Framework for Contaminated Sites Assessment, Remediation and Audit Involving Planning Applications Under the Planning Act in the Northern Territory

**NOTIFICATION**

DEPARTMENT OF INFRASTRUCTURE, PLANNING AND LOGISTICS (DIPL) receives planning application (PA) for re-zoning, for development or subdivision of a site.

DIPL circulates the PA to Northern Territory Government (NTG) agencies for comments and recommendations. Agencies are given 2 weeks to submit a response.

The ASC NEPM is not triggered. Process is at an end for the NT EPA

NO

The ASC NEPM is triggered. Process continues.

YES

The NT EPA screening the PA and asks whether the proposal involves a change to a more sensitive land use? I.e. Does it involve:

- Change of zoning to a more sensitive use; and/or
- Sensitive use subdivision?

YES

Is there evidence of site contamination as a result of the NT EPA’s review of the following?

- Contaminated Land and Environmental Audit Results (CLEAR) List;
- Integrated Land Information System (ILIS);
- Aerial imagery (historical);
- Report of contamination (s14 WMPCA); and
- Any other available evidence.

YES

The NT EPA makes a recommendation to the consent authority (DCA or the Minister) via DIPL requiring a qualified person (under s68 of the Waste Management and Pollution Control Act (WMPCA)) to provide certification that the site is suitable for its intended use(s).

NO

No known evidence of contamination or potentially contaminated site

NO

The consent authority issues a Development Permit (DP) without requirements for certification

YES

The consent authority issues the DP with requirements for certification

NO

The consent authority makes a decision to not incorporate the NT EPA recommended condition.

YES

The DP holder engages a qualified person and consultant – to conduct an assessment, remediation (as required) and audit

NO

Does the Statement of Environmental Audit specify ongoing site management requirements and/or restrictive site conditions?

YES

If the Statement of Environmental Audit specifies ongoing management of residual contamination a Site Environmental Management Plan (SEMP) is to be developed by the DP holder and endorsed by the qualified person.

NO

The NT EPA issues a Pollution Abatement Notice (PAN) under s77 of the WMPCA to regulate the ongoing management of residual contamination. The NT EPA registers the PAN on the Land Title.

YES

The NT EPA reviews and makes comment on the Final Audit Report and Statement of Environmental Audit and provides advice to the DIPL as to whether the DP condition has been met.

The qualified person completes the Audit and the DP holder provides the Final Audit Report and Statement of Environmental Audit to the NT EPA.

The proponent proceeds with development in accordance with the DP conditions (Waste Management and Pollution Control Act 1999 (WMPCA))

Responsibilities:
Red = DIPL/consent authority
Orange = NT EPA
Green = PA / DP Holder

1 Responsibility for the historic, present and future land contamination of a property remains the responsibility of the land owner and / or occupier.

2 The consent authority makes a decision to not incorporate the NT EPA recommended condition.

3 Under s68 of the Waste Management and Pollution Control Act

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