



Government of **Western Australia**
Department of **Mines and Petroleum**



*Guideline for the Development of Petroleum and
Geothermal Environment Plans in Western Australia*
Response to Comments

September 2016

Introduction

The *Guideline For The Development of Petroleum and Geothermal Environment Plans in Western Australia* (September 2016) (the Guideline) outlines the requirements for an Environment Plan in accordance with the Petroleum and Geothermal Energy Resources (Environment) Regulations 2012, the Petroleum (Submerged Lands) (Environment) Regulations 2012 and the Petroleum Pipelines (Environment) Regulations 2012 (the Regulations).

This Guideline aims to improve transparency around the expectations of the Department of Mines and Petroleum (DMP) for the petroleum and geothermal industry, and provide assistance to operators in the development and submission of an Environment Plan (EP).

This Guideline will replace the following existing guidance: the *Guidelines for the Preparation and Submission of an Environment Plan* (as amended August 2012); the *Environmental Assessment Processes for Petroleum Activities in Western Australia* (as amended October 2012); and the *Auditing and Reporting Requirements for Petroleum Activities in Western Australia* (October 2012). These have been combined into this Guideline to provide more detailed guidance on EP content and reporting requirements, and to also clarify expectations around approval and compliance processes.

Consultation Undertaken

The draft Guideline was released for public comment from 19 February 2016 to 15 April 2016, with five stakeholders providing feedback. Overall, these stakeholders were supportive of the revised Guideline. The key themes of the feedback received were:

- Stakeholder engagement standards;
- Consideration of 'as low as reasonably practicable' (ALARP) and acceptability;
- Clarification of regulatory requirements (including EP content requirements); and
- Management of non-significant and significant change processes.
- Clarification approvals required for the whole of the operations life cycle from exploration to relinquishment.

Consultation was also undertaken with the Australian Petroleum Production & Exploration Association (APPEA) in March 2016.

For the purpose of providing responses to the feedback received from stakeholders, the submissions have grouped into relevant sections of the Guidelines, however, the content has been retained in its submitted form (i.e. the text of the submissions is included verbatim). DMP thanks all stakeholders for their considered feedback.

NUMBER	SECTION	PAGE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
1) GENERAL COMMENTS					
1			Confidential	<p>The reference to ALARP and “acceptable levels” throughout the document needs clarification. If something is ALARP it is therefore acceptable and vice versa.</p>	<p>In relation to ALARP and acceptability, regulation 11 states that the Minister must approve the EP if the Minister is reasonably satisfied that the plan –</p> <ul style="list-style-type: none"> • demonstrates that the environmental impacts and environmental risks of the activity will continuously be reduced to as low as is reasonably practicable; and • demonstrates that the environmental impacts and environmental risks of the activity will be of an acceptable level; <p>These are two distinct and necessary requirements.</p> <p>The concept of managing risks and impacts to levels that are ALARP is central to the risk based nature of the Regulations, which allows operators to adopt management practices and technologies best suited to their individual circumstances, activities and locations. This regime allows operators to reduce risks and impacts through reasonably practicable measures which are subject to change over time.</p> <p>The concept of “acceptability” in relation to the Regulations relates to the primary objective of the Regulations and the environmental risk assessment process.</p> <p>The primary objective of the Regulations is that activities be undertaken in a manner consistent with the principles of ecologically sustainable development. While an operator may reduce the environmental risks and impacts to ALARP levels, the levels of risk may not be acceptable, e.g. due to risks or impacts to environmental sensitivities that may be ecologically unsustainable.</p> <p>ALARP must be demonstrated to show why the measures selected are “reasonably practicable” and others not.</p> <p>Notwithstanding, the demonstration of what is “reasonably practicable” at a particular time is not a judgement of whether the resulting levels of risk (residual risk) is acceptable. Where “reasonably practicable” measures do not reduce risks to acceptable levels, the operator may be required to consider additional measures to demonstrate that risks and impacts will be reduced to an acceptable level.</p> <p>Amendment to Guideline: this has been detailed further in section 3.3.3 (Justification of ALARP and Acceptability) in the Guidelines.</p>

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2			Confidential	<p>Throughout the document there is a continual reference to “should” – This needs clarification as to the level of compliance required, i.e. is it mandatory, preferable or optional and at whose discretion.</p> <p>There are a lot of should requirements which would not be ALARP for long life (existing operational pipelines (cost vastly greater than benefits).</p>	<p>The Guideline uses the word ‘must’ where there is a specific regulatory requirement. The use of words such as ‘should’ and ‘recommends’ reflects additional guidance for operators.</p> <p>Amendment to Guideline: the use of these words has been reviewed to ensure consistency of terminology in the Guidelines, and updated where necessary.</p>
3			Confidential	<p>Is the intent of the proposed revised guideline to remove provisions such as Bridging Documents and Written Notifications to Environment Plans (which is currently available)?</p>	<p>Regulation 18 requires the revision and resubmission of an EP for any new activities or significant changes to an existing activity.</p> <p>DMP therefore expects that the majority of amendments to information in an EP will be done by revising the EP e.g. changes to chemical disclosure information.</p> <p>It is noted, however, that there are circumstances where the information provided in Bridging Documents (BD) and Written Notifications (WN) is useful to supplement the information provided in an approved EP e.g. temporary changes associated with large ongoing operations. DMP has therefore inserted additional text into section 2.3 of the guidelines.</p> <p>Amendment to Guideline: additional text has been inserted in section 2.3 (Requirement for Revisions and Change Management) of the Guidelines.</p>
4			Confidential	<p>Section 3.9 of the draft guideline states that the “The Regulations require that adequate consultation be undertaken between the operator and relevant authorities, interested persons and organisations.”</p> <p>This statement is inconsistent with the PGER (Environment) Regulations, and specifically Regulation 17(1)(b) which provides: The Environment Plan must include the following — (b) “a report on all consultations between the operator and relevant authorities and other relevant interested persons and organisations in the course of developing the environment plan”. A relevant interested person or relevant organisation in this context must be someone with a “relevant interest” in the proposed project and not just someone with a mere “interest” or concern about the project such as any</p>	<p>Section 3.9 (Stakeholder Engagement) of the Guideline includes reference to ‘relevant’ stakeholders (as identified in the Regulations).</p> <p>Section 3.9.3 (Potential Stakeholders) identifies stakeholders that may be deemed relevant. This information is provided as guidance only and should be considered in relation to an operator’s individual circumstances, activities and locations.</p> <p>Amendment to Guideline: additional text has been inserted in section 3.9 (Stakeholder Engagement) of the Guideline to clarify expectations regarding tiered levels of consultation i.e. various levels of consultation depending on the stakeholder being consulted with and the potential impacts of the activity to that stakeholder.</p>

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				<p>general member of the public. If not operators would be obliged to consult with everyone. Accordingly, a relevant interested person or organisation in regulation 17(1)(b) is likely to include a person or organisation whose rights are affected by the project (i.e. landholders adjacent to the project) but should not include a person or organisation who is not able to establish a “relevant interest” or anything more than just a mere “interest” or concern about the project.</p> <p>Consistent with this interpretation is the obligation in regulation 17(1)(b) for the operator to consult with “relevant authorities”. This does not mean the operator must consult with every government authority, only those authorities who are actually relevant to the operator’s proposed activity.</p> <p>In these circumstances, the proposed guideline needs to be drafted so that it is consistent with the intent of the PGER (Environment) Regulations and must avoid creating any obligations on operators that may be inconsistent with these regulations. In the very least, the proposed guideline should mirror the precise words used in the PGER (Environment) Regulations. Ideally, the proposed guideline should be drafted to reflect an interpretation in line with what we have set out above, which we consider to be the correct interpretation of regulation 17(1)(b).</p>	
5			Confidential	<p>There is no mention of transitional arrangements for implementing the revised guideline; this should be clarified. DMP should provide clear advice on the timeframe and transitional arrangements planned for implementing the guideline. It is assumed that Environment Plans and Bridging Documents already approved and in place will still be valid.</p>	<p>As there are no changes to regulatory requirements, or significant changes to DMP expectations, DMP does not deem a transitional period necessary. DMP highlights all existing approvals remain in force.</p> <p>Note: no amendments to the Guidelines have been made.</p>

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6	1	5	Chevron Australia	<p>Regulatory Alignment – Highly detailed, prescriptive guidance note is inconsistent with objectives-based regulation. There are many ‘will/shall/must’ statements included that are not required by the regulations. e.g. ‘Site inspections must be undertaken’</p> <p>Some general misalignment with regulations e.g. omission of key words within guidance such a ‘significant’ etc. Such omissions fundamentally change both the intent and potential application of the regulations.</p> <p>We note in the Introduction that DMP acknowledges: “The regulations are objective, risk based and encourage leading practice environmental management systems and continuous improvement management strategies to ensure environmental impacts and risks are acceptable and reduced to ALARP”.</p> <p>The guidelines, with current content, represent a degree of prescription that is contrary to the above statement.</p>	<p>The Guideline uses the word ‘must’ where there is a specific regulatory requirement. The use of words such as ‘should’ and ‘recommends’ reflects additional guidance for operators.</p> <p>The Guideline aims to provide further information regarding the level of detail which is expected to enable DMP assessment of the potential environmental risks and impacts associated with petroleum and geothermal proposals. The Guidelines do not prescribe how a petroleum or geothermal activity is to be undertaken.</p> <p>Amendment to Guideline: the use of these words has been reviewed to ensure consistency of terminology in the Guidelines, and updated where necessary.</p> <p>Amendment to Guideline: section 3.6.5.1 (Monitoring) of the Guidelines updated to read ‘site inspections should be undertaken to ensure that all mitigation measures and implementation strategies in the EP are correctly implemented onsite.’</p>
7			Chevron Australia	<p>Terminology</p> <p>Minor, credible, potential source of risk</p> <p>Ensure these are all defined and linked to ISO.</p>	<p>The risk assessment terminology and processes identified in the Guidelines is taken from the <i>AS/NZS ISO 31000:2009 Risk Management – Principles and Guidelines and handbook 203:2012 Managing Environment-related Risk</i> where relevant. Additional definitions are also provided as guidance.</p> <p>Note: no amendments to the Guidelines have been made.</p>
2) Preparation of an Environment Plan					
8	2.1	7	Confidential	<p>This can be difficult to achieve. The Regulations only refer to the “instrument holder”. If a group of companies have ownership of a pipeline there is usually a nominated Licensee Representative – it is believed that written advice from that representative should be sufficient for nominating an Operator.</p>	<p>The Regulations require that the instrument holder notify the Minister of the contact details of the operator responsible for the overall management and operation of the activity. This could be undertaken at the same time as nominating the Licensee Representative.</p> <p>Note: no amendments to the Guidelines have been made.</p>

