

# Petroleum activities and Australian Marine Parks

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## Abbreviations/acronyms

ALARP	As Low As Reasonably Practicable
AMP	Australian Marine Park
DNP	Director of National Parks
DoE	Department of the Environment and Energy
Environment Regulations	Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009
EP	Environment Plan
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
Emergency response	Actions taken in accordance with the accepted EP/OPEP, including environmental monitoring and remediation, to respond to an oil pollution incident resulting from a petroleum activity
IUCN	International Union for Conservation of Nature
NOPSEMA	National Offshore Petroleum Safety and Environmental Management Authority
OPEP	Oil Pollution Emergency Plan
OPP	Offshore Project Proposal
OPGGS Act	Offshore Petroleum and Greenhouse Gas Storage Act 2006
OSMP	Operational and Scientific Monitoring Plan
Program	NOPSEMA Program endorsed under Part 10 of the EPBC Act for streamlining offshore petroleum environmental approvals

## Core concepts

- There are six marine park management plans in operation – one for each of the five marine park networks in Commonwealth waters (the North, North-west, South-west, South-east and Temperate East networks) and one for the Coral Sea Marine Park.
- Management plans set out the approach to managing Australian Marine Parks (AMPs) in Commonwealth waters.
- NOPSEMA cannot accept an environment plan (EP) that is inconsistent with these management plans.
- NOPSEMA bases regulatory decisions on the content of EPs and its expert assessment of that content.
- Environment plans must include relevant information and analysis that underpins a clear and well-founded case for why the titleholder determines that the EP is not inconsistent with a management plan for an AMP, and the environmental impacts and risks of the activity are of an acceptable level and reduced to as low as reasonably practicable (ALARP).
- Implications of having management plans in effect for the marine parks include the need for titleholders to have regard to relevant information about the parks and associated management arrangements, when making the case described above.
- Relevant information may include marine park zoning and associated rules for activities, the relevant management plan prescriptions, authorisations issued by the Director of National Parks (DNP), including any conditions, marine park values including the representativeness of relevant natural values, and any claims and/or objections received via consultation with the DNP.
- This guidance note provides guidance on the key management arrangements and requirements that are relevant to petroleum and greenhouse gas activities that may affect AMPs. The intent of this guidance note is to assist titleholders in the preparation of EPs to comply with these arrangements and regulatory requirements.
- Elements of this guidance are also broadly relevant Offshore Project Proposals (OPPs). OPP proponents should consider the relevance of this guidance in the context of the regulatory requirements and decision criteria that apply to OPPs and are encouraged to seek more specific advice from NOPSEMA and Parks Australia early in the OPP planning process.
- This guidance note has been prepared by NOPSEMA in consultation with Parks Australia.

## 1. Introduction

### 1.1. Purpose and intent

The purpose of this guidance note is to provide guidance on the key management arrangements and requirements that are relevant to petroleum and greenhouse gas activities that may affect Australian Marine Parks (AMPs).

The intent is to assist titleholders in preparing Environment Plans (EPs) that comply with regulatory requirements.

### 1.2. Background

Australian Marine Parks are established by proclamation under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for the purpose of protecting and maintaining biological diversity in the parks.

There are five marine park networks (South-east, South-west, North-west, the North and Temperate East networks) and the Coral Sea Marine Park in Commonwealth waters (Figure 1).

Management plans made under the EPBC Act are in operation for each of the networks and for the Coral Sea Marine Park.

These management plans give effect to management principles and objectives and prescribe what and how activities are allowed to occur within each marine park and zone. The EPBC Act requires that management plans detail how each zone in the park is to be managed and include specifications for any activities including 'mining operations' that may be carried out in the park, as well as, any requirements that apply to those activities. The EPBC Act defines 'mining operations'<sup>1</sup> and so this terminology is used in management plans and approvals issued by the Director of National Parks (DNP). Under the management plans, mining operations include offshore petroleum activities, including associated emergency response, environmental monitoring, and remediation activities. 'Mining operations' do not include activities to inject and/or store greenhouse gas.

The DNP is the statutory authority responsible for the administration and management of the AMPs under the EPBC Act.

Under the EPBC Act, the DNP and other Australian government agencies must act consistently with a management plan that is in operation for the AMP<sup>2</sup>. This requirement is mirrored under NOPSEMA's EPBC Act Program, which requires that NOPSEMA will not act inconsistently with a plan of management for a Commonwealth reserve (i.e. an AMP) in deciding whether or not to accept an EP.

