

# Eligibility Criteria and Standard Conditions

Petroleum exploration, pipeline and survey and  
geothermal exploration activities  
Consultation report—August 2013



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# Contents

Purpose.....	1
Summary.....	1
Context.....	1
Public consultation .....	1
Results of consultation and response.....	2
Summary of key issues and responses .....	3
Table 1 Petroleum and geothermal exploration activities .....	3
Table 2 Petroleum pipeline activities.....	11
Table 3 Petroleum survey activities.....	20
Table 4 Submitters .....	24

## Purpose

The purpose of this report is to summarise the results of public consultation on the draft eligibility criteria and standard conditions for petroleum exploration, petroleum survey, petroleum pipeline activities and geothermal exploration activities. The report outlines the key issues raised during consultation and the resultant actions or responses from the Department of Environment and Heritage Protection (EHP).

## Summary

### Context

The *Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012* (Greentape Reduction Act) amended the *Environmental Protection Act 1994* (EP Act) on 31 March 2013. Under the amended EP Act, an application for an environmental authority that is subject to eligibility criteria and standard conditions is deemed to be a standard application. A standard application must include a declaration that each relevant activity complies with the eligibility criteria. For a resource activity, the eligibility criteria must be prescribed under a regulation and can also be made by the chief executive under section 318 of the EP Act.

Where a company can not comply with the eligibility criteria, a site-specific application is required to enable an impact assessment to be carried out. Where a company can comply with the eligibility criteria and does not want to—or cannot comply with a standard condition—they may make an application to vary the particular condition(s).

EHP has developed eligibility criteria and standard conditions for petroleum exploration, survey and pipeline activities and geothermal exploration activities. This is an important initiative to reduce the regulatory burden for industry while continuing to protect the environment.

The eligibility criteria and standard criteria were informed by a risk assessment undertaken in conjunction with the Australian Petroleum Production and Exploration Association (APPEA) and small to mid-sized petroleum companies.

### Public consultation

Public consultation on the draft eligibility criteria and standard conditions for petroleum exploration activities was held from 28 February 2013 to 15 April 2013. For the remaining activities, public consultation was held from 7 March 2013 to 22 April 2013.

Public notification of the draft eligibility criteria and standard conditions was provided through the EHP website, the Get Involved website and emails to petroleum/CSG operators, and peak environment, community and industry groups. Public notices invited written submissions.

The following submissions were received:

For petroleum and geothermal exploration activities:

- one from an agricultural industry group
- six from petroleum/CSG operators
- two from bodies representing the interests of petroleum/CSG operators
- two from government.

For petroleum pipeline activities:

- one from an agricultural industry group
- four from petroleum/CSG operators
- two from bodies representing the interests of petroleum/CSG operators
- one from an organisations that provides services to petroleum/CSG operators
- two from government.

For petroleum survey activities:

- one from an agricultural industry group

- four from petroleum/CSG operators
- one from a body representing the interests of petroleum/CSG operators
- one from an organisation that provides services to petroleum/CSG operators
- two from government.

All submissions were reviewed and comments that were within the scope of the draft eligibility criteria and standard conditions were considered in developing the final eligibility criteria and standard conditions for these activities.

After carefully considering all submissions, EHP considers the final eligibility criteria and standard conditions for the four activities are consistent with the greentape reduction objective of ensuring that regulatory effort is proportional to environmental risk. The eligibility criteria and standard conditions also support the department's Regulatory Strategy and Strategic Plan 2012–16, by:

- having relevant and accessible environmental performance standards in place
- creating greater customer understanding and ownership of their environmental impacts, obligations and standards of performance
- promoting resource efficiencies for both government and business whilst maintaining high environmental standards
- delivering timely and consistent project assessments and decisions.

The Regulatory Strategy and Strategic Plan 2012–16 are available through the EHP website.

## Results of consultation and response

This section provides an analysis of the key issues identified in the submissions on the draft eligibility criteria and standard conditions. The issues raised and the resultant action or response is presented in Tables 1–3. Details of submitters are listed in Table 4.

Most issues raised that were within scope were addressed by making amendments to the draft eligibility criteria and standard conditions. The final eligibility criteria and standard conditions for petroleum exploration, pipeline and survey and geothermal exploration activities, which commenced on 31 May 2013, are available on the EHP website:

Petroleum exploration activities < <http://www.ehp.qld.gov.au/management/non-mining/documents/eligibility-criteria-standard-conditions-petroleum.pdf> >

Petroleum survey activities < <http://www.ehp.qld.gov.au/management/non-mining/documents/eligibility-criteria-standard-conditions-survey.pdf> >

Petroleum pipeline activities < <http://www.ehp.qld.gov.au/management/non-mining/documents/eligibility-criteria-standard-conditions-pipeline.pdf>>

Geothermal exploration activities < <http://www.ehp.qld.gov.au/management/non-mining/documents/eligibility-criteria-standard-conditions-geothermal.pdf> >

## Summary of key issues and responses

**Table 1 Petroleum and geothermal exploration activities**

Issue	Issue raised by <sup>1</sup>	Issue description	EHP Response
<p>1. Regulated dams being ineligible for a standard application.</p>	<p>1, 2, 3, 9, 11</p>	<p>A regulated dam is a dam in the significant or high hazard category as assessed using the Queensland Government publication Manual for Assessing Hazard Categories and Hydraulic Performance of Dams.</p> <p>The eligibility criteria do not allow for regulated dams to be constructed for petroleum and geothermal exploration.</p> <p>Where an applicant cannot meet the eligibility criteria, they must make a site-specific application and be subject to public notification and an impact assessment.</p> <p>Five submissions stated that regulated dams or at least significant dams should not be excluded by the eligibility criteria because these dams can be managed by EHP's conditions in the guideline: 'Structures which are dams or levees constructed as part of environmentally relevant activities'.</p>	<p>EHP did not make any change with regard to submissions on this issue for the following reasons:</p> <p>Standard applications do not require public notice and therefore the community would not have a right to make a submission in relation to any proposed regulated dam if it were eligible under the standard conditions.</p> <p>EHP's records on environmental authorities suggest that currently, regulated dams are not a routine requirement for petroleum exploration activities and that 90% of petroleum exploration activities do not require a regulated dam. Further there are no geothermal exploration activities that include a regulated dam.</p> <p>A regulated dam is not considered to be a low risk activity as a petroleum activity that includes a regulated dam was a trigger for a level 1 environmental authority in the previous EP Act. This activity has an aggregate environmental score (which is a risk based score) of 165 which is one of the highest scores prescribed for petroleum activities.</p> <p>Petroleum legislation considers regulated dams to be non-standard for exploration activities and under the land and compensation agreement framework, considers them an advanced activity (i.e. those likely to have a significant impact on a landholder's business or land use).</p> <p>The Explanatory Notes for the Environmental Protection (Greentape Reduction) and Other Legislation Amendment Bill 2012 (see Chapter 5A Part 1) notes that the eligibility criteria and the standard application assessment track relate to low risk Environmentally Relevant Activities (ERAs).</p>

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<sup>1</sup> Submitters in column 2 are listed in Table 4.

