NOPSEMA
Australia's offshore energy regulator

Our ref: RMS ID 7701: A1105373
Your ref: REG-EP-030-F1
Contact: [redacted]
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Environment Manager
CGG Services (Australia) Pty Ltd
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RE: REQUEST FOR FURTHER WRITTEN INFORMATION – REGIA MSS

Thank you for the submission of the Regia Marine Seismic Survey (MSS) environment plan (the EP) on 17 June 2024. In undertaking an assessment of the EP, NOPSEMA has been unable to decide whether the EP demonstrates all acceptance criteria have been met and requires further information.

The assessment has also identified a number of broad, overarching issues that have prevented NOPSEMA from being able to undertake a complete and thorough assessment of the EP. These issues, outlined below and in Attachment 1, are often related and interlinked. In responding to each item, CGG should have regard to how these changes may affect other aspects of the EP.

NOPSEMA acknowledges that the Regia MSS EP has been developed in a manner that functions primarily as a series of interactive, online documents in support of relevant persons consultation and public engagement. However, as an environment plan intended to demonstrate that the Regia MSS can be carried out in a way that meets legislative requirements, and as an operational document that allows CGG to implement the controls and requirements in practice, in its current form it cannot be completely or thoroughly assessed for the reasons described below.

Duplication of information and discrepancies

The EP and appendices include material relating to the description of the activity, description of the environment, environment impact and risk assessment, and environmental performance (Section 7, Appendices A2, D, E and G). Some content is duplicated and there are numerous inconsistencies and contradictions between sections. Because of the duplication of information, and these inconsistencies, there is no 'single source of truth' on which to assess the EP.

In addition, statements included in the EP acknowledge potential inconsistencies and contradictions, but states these are 'unintentional', 'remain in the EP either as an artefact to demonstrate the iterative nature of the process' or are included 'through error'. This is not appropriate, as inconsistencies and contradictions have implications for implementation and compliance with the EP as a whole. Further, noting that the main activity description in Appendix A2 appears to include some errors and inconsistencies (also refer to Attachment 1, Item 1.1), it is not clear if the information provided, or the impact and risk evaluations are accurate or reliable.

The information required to be assessed under the Environment Regulations is not provided in an assessable manner

The EP sections and appendices that contain critical information for the assessments of topics is often separated, difficult to locate and not possible to verify claims.

In addition, the purpose of some sections in the EP and appendices, and how NOPSEMA is intended to consider these, is not clear. For example, Part 1 (Section 6) makes generalised statements, without specific examples or evidence, about the acceptance criteria. It is not clear which other parts of the EP are intended to form the evidence for these claims. NOPSEMA is required to form its own, independent opinion on whether the EP demonstrates that each acceptance criteria has been met. While the EP is required to articulate CGG's case regarding how it has fulfilled its requirements under Division 2 and Division 3 of the regulations (through logical argument and evidence), this section includes CGG's opinion on how NOPSEMA should form a position which is not appropriate.

Part 2 (Section 7) does not address EP content requirements, as Part 2 claims to do; rather, it appears to describe the iterative process undertaken for the EP, combined with some summary information relating to the description of the activity, the environment, and the environmental impact and risk assessment. Information pertaining to, for example, the description of the activity is actually spread throughout the EP over multiple sections, as such it is not clear what the purpose of Section 7 in document F1 is.

Current vs future tense

Some sections of the EP are written in the future tense, which makes it unclear what has been completed in preparation of the EP and what is yet to be undertaken. Therefore, the EP requires the reader to make assumptions and it doesn't clearly demonstrate how it addresses regulation 34 decision making criteria.

It is not clear how the EP can be implemented

The current form of the EP is often iterative and storytelling in nature, which (when considered in conjunction with the other issues identified in this letter and in Attachment 1) results in uncertainty about its effectiveness as an operational document for implementation and compliance monitoring. It is also overly complex and will be difficult to transform into a plan that can be effectively implemented on the seismic and support vessels with a high risk of commitments, requirements and context being 'lost in translation'. NOPSEMA would prefer to assess the document that will be implemented in practice.

Given NOPSEMA has not been able to undertake a complete and thorough assessment of the EP, any issues not raised in relation to this EP submission may be raised following future submissions once the EP can be assessed thoroughly.

In accordance with subregulation 32(3) of the Environment Regulations, CGG Services (Australia) Pty Ltd must resubmit to NOPSEMA an updated EP incorporating the requested information and address the items outlined above. Please provide this information in the form of a modified EP submission, together with a copy showing all changes made to each document, as well as 'clean' copies with all changes adopted (via: https://securefile.nopsema.gov.au/filedrop/submissions).

The resubmission must be submitted to NOPSEMA no later than 90 days from the date of this letter. If you require a longer period of time, please request an extension within 14 days of receipt of this letter.

Given this request for additional information, NOPSEMA will be unable to make a decision within the 30-day statutory timeframe of the original submission. As such, we will provide you with an assessment decision within 45 days of receiving the additional information.

NOPSEMA
Australia's offshore energy regulator

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

Yours sincerely

[redacted]
Director - Geophysical Survey & Installation
wA863664

28 August 2024

NOPSEMA
Australia's offshore energy regulator

Our Ref: ID 7701: A1105373

Attachment 1 – Matters requiring further written information

Item	Description
Acceptance Criteria 34(a) – the EP is not appropriate for the nature and scale of the activity because:	
1.1	***There is not a suitable description of the activity*** **Requirements:** The EP must contain a suitable description of the activity and how it may affect the environment including the scope and bounds of the activity and a thorough description of the activity components with greatest potential to generate impacts and risks to the environment (**GL1721: Section 6.3**). **Issue:** The EP does not contain a suitable description of the activity because the information provided is not detailed enough and/or is inconsistent. For example (but not limited to): • The EP does not specify whether CGG plans to acquire the survey in a single phase or in multiple phases/over multiple years. • The EP intermittently references a "survey area" and it is unclear if this is the Operational Area, the Active Source Area or other. • The Operating Envelope is described in Appendix A2, Section 3.2.2 as including up to 1,700 km of sail lines, however, it is unclear if 'sail lines' comprises only data acquisition lines, or also the associated run-ins, run-outs and turns. • The EP is unclear about where the seismic source will be operated. Specifically, Section 3.4 of Appendix A2 describes an "Active Source Area" in which the sound source is active. However, Appendix A2 also includes reference to a number of scenarios where the seismic source will be active outside of this area (for example during line turns, in transit between sail lines and for maintenance and testing). Appendix A2, Section 3.2.1 also indicates that operational movements to deploy and test equipment may occur within *or adjacent* to the Operational Area. • The EP includes reference to how activities will be undertaken within the 'Activity Planning Area' (e.g. Appendix A2, Section 3.5.1), but the EP does not clearly describe or define activities in relation to the Operational Area, Active Source Area and Acquisition Area. • Appendix A2 describes a potential for the use of up to four vessels. This is inconsistent with the assessment of potential atmospheric emissions from the activity, which estimates emissions for up to three vessels (PDF page 191). **Request:** Please revise the EP and appendices to provide a clear and consistent description of the activity. In addressing this issue, please ensure that impact and risk assessments correspond appropriately to the activity that has been described, and that the described activity has been clearly articulated in consultation with relevant persons.

