

Assessment conclusions

Assessment ID [6807](#)

Duty holder: Woodside Energy Scarborough Pty Ltd
 Facility/Activity: Scarborough Drilling and Completions
 Facility/Activity type: Petroleum Activity
 Assessment type: Environment Plan (Development)

Conclusions

Submission number

1	Acceptance criteria	Team conclusion	Outcome
	Environment Plan is appropriate for nature and scale of activity	<p>The EP is appropriate to the nature and scale of the activity because:</p> <ol style="list-style-type: none"> 1. The description of the activity provided in Section 3 of the EP is suitable and is consistent with the requirements of EP content requirements as outlined in Regulation 13(1). It includes a credible GHG emissions inventory and boundary. 2. The description of the environment provided in Section 4 and Appendix I of the EP is thorough, appropriately considers relevant values and sensitivities (including matters protected under Part 3 of the EPBC Act, and climate-vulnerable receptors) and is consistent with the EP content requirements of Regulation 13(2) & 13(3). The EMBA is suitably understood through modelling of the worst-case spill scenario consistent with exposure values in NOPSEMA Bulletin #1 (EP, Section 6.8.1). It is noted that the worst case loss of well control scenario predicted is a dry gas scenario, as the reservoir has "no or only trace liquid hydrocarbons" and it is expected that a majority of the gas plume will dissolve in the water column prior to reaching the surface (EP, Section 6.8.3). Therefore the worst case credible spill scenario is predicted to be a loss of 250m3 marine diesel during a vessel collision (EP, Table 6-12). 3. The impact and risk assessment in Section 6 of the EP is commensurate to the magnitude of the impacts and risks associated with the activity, and the level of analysis and evaluation is proportionate to the nature and scale of the activity. Contemporary scientific information is used to support the GHG emissions impact evaluation. The assessment of impacts and risks meets the requirements of Regulation 13(5) - as further outlined for acceptability and ALARP evaluation assessments that follow. The assessment includes appropriate consideration of impacts and risks from the activity, including from emergency conditions as per Regulation 13(6). Suitable control measures have been included as outlined in the assessment for acceptability, ALARP, EPSs and EPOs below. Those control measures have been addressed via the inclusion of EPOs, EPS and MC as per Regulation 13(7). 4. Relevant person consultation has been incorporated into the EP, meeting the EP content requirements as per Regulation 16(b), and the requirements of Regulation 11A - as further outlined for acceptance criterion 10A(g) below. 5. Requirements, including legislative requirements that apply to the activity are sufficiently described and incorporated throughout the EP. For example in EP Section 1.10 and Appendix B and in Section 6 the impact and risk assessment. These sections describe how the requirements of the relevant requirements are met, consistent with the requirements of Regulation 13(4). 	Recommend

1	<p>Environment Plan demonstrates that the impacts and risks will be reduced to ALARP</p>	<p>The EP has demonstrated that the environmental impacts and risks of the activity will be reduced to ALARP because:</p> <ol style="list-style-type: none"> 1. The EP includes appropriate consideration and evaluation of all reasonable control measures for impacts and risks from the planned activity and those from potential emergency conditions, in that within the EP Section 6 and the OSPRMA Sections 5 and 6 an ALARP evaluation has been included that lists additional potential control measures (where relevant) and justifies why standard and additional control measures are either adopted or rejected. Control measures for GHG emissions within the emissions boundary set for the activity address the emissions main sources. 2. It is evident that the process for evaluating whether impacts and risks have been managed to ALARP has been applied with additional control measures adopted for higher order impacts and risks, such as for drilling discharges, potential noise impacts on protected species, GHG emissions, and oil spill response. Control measures adopted are overall suitable given the nature and scale of the activity. 3. Control measures are described in sufficient detail to demonstrate they will be effective in reducing the impacts/risks for the duration of the activity. 4. The evaluation of adoption of control measures is reasonable given that sufficient supporting information has been provided to justify their adoption or rejection (EP Section 6 and the OSPRMA Sections 5 and 6) and the process described in Section 2 of the EP has been followed. Relevant impact assessment from the OPP (e.g. for GHG emissions) is also included through the use of Reg 31. 5. The submission considers important information gathered from the consultation process when demonstrating impacts and risks are ALARP - such as for example the requirements for notifications to specified relevant persons prior to the activity or in the event of an oil spill. 	<p>Recommend</p>
	<p>Environment Plan demonstrates that impacts and risks will be of an acceptable level</p>	<p>The EP has demonstrated that the environmental impacts and risks of the activity will be of an acceptable level because:</p> <ol style="list-style-type: none"> 1. Acceptable levels were defined in the Scarborough Offshore Project Proposal (OPP) accepted by NOPSEMA and environmental performance outcomes (EPOs) set to reflect these levels. The EP then adopted relevant EPOs and controls from the OPP. The process and criteria used for demonstrating acceptability of the activity's impacts and risks are described in EP Section 2.3.5. 2. Acceptable levels are evaluated in detail in the OPP using criteria that is considered appropriate including alignment with the relevant principles of ESD as defined under the EPBC Act; internal context – consistency with Woodside's internal policies, procedures and standards; external context – consideration of feedback from stakeholders; other requirements - the proposed controls and impact and risk levels are consistent with national and international standards, laws, policies and Woodside Standards (including applicable plans for management and conservation advices, and significant impact guidelines for MNES). Within the OPP, the 'Statement of Acceptability' for each impact and risk considers these elements and makes explicit reference to ESD. Within the EP, the demonstration of acceptability uses the following criteria: <ul style="list-style-type: none"> • Adoption of relevant OPP EPOs and controls • Adoption of EP specific controls where required • Impact Significance Level / Risk Consequence levels for receptors are equal to or less than the significant impact level defined in the Scarborough OPP (Section 6.5; Table 6-3) and are therefore consistent with the EPOs and managed to an acceptable level of impact or risk, and • Consideration of internal/external context and other requirements specific to this EP Petroleum Activities Program (including issues raised during EP Stakeholder Consultation). <p>Updated information is provided in the EP in relation to impacts where the external context has changed e.g. GHG emissions. In conclusion, acceptable levels are defined and appropriately based on internal context and current external context, legislative and industry standards. The acceptable levels of environmental impact and</p>	<p>Recommend</p>

risk appear appropriate and relevant to the environment that may be affected by the activity.

3. Key documents (such as recovery plans, conservation advices and management plans) are considered within a separate assessment within EP Section 6.9 to demonstrate that the Petroleum Activities Program is not inconsistent with any relevant recovery plans or threat abatement plans.

For those objectives/action areas applicable to the Petroleum Activities Program, the relevant actions of each plan have been identified, and an evaluation has been conducted as to whether impacts and risks resulting from the activity are clearly inconsistent with that action or not. In addition, relevant EPO, Controls and EPS. The following statutory instruments were considered:

- Recovery Plan for Marine Turtles in Australia 2017 – 2027 (Commonwealth of Australia, 2017)
- Conservation Management Plan for the Blue Whale - A Recovery Plan under the Environment Protection and Biodiversity Conservation Act 1999 2015-2025 (Commonwealth of Australia, 2015a)
- Threat Abatement Plan for the impacts of marine debris on the vertebrate wildlife of Australia's coasts and oceans 2018 (DoEE, 2018)

4. Uncertainty has been addressed in the evaluation impacts and risks from planned aspects of the activity, predictions have been made in relation to risks to the environment that are generally suitably conservative (for example, light footprint, noise footprint, discharge volumes). In relation to addressing uncertainty regarding the evaluation of impacts and risks arising from emergency conditions, modelling was conducted of spill scenarios with recognition of assumptions made, and scalability of response options considered.

