

Land-use

The following chapter provides a description of the existing uses that currently operate over the subject land, together with available tenure information within the study area. It also provides:

- A review of the strategic planning framework for the EAW project area.
- A description and analysis of the relevant planning legislation, plans and zoning controls that prevail over the development site, and an assessment of the project against the relevant local zoning controls
- An assessment against the relevant NT Planning Scheme and any other policies applicable to the proposal
- A review of relevant development approvals or infrastructure proposals likely to be required or affected by the proposal.

Background to the proposed further expansion of the EAW is discussed at Chapter 1, and the project is described in detail at Chapter 2.

4.1 Existing Environment

The project area forms part of the Port of Darwin facilities. The Port of Darwin is a multi-modal, import-export gateway that handles a diverse range of vessel types and cargoes such as:

- Iron ore, manganese concentrate, copper concentrate and other dry bulk materials from SA, WA Queensland and within the NT
- Bulk liquids connected to the new Darwin Industry Fuel Terminal and containers
- Liquefied natural gas from the new Darwin LNG facilities
- Livestock and agricultural exports.

The primary role of the EAW is to facilitate the movement of goods via rail, road and shipping to international markets. The EAW is the largest live cattle export port in Australia and serves as the service and supply base for the offshore and onshore oil and gas industry in Northern Australia. It also is used by the mining, agriculture and construction industries, and facilitates the movement of non-trading vessels including those involved in research, fishing and pearling (GHD, 2009).

The Port of Darwin has capacity for stockpiling of materials prior to shipping. It is expected that storage capacity will be significantly expanded in the future to become the nucleus of a thriving maritime business centre.

The EAW is located approximately 4.5 km south east of the Darwin CBD. The existing wharf has a continuous 754 m quay line located parallel to the main shipping Channel and incorporates a dry bulk materials handling facility featuring a ship loader designed to load Panamax class vessels.

The EAW occupies a land area of approximately 18 ha of sealed hard stand surface with 4,000 m² of undercover cargo handling facility, and a further 18 ha of bunded area for future reclamation. A single rail spur from the AustralAsia Railway runs over a 16 m wide railway causeway, linking to three rail lines to the wharf (including a 4 ha intermodal container terminal), with road access provided over the causeway from Berrimah Road.

4.1.1 Land Tenure

Figure 4-1 identifies current tenure arrangements within EAW.

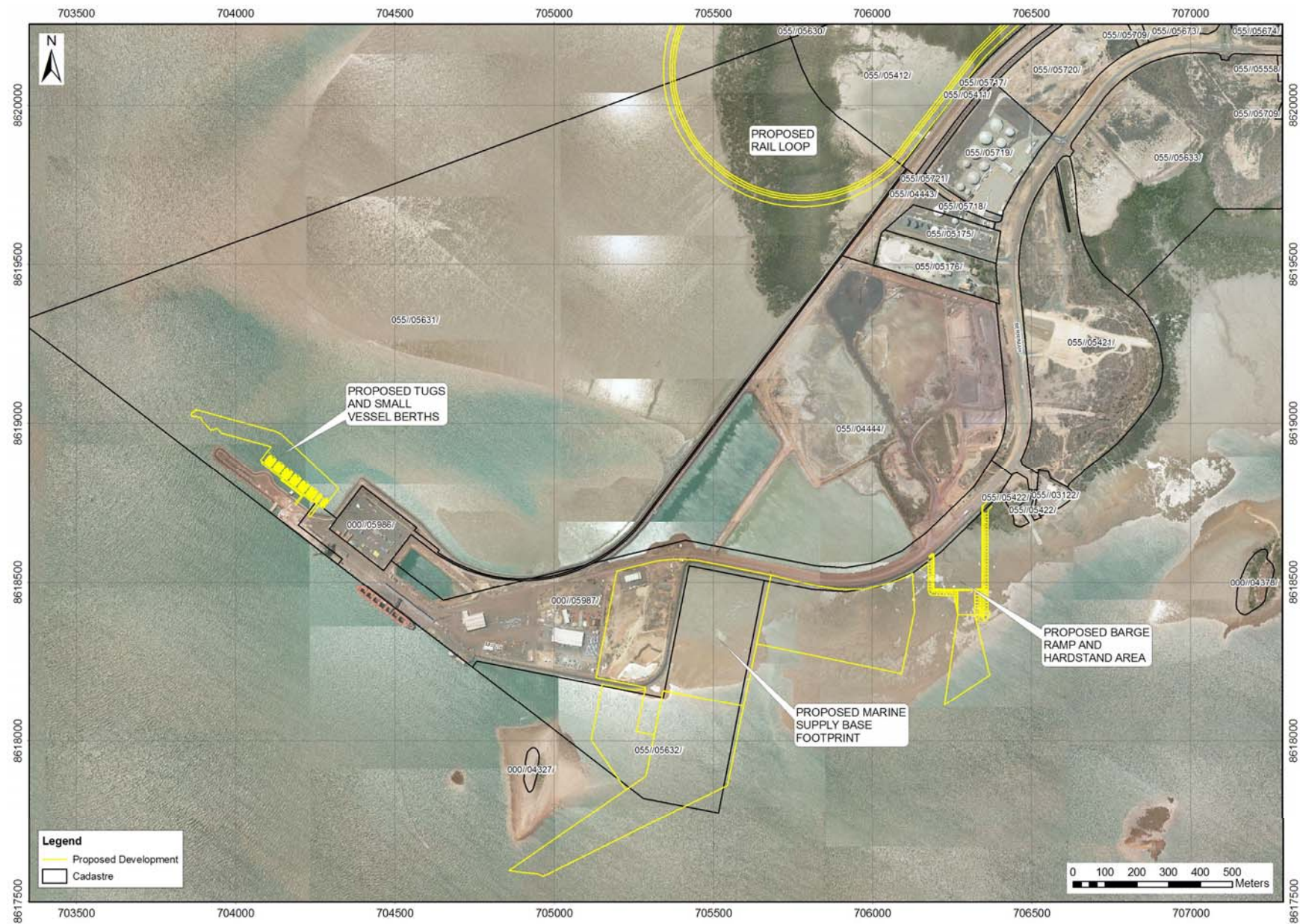


Figure 4-1 Cadastral map of EAW

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The EAW comprises five titles, details of which are shown in Table 4-1.

