

# Assessment findings

Assessment ID [6807](#)

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

## 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	Emissions and discharges (unplanned)	<p>Submission 1</p> <p>Focus on the adequacy of source control arrangements and justification of worst case spill scenario.</p> <p><b>A suitable description of the activity</b> - The EP provides a summary of the parameters and assumptions used to estimate the WCD, and demonstrates the WCD has been applied to define the worst case potential consequences of an oil pollution incident. The worst-case well flow characteristics is based on reservoir characteristics, open hole of the well, no obstructions in the well, and zero mechanical skin factor.</p> <p>Reservoir characteristics (EP p.207): The Petroleum Activities Program consists of the drilling of up to ten development wells (two of which are contingency). The reservoirs contain only trace liquid hydrocarbons (no measurable liquid fraction). Understanding of the Scarborough reservoir characteristics was through reservoir samples and well tests obtained from the Scarborough-4 and Scarborough-5 appraisal wells, and compositional analysis undertaken in 2018 and 2019. The Scarborough reservoir properties contain methane (approximately 95%) and nitrogen (approximately 4%), with some ethane, CO2 content and limited heavier hydrocarbon components (the liquid components). In the event of a loss of containment there is expected to be negligible liquid component that will gasify within the water column. Woodside's analysis of worst case ("heaviest") reservoir composition indicates that no liquid hydrocarbons will exist at environmental pressure or temperature conditions. Liquid hydrocarbons are only expected at sub-zero temperatures which are not present in the marine environment at the location. In the event of a loss of well control, the well will release gas at a worst-case discharge rate of 1.666 BSCFD/day of dry gas over 67 days. The pressurised discharge will emit a jet of small gas bubbles (with decreasing traces of liquid) at high momentum into the water column. The jet would rapidly dissipate, and as the bubbles expand due to pressure reduction their buoyancy forces an upward plume of gas bubbles and entrained water. As the gas travels upwards through the water column, dissolution will occur. Methane is moderately soluble in seawater, more so under higher pressure and colder temperature. Because of the deep water location, the majority of methane potentially released at seabed is expected to dissolve in the water column rather than reaching the surface. The dissolved methane would biodegrade into non hydrocarbon products. The EP states that worst case discharge rate ('blowout' rate) modelling predicts that the gas plume will not breach the water's surface. Any remaining gaseous methane that continues to rise to the sea surface will be transported away by surface winds. [C]</p> <p><b>There is a thorough description of the environment</b> - refer to general assessment</p> <p><b>The impact and risk assessment is commensurate to magnitude of impacts and risks</b> - The spill likelihood was evaluated using 'Blowout and Well release Frequencies' based on SINTEF offshore blowout database 2012. This uses data from 1991-2010 to determine likelihood for well blowouts and releases. For a gas well, the SINTEF calculated probability of blowout during drilling and completion is <math>2.93 \times 10^{-4}</math>, which is equivalent to Woodside rating of 'Highly Unlikely', and further unlikely due to the extensive appraisal undertaken by Woodside. Given the offshore location of Scarborough and gas characteristics, the change to water quality resulting from unplanned hydrocarbon releases will be temporary and there is no pathway for impacts to habitat or ecosystem function or integrity. Based on the risk evaluation, the magnitude of potential impact of a change in water quality from a loss of well control is assessed as slight. Receptor sensitivity of water quality is low (low value, open ocean), and therefore the consequence of a release of hydrocarbons on water quality is Negligible (F). No stochastic modelling was carried out for a spill from a LOWC as no liquid hydrocarbon are predicted to be released at atmospheric temperatures. The risk assessment</p>

is appropriately applied [C]

**Suitable control measures have been included** - The EP demonstrates the control measures and response arrangements for source control and well kill that are appropriate for up to and including the WCD.

Source Control arrangements (EP p.209):

Control C 9.3: An approved Source Control Emergency Response Plan (SCERP) shall exist prior to drilling each well, including feasibility and any specific considerations for relief well kill. The SCERP will describe the responses to a loss of well control including ROV intervention on BOP, use of capping stack to contain well, and the relief well. All of these responses are aimed at reducing the duration of the gas release, resulting in a reduction in consequence and overall risk. [C]

Performance Standard PS 9.3: SCERP is in place to ensure feasibility of responding to a source control incident. [C]

s.7.9.6 Source Control Response Capability:

The Woodside Incident and Crisis Management Structure is described in the Woodside Oil Pollution Emergency Arrangements (Australia). The Source Control Functional Support Team (FST) will be formed reporting to the [REDACTED]. The structure of the Source Control FST is shown in Figure 7-1 and roles and responsibilities defined in Table 7-6. All response missions are presented. All Source Control unit leader positions will be filled with Woodside personnel from the Subsea and Pipeline (SSPL) and Drilling and Completions (D&C) Departments. All personnel will hold a relevant tertiary qualification, well control certifications and industry experience commensurate with the position being held. Initial Source Control functional response will typically be led by a [REDACTED] or [REDACTED] in the role of the [REDACTED] and the remaining FST roles would be filled by suitably experienced people, sourced from the operational team and across the broader SSPL and D&C functions.

The Source Control teams will be scaled with additional resources depending on the specifics of the scenario. As the emergency response duration increases suitable arrangements will be made to establish shifts and duty roster cycles to ensure ongoing functional support. Woodside personnel will cover 24 hour operations on a rolling roster, which has been estimated to require from 4 up to 12 positions per shift varying with the scale of response, resulting in 8 to 24 positions for 24 hour coverage. For an prolonged response resources to provide on/off weekly cycles, an additional 8 to 24 positions will be required, totalling 16 to 48 positions over the scale of response. The current organisational review indicates Woodside has > 80 internal staff members to support the Source Control IMT positions. [C]

s.7.9.8.3 Source Control testing and exercise arrangements:

This section presents the testing and exercise arrangements for Source Control techniques as recommended in the recent industry guidelines such as the APPEA Australian Offshore Titleholders Source Control Guideline (issued June 2021) and the NOPSEMA Information Paper: Source Control Planning and Procedures (issued June 2021). Test objective are stated as "to verify the capability of Woodside and/or contractors to manage and deliver elements of the Source Control Plans presented in OPEP". The proposed tests may include specific elements of the response cycle for source control strategy, e.g. activation of arrangements, mobilisation of equipment and personnel and if relevant, testing of specific operational plans (e.g. SFRT, capping and relief well). Objectives typically include; testing of IMT capabilities, communications requirements, testing of source control response plans and evaluating specific aspects of source control arrangements, e.g. number of personnel, equipment, mobilisation plans and timeframes for response. KPIs are taken from the ALARP commitments as stated in the OSPRMA (Appendix D). [C]

Submission 2

No material changes since last revision

Submission 3

No material changes since last revision

Submission 4

No material changes since last revision

Submission 5

No material changes since last revision

Submission 6

No material changes since last revision

#### Submission 7

No material changes since last revision

#### General

#### Submission 1

##### **A suitable description of the activity**

The EP covers the drilling and development of up to 10 production wells (8 planned wells and 2 contingency wells), and inspection monitoring, maintenance and repair activities for installed infrastructure within WA-61-L for the Scarborough development (S3.2). Permit area WA-61-L is located in Commonwealth waters, 375 km west-northwest of Burrup Peninsula and in water depths of 900 m to 955 m. In addition, the 4000m operational area for a moored mobile offshore drilling unit (MODU) extends into WA-62-L (depicted in figure 3-1 and within stakeholder consultation material).

The key activities covered by the EP include top hole section drilling (S3.7.1.2), installation of BOP (S3.7.1.3), bottom hole section drilling (S3.7.1.4), completion and well unloading activities (S3.7.4), installation of subsea xmas tress (S3.7.10), formation evaluation (S3.7.2), temporary suspension of wells and/or permanent abandonment of wells (S3.7.8), contingency activities (S3.11) and IMMR activities (S3.9). Water-based muds will be used as the planned option (S3.7.1.6). However, non-water based muds has been included in the EP as a contingency, if required (S3.7.1.7).

The wells will be suspended and the BOP removed, following well completion activities (3.7.4). The wells will be left with subsea infrastructure installed (i.e. xmas trees), awaiting pre-commissioning and connection to FPU (to be covered by a separate EP).

The EP does not provide for the future abandonment of the wells. Woodside does not expect to abandon the wells until the end of the production field life (OPP states project life is 2055 on pg. 80). For technical reasons the EP includes well abandonment activities (i.e. abandon the lower section of a well, prior to sidetracking, or in the event of a re-spud). If required, Woodside will be abandoned the wells (as per WOMP) and remove subsea infrastructure, and every reasonable attempt will be made to retrieve the wellhead (S3.11.7). If wellhead is unable to be retrieved, it will be left in-situ. This is accounted for in the EP (S3.11.8).

Drilling activities will be completed by a semi-submersible MODU, anticipated to be dynamically positioned, however the EP also accounts for a moored MODU. Drilling activities will be supported by an installation vessel, subsea support vessel, other support vessels, helicopter operations and ROV operations (S3.10). Simultaneous operations (SIMOPS) may occur with drilling and subsea xmas trees installation occurring at the same time, with a separation distance between installation vessel and MODU of 1 km (S3.6).

The EP includes a Petroleum Activity Area (PAA) which encompasses the defined operational areas (500 m from each well centre for DP MODU, 4,000 m radius from each well centre for moored MODU and 1,500 m around subsea locations for installation activities) and the WA-61-L permit area (S3.5). A 500 m Petroleum Safety Zone (PSZ) will be established around the MODU during drilling activities (S3.5).

The EP is to be valid until end-2026. Drilling may occur at any time within the five year period between 2022 and 2027. The activity is planned to commence in H2 2022. Each well is anticipated to take approximately 60 days per well (including mobilisation, demobilisation and contingency). The subsea xmas trees are expected to be installed after completing the relevant section so the well and have a cumulative duration of 14 days (including mobilisation, demobilisation and contingency). The wells may not be drilled consecutively (S3.6) and at some well locations, top-hole section drilling may be batched (i.e. each well is drilled one after another, before going back and drilling the next section of the well) (S3.7.1.2). Activities will be 24 hours per day, seven days a week.

The Scarborough Offshore Project Proposal (OPP) was accepted by NOPSEMA on 30 March 2020 (RMS ID: 4903). The activity covered by this EP is consistent with the activities described in the Scarborough OPP. Changes to the activity since acceptance of the OPP, due to detailed project planning are outlined in Table 3.2 of the EP. These changes are not considered new activities and do not appear to materially change the overall environmental impacts and risks of the project (as described in the OPP). For example, the OPP provided an estimate on the number of development wells to be drilled in phase 1 (7 development wells) (pg. 87 of the OPP) and this EP includes up to 10 development wells (8 planned and 2 contingency). However, the number of wells to be drilled is still within the overall limit of the OPP (30 wells, pg. 87 of the OPP).

It appears that vertical seismic profiling (VSP) has not been included as a component of the Petroleum Activities Program in this EP, despite the Scarborough OPP including VSP as an activity associated with the drilling phase of the Scarborough project (Section 4.4.3.10 of the OPP). Section 3.3 in the EP provides an overview of the activity components that have progressed in level of definition from the time the OPP was authored, however there is no mention of VSP. ISSUE - Woodside to clarify if VSP is considered a part of the Petroleum Activities Program in this EP. If it is, the EP needs to describe this component of the activity and demonstrate that all impacts and risks from VSP operations will be managed to levels which are acceptable and ALARP.

*Conclusion – With the exception of the issue above, the description of the activity is suitable to inform the assessment of impacts and risks. The description of the activity is consistent with the content requirements as outlined in Regulation 13(1).*

#### **There is a thorough description of the environment**

A sound process has been used to define the EMBA (consistent with NOPSEMA guidance for oil spill modelling and use of modelling thresholds) as outlined in S4.1 and S6.7.1.3.

Woodside determined the worst-case credible spill scenario to be a loss of marine diesel during a vessel collision. Table 6.8 notes the credible hydrocarbons spill scenarios for the activity. As the Scarborough reservoir contains dry gas and no or negligible hydrocarbon liquid, a loss of well integrity scenario is not considered to be the worst-case spill scenario. This is consistent with information presented in the Scarborough OPP (pg. 659), which states: “Hydrocarbons of the Scarborough, Jupiter and Thebe reservoirs contain no measurable liquid condensate fraction so in a loss of containment there is expected to be no or negligible liquid component”. Refer to unplanned discharges topic scope for findings related to justification for worst-case spill scenario.

The defined EMBA included in the EP is based on stochastic modelling results of an instantaneous surface release of 250 m3 of MDO (representing loss of vessel fuel tank integrity following a vessel collision, scenarios included in Table 6.11). Woodside utilised existing modelling of a spill of MDO within WA-61-L at the approximate location of the proposed FPU (the installation and operation of the FPU is outside the scope of this activity). The FPU location is considered conservative, as it is located closer to shoreline receptors than the wells. The defined EMBA is presented in Figure 4.1.

S4.1 and Appendix F includes a thorough description of the physical, biological, socio-economic and cultural features of the PAA and EMBA. Publicly-available studies, data and reports have been used and accurately referenced in the EP.

S4.5 describes the habitats and biological communities of the PAA. Woodside references marine sediment quality surveys conducted by ERM in 2012/13 within the Scarborough title (WA-61-L). The report concluded that the seabed habitat in the PAA is characterised by sparse marine life dominated by mobile benthic biota (ERM, 2013).

S4.9 and Appendix I adequately describes the socio-economic environment (including identification of state, commonwealth and traditional fisheries, cultural heritage, tourism and recreation, oil and gas, shipping and Defence activities) of the PAA and EMBA, respectively.

The PAA is identified as overlapping with the Department of Defence North West Exercise Area (NWXA) - used for Air Force training exercises. No fisheries, tourism/recreational activities were identified as having a potential interaction with the PAA. Shipping activity in the PAA is expected to be low.

*Conclusion – In the context of the general assessment, the EP appears to include a thorough description of the environment.*

#### **Protected matters (in context of the general assessment)**

Matters protected under Part 3 of the EPBC Act are adequately described in S4 (related to the PAA) and Appendix I (related to EMBA). Relevant values and sensitivities are described in sufficient detail to inform the impact and risk assessments. PMST conducted for PAA on 16/06/2021 and PMST conducted for EMBA on 14/10/2021 (Appendix C).

- WHA/National heritage – No heritage areas are located within the PAA or EMBA (S4.9.1.4). 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. No underwater heritage site or shipwrecks are located within the PAA or EMBA (S4.9.1.3).
- Indigenous sites – No registered Indigenous heritage places were identified within the PAA or EMBA (S4.9.1.2).
- AMPs / State MP – No AMPs or State Marine Parks are located within the PAA (S4.8). The closest AMP is the Gascoyne AMP, approx. 77 km from the PAA (located within

the EMBA). Marine parks located in the EMBA are adequately described in Appendix I.

- Ramsar / wetlands of international importance – No wetlands of national importance are located within the PAA or EMBA (Table 4.2, Table 4.3).
- KEFs – The Exmouth Plateau KEF is located within the PAA (S4.7). The Canyons linking the Cuvier Abyssal Plain and the Cape Range Peninsula KEF and the Continental Slope Demersal Fish Communities KEF are located within the EMBA. These KEFs are adequately described in Appendix I. The values of the Exmouth Plateau KEF include a unique seafloor feature with ecological properties of regional significance, which apply to both benthic and pelagic habitats. The large size of the Exmouth Plateau and its expansive surface may modify deep water flow and be associated with the generation of internal tides; both of which may subsequently contribute to the upwelling of deeper, nutrient-rich waters closer to the surface. The EP has appropriately referenced and considered the values of the KEF outlined in the North-west Marine Bioregional Plan (DSEWPAC, 2012)
- Threatened ecological communities – No threatened ecological communities are located in the PAA or EMBA (Table 4.2, Table 4.3).
- Threatened and migratory species – S4.6 lists the EPBC Act listed species identified as potentially occurring within the PAA and EMBA (based on PMST). Descriptions of EPBC Act listed species identified as occurring within the PAA and EMBA are provided in Appendix I. Table 4.11 provides an overview of the timings of critical life stages of receptors within the PAA.
- BIAs – The PAA is located 35 km from the pygmy blue whale migratory BIA (within EMBA) and 187 km from the possible foraging area off North-west Cape / Ningaloo Coast. A species description for pygmy blue whales is provided in Appendix I. BIAs that overlap with the EMBA are described in Appendix I. The EP notes that the PAA does overlap with any BIAs. ISSUE – The EP does not describe the pygmy blue whale distribution BIA that overlaps with the PAA.

*Conclusion - The description of the environment does not adequately describe some matters protected under the EPBC Act that are potentially present within the environment that may be affected.*

**The impact and risk assessment is commensurate to magnitude of impacts and risks / The level of analysis and evaluation is based on nature and scale of the activity / Suitable control measures have been included**

#### Light emissions:

S6.6.1 evaluates impacts of light emissions from MODU operations and project vessels. The evaluation is informed by relevant scientific literature and based on realistic predictions of the extent of potential impact from all light sources associated with the activity (including vessel operations, MODU operations and flaring). Woodside has based the extent of potential impact on previous work/studies undertaken by Woodside. An estimated visual line of sight of 30 km for vessels and the MODU has been included in the evaluation (Table 6.3). For well flowback, specifically flaring, the distance at which the flare will be visible is expected to be less than 50 km from the source, and potentially around 10 km further during emergency flaring (Woodside, 2011, 2014). Monitoring undertaken as a part of Woodside's 2014 study indicated that light density (from navigational lighting) attenuated to below 1.00 Lux and 0.03 Lux at distances of 300 m and 1.4 km, respectively, from the source (a MODU). Light densities of 1.00 and 0.03 Lux are comparable to natural light densities experienced during deep twilight and during a quarter moon. Navigational lighting from vessels is less than lighting on a MODU. Therefore, light emissions from the MODU and vessels are expected to be below 1.00 Lux within 300 m from the source.

The EP appropriately references the National Light Pollution Guidelines for Wildlife (NLPG). The guidelines recommend a specific artificial light impact assessment process where there is important habitat for listed species that are known to be affected by artificial light within 20 km of a project. The 20 km threshold provides a precautionary limit based on observed effects of sky glow on marine turtle hatchlings demonstrated to occur at 15-18 km (Kamrowski, et al., 2014; Hodge et al., 2007) and fledgling seabirds grounded in response to artificial light 15 km away (Rodríguez et al., 2014). The PAA is approx. 215 km offshore and outside known BIAs for turtles and seabirds/migratory shorebirds, therefore a specific assessment of potential impacts of artificial lighting is not required as suggested by the NLPG.

Seabird - As the PAA is offshore and away from islands or other emergent features, any presence of seabirds or shorebirds is considered likely to be of a transient nature only. Behavioural disturbance to birds from light is expected to be localised to within the vicinity of the MODU and vessels within the permit areas, and not result in a substantial adverse effect on a population of species or its lifecycle.

Marine turtles - The closest known turtle nesting beaches are at the North West Cape and Montebello Islands, located about 215 km and 225 km from the PAA respectively. Individuals

undertaking behaviours such as migration or foraging (adults and pelagic juveniles) may occur within the PAA. Behavioural disturbance to turtles from light in the PAA is expected to be localised to within the vicinity of the MODU and vessels. The assessment concluded that any impacts are predicted to be at an individual level and not a population level.

The level of analysis and evaluation applied to the assessment is commensurate with the nature and scale of the activity.

Suitable control measures have been adopted, including limiting light to the minimum required for navigational and safety requirements and well unloading acceptance criteria (i.e. eliminates unnecessary flaring).

#### Acoustic emissions:

S6.6.3 evaluates impacts of acoustic emissions from MODU operations (drilling), project vessels, DP systems and the use of positioning equipment (transponders). The evaluation does not consider noise generation from flaring, helicopters and ROV operations. S6.5.2 states that impacts of noise from flaring and helicopter transfers to marine fauna is not considered credible as the PAA is more than 215 km from mainland Australia and there are no identified BIAs or other biologically sensitive areas within the PAA. This statement is not supported by the description of the existing environment (S4), which provides information on the presence of marine fauna in the PAA (such as transient individual pygmy blue whales). In addition, the EP does not describe the pygmy blue whale distribution BIA that overlaps with the PAA. Woodside has not provided a reasonable justification for not assessing the impacts of noise from flaring and helicopter operations. In addition, ROV operations has not been identified as a source of underwater noise emissions and no justification for the exclusion of this noise source in the assessment. ISSUE - The noise evaluation conducted has not considered all potential noise emitting sources and therefore, the evaluation is not considered appropriate for the nature and scale of the activity.

The Scarborough OPP considered helicopter operations and ROV operations as sources of underwater noise impacts (pg. 405, S7.1.4.1 of the OPP). In addition, the Scarborough OPP included Vertical Seismic Profiling (VSP) as an activity associated with the development drilling component of the Scarborough project (S4.4.3.10 of the OPP). VSP is typically used once total depth is reached to generate a high-resolution seismic image of the geology in the well's vicinity. VSP has not been included as a component of the Petroleum Activities Program covered by this EP. Therefore, it is not considered in the noise evaluation for this EP.

The noise evaluation is informed by relevant scientific literature and realistic predictions of source levels from the MODU operations (drilling), project vessels, DP systems and the use of positioning equipment (transponders). Site-specific underwater noise modelling was not conducted to inform the impact evaluation. This is considered appropriate, given the scale and nature of the activity and the sensitivity of the receiving environment.

McCauley (1998) measured underwater broadband noise equivalent to about 182 dB re 1  $\mu$ Pa at 1 m (RMS SPL) from a support vessel holding station in the Timor Sea; it is expected that similar noise levels will be generated by support vessels used for this Petroleum Activities Program. DP MODU underwater noise measurements were taken for the [REDACTED] in Canada, which is expected to have a similar thruster configuration to the MODU that will be contracted for the Scarborough drilling activity. The 90th percentile of the broadband radiated sound levels was 186.3 dB re 1  $\mu$ Pa (Martin et al., 2019). This is similar to measurements taken for the Maersk Discoverer drill rig on the North West Shelf (Woodside, 2011), where the system emitted tonal signals between 200 Hz to 1.2 kHz, at a source level between 176 and 185 dB re 1  $\mu$ Pa SPL @ 1 m. Project vessels and the MODU are conservatively expected to have an overall combined source level of 192 dB re 1  $\mu$ Pa (rms SPL), which represents a doubling of sound pressure from the single loudest source (i.e. 186 dB + 6 dB).

Transponders typically emit pulses (impulsive noise) of medium frequency sound, generally within the range 21 to 31 kHz. The estimated SPL would be 180 to 206 dB re 1  $\mu$ Pa at 1 m (Jiménez-Arranz et al., 2017).

#### Cetaceans -

[REDACTED] modelled underwater noise levels for the proposed construction and operation of the Scarborough Development, including noise from a support vessel (the [REDACTED]), which operates on 4600 HP while producing a broadband source level of 186.1 dB re 1 re 1  $\mu$ Pa2m2. Maximum-over-depth horizontal distances to PTS thresholds for LF cetaceans as a result of the modelled support vessel was about 10 m from the source. TTS thresholds could be reached at up to 230 m from the source for the support vessel.

In relation to the [REDACTED], the evaluation references underwater noise measurements taken for the [REDACTED] by [REDACTED] in Canada, which is

expected to have a similar thruster configuration to the MODU that will be contracted for the Scarborough drilling activity. Modelling of propagation loss for the [REDACTED], conducted by [REDACTED] in a water depth of 1137 m off the coast of Canada, predicted that noise levels would drop below 120 dB re 1  $\mu$ Pa within about 47 km (Matthews et al., 2017). This distance is greater than what has been predicted for site-specific modelling of DP MODU's within Australian waters. This is likely due to colder water temperatures and different seabed properties in Canada. The modelling also predicted that underwater noise from the [REDACTED] would drop below PTS thresholds within 230 m and a similar distance may be expected for the Petroleum Activities Program. The predicted range to TTS thresholds was not provided in the evaluation, however it is expected that the distances to TTS thresholds may extend slightly further. The predicted distances for PTS and TTS criteria exceedance are based upon exposure for 24-hours by a stationary receptor, which is not a realistic scenario. PTS and TTS thresholds are not expected to be exceeded for cetaceans transiting through the PAA.

The evaluation used an intermediate spreading equation to estimate sound propagation loss, which Woodside has noted is conservative for the water depths of the PAA. Based on an intermediate spreading equation, noise levels would drop below 120 dB re 1  $\mu$ Pa (behavioural response threshold) within about 26 km. For an operating MODU with support vessel on standby with a combined source level of about 192 dB re 1  $\mu$ Pa (rms SPL), noise levels would drop below 120 dB re 1  $\mu$ Pa within about 64 km using the same intermediate spreading equation.

Given the sound propagation loss estimated above for an operating MODU and project vessels, there is no potential for injury (PTS or TTS) to pygmy blue whales migrating within the BIA (about 35 km from the PAA). Injury to other cetacean species is also not considered credible as individuals are not expected to spend long durations in close proximity to operations and are more likely to be transiting through the area. It is reasonable to expect that cetaceans may demonstrate avoidance or attraction behaviour to the noise generated by the Petroleum Activities Program. For example, when transiting through the area, pygmy blue whales may deviate slightly from their migration route, but continue on their migration pathway.

NOPSEMA and DAWE recently published guidance on key terms within the Conservation Management Plan for Blue Whales. The document states the following: "Noting the potential for whale foraging and feeding to occur in areas of high primary productivity outside of designated Foraging Areas, consideration also needs to be given to management of industry activities and underwater anthropogenic noise where opportunistic foraging potential exists. In areas other than those identified in the CMP or NCVA, where it can be reasonably predicted that blue whale foraging is probable, known or whale presence is detected, adaptive management should be used during industry activities to prevent unacceptable impacts (ie, no injury or biologically significant behavioural disturbance) to blue whales from underwater anthropogenic noise".

ISSUE - The noise evaluation is limited to considering impacts to migratory/transient pygmy blue whales only and does not consider the presence of opportunistic foraging pygmy blue whales in the PAA, despite the ALARP demonstration noting that the presence of pygmy blue whale's carrying out opportunistic foraging in the area is expected to be low and therefore adopting adaptive management measures. The noise evaluation should give consideration to the recently published guidance (noted above), determine the likelihood of foraging blue whales in the PAA, predict the impact to foraging blue whales and consider/evaluate practicable control measures to demonstrate the impact will be managed to ALARP and acceptable levels.

For context, the predicted range to behavioural disturbance is 64 km from the operating MODU and support vessel on standby, and the distance from the pygmy blue whale foraging BIA is approx. 185 km from the PAA (distance has been excluded from the EP). Therefore, the activity is not predicted to disturb any pygmy blue whales within a defined Foraging Area. The ALARP demonstration includes reference to the recent DAWE and NOPSEMA guidance (outlined above) and notes that the presence of pygmy blue whale's carrying out opportunistic foraging activities in the area is expected to be low. Given the potential presence of foraging pygmy blue whales, Woodside has adopted adaptive management measures (C3.2) to prevent unacceptable impacts.

Woodside has adopted controls consistent with relevant legislation, specifically Part 8 Division 8.1 EPBC Regulations 2000. This control has also been extended to marine turtles and whale sharks in-part. In addition, Woodside has adopted adaptive management measures, which include:

C3.2: Implement adaptive management procedure prior to and during MODU /installation vessel moves to the next well location, during daylight hours. Adaptive management procedure to include:

- Use of trained crew (both MODU and installation vessel)
- Monitoring 30 minutes prior to move and during the transit to the new well location

- MODU / installation vessel will not approach within 500 m of any foraging pygmy blue whale
- Where pygmy blue whale foraging presence has been observed the area will not be approached, within 500m, until there has been a period of 30 minutes with no recorded foraging pygmy blue whale(s)

C3.4: Move support vessel(s) away from MODU (>2km) if foraging Pygmy Blue Whale(s) observed within 500 m – when support vessel is not being used to perform functionality as required by Safety Case.

ISSUE - It is unclear if the proposed adaptive management measures will be effective in preventing disturbance to a foraging pygmy blue whale, given the difficulty in identifying types of behaviours exhibited by cetaceans (i.e. foraging) without any accredited training. The recently published NOPSEMA and DAWE guidance on key terms within the CMP states that "in-field observations of actual whale feeding are difficult to detect, so indicators of probable foraging should be used as a proxy". The EP does not provide information on the indicators that will be used to identify foraging behaviour. *Refer to assessment findings on training and competency.*

*Refer to protected matters topic scope for assessment findings on acceptable levels.*

#### Benthic disturbance:

S6.6.5 evaluates impacts of benthic habitat disturbance from drilling operations, mooring installation and anchor hold testing, placement and retrieval of seabed transponders, installation of subsea infrastructure and subsea IMR activities, ROV operations, wellhead assembly left in-situ and removal of marine growth. The evaluation is informed by relevant scientific literature and based on realistic impact footprints of seabed disturbance.

The seabed of the PAA is characterised by sparse marine life dominated by mobile organisms (S4.5). Habitat modification as a result of seabed disturbance could occur within a radius of up to 100 m from each well (10 wells in total). In proximity to this area benthic communities may be reduced or altered, leading to a highly localised impact to any epifauna and infauna benthic communities present. The scale and magnitude of potential impacts will be limited to the physical footprint area, representing a small proportion of the total area of deep water habitat and associated benthic communities of the PAA, that are known to be present in the wider region. If the wellhead remains in-situ, it is expected to have a localised impact not significant to environment receptors. The Exmouth Plateau KEF overlaps the PAA and seabed disturbance may lead to a highly localised change in habitat and water quality, which will be short-term, associated with the temporal extent of drilling and installation activities (approximately 60 days per well). These potential short term impacts are unlikely to impact on the ecological value of the KEF (described in S4).

The level of analysis and evaluation applied to the assessment is commensurate with the nature and scale of the activity.

Suitable control measures have been adopted, including removal of wellheads in the event of respu, subsea infrastructure positioned within the planned footprint, use of positioning technology, Basis of Well Design and Mooring Design Analysis.

#### Interference with other marine users:

S6.6.4 evaluates impacts to other marine users due to the presence of the MODU, project vessels and subsea infrastructure. The evaluation is informed by commercial fish catch and effort data, and external context (stakeholder consultation).

The assessment considers the movement of vessels within the PAA, and the physical presence of the MODU and vessels to have the potential to displace other marine users. Drilling operations for the development wells is expected to take approximately 60 days per well to complete, including mobilisation, demobilisation and contingency. This is equivalent to 480 days for the eight planned wells (with an additional 120 days as required for the two contingent wells). The subsea xmas trees and wellheads will be located within the PAA, and will remain for the duration of field life. Wellheads and xmas trees take up a small area on the seabed and will rise several metres above the seabed.

Potential impacts to commercial fisheries include damage to fishing and loss of commercial catch due to displacement from fishing grounds. Damage to trawl nets could occur if they catch or snag on subsea infrastructure or wellhead assemblies. One trawl fishery, the Western Deepwater Fishery overlaps the PAA. Trawl frequency assessment has shown that fishing activity occurs further south of the PAA, on the western edge of the 200 m isobath between Shark Bay and Ningaloo. Therefore, trawl activity within the PAA is not expected. The PAA is not an area of high commercial fishing activity. The 500 m temporary exclusion zones around the MODU and installation vessel comprises a relatively small area when compared to the extent of the individual fishery boundaries that overlap. As such, any



displacement of commercial fisheries due to activities in the PAA are not expected to impact commercial fishing activities or the economic viability of the fisheries.

The PAA is identified as overlapping with the Department of Defence North West Exercise Area (NWXA) - used for Air Force training exercises. Department of Defence were consulted during EP preparation. No activities are currently planned in the NWXA, however Woodside is to notify Defence at least five weeks prior to activity commencement (refer to socio-economic topic scope for assessment findings). No tourism/recreational activities were identified as having a potential interaction with the PAA. Shipping activity in the PAA is expected to be low. The assessment concluded that impacts are unlikely to tourism, recreation, shipping, industry and Defence activities.

The level of analysis and evaluation applied to the assessment is commensurate with the nature and scale of the activity.

Suitable control measures have been adopted, including adherence to Navigation Act 2012 and subsequent Marine Orders, establishment of a 500 m petroleum safety zone around the MODU and installation vessel in the PAA, removal of wellheads in the event of a respudd, notification to AHS and AMSA JRCC, notification to fishing industry (including licence holders) prior to commencement and upon completion of activities, and notify Defence.

#### Drill cuttings and drilling fluids:

S6.6.7 evaluates impacts of discharging (routine and non-routine) drill cuttings and drilling fluids to the marine environment.

Drill cuttings and unrecoverable WBMs will be discharged at the seabed at each well site for the top-hole sections, which are drilled riserless. Once the top-hole sections are complete, installation of the riser and BOP provides a conduit back to the MODU, forming a closed circulating system. Table 6.7 provides indicative dimensions, discharge locations and approximate drill cuttings and drilling fluid volumes, which represents the worst case for a single section of a well, taking into account each well to be drilled.

No bulk discharge of NWBMs will occur offshore, only NWBMs retained on cuttings can be discharged from the MODU. If a NWBM system is required to drill a well section, the cuttings from the NWBM drilling fluid system will pass through the SCE (centrifuge and dryers) to reduce the average residual oil on cuttings (OOC). An OOC discharge limit of 6.9% wt/wt or less on wet cuttings will be averaged over well sections drilled with NWBM for the well. The NWBM drilling fluids that cannot be re-used (i.e. do not meet required drilling fluid properties or are mixed in excess of required volumes) are recovered from the mud pits and returned to the shore base for onshore processing, recycling and/or disposal. The mud pits and associated equipment/infrastructure are cleaned when NWBM is no longer required, with wash water treated onboard through SCE prior to discharge with mud pit washings or returned to shore for disposal if discharge criteria (oil concentration is less than 1% by volume) cannot be achieved.

Cleanout fluids and completion brine will be captured and stored on the MODU and discharged if oil concentration is less than 1% by volume or returned to shore if discharge requirements cannot be met (discharge volume would be ~400 m<sup>3</sup>). The EP includes contingency activities in the event a respudd or sidetrack is required. In these circumstances, there would be an incremental increase in cuttings and fluid discharges associated with the respudd and/or sidetrack.

Impacts associated with routine and non-routine drilling discharges will be largely limited to an area surrounding the well locations. The low sensitivity of the benthic communities/habitats within and in the vicinity of the PAA, combined with the low toxicity of WBMs and residual NWBMs, no bulk discharges of NWBM and the highly localised nature and scale of predicted physical impacts to seabed biota, affirm that any predicted impact is considered likely but of a minor environmental consequence. The total percentage area of the Exmouth Plateau seabed habitat and benthic communities affected is conservatively estimated to be 0.01%.

The assessment also considers cumulative impacts from drilling up to 10 development wells in the PAA, given some of the proposed wells are within 100 m. If the area of drill cuttings and drilling fluids deposition from the wells overlap, impacts are anticipated to be minimal, considering the observed limited benthic biota within the PAA. No cumulative impacts to water quality are expected.

The level of analysis and evaluation applied to the assessment is commensurate with the nature and scale of the activity.

Suitable control measures have been adopted, including environmental assessment of chemicals prior to use, periodic chemical reviews, written justification for use of NWBM, NWBM oil selected based on expected toxicity, no overboard disposal of bulk NWBM, bulk

operational discharges conducted under PTW system, <1% oil content when fluids (i.e. displacement, brine, workover or intervention fluids) are discharged to the environment, SCE used to treat NWBM cuttings prior to discharge, cease drilling in the event of SCE failure, WBM returned to MODU for processing using SCE and drill cuttings returned to MODU will be discharged below the water line.

Cement, cementing fluids, subsea well fluids, produced water, bulk product:

S6.6.8 evaluates impacts of discharging cement, cementing fluids, subsea well fluids, completion fluids, produced water and unused bulk products (non-routine).

Cementing fluids, including cementing mix water, require discharge to the marine environment during routine operations. The evaluation conducted provides realistic predictions on the volumes expected to be discharged per well. Excess cement (dry bulk, after well operations are completed) will either be: used for subsequent wells; provided to the next operator at the end of the drilling program (as it remains on the rig); or if these options are not practicable, discharged to the marine environment as dry bulk or as a slurry. Additional products such as barite and bentonite may be discharged in bulk during or at the end of the activity if they cannot be reused or taken back to shore. Figure 6.1 outlines the management process for excess bulk products.

Subsea fluids are likely to be released during drilling, completions and xmas tree installation, including the release of BOP control fluids. Subsea control fluids will be discharged during: installation of the subsea trees (~10 L per well), function testing of the subsea tree (~30 L per test), and function testing of the BOP on installation and pressure testing (3620 L). During well flowback and completion activities, completion fluids and produced water (that cannot be flared) will be discharged to the marine environment via the well test water filtration treatment package. Approximately 100 bbls (16 m3) of produced water may be generated per well. Produced water will be discharged at <30 ppm (PS 8.4, pg. 181).

Contingency activities covered by the EP may result in incremental increases in discharges to the marine environment.

Benthic habitats and communities in the PAA are considered to be of low sensitivity and reflective of the wider NWMR. No known regionally significant benthic or infauna habitat occur in the area. The Exmouth Plateau KEF overlaps the PAA, however the impacts to values and sensitivities of this KEF are not expected due to the highly localised and small physical footprint of the discharges, coupled with the low toxicity of fluids used for the PAA. The evaluation concluded that any change to water quality is expected to be localised and temporary.

The level of analysis and evaluation applied to the assessment is commensurate with the nature and scale of the activity.

Suitable control measures have been adopted, including environmental assessment of chemical prior to use, periodic chemical reviews, bulk operational discharge conducted under PTW, <1% oil content when fluids are discharged to the environment, produced water not flared will be treated prior to discharge (<30ppm) and excess bulk cement, bentonite and barite will be managed as per WEL process (F6.1).

Collision with marine fauna:

S6.7.9 evaluates the risk of collision with marine fauna during vessel operations.

Project vessels within the Operational Area are likely to be travelling <8 knots (and will often be stationary) within the 500 m zone for the MODU. At times, vessels will be transiting between well locations where speed could be up to a maximum of about 15 knots. No known key aggregation areas for marine mammals (resting, breeding or feeding) are located within or immediately adjacent to the PAA. However, individuals may occasionally be present in the PAA, including pygmy blue whales during seasonal migrations. It is expected that the presence of marine turtles would be unlikely and only comprise individuals transiting the open, offshore waters for short periods of time.

The evaluation concluded that it is unlikely that vessel movement associated with the activity will have a significant impact on marine fauna populations, given the low presence of transiting individuals and the low operating speed of the project vessels (generally <8 knots or stationary, unless operating in an emergency). Potential impacts from collision with marine fauna will not result in a substantial adverse effect on a population or the spatial distribution of the population.

The level of analysis and evaluation applied to the assessment is commensurate with the nature and scale of the activity.

Suitable control measures have been adopted, including Part 8 Division 8.1 of EPBC

Regulations 2000 (interacting with cetaceans), which has also been extended to marine turtles.

#### IMS:

S6.7.8 evaluates the risk of accidental introduction and establishment of invasive marine species (IMS).

The assessment considers the credible scenarios of marine pest translocation (Table 6.16) associated with the activity. Woodside determined the only credible scenario was the transfer of marine pests between project vessels within the PAA. However, the establishment of IMS in the PAA marine environment is not considered credible given the distance of the PAA from nearshore environments. Interactions between project vessel will be limited during the Petroleum Activities Program, with minimum 500 m safety exclusion zones being adhered to around the MODU and installation vessel, and interactions limited to short periods of time alongside (i.e. during backloading, bunkering activities). Spread of marine pests via ballast water or spawning in these open ocean environments is also considered remote.

The level of analysis and evaluation applied to the assessment is commensurate with the nature and scale of the activity.

Suitable control measures have been adopted, including the use of approved ballast water treatment systems (as specified in BWMR) and apply Woodside's IMS risk assessment process to MODU and project vessels.

*Conclusion - The level of analysis and evaluation applied to all impact and risk assessments is not commensurate with the nature and scale of the activity. The EP appears to include suitable control measures to reduce impacts and risks to ALARP, noting the ALARP assessment findings below.*

#### **Relevant person consultation has been incorporated**

*Refer to socio-economic topic scope for findings related to relevant persons consultation.*

#### **Legislative requirements are included**

The relevant legislation applicable to the activity and sufficient information as to how it is relevant/apply to the activity is provided throughout the EP. S1.10 and Appendix B adequacy details the relevant legislative requirements.

*Conclusion - The EP includes sufficient information on the legislative requirements that are relevant to the activity and how they apply to the activity.*

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#### **findings - GHG emissions topic focus**

- **A suitable description of the activity** – relevant sources of direct emissions identified include well unloading/testing (S3.7.6) and venting (S3.11.10). No comprehensive list quantification of emissions sources has been provided, although some estimates are provided in S6.6.2.
  - Direct emissions from the MODU, helicopters and vessels are estimated p116 of EP. Please confirm whether these estimates are per annum or in total across the whole activity.
  - The estimate of emissions from the MODU is based on a DP MODU. Please clarify what the expected emissions would be from a moored MODU (noting contingency is included in the EP).
  - It appears that contingency venting emissions estimates may be included in the well flowback flaring emissions estimate – please confirm if this is correct.
  - No sources of fugitive emissions have been identified, although this is considered to be a possible source of emissions from the MODU. Please confirm whether fugitive emissions sources have been included in other direct emissions sources; and provide a quantified estimate separately to MODU fuel combustion.
  - Indirect emissions are estimated in the OPP Section 7.1.3.
- **There is a thorough description of the environment** – the EP (Section 4 and Appendix I) contains a detailed description of the existing environment, including habitats and species that are vulnerable to climate change (e.g. Ningaloo Reef). Where statutory instruments have identified climate change as an action area it has been identified (e.g. Table 6-17 of EP).
- **The impact and risk assessment is commensurate to magnitude of impacts and risks** – GHG emissions are evaluated in Section 6.6.2 of the EP, which also references Section 7.1.3 of the Scarborough OPP. P115 of the EP identifies the sources of impact

as being the MODU, vessels, well flowback and contingent venting. The EP does not explicitly state whether indirect emissions facilitated by the Scarborough drilling activity are considered to be impacts for this activity in accordance with the S527E Indirect Consequences Policy. However, the GHG impact assessment from the OPP (Section 7.1.3 of the OPP) is referenced on p117 of the EP under the provisions of Reg 31, and the information in that section of the OPP has therefore been taken to be part of this EP in its entirety and considered for its appropriateness in meeting the acceptance criteria for this activity. The following clarifications are requested:

- Please update the impact assessment relevant to direct and indirect emissions from this activity with reference to the most recent scientific information (e.g. AR6).
- Please update the external context and acceptability demonstration to reflect current Australian and state-based emissions targets/goals/frameworks; energy and emissions outlooks and predictions, updated consideration of ESD, etc.
- Please include consideration of control measures for indirect emissions that are relevant to this activity, and establish EPS for those that will be implemented during this activity, in order to support the ALARP demonstration and conclusions.
- Please clarify how the existing EPOs and EPS relate to all emissions sources referenced in the OPP Section 7.1.3, or include additional EPOs/EPS as required to address all impacts arising from this activity.
- **Relevant person consultation has been incorporated** – p119 states that there are no changes related to issues from ‘stakeholder consultation’. This is taken to mean ‘relevant persons consultation’, although this will be addressed in the socioeconomic topic assessment. It is noted that CCWA have raised concerns about *“the activities the subject of the drilling EP, and specifically their contribution to greenhouse gas emissions and climate change”*, and have requested information on GHG emissions extent, impact/risks, and control measures (p21-22 of Sensitive Information Report). It is not clear whether CCWA’s concerns have been considered/addressed in the EP impact evaluation (p117 of EP), as the EP and the response to CCWA defers to the OPP document (which pre-dates the EP consultation process).
- **Suitable control measures have been included** - the controls that are included in the EP are broadly appropriate. It is not clear that all credible controls have been included (see findings against ALARP and acceptable below; as well as the finding about indirect emissions above).
- **Legislative requirements are included** – Appendix B includes the NGER and Safeguard Mechanism as a relevant requirement. A number of legislative requirements are included as control measures p119-122 of EP. GHG emissions reporting is included.
- **The level of analysis and evaluation is based on nature and scale of the activity** – the evaluation is very brief, as it mostly references the OPP content. However, significant additional information has been published since the OPP was developed (e.g. IEA Net Zero by 2050 report, IEA WEO 2021, IPCC AR6 WGI report), and it is not clear that this has been considered or included in the impact and risk evaluation.

**Conclusion: It is not clear that the sources and impacts of GHG emissions have been adequately described to inform the evaluation. Further detail is requested.**

## Submission 2

### A suitable description of the activity

#### Response to RFFWI #1.1 - VSP

RFFWI #1.1 requested Woodside to clarify if VSP is considered a part of the Petroleum Activities Program (PAP) in this EP, given that VSP was described in the Scarborough OPP as an activity associated with the drilling phase of the Scarborough project. In the response note submitted with the Scarborough D&C EP, outlining Woodside’s response to each request raised by NOPSEMA, Woodside confirmed that VSP is not part of the PAP. Only relevant scopes from the Scarborough OPP have been included in this EP. No changes were made to the EP in response to this request.

ISSUE - The resubmitted EP does not appear to incorporate the information requested by NOPSEMA on 15 December 2021. Instead, Woodside provided information in a response note that was submitted with the EP. As required by Regulation 9A, the titleholder is required to resubmit the EP with the information incorporated.

### There is a thorough description of the environment

#### Response to RFFWI #1.3 - Cetaceans

RFFWI #1.3 requested Woodside to include a description of the environment with respect to the overlap of the PAA with the pygmy blue whale distribution BIA, to inform the evaluation

of impacts and risks. In the response note submitted with the Scarborough D&C EP, outlining Woodside's response to each request raised by NOPSEMA, Woodside stated that advice had been received from the Protected Species and Communities Branch at DAWE. The DAWE advice is that the 'distribution BIA' for the blue whale, as designated in the NCVA does not constitute a BIA (that represents an area where biologically important behaviour is displayed, such as foraging and migration for the blue whale). Based on this advice, Woodside have made no changes to the EP with respect to the description of the existing environment or evaluation of impacts and risks. DAWE confirmed to NOPSEMA that the advice provided to WEL is correct, the blue whale distribution area is not considered a BIA (*refer to socio-economic topic scope for findings related to relevant persons consultation*).

ISSUE - The resubmitted EP does not appear to incorporate the information requested by NOPSEMA on 15 December 2021. Instead, Woodside provided information in a response note that was submitted with the EP. As required by Regulation 9A, the titleholder is required to resubmit the EP with the information incorporated.

**The impact and risk assessment is commensurate to magnitude of impacts and risks / The level of analysis and evaluation is based on nature and scale of the activity / Suitable control measures have been included**

#### Response to RFFWI #1.4 - Acoustic emissions

RFFWI #1.4 requested Woodside to provide impact evaluations for noise that are informed by relevant scientific literature and based on realistic predictions of noise emissions from all noise emitting sources (including the MODU, vessels, helicopters, flaring, ROV and positioning equipment). In the response note submitted with the Scarborough D&C EP, outlining Woodside's response to each request raised by NOPSEMA, Woodside stated that it is not credible that airborne noise from flaring and helicopter transfers would add to levels of underwater noise emanating from the MODU, project vessels and positioning equipment to any extent. Similarly, it is not credible that noise from ROV operations at the seabed in ~900 m water depth would add to levels of noise emanating from the MODU and project vessels just below the sea surface, or noise emissions from transponders on the seabed, to any extent. Woodside made no changes to the noise evaluation in response to this request.

ISSUE - The resubmitted EP does not appear to incorporate the information requested by NOPSEMA on 15 December 2021. Instead, Woodside provided information in a response note that was submitted with the EP. As required by Regulation 9A, the titleholder is required to resubmit the EP with the information incorporated.

Helicopter operations, flaring and ROV operations are activities associated with the PAA that have the potential to emit noise emissions. It is acknowledged that these activities are unlikely to contribute significantly to the overall noise levels from the activity. These sources would be considered secondary sources, as the primary noise sources is the MODU and project vessels (using DP). It is considered appropriate for the noise evaluation to focus on the highest impact (i.e. the primary noise sources), however the noise evaluation should identify and describe all noise emitting sources associated with the activity.

As no changes were made to the EP, S6.5.2 of the EP states that "impacts of noise from flaring and helicopter transfers to marine fauna is not considered credible as the PAA is more than 215 km from mainland Australia and there are no identified BIAs or other biologically sensitive areas within the PAA". This statement is not supported by the description of the existing environment (S4), which provides information on the presence of marine fauna in the PAA. Additionally, Woodside has not provided a sufficient justification for the exclusion of these noise emitting sources from the assessment.

The Scarborough OPP considers helicopter operations and ROV operations as sources of underwater noise impacts (pg. 405, S7.1.4.1 of the OPP). In addition, the Scarborough Seabed Intervention and Trunkline Installation EP included helicopter operations in the noise evaluation. It is unclear why Woodside has excluded helicopter operations, ROV operations and flaring/venting from the noise evaluation included in this EP.

**Relevant person consultation has been incorporated**

*Refer to socio-economic topic scope for findings related to relevant persons consultation.*

**Legislative requirements are included**

*No material changes since last revision.*

In addressing the issues raised above:

- **A suitable description of the activity** – clarifications were requested (RFFWI letter point 1.2) regarding direct emissions sources. These have been resolved as follows:
  - Direct emissions from the MODU, helicopters and vessels are confirmed to be in total across the whole activity. The EP (S6.7.2) and the response to RFFWI makes the point that under established definitions in the GHG Protocol, these emissions are considered 'indirect' as they are not owned or operated by Woodside. This point has no bearing on the consideration of impacts from the activity, as these emissions are clearly directly resulting from the petroleum activity under assessment, and the impact assessment and control measures are established as such.
  - The EP (S6.7.2) now contains estimates of emissions resulting from a moored MODU - confirming that the emissions from fuel consumption would be significantly lower if this option was selected (30kt CO<sub>2</sub>-e c.f. 80kt CO<sub>2</sub>-e). However, this is excluded in the ALARP consideration based on the other impacts/cost incurred.
  - The EP and RFFWI response confirms that contingency venting emissions estimates are included in the well flowback flaring emissions estimate.
  - The EP (S6.7.2) now specifically includes fugitive emissions from the well test package and mud degassing may occur. The estimate appears to have been included in Table 6-4 as part of the well flowback estimate.
- **Impact and risk assessment commensurate to magnitude of impacts and risks; and level of analysis and evaluation commensurate to the nature and scale of the activity**- the RFFWI letter (point 1.5) requested a number of updates to the EP impact assessment. These have been addressed as follows:
  - The impact assessment (S6.7.2) has been updated to include brief mention of scientific information e.g. IPCC AR6. While there is no meaningful addition to the quality or extent of information, given the narrow emissions boundary and short duration for the activity, it is considered that requesting additional analysis would be unlikely to materially change the outcome.
  - The acceptability demonstration (S6.7.2) has been updated to include changes in external context such as Woodside targets, Australian NDCs, and the IEA WEO scenario predictions. The RFFWI response makes the point that Woodside's view is a detailed acceptability demonstration is not warranted for 'Decision Type A' - the regulations make no such distinction. However, given the scale of Scope 1 GHG emissions from this activity, the content included is considered adequate.
  - Indirect emissions - the EP includes the Scope 1 emissions that are relevant for the activity and control measures are assigned. Also see the additional information about Scope 3 emissions immediately below.
- **Relevant persons consultation has been incorporated** - The acknowledgement that concerns were raised in consultation regarding climate change and emissions from the Scarborough Project has now been included in the EP (S6.7.2). Given the emissions boundary for this activity, concerns regarding Scope 3 emissions from the project have not been considered in this assessment as per the further information below.

Additional information:

NOPSEMA has been considering indirect (Scope 3) greenhouse gas (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. In response to NOPSEMA's RFFWI, the EP has been amended to include additional information about the scope of the activity. In particular, Section 6.6 notes that *"The extraction of Scarborough gas for onshore processing is not included in this Petroleum Activities Program"* and concludes that *"...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."*

In addition, Sections 1.10.2.1 and 6.7.2 reiterate that the scope of impacts and risks from the activity relate to those emissions arising from this stage only. This argument is considered reasonable given that the extent of this EP only relates to drilling and does not permission production operations for the Scarborough development. No further findings against Scope 3-relevant content in the EP have been made - this is reflected against all acceptance criteria below.

**Conclusion:** Given the emissions boundary for the development drilling activity, the EP content is sufficient for the nature and scale of the activity.

## **A suitable description of the activity**

### Response to RFFWI #2:

RFFWI #2 requested Woodside to revise the EP to incorporate the information requested by NOPSEMA on 15 December 2021, along with reasoning and support for conclusions drawn. This included providing clarification in the EP that VSP is not part of the Petroleum Activities Program.

In response, Woodside revised S3.9.2 of the EP to include the following sentence: "There will be no vertical seismic profiling for ongoing field evaluation" (pg. 44). It is now clear that VSP is not part of the Petroleum Activities Program for this EP.

*Conclusion - The description of the activity is suitable to inform the assessment of impacts and risks. The description of the activity is consistent with the content requirements as outlined in Regulation 13(1).*

## **There is a thorough description of the environment**

### Response to RFFWI #2:

RFFWI #2 requested Woodside to revise the EP to incorporate the information requested by NOPSEMA on 15 December 2021, along with reasoning and support for conclusions drawn. This included providing evidence to support the likelihood evaluation of foraging blue whales being present in the Petroleum Activity Area (PAA) and acknowledgement that the PAA is located within the known distribution range for blue whales.

In response, Woodside revised S4.6.3 of the EP to include information on the distribution range and migratory and foraging behaviours of pygmy blue whales, with respect to the PAA location. The EP acknowledges that the PAA overlaps the pygmy blue whale distribution range, and that it is likely that individuals may transit in and around the PAA during migratory periods; however, only transient individuals or small groups are expected occasionally during the north and south bound migratory seasons (April to July and October to January, respectively). The EP notes in S4.6.3 that the Exmouth Plateau KEF is an area of localised upwelling and may be a source of food for occasional pygmy blue whale foraging. Reference is made to Thums et al., 2022, which identified areas from the shelf edge from Ningaloo Reef to the Rowley Shoals to be important for foraging (and/or breeding/resting), as well as areas within and to the west of the migratory BIA, indicating there is some but most likely low likelihood of foraging whales being present in the PAA.

The revised EP incorporates the advice Woodside received from DAWE that the "distribution BIA" as defined by the National Conservation Values Atlas does not constitute a BIA that represents an area where biologically important behaviour is displayed, such as foraging and migration for the blue whale (*refer to socio-economic topic scope for assessment findings related to relevant person consultation*).

Figure 4.5 in the EP displays the migration BIA and possible foraging BIA for PBWs, as well as the satellite tracks of PBWs tagged between 2009 and 2011 (described in Double et al., 2012, 2014). It is clear from the figure that the PAA is located outside the migration BIA and that the satellite tracks do not intersect the PAA. Section 4.6.5 of the EP acknowledges that migratory PBWs are not necessarily confined to the designated migratory corridor, and there is potential for individuals to undertake opportunistic foraging within and adjacent to the PAA.

It is noted that Appendix I [Master Existing Environment] provides additional information on pygmy blue whales in context of the EMBA and wider North-west Marine Region. Figure 7.2 in Appendix I [Master Existing Environment] displays the distribution area and BIAs of pygmy blue whales, derived from the National Conservation Values Atlas.

Sufficient information has been provided in the revised EP on the distribution and important behaviours of pygmy blue whales using contemporary scientific literature to inform the impact and risk assessments.

*Conclusion - The description of the environment adequately describes matters protected under the EPBC Act that are potentially present within the environment that may be affected. Relevant values and sensitivities are described in sufficient detail to inform the impact and risk assessments.*

## **The impact and risk assessment is commensurate to magnitude of impacts and risks / The level of analysis and evaluation is based on nature and scale of the activity / Suitable control measures have been included**

### Response to RFFWI #2:

RFFWI #2 requested Woodside to revise the EP to incorporate the information requested by NOPSEMA on 15 December 2021, along with reasoning and support for conclusions drawn.

This included providing justification for the exclusion of helicopter operations, flaring and ROV operations from the scope of the noise evaluation.

