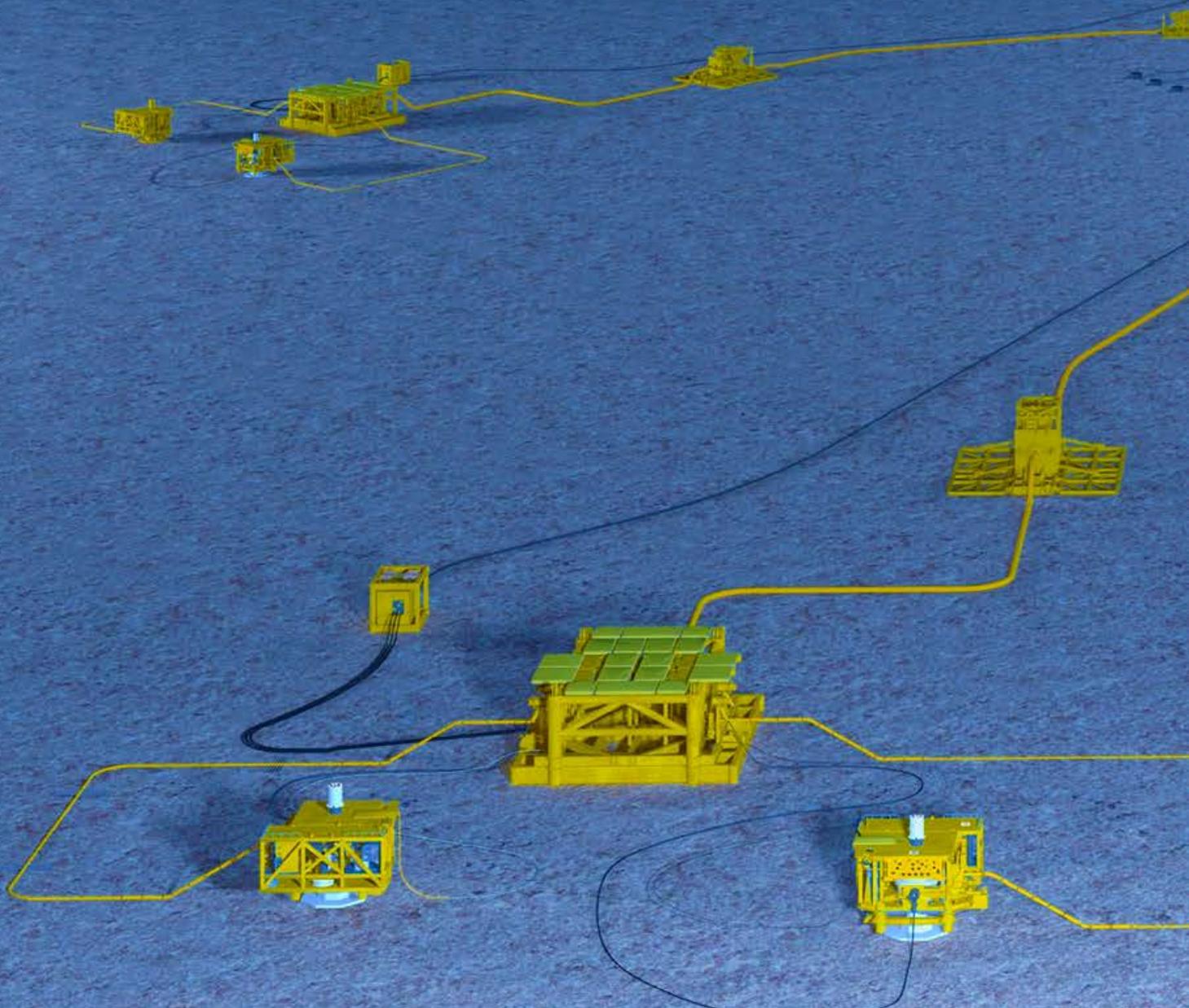


3 Environmental legislation and other environmental management requirements

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Section 3 summary

Purpose:

This section describes the legislation and other requirements that will apply to the project and their relevance to environmental management. It also describes other approvals that will be required at future stages of the project and how forward environmental approvals align with the project's development stages.

Section at a glance:

The project is located in Commonwealth waters and subject to Commonwealth laws, as well as international agreements, conventions and treaties that are in place to protect the environment, conserve biodiversity, and ensure safe and responsible practices at sea. The project will also align with applicable guidelines and codes of practice, including all relevant management and recovery plans for matters of national environmental significance listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Brief summaries of each relevant Act, agreement and treaty as they relate to the project, are described below.

The two main pieces of Commonwealth legislation that apply to the project are the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGGS Act) and the EPBC Act. The OPGGS Act provides protection of the environment in Commonwealth waters through management of all relevant oil and gas activities, and requires the development of this document. The EPBC Act provides the legislative framework to protect and manage threatened species, ecological communities or listed places from actions that have a significant impact. These are identified and discussed in detail in **Section 5** and **Section 6** of this document.

Once an OPP is accepted, activity-specific Environment Plans (EPs) and Oil Pollution Emergency Plans (OPEPs) are required to be submitted to and accepted by NOPSEMA before commencing an activity. The EPs will provide further evaluation of the impacts and risks associated with specific activities, while the OPEPs detail arrangements for responding to and monitoring oil pollution.

Other approvals and plans that will be required in the future include production, pipeline and infrastructure licences, Safety Cases for vessels and management plans for well operations.

3 Environmental legislation and other environmental management requirements

Applicable legislation and environmental management frameworks are summarised below. ConocoPhillips, like all operators, is responsible for maintaining currency of applicable legal requirements as relevant to the proposal. The key relevant legislative requirements are referenced as appropriate to frame the management measures for environmental impacts and risks presented in **Section 6.4**, and summarised in **Section 7**.

3.1 Commonwealth legislation

The project is located in Australian Commonwealth waters and is, therefore, subject to Commonwealth legislation. The following sections outline the key Commonwealth legislation applicable to the project.

