



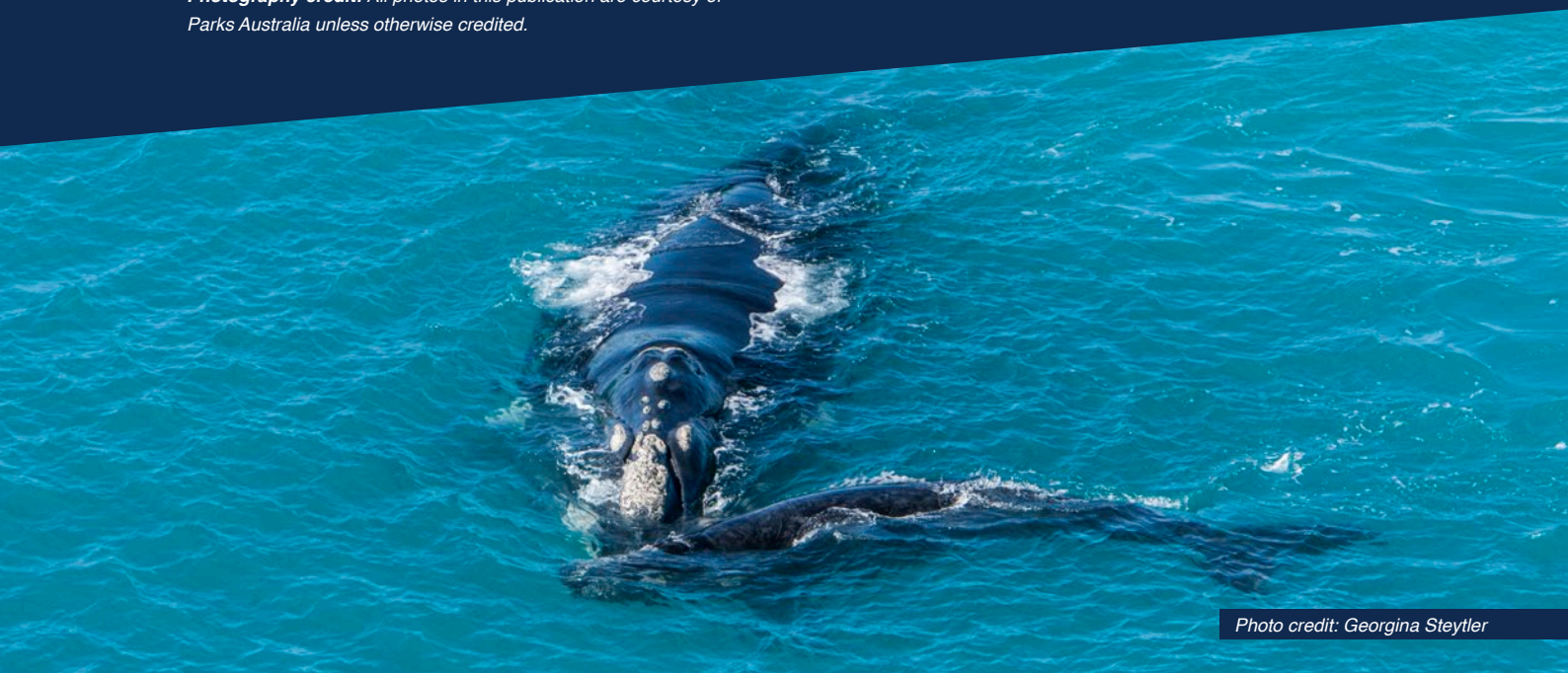
# Petroleum activities and Australian Marine Parks

A guidance note to support environmental protection and effective consultation

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*Photo credit: Georgina Steytler*



# Summary

Photo: Justin Gilligan

## Purpose

This guidance note has been prepared by NOPSEMA and Parks Australia to assist petroleum titleholders to understand their obligations to manage risks and impacts to AMPs and to support consultation with the Director of National Parks.

The guidance note aims to assist titleholders to develop EPs (which are required to be accepted by NOPSEMA under the Environment Regulations) which appropriately describe how proposed activities will be consistent with the requirements of the AMP management plans. The note also provides transparency about the processes, expectations and requirements that apply to petroleum activities in Australian Marine Parks.

**Australia's Commonwealth, state and territory governments have established marine parks which cover four million square kilometres - 45 per cent - of our oceans. Of these, 3.5 million square kilometres are Australian Marine Parks (AMPs), established in Commonwealth waters and managed by the Director of National Parks, supported by Parks Australia.**

These AMPs conserve marine habitats and species that live within and rely on these areas and also provide places for people to go nature watching, diving, boating, snorkelling and fishing. They create jobs in industries like fishing, tourism, and provide us with food and energy.

There are 60 AMPs established within Commonwealth waters (more than 5.5 kilometres from the coast). The Director of National Parks (DNP), supported by Parks Australia, regulates activities within these AMPs.

Marine park management plans set out DNP's approach to managing AMPs and consist of six networks (North, North-west, South-west, South-east, Temperate East), as well as the Coral Sea Marine Park and Indian Ocean Territories Marine Parks (Figure 1).

Management plans identify activities that are allowed, allowable subject to assessment and not allowed for specific marine park zones. Allowable activities are assessed against the relevant management plan, EPBC Act and Regulations. Undertaking an activity within an AMP without the necessary authorisation from DNP, or National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) acting under a class approval provided by DNP, is in violation of the EPBC Act.

Other parts of the Australian Government must not perform functions or exercise powers in relation to these parks inconsistent with the management plans (EPBC Act section 362).

Petroleum activities in Australian waters are regulated by NOPSEMA. Petroleum activities fall within the definition of 'mining operations' (EPBC Act section 355) and are allowed to occur inside certain zones within some AMPs. Zones are classified according to the International Union for the Conservation of Nature (IUCN) Categories for Marine Protected Areas.

Petroleum activities may be allowable in Multiple Use Zones and Special Purpose Zones (IUCN category VI) subject to environmental approvals and demonstration that environmental impacts will be consistent with the relevant management plan. Petroleum activities are also allowed in some other categories of AMPs, such as where a titleholder is the holder of a prior 'usage right' (EPBC Act, sections 350(7) and 359), or where DNP has authorised the construction and operation of a pipeline through a Habitat Protection Zone or National Park Zone (IUCN Category IV or II).

Titleholders undertaking petroleum activities in Australian waters must ensure that any potential environmental impacts from the petroleum activities are managed to be consistent with the relevant management plan.

Proposed activities outside of AMPs must still give consideration to mitigation measures, where the environmental impacts may extend into an AMP or affect the AMP's values. These impacts may be similar to activities proposed inside an AMP, for example noise and light emissions, sediment disturbance, liquid discharges, or disturbance of migratory routes.

