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Wednesday, 19 March 2025

Hon Tanya Plibersek MP
Minister for the Environment and Water
House of Representatives
Parliament House Canberra ACT 2600

By email: Minister.Plibersek@dcceew.gov.au

Cc: EPBC.referrals@dcceew.gov.au

Dear Minister Plibersek

Request for reconsideration of North West Shelf Project Extension, Carnarvon Basin, WA (EPBC 2018/8335)

1. Greenpeace Australia Pacific writes to seek your urgent action to respond to wide-ranging impacts of the North West Shelf (**NWS**) Project Extension (EPBC 2018/8335) (**NWS Extension**) on matters of national environmental significance (**MNES**), including on listed threatened species and communities, listed migratory species, and the Commonwealth marine environment.
2. We request, pursuant to s 78A of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**), that you reconsider and revoke the controlled action decision on the NWS Extension made by the delegate for the Minister for the Environment (**Minister**) on 3 May 2019 pursuant to ss 75 and 87 of the EPBC Act (**NWS Controlled Action Decision**).
3. This request is made on the basis that there is substantial new information about the impacts the NWS Extension will or is likely to have on matters protected by a provision of Part 3 of the EPBC Act (s 78(1)(a)), which was not before the maker of the NWS Controlled Action Decision. This substantial new information refers to impacts of the Browse to North West Shelf Development (EPBC 2018/8339) (**Browse to NWS Project**) and the Browse Carbon Capture and Storage Project (EPBC 2024/10028) (**Browse CCS Project**). The impacts of the Browse to NWS Project and Browse CCS Project are direct or indirect impacts of the NWS Extension under s 527E of the EPBC Act. We outline this connection and the substantial new information in greater detail below.
4. In light of the substantial new information we identify, we request that you reconsider and revoke the NWS Controlled Action Decision, and remake the controlled action decision to include the following MNES as new controlling provisions for the NWS Extension:
 - Listed threatened species and communities (ss 18 & 18A of the EPBC Act);
 - Listed migratory species (ss 20 & 20A of the EPBC Act); and
 - Commonwealth marine area, the protected matter being the environment generally (ss 23 & 24A of the EPBC Act);in addition to the previously identified controlling provisions related to National Heritage places (ss 15B and 15C of the EPBC Act).

5. The following documents make up the substantial new information and additional contextual information relied upon in our reconsideration request:
 - a. the referral, and related documents, for the Browse to NWS Project (if these were not previously before the maker of the NWS Controlled Action Decision);
 - b. the controlled action decision for the Browse to NWS Project (if this was not previously before the maker of the NWS Controlled Action Decision);
 - c. the draft environmental impact statement and supplement report, and related documents, for the Browse to NWS Project;
 - d. the referral, and related documents, for the Browse CCS Project;
 - e. the NWS Extension Environmental Review Document Response to Submissions;¹
 - f. Woodside's webpage about the NWS Project;²
 - g. a now defunct version of Woodside's webpage setting out information about the NWS Extension;
 - h. Woodside's webpage about the Browse to NWS Project, which includes information on the Browse CCS Project components;³
 - i. a now defunct Woodside webpage publishing an interview with Woodside's then CEO and Managing Director, Peter Coleman, about the reason for the failure of the Browse LNG proposal at James Price Point;
 - j. an announcement from Woodside about the company's failure to pursue the proposed Browse FLNG project;
 - k. a submission made by Woodside to a Western Australia Parliamentary Inquiry into the Western Australian Domestic Gas Policy;
 - l. an announcement by Woodside about some preliminary agreements to process third party gas at the NWS gas processing facility in Karratha (**NWS Facility**);
 - m. information from Woodside and the Department of Climate Change, Energy, the Environment and Water (**DCCEEW**) publicly released via a Freedom of Information request;
 - n. the approved Greenhouse Gas Assessment Permits for G-10-AP and G-8-AP;
 - o. Woodside's Annual Reports for 2019, 2020, 2021 and 2022;⁴
 - p. a newspaper article from WA Today dated 25 August 2024 containing information about negotiations between the NWS Joint Venture and the Browse Joint Venture;
 - q. a newspaper article from the Sydney Morning Herald dated 3 April 2023 containing information about negotiations between the NWS Joint Venture and the Browse Joint Venture; and
 - r. results of independent analysis by the Australasian Centre for Corporate Responsibility about the economic cost of the Browse to NWS Project.

6. Most of these documents are provided with this letter at **Attachment C**.

¹ Available from <https://www.epa.wa.gov.au/proposals/north-west-shelf-project-extension>.

² <https://www.woodside.com/what-we-do/operations/north-west-shelf>.

³ <https://www.woodside.com/what-we-do/developments-and-exploration/browse>.

⁴ Available from <https://www.woodside.com/investors/reports-investor-briefings>.

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Summary

7. The impacts of the Browse to NWS Project and the Browse CCS Project are either direct or indirect impacts of the NWS Extension in accordance with s 527E of the EPBC Act, and must be considered when making a decision under s 75 of the EPBC Act.
8. We identify information about the impacts of the NWS Extension on MNES not identified as controlling provisions in the NWS Controlled Action Decision. This information meets the requirements of ‘substantial new information’ under s 78(1)(a) of the EPBC Act.
9. Impacts of the NWS Extension identified in this substantial new information include:
 - new listed threatened and migratory species identified that could be impacted;
 - new potential impacts on MNES identified;
 - more detailed descriptions, explanations, and assessments of potential impacts on MNES, including new technical reports;
 - more detailed consideration of impacts related to threats set out in recovery plans and conservation advices for threatened and migratory species; and
 - new proposed mitigation actions, with their own potential impacts and risks.
10. The NWS Controlled Action Decision should be reconsidered in light of this substantial new information, and remade to include controlling provisions for MNES of:
 - listed threatened species;
 - listed migratory species; and
 - Commonwealth marine environments.

I. Procedural history of and connections between the NWS Extension, Browse to NWS Project and Browse CCS Project

11. Woodside Energy Ltd (**Proponent** or **Woodside**) identifies itself as the ‘operator’ of the Browse to NWS Project, the Browse CCS Project, and the NWS Extension,⁵ and, as the designated proponent under s 75(3) of the EPBC Act, has submitted the assessment documentation for all three projects.
12. Around 17 October 2018, the Proponent referred the Browse to NWS Project to the Minister, seeking approval for development of three gas fields in the offshore Browse Basin, including two floating production storage and offloading facilities, an 85 km spur line, and a 900 km trunkline to existing NWS Project infrastructure in Karratha (**Browse Referral**).⁶
13. Around 22 November 2018, the Proponent referred the NWS Extension to the Minister. The **NWS Extension Referral** seeks approval for:
 - processing of third party gas and fluid through the existing NWS Facility; and
 - ongoing operation of the NWS Facility until around 2070.
14. On 22 February 2019, the delegate for the Minister made a decision that the Browse to NWS Project is a controlled action under s 75 of the EPBC Act (**Browse Controlled Action Decision**). This decision also determined under s 87 of the EPBC Act that the relevant controlling provisions are the following MNES:
 - National heritage values of a National Heritage place (ss15B & 15C);
 - Listed threatened species and communities (ss 18 & 18A);
 - Listed migratory species (ss 20 & 20A); and
 - Commonwealth marine area, the protected matter being the environment generally (ss 23 & 24A).
15. When making the Browse Controlled Action Decision, the delegate for the Minister decided that the Browse to NWS Project would be assessed by environmental impact statement.
16. On 3 May 2019, the delegate for the Minister made the NWS Controlled Action Decision, being that the NWS Extension is a controlled action under s 75 of the EPBC Act. This decision identified the relevant controlling provisions as ss 15B and 15C of the EPBC Act, on the basis of the action’s potential impact on national heritage values of a National Heritage place. No other controlling provisions were identified.
17. When making the NWS Controlled Action Decision, the delegate for the Minister decided that the NWS Extension would be assessed by accredited assessment under Part IV of the *Environmental Protection Act 1986* (WA).

⁵ Browse to NWS Project Referral (**Browse Referral**), p. 1; Browse CCS Referral dated 31 October 2024 (**Browse CCS Referral**), p. 12; NWS Extension Referral, p. 1.

⁶ Browse Referral, p. 1.