Issue	Issue raised by1	Issue description	EHP Response
2. References to environmentally relevant activities (ERAs)	2, 5, 6, 9, 11	<p>Four submissions requested that the reference to prescribed ERAs in the eligibility criteria be deleted, specifically ERAs 8, 16, 60 and 63.</p> <p>One submission stated that extracting more than 100,000t/year of earthen materials was too high.</p>	<p>The reference to ERAs in the eligibility criteria does not exclude the activities from occurring altogether but rather above the stated thresholds. The thresholds align with those in the Environmental Protection Regulation 2008 (EP Reg) for each ERA. ERA thresholds are based on the report Assigning Environmentally Relevant Activities to Assessment Tracks - A Greentape Reduction Initiative (the 'tracks report') and are those identified as being ineligible for a standard application.</p> <p>ERA 16 was moved from the eligibility criteria to standard condition (PESCA 2b) and (PESCA 2c) because the EP Reg states that the "relevant activity does not include extracting material under an environmental authority for a resource activity". Whilst extraction as part of a resource activity is not classified as an ERA, it is still an activity that requires constraints in order to prevent unacceptable impact. As stated above, the threshold of 100,000t/year was selected to be consistent with the eligible threshold in the tracks report. Environmental values will still be protected despite this change given the eligibility criterion for total land disturbance (PEEC 3) and the standard conditions for site planning and rehabilitation (PESCB 5 - PESCB 7, PESCC 38 – PESCC 40).</p> <p>Note that highly productive soils are protected in Queensland by the <i>Strategic Cropping Land Act 2011</i> (SCL Act).</p>
3. Prohibiting petroleum activities in Wild River declaration areas	1, 2, 3, 4, 5, 8, 9	<p>The eligibility criteria did not allow for petroleum activities to occur within Wild River declaration areas.</p> <p>Seven submissions stated that petroleum exploration activities in Wild River declaration areas should not be excluded by eligibility criteria as these activities are permitted in the declarations.</p>	<p>The eligibility criterion relating to works in Wild River declaration areas was deleted in response to submissions and replaced with standard condition (PESCB 4) which requires the holder of the environmental authority to comply with the requirements of any relevant Wild River declaration.</p>
4. Strategic Cropping Land (SCL)	3, 4, 9	<p>Three submissions stated that SCL decisions have no statutory timeframes. Therefore, the requirement to obtain an SCL decision prior to being able to be eligible to make a standard application may cause unnecessary delays.</p>	<p>EHP deleted this eligibility criterion in response to submissions.</p> <p>Sections 93 and 115 of the SCL Act require that a protection decision or compliance certificate be given before an environmental authority can be issued under the EP Act. This is both in the SCL Act and as a note in the EP Act which states "<i>The Strategic Cropping Land Act 2011</i>, chapter 3, part 4, division 2 imposes restrictions on the issuing of environmental authorities for SCL and potential SCL under that Act".</p> <p>The SCL Act obligations override the EP Act obligations and EHP is not able to issue an environmental authority until after a SCL protection decision has been given or a compliance certificate has been issued.</p>

Issue	Issue raised by1	Issue description	EHP Response
			<p>As the decision period on a standard application cannot be extended, EHP held concerns that an environmental authority (standard application) could be issued prior to a protection decision or compliance certificate under the SCL Act. Consequently, EHP would not be fulfilling its obligations under both Acts.</p> <p>As a result of feedback received, EHP has amended business processes so that an environmental authority (standard application) will be granted but not issued until a protection decision or compliance certificate has been given.</p> <p>Officers in EHP should liaise with the administering authority of the SCL Act to provide notice about upcoming deadlines for decision.</p> <p>The environmental authority takes effect on the day the tenure is granted.</p>
5. Prohibition on oil-based, synthetic oil-based and polycyclic aromatic hydrocarbons (PAHs) in drilling fluids	2, 5, 11	Three submissions stated that (PAHs) are commonly present in the environment from geological and/or anthropogenic sources, albeit usually in trace concentrations. A blanket ban on PAHs is impractical and would not result in changes to the environmental risks associated with drilling fluids.	EHP amended draft standard condition (A2) to separate the prohibition on oil-based and synthetic oil-based from the prohibition on PAHs to produce standard conditions (PESCA 2d) and (PESCA 2e). PAHs in concentrations above the reporting limits are not authorised in the chemicals added to stimulation fluids.
6. Environmentally sensitive areas (ESAs)	2, 3, 4, 9, 11	Five submissions requested that essential petroleum activities be permitted in pre-disturbed Category B ESAs and that regulation of activities in Category C ESAs and all buffers be removed from the standard conditions.	<p>EHP has clear jurisdiction to restrict activities in ESAs to protect these areas however, as a result of issues raised by industry EHP streamlined the regulation of petroleum activities in ESAs and their buffers.</p> <p>These changes include allowing essential petroleum activities in State Forests/Resource Reserves/Timber Reserves, reducing buffers to Category A ESAs from 1km to 300m, reducing buffers to Category B ESAs from 500m to 300m, reducing Category C ESAs buffers from 500m to 200m and for State Forests and Timber Reserves, removing buffers altogether. The remaining buffers are sufficient to protect the environmental value of ESAs but have opened up more than 20% of tenures to enable essential petroleum activities to be carried out. See issue 7 for more information about essential petroleum activities in ESAs.</p> <p>It is reasonable to expect that industry avoid ESAs in exploration activities given that these activities involve a significantly lower well density.</p>
7. Essential petroleum activities	2, 3, 4, 9, 11	Five submissions requested that the definition of essential petroleum activities be amended to include camps, no-release sewage treatment within the footprint of the well and communication/power lines within the	<p>EHP amended the definition of essential petroleum activities in the dictionary to the standard conditions as requested as it is reasonable to include these additional activities given they are within the well footprint and do not involve contaminant releases to the environment.</p> <p>The intent of this definition is to protect ESAs and their buffers to as great an extent as possible by allowing only the essential infrastructure needed to extract the resource. In determining the</p>



Issue	Issue raised by1	Issue description	EHP Response
		footprint of the well.	inclusions and exclusions within the definition, each activity that is carried out as part of the exploration activities was assessed and given a risk rating for impact to the ESA. The risk assessment, in conjunction with the submissions, confirms that the additional activities (which were requested on the basis of no additional disturbance and no contaminant releases) will not pose a significant risk of impacting the ESA.
8. Nuisance / alternative arrangements	4, 6, 9	<p>Submitter 6 was concerned that the definition of sensitive place does not include cropping land.</p> <p>Two submitters stated that nuisance and noise limits should be prescribed in the standard conditions in order to be able to determine compliance. These submitters also stated that the draft conditions were uncertain because of the broad definition of environmental nuisance in the EP Act and subjective elements therein.</p>	<p>Draft standard conditions (B2), (B3) and (C8) referred to environmental nuisance which is defined in section 15 of the EP Act as: ‘an unreasonable interference or likely interference with an environmental value’.</p> <p>Section 9 of the EP Act defines environmental value as: ‘a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation’.</p> <p>Environmental nuisance applies to interference experienced by a person. Therefore, landholders are able to make a nuisance complaint for unreasonable interference from dust, noise, light or odour where that nuisance is impacting upon ecological health, public amenity or safety.</p> <p>A crop in itself is not afforded protection from environmental nuisance unless that crop has characteristics that are conducive to ecological health or public amenity or safety. Generally, a cultivated monoculture crop will not be conducive to these values.</p> <p>Other relevant legislation would more appropriately cover submitter 6’s concern regarding impacts to crops.</p> <p>As a result of the consultation process, nuisance conditions for noise and other nuisance were merged into standard condition (PESCB 2). This was made possible by including a sensitive ‘receptor’ (which is a term specific to noise nuisance as per the Environmental Protection (Noise) Policy 2008) into the definition of sensitive ‘place’.</p> <p>The definition of alternative arrangement was also amended at the request of submitters so that these arrangements can be used for all nuisance types, not just noise.</p> <p>In keeping with EHP’s Regulatory Strategy, standard condition (PESCB 2) is outcome focused, where the outcome is that amenity is not adversely affected by environmental nuisance and noise. The condition provides for alternative arrangements to exist, this gives industry options to achieve the outcome. The condition is commensurate with risk and takes into account the interests of the community, the regulator and industry.</p> <p>Note that as a result of submissions, EHP has made an amendment to clause (a) (ii) of standard condition (PESCC 8) to reference a valid complaint rather than all complaints. This change recognises that actions will only be required for complaints that are valid.</p> <p>The definition of ‘valid complaint’ was also amended to recognise that either the administering authority or the holder of the environmental authority can make this determination.</p>

