

MEETING SUMMARY**Kimberley IDC Meeting****Wednesday 16th July 2008, 3pm****Location: Executive Conference Room****Present****DEWHA***Deputy Secretary: Gerard Early**Approvals and Wildlife Division:*

Peter Burnett (FAS)

Mark Flanigan (AS, Strategic Approvals and Legislation Branch)

Charles Brister (Director, Strategic Approvals West)

Sarah Grimes (Assistant Director, Strategic Approvals West)

Nicole Matthews (EPBC Adviser, Strategic Approvals West) {via phone}

Heritage Division:

James Shevlin (FAS)

Terry Bailey (AS)

Defence

Graham Lacey (Director, Estate Strategic Planning)

Strategic Policy Division:

Kerrie Moore, Counter Terrorism and Domestic Security team

Infrastructure, Local Govt and Regional Development Branch:

John Angley (Executive Director)

Andrew Dickson (Office of Northern Australia)

RET*Offshore Resources Branch, Resources Division:*

Bob Pegler (General Manager)

Steve Tantala (Manager, Environment, Safety and Security Section)

Minerals Branch, Resources Division:

Juliet Lautenbach (A/g Manager, Minerals Development)

Laura Missingham (Assistant Manager, Minerals Development)

PMC*Industry, Infrastructure and Environment Division:*

Therese Lewis

Treasury, Environment and Agriculture Unit:

James O'Toole

Shona Nystrom

Apologies:

Catherine Stephenson (Agriculture and Environment Branch, PMC)

Nicola Gordon-Smith (Agriculture and Environment Branch, PMC)

David Collett (Director, Indigenous Heritage Assessment, DEWHA)

Jennifer Carter (Director, Natural Heritage Assessment, DEWHA)

Alison Clifton (AS, Estate Strategic Planning, Defence)

Terry Bailey (TB)

- The region being considered by the Heritage Assessment encompasses an area of 22 million ha (larger than the area being considered by environment assessment). A timeline of 2 years (begins July, 08) has been set for the assessment (the 11 sites will be considered as priority), which is being conducted by the Australian Heritage Council (AHC). Minister Garrett will decide the National Heritage List boundary after advice from the AHC, anticipated in August.
- Bob Pegler (RET) would like a sense of the heritage values in the area as soon as possible as this may affect decisions for mining tenements.
- A briefing to APPEA on the listing process is tentatively planned for August. On the suggestion of Juliet Lautenbach, mining industry

associations such as the Minerals Council of Australia (MCA), the Association of Mining and Exploration Companies (AMEC) and the Australasian Institute of Mining and Metallurgy (AusIMM) will also be invited to attend the briefing.

- The Heritage Assessment will be highly influential in determining the intentions of the mineral industry in the Kimberley.
-

[REDACTED]

GE: Going forward-

- Broome workshop in July
- Minister Garret may visit short-listed sites in early August 08.
- Heritage meeting industry in Perth (mid August). RET may attend.
- Site short list in August
- Consideration of hub management.

[REDACTED]

DEWHA to inform RET on the:

- o heritage process regularly
- o heritage meeting in Perth mid August; and
- o approximate heritage listing area once known (probably mid August).

[REDACTED]

DEPARTMENT OF RESOURCES, ENERGY AND TOURISM

Minister for Information

Min ID: B08/2163

File No: 08/02064

THE POTENTIAL NATIONAL HERITAGE LISTING OF SITES WITHIN THE WEST KIMBERLEY REGION: IMPLICATIONS FOR THE MINERALS SECTOR

Purpose: To brief you on the potential for the National Heritage listing of sites within the west Kimberley region and the implications for the minerals sector.

a comprehensive National Heritage Listing assessment began in July 2008. The region under consideration by the Australian Heritage Council is approximately 17 million hectares in size, covering the west Kimberley region (see map attached to this brief). DEWHA has advised that the intention is not to list the entire region identified in the map, only sites within the region. The National Heritage Listing assessment is due for completion in June 2010. Further information on the west Kimberley National Heritage Listing process to date, and the potential implications of National Heritage Listing of sites within the region for the minerals sector, is at Attachment A. The Australian Heritage Council's National Heritage criteria are at Attachment B.

Issues: The Kimberley region is highly prospective for a range of minerals, including iron ore, diamonds, gold and uranium. The announcement of the National Listing process has raised concern within the mining/minerals exploration industries. The Association of Mining and Exploration Companies (AMEC) has stated that Heritage Listing the west Kimberley region will deter mining companies from investing in the region and increase the bureaucratic burden on current operations (04 August 2008, ABC News). It is likely the issue will receive greater media attention when the Assessment is completed and the nominated sites announced in mid 2010.

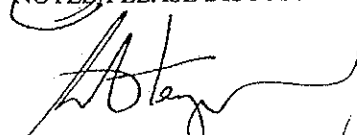
The Department believes it is highly likely that several sites within the west Kimberley area will be approved for National Heritage Listing, however it is too early in the assessment process to identify specific sites. At this preliminary stage, we consider that those within the minerals sector seeking to develop their mining tenements in sites that are nominated for listing will be the most adversely affected. Further or new investment in minerals projects in the wider region may also be deterred by perceived greater legislative risk. We will keep you and your office informed of developments as the west Kimberley National Heritage Listing process progresses.

Slipstream version 26 August 2008

Chris Stamford (+61 2 6213 7520)
General Manager, Minerals Branch
Resources Division
26 August 2008

Consultation:
DEWHA
Environment Safety and Security,
Resources Division

Contact: Laura Missingham (+61 2 6213 7279) Output Info: 1.1

NOTED PLEASE DISCUSS

Martin Ferguson 17/9/2008

ATTACHMENT A

Background

West Kimberley region National Heritage List assessment process

In mid 2007, the Western Australian Government established the Northern Development Task Force (Taskforce) specifically to manage multi-jurisdictional government planning and stakeholder consultation in regard to the selection and development of a suitable location or locations for the processing of Browse Basin gas reserves. The scope of the expanded Taskforce, which incorporates the Burrup Taskforce, includes "negotiation and coordination of the issues associated with economic development balanced against the wilderness, environmental, tourism and heritage values of the West Kimberley." The Minister for the Environment, Heritage and the Arts, the Hon Peter Garrett AM MP, wrote to you on 17 December 2007 informing you of the establishment of the Taskforce. You replied by letter agreeing to the Strategic Assessment process on the basis of whole of government considerations. You further noted the economic potential of the region and welcomed Minister Garrett's proposal for consultations to be progressed through an inter-departmental committee (see C07/4673). You have also met with representatives of the Kimberley Land Council to discuss their views on the potential LNG hub (see B08/1676 and B08/1892).

On 5 February 2008, the Australian and West Australian Governments announced that they would embark on an *Environment Protection and Biodiversity Conservation* (EPBC) Act Strategic Assessment of the west Kimberley region. The Parliamentary Secretary for Regional Development and Northern Australia, the Hon Gary Gray AO MP, wrote to you on 10 July seeking your agreement to the terms of reference and membership list. You replied in agreement to both the terms of reference and membership list (see C08/2525). The Strategic Assessment is twofold, to:

- provide for the careful selection and management of a common-user liquefied natural gas (LNG) hub to service the Browse Basin gas reserves off the Kimberley coast; and
- assess the cultural and environmental values of the Kimberley and formally identify its national and potential international heritage values, with the NDT to coordinate WA's approach to development in the Kimberley region.

Heritage profiling to date on the Kimberley has been part of the LNG hub site short-listing process. A more comprehensive National Heritage Listing assessment began in July this year as the study area has been added by Minister Garrett, to the Australian Heritage Council's (AHC) workplan. DEWHA has advised that the AHC is currently undertaking an assessment of the National Heritage values found in the west Kimberley region. The region under consideration is approximately 17,000,000ha, generally extending from the Roebuck Bay in the west to the Hann River in the east (but including Drysdale River National Park), and from the Fitzroy River in the south to, and including, the Bonaparte and Buccaneer Archipelagos in the north (as shown in the map attached to this brief). DEWHA has advised that the intention is not to list the entire region nominated in the map, only sites *within* the region.

The AHC will assess the heritage values of the west Kimberley region as defined by the nine National Heritage criteria (see **Attachment B** below). The National Heritage Listing assessment is due for completion in June 2010. At that time, the AHC will make its recommendations to Minister Garrett on whether a National Heritage property (or properties) should be listed.

Implications for the minerals sector

As the sites for possible National Heritage Listing have yet to be nominated, it is not yet known whether any operating mines are located in sites to be listed.