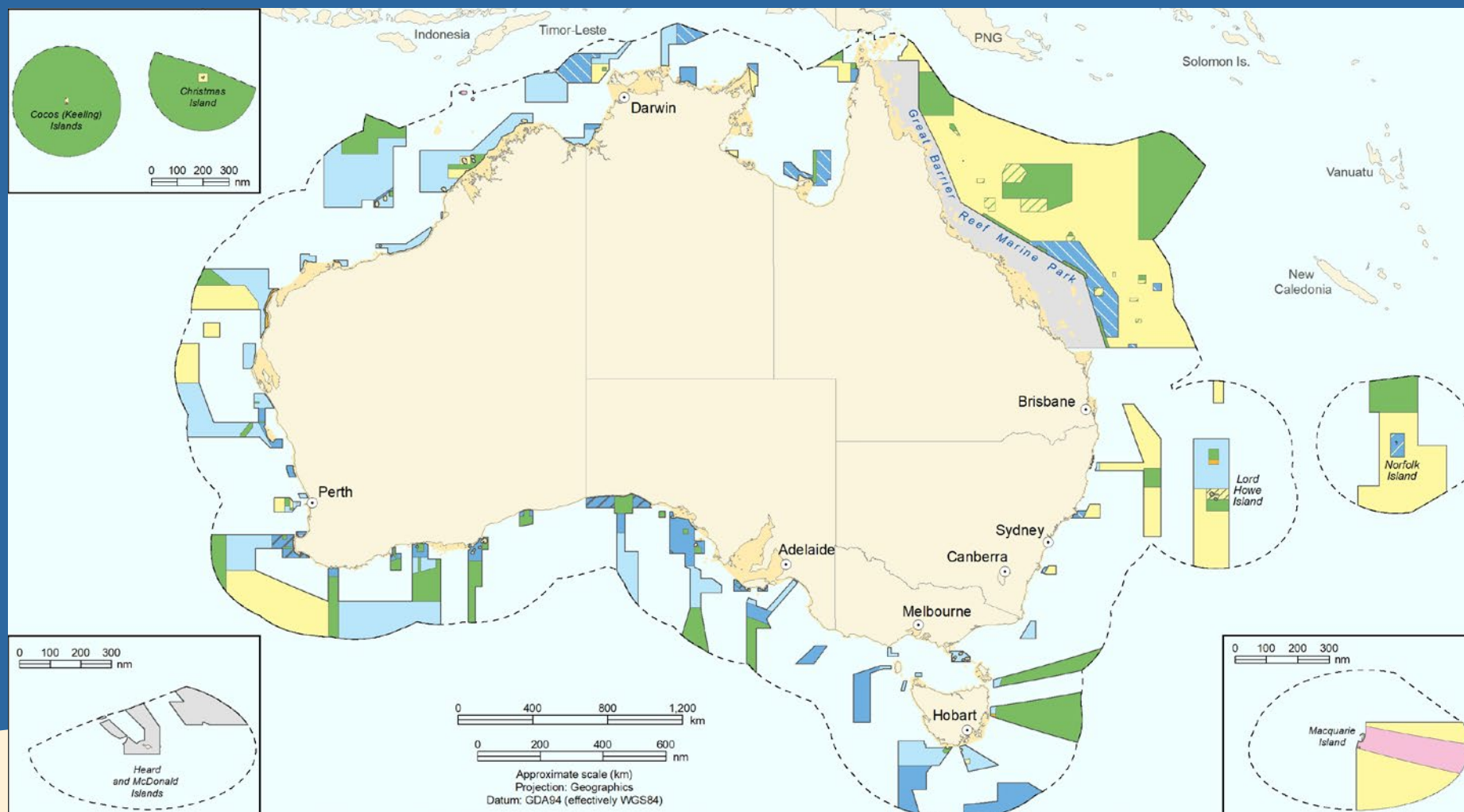
**Table 1**

# Commonwealth Marine Reserves IUCN Protected Area Management Categories

AMP Zone Name	IUCN Category Name	IUCN Category Number	Management objective
Sanctuary Zone	Strict nature reserve	Ia	Managed primarily for scientific research or environmental monitoring.
National Park Zone	National Park	II	Protected and managed to preserve its natural condition.
Habitat Protection Zone/ Recreational Use Zone	Habitat/species management area	IV	Managed primarily, including (if necessary) through active intervention, to ensure the maintenance of habitats or to meet the requirements of specific species.
Special Purpose Zone/ Multiple Use Zone	Managed resource protected area	VI	Managed to ensure long-term protection and maintenance of biological diversity with a sustainable flow of natural products and services to meet community needs.

Photo credit: Rachel Garcia





### Australian Marine Parks

#### Zoning

- Sanctuary Zone (IUCN Ia)
- National Park Zone (IUCN II)
- Recreational Use Zone (IUCN IV)
- Habitat Protection Zone (Lord Howe) (IUCN IV)
- Habitat Protection Zone (Reefs) (IUCN IV)
- Habitat Protection Zone (IUCN IV)

- Multiple Use Zone (IUCN VI)
- Special Purpose Zone (Mining Exclusion) (IUCN VI)
- Special Purpose Zone (Trawl) (IUCN VI)
- Special Purpose Zone (Norfolk) (IUCN VI)
- Special Purpose Zone (IUCN VI)

#### Marine protected areas

- Great Barrier Reef Marine Park; Heard and McDonald Islands Marine Reserve

#### Maritime boundaries

- Limit of the Australian exclusive economic zone
- State/territory waters

Spatial data sources:  
 DCCEW (2022): Australia's network of Marine Parks  
 DCCEW (2020): Collaborative Australian Protected Areas Database  
 ESRI (2000): ARC/WORLD Map of the World 1:20 million  
 Geoscience Australia (2020): Australian Maritime Boundaries (AMB)  
 Geoscience Australia (2004): Topographic Data TOPCSM

Produced by the Data and Analysis branch  
 Australian Government Department of Climate Change, Energy, the  
 Environment and Water

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Figure 1: Australian marine parks and their zoning



# Legislative regime for petroleum activities and Australian Marine Parks

Photo: Erik Schlogl

AMPs are established under the EPBC Act and DNP is the statutory authority responsible for their administration and management.

Each AMP is zoned based on IUCN principles to include representative examples of marine habitats and features within the Commonwealth marine area (Table 1). AMPs include [IUCN category](#) Ia, II, IV and VI zones and the management plans include maps that spatially define the park and zone boundaries (Figure 1).

Each AMP or park network has a management plan to give effect to management principles and objectives. The EPBC Act requires that management plans detail how each zone in the park is to be managed and include specifications for any activities that may be carried out in the park, as well as any requirements that apply to those activities (EPBC Act section 367).