3.1.1 OPGGS Act 2006

The OPGGS Act provides protection of the environment in Commonwealth waters (as well as designated State and NT waters where functions have been conferred), by ensuring that all offshore petroleum and greenhouse gas storage activities are undertaken in a manner where impacts and risks on the environment, including those Matters of National Environmental Significance (MNES) protected under Part 3 of the EPBC Act, are of an acceptable level and reduced to ALARP. The OPGGS Act requires all activities to be consistent with the principles of ecologically sustainable development (ESD), as defined in the EPBC Act (Section 3A):

- *“decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations;*
- *if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;*
- *the principle of inter-generational equity: that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;*
- *the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making;*
- *improved valuation, pricing and incentive mechanisms should be promoted.”*

The OPGGS Act is supported by a range of subordinate regulations. Of primary relevance to this OPP are the OPGGS (E) Regulations, which provide further definition and guidance on the environmental management of offshore petroleum and greenhouse gas storage activities. The OPGGS Act and supporting regulations are administered by NOPSEMA.

Beyond this OPP, other approvals required under the OPGGS Act and associated regulations include the following:

- Environment Plans (EPs)
- Oil Pollution Emergency Plans (OPEPs)
- production licences
- pipeline licences
- infrastructure licences
- Safety Cases
- Well Operations Management Plan (WOMP)
- petroleum safety zones.

¹ This refers to the precautionary principle, which is defined in Section 391(2) of the EPBC Act as *“is that lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage”*.

Figure 3-1 provides an indicative timeframe of how this OPP, activity-specific EPs/OPEPs and other approvals fit into ConocoPhillips' project phases. As OPP submission occurs early in the design phase, detailed engineering design is yet to be completed for the project. More specific details (e.g. timing and methodology) of project activities will be refined during the 'Define' (front end engineering design (FEED)) and 'Execute' Phases of the project (refer to **Figure 3-1**).

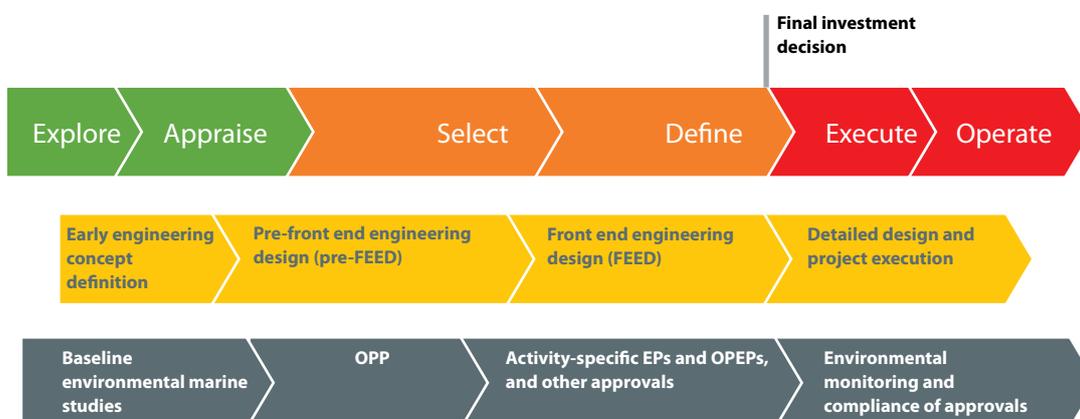


Figure 3-1: ConocoPhillips project phases and OPGGS Act approvals

Activity-specific Environment Plan

Under the OPGGS (E) Regulations, the titleholder is required to submit an EP before commencing an activity and the activity cannot take place until the regulator accepts the EP. The EP must be appropriate for the nature and scale of the activity and describe the activity, the receiving environment, details of environmental impacts and risks and the control measures for the activity. In addition, the EP must include an implementation strategy to demonstrate that the impacts and risks can be managed to ALARP and an acceptable level and to describe how appropriate environmental performance outcomes, standards and measurement criteria outlined in the EP will be met. The EP will also provide a summary of all consultation undertaken with relevant persons.

ConocoPhillips will prepare and submit activity-specific EPs in accordance with the OPGGS (E) Regulations. It is envisaged that a series of EPs will be developed to cover the following project activities:

- development drilling
- subsea structure installation (including gas export pipeline installation)
- tow-out and hook up of the FPSO facility
- commissioning
- operations
- decommissioning.

Oil Pollution Emergency Plan

Under the OPGGS (E) Regulations, an OPEP is required as part of the implementation strategy for the activity-specific EP. The OPEP must include adequate arrangements for responding to and monitoring oil pollution as well as provision for updating the plan. Preliminary hydrocarbon spill modelling has been carried out for a number of maximum credible spill scenarios associated with various stages of the project (discussed in **Section 6**) and will provide support in framing the scope of future OPEPs.

Other approvals

As listed above, other approvals will be required for the project, including, but not limited to, a production licence, a pipeline licence and an infrastructure licence. These approvals are required under the OPGGS Act for the relevant activities and are granted by the Joint Authority².

The OPGGS (Resource Management and Administration) Regulations 2011 also require that a Safety Case and a WOMP are assessed and accepted by NOPSEMA for existing or proposed facilities. ConocoPhillips will prepare and submit the required Safety Cases and Well Operations Management Plans to NOPSEMA as the project is developed, to allow for timely approvals prior to each of the key stages of the project. These approvals assist in environmental protection as they ensure the integrity of the development wells, mobile offshore drilling unit (MODU)/drill ship, FPSO facility and project vessels.

² The Joint Authority for an offshore area is constituted by the responsible State (with the exception of Tasmania) or Territory Minister and the responsible Commonwealth Minister (Section 56 of the OPGGS Act).

3.1.2 EPBC Act 1999

The EPBC Act and supporting regulations provide for the protection of the environment and conservation of biodiversity in Australia (including Australian waters), particularly MNES. The EPBC Act is administered by the Department of the Environment and Energy (DoEE).

