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21 October 18, 2024

[redacted]
Director – Exploration & Development Environment
National Offshore Petroleum Safety and Environmental Management Authority
L10, 58 Mounts Bay Road
Perth, WA 6000

By email only: [redacted]

RE: Resubmission of the Otway Exploration Drilling Program Environment Plan (Rev003)

Dear [redacted]

ConocoPhillips Australia hereby resubmit the Otway Exploration Drilling Program Environment Plan (EP) incorporating information relevant to the Opportunity to Modify and Resubmit (OMR#1) received from NOPSEMA on 23/08/2024.

We have undertaken to submit two versions of the EP and Appendices via NOPSEMA's Secure File Transfer system to support your assessment, including:

- Clean versions of the EP and Appendices, with any tracked changes accepted, and
- Versions with tracked changes made as result of OMR#1 visible.

Specific details on how we have responded to each item in OMR#1 are included in Attachment 1 to this letter and should be read in conjunction with the resubmitted EP and Appendices.

Please reach out to [redacted] or myself should you have any questions regarding the submission.

Sincerely

[redacted]
Exploration Manager

Encl. Environment Plan acceptance criteria that NOPSEMA is not reasonably satisfied has been met and Titleholder's Response

Attachment 1 – Environment Plan acceptance criteria that NOPSEMA is not reasonably satisfied has been met and Titleholder's Response

Item	Reasons why NOPSEMA is not reasonably satisfied the environment plan acceptance criteria has been met	Titleholder's Response
Acceptance Criteria 34(a) – the EP is not appropriate for the nature and scale of the activity because:		
1.1	***There is not a thorough description of the environment – cultural features*** **Issue:** The EP does not contain a thorough description of all the First Nation's cultural features of the submerged landscape and seafloor that may be affected by the activity.	Addressed as described below.
	Reasons: Further work has been undertaken by Extent Heritage (Aboriginal Cultural Heritage Addendum Report, Appendix L) to model presence of cultural features on shorelines and the EP has been updated to include a description of Dreaming stories, connections to Sea Country and culturally significant species. However, B45he EP defers the work required to understand the potential presence of these submerged and seafloor cultural features to future modelling to support the implementation of the Cultural Heritage Protection Program (CHPP) and during pre-drilling surveys, both occurring after acceptance of the EP. It also fails to acknowledge the information currently available to ConocoPhillips Australia. This approach is not supported given the following:	EP Section 4.8 has been updated to provide a description of the presence, or potential presence of, cultural features of the submerged landscape or the seabed (i.e. underwater cultural heritage as defined under Underwater Cultural Heritage Act 2018) that is suitable to inform the evaluation of impacts and risks on these features of the environment and demonstrate any impacts and risks will be of an acceptable level.
	• Figure 4-33 of the EP, which is an enhanced bathymetric image of the seafloor, shows the Operational Areas overlapping and adjacent to a number of seafloor features. Section 6.3 of the Extent Heritage report lists the types of submerged landscape features that are likely to be associated with higher archaeological sensitivity and then states that primary characteristics able to be mapped with bathymetric and sub-bottom data currently available include, but is not limited to, banks and shoals, valleys (paleo channels), escarpments and ridges etc. However, the EP has not taken into account this information as it does not identify and describe locations in the Operational Areas that may have higher sensitivities using the "bathymetric and sub-bottom data currently available" as described by Extent Heritage.	An evaluation of existing information about the seabed has been conducted to support the identification of locations in the Operational Areas that may have higher sensitivities, and is provided in EP Section 4.8.
	• Section 4.8.2.2 of the EP states that "it is possible that Aboriginal places are in the offshore environment" and due to a range of factors, including potential seafloor processes "it is currently impossible to predict and measure impacts". However, a description of seafloor processes that have occurred since the last glacial maximum, including currents, sediment transport and deposition and the influence of seafloor geomorphology, has not been included in the EP to inform the description of the potential presence of cultural features of the submerged landscape and seafloor.	A description of seafloor processes that have occurred since the last glacial maximum and the influence on seafloor geomorphology, has been included in EP Section 4.8 to inform the description of the potential presence of cultural features of the submerged landscape and seafloor.
1.2	***The evaluation of cumulative impacts is unclear and has not provided analysis of all relevant environmental receptors*** **Issue:** The EP does not demonstrate appropriate evaluation of cumulative impacts to all relevant environmental receptors, as some environmental receptors that were identified during scoping of the cumulative impact assessment have not been included in the evaluation.	Addressed as described below.
	Reasons: The cumulative impact assessment scoping tool (Appendix A) identifies the potential for cumulative impact pathways to environmental receptors that are not carried through for detailed evaluation in Section 8. For example:	Addressed as described below.
	• Appendix A identifies that for marine mammals "further assessment is required to determine if impacts are material". However, the evaluation provided in Section 8 only considers cumulative impacts to 'blue whales' and 'southern right whales' and does not consider cumulative impacts to other marine mammals that may be present in the region (such as sei, fin and pygmy right whales, dolphins, seals etc.).	ConocoPhillips Australia has undertaken to review the impact assessments (EP Chapter 6), the Cumulative Impact Assessment Tool (Appendix A) and EP Chapter 8 (Cumulative Impact Assessment) and has updated information through-out these to ensure all relevant species of marine mammals and birds are carried through the assessment. For example, the light impact assessment in EP Section 6.4 was updated to clarify that it was specific to threatened species that are sensitive to light (i.e. common-diving petrel, orange-bellied parrot and shearwater fledglings), with cumulative impacts from light emissions not predicted to other species.
	• Appendix A identifies that for birds "further assessment is required to determine if impacts are material". However, the evaluation provided in Section 8 only considers cumulative impacts to 'albatross, petrels, shearwaters and the orange-bellied parrot' and does not consider cumulative impacts to other bird species that may be present in the region.	
	• Appendix A identifies a potential cumulative impact pathway to conservation values and sensitivities of the Zeehan Australian Marine Park (AMP) and states that "further assessment is required to determine if impacts are material"; however, the evaluation provided in Section 8 does not consider all values and sensitivities of the AMP (as described in Section 4.4).	The potential for cumulative impacts to the Zeehan Marine Park no longer exists as a result of the revised operational areas and activity limitations, with a maximum of two seabed surveys and one well permitted to be drilled within these areas, and limited other reasonably foreseeable activities in this area. Consequently, the Zeehan Marine Park has been removed from the cumulative impact assessment.

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	• Appendix A identifies a cumulative impact pathway to 'First Nations People Heritage, including but not limited to sea country, song lines and totemic species' and identifies that "further assessment is required to determine if impacts are material"; however, the evaluation provided in Section 8 does not detail or evaluate all cultural values and sensitivities (as described in Section 4.7).	EP Section 8 has been updated to include a more detailed evaluation of the potential for cumulative impacts to those cultural features, and their associated values and sensitivities, that were identified in the impact assessments in Chapter 6, i.e., where there was uncertainty regarding the potential for successive, additive or synergistic impacts when considered in relation to other significant activities or projects over temporal and spatial scales.
	As a result of the above, NOPSEMA cannot be reasonably satisfied that the level of analysis and evaluation of cumulative impacts is commensurate to the nature and scale of the activity.	Addressed as described above.
1.3	***Ongoing consultation arrangements are not appropriate for the nature and scale of the activity*** **Issue:** The EP does not demonstrate that ongoing consultation arrangements are appropriate for the nature and scale of the activity.	Addressed as described below.
	Reasons: Given the nature and scale of the activity (multiple wells over multiple years), the ongoing consultation process becomes key to ensuring that potential impacts to socio-economic values of the region (including to other marine users) remain as low as reasonably practicable (ALARP) and remain acceptable for the duration of the activity.	Addressed as described below.
	While the implementation strategy (Table 10-5) outlines ongoing consultation activities, the EP does not detail the intended recipients or the specific timeframe of each of those activities. Further, Table 10-6 outlines the objectives of ongoing consultation with specific relevant persons and/or groups; however, the EP does not detail the commitments that will deliver on those objectives.	EP Section 10.2.5 (Ongoing Consultation), namely Table 10-5, has been updated to include additional details for ongoing consultation, specifically related to the delivery of objectives.
	In addition, Section 10.2.5.1 of the EP outlines that ConocoPhillips Australia will continue to engage with First Nations relevant persons and that the Cultural Heritage Protection Program (CHPP) provides the mechanism to support ongoing consultation. However, the EP does not detail any specific commitments for ongoing consultation with First Nations relevant persons on the CHPP.	EP Section 10.2.5.1 has been updated to include specific commitments to provide First Nations peoples with UCH assessment data relevant to any discoveries and, should any submerged cultural heritage be identified, ConocoPhillips Australia will consult with relevant First Nations groups and determine any exclusion areas or further cultural heritage management procedures that may be required.
	As a result of the above, NOPSEMA cannot be reasonably satisfied that the EP demonstrates appropriate arrangements for ongoing consultation.	Addressed as described above.
	Advice: The plan for ongoing consultation provided in the EP should consider the advice provided in NOPSEMA's guidance note (GN1344: Section 3.10.3.6) and clearly describe arrangements for who, what, when, why and how ongoing consultation will be undertaken for the life of the activity.	Addressed as described above.
Acceptance Criteria 34(b) – the EP does not demonstrate that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable (ALARP) because:		
2.1	***The level of detail provided to describe control measures is not sufficient and the method of evaluation of adopting control measures is not systematic – field response operations capability*** **Issue:** The EP and OPEP does not clearly identify the field-response resource requirements for the worst-case hydrocarbon pollution scenarios; or demonstrate that ConocoPhillips Australia's response capacity meets its response needs and is ALARP.	ConocoPhillips Australia has identified the capabilities needed to carry out the shoreline response, including where those resources will come from and how they will be monitored during the time of the activity. Additional detail has also been provided on subsidiary arrangements which may be used to scale up support.
	Reasons: The EP makes a number of assumptions regarding the likely impact of a spill and therefore the resources and capability required to respond. These assumptions are not clearly justified, and the description of resourcing and capability (need and availability) is not clearly described or justified against these underlying assumptions and limitations to these resources are not identified. For example:	Addressed as described below.

Item	Reasons why NOPSEMA is not reasonably satisfied the environment plan acceptance criteria has been met	Titleholder's Response
	• The EP does not clearly describe the approach taken to define the oil spill field-response requirements for the worst-case scenarios. The revised OPEP presents a Field Response Assessment (Appendix 1, Part E) that includes shoreline cleanup resource estimates based on theoretical 50 km lengths of coastlines (Appendix A). This is in addition to the shoreline response resource estimates previously presented in the Shoreline Protection and Clean-up Plan (ABU2-000-EN-V01-D-00006, OPEP Appendix 2) based on stochastic modelling predictions of shoreline oiling of real-world shoreline locations. It is unclear how the 50 km theoretical coastlines were determined to be the appropriate basis for defining the response needs and how they are representative of the oil pollution risks identified by the modelling predictions of shoreline oiling.	Additional information has been provided in OPEP Section 5 and OPEP Appendix 1 , and in Shoreline Plan Sections 8 and 9 and appendix A of the Shoreline Plan to more clearly describe the approach taken to define the oil spill field-response requirements for the worst-case scenarios. Reference to the 50km value, which was included to provide a hypothetical example of how the methodology would be applied at a high level to a sandy beach substrate, has been removed to avoid confusion. The methodology presented in OPEP Appendix 1, Part E has been updated in response the OMR request to include. - Further information on the use of stochastic modelling to allow for robust estimations of resourcing requirements for sections of coastline within the EMBA, within actionable response thresholds, rather than relying on a single deterministic run for each operational area to predict what might happen elsewhere. The stochastic modelling includes the deterministic model run in any case.
	• The EP does not demonstrate that ConocoPhillips Australia's capacity to respond meets the field response requirements. The revised OPEP presents a Shoreline Resource Assessment (OPEP Appendix 1, Part E) which states that "COP has ensured that its baseline preparedness meets the resourcing requirements outlined in the Otway Exploration Drilling Program EP and OPEP for shoreline response". However, the OPEP does not clearly identify what resourcing requirements represent the 'baseline preparedness' adopted by ConocoPhillips Australia's for the purposes of defining its response needs or the specific resources that will be applied to meet these requirements.	In response to this OMR item, ConocoPhillips Australia has conducted a thorough review of the shoreline field-response resource calculator and has identified the following: - The shoreline resource calculator included resourcing requirements for the manual removal of heavy oil and the mechanical removal of heavy oil for sandy beach (mixed sand/shell) shoreline types. This error has been corrected as heavy oils are not relevant to the worst-case credible scenarios associated with the Otway Exploration Drilling Program. As a result of this correction, the requirements for field resourcing (personnel and equipment) have reduced significantly, as would be expected for responses to releases of lighter hydrocarbons, i.e. marine diesel oil and gas condensate. Further, reference to 'baseline preparedness' have been removed from Part E and information has been added to demonstrate that ConocoPhillips Australia will have access to scalable field response capability and capacity as per the OPEP performance standards.
	• The Shoreline Resource Assessment (OPEP Appendix 1, Part E) identifies that ConocoPhillips Australia can "scale-up" its shoreline response resources beyond its "baseline preparedness" through access to additional resources detailed in the Field Resource Assessment (OPEP Appendix 1, Part E, Appendix B). However, the actual baseline preparedness and the level of performance of the identified potential shoreline response resources having regard to any likely limitations on availability of these resources are not identified, for example:	Addressed as described below.
	• AMOSC – Industry (Mutual Aid) does not identify potential limitations on availability of the identified personnel.	OPEP Section 5 – AMOSC resources have been updated to include Mutual Aid available via AMOSPlan under best endeavour arrangements.
	• State/Commonwealth personnel (including the National Response Team) are resources that are already available to the State control agencies and will be directly activated by them through the National Plan arrangements. As a result, they do not represent additional resources that ConocoPhillips Australia are able to separately provide to the States or form part of its response capacity. Please also note that the NOPSEMA IMT personnel identified in this table are not available to participate in incident responses associated with the offshore petroleum industry, as set out in the National Plan National Response Team Policy (NP-POL-002).	The intent of the table provided in Appendix B of the Shoreline Plan was to demonstrate the total capability available for a shoreline response, subject to state control agencies accessing these resources. This table (titled Jurisdiction and National Plan capability) has been removed to avoid confusion and Industry/ Labour Hire clarified. A revised table has been moved into the Shoreline Plan Section 9 and OPEP Appendix 1: Part E: Shoreline Resource Assessment.
	• No details are provided of any arrangements with labour hire/specialist labour hire services to access the estimated 500+ unskilled labour and there do not appear to be environmental performance standards for these arrangements.	Requirements for labour hire resources have been revised based on the corrections to the resources calculator, e.g. specialist equipment operators are no longer required for mechanical removal of heavy oil. Additional information on arrangements in place with labour hire companies has been added, even though access to labour resources to the extent previously predicted is no longer required. An additional EPS has been added to the OPEP regarding arrangements with labour hire companies.
	• The revised demonstration of ALARP for spill response activities (Table 7-46) does not consider alternative sources of existing trained field response personnel who may be available in the event of a worst-case scenario or demonstrate that costs of any additional arrangements to access these personnel at the time of an incident would be grossly disproportionate to the potential benefits.	EP Table 7-48 (Control measures for spill response activities and ALARP demonstration) has been updated to include information on additional personnel resources and an ALARP evaluation for labour hire arrangements. In addition, an EPS has been added to OPEP Table 6-1 to cover this off.

