

## Approval notice and statement of reasons

### *Petroleum (Environment) Regulations 2016 (NT) (Regulations)*

Interest holder	Wiso Oil Pty Ltd (ABN: 29147564529) Blue Energy Limited (Operator)
Petroleum interest(s)	Exploration Permits 205 & 207 (EP205 & EP207)
Environment management plan (EMP) title	Wiso Basin Seismic Survey
EMP document reference	BLU1-3
Regulated activity	<ul style="list-style-type: none"> <li>Land clearing of up to 98.3 ha for seismic lines and temporary camp areas</li> <li>Seismic acquisition along two lines (totalling 214 km length)</li> <li>Operation of up to three temporary exploration camps</li> <li>Maintenance of access tracks</li> <li>Rehabilitation</li> </ul>
Is the EMP a new plan submitted under reg 6 or a revision of a current plan submitted in accordance with reg 18, or regs 15 and 17?	This is a new plan submitted under reg 6.
Was the regulated activity referred <sup>1</sup> for consideration whether environmental impact assessment was required?	No
Was environmental impact assessment <sup>2</sup> required?	N/A
Has an environmental approval <sup>3</sup> been issued for the regulated activity?	N/A
Has an Authority Certificate under the Northern Territory Aboriginal Sacred Sites Act 1989 been issued for the regulated activity?	Yes C2020/091 and C2020/085
Date an EMP compliant with reg 8 was first submitted under reg 6	10 March 2023
Date 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	5 May 2023 (requested) 3 August 2023 (submitted) 28 August 2023 (requested) 24 November 2023 (submitted) 25 September 2023 (requested) 24 November 2023 (submitted)
Date of resubmission notice under reg 11(2)(b), if applicable	11 May 2023 (requested) 3 August 2023 (submitted)
Date EMP was resubmitted under reg 11(3), if applicable	3 August 2023 (requested) 24 November 2023 (submitted)
Date a notice setting out a proposed timetable for consideration of the EMP was issued under reg 11(2A), or reg 11(3)(c), if applicable	18 December 2023

<sup>1</sup> This means a referral under the *Environment Protection Act 2019* (NT) (EP Act) and/or the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act).

<sup>2</sup> This means a requirement for an environmental impact assessment to be conducted under the EP Act and/or the EPBC Act.

<sup>3</sup> This means an approval granted under the EP Act and/or the EPBC Act.

Proposed timetable given in notice under reg 11(2A), or reg 11(3)(c), if applicable	19 January 2024
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: 10 January 2024
Date of decision	18/01/2024
Decision maker	 Signature  Hon Kate Worden MLA, Minister for Environment, Climate Change and Water Security

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1. I approve the EMP under 11(3)(a)(i).
2. The approval is subject to the following conditions:

### Reporting Conditions

**Condition 1:** By 1 October of each year, the interest holder must submit to Onshoregas.DEPWS@nt.gov.au a completed Annual Environmental Performance Report Template for the preceding 12 month period of 1 July to 30 June. The Template must be completed in accordance with the *Onshore Petroleum Annual Environmental Performance Reporting Guideline* (21 December 2023).

**Condition 2:** Within three business days of 31 March, 30 June, 30 September and 31 December of each year, as applicable to the schedule for conducting the regulated activity, the interest holder must submit to Onshoregas.DEPWS@nt.gov.au a report with the following information:

- a) regulated activities completed in the previous quarter;
- b) regulated activities to be conducted in the next quarter, including estimated duration;
- c) the date any conditions of this approval were completed in the previous quarter;
- d) the date any conditions of this approval are due for completion in the next quarter; and
- e) monitoring and compliance activities to be conducted in the next quarter based on commitments in the approved EMP, relevant to the stage of a regulated activity.

**Condition 3:** Within 30 days of completing seismic activities or any other land clearing, the interest holder must submit to Onshoregas.DEPWS@nt.gov.au geospatial data (as shapefiles consisting of polygons, not line or point data and inclusive of metadata), identifying the location of:

- a) seismic lines;
- b) camp locations;

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- c) clearing undertaken for access; and
- d) any buffers applied for the purpose of avoiding listed species or their habitat.

