

From: Margaret Clinch
Sent: Sunday, 30 March 2008 18:32
To: Committee, CCWEA (Reps)
Cc:
Subject: Submission to Commonwealth Coastal Communities Inquiry

88

Submission No: 1
Date Received: 30-3-08
Secretary:

The Secretary,
House of Representatives Climate Change,
Water, Environment and the Arts,
Committee of Inquiry into Climate Change
and Environmental Impacts on Australian Coastal Communities,
Parliament House,
Canberra, ACT

Commonwealth Coastal Communities Inquiry

30.3.2008

Dear Sir/Madam,

I welcome this opportunity to submit on these matters in respect to Darwin, in the Northern Territory, where I have lived since 1972. For about the last 15 years, I have been a member of PPlan: the Planning Action Network, Inc, and was also r of the Save Darwin Harbour Group, and the Darwin Harbour Alliance, all of which made time concentrated efforts to protect our harbour and its catchments.

Background

Darwin is situated on a large tropical harbour which, until recent years, has been almost pristine. There is a huge tide range, and the harbour is ringed by mangroves. Low coastal areas are subject to mosquitoes and biting midges.

The NT Water Act defines Beneficial Uses. The community values its harbour to fish in, sail on, barbeque by, and just to 'gaze upon'. (Swimming is somewhat limited by sea wasps and crocodiles.) Tourists enjoy scuba diving and sunset cruises. The harbour is known for its diversity of species, including dugongs. Pearls are also farmed on Top End coasts..

The old port was in the outer harbour near the CBD.

To increase Darwin potential as an international port, the location was moved to East Arm, further into the harbour. This is backed by industrial land whose use is not subject to public decision making.

Darwin is subject to cyclones and storm surges. Experts are concerned that Force 5 cyclones are not a focus of building codes.

Government Policy

For about the last thirty years, since self government came to the Northern Territory, both the CLP government, and later the ALP government, have adopted strong development policies, promoting Darwin as an international port and actively inviting industries to establish in Darwin, under favourable conditions. In the last 15 years, there has also been an escalation of residential development near the harbour.

Local residents, tourism interests, and environmental groups are increasingly alarmed at the lack of balance in what is occurring, particularly after former Chief Minister Clare Martin began referring to Darwin Harbour as of a 'Working Harbour'. Long ago, the ALP promised the public an independent Environmental Protection Authority (EPA), but this has not been established. A Darwin Harbour Advisory Committee lacks the status and political independence to be apolitical and effective. After years of community experience submitting to EIS's, public trust is now lacking when large projects are in hand.

Management of catchment-coast-ocean continuum

In spite of some excellent departmental environmental staff, and recent Commonwealth publications, effective protective NT government policies are hard to find for within this essential continuum.

03/04/2008

In the mid 1980's a start was made on a government Darwin Harbour Management Plan. We still have no plan. We have a lot of research and a lot of information, but no plan, and no focussed decision making body.

The Darwin Harbour Alliance (an alliance of environmental and community groups) identified and promoted this continuum to the public, particularly relevant in our tropical environment. (Clearing, excavation, filling, quarrying, hardstand, polluted and/or rushing run-off, protective mangrove communities, tidal extremes, biting tropical insects, and cyclone/tidal surge environments). A proposal for damming a harbour tributary (Elizabeth River) to create a canal estate at Weddell was later abandoned.

My impression is that the government does research and monitoring. There appears to be a lack of publicity about both, even though in some cases, there is vital information gathered.

An obvious example of government management is the Casuarina Coastal Reserve. This is a popular, heavily used reserve. We have asked to have this reserve expanded, and a wildlife corridor created between two reserves, as new suburbs are being created nearby, but this has been rejected. Foreshores should be in public ownership. It also helps in their management.

Environmental impacts of Coastal Population Growth

In Darwin current examples of the environmental impact of population growth:

1. Bayview Suburb Stage I and Stage II

The Bayview area was an almost pristine area of Commonwealth land, including major areas of mangroves on Sadgroves Creek, in Darwin's inner harbour. Stage I, consisting of huge areas of clearing, filling and wall construction, was largely laid out as a canal estate by 2001, by Henry and Walker interests. In 2001, we asked that the new government not continue with Stage II, (another large and similar area) but this was refused.