18. In or around July 2019, the Proponent published its EIS Guidelines/Environmental Scoping Document for the Browse to NWS Project.⁷
19. On 17 December 2019, the Proponent published its draft environmental impact statement for the Browse to NWS Project (**Browse DEIS**) for public comment.⁸
20. In September 2022, the final environmental impact statement for the Browse to NWS Project was published, as required under the federal approvals process, consisting of the:
 - Browse DEIS dated December 2019; and
 - Supplement Report to the Draft Environment Impact Statement dated July 2022 (**Browse DEIS Supplement Report**).⁹
21. Around 31 October 2024, the Proponent referred the Browse CCS Project to the Minister, seeking approval to develop the infrastructure to transport, inject and permanently sequester up to 270 mmscd (~14,200 tonnes of carbon dioxide per day) into the Calliance Storage Formation (**Browse CCS Referral**). The carbon dioxide will originate from the proposed Browse to NWS Project.¹⁰
22. The Browse CCS Referral is at the date of this letter awaiting a decision as to whether the referred action is a controlled action.

II. Relevant documents

NWS Extension Referral documents

23. At the time of making the NWS Controlled Action Decision, the delegate of the Minister had before them certain documents relating to the NWS Extension assessment. According to documents obtained under the *Freedom of Information Act 1982* (Cth), these documents were:
 - a. the Referral Decision Brief for the NWS Extension;¹¹
 - b. attachments to the Referral Decision Brief for the NWS Extension, including the NWS Extension Referral;¹² and
 - c. legal advice.¹³

⁷ Available from https://epbcpportal.environment.gov.au/_entity/sharepointdocumentlocation/5917af5c-a8b1-ec11-983f-002248d3943d/2ab10dab-d681-4911-b881-cc99413f07b6?file=2018-8319-Final-EIS-Guidelines.pdf.

⁸ Available from <https://www.woodside.com/docs/default-source/current-consultation-activities/australian-activities/proposed-browse-to-north-west-shelf-project---draft-eis-erd>.

⁹ The Proponent states in its 'Notification of Publication of Final Environmental Impact Statement' (dated 29 September 2022, available from https://epbcpportal.environment.gov.au/_entity/sharepointdocumentlocation/92e3987f-8d3f-ed11-bba3-00224818afb6/2ab10dab-d681-4911-b881-cc99413f07b6?file=2018-8319-Final%20EIS-notice.pdf) that the final EIS consists of the EIS and Supplement to the EIS.

¹⁰ Browse CCS Referral, p. 1-2.

¹¹ FOI LEX72528, available at <https://www.dcceew.gov.au/sites/default/files/documents/72528.pdf>, p. 167-195.

¹² FOI LEX72528, available at <https://www.dcceew.gov.au/sites/default/files/documents/72528.pdf>, p. 194-195.

¹³ Personal communication to Greenpeace Australia Pacific from Kylie Calhoun, Branch Head, Environment Assessments West (WA, SA, NT) Branch, DCCEEW dated 14 June 2024.

24. Some of the documents before the delegate who made the NWS Controlled Action Decision discussed impacts from atmospheric emissions of the Browse to NWS Project.¹⁴ To the best of our knowledge, none of the documents before the decision maker contained information about other potential impacts of the Browse to NWS Project.
25. None of the documents before the delegate who made the NWS Controlled Action Decision discussed potential impacts from the Browse CCS Project.

Browse to NWS Project documents

26. Several additional documents that set out some potential impacts of the Browse to NWS Project on MNES were available to the decision-maker at the time the NWS Controlled Action Decision was made. These were the:
 - a. Browse Referral dated 17 October 2018;
 - b. Browse Referral Supporting Document dated November 2018 (**Browse Referral Supporting Document**); and
 - c. EPBC Act Protected Matters Report dated 9 August 2018 (**Browse Referral Protected Matters Report**).
27. We will refer to these documents together as the **Browse Referral Documents**.
28. The Browse Controlled Action Decision was made on 22 February 2019.
29. To the best of our knowledge, there is no evidence to suggest that the Browse Referral Documents or the Browse Controlled Action Decision were before the delegate who made the NWS Controlled Action Decision. Specifically, the Browse Referral Documents and the Browse Controlled Action Decision was not in the list of documents attached to the Referral Decision Brief for the NWS Extension.¹⁵
30. However, if the decision-maker had access to the Browse Referral Documents and Browse Controlled Action Decision when making the NWS Controlled Action Decision, those documents are not substantial new information for the purposes of s 78(1)(a) of the EPBC Act.
31. If this is not the case, the contents of the Browse Referral Documents and Browse Controlled Action Decision is substantial new information, in addition to the information outlined below, and form part of this reconsideration request.
32. In that event, the new information in the Browse Referral Documents and Browse Controlled Action Decision is that (as determined in the Browse Controlled Action Decision) the Browse to NWS Project has, will have or is likely to have adverse impacts on national heritage values of a national heritage place, listed threatened species and communities, listed migratory species and the Commonwealth marine area.

¹⁴ See, for example, FOI LEX72528, available at <https://www.dcceew.gov.au/sites/default/files/documents/72528.pdf>.

¹⁵ FOI LEX72528, available at <https://www.dcceew.gov.au/sites/default/files/documents/72528.pdf>, p. 167-195.

33. The Browse DEIS is dated December 2019 and became publicly available in December 2019. The Browse DEIS Supplement Report is dated July 2022 and was published publicly in September 2022. These documents (together, the **Browse EIS Documents**) were not published or available to the delegate of the Minister at the time the NWS Controlled Action Decision was made (3 May 2019). The Browse EIS Documents in their entirety should be considered as substantial new information forming part of this reconsideration request.

Browse CCS Referral documents

34. Several documents that set out some potential impacts of the Browse CCS Project on MNES were only made available to DCCEEW on or after 31 October 2024, and thus were not available at the time the NWS Controlled Action Decision was made. These were the:
- Browse CCS Referral dated 31 October 2024;
 - Browse CCS Referral Supporting Document dated 31 October 2024 (**Browse CCS Referral Supporting Document**); and
 - EPBC Act Protected Matters Report dated 15 August 2024 (**Browse CCS Protected Matters Report**).
35. We will refer to these documents together as the **Browse CCS Referral Documents**. The Browse CCS Referral Documents in their entirety should be considered as substantial new information forming part of this reconsideration request.

III. Impacts of the Browse to NWS Project and Browse CCS Project are Impacts of the NWS Extension

36. Pursuant to s 527E of the EPBC Act, the impact of an action includes the direct and indirect consequences of an action. The impacts of the Browse to NWS Project and Browse CCS Project are direct consequences, or, in the alternative, indirect consequences, of the NWS Extension.
37. The NWS Extension is an action that includes processing “third party gas and fluids”, including gas from the Browse Basin. To process that gas, it must necessarily be drilled, extracted and transported to the processing infrastructure. On this basis, the impacts of the Browse to NWS Project and the Browse to CCS Project are arguably direct consequences of the NWS Extension. Each of the NWS Extension, Browse to NWS Project, and Browse CCS Project has the same designated proponent (being the Proponent) and, as outlined below, the referred actions are described by the Proponent as a singular project, indicating that the impacts of each action are direct consequences of each and all of the referred actions.
38. In the alternative, the impacts of the Browse to NWS Project and the Browse CCS Project are indirect consequences of the NWS Extension. An event or circumstance is an indirect consequence of a primary action if:
- a primary person takes a primary action; and
 - as a consequence of the primary action, a secondary person takes a secondary action; and
 - the secondary action is not taken at the direction or request of the primary person; and
 - the event or circumstance is a consequence of the secondary action; and
 - the primary action is a substantial cause of the event or circumstance; and

- f. the primary action facilitates, to a major extent, the secondary action; and
- g. the secondary action is:
 - i. within the contemplation of the primary person; or
 - ii. a reasonably foreseeable consequence of the primary action; and
- h. the event or circumstance is:
 - i. within the contemplation of the primary person; or
 - ii. a reasonably foreseeable consequence of the secondary action.¹⁶

39. Below, we outline how the impacts of the Browse to NWS Project and the Browse CCS Project are indirect impacts of the NWS Extension in accordance with s 527E.

