



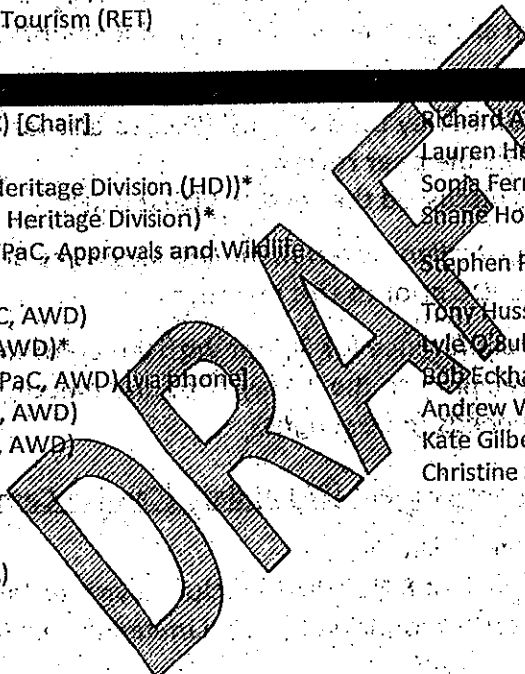
Australian Government

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| KIMBERLEY IDC | Date: Thursday 25 November, 2010 |
| | Time: 3:30 - 5:00 pm |
| MINUTES | Venue: SEWPaC, Banksia Room, John Gorton Building, Parkes, Canberra |

The Kimberley Inter-departmental Committee Meeting (IDC) is co chaired by the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) and the Department of Resources, Energy and Tourism (RET)

Attendees

- | | |
|---|--|
| Peter Burnett (SEWPaC) [Chair] | Richard Aspinall (FaHCSIA) [via phone] |
| Tania Constable (RET)* | Lauren Hogan (Treasury) |
| Greg Terrill (SEWPaC, Heritage Division (HD))* | Sonia Fernandes (Treasury) |
| Paul Murphy (SEWPaC, Heritage Division)* | Shane Hoffman* (Centrelink) |
| Carolyn Cameron (SEWPaC, Approvals and Wildlife Division (AWD)) | Stephen Philip (AGD) |
| Charlie Brister (SEWPaC, AWD) | Tony Hussin* (Infrastructure & Transport) |
| Con Voutas (SEWPaC, AWD)* | Nyle O'Sullivan (Dept. Regional Australia) |
| Nicole Matthews (SEWPaC, AWD) [via phone] | Bob Eckhardt* (Prime Minister and Cabinet) |
| Mat Wolnicki (SEWPaC, AWD) | Andrew Wallace* (PMC) |
| Huw Morgan (SEWPaC, AWD) | Kate Gilbert* (PMC, Office for the Arts) |
| Lesley Stumbles (RET) | Christine Sindely (DEEWR) |
| Karen Jacobson (RET) | |
| Cat Murray (FaHCSIA) | |
| Bryan Palmer (FaHCSIA) | |



Observers

- Bruce Edwards* (SEWPaC, AGLCD)
- Robert Ryan* (FaHCSIA)
- Patrick Boneham (Treasury)
- Daniel Walker (CSIRO)
- Gary Powell (DEEWR)
- Mark Taylor (PMC, Office for the Arts)
- Alison Clifton (Defence)
- Peter Ward (DAFF, BRS)
- Jo Bell (RET)
- Greg Lemmon* (DoHA)
- Craig Ritchie* (DoHA)
- Katherine Jones (AGD)
- Kathleen Denley* (AGD)
- Graham Lacey (Defence)
- Robyn Fleming* (Dept. Regional Australia)

Note: New committee members are indicated with an asterisk (*)

s22: out of scope

S22: out of scope

4. Update on the National Heritage List Assessment update (Greg Terrill, SEWPaC)

- The National Heritage Council completed its preliminary assessment in Feb 2010 and formally agreed that the west Kimberley might have one or more National Heritage values. Statutory consultation with owners, occupiers and Indigenous people with a right or interest in these areas ran from Mar to Jun 2010.
- The Council finalised its analysis of National Heritage values in Jun 2010, and on 30 Jun submitted its assessment to the former DEWHA minister. In making its assessment, the Council can only consider matters related to whether a place meets one or more of the National Heritage criteria.
- SEWPaC Minister has extended the date for his decision on National Heritage Listing for the west Kimberley to 30 Jun 2011, to allow for further consultation.
- In making a decision on National Heritage Listing of the Kimberley, the SEWPaC minister must consider the Council's assessment, all public comments received as part of the consultation process and any further information that the minister might seek as entitled under the *Australian Heritage Council Act 2003*.
- One area of interest is a dinosaur trackway which extends along the coast from Roebuck Bay to Cape Leveque, including the inter tidal zone at James Price Point. It is not yet understood where these tracks are best represented, and more investigation is required.

