

**MEETING SUMMARY**

**Kimberley IDC Meeting  
Friday 12th Dec 2008, 10am to 12pm  
Banksia Room, John Gorton Building, DEWHA**

Redacted pursuant to  
S.22 of the FOI Act

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S-22 of the FOI ACT

Mark Flanigan reiterated the two principal components of the strategic assessment agreement (which was signed in February 2008): the LNG precinct assessment and the National Heritage assessment.

S-22

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s. 22: Out of scope

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#### *National Heritage Assessment Update – Terry Bailey*

The Australian Heritage Council commenced the National Heritage List (NHL) assessment on July 1, 2008, and will report by June 2010. The NHL assessment will assess the national and international values of the west Kimberley. Barnett has not made any statement about his position regarding the assessment. He appears unsure about the NHL process and the statutory requirement to complete the assessment.

Work in progress includes research on aesthetics, ship wrecks, gap analysis and wet season data. Informal consultation continues: industry (e.g. pearl producer's association, APPEA), WA Fisheries and Water, eNGOs, Pew Foundation, landholders (e.g. Myers family), Pastoralists and Grazier's Association. Formal statutory consultation will begin approx. end 2009.

KLC have requested approx [REDACTED] from Heritage Div. for consultation with Traditional Owners (TOs). This is out of scope for the Heritage Div. and they will formally respond to KLC shortly.

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S-47C

Redacted pursuant to S. 22

Heritage Div. believes that the KLC has not realised the complete benefit of National Heritage Listing eg. providing Cwlth protection from compulsory acquisition threats from WA. DEWHA staff will hold discussions with the KLC in the new year to re-iterate this.

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The Federal Environment Minister can also use an emergency request for heritage listing. Heritage Div. believes that James Price Point and North Head are unlikely to have heritage issues.

Redacted pursuant to s.22

S22: out of scope

S22: out of scope

<b>Kimberley IDC</b>	<b>Date:</b> Thursday 12 March 2009 <b>Time:</b> 3:00-5:00pm
<b>MINUTES</b>	<b>Venue:</b> Conference Room G0.21, Ground Floor, Industry House, 10 Binara Street, Canberra City

**Attendees**

- Bob Pegler (RET) – Co-chair
- Gerard Early (DEWHA) Co-chair
- Peter Burnett (DEWHA)
- Terry Bailey (DEWHA)
- Charlie Brister (DEWHA)
- Joy Savage (DoHA)
- John Anderson (Treasury)
- Stephen Philip (Attorney-Generals)
- Stuart Clarke (Office of Northern Australia - DITRDLG)
- Gerry Van Wyck (DEEWR)
- Gary Powell (phone hook up) (DEEWR)
- Richard Aspinall (phone hook up) (FAHCSIA)
- Bhavana Kaul, Indigenous Services Branch (Centrelink)
- Kari Ahmer (FHCSIA)
- Keith Ogborn (FAHCSIA)
- Grace Mang (PM&C) Leigh Kennedy (RET)
- Dale Rentsch (RET)
- Lesley Stumbles (RET)

**Apologies**

- Dan Walker (CSIRO)
- Jasmin Fielder (DEEWR)
- James Shevlin (DEWHA)
- Leah Ross (PM&C)

**Part 1: Bob Pegler (Chair)**

- welcomed new IDC members
- previous minutes accepted

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[REDACTED]

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**Part 2: Gerard Early (Chair)**

[REDACTED]

**Update on National Heritage Assessment – Terry Bailey**

Terry Bailey provided a National Heritage assessment update –the Strategic Assessment noted the need to identify national heritage values via a National Heritage Assessment process with a 30 June 2010 deadline.

The process is being conducted under the EPBC Act through the Australian Heritage Council. An area of some 22.5 million hectares is involved. There is a requirement to consult with Indigenous interests in the area through the whole process and this has been happening with key stakeholders well in excess of the statutory requirements with quarterly briefings supplied.

Discussions are happening with KLC (with DEEWR present) negotiations around a [REDACTED] consultation and anthropological assessment. Standard research work is ongoing. WA is committed (election promise) to developing science/conservation program. ] 5.47  
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At the last IDC the Aboriginal and Torres Strait Island Heritage Protection Act was mentioned. KLC have used this Act on a number of occasions and are willing to roll it out again and place injunctions on processes.

