

**Affidavit**

VID 647 of 2023

Federal Court of Australia  
District Registry: Victoria  
Division: General

**Raelene Cooper**

Applicant

**National Offshore Petroleum Safety and Environmental Management Authority and  
another named in the schedule**

Respondents

*This document is in a form that may be uploaded to the online file*

Affidavit of: [REDACTED]  
Address: c/o 11 Mount Street, Perth WA 6000  
Occupation: [REDACTED]  
Date: 11 September 2023

**Contents**

Document Number	Details	Paragraph	Page
1.	Affidavit of [REDACTED] affirmed 11 September 2023 in opposition to the Applicants' interlocutory application dated 7 September 2023	1 - 17	1 - 6

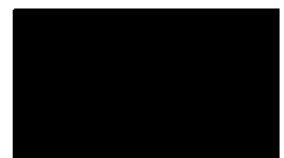
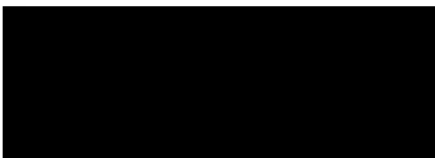
Filed on behalf of: Woodside Energy Scarborough Pty Ltd and Woodside Energy (Australia) Pty Ltd, the Second and Third Respondent  
Prepared by: Jeremy Quan-Sing  
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2.	Annexure [REDACTED]-1, being a true copy of a letter from NOPSEMA to Woodside dated 31 July 2023	7	9 - 13
3.	Annexure [REDACTED]-2, being a true copy of an Exit Brief issued by NOPSEMA dated 9 August 2023	8	15 - 21
4.	Annexure [REDACTED]-3, being a true copy of an authority granted by the National Offshore Petroleum Titles Administrator dated 14 August 2023	9	23 - 27
5.	Annexure [REDACTED]-4, being a true copy of draft Inspection Report (Inspection 4846) issued by NOPSEMA dated 22 August 2023	10	29 - 47
6.	Annexure [REDACTED]-5, being a true copy of a draft Inspection Report (Inspection 4859) issued by NOPSEMA dated 31 August 2023	11	49 - 66
7.	Annexure [REDACTED]-6, being a true copy of an email from Woodside to NOPSEMA dated 1 September 2023 and attached updated Acceptance Condition 6 Report	13	68 - 134
8.	Annexure [REDACTED]-7, being a true copy of an email from NOPSEMA to Woodside dated 5 September 2023	14	136 - 138
9.	Annexure [REDACTED]-8, being a true copy of a letter from Allens to the EDO dated 21 August 2023	16	140 - 148
10.	Annexure [REDACTED]-9, being a true copy of a letter from Allens to the EDO dated 5 September 2023	17	150

I, [REDACTED] of c/o 11 Mount Street, Perth WA 6000, [REDACTED]  
[REDACTED] affirm:

1. I am authorised to affirm this affidavit on behalf of Woodside Energy Scarborough Pty Ltd and Woodside Energy (Australia) Pty Ltd (**Woodside**) in response to the Applicant's application for an interlocutory injunction dated 7 September 2023.
2. The matters contained in this affidavit are based on:
  - (a) my own knowledge, save as otherwise stated; and



- (b) information derived from the electronic records of Woodside, to which I have access and which I believe to be true.

**Background**

- 3. I hold the following formal qualifications:
  - (a) Bachelor of Engineering Mechanical (Hons): Wollongong University, 1995; and
  - (b) Graduate Diploma in Management: LaTrobe University, 2003.
- 4. I joined Woodside in 2006 and have worked in the role of [REDACTED].
- 5. My previous roles at Woodside include, ordered from most to least recent:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- 6. As [REDACTED], I am responsible for:
  - (a) delivering the Scarborough Project to the sanctioned budget, schedule and asset performance promise; and
  - (b) Health and Safety, Environment, Regulatory Approvals and Compliance, amongst other project delivery responsibilities.

**Approval of Seismic Survey EP**

- 7. Woodside's Scarborough 4D B1 Marine Seismic Survey Environment Plan (**Seismic Survey EP**) was accepted on 31 July 2023, subject to conditions, by the National Offshore Petroleum Safety and Environmental Management Authority (**NOPSEMA**). A copy of the letter dated 31 July 2023, from [REDACTED] of NOPSEMA to Woodside is annexed to this affidavit and marked [REDACTED]-1. This letter sets out Conditions 1 to 8 of the Seismic Survey EP.

**NOPSEMA's Inspections**

- 8. On 9 August 2023, NOPSEMA issued an exit brief for inspection 4846. On or around 9 August 2023, I read the exit brief and noted that the preliminary findings in the brief included relevantly that:
  - (a) Woodside was yet to comply with Condition 1 of the Seismic Survey EP (page 2); and



- (b) specific measures needed to be included in the Seismic Survey EP in order for Woodside to comply with Condition 7(a) (page 4).

A copy of the exit brief dated 9 August 2023 is annexed to this affidavit and marked [REDACTED]-2.

9. On 14 August 2023, Woodside received confirmation from the National Offshore Petroleum Titles Administrator (**NOPTA**) that it had granted the Petroleum Access Authority for the activity. A copy of this confirmation is annexed and marked [REDACTED]-3.
10. On 22 August 2023, NOPSEMA issued a draft inspection report for inspection 4846. On or around 22 August 2023, I read the inspection report and from it I concluded from it that Woodside:
- (a) was yet to comply with Condition 1 as at 10 August 2023 (pages 6 to 8);
  - (b) was required to implement the actions required by Conditions 5 and 6 by 16 and 30 August 2023 respectively, in light of the new information received from Save Our Songlines (**SOS**) on 25 July 2023 (pages 6-8 and 9-10); and
  - (c) was yet to comply with Condition 7 as at 10 August 2023 (page 10).

A copy of the draft inspection report for inspection 4846, dated 22 August 2023 is annexed to this affidavit and marked [REDACTED]-4.

11. On 31 August 2023, NOPSEMA issued a draft inspection report for a second inspection (inspection 4859) pursuant to a separate desk-based inspection of documents provided by Woodside. On or around 31 August 2023, I read the further inspection report and I concluded from it that:
- (a) Woodside had complied with Condition 1 (page 7, [7]);
  - (b) Woodside had complied with Condition 2 (page 7, [8]);
  - (c) Condition 3 had been met (page 8, [13]);
  - (d) as of 30 August 2023, the requirements of Condition 4 were not yet triggered because no new relevant persons had yet been identified as a result of Woodside's compliance with Condition 1 (page 8/9, [17]);
  - (e) in relation to Condition 5(a), Woodside had not evaluated and adopted all feasible controls to address First Nations concerns relating to cultural value of migratory species such as:
    - (i) increased shut down zones for migratory species such as whales; and
    - (ii) a shut down zone for marine turtles,



(page 10, [25]);

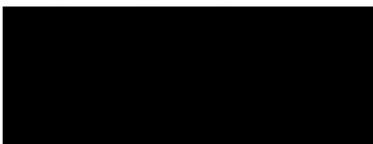
- (f) Woodside had complied with condition 5(b) (page 10, [25]);
- (g) Woodside had submitted a report addressing content required by Condition 6 within the 14 day timeframe. There were control measures that may improve the management of impacts on cultural features and / or heritage values that had not been evaluated or adopted by Woodside (referring to conclusion 5(a)) (page 12, [31]);
- (h) in relation to Condition 7, Woodside must continue to consult with the Buurabalayji Thalanyji Aboriginal Corporation (BTAC) (page 13, [37]); and
- (i) if further consultation with First Nations relevant persons identifies new cultural features and / or heritage values of the environment not described in the Seismic Survey EP, additional measures may be needed to ensure that environmental impacts continue to be managed to as low as is reasonably practicable (ALARP) and acceptable levels for the duration of the survey.

A copy of the draft inspection report for inspection 4859 dated 31 August 2023 is annexed to this affidavit and marked [REDACTED]-5.

#### **Updated Acceptance Condition 6 Report**

12. Following receipt of the draft inspection report for inspection 4859 on 31 August 2023, Woodside's Environment team (managed by [REDACTED]) evaluated and adopted the controls noted in NOPSEMA's inspection report 4859 as follows:
  - (a) increased shut down zones for migratory species such as whales; and
  - (b) a shut down zone for marine turtles.
13. On 1 September 2023, Woodside sent an email to NOPSEMA with a Condition 6 report, updated to address NOPSEMA's Draft Inspection Report 4859. I was copied to this email. The report attached to this email sets out the relevant sections of the Seismic Survey EP that have been updated to evaluate and adopt all feasible controls to address First Nations concerns relating to cultural value of migratory species such as:
  - (a) increased shut down zones for migratory species such as whales; and
  - (b) a shut down zone for marine turtles.

A copy of this email and attachment is annexed and marked [REDACTED]-6.



**NOPSEMA's email of 5 September 2023**

14. On 5 September 2023, Woodside received an email from NOPSEMA. I was copied to this email. The email stated that "it appears that the requirements of condition 6 are being complied with". A copy of the email dated 5 September 2023 is annexed to this affidavit and marked [REDACTED]-7.

**Notice of intention to commence the activity**

15. After I received NOPSEMA's email of 5 September 2023, I considered Woodside was in compliance with NOPSEMA's Conditions of acceptance of the Seismic Survey EP and could commence the activity (ie, the seismic surveying) under the Seismic Survey EP.

16. I was aware that, on 21 August 2023, Woodside (through its solicitors, Allens) had informed the Applicant (via her solicitors, EDO) that Woodside would provide 48 hours' notice to the Applicant before commencing activity under the Seismic Survey EP. A copy of the letter dated 21 August 2023 is annexed to this affidavit and marked [REDACTED]-8.

17. Therefore, on 5 September 2023, Woodside provided the Applicant with 48 hours' notice of Woodside's intention to commence the activity under the Seismic Survey EP. A copy of Allens' letter dated 5 September 2023 (providing this notice on behalf of Woodside) is annexed to this affidavit and marked [REDACTED]-9.

**AFFIRMED** at Perth, Western Australia on  
11 September 2023

[REDACTED]

Before me:

[REDACTED]

A legal practitioner who has held a practice certificate for at least 2 years and who holds a current practice certificate

**Schedule**

No VID 647 of 2023

Federal Court of Australia  
District Registry: Victoria  
Division: General

**Respondents**

Second Respondent: Woodside Energy Scarborough Pty Ltd  
ACN 650 177 227

Third Respondent: Woodside Energy (Australia) Pty Ltd  
ACN 006 923 879

Date: 11 September 2023

Form 3 (adapted)  
Rule 29.02(8)

**Annexure certificate**

No VID 647 of 2023

Federal Court of Australia  
District Registry: Victoria  
Division: General

**Raelene Cooper**

Applicant

**National Offshore Petroleum Safety and Environmental Management Authority and  
others named in the schedule**

Respondents

This is the annexure marked [REDACTED]-1 produced and shown to [REDACTED] at the time  
of affirming his affidavit this 11 September 2023.

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Filed on behalf of: Woodside Energy Scarborough Pty Ltd and Woodside Energy (Australia) Pty Ltd,  
the Second and Third Respondents

Prepared by: Jeremy Quan-Sing

Law firm: Allens

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Email: Jeremy.Quan-Sing@allens.com.au



Our ref: ID: 6780; A952407  
 Your ref: SA0006AH1401760303  
 Contact: [REDACTED]  
 Email: [REDACTED]

[REDACTED]  
 [REDACTED]  
 Woodside Energy Scarborough Pty Ltd  
 Mia Yellagonga  
 11 Mount Street  
**PERTH WA 6000**

Dear [REDACTED]

**RE: ENVIRONMENT PLAN ACCEPTANCE [IN PART] [WITH CONDITIONS] – SCARBOROUGH 4D B1 MARINE SEISMIC SURVEY**

Please be advised that the Scarborough 4D B1 Marine Seismic Survey environment plan (EP), comprising:

- Scarborough 4D B1 Marine Seismic Survey (Document No. SA0006AH1401760303, Revision 7, dated June 2023);
- Scarborough 4D B1 Marine Seismic Survey Environment Plan Sensitive Information Part 1 (Document No. not provided, Revision 6, dated June 2023); and
- Scarborough 4D B1 Marine Seismic Survey Environment Plan Sensitive Information Part 2 (Document No. not provided, Revision 6, dated June 2023);

has been accepted subject to conditions in accordance with regulation 10(6) of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (Environment Regulations).

NOPSEMA issued a 'not reasonably satisfied' letter to Woodside Energy Scarborough Pty Ltd (Woodside) on 18 April 2023 setting out why it was not reasonably satisfied that the EP meets the criteria set out in regulation 10A (a), (b), (c) and (g) of the Environment Regulations. Woodside resubmitted the EP on 2 June 2023 and after assessing the resubmitted EP, it remains that NOPSEMA is not reasonably satisfied that the EP meets the criteria set out in regulation 10A (b) and (g) of the Environment Regulations for the reasons set out below. However, NOPSEMA is acting under regulation 10(6)(b) to accept the plan subject to conditions.

An assessment of the resubmitted EP was conducted in accordance with the Environment Regulations and NOPSEMA's assessment policies. This included a general assessment of the whole EP and two detailed topic assessments of the EP content, as follows:

- Matters protected under Part 3 of the EPBC Act
- Appropriate consultation with relevant persons

In accordance with regulation 11(1)(c) NOPSEMA gives notice that acceptance of the EP is subject to conditions applying to operations for the Scarborough 4D Marine Seismic Survey as detailed in Attachment 1. The reasons for my decision are:

*Consultation with First Nations groups and people*

1. Consultation with relevant persons, including Buurabalayji Thalanyji Aboriginal Corporation (BTAC), Yinggarda Aboriginal Corporation and Save Our Songlines is ongoing, and therefore consultation under reg 11A has not been completed.
2. The EP does not appear to have adopted appropriate measures from the consultation with BTAC for the purposes of identifying, managing and protecting the Thalanyji people's environmental values of sea country.
3. It is not clear from the EP that the consultation process provided for broad capture of First Nations relevant persons such that all First Nations relevant persons whose functions, interests or activities may be affected by the activity were afforded a reasonable opportunity to participate in the consultation in a manner consistent with the NOPSEMA Guideline on Consultation in the Course of Preparing an Environment Plan (GL2086).

*Control measures for blue whales*

1. There is inconsistency in the way the EP describes the use of a spotter vessel with two additional trained and experienced marine fauna observers. In some parts of the EP, this measure will only be applied during the peak northbound migration months for blue whales (May and June) and in other parts the measure is described as being applied for the full duration of the seismic survey.

**Regulatory obligations**

This acceptance is based on the document submission(s) provided in accordance with the Environment Regulations. Please note that the responsibility for the ongoing environmental performance of the Scarborough 4D Marine Seismic Survey activity remains, at all times, with Woodside Energy Scarborough Pty Ltd (Woodside).

Woodside is reminded that once a title for the activity is granted, titleholders have a duty under section 571 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* to maintain sufficient financial assurance. NOPSEMA may seek evidence of compliance with the duty through its compliance monitoring activities which may include Woodside providing a declaration of financial assurance compliance. For further information, see NOPSEMA's Guideline N-04750-GL1381 Financial assurance for petroleum titles.

NOPSEMA will communicate this acceptance decision on its website and will publish the final environment plan, excluding the sensitive information part, in accordance with regulation 9(2A).

Please be advised that in accordance with regulation 7, an activity must not be undertaken in a way that is contrary to the EP in force for the activity, or any limitation or condition applying to operations for the activity under the Environment Regulations.

You are reminded that in accordance with regulation 29, Woodside must notify NOPSEMA at least ten days before commencement and within ten days after completion of any stage of an activity outlined in the EP.

Should you have any queries regarding the above, please contact [REDACTED] or [REDACTED]

Yours sincerely

[REDACTED]

[REDACTED]

wA728168

31 July 2023

## Attachment 1

In accordance with regulation 11(1)(c) NOPSEMA gives notice that acceptance of the EP is subject to the following conditions applying to operations for the Scarborough 4D MSS activity:

### Consultation with First Nations groups and people

- 1) Prior to commencement of the activity, the titleholders must consult with registered native title bodies corporate, representative Aboriginal / Torres Strait Islander bodies and other persons or organisations identified as a relevant person in relation to First Nations cultural heritage in Tables 5-3 and 5-4 of the EP to confirm whether:
  - a) They 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.
  - b) There is any information they wish to provide on cultural features and/or heritage values.
  
- 2) The purpose of the consultation outlined in Condition 1 is to be communicated, and relevant persons are provided with a copy of the NOPSEMA Consultation on offshore environment plans Brochure as part of consultation.
  
- 3) The method of consultation is informed by the relevant persons being consulted.
  
- 4) If at any time, as a result of compliance with Condition 1, relevant persons are identified, they must be consulted in accordance with the NOPSEMA Guideline on Consultation in the course of preparing an environment plan (GL2086).
  
- 5) At any time, prior to or during the activity, if new cultural features and/or heritage values of places within the environment that may be affected by the activity are identified that are not described in the EP, the titleholders must:
  - a) Ensure the environmental impacts and risks of the activity continue to be managed to as low as reasonably practicable and an acceptable level.
  - b) Notify NOPSEMA in writing within 7 days of these cultural features and/or heritage values of places and the potential environmental impacts and risks.
  
- 6) The titleholders must submit a report to NOPSEMA no later than 14 days after the notification in Condition 5 which confirms the following:
  - a) The control measures that have been adopted to ensure that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable and an acceptable level.
  - b) The consultation undertaken with any relevant persons to develop these control measures, including:



- i) the control measures that those persons considered reasonably necessary to manage impacts on the cultural features and/or heritage values in accordance with Indigenous tradition; and
  - ii) the views of the relevant persons in relation to the control measures.
  
- 7) Adopt appropriate measures in response to the claim from the Buurabalayji Thalanyji Aboriginal Corporation as to the need for collaboration with BTAC on the identification, management and protection of the Thalanyji people's cultural features of the environment that may be affected by the activity.

#### **Control measures for blue whales**

- 8) Ensure that the proposed spotter vessel with two trained and experienced marine fauna observers on board is utilised at all times during the survey to ensure effective detection of blue whales.

#### **Definitions**

For the purposes of this notice, unless otherwise specified all terms have the same meaning as in the Environment Regulations.

Form 3 (adapted)  
Rule 29.02(8)

**Annexure certificate**

No VID 647 of 2023

Federal Court of Australia  
District Registry: Victoria  
Division: General

**Raelene Cooper**

Applicant

**National Offshore Petroleum Safety and Environmental Management Authority and  
others named in the schedule**

Respondents

This is the annexure marked [REDACTED]-2 produced and shown to [REDACTED] at the time  
of affirming his affidavit this 11 September 2023.

---

Filed on behalf of: Woodside Energy Scarborough Pty Ltd and Woodside Energy (Australia) Pty Ltd,  
the Second and Third Respondents

Prepared by: Jeremy Quan-Sing

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## NOPSEMA Inspection – Nganhurra Operations Cessation and the Scarborough 4D B1 Marine Seismic Survey

Document No: N-02000-FM1976 A785998

Date: 9/08/2023

<b>Permissioning Document:</b>	Nganhurra Operations Cessation environment plan Scarborough 4D B1 Marine Seismic Survey environment plan
<b>Titleholder:</b>	Woodside Energy Ltd Woodside Energy Scarborough Pty Ltd
<b>Nominated titleholder's representative:</b>	[REDACTED]
<b>Inspection dates:</b>	8/08/2023
<b>Regulated Business Premises:</b>	Mia Yellagonga, 11 Mount Street, Perth, WA, 6000
<b>Prepared by:</b>	[REDACTED]
<b>NOPSEMA Reference:</b>	RMS ID: 4846

### 1. Inspection Team

The inspection team comprised the following personnel:

Lead inspector	[REDACTED]
Inspection Team	[REDACTED] and [REDACTED]

### 2. Scope

The following topics formed the scope of this inspection:

- **Topic 1:** Verification of compliance with conditions pertaining to consultation with First Nations groups and people as stipulated in:
  - The Environment Plan acceptance with Conditions letter (dated 27 July 2023)– Nganhurra Operations Cessation; and
  - The Environment Plan acceptance with Conditions letter (dated 31 July 2023) – Scarborough 4D B1 Marine Seismic Survey.

### 3. Observations/Findings

The following provides an overview of the preliminary observations and preliminary findings from the planned inspection.

<b>Topic 1. – Verification of compliance with conditions pertaining to consultation with First Nations groups and people as stipulated in the environment plan acceptance letters</b>	
<b>Scarborough 4D B1 Marine Seismic Survey environment plan</b>	
<b>Observations</b>	<b>Preliminary Findings</b>
<p><b>General observations</b></p> <ul style="list-style-type: none"> <li>Seismic activity is scheduled to commence on the 10 August 2023 with vessels (including seismic vessel Geo Coral) on-route to the survey area.</li> <li>Woodside's First Nations Manager is responsible for verifying compliance with the conditions in the acceptance letter.</li> <li>At the time of the inspection, Woodside was still in the process of verifying compliance with the conditions.</li> </ul> <p><b>Observations specific to conditions</b></p> <p><b>Condition 1</b></p> <ul style="list-style-type: none"> <li>Inspectors sighted and collected various forms of correspondence from Woodside to relevant persons that were issued post EP submission and/or post acceptance of the EP.</li> <li>Correspondence issued in the first week of August 2023 referred to NOPSEMA's acceptance of the EP with conditions.</li> <li>There may be other relevant persons that may have spiritual and cultural connections to the EMBA and have not yet been identified (refer to Letter from NYFL representing the Yindjibarndi people dated 4 August 2023).</li> <li>There may be cultural heritage values (such as spiritual connections and cultural connections to places and / or fauna) within the EMBA that are yet to be considered in the EP (ref Transcript – SOS 25 July meeting, letter from NIFL dated 2 August 2023).</li> </ul>	<p><b>Condition 1</b></p> <p>NOPSEMA Inspectors conclude that Woodside is yet to comply with condition 1 and noting that the activity is scheduled to commence on 10 August 2023, it is unlikely compliance with condition 1 will be achieved.</p> <p>The reason for this is that the evidence provided by Woodside in relation to condition 1 does not verify that Woodside has consulted with relevant persons to <u>confirm</u> whether:</p> <p>(a) <i>They 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.</i></p> <p>(b) <i>There is any information they wish to provide on cultural features and/or heritage values.</i></p> <p>This is because Woodside has not obtained <u>confirmation</u> of the above from relevant persons within a reasonable and specified timeframe (i.e. prior to activity commencement) nor did Woodside communicate the commencement date of the activity to the relevant persons. NOPSEMA inspectors note that confirmation could be obtained either by:</p> <ul style="list-style-type: none"> <li>A response from the relevant person; or</li> <li>No response from a relevant person made aware of a specific and reasonable timeframe for a response.</li> </ul>

**Condition 2**

- NOPSEMA Inspectors observed that various forms of correspondence from Woodside to relevant persons outlined the purpose of consultation and provided a link to NOPSEMA consultation on offshore environment plans brochure.

**Condition 3**

- Woodside advised that consultation methods were informed by the relevant persons being consulted and NOPSEMA Inspectors reviewed records provided by Woodside to this effect. NOPSEMA Inspectors noted that some relevant persons (i.e. NYFL and SOS) have requested to be consulted in specific manners (i.e. meeting on country and/or through further correspondence).

**Condition 4**

- Woodside advised that no new relevant persons had been identified as a result of consultation required by condition 1. NOPSEMA Inspectors note that no responses have yet been received to confirm there are no other First Nations relevant persons.

**Condition 5**

- During consultation with Save our Songlines (SOS; Josie Alec and Raelene Cooper) and NYFL it has been indicated that there may be cultural heritage values within the EMBA that have not yet been described and evaluated in the EP.

**Condition 6**

- Woodside advised that no new cultural features and/or heritage values had been identified; therefore, no new control measures have been considered or adopted. This appears consistent from a review of available

<p>consultation records, noting that SOS have requested a meeting on country where new information may be provided during that time.</p> <p><b>Condition 7</b></p> <ul style="list-style-type: none"> <li>• NOPSEMA Inspectors observed that a process was underway to adopt appropriate measures in response BTAC's claim. Woodside agreed to provide a schedule of the process that would be implemented to develop and execute an agreement with BTAC. Woodside aims to complete an internal revision to the EP to include an explicit control capturing ongoing engagement with BTAC in relation to cultural values, similar to the recently submitted Scarborough Seabed Intervention and Trunkline EP.</li> <li>• NOPSEMA inspectors noted that a process was underway to establish an agreement with BTAC, although the planned board meeting had not yet occurred, and that no recent follow-up correspondence has been received from this group.</li> </ul>	<p><b>Condition 7</b></p> <p>NOPSEMA inspectors noted that a process was underway to establish an agreement with BTAC. Inspectors concluded that ongoing consultation with BTAC is necessary to establish an agreement and that specific measures to ensure that this agreement is in place need to be included in the EP through appropriate change management processes.</p>
<p><b>Nganhurra Operations Cessation environment plan</b></p>	
<p><b>Observations</b></p>	<p><b>Preliminary Findings</b></p>
<p><b>General observations</b></p> <ul style="list-style-type: none"> <li>• Woodside provided an update on mobilisation of Heerema's Aegir construction vessel (currently in Malaysia) and confirmed preparatory planning for the scope of the RTM removal of activities is progressing according to schedule.</li> <li>• The earliest window to arrive on permit and commence operations starts on 1<sup>st</sup> October 2023.</li> <li>• The First Nations Manager is responsible for verifying Woodside's compliance with the First Nations Consultation conditions in the acceptance letters, supported by the First Nations team.</li> </ul>	

<ul style="list-style-type: none"> <li>At the time of the inspection, Woodside was still in the process of verifying compliance with all of the consultation conditions.</li> </ul> <p><b>Observations specific to conditions</b></p> <p><b>Condition 7a</b></p> <ul style="list-style-type: none"> <li>Inspectors sighted and collected various forms of correspondence from Woodside to relevant persons that were issued post EP submission and/or post acceptance of the EP.</li> <li>Inspectors noted that consultation activities pertaining to the Nganhurra Cessation of Operations EP had been significantly progressed since submission of the EP (May 2023), including with the Murujuga Aboriginal Corporation, Buurabalayji Thalanyji Aboriginal Corporation &amp; Yinggarda Aboriginal Corporation.</li> <li>Correspondence issued in the first week of August was issued to all relevant First Nations groups identified in the EP, making reference to NOPSEMA's acceptance of the EP, with conditions.</li> <li>NOPSEMA inspectors noted correspondence from the Murujuga Aboriginal Corporation (MAC) dated 21<sup>st</sup> July 2023, acknowledging engagement and confirming absence of concerns from this group.</li> <li>NOPSEMA inspectors noted that a process was underway to establish an agreement with Buurabalayji Thalanyji Aboriginal Corporation, although the planned board meeting had not yet occurred, and that no recent follow-up correspondence has been received from this group.</li> <li>NOPSEMA inspectors noted consultation with the Malgana Aboriginal Corporation had progressed since a 4<sup>th</sup> April 2023 meeting, and that, Malgana were seeking assistance (1<sup>st</sup> August) to engage environmental consultants to inform the board.</li> </ul>	<p><b>Condition 7a</b></p> <p>NOPSEMA Inspectors note that Woodside may be at risk of not complying with this condition prior to commencement of the RTM removal activities in October.</p> <p>The reason for this conclusion is that the evidence provided by Woodside in relation to condition 7 does not verify that Woodside has consulted to <u>confirm</u> whether:</p> <p>(a) <i>They 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.</i></p> <p>This is because Woodside has not requested <u>confirmation</u> from relevant persons within a reasonable and specified timeframe (i.e. prior to activity commencement). NOPSEMA inspectors note that confirmation could be obtained either by:</p> <ul style="list-style-type: none"> <li>A response from the relevant person; or</li> <li>No response from a relevant person made aware of a specific and reasonable timeframe.</li> </ul>
--	--

<p><b>Condition 8</b></p> <ul style="list-style-type: none"> <li>NOPSEMA Inspectors observed that various forms of correspondence from Woodside to relevant persons issued in July 2023 outlines the purpose of consultation and provided a link to NOPSEMA consultation on offshore environment plans brochure.</li> </ul> <p><b>Condition 9</b></p> <ul style="list-style-type: none"> <li>Woodside advised that no new relevant persons had been identified as a result of consultation required by condition 7, nor is this indicated from a review of available consultation records.</li> </ul> <p><b>Conditions 10(a)(b) and 11(a)(b)</b></p> <ul style="list-style-type: none"> <li>Woodside advised that no new cultural features and/or heritage values had been identified as a result of consultation required by condition 7, nor is this indicated from a review of available consultation records.</li> </ul>	
<p><b>Woodside Consultation Methodology</b></p> <p>Observation:</p> <ul style="list-style-type: none"> <li>Woodside's consultation with relevant persons has not been consistently undertaken in a manner that effectively demonstrates compliance with Division 2.2A. Consultation records observed during the inspection for the purpose of determining compliance with conditions indicate that there are some limitations in the effectiveness of the Woodside methodology for consultation with relevant persons.</li> </ul> <p>In particular, correspondence is not consistently clear on the opportunity being afforded, the purpose of consultation and the timeframe within which a response is being sought. In addition, sufficient information is not always provided to enable an informed response (e.g. clear, targeted and in a manner that enables effective consultation with the relevant persons being consulted).</p> <ul style="list-style-type: none"> <li>If these shortfalls in undertaking consultation are applied across all Woodside activities there is a risk that other EPs will not be able to demonstrate compliance with Division 2.2A.</li> <li>The methodology presented in the EPs describes a process for self-identification that contains some limiting steps that may restrict the broad capture of First Nations relevant persons, as 'relevance' of the person or organisation is determined through membership in or engagement with the PBC or 'native title group'.</li> </ul>	



This aspect was specifically discussed in the course of the inspection, and Woodside stated that they were revising the methodology for future EPs, to address this matter.

NOTE: NOPSEMA will seek to verify compliance with conditions and where there is evidence of non-compliance, proportionate enforcement action will be considered

#### **4. Issue of inspection report**

The draft inspection report will be issued to the duty holder as soon as practicable. At the time the draft report is issued, an offer will be made to the duty holder onshore management to discuss the findings of the draft report with the inspection team. There will also be an opportunity for the duty holder to correct any factually incorrect information contained within the draft report. Following the receipt of any comments, NOPSEMA will finalise and issue the inspection report. When conclusions are raised in the report that identify current or potential future non-compliance, NOPSEMA may seek information to verify the duty holder's progress in addressing the conclusions by the agreed due date.

*NOPSEMA is committed to continuous improvement of its regulatory practices. Personnel involved in a NOPSEMA Inspections may submit feedback on the inspection via email to [feedback.inspection@nopsema.gov.au](mailto:feedback.inspection@nopsema.gov.au)*

Form 3 (adapted)  
Rule 29.02(8)

**Annexure certificate**

No VID 647 of 2023

Federal Court of Australia  
District Registry: Victoria  
Division: General

**Raelene Cooper**

Applicant

**National Offshore Petroleum Safety and Environmental Management Authority and  
others named in the schedule**

Respondents

This is the annexure marked [REDACTED]-3 produced and shown to [REDACTED] at the time  
of affirming his affidavit this 11 September 2023.

---

Filed on behalf of: Woodside Energy Scarborough Pty Ltd and Woodside Energy (Australia) Pty Ltd,  
the Second and Third Respondents

Prepared by: Jeremy Quan-Sing  
Law firm: Allens  
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**Australian Government**  
**National Offshore Petroleum**  
**Titles Administrator**

14 August 2023

Alluvion Building  
 Level 8, 58 Mounts Bay Road Perth WA 6000  
 GPO Box 7871, Perth WA 6850  
[www.nopta.gov.au](http://www.nopta.gov.au)

ABN 74 599 608 295

Woodside Energy Scarborough Pty Ltd

Via email to: [REDACTED]@woodside.com  
 [REDACTED]@woodside.com

Woodside Energy (Australia) Pty Ltd

Via email to: [woodsidetitles@woodside.com](mailto:woodsidetitles@woodside.com)

NEATS Ref: 4PTQP8

Dear Applicants

#### **GRANT OF PETROLEUM ACCESS AUTHORITY WA-106-AA**

I refer to the application validly submitted on 7 July 2022 for a petroleum access authority. In accordance with section 243 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006 (the Act)*, I advise that I have granted Petroleum Access Authority WA-106-AA. Please find enclosed a copy of the title instrument.

Please note that under section 280 of the Act, a titleholder carrying out activities in an offshore area must not interfere with any activities of another person being lawfully carried on, and must also ensure that their activities do not interfere with navigation, fishing, conservation of the resources of the sea and seabed or 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 rights and performance of the duties of the titleholder.

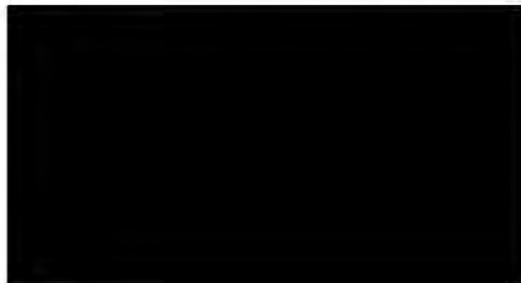
In addition, I acknowledge notification from the Applicants on 7 August 2023 with respect to the requirements of Regulation 12.07 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* requiring a titleholder to notify the Titles Administrator, at least 48 hours before the proposed start of the survey, of the following:

- (i) the proposed date and time that the survey will start;
- (ii) the duration of the survey;
- (iii) the survey area coordinates;
- (iv) in the case of a seismic survey — the length of the streamers to be towed by the survey vessel.

Please note the provisions of Regulations 7.15 to 7.18 regarding submission requirements for survey data.

OFFICIAL: SENSITIVE

Should you have any queries regarding the content of these documents, please contact Christine Ferrinda on (08) 6424 5357 or [titles@nopta.gov.au](mailto:titles@nopta.gov.au).



Encl: Instrument

## COMMONWEALTH OF AUSTRALIA

*Section 243*  
*Offshore Petroleum and Greenhouse Gas Storage Act 2006*

**GRANT INSTRUMENT**  
**PETROLEUM ACCESS AUTHORITY WA-106-AA**

I, **GRAEME ALBERT WATERS**, the National Offshore Petroleum Titles Administrator, hereby grant to

**Woodside Energy Scarborough Pty Ltd**  
(ACN: 650 177 227)

**Woodside Energy (Australia) Pty Ltd**  
(ACN: 006 923 879)

Petroleum Access Authority WA-106-AA in respect of the blocks described hereunder, being blocks within the offshore area of Western Australia, and subject to the conditions set out hereunder, to have effect for a period of 180 days from and including the date hereof.

**INTERPRETATION**

In this document, "the Act" means the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* and includes any Act with which that Act is incorporated and words used in this document have the same respective meanings as in the Act.

The titleholder of this petroleum access authority shall at all times comply with:

- (a) the provisions of the Act; and
- (b) all directions given to him under the Act and all regulations for the time being in force under the Act.

**DESCRIPTION OF BLOCKS**

The reference hereunder is to the name of the map sheet of the 1:1,000,000 series prepared and published for the purposes of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* and to the numbers of graticular sections shown thereon.

**Map Sheet SE49**

<b>Block No.</b>	<b>Block No.</b>	<b>Block No.</b>	<b>Block No.</b>	<b>Block No.</b>
2875	2944	2945	2946	2947
2948	2949	3015	3016	3017
3018	3019	3020	3021	3022
3085	3086	3087	3088	3089
3090	3092	3093	3094	3156
3157	3158	3159	3160	3161

3164	3165	3228	3229	3234
3235	3236	3299	3300	3301
3305	3306	3307	3371	3372
3373	3377	3378	3379	3442
3443	3444	3445	3449	3450

**Map Sheet SF49 (Cloates)**

<b>Block No.</b>	<b>Block No.</b>	<b>Block No.</b>	<b>Block No.</b>	<b>Block No.</b>
0057	0058	0059	0060	0061
0062	0063	0064	0065	0130
0131	0132	0133	0134	0135
0136	0204	0205	0206	0207
0277	0278			

Assessed to contain 77 blocks.  
(Map at **Attachment 1**)

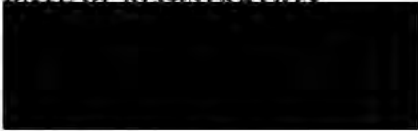
**CONDITIONS**

1. If:
  - (a) some or all of the area in respect of which this petroleum access authority is in force overlaps with a Commonwealth reserve declared under Division 4 of Part 15 of the *Environment Protection and Biodiversity Conservation Act 1999* (the overlapping area); and
  - (b) a management plan is in operation for that reserve,
 the holder of this petroleum access authority must comply with that management plan in relation to the overlapping area.
  