The EPBC Act section 355 defines 'mining operations' and so this terminology is used in management plans and authorisation issued by DNP. Under the management plans, mining operations include offshore petroleum activities (including transportation of minerals by pipeline), emergency response (including from oil spills and associated environmental monitoring), and remediation activities.

**Management plans set the rules on whether mining activities are not allowed, allowed (without authorisation) or allowable (with authorisation). Management plans enable DNP to authorise mining activities in some marine park zones through a class approval, permit, activity licence or lease and provide prescriptive information on how activities need to be undertaken.**

DNP has issued class approvals that authorise offshore petroleum exploration, construction, production and decommissioning activities and greenhouse gas exploration activities to occur in certain marine park IUCN category VI zones. Class approvals specify the relevant marine park zones where activities are allowable. The class approvals include conditions that approved persons must comply with, including the condition that the titleholder must have, and operate in accordance with Environment Plans (EPs) accepted by NOPSEMA for the allowable activities.

The [class approvals](#) for each marine park network can be found on the Parks Australia website.

Titleholders should be aware that the management plans also detail circumstances under which 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.

Under the EPBC Act Section 362, DNP and other Commonwealth agencies must not perform functions or exercise powers in relation to a Commonwealth reserve inconsistently with a management plan that is in operation for the reserves. This applies to management plans for AMPs and is mirrored under NOPSEMA's EPBC Act-endorsed Program, requiring that NOPSEMA will not act inconsistently with a plan of management for a Commonwealth reserve (i.e. an AMP) in deciding whether to accept an EP.

However, when an EP is being prepared for an offshore activity and there is potential to affect a marine park, DNP must be consulted as a relevant authority under regulation 25 of the Environment Regulations so that any objections or claims about environmental impacts of the activity on marine park values can be made prior to the EP being submitted.

# Exceptions

## Prior usage rights

A petroleum title granted under the OPGGS Act that was in force before the proclamation of a marine park is recognised as a prior usage right under the EPBC Act.

AMPs, and the EPBC Act requirements for activities in marine parks, do not affect activities under a prior usage right that was issued prior to a park's establishment, but the renewal or extension of the term of the 'right' requires consent from the Minister for the Environment (EPBC Act, sections 350(7) and 359).

More information regarding **prior usage rights** for the purposes of section 359 of the EPBC Act is available on the Parks Australia website.

Petroleum activities authorised by titles issued before 14 December 2013 (i.e. before marine park proclamation) must be undertaken in a manner consistent with an accepted EP that demonstrates that the impact to the values of the marine park will be ALARP and of an acceptable level.

## Greenhouse gas storage

DNP has issued class approvals that authorise greenhouse gas exploration activities to occur in certain marine park IUCN category VI zones. Class approvals specify the relevant marine park zones where activities are allowable. Class approvals include conditions that approved persons must comply with, including that the titleholder have, and operate in accordance with EPs accepted by NOPSEMA for the allowable activities.

**The class approvals for mining operations do not authorise greenhouse gas (GHG) injection or storage activities in AMPs. Proponents planning for these activities within an AMP must seek advice and authorisation from DNP.**

In addition, for proposed activities to inject and/or store GHG, titleholders are reminded these activities are excluded for the **endorsed NOPSEMA EPBC Act Program**.

## Pipelines

The construction and operation of pipelines in relevant IUCN category VI zones is authorised under class approvals provided it is undertaken in accordance with an EP accepted under the Environment Regulations.

Construction and operation of pipelines in IUCN category II or IV zone is not authorised by the class approvals and will require separate approvals by DNP. While these proposals are expected to be uncommon, management plans for the South-west, North-west, North and Temperate East provide for DNP to decide, on a case by case basis, whether to allow pipelines in IUCN category II and IV zones of the parks. Proponents and titleholders should endeavour to avoid the installation of pipelines in AMPs and be aware of the challenges in demonstrating that a pipeline installation activity and operation activity is consistent with marine park management objectives for these zones.

The authorising instrument for such a pipeline, if DNP decides it can be authorised, will be an activity licence.

DNP's decision to allow a pipeline in a category II or IV zone of a, AMP 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 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 AMPs 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.



# Consultation with the Director of National Parks

## Contact details

All notifications and correspondence to DNP in relation to consultation about OPPs and EPs can be sent to: [marineparksauthorisations@dcceew.gov.au](mailto:marineparksauthorisations@dcceew.gov.au)



## Consulting with the Director of National Parks for environment plans

The **Consultation with Commonwealth agencies with responsibilities in the marine area guideline** has been developed to guide offshore petroleum and GHG titleholders in understanding which government agencies should be consulted as 'relevant persons' under the **Environment Regulations** when preparing and implementing EPs.

DNP is considered a relevant person for the purposes of consultation under Division 3 Regulation 25(1)(a) of the Environment Regulations and ongoing consultation provisions in Regulation 22(15). Any objections and claims raised by DNP need to be considered and addressed in the EP.

Parks Australia set the following criteria to trigger the need for consultation with DNP:

- any proposed activity to occur **within** an AMP
- any proposed activity to occur **adjacent to** an AMP
- any proposed activity that could affect an AMP's established values irrespective of where the activity takes place in relation to the park. Examples of proposed activities that are not within or adjacent to an AMP but that may affect an AMP's established values include activities:
  - that introduce noise or light at levels above background in the AMP
  - where planned discharges may affect water quality within the AMP
  - that occur in BIA's or KEF's that are also values of the AMP
  - outside an AMP that affect species protected by a recovery plan that is also an identified value of an AMP, such as by impeding migration to and from AMP's
  - with an EMBA that could affect the following AMP zones:
    - i. Sanctuary Zone (IUCN Ia)
    - ii. National Park Zone (IUCN II)
    - iii. Habitat Protection Zone (IUCN IV).

### Providing sufficient information for consultation with Director of National Parks

While preparing relevant EPs, titleholders are to consult with DNP in writing. DNP has determined that, at a minimum, the following information is considered 'sufficient information' for the purposes of relevant persons consultation:

- name of company or titleholder
- 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 and an explanation of which and how activities will interact either directly or indirectly with the AMP.
- a description of the operational area including a map and shapefile showing location of the activity relative to AMP and zone boundaries. Relevant shapefiles for mapping AMPs are available on **Parks Australia's website**.
- the identification of the applicable mining prescriptions of the AMPs, as well as class approval conditions and details of how these will be met
- a brief description of any planned aspects of the activity within or that may impact on the values of a marine park (e.g. drilling cuttings and fluids discharges, produced formation water discharges, noise emissions)
- the method for determining that impacts to AMPs are acceptable include: the environmental performance outcome and associated acceptable levels of impact relevant to marine park values; explanation as to why this level of performance is consistent with the marine park management plan; impact assessment sections of the EP that demonstrate impacts do not exceed the EPO and acceptable level of impact.