AMPs and the EPBC Act requirements for activities in AMPs do not affect activities under a seabed 'usage right' issued prior to a park's establishment, but renewal or extension of the term of the 'right' requires consent from the Minister for the Environment and Energy.<sup>3</sup>

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<sup>1</sup> EPBC Act section 355

<sup>2</sup> EPBC Act, section 362

<sup>3</sup> EPBC Act, sections 350(7) and 359

## 2. Rules and authorisations for mining operations

### 2.1. Overarching rules for activities

The management plans enable a range of activities and set rules for which activities are allowed (without authorisation), allowable (with authorisation) or not allowed. Under these rules mining operations are only allowable in certain areas (zones) of marine parks.

Australian Marine Parks are zoned based on International Union for the Conservation of Nature (IUCN) principles with the aim of including representative examples of marine habitats and features within the Commonwealth marine area. The AMPs include IUCN category Ia, II, IV and VI zones and the management plans include maps that spatially define the park and zone boundaries using a consistent colour scheme (see Figure 1).

Management plans also provide tabulated summaries of 'rules' for activities. These summaries serve as guides that allow park users to quickly understand whether their activities are allowed, allowable or not allowed in each zone of the parks.

For those activities that are allowable, the management plans provide information on the assessment and decision-making process, the types of authorisations which may be issued and how activities need to be undertaken.

Under the management plans, planned mining operations are generally allowable in Multiple Use Zones and Special Purpose Zones (IUCN category VI) or 'blue zones', with the exception of Special Purpose (Mining Exclusion) zones. The relevant management plan(s) should always be studied early in the process of preparing the EP to identify the relevant park-specific zoning and rules for activities and ensure the proposed activity and its location is consistent with them. See sections 2.2 and 2.3 for guidance on authorisation of allowable activities.

Mining operations are not allowed to occur in any other zones of the parks. An exception to this general rule is where a titleholder is the holder of a prior usage right title (Section 3.4) or has been granted a licence by the DNP to construct and operate a pipeline in a Category II or IV zone (Section 2.3 for guidance on proposed pipelines). Mining operations are prohibited in the Coral Sea Marine Park.

Management plans for the South-west, North-west, North and Temperate East Networks of AMPs allow actions required to respond to unplanned oil pollution incidents, including environmental monitoring and remediation, to be conducted in all zones without an authorisation issued by the DNP. This is provisional on actions being taken in accordance with an EP that has been accepted by NOPSEMA, and the DNP being notified in the event of oil pollution within a marine park, or where an oil spill response