2. The holder of this petroleum access authority shall not carry on in the area in respect of which it is in force any petroleum exploration operations other than the Scarborough 4D B1 Marine Seismic Survey.

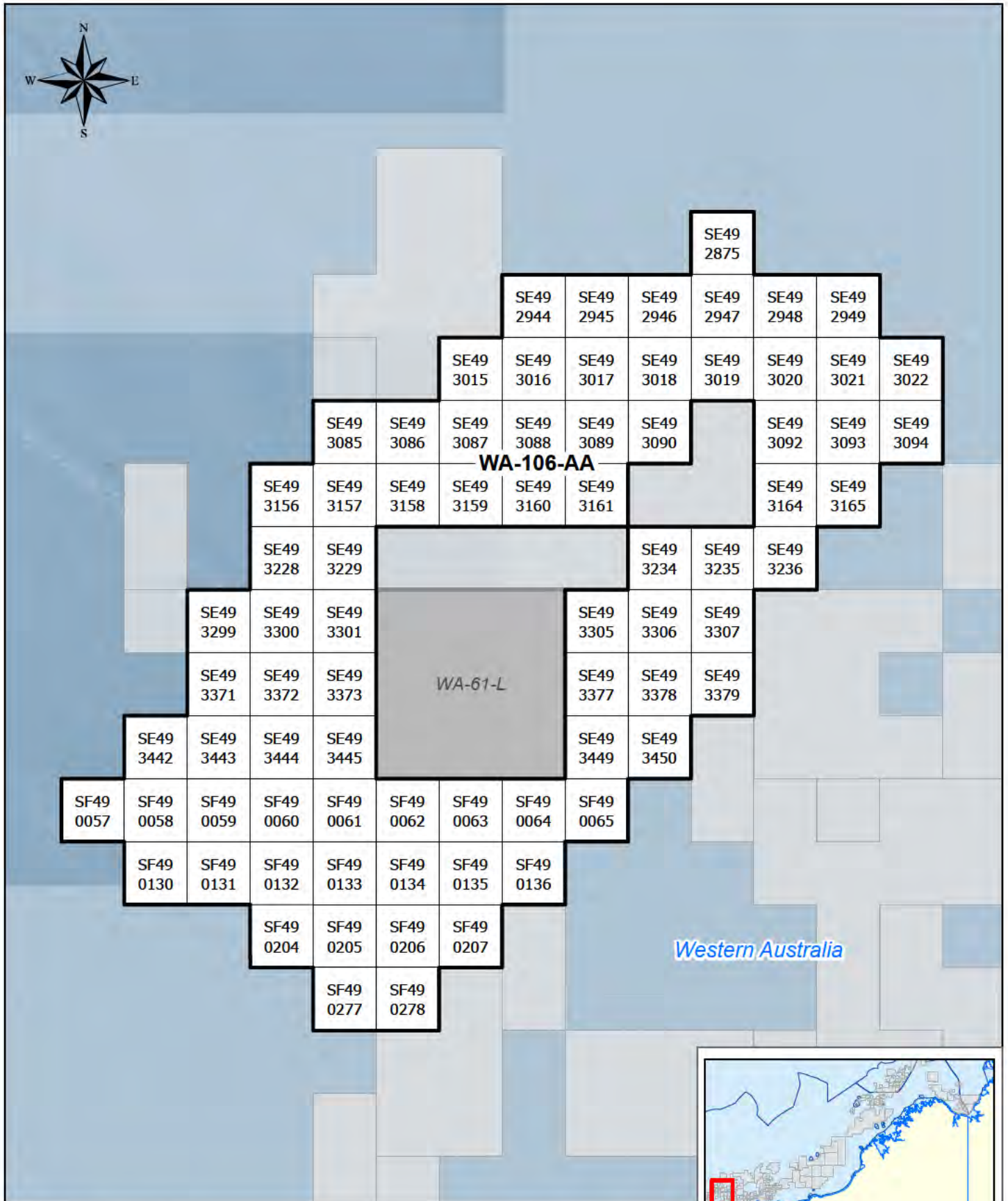
Dated this 14<sup>th</sup> day of August 2023.

Made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*  
of the Commonwealth of Australia.






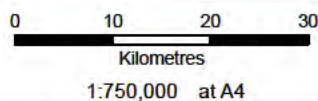
<p><b>DATE OF REGISTRATION</b></p> 
<p><b>TITLES ADMINISTRATOR OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE ACT 2006</b></p>





**Attachment 1**  
**Access Authority**  
**WA-106-AA**  
**Scarborough 4D B1 MSS**

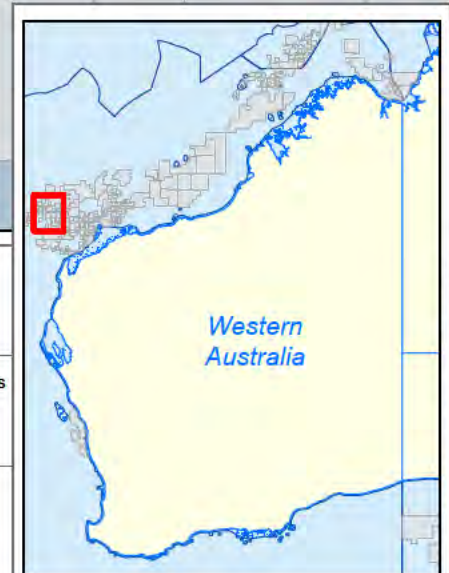
-  Access Authority (WA-106-AA)
-  Originating Title
-  Other Petroleum Titles



The displayed boundary is defined by the following datasets  
 - AMB2014 (Coastal Water Boundary),  
 - APB2014 (Australian Petroleum Blocks, 5' x 5').  
 Data source: Geoscience Australia



**Australian Government**  
**National Offshore Petroleum**  
**Titles Administrator**



Form 3 (adapted)  
Rule 29.02(8)

**Annexure certificate**

No VID 647 of 2023

Federal Court of Australia  
District Registry: Victoria  
Division: General

**Raelene Cooper**

Applicant

**National Offshore Petroleum Safety and Environmental Management Authority and  
others named in the schedule**

Respondents

This is the annexure marked [REDACTED]-4 produced and shown to [REDACTED] at the time  
of affirming his affidavit this 11 September 2023.

---

Filed on behalf of: Woodside Energy Scarborough Pty Ltd and Woodside Energy (Australia) Pty Ltd,  
the Second and Third Respondents

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## NOPSEMA Inspection of the Scarborough 4D B1 Marine Seismic Survey

### Inspection details

<b>Duty holder(s) inspected</b>		
<b>Titleholder</b>	Woodside Energy Scarborough Pty Ltd	
<b>Entity inspected</b>		<b>NOPSEMA Inspection No.</b>
<b>Petroleum Activity</b>	Scarborough 4D B1 Marine Seismic Survey	4846
<b>Permissioning documents</b>		
<b>Environment Plans</b>	Scarborough 4D B1 Marine Seismic Survey environment plan (Document No. SA0006AH1401760303, Revision 7, dated June 2023)	
<b>Inspection dates</b>		
<b>Onshore</b>	8 August 2023	
<b>Inspection team</b>		
<b>Lead Inspector</b>	██████████	
<b>Inspection Team</b>	██	
<b>Duty holder contacts</b>		
<b>Nominated titleholder's representative (environment)</b>	██████████ ██	

### Report distribution

Position	Company
Records management	NOPSEMA
Development Lead	Woodside Energy Scarborough Pty Ltd

### Revision status

Rev	Date	Description	Prepared by	Approved by
A	17-Aug-23	Internal draft	██████████ ██████████	██████████
B	22-Aug-23	Draft for discussion with duty holders	██████████	██████████

0	XX-MMM-YY	Final	████████	████████
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## Table of Contents

Inspection details.....	1
Report distribution .....	1
Revision status .....	1
Table of Contents.....	3
1. Inspection legislative framework and methodology .....	4
1.1. Legislative framework.....	4
1.2. Inspection objective and scope .....	4
1.3. Preparation and conduct of the inspection.....	4
2. Inspection results .....	5
2.1. Operational context.....	5
2.2. Compliance with conditions pertaining to consultation with First Nations groups and people .....	5
2.2.1. Objective and summary of requirements.....	5
2.2.2. Observations and findings .....	5
2.2.3. Conclusion and advice .....	10
Appendix A: Acronyms and abbreviations used in this report .....	13
Appendix B: Summary of meeting attendance .....	14
B.1: Pre-Inspection Meeting .....	14
B.2: Post-inspection meetings .....	15
Appendix C: Document register.....	16
Document register.....	16

## 1. Inspection legislative framework and methodology

### 1.1. Legislative framework

NOPSEMA conducts inspections as part of its legislated function to implement an effective compliance monitoring strategy to ensure compliance with NOPSEMA listed laws<sup>1</sup>. Inspections are undertaken by NOPSEMA inspectors appointed by NOPSEMA under Section 602 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGSA).

This report has been prepared as required by the OPGGSA<sup>2</sup> and includes the Inspectors' conclusions from the inspection and the reasons for those conclusions. Where those conclusions indicate that there is non-compliance with the requirements of the OPGGSA, conditions or limitations imposed on acceptance, and/or commitments in permissioning document(s) the Inspectors have provided advice regarding the action(s) or outcomes recommended to address these conclusions.

A list of acronyms and abbreviations used in this report are provided in Appendix A.

### 1.2. Inspection objective and scope

The objectives of this inspection are to ascertain, for the scope stipulated below, whether risks to the environment are being managed by the duty holder(s) as required under the OPGGSA and in accordance with accepted permissioning document(s) and any associated conditions, and that the controls described in those documents are effective in reducing these risks to ALARP and to acceptable levels.

The scope of this inspection was:

Topic 1: Verification of compliance with conditions pertaining to consultation with First Nations groups and people as stipulated in the Environment Plan acceptance with Conditions letter (dated 31 July 2023) – Scarborough 4D B1 Marine Seismic Survey.

### 1.3. Preparation and conduct of the inspection

The inspection team prepared a planned inspection brief (Inspection Brief), including a list of documentation required prior to the inspection and proposed inspection itinerary and scope, and issued it to Woodside Energy Scarborough Pty Ltd (Woodside) on 3 August 2023. The documentation requested in the Inspection Brief was received by NOPSEMA on 4 August 2023. Prior to arriving at Woodside's premises, the Inspectors were able to review some of the documentation received on 4 August 2023 though a comprehensive review of the documentation was yet to be completed.

On arrival at the premises on 8 August 2023, an entry meeting was held to communicate the purpose of NOPSEMA's inspection, the powers of the Inspectors under the OPGGSA and to provide an opportunity to discuss and clarify the content of the Inspection Brief (including the scope of the inspection and proposed itinerary). A list of persons present at this meeting is included in Appendix B:

Prior to, during and following the inspection at the premises, the Inspectors viewed documents and records provided by Woodside and those documents also inform the findings and conclusions of this report. These documents are referred to within this report.

---

<sup>1</sup> NOPSEMA listed laws are defined in Section 601 of the OPGGSA.

<sup>2</sup> Under Part 2, Division 3 of Schedule 2A.

Inspectors advised Woodside that documents to support the findings and conclusions of the Inspectors were able to be received up until close of business on **10 August 2023**. The findings and observations in this report provide the basis for the conclusions and compliance advice (where applicable) and are based only on the evidence provided by Woodside up until close of business 10 August 2023.

After leaving the premises, the inspection team prepared an Inspection Exit Brief, which was provided to, and discussed with, key personnel during an exit meeting. A list of persons present at this meeting is included in Appendix B:

## 2. Inspection results

The following sections contain the detailed observations, findings and conclusions for the topic covered in this inspection.

To ensure compliance with its duties under the OPGGSA and the requirements of relevant permissioning document(s) and associated conditions, NOPSEMA expects Woodside to consider the conclusions, and the reasons for those conclusions, and undertake sufficient investigation/action to both fully understand the conclusions presented and to take action to:

- Reduce the risks and impacts to ALARP and acceptable levels.
- Ensure compliance with obligations under the OPGGSA and the commitments made in relevant permissioning document(s) and conditions imposed on acceptance of the EP.

Compliance advice, in the form of recommendations, has been provided to assist Woodside in considering the conclusions and the actions they may need to take to address those conclusions. This advice includes actions, outcomes or considerations that should be taken into account when Woodside determine how it will address the conclusions in this report. The management of risk always remains the responsibility of Woodside.

### 2.1. Operational context

Following the entry meeting at Woodside's business premises on 8 August 2023, Inspectors requested an update on the status of the Scarborough 4D Marine Seismic Survey (activity) and the proposed commencement date. Woodside explained that the contracted seismic vessel Geo Coral (Shearwater) had departed Broome Port and was in transit to the operational area. Woodside explained that the seismic vessel and support vessels were due to enter the operational area late on 10 August 2023 or early on 11 August 2023 and if all went to plan the first seismic shot would be discharged on 11 or 12 August 2023.

### 2.2. Compliance with conditions pertaining to consultation with First Nations groups and people

#### 2.2.1. Objective and summary of requirements

The objective of this scope was to test whether Woodside could demonstrate compliance with the relevant conditions imposed on acceptance of the Environment Plan for the activity. The scope focussed specifically on the actions which Woodside has taken, or proposed to take, to achieve compliance with the conditions.

#### 2.2.2. Observations and findings

NOPSEMA acknowledges receipt of the documents on 4 August 2023 in response to the request for documents in the Inspection Brief. Noting that the activity was scheduled to commence on 11 or 12 August 2023, NOPSEMA asked Woodside to explain how Woodside had assurance that they would comply with the

requirements of Condition 1 prior to the commencement of the activity. NOPSEMA Inspectors also requested additional documents or other forms of evidence that could be provided to demonstrate that compliance with condition 1 had been achieved. The following additional documents were provided:

- *FW Inspection Evidence FW Jessica Border viewed delivery 'Woodside meeting with Josie Raelene and Save Our Songlines Recording.*
- *FW Inspection Evidence FW NYFL - 4D Marine Seismic Survey.*
- *RE Woodside Activity - NWS and Julimar Exploration Wellhead Decommissioning.*
- *Yindjibarndi Aboriginal Corporation - 4D Marine Seismic Survey.*
- *FW Inspection 4846 - Request for information - Scarborough Nganhurra - Email 1 of 8.*
- *FW Inspection 4846 - Request for information - Scarborough Nganhurra - Email 2 of 8.*
- *FW Inspection 4846 - Request for information - Scarborough Nganhurra - Email 3 of 8.*
- *FW Inspection 4846 - Request for information - Scarborough Nganhurra - Email 4 of 8.*
- *FW Inspection 4846 - Request for information - Scarborough Nganhurra - Email 5 of 8.*
- *FW Inspection 4846 - Request for information - Scarborough Nganhurra - Email 6 of 8.*
- *FW Inspection 4846 - Request for information - Scarborough Nganhurra - Email 7 of 8.*
- *FW Inspection 4846 - Request for information - Scarborough Nganhurra - Email 8 of 8.*
- *FW Inspection 4846 - Request for information - Scarborough Nganhurra - Compliance evidence.*
- *Transcript of Meeting with Josie Raelene and Save Our Songlines 25 July 2023 - DRAFT and associated audio recording (v0120230725\_1).*

At the time of the inspection on 8 August 2023 (and as reported in the Inspection Exit Brief delivered on 9 August 2023) the following observations were made:

### General

1. At the time of the inspection on 8 August 2023 Woodside had not completed their own process of verifying whether compliance with relevant conditions had been met prior to the commencement of the activity. Inspectors noted that although this assurance had not been completed, the seismic survey vessel was in transit to the operational area with the intention to commence seismic acquisition on 11 or 12 August 2023. NOPSEMA Inspectors questioned who was responsible for signing off on compliance with conditions and Woodside confirmed that Woodside's First Nations Manager is responsible for verifying compliance with the conditions. They also advised that the First Nations Manager was yet to sign off confirming compliance with the conditions for the activity.

### Condition 1

Condition 1 provides:

*Prior to commencement of the activity, the titleholders must consult with registered native title bodies corporate, representative Aboriginal / Torres Strait Islander bodies and other persons or organisations identified as a relevant person in relation to First Nations cultural heritage in Tables 5-3 and 5-4 of the EP to confirm whether:*

- (a) They 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.
  - (b) There is any information they wish to provide on cultural features and/or heritage values.
2. NOPSEMA Inspectors examined correspondence that was sent to relevant persons as part of Woodside's approach to complying with condition 1. Inspectors noted that Woodside had sent correspondence to all First Nations groups required to be consulted in accordance with condition 1 on 2 and 3 August 2023. These items of correspondence were not consistent for all relevant persons and in some cases explicitly asked pointed questions with wording that matched those of condition 1 (ref *BTAC - 3 Aug - Woodside conditions for Scarborough 4D Marine Seismic Survey environment plan*), whereas in another case Woodside included a hyperlink to NOPSEMA's Statement of Reasons (with reference to the paragraph and page number that outlined the conditions) and asked the relevant person(s) to let Woodside know if they have input or information to provide (ref *SOS-Alec-Cooper 3 Aug - RE\_ Scarborough EP consultation*). It is unclear as to why some relevant persons were provided with explicit and direct information on the relevant conditions while others were expected to follow links to NOPSEMA's Statement of Reasons to view the conditions.
3. At the time of the inspection, only one response to Woodside's emails of 2 and 3 August 2023 had been received from Ngarluma Yindjibarndi Foundation Ltd (NYFL), in their capacity as representatives of the Yindjibarndi Aboriginal Corporation.
4. On 8 August 2023 NOPSEMA Inspectors concluded that Woodside had not yet complied with condition 1 and was unlikely to comply with condition 1 prior to the scheduled commencement date of the activity on 12 August 2023. This is because Woodside had not consulted with First Nations relevant persons identified in Tables 5-3 and 5-4 of the EP to confirm whether:
  - a. They 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.
  - b. There is any information they wish to provide on cultural features and/or heritage values.
5. Woodside's correspondence to relevant persons on 2 and 3 August 2023 did not specify a reasonable timeframe within which the relevant person was expected to respond, nor did Woodside disclose the scheduled commencement date of the activity of 12 August 2023. Without this information, NOPSEMA Inspectors could not be confident that relevant persons would be aware that information on additional relevant persons or cultural features and/or heritage values of the environment, would need to be received by Woodside urgently so that it could be appropriately considered prior to the scheduled activity commencement date.
6. The final documents received from Woodside on 10 August 2023 show that, following the issue of the Inspection Exit Brief on 9 August 2023, Woodside sent out additional emails to all of the relevant persons in relation to First Nations cultural heritage listed in Tables 5-3 and 5-4 of the EP (ref *FW Inspection - Opportunity to provide further evidence - Scarborough MSS*) on 9 August 2023. The additional emails requested the relevant persons confirm:



- *“if 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*
  - *if there is any information you wish to provide on cultural features and/or heritage values”.*
7. In these additional emails sent by Woodside on 9 August 2023 Woodside requested feedback by 17:00, 11 August 2023, which is within approximately 48 hours. NOPSEMA Inspectors consider approximately 48 hours does not constitute a reasonable timeframe within which to expect responses to these questions.

### Condition 2

Condition 2 provides:

*The purpose of the consultation outlined in Condition 1 is to be communicated, and relevant persons are provided with a copy of the NOPSEMA Consultation on offshore environment plans Brochure as part of consultation.*

8. NOPSEMA Inspectors observed that various forms of correspondence (the aforementioned emails from 2 and 3 August 2023) from Woodside to First Nations relevant persons outlined the purpose of consultation and provided a link to NOPSEMA consultation on offshore environment plans brochure. No further lines of questioning or observations were made in relation to compliance with condition 2 during this inspection. NOPSEMA Inspectors therefore concluded that condition 2 had been met.

### Condition 3

Condition 3 provides:

*The method of consultation is informed by the relevant persons being consulted.*

9. Woodside advised NOPSEMA Inspectors that consultation methods were informed by the relevant persons being consulted. NOPSEMA Inspectors noted that some relevant persons [i.e. NYFL and Save Our Songlines (SOS)] had requested to be consulted in specific manners (i.e. meeting on country and/or through further correspondence and additional time) and that this additional consultation had not yet taken place.
10. Because consultation in accordance with condition 1 was yet to be completed, NOPSEMA inspectors were unable to conclude whether consultation has been carried out using methods of consultation informed by the relevant person being consulted. Specifically, additional consultation will be required with NYFL and SOS using a method informed by these relevant persons. This matter will form part of the scope of a future inspection(s).

### Condition 4

Condition 4 provides:

*If at any time, as a result of compliance with Condition 1, relevant persons are identified, they must be consulted in accordance with the NOPSEMA Guideline on Consultation in the course of preparing an environment plan (GL2086).*

11. Woodside advised NOPSEMA Inspectors that no new relevant persons had been identified as a result of the consultation required by condition 1. However, a response from NYFL dated 4 August 2023 (ref *FW Inspection Evidence FW NYFL - 4D Marine Seismic Survey*) to Woodside's email dated 2 August 2023



stated that there may be additional people that have not yet been afforded the opportunity to provide information.

12. NOPSEMA Inspectors noted that no responses were yet received from any First Nations relevant persons explicitly confirming there are, or are not, other First Nations relevant persons. At the time of the inspection, NOPSEMA Inspectors found that there remained uncertainty as to whether there are additional relevant persons that are required to be consulted as a result of condition 1. This condition will be subject to future inspection(s).

### Condition 5

Condition 5 provides:

*At any time, prior to or during the activity, if new cultural features and/or heritage values of places within the environment that may be affected by the activity are identified that are not described in the EP, the titleholders must:*

- (a) Ensure the environmental impacts and risks of the activity continue to be managed to as low as reasonably practicable and an acceptable level.*
- (b) Notify NOPSEMA in writing within 7 days of these cultural features and/or heritage values of places and the potential environmental impacts and risks.*

13. Woodside advised NOPSEMA Inspectors that no new cultural features and/or heritage values had been identified and that therefore, no new control measures had been considered or adopted. However, NOPSEMA Inspectors found that consultation records indicate that there is residual uncertainty as to whether there may be new/additional cultural heritage values held by the Yindjibarndi people and other relevant persons that were yet to respond at the time of the inspection.
14. NOPSEMA inspectors also identified on the day of the Exit Brief (9 August 2023) that new information was shared with Woodside by Save Our Songlines at a meeting on 25 July 2023. NOPSEMA Inspectors found that Woodside's consultation records include additional information on the cultural and/or heritage features of the environment that may be affected that is not addressed in the EP in force and was in some instances known and/or available to Woodside prior to NOPSEMA's decision to accept the EP. For example, spiritual connections (Songlines and energy lines) and cultural connections to places (where freshwater and seawater meet) and/or fauna (migratory species including turtles and whales) within the environment that may be affected by the activity (ref *Transcript – SOS 25 July meeting, letter from NIFL dated 2 August 2023*).
15. Noting the above, to comply with condition 5, Woodside is required to consider this new information and ensure that environmental impacts and risks of the activity are and continue to be managed to ALARP and an acceptable level and notify NOPSEMA in writing within 7 days (16 August 2023) of these cultural features and/or heritage values of places and the potential environmental impacts and risks to these features.

### Condition 6

Condition 6 provides:

*The titleholders must submit a report to NOPSEMA no later than 14 days after the notification in Condition 5 which confirms the following:*

- (c) *The control measures that have been adopted to ensure that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable and an acceptable level.*
- (d) *The consultation undertaken with any relevant persons to develop these control measures, including:*
- i. the control measures that those persons considered reasonably necessary to manage impacts on the cultural features and/or heritage values in accordance with Indigenous tradition; and*
  - ii. the views of the relevant persons in relation to the control measures.*

16. In accordance with the requirements of condition 6 and noting Inspector findings with respect to condition 5 above, NOPSEMA inspectors concluded that Woodside is required to submit a report to NOPSEMA within 14 days following any notification provided. If the notification was to be received by 16 August in accordance with condition 5(b) this report must be submitted to NOPSEMA by close of business 30 August 2023. NOPSEMA Inspectors also concluded that, should additional consultation in accordance with condition 1 identify new cultural features and/or heritage values of places that are yet to be considered in the EP, conditions 5 and 6 will continue to apply to this new information.

### Condition 7

Condition 7 provides:

*Adopt appropriate measures in response to the claim from the Buurabayji Thalanyji Aboriginal Corporation as to the need for collaboration with BTAC on the identification, management and protection of the Thalanyji people's cultural features of the environment that may be affected by the activity.*

17. NOPSEMA Inspectors noted that a process was underway to establish an agreement with the Buurabayji Thalanyji Aboriginal Corporation (BTAC). The planned board meeting had not yet occurred, and no recent follow-up correspondence has been received from this group (ref *FW Inspection 4846 - Request for information - Scarborough Nganhurra - Email 5 of 8*).
18. Further consultation with BTAC, towards finalising this agreement, will be necessary in order to fulfil the requirements of condition 7. This item is likely to be subject to future inspections.

### 2.2.3. Conclusion and advice

#### Conclusion 4846-C1

At the conclusion of the inspection (10 August 2023) Woodside was yet to demonstrate compliance with condition 1. Consequently, it was uncertain as to whether:

- There are other 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.
- There is additional information on the cultural features and/or heritage values of the environment that may be affected that is yet to be adequately addressed in the EP, additional or revised control

measures are required to ensure that impacts and risks to cultural and/or heritage features of the environment are managed to ALARP and acceptable levels for the duration of the activity.

#### Conclusion 4846-C2

Given new information was received by Woodside on 25 July 2023 by SOS, the actions required in conditions 5 and 6 must be implemented by 16 and 30 August 2023, respectively, in order to comply with these conditions.

#### Conclusion 4846-C3

NOPSEMA Inspectors conclude that, at the time of the inspection, the requirements of condition 7 were yet to be met. Additional consultation will be required to ensure that appropriate measures to identify, manage and protect the Thalanyji peoples' cultural features of the environment are adopted and implemented.

#### Conclusion 4846-C4

NOPSEMA Inspectors conclude that Woodside had mobilised the seismic vessel and support vessels to transit to the operational area prior to being assured that relevant conditions had been complied with and had intended to commence the survey on 12 August 2023.

The Inspectors provide the following advice to assist Woodside in determining what actions to take to address the conclusions above:

19. NOPSEMA Inspectors recommend that Woodside complies with all conditions imposed with acceptance of the Environment Plan in order to avoid enforcement action.
20. New information received on cultural features and/or heritage values should be incorporated into the EP in accordance with Woodside's change management processes described in the EP in force (s 4.10.1.5) including how the requirements in conditions 5 and 6 have been met.
21. Woodside should evaluate and adopt additional measures, where necessary, in response to consultation to ensure potential impacts and risks to cultural and / or heritage features of the environment continue to be managed to ALARP and acceptable levels.
22. Action should be taken to address shortfalls in Woodside's compliance assurance processes that appear to allow for equipment/vessels mobilisation to operational areas in support of activity commencement prior to confirming compliance with environmental management requirements.
23. An additional compliance inspection has been initiated to continue to monitor Woodside's compliance with the conditions.

24. NOPSEMA Inspectors advise that without action being undertaken by Woodside to ensure compliance with the conditions, the titleholder may be in contravention of Regulation 7 of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*.

## Appendix A: Acronyms and abbreviations used in this report

Acronym or abbreviation	Definition
<b>ALARP</b>	As Low As Reasonably Practicable
<b>BTAC</b>	Buurabalayji Thalanyji Aboriginal Corporation
<b>EP</b>	Environment Plan
<b>MSS</b>	Marine Seismic Survey
<b>NYFL</b>	Ngarluma Yindjibarndi Foundation Ltd
<b>NOPSEMA</b>	National Offshore Petroleum Safety and Environmental Management Authority
<b>OPGGSA</b>	Offshore Petroleum and Greenhouse Gas Storage Act 2006
<b>SOS</b>	Save Our Songlines
<b>Woodside</b>	Woodside Energy Scarborough Pty Ltd



## Appendix B: Summary of meeting attendance

### B.1: Pre-Inspection Meeting

The pre-inspection meeting was held on 8 August 2023 to discuss the proposed inspection scope. Persons present at the meeting as listed below:

Name	Position	Organisation
[REDACTED]	Inspector	NOPSEMA
[REDACTED]	Inspector	NOPSEMA
[REDACTED]	Inspector	NOPSEMA
[REDACTED]	[REDACTED]	Woodside
[REDACTED]	[REDACTED]	Woodside
[REDACTED]	[REDACTED]	Woodside
[REDACTED]	[REDACTED]	Woodside
[REDACTED]	[REDACTED]	Woodside
[REDACTED]	[REDACTED]	Woodside
[REDACTED]	[REDACTED]	Woodside
[REDACTED]	[REDACTED]	Woodside
[REDACTED]	[REDACTED]	Woodside

## B.2: Post-inspection meetings

A meeting was also held on 9 August 2023 in order to discuss the inspection findings. Persons present at that meeting are listed below:

Name	Position	Organisation
[REDACTED]	Inspector	NOPSEMA
[REDACTED]	Inspector	NOPSEMA
[REDACTED]	Inspector	NOPSEMA
[REDACTED]	[REDACTED]	Woodside
[REDACTED]	[REDACTED]	Woodside
[REDACTED]	[REDACTED]	Woodside
[REDACTED]	[REDACTED]	Woodside
[REDACTED]	[REDACTED]	Woodside
[REDACTED]	[REDACTED]	Woodside
[REDACTED]	[REDACTED]	Woodside
[REDACTED]	[REDACTED]	Woodside
[REDACTED]	[REDACTED]	Woodside

## Appendix C: Document register

### Document register

No.	Title, Document ID, and Revision No.	Elec.	Hard Copy
1	BTAC - 3 Aug - Woodside conditions for Scarborough 4D Marine Seismic Survey environment plan	X	
2	BTAC - 14 June - 230614 draft principles for consultation framework	X	
3	BTAC - 19 July NOPSEMA Consultation Guidelines and Policies	X	
4	BTAC 10 July - FW_ Submission of Woodside Environment Plans to NOPSEMA	X	
5	BTAC 14 July FW_ Environmental Plan Lodgement	X	
6	BTAC 20 July - BTAC FW_ Woodside Consultation_ Angel Facility and Macedon Operations Environment Plans (EPs)	X	
7	BTAC 23 July - 230720 Draft Presentation to BTAC	X	
8	BTAC 26 July - FW_ BTAC _ Woodside matters catch-up	X	
9	BTAC 26 July - Program of Ongoing Engagement with BTAC	X	
10	BTAC 26 July - Template presentation	X	
11	BTAC 28 July - RE BTAC _ Woodside matters catch-up	X	
12	BTAC 31 July - 310723_ Letter BTAC Ethnographic Assessment Request	X	
13	BTAC 31 July - 310723_ Letter BTAC SITI Sea Country Area	X	
14	BTAC 31 July - FW_ BTAC _ Woodside matters catch-up	X	
15	BTAC 31 July - Ongoing BTAC and Woodside matters	X	
16	BTAC Letter 18.4.23 Letter from BTAC re EPs - all to date	X	
17	BTAC letter 18.4.23 Woodside Nopsema Invitation signed	X	
18	BTAC letter B Garwood Enviro plans 10 July 2023	X	
19	MAC - 18 July - NOPSEMA Consultation Guidelines and Policies	X	



No.	Title, Document ID, and Revision No.	Elec.	Hard Copy
20	MAC - 26 July - A program for ongoing engagement regarding Environment Plans	X	
21	MAC 3 Aug - Woodside conditions for Scarborough 4D Marine Seismic Survey environment plan	X	
22	MAC 5 June - RE_ Woodside presentation to MAC Board	X	
23	MAC 22 June 2023 Presentation to Board and Circle of Elders	X	
24	MAC 2023-07-21 MAC Letter to Woodside - Acknowledgement of Consultation.docx	X	
25	Malgana AC 19 July - NOPSEMA Consultation Guidelines and Policies	X	
26	NAC - 18 July - NOPSEMA Consultation Guidelines and Policies	X	
27	NAC 3 Aug - Woodside conditions for Scarborough 4D Marine Seismic Survey environment plan	X	
28	NAC 26 July - A program for ongoing engagement regarding Environment Plans	X	
29	NTGAC - 3 Aug - Woodside conditions for Scarborough 4D Marine Seismic Survey env	X	
30	NTGAC - 19 July - NOPSEMA Consultation Guidelines and Policies	X	
31	NTGAC-YMAC-25 July-Woodside - NOPSEMA consultation obligations - framework for consultation with First Nation groups	X	
32	Proposed Program of Ongoing Consultation	X	
33	RRKAC - 18 July - NOPSEMA Consultation Guidelines and Policies	X	
34	RRKAC - 26 July - Program of Ongoing Consultation with Robe River Kuruma Aboriginal Corporation	X	
35	RRKAC 2 Aug - 4D Marine Seismic Survey	X	
36	Save our Songline 12 June - RE_ URGENT_ Scarborough Environment Plans - Consultation	X	
37	Save our Songlines - 21 June 2023 - RE_ URGENT_ Scarborough Environment Plans - Consultation	X	
38	Save our songlines 7 June - RE_ Scarborough Environment Plans - Consultation	X	
39	Save our Songlines 21 July - RE_ Scarborough Gas Project Environment Plans	X	

No.	Title, Document ID, and Revision No.	Elec.	Hard Copy
40	Save our Songlines 25 July - RE_ Seismic Survey Consultation	X	
41	Save our Songlines 27 July - Information Request_Responses_July 2023	X	
42	Save our Songlines 27 July - Scarborough EP consultation	X	
43	SOS-Alec-Cooper 3 Aug - RE_ Scarborough EP consultation	X	
44	Wirrawandi Aboriginal Corporation - 18 July - NOPSEMA Consultation Guidelines and Policies	X	
45	Wirrawandi Aboriginal Corporation 2 Aug - 4D Marine Seismic Survey	X	
46	Wirrawandi AC - 26 July - Program of Ongoing Consultation with Wirrawandi Aboriginal Corpotaion	X	
47	Wirrawandi AC 19 July - Presentation to Wirrawandi Aboriginal Corporation Board 19 July 2023	X	
48	Wirrawandi AC 19 July - Wirrawandi Aboriginal Corporation - Follow up from yesterday's meeting	X	
49	Wirrawandi AC 19 July 2023 - Minutes of Meeting	X	
50	Wirrawandi AC 20 July - RE_ Wirrawandi Aboriginal Corporation - Follow up from yesterday's meeting	X	
51	Yindjibarndi Aboriginal Corporation - 18 July - NOPSEMA Consultation Guidelines and Policies	X	
52	Yindjibarndi Aboriginal Corporation 2 Aug - 4D Marine Seismic Survey	X	
53	Yindjibarndi AC - 26 July - Program of Ongoing Consultation with Yindjibarndi Aboriginal Corporation	X	
54	Yinggarda Aboriginal Corporation - 19 July - NOPSEMA Consultation Guidelines and Policies	X	
55	Yinggarda AC 3 Aug - Scarborough 4D Marine Seismic Survey and Nganhurra Operations Cessation environment plans	X	
56	Yinggarda AC 17 July - Letter to Yinggarda AC - July 2023	X	
57	Yinggarda AC 17 July Environment Plan Consultation	X	
58	Yinggarda AC 26 July - Program of Ongoing Engagement with Yinggarda	X	
59	FW Inspection 4846 - Request for information - Scarborough Nganhurra - Compliance evidence	X	



No.	Title, Document ID, and Revision No.	Elec.	Hard Copy
60	FW Inspection 4846 - Request for information - Scarborough Nganhurra - Evidence related to conditions on NGA RTM	X	
61	FW Inspection 4846 - Request for information - Scarborough Nganhurra - Email 1 of 8	X	
62	FW Inspection 4846 - Request for information - Scarborough Nganhurra - Email 2 of 8	X	
63	FW Inspection 4846 - Request for information - Scarborough Nganhurra - Email 3 of 8	X	
64	FW Inspection 4846 - Request for information - Scarborough Nganhurra - Email 4 of 8	X	
65	FW Inspection 4846 - Request for information - Scarborough Nganhurra - Email 5 of 8	X	
66	FW Inspection 4846 - Request for information - Scarborough Nganhurra - Email 6 of 8	X	
67	FW Inspection 4846 - Request for information - Scarborough Nganhurra - Email 7 of 8	X	
68	FW Inspection 4846 - Request for information - Scarborough Nganhurra - Email 8 of 8	X	
69	FW Inspection - Opportunity to provide further evidence - Scarborough MSS	X	
70	FW Inspection Evidence FW Jessica Border viewed delivery 'Woodside meeting with Josie Raelene and Save Our Songlines Recording'	X	
71	FW Inspection Evidence FW NYFL - 4D Marine Seismic Survey	X	
72	RE Woodside Activity - NWS and Julimar Exploration Wellhead Decommissioning	X	
73	Yindjibarndi Aboriginal Corporation - 4D Marine Seismic Survey	X	
74	Transcript of Meeting with Josie Raelene and Save Our Songlines 25 July 2023 - DRAFT and associated audio recording (v0120230725_1)	X	
75	Transcript – SOS 25 July meeting	X	

Form 3 (adapted)  
Rule 29.02(8)

**Annexure certificate**

No VID 647 of 2023

Federal Court of Australia  
District Registry: Victoria  
Division: General

**Raelene Cooper**

Applicant

**National Offshore Petroleum Safety and Environmental Management Authority and  
others named in the schedule**

Respondents

This is the annexure marked [REDACTED]-5 produced and shown to [REDACTED] at the time  
of affirming his affidavit this 11 September 2023.

