5 CONSULTATION

This section describes the relevant person consultation process that must be carried out in preparation for the EP (section 25 OPGGS (E) Regulations). This section documents how Pilot undertook consultation pursuant to Division 3 of the OPGGS (E) Regulations and considered recent case law (see Section 5.1). Pilot gathered information from relevant persons for the environmental assessment process and has responded to, and adopted, appropriate measures based on relevant persons objections, claims and feedback.

Ongoing arrangements for consultation are described in Section 5.6.

By capturing a sufficiently broad area of the public through desktop research, community outreach events and various targeted media and advertising techniques, Pilot implemented a consultation process capable of identifying all ascertainable relevant persons.[1] Once identified, relevant persons were provided with sufficient information on the possible consequences of the activity on their functions, interests, and activities, were afforded a reasonable period for consultation and their feedback responded to appropriately. Pilot kept up to date records of such process.

The following appendices should be read in conjunction with this section.

Appendix C: Eureka Marine Seismic Survey Commercial Fisher Compensation Protocol (EMSSCFCP)

Pilot has implemented the EMSSCFCP to provide a practical, evidence-based process and reasonable monetary adjustment claims process for by commercial fishers who may be impacted by loss of catch, displacement and/or fishing gear loss/damage because of the seismic survey operations, as well as other commercial marine operators that may be affected. The protocol is based up on the National Energy Resources Australia (NERA) Commercial Fishing Industry Adjustment Protocol and has underdone further review during consultation with Western Rock Lobster Council to ensure that the protocol is fit for purpose to the application of Western Rock Lobster pot fishing, previously unaccounted for.

Appendix D: Consultation report

Section 24(b) requires an environment plan contains a report on all consultations under Section 25 of any relevant person by the titleholder. This report must include the following:

- A summary of each response made by a relevant person
- An assessment of the merits of any objection or claim about the adverse impact of each activity to which the EP relates
- A statement of Pilot's response, or proposed response, to each objection or claim.

For the readers benefit, the Consultation Report is sorted by organisations and persons, so each specific case by case response by the titleholder and the relevant person can be assessed on their merits and easily referred to.

All records of consultation, including provision of information, were recorded as 'Events' in a bespoke consultation management system. An Event is any interaction that Pilot Energy has with one or more relevant persons. Each Event was linked to 'Persons' and/or 'Organisations' as relevant. Event sentiment was recorded with Outgoing meaning the Event related to correspondence sent by Pilot Energy. Event sentiments of Positive, Neutral, or Negative were recorded against all incoming Events.

[1] "a consulting process that is practicable but is sufficiently broad so as to collect available input into the possible risks and environmental impacts of the activity and ways of reducing those risks and impacts and managing them to an acceptable level." Despite the strict nature of the obligation to consult with "all" relevant persons, the Court recognises there is a necessary need for these persons to be ascertainable and the duty capable of being discharged in a reasonable time. *Santos NA Barossa Pty Ltd v Tipakalippa* [2022] FCAFC 193 [141] and [136] respectively.

This appendix also highlights the extent to which consultation was undertaken with relevant persons and organisations and the mediums by which each relevant person were discovered, including self-identification through the Eureka website (https://klarite.mysocialpinpoint.com.au/eureka3d/).

Sensitive Information Report (24(b)(iv))

To comply with section 24(b) of the OPGGS (E) Regulations, the full text of all responses by relevant persons consulted under section 25 and any other sensitive information (if applicable) must be included in a Sensitive Information Report. This report will not be published.

5.1 Legislation and requirements

The methodology for consultation for this activity is informed by various guidelines, legislation and published guidance that are relevant for consultation on offshore petroleum activities, including:

- *Offshore Petroleum and Greenhouse Gas Storage Act 2006*
- Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023
- *Environmental Protection and Biodiversity Conservation Act 1999.*
- NOPSEMA Guideline GL2086 – Consultation while preparing an environment plan – May 2023 (NOPSEMA 2023a)
- NOPSEMA Guidance Note GN1847 – Responding to public comment on environment plans – July 2022 (NOPSEMA 2022a)
- NOPSEMA Guidance Note GN1344 – Environment plan content requirements – December 2022 (NOPSEMA 2022b)
- NOPSEMA Guideline GL1721 – Environment Plan Decision Making Guideline – December 2022 (NOPSEMA 2022c)
- NOPSEMA Guidance Note GN1488 – Oil pollution risk management – July 2021 (NOPSEMA 2021)
- NOPSEMA Guidance Note GN1785 – Petroleum activities and Australian Marine Parks – June 2020 (NOPSEMA 2020)
- NOPSEMA Guideline GL1887 – Consultation with Commonwealth agencies with responsibilities in the marine area – January 2023 (NOPSEMA 2023b)
- NOPSEMA Brochure – Consultation on offshore petroleum environmental plans – May 2023 (NOPSEMA 2023c)
- NOPSEMA Policy PL2098 – Engaging gender-restricted information Draft Policy – May 2023 (NOPSEMA 2023d)
- NOPSEMA Policy PL1347 – Environment Plan Assessment Policy – December 2022 (NOPSEMA 2022d).
- *Tipakalippa v National Offshore Petroleum Safety and Environmental Management Authority (No 2)* [2022] FCA 1121
- *Santos NA Barossa Pty Ltd v Tipakalippa* [2022] FCAFC 193 *Cooper v National Offshore Petroleum Safety and Environmental Management Authority (No 2)* [2023] FCA 1158.
- Commonwealth of Australia inquiry report – Making waves: the impact of seismic testing on fisheries and the marine environment (2021)
- Commonwealth of Australia Guidance framework: Supporting cooperative coexistence of seismic surveys and commercial fisheries in Australia's Commonwealth marine area (2022)
- AFMA's Guidelines Form Petroleum Industry Consultation with AFMA (AFMA 2015)
- NOPSEMA Guidance – Offshore Petroleum and Greenhouse Gas Activities: Consultation with Australian Government agencies with responsibilities in the Commonwealth Marine Area

- WA DPIRD Fisheries Guidance Statement: Oil and gas industry consultation with the Department (2013)
- WA DoT Guidance Statement for Marine Oil Pollution: Response and Consultation Arrangements (2018)
- WA DMIRS Consultation Guidance Note: For the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009
- WAFIC Commercial Fishing Consultation Framework for The Offshore Oil and Gas Sector guidance July 2023.

5.2 Consultation method

The consultation method employed the principles of the International Association for Public Participation spectrum (IAP2 spectrum) to achieve the goals of the NOPSEMA guidelines and legislation by promoting stakeholder engagement. Pilot's consultation process was designed in the context of section 4 of the OPGGS (E) Regulations to ensure that consultation for the Eureka 3D MSS was carried out in a manner that was sufficiently broad, practicable (*Santos* at [141]) and:

- Consistent with the principles of ecologically sustainable development (ESD) set out in section 3A of the EPBC Act.
- By which the environmental impacts and risks of the activity will be reduced as low as reasonably practicable.
- By which environmental impacts and risks of the activity will be of an acceptable level.
- Pilot's method for identifying relevant persons, in accordance with Section 25 and the NOPSEMA guidelines is based on the understanding of:
- Our planned activities in the Operational Area, being the area in which our planned activities are proposed to occur (See Section 3)
- Our geographical extent for consultation was based on the Environmental Planning Area but was in no way limited to this area as Pilot acknowledge that relevant persons may not be geographically constrained, but that some groups are likely to be proximate to the activity.

Pilot used an iterative approach which allowed for consultation to be co-designed through two-way communications with relevant persons. The process provided sufficient information and time, demonstrated that objections and claims had been addressed where appropriate, and maintained clear records for the purposes of assessment.