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	In the RFFWI letter from NOPSEMA dated 7 May 2024, additional information (item 2.10) was requested in relation to the oil spill field-response requirements for the worst-case scenarios and to demonstrate that ConocoPhillips Australia's response capacity will meet the defined response requirements and reduce oil pollution risks to ALARP. The additional information provided in the OPEP (Appendix 1, Part E Shoreline Resource Assessment) does not fully address the issues identified in the RFFWI letter.	Addressed as described above.
	Further, in the RFFWI letter from NOPSEMA dated 7 May 2024, additional information (item 5.1) was requested in relation to training requirements of field- response personnel. The additional information presented in the OPEP regarding field response personnel requirements and capabilities (outlined above) does not identify training requirements for these personnel.	Additional information has been provided in the OPEP Appendix 1, Part F: Field Resource Training, which outlines the training requirements for field response personnel.
2.2	***The level of detail provided to describe control measures is not sufficient – seabed survey*** **Issue:** The EP does not demonstrate that seabed surveys, which are a key control to manage impacts to benthic habitats and values, will be effective in managing these impacts to ALARP.	Addressed as described below.
	Reasons: In the RFFWI letter from NOPSEMA dated 7 May 2024, additional information was requested in relation to the design, methods and scope of the seabed surveys to demonstrate that they will function as a suitable control to manage impacts to the benthic environment. The additional information provided in the EP (such as in Section 9.2.6) does not provide assurance that the seabed surveys will achieve the required aim of protecting sensitive features of the benthic environment. The additional information seems to limit sensitive benthic receptors to those associated with circalittoral reefs, and little other information is provided. The lack of detail regarding this control, including the timing of such surveys, what is meant by 'inform protection priorities, measures and reporting requirements' means that the EP does not demonstrate that the control can function as intended to avoid or minimise impact. The description of these surveys cannot be deferred post acceptance of the EP, this is a control that requires sufficient description to give assurance that it will function in a suitable fashion.	EP Section 9.2.6 has been updated to avoid limiting the type of sensitive features that may identified, and includes additional information on the timing for seabed surveys and implications for the Mooring Plan.
2.3	***The EP does not apply best available techniques and best environmental practice to control mercury releases – overboard discharge of excess bulk cement, barite and bentonite*** **Issue**: The EP does not demonstrate that impacts to the environment due to potential overboard discharge of excess bulk cement, barite and bentonite have been reduced to ALARP. It is NOPSEMA's expectation that leftover bulk powders are not dumped into the marine environment. In the RFFWI letter from NOPSEMA dated 7 May 2024, additional information was requested in relation to the application of best available techniques for the management of excess bulk cement, barite and bentonite. The resubmitted EP does not demonstrate that best available techniques have been given appropriate consideration, and the argument presented to allow dumping of bulk powders is insufficient.	ConocoPhillips Australia has undertaken to review and clarify NOPSEMA's position regarding the disposal of unused bulk powders. In response to NOPSEMA's clear direction that the 'dumping of excess bulk powders' presents an unacceptable environmental impact that cannot be managed to ALARP, as discussed in our meeting of 11 September 2024, ConocoPhillips Australia has removed the evaluation of bulks from EP Section 6.8.5 and addressed this in EP Section 7.2 (Loss of Material or Waste Overboard). ConocoPhillips Australia understands the importance of continuous improvement measures and compliance with changing regulatory requirements; however, we are concerned by the lack of industry-wide consultation on this matter.
	Reasons: The resubmitted EP does not sufficiently evaluate whether the controls proposed in relation to minimising impact to the environment due to overboard discharge of excess bulk powders is ALARP and the additional material provided in Section 6.8.5.4 of the EP is flawed. In particular,	The evaluation of bulks has been removed from EP Section 6.8.5 and is now addressed in EP Section 7.2 (Loss of Material or Waste Overboard).
	• An argument is presented that cement and bentonite are not expected to contain mercury, which is an assumption that NOPSEMA has been found to be incorrect for other drilling activities.	The evaluation of bulks has been removed from EP Section 6.8.5 and is now addressed in EP Section 7.2 (Loss of Material or Waste Overboard).
	• Reference is made to the OSPAR commission PLONOR listing of cement, a listing based upon the normal industry use of cement and not its dumping into the ocean in powder form. Please also note that the PLONOR list is prefixed with 'substances whose use and discharge offshore is subject to expert judgement by the competent national authority'1.	The evaluation of bulks has been removed from EP Section 6.8.5 and is now addressed in EP Section 7.2 (Loss of Material or Waste Overboard).
	• The case is made regarding acceptability of bulk powder discharges that mercury discharges will be limited, in an environment already containing mercury, will be diluted, and that impacts are predominantly via methylmercury. Such contextual information does not address the Minamata Convention requirements to apply best practice management for mercury discharges to the marine environment.	The evaluation of bulks has been removed from EP Section 6.8.5 and is now addressed in EP Section 7.2 (Loss of Material or Waste Overboard).
	• The argument that high to low pressure transfer of bulk powders is a safety risk that is such that this practice cannot be applied is not sufficiently supported and raises questions, such as:	The evaluation of bulks has been removed from EP Section 6.8.5 and is now addressed in EP Section 7.2 (Loss of Material or Waste Overboard).
	• What is the infrastructure that is not currently 'available' in the region? What steps has ConocoPhillips Australia undertaken to seek out such infrastructure, and what are the costs involved?	The evaluation of bulks has been removed from EP Section 6.8.5 and is now addressed in EP Section 7.2 (Loss of Material or Waste Overboard).

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	• The reference to a feasibility study to find pressure release valves and other transfer equipment is unclear – is this the infrastructure that is not currently available?	The evaluation of bulks has been removed from EP Section 6.8.5 and is now addressed in EP Section 7.2 (Loss of Material or Waste Overboard).
	• Updated information is required in relation to the status of Transocean Equinox following this activity, and the presence of other MODUs to which bulk powders could be transferred. In providing this information, please demonstrate that real endeavours have been undertaken to explore these options.	The evaluation of bulks has been removed from EP Section 6.8.5 and is now addressed in EP Section 7.2 (Loss of Material or Waste Overboard).
2.4	***Insufficient description and consideration of controls – flaring*** **Issue:** The EP does not demonstrate that impacts and risks associated with flaring and other sources of light from the MODU, and vessels are reduced to ALARP as the EP does not sufficiently describe controls or give consideration to alternative controls to manage light emissions.	Addressed as described below.
	Reasons: In the RFFWI letter from NOPSEMA dated 7 May 2024, additional information was requested in relation to impacts associated with lighting (particularly flaring), including impacts upon visual amenity, the values of Great Ocean Rd and Scenic Environs National Heritage Place, and orange-bellied parrots. The resubmitted EP does not sufficiently address the matters raised, or raises additional matters, such as:	Addressed as described below.
	• The additional information provided in relation to impacts of flaring includes reference to a 'light management plan'. However, the description of that plan in Section 9.2.7 of the EP does not articulate what the particular features of that plan are that will ensure that impacts will be reduced to ALARP. Section 9.2.10 of the EP describes that the Well Testing Program will include consideration of seasonal and duration limitations, and pre-flare surveys. Details of these controls are required within the EP submission – this cannot be deferred.	Table 9-1 has been included in EP Section 9.2.7 and provides an assessment of the light management options for seabirds from the National Light pollution Guidelines for Wildlife – Seabird light mitigation toolbox. The selected items will feature in the light management plan. CM10 (Well Testing Program) provides EPS for flaring including, the duration limitation of minimising flaring to a maximum of 100 hours per DST, conducting pre-flaring surveys, and commencing each initial flaring event on daylight to minimise impacts. EPS10.5 has been added for Activity Limitation AL4.4.1 to demonstrate flaring will not occur within VIC/P79-North during the shearwater fledging period.
	• The ALARP evaluation of potential controls, such as use of a shield or orientation of the flare, are not given sufficient consideration and their benefits in relation to reduction to the light footprint are not described. As such, there is no basis for their dismissal.	EP Table 6-15 has been updated to include more detailed information regarding shielding and reorientation of the MODU and/or flare boom.
	• The control 'manage the timing of the activity to avoid biologically sensitive periods' is discussed in an ambiguous manner. For example, 'for the single DST within VIC/P79-North (AL#4), the schedule could be managed to ensure that this test does not occur during the 2-week fledging period'. It is not clear if the schedule will be managed to avoid this period.	Activity Limitation 4.4.1 has been adopted for activities within VIC/P79-North: No DST during 2-week period of shearwater fledging. EPS 10.5 has been added to CM10.
Acceptance Criteria 34(c) – the EP does not demonstrate that the environmental impacts and risks of the activity will be of an acceptable level because:		
3.1	**The EP does not demonstrate that it is not inconsistent with a recovery plan or threat abatement plan for a listed threatened species or ecological community** **Issue:** The EP does not demonstrate that it is not inconsistent with the new EPBC Act National Recovery Plan for the Southern Right Whale (Eubalaena australis), which came into effect on 31 July 2024, and therefore does not demonstrate that impacts and risks to this protected species will be managed to an acceptable level.	Addressed as described below.
	Reasons: The recovery plan sets out information including the long-term recovery vision, interim recovery objectives and targets, and recovery actions necessary to minimise anthropogenic threats and facilitate recovery of the southern right whale (SRW). This new recovery plan differs from the previous Conservation Management Plan for the Southern Right Whale (2011-2021) and the draft National Recovery Plan for the Southern Right Whale that was subject to a public comment process. Accordingly, EPs developed considering these previous documents would not address or meet requirements of the new recovery plan.	The EP has been updated through-out to reflect the revised status of the Recovery Plan. In addition, Sections and 6.6 and 6.7 (Underwater Sound) have been updated to include consideration of the new requirements to demonstrate the EP is not inconsistent with the Recovery Plan. The National Recovery Plan for the Southern Right Whale has been included Appendix A under the receptor management plans in green text. Old management plans for the southern right whale have been removed.