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Filed on behalf of: Woodside Energy Scarborough Pty Ltd and Woodside Energy (Australia) Pty Ltd,  
the Second and Third Respondents

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## NOPSEMA Inspection of the Scarborough 4D B1 Marine Seismic Survey

### Inspection details

<b>Duty holder(s) inspected</b>		
<b>Titleholder</b>	Woodside Energy Scarborough Pty Ltd (Woodside)	
<b>Entity inspected</b>		<b>NOPSEMA Inspection No.</b>
<b>Petroleum Activity</b>	Scarborough 4D B1 Marine Seismic Survey	4859
<b>Permissioning documents</b>		
<b>Environment Plans</b>	Scarborough 4D B1 Marine Seismic Survey Environment Plan (Document No. SA0006AH1401760303, Revision 7, dated June 2023) (EP)	
<b>Inspection dates</b>		
<b>Onshore</b>	N/A – Inspection was undertaken as a desk-based inspection of documents provided by Woodside	
<b>Inspection team</b>		
<b>Lead Inspector</b>	██████████	
<b>Inspection Team</b>	██████████	
<b>Duty holder contacts</b>		
<b>Nominated titleholder's representative (environment)</b>	██████████ ██	

### Report distribution

Position	Company
Records management	NOPSEMA
Development Lead	Woodside

### Revision status

Rev	Date	Description	Prepared by	Approved by
A	23-Aug-23	Internal draft	██████████ ██████████	██████████
B	31-Aug-23	Draft for discussion with duty holders	██████████	██████████

0	XX-MMM-YY	Final	████████	████████
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## Table of Contents

Inspection details.....	1
Report distribution .....	1
Revision status .....	1
Table of Contents.....	3
1. Inspection legislative framework and methodology .....	4
1.1. Legislative framework.....	4
1.2. Inspection objective and scope .....	4
1.3. Preparation and conduct of the inspection.....	4
2. Inspection results .....	5
2.1. Operational context.....	5
2.2. Compliance with conditions pertaining to consultation with First Nations groups and people .....	5
2.2.1. Objective and summary of requirements.....	5
2.2.2. Observations and findings .....	5
2.2.3. Conclusion and advice .....	13
Appendix A: Acronyms and abbreviations used in this report .....	16
Appendix B: Document register.....	17
Document register .....	17

## 1. Inspection legislative framework and methodology

### 1.1. Legislative framework

NOPSEMA conducts inspections as part of its legislated function to implement an effective compliance monitoring strategy to ensure compliance with NOPSEMA listed laws<sup>1</sup>. Inspections are undertaken by NOPSEMA Inspectors appointed by NOPSEMA under Section 602 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGSA).

This report has been prepared as required by the OPGGSA<sup>2</sup> and includes the NOPSEMA Inspectors' conclusions from the inspection and the reasons for those conclusions. Where those conclusions indicate that there is non-compliance with the requirements of the OPGGSA, conditions or limitations imposed on acceptance, and/or commitments in permissioning document(s) the NOPSEMA Inspectors have provided advice regarding the action(s) or outcomes recommended to address these conclusions.

A list of acronyms and abbreviations used in this report are provided in Appendix A.

### 1.2. Inspection objective and scope

The objectives of this inspection are to ascertain, for the scope stipulated below, whether risks to the environment are being managed by the duty holder(s) as required under the OPGGSA and in accordance with accepted permissioning document(s) and any associated conditions, and that the controls described in those documents are effective in reducing these risks to as low as reasonably practicable (ALARP) and to acceptable levels.

The scope of this inspection was:

- Topic 1: Verification of compliance with conditions pertaining to consultation with First Nations groups and people as stipulated in the EP acceptance with Conditions letter (dated 31 July 2023) – Scarborough 4D B1 Marine Seismic Survey.

### 1.3. Preparation and conduct of the inspection

The inspection team prepared a planned inspection brief (Inspection Brief), including a list of documentation required prior to the inspection and proposed inspection itinerary and scope, and issued it to Woodside on 15 August 2023. The documentation requested in the Inspection Brief was received by NOPSEMA on 16 August 2023 (documents requested under item 1) and 22 August 2023 (documents requested under item 2).

A desk-based inspection was undertaken whereby NOPSEMA Inspectors examined documents and records provided by Woodside as part of this inspection. These documents were used to inform the NOPSEMA Inspectors' findings and conclusions and are referred to within this report.

Woodside was advised on 23 August 2023 that documents to support the findings and conclusions of the NOPSEMA Inspectors in relation to condition 6(b) were able to be received up until close of business on 28 August 2023. On 30 August 2023 Woodside submitted a report to NOPSEMA and requested this be taken into consideration as part of this inspection. NOPSEMA Inspectors subsequently agreed to this request. The findings and observations in this report provide the basis for the conclusions and compliance advice (where

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<sup>1</sup> NOPSEMA listed laws are defined in Section 601 of the OPGGSA.

<sup>2</sup> Under Part 2, Division 3 of Schedule 2A.



applicable) and are based only on the evidence provided by Woodside up until close of business 30 August 2023.

## 2. Inspection results

The following sections contain the detailed observations, findings and conclusions for the topic covered in this inspection.

To ensure compliance with its duties under the OPGGSA and the requirements of relevant permissioning document(s) and associated conditions, NOPSEMA expects Woodside to consider the conclusions, and the reasons for those conclusions, and undertake sufficient investigation/action to both fully understand the conclusions presented and to take action to:

- Reduce the risks and impacts to ALARP and acceptable levels.
- Ensure compliance with obligations under the OPGGSA and the commitments made in relevant permissioning document(s) and conditions imposed on acceptance of the EP.

Compliance advice, in the form of recommendations, has been provided to assist Woodside in considering the conclusions and the actions that may need to be taken to address those conclusions. This advice includes recommended actions that must be taken to address the conclusions in this report. The management of risk always remains the responsibility of Woodside.

### 2.1. Operational context

During the inspection period (15 August 2023 to 30 August 2023) Woodside explained that the contracted seismic vessel Geo Coral (Shearwater) was not yet in the operational area, and the activity was yet to commence. Based on documentation reviewed, NOPSEMA Inspectors understand that the activity would not commence prior to 14:00 on 22 August 2023 (ref *SCA Seismic FN Consultation Summary*). As of 30 August 2023, NOPSEMA understood from discussions with Woodside that the activity was yet to commence.

### 2.2. Compliance with conditions pertaining to consultation with First Nations groups and people

#### 2.2.1. Objective and summary of requirements

The objective of this scope was to determine whether Woodside had complied with the relevant conditions imposed on acceptance of the EP for the activity. The scope focussed specifically on the actions which Woodside has taken, or proposed to take, to achieve compliance with the conditions.

#### 2.2.2. Observations and findings

NOPSEMA acknowledges receipt of the documents on 16 and 22 August 2023 in response to the request for documents in the Inspection Brief. NOPSEMA Inspectors also provided Woodside with opportunity to submit additional documents or other forms of evidence to demonstrate that compliance with condition 6(b) had been achieved. On 30 August 2023 Woodside provided a 14 day report in accordance with condition 6 and this was subsequently taken into consideration as part of this inspection.

The following observations and findings were made during the inspection:

### General

1. NOPSEMA Inspectors noted that Woodside did not commence the activity as originally scheduled on 11 or 12 August 2023. Instead, the commencement of the activity was postponed to enable further consultation to be undertaken with registered native title bodies corporate, representative Aboriginal / Torres Strait Islander bodies and other First Nations persons or organisations in Tables 5-3 and 5-4 of the EP.

### Condition 1

Condition 1 provides:

*Prior to commencement of the activity, the titleholders must consult with registered native title bodies corporate, representative Aboriginal / Torres Strait Islander bodies and other persons or organisations identified as a relevant person in relation to First Nations cultural heritage in Tables 5-3 and 5-4 of the EP to confirm whether:*

- (a) *They 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.*
  - (b) *There is any information they wish to provide on cultural features and/or heritage values.*
2. NOPSEMA Inspectors examined correspondence between Woodside and relevant persons as part of Woodside's approach to complying with condition 1. NOPSEMA Inspectors noted that Woodside had sent correspondence to all First Nations groups that required consultation in accordance with condition 1 on 9 August 2023.
  3. In the correspondence sent on 9 August 2023 Woodside specifically and clearly requested each relevant person to confirm:
    - *"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*
    - *if there is any information you wish to provide on cultural features and/or heritage values".*
  4. In these emails sent by Woodside on 9 August 2023 Woodside requested feedback by 17:00, 11 August 2023, which was within approximately 48 hours of the correspondence being sent (ref *Murujuga AC Emails 9-15 Aug - Woodside conditions for Scarborough 4D B1 Marine Seismic Survey Environment Plan*).
  5. NOPSEMA Inspectors concluded in a previous inspection (RMS # 4846) that Woodside had not demonstrated compliance with condition 1 due to the unreasonably short timeframe within which Woodside required responses to the correspondence from 9 August 2023. After this conclusion from the previous inspection, further documentation was provided by Woodside to NOPSEMA Inspectors as part of this inspection (RMS # 4859).

6. At the close of this inspection (RMS # 4859), NOPSEMA Inspectors noted that a response to correspondence sent on 9 August 2023 was received from all First Nations persons or organisations listed in Tables 5-3 and 5-4 of the EP. However, NOPSEMA Inspectors found that, although 3 weeks had been afforded for a response, there was no explicit confirmation whether there are other First Nations persons or groups that should be consulted or whether there is additional information on cultural features and / or heritage values that needs to be considered.
7. NOPSEMA Inspectors concluded that the evidence provided by Woodside demonstrated that Woodside has complied with condition 1. This is because:
- i. on 9 August 2023 Woodside explicitly asked all relevant persons to confirm:
    - *“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*
    - *if there is any information you wish to provide on cultural features and/or heritage values”.*
- and
- ii. In the circumstances, by 30 August 2023 reasonable time had been afforded for relevant persons to respond to Woodside’s request for confirmation.

Refer to conclusion 4859-C1 (s2.2.3).

### **Condition 2**

Condition 2 provides:

*The purpose of the consultation outlined in Condition 1 is to be communicated, and relevant persons are provided with a copy of the NOPSEMA Consultation on offshore environment plans Brochure as part of consultation.*

8. NOPSEMA Inspectors concluded during inspection 4846 that Woodside had complied with condition 2 (ref *Inspection Report 4846*). Compliance with condition 2 was therefore not part of this inspection.

Refer to conclusion 4859-C2 (s2.2.3).

### **Condition 3**

Condition 3 provides:

*The method of consultation is informed by the relevant persons being consulted.*

9. NOPSEMA Inspectors viewed correspondence between Woodside and Save Our Songlines (SOS) in which Woodside committed to not commencing the activity prior to 14:00, 23 August 2023 and to providing SOS with 48 hours’ notice prior to the commencement of the activity (ref Allens email to EDO 21 Aug Attachment.pdf). By the close of this inspection on 30 August 2023, the documents received by NOPSEMA Inspectors did not indicate that notice of commencement had been provided to SOS, nor that the activity had commenced.
10. NOPSEMA Inspectors noted that relevant persons [e.g. Ngarluma Yindjibarndi Foundation Ltd (NYFL) and SOS] had requested to be consulted in specific manners (i.e. meeting on country and/or through further

correspondence and additional time). Although this consultation had not yet taken place at the time of the inspection, the evidence provided to NOPSEMA Inspectors indicates that attempts had been made by Woodside to consult with NYFL and SOS in the manners requested (ref *Yindjibarndi AC Emails 9-15 Aug - Woodside conditions for Scarborough 4D B1 Marine Seismic Survey Environment Plan* and *EDO Email 10 Aug - Scarborough EP Consultation.pdf*).

11. Based on meeting minutes from a meeting between Woodside and Nganhurra Thanardi Garrbu Aboriginal Corporation (NTGAC) on 15 August 2023 (ref *Meeting notes - NTGAC 15 August*) NTGAC did not agree with Woodside that they had been consulted based on engagement to date because information provided by Woodside to date has been too technical.
12. NOPSEMA Inspectors noted that at the meeting between Woodside and NTGAC on 15 August 2023 a proposed framework for consultation was discussed involving Woodside committing to fund a “general project report” to be written by an independent and suitably qualified and experienced consultant. Additionally, terms for ongoing engagement were discussed between Woodside and NTGAC including frequency, participation and content in the context of the proposed general project report (ref *Meeting notes - NTGAC 15 August*).
13. Based on the documentation provided for this inspection, as of 30 August 2023, Woodside has demonstrated that their methods used in consultation during this inspection period were informed by the relevant persons and therefore that Condition 3 has been met.
14. NOPSEMA Inspectors concluded that further consultation by Woodside with relevant persons will need to be informed by the relevant person being consulted to maintain compliance with condition 3. NOPSEMA may continue to monitor Woodside’s ongoing compliance in relation to condition 3 (and other subsequent conditions as relevant).

Refer to conclusion 4859-C3 (s2.2.3).

#### **Condition 4**

Condition 4 provides:

*If at any time, as a result of compliance with Condition 1, relevant persons are identified, they must be consulted in accordance with the NOPSEMA Guideline on Consultation in the course of preparing an environment plan (GL2086).*

15. The evidence provided to NOPSEMA Inspectors as part of the inspection does not indicate that any additional relevant persons have been identified. However, a response from NYFL dated 11 August 2023 (ref *Yindjibarndi AC Emails 9-15 Aug - Woodside conditions for Scarborough 4D B1 Marine Seismic Survey Environment Plan*) to Woodside’s email dated 9 August 2023 stated that there may be additional people that have not yet been afforded the opportunity to provide information.
16. NOPSEMA Inspectors noted that Woodside acknowledged NYFL’s response on 15 August 2023 and requested NYFL’s availability for a meeting to discuss the next steps. No further correspondence was provided as part of this inspection.
17. NOPSEMA Inspectors concluded that by 30 August 2023, a reasonable time had been afforded by Woodside to allow First Nations relevant persons to identify additional relevant persons and at the time of the close of the inspection on 30 August 2023 no other relevant persons had been identified. Should

ongoing consultation with relevant persons identify new relevant persons, these persons must be consulted in accordance with condition 4.

18. NOPSEMA Inspectors noted that if consultation after the close of this inspection with new relevant persons identifies information on cultural features and/or heritage values which are not described in the EP, the requirements of conditions 5 and 6 will apply.

Refer to conclusion 4859-C4 (s2.2.3).

### Condition 5

Condition 5 provides:

*At any time, prior to or during the activity, if new cultural features and/or heritage values of places within the environment that may be affected by the activity are identified that are not described in the EP, the titleholders must:*

- (a) *Ensure the environmental impacts and risks of the activity continue to be managed to as low as reasonably practicable and an acceptable level.*
- (b) *Notify NOPSEMA in writing within 7 days of these cultural features and/or heritage values of places and the potential environmental impacts and risks.*

19. At a meeting with Woodside and SOS on 25 July 2023, information on cultural features and/or heritage values within the environment that may be affected and not described in the EP was provided. This included:
- A concern about potential impacts to whales.
  - A general information request about 'the rest of the animals', including turtle migrations, dugong, other migratory species, plankton and seagrass.
  - An interest regarding songlines and 'especially where the freshwater and saltwater meet'.
  - A concern about impacts to the songlines, energy lines and animals from seismic activity.
20. On the day the Exit Brief was issued for inspection 4846 on 9 August 2023 (RMS 4846) NOPSEMA Inspectors identified that this new information shared with Woodside by Save Our Songlines at the meeting of 25 July 2023 was information that constituted cultural features and/or heritage values of the environment that may be affected that is not described in the accepted EP.
21. On 16 August 2023 (within 7 days of the identification of new cultural features and/or heritage values) Woodside notified NOPSEMA, in accordance with condition 5(b) (ref *Re: Scarborough 4D B1 Marine Seismic Survey Environment Plan - Condition 5 Notification*). NOPSEMA reviewed the notification and advised Woodside on 17 August 2023 that the notification did not address the potential environmental impacts and risks on the new identified cultural features and / or values as required by condition 5(b). Woodside subsequently responded to NOPSEMA on 17 August 2023 and provided the required information (ref *RE\_ Scarborough 4D B1 Marine Seismic Survey Environment Plan - Condition 5 Notification*).
22. NOPSEMA Inspectors viewed correspondence from Woodside to SOS dated 21 August 2023 regarding topics raised by SOS at a meeting between the two parties on 25 July 2023. In this correspondence Woodside proposed amendments to the EP, in accordance with Woodside's Management of Knowledge

and Management of Change processes (ref *EDO Email 21 Aug - Scarborough 4D B1 Marine Seismic Survey Environment Plan*) to address the cultural features and/or heritage values of places within the environment raised in the meeting between the parties.

23. NOPSEMA Inspectors found that Woodside had determined that any potential environmental impacts and risks on newly identified cultural features and / or heritage values were being managed to ALARP and an acceptable level, in accordance with condition 5(a) (7 day notification on 16 August, updated on 17 August - ref *RE\_ Scarborough 4D B1 Marine Seismic Survey Environment Plan – Condition 5 Notification*). This determination was made by Woodside following the application of their environmental impact and risk assessment process to come to this conclusion.
24. Based on the evidence collected for the inspection in regard to condition 5(a), NOPSEMA Inspectors concluded that Woodside has put some measures in place to manage impacts on the new cultural features of the environment identified by SOS including, for example, establishing and maintaining a publicly available website to present information on whale and marine turtle observations; however, other practicable control measures had not been demonstrably considered.
25. NOPSEMA inspectors concluded that:
- Woodside has not evaluated and adopted all feasible controls to address cultural concerns relating to migratory species (e.g. increased shut down zones for whales and shutdowns for turtles, also refer to findings and conclusions relating to condition 6 below).
  - If further consultation with SOS (or other First Nations relevant persons) identifies new cultural features or heritage values of the environment not described in the EP, additional measures may be needed to ensure that environmental impacts continue to be managed to ALARP and acceptable levels for the duration of the survey.
  - As at 30 August 2023, Woodside has complied with condition 5(b) because Woodside provided notification within 7 days of the new information on cultural features and/or heritage values being identified.

Refer to conclusions 4859-C5a and 5b (s2.2.3).

### **Condition 6**

Condition 6 provides:

*The titleholders must submit a report to NOPSEMA no later than 14 days after the notification in Condition 5 which confirms the following:*

- (a) *The control measures that have been adopted to ensure that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable and an acceptable level.*
- (b) *The consultation undertaken with any relevant persons to develop these control measures, including:*
  - i. *the control measures that those persons considered reasonably necessary to manage impacts on the cultural features and/or heritage values in accordance with Indigenous tradition; and*



ii. *the views of the relevant persons in relation to the control measures.*

26. NOPSEMA Inspectors noted that Woodside submitted a report to NOPSEMA on 30 August 2023, within 14 days of the notification required by condition 5, which was submitted to NOPSEMA on 16 August 2023 (ref [REDACTED] – *Inspection 4859 – Scarborough 4D B1 Marine Seismic Survey*).
27. The 14 day report (ref *Woodside Condition 6 Report\_Incl Appendices*) and consultation record (ref *EDO Email 21 Aug - Scarborough 4D B1 Marine Seismic Survey Environment Plan*) between Woodside and SOS show that Woodside informed SOS on 21 August 2023 of the proposed changes to the EP in response to the topics raised by SOS at the meeting between the two parties on 25 July 2023. In this consultation record Woodside also enquired about SOS's availability for further consultation on the changes made to the EP and the control measures proposed to be adopted in response to the topics raised by SOS at the meeting on 25 July 2023. NOPSEMA Inspectors also found that Woodside has committed to ongoing consultation with SOS including by way of an invitation to an on-country workshop in September 2023, driven by the availability of SOS. The on-country meeting place is consistent with consultation requirements from SOS.
28. The 14 day report and records of Woodside's consultation with SOS demonstrate the changes made to the EP following the new information received from SOS in the meeting on 25 July 2023 (ref *EDO Email 21 Aug Attachment A; EDO Email 21 Aug Scarborough MSS EP Rev 8 Attachment 1; EDO Email 21 Aug Scarborough MSS EP Rev 8 Attachment 2, EDO Email 21 Aug Scarborough MSS EP Rev 8 Attachment 3 (1)* and *Woodside Condition 6 Report\_Incl Appendices*). NOPSEMA Inspectors noted that Woodside has revised the EP to include content with respect to the following topics (ref *Woodside Condition 6 Report\_Incl Appendices*):
- potential impacts to whales;
  - turtle migrations, dugong, other migratory species, plankton and seagrass;
  - songlines and 'especially where the freshwater and saltwater meet' and dreaming; and
  - impacts to the songlines, energy lines and animals from seismic activity.
29. On review of the 14-day report, NOPSEMA Inspectors found:
- (a) Woodside had adopted control measures which Woodside determined were sufficient to ensure that the environmental impacts and risks of the activity on cultural features and / or heritage values will be reduced to as low as reasonably practicable and an acceptable level.
  - (b) The consultation undertaken with relevant persons has attempted to seek the views of relevant persons on the adopted control measures and additional control measures that those persons consider are reasonably necessary to manage impacts on the cultural features and/or heritage values in accordance with Indigenous tradition.
30. NOPSEMA Inspectors also noted that Woodside offered to consult with SOS on changes Woodside proposed to make to the Seismic EP that were designed to incorporate the topics outlined in paragraph 28 (above) and the control measures proposed to be adopted to manage the potential impacts and risks of the activity to ALARP and acceptable levels. This offer of consultation was in

addition to an offer made by Woodside on 25 July 2023 for a fortnightly meeting with SOS, which was declined (ref *Allens email to EDO 21 August - Scarborough 4D B1 Marine Seismic Survey Environment Plan and Woodside Condition 6 Report\_Inc Appendices*).

31. NOPSEMA Inspectors concluded that Woodside submitted the 14 day report to NOPSEMA within the required timeframe. However, on review of this report, Inspectors found that consultation was ongoing and there may be additional control measures necessary to improve the management of impacts on cultural features and / or heritage values in the operational area that have not been evaluated or adopted by Woodside. Examples include underwater noise mitigation measures such as those identified in paragraph 25.
32. NOPSEMA Inspectors noted that, after the close of this inspection, should ongoing consultation identify new cultural features and/or heritage values of places that are yet to be considered in the EP, condition 6 will apply to this new information.

Refer to conclusion 4859-C6 (s2.2.3).

### **Condition 7**

Condition 7 provides:

*Adopt appropriate measures in response to the claim from the Buurabalayji Thalanyji Aboriginal Corporation as to the need for collaboration with BTAC on the identification, management and protection of the Thalanyji people's cultural features of the environment that may be affected by the activity.*

33. NOPSEMA Inspectors noted that as at the close of this inspection on 30 August 2023, a process was still underway to establish an agreement between Woodside and the Buurabalayji Thalanyji Aboriginal Corporation (BTAC). Recent correspondence between Woodside and BTAC (ref *BTAC Emails 9 -15 Aug-Woodside conditions for Scarborough 4D B1 Marine Seismic Survey Environment Plan*) was reviewed by NOPSEMA Inspectors which indicated that a BTAC board meeting had not yet occurred but was still planned.
34. NOPSEMA Inspectors noted that Woodside has revised its EP to include Section 7.4 Thalanyji Sea Country Management Process. This process is outlined in Table 7-2 of the EP and includes steps that Woodside will take as part of its ongoing consultation with BTAC in response to BTAC's claim. NOPSEMA Inspectors also noted that some of the steps in this process are already complete; however, the step with regards to the undertaking of the ethnographic assessment is yet to be completed. The actions that Woodside will take to see this step completed are listed in Table 7-2 as: "Follow up after 2 weeks and once monthly in September and October" (ref *Scarborough MSS EP Rev 8 Internal Update BTAC Framework Extract*).
35. NOPSEMA Inspectors noted the following statement in Section 7.4 of the revised EP: "Where the process in Table 7-2 has been complied with, Woodside considers that it will have taken all reasonable steps to identify cultural features and heritage values of Thalanyji people in the activity area."
36. Woodside will need to adopt appropriate measures in response to the claim from BTAC, specifically in relation to the timing associated with item 1 in Table 7-2 (ref *Scarborough MSS EP Rev 8 Internal Update BTAC Framework Extract*).



37. Further consultation with BTAC, towards finalising the agreement, will be necessary in order to fulfil the requirements of condition 7 and therefore as at the close of this inspection on 30 August 2023, condition 7 has not been met.

Refer to conclusion 4859-C7 (s2.2.3).

### 2.2.3. Conclusion and advice

#### Conclusion 4859-C1

Woodside has complied with condition 1 because Woodside has consulted with registered native title bodies corporate, representative Aboriginal / Torres Strait Islander bodies and other persons or organisations identified as a relevant person in relation to First Nations cultural heritage in Tables 5-3 and 5-4 of the EP to confirm whether:

- a. They 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.
- b. There is any information they wish to provide on cultural features and/or heritage values.

#### Conclusion 4859-C2

Woodside has complied with condition 2 as per inspection report 4846.

#### Conclusion 4859-C3

NOPSEMA Inspectors concluded that condition 3 has been met because consultation methods have been informed by the relevant persons and efforts were underway to undertake additional consultation with NYFL, SOS and NTGAC using a method informed by these relevant persons. Ongoing consultation with relevant persons prior to or during the implementation of the activity must use methods informed by the relevant person consulted.

#### Conclusion 4859-C4

As of 30 August 2023, the requirements of condition 4 were not yet triggered, because no new relevant persons had yet been identified as a result of compliance with condition 1. Woodside must continue to consult with any newly identified First Nations relevant persons in accordance with condition 4 and comply with conditions 5 and 6 where information on new cultural features and/or heritage values is provided that is not described in the EP.

#### Conclusion 4859-C5a

In relation to condition 5a, NOPSEMA Inspectors concluded Woodside has not evaluated and adopted all feasible controls to address First Nations concerns relating to cultural value of migratory species such as:

- Increased shut down zones for migratory species such as whales.
- A shut down zone for marine turtles.

#### Conclusion 4859-C5b

Woodside has complied with condition 5(b) because Woodside provided notification within 7 days of the new information on cultural features and/or heritage values being identified.

#### Conclusion 4859-C6

Woodside submitted the report addressing content required by condition 6 within the 14 day timeframe. There are control measures that may improve the management of impacts on cultural features and / or heritage values of the environment that have not been evaluated or adopted by Woodside (refer to conclusion 5a).

#### Conclusion 4846-C7

NOPSEMA Inspectors concluded that Woodside must continue to consult with BTAC, and take all reasonable steps to identify, manage and protect the Thalanyji people's cultural features of the environment that may be affected by the activity.

#### Conclusion 4859-C8

If further consultation with First Nations relevant persons identifies new cultural features and / or heritage values of the environment not described in the EP, additional measures may be needed to ensure that environmental impacts continue to be managed to ALARP and acceptable levels for the duration of the survey.

NOPSEMA provides the following advice and recommendations:

- Woodside must adopt measures identified in Conclusion 5a and must resubmit a revised report required by condition 6 as soon as practicable and prior to the commencement of the activity in order for NOPSEMA to be satisfied that condition 6 is met (this revised report should be submitted via NOPSEMA's Secure File Transfer system at: <https://securefile.nopsema.gov.au/filedrop/submissions> (attention to the Lead Inspector)).
- Woodside must take actions necessary to address Inspectors' conclusions in C3, C4, C6, C7, C8 and C9.

- Robust assurance processes will be necessary in order for Woodside to continue to meet the requirements of the conditions and prevent contravention of Regulation 7 of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009.

## Appendix A: Acronyms and abbreviations used in this report

Acronym or abbreviation	Definition
<b>ALARP</b>	As Low As Reasonably Practicable
<b>BTAC</b>	Buurabalayji Thalanyji Aboriginal Corporation
<b>EP</b>	Environment Plan
<b>MSS</b>	Marine Seismic Survey
<b>NTGAC</b>	Nganhurra Thanardi Garrbu Aboriginal Corporation
<b>NYFL</b>	Ngarluma Yindjibarndi Foundation Ltd
<b>NOPSEMA</b>	National Offshore Petroleum Safety and Environmental Management Authority
<b>OPGGSA</b>	Offshore Petroleum and Greenhouse Gas Storage Act 2006
<b>SOS</b>	Save Our Songlines
<b>Woodside</b>	Woodside Energy Scarborough Pty Ltd



## Appendix B: Document register

### Document register

No.	Title, Document ID, and Revision No.	Elec.	Hard Copy
1	Presentation to NTGAC 15 August 2023	X	
2	Scarborough Seismic EP FN Consultation Summary 10-15 Aug	X	
3	BTAC Emails 9 -15 Aug- Woodside conditions for Scarborough 4D B1 Marine Seismic Survey Environment Plan	X	
4	EDO Email 10 Aug - Scarborough EP Consultation	X	
5	EDO Letter 10 Aug - Scarborough 4D B1 marine Seismic Survey Environment Plan	X	
6	EDO Letter 14 Aug - Scarborough 4D B1 Marine Seismic Survey Environment Plan	X	
7	EDO Letter 15 Aug Scarborough Gas Project - Scarborough 4D B1 Marine Seismic Survey Environment Plan	X	
8	Gumula AC Email for Yinggarda 11 Aug - Formal Resolution - NOPSEMA Proponents	X	
9	Meeting notes - NTGAC 15 August	X	
10	Murujuga AC Emails 9-15 Aug - Woodside conditions for Scarborough 4D B1 Marine Seismic Survey Environment Plan	X	
11	Ngarluma AC 15 Aug - Meeting with NAC energy adviser	X	
12	Ngarluma AC Emails 9-10 Aug - Woodside conditions for Scarborough 4D B1 Marine Seismic Survey Environment Plan	X	
13	NTGAC Emails -15 Aug - Woodside conditions for Scarborough 4D Marine Seismic Survey Environment Plan	X	
14	RRKAC Emails 9-14 Aug - Woodside Conditions for Scarborough 4D B1 Marine Seismic Survey Environment Plan	X	
15	SOS Emails 10-15 Aug - Scarborough Gas Project - Scarborough 4D B1 Marine Seismic Survey Environment Plan	X	
16	Wirrawandi AC Emails 9-10 Aug - Woodside conditoinis for Scarborough 4D B1 Marine Seismic Survey Environment Plan	X	
17	Wirrawandi AC Emails 10-15 Aug - Follow up from yesterday's meeting	X	
18	Yindjibarndi AC Emails 9-15 Aug - Woodside conditoinis for Scarborough 4D B1 Marine Seismic Survey Environment Plan	X	

No.	Title, Document ID, and Revision No.	Elec.	Hard Copy
19	Yinggarda Email 4 Aug - Scarborough 4D Marine Seismic Survey and Nganhurra Operatio Cessation Environment Plans	X	
20	Yinggarda Emails 9-10 Aug - Woodside conditions for Scarborough 4D B1 Marine Seismic Survey Environment Plan	X	
21	Yinggarda Emails 11-14 Aug - Environment Plan Consultatoin for Woodside Activities	X	
22	SCA Seismic FN Consultation Summary	X	
23	Scarborough MSS EP Rev 8 Internal Update BTAC Framework Extract	X	
24	Allens email to EDO 21 Aug Attachment	X	
25	Allens email to EDO 21 August - Scarborough 4D B1 Marine Seismic Survey Environment Plan	X	
26	EDO Email 21 Aug - Scarborough 4D B1 Marine Seismic Survey Environment Plan	X	
27	EDO Email 21 Aug Attachment A	X	
28	EDO Email 21 Aug Scarborough MSS EP Rev 8 Attachment 1	X	
29	EDO Email 21 Aug Scarborough MSS EP Rev 8 Attachment 2	X	
30	EDO Email 21 Aug Scarborough MSS EP Rev 8 Attachment 3 (1)	X	
31	EDO Email 21 Aug Scarborough MSS EP Rev 8 Attachment 4	X	
32	EDO Emails to COB 17 Aug	X	
33	MAC email 21 Aug - Scarborough Project (Nearshore Component) Weekly Update	X	
34	NAC Email 16 Aug - Woodside conditions for Scarborough 4D B1 Marine Seismic Survey Environment Plan	X	
35	Scarborough Project (Nearshore Component) Weekly Updated_20230821	X	
36	RE_ Scarborough 4D B1 Marine Seismic Survey Environment Plan - Condition 5 Notification	X	
37	Attn: ██████████ - Inspection 4859 - Scarborough 4D B1 Marine Seismic Survey	X	
38	Woodside Condition 6 Report_Incl Appendices	X	

Form 3 (adapted)  
Rule 29.02(8)

**Annexure certificate**

No VID 647 of 2023

Federal Court of Australia  
District Registry: Victoria  
Division: General

**Raelene Cooper**

Applicant

**National Offshore Petroleum Safety and Environmental Management Authority and  
others named in the schedule**

Respondents

This is the annexure marked [REDACTED]-6 produced and shown to [REDACTED] at the time  
of affirming his affidavit this 11 September 2023.

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Filed on behalf of: Woodside Energy Scarborough Pty Ltd and Woodside Energy (Australia) Pty Ltd,  
the Second and Third Respondents

Prepared by: Jeremy Quan-Sing

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**Address for service:**

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Email: Jeremy.Quan-Sing@allens.com.au



---

**From:** [REDACTED]@woodside.com>  
**Sent:** Friday, 1 September 2023 9:18 AM  
**To:** [REDACTED] submissions@nopsema.gov.au  
**Cc:** [REDACTED]  
**Subject:** Attn: [REDACTED] SCA Inspection 4859 - Draft Inspection Report  
**Attachments:** Woodside Condition 6 Report\_Updated to Address Draft Report 4859.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Thanks [REDACTED]

Woodside intends to continue reviewing the draft inspection report (4859) for the purposes of identifying any factual errors or misinterpretation of information and will provide a response by 7 September CoB.

In the meantime, Woodside has proactively addressed the key matters raised in the draft inspection report section 2.2.3, specifically:

*Woodside must adopt measures identified in Conclusion 5a and must resubmit a revised report required by condition 6 as soon as practicable and prior to the commencement of the activity in order for NOPSEMA to be satisfied that condition 6 is met (this revised report should be submitted via NOPSEMA's Secure File Transfer system at: <https://securefile.nopsema.gov.au/filedrop/submissions> (attention to the Lead Inspector)).*

Attached is the updated report required under condition 6 of the Scarborough 4D B1 Marine Seismic Survey EP acceptance, addressing the above mentioned instruction from NOPSEMA. The report is also being submitted via NOPSEMA's secure file transfer system. Updates to the report are highlighted for your convenience. We would appreciate the opportunity to discuss the content of this report at your earliest convenience to confirm NOPSEMA's satisfaction that condition 6 has been met and will be in contact with NOPSEMA to arrange a suitable time.

Please don't hesitate to contact me with any queries.

Regards,

[REDACTED]

---

**From:** [REDACTED]@nopsema.gov.au>  
**Sent:** Thursday, 31 August 2023 2:00 PM  
**To:** [REDACTED]@woodside.com>; [REDACTED]@woodside.com>  
**Cc:** [REDACTED]@nopsema.gov.au>; [REDACTED]@nopsema.gov.au>; [REDACTED]@nopsema.gov.au>  
**Subject:** SCA Inspection 4859 - Draft Inspection Report

OFFICIAL

Hi [REDACTED] and [REDACTED],

Please find attached the Draft Inspection Report for the Scarborough Inspection – 4859.

The draft report is provided to Woodside as an opportunity to raise any errors of fact in the report in advance of the final report being issued. It is intended that the only time that this process will result in a change to the inspection report would be where there has been a factual error or misinterpretation of information obtained during the inspection.



In this instance, NOPSEMA requests Woodside provide its responses by COB Thursday 7 September 2023.

If Woodside requires a longer period to review the report, please advise by COB Monday 4 September 2023. If Woodside has any queries in relation to matters of fact, please also provide these by COB Monday 4 September 2023.

NOPSEMA also provides duty holders with the opportunity to meet to discuss the report should the duty holder(s) wish. If this is the case please advise as soon as possible so that we can arrange a suitable date to discuss prior to the deadline for response.

Thanks again for your assistance during the inspection.

Kind regards,

██████████.