Item	Description
1.2	***There is not a thorough description of the environment – Matters Protected under Part 3 of the EPBC Act*** **Requirements:** The EP must describe the existing environment that may be affected by the activity (regulation 21(2)). The description of the environment must include details of the particular relevant values and sensitivities of the environment where the activity is proposed, including (but not limited to) matters protected under Part 3 of the EPBC Act that will or may be affected by the activity (**GN1344: Section 3.2**). **Issue:** Results from the PMST searches undertaken for the activity appear to be missing key information, for example reproduction and migration Biologically Important Areas for the southern right whale. This creates uncertainty as to whether all matters protected under Part 3 of the EPBC Act that may be affected by the activity have been identified. **Request:** Please revise the EP to demonstrate PMST searches undertaken for this activity are up to date and appropriately capture all relevant matters protected under Part 3 of the EPBC Act including listed species and Biologically Important Areas that may be affected by the activity.
1.3	***There is not a thorough description of the environment – First Nations cultural heritage features and values*** **Requirements:** The EP must contain a thorough description of the environment to ensure that all environmental impacts and risks of the activity can be adequately detailed, evaluated and managed to acceptable levels. The definition of the 'environment' includes the cultural features of the environment mentioned in paragraphs (a), (b), (c) and (d) of regulation 5. This is required to inform the impact and risk evaluation as required by regulation 34(5). **Issue:** The EP does not appear to provide a commensurate level of detail to sufficiently describe the First Nations cultural heritage features values of the environment that may be affected by the activity and subsequently, the potential impacts and risks to these features and values have not been appropriately evaluated. Specifically, publicly available information and information obtained through consultation with relevant persons has not been utilised to inform the description of the cultural features and values of the environment that may be affected. Some examples include (but are not limited to): • A cultural heritage desktop review completed by Biosis for another activity in the Otway region is included (Appendix B10). However, it is unclear what values and features described in this report may be affected by this activity (i.e., what is located within the EPA and OA?). • The EP does not appear to have appropriately described Native Title determinations in relation to the Environmental Planning Area for the activity. For example, PDF page 1305 states that the OA is adjacent to Eastern Maar and Gunditjmara Native Title determinations but does not specify if there are other determination areas adjacent to the EPA. The EP also references a map of Native Title determinations that is not included (i.e., Appendix B12 MAP-REG-EPM-076). • Information about cultural features and values included in sensitive information document C3 has not been included in the description of the environment in the EP, although it appears to be from a publicly available source.

Item	Description
	• A public comment received on the EP identifies that pygmy blue whales (Wuuloc) (FN01) have cultural importance; however, the importance and significance of this species to First Nations peoples has not been described in the EP. • Not all information provided by relevant persons, including information that is relevant to First Nations cultural features and values (for example, information provided by the Bunurong Land Council Aboriginal Corporation relating to the cultural significance of the Mornington Peninsula and Point Nepean), has not been appropriately incorporated into the description of the environment that may be affected by the activity (see also item 6.6 below). **Request:** Please revise the EP to provide a thorough description of the First Nations cultural heritage features and values of the environment that may be affected by the activity by drawing upon information obtained through relevant persons consultation and relevant publicly available information.
1.4	***The environmental assessment methodology is not appropriate for the nature and scale of the activity*** **Requirements:** The overall approach to developing the EP, including the level of rigour and effort applied to EP content and predictions of environmental impacts and risks, must be appropriate to the nature and scale of the activity (**GL1721: Section 6**). **Issue:** The method applied to the evaluation of impacts and risks is unclear and may not be appropriate. This is because: • Effect and consequence level definitions (Table B9-2 and B9-5) contain ambiguous terminology that is not defined (e.g., "some effect", "noticeable effect", "minor injuries", "extremely severe", "widespread"). • The EP does not demonstrate how adopted control measures reduce the consequence/severity and/or likelihood of impacts and risks. • Environmental impact evaluation matrix in Table B9-4 combine 'Effect' and 'Scientific Uncertainty' to derive a level of impact. While scientific uncertainty is an important consideration, particularly in relation to the ESD precautionary principle, it does not provide a level of impact. The levels of uncertainty described in Table B9-3 also suggest that the precautionary principle only needs to be applied if the level of uncertainty is 'high' or 'unknown', which is not consistent with how the precautionary principle is applied under the EPBC Act. • The impact level definitions in Table B9-4 combine acceptability and consequence. Acceptability is typically dealt with separately given the level of impact informs the test as to whether the predicted level of impact is consistent with the defined acceptable level and other acceptability criteria. **Request:** Please revise the EP to: 1. Provide clear and measurable definitions of terms used to describe effect and consequence levels. 2. Provide a clear demonstration of how the impact and risk assessment has informed the selection of suitable control measures.

