



Approval

**Lee Point Master-planned Urban Development, Darwin, Northern Territory
(EPBC 2015/7591)**

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted	Defence Housing Australia
proponent's ABN	72 968 504 934
proposed action	To construct a master-planned urban residential development on Lot 4873 and Lot 9370 at Lee Point, approximately 14 km northeast of Darwin, Northern Territory [See EPBC Act referral 2015/7591].

Approval decision


Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved
Listed migratory species (sections 20 & 20A)	Approved
Commonwealth action (section 28)	Approved

conditions of approval This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 December 2035.

Decision-maker

name and position	Gregory Manning Assistant Secretary Assessments (WA, SA, NT) and Post Approvals Branch
signature	
date of decision	17/3/19

Conditions attached to the approval

1. For the protection of the **EPBC Act listed species** and **the Environment**, the approval holder must not **clear** more than 110 ha within the **project area**.
2. To mitigate and manage impacts to **EPBC Act listed species** and **the Environment**, the approval holder must comply with and implement the **Construction Environmental Management Plan, Stormwater Management Plan – 2CRU, Stormwater Management Plan – Muirhead North** and **Water Quality Monitoring Plan**.
3. For the protection of the heritage values of **the Environment** on the **project area** the approval holder must:
 - a) retain the existing **Konfrontasi Cruciform** and **Lee Point bunkers** at their current location
 - b) engage a **heritage expert** to develop and install signage and interpretation material for the **Konfrontasi Cruciform** and **Lee Point bunkers** which must be maintained until at least the expiry date of approval.
4. In the event of a discovery of a heritage place or item (including an object) within the **project area**, the approval holder must:
 - a) cease work within 20 meters of the discovery, fence and cover the area from further disturbance
 - b) seek advice from the relevant authority administering the *NT Heritage Act*; and
 - c) document, salvage and store the discovery consistent with advice received in accordance with condition 4(b), prior to any recommencement of work within 20 m of the discovery.
5. To minimise light pollution impacts to **turtles**, the approval holder must restrict artificial lighting on buildings above 15 m in height, and any other lighting directly visible from the beach, by:
 - a) only permitting lights of a long-wavelength (560 nanometers or longer) to which **turtle** hatchlings are not sensitive
 - b) ensuring lighting is directed in a downwards direction and faced away from the **Casuarina Coastal Reserve** and
 - c) At least once each year prior to the **turtle** hatching season, conducting an audit of compliance with 5.a) and 5.b) and replace or correct any non-compliant light source.
6. For the protection of **the environment** the approval holder must determine if **PFASs** are known or likely to be present on the **project area** using the procedures outlined in the *National Environment Protection (Assessment of Site Contamination) Measure 1999*, which must include a desktop historical review of past fire suppression practices. If **PFASs** are known to be or likely to be present, prior to the **commencement of clearing** or other works which have the potential to disturb areas of known or potential **PFAS** contamination, the approval holder must submit a **PFAS Management Plan** for the written approval of the **Minister**. If **PFASs** are known to be or are likely to be present the approval holder must not **commence** the action until the **PFAS Management Plan** is approved by the **Minister** in writing. The **PFAS Management Plan** must:

- a) identify the extent and concentrations of possible contamination within the **project area**
- b) identify possible exposure pathways and ecological receptors including from stored material
- c) identify possible risks tailored to the identified concentrations, pathways and receptors
- d) outline management strategies to be undertaken, as well as any remediation action plans or strategies, to manage any identified or potential risks and provide for ongoing monitoring
- e) commit that:
 - i. any **PFAS** contaminated material (including but not limited to excavated soil or sediment, leachate from soil or sediment, water arising from de-watering of soil or sediment, concrete, tarmac, appliances, pumps, pipes, hoses, fittings) will be handled appropriately and disposed of in an environmentally sound manner such that potential for the **PFAS** content to enter/spread into **the environment** is minimised.
 - ii. any **PFAS** contaminated material with a **PFOS**, **PFHxS** or **PFOA** content above 50 milligrams per kilogram or litre (mg/kg or L), will be stored or disposed of in an environmentally sound manner that will achieve nil environmental release of its **PFAS** content.