Amendments to the OPGGS Act and OPGGS (E) Regulations in February 2014, undertaken as part of the Commonwealth streamlining environmental approvals process, require MNES to be addressed in assessments of offshore petroleum development approvals. Therefore, the OPP process under the OPGGS (E) Regulations supersedes the Commonwealth referral process under the EPBC Act and replaces the requirement to prepare environmental approvals for submission to DoEE for petroleum development activities in Commonwealth waters.

This OPP covers the EPBC Act approval for those components of the project in Commonwealth waters.

The MNES relevant to the project are discussed in **Section 5.5.1**.

3.1.3 Other relevant Commonwealth legislation

Other Commonwealth legislation that is applicable to aspects of environmental management of the project is outlined in **Table 3-1**.

Table 3-1: Other relevant Commonwealth legislation

Legislation	Governing department	Summary	Relevance to project
<i>Environment Protection (Sea Dumping) Act 1981</i>	DoEE	This Act regulates permitted sea dumping and under the 1996 Protocol to the London Convention. Australia is required to minimise its waste disposal into the environment.	The project operations may result in release of wastes into the sea. ConocoPhillips recognises the importance of minimising waste disposal to the marine environment and will adhere to the requirements of this Act.
<i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983 and Protection of the Sea (Prevention of Pollution from Ships) (Orders) Regulations 1994</i>	Australian Maritime Safety Authority (AMSA)	This Act relates to the protection of the sea from pollution by oil and other harmful substances discharged from ships. This Act disallows any harmful discharge of sewage, oil and noxious substances into the sea and sets the requirements for a shipboard waste management plan.	The project will adhere to the requirements of this Act as relevant to the project, including the following vessel requirements (as appropriate to vessel class): <ul style="list-style-type: none"> • Shipboard Oil Pollution Emergency Plan (SOPEP) • compliance with requirements for discharges and waste management, as outlined in the International Convention for the Prevention of Pollution from Ships (MARPOL) and Marine Orders (as appropriate to vessel class).

Legislation	Governing department	Summary	Relevance to project
<i>Navigation Act 2012</i>	Department of Infrastructure and Transport	The Act regulates international ship and seafarer safety, shipping aspects of protecting the marine environment and the actions of seafarers in Australian waters. It gives effect to the relevant international conventions relating to maritime issues to which Australia is a signatory, such as the International Convention for the Prevention of Pollution from Ships (MARPOL). The Act also has subordinate legislation contained in Regulations and Marine Orders.	The project will adhere to MARPOL and the various Marine Orders (as appropriate to vessel class) enacted under this Act.
<i>Ozone Protection and Synthetic Greenhouse Gas Management Act 1989 and Regulations 1995</i>	DoEE	The Act regulates emissions of ozone depleting substances (ODSs) and synthetic greenhouse gases (SGGs). It controls the manufacture, import and export of ODSs and SGGs and products containing these gases.	The project will adhere to restrictions on import and use of ODSs through implementing appropriate measures that control procuring of materials for operating and maintaining refrigeration and air conditioning equipment.
<i>National Greenhouse and Energy Reporting Act 2007</i> National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015	DoEE, Clean Energy Regulator	The Act provides a single national framework for the reporting and dissemination of information related to greenhouse gas emissions, greenhouse gas projects, energy production and energy consumption, and for other purposes.	The project will adhere to the requirements for annual submission of a greenhouse and energy report in accordance with the Act. The Safeguard Mechanism will be applied to development projects constructed after 1 July 2020, where there will be a requirement to set a baseline for greenhouse gas (GHG) emissions using benchmarking. The Safeguard Mechanism aims to maintain emissions in line with a designated baseline via direct action or through the use of carbon credit instruments.

Legislation	Governing department	Summary	Relevance to project
<i>Biosecurity Act 2015</i>	Department of Agriculture and Water Resources	The Act relates to the management of diseases and pests that may cause harm to human, animal or plant health or the environment. The Act includes provisions for ballast water management plans and certificates, record-keeping obligations and powers to ensure compliance.	The project will comply with biosecurity requirements, specifically in relation to biofouling and ballast water requirements for vessels, offshore facilities and associated in-water equipment.
<i>Australian Heritage Council Act 2003</i>	DoEE	This Act identifies areas of heritage value, including those listed on the World Heritage List, National Heritage List and the Commonwealth Heritage List. The Act also establishes the Australian Heritage Council and its functions.	The project will take into any consideration heritage values (see Section 5.7 for further discussion).
<i>Historic Shipwrecks Act 1976</i> and <i>Historic Shipwrecks Regulations 1978</i>	DoEE	This Act protects shipwrecks that have lain in territorial waters for 75 years or more. It is an offence to interfere with any shipwreck covered by the Act.	Planned project operations will not interfere with any historical shipwrecks (see Section 5.7.11 for further discussion).
<i>National Environment Protection Council Act 1994</i>	DoEE	This Act establishes the National Environment Protection Council (NEPC) that sets National Environment Protection Measures (NEPMS) to ensure that Australians have equivalent protection from air, water, soil and noise pollution. This Act is mirrored in all States and Territories.	The project will comply with requirements of the NEPC and minimise pollution wherever possible.

Legislation	Governing department	Summary	Relevance to project
National Environment Protection (National Pollutant Inventory Measure 1998 (established under the <i>National Environment Protection Council Act 1994</i>)	DoEE	This measure provides the framework for the development and establishment of the National Pollutant Inventory (NPI), which provides publicly available information on the types, and amounts of certain substances, being emitted to the air, land, and water. Implementation of the NPI NEPM is the responsibility of each participating jurisdiction. State and territory environment protection agencies have their own legislative frameworks to ensure there is compliance with the NEPM.	The project will comply with the NPI NEPM through the reporting of relevant NPI substances.
<i>National Environment Protection Measures (Implementation) Act 1998</i>	DoEE	This Act provides for the implementation of NEPMs for certain activities carried on by or on behalf of the Commonwealth and Commonwealth authorities, and for related purposes.	The project will comply with the NEPMs where applicable.
<i>Hazardous Waste (Regulation of Exports and Imports) Act 1989</i>	DoEE	This Act regulates the export and import of hazardous waste to ensure that hazardous waste is disposed of safely so that human beings and the environment, both within and outside Australia, are protected from the harmful effects of the waste.	The project will comply with the export and import requirements for hazardous waste.
<i>Telecommunications Act 1997</i>	Department of Communications and the Arts	This Act regulates telecommunications in Australia, including the activities of telecommunication carriers and carriage service providers.	Secondary approvals required for the fibre optic cable will consider the requirements of this Act.