**NOPSEMA**

Australia's offshore  
energy regulator

National Offshore Petroleum Safety and Environmental Management Authority

**T:** ██████████ | **E:** ██████████@nopsema.gov.au | **W:** nopsema.gov.au

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#### **Acknowledgement of Country**

NOPSEMA recognises the First Peoples of this nation and their ongoing connection to culture and country. We acknowledge First Nations Peoples as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.

**OFFICIAL**



# Scarborough 4D B1 Marine Seismic Survey Environment Plan – Acceptance Condition 6 Report

Updated to address Draft Inspection Report 4859

1/09/2023

## TABLE OF CONTENTS

<b>1.</b>	<b>CONDITION 5</b> .....	<b>3</b>
1.1	Condition 5a.....	3
1.2	Condition 5b.....	5
<b>2.</b>	<b>CONDITION 6</b> .....	<b>6</b>
2.1	Condition 6a.....	6
2.2	Condition 6b.....	6
	<b>ATTACHMENT A</b> .....	<b>7</b>
	<b>ATTACHMENT 1</b> .....	<b>11</b>
	<b>ATTACHMENT 2</b> .....	<b>12</b>
	<b>ATTACHMENT 3</b> .....	<b>13</b>
	<b>ATTACHMENT 4</b> .....	<b>14</b>

# 1. Condition 5

## 1.1 Condition 5a

### Condition 5

At any time, prior to or during the activity, if new cultural features and/or heritage values of places within the environment that may be affected by the activity are identified that are not described in the EP, the titleholders must:

- a. Ensure the environmental impacts and risks of the activity continue to be managed to as low as reasonably practicable and an acceptable level.
- b. Notify NOPSEMA in writing within 7 days of these cultural and/or heritage values of places and the potential environmental impacts and risks.

In accordance with the requirements of condition 5 of the Scarborough 4D B1 Marine Seismic Survey Environment Plan acceptance, Woodside provided the following notification to NOPSEMA on 16 August 2023.

On 25 July 2023, Woodside met with Ms Alec, Ms Cooper and Save Our Songlines (JA/RC/SOS) to provide a further opportunity for consultation and for information on cultural features and/or heritage values to be shared with Woodside. During the meeting, JA/RC/SOS informed Woodside that they would not be speaking to Woodside about their cultural interests, nor providing any information or feedback at that stage, this was despite agreeing with Woodside to do so prior to the meeting (as reflected in 27 July 2023 email from ██████████ to Jessica Border, cc ██████████ )

Based on the discussion at the meeting on 25 July 2023, Woodside did not consider that JA/RC/SOS provided information on new cultural features and/or heritage value of places to trigger the reporting requirement under condition 5.

On 9 August 2023, as part of NOPSEMA's inspection (No. 4846), the transcript of the 25 July 2023 meeting was shared with NOPSEMA inspectors. NOPSEMA formed the view that the transcript indicated that JA/RC/SOS did refer to cultural features and/or heritage values of places within the environment that may be affected by the Scarborough seismic activity.

Accordingly, Woodside has reflected topics contained in the transcript of the meeting with JA/RC/SOS as topics that may be considered as new cultural features and/or heritage value of places. For the avoidance of doubt and in accordance with the requirements of condition 5 of the Scarborough 4D B1 Marine Seismic Survey Environment Plan, Woodside notifies NOPSEMA of the following:

Topic Raised by JA/RC/SOS
A concern about potential impacts to whales.
A general information request about 'the rest of the animals', including turtle migrations, dugong, other migratory species, plankton and seagrass.
An interest regarding songlines and 'especially where the freshwater and saltwater meet'
A concern about impacts to the songlines, energy lines and animals from seismic activity

Woodside undertook an initial assessment of the information above and considered that any potential new environmental impacts and risks arising from the topics raised during consultation by JA/RC/SOS are currently managed to as low as reasonably practicable (ALARP) and an acceptable level.

However, in the draft inspection report (4859) issued by NOPSEMA to Woodside on 31/08/2023, NOPSEMA concluded that further evaluation and adoption of feasible controls was required to address topics relating to the cultural value of migratory species such as:

- Increased shutdown zones for migratory species such as whales
- A shut down zone for marine turtles.

Woodside's environmental impact and risk assessment process outlined in section 6 of the Scarborough 4D B1 Marine Seismic Survey Environment Plan (Seismic EP) was updated to include interactions affecting

cultural values and heritage associated with the physical presence of the activity and included additional controls to ensure these potential impacts were managed to ALARP and acceptable levels (attachment 2). However, in response to NOPSEMA's draft inspection report and as a further precautionary measure, Woodside will also adopt the additional controls raised by NOPSEMA relating to shut down zones for whales and marine turtles as further outlined in Attachment A.

Through consultation with First Nations groups and people, the cultural significance of whales and marine turtles has predominantly been raised in the context of species found in coastal waters such as Mermaid Sound. The species identified are flatback, green, hawksbill, loggerhead and leatherback turtles and humpback whales (Woodside 2023)<sup>1</sup>. No specific migratory marine turtle or whale species have been identified as having cultural significance to First Nations people or individuals consulted as part of the Seismic EP. As such, to address any potential cultural values associated with marine turtles and whales in the offshore area which may be impacted by the seismic activity, Woodside will adopt the additional controls outlined in Attachment A for those species that have been identified as culturally important, albeit in a coastal context.

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<sup>1</sup> Woodside Energy Ltd., 2023. Scarborough, Dredging and Spoil Disposal Management Plan. SA0006AH0000002. Available online: [https://www.woodside.com/docs/default-source/our-business---documents-and-files/burup-hub---documents-and-files/scarborough---documents-and-files/scarborough-dsdmp.pdf?sfvrsn=35cb82fe\\_8](https://www.woodside.com/docs/default-source/our-business---documents-and-files/burup-hub---documents-and-files/scarborough---documents-and-files/scarborough-dsdmp.pdf?sfvrsn=35cb82fe_8)

## 1.2 Condition 5b

On 17 August 2023, Woodside provided the following information by way of notification to NOPSEMA.

### **Cultural Features and/or Heritage Values**

Woodside has undertaken archaeological assessments and ethnographic surveys to identify potential cultural features and heritage values that may be impacted by Scarborough activities. These works have not identified cultural features and heritage values which may 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. Topics raised during consultation with JA/RC/SOS, outlined in the email below, may refer to cultural features and heritage values within the EMBA and are summarised as:

The physical presence of vessels and seismic activity in the Operational Area, or an accidental hydrocarbon release, may lead to interactions affecting some of these cultural features and heritage values.

### **Source of Impact/Risk**

- Vessel presence and seismic activity affecting cultural features and heritage values (as listed above).
- Accidental hydrocarbon release affecting cultural features and heritage values.

### **Impact/Risk Classification:**

Planned activities:

- E (Slight)
- Social and Cultural – Slight, short-term impact (less than one year) to a community or areas/items of cultural significance (as listed above).

Unplanned events:

- D1 (Moderate)
- Social and Cultural – Minor, short-term impact (one to two years) to a community or highly valued areas/items of cultural significance (as listed above).
- Highly unlikely – Has occurred once or twice in the industry.

Woodside has committed to ongoing engagement to further understand these values and to inform potential control measures that may be adopted to ensure that such risks are re-evaluated and continue to be managed to ALARP and acceptable levels.

## 2. Condition 6

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### 2.1 Condition 6a

#### Condition 6

The titleholders must submit a report to NOPSEMA no later than 14 days after the notification in Condition 5 which confirms the following:

- a. The control measures that have been adopted to ensure that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable and an acceptable level.
- b. The consultation undertaken with any relevant persons to develop those control measures including
  - i. The control measures that those persons considered reasonably necessary to manage impacts on the cultural features and/or heritage values in accordance with indigenous tradition; and
  - ii. The views of the relevant persons in relation to the control measures

Please see Attachment A below which provides a summary of the Seismic EP changes that Woodside has adopted to address the topics outlined in section 1.1 (above). This includes updates to the description of the environment; updates to the evaluation of environmental impacts and risks; amendments to the environmental performance outcomes and standards and the implementation strategy to minimise environmental impacts and risks to ALARP and acceptable levels.

### 2.2 Condition 6b

On 21 August 2023, Woodside offered to consult with JA/RC/SOS on changes Woodside proposed to make to the Seismic EP that were designed to incorporate the topics outlined in section 1.1 (above) and the control measures proposed to be adopted to manage the potential impacts and risks of the activity to ALARP and acceptable levels. This offer of consultation was in addition to an offer made by Woodside on 25 July 2023 for a fortnightly meeting with JA/RC/SOS, which was declined.

JA/RC/SOS have not provided information or feedback to Woodside on the information provided to JA/RC/SOS on 21 August 2023. Woodside has never-the-less committed to ongoing consultation with JA/RC/SOS, including by way of an invitation to an on-country workshop in September, driven by the availability of JA/RC/SOS. The on-country meeting place is consistent with consultation requirements from JA/RC/SOS.

Woodside will provide the outcomes of this consultation to NOPSEMA, in accordance with condition 6b including, if provided by JA/RC/SOS:

- The control measures that JA/RC/SOS considered reasonably necessary to manage impacts on the cultural features and/or heritage values in accordance with Indigenous tradition; and
- The views of JA/RC/SOS in relation to the control measures.

Should consultation with JA/RC/SOS identify a measure or control that requires implementation or update to meet the intended outcome of consultation (see Section 5.2), Woodside will apply its “Management of Knowledge” process and “Management of Change” process as outlined in Section 7.6.1.2 and 7.7 of the Seismic EP respectively. Woodside will also seek the views on JA/RC/SOS on the additional controls adopted on instruction from NOPSEMA, relating to increased shutdown zones for whales and shutdowns for turtles.

## Attachment A

EP content requirements	Topics Raised by Ms Alec, Ms Cooper and Save Our Songlines	Reference
	<i>Potential impacts to whales</i>	<i>Meeting on 25 July 2023</i>
13(1) Description of activity	No changes made to the EP.	
13(2-3) Description of the environment	<p><b>Section 4</b> (Description of the Environment) has been amended to include reference to the potential cultural interest in whales.</p> <p>This section has also been updated to generally reflect that through outcomes from consultation with relevant persons, Woodside recognises the deep spiritual and cultural connection to the environment that Woodside understand that First Nations people hold. The definition of 'environment' under the Regulations has also been included as a footnote to clarify that cultural features and heritage values are part of the environment.</p>	Attachment 1
13(4) Requirements	No changes made to the EP.	NA
13(5-6) Evaluation of environmental impacts and risks	<p>Updates have been made to Section 6.6.2 to assess potential impacts to environmental values of potential cultural interest to First Nations, including whales.</p> <p>The potential impact consequence from noise emissions on cultural features and heritage values has been assessed as having slight and short-term impact (less than one year) to a community or areas/items of cultural significance. Given the short duration of the activity, no impacts to landforms associated with songlines and no significant impact to migratory species (including whales and turtles) is anticipated. Any impacts are expected to be slight or less.</p>	Attachment 3
13(7) Environmental performance outcomes and standards	<p>Controls currently adopted in the EP to 'Undertake seismic acquisition in a manner that prevents injury to whales, and minimises the potential for biologically significant behavioural disturbance (EPO 4)'</p> <ul style="list-style-type: none"> <li>The use of trained Marine Fauna Observers to implement management procedures and adaptive management measures to minimise potential impacts to pygmy blue whales and other whales from seismic noise.</li> <li>Dedicated spotter vessel deployed ahead of the seismic vessel.</li> <li>Operation of the seismic source will not occur within 25 km of the pygmy blue whale migration BIA.</li> <li>The use of passive acoustic monitoring system to detect odontocete whales (specifically sperm and beaked whales) to implement adaptive management measures at night.</li> </ul> <p>Additional controls have also been adopted to limit the extent of acoustic emissions:</p> <ul style="list-style-type: none"> <li>Seismic source will be validated against noise sources assessed as acceptable in the EP and will not be discharged outside of the Active Source Area to limit the extent of underwater noise.</li> <li>A 40 km separation distance will be applied between the activity and any identified concurrent seismic surveys.</li> </ul>	Attachment 2 and 3



	<p>The following updates have been made to manage new topics raised on cultural values:</p> <ul style="list-style-type: none"> <li>• EPO 18 and C 1.8 have been developed and adopted.</li> <li>• C 1.9 below has been added on request from NOPSEMA. <ul style="list-style-type: none"> <li>◦ “In addition to C 4.1, application of an observation zone and shut-down zone to the limits of visibility for positively identified (certain or probable confidence level) humpback whales”.</li> </ul> </li> </ul> <p>Control C 1.6 has been updated to provide transparency on sightings of marine migratory species.</p>	
14 (1-10) Implementation strategy	Updates have been made to Section 7.10.2.1 to incorporate the Program of Ongoing Engagement with Traditional Custodians.	Attachment 4
15 (1-3) Details of titleholder and liaison person	No changes made to the EP.	NA
16 Other information in the environment plan	Minor updates to stakeholder consultation record.	NA
	<i>A general information request about ‘the rest of the animals’, including turtle migrations, dugong, other migratory species, plankton and seagrass.</i>	<i>Meeting on 25 July 2023</i>
13(1) Description of activity	No changes made to the EP.	NA
13(2-3) Description of the environment	<p><b>Section 4</b> (Description of the Environment) has been amended to include acknowledgement of the potential cultural interest in animals, including turtles, dugongs, plankton and seagrass. Noting that dugongs and seagrass are not expected within the Operational Area or EMBA.</p> <p>Given that there are no marine turtle BIAs or Habitat Critical within the Operational Area, and the nearest are located 135 km south-east of the Operational Area, marine turtles are unlikely to occur within the area of potential impact. It is noted for completeness that there may be individuals who transit through the area.</p>	Attachment 1
13(4) Requirements	No changes made to the EP.	NA
13(5-6) Evaluation of environmental impacts and risks	<p>Updates have been made to Section 6.6.2 to assess potential impacts to environmental values of potential cultural interest to First Nations, including turtles and plankton.</p> <p><b>Marine turtles</b> Based on the location offshore and distance from marine turtle BIAs and habitat critical, should any marine turtles occur impacts would be limited to behavioural disturbance to an individual within a localised area.</p> <p><b>Plankton</b> These areas experience high natural variability and therefore it is expected any impacts to zooplankton will be minimal at a regional scale and unlikely to result in impacts to high order trophic levels.</p> <p><b>Summary</b> Based on the potential impacts described above and management of the activity, cultural values are considered to be inherently protected.</p> <p>The potential impact consequence from noise emissions on cultural features and heritage values has been assessed as having a slight and short-term impact (less than one year) to a community or areas/items of cultural significance. Given the short duration of the activity, no impacts to landforms associated with songlines and no significant impact to migratory species (including whales and turtles) are anticipated. Any impacts are expected to be slight or less.</p>	Attachment 2 and 3

13(7) Environmental performance outcomes and standards	<p>The following updates have been made to manage new information on cultural values:</p> <ul style="list-style-type: none"> <li>• EPO 18 and C 1.8 have been developed and adopted.</li> <li>• C 1.10 has been added on request from NOPSEMA. <ul style="list-style-type: none"> <li>○ "Application of a 500 m observation zone and a 100 m shutdown zone for turtles"</li> </ul> </li> </ul> <p>Control C 1.6 has been updated to provide transparency on sightings of marine migratory species.</p>	Attachment 2 and 3
14 (1-10) Implementation strategy	Updates have been made to Section 7.10.2.1 to incorporate the Program of Ongoing Engagement with Traditional Custodians.	Attachment 4
15 (1-3) Details of titleholder and liaison person	No changes made to the EP.	NA
16 Other information in the environment plan	Minor updates to stakeholder consultation record.	NA
	<i>An interest regarding songlines and 'especially where the freshwater and saltwater meet' and dreaming</i>	<i>Meeting on 25 July 2023</i>
13(1) Description of activity	No changes made to the EP.	NA
13(2-3) Description of the environment	<p><b>Section 4</b> (Description of the Environment) has been amended to include acknowledgement of the cultural interest in potential songlines, 'especially where the freshwater and saltwater meet'.</p> <p>In addition, a description of songlines, their connection to physical features and importance to First Nations has been included, based on literature.</p>	Attachment 1
13(4) Requirements	No changes made to the EP.	NA
13(5-6) Evaluation of environmental impacts and risks	<p>Updates have been made to Section 6.6.1 to consider the potential impacts to potential songlines from the activity.</p> <p>The potential impact consequence from the physical presence of vessels on cultural features and heritage values has been assessed as having slight and short-term impact (less than one year) to a community or areas/items of cultural significance. Given the short duration of the activity, no impacts to landforms associated with songlines and no significant impact to migratory species (including whales and turtles) is anticipated. Any impacts are expected to be slight or less.</p>	Attachment 2 and 3
13(7) Environmental performance outcomes and standards	Addition of new EPOs, EPO17 and EPO 18 and associated EPS'.	Attachment 2
14 (1-10) Implementation strategy	Updates have been made to Section 7.10.2.1 to incorporate the Program of Ongoing Engagement with Traditional Custodians.	Attachment 4
15 (1-3) Details of titleholder and liaison person	No changes made to the EP.	NA
16 Other information in the environment plan	Minor updates to stakeholder consultation record.	NA
	<i>A concern about impacts to the songlines, energy lines and animals from seismic activity</i>	<i>Meeting on 25 July 2023</i>
13(1) Description of activity	No changes made to the EP.	NA
13(2-3) Description of the environment	<p><b>Section 4</b> (Description of the Environment) has been amended to include acknowledgement of potential songlines and energy lines (topics raised during consultation).</p>	Attachment 1

	In addition, a description of songlines, their connection to physical features and importance to First Nations has been included, based on literature.	
13(4) Requirements	No changes made to the EP	NA
13(5-6) Evaluation of environmental impacts and risks	<p>Updates have been made to Section 6.6.1 to consider the impacts to potential songlines from the activity.</p> <ul style="list-style-type: none"> <li>The potential impact consequence from the physical presence of vessels on cultural features and heritage values has been assessed as having a slight and short-term impact (less than one year) to a community or areas/items of cultural significance. Given the short duration of the activity, no impacts to landforms associated with songlines and no significant impact to migratory species (including whales and turtles) are anticipated. Any impacts are expected to be slight or less.</li> </ul>	Attachment 2 and 3
13(7) Environmental performance outcomes and standards	As per previous (please see above)	
14 (1-10) Implementation strategy	Updates have been made to Section 7.10.2.1 to incorporate the Program of Ongoing Engagement with Traditional Custodians.	Attachment 4
15 (1-3) Details of titleholder and liaison person	No changes made to the EP	NA
16 Other information in the environment plan	Minor updates to stakeholder consultation record.	NA

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**Attachment 1**

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## 4.10 Socio-Economic Environment

### 4.10.1 Cultural Values and Heritage

#### 4.10.1.1 Background

Woodside recognises the 'environment' for the purpose of the evaluation required under the Environment Regulations includes:

- the heritage value of places; and
- the social, economic, and cultural features of the broader environment.

In this section, the heritage value of places within the Operational Area and EMBA and the cultural features of the Operational Area and EMBA are described.

In line with The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (ICOMOS 2013) (Burra Charter) and associated practice notes, Woodside understands heritage value to refer to the cultural significance of a place to an individual or group. A cultural feature, by contrast, is understood to be comparable to the Burra Charter term "fabric" and refer to a place's elements, fixtures, contents and objects which have cultural values. Although these features are necessarily physical, the place they inhabit or comprise may have tangible or intangible dimensions (ICOMOS 2013).

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<sup>2</sup> that First Nations people hold.

#### 4.10.1.2 First Nations peoples

As a starting point for understanding social and cultural features of the environment for Indigenous (First Nations) groups, Woodside uses the existing systems, such as native title, to identify Indigenous groups that may have functions, interests or activities that may be affected. To that end, Woodside identifies native title representative bodies and nominated representative entities, as well as native title claims, determinations and Indigenous Land Use Agreements (ILUAs) which the EMBA overlaps. While acknowledging that cultural features and heritage values may exist outside of the native title framework, native title claims, determinations and ILUAs are defined under the Native Title Act 1993 (Cth). Woodside considers this to be the broadest extent over which Indigenous groups have claimed native title rights and interests.

Native title claims are applications made to the Federal Court under the Native Title Act for a determination or decision about native title in a particular area. A claim is made by a native title claim group which asserts it holds native title rights and interests in an area of land and/or water, according to its traditional laws and customs. By making a claim, the native title claim group seeks a decision that native title exists so that its native title rights and interests are recognised by the common law of Australia. This is called a native title determination. A determination is a decision by a recognised body, such as the Federal Court or High Court of Australia, that native title either does or does not exist in relation to a particular area (Native Title Tribunal).

<sup>2</sup>Definition of 'Environment' in Regulation 4 of the OPPGS (Environment) Regulations are defined as:

- ecosystems and their constituent parts, including people and communities; and
- natural and physical resources; and
- the qualities and characteristics of locations, places and areas; and
- the heritage values of places; and includes
- the social, economic and cultural features of the matters mentioned in paragraphs (a), (b), (c) and (d)

### **Feedback Received via Consultation to Inform Existing Environment Description**

Indigenous cultural values are communally held. This is reflected in Vision 3 of Dhawura Ngilan that “Aboriginal and Torres Strait Islander heritage is managed... according to community ownership” (Heritage Chairs of Australia and New Zealand 2021). Dhawura Ngilan also specifically notes that “Aboriginal and Torres Strait Islander... intangible knowledge systems, which are held in songlines and language, are endangered. This knowledge is held by Elders and the community...” Through consultation with relevant persons, Registered Native Title Bodies Corporate have identified or raised topics relating to environmental values of cultural interest. These include a broad interest in the marine fauna, including whales, sharks and turtles (See Table 5-4).

In addition, some persons or organisations who identified as a relevant person in relation to First Nations cultural heritage, have indicated knowledge of cultural features or heritage values potentially affected by this PAP. These cultural features or heritage values may not have been raised through Woodside’s consultation with the indigenous community representatives and elders, including through MAC and Wirrawandi Aboriginal Corporate who represent the communities which these persons or organisations identified with (See Table 5-4).

It is feasible that additional cultural and broader interests in the environment are known, but no further definition has been shared with Woodside. These are identified below:

- Whales (including migration patterns)
- Turtles
- Dugongs
- Plankton
- Seagrass
- Energy lines (unspecified)
- Songlines and dreaming (unspecified)
- Where saltwater and freshwater meet

Seagrasses are a primary producer, i.e., they are dependent on sunlight for photosynthesis (energy production for growth and reproduction) and therefore have not been recorded and are not predicted to occur in the EMBA as water depths are over 200 m (Table 4-4). As dugongs feed exclusively on seagrass they are also not predicted to occur within the EMBA (Appendix C). In addition, there are no freshwater systems within the EMBA.

The marine ecosystem description in Section 4.10.1.5 encompasses the description of the cultural features and Sections 4.6.2 and 4.6.3 provides a description of turtles and marine cetaceans respectively.

Woodside has committed to ongoing engagement to further understand these values. The Program of Ongoing Engagement with Traditional Custodians (Appendix J), provides a mechanism for ongoing dialogue between Woodside and Traditional Custodians. The program enables Woodside 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. As an example Woodside is developing a framework for ongoing consultation with BTAC (Section 7.4). 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 7.7).

#### **4.10.1.6 Intangible Cultural Features**

Oral Songlines are often described by Aboriginal people as the law of the land and make up part of the Dreaming (Neale and Kelly 2020:30). Songlines are viewed in Western academia as a framework for relating people to land and consist of a series of invisible, interconnected routes across the landscape that mark significant sites for Aboriginal people (Higgins 2021:723). Songlines demonstrate Aboriginal peoples’ strong connections to land by revealing sacred knowledge that is



place-specific (Roberts 2023:5). The land's physical features are instrumental in maintaining songlines because this is how ancestral spirits journeyed through, and interacted with, the physical landscape leaving sacred knowledge behind. The interconnection between the physical and spiritual is where songlines become intrinsically tied to significant places across Country. As a result, geographical landforms are recorded within songlines and become sacred places. Such landforms can include inter alia: rocks, mountains, rivers, caves and hills (Higgins 2021:724). Songlines can become lost, fragmented or broken when there is a loss of Country or forced removal from Country (Neale and Kelly 2020:30). Physical sites that have been identified as comprising a component of a songline are important to protect in order to prevent the fragmenting or breaking apart of songlines and loss of sacred cultural knowledge. While no specific details of songlines have been provided by relevant persons during consultation for this Activity, it can be confirmed that no landforms typical of songlines have been identified or are anticipated to be impacted by the Activity.

In Australia, songlines can stretch thousands of kilometres, making up a complex and organic network of stories containing cultural knowledge of First Nations communities across the land (Neale and Kelly 2020:35). Songlines can also extend out to Sea Country and contain cultural knowledge that is tied to geographic features, atmospheric phenomena and marine plants and animals. Often songlines containing references to a seascape or Sea Country make mention of mythical events occurring around marine life, fishing areas, submerged rocks or coral. Songlines that embody seascapes can reflect how a group may relate to, or value, Sea Country—for example connections to nearby islands that they once inhabited in their songlines (Smyth and Isherwood 2016:307). Songlines can also be used as proof of long-standing connection to land and support a legal entitlement to land rights (Higgins 2021:74). Examples where songlines contain strong references to Sea Country are more common in Pacific Islander and Torres Strait Islander communities, who often refer to seascapes and skylines in their songlines in order to communicate sacred knowledge that assists in safe navigation of the ocean (Neale and Kelly 2020:83-84).

#### 4.10.1.7 Indigenous Archaeological Heritage Assessment

Woodside understands that communal cultural connection may exist between Traditional Custodians and land and waters. It is understood from the onshore archaeological record that Aboriginal people have occupied the Australian continent for at least 65,000 years (Clarkson et al 2017) and in many places maintain a strong continuing connection that is said to extend back in Indigenous cosmology to the beginning of time.

It is understood that the sea level has risen significantly during the 65,000 years of Indigenous occupation, and areas that were once inhabited are now submerged on the continental shelf (Veth et al 2019; UWA 2021). Woodside also understands that, at its lowest level during Indigenous occupation, sea level was between 125 m (O'Leary et al 2020, Veth et al 2019, Williams et al 2018) and 130 m below current levels (Benjamin et al 2020, Benjamin et al 2023, UWA 2021). Archaeological material preserved on the Ancient Landscape has the potential to provide further information about the earliest periods of human occupation (Veth et al 2019; UWA 2021).

Recent archaeological discoveries demonstrate that the now submerged landscape was occupied and inhabited, and can retain archaeological material from this time (Benjamin et al, 2020, Benjamin et al 2023; see Ward et al 2021 for an opposing view).

In recognition of this, 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. The Operational Area does not overlap the Ancient Landscape. There is slight overlap of the EMBA with the Ancient Landscape but no potential for seabed disturbance from planned activities and therefore no potential for impacts to archaeological material.

Known Indigenous heritage places including archaeological sites may be protected **subject to declarations** under the Aboriginal and Torres Strait Islander Heritage Protection Act 1984,

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## **Attachment 2**

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## 6.6 Planned Activities (Routine and Non-routine)

### 6.6.1 Physical Presence: Interactions with Other Marine Users and Values

Context														
Activity Components – Section 3.5				Socio-Economic Environment – Section 0				Stakeholder Consultation – Section 5						
Impact Evaluation Summary														
Source of Impact	Environmental Value Potentially Impacted							Evaluation						
	Soil and Groundwater	Marine Sediment	Water Quality	Air Quality (incl Odour)	Ecosystems/ Habitat	Species	Socio-Economic	Decision Type	Consequence/Impact	Likelihood	Risk Rating	ALARP Tools	Acceptability	Outcomes
Displacement of other marine users – proximity of project vessels (and submersible equipment) interfering with or displacing third party vessels (commercial fishing, recreational fishing/tourism, research/monitoring programs and commercial shipping)							X	A	E	-	-	GP	Broadly Acceptable	EPO 1, 2
Potential interactions with proposed oil and gas activities							X							
Interactions affecting Cultural Values and Heritage.								C	E	-	-	LC S, GP	Broadly Acceptable	EPO 17, 18
Description of Source of Impact														
<p><b>Project Vessels (including the towed seismic equipment)</b></p> <p>The Petroleum Activities Program will be conducted using a single seismic vessel. A temporary 3 nm SNA will be maintained around the seismic vessel and towed array (comprising the airgun array and streamer array, which includes header buoys, starboard and port deflectors or baravanes, streamers and tail buoys) during seismic operations. Marine users are requested to avoid this area during the survey to ensure the safety of the seismic vessel and third-party vessels.</p> <p>The support vessel will accompany the seismic vessel to re-supply it with fuel and other logistical and operational supplies (including taking the seismic vessel under tow, if required). An additional chase vessel may be used to manage interactions with shipping and fishing activities, if required. It is intended that a dedicated spotter vessel with two MFOs aboard will be deployed ahead of the seismic vessel during all activities with seismic source discharge.</p>														

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## Impact Assessment

### Potential Impacts to Environmental Values

#### Commercial Fishing

Potential for interaction with commercial fisheries is a common consideration for marine seismic surveys. Should any commercial fishing activities occur within the Operational Area, commercial fishers may be asked to deviate from fishing grounds periodically to accommodate seismic survey operations, any potential interactions with commercial fisheries would be short term due to the transient nature of the seismic vessel and the small area occupied by the seismic vessel (and SNA) at any one time, and limited to operational inconvenience (navigational hazard) and temporary displacement from fishing grounds within the Operational Area.

There are a number of Commonwealth and State managed fisheries with management areas that overlap with the Operational Area, however, none of these fisheries have conducted any fishing activities within the Operational Area in at least the last 10 years. There is only one Commonwealth managed fishery (Western Deepwater Trawl Fishery) and one State managed fishery (West Coast Deep Sea Crustacean Managed Fishery) that have historically had catch/effort within the Operational Area prior to 2010. There has been no recent fishing catch/effort within the Operational Area from 2008-2019 (Woodhams and Bath 2017; Patterson et al., 2020) and 2018- 2022 (DPIRD, 2022), respectively (refer to **Section 4.10.2**). The Operational Area is located in water depths ranging from about 800-1150 m, located outside of the depth range where significant fisheries effort normally occurs.

Given the lack of fishing catch/effort in the Operational Area in recent years, it is expected that there will be no impact to commercial fisheries as a result of the presence of the proposed Scarborough 4D B1 MSS.

#### Recreational Fishing and Tourism Operations

The presence of project vessels and submersible equipment has the potential to impact third party vessels within or adjacent to the Operational Area. Interactions could result in short-term displacement of vessels as they make course alterations to avoid the project vessels (and associated towed seismic equipment in the SNA)

However, the Operational Area is considered too far offshore for recreational fishing or tourism activities to occur. Therefore, it is expected that there will be no impact to recreational fishing or tourism activities as a result of the presence of the proposed Scarborough 4D B1 MSS.

#### Commercial Shipping

The presence of project vessels and submersible equipment may cause temporary disruptions to commercial shipping. Moderate density shipping traffic may be encountered in the northeast corner of the Operational Area.

The potential impacts to commercial shipping vessels are expected to include short-term displacement of vessels as they make slight course alterations to avoid the project vessels (and associated towed seismic equipment in the SNA).

#### Oil and Gas Activities

No oil and gas production wells or facilities are located within the Operational Area (refer to **Figure 4-15**). Therefore, no impacts to oil and gas activities are expected.

#### Defence

The DoD did not identify any activities within the NWXA however the potential for UXOs was raised. Based on the locations of the proposed activity and potential UXOs it was determined that there is no credible risk from UXOs for the proposed activity.

#### Cultural Values and Heritage

The physical presence of vessels in the Operational Area may lead to interactions affecting cultural features and heritage value of place. Despite requesting it in consultation, information relating specifically to potential cultural values has not been provided to Woodside. No specific information has been provided relating to current songlines (currently undefined) and energy lines (currently undefined) that were indicated as topics during consultation with traditional custodians. To address this uncertainty, Woodside is implementing a program of ongoing consultation with Traditional Custodians whose functions, interests and activities may be affected by the Petroleum Activities Program (C1.7 and C1.8). While no specific details of songlines have been provided by relevant persons during consultation for this Activity, no landforms typical of songlines are anticipated to be impacted by the Activity.

The potential impact consequence from the physical presence of vessels on cultural features and heritage values may be slight (E) and short-term impact (less than one year) to a community or areas/items of cultural significance. Given the short duration of the activity, no impacts to landforms associated with songlines and no significant impact to migratory species (including whales and turtles) impacts are expected to be slight or less.

#### Cumulative Assessment

##### Commercial Fishing

As above, there has been no recent fishing catch/effort within the Operational Area for the Commonwealth Western Deepwater Trawl Fishery (2008-2019) and WA West Coast Deep Sea Crustacean Managed Fishery (2010-2019), and therefore no impacts to commercial fisheries are expected. There are no other known seismic surveys planned to occur in these fisheries and, therefore, no cumulative impacts are expected.

**Commercial Shipping**

The Operational Area overlaps with a shipping fairway and north-south international shipping traffic. There are no other known seismic surveys planned to occur on the west coast of WA that may interact with the same international vessels within the fairway and, therefore, no cumulative impacts to shipping are expected.

**Summary of Potential Impacts to Environmental Values(s)**

Given the adopted controls, it is considered that physical presence of project vessels (including towed seismic equipment) will not result in a potential impact greater than slight, short-term temporary displacement of commercial shipping. Commercial vessels may be required to make small alterations to their course to avoid the project vessels (and associated towed seismic equipment in the SNA) but these interactions can be managed in accordance with standard maritime practices.