5. The submission provides an appropriate evaluation of impacts and risks for the activity, and provides justifiable conclusions that these will be managed to an acceptable level (EP Section 6).

6. Relevant person consultation has been incorporated where appropriate in setting acceptable levels for the activity, for example control measures for managing potential noise impacts to blue whales are consistent with advice received from DAWE.

Environment Plan provides for appropriate performance outcomes, standards and measurement criteria

The EP provides for appropriate EPOs, EPSs and measurement criteria because:

1. EPOs are defined for all identified key impacts and risks relevant to the activity (EP Section 6). A number of the EPOs relate to multiple impacts and risks (Table 6-1). Appendix D (Oil Spill Preparedness and Response Strategy Mitigation Assessment - OSPRMA) contains EPOs for spill response strategies. EPOs relevant to GHG emissions are consistent with those accepted for other recent EPs and provide a measurable outcome. The defined EPOs are linked to the acceptable level of impact/risk, and reflect levels of environmental performance.
2. The EPSs provided in each of the impact/risk specific tables in Section 6 of the EP are clearly linked to the relevant control measures described. Section 5 of the OSPRMA provides performance standards for each response strategy. Overall, the EPSs, together with the control measures provide a reasonable level of detail to secure ongoing compliance throughout the activity.
3. The tables within Section 6 of the EP provides clearly stated measurement criteria, as does Section 5 of the OSPRMA. Section 5.8 of the OSPRMA explains the Measurement criteria for all response techniques.
4. The EPOs, EPs and MC are linked and complement each other.

Recommend

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

The EP includes an appropriate implementation strategy and monitoring, recording and reporting arrangements because:

1. Content requirements of Regulation 14 are included. The content requirements under Regulation 14 are evident and appropriately addressed given the nature and scale of the activity. The implementation strategy complies with the Act, regulations and other legislative requirements as per Regulation 14(10).
2. Evidence that all impacts and risks will continue to be reduced to ALARP and acceptable is provided in EP Section 7 (Implementation Strategy) in which is described appropriate systems, practices and procedures that direct, review

Recommend

	<p>and manage the activities so environmental risks and impacts are continually being reduced to ALARP and are acceptable, and that EPOs and standards outlined in this EP are achieved. [Reg 14(1), Reg 14(3), Reg 14(6)]</p> <ol style="list-style-type: none"> Management of change, knowledge and learning processes are described in Sections 7.5 and 7.6 of the EP. [Reg 14(3)] The titleholder's environmental management system as described in EP Section 1.9 and Section 7 is effective. Appropriate training and competencies are outlined in EP Section 7.4, 7.9 and in the Oil Pollution Emergency Arrangements (OPEA), together with the arrangements for achieving the set training and competencies. [Reg 14(4) and Reg 14(5)] An appropriate Oil Pollution Emergency Plan is included in the submission, consisting of the following components: Woodside Oil Pollution Emergency Arrangements (Australia), Appendix D: Oil Spill Preparedness and Response Mitigation Assessment and Appendix H: Oil Pollution First Strike Plan, and is appropriate for the nature and scale of the activity including credible spill scenarios. [Regs 14(8), 14(8AA), 14(8A), 14(8B), 14(8C), 14(8D), 14(8E)] Monitoring, recording and reporting arrangements described in EP section 7, the OSPRMA Annex B, and the Oil Pollution First Strike Plan section 1 are adequate, consisting of tools and systems that will be used to monitor and record environmental performance (EP Section 7.5), internal reporting and reporting to NOPSEMA (EP Section 7.8); monitoring of emissions and discharges is as per the measurement criteria. [Reg 14(2), Reg 14(6), Reg 14(7)] Audit, review and non-conformance management as described in EP section 7.5 has appropriate scopes and frequencies assigned and specifies the Woodside systems and procedures that will be followed. [Reg 14(6)] Testing of response arrangements is evident in EP Section 7.9 including a schedule for testing and scope, frequency and objectives of tests. [Reg 14(8A)] Ongoing consultation arrangements are in place as described in EP Table 7-2, Section 5.9, and within the Oil Pollution First Strike Plan section 1 for notifications and reporting in the event of an incident [Reg 14(9)] 	
Environment Plan demonstrates appropriate level of consultation	<p>The EP has not demonstrated the consultation process has been followed and the measures adopted because of the consultations are appropriate because:</p> <ol style="list-style-type: none"> Effective consultation with relevant persons has not taken place, because 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 (Greenpeace's website and Scarborough OPP), 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. To date, information gathered through consultation is included in the EP, such as the need for pre-activity notifications to specific relevant persons or in the event of an oil spill (as mentioned above) 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. Objections and claims have been raised to date have been resolved as far as reasonably practicable. Objections or claims made by relevant persons about adverse impacts of the activity on their functions, interests or activities were limited to that raised by the Conservation Council of WA Inc (CCWA), which was at times raised through correspondence by the Environmental Defenders Office on behalf of CCWA. The key objection/claim made by CCWA related to management of air emissions from the broader Scarborough Project, including GHG emissions and its impact on climate change and the Murujuga rock art of the Burrup Peninsula. <p>Woodside, in their EP submission provides the following conclusion regarding their extent of consideration of indirect impacts for this drilling and completions activity: "The extraction of Scarborough gas for onshore processing is not included in this Petroleum Activities Program. Subsequent and future</p>	Do not Recommend

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 future Scarborough EPs as appropriate. Section 1.10.2.1 outlines the list of broader Scarborough Development activities, which will be addressed in EPs submitted to NOPSEMA for assessment." (EP, Section 6.6)

In considering Woodside's statement above, the following facts are noted:

- a) The Scarborough project consists of several defined stages of activity (EP Section 1.10.2.1).
- b) At this stage of the activity, i.e. drilling and completions, there is no extraction or production of gas from the Scarborough reservoir.
- c) 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.

Based on these facts, 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 environment plan. Therefore, this objection/claim is not relevant for consideration in this EP.

- 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.

4. A report on consultation in line with the content requirements of Regulation 16b and 11A is provided in Table 5-2 and Table 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.

