

Our ref: ID 7199: A1056942
Your ref: 640.30610.00000-R01
Contact: [REDACTED]
Email: [REDACTED]@nopsema.gov.au

Ms Tanya Johnstone
Director Australia, PNG and NZ
TGS-NOPEC Geophysical Company Pty Ltd
Level 9, 220 St Georges Terrace
Perth WA 6000

Tanya.Johnstone@tgs.com

Dear Ms Johnstone

RE: ENVIRONMENT PLAN SUBMISSION – REQUEST FOR FURTHER WRITTEN INFORMATION – OTWAY BASIN 3D MULTI-CLIENT MARINE SEISMIC SURVEY

Thank you for the submission of the Otway Basin 3D Multi-Client Marine Seismic Survey Environment Plan (the EP) on 07 December 2023. In undertaking an assessment of the EP and deciding whether the EP demonstrates all acceptance criteria have been met, NOPSEMA requires further information.

Further written information is requested to demonstrate that the requirements of the Environment Regulations have been met. The reasons for this, including what further information is required for NOPSEMA to make a decision, are detailed in Attachment 1.

Please provide this information in the form of a modified EP submission, together with a copy showing all changes made to each document (via: <https://securefile.nopsema.gov.au/filedrop/submissions>).

The modified EP must be submitted to NOPSEMA no later than 60 days from the date of this letter. If you require a longer period of time, please request an extension within 7 days of receipt of this letter. If a modified EP is not submitted within the timeframe, NOPSEMA may refuse to accept the EP, or accept it in part for a particular stage of the activity or accept the EP with limitations or conditions, in accordance with subregulation 33(10).

Given this request, we will provide you with an assessment decision within 30 days of receiving the modified EP submission.

Should you have any questions please contact [REDACTED] on [REDACTED].

Yours sincerely

[REDACTED]
Director - Exploration & Development Environment
wA804954

08 March 2024

Attachment 1 – Matters requiring further written information

Item	Description
Acceptance Criteria 34(a) – the EP is not appropriate for the nature and scale of the activity because:	
1.1	<p><i>There is not a suitable description for the activity - survey parameters</i></p> <p>Requirements: The EP must contain a suitable description of the activity and how it may affect the environment, including the scope and bounds of the activity (GL1721: Section 6.3).</p> <p>Issue: Survey duration parameters are not clearly and consistently described throughout the EP. This is because the EP:</p> <ul style="list-style-type: none"> describes maximum survey duration of 200 days or 8,000 km² per year (e.g., Section 3.1, Table 6 and Section 3.3) in some instances; but specifies per calendar year in other instances (e.g., Section 3.3) which consequently could allow acquisition to be undertaken for up to 400 days or 15,000 km² consecutively; and states that 'activation' of the acoustic source may not occur outside of the Acoustic Acquisition Area, and also states/implies that, once active, the source may be discharged outside of the Acoustic Acquisition Area. This means the EP lacks appropriate clarity to demonstrate where the acoustic source may be active. <p>Request: Please update the EP to provide a clear and consistent description of the activity, including:</p> <ul style="list-style-type: none"> maximum survey duration parameters. In addressing this point, please consider any implications for the evaluation of impacts and risks and demonstration of ALARP and acceptable levels (see also RFFWI 2.2); and confirming if acoustic source will be active only in the Acoustic Acquisition Area, or having been activated within that area, TGS intend on allowing it to continue to be active outside of that area e.g. in the Operational Area during line turns.
1.2	<p><i>There is not a thorough description of the environment – protected matters and other features in the EMBA</i></p> <p>Requirements: The EP must describe the existing environment that may be affected by the activity [regulation 21(2)].</p> <p>Issue: The description of the environment does not adequately describe matters protected under the EPBC Act and other features that may</p>

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	<p>occur within the environment that may be affected (EMBA) by a worst-case hydrocarbon spill (Section 4). Specifically, the EP identifies World Heritage Areas, National Heritage Places, Commonwealth Heritage Places, Wetlands of International Importance (<i>Ramsar sites</i>) and State marine protected areas that are located within the EMBA; however, the EP does not provide a description of the values and sensitivities of these protected areas.</p> <p>Request: Please revise the EP to include a complete description of the environment, to inform the evaluation of environmental impacts and risks.</p>
1.3	<p><i>The level of analysis and evaluation is not commensurate to the nature and scale of the activity – sources of noise emissions</i></p> <p>Requirements: The EP must include an evaluation of all impacts and risks, appropriate to the nature and scale of each impact or risk [regulation 21(5)(6)].</p> <p>Issue: The EP does not establish noise impact footprints from all noise emitting sources to inform an appropriate evaluation of impacts to relevant sensitivities. The activity description in Section 3.5.6 of the EP outlines that helicopters may be used during the activity; however, the underwater noise evaluation (Section 7.2) does not consider impacts from helicopter operations, nor does the EP provide suitable justification for excluding helicopter operations from the scope of the noise evaluation.</p> <p>Request: Please revise the EP to include impact evaluations for noise that are informed by relevant scientific literature and based on realistic predictions of noise emissions from all noise emitting sources associated with the activity.</p>
1.4	<p><i>The level of analysis and evaluation is not commensurate to the nature and scale of the activity – 2D seismic acquisition</i></p> <p>Requirements: The EP must include an evaluation of all impacts and risks, appropriate to the nature and scale of each impact or risk [regulation 21(5)(6)].</p> <p>Issue: The EP does not provide a sufficient assessment of the potential impacts to blue whales and southern right whales, as a result of acquiring the 2D tie lines in the Acquisition Area. As the 2D tie lines extend into biologically important areas (BIAs) for these species, and the activity may occur during peak periods for these species, further effort is needed on evaluating the potential impacts associated with this component of the proposed activity.</p> <p>Request: Please revise the EP to include an appropriate evaluation of the potential impacts of acquiring the 2D tie lines in the Acquisition Area,</p>

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	to blue whales and southern right whales (within the BIA for these species and during peak periods). In addition, consider and evaluate the need for additional control measures to demonstrate impacts will be managed to levels which are acceptable and ALARP.
1.5	<p><i>The level of analysis and evaluation is not commensurate to the nature and scale of the activity – noise evaluation</i></p> <p>Requirements: The EP must include an evaluation of all impacts and risks, appropriate to the nature and scale of each impact or risk [regulation 21(5)(6)].</p> <p>Issue: The evaluation of underwater noise impacts (Section 7.2) does not provide a suitable justification for the behavioural response thresholds adopted for blue whales and southern right whales, considering the biologically important behaviours exhibited by these species in the area and the importance of the region to these species.</p> <p>Request: Please revise the EP to include supporting rationale for the behavioural response thresholds adopted for blue whales and southern right whales, to inform an appropriate evaluation of underwater noise impacts.</p>
1.6	<p><i>The level of analysis and evaluation is not commensurate to the nature and scale of the activity – larvae and puerulus</i></p> <p>Requirements: The EP must include an evaluation of all impacts and risks, appropriate to the nature and scale of each impact or risk [regulation 21(5)(6)].</p> <p>Issue: The assessment of impacts and risks from noise to the larvae and puerulus of commercial targeted fish and invertebrates, specifically rock lobster, giant crab and orange roughy, does not appear to have an appropriate level of detail and rigour applied given the level of concern raised during consultation. For example, the EP cites research that shows significant impacts could occur up to 500m from the source but the evaluation of impacts to rock lobster larvae appear to only consider impacts to larvae at the seabed (p415). In addition, the evaluation of impacts to plankton appear to rely on the fact that an area will repopulate within a short period of time (p415). Whilst this may be true of organisms that live their whole life as plankton, this is not applicable to larvae and puerulus of commercially targeted fish and invertebrates.</p> <p>Request: Please revise the EP to include further detail of the evaluation of the potential impacts to planktonic life stages of commercially targeted fish and invertebrates.</p>