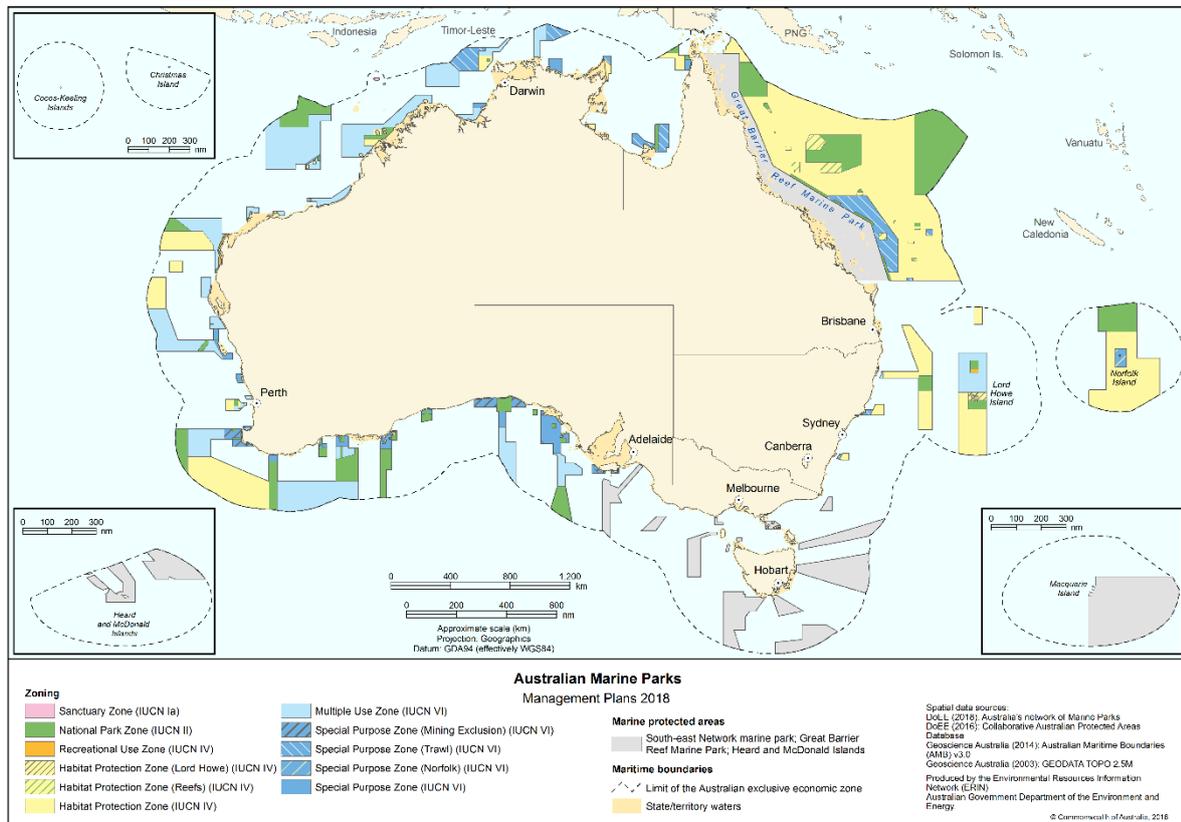


Figure 1: Australian marine parks and their zoning

action must be taken within a marine park, so far as reasonably practicable, prior to response action being taken. Once again, the relevant management plan(s) should always be consulted when preparing an EP to confirm park-specific requirements and ensure the proposed activity complies with those requirements.

In the South-east marine park network oil pollution response, environmental monitoring and remediation activities are allowable under existing authorisations (class approvals) in IUCN category VI zones, when undertaken in accordance with an EP accepted under the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (Environment Regulations) (see Section 2.1). In the event of an oil pollution incident that may affect zones other than IUCN category VI zones, prompt consultation with the DNP is required.

## 2.2. Authorising allowable mining operations

The management plans provide for the DNP to authorise allowable activities through a permit, class approval, activity licence or lease.

The DNP has authorised offshore petroleum and greenhouse gas exploration activities to occur in certain marine park blue (IUCN category VI) zones by issuing class approvals. The class approvals themselves specify the relevant marine park zones where activities are allowable.

The class approvals require that titleholders have, and operate in accordance with, EPs for the allowable activities accepted by NOPSEMA.

Under this arrangement, NOPSEMA remains the sole assessor of titleholders' environmental management arrangements for activities authorised by the class approval within marine parks.

The class approvals can be found at: <https://parksaustralia.gov.au/marine/activities/do-i-need-an-approval/mining/>.

The class approvals for mining operations do not authorise greenhouse gas injection or storage activities in marine parks. Proponents planning for these activities within a marine park, will need to seek advice from Parks Australia on the appropriate authorisation pathway early in the planning process for their proposed activity.

### **2.3. Pipelines**

The construction and operation of pipelines in relevant IUCN category VI zones is allowable by the mining class approvals.

Construction and operation of pipelines in IUCN category II or IV zones are not authorised by the class approvals. While it is unlikely that these types of proposals will be common, management plans for the South-west, North-west, the North, and Temperate East provide for the DNP to decide whether to allow pipelines in IUCN category II and IV zones of the parks. The authorising instrument for such a pipeline, if the DNP decides it can be authorised, will be an activity licence.

The DNP's decision whether to allow a pipeline in a category II or IV zone of a marine park is independent of, and different to, NOPSEMA's assessment and authorisation process. The sequence of approvals for any pipeline activities in category II and IV zones should involve the titleholder applying for, and the DNP granting, pipeline authorisation under the management plan before regulatory documents are submitted to NOPSEMA for assessment.

Given the above, proponents considering pipeline proposals that traverse IUCN category II or IV marine park zones are strongly encouraged to engage with all relevant Commonwealth agencies at an early stage of planning to discuss the most appropriate and efficient assessment and decision-making pathway.

## **3. Implications of management plans for titleholders**

Marine park management plans, including the associated DNP authorisations, do not in any way affect the requirement for titleholders to have an EP for an activity accepted by NOPSEMA before that activity can commence.

