

# Streamlining environmental regulation of petroleum activities in Commonwealth Waters

## 1 Glossary of terms

For the purposes of this Information Paper:

- Streamlining environmental regulation of petroleum activities in Commonwealth waters is referred to as “streamlining”.
- The Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 is referred to as the “Environment Regulations”.
- All matters protected under Part 3 of the EPBC Act with the exception of Commonwealth land are referred to as “matters protected”
- “Submission” refers to offshore project proposal and / or environment plan submissions.
- Proponents for offshore project proposals and titleholders for environment plans are referred to collectively as duty holders
- The National Offshore Petroleum Safety and Environment Management Authority is referred to as “NOPSEMA”.
- While this information paper refers predominantly to petroleum activities, concepts are equally applicable to greenhouse gas activities.

## 2 Purpose

The purpose of this information paper is to clarify:

- What is meant by streamlining (section 3 of this Paper)
- Which activities streamlining applies to (section 4 of this Paper)
- How matters protected will be assessed by NOPSEMA (section 5 of this Paper)
- The information relating to matters protected that should be considered during the development of a submission and to provide links to this information (sections 6 and 7 of this Paper)

## 3 What is streamlining?

The Australian Government is committed to strengthening Australia’s productivity and international competitiveness through streamlined environmental approval processes for offshore petroleum projects that achieve both regulatory efficiency and strong environmental safeguards.

In accordance with this commitment, NOPSEMA’s environmental management authorisation process has been endorsed by the Federal Minister for the Environment as a Program (the Program) that meets the requirements of Part 10, section 146, of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Subsequently the Minister for the Environment approved a class of actions which, if undertaken in accordance with the endorsed Program, will not require referral, assessment and approval under the EPBC Act.

The endorsed Program consists of the following components:

- The Environment Regulations inclusive of amendments that take effect from 28 February 2014; and
- The Program commitments as specified in the Program Report - *Streamlining Offshore Petroleum*

*Environmental Approvals, Program Report February 2014.*

Endorsement of the Program and approval of classes of actions streamlines environmental regulation of petroleum activities in Commonwealth waters by making NOPSEMA the sole Commonwealth regulator for these activities.

Streamlining provides the following benefits:

- In accordance with the endorsed Program referral, assessment and approval of petroleum activities in Commonwealth waters under the EPBC Act is no longer necessary. Impacts on matters protected under Part 3 of the EPBC Act will be assessed by NOPSEMA.
- As a result of streamlining, duty holders will have clarity, certainty and consistency in their engagement with the sole Commonwealth regulator for petroleum activities, NOPSEMA.
- Duplication in environmental regulation will be reduced while maintaining strong environmental safeguards.

#### **4 Which activities does streamlining apply to?**

All petroleum and greenhouse gas activities undertaken in Commonwealth waters in accordance with the endorsed Program are considered as “approved classes of action” with the exception of petroleum and greenhouse gas activities that:

- have, will have or are likely to have a significant impact on the environment on Commonwealth land
- are taken in any area of the sea or seabed that is declared to be part of the Great Barrier Reef Marine Park under the *Great Barrier Reef Marine Park Act 1975* (Cth)
- have, will have or are likely to have a significant impact on the world heritage values of the Great Barrier Reef World Heritage property or on the national heritage values of the Great Barrier Reef National Heritage place
- are taken in the Antarctic
- are injection and / or storage of greenhouse gas.

In addition to the above exceptions, any petroleum activity in Commonwealth waters that does not have an accepted EP is not an approved class of action under the Program and is subject to the requirements of the EPBC Act.

#### **5 How will matters protected be assessed?**

Under the Program, there are two submissions which are assessed by NOPSEMA in accordance with the Environment Regulations.

These are:

- Offshore Project Proposals (OPP) for offshore projects as defined in the Environment Regulations; and
- Environment Plans (EP) for all petroleum activities in Commonwealth waters.

##### **5.1 Offshore project proposals**

For offshore projects (as defined in the Environment Regulations), the Program requires the submission of an OPP to NOPSEMA for assessment on a ‘whole-of-lifecycle’ basis. The OPP must include details of the project, environmental impacts and risks, environmental performance outcomes and a description of potential

alternatives. The OPP, which is subject to a mandatory period of public comment, is accepted or refused by NOPSEMA.

## 5.2 Environment plans

Prior to commencing an activity, a titleholder must submit an EP to NOPSEMA for assessment and may not commence the activity until such time as the EP has been accepted by NOPSEMA.

An EP for an activity that is, or is part of, an “offshore project” as defined under the Environment Regulations cannot be submitted unless NOPSEMA has accepted an OPP that includes that activity or the Environment Minister has provided a relevant decision or approval under the EPBC Act.