### Greenhouse Gas Emissions Conditions

**Condition 4:** By 31 October annually, the interest holder must submit to Onshoregas.DEPWS@nt.gov.au the emissions report required by clause D.6.2 of the Code<sup>4</sup>, which must:

- a) calculate emissions in accordance with the National Greenhouse and Energy Reporting (Measurement) Determination 2008;
- b) document actual annual greenhouse gas emissions from conduct of the regulated activity versus predicted emissions in the EMP (BLU1-3);
- c) include a summary of all regulated activities conducted which have contributed to greenhouse gas emissions during the reporting period; and
- d) account for differences between actual and predicted emissions with reference to all parts of the regulated activity with potential to create greenhouse gas emissions.

### Incident Management Conditions

**Condition 5:** The interest holder must record all accidental releases of liquid contaminant or hazardous chemicals in a site spill register, which records:

- a) the liquid contaminant or hazardous chemical spilled or leaked;
- b) the GPS co-ordinates of the location of the spill or leak;
- c) the source and volume of the spill or leak;
- d) the volume of impacted soil removed for disposal and the depth of any associated excavation; and
- e) the corrective actions taken or proposed to be taken to prevent recurrence of an incident of a similar nature.

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<sup>4</sup> Clause D.6.2(b) of the Code requires annual actual greenhouse gas emissions to be provided even where emissions are below the NGER Act threshold of 25 ktCO<sub>2</sub>-e for scope 1 and scope 2 emissions reporting.



## 2 Material considered

1. The following material has been taken into account in making this decision:
  - a. Wiso Basin Seismic Survey EMP, dated 10 November 2023 (BLU1-3).
  - b. The principles of ecologically sustainable development referenced in reg 5A and the approval criteria set out in reg 9(1).
  - c. The NT EPA advice provided at my request under s29B of the *Northern Territory Environment Protection Act 2019*.
  - d. The Authority Certificates issued under the *Northern Territory Aboriginal Sacred Sites Act 1989*.
  - e. 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 the information required by Schedule 1 of the Regulations. reg 9(1)(a)
2. I have taken into account the approval criterion in reg 9(1)(b) by noting the nature and scale of the regulated activity and bearing it in mind during my consideration of the impacts and risks. In particular, I note that: reg 9(1)(b)
  - a. The nature of the regulated activity is as follows:
    - i. land clearing of up to 98.3 ha for seismic lines and temporary camp areas
    - ii. seismic acquisition along two lines (totalling 214 km length)
    - iii. operation of up to three temporary exploration camps
    - iv. maintenance of access tracks
    - v. rehabilitation of seismic lines.
  - b. The scale of the regulated activity is as follows:
    - i. The total area of disturbance is 98.3 ha.
    - ii. The estimated groundwater usage is 0.150 ML.
    - iii. Peak traffic movements for the regulated activity are estimated to be 22 light vehicle movements per day and a total of 44 truck movements for the duration of the program.
    - iv. Up to approximately 4,400 tCO<sub>2</sub>-e of greenhouse gas emissions are predicted over the life of the activity.
    - v. Rehabilitation is planned to be commenced within 12 months of completion of petroleum activities.
3. The approval criteria in reg 9(1)(c) requires that I be satisfied that the activity will be carried out in a manner by which the environmental impacts and environmental risks of the activity will be reduced to a level that is both: (i) as low as reasonably practicable; and (ii) acceptable. In assessing whether the EMP meets the approval criteria, I note that my decision is a prescribed decision (under reg 5A) for s 6A of the Act, and as such requires me to consider and apply the principles of ecologically sustainable development. In accordance with reg 12(3), I provide the following information about how the EMP meets the approval criteria, and the manner in reg 9(1)(c)



which I have taken into account the principles of ecologically sustainable development when considering whether or not the plan meets the approval criteria.