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1.7	<p><i>The level of analysis and evaluation is not commensurate to the nature and scale of the activity – cumulative impacts</i></p> <p>Requirements: The EP must include an evaluation of all impacts and risks, appropriate to the nature and scale of each impact or risk [regulation 21(5)(6)]. The level of detail and rigour applied to environmental impact and risks evaluation must reflect the magnitude of impacts and risks (GL1721: Section 6.3).</p> <p>Issue: The level of analysis applied to the cumulative impact assessment (Section 9) is not appropriate, given the size and duration of the proposed activity, the environmental sensitivities in the area and the high level of activities proposed to occur in the region (such as other marine seismic surveys and drilling activities). Further effort is required in evaluating the potential for cumulative impacts to sensitive marine fauna, commercial fish stocks, and other marine users such as commercial fisheries.</p> <p>Request: Please revise the EP to include a detailed evaluation of cumulative impacts as a result of interactions with other activities in the region. In responding to this request, please:</p> <ol style="list-style-type: none"> 1. outline the activities that are proposed to occur in the region (that are known to the titleholder) and provide an assessment of the cumulative impacts from these activities; 2. incorporate an evaluation of the potential for behavioural disturbance and cumulative temporary threshold shift (TTS) / permanent threshold shift (PTS) to sensitive marine fauna, from multiple activities occurring in the region; 3. incorporate an evaluation of the potential for cumulative impacts to commercial fish stocks; 4. incorporate an evaluation of the potential for cumulative impacts of physical displacement to other marine users, including commercial fisheries; 5. Incorporate an evaluation of the potential of cumulative impacts to the value of commercial fishing licences where fishing does not occur due to displacement from petroleum activities; and 6. consider and evaluate the need for additional control measures to limit the potential for cumulative impacts (e.g., temporal and/or spatial restrictions if multiple activities are proposed to occur in the same year).

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Acceptance Criteria 34(b) – The EP does not demonstrate that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable (ALARP) because:	
2.1	<p><i>There is not a thorough consideration and evaluation of all reasonable control measures – noise emissions</i></p> <p>Requirements: The EP must include details of the control measures that will be used to reduce the impacts and risks of the activity to as low as reasonably practicable (ALARP) and an acceptable level [regulation 22(5)]. The EP must demonstrate, through reasoned and supported arguments, that there are no other practicable measures that could reasonably be taken to reduce impacts and risks any further (GL1721: Section 7).</p> <p>Issue: The EP includes an assessment of control measures for the management of underwater noise emissions from the activity (Table 92); however, there are other practicable measures that have not been evaluated and could be adopted to further reduce the impacts of noise emissions on sensitive marine fauna. Further effort should be expended on evaluating other practicable control measures, given the activity overlaps with BIAs for blue whales and southern right whales. Examples of control measures that could be considered include (but are not limited to):</p> <ul style="list-style-type: none"> • No discharge of the acoustic source outside of the Acquisition Area. It is noted that this aspect is described in Section 3 of the EP; however, it is not included as a control measure and the current description is unclear (see also RFFWI #1.1). • No 3D seismic acquisition within the 2D Active Source Area, as outlined in Figure 4 and Table 8. It is noted that this aspect is described in Section 3 of the EP; however, it is not included as a control measure. • No acquisition of the 2D tie lines within the blue whale foraging BIAs/buffer and southern right whale reproductive BIA/buffer during biologically important periods for these species. • No discharge of the acoustic source during biologically important periods for blue whales and southern right whales. • Use of aerial surveys (spotter aircraft) for the duration of the activity throughout the Operational Area (OA) to inform appropriate management measures. • Placement of acoustic monitors/loggers on the boundary of the reproductive BIA for southern right whales to inform appropriate

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	<p>management measures.</p> <ul style="list-style-type: none"> • Terminate the seismic survey early, if higher than anticipated numbers of blue whales or southern right whales are sighted. <p>Request: Please provide details of the evaluation of alternative, additional and/or improved control measures to minimise noise impacts to sensitive marine fauna and provide for the implementation of any control measures adopted.</p>
2.2	<p><i>There is not a thorough consideration and evaluation of all reasonable control measures – seismic acquisition restrictions</i></p> <p>Requirements: The EP must include details of the control measures that will be used to reduce the impacts and risks of the activity to as low as reasonably practicable (ALARP) and an acceptable level [regulation 22(5)]. The EP must demonstrate, through reasoned and supported arguments, that there are no other practicable measures that could reasonably be taken to reduce impacts and risks any further (GL1721: Section 7).</p> <p>Issue: Section 3.3 of the EP outlines restrictions on the maximum number of days of seismic acquisition and area acquired per calendar year (see also RFFWI 1.1) and across the duration of the EP; however, these restrictions have not been evaluated or included as a control measure.</p> <p>Request: Please revise the EP to include an evaluation of a control measure for limitation of the number of days of seismic acquisition and area acquired per year. In addressing this request, please ensure the EP includes demonstration that environmental impacts (including cumulative impacts) and risks will be managed to ALARP and acceptable levels, noting that restrictions of 200 days or 8000 km² per calendar year could allow for acquisition to continue for up to 400 days or 15,000 km² consecutively. If additional control measures are adopted, please provide new EPSs that set out clear levels of performance.</p>
2.3	<p><i>The method of evaluation of adopting control measures is not based on environmental benefit, systematic, applied thoroughly, defensible and/or reproducible</i></p> <p>Requirements: The EP must include details of the control measures that will be used to reduce the impacts and risks of the activity to as low as reasonably practicable (ALARP) and an acceptable level [regulation 22(5)]. The method of evaluation must be systematic, applied thoroughly, defensible and reproducible (GL1721: Section 7.3).</p> <p>Issue: The EP includes an assessment of control measures for each impact; however, there is insufficient information to support or justify the rejection of some control measures. In some cases, the EP does not detail the costs (money, time and/ or effort) involved or provide a robust</p>

