

Offshore project proposal content requirements

Summary

- The assessment of an offshore project proposal (OPP) is the process by which a proponent can gain project-level environmental approval for proposed offshore projects under the streamlined regulatory arrangements¹.
- The OPP assessment process provides for public comment on the offshore project, its environmental impacts and their management at an early stage of project planning. This process is designed so that the public have an opportunity to provide their feedback, and titleholders have an opportunity to address it, before NOPSEMA's assessment of overall environmental acceptability of the project takes place.
- The assessment for an OPP has two stages, with regulatory decisions at each stage being based on criteria that have similarities, but different purposes:
 - The purpose of the first stage assessment is for NOPSEMA to determine whether the proponent's OPP is suitable for public comment.
 - The second stage of the process involves NOPSEMA deciding whether the proponent has addressed public comments appropriately and the project's environmental impacts and risks, including cumulative impacts, are able to be managed to an acceptable level.
- Through an OPP the proponent facilitates stakeholder and interested persons understanding of the proposal, and demonstrates to NOPSEMA the offshore project is able to be carried out in a manner consistent with the principles of ecologically sustainable development² and that the environmental impacts and risks will be of an acceptable level.
- The OPP process requires proponents to demonstrate why the selected project is the preferred option and what the environmental implications of this decision are.
- An OPP sets the environmental performance outcomes (EPOs) for the project. EPOs essentially set the level of performance to be achieved by the proponent to ensure that environmental impacts and risks will be of an acceptable level and the project as a whole is consistent with the principles of ecologically sustainable development. EPOs should be defined for the parts of the existing environment that are important for healthy ecosystems and associated socio-economic features which require protection from the effects of the project.
- The OPP must not involve an activity or part of an activity being undertaken in any part of a declared World Heritage property.
- The OPP must demonstrate that the project is consistent with relevant environmental management instruments made under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) in order to demonstrate that environmental impacts and risks will be managed to an acceptable level.

¹ NOPSEMA Streamlining Information Paper

² Refer to Appendix D for principles of ESD

- A titleholder is required to have an accepted OPP, or equivalent project-level approval under the EPBC Act, in place prior to submission of an environment plan for activities that are undertaken for the purpose of the recovery of petroleum, other than on an appraisal basis, including any conveyance of recovered petroleum by a pipeline.
- This guidance note reflects NOPSEMA's interpretation of the OPP content requirements that need to be addressed.

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Abbreviations/acronyms

ALARP	As low as reasonably practicable
DEE	Department of Environment and Energy
EP	Environment plan
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPO	Environmental performance outcome
ESD	Ecologically sustainable development
OPGGs Act	<i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i>
OPP	Offshore project proposal
NOPSEMA	National Offshore Petroleum Safety and Environmental Management Authority

1. Purpose and scope

The purpose of this guidance note is to assist stakeholders in understanding the content requirements for offshore project proposals (OPPs). It applies to OPP submissions made to NOPSEMA under the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (Environment Regulations).

The guidance note reflects NOPSEMA's interpretation of the content requirements of the Environment Regulations to support proponents in the preparation of OPPs. This guidance is not authoritative, a substitute for legal advice or detailed considerations of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGs Act) and relevant regulations. Given decision-making criteria in subregulation 5C(2) relate specifically to the content requirements of an OPP, the information contained in this guidance is relevant to supporting NOPSEMA decision-making under the Environment Regulations.

This guidance note should be read in conjunction with NOPSEMA's [OPP assessment policy](#) (N-04790-1650).

The reference to a regulation in this document refers to the Environment Regulations unless otherwise specified.

2. Background

The Environment Regulations require a person who proposes to undertake an offshore project (i.e. one or more petroleum recovery activities) to first submit and receive acceptance of an OPP from NOPSEMA. Subsequently, they must also submit and receive acceptance for an environment plan (EP) (or plans) before they can commence the activity or activities which make up the offshore project.

The OPP was introduced as part of regulatory amendments to the Environment Regulations in 2014. The OPP process is a whole-of-project authorisation process carried out in the early design phase of new large-scale offshore petroleum projects. An OPP assessment and decision provides proponents with an early indication of the environmental acceptability of their offshore projects. The process also provides a level of assessment, opportunity for public input and an environmental outcome similar to that for an environmental impact statement under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

3. Overview of offshore project proposals

3.1 What is an OPP?

An OPP is a written submission made to NOPSEMA by a proponent to allow a decision on the environmental acceptability of an offshore project on a whole of life-cycle basis. The OPP assessment process includes a mandatory public comment period on the OPP.

3.2 When is an OPP required?

An OPP will be needed for most new offshore petroleum development projects in Commonwealth waters, unless the Environment Minister has previously made a decision about the project under the EPBC Act. An 'offshore project' is defined in the Environment Regulations as 'one or more activities that are undertaken for the purpose of the recovery of petroleum, other than on an appraisal basis, including any conveyance of recovered petroleum by pipeline'. When determining whether an OPP is required, prospective proponents are strongly advised to read this guidance note in conjunction with NOPSEMA's OPP assessment policy (N-04790-PL1650) and seek regulatory advice from NOPSEMA at an early stage.

An offshore project is one or more petroleum activities that are undertaken for the purpose of the recovery of petroleum, other than on an appraisal basis, including any conveyance of recovered petroleum by a pipeline³.

Project decommissioning, as an integral stage of a project life cycle, requires consideration in an OPP (see Reg 5A(5)(b)(v)). An OPP should explain how the selected project design meets decommissioning requirements of the day and is acceptable in this context.

Any component of a development project that is undertaken in State or Northern Territory coastal waters or onshore would not be part of an offshore project. However, where successful implementation of an offshore project is reliant on existing and/or approved, or proposed activities in State or Northern Territory jurisdiction, this should be outlined in the OPP in order to allow stakeholders to understand the project in its entirety. This is also necessary to enable titleholders to demonstrate that all project related activities have been considered from a cumulative impact perspective.

An OPP should be submitted at a stage in the project design/planning process where the proponent's understanding of project characteristics is sufficient to make informed prediction and evaluation of the environmental impacts and risks associated with the project.