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9	2.2	8	Confidential	<p>Further clarification is required regarding the stages of a petroleum activity a well Environment Plan can cover. The example provided in Table 1 of the draft guideline indicates all stages of an activity can be incorporated in a single Environment Plan (i.e. exploration through to completion of rehabilitation). The definition of an activity (as defined in the Regulations) should be clarified at this point, as the current text could suggest that all stages of a well could be included in an Environment Plan (e.g. production, hydraulic fracturing). This conflicts with advice received from DMP regarding the activities covered by an Environment Plan in regards to the well lifecycle.</p> <p>It should be clarified if routine operations for petroleum wells that are undertaken in a consistent manner and have the same environmental risk can be included in a single Environment Plan. An example of this would be well workovers, integrity checks, logging etc. that are undertaken on multiple existing petroleum wells. Given these operations will be undertaken using consistent approaches with the same risk profile, it would make sense to have an Environment Plan that covers these activities. Similarly, care and maintenance of well sites may be managed under a single environment plan that covers all petroleum well sites that are under care and maintenance (e.g. suspended wells). In this case, would the Management of Change (MOC) process described in Section 2.3 be available to add well sites under care and maintenance to an approved Environment Plan without having to resubmit the EP for approval?</p>	<p>Regulation 9 states that an EP may be submitted for one or more stages of the activity, if the operator and the Minister so agree.</p> <p>The stages of an activity included in an EP must be appropriate to the nature and scale of the activity. Table 1 is provided as guidance to operators for typical stages of a petroleum activity; however, discussion with DMP is recommended prior to EP submission.</p> <p>Operators also need to demonstrate that their site(s) will be adequately managed throughout the entire lifecycle, including during periods of inactivity. For example, when a well is drilled, the operator should consider the ongoing management of the well (and disturbed areas) post-drilling i.e. care and maintenance while a well is suspended.</p> <p>Where an operator has multiple wells within a field, it may be appropriate for the ongoing management of all the wells to be covered by a single EP where the risks and impacts are similar.</p> <p>Noting the example provided, where a new well is to be added to a care and maintenance regime, DMP would expect that a revised EP be submitted to DMP to include the additional well details, locations and other relevant information.</p> <p>Note: no amendments to the Guidelines have been made.</p>
10	2.2	8	Chevron Australia	<p>DMP state: “An EP is required for all stages of a petroleum activity including construction, operation, care and maintenance, decommissioning and rehabilitation”.</p> <p>A standalone Care and Maintenance EP should only be required where care and maintenance are the only activities.</p>	<p>Please refer to DMP response 9 above.</p>

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11	2.2	8	Confidential	Clarification is sought as to the requirement for an EP to conduct an initial pipeline survey. The example in Table 1 Seismic/Surveys indicates that there may be a requirement for an EP to cover the initial survey for a pipeline route – this is currently covered under a Section 7 (PPA) requirement.	<p>The Petroleum Pipeline (Environment) Regulations 2012 define a pipeline activity as any operations or works carried out under a pipeline instrument, or any other operations or works carried out in relation to a pipeline that may have an environmental impact.</p> <p>Initial pipeline survey activities that are authorised under section 7 of the <i>Petroleum Pipelines Act 1969</i>, and do not result in an environmental impact do not require the submission of an EP to DMP.</p> <p>Note: no amendments to the Guidelines have been made.</p>
12	1 and 2.2 and 2.3	6 and 7 and 9	Chevron Australia	<p>DMP state: “Under regulation 8, an activity must not continue if new or increased environmental impact or environmental risk is identified. In these circumstances a revised EP must be submitted and approved by DMP prior to continuing the activity”.</p> <p>Regulation 8(1) states: The operator of an activity commits an offence if- (a) the operator carries out the activity after the occurrence of – (i) any significant new environmental impact or environmental risk arising from the activity;</p> <p>Statement in the Green box is does not accurately reflect the regulations.</p> <p>DMP state: “Where minor changes to the activity are required with no significant increase in environmental impacts or risks, DMP may agree to the submission of an amendment to the EP”.</p> <p>Suggest DMP amend language (minor changes – Page 9 final paragraph) to align with Regulations – 18(1) (any new activity I significant modification of an existing activity etc.)</p> <p>Please note, that although the guidance continual refers to resubmission of an EP from changes, it would be more beneficial for DMP to reference back to Regulation 18 and the intent of Reg 18.</p>	<p>Section 2.3 (Requirement for Revisions and Change Management) provides further detail regarding this statement.</p> <p>Amendment to Guideline: the word ‘significant’ has been added to this statement. Section 2.3 (Requirement for Revisions and Change Management) already allows for administrative changes to be made to the EP via versioning (not revisions). Section 2.3.1 (Bridging Document) and section 2.3.2 (Written Notification) have also been added to the Guidelines to provide alternative submission options for changes not deemed ‘significant.’</p>

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				<p>DMP state: “The operator of an activity must submit a proposed revision of the EP to DMP where:</p> <ul style="list-style-type: none"> • New or increased environmental risks or impacts associated with the activity have been identified”. <p>The regulations state a revision is required in the event that any significant new environmental impact or risk or significant increase in existing environmental impact or risk arises, therefore the guidance is inconsistent with the regulatory requirements and intent.</p> <p>Suggest DMP acknowledge provision for administrative changes to EP without resubmission to DMP (i.e. use of Revisions Versions). This allows for continual improvement and consistency with regulations.</p>	
13	2.3	9	Confidential	<p>The MOC process outlined in the revised guideline is a key change to the guideline and is welcomed by the Company in ensuring consistency of approaches across jurisdictions. To increase clarity, additional clarification regarding what constitutes “minor changes with no significant increase in environmental impacts/ risks” would be useful. A working example that is not focussed on administrative changes would be a useful addition to the guideline.</p>	<p>Section 2.3 (Requirement for Revisions and Change Management) only allows for administrative changes to be made to the EP via versioning (not revisions).</p> <p>All other amendments will require a change request to DMP through the submission of an EP, BD or WN.</p> <p>Amendment to Guideline: further detail regarding this process has been added to Section 2.3 (Requirement for Revisions and Change Management) of the Guidelines.</p>
3) Environment Plan Contents					
14	3	10	Confidential	<p>Naming of “specific systems” not appropriate – i.e. actions are generated in an online tracking system should be sufficient otherwise as company systems change the EP is out of date.</p>	<p>Regulation 15(3) requires the EP to identify the specific systems practices and procedures to be used.</p> <p>Note: no amendments to the Guidelines have been made.</p>
15	3	10	Chevron Australia	<p>DMP state: “An EP must include the following information: Assessment of identified environmental impacts and risks including mitigation measures to ensure the environmental performance objectives and standards in the EP are met...”</p>	<p>Amendment to Guideline: the reference to environmental performance objectives and standards have been removed from this statement in section 3 (Environment Plan Contents) of the Guidelines.</p>

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				Please clarify this statement. Mitigation measures reduce environmental impacts and risks to ALARP, the measures to ensure environmental performance objectives and standards are met are outlined in the Implementation Strategy.	
16	3.1	11	Confidential	Bullet point 2 needs clarification – does “details of construction” refer to a current /proposed activity or the original construction of the facility. Details of original construction in operational EP is not practical and often will not be relevant for operations.	Regulation 14 requires the EP to detail the construction and layout of any facility. This relates to proposed and as-built features or property. For existing sites, areas or facilities, the most current information about the as-built features should be included in the EP. Note: no amendments to the Guidelines have been made.
17				Operational EPs should include reference to possible construction work during operations, i.e. pipeline digups so that separate EP documents are not required for this type of work.	The Regulations require an EP to include a comprehensive description of the activity – this includes details of all routine and non-routine activities that may be required associated with the activity proposed i.e. emergency maintenance and repair activities. The EP must include details of all environmental impacts and environmental risks associated with the activities described, including the management of these to ALARP and acceptable levels. Note: no amendments to the Guidelines have been made.
18				Query the requirement of layout of any facility for pipelines – this would not be practical given the linear nature of the asset.	The Regulations require the EP to include details of the construction and layout of the facility. Note: no amendments to the Guidelines have been made.
19	3.1	11	Chevron Australia	Scope There are many references to remediation. Remediation is addressed by the <i>Contaminated Sites Act 2003</i> and supporting guidance, and is administered by the Department of Environmental Regulation. References to remediation should be removed from this guidance note. This section states that the description of activity should include “ <i>details of the various phases of the activity</i> ”, including remediation. As remediation is addressed by the <i>Contaminated Sites Act 2003</i> and supporting guidance, and is administered by the Department of Environmental Regulation please clarify DMP’s position. Given this duplication, and administration by an alternate regulator, Chevron suggest removing remediation from guidance note and defer to DER.	DMP notes that remediation is defined as the action of remedying something, in particular reversing or stopping environmental damage. This term is relevant to any remediation that may be required and does not specifically refer to remediation of a contaminated site as defined by the <i>Contaminated Sites Act 2003</i> i.e. remediation of erosion. DMP notes that the requirements of other legislation do not negate requirements under petroleum legislation, including the requirement for an operator to undertake an activity in accordance with an approved EP. In cases where a petroleum site has been classified as a contaminated site in accordance with the <i>Contaminated Sites Act 2003</i> , the Department of Environmental Regulation (DER) is the lead regulator. The Regulations define a petroleum and geothermal activity as any operations or works carried out under a petroleum or geothermal instrument, or any other operations or works carried out in the adjacent area relating to exploration or development which may have an environmental impact. This includes remediation activities.