Stage I was built with no school and no shop, necessitating daily car travel outside the suburb for essentials. There are very few parks, as the canal was zoned as a an open space recreation area.

Real estate documents deny responsibility to purchasers for the effects of biting insects. Increased temperatures may increase insect levels.

2. Sadgroves Creek

Closer to the CBD on Sadgroves Creek, is a succession of foreshore areas being filled to a buoy line in the creek, and built on, intensely by various developers, one with a central marina (Tipperary). Approval is currently being sought for a new area.

None of these areas have a buffer foreshore which would have also served the purpose of public recreation. There are no parks.

3. Cullen Bay

This first major harbour residential development replaced a small natural bay with a luxury marina with lock, at Cullen Bay.

A huge amount of nearby sand was used as fill. No open public green space was provided. A building has subsided, being subject to a court case. There have been some boat groundings outside the marina due to sand movement.

4. Mindil Beach, the Darwin Casino, and Little Mindil

In the 1970's, a Casino replaced a public caravan park, on the Mindil Beach Reserve. This is a major public reserve on a geographically natural, but not pristine coastal plain, on the foreshore, within walking distance of the CBD.

Being in a tidal surge zone, the Casino was built on a pediment, but very close to the beach. The sea wall requires repair from time to time, although the coastline has been monitored for years by the government.

In about 2005, the NT Government offered the adjoining Little Mindil foreshore tourist development. The community fought for this area as, long established public foreshore.

The Star City Casino won this bid. Whilst the promise is for only sparse and low rise development, the public has doubts. There has been talk of a restaurant or a pathway on the foredune. Low cost/low rise development is incompatible with the infrastructure needed since low lying Little Mindil, is subject to storm surge.

5. Waterfront Project - Old Port

The redevelopment of the old Port Darwin is for a Convention Centre, hotel, car park and high rise apartments, with a recreational seawater lake. This is on top of long established fill, some of which may be polluted. Large amounts of dredging and fill are involved. There has been an EIS, but some of the plans have been changed progressively. Heritage has suffered, and community consultation for the EIS has been largely ignored.

6. East Arm Port and Development Zone

Large amounts of dredging and filling were involved in establishing the land extension for the new East Arm Port. Concerns were raised about hydraulic fluid from dredges used. Natural environment is still being 'changed' to establish sites in its hinterland including mangroves.

7. Proposed Ship Graveyard at Hudson Creek, near East Arm.

One other seriously planned project is for a ship breaking yard in Hudson Creek in Darwin Harbour. It would be hard to imagine greater ground and water pollution potential.

8. LNG Gas Plant on Wickham Point (Wickham Point, also known as Middle Arm, is opposite our CBD) Case I

At the time when the first establishment of the LNG plant was planned, the Save the Darwin Harbour Group gathered a petition to the Northern Territory Government, of 6500 signatures, asking that Darwin Harbour be declared a multi-purpose national park, like the Great Barrier Reef Marine Park, so that competing interests could be properly managed. It also asked that the government have an independent assessment of where the plant should be sited. This petition was ignored.

Wickham Point at the end of the Middle Arm Peninsular, was almost pristine in terms of flora and fauna, because of water on three sides. The width of the coastline of Middle Arm as shown on maps, is deceptive, because most of the width is mangroves. To build the plant, a large site was cleared, and many mangroves filled and destroyed to build the access road which has mangroves immediately on both sides. In addition, a jetty and channel were dredged/built for the huge LNG tankers, and to build the gas pipeline. All of the land is low-lying, one of the few hills having been cut back.

The emissions stack is clearly visible from the CBD, even though the population was specifically promised by the government that it would not be seen. There are serious concerns about particulate pollution on the Darwin population so close by, and fear of accidental and terrorist danger from the plant and the tankers. The Northern Command military base, including the port for naval patrol vessels, is at Larrakeyah in the Darwin Harbour. Naval ships of all nations visit our old port. Both locations are passed by LNG tankers.

We are aware that in the United States, communities such as Vallejo, California, have vetoed LNG plants in their communities. There is huge and well-documented resistance to both onshore and offshore LNG plants there.

All Conoco/Phillips LNG gas from the first project is contracted to Japan.