National heritage is one of seven matters of national environmental significance (NES matters) specifically protected by the EPBC Act. By law, no person or company can take any action that has, will have, or is likely to have, a significant impact on any of these matters without approval. Hence, should sites in the west Kimberley be listed, holders of mining tenements within the sites who are seeking permission to mine are likely to face greater scrutiny under the EPBC Act for actions which could affect the heritage value of the site. If located in the nominated areas, current operating mines may not be affected by National Heritage Listing as long as they do not seek permission to expand their operations or conduct any other action which may trigger heritage assessment under the EPBC Act. Regardless of the heritage listing of west Kimberley sites, all potential mining-related actions at these sites may also be assessed against other NES matters protected by the EPBC Act, as is standard practice for mining actions nationally. Investment in minerals projects in the wider Kimberley region may also be deterred by perceived greater legislative risk.

Representatives from the Heritage Division of DEWHA are meeting with mining and energy industry representatives, including APPEA, the Association of Mining and Exploration Companies, and the Australian Institute of Mining and Metallurgy, in Perth during the week of 18 August. DEWHA will also be meeting with the Mineral Policy Institute, an Australian-based non-government organisation focussed on the "prevent[ion of] environmentally and socially destructive mining, minerals and energy projects in Australia, Asia and the Pacific." DEWHA has advised that the aim of these consultations is to provide an overview on the National Heritage listing process and to answer any specific questions on the Kimberley assessment. RET will be seeking debriefs from DEWHA on the outcomes of these meetings.

DEWHA has also advised that owner/occupiers and other interested parties will continue to be consulted on an ad-hoc basis in the earlier phase of the Assessment with a more formal process of consultations beginning most likely from the beginning of 2010. Further, given the interest in the Assessment, key players will be consulted on a one-on-one basis.



Ashmore Reef



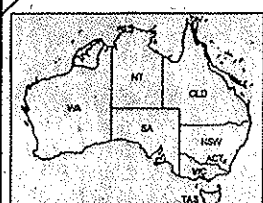
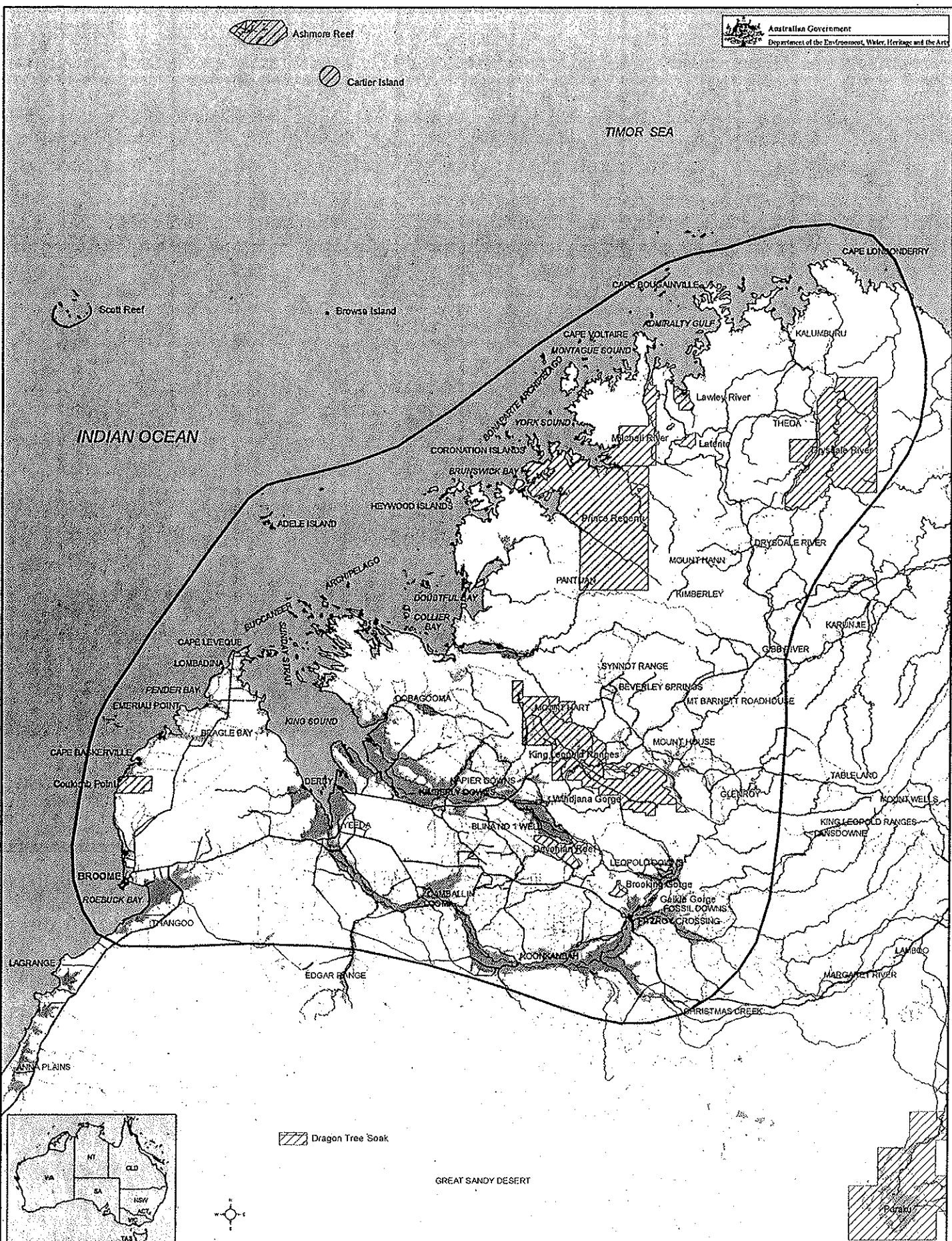
Cartier Island



Australian Government
Department of the Environment, Water, Heritage and the Arts

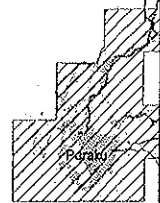
TIMOR SEA

INDIAN OCEAN



Dragon Tree Soak

GREAT SANDY DESERT



LEGEND

Draft Boundaries

Scale 2:500,000

Parks

0 25 50 Kilometers

The Kimberley

National Heritage List - Place Under Assessment

Place ID: 106063 File: 5/09/213/0034

Sources:
RoadNet Comprehensive - Roads
RoadNet Comprehensive - Park and Reserves
© 2007 MapData Sciences Pty Ltd, PSMA
Produced by Heritage Division
Canberra, GOA94, Date: 6/5/2008
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National Heritage List criteria

The National Heritage List is a list of places with outstanding natural, Indigenous or historic heritage value to the nation. The Australian Heritage Council (the Council) assesses if a National Heritage List-nominated place is considered to have heritage value and is required to advise the Minister for the Environment (the Minister) if the place meets one or more of nine National Heritage List criteria.

The National Heritage criteria against which the heritage values of a place are assessed are:

- a. the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history
- b. the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history
- c. the place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history
- d. the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of:
 - i. a class of Australia's natural or cultural places; or
 - ii. a class of Australia's natural or cultural environments;
- e. the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group
- f. the place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period
- g. the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons
- h. the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history
- i. the place has outstanding heritage value to the nation because of the place's importance as part of Indigenous tradition.

Note: The cultural aspect of a criterion means the Indigenous cultural aspect, the non-Indigenous cultural aspect, or both.

Thresholds

As well as assessing a place against criteria for its heritage value, the Council is also required to apply a 'significance threshold'. This test helps the Council to judge the level of significance of a place's heritage value by asking 'how important are these values?'

To reach the threshold for the National Heritage List, a place must have 'outstanding' heritage value to the nation. This means that it must be important to the Australian community as a whole.

To determine whether a place has 'outstanding' heritage values, it is compared to other, similar types of places. This allows the Council to determine if one place is 'more' or 'less' significant compared to other similar places, or if it is unique. The degree of significance can also relate to the geographic area, for instance, the extent of a place's significance locally, regionally, nationally or internationally.