The National Energy Resource Australia (NERA) *Consequence Analysis of an Accidental Release of Diesel* reference case (RC 1003) formed the primary technical basis for defining the *Environmental Planning Area* (EPA) for the Eureka 3D MSS EP. Consistent with the modelling outputs and aggregated industry data presented in the reference case, the maximum credible extent of surface hydrocarbon concentrations above the ecological effects threshold (10 g/m²) was identified as 150 km from the release point. For the purposes of the Eureka EP, an additional precautionary buffer of 5 km was applied to this radius, resulting in a total *Environmental Planning Area* extent of 155 km. This conservative adjustment was adopted to ensure that all potentially affected coastal sensitivities were captured within the spatial extent used for stakeholder identification and consultation searches.

While subsequent oil spill modelling for the Eureka 3D MSS indicated that, under certain conditions, entrained hydrocarbons could occur beyond the 155 km EPA, this does not invalidate the original methodology used to define the consultation area. The EPA was established primarily to ensure comprehensive capture of coastal and surface-water sensitivities for stakeholder identification purposes and was not intended to act as a strict geographical limit on engagement. In practice, consultation for the Eureka EP was undertaken without rigid spatial restriction, and relevant persons whose functions, interests, or activities may have been affected regardless of their location relative to the EPA were identified and consulted.

Pilot identified several subject-centred groups in its planning process and the consultation methodology was tailored to the cultural, social, and economic features of these people and communities. The discussion in the subsequent sections applies to all subject-centred groups. Through the consultation process two, subject-centred groups (Commercial Fishers and First Nations Australians) warranted elevated tailoring of the consultation method.

The foundations of the consultation process undertaken for this EP include:

- Maximising the broad capture of relevant persons.
- Gathering knowledge about specific environmental, cultural, and societal values.
- Providing concise, sufficient information allowing relevant persons to make informed decisions.
- Communicating with relevant persons by their preferred medium and in simple, plain English through established information channels.
- Allowing a reasonable period for relevant persons and encouraging feedback and queries.
- Providing a response to each objection or claim made by a relevant person where appropriate.
- Ensuring all relevant persons are aware of the consultation period and process and affording the opportunity to participate in preparation of the EP.

The following principles outlined in Table 5-1 from the former Ministerial Council and Mineral and Petroleum Resources describes the pillars of Pilot's communication and consultation process.

Table 5-1: Consultation principles

Principle	Pilot's approach
Communication	Undertake effective two-way engagement to encourage feedback on relevant, accurate information provided.
Transparency	All points of tension and conflict are addressed and are openly available to the public to comment on the Eureka website.
Collaboration	Relevant persons are heard and collaborated with, to adapt approaches and outcomes based on merit.
Inclusiveness	All relevant persons were and continue to be involved in the consultation process. This will last throughout the life of the Eureka 3D MSS.
Integrity	The process fostered respect through freedom of information on the Eureka website and trust through tailored two-way communication.

5.3 Consultation results

Pilot understands that accurate identification of relevant persons is essential for conducting consultation that is inclusive, effective, and legally compliant, and that it promotes fairness, transparency, and accountability in decision-making processes and can lead to more successful outcomes and reduced risks for all parties involved.

Pilot acknowledges that despite their best efforts and processes, some individuals may remain unidentified or choose not to participate in consultation or may only participate through the public comment period. Pilot has encouraged these individuals to self-identify and engage in ongoing consultation and will continue to do so throughout the activity's lifespan (see Section 5.3.1).

5.3.1 Consultation with the public

The public is a broader group of people than those who can be identified as relevant persons. Consultation with the public supports the broadest search for relevant persons, who are a subset of the public. It also allows support to non-relevant persons, or persons who opt out of the formal consultation process, to engage with our activities in a way that works for them.

To raise awareness about the Eureka 3D MSS, the following tools were used to capture the widest practicable area of people and information:

- Pilot published notices in print media, geotargeted social media, and online to:
- Promote relevant person self-identification through the Eureka website.
- Notify the public of commencement of the EP writing process and consultation process.
- Advertise information sessions and webinars.
- Publish information summaries, implementation strategies and risk assessments (detailed in Section 5.3.3).

To combat the challenges faced by a requirement to identify every relevant person, Pilot launched the Eureka website, which created two channels of communication with the public and with relevant persons. This website helped reach and locate as many interested members of the public as possible and provided a simple survey to determine if a person was a relevant person for the purposes of section 25. This survey helped self-identification as it enabled individuals to provide their functions, interests, and activities, or request more information to determine if they were relevant.

The project-specific website https://klarite.mysocialpinpoint.com.au/eureka3d/ was designed to create an open-book space where people can publicly raise concerns and stay informed about the project. On the website, a consultation survey was provided to allow the public to inform Pilot about the best way for them to be engaged and if they deemed themselves a relevant person for the purposes of section 25 of the OPGGS (E) Regulations. In total, the website reached over 1941 unique users, with over 4175 total visits, 421 document downloads, the consultation survey was taken 24 times, and in addition to 7 website feedback interactions identified 28 unique relevant persons with some interacting through both means.

5.3.2 Relevant persons identification

Titleholders are required to identify and consult with each authority, person or organisation who fits the definition of a relevant persons pursuant to section 25 of the OPGGS (E) Regulations. This section demonstrates who is a relevant person for this activity, and the rationale used to determine that status (NOPSEMA 2023a). Key factors considered by Pilot in this process included the nature of the activity, the environment in which it is being undertaken and the possible impacts and risks associated with it.

The search for persons or organisations deemed relevant persons initially takes a broad, global approach, as the definitions of functions, interests and activities are not geographically constrained. However, certain groups, such as other marine users, are likely to be in proximity to the activity.

By categorising people within the community, engagement was tailored to specific subject-centred groups. The legislation provides guidelines for four key classifications: the public, authorities, organisations, and persons. As outlined in Section 25 of the OPGGS (E) Regulations, relevant persons – including organisations, authorities, and individuals – are distinct from the public and are mandatory consultees in EP preparation.

Pilot has assessed all potential environmental impacts and risks based on the identified information and relevant persons. Should new data or relevant persons emerge, Pilot has established change management procedures, detailed within our ongoing consultation strategy (see Section 5.6).

5.3.2.1 Methods for identification

Pilot used the following methods to find authorities, organisations, and persons who may be affected by the proposed activities. Table 5-2 offers additional insights into the methods Pilot utilized to identify relevant persons and engage them through customized, subject-centred consultation approaches. Annex D shows Pilot's record of engagements.

Table 5-2: Relevant person identification methods

Method	Aim	Result
Contact government agencies and organisations	Relevant government agencies may have information about individuals and organisations that may be affected by the activity.	The NEATS database was used to find titles and titleholders within the environmental planning area. The NOPSEMA EP database was used to find other titleholders with activities within the environmental planning area. Subscribed to the NOPSEMA EP submissions pages for all activities in Western Australia. NOPSEMA guidelines for "Consultation with Commonwealth agencies with responsibilities in the marine area" were utilised to identify relevant Government Departments that may have functions, interests or activities that may be impacted by the survey operations.
Consult with local community groups	Reach out to local community groups, such as those focused on environmental conservation or fishing, as they may have members whose interests or activities could be affected by the activity.	Online searches performed for conservation groups with interests in similar activities. Online searches performed for articles and current campaigns related to similar activities.
Consult with local Indigenous groups	Indigenous groups may have specific cultural or spiritual interests and activities that could be affected by the activity, it is important to consult with them and ensure their rights are respected.	Contact details of land councils were sourced from the National Native Title Council. These groups provided advice as to others that should be consulted. Online searches performed for local indigenous groups that may operate independently to the main land councils, and aboriginal corporations that claim may sovereignty over their land within the existing Native Titles.
Conduct online research	We will search for news articles or press releases about similar activities in the area and identifying individuals or organizations that were mentioned.	The values and interests of relevant persons for relevant persons of other similar activities were searched to see if there would be relevant persons for this activity. Local volunteer organisations with a focus on environmental conservation were searched to see if there was an overlap in interest for this activity. Fishing body websites that have associations with other groups e.g., game fishing associations were reviewed.