Issue	Issue raised by1	Issue description	EHP Response
9. Certified	4, 9	Two submitters stated that requiring all plans, procedures, assessments and reports be certified is too onerous with substantial extra cost and time, and difficult to implement.	<p>Draft standard conditions (C1) and (C25) required documents to be 'certified' by a suitably qualified person. The included definition of 'certified' means a statutory declaration made by a suitably qualified person or suitably qualified third party and which accompanies the written document about certain matters. For matters dealt with by Queensland legislation, they are made under the <i>Oaths Act 1867</i> and for Commonwealth matters they are made under the <i>Statutory Declarations Act 1959</i>.</p> <p>The purpose of the statutory declaration is for the suitably qualified person (i.e. the deponent) to make a formal statement that the written document they have prepared contains information that is accurate, true and relevant to the requirements of the condition/s (see definition of 'certified' for full matters to be declared).</p> <p>A suitably qualified person means a person who has qualifications, training, skills and experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis to performance relevant to the subject matter using the relevant protocols, standards, methods or literature. This definition provides for anyone in the company with relevant professional qualifications, training, skills or experience.</p> <p>The statutory declaration is witnessed by a lawyer, Justice of the Peace (Qualified) or a Commissioner of Declarations who can also be a person within the organisation. The witnessing of a statutory declaration is a simple administrative process taking rarely more than 15 minutes. Note that the person who witnesses a statutory declaration is not obligated to read to material – only to witness the declaration being made by the deponent. Further, a Justice of the Peace (Qualified) or a Commissioner of Declarations is not able to charge a fee for this service. Accordingly, EHP does not consider the process to be onerous.</p> <p>The statutory declaration provides assurance to EHP, the community and industry that a person with the appropriate skills and experience has endorsed the content and standards contained in these technical documents.</p>
10. Fauna entrapment	2, 4	Two submitters stated the word 'prevent' was too onerous and unreasonable.	<p>EHP recognises that fauna behaviour cannot be controlled by the holder of the environmental authority and as a result of the submissions, EHP amended the wording of the draft standard condition (C6) and produced standard condition (PESCC 6) which states more clearly that the holder must have 'measures in place' to prevent fauna entrapment from occurring (as opposed to having to ensure that fauna are not trapped).</p> <p>Compliance action could be taken for measures not being implemented but not for entrapment if it did occur in spite of measures being in place.</p>
11. Works in watercourses	2, 3, 4, 9, 11	Five submitters stated that requiring works in watercourses to be completed in 10 business days conflicts with the Code for self-assessable development - Temporary waterway barrier works (DEEDI, 2010). This Code allows for	<p>In response to comments received about draft standard condition (C10), EHP changed the condition by removing the 10 business day timeframe and developing separate performance based conditions (PESCC 10 to PESCC 13).</p> <p>The requirement to immediately rehabilitate after works ceased in draft standard condition (C10) was a duplicate of rehabilitation conditions and so was deleted.</p>

Issue	Issue raised by1	Issue description	EHP Response
		<p>the construction of temporary waterway barriers in watercourses up to 21 calendar days for tidal watercourses and 42 calendar days for non-tidal watercourses.</p> <p>Submitters stated that the requirement to rehabilitate immediately after works have ceased is undesirable when co-location works are necessary.</p>	
12. Sediment and erosion control	2, 6	<p>One submitter requested consistency between soil conditions for petroleum exploration, pipelines and survey activities.</p> <p>Submitter number 6 recommended expanding the condition to include requirements for a Soil Management Plan to provide confidence to the agricultural industry that the productive profile and capacity of soil is not diminished.</p>	<p>EHP has clarified the wording of draft standard conditions (C11) and (C12) and produced standard conditions (PESCC 14) and (PESCC 15) which refer to 'measures to prevent' soil loss. This better reflects EHP's intent that the holder is not required to prevent all soil loss (as this is impractical, if not impossible) but rather, have 'measures in place to prevent' it.</p> <p>In the event that soil is lost from a disturbed area and released to waters, EHP will investigate the event in accordance with the provisions in section 440ZG of the EP Act – Depositing prescribed water contaminants in water. The decision to take enforcement action will be in accordance with EHP's published Enforcement Guidelines.</p> <p>A soil management plan is typically required for petroleum production activities because of the larger scale and duration of these activities. However the risk assessment undertaken for exploration activities demonstrated that conditions regarding soil loss prevention, site and rehabilitation standards were sufficient to address the lower scale and intensity of exploration activities.</p> <p>Note that there may be separate and additional soil management and rehabilitation requirements for strategic cropping land under the SCL Act.</p>
13. Dams	2, 3, 4, 6, 9, 11	<p>Five submissions stated that ANCOLD documents only apply to large dams and the definition of large dams does not apply to dams required for exploration.</p> <p>Submitter number 6 recommended that the construction of large dams should occur in a way that avoids the loss of productive land.</p>	<p>Large dams that are of high or significant hazard category are considered regulated structures and are not permitted by eligibility criterion (PEEC 4(b)).</p> <p>The hazard assessment process required by draft standard condition (C14) and final standard condition (PESCC 17) is an important driver for industry to move away from constructing large dams.</p> <p>In response to submissions, EHP replaced the ANCOLD standard in draft standard condition (C15) with accepted engineering standards to produce final standard condition (PESCC18). Accepted engineering standards apply to the construction, operation and maintenance of low hazard dams.</p> <p>Accepted engineering standards in relation to dams means those standards of design, construction, operation and maintenance that are broadly accepted within the profession of engineering as being good practice for the purpose and application being considered. In the case of dams, the most relevant documents would be publications of the ANCOLD, guidelines published</p>

Issue	Issue raised by1	Issue description	EHP Response
			<p>by Queensland government departments and relevant Australian and New Zealand Standards.</p> <p>EHP considers that the risk of environmental harm from low hazard dams is amply covered by the surface area eligibility criterion (PEEC 3) and by standard conditions relating to site planning and rehabilitation (PESCB 5 - PESCB 7 and PESCC 38 – PESCC 40).</p>
14. Treated sewage effluent to land	2, 11	<p>Two submitters stated that prohibiting the release of effluent during wet weather was already covered by the release not resulting in pooling, and that the term 'wet weather' did not reflect the soil moisture conditions at the time of release.</p>	<p>Draft standard condition (C21) was amended and the requirement to not release treated sewage effluent during wet weather was removed from the final standard condition (PESCC 28).</p>
15. Produced water quality for dust suppression and construction	2, 3, 6, 9, 11,	<p>Four submissions questioned the release quality limits for CSG water (in particular, the sodium absorption rate (SAR) limit of 8) as it is more stringent than the limit in environmental authorities (SAR 8 as an 80th percentile, 12 a maximum) and the general Beneficial Use Approval (BUA) (SAR 15).</p> <p>Submitter 6 supported this condition in so far that the standards not be extended to domestic use or stock watering.</p>	<p>Whilst the SAR value is different to that currently set in the General BUA for CSG Water and existing level 1 environmental authorities, it is considered acceptable given current best practice to protect soil structure from damage. The project team (which included APPEA and industry representatives from small to mid-cap companies) agreed to the SAR value of 8 in November 2012.</p> <p>Whilst it could be argued the SAR is too conservative, it is noteworthy that standard applications are for low risk activities and site specific characteristics (such as soil type and structure) and impacts from a higher SAR are not assessed by EHP.</p>
16. Flaring	2, 3, 4, 9, 11	<p>Five submissions raised concerns that the draft standard condition regarding flares was too high and unnecessary for the purposes of burning off waste methane gas during exploration activities (i.e. production testing).</p> <p>Draft standard condition (C28) required that flares which operate beyond the standard period of production testing (i.e. 30 days) must be designed and operated to the US EPA Federal Register Good Practice Guidance (40 CFR 60.18).</p>	<p>In the Surat Basin, 250 – 3000kg/hour of waste gas could be emitted from production testing (depending on the productivity of the well and whether the well is in the eastern or western Surat). In the Bowen Basin, the volume could range between 80kg – 160kg/hour. By comparison, a cruising Boeing 747 burns approximately 10,000 kg/hour.</p> <p>Petroleum production testing can occur for the standard permitted period (i.e. 30 days) or up to one year, providing that permission is obtained for an extension under petroleum legislation.</p> <p>During the development of the draft eligibility criteria and standard conditions, EHP staff asked APPEA and industry to propose an alternative standard however this was not provided and most submissions requested the condition be deleted in its entirety without providing an alternative.</p> <p>Under petroleum legislation, venting (where waste gas is released to the atmosphere untreated) is restricted and requires special permission.</p> <p>Petroleum exploration activities typically use an open flare. Calculating emissions from these flares is not reliable or accurate because of the open flame. These types of flares can be assumed to</p>