3.3 Purpose of the OPP process

Essentially, the purpose of the OPP process is to allow assessment and decision-making at the whole-of-project level. The OPP assessment process together with the assessment of environment plans are part of the broader environmental management authorisations process for offshore petroleum activities in Commonwealth waters. Together these processes aim to ensure that activities in the offshore area are carried out in a manner consistent with the principles of ecologically sustainable development (ESD), and so that the environmental impacts and risks of the activities will be reduced to as low as reasonably practicable and will be of an acceptable level (the Object of the Regulations). An OPP allows the cumulative environmental impacts and risks of individual project activities to be considered in the context of the project as a whole, during the OPP assessment.

Offshore project proposals require content that allows stakeholders, the public and NOPSEMA to understand the environmental impacts and risks from any feasible alternatives to the proposed project. In

³ Regulation 4 – Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009

the OPP, proponents are required to predict impacts and risks of their project, evaluate the acceptability of those impacts and risks and define environmental performance outcomes (EPO) that are consistent with ESD and demonstrate that impacts and risks of the project will be of an acceptable level. In addition, the reasons why feasible alternatives to the project were not preferred is to be documented in the OPP in order to understand the environmental implications of those decisions.

The public is also able to input to the OPP assessment process by commenting on the OPP during the public comment period that is specified by NOPSEMA and must at least four weeks. A public comment period allows the public to understand new projects, review the proponent's proposed EPOs, and provide comments early in the planning process for proposed offshore projects. This provides an opportunity for proponents to make adjustments to their offshore project to appropriately address stakeholder objections and claims before the acceptability assessment (stage 2) of the proposal by NOPSEMA commences.

3.4 Who can submit an OPP?

Any person (or company) planning to undertake an offshore project can submit an OPP. They are known as the proponent of the OPP.

As an OPP is generally prepared at an early stage of project design/planning, the proponent may not be a petroleum titleholder at the time of an OPP submission.

3.5 Two stage process for assessment

There are two key assessment stages for an OPP, which are described in further detail NOPSEMA's OPP assessment policy (N-04790-1650). In summary, the two stages are:

- Stage 1 – when NOPSEMA decides if the OPP is suitable to be published for public comment, based on its assessment of the OPP against criteria in sub-regulation 5C(2).
- Stage 2 – following closure of the public comment period when NOPSEMA decides whether to accept or refuse to accept the OPP, based on its assessment of the OPP against acceptance criteria in sub-regulation 5D(6).

The content requirements for an OPP are the same for the Stage 1 and 2 submissions. However, content of the OPP may change between stages 1 and 2 as a result of the proponent addressing the public comments. The content requirements are discussed in more detail in the following sections.

4. Offshore project proposal content requirements

The following sections provide further interpretation and description of the OPP content requirements as provided by the Environment Regulations in Part 1A. Each section is structured with the following subheadings:

- Applicable regulations: identifies the key content requirement as well as any other relevant regulations, such as definitions or the criteria for acceptance of an OPP.
- Regulatory purpose: provides the main goal or intent of the content requirement.
- Core concepts: provides the specific content requirements that must be met.
- Considerations: provides an explanation as to why that content requirement is necessary, how it may relate to other OPP content requirements and provides discussion of some common considerations that may assist in preparation of an OPP.

4.1. Description of the project

Applicable regulations

Regulation 4 – Definitions (offshore project, activity, facility)
Regulation 5A – Submission of an offshore project proposal
Regulation 5C – Suitability of offshore project proposal for publication
Regulation 5D – Actions after publication of offshore project proposal

4.1.1. Regulatory purpose

To provide information about the project and each activity that is (or could be) part of the project, at an appropriate level of detail, to allow NOPSEMA to make an informed assessment against the acceptance criteria (sub-regulation 5D(6)) and enable interested persons to understand how their comments have been adequately addressed in the event that the OPP is accepted.

4.1.2. Core concepts

The OPP must contain a comprehensive project description. It must describe each activity, the location/s involved, proposed timetables, general details (including layout of the facilities), and a description of actions proposed to be taken at the completion of the project (i.e. to decommission the facilities).

An OPP can include multiple activities, which may be proposed to occur in stages and at multiple locations over the life of the offshore project.

4.1.3. Considerations

- The description of each activity should enable interested persons to understand the project, what would be involved in developing it, and how this may interact with matters of interest to them.
- A comprehensive description of the project should help inform a description of the environment that may be affected and provide a basis for the proponent to demonstrate that all environmental impacts and risks, including potential for cumulative impacts, to be appropriately detailed and evaluated.
- The description of the project helps to define the nature and scale of the project and should focus on those project components and activities that have potential to create environmental impacts and risks.
- When describing their project, proponents should be mindful of the regulatory pre-conditions for submission of EPs for activities that are, or are part of, and offshore project. Proponent should consider whether the project description is comprehensive and includes all project stages and activities necessary for development to be constructed, operated throughout its life and decommissioned, because only those activities that are included in an accepted OPP are able to be included in EPs (see sub-regulation 9(3)). NOPSEMA would be unable to accept an EP as a valid submission if, for example, it covered new field development and tie-in activities that were not described and impact assessed in the OPP.
- The level of detail provided for different stages and activities within the project may vary. While all of the project's stages and activities that have potential to interact with the environment must be included in the description, the level of detail given for each may be scaled according to the potential nature and scale of environmental impact and risk they create and the amount of information known about those activities at this stage of planning.
- The project description may allow for some flexibility in terms of stages and activities that can be refined at a later stage in project planning. For example:
 - It is expected that at the time the OPP is submitted the specific operational details of all project activities would not be available, but that the general methods and equipment to be used will need to be known in enough detail to inform the evaluation of impacts and risks and set

appropriate EPOs. Specific detail for individual project activities will be required in the subsequent EP(s).

- While exact locations of proposed infrastructure may not be available on submission of an OPP, the location description should be specific enough that stakeholders can understand the project's setting within the local and regional environmental contexts, and allow evaluation of its environmental impacts and risks.
 - An OPP may provide for development options where final decisions on aspects such as design, methodologies, infrastructure and final location are yet to be made. Where optionality is carried in an OPP, it must include descriptions of those options considering the points above.
 - Seasonal timing and the duration of the project (and various stages) should be described as this may be relevant to the evaluation of impacts and risks. For example, it will be particularly important to understand project timing, where this may influence the potential for the project to interact with seasonal breeding, feeding and reproduction of marine fauna or human uses of the marine environment.
- While the OPP should identify activities proposed in State or Territory coastal waters which are fundamental to the design and implementation of the offshore project, details and evaluation of environmental impacts and risks associated with those activities is not required unless they may affect the offshore area.

