

**Attention:** NTEPA

**Re: Strategic Environmental Assessment for Middle Arm Development Precinct**

- Planning for decades more of fossil fuel exploitation is entirely objectionable.
- Strategic Assessment is a welcome tool, however an unproven one in NT - and certainly not an acceptable substitute for full impact assessment of individual proposals that might appear for the Development Precinct
- Successive Labor Governments have fumbled similar planning at Middle Arm, and we should remain alert to the likelihood of revisiting these questions again over the suggested 50 year timeframe
- Scope of assessment should extend to include existing operations at Middle Arm and immediate downstream projects

### **assessing the carbon burden of fossil fuel exploitation**

The Draft Program for the proposed Middle Arm Development Precinct illustrates, and entirely depends on, the error of the NT ALP Government's 2030 emissions target of 'Boundless Possible'.

As such it represents an unacceptable and unjustifiable exacerbation of atmospheric carbon pollution. The Draft Program betrays our shared responsibility to avoid the worst threats of runaway climate chaos by actively managing the carbon intensity of our economy.

NTEPA's framing of this proposal at

<https://ntepa.nt.gov.au/consultation/middle-arm-sustainable-development-precinct>

gives us:

a strategic location for developing industries such as *low emission* petrochemicals, *renewable* hydrogen, carbon capture storage and minerals processing over a 50 year timeframe.

(emphasis added)

Let's challenge the description of the plans for petrochemical development as "*low emission*". This is an unfounded and inaccurate relabelling of what would be more accurately described as heavily polluting fossil fuel exploitation.

With this recognition, we should seriously doubt the claim of "*renewable*" hydrogen. Hydrogen energy technology is a storage technology, which may as well be applied to storing energy generated by dirty fossil fuels as that generated by renewable energy. While we have heard repeated assurances that the NT's hydrogen plans are associated with renewable energy, it is significant to note that here we have a plan for hydrogen storage at a terminus for LNG pipelines, in the midst of massive LNG plants and in close proximity to fossil-fuelled power generators. Were the hydrogen plans located adjacent to a solar farm, the "*renewable*" label might have some

currency, but here, and in the context of a direct lie about “*low emission*” petrochemicals, its value approaches nil.

The NTEPA’s Statement of Reasons could more fully scope the likely climate impact of the proposed Development Precinct. The statement admits only to:

emissions ... due to land clearing, dredging construction, operations, and shipping.

with ‘operations’ doing a lot of heavy lifting for what is essentially a carbon pollution program. The MAD Precinct Draft Program identifies a number of industry types that should be summarily dismissed on the basis of this disqualification – unmanageable carbon burden – including LNG production, ammonia, ethylene, methanol. Notably some of these were previously explicitly disallowed under a since expunged clause of the NT Planning Scheme.

The referral report repeatedly reminds us that:

NT GHG emissions are comparatively low compared to other Australian jurisdictions due to sparse population and low level of industrial development.

- as if that means something. Of course, fossil fuel development is not a right of passage that every jurisdiction must experience. Our low population is no justification for heading in the wrong direction on climate pollution. This line is nothing more than vacuous and specious rhetoric that should have zero currency in the realm of environmental assessment.

But it gets worse. We are invited, in 5.11, to accept the proposal:

To assess this factor a dedicated Greenhouse Gas Emissions Study will be undertaken to develop a baseline estimate of the CO<sub>2</sub>e for the construction and operational life of the MASDP infrastructure. The baseline will support the roadmap required for the optimisation of CO<sub>2</sub>e emissions during both the construction and operational phases in the development of the infrastructure.

...

If required a greenhouse gas abatement plan framework will be developed for MADP.

If required.

## **IF REQUIRED.**

This official attitude of wilful blindness to the singular disqualification inherent in the proposal for a petrochemical industrial estate is an affront to reason.

By those two words, the referral report proposes that a massive new fossil fuel exploitation precinct – complete with LNG production, gas product plants, other petrochemical plants, potentially CCS and probably gas-fuelled H<sub>2</sub> production – might be approved without any requirement for greenhouse gas abatement. Possibly up to a declared pollution baseline.