Secretaries' Meeting: EPBC Act Browse Basin Strategic Assessment

Venue: Executive Conference Room, Level 2, John Gorton Building, Parkes

Date: Thursday 28 August 2008

Time: 2.00pm

Attendees:

David Borthwick (Chair, Sec. DEWHA), David Tune (Dep. Sec. PMC), Martin Bowles (Dep. Sec. Defence), Lisa Paul PSM (Sec. DEEWR), Geoff Leeper (Dep. Sec. FAHCSIA), Dr Ian Watt AO (Sec. Finance), Phillip Davies (Dep. Sec. Health and Ageing), Susan Page (Dep. Sec. Infrastructure), Dr Peter Boxall AO (Sec. RET), Steve French (GM Trsy), Peter Robinson (B1, Trsy), Gerard Early (Dep. Sec. DEWHA), Peter Burnett (FAS DEWHA), Mark Flanigan (Assistant Sec. DEWHA), Terry Bailey (Assistant Sec. DEWHA)

Agenda

1. Welcome and apologies (Chair)
2. Background to the EPBC Act strategic assessment (Mark Flanigan)
3. Kimberley National Heritage Assessment (Terry Bailey)
4. Kimberley Land Council request for whole-of-government approach (Mark Flanigan)
5. Key Correspondence (KLC and WA Government)
6. Secretary discussion (the way Forward)
7. Other business

Attachments

Discussion paper – background and relevant information

Discussion Paper

- A preliminary review of potential heritage values, using the standard National Heritage assessment methodology is being undertaken for the west Kimberley coast as part of the strategic assessment.
- A separate National Heritage List assessment of the west Kimberley also commenced on July 1 2008 when Minister Garrett added the study area to the Australian Heritage Council's (AHC) work plan (see map of study area at Attachment A).
- The National Heritage Listing assessment is due for completion in June 2010. At this time the AHC will make their recommendations to Minister Garrett on whether a National Heritage property (or properties) should be declared.

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section 22 : Out of Scope



**ENVIRONMENT PROTECTION AND BIODIVERSITY
CONSERVATION ACT 1999**
Part 10 Strategic Assessments
Section 146 (1) Agreement

Relating to the assessment of the impacts of actions under the Plan for the Browse Basin Common-User Liquefied Natural Gas Hub Precinct and associated activities

between

**THE MINISTER FOR THE ENVIRONMENT, HERITAGE AND THE ARTS ON BEHALF OF THE
AUSTRALIAN GOVERNMENT**

and

**THE WESTERN AUSTRALIAN MINISTER FOR STATE DEVELOPMENT AND THE WESTERN
AUSTRALIAN MINISTER FOR THE ENVIRONMENT AND CLIMATE CHANGE ON BEHALF OF THE
WESTERN AUSTRALIAN GOVERNMENT**

1 PARTIES

This is an agreement between:

The Australian Government Minister for the Environment, Heritage and the Arts (Minister) on behalf of the Australian Government

and

The Western Australian Minister for State Development and the Western Australian Minister for the Environment and Climate Change (WA Ministers) on behalf of the Western Australian Government.

2 DEFINITIONS

- 2.1 *Working days* means a business day as measured in Canberra, ACT.
- 2.2 *Browse Basin Liquefied Natural Gas Common-User Hub Precinct* (the Precinct) means an area of land suitable for development of gas processing infrastructure, gas storage and port facilities and associated activities.
- 2.3 *Plan* means the Plan for a Common-User Liquefied Natural Gas Hub Precinct and its associated activities.
- 2.4 *LNG* means Liquefied Natural Gas.
- 2.5 *EPBC Act* means the *Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)*.
- 2.6 *EP Act* means the *Environmental Protection Act 1986 (Western Australia)*
- 2.7 *EPA* means the Environmental Protection Authority (Western Australia)
- 2.8 *Environment* means environment as defined in section 528 of the EPBC Act. Note this definition includes heritage values.
- 2.9 Unless stated otherwise within this agreement, the definitions, meanings and terms in the *Environment Protection and Biodiversity Conservation Act 1999* apply to this agreement and its attachments.

3 PREAMBLE

- 3.1 The Western Australian Government and the Australian Government recognise that the Kimberley Region of Western Australia (as generally identified in Map 1) has significant environmental and heritage values as well as significant economic potential in relation to the extraction and processing of LNG from the Browse Basin.
- 3.2 Both Governments commit to undertake an assessment under section 146 of the EPBC Act, of a Plan for a Common-User Liquefied Natural Gas Hub Precinct and its associated activities, and recognise the requirements for assessment under s38 of the EP Act. To ensure the best sustainable and timely outcome, assessment of the plan will be undertaken concurrently through a coordinated and collaborative process, producing a set of reports that meet the requirements of both the EPBC Act and EP Act. The Plan will promote ecologically sustainable development and provide for the protection and conservation of the environment, especially matters of National Environmental Significance.
- 3.3 The parties agree that their Departments will share information and work collaboratively on the analysis of the environmental issues associated with the hub. Subject to a separate agreement, the parties will provide funding in relation to implementation of this agreement.

4 BACKGROUND

- 4.1 Section 146(1) of the EPBC Act allows the Minister to agree in writing with a person responsible for the adoption or implementation of a policy, plan or program that an assessment be made of the impacts of actions under the policy, plan or program on a matter protected by a provision of Part 3 of the EPBC Act. This agreement provides for the assessment of impacts of actions under the Plan for a Common-User Liquefied Natural Gas Hub Precinct on all matters protected by Part 3 of the EPBC Act.
- 4.2 In accordance with section 146(1A) of the EPBC Act, WA Ministers request that the assessment provided for by this agreement will deal with the impacts of actions under the Plan on the environment generally, being impacts referred to in the Terms of Reference (other than impacts mentioned in clause 4.1) within the area identified in Map 2.
- 4.3 Section 38 of Division 1 of Part IV of the EP Act enables the EPA to carry out a Strategic Environmental Impact Assessment (SEIA) of proposals that it considers are likely to have a significant effect on the environment, where the proponent has requested a SEIA.
- 4.4 The EPA may develop Memoranda of Understanding or guidelines with decision-making authorities to provide guidance on the environmental impact assessment of proposals under Division 1 of Part IV of the Act.
- 4.5 It is intended under this agreement that an assessment will be undertaken in accordance with the approved Terms of Reference of this agreement, to meet the requirements of both the EPBC Act and the EP Act.
- 4.6 In addition to the strategic assessment of the Plan the parties to this agreement have collaborated in the development of the draft site selection criteria (Attachment A) to cover all relevant matters, including particularly matters of National Environmental Significance. The process for selection of the Precinct will consider feasible alternatives to locations of the Precinct outside of the Kimberley Region. The parties to this agreement agree to finalise the criteria following further consultations.
- 4.7 Further to the strategic assessment of the Plan, this agreement acknowledges the outstanding natural, Indigenous and historic heritage values of the region. The parties agree to immediately commence a formal assessment of the National Heritage (and potentially international heritage) values in accordance with the requirements set out in the EPBC Act and as part of a strategic assessment of broader land use development within the Kimberley Region, as generally identified in Map 1. Regular progress reports will be provided to the parties. It is anticipated that this assessment will be completed within 2 years of signing this Agreement.

5 TERMS OF REFERENCE

- 5.1 The Western Australian Government shall as soon as possible seek public comment on the Draft Terms of Reference (Attachment B) for the preparation of a report on the impacts of actions under the Plan.
- 5.2 The Western Australian Government shall provide the Draft Terms of Reference for public comment by Notice:
 - a) posted on the Western Australian Government's website; and
 - b) published in a newspaper(s) circulating nationally, in Western Australia, and locally in the Kimberley region.

The Notice must advise that the Draft Terms of Reference is available and how copies may be obtained, provide contact details, invite public comments on the Draft Terms of Reference and set a period of 28 days within which comments must be received.

- 5.3 The Western Australian Government and Australian Government Department of the Environment, Water, Heritage and the Arts may each notify specific interested parties of the Notice and of the availability of the Draft Terms of Reference. The Western Australian Government and Australian Government Department of the Environment, Water, Heritage and the Arts will make copies of the Notice and Draft Terms of Reference available electronically through their websites.

5.4 Following the consideration of public comments on the Draft Terms of Reference the Western Australian Government will provide Revised Terms of Reference to the Minister.

5.5 The Minister shall as soon as possible either:

- a) notify the Western Australian Government that the Revised Terms of Reference are satisfactory; or
- b) if not satisfied that the Revised Terms of Reference will provide for an adequate assessment of the impacts of the actions under the Plan, the Minister will:
 - (i) notify the Western Australian Government of his concerns and provide an opportunity for the Western Australian Government to respond and provide further Revised Terms of Reference which take those concerns into account; and
 - (ii) within 15 working days of receipt of the further Revised Terms of Reference, mentioned in (i) above, either:
 - (A) notify the Western Australian Government of his acceptance of the Revised Terms of Reference; or
 - (B) provide Terms of Reference further amended to meet his requirements.

6 PREPARATION OF REPORT

DRAFT REPORT

- 6.1 The Western Australian Government will as soon as possible after agreement on the Terms of Reference cause a Draft Report to be prepared in accordance with the approved Terms of Reference (as in accordance with clause 5).
- 6.2 The parties will agree on a work program and methodology to ensure the Draft Report delivers on its objectives and achieves broad based scientific and community support for the selected location.
- 6.3 The Western Australian Government shall provide the Draft Report for public comment by Notice:
 - a) posted on the Western Australian Government's website; and
 - b) published in a newspaper(s) circulating nationally, in Western Australia, and locally in the Kimberley region.