4.2. Description of the environment

Applicable regulations

Regulation 4 – Definitions (environment)

Regulation 5A – Submission of an offshore project proposal

Regulation 5C – Suitability of offshore project proposal for publication

Regulation 5D – Actions after publication of offshore project proposal

4.2.1. Regulatory purpose

Information about the existing environment allows the proponent and interested persons to understand the features of that environment that may be affected, and provides important context for the evaluation of all the project's environmental impacts and risks, defining acceptable levels and setting EPOs.

4.2.2. Core concepts

The OPP must describe the existing environment that may be affected by the project (5A(5c)). The 'environment' is defined in Regulation 4. The OPP must also include details of the particular relevant values and sensitivities of that environment (5A(5d)) including those protected under Part 3 of the EPBC Act. EPBC Act matters relevant to an OPP are listed in subregulation 5A(6).

Project activities may not be undertaken in any part of a declared World Heritage property.

4.2.3. Considerations

- The description of the existing environment must be appropriate to the nature and scale of the project. The information provided on the existing environment should:
 - Be well-founded by having a basis in the analysis of relevant scientific evidence. Relevant scientific evidence may be drawn from published literature or studies undertaken for the

purpose of informing the OPP. Additional weight may be given to any information/evidence provided that has been subject to a peer review process or similar.

- Be sufficiently detailed and include the values and sensitivities of those aspects of the environment to support the evaluation of environmental impacts and risks.
 - Encompass the area the project would be located in, including all planned and future activities, and also areas that may be affected directly or indirectly, including under potential emergency conditions or by emergency response arrangements.
 - Take into account the size, type, timing, duration, complexity and intensity of the project activities.
 - Where relevant, provide an environmental baseline in order to enable the detection of changes to the environment that may arise from the project in order to demonstrate that the EPOs have been met.
 - Include, but not be limited to, matters protected under Part 3 of the EPBC Act (regulation 5A(6)).
- It should be clear from the descriptions of matters protected under Part 3 of the EPBC Act, including their values and sensitivities, how the proponent has had regard to the relevant management documentation published by the Department of Environment and Energy (DEE). The general types of management documentation that should be reviewed and referenced are set out in Attachment C and the Program Report which underpinned the decision to streamline offshore petroleum environmental regulation in February 2014⁴.
 - If the offshore project is within, or has the potential to impact on an Australian Marine Park, the OPP must describe the values, including the representative values, of the park(s) that may be affected. Further information on considerations relevant to Petroleum activities and Australian marine parks is provided in the guidance note Petroleum activities and Australian Marine Parks (N-04750-GN1785).
 - The social and economic features of the environment may include commercial and recreational fishing, shipping, tourism, other petroleum, industrial or maritime developments. These should be described to allow for consideration of interactions with the project, and potential cumulative impacts. Consideration should also be given to describing those features of the environment that may affect the project or impacts from the project (i.e. ocean currents, prevailing winds).
 - Any gaps identified in information, or the level of information, relevant to the existing environment may need to be addressed with appropriate sources of information, consultation with stakeholders, additional field surveys or studies. Consideration should be given to the type and currency of environmental baseline information that is available for the purpose of informing whether EPOs have been met during the implementation phases of the project.
 - Environmental information that is not specifically from the project location (i.e. information from a similar environment elsewhere) may inform the description of the existing environment that may be affected where the proponent is able to make a well-founded case for this information being relevant.
 - The OPP should state the source of information provided on the existing environment, how recent the information is, how the reliability of the information was tested and what uncertainties (if any) are associated with the information.

⁴ Program Report – Strategic Assessment of the environmental management authorisation process for petroleum and greenhouse gas storage activities administered by the National Offshore Safety and Environmental Management Authority under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, February 2014.

4.3. Environmental performance outcomes

Applicable regulations

Regulation 4 – Definitions (environmental performance, environmental performance outcome)
Regulation 5A – Submission of an offshore project proposal
Regulation 5C – Suitability of offshore project proposal for publication
Regulation 5D – Actions after publication of offshore project proposal

4.3.1. Regulatory purpose

To articulate the specific and measurable benchmarks for environmental performance that proponents/titleholders are seeking to achieve throughout the life of the project, in the environment in which they propose to operate. During project implementation, the environmental performance of the titleholder is then measured by their ability to achieve the EPOs (and standards).

4.3.2. Core concepts

- The EPOs must:
 - be consistent with the principles of ESD as defined in Part 1, section 3A of the EPBC Act,
 - be relevant to identified environmental impacts and risks for the project,
 - demonstrate that impacts and risks will be managed to an acceptable level,
 - set a measurable level against which the environmental performance of the titleholder can be assessed.
- The EPO is one of the means by which the objects of the Regulations are achieved.

4.3.3. Considerations

- The acceptable level(s) of environmental impact and risk needs to be clearly defined before the evaluation of those impacts and risks can take place and the EPO(s) can be established.
- An 'acceptable level' is the specified amount of environmental impact and risk that the project may have.
- To define the acceptable level a proponent should have regard to all relevant context including, but not limited to:
 - principles of ESD
 - other requirements (e.g. laws, policies, standards, conventions)
 - internal context (e.g. consistent with corporate environmental policy, culture and company standards)
 - external context (the environment and stakeholder expectations)
 - broader environmental policy objectives such as NOPSEMA's Program commitments and the relevant EPBC Act policy and management documentation referred to in Attachment B
 - Guidance given in AS/NZS ISO 31000:2018 and HB 203:2012 for defining risk criteria.
- The acceptable level or environmental impact and/or risk is to be encompassed in the EPOs.