This nonsense demeans us all.

Although the current NT ALP government has a policy of unlimited carbon pollution up until 2030, the same policy acknowledges a target of zero net

emissions just 20 years from then. If the MAD Precinct is to proceed without any requirement for greenhouse gas management (abatement and offsets), even with a baseline of 'accepted' pollution, then this entire burden is shifted to the rest of the economy. Beyond 2050, there remain another 20 years of further project development under the umbrella of the MAD Precinct, similarly configured to sidestep responsibility for their own carbon burden, offloading the increasing cost of offsets to Territorians.

## **A history of dubious planning and assessment**

The NT Labor party first came to Government in 2001, holding the hot potato of an advanced plan to site Conoco Phillips LNG plant at Wickham Pt (on Middle Arm). For almost a year a strong popular public campaign waged against the industrialisation of our living Harbour. Almost 10000 signatures were gained by a petition to find an alternate site. When the final approval was rammed through, the new NT ALP Government admitted two significant concessions in acknowledgement of the strong community concern:

- the Darwin Harbour Advisory Committee was established as an independent body to develop and oversee a Plan of Management for the Harbour and its catchment
- Section 9.1.2 was inserted in the Planning scheme, explicitly disallowing future dirty fossil-fuelled industrial development on Middle Arm

It was the next term of government, in 14 September 2007, when Minister for Planning and Lands, Delia Lawrie, proposed rescinding clause 9.1.2

Three months later, when Ms Lawrie signed NT Planning Scheme Amendment No 37, the regressive decision to remove protections over Middle Arm was explicitly linked to a proposed SEA.

Then a year after that, Ms Lawrie wrote to the Chairman of the Darwin Harbour Advisory Committee, reporting contrary advice. Although the NT ALP Government had proposed an SEA under the Environmental Assessment Act as an appropriate step after removing short-lived protections against industrialisation of Middle Arm, they had since realised the Act provided no such facility. The Advisory Committee, for their part, expressed concerns that the alternative approach was determined as more amenable to the task of facilitating further fossil fuel industrial development.

And so it did: this collective fumbling facilitated the development of the Ichthus project, which handed foreign fossil fuel corporations (Inpex and Total) carte blanche to have their way with our living Harbour. In return, the project – which certainly made a boom – left the Territory with a bust that has been described elsewhere<sup>1</sup> as:

a weak, [under-performing economy](#), punctuated by rising [unemployment](#), business [closures](#) and a depressed housing market

This cursory overview of recent history of on-again/off-again planning at Middle Arm goes to:

- Part D – fit and proper person; when this proponent decides to break the law, they simply rewrite the law; and
- lack of confidence in stated intention to avoid appropriate assessment for any future proposal within the precinct

### **Confidently setting standards for half a century**

The Referral Form warns us:

DIPL will be seeking approval for construction and development activities that may occur over a period of 50 years across the full Precinct life-cycle including design, construction and operational phases

and the MAD Precinct Draft Program document has it that:

the Approval Notice process under the NT *EP Act* will provide an important check-and-balance step

But the Approval Notice framework is entirely inadequate for, and otherwise inappropriate to, the Draft Program.

The MAD Precinct Draft Program includes:

- industries new to the NT;
- industries so new that there is little global reference detail;
- industries subject to extremely volatile international trade and policy;
- the phantom industry of CCS: a widely discredited and largely unproven experimental industrial practice

Assessment of these features cannot be effectively relegated to mere Approval Notices, potentially 49 years after the SEA.

Further, the assurance framework must be adaptive. Actions for one component must be amenable to responding to underperformance of another. Future components should be reassessed against real world measurement of outcomes at prior components, rather than relying on past assessment made with potentially invalidated assumptions. Sustainability features of one component should be recalibrated against the realised outcomes of prior components.