7. To offset the loss of **Black-footed Tree-rat** habitat from **2CRU**, the approval holder must provide the following to the **Department**:

- a) a title search demonstrating that the title for the **offset area** has been transferred by the approval holder to the **Northern Territory Government**. The **offset area** must contain at least 21.5 ha of **Black-footed Tree-rat** habitat
- b) documentation demonstrating that the **Northern Territory Government** is satisfied with the **management funding** provided by the approval holder for the management and monitoring required by **Northern Territory Government** of the **offset area**
- c) the **offset attributes** and a **shapefile** for the **offset area** required by condition 7(a).

Unless otherwise agreed to in writing by the **Department**, the action at **2CRU** cannot continue for more than 36 months from the date of **commencement** of the action unless the approval holder has provided the requirements of condition 7(a-c).

8. To offset the loss of 10 hectares of **Black-footed Tree-rat** habitat from **Muirhead North**, within 12 months of **commencement** of the action at **Muirhead North** the approval holder must submit an Offset Plan to the **Minister**. The action at **Muirhead North** cannot continue for more than 24 months from the date of **commencement** of the action unless the **Minister** has approved the Offsets Plan in writing.

- a) The Offset Plan must provide a framework for how the **clearance** of **Black-footed Tree-rat** habitat will be offset, and must:
 - i. review relevant **approved conservation advices, recovery plans and threat abatement plans**;
 - ii. identify threats to **Black-footed Tree-rat**, and potential recovery actions and research opportunities; and

- iii. provide in detail a process for developing Offset Projects, a staged process for submitting Offset Projects and milestones for completion of Offset Projects to the **Department** for written approval by the **Department**.
- b) Offset Projects submitted to the **Department** for approval in accordance with Condition 8(a)iii must:
- i. specify the location and nature of Offset Project activities;
 - ii. include project goal/s, budget and a detailed Offset Project description, including timeframes for the elements of the Offset Project, and reporting and publishing of the Offset Project results;
 - iii. demonstrate how the Offset Project is consistent with the Offset Plan;
 - iv. describe consultations undertaken to develop the Offset Project;
 - v. explain how the Offset Project complies with the principles of the **EPBC Act Environmental Offsets Policy** and, if relevant, provide details of how the Offset Project meets the criteria for research and educational programs identified in Appendix A of the **EPBC Act Environmental Offsets Policy**; and
 - vi. identify and manage risks associated with implementing the Offset Project.

The approval holder must not implement an Offset Project until the Offset Project has been approved in writing by the **Department**. The approved Offset Project must be implemented. The approval holder must expend at least \$78,750 (excluding GST) on Offset Projects approved in accordance with Condition 8(a) and 7(b).

9. Within 30 days after **commencement** of the action, the approval holder must advise the **Department** in writing of the actual date of **commencement**.
10. The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.
11. Upon the direction of the **Minister**, the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor and audit criteria must be approved by the **Minister** prior to the commencement of the audit. The audit report must address the criteria to the satisfaction of the **Minister**.
12. The approval holder may choose to revise a management plan specified in condition 2 without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the action in accordance with the revised plan would not be likely to have a **new or increased impact**. If the approval holder makes this choice it must notify the **Department** in writing that the management plan has been revised and provide the **Department**, at least four weeks before implementing the revised plan, with:
- i. an electronic copy of the revised plan;

- ii. an explanation of the differences between the revised plan and the management plan; and
 - iii. the reasons the approval holder considers that the taking of the action in accordance with the revised plan would not be likely to have a **new or increased impact**.
- 12A. The approval holder may revoke its choice under condition 12 at any time by notice to the **Department**. If the **approval holder** revokes the choice to implement a revised plan, without approval under section 143A of the **EPBC Act**, the plan approved by the **Minister** must be implemented.
- 12B. If the **Minister** gives a notice to the approval holder that the **Minister** is satisfied that the taking of the action in accordance with the revised plan would be likely to have a **new or increased impact**, then:
- i. Condition 12 does not apply, or ceases to apply, in relation to the revised plan; and
 - ii. The approval holder must implement the plan approved by the **Minister**.
- To avoid any doubt, this condition does not affect any operation of conditions 12 and 12A in the period before the day the notice is given.
- At the time of giving the notice the **Minister** may also notify that for a specified period of time, that condition 11 does not apply for one or more specified plans required under the approval.
- 12C. Conditions 12, 12A and 12B are not intended to limit the operation of section 143A of the **EPBC Act** which allows the approval holder to submit a revised plan to the **Minister** for approval.
13. Unless otherwise agreed to in writing by the **Minister**, the approval holder must publish all management plans referred to in these conditions of approval on their website. Each management plan must be published on the website within one (1) month of being approved by the **Minister** or being submitted under condition 12 and must remain published for the life of the approval.
14. If, at any time after five (5) years from the date of this approval, the approval holder has not substantially **commenced** the action, then the approval holder must not substantially **commence** the action without the written agreement of the **Minister**.