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	Advice: Through review of the new National Recovery Plan for the Southern Right Whale (Eubalaena australis) in full, ConocoPhillips Australia should review and modify the EP with content to demonstrate that it is not inconsistent with the recovery plan. In doing so, the modified EP should include content that demonstrates, through implementing all relevant and specific recovery actions detailed in the recovery plan and informed by the evaluation of evidence and facts applicable to the activity, that the activity will not be inconsistent with the stated recovery vision and interim recovery objectives for the SRW.	The EP has been updated through-out to reflect the revised status of the Recovery Plan. In addition, Sections and 6.6 and 6.7 (Underwater Sound) have been updated to include consideration of the new requirements to demonstrate the EP is not inconsistent with the Recovery Plan. The National Recovery Plan for the Southern Right Whale has been included Appendix A under the receptor management plans in green text. Old management plans for the southern right whale have been removed.
3.2	**The EP does not demonstrate that potential impacts and risks of underwater sound emissions on Southern Right Whales will be of an acceptable level** **Issue:** The assessment of impacts from underwater sound emissions in Sections 6.6. and 6.7 of the EP do not adequately consider impacts to biologically important reproduction behaviours in the Southern Right Whale (SRW) reproduction BIA (now designated as habitat critical to the survival of the species (HCTS) under the new National Recovery Plan for the Southern Right Whale), or adequately demonstrate that impacts will be of an acceptable level.	Impact assessments in EP Sections 6.6 and 6.7 (Underwater sound) have been updated to include information specific to the received sound levels within the southern right whale reproduction BIA, to demonstrate that impacts will be of an acceptable level. The additional modelling conducted to support this assessment has been included as an addendum to EP Appendix G (Noise Modelling Reports).
	Reasons: Sections 6.6 and 6.7 of the EP currently assess impacts to SRW within the defined underwater sound emissions EMBAs, including the migration BIA. This impact assessment is focussed on behavioural disturbance to migrating whales in the migration BIA. However, the impact assessment does not adequately describe likely impacts in the adjacent reproductive BIA, including the potential impacts to other behaviours, particularly reproductive behaviours, and the uncertainty that currently exists regarding the sound exposures that may result in behavioural disturbance during critical reproduction behaviours and to resting/nursing mother-calf pairs in reproduction areas. Therefore, the impact assessment does not currently demonstrate that the proposed activity will not prevent any SRW from utilising BIAs and HCTS or that behavioural disturbance is minimised, consistent with the recovery plan.	
	Advice: The EP must demonstrate that activities will be undertaken and managed in a manner that is not inconsistent with the National Recovery Plan for the Southern Right Whale, considering Action Area A5 and other advice provided above in point 3.1	Addressed as described above.
3.3	***The EP does not demonstrate why control measures in the Fauna Management Plan reduce impacts and risks to ALARP and acceptable levels*** **Issue:** Information provided in the environment plan and the Fauna Management Plan does not demonstrate why control measures individually and collectively will be effective in reducing impacts to marine fauna to ALARP and acceptable levels.	Addressed as described below.
	Reasons: The EP and Fauna Management Plan do not provide all details on how the panel Whale Expert Panel and aerial surveys will function as effective control measures. In particular, the EP does not justify why it is appropriate to defer detailed arrangements regarding the WEP and aerial surveys. For example:	Addressed as described below.
	• The FMP currently states that the Whale Expert Panel will develop a Terms of Reference for operations including decision-making criteria to support the development of the implementation plan for the Fauna Management Plan.	Additional information on the WEP has been included in Table 6-32, EP Section 9.2.8 and additional performance standards added to Table 9-1.
	• The Fauna Management Plan notes the Whale Expert Panel will inform the objectives, design and timing of aerial surveys prior to and during activities.	Additional information on the WEP has been included in EP Table 6-32, EP Section 9.2.8 and additional performance standards added to Table 9-1, and in the Fauna Management Plan.
	• The objectives of the aerial surveys have not been clearly defined, and the EP does not describe how the outcomes of the surveys will trigger other controls and/or will effectively mitigate impacts during activities with the greatest sound effects ranges. For example, it is not clear how the initiation or outcomes from aerial survey would interact with the whale management actions described for 'drilling' (Figure 8-2).	Additional information on the WEP has been included in EP Table 6-32, EP Section 9.2.8 and additional performance standards added to Table 9-1, and in the Fauna Management Plan.
	• Minimum standards for the aerial surveys have not been defined. These standards are required to demonstrate that the aerial surveys can meet their objectives. The minimum number of aerial surveys applicable to each well programme is provided in the Fauna Management Plan and in the environmental performance standards (EPS), however, no other minimum standards around the specific timing, triggers to initiate surveys, or the design of these surveys are provided.	Additional information on the aerial surveys has been included in EP Section 9.2.8 and Table 9-1, and in the Fauna Management Plan.
	• The level of expertise of the whale species expert, and arrangements regarding the WEP availability for weekly meetings, and meetings within 24 hours of detecting a single blue whale or southern right whale are not provided.	Additional information on the WEP has been included in EP Table 9-1.

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	• Start-up delays for sub-bottom profiler (SBP) are rejected on the basis that SBP can't be slowly ramped up so soft-starts are not feasible. However, this does not explain why start-up delays are rejected.	EP Table 6-43 has been updated to correct this error and ConocoPhillips Australia has confirmed this is consistent with Figure 5-1 of the Fauna Management Plan which outlines the requirement to delay start-up and continue detection surveys for 30 minutes if a whale is observed.
	Advice: When revising the EP to address the above issues, please also ensure that control measures provided in the EP and Fauna Management Plan reflect any updates made to the EP to address requirements of the National Recovery Plan for the Southern Right Whale (Items 3.1 and 3.2 above).	Addressed as described above.
3.4	***There is insufficient evidence that all impacts and risks are being managed to acceptable levels – cultural features*** **Issue:** The EP does not provide a detailed and well supported case that impacts and risks to cultural features of the environment from the activity will be managed to an acceptable level.	Addressed as described below.
	Reasons: The EP does not provide a detailed and well supported evaluation that impacts and risks to cultural features of the environment will be managed to an acceptable level appropriate to the nature and scale of the activity. In addition, the EP does not include sufficient control measures to avoid, mitigate or manage impacts and risks on these features. This is because, the EP relies on broad statements without justification, has not described impacts, nor defined all the acceptable levels and as a result it is not clear if the control measures adopted are appropriate to ensure that impacts will be managed to an acceptable level. For example:	ConocoPhillips Australia has undertaken an extensive review of the information provided in EP Section 4.8 and has updated this information to include a methodology and process for the more detailed evaluation of impacts and risks to cultural values and sensitivities.
	a. In Sections 6 and 7 of the EP, the impacts and risks to cultural features are described as being impacted because "the operational areas are expected to overlap Sea Country and as a result, all planned and unplanned impacts have the potential to impact Country which subsequently impacts First Nations People cultural heritage values and sensitivities". However, these broad statements do not describe the impacts and risks to cultural features of the environment as defined under regulation 5. Specifically, the EP does not set out how the activities described will affect each of the cultural features of locations, places and areas (e.g., sea country), natural and physical resources (e.g., biological and physical features), and people and communities (e.g., belief systems, culture and practices) identified in Section 4.8.2 of the EP. For example, utilising publicly available information (e.g., studies, literature and reference material) to describe impacts on these features.	EP Section 4.8, as summarised in Table 4-61, sets out how the activities described will affect each of the cultural features of locations, places and areas (e.g., sea country), natural and physical resources (e.g., biological and physical features), and people and communities (e.g., belief systems, culture and practices), as supported by publicly available information that describes the features and associated cultural values, and predicted impacts on these features.
	b. Despite the above, the EP relies on high-level assertions to evaluate impacts and risks to cultural features of the environment throughout Sections 6 and 7 of the EP. These assertions state "Consequently, the detailed consequence evaluation of potential impacts to environmental receptors within the [relevant] EMBAs from [the impact or risk] are considered to be representative of potential [impacts/risks] to First Nations cultural heritage values and sensitivities". The cumulative impacts assessment summary outlined in Table 8-2 also includes a similar high-level statement to evaluate cumulative impacts "If these impacts are assessed as acceptable from an ecological impact point of view – the corresponding impact to cultural heritage is likely to be the same" These statements are not supported by information in the EP, including information that is publicly available or received through public comments or relevant persons consultation, nor has there been a thorough analysis of impacts and risks that is appropriate to the nature and scale of the activity.	In light of the review completed for EP Section 4.8, ConocoPhillips Australia has undertaken to review all impact and risk assessments to ensure that a methodical and detailed evaluation has been applied. In addition, EP Chapter 8 has been updated to reflect the prediction of cumulative impacts to the cultural features and associated values summarised in Table 4-61 from the proposed activity in it's entirety, and in consideration of reasonably foreseeable future activities.
	c. The EP does not define any acceptable levels of impact and risk on the cultural features in the environment that might be affected in order to demonstrate that predicted levels of impact or risk are at or below acceptable levels. Further, it is not clear how EPO 6a and EPO 10, which set levels of performance for water quality and seabed quality on "cultural values", are appropriate as details and an evaluation of impacts on cultural features has not been conducted as per item b (see above).	The impact and risk assessments in EP Chapters 6 and 7 have been updated to include defined acceptable levels and EPOs have been reviewed.
	d. Section 7.1.2 of the Extent Heritage report states that there is potential for features of high sensitivity such as 'flat to gently inclined surfaces on former escarpments, cliffs or ridges' to be impacted by the drilling activity and then states that "it is recommended that any features of high sensitivity are avoided in the first instance, thus impact is considered to be negligible". However, this recommendation has not been evaluated or implemented as a control measure in the EP.	EP Section 4.8 has been updated to provide an evaluation of existing information on the likely presence, or potential presence of, cultural features of the submerged landscape or the seabed (i.e. underwater cultural heritage as defined under Underwater Cultural Heritage Act 2018) that is suitable to inform the evaluation of impacts and risks on these features of the environment and demonstrate any impacts and risks will be of an acceptable level. Additionally, EPO6b has been amended to avoid, or where not possible, minimise impacts to cultural features, with a review of data by suitably qualified marine archaeologist in place to inform potential exclusion or avoidance areas for seabed disturbance to protect and minimise physical impacts to underwater cultural heritage; and EPS 5.2 and 5.3 have been updated to reflect this change.

Item	Reasons why NOPSEMA is not reasonably satisfied the environment plan acceptance criteria has been met	Titleholder's Response
	e. Figure 6-23 of the EP describes an underwater cultural heritage protection process that aligns with CM05: Cultural Heritage Protection Program in Section 9.2.5 of the EP but:	Addressed as described below.
	i. This process does not take into account other control measures in the EP identified in Table 6-10: Seabed disturbance control measures and ALARP demonstration which includes opportunities for First Nations peoples to "to determine any exclusion areas or further cultural heritage management procedures that may be required". This is not described in Figure 6-23.	EPO6b has been amended to avoid, or where not possible, minimise impacts to cultural features, with a review of data by suitably qualified marine archaeologist in place to inform potential exclusion or avoidance areas for seabed disturbance to protect and minimise physical impacts to underwater cultural heritage. In addition, EP Section 10.3.5.1 (Unexpected Finds Procedure) has been added which includes measures to implement immediate protections for suspected finds and to notify and consult with First Nations peoples regarding how it should be managed.
	ii. there insufficient details about the control. Specifically, there is no explanation of appropriate buffers and mitigation measures, and how they ensure compliance with the *Underwater Cultural Heritage Act 2018*. Further, the process does not demonstrate that it aligns with DCCEEW's Guideline: *Assessing and Managing Impacts to Underwater Cultural Heritage in Australian Waters.* Specifically, it is not clear why there is no assessment of unknown features / artefacts or why the process leads from unknown to known features / artefacts.	EPO6b has been amended to avoid, or where not possible, minimise impacts to cultural features, with a review of data by suitably qualified marine archaeologist in place to inform potential exclusion or avoidance areas for seabed disturbance to protect and minimise physical impacts to underwater cultural heritage. In addition, EP Section 10.3.5.1 (Unexpected Finds Procedure) has been added which includes measures to implement immediate protections for suspected finds and to notify and consult with First Nations peoples regarding how it should be managed. The unexpected finds procedure is aligned with the obligations outlined in the Assessing and Managing Impacts to Underwater Cultural Heritage in Australian Waters (CoA 2024) guideline.
3.5	***The EP does not demonstrate that the proposed activity is not inconsistent with management plans for AMPs*** **Issue:** The EP does not clearly demonstrate that the proposed activity is not inconsistent with relevant management plans for Australian Marine Parks (AMPs).	Addressed as described below.
	Reasons: The EP must demonstrate that the proposed activity is not inconsistent with a management plan in operation for an AMP. While the impact and risk assessments in the EP provide a high-level assessment of AMP values relevant to planned aspects and unplanned events under the sub-headings, 'Conservation Values and Sensitivities', some of the assessments do not reach clear or conclusive statements regarding what the impacts to marine park values will be, or demonstrate how the predicted levels of impact are not inconsistent with the relevant marine park management plan objectives.	Additional detail has been provided in EP Section 4.4.1, namely Section 4.4.1.1 and 4.4.1.2 detailing the specific conservation values of the Apollo and Zeehan AMPs (identified to be located within close proximity to the activity). Additional detail has also be add to Section 4.6.7.4 regarding the crested tern which was identified as a value of the Apollo AMP. This information has then been used to update the conservation values and sensitivities impact and risk assessments sections where relevant through EP Chapters 6 and 7.
Acceptance Criteria 34(d) – the EP does not provide for appropriate environmental performance outcomes, environmental performance standards and/or measurement criteria because:		
4.1	***Control measures and activity limitations do not all have corresponding environmental performance standards (EPS)*** **Issue**: The EP should include EPS that are directly linked to control measures. However, not all adopted controls have a corresponding EPS.	ConocoPhillips Australia has considered how best to demonstrate compliance with Activity Limitations and has determined that compliance should be confirmed as part of the Drilling Program Authorization for Expenditure (AFE) process. The AFE approval process is completed for each exploration well in sequence once a defined drilling location is known, and represents an opportune time to confirm each well, in the context of the overall program, complies with the Activity Limitations prior to commencement. The responsibility for completing the AFE checklist has been added to Table 10-3 in EP Section 10.1.4. Activity Limitations for seabed surveys have been included as part of the procurement vetting process, whereby a demonstration od compliance is required as part of pre-mobilisation for this contract. **Additional EPS have been added to reflect that these process will occur and must be fulfilled prior to commencement of relevant activities within each Operational Area.**
	Reasons: A number of Activity Limitations have been added to the description of the activity and are also identified as control measures (e.g., Section 6.6.8 of the EP). However, despite being adopted as control measures, corresponding EPS have not been provided in Section 9 of the EP.	
Acceptance Criteria 34(e) – the EP does not include an appropriate implementation strategy and/or monitoring, recording and reporting arrangements because:		
5.1	***The EP does not provide for monitoring or impacts to the environment from oil pollution and response activities that is appropriate to the nature and scale of the risk of environmental impacts of the activity*** **Issue**: The Operational and Scientific Monitoring Program (OSMP) (Appendix Q) does not demonstrate that sufficient arrangements and capability will be in place for measuring impacts to the environment, both from the oil pollution itself and from response activities, sufficient to describe damage to the environment, inform any remediation activities and evaluate the recovery of receptors.	Addressed as detailed below.