3.1.4 Australian Industry Participation legislation

In the context of the project, the Australian Industry Participation program is relevant, to encourage full, fair and reasonable opportunity for Australian industry to compete for work in major public and private projects in Australia. While not directly relevant to environmental management, it is included in this section for completeness.

The Australian Industry Participation National Framework encourages a consistent national approach to maximise Australian industry participation in major projects. Each jurisdiction has its own policies aimed at encouraging Australian industry participation in public and private projects.

The *Australian Jobs Act 2013* details Australian industry participation requirements for major projects valued at A\$500 million or more. The Act ensures that information about opportunities to bid for work on major projects is provided by all levels of the project's supply chain.

In accordance with the Act, ConocoPhillips will prepare an Australian Industry Participation Plan detailing how all obligations will be met. The Australian Industry Participation Plan will be assessed by the Australian Industry Participation Authority.

3.2 Northern Territory legislation

The physical infrastructure and associated planned operations from the project are located within Commonwealth waters. However, there are some activities, for example vessels transiting to the offshore project area and those associated with unplanned events, that have potential to interact with values and sensitivities, such as species of conservation significance and coastlines that are within the jurisdiction of NT legislation (refer to **Section 5.5.6** for a description of sensitivities along the NT mainland coastline).

Appendix A (Table A-1) outlines the principal NT legislation that may be applicable to the project at both a broad level and as specific to any spill response operations that may be required in NT waters.

The Commonwealth is currently working with the NT Government to further streamline offshore petroleum approval processes in their coastal waters. If enacted, this process may lead to future legislative amendments to confer the powers and functions for occupational health and safety, structural integrity and environmental management on NOPSEMA for offshore petroleum operations in designated coastal waters. While this does not influence the scope of this OPP in Commonwealth waters, any future planning will take into account legislative arrangements between the NT and the Commonwealth Governments at the time.

ConocoPhillips will adhere to NT legislation and prepare and submit the required approvals in accordance with relevant requirements at the time.

3.3 International agreements and conventions

Australia is signatory to various international treaties that have atmospheric and marine environment protection aspects. A number of these treaties are specifically designed to protect MNES, including:

- Convention on the Conservation of Migratory Species of Wild Animals 1979 (Bonn Convention)
- International Convention on Wetlands of International Importance (Ramsar)
- Agreement Between the Government of Australia and the Government of Japan for the Protection of Migratory Birds in Danger of Extinction and Their Environment 1974 (commonly referred to as JAMBA)
- Agreement Between the Government of Australia and the Government of the People's Republic of China for the Protection of Migratory Birds and Their Environment 1986 (commonly referred to as CAMBA)
- Agreement Between the Government of Australia and the Government of the Republic of Korea for the Protection of Migratory Birds and Their Environment 2002 (commonly referred to as ROKAMBA).

The project is required to comply with the relevant requirements of each treaty. The key international environmental treaties and agreements that will apply to the project are detailed in **Appendix A (Table A-2)**.

3.4 Guidelines and codes of practice

Applicable guidelines and codes of practice for the project are summarised in **Appendix A (Table A-3)**.

3.5 Part 3 MNES management plans

3.5.1 Listed threatened species recovery plans and conservation advices

While it is considered highly unlikely that the project will have a significant impact on listed threatened species (refer to **Section 6**), the requirements of the relevant species recovery plans and conservation advices have been considered to identify any requirements that may be applicable. Recovery plans are enacted under the EPBC Act and remain in force until the species is removed from the threatened list. Conservation advices provide guidance on immediate recovery and threat abatement activities that can be undertaken to facilitate the conservation of a listed species or ecological community.

Table 3-2 outlines the recovery plans and conservation advices relevant to those species identified as potentially occurring or having habitat within the Barossa offshore development area, the gas export pipeline (collectively referred to as ‘the project area’) and area of influence (i.e. the existing environment that may be affected from unplanned activities; **Section 5.1**). The table also summarises the key threats to those species, as described in relevant recovery plans and conservation advices.

The recovery plans and conservation advices have been taken into consideration in assessing the impacts and risks associated with the project (**Section 6**) and will be further incorporated into implementation planning in activity-specific EPs.

Table 3-2: Summary of EPBC recovery plans and conservation advices relevant to the project

Species	Recovery plan/ conservation advice (date adopted)	Key threats identified in the recovery plan and conservation advice	OPP risk assessment section
Blue whale	Blue Whale Conservation Management Plan (October 2015) (DoE 2015a)	Noise interference	6.4.5
		Vessel disturbance (i.e. vessel presence or collision)	6.4.3
		Habitat modification including marine debris and infrastructure/coastal developments	6.4.9 (infrastructure/coastal developments are outside the scope of this OPP)
		Whaling Climate variability and change Over-harvesting of prey	Not applicable - the key threats are outside the scope of this Opp
Humpback whale ¹	Humpback Whale Recovery Plan 2005-2010 (May 2005) (under review) (Department of Environment and Heritage (DEH) 2005a) Conservation advice (October 2015) (DoE 2015b)	Noise interference	6.4.5
		Marine debris	6.4.9
		Vessel disturbance (i.e. vessel presence or collision)	6.4.3
		Whaling	Not applicable – the key threats are outside the scope of this Opp
		Climate and oceanographic variability and change	Opp
		Overharvesting of prey	