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					In this instance, the operator should consult collectively with DER and DMP to ensure consistent and appropriate actions are implemented. Where possible, regulatory duplication for these sites will be minimised. Amendment to Guideline: Additional clarification added into appendix C.
20	3.1.1	11	Chevron Australia	Could DMP please clarify this section in relation to regulatory requirements for the content of an EP?	Regulation 14(1)(a) requires the EP include a comprehensive description of the activity including the location or locations of the activity. Operators must provide adequate information to enable DMP assessment of the potential environmental risks and impacts associated with petroleum and geothermal proposals. Note: no amendments to the Guidelines have been made.
21	3.1.1.1	11	Department of Water	Include data in GIS compliant (.shp) files when appropriate and available. If there is a PDWSA in the area of interest state whether the activity is located within 5 km of the PDWSA. Aboriginal community drinking bores should also be included when specifying any water bore locations.	The inclusion of data in GIS compliant files is not a specific requirement of the Regulations. Section 3.1.1 (Location) of the Guidelines includes the requirement to ‘...specifically detail the distance and direction to each feature and identify if there is potential for these to be impacted as a result of the activity.’ The list of sensitivities identified includes Public Drinking Water Source Areas and all water bores (including Aboriginal community drinking bores). Note: no amendments to the Guidelines have been made.
22	3.1.2	12	Confidential	The requirement to provide specific details (e.g. contractor names) throughout an Environment Plan as specified in Section 3.1.2 of the draft guideline (and elsewhere) is contrary to the statements made in the foreword and introduction section of the guideline regarding the DMP’s focus on providing a framework for outcome based decision making and encouraging continuous improvement. Given the dynamic nature of petroleum operations, providing such specific detail would likely result in numerous “minor changes” to the Environment Plan being required. This would be an administrative burden for both the DMP and operators. Conversely, if indicative details are given then any changes to factors such as contractors that do not increase the environmental risk of the activity would be accommodated.	Regulation 14 requires the EP to provide a description of the operational details of the activity along with any additional information relevant to the consideration of the environmental impacts and risks. DMP expects that details of contractors/equipment relevant to environmental management e.g. waste, drilling etc. are detailed in the EP. Where the contractor/equipment cannot be confirmed at the time of EP submission, DMP expects the risk assessment to cover all possibilities (e.g. where multiple drill rigs with varying specifications are under consideration) and for the EP to include a commitment to confirm (in writing to DMP) final selection prior to activity commencement. Note: no amendments to the Guidelines have been made.

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23	3.1.2	12	Confidential	Names of contractors are not always available at the time of developing an EP.	Refer to DMP response 22 above.
24				What site layout is required for pipelines – need clarification does this refer to above ground facilities only (i.e. main facility not all above ground pipeline facilities; e.g. Compressor stations, scraper stations, MLVs, delivery stations etc.)?	<p>The Regulations require the EP to include details of the construction and layout of the facility. The EP should therefore detail all facilities that are relevant to the activity</p> <p>Noting the examples provided, these features are all relevant to the activity and should be detailed in the EP.</p> <p>Where there are numerous facilities of the same type, a generic description of each type of facility, and facility location may be provided.</p> <p>Note: no amendments to the Guidelines have been made.</p>
25				Maintenance, decommissioning etc. currently states EPs will be generated if and when required.	<p>Regulation 9 states that an EP may be submitted for one or more stages of the activity if the operator and the Minister so agree.</p> <p>The stages of an activity included in an EP must be appropriate to the nature and scale of the activity.</p> <p>An approved EP must be in place prior to the commencement of any new stages of activity.</p> <p>Where future stages of the activity (i.e. care and maintenance, decommissioning, and rehabilitation) are to be addressed in a separate EP, DMP expects a commitment to this affect.</p> <p>Note: no amendments to the Guidelines have been made.</p>
26	3.1.2	12	Chevron Australia	<p>DMP state: “..should include as a minimum:</p> <ul style="list-style-type: none"> • Name and description of facility, rig, vessels and major equipment • Names of contractors” <p>It may be impractical to provide this information, and is not relevant to the potential impacts and risks, provided the facility/rig/vessel/contractor and/or function is described in enough detail to enable consideration of potential interactions with the environment and potential environmental impacts and risks. Often the environmental approvals are being prepared concurrently to final contractual arrangements, and this information would not be available to include in an EP.</p>	<p>Regulation 14(1) requires the EP include a comprehensive description of the activity, including:</p> <p>(b) Details of the construction and layout of any facility; and</p> <p>(c) A description of the operational details of the activity and proposed timetables.</p> <p>The Guideline aims to provide further information regarding the level of detail which is expected to enable DMP assessment of the potential environmental risks and impacts associated with petroleum and geothermal proposals.</p> <p>As the details, specifications, and environmental risks/impacts associated with differing facilities, rigs, vessels, equipment and contractors can vary significantly this information is relevant for inclusion in the EP i.e. the type of rig proposed for use can have differing environmental risks and impacts that need to be considered by the operator.</p>

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27				Could DMP please clarify this section in relation to regulatory requirements for the content of an EP?	Where this information cannot be confirmed at the time of EP submission, DMP expects the risk assessment to cover all possibilities (e.g. where multiple drill rigs with varying specifications are under consideration) and for the EP to include a commitment to confirm (in writing to DMP) final selection prior to activity commencement. Note: no amendments to the Guidelines have been made.
				Would be value in DMP referencing what a “petroleum activity” as defined under Regulation 4. For example, site security is not a “petroleum activity”, but may be considered a <u>control measure</u> for the activity. Also, ancillary operations such as waste management and quarantine management are not activities the are also control measures.	The Regulations define a petroleum activity as any operations or works carried out in the State under a petroleum instrument or geothermal instrument, or any other operations or works carried out in the adjacent area relating to petroleum exploration or development which may have an environmental impact. Noting the examples provided, details of all environmental risks and environmental impacts associated with the activity must be included in the EP e.g. site access/security, waste management, and quarantine. Note: no amendments to the Guidelines have been made.
28	3.1.2.1 and 3.1.2.2	13	Chevron Australia	DMP state: “If the activity is not planned to be decommissioned and rehabilitated immediately upon completion, the EP must include details of the ongoing inspection, monitoring, and maintenance (care and maintenance) activities that will be undertaken to reduce environmental impacts and risks to ALARP during this period”. Care and maintenance / decommissioning is defined as a separate stage of an activity (See Table 1 of guidance note and Regulation 4 – Petroleum Activity definition). As such, this information should not be required within plans unless the plans are specifically for care and maintenance / decommissioning activities.	Regulation 9 states that an EP may be submitted for one or more stages of the activity if the operator and the Minister so agree. The stages of an activity included in an EP must be appropriate to the nature and scale of the activity. Table 1 is provided as guidance to operators for typical stages of a petroleum activity; however, discussion with DMP is advised prior to EP submission. Operators also need to demonstrate that their site(s) will be adequately managed throughout the entire lifecycle, including during periods of inactivity. For example, when a well is drilled, the operator should consider the ongoing management of the well (and disturbed areas) post-drilling i.e. care and maintenance while a well is suspended. An approved EP must be in place prior to the commencement of any new stages of activity. Where future stages of the activity (i.e. care and maintenance, decommissioning, and rehabilitation) are to be addressed in a separate EP, DMP expects a commitment to this affect. Note: no amendments to the Guidelines have been made.

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29	3.1.2.3	14	Chevron Australia	As per comment #11 above.	Refer to DMP response 28 above.
30	3.1.2.3	14	Confidential	In many cases, it takes multiple years for rehabilitation of vegetation to occur in which case, well designed monitoring programs will not require monitoring of vegetation rehabilitation annually. To reflect this, Section 3.1.2.3 of the EP should be reworded to clarify that rehabilitation should be reported on, but not necessarily monitored, annually.	<p>Regulation 16 requires that a report be submitted to the Minister not less often than annually to demonstrate whether environmental performance objectives, standards, and the implementation strategy of the EP have been complied with.</p> <p>Section 3.1.2.3 (Rehabilitation) does not prescribe the frequency in which monitoring must be undertaken as this frequency should be determined on a case by case basis by the operator.</p> <p>DMP encourages regular monitoring be undertaken to ensure that rehabilitation is progressing, compliance/consistency with overall rehabilitation completion criteria can be demonstrated, and that there has been no negative environmental impacts since the last monitoring event (i.e. erosion).</p> <p>Note: no amendments to the Guidelines have been made.</p>
31	3.1.2.3	14	Confidential	<p>Having details of remediation and rehabilitation details is not feasible for existing long life assets;</p> <ol style="list-style-type: none"> 1. Pre-disturbance data is not possible if not existing 2. Rehabilitation criteria (%) can therefore not be established 3. Most areas are already rehabilitated 4. Disturbance works are intermittent and ongoing 	<p>Rehabilitation planning should be established for all disturbed sites and areas to enable companies to meet regulatory objectives (http://www.dmp.wa.gov.au/Documents/Environment/ENV-ADMIN-050.pdf). This planning should be relevant to the nature and scale of the activity and the location of the activity.</p> <p>Noting the examples provided:</p> <ol style="list-style-type: none"> 1. Where pre-disturbance data is not available for areas that have not been remediated or rehabilitated, information from a similar surrounding environment should be reviewed to inform rehabilitation planning. 2. Information from a similar surrounding environment may be appropriate for use when establishing rehabilitation completion criteria. 3. Areas that have already been rehabilitated do not need to be included in rehabilitation planning (unless the rehabilitation is deemed unsuccessful). 4. DMP promotes ongoing and progressive remediation and rehabilitation of cleared and disturbed areas that are no longer required for operational reasons. <p>Note: no amendments to the Guidelines have been made.</p>