Item	Description
	3. Provide a clear demonstration of how adoption of selected control measures has reduced the consequence/severity and/or likelihood of impacts and risks and why this is considered to be ALARP. 4. Demonstrate the EP is not inconsistent with the principles of Ecologically Sustainable Development, including the precautionary principle and treatment of scientific uncertainty.
1.5	***It is not evident whether the level of analysis and evaluation of underwater sound is commensurate with the nature and scale of the activity and the severity of individual impacts and risks*** **Requirements:** The level of analysis and evaluation presented in the EP must be commensurate with the nature and scale of the activity and the severity of individual impacts and risks (**GL1721: Section 6.3**). **Issue:** It is not evident from the sound modelling reports (Appendix B7) whether the modelling and analysis of underwater sound that has been undertaken is commensurate with the nature and scale of the activity and the severity of individual impacts and risks, because: • Two acoustic modelling reports have been provided. The cover sheet provided does not clearly explain what the differences between the two modelling reports are. The cover sheet and impact assessments in Appendix E are also not clear whether there is content in both modelling reports that is relevant to the assessment of impacts, or if one report now supersedes the other. • The scenarios presented in the modelling report do not include the current Active Source Area or Operational Area boundaries and so it is difficult to relate these to the proposed activity or for NOPSEMA to assess whether the scenarios are appropriate. • Given that the Acquisition Area has not yet been defined, the EP has not clearly explained how the selected scenarios will be representative of the final sail line plan or whether there is potential for impacts and risks to increase. **Request:** Please revise the EP to: 1. Provide clearer explanation on the relevance and currency of the two sound modelling studies. 2. Present the modelling scenarios and locations relative to the proposed Active Source Area and Operational Area. 3. Provide further information that demonstrates how the selected scenarios are representative, or otherwise consider additional controls such as validating modelling scenarios and results against the final acquisition and sail line plan (see Item 2.1).
1.6	

Item	Description
	The level of analysis and evaluation is not commensurate to the nature and scale of the activity – Spawning and recruitment of protected and commercial fish and invertebrates **Requirements:** The EP must include an evaluation of all impacts and risks, appropriate to the nature and scale of each impact or risk [regulation 21(5)(6)]. **Issue:** The assessment of impacts and risks from noise does not provide an appropriate level of detail to support the conclusions made about impacts to spawning and recruitment of specific protected and commercial species. General conclusions are made regarding the effects of seismic on fish, invertebrates and plankton, including eggs and larvae. However, the impact assessments do not demonstrate sufficient detail with regards to specific species or stocks. For example, it is not evident if the assessments adequately describe or consider the spatial extent of key biological stocks that may be affected, spawning behaviours (e.g. broadcast versus aggregation), known spawning periods, information available on advection and recruitment, or provide an indication of the proportion of spawning biomass that may be impacted. In addition, noting the potential for stage- and species-specific impacts, the impact assessments and the sound effects criteria applied do not account for all impacts. For example, the effects to lobster puerulus and the associated ranges documented in Day et al. (2021, 2022; as reviewed in Appendix B8 of the EP) and implications on their development and survival, do not appear to have been considered. In addition, information provided by relevant persons in relation to the spawning and recruitment, or any further detailed assessment undertaken by CGG and provided to relevant persons should be incorporated into the impact assessment, where relevant. **Request:** Please revise the EP to include further detail of the evaluation of the potential impacts to the spawning biomass and planktonic life stages of protected and commercial fish and invertebrates.
1.7	***The impact and risk assessment is not commensurate to the magnitude of impacts and risks from the activity - unplanned release of fuel*** **Requirements:** The EP must adequately define the environment that may be exposed to hydrocarbons in the event of a significant incident and the geographic extent of response and monitoring activities (**GN1433: Section 3.2.1**) and the level of detail and rigor applied to the impact and risk assessment must be commensurate to the magnitude of impacts and risks arising from the activity (**GL1721: Section 6.3**). **Issue 1:** It is unclear if the Environmental Planning Area (EPA) selected is appropriate to inform the extent of potential low thresholds (10 ppb) for entrained hydrocarbons from an unplanned spill, to inform the area for scientific monitoring. This is because modelling undertaken for other activities considered in Table B11-t5-1 reflects entrained hydrocarbons being present up to 742 km from release location. It is noted that the spill volume in this scenario is larger than what is proposed for this activity; however, the EP does not appear to have evaluated it in detail for low-threshold entrained hydrocarbons. Additionally, the EP inconsistently describes the EPA as being both 150 km and 155 km.

Item	Description
	Issue 2: The risk assessment for an unplanned release of fuel repeatedly refers to a marine diesel oil (MDO) spill of 250m^3 although Appendix A2 describes the largest potential fuel tank for this activity as having a greater capacity (257.4m^3). As a result of this, the risk assessment does not appear to be commensurate to the magnitude of impacts and risks from the activity. **Request:** Please revise the EP to: 1. Provide further information to demonstrate that the Environmental Planning Area is appropriate for defining the EMBA for this activity, with clear consideration given to the extent low threshold entrained hydrocarbons may be detectable. 2. Ensure risk assessments for an unplanned release of fuel are commensurate to the defined maximum capacity of the largest fuel tank in vessels that will be used to undertake 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	***There is not a thorough consideration and evaluation of all reasonable control measures*** **Requirements:** The EP must include details of the control measures that will be used to reduce the impacts and risks of the activity to as low as reasonably practicable (ALARP) and an acceptable level [regulation 22(5)]. The EP must demonstrate, through reasoned and supported arguments, that there are no other practicable measures that could reasonably be taken to reduce impacts and risks any further (**GL1721: Section 7**). **Issue:** The EP does not evaluate all control measures that could reasonably be considered for all aspects of the activity. Examples include, but are not limited to: • Restriction of deployment and retrieval of seismic gear (e.g., seismic source and streamers) to within the Operational Area and outside of Australian Marine Parks or other sensitive areas. • Shut down of the seismic source when outside of the Active Source Area. • Sound source verification or in-field sound verification. • Validation of underwater sound model predictions, particularly accumulated sound exposure scenarios where there is currently uncertainty about the final sail line plan. • Adoption of shutdown procedures for turtles, dolphins and other marine fauna.

Item	Description
	• Potential integration of shore-based or coastal observation programmes, or other operator observations into the broader suite of fauna detection methods detailed in the Fauna Management Plan (FMP, Appendix G2). • Weather and visibility restrictions for bunkering operations. • Appendix A2 outlines restrictions on the maximum number of days of seismic acquisition (60) and operations (90) across the duration of the EP; however, these restrictions have not been evaluated or included as a control measure. • The Fauna Management Plan (Appendix G2) includes a number of detection and mitigation control measures that have not been individually included in the ALARP evaluation. **Request:** Please revise the EP to provide an evaluation of all control measures that could reasonably be considered to reduce environmental impacts and risks from the activity to ALARP. Where additional control measures are adopted, please provide new EPS that set out clear levels of performance.
2.2	***The level of detail provided to describe the control measures and EPS is not sufficient*** **Requirements:** The EP must provide enough detail for control measures to demonstrate that they will be effective in reducing impacts and/or risks for the duration of the EP (**GL1721: Section 7.2**). **Issue:** The EP does not provide sufficient detail for control measures and environmental performance standards (EPS). This is because, in general, the scope of control measures is overly broad and does not describe or commit to specific actions that will be taken during the activity to implement them. For example (but not limited to): • Appendix A2 lists 22 key "activity limitation controls" and M#04 (Sail Line Plan) states that it will include all of these. However, these are not currently described under the control measure or EPS in the section of the EP that will be used for implementation and to monitor environmental compliance, which creates uncertainty as to whether they will be implemented and monitored effectively. • The Fauna Management Plan (Appendix G2) does not provide sufficient information to demonstrate why control measures, individually and collectively, will be effective. This includes information on the objectives, timing or minimum number/frequency of aerial surveys, how the SRW and BW expert panel will function (e.g. the timeframe for establishing the panel, the frequency at which the panel will be convened and the decision-making process of the panel), and clarification of ambiguous statements such as actions 'could consist of'.

