

# Statement of Reasons

**DOVER INVESTMENTS PTY LTD –**

**THE GROVES: BAYVIEW RESIDENTIAL DEVELOPMENT**

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## PROJECT

Dover Investments Pty Ltd (the Proponent) is proposing the Groves Bayview Residential Development (the Project), an extension of the existing Bayview Haven Canal Estate, located five kilometres from the Darwin Central Business District between Tiger Brennan Drive and Sadgroves Creek.

The Proponent has submitted the Project as two separate Notices of Intent. The first NOI is for the residential precinct, and the second NOI describes the access road joining the residential precinct to Tiger Brennan Drive. The NT EPA considers the two components as a single project.

The proposed development footprint of 19.3 hectares (ha) currently consists of 13.8 ha of mangrove forest, zoned for future development; and 5.5 ha from undeveloped areas of the Bayview Haven Canal Estate, including 0.7 ha of coastal monsoon vine-thicket within the site of O'Ferrals Rock. Future development zoning represents an interim zone identifying an area intended for future rezoning and development in accordance with an Area Plan. An Area Plan is yet to apply to the new footprint areas. The Proponent proposes re-zoning of the new sites as a combination of:

- Medium Density residential;
- High Density Residential;
- Public Open Space;
- Conservation; and
- Organised Recreation.

The Project is proposed to:

- House up to 1,100 dwellings equating to a population of 2,500.
- Be based around a single north-south aligned boulevard approximately 1 km long, consisting of:
  - Western side of the boulevard with multiple dwelling townhouse developments, two storeys high, ranging in size from two to five units per site;
  - Eastern side of the boulevard with medium density apartments ranging from two to four storeys high in the centre; and high density apartments ranging from six to eight storeys high positioned at the northern and southern ends.
- Extend the existing Bayview area perimeter walkways and sea wall around the new development area;
- Conserve O'Ferrals Rock as a cultural and heritage park and link with open space corridors around the eastern and southern boundaries of the development;
- Potentially include jetties, a restaurant, and a mangrove experience boardwalk in the southern mangrove area;
- Be linked to Tiger Brennan Drive via a new access road; and
- Extend Bayview Haven to abut Sadgroves Creek, also representing the western border of Charles Darwin National Park.

Based on the experience of constructing the existing Bayview Haven Canal Estate, the Proponent has limited the current development footprint to areas where the mud depths do not exceed 3-4 metres. The proponent proposes that 51.8 ha of unused remaining future development - zoned

areas to the east and south of Bayview Haven will be 'handed back' to revert to Conservation zoning. These areas contain approximately 32.5 ha of mangrove and intertidal habitat. The area would provide a buffer between both the existing and proposed development and the marine environment within Sadgroves Creek and downstream Frances Bay. Mangrove-lined Sadgroves Creek progressively opens into Frances Bay one km downstream from the Project, and Darwin Harbour.

## DECISION

The Northern Territory Environment Protection Authority considers that there is a risk of significant impact to the environment from the Project and a number of risks cannot be adequately characterised without further studies and a more comprehensive assessment. Therefore, the proposal requires assessment under the *Environmental Assessment Act* (EA Act) at the level of an Environmental Impact Statement (EIS).

## JUSTIFICATION

A review of the Notice of Intent (NOI) identified the following issues with regard to the proposed Groves - Bayview Residential Development:

- **Proximity to biting insects**

Location of the Project is well inside the guideline 1.6 km buffer distance recommended by Medical Entomology Branch of the NT Department of Health for location of residential areas away from areas of extensive tidal mangroves, sources of high levels of mosquito and pest biting-midge breeding.

Development within this area would predictably lead to high exposure of future residents of the Project to nuisance biting midges.

- **Clearing of vegetation of conservation significance**

Mangrove vegetation (and monsoon vine thicket) is considered to be a sensitive / significant vegetation type, due to its high biodiversity values and conservation significance (NT Land Clearing Guidelines 2010). Mangrove habitats represent areas of high primary productivity, biodiversity and value to local food webs. Mangroves act as fish and mollusc nurseries underpinning local recreational and commercial fisheries, and foraging habitat for bird, reptile and aquatic species, a number of these being of conservation significance.