Table 4-1 EAW Allotment Tenure Details

Location	Parcel	Survey Number	Reference	Volume	Folio	Owner Type
Hundred of Bagot	5412	S2000/191B	CLT 1935	630	506	Private
Hundred of Bagot	5411	S2000/191B	CLT 1934	635	697	Private
Hundred of Bagot	4444	S921090	G	0	0	Crown
Hundred of Bagot	5772	S2005/187	F	697	655	Private
NT Portion	5987	S2000/206	F	640	642	Private
NT Portion	5986	S2000/206	F	685	487	Private

4.1.2 Existing East Arm Wharf Land-Uses

The project area is situated within the EAW precinct. Infrastructure at the EAW has been progressively developed over the past twenty years, and the site currently features the following key facilities:

- Purpose built multi berth wharf
- Intermodal container terminal (rail and road)
- Hardstand areas
- Open stockpile, bulk ship loading and conveyor infrastructure
- Haulage rail (AustralAsia) and road corridor
- Industrial allotments (including the Darwin Business Park) (AECOM, 2009).

Existing industrial activities undertaken at the EAW include bulk materials movement, livestock and container loading and unloading. A summary of EAW throughput for the financial year 2009/10 (most recent data available) is as follows (note that figures are for the whole of DPC activities, but the overwhelming majority is associated with EAW [David McMaster pers. comm., 3 February 2011]):

- Total throughput of 4,577,532 t
- Total exports of 3,396,264 t
- Dry bulk exports of 3,023,581 t
- Iron ore exports of 2,010,045 t
- Manganese concentrate exports of 768,313 t
- Copper concentrate exports of 223,710 t
- Livestock exports totalled 360,127 head
- Exports on rig tender vessels totalled 199,694 t

The above trade involved 1,642 total trading vessel visits to DPC.

Territory Resources Limited produces the iron ore products exported from EAW (Territory Resources Limited, 2009). Copper concentrate for export is currently delivered to EAW from the OZ Minerals mine at Prominent Hill, SA (OZ Minerals, 2011). Manganese concentrate export product is derived from the OM (Manganese) Ltd Bootu Creek project, approximately 110 km north of Tenant Creek, NT (OM Holdings Ltd, 2009). In addition to the aforementioned mineral exports, approximately 30 per cent of the uranium oxide produced at BHP's Olympic Dam mine has been exported from EAW since 2005 (BHP Billiton, 2009).

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As part of the expanded use of EAW, BHP Billiton are also proposing to store and handle copper concentrate and uranium oxide from the expanded Olympic Dam project at the EAW prior to export (BHP Billiton, 2009). It is expected that additional land reclamation would occur as part of the Port's ongoing development at EAW and that this land would support the new infrastructure to be built either by or for BHP Billiton, including a new storage shed and bulk materials loading facility (BHP Billiton, 2009).

The East Arm industrial allotments currently comprise a mix of occupied and vacant sites. The present users of the industrial land developments at East Arm, including the Darwin Business Park, include the Toll Group, ALPA Metcash and others (AECOM, 2009).

Existing Wharf (Stage 1)

The existing EAW development was approved in 1993, and is referred to as Stage 1. The EAW is a heavily modified built environment, buffered by mangrove forest and intertidal mudflats. The proposed works will extend the area of hard standing and backfilling (removing some mangroves) into the harbour either side of the peninsula (AECOM, 2009).

Previous works at EAW have modified the natural landscape to the current landform and layout. In particular, the Stage 1 East Arm Precinct development involved the construction of 754 m total berth face, including 600 m land-backed berth and a 154 m plus mooring dolphin for a new bulk liquids berth designed for 50,000 dwt vessels. Stage 1 also includes 18 ha of sealed hardstand with a 4,000 m² undercover cargo handling facility, and a further 18 ha of bunded area for future reclamation (DPC, 2010).

4.1.3 Existing Adjacent Land Uses (Outside Project Area)

The Darwin Business Park is situated to the east of the EAW facilities and comprises 130 ha of industrially zoned land designated for additional port-related export based industries. The land Development Corporation (LDC), a corporation of the NTG, has as its primary focus the development and management of the industrial estate at East Arm. The Darwin Business Park provides direct links with berth, rail and road services for:

- Cold storage facilities
- Food processing and packaging
- Pre-retail preparation facilities
- Light assembly and manufacturing
- Pick and pack distribution.

There are several large Australian companies which have established operations in the Darwin Business Park, including:

- TOLL Holding's major distribution and consolidation centre
- Vopak's Darwin Industry Fuel Terminal
- Natural Fuel/Babcock and Brown bio-desalination production facility.

New Investments proposed or under way within the Darwin Business Park include:

- Gwelo Development 7,000 m² distribution facility for the import of building products from Asia
- Top Class Fruit Supply warehouse/cold storage facility for importing and exporting NT produce to Australian capital cities and Asian markets

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- Amcor Packaging warehouse
- Dawson's Diesel 2 ha warehouse for the repair and maintenance of mining equipment, imported and re-exported over the EAW
- Metcash (Independent Grocers) warehouse/distribution facility
- Extended Toll facilities
- Shaw's Transport facilities
- Glimmer Pty Ltd industrial development
- Andarwin Pty Ltd distribution and warehouse development (BHP Billiton, 2009).

Land Development Corporation

The LDC is the NTG's primary industrial land developer and has an integral role in the development of the EAW area. The LDC has been involved with the East Arm Marine Services Precinct, Common User Area and Darwin Business Park.

For land under their ownership, the LDC has prepared a set of Development Guidelines to assist proponents in designing buildings and associated facilities with the aim of ensuring a high quality development compatible with the overall vision of the Corporation. The Guidelines also provide guidance to the Corporation's staff in assessing proposed developments.

The key objectives of the Guidelines are to:

- Ensure effective implementation of development strategies expressed in the Corporation's plans and other Government policies.
- Set standards and contribute positively to the existing and proposed Corporation estate.
- Protect existing and future investments by encouraging and promoting high standard building and landscaping design, compatible with surrounding developments.
- Promote sustainability through energy and water efficient building design and site development.
- Strive for best practice through building design.

The LDC (2010) states that proposed developments on all parcels of land within their ownership are required to meet the Development Guidelines criteria. As the site of the development sits outside LDC land, these Guidelines do not affect the current proposed expansion of the EAW.