<b>Demonstration of ALARP</b>				
<b>Control Considered</b>	<b>Control Feasibility (F) and Cost/Sacrifice (CS)<sup>5</sup></b>	<b>Benefit/Reduction in Impact</b>	<b>Proportionality</b>	<b>Control Adopted</b>
<b>Legislation, Codes and Standards</b>				
Woodside will ensure the environmental impacts and risks of the activity continue to be managed to as low as reasonably practicable and an acceptable level for cultural values or features.	F: Yes CS: Minimal costs	This will ensure the development of avoidance or mitigation strategies in collaboration with Traditional Custodians if relevant impacts to cultural values are identified.	Required by OPGGS (Environment) Regulations	Yes C 1.8
<b>Good Practice</b>				
Notify AHO of activities and movements no less than four weeks before the scheduled activity commencement date.	F: Yes CS: Minimal cost. Standard practice.	Notification to AHO will enable them to generate navigation warnings (Maritime Safety Information Notifications (MSIN)) and NTM and NTA [including AUSCOAST warnings where relevant]).	Benefits outweigh cost/sacrifice. Control is also standard practice.	Yes C 1.1
Notify AMSA Joint Rescue Coordination Centre (JRCC) of activities and movements 24–48 hours before the scheduled activity commencement date.	F: Yes CS: Minimal cost. Standard practice.	Communication of the Petroleum Activities Program to other marine users ensures they are informed and aware, thereby reducing the likelihood of interference with other marine users.	Benefits outweigh cost/sacrifice. Control is also standard practice.	Yes C 1.2
Notify relevant government departments, fishing industry representative bodies, fishery licence holders, and other oil and gas operators (if agreed during consultation) of activities prior to commencement and upon completion of activities	F: Yes CS: Minimal cost. Standard practice.	Communication of the Petroleum Activities Program to other marine users ensures they are informed and aware, thereby reducing the likelihood of interference with other marine users.	Benefits outweigh cost/sacrifice. Control is also standard practice.	Yes C 1.3
Engage with proponents identified as having potential concurrent	F: Yes	Communication of the Petroleum Activities Program to other marine	Benefits outweigh cost/sacrifice.	Yes C 1.4

<sup>5</sup> Qualitative measure

Demonstration of ALARP				
Control Considered	Control Feasibility (F) and Cost/Sacrifice (CS) <sup>5</sup>	Benefit/Reduction in Impact	Proportionality	Control Adopted
activities within the Operational Area prior to commencing the Petroleum Activities Program and develop an operations plan including the following aspects: <ul style="list-style-type: none"> <li>communications</li> <li>work programming</li> <li>hazard management</li> <li>emergency response.</li> </ul>	CS: Minimal cost. Standard practice.	users ensures they are informed and aware, thereby reducing the likelihood of interference with other marine users.	Control is also standard practice.	
Notify Defence of activities and movements no less than five weeks before the scheduled activity commencement date	F: Yes CS: Minimal cost. Standard practice.	Communication of the Petroleum Activities Program to other marine users ensures they are informed and aware, thereby reducing the likelihood of interference with other marine users.	Benefits outweigh cost/sacrifice. Control is also standard practice.	Yes <b>C 1.5</b>
Establish and maintain a publicly available website to include both: <ul style="list-style-type: none"> <li>an interactive map which provides persons with updated information on activities being conducted as part of the Petroleum Activities Program, including location of seismic vessel and</li> <li>cetaceans and marine turtle observations</li> </ul>	F: Yes. CS: Minimal cost	A publicly available website will allow transparency of the activity for other marine users including First Nations.  The interactive map provides additional/alternate method for marine users to obtain information on the timing of activities, thereby reducing the likelihood of interference with other marine users.  The data logs of marine fauna observations will provide demonstrations of potential interactions with marine fauna, including whales and turtles.	Benefits outweigh cost/sacrifice.	Yes <b>C 1.6</b>
Establish and maintain a 3 nm radius SNA around the seismic vessel and towed array.	F: Yes CS: Minimal cost. Standard practice.	Presence of the SNA will reduce the likelihood of interfering with other marine users.	Benefits outweigh cost/sacrifice. Control is also standard practice.	Yes <b>C 2.1</b>
At least one dedicated support/chase vessel will be employed to assist the seismic vessel.	F: Yes CS: Minimal cost. Standard practice.	Use of a support/chase vessels to assist the seismic vessel will reduce the likelihood of an interaction with a third party vessel.	Benefits outweigh cost/sacrifice. Control is also standard practice.	Yes <b>C 2.2</b>
Project vessels to operate AIS, and tail buoys will be fitted with lights, Global Navigation Satellite	F: Yes CS: Minimal cost. Standard practice.	Use of AIS on project vessels, and lights, virtual AIS and GNSS on tail buoys will reduce the	Benefits outweigh cost/sacrifice.	Yes <b>C 2.3</b>

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Demonstration of ALARP				
Control Considered	Control Feasibility (F) and Cost/Sacrifice (CS) <sup>5</sup>	Benefit/Reduction in Impact	Proportionality	Control Adopted
System (GNSS) and virtual AIS.		likelihood of an interaction with a third party vessel.	Control is also standard practice.	
<p>Woodside will consider evidence based claims from commercial fishing licence holders where:</p> <ul style="list-style-type: none"> <li>There is genuine displacement from undertaking normal fishing activities that results in demonstratable economic loss.</li> <li>Deployed fishing equipment has been accidentally lost or damaged by any activities under Woodside's control.</li> <li>There is a loss of catch due to the seismic activity that can be demonstrated</li> </ul>	<p>F: Yes</p> <p>However, due to the absence of commercial fishing in the Operational Area, displacement of fishers are not expected.</p> <p>CS: Time, stakeholder fatigue and potential confusion associated with communicating [Document Title] and engaging with fishers unnecessarily.</p>	<p>Given limited fishing activity has ever taken place in or near the Operational Area and no fishing effort has been reported in over 10 years, the Operational Area does not represent an area that is significant to fisheries and displacement is not expected.</p> <p>Therefore, providing a process for compensation claims provides no benefit.</p>	Cost is grossly disproportionate to the limited benefit gained.	No
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.	<p>F: Yes</p> <p>CS: Substantial costs</p>	Implementation of this program will allow Woodside to improve their understanding of potential cultural values and Heritage in the Operational Area and or EMBA.	Benefits outweigh cost/sacrifice	Yes C 1.7
<b>Professional Judgement – Eliminate</b>				
Limit activities to avoid peak shipping and commercial fishing activities.	<p>F: No. Shipping occurs year-round and cannot be avoided. Concurrent operations (CONOPS) with fishing seasons cannot be eliminated as fishing activities occur consistency throughout the year, and exact timings and locations of fishing activities are not known.</p> <p>CS: Not considered – control not feasible.</p>	Not considered – control not feasible.	Not considered – control not feasible.	No

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Demonstration of ALARP				
Control Considered	Control Feasibility (F) and Cost/Sacrifice (CS) <sup>5</sup>	Benefit/Reduction in Impact	Proportionality	Control Adopted
Eliminate use of vessels.	F: No. The use of vessels is required to conduct the Petroleum Activities Program. CS: Not considered – control not feasible.	Not considered – control not feasible.	Not considered – control not feasible.	No
<b>Professional Judgement – Substitute</b>				
None identified.				
<b>Professional Judgement – Engineered Solution</b>				
None identified.				
<b>ALARP Statement</b>				
<p>On the basis of the environmental impact assessment outcomes and use of the relevant tools appropriate to the decision type (i.e. Decision Type A), Woodside considers the adopted controls appropriate to manage the impacts and risks of the physical presence of the project vessels on other marine users, which is expected to be limited to commercial shipping movements. As no reasonable additional/alternative controls were identified that would further reduce the impacts and risks without grossly disproportionate sacrifice, the impacts and risks are considered ALARP.</p>				

Demonstration of Acceptability
<b>Acceptability Statement</b>
<p>The impact assessment has determined that, given the adopted controls, physical presence of the project vessels (and associated towed seismic equipment in the SNA) is unlikely to result in potential impact greater than slight, short-term impact to other marine users, such as commercial shipping. In addition, these activities will not interfere with other marine users rights to a greater extent than is necessary. Further opportunities to reduce the impacts and risks have been investigated above.</p> <p>The adopted controls are considered good oil-field practice/industry best practice and meet expectations of AMSA and AHO provided during consultation with stakeholders. The potential impacts and risks are considered broadly acceptable if the adopted controls are implemented.</p> <p>Woodside has considered Woodside acknowledges that uncertainty on cultural values may remain; however, the Ongoing Program on Traditional Custodian Feedback (EPO 17 and C1.7) 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. Any new information identified as part of this process will be managed to ALARP and an Acceptable level of impact (EPO 18 and C 1.8).</p> <p>Therefore, Woodside considers the adopted controls appropriate to manage the impacts and risks of the physical presence of the project vessels (and associated towed seismic equipment in the SNA) to a level that is broadly acceptable.</p>

Environmental Performance Outcomes, Standards and Measurement Criteria			
Outcomes	Controls	Standards	Measurement Criteria
EPO 1 Marine users are aware of the Petroleum Activities Program.	C 1.1 Notify AHO of activities and movements no less than four weeks before the scheduled activity commencement date.	PS 1.1 Notification to AHO four weeks prior to scheduled commencement to allow for the generation of navigation warnings (MSIN, NTA and NTM [including AUSCOAST warnings where relevant]).	MC 1.1 Consultation records demonstrate that AHO has been notified prior to commencement of the Petroleum Activities Program within the required timeframes.
	C 1.2 Notify AMSA Joint Rescue Coordination Centre (JRCC)	PS 1.2 Notification to AMSA JRCC 24–48 hours prior to the	MC 1.2.1 Consultation records demonstrate that AMSA

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Environmental Performance Outcomes, Standards and Measurement Criteria			
Outcomes	Controls	Standards	Measurement Criteria
	of activities and movements 24–48 hours before the scheduled activity commencement date.	scheduled commencement date.	JRCC has been notified prior to commencement of the Petroleum Activities Program within the required timeframes.
	<p><b>C 1.3</b></p> <p>Notify relevant government departments, fishing industry representative bodies, fishery licence holders, and other oil and gas operators (if agreed during consultation) of activities prior to commencement and upon completion of activities</p>	<p><b>PS 1.3</b></p> <p>Notification to AFMA, CFA, DAFF (fisheries), WAFIC, DPIRD, Recfishwest, individual fishery licence holders and other oil and gas operators (if agreed during consultation) ten days before activity commences, and following completion of activities, as per <b>Table 7-2</b></p>	<p><b>MC 1.3.1</b></p> <p>Consultation records demonstrate that relevant stakeholders have been notified prior to commencement of the Petroleum Activities Program within the required timeframes and on completion of activities.</p>
	<p><b>C 1.4</b></p> <p>Engage with proponents identified as having potential concurrent activities within the Operational Area prior to commencing the Petroleum Activities Program and develop an operations plan including the following aspects:</p> <ul style="list-style-type: none"> <li>communications</li> <li>work programming</li> <li>hazard management</li> <li>emergency response</li> </ul>	<p><b>PS 1.4</b></p> <p>A concurrent operations plan developed for any concurrent MSS activities identified within the Operational Area.</p>	<p><b>MC 1.4.1</b></p> <p>Records demonstrate Woodside re-engage with identified proponent before commencing the Petroleum Activities program and developed a concurrent operations plan (if required).</p>
	<p><b>C 1.5</b></p> <p>Notify Defence of activities and movements no less than five weeks before the scheduled activity commencement date.</p>	<p><b>PS 1.5</b></p> <p>Notification to Defence five weeks prior to the scheduled commencement date.</p>	<p><b>MC 1.5.1</b></p> <p>Records demonstrate that Defence has been notified prior to commencement of the Petroleum Activities Program within the required timeframes.</p>
	<p><b>C 1.6</b></p> <p>Establish and maintain a publicly available website to include both:</p> <ul style="list-style-type: none"> <li>An interactive map which provides persons with updated information on activities being conducted as part of the</li> </ul>	<p><b>PS 1.6a</b></p> <p>Activity interactive map established and maintained throughout activities.</p>	<p><b>MC 1.6.1</b></p> <p>Records demonstrate interactive map was provided and available to stakeholders throughout activities.</p>



Environmental Performance Outcomes, Standards and Measurement Criteria			
Outcomes	Controls	Standards	Measurement Criteria
	Petroleum Activities Program, including location of seismic vessel and <ul style="list-style-type: none"> <li>• cetacean and marine turtle observations</li> </ul>	<b>PS 1.6b</b> Cetacean and marine turtles observations available on a public website	<b>MC 1.6.2</b> Records of marine turtles and cetaceans sightings available on a public website.
<b>EPO 2</b> Prevent adverse interactions between vessels and other marine users during the Petroleum Activities Program	<b>C 2.1</b> Establish and maintain a 3 nm radius SNA around the seismic vessel and towed array.	<b>PS 2.1</b> SNA established, communicated and maintained around the seismic vessel and towed array during the Petroleum Activities Program.	<b>MC 2.1.1</b> Records demonstrate that the SNA has been established and details have been communicated to approaching third-party vessels.
	<b>C 2.2</b> Employ at least one support/chase vessel will be employed to assist the seismic vessel.	<b>PS 2.2</b> At least, one vessel employed to assist the seismic vessel mitigate interactions with third-party vessels.	<b>MC 2.2.1</b> Records demonstrate that a second vessel is employed for the Petroleum Activities Program.
	<b>C 2.3</b> Project vessels to operate AIS, and tail buoys will be fitted with lights, GNSS and virtual AIS.	<b>PS 2.3</b> Project vessels operating AIS and tail boys fitted with lights, GNSS and virtual AIS.	<b>MC 2.3.1</b> Records demonstrate that project vessels operating AIS, and tail boys are fitted with lights, GNSS and virtual AIS.
<b>EPO 17</b> 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.	<b>C 1.7</b> 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.	<b>PS 1.7.1</b> 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 will include, as agreed with relevant Traditional Custodians: <ul style="list-style-type: none"> <li>• Social investment to support Indigenous ranger programs</li> <li>• Support for Indigenous oil spill response capabilities</li> <li>• Support for recording Sea Country values</li> <li>• Support to Traditional Custodian groups to build capabilities and capacity with respect to ability to engage with Woodside and the</li> </ul>	<b>MC 1.7.1</b> 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
			<b>MC 1.7.2</b> Progress of the Program will be reported in line with annual sustainability reporting via the Woodside website.

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Environmental Performance Outcomes, Standards and Measurement Criteria			
Outcomes	Controls	Standards	Measurement Criteria
		<p>broader O&amp;G industry on activities</p> <ul style="list-style-type: none"> <li>Development of ongoing relationships with Traditional Custodian groups</li> <li>Any other initiatives proposed for the purpose of protecting Country including cultural values</li> </ul>	
<p><b>EPO 18</b></p> <p>New cultural values identified through the Program (EPO17) will be managed to ALARP and an Acceptable level of impact.</p>	<p><b>C 1.8</b></p> <p>The environmental impacts and risks of the activity will continue to be managed to as low as reasonably practicable and an acceptable level for cultural values or features.</p>	<p><b>EPS 1.8.2</b></p> <p>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.</p>	<p><b>MC 1.8.1</b></p> <p>Records demonstrate Change Management and Management of Knowledge processes have been followed where new controls or management measures identified.</p>
	<p><b>C 1.9</b></p> <p>In addition to C 4.1, application of an observation zone and shut-down zone to the limits of visibility for positively identified (certain or probable confidence level) humpback whales.</p>	<p><b>PS 1.9</b></p> <p>In additional to PS 4.1, application of a shut-down zone that is to the limits of visibility for positively identified (certain or probable confidence level) humpback whales.</p>	<p><b>MC 1.9.1</b></p> <p>Records demonstrate compliance with the shutdown zone specified in C 1.9.</p>
	<p><b>C 1.10</b></p> <p>Application of a 500 m observation zone and a 100 m shutdown zone for turtles.</p>	<p><b>PS 1.10</b></p> <p>Application of a 500 m observation zone and a 100 m shutdown zone for turtles.</p>	<p><b>MC 1.10.1</b></p> <p>Records demonstrate compliance with application of 500 m observation zone and 100 m shutdown zone for turtles.</p>

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**Attachment 3**

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### Impact Assessment

Noting that no commercial fisheries operate within or near the Operational Area (refer to **Section 4.10.2**) and the Operational Area does not provide suitable habitat or water depths for target fish or crustacean species, no physical or behavioural impacts are predicted to commercial fish stocks and no impacts are predicted to commercial fishery catch rates.

#### Commercial Fisheries – Impact Assessment Conclusion

Based on the assessment above and the implementation of the identified control measures, the consequence of occasional short-term and localised disturbance to the target species and catch rates of commercial fisheries is of no lasting effect (less than one month) and impacts will not be significant to commercial fisheries.

#### Cultural features and Heritage Values

It is noted that the marine ecosystem holds both cultural and environmental value (See **Section 4.10.1**), with these types of values (cultural and environmental) intrinsically linked any cultural values linked to environment receptors, have been assessed above and below. Woodside has conducted extensive consultation with Traditional Custodian groups as described in Section 5, resulting in the identification of environmental values of cultural interest specified in Section 4.10.1.5.

An assessment of marine environmental values of cultural interest to First Nations is described in Table 6-10.

**Table 6-10: Assessment of potential impacts to marine environmental values of cultural interest to First Nations**

Environmental values of cultural interest to First Nations	Potential impact pathway	Assessment
Whales	Impacts to cetaceans from acoustic emissions resulting in behavioural disturbance.	<p>Potential environmental impacts to cetaceans have been assessed above.</p> <p>Potential impacts from acoustic emissions are expected to be limited to behavioural impact, which may include temporary and localised deviations from migratory pathways for cetaceans. However, no permanent impacts preventing cetaceans from entering or occupying the Operational Area are anticipated as a result of acoustic emissions.</p> <p>Numerous controls have been adopted to reduce potential for impact.</p> <p>Cultural values considered to be inherently protected.</p>
Turtles	Impact to turtles from acoustic emissions resulting in behavioural disturbance.	<p>While marine turtles are unlikely to occur in the area of potential impact, if individual turtles are transiting, the potential environmental impacts to turtle behaviour has been assessed.</p> <p>Potential impacts from acoustic emissions on marine turtles are expected to be limited to behavioural impacts within a localised area.</p> <p>Cultural values considered to be inherently protected.</p>
Plankton	Impact to plankton communities from acoustic emissions resulting in localised mortality.	<p>The activity is not likely to result in any ecologically significant impacts at a population level for any zooplankton, fish eggs or larvae</p>

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Impact Assessment		
		<p>that may be present in the water column within or adjacent to the Operational Area. These areas experience high natural variability and therefore it is expected any impacts to zooplankton will be minimal at a regional scale and unlikely to result in impacts to high order trophic levels.</p> <p>Cultural values considered to be inherently protected.</p>
<p>Given the short duration of the activity, no impacts to landforms associated with songlines and no significant impact to migratory species (including whales and turtles) impacts are expected to be slight or less.</p>		
<p>It is acknowledged that there is uncertainty in Woodside's understanding of potential cultural values within the Operational Area and EMBA therefore Woodside is implementing a program of ongoing consultation with Traditional Custodians whose functions, interests and activities may be affected by the Petroleum Activities Program (C1.7).</p>		
<p><b>Marine Protected Areas</b></p> <p><i>Impact Assessment</i></p> <p>As described in <b>Section 4.9</b>, the Operational Area does not overlap with any Commonwealth or State Marine Parks. However, Australian Marine Parks (AMPs) are located in the wider EMBA that are part of the North-west Marine Park Networks.</p> <p>The nearest marine park is the Gascoyne AMP, located 33 km south of the Operational Area and approximately 44 km of the Active Source Area at the closest point. Maximum received sound levels at the boundary of the Gascoyne AMP are predicted to be approximately 140 dB re 1 <math>\mu</math>Pa (SPL).</p> <p>The potential impacts to the natural, social and economic values of the Gascoyne AMP are summarised as follows.</p> <ul style="list-style-type: none"> <li>• Exmouth Plateau KEF – The Operational Area and Active Source Area are located within the KEF. As assessed above, the potential impacts to benthic communities will be highly localised, temporary and negligible in the context of natural variability. The productivity, ecological function and value of the KEF will not be affected.</li> <li>• Continental slope demersal fish communities KEF – The KEF is located over 150 km from the Active Source Area. Underwater sound emissions will not affect the demersal fish communities in this KEF.</li> <li>• Canyons linking Cuvier abyssal plain and Cape Range peninsula KEF – The KEF is located over 105 km from the Active Source Area. Underwater sound emissions will not affect the benthic invertebrate or fish communities in this KEF.</li> <li>• Commonwealth waters adjacent to Ningaloo Reef KEF – The KEF is located over 170 km from the Active Source Area. Underwater sound emissions will not affect the coral reef communities, deep water filter feeder communities or marine fauna that aggregate or migrate within the KEF.</li> <li>• Humpback whale migratory pathway – As assessed above, received sound levels at the humpback whale migration BIA are predicted to be below 130 dB re 1 <math>\mu</math>Pa SPL. No significant behavioural response is expected and the BIA is well beyond the maximum range in which TTS effects could occur.</li> <li>• Pygmy blue whale migratory pathway and possible foraging habitat – As assessed above, the animat modelling demonstrates that TTS effects are not expected to occur in the migration BIA. Impacts to cetaceans are likely to be limited to temporary behavioural changes (avoidance) in individuals migrating through the Operational Area. Received sound levels at the pygmy blue whale foraging BIA are predicted to be below 130 dB re 1 <math>\mu</math>Pa SPL. No significant behavioural response is expected and the foraging BIA is well beyond the maximum range in which TTS effects could occur.</li> <li>• Interesting habitats for marine turtles – As assessed above, no impacts are expected to turtles within designated interesting habitats, which are located over 150 km from the Active Source Area.</li> </ul> <p>Given that the other marine parks within the EMBA are located a greater distance from the Operational Area no impacts will occur as a result of underwater sound from the survey.</p> <p>The objectives of the North-west Marine Parks Network Management Plan are to provide for:</p> <ul style="list-style-type: none"> <li>• the protection and conservation of biodiversity and other natural, cultural and heritage values of marine parks in the North-west Network</li> <li>• ecologically sustainable use and enjoyment of the natural resources within marine parks in the North-west Network, where this is consistent with objective (a).</li> </ul>		

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### Impact Assessment

The Petroleum Activities Program will be undertaken in a manner that is consistent with the management objectives for the AMPs and the North-west Marine Park Network. No long-term impacts are predicted and the values will be conserved and protected.

#### *Marine Protected Areas – Impact Assessment Conclusion*

Based on the proposed timing and duration (up to 80-days) of the seismic acquisition and the control measures proposed, predicted noise levels from seismic acquisition are not considered likely to cause any ecologically significant impacts to the natural values of the AMPs.

#### **Cumulative Assessment**

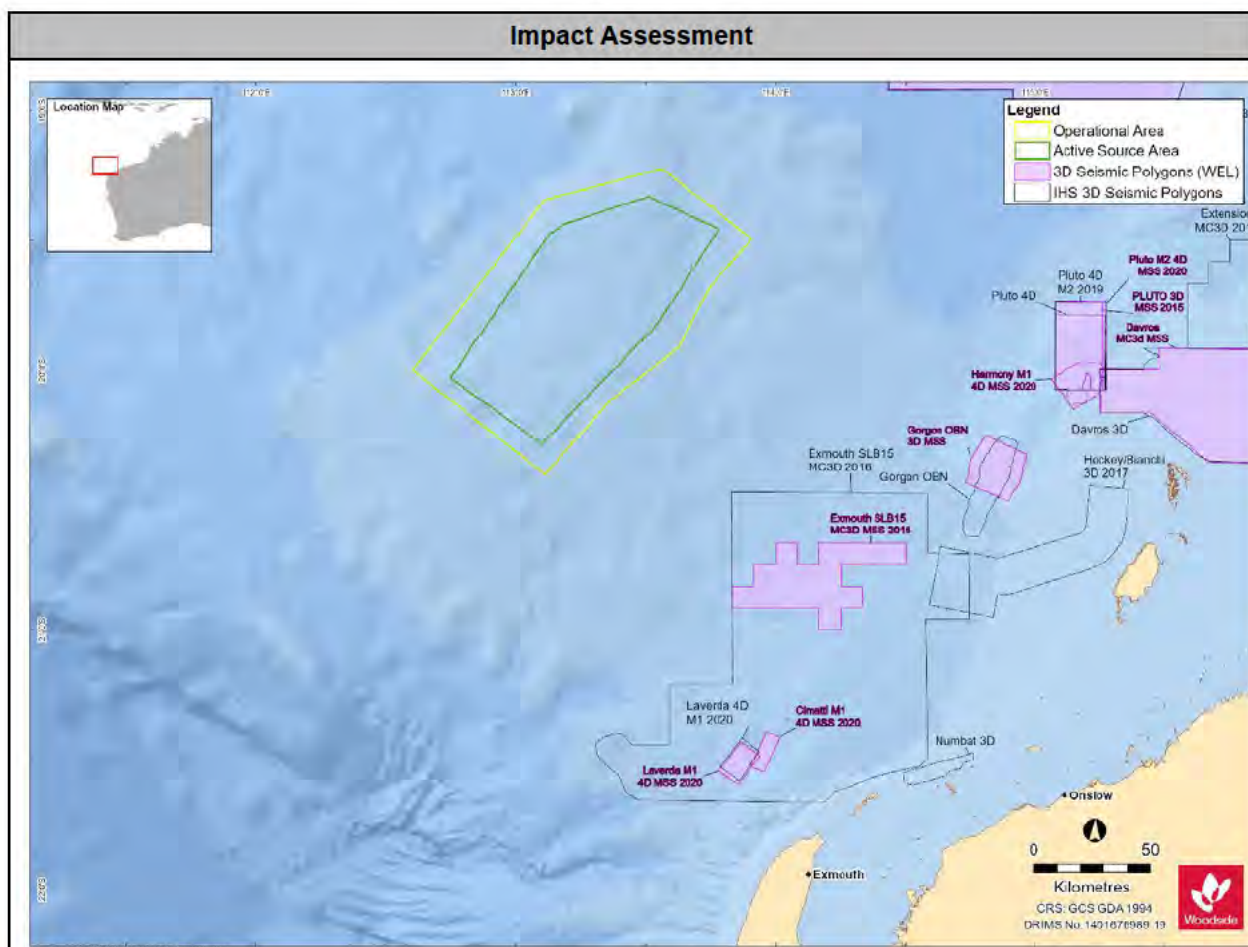
##### *Previous Seismic Surveys*

Cumulative impacts from successive seismic surveys in the same area can occur when timing between the surveys is less than the recovery rate of any potential receptors, which can be in the order of minutes to hours for some receptors (e.g. zooplankton and fish), or weeks to months for others (e.g. benthic invertebrates), as described above. A summary of the marine seismic surveys that have been undertaken in the last five years (2016-2021) within approximately 150 km of the Scarborough 4D B1 MSS Active Source Area is presented in **Table 6-11** and **Figure 6-4**. As shown in **Table 6-11** and **Figure 6-4**, there is no spatial overlap between the Scarborough 4D B1 MSS Operational Area and any other seismic survey Operational Areas.

**Table 6-11: Previous seismic surveys completed within 150 km of the Scarborough 4D B1 MSS from 2016-2021**

Survey Name	Operator	Acquisition Period(s)	Spatial overlap
Cimatti 4D MSS	Woodside Energy Ltd	13/04/2020–23/04/2020	None
Laverda 4D MSS	Woodside Energy Ltd	09/03/2020–11/04/2020	None
Harmony 4D MSS	Woodside Energy Ltd	12/02/2020–04/03/2020	None
Pluto 4D MSS	Woodside Energy Ltd	05/01/2020–09/02/2020	None
Bianchi-Hockey 3D MSS	Quadrant Northwest Pty Ltd	23/01/2017–09/03/2017	None
Exmouth SLB15 MC 3D MSS	Schlumberger Australia	07/12/2016–01/05/2017	None
Gorgon OBN MSS	Chevron Australia Pty Ltd	03/11/2015–07/04/2016	None





**Figure 6-4: Previous seismic surveys that have occurred in the region**

#### Marine fauna

The footprint of any significant underwater noise effects to marine fauna resulting from the proposed seismic survey has been assessed as being within approximately 22 km from the seismic source, based on the maximum range to TTS and behavioural effects for any receptor, in this case pygmy blue whales. However, a 150 km buffer has been selected as a conservative criterion to assess potential cumulative impacts. The maximum recovery rate for marine fauna receptors is in the order of weeks to months, particularly for sharks, marine turtles and cetaceans. Given that there have been no seismic surveys completed over the same area of seabed as the Scarborough 4D B1 MSS in the past five years, ecological receptors are expected to have recovered.

Therefore, cumulative impacts to marine fauna are not expected to occur as a result of any of the identified previous seismic surveys in the region and the proposed Scarborough 4D B1 MSS.

#### Commercial fisheries

There is only one Commonwealth managed fishery (Western Deepwater Trawl Fishery) and one State managed fishery (West Coast Deep Sea Crustacean Managed Fishery) that have historically had catch/effort within the Operational Area, however there has been no recent fishing catch/effort within the Operational Area from 2008-2019 (Patterson et al., 2020) and 2010-2019 (DPIRD, 2021), respectively (refer to **Section 4.10.2**).

There are three previous seismic surveys within 150 km of the Scarborough 4D B1 MSS Operational Area (Cimatti 4D MSS, Laverda 4D MSS and Exmouth SLB15 MC 3D MSS) with partial overlap with the Western Deepwater Trawl Fishery management boundary and West Coast Deep Sea Crustacean Managed Fishery management boundary. The most recent seismic survey (Cimatti 4D MSS) was completed in late-April 2020. It is acknowledged that the behaviours and distribution of pelagic fish species could be affected for hours to days following exposure, as a result of potential disturbance to more sound-sensitive prey species. Crustaceans were found to recover from impacts from seismic noise exposure within weeks to months after exposure. No long-term impacts on the abundance or community structure of either species were not found. Therefore, it is expected that any impacts to commercially targeted fish or crustacean species will have recovered. Given the lack of recent fishing effort within the Operational Area, the Scarborough 4D B1 MSS is expected to have limited to no impact to this commercial fishery, and no cumulative impacts are expected to occur.

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### Impact Assessment

#### Concurrent Seismic Surveys

Over the scheduled duration of the Scarborough 4D B1 MSS there are four other seismic surveys proposed in the broader NWMR. **Table 6-12** presents the seismic surveys that may occur within the same EP timeframes, and have either been accepted by NOPSEMA or have been submitted to NOPSEMA for public comment period or assessment. The below assessment does not assess cumulative impacts from seismic surveys in the region that occur after the Scarborough 4D B1 MSS or that have not yet submitted an Environmental Plan to NOPSEMA.

**Table 6-12: Other potential seismic surveys occurring in the region**

Survey Name	Operator	Survey Location	Survey Timing	EP Status
Capreolus-2 3D MSS	TGS-NOPEC Geophysical Company Pty Ltd	~ 275 km east of the Operational Area	1/10/2020–31/12/2024	The EP is accepted and valid to 2024
INPEX 2D MSS (WA-532-P, WA-533-P, WA-50-L)	INPEX	~ 700 km east of the Operational Area	1/11/2021–31/05/2022 Contingency: 1/11/2022–31/05/2023; 1/11/2023–31/12/2023	The EP is accepted and valid to 2023
Archer 3D MSS	Santos WA Northwest Pty Ltd	~450 km east of the Operational Area	1/02/2021–31/07/2021; 1/02/2022–31/07/2022	The EP is accepted and valid to 2022
Keraudren Extension 3D MSS	Santos WA Northwest Pty Ltd	~500 km east of the Operational Area	1/02/2020–31/07/2020; 1/02/2021–31/07/2021; 1/02/2022–31/07/2022	The EP is accepted and valid to 2022

The individual sound fields produced by separate concurrent seismic surveys has the potential to interact where sound waves from the separate seismic sources may be received either in synchrony (“in synch”) or out of synchrony (“out of synch”). The way in which these sound waves might react was considered by JASCO Applied Sciences and ERM for the Santos Keraudren Extension 3D MSS EP (Santos, 2020a). An increase in sound levels may occur temporarily at locations where the received signals from each source occur in synch. However, in most instances, pulses will be out of synch and increased received PK-PK sound levels will not occur often.

Given that different seismic sources are unlikely to be discharged at exactly the same time, different surveys will have different source impulse intervals. Additionally, given that each pulse will be a few hundred milliseconds in duration with several seconds in between, pulses will generally be out of synch with one another. Pulses may still line up occasionally for a brief moment at some locations, and when they do, the amplitudes will then be too unequal for the sum level to differ much from the stronger of the two components. However, in the unlikely case that two pulses interact and are exactly synchronised with each other, then the combined SPL would be 3 dB higher than the individual SPL, which represents a doubling of sound energy. Further explanation is provided in Santos (2020a).

A minimum separation distance of at least 40 km will be maintained between the Scarborough 4D B1 MSS and any other concurrently operating seismic source during data acquisition activities to prevent acoustic interference and preserve seismic data integrity. As a result of this separation, underwater sound from the seismic source is not expected to combine to significantly raise the SPL to levels which receptors may be exposed. Modelling of the seismic source for the Scarborough 4D B1 MSS shows that sound levels will be below 150 dB re 1µPa at 20 km from the source (half way between two seismic sources at their minimum separation distance) (Koessler et al. 2021; **Appendix G**). A combination of seismic sound from two similar seismic sources at this distance would therefore be expected to result in an SPL of no greater than 153 dB re 1µPa.

While the overall sound levels are not expected to be significantly increased, it is acknowledged that the result of multiple seismic vessels operating concurrently will represent a wider spatial area of potential exposure to seismic sound for receptors, as well as the potential for receptors to be exposed to separate sound fields from multiple surveys. There are no planned seismic surveys with overlap with the Scarborough 4D B1 MSS Operational Area.

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## Impact Assessment

### Zooplankton

Based on the maximum worst case mortality exposure suggested by McCauley et al. (2017) and modelling completed by CSIRO (Richardson et al., 2017), impacts to zooplankton are only expected to be significant within a short range (< 15 km) of seismic survey areas. The maximum predicted distances to mortality for zooplankton during the Scarborough 4D B1 MSS was approximately 110 m (**Table 6-2**). Beyond 22 days of acquisition, Richardson et al. (2017) found that no further relative increase in zooplankton mortality occurs, due to recruitment of zooplankton via currents from adjacent areas, and conditions return to normal within a few days of a survey ceasing. At the regional scale, these impacts are not expected to be significant (Richardson et al., 2017). Further, natural mortality rate in zooplankton can be high, and therefore limited impacts are expected relative to the natural variation in zooplankton concentrations and mortality rate.

There are no significant, discernible cumulative impacts to zooplankton, expected to occur given the minimum separation distance of 40 km between the Scarborough 4D B1 MSS and any other operating seismic sources. The cumulative impacts to zooplankton are expected to be negligible.

### Benthic Invertebrates

The maximum worst case impacts reported for invertebrates include sub-lethal impacts such as statocyst impairment, temporary reduced immune response function, temporary impaired reflexes, and potentially some chronic effects that lead to mortality of a very small number of sessile benthic invertebrates over and above natural mortality rates. Repeated exposures to seismic noise for some sessile invertebrates, such as bivalves, have been observed to result in additional chronic mortality in the weeks and months following exposure compared with invertebrates exposed to just one pass of a seismic source (i.e. an increase of approximately 2-5%) (Day et al., 2016b). However, such effects may still be within the range of naturally occurring mortality rates documented in the wild (Day et al., 2017). Therefore, given that repeat exposures will affect only a small proportion of benthic organisms, and the natural cycle of death and recruitment will occur in parallel, the impacts of repeated seismic exposure may not be detectable from natural fluctuations in benthic invertebrates.

The Scarborough 4D B1 MSS seismic source will be operated in water depths >800 m, where benthic invertebrate diversity and abundance are expected to be low, and it is not expected that there would be any impact to benthic invertebrates from noise emissions from the seismic source. Impacts to benthic invertebrates during other seismic surveys are expected to occur at close range to the seismic source, within a few hundred metres.

Given the minimum separation distance of 40 km between the Scarborough 4D B1 MSS and other operating seismic sources, no significant, discernible cumulative impacts to benthic invertebrates are expected to occur.

### Fish, Sharks and Rays

No significant, discernible cumulative impacts to fish, sharks and rays are expected to occur given the minimum separation distance of 40 km between the Scarborough 4D B1 MSS and any other operating seismic sources. Behavioural impacts to fish are expected to occur within tens to hundreds of metres of a seismic source (Popper et al., 2014), returning to normal within minutes to hours or days, depending on the species, hearing sensitivity and situational context.

Individual groups of fishes in each seismic survey Active Source Area may be subject to occasional behavioural disturbances, however no cumulative overlap of strong behavioural responses is expected to occur. Some changes in fish abundance and distribution could occur as a result of sound exposure from multiple operating seismic sources, although these changes are expected to return to normal within hours to days.

Whale sharks may experience localised disturbance when passing each of the other seismic survey Operational Areas, particularly as they overlap with a whale shark foraging BIA. However, as all vessels will maintain a minimum separation distance of 40 km, and the Scarborough 4D B1 MSS Active Source Area does not overlap with the whale shark foraging BIA, separate and isolated incidents of disturbance are not expected to result in significant cumulative impacts.

### Cetaceans

There are no significant, discernible cumulative impacts to cetaceans, expected to occur given the minimum separation distance of 40 km between the Scarborough 4D B1 MSS and any other operating seismic sources. As above, combined seismic sound from two similar seismic sources at a distance of half the minimum separation distance (20 km) would be expected to result in an SPL lower than the defined behavioural response thresholds for cetaceans of 160 dB re 1 $\mu$ Pa (**Table 6-5**). Any behavioural avoidance or deviations are expected to be small relative to the long distances (i.e. thousands of kilometres) over which cetaceans usually travel during their migrations.

**Table 6-13** provides an assessment of cumulative impacts to migrating pygmy blue whales. There are no other potential seismic surveys occurring near the pygmy blue whale foraging BIA, located 154 km south of the Scarborough 4D B1 MSS Operational Area.



**Table 6-13: Assessment of cumulative impacts to migrating pygmy blue whales**

	Pygmy blue whales
<b>Woodside Scarborough 4D B1 MSS</b>	<p>The Scarborough 4D B1 MSS Operational Area is located approximately 14 km north-west of the pygmy blue whale migration BIA.</p> <p>At its closest point, the Active Source Area is 25 km from the migration BIA.</p> <p>TTS effects to pygmy blue whales were predicted to occur up to 22 km from the seismic source (<b>Table 6-7</b>). Therefore, no TTS effects are predicted to migrating pygmy blue whales within the migration BIA.</p> <p>Short-term behavioural impacts may occur up to 7.3 km from the seismic source (<b>Table 6-6</b>). Therefore, short-term behavioural impacts to migrating pygmy blue whales are not expected within the migration BIA.</p>
<b>TGS Capreolus-2 3D MSS</b> (TGS, 2020)	<p>The Capreolus-2 3D MSS overlaps with the pygmy blue whale migration BIA. The seismic source will not be operated within 24 km of the pygmy blue whale migration BIA during the migration periods for the species (April to August and October to December).</p> <p>Maximum predicted distances to TTS thresholds for pygmy blue whales within the migration BIA is 24 km. Therefore, no TTS effects are predicted to migrating pygmy blue whales within the migration BIA.</p> <p>Short-term behavioural impacts may occur up to 9.5 km from the seismic source. Therefore, short-term behavioural impacts to migrating pygmy blue whales are not expected within the migration BIA.</p>
<b>INPEX 2D MSS</b> (INPEX, 2021)	<p>The INPEX 2D MSS overlaps with the pygmy blue whale migration BIA. The seismic source will not be operated within 24 km of the pygmy blue whale migration BIA during the migration periods for the species (April to August and October to December).</p> <p>The maximum predicted distance to TTS thresholds for pygmy blue whales is approximately 23 km. Therefore, no TTS effects are predicted to migrating pygmy blue whales within the migration BIA.</p> <p>Short-term behavioural impacts may occur up to 6.5–8 km from the seismic source in continental slope waters. Migrating pygmy blue whales may deviate from their normal course by several kilometres to avoid the seismic sound source, however this distance does not constrain the migration path of pygmy blue whales. Therefore, occasional and localised short-term behavioural impacts are predicted to migrating pygmy blue whales within the migration BIA.</p>
<b>Santos Keraudren Extension 3D MSS</b> (Santos, 2020a)	<p>The Keraudren Extension 3D MSS Operational Area is located approximately 30 km north-west of the pygmy blue whale migration BIA, and the Active Source Area is located over 100 km from the pygmy blue whale migration BIA. Timing of the survey also only coincides with part of the northbound migration.</p> <p>Maximum predicted distances to TTS thresholds for pygmy blue whales is 31 km. Therefore, no TTS effects are predicted to migrating pygmy blue whales within the migration BIA.</p> <p>Short-term behavioural impacts may occur up to 9 km from the seismic source. Therefore, short-term behavioural impacts to migrating pygmy blue whales are not expected within the migration BIA.</p>

Based on the assessment provided in **Table 6-13**, no significant cumulative TTS or behavioural impacts are expected to pygmy blue whales within the migration BIA. No TTS or behavioural impacts as a result of the Scarborough 4D B1 MSS seismic survey are expected to migrating pygmy blue whales, and the other concurrent planned seismic surveys in the region do not constrain the migration route for pygmy blue whales (only partial overlap with the Operational Areas and migration BIAs). It is expected that pygmy blue whales will continue to utilise the migration routes without injury or displacement.