### Further information that may be requested during consultation with Director of National Parks

The DNP may request further information, which will also be required in the EP, to demonstrate how:

- existing or planned research will be used to establish a baseline of the environment including the presence or absence of values, current environmental conditions and to enable the monitoring of change across time should the activity occur.
- impacts and risks to park values will be managed to ALARP.
- 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 also Notifications**)

To aid consultation, please refer to the '**Consultation quick reference guide**' which contains a consultation checklist.

- request information relating to undertaking the activity, or gathered while undertaking the activity, that is relevant to the management of the AMP. The information requested and the timeframe within which it is required will be agreed to by DNP and the titleholder
- identify specific requirements for the conduct of emergency response activities
- identify recent and relevant research findings (not necessarily publicly available)
- clarify 'standing' of values/concepts reflected in consultation for assessment and decision-making (e.g. 'key natural values')
- give advice on known activities of other marine park users (e.g. research or commercial tourism being undertaken in the vicinity, or other petroleum activities)
- clarify ongoing DNP information and consultation requirements

### What a titleholder can expect from the Director of National Parks during the consultation process

Titleholders can anticipate that in response to consultation DNP may:

- highlight specific considerations and expected outcomes that need to be considered when developing EPs, including what constitutes acceptable impact that is consistent to the marine park management plan
- request to be notified prior to commencing any activity within or in proximity to an AMP (timeframe for this notification would be agreed to by the DNP and the titleholder).

### Time frame for consultation with Director of National Parks

Titleholders planning activities that meet the consultation triggers in the **Consultation with Commonwealth agencies with responsibilities in the marine area guideline** must provide DNP with a reasonable time for consultation. DNP has advised a reasonable time for initial turnaround of feedback on consultation material is eight weeks.

## Consulting with the Director of National Parks for offshore project proposals

Consultation with DNP in relation to OPP consultation is encouraged as it will enable DNP to maintain awareness of OPPs where they occur in or may impact on the values of AMPs. DNP has responsibility for the management of AMPs and, therefore, requires an awareness of activities that have potential impacts and risks to the values of parks, including from unplanned events such as oil spill incidents.

It is advised that proponents commence early consultation about the matters described above so that relevant content in the OPP can be addressed early. The time frame and information requirements for consultation described below for EPs are also appropriate for initiating consultation with DNP in relation to OPPs.

## Notifications to the Director of National Parks

### Planned events

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 already established processes to notify other agencies if applicable (e.g. Environment Regulations, Regulation 54).

The time frame for notification will be agreed to by 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 the notification would require:

- the 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 (shapefiles are available on [DCCEEW's website](#).) and distance from park boundaries

- the name and International Maritime Organization (IMO) vessel number of vessel/s and/or facility(ies) entering the park
- a description of the activity (2D or 3D survey, drilling, pipeline, decommissioning etc.)
- the duration of the activity (including start and finish dates) that overlaps with a marine park
- links to applicable activity summary on NOPSEMA website.

### Unplanned events (e.g. oil spills)

In addition to notifying NOPSEMA as per the requirements set out in the EP, DNP should also be made aware of unplanned events such as an oil spill which occurs within an AMP, or is likely to affect any AMPs, as soon as possible. Parks Australia also plays a role in the National Plan for Maritime Environmental Emergencies. 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.





# Content required in EPs and OPPs relevant to Australian Marine Parks

Photo: Eric Woehler

The following sections provide guidance on the content required for OPPs and EPs where an offshore petroleum project or activity has the potential to impact or present risk to marine parks.

Regardless of whether the activity is inside or outside a park, the OPP or EP must evaluate how these impacts and risks will be of an acceptable level and reduced to as low as reasonably practicable (ALARP). This includes clearly demonstrating that the impacts and risks of the activity are consistent with the relevant marine park management plan(s).

In preparing OPPs and EPs titleholders should have regard to context such as AMP and zone objectives, the marine park values, and any claims and/or objections made by DNP during consultation. While this guidance is tailored for preparing an EP, the advice is also relevant for preparing an OPP, noting the difference in the content and acceptance regulations.

## Location of the project/activity

The description of the activity must clearly describe and depict the locations of the activity, including the scope and bounds of the impacts from the activity and the proximity, contact or overlap with AMPs (Figure 2). The location of petroleum activities should be planned to consider zones and rules for activities detailed in the relevant marine park management plan.

This is to ensure proposed locations for activities are allowed or covered by a relevant DNP authorisation (e.g. mining class approval).

In accordance with section 355 of the EPBC Act and marine park management plans, NOPSEMA and DNP consider offshore petroleum and GHG exploration activities as mining. Mining activities including those connected with or ancillary to those activities should be documented in consultation materials and in the EP – these areas are often referred to as the activity operational area.

For example, seismic vessels with trailing gear deployed, engaged in turning or transiting AMPs are considered mining activities.

Conducting a mining activity in an AMP outside the designated and authorised areas as specified in the NOPSMA accepted EP and/or, DNP licence is inconsistent with a management plan and the EPBC Act. Should this occur, compliance action may be undertaken by NOPSEMA and/or, DNP and authorisation of the activity could be revoked.

Titleholders must make themselves aware of what is and is not allowed in AMPs when preparing OPPs and EPs.

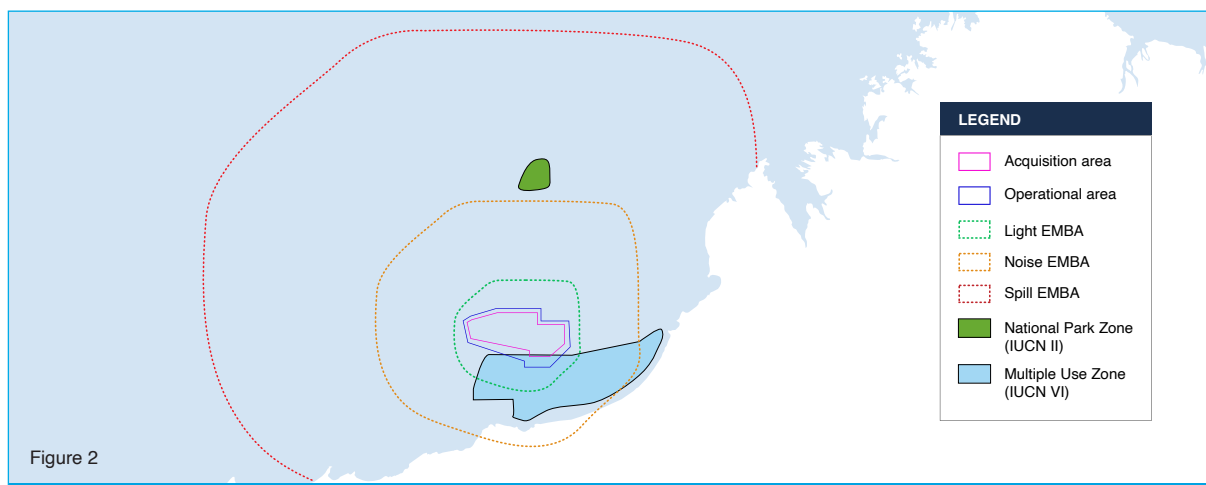


Figure 2

## Describe the environment that may be affected

The description of the environment that may be affected in an AMP by a petroleum or GHG activity must be in sufficient detail to inform an evaluation of environmental impacts and risks to those values. In some cases, where the knowledge base is limited or non-contemporary, it may be necessary to undertake targeted studies to develop sufficient understanding of the baseline environment so that impacts and risks can be adequately understood, and appropriate management measures can be adopted.

