

To: James Barker, Assistant Secretary, Assessments and Governance Branch

s22

Director, Post Approvals Section

s22

25 October 2017

**EPBC 2008/4208 Ichthys offshore and onshore processing facilities and subsea pipeline
– variation to include revised management plan condition**

Timing: As soon as possible.

Recommendations:

1. That you agree to vary the conditions of approval for EPBC 2008/4208 to include the 'Revised Management Plan' condition, in accordance with the variation decision instrument at **Attachment A**.


Agreed / Please discuss

2. If you agree to Recommendation 1, that you sign the variation decision instrument at **Attachment A** for publication.

Signed / Not signed

3. If you sign the instrument at **Attachment A**, that you sign the letter at **Attachment B** advising Inpex Operations Australia Pty Ltd of your decision.

Signed / Not signed

Signatory:  James Barker, Assistant Secretary
Assessments and Governance Branch

Date: 26 October 2017

Comments:**Background**

1. On 27 June 2011, the Minister for Sustainability, Environment, Water, Population and Communities approved with conditions the action to develop the Ichthys Field in the Browse Basin to produce liquefied natural gas, liquefied petroleum gas and condensate. The action also includes the installation and operation of offshore extraction facilities in Ichthys Field, onshore processing facilities at Blaydin Point and installation of a 850-935km pipeline from Ichthys Field to Blaydin Point, Northern Territory (**Attachment C**).
2. The conditions of approval were varied on five occasions: 5 April 2013, 9 April 2013, 6 March 2014, 3 February 2015 and 27 May 2015 (**Attachment D**).
3. **Condition 15** of the approval states:

If the person taking the action wishes to carry out an action otherwise than in accordance with any plan, report, strategy, program or systems (however described) approved in relation to this approval, the person may submit a revised plan, report, strategy, program or system (however described) for the Minister's approval. If the Minister approves a revised plan, report, strategy, program or system (however described) the person taking the action must implement that plan, report, strategy, program or system (however described) instead of the plan, report, strategy, program or system (however described) as originally approved.

Request for variation to Condition 15

4. On 22 September 2017 the approval holder, Inpex Operations Australia Pty Ltd (Inpex), requested a variation to Condition 15 (**Attachment E**) to allow Inpex to submit revised management plans for information, rather than for re-approval, where there have been:
 - administrative changes or reference to other documents;
 - minor updates to plans not required under the EPBC conditions of approval; and
 - revisions that do not affect the environmental risk from the project.
5. Relevantly, the Department notes that:
 - the requirement for a Greenhouse Gas Management and Abatement Strategy, specified under Condition 3 of the conditions of approval, was revoked by variation on 9 April 2013 (**Attachment D**);
 - following the variation of 27 May 2015, certain plans are now incorporated into Environment Plans that have been accepted by the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), and therefore deemed approved by the Minister (see Condition 19 of the approval); and
 - the revised management plan condition is not suitable for offset strategies, such as the Coastal Offset Strategy required under Condition 11.
6. **Condition 15** applies to the following management documents. Inpex has provided a status report on those plans (see **Attachment F**):
 - **Condition 1: Oil Spill Contingency Plan.** This plan is represented by four sub-plans applying variously during the life of the project, including the *Umbilical, Risers, Flowlines Oil Spill Contingency Plan* (approved 2 April 2014) and the *Nearshore Operations Oil Pollution Emergency Plan* (approved 23 February 2017);
 - **Condition 2: Operational and Scientific Monitoring Program.** The *Development Drilling Operational and Scientific Monitoring Plan* was approved on 30 April 2014, and is now incorporated into an Environment Plan accepted by NOPSEMA;
 - **Condition 5: Decommissioning Management Plan.** Yet to be submitted;
 - **Condition 7: Offshore Waste Management Plan.** This plan is comprised of three sub-plans, all approved 28 February 2014, including the *Umbilical, Risers, Flowlines Offshore Waste Management Plan*, the *Development Drilling Offshore Waster Management Plan*, and the *Gas Export Pipeline Offshore Waste Management Plan*. Activities under this plan have ceased, are soon to cease or are incorporated into a NOPSEMA accepted Environment Plan.
 - **Condition 8: Liquid Discharge Management Plan.** This plan is represented by eight sub-plans applying variously during the life of the project, including:
 - the *Development Drilling Liquid Discharge Management Plan* (now incorporated into a NOPSEMA accepted Environment Plan);
 - the *Onshore Construction Environmental Management Plan* (approved 25 May 2016); and
 - the *Operations Environmental Management Plan*, yet to be submitted.
 - **Condition 9: Noise Management Plan.** This plan is represented by three sub-plans that applied variously during the life of the project, including the *Gas Export Pipeline Noise Management Plan* (approved 10 February 2014), the *Onshore Construction Underwater Noise Management Plan* (approved 23 September 2014) and the *Offshore Underwater Noise Management Plan* (approved 3 October 2014). Activities under this plan have ceased;
 - **Condition 10: Dredging and Spoil Disposal Management Plan.** This plan is represented by three sub-plans applying variously during the life of the project, the *East Arm Dredging Spoil Disposal Management Plan* (approved 17 August 2012), the *Gas Export Pipeline Dredging Spoil Disposal Management Plan* (approved 5

September 2013) and the *Maintenance Dredging and Spoil Disposal Management Plan* (yet to be submitted for approval); and

- **Condition 11: Coastal Offset Strategy.** The Strategy was approved 13 April 2012 (see below).
7. The information provided by Inpex (**Attachment F**) indicates the majority of plans either relate to activities that have ceased or have been incorporated into NOPSEMA accepted Environment Plans. The project is now entering the operations phase, with three 'operation' management plans in place or planned, being:
- **Condition 1.** The *Nearshore Operations Oil Pollution Emergency Plan*, approved 23 February 2017;
 - **Condition 8.** The *Operations Environmental Management Plan*, to be submitted in November 2017. This will replace the *Onshore Construction Environment Management Plan*, which was approved (in revised form) on 19 April 2017; and
 - **Condition 10.** The draft *Maintenance Dredging and Spoil Disposal Management Plan*, to be submitted for approval in early November 2017. This replaces the construction phase *Dredging and Spoil Disposal Management Plan - East Arm*.

Recommendations for decision

8. It is recommended the Coastal Offset Strategy, required under Condition 11, not be subject to the *Revised Management Condition*. A new condition 15C is therefore proposed to ensure that any revised strategy must be submitted for approval by the Minister.
9. The revised Condition 15 and the new Conditions 15A and 15B incorporate the *Revised Management Condition*, meeting the intent of the request consistent with the Department's policy for streamlining approval of revised action management plans.
10. On 23 October 2017, the Department informed the Office of Compliance of the request for variation, and was advised of three reported non-compliances (**Attachment G**). Those non-compliances relate to the capital dredging program, implemented in accordance with the *Dredging and Spoil Disposal Management Plan - East Arm*. The reported Case 3, though open, is not to be prejudiced by you agreeing to the proposed variation.
11. On 24 October 2017 Inpex agreed to the draft variation (see **Attachment H**).
12. The Department considers the conditions attached to the approval after the proposed variation are, in accordance with section 143(c) of the EPBC Act, necessary or convenient for protecting the relevant protected matters. This is because:
- there is no change to the conditions other than to include the *Revised Management Condition*;
 - the *Revised Management Condition* has been included in all new EPBC Part 9 approvals for some 18-24 months, including in approvals for projects with high environmental risk and public interest; and
 - the *Revised Management Condition* contains safeguards that ensure any revisions to management plans that may cause a new or increased impact can be detected by the Department, and submitted for approval.
13. On the above basis, the Department recommends that you:
- agree to vary the conditions of approval for EPBC 2008/4208, in accordance with the variation decision instrument at **Attachment A**;
 - sign the variation decision instrument at **Attachment A**; and
 - sign the letter to Inpex at **Attachment B** advising them of your decision.

ATTACHMENTS

A: Notice of variation (**for signature**).

B: Letter to Inpex advising of your decision (**for signature**).

- C:** Conditions of EPBC 2008/4208 approval.
- D:** Variations to the conditions of approval.
- E:** Correspondence from INPEX requesting variation to Condition 15.
- F:** Advice from Inpex on the status of management plans.
- G:** Advice from Office of Compliance on meeting requirements of Condition 4.
- H:** Agreement from Inpex to the draft variation.



VARIATION TO CONDITIONS ATTACHED TO APPROVAL

Ichthys offshore and onshore processing facilities and subsea pipeline Project (EPBC 2008/4208)

This decision to vary a condition of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Approved action

Person to whom the approval is granted Inpex Operations Australia Pty Ltd
ABN: 48 150 217 262

Approved action To develop the Ichthys Field in the Browse Basin to produce liquefied natural gas, liquefied petroleum gas and condensate and including the installation and operation of offshore extraction facilities in Ichthys Field, onshore processing facilities at Blaydin Point and 850-935km pipeline from Ichthys Field to Blaydin Point, Northern Territory, as described in the referral (EPBC 2008/4208) and the variation to the action dated 11 May 2011.

Variation

Variation of conditions of approval The variation is:

Delete condition 15 attached to the approval and substitute with the condition specified below.

Add new conditions 15A, 15B and 15C to the approval, as specified below.

