



NORTHERN TERRITORY
**PLANNING
COMMISSION**

REPORT TO THE MINISTER

Prepared pursuant to Section 12B of the *Planning Act 1999*

The Lloyd Creek Rural Village Area Plan proposal

A handwritten signature in blue ink, appearing to read 'Dr David Ritchie'.

Dr David Ritchie

Chairman
NT Planning Commission

8/11/24

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1 Purpose

This advice has been prepared to assist the Minister's consideration of the request to amend the NT Planning Scheme to include the Lloyd Creek Rural Village Area Plan. Specifically, this advice covers the matters the Minister is required to consider by section 13(1) of the *Planning Act*, which include:

- whether the proposed amendment promotes the purpose and objectives of this Act,
- the merits of the proposed amendment and whether the amendment is in the public interest.

2 Introduction

Strategic Plans included in the NT Planning Scheme are normally prepared by the Planning Commission. The *Planning Act* also has a provision for 'a person or body' to request that the Minister amend the Scheme (the relevant parts of the *Planning Act* are outlined in Appendix 1).

On 22 July 2024, the former Minister for Infrastructure, Planning and Logistics wrote to the Chairman of the Planning Commission to advise that a proposal had been received 'to amend Part 2 (the strategic framework) of the NT Planning Scheme to include the Lloyd Creek Rural Village Area Plan (the Plan)'. The proposed new Plan would apply to 2,614 hectares within the locality of Lloyd Creek which is a 48km drive to the south-east of Darwin city (Figure 1) and owned by Koolpinyah Station Pty Ltd and Norama Enterprises Incorporated.

The Minister sought advice from the Planning Commission on the strategic planning implications of the proposal and in particular, the implications of the proposal for the relevant Regional and Subregional Plans applying to the area.

This advice outlines the context behind the current proposal in order to answer the questions:

- What are the strategic planning implications of the proposal?
- What are the implications of the proposal for the Regional and Subregional Plans applying to the area?

3 Context of the Lloyd Creek/Noonamah Ridge proposal

In 2014, the landowner, Mr Laurence Ah Toy and the developer Intrapac Property, lodged a proposal to develop what they termed the 'Noonamah Ridge Estate', on the Lloyd Creek site. Because of its scale, complexity, and the opposition by existing rural residents to the proposal, the then Minister referred the proposal to the Planning Commission for review as a significant development proposal. The Commission's review culminated in:

- The Planning Commission developing the new Darwin Regional Land Use Plan and the Litchfield Subregional Land Use Plan, and these plans identifying Noonamah Ridge as having potential to accommodate urban and peri-urban development on private land.
- The proponent submitting a proposed planning scheme amendment, designed to accommodate the proposal, being released for public consultation in 2016 (Figure 1).

The public consultation on the proposed planning scheme amendment confirmed strong opposition to the proposal from rural residents. No decision was made on the amendment before the government changed in August 2016 and the proposed amendment lapsed.