In response, Woodside revised S6.5.2 of the EP to provide justification for the exclusion of helicopter operations, flaring and ROV operations from the scope of the noise evaluation. Woodside has excluded these sources from the noise evaluation on the basis that it is not credible that these sources would add to levels of underwater noise emanating from the MODU, project vessels and positioning equipment to any discernible extent. It is considered appropriate that the noise evaluation (S6.7.3) has focused on the highest impact (i.e. the primary noise sources: MODU, support vessels and positioning equipment).

Suitable control measures have been adopted to demonstrate noise impacts are reduced to ALARP.

*Conclusion - The level of analysis and evaluation applied to the impact and risk assessments is commensurate with the nature and scale of the activity. The EP appears to include suitable control measures to reduce impacts and risks to ALARP.*

#### **Relevant person consultation has been incorporated**

*Refer to socio-economic topic scope for findings related to relevant persons consultation.*

#### **Legislative requirements are included**

*No material changes since last revision.*

### **Submission 4**

#### **A suitable description of the activity**

*No material changes since last revision.*

#### **There is a thorough description of the environment**

*Cultural features:*

The resubmitted EP includes an amended description of the environment, with additional information on Indigenous cultural heritage (S4.9.1.2) supported by ethnographic surveys completed in 2019 and 2020 (as noted below). S11.1 of Appendix I (Master Existing Environment) provides additional information on the cultural heritage features of the environment, with a focus on the NWMR and to a lesser extent the SWMR and NMR. Noting that Appendix I includes values and sensitivities of a wider area than the defined EMBA for this activity (as mentioned in S1.2 of Appendix I).

The EP states that "while marine resources used by Indigenous people are generally limited to coastal waters for activities such as fishing, hunting and maintenance of culture and heritage, many Aboriginal groups have a direct cultural interest in decisions affecting the management of deeper offshore waters". The EP notes that the activity lies significantly beyond not only the current extent of the coastline but more than 170 km beyond the furthest extent of the ancient coastline. This is supported by F4-6 in the EP.

The EP states that "no Indigenous archaeology is known to exist anywhere within Commonwealth waters". The EP also states that "there is no Native Title claim or determination over the Operational Area or EMBA, and no clear evidence of any Traditional Group with cultural authority over Commonwealth Waters". It is noted that a search of the DPLH Aboriginal Heritage Inquiry System was conducted by Woodside for the EMBA (S4.9.1.2). The search indicated no registered Indigenous heritage places (contained in Appendix G).

To support these statements, reference is made to ethnographic surveys completed in 2019 and 2020. The 2019 survey was conducted with members of the Traditional Custodian groups of Murujuga invited through Prescribed Bodies Corporate (including Ngarluma Aboriginal Corporation) and through Murujuga Aboriginal Corporation (MAC) who met on country with heritage consultants to identify and describe (primarily ethnographic) heritage values that may be impacted by the project. The 2020 survey was conducted by MAC who appointed their preferred heritage consultants to meet on Country with the MAC Circle of Elders to discuss the project and identify any (again primarily ethnographic) heritage values in the nearshore and offshore waters. It is noted that the 2020 report is owned by MAC and was approved by the Circle of Elders prior to being provided to Woodside. In both cases, participants from the Mardudhunera, Ngarluma, Yaburara, Yindjibarndi and Wong-Goo-Tt-Oo Peoples, identified by their representative institutions as appropriate cultural authorities were present. The nature of these ethnographic surveys is such that a landscape-scale approach was undertaken particularly given the limited knowledge of the submerged landscape, noting that the surveys covered the Scarborough project's development footprint



(presented in F4.8). It appears that the ethnographic surveys covered the Scarborough drilling locations in WA-61-L. The EP notes that these surveys found no ethnographic values within the Operational Area or EMBA. The EP acknowledges that some traditional knowledge of ethnographic values has been lost through the effects of colonisation generally, and as a result of the Flying Foam Massacre in particular.

As the EP provides a summary of the 2019 and 2020 ethnographic surveys and does not provide the full reports or relevant extracts from the reports, further information is required to verify that:

- Those with relevant cultural authority were present and engaged in the ethnographic surveys and have acknowledged that the survey reports contain an accurate representation of ethnographic features;
- Participants were provided with a map that did not exclude the Scarborough drilling locations (the PAA) and were not restricted in the types of heritage or other values they were encouraged to identify; and
- No ethnographic values were identified within the Operational Area or EMBA.

ISSUE - Given the EP places heavy reliance on the results of the 2019 and 2020 ethnographic surveys to describe the cultural heritage features of the environment and to conclude that "these surveys have found no ethnographic values within the Operational Area or EMBA", further information is required. Extracts from the 2019 and 2020 reports (or the full reports) are required to be able to support claims made in the EP.

It is noted that a further ethnographic survey is planned for the Scarborough Project. The EP states that the results of further surveys will be addressed through a Heritage Management Committee (as described in S7.5.1.2). *Refer to assessment findings under implementation strategy.*

The EP states that "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." This approach has been applied to the impact and risk assessment process. However, the basis for this statement is not clearly supported in the EP, as the citation for MAC (2021) has not been included in the reference list and relevant content from MAC (2021) 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. *Refer to assessment findings under acceptable level.*

As noted in previous findings, no Commonwealth Heritage places are located within the PAA or EMBA (S4.9.1.4 and supported by the PMST reports in Appendix C). As such, the activity will not have an impact on the Commonwealth Heritage values of a listed place.

#### *Ecological features:*

The EP (specifically S4.6.3) has been amended to reflect the delisting of *Megaptera novaeangliae* (humpback whale) from the threat category of vulnerable under the EPBC Act. The legal instrument took effect on 26 February 2022. The species no longer has an approved Conservation Advice. The species remains a matter of national environmental significance under the EPBC Act as a listed migratory species, and remains listed as a cetacean under EPBC Act Division 3, where it is an offence to kill, injure, take, trade, keep, move or interfere with a cetacean. No changes have been made to control measures adopted in relation to the protection of cetaceans. The delisting of the humpback whale does not alter the conclusions of the assessment (all previous assessment findings remain valid). Noting that the PAA is located 155 km from the migration BIA for the species, outside of the defined EMBA (S6.7.3, Table 7.2 in Appendix I).

No other changes were noted to S4 or the Master Existing Environment (Appendix I).

As per previous findings, the description of the environment adequately describes the ecological, socio-economic and cultural features that are potentially present within the environment that may be affected by the activity. Relevant values and sensitivities are described in sufficient detail to inform the impact and risk assessments, including matters protected under Part 3 of the EPBC Act.

**The impact and risk assessment is commensurate to magnitude of impacts and risks / The level of analysis and evaluation is based on nature and scale of the activity / Suitable control measures have been included**

S6.2 (impact and risk analysis and evaluation) has been amended to include the following statement: "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". This approach is based on consultations with the appropriate cultural authorities, as described in S4.9.1.2 and also presented in Table 5.2 (summary of consultation with MAC). However, the basis for this statement is not clearly supported in the EP, as the citation for MAC (2021) has not been included in the reference list and relevant content from MAC (2021) 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. *Refer to assessment findings under acceptable level.*

To support previous assessment findings, the proposed activity is not expected to directly or indirectly harm marine wildlife or disrupt or change their migration and seasonal movement patterns. During the assessment of the EP, scrutiny was applied to the assessment of underwater noise impacts to cetaceans, in particular blue whales given the conservation status of the species. The noise evaluation demonstrated that injury to cetaceans is not considered to be credible, and impacts to cetaceans are predicted to be limited to behavioural disturbance such as avoidance or attraction behaviour. Cetaceans will be able to continue on migration pathways, using migration routes.

S6.7.5 (seabed disturbance impact assessment) has been updated with further context and to amend the impact radius (from 100 m to 10 m) for the seabed disturbance associated with installation of the BOP and cementing of the conductor. This is in response to comments received from Greenpeace Australia Pacific (as outlined in Table 5.2 and Table 5.4). The previous assessment findings and conclusions remains valid, noting that the defined impact area is considered to be conservative.

S6.8.2 (unplanned hydrocarbon release - vessel collision risk assessment) has been revised to consider impacts to cultural heritage values. The evaluation concludes that no impacts to cultural values are expected as no listed World Heritage Places, Indigenous Sites of Significance, Commonwealth Heritage Places or National Heritage Places were identified in the EMBA and no ethnographic values are known to occur within the Operational Area or EMBA. This is supported by the description of cultural features in S4.9.1.2 of the EP.

#### *Cumulative impacts:*

It is noted that the Scarborough OPP (SA0006AF0000002, Rev 5; Section 8) assesses the potential cumulative impacts of the Scarborough Project and other activities / developments. Section 4.9.6 of this EP identifies the other facilities located in proximity to the PAA. The closest facilities, the [REDACTED] and [REDACTED], are located outside the EMBA. The proposed [REDACTED] is located about 70 km east of the PAA, within the EMBA. On that basis, Woodside concludes that given the distance between the location of the PAA and other nearby petroleum facilities and activities, no cumulative risks or impacts will credibly occur. S6.2 of the EP identifies and assesses the proposed activities for the Scarborough Project that may temporally and/or spatially overlap. This includes the Scarborough 4D B1 MSS and the Scarborough trunkline installation.

S6.2 of the EP states that the Scarborough 4D B1 MSS will not be undertaken concurrently with the Scarborough drilling activity (covered by this EP) and therefore no cumulative impacts are predicted. S6.3 of the Scarborough 4D B1 MSS EP (Rev 4) confirms that the MSS will not be undertaken concurrently with the Scarborough drilling activity (covered by this EP). It is noted that the Scarborough 4D B1 MSS EP (Rev 4) is under assessment with NOPSEMA (RMS ID: 6780).

The Scarborough trunkline installation may result in cumulative impacts due to both a spatial and temporal overlap. S6.2 of this EP states that the potential impacts will be described, assessed and managed under the Scarborough Seabed Intervention and Trunkline Installation (SITI) EP (under development). It is noted that this EP is now under assessment with NOPSEMA (RMS ID: 6875), and includes consideration of cumulative impacts with the Scarborough drilling activity (as described in S6.2.1 of the Scarborough SITI EP, Rev 3). S6.7.6 of the Scarborough SITI EP (Rev 3), includes an assessment of effects of cumulative noise sources (including from the Scarborough drilling activity) on sensitive marine fauna (including blue whales). *See RMS ID: 6875 for assessment findings related to cumulative impacts from noise sources associated with the Scarborough project.*

S6.2 of the EP also notes that a fibre optic cable installation in WA-61-L may be undertaken at the same time as the Scarborough drilling activity (covered by this EP). Woodside concludes that no cumulative risks or impacts will credibly occur, given that the distance between activities in this EP and fibre optic cable installation activities would be at least 10 km.

As per previous findings, the level of analysis and evaluation applied to the impact and risk assessments (including cumulative impacts) is commensurate with the nature and scale of the activity. Suitable control measures have been included to demonstrate that impacts and risks have been reduced to ALARP.

## Relevant person consultation has been incorporated

*Refer to socio-economic topic scope for findings related to consultation.*

## Legislative requirements are included

Since the last revision of the EP, there have been changes to the legislative requirements that apply to the activity and are relevant to the environmental management of the activity. For example:

- The EP refers to the draft Wildlife Conservation Plan for Seabirds (2019), however the Plan was published and came into effect on 16 June 2022. The EP should reflect that the Plan has been finalised.
- The EP identifies the Biosecurity Act 2015; however, the EP does not address the Biosecurity Amendment (Biofouling Management) Regulations 2021, which came into effect on 15 June 2022. The Australian Biofouling Management Requirements (Version 1, 2022) provides guidance on how vessel operators should manage biofouling when operating within Australian seas. The EP should describe the biofouling requirements and demonstrate how the requirements will be met by Woodside's IMS risk assessment process. It is noted that Woodside's IMS risk assessment process was developed with regard to the IMO Guidelines, 2011 (as noted in S6.8.8 of the EP). The new biofouling requirements are consistent with the IMO Guidelines, 2011.
- The EP does not describe the requirements of the Minamata Convention on Mercury as it applies to the activity or how those requirements will be met. The Minamata Convention on Mercury was ratified by Australia on 7 December 2021. The Convention is relevant to emissions and releases of mercury and mercury compounds to the environment. Noting that the activity proposes to use barite which contains mercury.

ISSUE - The EP does not adequately describe the requirements that apply to the activity, as noted above.

## Submission 5

### Background

The Full Federal Court of Australia heard an appeal to the decision in *Tipakalippa v National Offshore Petroleum Safety and Environmental Management Authority (No 2) [2022] FCA 1121*. The appeal decision was made on 02 December 2022 in *Santos NA Barossa Pty Ltd v Tipakalippa [2022] FCAFC 193*. From that date, the appeal decision represents the law regarding requirements for consultation in accordance with the Environment Regulations.

Following the appeal, NOPSEMA updated and published the following EP assessment related documents to reflect the consultation requirements:

- N-04750-PL1347 - Environment Assessment Policy (published on 16/12/2022)
- N-04750-GN1344 - Environment Plan Content Requirements Guidance Note (published on 16/12/2022)
- N-04750-GL1721 - Environment Plan Decision Making (published on 16/12/2022)

In addition, NOPSEMA published a final version (following a 3-month public comment period) of the guideline "Consultation in the course of preparing an Environment Plan" [N-04750-GL12086] on 12 May 2023. These documents have informed NOPSEMA's assessment of whether the EP meets the acceptance criteria.

*Note: The bolded headings provided under each of the acceptance criteria have been updated to reflect the 'factors that influence decision making' as per the published Environment Plan Decision Making Guideline.*

### A suitable description of the activity

#### Timing of the activity

The resubmitted EP includes an amended activity timeframe. Section 3.6 has been updated to state "The Petroleum Activities Program is planned to commence within a five-year window, with potential commencement date of H2 2023. Drilling may occur at any time within the five-year period between 2023 and 2028, for which this EP will be active". No changes were made to the duration of the activity. It is noted that the EP has risk-assessed all activities throughout the year (all seasons), as such, no changes were made to the impact and risk assessments.

No other changes were noted to the description of the petroleum activity. Minor edits were

made to content in Section 3; however, no material changes were noted.

As per previous findings, the description of the activity is suitable to inform the assessment of impacts and risks. The description of the activity is consistent with the content requirements as outlined in Regulation 13(1).

**There is a thorough description of the environment**

RFFWI #1.2 - Ethnographic surveys

RFFWI #1.2 requested Woodside to provide extracts from the ethnographic surveys undertaken in 2019 and 2020 for the Scarborough project (or the full survey reports if appropriate) to verify the information contained in the EP.

In response, Woodside updated S4.9.1.7 to remove reference to the 2019 ethnographic survey. The reason for removal of the 2019 ethnographic survey reference is not clear. However, further information was provided in S4.9.1.7 on the 2020 ethnographic survey.

It is noted that the 2020 ethnographic survey was conducted by MAC as representatives of Traditional Custodians for the onshore and nearshore aspects of the Scarborough Project. MAC appointed their preferred heritage consultants to meet on Country with the MAC Circle of Elders to discuss the project and identify any cultural values. It is noted that "The survey was conducted with members of MAC's Circle of Elders, who are recognised as cultural authorities for Murujuga, and the final report was approved by the Circle of Elders prior to being provided to Woodside. Representatives from the Mardudhunera, Ngarluma, Yaburara, Yindjibarndi and Wong-Goo-Tt-Oo Peoples—all five Indigenous groups represented by MAC (MAC 2022)—participated in this survey (McDonald and Phillips 2021)". The scope of the survey was informed by the Scarborough project's development footprint (provided in Figure 4.10 in the EP). It is noted that the Scarborough project's development footprint encompasses the drilling locations in WA-61-L (covered by this EP). The nature of survey is such that a landscape-scale approach was undertaken, considering heritage values that may be identified by participants beyond the project footprint. The EP states that "No boundary was imposed on the participants, and participants were not restricted in the types of heritage value they were encouraged to identify".

The EP states that "The survey found no ethnographic sites or values within the EMBA. The survey identified ethnographic sites onshore, but these are outside the PAA and EMBA and scope of this EP (McDonald and Phillips 2021). It was noted that some traditional knowledge of ethnographic values may have been lost through the effects of colonisation generally, and as a result of the Flying Foam Massacre in particular (McDonald and Phillips 2021). It was not proposed in the report that the Project would pose any risk to these sites or values (referring to 'those identified onshore', which are located well outside the Project footprint."

As outlined in S4.9.1.7, the 2020 ethnographic survey represents the findings of Phase I of a planned two-part ethnographic survey, and the 2020 report recommends that the Phase II ethnographic survey be initiated. The second phase goes beyond industry standard by engaging with neighbouring Aboriginal groups to identify potential ethnographic values that traverse traditional group boundaries. Woodside has communicated its committed to the Phase II survey to MAC; however, the survey has not yet been initiated. The EP notes that "Woodside understands the Phase I works to adequately describe and assess the cultural, spiritual, aesthetic and social values held by Traditional Custodians for the project area and surrounding land- and seascape. Woodside does not consider the Phase II works to be necessary to the construction of the Scarborough Project".

It is noted that if any new information on cultural values from the Phase II survey or other sources, Woodside will apply its Management of Change and Revision process (S7.6 of the EP). *Refer to assessment findings under implementation strategy.*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

The maps used in this assessment are provided in S4.9.1.7 of the EP.

[REDACTED]

There is some uncertainty about the suitability of the 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, NOPSEMA can be reasonably satisfied that this uncertainty has been addressed in the EP with references to publicly available reports and literature on cultural heritage values, and 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 (*refer to socio-economic topic scope for findings related to consultation*). It is noted that the scope and requirements of the survey were agreed with MAC Circle of Elders and an independent consultant (qualified anthropologists) prior to undertaking the survey. Taking this into consideration, the nature and scale of the activity (incl. location), the new information presented in the EP (and sensitive information report) and the expert opinion and advice from Extent Heritage (see findings below), NOPSEMA can be reasonably satisfied that the EP provides a thorough description of the cultural features of the environment that may be affected by the activity.

#### Cultural heritage

The resubmitted EP includes an amended description of the cultural features of the environment that may be affected by the activity (S4.9.1). The additional information on cultural heritage (S4.9.1) is supported with references to publicly available reports and literature, details of the 2020 ethnographic survey (as noted in the findings above) and information gathered through relevant persons consultation (*refer to socio-economic topic scope for findings related to consultation*).

In describing the cultural features of the environment that may be affected by the activity, Woodside identified the native title claims, determinations and Indigenous Land Use Agreements (ILUAs) (as defined under the Native Title Act 1993) that overlap the EMBA (S4.9.1.2). Woodside considers this to be the broadest extent over which Indigenous groups have claimed native title rights and interests, while acknowledging that cultural features and heritage values may exist outside of the native title framework. Woodside understands that native title rights and interests are held communally by an organised society. The EP states that "there are no native title claims or determinations and no ILUAs overlapping the PAA and EMBA (Figure 4-9). Therefore Woodside understands that no native title rights or interests may be impacted by the activity". To identify cultural features and

heritage values which may exist outside of native title claim, determination and ILUA areas, Woodside considers native title claims, determinations and ILUAs coastally adjacent to the EMBA to be an instructive means of identifying potentially relevant Indigenous groups to be consulted (S4.9.1.3). Table 4.14 outlines the native title claims, determinations and ILUAs coastally adjacent to the EMBA (including the Registered Native Title Body Corporate).

S4.9.1.4 states that "Woodside considers the management plans [of Commonwealth and State marine parks] to determine whether cultural features and heritage values have been identified and whether there are Traditional Custodians or representative bodies referenced to contact regarding potential cultural values". Woodside identified the Commonwealth and State marine park management plans of marine parks that overlap the PAA and EMBA. The EP states acknowledges that "The PAA does not overlap any Commonwealth Marine Parks. The EMBA overlaps with features of the Gascoyne AMP managed under the North-West Marine Parks Network Management Plan 2018. The PAA and the EMBA do not overlap any State Marine Parks". In relation to the Gascoyne AMP, the North-west Marine Parks Network Management Plan (2018) states that "sea country is valued for Indigenous cultural identity, health and wellbeing. Across Australia, Indigenous people have been sustainably using and managing their sea country for tens of thousands of years. The Gnulli people have responsibilities for sea country in the Marine Park. The Yamatji Marlpa Aboriginal Corporation [YMAC] is the Native Title Representative Body [NTRB] for the Yamatji region". The EP recognises that the marine park management plan notes that YMAC is the relevant NTRB.

S4.9.1.5 includes information on cultural features of marine ecosystems, and the broader concept of "sea country". Woodside recognises the potential for marine ecosystems to include cultural features as well as environmental values. The EP states "It necessarily follows that an impact to marine ecosystems has the potential to impact cultural features where the impact is detectable within Sea Country—the seascape which Traditional Custodians view, interact with or hold knowledge of. The link between environmental protection and cultural heritage protection is illustrated in the Australian Government's Indigenous Protected Areas Program". This intrinsic link concept is also described in MAC (2021). Cultural features of coastal areas may include marine species (e.g., humpback whales, turtles and dugongs) that may travel many thousands of kilometres through areas with similar cultural values to multiple Indigenous language groups. Woodside considers that impact to cultural values of marine species will be adequately managed in areas of traditional Sea Country, and therefore management of the environmental values will preserve the cultural values of environmental receptors, as assessed in S6. Woodside note that "No other cultural features or heritage values related to marine species within the PAA or EMBA were raised by Traditional Custodians in the course of preparing the EP".

S4.9.1.6 states that "Woodside considers the Ancient Landscape between the mainland and the Ancient Coastline KEF (see Figure 4-12) as an area where potential Indigenous archaeological material may exist on the seabed, as this covers the full extent of this possible Indigenous occupation". It is noted that the PAA does not overlap the Ancient Landscape; however, the EMBA does overlap the Ancient Landscape. The EP notes that there is no potential for seabed disturbance from planned activities and therefore no potential for impacts to archaeological material information in relation to Indigenous archaeology in the offshore marine environment. The EP notes that "there is no Indigenous archaeology known to exist anywhere within Commonwealth waters, and no declarations or prescriptions under the Aboriginal and Torres Strait Islander Heritage Protection Act 1984, Underwater Cultural Heritage Act 2018 or EPBC Act 1999 are located within the EMBA". Woodside conducted a search of the DPLH's Aboriginal Heritage Inquiry System, which showed no registered Aboriginal sites in the EMBA. The report is contained in Appendix G. The EP states that "No archaeological sites within the PAA or EMBA were identified by Traditional Custodians during the course of preparing the EP". It is noted that where Indigenous archaeological material is identified, Woodside will discuss the management of this material with appropriate Traditional Custodian group(s), starting with adjacent Native Title Body Corporate.

S4.9.1.7 provides information on the 2020 ethnographic survey. *Refer to findings above.*

It is noted that during consultation, BTAC advised Woodside that "Thalanji people have an enduring deep connection to Sea Country north of Onslow, extending out into the vast islands off the coast of the Pilbara, including the Montebello Islands, Barrow Island, and the Mackerel Islands". BTAC has a cultural obligation to care for the environmental values of sea country. A review of the sensitive information report indicates that BTAC has not provided any further detail on cultural values present in the PAA or the EMBA, noting that BTAC advised Woodside that "Thalanji has not specifically developed its values regarding Sea Country into a format that could be articulated beyond our own culture". *Refer to socio-economic topic scope for findings related to consultation.*

*Independent advice on Aboriginal cultural heritage in relation to the Scarborough B1 MSS EP (see A883896, dated 18 October 2022)*

NOPSEMA sought expert opinion and advice from Extent Heritage Pty Ltd (Extent Heritage) on Aboriginal cultural heritage in relation to the proposed Scarborough B1 MSS EP (RMS ID:

6780), to support NOPSEMA with its assessment of that EP. The advice is generally relevant to the Scarborough Drilling and Completions EP (this EP), given that the Scarborough B1 MSS (survey location) includes the drilling locations within WA-61-L (i.e., the PAA covered by this EP), and the content of the Scarborough B1 MSS EP is largely consistent with the Scarborough Drilling and Completions EP. It is noted that the Report states "While the advice provided by Extent Heritage is limited to the Scarborough 4D B1 Marine Seismic Survey, there may be the potential for broader applicability of the generic advice in the report, particularly for activities in similarly remote / offshore locations in Commonwealth waters". On that basis, the expert opinion and advice provided in the report by Extent Heritage (hereafter, the Report) was considered during NOPSEMA's assessment of this 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, including the cultural features of environment.

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 following expert opinion and advice has been noted from the Report:

- In relation to the identification and description of cultural features of the environment, the Report states:
  - "The potential scope of heritage values of 'place' or what may constitute an Aboriginal cultural feature is wide... For the purposes of the subject EP under consideration by NOPSEMA, they could encompass [referring to 'cultural features']:
    - Aboriginal archaeological remains and cultural deposits preserved in submerged terrestrial environments;
    - Physical, environmental and topographic features that have social, cultural, historical or spiritual values to the Aboriginal community. This could include traditional resources of the sea and marine species that may have totemic or other values to Traditional Owners, and
    - Intangible values associated with stories, dreaming, mythology, song or other cultural practice".
  - "There are two primary sources of information that are relevant in identifying and describing these potential values [referring to 'cultural values'] in offshore locations:
    - Archaeological, historical and scientific data and research that may identify the presence or potential presence of submerged Aboriginal cultural deposits buried on the sea floor.
    - Information held by Traditional Owner Knowledge Holders regarding cultural, spiritual, social, historic and economic values and places on Country..... This information is typically documented through ethnographic surveys or cultural values assessments undertaken by Anthropologists or other heritage specialists with Knowledge Holders".
  - "Ethnographic surveys regularly apply a landscape approach because it aligns with Aboriginal cultural conceptions of landscape that comprise inter-connected features, values and stories that extent across Country. The extent to which a landscape approach can be relied upon will depend on the specific of the methodology used, including matters such as the inclusion of appropriate Elders and Knowledge Holders who have cultural information and appropriate cultural authority and their willingness to provide that information to the Anthropologist or Ethnographer who is recording those values".
  - "The seismic survey subject area is located in deep seas in an area that is well beyond the Pleistocene coastal landscape that Aboriginal people occupied after colonisation of the Australia ~65,000 BP".
  - "...the seismic survey subject area is located well beyond the inundated coastal plain Aboriginal people lived on during the Pleistocene, and likely beyond the extent of viewlines from the LGM coast and beyond the extent that Aboriginal watercraft were likely to have travelled. It also indicates there is no potential for any in-situ Aboriginal submerged terrestrial archaeological deposits within the subject area". "There is no evidence Extent Heritage are aware of for open ocean travel undertaken by Aboriginal people across the sort of distance required to reach the study area (>100 kms), particularly in circumstances where there was no visible island or landmark destination, and the possibility is considered particularly unlikely given the strong prevailing westerly winds on the coast of WA".
- In relation to the potential impacts on the cultural features of the environment, the Report states:
  - Extent Heritage "agree that 'impacts to socio-cultural receptors are

- associated with ecological impacts".
- "Activities that might directly or indirectly affect marine life may have a potential to impact cultural values and/or traditional uses of marine resources used for food and fibre or species that are of spiritual or totemic significance to individuals or group".
- In relation to the identification of representative bodies with cultural authority to speak to cultural features of the environment, the Report states:
  - "The status of who may or may not have traditional rights and connections with areas of sea located significant distances off the continental shelf is not clear..".
  - "The initial consultation with Yamatji Marlpa Aboriginal Corporation (YMAC), as the Native Title Representative Body for the Pilbara region, was undertaken to identify appropriate Elders and Knowledge Holders relevant to the Woodside Scarborough project. This reflects standard practice under WA state processes". "We are aware that for other projects in the vicinity of the Burrup Peninsula/Murujuga the proponents adopted a similar process for Aboriginal community engagement that has been accepted by both the WA and Australian governments...".
- In relation to the presence of indigenous archaeology in Commonwealth waters and Aboriginal cultural features related to the ancient coastline, the Report states:
  - "Extent Heritage are unaware of any Aboriginal cultural heritage found within Commonwealth waters. However, this is largely due to an absence of underwater archaeological investigation work in Commonwealth waters".
  - "The recent discovery of Aboriginal artefacts off the Murujuga coast (within WA state waters) demonstrates the potential for the presence of sub-tidal submerged terrestrial archaeological deposits".
  - "The limited number of Australian studies and extensive previous international studies clearly demonstrate the potential for submerged terrestrial archaeology to exist in Commonwealth waters on parts of the continental shelf that were exposed during the LGM low sea level ~20,000 BP".

The expert opinion and advice from Extent Heritage (the Report), supports the information presented by Woodside in the Scarborough Drilling and Completions EP (this EP). In particular, statements in relation to the presence of Indigenous archaeology in Commonwealth waters; and the link between ecological and cultural values.

The Report states that "activities that might directly or indirectly affect marine life may have a potential to impact cultural values and/or traditional uses of marine resources used for food and fibre or species that are of spiritual or totemic significance to individuals or group". The proposed activity (covered by this EP) is not expected to directly or indirectly harm marine life or disrupt or change their migration and seasonal movement patterns, including species that are of spiritual or totemic significance. As part of the EP assessment, greater scrutiny has been applied to the assessment of underwater noise impacts to cetaceans, in particular blue whales, given the conservation status of the species. The noise evaluation demonstrates that injury to cetaceans is not considered to be credible and impacts to cetaceans are predicted to be limited to behavioural disturbance such as avoidance or attraction behaviour. Cetaceans will be able to continue on migration pathways, using migration routes (i.e., BIAs) as a result of the activity. NOPSEMA does not consider that the proposed activity will have a detrimental effect to traditional uses of marine resources for food and fibre.

#### Commercial fisheries

The resubmitted EP includes an amended description of commercial fisheries (S4.9.2). The description was updated to incorporate the latest catch and effort data for the relevant fisheries. Woodside used the Annual Fishery Status Reports published by ABARES to identify Commonwealth managed fisheries that have fished within the Operational Area in the last 5 years. FishCube data was requested from the WA DPIRD (Fisheries) for the most recently available 5-year period of fishery catch and effort data (2018-2022) to analyse the potential for interaction with State managed fisheries within the Operational Area (DPIRD, 2022). A 5 year period was deemed to be an appropriate period to represent potential future fishing effort over the lifecycle of the EP (5-years). Table 4.16 was updated to reflect the latest data. This information does not alter the conclusions of the assessment (all previous assessment findings remain valid).

Table 4.16 was also updated to include information on Fishing Tour Operators, which are permitted to operate across WA state waters. FishCube data reported no active tour operators at 10 NM CAES blocks overlapping the PAA (DPIRD, 2022). FishCube data indicate tour operator fishing effort highest around Ningaloo and Murion Islands and at Barrow Island and the Montebello Islands, east of the EMBA. Woodside considers it a possibility that interactions with tour operators will occur within the EMBA. *Refer to socio-economic topic scope for findings related to consultation.*



## Protected species

### *Listed threatened and migratory species*

The resubmitted EP includes the results of an updated search of the EPBC Act Protected Matters Search Tool (PMST) for the PAA and EMBA (conducted on 4 April 2023 and 16 Jan 2023, respectively). Updates have been made throughout S4 to reflect the matters of national environment significance identified by the PMST reports. The new PMST reports are contained in Appendix C. The new PMST reports do not alter the conclusions of the assessment (all previous assessment findings remain valid).

### *Pygmy blue whales*

The resubmitted EP includes an amended description of the environment, with additional information on the presence and behaviours of pygmy blue whales (S4.6.3). This description is consistent with the information provided in other EPs for the Scarborough project (such as the Scarborough 4D B1 Marine Seismic Survey EP; RMS ID: 6780).

The following statements have been noted:

- "The PAA is located ~35 km west of the western edge of the migration BIA (Figure 4-5) and overlaps the broader pygmy blue whale distribution area (Figure 4-5)".
- "Thums et al. (2022) acknowledged that the majority of important migration areas for north-west Australia were encompassed by the pygmy blue whale migration BIA, as shown by 20 tracks for northbound pygmy blue whale" (Figure 4-5).
- "The possibility that some migrating pygmy blue whales could be opportunistically foraging to the west of the migration BIA is supported by the track of one northbound individual tagged off the North West Cape in early June 2020. This tagged whale spent about 486 hours (20 days) in what appeared to be opportunistic foraging movement behaviour (Thums et al. 2022; AIMS, 2022), over an area that included time in the southern area of the Exmouth Plateau and within the migration BIA, refer to Figure 4-5. The area the whales have been shown to fan out and migrate beyond the BIA (Thums et al. (2022) is north of the PAA. Two southbound tracked whales also travelled predominantly within the migration BIA".
- "Considering the proximity of the pygmy blue whale migration BIA to the PAA (~35 km), as well as the recorded presence of an individual, within the distribution range (~5km from the PAA), it is possible that individuals may transit in and around the PAA during migratory periods. However, only transient individuals or small groups are expected occasionally during the north and south bound migratory seasons (April to July and October to January, respectively) (McCauley, 2011, Gavrilov et al. 2018; Thums et al., 2022)".
- "The Exmouth Plateau KEF is an area of localised upwelling and may be a source of food for occasional pygmy blue whale foraging".
- "Migrating pygmy blue whales display predominantly relatively fast, directed travel (mean travel rate  $2.8 \pm 0.8$  km hr<sup>-1</sup>) during the northbound peak period of May and June. This is indicating limited foraging behaviour; however it is interspersed with relatively short periods of slower speeds which may be indicative of opportunistic foraging (Thums et al., 2022). By contrast, acoustic detection (McCauley, 2011) suggests that whales are travelling faster during the southbound migration than during the northbound migration. Thums et al. (2022) also noted the rate of southbound travel was faster than on the northern migration (based on the tracks of two whales). However, short periods of putative foraging was noted for one whale".

Figure 4.5 in the EP has been updated to include the 20 tracks of satellite tagged pygmy blue whales recorded in the NWMR, of the 22 tracks presented in Thums et al. (2022).

The new information presented in the EP on the distribution and behaviours of pygmy blue whales on the NWS does not alter the conclusions of the assessment (previous assessment findings remain valid).

As per previous assessment findings, the description of the environment adequately describes the ecological, socio-economic and cultural features that are potentially present within the environment that may be affected by the activity. Relevant values and sensitivities are described in sufficient detail to inform the impact and risk assessments, including matters protected under Part 3 of the EPBC Act.

**The impact and risk assessment is commensurate to magnitude of impacts and risks / The level of analysis and evaluation is based on nature and scale of the activity / The evaluation of impacts and risks has informed the selection of suitable control measures**

*No material changes since last revision.*

**Legislative requirements are included**

## RFFWI #1.1 - Legislative requirements

RFFWI #1.1 requested Woodside to revise the EP to describe the requirements that apply to the activity and are relevant to the activity; and demonstrate how the requirements will be met. Reference was made specifically to the Wildlife Conservation Plan for Seabirds, the Australian Biofouling Management Requirements (Version 1, 2022) and the Minamata Convention on Mercury.

In response:

- Woodside updated references throughout the EP to reflect the published version of the Wildlife Conservation Plan for Seabirds (2022). It is noted that Appendix I: Master Existing Environment was not updated and still references the draft Wildlife Conservation Plan for Seabirds (2019); however, it does reflect the content of the published 2022 version.
- Woodside updated Appendix B (relevant requirements) to include the Minamata Convention on Mercury 2017, as a relevant requirement to the petroleum activity. In addition, Woodside adopted a new control measure: C7.14 (Sampling/analysis of stock barite to ensure acceptable levels of heavy metals (cadmium and mercury) (see S6.7.7).
- Woodside updated S6.8.8 to include C13.2 (Internationally sourced Project vessels will manage their biosecurity risk associated with biofouling as specified in the Australian Biofouling Management Requirements). C3.2 is supported by PS 13.2, to ensure compliance with the Australian Biofouling Management Requirements. It is noted that the Biosecurity Act 2015 is included in Appendix B.

Based on this new information, the EP includes sufficient information on the legislative requirements that are relevant to the activity and how they apply to the activity.

### **Information from relevant persons consultation has been incorporated**

*Refer to socio-economic topic scope for findings related to consultation.*

## **Submission 6**

### **A suitable description of the activity**

*No material changes since last revision.*

### **There is a thorough description of the environment**

#### Cultural features

There is uncertainty with regard to the completeness of the description of the cultural features of the environment (Section 4.9.1), in particular relating to unidentified cultural features held by Thalanyji people. During consultation, Buurabalayji Thalanyji Aboriginal Corporation (BTAC) advised Woodside that "BTAC on behalf of the Thalanyji people, has interests in the EMBA" and that "Thalanyji has not yet specifically developed its values regarding Sea Country" (Sensitive Information Report, pg. 630). *Refer to socio-economic topic scope for findings related to consultation.*

The EP does not set out a clear process for ongoing engagement with BTAC on the identification and management of cultural values held by Thalanyji people. As such, the EP does not demonstrate that potential impacts and risks of the activity on the cultural values held by Thalanyji people will be appropriately evaluated and managed to ALARP and an acceptable level.

Other recent Woodside EP submissions (e.g. Julimar Appraisal Drilling and Surveys EP) have included a "Thalanyji Sea Country Management Process", which describes a process and arrangement for ongoing engagement with BTAC.

ISSUE - There is uncertainty attributable to the unidentified cultural features of the environment potentially held by Thalanyji people, and how this will be accounted for and appropriately managed throughout the implementation of the activity.

**The impact and risk assessment is commensurate to magnitude of impacts and risks / The level of analysis and evaluation is based on nature and scale of the activity / The evaluation of impacts and risks has informed the selection of suitable control measures**

*No material changes since last revision.*

### **Legislative requirements are included**

The resubmitted EP includes an amended Appendix B (relevant requirements), which includes

a description/summary of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (ATSHP Act) and Underwater Cultural Heritage Act 2018 (UCH Act). The requirements of these Acts are referenced in S7.4 (Unexpected finds procedure).

As per previous assessment findings, the EP includes sufficient information on the legislative requirements that are relevant to the activity and how they apply to the activity.

#### **Information from relevant persons consultation has been incorporated**

*Refer to socio-economic topic scope for findings related to consultation.*

#### **Submission 7**

##### **A suitable description of the activity**

*No material changes since last revision.*

##### **There is a thorough description of the environment / Information from relevant persons consultation has been incorporated**

###### RFFWI #1.1 - Cultural features

RFFWI #1.1. requested Woodside to revise the EP to address the uncertainty attributable to the unidentified cultural features of the environment which may be held by Thalanyji people and explain how this will be accounted for and appropriately managed throughout the implementation of the activity.

In response, Woodside revised S4.9.1.5.1 of the EP to incorporate information from a desktop review undertaken of sea country values or cultural features that may overlap with the EMBA or PAA, from publicly available sources. Table 4-16 summarises the outcome of this review, where cultural features or sea country values were identified, according to the First Nations groups (where identified or inferable) who hold these values. It is noted that Woodside reviewed a range of information sources, which are identified in Table 4-16.

S4.9.1.5.3 provides a summary of the topics/interests and values raised by First Nations groups during consultation on this activity or raised in context of general Scarborough Project activities or other activities are provided (summarised in Table 4-17). *Refer to socio-economic topic scope for findings related to the information obtained from First Nations relevant persons that has informed the description of cultural features of the environment.* Table 4-18 consolidates the cultural features and heritage values identified in S4.9.1.5 and confirms whether there is any potential for these to exist within the PAA or EMBA.

S4.9.1.5.3 provides additional information on BTAC's sea country values. BTAC advised during consultation that Thalanyji sea country extends "out to the vast islands off the coast of the Pilbara, including the Monte Bello Islands, Barrow Island, and the Mackerel Islands". *Refer to socio-economic topic scope for additional findings related to BTAC.*

In the absence of further information from BTAC, Woodside determined that BTAC's interests may extend to the Montebello Marine Park Multiple Use Zone in the vicinity of the islands (noting that the Montebello Marine Park is not located within the EMBA). Woodside conducted a review of publicly available literature (such as heritage research projects) to seek clarity on the extent of sea country for Thalanyji people. In addition, Woodside undertook a review of the National Native Title Tribunal register of applications and determinations relevant to Thalanyji people. Based on this review, Woodside concluded that "the publicly available information considered in this section does not record any instances of Thalanyji Sea Country extending beyond the Montebello Multiple Use Zone within the vicinity of the islands. The Montebello Islands, Barrow Island or the Mackerel Islands or the Montebello Marine Park Multiple Use Zone, or the islands indicated in WC1999/045 are outside of the PAA and EMBA for the activity". If Woodside receives further information from BTAC, as part of ongoing consultation, Woodside will apply its Management of Change and Management of Knowledge processes (S7.8 and S7.7.1.2, respectively) with EPO 28, to manage potential impact to newly identified cultural values or features to ALARP and Acceptable levels.

Based on this information, the EP addresses the uncertainty that was attributable to the unidentified cultural features of the environment that may be held by Thalanyji people and includes measures to address new information and ensure that cultural features will continue to be managed to ALARP and acceptable levels.

###### Cultural features and heritage values

As noted above, Woodside undertook a desktop assessment of sea country values or cultural features from publicly available sources that may overlap with the EMBA or PAA (S4.9.1.5.1). Table 4-16 summarises the outcome of this review, where cultural features or sea country

values were identified, according to the First Nations groups (where identified or inferable) who hold these values.

S4.9.1.5.3 provides a summary of the topics/interests and values raised by First Nations groups during consultation on this activity or raised in context of general Scarborough Project activities or other activities are provided (summarised in Table 4-17). *Refer to socio-economic topic scope for findings related to the information obtained from First Nations relevant persons that has informed the description of cultural features of the environment.*

Table 4-18 consolidates the cultural features and heritage values identified in S4.9.1.5 and confirms whether there is any potential for these to exist within the PAA or EMBA.

S4.9.1.6.1 of the EP provides additional information on intangible cultural heritage, including songlines, creation/dreaming sites, sacred sites and ancestral beings, cultural obligations to care for Country, knowledge of country, customary law and transfer of knowledge, connection and access to country, kinship systems and totemic species, resource collection. S4.9.1.6.2 of the EP provides additional information on marine ecosystems and species, including on marine mammals (in particular humpback whales), marine reptiles, fish and interests in environmental management and ecosystem health. A range of information sources have been relied upon to inform the description.

It is noted that the outcome of the desktop review (of sea country values or cultural features) and information obtained from relevant persons has informed the assessment of potential impacts and risks to cultural features and heritage values (see S6.10). In some instances, control measures have been specified in the EP to address new information identified either through consultation or from the desktop study. *Refer to general assessment and protected matters findings under EPO, EPS and MC.*

The description of cultural features of the environment is sufficient to inform the evaluation of impacts and risks. The level of detail provided in the EP is appropriate for the nature and scale of the activity, and the impacts and risks presented by the activity.

**The impact and risk assessment is commensurate to magnitude of impacts and risks / The level of analysis and evaluation is based on nature and scale of the activity / The evaluation of impacts and risks has informed the selection of suitable control measures**

#### Cultural features and heritage values

Woodside incorporated a new section (S6.10) into the EP, providing Woodside's evaluation of impacts and risks to cultural features and heritage values. As noted above, the outcome of the desktop review (of sea country values or cultural features) and information obtained from relevant persons has informed the assessment of potential impacts and risks to cultural features and heritage values. The assessment specifically evaluates impacts and risks to songlines, creation/dreaming sites, sacred sites and ancestral beings, cultural obligations to care for Country, Knowledge of Country/customary law and transfer of knowledge, connection and access to Country, kinship systems and totemic species, resource collection and marine ecosystems and species (marine mammals, marine reptile, fish).

In some instances, control measures have been specified in the EP to address new information identified either through consultation or from the desktop study. S6.10 outlines the control measures adopted to manage impacts and risks on cultural values and heritage. Woodside concluded that the "impact and risk assessment has determined that the planned activities are unlikely to result in an impact greater than negligible (F) and unplanned activities are assessed to have a residual risk rating of moderate (or lower)".

Taking into consideration the nature and scale of the activity, the description of cultural features of the environment, the impacts and risks of the activity, and noting the proximity of the activity to the Ancient Coastline/Landscape (greater than 150 km from the PAA), the evaluation of impacts and risks to cultural features and heritage values, is commensurate to the magnitude of impacts and risks, and is appropriate for the nature and scale of the activity.

As per previous findings, the level of analysis and evaluation applied to the impact and risk assessments is commensurate with the nature and scale of the activity. Suitable control measures have been included to demonstrate that impacts and risks have been reduced to ALARP.

#### **Legislative requirements are included**

*No material changes since last revision.*

2	Environment Plan demonstrates that the impacts and risks will be reduced to ALARP	Emissions and discharges (unplanned)	<p data-bbox="584 53 711 76"><b>Submission 1</b></p> <p data-bbox="584 125 1465 181">Focus on the adequacy of source control arrangements and justification of worst case spill scenario</p> <p data-bbox="584 210 1501 293"><b>All reasonable control measures have been considered and evaluated</b> - The EP presents acceptance of source control response measures as (1) BOP activation, (2) SSFRT deployment, (3) capping stack installation, and (4) relief well drilling. [C]</p> <p data-bbox="584 353 1476 468"><b>Evaluation of impacts and risks has been informed by suitable control measures</b> - The description of the WCD from LOWC shows highly volatile and quickly dissipating gas. Water column impacts of short duration. Environmental risks are minimal, however the discharge must be stopped and suitable control measures are defined [C]</p> <p data-bbox="584 528 1166 551"><b>Enough detail of the control measures has been provided -</b></p> <p data-bbox="584 584 1501 1106">Woodside has developed a project specific capping stack deployment plan and also commissioned an independent, capping stack landing study for the Scarborough wells (WWCI, 2021). The study indicates that the safe deployment of a capping stack is feasible. The arrangements for capping stack activation and mobilisation provide for the timely implementation and deployment of the capping stack. ALARP arguments are provided in the EP to assess alternative and improvement options to provide a timely response. A LOWC at sea bed is not predicted to result in a surface spill due to depth and dissipation of the gas (with small traces of liquid) within the water column, so no obstructions to capping stack deployment vessels are predicted. A project plan for capping the well in the form of a basic level 1 response time model shows the key milestones and estimated timeframes required to complete the source control response. The Project Plans make allowances for safety case approval. Woodside also state that to reduce uncertainty in regulatory approval timeframe, they are collaborating with The Drilling Industry Steering Committee (DISC) and a contracted ISV Vessel Operator to develop a generic Safety Case Revision that contemplates a capping stack deployment. This Safety Case Revision will be used to reduce uncertainty in permissioning timeframes in the event a capping stack deployment is required. Environmental performance standards are provided that define the key timeframes of the capping stack mobilisation and deployment project plan. [C]</p> <p data-bbox="584 1137 1501 1570">The arrangements for implementing a timely relief well, include an overview of relief well drilling rig specification requirements and tracking, monitoring and contracting systems, and is supported by environmental performance standards defining the time to spud and time to kill the well. The EP provides an overview of relief well equipment inventory, stating that supply can be obtained within the 21 day MODU spud time. The EP defines key tasks, resources, and estimated times to complete the relief well in a level 1 project plan, and is supported by Environmental Performance Standards. The Project Plans make allowances for safety case approval. Availability of MODUs for relief well are monitored monthly with a 2 year look ahead. If the forecast indicates a gap in availability of a suitable MODU for relief well drilling within Australia, screening would be extended to MODUs with a valid safety case outside Australia. If an international MODU with an Australian safety case is not identified, an internal review will be undertaken, NOPSEMA notified, and the issue tabled at the APPEA Drilling Industry Safety Committee. A review of the significance of the change in risk will be undertaken in accordance with Woodside's environment management of change requirements and relevant regulatory triggers. [C]</p> <p data-bbox="584 1601 1476 1771">The EP defines the Source Control IMT Organisation structure, positions, roles and responsibilities, and competency requirements of personnel to fill positions. It provides the arrangements for personnel sourcing, call-out and on-boarding and demonstrates the personnel roster and call-out system are maintained for the duration of the activity. The capability and arrangements to provide a Source Control IMT are appropriate for the implementation of an effective and timely source control response. [C]</p> <p data-bbox="584 1803 1501 2152">The EP states that the Scarborough Source Control Emergency Response Plan (SCERP) has been developed as part of the Woodside assurance plans and in alignment with the guidelines in the NOPSEMA Source Control Planning and Procedures Information Paper (N-04750-IP1979 A787102). It includes the process for the IMT to mobilise resources for BOP intervention, Subsea First Response Toolkit (SFRT) support, and capping support. This plan has preidentified vessel specifications and contracts required for SFRT debris clearance work and Woodside monitors the availability and location of these vessels. As the dry gas plume for the PAP is not predicted to breach the water's surface, LEL concentrations and volatile concentrations of hydrocarbons in the atmosphere are unlikely to pose a safety issue for response personnel. Gas monitoring will, however, be undertaken in line with standard protocol. The SCERP is to be inspected by NOPSEMA prior to the commencement of the activity [C].</p>
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The EP states that Woodside is a signatory to a MoU between Australian offshore operators to provide mutual aid to facilitate and expedite mobilising a MODU and drilling a relief well, if a loss of well containment incident were to occur. The MoU commits the signatories to share rigs, equipment, personnel and services to assist another operator in need. Moored and Dynamically Positioned (DP) MODUs are suitable for the Scarborough wells. [C]

**The evaluation of adoption of control measures is based on environmental benefit and is systematic, applied thoroughly, defensible and reproducible** - The evaluation and adoption of source control measures is appropriate and repeatable. The EP accepts the most effective source control measures. The EP provides evaluation of subsea dispersants viability as a response strategy that considers the effect of entrained & dissolved oil in the water column to receptors verses the need to reduce surface plume and vapour to enable the source control response. Subsea dispersants has been evaluated as not an accepted control option due to the gaseous nature of the plume. [C]

#### Submission 2

No material changes since last revision

#### Submission 3

No material changes since last revision

#### Submission 4

No material changes since last revision

#### Submission 5

No material changes since last revision

#### Submission 6

No material changes since last revision

#### Submission 7

No material changes since last revision

#### General

#### Submission 1

##### **All reasonable control measures have been considered and evaluated**

The EP includes an ALARP evaluation for all impact and risk assessments (S6 of the EP).

Woodside demonstrates impacts and risks are reduced to ALARP if:

- controls identified meet legislative requirements, industry codes and standards, applicable company requirements and industry guidelines
- further effort towards impact/risk reduction (beyond employing opportunistic measures) is not reasonably practicable without sacrifices grossly disproportionate to the benefit gained

For higher order impacts and risks (as outlined in S2.3.4, Table 2.1), Woodside demonstrates impacts and risks are reduced to ALARP if:

- legislative requirements, applicable company requirements and industry codes and standards are met
- societal concerns are accounted for
- the alternative control measures are grossly disproportionate to the benefit gained

In the context of the general assessment, all reasonable control measures have been considered and evaluated, with the exception of the below:

Seabed disturbance - No control measures have been considered in relation to the removal of anchors, chains/wires from the seabed following completion of the activity. *Refer to s572 of OPGGS Act findings below.*

Vessel collision - The ALARP assessment includes consideration of control measures consistent with legislative requirements (Marine Orders, Navigation Act 2012) and industry good practice (such as notifications to relevant persons - AHS, AMSA JRCC). However,

the EP does not evaluate any controls to minimise the risk of vessel collision during simultaneous operations (i.e. between support vessels, MODU and the installation vessel) in the PAA. S3.6 mentions that simultaneous operations may occur with drilling and subsea xmas trees installation occurring at the same time, with a separation distance between installation vessel and MODU of 1 km. In addition, activities associated with the installation of the Scarborough trunkline may overlap spatially and temporary with development drilling in the PAA. Examples of controls may include a SIMOPS plan, communication protocols and separation distances between project vessels. ISSUE - The EP has not provided a sufficient evaluation of practicable control measures to minimise the risk of vessel collision, in particular during simultaneous operations.

Disposal of unused dry bulk cement to the marine environment - Section 3.7.1.4 Bottom Hole Section Drilling - states that bulk dry cement or excess cement may be discharged to the environment and Figure 6-1: Management process for excess bulk product clarifies that discharge to the marine environment is as a last resort. Quantities of potential discharges may be "75 tonnes of cement, 150 tonnes of barite and 100 tonnes of bentonite. However, these volumes are conservative (50% greater than the minimum required storage volumes) and discharge volumes (if required) are likely to be much smaller." This does not appear to be clearly considered in the OPP, in addition the limitations cited for the high risk associated with vessel to waste truck transfer are not suitably explained. On balance, given that this is a last resort option for disposal, sufficient demonstration has been given to support an ALARP position.

*Conclusion - The EP does not consider and evaluate all reasonable control measures.*

#### **Evaluation of impacts and risks has been informed by suitable control measures**

The evaluation conducted for all identified impacts and risks has been informed by the adoption of control measures. The control measures adopted appear reasonable for reducing impacts and risks to ALARP.

*Conclusion - In the context of the general assessment, the evaluation of impacts and risks has been informed by the selection of suitable control measures to reduce the consequence and/or likelihood of impacts and risks.*

#### **Enough detail of the control measures has been provided**

*Conclusion - In the context of the general assessment, control measures are provided in sufficient detail to demonstrate they will be effective in reducing the impacts and risks for the duration of the activity.*

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

S2 of the EP outlines Woodside's risk assessment process. Woodside has applied the risk assessment process consistently for planned and unplanned aspects of the activity, with the exception noted below. The evaluation of control measures is based on impact/risk reduction that are practicable without sacrifices that are grossly disproportionate to the benefit gained. The approach used for the analysis of the adoption or exclusion of control measures appears to be sound.

#### Decision support framework:

To support the risk assessment process Woodside's has adopted the use of a decision support framework, which is based on principles set out in the Guidance on Risk Related Decision Making (Oil and Gas UK, 2014) (S2.3.3). The framework provides appropriate tools, commensurate to the level of uncertainty or novelty associated with the risk (referred to as Decision Type A, B or C). As stated in S2.3.2, "this framework enables Woodside to appropriately understand a risk, determine if the risk is acceptable and can be demonstrated to be ALARP". ISSUE - The decision support framework has not been applied accurately to all impacts and risks. For example, Decision Type A has been applied to routine atmospheric and greenhouse gas emissions, however this Decision Type is not reflective of the level of interest that has been received from relevant persons.

*Conclusion - In the context of the general assessment, the evaluation of the adoption of control measures is based on environmental benefits and the consideration of the feasibility and cost/sacrifice of implementation. However, the risk assessment process has not been applied thoroughly and is not defensible nor reproducible.*

#### **Relevant person consultation has been incorporated**

*Refer to socio-economic topic scope for findings related to relevant persons consultation.*

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#### **findings - GHG emissions topic focus - ALARP**

- All reasonable control measures have been considered and evaluated
  - Some control measures that could reduce direct emissions have not been evaluated, e.g.:
    - Using lower emissions MODUs e.g. those using hybrid power systems or battery technologies; noting that a specific MODU has not been included in the EP
    - Using lower emissions support vessels e.g. those that use hybrid power systems, batteries, or alternative fuels such as LNG
    - Control measures for reduction of fugitive emissions.
    - The use of offsets against emissions from the activity.
  - In addition, if indirect emissions from secondary actions are considered impacts of this activity, then please include appropriate control measures.
- Evaluation of impacts and risks has been informed by suitable control measures – The EP refers to the impact assessment conducted for the Scarborough OPP (Section 7.1.3) for GHG emissions. However, as previously noted, significant additional information has been published since the OPP was developed and the evaluation does not appear to have been updated. This has been included in the findings above for 'Nature and Scale' and not repeated here.
- Enough detail of the control measures has been provided – sufficient detail is provided on most of the control measures relevant to GHG emissions that are included in the EP when they are considered in the context of the EPS and MC (noting that additional controls may be added as a result of the findings above). Compliance and effectiveness can be established through inspections.
- The evaluation of adoption of control measures is based on environmental benefit and is systematic, applied thoroughly, defensible and reproducible – The method used for evaluation of control measures presented in the EP includes links to environmental impact/risk benefit and addresses consistent criteria as outlined in Section 2 of the EP. However as noted above, additional control measures may be included.
- Relevant person consultation has been incorporated – as noted above in 'Nature and Scale', it is not clear whether concerns raised by CCWA have been included in the evaluation of controls and ALARP.