Other cetacean species that may occur within the region, for example humpback, fin and sei whales, are expected to be transient and no changes to migration or other life stages are expected. Localised disturbances may occur when passing the concurrent seismic surveys, however these isolated incidents of disturbance are not expected to result in significant cumulative impacts.

#### Marine Reptiles

No significant, discernible cumulative impacts to marine turtles are expected to occur given the minimum separation distance of 40 km between the Scarborough 4D B1 MSS and any other operating seismic sources. Any behavioural avoidance or deviations are expected to be small relative to the long distances over which marine turtles usually travel.

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### Impact Assessment

Marine turtles may experience a short-term behavioural response up to approximately 4 km from the Scarborough 4D B1 MSS operating source, based on the NMFS criterion of 166 dB re 1  $\mu$ Pa SPL (**Table 6-9**). The Scarborough 4D B1 MSS Operational Area is located 135 km north-west of the nearest interesting buffer for flatback turtles, and 147 km north-west of the nearest Habitat Critical for flatback turtles (refer to **Section 4.6.2**).

Given that there is no expected impact to marine turtles as a result of the Scarborough 4D B1 MSS, no cumulative behavioural effects to marine turtles are expected within interesting buffer BIAs or Habitat Critical areas. Localised disturbances to marine turtles may occur when passing the concurrent seismic surveys, however these isolated incidents of disturbance are not expected to result in significant cumulative impacts.

#### Commercial Fisheries

Cumulative impacts to commercial fisheries may occur if multiple seismic surveys occur concurrently or in quick succession within a fishery, resulting in displacement of commercial fishing vessels or changes in catch rates due to behavioural changes in target fish or crustacean species. The expected range and duration of impacts to fish abundance, distribution and catch rates is relatively small compared to wider areas within which the fisheries operate.

There is only one Commonwealth managed fishery (Western Deepwater Trawl Fishery) and one State managed fishery (West Coast Deep Sea Crustacean Managed Fishery) that have historically had catch/effort within the Operational Area, however there has been no recent fishing catch/effort within the Operational Area from 2008-2019 (Patterson et al., 2020) and 2018-2022 (DPIRD, 2022), respectively (refer to **Section 4.10.2**).

There are no concurrent seismic surveys proposed in the region that overlap with the Western Deepwater Trawl Fishery or the West Coast Deep Sea Crustacean Managed Fishery. In the absence of any other surveys, and lack of recent fishing effort within the Scarborough 4D B1 MSS Operational Area, cumulative impacts to commercial fisheries are not expected.

#### Concurrent Woodside Activities

Scarborough drilling and completion activities may be undertaken within WA-61-L; however, there will be no temporal overlap with acquisition of the Scarborough 4D B1 MSS (activities will not occur concurrently) and therefore no cumulative underwater noise impacts are predicted with from this activity (**Section 6.3**).

#### Concurrent Other Oil & Gas Projects

Acquisition of the Scarborough 4D B1 MSS may coincide with other oil and gas activities in the region – e.g. drilling of the Sasonof-1 exploration well in WA-519-P, and activities associated with the Jansz-Io Compression project. However, these activities will take place at locations that are >50 km (Sasonof-1) and >90 km (Jansz-Io) from the Active Source Area, and consequently no cumulative underwater noise impacts are predicted with from these activities.

### Demonstration of ALARP

<b>Control Considered</b>	<b>Control Feasibility (F) and Cost/Sacrifice (CS)<sup>6</sup></b>	<b>Benefit/Reduction in Impact</b>	<b>Proportionality</b>	<b>Control Adopted</b>
<b>Legislation, Codes and Standards</b>				
Application of EPBC Policy Statement 2.1 Part A Standard Management Procedures to whales and Part B.4, as outlined below: <ul style="list-style-type: none"> <li>• observation zone: 3 km+ to the limits of visibility for large unidentified whales 2 km to 3 km for all other whales</li> <li>• shut-down zone: to limits of visibility for positively identified (certain or</li> </ul>	F: Yes. CS: Extending the shut-down zones may result in additional shut-downs potentially resulting in extending the survey and additional costs	Reduces the likelihood of individual whales being within proximity of the acoustic source where TTS could occur and eliminates the potential for PTS. Single pulse PTS and TTS impacts to LF-cetaceans (such as pygmy blue whales) are predicted to be constrained to within 40 m and 60 m of the seismic source, respectively ( <b>Table 6-6</b> ). Therefore, application of a shut-down zone of a minimum of 2 km is an effective control in ensuring	Benefits outweigh cost/sacrifice. Benefits outweigh cost/sacrifice. Extending the shut-down zone further for pygmy blue whales was considered, including: <ul style="list-style-type: none"> <li>• shut-down zones past the limits of</li> </ul>	Yes <b>C 4.1</b>

<sup>1</sup> Qualitative measure

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Demonstration of ALARP				
Control Considered	Control Feasibility (F) and Cost/Sacrifice (CS) <sup>6</sup>	Benefit/Reduction in Impact	Proportionality	Control Adopted
<p>probable confidence level) pygmy blue whales or large unidentified whales;</p> <p>2 km for all whales</p> <ul style="list-style-type: none"> <li>• Observation and compliance reporting:</li> </ul> <p>Use of trained vessel crew in marine fauna observations and monitoring compliance to Policy Statement 2.1.</p> <p>Records kept of marine fauna observations during all surveys.</p> <ul style="list-style-type: none"> <li>• Pre start-up visual observation (30 minutes)</li> <li>• Soft start procedure (30 minutes)</li> <li>• Start-up delay procedure (if sighting occurs)</li> <li>• Operations procedure</li> <li>• Stop work (shut down) procedure</li> <li>• Night-time and low visibility procedure</li> </ul>		<p>that no PTS and TTS impacts will occur to pygmy blue whales from short-term exposure to seismic noise at close range to the source.</p> <p>As the activity is taking place within the distribution range for pygmy blue whales where there is a lower possibility of encountering individual whales as compared to the migration BIA (Thums et al., 2022). If this occurs, the application of EPBC Policy Statement 2.1 Part A Standard Management Procedures and extended observation and shutdown zones (Part B.4) will minimise the likelihood of TTS effects.</p> <p>The pygmy blue whale migration BIA is located ~25 km from the Active Source Area. Based on an overlap of three different metrics (occupancy, number of whales in a cell and move persistence) Thums et al. (2022) identified the most important foraging areas for pygmy blue whales offshore from WA. This included the area off the shelf edge from Ningaloo Reef to the Rowley Shoals but not the Operational Area.</p> <p>Based on the evidence presented in Thums et al. (2022), the likelihood of encountering migrating or foraging pygmy blue whales is considered of low likelihood but possible, with the occasional individual or small group of whales within the Operational Area and mostly likely in the peak period of the northbound migration (May and June), based on the recorded presence of one pygmy blue whale.</p> <p>Cumulative PTS and TTS impacts to LF-cetaceans (such as pygmy blue</p>	<p>visibility; and</p> <ul style="list-style-type: none"> <li>• extending shut-down zone to the limits of visibility for large unidentified whales.</li> </ul> <p>However as impacts to pygmy blue whales are already reduced to ALARP and acceptable levels considering impacts will be inherently limited to 'Slight, short-term impact (less than one year) on species, habitat (but not affecting ecosystems function), physical or biological attributes', no TTS is predicted in the pygmy blue whale migration BIA and no significant behavioural impacts are predicted, further extension of the shut-down zones is considered disproportionate to the environmental benefits.</p> <p>Given the application of EPBC Act Policy Statement 2.1 Part A Standard Management Measures and Part B.4 - Increased precaution zones and buffer</p>	

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Demonstration of ALARP				
Control Considered	Control Feasibility (F) and Cost/Sacrifice (CS) <sup>6</sup>	Benefit/Reduction in Impact	Proportionality	Control Adopted
		<p>whales) are predicted to be constrained to within 0.13 km and ~22 km of the seismic source, respectively (<b>Table 6-7</b>). A tagging study of blue whales showed that migrating individuals can travel 50 to 100 km per day (Double et al., 2014). This equates to an average swimming speed of 2-4 km/hr over a 24-hour period. In comparison, the seismic vessel will be traveling at around 4.5 knots (~8 km/hr). Migrating pygmy blue whales at greatest risk of seismic noise exposure are likely to be moving parallel to the survey lines (i.e. migrating). At a speed of 8 km/hr it will take the survey vessel ~9 hours on average to acquire lines in the Active Source Area (with the longest line taking ~12.5 hours), and then the source is shut down during line turns. As sound levels from the seismic source will only exceed the PTS SEL<sub>24hr</sub> metric for LF-cetaceans at a range up to 0.13 km from the vessel, application of the 'to the limits of visibility' shut-down zone will ensure that this threshold is not exceeded. Similarly for cumulative TTS exposure, sound levels from the seismic source will exceed the TTS SEL<sub>24hr</sub> metric for LF-cetaceans for up to 22 km from the vessel. As a whale is expected to pass through the ensonified area in less than 24-hours, an isolated individual is highly unlikely to remain within the reported SEL<sub>24hr</sub> radius for the full 24-hours leading to TTS exposure, particularly due to the lack of foraging grounds within the region.</p>	<p>zones, the risk of TTS is reduced to ALARP and acceptable levels.</p>	

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<b>Demonstration of ALARP</b>				
<b>Control Considered</b>	<b>Control Feasibility (F) and Cost/Sacrifice (CS)<sup>6</sup></b>	<b>Benefit/Reduction in Impact</b>	<b>Proportionality</b>	<b>Control Adopted</b>
<p>Application of EPBC Act Policy Statement 2.1 Part B.1 – MMOs:</p> <ul style="list-style-type: none"> <li>Employ four dedicated MFOs to undertake observations for EPBC Act Policy Statement 2.1.</li> </ul>	<p>F: Yes. CS: Minimal cost. Standard practice.</p>	<p>Two dedicated MFOs per observing vessel (seismic vessel and spotter vessel) provides improved marine fauna identification, distance estimation and implementation of EPBC Act Policy Statement 2.1.</p> <p>Two MFOs on board each vessel allows at least one MFO to be undertaking observations with the potential to increase effort as needed.</p> <p>Two MFOs on board each vessel also provides contingency in the event one is unavailable and for managing work shift fatigue.</p>	<p>Benefits outweigh cost/sacrifice.</p>	<p>Yes <b>C 4.2</b></p>
<p>Application of EPBC Act Policy Statement 2.1 Part B.5 – PAM:</p> <ul style="list-style-type: none"> <li>A PAM system will be installed aboard the survey vessel to detect odontocete whales (specifically sperm and beaked whales).</li> <li>Employ two dedicated PAM operators wherever possible.</li> </ul>	<p>F: Yes CS: Minimal cost.</p>	<p>Two dedicated PAM operators provides improved marine fauna identification and implementation of EPBC Act Policy Statement 2.1.</p> <p>Two PAM operators on board provides contingency in the event one is unavailable and for managing work shift fatigue.</p>	<p>Benefits outweigh cost/sacrifice.</p>	<p>Yes <b>C 4.3</b></p>
<p>Application of EPBC Act Policy Statement 2.1 Part B.6 – Adaptive Management measures to minimise the potential impacts to pygmy blue whales from seismic noise. The following adaptive measures will be implemented:</p> <ul style="list-style-type: none"> <li>If there are three or more shut-downs for pygmy blue whales within a 24-hour period (including spotter vessel MFO shutdowns), then the seismic operations must not be undertaken thereafter at night-time or during low visibility conditions.</li> </ul> <p>Seismic operations cannot resume at night-time or during low visibility conditions, until there has been a cumulative 24-hour</p>	<p>F: Yes CS: Increased costs of the survey during no seismic operations, prolonging the survey duration.</p> <p>Any delays to the seismic program could result in significant cost and operational implications.</p> <p>It would also extend the duration of the survey, potentially increasing impacts to other receptors.</p> <p>However, observation zone has been selected to be protective of pygmy blue whales.</p>	<p>PTS or TTS effects to pygmy blue whales are not predicted to occur from exposure to a single impulse. However, adaptive management measures are considered conservative and appropriate to provide protection to pygmy blue whales that may be exposed to multiple pulses at close range.</p>	<p>Benefits outweigh cost/sacrifice.</p>	<p>Yes <b>C 4.4</b></p>

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Demonstration of ALARP				
Control Considered	Control Feasibility (F) and Cost/Sacrifice (CS) <sup>6</sup>	Benefit/Reduction in Impact	Proportionality	Control Adopted
period of seismic operations (daylight hours with good visibility) during which there has been less than three shut-downs for pygmy blue whales				
<p>EPBC Act Policy Statement 2.1 Part B.3 – Use of additional vessels to detect presence of cetaceans, during all daylight activities with seismic source discharge:</p> <ul style="list-style-type: none"> <li>Use of two MFOs aboard a dedicated spotter vessel travelling ~5 km out ahead of the seismic vessel to implement C 4.1.</li> </ul>	<p>F: Yes. Increases potential likelihood of environmental impacts, health and safety impacts to personnel due to additional vessel in the field. CS: Significant cost of additional vessel and personnel.</p>	<p>Two dedicated additional MFOs aboard a dedicated spotter vessel provides improved marine fauna detection and identification, and implementation of EPBC Act Policy Statement 2.1. The spotter vessel MFOs will work in tandem with survey vessel MFOs to implement C 4.1 (Policy Statement 2.1 Part A Standard Management Procedures and Part B.4) and C 4.4 (Adaptive Management Measures for pygmy blue whales). Stationing the spotter vessel ~5 km ahead of the survey vessel and acoustic array allows for the spotter vessel MFO observation zone (3km+ in good visibility) to extend ahead of the seismic source out to and beyond the 7.28 km behavioural disturbance distance for LF cetaceans. As a result of the extended MFO observation coverage there is an extended range for the implementation of the PBW / large unidentified whale shut down zone. Thus minimising the potential for biologically significant behavioural disturbances. Adaptive management and the use of the pygmy blue whale sightings (e.g numbers are greater than predicted) to trigger the implementation of this control were considered in line with the precautionary principle, to limit potential impacts. However, this could not be implemented due to logistical constraints surrounding vessel availability at short notice.</p>	Benefits outweigh cost/sacrifice.	Yes <b>C 4.6</b>

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Demonstration of ALARP				
Control Considered	Control Feasibility (F) and Cost/Sacrifice (CS) <sup>6</sup>	Benefit/Reduction in Impact	Proportionality	Control Adopted
		As such the control will be applied throughout the duration of the activity extending beyond the precautionary principle.		
The seismic source will not be discharged outside of the Active Source Area.	F: Yes CS: CS: Minimal cost. Standard practice.	Limits the effects of underwater sound to the extent that is assessed in this EP.	Benefits outweigh cost/sacrifice.	Yes <b>C 5.1</b>
Woodside will ensure the environmental impacts and risks of the activity continue to be managed to as low as reasonably practicable and an acceptable level for cultural values or features.	F: Yes CS: Minimal costs	This will ensure the development of avoidance or mitigation strategies in collaboration with Traditional Custodians if impacts to cultural values are identified.	Benefits outweigh cost/sacrifice	Yes <b>C 1.8</b>
<b>Good Practice</b>				
Seismic source validation.	F: Yes CS: Source modelling can be undertaken at minimal cost and relatively quickly.	If the seismic source selected for the Petroleum Activities Program is different to the source modelled and assessed in Koessler et al. (2021; <b>Appendix G</b> ), then additional source modelling will be undertaken to confirm whether the sound levels are consistent with levels assessed as acceptable in this EP.	Benefits outweigh cost/sacrifice.	Yes <b>C 3.1</b>
No operation of the seismic source within 25 km of the pygmy blue whale migration BIA.	F: Yes CS: Minimal cost. The Active Source Area is located >25 km from the pygmy blue whale migration BIA.	ANIMAT modelling ( <b>Appendix G</b> ) predicts that the maximum range at which pygmy blue whales may experience TTS is at 21.73 km. Preventing operation of the seismic source within 25 km of the pygmy blue whale migration BIA provides some additional conservatism and prevents TTS effects and injury to pygmy blue whales in the migration BIA.	Benefits outweigh cost/sacrifice.	Yes <b>C 4.5</b>
A 40 km separation distance between the Petroleum Activities Program and any identified concurrent seismic survey	F: Yes CS: In the event that other surveys are present in the region, a 40 km separation distance may result in delays due to vessel downtime or loss of survey area.	The Bureau of Ocean Energy Management (BOEM, 2014) published an environmental review of geological and geophysical survey activities in the south Atlantic Ocean. To minimise impacts to marine life by providing a 'corridor' between vessels, the environmental impact statement from this review	Benefits outweigh cost/sacrifice.	Yes <b>C 6.1</b>

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Demonstration of ALARP				
Control Considered	Control Feasibility (F) and Cost/Sacrifice (CS) <sup>6</sup>	Benefit/Reduction in Impact	Proportionality	Control Adopted
		included a requirement for a 40 km geographic separation distance (based on worst case scenarios) between the sources of simultaneous seismic surveys.		
Record sightings of marine turtles during the activity.	F: Yes CS: Minimal cost	Collecting data on marine turtle presence may assist in increasing understanding of their activity in the Operational Area.	Benefits outweigh cost/sacrifice.	Yes C 5.2
Reduce size of Active Source Area to minimise potential for behavioural responses in pygmy blue whales	F: Yes CS: Significant cost and schedule impacts. The Active Source Area has been designed to cover both the Scarborough and Jupiter fields, so that the survey provides new 3D / baseline 4D seismic data over both fields. Reducing the size of the Active Source Area would mean that the Jupiter extension would have to be acquired as part of a separate additional survey.	<p>There is no overlap between the Active Source Area or the Operational Area with the pygmy blue whale migration BIA.</p> <p>Given the implementation of adaptive management measures and the absence of any TTS effects within the pygmy blue whale migration BIA, the potential impacts of noise emissions from the seismic source on pygmy blue whales are likely to be restricted to temporary behavioural changes (avoidance) in individuals moving through the Operational Area, with predicted noise levels from the seismic acquisition not considered likely to cause injury effects.</p> <p>Based on the evidence presented in Thums et al. (2022), the likelihood of encountering migrating or foraging pygmy blue whales is considered low. However, based on the recorded presence of one pygmy blue whale overlapping with the Operational Area there may be the occasional individual or small group of whales transiting the area, mostly likely in the peak period of the northbound migration (May and June).</p> <p>An additional control of a dedicated spotter vessel travelling ahead of the seismic vessel increases the ability to detect pygmy blue whales in this peak</p>	Disproportionate. The cost / sacrifice outweighs the benefit gained. Implementing EPBC Policy Statement 2.1 Part A, and selected Part B measures will achieve an acceptable level of risk reduction during the pygmy blue whale northbound and southbound migrations.	No

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<b>Demonstration of ALARP</b>				
<b>Control Considered</b>	<b>Control Feasibility (F) and Cost/Sacrifice (CS)<sup>6</sup></b>	<b>Benefit/Reduction in Impact</b>	<b>Proportionality</b>	<b>Control Adopted</b>
		northbound migratory period, refer to <b>C 4.6</b> .		
<b>Professional Judgement – Eliminate</b>				
Reprocess previously acquired data	F: No. Woodside has re-processed the 2004 vintage seismic survey, HEX-003 on two separate occasions, in 2010 and 2018, on the latter occasion the processing involved the implementation of state-of-the-art Full Wave Equation imaging. No further uplift can be gained from this data. Additionally the original survey does not extend over the full Scarborough gas field or over the Jupiter gas field. CS: Not considered – control not feasible.	Not considered-control not feasible.	Not considered-control not feasible.	No
Use of alternative technologies to acquire data	F: No. Marine seismic vibrator technology is still in research and development and is yet to be offered commercially. CS: Not considered – control not feasible.	Not considered – control not feasible.	Not considered – control not feasible.	No
Vary the timing of the Petroleum Activities Program to avoid migration periods of pygmy blue whales	F: Yes CS: Significant cost and schedule impacts due to difficulties in securing a survey vessel for specific timeframes outside migration periods for pygmy blue whales. Reduces timeframe for acquisition to 4-months (Feb-Mar and Aug-Sept), which would limit the possibility of using a vessel of	There is no overlap between the Active Source Area or the Operational Area with the pygmy blue whale migration BIA.  Given the implementation of adaptive management measures and the absence of any TTS effects within the pygmy blue whale migration BIA, the potential impacts of noise emissions from the seismic source on pygmy blue whales are likely to be restricted to temporary behavioural	Disproportionate. The cost / sacrifice outweighs the benefit gained.  Implementing EPBC Policy Statement 2.1 Part A, and selected Part B measures will achieve an acceptable level of risk reduction during the	No

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<b>Demonstration of ALARP</b>				
<b>Control Considered</b>	<b>Control Feasibility (F) and Cost/Sacrifice (CS)<sup>6</sup></b>	<b>Benefit/Reduction in Impact</b>	<b>Proportionality</b>	<b>Control Adopted</b>
	opportunity' that may be in the region.	<p>changes (avoidance) in individuals moving through the Operational Area, with predicted noise levels from the seismic acquisition not considered likely to cause injury effects.</p> <p>Based on the evidence presented in Thums et al. (2022), the likelihood of encountering migrating or foraging pygmy blue whales is considered low. However, based on the recorded presence of one pygmy blue whale overlapping with the Operational Area there may be the occasional individual or small group of whales transiting the area, mostly likely in the peak period of the northbound migration (May and June).</p> <p>An additional control of a dedicated spotter vessel travelling ahead of the seismic vessel increases the ability to detect pygmy blue whales in this peak northbound migratory period, refer to <b>C 4.6</b>.</p>	pygmy blue whale northbound and southbound migrations.	
<b>Professional Judgement – Substitute</b>				
None identified				
<b>Professional Judgement – Engineered Solution</b>				
Reduce seismic source capacity (volume) to minimise potential for behavioural responses in pygmy blue whales	<p>F: Yes</p> <p>CS: Significant cost and schedule impacts. The seismic source specifications were selected following a technical assessment, and a review of legacy seismic survey parameters. The source specifications have considered the range of water depths within the Active Source Area and depth of the targets within the subsurface geology to ensure adequate seismic imaging. It was determined that</p>	<p>There is no overlap between the Active Source Area or the Operational Area with the pygmy blue whale migration BIA.</p> <p>Given the implementation of adaptive management measures and the absence of any TTS effects within the pygmy blue whale migration BIA, the potential impacts of noise emissions from the seismic source on pygmy blue whales are likely to be restricted to temporary behavioural changes (avoidance) in individuals moving through the Operational Area, with predicted noise levels from the seismic acquisition not</p>	<p>Disproportionate. The cost / sacrifice outweighs the benefit gained.</p> <p>Implementing EPBC Policy Statement 2.1 Part A, and selected Part B measures will achieve an acceptable level of risk reduction during the pygmy blue whale northbound and southbound migrations.</p>	No

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<b>Demonstration of ALARP</b>				
<b>Control Considered</b>	<b>Control Feasibility (F) and Cost/Sacrifice (CS)<sup>6</sup></b>	<b>Benefit/Reduction in Impact</b>	<b>Proportionality</b>	<b>Control Adopted</b>
	<p>a maximum volume of 3150 cu in is required to adequately image subsurface prospects, and to provide a 4D baseline for potential future monitoring surveys.</p> <p>Reducing the source capacity would result in the acquisition of inadequate 3D data, potentially requiring all or parts of the survey to be re-acquired.</p>	<p>considered likely to cause injury effects.</p> <p>Based on the evidence presented in Thums et al. (2022), the likelihood of encountering migrating or foraging pygmy blue whales is considered low. However, based on the recorded presence of one pygmy blue whale overlapping with the Operational Area there may be the occasional individual or small group of whales transiting the area, mostly likely in the peak period of the northbound migration (May and June).</p> <p>An additional control of a dedicated spotter vessel travelling ahead of the seismic vessel increases the ability to detect pygmy blue whales in this northbound migratory period, refer to <b>C 4.6</b>.</p>		
<p>EPBC Act Policy Statement 2.1 Part B.3 – Use of spotter aircraft to detect presence of cetaceans</p>	<p>F: Yes.</p> <p>Increases potential likelihood of environmental impacts, health and safety impacts to personnel due to aircraft in the field.</p> <p>Unacceptable risk to personnel in operating aircraft so far offshore.</p> <p>CS: Significant cost of aircraft and personnel. Aircraft range limits observation time at the Operational Area requiring multiple aircraft/crew to cover daylight periods.</p>	<p>Based on the evidence presented in Thums et al. (2022), the likelihood of encountering migrating or foraging pygmy blue whales is considered low. However, based on the recorded presence of one pygmy blue whale overlapping with the Operational Area there may be the occasional individual or small group of whales transiting the area, mostly likely in the peak period of the northbound migration (May and June).</p> <p>Given the implementation of adaptive management measures and the absence of any TTS effects within the pygmy blue whale migration BIA, the potential impacts of noise emissions from the seismic source on pygmy blue whales are likely to be restricted to temporary behavioural changes (avoidance) in individuals moving through the Operational Area, with predicted noise levels from</p>	<p>Disproportionate.</p> <p>The cost / sacrifice outweighs the benefit gained.</p> <p>Implementing EPBC Policy Statement 2.1 Part A, and selected Part B measures will achieve an acceptable level of risk reduction during the pygmy blue whale northbound and southbound migrations.</p>	No

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<b>Demonstration of ALARP</b>				
<b>Control Considered</b>	<b>Control Feasibility (F) and Cost/Sacrifice (CS)<sup>6</sup></b>	<b>Benefit/Reduction in Impact</b>	<b>Proportionality</b>	<b>Control Adopted</b>
		the seismic acquisition not considered likely to cause TTS effects.		
Use of Unmanned Aerial Vehicles (UAVs – drones) to detect presence of cetaceans	F: Yes. Unproven technology in monitoring cetaceans in offshore marine environments. Dependent on suitable weather conditions (low wind speeds and good visibility). CS: Additional cost of drones and pilots.	Based on the evidence presented in Thums et al. (2022), the likelihood of encountering migrating or foraging pygmy blue whales is considered low. However, based on the recorded presence of one pygmy blue whale overlapping with the Operational Area there may be the occasional individual or small group of whales transiting the area, mostly likely in the peak period of the northbound migration (May and June). Given the implementation of adaptive management measures and the absence of any TTS effects within the pygmy blue whale migration BIA, the potential impacts of noise emissions from the seismic source on pygmy blue whales are likely to be restricted to temporary behavioural changes (avoidance) in individuals moving through the Operational Area, with predicted noise levels from the seismic acquisition not considered likely to cause TTS effects.	Disproportionate. The cost / sacrifice outweighs the benefit gained. Implementing EPBC Policy Statement 2.1 Part A, and selected Part B measures will achieve an acceptable level of risk reduction during the pygmy blue whale northbound and southbound migrations.	No
Use of sonobuoys to detect presence of cetaceans	F: Yes. Signal reception relies on VHF radio frequencies, and therefore line-of-sight between the transmitter (sonobuoy) and the antenna on the vessel. Therefore, does not extend cetacean detection range beyond that achievable via visual observations (MFOs) or PAM. CS: Additional cost of sonobuoys and operators.	Based on the evidence presented in Thums et al. (2022), the likelihood of encountering migrating or foraging pygmy blue whales is considered low. However, based on the recorded presence of one pygmy blue whale overlapping with the Operational Area there may be the occasional individual or small group of whales transiting the area, mostly likely in the peak period of the northbound migration (May and June). Given the implementation of adaptive management measures and the absence	Disproportionate. The cost / sacrifice outweighs the benefit gained. Implementing EPBC Policy Statement 2.1 Part A, and selected Part B measures will achieve an acceptable level of risk reduction during the pygmy blue whale northbound and southbound migrations.	No

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<b>Demonstration of ALARP</b>				
<b>Control Considered</b>	<b>Control Feasibility (F) and Cost/Sacrifice (CS)<sup>6</sup></b>	<b>Benefit/Reduction in Impact</b>	<b>Proportionality</b>	<b>Control Adopted</b>
		of any TTS effects within the pygmy blue whale migration BIA, the potential impacts of noise emissions from the seismic source on pygmy blue whales are likely to be restricted to temporary behavioural changes (avoidance) in individuals moving through the Operational Area, with predicted noise levels from the seismic acquisition not considered likely to cause TTS effects.		
<p><b>ALARP Statement</b></p> <p>On the basis of the environmental impact assessment outcomes and use of the relevant tools appropriate to the decision type (i.e. Decision Type B), Woodside considers the adopted controls appropriate to manage the impacts and risks of noise emissions generated from seismic source. As no reasonable additional/alternative controls were identified that would further reduce the impacts and risks without grossly disproportionate sacrifice, the impacts and risks are considered ALARP.</p>				

Demonstration of Acceptability		
Receptor <sup>7</sup>	Acceptability Criteria and Assessment	Statement of Acceptability
Migratory and threatened cetaceans	<p><b>Principles of ESD</b></p> <p>The impact assessment has considered the relevant principles of ESD:</p> <ul style="list-style-type: none"> <li>The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making.</li> <li>Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations.</li> </ul> <p>Impacts are considered consistent with these principles given controls adopted and that impacts will be inherently limited to 'Slight, short-term impact (less than one year) on species, habitat (but not affecting ecosystems function), physical or biological attributes' (<b>Section 2.6.4</b>).</p> <p>Other principles of ESD were considered not relevant given underwater noise emissions from the seismic source do not represent a threat of "serious or irreversible environmental damage", they will not result in impacts that affect the maintenance or enhancement of the "health, diversity and productivity of the environment" over generational timeframes, and they have no relevance to "improved valuation, pricing and incentive mechanisms."</p> <p><b>Internal Context</b></p> <p>The Petroleum Activities Program is consistent with Woodside corporate policies, culture, processes, standards, structure and systems as outlined in the Demonstration of ALARP and Environmental Performance Outcomes, including:</p> <ul style="list-style-type: none"> <li>Woodside Environment and Biodiversity Policy (<b>Appendix A</b>)</li> <li>Woodside Risk Management Policy (<b>Appendix A</b>).</li> </ul> <p><b>External Context</b></p> <p>Impacts to cetaceans was raised during consultation and this feedback was considered in the finalisation of the EP. Woodside recognises that First Nations have cultural interest to whales and this has been raised in consultation. Potential impacts from acoustic emissions are expected to be limited to behavioural impact, which may include temporary and localised deviations from migratory pathways for cetaceans. However, no permanent impacts preventing cetaceans from entering or occupying the area are anticipated as a result of acoustic emissions. Therefore this activity is not</p>	<p>The predicted level of impact for migratory and threatened cetaceans is considered to be of an acceptable level given that the:</p> <ul style="list-style-type: none"> <li>the Petroleum Activities Program is consistent with the relevant principles of ESD</li> <li>the proposed controls have considered the environmental consequence and are consistent with Woodside's internal policies, procedures and standards</li> <li>feedback from stakeholders has been taken into consideration</li> <li>legislative requirements/industry standards have been adopted</li> <li>the Petroleum Activities Program will be managed in a manner that prevents physical injury or displacement of pygmy blue whales from migration and foraging BIAs</li> <li>the Petroleum Activities Program will be managed in a manner that prevents physical injury to pygmy blue whales and other cetacean species</li> <li>the Petroleum Activities Program will be managed in a manner that reduces potential biologically significant behavioural disturbances to pygmy blue whales and other cetacean species</li> <li>impacts and risks to cultural values have been taken into consideration and by managing the activity to prevent injury and reduce potential biologically significant behavioural disturbances to whales cultural values are considered to be inherently protected</li> <li>the Petroleum Activities Program will be managed in a manner that is consistent with management objectives</li> </ul>

<sup>7</sup> Where these receptors have a cultural connection (as identified in Section 4.10.1) these have also been considered



Demonstration of Acceptability		
Receptor <sup>7</sup>	Acceptability Criteria and Assessment	Statement of Acceptability
	<p>expected to have a significant impact on MNES (Section 2.9.2) including those with an Indigenous connection as defined in Section 4.10.1</p> <p><b>Other Requirements</b></p> <p>The proposed control measures exceed the required standards and control measures set out in EPBC Policy Statement 2.1. Part A Standard Management Measures (DEWHA, 2008).</p> <p>The proposed activity and control measures are not inconsistent with the requirements of recovery plans or wildlife conservation plans/advice as demonstrated in Section 6.8. The impact assessment has determined that seismic acquisition may be undertaken in a manner that is not inconsistent with the requirements of the Conservation Management Plan for the Blue Whale, specifically that <i>'Anthropogenic noise in biologically important areas will be managed such that any blue whale continues to utilise the area without injury, and is not displaced from a foraging area'</i>. Acoustic modelling and ANIMAT modelling have demonstrated that TTS effects will not occur in the pygmy blue whale migration BIA and sound levels will not result in displacement from foraging areas.</p> <p>The impact assessment and proposed control measures are consistent with NOPSEMA Acoustic Impact Evaluation and Management Guideline (N-04750-IP1765 Rev2 Dec 2018).</p> <p>No significant or long-term impacts are expected to occur to key habitats of EPBC Act listed species included as values of the Montebello and Gascoyne AMPs.</p>	<p>for relevant WHAs, AMPs, recovery plans and conservation plans/advices</p> <ul style="list-style-type: none"> <li>the predicted level of impact has been reduced to ALARP.</li> </ul> <p><b>Environmental Performance Consideration</b></p> <p>To manage impacts to migratory and threatened cetaceans to an acceptable level, the following EPOs have been applied:</p> <p><b>EPO 3:</b> Far-field source levels for the selected seismic source for the Scarborough 4D B1 MSS are consistent with levels assessed in this EP.</p> <p><b>EPO 4:</b> Undertake seismic acquisition in a manner that prevents injury to whales, and minimises the potential for biologically significant behavioural disturbance.</p> <p><b>EPO 5:</b> Limit underwater sound production from the seismic source to the area defined and assessed in this EP.</p> <p><b>EPO 6:</b> Undertake seismic acquisition in a manner that reduces potential cumulative impacts resulting from the Petroleum Activities Programme and other seismic survey operations as far as reasonably practicable.</p> <p>To manage impacts to cultural values the following EPO have been applied:</p> <p><b>EPO 18</b></p> <p>New cultural values identified through the Program (EPO17) will be managed to ALARP and an Acceptable level of impact.</p>
Migratory and threatened marine turtles	<p><b>Principles of ESD</b></p> <p>The Petroleum Activities Program is consistent with the relevant principles of ESD:</p> <ul style="list-style-type: none"> <li>The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making.</li> </ul>	<p>The predicted level of impact for migratory and threatened marine turtles is considered to be of an acceptable level given that the:</p> <ul style="list-style-type: none"> <li>the Petroleum Activities Program is consistent with the relevant principles of ESD</li> </ul>