- EPOs should be defined early in the project planning and environmental impact assessment process and must be consistent with the principles of ESD (Attachment C). The OPP should explain, drawing on relevant facts and reasons from the OPP, why the proponent considers that their EPOs are consistent with the principles of ESD.
- EPOs should be representative of levels of environmental performance that are equal to or better than the defined acceptable level of environmental impacts and can therefore be utilised as early warning triggers to implement management actions and prevent unacceptable impacts from occurring.
- Attachment A provides a conceptual framework for defining acceptable levels and establishing EPOs that proponents should consider and apply in developing EPOs to demonstrate that the offshore project can be managed to meet the acceptable levels of impact.
- Attachment B includes environmental performance guidance for selected environmental values and sensitivities. In conjunction with Attachment A, proponents are encouraged to have regard to guidance in Attachment B when defining acceptable levels of impact and EPOs.
- The level of environmental performance articulated through the EPOs should be consistent with the company's organisational environmental objectives, Commonwealth government environmental policy objectives and any objectives set for individual environmental receptors such as protected species.
- EPOs that relate to environmental impacts, should be relevant to the specific environmental features or receptors that may be affected by the project. For example, the EPO for features that are highly valued/protected should reflect a more protective outcome than the EPO for other features.
- EPOs that relate to environmental risk, should demonstrate a commitment by the titleholder that the risk in question will not be realised. For example EPOs set to prevent a loss of well control or prevent the introduction and establishment of invasive marine species to the environment would be considered appropriate.
- During the environmental impact assessment, the predicted level of impact and risk should be evaluated against the acceptable levels and EPOs to determine if they can be met, or if additional management may be required to further reduce the impact or risk so that they do not exceed the acceptable level of impact /risk. In this way EPOs are used in environmental impact assessment and management as a key criterion to inform the environmental management of that activity.
- The EPOs in an accepted OPP are the foundation of the EPOs that are to be defined in EPs for project related activities.

4.4. Description of alternatives to the project

Applicable regulations

Regulation 4 – Definitions (offshore project, activity, facility)

Regulation 5A – Submission of an offshore project proposal

Regulation 5C – Suitability of offshore project proposal for publication

Regulation 5D – Actions after publication of offshore project proposal

4.4.1. Regulatory purpose

To transparently document and compare the environmental impacts and risks of the project (and its activities) with any feasible alternatives to facilitate an understanding of the environmental implications of the selected project.

4.4.2. Core concepts

The OPP provides for the proponent to document feasible project alternatives that were considered, compare environmental impacts and risks of the preferred project with the alternative(s) and present a case for why the alternatives were not preferred.

Specifically, the OPP must describe any feasible alternative to the project, or an activity that is part of the project, including:

- a comparison of the environmental impacts and risks arising from the project or activity and the alternative, and
- an explanation, in adequate detail, of why the alternative was not preferred.

4.4.3. Considerations

- The OPP should describe an ‘alternatives analysis’ that has been undertaken for the project and set out key findings and conclusions of this analysis.
- While a focus of this analysis should be the environmental impacts and risks related to each feasible alternative and may include a comparison of the EPOs for each of the project options, the OPP should outline all of the factors that have influenced the proponent’s selection of the preferred project to provide context and transparency. For example, this might include but not be limited to; economic, social and engineering factors.
- The impact and risk analysis of the alternatives should be sufficiently detailed and consistent in relation to methods to allow impacts and risks for the project and each feasible alternative to be compared and well-founded arguments presented for why the alternative(s) are not preferred. Not undertaking the project should be an alternative that is considered.
- Since exact details of project components and activities may not be known at the time an OPP is prepared and development planning may only be quite preliminary for alternatives that were not preferred, the alternatives analysis may be pitched at a commensurate level of detail. For example, the analysis may address different development concepts and their associated environmental impacts and risks by focussing at the level of facility designs/concepts, methods for construction/development, methods for disposal of waste discharges/emissions, hydrocarbon processing models and location selection.
- Feasible alternatives are considered to include project options that could reasonably be undertaken and would likely be successful. Feasible project-level alternatives that should be described in the OPP include both:
 - Higher project level development concepts (e.g. ‘no development’ option, new greenfield LNG development (FLNG), backfill developments such as floating or fixed facilities and pipeline to existing processing/export infrastructure)
 - Design/activity level alternatives (e.g. offtake configurations, installation methods and alternate pipeline corridor locations)

- More detailed, activity-specific demonstrations that all reasonably practicable measures have been considered to reduce impacts and risks to ALARP are required in the subsequent EP for each activity that is part of the project and not in the alternatives analysis.

4.5. Description of requirements

Applicable regulations

Regulation 5A – Submission of an offshore project proposal

Regulation 5C – Suitability of offshore project proposal for publication

Regulation 5D – Actions after publication of offshore project proposal

4.5.1. Regulatory purpose

To ensure the consideration of legislative and other environmental requirements that apply to the project and are relevant to the project's environmental management, provide important context for the evaluation of environmental impacts and risks, defining acceptable levels of impact and setting EPOs.

4.5.2. Core concepts

- The OPP must describe the requirements, including legislative requirements that apply to the project and are relevant to the environmental management of the project, and describe how those requirements will be met.
- Demonstrating understanding of the requirements relevant to environmental management of the project and explaining how those requirements will be met are fundamental steps in making a case that the project, if allowed to be implemented, would be lawful and not result in unacceptable impacts and risks to the environment.

4.5.3. Considerations

- The description of requirements should provide details of which requirements are relevant to the project and explain how they apply to the activity.
- Requirements could include (amongst other things) relevant laws, codes, standards, agreements, treaties, conventions or practices that apply to the jurisdiction and/or location which the project occurs.
- To identify and demonstrate that other legislative requirements are being met, consultation with relevant Commonwealth agencies may be needed.
- Where a project may have impacts to matters protected under Part 3 of the EPBC Act, the management plans and policies that apply to these matters should be reviewed to identify any requirements that may be relevant to the project. Where no approved plan of management is in place for a World Heritage property, National Heritage place, or Ramsar wetland the management principles of those places apply (in relevant international agreements and the EPBC Act).
- For listed threatened species and ecological communities that may be affected, the relevant statutory recovery plans and threat abatement plans (where these are in place for those species and communities) are relevant requirements.
- Management plans for Australian Marine Parks are relevant requirements for projects that are within or may affect the parks and must therefore be described. Proponents may refer to the [Petroleum activities and Australian marine parks](#) guidance note (N-04750-GN1785) for information and advice.