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	<p>analysis to demonstrate that the costs are grossly disproportionate to the environmental benefit gained. For example (but not limited to):</p> <ul style="list-style-type: none"> • The use of an additional vessel for the specific purpose of marine mammal monitoring was rejected on the basis that the cost is grossly disproportionate to the environmental benefit gained. However, the EP does not detail the costs associated with this control measure. In addition, the EP labels the practicability of the control measure as “no” and the effectiveness as “<i>limited effectiveness</i>”. The justification provided does not support this position. • Implementation of shutdowns for dolphins and pinnipeds was rejected on the basis that the cost is grossly disproportionate to the environmental benefit gained. However, the EP does not detail the cost associated with this control measure nor the potential environmental benefit, taking into account the uncertainty associated with predicting impacts to these species. • Trialling of thermal imaging camera technology to detect cetaceans during night time was rejected as a control measure; however, the justification provided states that “<i>If available, TGS will trial thermal imaging camera technology...</i>” and “<i>Should thermal imaging be found to provide reliable detection and distance estimates during one phase of the survey, TGS will commit to using the technology on the Seismic Vessel during subsequent survey phases and will engage additional MFO resources to cover night shifts</i>”. As such, the reasoning provided does not support the rejection of the control measure. Further information is also required to detail how TGS will determine whether or not this technology is available throughout the life of the EP. • Retrieval of towed equipment when the seismic vessel is in transit to and from the OA (e.g., to and from port) was rejected as a control measure (Table 63). The justification relates to emergency conditions (e.g., periods of inclement weather); however, the control measure itself appears to relate to non-emergency conditions (e.g., general transit of the vessel between the OA and port). • Sourcing the seismic vessel within Australia is considered as a control measure to prevent the introduction of invasive marine species (Table 115), however, this consideration does not extend to the sourcing of support vessels. <p>Request: Please revise the EP to ensure the evaluation of adopting control measures is applied thoroughly and includes defensible supporting rationale for the rejection of control measures. In particular, please provide an analysis of the benefits versus the costs (money, time and/or effort) of implementing the control measure. If additional control measures are adopted, please provide new EPSs that set out clear levels of performance.</p>

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Acceptance Criteria 34(c) – the EP does not demonstrate that the environmental impacts and risks of the activity will be of an acceptable level because:	
3.1	<p><i>Evidence that all impacts and risks will be managed to acceptable levels – residual impacts on commercial fishers not evaluated</i></p> <p>Requirements: The EP must include an evaluation of all the impacts and risks, appropriate to the nature and scale of each impact and risk and details of the control measures that will be used to reduce the impacts and risks of the activity to as low as reasonably practicable and an acceptable level [regulation 21(5)].</p> <p>Issue: One of the three acceptable levels defined in the EP for impacts to commercial fishers and fisheries is ‘<i>No interference with other relevant persons/marine users to an extent greater than is necessary for the exercise of rights conferred by the titles granted</i>’. The assessment of the impacts on commercial fishers and fisheries includes a range of calculations, including catch overlap with the activity, the percentage of overlap with the fishery and therefore the potential value of the overlap to that fishery (Table 37-38). the EP also includes a number of controls, including the Giant Crab Acoustic Exclusion Zone and the compensation protocol, to reduce these impacts. However, the EP does not clearly demonstrate the predicted level of residual impact, after these controls are applied, and therefore cannot demonstrate that the level of predicted impact (after controls are applied) will meet the acceptable level.</p> <p>Request: Please revise the EP to describe the extent of reduction of impacts described in Tables 37 and 38 after the application of controls proposed and therefore demonstrate how the controls will be appropriate to managing all impacts and risks to acceptable levels.</p>
3.2	<p><i>Evidence that all impacts and risks will be managed to acceptable levels - financial impact to commercial fishers</i></p> <p>Requirement: The EP must include an evaluation of all the impacts and risks, appropriate to the nature and scale of each impact and risk and details of the control measures that will be used to reduce the impacts and risks of the activity to as low as reasonably practicable and an acceptable level [regulation 21(5)].</p> <p>Issue: One of the three acceptable levels defined in the EP for impacts to commercial fishers is ‘<i>no increased costs or loss of income for commercial fishing licence holders</i>’. Notwithstanding the issues related to the magnitude of the impact predicted, (see letter point 3.1 above), the EP clearly identifies that commercial fishers will be displaced to some extent by the activity and that there is a possibility of displacement of fish stock from historical fishing areas due to seismic noise. The Commercial Fishers Compensation Protocol (the Protocol) has been proposed to mitigate these impacts. However, it is not evident how this control will function in order to meet this level of acceptability because:</p>

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	<ul style="list-style-type: none"> The arrangements described throughout the EP lack clarity, consistency and transparency including: <ul style="list-style-type: none"> who is eligible to submit a claim (e.g. Page 362 identifies that commercial fishing licence holders can make a claim but page 374 states appears to identify <i>'fishers and vessel crews'</i> as the claimant); how long it would take to get paid once a claim was determined valid (30 days in Appendix P figure 3, but 60 days elsewhere); and how the process for addressing disagreements will provide a transparent and independent evaluation and outcome. The Protocol does not contain arrangements for ensuring this can be practically implemented, such as allowing a person authorised by one or more claimants to submit claims on their behalf, or allowing reimbursement for clerical costs, both of which are provided for in the NERA Commercial Fishing Industry Adjustment Protocol (NERA 2021). The EP does not demonstrate that general impact and risk criteria for 'Social Acceptance – Relevant persons expectations' have been met (Table 57) in relation to the Protocol as not <i>'all relevant persons concerns and submissions have been responded to, adequately addressed and closed out'</i> e.g., concerns raised on 15 August 2023 by SETFIA after their review of the Protocol. <p>Request: Please review and update the EP to include:</p> <ol style="list-style-type: none"> Clear and consistent description of the arrangements that provides a transparent and functional process for compensation. Provide further detail on clerical and other arrangements that will provide an appropriate level of practicality for implementing the protocol. Clear demonstration that relevant persons concerns and submissions have been responded to, adequately addressed and closed out.
3.3	<p><i>Areas of uncertainty in predictions of impact and risk are not identified /acknowledged /addressed; appropriate consideration of the principles of ESD; evidence that all impacts and risks will be managed to acceptable levels – impacts to the Western Orange Roughy Rebuilding Strategy</i></p> <p>Requirements: The EP must include an evaluation of all the impacts and risks, appropriate to the nature and scale of each impact and risk and details of the control measures that will be used to reduce the impacts and risks of the activity to as low as reasonably practicable and an acceptable level [regulation 21(5)].</p> <p>Issue: The EP contains insufficient demonstration that the activity will be managed so that impacts and risks to Orange Roughy will be reduced</p>

