



# Response to Submissions

## DRAFT GUIDANCE NOTE – ENVIRONMENTAL PERFORMANCE OBJECTIVES, ENVIRONMENTAL PERFORMANCE STANDARDS AND MEASUREMENT CRITERIA FOR PETROLEUM ENVIRONMENT PLANS

October 2018

### Introduction

The Department of Mines, Industry Regulation and Safety (DMIRS) identified consistent deficiencies in information relating to environmental performance objectives, standards and measurement criteria submitted for assessment in Petroleum Environment Plans.

As such, this Guidance Note has been developed to clarify DMIRS expectations and assist operators in meeting the requirements of regulation 14(5) of the Petroleum and Geothermal Energy Resources (Environment) Regulations 2012, the Petroleum (Submerged Lands) (Environment) Regulations 2012 and the Petroleum Pipelines (Environment) Regulations 2012 (the Petroleum Environment Regulations).

### Consultation

The draft Guidance Note was released for public comment from 9 May 2018 to 1 August 2018 with four stakeholders providing feedback. Overall, these stakeholders were supportive of the Guidance Note. The key themes were in regard to:

- Promoting consistency in DMIRS administration of these matters; and
- Enhancing consistency of environmental performance criteria frameworks (i.e. environmental performance objectives, standards and measurement criteria) across different regulatory obligations, such as the *Mining Act 1978*.

DMIRS thanks all stakeholders for their considered feedback.

#	Stakeholder <i>Names are not displayed where the individual or organisation has marked the submission as 'In Confidence'</i>	Comment	Response/Action
1	Buru Energy	We've reviewed the guideline and have no comments.	Comments noted with thanks.
2	APPEA	<p>The Guidance Note appears to provide clarification of DMIRS' expectations for Environment Plan content for performance objectives, standards and measurement criteria.</p> <p>APPEA welcomes the Department's efforts to clarify regulatory interpretation and expectations.</p>	Comments noted with thanks.
3	MBS Environmental	<p>This submission is made in response to the draft <i>Guidance Note – Environmental Performance Objectives, Environmental Performance Standards and Measurement Criteria for Petroleum Environment Plans</i>. MBS Environmental is pleased to see the Department of Mines, Industry Regulation and Safety (DMIRS) is making efforts to clarify regulatory requirements for these criteria; however we have some concerns regarding how these matters are administered, and feel there are further opportunities to improve how these criteria are addressed in Environment Plans.</p> <p>MBS and its staff have had extensive experience preparing numerous Environment Plans and Bridging Documents since the gazettal of the <i>Petroleum and Geothermal Energy (Environment Regulations) 2012</i> and <i>Petroleum Pipelines (Environment) Regulations 2012</i> (Regulations); however, our experience has been that DMIRS' expectations for environmental performance objectives, standards and measurement criteria have been poorly communicated to proponents. While it is encouraging to see this matter getting more attention, DMIRS has been inconsistent with their administration of these criteria and has not been effective in communicating what is required to satisfy the relevant regulatory requirements. This has resulted in unnecessary delays and expenses to many proponents.</p> <p>The Guidance Note appears to capture information DMIRS communicated in recent meetings. Specifically it reiterates that environmental performance objectives, standards and measurement criteria need to be SMART (specific, measurable, achievable, realistic and time-bound) and auditable. This is a useful clarification and is consistent with the requirements of other environmental approvals administered by Government agencies in Western Australia. While this will provide an effective tool to guide proponents and assist DMIRS with assessment of relevant approvals, this publication does not resolve the issue of inconsistent administration by DMIRS.</p>	<p>Comments noted with thanks.</p> <p>The Department of Mines, Industry Regulation and Safety (DMIRS) identified consistent deficiencies in information relating to environmental performance objectives, standards and measurement criteria submitted for assessment.</p> <p>As such, this Guidance Note has been developed to assist operators in meeting the requirements of regulation 14(5) of the Petroleum and Geothermal Energy Resources (Environment) Regulations 2012, the Petroleum (Submerged Lands) (Environment) Regulations 2012 and the Petroleum Pipelines (Environment) Regulations 2012 (the Petroleum Environment Regulations).</p> <p>Furthermore, the Guidance Note has been developed to improve consistency associated with environmental performance objectives, standards and measurement criteria by providing clarification regarding DMIRS expectations. This is relevant to both the Environment Plans submitted to DMIRS for assessment as well as the administration of this regulatory requirement by DMIRS.</p> <p>Please note this Guidance Note is based on the <i>Guidance Note – Environmental Outcomes for Mining Proposals</i> to ensure consistency between mining and petroleum activities where possible. Unfortunately due to inherent differences between the relevant statutory guidelines (<i>Guideline for Mining Proposals in Western Australia</i>) and regulations (the Petroleum Environment Regulations), it was not possible to use consistent terminology, or entirely align these frameworks without amending overarching statutory documents.</p> <p>DMIRS is committed to assisting the resources industry by undertaking parallel assessments of Mining Proposals and Environment Plans where there is overlap between mining and petroleum activities. Where operators choose to submit a joint application, it is recommended that operators contact the Environmental Compliance Branch prior to development to discuss the relevant statutory requirements and how best to meet these in a streamlined manner.</p>

#	Stakeholder <i>Names are not displayed where the individual or organisation has marked the submission as 'In Confidence'</i>	Comment	Response/Action
4	In Confidence	<p>In response to the draft <i>Guidance Note – Environmental Performance Objectives, Environmental Performance Standards and Measurement Criteria for Petroleum Environment Plans</i> the following outlines this submission by the organisation. The organisation is pleased to see the Department of Mines, Industry Regulation and Safety (DMIRS) consulting with industry to clarify the regulatory requirements for these criteria.</p> <p>The <i>organisation</i> have completed many accepted Environmental Plans and Bridging Documents since 2012, in consultation with DMIRS, when both the <i>Petroleum Pipelines (Environment) Regulations 2012</i> and the <i>Petroleum and Geothermal Energy (Environment Regulations) 2012</i> were gazetted. During this time we have seen the expectations of DMIRS change around the environmental performance objectives, standards and measurement criteria and these expectations have not been communicated well to proponents and perhaps resulting in delays and extra costs. While it is encouraging to see this matter getting more attention, DMIRS has been inconsistent with their administration of these criteria and has not been effective in communicating what is required to satisfy the relevant regulatory requirements.</p> <p>The <i>organisation</i> congratulates DMIRS on the Guidance Note where it specifically steps out the environmental performance objectives, standards and measurement criteria to be SMART (specific, measurable, achievable, realistic and time-bound) and auditable. This will be a useful tool for proponents as it will assist with the auditing of the plan and in turn ensuring both annual reports and close out reports are meaningful. It does not however, cover the inconsistent administration by DMIRS.</p> <p>The mining sector is the organisation's most common client when it comes to power generation by means of natural gas pipelines. Recently, mining tenure is being used as a source of tenure for gas pipelines and therefore, after consultation with DMIRS the organisation have had to adhere to the DMIRS Mining Proposal Guidelines and well as the Petroleum Environment Plan Guidelines, in the one document, The Guidance Note does not seem to align with the framework for these criteria with those relating to mining and this does lead to some confusion.</p> <p>It is welcoming to see DMIRS making the effort to outline the expectations surrounding environmental performance objectives, standards and measurement criteria, however the way in which the Draft Guidance Note is administered will be the key to its success.</p>	<p>Comments noted with thanks.</p> <p>Please refer to the response to comment 3 above.</p>