Demonstration of Acceptability		
Receptor <sup>7</sup>	Acceptability Criteria and Assessment	Statement of Acceptability
	<ul style="list-style-type: none"> <li>Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations.</li> </ul> <p>Impacts are considered consistent with these principles given controls adopted and that impacts will be inherently limited to 'Slight, short-term impact (less than one year) on species, habitat (but not affecting ecosystems function), physical or biological attributes' (<b>Section 2.6.4</b>).</p> <p>Other principles of ESD were considered not relevant given underwater noise emissions from the seismic source do not represent a threat of "serious or irreversible environmental damage", they will not result in impacts that affect the maintenance or enhancement of the "health, diversity and productivity of the environment" over generational timeframes, and they have no relevance to "improved valuation, pricing and incentive mechanisms."</p> <p><b>Internal Context</b></p> <p>The Petroleum Activities Program is consistent with Woodside corporate policies, culture, processes, standards, structure and systems as outlined in the Demonstration of ALARP and Environmental Performance Outcomes, including:</p> <ul style="list-style-type: none"> <li>Woodside Environment and Biodiversity Policy (Appendix A)</li> <li>Woodside Risk Management Policy (Appendix A).</li> </ul> <p><b>External Context</b></p> <p>During consultation turtles were raised and Woodside recognises that First Nations have cultural interest in turtles. While marine turtles are unlikely to occur in the area of potential impact, if individual turtles are transiting through impacts from acoustic emissions are expected to be restricted to temporary behavioural changes (avoidance). Therefore this activity is not expected to have a significant impact on MNES (<b>Section 2.9.2</b>) including those with an Indigenous connection as defined in <b>Section 4.10.1</b>. This feedback was considered in the finalisation of the EP.</p> <p><b>Other requirements</b></p> <p>The proposed control measures are not inconsistent with the applicable objectives and actions of the Recovery Plan for Marine Turtles (DoEE, 2017a). Specifically, controls measures will 'manage anthropogenic activities to ensure marine turtles are not displaced from identified habitat critical to the survival' of marine turtles and 'given that the impacts of noise are unknown, a precautionary approach [will] be applied to seismic work, such that surveys planned to occur inside important internesting habitat should be scheduled outside the nesting season'. Received noise levels from seismic</p>	<ul style="list-style-type: none"> <li>the proposed controls have considered the environmental consequence and are consistent with Woodside's internal policies, procedures and standards</li> <li>feedback from stakeholders has been taken into consideration</li> <li>legislative requirements/industry standards have been adopted</li> <li>the Petroleum Activities Program will be undertaken in a manner that prevents displacement of marine turtles from Habitat Critical/important internesting habitats during nesting/internesting periods</li> <li>the Petroleum Activities Program will be managed in a manner that is consistent with management objectives for relevant WHAs, AMPs, recovery plans and conservation plans/advises</li> <li>impacts and risks to cultural values have been taken into consideration and by managing activity as described above the cultural values are considered to be inherently protected</li> <li>the predicted level of impact has been reduced to ALARP.</li> </ul> <p><b>Environmental Performance Considerations</b></p> <p>The Petroleum Activities Program will not disturb or displace any individuals from Habitat Critical or internesting BIAs, or result in any ecologically significant impacts at a population level for any species of marine turtle.</p> <p>The following EPOs have been applied:</p> <p><b>EPO 3:</b> Far-field source levels for the selected seismic source for the Scarborough 4D B1 MSS are consistent with levels assessed in this EP.</p>

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Demonstration of Acceptability		
Receptor <sup>7</sup>	Acceptability Criteria and Assessment	Statement of Acceptability
	<p>acquisition are not likely to cause injury impacts, displace any individuals from Habitat Critical or interesting BIAs, or result in any ecologically significant impacts at a population level for any species of marine turtle that may be present within or adjacent to the Operational Area during the Petroleum Activities Program.</p> <p>The impact assessment and proposed control measures are consistent with NOPSEMA Acoustic Impact Evaluation and Management Guideline (N-04750-IP1765 Rev2 Dec 2018).</p> <p>Nesting and interesting marine turtle habitats are identified as a natural value of the Montebello and Gascoyne AMPs. No significant impacts to interesting marine turtles are predicted and the Activity will be undertaken consistent with marine park objectives.</p>	<p><b>EPO 5:</b> Limit underwater sound production from the seismic source to the area defined and assessed in this EP.</p> <p>To manage impacts to cultural values the following EPO have been applied:</p> <p><b>EPO 18</b></p> <p>New cultural values identified through the Program (EPO17) will be managed to ALARP and an Acceptable level of impact.</p>
Migratory and threatened fishes and elasmobranchs (including whale sharks)	<p><b>Principles of ESD</b></p> <p>The Petroleum Activities Program is consistent with the relevant principles of ESD:</p> <ul style="list-style-type: none"> <li>The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making.</li> <li>Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations.</li> </ul> <p>Impacts are considered consistent with these principles given controls adopted and that impacts will be inherently limited to localised impacts with no lasting effect (<b>Section 2.6.4</b>).</p> <p>Other principles of ESD were considered not relevant given underwater noise emissions from the seismic source do not represent a threat of "serious or irreversible environmental damage", they will not result in impacts that affect the maintenance or enhancement of the "health, diversity and productivity of the environment" over generational timeframes, and they have no relevance to "improved valuation, pricing and incentive mechanisms."</p> <p><b>Internal Context</b></p> <p>The Petroleum Activities Program is consistent with Woodside corporate policies, culture, processes, standards, structure and systems as outlined in the Demonstration of ALARP and Environmental Performance Outcomes, including:</p> <ul style="list-style-type: none"> <li>Woodside Environment and Biodiversity Policy (Appendix A)</li> <li>Woodside Risk Management Policy (Appendix A).</li> </ul> <p><b>External Context</b></p>	<p>The predicted level of impact for migratory and threatened fishes and elasmobranchs (including whale sharks) is considered to be of an acceptable level given that the:</p> <ul style="list-style-type: none"> <li>the Petroleum Activities Program is consistent with the relevant principles of ESD</li> <li>the proposed controls have considered the environmental consequence and are consistent with Woodside's internal policies, procedures and standards</li> <li>feedback from stakeholders has been taken into consideration</li> <li>impacts and risks to cultural values have been taken into consideration</li> <li>legislative requirements/industry standards have been adopted</li> <li>the Petroleum Activities Program will not result in physical injury to migratory and threatened fishes and elasmobranchs (including whale sharks)</li> <li>the Petroleum Activities Program will be managed in a manner that is consistent with management objectives for relevant WHAs, AMPs, recovery plans and conservation plans/advises</li> </ul>

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Demonstration of Acceptability		
Receptor <sup>7</sup>	Acceptability Criteria and Assessment	Statement of Acceptability
	<p>During stakeholder consultation with relevant stakeholders no concerns specifically relating to fish were raised.</p> <p>Activities do not have a significant impact on MNES (<b>Section 2.9.2</b>) including those with an Indigenous connection with, or traditional use in nearshore areas as defined in <b>Section 4.10.1</b></p> <p><b>Other Requirements</b></p> <p>There are no legislative requirements applicable to managing the effects of seismic surveys in relation to sharks.</p> <p>Seismic noise has not been identified as a threat to whale sharks (or other shark species identified as possibly present in the region) in recovery plans or wildlife conservation plans/advice.</p> <p>Noise pollution is not identified as a pressure to whale sharks in the Marine Bioregional Plan for the NWMR (DSEWPaC, 2012a).</p> <p>The impact assessment and proposed control measures are consistent with NOPSEMA Acoustic Impact Evaluation and Management Guideline (N-04750-IP1765 Rev2 Dec 2018).</p>	<ul style="list-style-type: none"> <li>the predicted level of impact has been reduced to ALARP.</li> </ul> <p><b>Environmental Performance Considerations</b></p> <p>The Petroleum Activities Program will not result in physical injury to migratory and threatened fishes and elasmobranchs (including whale sharks).</p> <p>The following EPOs have been applied:</p> <p><b>EPO 3:</b> Far-field source levels for the selected seismic source for the Scarborough 4D B1 MSS are consistent with levels assessed in this EP.</p> <p><b>EPO 5:</b> Limit underwater sound production from the seismic source to the area defined and assessed in this EP.</p>
Fish spawning and commercial fisheries	<p><b>Principles of ESD</b></p> <p>The Petroleum Activities Program is consistent with the relevant principles of ESD:</p> <ul style="list-style-type: none"> <li>The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making.</li> <li>Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations.</li> </ul> <p>Impacts are considered consistent with these principles given controls adopted and that impacts will be inherently limited to 'Slight, short-term impact (less than one year) on species, habitat (but not affecting ecosystems function), physical or biological attributes' (<b>Section 2.6.4</b>).</p> <p>Other principles of ESD were considered not relevant given underwater noise emissions from the seismic source do not represent a threat of "serious or irreversible environmental damage", they will not result in impacts that affect the maintenance or enhancement of the "health, diversity and productivity of the environment" over generational timeframes, and they have no relevance to "improved valuation, pricing and incentive mechanisms."</p> <p><b>Internal Context</b></p>	<p>The predicted level of impact for fish spawning and commercial fisheries is considered to be of an acceptable level given that the:</p> <ul style="list-style-type: none"> <li>the Petroleum Activities Program is consistent with the relevant principles of ESD</li> <li>the proposed controls have considered the environmental consequence and are consistent with Woodside's internal policies, procedures and standards</li> <li>feedback from stakeholders has been taken into consideration</li> <li>impacts and risks to cultural values have been taken into consideration</li> <li>legislative requirements/industry standards have been adopted</li> <li>the Petroleum Activities Program will not result in changes to the spawning biomass or changes in</li> </ul>

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Demonstration of Acceptability		
Receptor <sup>7</sup>	Acceptability Criteria and Assessment	Statement of Acceptability
	<p>The Petroleum Activities Program is consistent with Woodside corporate policies, culture, processes, standards, structure and systems as outlined in the Demonstration of ALARP and Environmental Performance Outcomes, including:</p> <ul style="list-style-type: none"> <li>• Woodside Environment and Biodiversity Policy (<b>Appendix A</b>)</li> <li>• Woodside Risk Management Policy (<b>Appendix A</b>).</li> </ul> <p><b>External Context</b></p> <p>During stakeholder consultation with relevant persons no concerns specifically relating to fish spawning or commercial fisheries were raised.</p> <p>Potential impacts to fish spawning have been considered in this EP through review of overlap of behavioural response zones for fish and potential spawning areas, and demonstration that impacts and risks will be managed to levels that are ALARP. The potential impacts of noise emissions from the seismic source on spawning of key indicator commercial fish species are considered to be slight and short-term, and the Activity is not likely to result in any ecologically significant impacts at a population level for any key indicator commercial fish species that may be spawning within or adjacent to the Operational Area during acquisition activities. Similarly, the potential impacts on commercial catch rates are considered to be slight, as the activity is not likely to result in any ecologically significant impacts at a population level for any key indicator species and the Petroleum Activities Program is not located in an area targeted by commercial fisheries.</p> <p>Activities do not have a significant impact on MNES (<b>Section 2.9.2</b>) including those with an Indigenous connection with, or traditional use in nearshore areas as defined in <b>Section 4.10.1</b></p> <p><b>Other Requirements</b></p> <p>There are no legislative requirements applicable to managing the effects of seismic surveys in relation to fish spawning and commercial fisheries.</p> <p>The proposed control measures are consistent with key mitigation strategies for seismic surveys published in the WA Department of Fisheries Guidance statement on undertaking seismic surveys in Western Australian waters (DoF, 2013) – e.g. use of soft starts; minimise the sound intensity and exposure time of surveys.</p> <p>Woodside has also considered DPIRD's ecological risk assessment of seismic impacts to marine finfish and invertebrates (Webster et al., 2018) during the assessment of impacts and risks to fish spawning and commercial fisheries, noting that the DPIRD risk assessment considers worst-case potential impacts to individual</p>	<p>recruitment of commercially important species that may be discernible from normal natural variation</p> <ul style="list-style-type: none"> <li>• the Petroleum Activities Program will not impact commercial fishery catch rates</li> <li>• the predicted level of impact has been reduced to ALARP.</li> </ul> <p><b>Environmental Performance Considerations</b></p> <p>The Petroleum Activities Program will not result in changes to the spawning biomass or changes in recruitment of commercially important species that may be discernible from normal natural variation. The Petroleum Activities Program will not impact commercial fishery catch rates.</p> <p>The following EPOs have been applied:</p> <p><b>EPO 3:</b> Far-field source levels for the selected seismic source for the Scarborough 4D B1 MSS are consistent with levels assessed in this EP.</p> <p><b>EPO 5:</b> Limit underwater sound production from the seismic source to the area defined and assessed in this EP.</p>

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Demonstration of Acceptability		
Receptor <sup>7</sup>	Acceptability Criteria and Assessment	Statement of Acceptability
	<p>finfish and invertebrates assuming they do not move to avoid an approaching seismic source. This is not representative of real-life sound exposures and does not represent impacts at a population level. Woodside has, therefore, considered additional information to assess impacts to fish spawning and fish stock populations.</p> <p>The impact assessment and proposed control measures are consistent with NOPSEMA Acoustic Impact Evaluation and Management Guideline (N-04750-IP1765 Rev2 Dec 2018).</p>	
AMPs	<p><b>Principles of ESD</b></p> <p>The Petroleum Activities Program is consistent with the relevant principles of ESD:</p> <ul style="list-style-type: none"> <li>• The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making.</li> <li>• Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations.</li> </ul> <p>Impacts are considered consistent with these principles given controls adopted and that impacts will be inherently limited to 'Slight, short-term impact (less than one year) on species, habitat (but not affecting ecosystems function), physical or biological attributes' (<b>Section 2.6.4</b>).</p> <p>Other principles of ESD were considered not relevant given underwater noise emissions from the seismic source do not represent a threat of "serious or irreversible environmental damage", they will not result in impacts that affect the maintenance or enhancement of the "health, diversity and productivity of the environment" over generational timeframes, and they have no relevance to "improved valuation, pricing and incentive mechanisms."</p> <p><b>Internal Context</b></p> <p>The Petroleum Activities Program is consistent with Woodside corporate policies, culture, processes, standards, structure and systems as outlined in the Demonstration of ALARP and Environmental Performance Outcomes, including:</p> <ul style="list-style-type: none"> <li>• Woodside Environment and Biodiversity Policy (<b>Appendix A</b>)</li> <li>• Woodside Risk Management Policy (<b>Appendix A</b>).</li> </ul> <p><b>External Context</b></p> <p>N/A</p> <p><b>Other Requirements</b></p>	<p>The predicted level of impact for AMPs is considered to be of an acceptable level given that the:</p> <ul style="list-style-type: none"> <li>• the Petroleum Activities Program is consistent with the relevant principles of ESD</li> <li>• the proposed controls have considered the environmental consequence and are consistent with Woodside's internal policies, procedures and standards</li> <li>• feedback from stakeholders has been taken into consideration</li> <li>• legislative requirements/industry standards have been adopted</li> <li>• the Petroleum Activities Program will not be inconsistent with the principles or management objectives of the North-west Marine Parks Network Management Plan (DNP, 2018a)</li> <li>• the Petroleum Activities Program will be undertaken in a manner that is consistent with the zone management categories outlined in the North-west Marine Parks Network Management Plan and values of the Montebello and Gascoyne AMPs</li> <li>• the predicted level of impact has been reduced to ALARP.</li> </ul> <p><b>Environmental Performance Considerations</b></p>

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Demonstration of Acceptability		
Receptor <sup>7</sup>	Acceptability Criteria and Assessment	Statement of Acceptability
	<p>The proposed controls and consequence/residual risk level are consistent with:</p> <ul style="list-style-type: none"> <li>Australian IUCN Reserve Management Principles and objectives of the IUCN Category VI Zone, as outlined in the North-west Marine Parks Network Management Plan (DNP, 2018a)</li> <li>the zone management categories outlined in the North-west Marine Parks Network Management Plan and values of the Montebello and Gascoyne AMPs.</li> </ul>	<p>The Petroleum Activities Program will not impact the values or management objectives of AMPs or the North-west Marine Park Network.</p> <p>The following EPOs have been applied:</p> <p><b>EPO 3:</b> Far-field source levels for the selected seismic source for the Scarborough 4D B1 MSS are consistent with levels assessed in this EP.</p> <p><b>EPO 5:</b> Limit underwater sound production from the seismic source to the area defined and assessed in this EP.</p>
Other environmental values (ecosystems/habitats, species and socio-economic)	<p><b>Principles of ESD</b></p> <p>The Petroleum Activities Program is consistent with the relevant principles of ESD:</p> <ul style="list-style-type: none"> <li>The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making.</li> <li>Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations.</li> </ul> <p>Impacts are considered consistent with these principles given controls adopted and that impacts will be inherently limited to 'Slight, short-term impact (less than one year) on species, habitat (but not affecting ecosystems function), physical or biological attributes' (<b>Section 2.6.4</b>).</p> <p>Other principles of ESD were considered not relevant given underwater noise emissions from the seismic source do not represent a threat of "serious or irreversible environmental damage", they will not result in impacts that affect the maintenance or enhancement of the "health, diversity and productivity of the environment" over generational timeframes, and they have no relevance to "improved valuation, pricing and incentive mechanisms."</p> <p><b>Internal Context</b></p> <p>The Petroleum Activities Program is consistent with Woodside corporate policies, culture, processes, standards, structure and systems as outlined in the Demonstration of ALARP and Environmental Performance Outcomes, including:</p> <ul style="list-style-type: none"> <li>Woodside Environment and Biodiversity Policy (Appendix A)</li> <li>Woodside Risk Management Policy (Appendix A).</li> </ul>	<p>The predicted level of impact is considered to be of an acceptable level given that the:</p> <ul style="list-style-type: none"> <li>the Petroleum Activities Program is consistent with the relevant principles of ESD</li> <li>the proposed controls have considered the environmental consequence and are consistent with Woodside's internal policies, procedures and standards</li> <li>feedback from stakeholders has been taken into consideration</li> <li>legislative requirements/industry standards have been adopted</li> <li>the Petroleum Activities Program will be managed in a manner that prevents any long term impacts to ecosystems/habitats, species and socio-economic values</li> <li>the Petroleum Activities Program will be managed in a manner that is consistent with management objectives for relevant WHPs, AMPs, recovery plans and conservation plans/advice</li> <li>the predicted level of impact has been reduced to ALARP.</li> </ul>

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Demonstration of Acceptability		
Receptor <sup>7</sup>	Acceptability Criteria and Assessment	Statement of Acceptability
	<p><b>External Context</b></p> <p>Impacts to plankton was raised during consultation (<b>Section 5</b>), including as an environmental value of cultural interest to First Nations, and this feedback was considered in the finalisation of the EP.</p> <p>It is expected that impacts to plankton will be minimal at a regional scale and unlikely to result in impacts to high order trophic levels. Therefore this activity is not expected to have a significant impact on MNES (<b>Section 2.9.2</b>) including those with an Indigenous connection with, or traditional use in nearshore areas as defined in <b>Section 4.10.1</b></p> <p><b>Other Requirements</b></p> <p>No additional legislative requirements applicable to managing the effects of seismic surveys in relation to other identified environment values have been identified.</p>	<ul style="list-style-type: none"> <li>impacts and risks to cultural values have been taken into consideration and by managing activity as described above the cultural values are considered to be inherently protected</li> </ul> <p><b>Environmental Performance Considerations</b></p> <p>The Petroleum Activities Program will not result in long term impacts to ecosystems/habitats, species and socio-economic values.</p> <p>The following EPOs have been applied:</p> <p><b>EPO 3:</b> Far-field source levels for the selected seismic source for the Scarborough 4D B1 MSS are consistent with levels assessed in this EP.</p> <p><b>EPO 5:</b> Limit underwater sound production from the seismic source to the area defined and assessed in this EP.</p> <p>To manage impacts to cultural values the following EPO have been applied:</p> <p><b>EPO 18</b></p> <p>New cultural values identified through the Program (EPO17) will be managed to ALARP and an Acceptable level of impact.</p>

Environmental Performance Outcomes, Standards and Measurement Criteria			
Outcomes	Controls	Standards	Measurement Criteria
<p><b>EPO 3</b></p> <p>Far-field source levels for the selected seismic source for the Scarborough 4D B1 MSS are consistent with levels assessed in this EP.</p>	<p><b>C 3.1</b></p> <p>Seismic source validation.</p>	<p><b>PS 3.1</b></p> <p>In the event that a seismic source is selected for the Scarborough 4D B1 MSS that is significantly different to the modelled source<sup>8</sup>, additional acoustic source modelling will be undertaken using the JASCO AASM model to confirm that the far-field horizontal source level specifications of the seismic source selected for the Scarborough 4D B1 MSS are comparable to those assessed in this EP.</p>	<p><b>MC 3.1.1</b></p> <p>Acoustic source modelling report for selected seismic source</p>
<p><b>EPO 4</b></p> <p>Undertake seismic acquisition in a manner that prevents injury to whales, and minimises the potential for biologically significant behavioural disturbance</p>	<p><b>C 4.1</b></p> <p>Application of EPBC Policy Statement 2.1 Part A Standard Management Procedures and Part B.4 to whales, as outlined below:</p> <ul style="list-style-type: none"> <li>• observation zone: 3 km+ to the limits of visibility for large unidentified whales 2 km to 3 km for all other whales</li> <li>• shut-down zone: to limits of visibility for positively identified (certain or probable confidence level) pygmy blue whales or large unidentified whales; 2 km for all whales</li> <li>• observation and compliance reporting: Use of vessel crew to supplement dedicated MFOs in marine fauna observations and monitoring compliance to Policy Statement 2.1. Records kept of marine fauna observations during all surveys.</li> <li>• pre start-up visual observation (30 minutes)</li> <li>• soft start procedure (30 minutes)</li> <li>• start-up delay procedure (if sighting occurs)</li> <li>• operations procedure</li> </ul>	<p><b>PS 4.1</b></p> <p>EPBC Policy Statement 2.1 – Part A Standard Management Procedures and Part B.4 as outlined below:</p> <ul style="list-style-type: none"> <li>• observation zone: 3 km+ to the limits of visibility for large unidentified whales 2 km to 3 km for all other whales</li> <li>• shut-down zone: to limits of visibility for positively identified (certain or probable confidence level) pygmy blue whales or large unidentified whales 2 km for all whales</li> <li>• observation and compliance reporting: Use of vessel crew to supplement dedicated MFOs in marine fauna observations and monitoring compliance to Policy Statement 2.1. Records kept of marine fauna observations during all surveys.</li> <li>• pre start-up visual observation (30 minutes)</li> <li>• soft start procedure (30 minutes)</li> <li>• start-up delay procedure (if sighting occurs)</li> <li>• operations procedure</li> </ul>	<p><b>MC 4.1.1</b></p> <p>Records demonstrate compliance with Policy Statement 2.1 Part A Standard Management Procedures and Part B.4.</p>

<sup>8</sup> "Significantly different" is defined as a difference of 3 dB or greater than the modelled peak source pressure levels in the broadside, endfire and vertical directions (see Table 9 in Koessler et al., 2021; **Appendix G**), as determined by seismic contractor in-house modelling of their proposed array (e.g. Gundalf, Nucleus+ outputs).



Environmental Performance Outcomes, Standards and Measurement Criteria			
Outcomes	Controls	Standards	Measurement Criteria
	<ul style="list-style-type: none"> <li>stop work procedure</li> <li>night-time and low visibility procedure.</li> </ul>	<ul style="list-style-type: none"> <li>stop work procedure</li> <li>night-time and low visibility procedure.</li> </ul>	
	<p><b>C 4.2</b> Application of EPBC Policy Statement 2.1 Part B.1 – MFOs: Employ four dedicated MFOs to undertake observations for EPBC Act Policy Statement 2.1.</p>	<p><b>PS 4.2.1</b> Two dedicated MFOs per observing vessel (survey vessel and spotter vessel) will be employed to undertake observations for EPBC Act Policy Statement 2.1.</p>	<p><b>MC 4.2.1</b> Records demonstrate two dedicated MFOs per observing vessel (survey vessel and spotter vessel) are on board and undertake observations in accordance with EPBC Act Policy Statement 2.1.</p>
		<p><b>PS 4.2.2</b> All MFOs engaged for the Petroleum Activities Program will have, previous experience complete relevant training detailing marine fauna identification and EPBC Act Policy Statement 2.1 requirements.</p>	<p><b>MC 4.2.2</b> Records demonstrate that all MFOs engaged for the Petroleum Activities Program have previous experience, received training in marine fauna identification and EPBC Act Policy Statement 2.1 requirements.</p>
		<p><b>PS 4.2.2</b> At least one dedicated MFO undertaking observations during daylight hours per observing vessel (survey vessel and spotter vessel). If required additional MFO will be used during times of increased whale sightings.</p>	<p><b>MC 4.2.2</b> Log book demonstrates at least one MFO was on duty during daylight hours per observing vessel (survey vessel and spotter vessel) and additional observation effort initiated as required.</p>
	<p><b>C 4.3</b> Application of EPBC Policy Statement 2.1 Part B.5 – PAM:</p> <ul style="list-style-type: none"> <li>A PAM system will be installed aboard the survey vessel to detect odontocete whales (specifically sperm and beaked whales)</li> <li>Employ two dedicated PAM operators wherever possible.</li> </ul>	<p><b>PS 4.3.1</b> EPBC Policy Statement 2.1 Part B.5 – PAM.</p> <ul style="list-style-type: none"> <li>PAM observations are undertaken on a 24-hour basis by two competent and experienced PAM Operators trained in the PAM system software used.</li> <li>During daylight hours, PAM detections will be validated against MFO observations and ranges to determine the error (if any) in PAM detection distances.</li> <li>At night and during periods of low visibility PAM will be used to trigger: shutdown for any sperm and beaked whales detected in the 2 km shutdown zone.</li> </ul>	<p><b>MC 4.3.1</b> Records demonstrate that an operational PAM system is aboard the survey vessel. Calibration records of PAM detections and visual observations during daylight hours. PAM Master Observation Sheet provides acoustic detection record for the surveys. Records (CV) verify the PAM Operators are competent to a standard equivalent to those in the International Association of Geophysical Contractors (IAGC) Guidance on the Use of Towed Passive Acoustic Monitoring during Geophysical Operations (IAGC, 2014).</p>

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Environmental Performance Outcomes, Standards and Measurement Criteria			
Outcomes	Controls	Standards	Measurement Criteria
		<p><b>PS 4.3.2</b></p> <p>If the PAM system has malfunctioned or become damaged during daylight/periods of good visibility, operations may continue for 20 minutes without PAM while the PAM operator diagnoses the issue. If the diagnosis indicates that the PAM equipment must be repaired to solve the problem, operations may continue for an additional 2-hours without PAM monitoring as long as all of the following conditions are met:</p> <ul style="list-style-type: none"> <li>• The PAM operator believes it can be repaired within this period</li> <li>• It is a period of good visibility</li> <li>• No marine mammals were detected solely by PAM in the relevant mitigation zones in the previous 2-hours</li> <li>• Two MFOs maintain watch at all times during operations when PAM is not operational</li> <li>• The time and location of all operations without an active PAM system are documented.</li> </ul> <p>Operations with an active source, but without an active PAM system, do not exceed a cumulative total of 4-hours in any 24-hour period. If the PAM system becomes non-operational at night or during periods of low visibility the seismic source will be shut down and acquisition will cease until such time as the system can be restored.</p>	<p><b>MC 4.3.2</b></p> <p>Records demonstrate that operations with an active source, but without an active PAM system do not exceed a cumulative total of 4 hours in any 24-hour period.</p>
	<p><b>C 4.4</b></p> <p>Adaptive Management Measures to minimise the minimum potential impacts to pygmy blue whales from seismic noise. The following adaptive management</p>	<p><b>PS 4.4</b></p> <p>Adaptive Management Measures to minimise the minimum potential impacts to pygmy blue whales from seismic noise. The following adaptive management</p>	<p><b>MC 4.4.1</b></p> <p>Records demonstrate compliance with pygmy blue whale adaptive management measures as described.</p>

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Environmental Performance Outcomes, Standards and Measurement Criteria			
Outcomes	Controls	Standards	Measurement Criteria
	<p>measures procedures will be implemented:</p> <ul style="list-style-type: none"> <li>If there are three or more shut-downs for pygmy blue whales within a 24-hour period (including spotter vessel MFO shutdowns), then the seismic operations must not be undertaken thereafter at night-time or during low visibility conditions.</li> <li>Seismic operations cannot resume at night-time or during low visibility conditions, until there has been a cumulative 24-hour period of seismic operations (daylight hours with good visibility) during which there has been less than three shut-downs for pygmy blue whales.</li> </ul>	<p>measures procedures will be implemented:</p> <ul style="list-style-type: none"> <li>If there are three or more shut-downs for pygmy blue whales within a 24-hour period (including spotter vessel MFO shutdowns), then the seismic operations must not be undertaken thereafter at night-time or during low visibility conditions.</li> <li>Seismic operations cannot resume at night-time or during low visibility conditions, until there has been a cumulative 24-hour period of seismic operations (daylight hours with good visibility) during which there has been less than three shut-downs for pygmy blue whales.</li> </ul>	
	<p><b>C 4.5</b></p> <p>No operation of the seismic source within 25 km of the pygmy blue whale migration BIA.</p>	<p><b>PS 4.5</b></p> <p>No operation of the seismic source within 25 km of the pygmy blue whale migration BIA.</p>	<p><b>MC 4.5.1</b></p> <p>Records demonstrate compliance with the 25 km buffer from the migration BIA.</p>
	<p><b>C 4.6</b></p> <p>EPBC Act Policy Statement 2.1 Part B.3 – Use of additional vessels to detect presence of cetaceans, during all daylight activities with seismic source discharge activities:</p> <ul style="list-style-type: none"> <li>Use of two MFOs aboard a dedicated spotter vessel travelling ~5 km out ahead of the seismic vessel and acoustic array to implement C 4.1.</li> </ul>	<p><b>PS 4.6</b></p> <p>Use of two MFOs aboard a dedicated spotter vessel ahead of the seismic vessel to implement C 4.1.</p>	<p><b>MC 4.6.1</b></p> <p>Records demonstrate the use of two MFOs aboard a dedicated spotter vessel.</p>
			<p><b>MC 4.1.1 refer to above.</b></p>
<p><b>EPO 5</b></p> <p>Limit underwater sound production from the seismic source to the area defined and assessed in this EP.</p>	<p><b>C 5.1</b></p> <p>No operation of the seismic source outside of the Active Source Area.</p>	<p><b>PS 5.1</b></p> <p>No operation of the seismic source outside of the Active Source Area.</p>	<p><b>MC 5.1.1</b></p> <p>Records demonstrate compliance with seismic source operation exclusively within the Active Source Area.</p>
	<p><b>C 5.2</b></p> <p>Record sightings of marine turtles during the activity.</p>	<p><b>PS 5.2</b></p> <p>All sightings of marine turtles will be recorded.</p>	<p><b>MC 5.2.2</b></p> <p>Marine fauna logs demonstrate marine turtle sightings logged.</p>

<b>Environmental Performance Outcomes, Standards and Measurement Criteria</b>			
<b>Outcomes</b>	<b>Controls</b>	<b>Standards</b>	<b>Measurement Criteria</b>
<b>EPO 6</b> Undertake seismic acquisition in a manner that reduces potential cumulative impacts resulting from the Petroleum Activities Programme and other seismic survey operations as far as reasonably practicable.	<b>C 6.1</b> A 40 km separation distance between the Petroleum Activities Program and any identified concurrent seismic survey	<b>PS 6.1</b> A 40 km separation distance between the Petroleum Activities Program and any identified concurrent seismic survey	<b>MC 6.1.1</b> Records demonstrate compliance with the 40 km separation distance. Records demonstrate consultation with other seismic companies of seismic surveys and titleholders with acreage within 40 km of the Operational Area prior to commencement of the activity.
<b>EPO 18</b> New cultural values identified through the Program (EPO17) will be managed to ALARP and an Acceptable level of impact.	<b>Refer to C 1.8</b>	<b>Refer to EPS 1.8.2</b>	<b>Refer to MC 1.8.1</b>
	<b>Refer to C 1.9</b>	<b>Refer to PS 1.9</b>	<b>Refer to MC 1.9.1</b>
	<b>Refer to C 1.10</b>	<b>Refer to PS 1.10</b>	<b>Refer to MC 1.10.1</b>

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## **Attachment 4**

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## 7.10.2 Routine Reporting (External)

### 7.10.2.1 Ongoing Consultation

In accordance with Regulation 14 (9) of the Environment Regulations, the implementation strategy must provide for appropriate consultation with relevant authorities of the Commonwealth, a State or Territory and other relevant interested persons or organisations.

Woodside's approach to ongoing consultation is that feedback and comments received from relevant persons and additional persons continue to be assessed and responded to, as required, through the life of an EP, including during EP assessment and throughout the duration of the accepted EP, in accordance with the intended outcome of consultation (as set out in **Section 5.2**).

Woodside proposes to undertake the engagements with directly impacted relevant persons and additional persons listed in **Table 7-3**. Relevant new information identified during ongoing consultation will be assessed using the EP Management of Knowledge (refer to **Section 7.6.1.2** and Management of Change Process (refer to **Section 7.7**).

Woodside has developed a Program of Ongoing Engagement with Traditional Custodians (**Appendix J**), directly informed by feedback from Traditional Custodians. It 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 enables Woodside 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.

Woodside hosts community forums at which members are provided updates on Woodside activities on a regular basis (for example community reference group meetings). Representatives who present at those meetings 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.

Relevant persons, additional persons and those who are merely interested in the activities, can otherwise remain up to date on this activity through subscribing to the Woodside website, or by reading the publicly available version of the EP on NOPSEMA's website, where available.

Should consultation feedback be received following EP acceptance that identifies a measure or control that requires implementation or update to meet the intended outcome of consultation (see **Section 5.2**), Woodside will apply its EP Management of Knowledge process (refer to **Section 7.6.1.2**) and Management of Change process (refer to **Section 7.7**), as appropriate.

Woodside has established and maintains a publicly available, up to date and interactive map to provide stakeholders with updated information on activities being conducted as part of the Petroleum Activities Program particularly during SIMOPS. The interactive map is available on Woodside's website (**Section 6.6.1, PS 1.6**).

The ongoing consultation engagements that Woodside intends to progress for this EP are set out in the table below.

**Table 7-3: Ongoing consultation engagements**

Report/ Information	Recipient	Purpose	Frequency	Content
Program of Ongoing Engagement with	Relevant cultural authorities	Identification, assessment and consideration of cultural values relevant to	Ongoing	Assessment of cultural values Any relevant new information on cultural

Report/ Information	Recipient	Purpose	Frequency	Content
Traditional Custodians (Appendix J)		the Operational Area and Consultation Area		values will be assessed using the EP Management of Knowledge (ref to <b>Section 7.5</b> ) and Management of Change Process (refer to <b>Section 7.7</b> ).
Notification (email)	AHO	As requested by AMSA during consultation.	No less than 4 weeks prior to commencement.	<b>PS 1.1 (Section 6.6.1)</b> Date of activity start.
Updates (email)			As required.	Changes to planned activities
Notification (email)	AMSA	As requested by AMSA during consultation	At least 24–48 hours before operations commence	<b>PS 1.2 (Section 6.6.1)</b> Date of activity start.
Update (email)			Provide updates to the AHO and JRCC should there be changes to the activity.	Changes to planned activities
Notification (email)	DoD  Air Services Australia	As requested by DoD during consultation  If Notice to Airmen notification is required for activities in Restricted Airspace.	Five weeks prior to commencement of activities.	<b>PS 1.5 (Section 6.6.1)</b> Date of activity start.
Notification (email)	DMIRS	Good practice	At least 10 days prior to commencement.	Activity start date
Notification (email)	AFMA WAFIC CFA DPIRD Recfishwest DAFF – Fisheries Individual fishery licence holders that have the potential to be directly impacted by planned activities in the Operational Area (no relevant fisheries identified at time of EP submission) Eni	Good practice or as requested during consultation	At least 10 prior to commencement and following completion of activities.	<b>PS 1.3 (Section 6.6.1)</b> Date of activity start and end.
Notification (email)	All Relevant Persons for the Proposed Activity	Notification of significant change	As appropriate	Notification of significant change. Any relevant new information will be assessed using the EP

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### **Proposed Program of Ongoing Engagement with Traditional Custodians**

This Program of Ongoing Engagement with Traditional Custodians (“Program”) has been developed to demonstrate Woodside’s commitment to ongoing engagement and support of Traditional Custodians’ capacity to care for and manage Country, including Sea Country, and has been directly informed by Traditional Custodians’ feedback regarding their capacity to engage and consult on Environment Plans.

It is a living document designed to evolve with ongoing consultation and feedback from Traditional Custodians and, at a minimum, will be subject to annual review. In addition to this Program, Woodside will continue to participate in, and support collective industry engagement with Traditional Owners on the development of a future, sustainable, industry wide Program. Through the Program, Woodside actively supports Traditional Custodians’ capacity for, and involvement in, ongoing engagement and feedback on environment plans.