Method	Aim	Result
Advertise in local newspapers	Advertising in local newspapers to notify the public about the planned activity and ask for any persons with specific interests or activities that may be affected by your activity to come forward.	Advertisements were placed with local newspapers including the Midwest Times and Geraldton Guardian.
Contact industry associations	We will reach out to industry associations as they may have members whose interests or activities could be affected by the activity.	We reached out to industry associations for fishing, including recreational fishing and tourism.
Contact local businesses	We will reach out to local businesses, such as tour operators or accommodation providers, as they may have customers whose interests or activities could be affected by the activity.	Searches for local businesses within the environmental planning area to establish if they had functions, interests, or activities within the environmental planning area.
Contact local educational institutions	We will reach out to local educational institutions, such as universities or research centres, as they may have researchers or students whose interests or activities could be affected by the activity.	We reached out to the Geraldton TAFE and the Batavia Coast Marine Institute and were guided to research organisations to consider as relevant persons for the activity.
Use social media	We will use social media to find relevant persons by searching for hashtags or keywords related to your activity, following local organizations or groups in the area, and reaching out to people who have commented on or shared posts about similar activities.	Social media was used to find relevant persons by searching for hashtags or keywords related to the activity, following local organisations or groups in the area, and reaching out to people who have commented on or shared posts about similar activities. Social media also directed traffic to the website.
Conduct a survey	We will conduct a survey to reach out to a wide range of people and gather information about their interests and activities that may be affected by the activity.	The project website allowed an opportunity for people to self-identify as a relevant person by providing information about the activity such that they could determine if it would impact their functions, interests, or activities. Self-identification was a successful method in capturing relevant persons that may have received information through other mediums such as social media and community events.
Attend local community events	We will search for local community events that may be appropriate for Pilot to participate in and engage with aggregations of people, some of whom may be affected by the activity.	Community events were advertised and attended along the coastal region of the EPA to engage with local communities. These events were well attended and resulted in consultation and engagement with many relevant persons that fall outside of the main sub-centre category groups. Shire of Irwin Expo was attended to speak with the public and determine if there were relevant persons.

In addition to the methods described above, some relevant persons were identified and consulted with through other relevant persons carbon copying them in email chains.

5.3.2.2 Relevant persons under Section 25(1)(a), (b) and (c)

Section 25(1) defines the below categories for relevant persons:

a) Each Commonwealth, state or Northern Territory agency or authority to which the activities to be carried out under the environment plan, or the revision of the environment plan, may be relevant.

b) If the plan relates to activities in the offshore area of a state – the Department of the responsible State Minister.

c) If the plan relates to activities in the Principal Northern Territory offshore area – the Department of the responsible Northern Territory Minister.

Each department or agency has been identified through online searches, expert advice, review of legislation and review of previous EPs adjacent to the title as described in Section 5.3.2.1. The full list of these relevant persons can be found in Section 5.3.2.3.

5.3.2.3 Relevant persons under Section 25(1)(d)

Section 25(1) defines the below categories for relevant persons:

d) A person or organisation whose functions, interests or activities may be affected by the activities to be carried out under the environment plan.

The terms "functions", "activities" and "interests" are defined below in Table 5-3 as per the OPGGS (E) Regulations, Federal Court judgements and NOPSEMA guidelines.

Table 5-3: Definitions of functions, interests, and activities

Term	Definition
Functions	Refers to "a power or duty to do something"
Activities	To be read broadly and is broader than the definition of 'activity' in section 4 of the Environment Regulations and is likely directed to what the relevant person is already doing.
Interests	To be construed as conforming with the accepted concept of "interest" in other areas of public administrative law. Includes "any interest possessed by an individual whether or not the interest amounts to a legal right or is a proprietary or financial interest or relations to reputation"

The Regulations specify that relevant persons include people or organisations whose functions, interests, and activities may be affected by the petroleum activity. The Federal Court of Australia helped to define these terms in the appeal decision of Tipakalippa v National Offshore Petroleum Safety and Environmental Management Authority (No 2) [2022] FCA 1121.

Pilot has grouped people and organisations into subject-centred categories because this allows for tailoring identification, communication, and engagement strategies to each category. An additional benefit is that the search for one member of a group can often lead to the discovery of additional members of that group. The following subject-centred groups have been identified in the preparation of this plan, with a description of how relevant persons were identified within each group. A person could be associated with more than one of these groups while it is more likely that an organisation will associate with just one.

Pilot contacted persons whose functions, interests or activities could not be easily ascertained and validated any assumptions about whether they may be affected by the Eureka 3D MSS.

5.3.2.3.1 Subject-centred groups

Pilot developed subject groups as described in the CCEP to identify relevant persons that fall under Section 25(1)(d). These groups, and the specific methods used to identify relevant persons within them, are described in Table 5-4.

Table 5-4: Subject-centred consultation groups

Subject-centred group	Tailored identification strategies
Commerce	Contacted the local Chamber of Commerce to identify relevant businesses. Online searches conducted for news articles or press releases about marine-based businesses in the environmental planning area.
Commercial Fishers and peak representative bodies	Assessed overlap of State and Commonwealth fisheries that have the licence to operate within the Operational Area and Environmental Planning Area. If they have the licence to operate within the EMBA, then they were considered relevant and contacted as part of Pilot Energy's consultation efforts unless directed otherwise by the representative body's own consultation guidelines. One state commercial fishing association had their own consultation guidelines that were adhered to, which included only consulting with fisheries that had the right to fish within the OA, in addition to having historical catch data within the OA. Fisheries that overlapped with the EMBA only or did not have evidence of fishing within the OA were to be removed from consultation efforts to reduce consultation fatigue with state fisheries. Visited local ports and found local fishers who operate within the environmental planning area. Requested CFA to confirm relevant fisheries to consult for Commonwealth fisheries.
Commercial Shipping	Contacted relevant harbourmasters and shipping agents and enquired about frequent users. Performed online searches for business located at wharves in regional ports.
Conservation Groups	Previously submitted EPs on the NOPSEMA website were reviewed and relevant conservation groups compiled. Online searches performed for conservation groups with interests in similar activities. Online searches performed for articles and current campaigns related to similar activities.
Educational Bodies	Contacted the Department of Education and identified relevant institutions and research programs. Contacted the universities and identified relevant research programs.
Fishing Associations	Online research allowed the target species within the environmental planning area to be identified. The peak fishing association were also able to identify other species-specific associations.
Heritage Groups	Contacted WA heritage organisations to identify other relevant persons. Accessed the Australian Heritage Database to compile potentially relevant persons. Queried the Australasian Underwater Cultural Heritage Database.
Local councils	Searched the WA Electoral Commission database and found relevant councils, shires and cities close to the activity.
Traditional Custodians	Traditional custodians are First Nations Australians who hold cultural rights and interest or have cultural functions or perform cultural activities over land and waters. Desktop searches for local traditional owner groups were undertaken, to establish if there were other miscellaneous indigenous organisations or tribes outside of the main Native Title structure that would be considered relevant for the Eureka project
Native title representative bodies (traditional owners and First Nations peoples) and nominated representative corporations	An approach including desktop research, databases of registered native title claims, indigenous government agencies and lists of local land councils in and around the EPA was undertaken. Contact details of land councils were sourced from the National Native Title Council. Contacted registered Aboriginal Corporations and Prescribed Body Corporates. These groups provided advice as to others that should be consulted.
Other marine users	Performed online searches for groups who use or have a connection to the marine environment, the searches were heavily focused on those users proximate to the environmental planning area.