Item	Description
	• An EPS associated with M#06 (Sea Country Protection Program) provides that "the SCPP shall implement effective measures to preserve cultural heritage sites, artefacts and values within the project area, minimising impacts from petroleum activities" but provides no further detail as to what "effective measures" have been adopted and will be implemented during the activity. • An EPS associated with M#02 (Consultation Management System) provides that "best endeavours will be made to develop a SIMOPs plan with divers and titleholders when operating within 40 km of known dive sites" but no further detail is provided as to how or when CGG will endeavour to develop these plans. Without sufficient detail of what controls will entail and how they will be implemented (particularly in Appendix G, which is stated to form the basis of compliance monitoring for the activity), it is not clear if selected controls will be effective in reducing impacts and risks to ALARP and acceptable levels for the duration of the EP. **Request:** Please revise the EP to provide sufficient detail for control measures and EPS to demonstrate how they will be implemented reliably and effectively and can be easily monitored for compliance. In addressing this point, please ensure details are clear and consistent throughout the whole EP.
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*** **Requirements:** The EP must demonstrate that the proposed activity is not inconsistent with a recovery plan or threat abatement plan for a listed threatened species or ecological community (**GL1721: Section 8.3**). **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*), as it came into effect on 31 July 2024. 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). 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). The 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. **Request:** Through review of the new National Recovery Plan for the Southern Right Whale (*Eubalaena australis*) in full, please revise 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	Description
	In relation to underwater sound emissions, specifically, CGG should have regard for the recovery plan's summary of threats, threat prioritisation for the eastern SRW population, biological information, seasonal distribution, biologically important areas (BIAs) and habitat critical to survival (HCTS) of the SRW, and Action Area A5. Further information is required to demonstrate how the activity will not prevent any southern right whale from utilising BIAs and HCTS, and that the risk of behavioural disturbance is minimised. Please also give further consideration to the recovery plan's advice to adopt avoidance as the first approach to reduce the impacts and risks in BIAs and HCTS at times when SRWs are present, particulalrly to HCTS during the critically important calving season (May to October).
Acceptance Criteria 34(d) – the EP does not provide for appropriate performance outcomes, standards and/or measurement criteria because:	
4.1	***Environmental performance outcomes are not clearly linked to acceptable levels and do not reflect levels of environmental performance that are achievable*** **Requirements:** The EP must contain clear, unambiguous EPOs that are linked to acceptable levels (**GL1721: Section 9.3**). In addition, EPOs need to set a measurable level against which the environmental performance of the titleholder can be assessed (**GN1344: Section 3.7**). The definition of an EPO is a measurable level of performance required for the management of environmental aspects of an activity to ensure that environmental impacts and risks will be of an acceptable level (**Regulation 5**). **Issue:** The EP contains EPOs that do not establish appropriate, clear and measurable levels of performance required for the management of the activity, to ensure that environmental impacts and risks will be acceptable. Some examples include (but are not limited to): • EPO 1 "to ensure effective communication and engagement with relevant persons and local communities throughout the activity's lifecycle, fostering transparency, understanding and responsiveness to their needs and concerns" does not reflect a level of environmental performance and does not relate to an environmental aspect. • EPO 8 "to establish and maintain a framework for Sea Country protection that manages the interaction of the activity with First Nations cultural values and sensitivities" does not establish a measurable level of environmental performance for impacts and risks from the activity on the values and sensitivities. • EPO 10 "to establish and maintain an effective Oil Pollution Emergency Plan (OPEP) that ensures swift and efficient response to oil spill incidents, minimizing environmental harm, protecting sensitive ecosystems, and safeguarding human health and safety" does not reflect an acceptable level of environmental performance as it relates to implementation of the OPEP after a spill event has occurred rather than management of the activity to prevent unplanned spill events from occurring. **Request:** Please update the EP to provide appropriate EPOs that are clear, measurable, and consistent with the definition in Regulation 5.

Item	Description
4.2	***The environmental performance standards and measurement criteria are ambiguous, are not linked and complementary and/or cannot be easily monitored for compliance*** **Requirements:** The EP must include EPS that are directly linked to control measures, contain clear and unambiguous statements of performance, can be easily monitored for compliance and have clear measurement criteria that demonstrate that the desired environmental performance is being met (**GL1721: Section 9.3**). **Issue:** The EP provides measurement criteria in a separate table to the EPS, which makes it unclear in many cases which specific measurement criteria correspond to each EPS. In addition to this, EPS and measurement criteria are often too broad and/or ambiguous to be effectively monitored for compliance. For example (but not limited to): • EPS "The sail plan will comprehensively define the activity limitations (Appendix A2) and operational area, acquisition area, depth contours, and distances related to environmental management control measures" does not reflect a clear statement of environmental performance (i.e., a clear statement of which activity limitations will be complied with and how), nor does it commit CGG to implementing the sail plan. Additionally, there is a single, overly broad measurement criterion for this control measure which does not appropriately capture all reports/logs that would be required as evidence to demonstrate compliance with the 22 different key activity limitations described in Appendix A2. • EPS "To preserve Marine Parks proximate to the Regia MSS, no discharges of any kind will be allowed from contracted vessels within these protected areas" does not appear to have a corresponding measurement criterion. Also, given that the marine parks are proximate to, not overlapping with the Regia MSS Operational Area, the control to disallow discharge within the protected areas is meaningless. • EPS "Contracted vessels are required to have a Vessel Lighting Management Plan to minimise light emissions while meeting vessel navigational light requirements" does not have a clear corresponding measurement criterion and cannot be easily monitored for compliance (i.e., how will CGG ensure the lighting management plan employed by the contracted vessel is in alignment with CGG's requirements? How will CGG determine when and if the plan effectively minimises light emissions?). • A measurement criterion for the Marine Assurance System refers to "regular" audits and inspections of contracted vessels and immersible equipment, review of compliance documentation and assessment of maintenance records" but does not define "regular". **Request:** Please update the EP to: • Provide clear and specific linkages between EPS and their corresponding measurement criteria; and