**Conclusion: It is not clear that the impacts and risks from GHG emissions have been reduced to ALARP. Further information is requested.**

#### **Submission 2**

##### **All reasonable control measures have been considered and evaluated**

###### Response to RFFWI #2.1 - Vessel collision

RFFWI #2.1 requested Woodside to provide details of the evaluation of alternative, additional and/or improved control measures to minimise the risk of vessel collision, in particular during simultaneous operations. In response, Woodside adopted an additional control measure, C8.6 [SIMOPS Plan in place when MODU working in vicinity of other facilities / vessels i.e. during xmas tree installation. The SIMOPS Plan will contain information on minimum separation distances, communications, exclusion zones, roles/responsibilities and reporting etc. The control is supported by an appropriate performance standard [PS 8.6 - MODU and applicable vessels compliant with SIMOPS Plan] and measurement criteria [MC 8.6.1 Up-to-date and approved SIMOPS Plan in place]. Letter point has been addressed.

*Conclusion - The EP includes appropriate consideration and evaluation of a range of all reasonable control measures.*

##### **Evaluation of impacts and risks has been informed by suitable control measures**

*No material changes since last revision.*

##### **Enough detail of the control measures has been provided**

*No material changes since last revision.*

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

###### Response to RFFWI #2.3 - Decision support framework

RFFWI #2.3 requested Woodside to re-evaluate the Decision Type applied to all impacts and



risks in light of relevant external context (i.e. new information) and stakeholder interest. This point was mostly raised in relation to atmospheric and greenhouse gas emissions, as the Decision Type assigned to this impact did not appear to factor in the level of stakeholder interest received. In response, Woodside did not change any of the decision types determined for identified impacts and risks.

Woodside submitted a response note with the Scarborough D&C EP, which outlined Woodside's response to each request raised by NOPSEMA. The response note has been taken to be relevant to the assessment and subsequent decision. In the response note, Woodside noted that the focus of stakeholder concern is in relation to greenhouse gas emissions associated with ongoing operation of the production facility, onshore gas processing and customer distribution and use of LNG as an energy source. No specific concerns have been raised by stakeholders related to the greenhouse emissions that are within scope of the activity described in this EP. Therefore, Woodside considers Decision Type A to be appropriate for the risk and impact assessment process, commensurate to the nature and scale of emissions associated specifically with the drilling activity. Based on this explanation and in the context of the 'Additional information' provided below under GHG emission topic, Decision Type A is considered to be appropriate for atmospheric and greenhouse gas emissions.

*Conclusion - In the context of the general assessment, the evaluation of the adoption of control measures is based on environmental benefits and the consideration of the feasibility and cost/sacrifice of implementation. Additionally, the risk assessment process has been applied thoroughly and is considered to be defensible and reproducible.*

#### **Relevant person consultation has been incorporated**

*Refer to socio-economic topic scope for findings related to relevant persons consultation.*

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#### **findings - GHG emissions topic focus - ALARP**

In addressing the issues raised above:

- All reasonable control measures have been considered and evaluated - The RFFWI letter (point 2.2) requested consideration of further control measures for GHG emissions. Additional controls for Scope 1 emissions have been evaluated in S6.7.2 of the EP, with some additional control measures selected for implementation which include considering opportunities for emissions reduction.
  - The control measures given as examples (e.g. lower emissions vessels, offsets) in the RFFWI letter have been excluded in the response but not considered in the EP. The justification provided for their exclusion is unsupported.
- Other findings against this acceptance criteria (e.g. updated GHG information and the acknowledgement of relevant persons concerns) were bundled in points evaluated above at the 'Nature and Scale' criterion and are not repeated here.

**Conclusion:** As per the previous RFFWI, consideration of all reasonable control measures for the nature and scale of emissions from the activity is requested to be included in the EP.

#### **Submission 3**

*No material changes since last revision.*

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#### **findings - GHG emissions topic focus - ALARP**

The resubmission has included consideration of additional controls per the examples in the RFFWI letter. An additional control (C2.15) has been included in relation to vessel emissions reduction potential. The corporate strategy for dealing with offsets is also noted p145.

**Conclusion:** Given the emissions boundary for the development drilling activity, the EP content is sufficient for reasonable grounds to be reached against this acceptance criteria.

#### **Submission 4**

*No material changes since last revision.*

			<p>Submission 5</p> <p><i>No material changes since last revision.</i></p> <p>Submission 6</p> <p><i>No material changes since last revision.</i></p> <p>Submission 7</p> <p><b>All reasonable control measures have been considered and evaluated / The evaluation of impacts and risks has informed the selection of 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 / Information from relevant persons consultation has been incorporated</b></p> <p><u>Cultural features and heritage values</u></p> <p>As noted under nature and scale, Woodside incorporated a new section (S6.10) into the EP, providing Woodside's evaluation of impacts and risks to cultural features and heritage values. S6.10 outlines the control measures adopted to manage impacts and risks to ALARP, noting that some control measures were adopted to address new information identified either through consultation or from the desktop study (on sea country values). For example, control measures have been adopted to minimise impacts to whales and associated songlines (C3.2 and C3.4), values raised by relevant persons.</p> <p>It is noted that Woodside considered an additional control measure in the EP to "use cultural heritage monitors on vessels to oversee implementation of controls protecting cultural values". This control was rejected on the basis that the control measure is not considered feasible, as POB on project vessels are constrained (limited ability to facilitate additional personnel), and that it may not be possible to reach agreement on which First Nations groups should be represented on vessels.</p> <p>The demonstration of ALARP states "Woodside considers the adopted controls appropriate to manage the potential impacts and risks to cultural features and heritage values. As no reasonable additional/alternative controls were identified that would further reduce the impacts without grossly disproportionate sacrifice, the impacts are considered ALARP".</p> <p>Taking into consideration the nature and scale of the activity, the description of cultural features of the environment, the impacts and risks of the activity, and noting the proximity of the activity to the Ancient Coastline/Landscape (greater than 150 km from the PAA), the demonstration that impacts and risks to cultural features and heritage values are reduced to ALARP, is appropriate and sufficiently supported by evidence in the EP (Section 6.10).</p>
3	Environment Plan demonstrates that impacts and risks will be of an acceptable level	General	<p>Submission 1</p> <p><b>Acceptable levels are defined and compared to predicted levels</b></p> <p>S2.3.5 states that the acceptability of the Scarborough Project, including the Petroleum Activities Program described in this EP, was demonstrated in the Scarborough OPP. The EPOs set in the OPP demonstrate that the environment impacts and risks of the project will be managed to an acceptable level.</p> <p>The impacts and risks of the Scarborough project were determined to be acceptable in the OPP through consideration of the below evaluation criteria;</p> <ul style="list-style-type: none"> <li>principles of Ecologically Sustainable Development (ESD) as defined under the EPBC Act</li> <li>internal context – the proposed impacts and risk levels are consistent with Woodside policies, procedures and standards</li> <li>external context – consideration of the environment consequence and stakeholder acceptability</li> <li>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)</li> </ul> <p>In this EP, Woodside has demonstrated that the level of acceptability determined in the OPP has been met through the following criteria:</p> <ul style="list-style-type: none"> <li>Adoption of relevant OPP EPOs and controls</li> </ul>

- 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).

Woodside demonstrates lower order impacts and risks are 'Broadly Acceptable' if they meet the EP criteria listed above. Further effort towards risk reduction (beyond employing opportunistic measures) is not reasonably practicable without sacrifices grossly disproportionate to the benefit gained. Woodside demonstrates higher order impacts and risks are 'Acceptable if ALARP' if they meet the EP criteria listed above and the predicted levels of impact and/or residual risk, are managed to ALARP.

EPOs for the Scarborough Project have been set within the Scarborough OPP and assessed as meeting the requirements of the Regulations to be appropriate, consistent with the principles of ecologically sustainable development (ESD) and to demonstrate that the environmental impacts and risks of the project will be managed to an acceptable level. Table 6.1 shows a comparison between the EPOs in the Scarborough OPP and this EP.

Woodside has conducted a demonstration of acceptability for all identified impacts and risks. The defined EPOs are linked to the acceptable level of impact/risk.

*Conclusion - Within the context of the general assessment, acceptable levels are defined and based on reasonable internal and external context, legislative and industry standards. The acceptable levels of environmental impact and risk appear appropriate and relevant to the environment that may be affected by the activity.*

#### **The EP considers principles of ESD**

The Scarborough OPP includes the principles of ESD as part of the evaluation criteria to demonstrate that the impacts and risks of the Scarborough project are acceptable. In addition, the Scarborough OPP sets Environmental Performance Outcomes for the project that reflect the principles of ESD.

The EP refers to the Scarborough OPP content under Regulation 31. The EP has adopted EPOs consistent with the EPOs set for the Scarborough project (i.e. achieve the same level of environmental performance). The EP sets control measures and performance standards that demonstrate that the EPOs can be achieved. In addition, the EP demonstrates that activity impacts and risks are managed to acceptable levels, and are within the acceptable levels defined in the OPP (which considered the principles of ESD).

*Conclusion - The EP considers the principles of ESD.*

#### **The EP is not inconsistent with key documents**

*Refer to protected matters topic scope for assessment findings.*

#### **Areas of uncertainty are identified and addressed**

Woodside applies the risk related decision making framework (O&G UK, 2014) to the EP risk assessment process (S2.3.3). The framework provides appropriate tools, commensurate to the level of uncertainty or novelty associated with the risk (referred to as Decision Type A, B or C, Figure 2.3). This framework enables Woodside to appropriately understand a risk, determine if the risk is acceptable and can be demonstrated to be ALARP. Risks classified as a Decision Type C typically have significant risks related to environmental performance. Such risks typically involve greater complexity and uncertainty; therefore, requiring adoption of the precautionary approach. The risks may result in significant environmental impact significant project risk/exposure or may elicit negative stakeholder concerns. No impacts or risks were identified as Decision Type C (S6).

Woodside has acknowledged and addressed areas of uncertainty in the impact and risk assessments. Woodside has presented conservative worst-case scenarios in the EP to account for uncertainty (for example, light footprint, noise footprint, discharge volumes).

*Conclusion - Within the context of the general assessment, areas of uncertainty have been identified and predictions made in relation to impacts/risks to the marine environment that are suitably conservation.*

#### **All impacts and risks are managed to acceptable levels**

The acceptability of the Scarborough Project, including the Petroleum Activities Program

described in this EP, was demonstrated in the Scarborough OPP. The EPOs set in the OPP demonstrate that the environment impacts and risks of the project will be managed to an acceptable level. Table 6.1 shows a comparison between the EPOs in the Scarborough OPP and this EP. The EPOs included in this EP are consistent with those in the Scarborough OPP (noting the addition of EPO 6 relating to atmospheric and GHG emissions). Woodside has conducted a demonstration of acceptability for all identified impacts and risks.

One of the criteria for demonstrating acceptability as described in S2.3.5 is that the 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. In most cases the Impact Significance Level / Risk Consequence levels for receptors are equal to or less than the significant impact level defined in the Scarborough OPP, with the exception of the below.

Drill cuttings and drilling fluids - The overall impact significance level for routine and non-routine drilling discharges is Minor (D) based on slight impact to the high value receptors (KEFs). The Impact Significance Level for sediment quality has increased to Slight (E) from the level included in the OPP (Negligible (F)). Woodside states that further review on the potential recovery time of sediment quality and epifauna/Infauna receptors has increased the significance level from the OPP, but the overall impact significance level (D) is consistent with the level in the OPP. Woodside considers the adopted controls appropriate to manage the impacts of these discharges to a level that is broadly acceptable.

*Conclusion - With the exception of protected matters and within the context of the general assessment, the evaluations appear to be appropriate for the nature and scale of the activity, and sufficient to demonstrate that all impacts and risks are managed to acceptable levels.*

*Refer to protected matters topic scope for assessment findings related to acceptable levels.*

#### **Comparison is systematic, applied thoroughly, defensible and reproducible**

The risk assessment methodology applied to the activity is described in S2. The methodology has been adequately followed and applied to all identified impacts and risks. The EP provides adequate detail in relation to the control measures to demonstrate they will be effective in ensuring that there are no unacceptable impacts. The conclusions made by Woodside are supported by relevant references. Considering the information presented in the EP with the evaluation and controls, common findings can be reached, and therefore it is reproducible.

The demonstration of acceptability methodology (described above) departs from the methodology that has been adopted for other Woodside EPs (e.g. Enfield Plug and Abandon EP). Instead, the EP refers to the Scarborough OPP content under Regulation 31. The acceptability demonstration does consider internal/external context and other requirements, however there are instances in the EP where new information (external context) has not been appropriately considered in the acceptability demonstration. *Refer to GHG emissions topic focus assessment findings.*

*Conclusion - Within the context of the general assessment, the risk assessment methodology is systematic and reproducible and has been adequately followed and applied to all identified impacts and risks. However, the acceptability demonstrations do not appear to be defensible.*

#### **Relevant person consultation has been incorporated**

*Refer to socio-economic topic scope for findings related to relevant persons consultation.*

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#### **findings - GHG emissions topic focus - acceptable**

- Acceptable levels are defined and compared to predicted levels – The EP refers to the ‘significant impact levels’ defined in the OPP for acceptable levels. This approach is broadly appropriate for EPs that arise from an accepted OPP, although as per the findings above, the EP is requested to be revised with updated consideration of acceptability.
- The EP considers principles of ESD – no consideration of ESD has been included in the EP, with the acceptability demonstration (p119 of EP) referring to the OPP (Section 7.1.3). As previously noted, the external context and information available that relates to acceptability has changed since the time of the OPP.
- The EP is not inconsistent with key documents – Woodside has not specifically addressed the S527E Indirect Consequences Policy in the EP. However, as detailed in 'Nature and Scale' above, Woodside have used a Reg31 reference to Section 7.1.3 of the OPP which includes indirect emissions. It is therefore taken by NOPSEMA that the entirety of the impact and emissions described in the OPP are considered by

Woodside to be relevant to this activity.

- Areas of uncertainty are identified and addressed – there is no scientific uncertainty about the link between GHG emissions and global climate change. This is acknowledged in the EP and OPP through incorporation of climate change impacts and risks as a result of GHG emissions; and through referencing relevant scientific and industry publications. The EP notes that emissions from the Scarborough Project cannot be directly linked to specific climate change impacts, but notes the relative contribution of the project to global and regional climate change.
- All impacts and risks are managed to acceptable levels - The EP refers to the OPP for demonstration of acceptability. However, it does not update consideration of acceptability in the context of new information available since the OPP (such as the publication of WEO 2021 and IPCC AR6 WGI). Please update the EP to demonstrate that the impacts and risks associated with GHG emissions continue to be acceptable.
- Comparison is systematic, applied thoroughly, defensible and reproducible - the criteria that have been applied in the acceptability demonstration (p119 of EP) have been applied in accordance with the method described in S2. However, the conclusion that "There are no changes to internal/external context specific to this risk from the OPP, including issues raised during stakeholder consultation" is not supported and not defensible, given the significant amounts of new information related to this risk that have been released since the SCA OPP (e.g. IPCC AR6 WGI; WEO 2021).
- Relevant person consultation has been incorporated - as noted above in 'Nature and Scale', it is not clear whether concerns raised by CCWA have been included in the evaluation of acceptability.

**Conclusion: It is not clear that the impacts and risks from GHG emissions have been reduced to acceptable levels. Further information is requested.**

#### Submission 2

##### **Acceptable levels are defined and compared to predicted levels**

*No material changes since last revision.*

##### **The EP considers principles of ESD**

*No material changes since last revision.*

##### **The EP is not inconsistent with key documents**

*Refer to protected matters topic scope for assessment findings.*

##### **Areas of uncertainty are identified and addressed**

*No material changes since last revision.*

##### **All impacts and risks are managed to acceptable levels**

*No material changes since last revision.*

##### **Comparison is systematic, applied thoroughly, defensible and reproducible**

*No material changes since last revision.*

##### **Relevant person consultation has been incorporated**

*Refer to socio-economic topic scope for findings related to relevant persons consultation.*

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#### **findings - GHG emissions topic focus - acceptable**

In addressing the issues raised above:

- Principles of ESD - The RFFWI letter (point 3.1) requested updates to incorporate consideration of ESD. No explicit consideration of ESD has been added to the GHG emissions acceptability demonstration as Woodside are maintaining that their Decision Type framework doesn't require them to do so. The regulations make no such distinction and require that all EPs consider the principles of ESD. However, given the GHG emissions boundary for the activity, it is likely that requesting explicit consideration for this impact source would not result in any material changes to the management of the activity. It is also noted that the Scarborough OPP contains consideration of the impact of GHG emissions from the project against the principles

of ESD, including the emissions from the drilling activity; and that this content has been referenced using Reg 31. This finding is made in the context of the 'Additional information' at the 'Nature and Scale' criterion above.

- Impacts and risks managed to acceptable levels - Updates to the external context have been made in S6.7.2 as per the findings for the 'Nature and Scale' criterion above which are not repeated here.

**Conclusion:** Given the emissions boundary for the development drilling activity, the EP content is sufficient for reasonable grounds to be reached against this acceptance criteria.

#### Submission 3

*No material changes since last revision.*

#### Submission 4

**Acceptable levels are defined and compared to predicted levels / Comparison is systematic, applied thoroughly, defensible and reproducible / All impacts and risks are managed to acceptable levels / Relevant person consultation has been incorporated**

S6.2 (impact and risk analysis and evaluation) has been amended to include the following statement: "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". This approach is based on consultations with the appropriate cultural authorities, as described in S4.9.1.2 and also presented in Table 5.2 (summary of consultation with MAC). However, the basis for this statement is not clearly supported in the EP, as the citation for MAC (2021) has not been included in the reference list and relevant content from MAC (2021) 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. therefore, it is not clear that the EP has applied an appropriate methodology for demonstrating that impacts and risks from the activity will be managed to an acceptable level. ISSUE - The full reference for MAC (2021) is not included in the reference list (S8 of the EP) or the sensitive information report. This reference is required to support the approach taken to the assessment of impacts and risks to cultural values associated with the environment.

It is noted that the acceptability demonstrations for a number of impacts and risks were revised to acknowledge feedback received from stakeholders during consultation and to note that the feedback was considered in the finalisation of the EP. This is consistent with the risk assessment methodology described in S2. S4.9 provides a summary of the feedback received from stakeholders, including Woodside's assessment of merit and response. *Refer to socio-economic topic scope for findings related to consultation.*

The acceptability demonstration for atmospheric and greenhouse gas emissions (S6.7.2) has been amended to include further changes to the external context (from the Scarborough OPP), specifically to include reference to the fact that Australia has updated its Nationally Determined Contribution (NDC) under the Paris Agreement, to a reduction in greenhouse gas emissions by 43% below 2005 levels by 2030, on a path leading to net zero by 2050. The evaluation concludes that the GHG emissions that will be generated by the activity are limited in magnitude and duration, and the activity will be completed prior to Australia's first target milestone and are therefore consistent with Australia's targets. No other changes were noted to the emissions assessment in the EP. As per previous assessment findings under GHG emissions topic focus, given the emissions boundary for the development drilling activity, the EP content is sufficient for reasonable grounds to be reached against this acceptance criteria.

**The EP considers principles of ESD**

*No material changes since last revision.*

**The EP is not inconsistent with key documents**

*No material changes since last revision.*

**Areas of uncertainty are identified and addressed**

*No material changes since last revision.*

#### Submission 5

**Acceptable levels are defined and compared to predicted levels / The acceptability criteria appears to be systematic, applied thoroughly, defensible, reproducible / All impacts and risks are being sufficiently managed to acceptable levels**

#### RFFWI #2.1 - Cultural values

RFFWI #2.1 requested Woodside to revise 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.

In response, Woodside added the full citation for MAC (2021) to the reference list in the EP (S8), as noted below:

- MAC (2021) - "Murujuga Aboriginal Corporation, 2021. Cultural Values of the Environment for Scarborough DSDMP: Consultation Report on Mermaid Sound. Unpublished Report to Woodside Energy Limited by Murujuga Aboriginal Corporation, Dampier, WA".

In addition, Woodside amended S4 to include additional information on cultural heritage, as noted under nature and scale assessment findings above. Reference to the intrinsic link between cultural and environmental values has been supported with reference to the Australian Government's Indigenous Protected Areas Program. This Program illustrates the link between environmental protection and cultural heritage protection. S4.9.1.5 states that "This intrinsic link concept is also described in MAC (2021) as it relates to the values of the marine environment that are of cultural importance to MAC based on engagement with their Elders and Murujuga Land and Sea Unit Rangers. Elders were clear that all living things in Mermaid Sound are connected and that Mermaid Sound and Dampier Archipelago (Murujuga) are considered one place where the entire environment and all ecosystems hold both cultural and environmental value, with these types of values (cultural and environmental) intrinsically linked".

S4.9.1.5 also notes that "an impact to marine ecosystems has the potential to impact cultural values where the impact is detectable within Sea Country. Woodside considers that impact to cultural values of marine species will be adequately managed in areas of traditional Sea Country, and therefore management of the environmental values will preserve the cultural values of environmental receptors, as assessed in Section 6".

Woodside also amended S6.2 of the EP to remove the following statements "As described in Section 4.9.1, 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". This has been replaced with the following: "Woodside recognises the potential for marine ecosystems to include cultural features as well as environmental values, as described in Section 4.9.1. As a result, potential impacts and risks to environmental receptors must be managed to ALARP and an acceptable level in offshore areas. Therefore 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".

It is noted that the MAC (2021) report or information contained in the report has not been included in the EP. Woodside has advised NOPSEMA that MAC do not agree for the document to be provided to NOPSEMA.

As noted under nature and scale assessment findings, NOPSEMA sought expert opinion and advice from Extent Heritage Pty Ltd (Extent Heritage) on Aboriginal cultural heritage in relation to the proposed Scarborough B1 MSS EP (referred to as "the Report") (see A883896, 18 October 2022). The following statements from the Report have been noted: ?

- In relation to the potential impacts on the cultural features of the environment, the Report states:
  - Extent Heritage "agree that 'impacts to socio-cultural receptors are associated with ecological impacts'".
  - "Activities that might directly or indirectly affect marine life may have a potential to impact cultural values and/or traditional uses of marine resources used for food and fibre or species that are of spiritual or totemic significance to individuals or group".

Based on the new information presented in the EP and the expert opinion and advice provided from Extent Heritage, NOPSEMA does not consider it necessary to view the MAC (2021) report to inform its assessment of this EP. Woodside has provided further information in the EP (and other relevant references) to demonstrate the link between ecological and cultural values.

The Report states that "activities that might directly or indirectly affect marine life may have a potential to impact cultural values and/or traditional uses of marine resources used for food and fibre or species that are of spiritual or totemic significance to individuals or group". The proposed activity (covered by this EP) is not expected to directly or indirectly harm marine life or disrupt or change their migration and seasonal movement patterns, including species that are of spiritual or totemic significance. As part of the EP assessment, greater scrutiny has been applied to the assessment of underwater noise impacts to cetaceans, in particular blue whales, given the conservation status of the species. The noise evaluation demonstrates that injury to cetaceans is not considered to be credible and impacts to cetaceans are predicted to be limited to behavioural disturbance such as avoidance or attraction behaviour. Cetaceans will be able to continue on migration pathways, using migration routes (i.e., BIAs) as a result of the activity. NOPSEMA does not consider that the proposed activity will have a detrimental effect to traditional uses of marine resources for food and fibre.

#### **The EP considers principles of ESD**

*No material changes since last revision.*

#### **The EP is consistent with key documents / The EP shows regard to relevant policy documents, guidance, bioregional plans, instruments under the EPBC Act (etc.)**

##### Indirect consequences of an action

To support previous assessment findings, an overview of how NOPSEMA had regard to the EPBC Act Policy Statement - 'Indirect consequences' of an action: Section 527E of the EPBC Act (indirect consequences policy) is provided below.

Under the Program (endorsed under section 146 of the EPBC Act), NOPSEMA must have regard to EPBC Act requirements, including EPBC Act Policy Statement - 'Indirect consequences' of an action: Section 527E of the EPBC Act (indirect consequences policy). NOPSEMA gives consideration to the policy to determine where indirect consequences may be considered an 'impact' of a petroleum activity. This consideration is on a case-by-case basis against the particular circumstances of the petroleum activity in accordance with the criteria set out in the policy.

In assessing the EP, NOPSEMA had regard to the indirect consequences policy, in particular in relation to indirect greenhouse gas (GHG) emissions. NOPSEMA gave consideration as to whether the petroleum activity is a substantial cause of GHG emissions from the processing, consumption and combustion of Scarborough gas, and are:

1. facilitated to a major extent by the petroleum activity; and
2. within the contemplation of the titleholder and are a reasonably foreseeable consequence of the petroleum activity.

The petroleum activity does not involve or authorise the extraction of gas. While the petroleum activity is a necessary pre-cursor to the extraction of gas, it does not facilitate to a major extent the processing, consumption and combustion of gas. Subsequent and future petroleum activities must first be authorised under the Environment Regulations and implemented before Scarborough gas is able to be extracted for onshore processing, consumption and combustion. Therefore, emissions from the processing, consumption and combustion of Scarborough gas does not meet the definition of an indirect consequence in the context of the petroleum activity and therefore are not an 'impact' of the petroleum activity requiring evaluation in the EP.

The emissions attributable to the processing, consumption and combustion of Scarborough gas have been considered as indirect consequences in the Scarborough Offshore Project Proposal (OPP), which was accepted by NOPSEMA on 30 March 2020. The OPP sets out the framework for management of these emissions, including where managed in accordance with other appropriate legislation and approvals (i.e., Pluto LNG Facility (Ministerial Statement 757) and Karratha Gas Plant (Ministerial Statement 536)). The limits and management requirements in the relevant approval documents are described in the OPP, including how they relate to processing, consumption and combustion of Scarborough gas.

It is noted that the titleholder will evaluate any indirect impacts and risks from the onshore processing of Scarborough gas in future EPs for the Scarborough project as appropriate. NOPSEMA will give consideration to the indirect consequences policy in all future EP assessments for the Scarborough project. Where emissions constitute indirect consequences that are 'impacts' of the petroleum activity, they will be required to be included and evaluated in the EP for that activity.

#### **The activity does not contravene a plan of management for a WHA, National Heritage place and Ramsar Wetland**

*No material changes since last revision. The petroleum activity does not contravene a plan of*



*management for a WHA, National Heritage place or Ramsar wetland.*

**Areas of uncertainty in predictions of impact and risk are identified, acknowledged and addressed**

*No material changes since last revision.*

**Information received during relevant person consultation is incorporated, considered and evaluated**

*Refer to socio-economic topic scope for findings related to consultation.*

#### Submission 6

**Acceptable levels are defined and compared to predicted levels / The acceptability criteria appears to be systematic, applied thoroughly, defensible and reproducible / All impacts and risks are being sufficiently managed to acceptable levels / Areas of uncertainty in predictions of impact and risk are identified, acknowledged and addressed**

The resubmitted EP includes amended acceptability statements for each impact and risk assessment (S6.7 and S6.8). The demonstration of acceptability now includes the following statement: "Woodside acknowledges that uncertainty on cultural values may remain; however, the Ongoing Program on Traditional Custodian Feedback (EPO 27 and C4.9) has been developed to enable Woodside to manage potential uncertainty on the impacts and risks to cultural values which may be identified at any time during Woodside's activities via ongoing dialogue with Traditional Custodians". *Refer to general assessment findings under implementation strategy in relation to program for ongoing consultation.*

As per previous assessment findings, the risk assessment methodology is systematic, defensible and reproducible and has been adequately followed and applied to all identified impacts and risks. The evaluations are appropriate for the nature and scale of the activity, and sufficient to demonstrate that all impacts and risks are managed to acceptable levels.

**The EP considers principles of ESD**

*No material changes since last revision.*

**The activity does not contravene a plan of management for a WHA, National Heritage place or Ramsar Wetland**

*No material changes since last revision.*

**The EP is consistent with key documents / The EP shows regard to relevant policy documents, guidance, bioregional plans, instruments under the EPBC Act (etc.)**

*No material changes since last revision.*

**Information received during relevant person consultation is incorporated, considered and evaluated**

*Refer to socio-economic topic scope for findings related to consultation.*

#### Submission 7

**Acceptable levels are defined and compared to predicted levels / The acceptability criteria appears to be systematic, applied thoroughly, defensible and reproducible / All impacts and risks are being sufficiently managed to acceptable levels / Areas of uncertainty in predictions of impact and risk are identified, acknowledged and addressed / Information received during relevant person consultation is incorporated, considered and evaluated**

##### Cultural features and heritage values

As noted under nature and scale, Woodside incorporated a new section (S6.10) into the EP, providing Woodside's evaluation of impacts and risks to cultural features and heritage values

The EP adequately evaluates the potential for the petroleum activity to directly or indirectly affect First Nations cultural features and heritage values, including, but not limited to: songlines; creation/ dreaming sites, sacred sites and ancestral beings; cultural obligations to care for country; knowledge of country/ customary law and transfer of knowledge; connection to country, access to country; kinship systems and totemic species, resource collection; and marine ecosystems and marine species. The evaluation of impacts and risks to cultural features and heritage values was informed by information that the titleholder

gathered from First Nations relevant persons through the consultation process in preparation of the EP. *Refer to general assessment findings under nature and scale, and socio-economic topic scope findings.*

The impact and risk evaluation (Section 6.10) outlines that:

- no specific details of songlines within the EMBA have been provided by relevant persons, and no landforms typical of songlines (e.g., rocks, mountains, rivers, caves and hills) are anticipated to be impacted by the activity
- no creation and dreaming sites, sacred sites, and places associated with ancestral beings were identified within the EMBA.
- no cultural activities to care for country and other traditional practices (knowledge of country/ customary law and transfer of knowledge) were identified within the EMBA;
- no impacts to connection to country are anticipated. Noting that access to areas within the PAA may be limited where exclusion zones are established around vessels/MODU for safety purposes. The PAA is located approximately 215 km from the closest landfall (North West Cape) and no traditional activities within the PAA have been identified by Woodside. The evaluation notes that access to country within the EMBA is not expected to be affected in the highly unlikely event of a marine diesel spill; and
- impacts to marine fauna from the activity are not expected to impact on the totemic or kinship cultural connection.

The demonstration of acceptability for impacts and risks to cultural features and heritage values states "The Petroleum Activities Program and the EMBA do not overlap the Ancient Landscape and they do not have a significant impact on MNES (Section 6.7.5) including marine fauna with a First Nations connection with, or traditional use in nearshore areas as defined in Section 4.9.1. Woodside has engaged with Traditional Custodians adjacent to the EMBA to understand the cultural features and heritage values that may occur and potential impacts from the activity. Additional controls considered and adopted, to minimise impacts to whales and associated songlines (C3.2 and C3.4) have been discussed with the relevant persons who have raised the value. Further opportunities to reduce the impacts have been investigated above. The potential impacts and risks are considered acceptable if the adopted controls are implemented. Therefore, Woodside considers the adopted controls appropriate to manage the impacts and risks to cultural features and heritage values to a level that is acceptable if ALARP".

Taking into consideration the nature and scale of the activity, the description of cultural features of the environment, the impacts and risks of the activity, and noting the proximity of the activity to the Ancient Coastline/Landscape (greater than 150 km from the PAA), the demonstration provided in the EP (Section 6.10) that impacts and risks will be of an acceptable level, is appropriate for the nature and scale of the activity and is sufficiently supported by evidence. The EP demonstrates that with the implementation of the proposed management measures, that planned activities are unlikely to result in an impact greater than negligible and unplanned activities are assessed to have a residual risk rating of moderate (or lower), and therefore impacts and risks to cultural features and heritage values will be managed to acceptable levels.

As per previous assessment findings, the risk assessment methodology is systematic, defensible and reproducible and has been adequately followed and applied to all identified impacts and risks. The evaluations are appropriate for the nature and scale of the activity, and sufficient to demonstrate that all impacts and risks are managed to acceptable levels.

**The EP considers principles of ESD**

*No material changes since last revision.*

**The activity does not contravene a plan of management for a WHA, National Heritage place or Ramsar Wetland**

*No material changes since last revision.*

**The EP is consistent with key documents / The EP shows regard to relevant policy documents, guidance, bioregional plans, instruments under the EPBC Act**

*No material changes since last revision.*

Matters protected under Part 3 of the EPBC Act

**Submission 1**

*Protected matters assessment conducted at a general level only.*

**Acceptable levels are defined and compared to predicted levels**

EPOs for the Scarborough Project have been set within the Scarborough OPP and assessed as meeting the requirements of the Regulations to be appropriate, consistent with the principles of ecologically sustainable development and to demonstrate that the environmental impacts and risks of the project will be managed to an acceptable level. Table 6.1 shows a comparison between the EPOs in the Scarborough OPP and this EP.

Woodside has conducted a demonstration of acceptability for all identified impacts and risks. To support the demonstration, a separate assessment has been undertaken to demonstrate that the EP is not inconsistent with any relevant recovery plans or threat abatement plans for a listed threatened species or ecological community (S6.8). In addition, Woodside appropriately references key documents, such as recovery plans, conservation advices and management plans throughout the EP. The defined EPOs are linked to the acceptable level of impact/risk.

*Conclusion - Within the context of the general assessment, acceptable levels are defined and based on reasonable internal and external context, legislative and industry standards. The acceptable levels of environmental impact and risk appear appropriate and relevant to the environment that may be affected by the activity.*

#### **The EP considers principles of ESD**

*Refer to general assessment findings.*

#### **The EP is not inconsistent with key documents**

Woodside conducted a separate assessment to demonstrate that the Petroleum Activities Program is not inconsistent with any relevant recovery plans or threat abatement plans (S6.8). 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. This assessment considered the following statutory instruments:

- 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)

Action Area A.2, Action 3 of the Blue Whale CMP states that 'Anthropogenic noise in biologically important areas will be managed such that any blue whale continues to use the area without injury, and is not displaced from a foraging area'. Woodside's evaluation (Table 6.19) of this action states 'The assessment of acoustic emissions has considered the potential impacts to pygmy blue whales.' This evaluation is not adequate to demonstrate that the activity will be managed in a manner that is not inconsistent with the Blue Whale CMP. The evaluation does not consider that the PAA is located within the distribution BIA for PBW and the predicted distances to injury (PTS/TTS) in the noise assessment. In addition, Woodside's assessment of acoustic emissions (S6.6.3) is limited to considering impacts to migratory and transient pygmy blue whales only and does not consider the possible presence of opportunistic foraging pygmy blue whales in the behaviour disturbance footprint (refer to nature and scale assessment findings). ISSUE - The evaluation of relevant actions from the Blue Whale CMP is limited and therefore it is unclear if the activity will be managed not inconsistent with the Blue Whale CMP.

*Conclusion - With the exception of the above and in the context of the general assessment, key documents (such as recovery plans, conservation advices and management plans) have been adequately considered in the impact and risk assessments. The EP appears to demonstrate that the activity is not inconsistent with these documents.*

#### **Areas of uncertainty are identified and addressed**

*Refer to general assessment findings.*

#### **All impacts and risks are managed to acceptable levels**

As mentioned in the general assessment findings, the acceptability of the Scarborough Project, including the Petroleum Activities Program described in this EP, was demonstrated in the Scarborough OPP. The EPOs set in the OPP demonstrate that the environment impacts and risks of the project will be managed to an acceptable level. Table 6.1 shows a comparison between the EPOs in the Scarborough OPP and this EP. The EPOs included in this EP are consistent with those in the Scarborough OPP. Woodside has conducted a demonstration of acceptability for all identified impacts and risks.

The focus of the protected matters topic scope is on the underwater noise evaluation.

Acoustic emissions:

S6.6.3 evaluates the acceptability of impacts of noise emissions on protected marine fauna. Woodside has defined appropriate EPOs that reflect the level of environmental performance for the activity. EPO 3, EPO 4 and EPO 8 relate to acoustic emissions. EPOs are supported by appropriate EPSs and MC.

Woodside has determined the activity meets the acceptability criteria (defined in S2.3.5):

- Overall impact significance levels for individual receptors are less than the significant impact level defined in the OPP.
- EPOs and controls in the OPP that are relevant to routine acoustic emissions have been adopted.
- Additional guidance on key terms within the Conservation Management Plan for the Blue Whale (the CMP) was issued in September 2021 and these were considered in the assessment against relevant actions in the CMP. The Petroleum Activities Program is not considered to be inconsistent with the relevant actions of this plan.
- There are no additional changes to internal/external context specific to this risk from the OPP, including issues raised during stakeholder consultation.

The acceptability statement states "The impact assessment has determined that the generation of noise from project vessels, MODU, and positioning equipment is unlikely to result in an impact significance level greater than slight. There are no BIAs for any EPBC Act listed Threatened or Migratory species overlapping or adjacent to the PAA. The potential impacts are considered broadly acceptable if the adopted controls are implemented".

As noted above, the evaluation of relevant actions from the Blue Whale CMP is not adequate to demonstrate that the activity will be managed in a manner that is not inconsistent with the Blue Whale CMP. The noise evaluation does not consider the recently published guidance by NOPSEMA and DAWE on key terms within the CMP, instead the ALARP demonstration has shown regard to the guidance with the adoption of adaptive management measures.

ISSUE - As the noise evaluation has not considered all noise emitting sources, fails to identify the PBW distribution BIA overlapping the PAA and is limited to impacts to migratory/transient PBW without considering the potential for opportunistic foraging PBW in the PAA, the evaluation does not demonstrate that the activity will be managed to acceptable levels.

*Conclusion - The EP does not demonstrate that all impacts and risks of the activity are managed to acceptable levels.*

**Comparison is systematic, applied thoroughly, defensible and reproducible**

*Refer to general assessment findings.*

**Relevant person consultation has been incorporated**

*Refer to socio-economic topic scope for assessment findings related to relevant person consultation.*

**Submission 2**

**Acceptable levels are defined and compared to predicted levels**

*No material changes since last revision.*

**The EP considers principles of ESD**

*No material changes since last revision.*

**The EP is not inconsistent with key documents**

Response to RFFWI #3.3 - Blue Whale CMP

RFFWI #3.3 requested Woodside to 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 for the Blue Whale. In the first submission of the EP, the noise evaluation considered noise impacts to blue whales in the context of the migratory BIA, however did not consider that the PAA overlaps with the blue whale distribution BIA. Therefore, it was unclear if the activity would be managed so that blue whales continue to utilise the BIA without injury (noting that PTS and TTS constitute injury). In addition, the noise evaluation did not consider impacts to foraging blue whales.

In the response note submitted with the Scarborough D&C EP, outlining Woodside's response to each request raised by NOPSEMA, Woodside stated that advice had been received from the Protected Species and Communities Branch at DAWE on the 'distribution BIA' for the pygmy blue whale. The DAWE advice is that the 'distribution BIA' for the blue whale, as designated in the NCVA does not constitute a BIA (that represents an area where biologically important behaviour is displayed, such as foraging and migration for the blue whale). Based on this advice, Woodside have made no changes to the EP with respect to the description of the existing environment or evaluation of impacts and risks to blue whales. DAWE confirmed to NOPSEMA that the advice provided to WEL is correct, the blue whale distribution area is not considered a BIA.

Although the distribution area is not considered a BIA, based on DAWE advice, Woodside is still required to demonstrate that the activity will not have an unacceptable impact on blue whales and not impede the recovery of the species, noting that the blue whale is listed as endangered under the EPBC Act (*refer to acceptable level findings below*). The CMP requirement to manage anthropogenic noise in BIAs so that any blue whale continue to utilise the area without injury does not apply to this activity, given the activity is not located within a BIA for the species. Based on this, Woodside made no changes to the assessment against relevant CMP action areas in Table 6.19 of the EP. This is considered to be appropriate.

In the response note, Woodside states that the demonstration of ALARP in S6.7.3 already assesses the likelihood of foraging blue whales being present within the PAA as low, with a reference to the following statement "Due to the distance of PAA from Pygmy Blue Whale migration and foraging BIAs, presence of PBWs carrying out opportunistic foraging activities in the area is low (pg. 131)". This statement is not supported by scientific literature or studies to demonstrate that the PAA does not support foraging blue whales. In the response note, Woodside references a study by Thums et al. (2022), which identified the most important foraging areas for pygmy blue whales offshore from Western Australia included the area of the shelf edge from Ningaloo Reef to the Rowley Shoals. This area does not appear to extend out to the central portion of the Exmouth Plateau where the PAA is located. Woodside concludes in the response note that it cannot be reasonably predicted that blue whale foraging is probable or known in the PAA. This information has not been incorporated into the EP to support the claim that opportunistic foraging in the area is expected to be low.

ISSUE - The resubmitted EP does not appear to incorporate the information requested by NOPSEMA on 15 December 2021. Instead, Woodside provided information in a response note that was submitted with the EP. As required by Regulation 9A, the titleholder is required to resubmit the EP with the information incorporated.

#### **Areas of uncertainty are identified and addressed**

*No material changes since last revision.*

#### **All impacts and risks are managed to acceptable levels**

##### Acoustic emissions:

Based on the advice from DAWE, the response note from Woodside and the noise evaluation in S6.7.3, Woodside has demonstrated that noise emissions as a result of the activity will be managed to an acceptable level of impact to blue whales. This is demonstrated by meeting the acceptance criteria (defined in S2.3.5 of the EP):

- Overall impact significance levels for individual receptors are less than the significant impact level defined in the OPP
- EPOs and controls in the OPP that are relevant to routine acoustic emissions have been adopted
- Additional guidance on key terms within the Conservation Management Plan for the Blue Whale (the CMP) were considered in the assessment against relevant actions in the CMP. The PAP is not considered to be inconsistent with the relevant actions of this plan
- There are no additional changes to internal/external context specific to this risk from the OPP, including issues raised during stakeholder consultation

#### **Comparison is systematic, applied thoroughly, defensible and reproducible**

*No material changes since last revision.*

#### **Relevant person consultation has been incorporated**

*Refer to socio-economic topic scope for assessment findings related to relevant person consultation.*

## Acceptable levels are defined and compared to predicted levels

*No material changes since last revision.*

## The EP considers principles of ESD

*No material changes since last revision.*

## The EP is not inconsistent with key documents

### Response to RFFWI #2:

RFFWI #2 requested Woodside to revise the EP to incorporate the information requested by NOPSEMA on 15 December 2021, along with reasoning and support for conclusions drawn. This included providing evidence to support the likelihood evaluation of foraging blue whales being present in the Petroleum Activity Area (PAA) and acknowledgement that the PAA is located within the known distribution range for blue whales.

In response, Woodside revised S4.6.3 of the EP to include information on the distribution range and migratory and foraging behaviours of pygmy blue whales, with respect to the PAA location. *Refer to general assessment findings.*

The revised EP incorporates the advice Woodside received from DAWE that the "distribution BIA" as defined by the National Conservation Values Atlas does not constitute a BIA that represents an area where biologically important behaviour is displayed, such as foraging and migration for the blue whale (*refer to socio-economic topic scope for assessment findings related to relevant person consultation*). NOPSEMA received this advice from DAWE on 22 March 2022 (A832731). This clarification is important for the purposes of interpretation of Action Area A.2 of the Blue Whale CMP. The requirement to manage anthropogenic noise in BIAs such that any blue whale continues to utilise the area without injury, and is not displaced from a foraging area [Action Area A.2] does not apply to this activity, given the activity is not located within a BIA (based on the written advice from DAWE) or 'foraging area' (as defined in the DAWE guidance on key terms within the CMP) for the species. It is noted that all Commonwealth waters are designated as the Australian Whale Sanctuary where it is an offence to kill, injure or interfere with a cetacean. The noise evaluation (S6.7.3) has demonstrated that the activity will not result in injury (PTS or TTS effects) to blue whales.

The DAWE guidance on key terms within the CMP 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 during industry activities to prevent unacceptable impacts (ie, no injury or biologically significant behavioural disturbance) to blue whales from underwater anthropogenic noise. Woodside has considered the guidance and determined that there is a low likelihood of foraging blue whales being present in the PAA, based on contemporary scientific literature (*refer to general assessment findings*). Based on this, Woodside will implement adaptive management measures (C3.2 and C3.4) to minimise the potential of biologically significant behavioural disturbance to any blue whales that could be opportunistically foraging within the PAA. Woodside will also collect data on pygmy blue whale sightings to inform future activities for the Scarborough Project (C3.3). This is consistent with the DAWE guidance and NOPSEMA FAQs.

Woodside has demonstrated that noise emissions as a result of the activity will be managed to an acceptable level of impact. This is demonstrated by meeting the acceptance criteria, defined in S2.3.5 of the EP:

- Overall impact significance levels for individual receptors are less than the significant impact level defined in the OPP
- EPOs and controls in the OPP that are relevant to routine acoustic emissions have been adopted
- Additional guidance on key terms within the Conservation Management Plan for the Blue Whale (the CMP) were considered in the assessment against relevant actions in the CMP. The PAP is not considered to be inconsistent with the relevant actions of this plan
- There are no additional changes to internal/external context specific to this risk from the OPP, including issues raised during stakeholder consultation

NOPSEMA has considered the advice from DAWE and the information presented in the EP, and concludes that the activity will be managed in a manner that is not inconsistent with the Blue Whale CMP. Underwater noise impacts to blue whales are considered to be managed to acceptable levels.

*Conclusion - Key documents (such as recovery plans, conservation advices and management plans) have been adequately considered in the impact and risk assessments. The EP demonstrates that the activity is not inconsistent with these key documents. The noise evaluation demonstrates that underwater noise impacts are managed to acceptable levels,*

*consistent with the requirements of the Blue Whale CMP.*

**Areas of uncertainty are identified and addressed**

*No material changes since last revision.*

**All impacts and risks are managed to acceptable levels**

*No material changes since last revision.*

**Comparison is systematic, applied thoroughly, defensible and reproducible**

*No material changes since last revision.*

**Relevant person consultation has been incorporated**

*Refer to socio-economic topic scope for assessment findings related to relevant person consultation.*

**Submission 4**

*No material changes since last revision.*

**Submission 5**

**Acceptable levels are defined and compared to predicted levels / The acceptability criteria appears to be systematic, applied thoroughly, defensible and reproducible / All impacts and risks are being sufficiently managed to acceptable levels**

*No material changes since last revision.*

**The EP considers principles of ESD**

*No material changes since last revision.*

**The EP is consistent with key documents / The EP shows regard to relevant policy documents, guidance, bioregional plans, instruments under the EPBC Act (etc.)**

Conservation Management Plan for the Blue Whale

To support previous assessment findings, regard has been given to Action Area A.3 of the CMP, as outlined below.

*Action Area A.3: Continue to meet Australia's international commitments to reduce greenhouse gas emissions*

The EP demonstrates that the activity will be managed in a manner that will not compromise Australia's ability to meet its national determined contribution (NDC) to; (1) reduce net greenhouse gas emissions by 43% below 2005 levels by 2030, and (2) reduce net greenhouse gas emissions to zero by 2050. Therefore, the EP demonstrates that the activity will be managed in a manner that is not inconsistent with the requirements of the Blue Whale CMP, including Action Area A.3.

It is noted that the Climate Change Act 2022 came into effect on 14 September 2022 and legislates Australia's greenhouse gas emission reduction targets, consistent with Australia's national determined contribution under the Paris Agreement. This includes a reduction of net greenhouse gas emissions by 43% below 2005 levels by 2030 and a reduction of net greenhouse gas emissions to zero by 2050.

**The activity does not contravene a plan of management for a WHA, National Heritage place and Ramsar Wetland**

*No material changes since last revision.*

**Areas of uncertainty in predictions of impact and risk are identified, acknowledged, addressed**

*No material changes since last revision.*

**Information received during relevant person consultation is incorporated, considered and evaluated**

*No material changes since last revision.*

			Submission 6
			No material changes since last revision.
			Submission 7
			No material changes relevant to this topic scope since last revision.
4	Environment Plan provides for appropriate performance outcomes, standards and measurement criteria	Emissions and discharges (unplanned)	Submission 1
			Focus on the adequacy of source control arrangements and justification of worst case spill scenario
			<b>EPOs reflect levels of environmental performance</b> - For source control the EPO is provided 'To stop the flow of hydrocarbons into the marine environment'. [C]
			<b>EPSs are linked to control measures</b> -
			Control measure 8 - Subsea First Response Toolkit (SFRT): 4 x EPSs provided that provide for personnel and ROV vessel in field within 11 days. [C]
			Control measure 9 - Well intervention: 16 x EPSs are provided that provide for vessel frame agreements, capping stack deployment vessel specifications, mobilisation of capping stack deployment vessel to site within 16 days, ROV on MODU deployed for BOP intervention within 2 days, contracts with WWC for technical personnel, relief well MODU to site within 21 days, 1st well kill attempt within 65.3 days, monthly monitoring of MODU availability with in-force AUS safety case (and immediately before entering reservoir), SCERP and Relief Well Plan in place prior to activity commencement. [C]
			Control measure 10 - Support vessels: 3 x EPSs are provided that provide for monthly monitoring of vessels, vessel agreements in place, and contracts that include clause outlining requirement for support in the event of an emergency. [C]
			Control measure 11 - Safety case: 3 x EPSs provided that provide for MODUs and vessels with existing AUS safety cases as a priority, having personnel on call ready to expediate safety cases for source control response, and Woodside to maintain minimum safe operating standards that can be provided to MODU and vessel operators for safety case guidance. [C]
			<b>EPSs have clear measurement criteria that can easily be monitored for compliance</b> - Each EPS is provided with information on where records are compiled that demonstrate the performance against the EPS. There are 4 main repositories of performance information, these being within the Incident Management System logs, in the S&EM competency dashboard, documented within the hydrocarbon spill preparedness ICE assurance process, and within the hydrocarbon spill preparedness and response procedure. All nominated control measure EPSs can be monitored through these defined measurement criteria locations. [C]
			Submission 2
			No material changes since last revision
			Submission 3
			No material changes since last revision
			Submission 4
			No material changes since last revision
			Submission 5
			EPOs and EPSs for source control response have remained consistent in the new submission.
			Capping Stack deployment vessel specifications have changed from a 120T heave compensated crane to a 150T in shallow water and 250T in deeper water heave compensated crane. This is appropriate.
			Back up SFRT and communications systems have been removed from the EPSs - no material change to capability.
			Submission 6



4	Environment Plan provides for appropriate performance outcomes, standards and measurement criteria	Emissions and discharges (unplanned)	No material changes since last revision
			Submission 7
			No material changes since last revision
		General	<p>Submission 1</p> <p><b>EPOs are linked to acceptable levels</b></p> <p>S2.5 states that EPOs for the Scarborough Project have been set within the Scarborough OPP and assessed as meeting the requirements of the Regulations to be appropriate, consistent with the principles of ecologically sustainable development and to demonstrate that the environmental impacts and risks of the project will be managed to an acceptable level. Table 6.1 shows a comparison between the EPOs in the Scarborough OPP and this EP. The EPOs included in the EP appear consistent with those included in the OPP (for those relevant to drilling operations).</p> <p>For the physical and biological receptors within the EMBA, Woodside has set EPOs that are consistent with the Matters of National Environmental Significance – Significant impact guidelines 1.1 (DoE, 2013). For social receptors, including fishing and other commercial activities, the EPOs that have been set reflect the requirements in the OPGGS Act Section 280 (2), in that the activities undertaken as a part of the development of Scarborough should not interfere with other marine users, to a greater extent than is necessary for the exercise of right conferred by the titles granted.</p> <p>Woodside has conducted a demonstration of acceptability for all identified impacts and risks. The defined EPOs are linked to acceptable levels.</p> <p><i>Conclusion - In the context of the general assessment, the EP contains clear and unambiguous EPOs consistent with the Scarborough OPP.</i></p> <p><i>Refer to protected matters topic scope for assessment findings related to acceptable levels.</i></p> <p><b>EPOs address all identified impacts and risks</b></p> <p>Woodside has defined EPOs for all identified impacts and risks. A number of the EPOs relate to multiple impacts and risks (Table 6.1). Appendix D (Oil Spill Preparedness and Response) contains EPOs for spill response strategies.</p> <p>The EPOs have been prepared using the SMART framework:</p> <ul style="list-style-type: none"> <li>• S - Specific performance which addresses the legislative and other controls that manage the activity and against which performance by Woodside in protecting the environment will be measured.</li> <li>• M - Performance against the outcome will be measured by measuring implementation of the controls via the measurement criteria.</li> <li>• A - Achievability/feasibility of the outcome demonstrated via discussion of feasibility of controls in ALARP demonstration. Controls are directly linked to the outcome.</li> <li>• R - The outcome will be relevant to the source of risk and the potentially impacted environmental value.</li> <li>• T - The outcome will state the timeframe during which the outcome will apply or by which it will be achieved.</li> </ul> <p><i>Conclusion - EPOs address all identified impacts and risks.</i></p> <p><b>EPOs reflect levels of environmental performance</b></p> <p>Table 6.1 provides a summary of the EPOs set in the EP. The EPOs are clear and unambiguous, and reflect levels of environmental performance for the activity. The levels of environmental performance appear to be achievable.</p> <p><i>Conclusion - EPOs reflect the level of environmental performance for management and are achievable.</i></p> <p><b>EPSs are linked to control measures</b></p> <p>The ALARP demonstration for each risk assessment (S6) outlines the adopted controls and the corresponding EPSs. The assessment provides a clear link between the adopted controls and the EPSs.</p> <p>ISSUE - EPS 7.5 [Achieve oil concentration &lt;1% by volume prior to discharge] is ambiguous</p>

and not clearly linked to C7.5 [No overboard disposal of bulk NWBM]. EP 7.5 is related to management of mud pit cleaning discharges, which may contain NWBM.

*Conclusion - Not all EPS contain clear and unambiguous statements of performance and are directly linked to control measures.*

**EPs have clear measurement criteria that can easily be monitored for compliance**

Measurement criteria are clear and appear to be easily monitored for compliance.  
Measurement criteria are clearly linked to EPs.

*Conclusion - EPs have clear measurement criteria that can easily be monitored for compliance.*

**EPOs, EPs and MC are linked and complementary**

Each of the environmental risk assessments in S6 provide a table of the applicable EPOs, adopted controls, EPs and MC. The table establishes a clear connection between the EPOs, adopted controls, EPs and MC. The EPOs, EPs and MC appear to be complementary.

*Conclusion - The EP provides EPOs, EPs and MC that are clearly linked and complementary.*

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**findings - GHG emissions topic focus - EPOs/EPs/MC**

- EPOs: Table 6-1 includes EPO 5 and 6 which relate to GHG emissions and are modelled on the relevant OPP EPO (2.1). EPO 6 uses language which is not measurable: "optimise efficiencies" and "reduce...to ALARP and acceptable levels". In addition, the EP does not define what levels of emissions are ALARP and acceptable.
- EPs/MC: are clearly linked to the proposed controls and when taken together can be used to monitor compliance. This should be reviewed if the resubmission includes additional controls

**Conclusion: It is not clear that the EPOs provided for GHG emissions have been linked to acceptable levels or are measurable. Further information is requested.**

Submission 2

**EPOs are linked to acceptable levels**

*No material changes since last revision.*

**EPOs address all identified impacts and risks**

*No material changes since last revision.*

**EPOs reflect levels of environmental performance**

*No material changes since last revision.*

**EPs are linked to control measures**

Response to RFFWI #4.2 - Environmental performance standards

RFFWI #4.2 requested Woodside to revise or provide an additional EPs for C7.5 [No overboard disposal of bulk NWBM], that accurately reflects the intended performance of the control measure. In response, Woodside revised C7.5 to "Backload bulk NWBM or maintain on rig for re-use". In addition, Woodside revised PS7.5 to "No overboard disposal of bulk NWBM". The revised performance standard accurately reflects the intended performance of the revised control measure. The EPs is supported by an appropriate MC that can be easily monitored for compliance [MC 7.5.1 Incident reports of any unplanned discharges of NWBM].

*Conclusion - The EP contains clear and unambiguous statements of performance in the form of EPs, which are directly linked to control measures.*

**EPs have clear measurement criteria that can easily be monitored for compliance**

*No material changes since last revision.*

**EPOs, EPs and MC are linked and complementary**

No material changes since last revision.

#### **findings - GHG emissions topic focus - EPOs/EPs/MC**

In addressing the issues raised above:

- EPOs linked to acceptable levels and reflect levels of environmental performance - The RFFWI letter (point 4.1) requested revision of the GHG emissions EPOs to provide measurable levels of performance. EPO 6 (S6.7.2) has been revised to "Assess opportunities to improve energy efficiency and reduce GHG emissions from the petroleum activity". This is broadly consistent with those accepted for other recent Woodside submissions; and has been paired with several control measures that will support its execution and determination of achievement.
- New control measures related to GHG emissions have been addressed by new EPs and MC which when taken together establish measurable levels of performance.