Environment Plan
complies with the
Act and regulations

The EP complies with the Act and Regulations because:

1. It is consistent with the principles of ESD as discussed above under demonstration of acceptable level.
2. Content requirements of Regulation 13-16 are included. EP content requirements not described elsewhere above:

An EP summary statement has been included in the EP in Table 1-1, as required by NOPSEMA policy. [Reg 11(3 and 4)]

Details of the titleholder are provided in EP section 1.2 including the titleholders nominated liaison person, and mechanism for notifying NOPSEMA of a change in liaison person. [Reg 15(1) (2) (3)]

The titleholder's Environment Policy is provided in Appendix A [Reg 16(a)]

Reportable incidents - these are described in EP Section 7.8.4.1. [Reg 16(c)]

1. Commitments of OPGGS Act and Environment Regulations are not demonstrated to be met, including but not limited to:
 - Section 571(2): Financial assurance. Financial assurance declaration and confirmation have not been received at this time.
 - Commitments in relation to Section 572 of the OPGGS Act have been

Do not
Recommend

	demonstrated to be met: Abandonment of wellheads is not proposed until end of field life, however if required, well abandonment is adequately covered in EP Section 3.11 and it is stated that final decommissioning of the wellheads will be subject to a separate EP.	
Environment Plan does not involve the activity or part of the activity being undertaken in any part of a declared World Heritage property	The EP does not include an activity or part of an activity, other than arrangements for environmental monitoring or for responding to an emergency, being undertaken in any part of a declared World Heritage property.	Recommend
Commonwealth Environment Program		Result
World Heritage properties		Relevant requirements met
National Heritage places		Relevant requirements met
Ramsar wetlands		Relevant requirements met
Listed threatened species and communities		Relevant requirements met
Listed migratory species		Relevant requirements met
Commonwealth marine area		Relevant requirements met
RoN decision	Decision reason	RoN
Opportunity to modify and resubmit	<p>Based on the available information and my review of the findings of the assessment team and their recommendations above, I am not satisfied that the environment plan meets the criteria set out in regulation 10A.</p> <p>Based on the available information, I am not yet satisfied that the titleholder complies with financial assurance requirements of the Act (subsection 571(2)) in relation to the petroleum activity. Financial assurance declaration and confirmation for the activity are currently outstanding.</p>	

2	Acceptance criteria	Team conclusion	Outcome
	Environment Plan is appropriate for nature and scale of activity		
	Environment Plan demonstrates that the impacts and risks will be reduced to ALARP		
	Environment Plan demonstrates that impacts and risks will be of an acceptable level		
	Environment Plan provides for appropriate performance outcomes, standards and measurement criteria		
	Environment Plan includes appropriate implementation strategy and monitoring, recording and reporting arrangements		

2	Environment Plan demonstrates appropriate level of consultation	<p>The assessment team recommends that the decision maker <u>cannot</u> be reasonably satisfied that the EP demonstrates an appropriate level of consultation because:</p> <ul style="list-style-type: none"> While the EP reasonably describes the process applied for identifying relevant persons within the categories defined by regulation 11A(1)(a), (b), (c), (d) and (e), there is uncertainty as to whether the process provides for sufficiently broad capture of First Nations peoples who have interests that may be affected by the activity (Table 5-2). The EP does not clearly show that the 'Traditional Custodians' consulted were representative of all the First Nations groups or individuals who should be consulted as relevant persons. The process places a heavy reliance on directing consultation through First Nations representative groups (e.g., NTRBs and PBCs) (Table 5-3). To support this view, the consultation records (Table 5-4, Sensitive Information Report Part 2) fail to demonstrate that First Nations representative groups consulted, were requested to help identify other First Nations relevant persons who hold communal cultural interests that may be affected by the activity, or to provide advice on the appropriate means to identify and consult with these individuals and/or groups (YMAC is an exception to this). In addition, the process for self-identification appears to have limiting steps that may restrict the broad capture of First Nations relevant persons, with relevance of the person or organisation being judged through membership in or engagement with the PBC. Based on this, it is unclear that all First Nations relevant persons were afforded a reasonable opportunity to participate in the consultation. It is not currently demonstrated that the process described for providing other opportunities for individual First Nations peoples to self-identify as relevant persons (in response to other forms of notification such as newspaper advertisements, social media campaigns, community meetings, etc) is appropriate to capture the potentially affected individuals and address the shortcomings in the process described above. The record of consultation presents uncertainty as to whether consultation with First Nations relevant persons has been effective in all cases, to identify information on cultural features of the EMBA and inform management measures. This is because, there has been a change to the organisation representing the Yinggarda Aboriginal Corporation from the YMAC (with which Woodside has demonstrated consultation) to the Gumala Aboriginal Corporation (GAC). GAC had not responded to contact attempts at the time the EP was submitted. It is also not clear whether community information barbecue sessions held in Roebourne achieved the intended outcome of reaching individual Traditional custodians and allowed for engagement of attendees in a genuine two way dialogue about the activity, or was geographically representative of the area that may be affected by the activity's impacts and risks. While the EP (Section 7.8.2.1) describes Woodside's approach to addressing obligations for ongoing relevant persons consultation, including commitments with Commonwealth and state authorities, the approach for ongoing consultation with First Nations representative groups does not reflect the commitments Woodside has made to these groups for continuing dialogue with them on the range of issues and opportunities (e.g. the (i) rollout/ expansion of ranger and monitoring programs, (ii) funding support for technical and anthropological studies or for a particular role and (iii) development of formal consultation/collaboration/information sharing agreements, etc.). 	Do not Recommend
	Environment Plan complies with the Act and regulations		
	Environment Plan does not involve the activity or part of the activity being undertaken in any part of a declared World Heritage property		
Commonwealth Environment Program		Result	
World Heritage properties			

2	Commonwealth Environment Program		Result
	National Heritage places		
	Ramsar wetlands		
	Listed threatened species and communities		
	Listed migratory species		
	Commonwealth marine area		
	RoN decision	Decision reason	RoN
	Opportunity to modify and resubmit	Based on the available information and my review of the findings of the assessment team and their recommendations above, I am not satisfied that the environment plan meets the criteria set out in regulation 10A.	

3	Acceptance criteria	Team conclusion	Outcome
	Environment Plan is appropriate for nature and scale of activity	<p>The assessment team recommends that the decision maker <u>can be reasonably satisfied</u> that the EP is appropriate for the nature and scale of the activity because:</p> <ol style="list-style-type: none"> 1. The EP includes a suitable description of the activity and how it may affect the environment. The EP provides more detail on the activity components with the greatest potential to generate impacts and risks to the environment. <ul style="list-style-type: none"> ◦ The scope and bounds of the development and completions activities are clearly described in Section 3 of the EP. In particular, the EP provides details of the proposed location, timeframe and duration of the activity and an outline of the operational details of the activities that may occur within the Petroleum Activity Area (PAA). ◦ There is a comprehensive description of the activity (Section 3) relevant to the consideration of environmental impacts and risks of the activity, including: <ul style="list-style-type: none"> ▪ General details of the construction and layout of the facility and infrastructure involved in the activity, including the MODU, project vessels, helicopters and subsea equipment. ▪ A description of the hydrocarbon type and its physical/chemical characteristics. ▪ An overview of the chemical assessment process for chemicals that may be used as part of the activity. ▪ The types and estimates of discharges and emissions, including MODU and project vessel discharges, atmospheric and greenhouse gas emissions, light emissions, noise emissions and solid waste generated. ▪ Unplanned chemical and hydrocarbon discharges, ranging from a diesel spill in a vessel collision scenario to a dry gas release in a loss of well control scenario. ◦ A description of the equipment that may be used in connection with the activity, such as underwater acoustic positioning equipment (Section 3.8). ◦ A description of each stage of the activity, including development drilling, completions and installation of subsea xmas tress (Section 3.8 and Section 3.10). ◦ The description of the activity (Section 3) is consistent with the requirements of regulation 13(1). 2. The EP (Section 4 and Appendix I) describes the environment that may be affected by planned and unplanned components of the activity in sufficient detail to inform the evaluation of environmental impacts and risks. <ul style="list-style-type: none"> ◦ The EP contains a description of the values and sensitivities of the social, economic and cultural features of the environment. ◦ The EP includes a description of matters protected under Part 3 of the EPBC Act within the EMBA. Reference is made to peer-reviewed literature and relevant plans of management, threat abatement plans, recovery plans and conservation advice. The titleholder conducted searches for Matters of National Environmental Significance (MNES) and other matters protected by the EPBC Act within the PAA and EMBA, using the EPBC Act Protected Matters Search Tool (PMST). Of note, the PAA does not overlap with any BIAs for threatened and migratory whales. The closest BIA to the PAA is the pygmy blue whale migration BIA, located 35 km from the PAA. No other BIAs for threatened and migratory whales are located within the EMBA. The PAA and EMBA do not overlap any marine turtle BIAs or whale shark BIAs. ◦ The EP includes a description of First Nations cultural features and heritage values within the EMBA (Section 4.9.1 and Section 6.10), including tangible and intangible aspects and is supported by multiple sources of relevant and suitable information. For example, the EP includes details of onshore native title claims, determinations and ILUAs made under the <i>Native Title Act 1993</i>, 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. The description in the EP is supported by a desktop 	Recommend