4. The principles of ecologically sustainable development are defined at section 18-24 of the *Environment Protection Act 2019*, and I address each in turn:
  - a. The decision-making principle (s 18 *Environment Protection Act 2019*) requires effective integration of long-term and short-term environmental and equitable considerations, and for processes to provide for community involvement in relation to decisions and actions that affect the community. Related to this, I note the following:
    - i. The regulated activity is low impact and of short duration, as an onshore petroleum exploration program in the region. The regulated activity will inform decision-making about longer-term petroleum activities.
    - ii. Public consultation on the EMP was not required under the Petroleum (Environment) Regulations 2016, as the EMP does not propose drilling or hydraulic fracturing activities. The public was made aware that the EMP was under assessment via the Department's website.
    - iii. Next, I have considered short-term and long-term environmental impacts of carrying out the regulated activity. Environmental impacts include direct and indirect effects on the physical, biological, economic, cultural and social aspects of the environment, and may include cumulative impacts or occur over time.
    - iv. The information before me suggests short-term environmental impacts are negligible if the regulated activity is undertaken in the manner detailed in the EMP and the conditions of approval.
    - v. There is no particular contest between economic, social and environmental considerations that requires further mention.
    - vi. Taking an integrated view of long-term and short-term environmental and equitable considerations, I am satisfied that the considerations on balance and taken together support approval of the EMP.
  - b. The precautionary principle (s 19 *Environment Protection Act 2019*) applies when there are threats of serious or irreversible environmental damage, and requires that lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. I am satisfied that the regulated activity does not pose a threat of serious or irreversible environmental damage.
  - c. The principle of evidence-based decision-making (s 20 *Environment Protection Act 2019*) requires decisions to be made on the best available evidence in the circumstances that is relevant and reliable. I am satisfied that the best available evidence has been obtained because:
    - i. The EMP was developed by experienced environmental consultants with an understanding of the environment in the Wiso Basin.
    - ii. The interest holder employed a comprehensive process to obtain relevant information including consultation with relevant government agencies, desktop studies, baseline assessments, archaeological assessments, and stakeholder engagement in order to support the development of the EMP.
    - iii. The EMP has been reviewed by a multi-disciplinary team in DEPWS and NT Government agencies, which has informed my decision on the EMP.
    - iv. The interest holder has modified the EMP to address areas of uncertainty or clarification. These included environmental performance

standards/measurement criteria, spill management, consideration of cultural heritage, stakeholder engagement, emissions reporting and traffic.

- v. No concerns regarding the sufficiency of information to support the modified EMP are apparent. I am satisfied the information before me is comprehensive and appropriate noting the nature and scale of the regulated activity.
- vi. I believe the information regarding the proposed regulated activity adequately provides the best available evidence in the circumstances that is relevant and reliable to the evidence-based decision-making process.
- d. The principle of intergenerational and intra-generational equity (s 21 *Environment Protection Act 2019*) requires that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of present and future generations. I have given consideration to the impact on present and future generations as follows:
  - i. This criterion requires me to turn my mind to whether the benefits of the proposal disproportionately burden present or future generations, or particular groups or communities of present or future generations.
  - ii. I have considered the benefit for future generations from increased economic activity in the region and am satisfied that exploration is a necessary precursor for future economic gains that may be achieved through a viable onshore petroleum industry.
  - iii. I have considered whether the health, diversity and productivity of the environment is maintained or enhanced for the benefit of each of these relevant groups. I conclude that on balance, the health, diversity and productivity of the environment is not reduced by the regulated activity.
  - iv. The environmental burdens of the regulated activity will not disproportionately affect particular stakeholders.
  - v. I consider that cumulative emissions are not significant when considered in context of 2020-21 NT and Australian emissions, which were approximately 14.1 million tonnes and 465 million tonnes respectively.
  - vi. Cultural values relating to sacred sites 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 during ground disturbing activities.
  - vii. 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 inter or intra-generational equity.
- e. The principle of sustainable use (s 22 *Environment Protection Act 2019*) requires that natural resources should be used in a manner that is sustainable, prudent, rational, wise and appropriate. In applying this principle, I have considered the following:
  - i. I note the findings of the Scientific Inquiry into Hydraulic Fracturing (HFI) in the NT that states: "... in the short to medium term, the Australian National Energy Market is likely to require higher levels of flexible, gas-fired generation, which can provide a reliable, low emissions substitute for ageing coal-fired



*generation, and essential security services to complement variable renewable electricity generation.”<sup>5</sup>*

