



Darwin Harbour Advisory Committee

MINUTES FOR MEETING 25

Thursday 12th June 2008

1pm to 4pm

Meeting Room 1, Darwin City Council

1. Welcome And Apologies

Present:

Name	Representing
John Bailey	Independent Chairperson
Chris Makepeace	Amateur Fishermen's Association of the NT
Prue Barnard	Australian Marine Conservation Society
Donna Jackson	Larrakia Nation Governing Committee, Larrakia Nation Harbour Committee
Peter Ebsworth	Greening Australia NT
Bob Wasson	Charles Darwin University, Chair Ecosystem Research Group
Alastair Black	Darwin Port Corporation
Wendy Hutchison	Acting Director Environment and Sustainability (Manager Environmental Assessments)
Robyn Henderson	Environment, Heritage and the Arts – Project Coordinator, Darwin Harbour Regional Plan of Management
Chantal Caruso	Environment, Heritage and the Arts – Environmental Policy Officer

Guest Speakers

Juanita Croft	A/Director Secretariat, Environmental Protection Authority
Paul Heaton	PowerWater Corporation
Trevor Durling	Senior Headworks Planning Engineers
Russell Willing	Facilitator, Natural Resource Management Board
Michael Lawton	Director Environmental Management NRETA and Acting Chair, EMG
Chris Wicks	Water Resource Planner, NRETA

Apologies:

Duncan Dean	Community Representative
Luccio Cercareli	Local Government Association NT
Greg Bicknell	NT Chamber of Commerce
Lyn Allen	Executive Director, Environment Heritage & the Arts

PREVIOUS BUSINESS

2. Acceptance Of Previous Minutes

The Committee agreed that the minutes from the previous meeting be accepted.

Moved: Peter Ebsworth

Seconded: Bob Wasson

3. Action Sheet From Previous Meeting

- #5 Copies of Rod Applegate's PowerPoint presentation have been made available.
- #8 Web links to UN Indigenous Peoples and Climate Change website have been sent.
- # 10 Bob Wasson reported the ERG Research Paper is still being finalised.

4. Alternative technologies for sewage treatment and what is being used in Darwin

Paul Heaton, PowerWater Corporation (PWC) briefed the Committee on Alternative Sewage Treatment Technologies and Systems Used in Darwin.

His presentation covered:

- basic treatment types
- existing treatment in Darwin
- characteristics of waste stabilisation ponds
- enhancements to ponds systems
- future directions

Paul also explained that the closure of the Larrakeyah outfall is only one part of the Darwin Sewage Strategy.

The group discussed the following points:

- Peter Harrison, Above Capricorn Technologies, recently suggested that treated water could be used on high-volume water use areas (such as the Esplanade). Paul Heaton suggested that while health regulations may allow this in a highly controlled application (such as underground reticulation) the problem is that the treatment plant needs to be close to the application and also this form of watering is ideally suited to trees / drip irrigation and not lawn.
- The capacity of the macerator is not affected by new developments on the peninsula or in the CBD. The Larrakeyah macerator is being progressively cut off and there are no major diversion capacity issues.
- The Larrakeyah outfall is being closed because of public concern. The committee will be updated on the Larrakeyah project in a month.
- Requirements detailed in Waste Discharge licences are not currently prescriptive. PWC may benefit from specific targets being prescribed. PWC welcome DHAC to make comment and recommendations regarding the licence conditions and defining specific targets.

- There are no plans for a wastewater treatment plant at Middle Arm

In terms of water supply, augmentation is planned. PWC is raising the Darwin River Dam, and PWC is testing the water quality of the Manton Dam. Paul is happy to brief the committee on water supply issues in the future.

Following the presentation the committee discussed the following points:

- Paul Heaton is receptive to DHAC advice and recommendations on targets
- Some members of the committee are frustrated by the current target to 'improve' water quality with no specific (numerical?) target
- the industry is best practice/outcomes focussed
- the ERG has already concluded what is required in relation to nutrient speciation and advice to provide on monitoring strategies.

Motion:

DHAC will invite the appropriate Environment, Heritage and the Arts (EHA) Officer who is responsible for preparing Waste Discharge Licences to the next DHAC meeting to discuss the "lack of prescription" in the conditions of the Waste Discharge Licences. DHAC may recommend to the EHA division who are responsible for issuing Waste Discharge Licences that specific targets should be included rather than the current practice of targets such as "improve water quality"

Action:

Robyn Henderson to invite EHA officer to next DHAC meeting.

5. Caring for Our Country

Russell Willing, Facilitator, Natural Resource Management Board provided an overview of the work of the facilitator network and the new funding program under the Australian Labor government.

