

Approval notice and statement of reasons

Petroleum (Environment) Regulations 2016 (NT) (Regulations)

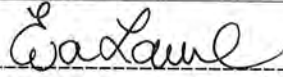
Interest holder	Imperial Oil & Gas Pty Ltd ABN 92 002 699 578
Petroleum interest/s	EP187
Environment management plan (EMP) title	2D Seismic Work Program EP187
EMP document reference	IMP001-03, EP187-EMP-XPN-REP-007
DENR EMP assessment document reference	NTEPA2019/0060-007~0006
Regulated activity	Seismic survey and ancillary activities on EP187
Is the EMP a new plan submitted under reg 6 or a revision of a current plan submitted in accordance with reg 15?	New plan submitted under regulation 6
Was the regulated activity referred ¹ for consideration whether an environmental impact statement or public environmental report was required?	Yes, in accordance with the <i>Environmental Assessment Act 1982</i>
Was an environmental impact statement or public environmental report required?	No NT EPA decision of 11 September 2019 NTEPA2019/0060-003~0001
Has an Authority Certificate under the <i>Northern Territory Aboriginal Sacred Sites Act 1984</i> (NT) (NTASSA) been issued for the regulated activity?	Yes Authority Certificate C2019/016
Date an EMP compliant with reg 8 was first submitted under reg 6	5 July 2019
Dates within which the EMP was published for comment under reg 8A, if applicable	N/A
Date further information was required and submitted under reg 10, if applicable	Date required 6 September 2019; date submitted 10 September 2019 NTEPA2019/0060-003~0009 NTEPA2019/0060-003~0015
Date of resubmission notice under reg 11(2)(b), if applicable	N/A
Date EMP was resubmitted under reg 11(3), if applicable	N/A
Date a notice setting out a proposed timetable for consideration of the EMP was issued under reg 11(2A) if applicable	N/A
Proposed timetable given in notice under reg 11(2A) if applicable	N/A
Where provided under s29B of the <i>Northern Territory Environment Protection Authority Act 2012</i> (NT) (NT EPA Act), the dates the Northern Territory Environment Protection Authority (NT EPA) was requested to, and provided, advice on EMP	Date of Minister's request for advice: 25 February 2019 Date of NT EPA Advice: 11 September 2019 NTEPA2019/0060-002~0002

¹ This means a referral under the *Environmental Assessment Act 1982* (NT) or the *Environment Protection and Biodiversity Conservation Act 1994* (Cth) (EPBC Act).

Date of decision

26 / 09 / 2019

Decision maker



Signature

Hon Eva Dina Lawler MLA, Minister for
Environment and Natural Resources

1 Approval notice

1. The EMP is approved.

reg 11(2)(a)

2. The approval is subject to the following conditions:

reg 12(2)

Condition 1: The Interest Holder must provide a report to the Department of Environment and Natural Resources (DENR) where there is a non-compliance of an approval condition within 48 hours of becoming aware of the non-compliance.

Condition 2: The Interest Holder must submit to DENR a timetable for the regulated activity prior to commencement of the activity and update the timetable each month.

Condition 3: The Interest Holder must provide to DENR within 3 months of completion of the regulated activity:

- i. high resolution aerial imagery of the disturbance area
- ii. digital aerial photography or UAV imagery, ortho-rectified using ground control points measured using a differential GPS (DGPS) and spatial accuracy of approximately 1 – 2 metres
- iii. a spatial assessment report on the disturbance footprint for the approved regulated activity

Condition 4: The Interest Holder must provide to DENR, an updated rehabilitation plan within 3 months of completion of the regulated activity that includes:

- i. a commitment to the continuation of rehabilitation and monitoring for three years after completion of activities, or until demonstration by an independent suitably qualified person, that rehabilitation objectives have been met.
- ii. a rehabilitation monitoring report detailing alternative methodologies for monitoring the progress of rehabilitation, including the use of remote sensing monitoring using high resolution satellite imagery.

2 Material considered

1. The following material has been taken into account in making this decision:
 - a. Imperial Oil & Gas Pty Ltd 2D Seismic Work Program EP187 EMP, as submitted 10 September 2019.
 - b. The principles of ecologically sustainable development set out in reg 4 and the approval criteria.
 - c. The NT EPA decision and Statement of Reasons under the *Environmental Assessment Act 1982* relating to the regulated activity not requiring assessment.
 - d. The NT EPA advice provided at my request under s29B of the *Northern Territory Environment Protection Act 2012*.
 - e. The Authority Certificate issued under the *Northern Territory Aboriginal Sacred Sites Act 1989* and associated response provided by the Aboriginal Areas Protection Authority.
 - f. The Code of Practice: Onshore Petroleum Activities in the Northern Territory (Code) as set out in reg 4A.