- The description of requirements forms part of the context of the project and may influence the definition of acceptable levels of environmental impacts and risks for the project.
- These requirements should be taken into account in development of EPOs.
- Requirements that are not relevant to the environmental management of the project do not need to be included.

4.6. Detail and evaluation of all environmental impacts and risks

Applicable regulations

Regulation 3 – Object of Regulations

Regulation 4 – Definitions (environmental impact, environmental performance outcome, control measure)

Regulation 5A – Submission of an offshore project proposal

Regulation 5C – Suitability of offshore project proposal for publication

Regulation 5D – Actions after publication of offshore project proposal

4.6.1. Regulatory purpose

To demonstrate, using a suitable method, a thorough understanding of the environmental impacts and risks, including their sources, potential events, likelihood and consequences, confidence levels and also to estimate the magnitude of impacts and risks.

To demonstrate that the project can be undertaken in such a way that the environmental impacts and risks will be managed to an acceptable level.

To inform environmental impact and risk management for the purpose of environmental protection.

4.6.2. Core concepts

- All impacts and risks to the environment resulting from all aspects of the project need to be detailed and evaluated, including cumulative impacts and risks.
- ‘Details’ of the environmental impacts and risks means identifying, including, describing and analysing all impacts and risks that are relevant to the project.
- ‘Evaluating’ environmental impacts and risks means comparing the predicted levels against the defined acceptable levels of environmental impact and risk (see Section 4.3) to support decision making regarding acceptability of impacts and risk and any need for specific management action.
- The detail and evaluation of environmental impacts and risks forms the foundation of the case presented in the OPP that impacts and risks are of an acceptable level and that the environmental values will be protected and maintained.
- ‘Environmental impact’ means any change to the environment, whether adverse or beneficial, that wholly or partially results from an activity, including activities that are part of an offshore project.

4.6.3. Considerations

- Identification of environmental impacts and risks should be undertaken in a systematic manner using a robust process that considers all aspects of the project. The use of relevant domestic, internationally-recognised and/or widely adopted assessment methodology should be considered for identifying and evaluating impacts and risks (e.g. AS/NZS 31000:2018). The acceptable levels of environmental impact

and risk need to be defined before the evaluation of those impacts and risks can take place. See section 4.3.

- The evaluation should involve a comparison of the predicted levels of impact and risk against the defined acceptable levels to result in a decision about the need for whether additional action is required. This process is analogous to “Risk Evaluation” as per AS/NZS ISO 31000:2018.
- To be accepted, the OPP must be appropriate to the nature and scale of the project. The evaluation of all the environmental impacts and risks arising from the planned operations of the project and potential emergency conditions (unplanned) must be appropriate to the nature and scale of each impact or risk and consider cumulative impacts.
- While all evaluation needs to be clear and have a proper basis in assessment of evidence and application of policy, the detail and depth of analysis expected may be graded having regard to nature and scale-related factors such as sensitivity/vulnerability of the environment to project activities, magnitude of impacts and risks, and uncertainty associated with impact predictions and management effectiveness.
- During the evaluation of environmental impacts and risks, proponents should consider relevant statutory instruments and guidance such as that produced under the EPBC Act (e.g. policy statements and guidance material). Proponents should note that under the Program and the EPBC Act NOPSEMA is not able to accept an OPP that is inconsistent with specific types of management documentation (e.g. recovery plans for threatened species, threat abatement plans, management plans for Australian marine parks).
- Evaluation of different risk aspects of the project in isolation can make considering cumulative environmental impacts and risks challenging. When considered together, the various components and activities within the project may generate cumulative impacts and risks that require evaluation.
- Evaluation should consider the predicted likelihood and consequence of the impacts and risks using a consistent method and include a comparison of these to defined acceptable levels. Evaluation of impacts and risks may be undertaken quantitatively or qualitatively.
- In all cases the OPP must include environmental impact and risk evaluation content that has a basis in analysis of relevant facts and reasons, including those drawn from published and reputable science literature. In some cases, such as when uncertainties or assumptions cannot be addressed until activity definition is resolved in more detail, proponents may include commitments in the OPP to gather additional information or undertake specific site specific evaluations of impact or risk, prior to the preparation of an EP to address those uncertainties or assumptions. Proponents considering this approach need to justify the approach and provide defined acceptable levels of impact and risk and EPOs, which further evaluations in subsequent EPs would need to demonstrate can be met (noting that control measures may be needed).
- Evaluation of the impacts and risks should consider management measures, including their likely effectiveness, and determine if an impact or risk requires further treatment (i.e. elimination, prevention, reduction and mitigation) to be acceptable.
- Management measures that will be used to ensure the environmental impacts and risks of the project will be acceptable should be described in the OPP. Given that the OPP process is typically undertaken in the early design phase of a project, it may be reasonable that a high-level description of management measures is provided, focusing on major facility design considerations more so than detailed, procedural measures.

- Proponents need to be aware that subsequent EPs for each activity that is part of the project will need to demonstrate that environmental impacts and risks are reduced to as low as reasonably practicable and include more detailed activity-specific control measures. Those EPs may also need to include additional or different measures to demonstrate that environmental impacts and risks of activities are reduced to ALARP and acceptable.
- Proponents need to provide sufficient justification and supporting information in the OPP in order for NOPSEMA to be reasonably satisfied that the predicted environmental impacts and risks of the project will be managed to an acceptable level.
- Cumulative impacts and risks of the project may include additive effects of activities within the same project, additive effects from other activities within the region or potentially affecting the same environmental receptors or the long-term cumulative effects of a project lasting many years or decades.
- The OPP should clearly communicate assumptions made and whether any of the relevant impacts and risks are likely to be unknown, uncertain, unpredictable or irreversible.
- The OPP should state the source of any technical data and other information provided on impacts and risks, how recent the information is, how the reliability of the information was tested and what uncertainties (if any) are associated with the information. If the references are not publically available, they should be included in the OPP.
- Where information needed to support a defensible evaluation of environmental impacts and risks is not available, or confidence in the available information for project impact/risk assessment is low, additional studies by the proponent may be required to inform the setting of acceptable levels of impact and risk, the evaluation or to test the assumptions. Examples of these studies may include, but not be limited to, baseline studies, receptor impact studies and predictive modelling of emissions and discharges.