4.2 Site Designations

Site designations such as the existence of easements, pipelines, heritage listings and other environmental or title listings affect both the development potential of the project area and form a consideration in any planning assessment. The following provides a short description of known site designations:

Easements

Site plans for each allotment were reviewed (NTG, 2004) from the NT Atlas and Spatial Data Directory. No easements were identified that would potentially constrain the proposed development.

Environment

Darwin Harbour is listed as a wetland of national significance in the Directory of Important Wetlands in Australia and has international significance rating as a number of threatened species have reportedly

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been identified in the Harbour area (AECOM 2009a). Further information on flora and fauna assessments is contained in Section 15, Marine Ecology and Section 16, Terrestrial Ecology.

Heritage

The archaeological study (**Appendix C**) has identified the following cultural heritage places located within the vicinity of the proposed development area (refer Figure 18-9 and Figure 18-15):

- Indigenous Site 1: Midden; Stone Artefacts.
- Unidentified shipwreck: Possible Vietnamese refugee boat shipwreck.

The Indigenous archaeological site located in this survey is viewed with a high level of cultural significance by the Traditional Owner group (EarthSea, 2011).

Native Title

Native Title is the recognition by the Australian Government and its laws of the rights and interests over land and water possessed by Indigenous people in Australia under their traditional laws and customs.

The current site of the EAW was the subject of the compulsory acquisition of the East Arm Port on 30 September 1994 (NTG, 1994a). At the time of the acquisition, Section 23 of the *Native Title Act 1993* (the NTA) provided that the non-extinguishment principle applied to any compulsory acquisition, meaning that native title rights are suppressed but will revive if the acquisition or its effects are later removed or cease to operate.

Section 23 of the NTA also provides for the extinguishment of native title rights if the purpose of the acquisition is given effect (such as the construction of EAW). Native title rights are therefore unlikely to apply to the EAW unless the site is no longer used for the purpose of a port and the 1994 acquisition removed.

It is possible for an indigenous person or persons to lodge a future Native Title claim on land including the EAW site. However, as the land has been acquired compulsorily, and is currently being utilised for the purpose for which it was acquired, it is unlikely that such a claim would be successful.

4.3 Policy and Legislative Requirements

4.3.1 Relevant Strategies and Plans

There are a number of strategic and statutory documents at both the NTG and regional level that need to be taken into consideration in planning for the EAW expansion works. This chapter provides an overview of the relevant land use, and the planning and zoning matters contained within these documents. This information has been taken from the following documents:

- Territory 2030 Strategic Plan (NTG, 2009a)
- Growing International Trade Priority Action Plan (NTG, 2009b)
- Darwin Harbour Strategy 2010 (NTG, 2010a)
- EAW Facilities Masterplan 2030 Land Use Report (GHD, 2009).

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Territory 2030 Strategic Plan

The Territory 2030 Strategic Plan is the government's road map for the future growth and success of the Territory. Developed in consultation with the Territory community, Territory 2030 sets priorities and will guide government's planning efforts over the next two decades.

The Plan is a long-term document with a range of targets that provides a framework for the government's strategic plans and policy initiatives. Territory 2030 contains 128 targets linked to six key priorities: education, society, economic sustainability, health and well being, the environment, and knowledge, creativity and innovation.

The Plan considers that the Territory has the potential to carve out an economy that is substantially different from today. Trade growth with Asia is a key part of this economy.

Objectives that relate to the expansion of the EAW include:

Objective 3: Growing local industry

- Establish Darwin as a key centre for oil and gas operations, maintenance and workforce.
- Increase the number of aviation passengers and shipping movements in the Territory.

Objective 5: Cutting edge businesses.

- The Territory offers a highly competitive business environment.

Growing International Trade Strategy

This Strategy sets out the Priority Action Plan to grow international trade for the period 2009 to 2013. EAW is heavily referenced in the Strategy. The Strategy identifies that the NTG has a range of strategies and plans in place to guide specific international trade activities within key sectors of the economy such as mining exploration and tourism.

This is complemented by infrastructure development plans such as the East Arm Port Masterplan 2030 (GHD, 2009) and the 10 Year Infrastructure Plan. Both of these plans are aimed at building the infrastructure capability and capacity to support sustainable international trade growth.

Expansion of EAW is clearly integral to future trade growth for the Northern Territory.

Darwin Harbour Strategy 2010

The Darwin Harbour Strategy prepared by the DHAC was endorsed by the NTG on 1 June 2010. The Darwin Harbour Region:

- Provides the region's drinking water
- Is a vital hub for road, rail, sea and air transport
- Offers a significant range of popular recreational opportunities
- Is an important tourist attraction and destination
- Supports a variety of primary and manufacturing industries, in particular the extractive minerals industry and gas manufacturing
- Offers a range of lifestyles, from city to rural living
- Includes significant Larrakia and other Aboriginal cultural heritage
- Includes significant European and Asian heritage
- Is strategically important for supporting Australia's defence capability
- Supports a diverse range of marine, estuarine, freshwater and terrestrial environments.

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The Darwin Harbour Strategy advances five important goals, each supported by a series of guidelines. As with the founding principles, these goals are to be considered as part of decisions that are made, actions that are taken, or uses proposed that could affect Darwin Harbour and its catchment. The Strategy's five goals are:

1. To maintain a healthy environment
2. To support recreational use and enjoyment of the environment
3. To ensure that development is implemented in an ecologically sustainable manner
4. To protect cultural values and heritage
5. To foster community awareness, industry partnerships and stewardship of the Darwin Harbour region

The Plan contains a series of detailed Guidelines that are intended to support the achievement of the above goals.

East Arm Wharf Masterplan 2030

The demand for facilities at East Arm is strong. The Port of Darwin has previously undertaken two staged expansions of the Port and demand for growth continues. In response, the DPC has prepared the EAW Facilities Masterplan 2030 (GHD, 2009) as the blue print for the EAW and adjacent strategic land and sea areas for the next 20 years. The purpose of the Masterplan is to accommodate the projected trade and vessel demands through the EAW and to facilitate trade growth in order to enhance local and regional economic development.

The Masterplan is designed to shape the land and sea-based activities at EAW to the year 2030. Critical elements identified from the Masterplan development process include:

- A marine supply base for off-shore oil and gas industry
- A barge landing for private barge operators and Defence
- Land reclamation for use as stockpile areas,
- Land for cargo sheds and bond store
- Second bulk ore rail interchange facility and rail spur
- Service facilities for tugs.