For observers of NT climate policy this century, it might be hard to imagine, but we should not dismiss the potential for improved standards over the proposed 50 year lifetime of this precinct development. It would be deeply regrettable for a later component of the precinct to evade modern assessment that pursues a better emissions target than Boundless Possible, that makes greater demands of existing polluting industry, and sets new standards for direct emissions offsets. The approach of extending today's un-evolved policy vacuum to a 50-year pipeline of fossil fuel projects, is grotesquely inappropriate in the current volatile global climate policy environment.

The International Energy Agency was set up in the '70s amid insecurity about economic dependence on oil, to promote and facilitate policies for the ongoing advancement of fossil fuels. Last year, the same IEA described<sup>2</sup> a pathway to net-zero with no new investment in fossil fuel exploitation. Recent political developments have seen growing support for policies that prioritise rapid

decarbonisation of global economy. These mounting tendencies are easily recognised here in NT, across Australia, in our immediate regional neighbourhood and among our trading partners.

It is nothing less than wilful blindness to pretend we can make firm binding decisions now to lock in new polluting industrial developments over the next 50 years.

### **appropriate scope**

From the Draft Program document, **5.5: Excluded development** makes provisions that inappropriately restrict the scope of assessment.

Each of these excisions defies a number of the stated benefits of Strategic Assessment (rigour; integration of environmental planning; effectively pre-empt cumulative impact; consistency)

Most notably; effective recognition of likely cumulative impact of increased gas industry on Middle Arm should fully consider the realities of existing gas industry on Middle Arm. In the same way, an understanding of the likely impacts of fossil-fuelled activities at the proposed MAD Precinct should be open to considering detail of down-stream, entirely dependent infrastructure such as the mooted Beetaloo Product Corridor.

In summary,

The Middle Arm Development Precinct probably shouldn't go ahead. The NT's true competitive advantage is in our natural abundance of solar resource – not gas.

Strategic environmental assessment (as a concept) is a good idea, however SEA for the purposes of enabling the EP Act's Approval Notices for a 50 year pipeline of industrial activities subject to significant volatility is a perversion. Certain valuable benefits of the strategic assessment approach are further jeopardised by an inappropriately narrow scope.

These documents before the public betray a stunning abrogation of responsibility to managing climate harm to the NT. The public would be alarmed to find the independent NTEPA adopting the dubious marketing ('low-emissions', 'sustainable', 'green') and bankrupt climate policy position (Boundless Possible by 2030) of the current NT ALP Government. To accept an approach to carbon burden as directed by the DIPL documents would be to wilfully ignore the greatest single disqualification of this proposal.

Contact:

Justin Tutty  
[justin@darwin.email](mailto:justin@darwin.email)  
0424-028-741  
25 Kapalga St, Tiwi, NT 0810

**References:**

*aside from the project documents via NTEPA website, this objection also references:*

- 1 <http://nowdochemtrails.net/territory-declined/>
- 2 <https://www.iea.org/reports/net-zero-by-2050>

**Appendices:**

*Please find attached:*

PA20070636 exhibition documents

Amendment 37 to NT Planning Scheme

Letter, SEA conflict - DHAC to Minister Kiely

Letter, SEA conflict response - Minister Lawrie to DHAC

## **NORTHERN TERRITORY OF AUSTRALIA**

### **PROPOSED PLANNING SCHEME AMENDMENT PA2007/0636 NORTHERN TERRITORY PLANNING SCHEME**

The Minister for Planning and Lands has determined to exhibit a proposed amendment to the Northern Territory Planning Scheme which seeks to omit clause 9.1.2 relating to Industrial Development on Middle Arm Peninsula.

Attached are:

- the Minister for Planning and Lands' section 17 determination under the *Planning Act* to exhibit the proposed amendment; and
- a copy of clause 9.1.2 relating to Industrial Development on Middle Arm Peninsula.