Subject-centred group	Tailored identification strategies
Petroleum title holders	Utilised the NEATS database to find titles and titleholders within the environmental planning area. Used the NOPSEMA EP database to find other titleholders with activities in the environmental planning area. Subscribed to NOPSEMA EP submissions pages for activities in WA.
Port users	Relevant harbour masters contacted to enquire about frequent users. Online searches conducted for business located at wharves in regional ports.
Ports and harbours	Automatic information system data of vessel activities along the coast was reviewed and frequented ports were established. Reviewed the WA boat ramp database which helped to identify ramps within the environmental planning area. Contacted local councils, cities and shires for local boat ramp listings and users.
Recreational fishers	Engaged with recreational fishing associations and used newsletters/circulars and websites to spread information about the activity and identify relevant persons. Engaged with advisory bodies and reference groups to establish the best approach to identify relevant persons.
Tourism operators	Online searches for marine tours and recreational experiences such as marine mammal observations, diving, and outdoor extreme sports. Requested copies of databases of local business within the environmental planning area from Tourism Western Australia. Enquired with Chambers of Commerce to help identify marine based tourism operators in the environmental planning area. Online and in person searches for marine-based community or sporting events.

5.3.2.3.2 Identification of relevant First Nations persons

First Nations groups like land councils, PBCs and aboriginal corporations may be relevant persons with a function, interest or activity that may be affected by the activities in an EP. Further, these groups may provide advice in relation to which other First Nations groups or individuals need to be consulted with. This connection of Traditional Owners is represented in the *Native Title Act 1993* (NT Act), that demonstrates consultation with First Nations people is workable through the communal interest they hold with their respective groups. Through this communal interest, the authorities require reasonable notice to group members but not an exhaustive communication with every person (NOPSEMA 2023a).

To discharge the consultation obligation under section 25, the titleholder must demonstrate to NOPSEMA that First Nation groups and group members have been afforded a reasonable opportunity to be consulted with.

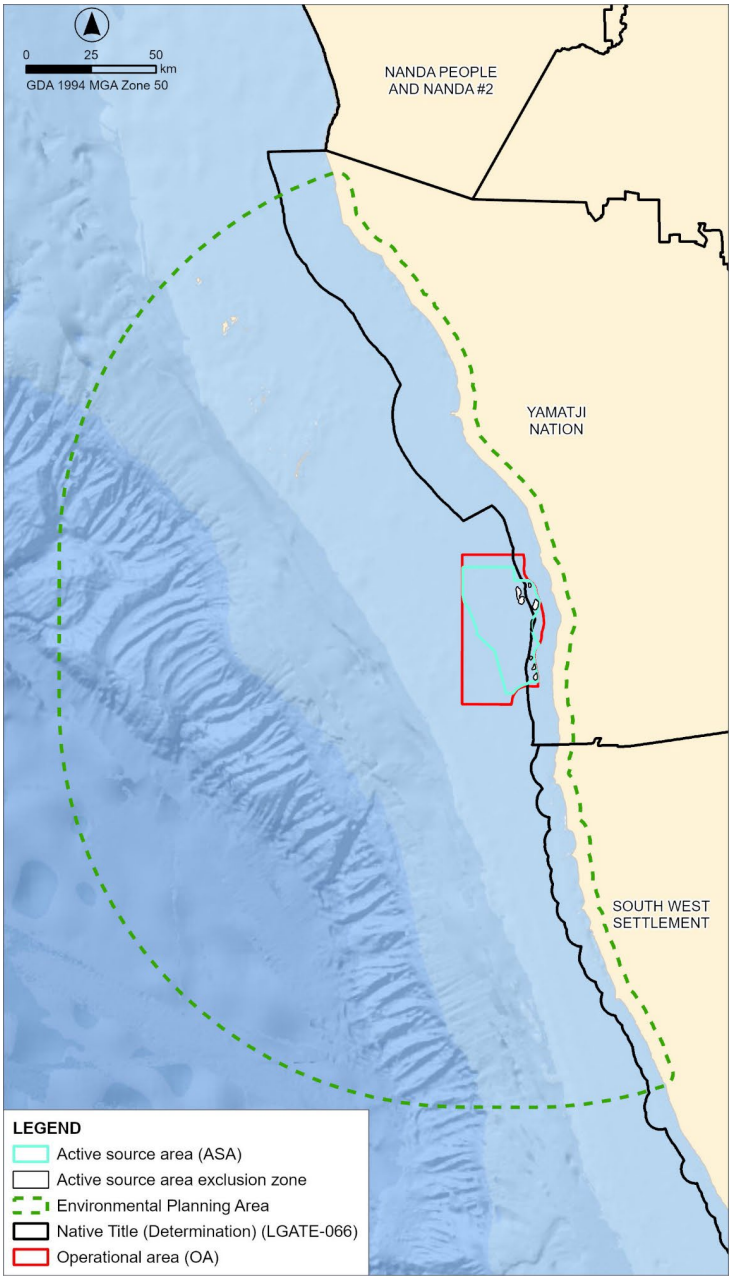


Figure 5-1: Native title determinations within the environmental planning area

Pilot recognises that in the culture of First Nations people, there is often different cultural and consultation requirements that exist in the different communities and representative bodies. These differences create potential challenges in processing and responding to information through methods such as email or phone calls.

The Australian Federal Court has acknowledged that there is good reason to adopt a pragmatic and practical approach to consultation conducted in accordance with regulation 25. It is recognised that titleholders may conduct meetings that are not attended by every single member of a group, provided that a reasonable effort is made to notify group members of the consultation with clear, simple, and directly expressed terms. In these instances, a process of public notification and "self-identification" alone are unlikely to be sufficient to discharge this duty.

The Environmental Planning Area (EPA) overlaps the Yamatji and Yued Native Title determination (refer to Figure 5-1 – Yued shown as South-West Settlement on figure). The EPA was used as a larger extent range for First Nations consultation

investigation. This was done by taking the most northern and southern limits of the polygon and extending the boundaries eastwards until they reached Native Title Determinations. The results of which identified the northernmost area of the South West Settlement, in addition to the northernmost area of the Yamatji nation.

The Yamatji Nation Native Title Determination resulted in the Yamatji Nation Indigenous Land Use Agreement in 2019. Consultation began by developing contact with the Yamatji Marlpa Aboriginal Corporation (YMAC) in March 2023 (event ID #266) with an email detailing the proposed activity and an invitation to consultation. After no response, a follow-up phone call was made to confirm receipt of the project information (event ID #814). Pilot was referred to the heritage team at Yamatji Southern Regional Corporation (YSRC). Pilot therefore has engaged YSRC regarding the Yamatji Nation Native Title Determination.

Through meetings with the YSRC, Pilot was advised that consultation with the different coastal Yamatji nation groups would be best achieved via Cultural Committee Meetings, which were delayed due to the impact of the WA state heritage legislation changes. It was also advised that Pilot could work with YSRC to develop flyers to reach their community at local events. YSRC later restructured their organisation and internal procedures, which resulted in consultation being streamlined directly with the organisation instead of with cultural committees to improve efficiency.

The YSRC team also advised Pilot to consult with their Sea Country Indigenous Protected Area (SCIPA) program. Pilot offered to host newly certified sea rangers on-board project vessels to provide more opportunities in understanding marine activities in oil and gas in relation to marine species.

The SCIPA program recommended that Pilot consult with two additional individuals from the Wattandee Littlewell Aboriginal Corporation (WLAC) centred on lands on the outskirts of Mingenew. Consultation with WLAC has been enthusiastic engaging from the initial contact and has included attendance at their Elders Connect Day with an opportunity to consult with the WLAC community and Cultural Awareness training to understand matters of significance to their tribe. Pilot has since attended online meetings, a multi-tribe (WLAC & KMAC) group meeting on country with the traditional owners in Green Head and completed a Sea Country Management Program with a representing tribal consultant, to identify the tangible and intangible cultural values.