The key outcome of the Masterplan is to provide certainty to the DPC in its future land requirements for the EAW area, ensuring it can meet the future needs of its customers.

The DPC is currently updating and revising the Masterplan.

4.3.2 Northern Territory Planning Legislation, Policies and Controls

Relevant NT and local planning policies and controls are summarised below. The policies and controls identify and define the issues requiring consideration to properly assess the planning merits of the Project.

It should be noted that all future development at the EAW including the construction of individual facilities will be required to be separately approved under the relevant NT planning legislation. These developments will therefore be the subject of separate applications in future years.

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NT Planning Act, Planning Regulations and NT Planning Scheme

The Planning Act and Planning Regulations are the principal legislative documents for the planning assessment of proposed development in NT. The Planning Act provides for appropriate and orderly planning and control of the use and development of land. In summary, the Act:

- Establishes the NT Planning Scheme and provides for a development approval process
- Provides for interim development control
- Provides for an appeals regime and enforcement
- Establishes the Development Consent Authority.

The Development Consent Authority is established under Section 82 of the Planning Act and is the primary planning decision-making body. The Development Consent Authority determines development applications within prescribed division areas including Darwin, Palmerston and Litchfield. Where land is situated outside of these areas the consent authority becomes the Minister for Planning and Lands.

The Planning Regulations deal with matters of a procedural or administrative nature and include exempt subdivisions, notices of decisions and requirements for advertising development applications. It also prescribes circumstances where a right of third party appeal exists.

The Planning Act provides for a single integrated NT Planning Scheme which generally applies to the whole Territory (other than for areas that are subject to a specific planning scheme in accordance with Section 8 of the Planning Act, such as the Town of Jabiru).

The NT Planning Scheme contains provisions that include:

- Statements of policy with respect to the use or development of land
- Provisions that permit, prohibit or impose conditions on a use or development of land
- Provisions that provide instructions, guidelines or assessment criteria to assist the consent authority in assessing development applications
- Other provisions in connection with planning for, or control of, the use or development of land
- Maps, plans, designs and diagrams.

Development Assessment Process

In general, a planning application is made to the consent authority (which as discussed above may be the Development Consent Authority or otherwise the Minister for Planning and Lands, depending on the location). The EAW is not located within a division area and therefore all approvals would be granted by the Minister, who will act as the Consent Authority.

When an application is lodged it follows a prescribed assessment process. This is explained in the assessment process chart shown at Figure 4-2, and in greater detail on Department of Land and Planning website (www.dlp.nt.gov.au).

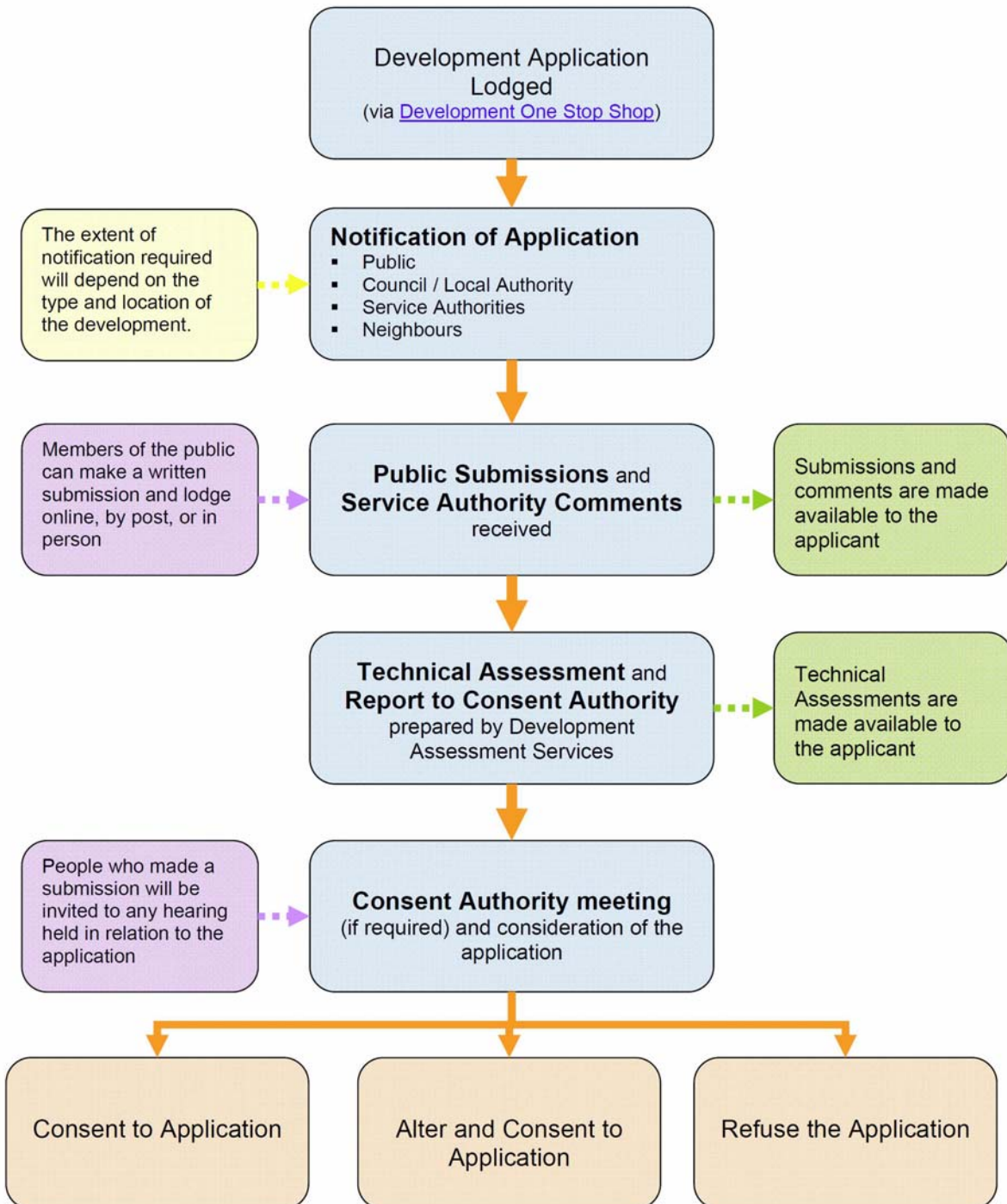
Technical Assessment (part 4 as shown on Figure 4-2).

