



**NOPSEMA**

Australia's offshore  
energy regulator

## Considering Underwater Cultural Heritage Act requirements in Environment Plans

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# Acknowledgment of Country

NOPSEMA recognises the First Peoples of this nation and their ongoing connection to culture and country. We acknowledge First Nations Peoples as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging





# NOPSEMA's role



The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) is Australia's independent offshore energy regulator (OPGGs Act and Regulations)

Offshore Infrastructure Regulator regulates WHS, infrastructure integrity, and environmental management of offshore infrastructure activities in Commonwealth waters (OEI Act)



# Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009

## Regulation 4 – Definition of environment

*environment* means:

- (a) ecosystems and their constituent parts, including people and communities;  
and
- (b) natural and physical resources; and
- (c) the qualities and characteristics of locations, places and areas; and
- (d) the heritage value of places;

and includes

- (e) the social, economic and cultural features of the matters mentioned in paragraphs (a), (b), (c) and (d).

## Criterion 10A(a) – EP is appropriate for the nature and scale of the activity

### Content requirement

- 13(2) The environment plan must:
- (a) describe the existing environment that may be affected by the activity; and
  - (b) include details of the particular relevant values and sensitivities (if any) of that environment.



### EP content

A description of any underwater cultural heritage as defined under section 15 of the UCH Act. This would include a description of:

***Any trace of human existence that: has a cultural, historical or archaeological character; and is located under water.*** Specifically, this includes any FNUCH archaeological remains which have or may be declared as protected under the UCH Act

The description of the environment in an EP should also include other First Nations cultural and sea country values including heritage to which people, in accordance with Indigenous tradition, may have spiritual and cultural connections with and may be affected by the activity.

# ALARP and acceptable levels

**Criterion 10A(b) – EP demonstrates that the environmental impacts and risks of the activity will be reduced to ALARP**

**Criterion 10A(c) – EP demonstrates that the environmental impacts and risks will be of an acceptable level**

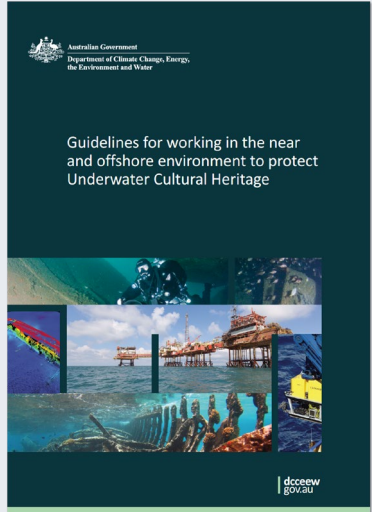
Content requirement	EP content
<p>13(4) The environment plan must:</p> <p>(a) describe the requirements, including legislative requirements, that apply to the activity and are relevant to the environmental management of the activity; and</p> <p>(b) demonstrate how those requirements will be met.</p>	<p>Environment plans must describe the Underwater Cultural Heritage Act if requirements of this Act apply to the activity and are relevant to the environmental management of the activity</p> <p>The EP must demonstrate how these requirements will be met including how the following requirements will be met:</p> <ul style="list-style-type: none"><li>• do not take actions that impact on underwater heritage without a permit;</li><li>• observe the requirements of protected zones and obtain a permit to enter or operate in a protected zone if its required; and</li><li>• provide a notification of the discovery of any suspected underwater heritage identified during the course of the activity within 21 days of the discovery.</li></ul> <p>Where relevant, reference to the requirements that apply for a section 30 permit under the UCH Act.</p>



# ALARP and acceptable levels

**Criterion 10A(b) – EP demonstrates that the environmental impacts and risks of the activity will be reduced to ALARP**

**Criterion 10A(c) – EP demonstrates that the environmental impacts and risks will be of an acceptable level**

Content requirement	EP content
<p>13 (5) The environment plan must include:</p> <ul style="list-style-type: none"><li>(a) details of the environmental impacts and risks for the activity; and</li><li>(b) an evaluation of all the impacts and risks, appropriate to the nature and scale of each impact or risk; and</li><li>(c) details of the control measures that will be used to reduce the impacts and risks of the activity to as low as reasonably practicable and an acceptable level.</li></ul> 	<p>An environment plan must <b>detail and evaluate</b> any environmental impacts and risks to UCH as defined under section 15 of the UCH Act.</p> <p>Control measure(s) must be detailed with sufficient demonstration that these will be effective in ensuring impacts and risks to UCH or potential UCH will be reduced to ALARP and acceptable levels.</p> <p>The evaluation should take into account the guidance and recommendations in the <i>Guidelines for working in the near and offshore environment to protect underwater cultural heritage</i> including:</p> <ul style="list-style-type: none"><li>• Recommended UCH identification and assessment considerations (e.g. desktop, infield assessment and predictive tools)</li><li>• Guidance on management controls, mitigation and monitoring practices</li><li>• The utilisation of appropriate expertise to inform risk assessment and management measures</li></ul>

# Consultation

## Criterion 10A(g) – EP demonstrates that the titleholder has carried out the consultations required and that measures (if any) are appropriate

Content requirement	EP content
<p>11A (1) In the course of preparing an environment plan, or a revision of an environment plan, a titleholder must consult each of the following (a relevant person):</p> <p>(a) each Department or agency of the Commonwealth to which the activities to be carried out under the environment plan, or the revision of the environment plan, may be relevant;</p>	<p>DCCEEW is a relevant agency for the purposes of relevant persons consultation where:</p> <ul style="list-style-type: none"><li>• an activity has the potential to directly or indirectly adversely impact protected UCH (see section 30(2) of the UCH Act), whether located or unlocated; and/or</li><li>• an activity or part of the activity is proposed within an underwater heritage protected zone (for details on the locations of protected zones, refer to DCCEEW's website at <a href="http://www.dcceew.gov.au/parks-heritage/heritage/underwater-heritage/protected-zones">www.dcceew.gov.au/parks-heritage/heritage/underwater-heritage/protected-zones</a> ).</li></ul>
<p>(d) a person or organisation whose functions, interests or activities may be affected by the activities to be carried out under the environment plan, or the revision of the environment plan;</p>	<p>Consultation to be carried out in accordance with NOPSEMA's <a href="http://nopsema.gov.au">Guideline - Consultation in the course of preparing an Environment Plan (nopsema.gov.au)</a></p> <p>In applying this guideline, consideration should be given to how consultation can enhance the understanding of the environment that may be affected including the UCH to which people, in accordance with Indigenous tradition, may have spiritual and cultural connections.</p>



# Questions

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