3 Statement of reasons

1. The EMP meets the approval criterion in reg 9(1)(a), because it contains all the information required by Schedule 1 of the Regulations. reg 9(1)(a)
2. The EMP meets the approval criterion in reg 9(1)(b) for the following reasons: reg 9(1)(b)
 - a. The nature of the regulated activity is as follows:

A 231 km two dimension (2D) seismic survey, involving land clearing up to 72 hectares (ha) of native vegetation along a 4 metre (m) wide track, across six (6) approximately linear intersecting survey lines. The track will be large enough for the vibrosis buggies and other vehicles to traverse. Progressive rehabilitation of the cleared land is included in the 25-day work program.

 - i. The program occurs on EP187.
 - ii. The regulated activity does not include civil works, drilling, hydraulic fracturing or testing of a petroleum exploration well.
 - iii. The regulated activity will not use any groundwater or surface water for the project.
 - b. The scale of the regulated activity is as follows:
 - i. The activity will be conducted in an area encompassing approximately 1200 km² in the North-Western section of EP187. Five of the six seismic lines require land clearing, with the sixth line to use 20 ha of previously cleared road corridor, the Carpentaria Highway, which bisects EP187.
 - ii. The interest holder has estimated approximately 6638 tonnes of carbon dioxide equivalent (tCO₂-e) greenhouse gas emissions from the regulated activity, comprising approximately 6408 tCO₂-e generated from land clearing and 230 tCO₂-e generated from diesel combustion.
 - c. The EMP contains an appropriate level of detail for the nature and scale of the activities proposed. The regulated activity is clearly described in the EMP. The description of the existing environment is informed by adequate baseline surveys from 2015 and 2018, with additional opportunistic surveys undertaken where

possible as well as desktop analysis from a range of information sources. The identification of environmental impacts and risks contains a sufficient level of detail to inform an assessment of the environmental impacts and risks. The EMP provides detail on environmental outcomes and performance standards, implementation strategy, personnel, emergency response plan, stakeholder engagement, legislative requirements, recording, monitoring, reporting and notifications to an appropriate level of quality and applicability.

d. Having regard to the above, the information in the EMP is appropriate for the nature and scale of the regulated activity to which it relates.

3. The EMP meets the approval criterion in reg 9(1)(c) for the following reasons:

reg 9(1)(c)

a. I have considered reg 4(d) (which requires that I give fundamental consideration to the conservation of biological diversity and ecological integrity) as follows:

- i. I believe the information I have regarding the existing biodiversity and ecosystems that are to be affected by the regulated activity; the effects that are likely; and the mitigation measures reasonably available, is sufficient.
 - ii. The regulated activity poses a low risk to the ecosystem within the Sturt Plateau bioregion or the Gulf Falls and Uplands bioregion. Given the relatively small area of impact (72 ha), and the very large area of similar habitat within the region, the regulated activity does not pose a significant risk to any regional populations of threatened species. Six threatened species were identified as potentially occurring in the area. Due to the management strategies outlined in the EMP, the short period of activity, and the small area of impact it is unlikely that the regulated activity will pose a risk to the identified threatened species or exacerbate key threatening processes. Impacts and risks to flora, fauna, and ecosystems have been mitigated to an acceptable level.
 - iii. The conservation of biological diversity and ecological integrity is vital to the achievement of ecologically sustainable development. Given the fundamental nature of this consideration, I have given central importance to the conservation of biodiversity and ecological integrity in weighing whether I am satisfied the approval criterion in reg 9(1)(c) has been met.
 - iv. If carried out in accordance with the EMP, the regulated activity is not considered to have an impact on the conservation of biological diversity. The EMP outlines measures to minimise impacts on affected environmental values. The potential impacts and risks of the land clearing and seismic activities identified in the EMP do not pose a significant risk to threatened species at a population level due to the low likelihood of threatened species inhabiting the area and implementation of control measures to avoid impacts to fauna. The EMP outlines measures to minimise impacts on flora and fauna, in accordance with the Code.
 - v. Where relevant, management measures are consistent with the requirements of the Code and NT Land Clearing Guidelines.
 - vi. If carried out in accordance with the EMP, the regulated activity is not considered to have an impact on the conservation of ecological integrity.
- b. I have considered reg 4(a) (which concerns the integration of long-term and short-term economic, environmental, social and equitable considerations) as follows:
- i. The expression *environment* as defined in the *Petroleum Act 1984* relevantly includes the well-being of humans, structures made or modified by humans, amenity values of an area and economic, social and cultural conditions. The

requirements under the Regulations include stakeholder engagement and a broad consideration of the environmental impacts and environmental risks of the regulated activity in question. In making that broad consideration, the long-term and short-term environmental impacts and environmental risks were identified and assessed in the EMP.