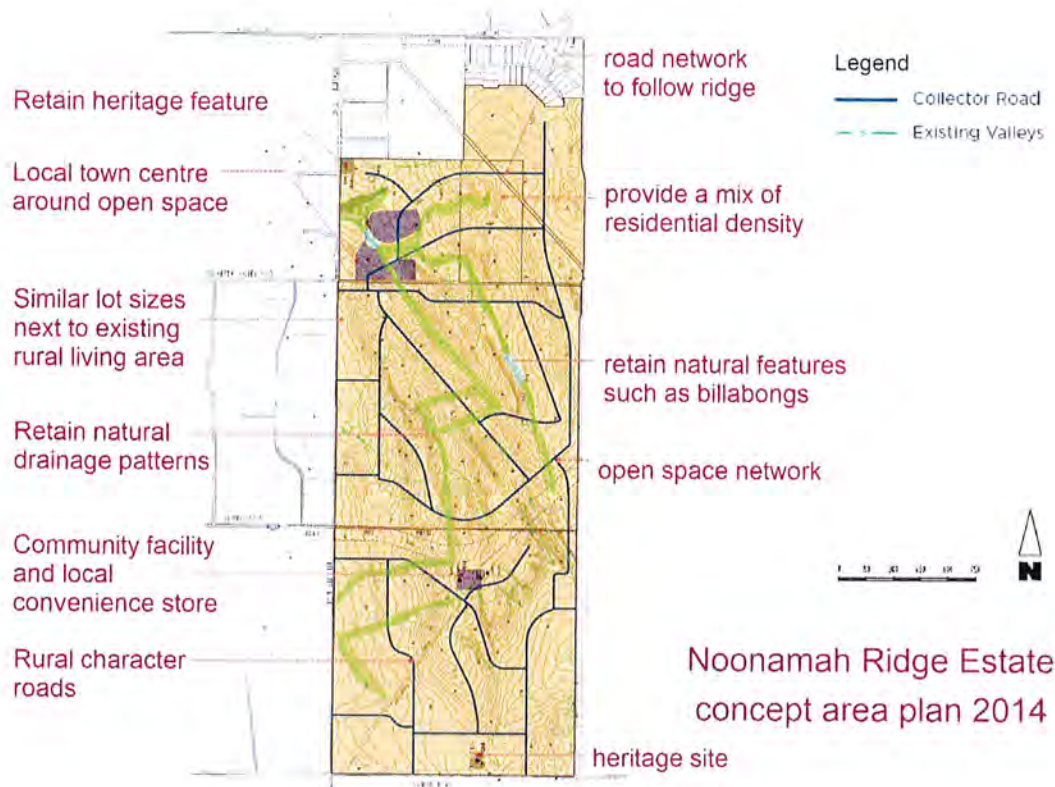


Figure 1 - Noonamah Ridge draft planning scheme amendment

In 2019, Elton Consulting on behalf of Intrapac Property, lodged a new application to up-zone the site from Zone RL (Rural Living) and Zone R (Rural) to a Specific Use zone. The proponents sought the Specific Use zone as a way of visibly locking in government support for their proposal before they committed resources to the detailed studies necessary to demonstrate the commercial viability of the project.

The rezoning proposal was placed on public exhibition and the Planning Commission held a public hearing in accordance with the requirements of the *Planning Act 1999*. The proposed rezoning was strongly opposed by residents of the Litchfield municipality and the Litchfield Council on grounds that included:

- The rezoning is a 'backdoor way' of getting the proposal approved without proper consultation with the affected community.
- The proposal is a long way from existing infrastructure and is likely to need subsidy from taxpayers.
- The development will reduce available groundwater for surrounding rural properties.
- The development will undermine the rural character of the Litchfield region – 'small blocks of 800m² are urban living' and assertions by the proponent that the development is rural in design and nature are misleading.

In addition to the issues raised by the community, Power and Water Corporation submitted that; regardless of how the proposal ends up supplying water to customers, Power and Water will be responsible (under existing legislation) for managing and continuing any reticulated supply. This creates unacceptable risk for Power and Water unless underwritten by government.

On 17 February 2020, the then Minister refused the rezoning application, the reasons for decision were given as:

1. Community concern about this development, including concerns about the impact this development will have on the amenity and lifestyle of those living in Darwin's rural area.

2. The subject land is not within close proximity to current urban/peri-urban growth fronts in the region, which are currently focused around Palmerston and Berrimah, and the proposal will therefore result in 'out of sequence' development.
3. The lack of local and regional infrastructure to support up to 4200 new lots in this location.
4. It is in the public interest to ensure the long-term protection of the underlying ground water resource, and inadequate information is available in regard to how this can be achieved in the context of the development as proposed.

Since that decision, the proponent has undertaken further investigations and a market sounding survey which it argues address, and responds to, the issues raised in the consultation around the rezoning and specified in the Minister's reasons for refusal. This work informs the current proposal.

4 Current proposal - Lloyd Creek Rural Village Area Plan

The proposed plan, now before the Minister, was prepared by Cunnington Rosse Town Planning and Consulting acting for Intrapac Property Pty Ltd. The plan is a revised version of plans exhibited in 2016 and 2019. The current version incorporates changes which the proponent argues are designed to fix problems identified in the course of the public exhibition of these earlier proposals.

The proposed area plan covers an area of 2,614 hectares within the locality of Lloyd Creek on sections 5827, 507, 5758 and 5761 Hundred of Strangways, owned by Koolpinyah Station Pty Ltd and Norama Enterprises Incorporated. The proposed plan envisages a master-planned development of 3,150 'rural amenity' lots between one and two hectares and 50 two hectare lots serviced by two 'rural villages' including 1000 lots of 800m², as well as 8 hectares for retail shopping, 5 hectares for commercial, 3.5 hectares for schools and 235 hectares of public open space.

Figure 2 shows the site boundary and current land use zones.

