modelling that assume all whales are migrating through the area, however, the appropriateness of their response to GAP is not part of the decision criteria required to be met in order to accept an EP. Relevant persons consultation has been incorporated to the extent required by the regulations. 19. However, while the EP meets the decision making criteria in relation to reducing impacts to an acceptable level in terms of acceptable levels being defined and compared to predicted levels and managed in a systematic, thorough, defensible and reproducible manner, the EP considering the principles of ESD, the commitments in the EPO not being inconsistent with the PBW recovery plan and PS2.1, and the uncertainty about the likelihood of PBW being present on the Exmouth Plateau

that are not migrating or that are within 7 and 22km of the vessel have been addressed by applying PS2.1 inc. Part B measures, there are two areas that warrant mention. The first is that it is not possible to determine appropriateness of EPs, EPs and MC until further information is provided in relation to acceptance criteria 10A(a), and secondly that the new information contained in the Thums et al. 2022 paper published in Feb 2022 was not been specifically discussed with DCCEW in March 2022 in relation to their interpretation of biologically important areas, and there is the possibility that their advice may be updated in relation to this that may have implications for the controls that are required to be applied to the survey. Consequently, this activity was programmed for NOSPEMA inspection in relation to this topic scope to ensure the EPOs are met via arrangements required under 14(3). Depending on changes made to the designation of habitats for PBW by the department, WEL may have to consider restricting the timing of the survey to occur between Jan and April 2023 to avoid PBW migration periods. In the event that the survey timing changes, WEL will also have to undertake impact assessment for sequential cumulative impacts.

Submission 5 Rev 4

Acceptable levels are defined and compared to predicted levels
The EP considers principles of ESD
The EP is not inconsistent with key documents
Areas of uncertainty are identified and addressed
All impacts and risks are managed to acceptable levels
Comparison is systematic, applied thoroughly, defensible and reproducible
Relevant person consultation has been incorporated

Additional information included in the EP relevant to the protected matters topic scope.

1. ancient coastline 160 km SE of operational area (s4.7 KEFs p71).
2. further information about why WEL believes the seismic area is outside of any indigenous sites of significance due to its distance offshore, that they consulted the correct groups to determine this (see general assessment as to whether this is accurate) and that by protecting environmental receptors they will inherently protect any cultural values (s4.9.1.1 Indigenous sites of significance p74, Figure 4-13 p77) however the reference to this information (MAC 2021) has not been included in the reference list or as part of the sensitive information report.
3. responses to GAP consultation (Table 5-5 p138) in relation to plankton depletion by the survey (WEL just refer to controls without describing why these address the issue, however, given the time frames for replenishment of plankton, provided the control measures are managing for behavioural and injury impacts to whales there should be no impacts to whales from food web dynamics); sequential cumulative impacts (WEL included an additional control that the PAP (assuming that is all Scarborough projects including seismic) will be 40km away from any other seismic survey, but this doesn't really address the concern about sequential impacts); requests for additional modelling and results from the AIMS Northwest Shoals to Shore Program (WEL have referred to previous response and provided link to AIMS website); in relation to timing of the activity GAP propose the survey should take place outside of Oct to Jan and April to July due to TTS threshold extending to 60.7km and thus overlapping the migration BIA 25km away, and not accounting for the ANIMAT modelling that takes into account whale movement during migration and because of possible impacts of masking (WEL just refer to whale controls without describing how these address the issue in relation to TTS, and do not provide any supporting evidence for their conclusions in relation to masking).
4. includes statement in s6.2 that "As described in Section 4.9.1.1 marine ecosystems hold both cultural and environmental value to traditional custodians. As such the intrinsic link between these types of values (cultural and environmental) demonstrates that when the impacts and risks to environmental receptors have been reduced to ALARP and an acceptable level, the potential impacts and risks to cultural values associated with the environment are also reduced to ALARP and an acceptable level" but this needs to be supported by relevant consultation material and some of the material received to date says the opposite (SOS).
5. additional text in s6.2 p202 in relation to masking does not provide the source of this information as supporting material to verify the conclusions.
6. controls have been clarified that shutdowns will take a precautionary approach where by they will occur if a PBW is sighted within the limits of visibility or an unidentified whale rather than 3km for large whales that are unable to be identified in case they are PBW (s6.2 p212, 213, 229). As there were no additional cultural values identified as a result of the RFFWI, there are no overarching changes to the findings. WEL has included a summary of and proposed responses to the additional third party correspondence in the EP, which has relevance to this topic scope, including the clarification of some of the controls measures being implemented to protect PBW from impacts from the survey. Additional control measures that could be implemented to protect PBW would be to undertake the survey between January and April to avoid PBW migration (which would then coincide with the nearby [redacted] seismic survey) or to include additional vigilance measures (aerial surveys or scout vessels to extend the range of visual observation). However, given the previous advice from DCCEW that the distribution range of blue whales that includes the Exmouth Plateau is not a BIA, and in the absence of further advice or application from DCCEW in relation to this as a result of the information published in the Thums et al. 2022 paper, the management measures proposed in the EP are commensurate with the implementation of management measures in accordance with EPBC Policy Statement 2.1 and on the basis of the review of relevant science that describes the likelihood of encounter and likely PBW activity in the area.

Update

During the course of the assessment, new information came to the attention of the assessment team that a visual representation of tracked pygmy blue whales from the recently published Thums et al. 2022 paper had been included in the Scarborough SITI EP with the spatial area shown overlapping the area of the seismic survey, and showed the presence of whales in the area, which did not appear to be accurately represented in the MSS EP. This has been captured in the letter point below.

Context and requirements:

WEL has provided a figure that includes pygmy blue whale satellite tracks from a recent study (Thums et al. 2022) in the Scarborough Seabed Intervention and Trunkline Installation (SITI) EP (Rev 3, Figure 4-12 submitted to NOPSEMA on 30 August 2022). This information provides a clear and transparent spatial representation of the potential presence of pygmy blue whales relative to the operational area for the marine seismic survey as well as the SITI operational area informed by contemporary scientific evidence.

The Conservation Management Plan for the Blue Whale requires that:

7. Robust and adaptive management regimes leading to a reduction in anthropogenic threats to Australian blue whales are in place 8. Management decisions are supported by high quality information. Regulation 16(b)(ii) and (iii) require an assessment of the merits of any objection or claim about the adverse impact of each activity to which the environment plan relates; and a statement of the titleholder's response, or proposed response, if any to each objection or claim.

Issue:

It is unclear that the evaluation of whale detection and management measures and the assessment of merits of relevant persons objections and claims have been informed by the scientifically documented presence of pygmy blue whales in the active source area and surrounding ensonified waters. Specifically, the EP does not recognise that recent satellite tracking studies document the presence of a pygmy blue whale within the operational area and potentially within the 'Active Source Area'. Subsequently the evaluation of impacts on pygmy blue whales is based on the 'possibility of encountering individual whales' rather than a documented presence of pygmy blue whales in the operational area and surrounding ensonified waters. This information has not been considered in combination with the results from noise loggers recording the potential presence of singing whales in the vicinity of the Exmouth Plateau (Thums, et al 2022, Figures 6, 8, S1.1, S2.22) in the impact evaluation in the EP.

Request:

Please revise the EP to:

9. Utilise contemporary and historical satellite tracking data, including those satellite tracks in the Thums et al 2022 paper, to spatially represent the potential presence of pygmy blue whales relative to the boundaries of the active source area, operational area and ensonified area for the MSS. 10. Re-evaluate whether additional detection platforms and adaptive management measures are warranted within the 22km area of potential TTS for migrating whales considering the documented presence of pygmy blue whales within this area and results from noise loggers recording the potential presence of singing whales in the vicinity of the Exmouth Plateau. Update the assessment of merits to the claims made by GAP (WR.6) or any other relevant section of the EP so that the EP accurately reflects the results of the Thums et al. study in relation to the potential presence of pygmy blue whales during the survey.

Submission 6 Rev 5A

Request: Please revise the EP to re-evaluate whether additional detection platforms and adaptive management measures, or temporal restrictions during the northern migration period, are warranted to avoid injury or biologically significant behavioural disturbance to blue whales from underwater noise generated by the seismic survey.

Are acceptable levels are defined and compared to predicted levels.

1. No material changes to the EP in relation to this Does the EP considers principles of ESD?

2. No material changes to the EP in relation to this Is the EP is consistent with key documents?

3. Without the additional adaptive management trigger discussed in item 2 and below, there is the possibility that the EP will not ensure that impacts will not be inconsistent with the CMP for blue whale. Does the activity contravene a plan of management for a ?

4. No, no material changes to the EP in relation to this In the absence of a relevant plan of management, have all reasonable steps have been taken to ensure the activity is consistent with management principles?

5. Relevant plans of management apply for blue whales, and no material changes have been made in relation to other whale species Does the EP show regard to relevant policy documents/ guidance/ bioregional plans/ instruments under the EPBC Act (etc.)?

6. The EP shows regard to relevant documents, being the BWCMP, NW Bioregional plan re: Exmouth Plateau and statement 2.1. Are areas of uncertainty in predictions of impact and risk are

7. No, although an additional control has been included, it is confined to two months of a migration period that can span over four, and not to the alternate migration route. Although this understandably targets the timing of greatest probability of seeing whales, under the precautionary principle there should 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. Are all impacts and risks are being sufficiently managed to acceptable levels?

8. No, due to the above. Does the acceptability criteria appear to be .

9. No material changes to the EP in relation to acceptability criteria and method, but see above issues with current control measures meeting acceptability criteria. Please also note that the assessment of merits to the claims made by GAP (WR.6) will also need to be updated to adequately reflect the documented presence of a pygmy blue whale within the Active Source Area and ensonified area.

Has information received during relevant person consultation is incorporated, considered and evaluated.

10. Limited information has been received in relation to cultural heritage as consultation does not appear to be completed, information received from GAP has been included, however not completely addressed in that the requirements of the environment regulations have also not been addressed. As a result consultation with GAP may also not yet be resolved.

Submission 7 Rev 7

Letter request - Please modify the EP to:

1. include a trigger that would result in implementation of C4.6 during other months of the whale migration seasons and/or if the presence or behaviour of pygmy blue whales is different than predicted; and 2. provide further details of C4.6 including location of the vessel relative to the seismic vessel, triggers for noise mitigation actions, details of the proposed noise mitigation actions and any other relevant details for the implementation of this control; and 3. demonstrate that implementation of this control will reduce noise impacts to ALARP and an acceptable level that is not inconsistent with the Blue Whale Conservation Management Plan. In addition to the changes in relation to adopting additional controls as per ALARP above, changes made to the EP include (p309):

4. WEL have made an addition to the Statement of Acceptability that the Petroleum Activities Program will be managed in a manner that reduces potential biologically significant behavioural disturbances to pygmy blue whales and other cetacean species. Acceptable levels of impact are defined and compared to predicted levels (p284-288) - no material changes from previous submission

In relation to noise impacts to migratory and threatened cetaceans (p309-310), the EP considers the principles of ESD and NOPSEMA can be reasonably satisfied that the acceptability criteria appear to be reasonably systematic/ applied thoroughly/ defensible/ reproducible

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 utilise an area without injury and is not displaced from a foraging area. The activity does not contravene a plan of management for a WHA, National Heritage place, Ramsar Wetland. In the absence of a relevant plan of management, have all reasonable steps have been taken to ensure the activity is consistent with management principles and has the EP shown regard to relevant policy documents, guidance, bioregional plans, wildlife conservation plans, management plans, gazettal instruments under the EPBC Act, conservation advices, marine bioregional plans and other information on the DCCEEW website including spatial data (e.g. National Conservation Values Atlas- relevant plans of management apply for blue whales, and no material changes have been made in relation to other whale species

Areas of uncertainty in predictions of impact and risk are identified /acknowledged /addressed, are all impacts and risks being sufficiently managed to an acceptable level, is the method for comparing predicted impacts and risks to acceptable levels systematic applied thoroughly, defensible and reproducible.

The EP has been updated to include the use of a spotter vessel at all times of the year, travelling 5 km ahead of the seismic vessel, due to uncertainty in the predictions of whale presence in the survey area. Subsequently there is now an observation zone set to the same or greater distance as the behavioural disturbance zone, therefore that all reasonable and practicable controls are considered to be implemented for a survey in a 'distribution area' for whales, where they are not predicted to be feeding, with triggers included for noise reduction in the event that whales are detected.

NOPSEMA can be reasonably satisfied that the EP meets the implementation requirements of EPBC Policy Statement 2.1 and includes management measures with a degree of conservatism in the event of whale presence to be consistent with the CMP for blue whales, with high presence not predicted by the current status of knowledge as described in the BWCMP or NCVA but possible as per Thums et al. 2022.

While the EP is aligned with the requirements of EPBC PS 2.1, a few items of note include:

1. If a whale is present within 61km of the vessel for a period of 24 hours, the sound exposure level would be enough to cause TTS. This is not predicted because although the migration BIA for blue whales is 25km from the closest point of approach from the active source area, the nature of the migration route means that whales are moving through the area and when Woodside applied ANIMAT modelling that included movement of whales, this resulted in a reduction of the distance at which TTS could occur to be at 22km away from the source

and outside of the migration corridor. Nevertheless there is still a possibility that whales, if they do not move away due to being on a migration path, do not actively avoid the noise source, or pursue a foraging opportunity, could remain within a 61km radius of the seismic source for 24 hours. It is not however possible to reliably monitor for whales at these distances. The evaluation of noise impacts on PBW is underpinned by the assumption that whales will be moving through the area, lessening their exposure to noise from the seismic survey (section 6.6.2). If greater than expected numbers of whales are observed in the survey area, or behaviours observed are different than expected (i.e. not migrating, indicating foraging or other behaviours), this would indicate an increased risk of PTS, TTS or masking impacts. To apply the precautionary approach, it is expected that the titleholder will initiate an EP Management of Change and Revision in accordance with section 7.6 of the EP and NOSPEMA can ensure this occurs via the inspection process.

2. Woodside have included some information in the impact assessment about why they consider the risk of communication 'masking' as another type of behavioural disturbance to be low. This information is not well supported, however, there is little available literature that can be applied to the context of the survey, in terms of providing a distance at which masking could occur. A potential distance could be where the noise is above background or above 120 db which is the threshold for behavioural disturbance for continuous noise but identification of distances for these thresholds are not included in the EP, and guidance about this is not included in PS2.1 or the BWCMP. At most risk would be mother and calf pairs on the southern migration who may communicate during periods of separation if the mother is feeding. According to the literature neither feeding nor breeding is predicted to occur in the survey area, although it could occur (Thums et al.). In the vicinity of the survey, i.e. within 8km (5km + 3km) of the survey, (beyond the 7.28 km behavioural disturbance radius), any blue whales or possible blue whales sighted would result in a source shutdown.

A recent study by Wolfing et al. (2021) does predict that communication ranges of blue whale can be severely reduced even at distances between 1000 and 2000km from a seismic survey. The model used in the study predicted that seismic operations at a distance of 2000km from a listening individual can reduce the detection range for Antarctic blue whale z-calls from 40 km (natural communication range under high ambient noise conditions) to 15km. It is suggested in the paper that Antarctic blue whale z-calls have been proposed to be male reproductive display signals (references Thomisch et al. 2016 and Croll et al 2002) and also notes that in baleen whales contact calls are likely important to maintain or re-establish the mother calf bond after deep dives of the mother, as well as acoustic cues being important for orientation and predator presence. The paper discusses antimasking strategies, where blue whales off Iceland increased their call rates for both boat and seismic noise when the frequency was in the same range as BW vocalisations and suggests that masking of communication signals may have severe negative effects on baleen whales. It is not known whether the sound transmission properties are similar for seismic surveys in the Southern Ocean as for the Indian Ocean where this survey will occur. Provided the activity of blue whales in the area is limited to migration rather than other behaviours such as feeding and breeding the potential impacts of masking would be limited, Woodside's management of change process would need to be implemented should behaviours other than migrating be observed during the survey, since the predictions of impact in relation to masking are based on the premise that whales will be migrating through the area. If greater than expected numbers of whales are observed in the survey area, or behaviours observed are different than expected (i.e. not migrating, indicating foraging or other behaviours, which would indicate an increased risk masking effects) it is expected that the titleholder will initiate a Management of Change and Revision process in accordance with section 7.6 of the EP and NOSPEMA can ensure this occurs via the inspection process.

3. PS4.3.1 states that "During daylight hours, PAM detections will be validated against MFO observations and ranges to determine the error (if any) in PAM detection distances and at night and during periods of low visibility PAM will be used to trigger shutdown for any sperm and beaked whales detected in the 2 km shutdown zone." PS4.1 defines the "shut-down zone: to limits of visibility for positively identified (certain or probable confidence level) pygmy blue whales or large unidentified whales and 2 km for all whales". NOSPEMA reads this to mean that if PAM detects any sperm and beaked whales during daylight hours in the 2km detection zone, even if they are not detected by MFO's that the source will still be shut down. Also, PS 2.1 defines low visibility as when observations cannot extend to 3km from the acoustic source, e.g. during fog or periods of high winds, however, given that WEL will have an MMO on a spotter vessel travelling 5km ahead of the seismic vessel, low visibility will be at 8km. Has all relevant persons consultation information been incorporated appropriately. Woodside have included responses to objections and claims received by relevant persons. Although the quality of the responses is often lacking and key information has not been included (e.g. dialogue with DCCEEW about NCVA and distribution range, Thums et al. noise logger information), the regulations stipulate only that the titleholder has carried out the consultations required by Div 2.2A and that measures (if any) that the titleholder has adopted, or proposes to adopt, because of the consultations are appropriate, The EP must also contain a summary of each response made by a relevant person, an assessment of the merits of any objection or claim about the adverse impact of each activity to which the environment plan relates, a statement of the titleholder's response, or proposed response, if any, to each objection or claim and a copy of the full text of any response by a relevant person. The EP meets these requirements.

Several items of relevant persons consultation have been received since the EP was submitted, however, the issues raised are not different to previous relevant persons consultation that is continuing between the parties.

In relation to the ACF correspondence received by NOPSEMA relevant to this topic after Rev 7 of the EP was submitted:

5. ACF were seeking clarification as to how Woodside has determined that the likelihood of encountering whales is low (and not moderate to high) - the assessment findings are that the EP applies Part B controls in line with a moderate likelihood of whale encounter rather than a low likelihood. Therefore, ACF's queries in relation to the definition of outside or proximate are less relevant because after requests for further info/OMR letters WEL has taken a more conservative approach in predicting the likelihood of whale encounter. 6. ACF were seeking clarification as to how Woodside will implement the spotter vessel for the entire survey in response and which we have included a condition about. - the reason for not including the other controls is in the ALARP appear proportionate to the moderate and not high risk of whale encounter. 7. ACF were proposing that Woodside uses PAM - PAM is not expected to be helpful in the detection of baleen whales. In relation to the GAP correspondence received by NOPSEMA relevant to this topic after Rev 7 of the EP was submitted:

GAP is of the view that the EP is inconsistent with the BWCMP because they propose that the distribution range of whales is also a BIA and therefore Action A2.3 applies, however DCCEEW have provided advice to WEL that this is not the case and therefore WEL's classification is in line with DCCEEW's view. GAP is also of the view that there are flaws with the JASCO ANIMAT modelling because average whale speeds were used not the slowest whale speeds including mothers and calves, that whales may exhibit non-migratory behaviours and therefore the movement doesn't apply and therefore the ~61km and not the ~22km TTS distance applies, that the use of only 14 whales to predict movements is not representative of the population, and they have concerns with "the closest point of approach" assumption, and that due to all of these reasons the proponent will not prevent PBW from sustaining acoustic injuries. The assessment acknowledges that the modelling is just a predictive tool and that if the actual sightings/behaviour differs to that which is predicted and on which the evaluation is based, it is expected that MOC would be used to ensure that EPO's and EPS's continue to be met.

NOPSEMA will be undertaking inspections to ensure this is the case accordingly.

In relation to the related paper "Seismic whistleblower article" referred to by GAP, an MMO reported that she could not effectively undertake her role to look for marine mammals. In this event it is expected that MMO's, who are working as a "control measure" report back to persons in charge that they cannot meet the EPS. Other MMO's, whom NOPSEMA Inspectors have spoken to during inspections and viewed reports completed by, have not reported this occurrence. In addition, if whales are sighted during the day according to stated frequencies depending on the risk, then nighttime operations are discontinued. Operations such as those reported by the MMO may be in breach of their EPs depending on the circumstances and areas within which they were operating. The EP includes an impact evaluation in relation to all of the marine fauna mentioned in the article as relates to the area within which it is operating. NOPSEMA has an inspection program that will ensure the titleholder undertaken the survey in the manner described in the EP.

Conclusions

Information provided during relevant person consultation in relation to whales has been incorporated appropriately into the EP.

The EP has had regard to relevant policy documents, guidance, bioregional plans, management plans, marine bioregional plans and the principles of ESD and is not inconsistent with a recovery plan or management plan. In relation to threatened whales that may overlap with the ensonified area, the EP is not inconsistent with the Conservation Management Plan for the Blue Whale (section 6.6.2).

The EP provides clearly defined acceptable levels of impacts that are compared to predictable levels for threatened and migratory whale species that is incorporated into EPO 4 "Undertake seismic acquisition in a manner that prevents injury to whales and minimises the potential for biologically significant behavioural disturbance". 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.

Areas of uncertainty in predictions 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.

The method for comparing predicted impacts to acceptable levels of impacts to whales is applied to demonstrate that the environmental impacts and risks of the activity from acoustic emissions to threatened and migratory whales is based on a description of whale distribution, abundance and behaviour in the ensonified area, contemporary science on effects of noise on whales, source and location specific acoustic modelling, EPBC Act Policy Statement 2.1 control measures as well as consideration of other commonly used and known control measures for whale detection and mitigation (i.e. evidence that impacts will be managed to an acceptable level) and so is systematic, defensible, and reproducible.

The EP considers the potential for permanent and temporary threshold shifts in hearing, behavioural disturbance, and masking due to underwater noise exposure and any subsequent potential impact to individual fitness and population viability. The titleholder's evaluation for this topic is more detailed than for other environmental receptors and so is commensurate to the predicted magnitude of impacts and risks to listed threatened and migratory whale species that may be encountered in the operational area.

In particular, the evaluation of impacts and risks from underwater noise to baleen and odontocete whales considers:

8. For mid-high frequency cetaceans, modelling indicates that the PTS and TTS thresholds will not be exceeded, or the range to exceedance will be limited to the immediate proximity of the seismic source therefore indicating that shutdown zones of 2 km will be effective in mitigating auditory injury. The survey vessel will also be operating PAM over the full 24-hour period to detect whales and will implement a 2km shutdown for sperm and beaked whales that are readily detectable with PAM. 9. In relation to low frequency cetaceans, the EP provides a robust demonstration that impacts will be reduced to acceptable levels through the application of control measures outlined in EPBC Act Policy Statement 2.1 Part A and B. These control measures include, but are not limited to, detection and mitigation measures including pre-start surveys, extended shutdown zones for the seismic source, the use of qualified and experienced marine mammal observers (MMOs) and passive acoustic monitoring (PAM) operators to improve the efficacy of visual observations to inform management responses, use of a spotter vessel to extend the observation distance for whales to greater than the distance for predicted behavioural disturbance as well as night time and low visibility procedures.10. The EP predicts that the likelihood of encountering pygmy blue whales in the area within which received noise levels may elicit TTS, PTS, behavioural disturbance, or masking is low but possible. This is substantiated with scientifically supported predictions of the whale movement patterns in this area and the location of the activity outside of the defined biologically important areas outlined in the Conservation Management Plan for the Blue Whale.11. PTS will be prevented by the seismic source being shut down well in advance of any whale approaching the PTS effect range.12. The EP also predicts that it is unlikely that TTS or masking will occur due to the conservative shut down protocols, routine and non-routine breaks in noise generation due to turns and other logistics requirements, results of the noise modelling combined with the movement of the seismic vessel and the predicted movements and behaviour of whales if present (mostly migrating, not breeding or foraging), all of which will reduce noise exposure periods. If greater than expected numbers of whales are observed in the survey area, or behaviours observed are different than expected (i.e. not migrating, indicating foraging or other behaviours, which would indicate an increased risk of TTS or masking effects) it is expected that the titleholder would initiate an EP Management of Change and Revision in accordance with section 7.6 of the EP.13. The potential impacts and risks of behavioural disturbance will be reduced to an acceptable level through the application of an immediate shutdown for all detections of pygmy blue whales or large unidentified whales. This shutdown measure will be supported by two trained MMOs who will maintain watch during all hours of daylight and good visibility conditions and two MMOs on an additional spotter vessel.14. In addition, the EP includes triggers to cease night-time operations should higher than anticipated whale numbers be encountered in accordance with Policy Statement 2.1. This control measure will eliminate noise and associated impacts during periods when whales cannot be effectively detected. The EP also provides an evaluation of the potential impacts to planktonic food sources and potential foraging activity of pygmy blue whales within their distribution range. The activity is unlikely to have an unacceptable level of impact on whale foraging because the operational area is not located in a designated pygmy blue whale foraging area (Conservation Management Plan for the Blue Whale and Thums et al. 2022). Therefore, based on the low likelihood of foraging occurring in the area, the adoption of additional controls in the event whales are sighted, including increased observation and shutdown zones, and precautionary adaptive mitigation where greater than predicted numbers of pygmy blue or unidentified whales are detected, there is limited potential for impacts to biologically important behaviours of pygmy blue whales, and precautionary measures are in place to manage any potential impacts to an acceptable level.