The new program brings together the National Heritage Trust, National Landcare, Environmental Stewardship and Working on Country programs. Funding allocated is \$2.65B over 5 years. The existing NRM body has had its funding cut to 60% of its average historical allocation.

More focus is now placed on **six federal priorities** of:

- The national reserve
- Biodiversity and icons
- Coastal environments and critical aquatic habitats
- Sustainable farming practices
- NRM in remote and northern Australia
- Community skills, knowledge and engagement

From here there are two opportunities:

Community Coast Care - \$100million round closes 25 July 2008

Relevant to all coastal environments with management outcomes, for example: coastal rehabilitation, revegetation, and wildlife corridors. The emphasis is planning for best practice sustainable coastal and marine resource use, including indigenous traditional use, surveys, and monitoring.

Would include Indigenous land and sea country planning, recording and passing on knowledge.

There are also two indigenous land management facilitators.

Darwin Harbour is one of twelve national priority coastal care hotspots and the only hotspot in the NT. See <http://www.nrm.gov.au/funding/coastcare-hotspots-nt.html>

Two levels of funding are available: under \$50,000 and \$50,000 - \$200,000
See www.nrm.gov.au or phone 1800 552 008

Caring for our Country – annual round of \$2.65B over 5 years

The first Caring for our Country business plan will be released in September 2008 and will invite proposals by January 2009 for announcement in April.

The question was raised on why funding regions were not based on bio regions and Russell reported that the NT is a relatively small population with a largely intact landscape that is split across a number of aspects. As such it was considered one region to minimise administration costs.

Resolution:

Groups represented on DHAC, particularly the Larrakia Harbour Committee, fit within the funding framework. The committee needs to move quickly to consider any proposals/applications due by 25 July 2008.

Action:

Chantal Caruso to follow up with Russell Willing on how to best facilitate this opportunity.

6. EPA

Juanita Croft provided a presentation on the role, function and powers of the new Environmental Protection Authority (EPA).

The EPA was established on 5 March 2008. The authority is chaired by Andrew Tupper and has three board members - Professor Gordon Duff, Professor Donna Craig, and Mrs Judith King.

Consultation

Consultation across the NT showed that the 'big picture' and integrated environmental planning was missing in the policy setting. The model recommended by the interim board was to fill this gap, and also acknowledge that the NT Government already performs a compliance role.

The EPA will provide advice to government, business and the community on ecologically sustainable development in the NT. This will translate to objectives, policies and standards to be used to scrutinise government and business actions.

The model

The focus is on working in a cooperative manner. The secretariat is budgeted for five staff, and will operate by drawing information and resources from other agencies.

Independence

Section 5, 8 and 24 enable the EPA to:

- take 3rd party referrals
- set criteria to look at how to prioritise issues; and
- the Minister cannot advise what to report and must provide a public response

The committee asked about the potential for conflict of interest as a consequence of the Chair and Board Members' existing employment. The Chair and Board will be completing full disclosure statements and any potential conflict of interest will be managed accordingly.

First Tasks of the EPA

1st Task: To investigate the Environmental Assessment and Approval Process in the *Environmental Assessment Act*

The terms of reference will be available to the public in July/August.

2nd Task: To develop NT Sustainability Principles and move towards an NT Sustainability Strategy

- core principles to be developed for the NT
- the discussion paper will be public
- the aim is for a policy document to use as a benchmark to provide advice on ecologically sustainable development (ESD)

Natural resource legislation in the NT is being examined to determine core principles.

The committee discussed how sustainable development is a common new currency but there is need to integrate the approach. The courts were given as an example of historically implementing ESD principles.

The EPA will meet quarterly at a minimum. More regular meetings are expected once the projects begin. A project-based approach will be taken to issues and a member of the board will become a 'project champion'.

The committee also discussed the apparent similarity between the EPA and DHAC model, where the 'advisory' role is emphasised. The question was raised as to whether the EPA will make recommendations but essentially be 'toothless'. The key difference, however, is that the EPA has been established with powers by legislation requiring the Minister to respond (publicly) to EPA recommendations.

The committee also discussed:

- whether the EPA's ESD principles will turn into sustainability targets;
- the process of Board Member selection was described. Government advertised the positions, with the Administrator appointing the members and the Minister appointing the Chair; and
- 'Sustainable development' and 'sustainability' are terms used to describe ecological, social and economic components.

7. Water Allocation Planning update

Chris Wicks provided an update on the water allocation planning process. The revised Terms of Reference (TORs) were discussed, with members suggesting that:

- **Term 2.C** should be reworded to say "To ensure that local community and stakeholder wishes values and needs are met considered in developing the following recommendations...."
- **Table 1:** Possible DRWAC Membership "One Landcare Group Representative" should be changed to "One local resource management or conservation group representative".