- ii. I note the NT Government’s implementation of all the recommendations of the HFI, including ensuring that there is no net increase in lifecycle GHG emitted in Australia from any onshore petroleum produced in the NT.
  - iii. The anticipated water use for the regulated activity is 31,080 L of potable water and 186,480 L general use water. Water will be sourced from pastoral bores or from nearby towns and communities.
  - iv. Accordingly, I am satisfied that the concept of sustainable use of natural resources has been taken into account.
- f. The principle of biological diversity and ecological integrity (s 23 *Environment Protection Act 2019*) requires that biological diversity and ecological integrity should be conserved and maintained. I have applied this principle as follows:
- i. I believe the information I have regarding the existing biodiversity and ecosystems that are to be affected by the regulated activity and the mitigation measures reasonably available are sufficient.
  - ii. An assessment of the likely presence of threatened species under the EPBC Act and the *Territory Parks and Wildlife Conservation Act 1976* (TPWC Act) was undertaken. The EMP identifies 32 flora and fauna species listed under the EPBC Act and the TPWC Act. Of the species identified, the Greater Bilby (*Macrotis lagotis*), Gouldian Finch (*Erythrura gouldiae*), Purple-crowned Fairy-wren (western) (*Malurus coronatus coronatus*), and Grey Falcon (*Falco hypoleucos*) had the highest likelihood of occurring, based on habitat suitability and previous records.
  - iii. I note the scale of the regulated activity was reduced to avoid impacts to sensitive environmental receptors.
  - iv. The mitigation measures identified in the EMP are adequate to reduce risks associated with the potential impacts on biodiversity, such as land clearing, vehicle strike, weed invasion, and inappropriate fire regimes to be as low and reasonably practicable and acceptable.
  - v. The EMP outlines measures to minimise impacts on affected environmental values, including the management of threatening processes such as weeds and fire. Where relevant, management measures for threatening processes are consistent with the requirements of the Code, NT Land Clearing Guidelines and the Weed Management Planning Guideline: Onshore Petroleum Projects. Specific examples of mitigation measures include undertaking pre-clearance surveys, selecting clearing to avoid important habitat, weed certifications and annual weed and rehabilitation inspections.
  - vi. 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 importance to the conservation of biodiversity and ecological integrity in weighting whether I am satisfied the approval criterion in reg 9(1)(c).
  - vii. It is often the case that the conservation of biological diversity and ecological integrity is vital to the achievement of ecologically sustainable development. By their nature, ecosystems are complex and interdependent systems and

<sup>5</sup> Refer section 9.7.4 of the *Scientific Inquiry into Hydraulic Fracturing in the Northern Territory*; p 233. Available at: <https://frackinginquiry.nt.gov.au/inquiry-reports?a=494286>

relationships; this needs to be considered in relation to what preserves their integrity. Biological diversity also represents a wealth of potential natural resources that may provide options for present and future generations. I have born this in mind when considering the weight to be given to the evidence before me regarding the potential impacts of the regulated activity on biodiversity and ecological integrity.

- viii. The measures to conserve and maintain biological diversity and ecological integrity in the EMP are appropriate, given the nature and scale of the regulated activity.
- ix. If carried out in accordance with the EMP, the risks of the regulated activity to the conservation of biological diversity and ecological integrity are considered to be mitigated to an acceptable level.
- g. The principle of improved valuation, pricing and incentive mechanisms (s 24 *Environment Protection Act 2019*) requires that environmental factors should be included in the valuation of assets and services, through application of the 'polluter pays' principles, consideration of full life cycle costs of providing goods and services, and pursuing environmental goals in the most cost-effective way. I have applied the principle as follows:
  - i. The pollution and waste that will be generated by the regulated activity in the general course of its operation includes emissions, liquid waste (e.g. sewage and greywater), solid waste and hazardous waste (e.g. batteries, spill contaminated materials, domestic waste).
  - ii. I am satisfied that this pollution and waste will be disposed of by the interest holder in accordance with the requirements of the *Public and Environmental Health Act 2011* and the *Waste Management and Pollution Control Act 1998* at their own cost as set out in Table 2-1 in the EMP.
  - iii. In relation to the risks of a pollution event that may occur unintentionally during the operations of the regulated activity, I consider that the following measures are in place to ensure the interest holder bears the costs of containment, avoidance, and abatement:
    - (1) Impacts and risks associated with contamination of soil, surface water and groundwater are managed through the requirements for containment of contaminants and mandatory requirements for spill management as set out in the Code of Practice.
  - iv. In relation to full life cycle costs, it is expected that the regulated activity will have a life cycle of less than 30 days, and at the end of this cycle the interest holder will take action to remove any all equipment, machinery and waste material as detailed by the EMP.
  - v. In addition, the interest holder is required to provide an environmental security sufficient to allow third-party intervention for the rehabilitation and remediation should it be required, ensuring the interest holder bears the cost of pollution.
  - vi. With these measures are in place, I am satisfied that the EMP ensures that environmental costs are not left as externalities to be paid for by Territory taxpayers or the local community. They will be fairly paid for by those who stand to benefit from the regulated activity, such as the interest holder, and consumers who choose to purchase the interest holder's products. To the extent there are some costs to the Territory, I am satisfied that this is appropriate given the broader economic benefits.