While management plans include decision-making prescriptions, these are matters considered by the DNP when making decisions (e.g. to issue the class approval for mining). The regulatory criteria NOPSEMA must consider for acceptance of EPs<sup>4</sup> and OPPs<sup>5</sup> remain unchanged following commencement of AMP management plans.

The NOPSEMA Program also places specific obligations on NOPSEMA when assessing and making decisions on EPs. A Program commitment relevant to activities which may affect AMPs is that NOPSEMA will not accept an EP that is inconsistent with a plan of management. Titleholders should keep this commitment in mind when planning and preparing EPs for activities that may affect AMPs (see Section 3.1 below). These requirements also apply to revisions of existing EPs submitted to NOPSEMA. For further information on key

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<sup>4</sup> Regulation 10A, Environment Regulations

<sup>5</sup> Regulations 5C(2) and 5C(6), Environment Regulations

Program considerations titleholders should refer to the NOPSEMA EP Content Requirements Guidance Note<sup>6</sup>. Further information regarding how NOPSEMA evaluates the quality of EP submissions against the legislated criteria for acceptance is also set out in its decision making guideline<sup>7</sup>.

Titleholders should be aware that AMP management plans detail circumstances under which the DNP may vary, suspend or cancel class approvals, vary or revoke class approval conditions, or impose further conditions. These circumstances include whether activities are being undertaken in accordance with the conditions of the class approval.

### 3.1. General guide for planning activities that may affect marine parks

In all cases where an activity has potential to impact or present risk to AMPs, regardless of whether the activity is inside or outside a park, the EP should evaluate how these impacts and risks will be of an acceptable level and reduced to as low as reasonably practicable (ALARP). There will also need to be a clear demonstration that the activity will not be inconsistent with the relevant marine park management plan(s). When making a case to demonstrate how these requirements are met and to define the acceptable levels of environmental impact and risk, titleholders should have regard to context such as marine park and zone objectives, the marine park values including the representativeness of relevant natural values<sup>8</sup>, and any claims and/or objections made by the DNP during consultation (Section 3.5).

Information below is a general guide for titleholders when planning activities and preparing EPs for activities that may affect AMPs.

**Plan the activity location:** For activities inside an AMP, their locations should be planned taking into account zones and rules for activities detailed in the relevant marine park management plan. This is to ensure that an activity in its proposed location is allowed or covered by a relevant DNP authorisation (e.g. mining class approval). If marine park zoning and rules indicate that an activity in the proposed location is not allowed, then activity location should be revised to ensure an EP for that activity is not inconsistent with the management plan.

Only activities that are consistent with park zoning and the rules for activities should be contemplated in an EP.

**Consult with the DNP:** Information is given in Section 3.5 regarding appropriate consultation with the DNP.

Environment plans for activities that may affect AMPs, whether the activity is inside or outside a park, must include evidence of appropriate consultation with the DNP in the preparation of the EP and demonstrate understanding of, and commitment to, appropriate on-going consultation.

<sup>6</sup> <https://www.nopsema.gov.au/environmental-management/environment-resources/>

<sup>7</sup> <https://www.nopsema.gov.au/environmental-management/environment-resources/>

<sup>8</sup> <https://parksaustralia.gov.au/marine/management/values/>

**Describe the environment that may be affected by the activity:** This description must show how titleholders take into account information in the management plans and other relevant sources to demonstrate they have a suitable level of understanding of the park values of the marine park(s) to inform evaluation of all environmental impacts and risks to those values. In some cases, where knowledge-base is limited, it may be necessary to undertake specific studies to develop sufficient understanding. Descriptions of AMP values<sup>9</sup> should include consideration of the representativeness of relevant natural values. Besides the management plans themselves, information on park values is available on the Parks Australia website (<https://parksaustralia.gov.au/marine/management/values/>), and from a variety of other sources including marine bioregional plans, the Department of Environment and Energy SPRAT database and National Conservation Values Atlas, management plans for listed threatened species (e.g. recovery plans and conservation advices), published scientific literature and a titleholder's own studies.

EPs should be clear about resources used to describe AMPs and values that may be affected. Information informing the description should be contemporary and include the management plans themselves, and be synthesised in a way that demonstrates a suitable understanding of values to inform impact and risk evaluation.