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32	3.1.3	15	Confidential	<p>Section 3.1.3 of the guideline states <i>“An activity must take place within the timeframe detailed in the EP and any changes to the timing of the activity must be addressed in a revision of the EP and approved by DMP”</i>.</p> <p>In many cases, the timing of the activity will not change the environmental risk of the activity. In such cases, arbitrary resubmission of the Environment Plan contradicts the stated objective of “outcome based regulation” for the draft guideline. The MOC process described in Section 2.3 of the draft guideline should be available to evaluate the effect of timing changes on the risk profile of the activity. Any MOC process could clearly consider the risk profile in relation to activity timeframes and environmental considerations as outlined in Section 2.3 of the draft guideline.</p>	<p>DMP recommends that operators plan conservatively and account for potential delays in activity schedules.</p> <p>Amendment to Guideline: section 3.1.3 (Timeframes and Schedules) of the Guidelines has been updated to read ‘An activity should take place within the timeframe detailed in the EP. Where changes to the timing of the activity are significant (i.e. significant delays), or may represent an increased/ additional environmental risk and/or impact (e.g. fire risks, phytophthora risk, migrating fauna etc.), this information must be addressed in a revision of the EP and approved by DMP.’</p>
33	3.1.3	15	Chevron Australia	<p>This section indicates that a proposed or indicative timeframe should be provided, however , also states that an activity must take place within the timeframe detailed in the EP and any changes to timing of the activity must be addressed in a revision of the EP and approved by the DMP.</p> <p>DMP state: “An activity must take place within the timeframe detailed in the EP and any changes to the timing of the activity must be addressed in a revision of the EP and approved by DMP”.</p> <p>Indicative timeframes, by nature, are subject to change. Chevron believes that unless a revised time-frame significantly increases an existing, or introduces a significant new, impact or risk, then no resubmission would be required.</p>	<p>Refer to DMP response 32 above.</p>

NUMBER	SECTION	PAGE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
34	3.1.3	15	Chevron Australia	<p>DMP state: <i>“In order to demonstrate that the impacts and risks of an activity are ALARP, the EP must include an outline of the activity timeframe (including an indicative timeframe, expected duration and hours of operations) with reference to environmental considerations as demonstrated in Table 3”.</i></p> <p>The evaluation of potential impacts and risks of the activity in relation to “environmental considerations” is described elsewhere within the EP, therefore, this information should not be duplicated within this section.</p> <p>Could DMP please clarify this section in relation to regulatory requirements for the content of an EP?</p>	<p>Regulation 14(1)(c) requires the EP include a comprehensive description of the activity including a description of the operational details of the activity and proposed timetables.</p> <p>Duplication of information is not required in the EP. The activity description should specify the proposed timetables, and the evaluation of risks in relation to these should be addressed within the risk assessment.</p> <p>Note: no amendments to the Guidelines have been made.</p>
35	3.1.3	15	Confidential	<p>Clarification sought on detail of timeframes and schedules – examples given seem to require more detail than currently provided under Regulation 14(1)(C).</p> <p>Note – onerous and impractical. Long term operational pipelines will inevitable be 40 years and 24/7 hour operations to ensure revisions to the EP are not frequently required.</p>	<p>Regulation 14(1)(c) requires the EP include a description of the operational details of the activity and proposed timetables.</p> <p>Section 3.1.3 (Timeframes and Schedules) and Table 3 (Activity Timeframes and Environmental Considerations) is provided as guidance only and should be considered in relation to an operator’s individual circumstances, activities and locations.</p> <p>Note: no amendments to the Guidelines have been made.</p>
36	3.2	15	Chevron Australia	<p>DMP state: <i>“The description of the environment should therefore include any features of the environment that may be affected if the worst case scenario (incident) occurred (e.g. groundwater contamination, well blowout, major oil spill, fire)”.</i></p> <p>As the regulations do not define “worst-case” in the context of potential emergency conditions [Regulation 14(4)(a)], could DMP please clarify this statement in relation to regulatory requirements for the content of an EP and DMP interpretation of “worst-case”?</p> <p>In the absence of clear definitions in the regulation, operators will (under standard risk management principles) evaluate potential impacts and risks to the environment.</p>	<p>Regulation 14(2)(a) requires the EP to include a description of the existing environment that may be affected by the activity.</p> <p>Regulation 14(4) requires that the EP include all environmental impacts and environmental risks arising directly or indirectly from all aspects of the activity, and potential emergency conditions, whether resulting from accident or other cause. This includes those scenarios deemed to be ‘worst case’ as assessed by the operator.</p> <p>Note: no amendments to the Guidelines have been made.</p>

NUMBER	SECTION	PAGE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
37				<p>DMP define “Environmental Values” in Table 4. Could DMP please clarify these determinations / categories in relation to other Acts/ regulations (WC Act, EP Act e.g BPPH I EPBC Act MNES etc.). Currently table 4 only defines receptor categories and are not particular values or sensitivities.</p>	<p>The Regulations require the EP to describe the existing environment and include details of particular values and sensitivities. Table 4 (Environmental Values) of the Guidelines is provided as guidance only and should be considered in relation to an operator’s individual circumstances, activities and locations. Also refer to Section 5.3.2 (Establishing the External Context) of the ISO 31000:2009 Risk Standard and handbook 203:2012 Managing Environment-related Risk for further guidance. It is the operator’s responsibility to determine the relevance of other legislation applicable to their proposed activity and apply this accordingly. Note: no amendments to the Guidelines have been made.</p>
38				<p>DMP state: <i>“all reports generated (desktop or field) should be included as appendices”</i> This is not practical for all reports associated with a petroleum activity, statement should be changed to state that reports may be provided if relevant.</p>	<p>Noting the example provided, this is relevant to the identification of environmental sensitivities associated with the proposed activity (e.g. database searches and field survey reports such as flora and fauna surveys). Section 3.2 (Description of the Environment) does not require the submission of all reports associated with a petroleum activity be submitted to DMP. Note: no amendments to the Guidelines have been made.</p>
39	3.2.1	16	Confidential	<p>How will this translate for existing legacy assets – i.e pipelines Potential big cost implication here to re-do survey work on existing pipelines where data is not existing.</p>	<p>The Guidelines have been revised to provide more detailed guidance on EP content and reporting requirements, and to also clarify expectations around approval and compliance processes. It is not the intent of the Guidelines to retrospectively apply to existing sites where survey work has already been undertaken and/or the information provided to DMP relating to this has been approved. Note: no amendments to the Guidelines have been made.</p>
40	3.2.1	16	Confidential	<p>What about an existing or having gained a clearing permit i.e. managed by a separate legal process? Or under the 10ha exemption? Not consistent with ALARP requirements for ongoing pipeline vegetation management works</p>	<p>The Guidelines have been revised to provide more detailed guidance on EP content and reporting requirements, and to also clarify expectations around approval and compliance processes. It is not the intent of the Guidelines to retrospectively apply to existing sites that have a clearing permit and/or clearing exemption in place. Clearing of new areas/sites should be surveyed and addressed in the relevant EP submitted to DMP. Note: no amendments to the Guidelines have been made.</p>

NUMBER	SECTION	PAGE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
41	3.2.1	16	Chevron Australia	<p>DMP state: <i>"Where the clearing of native vegetation is required, on-ground flora and fauna surveys conducted by suitably qualified personnel are required"</i>.</p> <p>Could DMP please clarify if there are specific requirements under Environmental Protection (Clearing of Native Vegetation) Regulations 2004 for flora surveys to be undertaken? If not, could DMP please clarify the context and regulatory requirement of this statement.</p>	<p>Regulation 14(2) requires the EP describe the existing environment that may be affected by the activity, and include details of the particular relevant values and sensitivities (if any) of that environment.</p> <p>Flora and fauna surveys are used as a tool to adequately describe the environmental context and values in which the proposed activity is to be undertaken, and to identify particular values and sensitivities of that environment. This information is used to inform the environmental risk assessment process.</p> <p>Note: no amendments to the Guidelines have been made.</p>
42	3.2.2	17	Confidential	How current is current – needs clarification.	<p>Section 3.2.2 (Heritage) states that ‘the description of the environment should be based on high quality, up-to-date field information where relevant, in consultation with relevant groups and bodies.’</p> <p>The currency of environmental surveys should be relevant to the nature and scale of the activity proposed, and the specific location in which the activity is to be undertaken.</p> <p>Note: no amendments to the Guidelines have been made.</p>
43	3.2.2	17	Confidential	<p>Presentation of heritage data and related information in the Environment Plan should be in general terms only to ensure confidentiality provisions of Heritage Protection Agreements between operators and Traditional Owner groups are complied with. It is suggested that presentation of heritage data at spatial scales similar to the Department of Aboriginal Affairs database would be suitable. More detailed information regarding management measures in place to mitigate risks to heritage sites (e.g. Traditional Owner monitors on site during ground disturbing works) can be included in the Environment Plan.</p>	<p>Where confidentiality is provisioned in Heritage Protection Agreements, DMP does not require these specific (confidential) details, however the operator must present heritage information in a way that enables DMP assessment of the potential environmental risks and impacts associated with petroleum and geothermal proposals e.g. if specific sites cannot be identified, the operator may identify broad areas for avoidance.</p> <p>DMP notes that for public disclosure documents, confidentiality considerations are particularly important.</p> <p>Note: no amendments to the Guidelines have been made.</p>
44	3.2	15	Department of Water	Table 4 (page 16) needs to include Groundwater Resources. Note that this is in addition to <i>"Water Resources"</i> that seems to reflect surface water.	<p>The term ‘water resources’ is considered to include (but not limited to) surface water, artesian flows, groundwater, hydrology etc.</p> <p>Note: no amendments to the Guidelines have been made.</p>
45				<p>Consider inclusion of "Hydrogeology" in Table 4 (Natural/Physical) – Consider the direction and speed of groundwater flow, travel time assessments of contaminants to sensitive resources, connectivity between aquifers and environmental or surface water features.</p>	<p>Amendment to Guideline: reference to hydrogeology has been added to Table 4 (Environmental Values) of the Guidelines.</p>