The Yued Aboriginal Corporation (YAC) was contacted via phone and email (Event ID #2052, #2053 and #2111). The Yued region covers towns of interest to the project including Leeman, Jurien Bay, and Cervantes (Yued 2023). The YAC advised that the recent significant changes to the WA state heritage legislation has resulted in uncertainty in its corporation. After a restructuring within the organisation, Pilot Energy were asked to resend information including a board paper which helped the organisation triage the urgency of meetings with their cultural committees. This was then re-requested 12 months later. No further responses have been received from YAC.

The Kwelena Mambakort Aboriginal Corporation (KMAC) located at Wedge Island responded enthusiastically for consultation and extended the offer to Pilot to attend its KMAC Cultural Awareness Day. Pilot representatives at the event gained valuable insight into culturally significant features of the environment to the KMAC people (see Section 4).

Spiritual and cultural connections to the environment that may be affected by the activity that were learned in consultation with First Nations people has been described in Section 4. Note that some features were requested to not be made public during consultation and therefore are not described in this EP.

5.3.2.4 Relevant persons under Regulation 25(1)(e)

Regulation 25(1) defines the below categories for relevant persons:

> (e) Any other person or organisation that the titleholder considers relevant.

Pilot was able to identify additional relevant persons by reaching out to people who had been ‘carbon copied’ in other relevant persons’ emails.

5.3.3 Provide sufficient information

Under regulation 25(2) of the OPGGS (E) Regulations, titleholders must give each relevant person sufficient information to allow them to make an informed assessment of the possible consequences of the activity on their functions, activities, and interests.

Every relevant person was engaged through information mediums offering two-way dialogue, was encouraged to disclose their preferred mode of communication, whether it be email or an in-person, face-to-face meeting, and this was catered for. Email was used as the primary and initial form of contact (as per NOPSEMA guideline GL1887). Other forms of communication such as phone calls, links to online resources, meetings and presentations were used when requested. DPIRD limits provision of contact details (under the FRMA 1994) from the register to the name and business address of licence holders, limiting Pilot to an initial contact format of letters. Alternative forms of communications are at the licence holder's discretion once communication has been established. Maps and videos were also used as tools to provide sufficient information in digestible media formats. See Appendix D for a summary of these consultations and the Sensitive Information Report for full text responses from relevant persons.

Pilot provided sufficient information to relevant persons by providing:

- Tailored information, responses, and communication mediums to relevant persons. This included further information, where possible, to allow them to make an informed assessment of possible consequences.
- Published all relevant information regarding the activity on the Eureka 3D MSS website.
- All relevant persons were informed of their right to keep their information provided from being published, pursuant to regulation 25(4)(a).
- The initial provision of information was broad, simplistic, and easily accessible to the public to engage and capture the maximum possible number of relevant persons.

Where responses were not recorded from relevant persons, the relevant persons were provided further information on a periodic basis in the form of newsletters to ensure a reasonable opportunity and sufficient information has been provided. Where relevant persons did not have email addresses or used a different preferred communication medium, the follow-ups included in-person, phone calls and voicemails.

5.3.3.1 Tailored communication

Rather than using a one size fits all approach, Pilot understands that different people digest and respond to information differently. Once relevant persons were identified, they were consulted regarding which communication channel they prefer and the detail of information they require for effective consultation with Pilot.

A diverse range of communication strategies was implemented by Pilot, customized to suit different audiences, preferred mediums, and available technology. Consultation was conducted as a two-way dialogue, ensuring relevant persons received adequate information through their chosen medium to make informed decisions regarding the potential impact of the Eureka MSS on their functions, activities, or interests. These communication channels included emails, phone calls, face-to-face meetings, tailored presentations, webinars, and website interactions.

The assessment of effectiveness of a communication channel included consideration of the following:

- Accessibility to the communication channel.
- Accessibility of information.
- Clarity and quality of conveyed information.
- Least burden on the person.
- Opportunity to provide feedback.
- Demonstrated thoughtful consideration of perspectives before decision-making.

Information was tailored to requirements through techniques including:

- Changing the format of information flow depending on the relevant person's needs. For example, some Indigenous groups required in-person, face-to-face meetings, whereas some individuals and groups preferred phone calls and emails.
- Changing the content and complexity of the information based on personal needs.
  - Rather than overwhelming people with information, Pilot provided concise, to-the- point information and evidence surrounding the function, interest or activity that may be affected by the Eureka 3D MSS. For example, commercial fishers received purpose-specific scientific explanations about the immediate effects of seismic exploration on marine wildlife as per WAFIC 2023 consultation guidelines.
- Subject-specific flyers were produced to provide relevant persons with tailored different levels of information. These flyers were unique to the subject-centred groups previously discussed, to facilitate the understanding of risks and response from interested persons. This included information packs to traditional owner groups, commercial fisher fact sheets, and recreational fisher fact sheets.
- Eureka website
  - The Eureka website contains all necessary information related to the Eureka 3D MSS for relevant persons to make an informed assessment of the possible consequences of the Eureka 3D MSS on their functions, interests and activities. Through the design and nature of this publicly available information, relevant persons were able to access the exact information they required to make informed decisions, without needing to ask for it. YouTube videos were produced at the request of Traditional Owner groups, to help the communities who may be less proficient in reading to receive and digest the information.

Where requested, Pilot provided additional information to relevant persons to enable them to review the proposed activity and determine if there may be a consequence on their functions, interests, or activities.

5.3.3.1.1 Government departments or agencies

The predominant approach used to consult with government departments and agencies was email containing a summary of the activity description, existing environment, and potential impacts of the activity tailored to their function, interest, or activity. Where a response was not received to initial project consultation, at least one follow-up email was sent. In cases where no response was received after a second or third email, calls were made, if possible, to connect with the correct team within the department to confirm receipt of the information. If there was still no response the agency was considered to have no objection to the proposed activity. Despite this, Pilot will still consider these departments and agencies relevant for the activity.

5.3.3.1.2 Commercial fisheries, fishers, and fishing associations

Multiple modes of communication were employed by Pilot with commercial fisheries, dependent on the nature of the organisation or individual. For example, relevant individuals were consulted through, including but not limited to, emails, campaign emails, newsletters, in-person meetings and phone calls.

Information provided to commercial fishers, fisheries and industry associations considered the guidance provided in WAFIC's Commercial Fishing Consultation Framework for The Offshore Oil and Gas Sector (July 2023). Early engagement of the commercial fishing industry was sought to determine ideal operational windows for the seismic survey and the location of sensitive fishing areas. Consultation with commercial fishers has been genuine and proportional to the potential impact that the Eureka MSS may have on commercial fishers and fishing stocks, with information provided written in plain language and clarified key issues of concern for commercial fishers.

At the relevant organisation's request, documents were produced on seismic impacts to the western rock lobster (considering that a significant proportion of studies conducted have been on the southern rock lobster) for the Western

Rock Lobster Council and its members (see the Sensitive Information Report). Information slides were built for the Western rock lobster fishers were also presented and later made available to the public and relevant persons via social media and the project website in June 2023.

The NERA protocol was adopted as a control measure to compensate commercial fishers and commercial marine users where interferences was unavoidable. This protocol was initially developed in consultation with fishers on the North West Shelf, and was not fit for purpose for use in the Mid West region due to its lack and applicability to Western Rock Lobster pot fishing. Pilot provided an open comment forum on the NERA protocol initiated following discussion with individual WRL fishers and industry associations in December 2023.

5.3.3.1.3 First Nations people

Provision of information to First Nations people was primarily verbal in one-on-one or group meetings. Visual aids were used in discussions to aid understanding of what a seismic vessel looks like and how it functions. Verbal discussions were followed up with fact sheets, often tailored with maps to show overlap of Native Title areas with the activity and information on totem species e.g., sea lions.