- assessment of sea country values (Section 4.9.1.5.1). A summary of sea country values or cultural features identified through a desktop assessment of publicly available literature is presented in Table 4-16, according to the First Nations groups who hold those values (where identified). In addition, Table 4-17 summarises the information on cultural values gained through relevant person consultation.
- The titleholder defined the EMBA (Figure 4-1) based on stochastic modelling of the worst-case spill scenario, a vessel collision scenario (tank rupture of 250 m3 marine diesel) (described in Section 4.1, Section 6.8.1.3). The EMBA is the potential spatial extent of surface and in-water hydrocarbons at concentrations above ecological impact thresholds (Table 4-1), consistent with NOPSEMA guidance for oil spill modelling and use of modelling thresholds (NOPSEMA Bulletin #1, April 2019). It is noted that the worst-case loss of well control scenario for this activity was predicted to be a dry gas scenario, as the reservoir has "no or only trace liquid hydrocarbons" and it is expected that the majority of the gas plume will dissolve in the water column prior to reaching the surface (Section 6.8.3).
 - The description of the environment is consistent with the requirements of regulation 13(2) and 13(3).
3. The EP includes an overview of relevant legislation and other environmental requirements (such as laws, codes, standards, agreements, treaties, conventions or practices) that apply to the activity and demonstrates how they will be met (Section 1.10 and Appendix B).
- The EP describes the requirements from policies, plans of management, recovery plans, conservation advice and other guidance for matters protected under the EPB Act and demonstrates how these will be met. Specifically, Section 6.9 outlines the relevant recovery plans, conservation management plans, threat abatement plans or approved conservation advice in place for EPBC Act-listed threatened species that may potentially occur or use habitat within the EMBA. Section 6.9 also summarises the actions from these plans relevant to the petroleum activity and demonstrates where the requirements have been addressed in the EP. Section 6.9 provides an assessment of whether the petroleum activity is not inconsistent with any relevant recovery plans or threat abatement plans.
 - The description of requirements is consistent with the requirements of regulation 13(4).
4. The impact and risk assessments are 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 (Section 6.7, Section 6.8, Section 6.9 and Section 6.10).
- The EP contains an evaluation of all impacts and risks, arising directly or indirectly from all operations of the activity and potential emergency conditions (whether an accident or another reason), that is appropriate to the nature and scale of each impact and risk.
 - The titleholder has applied more detail and rigour to the evaluation of higher order impacts and risks and to receptors with the greatest potential for impact/most vulnerable. The EP provides details of the additional studies that were undertaken by the titleholder to adequately support and inform those impact and risk evaluations, including oil spill modelling. Contemporary information was considered in the impact and risk evaluations.
5. The evaluation of environmental impacts and risks is consistent with the requirements of regulation 13(5) and 13(6).
- 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.
 - The evaluation of impacts and risks take into consideration the intended performance of the control measure to demonstrate that impacts and risks have been reduced to ALARP.
 - Suitable control measures have been included to reduce impacts and risks to ALARP and an acceptable level, consistent with the requirements of regulation 13(5).
6. Information provided during relevant persons consultation is appropriately

	<p>considered, evaluated, and incorporated into the EP where it is relevant.</p> <ul style="list-style-type: none"> Relevant person consultation has been incorporated into the EP, meeting the EP content requirements as per regulation 16(b), and the requirements of regulation 11A - as further outlined for acceptance criterion 10A(g) below. 	
Environment Plan demonstrates that the impacts and risks will be reduced to ALARP	<p>The assessment team recommend that the decision maker <u>can be reasonably satisfied</u> that the EP demonstrates that impacts and risks will be reduced to ALARP because:</p> <ol style="list-style-type: none"> The EP describes the method applied to evaluate whether impacts and risks are reduced to ALARP (Section 2). The method of evaluation is systematic, applied thoroughly to all identified impacts and risks, defensible and reproducible. The evaluation of the adoption of control measures is based on environmental benefits and the consideration of the feasibility and cost/sacrifice of implementation. <ul style="list-style-type: none"> The evaluation of control measures is based on impact/risk reduction that are practicable without sacrifices that are grossly disproportionate to the environmental benefit gained (if any). The control measures adopted are considered sufficient for the impacts and risks presented. All control measures that could be reasonably considered are evaluated (Section 6 and Appendix D: Section 5 and 6). <ul style="list-style-type: none"> For higher order impacts and risks, the exploration of alternative, additional or improved control measures is evident by the titleholder, including for drilling discharges, noise emissions, GHG emissions and oil spill response. For example, Section 6.7.3 includes an evaluation of all control measures that could be reasonably considered to manage underwater noise impacts to threatened and migratory whales (including pygmy blue whales). The titleholder has explored alternative, additional or improved control measures in order to demonstrate that underwater noise impacts are reduced to ALARP. The evaluation of impacts and risks has informed the selection of suitable control measures to either reduce the consequence/severity or likelihood of impacts and risks. There is sufficient detail of the control measures to demonstrate that the measures will be effective in reducing impacts and risks to ALARP for the duration of the EP. The EP has demonstrated, though reasoned and supported arguments that there are no other practical control measures that could reasonably be taken to reduce impacts and risks any further. The EP considers information gathered from the consultation process when demonstrating impacts and risks are ALARP, such as advice from DCCEEW relating to biologically important areas, feedback from the Department of Defence, requirements for notifications, and information provided on the cultural features of the environment by First Nations relevant persons (Table 4-17), amongst other things. Each impact and risk evaluated in Section 6 of the EP (i.e., demonstration of ALARP tables) addresses the range of matters raised by relevant persons. Section 6.10 of the EP includes an assessment of impacts and risks to cultural features and heritage values. In some instances, the titleholder adopted additional control measures or improved existing control measures in response to information obtained from relevant persons during consultation. For example, the titleholder adopted additional control measures to minimise impacts and risks to whale sharks (C 3.5) and marine turtles (C 3.6) and amended existing control measures that were specific to pygmy blue whales to extend the requirements to humpback whales (C 3.2 and C 3.4). In response to consultation with First Nations relevant persons, the titleholder developed a "Program of Ongoing Engagement with Traditional Custodians" (Appendix J) to enable the titleholder to manage potential uncertainty on impacts and risks to cultural values which may be identified during the activity via ongoing dialogue with Traditional Custodians. The EP demonstrates that impacts and risks will be reduced to ALARP, consistent with the requirements of regulation 13(5). 	Recommend
Environment Plan demonstrates that impacts and risks will be of an acceptable level	<p>The assessment team recommend that the decision maker <u>can be reasonably satisfied</u> that the EP demonstrates that impacts and risks will be of an acceptable level because:</p> <ol style="list-style-type: none"> The EP applies a clear, systematic, defensible, and reproducible process for demonstrating how environmental risks will be of an acceptable level (Section 	Recommend