4.7. Additional content required after public comment

Applicable regulations

Regulation 5D – Actions after publication of offshore project proposal

4.7.1. Regulatory purpose

To provide a revised version of the OPP following the public comment period that adequately addresses the comments made and includes relevant changes to relevant aspects of the submission as a result of those comments. This submission is to inform the stage 2 assessment of the OPP.

4.7.2. Core concepts

- The OPP following the public comment period must include a summary of all the comments received during the public comment period, as well as an assessment of the merits of each objection or claim about the project and a statement of the proponent's response to these.
- Following receipt of public comment, the proponent may modify the project and the content of the OPP in response to public comments. Changes made to the project as a result of objections or claims from public comment should be clearly described in the final OPP.

4.7.3. Considerations

- Where comments on the OPP are received from a member of the public, it is good practice for the proponent to provide written feedback directly to that person in response to any information, objection or claim raised.
- Input from public comment and additional targeted stakeholder consultation that is undertaken by the proponent may assist the proponent in understanding the external context relevant to the project and help to define 'acceptable levels' of environmental impact and risk.
- The Environment Regulations do not require that each objection or claim raised during public comment is accommodated by the proponent through changes to the project. However, an assessment by the proponent of the merits of each objection or claim is required, which should include discussion on whether changes to the project are practicable or feasible, particularly where they would improve the environmental outcome for the project.
- Where a large number of similar comments are received during the public comment period, the final OPP may group these comments such that the OPP provides a summary of the content, number of comments received and source(s).
- A summary of all comments received must be included in the OPP submitted for acceptance. To impart efficiency and consistency to the process of summarising and assessing merits of public comments, proponents should consider adapting and applying existing resources developed for this purpose. For example, NOPSEMA has published a form 'FM1846 – Titleholder report on public comments' for addressing public comments on exploration EPs, which may be adapted for use by OPP proponents.

5. Critical factors for success

Noting the differences between the Stage 1 and 2 assessments explained in section 3.5, the criteria by which an OPP is determined to be suitable for publication at Stage 1 is subtly different from the criteria by which an OPP is accepted by the Regulator.

For both the Stage 1 and Stage 2 assessments the proposal must meet content requirements set out in Regulation 5A. If the proposal submitted for the Stage 2 assessment following the public comment period is found to be lacking in any matter required by Reg 5A, the regulator may request the proponent to include that information into the proposal.

Prior to submitting an OPP to NOPSEMA, proponents should ensure that they have met all the content requirements of an OPP and objectively consider whether the OPP content provides the evidence needed to demonstrate that the publication criteria of subregulation 5C(2) and the acceptance criteria of subregulation 5D(6) are met.

The table below includes the decision-making criteria for Stage 1 and Stage 2 assessments.

Criteria for publication – Stage 1	Criteria for acceptance – Stage 2
	5D(6)(a) Adequately addresses comments given during the period for public comment
	5D(6)(b) Is appropriate for the nature and scale of the project

Criteria for publication – Stage 1	Criteria for acceptance – Stage 2
5C(2)(a) Appropriately identifies and evaluates the environmental impacts and risks of the project	5D(6)(c) Appropriately identifies and evaluates the environmental impacts and risks of the project
5C(2)(b) Sets out EPOs that are: (i) consistent with the principles of ecologically sustainable development; and (ii) relevant to the identified environmental impacts and risks for the project	5D(6)(d) Sets out appropriate EPOs that: (i) are consistent with the principles of ecologically sustainable development; and (ii) <u>demonstrate that the environmental impacts and risks of the project will be managed to an acceptable level</u>
5C(2)(c) Does not involve an activity or part of an activity being undertaken in any part of a declared World Heritage property	5D(6)(e) Does not involve an activity or part of an activity being undertaken in any part of a declared World Heritage property
5C(2)(d) Sufficiently addresses the matters required by regulation 5A	

An OPP should present a strong case to NOPSEMA to demonstrate why the proponent believes that the criteria for acceptance have been met.

5.1. Considerations for subsequent environment plans

The OPP provides for the consideration of whole-of-project environmental impacts and risks. The EP (or EPs) that will be required to authorise activities are intended to address environmental impacts and risks at an activity-level, which would typically be a finer scale of detail than the OPP. It is important that, when preparing the OPP, proponents are mindful of the content requirements for an EP, and vice versa as there are some key linkages between these two assessment documents.

5.1.1. Environmental performance outcomes

Environment Plans for petroleum activities submitted subsequent to the OPP process will need to contain EPOs that are appropriate by being consistent with those set out in the OPP, as discussed in Section 5.6. The EPOs presented in an EP will not be required to be exactly the same, but will need to achieve the same environmental outcome (or better) as that described in the OPP.

The EPs will also be required to contain measurement criteria and performance monitoring, auditing and reporting processes relating to the EPOs.

5.1.2. Project description

The OPP should be comprehensive in describing the scope of the project and its component activities, to facilitate thorough evaluation of environmental impacts and risks and appropriate setting of EPOs. However, it is acknowledged that an OPP is prepared at an early stage in project development, before detailed planning of component activities has occurred. More detailed descriptions of the component activities are expected in EPs.

During the preparation of an OPP, it is important that proponents include a description and associated evaluation of all activities that are proposed to be part of the offshore project. Due consideration of Regulation 9(3) should be given when determining the scope and details of specific activities that are intended to be part of the project.

5.2. Refinement of project details after OPP acceptance

In some cases, refinement or modifications to methods or timing for individual project activities may occur after an OPP acceptance and before the submission of EPs. These refinements or modifications to the accepted project cannot be new activities and cannot significantly change the overall environmental impacts and risks of the project as described in the accepted OPP.