15. Through the adoption of the control measures described above the EP demonstrates how the activity will be managed consistent with the Conservation Management Plan for the Blue Whale and that EPO4 can be achieved.16. NOPSEMA considers that the EP will ensure that the activity can be managed consistent with the principles of ESD because a precautionary approach to the management of impacts on whales has been applied. This includes:17. Use of passive acoustic monitoring to improve detection of sperm and beaked whales.18. Use of all Part A management measures as described in EPBC Act Policy Statement 2.1 as well as adoption of additional Part B measures. Additional measures adopted include seismic source shutdowns immediately following detection of any pygmy blue or large unidentified whales within the limits of visibility, use of a spotter vessel resourced with two trained and experienced MMOs to improve detection capability beyond the behavioural disturbance zone and adaptive management procedures to ensure that pygmy blue whales are not injured or disturbed.19. Responses received to relevant persons consultation in relation impacts to threatened and migratory whales have 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 threatened and migratory whales to an acceptable level. Based on

the above findings, and condition proposed in [3], NOPSEMA is reasonably satisfied that the requirements of regulation 10A(c) are met for this topic assessment.

4	Environment Plan provides for appropriate performance outcomes, standards and measurement criteria	General	<p>Submission 1 Rev 0</p> <p>EPOs are linked to acceptable levels There are various occasions throughout the EP where EPOs have been defined in a manner that includes measuring a change in consequence level against a defined consequence threshold according to Woodside's internal risk matrix. For example, EPO 16 for ensuring no unplanned loss or grounding of seismic equipment: "No loss or grounding of seismic equipment (i.e. streamers, acoustic source and AUV/commercial nodes) with a consequence level greater than E28 for the duration of the Petroleum Activities Program." Other EPOs that follow this approach include EPO 3, EPO 12 and EPO 14. EPOs of this type are not appropriate because they do not reflect acceptable levels of impact or provide a clear level of performance for monitoring compliance - ISSUE. EPOs address all identified impacts and risks EPOs are defined for the great majority of impacts and risks evaluated in the EP. The OPEP also includes EPOs for spill related management (see WEL's Oil Spill Preparedness and Response Mitigation Assessment in Appendix D). While not a systemic issue, it is found that the EP does not provide for an EPO relevant to management of light impacts to fauna. However, the EP includes an assessment of potential light impacts to fauna and demonstrates an acceptable predicted level of impact without requiring additional controls. EPOs reflect levels of environmental performance It is not evident that all EPOs provide a clear level of performance for monitoring compliance - see above findings under 'EPOs are linked to acceptable levels'. EPSs are linked to control measures EPSs set in the EP are linked to control measures with a numbering reference system, which allows links to be established clearly. The EPS for each control measure includes statements of performance that clarify how the control is to function in order to effectively mitigate impacts. At the general level of assessment with a process focussed perspective, this is considered appropriate. EPSs have clear measurement criteria that can easily be monitored for compliance In the EP, all EPSs have associated measurement criteria (MC). The MC appear to be records that would be relevant evidence for determining compliance with levels of performance defined within the EPS. At the general level of assessment with a process focussed perspective, this is considered appropriate. EPOs, EPSs and MC are linked and complementary In the EP, tables are presented in each impact and risk evaluation section to clearly show how the EPOs, EPSs and MC are linked and complementary. At the general level of assessment with a process focussed perspective, this is considered appropriate.</p> <p>CONCLUSION: While some factors that influence decision making are adequately addressed, at this stage of the assessment further information is required in relation to the following in order to draw informed conclusions and make a recommendation regarding this criterion: 1. Revise the EP to include EPOs that reflect the definition of an EPO in Regulation 4 of the Environment Regulations and ensure management delivers appropriate levels of protection to the environment.</p> <p>Submission 2 Rev 1</p>
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4	Environment Plan provides for appropriate performance outcomes, standards and measurement criteria	General	<p>EPOs are linked to acceptable levels</p> <p>The above finding under 'Submission 1' in relation to the EPO issue was not considered further following discussion with the RoN based on the nature and scale of this activity. It was considered that where there were EPOs defined with consequence levels, they would not have a material effect on the outcomes of the environmental management for the activity. In addition, it is noted that the impact evaluations provide a demonstration of how the predicted levels of impact, that are the basis of the consequence level, are levels that are acceptable and ALARP. Therefore, while WEL's process does not specifically define acceptable levels, the demonstration is provided to connect how the EPOs, which reflect predicted levels of impact, provide acceptable levels of environmental performance for the project. It is further noted that EPO3, which provided for management of planned impacts to benthic habitats, is no longer relevant because WEL has removed the use of AUV and commercial nodes from the activity.</p> <p>CONCLUSION:</p> <p>Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered that the EP provides for appropriate performance outcomes, standards and measurement criteria because:</p> <ol style="list-style-type: none"> 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. 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. 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. 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. 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. 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. <p>Submission 3 Rev 2</p> <p>No material changes since last revision. Conclusions for this decision criteria are available in the above findings for 'Additional Information 1'.</p> <p>Submission 4 Rev 3</p> <p>No material changes since last revision.</p> <p>Submission 5 Rev 4</p> <p>No material changes since last revision.</p> <p>Decision factors:</p> <ol style="list-style-type: none"> 1. EPOs are linked to acceptable levels 2. EPOs address all identified impacts and risks 3. EPOs reflect levels of environmental performance 4. EPSs are linked to control measures 5. EPSs have clear measurement criteria that can easily be monitored for compliance 6. EPOs, EPSs and MC are linked and complementary <p>Submission 6 Rev 5A</p>
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4	Environment Plan provides for appropriate performance outcomes, standards and measurement criteria	General	<p>There were no material changes since the last revision of the EP. It is noted that an assessment of any additional information (relevant to the general assessment scope) provided in Revision 5A of the EP (A921889) was undertaken.</p> <p>CONCLUSION:</p> <p>Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered that the EP provides for appropriate performance outcomes, standards and measurement criteria because:</p> <ol style="list-style-type: none"> 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. 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. 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. 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 applicable control measures (i.e. through the 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. 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. 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 application of a reference numbering system. Overall it is considered that the suite of EPOs, EPSs and MC are complementary. <p>Submission 7 Revision 7</p> <p>There were no material changes since the last revision of the EP. It is noted that an assessment of any additional information (relevant to the general assessment scope) provided in Revision 7 of the EP (A941010/A941007) was undertaken.</p> <p>CONCLUSION:</p> <p>Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered that the EP provides for appropriate performance outcomes, standards and measurement criteria because:</p> <ol style="list-style-type: none"> 1. The EP provides a suite of EPOs that: 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 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. The EP includes EPSs that: 6. 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. 7. 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. 8. 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. 9. 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.
		Matters protected under Part 3 of the EPBC Act	Submission 1 Rev 0

4	Environment Plan provides for appropriate performance outcomes, standards and measurement criteria	Matters protected under Part 3 of the EPBC Act	<p>The EP does not provide for appropriate EPOs, EPS, and MC because:</p> <ol style="list-style-type: none"> 1. EPOs are not linked to acceptable levels as it is not clear whether EPO5 relates to auditory injury as well as other injuries, and there is no EPO relative to the continuation of biologically important behaviours such as migration. 2. EPOs do not address all identified impacts and risks, for example 3. there is no EPO that reflects an acceptable level of impact relevant to disturbance of migratory behaviours for whales or entanglement for marine fauna 4. EPOs, EPSs and MC are not linked and complementary. For example, 5. EPO4 required that far field source levels for the selected seismic source are consistent with levels assessed in the EP and yet the EPS for this EPO states that source validation using the JASCO acoustic source model would not be undertaken unless the selected source had a source level 3 dB greater than the modelled source in any direction. Given that source level is not the only factor that influences sound attenuation from an airgun array, this is not an appropriate standard to achieve the required level of performance as set out by the EPO. 6. PS 5.2 and MC 5.2.1 does not provide confidence that MFOs will be suitably qualified and experienced to ensure controls are implemented effectively. However, the EP does: 7. provide for EPSs that have clear measurement criteria that can easily be monitored for compliance 8. Provide EPS that are linked to control measures 9. Provide EPOs that reflect levels of environmental performance relative to marine mammals, specifically: 10. EPO5 - Undertake seismic acquisition in a manner that prevents physical injury to whales - confirm does this include TTS? (p.148) 11. EPO7 - undertake seismic acquisition that reduced potential cumulative impacts from petroleum activities programme and other seismic survey operations as far as reasonably practicable <p>Submission 2 Rev 1</p> <p>Letter point 1.2 - The impact and risk assessment is not commensurate to the magnitude of impacts and risks from the activity</p> <p>Requirements: To be appropriate for the nature and scale of the activity, the level of detail and rigour applied to environmental impact and risks evaluation must reflect the magnitude of impacts and risks (GL1721, section 6.3).</p> <p>Issue: The EP is not appropriate for the nature and scale of the activity as the level of rigour applied to the evaluation of cumulative impacts does not demonstrate a full understanding of the environmental impacts associated with the proposed activity. Specifically, the EP only considers cumulative and additive impacts from historic and concurrent seismic activities, and not other activity types.</p> <p>Request: Please revise the EP to:</p> <ol style="list-style-type: none"> 1. identify and evaluate whether cumulative and/or additive underwater noise impacts may arise from both seismic and other activity types (e.g. drilling and completions activities) within the area; and 2. provide an EPO (or revise existing EPOs) to provide confidence that cumulative and additive impacts will be of an acceptable level. <p>The EPO's for noise are:</p> <p>EPO3 - Far-field source levels for the selected seismic source for the Scarborough 4D B1 MSS are consistent with levels assessed in this EP.</p> <p>EPO4 - Undertake seismic acquisition in a manner that prevents injury to whales, and minimises the potential for biologically significant behavioural disturbance.</p> <p>EPO5 - Limit underwater sound production from the seismic source to the area defined and assessed in this EP.</p> <p>EPO6 - Undertake seismic acquisition in a manner that reduces potential cumulative impacts resulting from the Petroleum Activities Programme and other seismic survey operations as far as reasonably practicable.</p> <p>WEL has made a changes to the EP s6.6.2 : Concurrent Woodside Activities Scarborough drilling and completion activities may be undertaken within WA-61-L; however, there will be no temporal overlap with acquisition of the Scarborough 4D B1 MSS (activities will not occur concurrently) and therefore no cumulative underwater noise impacts are predicted with from this activity (Section 6.3) and has also stated that there will be no concurrent activities for other oil and gas companies in close proximity to the Scarborough MSS. WEL have also made a statement in s6.3 that Scarborough drilling and completion activities may be undertaken within WA-61-L however there will be no temporal overlap (activities will not occur concurrently) and therefore no cumulative impacts are predicted with this activity. However the prediction of no impact has not been substantiated with evidence, and no assessment of cumulative impact from sequential noise generating activities in the same area has been undertaken. No additional EPOs have been provided but EPO4 has been modified to also address behavioural impacts.</p> <p>Although the EPOs do not address other fauna besides whales, this was not raised in the RFFWI letter previously sent to WEL. Furthermore, blue whales are the receptaor at the most risk of noise impacts. The EPO for whales is now broadly suitable considering the requirements of the Australian Whale Sanctuary in relation to not injuring or interfering with whales and therefore NOPSEMA will be reasonably satisfied with the EPOs as presented. It is not clear from the EPO that WEL will be able to meet EPO4, however this will be addressed under items 2 and 3 (impacts ALARP and acceptable) see OMR letter points 1 and 2</p>
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4	Environment Plan provides for appropriate performance outcomes, standards and measurement criteria	Matters protected under Part 3 of the EPBC Act	<p>Submission 3 Rev 2</p> <p>No material changes since last revision</p> <p>Submission 4 Rev 3</p> <p>Decision categories</p> <ol style="list-style-type: none"> 1. EPOs are linked to acceptable levels 2. EPOs address all identified impacts and risks 3. EPOs reflect levels of environmental performance 4. EPSs are linked to control measures 5. EPSs have clear measurement criteria that can easily be monitored for compliance 6. EPOs, EPSs and MC are linked and complementary <p>Findings</p> <ol style="list-style-type: none"> 7. No changes have been made to EPOs, EPSs and MC 8. It is not possible to determine appropriateness of EPs, EPSs and MC until further information is provided in relation to acceptance criteria 10A(a), (b) and (c) <p>Submission 5 Rev 4</p> <p>EPOs are linked to acceptable levels EPOs address all identified impacts and risks EPOs reflect levels of environmental performance EPSs are linked to control measures EPSs have clear measurement criteria that can easily be monitored for compliance EPOs, EPSs and MC are linked and complementary</p> <p>Findings</p> <ol style="list-style-type: none"> 1. Minor changes have been made to EPS where controls have been clarified. See assessment findings under 10A(c) acceptable level. <p>Submission 6 Rev 5A</p> <p>EPOs are linked to acceptable levels</p> <ol style="list-style-type: none"> 1. No changes to EPOs in this resubmission as relates to PM topic EPOs address all identified impacts and risks 2. No changes to EPOs in this resubmission as relates to PM topic EPOs reflect levels of environmental performance 3. No change to EPOs in this resubmission as relates to PM topic EPSs are linked to control measures 4. New EPS is linked to new control introduced in this resubmission (C4.6) EPSs have clear measurement criteria that can easily be monitored for compliance 5. New EPS in this resubmission (C4.6) has MC that can be monitored for compliance. EPOs, EPSs and MC are linked and complementary 6. New EPS in this resubmission is linked and complementary to EPOs and other EPSs and MSs. <p>Submission 7 Rev 7</p>
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4	Environment Plan provides for appropriate performance outcomes, standards and measurement criteria	Matters protected under Part 3 of the EPBC Act	<p>EPOs are linked to acceptable levels EPOs address all identified impacts and risks EPOs reflect levels of environmental performance EPSs are linked to control measures EPSs have clear measurement criteria that can easily be monitored for compliance EPOs, EPSs and MC are linked and complementary</p> <p>No material changes in relation to the above. Changes made to EPS's in relation to additional MFO's also meet the criteria above.</p> <p>Conclusions</p> <p>The EP contains discrete EPOs for impacts and risks to whales that address all identified impacts and risks and are directly linked to acceptable levels. Furthermore, EPOs reflect the level of environmental performance set by recovery plans where relevant (blue whales):</p> <ol style="list-style-type: none"> 1. There is a discrete EPO for underwater noise that reflects the defined acceptable level of impact for pygmy blue whales which sets a level of performance for the management of the activity to ensure impacts do not impede the recovery of pygmy blue whales i.e., "EPO4 Undertake seismic acquisition in a manner that prevents injury to whales and minimises the potential for biologically significant behavioural disturbance." 2. This level of environmental performance is not inconsistent with the requirements of the Conservation Management Plan for the Blue Whale considering the location of the survey is outside of pygmy blue whale biologically important areas for migration or foraging and that the activity will be managed to minimise the impacts of underwater noise to meet the EPO should blue whales be encountered during the survey. 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, grouped in accordance with EPBC Act Policy Statement 2.1 categories are: <ol style="list-style-type: none"> 3. EPBC Act Policy Statement 2.1 Part A standard measures as required and Part B.4 measures; observation zone (3 km+ to the limits of visibility for pygmy blue whales and large unidentified whales, 3 km for all other whales), shut-down zone (on sighting for pygmy blue whales and large unidentified whales and 2 km for all other whales), 30 min pre-start up visual observation, 30 min soft start procedure, start-up delay if sighting. 4. EPBC Act Policy Statement 2.1 Part B.1 measures: two dedicated MFOs will have previous experience and have completed relevant training with both on duty during times of increased whale sightings. 5. EPBC Act Policy Statement 2.1 Part B.3 measures: use of a spotter vessel to assist in detecting the presence of whales where the likelihood of encountering whales is high, noting that whale presence is not predicted in the EP to be high but possible. 6. EPBC Act Policy Statement 2.1 Part B.5 measures: use of PAM on a 24-hour basis by two trained and experienced PAM operators. 7. EPBC Act Policy Statement 2.1 Part B.6 measures: Adaptive management measures such that if there are three or more sightings/shutdowns of pygmy blue whales/large unidentified whales within 24 hours there cannot be night-time operations undertaken and operations cannot resume at night until there has been a cumulative 24-hour period with less than three sightings/shutdowns. Suitable measurement criteria are provided, which link to the EPSs and EPOs relevant to the management of impacts and risks to whales. <p>Based on the above findings above, and the condition proposed in [3] NOPSEMA is reasonably satisfied that the requirements of regulation 10A(d) are met for this topic scope.</p>
5	Environment Plan includes appropriate implementation strategy and monitoring, recording and reporting arrangements	General	<p>Submission 1 Rev 0</p> <p>Content requirements of Regulation 14 are included Content requirements of Regulation 14 are evident in the EP, however, evaluation of the appropriateness of the information for the nature and scale of the activity is under other decision factors for this decision criteria below.</p> <p>Evidence that all impacts and risks will continue to be reduced to ALARP and acceptable The EP outlines arrangements that will be in place to ensure environmental risks and impacts will continue to be reduced to levels that are ALARP and acceptable during the activity and for the duration of the EP, as follows:</p> <ol style="list-style-type: none"> 1. Monitoring, auditing, management of non-conformance and review (Section 7.5, page 239) - includes arrangements for monitoring environmental performance and changes to environmental and legislative knowledge, auditing environmental performance, non-conformance management and review of environmental performance for continuous improvement. 2. Management of change and revision of EP (Section 7.6, page 243) and OPEP (Section 7.7, page 243) - includes arrangements for managing changes relevant to the EP/OPEP and concerning the scope of the activity description that is in accordance with Regulation 17. Issues with the process for communicating accepted changes implemented under management of change to relevant persons that may be affected are captured below in findings under 'management of change, knowledge and learning processes are included'. 3. Record keeping (Section 7.8, page 244) - includes arrangements for maintaining environmental performance compliance records, including records of emissions and discharge volumes in accordance with Regulation 15(7). 4. Reporting (Section 7.9, page 244) - includes arrangements for reporting on environmental performance internally and externally, including to NOPSEMA in accordance with the relevant regulatory reporting requirements as outlined in the regulations (e.g. reportable incidents and start/end of an activity notifications). At the general level of assessment with a process focussed perspective, these arrangements implemented together appear sufficient to provide a suitable process for ensuring environmental risks and impacts will continue to be reduced to levels that are ALARP

and acceptable during the activity and for the duration of the EP.

Management of change, knowledge and learning processes are included. These processes are included - see above findings under 'evidence that all impacts and risks will continue to be reduced to ALARP and acceptable'. Overall these processes are considered to be adequate for the nature and scale of the activity because the processes appear to 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.

In WEL's management of change process described in the EP, there does not appear to be any arrangements in place to ensure accepted changes implemented under management of change are communicated to relevant persons that may be affected (including those persons responsible for implementing the change). As a consequence, it is not clear if WEL's management of change process will be effective in ensuring impacts and risks will continue to be reduced to ALARP and acceptable. However, this finding would be best verified during an inspection.

The titleholder's environmental management system is effective

The effectiveness of WEL'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 as described findings above. 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.

Appropriate training and competencies

Key roles and responsibilities for WEL and contractor personnel relating to implementing, managing and reviewing the EP are described in Table 7-1 in Section 7.3 (page 234). Roles and responsibilities for oil spill preparation and response are outlined in the Oil Spill Preparedness and Response Mitigation Assessment (Appendix D) and the Woodside Oil Pollution Emergency Arrangements (Australia).

Workforce training and competency is described in Section 7.4 (page 238) and includes arrangements for relevant inductions to be provided to all relevant personnel before mobilising to or on arrival at the activity location (see Section 7.4.1, page 238), regular meetings to be undertaken with all relevant personnel to maintain ongoing activity specific environmental awareness (see Section 7.4.2, page 238) and management of training requirements to ensure all relevant personnel are competent to perform their assigned positions (see Section 7.4.3, page 239). WEL requires its Contractors to have an EMS that is consistent with the standard AS/NZ ISO 14001:2016 (page 238).

At the general level of assessment with a process focussed perspective, 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.

ISSUE for protected matters scope - the EP does not provide training and competency standards for MFOs.

Appropriate Oil Pollution Emergency Plan

WEL's arrangements for emergency preparedness and response, including for marine oil pollution incidents, are outlined in Section 7.10 (page 249). An OPEP is presented for the activity that is comprised of the following components:

5. Woodside Oil Pollution Emergency Arrangements (OPEA) (Australia) - The EP makes reference under Regulation 31 of the OPEA (Australia) being information previously provided and accepted by NOPSEMA on 8 November 2019 associated with the Julimar Phase 2 Drilling and Subsea Installation EP (see Table 7-4 in Section 7.10.1, page 375). The OPEA (Australia) is published and publicly available on NOPSEMA's website (a hyperlink is provided in the EP). The use of the OPEA (Australia) as part of the OPEP is appropriate for this activity because the scope of the OPEA (Australia) provides a relevant framework for response arrangements from shipping sourced spills in Commonwealth waters consistent with the National Plan for Maritime Environmental Emergencies and for marine oil pollution incidents in WA State waters consistent with the WA State Hazard Plan for Maritime Environmental Emergencies.

6. Oil Spill Preparedness and Response Mitigation Assessment (Appendix D) - This has been developed specifically for the activity to demonstrate WEL's preparedness and response capability for responding to and monitoring oil pollution and for monitoring impacts to the environment from oil pollution and response activities, with control measures included.

7. Oil Pollution First Strike Plan (Appendix I) - This has been developed specifically for the activity to provide a tool to guide the initial response to an oil spill incident resulting from the activity, including who to notify, the recommended response techniques and pre-identified tactics to implement and identifies the location of regional sensitive receptors in the vicinity of the survey area and priority protection areas. Considered together, the components that make up the OPEP for the activity are appropriate for the nature and scale of the risk of pollution from the activity. Table 7-4 in Section 7.10.1 of the EP (page 249) provides content to clearly show which parts of the EP and/or components of the OPEP address the various content requirements for an OPEP as set out in regulation 14(8). From a review of the relevant content provided in the EP and OPEP against the requirements of regulation 14(8), it is clear that the provided content is in line with the requirements.

Monitoring, recording and reporting arrangements are adequate

These processes are included and are considered to be adequate for the nature and scale of the

activity (see above findings under 'evidence that all impacts and risks will continue to be reduced to ALARP and acceptable').

Audit, review and non-conformance management is included

These process are included are considered to be adequate for the nature and scale of the activity (see above findings under 'evidence that all impacts and risks will continue to be reduced to ALARP and acceptable').

Testing of response arrangements evident

Section 7.11 (page 252) of the EP details the arrangements for testing the OPEP response arrangements. This includes activity specific response drills and exercises to be completed prior to the commencement of the activity. In addition, the response testing arrangements and audits implemented by WEL at the company level are described. At the general level of assessment, the testing arrangements appear appropriate to the nature and scale of the risk of oil pollution from the activity and consistent with the content requirements set out in Regulations 14(8A-C).

Ongoing consultation arrangements are in place

WEL's ongoing stakeholder consultation arrangements for the activity are outlined in Section 5.5 of the EP (page 93).

The arrangements include a commitment to undertake engagements with the stakeholders that provided a request for further ongoing consultation prior to, during and/or after the activity, based on the feedback that was received during the consultation undertaken with relevant persons in preparation of the EP. This commitment for engagement with stakeholders is further supported by the arrangements that are in place for mitigating impacts to other marine users through adopting control measures (e.g. C 1.1-1.5) and associated performance standards (e.g. PS 1.1-1.5) for achieving EPO 1 "marine users are aware of the Petroleum Activities Program" (see Section 6.5.1, pages 101-102).

The EP acknowledges that additional relevant stakeholders may be identified prior to or during the proposed activity and therefore relevantly includes arrangements for ensuring that: 1) these stakeholders will be contacted, provided with information relevant to their interests, and invited to provide feedback about the proposed activity; and, 2) WEL will assess their feedback, respond to the stakeholder, and incorporate feedback into the management of the proposed activity where practicable (see Section 5.3, page 79). Further information is needed to provide a timeline commitment for these arrangements to ensure that they are implemented by WEL in a timely manner - ISSUE.

CONCLUSION:

While some factors that influence decision making are adequately addressed, at this stage of the assessment further information is required in relation to the following in order to draw informed conclusions and make a recommendation regarding this criterion:

8. Modify the ongoing consultation arrangements in the EP to provide a clear timeline commitment for consultation with additional relevant stakeholders that may be identified prior to or during the proposed activity.

Submission 2 Rev 1

Response to RFFWI #1:

Monitoring, recording and reporting arrangements are adequate

Item 3.2 – It was requested for the EP to be revised in a manner that ensures incidents that warrant reporting to NOPSEMA as reportable incidents are included (e.g. hydrocarbon release from vessel collision or bunkering, death or injury to marine fauna, introduction of IMS and vessel collision?).

In a concordance table within a letter in response to the RFFWI, WEL provided additional information to justify why the examples of incidents provided by NOPSEMA, that were considered by NOPSEMA to warrant reporting to NOPSEMA as reportable incidents, were not included as reportable incidents in the EP and why WEL has not further updated the EP to do so in response to item 3.2. WEL explains that in performing the environmental risk assessment (Section 6 of the EP) there were no impacts (planned or unplanned) identified that would constitute a reportable incident (i.e. C+ consequence, moderate consequence or above, as defined under Woodside's Risk Table), including the examples provided by NOPSEMA which are all consequence level D or below as per the assessments in Section 6. WEL notes that these incidents would therefore constitute recordable incidents and NOPSEMA would be notified as per Section 7.9.4.2 of the EP.

While WEL's process for defining a reportable incident (i.e. C+ consequence, moderate consequence or above, as defined under WEL's Risk Table) means that it is not expected this activity could result in any reportable incidents based on the outcomes of the environmental impact assessment, WEL did update Section 7.9.5.1 of the EP to clarify that if an incident occurred that did align with the definition of a reportable incident, NOPSEMA would be notified as per the reportable incident notification process. This is appropriate.