Definitions

2CRU is the area shown in Attachment A, where it is depicted as '2CRU Development Site', and marked with a red dashed perimeter line.

Approved conservation advices, recovery plans and threat abatement plans is a threat abatement plan/s, conservation advice/s and/or recovery plan/s made or adopted by the **Minister** under the **EPBC Act**.

Black-footed Tree-rat is the **EPBC Act** listed Black-footed Tree-rat (Kimberley and mainland Northern Territory) (*Mesembriomys gouldii gouldii*)

Casuarina Coastal Reserve is the area shown in Attachment B, where it is depicted as 'Casuarina Coastal Reserve', and marked with a solid green fill titled in the legend as 'CN – Conservation'.

Clearing/clear/cleared means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation.

Commencement/commence/commenced means the clearing of any vegetation or construction of any infrastructure, excluding fences and signage, associated with the proposed action.

Construction Environmental Management Plan is the document entitled 'Construction Environmental Management Plan (CEMP): Lee Point Master-planned Urban Development', dated July 2018, authored by Ecology and Heritage Partners Pty Ltd, which was provided to the Department with the final assessment documentation; or as revised under these conditions or under section 143A of the EPBC Act.

Department ('s) is the Australian Government Department or any other agency administering the EPBC Act.

EPBC Act is the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

EPBC Act Environmental Offsets Policy is the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy* (October, 2012), or subsequent revision, including the Offsets Assessment Guide. Available at: <http://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy>.

EPBC Act listed species means the **EPBC Act** listed Black-footed Tree-rat (Kimberley and mainland NT) (*Mesembriomys gouldii gouldii*), Dwarf Sawfish (*Pristis clavata*), Green Sawfish (*Pristis zijsron*), Largetooth Sawfish (*Pristis pristis*), Eastern Curlew (*Numenius madagascariensis*) and **Turtles**.

Heritage expert is a heritage expert with relevant qualifications and expertise appointed and funded by the approval holder.

Konfrontasi Cruciform is the area described in *Muirhead North (Lot 9370 Town of Nightcliff) – Archaeological Survey Report* (Jung 2015) submitted with the EPBC Act referral 2015/7591. Location labelled as 'Konfrontasi Cruciform site' and marked with a pink cross Attachment B.

Lee Point bunkers is the area described in *Heritage and Archaeological Investigations over block 4873 Lee Point Road, Darwin Final Report* (Crassweller, 2010) submitted with the EPBC Act referral 2015/7591. Location labelled as 'Concrete Bunker' and marked with a yellow box in Attachment C.

Management funding is a monetary contribution made by the approval holder for the implementation of management measures on the **offset area**.

Minister means the Minister administering the EPBC Act and includes a delegate of the Minister.

Muirhead North is the area shown in Attachment A, where it is depicted as 'Muirhead North Development Site', and marked with a red dashed perimeter line.

New or increased impact means a new or increased impact on any matter protected by the controlling provisions for the action, when compared to the plan that has been approved by the **Minister**.

Northern Territory Government means Northern Territory body responsible for the administration of the *Parks and Wildlife Commission Act 2013* (NT) or the *Territory Parks and Wildlife Conservation Act 2014* (NT).

Offset area is the area shown in Attachment B, where it is depicted as 'Portion of Lot 4873 to be added to Casuarina Coastal Reserve', and marked with a light blue perimeter line with a solid green fill titled in the legend as 'CN – Conservation'.

Offset attributes means electronic files including '.xls' files and ESRI shapefiles containing '.shp', '.shx' and '.dbf' files capturing the relevant attributes of the **offset area**, including the **EPBC Act** reference number, the physical address of the **offset area**, coordinates of the boundary points in decimal degrees, the **EPBC Act** protected matters that the **offset area** compensates for, any additional **EPBC Act** protected matters benefiting from the offset and the size of the **offset area** (in hectares).