- 6). The process is commensurate with the nature and scale of the activity and the severity of its impacts and risks. The statements and conclusions drawn by the titleholder in the EP have been sufficiently supported with scientific literature. For example, the titleholder has applied 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 (such as the underwater noise impact evaluation).
2. Section 2.3.5 of the EP describes the process undertaken by the titleholder to determine acceptable levels of impact and risk for the petroleum activity, including through consideration of the principles of ESD, internal context, external context and other requirements.
 3. Acceptable levels were defined in the Scarborough Offshore Project Proposal (OPP) accepted by NOPSEMA and environmental performance outcomes (EPOs) set to reflect these levels. The EP adopted the relevant EPOs and controls from the OPP. The impacts and risks of the Scarborough Project were determined to be acceptable in the OPP, through consideration of the following criteria:
 - alignment with the relevant principles of ESD as defined under the EPBC Act; internal context – consistency with Woodside's internal policies, procedures and standards; external context – consideration of feedback from stakeholders; other requirements - the proposed controls and impact and risk levels are consistent with national and international standards, laws, policies and Woodside Standards (including applicable plans for management and conservation advices, and significant impact guidelines for MNES).
 4. The EP demonstrates that the level of acceptability has been met for this activity, through the following criteria:
 - Adoption of relevant OPP EPOs and controls;
 - Adoption of EP specific controls where required;
 - Impact Significance Level / Risk Consequence levels for receptors are equal to or less than the significant impact level defined in the Scarborough OPP (Section 6.5; Table 6-3) and are therefore consistent with the EPOs and managed to an acceptable level of impact or risk, and
 - Consideration of internal/external context and other requirements specific to this EP Petroleum Activities Program (including issues raised during EP Stakeholder Consultation)
 5. The EP demonstrates that the activity is not likely to have a significant impact on MNES protected under the EPBC Act, including World Heritage properties, National Heritage properties, Ramsar wetlands of international significance, listed threatened species and communities, listed migratory species, Commonwealth marine areas, and the Great Barrier Reef Marine Park.
 6. The EP has had regards to relevant policy documents, guidance, bioregional plans, wildlife conservation plans, management plans, instruments under the EPBC Act, conservation advice, marine bioregional plans, and other information on the DCCEEW website. For example, the titleholder considered the following documents in the underwater noise emissions impact evaluation (Section 6.7.3): Commonwealth of Australia, Conservation Management Plan for the Blue Whale 2015–2025 made under section 269A of the EPBC Act, Guidance on Key Terms within the Blue Whale Conservation Management Plan (2021) and Blue Whale Conservation Management Plan – FAQs published by NOPSEMA.
 7. The EP includes appropriate and accurate content to demonstrate that the proposed activity is not inconsistent with relevant key documents such as recovery plans, conservation advice and management plans relevant to the activity, which are outlined in Section 6.9. In particular, an assessment of the activity against the relevant objectives and action areas in these plans is provided in Table 6-19, Table 6-20, and Table 6-21 to demonstrate that the activity is not inconsistent with key documents. For example, the noise evaluation demonstrates that the petroleum activity will be managed in a manner that is not inconsistent with the Conservation Management Plan for the Blue Whale.
 8. The titleholder has identified and addressed areas of uncertainty in the impact and risk evaluations. Predictions of environmental impact and risk are suitably conservative and supported by contemporary peer-reviewed literature or appropriate modelling. For example, oil spill modelling was conducted to inform oil spill risk assessment, with recognition of assumptions made, and scalability of response options considered.
 9. The EP provides an appropriate evaluation of impacts and risks specific for the

- nature and location of the activity and relevant environmental receptors. The evaluation is commensurate to the level of impact or risk presented and provides justifiable conclusions that impacts and risks will be managed to an acceptable level (Section 6). The impact and risk evaluations demonstrate that the acceptable level will be met, and that the EPO will be achieved.
10. In relation to underwater noise emissions, the EP demonstrates that the activity will not have an unacceptable level of impact on blue whale foraging because the PAA is not located in a designated pygmy blue whale foraging area (as defined in the Blue Whale Conservation Management Plan and Thums et al. 2022) and there is a low likelihood of foraging expected to occur in the area. The EP (Section 4.6.3) considered recent research on blue whale distribution patterns published in peer-reviewed literature that indicated the possibility of blue whale presence in and around the PAA. In the event pygmy blue whales are sighted by appropriately trained crew, with the adoption of adaptive management controls (Section 6.7.3) impacts to biologically important behaviours of pygmy blue whales are unlikely. The EP concludes that based upon scientifically supported predictions and the location of the activity outside designated BIAs for pygmy blue whales, that the likelihood of encountering pygmy blue whales in the area within which received noise levels may result in PTS, TTS and behavioural disturbance is low. With the implementation of the proposed management measures, the petroleum activity is not expected to injure or result in biologically significant behavioural disturbance to blue whales. Based on this, the EP demonstrates that the activity will be managed to an acceptable level of impact and in a manner that is not inconsistent with the Conservation Management Plan for the Blue Whale.
 11. In relation to GHG emissions, the EP provides an estimate of the total GHG emissions from the petroleum activity and evaluates the potential impacts of GHG emissions. The evaluation recognises the recognises the petroleum activity's contribution to the global scale of GHG emissions and acknowledges the cumulative nature of global GHG emissions. The EP clarifies that the extraction of Scarborough gas for onshore processing is not included as part of the petroleum activity. As such, there are no GHG emissions associated with gas processing, consumption or combustion that would be considered indirect consequences of the petroleum activity. Subsequent and future petroleum activities must first be subject to their own assessment and approval under the Environment Regulations, prior to extraction of Scarborough gas for onshore processing, transport, sale and combustion. The EP considers current published and reputable literature (e.g., IPCC reports) regarding GHG emissions and climate change, as well as Australia's updated Nationally Determined Contribution (NDC) under the Paris Agreement. The EP presented a case that the petroleum activity is not inconsistent with Australia's target to reduce GHG emissions by 43% below 2005 levels by 2030, on a path leading to net zero by 2050. The EP demonstrates that with the implementation of the proposed management measures, GHG emissions from the petroleum activity will be managed to an acceptable level.
 12. Information provided during relevant persons consultation is appropriately considered, evaluated, and incorporated into the EP. The titleholder has considered information gathered from the consultation process when demonstrating impacts and risks will be managed to an acceptable level. For example, impacts of light emissions from the activity was raised during consultation, which the titleholder considered in the demonstration of acceptability for this impact. Each impact and risk evaluated in Section 6 of the EP addresses the range of matters raised by relevant persons. Section 6.10 of the EP includes an assessment of impacts and risks to cultural features and heritage values. Outcomes of consultation with First Nations relevant persons has informed the description of the cultural features of the environment, and the control measures for reducing impacts and risks to ALARP and acceptable levels (Section 6.10).
 13. The EP demonstrates that impacts and risks will be managed to an acceptable level, consistent with the requirements of regulation 13(5).