Item	Description
	• Ensure EPS and measurement criteria contain clear and unambiguous statements of performance that can demonstrate the desired environmental performance is being met and be easily monitored for compliance.
Acceptance Criteria 34(e) – the EP does not demonstrate that an appropriate implementation strategy is in place because:	
5.1	***The submission does not describe adequate and effective processes and systems to demonstrate that all impacts and risks will continue to be reduced to ALARP and acceptable*** **Requirements:** The 'specific measures' described in the environmental management system (EMS) should describe the components of the EMS that will define how the activity will be managed and monitored to ensure that the EPOs and EPS are met. The EPO(s) should be equivalent to or better than the acceptable level(s) of environmental impact and risk from an activity. In this way EPOs are used in environmental impact assessment and management as a key criterion to enable management response prior to the acceptable level being exceeded (**GN1344: Section 3.7.2**). **Issue:** The implementation strategy provides for the amendment of EPOs, which is not appropriate because: • Where acceptable levels are defined in the EP, appropriately set EPOs must reflect the acceptable level of impact and should therefore not be amended, unless new scientific information regarding impacts to the environment comes to light, or statutory criteria change; and • The description of the environmental performance monitoring/review process does not provide assurance that any changes to the wording of EPS will not materially degrade or diminish the level of performance set for control measures. **Request:** Please revise the EP so it is clear that EPOs (given they reflect acceptable levels of impact) will not be modified and that if any change to the performance of control measures /EPS is contemplated, this will only occur where it demonstrably enhances or improves performance.
5.2	***There is not an appropriate Oil Pollution Emergency Plan*** **Requirements:** That the EP must contain an oil pollution emergency plan that is appropriate for the nature and scale of the activity and consistent with the content requirements set out in r 22(8) with sufficient arrangements in place to monitor pollution in the event of an oil spill (**GL1721: Section 10.3**). **Issue:** The EP states that the presented OPEP is based on the outcomes of weathering modelling in SIMAPs for 286m^3 MGO; however, this modelling is not included, is based on a different fuel type to what will be used in the activity (MDO) and no figure is provided to show the extent of this EMBA or which environmental receptors may be impacted. As such, NOPSEMA cannot appropriately assess the OPEP as it is not clear whether the OPEP provided is relevant to the activity proposed.

Item	Description
	Request: Please update the EP to provide an OPEP that is appropriate for the described activity.
Acceptance Criteria 34(g) – the EP does not demonstrate that the consultations have been carried out and appropriate measures have been adopted because:	
6.1	***Ambiguous and insufficient description of the consultation process.*** **Requirements:** When making a decision regarding whether an EP demonstrates that the titleholder has carried out consultation required by Division 3 and that the measures (if any) that the titleholder has adopted or proposes to adopt because of the consultation are appropriate, NOPSEMA considers whether the report on consultation includes a sufficient description of the consultation process, for NOPSEMA to objectively determine that the titleholder's duty to identify and consult with each relevant person has been discharged (**GL1721: Section 12.3**). **Issue:** It is not clear what information, regarding the process CGG followed to identify and carry out consultation with relevant persons, should be relied upon by NOPSEMA in its decision making. This is because there is inconsistent information relating to the relevant persons identification and consultation process presented throughout the EP (e.g., in the Community Consultation and Engagement Plan (A3) vs the Consultation and Engagement Report (C1)). In addition, there is information about the relevant persons identification and consultation process written is a future tense (e.g., in the Community Consultation and Engagement Plan (A3)), which makes it unclear what has been completed in preparation of the EP and what is yet to be undertaken. As a result, there is uncertainty around how identification of, and consultation with, relevant persons was carried out by CGG. **Request:** Please revise the EP in a manner that ensures that the report on consultation includes a sufficient description of the consultation process for NOPSEMA to objectively determine that CGG's duty to identify and consult with each relevant person has been discharged.
6.2	***The process for relevant persons identification is not clearly described and may not provide for the broad capture of relevant persons.*** **Requirement:** When making a decision regarding whether an EP demonstrates that the titleholder has carried out consultation required by Division 3 and that the measures (if any) that the titleholder has adopted or proposes to adopt because of the consultation are appropriate, NOPSEMA will consider whether the process for relevant persons identification is clearly described and provides for the broad capture of relevant persons such that each relevant person who can be ascertained is identified (**GL1721: Section 12.3**). **Issue:** The process for relevant persons identification is not clearly described and may not provide for the broad capture of relevant persons because: 1. The information in the EP that relates to the relevant persons identification process does not always contain enough detail to be able to determine how the relevant persons were identified. In particular:

Item	Description
	• the EP details the sources of information that were used to support the identification of relevant persons (such as review of databases and registers etc.), but in many cases there is insufficient additional context provided on the degree to which those sources of information were used (e.g. the specific scope and bounds of the search parameters are unclear); and • the EP indicates that fee-for-service agreements were entered into with some commercial fishery associations to support identification and consultation with commercial fishers, but there is insufficient information to clarify who this involved, what it involved and what the outcomes were. 2. Some of the information in the EP that relates to the relevant persons identification process may be irrelevant or ineffective for identifying relevant persons with functions, interests or activities that may be affected by the activity. For example (but may not necessarily be limited to): • the Community Consultation and Engagement Plan (A3) includes reference to the WA Department of Primary Industries and Regional Development database for the purposes of identifying commercial fishers. However, given that the proposed activity is located offshore of Victoria, it is difficult to ascertain how the functions, interests or activities of WA commercial fishing licence holders may be affected by the proposed activity; and • the Consultation and Engagement Report (C1) describes that contact information for State commercial fishing licence holders was obtained through multiple meetings with commercial fishers at local ports and word of mouth. However, this information could be obtained through more reliable and effective methods such as through the relevant State government fishing departments of which is not included as a consideration in the EP. 3. The information in the EP that relates to the relevant persons identification process is not clearly linked with the other parts of the EP where details relating to the nature of the activity, description of the environment and the possible impacts and risks of the activity are contained. As a result, NOPSEMA cannot assess what, specifically, was taken into account by CGG when determining whether the activity may be relevant to authorities, or determining whose functions, interests and activities may be affected. It is noted that each impact section identifies the types of relevant persons who may be affected by that impact, however the assessment team has been unable to verify that the relevant persons identification effectively identified all relevant persons of each 'type'. 4. The geographical extent of where the environmental impacts and risks of the activity may affect the functions, interests or activities of relevant persons is not clearly established within the EP. Specifically, throughout the EP where information relating to the relevant persons identification process is contained, contradicting and unclear areas are described as follows: • the Community Consultation and Engagement Plan (A3) includes a figure depicting the Activity and Environmental Planning Areas but elsewhere it notes the application of an "EMBA" and "socio-economic EMBA"; and • the Consultation and Engagement Report (C1) notes the application of the Environmental Planning Area but there is no figure or reference to a figure available to provide full certainty of what this area specifically corresponds with.

