

Guideline

Environmental Protection Act 1994

Preparing a plan of operations for an environmental authority relating to a petroleum lease

This guideline is intended to assist in the preparation of a plan of operations for petroleum activities authorised on a petroleum lease within the general framework under Division 2, Part 13, Chapter 5 of the Environmental Protection Act 1994.

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1 Introduction

The intent of this guideline is to assist the holder of a relevant *environmental authority*¹ (EA) for petroleum activities in preparing a plan of operations for the activities that take place on one or more petroleum leases. It will also assist companies to lodge a legislatively compliant and well supported plan of operations in accordance with the *Environmental Protection Act 1994* (EP Act).

Under section 291 the EP Act, a plan of operations is required to be given to the administering authority for an EA for a petroleum lease activity authorised under a petroleum lease, if the activity is an *ineligible environmentally relevant activity (ERA)*. However, where the information provided in this plan of operations is to be used to satisfy the disturbance information requirements in the Estimated Rehabilitation Cost (ERC) application, this plan of operations must include all disturbance and rehabilitation activities under all tenures of the environmental authority for the relevant plan period (including 1923 petroleum leases, authority to prospects (ATP) etc).

The purpose of a plan of operations is to clearly and transparently state the way in which the conditions of an EA will be complied with. This is achieved by addressing the requirements for a plan of operations specified under section 292 of the EP Act including, but not limited to:

- documenting all existing and proposed activities to be conducted on the land during the plan period
- identifying cumulative areas of projected disturbance
- presenting a rehabilitation program, documenting intended rehabilitation activities for significantly disturbed or proposed to be significantly disturbed land during the period of the plan
- proposing an action program for complying with the conditions of the EA for the period of the plan.

2 Content requirements of a plan of operations

Pursuant to section 291 of the EP Act an EA holder must not carry out, or allow the carrying out of, a petroleum activity under a petroleum lease unless a plan of operations for the petroleum activities has been given to the administering authority. The plan of operations must comply with the content requirements specified under section 292 of the EP Act and this guideline.

For clarity and ease of reference, a submitted plan of operations must state the EA number, the holders of the EA and any relevant project or operation name. The plan of operations must also include the information outlined in the sub-sections below.

2.1 Approved form

Minimum requirement under section 292(1)(a) of the EP Act
<i>A plan of operations must be in the approved form.</i>

The plan of operations must be submitted to the administering authority using the approved form, Submission of a plan of operations (ESR/2018/4340)².

¹Throughout this document, italicised words appear in the Glossary at the end of this guideline. Only the first expression of the word will be italicised. Note: some words are italicised because they refer to titles of legislation. Where a term is not defined within this guideline, it has the meaning given to it under the *Environmental Protection Act 1994* and subordinate legislation.

² This is the publication number. The publication number can be used as a search term to find the latest version of a publication at www.qld.gov.au.

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The plan of operations approved form must be used for submission of an initial plan of operations, replacement plan of operations, or amendment of a current plan of operations. All the information provided within the approved form, including all attachments and submitted spatial information, amounts to the plan of operations.

2.2 Term of the plan of operations (plan period)

Minimum requirement under section 292(1)(c) of the EP Act

A plan of operations must state the period to which the plan applies (the plan period).

A plan of operations must include a stated period for the plan (the plan period). The plan period should be at least one year but, in accordance with section 292(3) of the EP Act, cannot exceed five years duration. In order to satisfactorily state the period to which the plan applies, a start and end date must be specified. For example, 15 June 2019 to 14 June 2020.

Pursuant to section 297 of the EP Act, it is a condition of the environmental authority that the plan period must be consistent with the ERC period. This is to ensure an ERC decision is in effect and covers the liability for the proposed infrastructure and disturbance listed in the plan of operations and over the entire period of the plan. The commencement date for the plan of operations should be on or after the ERC commencement date, and the completion date for the plan of operations should be on the same day as the completion date for the ERC completion date.

If you are submitting an initial plan of operations, and an existing ERC decision covers the period of the proposed plan period and the ERC amount is not changing - then you do not need to submit a new ERC decision application.

If you are submitting a replacement plan of operations you must submit an ERC decision application on the same day (pursuant to section 302 of the EP Act), this is to ensure they have the same period, including the same commencement and completion dates. A replacement plan of operations must be submitted to the administering authority not less than 20 business days prior to the expiry of the current plan period.

An amendment to a plan of operations cannot extend the current plan period.

2.3 Description of each petroleum lease

Minimum requirement under section 292(1)(b)(i) of the EP Act

A plan of operations must describe each petroleum lease for the environmental authority.