- ii. The regulated activity is low impact and of short duration (25 days plus rehabilitation) and forms one component of a broader onshore petroleum exploration program in the region. The EMP adequately assesses the environmental impacts and risks associated with the regulated activity and outlines appropriate avoidance and mitigation measures. This includes the assessment and management of social impacts and risks, including the appropriate management of cultural heritage. An Authority Certificate under the *Northern Territory Aboriginal Sacred Sites Act 1989* has been issued for the regulated activity. The interest holder has undertaken stakeholder engagement with community, landholders and land managers, traditional owners, representatives of local government, Manager for the McArthur gas pipeline, the Northern Land Council (NLC) and NT Government agencies, in accordance with the provisions outlined in regulations 7 and 9 of the Regulations and section 41(6) of the *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)*.
 - iii. The regulated activity has considered potential environmental impacts and risks and provided management measures and monitoring programs to protect environmental values in the short and long term.
 - iv. The EMP does not require any groundwater extraction for this regulated activity.
 - v. The EMP is considered to have adequately assessed and integrated economic, social and environmental considerations.
 - vi. I observe that in carrying out the regulated activity there is no particular contest between economic, social and environmental considerations that requires further mention.
 - vii. Accordingly, I am satisfied that the concept of integration has been taken into account.
- c. I have considered reg 4(b) (which concerns the 'precautionary principle') as follows:
 - i. The regulated activity does not pose a threat of serious or irreversible environmental damage which warrants the application of the precautionary principle.
 - d. I have considered reg 4(c) (which concerns the principle of intergenerational equity) as follows:
 - i. The environmental burdens of the regulated activity will not disproportionately affect particular stakeholders. The greenhouse gas emissions estimate from the regulated activity are 6638 tonnes of carbon dioxide equivalent (tCO₂-e). This represents less than 0.05% of annual Northern Territory emissions and 0.001% of annual Australian emissions reported for 2017.² As this is the first EMP from the interest holder there are no cumulative effects to be considered. I consider the greenhouse gas

² NT and Australian GHG emissions in 2017 were approximately 16.5 million tonnes and 535 million tonnes, respectively, as reported in the DOEE (2019) *State and Territory Greenhouse Gas Inventories 2017*.

- emissions to be minimal in context of Northern Territory and Australian emissions.
- ii. Cultural values will be protected through the application of Authority Certificates issued to the interest holder under the *Northern Territory Aboriginal Sacred Sites Act 1989* and measures for reporting on discovery of archaeological sites. Accordingly I do not believe that the carrying out of the regulated activity in accordance with the EMP would have an effect contrary to the principle of intergenerational equity.
- e. I have considered reg 4(e) (which concerns the promotion of improved valuation, pricing and incentive mechanisms) as follows:
- i. In accordance with the 'polluter pays principle':
 - (1) The interest holder will cover the cost of remediation of the impacts of the regulated activity, as is set out in Section 7.5.1.17 of the EMP.
 - (2) If the interest holder fails to remediate the impacts, an environmental rehabilitation bond will be provided by the interest holder which is considered to be adequate to cover the resulting costs.
- f. No environmental report or statement has been required to be prepared in relation to the regulated activity. The NT EPA was not of the opinion that the regulated activity is capable of having a significant effect on the environment. reg 9(2)(b)
- g. The NT EPA has provided the following in relation to the regulated activity and the EMP:
- i. In accordance with my request under s29B of the NT EPA Act, the NT EPA reviewed the EMP for the regulated activity against the approval criteria in regulations 9(1)(b), 9(1)(c) and 9(2)(a) of the Petroleum (Environment) Regulations 2016 (Regulations) and other matters the NT EPA considered relevant, and has provided advice about the EMP. Relevantly:
 - (1) The NT EPA recommended that should the EMP be approved, it be subject to four conditions. The NT EPA's recommendations have informed the conditions of this approval.
 - (2) The NT EPA concluded that the EMP for the regulated activity, subject to the recommended approval conditions, is appropriate for the nature and scale of the regulated activity and demonstrates that the regulated activity can be carried out in a manner that environmental impacts and environmental risks of the activity will be reduced to a level that is as low as reasonably practical and acceptable.
 - ii. The content of the NT EPA's advice and recommendations have been incorporated into the comments in this statement of reasons and the conditions in the Approval Notice.
- h. The existing environment along with its particular values and sensitivities is appropriately identified in Section 5 of the EMP. reg 9(1)(c)
- i. The anticipated environmental risks are appropriately identified in Section 7 of the EMP.
- j. I agree with the risk assessment set out in Section 7 of the EMP, and to the extent I do not agree I have imposed a condition or conditions to address the relevant risk or risks.
- k. The anticipated environmental impacts are appropriately identified in Section 7.2 of the EMP. In EMPs for subsequent stages (if they proceed) the interest holder

will need to address cumulative effects including groundwater and greenhouse gas emissions.

- I. There are no environmental impacts or environmental risks relating to the proposed regulated activity which I consider to be unacceptable.
- m. Overall, having regard to the above, I am satisfied that the EMP demonstrates that the regulated activity is to be carried out in manner by which the environmental impacts and environmental risks are reduced to a level that is:
 - i. as low as reasonably practicable; and
 - ii. acceptable.