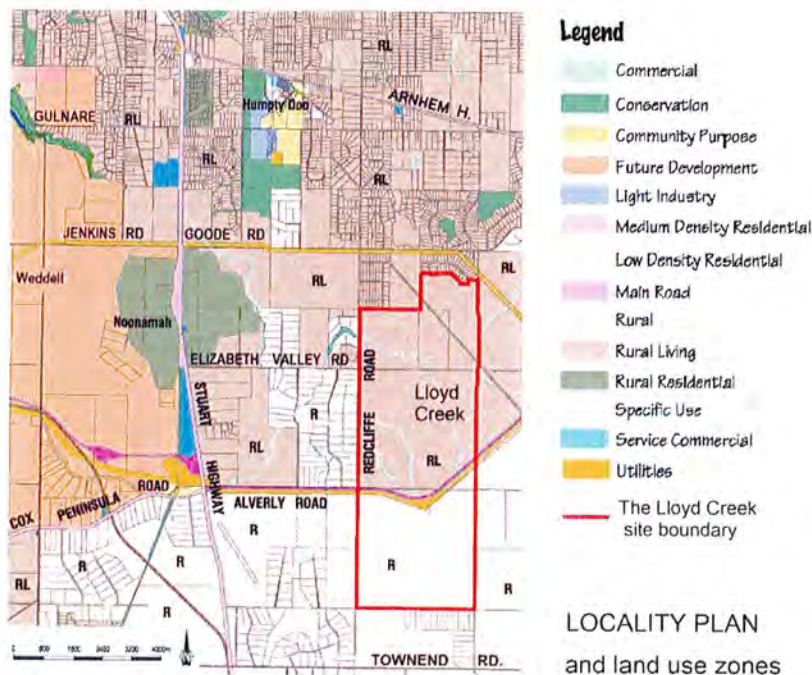


Figure 2 - Locality Plan

The plan states that 'All lots will be connected to reticulated water – with no impact on groundwater. Wastewater treatment provided to each lot to meet NT Department of Health Standards.'

This is a major change from the preceding proposals for Lloyd Creek which the proponent argues responds to community concerns about the likely overuse and/or contamination of the aquifer if the project relies on ground water.

The indicative timeline for the development shows the first stage, commencing in 2026, will be 'lots on the rural fringes of the site that will not rely on services reticulation' and that 'planning for the rural activity centres will commence in 2032' [and that] 'it is expected based on population growth forecasts that reticulated sewer may be a viable option.'

It is acknowledged that existing planning controls over the land currently allow the proponent to develop the northern portion of the site into 2 hectare rural living lots, and the southern portion into 8 hectare rural lots. Neither reticulated water nor sewer is required to achieve this, with an applicant only needing to demonstrate access to groundwater for each proposed lot and suitability of the land to support individual onsite wastewater treatment and disposal.

5 The implications for regional and subregional plans applying to the area

The proposal is consistent with the current Darwin Region Land Use Plan and Litchfield Subregional Land Use Plan which identifies the future land use of the area as urban/peri-urban (see figure 3).

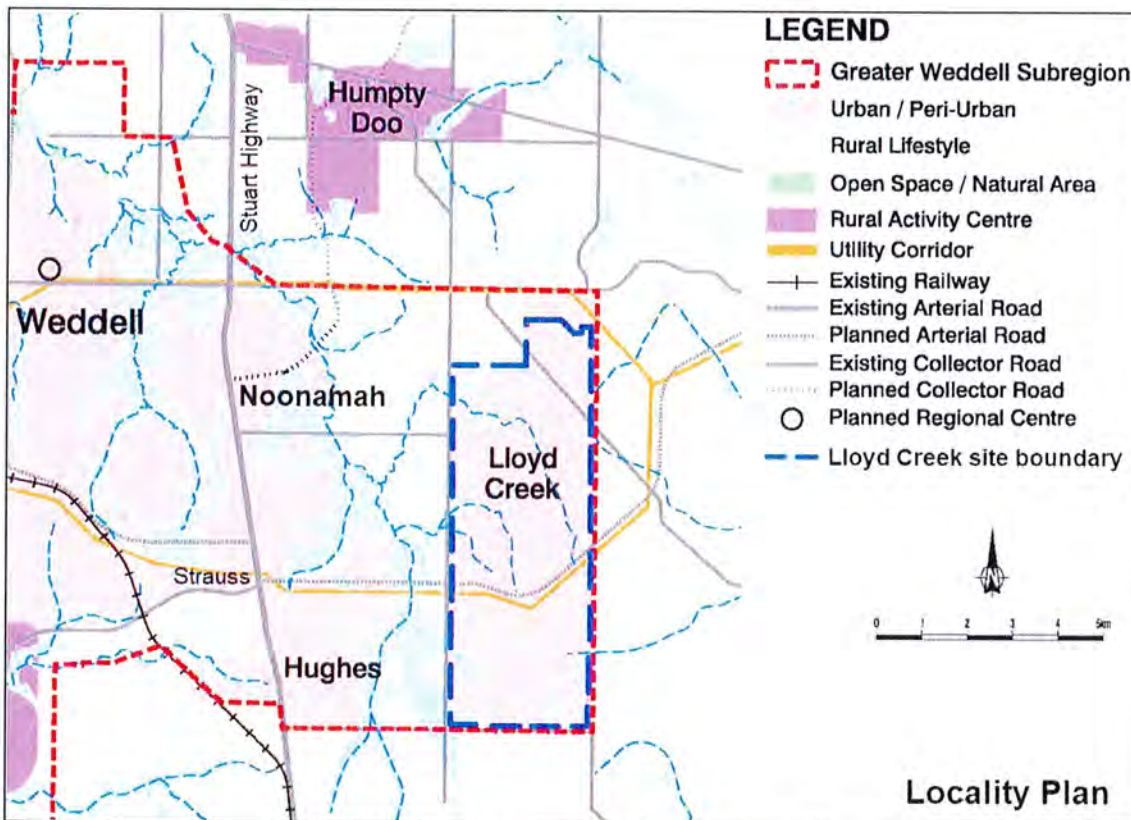


Figure 3 - Current Land Use Structure as it applies to the eastern part of Greater Weddell and the Lloyd Creek site (extract from Litchfield Subregional Land Use Plan)

5.1 Greater Weddell Subregion

The Planning Commission has commenced preparation of a Greater Weddell Subregional Land Use Plan. This plan is focussed on the Middle Arm Sustainable Development Precinct, the future city of Weddell and surrounding areas. The study area for this plan includes the Lloyd Creek area.