**Conclusion:** Given the emissions boundary for the development drilling activity, the EP content is sufficient to show GHG emissions are addressed by appropriate EPOs, EPs and MC.

#### **Submission 3**

No material changes since last revision.

#### **Submission 4**

No material changes since last revision.

#### **Submission 5**

**EPOs are linked to acceptable levels / EPOs address all identified impacts and risks / EPOs reflect levels of environmental performance**

No material changes since last revision.

**EPs are linked to control measures / EPs have clear measurement criteria that can easily be monitored for compliance**

In responding to RFFWI #1.1:

- Woodside incorporated a new EP (EP 7.14) related to sampling and analysis of stock barite to ensure that heavy metals of concern (cadmium and mercury) are within limited prescribed by API standards. This is also consistent with expectations in relation to the Minamata Convention.
- Woodside incorporated a new EP (EP 13.2) and MC (MC 13.2.1) related to compliance with Australian Biofouling Management Requirements. Woodside also amended existing EP (PS 13.3.1) in relation to Woodside IMS risk assessment process to align with other Woodside EPs.

It was also noted that Woodside amended PS 7.7 and MC 7.7.1 in relation to treatment of displacement, brine workover or intervention fluids to achieve an oil concentration <1% by volume prior to discharge.

No other material changes were noted to existing EPs and MC.

As per previous assessment findings, the EP contains clear and unambiguous statements of performance in the form of EPs, which are directly linked to control measures. EPs have clear measurement criteria that can easily be monitored for compliance.

**EPOs, EPs and MC are linked and complementary**

No material changes since last revision.

#### **Submission 6**

**EPOs are linked to acceptable levels / EPOs address all identified impacts and risks / EPOs reflect levels of environmental performance / EPs are linked to control measures / EPs have clear measurement criteria that can easily be monitored for compliance / EPOs, EPs and MC are linked and complementary**

The resubmitted EP incorporates the following new EPO and related control measures/PS to manage potential uncertainty on the impacts and risks to cultural values which may be identified at any time during Woodside's activities via ongoing dialogue with Traditional Custodians:

- EPO 27 - Woodside will actively support Traditional Custodians' capacity for ongoing engagement and consultation on environment plans for the purpose of avoiding impacts to cultural heritage values
- C4.9 - Implement a program, which is compliant with Corporate Woodside Policies Strategies and procedures, to undertake ongoing consultation with Traditional Custodians whose functions, interests and activities may be affected by the Petroleum Activities Program
- PS 4.9.1 - Implement a program, which is compliant with Corporate Woodside Policies, Strategies and procedures, to undertake ongoing consultation with Traditional Custodians whose functions, interests and activities may be affected by the Petroleum Activities program. The Program may include, as agreed with relevant Traditional Custodians:
  - Social investment to support Indigenous ranger programs
  - Support for Indigenous oil spill response capabilities
  - Support for recording Sea Country values
  - Support to Traditional Custodian groups to build capabilities and capacity with respect to ability to engage with Woodside and the broader O&G industry on activities
  - Development of ongoing relationships with Traditional Custodian groups
  - Any other initiatives proposed for the purpose of protecting Country including cultural values
  - Consideration of cultural values/new information, through the life of the EP, and the development of avoidance or mitigation strategies in collaboration with Traditional Custodians if impacts to cultural values are identified. Where avoidance is not possible, impact minimisation will be prioritised and demonstrated through a written options analysis/ ALARP to ensure an acceptable level of impact. This will be documented through Woodside's Management of Change and Management of Knowledge processes.
- PS 4.9.2 - Undertake an annual review of the program to determine its effectiveness and adapt the program accordingly. The annual review will also include an assessment of appropriateness of the methods used to undertake ongoing consultation with Traditional Custodians.

The PS are supported by clear measurement criteria (MC 4.9.1, 4.9.2, 4.9.3 and 4.9.4), which can easily be monitored for compliance.

The resubmitted EP also incorporates the following new EPO and related control measures/PS to manage unexpected finds of potential UCH:

- EPO 28 - No adverse impact to unexpected finds of Underwater Cultural Heritage without a permit (Permit for Entry into a Protected Zone or to Impact Underwater Cultural Heritage would be acquired under the UCH Act)
- C5.6 - Unexpected finds of potential Underwater Cultural Heritage sites / features, including first nations UCH are managed in accordance with the Unexpected Finds Procedure set out in Section 7.4
- PS 5.6 - In the event that an underwater cultural heritage site or feature is identified implement the Unexpected Finds Procedure set out in Section 7.4.
- C5.7 - Relevant vessel and MODU crew will be advised in an induction of the potential to encounter UCH, and of their requirement to follow the Unexpected Finds Procedure (C4.7). Editorial matter - C5.7 should refer to C5.6 not C4.7.
- PS 5.7 - Relevant vessel and MODU crew are made aware of the requirements of the Unexpected Finds Procedure (C4.7) through an induction. Editorial matter - PS5.7 should refer to C5.6 not C4.7.
- C5.8 - Report any potential UCH finds to relevant stakeholders and authorities in accordance with the Unexpected Finds Procedure, Underwater Cultural Heritage Act 2018 and the ATSIHP Act
- PS 5.8 - Report any finds of potential UCH in accordance with the Unexpected Finds Procedure (Section 7.4) including to:
  - WA Museum as requested during EP consultation
  - Australasian Underwater Cultural Heritage Database

The PS are supported by clear measurement criteria (MC 5.6.1, 5.7.1, 5.8.1), which can easily be monitored for compliance.

As per previous assessment findings, the EP contains EPOs that reflect the level of environmental performance for management and are achievable. The EP contains clear and unambiguous statements of performance in the form of EPS, which are directly linked to control measures. EPSs have clear MC that can easily be monitored for compliance.

#### Submission 7

**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**

#### Cultural features and heritage values

The resubmitted EP incorporates the following new EPOs related to the management of impacts to cultural features and heritage values:

- EPO 28 - New cultural values identified through the Program and supporting studies (EPO 27) will be managed to ALARP and an Acceptable level of impact.
- EPO 29 - No impact to known cultural features and heritage value, as stated Table 4-18, greater than a consequence level of F from the Petroleum Activities Program. Consequence Level of F = Negligible, no lasting effect (< 1 month), localised impact not significant to areas /items of cultural significance.

It is noted that the EP contains an editorial matter with two EPOs in the EP with the same number (EPO 28).

The resubmitted EP incorporates the following new EPS related to the management of impacts to cultural features and heritage values:

- PS 28.2.1 - Woodside will continue to give voice to Traditional Custodians to identify interests, transmit information and express concern through Woodside's program as per PS 4.9.1.
- PS 28.2.2 - Woodside will assess and where deemed practicable will implement appropriate cultural protocols where requested by Traditional Custodians
- PS 28.1.1 - Consideration of cultural values / new information, through the life of the EP, and the development of avoidance or mitigation strategies in collaboration with Traditional Custodians if impacts to cultural values are identified. Where avoidance is not possible, impact minimisation will be prioritised and demonstrated through a written options analysis / ALARP to ensure an acceptable level of impact. This will be documented through Woodside's Management of Change and Management of Knowledge processes.
- PS 28.3.1 - All relevant marine crew have completed Project inductions, prior to the individual commencing the activity, that include information on cultural values, including tangible and intangible cultural heritage for awareness.

The PS are supported by clear measurement criteria which can easily be monitored for compliance.

As per previous assessment findings, the EP contains EPOs that reflect the level of environmental performance for management and are achievable. The EP contains clear and unambiguous statements of performance in the form of EPS, which are directly linked to control measures. EPSs have clear MC that can easily be monitored for compliance.

Matters  
protected under  
Part 3 of the  
EPBC Act

#### Submission 1

*Protected matters assessment conducted at a general level only.*

#### **EPOs are linked to acceptable levels**

S2.5 states that EPOs for the Scarborough Project have been set within the Scarborough OPP and assessed as meeting the requirements of the Regulations to be appropriate, consistent with the principles of ecologically sustainable development and to demonstrate that the environmental impacts and risks of the project will be managed to an acceptable level. Table 6.1 shows a comparison between the EPOs in the Scarborough OPP and this EP. The EPOs included in the EP appear consistent with those included in the Scarborough OPP (for those relevant to drilling operations).

For the physical and biological receptors within the EMBA, Woodside has set EPOs that are consistent with the Matters of National Environmental Significance – Significant impact guidelines 1.1 (DoE, 2013).

Woodside has conducted a demonstration of acceptability for all identified impacts and risks. To support the demonstration, a separate assessment has been undertaken to demonstrate that the EP is not inconsistent with any relevant recovery plans or threat abatement plans for a listed threatened species or ecological community (S6.8). In addition, Woodside has appropriately referenced key documents, such as recovery plans, conservation

advice and management plans throughout the EP. The defined EPOs are clearly linked to acceptable levels of impact to matters protected under Part 3 of the EPBC Act.

*Conclusion - In the context of the general assessment, the EP contains clear and unambiguous EPOs that are linked to acceptable levels of impact to matters protected under Part 3 of the EPBC Act.*

**EPOs address all identified impacts and risks**

*Refer to general assessment findings.*

**EPOs reflect levels of environmental performance**

Table 6.1 provides a summary of the EPOs set in the EP. The EPOs are clear and unambiguous, and reflect levels of environmental performance for the activity. The levels of environmental performance appear to be achievable.

The following EPOs included in the EP are related to protected matters:

- EPO 1 - Undertake the Petroleum Activities Program in a manner that will not modify, destroy, fragment, isolate or disturb an important or substantial area of habitat such that an adverse impact on marine ecosystem functioning or integrity results.
- EPO 2 - Undertake Petroleum Activities Program in a manner that will prevent a substantial adverse effect on a population of seabirds or shorebirds, or the spatial distribution of the population
- EPO 3 - Undertake the Petroleum Activities Program in a manner that will not seriously disrupt the lifecycle (breeding, feeding, migration or resting behaviour) of an ecologically significant proportion of the population of a migratory species.
- EPO 4 - Undertake the Petroleum Activities Program in a manner that prevents a substantial adverse effect on a population of fishes, marine mammals, marine reptiles, or the spatial distribution of a population.
- EPO 8 - Undertake the Petroleum Activities Program in a manner that will not substantially modify, destroy or isolate an area of important habitat for a migratory species.
- EPO 13 - Undertake the Petroleum Activities Program in a manner which does not modify, destroy, fragment, isolate or disturb an important or substantial area of habitat such that an adverse impact on marine ecosystem functioning or integrity in an area defined as a Key Ecological Feature.
- EPO 15 - Undertake Petroleum Activities Program in a manner that prevents significant impacts on the values of the Exmouth Plateau KEF.

EPO 3 and EPO 4 (above) are linked to the acceptable level of impact defined for pygmy blue whales in the EP, however they do not appear to be consistent with the requirements of the Blue Whale CMP. Action Area A.2, Action 3 of the Blue Whale CMP states that 'Anthropogenic noise in biologically important areas will be managed such that any blue whale continues to use the area without injury, and is not displaced from a foraging area'. The noise evaluation has not considered the distribution BIA that overlaps with the PAA, and therefore has not fully evaluated noise impacts to blue whales. These EPOs do not achieve the level of performance that is consistent with the requirements of the CMP. ISSUE - The EP does not include an appropriate EPO that clearly reflects the acceptable level of impact for blue whales and is consistent with the requirements of the CMP.

*Conclusion - Not all EPOs reflect the level of environmental performance for management and are achievable.*

**EPSs are linked to control measures**

*Refer to general assessment findings.*

**EPSs have clear measurement criteria that can easily be monitored for compliance**

*Refer to general assessment findings.*

**EPOs, EPSs and MC are linked and complementary**

*Refer to general assessment findings.*

Submission 2

**EPOs are linked to acceptable levels**

*No material changes since last revision.*

**EPOs address all identified impacts and risks**

*No material changes since last revision.*

#### **EPOs reflect levels of environmental performance**

##### Response to RFFWI #3.3 - Blue Whale CMP

RFFWI #3.3 requested Woodside to provide an appropriate EPO that clearly reflects the acceptable level of impact for blue whales and is consistent with the requirements of the CMP. In the response note submitted with the Scarborough D&C EP, outlining Woodside's response to each request raised by NOPSEMA, Woodside stated that advice had been received from the Protected Species and Communities Branch at DAWE on the 'distribution BIA' for the pygmy blue whale. The DAWE advice is that the 'distribution BIA' for the blue whale, as designated in the NCVA does not constitute a BIA (that represents an area where biologically important behaviour is displayed, such as foraging and migration for the blue whale). Based on this advice, Woodside have made no changes to the EP with respect to the description of the existing environment or evaluation of impacts and risks to blue whales. DAWE confirmed to NOPSEMA that the advice provided to WEL is correct, the blue whale distribution area is not considered a BIA.

The CMP requirement to manage anthropogenic noise in BIAs so that any blue whale continue to utilise the area without injury does not apply to this activity, given the activity is not located within a BIA for the species. Therefore, EPO 3, 4 and 8 are considered to be appropriate and reflect the level of environmental performance for the activity. The EPOs are clear and unambiguous, and reflect levels of environmental performance that appear to be achievable.

#### **EPSs are linked to control measures**

*No material changes since last revision.*

#### **EPSs have clear measurement criteria that can easily be monitored for compliance**

*No material changes since last revision.*

#### **EPOs, EPSs and MC are linked and complementary**

*No material changes since last revision.*

##### **Submission 3**

*No material changes since last revision.*

##### **Submission 4**

*No material changes since last revision.*

##### **Submission 5**

*No material changes since last revision.*

##### **Submission 6**

*No material changes since last revision.*

##### **Submission 7**

**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**

The resubmitted EP incorporates the following new EPS related to the management of noise impacts and risk of collision to marine fauna:

- PS 3.5.1 (C3.5) - When within 250 m of a whale shark vessels will not travel greater than 6 knots and vessels will not approach closer than 30 m to a whale shark.
- PS 3.6.1 (3.6) - When within 300 m of a turtle, vessels will not travel greater than 6 knots.

These EPS are supported by clear measurement criteria which can easily be monitored for

compliance.

In addition, Woodside revised PS 3.2.1 (C 3.2) and PS 3.4.1 (C 3.4) to include humpback whales. Previously these EPS were related to the presence of foraging blue whales. The EPS now relate to the presence of pygmy blue whales or humpback whales (regardless of the behaviours being exhibited by the species). This is a conservative approach.

These controls/EPS have been informed by consultation with relevant persons (S6.10). *Refer to socio-economic topic scope for findings related to consultation with relevant persons.*

As per previous assessment findings, the EP contains EPOs that reflect the level of environmental performance for management and are achievable. The EP contains clear and unambiguous statements of performance in the form of EPS, which are directly linked to control measures. EPSs have clear MC that can easily be monitored for compliance.

5	Environment Plan includes appropriate implementation strategy and monitoring, recording and reporting arrangements	Emissions and discharges (unplanned)	Submission 1
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5	Environment Plan includes appropriate implementation strategy and monitoring, recording and reporting arrangements	Emissions and discharges (unplanned)	<p>Focus on the adequacy of source control arrangements and justification of worst case spill scenario</p> <p><b>Evidence that all impacts and risks will continue to be reduced to ALARP and acceptable</b> - All relative contracts for source control are demonstrated to be maintained for the duration of the activity and availability of critical 3rd party equipment, such as MODUs and vessels, is monitored monthly to ensure availability throughout the campaign [C].</p> <p><b>Management of change, knowledge and learning processes are included</b> - The EP states that relevant documents from the OPEP will be reviewed in the following circumstances: (1) implementation of improved preparedness measures, (2) a change in the availability of equipment stockpiles, (3) a change in the availability of personnel that reduces or improves preparedness and the capacity to respond, (4) the introduction of a new or improved technology that may be considered in a response for this activity, (5) to incorporate, where relevant, lessons learned from exercises or events, and (6) if national or state response frameworks and Woodside's integration with these frameworks changes. In addition, post-exercise debriefs are held with the exercise team to identify gaps and capture learnings. The recommendations and actions are documented and assigned to the relevant function within the organisation and tracked until close-out. Close-out reports are distributed to relevant function leads and captured under Woodside's document management systems and relevant processes. Lessons learned are incorporated into Woodside's processes and procedures and improvements are made where required. [C]</p> <p><b>Appropriate training and competencies</b> - Roles and responsibilities for oil spill preparation and response are outlined in the EP Appendix D and the Woodside Oil Pollution Emergency Arrangements (Australia). The EP Table 7-6 defines the source control functional support team roles and responsibilities. All source control missions are represented by coordinators. Initial Source Control functional response will typically be led by a [REDACTED] or [REDACTED] in the role of the Source Control Coordinator and the remaining FST roles would be filled by suitably experienced people, sourced from the operational team and across the broader SSPL and D&amp;C functions. All personnel will hold a relevant tertiary qualification, well control certifications and industry experience commensurate with the position being held. [C]</p> <p><b>Appropriate Oil Pollution Emergency Plan</b> - The EP Appendix H provides an Oil Pollution First Strike Plan that defines the immediate actions required to commence a response. The Oil Pollution First Strike Plan (FSP) contains a pre-operational Net Environmental Benefit Analysis (NEBA) summary, outlining the selected response techniques for this PAP. Relevant Operational Plans to be initiated for associated response techniques are identified in the FSP and relevant forms to initiate a response are appended to the FSP. This includes the activation of the Source Control FST. [C]</p> <p><b>Testing of response arrangements evident</b> -</p> <p>The EP defines the SCERP test and exercise plan and demonstrates the components of the plan to be tested and proposed schedule of tests. The EP state the test objectives and defines how test and exercise outcomes are evaluated and incorporated into lessons learned. The EP demonstrates how plans within the SCERP will be validated through scheduled drills and exercises that test and assess the readiness of personnel and equipment. The scope, frequency and objective of these tests is described in the EP Table 7-7. For a MODU activity, one Level 1 'First Strike' drill will be conducted within two weeks of commencing activity and then at least every 6 month thereafter. One Level 2 exercise will be conducted within 1 month of activity commencement and at least every 6 months following. Level 3 exercises will be conducted at frequencies determined by Woodside commensurate with their activities and capabilities, and include the Source Control FST where appropriate. The EP s.7.9.8.3 presents specific details on source control testing and exercise arrangements. Objectives include: testing of IMT capabilities, communications requirements, testing of source control response plans and evaluating specific aspects of source control arrangements, e.g. number of personnel, equipment, mobilisation plans and timeframes for response. KPIs are taken from the ALARP commitments as stated in the OSPRMA (Appendix D).The training, drills and exercises appear to be conducted at appropriate frequency and include a response to a LOWC. [C]</p> <p>Submission 2</p> <p>No material changes since last revision</p> <p>Submission 3</p>
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5	Environment Plan includes appropriate implementation strategy and monitoring, recording and reporting arrangements	Emissions and discharges (unplanned)	No material changes since last revision
			Submission 4
			No material changes since last revision
			Submission 5
			<p>The test and exercise schedule presented in the new submission has been reduced from a 5-Year Rolling to a 3-Year rolling schedule and simplification of test components e.g. removed specific Support Plans to be tested and replaced with response strategies to be tested and the method of testing. Test objectives are broadly stated sufficiently to satisfy intent of regulatory requirements. Source Control testing section 7.9.8.2 provides sufficient details of the test objectives and frequency of tests to satisfy the requirements as stated in the the APPEA Australian Offshore Titleholders Source Control Guideline (issued June 2021) and the NOPSEMA Information Paper: Source Control Planning and Procedures (issued June 2021).</p> <p>The OSPRMA and Oil Pollution1st-Strike Plan have been updated with changes to the Woodside incident management system and incident management team positions. These changes have been inspected recently for the Gemtree Drilling Campaign and have been found to not change the Woodside capability to manage an oil spill response, the capability and system is appropriate to manage the risks from the Scarborough Drilling to ALARP.</p> <p>No material changes in other sections relevant to initial assessment findings.</p>
			Submission 6
			No material changes since last revision
			Submission 7
			No material changes since last revision
		General	Submission 1
			<p><b>Content requirements of Regulation 14 are included</b>  <i>Conclusion - The content requirements of Regulation 14 are evident in the EP and appear to be appropriate for the nature and scale of the activity.</i></p> <p><b>Evidence that all impacts and risks will continue to be reduced to ALARP and acceptable</b></p> <p>A process for reviewing impacts, risks and controls across the life of the EP is provided in S7.5.4.3.</p> <p>S7.5.4.3 states that in the unlikely case that activities described in this EP do not occur continuously or sequentially, before recommending activities after a cessation period greater than 12 months, impacts, risks and controls will be reviewed. The process will identify or review impacts and risks associated with the newly-commencing activity, and will identify or review controls to ensure impacts and risks remain/are reduced to ALARP and acceptable levels. Information learned from previous activities conducted under this EP will be considered. Controls which have previously been excluded on the basis of proportionality will be reconsidered. Any required changes will be managed by the MOC process.</p> <p><i>Conclusion - The implementation strategy provides a range of systems and processes to ensure that impacts and risks will continue to be managed to ALARP and acceptable levels.</i></p> <p><b>Management of change, knowledge and learning processes are included</b></p> <p>A management of change process is included in S7.6 of the EP. Learning and knowledge sharing methods/processes are included in S7.5.4.2.</p> <p>S7.6.1 states that management of changes relevant to this EP, concerning the scope of the activity description including: review of advances in technology at stages where new equipment may be selected such as vessel contracting; changes in understanding of the environment, DAWE EPBC Act listed threatened and migratory species status, Part 13 statutory instruments (recovery plans, threat abatement plans, conservation advice, wildlife conservation plans) and current requirements for AMPs; and potential new advice from external stakeholders, will be managed in accordance with Regulation 17 of the Environment Regulations. Risk will be assessed in accordance with the environmental risk management methodology to determine the significance of any potential new environmental impacts or risks not provided for in this EP. Risk assessment outcomes are reviewed in compliance with</p>

Regulation 17 of the Environment Regulations. Minor changes where a review of the activity and the environmental risks and impacts of the activity do not trigger a requirement for a formal revision under Regulation 17 of the Environment Regulations, will be considered a 'minor revision'. Minor revisions will be tracked in an MOC Register to ensure visibility of cumulative risk changes, as well as enable internal EP updates/reissuing as required.

S7.6.2 states that relevant documents from the OPEP will be reviewed in the following circumstances: implementation of improved preparedness measures, a change in the availability of equipment stockpiles, a change in the availability of personnel that reduces or improves preparedness and the capacity to respond, the introduction of a new or improved technology that may be considered in a response for this activity, to incorporate, where relevant, lessons learned from exercises or events and if national or state response frameworks and Woodside's integration with these frameworks changes. Where changes are required to the OPEP, based on the outcomes of the reviews, they will be assessed against Regulation 17 to determine if EP, including OPEP, resubmission is required. Changes with potential to influence minor or technical changes to the OPEP are tracked in management of change records, project records and incorporated during internal updates of the OPEP or the five-yearly revision.

S7.5.4.2 provides an overview of the different learning and knowledge sharing methods/process employed by Woodside. These include: event investigations, event bulletins, after action review conducted at the end of each well, including review of environmental incidents as relevant, ongoing communication with MODU operators, formal and informal industry benchmarking, cross asset learnings and engineering and technical authorities discipline communications and sharing.

*Conclusion - The management of change, knowledge and learning processes included in the EP are considered to be appropriate.*

#### **The titleholder's environmental management system is effective**

S1.9 outlines the Woodside Management System (WMS), which provides a structured framework of documentation (compass and policies, expectations, processes and procedures, and guidelines) to set common expectations governing how all employees and contractors at Woodside will work. It is noted in S7.1 that Woodside, as Operator is responsible for ensuring the activity is managed in accordance with the Implementation Strategy in S7 and the WMS. All operational activities are planned and carried out in accordance with relevant legislation and standards, management measures (i.e. controls) identified in the EP and internal environment standards and procedures (S7.2).

The implementation strategy includes appropriate monitoring and auditing systems, supported by the WMS. S7.5.1 notes that Woodside and its contractors will perform a program of periodic monitoring during the Petroleum Activities Program – starting at mobilisation of each activity and continuing through the duration of each activity to activity completion. The collection of this data (against the measurement criteria in S6) will form part of the permanent record of compliance maintained by Woodside and will form the basis for demonstrating that the EPOs and standards are met.

*Conclusion - The Woodside Management System appears to be appropriate and effective in the context of this activity.*

#### **Appropriate training and competencies**

The training and competency requirements of Woodside employees and contractors related to the activity are outlined in S7.4. Woodside as part of its contracting process undertakes assessments of a proposed Contractor's environmental management system to determine the level of compliance with the standard AS/NZS ISO 14001. This assessment is undertaken for the Petroleum Activities Program as part of the pre-mobilisation process. All personnel on the MODU and project vessels are required to be competent to perform their assigned positions. This may be in the form of external or 'on the job' training. The [REDACTED] (or equivalent) is responsible for identifying training needs, keeping records of training performed and identifying minimum training requirements (S7.4.5).

As a minimum, environmental awareness during inductions is required for all MODU personnel, detailing awareness and compliance with the MODU and project vessel Contractor's environmental policy and environmental management system. Before activities begin, a pre-activity meeting will be held on-board the MODU and project vessels with all relevant personnel. The pre-activity meeting provides an opportunity to reiterate specific environmental sensitivities or commitments associated with the activity (S7.4.3)

S7.4.2 notes that inductions are provided to all relevant personnel (e.g. contractors and Company representatives) before mobilising to or on arrival at the activity location. The

induction covers the HSE requirements and environmental information specific to the activity location. Attendance records will be maintained. The induction will also cover the requirement that there will be no recreational fishing from the MODU and/or vessels (as requested by WAFIC during consultation, Table 5.5.2).

S7.4.4 provides information on the pygmy blue whale observation training. Relevant crew onboard the MODU and installation vessel will undertake pygmy blue whale observation training prior to commencing activities. This training will include as a minimum: an overview of the potential impacts to pygmy blue whales, an overview of cetaceans that may be present during activities and relevant behaviours, the management procedures in place for pygmy blue whales, and the observation and reporting requirements. ISSUE - It is unclear if the proposed training will provide relevant crew with the competency to be able to accurately identify a pygmy blue whale and the behaviours indicative of foraging. The EP does not provide information on how the training will be delivered to crew and the minimum qualifications and experience required of the person delivering the training. In addition, it is unclear if crew will be expected to perform their normal duties (as assigned to the position), as well as observe for pygmy blue whales. It is unclear if the adaptive management measures will be effective in minimising disturbance to blue whales.

S7.9.2 states that Woodside has conducted a risk-based training needs analysis on positions required for effective oil spill response. Following the mapping of training to Woodside identified competencies, training was then mapped to positions based on their required competencies. Table 7-5 details the minimum levels of competency for key IMT positions. The minimum competencies are considered appropriate for the nature and scale of the activity.

*Conclusion - The EP includes appropriate training and competency requirements for Woodside employees and contractors relevant to the activity.*

#### **Monitoring, recording and reporting arrangements are adequate**

S7.5.1 outlines the tools and systems that will be used to monitor environmental performance, which include the following:

- Daily reports which include leading indicator compliance
- Periodic review of waste management and recycling records
- Use of contractor's risk identification program that requires recording and submitting safety and environment risk observation cards routinely (frequency varies with contractor).
- Collection of evidence of compliance with the controls detailed in the EP relevant to offshore activities by the Woodside [REDACTED] (other compliance evidence is collected onshore).
- Environmental discharge reports that record volumes of planned and unplanned discharges downhole (in the well), to ocean and atmosphere
- Monitoring of progress against the Drilling and Completions function scorecard for KPIs
- Internal auditing and assurance program

Reporting arrangements described in S7.8 are consistent with Reg14 content requirements. Routine reporting arrangements include:

- Internal (S7.8.1) - daily progress reports and meetings, regular HSE meetings and performance reporting (monthly and quarterly)
- External (S7.8.2) - start/end notifications of the activity to NOPSEMA, monthly recordable incident reports to NOPSEMA, environmental performance reporting to NOPSEMA, end of EP notification to NOPSEMA

Incident reporting arrangements include:

- Reportable incidents (S7.8.4.1) - NOPSEMA will be notified of all reportable incidents, according to the requirements of Regulations 26, 26A and 26AA of the Environment Regulations. Woodside has determined that a reportable incident for the activity is an incident that has caused or has the potential to cause environmental damage with a Consequence Level of Moderate (C) or above (as defined under Woodside's Risk Table (S2.3.2)). According to the assessment (S6), no impacts or risk were identified that have the potential to cause a consequence level of Moderate (C) for the activity. ISSUE - No impacts or risks were identified to cause a consequence level of Moderate (C), therefore the EP includes no reportable incidents. There are incidents that still warrant reporting to NOPSEMA that have the potential to cause moderate environmental damage. These incidents include: a hydrocarbon release from vessel tank rupture, loss of well control, death or injury to marine fauna and introduction of IMS.
- Recordable incident (S7.8.4.2) - NOPSEMA will be notified of all recordable incidents,

according to the requirements of Regulation 26B(4), no later than 15 days after the end of the calendar month.

- External incident reporting - Table 7.3 outlines the incident reporting requirements that apply to the activity (i.e. reporting requirements in the event of an oil pollution incident)

Section 7.7 details the maintenance of compliance records (measurement criteria in S6). Record keeping will be in accordance with Regulation 14(7) that addresses maintaining records of emissions and discharges.

*Conclusion - Monitoring, recording and reporting arrangements for the activity are considered appropriate and consistent with Reg14 content requirements.*

#### **Audit, review and non-conformance management is included**

The EP describes appropriate assurance mechanisms including auditing (S7.5.2), reviews (S7.5.4) and management of non-conformances (S7.5.3).

##### Audits:

Internal auditing is performed on a MODU-specific schedule, rather than a schedule to align with each well. The following internal audits, inspections and reviews are proposed for MODUs (S7.5.2.1):

- Survey environment rig equipment for a newly contracted MODU (if not previously contracted to Woodside within the last two years) against Woodside's Engineering Standard – Rig Equipment
- Complete a minimum of monthly environmental inspection (conducted by offshore Woodside personnel or a delegate)
- Perform at least one environment audit during the Petroleum Activities Program, while the MODU is on location

The following assurance activities are proposed for the subsea scope activities (S7.5.2.2):

- Pre-mobilisation inspection/audit report will be conducted by a relevant person (before commencing).
- At least one operational compliance audit relevant to applicable EP commitments will be conducted by a Woodside Environment Adviser for the subsea campaign
- Contractor-specific HSE audits will also be conducted of the associated support vessels
- Vessel based HSE inspections will be conducted fortnightly by vessel HSE personnel

Woodside's Marine Offshore Assurance process for all vessels is described in S7.5.2.3.

As part of Woodside's EMS and/or assurances processes, activities may also be periodically selected for environmental audits as per Woodside's internal auditing process (S7.5.2).

ISSUE - The EP includes a commitment to conduct at least one environment audit during the activity and at least one operational compliance audit for subsea-scope activities. This is not considered appropriate, given the duration of the activity (up to 480 days for 8 wells plus an additional 120 days for two contingency wells) and the potential for the activity to occur over multiple years (up to 5 years). For context, the recently accepted Woodside Enfield P&A EP included a commitment to perform environmental audits quarterly during the activity (while the MODU is on location).

##### Reviews:

Woodside's Drilling and Completions Environment Team will perform six-monthly reviews of the effectiveness of the implementation strategy and associated tools. This will involve reviewing the: Drilling and Completions environment KPIs (leading and lagging), tools and systems to monitor environmental performance (detailed in S7.5.1) and lessons learned about implementation tools and throughout each campaign.

Learning and knowledge sharing methods/processes are included in S7.5.4.2. Reviews of impacts, risks and controls across the life of the EP are described in S7.5.4.3. Reviews of oil spill arrangements and testing are outlined in S7.9.

##### Management of non-conformances:

S7.5.3 states that Woodside employees and contractors are required to report all environmental incidents, and these are managed as per Woodside's internal event recording, investigation and learning requirements. Woodside classifies non-conformances with EPOs and standards in this EP as environmental incidents. Woodside uses a consequence matrix for classification of environmental incidents, with the significant categories being A, B and C (as

detailed in S2.3). Woodside uses an internal computerised database called First Priority to record and report such incidents.

*Conclusion - The audit, assurance, review and non-conformance processes included in the EP are not considered appropriate for the nature and scale of the activity.*

#### **Ongoing consultation arrangements are in place**

Ongoing consultation arrangements for the activity/EP are outlined in S5.8, Table 5.3. Stakeholder requests for ongoing consultation raised during EP consultation (i.e. AMSA, AHO, DMIRS, Defence etc.) have been included in Table 5.3. The ongoing consultation arrangements in the event of an oil pollution emergency appear to be appropriate. *Refer to socio-economic topic scope for findings related to relevant persons consultation.*

S5.4 notes that additional relevant stakeholders may be identified prior to or during the proposed activity. These stakeholders will be contacted, provided relevant information to their interests and invited to provide feedback about the proposed activity. Woodside will assess their feedback, respond to the stakeholder and incorporate feedback into the management of the proposed activity where practicable.

*Conclusion - In the context of the general assessment, the ongoing consultation arrangements for the activity are considered appropriate.*

#### **Appropriate Oil Pollution Emergency Plan**

In the context of a general assessment the OPEP [S7.9, Woodside Oil Pollution Emergency Arrangements (Australia), Appendix D: Oil Spill Preparedness and Response Mitigation Assessment and Appendix H: Oil Pollution First Strike Plan] appears to be appropriate for the activity and credible oil pollution scenarios. Table 7.4 provides a summary of how this EP and supporting documents address the various requirements of the Environment Regulations relating to oil pollution response arrangements. *Refer to unplanned discharges topic scope for findings related to response capabilities and arrangements.*

*Conclusion - In the context of the general assessment, the OPEP appears to be appropriate for the activity.*

#### **Testing of response arrangements evident**

S7.9.7 states that Woodside's capability to respond to incidents will be tested periodically, in accordance with the Emergency and Crisis Management Procedure. The scope, frequency and objective of these tests is described in Table 7.7, and summarised as follows:

- Level 1 response - MODU/vessel first strike drill conducted within 2 weeks of commencing the activity and at least every 6 month hire period thereafter
- Level 2 response - At a minimum one Emergency Management exercise on MODU (to be conducted within one month of campaign commencing and at least every 6 month hire period)
- Level 3 response - The number of CMT exercises conducted each year is determined by Woodside [REDACTED] (relevant to all Woodside assets)

If new response arrangements are introduced, or existing arrangements significantly amended, additional testing is undertaken accordingly. If the MODU leaves the field for an extended period, additional testing will be undertaken when it returns to routine operations. In addition to the testing of response capability described in Table 7-7, up to eight formal exercises are planned annually, across Woodside, to specifically test arrangements for responding to a hydrocarbon spill to the marine environment (S7.9.8).

Woodside's Testing of Arrangements Schedule (Figure 7-2) aligns with international good practice for spill preparedness and response management; the testing is compatible with the IPIECA Good Practice Guide and the Australian Emergency Management Institute Handbook.

Source control techniques are tested on an annual basis; at least one technique per year (S7.9.8.3). Woodside has tested the below response techniques in last two years: SSDI and relief well response in 2019, SFRT response (joint industry exercise hosted by Woodside) in 2020. Woodside plans to test: capping response in Q4 2021. In addition, Woodside Source Control team members participate in joint industry exercises on source control as available for continuous improvements to response plans.

*Conclusion - The testing of response arrangements included in the EP appear to be appropriate for the activity.*

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## **findings - GHG emissions topic focus - implementation strategy**

It is presumed that the EMS as presented in S7 would be applied to the impacts and risks related to GHG emissions – there are no GHG-specific management system processes contained in the EP. See findings above for general assessment of EMS.

### **Submission 2**

#### **Content requirements of Regulation 14 are included**

*No material changes since last revision.*

#### **Evidence that all impacts and risks will continue to be reduced to ALARP and acceptable**

*No material changes since last revision.*

#### **Management of change, knowledge and learning processes are included**

*No material changes since last revision.*

#### **The titleholder's environmental management system is effective**

*No material changes since last revision.*

#### **Appropriate training and competencies**

##### **Response to RFFWI #5.1 - PBW observation training**

RFFWI #5.1 requested Woodside to clarify how the pygmy blue whale observation training will provide relevant crew with the competency to be able to effectively implement the adaptive management measures in place for pygmy blue whales (specifically C3.2, C3.3 and C3.4). In response, Woodside revised Section 7.4.4 to provide further information on the PBW observation training. The training will be delivered by an external organisation specialising in marine environmental training, with expertise in marine fauna observations. The training package will cover:

- an overview of the Scarborough Project activities and presence of cetaceans in the area
- an overview of the potential impacts and risks to PBW
- an overview of EP controls and management procedures
- different types of PBW behaviours, including difference between foraging and migrating
- precautionary approach to identification (i.e., assume PBW if ID not possible)
- escalation process including alerting bridge crew so that appropriate response can be initiated
- record keeping requirements

It is a minimum requirement for those performing observations relevant to adaptive management measures to complete the PBW observation training. Refresher training is required if PBW observation has not been conducted for greater than 12 months. Trained crew will be provided with observation equipment/tools (whale ID prompts, binoculars etc.).

It is difficult to identify and distinguish the behaviours exhibited by cetaceans, in particular the difference between foraging and migrating behaviour. Woodside references a confidential paper by Thums and Ferreira (2021) prepared for Woodside on the spatial management of PBWs. Based on this, it is suggested that a future inspection of this activity include a topic scope on PBW observation training and implementation of PBW adaptive management controls.

*Conclusion - The EP includes appropriate training and competency requirements for Woodside employees and contractors relevant to the activity. The EP describes the training and competency of those persons responsible for implementing critical controls, such as the adaptive management controls for PBWs.*

#### **Monitoring, recording and reporting arrangements are adequate**

##### **Response to RFFWI #5.2 - Reportable incidents**

RFFWI #5.2 requested Woodside to revise the EP to include reportable incidents, such as a hydrocarbon release from a vessel tank rupture, loss of well control, death or injury to marine fauna and introduction of IMS. In response, Woodside revised Section 7.8.4.4.1.1 of the EP to note that where an actual or potential environment consequence of C+ (moderate and above) is identified this incident will be classified as a reportable incident and appropriate notifications completed. All incidents with actual or potential environmental

consequences will be investigated fully. Although the revised EP does not include a list of reportable incidents, the clarification provided in the EP that incidents with actual or potential environment consequence of C+ will be classified as a reportable incident, is considered to be appropriate.

It is also important to note that these incidents would result in a breach of an EPO and therefore would constitute a recordable incident (described in S7.8.4.2 of the EP). The decision maker can be reasonably satisfied that in the event such incidents occur, NOPSEMA would be notified, however it would be delayed via the recordable incident reporting process. For example, a loss of well control would result in a breach of EPO 17 [No loss of well control resulting in loss of hydrocarbons to the marine environment during the PAP]. Additionally, the Oil Spill First Strike Plan (Appendix H) also requires NOPSEMA to be verbally notified within 2 hours of any hydrocarbon release > 80 L and a written report provided within 3 days.

Table 7.4 outlines the other external incident reporting requirements for Woodside, including reporting to DAWE in the event of death or injury to a listed threatened or migratory fauna species under the EPBC Act.

*Conclusion - Reporting arrangements for the activity are considered appropriate and consistent with Reg14 content requirements.*

#### **Audit, review and non-conformance management is included**

##### Response to RFFWI #5.3 - Auditing frequency

RFFWI #5.3 requested Woodside to provide an appropriate frequency of auditing for the activity that will ensure compliance with the EP is monitored and to demonstrate that environmental performance outcomes and standards are being met. In response, Woodside revised the frequency of the environmental audit from 'at least one audit during the activity' to 'quarterly audits during the activity'. This is a more appropriate audit frequency based on the nature and scale of the activity, noting that the activity may continue for up to 5 years. The frequency is also consistent with the recently accepted Woodside Enfield P&A EP, which included a commitment to perform environmental audits quarterly during the activity (while the MODU is on location).

In addition, Woodside clarified that the audit findings relevant to continuous improvement of environmental performance will be tracked through the MODU or vessel compliance action register, a contractor register between the MODU operator or vessel contractor and Woodside.

*Conclusion - The audit, assurance, review and non-conformance processes included in the EP are considered appropriate for the nature and scale of the activity.*

#### **Ongoing consultation arrangements are in place**

*No material changes since last revision.*

#### **Appropriate Oil Pollution Emergency Plan**

*No material changes since last revision.*

#### **Testing of response arrangements evident**

*No material changes since last revision.*

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#### **findings - GHG emissions topic focus - implementation strategy**

It is presumed that the EMS as presented in S7 would be applied to the impacts and risks related to GHG emissions – there are no GHG-specific management system processes contained in the EP. See findings above for general assessment of EMS.

**Conclusion:** Given the emissions boundary for the development drilling activity, the EP content is sufficient to show GHG emissions are adequately addressed by the implementation strategy.

#### **Submission 3**

*No material changes since last revision.*

#### **Submission 4**



**Content requirements of Regulation 14 are included**

*No material changes since last revision.*

**The titleholder's environmental management system is effective / Evidence that all impacts and risks will continue to be reduced to ALARP and acceptable**

*No material changes since last revision.*

**Management of change, knowledge and learning processes are included**

It is noted that S7.5.1.2 of the EP has been amended to include the requirement to implement the Cultural Heritage Management Plan (CHMP) for the Scarborough Project, as per Condition 7.2 of Ministerial Statement No.1172. The CHMP will detail the process for the Heritage Management Committee to assess new information. Any relevant new information on cultural values will be assessed using the EP Management of Change Process (as per S7.6). This is considered to be an appropriate approach to the management of new information on cultural values.

As described in S7.6, management of changes relevant to this EP will be managed in accordance with regulation 17 of the Environment Regulations. Risks will be assessed in accordance with the environmental risk management methodology (S2.3) to determine the significance of any potential new environmental impacts or risks not provided for in this EP.

**Appropriate training and competencies**

*No material changes since last revision.*

**Monitoring, recording and reporting arrangements are adequate / Audit, review and non-conformance management is included**

*No material changes since last revision.*

**Ongoing consultation arrangements are in place**

It is noted that S7.8.2.1 of the EP has been revised to further outline the ongoing consultation arrangements proposed by Woodside (Table 7.2). Any relevant new information identified during ongoing consultation will be assessed using the EP Management of Change Process (as per S7.6).

Table 7.2 includes ongoing consultation with relevant cultural authorities and Save Our Songlines in relation to the identification, assessment and consideration of cultural values relevant to the Operational Area or EMBA. Stakeholder requests for ongoing consultation / notifications (i.e. AMSA, AHO, DMIRS, Defence etc.) have also been included in Table 7.2. All relevant persons and additional persons will be notified of any significant changes to the proposed activity. In addition, Woodside will assess the claims and/or objections of additional persons who provide feedback post EP submission (to NOPSEMA).

In the event of an oil pollution incident, Woodside will prioritise engagement with those persons who may be directly affected, either by the incident itself or in relation to the regulatory or decision-making capacity with respect to incident response. Should it be identified that additional persons such as, but not limited to, commercial fishers, tourism operators or relevant cultural authorities who may be affected within the EMBA, Woodside would, at the relevant time, engage with these parties as appropriate (S7.8.4.3).

The EP (S7.8.2.1) notes that Woodside hosts community forums at which members are provided updates on Woodside activities on a regular basis (for example community reference group meetings). Representatives are from community and industry and include, Woodside, State Government (for instance relevant Regional Development Commissions), Local Government, Indigenous Groups, Industry representative bodies, Community and industry organisations. Additionally, relevant persons, additional persons and those who are interested, can remain up to date on the activity by subscribing to Woodside's website.

It is considered that the EP contains reasonable information to demonstrate that the implementation strategy provides for effective ongoing stakeholder consultation in accordance with regulation 14(9). *Refer to socio-economic topic scope for findings related to consultation.*

**Appropriate Oil Pollution Emergency Plan / Testing of response arrangements evident**

*No material changes since last revision.*

**Content requirements of Regulation 14 are included / The titleholder's environmental management system is effective / Evidence that all impacts and risks will continue to be reduced to ALARP and acceptable**

Assessment of project fluids

It is noted that the 'assessment of project fluids' content has been moved from Section 3 to Section 7.2.1 in the resubmitted EP. This is to align with the structure and format of other Woodside EPs. No changes have been noted to the content of this section.

IMS risk assessment process

In the resubmitted EP, a new section has been added (S7.2.2) outlining Woodside's invasive marine species (IMS) risk assessment process. This aligns with the content included in other Woodside EPs (such as the Scarborough Seabed Intervention and Trunkline Installation EP, RMS ID: 6875).

All vessels and immersible equipment will be subject to Woodside's IMS risk assessment process (unless exempt, as outlined in the EP). The process was developed with regard to the national biofouling management guidelines (IMO Guidelines 2011). The risk assessment process considers a range of factors (listed in Table 7-2 and Table 7-3) to score and evaluate the risk posed by each Project vessel or immersible equipment planning to undertake activities within the IMSMA / Operational Area (PAA). Vessels and immersible equipment must achieve "low risk" status before entering the Operational Area (supported by EPS 13.1, EPS 13.2, EPS 13.3.1 and EPS 13.3.3). The process allows Woodside (and its contractors) to apply management options that are commensurate to the identified level of risk. The management measures that could be implemented are outlined in S7.2.2.2. The risk assessment process is undertaken by a trained environment adviser (who has completed relevant Woodside IMS training) or by a qualified and experienced IMS inspector. The process also includes a QA/QC process where a secondary trained environment adviser verifies the assessment.

It is noted that the EP does not contain the actual risk ratings that would apply to each factor in the risk assessment process (listed in Table 7-2 and Table 7-3). As such it cannot be determined whether the titleholders process would deliver a 'low risk' result consistent with the IMO Guidelines. It is suggested that this level of analysis be conducted in an inspection of Woodside's IMS risk assessment process. Overall, the detail included in the EP provides a demonstration that risks of IMS are reduced to ALARP and acceptable levels.

**Management of change, knowledge and learning processes are included / Monitoring, recording and reporting arrangements are adequate / Audit, review and non-conformance management is included**

Management of knowledge

It was noted that in the resubmitted EP, S7.5.1.2 (management of knowledge) was updated to remove reference to the Cultural Heritage Management Plan (required as per Condition 7.2 of Ministerial Statement No.1172) and to the Heritage Management Committee. The EP no longer notes that the CHMP will detail the process for the Heritage Management Committee to assess new information. Instead, the EP states "Any relevant new information on cultural values will be assessed using the EP Management of Change Process (refer to Section 7.6)". No changes have been noted to the Management of Change process. It is considered appropriate that new information on cultural values is assessed using the Management of Change process.

*No other materials changes have been noted since last revision.*

**Appropriate training and competencies**

*No material changes since last revision.*

**Appropriate Oil Pollution Emergency Plan / Testing of response arrangements evident**

*Refer to unplanned discharges topic scope for findings related to response capabilities and arrangements.*

**Ongoing consultation arrangements are in place**

*No material changes since last revision.*

Submission 6

**Content requirements of Regulation 14 are included / The titleholder's environmental management system is effective / Evidence that all impacts and risks will continue to be**

**reduced to ALARP and acceptable**

Unexpected finds procedure

In the resubmitted EP, a new section has been added (S7.4) outlining the procedure that will apply in the event of the discovery of what appears to be underwater cultural heritage (UCH) (defined as 'any trace of human existence that has a cultural, historical or archaeological character and is located under water'). The procedure involves; ceasing all activities with the potential to impact the suspected UCH, notification and reporting requirements (internal and external), introduction of buffer area around the suspected UCH and the criteria for recommencement of activities. The procedure incorporates requirements of UCH Act and ATSIHP Act.

Table 7-5 outlines the ongoing consultation engagements for the activity. Table 7-5 includes notification to WA Museum, Australasian Underwater Cultural Heritage Database and any other stakeholders as required in the Unexpected Finds Procedure (Section 7.4), in the event the procedure is triggered (suspected UCH).

The EP includes new EPO (EPO 28), EPS (PS 5.6, 5.7, 5.8) and MC (MC 5.6.1, 5.7.1, 5.8.1) for implementation of the unexpected finds procedure. *Refer to general assessment findings under EPO, EPS and MC.*

**Management of change, knowledge and learning processes are included / Monitoring, recording and reporting arrangements are adequate / Audit, review and non-conformance management is included**

*No material changes since last revision.*

**Appropriate training and competencies**

*No material changes since last revision.*

**Appropriate Oil Pollution Emergency Plan / Testing of response arrangements evident**

*Refer to unplanned discharges topic scope for findings related to response capabilities and arrangements.*

**Ongoing consultation arrangements are in place**

Program of Ongoing Engagement with Traditional Custodians

Section 7.9.2.1 has been updated in the resubmitted EP to include reference to a Program of Ongoing Engagement with Traditional Custodians (contained in Appendix J) developed by Woodside, which has been informed by feedback from Traditional Custodians. The Program is a living document designed to evolve with ongoing consultation and feedback. The Program will be subject to an annual review (at a minimum). Progress of the Program will be reported annually in line with annual sustainability reporting via the Woodside website.

The Program has been developed so that Traditional Custodians can, on an ongoing basis, provide Woodside with feedback relating to the possible consequences of an activity to be carried out under an EP on their functions, interests and activities as they relate to cultural values. This feedback will be evaluated in conjunction with Traditional Custodians and, where necessary, avoidance or mitigation strategies will be developed in collaboration with Traditional Custodians. The Program has been developed to manage uncertainty on the impacts and risks to cultural values which may be identified at any time during Woodside's activities via ongoing dialogue with Traditional Custodians.

The Program will include, as agreed with relevant communities, reasonable commitment to:

1. Support for ongoing dialogue and engagement - includes supporting the capacity of Traditional Custodians to participate in ongoing dialogue and engagement and agreeing consultation protocols with individual Traditional Custodians.
2. Support for the identification and recording of cultural features - includes supporting Traditional Custodians to record and articulate Sea Country values and invest in cultural assessments co-designed with Traditional Custodians. This may also include supporting cultural mapping by Traditional Custodians to identify and map significant cultural features including archaeological sites and other cultural values.
3. Building capacity for the ongoing protection of country - includes support measures to increase capability and capacity of Traditional Custodian groups. "Through consultation with Traditional Custodians, Woodside will continue to:
  - establish support for Indigenous ranger programs via social investment;
  - establish support for Indigenous oil spill response capability via investigating training models;
  - establish support for identification and recording of cultural values and the

- management of that information by Traditional Custodians; and
- establish support for programs identified by the Traditional Custodians as important to them and as agreed by Woodside".

- Support for capacity and capability in relation to governance - may include support measures to increase the capability and capacity of the Traditional Custodian groups, including in relation to governance and management systems. This may include:
  - "funding or other support for community meetings, particularly where consultation with representative bodies lies outside of that body's core business and cultural authority or mandate needs to be secured,
  - resourcing internal expertise so that information is managed consistently and internally, including ensuring appropriate record keeping of consultation to provide stakeholders with a lasting record of discussions, and
  - development or upgrade of IT systems to manage information".

Further details are provided in Appendix J.

The EP includes new EPO (EPO 27), EPS (PS 4.9.1, 4.9.2) and MC (MC 4.9.1, 4.9.2, 4.9.3, 4.9.4) for implementation and review of the Program. *Refer to general assessment findings under EPO, EPS and MC.*

ISSUE - The Program (Appendix J) does not include specific and time bound commitments with First Nations relevant persons that have requested it (e.g., Yamatji Marlpa Aboriginal Corporation, Wirrawandi Aboriginal Corporation and Nganhurra Thanardi Garrbu Aboriginal Corporation). *Refer to socio-economic topic scope for findings related to consultation.*

Table 7-5 outlines the ongoing consultation engagements for the activity, including the Program of Ongoing Engagement with Traditional Custodians (Appendix J). It is noted that any relevant new information on cultural values identified during ongoing consultation will be assessed in accordance with the Management of Knowledge (Section 7.6.1.2) and Management of Change Process (Section 7.7).

#### Submission 7

**Content requirements of Regulation 14 are included / The titleholder's environmental management system is effective / Evidence that all impacts and risks will continue to be reduced to ALARP and acceptable**

##### Thalanyji Sea Country Management Process

In response to RFFWI #1.1, Woodside incorporated a new section into the EP (S7.5) outlining the process that Woodside will implement to identify sea country values relative to BTAC through ongoing consultation. Table 7-5 outlines the ongoing consultation activities with BTAC, and associated timing of each activity. It is noted that a number of the activities presented in Table 7-5 have either been completed or are underway. In any case, Woodside will implement its Management of Knowledge (Section 7.7.1.2) and Management of Change Process (Section 7.8.1) where new information is communicated from BTAC.

BTAC advised during consultation that Thalanyji sea country extends "out to the vast islands off the coast of the Pilbara, including the Monte Bello Islands, Barrow Island, and the Mackerel Islands". Woodside undertook a review of publicly available literature to seek clarity on the extent of sea country for Thalanyji people (presented in S4.9.1.5.3). The publicly available information did not record any instances of Thalanyji sea country extending beyond the Montebello Multiple Use Zone within the vicinity of the islands. S7.5 states "there are no credible planned or unplanned impacts to the Montebello Islands, Barrow Island or the Mackerel Islands or the Montebello Marine Park Multiple Use Zone, or the islands indicated in WC1999/045. They are outside the EMBA for the activity". As outlined in S7.5, Woodside considers that it has taken all reasonable steps to identify cultural features and heritage values of Thalanyji people in the EMBA.

S7.5 notes that "If further guidance from BTAC is received as part of ongoing consultation which changes Woodside's understanding of the extent of Thalanyji Sea Country, Woodside's Management of Change and Management of Knowledge process with EPO 28 will be applied to manage potential impact to newly identified cultural values or features to ALARP and Acceptable levels. This estimation does not limit the extent of consultation with BTAC or the features and values they are encouraged to identify and communicate".

