

# Summary and Assessment of Submissions

## NT Planning Scheme

A range of planning documents have been developed since self government. These have been known as town plans, planning instruments, control plans, land use objectives, development provisions and incorporated documents.

The *Planning Act* 1999 established the variety of documentation having legislative recognition as the NT Planning Scheme. The introduction of the Act was premised on the intention that the scheme as it existed would be rationalised, integrated and consolidated into a coherent whole.

In early 2000 the then Department of Lands, Planning and Environment established a separate project group to undertake the task of developing a new Scheme. The project brief was to rationalise, integrate and consolidate the various elements of the NT Planning Scheme as it existed into a single coherent document.

From the beginning the task was viewed in at least two phases. The first phase was to take what exists and develop a viable scheme. The second phase will be one of refinement during which new or expanded planning controls may be introduced. This was on the basis that it was undesirable for “new” controls that may in themselves be controversial, to distract from the objective of achieving a single integrated scheme.

The preliminary draft was released for discussion in 2000 – 2001 and the draft Scheme was released in 2003. Formal exhibition of the proposed NT Planning Scheme occurred in early 2006 for two months from 24 February 2006.

75 submissions were received. All offered suggestions and comments worthy of further consideration. Many suggestions represent a significant change to existing provisions and controls which would be outside the scope of the project outlined in the project brief.

This Assessment of Submissions report includes a summary of each of the 75 submissions and a response. Comments written in blue indicate changes that were made to the exhibited version of the Scheme.

A number of submissions expressed concern that the Scheme makes little of the opportunity to promote best practice sustainable development. Guidelines are currently being developed on sustainable subdivision practices that will be the subject of a future proposal to amend the Scheme involving a statutory process including public exhibition. Other initiatives relating to sustainable land use and development may be included in the Scheme as they are developed.



Submission Issues	Response <i>Blue comments</i> indicate changes made to the exhibited version of the Scheme.
<p><b>1</b></p> <ul style="list-style-type: none"> <li>• Noted that Jabiru remains under a separate scheme;</li> <li>• Kakadu National Park Draft Management Plan recommends preparation of a new town plan for Jabiru;</li> <li>• Requesting Department of Planning &amp; Infrastructure input to develop a new town plan consistent with broad Territory controls while also recognising unique aspects of Jabiru.</li> </ul>	<p>Support Department input to develop a new town plan for Jabiru as this will provide the opportunity for consistency with broad Territory controls while recognising unique aspects of Jabiru.</p>
<p><b>2</b></p> <p>Noted proposal and that it would be inappropriate to make comment as the Lands, Planning and Mining Tribunal office limits comments to procedural matters.</p>	<p>Submission is noted.</p>
<p><b>3</b></p> <p>Potential confusion between designation of “Aboriginal Community Living Areas” on the Borroloola Area Plan, the zoning of these areas as CL and Clause 12.1 which applies to Aboriginal Community Living Areas (ACLA) within the meaning of the <i>Pastoral Land Act</i>.</p>	<p>The Borroloola Area Plan at clause 14.3 describes Mara Camp, Yanyula Community and Garrawa 1 Camp and Garrawa 2 Camp as Aboriginal Community Living Areas.</p> <p><i>The words “Aboriginal Community Living Area” have been removed from the Area Plan.</i></p>
<p><b>4</b></p> <p><b>Clause 4.2 Darwin Region Planning Principles:</b> to provide orderly and appropriate expansion of urban development around Darwin Harbour and reflect commitments of the Capital City Charter to the achievements of good urban design outcomes.</p> <p>Concern that intended outcomes for Darwin identified at Clause 4.2 will be inhibited through:</p> <ul style="list-style-type: none"> <li>○ Limitation on the amount of green public space within the CBD zone;</li> <li>○ Protection of Darwin Wharf Escarpment should include the McMinns Street and Deckchair areas in addition to the south side;</li> <li>○ Boundary CBD high rise extends to waterfront of Frances Bay - if pyramid shape is to be achieved from both Frances Bay and Harbour boundary changes and rezoning will be required;</li> <li>○ Limited provision to encourage environmental building development and design benchmarks in alignment with Cities for Climate Protection Plans of 1990s and 21<sup>st</sup> century – energy consumption, overcrowding, safe public open space, community safety, greening of the city etc;</li> <li>○ Revision needed of dated CBD arterial road network plan to reflect relocation of defence infrastructure to Palmerston and zoning of industrial and commercial in Frances Bay both sides of Frances Bay Drive to support such zonings for public access to Francis Bay and Waterfront. More direct route of Tiger Brennan may be necessary to provide for continued defence use of Stokes Hill.</li> </ul>	<p><b>Clause 4.2 Darwin Region Planning Principles</b></p> <p>Many of the concerns relate to central Darwin. Without commenting on the merit of these issues they represent a (potentially) significant change to existing provisions and controls and this is outside the scope of this project.</p> <p>The Capital City Charter Committee has prepared the <i>Darwin Central Business District, Planning for the Future Report</i>. The outcomes of that work may result in consultation and possible amendments to the Scheme relating to improvements/ additions to open space, amendments to provisions controlling development including site coverage, height and interface with the public domain.</p>