Species	Recovery plan/ conservation advice (date adopted)	Key threats identified in the recovery plan and conservation advice	OPP risk assessment section
Sei whale	Conservation advice (October 2015) (DoE 2015c)	Climate and oceanographic variability and change	Not applicable – the key threat is outside the scope of this OPP
		Anthropogenic noise and acoustic disturbance	6.4.5
		Habitat degradation including pollution (increasing port expansion and coastal development)	Not applicable – the key threat is outside the scope of this OPP
		Pollution (persistent toxic pollutants)	6.4.8 and 6.4.10
		Vessel strike	6.4.3
		Prey depletion due to fisheries (potential threat)	Not applicable – the key threats are outside the scope of this OPP
		Resumption of commercial whaling (potential threat)	
Fin whale	Conservation advice (October 2015) (DoE 2015d)	Climate and oceanographic variability and change	Not applicable – the key threat is outside the scope of this OPP
		Anthropogenic noise and acoustic disturbance	6.4.5
		Habitat degradation including pollution (coastal development, increasing port expansion and aquaculture)	Not applicable – the key threat is outside the scope of this OPP
		Pollution (persistent toxic pollutants)	6.4.8 and 6.4.10
		Fisheries catch, entanglement and bycatch	Not applicable – the key threat is outside the scope of this OPP
		Vessel strike	6.4.3
		Resource depletion due to fisheries (potential threat)	Not applicable – the key threats are outside the scope of this OPP
Resumption of commercial whaling (potential threat)			

Species	Recovery plan/ conservation advice (date adopted)	Key threats identified in the recovery plan and conservation advice	OPP risk assessment section
Loggerhead turtle	Recovery Plan for Marine Turtles in Australia 2017-2027 (June 2017) (DoEE 2017a)	Marine debris	6.4.9
Green turtle		Light pollution	6.4.7
Leatherback turtle		Vessel strike	6.4.3
Hawksbill turtle		Chemical and terrestrial discharge	6.4.8 and 6.4.10
Olive ridley turtle			
Flatback turtle		Habitat modification	6.4.1 and 6.4.2
		Noise interference	6.4.5
	Climate change and variability	Not applicable – the key threats are outside the scope of this OPP	
	International take		
	Terrestrial predation		
Fisheries bycatch			
	Indigenous take		
	Recreational activities		
	Diseases and pathogens		
Leatherback turtle	Conservation advice (December 2008)	Marine debris (i.e. ingestion)	6.4.9
		Vessel strike	6.4.3
	(Department of Environment, Water, Heritage and the Arts (DEWHA) 2008a)	Degradation of foraging areas and changes to breeding sites	6.4.1 and 6.4.2
		Incidental (accidental bycatch and/or illegal) capture by commercial and recreational fishers	Not applicable – the key threats are outside the scope of this OPP
		Harvesting of eggs and meat	
	Predation on eggs by wild dogs, pigs and monitor lizards		
Short-nosed sea snake	Conservation advice: short-nosed sea snake (December 2010) (DSEWPaC 2010a) and leaf-scaled sea snake (December 2010) (DSEWPaC 2010b)	Loss of habitat from bleaching (principle threat)	Not applicable – the key threats are outside the scope of this OPP
Leaf-scaled sea snake		Incidental (accidental bycatch and/or illegal) capture by commercial and recreational fishers	
		Anthropogenic disturbance from oil and gas exploration	6.4.1 and 6.4.3 to 6.4.10

Species	Recovery plan/ conservation advice (date adopted)	Key threats identified in the recovery plan and conservation advice	OPP risk assessment section
Curlew sandpiper	Conservation advice (May 2015) (DoE 2015e, f)	Ongoing human disturbance (in coastal areas and shoreline habitats)	Not applicable – the key threats are outside the scope of this OPP as they relate to disturbances in coastal areas and loss of intertidal mudflat habitat at key migration staging sites in the Yellow Sea.
Eastern curlew	(notes that the threats are particularly relevant to eastern and southern Australia)	Habitat (intertidal mudflats) loss and degradation from pollution Changes to the water regime and invasive plants (in coastal areas)	Consideration is given to these species in the context of habitat degradation from pollution associated with unplanned hydrocarbon spills (Section 6.4.10) .
Australian lesser noddy ²	Conservation advice (October 2015) (DoE 2015g)	Habitat loss from catastrophic weather events	Not applicable – the key threats are outside the scope of this OPP
		Habitat loss from pollution	6.4.9 and 6.4.10
		Overfishing	Not applicable – the key threats are outside the scope of this OPP
Great knot ²	Conservation advice (May 2016) (DoE 2016a)	Habitat loss and degradation (loss of marine vegetation)	6.4.1
		Pollution	6.4.10
		Climate change	Not applicable – the key threats are outside the scope of this OPP
		Hunting	OPP
Greater sand plover ²	Conservation advice (May 2016) (DoE 2016b)	Habitat loss and degradation (loss of marine vegetation)	6.4.1
		Pollution	6.4.10
		Climate change	Not applicable – the key threats are outside the scope of this OPP
		Recreation and tourism	OPP
		Introduced species (invasion of intertidal mudflats)	6.4.4
		Physical presence of structures	6.4.1

Species	Recovery plan/ conservation advice (date adopted)	Key threats identified in the recovery plan and conservation advice	OPP risk assessment section
Lesser sand plover ²	Conservation advice (May 2016) (DoE 2016c)	Habitat loss and degradation (loss of marine vegetation)	6.4.1
		Pollution	6.4.10
		Climate change	Not applicable – the key threats are outside the scope of this OPP
		Recreation and tourism	OPP
		Introduced species (invasion of intertidal mudflats by terrestrial weeds)	Not applicable – the key threats are outside the scope of this OPP as they relate to terrestrial pathway
		Physical presence of structures	6.4.1
Western Alaskan bar-tailed godwit ²	Conservation advice (May 2016) (DoE 2016d)	Habitat loss and degradation (loss of marine vegetation)	6.4.1
		Pollution	6.4.10
		Climate change	Not applicable – the key threats are outside the scope of this OPP
		Recreation and tourism	OPP
		Introduced species (invasion of intertidal mudflats by terrestrial weeds)	Not applicable – the key threats are outside the scope of this OPP as they relate to terrestrial pathway
		Physical presence of structures	6.4.1
Northern Siberian bar-tailed godwit ²	Conservation advice (May 2016) (DoE 2016e)	Habitat loss and degradation (loss of marine vegetation)	6.4.1
		Pollution	6.4.10
		Climate change	Not applicable – the key threats are outside the scope of this OPP
		Recreation and tourism	OPP
		Introduced species (invasion of intertidal mudflats)	6.4.4
		Physical presence of structures	6.4.1