Item	Reasons why NOPSEMA is not reasonably satisfied the environment plan acceptance criteria has been met	Titleholder's Response
	Reasons: The OSMP does not appropriately detail the capability required to implement monitoring that would be required in the event of a worst-case loss of well control and does not demonstrate that ConocoPhillips Australia has arrangements in place to meet these capability requirements. In particular, the OSMP has not demonstrated that adequate arrangements are in place for:	Addressed as detailed below.
	• Understanding the capability required to implement the operational and scientific monitoring plans, including resources and personnel (i.e., numbers of monitoring teams and personnel and qualifications of monitoring personnel).	Detail on the capability required to implement monitoring that would be required in the event of a worst-case loss of well control has been included in OSMP Section 2.1 (Resource Requirements and Capability). Additional information on contractual arrangements has been included in OSMP Section 2.2 (Contractual Arrangements) to demonstrate that ConocoPhillips Australia will have arrangements in place to meet these capability requirements.
	• Demonstrating ConocoPhillips Australia's readiness to implement the identified monitoring programs including awareness and availability of monitoring personnel with suitable qualifications, training and experience.	Detail on the monitoring personnel required to implement monitoring that would be required in the event of a worst-case loss of well control has been included in OSMP Section 2.1 (Resource Requirements and Capability). Training and experience requirements for key roles are defined in OSMP Section 9.2.1 (Competencies).
	• Details of the strength of contractual arrangements with the OSMP service provider(s) (e.g., RPS – Appendix Q, Section 2.1) to meet the required monitoring capability.	Additional information on contractual arrangements has been included in OSMP Section 2.2 (Contractual Arrangements) to demonstrate that ConocoPhillips Australia will have appropriate arrangements in place with primary and secondary OSMP service providers and access to additional third party support as needed.
	• Identification of existing baseline data relevant to the scientific monitoring plans.	A detailed baseline data compilation has been included in OSMP Appendix 2 to inform decision making on the appropriate experimental design for scientific monitoring plans.
	• Identification of how measurement of impacts through the monitoring plans will be consistent with any requirement(s) for management plans and recovery plans for matters protected under Part 3 of the EPBC Act. The OSMP (Section 6.1.1 of the EP) currently only states that "Note: where Conservation Advice and/or Recovery Plans exist for protected marine fauna, OMP/SMPs and SOP/SAPs to be implemented will include consideration of any specific sampling and/or values that require monitoring".	Additional information on the consideration of EPBC Act plans of management has been included in OSMP Sections 3.1.3 (Regulatory Engagement), 6.2 (Monitoring Design) and in Sections 8.1, 8.2, 8.4, 8.5 and 8.6.
	• Appropriate monitoring preparedness EPS. For example:	Addressed as detailed below.
	• The EP (Table 9-1) presents an overall preparedness EPS: "Operational and scientific monitoring capability will be maintained in accordance with the OSMP" (EPS 14.1). Similar separate preparedness EPS are presented for each operational and scientific monitoring plan for example, "Readiness to implement OM03 Operational monitoring of hydrocarbon and other chemical properties, behaviour and weathering" (OSMP Section 7.3). These EPS do not present appropriate statements of performance given that the OSMP does not define the required monitoring capability for the monitoring plans.	Detail on the capability required to implement monitoring that would be required in the event of a worst-case loss of well control has been included in OSMP Section 2.1 (Resource Requirements and Capability).
	• The EP (Table 9-1) presents EPS for testing the OSMP: "The contracted OSMP provider(s) capability to meet the requirements detailed in the OSMP will be tested prior to commencing drilling" (EPS 14.3) and "During drilling the contracted OSMP provider(s) will provide a monthly report to show that capability as detailed in the OSMP is maintained" (EPS 14.4). These EPS do not present appropriate statements of performance given that the OSMP does not define the required monitoring capability to be provided by the OSMP provider(s).	Detail on the capability required to implement monitoring that would be required in the event of a worst-case loss of well control has been included in OSMP Section 2.1 (Resource Requirements and Capability).
	The RFFWI letter from NOPSEMA dated 7 May 2024, requested additional information (item 5.2) in relation to the oil spill monitoring arrangements. In its response ConocoPhillips Australia submitted the Australia Business Unit OSMP (ABU2-000-EN-R01-D-00006, Rev 0, dated 29/02/2024) (Appendix Q), however, the information provided was insufficient to address the concerns described above.	Addressed as detailed above.
Acceptance Criteria 34(g)(i) – the EP does not demonstrate that the consultations required by regulation 25 have been carried out, because:		
6.1	***The process for relevant persons identification does not provide for the broad capture of relevant persons*** **Issue:** The EP does not demonstrate that ConocoPhillips Australia's duty to identify and consult with each relevant person under regulation 25 of the Environment Regulations has been discharged as it does not demonstrate that the process for relevant persons identification provided for the broad capture of relevant persons.	Addressed as detailed below.

Item	Reasons why NOPSEMA is not reasonably satisfied the environment plan acceptance criteria has been met	Titleholder's Response
	Reasons: Appendix C5 details that Commonwealth commercial fishers were identified via Australian Fisheries Management Authority (AFMA), and that three fishing associations were engaged on a fee-for-service arrangement facilitating information exchange with members, but it does not outline which commercial fisheries were considered by these methods or demonstrate that this method was effective in identifying all reasonably identifiable relevant persons in relation to commercial fisheries. It therefore remains unclear if there has been appropriate consideration of each of the commercial fisheries that the EP identified may be affected by the impacts and risks of the proposed activity.	Additional detail has been added to Appendix C4, detailing how each identified commercial fishery was considered and consulted. This includes the Tier One and Tier Two methodology of proportional consultation.
	Further, Section 3 of the EP states "*when consulting with groups where interests are held communally, for example, with First Nations People/groups and commercial fishers, a tailored, fit-for-purpose method of consultation is adopted*". This statement is not accurate as the interests of commercial fishers are not communally held.	EP Section 3.2.1 has been updated to reflect this change and to provide context on the broadly common interests held by fishers and fishery associations.
	Advice: Please note, if the modification of the EP results in the identification of new relevant persons, ConocoPhillips Australia will also need to demonstrate that it has carried out the consultation with these relevant persons in line with the requirements under regulation 25 of the Environment Regulations. In addition, ConocoPhillips Australia will need to ensure that the report on consultation (including the sensitive information part) is updated to include details of any additional consultations undertaken, in line with the requirements of regulation 24(b) of the Environment Regulations.	The report on consultation (including the sensitive information part) has been updated to include details of any additional consultations undertaken, in line with the requirements of regulation 24(b) of the Environment Regulations.
6.2	***The EP does not include a sufficient description of the consultation process for NOPSEMA to objectively determine that ConocoPhillips Australia's duty to identify and consult with each relevant person has been discharged*** Issue: The EP does not demonstrate that the consultations required by regulation 25 have been carried out as the EP does not consistently describe, nor justify, how ConocoPhillips Australia afforded each relevant person a reasonable period in which to respond.	Addressed as detailed below.
	Reasons: Section 3.6 of the EP outlines that ConocoPhillips Australia considers that a reasonable period for consultation was provided with the release of draft EP chapters and technical reports on its consultation website for a 30-day period and that ConocoPhillips Australia considered requests for extensions beyond this date on a case-by-case basis. However, the report on consultation (Appendix C1) outlines a different approach to how a reasonable period for consultation was determined for each relevant person (including consultation for some relevant persons far in excess of 30 days). This contradictory information means that NOPSEMA is unable to objectively determine that ConocoPhillips Australia's duty to consult with each relevant person has been discharged.	EP Section 3.6 has been updated to clearly describe the reasonable period afforded for consultation with relevant persons. As now described in EP Section 3.5.1.3 (Access to Further information), the release of the draft environment plan chapters was intended to provide all available information transparently to those relevant persons who had requested access to as much information as possible, and to address any uncertainty about whether sufficient information had been provided where relevant persons had provided limited or no feedback.
	Further, the EP does not include consideration of how the timeframe that ConocoPhillips Australia has allowed for its consultation with First Nations relevant persons is appropriate. For example, how it compares with other benchmark periods for consultation with First Nations people and communities under other relevant legislative processes and/or guidance documents.	EP Section 3.6 has been updated to include consideration of the appropriateness of the duration of a 'reasonable period' for relevant persons.
6.3	***The report on consultation does not present a well-supported and defensible case for NOPSEMA to objectively determine that the ConocoPhillips Australia's duty to consult with each relevant person has been discharged*** **Issue**: The report on consultation does not include a well-supported and defensible case for NOPSEMA to objectively determine that ConocoPhillips Australia's duty to consult with each relevant person has been discharged.	Addressed as detailed below.
	Reasons: The report on consultation (Appendix C1) presents a case under "Reg 25 Compliance Summary" on how ConocoPhillips Australia has discharged its duty to consult with each relevant person. However, the cases are limited to summarising what information and time was made available to relevant persons, and whether the relevant person raised any objections or claims. The cases put forward for each relevant person are lacking in detail and rigour to effectively demonstrate that ConocoPhillips Australia's duty to consult with each relevant person has been discharged. Further, the EP does not provide a thorough assessment of ConocoPhillips Australia's consideration of all the consultation related assertions and concerns raised by relevant persons.	Additional detail and rigour has been included in the report on consultation (EP Appendix C1) that demonstrates how ConocoPhillips Australia has discharged its duty to consult with each relevant person. The consultation summaries also include information on ConocoPhillips Australia's consideration of all feedback received during consultation, including items of information, assertions and concerns related to consultation and objections and claims about the adverse impacts of the proposed activity.
	Advice: When modifying the EP in response to the above, ConocoPhillips Australia are advised to consider NOPSEMA's Consultation in the course of preparing an environment plan guideline (GL2086) and Environment Plan decision making guideline (GL1721).	Addressed as described above.
6.4	***The EP does not contain a report on consultation that is in line with regulation 24(b)(i) of the Environment Regulations*** **Issue:** The EP does not demonstrate that appropriate consultation has been carried out as it does not contain a	Addressed as detailed below.

Item	Reasons why NOPSEMA is not reasonably satisfied the environment plan acceptance criteria has been met	Titleholder's Response
	summary of each response made by a relevant person that is in line with regulation 24(b)(i) of the Environment Regulations.	
	Reasons: The report on consultation (Appendix C1) includes instances where a relevant person has been copied into an email from another relevant person (rather than emailing ConocoPhillips Australia directly). However, Appendix C1 does not clearly identify that this was the nature of the interaction. Instead, the report on consultation implies that the email response came directly from the relevant person that was copied into the email (and not the original sender). This is inaccurate and has the effect of artificially inflating the number of interactions between ConocoPhillips Australia and these relevant persons.	The report on consultation (EP Appendix C1) has been updated to provide clarity on when a relevant person has been copied (cc'ed) on an email. Where the cc'ed correspondence is not relevant to consultation with the relevant person, the event has been removed from their consultation record. However, where the cc'ed correspondence is relevant and is needed to provide context to consultation with the relevant person, the summary has been updated to clarify the nature of the correspondence (i.e. the relevant person was cc'ed).
	Further, in some instances the report on consultation with relevant Commonwealth and State Departments/agencies includes a summary of responses from other areas/branches of the same Department/agency. For example, the consultation report for the [redacted] includes a summary of each response from the [redacted] This issue was communicated to ConocoPhillips Australia in NOPSEMA's RFFWI letter dated 07 May 2024, but has not been resolved.	The report on consultation (EP Appendix C1) has been updated to ensure the correct correlation of correspondence with the specific branches of Commonwealth and State Departments has occurred.
	Advice: Please note, if any further consultation has been undertaken with relevant persons, ConocoPhillips Australia will need to ensure that the report on consultation (including the sensitive information part) is updated to include details of that consultation in line with the requirements of regulation 24(b) of the Environment Regulations.	Noted - the report on consultation (including the sensitive information part) has been updated to include details of additional consultation in line with the requirements of regulation 24(b) of the Environment Regulations.
6.5	***The EP does not contain a report on consultation that is in line with regulation 24(b)(iv) of the Environment Regulations*** **Issue:** The EP does not demonstrate that ConocoPhillips Australia's duty to identify and consult with each relevant person under regulation 25 has been discharged as it does not contain a copy of the full text of any response by a relevant person as required by regulation 24(b)(iv) of the Environment Regulations.	Addressed as detailed below.
	Reasons: The Sensitive Information Report is missing copies of the full text responses that the report on consultation (Appendix C1) indicates were made by [redacted] In addition, the Sensitive Information Report does not include meeting notes or minutes from an in-person meeting with the [redacted]	The sensitive information report (Appendix D) has been updated to include full text responses made by [redacted] and includes meeting notes from an in-person meeting with the [redacted]
Acceptance Criteria 34(g)(ii) – the EP does not demonstrate that appropriate measures have been adopted, or proposed to be adopted, because of consultation, because:		
7.1	***The EP does not demonstrate that ConocoPhillips Australia's assessment of merit and all responses to objections and claims are reasonable and supported*** **Issue:** The EP does not demonstrate that appropriate measures have been adopted, or are proposed to be adopted, because of consultation as it does not demonstrate that ConocoPhillips Australia's assessment of merit and all responses to objections and claims are reasonable and supported.	Addressed as described below.
	Reasons: The report on consultation (Appendix C1) does not include: clear and precise identification of objections or claims, or other feedback raised by relevant persons (as per the methodology outlined in Section 3.8.1 of the EP); an assessment of the merit of each objection, claim or other feedback with sufficient rationale provided to support that assessment; and a statement of the titleholder's response or proposed response to each. For example, but not limited to:	EP Section 3.8.1 has been updated to provide clarity on the methodology applied. In addition, ConocoPhillips Australia has undertaken to review all items of incoming correspondence and communication (e.g. emails, meeting minutes, phone call records, etc) to ensure that all items of feedback have been identified and addressed as per the methodology.
	• [redacted]	[redacted] Multiple attempts by both email and telephone were made to try and confirm this, but no response was received. An unredacted version can be viewed in the Sensitive Information Report.
	• [redacted]	Feedback from [redacted] has been addressed in the updated consultation summary for this relevant organisation ([redacted]).