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46	3.2.3	17	Chevron Australia	Could DMP please clarify the regulatory requirement relating to the consideration of “cumulative impacts”. The EP should only consider potential impacts and risks associated with the defined petroleum activity.	Amendment to Guideline: reference to cumulative impacts has been removed from section 3.2.3 (Socio-economic Environment) of the Guidelines.
47	3.2.4	17	Chevron Australia	The listing of “sensitive environment” within this section does not appear to correspond to Table 4.	<p>Table 4 (Environmental Values) and section 3.2.4 (Values and Sensitivities) have been included to provide examples of environmental values and sensitivities.</p> <p>It is the operator’s responsibility to describe those environmental values and sensitivities relevant to the activity proposed.</p> <p>It is noted that the sensitive environments listed could be relevant to any of the environmental values detailed in Table 4 (Environmental Values).</p> <p>Note: no amendments to the Guidelines have been made.</p>
48	3.3	18	Confidential	<p>Section 3.3 of the draft guideline states the following <i>“To support demonstration of ALARP, DMP recommends that the ERA details both inherent risk and residual risk, which are defined in Table 5 below.”</i></p> <p>Inherent risk is not relevant to the demonstration of ALARP. ALARP is not related to unmitigated risk but rather the difference between residual risk with stated controls and implementing additional controls to further reduce risk. If it is not “reasonably practicable” to implement additional controls to reduce the risk beyond the residual risk, the risk is considered ALARP.</p> <p>Fundamental approaches for considering and demonstrating ALARP is provided in the NOPSEMA ALARP Guidance Note (N-04300-GN0166). This includes use of tools such as cost-benefit analysis, comparison with codes and standards, performance data, improvement approaches and practical tests (among others). Inherent risk does not support the demonstration of ALARP in any of the tools that may be used to demonstrate ALARP.</p> <p>Not only does the inclusion of inherent risk in the environmental risk assessment not assist in</p>	<p>As noted, NOPSEMA’s ALARP Guidance Note (N-04300-GN0166) discusses a range of approaches to demonstrate ALARP, however, the statement in Section 3.3 (Environmental Risk Assessment and Management) of the Guidelines does not relate to or refer to those approaches.</p> <p>ALARP is used during the risk evaluation process to determine whether the control measures being considered reduce environmental risks and impacts to reasonably practicable levels. Residual risks are the outcome of control measures and ALARP considerations being applied to inherent risks.</p> <p>In this regard a risk assessment that details both inherent and residual risk support the demonstration of ALARP, as the effectiveness of control measures is contextualised. It is clearly evident from this process the environmental risks and impacts have been reduced. This information also informs the extent of reliance on control measures to manage risks to residual levels and whether other reasonably practicable measures should be considered. This is particularly relevant when considering the efficacy of control measures selected (e.g. administrative, PPE) to manage environmental risks and impacts, particularly those that fall in higher risk categories.</p> <p>Amendment to Guideline: section 3.3 (Environmental Risk Assessment and Management) has been updated to remove ‘to support demonstration of ALARP’ and therefore now reads ‘DMP recommends the ERA details both inherent risk and residual risk, which are defined in Table 5 below.’</p>

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				demonstrating ALARP, it also introduces unnecessary complexity in the analysis and interpretation of environmental risks. On this basis, the requirement to include inherent risk should be removed from Section 3.3.2 of the draft guideline; it should be optional for operators to include inherent risk in their Environment Plan. Further, the statement that inherent risk supports the demonstration of ALARP should be removed from Section 3.3 of the draft guideline.	
49	3.3	19	Chevron Australia	<p>DMP state: <i>'DMP recommends that the ERA details both inherent risk and residual risk'.</i> <i>"The ERA table should include inherent risk levels (pre-treatment), identify mitigation measures applied to control the risk and residual risk levels (post-treatment)".</i></p> <p>Chevron Australia's HES Risk Assessment Process does not provide for the assessment of 'pre-treatment risk'. The process involves assessment of consequences without safeguards in place (or 'pre-treatment consequence'. This ensures that the worst case consequences are identified, as all prescribed safeguards cannot be guaranteed to function. The likelihood is then assessed, with safeguards in place. As such, 'pre treatment risk' has not been assessed, and to present this would involve undertaking a risk assessment process which is not consistent with Chevron Australia's process.</p> <p>Chevron Australia's HES Risk Assessment Process is considered to be consistent ISO 31000:2009.</p>	<p>Section 3.3 (Environmental Risk Assessment and Management) of the Guidelines states 'DMP recommends the ERA details both inherent and residual risk, which are defined in Table 5 below.'</p> <p>DMP does not require this information be included within the EP however it is recommended in accordance with DMP response 48 above.</p> <p>Note: no amendments to the Guidelines have been made.</p>
50	3.3	21	Chevron Australia	<p>DMP state: <i>"The consequence and likelihood descriptions must account for the nature, scale and environmental sensitivity of the proposed activity location. Please note, DMP does not regard the application of global corporate risk matrices to activities in WA as being contextually appropriate or relevant".</i></p>	<p>Environmental risk assessments should be consistent with the principles of AS/NZS ISO 31000:2009 Risk Management – Principles and Guidelines, the HB 203:2012 Managing Environment-related Risk standards, the DMP Environmental Regulatory Strategy 2014, and be appropriate for the nature and scale of the activity (including the location in which activities are proposed)."</p>

NUMBER	SECTION	PAGE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
				<p>This is not practical or appropriate to develop a new matrix based on the environmental sensitivity of the proposed activity location, as a new environmental risk matrix would need to be developed for new activities. The nature, scale and environmental sensitivity are built into descriptions (i.e. long term degradation, widespread, localised, etc.) Chevron believes that the Chevron Integrated Risk Prioritization Matrix and associated risk management process is fit-for-purpose in a Western Australia regional context.</p> <p>Could DMP please clarify DMP comments in relation to DMP's role in administering Western Australia regulations.</p>	<p>In accordance with the Regulations a reportable incident includes 'under the environmental risk assessment process described in the environment plan for the activity, the environmental impact is categorised as moderate or more serious than moderate.'</p> <p>Dependent upon the consequence categories defined by the operator, reportable incident triggers may need to be adjusted to account for the nature and scale of the activity, and the location in which activities are proposed i.e. activities in a sensitive environment may require a lower environmental reporting threshold than those activities being conducted in an environment void of sensitivities.</p> <p>Amendment to Guideline: The statement '<i>DMP does not regard the application of global corporate risk matrices to activities in WA as being contextually appropriate or relevant</i>' has been removed from the guidelines.</p> <p>Amendment to Guideline: Section 3.3 undated to include the following statement 'DMP notes that the risk matrix and definitions provided should be contextually relevant to activities being undertaken in Western Australia.'</p>
51	3.3.2	22	Chevron Australia	<p>DMP state: <i>"The ERA is required to be included within the EP or as an appendix"</i></p> <p>Provided the content requirements of an EP are met, Chevron believes the location of and content (provided sufficient) of relevant information should be determined by the operator of the petroleum activity.</p> <p>Could DMP please clarify this section in relation to regulatory requirements for the content of an EP?</p>	<p>Regulation 14(3) states that 'the environment plan must include details of all environmental impacts and environmental risks of the activity, and an evaluation of those impacts and risks.'</p> <p>The environmental risk assessment must therefore be included within the EP.</p> <p>Amendment to Guideline: reference to inclusion in an appendix has been removed from section 3.3.2 (Identification of Sources of Risk and their Impacts) of the Guidelines.</p>
52	3.3	19	Chevron Australia	<p>DMP state: <i>"It is the operator's responsibility to conduct an environmental risk assessment and demonstrate that all sources of risk arising from the proposed activities are identified and can be managed to minimise environmental impacts and risks to ALARP. This may include the elimination of the risk, or minimising the likelihood and/or consequence of the risk through substitution, isolation, engineering, administrative controls and/or protective equipment. To support demonstration of ALARP, DMP recommends that the</i></p>	<p>The terms used within Table 5 (Useful Environmental Risk Assessment Terms) are provided as guidance only.</p> <p>Operators may provide and define their own terms noting that they must be consistent with AS/NZS ISO 31000:2009 Risk Management – Principles and Guidelines and the HB 203:2012 Managing Environment-related Risk standards,</p> <p>Amendment to Guideline: reference to 'routine' and 'non-routine' activities has been updated to refer to 'planned' and 'unplanned' activities in table 5 (Useful Environmental Risk Assessment Terms) of the Guidelines.</p>

NUMBER	SECTION	PAGE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
				<p><i>ERA details both inherent risk and residual risk, which are defined in Table 5 below</i>.</p> <p>The definitions within Table 5 are potentially confusing e.g.:</p> <p><i>“Aspect: These include routine and non-routine activities”</i> These are not defined under the regulations.</p> <p><i>“Source of potential risk”</i> Should this be HAZARD?</p> <p>Consider removing environmental impact, as this is captured under “Consequence”</p> <p><i>“The outcome of an event expressed qualitatively or quantitatively, being a loss, impact, injury, an expressed concern, disadvantage or gain)”</i></p> <p><i>“Likelihood”</i> Potentially: The probability or frequency of an event resulting in the identified consequence</p> <p><i>“Mitigation measures”</i></p> <p>Would be value if DMP align with Commonwealth regulator “control measures”. Defined by NOPSMA as: a system, an item of equipment, a person or a procedure, that is used as a basis for managing environmental impacts and risks</p> <p>This also aligns with State regulations: Regulation 15 (S)b(i) that state the performance required of persons, equipment and procedures for the purposes of managing the environmental impacts and environmental risks of the activity;</p>	
53	3.3.1	21	Chevron Australia	<p>DMP state:</p> <p><i>“The likelihood level for a <u>given impact</u> may relate to the known frequency of the event occurring, based on available industry data or a statistical review. Qualifying statements can be used to differentiate likelihood levels (e.g. rare, unlikely, possible, likely, almost certain)”</i>.</p> <p>Potential to align with definition – The probability or frequency of an event resulting in the identified consequence</p>	<p>Table 5 (Useful Environmental Risk Assessment Terms) defines the likelihood as ‘the probability or frequency of an event occurring.’</p> <p>Section 3.3.1 (Risk Assessment Methodology) states ‘the likelihood level for a given impact may relate to the known frequency of the event occurring, based on available industry data or a statistical review.’</p> <p>These two statements are deemed to be consistent with one another. Please refer to DMP response 52 above for further information.</p> <p>Note: no amendments to the Guidelines have been made.</p>