Date of effect This variation has effect on the date the instrument is signed

Person authorised to make decision

Name and position James Barker
Assistant Secretary
Assessments & Governance Branch

Signature 

Date of decision 26 October 2017

Conditions attached to the approval

| Original conditions | Varied/added conditions |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>15. If the person taking the action wishes to carry out an action otherwise than in accordance with any plan, report, strategy, program or systems (however described) approved in relation to this approval, the person may submit a revised plan, report, strategy, program or system (however described) for the Minister's approval. If the Minister approves a revised plan, report, strategy, program or system (however described) the person taking the action must implement that plan, report, strategy, program or system (however described) instead of the plan, report, strategy, program or system (however described) as originally approved.</p> | <p>15. The person taking the action may choose to revise the plan approved by the Minister under condition 1, 2, 5, 7, 8, 9 or 10 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan would not be likely to have a new or increased impact. If the person taking the action makes this choice they must notify the Department in writing that the approved plan has been revised and provide the Department, at least four weeks before implementing the revised plan, with:</p> <ul style="list-style-type: none"> i. an electronic copy of the revised plan; ii. an explanation of the differences between the revised plan and the approved plan; and iii. the reasons the person taking the action considers that the taking of the action in accordance with the revised plan would not be likely to have a new or increased impact. |
| | <p>15A. The person taking the action may revoke its choice under condition 15 at any time by giving written notice to the Department. If the person taking the action revokes the choice to implement the revised plan, without approval under section 143A of the EPBC Act, the plan approved by the Minister must be implemented.</p> |
| | <p>15B. If the Minister gives a notice to the person taking the action that the Minister is satisfied that the taking of the action in accordance with the revised plan would be likely to have a new or increased impact, then:</p> <ul style="list-style-type: none"> i. condition 15 does not apply, or ceases to apply, in relation to the revised plan; and ii. the person taking the action must implement the plan approved by the Minister. <p>To avoid any doubt, this condition does not affect any operation of conditions 15 and 15A in the period before the day the notice is given.</p> <p>At the time of giving the notice, the Minister may also notify that for a specified period of time condition 15 does not apply for the plan required under the approval.</p> |

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| | <p>Conditions 15, 15A and 15B are not intended to limit the operation of section 143A of the EPBC Act which allows the person taking the action to submit a revised plan to the Minister for approval.</p> |
| | <p>15C. If the person taking the action wishes to carry out the action otherwise than in accordance with the Coastal Offset Strategy approved by the Minister under Condition 11, the person may submit a revised Coastal Offset Strategy for the Minister's approval. If the Minister approves the revised Coastal Offset Strategy, the person must implement that strategy instead of the Coastal Offset Strategy as originally approved.</p> |

Definitions

New or increased impact is a new or increased environmental impact or risk relating to any matter protected by the controlling provisions for the action, when compared to the impact or risk arising from implementing the plan that has been approved by the **Minister**.



s47F

INPEX Operations Australia Pty Ltd
22/100 St Georges Terrace
PERTH WA 6000

EPBC 2008/4208 ICHTHYS PROJECT: Variation to Condition 15

Dear s47F

Thank you for your letter dated 22 September 2017, requesting a variation to Condition 15 of the conditions of approval for EPBC 2008/4208. I note the Department has prepared a draft variation to the conditions of approval that meets the intent of your request, and that you have agreed to that draft variation.

As a delegate of the Minister for the Environment and Energy, I have varied Condition 15 to allow you, under certain circumstances, to implement a revised approved management plan without seeking the Minister's approval. I have made this decision in accordance with section 143(1)(c) of the Act, and attach for your information guidance on 'new or increased impacts' and changes to approved management plans under EPBC Act environmental approvals.

As you are aware, the Department has an active monitoring program which includes monitoring inspections, desk top document reviews and audits. Please ensure that you maintain accurate records of all activities associated with, or relevant to, the conditions of approval so that they can be made available to the Department on request.

Should you require any further information please contact s22 on s22 or by email: post.approvals@environment.gov.au.

Yours sincerely

James Barker
Assistant Secretary
Assessments and Governance Branch
Environment Standards Division

26 October 2017

Attachments: EPBC 2008/4208 Variation to conditions attached to approval.
Guidance on 'new or increased impact'



Australian Government
Department of Sustainability, Environment, Water, Population and Communities

Approval Decision

**Ichthys offshore and onshore processing facilities and subsea pipeline
(EPBC 2008/4208)**

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

| | |
|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| person to whom the approval is granted | INPEX Browse Ltd |
| proponent's ABN | 75 084 450 260 |
| proposed action | To develop the Ichthys Field in the Browse Basin to produce liquefied natural gas, liquefied petroleum gas and condensate and including the installation and operation of offshore extraction facilities in Ichthys Field, onshore processing facilities at Blaydin Point and 850-935km pipeline from Ichthys Field to Blaydin Point, Northern Territory, as described in the referral (EPBC 2008/4208) and the variation to the action dated 11 May 2011. |

Approval decision

| Controlling Provision | Decision |
|---------------------------------------------------------------|-----------------|
| Listed threatened species and communities (sections 18 & 18A) | Approved |
| Listed migratory species (sections 20 & 20A) | Approved |
| Commonwealth marine areas (sections 23 & 24A) | Approved |

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 1 July 2061

Decision-maker

name and position The Hon Tony Burke MP
Minister for Sustainability, Environment, Water, Population and Communities

signature

date of decision 27.6.11

Conditions attached to the approval

1. Oil Spill Contingency Plan

The person taking the action must develop and submit to the Minister for approval, an Oil Spill Contingency Plan that demonstrates the response preparedness of the person taking the action for any hydrocarbon spills, including the capacity to respond to a spill and mitigate the environmental impacts on the Commonwealth marine area and listed species habitat within offshore areas and Darwin Harbour. The Plan must include, but is not limited to:

- a) Oil spill trajectory modelling for potential spills from the action. This should include consideration of a well blow out or uncontrolled release. The modelling should be specific to the characteristics of the hydrocarbons contained in the Ichthys gas field, the likely volumes released in a worst case scenario spill, and the potential time over which the oil may be released in a worst case scenario spill, including a scenario of a minimum eleven (11) week uncontained spill;
- b) A description of resources available for use in containing and minimising impacts in the event of a spill and arrangements for accessing them;
- c) A demonstrated capacity to respond to a spill at the site, including application of dispersants, if required and appropriate, and measures that can feasibly be applied within the first 12 hours of a spill occurring;
- d) Identification of sensitive areas that may be impacted by a potential spill, in particular, Browse Island, specific response measures for those areas and prioritisation of those areas during a response;
- e) Details of the insurance arrangements that have been made in respect of paying the costs associated with operational and scientific monitoring, as outlined in the Operational and Scientific Monitoring Program required under condition 2 and repairing any environmental damage arising from potential oil spills, as determined necessary from the results of the Operational and Scientific Monitoring Program;
- f) Training of staff in spill response measures and identifying roles and responsibilities of personnel during a spill response; and
- g) Procedures for reporting oil spill incidents to the Department.

The Oil Spill Contingency Plan must be submitted at least three months prior to the commencement of drilling activities. The person taking the action must not commence drilling activities until the Oil Spill Contingency Plan is approved. The approved Oil Spill Contingency Plan must be implemented.

2. Operational and Scientific Monitoring Program

The person taking the action must develop and submit to the Minister for approval, an Operational and Scientific Monitoring Program that will be implemented in the event of an oil spill to determine the potential extent and ecosystem consequences of such a spill, including, but not limited to:

- a) Triggers for the initiation and termination of the Operational and Scientific Monitoring Program, including, but not limited to, spill volume, composition, extent, duration and detection of impacts;
- b) A description of the studies that will be undertaken to determine the operational response, potential extent of impacts, ecosystem consequences and potential environmental reparations required as a result of the oil spill.
- c) Details of the insurance arrangements that have been made in respect of paying the costs associated with operational and scientific monitoring, as outlined in the Operational and Scientific Monitoring Program, and repairing any environmental

damage arising from potential oil spills, as determined necessary from the results of the Operational and Scientific Monitoring Program;

- d) Inclusion of sufficient baseline information on the biota and the environment that may be impacted by a potential hydrocarbon spill, to enable an assessment of the impacts of such a spill;
- e) A strategy to implement the Operational and Scientific Monitoring Program, including timelines for delivery of results and mechanisms for the timely peer review of studies;
- f) In the event of an oil spill the person taking the action must pay all costs associated with all operational and scientific monitoring undertaken in response to the spill, as outlined in the approved Operational and Scientific Monitoring Program and any environmental remediation determined necessary by the results of the approved Operational and Scientific Monitoring Program ; and
- g) Provision for periodic review of the program.

The Operational and Scientific Monitoring Program must be submitted at least three months prior to the commencement of drilling activities. The person taking the action must not commence drilling activities until the Operational and Scientific Monitoring Program is approved. The approved Operational and Scientific Monitoring Program must be implemented.

3. Greenhouse Gas Management and Abatement Strategy

The person taking the action must submit for the Minister's approval a Greenhouse Gas Management and Abatement Strategy no less than 12 months prior to the project commencing production. The Greenhouse Gas Management and Abatement Strategy must demonstrate how the person taking the action will implement mitigation and/or compensation measures to offset the impact of offshore CO₂ emissions in the Commonwealth Marine Area. For the purpose of preparing the Greenhouse Gas Management and Abatement Strategy, an offset target for offshore emissions will be determined by the Minister in consultation with the person taking the action and will be consistent with any relevant published Federal Government Policy. Offshore production cannot commence until the Greenhouse Gas Management and Abatement Strategy is approved by the Minister.

- 4. If, at any time in the future, the action is regulated under legislation to reduce national greenhouse gas emissions, then the person taking the action must comply with the requirements addressed by that legislation and will no longer be required to submit and/or comply with the Greenhouse Gas Management and Abatement Strategy required in condition 3 of this approval, to the extent that the legislation addresses certain greenhouse gas emissions from the action.

5. Decommissioning Management Plan

The person taking the action must submit for the Minister's approval a Decommissioning Management Plan to mitigate the environmental effects of decommissioning the proposal within the Commonwealth marine area. The Decommissioning Management Plan must include a detailed risk assessment to justify leaving any infrastructure on the seafloor of the Commonwealth marine area and must be consistent with any published Commonwealth Government policy or legislation prevailing at the time. The plan must be submitted at least 12 months prior to the commencement of decommissioning. Decommissioning cannot commence until the plan is approved. The approved plan must be implemented.

6. Northern Australia Exercise Area

The person taking the action must negotiate the passage of the gas export pipeline through the Northern Australia Exercise Area to the satisfaction of the Department of Defence. Construction of the gas export pipeline may not commence until a Deed of Cooperation – Northern Australia Exercise Area, has been signed by both the Department of Defence and the person taking the action.

Note 1: the Deed of Cooperation will govern activities of both the Department of Defence and the person taking the action in the Northern Australia Exercise Area.

7. Offshore Waste Management Plan

The person taking the action must submit for the Minister's approval an Offshore Waste Management Plan or plans to mitigate the environmental effects of any wastes generated from the proposal within the Commonwealth marine area. The Offshore Waste Management Plan(s) must address the following:

- a) identify all sources of waste;
- b) describe any impacts associated with disposal of these wastes;
- c) clearly articulate the objectives of the plan and set measurable targets to demonstrate achievement of these;
- d) outline measures to avoid impacts;
- e) where impacts are unavoidable describe why they are unavoidable and measures to minimise impacts;
- f) identify all regulatory requirements relating to the disposal of waste and how these will be met;
- g) include a monitoring regime to determine achievement of objectives and success of measures used;
- h) outline reporting and auditing arrangements; and
- i) describe how the plan will apply the principles of adaptive management.