Environment Plan provides for appropriate performance outcomes, standards and measurement

The assessment team recommend that the decision maker **can be reasonably satisfied** that the EP provides for appropriate performance outcomes, standards and measurement criteria because:

1. The EP includes EPOs that are clear, unambiguous and address all identified

Recommend

criteria	<p>impacts and risks relevant to the activity (Section 6). Appendix D (Oil Spill Preparedness and Response Strategy Mitigation Assessment (OSPRMA)) contains EPOs for spill response strategies.</p> <ol style="list-style-type: none"> The EPOs demonstrate that impacts and risks will be managed to an acceptable level and reflect a level of environmental performance for management that is achievable. The EPOs are consistent with the principles of ESD and relevant requirements (such as species recovery plans, plans of management and other statutory instruments). The EP includes EPSs that are directly linked to control measures determined through the impact and risk evaluations. The EPS contains clear and unambiguous statements of environmental performance. The statements of environmental performance 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. Appendix D: Section 5 provides EPS for each spill response strategy. The EPS have clear measurement criteria outlining how environmental performance will be measured. The measurement criteria are suitable for verifying that the defined levels of environmental performance are being met (Section 6). Appendix D: Section 5 outlines the measurement criteria for each spill response strategy. The suite of EPOs, EPSs and MC are linked and complementary and can easily be monitored for compliance, to ensure that environmental impacts and risks are being reduced to ALARP and acceptable levels (Section 6 and Appendix D). The EPOs, EPS and MC are consistent with the requirements of regulation 13(7). 	
Environment Plan includes appropriate implementation strategy and monitoring, recording and reporting arrangements	<p>The assessment team recommend that the decision maker <u>can be reasonably satisfied</u> that the EP includes appropriate implementation strategy and monitoring, recording and reporting arrangements because:</p> <ol style="list-style-type: none"> The EP (Section 7) contains an implementation strategy, as required by regulation 14(1). The EP states when the titleholder will report to NOPSEMA in relation to the titleholder's environmental performance for the activity, consistent with the requirements of regulation 14(2). Section 7.10 outlines the routine reporting obligations to NOPSEMA, including annual environmental performance reporting. The implementation strategy contains a description of the environmental management system (EMS) for the activity (referred to as "Woodside Management System") (Section 1.9), consistent with the requirements of regulation 14(3). <ul style="list-style-type: none"> The EMS includes measures to ensure that the 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 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. 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. The implementation strategy (Section 7.8) 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. Management of changes relevant to the scope of the activity, will be managed in accordance with regulation 17. Changes will be assessed as per the environmental risk management methodology (Section 2.3) to determine the significance of any potential new environmental impacts or risks not provided for in the EP. Minor changes that do not trigger a requirement for a formal revision under regulation 17, will be considered a 'minor revision' and tracked in an MOC Register. Any relevant new information on cultural values will be assessed using the MOC process (Section 7.8). Section 7.4 includes a detailed description of the titleholder's 'Unexpected Finds Procedure'. Section 7.7.1.2 provides a reasonable description of the 	Recommend

- titleholders' learning and knowledge sharing processes.
5. The implementation strategy (Section 7.3) establishes a clear chain of command, setting out the roles and responsibilities of personnel in relation to the implementation, management and review of the EP, consistent with the requirements of regulation 14(4).
 - Table 7-4 outlines the organisation structure for the petroleum activity and the roles and responsibilities of key personnel involved in the implementation, management and review of the EP.
 - The roles and responsibilities for personnel involved in oil spill preparation and response are outlined in Oil Spill Preparedness and Response Mitigation Assessment (Appendix D) and the Woodside Oil Pollution Emergency Arrangements (Australia).
 6. The implementation strategy (Section 7.6) includes measures to ensure that each employee or contractor working on, or in connection with, the activity is aware of their responsibilities in relation to the EP, including during emergencies or potential emergencies, and has the appropriate competencies and training, consistent with the requirements of regulation 14(5).
 - Section 7.6 outlines the measures that are in place for ensuring employee and contractor competency, including the necessary awareness, training and induction requirements to fulfil their duties. All personnel are required to be competent and suitably trained to perform their assigned positions. Inductions are provided to all relevant personnel before mobilising to or on arrival at the activity location. The induction covers the HSE requirements and environmental information specific to the activity location.
 - Section 7.6.4 outlines the pygmy blue whale observation training required of relevant crew onboard the MODU and installation vessel (prior to commencement of activities).
 - Section 7.12.2 describes the minimum training and competency requirements of the IMT personnel and defines training standards that are aligned with relevant industry good practice, national and state emergency management training programs.
 7. The implementation strategy (Section 7.7) provides for sufficient monitoring, recording, audit, management of non-conformance and review of the titleholder's environmental performance and the implementation strategy to ensure that the EPOs and EPSs in the EP are being met, consistent with the requirements of regulation 14(6).
 - A quarterly environment audit will be performed during the activity, while the MODU is on location, in addition to monthly environmental inspections. Non-conformances are entered into an incident management system and assigned corrective actions that are monitored and closed out in a timely manner.
 8. The implementation strategy contains an oil pollution emergency plan (OPEP) and provides for the updating of the plan, consistent with the requirements of regulation 8.
 - The OPEP has the following components: EP Section 7.12, Woodside Oil Pollution Emergency Arrangements (Australia), Oil Pollution First Strike Plan (Appendix H) and Oil Spill Preparedness and Response Mitigation Assessment (Appendix D).
 9. The OPEP includes adequate arrangements for responding to and monitoring oil pollution, consistent with the requirements of regulation 14(8AA). The arrangements established are consistent with the national system for oil pollution preparedness and response, as per the requirements of regulation 14(8E).
 10. The implementation strategy includes arrangements for testing the response arrangements in the OPEP that are appropriate to the response arrangements and to the nature and scale of the risk of oil pollution for the activity, consistent with the requirements of regulation 14(8A). The arrangements for testing the response arrangements, includes a statement of the objectives of testing, a proposed schedule of tests, mechanisms to examine the effectiveness of response arrangements against the objectives of testing, and mechanisms to address recommendations arising from tests, consistent with the requirements of regulation 14(8B). The proposed schedule of tests is consistent with the requirements of regulation 14(8C).
 11. The implementation strategy provides for monitoring of impacts to the environment from oil pollution and response activities that is appropriate to