Issue	Issue raised by <sup>1</sup>	Issue description	EHP Response
			<p>have a combustion efficiency ranging from 0% (if there is a visible flame for less than 20 minutes in any hour) to 50% (if there is a visible flame for more than 20 minutes in any hour).</p> <p>Enclosed flares have 90% combustion efficiency but are not commonly used in petroleum exploration activities. They can cost 1.5 – 2 times more than an open flare but have many environmental advantages including 90% or more combustion efficiency and no visible flame or smoke.</p> <p>EHP has attempted to address industry concerns by redrafting the flaring condition to (PESCC 34):</p> <p>Unless venting is authorised under section 72 of the <i>Petroleum and Gas (Production and Safety) Act 2004</i> or section 74M of the <i>Petroleum Act 1923</i>, waste gas from production testing must be flared in a manner such that:</p> <p>A flame is visible at all times while the waste gas is being flared, and</p> <p>There is no visible smoke emissions other than for a total period of no more than five minutes in any two hours; OR</p> <p>Uses an enclosed flare.</p> <p>EHP considers that this condition will give industry flexibility to choose the manner in which the flare operates whilst also driving performance to the higher standard of the enclosed flare because, by virtue of the more reliable and higher burning efficiency, does not require compliance monitoring.</p>
17. Stimulation	2, 4, 6, 9	<p>Three submitters raised concerns that stimulation conditions were too prescriptive, arbitrary and inconsistent with current conditions in existing environmental authorities.</p> <p>Submitter 6 was concerned about the lateral buffer zone imposed, and requested buffers to be set on a case-by-case basis and be based on best scientific evidence.</p>	<p>Stimulation conditions are commensurate with risk and take into account the interests of the community and the regulator.</p> <p>The stimulation management procedures required to be developed under standard condition (PESCC 36) prior to undertaking well stimulation must be certified by a suitably qualified person. This will assure the quality of the procedures. Standard condition (PESCC 2) requires these certified procedures to be implemented, therefore ensuring that stimulation activities are properly managed to protect environmental values.</p> <p>It is important to note that the process for an environmental authority (standard application) requires no formal assessment by EHP and therefore buffers are not able to be set on a case-by-case basis. To enable some stimulation activities to occur under the standard application assessment track, the activity had to be low risk and therefore, required conservative buffers. In the event a company sought to reduce these buffers via a variation or amendment assessment track, under the provisions of the EP Act, EHP would be able to carry out a detailed environmental assessment to ensure that the varied buffers are appropriate to protect environmental values.</p>
18. Rehabilitation procedures	2, 4, 6, 9, 11	Four submissions expressed concern that the requirement to follow the Queensland government's Biocondition,	In response to submissions received, EHP split draft standard condition (C33) moving the assessment into the Site Planning section, specifically, standard condition (PESCB 7). This new condition only requires ecological assessments of areas of native vegetation being cleared.

Issue	Issue raised by1	Issue description	EHP Response
		<p>a condition assessment framework for terrestrial biodiversity in Queensland, assessment manual (the 'Biocondition framework)was unjustifiably onerous because the assessment was for every area subject to 'significant disturbance' irrespective of whether or not that area has any significant ecological qualities (e.g. pasture).</p> <p>Two submitters stated that the rehabilitation conditions did not provide for rehabilitation of cultivated land.</p> <p>Submitter 6 advocated for clear and accountable rehabilitation procedures based on best practice guidelines and which are proportionate to the level of environmental impact.</p>	<p>The current acceptable standard to assess the condition of native vegetation in Queensland is the Biocondition framework. The Biocondition framework provides a measure of how well a terrestrial ecosystem is functioning. It is site-based, quantitative and repeatable, which can be used for any vegetated area. The framework should not be confused with other survey methods commonly used to simply determine the extent / presence/ absence of vegetation communities. Assessing vegetation condition is considered a major component of native vegetation management, assisting the holder of the environmental authority to better determine rehabilitation effort and success.</p> <p>The requirements of draft standard condition (C33) which relate to rehabilitation were reproduced in standard condition (PESCC 39) and amendments made to also include rehabilitation standards for cultivated land.</p>
19. National Association of Testing Authorities (NATA) accreditation	4, 11	Two submitters stated that the conditions requiring NATA accredited laboratories for sample analysis were onerous and burdensome.	Accreditation of laboratory analyses methods provides certainty to the community and the regulator about the accuracy and precision of the monitoring results. Draft standard condition (D5) (now PESCD 3) provides flexibility for industry when NATA accredited laboratories are not available.
20. Reporting	4, 9	Two submitters expressed that reporting all activities annually is too onerous and only those which caused significant disturbance to land should be reported.	<p>In response to comments received, EHP has amended the wording of draft standard condition (D13a) to standard condition (PESCD 12a) to only require reporting of activities that caused significant disturbance to land.</p> <p>Note the term 'significant disturbance to land' is defined in Schedule 12, Item 4 of the EP Reg.</p>

**Table 2 Petroleum pipeline activities**

Issue	Issue raised by	Issue description	Response
1. Petroleum activities in Wild River Declaration	2, 5, 10	The draft eligibility criteria did not allow for petroleum activities to occur within Wild River declaration areas.	The eligibility criterion relating to works in Wild River declaration areas was deleted in response to submissions and replaced with standard condition (PPSCB 4) which requires the holder of the environmental authority to comply with the requirements of any relevant Wild River declaration.

Issue	Issue raised by	Issue description	Response
Areas		Seven submissions stated that petroleum pipeline activities in Wild River declaration areas should not be excluded by eligibility criteria as these activities are permitted in the declarations.	
2. Environmentally Relevant Activities (ERAs)	2, 3, 9, 11, 12	<p>Five submissions requested changes to prescribed ERAs, specifically ERAs 16 and 60 because those activities are excluded as ERAs in the legislation when carried out as part of another ERA.</p> <p>One submitter recommended that the eligibility criterion be deleted and replaced by a standard condition so that variation applications can be made in circumstances where the relevant thresholds for the restricted activities may be exceeded.</p>	<p>The reference to ERAs in the eligibility criteria does not exclude the activities from occurring altogether but rather above the stated thresholds. The thresholds align with those in the tracks report and are those identified as being ineligible for a standard application.</p> <p>The ERAs listed in the eligibility criterion are those that were identified in the tracks report as being ineligible and therefore could not be authorised under an environmental authority (standard application).</p> <p>ERA 16 was moved from the eligibility criteria to standard condition (PESCA 2b) and (PESCA 2c) because the EP Reg states that the “relevant activity does not include extracting material under an environmental authority for a resource activity”. Whilst extraction as part of a resource activity is not classified as an ERA, it is still an activity that requires constraints in order to prevent unacceptable impact. As stated above, the threshold of 100,000t/year was selected to be consistent with the eligible threshold in the tracks report. Environmental values will still be protected despite this change given standard conditions for site planning and rehabilitation (PPSCD 1 – PPSCD 3, PPSCE 17 – PPSCE 19, PPSCF 4 – PPSCF 5).</p> <p>Note that highly productive soils are protected in Queensland by the SCL Act.</p>
3. Strategic Cropping Land (SCL)	2, 3, 10, 11	Submissions stated that SCL decisions have no statutory timeframes. Therefore, the requirement to obtain an SCL decision prior to being able to be eligible to make a standard application may cause unnecessary delays.	<p>EHP deleted this eligibility criterion in response to submissions.</p> <p>Sections 93 and 115 of the SCL Act require that a protection decision or compliance certificate be given before an environmental authority can be issued under the EP Act. This is both in the SCL Act and as a note in the EP Act which states “The <i>Strategic Cropping Land Act 2011</i>, chapter 3, part 4, division 2 imposes restrictions on the issuing of environmental authorities for SCL and potential SCL under that Act”.</p> <p>The SCL Act obligations override the EP Act obligations and EHP is not able to issue an environmental authority until after a SCL protection decision has been given or a compliance certificate has been issued.</p> <p>As the decision period on a standard application cannot be extended, EHP held concerns that an environmental authority (standard application) could be issued prior to a protection decision or compliance certificate under the SCL Act. Consequently, EHP would not be fulfilling its obligations under both Acts.</p> <p>As a result of feedback received, EHP has amended business processes so that an environmental authority (standard application) will be granted but not issued until a protection decision or compliance certificate has been given.</p>

