

Environment plan summaries

Core concepts

- The Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (Environment Regulations) require that a titleholder submit a summary of an accepted Environment Plan (EP) to the Regulator for public disclosure.
- The Environment Regulations require that the EP Summary must be to the satisfaction of the Regulator.
- The EP Summary must be submitted to NOPSEMA not more than 10 calendar days after acceptance of the EP.
- An EP Summary is published by the Regulator to provide accountability and transparency of offshore petroleum environmental management. It is intended to:
 - Communicate to members of the public how a petroleum activity will not have unacceptable impacts and risks to the environment.
 - Show members of the public how a particular activity will be carried out in a manner consistent with the principles of ecologically sustainable development.
 - Document how the impacts and risks of a particular activity will be managed to levels that are as low as reasonably practicable (ALARP) and acceptable levels through implementation of control measures.
 - Communicate to relevant persons how their objections or claims have been taken into account.
- An EP Summary must include material from the accepted EP.
- An EP Summary must contain balanced and objective information to assist in understanding the activity, its impacts and risks, and control measures in place to manage these impacts and risks.
- An EP Summary must include sufficient information to show how a titleholder established the external context necessary for the environmental impact and risk evaluation provided in an accepted EP.
- An EP Summary must detail the consultation undertaken with relevant persons in the course of preparing the EP, including details of any objections or claims about adverse impacts made by relevant persons, and show how these have been addressed by a titleholder.
- A titleholder should ensure that an acceptable EP Summary has been provided for publication prior to commencement of the petroleum activity.

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Acronyms

ALARP	As Low As Reasonably Practicable
Environment Regulations	Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009
EP	Environment Plan
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
NOPSEMA	National Offshore Petroleum Safety and Environmental Management Authority
OPEP	Oil Pollution Emergency Plan

1 Purpose

The purpose of this guideline is to provide advice to titleholders regarding NOPSEMA's interpretation on the requirements to disclose information about an accepted Environment Plan (EP) through publication of an Environment Plan Summary (EP Summary).

The guideline provides instruction to titleholders on how to prepare an EP Summary that is to NOPSEMA's satisfaction.

2 Background

The Australian public has an expectation that petroleum activities in Commonwealth waters will be undertaken in a manner where the environment will not be exposed to unacceptable impacts and risks. To help demonstrate this is the case, an EP Summary is made available for public disclosure. The EP Summary is the means to communicate to the public how a particular activity will be carried out in a manner consistent with the principles of ecologically sustainable development; document how impacts and risks of a petroleum activity will be managed to an ALARP level through implementation of control measures; and communicate to relevant persons how their objections and claims have been taken into account.

The EP Summary is an important mechanism in maintaining transparency of offshore petroleum environmental management and providing accountability for a titleholder's environmental performance.

The Environment Regulations contain specific requirements for the content of EP summaries and provide that an EP Summary must be to the satisfaction of the Regulator. Each of these requirements will be further discussed below.

3 Requirements of an EP summary

Subregulation 11(3) details the timeframe that an EP Summary is to be submitted to NOPSEMA following acceptance of an EP. In the event that NOPSEMA is not satisfied that an EP Summary meets the requirements of the Environment Regulations, the titleholder will be provided with an opportunity to modify and resubmit the EP Summary. Depending on the nature of the deficiencies identified in an EP Summary, NOPSEMA will require the EP Summary to be resubmitted as soon as practicable. Typically NOPSEMA will provide no more than 10 additional days for modification and resubmission of an EP Summary.

A titleholder should endeavour to make reasonable attempts to ensure that an EP Summary is provided to a suitable standard and in a sufficient timeframe for NOPSEMA to assess and publish the EP Summary prior to commencement of the petroleum activity.

Requirement for an EP summary

- (3) Within 10 days after receiving notice that the Regulator has accepted an environment plan (whether in full, in part or subject to limitations and conditions), the titleholder must submit a summary of the accepted plan to the Regulator for public disclosure.

Subregulation 11(4) details the specific content requirements of an EP summary.

Content of an EP summary

(4) The summary

- (a) must include the following material from the environment plan:
 - (i) the location of the activity;
 - (ii) a description of the receiving environment;
 - (iii) a description of the activity;
 - (iv) details of environmental impacts and risks;
 - (v) a summary of the control measures for the activity;
 - (vi) a summary of the arrangements for ongoing monitoring of the titleholder's environmental performance;
 - (vii) a summary of the response arrangements in the oil pollution emergency plan;
 - (viii) details of consultation already undertaken, and plans for ongoing consultation;
 - (ix) details of the titleholder's nominated liaison person for the activity; and
- (b) must be to the satisfaction of the Regulator.

