

Otway Environmental Approvals

By Jeremy Coleman, Woodside Energy Limited

Recent exploration in the offshore Otway Basin has coincided with a two year period of significant change in the environmental approvals required for petroleum activities in Commonwealth waters.

The legislative changes were initiated in October 1999 with the introduction of the Petroleum (Submerged Lands) (Management of Environment) Regulations, which requires environment plans to be in place for all exploration and production activities. The legislative regime was further complicated in July 2000 by the introduction of the Environment Protection and Biodiversity Conservation Act (EPBC Act). From that point, environmental approvals became a two-tiered process, with proposed activities requiring both pieces of legislation be taken into account.

Under the EPBC Act, Environment Australia is able to 'call in' for assessment those proposals

considered to have the potential to cause significant impacts on matters of National Environmental Significance (NES). NES matters include listed threatened and migratory species, and Commonwealth marine areas.

In addition to being in a Commonwealth marine area, the VIC/P43 and T/30P permits in the Otway Basin overlap waters utilised by blue and southern right whales, both listed as threatened and migratory species under the Act. Thus, operators in these waters have to consider whether a proposed activity has the potential to cause significant impacts on either blue or southern right whales. If so, it requires formal assessment and approval under the EPBC Act, in addition to the approval required under the PSLA Regulations. In general, significant impacts are defined as impacts that occur at a population level.

The EPBC Act also provides for protection of individual cetaceans (whales, dolphins and porpoises), in that it is an offence to undertake an action that will interfere with a cetacean in Commonwealth waters unless a permit has been granted.

Interference is defined as harassing, chasing, herding, tagging, marking or branding the cetacean, such that there is a significant change in an animal's behaviour, including a significant deviation from a migratory path, or a substantial change in respiration or swimming pattern. Thus, if a petroleum activity has the potential to cause interference to a single individual of a cetacean species, a permit is required under the EPBC Act. Specific guidelines have been developed by Environment Australia, APPEA, IAGC and whale research scientists on the application of the EPBC Act to interactions between offshore seismic operations and larger cetaceans.