The Weddell subregion is currently encompassed within the Litchfield Subregional Land Use Plan. The Greater Weddell Subregional Land Use Plan will be developed by the NT Planning Commission and at this point will replace the relevant parts of the Litchfield Subregional Land Use Plan.

Figure 4 shows the boundary of the Greater Weddell subregion identified by the NT Planning Commission, including the location of Lloyd Creek.

Work to prepare the Greater Weddell Subregional Land Use Plan will include the preparation of a new subregional land use structure, and guidance for future planning and development that responds to subregional needs, opportunities, and constraints of the subregion.

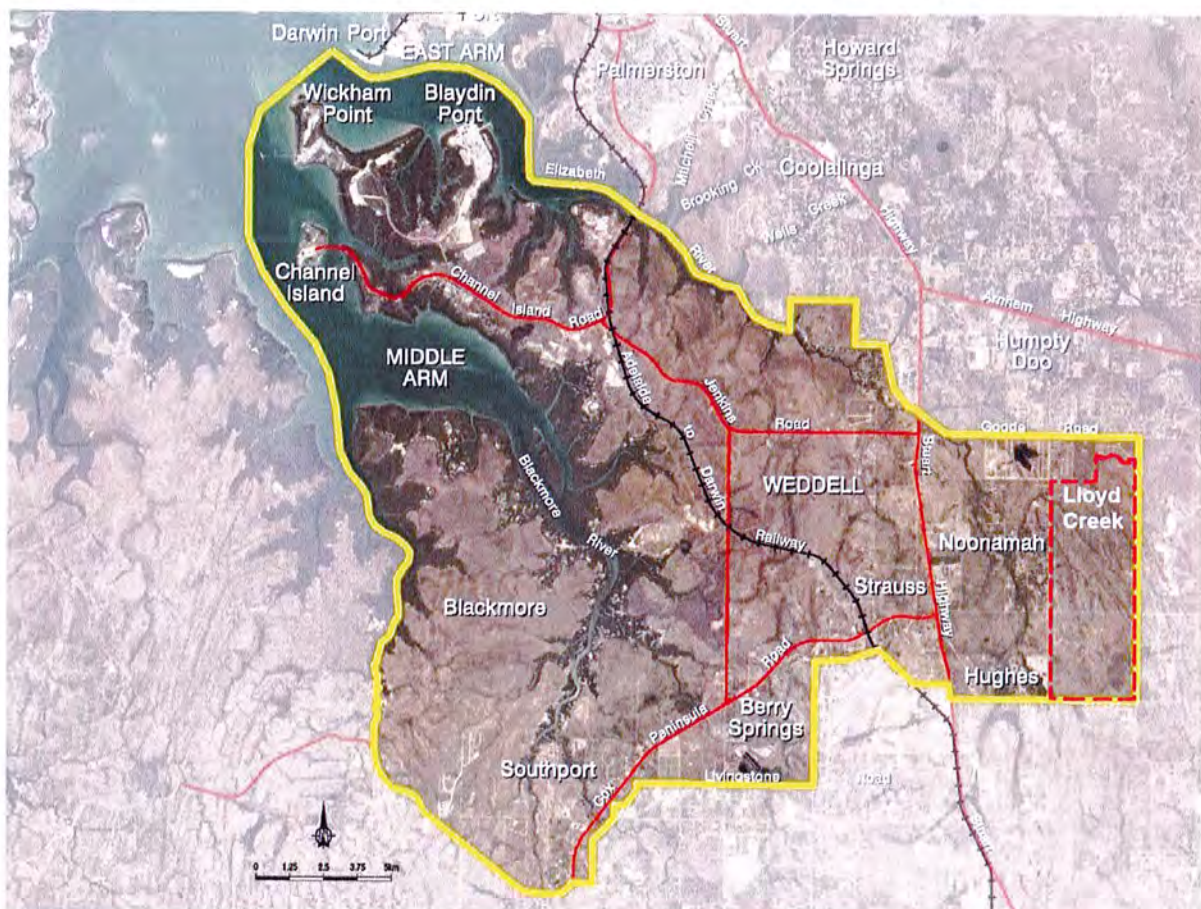


Figure 1 - Boundary of the Greater Weddell subregion and the location of Lloyd Creek

6 Implications for the Strategic Planning Framework

An area plan is the most detailed land use plan within the strategic framework. As such, it needs to be informed by the broader policy and concepts contained in the higher order land use plans.

Area plans are contingent on the availability of enabling infrastructure and will have more detail and be more specific in how the overarching planning principles of the regional and subregional land use plans will apply to the local context of the Area Plan.