The key instrument for a technical assessment is the NT Planning Scheme (as explained above). The NT Planning Scheme is divided into eight parts plus six supporting schedules.

The Planning Scheme requires a consent authority to make determinations of development applications in a manner that, if not actively advancing those principles, is consistent with them. A

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consent authority (or the Minister for Planning and Lands) cannot make a determination that is demonstrably inconsistent with or would frustrate achievement of those principles.



Source: DLP, 2010a

Figure 4-2 NTG development assessment process

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4.3.3 Assessment against NT Planning Scheme

As explained in Section 4.3.2, the NT Planning Scheme is the key planning assessment instrument. The following itemised list of tasks provides an assessment of the EAW project against the NT Planning Scheme, in the order shown:

1. Identify and define the use or development
2. Assess if the proposed use is consistent with the planning principles and framework
3. Identify the relevant zone/s for the proposal
4. Assess the proposal against the relevant provisions of the zones and related performance criteria
5. Assess the proposal against site specific Area Plans in support of a zone
6. Identify and address any access requirements

These tasks have been undertaken and are described below.

Item 1 Identify and define the use or development

There will be a mix of future land use activities at EAW, which are not proposed in detail as part of this DEIS. In accordance with Section 3.0 of the NT Planning Scheme, future activities are best defined as 'General Industry'. Other future uses that fit definitions in Section 3.0 may include Transport Terminal, Warehouse, Office and Fuel Depot.

All these defined land uses are discretionary in the DV (Development) Zone.

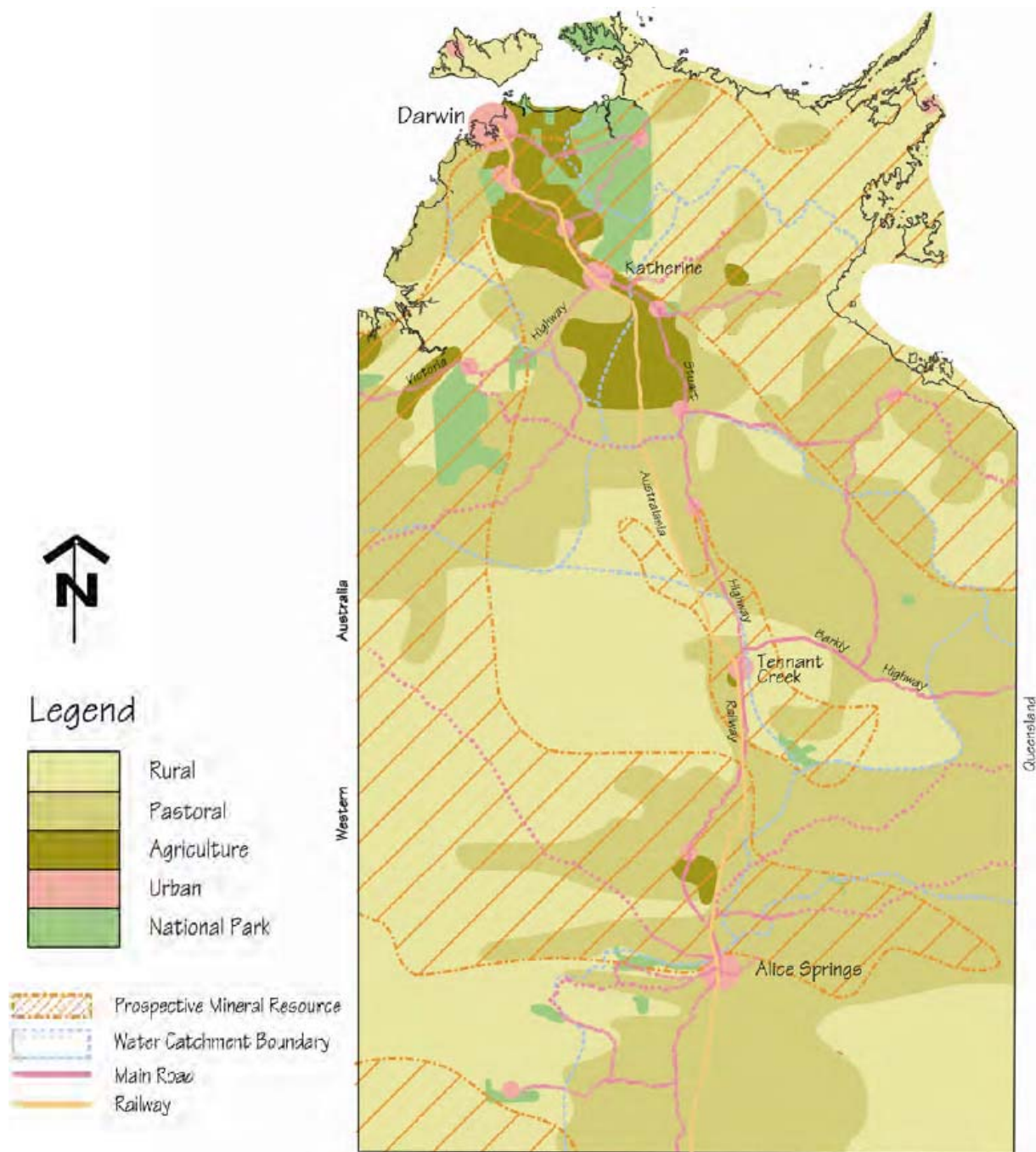
Item 2 Assess if the proposed use is consistent with the planning principles and framework

In the case of the proposed expansion of the EAW, the consent authority (in this case the Minister for Lands and Planning) would need to assess the proposed development against the "planning principles" of both the NT and Darwin Region.

Northern Territory Planning Principles

The Plan extract from the NT Planning Scheme identifies that EAW is located within the 'Urban' Region as identified on Figure 4-3.

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Source: NTG, 2010b

Figure 4-3 NT land-use planning regions

The relevant “planning principles” for this area and an assessment of the compatibility of the proposed EAW expansion works with these principles are described in Table 4-1 below.