The content requirements of an EP summary require a titleholder to include material to **describe, detail** or provide a **summary** of certain aspects of an accepted EP. Definitions of these terms are included below to provide instruction to titleholders on the type of material contained within the EP that must be included in an EP summary. These definitions are a suggested starting point only:

- **Describe:** to set forth in written words; give an account of
- **Detail:** particulars collectively; minutiae; item by item
- **Summary:** a brief and comprehensive presentation of facts or statements; an abstract, compendium, or epitome¹.

¹ *Macquarie dictionary online* © 2014

4 Preparing an EP summary

An EP Summary must provide an accurate representation of the information on which NOPSEMA has made its decision to accept an EP. For this reason the Environment Regulations require that EP summaries include material from the EP as opposed to material that has been significantly amended.

Communicating a broad range of information to the public can be challenging. Differences in culture and literacy for example make it necessary to avoid a one-size fits-all mindset when developing an EP Summary. Ultimately information must be provided that is understandable and meaningful. In communicating effectively, consideration should be given to identifying the intended audience and having an understanding of their interest, beliefs and level of knowledge.

In identifying the intended audience for a particular EP Summary, a titleholder should give consideration to relevant persons identified during consultation undertaken in the course of preparing the EP. These are likely to be key members of the public which may have interest in the contents of an EP Summary. Knowing their needs, beliefs and interests, as well as having an understanding of their level of knowledge of particular issues will further assist in determining the level of, and how information should best be communicated in the EP Summary.

The following sections expand on each of the content requirements for EP summaries and provide advice to titleholders' on the level of detail that must be drawn from the material in an accepted EP and presented in an EP Summary to be to NOPSEMA's satisfaction.

4.1 The location of the activity

The EP Summary **must** include the location of the activity or activities that are described in the EP. A variety of material from the EP may be used to ensure that the public are adequately informed of the location of an activity or activities. This material should include (but is not limited to) any or all of the following:

- maps of the activity location and/or boundaries of the activity area showing proximity to the coastline or other clearly distinguishable landmarks
- written details of the activity location with reference to particular landmarks (e.g. 130km north-west of Karratha and 100km north-east of the Montebello Islands)
- geographic coordinates of particular facilities or infrastructure
- title numbers
- any other material from the EP which assists in defining and describing the activity location.

4.2 A description of the receiving environment

The EP Summary **must** include a description of the receiving environment. This includes a description of environmental, social, economic and cultural features that may be affected directly or indirectly by the activity, including under potential emergency conditions or by implementation of emergency response arrangements, and details of particular values and sensitivities.

Particular relevant values and sensitivities **must** include all relevant matters protected under the EPBC Act as outlined in subregulation 13(3) of the Environment Regulations. If these particular values and sensitivities may be affected by an activity the EP summary **must** provide a description of these values and sensitivities.

4.3 A description of the activity

The EP summary **must** include a description of the activity. Sufficient information about the activity should be included to allow the public to understand the key aspects of the activity that have the potential to result in environmental impacts and risks.

The description of the activity in an EP Summary must include:

- general details of the aspects of any facility that have the potential to result in environmental impacts or risks
- an outline of the operational details of the activity that have the potential to result in environmental impacts or risks
- a proposed timetable for the activity
- any additional information from the EP that is relevant to the consideration of environmental impacts and risks, for example:
 - activities proposed in response to potential emergency conditions that may modify or trade-off impacts and risks
 - activity design characteristics that contribute to eliminate, reduce, or mitigate impacts and risks.

4.4 Details of environmental impacts and risks

The EP Summary **must** include details of all environmental impacts and risks, including those arising from emergency conditions and implementing emergency response arrangements. Regulation 13(5)(a) requires that details of all environmental impacts and risks are presented in the EP². For the purposes of preparing the EP summary, titleholders must copy the information required by regulation 13(5)(a) directly from the accepted EP. This information forms the basis of the impact and risk assessment presented in the accepted EP and provides context to the public for the control measures selected to manage impacts and risks.

In order to provide the public with the necessary context regarding the risk management choices made by a titleholder to manage environmental impacts and risks the titleholder may choose to include the method, or methods used to assess the environmental impacts and risks of the activity in this section of the EP Summary. These are the method(s) used by the titleholder to demonstrate that environmental impacts and risks will be managed to as low as reasonably practical and to an acceptable level.