Descriptions of AMP values should include consideration of the representativeness of relevant marine park values. Besides the management plans themselves, information on park values is available on the **PA website**, and from a variety of other sources including marine bioregional plans, the **DCCEEW Species Profile and Threats** (SPRAT) database; **Protected Matters Search Tool** (PMST); **National Conservation Values Atlas** (NCVA); **Seamap Australia**; and published scientific literature and a titleholder's own studies.

Consultation with First Nation's Persons will likely be required in relation to the identification of cultural values of AMPs due to only limited information currently available in marine park management plans about the presence of potential cultural values. The management plans provide a first point of contact for the purposes of consultation with First Nation's persons, and NOPSEMA has also published **relevant guidance information about consultation**.

Titleholders should ensure the content in the EP that describes AMPs, the values that may be affected and conclusions about the extent, severity, and duration of impacts, clearly identifies the resources used to provide the content and the supporting information used to reach any conclusions.

## Describe requirements and how they will be met

Each AMP has specific management requirements for different activity types detailed in its management plan. When preparing an EP, the titleholder must identify and develop a comprehensive understanding of the requirements for any AMP that may be affected by the activity, including any associated authorisations. The EP must describe the measures that will be in place to ensure the requirements will be met. Specifically, as part of the implementation strategy for EPs, it should be clear how the titleholder will ensure that requirements that apply to AMPs will be met. For example, requirements relating to notifying DNP prior to entering a marine park to undertake a planned or unplanned aspect of an activity, or how requirements of class approval and/or licence conditions (e.g. such as for pipelines in Category II or IV zones) will be met, should be clearly set out in the implementation strategy of the EP.

## Determining acceptable levels of impact on marine park values

Acceptability of impacts and risks is highly dependent on the environmental context and the natural, cultural, heritage and socio-economic values of a given area. The level of impact or risk that can be considered acceptable on marine park values from petroleum and GHG activities should be informed by the AMP's values including the representativeness of relevant natural values, zoning and rules, park and zone objectives, information in the relevant management plans, requirements that apply and objections and claims received from DNP during relevant persons consultation. It is NOPSEMA's expectation that an acceptable level of impact will be defined such that it can be reflected in a relevant environmental performance outcome (EPO) for AMPs.

Photo: Emily Wood





Aspects DNP will consider when providing advice during relevant persons consultation on the impacts and risks of a proposed activity are published in Appendix B of the **Australian Marine Parks Assessment and Authorisations Policy**. The considerations identified in the policy are summarised below.

- The sensitivity or resilience of the values which may be impacted.
- Whether the potential impacts of proposed activity are fully understood.
- The level of protection assigned to the potentially impacted AMP zone, including consideration of zone objectives and reserve management principles.
- Any relevant listing or protections afforded to the potentially impacted AMP zone, through other laws or conventions, including but not limited to, those under the EPBC Act, World Heritage Convention, the Ramsar Convention and Biodiversity Convention.
- The implications of observing any industry standards or best practice approaches outlined in the application.
- The expected benefits gained for the broader Australian community from increased scientific knowledge, information for management of the AMPs and the marine environment more broadly, and social/economic outcomes from undertaking the activity; and
- The level of cumulative impact based on the frequency of an activity over an extended timeframe or multiple activities undertaken by several AMP users.

## Evaluating impacts and risks

The impact/risk evaluation process should identify the AMP values that may be affected by each aspect of the proposed activity, predict the extent, severity and duration of impacts and consequences for those values and ensure that the zone objectives for AMPs will continue to be met. The evaluation should also include consideration of the way the proposed activity may interact with other petroleum activities and contribute to simultaneous or sequential cumulative impacts to the values of the marine park (please refer to page 14). The evaluation is key to forming a case that the impacts and risks to the values of AMPs are of an acceptable level and will be reduced to ALARP and therefore meet the requirements of the Environment Regulations.

Aspects that titleholders should consider when determining whether impacts and risks can be managed to ALARP and acceptable levels include:

- requirements in the marine park management plan including zone objectives and natural, cultural, heritage and socio-economic values of the park.
- the interaction between the activity and the existing environment including all marine park values.
- the degree of scientific uncertainty in relation to the impacts on marine park values and the need for further baseline studies and/or conservative control measures.
- the EPBC Act **Significant Impact Guidelines** to inform impacts that would not be considered acceptable.
- recovery plans and conservation advice for listed threatened species that provide relevant context for informing the acceptable level of impact on threatened species.
- the effectiveness of a program of monitoring and adaptive management to address matters of scientific uncertainty and verify impacts.

Conclusions drawn regarding the acceptability of the predicted impacts and risks and why these are 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 and informed by several key factors (refer to **Environment Plan decision making guide**).





## Evaluation of cumulative impacts

**In the context of offshore petroleum activities, cumulative environmental impacts are successive, additive or synergistic impacts of collectively significant activities or projects with material impacts on the environment that have the potential to accumulate over temporal and spatial scales (Environment Plan decision making).**

Titleholders should take into consideration potential scenarios such as:

- interactions of aspects within activities (e.g. multiple discharges to the marine environment from a range of known or proposed sources)
- interactions of impacts from other projects and activities of the titleholder (e.g. simultaneous facility drilling and operations)
- interactions of impacts arising from multiple activities of other titleholders (e.g. simultaneous or sequential drilling on nearby titles, simultaneous or sequential seismic surveys)
- interactions of impacts of activities by different sectors (e.g. petroleum and shipping)
- an analysis of whether interactions with other activities increases risk profiles such as spill risk, impeding species migration or the introduction of invasive marine species.