The plan(s) must be submitted at least three months prior to the commencement of the relevant activity to which they apply. The relevant activity may not commence until the plan is approved. The approved plan(s) must be implemented.

8. Liquid Discharge Management Plan

The person taking the action must submit for the Minister's approval a Liquid Discharge Management Plan or plans to mitigate the environmental effects of any liquid discharge from the proposal, including sewerage and surface water runoff. The Liquid Discharge Management Plan(s) must be for the protection of the Commonwealth marine area and habitat for listed species in Darwin Harbour and must:

- a) identify all sources of liquid discharge;
- b) describe any impacts associated with the discharge of liquids, including the cumulative impacts associated with the discharge of sewerage;
- c) clearly articulate the objectives of the plan and set measurable targets to demonstrate achievement of these;
- d) outline measures to avoid impacts;
- e) where impacts are unavoidable describe why they are unavoidable and measures to minimise impacts;
- f) demonstrate how any discharges into Darwin Harbour are consistent with the guidelines for discharges, and the water quality objectives for Darwin Harbour, developed under the National Water Quality Management Strategy;

- g) identify all regulatory requirements relating to the discharge of liquids and how these will be met;
- h) include a monitoring regime to determine achievement of objectives and success of measures used;
- i) outline reporting and auditing arrangements; and
- j) describe how the plan will apply the principles of adaptive management.

The plan(s) must be submitted at least three months prior to the commencement of the relevant activity to which they apply. The relevant activity may not commence until the plan is approved. Separate Liquid Discharge Management plans can be submitted for the management of liquid discharges in the Commonwealth Marine Area and Darwin Harbour. The approved plan(s) must be implemented.

9. **Noise Management Plan**

The person taking the action must submit for the Minister's approval a Noise Management Plan to avoid and mitigate the noise impacts associated with construction activities in Darwin Harbour on marine fauna. The Noise Management Plan must be for the protection of listed species in Darwin Harbour and must:

- a) identify all sources of noise that may adversely impact fauna in Darwin Harbour;
- b) describe any impacts associated with noise generated by pile driving and blasting;
- c) provide a schedule of expected pile driving and blasting activities;
- d) clearly articulate the objectives of the plan and set measurable targets to demonstrate achievement of these;
- e) outline measures to avoid impacts;
- f) where impacts are unavoidable describe why they are unavoidable and measures to minimise impacts;
- g) include a monitoring regime to determine achievement of objectives and success of measures used;
- h) provide for the involvement of an expert panel in the development of the plan and monitoring program required to detect and manage impacts;
- i) outline reporting and auditing arrangements; and
- j) describe how the plan will apply the principles of adaptive management.

In addition, the person taking the action is not permitted to undertake any blasting unless it can be demonstrated that all prudent and feasible alternatives have been ruled out and the Minister has given specific permission to allow blasting. If permission is granted the person taking the action must not undertake blasting activities for more than 28 days in total, without written approval from the Minister, and must not undertake blasting before sunrise or after sunset on any of these days.

The plan must be submitted at least three months prior to the commencement of any pile driving or blasting activities. Pile driving or blasting activities may not commence until the plan is approved. The approved plan must be implemented.

10. **Dredging and Spoil Disposal Management Plan**

The person taking the action must submit for the Minister's approval a Dredging and Spoil Disposal Management Plan for the protection of inshore dolphins, marine turtles and Dugong occupying Darwin Harbour. The Dredging and Spoil Disposal Management Plan must include, but is not limited to, the following:

- a) final methodologies for dredging including the method and timing of dredging activities;
- b) a schedule for dredging activities;
- c) a comparison of dredging methodologies proposed based on potential impacts on dolphins, turtles and Dugongs associated with individual methods, including noise and sediment plumes;
- d) justification of the dredging option/s chosen based on best practice at the time;
- e) mitigation measures, including measures for each type of dredge to avoid entrapment of marine turtles;
- f) methods to prevent, detect and respond to impacts on any number of marine turtles;
- g) measures that allow the alteration of dredging activities and/or implement mitigation methods in an adaptive management framework to ensure the protection of turtles, Dugongs and dolphins;
- h) the outcomes of hydrodynamic and sediment transport modelling required to predict impacts and finalise the design of the dredging campaign;
- i) contingencies to manage dredging if there is a significant departure from predicted impacts;
- j) an ecological monitoring program;
- k) the involvement of an expert panel in the development of the plan and monitoring program required to detect and manage impacts; and
- l) reporting and auditing arrangements

The plan must be submitted at least three months prior to the commencement of dredging. Dredging may not commence until the plan is approved. The approved plan must be implemented.

11. **Offsets**

The person taking the action must submit for the Minister's approval a Coastal Offset Strategy for the protection of listed threatened species and listed migratory species impacted by the proposal in Darwin Harbour. The Coastal Offset Strategy must include:

- a) High level details on the implementation of the following offsets outlined in the Northern Territory's letter to the Acting Secretary of the Department of Sustainability, Environment, Water, Population and Communities dated 23 May 2011, including a commitment and indicative schedule for the development of detailed sub-plans for each offset program
 - Publication of data collected for the Browse Basin and Kimberley coastline;
 - an integrated monitoring and research program for Darwin Harbour;
 - habitat mapping for Darwin Harbour Region (including Bynoe Harbour);
 - funding of Australian Research Council Linkage projects;
 - conservation management of marine megafauna in the western Top End; and
 - research on the conservation status, distribution and habitat use of coastal dolphins.

- b) Provision for the permanent protection of approximately 2000 ha of terrestrial vegetation and mangroves, or of an area as otherwise agreed by the Minister and provision for the management of the protected area(s) for the life of the project ;

Note 1: Permanent protection can include the acquisition and inclusion of an area in the conservation estate, covenanting arrangements on private land, other formal agreements with private landholders, or permanent changes to management regimes on Crown or Aboriginal land.

Note 2: This condition does not limit the provision of these offsets in synergy with any conditions of any other approving party

- c) Provision for the permanent protection of marine habitat for inshore dolphins, marine turtles and Dugong that is preferably, but not necessarily, adjacent to the protected mangrove vegetation and provision for the management of the protected area(s) for the life of the project.

Note 1: Permanent protection can include the acquisition and inclusion of an area in the conservation estate, covenanting arrangements on private land, other formal agreements with private landholders, or permanent changes to management regimes on Crown or Aboriginal land.

Note 2: This condition does not limit the provision of these offsets in synergy with any conditions of any other approving party

The Coastal Offset Strategy must include commitments to timeframes and funding arrangements, and be made available on the proponent's website. The strategy must be submitted for approval at least three months before construction activities commence in Darwin Harbour. No construction activities may commence in Darwin Harbour until the Coastal Offset Strategy is approved.

12. The person taking the action must maintain accurate records of activities associated with or relevant to the above conditions of approval, and make them available on request by the department. Such documents may be subject to audit by the department and used to verify compliance with the conditions of approval.
13. The person taking the action must submit an Environmental Performance Report detailing compliance with any plan, report, strategy, program or system (however described) referred to in relation to this approval. The date of the first Environmental Performance Report must be submitted to the Minister within 15 months from the commencement of operation with each subsequent report submitted within 12 months from the date of the previous report. The Environmental Performance Report must be made publicly available on the person taking the action's Australian website for the operational life of the action.
14. Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.
15. If the person taking the action wishes to carry out an action otherwise than in accordance with any plan, report, strategy, program or system (however described) approved in relation to this approval, the person may submit a revised plan, report, strategy, program or system (however described) for the Minister's approval. If the Minister approves a revised plan, report, strategy, program or system (however described) the person taking the action must implement that plan, report, strategy, program or system (however described) instead of the plan, report, strategy, program or system (however described) as originally approved.

16. If the Minister believes that it is necessary or desirable for the better protection of any relevant controlling provision to do so, the Minister may request that the person taking the action make specified revisions to any plans, reports, strategies, programs or systems (however described) approved pursuant to these conditions. The person taking the action must comply with any such request. The revised plans, reports, strategies, programs or systems (however described) must be implemented.
17. If the action has not been substantially commenced to the satisfaction of the Minister within 5 years of the date of this approval, the action must not commence without the written agreement of the Minister.
18. Within 30 days after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement.

Definitions

The **department** is the Australian Government Department responsible for the implementation of the *Environment Protection and Biodiversity Conservation Act 1999*.

Decommissioning: means the permanent removal of production equipment and facilities at the completion of the Ichthys Gas Field life.

Minister is the Australian Government Minister responsible for the *Environment Protection and Biodiversity Conservation Act 1999*.

Operations: means the commencement of gas extraction and transfer from subsea wells to the floating liquefied natural gas facility and liquefied natural gas tankers.

Construction: means all activities related to the installation and commissioning of the Ichthys gas field development conducted in Australia.

Sunrise and sunset: the times determined for each day of blasting using the calculator found on the following Geoscience Australia website:
<http://www.ga.gov.au/geodesy/astro/sunrise.jsp#gaz>

Relevant activity: the following are relevant activities for which certain management plans are required under this approval; construction and installation of onshore or offshore facilities and the operation of onshore or offshore facilities.