Chris also reported that the management of the committee is still in the process of being approved. In terms of membership, the Water Controller – at the behest of the Minister – will send invitations to members, which the Minister will approve.

The DCA and the Cattlemen's Association are being briefed shortly.

The timetable anticipated for DRWAC is that its first meeting will be held in late August – early September.

Chris Wicks reported that any further comments about DRWAC would be greatly appreciated.

8. DRWAC discussion

The committee noted the brief provided by Chris Wicks, and discussed the following points:

- TORs need to be examined with feedback to Chris Wicks.
- The brief and TORs refer to technical support being provided to DRWAC but there is concern about the workload required to prepare the Water Allocation Plans. The committee are looking for assurance of appropriate expertise.
- The same support that was provided to the Katherine committee is sought.

Action:

DHAC Members to provide further comments to Chris Wicks in relation to TORs.

Chris Wicks to provide further information on the level of support and appropriate expertise the new committee can expect.

9. Water Quality Protection Plan Update and Report on EMG

Michael Lawton reported that a new contract had been negotiated with the Australian government to enable completion of Stage 1 of the WQPP. The funding is secured until June 30 and what was formerly provided under the NHT Coastal Catchment Initiative may now be funded under the new Caring for our Country program.

The key task for the WQPP team is to submit a funding proposal by July 25 to secure funding for Stage 2 of the project. The new opportunity this presents is to make the terms of reference more informed. The EMG will be consulted to provide advice on this proposal. Funding is available to ensure that George Maly can continue for at least the next year as the Project Manager.

Research work engaged so far includes TRaCK and Water Research Lab (NRETA) modelling. Workshops on research outputs will be held in October. Aquaculture stakeholders are currently considering the Water Quality Guidelines.

Michael Lawton was asked where the WQPP fits in relation to the review of the *Water Act*. He responded that the WQ objectives will be gazetted under section 73 of the *Water Act*.

There is also money outstanding from the Indigenous Values Project (\$40,000 was allocated under the WQPP) and the team have commenced a process to follow up on indigenous involvement, specifically, to provide useful elaboration on the Values Report (such as a gap analysis, training, etc).

Bob Wasson reported that it is important to get back to AIMS regarding the installation of an IMOS reference buoy in the Harbour. Organisation for maintenance and monitoring of the buoy needs to be sorted out. Michael Lawton reported that David Williams is looking at the AIMS installation off Townsville. The facility measures O2, pH, temperature, currents, tides, and turbidity. It has yet to be confirmed whether NRETA will manage the facility.

Following the presentation the committee discussed the following points:

- The committee requested a briefing on the WQPP – DHAC need to know how the plan is going so that it can prepare and provide community input into the process.
- The standard determined for monitoring is 'Pristine', with Aquaculture still to come on board.

Action:

Bob Wasson to finalise the ERG Research Plan proposal.

Chantal Caruso/Robyn Henderson to confirm WQPP briefing from George Maly for next and subsequent DHAC meetings.

10. Larrakia Harbour Committee update

Donna Jackson reported on the following issues:

1. Larrakia Development Corporation

Recently in the media there had been coverage of Larrakia Development Corporation's (LDC) support for the Inpex proposal, and opposition to the Inpex proposal by Larrakia Nation Aboriginal Corporation (LNAC, which are also represented on the Larrakia Harbour Committee). LNAC has also stated in the media that the LDC does not represent Larrakia people. The LDC has recently threatened Donna Jackson with legal action and requested a public apology and compensation for the statements made.

2. The relationship between LDC and LNAC was clarified by Donna Jackson

3. Funding of 20 Sea Rangers announced

It was announced today that Larrakia Nation would receive funding for 20 full time Sea Rangers (10 male, 10 female) for several years. The funding for male sea rangers was secured by NLC and for females by LNAC.

Lorraine Williams will manage the project.

4. Cox Peninsula surveys update

Greg Leach from NRETA biodiversity recently contacted Donna to talk about the resources required to do an archaeological, flora and fauna, and marine survey of the Cox Peninsula.

5. Petroglyphs on Middle Arm

Lorraine Williams has been liaising with NRETA Heritage to discuss the possibility of a lease being transferred to Larrakia for the petroglyph site.

11. Review of the Plan of Management update

The final designed draft of the Strategic Framework for Managing the Darwin Harbour Region 2009-20013 to be considered to replace the Darwin Harbour Regional Plan of Management and the designed draft of DHAC's Report on the Review were distributed. Members were asked to provide feedback on the design and layout within the week. Members were reminded that the Project Plan had been sent out with the Communications Strategy.