The Notice must advise that the Draft Report is available and how copies may be obtained, provide contact details, invite public comments on the Draft Report and set a period of 28 days within which comments must be received.

- 6.4 The Western Australian Government and Australian Government Department of the Environment, Water, Heritage, and the Arts may each notify specific interested parties of the Notice and of the availability of the Draft Report. The Western Australian Government and Australian Government Department of the Environment, Water, Heritage and the Arts will make copies of the Notice and Draft Report available electronically through their websites.

COLLATION AND ASSESSMENT OF PUBLIC COMMENTS

- 6.5 If possible, within 60 days of the closure of the public comment period, the Western Australian Government will prepare an amended Draft Report, or a Supplementary Report to the Draft Report, taking account of the comments received.

7 MINISTERIAL CONSIDERATION

- 7.1 The WA Government will submit to the Minister:
 - a) the Final Report, which must comprise of either the amended Draft Report or the Draft Report and a Supplementary Report as referred to in clause 6.5 above;
 - b) the Plan;
 - c) public responses relating to the Draft report; and
 - d) comments on how the public responses have been taken into account in the Final Report.

7.2 In accordance with section 146 of the EPBC Act, the Minister will consider the Final Report on impacts of actions under the Plan. Attachment C outlines what the Minister will consider when deciding whether to make an endorsement of the Plan.

- 7.3 If not satisfied that the Plan will adequately address the impacts of the actions to which the Agreement relates:
- a) The Minister will make recommendations to the WA Ministers about the management arrangements for the Precinct, including recommendations for its modification.
 - b) The Western Australian Government will consult with the Australian Government Department of the Environment, Water, Heritage and the Arts on the recommendations made by the Minister, including those for modification of the Plan, and will take those recommendations into account in amending or modifying the Plan.
 - c) Where it considers it necessary, the Western Australian Government may provide to the Minister a proposed response on particular recommendations, which in its view require clarification, or where the Western Australian Government has formed a view that it may not be practicable or reasonable to implement the recommendation.
 - d) The Western Australian Government will provide to the Minister the revised Plan and a summary of the way in which recommendations have been addressed, the required modifications have been made, or in which modifications having the same effect have been made.
 - e) The Minister will consider the revised Plan and supporting material and may either accept it or request further modifications if not satisfied that it addresses adequately the impacts of the actions to which the agreement relates.

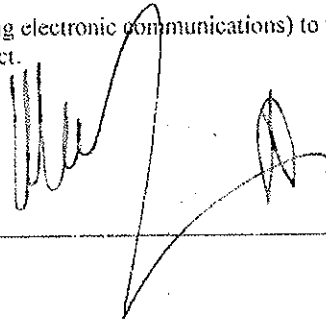
7.4 If satisfied that the Final Report adequately addresses the impacts to which the agreement relates, and that any recommended modifications of the Plan or modifications having the same effect have been made, and the requirements set out in Attachment C are met the Minister will endorse the Plan.

8 VARIATION

8.1 The parties may vary this Agreement by an exchange of letters (including electronic communications) to the extent only that such variation is consistent with the provisions of the EPBC Act.

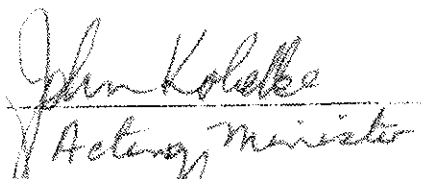
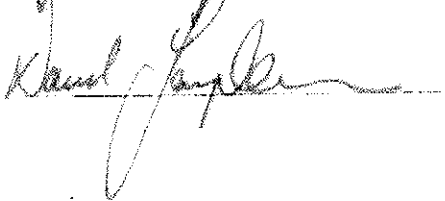
SIGNED BY:

The Honourable Peter Garrett AM MP
Minister for the Environment, Heritage and the Arts
(Australian Government)



Other Party

The Honourable Eric Ripper MLA
Treasurer; Minister for State Development
(Western Australia)

The Honourable David Templeman MLA
Minister for the Environment; Climate Change
(Western Australia)

Dated this ^{6th} day of February 2008

Attachment A: Site Selection Criteria

Sub-category A	Category	Sub-category B	Sub-category C	Definition/Description	Preliminary Objective
Environmental	Terrestrial Biophysical	Conservation Reserves/Marine Parks/Indigenous protected areas	Existing/recommended	Existing or Government recommended conservation reserves/PA's	Avoid impacts on existing reserves/parks/PA's. Seek to prioritise sites not proposed for future conservation reserves
		Threatened Flora	EPBC Act/Wildlife Conservation Act listed. Acts also allow for newly identified taxon without formal status	Avoid, or mitigate impact. Avoid sites that would have significant impact	
		Threatened Fauna	EPBC Act/Wildlife Conservation Act listed. Acts also allow for newly identified taxon without formal status, including migratory species subject to international agreements (Ramsar, JAMBA/CAMBA)	Seek to avoid or mitigate impact. Avoid sites that would have significant impact	
		Significant Ecological Communities	Threatened ecological community (EPBC Act or State listed) or found through site surveys	Seek to avoid or minimise impact on Threatened Ecological Communities. Avoid sites that would have significant impact	
			Presence of other ecological communities of high significance	Seek to avoid or mitigate impact. Avoid sites that would have significant impact	
		Ecological Risk/Hazard	Site landform (geodiversity) and ecological/vegetation diversity	Seek to avoid or minimise impact on sites with high landform and ecological/vegetation diversity	
	Quarantine Breaches, Weed/Invasive species, pathogens introduction		Seek to avoid or mitigate impact. Avoid sites that would be of risk of significant impact		
	Fire, Plane/Transport Accidents		Seek to avoid or mitigate impact. Avoid sites that would be of risk of significant impact		
	Culturally significant ecological communities and flora/fauna	Culturally significant to Aboriginal people	Seek to avoid or mitigate impact. Avoid sites that would be of risk of significant impact		
	Marine Biophysical	Coastal exposure to long period wave energy	Sheltered coastal and shallow marine environments are more sensitive to disturbance because of low exposure to periodic disturbances from natural processes, typically slower recovery times and lower capacity to tolerate pollutants	Seek to avoid impact on most sheltered sensitive coastal and shallow marine environments. Classify as high, moderate, low exposure	
		Threatened Marine Fauna	EPBC Act/Wildlife Conservation Act listed species (especially endangered species such as Humpback Whales, Dugong, Turtle nesting beaches, Whale Shark), including migratory species subject to international agreements (JAMBA/CAMBA). Consider significance of impact (eg breeding, nursery, feeding, migration, resting), season of utilization and relative importance of the area	Seek to avoid high value sites. Identify sensitivities and ranking of sites and rationale for identified impacts and scope for possible mitigation strategies	
		Culturally significant ecological communities and marine flora and fauna	Culturally significant to Aboriginal people	Seek to avoid or mitigate impact. Avoid sites that would be of risk of significant impact	
		Significant Marine Benthic Primary producer Ecological Communities	Conservation value, Ecological value, Benthic Primary Producer Habitat. (e.g. Coral reef, Mangrove, Macro-algae, seagrass) (Coral loss, Coral mortality from dredging)	Seek to avoid or mitigate impact. Identify site sensitivities and rankings. Avoid significant impact sites.	
		Ecological Risk/Hazard Assessment (State waters)	Relative risk/hazard of Accidents, Spills, Quarantine breaches, exposure to sensitivity to introduced marine pests etc.)	Seek to identify relative sensitivities of site to risk/hazard and avoid sites with elevated risk/hazard. What is the relative significance of site surrounds including shipping and pipeline corridors	
		Dredging impacts	Marine impacts, seasonal issues, sea dredge sed quarantine, sea dumping requirements	Seek to avoid or mitigate impact. Identify site sensitivities and rankings. Avoid significant impact sites	
Commonwealth Marine Environment		Consideration of significant impacts to the Commonwealth Marine Environment	Seek to identify relative sensitivities of site to risk/hazard and avoid sites with elevated risk/hazard. What is the relative significance of site surrounds including shipping and pipeline corridors		
Chemical and Physical	Light spill	Potential for significant impacts from illumination and light pollution	Seek to avoid, minimise or mitigate impacts of light pollution. Avoid sites that will impose significant light pollution / impact on turtles nesting beaches and other threatened fauna, apart from turtles		
	Location	Area of footprint, noise impacts on community/environment, obstruction through vessel movements	Seek to avoid or mitigate impact. Identify site sensitivities and rankings avoid significant impact sites		
	Stormwater management	Management of stormwater on site, avoid uncontrolled discharge to sensitive environments	Avoid sites with limited capacity to manage stormwater on site		
	Greenhouse Gas Emissions (global impact) and other gaseous emissions (local impact)	Release to the atmosphere of in-gas CO2 and other gases related to gas processing or the overall operations of the Hub	Seek to avoid, minimise or mitigate release. Seek to avoid sites that would inhibit access to suitable geological storage locations should these be identified. Identify other CO2 management mechanisms		
Landscape Assessment	Wilderness values	Large areas remote from and undisturbed by the influence of modern technological society. Note wilderness refers to an area that is remote from and undisturbed by the influence of modern technological society and recognises that the land has been shaped by millennia of land management practices by Indigenous Australians	Identify wilderness ecological and biophysical values and integrity of wilderness (degree of disturbance). Seek to avoid high value intact areas		
	Intactness	Degree to which location is part of intact landscape. Note to be considered alongside wilderness as a supplementary value	Seek to avoid sites that would impact significantly		
	Landscape Quality of immediate region surrounding the site including transport routes	Local - Subregional context inclusive of indigenous perceptions of landscape quality	Protect regions of highest landscape quality		
	Hub Site specific landscape significance	Quality, Rarity, Diversity of the Site inclusive of indigenous perceptions of quality	Prioritise sites of lower landscape quality		
	Natural Heritage	Areas with natural heritage values of national significance	Avoid impacts on sites with natural heritage values of national significance		