VARIATION TO CONDITIONS ATTACHED TO APPROVAL

Ichthys offshore and onshore processing facilities and subsea pipeline (EPBC 2008/4208)

This decision to vary a condition of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Approved action

| | |
|----------------------------------------|-----------------------------------------------------------------|
| Person to whom the approval is granted | INPEX Operations Australia Pty Ltd ABN 48 150 217 262 |
|----------------------------------------|-----------------------------------------------------------------|

| | |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Approved action | To develop the Ichthys Field in the Browse Basin to produce liquefied natural gas, liquefied petroleum gas and condensate and including the installation and operation of offshore extraction facilities in Ichthys Field, onshore processing facilities at Blaydin Point and 850-935km pipeline from Ichthys Field to Blaydin Point, Northern Territory, as described in the referral (EPBC 2008/4208) and the variation to the action dated 11 May 2011. |
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Variation

| | |
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| Variation of conditions of approval | The variation is: Delete condition 10 attached to the approval dated 27 June 2011 and substitute the condition specified below. |
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|----------------|----------------------------------------------------------------|
| Date of effect | This variation has effect on the date the instrument is signed |
|----------------|----------------------------------------------------------------|

Person authorised to make decision

| | |
|-------------------|----------------------------------------------------------------------------|
| name and position | Shane Gaddes A/g Assistant Secretary Compliance & Enforcement Branch |
|-------------------|----------------------------------------------------------------------------|

| | |
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| Signature | <i>S. Gaddes</i> |
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| | |
|------------------|---------------------|
| Date of decision | <i>5 April 2013</i> |
|------------------|---------------------|

Condition attached to the approval

10. Dredging and Spoil Disposal Management Plan

The person taking the action must submit for the Minister's approval a Dredging and Spoil Disposal Management Plan (DSDMP) for the protection of inshore dolphins, marine turtles and Dugong occupying Darwin Harbour. The DSDMP must include, but is not limited to, the following:

- a) final methodologies for dredging including the method and timing of dredging activities;
- b) a schedule for dredging activities;
- c) a comparison of dredging methodologies proposed based on potential impacts on dolphins, turtles and Dugongs associated with individual methods, including noise and sediment plumes;
- d) justification of the dredging option/s chosen based on best practice at the time;
- e) mitigation measures, including measures for each type of dredge to avoid entrapment of marine turtles;
- f) methods to prevent, detect and respond to impacts on any number of marine turtles;
- g) measures that allow the alteration of dredging activities and/or implement mitigation methods in an adaptive management framework to ensure the protection of turtles, Dugongs and dolphins;
- h) the outcomes of hydrodynamic and sediment transport modelling required to predict impacts and finalise the design of the dredging campaign;
- i) contingencies to manage dredging if there is a significant departure from predicted impacts;
- j) an ecological monitoring program, which must exist either in full within the DSDMP, or as a standalone document (see *Note 1* below) that is appropriately referenced in the DSDMP;
- k) the involvement of an expert panel in the development of the plan and monitoring program required to detect and manage impacts; and
- l) reporting and auditing arrangements

The DSDMP must be submitted at least three months prior to the commencement of dredging. Dredging for which the DSDMP has been prepared must not commence until the DSDMP is approved. The approved DSDMP must be implemented.

Note 1: Regarding condition 10(j); if the person taking the action wishes to prepare the ecological monitoring program as a standalone document, then the ecological monitoring program must be approved in writing by the Minister. Dredging must not commence until the ecological monitoring program is approved. The approved ecological program must be implemented.



REVOCATION OF CONDITIONS

Ichthys offshore and onshore processing facilities and subsea pipeline (EPBC 2008/4208)

This decision to vary a condition of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Approved action

| | |
|----------------------------------------|--------------------------------------------------------|
| Person to whom the approval is granted | INPEX Operations Australia Pty Ltd ACN: 150 217 262 |
|----------------------------------------|--------------------------------------------------------|

Approved action

To develop the Ichthys Field in the Browse Basin to produce liquefied natural gas, liquefied petroleum gas and condensate and including the installation and operation of offshore extraction facilities at Ichthys Field, onshore processing facilities at Blaydin Point and 850-935 pipeline from Ichthys Field to Blaydin Point, Northern Territory, as described in the referral (EPBC 2008/4208) and the variation to the action dated 11 May 2011.

Revocation of condition

The following conditions of the approval granted on 27 June 2011 are revoked pursuant to section 143(1)(c) of the EPBC Act

| | |
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| Condition 3 | The person taking the action must submit for the Minister's approval a Greenhouse Gas Management and Abatement Strategy no less than 12 months prior to the project commencing production. The Greenhouse Gas Management and Abatement Strategy must demonstrate how the person taking the action will implement mitigation and/or compensation measures to offset the impact of offshore CO ₂ emissions in the Commonwealth Marine Area. For the purpose of preparing the Greenhouse Gas Management and Abatement Strategy, an offset target for offshore emissions will be determined by the Minister in consultation with the person taking the action and will be consistent with any relevant published Federal Government Policy. Offshore production cannot commence until the Greenhouse Gas Management and Abatement Strategy is approved by the Minister. |
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| Condition 4 | If, at any time in the future, the action is regulated under legislation to reduce national greenhouse gas emissions, then the person taking the action must comply with the requirements addressed by that legislation and will no longer be required to submit and/ or comply with the Greenhouse Gas Management and Abatement Strategy required in condition 3 of this approval, to the extent that the legislation addresses certain greenhouse gas emissions from the action. |
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|----------------|----------------------------------------------------------------|
| Date of effect | This variation has effect on the date the instrument is signed |
|----------------|----------------------------------------------------------------|

Person authorised to make decision

| | |
|-------------------|----------------------------------------------------------------------------------|
| name and position | Barbara Jones Assistant Secretary North, West & Offshore Assessment Branch |
|-------------------|----------------------------------------------------------------------------------|

Signature

| | |
|------------------|--------------|
| Date of decision | 9 April 2013 |
|------------------|--------------|



VARIATION TO CONDITIONS ATTACHED TO APPROVAL

**Ichthys offshore and onshore processing facilities and subsea pipeline
(EPBC 2008/4208)**

This decision to vary a condition of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Approved action

| | |
|----------------------------------------|-----------------------------------------------------------------|
| Person to whom the approval is granted | INPEX Operations Australia Pty Ltd ABN 48 150 217 262 |
|----------------------------------------|-----------------------------------------------------------------|

| | |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Approved action | To develop the Ichthys Field in the Browse Basin to produce liquefied natural gas, liquefied petroleum gas and condensate and including the installation and operation of offshore extraction facilities in Ichthys Field, onshore processing facilities at Blaydin Point and 850-935km pipeline from Ichthys Field to Blaydin Point, Northern Territory, as described in the referral (EPBC 2008/4208) and the variation to the action dated 11 May 2011. |
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Variation

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| Variation of conditions of approval | The variation is: Delete condition 9 attached to the approval dated 27 June 2011 and substitute the condition specified below. |
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|----------------|----------------------------------------------------------------|
| Date of effect | This variation has effect on the date the instrument is signed |
|----------------|----------------------------------------------------------------|

Person authorised to make decision

| | |
|-------------------|----------------------------------------------------------------------------------------------------------------------------|
| name and position | Shane Gaddes Assistant Secretary Compliance and Enforcement Branch Environment Assessment and Compliance Division |
|-------------------|----------------------------------------------------------------------------------------------------------------------------|

Signature

S. Gaddes

| | |
|------------------|--------------|
| Date of decision | 6 March 2014 |
|------------------|--------------|

Condition attached to the approval

9. Noise Management Plan

The person taking the action must submit for the Minister's approval a Noise Management Plan (or multiple plans) to avoid and mitigate the noise impacts on marine fauna associated with construction activities in Darwin Harbour or the Commonwealth marine area. The Noise Management Plan/s must be for the protection of listed species in Darwin Harbour or the Commonwealth marine area (whichever area the construction activities are to be undertaken) and must:

- a) identify all sources of noise that may adversely impact fauna in Darwin Harbour or the Commonwealth marine area;
- b) describe any impacts associated with noise generated by pile driving and blasting;
- c) provide a schedule of expected pile driving and blasting activities;
- d) clearly articulate the objectives of the plan and set measurable targets to demonstrate achievement of these;
- e) outline measures to avoid impacts;
- f) where impacts are unavoidable describe why they are unavoidable and measures to minimise impacts;
- g) include a monitoring regime to determine achievement of objectives and success of measures used;
- h) provide for the involvement of an expert panel in the development of the plan and monitoring program required to detect and manage impacts;
- i) outline reporting and auditing arrangements; and
- j) describe how the plan will apply the principles of adaptive management.

In addition, the person taking the action is not permitted to undertake any blasting unless it can be demonstrated that all prudent and feasible alternatives have been ruled out and the Minister has given specific permission to allow blasting. If permission is granted the person taking the action must not undertake blasting activities for more than 28 days in total, without written approval from the Minister, and must not undertake blasting before sunrise or after sunset on any of these days.

The plan/s must be submitted at least three months prior to the commencement of any pile driving or blasting activities to which the plan applies. Pile driving or blasting activities may not commence until the plan is approved. The approved plan must be implemented.



VARIATION TO CONDITIONS ATTACHED TO APPROVAL

Ichthys offshore and onshore processing facilities and subsea pipeline (EPBC 2008/4208)

This decision to vary a condition of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Approved action

Person to whom the approval is granted
INPEX Operations Australia Pty Ltd
ABN 48 150 217 262

Approved action
To develop the Ichthys Field in the Browse Basin to produce liquefied natural gas, liquefied petroleum gas and condensate and including the installation and operation of offshore extraction facilities in Ichthys Field, onshore processing facilities at Blaydin Point and 850-935km pipeline from Ichthys Field to Blaydin Point, Northern Territory, as described in the referral (EPBC 2008/4208) and the variation to the action dated 11 May 2011.

Variation

Variation of conditions of approval
The variation is:
Delete condition 1, 7 and 8 attached to the approval dated 27 June 2011 and as varied on 5 April 2013, 9 April 2013 and 6 March 2014, and substitute with conditions 1, 7 and 8 specified below.

Date of effect
This variation has effect on the date the instrument is signed

Person authorised to make decision

name and position
Shane Gaddes
Assistant Secretary
Compliance & Enforcement Branch

Signature

S. Gaddes

Date of decision

3 February 2015

Condition attached to the approval

1. Oil Spill Contingency Plan

The person taking the action must develop and submit to the Minister for approval, an Oil Spill Contingency Plan that demonstrates the response preparedness of the person taking the action for any hydrocarbon spills, including the capacity to respond to a spill and mitigate the environmental impacts on the Commonwealth marine area and listed species habitat within offshore areas and Darwin Harbour. The Plan must include, but is not limited to:

- a) Oil spill trajectory modelling for potential spills from the action. This should include consideration of a well blow out or uncontrolled release. The modelling should be specific to the characteristics of the hydrocarbons contained in the Ichthys gas field, the likely volumes released in a worst case scenario spill, and the potential time over which the oil may be released in a worst case scenario spill, including a scenario of a minimum eleven (11) week uncontained spill;
- b) A description of resources available for use in containing and minimising impacts in the event of a spill and arrangements for accessing them;
- c) A demonstrated capacity to respond to a spill at the site, including application of dispersants, if required and appropriate, and measures that can feasibly be applied within the first 12 hours of a spill occurring;
- d) Identification of sensitive areas that may be impacted by a potential spill, in particular, Browse Island, specific response measures for those areas and prioritisation of those areas during a response;
- e) Details of the insurance arrangements that have been made in respect of paying the costs associated with operational and scientific monitoring, as outlined in the Operational and Scientific Monitoring Program required under condition 2 and repairing any environmental damage arising from potential oil spills, as determined necessary from the results of the Operational and Scientific Monitoring Program;
- f) Training of staff in spill response measures and identifying roles and responsibilities of personnel during a spill response; and
- g) Procedures for reporting oil spill incidents to the Department.