NUMBER	SECTION	PAGE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
54	3.3.3	24	Chevron Australia	<p>DMP state: <i>“Operators are required to apply a systematic approach to demonstrate ALARP by applying the hierarchy of controls”</i></p> <p>This is not a requirement under the regulations, companies may use different methods that are suitable (UKOOA ALARP Principle etc.)</p>	<p>Amendment to Guideline: section 3.3.3 (Risk Management and Justification of ALARP) has been updated in the Guidelines to provide the hierarchy of controls as an example of how a systematic approach may be implemented.</p>
55	3.3.1 Table 6	20	Department of Water	<p>Possibly separate Water Resources into: Surface Water and Groundwater Resources. – Proponents should consider that there are different risks and management strategies for each resource type. For example: A contamination plume that enters a surface water body will travel much faster and will have different mitigation measures than the local ground water which can move through the aquifer much slower and can be more difficult to mitigate.</p> <p>Statement <i>“No effect on the use of the water”</i> may be misconstrued in that if the water has no current use then whatever happens to it does not affect the use so therefore no risk.</p> <p>Suggest this is reworded to: <i>“No effect on present or future uses of the water: effect would include changes to volume availability and water quality”</i></p> <p>This change is consistent with the EPA definition of environmental factors.</p>	<p>The term ‘water resources’ is considered to include (but not limited to) surface water, artesian flows, groundwater, hydrology etc.</p> <p>Table 6 (Example Consequence Definitions) provides operators with an example of consequence definitions and is by no means exhaustive.</p> <p>DMP expects that risks to all aspects (i.e. surface water, groundwater) be addressed within the environmental risk assessment.</p> <p>Note: no amendments to the Guidelines have been made.</p>
56	3.3.1	21	Department of Water	<p>Statement <i>“DMP does not regard the application of global corporate risk matrices to activities in WA as being contextually appropriate or relevant.”</i> This statement should be clarified by requiring proponents to account for local conditions and refer to Australian Standards.</p>	<p>Section 3.3 (Environmental Risk Assessment and Management) refers to the AS/NZS ISO 31000:2009 Risk Management – Principles and Guidelines and the HB 203:2012 Managing Environment-related Risk standards.</p> <p>Amendment to Guideline: The statement <i>‘DMP does not regard the application of global corporate risk matrices to activities in WA as being contextually appropriate or relevant’</i> has been removed from the guidelines.</p> <p>Amendment to Guideline: Section 3.3 updated to include the following statement <i>‘DMP notes that the risk matrix and definitions provided should be contextually relevant to activities being undertaken in Australia and in particular, Western Australia.</i></p>

NUMBER	SECTION	PAGE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
57				This is a general statement that may be incorporated at the beginning of Section 3.3.	Amendment to Guideline: this statement has been moved to section 3.3 and modified See response 56 above.
58	3.3.1	21	Confidential	Risk matrix needs clarification. Currently pipelines risk management is in accordance with AS2885.1 Schedule F and G – is this considered appropriate?	Appendix F of AS2885.1 states that ‘this appendix provides requirements for qualitative risk assessment conducted in accordance with AS/NZS ISO 31000.’ Note: no amendments to the Guidelines have been made.
59	3.3.2 Table 9	23	Department of Water	<i>“Basic Example to Demonstrate Multiple Scenarios with Different Risks”</i> Instead of basic example consideration should be given to having some minimum requirements in place or a required adherence to a common risk model to ease assessment.	In accordance with section 3.3 (Environmental Risk Assessment and Management), it is the operator’s responsibly to conduct an environmental risk assessment and demonstrate that all sources of risk arising from the proposed activities are identified and can be managed to minimise environmental impacts and risks to ALARP. Note: no amendments to the Guidelines have been made.
60	3.3.4	24	Chevron Australia	DMP state <i>“For the purpose of implementing the legislation in a consistent manner, the operator must define the consequence levels that imply a ‘moderate or more serious than moderate’ consequence (see Table 6) regardless of the terminology used by the operator to describe consequence categories in the ERA”</i> However, as described on Page 19: <i>“These tables are provided for example only and cannot be used to evaluate the level of potential impact or risk”.</i> DMP have recently advised that the prescriptive limits in the Onshore Schedule must be included in EPs, as the schedule has not yet been revoked. DMP advised that information on DMPs website on the revocation of the Onshore Schedule was released prematurely, and the prescriptive reporting limits must be complied with. When this schedule has been revoked, these limits will no longer apply, and prescribing limits for reporting is not consistent with the regulations or DMPs objective-based regulation approach.	The <i>Schedule of Onshore Petroleum Exploration and Production Requirements 1991</i> and the <i>Schedule of Specific Requirements as to Petroleum Exploration and Production Western Australia Coastal Waters 2007</i> were officially revoked on 11 July 2016. Objective based reporting triggers (based on the nature and scale of the proposed activity and the location of the activity) must therefore be determined by the operator and included in the EP. DMP notes that justification will be required based on the potential environmental impacts and risks of the activity to amend these reporting triggers from those currently used across industry. Note: no amendments to the Guidelines have been made.

NUMBER	SECTION	PAGE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
61	3.3.5	24	Chevron Australia	Records and Measurement criteria are the same thing. See regulations for Measurement criteria definitions.	<p>Measurement criteria are specific and measurable criteria (e.g. targets or performance indicators). In accordance with regulation 14(5)(c) measurement criteria are used for the purpose of determining whether environmental performance objectives and environmental performance standards in the EP have been met, and the implementation strategy complied with.</p> <p>Records are maintained as evidence of monitoring, audit and review processes undertaken to determine environmental performance and compliance with the implementation strategy of the EP.</p> <p>Other records relevant to the environmental management of the activity may be maintained that do not specifically relate to measurement criteria.</p> <p>Table 12 (Example Performance Objectives, Standards and Measurement Criteria) in the Guidelines provides examples of how records may be used to verify compliance with measurement criteria.</p> <p>Note: no amendments to the Guidelines have been made.</p>
62				<p>Systems and procedures (defined in the implementation section – not required here)</p> <p>DMP state :</p> <p><i>“Standards include specific requirements in legislation (e.g. a clause or regulation), codes of practice, guidelines, or procedures that are used to manage the environmental impacts and risks of the activity. Standards must be defined so that the operator’s performance in protecting the environment can be measured against them. For each objective an EP must include at least one related standard, however, it is common for a number of standards to be included”.</i></p> <p>Regulation 14 (5)(b)(i) states the performance required of persons, equipment and procedures for the purposes of managing the environmental impacts and environmental risks of the activity;</p> <p>Could DMP please clarify this section in relation to regulatory requirements for the content of an EP? Potential to align guidance with regulations, that is include persons, and equipment and remove codes of practice and guidelines to reflect the regulations</p>	<p>Regulation 14(5)(b)(i) details that the EP must include environmental performance standards that state the performance required of persons, equipment and procedures for the purposes of managing the environmental impacts and environmental risks of the activity.</p> <p>Table 12 (Example Performance Objectives, Standards and Measurement Criteria) of the Guidelines provides examples of standards that may be used.</p> <p>Codes of Practice may be used by operators to inform what the expected performance of persons, equipment and procedures are.</p> <p>Amendment to Guideline: Section 3.4.2 amended to state that ‘standards can include specific requirements in legislation...’.</p>

NUMBER	SECTION	PAGE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
63	3.4	26	Department of Water	<p>Currently states that “An EP must include environmental performance objectives (objectives), environmental performance standards (standards) and measurement criteria (criteria)... ..”.</p> <p>This section should be strengthened by requiring that an EP includes baseline data as an integral part of defining environmental performance objectives.</p>	<p>Section 3.4 (Objectives, Standards and Measurement Criteria) of the Guidelines outlines the requirements of regulation 14(5). This requires that an EP include environmental performance objectives, environmental performance standards and measurement criteria.</p> <p>Baseline data may be used by the operator to inform the description of the activity and ongoing monitoring activities in accordance with the implementation strategy of the EP (including the development of performance objectives, standards, and measurement criteria). This ensures that environmental performance associated with the activity can be monitored and measured.</p> <p>Note: no amendments to the Guidelines have been made.</p>
64	3.4.2	26	Chevron Australia	<p>EPSs will not always be a requirement in legislation, codes of practice, procedures etc. It may be derived from a safeguard, detailing the performance of that safeguard, and is not documented anywhere other than the EP.</p>	<p>Operators may use control measures from the EP as environmental performance standards.</p> <p>Note: no amendments to the Guidelines have been made.</p>
65	3.4.3	26	Chevron Australia	<p>Regulation 14(5)(c) measurement criteria for the purposes of determining whether-</p> <ul style="list-style-type: none"> (i) the environmental performance objectives and environmental performance standards in the environment plan have been met; and (ii) the implementation strategy in the environment plan has been complied with <p>Table 12 presents some unclear examples.</p>	<p>Table 12 (Example Performance Objectives, Standards and Measurement Criteria) of the Guidelines has been included to provide examples only. It is the intent of this section to demonstrate how the specific, measurable, achievable, realistic and time-bound (SMART) principle may be applied.</p> <p>Note: no amendments to the Guidelines have been made.</p>
66	3.4.3 Table 12	27	Department of Water	<p>“Leak or spill”, Example of Measurement Criteria should include construction of observation bore(s) or measurement from appropriate existing local water bore(s), with a trigger/response consistent with the consequence profile as determined in risk assessment.</p>	<p>Table 12 (Example Performance Objectives, Standards and Measurement Criteria) of the Guidelines has been included to provide examples only. This intent of this table is to demonstrate how environmental performance objectives, environmental performance standards and measurement criteria relate.</p> <p>It is the operator’s responsibly to identify environmental performance objectives, environmental performance standards and measurement criteria relevant to the nature and scale of the activity proposed.</p> <p>Note: no amendments to the Guidelines have been made.</p>

NUMBER	SECTION	PAGE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
67	3.5	28	Chevron Australia	<p>DMP state: <i>“An EP must identify all Commonwealth and State legislation, international conventions or agreements, codes of practice, and Australian standards which are relevant to the proposed activity”.</i></p> <p>This is only required when the legislation, international conventions or agreements, or applicable codes of practice are relevant to the <u>“Environmental Management”</u> of the petroleum activity.</p> <p>Regulation 14(6) The environment plan must describe the requirements that-</p> <p>a) apply to the activity under legislation (including conditions imposed under legislation), international conventions or agreements, or applicable codes of practice; and</p> <p>b) are relevant to the environmental management of the activity are relevant to the environmental management of the activity.</p>	<p>Amendment to Guideline: section 3.5 (Legislation and Other Requirements) updated to read ‘the EP must provide details of how each is relevant to the activity proposed and outline the specific requirements that may affect the environmental management of the activity.’</p>
68	3.5	28	Department of Water	<p>Licensing requirements under the <i>RiWI Act</i> should be mentioned (5C, 26D, Aquifer reinjection – dewatering discharged without use, bed and banks...)</p>	<p>Section 3.5 (Legislation and Other Requirements) states that ‘the operator is responsible for ensuring all relevant legislation and other requirements are identified’ and ‘the EP approval does not negate the requirement for other regulatory approvals.’</p> <p>The Department of Water approval requirements are referenced in Appendix C (Regulatory Context).</p> <p>Note: no amendments to the Guidelines have been made.</p>
69	3.5.5	29	Department of Water	<p>General statement referring to EPA Guidance Statement No. 33: Environmental Guidance for Planning and Development</p> <p><i>“It should be noted in the guideline that this document may be updated or changed in the future.”</i></p>	<p>Amendment to Guideline: section 3.5.5 (Other Requirements) has been amended to remove the following text ‘These span topics such as baseline monitoring, clearing, use of liners, contaminated sites assessment and remediation, acid sulphate soils, water protection, emissions management and many more’ and ‘it should be noted that this document is from 2008 so some of the referenced material may have been changed or updated.’</p>