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	<p>to ALARP and acceptable levels. The EP has not appropriately considered the avoidance of the Central Research Area as a control and the uncertainty in the impact assessment has not been addressed. The EP has defined an appropriate acceptable level for fisheries but does not demonstrate how this will be met.</p> <p>The Western Orange Roughy Rebuilding Strategy 2022 places restrictions on fishing of Orange Roughy and implements the Western Orange Roughy Research Plan. This plan is critical for monitoring and fisheries management and identifies that the 'AFMA commission emphasised the importance of ensuring minimum data requirements adhere to and indicated that without this data, further research to ascertain fishery re-building may not be feasible'.</p> <p>The research plan also identifies that since 2007 AFMA has implemented a 700m depth closure to trawling across the Commonwealth Trawl Sector (CTS) as a means of protecting the orange roughy.</p> <p>The Acquisition Area (AA) of the activity overlaps the whole of the central sampling area (EP Figure 57) and the EP commits to avoiding this area between the start of April to the end of October 'where possible' and to provide an 'offset in the form of a reasonable contribution towards costs of the research program' in addition to the compensation protocol arrangements. However, the EP does not demonstrate whether these controls will be sufficient to reduce impacts to ALARP and acceptable level.</p> <p>Request: Review and update the EP to acknowledge and address the uncertainty in the predicted impact and demonstrate application of the precautionary principle, including consideration of the consequences initially to the Research Plan from potential disruption of data and subsequently to the potential for re-establishment of the fishery.</p> <p>Please also ensure that clear demonstration that relevant persons concerns and submissions have been responded to, adequately addressed and closed out (see also point 6.6 below).</p>
3.4	<p>Evidence that all impacts and risks will be managed to acceptable levels – First Nations cultural features and values</p> <p>Requirements: When making a decision regarding whether an EP has demonstrated that the environmental impacts and risks of the activity will be of an acceptable level, NOPSEMA will consider whether it is evident that the EP provides evidence that all impacts and risks will be managed to acceptable levels (GL1721: Section 8.3).</p> <p>Issue: The EP does not demonstrate that impacts and risks to First Nations cultural features and values will be managed to acceptable levels. This is because the EP has not described and evaluated all potential impacts and risks from the activity on all identified First Nations cultural</p>

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	<p>features and values (e.g., Sea Country values such as songlines). In addition, the impact and risk assessment does not demonstrate that consideration has been given to how impacts and risks to totemic marine species could also constitute impacts and risks to First Nations cultural values.</p> <p>Request: Please provide further information and evaluation to demonstrate all impacts and risks to First Nations cultural features and values have been evaluated and will be sufficiently managed to acceptable levels. In addressing this request, it may be necessary to revise and/or include new EPOs that reflect measurable level/s of performance for the management of the activity to ensure that impacts and risks will be an acceptable level.</p>
3.5	<p><i>The activity is inconsistent with the Conservation Management Plan for the Blue Whale</i></p> <p>Requirements: The EP must include details of the control measures that will be used to reduce the impacts and risks of the activity to ALARP and an acceptable level [regulation 21(5)]. The EP must demonstrate that the activity is not inconsistent with a recovery plan for a listed threatened species [GN1344: Section 3.3.2]. The blue whale is listed as “endangered” under the EPBC Act, and there is a recovery plan (Conservation Management Plan for the Blue Whale 2015-2025 (Blue Whale CMP)) in place for the species under s269A(2) of the EPBC Act.</p> <p>Issue: The EP does not demonstrate that the activity will be managed in a manner that is not inconsistent with the Blue Whale CMP, as it does not demonstrate that blue whales can continue to utilise the area without injury¹, and that blue whales will not be displaced from a foraging area^{Error! Bookmark not defined.} (also see RFFWI #1.4, #1.5 and #2.1). This is because:</p> <ul style="list-style-type: none"> • The underwater noise modelling predicts a maximum onset distance of 31.7 km for cumulative TTS and a maximum onset distance of 7.01 km for behavioural disturbance (based on animat modelling results presented in Welch et al. 2023). The proposed control measures for blue whales do not demonstrate that these ranges will be effectively monitored, and measures implemented to ensure that blue whales will not be injured or displaced from a foraging area. In particular, it is not evident that the use of a support vessel to assist with visual observations (Blue Whale Management Procedure (BMP) 4) will be effective, given the support vessel is not dedicated to marine mammal monitoring and the vessel may need to undertake other duties (such as vessel operations and port calls). • The proposed control measures for seismic acquisition outside of the blue whale foraging BIAs/buffer are not sufficient to demonstrate

¹ Refer to [Guidance on Key Terms within the Blue Whale Conservation Management Plan \(2021\)](#).

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	<p>that the risk of injury and behavioural disturbance to blue whales are of an acceptable level, given the likelihood and expected foraging behaviours of blue whales throughout the entire Operational Area (including outside of the designated foraging BIAs). Noting that BMP 2 and BMP 6 specifically relate to seismic acquisition within the blue whale foraging BIAs/buffer only.</p> <p>Request: Please revise the EP to demonstrate that the activity will be managed in a manner that will not be inconsistent with the Blue Whale CMP, such that blue whales can continue to utilise the area without injury and that blue whales will not be displaced from a foraging area. This may be achieved through application of the hierarchy of controls and revising the proposed control measures.</p>
3.6	<p><i>Not all impacts and risks are being sufficiently managed to acceptable levels – Noise emissions</i></p> <p>Requirements: The EP must include details of the control measures that will be used to reduce the impacts and risks of the activity to ALARP and an acceptable level [regulation 21(5)]. The EP must demonstrate that the activity is not inconsistent with a recovery plan for a listed threatened species [GN1344: Section 3.3.2]. The southern right whale is listed as “endangered” under the EPBC Act, and there is a recovery plan (Conservation Management Plan for the Southern Right Whale 2011-2021 (SRW CMP)) in place for the species under s269A(2) of the EPBC Act.</p> <p>Issue: The EP does not present a case that underwater noise impacts to southern right whales will be managed to an acceptable level, such that southern right whales can continue to utilise the area without injury or significant behavioural disturbance (also see RFFWI #1.4, #1.5 and #2.1). This is because:</p> <ul style="list-style-type: none"> • The underwater noise modelling predicts a maximum onset distance of 11 km for cumulative TTS for southern right whales, and a maximum onset distance of 31.5 km for behavioural disturbance (based on animat modelling results presented in Welch et al. 2023). The proposed control measures for southern right whales do not demonstrate that these ranges will be effectively monitored, and measures implemented to ensure that southern right whales will not be injured or experience biologically significant behavioural disturbance. In particular, it is not evident that the use of a support vessel to assist with visual observations (SRMP 4) will be effective, given the support vessel is not dedicated to marine mammal monitoring and the vessel may need to undertake other duties (such as vessel operations and port calls). <p>Request: Please revise the EP to demonstrate that underwater noise impacts to southern right whales will be managed to an acceptable level, such that southern right whales can continue to utilise the area without injury or significant behavioural disturbance. This may be achieved through application of the hierarchy of controls and revising the proposed control measures.</p>