The Oil Spill Contingency Plan must be submitted prior to the commencement of drilling activities. The person taking the action must not commence drilling activities until the Oil Spill Contingency Plan is approved. The approved Oil Spill Contingency Plan must be implemented.

7. Offshore Waste Management Plan

The person taking the action must submit for the Minister's approval an Offshore Waste Management Plan or plans to mitigate the environmental effects of any wastes generated from the proposal within the Commonwealth marine area. The Offshore Waste Management Plan(s) must address the following:

- a) identify all sources of waste;
- b) describe any impacts associated with disposal of these wastes;
- c) clearly articulate the objectives of the plan and set measurable targets to demonstrate achievement of these;
- d) outline measures to avoid impacts;
- e) where impacts are unavoidable describe why they are unavoidable and measures to minimise impacts;
- f) identify all regulatory requirements relating to the disposal of waste and how these will be met;

- g) include a monitoring regime to determine achievement of objectives and success of measures used;
- h) outline reporting and auditing arrangements; and
- i) describe how the plan will apply the principles of adaptive management.

The plan(s) must be submitted prior to the commencement of the relevant activity to which they apply. The relevant activity may not commence until the plan is approved. The approved plan(s) must be implemented.

8. **Liquid Discharge Management Plan**

The person taking the action must submit for the Minister's approval a Liquid Discharge Management Plan or plans to mitigate the environmental effects of any liquid discharge from the proposal, including sewerage and surface water runoff. The Liquid Discharge Management Plan(s) must be for the protection of the Commonwealth marine area and habitat for listed species in Darwin Harbour and must:

- a) identify all sources of liquid discharge;
- b) describe any impacts associated with the discharge of liquids, including the cumulative impacts associated with the discharge of sewerage;
- c) clearly articulate the objectives of the plan and set measurable targets to demonstrate achievement of these;
- d) outline measures to avoid impacts;
- e) where impacts are unavoidable describe why they are unavoidable and measures to minimise impacts;
- f) demonstrate how any discharges into Darwin Harbour are consistent with the guidelines for discharges, and the water quality objectives for Darwin Harbour, developed under the National Water Quality Management Strategy;
- g) identify all regulatory requirements relating to the discharge of liquids and how these will be met;
- h) include a monitoring regime to determine achievement of objectives and success of measures used;
- i) outline reporting and auditing arrangements; and
- j) describe how the plan will apply the principles of adaptive management.

The plan(s) must be submitted prior to the commencement of the relevant activity to which they apply. The relevant activity may not commence until the plan is approved. Separate Liquid Discharge Management plans can be submitted for the management of liquid discharges in the Commonwealth Marine Area and Darwin Harbour. The approved plan(s) must be implemented.



VARIATION TO CONDITIONS ATTACHED TO APPROVAL

Ichthys offshore and onshore processing facilities and subsea pipeline Project (EPBC No 2008/4208)

This decision to vary a condition of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Approved action

| | |
|-----------------------------------------------|-----------------------------------------------------------|
| Person to whom the approval is granted | Inpex Operations Australia Pty Ltd ABN: 48 150 217 262 |
|-----------------------------------------------|-----------------------------------------------------------|

| | |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Approved action | To develop the Ichthys Field in the Browse Basin to produce liquefied natural gas, liquefied petroleum gas and condensate and including the installation and operation of offshore extraction facilities in Ichthys Field, onshore processing facilities at Blaydin Point and 850-935km pipeline from Ichthys Field to Blaydin Point, Northern Territory, as described in the referral (EPBC 2008/4208) and the variation to the action dated 11 May 2011. |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Variation

| | |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Variation of conditions of approval | <p>The variation is:</p> <p>Delete conditions 5, 13, and 16 and the definitions for 'Minister' and 'Department' attached to the approval dated 27 June 2011 and substitute with the conditions and definitions specified below.</p> <p>Add condition 19, 19A and 19B and the definitions for 'Environment Plan', 'in force', 'NOPSEMA' and 'OPGGS Environment Regulations' specified below.</p> |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | |
|-----------------------|----------------------------------------------------------------|
| Date of effect | This variation has effect on the date the instrument is signed |
|-----------------------|----------------------------------------------------------------|

Person authorised to make decision

| | |
|--------------------------|------------------------------------------------------------------------|
| name and position | Shane Gaddes Assistant Secretary Compliance & Enforcement Branch |
|--------------------------|------------------------------------------------------------------------|

| | |
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| Signature | |
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| | |
|-------------------------|-------------|
| Date of decision | 27 May 2015 |
|-------------------------|-------------|

Conditions attached to the approval

5. The person taking the action must submit for the **Minister's** approval a Decommissioning Management Plan to mitigate the environmental effects of **decommissioning** the proposal within the Commonwealth marine area. The Decommissioning Management Plan must include a detailed risk assessment to justify leaving any infrastructure on the seafloor of the Commonwealth marine area and must be consistent with any published Commonwealth Government policy or legislation prevailing at the time. **Decommissioning** cannot commence until the plan is approved. The approved plan must be implemented.

13. The person taking the action must submit a Compliance Report detailing compliance with any plan, report, strategy or program (however described) referred to in relation to this approval. The date of the first Compliance Report must be submitted to the **Minister** within 15 months from the commencement of operation with each subsequent report submitted within 12 months from the date of the previous report. The Compliance Report must be made publicly available on the person taking the action's Australian website for the operational life of the action.

The Compliance Report is not required to include activities conducted within the Commonwealth Marine Area.

The person taking the action may cease complying with condition 13 if they have written agreement from the **Minister**.

16. If the **Minister** believes that it is necessary or desirable for the better protection of any relevant controlling provision to do so, the **Minister** may request that the person taking the action make specified revisions to any plans, strategies or programs (however described) approved pursuant to these conditions. The person taking the action must comply with any such request. The revised plans, strategies or programs (however described) must be implemented.

This condition does not apply to plans, strategies or programs (however described) for which condition 19A applies.

19. A plan, strategy or program (however described) required by conditions 1, 2, 5, 7, 8, 9 or 15 is automatically deemed to have been submitted to, and approved by, the **Minister** if the measures (as specified in the relevant condition) are included in an **environment plan** (or **environment plans**) relating to the taking of the action that:

- a) was submitted to **NOPSEMA** after 27 February 2014; and

- b) either:

- i) is **in force** under the **OPGGS Environment Regulations**; or

- ii) has ended in accordance with regulation 25A of the **OPGGS Environment Regulations**.

- 19A. Where a plan, strategy or program (however described) required by conditions 1, 2, 7, 8, 9 or 15 has been approved by the **Minister** and the measures (as specified in the relevant condition) are included in an **environment plan** (or **environment plans**) that:

- a) was submitted to **NOPSEMA** after 27 February 2014; and

b) either:

- i) is **in force** under the **OPGGS Environment Regulations**; or
- ii) has ended in accordance with regulation 25A of the **OPGGS Environment Regulations**,

the plan, strategy or program (however described) approved by the **Minister** no longer needs to be implemented.

- 19B. Where an **environment plan** which includes measures specified in the conditions referred to in conditions 19 and 19A above, is **in force** under the **OPGGS Environment Regulations** that relates to the taking of the action, the person taking the action must comply with those measures as specified in that **environment plan**.

Definitions

Department: the Australian Government Department or any other agency administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) from time to time.

Environment Plan: an environment plan as existing from time to time which has the meaning given in the **OPGGS Environment Regulations**.

In force: in relation to an **environment plan**, has the meaning given in the **OPGGS Environment Regulations**.

Minister: the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and includes a delegate of the Minister.

NOPSEMA: the National Offshore Petroleum Safety and Environmental Management Authority or any other agency that administers the **OPGGS Environment Regulations** from time to time.

OPGGS Environment Regulations: Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (Cth) as **in force** or existing from time to time.



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Ref: C075-IPX-DEE-LE-00208

22 September 2017

s22

Assistant Director
Department of the Environment and Energy
GPO Box 787
Canberra ACT 2601

Dear s22

EPBC 2008/4208: Request for Variation to Condition 15

As allowed for under Section 143(1B) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), INPEX Operations Australia Pty Ltd (INPEX) is writing to formally request a variation to EPBC 2008/4208 Condition 15. INPEX is seeking a variation to allow for a risk-based approach to be taken for matters requiring re-approval, aligning with the approach of co-regulators such as the Northern Territory Environment Protection Authority (NT EPA) under the *Waste Management and Pollution Control Act* (WMPC Act) and also with the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) under the *Offshore Petroleum and Greenhouse Gas Storage (Environment) (OPGGG(E)) Regulations*.

A variation to EPBC 2008/4208 Condition 15 would allow a streamlined approach to regulatory approvals across two jurisdictions and provide greater flexibility to allow for:

- administrative changes, such as formatting, correction of typographical errors
- inclusion of reference to other documents (i.e. if new guidelines that are relevant become available)
- minor updates to elements of Plans that are not considered under Approval Decision EPBC 2008/4208 conditions (e.g. air quality management, or changes to INPEX's HSEQ Management System, and so on)
- changes that do not alter the risk profile or increase the risk to the Commonwealth marine area or habitat of listed species within offshore areas and Darwin Harbour, as required.

In these instances, INPEX is seeking approval from the Department to provide such updated Plans for information only, rather than for re-approval.

Further, the proposed variation is in-line with the approach taken by other co-regulators whereby a risk-based approach, is taken to determine when a regulatory plan/document needs to be re-submitted for assessment (refer Table 1). In these cases, a management of change process is implemented to assess and document the potential risk associated with a proposed change, and the outcome is used to determine the regulatory pathway to be taken (e.g. submit for re-assessment or submit for information only).