Species	Recovery plan/ conservation advice (date adopted)	Key threats identified in the recovery plan and conservation advice	OPP risk assessment section
Red knot ²	Conservation advice (May 2016) (DoE 2016f)	Habitat loss and habitat degradation (e.g. through land reclamation, industrial use and urban expansion, changes to the water regime, invasive plants and environmental pollution foraging and roosting sites)	Not applicable – the key threats are outside the scope of this OPP as they relate to disturbances to foraging/roosting sites in coastal areas. Consideration is given to this species in the context of habitat degradation from pollution associated with unplanned hydrocarbon spills (Section 6.4.10).
		Climate change	Not applicable – the key threats are outside the scope of this OPP
		Pollution/contamination	6.4.10
		Disturbance (human-related, e.g. from recreational activities including fishing, boating, four wheel driving, walking dogs, noise and night lighting)	6.4.1 and 6.4.7
		Diseases	Not applicable – the key threats are outside the scope of this OPP
		Direct mortality (e.g. wind farms, bird strike with vehicles and aircraft, hunting, chemical spills and oil spills)	6.4.10
Abbott's booby ²	Conservation advice (October 2015) (DoE 2015h)	Loss of rainforest habitat Introduced terrestrial species (e.g. yellow crazy ant)	Not applicable – the key threats are outside the scope of this OPP
Whale shark	Whale shark (<i>Rhincodon typus</i>) Recovery Plan (2005) (May 2005) (DEH 2005b)	Pollution and marine debris	6.4.9
		Direct disturbance or interference (i.e. vessel presence or collision)	6.4.3
	Conservation advice (October 2015) (DoE 2015i)	Intentional/unintentional mortality from fishing outside of Australian waters	Not applicable – the key threats are outside the scope of this OPP
		Climate change	

Species	Recovery plan/ conservation advice (date adopted)	Key threats identified in the recovery plan and conservation advice	OPP risk assessment section
Great white shark ¹	Recovery Plan for the White Shark (<i>Carcharodon carcharias</i>) (August 2013) (DSEWPac 2013a)	Incidental (accidental bycatch and/or illegal) capture by commercial and recreational fishers <hr/> Shark control activities	Not applicable – the key threats are outside the scope of this OPP
Grey nurse ³	Recovery Plan for the Grey Nurse Shark (<i>Carcharias taurus</i>) (August 2014) (DoE 2014a)	Incidental (accidental bycatch and/or illegal) capture by commercial and recreational fishers <hr/> Shark control activities	Not applicable – the key threats are outside the scope of this OPP
Spewartooth shark Northern river shark Green sawfish Largetooth sawfish Dwarf sawfish	Sawfish and River Sharks Multispecies Recovery Plan (November 2015) (DoE 2015)) <hr/> Conservation advice: spewartooth shark (April 2014) (DoE 2014b), northern river shark (April 2014) (DoE 2014c), dwarf sawfish (October 2009) (DEWHA 2009) and green sawfish (2008) (DEWHA 2008b)	Fishing activities including being caught as by-catch and illegal, unreported and unregulated fishing (principle threat) <hr/> Habitat degradation and modification (principle threat) <hr/> Collection for display in public aquaria (potential threat) <hr/> Marine debris (potential threat)	Not applicable – the key threats are outside the scope of this OPP 6.4.9

¹ Although the species were identified in the EPBC Protected Matters search they are highly unlikely to occur in the project area, which is outside the species range or preferred habitat (see **Section 5.6.2** for humpback whales and **Section 5.6.6** for great white sharks). However, the species may occur within the area of influence.

² These species were identified in the area of influence EPBC Protected Matters search.

³ The species was not identified in the EPBC Protected Matters search but was observed during the Barossa marine studies program at a seamount within the broader vicinity of the Barossa offshore development area (**Section 5.6.3**). Therefore, a conservative approach has been applied and it is considered the species may pass through the area.

3.5.2 Commonwealth Marine Reserves

Commonwealth Marine Reserves (CMRs) are recognised under the EPBC Act for the purpose of protecting and maintaining biological diversity, and to contribute to a national representative network of marine protected areas. In September 2014, the Australian Government commissioned an independent review of the CMRs network to consider what management arrangements would best protect the marine environment and accommodate the many activities that occur within it. The independent review was undertaken by an Expert Scientific Panel and a Bioregional Advisory Panel and was completed in December 2015, with the reports made publicly available in September 2016. Since then, the Director of National Parks has commenced the statutory process for developing new reserve management plans.

Management plans for the North and North-west CMR networks will be developed in accordance with the EPBC Act. The recommendations of the independent review and any public comment received through the community consultation process will also inform the basis of the management plans. The management plans will provide for the protection and conservation of each reserve by setting out how it will be managed, what activities will be allowed or prohibited and how this will be done. Until the new management plans come into effect, transitional management arrangements apply. Under the transitional arrangements, there are no changes “on the water” for users in the CMRs. Therefore, general approval is provided for a mixed-use of activities across these vast areas and there is no preclusion of offshore development.

Where there are no management plans in place for the reserves, activities will be consistent with the Australian International Union for Conservation of Nature (IUCN) reserve management principles (Environment Australia 2002), as relevant to the assigned IUCN category. To ensure consistency in defining and managing protected areas, the Australian Government has adopted the World IUCN internationally recognised set of seven protected area management categories. These categories have been given legal effect in relation to CMRs in the EPBC Act.