A plan of operations must include a description of each petroleum lease for the EA. A description of the petroleum lease(s) must include identification of:

- tenure number
- the petroleum resource being extracted (for example, crude oil, CSG or natural gas)
- whether there will be any new disturbance carried out on the tenure during the plan period.

2.4 Description of the land to which each petroleum lease relates

Minimum requirement under section 292(1)(b)(ii) of the EP Act

A plan of operations must describe the land to which each petroleum lease relates.

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A plan of operations must include a description of the land to which each petroleum lease applies. The description provided is to be detailed at the petroleum lease level; detail is not required down to the lot on plan level. This information is to identify land use(s) and infrastructure impacted or potentially impacted by activities.

Where relevant to any activity planned within, or adjacent to, the project boundary, this section must include identification of:

- original land use(s): the land use immediately prior to the commencement of petroleum activities on site
- post-operation land use(s): the proposed use which the area of land will be rehabilitated to, not the land use at the time of relinquishment of the lease
- sensitive receptors: identification may be broad e.g. 'sensitive area' or 'house'
- project boundary: identifying the project area where activities will be carried out during the plan period.

This description must be provided as spatial information and must be prepared and submitted in accordance with the department's guideline: Spatial Information Submission (ESR/2018/4337) and the Attachment 1— Spatial data requirements for plan of operations of the approved form Submission of a plan of operations (ESR/2018/4340). More information is available on the department's website, using 'submission of spatial information' as a search term.

2.5 Description of the land to which the plan applies

Minimum requirement section 292(1)(b)(iii) of the EP Act

A plan of operations must describe the land to which the plan applies.

A plan of operations must include a description of the land to which the plan applies. This is to identify environmental and landscape features impacted or potentially impacted by activities.

This description must include identification of the following, where relevant to any areas or potential areas of significant disturbance during the period of the plan:

- any *environmentally sensitive areas*
- any areas that may trigger an environmental offset requirement (e.g. matters of national environmental significance and *matters of state environmental significance*)
- areas of regional interest under the *Regional Planning Interest Act 2014*
- any *endangered, vulnerable, or near threatened wildlife species*
- any watercourse, *wetland, spring* (including relevant environmental values) and *river improvement trust asset area*.

2.6 A plan of all activities to be carried out on the land

Minimum requirement under section 292(1)(d)(i) of the EP Act

A plan of operations must include a map showing where all petroleum activities are to be carried out on the land.

A plan of operations must show where all of the EA holder's activities are to be carried out on the land to which the plan applies. This information is needed:

- to transparently demonstrate compliance with EA conditions through the location and siting of petroleum related activities on the land; and

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- so that the administering authority can properly and efficiently monitor the performance of approved activities in accordance with EA conditions.

To ensure the EA holder submits a legislatively compliant and well supported plan of operations, this section must consist of:

- spatial information which provides, and records the location of, all existing activities on the land at the commencement of the plan period, including all resource activities and relevant ancillary activities
- a description of all proposed activities (known at the commencement of the plan period) that will be constructed during the plan period, including all resource activities and relevant ancillary activities.

Spatial information must be prepared and submitted in accordance with the department’s guideline: Spatial Information Submission (ESR/2018/4337) and the Attachment 1—Spatial data requirements for plan of operations of the approved form Submission of a plan of operations (ESR/2018/4340). More information is available on the department’s website, using ‘submission of spatial information’ as a search term.

Proposed activity information must be consistent with the activity list contained in Attachment 2—List of petroleum activities in the approved form Submission of a plan of operations (ESR/2018/4340). Where the information provided in this plan of operations is to be used to satisfy the disturbance information requirements in the ERC application, this plan of activities must include all disturbance information which is to occur under all tenures of the EA during the plan period (including ATP’s and Petroleum 1923 tenures) and must be consistent with what is input into the ERC calculator.

2.7 Action program

Minimum requirement under section 292(1)(d)(ii) of the EP Act
<i>A plan of operations must include an action program for complying with the conditions of the environmental authority.</i>

The action program must provide sufficient detail on how the EA holder is going to achieve compliance with the conditions of the EA for the period of the plan. The action program must be submitted in the same format as Appendix 2 of the approved form. The template allows compliance to be demonstrated against each EA schedule, rather than for each and every condition.

The holder(s) of an EA may choose to reference internal processes and management systems for complying with EA conditions in the action program provided that:

- the processes and management systems are intended to ensure compliance with the EA conditions; and
- the information in the processes or management systems can be readily provided to the administering authority when requested; and
- the action program provides a description of how these documents will achieve compliance with the EA conditions.