Woodside will implement PS 28 to manage potential impact to newly identified cultural values or features to ALARP and acceptable levels. *Refer to general assessment findings under EPO, EPS and MC.*

**Management of change, knowledge and learning processes are included / Monitoring, recording and reporting arrangements are adequate / Audit, review and non-conformance management is included**

			<p><i>No material changes since last revision.</i></p> <p><b>Appropriate training and competencies</b></p> <p><i>No material changes since last revision.</i></p> <p><b>Appropriate Oil Pollution Emergency Plan / Testing of response arrangements evident</b></p> <p><i>No material changes since last revision.</i></p> <p><b>Ongoing consultation arrangements are in place</b></p> <p><u>RFFWI #2.1 - Ongoing consultation</u></p> <p>RFFWI #2.1 requested Woodside to update the implementation strategy to include the details of ongoing consultation activities with First Nations relevant persons to include specific commitments with clear timeframes, including any activities already committed to by Woodside.</p> <p>In response, Woodside revised Appendix J (Program of Ongoing Engagement with Traditional Custodians) to provide additional information on the specific consultation activities related to ongoing consultation with First Nations relevant persons, including current status of these activities. The detail provided in Appendix J includes specific commitments and timeframes. <i>Refer to socio-economic topic scope for additional findings related to ongoing consultation.</i></p>
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><b>Submission 1</b></p> <p><b>No activity will occur in a World Heritage Property</b></p> <p>No heritage areas are located within the PAA or EMBA (S4.9.1.4). 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.</p> <p><i>Conclusion - The EP does not include an activity or part of an activity being undertaken in any part of a declared World Heritage Property.</i></p> <p><b>Submission 2</b></p> <p><i>No material changes since last revision.</i></p> <p><b>Submission 3</b></p> <p><i>No material changes since last revision.</i></p> <p><b>Submission 4</b></p> <p><i>No material changes since last revision.</i></p> <p><b>Submission 5</b></p> <p><i>No material changes since last revision.</i></p> <p><b>Submission 6</b></p> <p><i>No material changes since last revision.</i></p> <p><b>Submission 7</b></p> <p><i>No material changes since last revision.</i></p>
7	Environment Plan demonstrates appropriate level of consultation	General	<p><b>Submission 1</b></p>

7	Environment Plan demonstrates appropriate level of consultation	General	<p><i>Refer to socio-economic topic scope for findings related to relevant persons consultation.</i></p> <hr/> <hr/> <p><b>findings - GHG emissions topic focus - consultation</b></p> <ul style="list-style-type: none"> <li>Relevant person consultation – it is noted that Table 5-1 states that CCWA is not a relevant person for this activity; however CCWA has raised issues in the consultation relating to GHG emissions (e.g. p91 of EP e-copy). These issues have not been raised in the impact evaluation/acceptability demonstration - these are addressed through earlier findings and not repeated here (see findings against 'Nature and Scale' and 'Acceptable levels' above). See Socioeconomic topic for consideration of the method employed by Woodside to identification of and consultation with relevant persons.</li> </ul> <p><b>Submission 2</b></p> <p><i>Refer to socio-economic topic scope for findings related to relevant persons consultation.</i></p> <p><b>Submission 3</b></p> <p><i>Refer to socio-economic topic scope for findings related to relevant persons consultation.</i></p> <p><b>Submission 4</b></p> <p><i>Refer to socio-economic topic scope for findings related to consultation.</i></p> <p><b>Submission 5</b></p> <p><i>Refer to socio-economic topic scope for findings related to consultation.</i></p> <p><b>Submission 6</b></p> <p><i>Refer to socio-economic topic scope for findings related to consultation.</i></p> <p><b>Submission 7</b></p> <p><i>Refer to socio-economic topic scope for findings related to consultation.</i></p> <p><b>Socio-economic</b></p> <p><b>Submission 1, November 2021 Revision 0</b></p> <p>The assessment of how WEL will manage GHG emissions, including Scope 1, 2 and 3 emissions from the drilling and completions activity, is included within the general assessment findings.</p> <p><b>Effective consultation has taken place</b></p> <p><u>WEL's process for identifying relevant persons for consultation - is it described? Yes.</u></p> <p>Section 5 of the EP describes the process that Woodside undertook for consultation with relevant persons. WEL refer to relevant persons as defined by the Regulations as "stakeholders". Their definition of relevant stakeholders is consistent with the definition of relevant persons in Subregulation 11A(1) of the Environment Regulations (S5.2). In addition, while several State and Commonwealth commercial fishery management areas overlap the operational area, Woodside have used information on fishing effort to determine relevancy for consultation, which is considered appropriate. The following statement in section 5.2 of the EP is not consistent with the regulations: "Woodside has assessed stakeholders as being relevant based on feedback required to support each phase of decision making and planning for activities." It does not appear appropriate to base relevancy of a stakeholder on the information required from them. This statement is not consistent with the description of the process for identification of relevant persons in the recent Balnaves P&amp;A EP (5650) or the Angel Operations EP Revision (6759). Relevancy as defined by Regulation 11A is determined by whether a person or organisation's functions, interests or activities may be affected by the activities to be carried out under the EP.</p> <p>In order to avoid any confusion, the EP should refer to "relevant persons" to be consistent with the Regulations, rather than referring to relevant persons as relevant stakeholders. A request will be made to clarify and amend this term in the EP. [ISSUE 1]</p> <p>The process outputs provided in the EP, i.e. the current list of relevant persons, do not</p>
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suggest that there are RPs missing from consultation. However, this new criteria for selection of relevant persons, i.e. that a person is relevant based on that fact that feedback is required from them (EP, Section 5.2), is not consistent with the requirement of the regulations, nor good practice. Will raise as a process issue [ISSUE 2]

Table 5-1 of the EP further defines who they have identified as a relevant person/stakeholder and provides reasons for their inclusion, i.e. their functions, interests or activities that make them relevant, or not relevant to the petroleum activity. The interests of CCWA are acknowledged in broad sense, (as interested in activities relating to the Scarborough Development) and this is consistent with the other relevant persons identified.

Stakeholder engagement in the event of a spill response is described in Section 5.7 of the OSPRMA (Appendix D of the EP) starting on page 405. [C]

*Conclusion: Relevant persons' functions, interests and activities have been defined but due to the terminology used, clarification is required. Refer Section 5 of the EP, Table 5-1.*

Does the process result in a list of relevant persons that is sufficiently inclusive for the planned activity?

No. It is not clear that CCWA are considered a relevant person, or relevant stakeholder for this activity. Table 5-1 does not reflect that CCWA is relevant person. [ISSUE 3]

While Table 5-1 states that the Conservation Council of WA (CCWA) "have identified themselves as interested in activities relating to the Scarborough Development" WEL have listed them as not relevant to the activity, i.e. not a relevant stakeholder. This is despite the CCWA being identified as a stakeholder in the OPP Table 10-1 and several concerns raised during the consultation process for the OPP. Consequently, CCWA were not consulted on this activity in July 2021 along with the rest of the relevant stakeholders. CCWA made a request to WEL to be consulted on 12 August 2021 and WEL responded by providing CCWA the same information as the other relevant persons.

Completeness of consultation with RP identified as such by WEL in the EP.

The EP clearly defines the "Stakeholders" listed as relevant to the activity in Table 5-1 and all have been emailed information on the activity, including the Consultation Information Sheet as shown within Table 5-5-2. This includes persons that have identified themselves as being interested to Woodside (e.g. CCWA) and persons that the description of environment in Section 4 identifies as relevant. For example, Section 4 describes the socioeconomic environment and states "No fisheries were identified as having a potential interaction with the Petroleum Activities Program." (Section 4.9.2). WEL have still chosen to consult the Western Deepwater Trawl Fishery licence holders as relevant persons, and the Pearl Producers Association. Table 4-14: lists the Commonwealth and State commercial fisheries overlapping the PAA and EMBA together with information on whether fishing effort occurs in the project area. From this, the potential for interaction, a decision on them being a relevant person for consultation was made.

DMG prompts relevant to Regulation 11A:

- Relevant persons' functions, interests and activities have been defined. *Refer Section 5 of the EP, Table 5-1.*

?Yes the EP defines relevant persons' functions, interests and activities. Currently reference is made to relevant stakeholders not relevant persons. See issue 1.

- Relevant persons have been consulted. *Refer Table 5-5-2?, Appendix F and Sensitive Information report.*

Yes. ?Consultation has occurred with RPs including the CCWA via email. It does not appear that any other form or method of consultation was undertaken with the RP defined for this activity, however given the responses provided by RPs this is considered appropriate. [C]

- Relevant persons have been provided sufficient information? *Refer Appendix F and Sensitive Information report.*

?The Woodside Consultation Information Sheet provides information relevant to the activity and is consistent with the EP (checked description of activity including timing and coordinates).

It is noted that one mitigation measure listed in the consultation information sheet, but does not seem to appear in the EP (Section 6.6.5) is in relation to seabed disturbance "no anchoring of support and installation vessels during drilling, construction and installation activities." Given that anchoring is unlikely due to the water depth of the permit areas, this will not be raised as an issue.

Attachment A provided by WEL to CCWA on 15/10 in response to CCWA's specific requests for information on the activity is considered an overall appropriate response to the specific requests. Activity specific detail on GHG emissions that CCWA requested, was not provided as part of this response, however, this information is available in the EP and OPP, the level at which may be sufficient to inform their assessment of the possible consequences of the D&C activity. At the point of submission of the EP, no response from CCWA had been received by Woodside to indicate whether or not their information request had been satisfied. A request will be made for further information to establish whether consultation has been resolved, in that the RP has been provided sufficient information. Provision of the EP and OPP to CCWA would mean that they have access to the same level of information as the Regulator and that would be deemed appropriate, given this information is made publicly available.

Issue: The EP does not demonstrate that reasonable effort was made to follow up CCWA prior to submission of the EP. The EP was submitted on 8 November 2021 to NOPSEMA, which is 3.5 weeks after provision of the requested information, however it is not clear that any efforts were made to follow up prior to the EP submission. The evidence of the consultation process being incomplete is reflected in both the lack of response from CCWA in the EP, and noting correspondence from the EDO and CCWA sent to NOPSEMA post EP submission. [ISSUE 4]

- Relevant persons have been provided a reasonable period to consider information and make an informed response? *Refer Table 5-5-2, Appendix F and Sensitive Information report.*

30 days was provided to relevant persons for their response and this period commenced from 2 July 2021 with the exception of consultation with CCWA who was provided information on 17 September 2021 and further information was provided to CCWA addressing specific queries on 15 October 2021, with a request for a response within 14 days (29 October 2021). See further comments under Sensitive Information Report header below.

#### **Information gathered through consultation is included in the EP**

Requests for notification of activities raised during consultation have been noted and committed to in Table 5-3: Ongoing stakeholder consultation, and appropriate control measures and EPS included in EP section 6.6.4, e.g. PS 4.3 - 4.8, PS 4.5 for AMSA JRCC notification. [C]

Table 5-1 states the following regarding the Pearl Producers Association (PPA): "Although interactions with licence holders in the Pearl Oyster Managed Fishery are unlikely, PPA has requested to be informed of Woodside's planned activities." PPA were emailed the Consultation

Information Sheet and fisheries map, on 2 July 2021, no feedback to WEL was provided.

The acceptability demonstration statements in Section 6.6.2 updated to reflect RP concerns. [ISSUE 5]

#### **Objections and claims have been resolved as far as reasonably practicable**

Objections or claims about adverse impacts of the activity were limited to that raised by CCWA. Department of Defence's claim that the North West Exercise Area overlapped with the activity area was assessed by WEL and found to be outside the operational area (20 km away).

The letter received by NOPSEMA and Woodside from the Environmental Defenders Office dated 17 November (following submission of the EP) refers to new information relevant to the external context and management of GHG emissions that has not yet been considered in the EP. The EP does not demonstrate consideration of new information since the approval of the OPP for the Scarborough project. See findings on GHG emissions [ISSUE 6]

Objections and claims raised in correspondence by CCWA to NOPSEMA have not been resolved, as WEL may not have seen this correspondence. Correspondence was provided on six separate occasions to NOPSEMA, three of which it does not appear that Woodside are aware of (see comments on third party correspondence below). See file note on third party correspondence.

#### **Report on consultation is included and is in line with the content requirements**

The report on consultation, included in the EP consists of Section 5 and Appendix F.

Section 5 of the EP - which describes the process that Woodside undertook for consultation with relevant persons. Woodside consider that consultation undertaken as part of the OPP process is included. Phase 3 is what WEL are terming to be consultation as per Reg 11A. WEL



refer to relevant persons as defined by the Regulations as "stakeholders". Their definition of relevant stakeholders is consistent with the definition of relevant persons in Subregulation 11A(1) of the Environment Regulations (S5.2).

Table 5-1 of the EP further defines who they have identified as a relevant person/stakeholder and provides reasons for their inclusion, i.e. their functions, interests or activities that make them relevant, or not relevant to the petroleum activity.

DMG prompts, the Report on consultation includes:

- the consultation process undertaken. *Yes, refer Section 5 of the EP.*
- how the titleholder has identified relevant persons. *Yes, refer Section 5 of the EP.*
- the name of the relevant person consulted, a brief description of their functions, interests and activities. *Yes, refer Section 5 of the EP, Table 5-1*
- the dates the consultation occurred, the method of consultation (e.g. email, phone call, meeting), and a summary of each response made by a relevant person received during the preparation of the EP (Reg 16(b)(i)). *Yes, refer Section 5 of the EP, Table 5-5-2*
- and an assessment of the merits of each specific objection or claim (Reg 16(b)(ii)) - this is contained within the EP, Table 5-5-2: Stakeholder consultation plan activities. The full text of responses made by relevant persons was reviewed for objections and/or claims about adverse impacts of the activity. At this point in time, no apparent specific claims or objections about adverse impacts of the activity are made within the CCWA letter dated 20/9/2021, only in third party correspondence. An adequate summary of response and assessment of merits was provided for the Department of Defence response.
- Reg 16(b)(iii) statement of the titleholder's response, or proposed response to each objection or claim; *Yes, refer Section 5 of the EP, Table 5-5-2. With the exception of responses to objections and claims with the third party correspondence.*
- copy of the full text of any response made by a relevant person (Reg 16(b)(i)). *Yes, refer Sensitive Information report.*

#### **Sensitive information report contents**

##### **Section 2.9 CCWA p14**

12/8/2021 email and attached letter from CCWA received by WEL

CCWA identify themselves as a relevant person for this activity, and requests consultation under Regulation 11A. The letter notes that CCWA were listed as a stakeholder in the Scarborough OPP. This letter was also provided to NOPSEMA as third party correspondence (A797518).

- The information that CCWA are interested in the activity has been included in the EP.
- No objections and claims about the adverse impacts of the activity to which the EP relates are raised by CCWA in this letter.

20/8/2021 WEL provided the Consultation Information Sheet in response to CCWA's request for consultation and set the feedback date as 20/9/2021 (31 days) which provides a reasonable timeframe for consultation.

14/9/2021 (3.5 weeks later):

17/9/2021: WEL responded to CCWA and did not allow for an extension nor provided the draft EPs, providing the reasons why. Not providing the full EP is considered reasonable as the EP was not yet ready at this stage, nor provided to other relevant persons. Further time could have been allowed, and may have assisted an open and peaceable consultation process.

20/9/2021: CCWA responded with a formal letter outlining the grounds that CCWA are a relevant person - the first reason being that they are "the peak conservation organisation for Western Australia" and stating that the information provided "falls short of the consultation that Woodside is required to undertake...under cl 11A of the ... Environment Regulations." Specific information requests are listed in detail. Paragraph 29 asserts that the consultation has not commenced until the information requested is provided. No apparent specific claims or objections about adverse impacts of the activity are made within this letter. Assertions that insufficient information and time has been provided are made clearly and the provision of the specific information requested has been addressed by WEL. Paragraph 9c states that "CCWA has commissioned and published extensive independent research on the impacts of the proposed Scarborough development, and how it would affect the environmental and cultural values that CCWA seeks to protect through our constitutional mandate and charitable purpose."

7/10/2021: WEL acknowledged their letter and stated a timeframe for their response to the

letter.

15/10/2021: WEL provided a response to CCWA stating that the information on the impacts and risks is in the OPP, which was reviewed by CCWA. Further information, addressing each numbered request for information in the letter has been given to CCWA in an attached table, which is considered appropriate. WEL's response to the claim that CCWA are a relevant person is appropriate, i.e. they have now been consulted as a RP. WEL did not respond to the claim that a reasonable period for the consultation has not been provided, and requested a response from CCWA within 14 days which does not appear to be an appropriate timeframe, and the process appears to be incomplete. However, it can be seen that efforts were made to provide clear and relevant information in response to the specific information requests made by CCWA. By referring to the D&C EP and not providing the draft EP to CCWA, it can be seen that some information was not provided as requested being, direct emissions estimates and control measures for direct and indirect emissions.

If further submissions are made by CCWA, prior to acceptance then these should be included in the EP and merits assessed.

#### **Consideration of third party correspondence received by NOPSEMA**

*Note that third party correspondence received by NOPSEMA from relevant persons will be treated as a response provided by a relevant person.*

- A797518 Letter from CCWA to Woodside, received by NOPSEMA on 12 August 2021.

CCWA identify themselves as a relevant person for this activity, and requests consultation under Regulation 11A. The letter notes that CCWA were listed as a stakeholder in the Scarborough OPP.

The full text of this correspondence has been included in the EP Sensitive Information Report.

WEL's response on 20/8/2021 was to provide the Consultation Information Sheet and refer out to project information on their website, and set a date (20/9/2021) that was 31 days from the date of providing the information. This is considered to be a reasonable timeframe for consultation.

- A803682 email to NOPSEMA and A804500 attached Letter from CCWA to WEL dated 20 September 2021

Letter claims that "that the provision of the Information Sheet falls short of the consultation that Woodside is required to undertake", i.e. that sufficient information has not been provided, that CCWA are a relevant person and that a reasonable period has not been provided.

[REDACTED]

Provided with the letter is the Geologic Note titled "Seal failure assessment of a major gas field via integration of seal properties and leakage phenomena" A808516.

Both the letter and report do not appear to have been considered by Woodside in developing their EP (e.g. study referenced in the EP). For the purpose of transparency and due process, these documents will be provided to WEL and CCWA informed of our intention to do so.

- A810459 - email thread from CCWA to NOPSEMA with attachments 3 attachments, attachment on "indirect impacts on Dampier Archipelago" subsequently updated later on 28/10/2021 (A810471)

Several concerns are raised in the attachment, including asserting there will be indirect impacts on Dampier Archipelago National Heritage Place from the development of the Scarborough gas field including on petroglyphs/rock art of the Burrup Peninsula. In addition, CCWA raise the concern that existing approvals do not cover impacts on rock art and this is the subject of a legal challenge to be heard in the Supreme Court of WA in December 2021. The Department of Water and Environmental Regulation (DWER) has primary responsibility

for the day-to-day implementation of the 'Murujuga Rock Art Strategy', which is a "monitoring, analysis and decision-making framework to protect Aboriginal rock art located on Murujuga (the Dampier Archipelago and Burrup Peninsula)".

This letter also requests that the Murujuga Aboriginal Corporation (MAC) be considered a relevant person for the purposes of consultation. This has not been considered by WEL in the EP, and the MAC have not been identified as a relevant person/stakeholder. However it is not clear that WEL are aware of this information. The full text of this correspondence has NOT been included in the EP Sensitive Information Report. The research article on rock art, provided as an attachment to the email, has not been referenced in the EP and is publicly available. For the purpose of transparency and due process, these documents will be provided to WEL and CCWA informed of our intention to do so. Consideration of MAC's relevancy to the activity will need to be part of the assessment of merits of claims made.

In the OPP, Appendix M (e-pg 1880) it states "On the afternoon that the OPP public comment period closed on 30 August 2019, the Murujuga Aboriginal Corporation (MAC) lodged a request for a two-week extension to comment on the OPP. In response to this request, Woodside's [REDACTED] met with MAC's [REDACTED] on 2 September 2019....While MAC advised of its intention to make comment on the Dredging and Spoil Disposal Management Plan required by the Western Australian Environmental Protection Authority as part of its assessment of the proposed development, MAC responded that it did not have any particular concerns about the OPP." This shows a willingness to engage with potentially relevant persons. And also confirms that MAC did not have particular concerns about the OPP. [FLAG FOR ASSESSMENT OF RESUBMISSION]

The EP describes the cultural heritage and national heritage value of the Burrup Peninsula including the presence of rock art within Section 11 of Appendix I (e-page 740). The Murujuga Aboriginal Corporation are recognised as co-managers of the Murujuga National Park together with the Department of Biodiversity, Conservation and Attractions.

- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- A818701 Letter from from the Environmental Defenders Office, acting for the Conservation Council of WA Inc (CCWA), dated 9 December 2021. A 9 page letter written to NOPSEMA regarding the Scarborough Drilling and Completions Environment Plan.

The CCWA continue to assert that they are a relevant person in accordance with Regulation 11A, and are aware of the EP content stating that CCWA are not a relevant person (paragraph 6). See issue 3 above.

They state that the information provided by Woodside "to date falls short of the consultation required... under cl 11A" and that requests for information have not been met.

- Email from CCWA to NOPSEMA with 2 attachments, provided on 15 December 2021 (NOPSEMA reference A819191)
  - Email Attachment 1: Letter from CCWA dated 15 December 2021, addressed to the NOPSEMA [REDACTED] (NOPSEMA reference A819193)
  - Email Attachment 2: Report written by Climate Analytics, titled 'Warming Western Australia - How Woodside's Scarborough and Pluto Project

## Submission 2

### Effective consultation has taken place

In response to letter point 6.1, WEL has sufficiently addressed the requests as follows:

- changed the terminology to "relevant person" in section 5 of the EP to be consistent with the regulations. Note this change has not consistently been made throughout the EP, e.g. in Section 6 of the EP (and in the OSPRMA), therefore at times control measures and measurement criteria still refer to relevant stakeholders, instead of relevant persons. In addition, Appendix F - Stakeholder Consultation still contains reference to relevant stakeholders.
- clearly identified Conservation Council of WA (CCWA) as a relevant person for the activity in Table 5-1 of the EP.
- provided a clearer definition of WEL's criteria for determination of whether a stakeholder is considered a relevant person within Section 5.3.

A much clearer process of what has been done to date in relation to relevant person consultation and WEL's future commitments for ongoing consultation has been included in the EP.

Reference is made to the "NOPSEMA Bulletin #2 – Clarifying statutory requirements and good practice consultation – November 2019" however, this bulletin has been removed from our publications. <https://www.nopsema.gov.au/assets/Bulletins/A696998.pdf>. Will request this reference is removed. [RFFWI - administrative matter]

In response to letter point 6.2, in which information was sought on whether further consultation had taken place with CCWA post EP submission and letter point 6.3 (consideration of third party correspondence), WEL have:

- responded to CCWA on 25 February 2022, summarising CCWA's third party correspondence into 10 objections/claims made; and
- summarised WEL's responses in Table 5-3 of the EP and provided the same table and contents in the Sensitive Information report.

Aside from their response to CCWA on 25 February 2022, it appears that no further consultation measures, post submission of the EP in November 2021, have taken place and pg 101 pf the tracked changed EP states "Woodside considers this adequately addresses stakeholder interests and no further consultation is required on this EP." The responses provided by Woodside on 25 February 2022 to CCWA's key objections and claims made within correspondence provided to NOPSEMA are considered to be for the majority, sufficient for this drilling and completions activity. It is noted that several requests for information relate to the broader Scarborough Project and that information should be provided to CCWA at the relevant time, but not in support of this EP.

Relevant persons' functions, interests and activities have been defined appropriately in Table 5-1 of the EP and further information provided within correspondence between WEL and other stakeholders. For the stakeholders that had written to WEL to self-identify as relevant person for consultation in relation to this EP, and WEL determined that they were not relevant persons, sufficient reasoning has been provided in return correspondence to that party. Full text of this return correspondence is included in the Sensitive Information Report. [C]

Relevant persons have been consulted for this EP, as evidenced in Table 5-1 of the EP. [C]

Relevant persons have been provided sufficient information - It is noted that in the third party correspondence received from EDO/CCWA, claims are made that the information provided has been insufficient. However, it can be seen that sufficient information, that is relevant to this particular activity stage, has been provided to CCWA. The determination of sufficiency is based on the requirement in Regulation 11A which requires the titleholder to give each relevant person sufficient information **to allow the relevant person to make an informed assessment of the possible consequences of the activity on the functions, interests or activities of the relevant person**. The EP, OPP and responses provided to CCWA acknowledge the potential impact of GHG emissions from the activity contributing to climate change and state that impacts to the Murujuga rock art are not indirect consequences of this drilling and completions activity. Therefore, sufficient information has been provided for the relevant persons to make an informed assessment as to whether they are impacted. [C]

Relevant persons have been provided a reasonable period to consider information and make an informed response. Consultation with relevant persons commenced on 2 July 2021, with the exception of consultation with CCWA who was provided information on 17 September 2021. It is noted that requests for further information regarding impacts of the broader project continue to be made by CCWA, however, for this activity a reasonable period has been given for relevant persons to consider the information provided and make an informed response. [C]

#### **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 4 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 4 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 drilling and completions activity, have been adequately addressed by WEL. Climate change is raised as a concern in all 4 letters and Section 6.7.2 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 drilling and completions activity does not result in the extraction of gas. These potential impacts may need to be re-assessed for relevance in future production activities.

Table 5-3 summarises the correspondence provided by CCWA and EDO to NOPSEMA into 10 objections/claims made by CCWA and provides an assessment of merit and WEL's response to these 10 objections/claims. The responses provided by WEL to CCWA sufficiently covers the key concerns relevant to this activity. It is noted that relevant additional information requests have been included in the EP. Where WEL have considered the information provided by CCWA/EDO as not applicable to the activity, no changes have been made to the EP.

#### **Objections and claims have been resolved as far as reasonably practicable**

Letter point 6.3 requested that in response to the third party correspondence, for WEL to revise the consultation report to ensure that all claims and objections about the adverse impact of each activity to which the EP relates are:

- Adequately identified and correctly classified as an objection or claim.
- Adequately assessed for merit.

Please also provide a clear statement of response, or proposed response, to each objection or claim that reflects the measures adopted because of the consultation, and the information that is to be included in the EP. The purpose of using this method was to ensure clear and transparent consideration of the key objections and claims raised within the third party correspondence, that are relevant to the activity.

Table 5-3 summarises the correspondence provided by CCWA and EDO to NOPSEMA into 10 objections/claims made by CCWA and provides an assessment of merit and WEL's response to these 10 objections/claims. The consideration given and the responses provided by WEL to CCWA sufficiently covers the key objections and claims relevant to this activity. Apart from CCWA/EDO drawing attention to insufficient information being provided in the consultation process, a significant portion of the correspondence relates to air emissions from the broader Scarborough Project, including GHG emissions and its impact on climate change and the Murujuga rock art. It is noted that further clarity in the control measures proposed to reduce GHG emissions from this activity would strengthen the argument that emissions are reduced to ALARP. This has been raised above in the general assessment findings under ALARP, and is not raised as an issue here.

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 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.

In conclusion, NOPSEMA is reasonably satisfied that the EP demonstrates that relevant person objections and claims have been resolved as far as reasonably practicable. [C]

#### **Report on consultation is included**

A report on consultation has been 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.

Department of Agriculture, Water and the Environment (DoAWE) are considered to be a relevant person for this activity (Table 5-1). However, the full text of the advice received from DAWE on the blue whale distribution BIA has not been provided within the EP. This information will be requested in support of the level of control measures proposed for management of noise impacts to blue whales in a distribution area. [RFFWI]

Overall, the relevant person consultation process has been implemented in accordance with regulatory requirements and reflected in the EP. There is one exception, being the full text record from DoAWE, as noted above.?

#### **Consideration of third party correspondence**

Third party correspondence is considered a separate process to relevant person consultation. Therefore the information received from a third party is considered by the assessment team for relevancy to the activity, but is not required to feature in the consultation report under Regulation 11A and 16b.

Additional third party correspondence was received by NOPSEMA from FARA on 17 January 2022. NOPSEMA then forwarded this correspondence (advising FARA) to WEL on 28 January 2022. No changes have been made to the EP in response to the FARA correspondence dated 17 January 2022. This is considered to be appropriate on the basis that WEL have determined that they are not relevant persons, the key concerns raised have been covered by the EP, and the information provided is on rock art impacts, i.e. not relevant for consideration for this specific activity.

Third party correspondence was also received by NOPSEMA from EDO on 16 March 2022. Key concerns raised in this correspondence were considered and it was determined that while CCWA have made information requests relating to GHG emissions impact and risk assessment that may be relevant for future EP submissions, that is not considered to be within the scope of this activity. In addition, the EDO/CCWA reiterate the concern that NOPSEMA should refer the Project under the EPBC Act - this matter is under consideration by NOPSEMA. This activity is part of the Scarborough Offshore Project Proposal (OPP). The OPP was accepted by NOPSEMA on 30th March 2020.

### **Submission 3**

#### **Effective consultation has taken place**

On 7 April 2022, Greenpeace Australia Pacific Limited wrote to Woodside (A837936), copying in 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:

- 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.
- 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."
- The active campaigns by Greenpeace against Woodside's Scarborough project, specifically targeting matters relevant to the drilling activity.

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.

Conclusion: the EP does not demonstrate that the consultations have been carried out and appropriate measures have been adopted, therefore effective consultation with relevant persons has not taken place.

#### **Information gathered through consultation is included in the EP**

RFFWI letter item 1: Advice received from the Protected Species and Communities Branch at DAWE is not included in the consultation report

In response to the issue identified in the RFFWI letter, the advice from DAWE has now been included in the EP in the following sections: EP, Section 5 Table 5.2 , Appendix F Stakeholder Consultation, Section 4.6.3 Description of the environment - marine mammals and the Sensitive information document.

*Conclusion: Information gathered from relevant person consultation to date has now been included appropriately in the EP.*

#### **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.

*Conclusion: Objections and claims have been resolved as far as reasonably practicable.*

#### **Report on consultation is included**

Updates to the report on consultation have been made as discussed above. The Sensitive Information Report captures correspondence received from DAWE; FARA (acknowledging that are not considered to be a relevant person for this activity but request consultation on future activities) and Greenpeace Australia Pacific. Noting that FARA and Greenpeace Australia Pacific are not considered by Woodside to be relevant persons. No further consultation responses from a relevant person appears to have been received by Woodside.

*Conclusion: 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.

#### **Consideration of third party correspondence**

As noted above, on 7 April 2022, Greenpeace Australia Pacific (Greenpeace) made a submission to Woodside Energy Ltd, cc'ing NOPSEMA. This letter, sent via email (A837936) provides reasons as to why they consider themselves to be a relevant person, namely that they are "dedicated to the conservation and protection of the natural environment of Australia, including the marine environment, and that over 150,000 people have written to the [REDACTED] of Woodside about the Scarborough Gas Project through the Greenpeace-hosted site. No further third party correspondence was received in relation to this activity.

#### **Submission 4**

The decision made by the Federal Court of Australia in *Tipakalippa v National Offshore Petroleum Safety and Environmental Management Authority (No 2)* [2022] FCA 1121 (the Tipakalippa decision) on 21 September 2022, now represents the law regarding requirements for consultation in accordance with the Environment Regulations. 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 Tipakalippa decision. It should be noted that this issue is being raised in addition to the matters raised below. [Issue]

#### **Effective consultation has taken place**

*Appropriateness of the process used for identification of relevant persons and implementation of the process;*

*Relevant persons have been consulted and relevant persons' functions, interests and activities have been defined* [Regulations 11A (1)];

*Sufficient information provided and a reasonable period* [Regulations 11A(2) and (3)];

The description of the process for identification of relevant persons is provided in Section 5 of the EP and has changed substantially since the previous revision of the EP. The process described includes the nine factors/criteria considered in determining who is a relevant person under subregulation 11A(1)(d), as follows:

1. consideration of the nature and scale of the activity
2. review of Woodside's existing EP stakeholder list which is informed by Woodside's consultation process
3. understanding the potential for interaction based on the timing and location of the activity
4. identifying the environment that may be affected by unplanned events; the Risk Environment that May Be Affected (Risk EMBA) using stochastic modelling to inform assessment of relevant government departments for incident response planning
5. a review of the most recent fishery data such as AFMA ABARES data and DPIRD FishCube to inform recent fishery activity in the activity area
6. consideration of previous Woodside consultation in the activity area
7. advice from representative industry associations
8. input from other stakeholders as to other potentially relevant persons as appropriate
9. consideration of non-government organisation public campaigns as appropriate

These criteria appear to be largely inclusive of stakeholder groups that may be affected by the activities to be carried out under the environment plan, in addition to those listed in the regulations (i.e. Regulation 11A(1) (a) to (c) and (e)). Woodside's process makes a distinction between relevant persons and additional persons, and states for both that "relevant consultation information [will be] provided as appropriate" (in Figure 5-1).

However the identification process outputs listed in Table 5-1 (titled "Assessment of Relevant Persons and Additional Persons for the Proposed Activity") do not clearly make the distinction about who is considered by Woodside to be relevant person. Several examples of where it is not clear in the EP that a stakeholder has been considered as a relevant person and treated as such are listed below.

Conclusion: The process for relevant person identification appears reasonably inclusive, including consideration of the intersection of the activity with values and sensitivities, however will need review based on the Tipakalippa decision. In addition, the EP does not demonstrate consistent implementation of the process by clearly identifying who is



a relevant person, and providing records of consultation undertaken in accordance with Regulation 11A. [Issue]

#### Greenpeace

In response to the OMR letter dated 30 May 2022, Woodside now considers Greenpeace to be a relevant person under Regulation 11A for the purposes of consultation in the course of preparing this EP. This is stated in Table 5-1: Assessment of relevant persons for the proposed activity (epg 105, tracked EP) and in the Sensitive Information Report (Email from Woodside to GAP dated 15 June 2022, epg 72).

To demonstrate that Woodside provided sufficient information and a reasonable period to Greenpeace for consultation purposes, the EP provides the following information:

On 29 April 2022, direct links to the publicly available Drilling and Completions EP and Scarborough Development Offshore Project Proposal (OPP) were provided in Woodside's email to Greenpeace (Sensitive Information Report, pg 71). In addition, in response to Greenpeace's request for information within their letter dated 7 April, Woodside responded to each information request, including references to specific sections in the EP and OPP and provided a direct link to the publicly available EP (Rev 0) again on 15 June 2022 (Sensitive Information Report, pg 72). For Greenpeace to make an informed assessment of the possible consequences of the activity on its functions, interests or activities, it is reasonable that the level of information provided within the full published EP (Revision 0), together with the response provided to Greenpeace's request for information, is considered sufficient information. Greenpeace acknowledge in their letter dated 29 June 2022 that their feedback is prepared based on Revision 0 of EP available on the NOPSEMA website. Therefore, sufficient information was provided on 15 June 2022. A reasonable period for the consultation is therefore considered to have been given as at September 2022 given that it is greater than the 30 days that is widely accepted to be a reasonable period for considering information provided.

It is acknowledged that Woodside's response to Greenpeace on 5 September 2022, and submission of the EP on 5 September did not allow an opportunity for Greenpeace's further response. This is raised in Greenpeace's letter, received as third party correspondence by NOPSEMA, dated 9 September 2022 in which they request an additional four weeks to make an informed assessment and provide feedback to Woodside. In addition, the claims included by Greenpeace in their letter dated 9 September 2022 include that "the information provided to Greenpeace by the Proponent, and the period afforded for consultation, to date falls short of the consultation required" and that the EP does not meet the acceptance criteria in regulation 10A. No new claims are considered to have been made in this letter dated 9 September 2022.

Woodside states that "The Consultation Information Sheet for this EP has been available on the Woodside website since 2 July 2021 and the publicly available draft EP was published on NOPSEMA's website on 15 November 2021. On 15 June 2022, Woodside provided GAP with 30 days for consultation relating to this EP, consistent with other stakeholder response times."

Conclusion: Sufficient information and a reasonable period have been provided to Greenpeace. The determination of sufficiency of information is based on the requirement in Regulation 11A which requires the titleholder to give each relevant person sufficient information to allow the relevant person to make an informed assessment of the possible consequences of the activity on the functions, interests or activities of the relevant person. The published EP (Revision 0), Scarborough Development OPP and responses provided to Greenpeace provide sufficient information on the drilling and completions activity for Greenpeace to make an informed assessment as to whether their interests are impacted. The determination of whether relevant persons have been provided a reasonable period is related as it is based on the time needed for a relevant person to consider the information and "make an informed assessment of the possible consequences of the activity on the functions, interests or activities of the relevant persons" [Regulation 11A (2) and (3)]. [C]

It is acknowledged that a substantial amount of further information requests and statements of insufficiency of the EP have been made by Greenpeace on 29 June 2022, and that GAP states in their 9 September 2022 letter that "We do not consider that the Proponent has adequately responded to or addressed the issues we raised on 29/6/22."

The claims/objections made by Greenpeace are summarised in Table 5-4 of the EP. See findings below under Report on Consultation.

#### Australian Conservation Foundation (ACF)

It is not clear from Table 5-1 that ACF are considered to be a relevant person. ACF self-identified to Woodside as a relevant person on 15 July 2022, through a letter written by the EDO on their behalf. ACF appear to meet Woodside's relevant person criteria 2,6, and 9 as

they were identified as a stakeholder within the OPP in February 2020 (OPP, p742) and are identified as having a public campaign against the Scarborough project (tracked EP table 5-6, p161). In addition, potential grounds for considering them to be a relevant person are presented in their letter dated 15 July 2022 in points 13 a-d (Sensitive Information Report p137-138). For example: [REDACTED]

The EP shows that Woodside did not respond to ACF until 5 September 2022 (Table 5-2 and Sensitive Information Report p140), the day of EP resubmission. Included in Woodside's response is the assertion that sufficient information has been publicly available to ACF since 15 November 2021 (i.e. when the EP was published on NOPSEMA's website): [REDACTED]

In the letter from EDO/ACF dated 15 July 2022, it is clear that ACF had accessed the full EP (Revision 0), as references to specific EP sections are made within their letter. ACF state that the Drilling Plan does not include a total estimate of the direct GHG emission of the activities the subject of the plan. This information was provided to ACF on 5 September 2022 (SI Report p142).

Conclusion: ACF appear to meet Woodside's relevant person criteria 2, 6 and 9, and is therefore an example of where Woodside's relevant person identification process does not appear to have been consistently applied. [Issue]

Sufficient information was not provided in response to ACF until 5 September 2022, the day of EP resubmission, therefore it can be seen that a reasonable period for the consultation was not provided. [Issue]

#### Save Our Songlines

It is reasonably clear from Table 5-1 and Table 5-5 (tracked EP p155), and in Woodside's response that Save Our Songlines are not considered to be a relevant person (p134 Sensitive Info Report). Save Our Songlines self-identified to Woodside as a relevant person on 6 June 2022.

Contrary to the determination made by Woodside of relevancy, the criteria within Woodside's process for identification of relevant persons that would include [REDACTED] and [REDACTED] as relevant persons are:

- input from other stakeholders as to other potentially relevant persons as appropriate (FARA letter dated 22 June 2022)
- consideration of non-government organisation public campaigns as appropriate.

However, the factor that would exclude them as a relevant person is "understanding the potential for interaction based on the timing and location of the activity". Tracked EP pg155 states "Given the location, nature and scale of the activity proposed to take place under the D&C EP as well as a current understanding of the ethnographic survey results, Woodside does not currently consider cultural practices, businesses, interests and activities set out in the letter will be affected in relation to the D&C EP." It remains unclear as to whether [REDACTED] and [REDACTED] are considered as relevant persons by Woodside. [Issue]

Should Save Our Songlines be considered a RP, the following issues need to be addressed:

The EP shows that Woodside did not respond to Save Our Songlines until 1 September 2022 (p134 Sensitive Info Report). Woodside provided the D&C EP information sheet with the letter to SOS and confirms that ethnographic surveys were undertaken with Traditional Custodian Elders, and that the ethnographic surveys have not identified ethnographic sites or values in the area. In responding to SoS in Table 5-5 (but not in the letter to SoS), Woodside claim that the report contains information that may be culturally restricted, and is therefore not provided. The response then states "a summary of this work and its results are provided in Section 4.9.1." However WEL did not provide S4.9.1 of the EP in their response to SoS. Responding to Save Our Songlines? on 1 September 2022, with EP resubmission on 5 September, does not provide a reasonable period for the consultation. It is noted that the engagement attempts made with Save Our Songlines have not been described in the D&C EP, including in the Sensitive Information Report [Issue]

It is noted that Save Our Songlines have been identified for ongoing consultation within Table 7-2: Ongoing consultation engagements (Tracked EP, epg 358).

Conclusion: Save Our Songlines appear to meet Woodside's relevant person criteria 8 and 9, and is therefore an example of where Woodside's relevant person identification process does not appear to have been consistently applied. [Issue]

A reasonable period for the consultation was not provided to SoS. [Issue]

#### Consultation with relevant cultural authorities

Through the course of the assessment, it was important to understand the relevant cultural authorities for the area that intersects with the activity impact area (in order to understand as best as possible the cultural heritage values within the activity area).

Further, the relevant marine park management plans, i.e. the North-west Marine Parks Network Management Plan, identifies for the closest marine park, the Gascoyne Australian Marine Park, that in terms of cultural values, "the Gnulli people have responsibilities for sea country in the Marine Park" and "the Yamatji Marlpa Aboriginal Corporation is the Native Title Representative Body for the Yamatji region", which encompasses the Gnulli Native Title determination areas. This can be seen on the YMAC website and the National Native Title Tribunal maps. The functions and objectives of YMAC were reviewed on their website and this confirmed that they would be the appropriate representative body for consultation. There are no native title claims or determination areas within the activity impact area (Refer to map accessed from [http://www.nntt.gov.au/Maps/WA\\_NTDA\\_Schedule.pdf](http://www.nntt.gov.au/Maps/WA_NTDA_Schedule.pdf) on 29 September 2022).

S4.9.1.2 Indigenous Sites of Significance in the EP states that "Communication with the Yamatji Marlpa Aboriginal Corporation, as the Native Title Representative Body for the Pilbara region, confirmed that the appropriate Indigenous representatives for Scarborough related activities are represented by the Ngarluma Aboriginal Corporation (NAC), whose determined Native Title is closest to the project area, and the Murujuga Aboriginal Corporation (MAC) (representing Ngarda Ngarli People comprising Mardudhunera, Ngarluma, Yaburara, Yindjibarndi and Wong-Goo-Tt-Oo Peoples) under the Burrup and Maitland Industrial Estates Agreement."

MAC, NAC and YMAC are listed in Table 5-1 with an appropriate description of their functions and interests. Table 5-1 confirms that Woodside approached YMAC 'to confirm additional cultural values (if any) within the Operational Area.' Tracked EP Table 5-2 pages 121 and 122 states that "This survey found no ethnographic values within the Operational Area or EMBA." Which provides the reasoning against RP criteria 3 of "understanding the potential for interaction based on the timing and location of the activity".

Table 5-2 shows that Woodside generally engaged these organisations in order to inform the description of cultural heritage values and sensitivities within the environment that may be affected by the activity. However, the purpose of this engagement was not necessarily for consultation as a relevant person. e.g. YMAC was engaged to "to request advice on the appropriate cultural authorities for the Scarborough project area". MAC and NAC were engaged to undertake two ethnographic surveys in 2019 and 2020. For MAC, in Table 5-2 Woodside states that "Woodside has been consulting with MAC on the Scarborough project area generally since 2018, including over the area for which this EP relates, including for the purpose of identifying heritage or environmental values of significance to MAC or Ngarda Ngarli People". However, no further information to support this (e.g. records of meetings, information provided or discussed etc) has been provided in the EP. Therefore it is not clear whether Woodside have engaged YMAC, MAC and NAC as relevant persons. [Issue]

It is noted that CCWA in third party correspondence dated 27 October 2021 to NOPSEMA recommended that MAC be considered a relevant person for the purposes of consultation on the EP by Woodside on the basis of "significant indirect impacts on the Dampier Archipelago National Heritage Place".

Should YMAC, MAC and NAC be considered to be relevant persons, it is unclear whether sufficient information was provided to these organisations as the information provided and full text responses are not provided in the Sensitive Information Report. Subsequently, it is also unclear that a reasonable period for the consultation has been provided. [issue]

#### **Information gathered through consultation is included in the EP**

- Notifications in the event of an oil spill for "relevant stakeholders" has been added to Table 1-1 of the Oil Pollution First Strike Plan (EP Appendix D).
- Amendments to the EP indicated in Table 5-4 in response to Greenpeace's claims have largely been included in the EP. Exceptions noted above include AMCS and "all

relevant Aboriginal and Torres Strait Islander stakeholders" inclusion as a relevant person.

**A report on consultation** is included in the EP as follows [Regulation 16(b)]:

*Summary of RP responses; Assessment of merits of objections and claims; TH's response/proposed response; Full text of response*

Greenpeace: summary of Woodside's consultation with Greenpeace in the course of preparing this EP is provided in Table 5-2: Stakeholder consultation activities during development of the EP. This includes further information provided to Greenpeace in response to their information requests on 7 April 2022 and 29 June 2022.

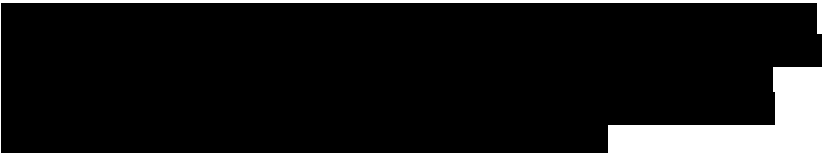
Greenpeace (GP) presents a range of concerns within the letter that can be broadly summarised under the following areas:

1. Consultation with relevant persons (Indigenous peoples, Environmental sector representatives e.g. Australian Marine Conservation Society, Marine tourism operators)
2. Impact and risk assessment
3. Scope 3 GHG emissions and Australia's international climate commitments (specifically, the application of the indirect consequences policy; and climate-related impacts to MNES such as the GBR and Ningaloo coral reef systems,)
4. Consistency with Blue Whale conservation management plan (climate impacts from scope 1 GHG emissions, cumulative impacts, acoustic impacts)
5. Unplanned hydrocarbon releases
6. Woodside's track record as a fit and proper Proponent

It is noted that several statements in the letter dated 29 June 2022 are addressed to NOPSEMA.

?Assessment of merits of objections and claims is provided in Table 5-4 of the EP. Table 5-4 of the EP presents 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" and Woodside's assessment of the merits of each specific objection or claim and their response. This includes an appropriate summary of the full text of the responses received from Greenpeace and an assessment of merits of their objections and claims that were relevant to the activity. The level of response to each claim/objection differs significantly and where issues raised would result in a change to the environmental management of the activity, these have been raised in the letter, e.g. identification of and consultation with relevant persons.

Further consideration was given to the following issues:

- 
- Claim 1.c and 1.d- Greenpeace recommend that the Australian Marine Conservation Society also be contacted as a potential 'relevant person' and marine tourism representatives (that operate near the PB whale BIA) should be contacted as a potential relevant persons. Instead of assessing the merits, a description of the factors that Woodside use to identify relevant persons is provided in Table 5-4. However, the controls for managing noise impacts on cetaceans are appropriate, see protected matters topic scope. An internet search of marine tourism operators did not reveal any operators in the activity area and the EMBA.
- Claim 2a - the depth of experience of risk workshop attendees was questioned, including the panel's experience on gas leakage management. The concern about gas leakage was also raised by CCWA through the University of Oxford letter and geological report. Expertise on the potential for gas leakage from a reservoir management perspective is being sought from NOPTA. Woodside's response was that personnel with "extensive experience and understanding across all topics highlighted" were present at the risk identification workshop.

NOPSEMA as part of the assessment process independently reviews the risk evaluation workshop outcomes presented in the impact and risk evaluation sections of the EP. The EP has identified and evaluated all key impacts and risks associated with the activity and therefore it can be seen that the claims relating to the risk of personnel experience and potential conflicts of interest downplaying the significance of impacts and risks of the activity are sufficiently managed.

In response to the objections/claims in relation to GHG emissions and climate impacts (listed as claims 5a - 5j), Woodside responded with Scope 1 emissions estimates and a reference to

the OPP for an evaluation of the Scarborough project emissions. Their approach to offsets is described at a high level and points to the Woodside Climate Report 2021.

The full text responses from Greenpeace have been included in the Sensitive information report. 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. However new correspondence from Greenpeace was received by NOPSEMA and Woodside after submission of the EP, see below.

#### Consultation with relevant cultural authorities

For the following organisations, no objections or claims of the adverse impact of the activity on their functions, interests or activities was presented in the EP. However as noted as an issue above, insufficient information has been provided in the EP on these engagements, e.g. summary of response, full text of response.

- Ngarluma Aboriginal Corporation (NAC) are identified in Table 5-2, with a summary of engagement held on 1 May 2019 in relation to the ethnographic survey undertaken.
- Murujuga Aboriginal Corporation (MAC) are identified in Table 5-2, with a summary of engagement held on 1 May 2019 in relation to the ethnographic survey undertaken.
- Yamatji Marlpa Aboriginal Corporation (YMAC) are identified in Table 5-2 (p121). The table states that WEL met with YMAC on 7 July 2022 and emailed the information on the location and extent of the project to YMAC on 8 July 2022. 19 July 2022 YMAC responded.

#### Save Our Songlines

EP Table 5-5 provides an assessment of the merits of the objections and claims made by [REDACTED] and [REDACTED]. Each claim made within the letter from [REDACTED] and [REDACTED] dated 6 June 2022 has been acknowledged and assessed within Table 5-5 with a Woodside response provided in the table that is not provided in full to SoS in the letter dated 1 September 2022. A majority of the claims raised relate to the onshore activity on the Burrup and not to the offshore drilling location.

Full text of [REDACTED] and [REDACTED] letter is provided in the Sensitive Info Report, together with Woodside's response letter.

Additional correspondence has been received from SOS following submission of the EP.

It is noted that Save Our Songlines are identified in Woodside's ongoing consultation arrangements (tracked EP pdf pg 358).

#### ACF

Full text of ACF's letter is provided in the Sensitive Info Report p135-139, together with Woodside's response on 5 September 2022 (Sensitive Info Report, p140). However, it appears that ACF have not been treated as a RP as a Summary of RP responses and Assessment of merits of objections and claims has not been included in the EP. [ISSUE]

#### Woodside's Broader engagement

Table 5-2 now lists the members of the Exmouth Community Reference Group, which includes community groups, local marine tourism operators and commercial fishers, among local shires and government organisations. Sensitive Information Report p 199 includes Woodside's Presentation to the Exmouth Community Reference Group (7 April 2022). A map of the project area location was provided to the group, however other relevant information as would be presented to relevant persons was not provided, e.g. impacts and risks and proposed control measures.

#### **Objections and claims have been resolved as far as reasonably practicable and Consideration of third party correspondence**

There has been a high degree of interest in the activity with a large number of third party submissions made to NOPSEMA. Key issues raised often related to the broader Scarborough project and were beyond the scope of the drilling activity. Impacts associated with onshore processing and Scope 3 greenhouse gas emissions are not considered to be indirect consequences of the drilling activity, however are likely to be relevant for future EPs. Where issues were raised that were relevant to the activity, an assessment of how the issue was addressed in the EP including risk assessment and appropriate measures was undertaken.

#### **Key issues:**

- Direct GHG emissions and Indirect consequences of the activity - GBR, Scott Reef

See findings in relation to indirect consequences under Submission 2 - Objections and claims have been resolved as far as reasonably practicable. The general assessment in Submissions 1 -3 covers direct emissions.

- Impacts and risks to First Nations people's cultural heritage including rock art on the Burrup Peninsula, Sea Country, totem species and Intangible values and "**Free, prior and informed consent**"

On 7 June 2022, [REDACTED] and [REDACTED] provided correspondence dated 6 June 2022 to Woodside's [REDACTED] and Members of the Board of Directors, cc'ing NOPSEMA. (A848189 & A848190)

[REDACTED] and raises requests to be consulted as relevant persons and for cultural heritage assessments and impact studies. The letter also requests that direct and indirect impacts on cultural heritage be assessed now for all stages of the Scarborough development as per Section 527E of the EPBC Act.

Claim: [REDACTED] and CCWA claim that Woodside should pause any further work on the Scarborough Project until the right of free, prior and informed consent of traditional owners and custodians under UNDRIP and ILO Convention 169 has been obtained. NOPSEMA must be guided by the framework in undertaking its assessment of cultural heritage impacts.

Woodside have assessed the merit of this claim and made a statement of response in Table 5 -5 stating that Woodside is guided by UNDRIP under our Indigenous Communities Policy and has consulted representative institutions including MAC for a number of years. Woodside further states that the principles of free prior and informed consent is envisaged as a communal right of Indigenous communities and secured through consultation with representative institutions utilising traditional decision-making mechanisms such as deferring to MAC's circle of Elders.

NOPSEMA is aware that the Australian Government gave a statement of support for UNDRIP on 3 April 2009. However, as UNDRIP is a 'soft law' instrument and is not a binding treaty or binding at international law, there is no general principle in Australian domestic law that would require UNDRIP or its principles to be taken into account by NOPSEMA unless there was an explicit requirement to do so in particular legislation. Neither the OPGGS Act nor OPGGS Regs contain an express requirement and there is no reference to the UNDRIP principles in the criteria for acceptance of an EP under reg 10A. Further, NOPSEMA understands, from the Australian Human Rights Commission Factsheet: Scope of international obligations that Australia is yet to ratify the International Labour Organisation Convention 169 on Indigenous and Tribal Peoples (ILO Convention 169). (humanrights.gov.au). Given this, both the ILO Convention and UNDRIP and its principles are not relevant considerations for the purposes of regulations 10 and 10A and have not been considered further by NOPSEMA in the assessment. [No issue]

However, in lieu of the whole of government implementation of UNDRIP, it can be seen that many of the principles of UNDRIP are upheld by the OPGGS (Environment) Regulations 2009 requirement for relevant person consultation in the preparation of an EP. Where the activity may affect cultural values, relevant stakeholders are engaged, and their objections and claims heard and responded to by the titleholder, and control measures for ensuring impacts and risks to values are adopted where appropriate. In the case of this activity, engagement of relevant cultural authorities (where they exist) has led to an understanding of the cultural values and sensitivities relevant to the offshore project area. Impacts and risks to these values and sensitivities have been considered in the EP and demonstrated to be reduced to acceptable and ALARP levels.

**Assessment of cultural heritage values:** the claims made by the two individuals that impacts cannot be understood by technical and scientific information alone have potentially been addressed by Woodside through gaining understanding of the cultural heritage values - both tangible and intangible through engagement with MAC, conducting ethnographic surveys of which the scope was agreed by elders on country from MAC and NAC representatives and the survey report owned by MAC. However, further information to support this (such as extracts from the survey report) are required to reach a conclusion. See issue raised above in the general assessment.

YMAC were engaged and with the context of the information regarding the project location pointed WEL to MAC and NAC as being the relevant cultural authorities for the project area. The email response on 19 July 2022 as summarised in Table 5-2 shows that they did not advise WEL to consult with other specific language groups. Refer to Table 5-2 of the EP, (tracked EP page 121). As raised above, the full text response of YMAC was not included in the Sensitive Information Report.

- [REDACTED]

[REDACTED]

rovided with the letter is the Geologic Note titled "Seal failure assessment of a major gas field via integration of seal properties and leakage phenomena" (A808516).

In EP Table 5-3, Woodside acknowledged and summarised CCWA's claim as "the direct and indirect impacts of methane and other hydrocarbon leaks from the Scarborough gas field resulting from the operations require more careful consideration, including risk modelling for shoreline impacts from field leakage of methane." Woodside responded that "Woodside has developed subsurface models of the Exmouth Plateau, which incorporate inputs from multiple surveys that have been conducted to investigate geohazards such as the area of pockmarks, and safely executed exploration drilling. These have been endorsed by external and in-house technical experts. Woodside's position is consistent with published evidence that there are no indications of present-day natural leakage, and that it is not credible that environmentally significant methane releases could be caused by Scarborough development activities. As this has been assessed as a non-credible risk, it has not been included in the Scarborough D&C EP."

The OPP Appendix A Scarborough Offshore Benthic Marine Habitat Assessment acknowledges the existence of hydrocarbon seeps in the area and states there are no active seeps in the permit area based on surveys done, further the OPP does not consider seal integrity to be a risk of the project. It is noted that the EP assesses the risk of shallow hazards in S6.8.3, stating "Shallow hazards (small pockets of subsurface gas not contained in the reservoir) may be present around well locations. Current well locations have been planned to avoid any potential shallow hazard zones, however there is a risk that the as-drilled geology is different to that which is expected." It is noted that CCWA received a response from WEL and has not provided further correspondence, nor raised further concerns in relation to this matter.

To determine whether the assessment of merits of this claim was appropriate, NOPSEMA gave additional consideration to this matter. NOPTA's expertise and advice on the coverage of this risk within the Field Development Plan was sought under information sharing provisions of the OPGGSA S695W and S712.

### **Third Party Correspondence**

NOPSEMA considered information received directly from third parties during the course of the assessment relating to the activity and environment plan assessment. In addition, information provided directly to NOPSEMA by third parties was forwarded to the titleholder for consideration and incorporation into the EP (as per our process)

The following third party correspondence was received that related to this activity. These are listed here in chronological order for completeness although mentioned above in findings.

- [REDACTED]
- [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Submission 5

**DMG Factor 1. Process for relevant persons (RP) identification is clearly described and provides for broad capture of relevant persons such that each relevant person who can be ascertained is identified.**

***Consultation Guidance GL2086 (CG): EPs should set out the processes that have been applied to identifying and determining who are RPs, as well as the processes undertaken for consultation.***

***CG: TH must clearly identify in their EP who is a RP and the rationale the TH has used to determine who they consider falls within that definition***

Woodside's methodology for identifying relevant persons to be consulted under Regulation 11A is clearly described within Section 5 of the EP. The geographical area as the basis from within which relevant persons have been identified is the EMBA shown in Figure 4-1 (Environment that May Be Affected by the Petroleum Activities Program). This figure shows the EMBA is based on 100ppb entrained hydrocarbons from the worst-case credible spill scenario for this EP, which is loss of marine diesel during a vessel collision.

The methodology includes the definition of relevant persons, as defined in Regulation 11A(1).



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).