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	• [redacted]	Records in consultation manager now link information about the incorrectly named [redacted] Consequently, the responses to feedback associated with Event ID: [redacted] are now linked to the correct organisation and are included in the report on consultation for Org ID: [redacted]
	• [redacted]	Consultation records for the [redacted] including feedback provided and responses to feedback, have been included in the report on consultation in Appendix C, with full text copies provided in the Sensitive Information Report in Appendix D.
	Further, NOPSEMA received correspondence from [redacted] which was subsequently shared with ConocoPhillips Australia on 3 May 2024 and 22 July 2024, respectively. This correspondence contains information that is relevant to the EP, including objections and claims in relation to the activity and concerns related to the appropriateness of consultation. This information also has not been addressed in the report on consultation or the EP.	Consultation records for the [redacted] including feedback provided and responses to feedback in response to correspondence received via NOPSEMA [redacted] have been included in the report on consultation in Appendix C, with full text copies provided in the Sensitive Information Report in Appendix D.
	This issue is not limited to the examples provided above. It is the responsibility of ConocoPhillips Australia to undertake a comprehensive review of the EP.	As mentioned above, ConocoPhillips Australia has undertaken to review all items of incoming correspondence and communication (e.g. emails, meeting minutes, phone call records, etc) to ensure that all items of feedback have been identified and addressed as per the methodology in EP Section 3.8.1.
Attachment 2 – Additional items NOPSEMA wishes to raise, including editorial matters and errata		
Item	**Matter to be raised**	
1	The EP contains a number of typographical errors and incorrect cross-references. For example, but not limited to: • The consequence assessment for very high-frequency cetaceans in Section 6.6.7.1 of the EP refers to impacts to turtles.	A review of the EP has been conducted to correct any such errors.
	• Section 6.6.1 of the EP cross-references to Section 6.6.10 of the EP for the assessment of impulsive sound; however, the correct section is Section 6.7 of the EP.	A review of the EP has been conducted to correct any such errors.
2	The EP contains a number of administrative/formatting errors. For example, but not limited to: • Appendix C2 is missing information due to a formatting error (i.e., text appears to be cut off in the table).	The EP and appendices have been reviewed to identify and rectify administrative errors including those detailed here.
	• On a number of occasions, the Sensitive Information Report repeats the "*Summary of Consultation Events*" and "*Summary of Feedbacks*" tables for the same relevant person (e.g., [redacted] etc.). On other occasions, the Sensitive Information Report presents these tables in a different format (e.g., [redacted]).	
	• The full text consultation records provided in the Sensitive Information Report are repeated on a number of occasions, and in some instances, the records are not provided in chronological order.	
	• There are a number of occasions in the Sensitive Information Report where the full text record of consultation with a relevant person has been incorporated into the full text record of consultation with a different relevant person (e.g., [redacted] .	
	• The consultation report for [redacted] is missing from Appendix C1.	
3	Section 4.5.7 of the EP provides a summary of ambient sound characteristics relevant to the Otway Basin. However, the reference provided for ambient sound ranges in nearshore waters (i.e., Origin 2013) does not appear to include the supporting information. Please provide the correct source reference for this information and ensure that it is accurate.	EP Section 4.5.7 has been updated to correct this reference and to include additional information on ambient underwater sound.
4	The EP does not contain a complete list of relevant persons along with relevant Org IDs to support interpretation of Appendix C and the Sensitive Information Report.	EP Appendix C1 and Appendix D - SIR, now contain a complete list of relevant persons.
5	The EP does not provide sufficient linkages/connections between the 'summary of campaign emails' table and the 'consultation report' tables for each relevant person in Appendix C1, along with the 'objections or claims' table in Appendix C2.	ConocoPhillips Australia has undertaken to revise the consultation summaries provided in Appendix C1 which now present the campaign emails as part of the summary, rather than as a separate table. Further, the consultation summaries now provide clearer connection to any feedback provided including 'information', 'objections and claims', and 'assertions and concerns'.

Item	Reasons why NOPSEMA is not reasonably satisfied the environment plan acceptance criteria has been met	Titleholder's Response
6	The description of the existing environment (Section 4 of the EP) does not incorporate the latest contemporary literature and information sources on the presence, distribution, and behaviours of blue whales in the Otway region. In particular:	Addressed as described below.
	- Ferreira, L.C., Jenner, C., Jenner, M. et al. 2024. Predicting suitable habitats for foraging and migration in Eastern Indian Ocean pygmy blue whales from satellite tracking data. Mov Ecol 12, 42. https://doi.org/10.1186/s40462-024-00481-x.	Additional information on this paper was added to EP Section 4.6.9.2.
	- Branch, T.A., Monnahan, C.C., Leroy, E.C. et al. 2023. Further revisions to the historical catch separation of pygmy blue whale populations using contemporary song detections, International Whaling Commission, Document SC/69A/SH/09. IWC | Archive.	Branch et al (2023) used contemporary song detections to predict where each of five pygmy blue whale populations reside, and used spatial areas derived from historical catches of these populations (i.e. during whaling) as a first step to conducting population assessments. The focus of the assessment was on pygmy blue whales, including the south-east Indian ocean (SEIO) population, as the status and trends of these populations is the least well known among all blue whales. Their model predicted annual catch totals for the SEIO population of 2,651 (out of an annual total of 12,041 pygmy blue whale catches across all populations), with most catches occurring between 1959 and 1972; and they considered the catches presented could form the basis of stock assessments for this species. ConocoPhillips Australia acknowledges the importance of understanding historical, and now abated, pressures and improving abundance estimates for pygmy blue whales, but do not consider this paper to be relevant to the assessment of impacts associated with short duration seabed surveys and exploration drilling.
	In revising the EP, please incorporate additional information on the presence, distribution and behaviours of blue whales in the Otway region using relevant contemporary references and information sources.	Addressed as described above.
7	The acronym 'AAZ' (used in the context of fauna observation and management controls) is not defined anywhere in the EP.	The acronym AAZ (activity action zone) has been added to the acronym list.
8	The spill modelling reports (Appendix E) do not include the addendum presenting additional near-field modelling by RPS that confirms the representativeness of spill modelling for water depths of up to 200 m identified in Section 7.7.2 of the EP and in ConocoPhillips Australia's response to the request for further written information Item 2.5.	Activity action zone has been changed to AAZ throughout the EP after the first instance.
9	The submission contains inconsistent information regarding the number of wells. There are a number of references to 6 wells for the activity, whilst Table 2 -2 states up to 7, as does pages 45-46. Please check the entire submission for consistency on number of wells.	Clarification has been provided in Table 2-2 and page 45.
10	Figure 1-1 of the EP does not clearly label the two operational areas in VIC/P79 and the three operational areas in T/49P. Please amend the EP accordingly.	EP Figure 1-1 has been updated.
11	Table 6-20 indicates that the duration of resupply activities that involve DP is 5 days per well. However, Section 6.6.7.1 of the EP states that "typical resupply takes on average 3 hours". Therefore, the duration of this activity and their potential to disturb marine fauna is not clear.	Clarification has been provided in Table 6-20 and throughout section 6.6.7.1.
12	The spatial extent of the EMBAs for impulsive sound emissions in Table 4-1 and Table 6-41 of the EP are not clear. For example, one EMBA is described as '*2.5 km EMBA around VSP activities for Injury to Marine Mammals'*, but then states '**assessed under the 6.5 km buffer*' with no explanation of what this larger buffer is based on or why it is selected.	Clarification has been provided in Tables 4-1 and 6-41.
13	There are discrepancies regarding the noise modelling scenarios introduced in Table 6-21 of the EP, subsequent modelling results tables, and the modelling report (Appendix G). Specifically, it is unclear whether scenario #5 modelled on the shelf edge (Garfield West) involves a standby vessel (as per Scenario #5 in Table 6-21) or a supply vessel operating DP (as per Scenario #5 in Table 6-24 and Table 6-25). Therefore, it is currently unclear whether the described EMBA or the impact assessment have considered the larger effects range associated with a DP scenario rather than a quieter idling/slow transiting vessel scenario.	Information has been added to EP Section 6.6.2 and the listed scenarios in tables have been corrected, and the modelling report has been updated by the consultant to clarify that only scenarios 3 and 4 were modelled at the Garfield West location to provide a comparison between on-shelf and shelf-edge locations; however, previous modelling showed comparable results between Scenario 4 (drilling and resupply) and Scenario 6 (drilling, resupply and standby) with values expected to represent the maximum effect distance.

NOPSEMA
Australia's offshore energy regulator

Our ref: ID 7618: A1111493
Your ref: ABU2-000-EN-V01-00008
Contact: [redacted]
Email: [redacted]

[redacted]
Exploration Manager
ConocoPhillips Australia SH1 Pty Ltd
L1, 33 Park Road
Milton QLD 4064

[redacted]

Dear [redacted]

RE: ENVIRONMENT PLAN – NOT REASONABLY SATISFIED – OTWAY EXPLORATION DRILLING PROGRAM

I write with regard to the Otway Exploration Drilling Program Environment Plan (the EP) (Document No. ABU2-000-EN-V01-D-00008, Revision 002, dated 05 July 2024) submitted to NOPSEMA by ConocoPhillips Australia SH1 Pty Ltd ("ConocoPhillips Australia").

In accordance with regulation 33(5) of the Offshore *Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023* (the Environment Regulations), NOPSEMA provides this notice because, pursuant to regulation 33(1) of the Environment Regulations, NOPSEMA is not reasonably satisfied that the EP meets the EP acceptance criteria set out in regulation 34[a], [b], [c], [d], [e], [g] of the Environment Regulations. The reasons for this are provided in Attachment 1.

NOPSEMA is giving ConocoPhillips Australia an opportunity to modify and resubmit the EP (the modified EP). The modified EP must be submitted to NOPSEMA by no later than 21 October 2024. If you feel that this is not a reasonable period of time in which to submit the modified EP, please request an extension within 21 days of receipt of this letter.

Please note the importance of addressing each matter detailed in Attachment 1 in the modified EP, as a failure to do so may result in NOPSEMA's refusal to accept the modified EP.

In accordance with regulation 33(10) of the Environment Regulations, if a modified EP is not submitted within the timeframe, NOPSEMA may refuse to accept the EP, or accept it in part for a particular stage of the activity or accept the EP with limitations or conditions.

Additional matters, including editorial matters, that NOPSEMA wishes to raise for ConocoPhillips Australia's consideration are provided in Attachment 2.

Please provide the modified EP, together with a copy showing all changes made to each document (via: https://securefile.nopsema.gov.au/filedrop/submissions). On receiving the modified EP, NOPSEMA will undertake an assessment in accordance with regulations 33(7) and 33(8) of the Environment Regulations.

