

## Approval notice and statement of reasons

*Petroleum (Environment) Regulations (NT) (Regulations)*

Interest holder	Origin Energy
Petroleum interest/s	EP117
Environment management plan (EMP) title	REVISION OF A PART - BEETALOO BASIN GROUNDWATER MONITORING BORE INSTALLATION PROGRAM- KYALLA 117 N2
EMP document reference	Original EMP - NT-2050-15-MP-0017 Rev 1 Revision of a part - E2018/0023~0029
DPIR EMP assessment document reference	E2018/0023~0030
Regulated activity	Original EMP NT-2050-15-MP-0017 Rev 1 approved on 10 December 2018  <i>Additional activities under revised scope:</i> <ul style="list-style-type: none"> <li>• Construction of one 50m x 50m drill pad adjacent to the Kyalla 117 N2 location</li> <li>• Installation of up to two groundwater monitoring bores</li> <li>• Construction of 400m of access track</li> </ul>
Was the regulated activity referred <sup>1</sup> for consideration whether an environmental impact assessment or public environmental report was required?	No - Determined that the regulated activity proposed does not have potential to have a significant impact on the environment and as such referral is not required. This determination was based on NT EPA Guideline - Referring a Proposal to the NT EPA. See Section 3.2 of the EMP  Original EMP was provided to DENR for review and comment. E2018/0020~0003
Was an environmental impact assessment or public environmental report required?	No - Refer above.
Date EMP was first submitted under reg 6	21 February 2019
Date further information was submitted under reg 10, if applicable	N/A
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

<sup>1</sup> This means a referral under the *Environmental Assessment Act (NT)* or the *Environment Protection and Biodiversity Conservation Act 1994 (Cth)*.

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Date of decision

26 / 02 / 2019

Decision maker

Natasha.

Signature

NATASHA KATE FYLES, A/Minister of Primary  
Industry and Resources

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## 1 Approval notice

1. The EMP is approved. reg 11(a)
2. The approval is subject to the following conditions: reg 12(2)
  - a. Water monitoring bores will be drilled and constructed by a water bore driller licensed under the *Water Act* and in accordance with the current version of the *Minimum Construction Requirements for Water bores in Australia*.
  - b. The groundwater bore installation must be completed within 12 months from the date of this approval.

## 2 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:
    - i. Activities approved under the original EMP NT-2050-15-MP-0017 Rev 1 approved on 10 December 2018
    - ii. Additional activities under the revised scope
      - (1) Construction of one 50m x 50m drill pad adjacent to the Kyalla 117 N2 location
      - (2) Installation of up to two groundwater monitoring bores
      - (3) Construction of 400m of access track
  - b. The scale of the regulated activity is as follows:
    - i. The scale of the regulated activities is considered low level, including consideration of the additional 0.41 hectares of disturbance proposed under the revised scope. New disturbances for the proposed activities are minimal and due to the small area of disturbance considered to be low level. The scale of the activity has also taken into consideration the environmental risks associated with the regulated activities which are addressed below.
  - c. The level of detail and comprehensiveness of the application is appropriate for the level of activities proposed. The quality of the EMP and revised scope is considered satisfactory. The identification of the activity, environment, environmental risks and the environmental impacts is comprehensive and contains a high level of detail. The assessment of risks, environmental outcomes and performance standards, implementation strategy, personnel, emergency contingency plan, stakeholder engagement, legislative requirements, recording, monitoring, reporting and notifications is detailed to an appropriate level of quality and applicability.
  - d. Having regard to the above, the information in the EMP and revised scope 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(2)(a)
  - 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 mitigative measures reasonably available, is sufficient and acceptable.
    - ii. The regulated activity proposes a low risk to the ecosystem in the EP117 areas. The regulated activities include minimal new disturbances. All other risks to flora, fauna and ecosystems has been addressed and mitigated to an appropriate standard. I consider that the mitigation measures identified in the EMP and revised scope will effectively manage the environmental risks of the regulated activity.

- 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 and revised scope, the risks of the regulated activity to the conservation of biological diversity is considered to be low.
  - v. If carried out in accordance with the EMP and revised scope, the risks of the regulated activity to the conservation of ecological integrity is considered to be low.
- 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 Regulations 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 and revised scope. In this way, the concept of integration has been implemented.
  - ii. In carrying out the regulated activity there is no particular contest between economic, social and environmental considerations that requires further mention.
  - iii. 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 future or present stakeholders. Accordingly I do not believe that the carrying out of the regulated activity in accordance with the EMP and revised scope 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 7.11 of the EMP which is sufficient to cover the additional activities under the revised scope.

- (2) If the interest holder fails to remediate the impacts, a security is held by the Minister which is considered adequate to cover the resulting costs.
- ii. Through the above, the interest holder is incentivised to complete rehabilitation work to recover their security.
- f. No environmental report or statement has been required to be prepared in relation to the regulated activity under the Environmental Assessment Act. Section 3.2 of the EMP outlines the operations against the Northern Territory Environment Protection Authority's standards and objectives for referral under the NOI process. It was determined that the regulated activity, with consideration of the revised scope, does not have the potential to have a significant effect on the environment. As such, referral was not required. reg 9(2)(b)
- g. The existing environment along with its particular values and sensitivities is appropriately identified in section 4 of the EMP and referenced in the submission of the revised scope. reg 9(1)(c)
- h. The anticipated environmental risks are appropriately identified in section 6 of the EMP and referenced in the submission of the revised scope.
- i. I agree with the risk assessment set out in section 6.4 and appendix F of the EMP and as referenced in the submission of the revised scope.
- j. The anticipated environmental impacts are appropriately identified in section 6.4 and appendix F of the EMP and referenced in the revised scope. I agree this is a reasonable identification of the environmental impacts of the regulated activity.
- k. There are no environmental impacts or environmental risks relating to the proposed regulated activity which I consider to be unacceptable.
- l. Overall, having regard to the above, I am satisfied that the EMP, including the revised scope, 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.