**The process does not clearly provide for the broad capture of relevant persons** because the consultation report (Table 5-4) and sensitive information report (SI Report) do not clearly show that:

a. 'Traditional Custodians' that Woodside consulted (Table 5-3) were representative of all the First Nations groups or individuals who should be consulted as relevant persons for the purposes of OPGGSA Regulation 11A and in a manner consistent with the recent Federal Court appeal decision, such that all First Nations relevant persons were afforded a reasonable opportunity to participate in the consultation. [ISSUE - covered by letter point 1.1]

b. The 'Traditional Custodians' consulted for this activity 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. In other terms, the EP, including the Sensitive Information Report does not provide evidence of implementation of the following RP identification process as described in Table 5-2 "Where appropriate, contacting the relevant Native Title Representative Body to request a list of any Traditional Custodian groups asserting Traditional Custodianship over an area of coastline adjacent to the EMBA who do not and have never had a native title claim or determination of which the land council or Native Title Representative Body are aware." and further explained in Section 5.8.1.2 Traditional Custodian Specific Consultation "Woodside asks nominated representative bodies and the Native Title Representative Bodies to identify individuals, and also enables individuals to self-identify in response to national and local advertising, social media and community engagement opportunities." i.e. process implementation issue.

The EP (Section 5.8.1.2, pdf pg 130) states that "Woodside has not been directed to engage individual Traditional Custodians by nominated representative bodies for this proposed activity, however Woodside has nevertheless provided reasonable opportunity for individual Traditional Custodians to engage in consultation through appropriate and adapted consultation methods." The Sensitive Information Report provides a summary of the discussions held during meetings with representative bodies, and it is not evident that the question of "who else should we be consulting in relation to cultural heritage and Sea Country" was a point of discussion at any of the meetings, i.e. the SI report does not support this statement. [ISSUE - covered by letter point 1.1]

In addition, there are a few examples where representative bodies have raised comments that suggest others may need to be consulted such as the minutes from the meeting with the

and the meeting minutes from the Wirrawandi Aboriginal Corporation (WAC) meeting on 23 March 2023 that note

. Further, the EP states that specific advice was given by some Native Title representative bodies to not hold a community information session (EP, pg 134), however no record to support this statement was provided. [ISSUE - covered by letter point 1.1]

The one exception to the above issue is for YMAC who Woodside approached as the Native Title Representative Body for the Yamatji and Pilbara regions of Western Australia and YMAC advised that the most appropriate stakeholders for the Scarborough project generally are MAC and NAC, who are not represented by YMAC (refer to Table 5-4).

c. Other opportunities for individual 'Traditional Custodians' to self-identify as relevant persons in response to other forms of notification (newspaper advertisements, social media campaign, community information sessions etc) were appropriate to capture the potentially affected individuals and address the shortcomings in the process and implementation described in the two points above. In addition, Traditional Custodian individuals or groups are only deemed relevant persons for consultation "where [Woodside] have been directed to do so by the representative institution or the native title representative body. This may occur when for cultural reasons, and as recognised by the broader group, a person is regarded as having particular obligations in relation to a site or area that are distinct from that of the broader group." (Table 5-2). The relevance of the person or organisation being judged through membership in or engagement with the PBC potentially limits the processes for self-identification and therefore may restrict the broad capture of First Nations relevant persons. [ISSUE - covered by letter point 1.1]

Request: Please update the EP to address the above issues and in doing so demonstrate that Woodside's process for the identification and consultation with relevant persons provides for a sufficiently broad capture of First Nations persons and organisations who may have their

functions, interests or activities affected by the activity.

It is expected in response to the above that evidence is provided that supports the statements made in the consultation report in Table 5-4 that "Consultation with [Representative Body] has not identified any other groups or individuals relevant to communally held functions, activities or interests." And further information provided that explains how the wider measures to reach the TO individuals were informed by FN experts and were appropriate for broad capture of relevant persons.

The clear identification of relevant persons is provided in Table 5-3 of the EP titled "Table 5-3: Assessment of relevance". Sufficient rationale is provided for the categorisation and inclusion (or not) of the relevant person/organisation.

- In response to the RFFWI letter dated 29/09/2022, Woodside now clearly states within Table 5-3 that the Australian Marine Conservation Society, Australian Conservation Foundation (ACF), Save Our Songlines, and Murujuga Aboriginal Corporation (MAC), Ngarluma Aboriginal Corporation (NAC), and Yamatji Marlpa Aboriginal Corporation (YMAC) are relevant persons under Regulation 11A for the purposes of consultation in the course of preparing this EP.

***Conclusion in relation to DMG Factor 1: Process for relevant persons identification is clearly described, the EP sets out the processes that have been applied to identifying and determining who are RPs, as well as the processes undertaken for consultation; Woodside has clearly identified in their EP who is a RP together the rationale used to determine who they consider falls within that definition. However, the process for relevant persons identification does not clearly provide for the broad capture of relevant persons such that each relevant person who can be ascertained is identified. [ISSUE]***

**DMG Factor 2. The activity, environment and possible impacts and risks have been taken into account.**

The process for identification of relevant persons takes into account the nature of the activity, description of the environment and the possible impacts and risks of the activity. This is because:

- nature of the activity is sufficiently described in EP Section 3 and the environment in which the activity is being undertaken is reasonably described in EP Section 4 and Appendix I. For example, the commercial fisheries determined to be overlapping the EMBA and active noted in Table 4-16 accord with the relevant persons identified in Table 5-3 and Table 4-14 Summary of Native Title Claims, Determinations and ILUAs which overlap or are coastally adjacent to the EMBA accords with the representative bodies contacted as relevant persons.
- the geographic extent of the activity considers: 1) the extent of the planned impacts and risks that occur within the PAA; and 2) the values and sensitivities of the environment that may be affected by the activity from an unplanned hydrocarbon release to define an EMBA. The EP (s4.9 and s5) indicates the EMBA is used as the geographic extent for consultation (i.e. the area within which relevant persons have been identified), and in the case for traditional owner identification and consultation, areas coastally adjacent to the EMBA were also considered. Figure 4-1 (Environment that May Be Affected by the Petroleum Activities Program) shows the EMBA is based on 100ppb entrained hydrocarbons from the worst-case credible spill scenario for this EP, which is loss of marine diesel during a vessel collision.
- an evaluation of the possible impacts and risks of the activity (EP Section 6) has been undertaken to determine whether the activity may be relevant to authorities, persons or organisations who may have functions, interests or activities that may be affected by the activity.

Section 4.9.1 of the EP describes the heritage value of places within the EMBA and the cultural features of the EMBA (as currently understood). Included in Table 4-17 is a summary of native title claims, determinations and ILUAs which are coastally adjacent to the EMBA. Section 4.9.1.2 states that "there are no native title claims or determinations and no ILUAs overlapping the PAA and EMBA (see Figure 4-9)." "Woodside considers native title claims, determinations and ILUAs coastally adjacent to the EMBA to be an instructive means of identifying potentially relevant Indigenous groups to be consulted (See Table 4-14)." NOPSEMA has conducted its own verification of the native title claims and determinations in the geographical area using the Native Title Vision (nntt.gov.au) website and confirmed there are no native title claims/determinations that are overlapped by the EMBA as at June 2023.

The determination WCD2018/003 - Kuruma Marthudunera Part B is not accurately reflected in Table 4-14 of the EP (Summary of Native Title Claims, Determinations and ILUAs which overlap or are coastally adjacent to the EMBA.) However the Robe River Kuruma Aboriginal Corporation RNTBC is recognised as a relevant person and has been consulted. ([http://www.nntt.gov.au/searchRegApps/NativeTitleRegisters/Pages/NNTR\\_details.aspx?NNTT\\_Fileno=WCD2018%2F003](http://www.nntt.gov.au/searchRegApps/NativeTitleRegisters/Pages/NNTR_details.aspx?NNTT_Fileno=WCD2018%2F003))

***Conclusion in relation to DMG Factor 2: 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.***

**DMG Factor 3** 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

a. Status of consultation with relevant persons - i.e. has sufficient information and a reasonable period been provided to the RP and does this align with any requests for consultation method approaches.

The assessment of whether sufficient information has been provided to a First Nations RP included the following considerations:

- Summary information sheets written in plain English were emailed to the organisation prior to meeting with them. For all 9 representative bodies this email was sent on 20 January 2023.
- The covering email advised of the purpose of consultation, e.g. "Woodside is seeking to understand the nature of the interests that Murujuga Aboriginal Corporation (MAC) and its members may have in the 'environment that may be affected' (EMBA) by this activity." (SI report Pt 2, p25)
- The Summary information sheets show the location of the activity in relation to the coastline and water depth contours and the EMBA in relation to the coastline was made clear.
- Face to face meetings were held - it is considered that these meetings provide a further opportunity for information to be provided to a RP and for questions to be asked if the RP did not understand the activity and its potential for impacts on their functions, interests and activities and the reason for engagement.
- Evidence was presented in the EP showing a genuine two-way dialogue with the RP through meeting minutes and/or follow up correspondence.

For example, it was concluded that sufficient information has been provided to MAC on the basis that:

Summary information sheets (copy available at App F tracked EP, pg 760) were emailed to MAC on 20 January prior to meeting with the MAC Board. This includes an outline of the activity and two maps – one showing the location of the activity in relation to the coastline and water depth contours and the second showing the EMBA in relation to the coastline. It is however noted that the website link is incorrect and goes to NGA info sheet (tracked EP, pg766). NB. The introductory email, summary information sheet does not mention the terms relevant persons, nor advising about sensitive information.

Purpose of consultation as stated in the introductory email is:

"Woodside is seeking to understand the nature of the interests that Murujuga Aboriginal Corporation (MAC) and its members may have in the 'environment that may be affected' (EMBA) by this activity." SI report Pt 2, p25

It can be considered that meetings provide a further opportunity for information to be provided to a RP and for questions to be asked if the RP did not understand the activity and its potential for impacts on their functions, interests and activities and the reason for engagement. The meeting minutes from 25 Jan 2023 (MAC Board) and 20 Feb 2023 [REDACTED] are very brief, therefore it is uncertain what was discussed in these meetings, but the minutes do not suggest that specific concerns are being raised in relation to the activity by this RP (SI Report, pg 32). In addition, there were no specific requests for further information (which could indicate that there is already an understanding of the activities). This is supported by the existing relationship between Woodside and MAC, therefore it can be concluded that sufficient information has been provided.

The following 3 categories are based on the status of consultation with First Nations RPs as assessed through the EP (consultation report and SI report) and additional correspondence received by NOPSEMA:

Category 1: It was considered that Woodside has discharged its duty to consult with RPs as per Regulation 11A (i.e. sufficient information and a reasonable period have been provided) to the following 3 representative bodies and [REDACTED] and [REDACTED] [REDACTED]):

a. Ngarluma Aboriginal Corporation (NAC) - because they received the activity information sheet in January 2023 (EP pg 674) and prior to the meeting on 10 May 2023 NAC's [REDACTED] stated that the following "Reviewed NAC is supportive of the submission and looking forward to ongoing consultation". On 17 May 2023, Woodside presented to the NAC Board of Directors in Karratha. The record of meeting discussions shows that Woodside clearly outlined the purpose of the meeting as follows: "Woodside proposed what consultation outcomes it would like to meet with NAC, including understanding

- How the activities could impact cultural values, functions, interests or activities
- Whether protecting the environment is enough to protect these things
- What NAC's concerns are about the proposed activities and what NAC thinks we should do about it
- If there's anything NAC would like included in EPs

No claims or objections were raised by NAC regarding the D&C activity. There was no further correspondence with NAC following the NAC Board meeting. Note, that the previous EP discussed an ethnographic survey conducted in 2019. This survey was previously said to be conducted with MAC and NAC chosen representatives (EP Section 4.9.1.2, Rev 3)

b. Yindjibarndi Aboriginal Corporation (Yindjibarndi AC) - Woodside first contacted Yindjibarndi AC to initiate consultation for the activity on 20 January 2023. On 26 February 2023, Yindjibarndi AC advised Woodside by email that "the Yindjibarndi will not be providing any comment or advising upon... the Scarborough project." Yindjibarndi AC's email also noted "the Yindjibarndi respect the traditional owners whose land and sea lies adjacent to, and within the precinct of, the projects, and will leave any comment and advice to be provided by them." SI report p77

c. Yamatji Marlpa Aboriginal Corporation (YMAC) – YMAC has been engaged on the SCA project since July 2022. From Table 5-3: "YMAC is the Native Title Representative Body for the Yamatji and Pilbara regions of Western Australia. As such, they are not a Prescribed or Registered Native Title Body Corporate but exist to assist native title claimants and holders. The NTGAC's nominated representative is YMAC. Woodside has therefore consulted the NTGAC via YMAC. YMAC was also the nominated representative for YAC. Woodside was advised that as of late April 2023, the nominated representative for YAC is now Gumala Aboriginal Corporation. On 20 March 2023 YMAC advised Woodside by email that "YMAC will not directly be providing substantive comment on the content of the EPs, but will assist in identifying relevant Traditional Owner groups/corporations, and in facilitating/coordinating consultations with those relevant persons who may wish to provide substantive comments, subject to instructions." SI report pg 114 (Email sent from YMAC – 20 March 2023).

d. [REDACTED] and/or [REDACTED] & [REDACTED] have been in communications with Woodside on the SCA project prior to 24 March 2022 (when an online meeting was planned but did not proceed due to technical issues), and it is noted that communications are ongoing. Sufficient information has been provided based on the location of the activity and the D&C Information sheet being provided on 1 September 2022 and referencing the full EP being available on NOPSEMA's website since 2 December 2022. In addition, Woodside met with the Environmental Defenders Office (EDO) and [REDACTED] & [REDACTED] on country in Karratha and discussed the proposed activity.

The full text of correspondence between EDO and Woodside and vice versa provide a picture of the discussions held during the meeting on 14 March 2023, e.g. in paragraph 7 of the letter from the EDO on 24 March 2023, it states that "our clients raised particular concerns about the impacts that underwater activities that form part of the EP Activities might have on their functions, interests and activities. With the footnote 3 stating [REDACTED]

Woodside's meeting minutes state that "We confirm that we agreed not to share cultural details that you shared with us at the 14 March 2023 meeting." (SI report P264). From these two pieces of information, it is understood that [REDACTED] & [REDACTED] shared information on their cultural heritage interests at the meeting on 14 March 2023. However, due to the meeting discussion being retained as confidential, this limits NOPSEMA's capacity to determine whether any issues raised have been adequately addressed. To provide additional context, on 26 September 2022 [REDACTED] & [REDACTED] wrote to NOPSEMA indicating they had information about cultural values relevant to the EP that could only be shared with a pre-agreed nominated female. On 14 November 2022 NOPSEMA met with [REDACTED] & [REDACTED] via teams. At this meeting NOPSEMA agreed to develop a protocol to allow information to be shared in accordance with cultural protocols and 'women's business'. An offer was also made for NOPSEMA staff to meet with [REDACTED] & [REDACTED] on country, in accordance with parameters set out by them in the meeting, to enable them to share the information. It was noted that any information shared with NOPSEMA to be used considered in an assessment would need to be also provided to Woodside for procedural fairness. On 2 March 2023 a draft policy on managing gender restricted information was shared with [REDACTED] & [REDACTED] for comment, and a further offer to meet was made. To date [REDACTED] & [REDACTED] have not responded to any of NOPSEMA's offers to meet. \*\* we should try again to contact

them....\*\*

It is noted that there continues to be claims from [REDACTED] & [REDACTED] that sufficient information has not been provided to allow an informed assessment of the possible consequences of the activity on their functions, interests or activities. On 24 November 2022, SOS requested copies of all draft EPs and associated technical and other information for the Scarborough project, any studies research or other information held by Woodside relating to the impacts and risks of the Scarborough project activities on cultural practices, sites, values, stories and songlines (not limited to "ethnographic sites", including on marine fauna of cultural significance and impacts and risks of industrial pollution from gas processing on cultural heritage at Murujuga," plus documents relating to impacts on cultural heritage from the Pluto LNG facility and other Woodside reports or information on their activities impacts on Murujuga World Heritage. (SI p254) This information has not been provided to [REDACTED] & [REDACTED]. Subsequently on 13 January 2023, [REDACTED] & [REDACTED] wrote to Woodside stating:

[REDACTED] In addition, the letter from EDO to NOPSEMA on 28 June 2023 stating

[REDACTED] (A948912 and A948914) However, sufficient information is considered to have been provided as discussed above and evidenced by the ability for [REDACTED] & [REDACTED] to discuss their interests with Woodside on 14 March 2023.

Overall, the EP demonstrates that multiple engagements have been made and attempted with [REDACTED] & [REDACTED] since early 2022 and EDO who began corresponding on behalf of [REDACTED] & [REDACTED] on 8 February 2023. While it is understood that a further meeting was planned for 13 June 2023 but did not proceed and efforts to reschedule it are ongoing (correspondence from EDO on 28 June 2023), i.e. consultation is ongoing, it can be seen that the duty to consult has been discharged through reviewing the meeting minutes and subsequent correspondence.

DISCUSS whether needed: (A summary of the engagements is listed below and can be found in full in the EP Consultation report Table 5-4 under Save Our Songlines.) Info is available in the filenote.

#### Correspondence received from Woodside outside of the EP submission

- On 17 April 2023 Woodside wrote to the NOPSEMA [REDACTED] and cc EDO showing the of level of engagement undertaken with EDO/[REDACTED] & [REDACTED] in regards to the Scarborough Marine Seismic Survey, which is also relevant to this activity. (A928404) This correspondence is provided in the SI report Part 1, starting on pg 285.
- On 21 June 2023, Woodside wrote to the Environmental Defenders Office who represent [REDACTED] and [REDACTED], copying in NOPSEMA. (A940787)
- On 28 June 2023, the Environmental Defenders Office on behalf of [REDACTED] and [REDACTED] wrote to NOPSEMA copying in Woodside. (A948912)
- On 3 July 2023, Woodside responded to the Environmental Defenders Office letter above, copying in NOPSEMA. (A950732)
- On 4 July 2023 Woodside wrote to the NOPSEMA [REDACTED], [REDACTED] with cc to the NOPSEMA [REDACTED] requesting consideration of their 3 July 2023 letter when making our decision (A951546)

Category 2: TO Representative bodies for which a meeting has not been held and therefore it is unclear that a genuine two-way dialogue has occurred to further understand the environment in which the activity will take place.

a. Yinggarda Aboriginal Corporation (Yinggarda AC) - Contact was made with YMAC and the Simplified stakeholder consultation summary information sheet for the Scarborough D&C (dated January 2023) provided on 20 Jan 2023 via YMAC. YMAC acknowledged receipt of this email and information on 22 January 2023. Multiple attempts were made to arrange a face to face meeting with the board but this was not successful, primarily due to there being a change in YAC representation from YMAC to GAC representing YAC. As at 27 April 2023 Gumala Aboriginal Corporation (GAC) is now providing YAC's executive office services. (p76 SI report Pt 2). The EP notes 3 attempts to engage with GAC on 28 April and 8 May 2023. However the Gumala Aboriginal Corporation (GAC) had not yet responded to contact attempts at the time the EP was submitted. It should be noted that the Yinggarda AC represent Native Title claimants/determination in the Carnarvon area which is further from the EMBA (Yinggarda Aboriginal Corporation | PBC (nativetitle.org.au)).

ISSUE: The EP does not demonstrate that a genuine two-way dialogue has occurred to further understand the environment in which the activity will take place with the Yinggarda

Aboriginal Corporation (Yinggarda AC). (addressed by letter point 1.2a)

Category 3: Consultation undertaken to date indicates that further ongoing engagement is required or requested by the RP, including request for resources.

**a. Buurabalayji Thalanyji Aboriginal Corporation (BTAC),** The last email in the SI report is dated 4 May 2023 and the EP does not show that a meeting with BTAC has been held, nor planned for an upcoming date as at EP submission. At the time of EP resubmission, the board meeting has not yet occurred and the Collaboration Agreement has not yet been finalised. While email exchanges are presented in the EP, showing a two way dialogue, a discussion has not yet been held on determining the basis of BTAC's claims in their letter to Woodside on 20 February 2023. (P79 SI Report). The letter outlines that BTAC on behalf of Thalanyji people has interests in the EMBA, stating:

"The Thalanyji people have an enduring deep sea connection to Sea Country north of Onslow, extending out into the vast islands of the coast of the Pilbara, including the Monte Bello Islands, Barrow Island, and the Mackerel Islands."

They are asking for the support of Woodside to enable BTAC to work with its members and BTAC's supporting anthropological/ethnographic team to define and articulate our values on Sea Country in a manner that could be more clearly understood by the offshore sector, government and the community.

Positive things to note about the consultation conducted with BTAC:

- Prior to sending out the Consultation Information Sheets, Woodside spoke to BTAC on 4 January 2023 to discuss the best way forward to consult with BTAC.
- 10 Jan 2023 – WEL explained via email the purpose of the upcoming discussions, including "Woodside would like to and is required to consult with Thalanyji about the nature of any interests Thalanyji have in the "environment that may be affected" (EMBA) by this work, and any concerns Thalanyji may have about potential environmental impacts, so these concerns can be addressed through the environmental planning and approvals process."
- On 20 Jan 2023 Woodside provided BTAC the Stakeholder consultation overview information sheet for the Scarborough Project (dated January 2023) and Simplified stakeholder consultation summary information sheet for the Scarborough D&C (dated January 2023). The Covering email to info sheets states the purpose of consultation as "Woodside is seeking to understand the nature of the interests that Buurabalayji Thalanyji Aboriginal Corporation (BTAC) and its members may have in the 'environment that may be affected' (EMBA) by this activity."
- On 24 Jan 2023 BTAC responded with confirmation that attachments were received.
- 20 February and 18 April 2023 – BTAC letters. Of note, in the 20 Feb letter, BTAC states that "the information in the consultation briefs provided is very general." In the context of asking for resources to determine their Sea Country values (SI report p79)
- Woodside informed BTAC on multiple occasions (via phone and email) about their intent to resubmit the EPs and requested confirmation from BTAC "that BTAC is, in principle, agreeable to Woodside submitting the Scarborough EPs, moving from pre-submission consultation to ongoing consultation, subject to progressing the collaboration agreement" (email on 28 April 2023). The consultation summary includes information indicating that BTAC verbally agreed to this (EP p158), but confirmation in writing is not available in the SI Report noting that BTAC's response to Woodside's email request did not address the particular question.

ISSUE: The remaining issues are that BTAC's Sea Country values have not yet been communicated, the Collaboration Agreement for development of this information has not yet been finalised and there does not appear to be any specific commitments in the EP that confirm this will take place (e.g. in Table 7-5 EP p387 Ongoing consultation engagements), despite BTAC agreeing in their letter to WEL on 18 April that items 1 a-f from Woodside's 17 March letter could be included in the EP. Further clarity on ongoing consultation measures is required. [Addressed in Letter point 1.3]

Potential solutions ideas to address the above issues could include:

- seek confirmation from BTAC that they are agreeable to future consultation with Woodside moving from pre-submission consultation to ongoing consultation
- request Woodside to include a formal commitment in the EP to progress the proposed collaboration agreement with BTAC.

BTAC's website About Us – Thalanyji – shows that they have a [REDACTED] and Perth and Onslow offices. In their statement of What we do, it says: "BTAC works with numerous other groups, organisations, industry representatives and government bodies,



to represent and support Thalanyji People.” This speaks of representation.

**b. Murujuga Aboriginal Corporation (MAC):**

As discussed above, sufficient information and a reasonable period has been provided to this RP.

Ongoing clarification in relation to MAC are as follows:

- Meeting minutes from 25 Jan 2023 (which are very brief dot points) and the consultation summary table state that “MAC reiterated role of Board v Circle of Elders in consultation processes.” (Sensitive Information Report Part 2, pg 32) ISSUE: this needs clarification as to whether consultation was undertaken with the culturally appropriate representatives. (Addressed within letter point 1.1b)
- A clear statement of Sea Country interests, if any, beyond the ethnographic survey summary in the description of the environment. In the letter dated 5 April Woodside requested information from MAC (SI report pg 35). This includes requesting confirmation in writing from MAC that “those with relevant cultural authority were present and engaged in the ethnographic survey”. In addition, the action required from MAC is “Additionally Woodside would be keen to understand whether cultural values in Commonwealth waters have subsequently been identified and what these values are.” This potentially indicates there is uncertainty in the statements made in the MAC ethnographic survey report and clarification is being sought from MAC.
- The consultation summary report states that on 12 April, MAC said to Woodside that their Board of Directors are meeting soon, and that Woodside can expect a forward plan on EP consultation. EP pdf pg 152 “As of 6 June 2023, Woodside was still awaiting feedback from MAC.” No follow up occurred past 12 April, and measures for ongoing consultation with MAC are not made clear within Table 7-5 in the implementation strategy [Addressed in Letter point 1.3]

?

**c. Wirrawandi Aboriginal Corporation (WAC)**

• The minutes from the meeting on 23 March 23 state that Wirrawandi Aboriginal Corporation Directors and Elders were present. It was not clear from the meeting minutes that Woodside asked the question about WAC’s specific Sea Country interests. Several items of note from the minutes include:

- From the meeting minutes WAC appeared highly engaged and asked various questions about oil and gas activities including about potential impacts of noise on whale communication and how many wells will be drilled for Scarborough, which were responded to during the meeting.
- Meeting minutes: A key concern raised was [REDACTED]

[REDACTED]

- This raises the question of who else were WAC seeing as important to consult. [ISSUE - Addressed within letter point 1.1b]
- WAC indicated in the board meeting on 23 March 2023 “WAC noted they are engaging with multiple energy industry operators concurrently and that they are taking onboard a large amount of information so they will consider and discuss internally before responding to us.” i.e. resourcing constraints.
  - Consultation with WAC has also occurred through a meeting on 31 March 2023 with the joint Heritage Advisory Committee (HAC) that is required under Yaburara Mardudhunera and Kuruma Marthudunera ILUA. The HAC therefore consists of members from the Robe River Kuruma & Wirrawandi Aboriginal Corporations. During the meeting, Woodside provided information about the relevant persons consultation process and the activity including in relation to the extent of the EMBA,

the planned and unplanned environmental impacts and risks and proposed controls. There were various questions asked, particularly in relation to emergency preparedness and response in the event of an unplanned hydrocarbon spill, which were responded to during the meeting.

- On 3 May 2023, Woodside sent WAC follow up emails and letters to the 23 March 2023 and 31 March 2023 meetings (included meeting summary and follow up actions). In this correspondence, Woodside acknowledged WAC has interests in the EMBA and provided responses to actions from the meetings. It was noted that the meeting and these letter responses will be included in EPs for proposed activities submitted to NOPSEMA and there will be more opportunities to provide feedback following submission of EPs.

ISSUE: The gaps remaining for WAC are:

- Development of a communications plan for appropriate information sharing on rock art from Woodside to WAC. (could be considered to be separate from consultation as not specifically relevant to D&C)
- Clarification on the question around WAC seeing the community as being important to consult.
- Information on WAC's specific Sea Country interests within the EMBA, if any.
- Measures for ongoing consultation with WAC need to be clarified within the EP, e.g. Table 7-5 in the implementation strategy [Addressed in Letter point 1.3]

#### **d. Nganhurra Thanardi Garrbu Aboriginal Corporation (NTGAC)**

- On 16 February 2023 Woodside met with the NTGAC board and YMAC as the nominated representative. It was not clear from the meeting minutes that Woodside asked the question about NTGAC's specific Sea Country interests. During the meeting, there were questions from the NTGAC board in relation to the impacts to whales from noise and how Woodside will monitor for whales, which were responded to during the meeting.
- [REDACTED]
- On 22 March 2023, Woodside followed up with NTGAC/YMAC on any feedback on the proposed activities and asked whether further information is required. It is noted that no meeting minutes were provided to NTGAC. The only information request from NTGAC was for wellhead pictures which were provided by WEL on 31 March.

ISSUE:

- The EP is missing information on NTGAC's specific Sea Country interests within the EMBA, if any.
- Resourcing constraints were raised during the 16 Feb meeting "YMAC expressed that they are being inundated with requests for consultation from oil and gas operators, and are working internally on processes and priorities for consultation." In addition, [REDACTED]
- Measures for ongoing consultation with NTGAC need to be clarified within the EP, e.g. Table 7-5 in the implementation strategy [Addressed in Letter point 1.3]

#### **e. Robe River Kuruma Aboriginal Corporation (RRKAC)**

- On 9 March RRKAC advised Woodside that the interests of the Robe River Kurma people are best served through the joint Heritage Advisory Committee (HAC) that is required under Yaburara Mardudhunera and Kuruma Marthudunera ILUA. (EP, pg 153 and SI report p57). The HAC meeting is facilitated by WAC.
- [REDACTED] It was not clear from the meeting minutes that Woodside asked the question about RRKAC's specific Sea Country interests.
- It is noted that during the 31 March meeting, [REDACTED]



[REDACTED] The question of representation of individuals was not discussed here.

- On 3 May 2023, Woodside sent RRKAC a follow up email and letter to the 31 March 2023 meeting (this letter included a meeting summary and follow up actions, but did not provide the meeting minutes). In this correspondence, Woodside acknowledged RRKAC has interests in the EMBA and noted that Woodside is committed to continuing consultation with Traditional Custodians beyond the submission of EPs and there will be more opportunities for RRKAC to engage and provide feedback. (SI report pg 99). Consultation ends there.

ISSUE: The gaps remaining for RRKAC are:

- It is unclear whether sufficient information has been provided to this RP, given several statements indicate a level of unfamiliarity with oil and gas activities, and an interest in further meetings to discuss.
- Information on RRKAC's specific Sea Country interests within the EMBA, if any. It is noted that the RRKAC area doesn't extend to the coastline and is located inland.
- Measures for ongoing consultation with RRKAC need to be clarified within the EP, e.g. Table 7-5 in the implementation strategy [Addressed in Letter point 1.3]

#### **Effectiveness of efforts to consult with individual Traditional custodians:**

The EP states that "Community information barbecue sessions were held on 5 May 2023, 10 May 2023, 19 May 2023 and 24 May 2023 in Roebourne. Roebourne was primarily selected for these community information sessions because of the geographic proximity to Scarborough planned activities, for example Murujuga. This is in contrast to instances where Woodside was directly requested by the relevant Native Title Representative Body not to hold community information session, due to events such as floods and for cultural reasons." (EP pdf pg 131). The efforts to advertise the community sessions are shown in EP App F tracked EP pg 881. The outcomes of each meeting and the attendees are given in the SI report Part 1 pg 357

The advice given by any Native Title representative body to not hold a community information session was not evident in the Sensitive Information Reports. Therefore it is unclear that the selection of Roebourne alone for these sessions provided sufficient geographical coverage. [ISSUE]

Further, despite Woodside's assertion that "Woodside provides the opportunity for individual Traditional Custodians to participate in consultation in response to broader notification and advertising, or at community information sessions" (tracked EP pg 106) - these sessions, together with a social media campaign and newspaper advertisements alone do not constitute properly notified and conducted meetings or other engagements that could facilitate genuine two-way dialogue between the titleholder and relevant persons (GL2086 and paragraph 104 FCAFC 193). As noted in paragraph 45 of FCAFC 193 (and Section 10 of GL2086) "a process of public notification and self-identification alone is unlikely to be sufficient to demonstrate appropriate representation and a reasonable opportunity to participate". [ISSUE - raised above under DMG factor 1]

Information on Community Information Sessions – 5, 10, 19 and 24 May 2023 is provided in the Sensitive Information Report (Part 1 epg 356- 361) including the names of attendees, but not a statement of their relevance to Reg 11A consultation; and a high-level summary of the topics of discussion and suggested actions for Woodside to follow-up on. [REDACTED]

[REDACTED] The information on the sessions provided does not demonstrate that Traditional custodians were reached during these sessions, nor engaged in a genuine two way dialogue about the activity. Further, the content of Facebook advertisements for these sessions did not clearly outline their purpose (e.g. "Join us Ieramagu...Come down and grab a bite to eat while you meet the friendly team in our Roebourne office."; or "We're welcoming traditional custodians and all community members to join us and ask any questions you may have about our operations and proposed projects" - this does not clearly express the purpose of the engagement) and the location of the sessions does not appear to be geographically representative for the petroleum activity impacts and risks.

Request further information on the attendees and the information discussed relevant to RP consultation. [ISSUE- raised above under DMG factor 1]

#### **Treatment of new relevant persons since the previous submission:**

To demonstrate that Woodside provided sufficient information and a reasonable period for consultation purposes to relevant persons identified since the previous EP revision, the EP

provides the following information: \_\_\_\_

#### ACF

On 30 August 2022 Woodside responded to ACF's letter dated 15 July 2022 where ACF self identified as a RP and provided responses and additional information.

On 14 September 2022 EDO wrote to NOPSEMA, cc'ing [REDACTED] & [REDACTED] at Allens (legal representatives for Woodside), on behalf of the Australian Conservation Foundation (ACF) (A876294 & A876324). In this letter they reaffirm that ACF are a relevant person and stating Woodside has not provided sufficient information (6b, 9, 13, 21), has not provided direct responses to their claims and objections, and has not confirmed that they are a relevant person (6a), or given them a reasonable period (9, 15). This is following their receipt of Woodside's response on 5 September. This full text response from EDO/ACF is included in the Sensitive information report (pg 163-166), and referenced in the consultation report.

On 27 September 2022 ACF requested that Woodside provide to ACF as soon as possible the most recently submitted version of the environment plan. WEL's response is that the activities remain the same as in the published version.

11 October 2022 WEL met with ACF via a Teams meeting and presented information on the Scarborough activities including the D&C activity. (SI report, epg 173)

Briefing provided to ACF – 11 October 2022 provides the presentation slides given (SI Report Part 1, pg 173-177) and a summary of the meeting discussion points (objections/claims/information) is provided in WEL's email to ACF on 7 June. It is noted that these meeting discussion points have been reviewed by ACF. WEL wrote to ACF on 7 June 2023 with responses to each objection/claim/information provided (SI report pg 177).

Australian Marine Conservation Society (AMCS) has been listed as a RP and a summary of consultation is provided in Table 5-4 EP pg 181. On 30 September 2022, Woodside emailed AMCS on the proposed activity and provided an updated Consultation Information Sheet. On 7 October 2022, Woodside sent a courtesy email reminder seeking a response by 14 October 2022.

Note that AMCS was not contacted again in 2023 to advise of the change to the timing of the activity, however, given that there was no engagement from AMCS in response to WEL's first two emails in September and October 2022 it could be considered that sufficient information and time was provided to this RP.

#### Sea Shepherd Australia (SSA)

Woodside considers it has discharged its obligations under regulation 11A by providing consultation materials and conducting various forms of engagement as set out in Section 5.8 and below.

#### Summary of Consultation Provided and Record of Consultation:

- On 30 September 2022, Woodside emailed SSA on the proposed activity and provided an updated Consultation Information Sheet.
- On 7 October 2022, Woodside sent a courtesy email reminder to Sea Shepherd WA and attached a Consultation Information Sheet requesting a response by 14 October 2022

#### The Wilderness Society (TWS) SI report pg 178

- On 30 September 2022, Woodside provided an Info sheet to TWS. pg 177 tracked EP (correspondence is not provided in full text)
- On 6 October 2022, Woodside provided a briefing to TWS, with a follow up letter provided on 17 October 2022 including additional information requested.
- A letter dated 14 October 2022 was included in the SI Report pg 186 - requesting "that NOPSEMA do not allow for a commencement of the seismic survey." This request is not relevant to this activity.

#### Say No to Scarborough Gas (SNTSG) SI report pg 190

On 30 September 2022, Woodside provided an Info sheet on D&C via Email to SNTSG.

Arrangements were made to meet online on 13 October 2022, with meeting slides included in the full text record.

Email from SNTSG – 16 November 2022 raises several issues: inadequate community consultation - questions are raised on who is being consulted e.g. Indigenous peoples and communities, Australian Marine Conservation Society, marine tourism operators; that the

plans are not consistent with the principles of ecologically sustainable development, specifically the 'intergenerational principle' and Blue Whale Conservation Management Plan and threatened species recovery plans; the skills and history of people at the Environmental Risk and Impact Identification workshop; more information required on emissions; light pollution; drilling and cuttings - thickness of cuttings piles, impact radius, clean up process after drilling, turbidity, ocean pollutants. These issues are each addressed by WEL in Attachment A to the email sent to SBTSG on 6 June 2023, including specific references to sections in the published EP. [C]

**DMG Factor 4 – Information gathered through consultation is included in the EP and effectively informed the identification of environmental values and sensitivities to ensure impacts and risks are reduced to ALARP and acceptable**

(To cover information gathered since the last EP was submitted on 5/9/2022)

EP Section 4.9.1.5 Marine ecosystems: recognises that "During consultation, BTAC advised it has a cultural obligation to care for the environmental values of sea country (See Table 5-4). BTAC has not provided further detail regarding cultural features or heritage values of the PAA or the EMBA.

Woodside has committed to ongoing engagement to further understand these values. Should feedback be received (including any relevant new information on cultural values), it will be assessed and, where appropriate, Woodside will apply its Management of Change and Revision process (see Section 7.6).

No other cultural features or heritage values related to marine species within the PAA or EMBA were raised by Traditional Custodians in the course of preparing the EP."

Due to the status of consultation with several First Nations relevant persons, i.e. consultation with representative bodies is ongoing to gain any specific information on any Sea country interests, it is uncertain that this criterion has been fully met. [ISSUE, OMR 1.2]

Consultation with eNGOs

Consultation with Government Departments etc

AHOs request for notification 4 weeks prior to the activity has been captured in control C4.3 tracked EP pg 328, and in Table 7-5: Ongoing consultation engagements pg 472 [C]

Updated Department of Defence maps have not been included in the EP, as discussed in consultation with DOD. However, these are similar to the previous maps. [C]

**DMG Factor 5 – 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**

The objections and claims of relevant persons are included as a very high-level summary in the EP in Table 5-4 the report on consultation. Some claims and objections are noted in the summary of consultation, e.g. CCWA (tracked EP pg 170). Woodside's response to each claim/objection is provided directly to the RP and included within the SI report (e.g. CCWA pg 62-67 of the SI report, Part 1). One exception is The Wilderness Society (TWS) (SI p183-189) as the questions raised and response was largely applicable to the marine seismic survey and therefore the full text of the responses to TWS was not included in the EP.

[REDACTED]

[REDACTED]

The EP does not provide Woodside's assessment of merits or proposed response to this issue, however does note offsets within the summary of feedback, objections or claims and discusses offsets in the acceptability demonstration.

On the whole, at this point of consultation, the meeting minute records provided by Woodside generally indicate there are limited objections and claims about the adverse impact of the activity from the First Nations representative bodies. This is with the exception of BTAC on behalf of the Thalanyji people, who have expressed potential Sea Country interests in the EMBA and [REDACTED] and [REDACTED], whose interests have to date been conveyed to

Woodside but kept confidential from NOPSEMA. However, it is unclear whether raising a question about whales, turtles or underwater artefacts etc constitutes an objection/claim about an interest given the meeting minutes are only a summary of the discussions held.

There are claims made about the need for additional resourcing for some First Nations PBCs (NTGAC/YMAC, BTAC).

**DMG Factor 6 - Report on consultation is included and sufficient to determine that consultation duties have been discharged.**

DMG criteria: 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.

**Requirements:** The EP must contain a report on all consultations between the titleholder and a relevant person (regulation 16(b)). The report must 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 EP 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.

A report on consultation in line with the content requirements of Regulation 16(b) is provided in Table 5-4: Consultation report with relevant persons or organisations. This is supported by the full text responses in the Sensitive Information Report which has 2 parts. 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. It is noted that for a majority of relevant persons, that Woodside summarises consultation as "Whilst feedback has been received, there were no objections or claims." (Table 5-4)

Where objections and claims have been made in relation to the activity, the Consultation report in Table 5-4 provides a chronological summary of the objection or claim about the adverse impact of each activity to which the EP relates, together with the titleholder's response. A high level statement of "Feedback has been assessed on merit as it applies to this EP and a summary of responses has been provided to address specific claims and objections raised on the proposed activity, where appropriate" for organisations who have made objections and claims about the activity e.g. CCWA (EP tracked epg 171); GAP (EP tracked pg 175), ACF (EP tracked pg177). A more detailed assessment of merits and summary of response or proposed response is included in the EP as a response to the relevant person within the Sensitive Information Report (e.g. CCWA SI Report Pt 1, pg 49). This therefore does not meet the requirements of Regulation 16(b). [C]

A number of full text consultation records were sampled (e.g. most TOs, GAP, TA, Marine users, Exmouth Community reference group (CRG)) to suggest Table 5-4 accurately reflects the consultation activities undertaken and detailed in the SI Report. CHECK - add to the list sampled

The EP (s5.4.3) discusses persons or organisations that Woodside choose to contact even though they were not deemed to be relevant persons or organisations under 11A(1). In this regard, Table 5-5 provides appropriate information about 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.

A copy of the full text of consultation records has been provided for relevant person responses in the Sensitive Information Report Parts 1 and 2.

A description of the consultation process has been provided in Section 5 of the EP.

**Consideration of the claim of potential risk of methane leakage during drilling and development operations, made in the Letter provided to NOPSEMA by CCWA and written by [REDACTED] from the University of Oxford - Scarborough Gas Field, dated 19/10/2021 (A808513).**

To determine whether the assessment of merits of the claim made by CCWA was appropriate, NOPSEMA gave additional consideration to this matter. NOPTA's expertise and

advice on the coverage of this risk within the Field Development Plan was sought under information sharing provisions of the OPGGSA S695W and S712. In summary, the advice provided by NOPTA confirmed that the Field Development Plan assessment does include geological field integrity risks, and there are no concerns regarding the seal integrity for the Scarborough field because of its suitable characteristics for trapping and accumulating hydrocarbons over geological time. In addition, drilling is extremely unlikely to result in failure of the reservoir top seal, as six exploration and appraisal wells have already been drilled into the Scarborough field with no evidence that this resulted in disruption of the top seal. NOPTA's advice supports Woodside's statement in the EP "that it is not credible that environmentally significant methane releases could be caused by Scarborough development activities." (Table 5-3)

Detailed findings on the EP content addressing the CCWA claim in accordance with Regulation 16b can be found above in the findings for Submission 4.

Based on the advice provided, it is concluded that the claim made by CCWA has been resolved by Woodside as far as reasonably practicable. [C]

### **Third Party Correspondence (received since RFFWI letter sent on 29/09/2022)**

NOPSEMA considered information received directly from third parties during the course of the assessment relating to the activity and environment plan assessment. In addition, information provided directly to NOPSEMA by third parties was forwarded to the titleholder for consideration and incorporation into the EP (as per our process)

The following third party correspondence was received that related to this activity. These are listed here in chronological order for completeness.

- On 28 October 2022, Greenpeace Australia Pacific (Greenpeace) made a submission to Woodside Energy Ltd, cc'ing NOPSEMA (A885935 & A885934). Greenpeace provides feedback on their view of the adequacy of Woodside's response and information provided to them. Concerns include relevant person consultation (included is a recommended list of potential relevant persons, including Australian Marine Conservation Society and other climate focused organisations); potential conflicts of interest in the impact and risk workshop; proposed offsets - mention is made of the Chubb Review; noise impacts on cetaceans (PBW) - recommends acoustic monitoring in the PBW BIA during the activity; use of NWBM and use of Thermomechanical cuttings cleaning technology; requests are also made for specific scientific reports. This correspondence is acknowledged in Tables 5-4 of the EP and in the Sensitive Information Report Pt 1, pg 132.
- On 8 November 2022, [REDACTED] and [REDACTED] provided correspondence to Woodside's [REDACTED] dated 8 November 2022, cc'ing NOPSEMA (A889961 letter & A889964). It reiterates that they consider themselves to be "relevant persons for activities relating to the Scarborough Gas Project, and request express confirmation that Woodside recognises us as relevant persons." Meeting dates are proposed and it is requested that EPs are not submitted for the project until proper consultation (Reg 11A) has taken place.
- On 8 November 2022 [REDACTED] and [REDACTED] wrote to NOPSEMA requesting a meeting on 14 November 2022 to discuss "the regulatory requirements and discuss potential options." (A890483 letter, A890484 (email with letter attached)).
- Following on from the online meeting on 14/11/2022, arrangements for further meetings are being made between NOPSEMA & [REDACTED] and [REDACTED] / Save our Songlines (A890482 -email thread).
- On 16 November 2022, the The Say No to Scarborough Gas team wrote an open letter and emailed it to NOPSEMA providing feedback and further questions as a result of Woodside's consultation information on the Scarborough project activities (A890900 & A890902)
- On 24 November 2022, [REDACTED] and [REDACTED] provided correspondence to Woodside's [REDACTED] dated 8 November 2022, cc'ing NOPSEMA's [REDACTED] (A894146 letter & A894147 (email with letter attached)). This was regarding the organisation of a meeting between Woodside & [REDACTED] + [REDACTED].
- On 20 December 2022, [REDACTED] from [REDACTED] wrote to NOPSEMA's [REDACTED] raising concerns on the impacts of industrial emissions at Murujuga (Burrup Peninsula) on rock art. This was determined to not be relevant to this non-extractive activity (A905835 letter & A905825 (email with letter attached))
- On 3 February 2023 [REDACTED] of Tuna Australia wrote to Woodside Feedback, ccing NOPSEMA. Request made by TA for a service agreement to engage in consultation. (A911704)
- On 7 February 2023 [REDACTED] of Tuna Australia wrote to NOPSEMA, cc SETFIA and WAFIC (A911869) [REDACTED] is writing to NOPSEMA to advise of situation with Woodside and requesting what NOPSEMA expects of consultation. Woodside has not seen this correspondence. NOPSEMA responded to TA on 16 Feb 2023 (A914733)



- On 13 February 2023, CEO of Tuna Australia wrote to NOPSEMA providing an email thread on Woodside's Consultation with Tuna Australia on the State Waters component of the Scarborough Trunkline Installation, and Tuna Australia requesting a services agreement to participate in consultation. This was considered not to be relevant to this activity. (A911869 and A913175 (email))
- [REDACTED] NYFL have not been considered to be a relevant person for this EP because the location of the people represented is not coastally adjacent to the EMBA. This is consistent with the process applied by Woodside in identifying First Nations relevant persons. [C]
- On 2 March 2023, WAFIC wrote to NOPSEMA (CG) explaining the resourcing constraints on the fishing industry preventing responses to consultation as a background to their position that engagement with stakeholders only takes place for planned activities, in other words from their statement "Consultation on unplanned events resulting in an emergency scenario should only be undertaken if an incident occurs." (A917670 and attachment A917668) Full statement is available at <https://www.wafic.org.au/what-we-do/access-sustainability/oil-gas/consultation-approach-for-unplanned-events/>
- On 15 March 2023, Tuna Australia provided their industry position statement on consultation to Woodside, ccing NOPSEMA (A920615 email and A920564 position statement).
- On 24 March 2023, the EDO [REDACTED] acting for [REDACTED] and [REDACTED] wrote to Woodside [REDACTED] with cc to NOPSEMA [REDACTED], Woodside feedback, DMIRS, [REDACTED] (A922849). The letter raises the concern that [REDACTED] and [REDACTED] have not yet been explicitly been deemed as relevant persons, provides a summary of the meeting held with Woodside on 14/3/2023 and raises compliance with Section 280 of the OPGGSA. The EP demonstrates through consultation with affected relevant persons that the proposed petroleum 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.  
[REDACTED]
- On 29 March 2023, the Woodside [REDACTED] wrote to EDO [REDACTED] acting for [REDACTED] and [REDACTED] with cc to NOPSEMA (A927746) and the EDO responded acknowledging receipt (A927747)
- On 12 April NOPSEMA responded to FARA's letter dated 25 March 2023. Note this is not 3rd party correspondence but a response from NOPSEMA to FARA with the attached letter (A925579 and A923544)
- On 15 May 2023, the EDO [REDACTED] acting for [REDACTED] and [REDACTED] wrote to Woodside [REDACTED] with cc to NOPSEMA [REDACTED], Woodside feedback responding to Woodside's email of 9 May 2023. This full text response from EDO has not been included in the Sensitive information report, nor the consultation report. However, the extent of the email is as follows: "Dear [REDACTED] Thank you for the below email. We are confirming instructions with our clients and will revert as soon as we are able. Kind regards [REDACTED] | EDO [phone number]". And therefore not considered material to the full correspondence chain.
- On 17 May 2023, [REDACTED] of Tuna Australia wrote to NOPSEMA (A936230)
- On 1 June [REDACTED] of Tuna Australia wrote to NOPSEMA with cc to SETFIA and WAFIC (A941845). While this email was not included in the EP, the decision was not to include raise this as an issue as Tuna Australia is not considered to be a relevant person for this activity, for the reason that it is the peak representative body for the Western Tuna and Billfish Fishery, which has been assessed as not relevant to the proposed activity as the fishing activity occurs outside of the EMBA. (EP tracked pg 85 and 1105)
- On 7, 12, 14 and 20 June 2023, the Environmental Defenders Office on behalf of [REDACTED] and [REDACTED] wrote to Woodside, copying in NOPSEMA. This full text response from EDO has not been included in the Sensitive information report, nor the consultation report, given it was provided after the 9 June resubmission date. [ISSUE]
- On 13 June 2023, Greenpeace wrote to NOPSEMA (A9430552 (Letter) & A943057 (email)) claiming in its letter in regards to the Scarborough Drilling and Completions Environment Plan that the information provided to Greenpeace was not sufficient

and reasonable time not given.

- ? On 6/6/23, the Proponent responded to our concerns, and  
? On or before 12/6/23, the Proponent submitted a version of the Environment Plan to NOPSEMA for assessment. This full text response from GAP has not been included in the Sensitive information report, nor the consultation report, given it was provided after the 9 June resubmission date. [ISSUE]
- On 21 June 2023, Woodside wrote to the Environmental Defenders Office who represent [REDACTED] and [REDACTED], copying in NOPSEMA. (A940787) This full text response from WEL has not been included in the Sensitive information report, nor the consultation report, given it was provided after the 9 June resubmission date. [ISSUE]
- On 28 June 2023, the Environmental Defenders Office on behalf of [REDACTED] and [REDACTED] wrote to NOPSEMA copying in Woodside. This letter states "that the meeting scheduled for 13 June 2023 did not proceed and efforts to reschedule it are ongoing. Our clients maintain that Woodside has not explained the activities the subject of the Scarborough Environment Plans, and associated impacts and risks in a way that they can clearly understand, and that they do not understand the risks and impacts of the activities the subject of the Scarborough Environment Plans on their functions, interests and activities. They maintain that that they have not been provided with sufficient information and a reasonable period for the consultation." (A948912 and A948914) This full text response from EDO has not been included in the Sensitive information report, nor the consultation report, given it was provided after the 9 June resubmission date. [ISSUE]
- On 3 July 2023, Woodside responded to the Environmental Defenders Office letter above, copying in NOPSEMA in relation to the 25 July meeting. (A950732) This full text response from WEL has not been included in the Sensitive information report, nor the consultation report, given it was provided after the 9 June resubmission date. [ISSUE]

#### ADMINISTRATIVE MATTERS

- The Sensitive Information Report Part 2 is titled "Scarborough 4D B1 Marine Seismic Survey Environment Plan Sensitive Information Part 2". Given the footer states the report is for the D&C activity, and in speaking with WEL, the document was assessed as for the D&C activity EP submission.
- N1344 - old version is listed in Section 5.2, should be 16/12/2022.

#### Submission 6

**DMG Factor 1. Process for relevant persons (RP) identification is clearly described and provides for broad capture of relevant persons such that each relevant person who can be ascertained is identified.**

***Consultation Guidance GL2086 (CG): EPs should set out the processes that have been applied to identifying and determining who are RPs, as well as the processes undertaken for consultation.***

***CG: TH must clearly identify in their EP who is a RP and the rationale the TH has used to determine who they consider falls within that definition***

***Previous OMR Point 1.1: Issue: There is uncertainty as to whether Woodside's relevant person identification methodology (Table 5-2) provides for sufficiently broad capture of First Nations peoples who have interests that may be affected by the activity. For example, the consultation report (Table 5-4) and sensitive information report do not clearly show that:***

***a. 'Traditional Custodians' that Woodside consulted (Table 5-3) were representative of all the First Nations groups or individuals who should be consulted as relevant persons for the purposes of OPGGSA Regulation 11A and in a manner consistent with the recent Federal Court appeal decision, such that all First Nations relevant persons were afforded a reasonable opportunity to participate in the consultation.***

***The 'Traditional Custodians' consulted for this activity 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 (it is noted that Yamatji Maripa Aboriginal Corporation (YMAC) is the exception to this). In addition, there are a few examples where representative bodies have raised comments that suggest others may need to be consulted such as the minutes from the meeting with the Murujuga Aboriginal Corporation (MAC) on 25 January 2023 which state that

and the meeting minutes from the Wirrawandi Aboriginal Corporation (WAC) meeting on 23 March 2023 that note

Further, the EP states that specific advice was given by some Native Title representative bodies to not hold a community information session (EP, pg 134), however no record to support this statement was provided.

b. Other opportunities for individual 'Traditional Custodians' to self-identify as relevant persons in response to other forms of notification (newspaper advertisements, social media campaign, community information sessions etc) were appropriate to capture the potentially affected individuals and address the shortcomings in the process and implementation described in the two points above. Further, processes for self-identification appear 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.

*Request: Please update the EP to address the above issues and in doing so demonstrate that Woodside's process for the identification and consultation with relevant persons provides for a sufficiently broad capture of First Nations persons and organisations who may have their functions, interests or activities affected by the activity.*

**Woodside's response to 1.1a:** Further information has been added to the summary report in Appendix F, Table 1 and further information added to the SI report to show the question was asked of PBCs of whether there are any other FN groups or individuals that should be consulted. For the 10 PBCs identified as relevant persons, 9 were sent an email on 18 or 19 July 2023 stating the following in one of the last paragraphs of the email "As always, we encourage you to advise us if there are any other Traditional Custodian groups or individuals with whom Woodside should consult. Similarly, please feel free to forward this email and other correspondence to your members or any other Traditional Custodian groups or individuals you believe should receive this information and should be consulted." (e.g. BTAC, SI pg 647) The purpose of the email appears to be to provide further explanation on the consultation process and the links to the NOPSEMA consultation brochure, consultation guideline and draft policy on managing gender restricted information. YMAC (the 10th PBC) had previously corresponded with Woodside on other relevant persons as noted in Table 1 Appendix F: "On 19 July 2022, YMAC responded to Woodside: - YMAC stated the area Woodside has identified requires correspondence directed to Murujuga Aboriginal Corporation and Ngarluma Aboriginal Corporation." (p640)

Overall, the EP doesn't demonstrate timely implementation of this part of the relevant person identification process, as approximately 2 weeks was allowed for PBCs to respond to inform Woodside of any further FNP groups or individuals that should be considered as a RP under 11A(1)(d). The EP should include evidence of further responses [ISSUE - see letter point 3.1]

**Woodside's response to 1.1b:**

- More recent newspaper and social media advertisements mention "Woodside are preparing Environment Plans and wants to discuss these with relevant persons prior to submission to NOPSEMA". See findings under 1.2b below.
- Table 5-1 and 5-2 have been amended to better define and clarify Woodside's methodology for broad capture of Traditional Custodians ((individuals and/or groups/entity) and Nominated Representative Corporations. The changes have removed any previously existing apparent limitations to the identification of First Nations relevant persons. [Complies]

**DMG Factor 2. The activity, environment and possible impacts and risks have been taken into account.**

*No material changes from last revision. [Complies]*

**DMG Factor 3 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

**Previous OMR Point 1.2a:** *There has been a recent change (27 April 2023) to the organisation*



representing the Yinggarda Aboriginal Corporation from the YMAC (with which Woodside has demonstrated consultation) to the Gumala Aboriginal Corporation (GAC) which had not responded to contact attempts at the time the EP was submitted.

**Woodside's response:** The Sensitive Information report (pg 602-622) shows the following actions were taken to consult with the Yinggarda Aboriginal Corporation (YAC) via the Gumala Aboriginal Corporation (GAC), including meeting in person with YAC/GAC:

- 1 June 2023- WEL phoned GAC and followed up with an email
- 15 June 2023 - GAC's [REDACTED] replied by email stating [REDACTED]  
[REDACTED]
- 5 July 2023 - an in-person meeting was held in Perth with GAC/YAC. The presentation slides were included in the SI report (pg605-612) and show that Scarborough activities were discussed including the 4 EMBAs for the different Scarborough activities. The purpose of the meeting was made clear and Woodside also had as a consultation outcome to ask "is there anyone else Woodside should consult with about the activities?".
- 17 July 2023 - Woodside emailed GAC/YAC the meeting minutes, which includes commentary such as [REDACTED] the meeting on 5 July, that "plants, animals and the environment are inexorably linked to their culture" and that YAC intends to write to Woodside regarding their ongoing involvement and relationship building. [REDACTED] No specific cultural values or features in relation to the activity area were noted in these meeting minutes.
- 19 July 2023 - Woodside emailed YAC via Gumala Aboriginal Corporation (GAC) – providing further explanation on the consultation process and the links to the NOPSEMA consultation brochure, consultation guideline and draft policy on managing gender restricted information.
- On 26 July 2023 - Woodside emailed YAC via Gumala Aboriginal Corporation (GAC) – attaching a copy of the Proposed Program of Ongoing Engagement with Traditional Custodians and welcoming their feedback.