A person (the primary person) takes an action (the primary action)

40. For the purposes of s 527E, the NWS Extension is the primary action.

41. The Proponent is the operator taking the primary action on behalf of the NWS Joint Venture.¹⁷ Thus, the companies forming the NWS Joint Venture are the primary person. These companies are, to our knowledge at the date of this letter, Woodside, BP Developments Australia Pty Ltd, Chevron Australia Pty Ltd, CNOOC, Japan Australia LNG (MIMI) Pty Ltd and Shell Australia Pty Ltd.

As a consequence of the primary action, another person (the secondary person) takes another action (the secondary action)

42. For the purposes of s 527E, the Browse to NWS Project and the Browse CCS Project are the secondary actions.

43. The Proponent is the operator taking the secondary actions on behalf of the Browse Joint Venture.¹⁸ Thus, the companies forming the Browse Joint Venture are the secondary person. These companies are, to our knowledge at the date of this letter, Woodside Browse Pty Ltd, BP Developments Australia Pty Ltd, Japan Australia LNG (MIMI Browse) Pty Ltd, and PetroChina International Investment (Australia) Pty Ltd.

44. The Browse to NWS Project and Browse CCS Project are consequences of the NWS Extension.

45. The NWS Extension seeks approval for processing of third party gas through the NWS Facility until around 2070, to allow “existing gas resources to be developed without the need for constructing new processing facilities”.¹⁹ These “existing gas resources to be developed” include the Browse to

¹⁶ EPBC Act, s 527E(1)-(2).

¹⁷ <https://www.woodside.com/what-we-do/operations/north-west-shelf>. Woodside announced on 19 December 2024 an asset swap transaction with Chevron Australia which, once completed, will remove Chevron’s interest in the North West Shelf Joint Venture: <https://www.woodside.com/docs/default-source/asx-announcements/2024/woodside-simplifies-portfolio-and-unlocks-long-term-value.pdf>.

¹⁸ <https://www.woodside.com/what-we-do/developments-and-exploration/browse>.

¹⁹ This quote used to appear on the Proponent’s website at <https://www.woodside.com/what-we-do/developments-and-exploration/NWS-project-extension>, but that webpage is now defunct. A copy of that webpage can be viewed at <https://web.archive.org/web/20241126004707/https://www.woodside.com/what->

NWS Project—the NWS Extension referral acknowledges that NWS Joint Venture understands that the Browse to NWS Project "includes long term processing of [Browse Joint Venture] gas at [the NWS Facility]".²⁰

46. The NWS Extension Referral emphasises that it is preferable to proceed with the NWS Extension rather than retire and decommission the existing NWS Facility because (amongst several reasons) "[m]aximising [the] use of existing NWS Project facilities is a *key enabler* for production of stranded gas or fields with marginal economics".²¹ The NWS Extension referral did not explicitly name the economically marginal gas fields to which this comment referred. However, other material that was not before the NWS Controlled Action decision maker demonstrates that Browse is one such field. For example:
- a. It appears that the Proponent's previous proposals to develop the Browse resource were not financially viable:
 - i. Woodside stated in a media interview in April 2013 that the company's proposal for the Browse LNG processing plant, at James Price Point in Western Australia "doesn't provide the economic return required to proceed with the project"²²?
 - ii. a Woodside announcement dated 16 March 2016 stated that the proposal for a Browse FLNG development, involving processing of Browse gas on onshore platforms, failed to reach Final Investment Decision because of the "current economic and market environment" and that "While significant progress was made to improve project value, this has been offset by an extremely challenging external environment". The Woodside CEO added that "The decision [...] is consistent with our requirements for a development concept to be commercially robust across a range of scenarios."²³ and
 - iii. the Browse DEIS stated that the "Browse Joint Venture has previously progressed two development concepts through to front end engineering design (FEED), the James Price Point (JPP) development concept [EPBC 2008/4111] and the FLNG development concept [EPBC 2013/7079]. The outcome of both of these processes was that each concept did not meet Woodside's commercial requirements for a positive Final Investment Decision..."²⁴
 - b. independent analysis from August 2024 found that the Browse to NWS Project is more expensive than 70% of the world's unapproved gas projects, and that

[we-do/developments-and-exploration/NWS-project-extension](#). The quote also appears in this news article: <https://www.canberratimes.com.au/story/8269122/questions-over-long-lifespan-for-offshore-gas-titan/>.

²⁰ NWS Extension Referral, p. 12.

²¹ NWS Extension Referral, p. 44. Emphasis added.

²² This interview used to appear on the Proponent's website, but the webpage is now defunct. A copy of the webpage can be viewed at

<https://web.archive.org/web/20130502152009/http://www.woodside.com.au/Investors-Media/Announcements/Documents/12.04.2013%20Company%20Insight%20-%20Explains%20Delaying%20Browse%20LNG%20Project.PDF>.

²³ <https://www.woodside.com/docs/default-source/asx-announcements/2016-asx/23-03-16-browse-development-update.pdf>.

²⁴ Browse DEIS p. 3.

redirecting capital from the Browse to NWS Project to share buybacks would deliver more value to shareholders;²⁵ and

- c. in August 2023, the Proponent stated in a submission to a Western Australia Parliamentary Inquiry into the Western Australian Domestic Gas Policy that “Without the ability to utilise existing infrastructure at KGP [i.e. the NWS Facility], Browse becomes commercially challenged and no longer presents as a long-term potential domestic supply opportunity for WA.”²⁶

47. The Browse to NWS Project is reliant on the approval and implementation of the NWS Extension to meet its objectives, including because:

- a. the Browse to NWS Project includes construction of a pipeline to existing NWS Project infrastructure, which would enable Browse gas to be fed to the NWS Facility for processing;²⁷
- b. the Browse to NWS Project seeks approval to produce gas for up to 44 years, which would currently take its lifespan to about 2069, well past the NWS Facility’s current approval to operate until 2030;²⁸ and
- c. no alternative pipeline or processing plans have been proposed by the Proponent, including in the Browse DEIS or Browse DEIS Supplement Report, in the event that the NWS Extension referral is not approved.

48. The Proponent has identified the Browse to NWS Project as an important element of its plans for the NWS Facility, including by stating “[c]entral to [its] vision for the Burrup Hub is the transition of the [NWS Facility] into a third-party tolling facility as the NWS Joint Venture fields reach the end of their lives”,²⁹ with the Browse Joint Venture to be “the anchor tenant underpinning that transition”.³⁰

49. Despite the Browse CCS Project being referred separately under the EPBC Act from the Browse to NWS Project, these actions are two components of one project. This is evident because:

- a. the Proponent originally submitted the Browse CCS Project as a variation to the Browse to NWS Referral. However, the Proponent withdrew the variation after it was informed that DCCEEW intended to refuse the variation;³¹

²⁵ The results of the analysis are summarised in this presentation: https://www.accr.org.au/downloads/whats-next-for-woodside_01082024.pdf, p. 6, 30.

²⁶ https://www.woodside.com/docs/default-source/sustainability-documents/transparency-documents/2023-government-submissions-reports/submission---woodside_inquiry-into-the-wa-domgas-policy.pdf, p. 10.

²⁷ Browse DEIS, p. 3-4.

²⁸ Browse DEIS, p. 3-4.

²⁹ The Burrup Hub includes the Browse and Scarborough offshore gas fields (including the Browse CCS component), the NWS and Pluto onshore gas processing facilities and the pipelines connecting these components.

³⁰ <https://www.woodside.com/docs/default-source/media-releases/north-west-shelf-venture-signs-preliminary-agreements-to-process-third-party-gas.pdf>.

³¹ FOI LEX-75951 at <https://www.dcceew.gov.au/sites/default/files/documents/75951.pdf> and FOI LEX-75512 at <https://www.dcceew.gov.au/sites/default/files/documents/75512.pdf>.

- b. the Proponent acknowledges that the Browse CCS Referral and the Browse to NWS Referral are linked and that both are “part of the broader Browse Project”;³²
- c. the Proponent describes Browse as a single growth project on its website, incorporating the Browse to NWS Project and the Browse CCS Project. The Proponent’s website describes the Browse to NWS Project and states that “A carbon capture and storage (CCS) solution to abate Browse reservoir carbon dioxide (CO₂) has been determined by the BJV to be feasible and *the CCS infrastructure has subsequently been incorporated into the development concept.*”;³³ and
- d. the Browse CCS Project cannot proceed without the Browse to NWS Project. The only source of carbon dioxide to be injected (i.e. dumped) under the Browse CCS Referral is reservoir carbon dioxide extracted during the production process from the Browse to NWS Project. No other source of carbon dioxide can be dumped.