**Describe requirements and how they will be met:** Specific AMP management requirements are in parts of the management plans which detail rules for particular activity types. The DNP's authorisations for mining operations are provided outside of the management plan and are found on the Parks Australia website (<https://parksaustralia.gov.au/marine/activities/do-i-need-an-approval/mining/>). Since the EP needs to identify relevant marine park requirements, when preparing EPs titleholders should review sections of management plans that set out rules for mining operations as well as the relevant authorisations and any associated conditions. The EP also should document this process in order to make it evident how the titleholder determined which requirements are relevant to the activity. Once the titleholder has developed

Requirements include those set out in management plans and associated authorisations. The relevant ones need to be clearly identified and the arrangements to ensure they are met described.

a comprehensive understanding of marine park requirements, the EP must then describe the arrangements that will ensure the requirements will be met. In relation to the latter, if the arrangements are to be put into effect during the implementation phase of an activity, reference may be made to elements of the environmental management system (EMS) described in the implementation strategy of the EP. Examples of requirements include notifying the DNP in the event of oil pollution within a marine park, or where an oil spill response action must be taken within a marine park, so far as reasonably practicable, prior to response action being taken, and requirements of class approval and/or licence conditions.

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<sup>9</sup> <https://parksaustralia.gov.au/marine/management/values/>

**Define acceptable level of environmental impact and risk:** The acceptable level(s) definition should be informed by relevant internal and external context. Relevant external context to inform definition of the acceptable level(s) of impacts and risks to marine parks may include the park's values including the representativeness of relevant natural values, zoning and rules, park and zone objectives, requirements that apply and objections and claims received from the DNP during relevant person consultation.

External context relevant to park values and management should inform the definition of the acceptable level of impact to the parks.

**Detail and evaluate all environmental impacts and risks:** This is key to forming a case that the impacts and risks to AMPs are of an acceptable level and will be reduced to ALARP. The impact/risk evaluation process should identify the marine park values that may be affected by each activity aspect and predict the extent, severity and duration of impacts and consequences for those values. Conclusions drawn regarding the acceptability of the predicted impacts and risks and why these are considered to be reduced to ALARP should be well-founded and have a basis in an analysis of relevant facts and evidence, including in the context of the defined acceptable level. NOPSEMA's decisions on acceptability of impacts and risks, and ALARP are independent.

The evaluation of impacts and risks must be well-founded and have specific regard to values of the marine park and the defined acceptable level.

**Define appropriate levels of environmental performance.** The environmental performance outcomes should reflect the level of protection that needs to be afforded to AMP values through implementation of the titleholder's environmental management arrangements to ensure the acceptable levels of impact are met. Performance standards should be set for control measures which either individually or together will ensure AMP requirements are met, and impacts and risks are reduced to ALARP and are acceptable.

The EP should include defined levels of environmental performance that reflect relevant marine park requirements.

**Explain the features of the implementation strategy:** The EMS is a key element of the implementation strategy required by the Environment Regulations. Its design must be justified and suitable to ensure environmental impacts and risk to AMPs and their values are acceptable and ALARP during the activity

implementation. With regard to marine parks, the description of the EMS should include the specific measures that will be used to:

- maintain awareness of contemporary scientific knowledge regarding the environment of the parks;
- check if this knowledge is relevant and/or may change the outcome(s) of environmental impact and risk evaluation or how an acceptable level of impact/risk is defined; and
- Adapt environmental management arrangements accordingly.

Specific measures may also be included in the Oil Pollution Emergency Plan (OPEP) and/or Operational and Scientific Monitoring Plan (OSMP) to meet relevant requirements.

The way in which titleholders will manage potential implications of AMP management changes that may occur during the life of the activity should be detailed in the implementation strategy of the EP.

Part 3 of the Environment Regulations set out requirements for reporting and recording of environmental management incidents by titleholders. Where incidents are reported that are relevant to AMPs, under requirements of the EPBC Act program, NOPSEMA may provide details of the incident to the Department of Environment and Energy (DoEE, within which Parks Australia are a Division).

### **3.2. Considerations during activity implementation**

NOPSEMA monitors titleholder compliance with their EPs, which in this case will be an accepted EP. If NOPSEMA decides to accept the EP, the titleholder should expect NOPSEMA to undertake an inspection at some stage(s) during implementation.

NOPSEMA implements a risk-based approach to compliance inspection programing and scoping, and does not limit its inspections to monitoring the titleholder's conformance with environmental performance standards. Any environmental management measure in the EP may be a focus for compliance monitoring.