E

Table 1: Examples of co-regulator requirements

| Requirement | NT EPA <i>Example: Environment Protection Approval (EPA7-6) requirements for the CEMP</i> | NOPSEMA <i>Example: Ichthys Project Offshore Facility (Operation) Environment Plan</i> |
|-------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submit for regulatory assessment | <p>Condition 10 of EPA7-6 requires the CEMP or Addendum to the CEMP to be submitted to NT EPA for approval, where any works not addressed in the approved Plan will or may cause or increase the potential for environmental harm, such as by the increase in emissions or discharges.</p> <p>In these circumstances, the following occurs:</p> <ul style="list-style-type: none"> • the CEMP is revised, or an Addendum to the CEMP is prepared to incorporate the change • the revised CEMP or CEMP Addendum reviewed and endorsed by a qualified person • the revised CEMP or CEMP Addendum, including a copy of the qualified person's certified review, is submitted to the NT EPA at least 30 business days prior to implementation of the works. | <p>Regulation 17 of the OPGGS (E) Regulations 2009 has specific triggers which require revision and resubmission of an Environment Plan (EP) to NOPSEMA. Those that relate to significant new impacts are as follows:</p> <ul style="list-style-type: none"> • a change will create a significant new environmental impact or risk that is not provided for in the current EP • a change will result in a series of new (or increased) environmental impacts or risks that, together, will result in a significant new environmental impact or risk, or a significant increase in an existing environmental impact or risk. <p>In these circumstances, the following occurs:</p> <ul style="list-style-type: none"> • the EP is revised to incorporate the change • the revised EP is submitted to NOPSEMA for assessment and acceptance. <p>The proposed change cannot be implemented until NOPSEMA has accepted the EP.</p> |
| Submit for information only OR maintain a management of change register | <p>Condition 11 of EPA7-6 allows for amendment of the CEMP and submission to the NT EPA for information only, if amendments relate to typographical changes (i.e. formatting, correction of typographical errors or inclusion of references) or amendments that do not trigger the requirement to resubmit for assessment under Condition 10 (i.e. if there is an increase in environmental harm associated with the change). Under Condition 11, the amended CEMP is submitted for information only.</p> <p>NT EPA requires that this is within 10 business days of the Plan being revised.</p> | <p>For other all other changes, which do not result in Regulation 1/ being triggered, a management of change register is maintained and quarterly the EP is revised to incorporate these.</p> <p>Unlike NT EPA, NOPSEMA does not require the revised EP to be submitted for information, but it does review the management of change register during its routine inspections.</p> |

A recent example of where a streamlined approach would have been beneficial is related to a revision of the Construction Environmental Management Plan (CEMP). The CEMP was submitted to the NT EPA as required by EPA7, and to DEE as required by EPBC 2008/4208 Condition 8, to seek approval of the Liquid Discharge Management Plan (LDMP) component only. This approach of submitting the entire CEMP to DEE, in lieu of an LDMP, was agreed with DEE as a measure to ensure there was a single regulatory document for compliance purposes rather than two separate documents. The CEMP necessarily includes matters not considered under EPBC 2008/4208 Condition 8 and recently required an update to reflect an amended organisational arrangement between INPEX and its head Contractor, as the Project Site transitions towards the operations phase. Under Condition 15, INPEX was required to submit the amended CEMP to DEE for approval, despite the change not having any direct bearing on management of liquid discharges on Site and no change to the elements of Condition 8. In contrast, for the same change, INPEX was only required to submit the amended CEMP to the NT EPA for information. As such, a variation to Condition 15 would allow Plans to be provided to the DEE for information only, rather than for re-approval, where such instances arise.

Note that the DEE-approved CEMP and other plans previously approved or currently with the Department for approval, include a management of change process consistent with this proposal, which INPEX has not been able to implement because of the Condition 15.

INPEX proposes that:

- DEE would be provided for information a clean and marked-up copy of the amended Plan(s) to clearly illustrate where the change(s) have been made, when:
 - a minor administrative change is required to the Plan(s), such as to update references, add new regulatory requirements or amend typographic errors
 - a change to an existing activity, or a new activity is proposed that can be managed under already described management measures, where such a change is risk assessed and can be demonstrated to not alter the risk profile
- The amended Plan(s) would be provided to DEE within 10 business days, unless otherwise agreed with DEE.

The proposed change would reduce regulatory burden on INPEX, through removal of a requirement inconsistent with processes implemented by other regulators, while also ensuring that DEE has the ability to assess (and approve) changes that have the potential to alter the risk profile in the previously approved Plan(s).

The proposed variation to EPBC 2008/4208 Condition 15 may affect the following Plans:

- Ichthys Onshore LNG Facilities Construction Environmental Management Plan (CEMP; L092-AH-PLN-10001)
- Onshore Operations Environmental Management Plan (L060-AH-PLN-60005)
- Maintenance Dredging and Spoil Disposal Management Plan (L060-AH-PLN-60010)
- Ichthys LNG Project Nearshore Operations Oil Pollution Emergency Plan (X060-AH-PLN-60003)
- Umbilicals, Risers and Flowlines Oil Spill Contingency Plan (E075-AH-PLN-10002)
- Umbilicals, Risers and Flowlines Offshore Waste Management Plan (E100-AH-PLN-0009)
- Umbilicals, Risers and Flowlines Offshore Liquid Discharge Management Plan (E100-AH-PLN-10006).

In support of this request, this letter includes:

- proposed wording for the Varied EPBC 2008/4208 Condition 15, for your consideration (Attachment A)
- a summary of environmental performance for the Ichthys Project to date (Attachment B).

We welcome the opportunity to discuss further the above proposed amendment to Condition 15, should this be required.

Yours sincerely,

s47F

s47F

Environmental Manager

Attachment A–Proposed wording for the Varied EPBC 2008/4208 Condition 15
Attachment B–Summary of environmental performance for the Ichthys Project

Attachment A–Proposed wording for the Varied EPBC 2008/4208 Condition 15

The proposed wording for the Varied EPBC 2008/4208 Condition 15 is provided for your consideration in Table 2. Additional text is shown in italics.

Table 2: Proposed wording Varied EPBC 2008/4208 Condition 15

| EPBC 2008/4208 Condition 15 | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Current wording | Proposed wording |
| <p>If the person taking the action wishes to carry out an action otherwise than in accordance with any plan, report, strategy, program or system (however described) approved in relation to this approval, the person may submit a revised plan, report, strategy, program or system (however described) for the Minister's approval. If the Minister approves the revised plan, report, strategy, program or system (however described) the person taking the action must implement that plan, report, strategy, program or system (however described) instead of the plan, report, strategy, program or system (however described) as originally approved.</p> | <p>If the person taking the action wishes to carry out an action otherwise than in accordance with any plan, report, strategy, program or system (however described) approved in relation to this approval, the person may submit a revised plan, report, strategy, program or system (however described) for the Minister's approval. If the Minister approves the revised plan, report, strategy, program or system (however described) the person taking the action must implement that plan, report, strategy, program or system (however described) instead of the plan, report, strategy, program or system (however described) as originally approved.</p> <p><i>Where the person wishes to revise a plan, report, strategy, program or system (however described) and the revision only includes:</i></p> <ul style="list-style-type: none"> • <i>administrative changes such as formatting and correction of typographical errors,</i> • <i>amendments to reference to other documents or inclusion of new regulatory requirements,</i> • <i>updates to elements of Plans that are not considered under Approval Decision EPBC 2008/4208 conditions, or</i> • <i>changes that don't alter the risk profile as described in an approved plan, report, strategy, program or system (however described) or increase the risk to the Commonwealth marine area or habitat of listed species within offshore areas and Darwin Harbour,</i> <p><i>the person must submit a revised copy of the plan, report, strategy, program or system (however described) within 10 business days of the amendment (unless otherwise agreed) to the Minister for information.</i></p> |

Attachment B–Summary of environmental performance for the Ichthys Project

Throughout the construction phase of the project, INPEX has displayed an exemplary record. INPEX has not been involved in any legal proceedings involving matters of compliance with environmental laws.

To date the Project has only experienced eight (8) reportable environmental incidents. The Project has also provided the Department six (6) marine fauna mortality notifications, however these have not been attributable to Project activities. Further information regarding these incidents is detailed in Table 3.

Table 3: Summary of environmental performance

| Date | Summary of Incident | Outcome | Status |
|------------------------|-----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 27/8/2012 and 2/9/2012 | Disposal of dredge spoil material outside of the approved dredge spoil disposal ground. | <p>INPEX confirmed on 17 September 2012 that some disposed dredge material had been identified outside the boundary of the dredge spoil disposal area. The height of the disposed material was likely to be 1m above the seabed at the highest point and unlikely to pose a navigational hazard.</p> <p>Following the incident, a minimum 50m internal buffer from the boundary of the spoil disposal area was established.</p> <p>DEE issued a show cause letter followed by an infringement notice (EACD 13/016) which was paid.</p> | Closed |
| 11/11/2012 | Marine fauna mortality notification - Hawksbill Turtle | The deceased turtle was identified floating in the water with the lower portion of the carapace missing. The turtle's injuries are believed to be a result of a shark bite. | Closed |
| 14/12/2012 | Hydraulic oil spill approximately 200L | <p>The Backhoe Dredger Simson released approximately 200L of hydraulic oil to water as a result of a failed hydraulic line during backhoe dredging activities. A floating boom was deployed immediately to contain any slick and sorbent pads were used to recover any oil. There were no reports of oil slick outside of the containment area.</p> <p>No action was taken by DEE.</p> | Closed |
| 19/12/2012 | Leakage of dredge material outside of approved dredge spoil disposal ground. | <p>The <i>Volvox Terranova</i> released a portion of its hopper load whilst being loaded and en route to the spoil ground. Approximately 6,000m³ of material and water is estimated to have been released over a four hour period with the majority of the material expected to have been gradually released along the ~45 km existing shipping channel to the spoil disposal ground.</p> <p>The seabed along the existing shipping channel is common seabed substrate (soft-bottom benthos and common filter-feeder sediments).</p> <p>No action was taken by DEE.</p> | Closed |
| 22/12/2012 | Spill of approximately 5L of marine gas oil to water | <p>The <i>Oceanus</i> made contact with the <i>Volvox Terranova</i> causing a rupture to the <i>Terranova's</i> day tank resulting in a spill of approximately 5L of oil to water.</p> <p>The damaged tank was temporarily blocked to prevent further leak and was then drained. A containment boom was deployed to contain as much diesel as possible.</p> <p>No action was taken by DEE.</p> | Closed |
| 4/1/2013 | Traversal of Catalina heritage protection zones | <p>A vessel traversed one or more Project-imposed control zones over maritime heritage zones, and potential traversal of the Catalina 6 exclusion zone. There were no instances of vessels coming into physical contact with the wrecks.</p> <p>Initiatives and actions arising from the incident included but was not limited to diving surveys of the Catalina 6 and 6, conducting 3-monthly hydrographic multi-beam surveys of wreckages and producing differential depth charts to assess seabed differences over time, an independent audit conducted by a maritime archaeologist of Contractor's compliance with Project legislative requirements related to heritage.</p> | Closed |