s. 22: out of scope

s. 22: out of scope

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Environment and Heritage

- Under the EPBC Act's strategic assessment process, the Australian Government is working with the WA Government to ensure that the environment and heritage values likely to be impacted upon by the proposed LNG precinct are properly assessed and all appropriate management arrangements are in place to address impacts.
- In addition, the Australian Heritage Council (the Council), with the support of the Department of the Environment, Water, Heritage and the Arts, has been working with a range of stakeholders, including the KLC and Traditional Owners, to progress the National Heritage List (NHL) assessment of the west Kimberley.
- The Council has now completed its preliminary assessment and has formally agreed that the west Kimberley might have one or more National Heritage values. In mid-February this year, the Council decided that significant areas of the west Kimberley might have National Heritage values. Statutory consultation with owners, occupiers and Indigenous people with a right or interest in these areas commenced in March 2010. The Council has written to all identified owners and occupiers within the areas identified as potentially having National Heritage value, and invited them to provide written comment on the National Heritage assessment. An advertisement in the local media advising of the consultation process was published on 25 March 2010.
- Maps showing the boundaries of areas in the west Kimberley that the Council has found might have one or more National Heritage values can be found on the Council's webpage at www.ahc.gov.au/heritage/ahc/index.html.
- Following this consultation, the Council will finalise its assessment of National Heritage values in June 2010, and will advise Minister Garrett of its recommendations for place/s to be added to the National Heritage List.
- The NHL assessment and the LNG precinct strategic assessment are being conducted simultaneously to ensure the protection of the outstanding heritage values of the region is balanced with the social and economic aspirations for the region.
- The Minister for Environment Protection, Heritage and the Arts will make his decision on whether or not to approve development of an LNG precinct at James Price Point only when he is in possession of a full and comprehensive suite of information and once satisfied that the requirements of the EPBC Act and strategic assessment ToR have been adequately addressed.
- The Minister will carefully consider all relevant matters, including the environmental management arrangements in place to address impacts of the proposed precinct on the environment.

- The Minister will also carefully consider potential impacts on Indigenous groups and Traditional Owners of the Kimberley.

[REDACTED]

DRAFT

DEPARTMENT OF RESOURCES, ENERGY AND TOURISM

Minister for Meeting

Min ID: B10/537

KIMBERLEY LNG PRECINCT - SOCIAL AND ENVIRONMENT UPDATE

Purpose: To provide you with an update on the environment and social investments issues in relation to the Kimberley liquefied natural gas (LNG) Precinct.

Background: In February 2008 Minister Garrett announced an agreement between the Australian and Western Australian (WA) Governments to embark on:

- an Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) strategic assessment of the west Kimberley for a common-user LNG precinct; and
- a concurrent assessment of the cultural and environmental values of the west Kimberley and formal identification of its national and potential international heritage values.

[REDACTED]

Issues:

[REDACTED]

[REDACTED]

- Heritage Assessment - In February, the Australian Heritage Council (Council) decided that significant areas of the west Kimberley might have National Heritage values. This area excludes James Price Point. Following consultations, the Council is due to finalise its assessment in June, and will advise Minister Garrett of its recommendations for place/s to be added to the National Heritage List. We expect there will be announced after the Strategic Assessment is completed.