The sequential development of land use plans, from regional, through subregional, to area plans, assists government in the planning of trunk infrastructure to service future land release and to meet demand in a sequential and efficient manner.

Proposals for locations where trunk infrastructure is not currently planned are considered to be 'out of sequence'. The Litchfield Subregional Land Use Plan identifies the Lloyd Creek site for urban/peri-urban uses. There is however no trunk infrastructure to support urban/peri-urban services currently. In this sense, the Lloyd Creek site is 'out of sequence'.

The Darwin Regional Land Use Plan predicates that the timing of future development will be influenced by future infrastructure investigations and the preparation of area plans for individual localities. This reinforces the principle that area plans are contingent on the availability of trunk urban services to enable land development.

The inclusion of the Lloyd Creek Area Plan in the Strategic Planning Framework would signal to the proponent (and broader community) that government will provide trunk infrastructure in the locality in the medium term, and give the proponent confidence to invest in the detailed studies required to deliver the project (see sections 6.2 - 6.5 below).

This potential future benefit to the proponent needs to be considered in the context of the broader objectives of government for the cost-effective and efficient provision of public utilities, infrastructure and facilities for the benefit of the broader community. The out-of-sequence inclusion of the Lloyd Creek Area Plan in the Strategic Planning Framework would require a re-design of government's planned and costed delivery of trunk infrastructure, and diversion of government resources to support this development.

6.1 Supporting infrastructure for a reticulated water supply

The absence of sufficient available groundwater and lack of detail about alternatives was one of reasons why earlier versions of this proposal were rejected.

The Commission understands that as yet there is no agreement between the proponents and government about the funding and construction of the trunk infrastructure necessary to support urban/peri-urban land uses in the short to medium term (such as main road connections, water supply and power).

Power and Water Corporation considers the Lloyd Creek development to be out of sequence, meaning infrastructure costs would be the responsibility of the developer. Broad estimates for extending reticulated water from the Strauss Water Treatment Plant to Lloyd Creek, provided to the Commission by the Land Development Unit of the Department of Lands, Planning and Environment, indicate significant investment. The works would include an elevated tank (\$15M), a pump station (\$15M), and a reticulated system (\$10M), all adjacent to the proposed treatment plant. Power and Water Corporation has not started planning for headworks infrastructure, as current estimates suggest this infrastructure will not be required until after 2065.

If the proposed Lloyd Creek Rural Village Area Plan is accepted and becomes part of the Planning Scheme's Strategic Framework before the necessary trunk infrastructure is designed, scheduled and costed, there is a risk to government of pressure to provide main road upgrades and trunk services 'out of sequence' with the more cost-efficient programmed delivery.

The proposed plan does not include details about how and by whom the trunk infrastructure necessary to support this proposal will be delivered including advice on arrangements with Power and Water Corporation on managing and continuing any reticulated supply.

6.2 Wastewater management

The proposed Area Plan states that wastewater management for rural lots will need to be in accordance with the requirements of the Code of Practice for Wastewater Management.

This would defer the consideration of wastewater treatment to detailed design stages either at the time of subdivision/lot creation or in accordance with the building permit stage. This approach is limited to consideration of individual onsite effluent treatment rather than a holistic consideration of cumulative impacts.

Future urban development would rely on expensive, high-maintenance package treatment systems with some potential for unreliability, off-site contamination and high maintenance costs. The Commission understands that government has experienced issues of this nature with a similar wastewater system within the Coolalinga Rural Activity Centre.

6.3 Previous environmental impact assessment (including flora and fauna considerations)

The 2014 Environmental Impact Statement for Noonamah Ridge was prepared by this proponent under previous environment protection legislation and the NT EPA's report and recommendations to government were never acted upon.

Should government want to support this proposal in the short to medium term, the proponent should liaise with the Department of Lands, Planning and Environment to seek advice on whether this current proposal would require referral to the NT EPA.

6.4 Mapping land capability

The proposed plan does not map the land use constraints limiting development of the area, or the open space network, proposed main road network, utilities, and social infrastructure to support the proposed 4,200 homes in the locality.

6.5 Community engagement

Previous proposals for urban/peri-urban development in the Lloyd Creek area have been opposed by the local community. The proponents have responded by commissioning a report on 'community attitudes towards rural development and subdivision'. The report confirmed the results of previous community engagement about this project that 'local residents are likely to be inclined to suspicion' and this must be addressed by 'transparency and demonstrating positive outcomes for existing residents'.

If the Minister agrees to further consider the request to amend the NT Planning Scheme to include the Lloyd Creek Rural Village Area Plan, then the plan must be placed on public exhibition for a minimum of 28 days. At the conclusion of the exhibition period the Commission would conduct a public hearing and prepare a report to the Minister on issues raised in the course of that process, to inform the Minister's final determination.

6.6 Realisation of development under the Area Plan

The applicant has identified a time horizon of 30 years to fully realise development of the site through the proposed area plan. This includes the staged subdivision of residential lots at a range of sizes and the development of two rural activity centres. The above themes identify where further work and investment is required prior to the titling of urban-sized lots.