Should you have any questions please contact [redacted] on [redacted]

Yours sincerely

[redacted]
Director - Exploration & Development Environment
wA861854

23 August 2024

Attachment 1 – Environment Plan acceptance criteria that NOPSEMA is not reasonably satisfied has been met

Item	Reasons why NOPSEMA is not reasonably satisfied the environment plan acceptance criteria has been met
	Acceptance Criteria 34(a) – the EP is not appropriate for the nature and scale of the activity because:
1.1	***There is not a thorough description of the environment – cultural features*** **Issue:** The EP does not contain a thorough description of all the First Nation's cultural features of the submerged landscape and seafloor that may be affected by the activity. **Reasons:** Further work has been undertaken by Extent Heritage (Aboriginal Cultural Heritage Addendum Report, Appendix L) to model presence of cultural features on shorelines and the EP has been updated to include a description of Dreaming stories, connections to Sea Country and culturally significant species. However, the EP does not provide a thorough description of the presence, or potential presence of, cultural features of the submerged landscape or the seabed (i.e underwater cultural heritage as defined under *Underwater Cultural Heritage Act 2018)* that is suitable to inform the evaluation of impacts and risks on these features of the environment and demonstrate any impacts and risks will be of an acceptable level. The EP defers the work required to understand the potential presence of these submerged and seafloor cultural features to future modelling to support the implementation of the Cultural Heritage Protection Program (CHPP) and during pre-drilling surveys, both occurring after acceptance of the EP. It also fails to acknowledge the information currently available to ConocoPhillips Australia. This approach is not supported given the following: • Figure 4-33 of the EP, which is an enhanced bathymetric image of the seafloor, shows the Operational Areas overlapping and adjacent to a number of seafloor features. Section 6.3 of the Extent Heritage report lists the types of submerged landscape features that are likely to be associated with higher archaeological sensitivity and then states that primary characteristics able to be mapped with bathymetric and sub-bottom data currently available include, but is not limited to, banks and shoals, valleys (paleo channels), escarpments and ridges etc. However, the EP has not taken into account this information as it does not identify and describe locations in the Operational Areas that may have higher sensitivities using the "bathymetric and sub-bottom data currently available" as described by Extent Heritage. • Section 4.8.2.2 of the EP states that "*it is possible that Aboriginal places are in the offshore environment*" and due to a range of factors, including potential seafloor processes "it is currently impossible to predict and measure impacts". However, a description of seafloor processes that have occurred since the last glacial maximum, including currents, sediment transport and deposition and the influence of seafloor geomorphology, has not been included in the EP to inform the description of the potential presence of cultural features of the submerged landscape and seafloor.
1.2	***The evaluation of cumulative impacts is unclear and has not provided analysis of all relevant environmental receptors*** **Issue:** The EP does not demonstrate appropriate evaluation of cumulative impacts to all relevant environmental receptors, as some environmental receptors that were identified during scoping of the cumulative impact assessment have not been included in the evaluation.

Item	Reasons why NOPSEMA is not reasonably satisfied the environment plan acceptance criteria has been met
	Reasons: The cumulative impact assessment scoping tool (Appendix A) identifies the potential for cumulative impact pathways to environmental receptors that are not carried through for detailed evaluation in Section 8. For example: • Appendix A identifies that for marine mammals "*further assessment is required to determine if impacts are material*". However, the evaluation provided in Section 8 only considers cumulative impacts to 'blue whales' and 'southern right whales' and does not consider cumulative impacts to other marine mammals that may be present in the region (such as sei, fin and pygmy right whales, dolphins, seals etc.). • Appendix A identifies that for birds "*further assessment is required to determine if impacts are material*". However, the evaluation provided in Section 8 only considers cumulative impacts to 'albatross, petrels, shearwaters and the orange-bellied parrot' and does not consider cumulative impacts to other bird species that may be present in the region. • Appendix A identifies a potential cumulative impact pathway to conservation values and sensitivities of the Zeehan Australian Marine Park (AMP) and states that "*further assessment is required to determine if impacts are material*"; however, the evaluation provided in Section 8 does not consider all values and sensitivities of the AMP (as described in Section 4.4). • Appendix A identifies a cumulative impact pathway to 'First Nations People Heritage, including but not limited to sea country, song lines and totemic species' and identifies that "*further assessment is required to determine if impacts are material*"; however, the evaluation provided in Section 8 does not detail or evaluate all cultural values and sensitivities (as described in Section 4.7). As a result of the above, NOPSEMA cannot be reasonably satisfied that the level of analysis and evaluation of cumulative impacts is commensurate to the nature and scale of the activity.
1.3	***Ongoing consultation arrangements are not appropriate for the nature and scale of the activity*** **Issue:** The EP does not demonstrate that ongoing consultation arrangements are appropriate for the nature and scale of the activity. **Reasons:** Given the nature and scale of the activity (multiple wells over multiple years), the ongoing consultation process becomes key to ensuring that potential impacts to socio-economic values of the region (including to other marine users) remain as low as reasonably practicable (ALARP) and remain acceptable for the duration of the activity. While the implementation strategy (Table 10-5) outlines ongoing consultation activities, the EP does not detail the intended recipients or the specific timeframe of each of those activities. Further, Table 10-6 outlines the objectives of ongoing consultation with specific relevant persons and/or groups; however, the EP does not detail the commitments that will deliver on those objectives. In addition, Section 10.2.5.1 of the EP outlines that ConocoPhillips Australia will continue to engage with First Nations relevant persons and that the Cultural Heritage Protection Program (CHPP) provides the mechanism to support ongoing consultation. However, the EP does not detail any specific commitments for ongoing consultation with First Nations relevant persons on the CHPP. As a result of the above, NOPSEMA cannot be reasonably satisfied that the EP demonstrates appropriate arrangements for ongoing consultation.

Item	Reasons why NOPSEMA is not reasonably satisfied the environment plan acceptance criteria has been met
	Advice: The plan for ongoing consultation provided in the EP should consider the advice provided in NOPSEMA's guidance note (GN1344: Section 3.10.3.6) and clearly describe arrangements for who, what, when, why and how ongoing consultation will be undertaken for the life of the activity.
	Acceptance Criteria 34(b) – the EP does not demonstrate that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable (ALARP) because:
2.1	***The level of detail provided to describe control measures is not sufficient and the method of evaluation of adopting control measures is not systematic – field response operations capability*** **Issue**: The EP and OPEP does not clearly identify the field-response resource requirements for the worst-case hydrocarbon pollution scenarios; or demonstrate that ConocoPhillips Australia's response capacity meets its response needs and is ALARP. **Reasons**: The EP makes a number of assumptions regarding the likely impact of a spill and therefore the resources and capability required to respond. These assumptions are not clearly justified, and the description of resourcing and capability (need and availability) is not clearly described or justified against these underlying assumptions and limitations to these resources are not identified. For example: • The EP does not clearly describe the approach taken to define the oil spill field-response requirements for the worst-case scenarios. The revised OPEP presents a Field Response Assessment (Appendix 1, Part E) that includes shoreline cleanup resource estimates based on theoretical 50 km lengths of coastlines (Appendix A). This is in addition to the shoreline response resource estimates previously presented in the Shoreline Protection and Clean-up Plan (ABU2-000-EN-V01-D-00006, OPEP Appendix 2) based on stochastic modelling predictions of shoreline oiling of real-world shoreline locations. It is unclear how the 50 km theoretical coastlines were determined to be the appropriate basis for defining the response needs and how they are representative of the oil pollution risks identified by the modelling predictions of shoreline oiling. • The EP does not demonstrate that ConocoPhillips Australia's capacity to respond meets the field response requirements. The revised OPEP presents a Shoreline Resource Assessment (OPEP Appendix 1, Part E) which states that "*COP has ensured that its baseline preparedness meets the resourcing requirements outlined in the Otway Exploration Drilling Program EP and OPEP for shoreline response*". However, the OPEP does not clearly identify what resourcing requirements represent the 'baseline preparedness' adopted by ConocoPhillips Australia's for the purposes of defining its response needs or the specific resources that will be applied to meet these requirements. • The Shoreline Resource Assessment (OPEP Appendix 1, Part E) identifies that ConocoPhillips Australia can "scale-up" its shoreline response resources beyond its "baseline preparedness" through access to additional resources detailed in the Field Resource Assessment (OPEP Appendix 1, Part E, Appendix B). However, the actual baseline preparedness and the level of performance of the identified potential shoreline response resources having regard to any likely limitations on availability of these resources are not identified, for example: • AMOSC – Industry (Mutual Aid) does not identify potential limitations on availability of the identified personnel.

Item	Reasons why NOPSEMA is not reasonably satisfied the environment plan acceptance criteria has been met
	• State/Commonwealth personnel (including the National Response Team) are resources that are already available to the State control agencies and will be directly activated by them through the National Plan arrangements. As a result, they do not represent additional resources that ConocoPhillips Australia are able to separately provide to the States or form part of its response capacity. Please also note that the NOPSEMA IMT personnel identified in this table are not available to participate in incident responses associated with the offshore petroleum industry, as set out in the National Plan National Response Team Policy (NP-POL-002). • No details are provided of any arrangements with labour hire/specialist labour hire services to access the estimated 500+ unskilled labour and there do not appear to be environmental performance standards for these arrangements. • The revised demonstration of ALARP for spill response activities (Table 7-46) does not consider alternative sources of existing trained field response personnel who may be available in the event of a worst-case scenario or demonstrate that costs of any additional arrangements to access these personnel at the time of an incident would be grossly disproportionate to the potential benefits. In the RFFWI letter from NOPSEMA dated 7 May 2024, additional information (item 2.10) was requested in relation to the oil spill field-response requirements for the worst-case scenarios and to demonstrate that ConocoPhillips Australia's response capacity will meet the defined response requirements and reduce oil pollution risks to ALARP. The additional information provided in the OPEP (Appendix 1, Part E Shoreline Resource Assessment) does not fully address the issues identified in the RFFWI letter. Further, in the RFFWI letter from NOPSEMA dated 7 May 2024, additional information (item 5.1) was requested in relation to training requirements of field-response personnel. The additional information presented in the OPEP regarding field response personnel requirements and capabilities (outlined above) does not identify training requirements for these personnel.
2.2	***The level of detail provided to describe control measures is not sufficient – seabed survey*** **Issue:** The EP does not demonstrate that seabed surveys, which are a key control to manage impacts to benthic habitats and values, will be effective in managing these impacts to ALARP. **Reasons:** In the RFFWI letter from NOPSEMA dated 7 May 2024, additional information was requested in relation to the design, methods and scope of the seabed surveys to demonstrate that they will function as a suitable control to manage impacts to the benthic environment. The additional information provided in the EP (such as in Section 9.2.6) does not provide assurance that the seabed surveys will achieve the required aim of protecting sensitive features of the benthic environment. The additional information seems to limit sensitive benthic receptors to those associated with circalittoral reefs, and little other information is provided. The lack of detail regarding this control, including the timing of such surveys, what is meant by 'inform protection priorities, measures and reporting requirements' means that the EP does not demonstrate that the control can function as intended to avoid or minimise impact. The description of these surveys cannot be deferred post acceptance of the EP, this is a control that requires sufficient description to give assurance that it will function in a suitable fashion.

Item	Reasons why NOPSEMA is not reasonably satisfied the environment plan acceptance criteria has been met

2.3	***The EP does not apply best available techniques and best environmental practice to control mercury releases – overboard discharge of excess bulk cement, barite and bentonite***
	
	Issue: The EP does not demonstrate that impacts to the environment due to potential overboard discharge of excess bulk cement, barite and bentonite have been reduced to ALARP. It is NOPSEMA's expectation that leftover bulk powders are not dumped into the marine environment. In the RFFWI letter from NOPSEMA dated 7 May 2024, additional information was requested in relation to the application of best available techniques for the management of excess bulk cement, barite and bentonite. The resubmitted EP does not demonstrate that best available techniques have been given appropriate consideration, and the argument presented to allow dumping of bulk powders is insufficient.
	
	Reasons: The resubmitted EP does not sufficiently evaluate whether the controls proposed in relation to minimising impact to the environment due to overboard discharge of excess bulk powders is ALARP and the additional material provided in Section 6.8.5.4 of the EP is flawed. In particular,
	
	• An argument is presented that cement and bentonite are not expected to contain mercury, which is an assumption that NOPSEMA has been found to be incorrect for other drilling activities.
	
	• Reference is made to the OSPAR commission PLONOR listing of cement, a listing based upon the normal industry use of cement and not its dumping into the ocean in powder form. Please also note that the PLONOR list is prefixed with 'substances whose use and discharge offshore is subject to expert judgement by the competent national authority'[1].
	
	• The case is made regarding acceptability of bulk powder discharges that mercury discharges will be limited, in an environment already containing mercury, will be diluted, and that impacts are predominantly via methylmercury. Such contextual information does not address the Minamata Convention requirements to apply best practice management for mercury discharges to the marine environment.
	
	• The argument that high to low pressure transfer of bulk powders is a safety risk that is such that this practice cannot be applied is not sufficiently supported and raises questions, such as:
	
	  • What is the infrastructure that is not currently 'available' in the region? What steps has ConocoPhillips Australia undertaken to seek out such infrastructure, and what are the costs involved?
	
	  • The reference to a feasibility study to find pressure release valves and other transfer equipment is unclear – is this the infrastructure that is not currently available?
	
	• Updated information is required in relation to the status of Transocean Equinox following this activity, and the presence of other MODUs to which bulk powders could be transferred. In providing this information, please demonstrate that real endeavours have been undertaken to explore these options.

