



Australian Government

Department of the Environment and Water Resources

Mr. Myles Hyams
Environment Manager- Apache Energy
Limited
P.O.Box 477
West Perth WA, 6872

Date
25 July 2007
EPBC Ref
2007/3495
EPBC contact
Jennifer Pickering
(02) 6274 1268
Jennifer.pickering@environment.gov.au

Dear Mr Hyams

Decision on referral
Apache Northwest Pty. Ltd Drilling Program

This proposed action, to undertake a drilling program in the Van Gogh oil field within the greater Vincent Field, Western Australian Petroleum Permit Area WA-155-P(1), has been considered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

I have decided that the proposed action is not a controlled action, provided it is undertaken in accordance with the manner described in the enclosed decision instrument.

Please note that this decision relates only to the potential for significant impact on the specific matters protected by the Australian Government under Chapter 4 of the EPBC Act. There may be a need for separate Australian Government environment approvals. Certain shipwrecks in Australian waters and waters above the continental shelf, including all wrecks 75 or more years old and their associated relics, are protected by the *Historic Shipwrecks Act 1976* (the Act). If you need further information, to apply for a permit, or to report a discovery, contact details can be found at: www.deh.gov.au/heritage/shipwrecks..

Please notify this Department immediately if you are unable to undertake the proposed action in accordance with the measures described (Penalty provisions may apply if the referred action is not undertaken in the manner specified).

Please also be aware that the Department has an active audit program for proposals that have been referred or approved under the EPBC Act. The audit program aims to ensure that proposals are implemented as planned and that there is a high degree of compliance with any associated conditions. You should be aware that your project may be selected for audit by the Department at any time and all related records and documents may be subject to scrutiny. Information about the Department's Audit Strategy is enclosed.

If you have any questions about the referral process or this decision, please contact the EPBC contact officer and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

Vicki Middleton
Assistant Secretary
Environment Assessment Branch



**Notification of
REFERRAL DECISION – not controlled action if undertaken in a particular
manner**

Apache Northwest Pty. Ltd. Drilling Program (EPBC 2007/3495)

This decision is made under Section 75 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Proposed action

person name in the referral Apache Northwest Pty. Ltd.

proposed action To undertake a drilling program in the Van Gogh oil field within the greater Vincent Field, Western Australian Petroleum Permit Area WA-155-P(1)

Referral decision: Not a controlled action if undertaken in a particular manner

status of proposed action The proposed action is not a controlled action provided it is undertaken in the manner set out in this decision.

Person authorised to make decision

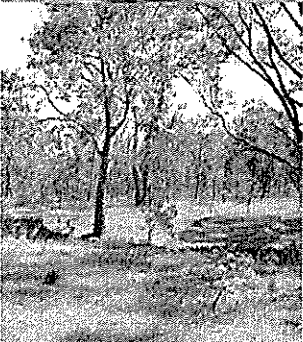
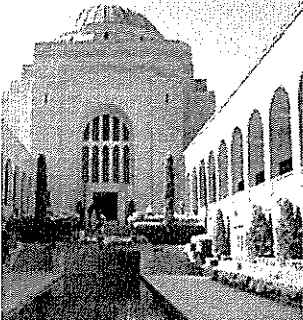
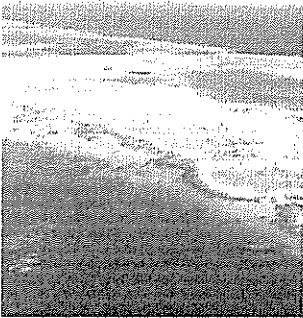
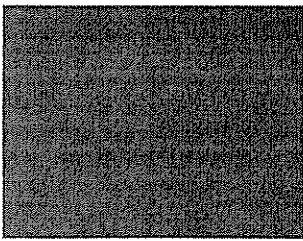
Name and position Ms Vicki Middleton
Assistant Secretary
Environment Assessment Branch

date of decision 25th July 2007

manner in which proposed action must be taken The following measures must be taken to avoid significant impacts on

- Listed threatened species and communities (sections 18 & 18A)
- Listed migratory species (sections 20 & 20A)
- Commonwealth marine areas (section 23 & 24A)

1) Apache must have an oil spill contingency plan for the Van Gogh region in operation before the commencement of any drilling;
2) Well closure and site restoration in accordance with current industry best practice must be undertaken for all abandoned appraisal and production drilling wells;
3) A report must be provided to the Department within two months of any well abandonment. The report should detail the extent of well closure and restoration actions carried out.



EPBC ACT – COMPLIANCE AUDITING

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), an action will require approval from the Australian Minister for the Environment and Water Resources if the action has, will have, or is likely to have, a significant impact on a matter of national environmental significance (NES).

Actions likely to have a significant impact on matters of NES are referred to the Department of the Environment and Water Resources (the Department) and the Department decides whether the action is:

- a Controlled Action
- Not-controlled Action or
- Not-controlled Action – Particular Manner

Controlled Action approvals and Particular Manner decisions include special conditions which the proponent must comply with.

Audit programme

The Department is implementing a programme of compliance audits of all projects referred under the EPBC Act.

The audits will help to ensure projects with the potential to impact on matters of NES are implemented as planned. The audits will also help the Australian Government to understand how well approval conditions are being understood and applied, and contribute to improving the effectiveness of the Department's operations.

What is an audit?

An audit is an objective assessment of a project's compliance against selected criteria.

In relation to projects approved with conditions, the audits will use the approval conditions set on projects as the basis for each audit criteria.

The aim of an audit is to: gather information on levels of compliance; to communicate the findings to the person being audited (the auditee) and to the Department; and, if necessary, to recommend appropriate corrective action.

Why audit?

Information about compliance levels and EPBC Act performance, will be used to help the Department protect matters of NES.

Early intervention in the form of an audit reduces the risk of serious non-compliance issues arising inadvertently.

Audits also demonstrate to the community that there are systems in place for measuring and improving compliance, and increase community confidence in the regulatory system.

Who will be audited?

Audits will be conducted on projects across all areas including mining and energy, government, transport, ports and marine, urban development, tourism and recreation. As such, the range of auditees will include developers, land managers and landholders.

Projects will be selected from those referred to the Minister since the inception of the EPBC Act.

How will the audit be performed?

1. Once a project has been selected for auditing, a Departmental audit officer will contact the project's proponent or auditee to arrange a suitable time for an on-site visit. The officer will outline the audit process and explain any additional requirements.
2. An on-site assessment of the extent of compliance will be conducted.