The secondary actions are not taken at the direction or request of the primary person

- 50. While there are some companies in common between the two joint ventures, and there are likely to be commercial agreements planned or in place between the two joint ventures, we understand that each joint venture is a separate partnership, with each making independent decisions in the best interests of their respective venture.³⁴ We have not seen evidence to suggest that the NWS Joint Venture directed or requested the Browse Joint Venture to conceive, plan, refer and implement the Browse to NWS Project or the Browse CCS Project.
- 51. If there is any evidence that the NWS Joint Venture did in fact direct or request the Browse Joint Venture to conceive, plan, refer and implement the Browse to NWS Project or the Browse CCS Project, this presumably would have been done in an effort to make the NWS Extension a viable project. In that event, any potential impacts of the Browse to NWS Project and/or Browse CCS Project should be considered to be direct potential impacts of the NWS Extension. Any evidence to this effect should be considered as substantial new material.

³² Browse CCS Referral Supporting Document, p. 26.

³³ <https://www.woodside.com/what-we-do/developments-and-exploration/browse>. Emphasis added.

³⁴ Milne P, 2024, Carbon storage sets approval for Woodside’s Browse gas project back to square one, WA Today, 25 August 2024, available at <https://www.watoday.com.au/national/western-australia/carbon-storage-sets-approval-for-woodside-s-browse-gas-project-back-to-square-one-20240820-p5k3xm.html>.

An event or circumstance is a consequence of the secondary actions

52. The Browse Referral Supporting Document, DEIS, and DEIS Supplement Report, and the Browse CCS Referral Supporting Document, set out a wide range of events or circumstances that are consequences of the Browse to NWS Project and Browse CCS Project if they were to proceed. These include, but are not limited to:³⁵

| Aspects of the Browse to NWS Project and Browse CCS Project activities that could impact the environment | Impacts and risks from the Browse to NWS Project and Browse CCS Project activities |
|--|---|
| Seabed disturbance | change in sediment quality; change in water quality; injury or mortality of fauna; change in habitat |
| Light | change in ambient light; change in fauna behaviour; injury or mortality of fauna |
| Electromagnetic emissions | change in fauna behaviour |
| Atmospheric emissions | change in air quality; injury or mortality of fauna |
| Atmospheric noise | change in ambient noise; change in fauna behaviour |
| Underwater noise | change in ambient noise; change in fauna behaviour; injury or mortality of fauna |
| Marine discharges: sewage and sullage, treated utility water; chemical and deck drainage; putrescible waste; produced water; cooling water; inorganic waste; drilling or completions discharges; subsea control fluid; hydrotest fluid; flowline preparation | change in sediment quality; change in water quality; change in habitat; change in fauna behaviour; injury or mortality of fauna |
| Vessel interactions with fauna | injury or mortality of fauna |
| Introduction of invasive marine species | change in ecosystem dynamics |
| Seabed subsidence | change in habitat |
| Unplanned hydrocarbon releases | change in sediment quality; change in water quality; injury or mortality of fauna |
| Unplanned carbon dioxide releases | change in water quality; change in habitat; injury or mortality of fauna |

The primary action facilitates, to a major extent, the secondary actions

53. The information outlined in paragraphs 45-48 above evidences that the NWS Extension facilitates the Browse to NWS Project to a major extent, given the Browse to NWS Project's dependence on the NWS Facility's continued operation beyond approximately 2030.
54. The information outlined in paragraph 49 above evidences that the NWS Extension facilitates the Browse CCS Project to a major extent, because the Browse CCS Project is part of the broader development of the Browse Basin, which is reliant on the NWS Facility's continued operation beyond approximately 2030.

³⁵ Browse DEIS, p. 278-284, 309-674 and Browse DEIS Supplement Report, p. 76-91; Browse Referral Supporting Document p. 81-84 and 86-88, Browse CCS Referral Supporting Document p. 131-236.

55. In the alternative, the NWS Extension facilitates the Browse CCS Project to a major extent because the Browse CCS Project is reliant on production from the Browse to NWS Project, and thus, can only proceed if the NWS Facility continues to operate beyond approximately 2030.

The secondary actions are within the contemplation of the primary person or a reasonably foreseeable consequence of the primary action

56. The Proponent is the operator of the NWS Extension, the Browse to NWS Project and the Browse CCS Project, and is also a partner in both the NWS Joint Venture and the Browse Joint Venture. Thus, it has complete visibility over all three proposals and can (and is likely obliged to) communicate relevant information to the companies forming the NWS Joint Venture.

57. The NWS Extension Referral states that: “The [NWS Joint Venture] understands the Browse Joint Venture (BJV) has referred the [Browse to NWS Project], which includes long term processing of BJV gas at [the NWS Facility], subject to all necessary joint venture and regulatory approvals being obtained and appropriate commercial arrangements being finalised.”³⁶

58. It is clear that the primary person (the companies forming the NWS Joint Venture) was aware of the proposed Browse to NWS Project, understood that proposal required long term processing of third party gas at the NWS Facility beyond the facility’s existing operating life, such that the Browse to NWS Project would be dependent on the NWS Extension proceeding.

59. Thus, the development of the Browse to NWS Project is within the contemplation of the primary person.

60. A carbon capture and storage (i.e. carbon dumping) component of Woodside’s development of the Browse Basin gas field (such as the Browse CCS Project) is also within the contemplation of the primary person.

61. It is evident that the NWS Joint Venture is aware that carbon dumping could purportedly occur within depleted fossil fuel reservoirs because:

- a. the North West Shelf Project Extension Environmental Review Document – Response to Submissions dated November 2021 stated that carbon dumping mitigation was considered for the NWS Extension, but that the carbon abatement costs were significantly higher than the price of carbon offsets. As such, carbon dumping would “continue to be included in the 5 yearly review and assessment of emission reduction technologies.”;³⁷ and
- b. the NWS Joint Venture was granted a Greenhouse Gas Assessment Permit (G-10-AP) over the depleting Angel gas field on 31 August 2022.³⁸

³⁶ NWS Extension Referral, p. 12.

³⁷ NWS Project Extension Environmental Review Document Response to Submissions, p. 50.

³⁸ <https://public.neats.nopta.gov.au/Open/Title?titleNumber=G-10-AP&action=downloadMemorialDocument&applicationId=8e03d985-7f6c-4a72-8559-2414a7c6d10e>

62. Since at least 2021, the Proponent has been publicly flagging that it has been investigating and assessing the potential inclusion of a carbon dumping component for Browse. For example:
- a. the Proponent's 2020 Annual Report stated that "Work continues to assess the feasibility of carbon capture and storage" for Browse;³⁹
 - b. on 9 March 2022, the Proponent applied for a Greenhouse Gas Assessment Permit over part of its Browse titles. This permit (G-8-AP) was granted on 12 August 2022;⁴⁰
 - c. the Browse DEIS Supplement Report dated July 2022 stated that "CCS is one of many options considered for Browse. However, geo-sequestration was assessed as presently being a high risk, high cost mitigation option for Browse reservoir CO₂. CCS for an offshore floating facility remains technically challenging, however with time, CCS technology will improve. As such, the [Browse Joint Venture] is continuing to assess the feasibility of carbon capture and storage opportunities";⁴¹ and
 - d. on 20 July 2023, the Proponent sought to have the Calliance formation declared to be an Identified Storage Formation and this declaration was made by the Minister for Resources on 12 June 2024.⁴²

The event or circumstance is within the contemplation of the primary person or a reasonably foreseeable consequence of the secondary actions

63. The Proponent is the operator of the NWS Extension, the Browse to NWS Project, and the Browse CCS Project, and is a partner in both the NWS Joint Venture and the Browse Joint Venture. Thus, it has complete visibility over both proposals, including the risks and potential impacts of the Browse to NWS Project and Browse CCS Project, and can communicate relevant information to the NWS Joint Venture.
64. The NWS Joint Venture was clearly aware of the Browse to NWS Project at the time it submitted the NWS Extension Referral, in which it referred to the Browse Referral.⁴³
65. The Browse Controlled Action Decision is in the public domain and is thus readily available to the NWS Joint Venture. This decision made clear that there could be some events or circumstances that risk or impact national heritage values of national heritage places, listed threatened species and communities, listed migratory species, and the Commonwealth marine environment.