During consultation one First Nations group requested that a YouTube® explanation video of the fact sheets be created and distributed so that the information could be accessed by those community members who preferred this medium of communication. The YouTube video was made available directly to these groups and to the public by being uploaded to the project website.

5.3.3.1.4 Recreational fishers

During consultation with RecfishWest, the recognised peak body in WA for recreational fishers, it was requested that a specific recreational fishing fact sheet be developed in response to specific questions most often asked by the recreational fishing community. This fact sheet was developed including links to other online resources for consultation about the activity and supplied directly to RecfishWest, such that they provide it to their interested members.

5.3.3.1.5 Other subject-centred groups

Emails were used as the primary consultation method for all other subject-centred groups. Only one response was received, which did not raise any objections or claims. Other titleholders of offshore petroleum titles have not responded and subsequently it is assumed they have no objection to the activity. This was considered a reasonable approach as other titleholders have the same facilities, resources, and processes to consult with Pilot if they were interested to do so.

In addition to direct communication with relevant persons via emails, the Eureka website was a prominent consultation channel, as well as flyers, social media, and community drop-in sessions at points of interest/ contention as described in the section below.

5.3.3.2 Indirect information pathways

The project-specific Eureka website (eureka3dmss.com.au) allowed all members of the public and persons with interest to access information required to make an informed assessment of the possible consequences of the activity on their functions, interests, or activities. Features of the website include:

- An interactive map for the Eureka 3D MSS
    - This map included a boundary of the Operational Area and Environmental Planning Area and invited members of the public to place a ‘marker’ and share public feedback for the activity. There were also instructions indicating that leaving a marker is a contribution as a member of the public and not as a relevant person pursuant to the OPGGS (E) Regulations. These instructions provided an email, phone number, and a link to the consultation survey should someone believe they were a relevant person or wish to provide private feedback to Pilot.
- Consultation survey

  - This key feature provided members of the public a non-confrontational, simplistic way to check if they were a relevant person under the OPGGS (E) Regulations.
- Newsletters
  - Newsletters were used as a tool to give the public short form updates of the project development and what information has been published on the website. These were a tool in the diversification of information that allowed people a general, quick look at the project updates and then directed where to go for further information.
- NOPSEMA information for the community
  - On the Eureka home website is a summary and link to the "NOPSEMA – Consultation on offshore petroleum environment plans" community information flyer. This provided relevant persons and members of the public easy access to information about their ability to communicate and participate in the environmental approval process.
- Webinars
  - These were available to anybody from the public or relevant persons. The purpose was to facilitate two-way communication (if joining the live webinar), construct the consultation process, provide information to the community, seek local knowledge, and promote trust and transparency. A total of five webinars were hosted, recorded and made available via the project website.
- Document library
  - A total of 36 documents are published and publicly available for review on the Eureka website. Information made available on the website includes:
    - Community Consultation and Engagement Plan
    - Description of the activity
    - Environmental impact assessments
    - Environmental risk assessments
    - Control Measures
    - Acoustic Modelling Sound Report
    - Information Summaries
    - Newsletters
    - Webinars (recorded and available via YouTube).
- Short summary information flyers
  - Flyers containing details about the petroleum activity, its environmental aspects, and its environmental impacts and risks were produced for distribution alongside other consultation activities and tasks were made available both print and on the Eureka website.
- Community briefing sessions
  - Eleven community briefings and information sessions were held as a platform for sharing information in an open format. The session locations were chosen based on their proximity to the environmental planning area and areas where relevant persons were likely to be located, such as towns with commercial ports. A total of seven general information sessions were held in Jurien Bay, Cervantes, Dongara and Geraldton, with a further three specific sessions for commercial fishers in Fremantle, Geraldton and Cervantes and one more session specific to traditional owners in Mingenew. These sessions introduced the Eureka project, with an explanation of a seismic survey, activity description, how to register as a relevant person, environmental impacts and controls measures. Sessions were advertised using Facebook®, LinkedIn®, Instagram® and local newspapers. Local councils were also contacted and asked to advertise the sessions; Pilot received no confirmation this was done.

- Print media
  - Recurring advertisements were placed with local newspapers including the Midwest Times, Geraldton Guardian and Jurien Bay local newsletter "Craytales".
- Social media
  - Facebook, Instagram, and LinkedIn were used as social media channels for relevant persons and the public. They were used to introduce the project and provide links to the website, email address and phone number. Invitation to the public and relevant persons were made to find out more about activity on the website and providing information on consultation timing. Posts inviting people to sign up to the activity newsletter, webinar and adverting local community sessions were regularly posted. Posts were geotargeted to Cervantes (+40 km), Geraldton (+80 km), Jurien Bay (+61 km), Lancelin (+40 km) and Port Denison (+80 km) and reached up to 45,500 people.

5.3.4 Reasonable period

For consultation to be genuine and meaningful, relevant persons must be given a reasonable period to allow them to make an informed assessment of the possible consequences of the activity on their functions, interests, or activities (GL2086: Section 9).

Pilot has determined that a reasonable period for consultation is different for each group and individual and therefore has applied different interpretations of the term 'reasonable period' to different subject-centred groups.

A reasonable period is inherently flexible, adapting to the iterative nature of consultation. Defining it as a strict timeframe risks misuse by relevant persons or the titleholder, undermining the consultation process. Pilot, therefore, considered multiple engagement attempts, along with project updates and the provision of additional information, as constituting a reasonable period.

Pilot also considered the subjective context affecting a relevant person's communication important to determining what a reasonable period might be as shown in Table 5-5 below.

All identified potentially relevant persons were contacted on a minimum of two separate occasions, with timeframes adjusted on a case-by-case basis. Given the variability in consultation and response times among relevant persons, establishing a standard period is challenging to conclude. However, as a baseline, all relevant persons were granted a minimum of 30 days for consultation.

If an identified or self-identified relevant person was unresponsive, Pilot attempted follow-up contact using an alternative communication method where available, such as email or SMS for Commonwealth Fishers. If no additional contact method was found despite further desktop research, a follow-up was conducted using the initial method. If a response remained outstanding, Pilot continued to provide project updates, fostering engagement and ensuring the relevant person stayed informed of developments.

Table 5-5: Reasonable periods for relevant persons consideration

Subject-centred group	Reasonable period	Rationale
Commerce, commercial fishers, commercial shipping, government agencies, petroleum titleholders, educational bodies, local councils, conservation groups and tourism operators, fishing associations.	Thirty day minimum with sufficient information. Up to 60 days depending on time frame (WAFIC guideline)	Professional nature of these industries, direct relevance of the proposed activity and the depth of knowledge and experience required in these types of roles. Times of year and relevant person's activities may impact on duration of reasonable period.
Heritage groups, native title land councils.	Thirty day minimum with sufficient information, with at least one phone call follow-ups	Accessibility to internet and phone lines is sometimes not consistent in these groups and councils, follow-ups required to present a reasonable opportunity.
Interested member of the public, other marine users and port users, recreational fishers, ports, and harbours.	Thirty day minimum with sufficient information, with case-by-case follow-ups	Many of these groups were assessed on a case-by-case basis as Pilot the individual differences these parties may have.

Consultation for the Eureka 3D MSS EP was delivered in five phases (Figure 5-2) commencing in February of 2023 with early engagement of invitations for consultation with an activity overview, location map and diagram showing the consultation framework.

Newsletters were available to relevant persons and the public from 20 February 2023. Webinars were conducted bimonthly from 1 March 2023 with recordings of the webinars available 1–2 business days following the sessions for general access.

Phase two of consultation commenced in March 2023, where engagement was undertaken to identify relevant persons and provide initial activity information, and feedback was received around the activity location and timing. General public information sessions were held from 28 April 2023 and continued throughout May. The presentation slides were made available to the public via the project website following the sessions. This phase was only intended to be for one month, however due to the depth of conversations regarding the activity location and timing, they continued for three months.