While the Barossa offshore development area is outside the boundaries of any existing or known proposed CMRs, the gas export pipeline corridor overlaps a part of the Oceanic Shoals CMR. The IUCN category designated to the Oceanic Shoals CMR is IUCN category VI: Managed Resource Protected Areas – Protected Area managed mainly for the sustainable use of natural ecosystems, which is equivalent to the CMR Multiple Use Zone (**Figure 3-2a**). The Australian IUCN reserve management principles related to IUCN category VI, as defined by Environment Australia (2002), are:

- *“7.01 The reserve or zone should be managed mainly for the sustainable use of natural ecosystems based on the following principles.*
- *7.02 The biological diversity and other natural values of the reserve or zone should be protected and maintained in the long term.*
- *7.03 Management practices should be applied to ensure ecologically sustainable use of the reserve or zone.*
- *7.04 Management of the reserve or zone should contribute to regional and national development to the extent that this is consistent with these principles.”*

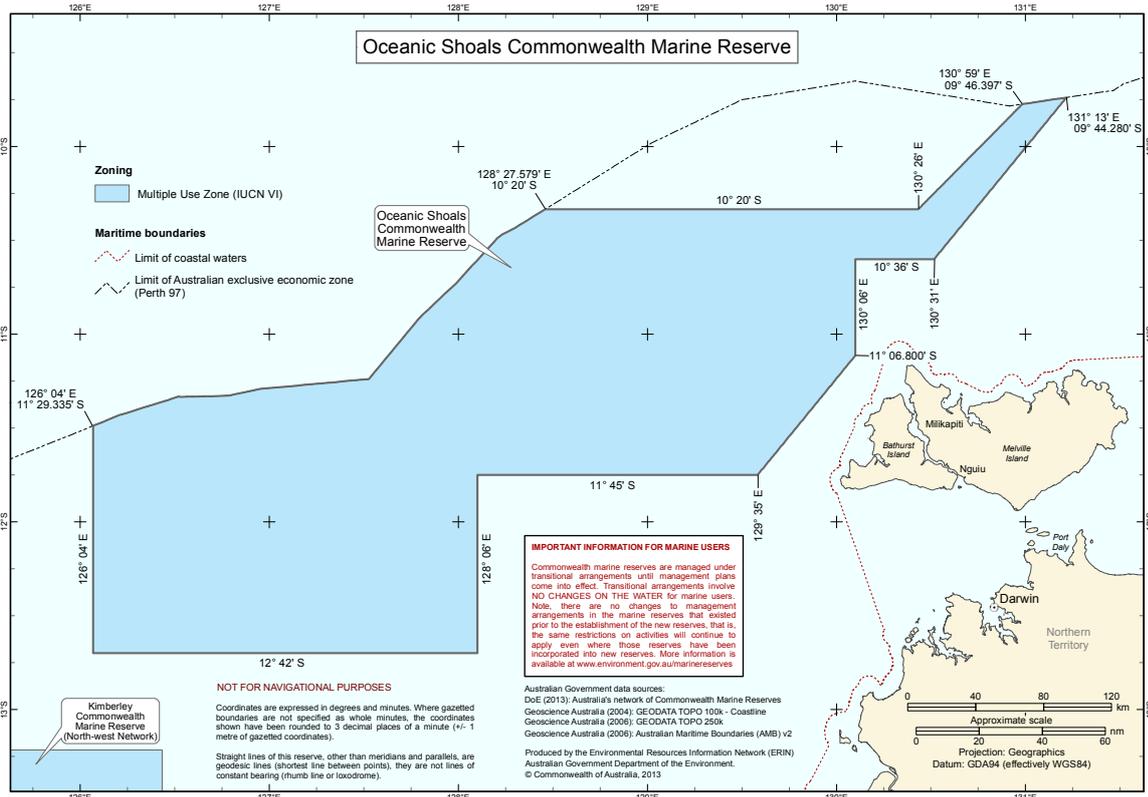
Marine areas designated as IUCN category VI do not preclude other marine users, including oil and gas activities. As part of the transitional arrangements for the Oceanic Shoals CMR, the Director of National Parks has issued a general approval under Section 359B of the EPBC Act allowing a range of activities within the CMR, including mining activities which includes offshore petroleum activities (NOPSEMA 2015a).

ConocoPhillips has reviewed the reports from the CMR review, which included a recommendation to revise the zoning of areas within the Oceanic Shoals CMR, which is currently entirely zoned as Multiple Use Zone (IUCN category VI). As shown in **Figure 3-2b**, the recommended zoning includes designating portions of the Oceanic Shoals CMR as a Special Use Zone, a Marine National Park Zone and a Habitat Protection Zone. The Habitat Protection Zone has been recommended with the intention of improving protection to the benthic ecosystems of the carbonate banks and terraces of the Van Diemen Rise (Buxton and Cochrane 2015). Should the recommendation be adopted (through the management plan for the North Commonwealth Marine Reserves Network), the gas export pipeline corridor would overlap a portion of the Habitat Protection Zone shown in **Figure 3-2**. As outlined in **Section 4.3.3.2**, routing the pipeline further to the east to remain outside the CMR has the potential to result in greater environmental impacts during pipeline installation. Given this recommended zoning and the potential for greater impacts, ConocoPhillips recognises the need to further investigate the pipeline route options and is undertaking further field and engineering studies to understand what route options are technically feasible within the corridor to define the suitable route. Furthermore, as the timing for the release of the draft management plans for public comment and subsequent finalisation and presentation of the management plans to the Minister for consideration and approval is not defined, flexibility for the location of the gas export pipeline within a broader pipeline corridor is required to be retained at this time.