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Acceptance Criteria 34(d) – the EP does not provide for appropriate performance outcomes, standards and/or measurement criteria because:	
4.1	<p><i>Environmental performance outcomes are not clearly linked to acceptable levels</i></p> <p>Requirements: The EP must contain clear, unambiguous EPOs that are linked to acceptable levels (GL1721: Section 9.3). In addition, EPOs need to set a measurable level against which the environmental performance of the titleholder can be assessed (GN1344: Section 3.7). The definition of an EPO is a measurable level of performance required for the management of environmental aspects of an activity to ensure that environmental impacts and risks will be of an acceptable level (regulation 5).</p> <p>Issue: The EP contains EPOs that are not reflective of acceptable levels. For example:</p> <ul style="list-style-type: none"> • There is insufficient information provided in the EP to demonstrate that any collision or entanglement with any listed threatened, listed migratory or listed marine fauna (as provided for in EPO 3) is an acceptable outcome. • The acceptable level of displacement to commercial fishery licence holders is defined in Table 65 but there is no EPO provided. • It is not evident how EPO1 and EPO2 reflect the relevant acceptable levels defined in Table 65 for commercial fisheries. <p>Request: Please revise the EP to ensure that it provides for appropriate EPOs that clearly linked to acceptable levels and are clear, unambiguous, and measurable. In addressing this point consider that the issue may not be limited to the examples provided.</p>
4.2	<p><i>Environmental performance standards are not clearly linked to control measures and/or are ambiguous – noise emissions</i></p> <p>Requirements: The EP must set environmental performance standards (EPS) for the control measures identified [regulation 21(7)]. EPS are statements of the performance required of a control measure [regulation 5]. The EPS is the parameter against which a control measure is assessed to ensure the control measure consistently performs to reduce the impact or risk to ALARP and to an acceptable level (GN1344: Section 3.8).</p> <p>Issue: The EP contains a number of EPS for the management of noise emissions (Table 95); however, in some instances, the EPS are ambiguous. For example:</p> <ul style="list-style-type: none"> • EPS 67 states “<i>The acoustic source will be shut down at any distance from a SRW mother-calf pair detection</i>”; however, the EPS does not detail the location from where the detection has to have been made (e.g., from the seismic vessel, attending support vessel, and/or aerial

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	<p>survey). It is noted that EPS 135 states <i>"If a SRW mother-calf pair is observed from the seismic vessel or attending support vessel at any distance during the Otway Basin MC MSS, the acoustic source will be immediately shut-down..."</i>.</p> <ul style="list-style-type: none"> • EPS 76 outlines the circumstances on when soft start procedures may commence; however, the EPS does not detail the circumstance where seismic acquisition has occurred within the preceding 24 hours and there has been a whale initiated shut-down during this period, but the whale has been observed leaving the relevant shut-down zone or 30 minutes has elapsed since the last sighting. Noting that a number of related EPS (e.g., EPS 78, EPS 79, EPS 82) provide for soft start procedures to commence in this scenario. In addition, the EPS does not detail what is involved in the soft start procedure (i.e., the gradual ramp-up of the acoustic source to full power/ volume) nor outline whether a soft-start procedure will be initiated in the event there is a short break in seismic acquisition (due to a technical problem or breakdown etc.). • A number of the EPS are repeated throughout Table 95; however, each EPS is provided a different number. For example, EPS 136, EPS 139 and EPS 142 contain the same statements of environmental performance. <p>Request: Please revise the EP to include clear and unambiguous EPS for the management of noise emissions, and ensure the EPS have appropriate measurement criteria.</p>
Acceptance Criteria 34(e) – the EP does not demonstrate that an appropriate implementation strategy is in place because:	
5.1	<p><i>Not all content requirements under regulation 22 have been met – financial impact to commercial fishing licence holders</i></p> <p>Requirements: The EP is required to contain an appropriate implementation strategy, monitoring, recording, assurance and reporting arrangements. The implementation strategy needs to demonstrate that adopted control measures continue to reduce the environmental impacts and risks to ALARP and to an acceptable level throughout the activity and that there will be appropriate monitoring, assurance, recording and reporting arrangements in place. [GL1721 Section 10.1]</p> <p>Issue: Fisheries compensation protocol has not been incorporated into the implementation strategy for any of the content requirements under regulation 22.</p> <p>Request: Please revise the EP so that it contains information required by regulation 22 concerning the Commercial Fisheries Compensation Protocol and demonstrates that this control can be effectively implemented by TGS.</p>

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5.2	<p><i>Ongoing consultation arrangements are unclear – review of relevant persons</i></p> <p>Requirements: The EP must include appropriate ongoing consultation arrangements, as required by Regulation 22(15). This includes relevant authorities of the Commonwealth, a State or Territory and other relevant interested persons or organisations (GL1721: Section 10.3).</p> <p>Issue: The EP does not demonstrate that the review process for identifying relevant persons as part of ongoing consultation is appropriate because information provided relating to the frequency of this review is unclear. For example, Section 10.5 states that a desktop review will be performed to assess for any new relevant persons at least 6 weeks prior to survey commencement and Section 10.5.2 states that the review will be annual. It is subsequently unclear whether only a single annual review would be performed if multiple surveys were to be undertaken within a single year.</p> <p>Request: Please revise the EP to provide an appropriate and clearly defined frequency for review of relevant persons as part of ongoing consultation arrangements.</p>
Acceptance Criteria 34(g) – the EP does not demonstrate that the consultations have been carried out and appropriate measures have been adopted because:	
6.1	<p><i>The EP does not demonstrate that TGS has appropriately identified and consulted all relevant persons – commercial fishing licence holders</i></p> <p>Requirements: When making a decision regarding whether an EP demonstrates that the titleholder has carried out the consultations required by Division 3, NOPSEMA will consider whether the process for relevant persons identification is clearly described and provides for the broad capture of relevant persons such that each relevant person who can be ascertained is identified (GL1721; section 12.3). NOPSEMA will also consider whether effective consultation has taken place with relevant persons (GL1721; section 12.3).</p> <p>Issue: The EP does not demonstrate that TGS has appropriately identified and consulted all relevant persons, particularly commercial fishing licence holders. This is because:</p> <ol style="list-style-type: none"> the EP does not identify commercial fishing licence holders with fishing entitlements in the EMBA as relevant persons, which is not appropriate because it is clear from the EP that they may have functions, interests or activities that may be affected by the proposed activity. the method for identifying relevant persons describes that “... consultation was predominantly undertaken with the commercial fishing