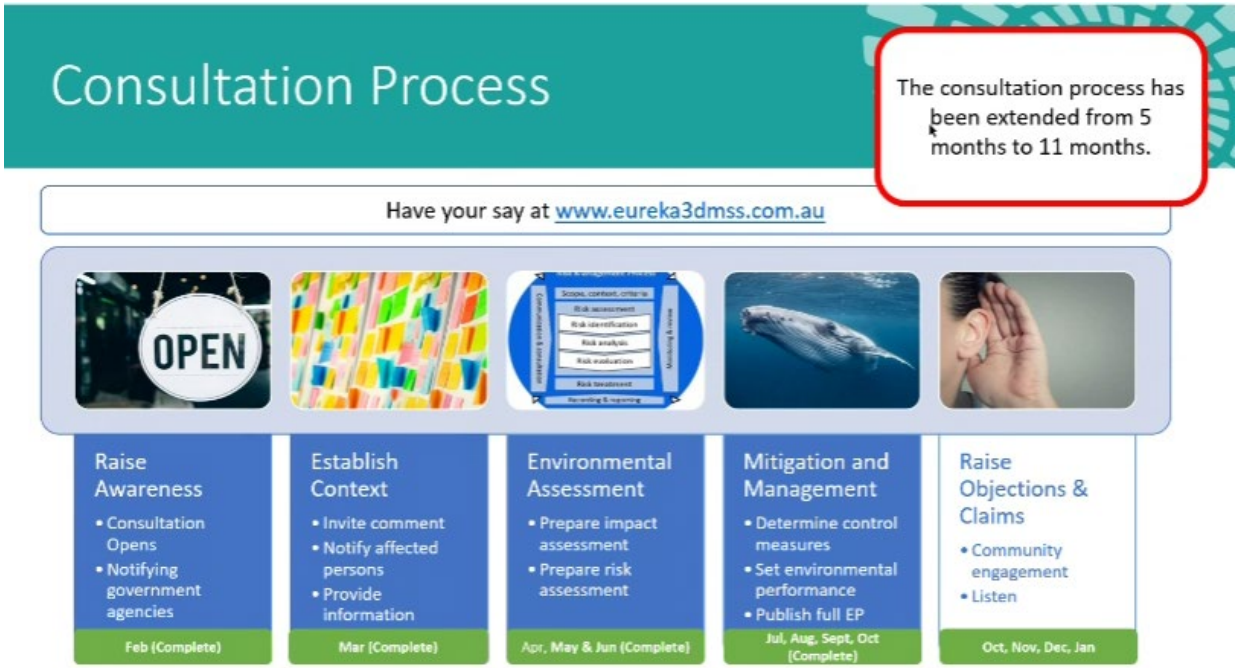


Figure 5-2: Eureka consultation phases

In Phase four, detailed information on the existing environment within the operational area and the finalised EMBA were made available to relevant persons and the public from September 2023. Detailed information of the environmental impact assessments contained within the draft EP document were made available to relevant persons in October 2023. This phase was intended to last for one month, however it lasted for four months as discussions of control measures took place with relevant persons.

Phase five of continued consultation with relevant persons, where Pilot continued to listen to feedback from relevant persons for inclusion in the EP. Community engagement also continued throughout Phase five of consultation.

5.3.5 Assessment of merit of each objection and claim

Feedback was received in writing, verbally during meetings, and through the public comment process. In all cases, feedback was assessed to determine its type so that it could be processed properly. The feedback types were determined to be either:

- An objection or claim.
- An assertion or concern.
- Information requests.
- Information received
- A public comment.

All feedback was assigned a type and processed in a standardised way within the CMS. The consideration of each Feedback has been presented in Appendix D. Each Feedback has also been included in the summary report linked to the Event in which it occurred. Where more than one Feedback was received within a single Event, the Event has been duplicated with each Feedback linked to the duplicated Event.

Feedback was determined to have merit if it fit into one of the following categories:

- Adverse Effects Concerns: This category includes any feedback that directly relates to the adverse effects of the activity, such as impacts on marine species, sound effects, visual impacts, and concerns related to oil spills.
- Consultation Process Feedback: Includes feedback relevant to the quality of the consultation process and how stakeholders feel about the engagement efforts.
- Specific Request: This would cover reasonable requests from relevant persons, requests for further information about the activity, and any specific concerns or requirements stakeholders have mentioned.
- Miscellaneous Meritorious Concerns: For feedback that does not neatly fit into the other categories, such as errors in distances quoted or general statements needing clarification.

Feedback was determined to have no merit if it fit into one of the following categories:

- Objections Not Related to Adverse Effects: Contains objections that are not about the adverse effects of the activity. This might include objections to the type of title or general objections to oil and gas activities that do not specifically address adverse effects.
- Not Relevant - Other: For any feedback that lacked substance, was abusive, or otherwise lack specific feedback.

Where feedback did not have merit Pilot Energy did not progress through the process beyond the assessment of merit.

A record of all objections and claims received, an assessment of their merit, any changes made in the EP in response to merited objections or claims (see Table 5-6), and the response provided to the relevant person is provided in Appendix D.

5.3.6 Relevant person input into the EP

Where feedback had merit, Pilot Energy considered what measures could be adopted and separately recorded what measures were adopted because of the consultation. The measures adopted because of the consultations were categorised to indicate the type of measure adopted and was either:

a) Information either as:
   - Information from a relevant person for input into the EP; or
   - Information as it related to giving a relevant person sufficient information for consultation purposes

b) A legislative requirement.

c) An activity limitation.

d) A control measure (or part thereof).

e) A performance standard.

f) An implementation strategy commitment.

g) Other (if not one of the above items).

Measures adopted in categories c – g above, where it resulted in a change to the EP, are detailed in Table 5-6.

Some measures adopted because of the consultation were often characterised in a way that corresponded with another part of the EP for ease of compliance monitoring. Information requests were usually related to further information required by the relevant person and this information was subsequently provided.

As set out by NOPSEMA (GL2086), the key purpose of consultation under regulation 25 is to ensure that authorities, organisations, and persons (relevant persons) who are potentially affected by activities conducted by the titleholder are consulted, and their input considered in the development of environment plans. Pilot Energy received numerous communications strengthening the understanding of the environmental values and sensitivities that could be affected by the proposed activity, which have been included in Section 4 of this EP.

For full details of the consultation undertaken, merit assessment and summaries of Pilot's response, see Appendix D. Full text responses from these parties that facilitated the EP changes can be found in the Sensitive Information Report.

Table 5-6: Measures adopted in response to consultation

Feedback IDs	Feedback, objection or claim	Measures adopted
F2211, F4123, F4045, F4004, F4041	There are key reef areas in the Operational Area for WRL. Predicted impacts to adult rock lobster are unacceptable and need to be minimised further.	Seismic source will not be operated within a 300 m horizontal distance of the 12 m bathymetric contour around: Leander Reef Big Horseshoe Reef Fourteen other unnamed reef areas within the eastern part of the Active Source Area. See Table 7-19, Performance standard PS13
F2165	Is it possible to reduce the sound source levels you require for the survey?	Pilot will consider (where operational requirements allow) the option of using a smaller seismic source (<2,500 in^3) for acquisition in shallow waters where nodes may be used, rather than towed streamers. See Section 3.3.3