- vii. In relation to options to pursue environmental goals in relation to the regulated activity, I have taken into account that these goals should be pursued in the most cost-effective way.
- viii. I believe approval of the EMP with the conditions I have imposed is consistent with the principle of improved valuation, pricing and incentive mechanisms.
- h. The NT EPA did not require the EMP to be referred under the *Environment Protection Act 2019*, as the regulated activity does not have the potential to cause a significant impact on the environment. reg 9(3)
  - i. The NT EPA reviewed the EMP for the regulated activity against the approval criteria in regulations 9(3)(a) and 9(3)(c) of the Regulations and other matters the NT EPA considered relevant, and has provided advice about the EMP.
  - i. In accordance with my request under s 29B of the NT EPA Act, the NT EPA reviewed the EMP against the approval criteria in regulation 9(1) of the Regulations and other matters the NT EPA considered relevant, and has provided advice about the EMP. Relevantly:
    - i. The NT EPA recommended that should the EMP be approved, it be subject to five conditions. The NT EPA's recommendations have informed the conditions of this approval. All conditions are outlined in section 1 (2) of this Approval Notice.
    - ii. 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.
    - iii. I have considered the NT EPA's advice and recommendations and these have been incorporated where relevant into this statement of reasons and the conditions in the Approval Notice.
- j. The existing environment along with its particular values and sensitivities is appropriately identified in Section 4 of the EMP, and to the extent I do not agree or there is some uncertainty, I have imposed conditions to address the relevant risk or risks. reg 9(1)(c)
- k. I agree with the risk assessment set out in Appendix E 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.
- l. The interest holder's risk assessment is applicable to activities in all seasons and the outcomes are reflected in the EMP that includes, for example, a weed management plan, bushfire management plan, wastewater management plan, rehabilitation management plan, emergency response plan, stakeholder engagement management plan and spill management plan. The EMP also includes the required elements for the ongoing management of erosion and sedimentation. This is consistent with the requirements of the Code that allows for the regulated activity to occur in the wet season months when contingency planning is included in the EMP.
- m. The anticipated environmental impacts are appropriately identified in Appendix E of the EMP. Potential cumulative effects have been identified and assessed. In EMPs for subsequent stages (if they proceed) the interest holder will need to continue to address cumulative effects.

- n. The EMP demonstrates how the interest holder will comply with relevant requirements of the Code in undertaking these regulated activity. This includes reference to applicable Australian and international standards that have been adopted for regulated activity, as applicable. The EMP cross references relevant sections of the Code that apply to the mitigation and management measures to enable the reviewer to identify and confirm that the proposed activities comply with the Code, as applicable.
- o. I am satisfied that the interest holder has conducted stakeholder engagement in accordance with the Regulations. The EMP provides details of stakeholder engagement that meets Regulation 7 and Schedule 1, Clause 9 of the Regulations (Section 5 and Appendix F). Stakeholder engagement records (Appendix F) demonstrate that stakeholders did not raise objections about environmental impacts of the proposed activity that required specific changes from the interest holder. The EMP provides details of written feedback and input from stakeholders as part of the stakeholder engagement records. The risk assessment in the EMP details the potential environmental impacts of the activity and proposed environmental outcomes to manage impacts on social and cultural surroundings.
- p. I recognise the importance the community places on the protection of water, human health management of chemicals and waste, stakeholder engagement, social impacts and regulation and compliance. The EMP appropriately identifies the risks and potential impacts from the regulated activity and commits to mitigation and management measures to address these risks and potential impacts.
- q. There are no environmental impacts or environmental risks relating to the proposed regulated activity that I consider to be unacceptable.
- r. Overall, having regard to the above, I am satisfied that the EMP is appropriate for the nature and scale of the activity, and 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.