

Your ref  
Our ref

PA2009/1225~0005

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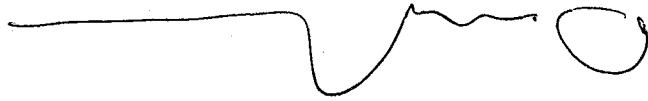
Ms Margaret Clinch  
PLAN  
PO Box 2513  
DARWIN NT 0801

Dear Ms Clinch  
*Margaret*

I refer to your letter of 24 October 2009 to Mr Richard Hancock, Chief Executive Officer of the former Department of Planning and Infrastructure in which you raise concerns in relation to the placement of fill on Lot 5182 Dick Ward Drive, Town of Darwin. The issues you have raised are important and prompted action by this Department and a review of our current practices. As you have raised several specific detailed issues, responses have been compiled separately to each of the questions in the attached document.

Thank you for raising your concerns with me. If you require any additional information in relation to these matters please contact Mr Steve Pople, Director, Development Assessment Services on telephone 8999 6045.

Yours sincerely



DAVID RITCHIE

*David Ritchie*  
31 April 2010

**QUESTIONS FROM MS CLINCH ABOUT LOT 5182 DICK WARD DRIVE**

**1. How long has the stockpile been in place?**

The stockpile of fill located at Lot 5182 Dick Ward Drive, Town of Darwin (Minimarama Estate) commenced in approximately November 2006. The placement of fill is understood to have originated through a private arrangement between the lessees (Gwalwa Daraniki) and a private construction company.

**2. Is it there for the construction of an extension to Aboriginal housing in Minimarama?**

The Department is not aware of any plans by the Gwalwa Daraniki to construct additional housing at Minimarama. You may wish to contact Gwalwa Daraniki direct in relation to this matter.

**3. Has government permission been given for this stockpile, given that it is semi-permanent?**

Clause 6.16 (Excavation and Fill) of the NT Planning Scheme requires the consent of the Development Consent Authority (DCA) for the stockpiling of fill and the Department has sought legal advice in relation to whether existing use rights apply for the stockpiling that occurred prior to 1 February 2007. This advice has now confirmed that the stockpiling is not protected by existing use rights and the Department and DCA are actively seeking to have this use ceased and the site rehabilitated.

**4. Under what specific legislative device has permission been given?**

As previously outlined no specific approval was initially required for the placement of fill.

**5. Is payment being made to landholders for this use?**

The use of this site is subject to a private arrangement between the lessees and a private construction firm and the Department is not aware and is unable to comment on this matter.

**6. For how long has permission been granted?**

No specific permission has been granted by the Department.

**7. Given the land is zoned Conservation, how is this permission compatible with land use?**

The DCA has recently issued a 'Notice to Cease' under the *Planning Act* for the stockpiling of fill and has requested that the owners provide a written response outlining a timetable for remediation. Given the extent of fill on the site it is not anticipated that this can be achieved within a short time frame and the DCA is keen to establish a reasonable process and timetable for this to occur.

**8. Given that weeds are growing on the stockpile, what action is your Department taking to control the spread of weeds?**

It is a condition of the Crown Lease that the lessee takes reasonable measures to control weeds on the property and Land Administration of this Department has contacted the lessees to remind them of their ongoing obligations in this regard.

**9. There is photographic evidence that there is cement slag and large construction debris on the back of the stockpile. When will your Department address these dangerous items.**

The Department wrote to the lessee in November 2009 in relation to the placement of construction debris on the site. At the time the lessee provided an undertaking to remove the recent deposits of building rubble within 3 months. The Department will be following up the progress of the owner in complying with this request.

**10. What action is your Department taking to control windblown pollution from this dump to nearby residents and businesses?**

As previously outlined the Department has written to the lessee to advise the need to remove construction materials from the site.

**11. As we enter the cyclone season, with danger of windborne debris from construction sites, what actions have your Department taken to ensure that this stockpile is not a source of danger to the public?**

The Department has previously requested that the landowner remove any loose construction materials from the site and will be undertaking further inspections to ensure compliance with this request.