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Table 4-1 Assessment of proposed development against NT planning principles

Planning Principles	Assessment of Compatibility
The administration of this Planning Scheme in the NT is to:	
(a) contribute to a built, rural and natural environment supporting the diverse lifestyle and the social, cultural and economic development of the Territory promoting:	The proposal provides for the necessary expansion of the EAW in support of increased trade, industrial output, employment and economic development.
i. safe communities;	The proposal will be designed and managed to provide for a safe working environment.
ii. housing choice;	N/A
iii. public infrastructure including a coordinated, integrated and efficient transport network;	The construction and operation of the proposed development includes an assessment of impacts on the existing transport network and identifies measures (if required) to avoid adverse effects. The proposal includes an extension to the AustralAsia railway line to provide for greater integration and efficiency of harbour operations.
iv. recreational and cultural opportunities;	The site does not include any land based recreational or cultural activities, nor is it identified in the NT Planning Scheme as a preferred location for such activities. The proposal will not adversely impact on marine-based recreation other than anticipated in the EAW Masterplan 2030 and other strategic documents.
v. commercial, primary production and industrial diversity servicing community needs and export potential; and	The proposal provides for the necessary expansion of the EAW in support of increased trade, industrial output, employment and economic development.
vi. best practice environmental management;	The proposed development has been assessed in detail as part of the EIS process. Environmental Management Plans will be prepared for both the construction and operation of the proposal.
(b) contribute to the sustainable use and development of land and water resources so that the use and development of land is consistent with the principles of sustainable development and avoids pollution and minimises degradation of the environment or over commitment of water resources;	The proposed development has been assessed in detail as part of the EIS process, having regard to both sustainable development and environmental impact.
(c) facilitate the supply of sufficient land for residential, commercial, industrial, recreational, primary production, institutional and other public uses so that the subdivision of land is cost effective, equitable and timely and maximises the value of public and private investment in infrastructure;	The proposal including the reclamation of land for expanded wharf and industrial uses provides for greater capacity and operation at East Arm, maximising existing investment including AustralAsia railway line, road and infrastructure network and other work by the DPC and the LDC.
(d) promote urban/ building design which is climatically	The detailed design of built development will be assessed as part of any future development applications.

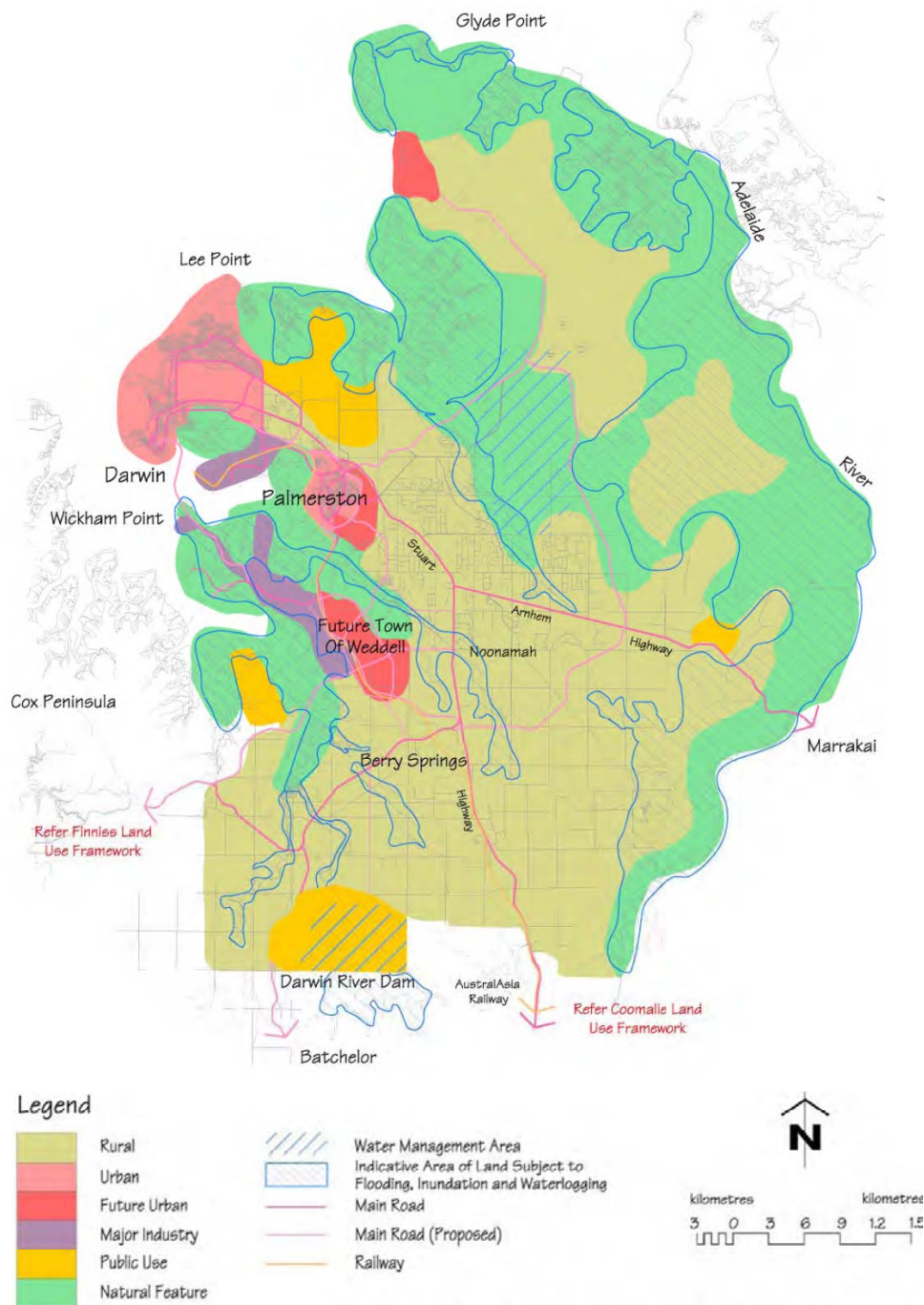
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Planning Principles	Assessment of Compatibility
appropriate, water and energy efficient and contributes to the existing and future character and appearance of an area;	
(e) ensure development does not unreasonably intrude on or compromise the privacy of adjoining residential uses and ensures its own amenity is not compromised in the future;	East Arm is not located within close proximity of residential activities. The general layout of uses across EAW ensures appropriate amenity will be maintained. The detailed design of each precinct will be subject to planning controls to ensure all relevant design, noise, parking, access, lightspill or other amenity criteria are complied with.
(f) assist in the conservation of areas and sites of environmental, cultural or heritage value as identified by Government;	The proposed development has been assessed in detail as part of the EIS process, having regard to both sustainable development and environmental impact.
(g) facilitate the sustainable use of land for primary production so that land particularly suited to agriculture, horticulture and other primary production activities, by reason of the nature of the soils, proximity to adequate water supplies or for other reasons, will be preserved for those activities within the context of competing land uses;	The proposal is located on land zoned DV (Development) in the NT Planning Scheme. The land is not used for primary production purposes, nor will it have any adverse impact on existing primary production.
(h) facilitate the further development of the tourist industry capitalising on the Territory's aesthetic, natural and cultural heritage;	The proposal is located on land zoned DV (Development) in the NT Planning Scheme.
(i) consider flood and storm surge levels associated with floods and cyclones to minimise risk to life and property; and	These matters are studied in detail as part of the EIS process. Appropriate flood and cyclone risk management measures at both the construction and operation stages are therefore considered and mitigation measure adopted, if required. The detailed design of infrastructure and buildings must also meet relevant building code criteria for the Darwin region
(j) value land for its inherent ecosystem functions in protecting native flora, fauna, soil and water resources.	These matters are studied in detail as part of the EIS process. Appropriate management of native flora, fauna, soil and water resources at both construction and operation stages are therefore considered and mitigation measure adopted, if required.