³⁹ Woodside Annual Report 2020, p.36, [https://www.woodside.com/docs/default-source/investor-documents/major-reports-\(static-pdfs\)/2020-full-year-results-and-annual-report/2020-woodside-annual-report.pdf](https://www.woodside.com/docs/default-source/investor-documents/major-reports-(static-pdfs)/2020-full-year-results-and-annual-report/2020-woodside-annual-report.pdf)

⁴⁰ Title memorial for Greenhouse Gas Assessment Permit G-8-AP (<https://public.neats.nopta.gov.au/Opggs/Title/30c22a18-fcca-444e-91b5-a79e8cbd71af>) with the approved permit at <https://public.neats.nopta.gov.au/Open/Title?titleNumber=G-8-AP&action=downloadMemorialDocument&applicationId=3420780d-ab1d-4ffe-a90e-49aed55ce2a1>

⁴¹ Browse DEIS Supplement Report, p. 120.

⁴² Title memorial for Greenhouse Gas Assessment Permit G-8-AP (<https://public.neats.nopta.gov.au/Opggs/Title/30c22a18-fcca-444e-91b5-a79e8cbd71af>) and approved declaration at <https://public.neats.nopta.gov.au/Open/Title?titleNumber=G-8-AP&action=downloadMemorialDocument&applicationId=d339c2e4-d84a-48f0-8cd0-f0731a7d5d13>

⁴³ NWS Extension Referral, p. 12.

66. Other public documents are available to members of the NWS Joint Venture that include detailed information about the events or circumstances that could arise from the Browse to NWS Project, including information in the Browse to NWS Project Referral and Supporting Document, the Browse EIS Guidelines/Environmental Scoping Document. Also available are the Browse DEIS and the Browse DEIS Supplement Report, which detail a range of impacts, as outlined later in this request.
67. The NWS Joint Venture has been in discussions with the Browse Joint Venture for a number of years while negotiating an agreement to process Browse gas at the NWS Facility.⁴⁴ It is reasonable to assume that communications or discussions between the two Joint Ventures have included information about the progress of the environmental assessments of the Browse to NWS Project and at least some of the risks and impacts of the Project that are of concern to decision makers.
68. Even if the exact events or circumstances specific to the Browse to NWS Project were unknown to the NWS Joint Venture, at least some of these events or circumstances would be within the contemplation of the NWS Joint Venture. Each of the partners in the NWS Joint Venture have experience in fossil fuel developments and would reasonably be aware of some general events and circumstances common to all offshore petroleum developments, such as those arising from noise impacts, air emissions, chemical discharges or unplanned hydrocarbon spills.
69. Thus, it is clear that the impacts of the Browse to NWS Project are within the contemplation of the NWS Joint Venture.
70. Similarly, the members of the NWS Joint Venture should be aware of at least some of the events or circumstances that could arise from the Browse CCS Project.
71. The Browse CCS Referral and Browse CCS Referral Supporting Document are in the public domain and are thus readily available to the NWS Joint Venture. The Browse CCS Referral and Supporting Document made clear that there could be some events or circumstances that risk or impact some MNES, specifically threatened species, migratory species and the Commonwealth marine environment generally.
72. Even if the exact events or circumstances specific to the Browse CCS Project were unknown to the NWS Joint Venture, at least some of these events or circumstances would be within the contemplation of the NWS Joint Venture. Each of the partners in the NWS Joint Venture have experience in fossil fuel developments and would reasonably be aware of some general events

⁴⁴ See <https://www.woodside.com/docs/default-source/media-releases/north-west-shelf-venture-signs-preliminary-agreements-to-process-third-party-gas.pdf>, Woodside Annual Report 2019 p. 34 at [https://www.woodside.com/docs/default-source/investor-documents/major-reports-\(static-pdfs\)/full-year-2019-results/annual-report-2019.pdf](https://www.woodside.com/docs/default-source/investor-documents/major-reports-(static-pdfs)/full-year-2019-results/annual-report-2019.pdf), Woodside Annual Report 2021 p. 46 at [https://www.woodside.com/docs/default-source/investor-documents/major-reports-\(static-pdfs\)/2021-full-year-results/annual-report-2021.pdf](https://www.woodside.com/docs/default-source/investor-documents/major-reports-(static-pdfs)/2021-full-year-results/annual-report-2021.pdf), Woodside Annual Report 2022 p. 29 at [https://www.woodside.com/docs/default-source/investor-documents/major-reports-\(static-pdfs\)/2022-annual-report/annual-report-2022.pdf](https://www.woodside.com/docs/default-source/investor-documents/major-reports-(static-pdfs)/2022-annual-report/annual-report-2022.pdf), <https://www.smh.com.au/business/companies/bp-to-grab-biggest-slice-of-woodside-s-30b-browse-gas-project-20230328-p5cvzg.html>, and <https://www.watoday.com.au/national/western-australia/carbon-storage-sets-approval-for-woodside-s-browse-gas-project-back-to-square-one-20240820-p5k3xm.html>.

and circumstances that could potentially be common to offshore carbon capture and storage activities, such as those arising from noise impacts, air emissions, chemical discharges or unplanned hydrocarbon spills.

73. Thus, the potential impacts of the Browse CCS Project are within the contemplation of the NWS Joint Venture.
74. Accordingly, under ss 527E(1)-(2) of the EPBC Act, the impacts of the Browse to NWS Project and the Browse CCS Project, including those referred to in the Browse EIS Documents and Browse CCS Referral Documents, are impacts of the NWS Extension.

IV. Information on impacts of NWS Extension is substantial and new

75. The Minister may revoke the original decision and substitute a new decision if it is warranted by the availability of substantial new information about the impacts of the action on a protected matter (EPBC Act, s 78(1)(a)).⁴⁵

New information on impacts of the NWS Extension

76. For ease, and without limiting the potential for there to be other substantial new information in these and other documents, we have summarised some of the substantial new information contained in the Browse EIS Documents and the Browse CCS Referral Documents, compared to the information in the Browse Referral Documents (being a comparison on a conservative basis, of new information that did not exist and therefore was not available to DCCEEW at the time of the NWS Controlled Action Decision). A list of the threatened and migratory species at risk from the Browse to NWS Project and the Browse CCS Project is presented in Attachment A. Additionally, a high level summary of the potential impacts from the Browse to NWS Project and the Browse CCS Project that apply to the marine environment generally and threatened and migratory species is presented in Attachment B.
77. If the Minister or their delegate did not have or did not consider the Browse Referral Documents and the Browse Controlled Action Decision at the time of making the NWS Controlled Action Decision, then all potential impacts listed in the Browse Referral Documents, the Browse Controlled Action Decision, the Browse EIS Documents and the Browse CCS Referral Documents should be considered substantial new information related to impacts of the NWS Extension. That is, all the species and impacts to species set out in Attachments A and B are substantial new information for consideration by the Minister under s 78A.
78. If the Minister or their delegate did consider the Browse Referral Documents and the Browse Controlled Action Decision at the time of making the NWS Controlled Action Decision, then:
- The Browse Referral Protected Matters Report listed multiple threatened and migratory species that could be impacted by the Browse to NWS Project. These are marked in yellow in Attachment A. The Protected Matters Reports that were included

⁴⁵ See also [Environment Protection and Biodiversity Conservation Act 1999 \(Cth\) Policy Statement Reconsideration: Implementing the requirements of sections 78, 78A, 78B and 78C of the EPBC Act \(dcceew.gov.au\)](#) p. 6-7.

in the Browse DEIS listed a broader suite of threatened and migratory species that could be impacted by the Browse to NWS Project. These are marked in blue in Attachment A to indicate substantial new information. Notably, the Browse Referral Documents only considered those species that might occur within the Browse to NWS Project area, but the Browse DEIS also considered those species that might occur within the environment that may be affected (**EMBA**) by a hydrocarbon spill or that might occur at the ports supplying the Browse to NWS Project.