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<b>KIMBERLEY IDC</b>	<b>Date:</b> Wednesday 3 June 2009
	<b>Time:</b> 11.00 am - 1:00pm
<b>MINUTES</b>	<b>Venue:</b> Large Executive Conference Room, John Gorton Building, Level 2

**Attendees**

Co-Chairs:

Gerard Early (*DEWHA*)

Bob Pegler (formerly *RET*)

*DEWHA:*

Peter Burnett

Terry Bailey

Charlie Brister

Mike Deering

Nicole Matthews

Sarah Grimes

Cate McElroy

*RET:*

Sue Kruse

Karen Jacobson

Dale Rentsch

Kristina Anastasi

*CSIRO:* Dan Walker

*DEEWR:*

Gary Powell

Genevieve Hassall

*Attorney-Generals:*

Stephen Phillip

Sally Nelson

*PMC:*

Grace Mang

*Treasury:*

John Anderson

Shona Nystrom

*DITRDLG- Office of Northern Australia:* Lyell O'Sullivan

*Defence:* Rosemary Pedder

*FaHCSIA:*

Keith Ogborn

Richard Aspinall

*DoHA:*

Joy Savage

Padmaja Jha

*Centrelink:* Jo Gaha

**Apologies**

*DEWHA:*

Gerard Early

Mark Flanigan

Tania Rishniw

*RET:*

Lesley Stumbles

Jane Madden

*FaHCSIA:*

Kari Ahmer

Greg Roche

*PMC:*

Clare Boutchard

Therese Lewis

Simon Mackenzie

*Treasury:* Carla Adami

*DITRDLG:* John Angley

**Part 1: Peter Burnett (Co-Chair)**

- Mr Burnett welcomed IDC members and conducted introduction around table.
- Previous minutes accepted.

### **Update on National Heritage Assessment (NHA) – Terry Bailey**

- In May 08, Minister Garrett added the west Kimberley to the 2008-2009 'finalised priority assessment list'. This initiated a National Heritage Listing (NHL) assessment, which commenced in Jul 08 and is due for completion in June 2010.
- Research is being undertaken to understand heritage values.
- DEWHA reached a two-fold agreement with the Kimberley Land Council (KLC) for them to conduct consultation with Aboriginal people on the NHL assessment, and undertake archaeological/anthropological research studies.
- The KLC report on heritage, anthropological and archaeological studies, provided on behalf of DEWHA is due Nov 09.
- AHC conducting Industry Peak Body discussions with stakeholders each quarter to brief and update on progress. Next update Sep 09 in Broome.
- Owner occupier consultation about values and boundaries, a requirement of the assessment process, will commence in Dec 09, with formal consultation period between Feb-Apr 2010 (4 weeks is mandatory).
- DEWHA will discuss values and boundaries with WA from Sep 09. WA are conducting parallel NHL process, *the Kimberley Science and Conservation Strategy*, a State election commitment. \$9 million over four years to plan for environmental sustainability and water management in the Kimberley. Focus of owner occupier consultation with WA.
- The NHL assessment on time - expected to be completed by June 2010 for the Minister to review before final decisions for the strategic assessment.

### **Key risks for NHA**

- Next consultation with Native Title groups is with Dampier Peninsula communities.
- The KLC have been contracted by DEWHA to conduct all of the Indigenous consultation with completion in 2009.

### **Discussion on NHA and SA**

- Mr Aspinall - requested timing of consultation to bring in line with other consultation (eg. FaHCSIA's Governance Reform discussions at Beagle Bay), and information on consultation process to promote and pass on information in the region.
- Mr Burnett suggested that DEWHA as the secretariat would circulate a time-table.
- Mr Pegler - DEWHA could utilise relevant CwIth Agencies in the region, to assist with complex Indigenous politics.