Table 1: Action program example

EA CONDITION	INTERNAL PROCESS / MANAGEMENT SYSTEM	ENVIRONMENTAL MANAGEMENT STRATEGIES
<i>EXAMPLE: Schedule G</i>	<i>XXXX Monitoring Plan</i>	<i>Schedule construction for dry time of year, get CPESC to develop ESC plan, undertake monitoring and ensure maintenance of ESC</i>

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		<i>measures during construction phase</i>
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Where a specific internal management system (i.e. process for updating of records to demonstrate compliance with an EA condition) is not referenced in order to demonstrate compliance management, then a more thorough description of the environmental management strategies to be adopted is to be provided in a tabular format similar to that presented below.

Table 2: Action program example

EA CONDITION	INTERNAL PROCESS / MANAGEMENT SYSTEM	ENVIRONMENTAL MANAGEMENT STRATEGIES
<p><i>(X1) A report must be prepared for each annual return period for all petroleum activities that involved clearing of any environmentally sensitive area or protection zone which includes:</i></p> <p><i>(a) Records able to demonstrate compliance with conditions X2 and X3</i></p>	<p><i>NA</i></p>	<p><i>Each time any clearing of an environmentally sensitive area or protection zone occurs on tenure, an update of company records is triggered, to document the information in relation to the clearing that demonstrates compliance with conditions X2 and X3.</i></p>

2.8 Rehabilitation program

Minimum requirement under section 292(1)(d)(iii) of the EP Act
<i>A plan of operations must include a rehabilitation program for land disturbed or proposed to be disturbed under each petroleum lease.</i>

The purpose of the rehabilitation program is to clearly demonstrate that land is being rehabilitated in accordance with the standards in the EA conditions and/or application documents.

The rehabilitation program must be specific to the plan period and include:

- a rehabilitation plan
- a rehabilitation schedule that details the types and areas of rehabilitation proposed to be undertaken within the plan period
- details of existing rehabilitation activities.

Rehabilitated areas are required to remain identified within the rehabilitation program with all monitoring and maintenance requirements detailed until the land has been disposed of under an EA surrender.

Where the information provided in this plan of operations is to be used to satisfy the rehabilitation information requirements in the ERC application, this rehabilitation program must include all rehabilitation information which is to occur under all tenures of the EA in the plan period (including ATP’s and Petroleum 1923 tenures) and must be consistent with what is input into the ERC calculator.

Rehabilitation plan

The rehabilitation plan should be developed with consideration of the nature, staging and areas of proposed rehabilitation works including for example proposed rehabilitation techniques and justification for these techniques to meet completion criteria detailed within the EA. Rehabilitation works describes a range of

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activities undertaken on an area of disturbed land in order to progress towards the proposed final rehabilitation outcomes.

Ongoing monitoring of both developing rehabilitation and final rehabilitation success through identified completion criteria must be detailed along with any maintenance required on previous rehabilitation.

If you have previously submitted a rehabilitation plan or equivalent plan to the administering authority and the information is still current and relevant, you may use this plan to satisfy this requirement.

Rehabilitation schedule

A schedule of rehabilitation activities proposed to be undertaken during the plan period must be provided. This schedule must detail the types and areas of rehabilitation to be undertaken in the plan period. For each area of proposed rehabilitation, the schedule must detail:

- the activity for which the land was used for prior to commencing rehabilitation works
- the location of the land to be rehabilitated – this can be provided at PL level
- post-operation land use(s) – being the proposed use for which the area of land will be rehabilitated to (not the land use at the time of relinquishment of the lease)
- a summary of the specific rehabilitation activities to be undertaken during the plan period (for example – spread topsoil, deep rip, apply grass seed, etc)
- the timing of when the rehabilitation activities are proposed to occur (for example Q4 of 2020).

Existing rehabilitation

The location and details of all existing rehabilitation on site at the commencement of the plan period must be identified through the provision of spatial information. This spatial information must be prepared and submitted in accordance with the department's guideline: Spatial Information Submission (ESR/2018/4337) and the Attachment 1—Spatial data requirements for plan of operations of the approved form Submission of a plan of operations (ESR/2018/4340). More information is available on the department's website, using 'submission of spatial information' as a search term.

2.9 Prescribed matters

Minimum requirement under section 292(1)(iv) of the EP Act

A plan of operations must include matters prescribed under an environmental protection policy or by regulation.

There are currently no matters prescribed under an environmental protection policy or by regulation for a plan of operations.

2.10 Compliance statement

Minimum requirement under section 292(1)(e) of the EP Act

The plan of operations must be accompanied by a compliance statement for the plan.