Feedback IDs	Feedback, objection or claim	Measures adopted
F4121, F4000, F4028, F4170	Western rock lobster is less robust than southern rock lobster therefore the scientific knowledge of the effects of seismic noise on southern rock lobster does not apply to western rock lobster.	Pilot requested that experts at UTAS undertake a study to evaluate the relevance and transferability of existing scientific knowledge in relation to noise impacts from southern rock lobster to western rock lobster. A draft paper has been prepared but paper not due for finalisation until after submission of EP Rev 2. Additional information on the specific ecology of western rock lobster was added to Section 7.1.6.2 to ensure the impact assessment addresses the unique life history of this species.
F4122, F4278, F2197, F4051, F4165	Commercial fishers will be worse off because of not being able to fish, having to fish elsewhere, or damage to our gear. This includes knock-on effects to subsequently displaced fishers and co-ops. The NERA Protocol does not adequately consider these impacts for WRL fishers.	We will adopt the NERA Adjustment Protocol as a starting point, with consultation required to refine content to make it applicable to western rock lobster fishers. The EP refers to a commercial fishing industry adjustment protocol to manage claims in Section 7.3. The control is assessed in Table 7-17 and a performance standard (PS 37) is added to Table 7-19.
F1482, F4039, F4004	The Beagle Islands are a significant breeding ground for the Australian sea lion, and they may forage out into the Operational Area.	An exclusion zone of 9.2 km horizontal distance around the Beagle Islands has been removed from the Active Source Area. The controls for cetaceans outlined in EPBC Policy 2.1 Part A and Part B4 will also be applied to Australian sea lions to reduce potential impacts to the species. These controls are assessed in Table 7-17 and performance standards (PS 1, 2 and PS 109) are added to Table 7-19.
Feedbacks received during Public Comment relating to Event ID 4691.	Concern that operational methodology is vague	Section 3.3.3 has been reworded to commit to specific methodology in the ASA making it clear that streamers will not be used in the nodal area. Figure 3-2 now clearly shows the nodal area and the active source area exclusion zones around the shallow reef features.
Feedback received during Public Comment relating to Event ID 4690.	Assessment on impacts and descriptions relating to shallow waters has not been adequate	To address claims relating to shallow water impacts the EP has been updated with: More detail in section 3.1.1 – Active source area More detail added in section 3.3.1 – seismic source operations More detail added in section 3.3.3 – ocean bottom nodes New Figures added to section 3. In addition to updates in the activity description Pilot have added a control that vessels will be fitted with sonar and depth sounders when working in waters <12 m (Table 7-32; PS 108). This is standard practice in these sorts of vessels and necessary for the management of safe operation of ships (SOLAS). Along with this a performance standard to reference compliance with Marine Order 27 (safety of navigation and radio equipment) has been added to demonstrate that any vessel contracted by Pilot will be adhering to standard maritime laws.

Feedback IDs	Feedback, objection or claim	Measures adopted
F4278, F4155	The activity will impact commercial fishers in the area.	Control measures have been adopted to manage impacts to commercial fishers during the survey (see Table 7-22), including: As part of the ongoing notification process, Pilot will notify all relevant persons four weeks prior to the start of the survey to provide details about the anticipated dates for commencement and completion of acquisition. Commercial fishers actively operating in the OA will be issued a notification 7 to 10 days prior to activities commencing in the OA, including posting of survey notification at local boat ramps. Where requested, commercial fishers actively operating in the OA will be kept informed of daily survey activities through Pilot's 24-hour look-ahead communication. Pilot will continue to advise relevant fishers of planned sail-lines and dates and if any issues are raised by fishing relevant persons, Pilot will make reasonable effort to avoid or minimise conflicts. Controls to be considered will include: Moving to another sail-line Allowing fishers to fish area prior to seismic acquisition Minimise survey activity in areas where there is known fishing activity. Inform the Australian Hydrographic Office of relevant survey details prior to, during (if alterations occur) and on completion of the survey to ensure a Notice to Mariners informs all third parties of survey details and are updated as required. Pilot will take reasonable steps to avoid or minimise conflict with other marine users, should such a conflict be identified during ongoing notification with relevant persons.
F2138	Seismic activity will impact whales in the area.	Control measures are in place to manage impacts to whales from underwater noise (see Table 7-17) and from the presence of the survey vessel (see Table 8-2), including that there will be No seismic acquisition during the pygmy blue whale northbound or southbound migration periods (i.e. April to July; and October to January), no seismic acquisition during the southern right whale migration period (i.e. April to November), and no seismic acquisition during the humpback whale migration period (June to November).
F4116	The impact assessment needs to consider the precautionary principle.	Pilot applies the Oil and Gas UK (OGUK) (2014) Guidance on Risk Related Decision Making to determine the assessment technique applied for each impact or risk. This includes that a precautionary approach is used- this method requires uncertainty in the analysis to be addressed by using conservative assumptions that may result in a control measure being more likely to be adopted.
F4157, F4032	The seismic survey will have ecosystem-level impacts.	The survey timing has been based upon relevant person feedback and assessment of timing of biological, socio-economic and cultural sensitivities, and metocean constraints. The adopted control measures for the activity described in Sections 7 and 8 are implemented to reduce the impact to the ecosystem.

Feedback IDs	Feedback, objection or claim	Measures adopted
F4168, F4185	Request that alternative, non-traditional noise source is used in the survey to reduce impacts to marine life.	As described in Section 3.3.1 of the EP, Pilot will consider options for the optimal technology based on what contractors have available at the time of survey to allow for technical advances, within the scope of the parameters provided for in this EP.
F2190	Request of actions taken if dolphins are observed in the area during seismic operations (Event 2888).	As described in Table 7-17 of the EP, in addition to the requirements of EPBC Policy 2.1, Pilot Energy will initiate a power-down or shut-down of the seismic source if dolphins' approach within 500 m of the source, except for those bow riding. As well as the use of seismic vessel soft starts.

5.4 Discharge of consultation requirement under regulation 25

To discharge the consultation obligation under section 25, the titleholder must demonstrate to NOPSEMA that First Nation groups and group members have been afforded a reasonable opportunity to be consulted with.

By adhering to the fundamental principles of regulation 25 and conducting meaningful consultation, Pilot adopted appropriate measures resulting from:

- Capturing a sufficiently broad audience to identify relevant persons
- Identifying relevant persons through the techniques previously mentioned
- Providing sufficient information to relevant persons
- Allowing sufficiently reasonable time for relevant persons to digest and respond to information
- Addressing the feedback from relevant persons and responding on a case-by-case basis
- Assessing objections or claims made by relevant persons for merit
- Where input was considered to have merit, using this input in the assessment of the environment and the construction of the EP
- Adopting reasonably practicable measures in the presence of valuable objections
- Providing relevant persons with Pilot's response to their objection of claim. Whether it be an objective assessment of merit, a continuance in consultation or a reasonably practicable measure
- Publishing a thematic summary of the consultation, including the measures adopted because of the consultation.

Pilot believes that it has provided relevant persons sufficient information and a reasonable period to make an informed assessment if their functions, interests or activities may be impacted because of the activity and to provide feedback to Pilot regarding any objections or claims of the activity. Pilot considers that consultation under regulation 25 is complete.

5.5 Public comment period outcomes

The Eureka 3D MSS was submitted to NOPSEMA for completeness check and accepted as complete on 21 February 2024. Following acceptance, the EP was published on the NOPSEMA website for a 30-day public comment period. The EP was available for public comment from 21 February 2024 to 22 March 2024.

A total of 25 public submissions were received during the public comment period. The Public Comment report details comments from the received public comments grouped by themes and matters.

There were several comments made which are out of scope of the public comment process. These included claims related to the following matters:

- Risk of triggering earthquakes from seismic surveys.
- Objections to Cliff Head being used for carbon capture and storage.
- General opposition to seismic activities.
- Concerns about carbon capture and storage activities beyond the scope of this EP.

One submission of the 25 received was in relation to a different petroleum activity and has not been included.

5.6 Ongoing consultation

Consultation will be ongoing during the implementation of this EP as required under section 22(15). Ongoing consultation will be undertaken in accordance with the consultation method described in this section. Further details regarding ongoing consultation can be found in Section 10.9.