Issue	Issue raised by	Issue description	Response
			<p>Officers in EHP should liaise with the administering authority of the SCL Act to provide notice about upcoming deadlines for decision.</p> <p>The environmental authority takes effect on the day the tenure is granted.</p>
4. Trench Material	2, 3, 6	<p>Two submissions requested that extraction of earthen material should exclude incidental extraction activities like pipeline trenching and drilling.</p> <p>One submitter sought clarification through the inclusion of a definition of 'trench material' as material necessary to be extracted to establish a trench, and bedding sand material required to be placed in a trench, once established.</p> <p>One submission stated that extracting more than 100,000t/year of earthen materials was too high.</p>	<p>EHP defines trench spoil in accordance with the Australian Pipeline Industry Association (APIA) Code of Environmental Practice: Onshore Pipelines (2009) ('the APIA code) as "soil from the pipeline trench".</p> <p>Extracting material is an activity that can cause environmental harm and the risk of extracting more than the specified threshold has been identified by the tracks report as being an ineligible ERA and therefore not to be authorised under an environmental authority (standard application).</p> <p>The threshold is deemed adequate for a standard condition to be imposed on an environmental authority (standard application) which does not require a formal assessment by EHP. It is appropriate given the site planning and rehabilitation standard conditions which are in place.</p> <p>Note that highly productive soils are protected in Queensland by the SCL Act.</p>
5. Environmentally sensitive areas (ESAs)	2, 3, 5, 9, 10, 11	<p>Five submissions state that regulation of activities in Category C ESAs and all buffers be removed from the standard conditions.</p> <p>Submitter number 10 stated that Category A ESAs are not excluded from pipeline tenure and whilst pipeline planning activities endeavour to avoid these ESAs, excluding Category A ESAs from standard applications was incorrect.</p>	<p>EHP has clear jurisdiction to restrict activities in ESAs to protect these areas however, as a result of issues raised by industry EHP streamlined the regulation of petroleum activities in ESAs and their buffers.</p> <p>These changes include reducing buffers to Category A ESAs from 1km to 300m, reducing buffers to Category B ESAs from 500m to 300m, reducing Category C ESAs buffers from 500m to 200m and for State Forests and Timber Reserves, removing buffers altogether. The remaining buffers are sufficient to protect the environmental value of ESAs. See issue 8 for more information about non-linear infrastructure in ESAs.</p> <p>Draft standard conditions (A3) and (A4) were amended and standard condition (PPSCA 3) now allows for low impact petroleum activities within and in the primary protection zone of Category A ESAs. An explanatory note was also added to (PPSCA 3) to better explain how the condition works in relation to impacts to state significant biodiversity values.</p>
6. Impacts to State Significant Biodiversity Values (SSBVs)	2, 3, 11	<p>Two submitters stated that the Queensland Biodiversity Offset Policy October 2011 is under review and so the conditions should be deleted or should require offsets without specifying the manner by which the requirement is satisfied (i.e. through a signed deed of agreement).</p>	<p>The biodiversity offsets conditions were deleted because standard condition (PPSCA 3) does not allow for impacts to state significant biodiversity values.</p> <p>In the event standard conditions need to be varied to allow for such impacts, offsets under any relevant Queensland Offset Policy may be required.</p> <p>Coordinated projects are defined under the EP Act as ineligible ERAs and thus not able to make a standard application. Accordingly, eligibility criteria and standard conditions would not apply.</p>



Issue	Issue raised by	Issue description	Response
		<p>Two submitters stated that the offsets conditions would not apply to 'coordinated projects' as these are required to prepare and implement a whole-of-project offsets program pursuant to conditions imposed by the Coordinator General.</p>	
7. Nuisance / complaints	2, 6, 9	<p>Submitter 6 was concerned that the definition of sensitive place did not include cropping land.</p> <p>One of the submissions stated that the proposed conditions will cause 'substantial uncertainty' to industry because of the broad definition of 'nuisance' in the EP Act and the subjective elements therein.</p> <p>Another submission expressed concern that there is no process in determining what a valid complaint is and that alternative arrangements can be very costly.</p>	<p>Draft standard conditions (B4), (B5) and (C7) referred to environmental nuisance which is defined in section 15 of the EP Act as: 'an unreasonable interference or likely interference with an environmental value'.</p> <p>Section 9 of the EP Act defines environmental value as: 'a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation'.</p> <p>Environmental nuisance applies to interference experienced by a person. Therefore, landholders are able to make a nuisance complaint for unreasonable interference from dust, noise, light or odour where that nuisance is impacting upon ecological health, public amenity or safety.</p> <p>A crop in itself is not afforded protection from environmental nuisance unless that crop has characteristics that are conducive to ecological health or public amenity or safety. Generally, a cultivated monoculture crop will not be conducive to these values.</p> <p>Other relevant legislation would more appropriately cover submitter 6's concern regarding impacts to crops.</p> <p>As a result of the consultation process, nuisance conditions for noise and other nuisances were merged into standard condition (PPSCB 2). This was made possible by including a sensitive 'receptor' (which is a term specific to noise nuisance as per the Environmental Protection (Noise) Policy 2008) into the definition of sensitive 'place'.</p> <p>The definition of alternative arrangement was also amended at the request of submitters so that they can be used for all nuisance types, not just noise.</p> <p>In keeping with EHP's Regulatory Strategy, standard condition (PPSCB 2) is outcome focused, where the outcome is that amenity is not adversely affected by environmental nuisance and noise. The condition provides for alternative arrangements to exist, this gives industry options to achieve the outcome. The condition is commensurate with risk and takes into account the interests of the community, the regulator and industry.</p> <p>Note that as a result of submissions, EHP amended the definition of 'valid complaint' to recognise that either the administering authority or the holder of the environmental authority can make this determination.</p>

Issue	Issue raised by	Issue description	Response
8. Essential petroleum activities	2, 3, 11	<p>The submissions state that reference to essential petroleum activities excludes additional infrastructure for pipeline construction and operation, and the definition is overly prescriptive with an infinite number of exclusions (e.g. “other supporting infrastructure for the project (e.g. sewage treatment plants).” Submissions stated that the definition will result in ongoing amendment applications without any commensurate environmental benefit; a single list of inclusions would avoid this.</p>	<p>EHP has since adopted a similar regulatory approach to linear and non-linear infrastructure in ESAs as that taken by the Department of Sustainability, Environment, Water, Population and Communities (SEWPAC) for the large LNG projects.</p> <p>Non-linear infrastructure relevant to pipeline activities has been defined as: “infrastructure that is other than a power line, a pipeline, a road or an access track and includes only the following: workers camps, maintenance facilities, no-release sewage treatment plants, laydown areas, structures (i.e. dams or levees), tanks, sediment and erosion control measures, above ground containers and chemical / fuel storages, water pumps and generators, stockpiles”.</p> <p>Standard condition (PPSCA 4) was added to allow for pipelines in the secondary protection zones of ESAs. The condition provides that if there are constraints like a residential area, or a wetland, or a primary protection zone of an ESA where non-linear infrastructure is not permitted, and that non-linear infrastructure is unavoidable, then the non-linear infrastructure can be placed in the secondary protection zone. It provides that whilst there may be other constraints, the location of the non-linear infrastructure cannot be placed in that location if there is somewhere else suitable for it that has lower environmental value.</p> <p>In summary, standard condition (PPSCA 4) is requiring the holder to demonstrate three criteria before placing non-linear infrastructure in the secondary protection zone of an ESA:</p> <p>There are other constraints that prevent the location of non-linear infrastructure in another location.</p> <p>This may be another construction or operational constraint which prevents infrastructure from being located away from the pipeline right of way. For example, a stormwater settlement dam may not be able to be located anywhere other than the secondary protection zone because it needs to be located near the pipeline right of way and landholder issues or existing infrastructure prevents the stormwater settlement dam from being located elsewhere.</p> <p>The location of that infrastructure in the secondary protection zone cannot be avoided.</p> <p>For example, the stormwater settlement dam must be located adjacent to and along the right of way to capture contaminated runoff from the disturbed area.</p> <p>The infrastructure cannot impact the ESA itself.</p> <p>For example, the stormwater settlement dam cannot disturb fauna habitat, or have wet weather releases that flow into the ESA. Another example is that noise from a compressor station located in a secondary protection zone cannot negatively impact fauna habitat values. A third example might be that dust from construction activities cannot smother vegetation in the ESA.</p> <p>Standard condition (PPSCA 5) requires records to be kept demonstrating how the company progresses through the hierarchy in selecting the location of non-linear infrastructure in a secondary protection zone.</p>
9. Contingency procedures	2, 3, 6, 11	<p>Three submitters stated that the term ‘emergency response procedures’ was</p>	<p>In response to submissions, EHP amended draft standard condition (C7) and changed the term ‘emergency response procedures’ to ‘contingency procedures’ for the final standard condition</p>