| Date | Summary of Incident | Outcome | Status |
|------------|--------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 23/03/2013 | Marine fauna mortality notification - Green turtle | The carapace of the deceased turtle was broken and the inner organs exposed. The cause of death is unknown. | Closed |
| 23/04/2013 | Marine fauna mortality notification - Hawksbill turtle | The lower half of the carapace of the deceased turtle was missing. The cause of death is unknown however it is believed to have been as a result of a boat strike. | Closed |
| 7/11/2013 | Marine fauna mortality notification - Flatback turtle | The cause of death of the turtle is unknown however injuries noted to be as a result of a shark attack. NT WildWatch believed the turtle to be a Green turtle. | Closed |
| 9/11/2013 | Marine fauna mortality notification - Flatback turtle | The deceased turtle was missing the rear half of the carapace. Cause of death unknown. | Closed |
| 11/11/2013 | Breach of project-imposed maritime heritage zone control zones, and the Catalina 6 exclusion zone | <p>During severe weather, the <i>Oceanus</i> multicat traversed through the Catalina 6 exclusion zone at a speed of approximately 5 knots however did not travel directly over the wreck site. The likelihood for impact to the Catalina 6 from the vessel movement was considered to be low.</p> <p>Following the incident, corrective actions included, but was not limited to installation of new survey charts on all auxiliary vessels to include new broadened Catalina 6 exclusion zones, and installation of acoustic alarms on all auxiliary equipment.</p> <p>DEE issued a show cause letter. No further action was taken.</p> | Closed |
| 19/12/2013 | Partial loss of spoil material from the Trailing Suction Hopper Dredge, the Rotterdam, outside of the spoil ground | <p>The TSHD released some of its load en route to the spoil ground. The habitat in the area in which the material was released is widespread within the Beagle Gulf and is not considered to be significant foraging habitat to marine fauna considered to be of national environmental significance.</p> <p>DEE issued a show cause letter. No further action was taken.</p> | Closed |
| 7/01/2014 | Marine fauna mortality notification - Green turtle | The deceased turtle was located floating in Hudson Creek. The cause of death is unknown and the turtle was in an advanced state of decomposition. | Closed |
| 14/04/2014 | Flatback entrainment in the hopper of the Trailing Suction Hopper Dredge, Queen of the Netherlands. | The turtle was captured and released into the wild without injury and was observed to be in good health. Due to the size of the turtle and absence of significant injuries, it was considered likely that the turtle entered during a previous visit to the spoil disposal area rather than via the draghead and pumps. | Closed |

From: s47F s47F
Sent: Tuesday, 24 October 2017 12:19 PM
To: s22
Cc: s47F
Subject: INPEX DEE approved plans
Attachments: DEE approved plans 20171024.pdf

F

Hi s22

Apologies for the delay. As requested please see attached a list of plans approved by DEE (inclusive of original revision/approval date and most recent revision/approval date). Note I have divided these into three tables:

- current active plans approved by DEE
- plans yet to be submitted for approval by DEE
- plans that are no longer active due to one of the following reasons:
 - cease of activity; or
 - plan components have been incorporated into a EP accepted by NOPSEMA under the new regulations (as allowed for under Condition 19); or
 - plan components have been incorporated into an overarching management plan (i.e. Construction Environmental Management Plan), which is submitted for approval to DEE.

Please do not hesitate to contact me if you have any questions on the information provided, or you have any issues opening the attached document.

Kind regards

s47F

s47F

Environmental Approvals and Compliance Advisor
Level 22 100 St Georges Terrace
Perth WA 6000

s47F

INPEX.com.au



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Table 1. Current plans approved by DEE

| Condition No# | Document | Original approval | | Current status | | Comments |
|-------------------------------------|----------------------------------------------------------------|-------------------|------------|------------------------|------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| | | Approval date | Revision | Revision approval date | Current revision | |
| 1. Oil Spill Contingency Plan | Nearshore Operations Oil Pollution Emergency Plan | 23-Feb-17 | Rev 1 | No further revision | Rev 1 | N/A |
| 1. Oil Spill Contingency Plan | Umbilicals, Risers, Flowlines Oil Spill Contingency Plan | 2/04/2014 | Rev 1 | No further revision | Rev 1 | Anticipated activity covered by this plan will cease end of Q3 2017 |
| 2. Offshore Waste Management Plan | Umbilicals, Risers, Flowlines Offshore Waste Management Plan | 28/02/14 | Rev 1 | No further revision | Rev 1 | Anticipated activity covered by this plan will cease end of Q3 2017 |
| 8. Liquid Discharge Management Plan | Onshore Construction Environmental Management Plan (CEMP) | 25/05/16 | Revision 1 | 19/04/17 | Revision 2 | The stand-alone liquid discharge management plan (Refer Table 3) for onshore construction has now been incorporated into the Onshore CEMP |
| 8. Liquid Discharge Management Plan | Umbilicals, Risers, Flowlines Liquid Discharge Management Plan | 28/02/2014 | Revision 1 | No further revision | Revision 1 | Anticipated activity covered by this plan will cease end of Q3 2017 |

Table 2: Plans yet to be submitted for DEE approval

| Condition No# | Document | Original approval | | Current status | | Comments |
|-------------------------------------------------|---------------------------------------------------------|----------------------------------------|----------------------------------------|------------------------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | Approval date | Revision | Revision approval date | Current revision | |
| 5. Decommissioning Management Plan | N/A | N/A | N/A | N/a | N/A | Not yet required. |
| 8. Liquid Discharge Management Plan | Operations Environmental Management Plan | Yet to be submitted for final approval | Yet to be submitted for final approval | N/A | N/A | Liquid discharge management plan incorporated into Operations Environmental Management Plan. Anticipated to be submitted in early November for approval. |
| 10. Dredging and Spoil Disposal Management Plan | Maintenance Dredging and Spoil Disposal Management Plan | Yet to be submitted for final approval | Yet to be submitted for final approval | N/A | N/A | Anticipated to be submitted in early November for approval. |

Table 3: DEE Plans which are no longer active due to cease of activity, incorporation into NOPSEMA accepted EPs under the new OPGGS (E) Regulations or incorporation into other management plans (i.e. CEMP).

| Condition No# | Document | Original approval | | Current status | | Comments |
|-----------------------------------------------|-----------------------------------------------------------------|-------------------|------------|------------------------|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | Approval date | Revision | Revision approval date | Current revision | |
| 1. Oil Spill Contingency Plan | Development Drilling Oil Spill Contingency Plan | 30/04/2014 | Revision 1 | No further revision | N/A | Plan no longer applicable as OSCP for development drilling is now incorporated into an EP accepted by NOPSEMA under the new regulations as allowed for under Condition 19. |
| 1. Oil Spill Contingency Plan | Gas Export Pipeline Oil Spill Contingency Plan - Pipelay | 01/07/14 | Revision 1 | No further revision | N/A | Activity ceased. |
| 2. Offshore Waste Management Plan | Development Drilling Offshore Waste Management Plan | 28/02/14 | Revision 1 | No further revision | N/A | Plan no longer applicable as OSCP for development drilling is now incorporated into an EP accepted by NOPSEMA under the new regulations as allowed for under Condition 19. |
| 2. Offshore Waste Management Plan | Gas Export Pipeline Offshore Waste Management Plan | 28/02/14 | Revision 1 | No further revision | N/A | Activity ceased. |
| 7. Operational and Scientific Monitoring Plan | Development Drilling Operational and Scientific Monitoring Plan | 30/04/14 | Revision 0 | No further revision | N/A | Plan no longer applicable as OSCP for development drilling is now incorporated into an EP accepted by NOPSEMA under the new regulations as allowed for under Condition 19. |
| 8. Liquid Discharge Management Plan | Onshore Construction Liquid Discharge Management Plan | 13/04/12 | Revision 0 | 03/12/2015 | Revision 15 | The stand-alone liquid discharge management plan for onshore construction has now been incorporated into the Onshore Construction Environmental Management Plan (refer to Table 1.) |

| Condition No# | Document | Original approval | | Current status | | Comments |
|-------------------------------------|------------------------------------------------------------------------|-------------------|------------|------------------------|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | Approval date | Revision | Revision approval date | Current revision | |
| 8. Liquid Discharge Management Plan | Development Drilling Liquid Discharge Management Plan | 28/02/2014 | Revision 0 | No further revision | Revision 0 | Plan no longer applicable as OSCP for development drilling is now incorporated into an EP accepted by NOPSEMA under the new regulations as allowed for under Condition 19. |
| 8. Liquid Discharge Management Plan | Gas Export Pipeline Onshore/Nearshore Liquid Discharge Management Plan | 25/05/2014 | Revision 0 | 17/04/2015 | Revision 4 | Activity ceased |
| 8. Liquid Discharge Management Plan | Gas Export Pipeline Offshore Liquid Discharge Management Plan | 28/02/2014 | Revision 0 | No further revision | Revision 0 | Activity ceased |
| 8. Liquid Discharge Management Plan | Gas Export Pipeline Precommissioning Liquid Discharge Management Plan | 7/07/2015 | Revision 0 | No further revision | Revision 0 | Activity ceased |
| 9. Noise Management Plan | Offshore Underwater Noise Management Plan | 03/10/14 | Revision 1 | 30/04/15 | Revision 1 + Addendum 1 | Activity ceased |
| 9. Noise Management Plan | Onshore Construction Underwater Noise Management Plan | 23/09/14 | Revision 3 | No further revision | Revision 3 | Activity ceased |

| Condition No# | Document | Original approval | | Current status | | Comments |
|-------------------------------------------------|-------------------------------------------------------------|-------------------|------------|------------------------|--------------------------|------------------|
| | | Approval date | Revision | Revision approval date | Current revision | |
| 9. Noise Management Plan | Gas Export Pipeline Noise Management Plan | 10/02/14 | Revision 1 | No further revision | Revision 1 | Activity ceased. |
| 10. Dredging and Spoil Disposal Management Plan | Gas Export Pipeline Dredging Spoil Disposal Management Plan | 05/09/13 | Revision 3 | 04/08/14 | Revision 7 + Addendum 2 | Activity ceased |
| 10. Dredging and Spoil Disposal Management Plan | East Arm Dredging Spoil Disposal Management Plan | 17/08/12 | Revision 1 | 04/08/14 | Revision 4 + Addendum 10 | Activity ceased |

s22

FOI 190908
Document 1k

From: s22
Sent: Monday, 23 October 2017 2:51 PM
To: s22
Subject: RE: s47G(1)(a) EPBC 2008/4208: REQUEST FOR VARIATION TO CONDITION 15 [SEC=UNCLASSIFIED]

Hi s22

C.