- b. Substantial new information on species that could be impacted by the Browse to NWS Project in the Browse EIS Documents (compared to that listed in the Browse Referral Documents) is marked in green in Attachment A.
- c. The Protected Matters Report that accompanied the Browse CCS Referral listed threatened and migratory species that could potentially be impacted by the Browse CCS Project. These are marked in orange in Attachment A.
- d. The Browse Referral Supporting Document listed multiple potential impacts from the Browse to NWS Project, although very little description, explanation or detail accompanied the list of potential impacts. These are marked in yellow in Attachment B.
- e. The Browse DEIS contained substantial new information about the impacts that the Browse to NWS Project has or will have, or is likely to have on listed threatened species, listed migratory species and the marine environment. These impacts are set out in blue in Attachment B.
- f. Where there is substantial new information on the impacts to threatened or migratory species by the Browse to NWS Project in the Browse DEIS (as compared to that listed in the Browse Referral), this is marked in green in Attachment B.
- g. The Browse CCS Referral Supporting Document contained information about the impacts that the Browse CCS Project has or will have, or is likely to have on listed threatened species, listed migratory species and the marine environment. These impacts are set out in orange in Attachment B.

79. The substantial new information indicated in green in the Attachments A and B, which was not included in the NWS Referral Documents or Browse Referral Documents, includes:

- a. new threatened and migratory species that might be impacted;
- b. new potential impacts from aspects of the Browse to NWS Project;
- c. more detailed descriptions, explanations, and assessments of potential impacts;
- d. new technical reports;
- e. more detailed consideration of impacts related to threats set out in recovery plans and conservation advices for threatened and migratory species; and
- f. new proposed mitigation actions, with their own potential impacts and inherent risks.

80. Many of the impacts overlap between the Browse to NWS Project and the Browse CCS Project. The impacts set out in the Browse CCS Referral should all be considered substantial new information as compared to the information set out in the Browse to NWS Referral and EIS Documents. This is because all activities to be undertaken as part of the Browse CCS Project are in addition to those previously set out in the Browse to NWS Referral. The Browse CCS Project also includes several unique activities with their own unique impacts. These include noise impacts on many threatened and migratory species from repeated marine seismic surveys and potential impacts on threatened and migratory species from an unplanned carbon dioxide release.

New evidence on impacts of the NWS Extension is “substantial” and related to adverse impacts on protected matters

81. The new information that is the subject of this request is substantial, and is “real or of substance, and not trivial or inconsequential”.⁴⁶
82. As outlined above and in Attachments A and B, the documents referred to explicitly set out and contain extensive detail about the impacts of the NWS Extension on MNES. The information in these documents indicates that the adverse impacts of the NWS Extension on these MNES are substantially more significant than determined in the NWS Controlled Action Decision.
83. Most of the information referred to in this request has been developed and/or published by the Proponent and entities contracted by the Proponent. We consider that the Proponent has provided “some form of factual evidence relating to the impacts of the action”, as required by the Australian Government’s policy statement. Further evidence could also be sought from the Proponent (or through the public comment period) if required by the Minister in making a decision under s 78A.⁴⁷
84. The bulk of the other substantial new information relied upon in this request is set out in paragraph 5 and consists of documents prepared by the Proponent, information from the Proponent’s website, statements from the Proponent or its then CEO, public announcements from the Proponent, the Proponent’s annual reports, correspondence from DCCEEW, meeting minutes prepared by DCCEEW and Greenhouse Gas Assessment Permits approved by the delegate of the Minister for Resources. This is purportedly factual information prepared by the Proponent, the Australian Government, and the National Offshore Petroleum Titles Administrator, so is not “trivial or inconsequential”.
85. This other information does not exclusively set out specific impacts to specific MNES—it collectively provides evidence to demonstrate that impacts of the Browse to NWS Project and the Browse CCS Project are impacts of the NWS Extension.
86. The remaining information consists of:
 - a. results of an independent analysis by the Australasian Centre for Corporate Responsibility, a research and shareholder advocacy organisation, headquartered in Australia; and
 - b. two newspaper articles in WA Today and the Sydney Morning Herald.
87. This information supplements the other information we have presented to demonstrate that impacts of the Browse to NWS Project and the Browse CCS Project are impacts of the NWS Extension.

⁴⁶ [Environment Protection and Biodiversity Conservation Act 1999 \(Cth\) Policy Statement Reconsideration: Implementing the requirements of sections 78, 78A, 78B and 78C of the EPBC Act \(dcceew.gov.au\)](#) p. 6.

⁴⁷ [Environment Protection and Biodiversity Conservation Act 1999 \(Cth\) Policy Statement Reconsideration: Implementing the requirements of sections 78, 78A, 78B and 78C of the EPBC Act \(dcceew.gov.au\)](#) p. 6.

V. Examples of substantial new information in the Browse EIS Documents and Browse CCS Referral Documents

88. As outlined above, the spreadsheet at **Attachment A** identifies information on occurrence of listed threatened, migratory, and marine species in the Browse to NWS Project area. It lists if and how these species are identified in the Browse Referral Documents (yellow) and the Browse EIS Documents (blue), and whether the Browse EIS documents provide substantial new information as compared to the Browse Referral Documents (green). It also sets out in a similar manner information drawn from the Browse CCS Referral Documents. We note this spreadsheet only deals with identification of species occurrence, and not the impacts of the Browse to NWS Project or Browse CCS Project on these species.
89. Information on the impacts from the Browse to NWS Project and Browse CCS Project to those species is contained in the spreadsheet at **Attachment B**.
90. We ask that you consider the information in Attachments A and B when considering the subsections below, as it supplements the content of these subsections.
91. The Browse Referral and Browse Referral Supporting Document total less than 200 pages, while the Browse EIS Documents total more than 3600 pages. We do not intend for the information below and at Attachments A and B to provide a comprehensive review of the substantial new information in the Browse EIS Documents and Browse CCS Referral Documents. Rather, the following sections demonstrate that there is substantial new information on the impacts of the NWS Extension on MNES, such that the NWS Controlled Action Decision must be reconsidered to account for this information and identify all relevant controlling provisions. We submit that the entire Browse EIS Documents and the entire Browse CCS Referral Documents constitute substantial new information which must be reviewed in full.

Species occurrence

92. The Protected Matters Search in the Browse Referral identified 118 threatened, migratory, marine or cetacean species that occur in the project area for the Browse to NWS Project. The Proponent claims 7 of these species are not potentially impacted, stating in the text of the Browse Referral Supporting Document that they were unlikely to occur in the project area. The Browse Referral Supporting Document was silent on the occurrence of the bulk of the remaining species, or indicated that the species would only briefly transit the project area or occur in small numbers. The text of the Browse Referral Supporting Document only mentioned 5 species (Green Turtle, Grey Wagtail, Whale Shark Long-snouted Spinner Dolphin, Red-tailed Tropicbird and White-tailed Tropicbird) that may occur in the project area or at Rowley Shoals in larger numbers.
93. In contrast, the Protected Matters Searches included in the Browse DEIS identified 216 threatened, migratory, marine or cetacean species that occur in the project area, in the supply port areas or in the hydrocarbon spill EMBA for the Browse to NWS Project. The Proponent claims 31 of these species are not impacted by the Browse to NWS Project. We have identified in Attachment A that there is substantial new information about the occurrence of 95 species (and thus, potential for those species to be impacted by the Browse to NWS Project) in the Browse DEIS.

94. Examples of this substantial new information about species occurrence include:

- a. Humpback Whale – the Browse Referral Supporting Document indicated that the species was a known occasional transient visitor, but that there was a very low likelihood of interaction with the species' Biologically Important Area. The Browse DEIS discusses this species in detail, adding that the species has critical calving habitat in the hydrocarbon spill EMBA and there is potential interaction with the species' Biologically Important Area.
- b. Roseate Tern – this species was not mentioned in the Browse Referral Documents at all. The Browse DEIS states that the species is known to occur in the EMBA and that the EMBA supports the largest breeding population of the species in Western Australia. A Biologically Important Area for the species occurs in the EMBA.
- c. Brown Booby – this species was not mentioned in the Browse Referral Documents at all. The Browse DEIS states that the species is known to occur in the project area and that the EMBA supports some of the largest breeding areas and colonies in Western Australia. A Biologically Important Area for the species occurs in the EMBA.
- d. Common Sandpiper – The Browse Referral Supporting Document indicated that this species is likely to occur in small numbers. The Browse DEIS makes clear that the species has known feeding and breeding sites in the EMBA and that the species' Conservation Advice identifies hydrocarbon spills as a key threat to the species.
- e. Ruddy Turnstone – this species was not mentioned in the Browse Referral Documents at all. The Browse DEIS states that one study recorded 50 individuals at Scott Reef, the EMBA contains an internationally important site for the species and the species' Conservation Advice identifies hydrocarbon spills as a key threat.
- f. Little Tern – the Browse Referral Supporting Document indicated that this species was likely to occur in the project area in small numbers and there could be a potential interaction with the species' Biologically Important Area. The Browse DEIS states that a study recorded about 500 individuals at Scott Reef.
- g. Leaf-scaled Seasnake – this species was not mentioned in the Browse Referral Documents at all. The Browse DEIS states that the EMBA contains known historical hotspots for the species.
- h. Flatback Turtle – the Browse Referral Supporting Document stated that this species may occur occasionally or in small numbers. The Browse DEIS states that the species has significant rookeries in the EMBA, and that there is nesting habitat critical to the survival of the species in the EMBA and near the supply ports.