PFAS/PFASs means a per-and poly-fluoroalkyl substance or per-and poly-fluoroalkyl substances. **PFAS** substances include **PFOS**, **PFOA**, **PFHxS**, and their precursors. Where the identity of **PFOS**, **PFOA**, and **PFHxS** precursors are unknown, the suite of analytes in Eurofins (method LTM-ORG-2100) or other equivalent laboratory techniques is appropriate for the measurement of **PFAS** substances and may be reported as 'Sum of PFASs (n=28)'.

PFOS means perfluorooctane sulfonate.

PFOA means perfluorooctanoic acid.

PFHxS means perfluorohexane sulfonate.

Project Area is the area shown in Attachment D, where it is depicted as 'Subject Site', and marked with a red perimeter line.

Shapefile is an ESRI shapefile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes of the **offset area**, including the shape, **EPBC Act** reference ID number and **EPBC Act** protected matters present at the relevant site. Attributes should also be captured in '.xls' format.

Stormwater Management Plan – 2CRU is the document entitled '2CRU - Lee Point Road, Lee Point - Stormwater Management Plan - DC1603/R1/V3', dated 11 October 2017, authored by Cardno (Qld) Pty Ltd, which was provided to the Department with the final assessment documentation; or as revised under these conditions or under section 143A of the EPBC Act.

Stormwater Management Plan – Muirhead North is the document entitled 'Muirhead North - Lee Point Road, Lee Point - Stormwater Management Plan - DC1603/R1/V2', dated 11 October 2017, authored by Cardno (Qld) Pty Ltd, which was provided to the Department with the final

assessment documentation; or as revised under these conditions or under section 143A of the EPBC Act.

The Environment means the *environment* as defined under section 528 of the **EPBC Act**.

Turtles are the **EPBC Act** listed Flatback Turtle (*Natator depressus*), Olive Ridley Turtle (*Lepidochelys olivacea*) and Green Turtle (*Chelodina mydas*).

Water Quality Monitoring Plan is the document entitled 'Lee Point Master-planned Urban Development – Water Quality Monitoring Plan', dated October 2017, authored by Ecology and Heritage Partners Pty Ltd, which was provided to the Department with the final assessment documentation; or as revised under these conditions or under section 143A of the EPBC Act.