Attachment A Site Selection Criteria				
Sub-Set A	Category	Sub-Set B	Detail/Description	Preliminary Objective
	Public Perception	Interest Groups	e.g. NGOs, local business and community groups	Respond to legitimate concerns through transparency of decision making
		National and International Perspective	e.g. NGOs, business and community groups, media	Respond to legitimate concerns through transparency of decision making
		EPBC Act	Public Consultation process under strategic assessment of NES values (DEWHA)	Respond to legitimate concerns through transparency of decision making
	Urban	Capacity	Ability to manage new influx of people in relation to housing, services and infrastructure	The new influx should be integrated with the existing community
		Proximity	Distance to accommodation and services	Seek to identify advantages and disadvantages of sites related to proximity to urban centres inclusive of consideration of fly in fly out options
		Disruption	Such as to traffic, access to services, etc	Seek to avoid or mitigate impact. Rank sites according to sensitivity to impact
	Community	Services	Medical, Education, Emergency Services, Police, Local Government, etc	Seek to access existing services if capable of supporting the project. Identify fly in/out option or potential for stand alone services
		Health	Value to Community Health of non-industrialised environment	Seek to avoid or mitigate impact. Rank sites according to sensitivity to impact
	Regional/local economic development	Local business	Positive and negative impact	Prioritise sites that can deliver positive impact or seek to mitigate significant negative impacts
		Cost of living	Positive and negative impact	Prioritise sites that can deliver positive impact or seek to mitigate significant negative impacts
		Indigenous Communities	Positive and negative impact	Prioritise sites that can deliver positive impact or seek to mitigate significant negative impacts
		Availability of Labour	Employment of local residents	Seek sites that maximise opportunity for local employment
	Land-Marine Use	Recreation	Local, regional and international interests and their losses or inconvenience	Seek to avoid or minimise impact. Avoid sites that would have significant impact
		Industry	Obstruction or synergies with other industry operating in the area in particular Pearling, Fishing, Mining and Pastoral/Agricultural	Prioritise sites that can deliver positive impact or seek to mitigate negative impacts
		Infrastructure	Physical infrastructure, e.g. rail, road, airport, electricity, water supply, telecommunications	Seek sites that require minimum of additional infrastructure
		Marine use	Conflict with other shipping, commercial fishing activities, Tourism, Aquaculture, etc	Seek to avoid or minimise impact. Avoid sites or seek mitigation if there is likely to be significant impact
	Cultural Heritage	Non-Indigenous	Significant site exhibiting aesthetic, historic, scientific and/or social characteristics valued by Western Australia and Australia	Seek to avoid or minimise impact. Avoid sites that would have significant impact
	Tenure	State Agreements	e.g. Koolan Island	Acknowledge legislative risks associated with areas covered by State agreements
		Licenses	e.g. s.91 Land Administration Act	Seek to identify the sensitivities around locations covered by license
		Leases	e.g. Pearling Lease, Pastoral Lease, etc.	Seek to identify the sensitivities around locations covered by lease
	Security	Asset Protection	Exposure to asset security risks	Seek to avoid or minimise impact
		Compliance International Port Security Legislation		Seek to optimise through site ranking
	Statutory Approvals Procedures	National Security / Interests	Potential threats to national security/interests	Seek to avoid or minimise potential exposure to threats
		Planning	Requirement for planning approvals	Seek to identify complexity of planning approval issues related to each site
Tourism	Land Based	Commercial/Non-commercial ventures, Indigenous - Local, regional and international interests and their losses or inconvenience	Seek to avoid or minimise impact. Avoid sites that would have significant negative impact	
	Marine Based	Commercial ventures, Indigenous - Local, regional and international interests and their losses or inconvenience	Seek to avoid or minimise impact. Avoid sites that would have significant negative impact	

Attachment A Site Selection Criteria				
Category	Sub-category	Sub-part	Criteria/Description	Preliminary Objective
Energy and Resource Technologies	Location	Proximity to existing infrastructure	e.g. Ports, airfields, towns	Seek to identify advantages or disadvantages of having site close to existing infrastructure and to reduce cost of infrastructure
		Proximity of plant site to coastline	Reduce cryogenic pipe distance from LNG Plant to Loading Facility	Seek site close to coast and identify cost sensitivity
		Port Suitability	Distance to navigable water for LNG carriers Impact of meteoric conditions, in particular currents and exposure to swell on offloading availability	Seek site close to coast with 10m+ deep water and identify cost sensitivity Seek site with low current flows at port location
		Proximity to gas fields	Close as possible for gas use efficiency	Maximise pipeline distance from field to processing site and identify cost sensitivity
		Proximity to CO2 storage sites	Close as possible to potential storage sites	Minimise pipeline distance from processing site to CO2 storage site
	Development	Safety	Emergency Evacuation/Risk Assessment	Seek site reduced cyclone risk and high evacuation potential
		Site specific and Transport risks (land/marine)	Construction Phase	Seek to identify site risk sensitivities and seasonality issues prioritise low risk sites
			Operational Phase	Seek to identify site risk sensitivities and seasonality issues prioritise low risk sites
	Physical Environment	Land area	Requirements for infrastructure hub development	Seek a hub site that can fully meet strategic requirements
		Site Elevation	Relative to storm surge and gradient	Seek a site with low risk of storm surge damage
		Pipeline Access	Marine and terrestrial suitability of environment for landing of offshore to onshore/onshore to offshore Gas and CO2 pipelines	Seek to identify site risk sensitivities and prioritise low risk sites
		Site slope	<5 degrees at plant location	Seek to minimise site preparation and soil disturbance
		Geotechnical Conditions	Geotechnically stable and relatively level sites requiring limited terrestrial site and earthmoving requirements	Seek to rank sites according to suitability
	Bathymetry	Off shore Bathymetry	LNG tanker off shore navigation and suitable off shore bathymetry for pipeline access	Seek to rank sites according to suitability
	Indigenous	Cultural Practice	Hunting, Gathering, Fishing	Areas of high value for maintenance of hunting, gathering and fishing by indigenous groups
Law/ore Practices			Areas of high value for maintenance of Mythological/Ceremonial sites and traditions practice	Seek to avoid injury or desecration caused by inappropriate intrusions not sanctioned by traditional owners
Native Title		Nature and complexity of Tenure	Determined Claims, registered Claims, Represented and Unrepresented claims, Unclaimed Lands	Seek to locate a site with the support and informed consent of traditional owners
Outstations and Leases		Rights to occupation	Existing outstations and leases	Seek to avoid, minimise or mitigate impact
Informed Consent		Traditional owners	Required by WA cabinet as precondition for site selection	Seek to identify sites supported by traditional owners through their informed consent as ratified by the Native title Tribunal
Cultural Heritage		Aesthetic	Significance in exhibiting particular aesthetic characteristics valued by the community	Seek to avoid or minimise impact. Avoid sites that would have significant impact
		Historic	Significance in the evolution or pattern of the history of Western Australia and Australia	Seek to avoid or minimise impact. Avoid sites that would have significant impact
		Scientific	Potential to yield information that will contribute to an understanding of the natural and cultural history of Western Australia	Seek to avoid or minimise impact. Avoid sites that would have significant impact
		Indigenous Environmental values	Value of the environment to indigenous people including ethno-biological significance	Seek to avoid or minimise impact. Avoid sites that would have significant impact
Heritage Sites		DIA and Commonwealth Heritage sites (RNE, CHL, NML)	Registered sites and those identified through site surveys or other traditional knowledge	Seek to avoid or minimise impact. Avoid sites that would have significant impact
Tenure	Reserves	e.g. Aboriginal Reserve	Seek to avoid reserve locations unless informed consent of traditional owners and support from local Aboriginal community to change of tenure	

SITE SELECTION CRITERIA EVALUATION METHODOLOGY

The Site Selection Criteria (SSC) is constructed as a multivariate matrix intended to provide a means to compare the net impacts of the Gas Processing Hub on various short listed sites.