Item	Description
	5. Further to issue point 3 above, although it remains unclear which geographical extent was applied for the identification of relevant persons, there are also no clear details provided in the EP that justifies why the area is appropriate and suitable for such purposes. **Request:** Please provide additional information regarding the process for relevant persons identification that clearly describes the method(s) used by CGG to provide for the broad capture of relevant persons. In doing so, CGG will need to ensure that it carefully considers if changes made to the EP in response to other items raised in this RFFWI affects the identification of relevant persons. Please note, if the changes to the EP result in the identification of new relevant persons, CGG will need to demonstrate that it has carried out consultation with these relevant persons in line with the requirements under Regulation 25 of the Environment Regulations. In addition, CGG 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.
6.3	***It is not clear that effective consultation has taken place with each relevant person*** **Requirement:** When making a decision regarding whether an EP demonstrates that the titleholder has carried out consultation required by Division 3 and that the measures (if any) that the titleholder has adopted or proposes to adopt because of the consultation are appropriate, NOPSEMA will consider whether effective consultation has taken place with relevant persons (**GL1721: Section 12.3**). Effective consultation includes consideration of whether relevant persons have been provided sufficient information and a reasonable period to consider information and make an informed response (regulations 25(2) and (3) of the Environment Regulations). **Issue:** It is not clear that effective consultation has taken place with each relevant person because: 1. Concerns and assertions by relevant persons regarding the adequacy of the consultation process have not been fully addressed. Specifically, the full text consultation records in the sensitive information report and the public comments demonstrate that numerous relevant persons raised various types of concerns and assertions about the adequacy of the relevant persons consultation process. While there are some limited details provided, overall, the description of the consultation process does not thoroughly identify which relevant persons raised such concerns and assertions, describe the nature of those concerns and assertions, and explain how CGG addressed those concerns and assertions during the consultation process. Given this, there is currently insufficient rational available in the EP for NOPSEMA to assess whether relevant persons consultation was carried out by CGG in a manner that meets the requirements of Division 3, despite a high volume of concerns and assertions about the adequacy of the consultation process. 2. Where an assessment of concerns and assertions against the adequacy of the consultation process has been provided for only some but not all the relevant persons that raised these (i.e. in the Consultation and Engagement Report (C1) – Annexes 1 and 2), it does not thoroughly and directly address all of their concerns and assertions. This includes (but may not necessarily be limited to) all the consultation related concerns and assertions that were raised by

Item	Description
	Environment Justice Australia (EJA) *acting* on behalf of Gunditj Miring Traditional Owner Aboriginal Corporation (GMTOAC) in correspondence dated 21 March 2024 (i.e. Event ID 4794). 3. CGG has not provided answers to all questions and/or requests within responses that were made by relevant persons. This includes (but may not necessarily be limited to) the emails from Fisherman Direct Pty. Ltd. on 1 March 2023 (i.e. Event ID 4637) and 13 March 2024 (i.e. Event IDs 4638 and 4639). These cases prevent the EP from demonstrating that a genuine two-way dialogue has occurred between CGG and relevant persons. 4. While there are some limited details provided, overall, the description of the consultation process does not clearly explain and justify why CGG considers that the number of attempts, contact details and communication methods used to contact the non-responsive relevant persons was appropriate to ensure that they had a reasonable opportunity to participate in consultation. 5. The description of the consultation process does not include consideration of how the timeframe that CGG 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. Where CGG received information from First Nations relevant persons that was indicative of what their specific interests are that may be affected by the proposed activity, it was not apparent from the consultation records that CGG had adequately circled back to each of these relevant persons to confirm how the information they provided had been considered and addressed in the EP. As a result of this, it is unclear if these relevant persons have had sufficient information provided to them in order to make an informed assessment of how their interests may be affected by the proposed activity. **Request:** Please provide further information to demonstrate that effective consultation has taken place with each relevant person by addressing the issues raised above. In doing so: • consider if further consultation needs to be carried out with some relevant persons, particularly with the relevant persons that have made responses that remain unanswered by CGG, the relevant persons that have raised consultation related concerns and assertions of which cannot be adequately addressed by CGG based on the consultation efforts that have occurred to date, and with relevant persons (if any) that have made requests for additional information or time that remain unmet by CGG unless it can be reasonably justified in the EP; and • note that the examples provided in the issue statement above were identified by a sampled approach, and that the responsibility for undertaking a comprehensive review of the EP remains with CGG.
6.4	***The EP does not demonstrate that it is in line with regulation 25(4)(ii) of the Environment Regulations***