6. Relevant legislation

Offshore Petroleum and Greenhouse Gas Storage Act 2006

Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009

Environment Protection and Biodiversity Conservation Act 1999

7. References and further reading

7.1. Related documents

7.1.1. Regulatory policy and guidelines on NOPSEMA's administration of the legislation:

N-04000-PL0050 – Policy - Assessment

N-04790-PL1650 – Policy - Offshore project proposal assessment policy

N-04750-PL1347 – Policy - Environment assessment policy

N-04000-GL0225 – Guideline – Making submissions to NOPSEMA

N-04750-GL1350 – Guideline - Environment management cost recovery

7.1.2. Resources to assist stakeholders understand the requirements and how to comply:

N-04750-GN1343 – Guidance note - Petroleum activities

N-04750-GN1785 – Guidance note – Petroleum activities and Australian Marine Parks

N-04790-IP1664 - Information paper –Making public comment on offshore project proposals

N-04750-IP1382 – Information paper - Streamlining environment regulation of petroleum activities in Commonwealth waters

N-04750-IP1411 – Information paper – Consultation requirements under the OPGGS (Environment) Regulations 2009

Brochure – Requirements for effective consultation on petroleum activities in Commonwealth waters

8. Attachment A – Conceptual framework for defining acceptable levels and establishing levels of environmental performance

Figure 1 is a conceptual framework that takes into account the defined acceptable level, accounts for limitations in the impact assessment process and establishes levels of environmental performance in a manner that enables management response to prevent the acceptable level of impact from being exceeded. This framework highlights the opportunity for proponents to manage their project activities in order to prevent environmental impacts from becoming unacceptable by setting levels of environmental performance such that they represent a level that is better than or at least equivalent to the 'acceptable level' and therefore a precursor to unacceptable impact. By applying this approach, inaccuracies in the impact prediction process and uncertainties in the effectiveness of management controls can be accounted for using responsive management to avoid exceeding the acceptable level. Uncoupling defined levels of environmental performance from the acceptable level may prevent a breach of a performance measure being both a recordable and reportable incident under the environment regulations.

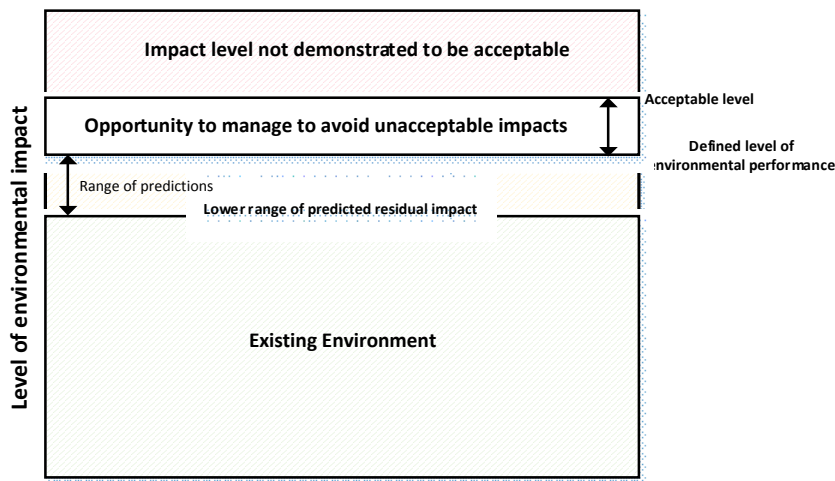


Figure 1: Framework for defining the acceptable level of impact and associated levels of environmental performance where for the purpose of the framework the:

- **Existing environment** is the condition of the existing environment before the implementation of the project;
- **Range of predictions** illustrates that impact prediction processes can result in a range of residual impacts after the implementation of control measures due to a degree of uncertainty attributed to limitations in impact prediction tools, shortfalls in knowledge in the way that the environment responds to pressures, and in the case of OPPs, unconfirmed project design features and control measures;
- **Opportunity to manage** is the window that the proponent has to undertake responsive management measures in order to prevent the impact exceeding the defined acceptable level;

- **Defined level of environmental performance** is a level of performance of a proponent in relation to environmental performance outcomes (and also environmental performance standards in EPs);
- **Acceptable level** is the maximum level of change in environmental parameters before the environmental effects become unacceptable;
- **Unacceptable impact** is the change in the environment that has exceeded the acceptable level and usually indicates that a change has occurred that is not acceptable from a socio-economic, ecological, biological or cultural values perspective.

9. Attachment B – Specific NOPSEMA environmental performance guidance

This table includes guidance for selected environmental values and sensitivities that may serve as external context to assist proponents in identifying relevant environmental features and defining acceptable levels. The guidance in this table is high level only and should be considered as a starting point for defining acceptable levels of environmental impacts and risks, and associated EPOs.

This guidance supports the NOPSEMA vision from the NOPSEMA Corporate Plan and requirements of the EPBC Act Program.

Component	Values and sensitivities	Guidance
Marine environment	Benthic communities and habitats	Benthic communities and habitats are protected so that biological diversity and ecological integrity are maintained.
	Marine environmental quality	The quality of water, sediment and biota are maintained so that environmental values are protected.
	Marine fauna	Marine fauna are protected so that biological diversity and ecological integrity are maintained.
Protected matters (Part 3 EPBC Act)	World heritage values of declared World Heritage properties	The outstanding universal value of world heritage properties will be identified, protected, conserved and transmitted to future generations.
	National heritage values of declared National Heritage places	The outstanding value to the nation of national heritage places will be protected, conserved and transmitted to future generations of Australians.
	The ecological character of declared Ramsar wetlands	The ecological character of each Ramsar wetland will be maintained, and the conservation use of each wetland will be promoted for the benefit of humanity in a way that is compatible with maintenance of the natural properties of the ecosystem.
	Listed threatened species and ecological communities	The survival and conservation status of listed threatened species and ecological communities will be promoted and enhanced, including through the conservation of critical habitat and other measures contained in any recovery plans, threat abatement plans or conservation advices.
	Listed migratory species	The survival and conservation status of listed migratory species and their critical habitat will be promoted and enhanced.



	The Commonwealth marine area	The ecosystem functioning and integrity of Commonwealth marine areas will be maintained and protected in conformity with relevant marine bioregional plans and plans of management for Australian Marine Parks.
Socio-economic features of the environment		<p>The values of the Commonwealth marine area are protected for other users.</p> <p>The rights of other users of the marine environment are not compromised.</p> <p>Any disruption to the activities of other users of the marine environment is managed responsibly.</p>

10. Attachment C - Information relevant to consideration of protected matters

The table below provides a summary of considerations and information relevant to matters protected under Part 3 of the EPBC Act. This is intended as a guide only and titleholders should, as a matter of course, review all available information for relevance and currency.