In checking whether the examples of incidents, that were considered by NOPSEMA to warrant reporting to NOPSEMA, would constitute recordable incidents as described by WEL, the EPOs associated with those incidents (i.e. EPOs 2, 10, 11 and 14) were reviewed in this assessment to ascertain that they reflect acceptable levels so that the decision maker could be reasonably satisfied that NOPSEMA would be notified via the recordable incident reporting pathway should such incidents occur, as identified through an EPO non conformance. Additionally, it is evident that the EP provides for other relevant authorities to be notified in the event of such

incidents, as appropriate. For example, PS 14.12 demonstrates all vessel strikes with cetaceans will be reported in DAWE's National Shire Strike Database and Table 7-4 outlines WEL's external incident reporting requirements that includes notifications to AMSA in the event of any marine incidents (e.g. vessel strikes) or oil pollution incidents (e.g. hydrocarbon release from vessel collision or bunkering) and DAWE if MNES are to be affected. The Oil Spill First Strike Plan (Appendix I of the EP) also requires NOPSEMA to be verbally notified within 2 hours of any hydrocarbon release > 80 L and a written report provided within 3 days. It is noted that this issue is not reflected in the above findings under 'Submission 1' because the issue was identified during preparation of the RFFWI letter.

Ongoing consultation arrangements are in place

Item 3.3 – It was requested for the EP to be revised in a manner that provides for appropriate ongoing consultation arrangements by providing for the identification of additional 'relevant persons' as defined in 11A of the Environment Regulations and, a timely implementation of arrangements so that relevant persons' objections or claims can be considered and appropriately addressed, including where feedback during consultation warrants a change to the management of the proposed activity.

Providing for the identification of additional 'relevant persons'

WEL's approach to ongoing consultation is described in Section 5.8 and planned ongoing consultation is now detailed within the implementation strategy in Section 7.9.2.1 of the EP. WEL has updated the EP in a manner that clearly identifies 'relevant persons' for the activity in accordance with regulation 11A (further detail is provided in below findings for item 4.2 under 'Environment Plan demonstrates appropriate level of consultation'). This now demonstrates commitment by WEL to appropriately consult with relevant persons throughout the activity as required by regulation 14(9). Section 5.8 of the EP indicates the ongoing consultation arrangements of the EP provide for the identification of additional 'relevant persons' by describing that "Should new stakeholders be identified during the life of the EP they will be assessed for relevancy as per Section 5.3". Section 5.3 of the EP describes WEL process for the identification of 'relevant persons' for consultation.

Providing for timely implementation of the arrangements for assessing additional objections or claims from 'relevant persons'

Section 5.8 of the EP describes "Should additional relevant feedback be received during the life of the EP the feedback will be assessed as per Section 5.6." Section 5.6 of the EP includes information on WEL's process to undertake an assessment of the merit of objections or claims raised by relevant persons. While there does not appear to be any information in the EP showing commitment by WEL to provide for timely implementation of the arrangements for assessing additional objections or claims from 'relevant persons', it is not a requirement of the regulations. As such, WEL's commitment to assess additional objections or claims from 'relevant persons' is sufficient to comply with the regulations, and therefore also provides for appropriate ongoing consultation arrangements.

CONCLUSION:

Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered that the EP includes appropriate implementation strategy and monitoring, recording and reporting arrangements because:

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.
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.
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.
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.
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.
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.
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. 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. 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. 10. Ongoing consultation arrangements are in place - the EP includes details 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.

Submission 3 Rev 2

No material changes since last revision.

Conclusions for this decision criteria are available in the above findings for 'Additional Information 1'.

Submission 4 Rev 3

There has been some new information added to the implementation strategy for the EP as follows:

1. Ongoing consultation arrangements (Section 7.9.2.1) - now includes additional ongoing consultation arrangements with "Relevant cultural authorities (i.e., MAC and NAC)" and "[REDACTED] and [REDACTED]" on an ongoing basis for the purpose of "Identification, assessment and consideration of cultural values relevant to the Operational Area or EMBA". The content of this consultation is described as "Assessment of cultural values" and "Any relevant new information on cultural values will be assessed using the EP Management of Knowledge (ref to Section 7.5.1.2) and Management of Change Process (refer to Section 7.6)". 2. Management of knowledge (Section 7.5.1.2) - now includes the following additional information: "In addition, in line with Condition 7.2 of Ministerial Statement No. 1172, the Scarborough Project will implement the Cultural Heritage Management Plan (CHMP), which has been developed in consultation with MAC. The CHMP will detail the process for a Heritage Management Committee to assess new information. Any relevant new information on cultural values will be assessed using the EP Management of Change Process (refer to Section 7.6)." This new information detailed above is considered further within assessment findings for 'Submission 3' under 'Environment Plan demonstrates appropriate level of consultation'. With the exception to the above, there has been no other material changes since the last EP revision.

The appropriateness of the ongoing consultation arrangements in Section 7.9.2.1 of the EP were reviewed in further detail during this assessment given that there has been increased interest in the activity throughout the course of the assessment and there is potential for this interest to continue during activity implementation. Based on this review, it was found that the EP does not include sufficient information that clearly describes how the ongoing consultation arrangements will ensure:

3. 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 4. Woodside will consider and address new relevant information so that impacts and risks continue to be managed to ALARP and acceptable levels.

Submission 5 Rev 4

RFFWI #2, item 4:
NOPSEMA request

It was requested for Woodside to provide additional information that demonstrates how the implementation strategy provides for effective ongoing stakeholder consultation in accordance with regulation 14(9) by providing additional information that describes how 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 ensure that Woodside considers and addresses new relevant information so that impacts and risks continue to be managed to ALARP and acceptable levels.

Woodside response

In response to NOPSEMA's RFFWI, Woodside has updated the EP to provide additional detail on the process for ongoing consultation as follows:

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

1. Woodside will undertake planned engagements with relevant persons and additional persons as requested during consultation (e.g. see Table 7-2 in Section 7.9.2.1). 2. Woodside will inform all relevant persons and additional persons of any significant changes to the activity (e.g. see Table 7-2 in Section 7.9.2.1). 3. Woodside will identify and engage with

stakeholders that may be affected by the activity in the event of an incident including an oil spill (e.g. see EP Section 7.9.4.3 and Table 1-1 in Appendix I [First strike Plan]). 4. Woodside will continue to accept feedback from stakeholders during EP development, assessment and while it is in-force (e.g. see Section 5.6). 5. Woodside will provide updates on their activities through their website and regular community forums (e.g. see Section 7.9.2.1). Ensure that Woodside considers and addresses new relevant information so that impacts and risks continue to be managed to ALARP and acceptable levels

6. Woodside will continue to assess and respond to feedback received during EP development, assessment and while it is in-force (e.g. see EP Section 5.8, Table 7-2 in Section 7.9.2.1) 7. Any relevant new information will be assessed using the EP management of knowledge and management of change processes (e.g. see Section 5-8 and Section 7.9.2.1) Taking into consideration the additional information that has been provided by Woodside in response to NOPSEMA's RFFWI as summarised above, it is considered that the EP now contains reasonable information to demonstrate that the implementation strategy provides for effective 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).

Decision factors:

8. Content requirements of Regulation 14 are included 9. Evidence that all impacts and risks will continue to be reduced to ALARP and acceptable 10. Management of change, knowledge and learning processes are included 11. The titleholder's environmental management system is effective 12. Appropriate training and competencies 13. Appropriate Oil Pollution Emergency Plan 14. Monitoring, recording and reporting arrangements are adequate 15. Audit, review and non-conformance management is included 16. Testing of response arrangements evident 17. Ongoing consultation arrangements are in place

Submission 6 Rev 5A

It is noted that an assessment of any additional information (relevant to the general assessment scope) provided in Revision 5A of the EP (A921889) was undertaken.

From a general assessment perspective the following additional amendments have been made to Revision 5A of the EP:

1. Figure 4.1 (EMBA by the Petroleum Activities Program) has been revised as a result of the worst-case spill scenario associated with the proposed activity being reduced from a hydrocarbon volume of 1,062m³ marine diesel oil to a volume of 250m³. This is due to a reduction in the size of the seismic vessel diesel tank and has subsequently resulted in amendments being made to the oil pollution emergency response information in the EP (see below). 2. Section 6.7.2 (Accidental Hydrocarbon Release: Vessel Collision), Appendix D (Oil Spill Preparedness and Response Strategy Selection and Evaluation, Revision 0A, dated March 2023), and Appendix I (First Strike Plan, Revision 0B, dated March 2023) have been revised to account for the revised worst-case spill scenario associated with the Scarborough 4D MSS, which has been reduced to a volume of 250m³. This information is now reflected in the EP accordingly - the EP states that it is estimated that 12.5m³ (previously 53.1m³) of product would remain after weathering from the marine diesel scenario - no predicted shoreline contact or accumulation. As a result, reference to the applicable shoreline Scientific Monitoring Programs have been removed from the EP. The only receptor predicted to be contacted by entrained oil concentrations at the 100ppb threshold is the Gascoyne Marine Park (maximum entrained oil concentration forecast to be 998ppb, probability of 4%). No contact with sensitive receptor locations is predicted for dissolved hydrocarbons above the threshold concentration of 50ppb (i.e. restricted to offshore areas up to approximately 145km from the release site). No impacts to traditional or cultural heritage values are expected. The information provided in the EP represents a reduction in potential environmental risks and impacts associated with the worst-case spill scenario which is consistent with a reduction in the hydrocarbon volume. 3. Modelling for a marine diesel oil release caused by a vessel collision 17km south of the centre of the Scarborough 4D MSS operational area (undertaken in 2019) has been utilised as a surrogate for the revised worst-case spill scenario. Woodside confirm the spill volume and hydrocarbon type are the same between the surrogate modelling and the revised spill scenario, and therefore state that additional modelling was not required. Acknowledging that the surrogate modelling was undertaken 17km south of the operational area which is closer to the Western Australian coastline and have a greater potential environmental consequence on the receiving environment, this is considered to be appropriate from a general assessment perspective. 4. Section 7.9.2.1 (Ongoing Consultation) has been revised to clarify that feedback and comments received from relevant persons and additional persons will continue to be assessed and responded to, as required, through the life of the EP (including during EP assessment and throughout the duration of the accepted EP) in accordance with Woodside's intended outcome of consultation. Significant changes on the activity will be communicated to relevant persons as appropriate. 5. Ongoing

consultation engagements are outlined in Table 7.2 (Ongoing Consultation Engagements) and includes information pertaining to the report/information; recipient; purpose; frequency; and content. There is a clear commitment that Woodside will communicate with relevant persons or organisation who provide feedback to Woodside post EP submission, and this will include the identification, assessment and consideration of feedback, claims and/or objections. CONCLUSION:

Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered that the EP includes an appropriate implementation strategy and monitoring, recording and reporting arrangements because:

6. 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. 7. 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. 8. 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. 9. 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. 10. 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. 11. 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, which includes the worst-case spill scenario of a seismic vessel collision with a maximum volume of 250m³ marine diesel oil being released to the marine environment. 12. 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. 13. 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. 14. 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. 15. Ongoing consultation arrangements are in place - the EP includes details 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), and the EP demonstrates that additional relevant persons may be identified and demonstrates commitment to appropriately consult with those persons or organisations throughout the activity (including through assessing and considering feedback, claims and/or objections).

Submission 7 Revision 7

There were no material changes since the last revision of the EP. It is noted that an assessment of any additional information (relevant to the general assessment scope) provided in Revision 7 of the EP (A941010/A941007) was undertaken.

CONCLUSION:

Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered 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 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.

6	Environment Plan does not involve the activity or part of the activity being undertaken in any part of a declared World Heritage property	General	<p>Submission 1 Rev 0</p> <p>No activity will occur in a World Heritage Property</p> <p>The EP includes results of two PMST searches performed on 8/4/21 and 11/5/21, which cover the Operational Area and predicted oil spill EMBA respectively (Appendix C). Neither of these searches indicate that EP involves any planned activity within any part of a declared WHP. The EP identifies closest WHP to be the Ningaloo Coast World Heritage Property, located ~168 km SSE of the Operational Area and outside the predicted oil spill EMBA. It also appears unlikely based on the extent of the predicted oil spill EMBA, that even emergency response activity would take place in a WHP in the event of an unplanned incident.</p> <p>CONCLUSION:</p> <p>Taking into account the findings above as well as relevant content of the EP, including PMST results, it is concluded the decision-maker may be reasonably satisfied that the EP meets this acceptance criterion.</p>
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6	Environment Plan does not involve the activity or part of the activity being undertaken in any part of a declared World Heritage property	General	<p>Submission 2 Rev 1</p> <p>No material changes since last submission.</p> <p>CONCLUSION: The EP does not involve the activity or part of the activity being undertaken in any part of a declared World Heritage property.</p> <p>Submission 3 Rev 2</p> <p>No material changes since last revision. Conclusions for this decision criteria are available in the above findings for 'Additional Information 1'.</p> <p>Submission 4 Rev 3</p> <p>No material changes since last revision.</p> <p>Submission 5 Rev 4</p> <p>No material changes since last revision.</p> <p>Decision factor: 1. No activity will occur in a World Heritage Property</p> <p>Submission 6 Rev 5A</p> <p>There were no material changes since the last revision of the EP. It is noted that an assessment of any additional information (relevant to the general assessment scope) provided in Revision 5A of the EP (A921889) was undertaken. CONCLUSION: Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered that the EP describes the location of the activity in the context of the boundaries of declared World Heritage properties and confirms that no part of the activity will be undertaken in any part of a declared World Heritage property. This is confirmed by the PMST reports dated 16 January 2023 and 8 April 2021.</p> <p>Submission 7 Revision 7</p> <p>There were no material changes since the last revision of the EP. It is noted that an assessment of any additional information (relevant to the general assessment scope) provided in Revision 7 of the EP (A941010/A941007) was undertaken. CONCLUSION: Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered 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.</p>
7	Environment Plan demonstrates appropriate level of consultation	General	<p>Submission 1 Rev 0</p> <p>Effective consultation has taken place WEL has undertaken consultation with relevant persons in preparation of the EP, as required by regulation 11A. A review of the report on the consultation provided in the EP (Section 5) demonstrates that WEL's process and approach to undertaking stakeholder consultation was not effective because: The EP does not clearly identify 'relevant persons' for the activity in accordance with regulation 11A - ISSUE. The EP uses the term "relevant stakeholders" to describe persons that have been consulted during the preparation of the EP (see Table 5-1, page 83). This issue may have a material outcome because it has implications for how WEL must consult with relevant persons under regulation 11A, including providing relevant persons with sufficient information and a reasonable period to allow them to make an informed assessment of the possible consequences of the activity on the functions, interests or activities. The Conservation Council of Western Australia (CCWA) were consulted but have been identified by WEL as not relevant to the activity based on the reasoning "CCWA have identified themselves as interested in activities relating to the Scarborough Development". This reasoning does not appear to provide a reasonable or justified basis for not considering CCWA to be relevant to the activity, noting that NOPSEMA has been copied into relevant third party correspondence from CCWA to WEL (see document A797518 - Letter from CCWA to</p>

WEL, RE "Scarborough Offshore Gas Project – Upcoming draft Environment Plans) where it was requested by CCWA for WEL to ensure they are consulted, as a 'relevant person' under Regulation 11A, in the preparation of any draft EPs in relation to the Scarborough Offshore Gas Project.

It is not clear if relevant persons were provided with sufficient information and a reasonable period to make an informed assessment of the possible consequences of the activity on the functions, interests or activities in accordance with regulation 11A(2) and (3) - ISSUE
An assessment of whether relevant persons were provided sufficient information and a reasonable period to allow the relevant person to make an informed assessment of the possible consequences of the activity on the functions, interests or activities in accordance with regulation 11A(2) and (3) of the Environment Regulations cannot be completed because the EP does not clearly identify relevant persons in accordance with regulation 11A. In particular, it is not clear if CCWA were appropriately consulted as a relevant person in accordance with Regulation 11A, taking into consideration CCWA's request on 14 September 2021 to be provided with additional information (in the form a draft EP and associated studies) and time (two weeks) to provide WEL with feedback on the activity.

Notes on the consultation with CCWA

During the process of the stakeholder consultation undertaken by WEL during preparation of the EP, relevant stakeholders were provided with a consultation package on 13/14 May 2021 and a 30 day response period. It appears that WEL only provided CCWA with the consultation package on 20 August 2021, after CCWA had written to WEL requesting to be consulted as a 'relevant person' under Regulation 11A, in the preparation of any draft EPs in relation to the Scarborough Offshore Gas Project. Like the other stakeholders, the response period provided by WEL to CCWA was 30 days.

On 14 September 2021, CCWA responded to WEL's consultation package. CCWA requested additional time to provide a response noting "we are hoping the deadline you have set for comment to be provided can be extended by at least 2 weeks to enable adequate responses to be made". In addition, CCWA requested further information in the form of the draft EP and associated studies for comment noting "the consultation documents attached and linked on your website are highly summarized and not really adequate to assess the EP's and provide meaningful comment. We request copies of the draft EP's and other application documents including studies that will be submitted to the regulator in support of the EP's. This will enable a reasonable comment to be made."

On 17 September 2021, WEL responded to CCWA. WEL did not agree to provide CCWA with additional time to respond on the basis that the period provided was consistent with other stakeholder response times and general EP drafting timeframes and further noted that the consultation information sheet had been available on their website for public comment since 13 May 2021. In addition, WEL did not provide CCWA with the requested additional information on the basis that consistent with the process in the legislation, consultation occurs while the draft EP is being developed and given the EP is in development, copies of those drafts are not provided to stakeholders during the consultation phase.

In the EP, it appears that no further responses were from CCWA were provided following WEL's response, and WEL considered their response to have adequately addressed the stakeholder's interests. It is noted that there were no comments submitted by CCWA during the EP public comment period.

?Department of Agriculture, Water and the Environment (DAWE) were not provided with sufficient information to allow them to make an informed assessment of the possible consequences of the activity on their functions, interests or activities - ISSUE.

It appears that WEL does not appropriately recognise all of the ways in which the proposed activity relates to DAWE's functions, interests or activities (see Table 5-1, page 80). WEL only considers DAWE's function in regulating the prevention of introduced marine species but does not consider DAWE's function in regulating the dumping of matter into the sea. This is despite WEL identifying the Environment Protection (Sea Duping) Act 1981 (Sea Dumping Act), which is administered by DAWE, as being relevant to the proposed activity which involves leaving concrete structures required to be deployed on the seafloor with the commercial nodes in-situ after completion of the activity (see Appendix B). WEL considered the requirement for a permit under the Sea Dumping Act and concluded that a permit was not required based on their own internal interpretation of the Sea Dumping Act/London Protocol (this is outlined in further detail in below findings under 'complies with the Act and Regulations'). This is not appropriate and further consultation with DAWE is required by WEL to confirm the requirement for a permit under the Sea Dumping Act, if the concrete structures are to remain in-situ after completion of the activity.

Relevant persons were not provided with sufficient information in relation to the timing of the activity - ISSUE.

The survey timing communicated in the consultation information sheet is different to the survey timing presented in the EP. In the consultation information sheet, in one area it says the activity is planned to commencement in Q3 2022 for a period of between 55 to 70 days while another area indicates the earliest commencement date is Q3 2022, and there is no information provided for the latest timing of conclusion. In the EP, it is stated that the earliest commencement will be from 1 January 2022 for a period of 80 days - it is also noted that while it is anticipated that the survey will be completed in 2022, to manage uncertainties affecting the timing such as EP acceptance, vessel availability, operational constraints and prevailing weather conditions, the latest date the survey will be completed by is 31 December

2023. This is an issue because stakeholders may not have been able to provide an informed response or appropriate feedback on whether the activity will affect their functions, interests and activities.

Information gathered through consultation is included in the EP

Given that it is not clear if WEL's process and approach to undertaking stakeholder consultation was effective (see above findings under 'effective consultation has taken place'), at this stage of the assessment clear recommendations cannot be provided on whether information gathered through consultation is included in the EP, until the relevant issues are addressed and resolved - ISSUE.

General notes on information gathered through consultation

1. AFMA - requested for WEL to consult with relevant fishers who hold entitlements in the area 2. AMSA (marine safety) - requested WEL to provide notifications to AHO and AMSA's JRCC (including if there are changes to the activity) and for vessels to exhibit appropriate lighting for navigational safety 3. DAWE - requested for WEL to communicate future developments with AFMA and the relevant fishing industry representation organisations. 4. DoD - advised WEL that a proportion of the survey area is within the NWSA and restricted airspace and that UXOs may be present on and in the seafloor within the NWSA. DoD also requested for WEL to provide them with notifications and Airservices Australia for activities in the restricted airspace. 5. DNP - responded noting it has no objections or claims. 6. DBCA - responded noting it has no comments. 7. DoT - requested for WEL to provide them with notification if there is a risk of a spill impacting State waters from the proposed activity. DoT also reviewed the FSP. 8. WAFIC - noted moderate risk to mobile invertebrates, low risk to immobile invertebrates, moderate risk to finfish demersal and negligible risk to pelagic fish. Provided information that commercial fishers have advised WAFIC of decline in catchability of mackerel species following marine seismic surveys, and of this being an opportunity for further research. Advised that risk mitigation and control measures should be implemented to ensure all impacts are managed and detailed evidence based analysis has considered the timing of the survey to minimise impacts to commercial fishing operations and the ecological impacts to fish species. 9. CCWA - requested response timeframe extension and to be provided with the draft EP and associated studies for comment (further detail is provided in above findings). General findings

Woodside's EP process outlined in Section 2 of the EP includes arrangements to

ensure information gathered through stakeholder consultation is considered in the development of the EP and during the implementation of the activity. In particular:

10. in impact and risk identification (described in Section 2.5) 11. in impact and risk analysis (described in Section 2.6) 12. in impact and risk evaluation (described in Section 2.7) 13. in implementation, monitoring, review and reporting (described in Section 2.10). The report on the consultation in Section 5 of the EP provides a summary of the key issues and concerns raised by stakeholders during consultation, including an assessment of the merits of objections and claims, and demonstrates how WEL has included and considered information provided within the EP. From a cross check of a sample of the content in the report on the consultation, it is evident that WEL has incorporated information gathered through consultation in the EP. For example:

14. notification requests have been included in ongoing stakeholder consultation arrangements (see Section 5.5, page 93) and also included as adopted control measures (e.g. C 1.1, page 101) 15. in response to information provided by DoD, information describing the potential locations of UXOs has been included in the description of the environment (see Section 4.9.7, page 76) and the potential for interacting with UXOs considered in impact assessment (see Section 6.5.1, page 97) 16. in response to information provided by WAFIC, the relevant receptors identified by WAFIC and potential impacts from seismic source noise emissions have been evaluated (see Section 6.5.3, page 108). Objections and claims have been resolved as far as reasonably practicable

Given that it is not clear if WEL's process and approach to undertaking stakeholder consultation was effective (see above findings under 'effective consultation has taken place'), at this stage of the assessment clear recommendations cannot be provided on whether objections and claims have been resolved as far as reasonably practicable, until the relevant issues are addressed and resolved - ISSUE.

Report on consultation is included

A report on all relevant persons consultations under regulation 11A is provided in Section 5 of the EP.

The report on the consultation is in line with the content requirements under regulation 16(b) as follows:

17. a summary of each response made by a relevant person (see Table 5-2) 18. an assessment of the merits of any objection or claim about the adverse impact of each activity to which the EP relates (see Table 5-2) 19. a statement of the titleholder's response, or proposed response, if any, to each objection or claim (see Table 5-2) 20. a copy of the full text of any response by a relevant person (see the Sensitive Information Report). The report on the consultation also includes the following relevant detail:

21. Table 5-1 - demonstrates how relevant stakeholders were identified and includes the names of the relevant stakeholders and a brief description of their functions, interests and activities 22. Table 5-2 - demonstrates the dates the consultation occurred and the method of consultation, in addition to the other content required under regulation 16(b) as described above 23. Appendix F - copy of the consultation information sheet provided to stakeholders

and the emails that were provided to stakeholders to demonstrate the consultation with stakeholders took place. The report on consultation is considered appropriate because it is in line with the content requirements under regulation 16(b) and relevant detail is included.

CONCLUSION:

While some factors that influence decision making are adequately addressed, at this stage of the assessment further information is required in relation to the following in order to draw informed conclusions and make a recommendation regarding this criterion:

24. Additional information is required to demonstrate that effective consultation has taken place by addressing the following issues: 25. EP to define 'relevant persons' in accordance with Regulation 11A and ensure that a reasonable basis for determining who WEL considers to be 'relevant persons' is provided, including CCWA. 26. EP to clearly demonstrate how relevant persons were provided sufficient information and a reasonable period to allow them to make an informed assessment of the possible consequences of the activity on the functions, interests or activities in accordance with regulation 11A(2) and (3) of the Environment Regulations. 27. Further consultation with DAWE to clarify the requirement for a permit under the Sea Dumping Act is required. 28. Changing the survey commencement timing in the EP to reflect the expectations set in the consultation information sheet or undertaking further consultation with relevant persons to determine whether the change in survey commencement timing will affect their functions, interests or activities.

Submission 2 Rev 1

Response to RFFWI #1

Effective consultation has taken place

Item 4.1 – It was requested for WEL to provide additional information to demonstrate that relevant persons were provided with sufficient information in relation to the survey timing and to undertake additional consultation with DAWE to clarify the requirement for a Sea Dumping Permit if equipment is to remain in-situ following completion of the activity.

Sufficient information in relation to the survey timing

Section 3.5 has been updated by WEL to describe that "The activity is planned to commence in Q3 2022 with the earliest potential commencement date for the survey being 1 July 2022".