95. As summarised in Attachment A, the Browse CCS Referral Protected Matters Search identified 112 threatened, migratory, marine or cetacean species in the Browse CCS project area that could potentially be impacted by the Browse CCS Project. While there is considerable overlap with the species list for the Browse to NWS Project, newly identified species include:

- a. Christmas Island White-tailed Tropicbird;
- b. Cogger's Sea Snake;
- c. Eastern Turtle-headed Sea Snake;
- d. Oceanic Whitetip Shark; and
- e. Scalloped Hammerhead.

Impacts to listed species

96. As summarised in Attachment B, the Browse Referral Supporting Document identified 25 types of impacts that could result from aspects of the Browse to NWS Project. Only 9 of those mentioned the taxon that could be affected by those impacts. All potential impacts were described very minimally.
97. In contrast, the Browse DEIS identified 49 types of impacts that could result from aspects of the Browse to NWS Project, with taxon-level impacts described for 25 of these.
98. Examples of this substantial new information about impacts from aspects of the Browse to NWS Project include:
 - a. Light – The Browse Referral Supporting Document briefly mentioned that light pollution from the project could have a slight impact on the behaviour of seabirds, migratory birds and marine turtles (i.e. attraction, repulsion or disorientation). The Browse DEIS provided a more detailed description of the impacts from light pollution, including that it could lead to changes in ambient light, changes to fauna behaviour (including birds, turtles, fish and plankton) and lead to injury or mortality of fauna. The Browse EIS Documents included detailed modelling of the project's likely potential light pollution and a Turtle Management Plan that detailed potential impacts to the Scott Reef-Browse Island genetic stock of Green Turtles. These potential impacts included:
 - i. reduction of nesting attempts;
 - ii. displacement of nesting females;
 - iii. disruption to females' post-nesting sea finding behaviour;
 - iv. disruption to hatchling post-emergence sea finding behaviour; and
 - v. disruption to hatchling dispersal which can result in hatchling mortality.
 - b. Subsidence – The Browse Referral Supporting Document states that the predicted subsidence would be of such low magnitude that no mitigation measures were being proposed. The Browse EIS Documents provide evidence that the predicted subsidence, in conjunction with climate change impacts, is almost certain to destroy Sandy Islet which is critical habitat for the Green Turtle.
 - c. Underwater noise – The Browse Referral Supporting Document briefly mentioned that underwater noise pollution can lead to short term behavioural changes (i.e. avoidance) in a range of fauna. The Browse DEIS provides a detailed description of how noise pollution from the project could change ambient noise and fauna behaviour and lead to injury or death of fauna. The Browse EIS Documents include detailed modelling of the project's potential noise pollution and a Pygmy Blue Whale Management Plan that details that the project could inflict injurious sound levels on Pygmy Blue Whales within their local Biologically Important Areas.
 - d. Vessel strike – The Browse Referral Supporting Document did not mention the risk of injury or mortality from vessel strikes. The Browse EIS Documents set out the risk that vessel strikes pose to marine mammals, marine turtles and large fish, including Pygmy Blue Whales, Humpback Whales, Dugongs, Green Turtles and Flatback Turtles. The Browse EIS Documents contain some information about how a variety of Recovery Plans and Conservation Advices recognise vessel strikes as a key threat to the conservation of the applicable species.

- e. Hydrocarbon spill – The Browse Referral Supporting Document includes some brief discussion of potential impacts if a hydrocarbon spill were to occur. However, the Browse EIS Documents sets out the potential impacts in detail, provides spill modelling and concedes that the impacts to Scott Reef from a major spill “would likely be severe and potentially irreversible”.⁴⁸
99. As summarised in Attachment B, the Browse CCS Referral Supporting Document identified 40 types of impacts that could result from aspects of the Browse CCS Project, with taxon-level impacts described for 16 of these.
100. There is considerable overlap between the types of impacts that could result from the Browse to NWS Project and the Browse CCS Project. However, newly identified potential impacts include:
- a. marine discharges from flowline preparation changing water quality and injuring or killing fauna; and
 - b. a carbon dioxide release changing water quality, changing habitat and injuring or killing fauna.
101. Despite the considerable overlap in impacts from the two projects, the Browse CCS Referral Documents include unique activities that carry considerable risk of additional impact. For example, as part of the Browse CCS Project, the Proponent has proposed conducting seismic blasting approximately every 5 years over a period of about 39 years just over 20 km to the south west of Scott Reef. This blasting would occur inside the Pygmy Blue Whale Biologically Important Areas for both migration and foraging and would result in injurious levels of noise pollution in habitat known to support critical life functions for this species.

Impacts to Commonwealth marine areas

102. The Browse Referral Documents identify that the Proposed Action is likely to have direct and/or indirect impacts on any part of the environment in the Commonwealth marine area.⁴⁹ The Browse Referral Supporting Document states that with regards to impacts on the Commonwealth marine environment:
- further work and assessment is required to confirm what may result in significant impacts, and finalise measures to avoid and reduce them;⁵⁰ and
 - it is considered highly unlikely that the Proposed Action will have a significant impact as a result of unplanned events or incidents.⁵¹
103. The Browse EIS Documents contain much more detail on the potential impacts of the Browse to NWS Project on Commonwealth marine areas, in addition to the new information on impacts to species examined in the sections above. The new information includes the areas that may be impacted, independent modelling and assessments of impacts, and more thorough risk and impact assessments.

⁴⁸ Browse DEIS Supplement Report, p. 54.

⁴⁹ Browse Referral p. 13-14.

⁵⁰ Browse Referral Supporting Document, p. 100-101.

⁵¹ Browse Referral Supporting Document, p. 101.

Australian Marine Parks and Key Ecological Features

104. The Browse EIS Documents contain much more detailed information on potential impacts of the Proposed Action on Australian Marine Parks (**AMPs**) and Key Ecological Features (**KEFs**) than the information contained in the Browse Referral Documents.
105. The Browse Referral identifies that the proposed Browse trunkline (**BTL**) traverses and passes close to some AMPs,⁵² although claims seabed impacts during the proposed BTL installation will be minor and of short duration, and the proposed BTL is not expected to impact on the values of the AMPs once installed.⁵³
106. The proposed BTL route outlined in the Browse EIS Documents is different from what was outlined in the Browse Referral Documents, with greater potential impacts for nearby AMPs. For example, the proposed BTL route in the Browse Referral Documents passed 16km from the AMP at Mermaid Reef at its closest point, but information in the Browse EIS Documents indicates that the BTL passes only 2 km from it.⁵⁴
107. The Browse Referral Documents identify that the subsea infrastructure and the proposed BTL will intersect a number of Key Ecological Features (**KEFs**), but claim that no significant impacts are expected to occur to these KEFs.⁵⁵
108. The altered proposed BTL route outlined in the Browse EIS Documents poses greater potential impacts for nearby KEFs. For example, while the Browse Referral Supporting Document states the BTL route would:
 - pass more than 41 km from the Glomar Shoals KEF at its nearest point, the Browse DEIS states it will pass 25km from it;⁵⁶
 - traverse the ‘ancient coastline at 125 m depth contour’ KEF for 15 km, the Browse DEIS states it will traverse it for approximately 40km;⁵⁷ and
 - run parallel to the ‘Mermaid Reef and Commonwealth waters surrounding Rowley Shoals’ KEF, with the shortest distance between the BTL route and the KEF being over 5 km, the Browse DEIS states the BTL route may traverse an inshore portion of this KEF, which would result in seabed disturbance subsequent modification of physical habitat and effects on marine biota.⁵⁸
109. Closer proximity of the project area for the Browse to NWS Project to AMPs and KEFs could result in more significant impacts on the Commonwealth marine area. The Browse EIS

⁵² See Browse Referral Supporting Document, p. 68, cf. Browse DEIS, p. 224.