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	<p><i>industry through: ... Peak industry associations and representative bodies who represent the interests and/or activities of commercial fisheries license holders and have authority to consult on behalf of all their members"</i> (i.e. see section 5.1.4.4.1). However, it is not clear that a process of consulting only with peak industry associations and representative bodies is appropriate to demonstrate that consultation has taken place with commercial fishing licence holders without clear evidence presented in the EP demonstrating that:</p> <ul style="list-style-type: none"> a. those commercial fishing peak industry associations and representative bodies consulted as relevant persons by TGS have authority to consult on behalf of all their members for consultation on offshore petroleum activities; and b. that all commercial fishing licence holders with entitlements to fish in the EMBA are members of those commercial fishing peak industry associations and representative bodies. <p>Request: Please revise the method in the EP for identification of relevant persons to demonstrate that the process for relevant persons identification has provided for the broad capture commercial fishing persons and organisations with functions, interests or activities that may be affected by the proposed activity by providing further information addressing the issues raised above.</p> <p>Where further consultation has taken place with relevant persons since the EP was submitted to NOPSEMA for assessment, please also ensure that the EP is updated so that it contains a report on all consultations under regulation 25 of any relevant person by the titleholder that is line with regulation 24(b), and a sufficient description of the consultation process for NOPSEMA to objectively determine that the titleholder has met the relevant persons consultation requirements.</p>
6.2	<p><i>It is not clear that all relevant persons who could be ascertained have been identified and consulted – method for identifying relevant persons does not appear to have been implemented thoroughly</i></p> <p>Requirement: When making a decision regarding whether an EP demonstrates that the titleholder has carried out the consultations required by Division 3, NOPSEMA will consider whether the process for relevant persons identification is clearly described and provides for the broad capture of relevant persons such that each relevant person who can be ascertained is identified (GL1721; section 12.3).</p> <p>Issue: It is not clear that all relevant persons who could be ascertained have been identified and consulted because the method for identifying relevant persons does not appear to have been implemented thoroughly. In particular, the EP describes that the method for identifying relevant persons includes "<i>Suggestions of potentially relevant persons from existing relevant persons during consultation</i>" (section 5.1.3.1.2.5). However, there are cases where not all suggested persons or organisations identified by relevant persons have been contacted by TGS and it is</p>

Item	Description
	<p>unclear why, considering that there is no clear justification for this provided in the EP. For example (<u>but may not be limited to</u>):</p> <ol style="list-style-type: none"> 1. the boards of the Ngarrindjeri Regional Authority, Ngarrindjeri Lands and Progress Association Corporation and Ngarrindjeri Native Title Management Committee were identified during consultation with Ngarrindjeri Aboriginal Corporation RNTBC (see email dated 18 September 2023), but have not been contacted; and 2. the Commission for the Conservation of Southern Bluefin Tuna was identified during consultation with the Australian Southern Bluefin Tuna Industry Association (see letter dated 31 May 2023), but has not been contacted. <p>Request: Please provide further information, or clarify existing information, in the EP to demonstrate that the method for identifying relevant persons has been implemented thoroughly and all relevant persons who could be ascertained have been identified and consulted.</p>
6.3	<p><i>The EP does not clearly identify who is a relevant person – inconsistent information is provided</i></p> <p>Requirement: Titleholders must clearly identify in their EP who is a relevant person and the rationale the titleholder has used to determine who they consider falls within that definition (GL2086; section 6).</p> <p>Issue: The EP does not clearly identify who is a relevant person as there are inconsistencies throughout the EP (including its appendices). For example:</p> <ol style="list-style-type: none"> 1. Appendix J lists a range of persons and organisations as “persons engaged with but not considered relevant”. However, some (but not all) of these persons and organisations are also included in Appendix M under a column defined as “relevant person”, which creates ambiguity. 2. The EP includes a summary of consultation with some of the persons or organisations listed in Appendix J as “persons engaged with but not considered relevant” but who are also listed in Appendix M as relevant persons. Where this occurs, NOPSEMA cannot verify that the summary presented is accurate without other appropriate evidence provided such as the full text records of the consultations with these persons and organisations. The choice to provide evidence would imply that these may be relevant persons and thus should not be listed in Appendix J in this way. 3. There are inconsistencies in the number of relevant persons defined within various sections of the EP. For example, section 5.1.4.2 of the EP includes information indicating that 800 persons and organisations have been identified and consulted as “relevant persons” by TGS. However, this does not correspond with the number of relevant persons that are listed within other parts of the EP (which also do not

Item	Description
	<p>correspond with each other), such as within Tables 47-49 in section 5.1.4.4 of the EP (includes 186), Appendix J of the EP (includes 194) and Appendix N of the EP (includes 191).</p> <p>Request: Please revise the EP to clearly identify who is a relevant person for the purpose of consultation under regulation 25 by providing further information addressing the issues raised above. Consider establishing a number referencing system (or some other suitable approach) for each relevant person for ease in tracking and locating consultation information provided in the EP (including the sensitive information report).</p>
6.4	<p><i>It is not clear that effective consultation has taken place with each relevant person – sufficient information and reasonable period</i></p> <p>Requirement: When making a decision regarding whether an EP demonstrates that the titleholder has carried out the consultations required by Division 3, NOPSEMA will consider whether effective consultation has taken place with relevant persons (GL1721; section 12.3). Effective consultation includes relevant persons have been provided sufficient information and a reasonable period to consider information and make an informed response (regulations 25(2) and (3) of the Environment Regulations).</p> <p>Issue: It is not clear that effective consultation has taken place with each relevant person as the cases made by TGS in Appendix N for sufficient information and a reasonable period do not consistently take into account requests made or views provided by relevant persons relating to what information or time they need for the consultation. This is despite the consultation method in the EP indicating that this would be considered by TGS (e.g. see sections 5.1.3.4.1 and 5.1.3.4.2 that describe “For all relevant persons, sufficient information was defined as the provision of information as requested by the relevant person...” and “In some instances, relevant persons requested additional time to provide feedback and with every instance, TGS has worked through with them on a case-by-case basis to ensure they had adequate time to respond”). Further to this, the cases are not always based on an accurate reflection of how the consultation was facilitated. For example (<u>but may not be limited to</u>):</p> <ol style="list-style-type: none"> 1. On 9 November 2023, Circular Head Aboriginal Corporation made a request via email for additional time to allow their board to consider information and provide a response. However, the titleholder’s case presented in Appendix N does not provide a reasonable and justified argument for how a reasonable period for the consultation was afforded to this relevant person when the EP was submitted to NOPSEMA for assessment before a response from the board was provided. 2. Between 28-30 August 2023, Lia Pootah Aboriginal Corporation made a request via an exchange of text messages for an additional meeting to understand how whales may be affected by the environmental impacts and risks of the activity. However, the titleholder’s case