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Darwin Region Planning Principles

The Plan extract from the NT Planning Scheme for the Darwin Region identifies that EAW is located within the 'Major Industry' sub region, and acknowledges provision of a railway and main road within the area. This is shown on Figure 4-4.



Source: NTG, 2010b

Figure 4-4 Darwin land-use planning regions

The relevant “planning principles” for this area and an assessment of the compatibility of the proposed EAW expansion works with these principles is described in Table 4-2.

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Table 4-2 Assessment of proposed development against Darwin planning principles

Planning Principles	Assessment of Compatibility
The administration of this Planning Scheme in relation to the Darwin region is to:	
(a) provide for orderly and appropriate expansion of development in the region that:	The proposal provides for the orderly and appropriate expansion of the EAW as sought by both commercial operators and the NTG.
i. caters for a growing population consistent with the Darwin Region, Coomalie and Finniss and Cox Peninsula Land Use Frameworks and any area plan in Part 8 applicable in the circumstances;	The Darwin Region Land Use Framework Plan identifies East Arm as an area for major industry. The proposed East Arm expansion works are entirely consistent with the land use aims of the Framework.
ii. recognises the inherent aesthetic and environmental values of the Darwin Harbour; and	The proposed works are located within an established Industrial area of Darwin Harbour. Site specific zoning (DV Zone) primarily seeks the development of major strategic industries including port related industries. In part, EAW has been selected from a strategic viewpoint for industrial development. This is further recognised in the East Arm Masterplan (2030). On this basis, future development will recognise and seek to minimise adverse impact on the inherent aesthetic and environmental values of Darwin Harbour, while delivery the necessary infrastructure to ensure ongoing success and functionality of EAW. A visual impact assessment and environmental assessment (including marine and other ecological impacts) has been undertaken as part of the EAW Environmental Impact Statement.
iii. maximises existing development options including urban infill;	The Darwin Region Land Use Framework Plan identifies East Arm as an area for major industry. The proposed East Arm expansion works are entirely consistent with the land use aims of the Framework, providing other more appropriate land for urban infill developments.
(b) provide, as far as possible, for continuous public access along and to the foreshore from public open space and road reserves;	East Arm is an operational port and intermodal facility. The existing foreshore within its perimeter is not accessibly due to safety and security issues and this is not expected to change as part of any expansion works.

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Item 3 Identify the relevant zone/s for the proposal

The site of the proposed development is located within the DV (Development) Zone as illustrated on the East Arm Zoning Map set out below (refer to Figure 4-1)

In addition within the Project area there are the following additional zoning classifications:

- RW – Railway Zone, which includes the AustralAsia Railway line (plus some adjoining land)
- U - Utilities Zone, which extends across East Arm and provides corridors for future infrastructure as part of the EAW development.

Within the East Arm, but outside the Project Area, there are also the following additional zones:

- RZ - Road Zone, which follows the existing Berrimah Road alignment and a PMZ - Proposed Main Road Zone - that extends outwards from this road near its terminus
- PS – Public Open Space Zone along Campion Road.

Item 4 Assess the proposal against the relevant provisions of the zones and related performance criteria.

Table 4-3 Assessment against Development Zone provisions

Development Zone Provisions	Assessment Comments
1. The primary purpose of Zone DV is to provide for the development of major strategic industries including gas based, road, rail or port related industries.	The proposed expansion works include a number of project elements that will directly support these major strategic industries. The proposal provides the infrastructure to support these major strategic industries.
2. The zone provides for major industrial development that is of strategic importance to the future economic development of the Territory.	The proposed expansion works provide a significant opportunity to ensure that East Arm has capacity for future demand, in particular, mining and other export activities. These will increasingly contribute to the economic development of the Territory and expansion of East Arm is identified as a catalyst in this process.
3. Development is to be assessed having regard to, among other things, the environmental impact and the effect on the surrounding development because of the processes involved, the method of manufacture or the nature of the materials used, produced or stored.	The proposal is the subject of an environmental impact assessment in accordance with relevant Commonwealth and Territory legislation. This assessment addresses all requirements of criterion 3.