Item	Description
	Requirement: Titleholders must tell each relevant person that they may request that particular information provided in the consultation not be published (regulation 25(4)(i) of the Environment Regulations). Titleholders must also ensure that any information subject to such a request is not to be published in the EP (regulation 25(4)(ii) of the Environment Regulations). **Issue:** It is not clear that the EP is in line with regulation 25(4)(ii) of the Environment Regulations as the report on consultation does not contain clear details that clarifies if and when relevant persons made requests to CGG that information provided by them during consultation is not to be published in the EP. Consequently, NOPSEMA cannot assess that CGG has ensured that information subject to such requests is not published in the EP as required by regulation 25(4)(ii) of the Environment Regulations. **Request:** Please revise the EP by providing further information in the report on consultation that clarifies when relevant persons made requests to CGG that information provided by them during consultation is not to be published in the EP. In doing so, CGG must also ensure that information subject to such requests is not published in the EP as required by regulation 25(4)(ii) of the Environment Regulations.
6.5	***The report on consultation does not provide an accurate, clear and comprehensive summary of the consultation that occurred between CGG and relevant persons*** **Requirement:** The report on consultation must contain the prescriptive elements outlined in regulation 24(b), that includes a summary of each response made by a relevant person (regulation 24(b)(i) of the Environment Regulations). Titleholders should ensure that details of the main matters raised in each response made by a relevant person are included in the summaries, with full text (source) records provided for NOPSEMA to verify the accuracy of the summary of the consultation (**GL2086: Section 9**). **Issue:** The report on consultation does not provide an accurate, clear and comprehensive summary of the consultation that occurred between CGG and relevant persons. This is because the summaries of consultation engagements are often too brief with insufficient details on the matters raised by relevant persons. Examples include (but are not limited to): • The summary for a face-to-face meeting with GMTOAC representatives on 30 March 2023 (Event ID 1891) only states "Discussion on activity and consultation". This is despite the meeting minutes in the sensitive information report indicating that the group shared information with CGG that was relevant to EP (e.g. sites and areas of cultural importance) and the consultation process (e.g. feedback about the group's preferred approach to consultation with their members). • The summary for an email by Southern Shark Industry Alliance / South East Trawl Fishing Industry Association / Atlantis Fishing Group on 20 June 2023 (i.e. Event ID 1649) identifies that there were concerns raised (i.e. "… Attached position statement and outlined main concerns"). However, further information that clarifies what these concerns were specifically about is not provided in the summary and can only be determined through a review of the full text copy of the email in the sensitive information report.

Item	Description
	• The summary provided for an email by DCCEEW (Marine Parks) identifies that objections and claims were presented (i.e. "… indicated potential objections and claims") and feedback relevant to the EP was provided (i.e. "… Provided information to titleholders on points to consider and evaluate"). However, further information that clarifies what the objections, claims and feedback were specifically about is not provided in the summary and can only be determined through a review of the full text copy of the email in the sensitive information report. Noting the above, there are many cases where the only way that NOPSEMA can determine what was raised by relevant persons during consultation is through a review of the full text records within the sensitive information report. This is inappropriate as the full text records are intended for NOPSEMA to be able to verify the accuracy of the summaries, rather than for the purpose of determining matters raised during consultation by relevant persons. The limited information provided in the summaries limits the reader's ability to determine whether all objections or claims have been adequately identified, assessed for merit and responded to by CGG. It also limits NOPSEMA's ability to determine if CGG has adequately incorporated all relevant information gathered through relevant persons consultation into the rest of the EP where appropriate. **Request:** Please provide further information such that the report on consultation provides a clear and comprehensive summary of the consultation that occurred between CGG and relevant persons. In doing so, note that the examples provided in the issue statement above were identified by a sampled approach, and that the responsibility for undertaking a comprehensive review of the EP remains with CGG.
6.6	***The EP does not demonstrate that information gathered through relevant persons consultation has informed and been incorporated into the EP*** **Requirement:** When making a decision regarding whether an EP demonstrates that the titleholder has carried out consultation required by Division 3 and that the measures (if any) that the titleholder has adopted or proposes to adopt because of consultation are appropriate, NOPSEMA considers whether information gathered through the consultation process has been incorporated into the rest of the EP (**GL1721: Section 12.3**). **Issue:** The EP does not demonstrate that information gathered through relevant persons consultation has informed and been incorporated into the EP. Specifically: 1. There are cases where the full text consultation records in the sensitive information report demonstrates that relevant persons provided CGG with certain information that is relevant to the EP, but it has not been identified in the report on consultation within the EP. As a result, there are also no details within the report on consultation to demonstrate if and how that information was considered by CGG in its preparation of the EP. Examples include (but are not limited to): • Information provided by GMTOAC during various engagements (e.g. Event ID 1891, Event ID 4469) in relation to potential sites, areas and species of cultural importance to Gunditjmara people such as Buji Bim, Deen Maar, Kooyang (short-finned eels), Kontapool (southern right whales) etc.

Item	Description
	• Information that was provided by Middle Island Penguin Project during an online meeting on 24 July 2023 (i.e. Event ID 2006) in relation to penguins (e.g. annual presence, laying periods), birds (e.g. shearwater breeding locations), suggested mitigation measures for penguins and birds (e.g. monitoring cameras at Middle Island during the survey, source shutdowns) etc. • Information that was provided by DCCEEW (Marine Parks) in an email dated 14 April (i.e. Event ID 653) in relation to ensuring consideration of BIAs, KEFs, South-east Commonwealth Marine Reserves Network Management Plan 2013-2023 etc. 2. There are instances where the report on consultation demonstrates that relevant persons provided CGG with certain information that is relevant to the EP, but then there are not any further details provided to demonstrate if and how that information was considered by CGG in the preparation of the EP. Examples include (but are not limited to): • Information that was provided by Blue Whale Study in an email dated 17 January 2024 (i.e. Event ID 4378) in relation to the presence of a temperature logger mooring in the Otway with a request to ensure that its location is considered in activity planning and avoided. • Information that was provided by Person ID 818 in an email dated 29 August 2023 (i.e. Event ID 2774) in relation to rock lobster scientific research publications. • Information that was provided by the Australian Government Defence in an email dated 9 May 2023 (i.e. Event ID 920) in relation to locations of defence training areas, restricted airspace and the unexploded ordinance presence. 3. The "EP reference" column within the report on consultation does not consistently present details to demonstrate where consultation information has informed and been incorporated into the EP (e.g. there are many relevant person feedback events with corresponding EP reference cells that are blank). **Request:** Please provide additional information that addresses the above issues, to demonstrate that information gathered through relevant persons consultation has informed and been incorporated into the EP. In doing so, note that the examples provided in the issue statement above were identified by a sampled approach, and that the responsibility for undertaking a comprehensive review of the EP remains with CGG.

6.7	***The report on consultation does not include clear and precise identification of all objections or claims presented by relevant persons*** **Requirement:** The report on consultation must include the prescriptive elements outlined in regulation 24(b), that includes an assessment of the merits of any objection or claim about the adverse impact of each activity to which the environment plan relates (regulation 24(b)(ii)). Titleholders should ensure that the report on consultation includes clear and precise identification of objections and claims presented by relevant persons (**GL2086: Section 9**).

