Mr John Fulbrook,

Advisor to Minister for Infrastructure, Planning and Logistics

Dear John,

It was pleasant to speak to you on the telephone on Wednesday 24.4.2019.

You have asked that we forward you an email about our concerns on behalf of the public.

This email relates to a most seriously overdue failure by the government planning departments to enforce and implement compliance with the Planning Act, and particularly a ministerial decision.

REMOVAL OF THE ILLEGAL STOCKPILES OF FILL ON KULALUK LEASE LOT 5182, AND REHABILITATION OF THIS CONSERVATION ZONED LAND.

Some Notes by Margaret Clinch of Planning Action Network, Inc.

1. People of Ludmilla, and other members of the public are angry at the government failure, over almost a ten year, period to act effectively within the Planning Act and Scheme on a particular matter.

2. Our organisation and others have written to government too many times to remember with no success. We refer you to the government correspondence files on the matter.

3. Here are some relevant points from our files:

3.1: 24.10.2009 We wrote about the stockpile to CEO of Department.

3.2: 31.3.2010 David Ritchie, CEO of Department of Lands and Planning, replied that the stockpile was in place in November 2006. He said It was a private arrangement between the Gwalwa Daraniki Association (GDA) lesees of Kulaluk, and a private construction company.

However, the new NTPS introduced in 2007 (Clause 6.16 - Excavation and Fill) required consent. Specifically, then he stated the stockpile was not protected by existing rights, and therefore “the Department and the DCA are actively seeking to have this use ceased and the site rehabilitated.”

In this same letter in 2010, the CEO stated that: “The DCA has recently issued a Notice to Cease under the Planning Act for the stockpiling of fill and has asked the owners to make a written response outlining a timetable for remediation.”

3.3: 20.9.2012 - PLan (Planning Action Network, Inc.) wrote Ken Davies again about the Stockpile.

3.4: 2013 Letter to Hannah Stevenson, of departmental staff, about surge zone and new deposits at the stockpile.

3.5: PA 2013/0170 - This application, via an agent (Planit Consulting) was for an Exceptional Development Permit (EDP) allowing the Stockpile to remain for 15 years, as an active receiver and supplier of fill. This application included a dependable commissioned report of the vegetation types on the site prepared by the Environmental Specialist firm of ECOS-2, and dated March 2013.

It included several A3 size professionally prepared maps of the stockpile itself, from Ffyfe Earth Partners Environment Development Resources, dated 20.1.2012 and prepared for client “Halikos”.

3.6: 15.5.2014 - Minister Peter Chandler signed the Notice of Decision - REFUSAL to grant an Exceptional Development Permit(EDP) for PA 2013/0170, ie. the planning application seeking a permit to leave in place, and use the stockpile for 15 years.

The attached Reasons for Decision covered four pages. The applicant was given 6 months to prepare a management plan for removal of the stockpiles, and a total of twelve months to complete the rehabilitation.

3.7: Between 2013 and 2015, various media sources were seen as indicating that the Halikos Group was the owner of the fill and that it was paying rent to the Gwalwa Daraniki Association (GDA) to store it on Kulaluk Crown Lot Lease at Lot 5182.

3.8: 7.5.2015 David Tollner in a letter, as new Minister for Lands and Planning, made the following statement: “My predecessor also took steps to ensure the appropriate use of Lot 5182 by refusing to consent to a recent application for the unlawful stockpile of fill located at the end of Fitzer Drive and required that the stockpile be removed. My Department is monitoring the situation to ensure compliance, with a ‘fill removal and revegetation management plan’ required to be developed.”

3.9: 14.11.2016 PLan wrote to Nicole Manison, as Minister for Infrastructure, Planning and Logistics about the Stockpiles.

On 20.12.2016 The Minister responded as follows:

“I am currently looking into the matter with a view to resolving this.”

 3.10: 3 October 2017 PLan wrote to department staff with a series of questions about the stockpiles.

6.9.2017. Doug Lesh, of departmental staff, responded that there was current action on the matter.

3.11: 21 November 2018 the Planning Action Network wrote to Doug Lesh with a series of questions. Departmental staff seem unable to answer them.

3.12: Regarding the removal of the Stockpiles, none of the compliances required by the Planning Act, DCA, NTPS or Minister have yet been accomplished. Meanwhile while rent is presumably being paid by the Halikos group to the GDA, but the NT Government is receiving no revenue from penalties long overdue. In the meantime, there is a long-term abuse of a crown lease, our important Conservation area on Lot 5182 continues to be damaged and degraded, its drainage lines disturbed, and weeds spread by the ongoing presence of this group of stockpiles which were long ago proved to be illegal (See 3.2), and the people of Ludmilla are waiting to be heard.

Please arrange for this email to be promptly acknowledged and for a substantive reply.

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PLan: the Planning Action Network, Inc.