The exhibition period is from Friday 5 October 2007 to Friday 2 November 2007 and written submissions with respect to the proposed amendment are to be received by 4pm on Friday 2 November 2007 and made to:

Ann Stephens  
Project Manager  
Planning Branch  
Department of Planning and Infrastructure  
GPO Box 1680  
Darwin NT 0801; or

Facsimile : (08) 8999 7189

## Northern Territory Planning Scheme

### Clause 9.1.2

#### 9.1.2 Industrial Development on Middle Arm Peninsula

1. The purpose of this clause is to limit the nature of industrial development on Middle Arm Peninsula.
2. Despite anything to the contrary in this Scheme and subject to sub-clause 3, land on Middle Arm Peninsula may not be used or developed for:
  - (a) the processing of natural gas into liquefied natural gas or other liquid for export by sea;
  - (b) the production of methanol and ammonia and similar natural gas products;
  - (c) refineries using natural gas as the raw material;
  - (d) power generation required for metal smelting and production; or
  - (e) metal smelting or production.
3. Despite sub-clause 2, Sections 1860 and 1870 to 1873 (inclusive), Hundred of Ayers, may be used or developed for the processing of natural gas for transmission by pipeline.
4. The consent authority must not consent to development that is not in accordance with this clause.

NORTHERN TERRITORY OF AUSTRALIA

*Planning Act*

AMENDMENT OF NT PLANNING SCHEME

I, DELIA PHOEBE LAWRIE, the Minister for Planning and Lands, under section 12(2)(a) of the *Planning Act*, amend the NT Planning Scheme by making the amendment specified in the Schedule.

Dated 14 December 2007

  
Minister for Planning and Lands

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SCHEDULE

AMENDMENT OF NT PLANNING SCHEME

AMENDMENT No. 37

**1. Citation**

This amendment to the NT Planning Scheme may be cited as Amendment No. 37.

**2. Deletion of Clause 9.1.2**

*Omit clause 9.1.2*

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**NORTHERN TERRITORY OF AUSTRALIA**

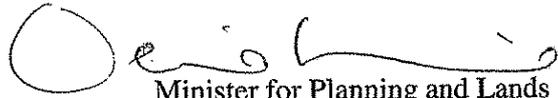
*Planning Act*

**NOTICE OF AMENDMENT OF NT PLANNING SCHEME  
AMENDMENT No. 37**

I, DELIA PHOEBE LAWRIE, the Minister for Planning and Lands, pursuant to section 28(1) of the *Planning Act*, give notice that -

- (a) I have amended the NT Planning Scheme by omitting clause 9.1.2;
- (b) copies of the amendment are available from the Offices of the Department of Planning and Infrastructure, Ground floor, Cavenagh House, 38 Cavenagh Street, Darwin.

Dated 14 December 2007

  
Minister for Planning and Lands

**NORTHERN TERRITORY OF AUSTRALIA**

***Planning Act***  
**Section 29**

**Reasons for Decision**

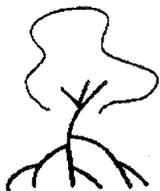
**NT PLANNING SCHEME AMENDMENT**  
**AMENDMENT No. 37**

1. The proposed amendment will allow the development of further gas based industry on Middle Arm peninsula which is in close proximity to infrastructure such as the railway, the proposed Weddell Power Station and the East Arm Port.
2. The proposed Strategic Environmental Assessment to be completed under the *Environmental Assessment Act* will establish the appropriate controls of future development in response to any potential environmental impacts.



DELIA PHOEBE LAWRIE  
Minister for Planning and Lands

14/12/2007



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PO Box 496  
PALMERSTON NT 0831  
Tel: (08) 8924 4218  
Fax: (08) 8924 4053  
www.harbourplan.nt.gov.au

# Darwin Harbour Advisory Committee

Ref: EN2007/0034-0016-43

Hon Leonard Kiely MLA  
Minister for Natural Resources, Environment and Heritage  
GPO Box 3146  
DARWIN NT 0801

Dear Minister Kiely,

I write to you on behalf of the Darwin Harbour Advisory Committee to express concerns held by a number of the Committee's members regarding the Government processes related to the potential industrial development of Middle Arm.

At the last DHAC meeting a number of members of the Committee expressed their concerns that the processes that have been established by Government no longer seem transparent, are the subject of a conflict of interest and no longer hold Government to account via independent controls for development decisions such those on heavy industry in Darwin Harbour.