LEGEND
 ■ Development Boundary

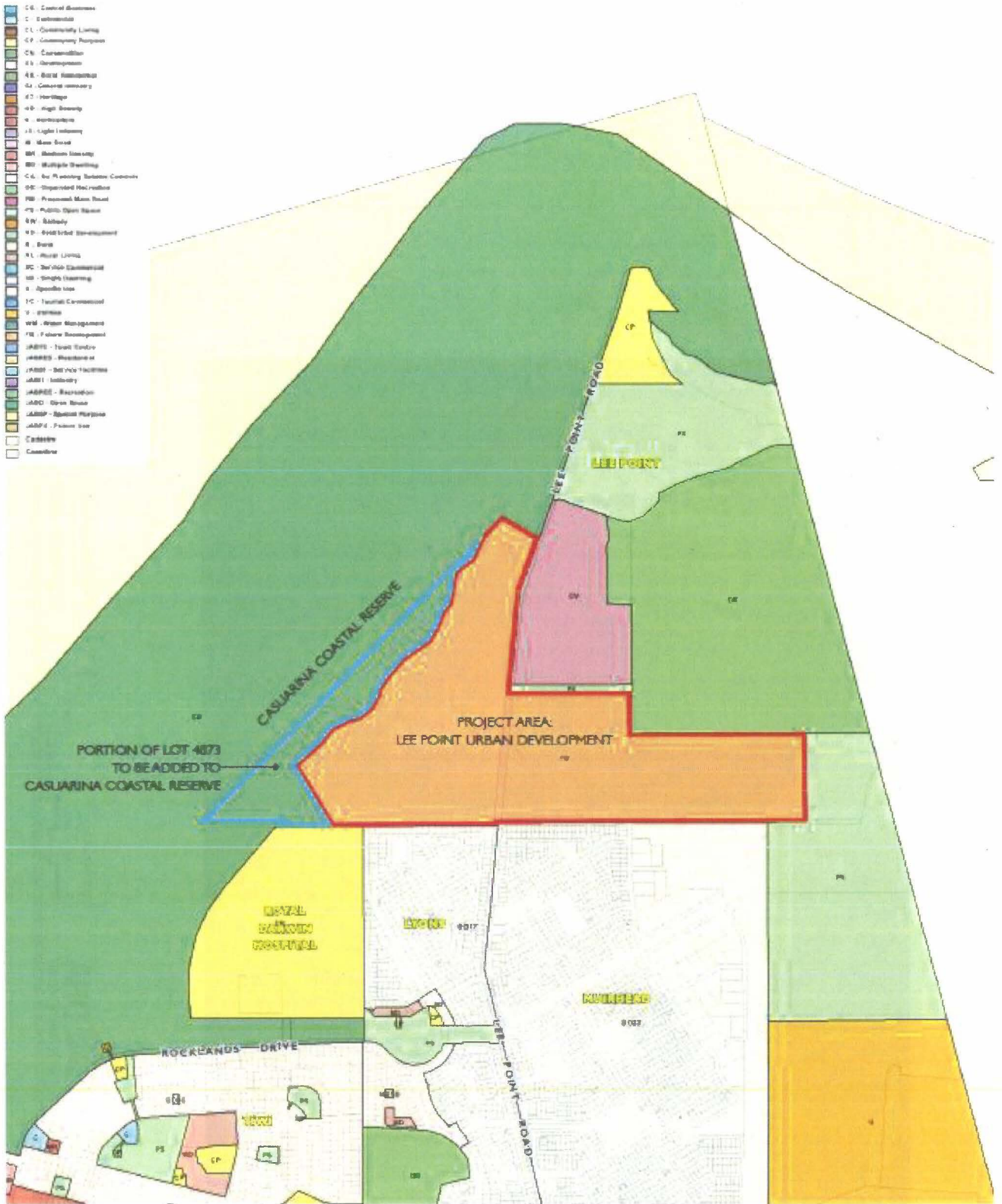


1:20,000 @ A3
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2CRU Development • Darwin NT
LEE POINT AND SURROUNDS AREA PLAN

D17-0020
 29/08/2018 Issue A



Context Plans