	<p>the nature and scale of the risk of the environmental impacts and risks for the activity and is sufficient to inform any remediation activities, consistent with the requirements of regulation 14(8D).</p> <p>12. The implementation strategy (Section 7.11) provides for appropriate ongoing consultation during the implementation of the petroleum activity with relevant authorities of the Commonwealth, a State or Territory and other relevant interested persons or organisations, consistent with regulation 14(9).</p> <ul style="list-style-type: none"> ◦ 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. Ongoing consultation arrangements are outlined in Table 7-8. ◦ The titleholder has committed to continue to update relevant persons via community forums. ◦ The titleholder provides a mechanism for relevant persons and other interested persons to subscribe to its website to remain up to date on the activity. <p>13. The titleholder has adopted a number of measures for the implementation strategy in response to consultation with relevant persons which included, but was not limited to:</p> <ul style="list-style-type: none"> ◦ a Thalanyji Sea Country Management process (Section 7.5) to support the identification of cultural features of the Thalanyji people within the EMBA, through ongoing consultation with Buurabalayji Thalanyji Aboriginal Corporation (BTAC); and ◦ a 'Program of Ongoing Engagement with Traditional Custodians', which is provided at Appendix J of the EP. This Program includes specific ongoing consultation activities with First Nations relevant persons, including support of additional ethnographic studies, support for capacity building for ongoing consultation processes and the establishment of consultation protocols/frameworks. <p>14. The implementation strategy complies with the Act, regulations and other legislative requirements as required by 14(10).</p>	
Environment Plan demonstrates appropriate level of consultation	<p>The assessment team recommend that the decision maker <u>can be reasonably satisfied</u> that the EP demonstrates an appropriate level of consultation because:</p> <p>1. The EP (Section 5) describes a clear process for the identification and board capture of relevant persons in accordance with regulation 11A(1) within all of the categories defined in subregulations 11A(1)(a)-(e). The process includes:</p> <ul style="list-style-type: none"> ◦ reference to multiple sources of information, such as publicly available materials (such as management plans for AMPs, Department of Agriculture, Fisheries and Forestry (DAFF) Fisheries Status Reports), review of databases and registers (such as commercial fishing catch and effort data), published guidance (such as AFMA consultation guidance), consultation for Scarborough OPP, as well as advice from authorities and other relevant persons (such as advice from the Director of National Parks, and Native Title Representative Bodies). ◦ 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. For example, the titleholder refers to guidance published by WAFIC in relation to consultation with commercial fishing licence holders in WA-managed fisheries where licence holders will only be affected by an unplanned event (oil pollution incident). ◦ details and evidence of the steps taken by the titleholder to create awareness of the petroleum activity and the consultation process, to encourage potentially relevant persons that the titleholder may not be aware of, to make themselves known to the titleholder. For example, the titleholder published notices in national, state and local newspapers, hosted community reference group information sessions with the Karratha Community Liaison Group and the Exmouth Community Liaison Group, ran a geotargeted sponsored social media campaign to local communities and held community information sessions in Roebourne, Broome, Derby, Exmouth, Kununurra and Karratha, among others. In addition, the titleholder maintained consultation materials on its website, which included information regarding the purpose and approach to consultation, activity summaries 	Recommend

- and contact details. Links and/or a QR code for the website was included in published notices and social media campaigns.
- details of how the titleholder makes an assessment to determine whether an individual 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 which appropriately considered the functions, interests and activities of the relevant person. The terms "functions, interests and activities" are defined in a manner consistent with the interpretation of those terms in recent court law and NOPSEMA guidance.
2. 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) (see Table 5-3). The categories of relevant persons identified in the EP include:
- Commercial fisheries (Commonwealth and State) and peak representative bodies, such as Western Australian Fishing Industry Council (WAFIC) and individual licence holders in the Commonwealth-managed Western Deepwater Trawl Fishery;
 - Recreational marine users and peak representative bodies, such as Recfishwest and Marine Tourism WA;
 - Titleholders and Operators, such as [REDACTED];
 - Peak industry representative bodies, such as APPEA;
 - Traditional Custodians and nominated representative corporations, such as Ngarluma Aboriginal Corporation (NAC) and BTAC;
 - Native Title Representative Bodies (NTRBs), such as Yamatji Marlpa Aboriginal Corporation (YMAC);
 - Local government and recognised local community/reference/liaison groups or organisations, such as Exmouth Community Reference Group; and
 - Other non-government groups or organisations, such as Conservation Council of Western Australia and Greenpeace Australia Pacific.
3. 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:
- 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.
 - the titleholder considered all 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. For example, while most planned impacts are confined to offshore locations in the order of 200 km from the nearest coastline, the titleholder has conservatively applied oil pollution risk modelling to the identification of relevant persons.
4. In relation to First Nations relevant persons, the identification process described in the EP provides for the broad capture of First Nations representative groups, including NTRBs and nominated representative corporations (such as Prescribed Body Corporates (PBCs)) who provide certainty about the appropriate Traditional Custodian groups that have the cultural authority to speak for country, adjacent to the EMBA. This was because:
- the identification of First Nations relevant persons has been informed appropriately by the operational aspects of the activity and the associated impacts and risks, including the highly unlikely scenario of an oil pollution incident, which has been evaluated without implementation of mitigation strategies that would be implemented to reduce the volume, duration and extent of any oil pollution incident. While the activity is located approximately 226 km from the nearest shoreline (North West Cape) and neither the PAA or EMBA overlap any native title claims or determinations, ILUAs or heritage sites, the identification process accounted for cultural connections to sea country by identifying and consulting with all relevant groups along the full extent of the coastline adjacent to the EMBA as relevant persons.

- the process appropriately utilised the nominated representative corporations as the point of contact with First Nations people and sought the guidance of these groups in conducting consultation. The nominated representative corporations were consulted in their own right and encouraged to advise of other Traditional Custodian groups or individuals with whom the titleholder should consult.
 - the titleholder took additional steps to generate awareness of the activity and allow First Nations relevant persons to self-identify to be consulted. This included a suite of broad reaching public notices, advertising, geo-targeted social media campaigns, leveraging existing channels of communication, and hosting associated community information sessions. I was satisfied that while there were limitations to each of the individual enquiry methods, the combination of approaches implemented when considered holistically, reasonably provided for traditional owners with a connection to sea country, which may constitute an interest for the purposes of regulation 11A(1)(d), to be identified and consulted as a relevant person.
5. 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. Specifically, the EP (Section 5 and Appendix F Table 1, and Sensitive Information Report) demonstrates that:
- Relevant persons have been provided sufficient information in accordance with regulation 11A(2). This is because:
 - 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.
 - The titleholder sufficiently informed relevant persons of the purpose of consultation, including advising relevant persons of titleholder obligations for consultation.
 - 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. For example, an activity specific information sheet (see Appendix F) was provided to relevant persons. The consultation package included an activity summary, location map, coordinates, water depth, distance to key regional features, petroleum safety zone details and estimated timing and duration. It also outlined relevant impacts and risks together with a summary of selected management control measures and encouraged feedback on the proposed activity.
 - 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. For example, the titleholder provided the nominated representative corporations with a simplified consultation information sheet that provided information on the environmental impacts and risks associated with the activity, with the location and extent of the EMBA clearly depicted. The titleholder also used clear, simple, and directly expressed terms within email correspondence to make it clear to the nominated representative corporations that the invitation to participate in consultation provides for an opportunity to inform the titleholder of the nature of cultural interests that the nominated representative corporation or their members may have within the EMBA.
 - 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.
 - The titleholder has considered relevant persons' views of what constitutes sufficient information and has considered requests for additional information by relevant person. The titleholder responded to requests made by relevant persons, either through provision of additional information in relation to impacts and

risks of the activity, and advice that the EP was publicly available on the NOPSEMA website, or by clarifying the scope of the activity and where impacts and risks related to the broader project but were not impacts of the activity to which this EP relates. 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.

