

From: [REDACTED]
Sent: Fri, 29 Aug 2025 00:42:17 +0000
To: [REDACTED]
Cc: [REDACTED]
Subject: CGG Regia MSS EP
Attachments: Native_Title_Slide.pdf

Hi [REDACTED]

Please find attached the higher resolution slide regarding the Native Title updates for forwarding to [REDACTED] and [REDACTED] as discussed yesterday.

Kind regards



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Item 1.2

NOPSEMA Finding

The EP does not clearly and consistently evaluate all impact and risk pathways to First Nations cultural features and values as required by regulation 21(5)(6).

ISSUE

The EP does not link all relevant risk pathways to each identified cultural feature of the environment. For example, Native Title Areas as cultural features are not linked to the accidental release of fuel risk pathway in Appendix F3 (Further Assessment of Key Values and Sensitivities) or considered in Appendix D4 (Risk Assessment – Accidental Release of Fuel). It is noted that the Environmental Planning Area (EPA) includes shoreline contact within identified Native Title Areas in the event of a worst-case unplanned release of fuel.

D4: Native Title wording added to 9.5.4 & new map showing Native Title Determinations and Environmental Planning Area.

Indigenous Culture

Sensitivity Rating	High
Predicted Level of Risk	Medium

Environmental Planning Area Existing Environment

The information provided below has been sourced from publicly available information and from consultation undertaken in preparing the EP.

Within the Environmental Planning Area key values and sensitivities in relation to First Nations have been identified and described through consultation and desktop research, documented in Appendix F3, Section 3.16. These include both tangible and intangibles, for example, Nyamat Mirring Indigenous Protected Area (currently under consultation), Deen Maar, Point Nepean & Mornington Peninsula, Southern Right Whales, Glass Eel, kelp and sponges. The relevant section of this document concerning the value is outlined in the Cultural Features Table, located in Appendix F3, Section 3.16.

The Environmental Planning Area overlaps King Island which was part of a land bridge linking Tasmania with the Australian Mainland and was submerged around 12,000 years ago with rising sea levels. While uninhabited at the time of European discovery by Captain Reed in 1799 the first Tasmanians were a very mobile people, especially by water. They had a wide-ranging territory, travelling in season for hunting, gathering and ceremonial purposes. They built and used several different types of seaworthy boats and research suggests that they passed through but did not permanently inhabit King Island (KIC 2023).

The Environmental Planning Area overlaps with the following Native Title determinations (Appendix B12 MAP-REG-EPM-DXQ):

Gunditj Mirring Traditional Owners Aboriginal Corporation (GMTOAC) on behalf of the Gunditjmara people.

Eastern Maar Aboriginal Corporation (EMAC) on behalf of the Eastern Maar people.

The Environmental Planning Area overlaps with the following Registered Aboriginal Parties' coastal areas in Victoria:

Wadawurrung Traditional Owners Aboriginal Corporation (WTOAC) on behalf of the Wadawurrung people.

Bunurong Land Council Aboriginal Corporation (BLCAC) on behalf of the Bunurong people.

Non-exclusive rights linked to Native Title determinations, include access to the land and waters and resources therein, the use and enjoyment of lands and waters, camping, and the protection of areas of importance. As per the Offshore Petroleum and Greenhouse Gas Storage Act 2006, Section 280, Requirement 2(e), offshore activities must carry out the activities in a manner that does not interfere with the enjoyment of native title rights and interests beyond what is necessary for the reasonable exercise of the rights granted under exploration titles.

Predicted Level of Risk

Due to the distance to the South Australian and King Island coastal areas from the Operational Area (~130 km and ~70 km respectively) impacts to coastal areas above the low thresholds are not predicted. As the Operational Area is as close as ~7 km to the Victorian coast, there is the potential for diesel above the low threshold to be visible on the ocean surface in coastal waters and as a sheen on shoreline areas. Most of the diesel will be concentrated along the high tide mark while the lower/upper parts are often untouched (PIECA 1995) and expected to be visible.

Visible nearshore and shoreline hydrocarbons have the potential to reduce the visual amenity of the area but impacts to cultural values are not predicted due to the low volumes, light nature of marine diesel and substantial wave action with the nearshore areas impacts are likely to be short term and not require intrusive clean-up response.

The predicted level of consequence to coastal developments from a 250 m³ MDO spill is assessed as moderate as exposure to oil above low thresholds could occur areas nearshore of the Operational Area, though if consequences occurred, they are likely to only affect a small portion of the coastal area for a short duration (hours to days) due to the low spill volume and short duration of any exposure, the likelihood is assessed as rare (based on the absence of any reported seismic vessel collisions in Australia) resulting in a predicted level of risk of medium.

D4: line added to section 4 description of the environment

4 Description of the Existing Environment that may be Affected by the Activity

As detailed in Section 2.2, the Environmental Planning Area has been adopted as the areal extent within which receptors could be exposed to oil from a MDO spill.

To identify key values and sensitivities that may be at risk from an accidental release of marine diesel oil within the Environmental Planning Area a PMST search was undertaken using the Environmental Planning Area, with the PMST Report available in Appendix B5: PMST Search Reports. A summary of the values and sensitivities protected under the EPBC Act relevant to a loss of containment is detailed in within this document. The summary also identifies any relevant conservation advice or recovery plans.

The identified Cultural Features values and sensitivities (refer to section 3.16, Appendix F3), were also reviewed to assess potential risks from an accidental release of fuel.

In addition, a review was undertaken of commercial fisheries that may fish within the

F3: Accidental release of fuel text added as a cause/effect pathway in Native Title and sections cited

Cultural Features	Description	Source	Cause and Effect Pathway	Reference to Evaluation
Native Title Areas	In July 2011 the Eastern Maar and Gunditjmara peoples were recognised as the native title holders for an area of their Traditional Country in south-west Victoria between the Shaw and <u>Eumeralla</u> Rivers and from Yambuk in the south to beyond Lake Linlithgow in the north. For the Gunditjmara	https://easternmaar.com.au/about/ https://www.gunditjmiring.com/native-title	Planned: Light Emissions Physical Presence Unplanned: Accidental release of materials or waste overboard Accidental release of fuel	Light Emissions, Appendix E9. Physical Presence, Appendix E1 Release of materials or waste overboard, Appendix D1 Accidental release of fuel , Appendix D6, (cited in section 9.5.4)