



Australian Government
Department of the Environment

FINAL APPROVAL DECISION FOR THE TAKING OF ACTIONS IN ACCORDANCE WITH AN ENDORSED PROGRAM UNDER THE *ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999* (CTH) (EPBC ACT)

Offshore petroleum and greenhouse gas activities taken in accordance with the *Program Report – Strategic Assessment of the environmental management authorisation process for petroleum and greenhouse gas storage activities administered by the National Offshore Petroleum Safety and Environmental Management Authority under the Offshore Petroleum and Greenhouse Gas Storage Act 2006* February 2014 (the Program)

This final approval decision is for actions falling within the specified class of actions below. Further information and explanation is at [Annexure 1](#).

Approved class of actions	<p>All actions which are petroleum and greenhouse gas activities taken in Commonwealth waters and in accordance with the endorsed Program, subject to the exclusions described below.</p> <p>The approved class of actions excludes actions which are petroleum and greenhouse gas activities that:</p> <ul style="list-style-type: none">• have, will have or are likely to have a significant impact on the environment on Commonwealth land• are taken in any area of sea or seabed that is declared to be a part of the Great Barrier Reef Marine Park under the <i>Great Barrier Reef Marine Park Act 1975</i> (Cth)• have, will have or are likely to have a significant impact on the world heritage values of the Great Barrier Reef World Heritage property or on the national heritage values of the Great Barrier Reef National Heritage place• are taken in the Antarctic• are injection and/or storage of greenhouse gas.
Relevant controlling provisions	<p>The approval has effect for:</p> <ul style="list-style-type: none">• World Heritage properties (sections 12 and 15A)• National Heritage places (sections 15B and 15C)• Wetlands of international importance (sections 16 and 17B)• Listed threatened species and communities (sections 18 and 18A)• Listed migratory species (sections 20 and 20A)• Marine environment (sections 23 and 24A).
Period for which approval has effect	<p>The approval has effect until 31 December 2040</p>
General	<p>Further explanatory information related to this approval decision is at Annexure 1.</p>

Person authorised to make decision

Name and Position The Hon Greg Hunt MP
Minister for the Environment

Signature



Date of decision

27: 2 : 2014

Definitions

Unless otherwise specified, all terms within this notice have the same meaning as in the EPBC Act.

Commonwealth waters: has the same meaning as in Part 6.9 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Cth).

Petroleum activity: has the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (Cth).

Greenhouse gas activity: has the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (Cth).

EXPLANATORY INFORMATION

Background

This approval decision is made under section 146B of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) which provides for the Minister responsible for administering the EPBC Act (the **Minister**) to approve the taking of actions, or classes of actions, in accordance with an endorsed policy, plan or program. An approval under section 146B of the EPBC Act has generally the same effect as an approval given under Part 9 of the EPBC Act. Actions approved under this decision will not require separate referral, assessment or approval under the EPBC Act in order to be taken.

On 7 February 2014 the Minister endorsed, pursuant to section 146 of the EPBC Act, the Program described in *Program Report – Strategic Assessment of the environmental management authorisation process for petroleum and greenhouse gas storage activities administered by the National Offshore Petroleum Safety and Environmental Management Authority under the Offshore Petroleum and Greenhouse Gas Storage Act 2006* February 2014. The endorsed Program includes actions associated with petroleum and greenhouse gas activities.

Actions covered by this approval must be taken in accordance with the endorsed Program. Actions not taken in accordance with the endorsed Program are not covered by the approval and therefore may not be taken without further approval under the EPBC Act if they have, will have or are likely to have a significant impact on a matter of national environmental significance (protected by a provision of Division 1 of Part 3 of the EPBC Act), subject to any other relevant exceptions applying.

Actions included in the approval

The class of actions covered by the approval are petroleum and greenhouse gas activities undertaken in Commonwealth waters and regulated by NOPSEMA under the Program. 'Commonwealth waters' is defined in section 643 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Cth) (the **OPGGS Act**).

'Petroleum activities' and 'greenhouse gas activities' have the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (Cth) (the **OPGGS Regulations**).

Examples of activities covered by this approval include:

- petroleum exploration
- petroleum recovery operations
- constructing or reconstructing an infrastructure facility
- constructing or reconstructing or operating a pipeline
- exploring for:
 - a potential greenhouse gas storage formation or
 - a potential greenhouse gas injection site

Activities also include any decommissioning activities in relation to the above.

The approval includes activities that take place within Commonwealth waters, but that may directly or indirectly impact on protected matters outside that area in state or territory waters.

Excluded actions

The approved class of actions excludes activities that have, will have or are likely to have a significant impact on the environment on Commonwealth land.

Actions taken on land are also not covered by the approved class of actions as they do not come within the meaning of 'Commonwealth waters'.

The approved class of actions also excludes actions which are petroleum and greenhouse gas activities that are taken in any area of sea or seabed that is declared to be a part of the Great Barrier Reef Marine Park under the *Great Barrier Reef Marine Park Act 1975* (Cth) or that have, will have or are likely to have a significant impact on the world heritage values of the Great Barrier Reef World Heritage property or on the national heritage values of the Great Barrier Reef National Heritage place.

Under the Program, petroleum and greenhouse gas activities cannot be undertaken within any part of a declared World Heritage property, within the meaning of the EPBC Act (noting that the approved class of actions may include activities taken outside of World Heritage properties that could impact on the world heritage values of a declared World Heritage Property, with the exception of the Great Barrier Reef World Heritage property).

Actions taken in the Antarctic are excluded from the approval. 'Antarctic' has the same meaning as in the EPBC Act and means the area south of 60 degrees south latitude, including all ice shelves in the area.

The approval also excludes actions which are injection and storage of greenhouse gas.

Actions taken in state or territory waters are not covered by the approved class of actions. Under the OPGGS Act NOPSEMA's functions can extend to regulating activities in the designated coastal waters of the states and the Northern Territory, where functions have been conferred on NOPSEMA by or under the relevant state or territory petroleum submerged lands legislation. At the time of this approval, no environmental management authorisation functions have been conferred on NOPSEMA under the relevant state or territory legislation.