The criteria will be populated by the array of experts and working group participants assembled by the Northern Development Taskforce (NDT) and will draw upon both quantitative data and qualitative assessments.

It is not intended that the SSC alone will determine the preferred site but rather help inform the ranking of sites and identify potential cumulative impacts both negative and positive which may indicate a site is problematic or prospective.

Sites to be evaluated through this process have already been screened for basic technical viability reducing some 43 possible sites to 9. As a consequence of this preliminary assessment the SSC being applied are focused predominantly on environmental impacts, socio economic impacts and indigenous interests. The technical criteria will be used to establish the relative advantages and disadvantages of sites when considered for use as single operator sites, multi operator sites or as a processing Hub.

The SSC will be applied within the overall framework of the Strategic Assessment report which in turn responds to the Terms of Reference endorsed by the Commonwealth Environment Minister and the State Environment Minister related to the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* and *Environmental Protection Act 1986 (WA)* respectively.

It is envisaged that most criteria will be both quantitatively and qualitatively assessed and the results compiled within the Strategic Assessment report or other referenced documents.

The use of the matrix as a decision making tool will be limited to demonstrating the potential of cumulative impacts across a wide range of criteria and to assist with ranking prospective sites and will be supported by the creation of a GIS platform of underpinning data.

It can be identified that some criteria are of greater significance than others and should be weighted more heavily when undertaking comparative analysis.

It is also recognised that not all impacts can be quantified through available data. To overcome this the environmental and other working groups have developed complex sub criteria and the use of High, Medium and Low as indicators of potential impact risk to reflect the uncertainty of knowledge implicit in areas of the State that are remote and not fully studied. This process might see some groupings of criteria being assessed holistically rather than individually.

The SSC are intended to be used by groups with differing representation undertaking independent assessment of the criteria using the same data but bringing their own subjective assessments to the process. These groups will include the proposed Independent Assessment Group (made up of representatives nominated from each of the NDT working groups), the NDT itself, industry interests and the Traditional Owner Taskforce leading to a comparison of the outcome of each group's assessment and the identification of both a shortlist and a ranking of sites.

The assessing groups will participate in a three day seminar program where each working group inclusive of the environmental experts and traditional owners will present information on each of the sites relative to the SSC.

The NDT proposes that each selection criteria will be evaluated subjectively for potential advantage or disadvantage based on the available technical data and non technical information provided by the experts and interested parties incorporated within the NDT stakeholder process.

A six point relative scale will be used with three scales for disadvantage, Minor, Major and Significant, Neutral and two scales for advantage, Minor and Major.

It is recognised that a significant environmental or heritage value or major technical constraint issue may constitute a fatal flaw for any one site and the application of a fatal flaw evaluation on a critical criterion could potentially eliminate the site from further consideration. The application of Fatal Flaw analysis would need to be determined on a quantitative basis where possible, or a risk assessment basis with the reasonable application of the precautionary principle, where there is incomplete information.

The SSC evaluation and resulting ranking will be incorporated into the Strategic Assessment report and subject to public release and comment.

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ATTACHMENT B

TERMS OF REFERENCE FOR STRATEGIC ASSESSMENT OF A PLAN FOR A COMMON-USER LIQUEFIED NATURAL GAS HUB PRECINCT TO SERVICE THE BROWSE BASIN GAS FIELD

The following Terms of Reference (ToR) provide the basis for a report, referred to in clause 6.1 of the Agreement, assessing the environmental, heritage and socio-economic impacts of actions under a Plan for a Browse Basin Common-User Liquefied Natural Gas (LNG) Hub Precinct and its associated activities, as defined in the Agreement. It is intended that this assessment report will satisfy the requirements of both the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the *WA Environmental Protection Act 1986* (WA EP Act). A process diagram outlining the respective assessment processes is attached to these ToR.

1. Project Purpose

The Report must include a general description of the purpose that a Common-User LNG Hub (the Precinct) will serve, including the resources the Precinct will need to function, the actions or classes of actions likely to be undertaken, the scope of related activities, the estimated life of the Precinct, and the regional context in which the Precinct will operate.

2. Description of the Plan

The Report must include a detailed description of the Plan to which the Agreement relates, including (but not limited to):

- how the plan has been developed and its legal standing;
- identifying the person(s) or authority responsible for its adoption or implementation, and their jurisdiction;
- the legal structure under which owners, managers and users of the Precinct will participate in the Precinct;
- the basis of land/asset tenure;
- a description of the management arrangements required to ensure the Plan is implemented successfully; and
- identifying the actions or classes of actions that are a subject of the Plan, including the short, medium and long term aspects of the actions or classes of actions at or associated with the Precinct. These could include relevant construction, operational and decommissioning aspects as well as a comprehensive description of each type of development or facility comprising the Precinct and its associated infrastructure.

3. Project Focus

The Report must provide the rationale for the need to develop the Precinct. The Report must include an analysis of the impacts as they relate to the bio-physical, social and economic aspects of the development proposal associated with the development of the Precinct.

4. Short-Listing Process

The Report must include a copy of the finalised Site Selection Criteria, and a comprehensive description of how the proposed site(s) for the Precinct were identified including (but not limited to) consideration of:

- EPBC Act matters of National Environmental Significance (NES) (both current and identified as prospective, including likely National Heritage values);
- land tenure;
- stakeholder and public consultation;
- how the Site Selection Criteria were used in the shortlisting
- the independent verification of feasibility and technical or engineering constraints as identified by the oil and gas industry;
- regional environmental and social context and other relevant socio-economic matters inclusive of site security issues;
- An analysis of technically and economically viable gas processing options outside the Kimberley, focussing on locations that already have substantial industrial infrastructure, inclusive of floating LNG; and
- cultural heritage and Indigenous knowledge, and Indigenous aspirations.

5. The Environment Likely to be Affected

The Report must provide a detailed description of the environment likely to be affected by the Plan, the actions or classes of actions taken under the Plan including any associated infrastructure and construction and operational activities. This description must identify the environmental assets and characteristics, including biophysical processes associated with the site(s) selected in the Plan and the terrestrial and marine environments likely to be directly or indirectly impacted, for example:

- a) components of biodiversity including maintenance of important ecological processes recognising the potential importance of large intact areas in protecting and maintaining ecological processes;
- b) listed threatened species, other protected and significant taxa (EPBC Act or WA listed), and new, unnamed species or taxa;
- c) a description of ecological communities, with reference to Threatened Ecological Communities (EPBC Act or WA listed) or other significant ecological communities;
- d) a description given about how uncertainties will be treated in relation to the environment that will be affected;
- e) potential National Heritage values;
- f) any physical environmental drivers influencing the environmental characteristics of the site or surrounds, or influencing the potential impacts on the site or surrounds, including tidal regime, cyclonic and other severe weather conditions and coastal processes;
- g) any other environmental factors required to be described in the environmental impact assessment scoping document developed for the assessment under the EP Act; and

- h) Indigenous environmental values and Indigenous cultural heritage (environmental) values, including all values held by Traditional Owners in the area likely to be affected and including broader biological communities, habitats and environments in which species with Indigenous environmental/conservation values might live*.

6. Environmental Impacts

The Report must include an assessment of the potential impacts of the Plan, the actions or classes of actions taken under the Plan including any associated infrastructure, construction and operational activities on the environment including matters of NES and effects of the environment on the Plan.