Minimum requirement under section 292(2) of the EP Act

A compliance statement under subsection (1)(e) must—

- (a) state the extent to which the plan complies with the conditions of the environmental authority; and*
- (b) be made*
 - (i) if the holder is an individual - by the holder; or*
 - (ii) if the holder is a corporation - by an executive officer of the corporation.*

The purpose of the compliance statement is to state the extent to which the plan of operations complies with the conditions of the EA.

The statement must be provided by completing the compliance statement contained in Appendix 4 of the approved form, Submission of a plan of operations (ESR/2018/4340). The statement must be made by the EA holder (if an individual), or by an executive officer for the EA holder (if the EA holder is a corporation). The compliance statement must be signed by the individual in their capacity as the EA holder or executive officer where the EA holder is a corporation. Delegates and authorised agents of an executive officer are not permitted to sign the compliance statement.

3 Lodging a plan of operations

A plan of operations is required to be submitted to the administering authority at least 20 business days prior to the carrying out of an activity under the petroleum lease. A shorter period may be agreed to in writing by the administering authority and the EA holder.

Where the term of a previously submitted plan of operations is due to expire, a replacement plan of operations is required to be submitted at least 20 business days (or an agreed shorter period) prior to the expiration of the current plan to ensure there is no interruption to activities. Activities on the petroleum lease(s) are not permitted to be carried out in the absence of a current plan of operations. For more information about amending or replacing a plan of operations refer to Section 4 below.

A plan of operations can be submitted to the administering authority:

- via email to the Energy and Extractive Resources Business Centre (EnergyandExtractive@des.qld.gov.au)
- via post to the Energy and Extractive Resources Business Centre: GPO Box 2454, Brisbane, QLD 4000.

4 Amending or replacing a plan of operations for continuing projects

A plan of operations given to the administering authority can be amended or replaced at any time prior to the expiry of the current plan period. However, the replacement or amended plan of operations takes effect 20 business days after submission and therefore a replacement plan should be submitted at least 20 business days (or an agreed shorter period) before the current plan period ends to ensure there is no interruption to activities. Additionally, there are some circumstances where the holder of an EA will be required to amend or replace a plan of operations prior to the expiry of the current plan (refer to Section 4.1 below).

Note that on the day the EA holder submits a replacement plan of operations to the department, the EA holder must also apply for a new ERC decision to ensure the periods are consistent. Failure to do so is an offence, maximum penalty 100 penalty units.

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4.1 When an EA holder must amend or replace a plan of operations

The holder of an EA for which a plan of operation is in effect for, must amend or replace a plan of operations if the:

- conditions of the EA change (e.g. through an approval of new activities, a major amendment, a partial surrender, or other); or
- operations are inconsistent with the plan; or
- the holder of an EA becomes aware that the plan is inconsistent with the EA.

An amendment of a plan of operations cannot extend the plan period. The original plan of operations period applies. A replacement plan of operations may set a new plan period for up to five years.

4.2 When an EA holder must replace an expiring plan of operations

Petroleum activities operating under a current plan of operations require a new (replacement) plan to be submitted to the administering authority at least 20 business days (or an agreed shorter period) prior to the expiry of the current plan period. The original plan ceases to apply if it is replaced. A replacement plan must apply for a period of no more than five years from the date the replacement plan is submitted.

4.3 How to amend or replace a plan of operations

To amend or replace a plan of operations, the EA holder must submit to the administering authority the approved form: Submission of a plan of operations (ESR/2018/4340). The approved form must state whether:

- the submission is an amendment to the original plan; or
- that the original plan is replaced.

For an amendment, the approved form must include the reasons for the amendment and ensure that the amendments to the original plan are included.

5 Other considerations

5.1 Offence not to comply with plan of operations

Under section 294 of the EP Act it is an offence not to comply with the plan of operations when carrying out activities under a relevant lease. The maximum penalty is 100 penalty units.

5.2 Inconsistency between environmental authority and plan of operations

If there is any inconsistency between an EA and a plan of operations, the conditions of the EA prevail under section 295 of the EP Act. If the holder of an EA becomes aware of an inconsistency between the conditions of the EA and the plan of operations, the EA holder must amend the plan of operations to remove the inconsistency within 15 business days of becoming aware of the inconsistency.

6 Transitional arrangements

On 1 April 2019 amendments to the EP Act, as contained in the *Mineral and Energy Resources (Financial Provisioning) Act 2018* (MERFP Act), commenced following a reform to existing financial assurance (FA) and mine rehabilitation requirements for Queensland. These EP Act amendments triggered a number of changes to the plan of operations and FA reporting systems. Provisions to transition existing EA holders from the previous EP Act requirements to the revised requirements are as follows.