[1] Accessed online 7/8/24 at https://www.ospar.org/work-areas/oic/chemicals

Item	Reasons why NOPSEMA is not reasonably satisfied the environment plan acceptance criteria has been met
2.4	***Insufficient description and consideration of controls – flaring*** **Issue:** The EP does not demonstrate that impacts and risks associated with flaring and other sources of light from the MODU, and vessels are reduced to ALARP as the EP does not sufficiently describe controls or give consideration to alternative controls to manage light emissions. **Reasons:** In the RFFWI letter from NOPSEMA dated 7 May 2024, additional information was requested in relation to impacts associated with lighting (particularly flaring), including impacts upon visual amenity, the values of Great Ocean Rd and Scenic Environs National Heritage Place, and orange-bellied parrots. The resubmitted EP does not sufficiently address the matters raised, or raises additional matters, such as: • The additional information provided in relation to impacts of flaring includes reference to a 'light management plan'. However, the description of that plan in Section 9.2.7 of the EP does not articulate what the particular features of that plan are that will ensure that impacts will be reduced to ALARP. Section 9.2.10 of the EP describes that the Well Testing Program will include consideration of seasonal and duration limitations, and pre-flare surveys. Details of these controls are required within the EP submission – this cannot be deferred. • The ALARP evaluation of potential controls, such as use of a shield or orientation of the flare, are not given sufficient consideration and their benefits in relation to reduction to the light footprint are not described. As such, there is no basis for their dismissal. • The control 'manage the timing of the activity to avoid biologically sensitive periods' is discussed in an ambiguous manner. For example, 'for the single DST within VIC/P79-North (AL#4), the schedule could be managed to ensure that this test does not occur during the 2-week fledging period'. It is not clear if the schedule will be managed to avoid this period.
Acceptance Criteria 34(c) – the EP does not demonstrate that the environmental impacts and risks of the activity will be of an acceptable level because:	
3.1	***The EP does not demonstrate that it is not inconsistent with a recovery plan or threat abatement plan for a listed threatened species or ecological community*** **Issue:** The EP does not demonstrate that it is not inconsistent with the new EPBC Act National Recovery Plan for the Southern Right Whale (*Eubalaena australis*), which came into effect on 31 July 2024, and therefore does not demonstrate that impacts and risks to this protected species will be managed to an acceptable level. **Reasons:** The recovery plan sets out information including the long-term recovery vision, interim recovery objectives and targets, and recovery actions necessary to minimise anthropogenic threats and facilitate recovery of the southern right whale (SRW). This new recovery plan differs from the previous Conservation Management Plan for the Southern Right Whale (2011-2021) and the draft National Recovery Plan for the Southern Right Whale that was subject to a public comment process. Accordingly, EPs developed considering these previous documents would not address or meet requirements of the new recovery plan. **Advice:** Through review of the new National Recovery Plan for the Southern Right Whale (*Eubalaena australis*) in full, ConocoPhillips Australia should review and modify the EP with content to demonstrate that it is not inconsistent with the recovery plan. In doing so, the modified EP should include content that demonstrates, through implementing all relevant and specific recovery actions detailed in the recovery plan and informed by the evaluation of evidence and facts applicable to the activity, that the activity will not be inconsistent with the stated recovery vision and interim recovery objectives for the SRW.

Item	Reasons why NOPSEMA is not reasonably satisfied the environment plan acceptance criteria has been met
3.2	***The EP does not demonstrate that potential impacts and risks of underwater sound emissions on Southern Right Whales will be of an acceptable level*** **Issue:** The assessment of impacts from underwater sound emissions in Sections 6.6. and 6.7 of the EP do not adequately consider impacts to biologically important reproduction behaviours in the Southern Right Whale (SRW) reproduction BIA (now designated as habitat critical to the survival of the species (HCTS) under the new National Recovery Plan for the Southern Right Whale), or adequately demonstrate that impacts will be of an acceptable level. **Reasons:** Sections 6.6 and 6.7 of the EP currently assess impacts to SRW within the defined underwater sound emissions EMBAs, including the migration BIA. This impact assessment is focussed on behavioural disturbance to migrating whales in the migration BIA. However, the impact assessment does not adequately describe likely impacts in the adjacent reproductive BIA, including the potential impacts to other behaviours, particularly reproductive behaviours, and the uncertainty that currently exists regarding the sound exposures that may result in behavioural disturbance during critical reproduction behaviours and to resting/nursing mother-calf pairs in reproduction areas. Therefore, the impact assessment does not currently demonstrate that the proposed activity will not prevent any SRW from utilising BIAs and HCTS or that behavioural disturbance is minimised, consistent with the recovery plan. **Advice:** The EP must demonstrate that activities will be undertaken and managed in a manner that is not inconsistent with the National Recovery Plan for the Southern Right Whale, considering Action Area A5 and other advice provided above in point 3.1
3.3	***The EP does not demonstrate why control measures in the Fauna Management Plan reduce impacts and risks to ALARP and acceptable levels*** **Issue:** Information provided in the environment plan and the Fauna Management Plan does not demonstrate why control measures individually and collectively will be effective in reducing impacts to marine fauna to ALARP and acceptable levels. **Reasons:** The EP and Fauna Management Plan do not provide all details on how the panel Whale Expert Panel and aerial surveys will function as effective control measures. In particular, the EP does not justify why it is appropriate to defer detailed arrangements regarding the WEP and aerial surveys. For example: • The FMP currently states that the Whale Expert Panel will develop a Terms of Reference for operations including decision-making criteria to support the development of the implementation plan for the Fauna Management Plan. • The Fauna Management Plan notes the Whale Expert Panel will inform the objectives, design and timing of aerial surveys prior to and during activities. • The objectives of the aerial surveys have not been clearly defined, and the EP does not describe how the outcomes of the surveys will trigger other controls and/or will effectively mitigate impacts during activities with the greatest sound effects ranges. For example, it is not clear how the initiation or outcomes from aerial survey would interact with the whale management actions described for 'drilling' (Figure 8-2). • Minimum standards for the aerial surveys have not been defined. These standards are required to demonstrate that the aerial surveys can meet their objectives. The minimum number of aerial surveys applicable to each well programme is provided in the Fauna Management Plan and in the environmental performance standards (EPS), however, no other minimum standards around the specific timing, triggers to initiate surveys, or the design of these surveys are provided.

Item	Reasons why NOPSEMA is not reasonably satisfied the environment plan acceptance criteria has been met
	• The level of expertise of the whale species expert, and arrangements regarding the WEP availability for weekly meetings, and meetings within 24 hours of detecting a single blue whale or southern right whale are not provided. • Start-up delays for sub-bottom profiler (SBP) are rejected on the basis that SBP can't be slowly ramped up so soft-starts are not feasible. However, this does not explain why start-up delays are rejected. **Advice:** When revising the EP to address the above issues, please also ensure that control measures provided in the EP and Fauna Management Plan reflect any updates made to the EP to address requirements of the National Recovery Plan for the Southern Right Whale (Items 3.1 and 3.2 above).
3.4	***There is insufficient evidence that all impacts and risks are being managed to acceptable levels – cultural features*** **Issue:** The EP does not provide a detailed and well supported case that impacts and risks to cultural features of the environment from the activity will be managed to an acceptable level. **Reasons:** The EP does not provide a detailed and well supported evaluation that impacts and risks to cultural features of the environment will be managed to an acceptable level appropriate to the nature and scale of the activity. In addition, the EP does not include sufficient control measures to avoid, mitigate or manage impacts and risks on these features. This is because, the EP relies on broad statements without justification, has not described impacts, nor defined all the acceptable levels and as a result it is not clear if the control measures adopted are appropriate to ensure that impacts will be managed to an acceptable level. For example: a. In Sections 6 and 7 of the EP, the impacts and risks to cultural features are described as being impacted because "*the operational areas are expected to overlap Sea Country and as a result, all planned and unplanned impacts have the potential to impact Country which subsequently impacts First Nations People cultural heritage values and sensitivities*". However, these broad statements do not describe the impacts and risks to cultural features of the environment as defined under regulation 5. Specifically, the EP does not set out how the activities described will affect each of the cultural features of locations, places and areas (e.g., sea country), natural and physical resources (e.g., biological and physical features), and people and communities (e.g., belief systems, culture and practices) identified in Section 4.8.2 of the EP. For example, utilising publicly available information (e.g., studies, literature and reference material) to describe impacts on these features. b. Despite the above, the EP relies on high-level assertions to evaluate impacts and risks to cultural features of the environment throughout Sections 6 and 7 of the EP. These assertions state "*Consequently, the detailed consequence evaluation of potential impacts to environmental receptors within the [relevant] EMBAs from [the impact or risk] are considered to be representative of potential [impacts/risks] to First Nations cultural heritage values and sensitivities*". The cumulative impacts assessment summary outlined in Table 8-2 also includes a similar high-level statement to evaluate cumulative impacts "*If these impacts are assessed as acceptable from an ecological impact point of view – the corresponding impact to cultural heritage is likely to be the same*" These statements are not supported by information in the EP, including information that is publicly available or received through public comments or relevant persons consultation, nor has there been a thorough analysis of impacts and risks that is appropriate to the nature and scale of the activity.

Item	Reasons why NOPSEMA is not reasonably satisfied the environment plan acceptance criteria has been met
	c. The EP does not define any acceptable levels of impact and risk on the cultural features in the environment that might be affected in order to demonstrate that predicted levels of impact or risk are at or below acceptable levels. Further, it is not clear how EPO 6a and EPO 10, which set levels of performance for water quality and seabed quality on "cultural values", are appropriate as details and an evaluation of impacts on cultural features has not been conducted as per item b (see above). d. Section 7.1.2 of the Extent Heritage report states that there is potential for features of high sensitivity such as 'flat to gently inclined surfaces on former escarpments, cliffs or ridges' to be impacted by the drilling activity and then states that "*it is recommended that any features of high sensitivity are avoided in the first instance, thus impact is considered to be negligible*". However, this recommendation has not been evaluated or implemented as a control measure in the EP. e. Figure 6-23 of the EP describes an underwater cultural heritage protection process that aligns with CM05: Cultural Heritage Protection Program in Section 9.2.5 of the EP but: i. This process does not take into account other control measures in the EP identified in Table 6-10: *Seabed disturbance control measures and ALARP demonstration* which includes opportunities for First Nations peoples to "*to determine any exclusion areas or further cultural heritage management procedures that may be required*". This is not described in Figure 6-23. ii. there insufficient details about the control. Specifically, there is no explanation of appropriate buffers and mitigation measures, and how they ensure compliance with the *Underwater Cultural Heritage Act 2018*. Further, the process does not demonstrate that it aligns with DCCEEW's Guideline: *Assessing and Managing Impacts to Underwater Cultural Heritage in Australian Waters.* Specifically, it is not clear why there is no assessment of unknown features / artefacts or why the process leads from unknown to known features / artefacts.
3.5	***The EP does not demonstrate that the proposed activity is not inconsistent with management plans for AMPs*** **Issue:** The EP does not clearly demonstrate that the proposed activity is not inconsistent with relevant management plans for Australian Marine Parks (AMPs). **Reasons:** The EP must demonstrate that the proposed activity is not inconsistent with a management plan in operation for an AMP. While the impact and risk assessments in the EP provide a high-level assessment of AMP values relevant to planned aspects and unplanned events under the sub-headings, '*Conservation Values and Sensitivities*', some of the assessments do not reach clear or conclusive statements regarding what the impacts to marine park values will be, or demonstrate how the predicted levels of impact are not inconsistent with the relevant marine park management plan objectives.

Item	Reasons why NOPSEMA is not reasonably satisfied the environment plan acceptance criteria has been met
	Acceptance Criteria 34(d) – the EP does not provide for appropriate environmental performance outcomes, environmental performance standards and/or measurement criteria because:
4.1	***Control measures and activity limitations do not all have corresponding environmental performance standards (EPS)*** **Issue**: The EP should include EPS that are directly linked to control measures. However, not all adopted controls have a corresponding EPS. **Reasons**: A number of Activity Limitations have been added to the description of the activity and are also identified as control measures (e.g., Section 6.6.8 of the EP). However, despite being adopted as control measures, corresponding EPS have not been provided in Section 9 of the EP.
	Acceptance Criteria 34(e) – the EP does not include an appropriate implementation strategy and/or monitoring, recording and reporting arrangements because:
5.1	***The EP does not provide for monitoring or impacts to the environment from oil pollution and response activities that is appropriate to the nature and scale of the risk of environmental impacts of the activity*** **Issue**: The Operational and Scientific Monitoring Program (OSMP) (Appendix Q) does not demonstrate that sufficient arrangements and capability will be in place for measuring impacts to the environment, both from the oil pollution itself and from response activities, sufficient to describe damage to the environment, inform any remediation activities and evaluate the recovery of receptors. **Reasons**: The OSMP does not appropriately detail the capability required to implement monitoring that would be required in the event of a worst-case loss of well control and does not demonstrate that ConocoPhillips Australia has arrangements in place to meet these capability requirements. In particular, the OSMP has not demonstrated that adequate arrangements are in place for: • Understanding the capability required to implement the operational and scientific monitoring plans, including resources and personnel (i.e., numbers of monitoring teams and personnel and qualifications of monitoring personnel). • Demonstrating ConocoPhillips Australia's readiness to implement the identified monitoring programs including awareness and availability of monitoring personnel with suitable qualifications, training and experience. • Details of the strength of contractual arrangements with the OSMP service provider(s) (e.g., RPS – Appendix Q, Section 2.1) to meet the required monitoring capability. • Identification of existing baseline data relevant to the scientific monitoring plans. • Identification of how measurement of impacts through the monitoring plans will be consistent with any requirement(s) for management plans and recovery plans for matters protected under Part 3 of the EPBC Act. The OSMP (Section 6.1.1 of the EP) currently only states that "*Note: where Conservation Advice and/or Recovery Plans exist for protected marine fauna, OMP/SMPs and SOP/SAPs to be implemented will include consideration of any specific sampling and/or values that require monitoring*".