To accept an EP, NOPSEMA must be reasonably satisfied that the EP meets the criteria for acceptance under section 10A of the Environment Regulations. The criteria for acceptance apply to the management of all impacts and risks including those matters protected under Part 3 of the EPBC Act.

For further details on preparing OPPs and EPs, please refer to NOPSEMA’s Environmental Management web page: [www.nopsema.gov.au/environmental-management/](http://www.nopsema.gov.au/environmental-management/)

## 6 Information relating to matters protected

The Program requires submissions to demonstrate that environmental impacts and risks from an activity will be of an acceptable level. Recent amendments to the Environment Regulations as a result of streamlining have made it explicit that submissions must consider the relevant values and sensitivities of matters protected as well as all other values and sensitivities that exist in the environment.

The specific EPBC Act matters protected relevant to the Program are:

- The World Heritage values of a declared World Heritage property (sections 12 and 15A of the EPBC Act)
- National Heritage values of a declared National Heritage place (sections 15B and 15C of the EPBC Act)
- The ecological character of a declared Ramsar wetland (sections 16 and 17B of the EPBC Act)
- Listed threatened species and ecological communities (sections 18 and 18A of the EPBC Act)
- A listed migratory species (sections 20 and 20A of the EPBC Act)
- The environment in a Commonwealth marine area (sections 23 and 24A of the EPBC Act).

For both OPPs and EPs, the matters protected must be considered as part of the relevant sensitivities of the environment and an evaluation of impacts and risks of the proposal on those sensitivities must be included.

NOPSEMA will not accept an OPP that does not set out appropriate environmental performance outcomes that demonstrate that the environmental impacts and risks of the project will be managed to acceptable levels.

Similarly for EPs, NOPSEMA will not accept an EP that does not contain appropriate environmental performance outcomes, environmental performance standards and measurement criteria to demonstrate that the environmental impacts and risks of the activity will be managed to as low as reasonably practicable and to acceptable levels.

The requirements for the consideration of matters protected, and relevant information sources are detailed in Table 1 below.

**Table 1 – information to consider during the preparation of submissions that include activities that may impact matters protected**

Matter protected	Program requirements for EPs	Information to consider during the development of OPPs and EPs	Relevant references (see section 7)
World Heritage properties	<p>NOPSEMA will not accept an EP 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.</p> <p>NOPSEMA will not accept an EP that proposes activities that will contravene a plan of management for a World Heritage property or proposes 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, then NOPSEMA will take all reasonable steps to ensure that any accepted EP 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 DoE 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>	1, 2, 4, 5
National heritage values of declared National Heritage places	<p>NOPSEMA will not accept an EP that proposes activities that will 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 NOPSEMA will take all reasonable steps to ensure that any accepted EP 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 DoE website.</p>	1, 2, 3, 4
Wetlands of international importance	<p>NOPSEMA will not accept an EP that proposes activities that will contravene a plan of management for a Ramsar wetland or proposes unacceptable impacts to the ecological character of a Ramsar wetland.</p> <p>If there is no plan of management for a Ramsar wetland, then NOPSEMA will take all reasonable steps to ensure that any accepted EP 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 DoE website</p>	1, 2, 3, 4, 6, 7

<b>Matter protected</b>	<b>Program requirements for EPs</b>	<b>Information to consider during the development of OPPs and EPs</b>	<b>Relevant references (see section 7)</b>
Listed threatened species and ecological communities	<p>NOPSEMA will not accept an EP that proposes activities that will result in unacceptable impacts to a listed threatened species or ecological community.</p> <p>NOPSEMA will not accept an EP that is inconsistent with a recovery plan or threat abatement plan for a listed threatened species or ecological community.</p>	Relevant policy documents, recovery plans, threat abatement plans, conservation advice and guidelines on the DoE website.	1, 2, 3, 4, 8, 9, 10, 11, 12, 13, 14
Listed migratory species	NOPSEMA will not accept an EP that proposes activities that will result in unacceptable impacts to a migratory species or an area of important habitat for a migratory species.	Relevant policy documents, wildlife conservation plans and guidelines on the DOE website.	1, 2, 3, 4, 9, 10, 11, 14,
Commonwealth marine environment	<p>NOPSEMA will not accept an EP that proposes activities that will result in unacceptable impacts to the environment of a Commonwealth marine area</p> <p>NOPSEMA will have regard to any relevant bioregional plan and not act inconsistently with a plan of management for a Commonwealth reserve or a Commonwealth Heritage place in deciding whether or not to accept an EP.</p> <p>If there is no plan of management for a Commonwealth reserve, then NOPSEMA will ensure that acceptance of an EP 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 NOPSEMA will take all reasonable steps to ensure that any accepted EP that refers to the place is not inconsistent with the Commonwealth Heritage management principles.</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 DoE website	2, 4, 15, 16, 17