Now that this description of survey timing in the EP is consistent with the survey timing presented in the consultation information sheet, it is considered that relevant persons have been provided with sufficient information in relation to the timing of the activity.

DAWE consultation to clarify the requirement for a Sea Dumping Permit

WEL has removed the use of AUV and commercial nodes from the activity (also see findings under 'appropriate for nature and scale of activity'). Consequently, this issue is no longer relevant.

Item 4.2 – It was requested for WEL to revise the EP in a manner that clarifies whether the persons identified in the EP as "relevant stakeholders" are considered to be 'relevant persons' for purposes of regulation 11A of the Environment Regulations.

In response to NOPSEMA's RFFWI, WEL has:

1. Included Section 5.3 that provides a description of WEL's process for identifying 'relevant persons' for the purposes of consultation as defined under regulation 11A of the Environment Regulations. This also includes how WEL determines whether self-identified relevant persons are 'relevant persons' for the purposes of consultation as defined under regulation 11A of the Environment Regulations, which appears to be reasonable because it reflects that it is based on the same criteria that WEL takes into consideration for identifying any relevant persons which provides some transparency to the approach. Also see below findings under 'Information gathered through consultation is included in the EP'.
2. Updated Table 5-1 so that use of the term "relevant stakeholders" has been changed to "relevant persons". As a result, it is now clear who are considered to be 'relevant persons' for the purposes of consultation as defined under regulation 11A of the Environment Regulations. WEL has now identified CCWA as a 'relevant person', demonstrating a commitment to undertake consultation with CCWA as required by regulation 11A. Also see below findings under Item 4.3.
3. Included Table 5.3 that presents an assessment of the merit of objections and claims raised in third party correspondence received by WEL from CCWA via NOPSEMA - this is considered further in below findings under Item 4.3. In summary, it is considered that WEL has provided sufficient additional information for the EP to now clearly identify 'relevant persons' for the purposes of consultation as defined under regulation 11A of the Environment Regulations.

Item 4.3 – It was requested for WEL to revise the EP in a manner that demonstrates how the CCWA were provided sufficient information and a reasonable period to allow them to make an informed assessment of the possible consequences of the activity on the functions, interests or activities in accordance with regulation 11A(2) and (3) of the Environment Regulations (only if WEL considers CCWA to be a 'relevant person' for the purpose of consultation under regulation 11A of the Environment Regulations, in addressing Item 4.2). In connection with above findings under Item 4.2, WEL has now considered CCWA to be a 'relevant person' for the purpose of consultation under regulation 11A of the Environment Regulations, for this EP.

In response to NOPSEMA's RFFWI, WEL included additional information in Table 5-2 stating that "Woodside has provided sufficient information and opportunity to respond" with further additional information to substantiate the claim such as "Woodside provided CCWA

with 30 days for consultation relating to this EP, consistent with other stakeholder response times" and "The Consultation Information Sheet for this EP has been available on the Woodside website since 13 May 2021".

In addition, WEL updated the EP to include Table 5-3 that presents a summary of objections and claims raised in third party correspondence received by WEL from CCWA via NOPSEMA. The summary includes two objections and claims that are relevant for this activity, WEL's assessment of the merit of the two objections and claims and WEL's response. WEL's assessment of the merit of the two objections and claims appears to appropriately address CCWA's concerns to the extent that they are relevant to this activity based on the nature and scale of its impacts and risks (also see findings for Item 1.3 under 'appropriate for nature and scale of activity').

Taking into consideration the additional information included in the EP by WEL in response to NOPSEMA's RFFWI (as discussed above), at the general level of assessment it is considered that WEL's consultation with CCWA, including the information provided and time to provide a response, was appropriate for the nature and scale of the impacts and risks of this activity.

Information gathered through consultation is included in the EP

Additional correspondence since the previous EP submission was received by WEL from Friends of Australian Rock Art (FARA) - dated 12/1/2022, Doctors for the Environment Australia (DEA) dated 1/2/2022, Lock the Gate Alliance (LTGA) dated 4/2/2022, and 350 Australia (350A) dated 14/2/2022. In this correspondence each party self-identifies as a relevant person for consultation in relation to this EP. The full text of the correspondence received from these organisations plus WEL's responses to these organisations have been included in the Sensitive Information Report provided with the EP. Table 5-1 of the EP lists these four organisations with commentary that they have been assessed as not relevant persons for the purposes of consultation. As a result of this, the consultation report Table 5-2 does not include a summary of correspondence with these four organisations. Consideration has been given to the correspondence provided by each of these four organisations and it was determined that the concerns raised, that are relevant to this MSS activity, have been adequately addressed by WEL. Climate change is raised as a concern in all four letters and Section 6.6.4 of the EP addresses this to the extent relevant for this activity. It is noted that some of the concerns raised, such as the indirect impact of increased gas production on Murujuga rock art, Burrup peninsula air quality and National Heritage are not relevant for this activity, because the MSS activity does not result in the extraction of gas (also see findings for Item 1.3 under 'appropriate for nature and scale of activity'). These potential impacts may need to be re-assessed for relevance in future production activities.

Objections and claims have been resolved as far as reasonably practicable

Now that WEL have provided additional information that demonstrates stakeholder consultation was effective (see above findings under 'effective consultation has taken place'), assessment can appropriately be undertaken to determine if objections and claims raised by 'relevant persons' have been resolved as far as reasonably practicable by WEL. At the general level of assessment, it was found the report on the consultation provided in the EP (Section 5) appropriately describes WEL's process for assessing the merit of objections and claims (Section 5.6) and provides an appropriate demonstration to show how WEL has resolved objections and claims (Table 5-2). In general, it appears that WEL has resolved objections and claims raised by 'relevant persons' as far as reasonably practicable, supported though WEL's demonstration of how information provided by relevant persons during consultation has been taken into consideration by WEL in the EP to demonstrate that the activity will be managed to a level that is acceptable, which involves consideration of meeting stakeholder expectations (also see findings for 'Information gathered through consultation is included in the EP' above and under Submission 1).

In relation to the objections and claims by CCWA regarding the provision of sufficient information and a reasonable period of time to provide a response, refer to findings for item 4.3 under 'effective consultation has taken place'.

Report on consultation is included

In the EP, DAWE are considered to be a relevant person for this activity (Table 5-1). As such, advice received from DAWE on the blue whale distribution BIA (as described in WEL's concordance table and in connection with findings under the PM topic scope assessment) should be provided within the report on consultation in EP (Table 5-2), and the full text should be included in the Sensitive Information Report - ISSUE.

CONCLUSION:

Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered that the EP does not include sufficient content to demonstrate appropriate level of consultation because 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).

Editorial deficiencies:

Reference is made to the "NOPSEMA Bulletin #2 – Clarifying statutory requirements and good practice consultation – November 2019" (<https://www.nopsema.gov.au/assets/Bulletins/A696998.pdf>). This bulletin has been

removed from NOPSEMA's publications and the reference should therefore be removed from the EP.

Submission 3 Rev 2

Response to OMR #1:

Report on consultation is included

Item 3 - It was requested to modify the EP so that it provides a copy of the full text of consultation between DAWE and WEL in relation to the blue whale distribution area. WEL has appropriately addressed this request by modifying the EP (in Table 5.2, Appendix F and Sensitive Information Report) to provide the consultation WEL had with DAWE in relation to the blue whale distribution area. Also see findings under the PM topic scope assessment. The EP is now considered to provide an adequate report on all relevant persons consultations under regulation 11A.

Other new findings:

Consideration of third party correspondence

On 7 April 2022, Greenpeace Australia Pacific (Greenpeace) made a submission to Woodside, cc'ing NOPSEMA, which is considered in the below findings under 'effective consultation has taken place'. No further third party correspondence was received in relation to this activity since the last revision of the EP.

Effective consultation has taken place

As described above, on 7 April 2022, Greenpeace Australia Pacific (Greenpeace) made a submission to Woodside, cc'ing NOPSEMA, asserting that they are a relevant person under regulation 11A of the OPPGS (Environment) Regulations 2009 for the 3 Scarborough EPs currently under assessment, and asking for some information. Their reasons for identifying as a relevant person are: that they are an organisation that is "dedicated to the conservation and protection of the natural environment of Australia, including the marine environment. Secondly that "over 150,000 people have written, via a Greenpeace-hosted site" which "demonstrates Greenpeace's interest in this project".

Woodside considered Greenpeace to not be a relevant person (Section 5). Woodside's response to Greenpeace on 29 April 2022 provides the following three reasons for not considering Greenpeace to be a relevant person: the nature and scale of each of the petroleum activities covered in each of the EPs; No potential for interaction based on the timing and location of the activities; and Consideration of stakeholders who can materially contribute to improving the environment plan (Woodside's correspondence to Greenpeace dated 29 April 2022 was included within the Sensitive information report).

This determination by Woodside does not appear to take into consideration the following:

1. Greenpeace's reference in their letter to Woodside dated 7 April 2022 to the "150,000 people [that] have written, via a Greenpeace-hosted site, to the [redacted] of Woodside about the Scarborough Gas project...[which] demonstrates Greenpeace's interest in this project."
2. Relevant public information such as:
3. the active campaigns by Greenpeace against Woodside's Scarborough project specifically targeting matters relevant to the seismic activity.
4. Greenpeace's prior identification in the Scarborough Offshore Project Proposal. Woodside's Scarborough OPP identified Greenpeace as a stakeholder who is 'interested in, or likely to be affected by the development of Scarborough' (epg743).

Woodside notified Greenpeace on 24 December 2018 of their intention to submit an OPP to NOPSEMA. The process for consultation with relevant persons in the preparation of an EP needs to be completed in accordance with Division 2.2A with all relevant persons, which may include Greenpeace. It is noted that while the letter from Woodside to Greenpeace, dated 29 April stated that Greenpeace were not relevant persons, it did provide direct links to the publicly available EP and OPP in response to the information requests made by Greenpeace. Ongoing consultation as part of the implementation strategy for this activity will continue to be able to identify new relevant persons and to consider relevancy of information provided to the management of impacts and risks of the activity.

Objections and claims have been resolved as far as reasonably practicable

No material changes since last revision. No further objections and claims from relevant persons were received by Woodside since the previous submission. Objections and claims about adverse impacts of the activity were not raised by Greenpeace in their letter dated 7 April 2022 to Woodside. Included in this letter was their assertion that they are a relevant person, the information that they require and what they consider to be a reasonable period for the consultation and a request for a response from Woodside.

Information gathered through consultation is included in the EP

Since the last revision of the EP, there was additional correspondence from Friends of Australian Rock Art (FARA) - an email to WEL (dated 5 April 2022) in response to WEL's last email to FARA (dated 25 February 2022) notifying FARA that they were assessed by WEL as not a 'relevant person' for the purpose of consultation for the EP. In this response email by FARA, they advise WEL that they "have since consulted with NOPSEMA and understand further why you do not consider us 'relevant persons' with regard to your current deepwater EPs" and note "we understand that it is appropriate you consult with us as relevant persons when it comes to the preparation of your Construction and Operations EP plans. Therefore we look forward to further consultation with you in the near future". This correspondence was captured in the Sensitive Information Report but has not been summarised in the EP where WEL does not consider FARA to be a relevant person. Also see above findings under

'Additional Information 1' for details of the previous correspondence between FARA and WEL. As described above under 'report in consultation is included', consultation that WEL had with DAWE in relation to the blue whale distribution area has been provided within the modified EP and Sensitive Information Report.

CONCLUSION:

Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered that the EP has not demonstrated an appropriate level of consultation because:

5. 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 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 supports 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. Separate to the above, consideration is provided below to where it is recommended that the decision maker can be reasonably satisfied that the EP demonstrates an appropriate level of consultation because:

6. Information gathered through consultation is included in the EP - to date, information gathered through consultation is included in the EP, such as the need for pre-activity notifications to specific relevant persons and information provided in response to relevant persons that clarified the scope of the activity and extent of consideration of impacts and risks for this EP is also included. 7. Objections and claims have been resolved as far as reasonably practicable - objections and claims that have been raised to date by relevant persons about adverse impacts of the activity on their functions, interests or activities have been resolved as far as reasonably practicable. Where CCWA raised objections and claims regarding the provision of sufficient information and a reasonable period of time to provide a response, WEL has provided additional information in the EP to explain how CCWA were provided sufficient information and a reasonable period to allow them to make an informed assessment of the possible consequences of the activity on the functions, interests or activities. Where objections and claims were raised by CCWA in third party correspondence received by WEL via NOPSEMA, WEL updated the EP to provide an assessment of the merit of the applicable objections and claims for this marine seismic survey activity. WEL's response appears to appropriately address CCWA's concerns to the extent that they are relevant to this marine seismic survey activity based on the nature and scale of its impacts and risks. While Greenpeace is not considered a relevant person by Woodside, it is noted that objections and claims about adverse impacts of the activity were not raised by Greenpeace in their letter dated 7 April 2022 to Woodside. Included in this letter was their assertion that they are a relevant person, the information that they require and what they consider to be a reasonable period for the consultation and a request for a response from Woodside. 8. Report on consultation is included - a report on consultation in line with the content requirements of Regulation 16b and 11A is provided in Tables 5-1 to 5-3 of the EP and Appendix F, and the full text correspondence provided in the Sensitive Information Report. Section 5 of the EP includes information on the following: a description of the consultation process undertaken, how the titleholder has identified relevant persons, the name of the relevant person consulted, a brief description of their functions, interests and activities, the dates the consultation occurred, the method of consultation (e.g. email, phone call, meeting), a summary of each response made by a relevant person received during the preparation of the EP and an assessment of the merits of each specific objection or claim.

Submission 4 Rev 3

New information provided in response to OMR #2:

To 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, it was requested in NOPSEMA's OMR #2 letter (objective reference A846967) for Woodside to address in the EP:

1. the matters raised in the Greenpeace correspondence of 7 April 2022, along with any further correspondence between Woodside and Greenpeace, including any matters raised by Greenpeace in relation to environmental impacts and/or management of the activity; and 2. Woodside's response to these matters and any other actions taken by Woodside to demonstrate that it has carried out the consultations required by Division 2.2A including what appropriate measures (if any) Woodside has adopted, or proposes to adopt, as a result of those consultations. Woodside has revised the EP in response to OMR #2 as follows:

3. Table 5-1 has been updated to demonstrate that Greenpeace is now considered to be a 'relevant person' under Regulation 11A for the purposes of consultation on this EP. 4. Table 5-2 has been updated to provide a summary of Woodside's consultation with Greenpeace in the course of preparing this EP. 5. Appendix F of the EP has been updated to demonstrate what information was provided to Greenpeace by Woodside on 15 June 2022 for consultation

purposes, including in response to the information request by Greenpeace within correspondence of 7 April 2022 (see Section 1.31, Attachment A). 6. Table 5-4 has been added to the EP presenting a summary of objections and claims raised by Greenpeace within further correspondence that was submitted to Woodside on 29 June 2022 outlining "Grounds for refusal/amendment of Environment Plan" (also see below findings under 'other new information') and Woodside's assessment of the merits of each specific objection or claim and their response. 7. Sensitive information report - the full text responses from Greenpeace have been included. It is noted that a general cross-check was completed as part of this assessment to ensure that information summarised in the EP reasonably reflects and captures the full scope of the information that was outlined in the extensive full text correspondence from Greenpeace, and it was found that this was the case. The new information detailed above has been considered further under 'findings' below.

Other new information:

Since the assessment of Submission 2 of the EP, NOPSEMA has received additional relevant third party correspondence in relation to this EP as follows:

8. Greenpeace: 9. Letter submitted to WEL, NOPSEMA and NOPTA on 29 June 2022 outlining "Grounds for refusal/amendment of Environment Plan" (objective reference A853610). 10. Letter submitted to NOPSEMA on 2 August 2022 outlining that Greenpeace considers "1. the information provided to Greenpeace by the Proponent, and the period afforded for consultation, to date falls short of the consultation required in relation to the activities that are the subject of the Environment Plan under reg 11A of the Environment Regulations; and 2. the Environment Plan does not meet the criteria in reg 10A of the Environment Regulations, including the criteria relating to consultation at reg 10A(g)" (objective reference A866734). 11. [redacted] language group) and [redacted] language group) - letter submitted to WEL with NOPSEMA cc'd on 6 June 2022 self identifying themselves as a 'relevant person' for the purposes of consultation under regulation 11A in relation to the "various activities relating to the development of the Scarborough offshore gas field by Woodside" (objective reference A848189) with an attachment provided to an open letter from Traditional Owners and Custodians of Murujuga concerning the proposed Woodside Scarborough development project (objective reference and A848190). 12. Friends of Australian Rock Art (FARA) - letter submitted to WEL with NOPSEMA cc'd on 22 June 2022 endorsing [redacted] and [redacted] self identification as a 'relevant person' as well as re-asserting their own self identification as a 'relevant person' for the purposes of consultation under regulation 11A in relation to "all EPs pertaining to developments which would cause or lead to damage (both direct and indirect impacts)" on Murujuga rock art (objective reference A851937). In addition to new information provided in response to OMR #2 as detailed above, Woodside has added some other new stakeholder consultation information to the EP as follows:

13. NERA - Table 5-1 has been updated to demonstrate that Woodside now identifies NERA as a relevant person under regulation 11A. In addition, Appendix F of the EP has been updated to demonstrate what information was provided to NERA by Woodside on 11 May 2022 for consultation purposes (see Section 1.10, Attachment A) as well as copies of the full text of consultation in the Sensitive Information Report. 14. Yamatji Marlpa Aboriginal Corporation (YMAC) - Table 5-1 has been updated to demonstrate that Woodside does not identify YMAC as a relevant person under regulation 11A. Woodside has provided copies of the the full text of consultation in the Sensitive Information Report. The additional relevant third party correspondence and new information detailed above has been considered further under 'findings' below.

Findings:

The findings below are provided in the context of the relevant decision criteria in the Environment Regulations for NOPSEMA to be reasonably satisfied that appropriate consultation has been undertaken (i.e. regulations 10A(g)(i-ii)) and the relevant EP content requirement regulation for consultations in preparing an EP (i.e. regulation 16(b)). It is noted that in process of considering findings, there has been consideration to the factors that influence decision making for the decision criteria as per NOPSEMA's EP decision making guideline.

Regulation 10A(g)(i) - the titleholder has carried out the consultations required by Division 2.2A

From the perspective of the general assessor, at this stage in the assessment a clear recommendation cannot be provided on whether Woodside has carried out the consultations required by Division 2.2A because the relevant persons consultation methodology (Section 5.3) applied appears to have excluded and/or missed potentially relevant stakeholder groups/individuals that are known to Woodside and may be considered relevant persons in accordance with Regulation 11A, such as:

15. stakeholders that have claimed they are a 'relevant person' for the purposes of consultation under regulation 11A. For example, the EP does not include appropriate information that sufficiently addresses the relevant basis, in the 6 June 2022 correspondence to Woodside from [redacted] and [redacted], supporting their claim of being a 'relevant person' for the purposes of consultation under regulation 11A. 16. stakeholders where there is existing information that indicates to a reasonable extent that they may be a 'relevant person' for the purposes of consultation under regulation 11A. For example, Murujuga Aboriginal Corporation (MAC) and Ngarluma Aboriginal Corporation (NAC) via information gathered during consultation with YMAC (further details in relation to this consultation are

provided in below findings), Australian Marine Conservation Society and others via information gathered during consultation with Greenpeace (this is in the 29 June 2022 correspondence) and, Australian Conservation Foundation and others via relevant publicly available information such as the Scarborough OPP (this is published on NOPSEMA's website). Further to the above, Woodside has updated the EP's ongoing consultation arrangements to include ongoing consultation arrangements with "Relevant cultural authorities (i.e., MAC and NAC)" and [REDACTED] and [REDACTED]" and updated the description of the management of knowledge process to include an assessment of "Any relevant new information on cultural values" (this is also captured as the new information in above findings under 'includes appropriate implementation strategy and monitoring, recording and reporting arrangements'). If these stakeholders are considered relevant persons in accordance with Regulation 11A, deferring the consultation through to ongoing arrangements would not enable Woodside to demonstrate that the consultations required by Division 2.2A have been carried out in the course of preparing an environment plan as required by regulation 11A(1).

The EP appears to provide reasonable information to demonstrate that at this stage in the assessment, Woodside has carried out the consultations required by Division 2.2A with Greenpeace and NERA because:

17. the new information in Table 5-1 of the EP demonstrates that Woodside has identified Greenpeace and NERA as relevant persons under regulation 11A and there is sufficient information within the EP's report on consultation to demonstrate that consultation has taken place with Greenpeace and NERA in the course of preparing the EP. 18. Woodside has provided reasoning that explains how Greenpeace and NERA have been provided with sufficient information to allow an informed assessment of the possible consequences of the activity on their functions, interests or activities and a reasonable period for the consultation as evidenced by: 19. Greenpeace: 20. On 29 April 2022, Woodside provided Greenpeace with a link to the NOPSEMA website containing the full draft EP. 21. On 15 June 2022, Woodside provided Greenpeace with additional information in response to the requests made by Greenpeace in their 7 April 2022 letter, to the extent that was relevant for the scope of this EP, and provided a further two weeks for Greenpeace to submit feedback by 29 June 2022. 22. On 29 June 2022, Greenpeace submitted their feedback to Woodside which included a request to be provided with the updated EP to see how their feedback has been incorporated and for an opportunity to provide feedback on the amendments. 23. On 15 July 2022, Woodside provided Greenpeace with a detailed response to their feedback (including an assessment of each objection or claim) and noted that "Woodside welcomes continued feedback from stakeholders in relation to its activities and ongoing operations", which could be taken to imply they are offering an opportunity for Greenpeace to provide further feedback on their response. Woodside also provided justification as to how Greenpeace has been provided with sufficient information, without providing the updated EP as requested by Greenpeace, on the basis that their response provides details of the changes that were made to the EP. 24. Further to the above, in the 2 August 2022 letter that was submitted by Greenpeace to NOPSEMA, Greenpeace claim that they "require an additional two weeks to make an informed assessment and provide feedback to the Proponent and NOPSEMA based on the information the Proponent sent to us on 22/07/22." The EP shows that Woodside responded to Greenpeace's feedback on 15 July 2022, so it's unclear if this is the information being referred to or if there was further information that Woodside provided on the date mentioned which corresponds to the date that the EP was resubmitted to NOPSEMA for assessment. It is noted that this assessment only takes into consideration the records of consultation that are provided as part of the EP submission. NOPSEMA has already made a decision that the EP does not yet meet the requirements of the regulations and will be requesting additional information, and as such no decision will be made in the time frame of Greenpeace's claim and they will be afforded the extra time they are requesting by default. Also see the findings relevant to this matter in the topic assessment. 25. NERA: 26. Table 5-2 and Appendix F (Section 1.30) demonstrates that Woodside provided NERA with their stakeholder consultation information sheet for the activity and a link to the NOPSEMA website containing the full draft EP on 11 May 2022. This information was provided in response to NERA self-identifying and requesting to be consulted on the activity noting that the operational area of their CSEP Project overlaps with the operation area for the activity. There has been no feedback received from NERA to date but Woodside has provided them with the opportunity. Where consultation with Greenpeace appears to be ongoing, it will be evaluated again during the assessment of the next submission.

The EP is also considered to provide reasonable information that may support why Woodside do not to consider YMAC and FARA a 'relevant person' under regulation 11A because:

27. YMAC: 28. Woodside provided YMAC with a link to the NOPSEMA website containing the full draft EP on 8 July 2022 as well as Woodside's understanding of the cultural knowledge and heritage values for the area that may be affected by the activity (from EP Section 4.9.1.1 - also captured as the new information in above findings under 'nature and scale of activity'). By providing this information, Woodside has provided YMAC with the opportunity to make an assessment of the possible consequences of the activity on their functions, interests or activities. There has been no specific feedback received from YMAC to date, other than providing advice for Woodside to direct their correspondence to Murujuga Aboriginal Corporation (MAC) and Ngarluma Aboriginal Corporation (NAC), and noted that YMAC does not act for either corporation. This response infers that YMAC considers that MAC and NAC

are relevant for providing feedback on the EP including Woodside's understanding of the cultural knowledge and heritage values for the area.²⁹ FARA :30. See the above findings relevant to FARA under 'submission 2' that are still considered to apply to the assessment for this submission.Regulation 10A(g)(ii) - the measures (if any) that the titleholder has adopted, or proposes to adopt, because of the consultations are appropriate

From the perspective of the general assessor, at this stage in the assessment a clear recommendation cannot be provided on whether the measures that Woodside has adopted because of the consultations are appropriate because of the remaining issues outlined above in relation to whether Woodside has carried out the consultations required by Division 2.2A. Regulation 16(b) - the EP contains a report on all consultations under regulation 11A of any relevant person by the titleholder

From the perspective of the general assessor, at this stage in the assessment a clear recommendation cannot be provided on whether the EP includes sufficient information that would meet the the relevant EP content requirement regulation for consultations in preparing an EP (i.e. regulation 16(b)) because of the remaining issues outlined above in relation to whether Woodside has carried out the consultations required by Division 2.2A.

Submission 5 Rev 4

RFFWI #2, item 2:
NOPSEMA request

It was requested for Woodside to present and consistently apply a defensible process for the identification of, and consultation with, relevant persons that does not inappropriately exclude stakeholder groups/individuals that may be found to be relevant persons in accordance with sub-regulations 11A(1)(a) to 11A(1)(e).

Woodside response

In response to NOPSEMA's RFFWI, Woodside has updated Section 5 of the EP including details of the process that has been applied to identify and consult with a 'relevant person' for the purposes of consultation under regulation 11A. There is now consideration to stakeholder groups/individuals that are known to Woodside and may be considered relevant persons in accordance with regulation 11A, and stakeholder groups/individuals where there is existing information that indicates to a reasonable extent that they may be a 'relevant person' in accordance with regulation 11A.