- The titleholder has considered and addressed all relevant person correspondence received by NOPSEMA in relation to this activity. Engagements with persons/organisations not deemed to be 'relevant persons' for the purposes of reg 11A is included in Table 2 of Appendix F.
 - Relevant persons have been provided a reasonable period to consider information and make an informed response in accordance with regulation 11A(3). This is because:
 - The EP (Section 5) describes the approach taken to determining a reasonable period for consultation that is based on case-by-case consideration of the relevant person's particular circumstances and includes consideration of the nature, scale and complexity of the activity.
 - The titleholder notes a period of more than 250 days was provided for consultation on this activity, from the date of first advertising to the date of EP submission to NOPSEMA, to support the case that the period allowed for consultation has been reasonable.
 - 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.
 - 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. The titleholder was proactive in sending reminders to relevant persons about impending dates for providing any response.
 - 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).
 - The titleholder appropriately adapted its approach to consultation with the First Nations relevant persons to accommodate for the provision of culturally restricted or sensitive information where required, and that First Nations relevant persons were made aware that they could request the establishment of cultural protocols with the titleholder for the purposes of sharing information in a culturally appropriate and safe way if required, and of the NOPSEMA 'Draft policy for managing gender restricted information'.
6. 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. For example:
- Information obtained from relevant persons has informed the identification of environmental values and sensitivities where relevant. Consultation with First Nations relevant persons has built on the knowledge of cultural features of the environment available through published literature. Outcomes of consultation has informed the description of the cultural features of the environment, and control measures for reducing impacts and risks to ALARP and acceptable levels.

- 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.
7. 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. For example:
- The titleholder adopted a range of control measures in response to the consultation to ensure impacts and risks are acceptable and ALARP. Control measures adopted include:
 - To manage any potential impacts to the Thalanyji people's cultural features that were identified within the PAA and EMBA, new control measures and associated performance standards have been introduced to prevent/reduce impacts from underwater noise and vessel collisions to marine turtles (C 3.6).
 - In addition, for other First Nations Groups new control measures were introduced for protection of whale sharks (C 3.5). Further, the titleholder modified C 3.2 and C 3.4 to extend the requirement to humpback whales, given its importance as a totemic species to some First Nations groups.
 - 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.
 - In other cases, the titleholder's assessment of the merits of objections and claims resulted in no additional control measures adopted.
8. 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.

Environment Plan
complies with the
Act and regulations

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

1. The EP is consistent with the 'Objects' of the Environment Regulations, including the principles of ESD. Table 6-1 of the EP outlines the principles of ESD as per Section 3A of the EPBC Act and how the activity meets these requirements.
2. The EP content requirements are addressed as follows:
 - 13(1) - S1 and S3 provides a description of the activity
 - 13(2)(3) - S4 provides a description of the existing environment that may be affected by the activity, including protected matters
 - 13(4) - S1.10 and Appendix B includes an overview of relevant legislative requirements that apply to the activity. Section 6.9, specifically Tables 6-18, 6-19, 6-20, and 6-21 demonstrate consistency with Marine Turtle Recovery Plan, Blue Whale Conservation Management Plan and Marine Debris Threat Abatement Plan.
 - 13(5)(6) - S6 provides details and evaluation of impacts and risks for the activity and details of control measures.
 - 13(7) - S6 provides performance standards, performance outcomes and measurement criteria, and the OSPRMA (EP Appendix D) provides the EPOs, EPSs and measurement criteria related to maintaining oil spill response strategy/capability preparedness.
 - 14(1)(2)(3)(4)(5)(6)(7) - S7 outlines the implementation strategy, including environmental performance reporting, overview of environmental management system, chain of command, roles and responsibilities, communication, monitoring, recording, audit, management of non-conformances. The chain of command and roles and responsibilities of key personnel involved in spill preparation and

Recommend

	<p>response are defined in the OSPRMA (EP Appendix D)</p> <ul style="list-style-type: none"> ◦ 14(8) - EP includes an OPEP consisting of the following components: Woodside Oil Pollution Emergency Arrangements (Australia), Oil Pollution First Strike Plan (Appendix H) and Oil Spill Preparedness and Response Mitigation Assessment (Appendix D). ◦ 15(1)(2)(3) - S1.8 includes details of titleholder and titleholder nominated liaison person and mechanism for notifying of change in liaison person ◦ 16(a) - The titleholders Environment and Biodiversity Policy is provided in Appendix A of the EP. ◦ 16(b) - Report on consultation is provided in the EP (Appendix F, Table 1) and full text is provided in the sensitive information report ◦ 16(c) - Reportable incidents is addressed in S7.10.4.1. <p>3. The EP and supporting documentation addresses section 571 of the Act and section 572 of the Act.</p> <ul style="list-style-type: none"> ◦ The requirements under section 571 of the OPGGS Act for the titleholder to maintain financial assurance sufficient to give the titleholder the capacity to meet costs, expenses and liabilities arising in connection with, or as a result of the activity have been demonstrated through the titleholder providing financial assurance declaration and confirmation forms for the relevant petroleum titles. ◦ In relation to Section 572, the EP does not allow for any equipment that is not to be used for future production to be left on the seabed at the completion of the activity and includes provision for the inspection, maintenance, monitoring, and repair of subsea infrastructure installed for future production, consistent with the requirements of section 572 of the OPGGS Act (see Section 3.8). <p>4. The EP addresses the notification and reporting requirements of the Environment Regulations.</p> <ul style="list-style-type: none"> ◦ The EP commits to comply with requirements of the Environment Regulations that are relevant to the petroleum activity, including the requirements under Regulation 26 and 29 to notify NOPSEMA of reportable incidents (Section 7.10.4.1) and the start and end of the petroleum activity (Section 7.10.2.1). <p>5. The EP demonstrates through consultation with relevant persons (Section 5, Appendix F) that the activity will 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, in accordance with the requirements of section 280 and section 460 of the OPGGS Act.</p>	
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Environment Plan does not involve the activity or part of the activity being undertaken in any part of a declared World Heritage property	<p>The assessment team recommend that the decision maker <u>can be reasonably satisfied</u> 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:</p> <p>1. No activity will occur in a World Heritage Property as stated in S4.9.2 of the EP and confirmed through EPBC protected matters searches for the EMBA and PAA (Appendix C). The EP clearly describes the boundaries of the petroleum activity (Section 2 and 4) which clearly demonstrates that no part of the activity will be undertaken in any part of a World Heritage Property within the meaning of the EPBC Act.</p>	Recommend
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Commonwealth Environment Program		Result
World Heritage properties		Relevant requirements met
National Heritage places		Relevant requirements met
Ramsar wetlands		Relevant requirements met
Listed threatened species and communities		Relevant requirements met
Listed migratory species		Relevant requirements met
Commonwealth marine area		Relevant requirements met
RoN decision	Decision reason	RoN
Accepted	Based on the available information and my review of the findings of the assessment	

team and their recommendations above, I am reasonably satisfied that the environment plan meets the criteria set out in regulation 10A.

Based on the available information, I am reasonably satisfied that the titleholder complies with financial assurance requirements of the Act (subsection 571(2)) in relation to the petroleum activity. Further, I am reasonably satisfied that the compliance is in a form that is acceptable to NOPSEMA.