## 7 References

1. **EPBC Act Policies and Guidelines including EPBC Act 1.1 and 1.2 Significant Impact Guidelines**  
([www.environment.gov.au/topics/about-us/legislation/environment-protection-and-biodiversity-conservation-act-1999/policy](http://www.environment.gov.au/topics/about-us/legislation/environment-protection-and-biodiversity-conservation-act-1999/policy))
2. **EPBC Act and EPBC Regulations**  
([www.comlaw.gov.au/](http://www.comlaw.gov.au/))
3. **EPBC Act lists**  
([www.environment.gov.au/legislation/environment-protection-and-biodiversity-conservation-act/about-epbc-act/epbc-act-lists#species](http://www.environment.gov.au/legislation/environment-protection-and-biodiversity-conservation-act/about-epbc-act/epbc-act-lists#species))
4. **Protected matters search tool**  
([www.environment.gov.au/topics/about-us/legislation/environment-protection-and-biodiversity-conservation-act-1999/protected](http://www.environment.gov.au/topics/about-us/legislation/environment-protection-and-biodiversity-conservation-act-1999/protected))
5. **World Heritage property list and relevant documents**  
([www.environment.gov.au/topics/heritage/heritage-places/world-heritage-list](http://www.environment.gov.au/topics/heritage/heritage-places/world-heritage-list))
6. **List of wetlands of international importance (Australia's Ramsar wetlands) –**  
([www.environment.gov.au/cgi-bin/wetlands/](http://www.environment.gov.au/cgi-bin/wetlands/))
7. **Ramsar Information Sheets, Ecological Character Descriptions and Management Plans**  
([www.environment.gov.au/topics/water/water-our-environment/wetlands/ramsar-convention-wetlands/ramsar-documents](http://www.environment.gov.au/topics/water/water-our-environment/wetlands/ramsar-convention-wetlands/ramsar-documents))
8. **List of recovery plans adopted under the EPBC Act**  
([www.environment.gov.au/cgi-bin/sprat/public](http://www.environment.gov.au/cgi-bin/sprat/public))
9. **Specific Profile and Threats database (SPRAT)**  
([www.environment.gov.au/cgi-bin/sprat/](http://www.environment.gov.au/cgi-bin/sprat/))
10. **Threat abatement plans**  
([www.environment.gov.au/topics/biodiversity/threatened-species-ecological-communities/threat-abatement-plans/approved-threat](http://www.environment.gov.au/topics/biodiversity/threatened-species-ecological-communities/threat-abatement-plans/approved-threat))
11. **Conservation advices**  
([www.environment.gov.au/cgi-bin/sprat/public/conservationadvice.pl](http://www.environment.gov.au/cgi-bin/sprat/public/conservationadvice.pl))
12. **Listing category**  
([www.environment.gov.au/topics/biodiversity/threatened-species-ecological-communities/threatened-species](http://www.environment.gov.au/topics/biodiversity/threatened-species-ecological-communities/threatened-species))
13. **Listing categories**  
([www.environment.gov.au/topics/biodiversity/threatened-species-ecological-communities/threatened-ecological-communities-0#whatec](http://www.environment.gov.au/topics/biodiversity/threatened-species-ecological-communities/threatened-ecological-communities-0#whatec))
14. **Wildlife Conservation plans**  
([www.environment.gov.au/resource/wildlife-conservation-plan-migratory-shorebirds](http://www.environment.gov.au/resource/wildlife-conservation-plan-migratory-shorebirds))

- 15. Information on commonwealth marine reserves including links to conservation values and relevant management plans**  
([www.environment.gov.au/topics/marine/marine-reserves](http://www.environment.gov.au/topics/marine/marine-reserves))
- 16. Bioregional marine plans**  
([www.environment.gov.au/topics/marine/marine-bioregional-plans/conservation-values-atlas](http://www.environment.gov.au/topics/marine/marine-bioregional-plans/conservation-values-atlas))
- 17. Information relevant for Commonwealth heritage places**  
([www.environment.gov.au/topics/heritage/heritage-places/commonwealth-heritage-list](http://www.environment.gov.au/topics/heritage/heritage-places/commonwealth-heritage-list))
- 18. NOPSEMA Assessment Policy**  
([www.nopsema.gov.au](http://www.nopsema.gov.au))
- 19. NOPSEMA Environment Plan Assessment Policy**  
([www.nopsema.gov.au/environmental-management](http://www.nopsema.gov.au/environmental-management))
- 20. NOPSEMA Environment Plan Content Requirements Guidance Note**  
([www.nopsema.gov.au/environmental-management](http://www.nopsema.gov.au/environmental-management))