- Mr Bailey explained that there are different heritage requirements at State and National levels.
- Woodside has identified a paleo-river just south of James Price Point headland. Bathymetric surveys indicate that less dredging and blasting would be required there. This feature may be considered for heritage value.

s22: out of scope



Kimberley LNG Precinct • Meeting of Government Negotiation Committee  
Agenda Item 5.4

**Kimberley Science and Conservation Strategy**

**1. Issue**

The State Government has committed \$9 million over four years to develop and implement a Kimberley Science and Conservation Strategy.

**2. Recommendation**

*Recommendation*  
  
*That the Committee notes the status of the Kimberley Science and Conservation Strategy.*

**3. Background**

- The Kimberley Science and Conservation Strategy will be the State Government's blueprint for protecting the region's natural and cultural heritage, whilst fulfilling its economic potential. It will include the development of marine, coastal and terrestrial conservation strategies and promote collaborative approaches to management.
- Led by the Department of Environment and Conservation, the Strategy will inform other State and Commonwealth initiatives currently underway, in addition to complementing the State's key development projects.
- The Strategy will, where appropriate, utilise information developed under the Kimberley LNG Precinct's Joint Strategic Assessment process (see Attachment A for a pictorial explanation of the links between various State & Commonwealth Kimberley initiatives).
- The Strategy will take into consideration the whole of the Kimberley region and be broader in its brief and, as such, will stand alone in its own right.
- Other scientific research and management programs will contribute to the development and implementation of the Strategy, such as the Commonwealth's *Caring for Our Country* program.
- The Strategy will provide input to the Strategic Plan that will be developed by the recently announced Western Australian Planning Committee - Kimberley Planning Committee.

**NATIONAL HERITAGE LISTING**

- Outcomes of the Strategy will also inform the Commonwealth National Heritage Listing assessment of the Kimberley announced 17 June 2008.

- The Commonwealth Department of the Environment, Water, Heritage and the Arts (DEWHA) is currently gathering information on the potential National Heritage values of the Kimberley, with a view to undertaking owner/occupier consultation from around January 2010 to April 2010.
- DEWHA is also liaising with the Kimberley Land Council to consult with Traditional Owners.
- Pending outcomes of the assessment, the final "place report" is scheduled to be submitted to the Australian Heritage Council in April 2010, with recommendations and public submissions referred from the Council to the Minister for the Environment, Heritage and the Arts by June 2010.