If during the course of a NOPSEMA inspection, an inspector finds material non-conformance issues relevant to marine park protection and/or management and takes proportionate enforcement action, NOPSEMA will notify the DNP/Parks Australia. These parties will decide whether further action is warranted under the legislation they administer.

### **3.3. Greenhouse gas injection and/or storage activities**

For proposed activities to inject and/or store greenhouse gas, titleholders are reminded that these activities are excluded from streamlined environmental management authorisation processes under the endorsed Program. The implication for these titleholders is that referral under the EPBC Act may be required in addition to having an EP for the activity accepted by NOPSEMA. Also, as these activities are not covered by the mining class approvals, titleholders of proposed activities to inject and/or store greenhouse gas within the AMPs should consult the DNP at an early stage of planning to determine the most appropriate assessment and authorisation pathway.

### **3.4. Prior usage rights**

A petroleum title granted under the OPGGS Act that was in force before the proclamation of an AMP is recognised as a prior usage right under the EPBC Act. Prior usage rights are exempt from having to comply with provisions of the EPBC Act and Regulations that relate to a marine park or a management plan.

If you are the holder of a 'prior usage right' for the purposes of section 359 of the EPBC Act and you wish to renew or extend the term of that right please go to <http://www.environment.gov.au/resource/renewal-or-extension-prior-usage-rights-mining-and-oil-and-gas-activities>.

Petroleum activities authorised by titles issued before 14 December 2013 (i.e. when the parks were pre-proclaimed) must be undertaken in a manner consistent with the accepted EP.

### 3.5. Consultation with the Director of National Parks

The 'Australian Government agencies roles and relevance under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*' (Australian Government Guidance) has been developed to guide offshore petroleum and greenhouse gas titleholders in understanding which government agencies should be consulted as 'relevant persons' under the Environment Regulations when preparing and implementing EPs.

The DNP has responsibility for the management of AMPs and therefore requires an awareness of activities that occur within, and understanding of potential impacts and risks to the values of parks.

Consultation by titleholders will enable the DNP to maintain awareness of offshore petroleum and greenhouse gas exploration activities where they occur in, or may impact on the values of, marine parks.

All notifications and correspondence to the DNP can be sent to [marineparks@environment.gov.au](mailto:marineparks@environment.gov.au).

#### 3.5.1. Director of National Parks as a relevant person

Titleholders should refer to the Australian Government Guidance at the website below for advice on when the DNP is a relevant person for the purpose of consultation.

<https://www.industry.gov.au/data-and-publications/consultation-with-agencies-with-responsibilities-in-commonwealth-waters>

Since the Australian Government Guidance is a high level document, additional detail is given below explaining the DNP's expectations for consultation by titleholders.

#### 3.5.2. Consultation during preparation of an EP

##### Information to consider prior to consultation

Prior to initiating consultation with the DNP, titleholders must first consider the proposed petroleum activity taking into account relevant AMPs context (Section 3.1).

For the South-east Network of AMPs, the management plan, its objectives and park values are to be considered in the context of managing environmental impacts and risks of the petroleum activity to ALARP and acceptable levels. Information on the South-east Network values can be found in the South-east Commonwealth Marine Reserves Network Management Plan at <http://www.environment.gov.au/topics/marine/marine-reserves/south-east/management-user-information>.

For other AMP networks, titleholders are expected to consider the impacts and risks of activities in the context of known park values and relevant marine park management requirements.

In terms of marine parks, the EP must explain how:

- a. Impacts and risks to park values will be managed to an acceptable level (refer to the table on page 7).

- b. Impacts and risks to park values will be managed to ALARP.  
In demonstrating how impacts will be managed to reduce to ALARP, consideration should be given to identifying and evaluating alternative, additional and improved control measures that may further reduce impacts and risks.
- c. The ongoing consultation measures proposed to be in place are appropriate to ensure the DNP will be kept informed during implementation of the activity (see section 3.3.3).

### **Timing of consultation**

Titleholders planning activities that meet the consultation triggers in the Australian Government Guidance are expected to consult with the DNP during the preparation of an EP. The titleholder must provide the DNP with a reasonable time for consultation. The DNP has advised that a reasonable time for initial turnaround of feedback on consultation material is four weeks.