To make the case that cumulative impacts have been appropriately evaluated, the EP must:

- identify the impacts that spatially and/or temporally overlap each other from intersecting activities and the AMP. Spatial overlap includes cases where the impact does not occur at the same time but at the same place repeatedly, temporal overlap identifies activities occurring concurrently.
- identify the impacts that spatially and/or temporally occur adjacent to or sequentially with intersecting activities and the AMP. Adjacent spatial activities includes where impacts are separate from but adjacent to each other, sequential temporal activity identifies activities that do not occur concurrently but are sequential.
- provide appropriately detailed information, tables, figures and/or maps that show the extent of overlap for the operational and impact footprints for the activities that interact and the marine park/s.
- evaluate the potential cumulative effect of the overlap and justify the parameters chosen to determine whether cumulative impacts to an APM are predicted.
- demonstrate how cumulative impacts do not exceed the acceptable level of impact relevant to an AMP. This may require the adoption of control measures for spatial or temporal separation from the impacts of other activities.
- provide appropriately detailed information to show mitigation measures will be accordingly implemented to ensure any cumulative impacts to an AMP are ALARP and that the acceptable levels of impact will not be exceeded.



### Define appropriate levels of environmental performance that do not exceed the defined acceptable level of impact

An EP should include defined levels of environmental performance that reflect relevant marine park requirements. 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 processes, to ensure the impacts are of an acceptable level. Environmental performance standards should be set for control measures, which either individually or together will ensure marine park requirements are met, impacts and risks are reduced to ALARP and are of an acceptable level.

### Explain the features of the implementation strategy

Under the Environment Regulations an EP must contain an implementation strategy for the activity. The implementation strategy must contain a description of the environmental management system for the activity, including specific measures to be used to ensure that, for the duration of the activity the environmental impacts and risks of the activity:

- continue to be identified and reduced to ALARP
- the control measures are effective in reducing the impacts to ALARP and an acceptable level and
- the environmental performance outcomes and standards set out in the EP are met.

The way in which titleholders will respond to changes in the management of AMPs or values within that may occur during the life of the activity should be detailed in the implementation strategy and environmental management system. This includes consideration of how changes may affect the predictions about potential cumulative impacts to the marine park.

The implementation strategy must outline the process that the titleholder will use to maintain oversight of changes in activity timing, extent, or other parameters over the life of the EP to ensure changes in the evaluation of cumulative impacts to AMPs are monitored, considered, and acted on.

Regarding APMs, the description of the Environmental Management System (EMS) should include the specific measures that will be used to:

- maintain awareness of contemporary scientific knowledge regarding the environment of AMPs.
- 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.

### Recording and reporting of environmental incidents that affect AMPs

Part 6 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 NOPSEMA EPBC Act program, NOPSEMA may provide details of the incident to the DCCEEW (within which Parks Australia is a division).

Specific measures may also be included in the Oil Pollution Emergency Plan (OPEP) and/or Operational and Scientific Monitoring Plan (OSMP), which are part of the implementation plan of an EP, to meet relevant requirements of marine park management plans.



Photo: Ru Somaweera

# NOPSEMA inspection of activities that may affect Australian Marine Parks

NOPSEMA monitors titleholder compliance with their accepted EPs and titleholders should expect NOPSEMA to undertake an inspection at some stage(s) during implementation. NOPSEMA has an objective-based regulatory regime and a risk-based inspection policy where inspections are programmed to target the highest risks and impacts for greatest regulatory effect and as such, any petroleum activity that occurs in or has impacts within or near APMs is more likely to be inspected.

If during a NOPSEMA inspection an inspector finds non-compliance issues relevant to marine park protection and/or management and considers that enforcement action is required, NOPSEMA will notify Parks Australia. These parties will decide whether further action is warranted under the legislation they administer.



Photo credit: Andrew McDougall

## References & further reading

### NOPSEMA

[Environment Plan assessment policy](#)

[Consultation with Commonwealth agencies with responsibilities in the marine area](#)

[Offshore project proposal decision making](#)

[Environment Plan decision making](#)

[Offshore project proposal content requirements](#)

[Environment Plan content requirement](#)

[Inspections – Monitoring and securing compliance](#)

### Parks Australia

[Australian Marine Park Networks and Management Plans](#)

[Australian Marine Park Values](#)

[Mining Class Approvals](#)



# Abbreviations, acronyms and definitions

<b>ALARP</b>	As low as reasonably practicable
<b>AMP</b>	Australian Marine Park
<b>BIA</b>	Biologically Important Area
<b>DNP</b>	Director of National Parks
<b>DCCEEW</b>	Department of Climate Change, Energy the Environment and Water
<b>EMBA</b>	Environment that may be affected
<b>Emergency response</b>	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
<b>Environment Regulations</b>	Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023
<b>EP</b>	Environment Plan
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>IUCN</b>	International Union for Conservation of Nature
<b>KEF</b>	Key ecological feature
<b>OPEP</b>	Oil Pollution Emergency Plan
<b>OPGGs Act</b>	<i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i>
<b>OPP</b>	Offshore Project Proposal
<b>OSMP</b>	Operational and Scientific Monitoring Plan
<b>The Program</b>	NOPSEMA Program endorsed under Part 10 of the EPBC Act for streamlining offshore petroleum environmental approvals





# What you need to know

## Why do we have Australian Marine Parks?

Australia's natural, cultural and heritage values are unique and an essential part of our national identity. Australian Marine Parks (AMPs) are one of the largest and most sophisticated networks of marine parks in the world. Our AMPs protect the variety of biodiversity and habitats that support a healthy and productive marine environment and contribute to the recovery of numerous threatened species. We do this by protecting important habitats that support a healthy and productive marine environment.

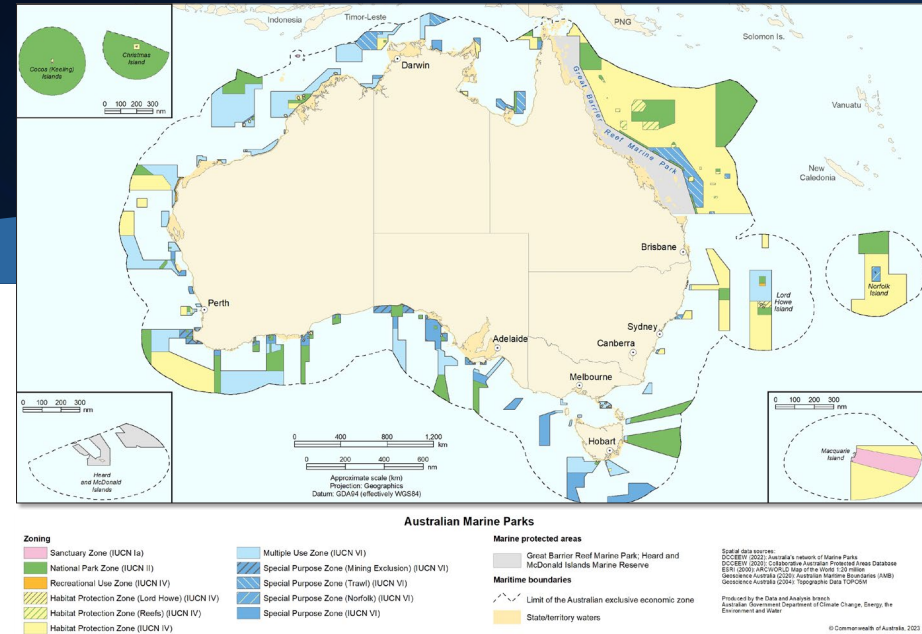
AMPs provide for sustainable and diverse socio-economic activities that support our nation and the communities that rely upon these environments.