After taking the additional information provided by Woodside into consideration, it has been found that:

1. The EP does not describe a reasonable process for identifying and consulting with the full range of 'relevant person' categories in regulation 11A(1)(a-e) because it is unclear how Woodside determines who fits within the category of regulation 11A(1)(e) - ISSUE. 2. The process does not provide for clearly and consistently identifying who is a 'relevant person', or documenting the rationale for who is or isn't considered a 'relevant person' under the category of regulation 11A(1)(d). As a result, there are some stakeholders where it is unclear if Woodside has identified them as relevant persons, and therefore if these stakeholders do or don't require relevant persons consultation (e.g. MAC, NAC, YMAC, Save Our Songlines) - ISSUE. 3. In general, it appears that the process would allow for relevant persons to not be excluded, however, the process has not been applied consistently and as a result there are some stakeholders that may be considered relevant persons that have not been subject to relevant persons consultation despite one or more relevant person identification factors (see EP Section 5.4.1) being met and / or publicly available information that indicates the potential to be considered a 'relevant person'. For example, on review of the websites of public campaigns that have now been provided in the EP, it is evident that some of the stakeholders that are relevant to these public campaigns of which have not been considered and treated as relevant persons do have a clear interest in the Scarborough project and its activities and publicly indicate the potential for their interests, functions or activities to be affected by the activity (e.g. ACF, AMCS, Say No to Scarborough Gas). Further, these stakeholders could be considered as meeting Woodside's relevant persons identification factors of "consideration of non-government organisation public campaigns as appropriate" (noting that it is not clear how the term 'as appropriate' is intended to be applied by Woodside) - ISSUE. 4. For majority of those stakeholders that have contacted Woodside and self identified as relevant persons, there is rationale provided as to why they are not considered relevant persons in the sensitive information part of the EP (e.g. FARA, Doctors for the Environment, Lock the Gate Alliance, 350 Australia). However, it remains unclear whether Save Our Songlines are considered relevant persons, noting that it appears the consultation with this group remains in progress through Ngarluma Yindjibarndi Foundation (NYF) based on the August 2022 email correspondence from Woodside to NYF in the sensitive information part of the EP - ISSUE. 5. In general, for those stakeholders that have been clearly defined as relevant persons in the EP, it appears that sufficient information has been provided by Woodside that would enable an informed assessment of the possible consequences of the activity on their functions, interests or activities, as well as a reasonable period to consider that information and provide a response. 6. Where Save Our Songlines have been provided with information on the activity but it is unclear if Woodside has identified them as a relevant person, it is noted that it is unclear if the information that has been provided to them is sufficient to enable an informed assessment of the possible consequences of the activity on their functions, interests or activities (noting that the consultation with this group remains in

progress as previously described in above findings) - ISSUE. As a result of the issues identified above, at this stage of the assessment a clear recommendation cannot be provided on whether Woodside has carried out the consultations required by Division 2.2A.

RFFWI #2, item 3:

NOPSEMA request

It was requested for Woodside to ensure that the EP contains a record of consultations with [REDACTED] [REDACTED] language group) and [REDACTED] [REDACTED] language group) that is in accordance with the requirements of regulation 16(b).

Woodside response

The EP now contains a record of consultations with Save Our Songlines, which includes [REDACTED] [REDACTED] language group) and [REDACTED] [REDACTED] language group), that is in accordance with the requirements of regulation 16(b). For example, there is a summary of each response made, an assessment of the merits of objections and claims about the adverse impact of the activity, and statements of Woodside's response or proposed response to each objection or claim in EP Section 5.9 (see Table 5-2 and Table 5-5) and there are copies of the full text of the consultations in the sensitive information report.

The EP contains sensitive information in Table 5-2 (page 124) being the names of individuals from Save Our Songlines - ISSUE

Third party correspondence:

Since the last EP submission (Submission 3), NOPSEMA has received the following third party correspondence relevant to the EP:

7. Greenpeace letter dated 2 August 2022 that was submitted to NOPSEMA (with Woodside copied) - objective reference A866734. 8. Greenpeace letter dated 16 August 2022 that was submitted to Woodside (with NOPSEMA copied) - objective reference A871198. 9. Greenpeace letter dated 1 September 2022 that was submitted to NOPSEMA (with Woodside copied) - objective reference A873648. 10. Environmental Defenders Office letter dated 5 September 2022 that was submitted to Woodside (with NOPSEMA copied) - objective reference A874720. 11. Environmental Defenders Office letter dated 14 September 2022 that was submitted to NOPSEMA - objective reference A876294, A876324. There has been consideration to the information provided in this additional relevant third party correspondence throughout the assessment.

Decision factors:

12. Effective consultation has taken place¹³. Information gathered through consultation is included in the EP¹⁴. Objections and claims have been resolved as far as reasonably practicable¹⁵. Report on consultation is included

Submission 6 Rev 5A

Following the appeal decision made by the Federal Court of Australia in relation to the Santos NA Barossa Pty Ltd v Tipakalippa [2022] FCAFC 193 court case, a topic assessment relating to 'sensitive environments' has been established in relation to this assessment (Revision 5 onwards). Any assessment findings/issues relating to consultation with First Nations people/groups is now captured within this topic assessment, including the following assessment findings which are outlined above: effective consultation with Save our Songlines, MAC, NAC and YMAC (OMR #3 dated 19 Sep 22, attachment 1, item 2).

The following information relates to the general assessment of Revision 5A of the EP. Attachment 1 - Item 2

Issue: Relevant person consultation in the course of preparing the EP appears incomplete because: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 the stakeholder has been determined to be. For example, it is unclear whether the following organisations are considered relevant persons:- 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.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, s5.4.1) being met and / or publicly available information that indicates the potential to be considered a 'relevant person'. For example:- Australian Conservation Foundation (ACF), Australian Marine Conservation Society (AMCS) and Say No to Scarborough Gas have not been consulted as relevant persons although these organisations publicly indicating the potential for their interests, functions or activities to be affected by the activity.

Request: Please modify the EP to demonstrate that Woodside has effectively and consistently applied the process outlined in Section 5 of the EP to identify relevant persons and undertake consultation as required by Regulation 11A. Specifically:¹ Clearly identify who Woodside determines to be a 'relevant person' in accordance with Regulation 11A with regard to those

stakeholders that are known to Woodside through relevant publicly available information or third-party correspondence and could be determined to meet one or more criteria in Section 5.4.1.2. Where relevant, revise the EP to clarify who Woodside has deemed to not be a relevant person with supporting rationale.3. Undertake relevant person consultation required by Regulation 11A including the provision of sufficient information and a reasonable period to enable the relevant person to make an informed assessment of the possible consequences of the activity on their functions, interests or activities.4. Ensure that each relevant person is informed that they may request particular information provided by them not to be published in the EP.5. Where required, update the report on all consultations under regulation 11A in accordance with sub-regulation 16(b).6. Clarify what changes / measures have been adopted because of consultation and demonstrate these are appropriate.

Findings: Revision 5A of the EP (Section 5, Consultation) has been revised in response to the above issues/requests and following the appeal decision made by the Federal Court of Australia in relation to the Santos NA Barossa Pty Ltd v Tipakalippa [2022] FCAFC 193 court case. As a result of the extensive amendments made to the EP relating to consultation with relevant persons, a full assessment of these changes has been undertaken from a general assessment perspective (see below).

Process for relevant persons identification is clearly described and provides for broad capture. Figure 5.1 (Overview of Woodside's Methodology to Identify Relevant Persons):

1. Illustrates the process for the identification of relevant persons in accordance with Regulation 11A(1). Noted that the step for determining whether a person or organisation is relevant under Regulation 11A(1)(d) is beneath the assessment step made against Regulation 11A(1)(a), (b), and (c) (rather than being parallel steps) however from a general assessment perspective this is not deemed to be material given that Woodside have a clear process (as described in the EP) for the identification of relevant persons under Regulation 11A(1)(d) which is separate to the identification of relevant persons in accordance with Regulation 11A(1)(a), (b), and (c) - a request for this to be amended in the modified EP has therefore not been made. 2. The broadest extent of the environment that may be affected (EMBA) by the petroleum activity (planned and unplanned activities) is used to identify relevant persons. Figure 5.3 (Operational Area and EMBA for this EP) provides an illustration of this. Section 5.2 (Consultation - General Context):

3. Woodside acknowledge NOPSEMA's Consultation in the Course of Preparing an Environment Plan Guidance (2022) and also the appeal decision made by the Federal Court of Australia in relation to the Santos NA Barossa Pty Ltd v Tipakalippa [2022] FCAFC 193 court case. 4. Woodside state that consultation is voluntary and does not carry with it any obligation either to seek or to reach agreement on the subject for consultation. 5. Woodside claim to collaborate with relevant person to determine the preferred method of consultation with the aim of seeking genuine and meaningful two way dialogue. Noted that there is duplicative text/figure in the EP however from a general assessment perspective this is not deemed material to the assessment of the EP under the acceptance criteria - a request for this to be amended in the modified EP has therefore not been made. Section 5.3 (Identification of Relevant Persons for Consultation):

6. Woodside's methodology for identifying relevant persons to be consulted with in accordance with Regulation 11A(1) of the Environment Regulations and includes the definition of these relevant persons i.e. as defined in Regulation 11A(1). 7. Woodside has defined the terms 'functions, interests and activities' to allow for the identification of relevant persons under Regulation 11A(1)(d). These definitions are consistent with the definitions provided in the NOPSEMA Consultation in the Course of Preparing an Environment Plan Guidance (2022). 8. Woodside's identification of relevant persons comprises of an initial assessment of relevant persons during the development of the EP; assessment of additional persons following Woodside's initial assessment and consultation with relevant persons; and assessment of persons or organisations that Woodside chooses to contact. 9. Woodside's methodology assesses the relevance of a person or organisations functions, interests or activities based on overlap with the EMBA to identify persons or organisations that may be affected by planned or unplanned activities. 10. Woodside claim that the methodology allows for additional persons to be identified during the course of preparing the EP and includes those persons or organisations identified as part of Woodside's regular monitoring and review; by additional persons contacting Woodside and self-identifying; advertising in selected local, state and national newspapers; persons or organisations identifying others that should be consulted; and by third parties, regulators or industry providing relevant information to Woodside. Evidence of this is included in the EP including, but not limited to: persons or organisation self identifying themselves as relevant (i.e. Australian Conservation Foundation), and other organisations identifying others that should be contacted (i.e. AFMA). 11. Woodside may contact persons or organisations where Woodside has assessed them as 'not relevant' under Regulation 11A(1) but has chosen to: seek additional guidance; or as a result of consultation requirements changing, updated guidance from the Regulator or where the consultation methodology described in the EP has changed; it is unclear what the persons or organisations functions, interests or activities are, or whether these may be affected by the proposed activity (engagement is required to inform relevance under Woodside's methodology). 12. Advice has been received from AFMA (see Section 5.3.2) which outlines that it expects titleholders to consult all Commonwealth fishers who have entitlements to fish within the proposed area however Woodside state that this is outside of their methodology for identifying relevant persons and they will use their discretion to

exceed consultation required under Regulation 11A. Woodside's relevant person identification method relating to Commercial fisheries states that only those fisheries that have fished within the previous 5 years will be deemed to be relevant however no justification regarding this timeframe has been provided, and there is no consideration of future fishing efforts (see comments below under Section 5.7) - ISSUE. Section 5.7 (Identification of Relevant Persons for this EP):

13. In relation to the identification of relevant persons under Regulation 11A(1)(a), (b) and (c), Woodside has categorised government departments or agency groups according to marine, environment, and industry, and has considered defined responsibilities of each in relation to the EMBA. 14. In relation to the identification of relevant persons under Regulation 11A(1)(d), Woodside defines a person or organisation whose functions, interests or activities may be affected by risks and impacts which are specific to the proposed activity to be carried out under the EP (including the EMBA). 15. Relevant persons have been categorised (with explanation) in Table 5.1 (Categories of Relevant Persons) and include: commercial fisheries and peak representative bodies; recreational marine users and peak representative bodies; titleholders and operators; peak industry representative bodies; traditional custodians; historical heritage groups or organisations; local government and recognised local community reference/liaison groups or organisations; other non-government groups or organisations; research institutes and local conservation groups or organisations; and additional persons. In relation to the explanation provided, there is no consideration of State/Territorial legislation (titleholders and operators) however given Woodside's identification methodology (Table 5.2) later refers to searches on the DMIRS database, and that Woodside appear to have consulted broadly with titleholders and operators, from a general assessment perspective it is not deemed material to the assessment of this EP under the acceptance criteria - a request for this to be amended in the modified EP has therefore not been made. 16. The methodology for identifying relevant persons within the EMBA (under Regulation 11A(1)(d)) has been described in Table 5.2 (Methodology for Identifying Relevant Persons within the EMBA), is based on the category of relevant persons and describes the assessment criteria that will be used to determine whether a person or organisation is relevant for the purpose of consultation. While this information is in most cases detailed, there is the potential for relevant persons to be excluded from the process if consideration was not given to those who do not meet the explicit criteria outlined for example: only titleholders and operators who have been identified using WA Petroleum Titles (DMIRS) would be identified as relevant as there is no reference to NOPTA (Commonwealth) or other State/Territorial titles that may be relevant to the proposed activity for the purpose of consultation. From a titleholder and operator perspective, given this does not appear to be the case as Woodside appear to have consulted broadly with titleholders and operators (including Commonwealth titleholders and operators), from a general assessment perspective it is not deemed material to the assessment of this EP under the acceptance criteria - a request for this to be amended in the modified EP has therefore not been made. Although not evident of occurring in this EP, Woodside are to ensure that the application of these criteria (which aim to aid in the identification of relevant persons) do not limit the involvement of some people or organisations that could reasonably be considered to be relevant persons. 17. Woodside's relevant person identification method relating to Commercial fisheries states that only those fisheries that have fished within the previous 5 years will be deemed to be relevant however no justification regarding this timeframe has been provided, and there is no consideration of future fishing efforts - ISSUE. 18. In relation to the identification of relevant persons under Regulation 11A(1)(e) the EP states that Woodside will adopt a case by case approach to assess relevance however no criteria surrounding this identification process is provided. Given the application of this regulation is at the titleholders discretion, from a general assessment perspective it is not deemed material to the assessment of the EP under the acceptance criteria - a request for this to be amended in the modified EP has therefore not been made. 19. Table 5.3 (Assessment of Relevance) identifies the person or organisation, a summary of their functions, interests or activities, a description of Woodside's assessment of relevance, and the outcome of this assessment process i.e. whether the person or organisation has been deemed to be a relevant person for the purpose of consultation. When considering whether Commercial fisheries are relevant or not, Woodside has only considered fishing effort in the last 5 years and does not appear to have contacted licence holders to determine (or ask) future fishing effort. The Southern Bluefin Tuna Fishery has been determined by Woodside to not be relevant for the purpose of consultation however this species is known to breed and also migrate through the operational area. The first attempt to communicate with the Southern Bluefin Tuna Fishery was made on 3 February 2022. While Woodside contacted Tuna Australia (on advice of AFMA), engagement is seen to end once Tuna Australia requested fee for service, and they have subsequently been determined to not be relevant persons for the purpose of consultation which does not demonstrate effective consultation has been undertaken - ISSUE. 20. Section 4.10.1.8 of the EP identifies nine Maritime Cultural Heritage sites in the EMBA however Table 5.3 does not identify any relevant persons for the purpose of consultation i.e. WA Museum have been determined not to be relevant persons as 'there are no known shipwrecks overlapping the EMBA.' Although there appears to be a discrepancy in the EP, it is noted that the sites are within the EMBA (not the operational area), seabed disturbance does not form part of the proposed activity, and impacts to these sites are unlikely. This was discussed with the RoN. From a general assessment perspective it is

therefore not deemed material to the assessment of this EP under the acceptance criteria - a request for this to be amended in the modified EP has therefore not been made. The activity, environment and possible impacts and risks have been taken into account. The EP states (Section 5.1 - Summary) that relevant persons are consulted in the course of preparing an EP so that authorities, persons or organisations that are potentially affected by the proposed activities are consulted and their input is considered in the development of the EP, and also to assist in the identification of measures that could be applied to mitigate potential adverse environmental impacts that the proposed activity may otherwise cause. Consistent with Regulation 3 of the Environment Regulations, Woodside states that consultation supports the objective to ensure that the environmental impacts and risks of the activity are reduced to ALARP and an acceptable level.

Since the last revision of the EP, Woodside's consultation methodology has transformed (refer to Section 5 of the EP), and now describes that consultation is undertaken based on the proposed petroleum activity (both planned activities and unplanned events) and the EMBA (Section 4 - Description of the Environment).

To date, the nature of the activity, description of the environment and the possible impacts and risks of the activity appear to have been taken into account when determining whether the activity may be relevant to authorities, or determining whose functions, interests and activities may be affected - refer to Section 5.7 (Identification of Relevant Persons for this EP) of the EP.

Effective consultation has taken place.

Section 5.4 (Consultation Material and Timing):

21. Woodside states the consultation process should be appropriate for the category of relevant persons and that not all persons or organisations will require the same level of engagement - the level of engagement is dependent on the nature and scale of the proposed activity. The EP does not describe why two attempts (using the same method of communication to consult with relevant persons is deemed to be appropriate - ISSUE.22. Consultation Information Sheet includes a description of the proposed activity, the operational area, timing, duration of the activity, location map of the operational area and EMBA, a description of the EMBA (worst case credible hydrocarbon release scenario), relevant exclusion zones, a summary of the relevant risk mitigation and/or management control measures, and Woodside contact details.23. The EP describes targeted consultation material being developed appropriate to the category of persons such as specific information sheet or presentation material, for example providing commercial fishing licence holder and representative bodies with additional information relevant to their fishery or bespoke Consultation Information Sheets or presentations to Traditional Custodians. In relation to consultation with non-government groups or organisations (NGOs) there is evidence that Woodside has attempted to tailor their engagement by 'providing specific information relevant to the proposed activity based on the claims and objections raised on the public website' as well as providing the Consultation Information Sheet and holding meetings as requested (i.e. with The Wilderness Society).24. A range of tools are available to consult with relevant persons, for example: Consultation Information Sheet; bespoke Consultation Information Sheet, presentation or summaries; subscription available on Woodside's website; emails; letters; phone calls; meetings; maps outlining a persons or organisations defined area of responsibility in relation to the activity; and community meetings as appropriate.25. The EP describes the feedback period being typically up to 30 days from the date of the consultation information being provided with Woodside attempting contact again 7 days before the end of the feedback period - Woodside state that the 30 day period has been selected because it gives relevant persons a target date for when consultation closes and allows Woodside to consider the information provided (including adopting appropriate measures if relevant). If comments are received after the closing date, those comments may not be able to be considered or incorporated. Should Woodside identify relevant persons at a later stage, they will be contacted and provided information, and invited to provide feedback (typically within a 14 day period). Are the timeframes (30 days and 14 days) appropriate noting that some relevant persons were only contacted on 3 and 6 February 2023 for the first time and may have limited access to methods of communication (i.e. Commercial fisheries) and/or there is no provision for an extension to the 14 day feedback period (i.e. the Australian Marine Conservation Society were not offered additional time even though they responded to Woodside and stated that they were unable to provide a response within the timeframe requested). Woodside states 30 days has been selected as it is consistent with NOPSEMA's public comment period which is not appropriate given this is a passive one-way process - ISSUE. Figure 5.2 (Overview of Woodside's Consultation Approach):

26. Illustrates Woodside's consultation approach as described in the EP (see above).Section 5.8 (Consultation Activities and Additional Engagement):

27. The EP summarises the consultation that has been undertaken since 2021 and includes: the public comment period; information available on Woodside's website; newspaper advertisements; Consultation Information Sheet; activity update Consultation Information Sheet; bespoke targeted Consultation Information Sheet; additional targeted information provided to relevant marine users; phone calls and meeting where relevant; follow-up emails; community reference group information sessions; and additional advertisements in national, state and relevant local newspapers. Table 5.4 (Summary of Consultation Activities):

28. Table 5.4 (Summary of Consultation Activities) identifies the person or organisation, summarises the information provided by Woodside, summarises the responses received from

the person or organisation, summarises additional responses or information provided by Woodside, and provides Woodside's assessment of the outcomes of the consultation. In considering whether consultation with these persons or organisation has been appropriate from a general assessment perspective, it is noted that there are a number of instances where Woodside did not respond within 30 days (this is Woodside's specified period for consultation to be received) (i.e. AMSA, Department of Defence); numerous instances where Woodside attempted to make contact once (via email) with one follow up (also email) approximately 3 weeks later. Evidence the initial attempt to contact these persons or organisations was made on 3 or 6 February 2023 with the follow up being made on 22 February - does this demonstrate a reasonable period (consideration should also be considered in relation to the 30 day feedback period)? No demonstration that an attempt to contact relevant persons via different communication methods was made. On the 17 March 2023, Woodside contacted a number of relevant persons (i.e. Greenpeace, refer to Attachment F, 1.34) advising that the consultation period had now closed and any further correspondence received would be considered via ongoing consultation mechanisms which is not appropriate given, that in some cases, consultation does not appear to be complete and the EP has not yet been accepted. No response was provided to FARA however it is noted that FARA were not deemed a relevant person because their website material and feedback does not demonstrate an interest with the potential risks and impacts associated with planned activities. Examples of Woodside only providing a 2 week period for consultation to be received i.e. Australian Marine Conservation Society (AMCS) were first emailed on 16 September 2022 and feedback was 'required' by 30 September 2022 which does not appear appropriate given AMCS responded and advised it was unable to meet this timeline (Woodside did not offer additional time for a response to be received). Noting that in most cases Woodside utilised the Consultation Information Sheet to initiate/undertake consultation with relevant persons, however the EP does not describe why this approach is considered to be effective and appropriate (i.e. two attempts using the same form of communication) - ISSUE.29. Some minor errors were identified in Table 5.4, for example reference to Greenpeace correspondence (8 April 2022) not in the table; and incorrect dates in relation to WWF (2021/2022) also present. Although some errors were present in Table 5.4, given the nature of these errors (administrative) and the fact that Appendix F and the Sensitive Information Report also provides records of the consultation undertaken, from a general assessment perspective it is not deemed material to the assessment of the EP under the acceptance criteria - a request for this to be amended in the modified EP has therefore not been made. In general, for those persons or organisations that have been clearly defined as relevant persons in the EP, it appears that sufficient information has in most cases been provided by Woodside that would enable an informed assessment of the possible consequences of the activity on their functions, interests or activities, as well as a reasonable period to consider that information and provide a response. However, there are examples where it cannot yet be considered that the EP demonstrates that effective consultation has taken place. This is because a number of Commercial fisheries were first contacted in February 2023 and were provided with 30 days to respond to the Consultation Information Sheets provided which is not considered to be a reasonable period given the potential for these relevant persons to have limited access to emails (see issue highlighted above). From the perspective of NGO's (e.g. Greenpeace), although Woodside have provided responses to objections and claims, there are examples where Woodside could have reasonably provided additional information to these relevant persons to allow that relevant person to make an informed assessment of the possible consequences of the activity i.e. revised EP, extracts from the EP, or currently proposed control measures to manage potential impacts of the activity on PBW's - ISSUE.

There is also evidence in the EP that those persons or organisations that are considered by Woodside to be a relevant person for the purpose of consultation, have not, in all cases been advised by Woodside that they are being consulted with as a relevant person in accordance with regulation 11A(1) of the Environment Regulations, which may result in consultation not being undertaken with those persons or organisations in an informed manner - ISSUE. Information gathered through consultation is included in the EP and informed identification of values and sensitivities.

Since the last revision of the EP, Woodside's consultation methodology has transformed (refer to Section 5 in the EP).

To date, information gathered through the consultation process has been incorporated into the EP and has informed the identification of environmental values and sensitivities to ensure impacts and risks are reduced to ALARP and acceptable, such as the need for pre-activity notifications to specific relevant persons, and information provided in response to relevant persons feedback received that has clarified the scope and extent of the activity as well as the consideration of environmental impacts and risks in the context of the marine seismic survey proposed. More recently, additional control measures to minimise the potential impacts to pygmy blue whales from seismic noise have been included in the EP to address some of the objections and claims raised by Greenpeace Australia Pacific (GAP). Assessment of merit and responses to objections and claims are reasonable and supported, and inform the measures adopted.

Section 5.5 (Providing Feedback and Assessment of Merit of Objections or Claims):

30. The EP describes ways in which feedback can be provided, and includes email or via a toll free phone line.³¹ Where it becomes clear that relevant persons or additional persons are

seeking to stop the proposed activity, consultation will not be considered to form part of the consultation required under Regulation 11A; and where it is considered that the feedback does not demonstrate reasonable or practical measures to further manage impacts and risks, Woodside will consider consultation to be complete. This wording does not appear appropriate given that regulatory requirements must be met. This was discussed with the RoN, however given 'completion' of consultation is not apparent in the EP as described in Section 5.5, from a general assessment perspective it is not deemed material to the assessment of this EP under the acceptance criteria - a request for this to be amended in the modified EP has therefore not been made. Woodside are to ensure that the relevant persons consultation process complies with legislative requirements. Since the last revision of the EP, Woodside's consultation methodology has transformed (refer to Section 5 in the EP). Woodside has undertaken additional consultation with relevant persons previously identified during the development of the EP.