When the first (Conoco/Phillips) LNG plant was put at Wickham Point (on Middle Arm), the NT Government inserted, into the NT Planning Scheme, a clause barring petro-chemical industry on Middle Arm (Clause 9.1.2) as follows:

9.1.2 'The purpose of this clause is to limit the nature of industrial development Middle Arm Peninsula.'

This very specific clause was seen as a 'golden' assurance that the many 'dirty' industries (paint, explosives, fertiliser, etc., and their polluting by-products) possible downstream from gas plants, would not be permitted in here middle of Darwin Harbour.

9. LNG Gas on Wickham Point (Middle Arm) Case II

During 2007, Chief Minister, Clare Martin visited Perth, and went overseas to persuade companies that Darwin was more than competitive with Western Australia as the site for gas/petrochemical and derivative industries. Radio ABC8DDD News 22/11/2007. credited her with saying that:

'It is important to give business certainty over land availability.'

(media.net@bigpond.net.au)

Industries involved in this drive include Dow Chemicals and Inpex Holdings.

A proposed planning scheme amendment to delete Clause 9.1.2(PA 2007/0636) was advertised on 5/10/2007.

In November, 2007 environmental guidelines were published as:

'Middle Arm Peninsula
Draft Guidelines for preparation of a Strategic Environmental Assessment (SEA)
Environmental Assessment Statement

Development of Middle Arm-Gas related Industry

November, 2007'

(Previously we knew only of PER's and EIS's (and EPBC's) but not SEA's in the NT.)

Middle Arm Peninsula was permanently excluded from the decision making capacity of the Litchfield Division of the Development Consent Authority.(DCA) for new developments, on 8/11/2007.

On 13.11.2007, the DCA held a hearing of submissions and comment on the proposed amendment of Clause 9.1.2.

There were strong presentations, with the Chair of the DCA stating that submitters could not get a report of the meeting before a decision was made, and this was not expected until 2008.

On 14.12. 2007, Clause 9.1.2 was deleted by the NT Government with no evidence of any input.

Wasn't there time between 2001 and 2007, to obtain an independent assessment of where to put these 'downstream' industries ? Gas pipelines can take gas anywhere. Point Margaret (Bynoe Harbour), Glyde Point, and the Lower Gunn Peninsular were suggestions. However, it is understood the industries want to have plenty of water, and also that the NT Government does not want the cost of building another port.

Again and again, the imperative for rapid economic development initiated by the NT Government, is observed to over running genuine considerations of environmental protection, and the health of the community. Major projects are now even classed in a separate 'strategic' category. This approach runs counter to social, cultural, environmental and long term economic sustainability.

10. Providing Roads and other Essential Infrastructure

As the population grows, the impact of the population on the harbour grows. Roads are built on or near mangroves (Dick Ward Drive and Tiger Brennan Drive) between the CBD and outer Darwin. More almost raw sewage drops into the harbour at the Larrakeyah Outfall.

Without a 'park and ride', or a 'light' rail, extra car fume pollution joins smoke from bush burning.

Mechanisms to promote sustainable use of coastal resources

The NT has the Planning Act, the Planning Scheme, EIS,s, PER's, a Heritage Register, Aboriginal Site Protection, Darwin Storm Surge map, Vegetation Clearing guidelines, Mangroves Clearing policy, Extractive Industries Policy, and there is the Commonwealth's EPBC, but none of them appears to result in environmental sustainability where there is competition with large scale industrial or residential development.

Our 'EPA', years in the planning, does not function in a normal way, as it is not independent, and as yet has no defined role. A Darwin Harbour Management Advisory Committee, also years in the making, is an information gathering body with no power, rather than a decision making, or reviewing one.

There are also concerns about the demands of new industry on ground water. It is said a new dam will be needed for industry. There will probably be large intakes of sea water for cooling, and large scale dredging, causing concern about sea ecology.

Whilst the environmental documentation on major projects frequently mentions real risks, the management outcomes seem to be monitoring by the relevant industry, with the public not advised of the results.

There are two major harbour-side parks, being the Casuarina Coastal Reserve and Charles Darwin National Park. There are other landmark parks, and public foreshore areas, but restaurants, and tourist and residential developments often encroach, if favoured by the government. Natural escarpments have been compromised.

The Mitchell Creek catchment has, during the last ten years suffered severely in competition with rapid residential development at Palmerston (a satellite city).