NUMBER	SECTION	PAGE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
70	3.5.6	29	Chevron Australia	<p>DMP state: <i>“The EP must also detail where a decision has been made by the operator not to refer a proposed activity and justify the reasons for this decision”.</i></p> <p>Could DMP please clarify this section in relation to regulatory requirements for the content of an EP?</p>	<p>Regulation 14(6) states ‘the environment plan must describe the requirements that apply to the activity under legislation (including conditions imposed under legislation), international conventions or agreements, or applicable codes of practice.’</p> <p>If an operator has made the decision not to refer a particular proposal, the operator must justify the reasons for this in the EP.</p> <p>Note: no amendments to the Guidelines have been made.</p>
71	3.6	29	Confidential	<p>“Operators must adopt appropriate technologies, systems, practices...” “Appropriate” needs to be applied against a standard and depending on the life of the pipeline etc. to avoid subjectivity.</p>	<p>It is noted that the Guidelines aim to provide guidance for all petroleum and geothermal activities (not just pipeline activities) and therefore cannot be specific to an individual activity type.</p> <p>Amendment to Guideline: section 3.6 (Implementation Strategy) of the Guidelines has been updated to read ‘operators should adopt appropriate technologies, systems, practices, and procedures for the activity that comply with specified objectives, standards and all relevant environmental legislations.’</p>
72	3.6.3	30	Chevron Australia	<p>DMP state: <i>“The roles and responsibilities specified should relate directly to the implementation, management and review of the commitments within the EP and include: The resources assigned to those roles, appropriate to the responsibilities”.</i></p> <p>Could DMP please clarify this section in relation to regulatory requirements for the content of an EP?</p>	<p>Regulation 15(4) states ‘the implementation strategy must establish a clear chain of command, setting out the roles and responsibilities of personnel in relation to the implementation, management and review of the environment plan.’</p> <p>Note: no amendments to the Guidelines have been made.</p>
73	3.6.4	31	Chevron Australia	<p>DMP state: <i>“An EP must demonstrate how an operator proposes to ensure that all personnel associated with the activity are aware of their environmental responsibilities and have the appropriate competencies (e.g. licenses and tickets) to undertake their role in compliance with the EP”.</i></p> <p>Could DMP please clarify this section in relation to regulatory requirements for the content of an EP?</p>	<p>Regulation 15(5) states ‘the implementation strategy must include measures to ensure that each employee or contractor working on, or in connection with, the activity is aware of his or her responsibilities in relation to the environment plan and has the appropriate competencies and training.’</p> <p>The monitoring and tracking of these competencies and training are used to demonstrate compliance with the implementation strategy included in the EP.</p> <p>Note: no amendments to the Guidelines have been made.</p>

NUMBER	SECTION	PAGE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
				<p>DMP state : <i>"The EP must also outline how the competency of training will be assessed, reviewed, tracked and recorded"</i></p> <p>This is highly detailed and companies have internal procedures to ensure this occurs. Referencing internal procedures (that DMP can then audit if required) should be sufficient.</p> <p>Could DMP please clarify this section in relation to regulatory requirements for the content of an EP?</p>	
74	3.6.5	31	Department of Water	Should include that monitoring programs may require ongoing monitoring for a period of time after operations have ceased.	Amendment to Guideline: this has been amended in section 3.6.5 (Monitoring, Auditing, Management of Non Conformance) of the Guidelines.
75	3.6.5.1	31	Chevron Australia	<p>DMP state: <i>"Environmental monitoring should be conducted in a way that the results can be used to determine compliance with specific objectives, standards and measurement criteria"</i>.</p> <p>Monitor compliance with measurement criteria is not undertaken. Measurement criteria are required for the purposes of determining that [Regulation (14)(5)(c)(i) environmental performance objectives and environmental performance standards in the environment plan have been met.</p>	Amendment to Guideline: section 3.6.5.1 (Monitoring) of the Guidelines updated to read 'environmental monitoring should be conducted in a way that the results can be used to determine compliance with specific objectives and standards.'
76				<p>DMP state: <i>"Site inspections must be undertaken..."</i></p> <p>This should not be written as mandatory – it is dependent on the activity and requirements whether this is appropriate. Site inspections are a tool that may be used to ensure the EP is complied with.</p> <p>Could DMP please clarify this section in relation to regulatory requirements for the content of an EP?</p>	Amendment to Guideline: section 3.6.5.1 (Monitoring) of the Guidelines updated to read 'site inspections should be undertaken to ensure that all mitigation measures and implementation strategies in the EP are correctly implemented onsite.'
77				Groundwater monitoring – as per previous comments provided on the DMP Draft Guideline for Groundwater Monitoring in the Onshore Petroleum and Geothermal Industry.	<p>Please note that responses to stakeholder comments regarding the guideline for <i>Baseline Groundwater Monitoring in the Onshore Petroleum and Geothermal Industry</i> have not been addressed as part of this process (these have been addressed separately).</p> <p>Note: no amendments to the Guidelines have been made.</p>

NUMBER	SECTION	PAGE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
78	3.6.5.1	32	Department of Water	<p>The sentence “Baseline monitoring may be undertaken...” Should be changed to “Baseline monitoring must be undertaken...”</p> <p>In this section, the vulnerability of shallow groundwater resources and in particular unconfined aquifer systems to contamination should be highlighted and monitoring programs should address this.</p>	<p>It is noted that the Guidelines aim to provide guidance for all petroleum and geothermal activities (including those that do not pose a risk to groundwater resources) and therefore cannot be specific to an individual activity type.</p> <p>Baseline monitoring should be considered by the operator based on the nature and scale of the activity and the potential environmental impacts and risks associated.</p> <p>Note: no amendments to the Guidelines have been made.</p>
79	3.6.5.2	33	Chevron Australia	<p>Groundwater monitoring – as per previous comments provided on the DMP Draft Guideline for Groundwater Monitoring in the Onshore Petroleum and Geothermal Industry</p> <p>DMP state: <i>“The EP must specify the planned frequency or schedule of audits and detail the process and scope of the audits to be undertaken. DMP expects that environmental audits will be undertaken at least annually to demonstrate compliance with the objectives, standards and implementation strategy of the EP”.</i></p> <p>Could DMP please clarify this section in relation to regulatory requirements for the content of an EP?</p>	<p>Regulation 16 states ‘the environment plan must include arrangements for –</p> <p>(a) monitoring, and recording information about, the activity that are sufficient to enable the Minister to determine whether –</p> <p>(i) the environmental performance objectives and environmental performance standards in the environment plan have been met; and</p> <p>(ii) the implementation strategy in the environment plan has been complied with; and</p> <p>(b) reporting to the Minister on the information recorded under paragraph (a) at intervals agreed with the Minister, but not less often than annually.’</p> <p>DMP therefore expects an environmental audit against each EP be undertaken no less than annually in accordance with the requirements of regulation 16. Desk top and/or site audits may be used as a tool to demonstrate compliance.</p> <p>Note: no amendments to the Guidelines have been made.</p>
80	3.6.5.2	32	Confidential	<p>Guideline states that environmental audits should be undertaken at least annually for an Environment Plan. The frequency of audits should also consider the stages of an activity covered by an Environment Plan, particularly if an operator has more than one Environment Plan for similar activities. In some cases, it may be appropriate to focus audits on different stages of an activity rather than on each Environment Plan (which may include the repeated audit of very similar activities).</p>	<p>Please refer to DMP response 79 above.</p>
81	3.6.5.2	33	Confidential	<p>Audits– not feasible to conduct annual audits on every pipeline. Audits should be conducted on a risk based criteria not necessarily time frame.</p>	<p>Please refer to DMP response 79 above.</p>

NUMBER	SECTION	PAGE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
82	3.6.7	34	Department of Water	Consideration should be given of hazardous materials that could be present in the water extracted (waste water) back out of the well during drilling, fracking etc. This includes existing contaminants from the petroleum resource that is extracted out of the well and mixed in with the wastewater. It may be more appropriate to include this within Section 3.8 around reporting.	The risks associated with hazardous materials (i.e. produced fluids) and other wastes must be assessed by the operator during the environmental risk assessment. Management and disposal of these wastes must also be addressed to demonstrate that environmental risks and impacts are reduced to ALARP. Section 3.6.7 (Details of Chemicals and Other Substances) refers to disclosure of chemicals and other substances used down-hole in accordance with regulation 15(9). Note: no amendments to the Guidelines have been made.
83	3.6.7	35	Confidential	SDS details not appropriate to list in each EP as this will become out of date as soon as the EP is reviewed and approved – should only reference existing manifest in Chemwatch or the like.	This comment is relevant to information included in the guidelines specified in section 3.6.7 (Details of Chemicals and Other Substances). Note: no amendments to the Guidelines have been made.
84	3.7	35	Chevron Australia	DMP state: <i>“An OSCP must include all potential spill scenarios (including worst case) e.g. chemicals, fluids, hazardous materials and hydrocarbons”.</i> Could DMP please clarify the requirement for an OSCP for non emergency conditions? Minor event may be managed with alternate (appropriate) control measures. As per comments provided on DMP Draft Guideline for the Development of an Onshore Oil Spill Contingency Plan. Guideline refers to all potential spill scenarios (including spills of chemicals and other hazardous materials). Response actions will be different for different chemicals, depending on the properties of the chemical. Not appropriate to provide various responses for all different chemicals that may be used at an operating facility.	Please note that responses to stakeholder comments regarding the <i>Guideline for the Development of an Onshore Oil Spill Contingency Plan</i> have not been addressed as part of this process (these have been addressed separately).. An OSCP detail ‘preparations to be made for the possibility of an oil spill’ and ‘recovery arrangements to be implemented if an oil spill occurs.’ Regulation 14(4) requires that the EP include all environmental impacts and environmental risks arising directly or indirectly from all aspects of the activity, and potential emergency conditions, whether resulting from accident or other cause. This applies to all potential spill scenarios (not just those deemed to be an emergency response situation). The level of detail should be relevant to the nature and scale of the activity and the location of the activity. Note: no amendments to the Guidelines have been made.
85	3.8	36	Chevron Australia	Table 13 – please refer to previous comment regarding the Onshore Schedule. Schedule is being revoked in coming months, prescriptive reporting limits derived from the schedule should be removed (is not consistent with objective-based regulation).	Please refer to DMP response 60 above.