The specific areas of concern are as follows:

- Government announced that it would conduct a Strategic Environmental Assessment of the area through the environmental assessment section of the Department of Natural Resources, Environment and the Arts and DHAC had considerable discussions with staff that were to carry out the assessment. Committee members were very concerned when advised recently that the review would be conducted by the Department of Planning and Infrastructure.
- Although DHAC did have input to the terms of reference for the assessment some members expressed concern that the committee's views and concerns may not be well known to those now conducting the assessment.
- The changed process appears to be a direct response to proposals to establish a gas processing facility in the area.
- Responsibility for decisions regarding proposed developments on Middle Arm is now held by the Minister for Planning and Infrastructure. This would appear to create a potential conflict of interest in that the Minister's department is conducting the assessment and planning for any new development and the Minister is the consent authority for such development.

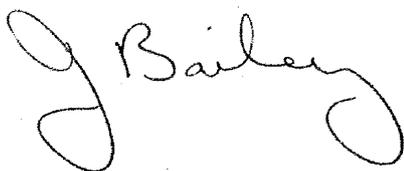
ENV-DHAC2008-0029

*"Darwin Harbour Regional Plan of Management – Guiding the cooperative management of Darwin Harbour and its catchment".*

The Committee seeks an explanation of how this conflict of interest is to be managed but would prefer that processes were changed to remove this conflict of interest and return transparency and independence to the process. The Committee also seeks an explanation as to why the Strategic Environmental Assessment is now considered an Environmental Assessment and what the difference in that process is.

Should you wish to contact the Committee to discuss these concerns further please contact Robyn Henderson, Project Coordinator, Darwin Harbour Regional Plan of Management on 89244022 or via email on [robyn.Henderson@nt.gov.au](mailto:robyn.Henderson@nt.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Bailey', with a large, stylized initial 'J' and a long, sweeping underline.

Mr John Bailey  
*Chairman – Darwin Harbour Advisory Committee*

10 July 2008



## MINISTER FOR PLANNING AND LANDS

PARLIAMENT HOUSE  
STATE SQUARE  
DARWIN NT 0800

GPO BOX 3146  
DARWIN NT 0801  
TELEPHONE: (08) 8901 4047  
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Mr Bill Stuchbery  
Chairman  
Darwin Harbour Advisory Committee  
PO Box 496  
PALMERSTON NT 0831

Bill

Dear Mr Stuchbery

I refer to the letter from Mr John Bailey, the former Chairman of the Darwin Harbour Advisory Committee, on 10 July 2008 seeking advice in relation to future development on Middle Arm.

A SEA under the *Environmental Assessment Act* was initially determined to be required in response to the proposal to amend that NT Planning Scheme to remove the clause that prohibited gas based industrial development on Middle Arm. Subsequent legal advice indicated that there was no power under that Act to determine that an SEA was required in respect of the proposed amendment.

Given there is no legislative basis for a SEA, an alternative process was adopted to ensure appropriate consideration could be given to potential environmental impacts of future development. This process involves Gap Analysis Studies, followed by a series of environmental studies to pick up identified gaps and establish baseline data, so as to better inform Government of the cumulative effects of industrial development on Middle Arm Peninsula. Assessment under the *Environmental Assessment Act* of individual development proposals is still required. This approach will ensure that the assessment undertaken by the various parties are co-ordinated and complement each other so avoiding duplication of effort, undue impacts on each proponent's process and delays in assessments by individual proponents.

Your Committee has previously been advised that the amendment to the boundaries of the Litchfield Division of the Development Consent Authority was intended to formalise Government's approach to the planning and development of industrial estates on both East Arm and Middle Arm Peninsulas, in accordance with the commitment of the government to the development of strategically important industries.



In accordance with the requirements of the *Planning Act*, as the consent authority for development on Middle Arm Peninsula I must take account of any report or statement by the Minister administering the *Environmental Assessment Act*. It is considered that this process will provide the necessary transparency.

Yours sincerely



DELIA LAWRIE

3/12/08