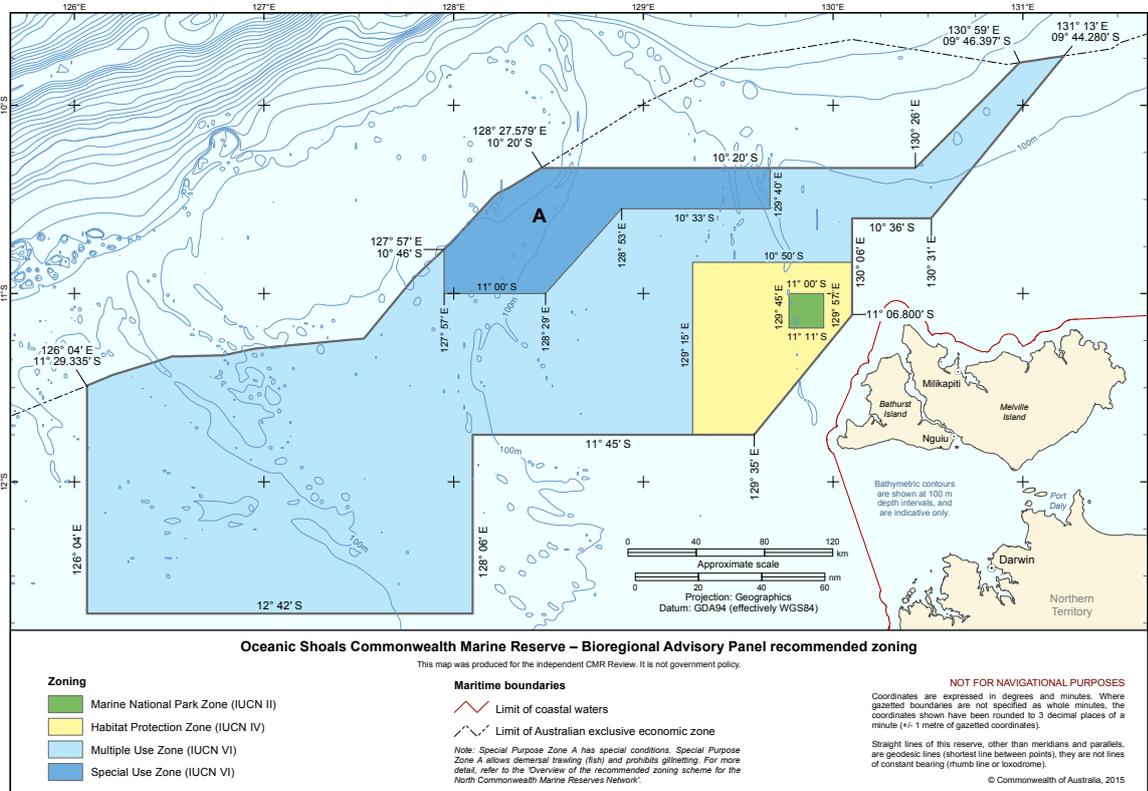
Through ongoing consultations, Parks Australia has advised that based on current legislation, NOPSEMA is the sole regulatory assessor for offshore petroleum and greenhouse gas activities in Commonwealth waters and that additional assessment and approvals by the Director of National Parks is not required for this project. However, Parks Australia noted that should a reserve management plan come into effect for the Oceanic Shoals CMR, the Director of National Parks would have authority to grant authorisations (permits or licences) for activities within the CMR consistent with the management plan. As part of a forward process, ConocoPhillips is committed to continuing its engagement with Parks Australia regarding the proposal and the key considerations that will determine the viability of route options for the gas export pipeline.

Any potential response activities undertaken in the Ashmore Reef and Cartier Island CMRs will be in accordance with the zoning and approach outlined in the previous Ashmore Reef National Nature Reserve and Cartier Island Marine Reserve Management Plans 2002 (which expired in 2009). It is expected that the draft management plans arising from the current CMR Review process, will also cover these areas as applicable at the time.

Refer to **Section 5.7.6** for details of the CMRs relevant to the project.



a) Current zoning



b) Recommended zoning (from CMR review)

Figure 3-2: Oceanic Shoals CMR current zoning and recommended zoning (from the CMR review)

3.6 Perth Treaty

Australia and Indonesia have entered into a number of agreements and arrangements relating to the maritime area between Australia and Indonesia, including the *Treaty between the Government of Australia and the Government of the Republic of Indonesia establishing an Exclusive Economic Zone Boundary and Certain Seabed Boundaries* (the 1997 Perth Treaty). Under the Perth Treaty, there are areas of overlapping jurisdiction where Australia exercises seabed jurisdiction including for petroleum exploration, and Indonesia exercises water column jurisdiction including fishing rights (the Perth Treaty area). The Perth Treaty boundary is contiguous with the Australian Exclusive Economic Zone (EEZ) boundary in the Timor and Arafura Seas.

While the Perth Treaty has yet to be officially sanctioned by the Australian and Indonesian governments, the Australian Government acts consistently with its obligations.

The portion of the Barossa offshore development area that is located between the Perth Treaty boundary and the 1972 continental shelf boundary is in an area of overlapping jurisdiction (**Figure 4-2**). Under the Perth Treaty, within this area of overlapping jurisdiction Indonesia may exercise EEZ sovereign rights and jurisdiction in relation to the water column (Article 7), whereas Australia may exercise continental shelf sovereign rights and jurisdiction in relation to the seabed. From a fisheries jurisdiction and management perspective this means that Indonesia has rights to pelagic fish stocks in this area of overlapping jurisdiction, whereas Australia has rights to the demersal and benthic fish stocks. The demarcation between pelagic and demersal fish is not clear, as the wording used in the *Memorandum of Understanding Between the Government of the Republic of Indonesia and the Government of Australia Concerning the Implementation of a Provisional Fisheries Surveillance and Enforcement Arrangement* (1981) is “swimming fish species” and “sedentary fish species”.

Article 7 of the Perth Treaty requires that Australia give Indonesia three months’ notice of proposed grant of exploration and exploitation rights in the Perth Treaty area. The notification process is conducted by the Australian Government Department of Industry, Innovation and Science (DIIS) through the Attorney-General’s Department and the Department of Foreign Affairs and Trade (DFAT), which liaise directly with the Indonesian Government in Jakarta. ConocoPhillips will liaise with DIIS and DFAT as the project progresses to allow timely communication and engagement with Indonesia should any project activities be required in this area.