## What are Australian Marine Parks?

To protect Australia's natural, cultural, heritage and socio-economic values, the Australian Government manages 60 AMPs within Commonwealth waters (over 5.5 kilometres from the coast).

Zones set out what you can do in marine parks. There are four main types of zones:

- **Sanctuary Zone** (IUCN Ia) managed primarily for scientific research and monitoring
- **National Park Zone** (IUCN II) managed to preserve its natural condition
- **Habitat Protection Zone** (IUCN IV) managed to maintain habitats or meet requirements of species, including via active intervention
- **Special Purpose / Multiple Use Zone** (IUCN VI) managed to ensure long-term protection of biological diversity while allowing a wider range of activities, including petroleum activities



## Managing petroleum activities in Australian Marine Parks

The Director of National Parks (DNP) regulates activities in AMPs in accordance with the EPBC Act, EPBC Regulations and marine park management plans. Management plans specify what activities are allowed, allowable subject to authorisation and not allowed for specific marine park zones in each network.

Offshore petroleum activities fall within the definition of 'mining operations' in the EPBC Act and management plans. Under a class approval, NOPSEMA can assess and authorise petroleum activities on behalf of DNP in Special Purpose / Multiple Use zones (IUCN VI) through an accepted Environment Plan (EP) under the OPGGS Act.

Petroleum activities in National Park and Habitat Protection zones (IUCN II and IV) are limited to the construction and maintenance of pipelines and require separate DNP authorisation and a NOPSEMA accepted EP. Proponents and titleholders should endeavour to avoid the installation of pipelines in these zones and expect significant scrutiny of any activity proposed in these zones.

# What you need to do

## When to consult with the DNP

DNP is a relevant person for the purposes of consultation under the OPGGS (Environment) Regulations. Any objections or claims raised by DNP need to be considered and addressed in the EP. The following criteria are triggers\* for consultation with DNP on EPs:

- any proposed activity to occur **within** an AMP
- any proposed activity to occur **adjacent to** an AMP
- any proposed activity **that could affect** an AMP's established values, even if the activity is completely outside the park, such as impeding the migration of cetaceans to and from AMP's.

Consultation is also recommended for OPPs.

\* Further detail on triggers for consultation with DNP can be found on page 8 in the "Petroleum activities and Australian Marine Parks" guidance.

## How to consult with DNP

Using the following checklist will support effective consultation with DNP.

All consultation, notifications and correspondence to DNP in relation to consultation about EPs and OPPs should be sent to:

[marineparksauthorisations@dcceew.gov.au](mailto:marineparksauthorisations@dcceew.gov.au)

## When consulting with us on an EP or OPP please follow this checklist

### In the email, include the following:

- ☐ In the subject line state that you are **consulting** us on an Offshore Project Proposal or Environment Plan and the project or activity it relates to
- ☐ In the email body be clear:
  - ☐ Why you are consulting DNP (OPGGS Regulations and EPBC Act require it)
  - ☐ When you would like DNP to respond by (allow a minimum of eight weeks)
  - ☐ Attach information sheet(s) and shapefiles identifying the boundaries of the activity in any of the following formats: zipped shape file, csv, KML, geo JSON, WMS and WFS. Relevant shapefiles for mapping AMPs are available on [Parks Australia's website](https://parksaustralia.gov.au)
- ☐ Send your email to [marineparksauthorisations@dcceew.gov.au](mailto:marineparksauthorisations@dcceew.gov.au)

### The consultation information should contain the follow as a minimum:

- ☐ Name of company or titleholder
- ☐ Why you are consulting us and who else you are consulting that may relate to the marine park(s)
- ☐ Who we can contact if with any questions, comments or claims and objections
- ☐ **What** you are doing and how are you doing it:
  - ☐ Type of activity (i.e. geophysical survey, drilling and completions, decommissioning)
  - ☐ Specific activities and locations of the activity (i.e. drilling and completions with locations identified on the map and shapefile)
  - ☐ Equipment and vessels (specific or expected)
  - ☐ Activity timing and scheduled start and completion dates of key activities
- ☐ **Where** the activity is planned to occur including:
  - ☐ Petroleum title number/s
  - ☐ Map(s) that include the activity's operational area, activity / acquisition area, EMBA (if known) **with** marine park(s) and zone(s) identified
  - ☐ Distances from the activity to the marine park boundaries **and** zones
- ☐ What **marine park values may be present** or could be affected by the activity. Identify which natural, historic, cultural and socio-economic values may be present, such as:
  - ☐ Biologically Important Areas and Key Ecological Features
  - ☐ Species and key behaviours
  - ☐ Relevant recovery and threat abatement plans for species or ecological communities ([SPRAT EPBC Recovery Plans \(environment.gov.au\)](https://www.environment.gov.au/management/plans))
  - ☐ Native Title, Sea Country and cultural heritage
  - ☐ Other marine park users, including other planned or existing offshore petroleum activities
  - ☐ Where the values are not known or partly known at the time of this consultation, outline how the EP will identify relevant values
- ☐ Methods for **determining impacts to AMPs** and managing these to acceptable levels including:
  - ☐ Existing or planned research to establish a baseline of the environment, including the presence or absence of values and current environmental condition; and, to enable monitoring of change across time should the activity occur
  - ☐ Identifying impact pathways for values, how these will be mitigated, and that any residual impacts are consistent with the marine park management plan, EPBC Act and OPGGS Act and Regulations
  - ☐ Methodology to measure mitigation effectiveness and residual impacts against a documented environmental performance targets
  - ☐ Where the impacts are not known or partly known at the time of this consultation, outline how the EP will identify and manage impact pathways and ensure the activity is consistent with the management plan(s).



# Petroleum activities and Australian Marine Parks – Frequently asked questions

## FAQ 1: How do I know if my title is near an AMP?

Australian Marine Parks (AMPs) and specific zone boundaries can be downloaded as a shapefile at the Department of Climate Change, Energy, the Environment and Water's (DCCEEW) website [Find Environment Data - Australian Marine Parks](#).