Transitional arrangements for existing plan of operations for petroleum leases are provided under section 752 of the EP Act. This section of the legislation applies to a plan of operations for an EA for petroleum activities

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relating to a petroleum lease, if a plan of operations was given to the administering authority (under the former section 287 of the EP Act) prior to commencement of the MERFP Act.

On commencement, all existing plan of operations continue as a plan of operations under section 291 of the amended EP Act. However, if the plan period ends more than 3 years after commencement, the plan period is taken to end on the day that is 3 years after the date of commencement.

For example, if the plan period stated within the plan of operations ends 30 June 2023, this is more than 3 years after the commencement and therefore the plan period is taken to end on 31 March 2022, 3 years from commencement of section 291 of the EP Act.

On expiry of the existing plan of operations, or when otherwise replacing or amending the existing plan, the EA holder will be required to submit a plan of operations in the approved form which complies with the requirements under section 292 of the EP Act.

7 Related documents

This guideline should be read in conjunction with the following documents:

- Approved form: Submission of a plan of operations (ESR/2018/4340)
- Guideline: Spatial Information Submission (ESR/2018/4337)

8 Glossary

Note: Where a term is also defined in an EA, the definition in the EA will take precedence over this glossary. Furthermore, where there is an inconsistency between the definition of terms here and the terms used in the EP Act, the terms in the EP Act apply.

Category A environmentally sensitive area	Any area listed in Schedule 19, section 1 of the Environmental Protection Regulation 2019.
Category B environmentally sensitive area	Any area listed in Schedule 19, section 2 of the Environmental Protection Regulation 2019.
Category C environmentally sensitive area	Any area identified as a category C ESA as defined in the relevant EA.
Coordinated Project	A project declared under the <i>State Development and Public Works Organisation Act 1971</i> , section 26, to be a coordinated project.
Endangered wildlife species	Native wildlife that is prescribed under Schedule 2, Part 1 of the Nature Conservation (Wildlife) Regulation 2006 as endangered wildlife.
Environmental authority	An environmental authority issued by the administering authority under Chapter 5 of the <i>Environmental Protection Act 1994</i> .
Environmentally sensitive area	Category A, B or C environmentally sensitive areas (ESAs)
Matters of state environmental significance	Matters of state environmental significance have the meaning in section 10 of the <i>Environmental Offsets Act 2014</i> .
Ineligible ERA	An ERA for which no eligibility criteria has been developed or the ERA cannot comply with the eligibility criteria for the relevant activity, or the activity is being carried out as part of a <i>coordinated project</i> .
Infrastructure	Includes built facilities and services associated with the operations of the authorised activities (e.g. processing plants, sewage treatment plants,

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	power plants, camps, offices, power poles, sheds, workshops and other built structures).
Near threatened wildlife species	Native wildlife that is prescribed under Schedule 5, Part 1 of the Nature Conservation (Wildlife) Regulation 2006 as near threatened wildlife.
Petroleum lease	As defined in <i>the Petroleum and Gas (Production and Safety Act) 2004</i> : (i) Granted under section 120, 132, 340 or 356 or Chapter 15; or (ii) continued in force under section 163; or (iii) renewed under section 164
River improvement trust asset area	An area within a river improvement area declared under the <i>River Improvement Trust Act 1940</i> that is or has been subject to restoration or flood mitigation works. The location and details of these areas can be obtained from the relevant river improvement trust.
Spring	Has the meaning as defined in Schedule 4 of the <i>Water Act 2000</i> .
Vulnerable wildlife species	Native wildlife that is prescribed under Schedule 3, Part 1 of the Nature Conservation (Wildlife) Regulation 2006 as vulnerable wildlife.
Wetland	Has the meaning as defined in Schedule 19, Part 2 of the <i>Environmental Protection Regulation 2019</i> .

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Disclaimer

While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Science should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved:

13 January 2021

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Version history

Version	Date	Description of changes
6.00	1 April 2019	Updated to reflect the commencement of the financial provisioning scheme as introduced by the <i>Mineral and Energy Resources (Financial Provisioning) Act 2018</i> .
6.01	17 January 2020	Updated references to the Environmental Protection Regulation 2019 and Environmental Protection Policies for the remake of this subordinate legislation in 2019.
7.00	4 February 2021	Updates to clarify the requirement for the plan period to be consistent with the estimated rehabilitation cost period. Removal of Attachment 1—Spatial data requirement and Attachment 2—List of petroleum activities and insert references to the alternative locations. These attachment are available in the approved form Submission of a plan of operations (ESR/2018/4340).