We have 3 cases against 2008/4208. Please see below for details of the cases.

- **Case 1:** INPEX self-reported a potential breach of EPBC 2008/4208 on 25 July 2013, involving the dumping of dredge spoil outside of the designated dump area. Compliance to consider whether further action is appropriate.
- **Case 2:** Matter referred to compliance from Approvals Monitoring South 6 January 2014. INPEX self-reported the release of 4500 tonne of dredge spoil outside of the designated spoil disposal ground. This release is likely in contravention on condition 10 of EPBC 2008/4208. Officers have received further information from INPEX on 21 February 2014 relating to contractual arrangement between INPEX and Van Oord. Compliance has issued Show Cause to Van Oord with view that they are 'the person taking the action' for the purposes of s142. Infringement notice issued and paid.
- **Case 3:** On 26 April 2013 INPEX self-reported a number of incidents in which dredging vessels had traversed exclusion zones surrounding wrecks in Darwin Harbour. The Dredging and Soil Disposal Management Plan (DSDMP) for the action (EPBC 2008/4208) contains a commitment that dredge vessels will not be allowed to traverse exclusion zones. The matter is being treated as a potential breach of approval condition 10 which requires the DSDMP to be implemented. Show cause letter sent 30/7/2013.

Cheers

s22

From: s22
Sent: Monday, 23 October 2017 2:39 PM
To: s22
Subject: FW: s47G(1)(a) EPBC 2008/4208: REQUEST FOR VARIATION TO CONDITION 15 [SEC=UNCLASSIFIED]

Hi s22 we are looking to vary the conditions of approval, can you please provide me a compliance report? Thank you!

From: s47F
Sent: Monday, 23 October 2017 12:14 PM
To: s22
Cc: s47F >
Subject: RE: s47G(1)(a) EPBC 2008/4208: REQUEST FOR VARIATION TO CONDITION 15 [SEC=UNCLASSIFIED]

Hi s22

Thank you for providing the Draft Variation for our review. Please find attached one minor comment from INPEX for your consideration.

Kind regards,

s47F

Level 22 100 St Georges Terrace
Perth WA 6000

s47F



From: s22

Sent: Friday, 6 October 2017 9:50 AM

s47F

Cc: s47F

Subject: RE: s47G(1)(a) : EPBC 2008/4208: REQUEST FOR VARIATION TO CONDITION 15
[SEC=UNCLASSIFIED]

Hi s47F

Please see attached draft variation notice to allow for streamlining management plan revision.

I have used our standard text. A couple of points:

- please check that I have correctly referenced management plan conditions;
- I have excluded Condition 11 as we do not apply this 'revised management plan' condition approach to offset strategies; and
- I have attached guidance we provide approval holders for the purpose of 'new or increased impact'.

I look forward to your feedback/agreement so that I may progress this to decision.

Thanks very much.

s22

From: s47F

Sent: Friday, 22 September 2017 12:28 PM

To: s22

s47F

Subject: s47G(1)(a) : EPBC 2008/4208: REQUEST FOR VARIATION TO CONDITION 15

This mail was sent from Coreworx DMS.

User comment:

Hi s22

Please find attached a letter requesting Variation to Condition 15. Please could you acknowledge receipt.

From: s47F
Sent: Tuesday, 24 October 2017 2:51 PM
To: s22
Cc: s47F
Subject: RE: C075-IPX-DEE-LE-00208: EPBC 2008/4208: REQUEST FOR VARIATION TO CONDITION 15 [SEC=UNCLASSIFIED]

Hi s22

We have checked the attached and are in agreement with the proposed Variation to Condition 15. Please progress.

Kind regards,

s47F

Level 22 100 St Georges Terrace
Perth WA 6000

H

s47F



From: s22
Sent: Tuesday, 24 October 2017 11:43 AM
To: s47F
Cc: s47F
Subject: RE: C075-IPX-DEE-LE-00208: EPBC 2008/4208: REQUEST FOR VARIATION TO CONDITION 15 [SEC=UNCLASSIFIED]

Hi s47F

I have discussed the variation/comments below with s47F

The Department requires Inpex agreement to the proposed variation before presenting this matter for a decision.

If you could please get back to me ASAP with agreement to the attached that would be much appreciated.

Thanks again.

s22

From: s47F
Sent: Monday, 23 October 2017 12:14 PM

To: s22

Cc: s47F

Subject: RE: C075-IPX-DEE-LE-00208: EPBC 2008/4208: REQUEST FOR VARIATION TO CONDITION 15
[SEC=UNCLASSIFIED]

Hi s22,

Thank you for providing the Draft Variation for our review. Please find attached one minor comment from INPEX for your consideration.

Kind regards,

s47F

Level 22 100 St Georges Terrace
Perth WA 6000

s47F



From: s22

Sent: Friday, 6 October 2017 9:50 AM

To: s47F

Cc: s47F

Subject: RE: C075-IPX-DEE-LE-00208: EPBC 2008/4208: REQUEST FOR VARIATION TO CONDITION 15
[SEC=UNCLASSIFIED]

Hi s47F,

Please see attached draft variation notice to allow for streamlining management plan revision.

I have used our standard text. A couple of points:

- please check that I have correctly referenced management plan conditions;
- I have excluded Condition 11 as we do not apply this 'revised management plan' condition approach to offset strategies; and
- I have attached guidance we provide approval holders for the purpose of 'new or increased impact'.

I look forward to your feedback/agreement so that I may progress this to decision.

Thanks very much.

s22

From: s47F

Sent: Friday, 22 September 2017 12:28 PM

To: s22

s47F

Subject: C075-IPX-DEE-LE-00208: EPBC 2008/4208: REQUEST FOR VARIATION TO CONDITION 15

This mail was sent from Coreworx DMS.

User comment:

Hi s22

Please find attached a letter requesting Variation to Condition 15. Please could you acknowledge receipt.

Kind regards,

Fiona.

Document number [C075-IPX-DEE-LE-00208](#)

Title EPBC 2008/4208: REQUEST FOR VARIATION TO CONDITION 15

Current revision 1

Attachment(s)

| Revision | Filename | Comments |
|----------|-------------------------------------------------------------------|----------|
| 1 | C075-IPX-DEE-LE-00208_Request to vary Condition 15_22Sept2017.pdf | |

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VARIATION TO CONDITIONS ATTACHED TO APPROVAL

Ichthys offshore and onshore processing facilities and subsea pipeline Project (EPBC 2008/4208)

This decision to vary a condition of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Approved action

Person to whom the approval is granted

Inpex Operations Australia Pty Ltd

ABN: 48 150 217 262

Approved action

To develop the Ichthys Field in the Browse Basin to produce liquefied natural gas, liquefied petroleum gas and condensate and including the installation and operation of offshore extraction facilities in Ichthys Field, onshore processing facilities at Blaydin Point and 850-935km pipeline from Ichthys Field to Blaydin Point, Northern Territory, as described in the referral (ERBC 2008/4208) and the variation to the action dated 11 May 2011.

Variation

Variation of conditions of approval

The variation is:

Delete condition 15 attached to the approval and substitute with the condition specified below.

Add new conditions 15A, 15B and 15C to the approval, as specified below.

Date of effect

This variation has effect on the date the instrument is signed

Person authorised to make decision

Name and position

James Barker
Assistant Secretary
Assessments & Governance Branch

Signature

Date of decision

October 2017

Conditions attached to the approval

| Original conditions | Varied/added conditions |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>15. If the person taking the action wishes to carry out an action otherwise than in accordance with any plan, report, strategy, program or systems (however described) approved in relation to this approval, the person may submit a revised plan, report, strategy, program or system (however described) for the Minister's approval. If the Minister approves a revised plan, report, strategy, program or system (however described) the person taking the action must implement that plan, report, strategy, program or system (however described) instead of the plan, report, strategy, program or system (however described) as originally approved.</p> | <p>15. The person taking the action may choose to revise the plan approved by the Minister under condition 1, 2, 5, 7, 8, 9 or 10 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan would not be likely to have a new or increased impact. If the person taking the action makes this choice they must notify the Department in writing that the approved plan has been revised and provide the Department, at least four weeks before implementing the revised plan, with:</p> <ul style="list-style-type: none"> i. an electronic copy of the revised plan; ii. an explanation of the differences between the revised plan and the approved plan; and iii. the reasons the person taking the action considers that the taking of the action in accordance with the revised plan would not be likely to have a new or increased impact. |
| | <p>15A. The person taking the action may revoke its choice under condition 15 at any time by giving written notice to the Department. If the person taking the action revokes the choice to implement the revised plan, without approval under section 143A of the EPBC Act, the plan approved by the Minister must be implemented.</p> |
| | <p>15B. If the Minister gives a notice to the person taking the action that the Minister is satisfied that the taking of the action in accordance with the revised plan would be likely to have a new or increased impact, then:</p> <ul style="list-style-type: none"> i. condition 15 does not apply, or ceases to apply, in relation to the revised plan; and ii. the person taking the action must implement the plan approved by the Minister. <p>To avoid any doubt, this condition does not affect any operation of conditions 15 and 15A in the period before the day the notice is given.</p> <p>At the time of giving the notice, the Minister may also notify that for a specified period of time condition 15 does not apply for the plan required under the approval.</p> |

| | |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>Conditions 15, 15A and 15B are not intended to limit the operation of section 143A of the EPBC Act which allows the person taking the action to submit a revised plan to the Minister for approval.</p> |
| | <p>15C. If the person taking the action wishes to carry out the action otherwise than in accordance with the Coastal Offset Strategy approved by the Minister under Condition 11, the person may submit a revised Coastal Offset Strategy for the Minister's approval. If the Minister approves the revised Coastal Offset Strategy, the person must implement that strategy instead of the Coastal Offset Strategy as originally approved.</p> |

Definitions

New or increased impact is a new or increased environmental impact or risk relating to any matter protected by the controlling provisions for the action, when compared to the impact or risk arising from implementing the plan that has been approved by the **Minister**.