LEE POINT URBAN DEVELOPMENT &
CASUARINA COASTAL RESERVE
-LAND ADDED TO RESERVE - TOWN PLANNING ZONES-

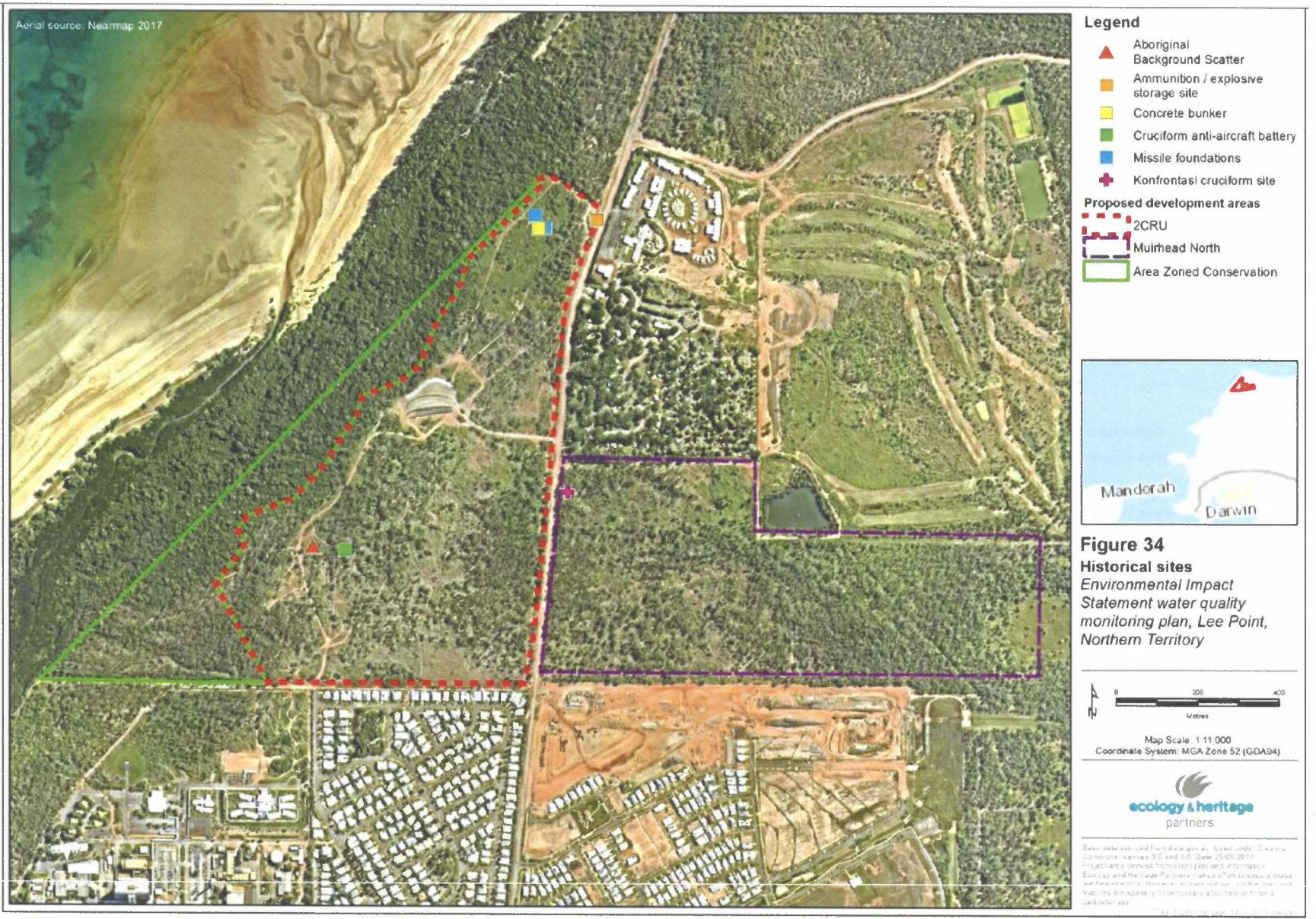
Northern Planning Consultants
Darwin Corporate Park, Unit 6, T212
631 Stuart Highway
BERRIMAH