## **PROGRESS TO DATE**

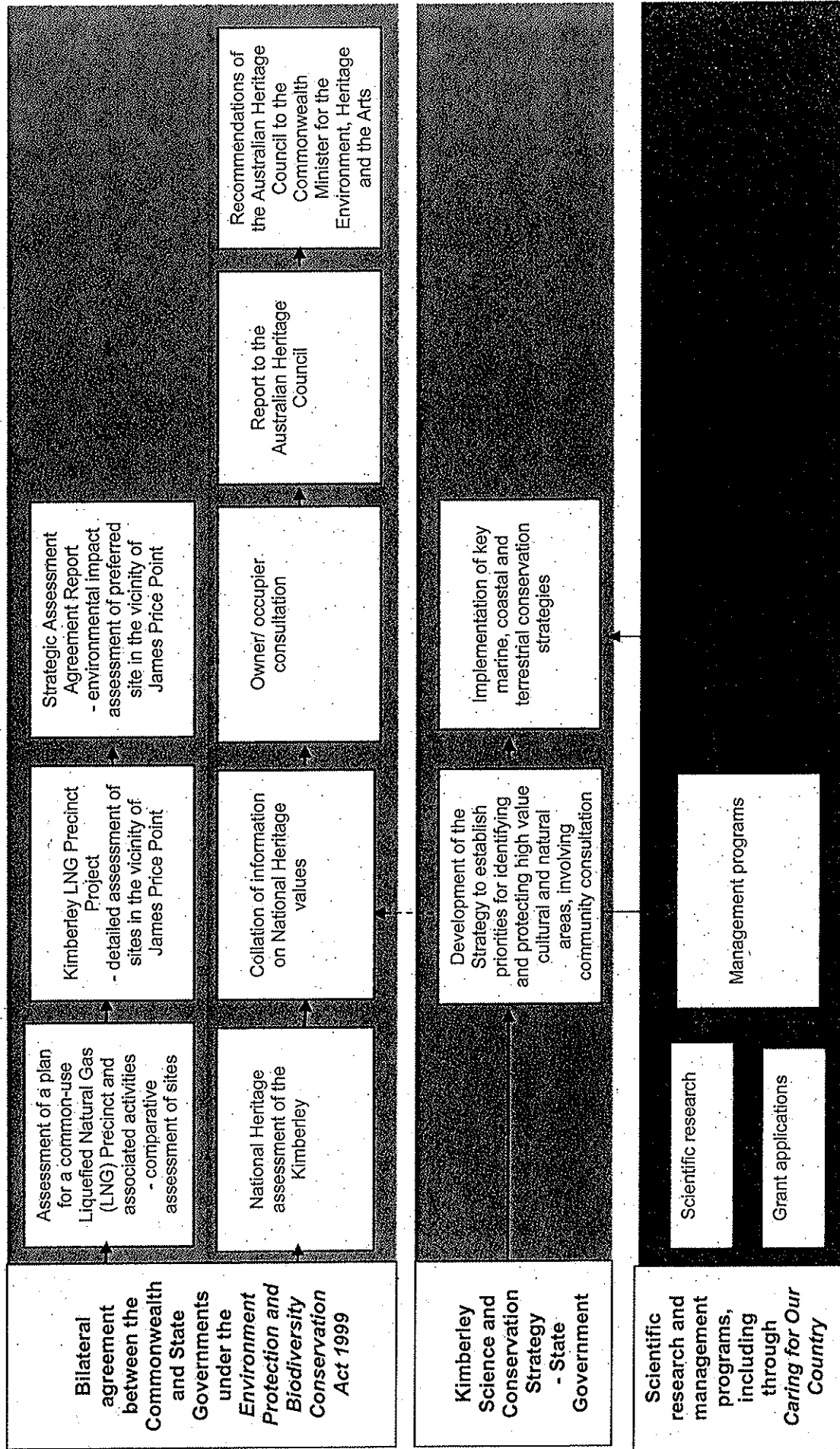
- In March 2009, the State Minister for Environment commenced the consultation process with a call for submissions from key stakeholders. Approximately 60 written submissions have been received to date.
- Former Western Australian Senator and Federal Minister the Hon Chris Ellison was appointed to oversee public consultation which included public hearings, workshops and one-on-one meetings. This process is now nearing completion.
- Around 200 people have participated in the forums and workshops conducted in Perth and extensively in the East and West Kimberley regions. These were generally well attended by various stakeholders including: representatives of the community; Traditional Owners; environment groups; pastoralists; tourism operators; pearling, fishing and resource industries; and local, State and Commonwealth Governments.
- With regards to West Kimberley consultations, it is estimated that around 90 people participated in public forums and workshops in Broome, Derby and Fitzroy Crossing. Meetings were also held with a number of stakeholders including: pastoralists; Kimberley Land Council; Roebuck Bay Working Group; tour operators; researchers; Shire of Derby-West Kimberley; Rey Resources; Winun-Ngari Aboriginal Corporation; Bunuba Aboriginal Corporation's Joe Ross; Tourism WA; and Carol Martin MLA.

## **NEXT STEPS**

- Mr Ellison and DEC will meet with remaining key stakeholders that have requested one-on-one meetings over the next couple of weeks.
- A report will be provided by Mr Ellison to the Minister for Environment by the end of August/early September.
- DEC will incorporate Mr Ellison's report in the development of a draft Strategy and are aiming to finalise the Strategy by the end of the 2009.
- Government agencies will have an opportunity to comment on the Strategy through the Cabinet process.