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Environment and Heritage

- Under the EPBC Act's strategic assessment process, the Australian Government is working with the WA Government to ensure that the environment and heritage values likely to be impacted upon by the proposed LNG precinct are properly assessed and all appropriate management arrangements are in place to address impacts.
- In addition, the Australian Heritage Council (the Council), with the support of the Department of Sustainability, Environment, Water, Population and Communities, has been working with a range of stakeholders, including the KLC and Traditional Owners, to progress the National Heritage List (NHL) assessment of the west Kimberley.
- The Council completed its preliminary assessment in February 2010 and formally agreed that the west Kimberley might have one or more National Heritage values.
- Following formal consultation from March to June 2010 with owners and occupiers within the areas identified as potentially having National Heritage values, on 30 June 2010 the Council submitted its final assessment to the former Minister for the Environment, Water, Heritage and the Arts.
- In making its assessment, the Council can only consider matters related to whether a place meets one or more of the National Heritage criteria.
- In making his decision on National Heritage listing, the Minister must have regard to the Council's assessment and all comments received, and may seek and have regard to information or advice from any source.
- The Minister for Sustainability, Environment, Water, Population and Communities, the Hon Tony Burke MP, has extended the date for his decision on National Heritage listing for the west Kimberley to 30 June 2011, to allow for further consultation.
- The NHL assessment and the LNG precinct strategic assessment are being conducted simultaneously to ensure the protection of the outstanding heritage values of the region is balanced with the social and economic aspirations for the region.

- The Minister for Sustainability, Environment, Water, Population and Communities will make his decision on whether or not to approve development of an LNG precinct at James Price Point only when he is in possession of a full and comprehensive suite of information and once satisfied that the requirements of the EPBC Act and strategic assessment ToR have been adequately addressed.
- The Minister will carefully consider all relevant matters, including the environmental management arrangements in place to address impacts of the proposed precinct on the environment.
- The Minister will also carefully consider potential impacts on Indigenous groups and Traditional Owners of the Kimberley.

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DRAFT

DEPARTMENT OF RESOURCES, ENERGY AND TOURISM

Minister for Action

Min ID: B10/2340

s. 22: out of scope

National Heritage Listing - The Hon Tony Burke MP has extended the period by which he will make a decision on whether to list the west Kimberley to 30 June 2011. The extension is to allow for further consultation. James Price Point is included in the area of examination.

s22: out of scope

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National Heritage Listing

In accordance with a February 2008 agreement between the Commonwealth and WA Governments, the former Australian Government Minister for Environment Protection, Heritage and the Arts requested the Australian Heritage Council to undertake an assessment of the possible National Heritage values of the west Kimberley. The National Heritage List includes places with outstanding natural, Indigenous or historic heritage value to the nation.

The Australian Heritage Council has now completed both its preliminary and final assessments and has formally agreed that the west Kimberley has one or more National Heritage values.

The Australian Heritage Council provided its assessment to the former Minister for Environment Protection, Heritage and the Arts on the 30 June 2010. The Minister for Sustainability, Environment, Water, Population and Communities had 90 business days from that date to make a decision on whether or not to include the west Kimberley, or any part of it, in the National Heritage List. Under the EPBC Act (s324JJ) the Minister also had the option to extend this time period.

Commercial-In-Confidence

The Hon Tony Burke MP has decided to extend the period in which to make a decision on whether to list the west Kimberley to 30 June 2011. The extension is to allow for further consultation with owners, occupiers and Indigenous people with rights and interests in areas identified by the Australian Heritage Council as potentially having National Heritage values.

822: out of scope

Kesteven, Catherine

From: Ambrose, Jane [Jane.Ambrose@environment.gov.au]
Sent: Friday, 11 February 2011 9:32 AM
To: Kesteven, Catherine
Cc: Prince, Brian; Sanderson, Rachel
Subject: RE: Kimberley Heritage assessment [SEC=UNCLASSIFIED]

Hi Catherine

thanks for making contact, and we will be pleased to let you know when new information becomes available on the Kimberley National Heritage process

cheers, Jane

*Jane Ambrose
Director
Natural Heritage West Section
Natural and Indigenous Heritage Branch
Dept. of Sustainability, Environment, Water, Population & Communities
GPO Box 787
Canberra City 2600
Ph: 02) 6274 2258 Mob: 0406 378 296*

From: Kesteven, Catherine [mailto:Catherine.Kesteven@ret.gov.au]
Sent: Thursday, 10 February 2011 5:40 PM
To: Ambrose, Jane
Subject: Kimberley Heritage assessment [SEC=UNCLASSIFIED]

Hi Jane

Nice to talk to you this afternoon. As mentioned, I've recently taken over responsibility for working on the Kimberley issues from Jo Bell, so appreciated the chance to get an update on the natural heritage approvals processes related to the proposed Kimberley LNG Hub. If you are able to let me know when any new information becomes available, that would be greatly appreciated.

I will also be keeping in touch with Charlie Brister's team, and will be attending the next Tripartite Forum meeting in Broome.

Thanks again for the call, I look forward to working with you on this.

Kind regards
Catherine

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