In particular, the assessment must include:

- a) a description of the potential impacts of the Plan on the environment (including to the extent possible, information on the degree of confidence with which impacts can be predicted and quantified and any indirect impacts as defined by Section 527E of the EPBC Act);
- b) an assessment of the nature and extent of the likely impacts on the environment, including whether the impacts will be short or long term, at the local and/or regional scale and cumulative impacts;
- c) an assessment of the extent to which impacts on the environment are likely to be unknown, unpredictable or irreversible;
- d) an analysis of the significance of potential impacts on known (or prospective) matters of NES – with reference to the EPBC Act Policy Statement 1.1 Significant Impact Guidelines and other relevant guidelines or policy advice; and
- e) reference to the technical data (including traditional/Indigenous knowledge) and other information relied upon in assessing the environmental impacts of the Plan, including information collected and compiled to be consistent with the expectations of the Western Australian Environmental Protection Authority (WA EPA), including, but not limited to, that outlined in relevant position and guidance statements.

7. Indigenous Impacts

The Report must include a comprehensive analysis of the potential impacts of the Plan on Indigenous people and culture (including matters of NES and those prescribed under the *WA Aboriginal Heritage Act 1972* and the *WA EP Act*) that are likely to be directly or indirectly affected by the Plan.

In particular, the analysis must include:

- a) a description of the potential impacts, including socio-economic impacts, of the Plan on Indigenous people (including to the extent possible, information on the degree of confidence with which impacts and indirect impacts can be predicted and quantified)*;
- b) an assessment of whether any impacts on Indigenous people (including Indigenous heritage) are likely to be unknown, unpredictable or irreversible;
- c) an analysis of the significance of potential impacts on known listed and unlisted Aboriginal heritage sites, objects or landscapes and values of cultural

* Certain Indigenous information and knowledge provided as part of the assessment and consideration of approval for a Common-User LNG Hub will not necessarily be made available to the public

significance with reference to the *Aboriginal Heritage Act 1972*-section 5,6 and Indigenous Heritage values under the EPBC Act.

- d) reference to the technical data and other information relied upon in assessing the Indigenous heritage impacts of the Plan; and
- e) whether the Traditional Owners have given informed consent, in a culturally appropriate manner to the implementation of the Plan.

8. Proposed Management Arrangements for the LNG Precinct and associated activities

The Report must include a description of legislation, policies, performance and mitigation measures that are relevant to the implementation of the Plan, the actions and classes of actions undertaken under the Plan, to avoid, minimise, manage and mitigate the associated environmental and Indigenous impacts.

The Report must include information on any other requirements for approval that apply, or are likely to apply, in relation to the Plan including details of any Local or State Government planning scheme, or plan or policy under any Local or State Government planning system, or State or Commonwealth legislation, such as:

- a) what environmental assessment of the proposed project has been, or is being, carried out under the scheme, plan or policy;
- b) how the scheme, plan or policy provides for the prevention, minimisation and management of any relevant impacts;
- c) explicit clarification as to who is responsible for the proposed management arrangements;
- d) how the scheme will ensure that obligations contained in the *Aboriginal Heritage Act 1972 (WA)* are met; and
- e) how to provide effective protection for places that can be considered under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

The Report must set out specific management arrangements, including the possible role of Traditional Owners in those arrangements. It must describe arrangements that will be in place under or associated with the Plan that are intended to ensure that development and operation of the Precinct and associated actions and classes of actions are undertaken in a manner designed to avoid impacts on significant environments, minimise environmental impacts generally and enable areas beyond the hub and port precinct to be maintained in an environmentally and an ecologically sustainable manner.

The report must also provide a description of the likely effectiveness of these management arrangements and how and to what extent they will meet endorsement criteria at Attachment C.

9. Proposed Safeguards and Mitigation Measures

The Report must identify and describe the specific measures intended to prevent, minimise and compensate for the potential environmental impacts of the Plan, and any measures to rehabilitate or offset damage to the environment. The Report must recognise and detail the role that Traditional Owners will play in these matters.

The Report should include an analysis of the expected or predicted effectiveness of these measures. The assessment should identify the basis (e.g. statutory or policy) for implementation of each measure and the agency or authority responsible for ensuring

implementation. The assessment must also identify how the relevant agency or authority will ensure compliance with these measures, and what steps will be taken in the event that environmental performance is other than anticipated.

The Report must also provide a description of how and to what extent these proposed safeguards, mitigation and offset measures will meet the endorsement criteria at Attachment C.

The Report must identify and describe the specific measures intended to avoid, minimise and mitigate for the potential environmental and Indigenous impacts of the Plan, and any measures to rehabilitate damage to the environment or impacts on Indigenous peoples' live, values, or culture.

The Report must also identify any program that is proposed to be put in place under the Plan to monitor and report on the proposed safeguards, mitigation and offset measures in the short and long term.

10. Information Sources

For information used in the assessment, the Report must state:

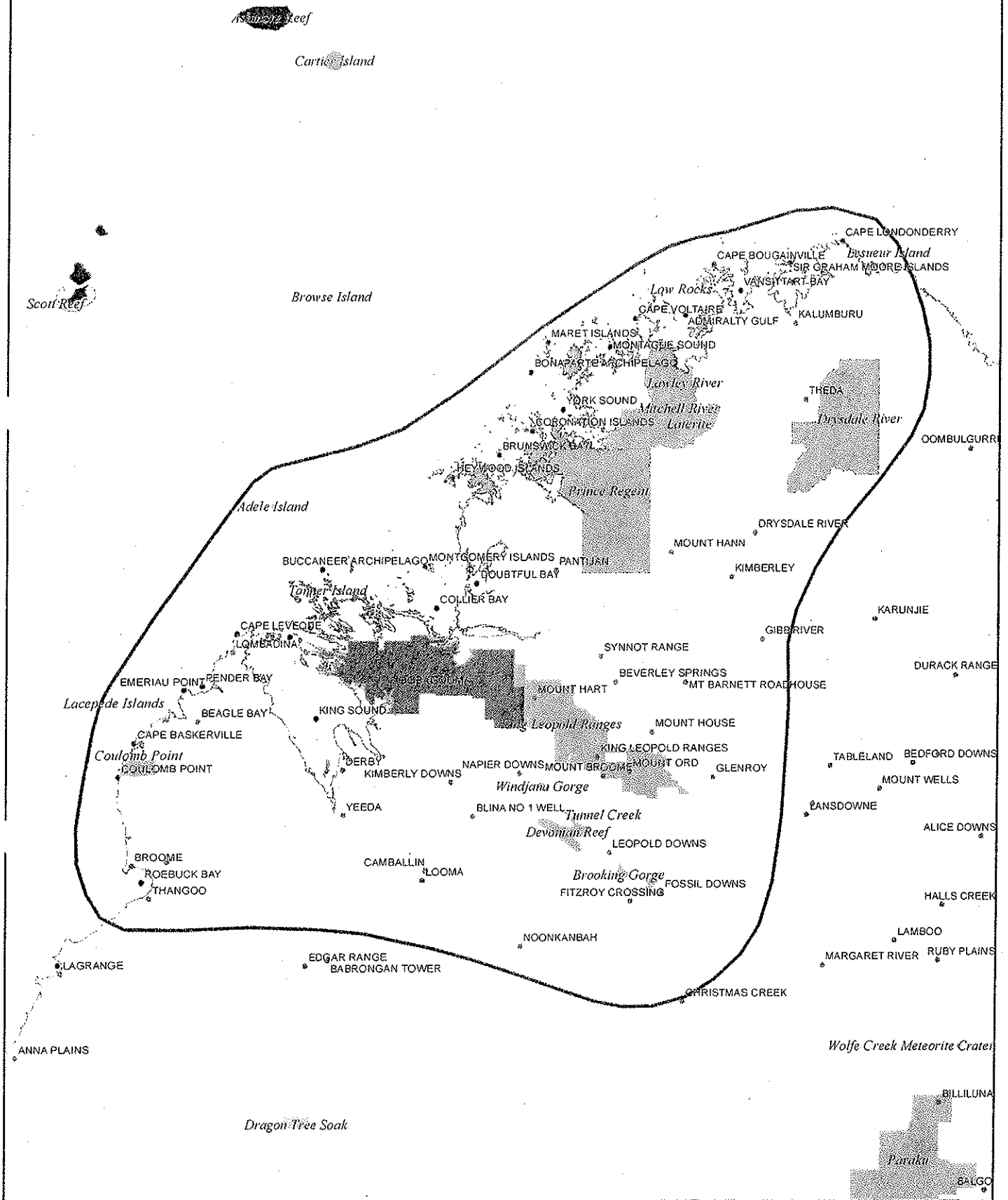
- a) the source of the information used in the assessment;
- b) how recent the information is;
- c) how the reliability of the information was tested; and
- d) what uncertainties (if any) are in the information.