August 2009

Planning Processes in the Kimberley Region



KIMBERLEY IDC	Date: Friday 11 September 2009
	Time: 11.00 am - 1:00pm
MINUTES	Venue: DEWHA

Attendees:

Co-Chairs:

Peter Burnett (DEWHA)

Sue Kruse (RET)

DEWHA:

Carolyn Cameron

Brian Prince

Charlie Brister

Naomi Wynd

Cate McElroy

RET:

Jo Bell

Lena Constantine

DEEWR:

Gary Powell

Attorney-Generals:

Stephen Philip

PMC:

Andrew Davitt

Grace Mang

Leah Ross

Treasury:

John Anderson

FaHCSIA

Keith Ogborn

Richard Aspinall

John Sheldon

Dianne Hawgood

DoHA:

Bianca Pengilley

Garry Fisk,

Centrelink:

Jenny Manning

Apologies

DEWHA:

Gerard Early

Terry Bailey

RET:

Dale Rentsch

FaHCSIA:

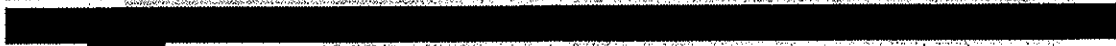
Kari Ahmer

PMC:

Clare Boutchard

Treasury:

Carla Adami



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**Update on National Heritage Assessment (NHA) – Brian Prince**

- In May 08, Minister Garrett added the West Kimberley to the 2008-2009 'finalised priority assessment list'. This initiated a National Heritage Listing (NHL) assessment, which commenced in Jul 08 and is due for completion in June 2010. The process is on track however the deadline is quite tight.
- DEWHA reached a two-fold agreement with the Kimberley Land Council (KLC) for them to conduct consultation with Aboriginal people on the NHL assessment, and undertake archaeological/anthropological research studies.
- Australian Heritage Council has met with senior cultural advisors and the Native Title claimant group to seek their perspective on indigenous heritage values of significance.
- The KLC has been questioning the consequences of a National Heritage Listing.

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- Noted [REDACTED] has been provided to the KLC for consultation on heritage issues and values identification.

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**Key Australian Government Messages for the  
Kimberley LNG Precinct Engagement  
September 2009**

[REDACTED]

**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



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**Key Australian Government Messages for the  
Kimberley LNG Precinct Engagement  
November 2009**

[REDACTED]

**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](http://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 while providing long-lasting economic benefits to Kimberley communities.
- The Minister for the Environment, 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, including the findings of the NHL assessment.
- 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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KIMBERLEY IDC	Date: Friday 16 April 2009
	Time: 2.00 pm - 4:00pm
Draft MINUTES	Venue: DEWHA

Attendees

Co-Chairs:

Sue Kruse (RET)  
James Shevlin (DEWHA)

DEWHA:

Carolyn Cameron  
Terry Bailey  
Charlie Brister  
Naomi Wynd

CSIRO:

Daniel Walker

RET:

Helen Cox  
Jo Bell  
Dale Rentsch  
Dianne Burgess

DEEWR:

Gerry Van Wyk  
Gary Powell (telecom)

Attorney-Generals:

Sally Nelson

PM&C:

Grace Mang

FaHCSIA:

Cat Murray  
Bryan Palmer  
Richard Aspinall (telecon)

DoHA:

Aaron Briscoe  
Kirsty Carr

DITRDLG:

Lyle O'Sullivan  
Tony Hussin

DoD:

Graham Lacey

Treasury:

Carla Adami  
Aaron Maras  
Shayn Sparreboom

DAFF:

Peter Ward (BRS)  
Bruce Wallner  
Melisa Rodgers

Apologies

DEWHA:

Gerard Early  
Nicole Matthews

DoHA:

Craig Ritchie

Item 1: Sue Kruse (Co-Chair)

- Sue Kruse welcomed IDC members and facilitated introductions.
- Draft agenda and previous minutes accepted.

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**Item 3: Update on National Heritage List (NHL) Assessment– James Shevlin**

- Mr Shevlin provided an overview of the NHLA and stated that the assessment of the National Heritage values of the west Kimberley was agreed with the WA Government as part of the terms of reference for the SA. He also noted that:
  - Consultation with owners, occupiers and those with a right of interest is currently underway and will continue through May.
  - The Council is only allowed to consider potential heritage values and it cannot consider social/economic implications – but it must also provide to the Minister any comments received on other issues (eg potential social or economic impacts).
  - Environmental NGOs have incorrectly suggested that some areas are being intentionally left out of the AHC's assessment so that development may go ahead - this is definitely not the case. The Council can only include an area if it has specific information that demonstrates that the



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