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	<p>presented in Appendix N does not provide a reasonable and justified argument for how sufficient information / a reasonable period for the consultation was afforded to this relevant person when the EP was submitted to NOPSEMA for assessment before an additional meeting took place.</p> <p>3. The minutes of a meeting with Weetapoonna Aboriginal Corporation on 11 May 2023 demonstrates that the titleholder made a commitment to provide them with additional information that was requested during the meeting. However, the consultation records in the EP do not demonstrate that all additional information requested by the relevant person was provided following the meeting and prior to the submission of the EP to NOPSEMA for assessment. This is despite the titleholder's case presented in Appendix N containing information describing that "All additional information requested by Weetapoonna Aboriginal Corporation during this meeting was provided in follow up emails".</p> <p>Request: Please provide further information, or clarify existing information, in the EP to demonstrate that effective consultation has taken place with each relevant person. In doing so:</p> <ol style="list-style-type: none"> 1. consider whether further consultation needs to be undertaken with some relevant persons for the EP to demonstrate that effective consultation has taken place with each relevant person; and 2. ensure that the cases made in the EP for how each relevant person was provided with sufficient information / a reasonable period for the consultation are based on an accurate reflection of how the consultation was facilitated and take into account requests made or views provided by relevant persons relating to what information or time they may need for the consultation. If TGS has not met a request made by a relevant person for additional information or time, a reasonable justification for why TGS considers that sufficient information / a reasonable period was still provided despite the request not being met needs to be provided in the EP. <p>Where further consultation has taken place with relevant persons since the EP was submitted to NOPSEMA for assessment, please also ensure that the EP is updated so that it contains a report on all consultations under regulation 25 of any relevant person by the titleholder that is line with regulation 24(b), and a sufficient description of the consultation process for NOPSEMA to objectively determine that the titleholder has met the relevant persons consultation requirements.</p>

Item	Description
6.5	<p><i>It is not clear that effective consultation has taken place with Traditional Owner relevant persons with a communal interest in the Sea Country of the Gunditjmarra people</i></p> <p>Requirements: When making a decision regarding whether an EP demonstrates that the titleholder has carried out the consultations required by Division 3, NOPSEMA will consider whether effective consultation has taken place with relevant persons (GL1721; section 12.3). Effective consultation includes relevant persons have been provided sufficient information and a reasonable period to consider information and make an informed response (regulations 25(2) and (3) of the Environment Regulations).</p> <p>Issue: It is not clear that effective consultation has taken place with Traditional Owner relevant persons with a communal interest in the Sea Country of the Gunditjmarra people. This is because:</p> <ol style="list-style-type: none"> 1. GMTOAC representatives advised TGS that consultation requires notice to all represented community members (see the meeting minutes in the sensitive information report, pdf page 16,142). While it appears from the records of consultation that TGS agreed and made efforts to progress this consultation based on GMTOAC's advice, the EP was submitted to NOPSEMA before that consultation was completed. Consequently, there is insufficient information to determine if relevant persons with a communal interest in the Sea Country of the Gunditjmarra people have had a reasonable opportunity to participate in consultation in preparation of the EP; and 2. after the EP was submitted to NOPSEMA for assessment, NOPSEMA received correspondence from GMTOAC on 14 February 2024 (letter dated 5 February 2024). This correspondence contains information and claims that may be relevant to TGS demonstrating that effective consultation has taken place with Traditional Owner relevant persons with a communal interest in the Sea Country of Gunditjmarra people (e.g. that TGS was invited to present the proposed activity to Gunditjmarra people on 17 February 2024). NOPSEMA has provided this correspondence to TGS on 8 March 2024 as part of procedural fairness so that TGS can consider this in the EP. <p>Request: Please revise the EP to demonstrate that effective consultation has taken place with Traditional Owner relevant persons with a communal interest in the Sea Country of the Gunditjmarra people by providing further information addressing the issue raised above.</p> <p>Where further consultation has taken place with relevant persons since the EP was submitted to NOPSEMA for assessment, please also ensure that the EP is updated so that it contains a report on all consultations under regulation 25 of any relevant person by the titleholder that is line with regulation 24(b), and a sufficient description of the consultation process for NOPSEMA to objectively determine that the titleholder has met the relevant persons consultation requirements.</p>

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6.6	<p><i>It is not clear that the nature of the activity, description of the environment and the possible impacts of the impacts and risks of the activity have been taken into account – identifying persons relevant to the Orange Roughy Conservation Program</i></p> <p>Requirement: When making a decision regarding whether an EP demonstrates that the titleholder has carried out the consultations required by Division 3, NOPSEMA will consider whether effective consultation has taken place with relevant persons (GL1721; section 12.3). Effective consultation includes relevant persons have been provided sufficient information and a reasonable period to consider information and make an informed response (regulations 25(2) and (3) of the Environment Regulations).</p> <p>Issue: It is not clear if, or how, the possible impacts and risks of the activity on the functions, interests and/or activities of AFMA (or others) in relation to the Orange Roughy Conservation Program and its associated Research Plan have been communicated to them and thus how they have been provided with sufficient information to determine how they may be affected by this activity. Noting that point 6.10 below indicates that the full text of all correspondence has not be provided for this relevant person.</p> <p>Request: Please provide further written information within the EP to demonstrate that consultation has occurred with the relevant authorities or relevant persons who s functions, interests or activities are related to the Orange Roughy Conservation Program and may be affected by the activity.</p>
6.7	<p><i>The report on consultation does not always include clear and precise identification of objections and claims presented by relevant persons, and an assessment of the merit of each objection or claim with sufficient rationale provided to support that assessment</i></p> <p>Requirement: The report on consultation should include clear and precise identification of claims and objections presented by relevant persons, and an assessment of the merit of each objection or claim with sufficient rationale provided to support that assessment (GL2086; section 9).</p> <p>Issue: The report on consultation does not always include clear and precise summaries of objections and claims presented by relevant persons, and/or an assessment of the merit of each objection or claim with sufficient rationale provided to support that assessment. This is because the report on consultation (i.e. see the “<i>Assessment of Merit (Objection or Claim)</i>” column of Appendix M) often only states whether or not objections or claims were received and whether or not they have merit, with no additional supporting context and information provided clarifying the nature of each objection or claim raised and the rational for why each objection or claim was found to have merit or not.</p> <p>Request: Please revise the EP by providing further information addressing the issue raised above to ensure that report on consultation includes</p>