4.5 A summary of the control measures for the activity

The EP Summary **must** include a summary of the control measures for the activity. This summary information should effectively communicate the controls measures that a titleholder has selected to manage environmental impacts and risks of an activity to an acceptable and ALARP level. A titleholder should ensure that controls measures, including those in place to manage impacts and risks associated with implementing emergency response strategies, are detailed in the summary.

A summary of the control measures should be succinct and clearly understandable to the public. NOPSEMA expects that at minimum it is made clear what impacts or risks the control measures manages. When summarising the control measures for the activity, titleholders' should incorporate more information about control measures that were selected (or not selected) as a result of consultation with relevant persons, or those that have been proposed to manage impacts and risks to the functions, interests or activities of relevant persons.

4.6 A summary of the arrangements for ongoing monitoring of the titleholders environmental performance

The EP Summary **must** include a summary of the arrangements for ongoing monitoring of the titleholder's environmental performance. This summary information should clearly articulate the systems that the titleholder has in place to monitor environmental performance throughout the life of the activity and to determine that environmental performance outcomes and standards in the EP are being met.

The EP Summary should contain a summary of the measures and systems in place for monitoring, recording, audit, management of non-conformance and review of the titleholder's environmental

² See page 18 of GN1344 - Environment Plan Content Requirements - Rev 3 - April 2016

performance. This should demonstrate that arrangements are in place to ensure that environmental performance outcomes and environmental performance standards will be met.

Further, the EP Summary should articulate the processes that a titleholder has in place to review their EP in the event that new or increased environmental impacts and risks are identified during the life of the activity.

4.7 A summary of the response arrangements in the oil pollution emergency plan

The EP Summary **must** include a summary of the response arrangements in the oil pollution emergency plan. Sufficient material from the EP and oil pollution emergency plan (OPEP) is to be provided to give the public confidence that the titleholder has:

- adequate arrangements and capability in place to implement the control measures proposed to manage a significant oil pollution emergency in a timely manner
- the systems in place to maintain preparedness to implement the response arrangements in the event of an oil pollution emergency.

4.8 Details of consultation already undertaken and plans for ongoing consultation

The EP Summary **must** include details of consultation already undertaken, and plans for ongoing consultation. For the purposes of preparing the EP Summary titleholders must include a copy of the report on all consultation provided in the accepted EP under regulation 16(b) of the Environment Regulations. Copies of the full text of responses provided by relevant persons will not be required in an EP Summary given this information should already be suitably summarised and communicated in the contents of the report.

The EP summary **must**:

- clearly identify all relevant persons that have been consulted in the course of preparing the EP
- provide a summary of each response made by a relevant person
- provide an assessment of the merits of any objection or claim about the adverse impact of each activity to which the EP relates
- a statement of the titleholder's response, or proposed response, where appropriate, to each objection or claim
- describe the process that the titleholder will implement during the life of the activity to undertake ongoing consultation with relevant persons.

By including the above information in an EP summary, titleholders can demonstrate to the public that the concerns of relevant persons have been appropriately assessed; and that the control measures adopted as a result of the consultation will be effective in managing environmental impacts and risks.

Given that EP summaries are public documents titleholders should take steps to ensure that the privacy of relevant persons is protected. Information of a personal or sensitive nature, such as telephone numbers should be redacted by a titleholder.

4.9 Details of the titleholders nominated liaison person for the activity

The EP Summary must contain sufficient details of the titleholders nominated liaison person for the activity to allow interested persons to contact the titleholder should they require further information about an activity. This should include at a minimum the liaison person's:

- name
- business address
- telephone number
- email address.

5 Must be to the satisfaction of the NOPSEMA

In order for the EP Summary to be to the satisfaction of NOPSEMA, the titleholder must include sufficient and accurate information against each of the requirements discussed above to ensure that there is adequate public disclosure about the petroleum activity.

Where the content and level of detail provided in an EP Summary aligns with the principles discussed in this Guideline, NOPSEMA will generally be satisfied that an EP Summary meets the requirements of the Environment Regulations. The EP Summary will be published in full on NOPSEMA's website as soon as practicable after NOPSEMA is satisfied with the content.

6 Further reading

N-04000-PL0050 – Policy - Assessment

N-04750-PL1347 – Policy - Environment Assessment Policy

N-04750-GN1343 – Guidance Note - Petroleum Activities

N-04750-GN1344 – Guidance Note – Environment Plan Content Requirements

Note: All references to Regulations contained within this Information Paper are to the Commonwealth Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009. All references to 'the Act' contained in this Information Paper are to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.