Woodside has also subsequently identified and undertaken consultation with additional persons and/or organisations, including: the North West Slope and Trawl Fishery; ASBTIA; Tuna Australia; Marine Aquarium Managed Fishery; Mackerel Managed Fishery; West Coast Deep Sea Crustacean Managed Fishery; Pilbara Line Fishery; Exmouth Recreational Marine Users; Gascoyne Recreational Marine Users; Recfishwest; Marine Tourism Association of WA; WA Game Fishing Association; Finder Energy; KUFPEC; Osaka Gas Gorgon; Tokyo Gas Gorgon; JERA Gorgon; Santos; ENI Australia; OMV Australia/Sapura OMV Upstream; JX Nippon Oil and Gas Exploration Corporation; BP Development Australia; Carnarvon Energy; PE Wheatstone; Kyushu Electric Wheatstone; Fugro Exploration; Inpex Alpha; NAC; WAC; YAC; Yindijbarndi Aboriginal Corporation; BTAC; RRRAC; NTGAC; KCLG; GAP (not previously identified as a relevant person); ACF; TWS; SNTSG; TCC; XRWA; AMCS; Sea Shepherd Australia; Market Forces; IFAW; ACCR; WAMSI; UWA; AIMS; and CSIRO. Although not all of these persons and/or organisations are deemed to be relevant (in accordance with Woodside's methodology), Woodside has included a summary of the consultation activities undertaken in Table 5.4. The full text of the correspondence received from these persons and/or organisations plus Woodside's responses have been included in the Sensitive Information Report provided with the EP.

From the general assessment perspective, and in relation to NGO's, those NGO's that do not have public website material and feedback that demonstrates an interest with the potential risks and impacts associated with the planned activities have not been deemed to be relevant for the purpose of consultation. This includes 350 Australia, ACCR, Climate Council, LTGA, Market Forces, DEA, XRWA, FARA, IFAW, and WWF. Although a number of these organisations self-identified as relevant, consideration has been given to Woodside's relevant person identification methodology (Table 5.2) and the correspondence provided by each of these organisations. Where concerns raised were raised that were relevant to this MSS activity, Woodside appears to have adequately addressed these. Climate change is raised as a concern and Section 6.6.4 of the EP addresses this to the extent relevant for this activity. It is noted that some of the concerns raised, such as the indirect impact of increased gas production on Murujuga rock art, Burrup peninsula air quality and National Heritage are not relevant for this activity, because the MSS activity does not result in the extraction of gas. These potential impacts may need to be re-assessed for relevance in future production activities.

From a general assessment perspective, and in relation to NGO's, the following NGO's have been deemed relevant by Woodside for the purpose of consultation: ACF; AMCS; CCWA; GAP; SNTSG; SSA; and TWS. The EP includes evidence of the consultation activities undertaken which includes sending Consultation Information Sheets (all), responses to objections and claims received (all who raised objections and claims), and meetings (i.e. SNTSG on 13 October 2022, ACF on 11 October 2022, and TWS on 6 October 2022). Appendix F includes a summary of the objections and claims raised and Woodside's response to these. Numerous objections and claims have been received from these NGO's, including (but not limited to): activity scope and scale, alternative technologies, activity timing, activity location, cumulative impact assessment, underwater noise impacts, impacts of cyclones, impacts on pygmy blue whales, impacts on zooplankton, whale sharks and vessel strike risk, light emissions, community consultation, consistency with existing conservation plans or ecological principles, independence, emissions (including climate change), lighting, ecosystem impacts, seismic activity, and remuneration linked to KPI's. The EP provides evidence that Woodside have responded to the objections and claims, including those objections and claims that can reasonably be considered to be outside the scope of the potential environmental impacts and risks of the proposed activity (i.e. climate change) and/or do not appear relevant to the possible consequences the activity may have on the functions, interests or activities of the relevant person (i.e. remuneration linked to KPI's). Although Woodside includes responses to the objections and claims received, there are numerous examples in which Woodside have sent these responses on 17 March 2023, which is months after the objections and claims were received (i.e. SNTSG - objections and claims raised at the meeting on 13 October 2022 and also in a letter dated 16 November 2022) which does not provide for consultation with relevant persons in a meaningful way. It is therefore not possible to determine whether the changes / measures that have been adopted because of consultation are appropriate because consultation does not yet appear to be complete - ISSUE.

The EP identifies the objections and claims that have been raised to date by relevant persons about adverse impacts of the activity on their functions, interests or activities and provides

responses to these objections and claims to indicate how they have been resolved as far as reasonably practicable. However, at this stage in the assessment a clear recommendation cannot be provided on whether the measures that Woodside has adopted because of the consultations are appropriate because of the remaining issues outlined above in relation to whether Woodside has carried out the consultations required by Division 2.2A - ISSUE. Report on consultation is included and sufficient to determine that consultation duties have been discharged.

A report on consultation in line with the content requirements of Regulation 16b and 11A is provided in Table 5.4 (Summary of Consultation Activities) and Appendix F (Stakeholder Consultation), with full text correspondence provided in the Sensitive Information Report. Table 5.4 identifies the person or organisation consulted, details the information provided by Woodside (including the date and method of communication), includes a summary of each response made by the relevant person (or indicates if no response was received), includes a summary of Woodside's response back to the relevant person, and provides Woodside's assessment and outcome of the consultation undertaken. Appendix F provides a statement of responses to relevant persons (typically as attachments to emails in table format) and states the objections and claims raised by the relevant persons, and provides Woodside's response to these. Consultation records in Appendix F are not all grouped according to the relevant person which would aid in the assessment of information however given the records of consultation undertaken are available, from a general assessment perspective it is not deemed material to the assessment of the EP under the acceptance criteria - a request for this to be amended in the modified EP has therefore not been made.

From the perspective of the general assessor, at this stage in the assessment a clear recommendation cannot be provided on whether the EP includes sufficient information that would meet the the relevant EP content requirement (Regulation 16(b)) due to the remaining issues outlined above in relation to whether Woodside has carried out the consultations required by Division 2.2A - ISSUE.

Consideration of third-party correspondence

In the process of assessing whether the EP demonstrates the acceptance criteria are met, this general assessment has had regard to and considered information provided in the records of correspondence that NOPSEMA has either directly received or was copied into as noted below.

Received since the assessment of EP submission 5 (Rev 4, dated August 2022)

32. 29 September 2022 – SNTSG to NOPSEMA – objective references A878128 and A87813033. 14 October 2022 – TWS to NOPSEMA – objective references A882727 and A87938034. 16 November 2022 – SNTSG to NOPSEMA – objective references A890900 and A89090235. 6 December 2022 – GAP to Woodside (with NOPSEMA cc'd) – objective references A897982 and A89797936. 20 December 2022 – [REDACTED] to NOPSEMA – objective references A905835 and A90582537. 3 February 2023 – Tuna Australia to Woodside (with NOPSEMA cc'd) – objective reference A91170438. 7 February 2023 – Tuna Australia [REDACTED] to NOPSEMA – objective reference A91186939. 13 February 2023 – Tuna Australia to Woodside (with NOPSEMA cc'd) – objective reference A91317540. 14 February 2023 – TWS to Woodside (with NOPSEMA copied) – objective references A914025, A91402741. 14 February 2023 – TWS to NOPSEMA – objective references A914023, A914027Received during the assessment of this EP submission 6 (Rev 5 dated 19 March 2023)

42. 28 March 2023 – GAP to NOPSEMA (with Woodside cc'd) – objective references A923846 and A92384943. 14 April 2023 – GAP to NOPSEMA – objective references A928177 and A92817844. 17 April 2023 – Woodside to NOPSEMA – objective reference A928404Copies of the above correspondence will be provided to Woodside where relevant for consideration in the next EP submission.

Since the submission of the Revision 5A of the EP, Third Party Correspondence was received from Greenpeace on 28 March 2023 and 14 April 2023. The correspondence received claims that appropriate consultation (sufficient information and a reasonable period) has not been undertaken by Woodside; and the EP does not meet the requirements of the Environment Regulations. The Third Party Correspondence received on 14 April 2023 also raises that a revised EP and responses to public comments received was not published on the NOPSEMA website (following the public comment period) - the reason for this is that no public comments were received during the public comment period and no amendments to the EP were subsequently made. From a general assessment perspective, the correspondence does not appear to raise any new objections or claims about adverse impacts of the activity to which the EP relates however Woodside will be required to ensure that the EP provides an up-to-date record of all consultation upon resubmission of the EP - ISSUE. Refer to issues above that relates to Woodside's provision of responses to objections and claims to NGO's (including Greenpeace) on 17 March 2023 (2 days prior to EP submission to NOPSEMA); and instances where sufficient information may not have been provided to NGO's (including Greenpeace) regarding the protection of PBW's.

CONCLUSION:

Considered from the perspective of the general assessment, and having taken additional information provided into account, it can not yet be considered that the EP demonstrates an appropriate level of consultation because:

45. The process for relevant persons identification is clearly described but does not provide for the broad capture of relevant persons such that each relevant person who can be ascertained is identified because:46. ?The relevant persons identification methodology

described in Table 5-2 for 'Commercial fisheries (Commonwealth and State) and peak representative bodies' outlines that only those commercial fisheries that have been active within the last five years will be deemed to be relevant persons for the purpose of consultation. However, no justification regarding the appropriateness of this timeframe has been provided, and there is no consideration of potential future fishing efforts or other functions, interests, or activities of commercial fishers, e.g., protection of fish stocks.⁴⁷ Table 5-3 does not identify Tuna Australia as a relevant person however the correspondence received from Tuna Australia to date (including the Position Statement received by Woodside on 15 March 2023) indicates that their functions, interests, or activities may be affected by the proposed activity. For example, the Southern Bluefin Tuna (listed as Conservation Dependent) is known to migrate and breed in both the operational area and the EMBA.⁴⁸ Effective consultation has not taken place with relevant persons demonstrating a reasonable opportunity has been provided to relevant persons to provide input, a genuine two-way dialogue has occurred to further understand the environment in which the activity will take place and that the measures adopted (if any) because of the consultation are appropriate because:⁴⁹ the consultation process limits the iterative engagement with all categories of relevant persons to two attempts, using the same method of communication (email of consultation information sheet), with no consideration for additional attempts using alternative communication methods where no response is received.⁵⁰ Those persons or organisations that are considered by Woodside to be a relevant person for the purpose of consultation, are not, in all cases advised by Woodside that they are being consulted with as a relevant person in accordance with regulation 11A(1) of the Environment Regulations, which may result in consultation not being undertaken with those persons or organisations in an informed manner.⁵¹ Section 5.4.2 of the EP limits the feedback period for responses to be received from relevant persons to 30-days for all categories of relevant persons. The current justification is based on the 30-day public comment period administered by NOPSEMA under the Environment Regulations which is not an equivalent process. Relevant person consultation should be a genuine two-way dialogue while the public comment period is a passive one-way process. The method described in the EP does allow for additional time for consultation on a case-by-case basis. However, there are examples where persons or organisations who may require additional time (e.g., commercial fisheries licence holders that may have limited access to emails for extended periods of time) may not have been afforded a reasonable period for consultation to occur.⁵² Section 5.4.2 of the EP describes that a 14-day feedback period will be afforded to those persons or organisations that are 'identified at a later stage and be determined by Woodside to be a relevant person' however there is no provision for the consideration of additional time on a case-by-case basis. For example, the Australian Marine Conservation Society (AMCS) advised Woodside they 'were unable to make a submission before 30th September' and no attempts were made by Woodside to offer AMCS additional time to consider the information provided.⁵³ The EP does not demonstrate that effective consultation has taken place with all relevant 'non-government groups or organisations' because although Woodside have responded to the objections and claims of 'non-government groups or organisations' relevant persons, there are instances in which sufficient information may not have been provided to allow the relevant person to make an informed assessment of the possible consequences of the activity on their functions, interests, or activities. Therefore, it is not demonstrated in the EP that the measures adopted because of the consultation are appropriate. For example, GAP have made objections and claims relating to impacts to pygmy blue whale; however, Woodside have not provided GAP with sufficient information to determine whether pygmy blue whales are being sufficiently protected e.g., an extract from the current version of the EP and/or the currently proposed control measures.⁵⁴ The EP does not demonstrate that effective consultation has taken place with all relevant non-government groups or organisations because there are several instances where Woodside responded to the objections and claims of 'other non-government groups or organisations' relevant persons (including GAP, the Australian Conservation Foundation, The Wilderness Society, and Say No To Scarborough Gas) on 17 March 2023, two days before submitting the EP to NOPSEMA. In some cases, these responses were provided months after the objections or claims were received by Woodside. For example, Say No To Scarborough Gas raised objections and claims during the meeting held on 13 October 2022 and in the letter dated 16 November 2022. Because of the timeframe in which Woodside responded to these relevant persons and then submitted the EP to NOPSEMA (19 March 2023), it is not clear whether any further responses have been received that require consideration as part of the relevant persons consultation process and Woodside have indicated that any further engagement will be deferred to ongoing consultation required under regulation 14(9) rather than in the preparation of the EP as required by regulation 11A.⁵⁵ The titleholder's assessment of merit and all responses to objections and claims are reasonable and supported, and inform the measures adopted because of the consultation to date however consultation may not yet be complete - the EP identifies the objections and claims that have been raised to date by relevant persons about adverse impacts of the activity on their functions, interests or activities and provides responses to these objections and claims to indicate how they have been resolved as far as reasonably practicable. However, from the perspective of the general assessor, at this stage in the assessment a clear recommendation cannot be provided on whether the measures that Woodside has adopted because of the consultations are appropriate because of the remaining issues outlined above in relation to whether Woodside has carried out the consultations required by Division

2.2A56. The report on consultation includes the prescriptive elements outlined in regulation 16(b) and but does not include a sufficient description of the consultation process, for NOPSEMA to objectively determine that the titleholder's duty to identify and consult with each relevant person has been discharged - the EP includes a report on consultation in line with the content requirements of Regulation 16b and 11A, including in Table 5.4 (Summary of Consultation Activities) and Appendix F (Stakeholder Consultation) of the EP, and the full text correspondence provided in the Sensitive Information Report. Table 5.4 identifies the person or organisation consulted, details the information provided by Woodside (including the date and method of communication), includes a summary of each response made by the relevant person (or indicates if no response was received), includes a summary of Woodside's response back to the relevant person, and provides Woodside's assessment and outcome of the consultation undertaken. Appendix F provides a statement of responses to relevant persons (typically as attachments to emails in table format) and states the objections and claims raised by the relevant persons, and provides Woodside's response to these. However, from the perspective of the general assessor, at this stage in the assessment a clear recommendation cannot be provided on whether the EP includes sufficient information that would meet the requirements of Regulation 16(b) due to the remaining issues outlined above in relation to whether Woodside has carried out the consultations required by Division 2.2A. Separate to the above, consideration is provided below to where it is recommended that the decision maker can be reasonably satisfied that the EP demonstrates an appropriate level of consultation because:

57. 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 whether the activity may be relevant to authorities, or determining whose functions, interests and activities may be affected - the EP describes that relevant persons are consulted in the course of preparing an EP so that authorities, persons or organisations that are potentially affected by the proposed activities are consulted and their input is considered in the development of the EP, and also to assist in the identification of measures that could be applied to mitigate potential adverse environmental impacts that the proposed activity may otherwise cause. Consistent with Regulation 3 of the Environment Regulations, Woodside states that consultation supports the objective to ensure that the environmental impacts and risks of the activity are reduced to ALARP and an acceptable level. The methodology for the identification of relevant persons confirms that consultation is undertaken based on the proposed petroleum activity (both planned activities and unplanned events) and the EMBA. 58. 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 - to date, information gathered through consultation with relevant persons has been included in the EP, such as the need for pre-activity notifications to specific relevant persons, and information provided in response to relevant persons feedback received that has clarified the scope and extent of the activity as well as the consideration of environmental impacts and risks in the context of the marine seismic survey proposed. More recently, an additional control measure to minimise the potential impacts to pygmy blue whales from seismic noise has been included in the EP - this is relevant to the objections and claims raised by a number of NGO's (including Greenpeace).

Submission 7 Revision 7

The following information relates to the assessment (relevant to the general assessment scope) of Revision 7 of the EP (A941010/A941007).

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.

Letter point 3 - points relevant to the general assessment are included below - see topic scopes for additional items requiring further information i.e. First Nations relevant persons consultation.

In relation to the relevant persons identification methodology for Commercial fisheries (Commonwealth and State) and peak representative bodies, and whether this provides for the broad capture of relevant persons, Woodside has confirmed that the assessment of relevance is based on the potential for interaction with State and Commonwealth fisheries. Section 4.10.2 (Commercial Fisheries) has been revised to confirm that data from Fishcube and ABARES was reviewed for the prior 5 years as a subset of past fishing effort which is considered by Woodside to be an appropriate period (noting that impacts to fish are expected to be temporary) to represent potential future effort over the lifecycle of the EP (1 year). Table 5-2 (Methodology for Identifying Relevant Persons within the EMBA...) has been revised to state that both State and Commonwealth fisheries will be consulted if they are assessed as having the potential for interaction within the OA and EMBA (reference to the 5 year timeframe has been removed from the criteria specified however a link to Section 4.10.2 is now provided). Noted that Section 4.10.2 refers to a 1 year period for EP validity however in line with the public comment period associated with the activity, the activity can not be undertaken post 31 December 2023.

Woodside claim that because Tuna Australia do not represent the Southern Bluefin Tuna Fishery they are not deemed to be a relevant person for the purpose of consultation. As the Southern Bluefin Tuna Fishery is represented by ASBTIA, Woodside state they have attempted

consultation with ASBTIA however no response was received. Additionally, Woodside state that it is considered there will be no impact on the Southern Bluefin Tuna Fishery licence holder as since 1992, the majority of Australian catch has been concentrated in south-eastern Australia. With regard to the Western Tuna and Billfish Fishery which are represented by Tuna Australia, Woodside claims that there is no potential for interaction in either the EMBA or OA and has therefore not deemed them to be a relevant person. This has been confirmed by reviewing the description of the environment (Table 4-19). Recent correspondence (including third party correspondence) highlights that Tuna Australia believe they are a relevant person. At the time of EP submission, Tuna Australia were not considered by Woodside to be a relevant person. Noted that third party correspondence was received by NOPSEMA on 15 May and 17 May 2023. The general assessment had regard to and considered information provided in the records of correspondence that NOPSEMA either directly received or was copied into as per objective reference A936093.

In considering whether Woodside has provided for the sufficiently broad capture of 'Commercial fisheries (Commonwealth and State) and peak representative bodies' relevant persons (including in relation to Tuna Australia and those fisheries/peak representative bodies with functions, interests or activities relating to the Southern Bluefin Tuna), the following facts were considered:

1. Western Tuna and Billfish Fishery/Tuna Australia – Woodside applied their relevant person identification methodology (Table 5-2) and neither the Western Tuna and Billfish Fishery or Tuna Australia (as the peak representative body of the Western Tuna and Billfish Fishery) were deemed to be a relevant person as Woodside claims that there is no potential for interaction with the Western Tuna and Billfish Fishery in either the EMBA or OA. This is because fishing effort of the Western Tuna and Billfish Fishery between 2016 and 2021 has been concentrated south of Carnarvon. Although Tuna Australia were not deemed a relevant person for the purpose of consultation, Woodside provided information to Tuna Australia at its discretion in line with Section 5.3.4 on AFMA advice that it expects all Commonwealth fishers who have entitlements to fish within the proposed area to be consulted, which can be through the relevant fishing industry associations. Woodside afforded Tuna Australia an opportunity to provide feedback which resulted in correspondence being received from Tuna Australia where their position statement (dated 15 March 2023) was provided and fee for service was requested. Tuna Australia did not highlight to Woodside the potential consequences of the activity on their functions, interests or activities, or raise any specific objections and claims about the proposed activity. Although Woodside did not agree to engaging in a service agreement, the EP provides evidence of Woodside attempting to engage with Tuna Australia by offering them an opportunity where Woodside could provide an overview of their proposed activities, how EPs are developed and the control measures in place to reduce impacts to ALARP/acceptable with an aim to provide an efficient and simple way to obtain feedback. Additionally, the EP states that impacts to commercial fisheries are not expected as none of the Commonwealth or State managed fisheries with management areas that overlap the OA have conducted any fishing within the OA in at least the last 10 years (Section 6.6.1 - Physical Presence: Interactions with Other Marine Users); and any impacts to fish are expected to be temporary in nature (see Section 6.1 and Section 6.2) with Woodside's impact assessment relating to pelagic fish (tuna and billfish) – 'highly unlikely to experience TTS effects as they are not restricted by seabed habitat and can swim away from a seismic source. Individuals would have to remain within ranges of approximately 4.5 km of the operating seismic source for several hours to be exposed to sound levels that could cause TTS.' There are also provisions in place to ensure that any fishing licence holders that intend on fishing in the licence area over the duration of the activity (while unlikely given the lack of fishing effort and the short term duration of the activity) are notified of the activity for safety purposes through standard communication protocols (notification of activities to AHO; establish and maintain publicly available interactive map; project vessels to operate AIS and tail buoys fitted with lights etc.) outlined in the EP (Section 6.6.1 - Physical Presence: Interactions with Other Marine Users). Section 5.6 outlines Woodside's approach to ongoing consultation which can include 'after an EP has been accepted by NOPSEMA' – and includes 'should consultation feedback be received following the acceptance of an EP that identifies a measure or control that requires implementation or updated to meet the intended outcome of consultation, Woodside will apply its Management of Change and Review process as appropriate.' In light of the above information, and from a general assessment perspective, Woodside's assessment of relevance (and justification for not considering the Western Tuna and Billfish Fishery or Tuna Australia to be a relevant person) appears to be reasonable and supported in the EP. The regulatory requirements pertaining to consultation with relevant persons (Regulation 11A) therefore do not apply in this instance.
2. Southern Bluefin Tuna Fishery/ASBTIA – Woodside applied their relevant person identification methodology (Table 5-2) and neither the Southern Bluefin Tuna Fishery or ASBTIA (as the peak representative body of the Southern Bluefin Tuna Fishery) were deemed to be a relevant person as Woodside claims that there is no potential for interaction with the Southern Bluefin Tuna Fishery in either the EMBA or OA. This is because since 1992, the majority of Australian catch of the Southern Bluefin Tuna has been concentrated in south-eastern Australia. Although ASBTIA were not deemed a relevant person for the purpose of consultation, Woodside provided information to ASBTIA at its discretion in line with Section 5.3.4 on AFMA advice that it expects all Commonwealth fishers who have entitlements to fish within the proposed area to be consulted, which can be through the relevant fishing industry associations. Woodside

afforded ASBTIA an opportunity to provide feedback through correspondence dated 3 and 22 February 2023 however no response was received. The Southern Bluefin Tuna (Conservation Dependent species) are a pelagic species, are highly migratory and travel long distances. Spawning occurs in tropical waters during spring and summer in the north-eastern Indian Ocean (off the Northwest Shelf region of WA, south of Indonesia), North of the OA. After spawning, the Southern Bluefin Tuna migrate southwards from the spawning ground. The EP states they can be found to depths of 500m – the water depths within the OA range from approximately 800m – 1,150m. Additionally, The EP states that impacts to commercial fisheries are not expected as none of the Commonwealth or State managed fisheries with management areas that overlap the OA have conducted any fishing within the OA in at least the last 10 years (Section 6.6.1 - Physical Presence: Interactions with Other Marine Users); and any impacts to fish are expected to be temporary in nature (see Section 6.1 and Section 6.2) with Woodside's impact assessment relating to pelagic fish (tuna and billfish) – 'highly unlikely to experience TTS effects as they are not restricted by seabed habitat and can swim away from a seismic source. Individuals would have to remain within ranges of approximately 4.5 km of the operating seismic source for several hours to be exposed to sound levels that could cause TTS.' The risk evaluation presented in the EP also states that 'Song et al. (2006) notes that unless bluefin tuna are exposed to very high intensity sounds from which they cannot swim away, short- and long-term effects may be minimal or non-existent. And, considering that bluefin tuna are powerful swimmers and divers, it is possible that if they encounter a sound that is very loud to them, they will move away from the sound rapidly enough to result in minimal exposure.' There are also provisions in place to ensure that any fishing licence holders that intend on fishing in the licence area over the duration of the activity (while unlikely given the lack of fishing effort and the short term duration of the activity) are notified of the activity for safety purposes through standard communication protocols (notification of activities to AHO; establish and maintain publicly available interactive map; project vessels to operate AIS and tail buoys fitted with lights etc.) outlined in the EP (Section 6.6.1 - Physical Presence: Interactions with Other Marine Users). Section 5.6 outlines Woodside's approach to ongoing consultation which can include 'after an EP has been accepted by NOPSEMA' – and includes 'should consultation feedback be received following the acceptance of an EP that identifies a measure or control that requires implementation or updated to meet the intended outcome of consultation, Woodside will apply its Management of Change and Review process as appropriate.' In light of the above information, and from a general assessment perspective, Woodside's assessment of relevance (and justification for not considering the Southern Bluefin Tuna Fishery or ASBTIA to be a relevant person) appears to be reasonable and supported in the EP. The regulatory requirements pertaining to consultation with relevant persons (Regulation 11A) therefore do not apply in this instance. Noted that the Australian Government Department of Foreign Affairs and Trade or other persons or organisations from international jurisdictions have not been identified and consulted with as relevant persons in the EP. This is considered reasonable given that neither the OA or EMBA extends into waters belonging to another international jurisdiction, or waters that are the subject of a maritime boundary treaty or memorandum of understanding between Australia and another country. Effective consultation has taken place with relevant persons demonstrating a reasonable opportunity has been provided to relevant persons to provide input, a genuine two-way dialogue has occurred to further understand the environment in which the activity will take place and that the measures adopted (if any) because of the consultation are appropriate. Effective consultation includes: relevant persons have been provided sufficient information; and relevant persons have been provided a reasonable period to consider information and make an informed response.