7 Conclusion

The proposed plan, now before the Minister, is the vision of Mr Laurence Ah Toy who as owner of Koolpinyah Station Pty Ltd and Norama Enterprises has a demonstrated capacity to successfully undertake land developments in this area.

The proposed plan is a revised version of plans exhibited in 2016 and 2019. The current version incorporates changes designed to fix problems identified in the course of the public exhibition of these earlier proposals. Specifically, the proponent argues the proposal responds to community concerns about the likely overuse and/or contamination of the aquifer.

The proposal is consistent with the current Darwin Regional Land Use Plan and Litchfield Subregional Land Use Plan.

Normally, area plans are contingent on the availability of enabling infrastructure. The Litchfield Subregional Plan identifies Lloyd Creek for urban and peri-urban development, and this requires reticulated water and sewerage.

The Commission understands that there is no agreement between the proponents and government about the funding and construction of the trunk infrastructure necessary to support urban/peri-urban land uses in the short to medium-term. The Commission has been advised that the estimated cost for extending reticulated water from the Strauss Water Treatment Plant to Lloyd Creek is \$40 million. Power and Water Corporation has not started planning for this headworks infrastructure, as current estimates suggest this infrastructure will not be required until after 2065.

If the proposed Lloyd Creek Rural Village Area Plan is accepted and becomes part of the Planning Scheme's Strategic Framework before the necessary trunk infrastructure is designed, scheduled and costed, there is a risk to government of pressure to provide trunk services 'out of sequence' with (more cost-efficient) programmed delivery.

Appendix 1 - Legislative Context

Requesting a planning scheme amendment

Under section 12A(1) of the *Planning Act 1999* (the Act), a person or body may request the Minister to amend a planning scheme; and section 12A(2) instructs that the request must include:

- (a) an explanation and
- (b) the purpose of the proposed amendment, and
- (c) an assessment of the proposal against the matters at section 13(1) along with
- (d) details of any community consultation.

The proposed amendment, as submitted, is broadly complete in terms of these requirements, but shortfalls under section 13(1)(a), *whether the proposed amendment promotes the purpose and objectives of this Act*, are discussed within the report.

Requesting the views of the Planning Commission

As stated at section 6A(2) of the Act, the functions of the Planning Commission relate primarily to developing strategic planning for the Territory, maintaining the NT Planning Scheme, and to assist the Minister in carrying out the purpose and objectives of the Act.

The purpose and objectives of the Act are given at section 2A, which include:

- (b) to ensure that strategic planning reflects the wishes and needs of the community;
- (c) to ensure that appropriate public consultation and input are included in the formulation of planning schemes and the making of decisions under planning schemes;
- (e) to promote the sustainable development of land;
- (f) to promote the responsible use of land and water resources to limit the adverse effects of development on ecological processes;
- (g) to maintain the health of the natural environment and ecological processes; and
- (i) to assist the provision of public utilities, infrastructure and facilities for the benefit of the community.

Having received a request to amend the planning scheme, the Minister may, pursuant to section 12B(1) of the Act, ask the Planning Commission its views on the strategic planning implications of a proposed amendment.

If asked, the Planning Commission must, pursuant to section 12B(3), give the Minister a report on its views; and then, under section 12B(4), the Minister must give the applicant a copy of the Commission's report, and a reasonable opportunity to respond to the Commission's report.

Also, under section 12A, the Minister may require further information to enable proper consideration of the requested amendment.

Decisions by the Minister

When considering a request to amend a planning scheme, the Minister must also consider the matters at section 13(1) of the Act, which include:

- (a) whether the proposed amendment promotes the purpose and objectives of this Act,

- (e) the merits of the proposed amendment and whether the amendment is in the public interest, and
- (f) any report from the Commission under section 12B(3).



Hon Joshua Burgoyne
Minister Lands , Planning and Environment
Parliament House
State Square
Darwin NT 0800

Via Email: minister.burgoyne@nt.gov.au

Dear Minister Burgoyne

RE: Report to the Minister – The Lloyd Creek Rural Village Area Plan

Thank you for your correspondence of 27 November 2024 which provided a copy of the NT Planning Commission (NTPC) Report (dated 8 November 2024) relating to the above project.

On behalf of my client Intrapac Property, I provide the below information to clarify and correct several matters raised in the NTPC Report and most importantly demonstrate that the proposal is suitable to proceed to public exhibition without delay.

1. Planning Process

The proposed Area Plan seeks to build on the existing Darwin Regional Land Use Plan and Litchfield Subregional Land Use Plan, both of which identify this land for future development. Implementing an Area Plan into the Planning Scheme is the logical and appropriate planning step.

The NTPC letter incorrectly states that proposals where trunk infrastructure is not currently planned are considered “out of sequence”. This directly contradicts the implementation of countless other Area Plans which were prepared and adopted for proposed development which relied on non-existent infrastructure at the time. Rather, the adoption of an Area Plan (such as The Lloyd Creek Rural Village Area Plan) should precede infrastructure plans as they provide a clear development intent for sites, allowing proper planning for future infrastructure requirements based on anticipated need.