Issue	Issue raised by	Issue description	Response
		<p>being used out of context (e.g. nuisance or complaints are not considered an emergency). Furthermore submitters stated that the procedures should only relate to areas where petroleum activities involve significant disturbance.</p> <p>The wording in the draft standard condition was also requiring that environmental values be protected from naturally occurring events such as bushfires. This is different to minimising potential environmental harm from the petroleum activities as a result of extreme events.</p> <p>Submitter number 6 recommended the inclusion of an “emergency shutdown” procedure in instances where operational accidents/malfunctions in exploration occur, so as to provide confidence to landholders that all reasonable procedures are in place.</p>	<p>(PPSCC 7).</p> <p>EHP also clarified the wording of the condition so that it is clear that environmental values are protected and potential environmental harm is minimised from petroleum activities as a result of floods, severe storms and fires.</p> <p>Emergency shutdown was considered to fall under the term within the scope of standard condition (PPSCC 7(a) (ii)) and so was not explicitly stated in the condition.</p> <p>Additionally the explanatory notes provides clarity that other documents can be incorporated, including emergency response procedures required by the P&amp;G Act, meaning that the company can also include an Emergency Shutdown Procedure or other relevant procedures to ensure compliance with the standard condition.</p>
10. Sediment and erosion control	3, 5, 6, 11	<p>The submissions stated that reference to “prevent” should be replaced with “minimise to the greatest extent possible”, so as to recognise that in some instances (e.g. storm event) implementation of appropriate erosion and sediment control measures will not be able to be completely prevent the release of sediments.</p> <p>Submitter number 5 stated that there are no guidelines or references to protect soil.</p> <p>Submitter number 6 recommended expanding the condition to include requirements for a Soil Management Plan to provide confidence to the agricultural industry that the productive profile and capacity of soil is not</p>	<p>EHP has clarified the wording of draft standard conditions (C8) and (C9) and produced standard conditions (PPSCC 8) and (PPSCC 9) which refer to ‘measures to prevent’ soil loss. This better reflects EHP’s intent that the holder is not required to prevent all soil loss (as this is impractical, if not impossible) but rather, have ‘measures in place to prevent’ it.</p> <p>The International Erosion Control Association (IECA) Best Practice Erosion and Sediment Control (BPESC) document and the Australian Pipeline Industry Association (APIA) Code of Environmental Practice: Onshore Pipelines (2009) are explicitly referenced in the standard conditions given the potential risk of erosion and sediment loss during pipeline construction activities.</p> <p>In the event that soil is lost from a disturbed area and released to waters, EHP will investigate the event in accordance with the provisions in section 440ZG of the EP Act – Depositing prescribed water contaminants in water. The decision to take enforcement action will be in accordance with EHP’s published Enforcement Guidelines.</p> <p>Note that there may be separate and additional soil management and rehabilitation requirements for strategic cropping land under the SCL Act.</p>

Issue	Issue raised by	Issue description	Response
		diminished.	
11. Treated sewage effluent	2, 3, 5, 11	<p>The submitters requested the draft condition be reworded to authorise dust suppression using Class A treated sewage effluent.</p> <p>The submitters also stated that prohibiting the release of effluent during wet weather was already covered by the release not resulting in pooling and that the term 'wet weather' did not reflect the soil moisture conditions at the time of release.</p>	<p>Class A effluent, being of higher quality (in terms of viruses, pathogens and bacteria) is permitted to be irrigated under draft standard condition (C14) because the condition refers to the quality "meeting or exceeding Class B and C effluent".</p> <p>In response to submissions, EHP amended draft standard condition (C14) by removing the prohibition on releases of treated sewage effluent during wet weather. Whilst it is best practice to only irrigate in dry weather, EHP considered the performance objective was met by clause (c) in the final standard condition (PPSCC 16).</p>
12. Pipeline corridor widths	2, 3, 11, 12	<p>Submitters stated that the wording of draft standard condition (D3) would preclude common trenching methods for pipeline construction because it might be technically possible to minimise width but not practical.</p> <p>Further, submitters stated that the prescribed maximum right of way width would be unnecessarily restrictive for the construction of pipeline projects which commonly use larger diameter pipes.</p> <p>Submitters requested an expansion of the permissible construction corridor width to 40m.</p>	<p>In response to submissions, EHP amended draft standard condition (D3) to provide for pipeline planning which minimises pipeline construction corridors to the greatest practicable extent. The final standard condition (PPSCD 2) permits a maximum right of way of 40m width but also requires pipelines be preferentially located alongside existing linear infrastructure.</p>
13. Works in watercourses	2, 3, 11, 12	<p>Five submitters stated that requiring works in watercourses to be completed in 10 business days conflicts with the Code for self-assessable development - Temporary waterway barrier works (DEEDI, 2010) which allows for the construction of temporary waterway barriers in watercourses up to 21 calendar days for tidal watercourses and 42 calendar days for non-tidal watercourses.</p>	<p>In response to comments received about draft standard condition (E1), EHP changed the condition by removing the 10 business day timeframe and developing separate performance based conditions, (PPSCE 2) to (PPSCE 6).</p> <p>The requirement to immediately rehabilitate after works ceased in draft standard condition (E1) was a duplicate of rehabilitation conditions and so was deleted.</p>

Issue	Issue raised by	Issue description	Response
		Submitters stated that the requirement to rehabilitate immediately after works have ceased is not desirable when co-location works are necessary.	
14. Fauna entrapment	2, 3, 10, 11, 12	<p>The submitters expressed concern that the requirement to “prevent fauna entrapment” did not allow for mitigation measures (such as providing regular trench inspections) to be lawfully applied.</p> <p>One submitter required the condition be deleted because it is a duplication of the <i>Nature Conservation Act 1992</i>.</p> <p>Two submitters stated that compliance with the draft condition would require fencing and roofing all pipeline trenches.</p>	<p>EHP recognises that fauna behaviour cannot be controlled by the holder of the environmental authority and as a result of the submissions, EHP amended the wording of the draft standard condition (C6) and produced standard condition (PPSCE 7) which states more clearly that the holder must have ‘measures in place’ to prevent fauna entrapment from occurring (as opposed to having to ensure that fauna are not trapped).</p> <p>Compliance action could be taken for measures not being implemented but not for entrapment if it did occur in spite of measures being in place.</p>
15. Standards for release of contaminants to land	3, 11	Two submitters stated the standards in draft standard condition (E3) do not apply to short term releases of trench water and hydrostatic test water and that the limits could be higher (if stated at all).	<p>Quality standards for trench water, hydrostatic testing water and water from low point drains provide certainty to the holder of the environmental authority and EHP that impacts will not occur. The use of the defined standard is the simplest way to ensure that the contaminant release is within the ‘low risk’ threshold considering there is no environmental assessment carried out under the standard application track.</p> <p>The standard is based on published guideline values and takes into consideration community expectations that the environment be protected from undue harm. This is consistent with EHP’s Regulatory Strategy.</p>
16. Hydrostatic test water	2, 3, 11, 12	Four submissions stated that requiring lining of structures for hydrostatic testing water is not commensurate with the environmental risk involved in the activity, which is typically of short duration.	Draft standard condition (E4) was changed to require that the storage of hydrostatic test water must be in a low hazard dam as for all other liquid wastes.
17. Dams	2, 3, 5, 6, 11	The submissions expressed that:  the Queensland Government Manual for Assessing Hazard Categories and Hydraulic	<p>The dam manual states that it is relevant to any structure used in carrying out an ERA, where the structure is defined as being a dam or levee.</p> <p>The primary purpose of any dam is to store waste water associated with the carrying out of the petroleum activities. Further, the primary reason for removing a dam from service should be</p>