Item	Description
	Issue: The report on consultation does not include clear and precise identification of all objections and claims presented by relevant persons. Specifically, there are some cases where the full text consultation records in the sensitive information report demonstrates that relevant persons presented objections or claims that have not been adequately identified by CGG within the report on consultation. Examples include (but are not limited to): • The objections or claims presented by the Australian Marine Conservation Society on the 11 October 2023 (i.e. Event ID 3384, Document ID 2116) in relation to the underwater acoustic modelling report and the evaluation of impacts and risks on plankton and marine mammals. • The objections or claims presented by Fishermen Direct Pty. Ltd. on 1 March 2023 (i.e. Event ID 4637) and 13 March 2024 (i.e. Event IDs 4638 and 4639) in relation to the evaluation of impacts and risks on King George Whiting. • The objections or claims raised by Organisation ID 160 on 14 September 2023 (i.e. Event IDs 3078 and 4808) in relation to various matters. • The objections or claims raised by Person ID 246 on 25 February 2023 (i.e. Event ID 4551) in relation to various matters. As a result of the above, there are also no assessments of merits or responses provided within the report on consultation for all objections and claims presented by relevant persons during the consultation process. **Request:** Please revise the EP to provide clear and precise identification of all objections and claims presented by relevant persons. In doing so: • ensure that assessments of merits and responses are included for all newly included objections and claims; and • note that the examples provided in the issue statement above were identified by a sampled approach, and that the responsibility for undertaking a comprehensive review of the EP remains with CGG.
6.8	***It is not clear that appropriate measures have been adopted or are proposed to be adopted because of the consultations with relevant persons*** **Requirement:** In the course of preparing an environment plan, a titleholder must consult with relevant persons in accordance with Division 3, regulation 25, and demonstrate that the measures (if any) that the titleholder has adopted, or proposes to adopt, because of the consultations are appropriate. The report on consultation should include a demonstration of the suitability of any measures adopted as a result of the consultation (**GL2086: Section 9**). **Issue:** It is not clear that appropriate measures have been adopted or are proposed to be adopted because of consultation with relevant persons. This is because: 1. The assessments of merits and responses to objections and claims often contain only very high-level details without enough supporting context and/or rationale provided to determine how and why CGG considers that each of the measures it has adopted or proposes to adopt because of the consultations are appropriate.

Item	Description
	2. The report on consultation does not provide sufficient information to determine if the defined measures have or will be completed by CGG, as appropriate. In particular, the measures that apply to things that CGG has already completed are not supported with clearly linked evidence to where they are demonstrated, while the measures that apply to things that CGG will complete in the future are not supported with clear links to the specific parts of the EP showing where they have been carried forward and established as commitments in the EP. 3. The EP indicates that the Sea Country Protection Program control measure was devised in response to consultation with First Nations relevant persons (i.e. in the Consultation and Engagement Report (C1) – Annex 2). However, the EP does not adequately justify how and why this would be an appropriate measure for CGG to have adopted in response to its consultations with First Nations relevant persons, particularly with reference to the consultation records that indicate: • the Sea Country Protection Program was not a measure requested by any First Nations relevant persons; • none of the First Nations relevant persons have provided input to it or have endorsed its contents; • the consultation efforts that CGG applied to inform the Sea Country Protection Program were limited and did not constitute two-way engagement (e.g. provided draft by email late in the consultation process with a lack of follow-up); and • CGG did not clearly inform any First Nations relevant persons that the Sea Country Protection Program was to be applied in the EP as a measure adopted because of their consultation. **Request:** Please revise the EP by providing additional information that addresses the above issues, to demonstrate that appropriate measures have been adopted or are proposed to be adopted because of consultation with relevant persons.
6.9	***The report on consultation may not be in line with the content requirements under regulation 24(b) of the Environment Regulations*** **Requirement:** The consultation process should be documented within the EP through the titleholder report on consultation and the sensitive information report. Under regulation 24(b) of the Environment Regulations, the EP must contain a report on the consultation which provides: (i) a summary of each response made by a relevant person; (ii) an assessment of the merits of any objection or claim about the adverse impact of each activity to which the environment plan relates; (iii) a statement of the titleholder's response, or proposed response, if any, to each objection or claim; and (iv) a copy of the full text of any response by a relevant person. **Issue:** The report on consultation may not be in line with the content requirements under regulation 24(b) of the Environment Regulations. This is because the Consultation and Engagement Report (C1) – Annex 2 presents details about the GMTOAC consultation. However, some details are not consistent with the consultation information provided for GMTOAC within the report on consultation (including the sensitive information part), particularly the details relating to

Item	Description
	correspondence that was issued to CGG by EJA *acting* on behalf of GMTOAC (i.e. *"Environmental Justice Australia provided a statement suggesting that the measures proposed by CGG might not be sufficient to protect the World Heritage Values of Budj Bim and other culturally significant areas. The correspondence requested that CGG consider additional mitigation measures and more robust environmental protection strategies to minimise any harm"*). As a result of this, there is uncertainty of whether the report on consultation may be missing consultation records, or if the information provided in this part of the EP has not been accurately and/or fairly represented. **Request:** Please revise the EP in a manner that ensures that it contains a report on consultation that is in line with the content requirements under regulation 24(b) of the Environment Regulations. In doing so: • ensure that all consultation engagements that occurred between CGG and relevant persons in preparation of the EP are captured within the report on consultation; • ensure that any details presented in the EP relating to consultation are fairly and accurately represented; and • note that the examples provided in the issue statement above were identified by a sampled approach, and that the responsibility for undertaking a comprehensive review of the EP remains with CGG.

Administrative Matters	
AM#1	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 addition, the following study on western rock lobster may be relevant to the evaluation of impacts to southern rock lobster and the rock lobster fisheries: • De Lestang. S, How. J, Rushworth. K, and Erbe. C. 2024. Boom, shake the room: Seismic surveys affect behaviour and survival of western rock lobster. Fisheries Research, 277 (107072). https://doi.org/10.1016/j.fishres.2024.107072 In revising the EP, please incorporate additional information, ensuring that impact and risk assessments and consideration of control measures are updated accordingly.
AM#2	The EP includes discrepancies regarding activity limitations and control measures. For example, differences in the described distances or areas of avoidance implemented from sensitive areas occur between EP Section 7, Appendix E impact assessments and Appendix F2 ALARP assessment, making it difficult to understand what the relevant control measures should be.
AM#3	The details of relevant person numbers in the Consultation and Engagement Report (C1) does not appear to align with the Report on Consultations (C2). This should be amended accordingly to avoid ambiguity as to whom is a relevant person for the purposes of regulation 25.