⁵³ Browse Referral, p. 15.

⁵⁴ Browse DEIS, p. 231; Browse Referral Supporting Document, p. 72.

See Browse Referral Supporting Document, p. 68, cf. Browse DEIS, p. 224.

⁵⁵ Browse Referral, p. 16; Browse Referral Supporting Document, Table 11, p. 68-69.

⁵⁶ Browse DEIS, p. 224; Browse Referral Supporting Document, p. 68.

⁵⁷ Browse DEIS, p. 224; Browse Referral Supporting Document, p. 68.

⁵⁸ Browse DEIS, p. 314.

Documents provide much more detail on these impacts, as discussed in other sections of this letter.

110. The Browse CCS Referral Supporting Document stated that the Browse CCS Project is likely to have impacts on the Commonwealth marine area. The relevant receptors listed included sediment quality, water quality, benthic habitat and communities, KEFs, plankton communities.⁵⁹ The KEFs include at least Continental Slope Demersal Fish Communities and Seringapatam Reef and Commonwealth waters in the Scott Reef Complex, but may include others.⁶⁰

Underwater noise and artificial light emissions

111. The Browse Referral identifies that underwater noise and artificial light emissions of the Browse to NWS Project might have minor impacts, and physical presence of infrastructure is expected to have impacts, on the Commonwealth marine area, but does not provide detail.⁶¹
112. As outlined earlier, the Browse EIS Documents provide substantial new information, including new data and studies, on noise and light emissions from the Browse to NWS Project and potential impacts on Commonwealth marine areas.

Risks of hydrocarbon spills

113. The Browse Referral Supporting Document states that a significant hydrocarbon release could result in long term contamination of the Commonwealth marine area high on a regional scale, with significant impacts on fauna, benthic habitats and ecosystems and significant degradation of water and sediment quality.⁶² Some locations were identified to potentially be polluted by hydrocarbons in the event of a spill, based on a risk assessment for the previous Browse FLNG development concept.⁶³
114. Substantial new information is available in the Browse EIS Documents. For example, quantitative hydrocarbon spill modelling⁶⁴ identified the potential for marine parks to be impacted at varying probabilities for entrained, surface, and accumulated hydrocarbons.⁶⁵
115. The Browse DEIS includes a hydrocarbon spill risk assessment report assessing the probabilities of hydrocarbon contact with complex reef structures near to the project area, including the Commonwealth marine area, based on four spill scenarios.⁶⁶ The findings include:

⁵⁹ Browse CCS Referral Supporting Document, p. 254-255.

⁶⁰ Browse CCS Referral Supporting Document, p. 70.

⁶¹ Browse Referral, p. 15.

⁶² Browse Referral Supporting Document, p. 105-106.

⁶³ Browse Referral Supporting Document, p. 105-106.

⁶⁴ Browse DEIS Appendix D.5, p. 627.

⁶⁵ Browse DEIS, Table 6-158, p. 644-649.

⁶⁶ Browse DEIS, Report p. xiii, p. 1802.

- a. under each scenario, floating oil at concentrations equal to or greater than the minimum threshold could be found for up to between 67km and 143km from the spill site;⁶⁷
- b. impacts from three scenarios on Scott Reef, with possibilities for shoreline accumulations also identified for areas of Cartier Island and Ashmore Reef;⁶⁸ and
- c. for the final spill scenario, the spill location for which was located within the Argo-Rowley Terrace Marine Park area, a 100% probability of floating oil concentrations reaching the receptor within an hour of the event, with possible contact with shoreline receptors for Mermaid Reef Marine Park, and Clerke Reef and Imperieuse Reef State Marine Parks.⁶⁹

116. The Browse DEIS concludes:

*"In the highly unlikely event of a worst-case scenario release, the open water environment protected within the AMPs may be affected by floating, dissolved, entrained, and/or shoreline hydrocarbons above thresholds. If hydrocarbons contact key receptor locations within these protected areas, such as islands and mainland coastlines or defined BIAs, significant impacts may occur, including the contamination of sediments and water, impacts to benthic fauna/habitats, impacts to protected and other marine fauna, and a potential to result in ecosystem level impacts (including a reduction in biodiversity)."*⁷⁰

117. The Browse DEIS Supplement Report outlines a 'Hydrocarbon Spill Risk Management Approach',⁷¹ including:

- a table describing potentially significant impacts to the coral communities of Scott Reef, specifically on live coral cover, coral composition, algal cover and composition, and fish assemblages and trophic functional groups;⁷²
- discussion of findings relating to reef fish recovery for reefs impacted by Deepwater Horizon, showing changes in fish community structure, persistently low densities among certain fish groups, and lasting, community-wide impacts;⁷³ and
- tables providing maximum entrained oil concentrations and maximum dissolved aromatic hydrocarbon concentrations at any depth for different receptors, with the most impacted according to modelling including Scott Reef North, South and Central (Sandy Island), Seringapatam Reef, and the Kimberly Marine Park.⁷⁴

⁶⁷ Browse DEIS, p. 158-160; Browse DEIS, p. 1964-1966.

⁶⁸ Browse DEIS, p. 158-160; Browse DEIS, p. 1964-1966.

⁶⁹ Browse DEIS, p. 160; Browse DEIS, p. 1966.

⁷⁰ Browse DEIS, p. 661.

⁷¹ Browse DEIS Supplement Report Appendix C.4, p. 843-918.

⁷² Browse EIS Supplement Report, Table 7-3, p. 892.

⁷³ Browse EIS Supplement Report, p. 894.

⁷⁴ Browse EIS Supplement Report, Table 2.1, p. 909; Table 2.2, p. 212.

VI. Recommendations

118. The Browse to NWS EIS Documents and the Browse CCS Referral Documents include substantial new information about the risks and impacts of the Browse to NWS Project and the Browse CCS Project on MNES, including:
- identification of additional listed threatened and migratory species that might occur within the project area, which were not identified in the Browse Referral Documents;
 - more detailed identification and consideration of the impacts of the Browse to NWS Project and the Browse CCS Project on previously and newly identified listed threatened and migratory species;
 - updated plans, including to the BTL route, which alter the proximity of the project area for the Browse to NWS Project to different elements of the Commonwealth marine area;
 - more detailed identification and assessment of the impacts of the Browse to NWS Project and the Browse CCS Project on the Commonwealth marine area, including new modelling.
119. This information was not available to the decision maker at the time the NWS Controlled Action Decision was made.
120. These impacts are impacts of the NWS Extension, due to the significant connections between the Browse to NWS Project, Browse CCS Project and NWS Extension.
121. The Browse to NWS EIS Documents and the Browse CCS Referral Documents contain substantial new information on the impacts of the NWS Extension on listed threatened species, listed migratory species, and Commonwealth marine environments.
122. We consider that, if all of the information now available had been known at the time of the NWS Controlled Action Decision in May 2019, four additional matters protected under Part 3 of the EPBC Act would have been identified as controlling provisions, being:
- national heritage;
 - listed threatened species and communities;
 - listed migratory species; and
 - marine environments.
123. We believe this new information satisfies the requirements of s 78(1)(a) of the EPBC Act.
124. Accordingly, in light of the substantial new information identified, we ask you to revoke the NWS Controlled Action Decision and make a new decision under s 75, specifying controlling provisions for listed threatened species and communities, listed migratory species, and marine environments (in addition to National Heritage places), so that the impacts of the NWS Extension on these MNES are assessed under Part 8 of the EPBC Act.
125. We note the mandatory requirements that apply in s 78B of the EPBC Act regarding the need to inform interested persons of the request and invite comments within 10 business days. Given the significance of this reconsideration request, pursuant to section 78B(6), we urge you to publish on the internet this request and an invitation to comment as a matter of urgency.

126. We would appreciate a response to confirm receipt and the steps the Commonwealth will take by 2 April 2023.

127. Should you have any questions, please contact Anita Cosgrove at anita.cosgrove@greenpeace.org with a cc to Greenpeace Australia Pacific's Head of Climate and Energy, Joe Rafalowicz, at joe.rafalowicz@greenpeace.org.

Yours faithfully



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