Issue	Issue raised by	Issue description	Response
		<p>Performance of Dams (the 'dam manual') may not be relevant for all types of structures the wording of draft standard conditions (E8) – (E11) was confusing requiring all low hazard dams be decommissioned regardless of future use was contradictory ANCOLD documents only apply to large dams and the definition of large dams does not apply to dams required for pipelines.</p> <p>Submitter number 6 recommended avoiding construction of large dams to avoid loss of productive land.</p>	<p>because it is no longer needed to store waste waters generated during the carrying out the petroleum activities.</p> <p>The Macquarie Dictionary defines decommission as: "to remove from service"; "to close down". In order to remove from service or close down, inflows of waste water must cease.</p> <p>EHP has deleted draft condition regarding ANCOLD and replaced it with a standard condition that requires accepted engineering standards are used in the construction, operation and maintenance of low hazard dams.</p> <p>Accepted engineering standards in relation to dams, means those standards of design, construction, operation and maintenance that are broadly accepted within the profession of engineering as being good practice for the purpose and application being considered. In the case of dams, the most relevant documents would be publications of the ANCOLD, guidelines published by Queensland government departments and relevant Australian and New Zealand Standards.</p> <p>EHP considers that the risk of environmental harm from low hazard dams is amply covered by site planning and rehabilitation standard conditions.</p> <p>The hazard assessment process required by the standard conditions is an important driver for industry to move away from constructing large dams.</p> <p>Note that large dams that are of high or significant hazard category are considered regulated structures and are not permitted by the eligibility criteria.</p>
18. Flush water	3, 10, 11	Three submitters noted that the draft condition relating to flush water was being associated only with decommissioning, whereas flush water can also be part of other pipeline stages (such as maintenance).	The 'Decommissioning' subheading was deleted from this section which makes it clearer that flush water of approved quality can be released to land during pipeline operations, maintenance and/or decommissioning.
19. Pipeline rehabilitation procedures	2, 3, 11, 12	Four submissions expressed concern that the requirement to follow the Queensland Government's Biocondition, a condition assessment framework for terrestrial biodiversity in Queensland, assessment manual (the 'Biocondition framework') is an unjustifiably onerous requirement because the assessment was for every area subject to 'significant disturbance' irrespective of whether that area has any significant ecological qualities or not (e.g. pasture). The draft conditions did not consider the timeframes	<p>In response to comments received, EHP has amended the wording of the draft standard condition (D5) and the new standard condition (PPSCD 3) only requires ecological assessments of areas of native vegetation being cleared.</p> <p>The current acceptable standard to assess the condition of native vegetation in Queensland is the Biocondition framework. The Biocondition framework provides a measure of how well a terrestrial ecosystem is functioning. It is site-based, quantitative and repeatable, which can be used for any vegetated area. The framework should not be confused with other survey methods commonly used to simply determine the extent / presence/ absence of vegetation communities. Assessing vegetation condition is considered a major component of native vegetation management, assisting the holder of the environmental authority to better determine rehabilitation effort and success.</p>

Issue	Issue raised by	Issue description	Response
		<p>required to complete rehabilitation based on specific soil or weather conditions.</p> <p>Two submitters stated that the rehabilitation conditions did not provide for rehabilitation of cultivated land.</p> <p>Submitter 6 advocated for clear and accountable rehabilitation procedures based on best practice guidelines and proportionate to the level of environmental impact.</p>	<p>The requirements of draft standard condition (F5) which relate to rehabilitation were reproduced in standard condition (PPSCF 4) and amendments made to also include rehabilitation standards for cultivated land.</p>
20. NATA accreditation	3, 11	<p>Two submitters stated that the conditions requiring NATA accredited laboratories for sample analysis were onerous and burdensome.</p>	<p>Accreditation of laboratory analyses methods provides certainty to the community and the regulator about the accuracy and precision of the monitoring results. Draft standard condition (G5), renumbered in the final standard conditions to (PPSCG 4) provide flexibility for industry when NATA accredited laboratories are not available.</p>
21. Reporting	2, 3	<p>Two submitters expressed that reporting all activities annually is too onerous, only those which caused significant disturbance to land should be reported.</p>	<p>In response to comments received, EHP has amended the wording of draft standard condition (G13) to standard condition (PPSCG 10) to only require reporting of activities that caused significant disturbance to land.</p>

**Table 3 Petroleum survey activities**

Issue	Issue raised by	Issue description	Response
1. Petroleum activities in Wild River Declaration Areas	2, 3, 5, 10	<p>Seven submissions stated that petroleum survey activities in Wild River declaration areas should not be excluded by eligibility criteria as these activities are permitted in these areas by the declarations.</p> <p>The eligibility criteria did not allow for petroleum activities to occur within Wild River declaration areas.</p>	<p>The eligibility criterion relating to works in Wild River declaration areas was deleted in response to submissions and replaced with standard condition (PSSCB 4) which requires the holder of the environmental authority to comply with the requirements of any relevant Wild River declaration.</p>

Issue	Issue raised by	Issue description	Response
2. Strategic Cropping Land (SCL)	2, 3, 10, 11	Four submissions stated that SCL decisions have no statutory timeframes. Therefore, the requirement to obtain an SCL decision prior to being able to be eligible to make a standard application may cause unnecessary delays.	<p>Sections 93 and 115 of the SCL Act require that a protection decision or compliance certificate be given before an environmental authority can be issued under the EP Act. This is both in the SCL Act and as a note in the EP Act (which states “The Strategic Cropping Land Act 2011, chapter 3, part 4, division 2 imposes restrictions on the issuing of environmental authorities for SCL and potential SCL under that Act”).</p> <p>The SCL Act obligations override the EP Act obligations and EHP is not able to issue an environmental authority until after a SCL protection decision has been given or a compliance certificate has been issued.</p> <p>As the decision period on a standard application cannot be extended, EHP held concerns that an environmental authority (standard application) could be issued prior to a protection decision or compliance certificate under the SCL Act. Consequently, EHP would not be fulfilling its obligations under the Acts.</p> <p>However, as a result of feedback received, EHP will amend business processes so that an environmental authority (standard application) will be granted but not issued until a protection decision or compliance certificate has been given. Officers should liaise with the administering authority of the SCL Act to provide notice about upcoming deadlines for decision.</p> <p>The environmental authority takes effect on the day the tenure is granted. The eligibility criterion was deleted</p>
3. Authorised activities	2, 3, 10, 11	<p>Four submissions stated that excluding geotechnical investigations from standard applications would limit the determination of relevant engineering standards or design relating to ground, critical to the design of petroleum pipelines or facilities.</p> <p>The submissions requested a consistent approach to that of exploration and pipeline activities and that only high-risk activities be explicitly excluded.</p>	<p>EHP considers that petroleum survey activities should only require minimal disturbance to land. In keeping with this objective, EHP developed standard conditions (PSSCA 2) to (PSSCA 4) were developed specifying maximum disturbance.</p> <p>In the case that test pits are required for geotechnical investigations, the conditions limiting the total area of significant disturbance and the number, dimensions and location of test pits are reasonable and desirable.</p> <p>The references to geophysical surveys in all draft standard conditions were deleted.</p>
4. Significant disturbance	2, 3, 10, 11	Four submissions stated that excluding 'significant disturbance' under draft standard condition (B1) was onerous considering petroleum surveys can require soil and geotechnical investigations for the pipeline route or petroleum facility.	EHP has responded to submissions by developing standard condition (PSSCA 2). This sets a maximum disturbance area and does not limit the types of testing or surveying that can be undertaken (including test pits and other investigations involving earthworks).