Table 1: Information to consider during the preparation of an OPP that includes activities that may impact matters protected under the EPBC Act.

Matter protected	Titleholder considerations	Information to consider during the development of an OPP
World Heritage properties	<p>An OPP that involves the activity or part of the activity, other than arrangements for environmental monitoring or for responding to an emergency, being conducted in any part of a declared World Heritage property within the meaning of the EPBC Act will not meet the acceptance criteria.</p> <p>Titleholders should demonstrate that the activities do not contravene a plan of management for a World Heritage property or propose unacceptable impacts to the world heritage values of a World Heritage property.</p> <p>If there is no plan of management for a World Heritage property, titleholders should take all reasonable steps to ensure that an OPP that refers to the property is not inconsistent with the Australian World Heritage management principles.</p>	<p>Relevant policy documents, guidelines and statements of universal value on the DoEE website. Relevant plan of management for the World heritage property or the Australian World Heritage management principles where a plan of management does not exist.</p>
National heritage values of declared National Heritage places	<p>Titleholders should demonstrate that the activities do not contravene a plan of management for a National Heritage place or proposes unacceptable impacts to the National heritage values of a National Heritage place.</p> <p>If there is no plan of management for a National Heritage place, then titleholders should take all reasonable steps to ensure that an OPP that refers to the place is not inconsistent with the National Heritage management principles.</p>	<p>Relevant policy documents, guidelines, gazettal instruments and plans of management on the DoEE website.</p>

Matter protected	Titleholder considerations	Information to consider during the development of an OPP
Wetlands of international importance	<p>Titleholders should demonstrate that the activities do not contravene a plan of management for a Ramsar wetland or propose unacceptable impacts to the ecological character of a Ramsar wetland.</p> <p>If there is no plan of management for a Ramsar wetland, then titleholders should take all reasonable steps to ensure that an OPP that refers to the wetland is not inconsistent with the Australian Ramsar management principles.</p>	<p>Relevant policy documents, guidelines, Ramsar Information Sheets, Ecological Character Descriptions and plans of management on the DoEE website</p>
Listed threatened species and ecological communities	<p>Titleholders should demonstrate that the activities would not result in unacceptable impacts to a listed threatened species or ecological community.</p> <p>The titleholder should demonstrate that the OPP is not inconsistent with a recovery plan or threat abatement plan for a listed threatened species or ecological community.</p>	<p>Relevant policy documents, recovery plans, threat abatement plans, conservation advice and guidelines on the DoEE website.</p>
Listed migratory species	<p>Titleholders should demonstrate that the activities do not result in unacceptable impacts to a migratory species or an area of important habitat for a migratory species.</p>	<p>Relevant policy documents, wildlife conservation plans and guidelines on the DoEE website.</p>
Commonwealth marine environment	<p>Titleholders should demonstrate that the activities would not result in unacceptable impacts to the environment of a Commonwealth marine area.</p> <p>Titleholders should have regard to any relevant bioregional plan and demonstrate that the OPP is not inconsistent with a plan of management for a Commonwealth marine reserve or a Commonwealth Heritage place.</p> <p>If there is no plan of management for a Commonwealth marine reserve, then</p>	<p>Relevant policy documents, gazettal instruments, bioregional plans (including the conservation atlas), wildlife conservation plans, plans of management and EPBC Act guidance documents on the DoEE website.</p>

Matter protected	Titleholder considerations	Information to consider during the development of an OPP
	<p>titleholders should demonstrate that the OPP is not inconsistent with the International Union for Conservation of Nature (IUCN) reserve management principles.</p> <p>If there is no plan of management for a Commonwealth Heritage place, then titleholders should take all reasonable steps to ensure that the OPP is not inconsistent with the Commonwealth Heritage management principles.</p>	

Related documents provide links to information and documents relating to matters protected that should be considered during the development of a submission to NOPSEMA. Please note that while every effort has been made to ensure the validity of the links below, NOPSEMA is not able to guarantee that they will remain valid in every case.

Resources for matters protected under Part 3 of the EPBC Act:

[EPBC Act and EPBC Regulations](#)

[EPBC Act Policies and Guidelines including Significant Impact Guidelines 1.1 and 1.2](#)

[EPBC Act lists of heritage places, species and ecological communities and Australian RAMSAR wetlands](#)

[Protected matters search tool](#)

[Conservation values atlas](#)

[World Heritage property list and links to relevant information on each property](#)

[Australian World Heritage Management principles \(Schedule 5 of the EPBC Regulations\)](#)

[National heritage places list and links to relevant information on each place](#)

[National heritage management principles \(Schedule 5B of the EPBC Regulations\)](#)

[List of wetlands of international importance \(Australia's Ramsar wetlands\)](#)

[Ramsar Information Sheets, Ecological Character Descriptions and Management Plans](#)

[Australian Ramsar Management principles \(Schedule 6 of the EPBC Regulations\)](#)

[Threatened flora and fauna species](#)

[Threatened ecological communities](#)

[Specific Profile and Threats database \(SPRAT\)](#)

[Biologically important areas of regionally significant marine species](#)

[National Marine Mammal Database](#)

[Recovery plans adopted under the EPBC Act](#)

[Threat abatement plans](#)

[Conservation advices](#)

[Wildlife Conservation plans](#)

[Australian Marine Parks \(including links to conservation values and relevant management plans\)](#)

[Australian IUCN Reserve Management principles \(Schedule 8 of the EPBC Regulations\)](#)

[Bioregional marine plans](#)

[Commonwealth Heritage Places](#)

[Commonwealth Heritage Management Principles](#)

11. Attachment D – Principles of ecologically sustainable development

The following principles are principles of ecologically sustainable development as per section 3A of the EPBC Act:

- a. decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations;
- b. if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
- c. the principle of inter-generational equity—that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;
- d. the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making;
- e. improved valuation, pricing and incentive mechanisms should be promoted.