On the basis of the above listed consultation activities and the commitment for ongoing consultation and engagement with YAC, the EP demonstrates that appropriate consultation has been undertaken with Yinggarda Aboriginal Corporation (YAC) via Gumala Aboriginal Corporation (GAC) [Complies].

**Previous OMR Point 1.2b - Community bbq sessions:** *It is not clear whether the community information barbecue sessions held in Roebourne provided for engagement with Traditional Custodian and other attendees in a genuine two-way dialogue about the activity that would constitute relevant person consultation. The content of advertisements for these sessions did not clearly outline their purpose and the location of the sessions does not appear to be geographically representative for the petroleum activity impacts and risks.*

**Woodside's response:** Section 5.8.2 has been updated to include information on additional community sessions that were held and how these were advertised. "Community Information Sessions were held in Roebourne on 5, 10, 19 and 24 May, 22 June 2023 and 19 July 2023 respectively; Exmouth on 17 June 2023; and Broome, Derby and Kununurra on 12, 13 and 15 June respectively." (EP tracked p136)

The EP now demonstrates that additional community sessions were held in different towns that more broadly geographically representative for the petroleum activity impacts and risks. The social media advertisements - included in Appendix F of the EP eg tracked p945-949 stating "We'd like to talk about our Environment Plans with relevant persons whose functions, activities or interests may be affected by our proposed projects". The purpose of the session, timing and location were made clear in the later advertisements, however not a lot of notice was provided. e.g. the Exmouth Facebook advertisement was stated to be run from 15 June 2023 – 17 June 2023 (2 days' notice for the sessions) and the ad does not appear to be included in the EP or the Sensitive Information Report. The event held on 17 June was a joint event held with PHI helicopters and 300 community members attended. While there were a few questions raised regarding the activities (impacts to whales, noise and lighting etc), no specific concerns regarding First Nations cultural heritage values were raised at this or any other community event. Note, while the Exmouth Facebook advertisement was not included in the EP, nor other forms of advertising - given the community attendance, it can be seen that an opportunity was provided for relevant persons to come forward and provide feedback or raise any concerns. There remains uncertainty as to the effectiveness of this method of engagement with Traditional Custodian relevant persons for the purpose of understanding cultural heritage values that may be affected by the activity, for the following reasons: the lack of any attendance at the Roebourne 22 June and 19 July sessions, the small number of attendees at Karratha (SI pg460) and the kinds of issues i.e. interest in the support for health programs raised by elders that attended the Roebourne sessions (SI pg 44). However, it could be seen that an opportunity was provided. Further information will be

requested in order for the EP to demonstrate that Woodside's efforts to understand communal interests of First Nations people have been commensurate with the activity and its potential impacts and risks. [RFFWI letter point 3.1]

#### **Consultation with BTAC**

The EP does not demonstrate that effective consultation has taken place with BTAC. Despite a few attempts, Woodside have not met with the BTAC Board. On 28 July, a Teams meeting was held with [REDACTED]. No meeting minutes were included in the EP, nor sent to BTAC. [ISSUE - see letter point 1.1 and 2.1]

[REDACTED]

The EP lacks demonstration of BTAC's agreement to this proposal/Collaboration Agreement, which includes characterising BTAC's Sea Country values (if any in the drilling area) as part of the ongoing consultation process, and therefore further information is required in the EP to address uncertainty attributable to the unidentified cultural features of the environment which may be held by Thalanyji people and to explain how this will be accounted for and appropriately managed throughout the implementation of the activity. [ISSUE - see letter point 1.1 and 2.1]

In terms of sufficient information and reasonable time: it is noted that consultation information sheets were provided on 23 January 2023, and Woodside has been in ongoing conversations with BTAC, including on the 14 June, Woodside emailed BTAC with draft consultation framework principles for ongoing consultation. And on 20 July the draft presentation slides were emailed to [REDACTED] (one slide shows the D&C location in relation to the coastline and Dampier, SI report P673).

On 26 July, the Program of Ongoing consultation was sent to BTAC. SI pg 660. The email states the Program is consistent with the previous consultation framework agreement.

#### **Consultation with Save Our Songlines:**

The consultation report presented in the EP (Table 1, Appendix F tracked EP pg 645-647, and pg 682-696) presents [REDACTED] and [REDACTED] as Individual Traditional Custodians, as well as members of Save Our Songlines. The Environmental Defender's Office began representing and corresponding on behalf of SOS on 8 February 2023.

On 3 July 2023, Woodside confirmed in writing to EDO/SOS that [REDACTED] and [REDACTED] and Save our Songlines are listed as relevant persons in the four Scarborough Environment Plans. (Also received separately via email cc to NOPSEMA on 3 July 2023, A950730)

[REDACTED]

[REDACTED]

[REDACTED]

Within their letter to EDO/SOS on 7 June 2023, Woodside stated: "The activities covered by the D&C EP are located ~430km away from Murujuga and will have no impact on access to sites of cultural and spiritual significance." EP tracked p692.

Based on the impacts to marine fauna being reduced to ALARP and acceptable levels for the drilling and completions activity, it could be seen that [REDACTED] concerns are addressed without needing further information on the songlines. Reasonable attempts have been made to consult however, it is clear though that it is expected from SOS that consultation is ongoing. [ISSUE]

#### Consultation with newly self-identified RPs

Table 5-1: Assessment of relevance now shows Ngarluma Yindjibarndi Foundation Ltd (NYFL) included as a relevant person (EP tracked pg 126). In addition, [REDACTED] and [REDACTED] have been added to this table as "Traditional Custodian -individual". Their names are redacted in the clean version of the EP.

Status of consultation with NYFL: Information on the D&C activity was provided to NYFL on 27 January 2023 via the Karratha Community Liaison Group as NYFL is a member see EP pg 129 (see 1.45 Email sent to Karratha Community Liaison Group in EP pg 833). The SI report does not provide evidence of direct discussion on the D&C activity with NYFL or the Karratha Community Liaison Group. [REDACTED]

Ongoing consultation is required with NYFL and this appears to be supported by NYFL.

#### Consultation with commercial fisheries

"On 17 July 2023, an agreement was reached with AFMA for Woodside to consult directly with Commonwealth fisheries as per contact details provided by AFMA under the new Deed of Confidentiality." Tracked EP pg 568. Licence holders of the Commonwealth North West Slope and Trawl Fishery and Western Deepwater Trawl Fishery are relevant persons and had already been consulted on 3 and 22 February 2023 (SI report pg 886), with sufficient information provided. [C]

Tuna Australia has been considered by Woodside to not be a relevant person. Engagement with Tuna Australia is presented in Table 2 of Appendix F pg 700-705.

#### Ongoing consultation

##### Previous OMR Point 1.3 Ongoing consultation:

*The EP summary and full text consultation report indicates that Woodside has committed to ongoing consultation in general and discussion on particular issues and opportunities with Traditional Custodians (including but not restricted to Nganhurra Thanardi Garrbu Aboriginal Corporation (NTGAC), YMAC, WAC, Buurabalayji Thalanyji Aboriginal Corporation (BTAC) and MAC).*

*The EP Section 7.8.2.1 describes Woodside's approach to addressing the regulation 14(9) obligations for ongoing relevant persons consultation. While the implementation strategy (Table 7-5) lists specific actions Woodside will undertake and the frequency/ timing of these actions for ongoing consultation with other relevant persons, the proposed approach for Traditional Custodians has insufficient detail and appears restricted to "assessment of cultural values" with no mention of the commitments Woodside has been making to groups to continue dialogue with them on the range of issues and opportunities they have raised. These include, for example, the (i) rollout/ expansion of ranger and monitoring programs, (ii) funding support for technical and anthropological studies or for a particular role (e.g. environment scientist) and (iii) development of formal consultation/collaboration/information sharing agreements, etc.*

*Request: Please update the implementation strategy to include the details of ongoing consultation activities with First Nations relevant persons that include specific and time bound commitments, including the activities Woodside has already committed itself to.*

Woodside's response:

Woodside has developed a Program of Ongoing Engagement with Traditional Custodians

(Appendix J), which incorporates feedback from Traditional Custodians. The program was sent out to PBCs for feedback on 26 July, with one response received from NYFL. Woodside asserts that the Program provides a mechanism for ongoing dialogue so that Traditional Custodians can, on an ongoing basis, provide Woodside with feedback relating to the possible consequences of an activity to be carried out under an Environment Plan on their functions, interests and activities as they relate to cultural values. The Program provides for:

- Support for ongoing dialogue and engagement.
- Support for the identification and recording of cultural features.
- Building capacity for the ongoing protection of country.
- Support for capacity and capability in relation to governance.

Woodside has provided a mechanism for ongoing identification of First Nations relevant persons through its Program of Ongoing Engagement with Traditional Custodians which states that "Woodside will receive feedback on cultural values from an individual person or organisation that identifies as a Traditional Custodian, at any stage during the development and implementation of activities" (Appendix J). Any relevant new information on cultural values will be assessed using the EP Management of Knowledge (Section 7.6.1.2) and Management of Change Process (refer to Section 7.7.1).

The Program of Ongoing Engagement while it provides assurance that Woodside will continue to work with Traditional Custodians (including individuals) on an ongoing basis, it does not propose specific and time bound commitments as requested in OMR Point 1.3. [ISSUE - see RFFWI 2.1] There are however supporting EPOs and control measures and EPS to ensure the Program is undertaken that sufficiently cover the ongoing consultation items raised. Unless there is agreement from Traditional Custodians for such a program to run parallel to the activities being undertaken, which will require follow up by Woodside, there still remains the uncertainty on whether it is acceptable for a description of cultural values of the environment to be developed while an activity is taking place, rather than prior to environment plan acceptance. Suggested letter point: Please provide evidence that PBCs have agreed to the Program, i.e. that identification of cultural values will continue to occur while the drilling activity is taking place, and/or include the "Thalanyji Sea Country Management Process" as provided in the Julimar Appraisal Drilling and Surveys EP and Scarborough Seabed Intervention and Trunkline Installation EP. [ISSUE - see RFFWI 1.1 and 2.1]

**DMG Factor 4 – Information gathered through consultation is included in the EP and effectively informed the identification of environmental values and sensitivities to ensure impacts and risks are reduced to ALARP and acceptable**

See RFFWI item 3.3

**DMG Factor 5 – 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**

Additional assessment of merit and responses e.g. Department of Defence, BTAC, SOS are reasonable and supported and where appropriate has resulted in ongoing consultation measures, e.g. Program of Ongoing Engagement with Traditional Custodians (Appendix J), which incorporates feedback from Traditional Custodians. [Complies]

**DMG Factor 6 - Report on consultation is included and sufficient to determine that consultation duties have been discharged.**

*DMG criteria: 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.*

*Requirements: The EP must contain a report on all consultations between the titleholder and a relevant person (regulation 16(b)). The report must 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 EP 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.

**Previous OMR Point 1.4 - Following submission of the EP on 9 June 2023, correspondence was received by NOPSEMA that needed incorporation into the EP**

Woodside's response: All correspondence listed in the OMR letter was included in the consultation report and the SI report. [Complies]

### Third Party Correspondence (received since OMR letter sent on 10 July)

- On 19 July 2023, NOPSEMA received a letter (dated 19 June 2023) from the Walalakoo [REDACTED], Bardi Jawi Niimidiman [REDACTED] and Mayala Inninalang [REDACTED] regarding Browse Basin Exploration – Consultation: Free, Prior And Informed Consent. (A956203) - not relevant to SCA
- On 1 August 2023, [REDACTED] wrote to NOPSEMA advising that "Yindjibarndi Aboriginal Corporation (YAC) has delegated responsibility to Ngarluma Yindjibarndi Foundation Ltd (NYFL) for Oil and Gas matters, including for 'relevant person' matters." (A978016) - this has not been referenced in the EP, despite NYFL now been recognised as a self-identified relevant person.[ISSUE]
- On 7 August 2023, Greenpeace [REDACTED] wrote to NOPSEMA (A977967 (Letter) & A977965 (email)), cc'ing Woodside in regards to the Scarborough Drilling and Completions Environment Plan. Claims made that: they are a relevant person; the information provided to Greenpeace was not sufficient and reasonable time not given; GHG Scope 1 emissions could accumulate with other global GHG and result in environmental harm such as coral bleaching at Ningaloo Reef. Direct quote: "Greenhouse gas emissions generated during drilling activities could accumulate with other global greenhouse gas emissions resulting in environmental harm, such as bleaching of coral reefs at the Ningaloo Coast World Heritage Area." pg 10.
  - The GPA letter makes clear that Greenpeace's functions/interests/activities include activism towards GHG emissions reduction consistent with limiting global warming to 1.5°C (p6 of letter); as well as identifying and communicating the potential climate-related impacts of the activity (p8 of letter). The letter also identifies some potential consequences of the activities on GPA's functions/interests/activities, including harm to marine life and habitats that GPA seeks to protect (p10 of letter). GPA asserts that they require additional information to make an informed assessment of the potential harm to marine life and habitats (p10 of letter), and requests additional detail on aspects such as emissions inventories and budgets, including relevant global warming scenarios; the relationship between the Scope 1 emissions of the activity and Woodside's corporate emissions reduction and offset plans; and detail on offset integrity principles and sourcing (p12-14 of the letter). GPA also raise objections (p16 of letter) that Scope 1 emissions from the activity should be reduced to net zero; and that Scope 3 emissions from the production phase of the project have not been included in the EP as indirect consequences of the activity.
    - [REDACTED]
    - [REDACTED]
    - [REDACTED]
    - [REDACTED]
  - [REDACTED]

[REDACTED] he global context and predicted impacts from those emissions are also public, and therefore GPA has sufficient information to a) understand the potential impacts of the activity and b) determine how those impacts might affect GPA's functions/interests/activities related to

campaigning for GHG emissions reduction and limiting harm from climate change. While the impacts and risks from the activity have not been reduced to GPA's satisfaction, that is not the required test to meet for the consultation regulations. This full text response from GPA has not been included in the Sensitive information report, nor the consultation report. [ISSUE]

- 21 August - 7 September 2023 (A999537) - "Thread - FW: Scarborough Gas Project – Scarborough 4D B1 Marine Seismic Survey Environment Plan". An email thread between Woodside and EDO making arrangements for an on country meeting in Karratha with [REDACTED] and [REDACTED] on 12 September 2023 (NOTE this entry is post the letter being sent on 8 September, but included as may be relevant for the D&C activity, not just the MSS)
- On 22 September 2023, Land Equity Legal Native Title, [REDACTED] wrote to Woodside on behalf of the Kariyarra Aboriginal Corporation RNTBC (KAC), ccing NOPSEMA (A1011534). The SCA D&C EP does not consider KAC to be a relevant person who are situated around Port Hedland. The information for KAC was viewed on 27/9 at <https://nativetitle.org.au/find/pbc/8355>

#### Submission 7

##### Location of key information:

- Report on Consultation: EP Appendix F, Table 1: EP tracked pgs 634 - 847
- Full text of relevant person responses: Sensitive Information Report titled "Scarborough Drilling and Completions Environment Plan Sensitive Information" (Date: October 2023, Revision: 6)
- EP Section 4.9.1 Cultural Features and Heritage Values, Table 4-16: Cultural features and heritage values identified in publicly available literature: EP tracked pgs 79-85
- Table 4-17: Feedback Received via Consultation to Inform Existing Environment Description: EP tracked pgs 91-100
- Consultation information sheets and emails sent to relevant persons Appendix F: EP tracked pgs 848 - 913
- Section 5 Consultation: EP tracked pgs 117 - 177
- Section 5.5.1 Approach to Methodology - Woodside's Interpretation of Tipakalippa
- Section 5.8.4 Assessment of Relevant Persons for the Proposed Activity - Table 5-3 EP tracked p144-172
- Section 5.9 Consultation Activities and Additional Engagement for the Scarborough Drilling and Completions Environment Plan, including Traditional Custodian Specific Consultation EP tracked p173-177
- Appendix J - Program of Ongoing Consultation with Traditional Custodians: EP tracked pgs 1448-1454
- Section 6.10 Cultural Features and Heritage Values Assessment: EP tracked pgs 355-371

Sensitive Information Report is abbreviated as SIR.

Issues raised and an assessment of Woodside's responses to RFFWI letter points from 8 September 2023:

**Previous RFFWI 1.1 *There is not a thorough description of the environment – Cultural features (Regulation 10A(a)). The description of the cultural features of the environment (Section 4.9.1) was not complete, in particular relating to unidentified cultural features held by Thalanyji people. Further, the EP does not set out a clear process for ongoing engagement with BTAC on the identification and management of cultural values held by Thalanyji people. As such, the EP does not demonstrate that potential impacts and risks of the activity on the cultural values held by Thalanyji people will be appropriately evaluated and managed to ALARP and an acceptable level. (Summary of the issues raised in the RFFWI letter)***

*Request:* Please revise the EP to address uncertainty attributable to the unidentified cultural features of the environment which may be held by Thalanyji people and explain how this will be accounted for and appropriately managed throughout the implementation of the activity.

##### *Assessment of how Woodside addressed the issues identified:*

Woodside has undertaken a desktop study seeking to clarify the extent of Thalanyji sea country and to identify Indigenous cultural features off the WA coastline relevant to the area. The outcome of this review is outlined in Sections 4.9.1 and 7.5 of the EP and has been used to inform the assessment of potential impacts and risks to cultural features and heritage values. References within Table 4-16 included published guidance documents such as the Ningaloo Marine Park (Commonwealth Waters) Management Plan 2002, DBCA & Parks

Australia 2002. Ningaloo Coast: Nynggulu Visitor guide, and the more recent Department of Biodiversity, Conservation and Attractions. 2022. Nynggulu (Ningaloo) coastal reserves: Red Bluff to Winderabandi joint management plan No. 101; Hayes on behalf of the Thalanyji People v State of Western Australia [2008] FCA 1487; reports on cultural heritage/archaeological sites for the Gorgon project/Barrow Island. In addition, Woodside gathered information from BTAC website, research reports and publicly available information from the National Native Title Tribunal in order to determine the extent of of BTAC's sea country (tracked EP pg 101-103).

EP "Table 4-16: Cultural features and heritage values identified in publicly available literature" lists features and values for the Thalanyji people identified from the various sources that have potential to overlap the PAA and EMBA - these include turtles and fish (other features and values were identified but assessed as not overlapping with the PAA and EMBA). There is also a recognition of the values of "connection to Country, transfer of knowledge, and access to Country". These terms are described within EP Section 6.10 "Cultural Features and Heritage Values Assessment".

EP "Table 4-17: Feedback Received via Consultation to Inform Existing Environment Description" summarises the values for the Thalanyji people as identified in their letter dated 20 February 2023. Namely their "Cultural obligation to care for the environmental values of Sea Country". Sea Country extends "out to the vast islands off the coast of the Pilbara, including the Monte Bello Islands, Barrow Island, and the Mackerel Islands".

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 turtles (C3.6, EP tracked pg 219, 226, 345, 347, 364, 370). In addition, for other First Nations Groups new control measures were introduced for protection of whale sharks (C3.5) and C3.2 was modified to include humpback whales, given its importance as a totemic species to some First Nations groups. These constitute appropriate measures adopted because of the consultations.

In addition, a new section has been added to the EP "Section 6.10 Cultural Features and Heritage Values Assessment". Key information in demonstrating that potential impacts and risks to First Nations peoples' cultural features and values are within the EMBA are reasonably understood and reduced to ALARP and acceptable levels includes:

- "No specific details of songlines within the EMBA have been provided by relevant persons during consultation for this Activity, and no landforms typical of songlines (e.g. rocks, mountains, rivers, caves and hills (Higgins 2021:724)) are anticipated to be impacted by the Activity." (EP tracked pg 358). This is supported by the 2021 ethnographic survey (McDonald and Phillips 2021) undertaken by MAC which "did not identify any sites within the EMBA related to songlines, or make recommendations that any mitigations were required to manage songlines." (Tracked EP, pg 358)
- "The existence of a whale songline potentially intersecting the EMBA has also been asserted by members of Save Our Songlines (Table 4-17). Consultation with this group and associated individuals has not provided detail on the presence, features or route of this songline. The most detailed description available to Woodside is asserted in the Concise Statement and Affidavit"... "Given potential impacts to whales are limited to behavioural disturbance to transient individuals, which are not considered to be ecologically significant at a population level, the whale songline and associated whale dreaming story is not anticipated to be affected by the Petroleum activities Program." p358
- "Woodside has undertaken all reasonable steps to identify creation and dreaming sites, sacred sites, and places associated with ancestral beings within the EMBA. No such sites have been identified" (through literature review). "The EMBA does not overlap the Ancient Landscape where thalu or rock art sites may exist." p359
- Access to Country, including Sea Country may be limited where there are exclusion zones established, however, "the closest boundary of the PAA is greater than 360 km west-north-west of Dampier, and greater than 215 km from the closest landfall at North West Cape, while the closest boundary of the EMBA is about 40 km from closest landfall with no shoreline contact." p359
- "All mentions of active ceremonial sites were confined to onshore locations, though the values may extend offshore where, for example, the thalu relates to marine species populations." p360
- Marine species of interest included turtles and whales. "The PAA does not overlap any BIAs, with the closest migratory BIA for pygmy blue whales ~35 km distance away...the PAA and EMBA do not overlap any marine turtle BIAs or whale shark BIAs... As such, cultural values and intangible cultural heritage associated with these species are expected to be maintained." p360

Further information on ongoing engagement with BTAC, including specific commitments with

clear timeframes has been provided in EP sections 7.5 "Thalanyji Sea Country Management Process" and Appendix J "Program of Ongoing Engagement with Traditional Custodians" (tracked EP p1448). This agreed arrangement for ongoing consultation with BTAC is considered appropriate in managing any potential uncertainty regarding the description of cultural features and heritage values for the Thalanyji people, and the appropriate protection of these features and values.

Conclusion: The EP contains a description of the cultural features and values held by the Thalanyji people, sufficient to demonstrate that potential impacts and risks of the activity on the cultural values held by Thalanyji people will be appropriately evaluated and managed to ALARP and an acceptable level. It is noted that Woodside has taken steps to identify any further cultural features held by the Thalanyji people through offering to fund and support BTAC to undertake an ethnographic assessment, however BTAC haven't proceeded with this assessment. In addition, the ongoing consultation program (proposed "Collaboration Agreement") described in Appendix J of the EP, together with Woodside's MOC process and Cultural Heritage Management Procedure (summarised on pg 1450) appears suitable to address uncertainty.

Additional information on the description of the cultural features of the environment:

In describing more broadly the cultural features in the environment that may be affected by the activity, Woodside states the following in EP Section 4.9.1: "Woodside has undertaken archaeological assessments and ethnographic surveys to identify potential cultural values or features that may be impacted by Scarborough activities. These works have not identified heritage places, objects or values which will be impacted by the activities planned under this EP. However, through consultation with relevant persons, Woodside recognises the deep spiritual and cultural connection to the environment that First Nations people hold." (tracked EP, p72-73)

It is noted that Sea Country values have been defined using multiple lines of evidence including:

- Desktop assessment of Sea Country values from publicly available sources
- Specific studies including ethnographic surveys and archaeological heritage assessments
- Consultation with First Nations groups and individuals

Woodside's definition of the environment is consistent with the Environment Regulations (S4.9.1). Consultation has built on the knowledge of cultural features of the environment available through published literature.

**Previous RFFWI 2.1 *The plan for ongoing consultation is incomplete - no specific commitments and clear timeframes for ongoing consultation with YMAC, WAC and NTGAC.***

*Request:* Please update the implementation strategy to include the details of ongoing consultation activities with First Nations relevant persons to include specific commitments with clear timeframes, including any activities already committed to by Woodside.

*Assessment of how Woodside addressed the issues identified:* Appendix J of the EP (tracked EP p1448) has been updated to include the status of agreements for ongoing consultation with eight of the 11 Traditional Custodian Relevant Persons, including YMAC, WAC, NTGAC, BTAC, NAC, YAC (Yinggarda Aboriginal Corporation), RRKAC and NYFL. The table includes specific commitments with clear timeframes for actions to be taken by Woodside to progress with seeking agreement with these organisations. For example, the forward plan for BTAC includes "Refer to EP Section 7.5 – Thalanyji Sea Country Management Woodside and BTAC have executed a Costs Acceptance Letter. Woodside has developed a Collaboration Agreement which is currently under internal Woodside review. Once settled internally it will be put to BTAC for their consideration" and estimated timeframes are stated as "The draft Collaboration Agreement will be provided to BTAC for consideration in October 2023. Woodside will follow up on a monthly basis for at least six months with BTAC once they are in receipt of the draft proposed Collaboration Agreement from Woodside, or until the Agreement is in place." (EP tracked pg 1453).

The specific commitments and clear timeframes for ongoing consultation with First Nations relevant persons made within Appendix J of the EP are appropriate given the opportunities provided to date for Regulation 11A consultation. See below for further information on each First Nations relevant person organisation.

**DMG Factor 3 Effective consultation has taken place - First Nations relevant persons.**

**Assessment of the status of whether requirements for consultations under Div2.2A have been discharged (reg 10A(g)(i)) for each FN group (i.e. are ongoing consultation agreements appropriate)**

Consistent with the consultation methodology described in EP Section 5.5, the EP demonstrates that Woodside had carried out the consultations required by Division 2.2A



through providing information on the consultations undertaken within the report on consultation in EP Appendix F Table 1 and supported by full text records in the Sensitive Information Report.

The assessment of whether sufficient information has been provided to a First Nations RP included the following considerations:

- Summary information sheets written in plain English were emailed to the organisation prior to meeting with them.
- The Summary information sheets show the location of the activity in relation to the coastline and water depth contours and the EMBA in relation to the coastline was made clear.
- Face to face meetings were held - it is considered that these meetings provide a further opportunity for information to be provided to a RP and for questions to be asked if the RP did not understand the activity and its potential for impacts on their functions, interests and activities and the reason for engagement.
- Evidence was presented in the EP showing a genuine two-way dialogue with the RP through meeting minutes and/or follow up correspondence.
- The purpose of consultation was made clear.

In demonstrating that sufficient information has been provided to First Nations relevant persons:

Across all First Nations nominated representative corporations, Woodside provided via email in January 2023 (except for YMAC who was provided information on 7 July 2022) a simplified plain English information sheet describing the activity and consultation process that was developed and tailored by Indigenous representatives for a Traditional Owner audience, and a link to the location of a more detailed information sheet for the activity on their website.

The simplified plain English information sheet clearly depicted the location and extent of the EMBA in relation to the coastline and provided a summary of the nature of the activity and details of the planned impacts and risks associated with the activity.

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.

Copies of these information sheets are available in Appendix F of the EP:

- 1.26 Simplified Overview Consultation Information Sheet Drilling and Completions (January 2023) - provided in EP Appendix F (EP tracked pg 909)
- 1.27 Simplified Overview Consultation Information Sheet Scarborough (January 2023) provided in EP Appendix F (EP tracked p912)
- 1.25 Woodside Consultation Information Sheet – (updated January 2023) (EP tracked pg 900)

In support of the information provided in the information sheets, Woodside met with all First Nations organisations, with the exception of BTAC. This provided the opportunity for the activity to be discussed, for questions to be asked about the materials presented and cultural heritage values/interests to be raised, as well as any concerns regarding any potential impacts and risks to cultural heritage features and interests.

In addition, Woodside clearly communicated the purpose of consultation with all First Nations relevant persons, namely seeking to understand the nature of the interests held by the First Nations organisation and its members, and also to request advice on whether any other Traditional Custodian groups or individuals with whom Woodside should consult. This was done on several occasions as follows:

- In January 2023, when the information sheets were provided, the accompanying email stated that Woodside is seeking to understand the nature of the interests that the First Nations organisation and its members, e.g. "Woodside is seeking to understand the nature of the interests that Wirrawandi Aboriginal Corporation (Wirrawandi) and its members may have in the 'environment that may be affected' (EMBA) by this activity. The EMBA is the total area over which unplanned events could have environmental impacts, as set out in the Summary Information sheet attached." (EP tracked p918)
- On 18 and 19 July 2023, Woodside again emailed the PBCs (with the exception of YMAC) stating the purpose of consultation, and attaching links to the NOPSEMA consultation brochure, Consultation guideline and draft policy on managing gender restricted information. This email included a request for advice on other Traditional Custodian groups or individuals, stating *"As always, we encourage you to advise us if there are any other Traditional Custodian groups or individuals with whom Woodside*

should consult. Similarly, please feel free to forward this email and other correspondence to your members or any other Traditional Custodian groups or individuals you believe should receive this information and should be consulted." (e.g. SIR pg 749, 931). In addition, Woodside ensured that the relevant person was aware of the opportunity to establish cultural protocols to enable cultural information to be shared in a culturally appropriate way if required.

- On 18 September 2023 Woodside again emailed to all First Nations nominated representative corporations to ask whether there were any other First Nations persons that should be consulted, stating using WAC as an example: "Woodside is again writing to you to confirm:  
a. if you are aware of any people, who in accordance with Indigenous tradition, may have spiritual and cultural connections to the environment that may be affected by the activity that have not yet been afforded the opportunity to provide information that may inform the management of the activity; and  
b. if there is any information you wish to provide on cultural features and/or heritage values.  
We have attached the information relevant to each of these activities and ask that you distribute it to members or individuals who may be interested." (EP tracked pg 1029)

During the face to face meetings, the titleholder provided the First Nations relevant persons with further information in response to each of their queries raised in relation to the impacts and risks of the proposed activity. Presentation slides used in the meetings are provided in the SIR, e.g. for Yinggarda (EP tracked pg 777). On occasions where a relevant person expressed interest in a particular environmental value during the face to face meetings (e.g. whales and whale sharks), the titleholder appeared to make a more concerted effort to explain and seek feedback on the controls that are proposed to be implemented during the activity to protect that value (e.g. Meeting with SOS/ [REDACTED] /EDO on 4 October 2023) (SIR, tracked starting at pg 559).

#### 1. Wirrawandi Aboriginal Corporation (WAC)

Tracked EP Appendix F Table 1 (pg 691- 697) and full text records in the SI report (p727-766) demonstrate that WAC has been provided with sufficient information and a reasonable period for consultation. These records also show that WAC has been afforded a reasonable opportunity to participate in consultation. It is appropriate that an ongoing consultation agreement is in progress. [C]

Below is a summary of key information from the consultation records that supports the conclusion that regulation 11A consultation requirements have been discharged for WAC:

- Consultation commenced with WAC on 20 January 2023, (1.32 Email sent to WAC on 20 January 2023 (EP Appendix F, tracked pgs 918-919) providing a simplified Consultation Information Sheet (including a link to the detailed information sheet on Woodside's website) as well as a summary overview fact sheet. The email requested information on the nature of interests that WAC and its members may have within the EMBA, confirmed the next steps for engagement, and requested that WAC provide information to members as required. "Please feel free to forward this email and, the attached documents to Wirrawandi members as required. Woodside would be pleased to speak with Wirrawandi members in addition to the WAC Board / office holders." EP tracked pg 919
- Woodside met with the WAC Board and Circle of Elders on 23 March 2023. Minutes of this meeting are included in the SI report 731-736. During the meeting, Woodside provided information about the relevant persons consultation process and the activity including in relation to the extent of the EMBA, the planned and unplanned environmental impacts and risks and proposed controls. [REDACTED]
- [REDACTED]
- Consultation with WAC has also occurred through a meeting on 31 March 2023 with the joint Heritage Advisory Committee (HAC) that is required under Yaburara Mardudhunera and Kuruma Marthudunera ILUA. The HAC therefore consists of members from the Robe River Kuruma & Wirrawandi Aboriginal Corporations. During the meeting, Woodside provided information about the relevant persons consultation process and the activity including in relation to the extent of the EMBA, the planned and unplanned environmental impacts and risks and proposed controls. There were various questions asked, particularly in relation to emergency preparedness and response in the event of an unplanned hydrocarbon spill, which

were responded to during the meeting.

- Woodside followed up the two meetings with letter correspondence on 3 May 2023. This included the offer to keep sensitive information confidential.
- On 18 July 2023 Woodside emailed WAC with a request for advice on other Traditional Custodian groups or individuals, stating *"As always, we encourage you to advise us if there are any other Traditional Custodian groups or individuals with whom Woodside should consult. Similarly, please feel free to forward this email and other correspondence to your members or any other Traditional Custodian groups or individuals you believe should receive this information and should be consulted."* SI pg 749. Also included in this email were links to the NOPSEMA consultation brochure, Consultation GL and draft gender restricted policy.
- Woodside emailed WAC on 26 July 2023 with details of their proposed "Program of Ongoing Engagement with Traditional Custodians" which sets out Woodside's commitment to ongoing engagement and support of Traditional Custodians' capacity to care for and manage Country, including Sea Country. (EP pg 695)
- In response, WAC's letter to Woodside dated 29 August 2023 outlining what they expected an agreed framework for ongoing consultation would address.

[REDACTED]

- On 18 September 2023 Woodside emailed to WAC to ask whether there were any other First Nations persons that should be consulted, stating: *"Woodside is again writing to you to confirm:*
- *a. if you are aware of any people, who in accordance with Indigenous tradition, may have spiritual and cultural connections to the environment that may be affected by the activity that have not yet been afforded the opportunity to provide information that may inform the management of the activity; and*
- *b. if there is any information you wish to provide on cultural features and/or heritage values.*
- *We have attached the information relevant to each of these activities and ask that you distribute it to members or individuals who may be interested."* EP tracked pg 1029

Full text records show that conversations on the framework agreement are ongoing, and Woodside at the time of submission of the EP had not yet agreed in writing to provide support for WAC as per WAC's letter. EP Appendix J states an estimated timeframe of settling the agreement in 2023 (EP tracked pg1453).

It is clear for WAC, based on their email on 11 September 2023, that this framework agreement for ongoing consultation is separate to Reg 11A consultation and that Reg 11A consultation has taken place. [C]

## 2. Yinggarda Aboriginal Corporation (YAC)

Appendix F, pg 697- 704 of the tracked EP and full text records in the SI report (p766-802) demonstrate that YAC has been provided with sufficient information and a reasonable period for consultation. These records also show that YAC has been afforded a reasonable opportunity to participate in consultation. Key dates and information are as follows (see the Report on Consultation in Appendix F for further details):

- Consultation commenced with YAC via YMAC on 10 January 2023, with information sheets provided on 20 January 2023.
- As at 27 April 2023 YMAC advised that the Gumala Aboriginal Corporation (GAC) is now providing YAC's executive office services. Originally YMAC was providing this service.
- On 5 July 2023 Woodside met with Yinggarda Board. Presentation Slides are provided in the SIR (tracked pg 777). Meeting minutes are included in the SIR (tracked p774). Minutes were also captured in letter to YAC via GAC on 17 July. Ranger programs were raised in the meeting, and an interest expressed in ongoing consultation. Concerns raised during the discussion on potential impacts from the D&C activity were appropriately captured and assessed in the consultation report (tracked EP, p703) and marine fauna of importance raised was noted in the description of the environment (EP tracked p100)
- On 19 July 2023 Woodside emailed YAC with a request for advice on other Traditional Custodian groups or individuals and included the NOPSEMA consultation brochure, Consultation GL and draft gender restricted policy.
- On 26 July 2023, Woodside emailed YAC Woodside's planned Program of Ongoing Engagement with Traditional Custodians. That was where the previous EP consultation ended. On 2 August 2023, YAC lawyer emailed Woodside to indicate that they had been placed on a retainer by YAC to advise on NOPSEMA matters.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] This email also raised concerns regarding provision of a reasonable period (lack of appropriate resources and time), in that [REDACTED]

[REDACTED]

Woodside's response to the issue raised: On 14 September 2023 Woodside responded to YAC via BSA by providing a letter with Draft Consultation framework principles, working towards a consultation framework agreement. The letter contained proposed dates for agreeing the framework including (but not limited to) having the framework agreed by 15 October 2023, a Woodside and YAC Board meeting by 31 October 2023, followed by meetings between YAC and Woodside on a quarterly basis.

[REDACTED] Full text records end there. In their consultation report, Woodside maintains that Sufficient information to allow informed assessment has already been provided by other means, including summary sheets developed by Indigenous staff, a face-to face meeting with appropriate material (pictures, maps, video) and project attendance allowing opportunity to ask questions and seek further understanding." (EP tracked p703). Appendix J provides information on the status of this arrangement and commits to "Woodside will continue following up with YAC on a monthly basis for at least six months, seeking to progress the Framework Agreement." EP tracked p1454

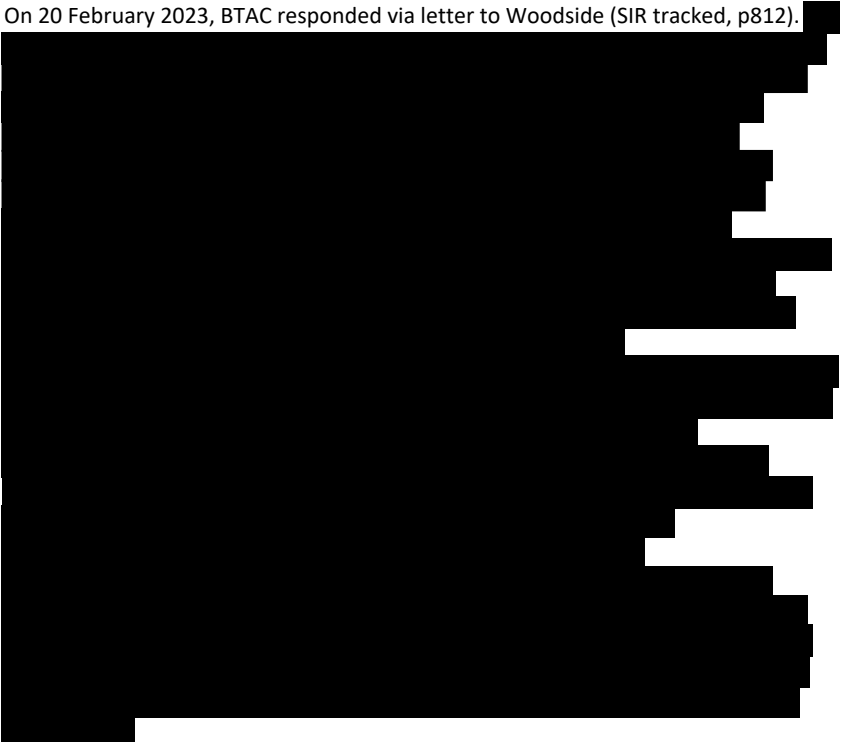
It appears that free prior and informed consent is being considered by YAC, which goes beyond the requirements of regulation 11A consultation. Given the meeting discussions held did not raise concerns of significant impact to cultural features or values, it is considered appropriate that an ongoing consultation agreement is progressed, and that consultation obligations under regulation 11A have been discharged. [C]

### 3. Buurabalayji Thalanyji Aboriginal Corporation (BTAC)

Woodside commenced consultation with BTAC in January 2023 (Appendix F, Reference 1.36 and 1.37), providing a simplified Consultation Information Sheet (including a link to the detailed information sheet on Woodside's website) as well as a summary overview fact sheet. The email requested information on the interests that BTAC and its members may have

within the EMBA, information on how BTAC would like to engage, and requested that BTAC provide information to members as required.

EP Appendix F, pg 707- 716 of the tracked EP and full text records in the SI report (p809-894) demonstrate that BTAC has been provided with sufficient information and a reasonable period for consultation. These records also show that BTAC has been afforded a reasonable opportunity to participate in consultation. Key dates and information are as follows (see the Report on Consultation in Appendix F for further details):

- Consultation commenced with BTAC on 10 January 2023, with the email sent to the correct email address on 23 January 2023. The purpose of consultation (nature of any interests in the EMBA) and invitation for members was covered in the 10/1 email (SIR tracked pg 809) and on 20/1 the follow up email states "Woodside would be pleased to speak with BTAC members in addition to the BTAC Board / office holders." (App F letters in EP, tracked p922-923)
- On 20 February 2023, BTAC responded via letter to Woodside (SIR tracked, p812).  

- On 17 March 2023, Woodside emailed a letter to BTAC in response to their 20 February 2023 letter. The letter includes responses to information provided in the BTAC letter and sets out a proposed summary of the consultation outcomes to include in EPs for Scarborough activities. Within the consultation report, Woodside's responses are numbered corresponding to the issues/concerns raised by BTAC and show reasonable efforts were made to cooperate with BTAC's requests.
- On 18 April 2023, BTAC responded to Woodside's letter dated 17 March 2023. The letter confirms that BTAC is agreeable in principle to including statements in EPs along the lines proposed in the Woodside's letter, subject to formalising arrangements – for example under a Collaboration Agreement. BTAC also invited the opportunity for Woodside to attend a board meeting with BTAC representatives. (EP tracked p712)
- On the 14 June, Woodside emailed BTAC with draft consultation framework principles for ongoing consultation.
- On 10 July Woodside emailed BTAC "We are seeking confirmation that BTAC does not object to Woodside's submission of the EPs listed below, that have been notified to BTAC" this included the D&C activity. (SIR p828)
- On 19 July 2023, Woodside emailed BTAC as with other PBCs with a request for advice on other Traditional Custodian groups or individuals and included the NOPSEMA consultation brochure, Consultation GL and draft gender restricted policy.
- Woodside has sought clarification on several occasions as to whether BTAC objects to Scarborough EPs being submitted to NOPSEMA, moving from pre-submission consultation to ongoing consultation, subject to Woodside committing to ongoing consultation with BTAC and progressing the establishment of the proposed 'Collaborative Agreement' (i.e. see emails dated 28 April 2023 and 10 July 2023 - D&C SIR pdf page 823 and 828). BTAC has not directly responded to this matter.
- On 14 September, WEL notified of proposed commencement dates and requested feedback by 28/9. Again, a request is made for "a) if you are aware of any people, who in accordance with Indigenous tradition, may have spiritual and cultural connections to the environment that may be affected by these activities that have not yet been afforded the opportunity to provide information that may inform the management of the activities; and b) if there is any information you wish to provide



on cultural features and/or heritage values."

- On 14 September, BTAC [REDACTED] emailed a letter dated 14 September regarding Cost recovery and a scope of services. [REDACTED]

- On 22 September, Woodside signed the Cost Acceptance Letter and clarified the list of activities that will be the subject of consultation.

- [REDACTED]

Key issues raised by BTAC: BTAC has not specifically developed values regarding Sea Country into a format that could be articulated for consultation. In addition, BTAC has expressed concerns about capacity issues and requested a consultation agreement, but expectations are unclear in relation to whether it is for the purpose of 11A consultation or ongoing consultation under Regulation 14(9). [REDACTED]

Woodside's response to the issues raised (EP tracked page 715): *"Woodside agreed to support the articulation and recording of sea country values. Since Woodside formally offered to support BTAC undertake an ethnographic assessment in July 2023, BTAC has not indicated that it desires to initiate the activity. Completion of an ethnographic assessment is not required to undertake or complete consultation under Reg 11A. Opportunity to undertake this work continues under the proposed Collaboration Agreement (see 6) as part of ongoing engagement. Woodside has been able to develop a robust understanding of Thalanyji Sea Country cultural values and features in absence of this assessment."*

At the time of EP submission, a Board Meeting has not taken place with BTAC, however a Costs Acceptance letter has been signed by Woodside, and a draft consultation agreement was subject to internal review within Woodside. Woodside committed to providing the draft Collaboration agreement to BTAC in October 2023 and following up on a monthly basis until the Agreement is in place. This is reflected in Appendix J of the EP (tracked, pg 1453). In addition, Woodside has undertaken a desktop study seeking to clarify the extent of Thalanyji sea country and to identify Indigenous cultural features off the WA coastline relevant to the area. This study may provide the foundational material necessary for the description of the environment and environmental impact and risk assessment. See findings above in regards to RFFWI 1.1 for further details.

It is considered appropriate that an ongoing consultation agreement is progressed, and that consultation obligations under regulation 11A have been discharged given the reasonable efforts made to engage with BTAC over 9 months. [C]

#### 4. Muruiuga Aboriginal Corporation (MAC)

EP Appendix F, pg 685- 691 of the tracked EP and full text records in the SI report (p636- 698) demonstrate that MAC has been provided with sufficient information and a reasonable period for consultation, i.e. that consultation obligations under regulation 11A have been discharged. These records also show that MAC has been afforded a reasonable opportunity to participate in consultation, especially given the long standing relationship of Woodside with MAC (Heritage Management Committee (HMC) and BMIEA agreement). Key dates and information are as follows (see the Report on Consultation in Appendix F for further details):

- Woodside states in their assessment of relevance (EP, Table 5-3) that they have been engaging with MAC since 2018 on the Scarborough project generally. Evidence of meeting records are provided in the sensitive information report, shows engagement starting from October 2020 (SIR, p636).
- MAC Circle of Elders participated in an on-country ethnographic survey in 2020, covering the Scarborough project area. The Scope of the Survey is presented in the

SIR p637-640.

- On 20 January 2023 Woodside first contacted MAC to initiate relevant persons consultation in preparation of the EP for the activity. An activity overview and link to the more detailed Information sheet was provided to MAC.
- On 25 January 2023, Woodside met with the MAC board in Dampier. A summary of the meeting is included in the Sensitive information report, showing the agenda included "Scarborough overview and project activity update". Meeting notes of relevance to the drilling activity demonstrate "EMBA maps were explained and left with MAC for info" and "Plain English fact sheets provided" App F 1.26 and 1.27 shows these are for the D&C activity. The EP consultation summary table states "MAC Board noted the need for ongoing consultation with the Board and Circle of Elders."
- On 20 February 2023, Woodside met with the MAC [REDACTED] and consultant. A summary of the meeting is included in the sensitive information report showing the agenda included "Offshore EPs" including "Drilling and Completions". The summary of this meeting provided in the SI report (p32)
- Meeting with MAC and Circle of Elders – 22 June 2023 (SIR tracked p676) shows no concerns regarding cultural heritage were noted in the meeting minutes.
- On 21 July 2023 MAC's [REDACTED] responded via letter (dated 21 July 2023) confirmed "the presentation and discussion on the following Environmental Plans was appreciated and we confirm that we have no concerns at this point in time" (SIR, tracked pg 685). The letter also confirms their desire for ongoing engagement from Woodside.
- On 26 July 2023 - Woodside provided the Program of Ongoing Engagement with Traditional Custodians.
- Correspondence from MAC regarding their advice on cultural knowledge held by SOS [REDACTED] dated 1 September 2023 is included in the SIR p694-695

Key issues raised by MAC - nil. Ongoing consultation with MAC has been committed to and includes engagement via the HMC.

#### 5. Ngarluma Aboriginal Corporation (NAC)

EP Appendix F, pg 679- 684 of the tracked EP and full text records in the SI report (p698-727) demonstrate that NAC has been provided with sufficient information and a reasonable period for consultation. These records also show that NAC has been afforded a reasonable opportunity to participate in consultation. Key dates and information are as follows (see the Report on Consultation in Appendix F for further details):

- Woodside has been engaging with NAC since 2021 on the Scarborough project generally, through the quarterly heritage meetings. (SIR p722-727)
- On 20 January 2023, Woodside emailed NAC advising of the proposed activity (Appendix F, Reference 1.28) and provided a simplified Consultation Information Sheet (including a link to the detailed information sheet on Woodside's website) as well as a summary overview fact sheet. Woodside made it clear it was prepared to consult in the manner and location preferred by NAC and resource the meeting appropriately. Woodside requested that the information be forwarded to NAC members as required.
- Woodside have met several times with NAC during January 2023 - August 2023
- On 10 May 2023 Woodside has received an email from NAC advising "NAC is supportive of the submission and looking forward to ongoing consultation" (D&C SIR pdf page 703), noting that this was in the context of all Scarborough activity EPs.

Key issues raised by NAC: On 10 August 2023 after providing NAC with correspondence in relation to fulfilling the condition requirements of the MSS EP approval (for which the decision now been set aside), Woodside received an email response from NAC expressing concerns about capacity issues (D&C SIR pdf page 717) and Woodside followed up with a phone call to discuss these issues and a way forward.

- On 18 September NAC emailed requesting a Woodside-NAC Joint Working Group to manage the foreseen extensive amount of consultation on Woodside projects (SIR tracked p720)
- On 10 October (after phone discussions), Woodside replied stating "We approve of the proposal below in principle and are looking forward to arranging our first meeting."

The above resourcing issue has been addressed by Woodside through agreeing to draft a Framework Agreement and then meeting to discuss in 2023. This is reflected in Appendix J of the EP (tracked, pg 1453). It is considered appropriate that an ongoing consultation agreement is progressed, and that consultation obligations under regulation 11A have been discharged. [C]

#### 6. Nganhurra Thanardi Garrbu Aboriginal Corporation (NTGAC)

EP Appendix F, pg 721-730 of the tracked EP and full text records in the SI report (p908-951) demonstrate that NTGAC has been provided with sufficient information and a reasonable period for consultation. These records also show that NTGAC has been afforded a reasonable opportunity to participate in consultation (approximately 9 months) with Woodside making reasonable efforts to consult and in a manner that accommodated for the provision of sufficient information. Examples of key dates and information are as follows (see the Report on Consultation in Appendix F for further details):

- Consultation commenced with NTGAC on 20 January 2023, providing a simplified Consultation Information Sheet (including a link to the detailed information sheet on Woodside's website) as well as a summary overview fact sheet (EP tracked p915). The email requested information on the nature of interests that NTGAC and its members may have within the EMBA, confirmed the next steps for engagement, and requested that NTGAC provide information to members as required.
- On 16 February 2023 Woodside met with the NTGAC board and YMAC as the nominated representative (this included attendance by YMAC's in house Environmental Scientist). During the meeting, there were questions from the NTGAC board in relation to the impacts to whales from noise and how Woodside will monitor for whales, which were responded to during the meeting. NTGAC expressed interest in whale sharks in relation to discussing another activity. NTGAC expressed an interest in partnership programs and on-country engagements. These claims/concerns raised are noted in the Consultation Report and the merits appropriately assessed.
- On 13 March 2023 Woodside agreed via phone call to assist NTGAC with funding to allow them to attend consultation meetings (SIR p924)
- On 22 March 2023, Woodside followed up with NTGAC/YMAC on any feedback on the proposed activities and asked whether further information is required.
- On 19 April 2023, the titleholder offered via email to financially support the provision of independent third party advice to NTGAC which has not been taken up (SIR p925-6)
- On 1 June 2023, Woodside followed up via email with NTGAC/YMAC on any feedback on the proposed activities and asked whether further information is required.
- On 20 June – WEL agreed to fund YMAC's in-house environmental scientist's attendance at the workshop. (SIR p929)
- Key issue raised by NTGAC: In an email dated 17 July 2023, NTGAC claimed it does not want to provide comment on EPs until Woodside has produced a 'General Report' under a 'Consultation Agreement' as per YMAC's Draft 'Consultation Framework', "outlining the nature of the activities for each phase of the project and the risks associated with each of those activities" (D&C SIR pdf page 930 and letter from YMAC proposing a Draft Consultation Framework dated 11 June 2023, SIR p933 and p959).
- Key issue raised by NTGAC in relation to the MSS EP, but included in the SIR: [REDACTED]
- Key issue raised by NTGAC: On 15 August 2023, Woodside met with the NTGAC board and YMAC, providing an update on this activity. This included attendance by YMAC's [REDACTED] whose attendance was funded by Woodside. NTGAC asserted they did not agree that they have been consulted in relation to Scarborough activity EPs based on engagements to date, and stated they could not provide information on cultural values because the information provided has been too technical (D&C SIR pdf page 943). Further NTGAC requested a table of EPs to be submitted by December, including plain English description of each activity, a timeline.

Woodside's response to the issues raised:

- In response to the request for a General report - It is noted that the simplified plain English information sheet that was provided to NTGAC appears to contain similar information to the proposed contents of the requested 'General Report' (SIR p959), with exception to information relating to the impacts on climate change and how culture and heritage may be impacted by the Project which seems reasonable where the titleholder has clarified to NTGAC that potential impacts to culture and heritage is



to be understood through the relevant persons consultation process (EP tracked p915, SIR p931, 933) Specifically on 25 July 2023 Woodside stated to NTGAC via YMAC that "Woodside cannot advise on impacts to culture and heritage. It is for the PBC to advise of the cultural values of concern in the environment that may be impacted by the activities" (SIR pg933)

- In response to the assertion that "all meetings with NTGAC were the start of meaningful consultation, but did not constitute complete consultation" and that the information provided was too technical, Woodside replied in Appendix F (p728-729): "Woodside funded YMAC's [REDACTED] to attend two face-to-face meetings on 16 Feb 2023 and 15 Aug 2023 to support consultation. No feedback was received from this activity. Woodside has also offered to financially support provision of independent, third party advice to NTGAC (19 April 23) which has not been taken up." "Woodside does not agree with NTGAC's claim that it has not yet been consulted on the activity, or that information provided has been too technical. Woodside met with NTGAC nominated representatives, at location of NTGAC's choice on 16 Feb and 15 Aug 2023 for multiple hour sessions where the activity was described face to face by Woodside project representatives, subject matter experts and First Nations relations advisers (see section 5.9.1 for approach). This included specifically developed "plain English" material developed by First Nations personnel in collaboration with technical experts, maps, pictures and a short video visually communicating the drilling process. During the meeting, NTGAC and YMAC representatives were encourage[d] to control the pace of the engagement and seek clarification. NTGAC and YMAC asked questions about the activity (see point 1) which indicates that material was engaged with. Woodside has also funded YMAC's in-house environmental scientist to support consultation. Woodside has addressed and responded to NTGAC over 9 months, demonstrating a "reasonable period" of consultation."

Appendix J - current status of ongoing consultation states that Woodside is waiting on YMAC to prepare a proposed draft of a Framework Agreement and general report and that Woodside would follow up monthly to progress the Framework Agreement and general report.

Despite the above concerns raised by NTGAC, the EP demonstrates that regulation 11A consultation requirements have been discharged and it appears that YMAC/NTGAC are agreeable for ongoing consultation to continue through a Framework Agreement being funded by Woodside. [C]

#### 7. Robe River Kuruma Aboriginal Corporation (RRKAC)

EP Appendix F, pg 717- 721 of the tracked EP and full text records in the SI report (p894-908) demonstrate that RRKAC has been provided with sufficient information and a reasonable period for consultation. These records also show that RRKAC has been afforded a reasonable opportunity to participate in consultation (approximately 9 months) with Woodside making reasonable efforts to consult and in a manner that accommodated for the provision of sufficient information. Examples of key dates and information are as follows (see the Report on Consultation in Appendix F for further details):

- Consultation commenced with RRKAC on 20 January 2023, providing a simplified Consultation Information Sheet (including a link to the detailed information sheet on Woodside's website) as well as a summary overview fact sheet (EP tracked p921). The email requested information on the nature of interests that NTGAC and its members may have within the EMBA, confirmed the next steps for engagement, and requested that NTGAC provide information to members as required.
- On 9 March 2023, RRKAC responded by email stating "*the Robe River Kuruma Heritage Advisory Committee and they have recommended that the interests of Robe River Kuruma people are best served through the joint Heritage Advisory Committee that is required under Yaburara Mardudhunera and Kuruma Marthudunera Indigenous Land Use Agreement.*" (SIR p894) The HAC meeting is facilitated by WAC.
- On 31 March 2023 Woodside met with the RRKAC Heritage Advisory Committee – minutes included in SIR p895-898. Meeting minutes show that Woodside provided information about the relevant persons consultation process and the drilling activity including in relation to the extent of the EMBA, the planned and unplanned environmental impacts and risks and proposed controls. A drilling video was played. There were various questions asked, including the depth of the wells and particularly in relation to emergency preparedness and response in the event of an unplanned hydrocarbon spill, which were responded to during the meeting. RRKWAC also asked for more meetings.
- On 3 May 2023, Woodside contacted RRKAC by email to summarise the information presented at the meeting on 31 March 2023 and respond to queries raised in the meeting and follow up.
- On 26 July 2023 - Woodside provided the Program of Ongoing Engagement with Traditional Custodians. (SIR p901)

- Key issue raised by RRKAC: In response to Woodside's correspondence (on 2&9 August) in relation to fulfilling the condition requirements of the MSS EP acceptance (for which the decision now been set aside), on 11 August 2023 RRKAC emailed stating "We would like ongoing consultation with our Heritage Advisory Committee and training opportunities for Jajiwurra Rangers." Further information on opportunities for their rangers to prepare them for caring for sea and coastal country was provided. (SI p907)
- Key issues raised by RRKAC: On 15/9 RRKAC indicated resourcing restrictions, and requested Woodside to fund additional resources. (SIR, p908)
- Woodside's response to the issues raised: This is included in Appendix F, Table 1 pg 720 "Woodside has offered to support RRKAC in correspondence sent in May and September 2023, however these offers have not been taken up" and determined that "the Program of Ongoing Engagement with Traditional Custodians will support ongoing consultation with RRKAC and address appropriate support for resourcing". Full text records support Woodside's offer of support and funding for ongoing consultation. RRKAC's concerns are further noted in Appendix J, and while Woodside has not specifically agreed to RRKAC's request for ongoing consultation with HAC and training for the Jajiwurra rangers, Woodside propose to put forward a draft Framework agreement within the next 2 mths. (EP p1454).