Without an Area Plan in place, no direction or certainty is provided (whether to NTG or Private developers) on future infrastructure requirements.

One should note that the draft Lloyd Creek Rural Village Area Plan identifies the framework for servicing and solutions for trunk infrastructure (unlike other adopted Area Plans). The inclusion of the Area Plan will provide clear development intent for the site, noting that reticulated water infrastructure is intended to be provided by Intrapac (discussed further in sections below).

2. Infrastructure Sequencing

Item 6.1 of the NTPC report suggests that the key concern with the water reticulation strategy is that the development is considered 'out of sequence.' Considering the multiple rural subdivisions exist immediately adjacent to the subject site, the notion that the development is 'out of sequence' is unfounded, with the rational next development front in the immediate locality being the subject land.

The NTPC report indicates that PWC/Government Authority does not currently have funding to contribute to the construction of the required headworks (being proposed 3km reticulation main, pump station and elevated tank). The NTPC report nominated an arbitrary cost figure of \$40M for these headworks which has not been justified.

Intrapac has engaged local civil contractors to prepare a budget estimate for the works required to facilitate reticulated water to the subject site which total approximately \$25M. It is also not clear that all of these are necessary to unlock development; our engineering advice is that several hundred homes in the development could be serviced with reticulated water without the need for the elevated tank.

Intrapac may be prepared to fund some or all of this cost if authority contribution is not available (with further negotiation to occur between Intrapac and the relevant authority).

The reticulated water network would naturally be designed and constructed to meet PWC's expectations, and it is expected that the asset will be handed to PWC to operate and maintain the asset following a standard defects liability period.

3. Infrastructure Costs

The NTPC Report indicates the development risks additional authority costs via trunk infrastructure and road upgrades. Based on the information provided in the development application, this statement is not accurate.

As already discussed, trunk water reticulation will be funded by Intrapac where authority contribution is not available. Roads and accesses will be informed by a Traffic Impact Assessment (TIA) to be undertaken in consultation with NTG DLI and Litchfield Council. Any proposed upgrades to road infrastructure to accommodate an increase in traffic demand will be demonstrated in the TIA with funding responsibility to be negotiated once costs and community benefit are identified.

4. Wastewater Management

Item 6.2 of the NTPC Report indicates the following concerns with the wastewater management proposal:

- The approach is limited to individual onsite effluent treatment rather than a holistic consideration of cumulative impacts.
- Future urban development would rely on expensive, high-maintenance package treatment systems with potential for unreliability, off-site contamination and high maintenance costs.
- The commission understands that government has experienced issues of this nature with a similar wastewater system within the Coolalinga Rural Activity Centre.

Based on the above responses, the NTPC appears to have misunderstood the proposed wastewater management proposal or may be referring to earlier concepts which have been superseded. The below responses to these concerns are supported by Section 10 of the Infrastructure Plan prepared by ADG and submitted together with the Draft Area Plan.

The ADG Infrastructure Report explores several viable options to service the proposed development. The preferred intent is for larger allotments to be serviced via private on-site effluent systems that will be maintained and operated by the lot owner. This is common practice for rural living.

As lot sizes reduce, a community effluent wastewater system comprising of private on-site primary treatment will be delivered which will be maintained and operated by each lot owner. Effluent from these systems will then drain to a community effluent disposal system (a pipe system discharging to absorption beds located at a suitable location within the development).

The commissions statement that “future urban development would rely on expensive, high-maintenance package treatment systems with potential for unreliability, off-site contamination and high maintenance costs” is incorrect. Several solutions have been proposed in the Infrastructure Plan prepared by ADG, however based on the current surrounding sewer infrastructure (or lack thereof) and the available technology, the likely solution will consist of proprietary products that meet the requirements of the on-site wastewater code discharging to a common effluent disposal system. It is expected that a package on-site primary treatment will be maintained and operated by each lot owner. Public infrastructure will be limited to inground pipework aligned within the proposed road verge (not dissimilar to a traditional sewer pit and pipe network) and a community absorption bed which meets the requirements of the on-site wastewater code.

The proposal is significantly dissimilar to the Coolalinga Rural Activity Centre On Site Wastewater Treatment Plant (OSWTP) and as such should not be compared. As we understand it, the Coolalinga Rural Activity Centre OSWTP consists of a complete package wastewater treatment plant entirely operated and maintained by PWC.

We understand that the Coolalinga OSWTP was neglected of essential maintenance and found in a poor condition when identified as a risk to the community (this is indicated by Legislative Assembly of the Northern Territory Written Question No. 320). As identified in points 1 & 2 above, allotments constructed as part of the early stages of the development will be serviced entirely by private on-site effluent systems that will be maintained and operated by the lot owner (septic tank and on-site effluent disposal zone).