The location of the proposed footprint abutting the Charles Darwin National Park and sharing Sadgroves Creek increases the importance of the development containing its environmental impacts, protecting the integrity of adjacent mangrove areas and not reducing environmental values of the National Park, such as through contaminated run-off, sedimentation, litter, noise, loss of creek water quality or edge-effects.

Justification is required why the development should be allowed to proceed at the cost of losing ecologically valuable habitats, when/if other terrestrial allotments could be used instead, without such high loss of ecological values.

- **Acid Sulfate Soils**

The proposed footprint presents a high risk of exposure of Acid Sulfate Soils, and associated ecological impacts if the disturbance were not appropriately managed. Sensitive receptors include local intertidal and marine ecosystems, water quality in Sadgroves Creek and Darwin Harbour, and concrete infrastructure. Death of mangrove forests could lead to odour problems for local residents.

Proposed management of Potential Acid Sulfate Soils, mapped as being present across the development footprint, should be thoroughly accounted for prior to any approval being granted, and monitored during construction.

- **Environmental Management**

A detailed Environmental Management Plan is required to address risks associated with:

- Erosion and Sediment Control;
- Weeds – correct identification and management
- Water quality and ecological communities – monitoring and protection;

- **Traffic**

A traffic impact assessment is fundamental to the nature of the proposal, but is not provided. Proper consideration of construction traffic, vehicular and pedestrian ingress and egress, access for emergency services and public transport and local road interconnectivity with existing road networks are all matters that inform the strategic viability of the proposal.

- **Archaeology**

No archaeological surveys have been undertaken so far for the areas proposed for this development. During archaeological surveys for the initial stages of the Bayview Haven Canal Estate in the early 1990s, numerous Aboriginal shell middens were located amongst the mangroves. The majority of Aboriginal shell middens in the Darwin Harbour area that have been dated have been older than 500 years and one of the Bayview Haven middens produced a date of between 1400 and 900 years old. Even though shell middens are fairly common within the mangroves of Darwin Harbour, they are still protected by the *Heritage Act*.

Management of the O'Ferrals Rock site, and a known Aboriginal shell midden on its southern edge needs further definition to demonstrate that the site's conservation values, including adjoining coastal monsoon vine thicket, will be protected.

- **Darwin Housing shortage**

Shortage of residential properties in the Darwin area to satisfy current demand applies an abstract pressure on the region to continue to open up new areas for construction of new premises. The proposed development of up to 1,100 new dwellings, able to house an approximate population of 2,500, would assist in meeting Darwin housing needs, and represents a benefit from the proposal.

Further assessment of the Groves – Bayview Residential Development is considered necessary to provide justification for the proposal in light of the potential impacts described above and to ensure environmental, social, heritage, traffic and human health impacts will be avoided or minimised to the greatest extent practicable. A formal assessment process would provide public transparency to the assessment, which is appropriate given the potential impacts on public assets including Charles Darwin National Park, Sadgroves Creek and recreational fisheries in Darwin Harbour.

## CONSULTATION

On 17 September 2013 in accordance with the Environmental Assessment Administrative Procedures, the NOI was circulated to Northern Territory Government advisory agencies that have administrative responsibilities relating to this action. Comments were received from:

- Pollution Control - Northern Territory Environment Protection Authority;
- Aboriginal Areas Protection Authority;
- Environmental Health Branch / Department of Health;
- Department of Land Resource Management;
- Heritage Branch\_ Strategic Lands Planning \_ Land Administration / Department of Lands, Planning and the Environment;
- Medical Entomology / Centre for Disease Control / Health Protection Division / Department of Health;
- Department of Primary Industry and Fisheries; and
- Museum and Art Gallery of the Northern Territory/ Department of Arts and Museums.

The Proponent does not anticipate the Project to impact on matters of National Environmental Significance as regulated under the Australian *Environment Protection and Biodiversity*

Conservation Act 1999. However, due to the nature of the project and its close proximity to the marine environment, the Proponent proposes to submit a referral for consideration under the Act to the Australian Government Department of the Environment.



DR BILL FREELAND

CHAIR

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NORTHERN TERRITORY ENVIRONMENT PROTECTION AUTHORITY

15 NOVEMBER 2013