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www.facebook.com/northernplanning

Lee Point Road
LEE POINT

(Created 30 August 2018)





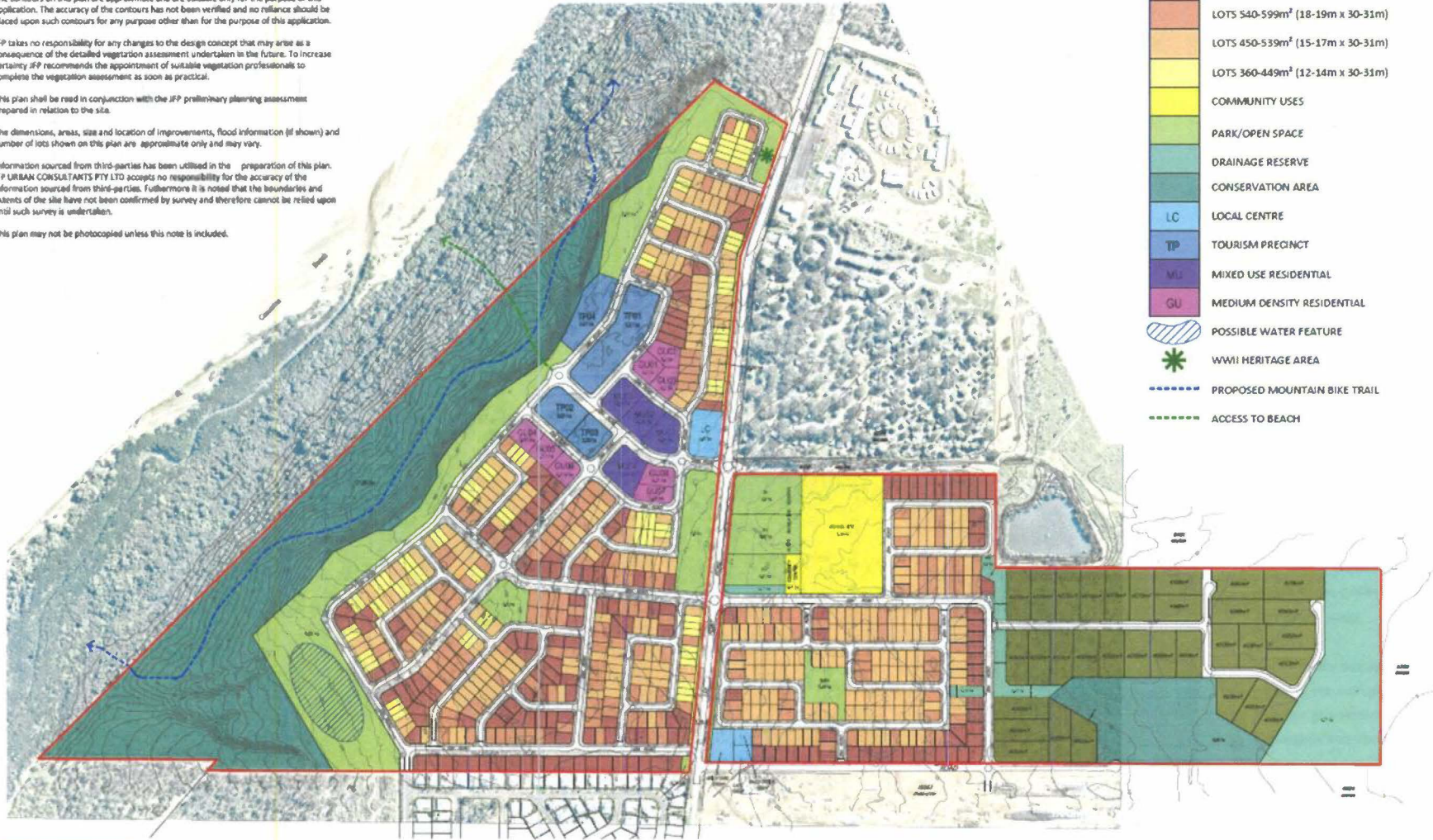


NOTES

- (1) This plan was prepared for the purpose and exclusive use of DEFENCE HOUSING AUSTRALIA as an investigation into the Development Potential of the land described in the plan and is not to be used for any other purpose or by any other person or corporation. JFP URBAN CONSULTANTS PTY LTD accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this plan in contravention to the terms of this clause or clauses 2, 3, 4, 5, 6 or 7 hereof.
- (2) The contours on this plan are approximate and are suitable only for the purpose of this application. The accuracy of the contours has not been verified and no reliance should be placed upon such contours for any purpose other than for the purpose of this application.
- (3) JFP takes no responsibility for any changes to the design concept that may arise as a consequence of the detailed vegetation assessment undertaken in the future. To increase certainty JFP recommends the appointment of suitable vegetation professionals to complete the vegetation assessment as soon as practical.
- (4) This plan shall be read in conjunction with the JFP preliminary planning assessment prepared in relation to the site.
- (5) The dimensions, areas, size and location of improvements, flood information (if shown) and number of lots shown on this plan are approximate only and may vary.
- (6) Information sourced from third-parties has been utilised in the preparation of this plan. JFP URBAN CONSULTANTS PTY LTD accepts no responsibility for the accuracy of the information sourced from third-parties. Furthermore it is noted that the boundaries and extents of the site have not been confirmed by survey and therefore cannot be relied upon until such survey is undertaken.
- (7) This plan may not be photocopied unless this note is included.

LEGEND

-  SUBJECT SITE
-  LOTS 4000m² & larger (45m frontage min.)
-  LOTS 600-750m² (20m x 30-31m)
-  LOTS 540-599m² (18-19m x 30-31m)
-  LOTS 450-539m² (15-17m x 30-31m)
-  LOTS 360-449m² (12-14m x 30-31m)
-  COMMUNITY USES
-  PARK/OPEN SPACE
-  DRAINAGE RESERVE
-  CONSERVATION AREA
-  LC LOCAL CENTRE
-  TP TOURISM PRECINCT
-  MU MIXED USE RESIDENTIAL
-  GU MEDIUM DENSITY RESIDENTIAL
-  POSSIBLE WATER FEATURE
-  WWI HERITAGE AREA
-  PROPOSED MOUNTAIN BIKE TRAIL
-  ACCESS TO BEACH



OVERALL CONCEPT PLAN B

LEE POINT ROAD, LEE POINT, DARWIN
DEFENCE HOUSING AUSTRALIA

JFOP
URBAN CONSULTANTS

PLANNERS
URBAN DESIGNERS
SUPERVISORS
ENGINEERS
LANDSCAPE ARCHITECTS

JOB NUMBER: M2737P_Overall Concept B
ISSUE: B
SCALE: 1:7000 @ A3
DATE: 23rd August 2018