In the case of the proposed future smaller lots within the Rural Activity Centre and associated centre lots, Wastewater treatment within the Rural Activity Centres is to be provided to the satisfaction of Power Water/ or relevant authority/ agency, that is at the time (some 10+ years beyond the beginning of development) a suitable system will be proposed to meet PWC requirements. This may be in the form of traditional reticulated sewer that connects to the broader sewer network (beyond the site) or a potential sewerage solution may be an individual package on-site primary treatment (septic tank or advanced treatment) for each allotment (private asset) to drain to a community effluent disposal pipework and absorption beds (public asset).

It will be the responsibility of Intrapac to demonstrate a solution to be provided to the satisfaction of Power Water/ or relevant authority/ agency, however not having exact certainty on matters which are not required for a decade and will still be subject to further approvals should not be the basis for preventing the Area Plan or the project from progressing.

5. EIS Recommendations

Item 6.3 of the NTPC Report asserts that the NT EPA's recommendations in their report on the EIS were never acted upon is plainly false. The project's website at <https://www.lloydcreek.com.au/environment> clearly presents Intrapac's response to each recommendation which demonstrates that every possible action has been taken to address the matters given the status of the proposed development within the planning approval process.

With specific reference to recommendations relating to flora and fauna, Intrapac completed additional hydrology and threatened species surveys more than 5 years ago and provided the survey reports to the Flora and Fauna Division of DLPE. The results have been incorporated into the requirements of the Specific Use Zone and will inform the design of subdivision applications to ensure that there are no significant impacts to threatened sand sheet heath species.

6. Land Use Constraint Mapping

Item 6.4 of the NTPC Report suggest that the *proposed area plan does not map the land use constraints limiting development of the area, or the open space network, proposed main road network, utilises, and social infrastructures to support the proposed 4,200 homes in the locality.*

Relevant constraint mapping that provided the original application in supporting information including the EcOz Land Suitability Assessment dated 20 August 2015 remains relevant to the site.

To the level of detail appropriate for an Area Plan, the key land use constraints have been mapped as Conservation Areas within the Lloyd Creek Area Plan. As per the NT EPA's recommendations in their Assessment Report on the EIS, these areas have been strategically located and designed to avoid impacts to the ecological and heritage values that were identified in the EIS – namely, threatened species, significant vegetation types and watercourses.

Potential constraints to the development of individual lots – such as those relating to slope and soil types – will be addressed at the appropriate approval stage. For instance, the design and location of individual wastewater management systems will be in accordance with the code of practice, as informed by both the existing, over-arching land suitability assessment, and the site-and-soil evaluations that will be prepared for each subdivision through future development applications.

7. Community Opposition

Item 6.5 of the NTPC Report states *that previous proposals for urban/peri-urban development in the Lloyd Creek area have been opposed by the local community*. It must be clarified that previous proposal, when exhibited, received a total of just 30 submissions from the public. Of these, 18 of these submissions were objections and 12 were in favour.

Furthermore, a high proportion of those objections were primarily concerned with ground water impacts, which are now avoided due to the proposed provision of reticulated water, and incorrect assertions that the development would be largely urban (“another Zuccoli”).

The facts and the revisions to the proposal have set specifically to alleviate these concerns by providing reticulated water to lots and enshrining a design philosophy which ensures the Rural Amenity of the development is paramount.

These changes, and others, have been informed by a detailed review of the previous proposal, community comments and a community survey prepared by JWS (and provided to the commission), to ensure the revised proposal not only addressed previous concerns but also ensured the new proposal aligns with community expectations for rural development more broadly.

It is highlighted that should the Minister agree to further consider the request to amend the NT Planning Scheme to include the Lloyd Creek Rural Village Area Plan, then the plan must be placed on public exhibition for a minimum of 28 days. At the conclusion of the exhibition period the Commission would conduct a public hearing and prepare a report to the Minister on issues raised during that process to inform the Minister's final determination. This is supported, and provides transparency for the proponent, the NTG and ultimately the public on the proposed area plan.

Summary

It is greatly concerning that despite:

- formal lodgement of the application, together with all relevant technical reports and documents
- a detailed briefing DPE staff; and
- a separate briefing to the entire Planning Commission on the application and specifically on how it addresses earlier concerns for development of this land

That the NTPC Report to the Minister could include such a volume of false or incorrect statements on the proposed development, its associated infrastructure and several details.

This can only be interpreted as either a lack of understanding of the project, or a lack of detailed review by staff within the Department, which is disappointing given the significant private investment into new housing that is being proposed for the Northern Territory.

Despite our disappointment, we are confident that the matters raised in the NTPC Report have been appropriately clarified and explain in this letter, and demonstrate the proposal is suitable to proceed to public exhibition without further delay.

It has been over a year since we commenced the lodgement process on the draft Lloyd Creek Rural Village Area Plan, and over a decade since this land was identified for Urban/Peri Urban use and included in the Regional Use Plans. There is no conceivable basis that progressing this development should be delayed any further given its critical importance to the future of the NT.

Should you wish to discuss the items above in further detail, please don't hesitate to contact me on 0400 754 842.

Regards



Gerard Rosse

Director

Cunnington Rosse Town Planning and Consulting