Given the nature of the concerns raised to date by RRKAC and existing arrangement for consultation through HAC, the EP demonstrates that regulation 11A consultation requirements have been discharged and it appears that RRKAC would be agreeable for ongoing consultation to continue through a Framework Agreement being funded by Woodside. [C]

#### 8. Yindjibarndi Aboriginal Corporation (Yindjibarndi AC)

EP Appendix F, pg 704- 706 of the tracked EP and full text records in the SI report (p803-809) demonstrate that YAC has been provided with sufficient information and a reasonable period for consultation. These records also show that YAC has been afforded a reasonable opportunity to participate in consultation (approximately 9 months) with Woodside making reasonable efforts to consult and in a manner that accommodated for the provision of sufficient information. Examples of key dates and information are as follows (see the Report on Consultation in Appendix F for further details):

- On 20 January 2023 Woodside first contacted Yindjibarndi AC to initiate consultation for the activity.
- On 26 February 2023, Yindjibarndi AC advised Woodside that the Yindjibarndi will not be providing any comment or advising upon the Scarborough project. Yindjibarndi AC also noted the Yindjibarndi respect the traditional owners whose land and sea lies adjacent to, and within the precinct of, the projects, and will leave any comment and advice to be provided by them. (SI report p803)
- On 28 February 2023, Woodside emailed Yindjibarndi to thank them and noted the response.
- On 18 July 2023: Woodside Request for advice on other Traditional Custodian groups or individuals. "As always, we encourage you to advise us if there are any other Traditional Custodian groups or individuals with whom Woodside should consult. Similarly, please feel free to forward this email and other correspondence to your members or any other Traditional Custodian groups or individuals you believe should receive this information and should be consulted." SI pg 803
- On 26 July 2023: Woodside provided the Program of Ongoing Engagement with Traditional Custodians. SI pg 804
- On 1 August 2023 YAC advised Woodside to direct any further oil and gas matters to NYFL (SIR p808-809).

Key issues raised by YAC: nil

Given YAC's comment on 26 February 2023 that they do not intend to provide comment or advising on the Scarborough project and that they have raised no objections or claims, the EP demonstrates that regulation 11A consultation requirements have been discharged. It is noted that there is no specific ongoing consultation agreement in Appendix J with YAC, only NYFL. [C]

#### 9. Yamatji Marlpa Aboriginal Corporation (YMAC)

EP Appendix F, pg 730- 732 of the tracked EP and full text records in the SI report (p951-967) demonstrate that YMAC has been provided with sufficient information and a reasonable period for consultation. These records also show that YMAC has been afforded a reasonable opportunity to participate in consultation (approximately 9 months) with Woodside making reasonable efforts to consult and in a manner that accommodated for the provision of sufficient information. Examples of key dates and information are as follows (see the Report on Consultation in Appendix F for further details):

- On 7 July 2022, Woodside contacted YMAC to confirm the best approach to confirm additional cultural values (if any) for the broader Scarborough Project, the scope of which included the proposed activity for this EP. The consultation summary also states: "On 7 July 2022, Woodside met with YMAC to request advice on the appropriate cultural authorities for the Scarborough project area, including but not limited to the scope of this EP and nearby marine parks.  
- Woodside described the Scarborough Project and its footprint and gave an overview of indigenous parties consulted.  
- Woodside noted that YMAC was identified in the North-west Marine Parks Network Management Plan as the contact for identifying cultural values in nearby Australian Marine Parks. Woodside sought to understand if the cultural values of the nearby Gascoyne Marine Park may extend into the offshore Scarborough project areas.  
- Woodside requested advice on how best (in addition to work completed) to identify any cultural values in the Marine Parks and in the broader project footprint.  
- YMAC requested Woodside provide the relevant detailed information relating to the location and extent of the project."
- On 8 July 2022 a link to a stakeholder consultation information sheet for the activity published on Woodside's website was provided in response to the information request made by YMAC.
- On 19 July 2022, YMAC responded advising Woodside to consult with MAC and NAC, who are not represented by YMAC.
- On 13 March 2023, Woodside emailed YMAC to confirm whether YMAC considers itself a 'relevant person' under sub regulation 11 A (1) of the Environment Regulations for the purposes of consultation on EPs and, if so, whether that relevance is limited to a facilitation function in its capacity as a representative of Traditional Owner groups/corporations that overlap or adjacent to the EMBA of a particular activity.
- On 20 March 2023, YMAC responded to Woodside to confirm that in its view it is a 'relevant person' under sub regulation 11 A (1) of the Environment Regulations for the purposes of consultation on EPs only in relation to its facilitation and coordination function as a Native Title Representative Body under applicable federal legislation. YMAC also noted it does not intend to provide substantive comment on the content of EPs.
- On 12 June 2023 YMAC emailed Woodside YMAC's draft consultation framework in regard to offshore oil and gas projects.
- On 25 July 2023 - Woodside responded to YMAC's Consultation Framework agreeing in principle and provided the Program of Ongoing Engagement with Traditional Custodians, seeking a meeting. (SIR p962). Consultation records end there.
- Key issues raised by YMAC: agreement on an ongoing Collaboration Framework and funding agreement.

Given YMAC's comment on 20 March that they do not intend to provide comment on the content of EP and that they have raised no objections or claims, the EP demonstrates that regulation 11A consultation requirements have been discharged. In regards to ongoing consultation, Woodside includes a commitment to follow up with YMAC on a monthly basis within their specific ongoing consultation activities with Traditional Custodian Relevant Persons. (Appendix J) [C]

#### 10. Ngarluma Yindjibarndi Foundation Ltd (NYFL)

EP Appendix F, pg 732- 739 of the tracked EP and full text records in the SI report (p968-996) demonstrate that NYFL has been provided with sufficient information and a reasonable period for consultation. These records also show that NYFL, who self-identified for this activity, has been afforded a reasonable opportunity to participate in consultation (approximately 9 months) with Woodside making reasonable efforts to consult and in a manner that accommodated for the provision of sufficient information. Examples of key dates and information are as follows (see the Report on Consultation in Appendix F for further details):

- On 23 September 2021 Woodside first contacted NYFL to initiate consultation for a different Scarborough activity.
- The consultation summary in Appendix F shows multiple engagements with NYFL.
- On 4 October 2022, NYFL self identified as a relevant person for the activity (SIR p970)
- On 30 November 2022, Woodside and NYFL held the Woodside NYFL NWS quarterly relationship meeting which is resourced by Woodside to enable meaningful participation by Traditional Custodians. There was a separate discussion about holding a separate meeting for EPs generally. Another quarterly meeting is recorded as occurring on 1 March 2023.
- On 27 January 2023, Woodside emailed NYFL as a member of the Karratha Community Liaison Group and provided a Consultation Information Sheet including for the D&C activity and a link to the full EP (Appendix F, Reference 1.45) (EP tracked p954). This email included activity summary information for all four SCA activities (SITI, D&C, Seismic and Subsea EPs)

- On 20 March 2023, Woodside emailed NYFL about all Scarborough activities providing further information (and provided a simplified Summary Information Sheet (developed with a Ngarluma Traditional Custodian for a Traditional Custodian audience) and including a link to the detailed information sheet on Woodside's website. (SIR p975)
- On 22 May 2023, NYFL raised concerns about *"the language and communication approach in the Information Sheets is not appropriate for NYFL's stakeholders/members. As such we cannot confidently say NYFL members are OK with the proposed activity, whether there are concerns, and proposed mitigations are appropriate."* and advising of resourcing constraints (SIR p976).
- On 8 June - Woodside responded to this concern of information not being suitable by advising that the information sheets "were developed by Indigenous representatives for a Traditional Owner audience. Some groups do not want a further level of information and for this I would encourage you to participate in the face to face consultation that has been offered or provide some direction as to alternatives" (SIR p977)
- 19 and 26 July standard emails sent.
- Key issue raised by NYFL: In response to Woodside's correspondence (on 2 August) in relation to fulfilling the condition requirements of the MSS EP acceptance (for which the decision now been set aside), on 4 and 11 August 2023 NYFL emailed stating [REDACTED]

[REDACTED]

- On 30 August 2023 Woodside met with NYFL— agenda included in SIR p994, minutes included in SIR p995. Woodside's internal meeting minutes state: [REDACTED]

Woodside's response to the issues raised: This is included in Appendix F, Table 1 (tracked EP pg 737-739). Woodside have noted the key concerns raised by NYFL in their correspondence and suitably addressed each concern in their assessment of merits (e.g. NYFL had from 19 July "to advise us if there are any other Traditional Custodian groups or individuals with whom Woodside should consult." SIR p981; it is also noted that the other PBCs representing the Ngarluma and Yindjibarndi people have not raised any concerns on cultural or spiritual values in relation to the activity). The only measure that Woodside is proposing to take forward is a framework for ongoing consultation, which Woodside state will address appropriate NYFL resourcing. This is described further in the Program of Ongoing Engagement with Traditional Custodians, Appendix J. Woodside have committed to follow up monthly with NYFL for at least six months, seeking to progress a Framework Agreement. (Appendix J, EP tracked p1454)

Despite the above concerns raised, the EP demonstrates that regulation 11A consultation requirements have been discharged. As advised by NYFL to Woodside in a letter on 11 August [REDACTED]

[REDACTED] it appears that NYFL are agreeable for ongoing consultation to continue through a Framework Agreement being funded by Woodside. Further the EP states (tracked pg 732) that "NYFL was created to act as Trustee for the Trust under the Northwest Shelf Agreement 1998 struck between the Ngarluma and Yindjibarndi registered native title claimants, the NWS JVs and Woodside, prior to the resolution of the Ngarluma and Yindjibarndi native title claim. Its purpose is to carry on the business of enterprise development, investment and social welfare." [C]

#### 11. Save Our Songlines (SOS) see findings under **RFFWI 3.2.**

Further information relating to the assessment, can be found in working documents (e.g. A1034278). These were tools used for deliberative thinking and information relating to the drilling and completions EP considered.

**Previous RFFWI 3.1 It remains unclear whether Woodside's relevant person identification methodology provides for sufficiently broad capture of First Nations people who have interests that may be affected by the activity. This is because the EP does not present the**

***rationale for how the consultation processes for First Nations groups or people has met the requirements for a broad capture of First Nations relevant persons... and has not followed the FCAFC 193 example pathway of properly notified and conducted meetings, to discharge the consultation obligations under regulation 11A.***

Request: Please revise the EP to:

- provide Woodside's rationale for the approach taken to discharge its regulation 11A consultation obligation with First Nations groups/people taking into consideration the nature and scale of this activity. In doing so, please demonstrate how Woodside considers that the consultation undertaken has provided for the sufficiently broad capture of First Nations people who have functions, interests or activities that may be affected by the activity and afforded a reasonable opportunity to First Nations relevant persons to participate in the consultation as required by regulation 11A as interpreted by the Full Court of the Federal Court in *Santos NA Barossa Pty Ltd v Tipakalippa* [2022] FCAFC 193.
- incorporate any responses provided by nominated representative corporations into the EP submission and update the consultation report (Appendix F: Table 1) with Woodside's evaluation of any response. Where additional relevant persons are identified by the nominated representative corporations, please ensure that effective consultation is undertaken with these persons or organisations and that evidence of this is incorporated into the EP.

*Assessment of how Woodside addressed the issues identified:* Woodside has incorporated a new Section 5.5 "Context of Consultation Approach with First Nations" into its EP submission, which includes further detail on Woodside's rationale for consultation with First Nations persons and how Woodside's methodology is consistent with regulation 11A and guidance provided in the Tipakalippa Appeal (FCAFC193). This includes identifying and consulting with First Nations people or groups with a connection to sea country as relevant persons.

The Relevant person identification methodology for Traditional Custodians (individuals and/or groups/entity) and Nominated Representative Corporations is stated within *Table 5-2: Methodology for identifying relevant persons within the EMBA undertaken under subcategory 11A(1)(d) – by category* as (EP tracked p140):

1. Uses existing systems of recognition to identify First Nations groups who overlap or are coastally adjacent to the EMBA (e.g. native title or cultural heritage legislation, or marine park management plans, or identification by other First Nations groups or entities)
2. Notify and invite consultation with First Nations people through their nominated representative corporation (eg. PBC)
3. Requests the nominated representative body to forward the notifications and invitations to consult to their members
4. Requests advice as to other First Nations groups or individuals that should be consulted
5. Requests the nominated representative body to provide consultation materials to its members
6. Advertises widely so as to invite self-identification and consultation by First Nations groups and or individuals

Evidence of implementation of the above RP identification process is provided as follows:

1. Table 5-2 states; "*Woodside uses the databases of the National Native Title Tribunal (Section 4.9.1):*

- *to understand whether there are any Native Title Claims (historical or current) or determinations overlapping or coastally adjacent to the EMBA;*
- *to understand whether there are any relevant Indigenous Land Use Agreements (ILUA), registered with the National Native Title Tribunal that overlap or are adjacent to the EMBA that may identify Traditional Custodians or representative bodies to contact regarding potential cultural values.*

*Where there is a positive determination of native title, contacting the PBC or, where their representative is a Native Title Representative Body contacting the Native Title Representative Body.*

*Where appropriate, contacting the relevant Native Title Representative Body to request a list of any First Nations groups asserting Traditional Custodianship over an area of coastline adjacent to the EMBA.*

*Review of Commonwealth and State Marine Park Management Plans that overlap the EMBA which may identify Traditional Custodians or representative bodies to contact regarding potential cultural values.*

*In the WA context, any Aboriginal Corporation appointed as a Local Aboriginal Cultural Heritage Service (LACHS) under the Aboriginal Cultural Heritage Act 2021 for an area that overlaps the EMBA."*

Evidence of the output of this review process is contained within Table 4-14: Summary of Native Title Claims, Determinations and ILUAs which overlap or are coastally adjacent to the EMBA. All "Registered Native Title Body Corporate" listed within Table 4-14 have been consulted as relevant persons, as shown in EP Tables 4-17; Table 5-3, EP Appendix F Table 1 and the Sensitive Information report.

- "YMAC is identified in the North-west Marine Parks Network Management Plan as the contact for identifying cultural values in nearby Australian Marine Parks." App F, p698. A meeting was held with YMAC on 7 July 2022 to discuss the Scarborough Project (SI report p951) and was contacted by email on 8 July 2022 in that capacity with the request "To further improve our impact assessment process we would appreciate if you could share any information on cultural values developed during consultation for nearby Australian Marine Parks (ie Gascoyne and Montebello) that may be of relevance or alternatively direct us to the appropriate Traditional Custodians of this knowledge." On 19 July 2022, YMAC directed Woodside to Murujuga Aboriginal Corporation and Ngarluma Aboriginal Corporation. (SI report, pg 953)
- 2, 3 & 5. Evidence where Woodside invited "consultation with First Nations people through their nominated representative corporation" e.g. On 20 January 2023: 1.36 Email sent to Buurabalayji Thalanyji Aboriginal Corporation (BTAC) "Please feel free to forward this email and, the attached documents to BTAC members as required. Woodside would be pleased to speak with BTAC members in addition to the BTAC Board / office holders." (EP tracked p922). This same/similar sentence is used in all the emails to PBCs.
- On 15 September 2023: eg email to NYFL "Woodside is again writing to you to confirm: a. if you are aware of any people, who in accordance with Indigenous tradition, may have spiritual and cultural connections to the environment that may be affected by the activity that have not yet been afforded the opportunity to provide information that may inform the management of the activity; and b. if there is any information you wish to provide on cultural features and/or heritage values." Links to the NOPSEMA Consultation Brochure, consultation guideline and draft policy for managing gender restricted information were also included; as well as sensitive information provision query.
- 4. Evidence where advice was requested for other First Nations groups or individuals that should be consulted: For example: On 3 August and 14 September (SI report p878 and 881) emails were sent to BTAC asking:
  1. if you are aware of any people, who in accordance with Indigenous tradition, may have spiritual and cultural connections to the environment that may be affected by the activity that have not yet been afforded the opportunity to provide information that may inform the management of the activity; and
  2. if there is any information you wish to provide on cultural features and/or heritage values. Another email to follow up was sent on 9 August. BTAC requested more time to respond on 11 and 22 August.
- 6. Evidence of "advertises widely so as to invite self-identification and consultation by First Nations groups and or individuals": as described in EP S5.5.2 'Consultation method' this included advertising in relevant national, state and local newspapers; utilising social media (i.e. Facebook/Instagram), texts and emails; Karratha and Roebourne based Woodside First Nations team members distributing information and providing notice to the community. Copies of these advertising materials are provided in the EP Appendix F, e.g. For newspaper ads (EP tracked p1039-1047): EP Notices – The Australian, The West Australian, Pilbara News - 19 October 2022 (EP tracked p1039) and again on 18 January 2023 EP Notices - The Australian, The West Australian, Pilbara News, Midwest Times, North West Times, Geraldton Guardian (EP tracked p1042). The geo-targeted Social Media adverts can be seen in Appendix F (EP tracked p1050-1063) e.g. "Geraldton to Derby Facebook Campaign - May 2023" (EP tracked 1050) and again in June 2023 (EP tracked p1053). Advertising materials for the community sessions and commentary on the information provided and discussed is also included in the EP (EP tracked 1064-1097).

Conclusion: In reviewing the above methods applied and success of each for broad capture of relevant persons, it is recognised that there are limitations for each method (see findings under Submission 6 for more information). However on the whole, given the time over which consultation was undertaken, the nature and scale of the activity, including the potential for impacts to traditional owners with a connection to sea country, it is considered that reasonable efforts were made to ascertain and consult with First Nations relevant persons. [Complies]

**Previous RFFWI 3.2. The EP does not demonstrate that effective consultation has taken place with representatives of Save our Songlines, and [REDACTED] and [REDACTED] because of the view presented by the Environmental Defenders Office (EDO) acting on**

**behalf of representatives of Save our Songlines, and [REDACTED] and [REDACTED] on 25 July 2023, that the consultation was limited to the Scarborough 4D MSS and that consultation on the Scarborough Drilling and Completions activity had not commenced.**

**Request:** Please revise the EP to demonstrate Woodside has effectively discharged its obligation to consult with representatives of Save our Songlines, and [REDACTED] and [REDACTED] under regulation 11A in respect of the Drilling and Completions activity.

**Assessment of how Woodside addressed the issues identified:** Woodside has included a substantial amount of justification to support a demonstration that consultation with Save Our Songlines, [REDACTED] is complete, i.e. that sufficient information and a reasonable period has been provided. This information is contained within Appendix F, Table 1, tracked EP pg 777-823, and is supported by full text records in the SIR pages 289-596. Meetings were held on 14 March with EDO/[REDACTED]/SOS and on 25 July 2023 with [REDACTED] (via Teams conference call), and in person on 12 September and 4 October 2023. On 4 October – whales and turtles were raised as values, as with all animals. The information provided by this RP has been reflected in the description of the environment.

[REDACTED]

Information was received with the EP submission that was specified by EDO/[REDACTED] to be culturally sensitive and to be viewed only by females. Measures have been taken by NOPSEMA to respect the request for the transcript of culturally sensitive information shared by [REDACTED] during the 12 September 2023 meeting with Woodside in Karratha, to be viewed only by females [REDACTED]

[REDACTED] The female-only assessment team can confirm that cultural values raised within this gender-restricted information have been appropriately addressed in the EP. A file note (A1038063) has been prepared recording assessment findings on this gender-restricted information, and is saved within a folder with restricted access, in addition see also email thread A1038486 for advice from a second female assessment team member.

Woodside have respectfully described their cultural values and features within Table 4-17 and in Section 6.10. *"The existence of a whale songline potentially intersecting the EMBA has also been asserted by members of Save Our Songlines (Table 4-17). Consultation with this group and associated individuals has not provided detail on the presence, features or route of this songline. The most detailed description available to Woodside is asserted in the Concise Statement and Affidavit filed by [REDACTED] in the context of Scarborough seismic activities. Specifically, "whales carry important songlines, the whale dreaming, and connection between land and sea." Specific details regarding the whale dreaming story are provided in Table 4-17. In summary the whale dreaming story relates to transmission of knowledge and connection between environment and people, the women's lore and connection to whales through their heart centre and obligation to care for country. It is stated that "because each animal uses songlines for migration, breeding and feeding, the disruption or distortion to the songlines causes the animals to become disoriented, confused or lost." Further, that the whale's songline creates a path for other fauna to follow.*

*It is therefore expected that the whale songline has the potential to be affected by the Petroleum Activities Program where there are impacts to whales at a population level, including disruption of migration routes, permanent displacement of whales and population decline, that result in discontinuation of story/transmission of knowledge, and interruption of caring for Country activities, whale caretaker/midwife behaviour and to performance of song/ceremony onshore. Given potential impacts to whales are limited to behavioural disturbance to transient individuals, which are not considered to be ecologically significant at a population level, the whale songline and associated whale dreaming story is not anticipated to be affected by the Petroleum activities Program. Note further assessment of intangible values and marine mammals are provided below."*

Feedback, objections and claims raised by SOS/[REDACTED] have been identified, numbered and assessed within Appendix F, Table 1 (EP tracked p777-823). For example, it was queried by EDO on 24 March whether SOS/[REDACTED] were considered as relevant persons (SIR p341), to which Woodside confirmed that they are relevant persons on 14 March during the in person Karratha meeting and also in writing to EDO/SOS on 3 July 2023 (SIR p410).

Key issues raised by SOS/[REDACTED]: A recurring request is for Woodside to provide MAC's ethnographic survey and share who was involved in the survey with [REDACTED] and Save Our Songlines. This request has not been met in full (publicly available information was shared but not the full report), with appropriate reasons provided. (EP tracked p818)



Woodside's response to the issue: An email from Woodside to EDO [REDACTED] /SOS on 29 March 2023 states that "We understand that [REDACTED] was involved in ethnographic studies of the Scarborough Project undertaken by MAC. So, while we have no authority to provide the survey to you, in response to your request for the ethnographic survey, [REDACTED] may have contacts at MAC to request a copy of that survey." (SI report p346). It is considered that it is not appropriate for Woodside to share the intellectual property of MAC with EDO [REDACTED] SOS and that information provided to date is sufficient to allow for EDO [REDACTED] SOS to understand the potential impacts of the activity and to make an informed assessment of the possible consequences of the activity on their interests.

Key issues raised by SOS [REDACTED]: In September 2023 [REDACTED] requested a meeting at Rosemary Island in order to share further information in a culturally safe way. [REDACTED]

Woodside's response to the issue: Extract from Appendix F, Table 1 pg 819-820: "(14) Woodside has consistently sought to make arrangements for [REDACTED], [REDACTED] and SOS to be able to share their cultural knowledge and stories in a culturally appropriate manner, including offering and attending several on Country meetings [ref: 14 March, 25 July, 12 September and 4 October 2023 meetings]. Woodside also sought to meet the requests of [REDACTED] and SOS to attend an on-Country meeting at Rosemary Island, but was cautioned by the relevant cultural authority that Woodside did not have cultural permissions or spiritual protection to do so. Woodside and [REDACTED] reached a compromise relating to circumnavigating Rosemary Island rather than going on shore. [REDACTED] later refused this compromise and refused to share information [Ref meeting on 4 October 2023]. In any event, as above at (3), Woodside notes that to the extent that this assertion is considered an objection or claim by [REDACTED], [REDACTED] or SOS, the objection or claim relates to consultation, and not to an adverse impact of an activity to which the EP relates." The titleholder also suggested the information could be shared with the regulator and a request was made by the Environmental Defenders Office on behalf of their client [REDACTED] to meet with NOPSEMA representatives at Rosemary Island (refer below to additional correspondence received).

#### **Additional correspondence received**

In October 2023, EDO on behalf of [REDACTED] / Save Our Songlines wrote to NOPSEMA regarding information that [REDACTED] is yet to share with Woodside and is relevant to Regulation 11A consultation. Specifically on 25 October 2023, the email states: "*The information [REDACTED] holds is relevant to and informs the criteria that NOPSEMA must be satisfied of under section 10A of the Environment Regulations. Without this information, Woodside and NOPSEMA are unable to meet their obligations under the Environment Regulations. We therefore urge you, on behalf of [REDACTED], to return the Seismic Survey and Drilling Environment Plans to Woodside until that information can be provided in a culturally safe manner.*" (A1017062). Further email correspondence was exchanged between NOPSEMA and EDO on behalf of SOS/[REDACTED] between 13 October - 15 November 2023 (A1017062) during which a request was made for NOPSEMA to visit Rosemary Island. NOPSEMA responded to this request and declined this invitation primarily because consultation is between the titleholder and the relevant person in accordance with regulation 11A. It is noted that this request was made late in the consultation process (i.e., after 12 months of consultation effort).

#### **Conclusion:**

It was noted that there were claims from SOS [REDACTED] that consultation was not complete. However, given the body of evidence contained within Appendix F, Table 1 and the SIR, the EP demonstrates that a substantial amount of effort was applied by the titleholder to afford opportunities for SOS/[REDACTED] to share information and engage in two-way dialogue for the purposes of consultation under regulation 11A. For example, after SOS [REDACTED] self-identified as relevant persons for the purposes of consultation under regulation 11A in relation to the activity in June 2022, the titleholder and SOS [REDACTED] have exchanged a high volume of emails, letters and phone calls in regard to consultation for the activity. The titleholder made multiple offers and attempts to meet with these relevant persons over a period of more than six months until the first meeting took place in March 2023. In total, there were four meetings that took place between the titleholder and SOS. During these meetings, the activity details were discussed and the relevant persons were encouraged to share with the titleholder any concerns that they had in relation to how the activity may affect their functions, interests or activities. The EP and SIR shows that the relevant persons have demonstrated an understanding of the activity, as well as the broader Scarborough project, as they engaged with information provided and asked questions.

In addition in relation to [REDACTED] request to Woodside for a meeting at Rosemary



Island in order to share further information in a culturally safe way. Although the titleholder declined a meeting at this location, it appeared to be for a valid reason and the titleholder offered a range of alternative locations for the meeting, including locations where [REDACTED] had previously requested meetings to share information. It is noted that all of these alternative meeting locations were declined by [REDACTED] (Table 1, Appendix F). Despite this concern raised, given the period over which consultation has been undertaken and the multiple opportunities provided for [REDACTED]/SOS to share relevant cultural information, it is considered that Woodside has discharged its obligations under regulation 11A.

Given the above, the EP demonstrates that appropriate consultation has been undertaken with Save our Songlines, and [REDACTED] and [REDACTED] in that the consultation was conducted in an appropriate manner with the provision of sufficient information and a reasonable period for the consultation. [Complies].

**Previous RFFWI 3.3 - It is not clear that information obtained from relevant person consultation has been adequately considered and incorporated into the EP...For example, information on songlines, migrating marine fauna and dreaming stories relating to whales has not been considered and incorporated. In addition, information from 14 March meeting was not included. (Summary of the issues raised in the RFFWI letter)**

*Request:* Please revise the EP to demonstrate that all information gathered during consultation that may be relevant to the existing environment, impacts and risks, and control measures is incorporated into the EP.

*Assessment of how Woodside addressed the issues identified:* A new section 4.9.1.5.3 Consultation Feedback to Inform Existing Environment has been included in the EP that details the feedback received, including culturally important species/features and their potential for presence /absence in the PAA and EMBA within "Table 4-17: Feedback Received via Consultation to Inform Existing Environment Description". Information raised by SOS [REDACTED] on features, interests and values are outlined in this table - the source of this information includes both consultation records and meetings and the Applicants Concise Statement and Affidavit in context of Scarborough seismic activities (EP tracked pg 94-99). Features identified within the PAA and EMBA include: Songlines, dreaming and energy lines (unspecified); Whales – including migratory patterns; Turtles – including migration patterns; plankton; pelagic fish; sharks; water quality; sea birds; caring for country.

While a transcript of the meeting held in person between Woodside and [REDACTED]/SOS/EDO on 14 March has not been included in the EP (in respecting the request from [REDACTED]), a summary of the meeting was included in an email from Woodside to EDO [REDACTED] SOS on 16/3/2023 within the SI report (pg338) and within a letter dated 24 March 2023 to Woodside and cc'd to NOPSEMA (SI report p340-344). Further information/reflections on the meeting discussions is provided in email from Woodside to EDO [REDACTED] SOS on 29 March 2023 (SI report p345-349).

**Previous RFFWI 3.4 Report on consultation – update to address further consultation undertaken and new correspondence received. For example NYFL (1 August 2023) and Greenpeace (7 August 2023).**

*Request:* Please ensure that the EP and the report on consultation is updated to reflect any further consultation that has been undertaken, and address any new correspondence received since Revision 5 of the EP was submitted to NOPSEMA on 04 August 2023.

*Assessment of how Woodside addressed the issues identified:*

The SI report (tracked pdf pg 808-809) includes the full text of the email from the [REDACTED] of Yindjibarndi Aboriginal Corporation (YAC) to Woodside on 1 August 2023. This has also been reflected in the consultation report in Appendix F, EP tracked pg 705.

The SI report (tracked pdf pg 186 - 210) includes the full text of the email from Greenpeace, and also Woodside's response to Greenpeace on 11 August 2023. This has also been reflected in the consultation report in Appendix F, of the EP, tracked pg 760-761.

**DMG Factor 1. Process for relevant persons (RP) identification is clearly described and provides for broad capture of relevant persons such that each relevant person who can be ascertained is identified.**

**Conclusion in relation to DMG Factor 1:** The process for relevant persons identification is clearly described in Section 5 of the EP which sets out the processes that have been applied to identifying and determining who are RPs, as well as the processes undertaken for consultation; Woodside has clearly identified in their EP who is a RP together the rationale used to determine who they consider falls within that definition. This includes, as per regulation 11A(1)(a)-(c) Commonwealth and State Departments and agencies and as per regulation 11A(1)(d) relevant persons or organisations whose functions, interests or activities may be affected by the activities to be carried out under the environment plan, i.e. commercial fisheries, recreational marine users, marine tourism operators, other titleholders

and operators, peak industry bodies, traditional custodians and nominated representative corporations, Native Title Representative Bodies, Local government and community representative groups or organisations, and non-government groups or organisations (Table 5 -3). The process for relevant persons identification provides for the broad capture of relevant persons such that each relevant person who can be ascertained is identified. [C]

**DMG Factor 2. The activity, environment and possible impacts and risks have been taken into account.**

The process for identification of relevant persons takes into account the nature of the activity, description of the environment and the possible impacts and risks of the activity.

EP Section 5 in the description of the process for relevant person identification, together with Sections 3, 4 and Section 6.10 demonstrates that the activity, environment and possible impacts on relevant persons' functions, interests and activities have been taken into account. See also findings above, and findings regarding Previous RFFWI 1.1.

**Conclusion in relation to DMG Factor 2:** 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. [C]

**DMG Factor 3 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

A majority of the relevant person consultation effort since last EP submission was focused on First Nations relevant persons. See above findings in relation to First Nations Relevant Persons consultation. Other RP consultation since last EP submission included WAFIC, Greenpeace and Tuna Australia (though Tuna Australia are not considered to be a RP for this activity). Woodside have appropriately addressed additional consultation with WAFIC within the consultation report, and findings on consultation with Greenpeace are provided below.

Greenpeace Australia Pacific (GAP)

EP Appendix F (Table 1), pdf pg 751-762 of the tracked EP and full text records in the SI report (pdf pg 93-210) demonstrate that Greenpeace Australia Pacific (GAP) has been provided with sufficient information and a reasonable period for consultation. These records show that GAP has been afforded a reasonable opportunity to participate in consultation (approx. 13 months) with Woodside making reasonable efforts to consult and in a manner that accommodated for the provision of sufficient information.

Examples of key dates and information are as follows (see the Report on Consultation in Appendix F for further details):

- On 8 April 2022, GAP wrote to Woodside (copied to NOPSEMA) self-identifying as a relevant person in relation to EPs for the Scarborough project, including the Scarborough Drilling and Completions EP.
- On 29 April 2022, Woodside responded to GAP, advising that GAP has been assessed as not being a relevant person for the purposes of consultation, as the assessment determined that there is no potential for the functions, interests or activities of GAP to be affected by the activities to be carried out under the EPs. Woodside provided GAP with a link to the published EP on the NOPSEMA website.
- On 1 June 2022, Woodside met with GAP representatives.
- On 15 June 2022, Woodside wrote to GAP and advised that Woodside has further reviewed the information provided by GAP and that Woodside considers GAP a relevant persons under regulation 11A. Woodside also provided a response to requests made by GAP in letter dated 8 April 2022.
- On 29 June 2022, GAP wrote to Woodside (copied to NOPSEMA) outlining a number of claims /objections and requests for further information, relating to not consulting with all relevant persons, not adequately evaluating all impacts and risks, not demonstrating that impacts and risks will be reduced to ALARP and not managed to an acceptable level, EPOs do not reflect the level of environmental performance, the EP is inconsistent with the Blue Whale Conservation Management Plan and threatened species recovery plans and the EP is inconsistent with the principles of ecologically sustainable development, specifically the 'intergenerational principle'.
- On 5 September 2022, Woodside provided a detailed response to the claims/objections and requests for further information raised by GAP on 29 June 2022.

- On 9 September 2022, GAP wrote to NOPSEMA (copied to Woodside) advising that GAP considers the information provided to GAP by Woodside and the period afforded for consultation, to date falls short of the consultation required under regulation 11A.
- On 28 October 2022, GAP wrote to Woodside (copied to NOPSEMA) outlining similar claims /objections as raised in letter dated 29 June 2022. Claims/objections included; not consulting with all relevant persons and incorporating their feedback into the EP, not adequately evaluating all impacts and risks, not demonstrating that impacts and risks will be reduced to ALARP and not managed to an acceptable level, the EP is inconsistent with the Blue Whale Conservation Management Plan and threatened species recovery plans and the EP is inconsistent with the principles of ecologically sustainable development, specifically the 'intergenerational principle'.
- On 6 June 2023, Woodside provided a detailed response to claims/objections raised by GAP in letter dated 28 October 2022. Woodside advised GAP that any further feedback provided by GAP will be considered as part of ongoing consultation.
- On 13 June 2023, GAP wrote to NOPSEMA (copied to Woodside) advising that GAP considers the information provided to GAP by Woodside and the period afforded for consultation, to date falls short of the consultation required under regulation 11A.
- On 23 June 2023, Woodside wrote to GAP advising that Woodside was comfortable with the consultation between Woodside and GAP. Woodside informed GAP that it remained open to consulting with GAP and additional feedback GAP provided on the Scarborough EPs would be accepted and considered as part of ongoing consultation.
- On 7 August 2023, GAP wrote to NOPSEMA (copied to Woodside) advising that GAP considers the information provided to GAP by Woodside fails short of the consultation required under regulation 11A. GAP also raised several other matters, including greenhouse gas emissions, indirect impacts of scope 3 emissions, vessel strikes on marine fauna, methane leakage from the Scarborough gas field, non-water based mud system and reducing oil in drill cuttings and PFAS substances in planned and unplanned activities.
- On 11 August 2023, Woodside wrote to GAP advising that Woodside has consulted Greenpeace pursuant to Regulation 11A in the course of preparing the Scarborough EPs for a significant period of time (since April 2022). The consultation between Woodside and GAP has been extensive and over an extended period. Woodside has met and been prepared to meet with GAP. Woodside remains open to consulting with GAP further, and additional feedback GAP provides on these EPs will be considered as part of ongoing consultation.

The consultation records show that GAP has demonstrated an understanding of the activity, engaged with the information provided by Woodside, requested additional information, asked questions and raised a number of objections and claims. Woodside has responded to reasonable requests made by GAP, 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 Scarborough project but were not impacts of the activity to which this EP relates.

It is noted that GAP has continued to raise similar matters with Woodside throughout the course of consultation. In some instances, GAP raised additional matters with Woodside late in the consultation process. For example, in GAP's letter dated 7 August 2023, GAP raised concerns with the use of per- and polyfluoroalkyl substances (PFAS). Woodside has not responded to GAP on this matter; however, it is noted that the EP does not describe the use of PFAS as part of the petroleum activity, and PFAS has not been assessed in the impact and risk evaluations. The EP provides a range of systems, practices and processes (including management of change processes) to ensure that all impacts and risks will continue to be managed to ALARP and acceptable levels. These processes would apply, if Woodside intended to use PFAS as part of the petroleum activity.

EP Appendix F, Table 1 shows that Woodside has assessed the merits of the objections and claims raised by GAP and provided a response. Relevant matters raised by GAP during consultation have been considered and/or addressed in the EP. For example, GAP raised concerns with the management of drill cuttings during consultation. Woodside has evaluated the use of a thermomechanical system to treat drill cuttings to achieve <1% average oil on cuttings prior to discharge to the marine environment; however, the control was rejected on the basis that the cost of implementation outweighs the environmental benefits.

While the consultation process with GAP has been protracted and resolutions have not always been achieved, there has been a two-way dialogue in which GAP has been given sufficient information and allowed a reasonable time for the organisation to make an informed assessment of the possible consequences of the activity on its functions, interests or activities. The determination of sufficiency of information is based on the requirement in Regulation 11A which requires the titleholder to give each relevant person sufficient information to allow the relevant person to make an informed assessment of the possible consequences of the activity on the functions, interests or activities of the relevant

person. The published EP (Revision 0); Scarborough Development OPP; the Consultation Information Sheet; numerous email responses tailored to the objections and claims raised; as well as the measures the titleholder proposes to adopt as a result of the consultation undertaken all form part of the sufficient information provided. I considered that provision of further information in these circumstances appeared to be beyond what is required to make an informed assessment of the possible consequences of the activity on respective functions, interests or activities to Greenpeace provide sufficient information on the drilling and completions activity for Greenpeace to make an informed assessment as to whether their interests are impacted. The EP demonstrates that regulation 11A consultation requirements have been discharged with GAP. [C]

**Conclusion in relation to DMG Factor 3:** The EP demonstrates that effective consultation has taken place with relevant persons in that 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 [C]

**DMG Factor 4 – Information gathered through consultation is included in the EP and effectively informed the identification of environmental values and sensitivities to ensure impacts and risks are reduced to ALARP and acceptable**

A new section 4.9.1.5.3 Consultation Feedback to Inform Existing Environment has been included in the EP that details the feedback received, including culturally important species/features and their potential for presence /absence in the PAA and EMBA within "Table 4-17: Feedback Received via Consultation to Inform Existing Environment Description".

See also findings above regarding previous RFFWI 1.1 and 3.3.

**Conclusion in relation to DMG Factor 4:** The EP demonstrates that information gathered through consultation is included in the EP and effectively informed the identification of environmental values and sensitivities to ensure impacts and risks are reduced to ALARP and acceptable. (Appendix F, Table 1; Section 4.9.1.5.3 and Table 4-17; Section 6). [C]

**DMG Factor 5 – 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**

Measures adopted as a result of consultation

New EP Section 6.10, tracked p 367: *EPS PS 4.9.1 states Woodside will "Implement a program, which is compliant with Corporate Woodside Policies, Strategies and procedures, to undertake ongoing consultation with Traditional Custodians whose functions, interests and activities may be affected by the Petroleum Activities program.*

*The Program may include, as agreed with relevant Traditional Custodians:*

- Social investment to support First Nations ranger programs
- Support for First Nations oil spill response capabilities
- Support for recording Sea Country values
- Support to Traditional Custodian groups to build capabilities and capacity with respect to ability to engage with Woodside and the broader O&G industry on activities
- Development of ongoing relationships with Traditional Custodian groups

• Any other initiatives proposed for the purpose of protecting Country including cultural values"

**MC 4.9.1:**

*Records demonstrate discussions with relevant Traditional Custodian Groups on proposed partnerships and/ or initiatives initiated by Woodside, and responses to feedback provided by Woodside within 4 weeks.*

The report on consultation in Appendix F of the EP states where Environment Plan controls have been adopted in response to consultation. For example, "Woodside has considered [REDACTED] and SOS's feedback and updated Section 4.9.1.5 to record topics of interest and cultural value, including those relating to whales.

As a result of consultation with [REDACTED] and SOS, Woodside has updated the noise adaptive management control relating to pygmy blue whales to also include humpback whales (C 3.2). (EP tracked p814).

Based on the explanation provided in Section 6.10, these measures are considered appropriate. [C]

**Conclusion in relation to DMG Factor 5:** The EP demonstrates that 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. [C]

**DMG Factor 6 - Report on consultation is included and sufficient to determine that consultation duties have been discharged.**

DMG criteria: 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.

Requirements: The EP must contain a report on all consultations between the titleholder and a relevant person (regulation 16(b)). The report must 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 EP 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.

**Findings and Conclusion in relation to DMG Factor 6:** A report addressing the above requirements is provided within EP Appendix F, Table 1 of the EP for all relevant persons. EP Appendix F Table 2 contains the Engagement Report with Persons or Organisations Assessed as Not Relevant. The full text of any relevant person response is contained in a separate Sensitive Information report. The report on consultation is included and is sufficient to determine that consultation duties have been discharged. [C]

**Third Party Correspondence**

- On 22 September 2023, Kariyarra Aboriginal Corporation RNTBC (KAC) represented by Land Equity Legal Native Title, Mining & Environmental Lawyers wrote to Woodside, ccing NOPSEMA (A1011534). And again on the 12 and 14 October 2023 (A1011534 and A1024357). Woodside does not consider KAC to be a relevant person for the Scarborough Drilling and Completions activity, which is consistent with the application of their relevant person identification methodology. The information for KAC was viewed on 27/9 at <https://nativetitle.org.au/find/pbc/8355> which shows that KAC is not coastally adjacent to the EMBA.
- Friends of Australian Rock Art (FARA) wrote to NOPSEMA on several occasions on 20 October 2023 (A1026755, A1026757, A1026759), on 12 November 2023 (A1033507), 13 and 14 November 2023 (A1033505, A1033507, A1033513, A1033515, A1033517, A1033519, A1033530). In summary these letters raise concerns and provided articles related to onshore impacts on rock art on the Burrup Peninsula (Murujuga petroglyphs) and its view that each Scarborough activity is a substantial cause of air emissions from the processing of Scarborough gas; which are facilitated to a major extent by the activity; and within the contemplation of the titleholder or are a reasonably foreseeable consequence of the activity. On 30 November 2023, NOPSEMA received via email a letter (dated 29 November 2023) from Friends of Australian Rock Art (A1038028 and A1038032). This letter puts forward their position that an assessment of the indirect consequences on the "Murujuga Petroglyphs from the Scarborough gas development must occur now, in relation to the Scarborough project activities that are currently under assessment by NOPSEMA; and FARA and other parties with interests connected to the preservation and protection of the Murujuga Petroglyphs should therefore be considered a 'relevant persons' for the purposes of consultation on each of the EP's currently under assessment." NOPSEMA maintains the position that the drilling and completions activity does not involve the extraction of gas for onshore processing and that further approvals are required prior to any gas being extracted, processed, consumed or combusted. Therefore it is appropriate for an assessment and evaluation of any potential impacts and risks to the Murujuga Petroglyphs to occur in the future when assessing an environment plan that covers these activities. It is noted that Woodside does not consider FARA to be a relevant person for the Scarborough Drilling and Completions activity (EP Table 5-3). NOPSEMA considers this assessment of relevancy to be appropriate given that it is consistent with the application of their relevant person identification methodology because FARA's interests, i.e. Murujuga petroglyphs will not be affected by this activity.

8	Environment Plan complies with the Act and regulations	General	<p>Submission 1</p> <p><b>Consistent with the principles of ESD</b></p> <p>The EP appears to be managed consistent with the principles of ESD, given:</p>
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- the EP has adopted the relevant EPOs from the accepted Scarborough OPP, which reflect the principles of ESD
- the EP has adopted specific control measures for the activity (in addition to those in the OPP that are relevant to the activity)
- the EP demonstrates that activity impacts and risks are managed to acceptable levels (and are within the acceptable levels defined in the OPP)

*Conclusion - The EP appears to be consistent with the principles of ESD.*

#### **Content requirements of Regulation 13-16 are included**

- 13(1) - 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) - Appendix B includes an overview of relevant legislative requirements that apply to the activity
- 13(5)(6) - S6 provides details and evaluation of impacts and risks for the activity and details of controls
- 13(7) - S6 provides performance standards, performance outcomes and measurement criteria
- 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
- 14(8) - EP includes an OPEP
- 15(1)(2)(3) - S1.2 includes details of titleholder and titleholder nominated liaison person and mechanism for notifying of change in liaison person
- 16(a) - The titleholders Environment Policy is provided (Appendix A)
- 16(b) - Report on consultation is provided in the EP (S5) and full text is provided in the sensitive information report
- 16(c) - Reportable incidents provided in S7

*Conclusion - The EP includes sufficient information to address the content requirements of r13-16.*

#### **Commitments of OPGGS Act and Environment Regulations**

The EP acknowledges and commits to the requirements of the Environment Regulations, including to notify NOPSEMA of reportable incidents and start/end of activity (S7).

##### OPGGS(E)R 17(2) - Submission of plan for offshore project

The Scarborough Offshore Project Proposal (OPP) was accepted by NOPSEMA on 30 March 2020 (RMS ID: 4903). The activity covered by this EP is consistent with the activities described in the Scarborough OPP.

##### s571 of the OPGGS Act - Financial assurance

Financial assurance declaration and confirmation forms have not yet been received from the titleholder (at time of assessment, 18 November 2021). The EP cover sheet (A812305) submitted with the EP, notes a proposed submission date for these forms of February 2022. To be confirmed prior to assessment decision.

##### s572 of the OPGGS Act - Maintenance and removal of property

S1.10.1 states that while there are no immediate plans for decommissioning (the scope of this EP is for drilling production wells for future operations) all equipment being installed above the mudline has been designed to allow removal. Subsection 572(2) provides that while structures, equipment and other property remain in the title area, they must be maintained in good condition and repair. The EP includes IMMR activities to ensure infrastructure installed is maintained in good condition for future production.

Woodside does not expect to abandon the wells until the end of the production field life (OPP states project life is 2055 on pg. 80). For technical reasons the EP includes well abandonment activities (i.e. abandon the lower section of a well, prior to sidetracking, or in the event of a re-spud). If required, Woodside will be abandoned the wells (as per WOMP) and remove subsea infrastructure, and every reasonable attempt will be made to retrieve the wellhead (S3.11.7). If wellhead is unable to be retrieved, it will be left in-situ. This is accounted for in the EP (S3.11.8). PS 4.6 (pg. 142) states removal of wellheads attempted during the Petroleum Activity Program in the event of a respu.

At conclusion of well completion activities, the wells will be suspended and the BOP removed. The wells will be left with subsea infrastructure installed (i.e. xmas trees), awaiting pre-commissioning and connection to FPU (to be covered by a separate EP). S3.11.8 notes that

final decommissioning of the development wellhead assembly and other subsea infrastructure at the end of field life will be subject to a separate EP.

Long baseline (LBL) transponders and ultra short baseline (USBL) transponders may be used for acoustic positioning (S.3.7.9). The LBL transponders may be installed on the seabed, and the USBL transponders may be moored to the seabed either by a clump weight or mounted on a seabed frame. On completion of the positioning operation, the USBL transponders moored by clump weight are recovered by means of a hydrostatic release, which leaves the clump weight on the seabed. The USBL transponders mounted on seabed frames will be removed by ROV. The activity description (S3) does not describe the process of removing the clump weights, however PS 5.4.2 (pg. 149) states that transponder equipment including clump weights/frames, will be removed at the end of the Petroleum Activity Program.

Chains/wires and anchors will be used for anchor hold testing and mooring installation (S3.10.2.4). The EP does not clearly outline the removal of anchors, chains/wires from the seabed following completion of the activity. In addition, no control measures (or performance standards) have been included in the EP.

ISSUE - The EP does not include a clear commitment to remove all property when it is neither used, nor to be used (e.g. removal of anchors and chains/wires as mentioned above).

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#### **findings - GHG emissions topic focus - complies with Act and regs**

- Principles of ESD:
  - The EP variously defines ESD as 'Ecologically Sustainable Development' and 'Environmentally Sustainable Development'. Please revise the EP to be consistent with the EPBC Act and the Environment Regulations.
  - The GHG emissions impact evaluation (S6.6.2) does not address ESD, instead relying on previous demonstrations in the OPP. As noted in previous findings, the information relied upon to conduct that demonstration has now been superseded. These are addressed through earlier findings and not repeated here (see findings against 'Nature and Scale' and 'Acceptable levels' above).

**Conclusion: The EP does not address ESD in the context of GHG emissions for the activity. In addition, the EP does not accurately define ESD. Revision is requested.**

#### **Submission 2**

##### **Consistent with the principles of ESD**

*No material changes since last revision.*

##### **Content requirements of Regulation 13-16 are included**

*No material changes since last revision.*

##### **Commitments of OPGGS Act and Environment Regulations**

###### **s571 of the OPGGS Act - Financial assurance**

Financial assurance declaration and confirmation forms have not yet been received from the titleholder (at time of EP assessment, 02 February 2022). The RFFWI letter issued to the titleholder on 15 December 2021, informed the titleholder that a financial assurance confirmation form must be submitted for the activity, before NOPSEMA is able to accept the EP. [To be confirmed prior to assessment decision]

###### **s572 of the OPGGS Act - Maintenance and removal of property**

RFFWI #7.1 requested Woodside to revise the EP to ensure commitments regarding the removal of all equipment are clearly stated and comply with legislative requirements. In response, Woodside revised the EP to remove any references to leaving equipment in-situ. In addition, Woodside included a new EPS for the removal of the mooring systems [PS 5.1 - Mooring systems (chains/wires and anchors) removed during the Petroleum Activities Program]. The EPS is supported by an appropriate MC that can be easily monitored for compliance [MC 5.1 - Records demonstrate mooring systems removed].

*Conclusion - The EP includes clear commitments to remove all equipment used for the PAP, with the exception of the wellhead assembly, which is expected to be removed at the end of field life subject to a separate EP.*

**findings - GHG emissions topic focus - complies with Act and regs**

In addressing the issues raised above:

- Principles of ESD - the issues relating to ESD have been addressed through earlier findings and not repeated here (see findings against 'Nature and Scale' and 'Acceptable levels' above).

**Conclusion:** Based on the emissions boundary for the EP, no further clarifications are requested on the Act and regs in relation to GHG emissions.

**Submission 3**

**Consistent with the principles of ESD**

*No material changes since last revision.*

**Content requirements of Regulation 13-16 are included**

*No material changes since last revision.*

**Commitments of OPGGS Act and Environment Regulations**

**s571 of the OPGGS Act - Financial assurance**

A financial assurance declaration form was received from Woodside on 02 May 2022 (A841452). A financial assurance confirmation form is still outstanding.

**Submission 4**

**Consistent with the principles of ESD**

*No material changes since last revision.*

**Content requirements of Regulation 13-16 are included**

*No material changes since last revision.*

**Commitments of OPGGS Act and Environment Regulations**

Financial assurance declaration forms (A841452, A870442) and a financial assurance confirmation form (A870458) has been received, in a form that is acceptable to NOPSEMA.

**Submission 5**

**Consistent with the principles of ESD**

The principles of ESD (as set out in Section 3A of the EPBC Act) were considered in NOPSEMA's assessment of the EP, with consideration of many aspects inherent with the EP content requirements and criteria for acceptance as defined in the Environment Regulations. To support previous assessment findings, an overview of how the principles of ESD were considered is outlined below.

**Integration principle**

NOPSEMA considered the titleholder's evaluation of the socio-economic, cultural and ecological features of the environment that may be affected by the activity and consultation with relevant persons. The EP demonstrates an integrated approach to considering all environmental features, including relevant social, cultural and economic features that make up the definition of environment under regulation 4 of the Environment Regulations. Specifically, the EP includes an evaluation of the potential impacts and risks of the petroleum activity on cultural heritage, commercial fisheries, traditional fisheries, tourism and recreation, commercial shipping, oil and gas and defence activities. The EP demonstrates that environmental impacts and risks of the petroleum activity will be managed to ALARP and an acceptable level.

**Precautionary principle**

NOPSEMA considered the titleholder's evaluation of environmental impacts and risks, the reasons and evidence in support of how the impacts and risks will be of an acceptable level



and the scientific uncertainty associated with predictions of environmental impacts and risks. Consideration was also given to the effectiveness of management measures in ensuring the petroleum activity will not result in serious or irreversible environmental harm.

The EP demonstrates that the environmental impacts and risks of the petroleum activity will be managed to ALARP and an acceptable level. The assessment concluded that the petroleum activity will not have a significant impact on a MNES and will not result in serious or irreversible environmental damage.

#### Intergenerational principle

NOPSEMA considered the measures the titleholder has adopted to minimise the environmental impacts and risks of the petroleum activity. The titleholder applied the mitigation hierarchy, such that where avoidance was not possible, control measures were adopted to ensure impacts and risks are managed to ALARP and an acceptable level.

The EP demonstrates that the environmental impacts and risks of the petroleum activity will not forego the health, diversity and productivity of the environment for future generations.

#### Biodiversity principle

NOPSEMA considered the titleholder's evaluation of environmental impacts and risks to the biodiversity and ecological values of the Commonwealth marine area, including EPBC Act listed threatened and/or migratory species, and the EPOs defined in the EP.

The titleholder defined acceptable levels of impact and risk for biodiversity and ecological values at levels that are below the significant impact criteria (defined in Significant Impact Guidelines 1.1 – Matters of National Environmental Significance) for matters protected under Part 3 of the EPBC Act. The titleholder undertook a robust evaluation of environmental impacts and risks using appropriate impact assessment tools (such as oil spill modelling) to provide the basis for assessing higher order impacts and risks and demonstrating that impacts and risks will be managed at or below the acceptable level.

An assessment against relevant requirements of statutory instruments was undertaken by the titleholder to demonstrate that the petroleum activity would not be inconsistent with these instruments (such as the Conservation Management Plan for the Blue Whale).

The environmental impact and risk evaluations and EPOs collectively demonstrate that the petroleum activity will be managed such that impacts and risks to biological diversity and the ecological integrity of the Commonwealth marine area will be of an acceptable level.

The assessment concluded that the petroleum activity will not 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.

#### Valuation principle

NOPSEMA considered that the titleholder is required to bear the costs relating to environmental management of the petroleum activity, to ensure that environmental impacts and risks are managed to ALARP and to an acceptable level. NOPSEMA considers that the onus is on the titleholder to protect ecological services and capital associated with the EMBA of the petroleum activity. To the extent that the valuation principle is relevant for an individual petroleum activity, the EP demonstrates compliance with Australian government legislation and policy requirements relating to environmental management.

#### **Content requirements of Regulation 13-16 are included**

The resubmitted EP includes a new Woodside Corporate Policy - the Environment and Biodiversity Policy. The Policy is provided in Appendix A, in accordance with Regulation 16(a). S1.9.1 has been updated to reflect the new Policy.

As per previous findings, the EP includes sufficient information to address the content requirements of reg 13-16.

#### **Commitments of OPGGS Act and Environment Regulations**

*No material changes since last revision.*

#### **Submission 6**

*No material changes since last revision.*

Submission 7

*No material changes since last revision.*