Item	Reasons why NOPSEMA is not reasonably satisfied the environment plan acceptance criteria has been met

- Appropriate monitoring preparedness EPS. For example:
  - The EP (Table 9-1) presents an overall preparedness EPS: "*Operational and scientific monitoring capability will be maintained in accordance with the OSMP*" (EPS 14.1). Similar separate preparedness EPS are presented for each operational and scientific monitoring plan for example, "*Readiness to implement OM03 Operational monitoring of hydrocarbon and other chemical properties, behaviour and weathering*" (OSMP Section 7.3). These EPS do not present appropriate statements of performance given that the OSMP does not define the required monitoring capability for the monitoring plans.
  - The EP (Table 9-1) presents EPS for testing the OSMP: "*The contracted OSMP provider(s) capability to meet the requirements detailed in the OSMP will be tested prior to commencing drilling*" (EPS 14.3) and "*During drilling the contracted OSMP provider(s) will provide a monthly report to show that capability as detailed in the OSMP is maintained*" (EPS 14.4). These EPS do not present appropriate statements of performance given that the OSMP does not define the required monitoring capability to be provided by the OSMP provider(s).

The RFFWI letter from NOPSEMA dated 7 May 2024, requested additional information (item 5.2) in relation to the oil spill monitoring arrangements. In its response ConocoPhillips Australia submitted the Australia Business Unit OSMP (ABU2-000-EN-R01-D-00006, Rev 0, dated 29/02/2024) (Appendix Q), however, the information provided was insufficient to address the concerns described above.

Acceptance Criteria 34(g)(i) – the EP does not demonstrate that the consultations required by regulation 25 have been carried out, because:

6.1 ***The process for relevant persons identification does not provide for the broad capture of relevant persons***

Issue: The EP does not demonstrate that ConocoPhillips Australia's duty to identify and consult with each relevant person under regulation 25 of the Environment Regulations has been discharged as it does not demonstrate that the process for relevant persons identification provided for the broad capture of relevant persons.

Reasons: Appendix C5 details that Commonwealth commercial fishers were identified via Australian Fisheries Management Authority (AFMA), and that three fishing associations were engaged on a fee-for-service arrangement facilitating information exchange with members, but it does not outline which commercial fisheries were considered by these methods or demonstrate that this method was effective in identifying all reasonably identifiable relevant persons in relation to commercial fisheries. It therefore remains unclear if there has been appropriate consideration of each of the commercial fisheries that the EP identified may be affected by the impacts and risks of the proposed activity.

Further, Section 3 of the EP states "*when consulting with groups where interests are held communally, for example, with First Nations People/groups and commercial fishers, a tailored, fit-for-purpose method of consultation is adopted*". This statement is not accurate as the interests of commercial fishers are not communally held.

Advice: Please note, if the modification of the EP results in the identification of new relevant persons, ConocoPhillips Australia will also need to demonstrate that it has carried out the consultation with these relevant persons in line with the requirements under regulation 25 of the Environment Regulations. In addition, ConocoPhillips Australia will need to ensure that the report on consultation (including the sensitive information part) is updated to include details of any additional consultations undertaken, in line with the requirements of regulation 24(b) of the Environment Regulations.

Item	Reasons why NOPSEMA is not reasonably satisfied the environment plan acceptance criteria has been met
6.2	***The EP does not include a sufficient description of the consultation process for NOPSEMA to objectively determine that ConocoPhillips Australia's duty to identify and consult with each relevant person has been discharged*** **Issue**: The EP does not demonstrate that the consultations required by regulation 25 have been carried out as the EP does not consistently describe, nor justify, how ConocoPhillips Australia afforded each relevant person a reasonable period in which to respond. **Reasons**: Section 3.6 of the EP outlines that ConocoPhillips Australia considers that a reasonable period for consultation was provided with the release of draft EP chapters and technical reports on its consultation website for a 30-day period and that ConocoPhillips Australia considered requests for extensions beyond this date on a case-by-case basis. However, the report on consultation (Appendix C1) outlines a different approach to how a reasonable period for consultation was determined for each relevant person (including consultation for some relevant persons far in excess of 30 days). This contradictory information means that NOPSEMA is unable to objectively determine that ConocoPhillips Australia's duty to consult with each relevant person has been discharged. Further, the EP does not include consideration of how the timeframe that ConocoPhillips Australia has allowed for its consultation with First Nations relevant persons is appropriate. For example, how it compares with other benchmark periods for consultation with First Nations people and communities under other relevant legislative processes and/or guidance documents.
6.3	***The report on consultation does not present a well-supported and defensible case for NOPSEMA to objectively determine that the ConocoPhillips Australia's duty to consult with each relevant person has been discharged*** **Issue:** The report on consultation does not include a well-supported and defensible case for NOPSEMA to objectively determine that ConocoPhillips Australia's duty to consult with each relevant person has been discharged. **Reasons:** The report on consultation (Appendix C1) presents a case under "*Reg 25 Compliance Summary*" on how ConocoPhillips Australia has discharged its duty to consult with each relevant person. However, the cases are limited to summarising what information and time was made available to relevant persons, and whether the relevant person raised any objections or claims. The cases put forward for each relevant person are lacking in detail and rigour to effectively demonstrate that ConocoPhillips Australia's duty to consult with each relevant person has been discharged. Further, the EP does not provide a thorough assessment of ConocoPhillips Australia's consideration of all the consultation related assertions and concerns raised by relevant persons. **Advice:** When modifying the EP in response to the above, ConocoPhillips Australia are advised to consider NOPSEMA's Consultation in the course of preparing an environment plan guideline (GL2086) and Environment Plan decision making guideline (GL1721).
6.4	***The EP does not contain a report on consultation that is in line with regulation 24(b)(i) of the Environment Regulations*** **Issue:** The EP does not demonstrate that appropriate consultation has been carried out as it does not contain a summary of each response made by a relevant person that is in line with regulation 24(b)(i) of the Environment Regulations. **Reasons:** The report on consultation (Appendix C1) includes instances where a relevant person has been copied into an email from another relevant person (rather than emailing ConocoPhillips Australia directly). However, Appendix C1 does not clearly identify that this was the nature of the interaction. Instead, the

Item	Reasons why NOPSEMA is not reasonably satisfied the environment plan acceptance criteria has been met
	report on consultation implies that the email response came directly from the relevant person that was copied into the email (and not the original sender). This is inaccurate and has the effect of artificially inflating the number of interactions between ConocoPhillips Australia and these relevant persons. Further, in some instances the report on consultation with relevant Commonwealth and State Departments/agencies includes a summary of responses from other areas/branches of the same Department/agency. For example, the consultation report for the [redacted] includes a summary of each response from the [redacted] This issue was communicated to ConocoPhillips Australia in NOPSEMA's RFFWI letter dated 07 May 2024, but has not been resolved. **Advice:** Please note, if any further consultation has been undertaken with relevant persons, ConocoPhillips Australia will need to ensure that the report on consultation (including the sensitive information part) is updated to include details of that consultation in line with the requirements of regulation 24(b) of the Environment Regulations.
6.5	***The EP does not contain a report on consultation that is in line with regulation 24(b)(iv) of the Environment Regulations*** **Issue:** The EP does not demonstrate that ConocoPhillips Australia's duty to identify and consult with each relevant person under regulation 25 has been discharged as it does not contain a copy of the full text of any response by a relevant person as required by regulation 24(b)(iv) of the Environment Regulations. **Reasons:** The Sensitive Information Report is missing copies of the full text responses that the report on consultation (Appendix C1) indicates were made by [redacted] In addition, the Sensitive Information Report does not include meeting notes or minutes from an in-person meeting with the [redacted].
Acceptance Criteria 34(g)(ii) – the EP does not demonstrate that appropriate measures have been adopted, or proposed to be adopted, because of consultation, because:	
7.1	***The EP does not demonstrate that ConocoPhillips Australia's assessment of merit and all responses to objections and claims are reasonable and supported*** **Issue:** The EP does not demonstrate that appropriate measures have been adopted, or are proposed to be adopted, because of consultation as it does not demonstrate that ConocoPhillips Australia's assessment of merit and all responses to objections and claims are reasonable and supported. **Reasons**: The report on consultation (Appendix C1) does not include: clear and precise identification of objections or claims, or other feedback raised by relevant persons (as per the methodology outlined in Section 3.8.1 of the EP); an assessment of the merit of each objection, claim or other feedback with sufficient rationale provided to support that assessment; and a statement of the titleholder's response or proposed response to each. For example, but not limited to: • [redacted].

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- [redacted]

[redacted]

[redacted]

Further, NOPSEMA received correspondence from [redacted] on [redacted], which was subsequently shared with ConocoPhillips Australia on 3 May 2024 and 22 July 2024, respectively. This correspondence contains information that is relevant to the EP, including objections and claims in relation to the activity and concerns related to the appropriateness of consultation. This information also has not been addressed in the report on consultation or the EP.

This issue is not limited to the examples provided above. It is the responsibility of ConocoPhillips Australia to undertake a comprehensive review of the EP.

Attachment 2 – Additional items NOPSEMA wishes to raise, including editorial matters and errata

Item	Matter to be raised
1	The EP contains a number of typographical errors and incorrect cross-references. For example, but not limited to: • The consequence assessment for very high-frequency cetaceans in Section 6.6.7.1 of the EP refers to impacts to turtles. • Section 6.6.1 of the EP cross-references to Section 6.6.10 of the EP for the assessment of impulsive sound; however, the correct section is Section 6.7 of the EP.
2	The EP contains a number of administrative/formatting errors. For example, but not limited to: • Appendix C2 is missing information due to a formatting error (i.e., text appears to be cut off in the table). • On a number of occasions, the Sensitive Information Report repeats the "*Summary of Consultation Events*" and "*Summary of Feedbacks*" tables for the same relevant person (e.g., [redacted] etc.). On other occasions, the Sensitive Information Report presents these tables in a different format (e.g., [redacted] etc.). • The full text consultation records provided in the Sensitive Information Report are repeated on a number of occasions, and in some instances, the records are not provided in chronological order. • There are a number of occasions in the Sensitive Information Report where the full text record of consultation with a relevant person has been incorporated into the full text record of consultation with a different relevant person (e.g., [redacted] etc.). • The consultation report for [redacted] is missing from Appendix C1.
3	Section 4.5.7 of the EP provides a summary of ambient sound characteristics relevant to the Otway Basin. However, the reference provided for ambient sound ranges in nearshore waters (i.e., Origin 2013) does not appear to include the supporting information. Please provide the correct source reference for this information and ensure that it is accurate.
4	The EP does not contain a complete list of relevant persons along with relevant Org IDs to support interpretation of Appendix C and the Sensitive Information Report.
5	The EP does not provide sufficient linkages/connections between the 'summary of campaign emails' table and the 'consultation report' tables for each relevant person in Appendix C1, along with the 'objections or claims' table in Appendix C2.
6	The description of the existing environment (Section 4 of the EP) does not incorporate the latest contemporary literature and information sources on the presence, distribution, and behaviours of blue whales in the Otway region. In particular:

	• Ferreira, L.C., Jenner, C., Jenner, M. et al. 2024. Predicting suitable habitats for foraging and migration in Eastern Indian Ocean pygmy blue whales from satellite tracking data. Mov Ecol 12, 42. https://doi.org/10.1186/s40462-024-00481-x. • Branch, T.A., Monnahan, C.C., Leroy, E.C. et al. 2023. Further revisions to the historical catch separation of pygmy blue whale populations using contemporary song detections, International Whaling Commission, Document SC/69A/SH/09. IWC | Archive. In revising the EP, please incorporate additional information on the presence, distribution and behaviours of blue whales in the Otway region using relevant contemporary references and information sources.
7	The acronym 'AAZ' (used in the context of fauna observation and management controls) is not defined anywhere in the EP.
8	The spill modelling reports (Appendix E) do not include the addendum presenting additional near-field modelling by RPS that confirms the representativeness of spill modelling for water depths of up to 200 m identified in Section 7.7.2 of the EP and in ConocoPhillips Australia's response to the request for further written information Item 2.5.
9	The submission contains inconsistent information regarding the number of wells. There are a number of references to 6 wells for the activity, whilst Table 2-2 states up to 7, as does pages 45-46. Please check the entire submission for consistency on number of wells.
10	Figure 1-1 of the EP does not clearly label the two operational areas in VIC/P79 and the three operational areas in T/49P. Please amend the EP accordingly.
11	Table 6-20 indicates that the duration of resupply activities that involve DP is 5 days per well. However, Section 6.6.7.1 of the EP states that "typical resupply takes on average 3 hours". Therefore, the duration of this activity and their potential to disturb marine fauna is not clear.
12	The spatial extent of the EMBAs for impulsive sound emissions in Table 4-1 and Table 6-41 of the EP are not clear. For example, one EMBA is described as '*2.5 km EMBA around VSP activities for Injury to Marine Mammals'*, but then states '**assessed under the 6.5 km buffer*' with no explanation of what this larger buffer is based on or why it is selected.
13	There are discrepancies regarding the noise modelling scenarios introduced in Table 6-21 of the EP, subsequent modelling results tables, and the modelling report (Appendix G). Specifically, it is unclear whether scenario #5 modelled on the shelf edge (Garfield West) involves a standby vessel (as per Scenario #5 in Table 6-21) or a supply vessel operating DP (as per Scenario #5 in Table 6-24 and Table 6-25). Therefore, it is currently unclear whether the described EMBA or the impact assessment have considered the larger effects range associated with a DP scenario rather than a quieter idling/slow transiting vessel scenario.