



## VARIATION TO CONDITIONS ATTACHED TO APPROVAL

### Construction and Operation of LNG and Domestic Gas Plant and Onshore and Offshore Facilities, State & Commonwealth Waters, Pilbara Coast, WA (EPBC 2008/4469)

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	Chevron Australia Pty Ltd ACN: 086 197 757
--	---

Approved action	To develop the Wheatstone gas field located approximately 200km offshore of Onslow, Western Australia, and construct and operate associated onshore facilities on the Pilbara Coast, Western Australia as described in the assessment documentation received on 14 July 2010 and 23 February 2011. [See EPBC Act referral 2008/4469].
-----------------	---

#### Variation

Variation of conditions of approval	<p>The variation is:</p> <p>Revoke condition 54.</p> <p>Delete conditions 2, 3, 5, 6, 8, 47 and 58 and the definition for 'Department', and substitute with the conditions and definition specified below.</p> <p>Add conditions 71, 71A and 71B and the definitions for 'Environment Plan', 'In force', 'NOPSEMA' and 'OPGGS Environment Regulations' as 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
-------------------	--

#### Signature

*S. Gaddes*

Date of decision	30 October 2015
------------------	-----------------

## Conditions attached to the approval

2. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the plans, programs, strategies and code of conduct required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.
3. By 30 November of each year after the commencement of the action, the person taking the action must publish a report on their website addressing compliance and non-compliance with the conditions of this approval over the previous 12 months, including implementation of any management plans as specified in the conditions. Non-compliance with any of the conditions of this approval must be reported to the **Department** at the same time as the compliance report is published.

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 3 if they have written agreement from the **Minister**.

5. If the person taking the action wishes to carry out an activity otherwise than in accordance with the plans, programs or strategies or code of conduct as specified in the conditions, the person taking the action must submit to the **Department** for the **Minister's** written approval a revised version of that plan, program or strategy or code of conduct. The varied activity shall not commence until the **Minister** has approved the varied plan, program or strategy or code of conduct in writing. If the **Minister** approves the revised plan, program or strategy or code of conduct it must be implemented in place of the plan, program or strategy or code of conduct originally approved.
6. If the **Minister** believes that it is necessary or convenient for the better protection of listed threatened species and communities, listed migratory species or the Commonwealth marine area to do so, the **Minister** may request that the person taking the action make specified revisions to the plans, programs or strategies specified in the conditions and submit the revised plan, program or strategy for the **Minister's** written approval. The person taking the action must comply with any such request. The revised approved plan, program or strategy must be implemented. Unless the **Minister** has approved the revised plan, program or strategy, then the person taking the action must continue to implement the plan, program or strategy originally approved, as specified in the conditions.

This condition does not apply to plans, programs or strategies for which condition 71 applies.

8. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all plans, programs, strategies or code of conduct referred to in these conditions of approval on their website. Each plan, program or strategy

or code of conduct must be published on the website within 1 month of being approved.

This condition does not apply to plans, programs or strategies for which condition 71 applies.

Note: The **Minister** may agree to exclude the requirement to publish information that is considered confidential.

47. The person taking the action must develop and submit to the **Minister** for approval, an Oil Spill Environmental Response Plan (OSERP) that demonstrates the response preparedness of the person taking the action for any hydrocarbon spills, including from offshore wells and infrastructure, pipelines, the onshore facility, construction vessels and operation vessels. This must include the capacity to respond to a spill and mitigate the environmental impacts on the Commonwealth marine area and habitat of EPBC listed species. The OSERP must include, but is not limited to:
- a. Identification of sensitive areas or habitats that may be impacted by a potential spill, as determined by site-specific modelling of worst case scenario spills, including an eleven week uncontrolled release.
  - b. Specific response measures for those sensitive areas or habitats and prioritisation of those areas during a hydrocarbon spill response.
  - c. A description of resources available for use in containing and minimising impacts in the event of a spill and arrangements for accessing them.
  - d. A demonstrated capacity to respond to a spill at the site and measures that can feasibly be applied within the first 48 hours of a spill occurring.
  - e. Training of staff in spill response measures and identifying roles and responsibilities of personnel during a spill response.
  - f. Procedures for reporting oil spill incidents.
58. The person taking the action must submit for the **Minister's** approval a Decommissioning Management Plan (DMP) to mitigate the environmental effects of decommissioning the proposal within the Commonwealth marine area. The DMP 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 Australian Government policy or legislation prevailing at the time. Decommissioning cannot commence until the DMP is approved. The approved DMP must be implemented.
71. A plan, program or strategy required by condition 5, 6, 45b, 46 with respect to any plan referred to in condition 45b, 47, 48, 49, 50, 51, 52, 53 or 58 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**.

71A. Where a plan, program or strategy required by condition 5, 6, 45b, 46 with respect to any plan referred to in condition 45b, 47, 48, 49, 50, 51, 52 or 53 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, program or strategy approved by the **Minister** no longer needs to be implemented.

71B. Where an **environment plan**, which includes measures specified in the conditions referred to in conditions 71 and 71A 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**.

**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.