

# Statement of Reasons

## **LANDBRIDGE HOTEL PROPERTIES PTY LTD – LANDBRIDGE DARWIN LUXURY HOTEL - SKYBRIDGE**

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### **PROPOSAL**

Landbridge Hotel Properties Pty Ltd (the Proponent), submitted the Notice of Intent for the Landbridge Darwin Luxury Hotel – Skybridge (the Proposal) to the Northern Territory Environment Protection Authority (NT EPA) on 21 March 2018 for consideration under the *Environmental Assessment Act* (EA Act).

The Proposal includes the construction of a pedestrian bridge that joins the proposed Darwin Luxury Hotel to the Darwin Central Business District via Kitchener Drive and Hughes Avenue. The proposed Skybridge would be constructed from the top of the escarpment immediately east of Government House. The escarpment is approximately 18 m high and relatively steep. The Skybridge would be approximately 245 m long, 4 m wide with five pillars up to 33 m high. A lift tower is proposed to be constructed at the intersection of Hughes Avenue and Kitchener Drive.

The alignment of the Skybridge follows Hughes Avenue along the western edge of the road reserve. Hughes Avenue would be converted to a one-way road with the Skybridge pillars along the north western part of the road and flanked by a footpath and cycle path. Stockpiles and laydown areas would be located within the Darwin Luxury Hotel site boundary or along Hughes Avenue. Construction is expected to take 12 months over which time Hughes Avenue would be closed to public traffic. The Skybridge is planned to be operational by February 2020.

### **CONSULTATION**

The Notice of Intent has been reviewed as a notification under the EA Act in consultation with Northern Territory Government (NTG) advisory bodies (see Attachment A) and the responsible Minister, in accordance with clause 8(1) of the Environmental Assessment Administrative Procedures.

### **JUSTIFICATION**

The Notice of Intent was assessed against the NT EPA's environmental factors and objectives.

#### **1. Terrestrial flora and fauna**

Objective: Protect the NT's flora and fauna so that biological diversity and ecological integrity are maintained.

Coastal vine-forest adjacent to the Proposal provides foraging and roosting habitat for many fauna species, in particular frugivorous birds. Maintaining a network of vine-forest patches within the local area is necessary to support ecological processes such as pollination and seed dispersal.

The site provides suitable habitat for a number of threatened fauna species and a diverse number of plant species. Recent surveys of the site have not recorded any threatened species, however given the connectivity to other habitat there is potential for threatened fauna to use the

site occasionally. The site is not considered likely to provide important or critical habitat for flora and fauna and the residual impact to threatened species is considered insignificant.

The Proponent has committed to providing mitigation measures, including weed management and restricting vehicle access, in the Construction Environmental Management Plan (CEMP). The NT EPA recommends the CEMP provides mitigation measures for managing dust and physical disturbance to roots to ensure the residual impacts to coastal vine forest remains low.

The NT EPA is satisfied that potential impacts and risks to significant and sensitive vegetation types will be mitigated through measures contained within the CEMP so that its objective for terrestrial flora and fauna is likely to be met.

## 2. Terrestrial environmental quality

Objective: Maintain the quality of land and soils so that environmental values are protected.

The Fort Hill site and adjacent land were modified and heavily disturbed historically. The site has been used for a range of activities which have contaminated soils on and adjacent to the site. The Proponent has identified the following contaminants in soils and/or groundwater during a site contamination assessment:

- elevated levels of zinc, arsenic, copper, lead and benzo(a)pyrene
- asbestos
- hydrocarbons
- heavy metals
- perfluoro-octanesulfonic acid (PFOS) or perfluoro-octanoic acid (PFOA)
- sulfate and chloride
- boron.

The Proponent acknowledges that the site would require remediation and/or management to ensure that it is suitable for the intended land use. To manage the risk, the Proponent has committed to preparing a combined site Environmental Management Plan (EMP) which sets out the actions for remediating contaminated land and additional investigations associated with the Skybridge and Landbridge Hotel sites.