Issue	Issue raised by	Issue description	Response
		Submitters stated that as a part of the geotechnical investigation, soil and rock samples are collected either through the use of truck mounted augers or through test pitting. Immediately upon completion of the soil and geotechnical samples, the holes are remediated and rehabilitated. Submitters stated that these activities are low impact and low risk to the environment.	
5. Environmentally sensitive areas (ESAs)	10	Submitter number 10 stated that excluding Category A ESAs from petroleum survey standard applications was incorrect, because petroleum survey licences may be granted over Category A ESAs.	Standard condition (PSSCA 6) allows for low impact petroleum activities within ESAs and their primary protection zone. As low impact activities do not involve significant disturbance to land, the environmental values of these areas and their buffers will be protected.
6. Nuisance / complaints	NA		Note that as a result of submissions received on eligibility criteria and standard conditions for other petroleum activities, EHP also made an amendment to the definition of a valid complaint to recognise that either the administering authority or the holder of the environmental authority can make this determination.
7. Release of contaminants to air or land	2, 3	<p>Submitter number 2 requested deletion of draft standard condition (B5) which prohibited environmental harm from contaminants being released to land or air because it was a duplication of Appendix 1 (General obligations under the EP Act).</p> <p>Submitter number 3 stated that the draft standard condition was unnecessarily prohibitive and should include “unless otherwise authorised by these standard conditions”. An example was provided that in some instances there may be releases of soil despite the implementation of appropriate erosion and sediment control measures.</p>	<p>Draft standard condition (B5) was considered necessary and desirable because it made it clear that any releases to land or air have to be explicitly authorised under the conditions of the environmental authority.</p> <p>As a result of the feedback received, draft standard condition (B5) was amended to (PSSCB 2) and now references standard conditions (PSSCC 9) and (PSSCC 14) which relate to contaminant releases.</p> <p>Note that it is best practice conditioning to reference exactly what conditions authorise the release of contaminants rather than make a general reference to the ‘relevant conditions of the environmental authority’ as this can be unclear to the holder which conditions are relevant.</p>
8. Contingency procedures	2, 3, 6, 10, 11	Three submitters stated that the term ‘emergency response procedures’ was	In response to submissions, EHP amended draft standard condition (C7) and changed the term ‘emergency response procedures’ to ‘contingency procedures’ for the final standard condition

Issue	Issue raised by	Issue description	Response
		<p>being used out of context (e.g. nuisance or complaints are not considered an emergency). Furthermore submitters stated that the procedures should only relate to areas where petroleum activities involve significant disturbance.</p> <p>The wording in draft standard condition (C7) was also requiring that environmental values be protected from naturally occurring events such as bushfires. This is different to minimising potential environmental harm from the petroleum activities as a result of extreme events.</p> <p>Submitter number 6 recommended the inclusion of an “emergency shutdown” procedure in instances where operational accidents/malfunctions in exploration occur, so as to provide confidence to landholders that all reasonable procedures are in place.</p> <p>Submitter number 10 stated that the level of procedures required is excessive in relation to the low risk of environmental harm from petroleum survey activities.</p>	<p>(PSSCC 5).</p> <p>EHP also clarified the wording of the condition so that it is clear that environmental values are protected and potential environmental harm is minimised from petroleum activities as a result of floods, severe storms and fires.</p> <p>Given that significant disturbance to land is now being authorised by the standard conditions for petroleum survey activities, it is reasonable to require contingency procedures prior to any significant disturbance to land occurring.</p> <p>Emergency shutdown was considered to fall under the term within the scope of standard condition (PPSCC 5(a) (ii)) and so was not explicitly stated in the condition.</p>
9. Sediment and erosion control	2, 3, 5, 10	<p>Four submitters expressed concern about prohibiting soil compaction and the definition being excessive and impractical.</p> <p>The submissions also stated that reference to “prevent” should be replaced with “minimise to the greatest extent possible”, to recognise that in some instances (e.g. storm event) implementation of appropriate erosion and sediment control measures will not be able to completely prevent the release of sediments.</p>	<p>EHP has clarified the wording of draft standard condition (C8) and produced standard condition (PSSCC 9) which refers to ‘measures to prevent’ soil loss. This better reflects EHP’s intent that the holder is not required to prevent all soil loss (as this is impractical, if not impossible) but rather, have ‘measures in place to prevent’ it.</p> <p>In the event that soil is lost from a disturbed area and released to waters, EHP will investigate the event in accordance with the provisions in section 440ZG of the EP Act—Depositing prescribed water contaminants in water. The decision to take enforcement action will be in accordance with EHP’s published Enforcement Guidelines.</p> <p>For petroleum production activities, a soil management plan is typically required. However the risk assessment undertaken for petroleum survey activities demonstrated that conditions to require measures to prevent soil loss and rehabilitation standards were sufficient to address the lower scale and intensity of these activities.</p>

Issue	Issue raised by	Issue description	Response
		Submitter number 6 recommended expanding the condition to include requirements for a Soil Management Plan to provide confidence to the agricultural industry that the productive profile and capacity of soil is not diminished.	Note that there may be separate and additional soil management and rehabilitation requirements for strategic cropping land under the SCL Act.
10. NATA accreditation	3, 11	Two submitters stated that the conditions were onerous and burdensome.	<p>Accreditation of laboratory analyses methods provides certainty to the community and the regulator that the accuracy and precision of the results are of an acceptable standard.</p> <p>The conditions provide flexibility for industry when NATA accredited laboratories are not available.</p> <p>Accreditation of laboratory analyses methods provides certainty to the community and the regulator about the accuracy and precision of the monitoring results. Standard condition Draft standard condition (D5) (now PSSCD 4) provides flexibility for industry when NATA accredited laboratories are not available.</p>
11. Definition of petroleum survey activities, and geophysical surveys	2, 3, 10	<p>Three submitters expressed concern regarding the definition of petroleum survey activities as it is inconsistent with the activities that are authorised under the P&amp;G Act. Submitters stated that the standard approval definition should not limit those activities authorised by a PSL.</p> <p>Two submitters stated that geophysical surveys are not likely to be carried out under a PSL.</p>	<p>Petroleum survey licences issued under the P&amp;G Act require “minimal impact on, or disturbance of the land”. In order to cause greater impact or disturbance, particular permission is required from the administering authority of that Act. Therefore, the normal expectation of a PSL is that the activities will cause minimal impact or disturbance to land. It is appropriate that environmental values are protected under environmental authorities despite permissible activities under land tenure.</p> <p>Consistent with exploration and pipeline standard conditions, EHP uses the term ‘low impact’ petroleum activities. This means petroleum activities which do not result in the clearing of native vegetation, cause disruption to soil profiles through earthworks or excavation or result in significant disturbance to land which cannot be rehabilitated immediately using hand tools after the activity is completed. Examples of such activities include but are not necessarily limited to soil surveys (excluding test pits), topographic surveys, cadastral surveys and ecological surveys, may include installation of monitoring equipment provided that it is within the meaning of low impact and traversing land by car or foot via existing access tracks or routes or in such a way that does not result in permanent damage to vegetation.</p> <p>References to geophysical surveys were deleted.</p>

**Table 4 Submitters**

Submission No.	Organisation	Type
1	AGL	C
2	Arrow Energy	C
3	Australian Petroleum Production and Exploration Association (APPEA)	B
4	Blue Energy	C
5	Bridgeport	C
6	Cotton Australia	A
7	Department of Agriculture, Fisheries and Forestry (DAFF)	D
8	Galilee Basin Operator's Forum (GBOF)	B
9	Queensland Gas Company (QGC)	C
10	Resource and Land Management Services (RLMS)	E
11	Santos	C
12	The Australian Pipeline Industry Association Ltd. (APIA)	B
13	Queensland Treasury	D

A—Agricultural industry group

B—Body representing the interests of petroleum/CSG operators

C—Petroleum/CSG operator

D—Government

E—Organisation that provides services for petroleum/CSG operators