### **Sufficient information**

In the course of preparing relevant EPs, titleholders are to consult with the DNP in writing. The DNP has advised that sufficient information for the purpose of initiating consultation is considered to include the following (much of which is commonly provided in factsheet form):

- Name of company or titleholder EP
- Contact details for a titleholder representative
- Petroleum activity title number/s
- Activity overview including; type of activity (e.g. 2D or 3D survey, drilling, pipeline construction and/or operation, decommissioning, emergency response etc.), expected start and completion date of activities.
- A description of the operational area including a map showing location of the activity relative to marine park boundaries. Relevant shapefiles for mapping are available at:  
<https://parksaustralia.gov.au/marine/maps/>
- A brief description of any planned aspects of the activity within or that may impact on the values of an AMP (e.g. drilling cuttings and fluids discharges, produced formation water discharges, noise emissions)

### **3.5.3. Consultation during implementation of an activity (ongoing consultation)**

#### **Notifications prior to start up**

If requested by the DNP during EP consultation, the DNP must be notified prior to conducting a mining operation activity within an AMP (condition 1, mining class approvals). Titleholders may consider efficiencies such as including this notification as part of an already-established processes to notify other agencies if applicable (e.g. Environment Regulations, Regulation 29).

The timeframe for notification will be agreed to by the DNP and the titleholder during relevant person consultation. It would generally be sought at least 10 days prior to entering an AMP.

It is likely that the notification would require:

- Name of company or titleholder
- Contact details for a titleholder representative

- Details of the operational area including a map showing any activity overlap with marine park areas where the operational area is different to previous advice or provides more specific detail in relation to the marine park (see shapefiles at <http://www.environment.gov.au/topics/marine/marine-reserves/overview/resources>) and distance from park boundaries
- Name and International Maritime Organization (IMO) vessel number of vessel/s and/or facility(ies) entering the park
- Type of activity (2D or 3D survey, drilling, pipeline, decommissioning etc.)
- Duration (including start and finish dates) of the activity that overlaps with a marine park
- Link to applicable activity summary on NOPSEMA website.

#### **Expectations for on-going consultation regarding Environmental incidents (unplanned activities)**

The DNP should be made aware of oil spills which occur within AMPs, or are likely to impact marine parks, as soon as possible. This function can be fulfilled through notification to the Marine Park Compliance Duty Officer 0419 293 465.

The notification should include:

- titleholder details
- time and location of the incident
- proposed response arrangements and locations as per the OPEP (e.g. dispersant, containment, etc.)
- contact details for the response coordinator.

#### **What a titleholder can expect from the DNP during the consultation process**

Titleholders can anticipate that in response to consultation the DNP may:

- Highlight specific considerations and expected outcomes that need to be taken into account when developing EPs as outlined above
- Request to be notified prior to conducting an activity within AMP (timeframe for this notification would be agreed to by the DNP and the titleholder)
- Request information relating to undertaking the activity, or gathered while undertaking the activity that is relevant to the management of the relevant marine park. The information requested and the timeframe within which it is required, will be agreed to by the DNP and the titleholder.
- Identify specific requirements for the conduct of emergency response activities
- Identify recent and relevant research findings (not necessarily publicly available)
- Give advice on known activities of other marine park users (e.g. research or commercial tourism being undertaken in the vicinity)
- Clarify ongoing DNP information and consultation requirements.

## 4. Implications for OPP proponents

While guidance provided in this document is focused on EP submissions and regulatory processes, OPP proponents should consider the relevance of this guidance in the context of the specific regulatory requirements and decision criteria that apply to OPPs. During the development of an OPP, proponents may consider seeking more specific advice from NOPSEMA and DNP on the applicability of management plan requirements to the OPP.

## 5. References & further reading

### **NOPSEMA**

N-04750-PL1347 – Environment plan assessment policy

N-04750-GL1887 – Consultation with Commonwealth agencies with responsibilities in the marine area

### **External references**

Australian Marine Park Management Plans – <https://parksaustralia.gov.au/marine/parks/north/plans/>

Australian Marine Park Values – <https://parksaustralia.gov.au/marine/management/values/>

Mining Class Approvals – <https://parksaustralia.gov.au/marine/activities/do-i-need-an-approval/mining/>

Australian Government Consultation Guidance – <https://www.industry.gov.au/data-and-publications/consultation-with-agencies-with-responsibilities-in-commonwealth-waters>