Letter point 4

In relation to undertaking effective consultation with relevant persons, Section 5.4.2 (Sufficient Time) has been revised to provide additional information on the methods of communication that will be utilised by Woodside when consulting with relevant persons. A table has been included in the EP which identifies the category of relevant person (government departments/agencies; commercial fisheries and peak representative bodies; recreational marine users and peak representative bodies; titleholder and operators; peak industry representative bodies; Traditional Custodians and nominated representative corporations; native title representative bodies; historical heritage groups or organisations; local government and recognised local community reference/liaison groups or organisations; other non-government groups or organisations; and research institutes and local conservation groups or organisations) and the types of communication that may be used during consultation. Specific methods of communication per category of relevant person is identified e.g. email is used as the primary form of communication with peak representative fishing bodies however other forms of communication may be considered upon request (phone calls, meetings, presentations etc.). Woodside confirms that they will endeavour to use an alternative method of communication to contact relevant persons where possible. Figure 5.2 (Overview of Woodside's Consultation Approach) includes a step in the process for following up with relevant persons prior to submission of the EP using an alternative communication method where appropriate.

In reviewing the EP, it has been confirmed that a 'reasonable period' is no longer defined (previously defined as 30 days). The EP (Section 5.4.2) now states 'Woodside recognises that what constitutes a reasonable period for consultation should be considered on a case by case

basis, with reference to the nature, scale and complexity of the activity.' It can be reasonably inferred (from a general assessment perspective) that given the period of time in which Woodside have been consulting with relevant persons (in some cases since 13 May 2021 (longest period of time afforded), and in other cases since 6 February 2023 (shortest period of time afforded), relevant persons have been afforded with a reasonable period for consultation to occur i.e. to raise any objections or claims about the adverse impacts of the activity. Also noted that consultation records indicate that relevant persons have typically been provided with a timeframe (e.g. 30 days) in which a response is requested by, to provide the relevant person with a target date for consultation to occur, and that Woodside followed up with relevant persons prior to the date in which the requested feedback period was due to close. The consultation records indicate that consultation with relevant persons has been an iterative process (including, on some occasions the provision of additional time i.e. meeting requests with The Wilderness Society).

Letter point 7

In relation to undertaking effective consultation with relevant persons (specifically with reference to nongovernment groups or organisations), Table 5-4 (Consultation Report with Relevant Persons or Organisations) has been revised to include information current at the time of the EP submission. Consultation with the following 'nongovernment groups or organisations' (eNGOs) has been undertaken since the last revision of the EP:

3. CCWA - Woodside last responded to CCWA's objections and claims on 25 February 2022 and no further responses have been received at the time of EP submission. 4. GAP - Woodside responded to GAP's objections and claims on 17 March 2023; GAP responded to Woodside on 28 March and 24 April 2023 outlining that GAP considers Woodside have not undertaken consultation in accordance with the requirements of the Regulations (i.e. they have not been provided with sufficient information or a reasonable period); Woodside responded to GAP's objections and claims on 1 June 2023. Refer to detailed information below which considers whether GAP have been provided with 'sufficient information' and a 'reasonable period'. Noted that third party correspondence was received from GAP on 24 April, 13 June, 13 and 25 July 2023. The general assessment had regard to and considered information provided in the records of correspondence that NOPSEMA either directly received or was copied into as per objective reference A936093. 5. ACF - Woodside last responded to ACF's objections and claims on 17 March 2023 and no further responses have been received at the time of EP submission. Noted that third party correspondence was received from ACF on 3 July 2023. The general assessment had regard to and considered information provided in the records of correspondence that NOPSEMA either directly received or was copied into as per objective reference A936093?. 6. TWS - Woodside last responded to TWS's objections and claims on 17 March 2023 and no further responses have been received at the time of EP submission. 7. SNTSG - Woodside last responded to SNTSG's objections and claims on 17 March 2023 and no further responses have been received at the time of EP submission. 8. AMCS - last communication from AMCS dated 11 October 2022 indicating they were unable to make a submission by the requested timeframe, and requested that Woodside continue to send notifications and reminders of consultation. 9. SSA - last communication from Woodside to SSA dated 10 October 2022 which provides SSA with reminder to provide feedback by the deadline to assist in informing the preparation of the EP. No response to this was received by Woodside at the time of EP submission. Noted that since the last revision of the EP, Woodside only received responses from GAP and more recently ACF (3 July 2023) to their recent consultation activities. In considering whether Woodside have provided eNGO relevant persons with sufficient information to allow them to make an informed assessment of the possible consequences of the activity on their functions, interests or activities, and a reasonable period for consultation to occur, the following facts were considered from a sampled approach (e.g. GAP and ACF): 10. Sufficient information: It is noted that through the receipt of third party correspondence and in reviewing the Sensitive Information Report, some eNGO relevant persons (e.g. GAP and ACF) claim that Woodside have not provided them with sufficient information in accordance with the requirements of the Regulations. Where objections and claims have been raised by eNGOs (e.g. GAP and ACF), Woodside have provided a response to these. Examples of these responses include to GAP on 22 July and 12 September 2022, 17 March and 1 June 2023; and ACF on 12 September 2022 and 17 March 2023. The EP describes the range of tools that are utilised to provide sufficient information to relevant persons – from the perspective of GAP and ACF, this has involved meetings (one) and emails (numerous). Table 5-4 of the EP lists the dates in which consultation with relevant persons has occurred and demonstrates that consultation has been undertaken in an iterative manner. Table 5-4 also provides a summary of the information provided to relevant persons throughout the consultation process, and the Sensitive Information Report provides the full text records of this correspondence. The EP demonstrates that Woodside has considered requests for additional information by relevant persons and provided such additional information in response to reasonable requests. Although there are examples where Woodside did not provide relevant persons (e.g. GAP and ACF) with additional information requested (e.g. scientific literature, copy of the latest version of the EP etc.), from the general assessment perspective, NOPSEMA is satisfied that sufficient information was made available to relevant persons including: link to the publicly available EP; the Consultation Information Sheet; numerous email responses tailored to the objections and claims raised; as well as the measures proposed to be adopted in response to objections and claims raised (where

relevant) that related to the possible consequences of the activity on relevant persons (including GAPs) functions, interests or activities e.g. potential impacts to pygmy blue whales. Section 5.6 outlines Woodside's approach to ongoing consultation which can include 'after an EP has been accepted by NOPSEMA' – and includes 'should consultation feedback be received following the acceptance of an EP that identifies a measure or control that requires implementation or updated to meet the intended outcome of consultation, Woodside will apply its Management of Change and Review process as appropriate.' - this provides a mechanism for eNGO relevant persons to continue to raise objections or claims about any adverse impacts of the activity. NOPSEMA notes that a number of eNGO relevant persons (e.g. GAP and ACF) have active campaigns against the Scarborough Project (including the 4D MSS activity – refer to websites) and are opposed to the conduct of the activity. From a general assessment perspective, eNGO relevant persons (e.g. GAP and ACF) are considered to have been provided with sufficient information (i.e. link to the publicly available EP; the Consultation Information Sheet; numerous email responses tailored to the objections and claims raised; as well as the measures proposed to be adopted (where relevant) in response to objections and claims raised) in accordance with Regulation 11A to enable those relevant persons to make an informed assessment of the possible consequences of the activity of the functions, interests or activities of the relevant person.

11. Reasonable period: It is noted that through the receipt of third party correspondence and in reviewing the Sensitive Information Report, some eNGO relevant persons (e.g. GAP) claim that they have not been provided with a reasonable period to provide feedback to Woodside in accordance with the requirements of the Regulations – GAPs 'reasonable period' has been communicated to Woodside as being approximately one month in most cases. Although the EP no longer defines a timeframe that Woodside constitutes a reasonable period for each relevant person consultation to occur, 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. It is noted that consultation with GAP (as a relevant person) commenced 15 June 2022 and there have been numerous back and forward communication between GAP and Woodside since that date (one meeting and numerous email exchanges). Section 5.6 outlines Woodside's approach to ongoing consultation which can include 'after an EP has been accepted by NOPSEMA' – and includes 'should consultation feedback be received following the acceptance of an EP that identifies a measure or control that requires implementation or updated to meet the intended outcome of consultation, Woodside will apply its Management of Change and Review process as appropriate.' - this provides a mechanism for eNGO relevant persons to continue to raise objections or claims about any adverse impacts of the activity. NOPSEMA notes that a number of eNGO relevant persons (e.g. GAP) have active campaigns against the Scarborough Project (including the 4D MSS activity – refer to website) and are opposed to the conduct of the activity. From a general assessment perspective, relevant persons (e.g. GAP) are considered to have been provided with a reasonable period (i.e. relevant persons consultation records dating back to 15 June 2022) to consider information and make an informed response in accordance with Regulation 11A. The titleholder's assessment of merit and all responses to objections and claims are reasonable and supported, and inform the measures adopted because of the consultation. After considering the EP (Submission 7, Rev 6 dated June 2023), it has been found that the EP includes Woodside's assessment of the merit of the objections and claims that have been raised to date by relevant persons about the adverse impacts of the activity on their functions, interests or activities, and that the measures (if any) that Woodside has adopted, or proposes to adopt because of the consultation are appropriate. Noted that an additional measure has been adopted by Woodside to minimise the potential impacts to pygmy blue whales from seismic noise (see control measure C 4.6) - this has been included in the EP following requests for further information made by NOPSEMA (refer to protected matters scope) and is also considered to address some of the objections and claims raised by GAP. The report on consultation must include the prescriptive elements outlined in regulation 16(b) and a sufficient description of the consultation process, for NOPSEMA to objectively determine that the titleholder's duty to identify and consult with each relevant person has been discharged.

After considering the EP (Submission 7, Rev 6 dated June 2023), it has been found that the report on consultation includes the prescriptive elements outlined in regulation 16(b) and a sufficient description of the consultation process, for NOPSEMA to objectively determine that the titleholder's duty to identify and consult with each relevant person has been discharged. In particular, refer to Section 5, Appendix E and the sensitive information report (parts 1 and 2) of the EP submission that provide: a summary of each response made by relevant persons in the EP; the titleholder's assessment of the merits of any objection or claim about the adverse impact of the activity to which the EP relates made by relevant persons; a statement of the titleholder's response, or proposed response, to each objection or claim about the adverse impact of the activity to which the EP relates made by relevant persons; and a copy of the full text of any response from relevant persons.

Consideration of recent third-party correspondence
During the assessment process, a significant volume of external correspondence was received by NOPSEMA relating to the Scarborough 4D MSS as well as for other activities for the broader Scarborough Development project. This external correspondence was processed in

accordance with NOPSEMA's third-party correspondence process. This general assessment has had regard to and considered information provided in the records of correspondence that NOPSEMA either directly received or was copied into as per objective reference A936093. Where it was found that there was a concern or issue raised in correspondence regarding the Scarborough 4D MSS EP, relevant considerations were taken into account by NOPSEMA in the assessment of this EP.

Examples of the key types of concerns or issues relevant to the general assessment that were raised in external correspondence are outlined below, including how they were taken into consideration by NOPSEMA, namely:

12. Inadequate identification and consultation with relevant persons, particularly in relation to other non-government groups or organisations, and peak representative bodies for Commercial fisheries. NOPSEMA considered whether the titleholder had implemented an appropriate relevant person's identification and consultation process in preparation of the EP with consideration of other non-government groups or organisations, and peak representative bodies for Commercial fisheries who may have functions, interests or activities affected by the proposed activity.13. Inadequate evaluation of impacts and risks from underwater noise, particularly on zooplankton and blue whales (refer to protected matters scope). NOPSEMA considered whether the EP has thoroughly identified, considered and evaluated underwater noise impacts of the activity and demonstrated that they will be managed to ALARP and acceptable levels, with a particular focus on noise sensitive marine fauna including zooplankton and blue whales.14. Inadequate evaluation of impacts and risks from artificial light, particularly on plankton, seabirds and marine turtles. NOPSEMA considered whether the EP has thoroughly identified, considered and evaluated artificial light pollution impacts of the activity and demonstrated that they will be managed to ALARP and acceptable levels, with a particular focus on light sensitive marine fauna including plankton, seabirds and marine turtles.15. Inadequate evaluation of impacts and risks from an accidental hydrocarbon release. NOPSEMA considered whether the EP has thoroughly identified, considered and evaluated all impacts and risks from the activity, including those associated with unplanned events including an accidental hydrocarbon release from vessel collision and demonstrated that they will be managed to ALARP and acceptable levels.16. Inadequate evaluation of impacts and risks associated with physical presence aspects, particularly in relation to collisions with marine fauna including whale sharks and cetaceans. NOPSEMA considered whether the EP has thoroughly identified, considered and evaluated all impacts and risks from the activity, including those associated with physical presence aspects of the activity and demonstrated that they will be managed to ALARP and acceptable levels.17. Inadequate evaluation of impacts and risks from routine and non-routine discharges. NOPSEMA considered whether the EP has thoroughly identified, considered and evaluated all impacts and risks from the activity, including those associated with any routine and non-routine discharges generated by the activity and demonstrated that they will be managed to ALARP and acceptable levels.18. Inadequate evaluation of cumulative environmental impacts. NOPSEMA considered whether the EP has thoroughly identified, considered and evaluated all impacts and risks of the activity and demonstrated that they will be managed to ALARP and acceptable levels, including potential cumulative environmental impacts that may arise from the activity in combination with other activities in the region.19. Inadequate consideration of all reasonable control measures. NOPSEMA considered whether the EP demonstrates that all reasonable control measures have been considered and evaluated in the EP to ensure impacts and risks will be reduced to ALARP.

CONCLUSION:

Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered that the EP demonstrates that the titleholder has carried out the consultations required and that measures (if any) are appropriate because:

20. 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 separately considered). For example:21. 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 consulting with them.22. 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).23. 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.24. 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.25. 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.26. 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.27. 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:28. Commonwealth and State Government Departments or Agencies;29. Commercial fisheries (Commonwealth and State) and peak representative bodies;30. Recreational marine users and peak representative bodies;31. Titleholders and operators;32. Peak industry representative bodies;33. Traditional Custodians and nominated representative corporations;34. Native Title Representative Bodies (NTRBs);35. Historical heritage groups or organisations;36. Local government and recognised local community reference/liaison groups or organisations;37. Other non-government groups or organisations; and38. Research institutes and local conservation groups or organisations.39. 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:40. 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.41. 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.42. 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:43. Relevant persons have been provided sufficient information in accordance with regulation 11A(2). For example:44. 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.45. 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.46. 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.47. 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.48. 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.49. Relevant persons have been provided a reasonable period to consider information and make an informed response in accordance with regulation 11A(3). For example:50. 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.51. 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.52. 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.53. 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).54. 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:55. Information obtained from relevant persons has informed the identification of environmental values and sensitivities where relevant.56. 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.57. 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:58. 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.59. 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.60. 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.

Sensitive environments

Submission 6 Rev 5

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.

OMR #3 dated 19 Sep 22, attachment 1, item 2 (in relation to Woodside's methodology for determining who is a relevant person).

Issue: Relevant person consultation in the course of preparing the EP appears incomplete because: 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 the stakeholder has been determined to be. For example, it is unclear whether the following organisations are considered relevant persons: 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. 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, s5.4.1) being met and / or publicly available information that indicates the potential to be considered a ‘relevant person’. For example: Australian Conservation Foundation (ACF), Australian Marine Conservation Society (AMCS) and Say No to Scarborough Gas have not been consulted as relevant persons although these organisations publicly indicating the potential for their interests, functions or activities to be affected by the activity.

Request: Please modify the EP to demonstrate that Woodside has effectively and consistently applied the process outlined in Section 5 of the EP to identify relevant persons and undertake consultation as required by Regulation 11A

Response: Woodside has substantially updated the EP to include details of their process for identifying relevant persons in response to this request and the RFFWI #4 item below. It is noted that MAC, NAC and YMAC are now clearly identified as relevant persons and further findings are provided below that consider whether consultation has been undertaken with all First Nations relevant persons in a way that is required by regulation 11A of the Environment Regulations. Refer to the general assessment scope for findings in relation to consultation with ENGOs.

RFFWI #4 dated 6 Dec 22, attachment 1, item 1 (in relation to ensuring consultation aligns with the Federal Court decision on Santos Barossa appeal).

Issue: The EP does not demonstrate that consultation has occurred with relevant persons in accordance with regulation 11A, as the EP does not address the requirements for consultation consistent with the appeal decision made by the Federal Court of Australia in Santos NABarossa Pty Ltd v Tipakalippa [2022] FCAFC 193 21 on 02 December 2022.

Request: Please revise the EP to demonstrate that consultation has occurred with relevant persons in accordance with regulation 11A, and consistent with the appeal decision made by the Federal Court of Australia in Santos NA Barossa Pty Ltd v Tipakalippa [2022] FCAFC 193 on 2 December 2022.

Response: Woodside has substantially updated the EP to include details of their process for identifying relevant persons in response to this request and the OMR #3 item above. Further findings are provided below that consider whether consultation has been undertaken with all First Nations relevant persons in a way that is required by regulation 11A of the Environment Regulations.

Assessment of Woodside's relevant persons identification process

ISSUE - Table 5-2 of the EP sets out Woodside’s methodology for identifying relevant persons under regulation 11A(1)(d) within the subcategory of ‘Traditional Custodians’. This indicates that if there are positive determinations or claims of native title or Indigenous Land Use

Agreement Areas (ILUAs) overlapping the EMBA, Woodside will assess the Prescribed Body Corporate (PBC) for the corresponding native title group as relevant. This methodology may not provide for Woodside to appropriately identify and undertake consultation with traditional owners from adjacent coastal areas with connections to sea country that could extend into the EMBA and may constitute an interest for the purposes of regulation 11A(1)(d) (notwithstanding Woodside's "additional persons" process (EP section 5.3.1), noting that a process of public notification and "self-identification" alone is unlikely to be sufficient to demonstrate appropriate representation and reasonable opportunity to participate (section 10, 04750-GL1721)). Further to this, the method has not been implemented as described because in Table 5-3 it appears that Woodside has assessed some PBCs as relevant over and beyond what is required by the methodology, but not others such as Nanda Aboriginal Corporation who have noted within an email dated 3 February 2023 that "Nanda Aboriginal Corporation currently considers itself a 'relevant person', and would welcome consultation with Woodside" (see the sensitive information report). As a result of the limitations with, and inconsistent application of the methodology, it cannot be determined whether all relevant persons under regulation 11A(1)(d) within the subcategory of 'Traditional Custodians' have been identified and consulted.

Whether 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 whether the activity may be relevant to authorities, or determining whose functions, interests and activities may be affected.

Refer to the above findings under the process for relevant persons identification is clearly described and provides for the broad capture of relevant persons.

Effective consultation has taken place with relevant persons demonstrating a reasonable opportunity has been provided to relevant persons to provide input, a genuine two-way dialogue has occurred to further understand the environment in which the activity will take place and that the measures adopted (if any) because of the consultation are appropriate. Effective consultation includes: relevant persons have been provided sufficient information; and relevant persons have been provided a reasonable period to consider information and make an informed response.

ISSUE - At this stage in the assessment and from the perspective of the sensitive environments' topic scope assessment, it is not evident that effective consultation has taken place with all relevant persons. This is because it has been observed following a review of the consultation undertaken to date (based on a sampled review of the consultation with First Nations related individuals/groups that are identified as relevant persons) that:

Traditional Custodian relevant persons

1. the proposed timeframe for consultation was not always clearly communicated by Woodside to these relevant persons so that they were able to consider and provide advice on whether the timeframe was reasonable to allow consultation to take place based on their availability and accessibility, noting that Section 5.4.2 of the EP describes that "Woodside recognises that availability and accessibility issues may require additional time being afforded to relevant persons to provide feedback". For example, there are no timeframe details provided in some of the initial and all of the follow up emails that Woodside sent to representative Aboriginal corporations (i.e. the PBCs and MAC) that are identified as relevant persons in the EP (see Appendix F and/or the sensitive information report).
2. a reasonable attempt was not always made to complete consultation with these relevant persons based on their preferred method for consultation and the EP does not include a well-reasoned justification to explain why this is acceptable. For example, in response to receiving consultation information about the activity, Buurabalayji Thalanyji Aboriginal Corporation (BTAC) submitted a letter to Woodside dated 20 February 2023 that noted "BTAC on behalf of Thalanyji people, has interests in the EMBA" and set out a proposed framework for further engagement with Woodside. However, Woodside has resubmitted the EP to NOPSEMA before completing further engagements with BTAC in accordance with their proposed approach and indicated that any further engagement will form part of ongoing consultation.
3. a reasonable period has not always been afforded to allow consultation to take place with these relevant persons, or for these relevant persons to be able to consider information provided during consultation, and to make an informed assessment of the possible consequences of the activity on their functions, interests or activities and provide a response. For example:
4. Woodside has agreed, or is seeking, to meet with the respective boards or committees of the Ngarluma Aboriginal Corporation, Wirrawandi Aboriginal Corporation, Yinggarda Aboriginal Corporation and Robe River Kuruma Aboriginal Corporation. However, Woodside has resubmitted the EP to NOPSEMA before these meetings have taken place.
5. Nganhurra Thanardi Garrbu Aboriginal Corporation (NTGAC) has advised Woodside that they are still awaiting feedback on the proposed activity from the NTGAC board following a meeting that Woodside attended to provide them with information about the activity. However, Woodside has resubmitted the EP to NOPSEMA before affording NTGAC with an opportunity to provide this feedback. Save our Songlines (SOS) / [REDACTED] / [REDACTED]

6. on 6 June 2022, SOS / [REDACTED] / [REDACTED] self-identified as a 'relevant person' and provided comment on the broader Scarborough project and requested to be consulted on the activity. Throughout the EP assessment process, SOS / [REDACTED] / [REDACTED] have submitted various correspondence

to both Woodside and NOPSEMA asserting that they are 'relevant persons' that must be consulted by Woodside for the Scarborough activities and raising concerns relating to impacts to cultural heritage values. However, it has not been clear to NOPSEMA whether Woodside considers SOS / [REDACTED] / [REDACTED] to be a 'relevant person' until receipt of the most recent EP submission (Rev 5A, dated March 2023) where SOS / [REDACTED] / [REDACTED] are assessed in Table 5-3 as a relevant person under regulation 11A(1)(d) on the basis that "Woodside has assessed that SOS and/ or [REDACTED] and/ or [REDACTED] feedback demonstrates an interest with the proposed activity." 7. It is recognised that Woodside has made substantial attempts to meet with SOS / [REDACTED] / [REDACTED] to understand how their functions, interests or activities may be affected by the proposed activity, including travelling to Karratha on 11 October 2022 for a face-to-face meeting that SOS / [REDACTED] / [REDACTED] failed to attend. However, in undertaking consultation with SOS / [REDACTED] / [REDACTED], it appears that Woodside has not provided clear and transparent details about the purpose and intent of the consultation to enable SOS / [REDACTED] / [REDACTED] to have an appropriate understanding of why they are being consulted and how any feedback that they may provide during the consultation will be used to inform the EP which is necessary to allow genuine two-way dialogue to occur. Woodside has not expressly advised SOS / [REDACTED] / [REDACTED] that they consider them to be a 'relevant person' for the proposed activity. This is despite being directly asked by SOS / [REDACTED] / [REDACTED] to provide clarity on this matter, including in a letter dated 24 November 2022 where it was stated "It is important to us that we have this recognised before having you come to Karratha so that we understand how Woodside is proposing to engage with us. We cannot have a productive meeting without knowing Woodside's position on this issue." 8. On 14 March 2023 Woodside attended a face-to-face meeting with SOS / [REDACTED] / [REDACTED], on 16 March 2023 Woodside provided SOS / [REDACTED] / [REDACTED] with additional information that was requested during the face-to-face meeting, and on 17 March 2023 Woodside provided responses to objections and claims raised by SOS / [REDACTED] / [REDACTED] in correspondence regarding the Scarborough activities dated 6 June 2022, 26 September 2022, and 24 November 2022. Noting that the EP was resubmitted to NOPSEMA on 19 March 2023 just days after Woodside attended a face-to-face meeting and provided additional information to SOS / [REDACTED] / [REDACTED], and the substantial length of time (i.e. multiple months) that lapsed before Woodside provided responses to objections and claims raised by SOS / [REDACTED] / [REDACTED], it is considered that SOS / [REDACTED] / [REDACTED] have not been afforded a reasonable period to consider information provided during consultation, and to make an informed assessment of the possible consequences of the activity on their functions, interests or activities and provide a response.

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.

ISSUE - At this stage in the assessment and from the perspective of the sensitive environments' topic assessment, it is not evident that 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. This is because of the outstanding issues identified above in relation to it not yet being clear that all relevant persons have been identified and consulted by the titleholder in an effective manner.

The titleholder's assessment of merit and all responses to objections and claims are reasonable and supported, and inform the measures adopted because of the consultation.

ISSUE - At this stage in the assessment and from the perspective of the sensitive environments' topic assessment, it is not evident that the titleholder's assessment of merit and all responses to objections and claims are reasonable and supported, and inform the measures adopted because of the consultation. This is because of the outstanding issues identified above in relation to it not yet being clear that all relevant persons have been identified and consulted by the titleholder in an effective manner.

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

ISSUE - At this stage in the assessment and from the perspective of the sensitive environments' topic assessment, it is not evident that the report on consultation includes the prescriptive elements outlined in regulation 16(b) and a sufficient description of the consultation process, for NOPSEMA to objectively determine that the titleholder's duty to identify and consult with each relevant person has been discharged. This is because of the outstanding issues identified above in relation to it not yet being clear that all relevant persons have been identified and consulted by the titleholder in an effective manner. However, for the consultation undertaken to date (based on a sampled review of the consultation with First Nations related individuals/groups that are identified as relevant persons), it has been observed that the EP submission (i.e., EP Section 5, Appendix F and the sensitive information report) does contain content that appropriately addresses each of the prescriptive elements outlined in regulation 16(b) as follows:

9. a summary of each response made by a relevant person; 10. an assessment of the merits of any objection and claim about the adverse impact of each activity to which the EP relates; 11. a statement of the titleholder's response, or proposed response, if any, to each objection and claim; and 12. a copy of the full text of any response by a relevant person.