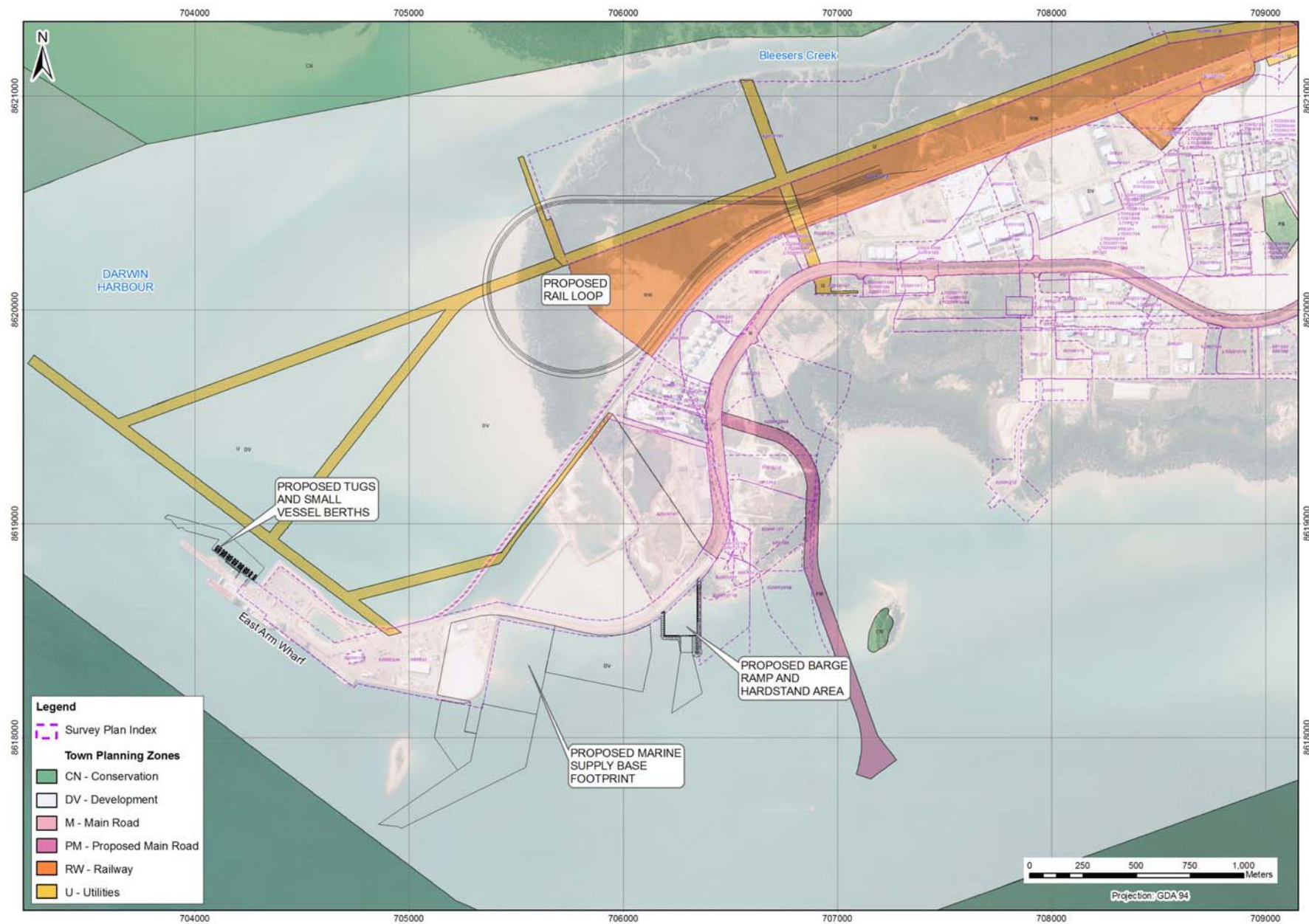


Figure 4-5 EAW planning zones

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The DV Zone table refers to a number of additional clauses as outlined in Table 4-4.

Table 4-4 Assessment against additional Development Zone clauses

Development Zone Provisions	Assessment Comments
Demountable structures require consent.	Noted. All demountable structures will be submitted for approval as required. All applications will address performance criteria in Clause 6.8 of the NT Planning Scheme
Clause 6.14 refers to land subject to inundation.	Assessed within this EIS, Chapter 10.
Clause 7.10.2 refers to caravans .	Not applicable.
Clause 11.1.1 refers to subdivision lot sizes in this zone and clause clauses 11.3.1 to 11.3.3 to subdivision design.	Clause 11.1 identifies minimum lot sizes and requirements within the DV Zone. The table to Clause 11.1.1 identifies a minimum site area requirement of 1225m ² (for industrial subdivision).
Clause 13.5 refers to the erection of mobile telecommunication structures	Noted. No mobile telecommunication structures are currently proposed. Any future structures including demountable structures will be submitted for approval as required. All applications will address the performance criteria in Clause 13.5 of the NT Planning Scheme

Additional NT Planning Scheme Performance

- Clause 6.1 (2) identifies that the General Height Control clause does not apply to proposals within the DV Zone
- Clause 6.11 (2) identifies that the Garages and Sheds performance criteria does not apply to proposals within the DV Zone.
- Clause 8.1 identifies that the net floor area of shop in a DV is not to exceed 200m²
- Clause 9.1.1 identifies setback requirements for buildings within the DV Zone.

It is considered that the proposed development is consistent with the existing industrialised character of the Port of Darwin and is therefore deemed to be appropriate for the locality.

Item 5 Assess the proposal against site specific Area Plans in support of a zone

The East Arm Control Plan (1998) has been superseded by the NT Planning Scheme. There are no other Area Plans relevant to the assessment of the EAW.

Item 6 Identify and address any access requirements

In addition to the Development Zone (DV), there are two other zones of relevance within the project area being the Railway Zone (RW) and the Utilities Zone (U). The main objectives of both these zones are described below:-

Railway Zone (RW)

The main objective of the Railway Zone is to ensure that the use and development of the railway corridor within East Arm does not constrain the safe and efficient operation of the railway. The use and development of the corridor and additional land is to be undertaken in accordance with Section 8 of the *AustralAsia Railway (Special Provisions) Act*.

4 Land-use

Utilities Zone (U)

The main objective of the Utilities Zone (U), is to ensure that the use or development of land located does not prejudice the future development of the utility. Land located within this zone may be used or developed for a utility in accordance with the requirements of the Agency or service authority responsible for the utility on the land without consent. Land in the Utilities Zone may be used or developed other than for a utility only with consent and in accordance with the requirements of the Agency or service authority responsible for the utility on the land.

Note: A utility may include trunk sewers, sewerage ponds, trunk water mains, water storage facilities, electricity transmission and substation facilities, gas pipelines and the like.

4.4 Additional Approvals Associated with the Proposed Development

It is recognised that the construction, development or operation of future activities (i.e. the Marine Supply Base) within the EAW precinct will likely require additional approval(s) under the NT Planning Act, i.e. future development will require a separate application and permission pursuant to the planning legislation and assessment processes.

As yet, a construction programme and delivery strategy, along with an application submission programme, has not been determined, and will depend on the nature and scale of developments that may be attracted to the EAW in the future.

4 Land-use

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