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 environment plan 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 in will be developed in collaboration with Traditional Custodians.

The Program enables Woodside 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.

How the Program is implemented with specific Traditional Custodians will depend on their stated needs and priorities

The Program is underpinned by Woodside’s First Nations Communities Policy ([woodside.com](http://woodside.com)), the objective of which is to ensure Woodside partners and engages with First Nations communities to create positive economic, social and cultural outcomes that leave a lasting legacy. Woodside does this through building respectful relationships and partnerships with First Nations communities where we are active, in the areas where they are most interested in. We acknowledge the unique connection that First Nations communities have to land, waters and the environment. .

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

#### **1. Support for ongoing dialogue and engagement**

Woodside will support the capacity of Traditional Custodians to participate in ongoing dialogue and engagement about the environment plans and to enable the ongoing identification of cultural values potentially impacted by Woodside’s activities. Woodside further commits to agreeing consultation protocols with individual Traditional Custodians to ensure the material provided is appropriate in level of detail such that the potential for cultural impact from Woodside activities can be determined and as required measures can be adopted to avoid or minimise impact.

In addition, 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. This feedback will be evaluated, in conjunction with the Traditional Custodian individual or group and if required, control measures will put in place to avoid impacts to cultural values, or where avoidance is not possible, to minimise and mitigate the impacts to an acceptable level.

Where cultural values are identified post activity completion, any controls relevant to value management will be implemented during the next relevant activity.





## 2. Support for the identification and recording of cultural features

Woodside will support Traditional Custodians to record and articulate their Sea Country values and will invest in cultural assessments codesigned with Traditional Custodians, where required, to inform potential risks to cultural values from our petroleum activities.

This may include supporting cultural mapping by Traditional Custodians to identify and map significant cultural features including archaeological sites and other cultural values. The scoping of the mapping process will be codesigned with Traditional Custodians.

Woodside understands that cultural knowledge remains the intellectual property of Traditional Custodians and will agree with Traditional Custodians at the outset how that information from surveys will be used to feedback into and inform the environment plan's design and implementation.

In addition, Woodside applies the Cultural Heritage Management Procedure 2019, updated in 2023, to the Program which:

- provides a process for the identification, protection, and management of Cultural Heritage taking into account relevant standards, in particular, the United Nations Declaration on the Rights of Indigenous Peoples, the Charter for the Protection and Management of the Archaeological Heritage, the Convention for the Safeguarding of the Intangible Cultural Heritage, and the Convention on the Protection of the Underwater Cultural Heritage;
- applies to underwater cultural heritage and, consistent with current practice, provides for the commissioning of (where appropriate) both archaeological and ethnographic assessments of cultural values over the submerged landscape; and
- the process includes the following:
  - early engagement with relevant Traditional Custodians
  - identification of potential heritage, this could include desktop and field surveys undertaken with the Traditional Custodians.
- the development of cultural management strategies; and, where it is determined cultural heritage may be impacted, the development of Cultural Heritage Management Plans codesigned with Traditional Custodians and implemented by Woodside's First Nations team which:
  - focus on avoidance or minimisation of impacts; and
  - provide regular reviews and for inclusion of new information and further development of the Cultural Heritage Management Plan.

Woodside is committed to continue to receive feedback on cultural values for the life of an environment plan, the inclusion of new information and the development of avoidance or mitigation strategies in collaboration with Traditional Custodians. This information will be recorded via the Woodside Management of Knowledge Process and any potential impacts to the accepted Environment Plan evaluated via the Woodside Management of Change Process.

## 3. Building capacity for the ongoing protection of country

Woodside will support measures to increase the capability and capacity of the Traditional Custodian groups. This is guided by Woodside's Indigenous Affairs Strategy 2019 ("Strategy"), which is designed to enable the building and maintaining of relationships with Traditional Custodians to leave a lasting legacy, including strengthening of Traditional Custodians' capacity to care for and manage Country, including Sea Country. The Strategy was developed with inputs from Traditional Custodians and contains four pillars that direct Woodside's social investment, policies relating to economic development, procurement and employment, and Woodside's agreement making and implementation of agreements. The pillars are:

1. Culture and Heritage Management: support social outcomes through protection, recognition and respect for culture and heritage;
2. Economic Participation: provide training, jobs, and business opportunities;





3. Capability and capacity: ensure strong corporate governance, leadership development and education initiatives to support self-determination; and
4. Safer and Healthier Communities: partner with Aboriginal people and service providers to maximise safer and healthier community outcomes.

Woodside is committed to an ongoing relationship between Woodside and the 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;
- establish support for programs identified by the Traditional Custodians as important to them and as agreed by Woodside.

#### **4. Support for capacity and capability in relation to governance**

Pillar 3 of the Indigenous Affairs Strategy 2019 focuses on ensuring strong corporate governance, leadership development and education initiatives to support self-determination. To enable this, Woodside will support measures to increase the capability and capacity of the Traditional Custodian groups, including in relation to governance and management systems.

The nature of this support will be informed by the individual needs of Traditional Custodian groups, but 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.

#### **Program Reporting and Review of Effectiveness**

Woodside will undertake an annual review of the Program to assess 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.

Progress of the Program will be reported annually in line with annual sustainability reporting via the Woodside website.

A commitment to the Program will be included in all new and revised Environment Plans in the format below:



Environmental Performance Outcome	Environmental Performance standards	Measurement Criteria
<p><b>EPO 1</b> 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</p>	<p><b>Applicable to all EPs:</b></p> <p><b>EPS 1.1</b> 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 will include, where agreed with relevant Traditional Custodians:</p> <ul style="list-style-type: none"> <li>• Social investment to support Indigenous ranger programs</li> <li>• Support for Indigenous oil spill response capabilities</li> <li>• Support for recording Sea Country values</li> <li>• Support to Traditional Custodian groups to build capabilities and capacity with respect to ability to engage with Woodside and the broader O&amp;G industry on activities</li> <li>• Development of ongoing relationships with Traditional Custodian groups</li> <li>• Any other initiatives proposed for the purpose of protecting country including cultural values</li> <li>• 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 document through the Woodside's Management of Change and Management of Knowledge</li> </ul>	<p><b>MC1.1</b> 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</p> <p><b>MC 1.2</b> Progress of the Program will be reported in line with annual sustainability reporting via the Woodside website.</p> <p><b>MC 1.3</b> Records demonstrate Change Management and Management of Knowledge processes have been followed where new controls or management measures identified</p>
	<p><b>EPS 1.2</b> 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.</p>	<p><b>MC 1.4</b> Records demonstrate an annual review of the Program has been undertaken</p>

Form 3 (adapted)  
Rule 29.02(8)

**Annexure certificate**

No VID 647 of 2023

Federal Court of Australia  
District Registry: Victoria  
Division: General

**Raelene Cooper**

Applicant

**National Offshore Petroleum Safety and Environmental Management Authority and  
others named in the schedule**

Respondents

This is the annexure marked [REDACTED]-7 produced and shown to [REDACTED] at the time  
of affirming his affidavit this 11 September 2023.

---

Filed on behalf of: Woodside Energy Scarborough Pty Ltd and Woodside Energy (Australia) Pty Ltd,  
the Second and Third Respondents

Prepared by: Jeremy Quan-Sing

Law firm: Allens

Tel: (08) 9488 3700

Fax: (08) 9488 3701

Email: Jeremy.Quan-Sing@allens.com.au

**Address for service:**

Level 11, Mia Yellagonga Tower 2, 5 Spring Street, Perth WA 6000

Email: Jeremy.Quan-Sing@allens.com.au

**From:** [REDACTED]@nopsema.gov.au>  
**Sent:** Tuesday, 5 September 2023 11:08 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Attn: [REDACTED]\_SCA Inspection 4859 - Draft Inspection Report  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

You don't often get email from [REDACTED]@nopsema.gov.au. [Learn why this is important](#)

**OFFICIAL**

Hi [REDACTED],

Thank you for the updated report required by Condition 6.

NOPSEMA has reviewed the updated report and note that the two additional control measures outlined in Conclusion 4859-C5a of inspection report 4859 have been adopted in order to manage potential impacts on cultural features of the environment. These control measures apply to marine fauna groups that were mentioned in new information provided by First Nations relevant persons since the time of submission of the Scarborough 4D MSS EP to NOPSEMA. The additional control measures apply an additional level of precaution to the management of potential impacts to cultural features ahead of further planned consultation which may provide further clarity on the need for additional controls and / or elicit relevant persons views on the control measures adopted to date.

Based on the currently available information and without deciding the issue, including information provided on 1 September 2023 in the updated report, it appears that the requirements of condition 6 are being complied with. It is of course a matter for Woodside to consider and satisfy itself as to whether it is meeting the conditions on acceptance of the EP.

Woodside is reminded that responsibility remains with Woodside at all times to ensure that environmental impacts and risks continue to be managed to ALARP and acceptable levels and effective action continues to be taken to ensure ongoing compliance with the conditions on acceptance of the Scarborough 4D MSS Environment Plan. In particular, should ongoing consultation identify new cultural features and/or heritage values that are yet to be considered in the EP, conditions 5 and 6 will apply to this new information.

Regards

[REDACTED]

National Offshore Petroleum Safety and Environmental Management Authority

**T:** [REDACTED] | **M:** [REDACTED] | **E:** [REDACTED]@nopsema.gov.au | **W:** nopsema.gov.au

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### Acknowledgement of Country

NOPSEMA recognises the First Peoples of this nation and their ongoing connection to culture and country. We acknowledge First Nations Peoples as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.

OFFICIAL

**From:** [REDACTED]@woodside.com>  
**Sent:** Friday, September 1, 2023 9:18 AM  
**To:** [REDACTED]@nopsema.gov.au>; submissions@nopsema.gov.au  
**Cc:** [REDACTED]@nopsema.gov.au>; [REDACTED]@nopsema.gov.au>; [REDACTED]@nopsema.gov.au>; [REDACTED]@woodside.com>; [REDACTED]@woodside.com>  
**Subject:** Attn: [REDACTED] SCA Inspection 4859 - Draft Inspection Report

Some people who received this message don't often get email from [REDACTED]@woodside.com. [Learn why this is important](#)

Thanks [REDACTED].

Woodside intends to continue reviewing the draft inspection report (4859) for the purposes of identifying any factual errors or misinterpretation of information and will provide a response by 7 September CoB.

In the meantime, Woodside has proactively addressed the key matters raised in the draft inspection report section 2.2.3, specifically:

*Woodside must adopt measures identified in Conclusion 5a and must resubmit a revised report required by condition 6 as soon as practicable and prior to the commencement of the activity in order for NOPSEMA to be satisfied that condition 6 is met (this revised report should be submitted via NOPSEMA's Secure File Transfer system at: <https://securefile.nopsema.gov.au/filedrop/submissions> (attention to the Lead Inspector)).*

Attached is the updated report required under condition 6 of the Scarborough 4D B1 Marine Seismic Survey EP acceptance, addressing the above mentioned instruction from NOPSEMA. The report is also being submitted via NOPSEMA's secure file transfer system. Updates to the report are highlighted for your convenience. We would appreciate the opportunity to discuss the content of this report at your earliest convenience to confirm NOPSEMA's satisfaction that condition 6 has been met and will be in contact with NOPSEMA to arrange a suitable time.

Please don't hesitate to contact me with any queries.

Regards,

[REDACTED]

**From:** [REDACTED]@nopsema.gov.au>  
**Sent:** Thursday, 31 August 2023 2:00 PM  
**To:** [REDACTED]@woodside.com>; [REDACTED]@woodside.com>  
**Cc:** [REDACTED]@nopsema.gov.au>; [REDACTED]@nopsema.gov.au>; [REDACTED]@nopsema.gov.au>  
**Subject:** SCA Inspection 4859 - Draft Inspection Report

OFFICIAL

Hi [REDACTED] and [REDACTED],

Please find attached the Draft Inspection Report for the Scarborough Inspection – 4859.

The draft report is provided to Woodside as an opportunity to raise any errors of fact in the report in advance of the final report being issued. It is intended that the only time that this process will result in a change to the inspection report would be where there has been a factual error or misinterpretation of information obtained during the inspection.

In this instance, NOPSEMA requests Woodside provide its responses by COB Thursday 7 September 2023.

If Woodside requires a longer period to review the report, please advise by COB Monday 4 September 2023. If Woodside has any queries in relation to matters of fact, please also provide these by COB Monday 4 September 2023.

NOPSEMA also provides duty holders with the opportunity to meet to discuss the report should the duty holder(s) wish. If this is the case please advise as soon as possible so that we can arrange a suitable date to discuss prior to the deadline for response.

Thanks again for your assistance during the inspection.

Kind regards,

[REDACTED]



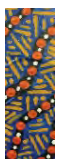
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NOPSEMA recognises the First Peoples of this nation and their ongoing connection to culture and country. We acknowledge First Nations Peoples as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.

OFFICIAL

Form 3 (adapted)  
Rule 29.02(8)

**Annexure certificate**

No VID 647 of 2023

Federal Court of Australia  
District Registry: Victoria  
Division: General

**Raelene Cooper**

Applicant

**National Offshore Petroleum Safety and Environmental Management Authority and  
others named in the schedule**

Respondents

This is the annexure marked [REDACTED]-8 produced and shown to [REDACTED] at the time  
of affirming his affidavit this 11 September 2023.

---

Filed on behalf of: Woodside Energy Scarborough Pty Ltd and Woodside Energy (Australia) Pty Ltd,  
the Second and Third Respondents

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ABN 47 702 595 758



21 August 2023

Clare Lakewood  
Special Counsel, Safe Climate (Gas)  
Environmental Defenders Office  
PO Box Z5218  
Boorloo/Perth WA 6831

**By Email**

Dear Ms Lakewood

**Scarborough 4D B1 Marine Seismic Survey Environment Plan**

As you know, we act for Woodside Energy Ltd, Woodside Energy (Australia) Pty Ltd and Woodside Energy Scarborough Pty Ltd (together, **Woodside**) in relation to the Scarborough 4D B1 Marine Seismic Survey Environment Plan (**Seismic EP**).

We refer to your recent correspondence to Woodside in which you have asserted that Woodside is in breach of the consultation requirements required by Condition 1 to the Seismic EP. Our client does not agree with the position taken by your client but has engaged with your correspondence nonetheless.

Woodside's position is that it has complied with both regulation 11A of the *Offshore Petroleum and Greenhouse Gas (Environment) Regulations 2009 (Cth) (Regulations)* and the conditions of acceptance of the Seismic EP (**Seismic EP Conditions**). In that regard we note the email sent to you by our client earlier today and also refer to **Attachment A** to this letter (which has been prepared by Woodside based on its records) which substantially sets out the history of Woodside's engagement and consultation with your clients.

Notwithstanding Woodside's position that it has complied with both regulation 11A of the Regulations and the Seismic EP Conditions, Woodside is prepared (on a no admission basis) to meet again with your clients at any time and at any place suitable to them so that they can provide any further information that they consider relevant. Our client is happy for your client to contact [REDACTED] of Woodside directly to arrange this meeting.

We note that your client has commenced judicial review proceedings challenging the validity of NOPSEMA's acceptance of the Seismic EP. Your client has also foreshadowed that your client might seek injunctive relief preventing Woodside from undertaking any activities under the Seismic EP pending resolution of your client's application for judicial review.

In recent correspondence you have also sought various undertakings from Woodside to the effect that it would not commence any activity under the Seismic EP.

As it presently stands, our client has undertaken that it will not commence activity under the Seismic EP before 2pm Wednesday 23 August. However, following the request in your letter to our client dated 15 August 2023, our client also hereby confirms that it will provide your client with 48 hours' notice before commencing activity under the Seismic EP.

**Our Ref** JZQP:121189948  
JVRP 806335839v7 121189948 21.8.2023



Environmental Defenders Office



In the meantime, as you would appreciate is necessary, Woodside reserves all of its rights.

Yours sincerely

A handwritten signature in black ink that reads "Allens".

**Jeremy Quan-Sing**  
Partner  
Allens  
Jeremy.Quan-Sing@allens.com.au  
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**Philip Blaxill**  
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Copy to:

[REDACTED]  
[REDACTED], NOPSEMA  
[REDACTED] [@nopsema.gov.au](mailto:[REDACTED]@nopsema.gov.au)

[REDACTED]  
[REDACTED]  
[REDACTED] [@nopsema.gov.au](mailto:[REDACTED]@nopsema.gov.au)

## Attachment A

## Woodside consultation with and in relation to Ms Raelene Cooper, Ms Josie Alec and Save Our Songlines

Date	Method	Purpose
19 November 2021	-	Save our Songlines (SOS) is established by Ms Alec and Ms Cooper
21 November 2021	Meeting in Roebourne	Woodside met with a senior Ngarluma member in Roebourne to discuss SOS affiliations, interests and cultural concerns. The meeting confirmed that cultural interests are held by native title groups, not SOS. Woodside was encouraged to maintain regular engagement with the community.
15 December 2021	Meeting in Dampier	Woodside attended the Murujuga Aboriginal Corporation (MAC) Board and Circle of Elders meeting at the MAC office, Dampier. Ms Cooper was a MAC Board member at the time of the meeting and was present for the introduction. Ms Cooper objected to Woodside's presence. When the MAC Board and Circle of Elders members declined to support Ms Cooper's demand that Woodside be removed, Ms Cooper left the meeting shouting expletives on her way out.
16 December 2021	Phone Call	Woodside received a phone call from a MAC Elder, an original signatory to the Burrup Maitland Industrial Estate Agreement (BMIEA) who voiced disapproval of the views Ms Cooper has expressed about Industry on the Burrup.
24 January 2022	Phone Call	Woodside received a call from a Wong-Goo-tt-oo member regarding contact between Ms Cooper and a Wong-Goo-tt-oo Elder. The Wong-Goo-tt-oo member informed Woodside that Wong-Goo-tt-oo did not share Ms Cooper's view.
25 January 2022	Meeting in Karratha	Woodside met with a Wong-Goo-tt-oo Elder in Karratha to answer any questions they had following on from the call on 24 January 2022.
23 February 2022	Phone Call	Woodside spoke to Robe River Kuruma Aboriginal Corporation (RRKAC) regarding concerns raised by Ms Alec. RRKAC informed Woodside that Ms Alec raised these concerns at the RRKAC AGM with little response. RRKAC advised that Ms Alec is being directed by activists, not the Kuruma or Marthudunera communities.
3 March 2022	Meeting in Karratha	Karratha briefing on the Scarborough Project and Pluto Train 2 project scopes and proposed management measures to MAC Board and members of Woodside's cultural heritage advisory group.
21 March 2022	Email – meeting request	Woodside acknowledged receipt of email from Gerard Mazza (associated with SOS and Disrupt Burrup Hub group) to Woodside CEO on behalf of Ms Alec and Ms Cooper including an open letter and request to meet on the morning of 24 March 2022.  Mr Mazza is nominated as the contact for Ms Alec and Ms Cooper and Woodside is asked to direct to make meeting arrangements through Mr Mazza.

24 March 2022	Meeting attempt	Adapting to COVID restrictions, Woodside arranged an on-line meeting on 24 March 2022 between Woodside (██████████, ██████████), Ms Alec, Ms Cooper and Mr Churnside. It appears that the parties were unable to successfully access the meeting link which was activated by Woodside and kept open for over 30 minutes.
24 March 2022	Email	Woodside emailed Ms Alec and Ms Cooper to express disappointment about not meeting and suggested rescheduling.
15 April 2022	Phone call	Woodside spoke with a Wong-Goo-tt-oo and Ngarluma member regarding concerns raised by Ms Cooper. The Wong-Goo-tt-oo member voiced that they held different views.
6 June 2022	Letter	Ms Alec and Ms Cooper wrote to Woodside's ██████████ and copied NOPSEMA. Ms Alec and Ms Cooper referenced MAC and self-identified as relevant persons and requested to consult.
22 July 2022	Letter	Woodside responded to Ms Alec, Ms Cooper and SOS on Seismic EP and SITI EP (response to 6 June letter) including by confirming ethnographic surveys were undertaken with Traditional Owners to gain insights into intangible heritage including songlines, cultural practices, beliefs and customs that may be in the area of Commonwealth waters 430 km away from Dampier where the seismic activity is proposed to take place. The ethnographic surveys have not identified ethnographical sites, values or practices in the area.
26 August 2022	Letter	Woodside responded to issues raised in 6 June letter (confirming ethnographic surveys undertaken; submerged heritage showed low to nil impacts; onshore processing is not part of offshore EPs; Woodside is open to consulting). It confirmed further information is available on Woodside's website and attached a copy of a SITI consultation information sheet.
1 September 2022	Letter	Woodside responded to issues raised in 6 June letter (confirming ethnographic surveys undertaken; onshore processing is not part of offshore EPs; Woodside is open to consulting). It attached a copy of a D&C consultation information sheet.
23 September 2022	Email	Woodside emailed Ms Alec, Ms Cooper and SOS Consultation information on Subsea EP
26 September 2022	Email (25 September) attaching Letter (26 September)	Ms Alec, Ms Cooper and SOS wrote to NOPSEMA (cc Woodside) regarding the Scarborough Project, specifically Seismic EP, SITI EP and D&C EP.
29 September 2022	Email – meeting request	Woodside emailed Ms Alec, Ms Cooper and SOS to request a meeting to address letters of 6 June and 26 September.
6 October 2022	Email & Phone – meeting request	Woodside emailed and left voicemail message to arrange a meeting.
7 October 2022	Phone – meeting request	Woodside rang Ms Alec to arrange a meeting on 11 October.
10 October 2022	Email – meeting confirmation	Woodside emailed Ms Alec, Ms Cooper and SOS to confirm meeting arrangements.
11 October 2022	Phone and SMS – Meeting attempt	Woodside flew personnel to Karratha in anticipation of a meeting on country. Ms Alec, Ms Cooper and SOS did not attend so the meeting did not proceed.

		Ms Alec advised Woodside via SMS they were awaiting legal advice. Woodside were subsequently informed that the Environmental Defenders Office acts for Ms Alec, Ms Cooper and SOS.
13 October 2022	Email	Woodside followed up with Ms Alec, Ms Cooper and SOS seeking feedback.
22 November 2022	Email – meeting request	Woodside emailed Ms Alec, Ms Cooper and SOS to request a meeting on 29 November 2022. The meeting did not proceed.
2 December 2022	Email – meeting request	Woodside emailed Ms Alec, Ms Cooper and SOS to invite feedback and request a meeting for any date in December. A meeting did not proceed.
4 January 2023	Email – meeting request	Woodside emailed Ms Alec, Ms Cooper and SOS to request a meeting for any date in January 2023.
5 January 2023	Email	Woodside emailed Ms Alec, Ms Cooper and SOS at the SOS mailbox with responses to claims regarding the Scarborough Trunkline Installation (State Waters) Environment Plan. In the absence of being able to meet with Ms Alec, Ms Cooper and SOS, the email attached:  <b>Attachment A:</b> responses to claims received by Woodside on 6 June 2022, 26 September 2022, 24 November 2022 relating to damage to cultural heritage; gag clauses; UNDRIP; FPIC; consultation; climate change; Murujuga cultural landscape; displacement of rock art; damage to heritage sites; access to sites of cultural significance  <b>Attachment B:</b> responses following Woodside’s review of Save Our Songlines’ website and online public campaign relating to climate change; greenhouse gas, rock art, aboriginal cultural heritage and marine life and trunkline installation activities
5 January 2023	Email	Gerard Mazza responded and forwarded Woodside’s email from the SOS mailbox to the Environment Defenders Office (EDO) and the Conservation Council of WA
13 January 2023	Email – meeting confirmation	Ms Alec, Ms Cooper, SOS email to Woodside confirming they would like to meet and confirming receipt of facts and confirming they will review the fact sheets.
19 January 2023	Email – meeting request	Woodside emailed Ms Alec, Ms Cooper and SOS to invite feedback and request a meeting for any date in January and February 2023.
15 February 2023	Email – meeting request	Woodside emailed Ms Alec, Ms Cooper and SOS to reiterate request a meeting for any date in February and March 2023.
24 February 2023	Email – meeting request	Woodside emailed Ms Alec, Ms Cooper and SOS to reiterate the request for a meeting for any date in March 2023.
1 March 2023	Email – meeting request	Woodside emailed Ms Alec, Ms Cooper and SOS to propose a meeting on 14 March 2023.
8 March 2023	Email – meeting confirmation	Woodside emailed Ms Alec, Ms Cooper and SOS to confirm the meeting on 14 March and propose an agenda.
9 March 2023	Phone call	Woodside spoke with Ms Alec to clarify logistics and asked whether there were any particular topics SOS would like it to be prepared to discuss. Ms Alec said there wasn’t other than the expectation Woodside attends ready for deep listening, an open heart and respectful conversation.



10 March 2023	Email – meeting confirmation	Woodside emailed Ms Alec, Ms Cooper and SOS to confirm final meeting logistics for 14 March.
14 March 2023	Meeting in Karratha	Woodside met with Ms Alec, Ms Cooper, SOS and members of the EDO on country at Hearson Cove.
16 March 2023	Email	<p>Woodside emailed Ms Alec, Ms Cooper, SOS and members of EDO to provide a meeting summary. That summary included responses to the following:</p> <ul style="list-style-type: none"> <li>· Provide background information on the “why” behind the Scarborough Project</li> <li>· Check with MAC as to whether MAC’s ethnographic survey can be shared with Josie, Raelene and Save Our Songlines</li> <li>· Confirm fracking in relation to the Scarborough Project.</li> </ul> <p>Letter also confirmed Ms Alec and Ms Cooper told Woodside statements to the effect that the proposed activities give them a sick feeling and that the activities should be stopped; there is nothing that can be done by Woodside to progress with the Scarborough Project in a way that could minimise impact to functions, interests or activities</p>
24 March 2023	Letter	Ms Alec and Ms Cooper, represented by the EDO wrote to Woodside (cc Minister Johnson, DMIRS and NOPSEMA) to provide meeting summary and claims re: Scarborough State and Commonwealth EPs.
28 March 2023	Letter	Woodside wrote to Ms Alec, Ms Cooper and SOS represented by the EDO providing a response regarding Scarborough State Waters EP.
29 March 2023	Letter	Woodside wrote to Ms Alec, Ms Cooper and SOS represented by the EDO providing a response regarding Scarborough Commonwealth EPs. This attached a table of responses to topics including cultural heritage; rock art; emissions; gag clauses; FPIC; consultation requirements
29 March 2023	Email	EDO acknowledged Woodside’s correspondence and advised they were waiting on instructions from their clients Ms Alec and Ms Cooper.
6 April 2023	Letter	Ms Alec and Ms Cooper, represented by the EDO wrote to Minister Johnson (cc Woodside) re: Scarborough State Waters EP.
6 April 2023	Letter	Ms Alec and Ms Cooper represented by the EDO wrote to NOPSEMA (cc Woodside) re: Scarborough Commonwealth EPs.
13 April 2023	Letter	Woodside wrote to DMIRS and the Western Australian Minister, copying EDO providing a response regarding Scarborough State Waters EP.
17 April 2023	Letter	Woodside wrote to NOPSEMA, copying EDO providing a response regarding Scarborough Seismic EP and the Scarborough EPs more generally.
18 April 2023	Email	EDO letter to Woodside referencing 14 March 2023 meeting
8 May 2023	Email	EDO email to Woodside seeking dates for consultation on Seismic Survey EP
9 May 2023	Email – meeting request	Woodside email to Ms Alec, Ms Cooper and SOS seeking a meeting on 15, 22 or 29 May on country or by video conference

15 May 2023	Email	EDO email to Woodside "confirming instructions"
1 June 2023	Email	EDO email to Woodside confirming availability for a meeting in Karratha on 13 June and seeking confirmation
7 June 2023	Email – meeting request	Woodside email to EDO confirming availability for a meeting on 13 June and seeking confirmation about location and attendees
9 June 2023	Email – meeting request	Woodside seeking confirmation by 5pm that meeting will go ahead because there are a number of flight and other logistics that need to be confirmed by 5pm
9 June 2023	Email	EDO email after 5pm (5:06pm) confirming meeting will go ahead
9 June 2023	Email – meeting attempt	Woodside email (5:09pm) that the Woodside team is not available because flights and other logistics timed out at 5pm
28 June 2023	Letter	EDO letter to NOPSEMA (copied to Woodside) – Noting its clients' view 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 they have not been provided with sufficient information and a reasonable period for consultation.
3 July 2023	Email and letter – meeting request	Woodside email to EDO (copied to NOPSEMA) confirming Woodside has consulted pursuant to Reg 11A on all Scarborough EPs; Woodside has re-affirmed to Ms Alec, Ms Cooper and SOS that it had already confirmed to Ms Alec, Ms Cooper and SOS that they are relevant persons; consultation has been extensive (reference back to April letter)
17 July 2023	Email	EDO email with proposed meeting dates 25-28 July
17 July 2023	Email	Woodside email acknowledging receipt of 17 July email
18 July 2023	Email – meeting confirmation	Woodside email confirming meeting availability for 9am Tuesday 25 July and attaching a link to the Draft Policy for Managing Gender-restricted Information PL2098
19 July 2023	Email	Woodside providing EDO with copies of the following NOPSEMA documents: <ul style="list-style-type: none"> <li>• Brochure: Consultation on offshore petroleum environment plans</li> <li>• Guideline: Consultation in the course of preparing an environment plan (GL2086)</li> <li>• Policy: Draft Policy for Managing Gender-restricted Information PL2098</li> </ul>
19 July 2023	Email	EDO email confirming Ms Jess Border and Ms Alina Leikin will take over from Ms Clare Lakewood and Ms Ruby Hamilton
19 July 2023	Email – meeting confirmation	EDO confirming meeting for 25 July with draft agenda
20 July 2023	Email	Woodside email re-confirming protocols for meeting: <ul style="list-style-type: none"> <li>• Attendees continue to be all female.</li> <li>• Attendees attend meetings with an open heart, deep listening and seeking a respectful conversation.</li> </ul>

		<ul style="list-style-type: none"> <li>Attendees come to meetings open to sharing knowledge about the environment (heritage value of places, social and cultural features) that may be affected by the activities under the proposed Scarborough EPs. Attendees come to the meeting open to sharing ideas of things that Woodside is currently doing well and things that Woodside can do to lessen or avoid impacts of the activities on the environment.</li> <li>Attendees are welcome to take written notes of meetings. To respect privacy, safety and cultural values there will be no other recording of meetings (e.g. no audio or visual etc recording of meetings).</li> <li>Other than sharing the fact that the meeting took place, the cultural details will be kept confidential amongst the female attendees unless directed otherwise and will not be made public without permission.</li> </ul>
21 July 2023	Email	Woodside email confirming agenda gives guidance on topics to enable discussion and allows other issues to be raised
24 July 2023	Email	EDO to Woodside asking for meeting to be recorded, with the recording being paused for discussion of culturally sensitive matters
25 July 2023	Email	Woodside to EDO does not consent to the meeting being recorded
25 July 2023	Email	EDO to Woodside – running 10 minutes late to the meeting
25 July 2023	Meeting online	<p>Woodside team met with Ms Alec, Ms Cooper, SOS and EDO lawyers.</p> <p>Ms Alec, Ms Cooper and SOS stated they would not proceed with the meeting unless it was recorded other than for discussion of culturally sensitive information (when the recording would be paused).</p> <p>Meeting was paused while teams discussed this.</p> <p>Woodside agreed to an audio recording (no visual recording); use of recording only for Scarborough Environment Plans; no publication of the recording</p> <p>A recording and transcript of the meeting was made and exchanged after the meeting</p>
25 July 2023	Email (sent during the meeting)	Woodside to EDO – agreement to record meeting subject to restrictions regarding audio recording (no visual recording); use of recording only for Scarborough Environment Plans; no publication of the recording
25 July 2023	Email	<p>EDO wrote to Woodside with follow up questions arising from the meeting and a note that they were looking forward to receiving responses to the following requests for further information from Woodside:</p> <ol style="list-style-type: none"> <li>1. Depth of the wells – both at and below sea level</li> <li>2. Mapping of freshwater systems in the EMBA</li> <li>3. Basis for the information on the whale migration patterns</li> <li>4. Information underlying migratory patterns of whales, dugongs, turtles</li> <li>5. Information collated about seagrass</li> <li>6. Information for modelling about the risk “worst possible scenario” discussion</li> </ol>
27 July 2023	Email	Woodside provided the requested information to EDO (see Attachment B to the email) and provided comments on the

		consultation process and reiterated openness to receive feedback and to hear from Ms Alec and Ms Cooper
3 August 2023	Email	Woodside email requesting confirming of condition 1 of the Acceptance conditions and providing information under condition 2 of the Acceptance conditions
9 August 2023	Email	EDO email to Woodside noting Ms Cooper, Ms Alec and SOS are not ready to provide information; Ms Cooper, Ms Alec are travelling and that information is intended to be provided by video (one-way dialogue)
9 August 2023	Email	Woodside email to EDO requesting that in addition to previous consultation, consultation information as per condition 1 of the EP acceptance be provided and requesting that feedback by 11 August and if no feedback received, taking it to mean that Ms Cooper, Ms Alec and SOS do not wish to provide this information prior to commencement of the activity
10 August 2023	Email	EDO wrote to Woodside and NOPSEMA (copying Woodside) stating that consultation has not occurred and stating an injunction would be filed unless Woodside gave an undertaking not to commence seismic activity
11 August 2023	Email	Woodside emailed EDO (cc NOPSEMA) confirming that the seismic activity would not commence on 12 August
11 August 2023	Email	EDO emailed Woodside (cc NOPSEMA) again stating that an injunction would be filed unless Woodside provided an undertaking that activity under the Seismic EP would not be commenced by a specified time and date
11 August 2023	Email	Woodside emailed EDO (cc NOPSEMA) confirming that the seismic activity would not commence on or before 15 Aug 10am AEST
14 August 2023	Email	EDO emailed Woodside (cc NOPSEMA) requesting response to matters raised in correspondence on 10 Aug and reiterating that an injunction would be filed if the previously requested undertaking was not provided
14 August 2023	Email	Woodside emailed EDO (cc NOPSEMA) informing EDO that it anticipated providing response to matters raised in correspondence on 10 Aug on 14 or 15 Aug, and that no activity would be conducted under the Seismic EP in the next 48 hours
14 August 2023	Email	Woodside emailed EDO (cc NOPSEMA) again later on 14 Aug to inform EDO that a response to matters raised in correspondence on 10 Aug should now be expected on the morning of 16 Aug
15 August 2023	Email	Woodside emailed EDO (cc NOPSEMA) on 15 Aug to inform that no activity would take place under the Seismic EP before 18 Aug 12:00 Perth time, and that a response to matters raised in correspondence on 10 Aug should now be expected on the morning of 18 Aug
15 August 2023	Email	EDO emailed Woodside (cc NOPSEMA) stating their interpretation of correspondence with Woodside since 9 Aug, and stating that unless Woodside provides an undertaking by 5pm AEST 16 Aug not to commence the activity an injunction would be filed
21 August 2023	Email	Woodside email to EDO seeking consultation on condition 6 and providing feedback regarding topics raised at the 25 July meeting



Form 3 (adapted)  
Rule 29.02(8)

**Annexure certificate**

No VID 647 of 2023

Federal Court of Australia  
District Registry: Victoria  
Division: General

**Raelene Cooper**

Applicant

**National Offshore Petroleum Safety and Environmental Management Authority and  
others named in the schedule**

Respondents

This is the annexure marked [REDACTED]-9 produced and shown to [REDACTED] at the time  
of affirming his affidavit this 11 September 2023.

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Filed on behalf of: Woodside Energy Scarborough Pty Ltd and Woodside Energy (Australia) Pty Ltd,  
the Second and Third Respondents

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5 September 2023

Clare Lakewood  
Special Counsel, Safe Climate (Gas)  
Environmental Defenders Office  
PO Box Z5218  
Boorloo/Perth WA 6831  
AUSTRALIA  
By email: [clare.lakewood@edo.org.au](mailto:clare.lakewood@edo.org.au)

Dear Ms Lakewood

**Scarborough 4D B1 Marine Seismic Survey Environment Plan**

We refer to our letter of 21 August 2023.

In that letter, we confirmed that our client would provide your client with 48 hours' notice before commencing activity under the Seismic EP.

We are hereby providing your client with the 48 hour notice that our client agreed to provide.

You have previously foreshadowed that your client may seek interlocutory relief if our client gives this notice. In our view any application for interlocutory relief should be made promptly - that is, an application should be filed tomorrow (6 September 2023) and made returnable before Justice Colvin at the hearing listed for proceeding VID647/2023 at 9.15 am on 7 September 2023.

Yours sincerely

A handwritten signature in black ink that reads "Allens" in a cursive, stylized font.

**Jeremy Quan-Sing**  
Partner  
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Copy to: Madisen Scott  
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