Material contaminated with per- and polyfluoroalkyl substances (PFAS) has been identified on the Fort Hill site and there is potential for PFAS to occur within the Proposal footprint. Given the potential to disturb PFAS contaminated material, the NT EPA recommends that the EMP include a detailed plan outlining the procedures and triggers for the disposal or treatment of PFAS contaminated material. The NT EPA recommends the EMP specify the requirement for a licensed waste contractor under the *Waste Management and Pollution Control Act* for any collection, transport, storage or disposal of listed wastes.

The NT EPA recommends that the EMP is prepared by a suitably qualified contaminated sites consultant and include management and tracking of excavated material and appropriate disposal. The NT EPA requires that the EMP be reviewed and endorsed by a certified contaminated site auditor prior to any ground disturbance occurring. The NT EPA is satisfied, with the implementation of the endorsed EMP, that the potential risks and impacts associated with the disturbance of contaminated soils for the Skybridge can be avoided/managed.

Acid Sulphate Soils (ASS) were identified during geotechnical investigations for the Landbridge Hotel and are also likely to occur at the southern/western terminal of the Skybridge. Excavation activities associated with the Skybridge/Landbridge Hotel may expose ASS to air resulting in the oxidation of sulphides and the release of acidic leachate. If acidic leachate is not managed

appropriately, there is potential for impacts to receiving waters and associated ecosystems. To manage the risk, the Proponent has committed to preparing a detailed Acid Sulfate Soil Management Plan.

The NT EPA recommends that the Acid Sulfate Soil Management Plan be prepared by a Certified Professional Soil Scientist with Soil Science Australia and in accordance with the Queensland Acid Sulfate Soil Technical Manual. The Acid Sulfate Management Plan should include (but not be limited to) measures to detect ASS based on Chromium Reducible Sulfur soil testing and identify specific treatment measures in the event that ASS is disturbed.

Provided the appropriate plans are prepared and implemented, the NT EPA is satisfied that the Proposal is likely to meet its objective for terrestrial environmental quality.

### 3. Social, economic and cultural surroundings

Objective: Protect the rich social, economic, cultural and heritage values of the Northern Territory.

#### *Cultural heritage*

The proposal is situated within/adjacent to two sites currently declared heritage places on the Northern Territory Heritage Register. In particular, the Skybridge would be constructed along Hughes Avenue and along the boundary of Government House. Hughes Avenue has been listed on the Heritage Register for the following heritage values<sup>1</sup>:

*“Hughes Avenue incorporating the lime kiln walk is historically significant as one of the first roadways established in Darwin. During the early years of the settlement, Hughes Avenue and the lime kiln walk served as the main pedestrian and transport corridors between Goyder’s camp and the port below and the town of Palmerston with newly established Government buildings on the escarpment on the plateau above. The Hughes Avenue alignment was used to transport goods from the jetty area to the growing city above until completion of the Stokes Hill wharf in 1887. The current alignment of Hughes Avenue is virtually identical to that established by Goyder in 1867. Beginning opposite the Courthouse and Police Station at the end of Smith Street, the descent along Hughes Avenue provides views of Government House on the hill above and vistas of the port and harbour below. These views provide an insight into the daily activity and vistas experienced by Goyder and the first Europeans who landed in Port Darwin.”*

The Government House Statement of Heritage Value is as follows<sup>2</sup>:

*“Government House was constructed in 1871 and is the earliest and most significant government building in the Northern Territory. It is associated with the formal representation of the South Australian colonial administration and subsequent forms of government in the Northern Territory. The heritage values of the place relate to the location and stone construction of Government House which has symbolic representation of the power of the colonial government, and the subsequent vice-regal function. The building served as the focal point of social and government development in the Northern Territory.”*

The alignment of the Skybridge is proposed along the western boundary of Hughes Avenue where it borders the south eastern boundary of Government House. Consultation with the Department of Tourism and Culture (Heritage Branch) has identified that the Skybridge will have potential impacts on archaeological resources and the views to and from Government

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<sup>1</sup> Northern Territory Heritage Register, Site details:

[http://www.ntlis.nt.gov.au/heritageregister/f?p=103:302:3865368490206229::NO::P302\\_SITE\\_ID:40059](http://www.ntlis.nt.gov.au/heritageregister/f?p=103:302:3865368490206229::NO::P302_SITE_ID:40059)

<sup>2</sup> Northern Territory Heritage Register, Site details:

[http://www.ntlis.nt.gov.au/heritageregister/f?p=103:302:3865368490206229::NO::P302\\_SITE\\_ID:35](http://www.ntlis.nt.gov.au/heritageregister/f?p=103:302:3865368490206229::NO::P302_SITE_ID:35)

House. The Heritage Branch has recommended that potential impacts be managed through a Cultural Heritage Management Plan (CHMP). The CHMP would be subject to approval by the Heritage Branch prior to the commencement of works.

The NT EPA considers that the preparation and implementation of a CHMP to the satisfaction of the Heritage Branch is adequate to mitigate the potential impacts of the Proposal on the cultural heritage values of Government House and Hughes Avenue. The NT EPA is satisfied that the Proposal is likely to meet its objectives for social, economic and cultural surroundings.

## Conclusion

The NT EPA considers that implementation of the proposal is unlikely to result in significant environmental impacts due to the relatively small footprint of the proposal and impacts to the environmental values that can be adequately managed by measures outlined in the NOI. The NT EPA recommends additional mitigation measures to be included in the CEMP to manage potential impacts to significant and sensitive vegetation.

The Proponent has committed to managing contaminated land and Acid Sulfate Soils in accordance with an EMP prepared for the Skybridge and Landbridge Luxury Hotel. Provided the EMP is prepared by a qualified person and reviewed by a certified auditor, the potential impacts and risks from contaminated land can be managed.

The potential impacts and risks from the Proposal to cultural heritage items /places would be managed through the implementation of a CHMP. The CHMP would need to be prepared in consultation with and approved by the Heritage Branch.

The NT EPA considers that the potential environmental impacts and risks associated with the proposal are not significant and therefore it does not require assessment under the EA Act.

Comments from NTG advisory bodies have been provided to the Proponent and the NT EPA has provided recommendations to the Proponent and the Development Consent Authority to ensure that potential impacts on the environment are minimised and responsibilities under legislation can be met.

## DECISION

The proposed action, which was referred to the NT EPA by Landbridge Hotel Properties Pty Ltd, has been examined by the NT EPA and preliminary investigations and inquiries conducted. The NT EPA has decided that the potential environmental impacts and risks of the proposed action are not so significant as to warrant environmental impact assessment by the NT EPA under provisions of the *Environmental Assessment Act*. However, the proposed action will require assessment and approvals under the *Planning Act* to ensure the environmental issues associated with the proposed action are effectively managed.

This decision is made in accordance with clause 8(2) of Environmental Assessment Administrative Procedures, and subject to clause 14A the administrative procedures are at an end with respect to the proposed action.



DR PAUL VOGEL

CHAIRMAN

NORTHERN TERRITORY ENVIRONMENT PROTECTION AUTHORITY

29 MAY 2018

**Attachment A: Northern Territory Government Advisory bodies consulted on the Notice of Intent**

<b>Department</b>	<b>Division</b>
Department of Environment and Natural Resources	Flora and Fauna Water Resources Weeds Environment Bushfires NT Rangelands
Department of Infrastructure, Planning and Logistics	Lands Planning Infrastructure Transport
Department of Primary Industry and Resources	Fisheries Mining Compliance Petroleum Primary Industry
Department of Tourism and Culture	Heritage Tourism NT Arts and Museums Parks and Wildlife
NT Police, Fire and Emergency Services	Business Improvement and Planning
Department of Health	Environmental Health Medical Entomology
Department of Trade, Business and Innovation	Economics and Policy Strategic Policy and Research
Department of Housing and Community Development	Maintenance Planning Housing supply
Power and Water Corporation	
Aboriginal Areas Protection Authority	Technical
Department of the Attorney-General and Justice	Commercial Division NT Worksafe
Land Development Corporation	
Department of the Chief Minister	Economic and Environmental Policy