NUMBER	SECTION	PAGE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
86	3.8	35	Confidential	EPs should only list the types of reporting requirements not the content of each report. The guideline for the reporting requirements should be used for the content of the reports.	This information should be included in all EP's to ensure that the reporting requirements are specific to the activity proposed and consistent with the requirements of the Regulations. DMP highlights that the <i>Auditing and Reporting Requirements for Petroleum Activities in Western Australia (2012)</i> will be superseded by this Guideline once released. Note: no amendments to the Guidelines have been made.
87	3.8	35	Department of Water	<i>Emissions and Discharges Report</i> . May also suggest that operators may inform other government agencies of any significant incident.	The Guidelines are specific to the requirements under the Regulations. Section 3.5 (Legislation and Other Requirements) states that 'the operator is responsible for ensuring all relevant legislation and other requirements are identified' and 'the EP approval does not negate the requirement for other regulatory approvals.' Note: no amendments to the Guidelines have been made.
88	3.8.1	37	Chevron Australia	DMP state: <i>"The operator is to notify DMP of the status of major stages during the activity e.g. for a multiple well drilling EP, notification should be made at the commencement and cessation of each drilling activity"</i> : Could DMP please clarify this section in relation to regulatory requirements for the content of an EP? Regulation 37(3) The instrument holder must notify the Minister, in writing, of the contact details of the operator of the activity before the first submission in relation to the activity is made under Part 2. If activity is defined (under the EP) as multiple wells, notification only required once.	Notification of changes to the status of major stages during an activity is a DMP policy decision to ensure DMP is informed of the timing of activities being undertaken. This also informs compliance with routine reporting requirements. This notification does not relate to regulation 37. Note: no amendments to the Guidelines have been made.
89	3.8.2.1	37	Chevron Australia	DMP state: <i>'...an annual rehabilitation report will be submitted (for a minimum of three years) ...'</i> This should be part of the completion criteria. Section 3.1.2.3 states a minimum of two years or until completion criteria are met. References to calendar year should be removed. Not all reporting is completed based on calendar year, and should be reported as per Table 13 of the guidance note.	Section 3.8.2.1 (Staged Reporting) provides an example of how an operator could define staged reporting within an EP. Operators must define their own reporting periods i.e. calendar year, financial year, or twelve months from the start date of their activity etc.

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90	3.8.3.2	36	Chevron Australia	<p>Any non-reportable incident arising from the activity that breaches an objective or standard identified in the EP is regarded as a recordable incident.</p> <p>E.g. All spills (<80L to water or <500L to other areas), inadequate waste management, unplanned gaseous release (<500m3), exceedance of limits or concentrations of specified discharges, death or injury to fauna, unplanned flora disturbance.</p> <p>Please clarify that this means DMP are moving away from the requirement for prescriptive reporting requirements documented in the current guidance note.</p>	Refer to DMP response 60 above.
91	3.8.4	40	Chevron Australia	<p>Clarity on emission and discharges from support vessel operations (under the Navigation act) are sewage and greywater discharges only required from operating petroleum facilities or all activities (including vessels) and if so how does this fit in with the Navigation act, and what benefit does this provide?</p>	<p>The Regulations describe a petroleum activity as ‘any operations or works carried out in the State under a petroleum instrument’ or ‘any other operations or works carried out in the State relating to petroleum exploration or development which may have an environmental impact.’</p> <p>The Regulations require operators specify the emissions and discharges relevant to the proposed activity in the EP, and report on these quarterly. This includes emissions and discharges to any land, air, marine, seabed, sub-seabed, groundwater, sub-surface or inland waters.</p> <p>Note: no amendments to the Guidelines have been made.</p>
92	3.9	41	Department of Water	<p>Consideration should be given to mentioning the administrative agreements DMP has with other agencies including with the DoW.</p>	<p>The Guidelines are specific to the requirements under the Regulations.</p> <p>In accordance with the Regulations, the operator is responsible for consultation with relevant authorities and other relevant interested persons and organisations in the course of developing the EP.</p> <p>Note: no amendments to the Guidelines have been made.</p>
93	3.9	41	Department of Water	<p>Community consultation is a significant issue. A set of guidelines specific for consultation should be developed with minimum requirements. Alternatively, the industry may develop its own consultation guidelines similar to the land access guidelines.</p> <p>Statements such as <i>“The persons potentially impacted by proposed activities are to be considered based on worst case potential scenarios”</i> (pg 42)</p>	<p>In accordance with the Regulations, the operator is responsible for consultation with relevant authorities and other relevant interested persons and organisations in the course of developing the EP.</p> <p>Amendment to Guideline: section 3.9 (Stakeholder Engagement) has been updated to provide additional guidance on the levels of engagement that may be undertaken by the operator.</p>

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				Although supported, it may suggest that consultation may be minimal if the risk process is minimised. Should have minimum consultation requirements regardless of the level of risk. Section 3.9.7 Recording Stakeholder Consultation is supported but the consultation must take place first.	
94	3.9.1	41	Confidential	Level of detail described is not appropriate for operating pipelines. Elements of requirements are outside the scope of the regulation.	<p>It is noted that the Guidelines aim to provide guidance for all petroleum and geothermal activities and therefore cannot be specific to an individual activity type (i.e. pipelines).</p> <p>The EP should be relevant to the nature and scale of the activity, and the location of the activity.</p> <p>Note: no amendments to the Guidelines have been made.</p>
95	3.9.2	42	Confidential	How does this (and 3.9.4, 3.9.5, 3.9.6) affect existing EP's? Not practical and adds limited benefit.	<p>Existing EP's are not affected by the release of the Guidelines. DMP does not intend to retrospectively apply the Guidelines to existing approved EP's however operators should refer to the Guidelines for future EP submissions.</p> <p>The Guideline aims to provide further information regarding the level of detail which is expected to enable DMP assessment of the potential environmental risks and impacts associated with petroleum and geothermal proposals.</p> <p>The Guidelines have been developed</p> <p>Note: no amendments to the Guidelines have been made.</p>
4) Submission and Assessment of an Environment Plan					
96			Confidential	It is important that the release of any information about petroleum activities to the public is done in a way that avoids data being misinterpreted or deliberately misconstrued in a way that escalates community concerns about the petroleum activities. As Environment Plan Summary Documents (Summary Documents) are both written in a manner that assists public understanding and checked by the regulator to ensure that all relevant information is included, it is the Company's view that presentation of approvals related information in this format is the most effective means of ensuring transparency and increasing the public's	<p>DMP is committed to ongoing improvements to transparency arrangements particularly with its petroleum and geothermal environmental regulation functions in relation to public disclosure of environmental data and information received.</p> <p>While DMP investigates legislative amendments to improve transparency of the petroleum and geothermal industry, DMP has in the interim made a policy decision to require operators to submit a public disclosure document at the time of EP submission. This document is then made publicly available on the DMP website.</p> <p>Consultation with industry and other agencies was undertaken regarding the changed EP summary submission process. Three submission options have been provided at this stage.</p>

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				understanding and confidence in the industry. On this basis, the Company supports the Summary Document approach as the most fit-for-purpose including the provision of Summary Documents by the Operator at the lodgement stage as long as Summary Documents provided at this point are clearly marked as “Draft Document – Under Assessment” or similar.	The DMP website identifies the ‘status’ of the EP i.e. lodged, awaiting assessment, being assessed, on hold, approved etc. Note: no amendments to the Guidelines have been made.
97	4	44	Confidential	Preference is to maintain the status quo – only the Summary EP should be made available for public disclosure.	Refer to DMP response 96 above.
98	4	44	Chevron Australia	DMP state: “In order to improve public availability of information, at the time of submission of an EP the operator will be required to: 1. consent to the use of the EP as the public disclosure document 2. provide a confidential copy of the EP for public disclosure or 3. provide a summary of the EP for public disclosure (Section 4.2).” Could DMP please clarify this section in relation to regulatory requirements for the content of an EP? The regulations do not require this. Regulation (11)(7) Within 10 days after receiving a notification that the Minister has approved an environment plan under subregulation (5)(a), the operator must submit to the Minister for public disclosure a summary of the plan.	Refer to DMP response 96 above.
99	4.2	44 – 45	Confidential	Regulations only require a summary of the information outlined in dot point 4-7.	Amendment to Guideline: additional text has been inserted in section 4.2 (Public Disclosure Summary) of the Guidelines to reflect this.

NUMBER	SECTION	PAGE	STAKEHOLDER	COMMENT	RESPONSE/ACTION
5) Other					
100	APP. C	51	Department of Water	<p><i>In situations where the Administrative Agreement will require DMP to seek advice from DoW, operators are encouraged to engage with DoW prior to the submission of the proposal.</i></p> <p>As it is not clear under which criteria the DMP will require advice from the DoW, it is suggested that proponents contact the DoW to seek advice in all cases. This will ensure that when complex referrals are required to be assessed previous consultation has occurred with DoW.</p>	<p>Administrative Agreement between DMP and DoW. This Agreement details the criteria in which DMP will require advice from DoW.</p> <p>In accordance with the Regulations, the operator is responsible for consultation with relevant authorities and other relevant interested persons and organisations in the course of developing the EP.</p> <p>Note: no amendments to the Guidelines have been made.</p>

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