11. Consultation

The Report must include any details of consultation, in addition to the statutory consultation, about the Plan, including:

- a) details of the consultation process for site selection including the public process and directed engagement with stakeholders, and the outcome of these consultations;
- b) any consultation that has already taken place, including with Indigenous communities;
- c) proposed consultation about relevant impacts of the action, including with Indigenous communities; and
- d) if there has been consultation about the proposed development, and if so, whether there is any documented response resulting from the consultation (including how the assessment and Report have addressed issues raised by the consultation).





Map 1: Kimberley National Heritage List Assessment



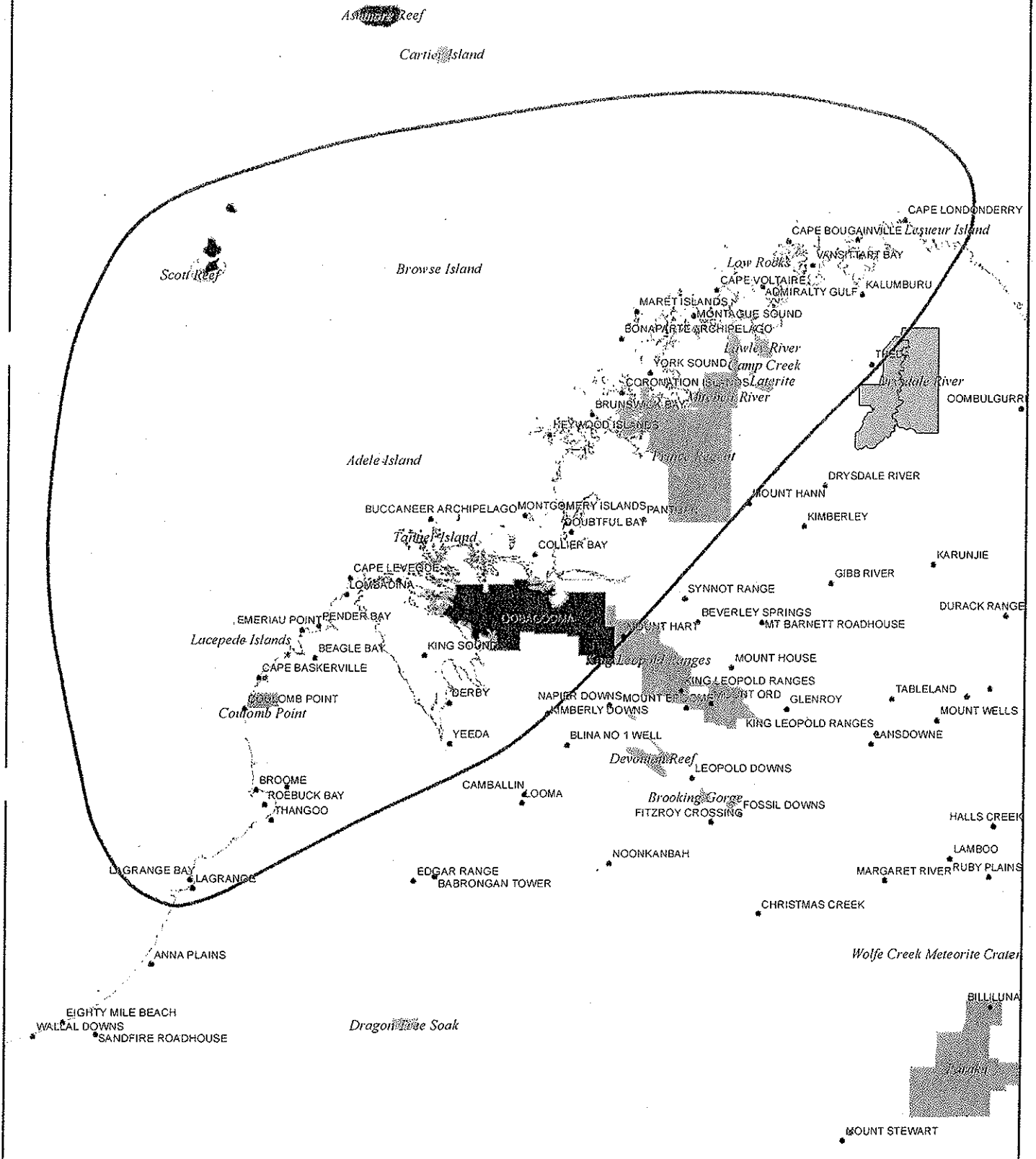
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June 2008

	Kimberley NHL Assessment area
	Heritage listed place
	Heritage nominated place
	Protected Areas

Map 2: Kimberley Hub Regional Assessment



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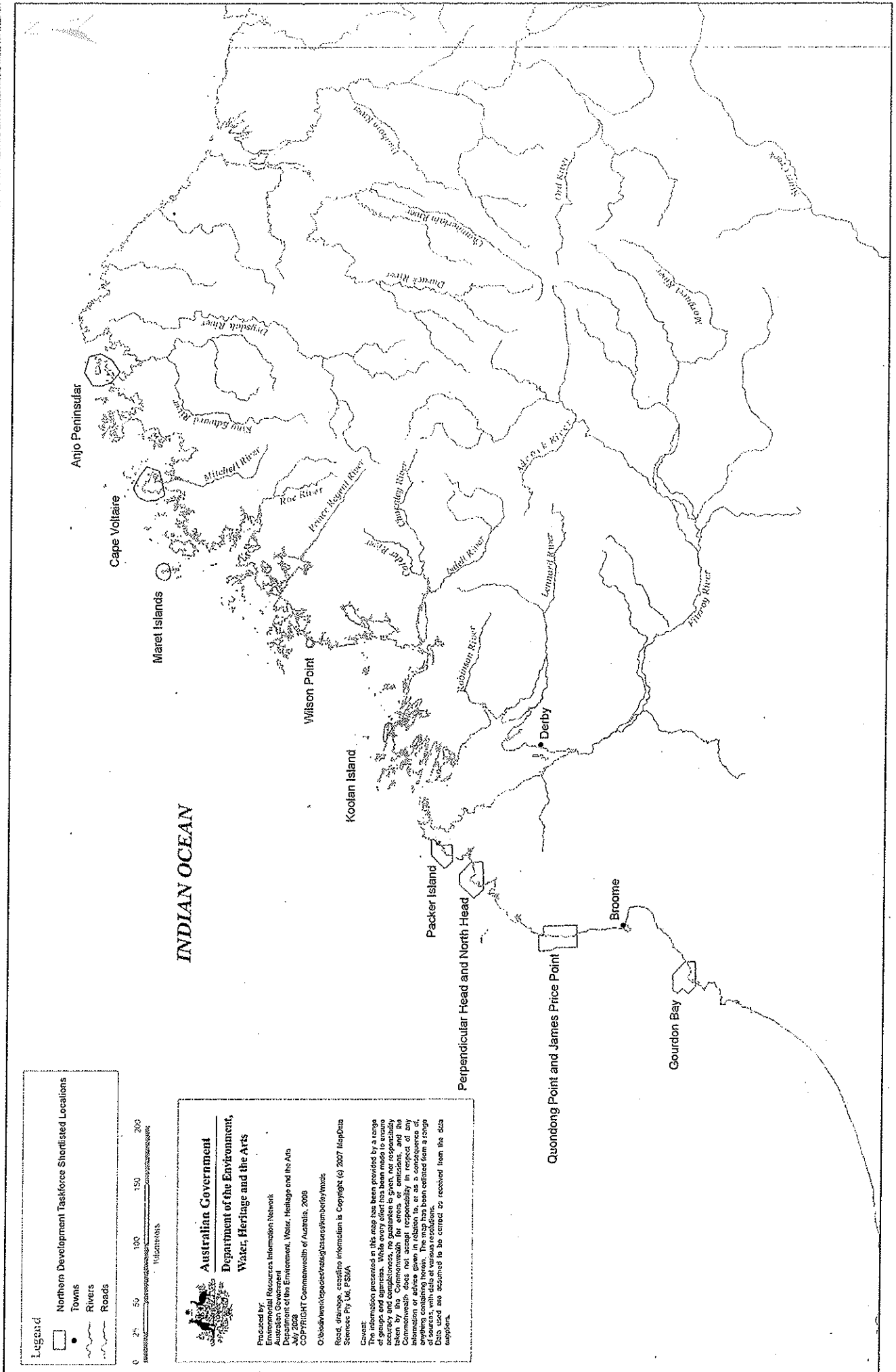
	Kimberley Hub Strategic Assessment
	Heritage listed place
	Heritage nominated place
	Protected Areas

July 2008

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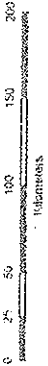
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NORTHERN DEVELOPMENT TASKFORCE - 11 SHORTLISTED LOCATIONS



Legend

- Northern Development Taskforce Shortlisted Locations
- Towns
- Rivers
- Roads



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