AMP boundaries are also represented as a layer in the following mapping tools:

- [National Electronic Approvals Tracking System \(NEATS\) Interactive Map](#)
- [Protected Matters Search Tool](#) (PMST)
- [National Conservation Values Atlas](#) (NCVA)
- [Australian Marine Parks Science Atlas](#)
- [Seamap Australia](#)

## FAQ 2: How do I know what the values of an AMP are?

AMPs consist of four broad values, which are natural, cultural, heritage and socio-economic. Further general information on values can be found at <https://parksaustralia.gov.au/marine/management/values/>.

For values specific to a marine park or marine park network, locate the specific AMP and refer to the corresponding marine park [management plan](#), which identifies that park's values and zone allowability tables. Greater specificity on natural values can be found by using the following mapping tools:

- [Protected Matters Search Tool](#) (PMST)
- [National Conservation Values Atlas](#) (NCVA)
- [Australian Marine Parks Science Atlas](#)
- [Seamap Australia](#)

It is your responsibility to identify all relevant values that may be affected by the proposed activity. Risks to values must be mitigated to as low as reasonably practicable (ALARP) and you must demonstrate that the activity, and any residual risk, is consistent with the specific management plan.

## FAQ 3: The AMP management plans don't mention petroleum activities, do the management plans apply to me?

Yes. The EPBC Act section 355 defines 'mining operations' to include offshore petroleum activities (including transportation of minerals by pipeline), emergency response (including from oil spills and associated environmental monitoring), and remediation activities. This same terminology is used in management plans and approvals issued by the DNP.

## FAQ 4: My title overlaps an AMP, does this mean I am allowed to undertake a petroleum activity in the AMP?

Generally, yes, you can undertake a petroleum activity on an established title subject to having a NOPSEMA accepted EP and, where necessary, authorisation by DNP.

To find out if a specific activity is allowed on your title, you will need to consult the relevant management plan for the overlapping AMP. Petroleum activities are 'mining' as defined in the AMP or network management plans. Mining is allowed in some categories or zones of AMPs but not in others. Generally mining is only allowed in IUCN category VI zones of AMPs, and if the impacts from the activity are managed to ALARP and an acceptable level. There are some exceptions to this, but these exceptions are likely to require additional authorisations.

## FAQ 5: Do I need a separate approval to an EP for a petroleum activity that I'm going to undertake in an AMP or is it covered by a class approval?

The DNP has issued class approvals that authorise offshore petroleum exploration, construction, production and decommissioning activities and greenhouse gas exploration activities to occur in certain AMP IUCN category VI zones. The management plans specify the relevant AMP zones where activities are allowable.

Separate approvals from DNP are required, for example, for the construction and operation of pipelines in category II and IV zones and injection and/or storage of greenhouse gas.

**FAQ 6: Do I need to consult with DNP in relation to my activity in an AMP if it already has a class approval?**

Yes. The class approvals authorise activities undertaken in accordance with an EP accepted under the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 by NOPSEMA, and DNP must be consulted in the preparation of an EP as they are considered a relevant person for the purposes of consultation under Division 3 Regulation 25(1)(a) of the Environment Regulations and ongoing consultation provisions in Regulation 22(2).

**FAQ 7: I have a title issued before AMPs existed, does this mean I don't have to comply with the AMP management plans or consult with DNP?**

Petroleum activities authorised by titles issued before 14 December 2013 (i.e., when AMPs were proclaimed) must be undertaken in a manner consistent with an accepted EP that demonstrates that the impact to the values of the AMP will be ALARP and of an acceptable level. This means that consultation with DNP is still required.

Titles that have prior usage rights are exempt from having to comply with provisions of the EPBC Act and the Environment Protection and Biodiversity Conservation Regulations 2000 (the Regulations) that relate to an AMP, or its relevant management plan. All other provisions of the EPBC Act and the Offshore Petroleum and Greenhouse Gas Storage Act 2006 and the Regulations remain applicable. A prior usage right may be renewed or extended only with the Minister for the Environment's written consent, and subject to any conditions determined by the Minister.

**FAQ 8: My petroleum activity has no planned impacts that will affect any AMPs, do I need to consult with DNP?**

If the petroleum activity may have unplanned impacts to AMPs of a significant nature, for example, hydrocarbon concentrations of a significant threshold contacting AMPs, a short time frame until hydrocarbon contacts an AMP or potentially significant impacts from other unplanned events, it is recommended that consultation is undertaken with DNP.

**FAQ 9: When should I consult with DNP about my petroleum activity?**

DNP is a relevant person for the purposes of consultation in relation to EP development under the OPGGS (Environment) Regulations. Any objections or claims raised by DNP need to be considered and addressed in the EP. Titleholders need to consult with DNP on EPs if any proposed activity may occur within or adjacent to an AMP or if the impacts from the activity could affect an AMP's values, even if the activity is completely outside the AMP. Consultation is also recommended for OPPs.

Titleholders should consult with DNP at least 8 weeks ahead of any required response.

**FAQ 10: What is considered as an operational area? If I am undertaking a seismic survey next to an AMP, can I do turns with my equipment deployed in the AMP if the source isn't active?**

DNP considers mining activities to encompass, but not limited to, active source and acquisition activities; line turns / repositioning; equipment maintenance; deployment and recovery; crew change; and, resupply. As such, these activities can only occur in AMPs where they have been identified in a NOPSEMA accepted EP or authorised by DNP, often through designated operational areas. By encompassing these activities in the operational area operators can identify and mitigate risks to the AMP and NOPSEMA and DNP can assess whether the activity is consistent with the relevant management plan(s).

Undertaking a mining activity, including turns or transiting with equipment deployed, in an AMP without being specified in the NOPSEMA accepted EP is inconsistent with management plans and the EPBC Act.

**FAQ 11: Category VI zones of AMPs allow for petroleum activities, if I'm complying with MARPOL for my vessel, do I need to do anything else if I'm in an AMP?**

AMPs are afforded a greater level of protection from environmental impacts than the broader marine environment.

As well as complying with MARPOL, any impacts from vessels operating within AMPs while undertaking a petroleum activity need to be reduced to ALARP and an acceptable level. This means that vessels may have to do more than comply with MARPOL where reduction of impacts is practicable, for example by leaving the AMP prior to planned vessel discharges, implementing more stringent controls for the avoidance of marine fauna, or avoiding disturbance to the seabed.

**FAQ 12: How do I define what is an acceptable level of impact from my activity in an AMP?**

Acceptability of impacts and risks is highly dependent on the environmental context and the natural, cultural and heritage values of a given area. The definition of what is an acceptable level(s) of impact or risk to AMP values from petroleum activities should be informed by relevant context. Relevant context includes the AMP's values including their representativeness, AMP zoning and rules, AMP and zone objectives, information in the relevant management plans, requirements that apply, and objections and claims received from DNP during relevant persons consultation. Aspects that contribute to the consideration of whether impacts from proposed activities are of an acceptable level to as AMP are published in Appendix B of the [Australian Marine Parks Assessment and Authorisations Policy](#).