Consideration of third-party correspondence

In the process of assessing whether the EP demonstrates the acceptance criteria are met, this sensitive environments topic assessment has had regard to and considered information provided in the records of correspondence that NOPSEMA has either directly received or was copied into as noted below.

Received since the assessment of EP submission 5 (Rev 4, dated August 2022)

13. 26 September 2022 – [REDACTED] & [REDACTED] to NOPSEMA (with Woodside cc'd) – objective references A878126, A878130, A878128 and A87813014. 8 November 2022 – [REDACTED] & [REDACTED] to Woodside (with NOPSEMA cc'd) – objective references A889961 and A88996415. 8 November 2022 – [REDACTED] & [REDACTED] to NOPSEMA – objective references A890483 and A89048216. 10 November 2022 – [REDACTED] & [REDACTED] to NOPSEMA – objective references A890482 and A89048417. 24 November 2022 – [REDACTED] & [REDACTED] to Woodside (with NOPSEMA cc'd) – objective references A894146 and A894147Received during the assessment of this EP submission 6 (Rev 5 dated 19 March 2023)

18. 24 March 2023 – Environmental Defenders Office acting on behalf of [REDACTED] & [REDACTED] to Woodside (with NOPSEMA cc'd) – objective references A922847 and A92284919. 29 March 2023 – Environmental Defenders Office acting on behalf of [REDACTED] & [REDACTED] to Woodside (with NOPSEMA cc'd) – objective reference A92774720. 6 April 2023 – Environmental Defenders Office acting on behalf of [REDACTED] & [REDACTED] to NOPSEMA – objective references A928171 and A926653Copies of the above correspondence will be provided to Woodside where relevant for consideration in the next EP submission.

CONCLUSION:

At this stage in the assessment and from the perspective of this sensitive environments' topic assessment, it is not recommended that NOPSEMA could be reasonably satisfied that the EP demonstrates that (i) the titleholder has carried out the consultations required by Division 2.2A; and (ii) the measures (if any) that the titleholder has adopted, or proposes to adopt, because of the consultations are appropriate. This is because:

21. it is unclear whether all relevant persons under regulation 11A(1)(d) within the subcategory of 'Traditional Custodians' have been identified and consulted; and 22. effective consultation has not taken place with all First Nations individuals/groups (including Traditional Custodians) that Woodside identifies as relevant persons in the EP.

Submission 7, Rev 6, June 2023

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.

On 18 April 2023, NOPSEMA issued an OMR4 letter (see A926236, dated 18 April 2023) to Woodside providing notice that it is not reasonably satisfied that the EP meets the criteria set out set out in regulation 10A of the Environment Regulations (particularly regulations 10A(a), (b), (c) and (g) of the Environment Regulations). The reasons why NOPSEMA was not reasonably satisfied were set out in the OMR4 letter to give Woodside an opportunity to modify and resubmit the EP so that it might comply with the criteria set out in the regulation 10A of the Environment Regulations. In relation to regulation 10A(g) in particular, the reasons why NOPSEMA was not reasonably satisfied are set out in items 3-7 of Attachment 1 in the OMR4 letter. In summary (only focussing on relevant context for the sensitive environments topic assessment and in the context of this factor that influences decision making for regulation 10A(g)), this included that it is not evident that the EP's process for relevant persons identification provides for the broad capture of relevant persons such that each relevant person who can be ascertained is identified (i.e. the process may not provide for Woodside to appropriately identify and undertake consultation with traditional owners from adjacent coastal areas with connections to sea country that could extend into the EMBA and may constitute an interest for the purposes of regulation 11A(1)(d)). On 2 June 2023, Woodside resubmitted a modified EP (Submission 7, Rev 6 dated June 2023) to NOPSEMA in response to the OMR4 letter. Based on a review of the modified EP, it is apparent that there have been changes made to address items 3-7 of Attachment 1 in the OMR4 letter. For example, the EP's process for relevant persons identification has been updated in a manner providing further clarification on how the process provides for Woodside to appropriately identify and undertake consultation with traditional owners from adjacent coastal areas with connections to sea country that could extend into the EMBA and may constitute an interest for the purposes of regulation 11A(1)(d).

After considering the EP (Submission 7, Rev 6 dated June 2023), including the updates that have been made in response to the OMR4 letter (dated 18 April 2023), it has been found that the titleholder's process for relevant persons identification has provided 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. Despite the broad capture of First Nations representative groups, there is uncertainty that all First Nations people/groups with functions, interests or activities that may be affected by the proposed activity have been identified and consulted with, noting that the Court in the Barossa decision concluded that a connection of traditional owners with sea country may constitute an interest for the purposes of regulation 11A(1)(d). This uncertainty is due to:

1. the titleholder's process for identifying First Nations people/groups that may have functions, interests or activities affected by the proposed activity places a heavy reliance on

directing consultation through NTRBs and PBCs that may not represent all traditional custodians (see EP section 5.7.2). 2. the consultation process outlined in the EP states that “Woodside asks nominated representative bodies and the NTRBs to identify individuals” (see EP section 5.8.1.2). However, consultation records with the NTRBs and nominated representative corporations that were consulted by the titleholder do not demonstrate that they were appropriately asked in all cases 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. 3. the EP also states that the consultation process “enables individuals to self-identify in response to national and local advertising, social media and community engagement opportunities” (see EP section 5.8.1.2). However, these advertisements 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, i.e. consultation on petroleum activities, the associated environmental impacts and risks and the potential for consequences to their functions, interests and activities. For example, the titleholder obligations for relevant persons consultation are not clearly explained and some of the information presented suggests it is an opportunity to participate in a passive feedback process rather than an iterative consultation process (Appendix F). Even without this limitation, a process of public notification and self-identification alone is unlikely to be sufficient to demonstrate appropriate representation and a reasonable opportunity to participate. 4. the titleholder’s consultation 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. In particular, the process describes that “Woodside will consult with individual Traditional Custodians where we have been directed to do so by the representative institution or the native title representative body” and “Where Woodside receives feedback from a person or organisation that identifies as a Traditional Custodian for an area overlapping the EMBA, including via an advertisement, Woodside will assess the feedback provided including whether the person(s) functions, interests and activities are represented by virtue of their membership of a PBC, and determine relevance” (see EP section 5.7.2, Table 5-2). The regulations and the Barossa decision do not provide a basis for limiting the scope of relevant persons in this way and there is no valid justification. During the assessment process, some detailed notes on the titleholder’s process for identifying First Nations relevant persons were taken that assisted with informing the above assessment findings (see A955741, dated 19 July 2023).

Whether 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 whether the activity may be relevant to authorities, or determining whose functions, interests and activities may be affected.

After considering the EP (Submission 7, Rev 6 dated June 2023), it has been found that the nature of the activity, description of the environment and the possible impacts and risks of the activity have been taken into account in the EP’s process for relevant persons identification. For example, the EP’s process for identifying First Nations relevant persons shows consideration to all of the possible impacts and risks of the activity including those associated with unplanned events, and also shows consideration to relevant environmental values and sensitivities in the EMBA and along the coastline adjacent to the EMBA which supports the broad capture of traditional owners from adjacent coastal areas with connections to sea country that could extend into the EMBA and may constitute an interest for the purposes of regulation 11A(1)(d).

Effective consultation has taken place with relevant persons demonstrating a reasonable opportunity has been provided to relevant persons to provide input, a genuine two-way dialogue has occurred to further understand the environment in which the activity will take place and that the measures adopted (if any) because of the consultation are appropriate. Effective consultation includes: relevant persons have been provided sufficient information; and relevant persons have been provided a reasonable period to consider information and make an informed response.

On 18 April 2023, NOPSEMA issued an OMR4 letter (see A926236, dated 18 April 2023) to Woodside providing notice that it is not reasonably satisfied that the EP meets the criteria set out set out in regulation 10A of the Environment Regulations (particularly regulations 10A(a), (b), (c) and (g) of the Environment Regulations). The reasons why NOPSEMA was not reasonably satisfied were set out in the OMR4 letter to give Woodside an opportunity to modify and resubmit the EP so that it might comply with the criteria set out in the regulation 10A of the Environment Regulations. In relation to regulation 10A(g) in particular, the reasons why NOPSEMA was not reasonably satisfied are set out in items 3-7 of Attachment 1 in the OMR4 letter. In summary (only focussing on relevant context for the sensitive environments topic assessment and in the context of this factor that influences decision making for regulation 10A(g)), this included that the EP does not demonstrate that effective consultation has taken place with all First Nations relevant persons (e.g. a reasonable period may not have been afforded to all First Nations relevant persons to make an informed assessment of the possible consequences of the activity on their functions, interests or activities and provide a response). On 2 June 2023, Woodside resubmitted a modified EP (Submission 7, Rev 6 dated June 2023) to NOPSEMA in response to the OMR4 letter. Based on a review of the modified EP, it is apparent that there have been changes made to address items 3-7 of Attachment 1 in

the OMR4 letter. For example, there has been further efforts applied by Woodside to identify and consult with First Nations people/groups with functions, interests or activities that may be affected by the proposed activity.

After considering the EP (Submission 7, Rev 6 dated June 2023), including the updates that have been made in response to the OMR4 letter (dated 18 April 2023), it has been found that the First Nations people/groups that have been identified as relevant persons in the EP includes one NTRB (i.e. Yamatji Marlpa Aboriginal Cooperation), eight First Nations nominated representative corporations (i.e. various PBCs and Murujuga Aboriginal Corporation) and one other First Nations group that made themselves known to the titleholder and self-identified as a relevant person (i.e. Save our Songlines including individual representatives). The EP demonstrates that the consultation has been carried out with these relevant persons in an effective manner. For example:

5. the titleholder has provided these relevant persons with sufficient information in a readily accessible form and appropriate format to allow them to make an informed assessment of the possible consequences of the proposed activity on their functions, interests, or activities. For example, the titleholder provided the PBCs with a simplified consultation information sheet to share with their individual members that provided details on the environmental impacts and risks associated with the proposed activity with the location and extent of the EMBA clearly depicted. The titleholder also used clear, simple, and directly expressed terms during the consultation to make it clear to the PBCs that the invitation to participate in consultation provides for an opportunity to inform the titleholder of the nature of cultural interests that the PBC or their members may have within the EMBA.

6. additional information was provided iteratively and consultation was adapted in response to the feedback received from relevant persons to allow them to make an informed assessment of the possible consequences of the proposed activity on their functions, interests, or activities. For example, when a PBC expressed interest in engaging in the consultation process and provided feedback on their preferred method for the consultation, the titleholder accepted that feedback and adapted their approach to engaging with the PBC and their members based on their preferred method which typically resulted in the provision of additional verbal briefings and/or presentations supported with information in pictorial or graphic form.

7. the titleholder has provided these relevant persons with a reasonable period to consider information and provide feedback on how their functions, interests or activities may be affected by the activity. For example, relevant persons consultation with the PBCs commenced in January 2023 approximately 4.5 months prior to the submission of the EP and there has been an iterative process of information provision and various opportunities to provide feedback in writing or verbally at meetings.

8. in circumstances where no responses from a relevant person were received by the titleholder, the EP demonstrates that the titleholder made reasonable efforts to consult the relevant person to understand how their functions interests or activities may be affected. For example, consultation records in section 5 (particularly in Table 5-4) and the sensitive information part of the EP show that the titleholder attempted to contact these relevant persons on multiple occasions, using multiple methods (e.g. phone calls, emails and/or face to face meeting attempts) and over a reasonable timeframe (e.g. multiple months).

9. where requested, the titleholder adapted their approach to consultation in an appropriate manner to accommodate the provision of culturally restricted or sensitive information from relevant persons.

10. the titleholder has assessed the merits and provided responses to all objections and claims raised by relevant persons during the consultation.

11. the titleholder's methodology for consultation for the activity has been informed by various published guidance related to good practice consultation and sets out a list with examples of what this included (see section 5.2). A review of this list set out in the EP indicates that the titleholder has considered relevant published guidance for good practice consultation with First Nations peoples where it includes the Interim Engaging with First Nations People and Communities on Assessments and Approvals under the Environment Protection and Biodiversity Conservation Act 1999. It also includes the IAP2 Quality Assurance Standard for Community and Stakeholder Engagement that is considered broadly relevant for informing good practice consultation with First Nations peoples that are members of the broader community. Despite the consultation with First Nations relevant persons outlined above, there is uncertainty in the EP as to whether all First Nations relevant persons with functions, interests or activities that may be affected by the proposed activity have been afforded a reasonable period to consult on the consequences of the activity. This is because:

12. consultation records (see Table 5.4) indicate that the titleholder has not been successful in holding a meeting with Yinggarda Aboriginal Corporation, despite the reasonable attempts that were made by the titleholder to arrange a meeting with this group over a period of approximately 4.5 months.

13. consultation records (see Table 5.4 and the email dated 1 June 2023 in the sensitive information report and records of third-party correspondence that NOPSEMA has received during the assessment process) indicate that individual representatives of Save our Songlines 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 by the proposed activity, and this has not yet taken place before the EP was resubmitted. During the assessment process, some detailed notes on the titleholder's process for consulting First Nations relevant persons were taken that assisted with informing the above assessment findings (see A955741, dated 19 July 2023).

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.

After considering the EP (Submission 7, Rev 6 dated June 2023), it has been found that information that was gathered during the titleholder's consultation process with First Nations relevant persons has been appropriately incorporated into the EP. In particular, where BTAC informed the titleholder of the Thalanyji people's cultural obligation to care for the environmental values of sea country, this information has been all incorporated into the description of the environment in the EP (see section 4.10.1.5). The consultation records (Table 5-4 of the EP) with BTAC demonstrate that the titleholder committed to continue engaging with BTAC regarding their environmental values of sea country, and that BTAC has agreed for the further engagement to be completed as part of ongoing consultation subject to formalising a 'collaborative agreement' (additional findings in relation to this commitment with BTAC are provided below under 'The titleholder's assessment of merit and all responses to objections and claims are reasonable and supported, and inform the measures adopted because of the consultation'). During consultation, it appears that the other First Nations relevant persons have not informed Woodside of any cultural values within the EMBA for Woodside to incorporate and further consider in the EP.

The titleholder's assessment of merit and all responses to objections and claims are reasonable and supported, and inform the measures adopted because of the consultation. After considering the EP (Submission 7, Rev 6 dated June 2023), it has been found that there is uncertainty in the EP as to whether appropriate measures have been adopted by the titleholder in response to consultation with all First Nations relevant persons. In particular, the EP does not include a clear commitment to continue working with BTAC to finalise the proposed 'collaborative agreement' (as noted in above findings under 'Information gathered through the consultation process has been incorporated into the rest of the EP...') or similar for the purposes of identifying, managing and protecting the Thalanyji people's environmental values of sea country and to clarify what is important to, and shared understanding between, the titleholder and BTAC for a broader range of activities in Thalanyji country in the short, medium and longer terms, including but not limited to the proposed Scarborough activities in the EMBA.

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

After considering the EP (Submission 7, Rev 6 dated June 2023), it has been found that the report on consultation includes the prescriptive elements outlined in regulation 16(b) and a sufficient description of the consultation process, for NOPSEMA to objectively determine that the titleholder's duty to identify and consult with each relevant person has been discharged. In particular, refer to Section 5, Appendix E and the sensitive information report (parts 1 and 2) of the EP submission that provide: a summary of each response made by First Nations relevant persons in the EP; the titleholder's assessment of the merits of any objection or claim about the adverse impact of the activity to which the EP relates made by First Nations relevant persons; a statement of the titleholder's response, or proposed response, to each objection or claim about the adverse impact of the activity to which the EP relates made by First Nations relevant persons; and a copy of the full text of any response from First Nations relevant persons.

Consideration of third-party correspondence.

During the assessment process, a significant volume of external correspondence was received by NOPSEMA relating to the proposed Scarborough 4D B1 MSS as well as for other proposed activities for the broader Scarborough Development project. This external correspondence was processed in accordance with NOPSEMA's third-party correspondence process, and where it was found that there was a concern or issue raised in correspondence regarding the proposed Scarborough 4D B1 MSS, relevant considerations were taken into account by NOPSEMA in the assessment of this EP (see A936093).

Examples (of relevance to this sensitive environments' topic assessment) of the key types of concerns or issues relevant to the EP raised in external correspondence are outlined below, including how they were taken into consideration by NOPSEMA, namely:

14. inadequate identification and consultation with relevant persons, including in relation to First Nations people/groups - NOPSEMA considered whether the titleholder had implemented an appropriate relevant person's identification and consultation process in preparation of the EP with consideration of First Nations people/groups (refer to the findings of this sensitive environments topic assessment);
15. insufficient assessment of First Nations' cultural heritage impacts - NOPSEMA considered whether the EP has thoroughly identified and described First Nations cultural features and heritage values of the EMBA and undertaken an appropriate level of consultation with First Nations relevant persons to inform the assessment of impacts and risks to First Nations cultural features and heritage values of the EMBA (refer to the findings of this sensitive environments topic assessment); and
16. compliance with Section 280 of the OPGGS Act - NOPSEMA considered information gathered in the course of consultation with relevant persons (including First Nations relevant persons) that related to

			<p>activities of various interest holders in the offshore area and the measures in the EP to manage interference with other rights. This included consideration of whether the proposed activity may directly or indirectly harm marine wildlife or disrupt or change their migration and seasonal movement patterns in a manner that could detrimentally affect coastal Aboriginal connections with or traditional uses of the marine wildlife, which is not anticipated to occur noting that the marine wildlife that may be affected by the activity utilise habitats that are in deep water a long way from the coastline and the EP demonstrates that all environmental impacts and risks of the activity will be managed to ALARP and acceptable levels (refer to the general and protected matters topic assessments).</p>
8	Environment Plan complies with the Act and regulations	General	Submission 1 Rev 0

8	Environment Plan complies with the Act and regulations	General	<p>Consistent with the principles of ESD</p> <p>See issues raised in the above findings under 'impacts and risks will be of an acceptable level'. Evaluation of whether the EP is consistent with the principles of ESD cannot be completed until the relevant issues are addressed and resolved.</p> <p>Content requirements of Regulation 13-16 are included</p> <p>Content addressing Regulation 13 is included, with relevant findings set out under various decision criteria above.</p> <p>Content addressing Regulation 14 is included, with relevant findings set out under 'implementation strategy and monitoring, recording and reporting arrangements' above.</p> <p>Content addressing Regulation 15 is in Section 1.7 (page 16) of the EP.</p> <p>Content addressing Regulation 16 is included, as follows:</p> <ol style="list-style-type: none"> 1. statement of the titleholder's corporate environmental policy - Section 1.8.1 (page 18) and Appendix A of the EP 2. report on all consultations under regulation 11A - see above findings under 'appropriate level of consultation' 3. details of all reportable incidents - Section 7.9.4 (page 245) of the EP. <p>Commitments of OPGGS Act and Environmental Regulations</p> <p>AUV and commercial nodes will be deployed on the seafloor during the survey (see Section 3.6.4.2, page 41). The AUV nodes will be deployed and retrieved autonomously while the commercial nodes will be deployed via gravity with concrete pads for weighting to the seafloor and recovered via negative buoyancy with the use of self-recovery devices. It is proposed for the concrete structures to remain in-situ where they are expected to "biodegrade". The concrete structures will be made from a mixture of aggregate (rock fragments and sand) and Portland cement. An evaluation is provided in the EP to demonstrate that the concrete contains no materials that are harmful to the marine environment and it is expected that they will eventually dissolve "leaving a pile of naturally occurring material (gravel and sand) on the seafloor" (page 103).</p> <p>In the EP, WEL does not identify or address Section 572 of the OPGGS Act which is considered relevant to the activity if it is proposed for the concrete structures to remain in-situ after completion of the survey. Section 572 of the OPGGS Act places duties on titleholders in relation to the maintenance and removal of structures, equipment and property brought onto title.</p> <p>In order for equipment used in connection with the activity to remain-in situ after completion of the activity, following typical process WEL should:</p> <ol style="list-style-type: none"> 4. Seek a deviation from the requirements of Section 572(3) through Section 572(7) and demonstrate that leaving the concrete structures in situ will provide equal or better environmental outcome as per the NOPSEMA Section 572 Policy and DISER Offshore Petroleum Decommissioning Guideline. 5. If deemed acceptable to leave the concrete structures in situ, then a permit under the Environment Protection (Sea Duping) Act 1981 (Sea Dumping Act) should be obtained from DAWE. In the EP (page 104), WEL provided an evaluation of the requirement for a permit under the Sea Dumping Act and it was considered not required for the following reason: "Determined a permit under the Environment Protection (Sea Duping) Act 1981 is not required, given the infrastructure is considered to fall under the scope of article 1.4.2.3 of the London Protocol, which states that sea dumping does not include the 'abandonment in the sea of matter (such as cables, pipelines and marine research devices) placed for a purpose other than the mere disposal thereof'." <p>It does not appear that WEL has consulted with the sea dumping branch at DAWE to seek guidance on this matter based on the stakeholder consultation (see above findings under 'appropriate level of consultation'). Therefore, there is no evidence to provide confidence that WEL's own internal interpretation of the Sea Dumping Act/London Protocol for leaving the concrete structures in situ would be supported by DAWE. Further consultation with DAWE is required by WEL to clarify the requirement for a permit under the Sea Dumping Act for leaving the concrete structures in-situ. This issue is addressed under 'appropriate level of consultation'.</p> <p>CONCLUSION:</p> <p>While some factors that influence decision making are adequately addressed, at this stage of the assessment further information is required in relation to the following in order to draw informed conclusions and make a recommendation regarding this criterion:</p> <ol style="list-style-type: none"> 6. Further information is required to demonstrate how the EP is consistent with the principles of ESD (in line with the findings above for this decision criterion and under 'impacts and risks will be of an acceptable level'). 7. Further information is required to address Section 572 of the OPGGS Act to demonstrate that the EP is consistent with the commitments of the OPGGS Act and Environmental Regulations (in line with the findings above for this decision criterion).
Submission 2 Rev 1			

8	Environment Plan complies with the Act and regulations	General	<p>Response to RFFWI #1: Consistent with the principles of ESD See above findings under 'impacts and risks will be of an acceptable level'. Commitments of OPGGS Act and Environment Regulations Item 5.1 – It was requested for WEL to demonstrate how the activity will be undertaken in a manner that complies with Section 572 of the OPGGS Act. WEL has removed the use of AUV and commercial nodes from the activity (also see findings under 'appropriate for nature and scale of activity'). Consequently, this issue is no longer relevant.</p> <p>CONCLUSION: Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered that the EP has not demonstrated that it complies with the Act and regulations because a clear demonstration of how it is consistent with the principles of ESD is not provided.</p> <p>Submission 3 Rev 2</p> <p>Response to OMR #1: Consistent with the principles of ESD See above findings under 'impacts and risks will be of an acceptable level'. Commitments of OPGGS Act and Environment Regulations It is noted that a financial assurance declaration and confirmation have not been received at this time - ISSUE.</p> <p>CONCLUSION: Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered that the EP does not comply with the Act and regulations because:</p> <ol style="list-style-type: none"> 1. Commitments of OPGGS Act and Environment Regulations - the assessment process does not enable acceptance of an EP until financial assurance requirements are confirmed for titles relevant to the activity of which the EP relates and it is noted that a financial assurance declaration and confirmation have not been received at this time. Separate to the above, consideration is provided below to where it is recommended that the decision maker can be reasonably satisfied that the EP complies with the Act and regulations because: 2. Consistent with the principles of ESD - a clear demonstration of how management of the activity is consistent with the principles of ESD has now been provided (also see acceptable levels). 3. 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. 4. 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. The implementation strategy included in the EP addresses the notification and reporting requirements of the Environment Regulations. <p>Submission 4 Rev 3</p> <p>Commitments of OPGGS Act and Environment Regulations A financial assurance declaration and confirmation has now been received for the activity (objective reference A864500).</p> <p>Submission 5 Rev 4</p> <p>It is noted that the previous financial assurance declaration was invalid, however, this has since been resolved and new and valid financial assurance declaration and confirmation have been received.</p> <p>Decision factors:</p> <ol style="list-style-type: none"> 1. Consistent with the principles of ESD 2. Content requirements of Regulation 13-16 are included 3. Commitments of OPGGS Act and Environment Regulations <p>Submission 6 Rev 5A</p>
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8	Environment Plan complies with the Act and regulations	General	<p>There were no material changes since the last revision of the EP. It is noted that an assessment of any additional information (relevant to the general assessment scope) provided in Revision 5A of the EP (A921889) was undertaken.</p> <p>CONCLUSION:</p> <p>Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered 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"> 1. Commitments of OPGGS Act and Environment Regulations - the financial assurance declaration and confirmation have been received. 2. Consistent with the principles of ESD - a clear demonstration of how the management of the activity is consistent with the principles of ESD has now been provided (also see acceptable levels). 3. 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. 4. 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. The implementation strategy included in the EP addresses the notification and reporting requirements of the Environment Regulations. <p>Submission 7 Revision 7</p> <p>There were no material changes since the last revision of the EP. It is noted that an assessment of any additional information (relevant to the general assessment scope) provided in Revision 7 of the EP (A941010/A941007) was undertaken.</p> <p>CONCLUSION:</p> <p>Considered from the perspective of the general assessment, and having taken additional information provided into account, it is considered 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"> 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.
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