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	clear and precise identification of objections and claims presented by relevant persons, and an assessment of the merit of each objection or claim with sufficient rationale provided to support that assessment.
6.8	<p><i>The report on consultation does not always clearly demonstrate that information gathered through relevant persons consultation has informed and been incorporated into the EP</i></p> <p>Requirement: When making a decision regarding whether an EP demonstrates that the titleholder has carried out the consultations required by Division 3, NOPSEMA considers whether information gathered through the consultation process has been incorporated into the rest of the EP and effectively informed the identification of environmental values and sensitivities to ensure impacts and risks are reduced to ALARP and acceptable (GL1721; section 12.3)</p> <p>Issue: The report on consultation does not clearly demonstrate that information gathered through relevant persons consultation has informed and been incorporated into the EP. This is because there are not always clear details provided that clarify where information received from relevant persons (that was relevant to the identification, management and evaluation of the activity's environmental impacts and risks) has been taken into account and informed the preparation of the EP. For example, the report on consultation (i.e. see "Titleholder's Response" column in Appendix M and "How TGS has addressed claims column" in Appendix N) in some cases only includes statements that information has been considered or incorporated without further detail that clarifies how or where in the EP.</p> <p>Request: Please revise the EP by providing further information addressing the issue raised above to ensure that the report on consultation clearly demonstrates that information gathered through relevant persons consultation has informed and been incorporated into the EP.</p>
6.9	<p><i>It is not clear that appropriate measures have been adopted because of the consultations</i></p> <p>Requirement: For an EP to be accepted, NOPSEMA must be reasonably satisfied that the measures (if any) that the titleholder has adopted, or proposes to adopt, because of the consultations are appropriate (regulation 34(g)(ii) of the Environment Regulations).</p> <p>Issue: It is not clear that appropriate measures have been adopted because of the consultations. This is because:</p> <ol style="list-style-type: none"> 1. There are not always clear details that clarify if and what additional or revised measures have been adopted in response to consultation. For example, the report on consultation (i.e. see "Titleholder's Response" column in Appendix M and "How TGS has addressed claims column" in Appendix N) in some cases does not clearly establish if any additional or revised measures have been adopted in response to consultation for each relevant person, and where this detail is provided, it is not always made clear where in the EP the measures are

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	<p>presented.</p> <p>2. The EP does not include any control measures or commitments that address the following and it is unclear why based on the information that is currently presented in the report on consultation and in the sensitive information report:</p> <ul style="list-style-type: none"> a. Wadawurrung Traditional Owners Aboriginal Corporation made a request on 27 June 2023 to be notified in the event of a hydrocarbon spill resulting from the activity; b. Department of State Growth - Mineral Resources Tasmania made a request on 14 February 2023 to be provided with the 48 hour look ahead plans during the implementation of the activity; and c. Gunaikurnai Land and Waters Aboriginal Corporation RNTBC made a request on 19 April 2023 to be provided with marine fauna sightings data obtained during the implementation of the activity. <p>Request: Please revise the EP to demonstrate that appropriate measures have been adopted because of the consultation by providing further information addressing the issues raised above.</p>
6.10	<p><i>The EP does not contain a report on consultation that is line with regulation 24(b) of the Environment Regulations – sensitive information report appears to be missing records</i></p> <p>Requirement: In accordance with regulation 24(b) of the Environment Regulations, an EP must contain a report on all consultations under regulation 25 of any relevant person by the titleholder, that contains: (iv) a copy of the full text of any response by a relevant person.</p> <p>Issue: The EP does not contain a report on consultation that is line with regulation 24(b) of the Environment Regulations because the sensitive information report (SIR) is missing full text records of consultation. For example <u>(but may not be limited to)</u>:</p> <ul style="list-style-type: none"> 1. there are no copies of the full text of responses made by Australian Fisheries Management Authority (during 2022), Blue Whale Study (email on 10 May 2023), A B Hunter Fishing Pty Ltd, Australian Conservation Foundation, South Australian Rock Lobster Advisory Council Inc and South Eastern Professional Fishermen's Assn Inc included in the SIR despite the consultation summary Appendix M indicating that TGS received some return correspondence from these relevant persons or attended meetings with them; and 2. some attachments of email responses from relevant persons are not provided in the SIR such as a letter from Blue Whale Study (see email dated on 30 June 2023, SIR pdf page 20235) and a letter from Department of Primary Industries and Regions South Australia (see email

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	<p>dated 28 June 2022, SIR pdf page 3928).</p> <p>Request: Please revise the EP to ensure that all full text records of consultation are contained in the sensitive information report.</p>
Acceptance Criteria 34(h) – the EP does not comply with the Regulations because:	
7.1	<p><i>The submission does not contain a written statement in line with regulation 30(3) of the Environment Regulations – report on public comment does not clearly address each public comment received</i></p> <p>Requirement: In making a decision under regulation 34(h), NOPSEMA considers whether the EP meets the requirements of the Regulations (GL1721; section 13.3).</p> <p>Issue: The Titleholder Report on Public Comment does not clearly demonstrate how each of the comments received during the public comment period have been considered and addressed. This is because the Report on Public Comment does not indicate which public comments were used as the basis for each of the matters within the Report.</p> <p>Request: Please revise the submission to ensure that the Titleholder Report on Public Comment clearly demonstrates which of the matters in the Report correspond to each of the comments received during the public comment period.</p>
Editorial matters	
Ed1	Table 42 incorrectly outlines the peak and shoulder foraging periods for blue whales in the Otway region (different to the period described in Section 4.5.6.1.1).
Ed2	Table 42 incorrectly outlines the proposed timing of the Otway Basin 3D MC MSS as October to March (inclusive). Although this may be the preferred or likely timing of the activity, it does not reflect that the EP allows for the activity to occur at any time of the year.
Ed3	The EP refers to the Approved Conservation Advice for the Humpback Whale; however, as the species was delisted from the threat category of vulnerable under the EPBC Act in 2022, the species no longer has an approved conservation advice. The EP should be updated to reflect that there is no approved conservation advice for this species.

Item	Description
Ed4	Control measures are repeated in various locations throughout the EP (e.g., noise related controls are repeated in Section 7.2, Table 95 and Appendix Q). This presents a risk that there may be differences in the wording of the control measures. Please remove repetition of control measures, where possible.
Ed5	Several EPOs are repeated in various locations throughout the EP with different numbering (e.g., EPO 1 and EPO 17). This presents a risk that there may be differences in the wording of the EPOs and confusion when referencing EPOs. Please remove repetition of EPOs, where possible.
Ed6	EPO 22 appears to refer to “unplanned” emissions instead of “planned” emissions in error.
Ed7	It is noted that Tribunal No VCD2023/001 has now been updated on the NNTT website, so can be included in Table 34.
Ed8	The EP contains references to an outdated draft version of the National Light Pollution Guidelines for Wildlife.
Ed9	The EP contains reference to The Biosecurity Amendment (Biofouling Management) Regulations 2021, which is no longer in force. It is noted that the Biosecurity Regulation 2016 has since been amended to include paragraph 48(2)(oa – od).
Ed10	EPS 128 refers to the BW BIA/buffer; however, it should refer to the SRW reproductive BIA/buffer.
Ed11	Table 49 indicates it includes details of who relevant persons under regulation 25(1)(e) but there are no particular persons or organisations listed in that table. Instead, it appears these details are provided in Appendix M in a table labelled “self-identified relevant persons”. To avoid any ambiguity as to who is a relevant person under regulation 25(1)(e), please consider including in Table 49 a cross reference to the “self-identified relevant persons” table in Appendix M, and adding some additional information to the “self-identified relevant persons” in Appendix M clarifying the category that these relevant persons fall under (i.e. regulation 25(1)(e)).