Unlike the states, local government does not have the prime decision making role in planning and development the NT. Its mandatory responsibility is restricted to parking, traffic and drainage, with assessment and decision making being in the hands of the government, and the Development Consent Authority (DCA).

However, in the last two years or so, Darwin City Council (Joanne Sangster (Alderman) and Angelika Hesse (environmental co-ordinator) has, with community consultation and support, developed a comprehensive Environmental Management Plan (EMP) covering the 28 'catchments' within Darwin City Council. This identifies vulnerable aspects of the environment.

In many cases, although there are mechanisms for balance and sustainability, somehow they are not working.

The Impact of climate change on coastal area and strategy, and Climate change adaption and Sea level rise.

In 2004, the CSIRO made a report on climate change in the NT.

Rising sea levels seem to be ignored in planning, although there are contoured storm surge maps issued as leaflets. A year or two ago, the Mindil Beach coastline required repair after damage by wet season storms.

It is expected that sea levels will rise, but Cullen Bay, Tipperary and half of Bayview canal estates are low lying. About three years ago, Little Minidil, which is very low-lying, was offered for tourist development. The old port Waterfront Project is almost at sea level. No residences are permitted on the ground level. There is only one road exit for hundreds, perhaps thousands of people. The Convention Centre is low-lying. How would people escape a storm surge, or deluge flooding.

Building Codes must meet erratic heavy weather, including cyclones.

Business type 'risk' management may not really cover contextual environmental and social implications.

Higher temperatures require better natural ventilation, louvres and/or elevation, verandahs, wider streets, standard size lots, space between houses, shady gardens, and parks to share. In the new suburbs the reverse is now being provided. More new southern style 'box' houses are built, in a sellers' market, gardens are smaller, and air conditioning becomes essential, especially as higher temperatures reach the tipping point for comfort.

Mechanisms to promote sustainable coastal communities.

There seem to be no mechanisms for Darwin which effectively promote sustainable coastal communities, as against coastal communities per se.

One exception was a planning stage rejection of Marine Harvests application for open cage fish farming in Darwin and Bynoe harbours, because of fear of pollution.

Section 51 of the NT Planning Act lists what criteria the Development Consent Authority (DCA) must consider when looking at development applications. However, the DCA does not account for 'how' they consider these criteria. Development application submissions often downplay these criteria.

Guidelines seem to be limited, and variously enforced. DCA supervision of land use is limited. The DCA relies on departmental staff.

EIS's, etc. have already been mentioned.

Governance and institutional arrangements for the coastal zone.

An NT Government Minister for Planning and Infrastructure is responsible for the Department of Planning and Infrastructure. This department prepares assessments on individual development applications. The decision making body for incorporated areas is the Development Consent Authority (DCA), and otherwise the Minister. There are DCA public hearings. The department undertakes advertising for public comment and other routines.

In the Northern Territory, local government has a very limited role relating legally only to parking, traffic and drainage. This adds to the imbalance in planning for the community, given that the NT Government is currently development oriented.

There is an official NT Government map defining Darwin Harbour as to be addressed by the Darwin Harbour Management Committee. A certain percentage of mangroves within it are to be protected. There is a broad policy document book'

The NT Planning Scheme may, in the Specific Use section, include reference to land use arrangements to some coastal/catchment areas. However, a major 2007 change to the scheme downgraded protection to at least two coastal/catchment areas.

Coastal and catchment areas are prime real estate.

Note also the cancelling of NT Planning Scheme Clause 9.1.2, late in 2007. Decision making for Middle Arm is now exclusive to the Minister for Planning and Infrastructure.

As indicated earlier, even the existence of legal instruments may not result in appropriate results.

Summary

For a long time, there has been awareness of the need for environmental sustainability in any coastal communities, and more lately, recognition of climate change, amongst non-government organisations, middle and lower range departmental staff, community organisations, and academics in the Northern Territory.

The Northern Territory is however in the grip of a 'development or perish' phase. Industrial, mining and residential development in the hands of big companies, and major developers, is being expedited by the NT Government. In this scenario, there is little opportunity for controlling coastal/catchment developments, or for the effectively managing for sustainability if they occur. Even legal governance, instruments, and Mechanisms have proved inadequate to the task.

M A CLINCH

Miss Margaret Clinch

30.3.2008

03/04/2008