Action

DHAC members to provide feedback on draft layout and design by
Wednesday 18 June

12. Current Environmental Impact Assessment matters

Wendy Hutchison briefed the committee on the following matters:

1. Inpex Proposal

The Inpex proposal has been determined under the EPBC Act as a controlled action based on its impact on marine species, flora and fauna, and activities in Commonwealth waters. The guidelines for the EIS are being prepared and will be on exhibition for two weeks. DHAC will have the opportunity to provide input to the guidelines during that time.

2. Update on Environmental Assessment of Middle Arm

DPI is currently conducting a gap analysis on Middle Arm and will tender to fill research gaps.

The committee discussed the following concerns:

- The Minister for Planning and Infrastructure is effectively the DCA for Middle Arm.
- The rezoning of Middle Arm in conjunction with the promised Strategic Environmental Assessment (SEA) gave the committee some comfort and the understanding was that the SEA was to be undertaken by NRETA. Concern is “sky high” that the DPI is now responsible for the Assessment
- Wendy Hutchison advised that in any proposal the proponent is responsible for undertaking the study. The study will also have to meet NRETA’s requirements, which were developed in the Terms of Reference for the Assessment. The TORs were informed by public comment.
- WA is currently doing a Strategic Environmental Assessment of the Kimberley Region.
- The non-separation of Departments (ie DPI doing the assessment and acting as the proponent for the industrialisation of Middle Arm) was compared to the Mining Department doing Mining assessments.
- Members of the committee were concerned about the process of assessment and the perception in the greater community that what was promised is different to what is being delivered. The committee are seeking an explanation with regard to what it understood the process was going to be.

Motion:

The committee moved to draft a letter outlining its concerns about the Environmental Assessment of Middle Arm, including DPI being responsible for preparing the Assessment and the conflict of interest with the Minister for Planning and Infrastructure being responsible for approving development proposals on Middle Arm, and the perception in the greater community about the process.

Action:

A letter will be drafted within two weeks seeking an explanation and outlining the Committee’s concerns

13. (a) Acceptance of Minutes of Out of Session Inpex Briefing

(b) Inpex Response Process

John Bailey reported that he made the executive decision to complete a submission to the EPBC covering the gamut of concerns the committee

shared about the Inpex proposal. A copy was sent to Minister Kiely and Lawrie.

14. Correspondence

No incoming correspondence was received since the last meeting.

15. Financial Report

Robyn Henderson tabled the financial report for the period.

16. Other business

Prue Barnard raised concern that due regard is not being given to the committee in its role to advise the Minister and to oversee the Plan of Management.

Members discussed a diversity of opinions and concerns

The committee discussed that it needs a way to look at the implications of the Middle Arm development, and the situation needs to be improved by taking scientific/research/broad advice from the community base it represents. DHAC is the best coordinated and resourced group with great potential.

Robyn Henderson said DHAC's future Strategic/Business planning process can look at how better to provide advice and its role can be examined in light of these issues. The Chair concluded on a positive note that more direct information has been coming to DHAC and that the committee are better informed about developments in the Harbour than they had been previously.

17. Proposed Schedule for future DHAC meetings

Thursday 14 August 2008	1pm to 4pm – DCC Chambers
Thursday 9 October 2008	1pm to 4pm – DCC Meeting Room 1
Thursday 27 November 2008	1pm to 4pm - DCC Meeting Room 1

Next regular meeting is for:

Thursday 14 August 2008, 1 - 4pm
DCC Council Chambers

Meeting closed 4.35pm

ACTION SHEET
Meeting 25
Thursday 12 June 2008

Agenda Number	Agenda Item Title	Action	Responsibility	Time frame	Status
3	ERG Report	ERG Research Plan to be finalised	Bob Wasson	By next meeting	Outstanding
4	PWC Presentation	Robyn Henderson to invite EHA officer to next DHAC meeting.	Robyn Henderson	By next meeting	
6	Caring for our Country funding	Chantal Caruso to follow up with Russell Willing on how to best facilitate this opportunity.	Chantal/Robyn	ASAP	
		Meeting to discuss opportunities to be organised with Russell Willing in light of funding submission due by 25 July			
8	DRWAC	DHAC Members to provide further comments to Chris Wicks in relation to TORs	DHAC members	ASAP	
		Chris Wicks to provide further information on the level of support and appropriate expertise the new committee can expect.	Chris Wicks		
9	WQPP	Confirm WQPP Briefing to occur at next and subsequent DHAC meetings	Chantal/Robyn and George Maly	By next meeting	Completed
11	Review of the Plan of Management – Update	DHAC members to provide feedback on draft layout and design by Wednesday 18 June	DHAC members	18 June 2008	Completed
12	Environmental Assessment of Middle Arm	Letter to be drafted about DHAC concern at process and perception of Environmental Assessment of Middle Arm	Robyn	First draft by 2 weeks	