<b>Submission Issues</b>	<b>Response</b> Blue comments indicate changes made to the exhibited version of the Scheme.
<p><b>Two week Exhibition Period is too short</b></p> <ul style="list-style-type: none"> <li>Concerns that the 2 weeks exhibition period for a development application is too short and more information like a diagram and details should be provided on the pink sign;</li> <li>Suggests 6 week exhibition period;</li> </ul> <p><b>Green Spaces – Sustainable Development</b> Submitter advised:</p> <ul style="list-style-type: none"> <li>statistics (ABS) indicate 40% of Darwin homes / properties are owned by investors, possibly concentrated in the CBD;</li> <li>high investment rates contribute to high-density development proposals which impact on the liveability of the Darwin City - reduced airflow, increased heat and high concentrations of vehicles and population are all impacting on the City environment as well as increasing greenhouse emissions;</li> <li>ABS states that Darwin has the highest car ownership and usage rates in Australia;</li> <li>our climate influences the parking and traffic issues - wet season rains and oppressive heat;</li> <li>Scheme should consider the special needs of Darwin's tropical environment as well as the behaviour of its residential demographic;</li> <li>that suburban and city developments, public amenities and transport are not currently adequate to encourage reduced usage of cars and if a goal of developments is to reduce vehicle dependency then all spheres of government have an obligation to work collaboratively to improve public amenity;</li> <li>that Darwin needs more open spaces, more shelter, greater public transport options, improved pathways for pedestrian and cyclists and improved street lighting;</li> <li>green space affects the health and vitality of people;</li> <li>that Darwin should maintain community access to the foreshore like in Brisbane and Perth;</li> <li>Scheme should consider the implications of sea level rise.</li> </ul>	<p><b>Two week Exhibition Period is too short</b></p> <p>The public consultation period for development applications is established under the <i>Planning Act</i> and not the Scheme. The concerns are noted. The pink sign is considered to be an excellent means of attracting attention to the site. Anyone who is interested is directed to the office where they can peruse the complete development application.</p> <p>Further, as a consequence of consultations leading to amendments to the <i>Planning Act</i> in 2005, the newspaper advertisements for development applications have been enhanced by the addition of a locality map.</p> <p><b>Green Spaces – Sustainable Development</b></p> <p>As best practice in sustainability matters is established in the Territory appropriate amendments can be made to the Scheme. The Department is preparing guidelines for example on sustainable subdivision practices that will be subject of a future amendment to the Planning Scheme.</p>
<p><b>5 Coolalinga</b> Advocates relocation of the Freds Pass District Centre further north to Coolalinga for a number of reasons including:</p> <ul style="list-style-type: none"> <li>Limited opportunity for commercial development in Freds Pass;</li> <li>Key to diversification and sustainability of District Centres is provision of a range of uses supported by surrounding residential development;</li> </ul>	<p><b>Coolalinga</b></p> <p>The zoning as exhibited reflects the Litchfield Area Plan zoning. This does not preclude future consideration of an application for an amendment. It would be inappropriate to use the introduction of the new Scheme as the vehicle for a significant rezoning that fundamentally alters the nature of permissible development in the area.</p>

Submission Issues	Response <a href="#">Blue comments</a> indicate changes made to the exhibited version of the Scheme.
<ul style="list-style-type: none"> <li>○ As zoning of Freds Pass does not provide for this diversity some uses have located elsewhere (Coolalinga commercial development);</li> <li>○ Interconnection with other centres via transport corridors and supported by residential land uses and open space ensure District Centres function well;</li> <li>○ Coolalinga supported by location on highway and would benefit from residential uses eg medium density housing and caravan park and community living uses;</li> <li>○ Proposed road realignments and establishment of nodal intersections will improve accessibility to the commercial strip;</li> <li>○ As the current proposed zonings don't indicate residential to support district centre at either Coolalinga or Freds Pass and there is opportunity for such development behind the commercial strip at Coolalinga opportunity provided by proposed scheme to provide for such development should be taken.</li> </ul>	
<p><b>6</b></p> <ul style="list-style-type: none"> <li>• Advocates that only the <b>Commonwealth land</b> leased area around the ex Radio Australia facility should be unzoned but the surrounding land should be zoned;</li> <li>• <b>Sec 46</b> Hundred of Bray, (in fact Section 41) the site of the Charles Point Lighthouse since 1893 should be preserved under Heritage classification;</li> <li>• Location of Point Charles incorrect on zoning maps.</li> </ul>	<p>The lighthouse is actually on Section 41 Hundred of Bray and is currently held by the Commonwealth as a freehold title. The site is listed on the National Trust register. Future heritage listing under the <i>NT Heritage Act</i> is possible. <a href="#">The location of the description of Charles Point has been corrected on the zoning map.</a></p>
<p><b>7</b></p> <p><b>Support for consolidated Scheme</b> Requests comments considered in context of support for consolidation of various NT planning schemes.</p> <p><b>Clause 4.2 Darwin Region Planning Principles</b> Noting that the principles for the Darwin Region make reference to urban expansion around Darwin Harbour and the Darwin Capital City Charter identify the need for Palmerston specific principles including:</p> <ul style="list-style-type: none"> <li>○ Reflect Palmerston's role as regional centre;</li> <li>○ Provide for orderly and appropriate expansion of urban development in Palmerston east; and</li> <li>○ Require good urban design within Palmerston.</li> </ul> <p><b>Clause 14 Area Plans</b> Lack of Palmerston specific area plans; Advocates Palmerston City Centre Area Plan and Palmerston Eastern suburbs Framework Plan be finalised, exhibited and incorporated urgently;</p> <p><b>Schedule 3 Reference to Guidelines</b> Palmerston Landscape Master Plan should be included as a reference document;</p>	<p><b>Clause 4.2 Darwin Region Planning Principles</b> The Darwin Region Land Use Framework drawing indicates future urban development at Palmerston East.</p> <p><b>Clause 14 Area Plans</b> Plans for Palmerston City Centre Area and Palmerston eastern suburbs are under development in the context of the Palmerston Partnership Agreement. They will be subject to a separate amendment once finalised.</p> <p><b>Schedule 3 Reference to Guidelines</b> As the Palmerston Landscape Master Plan was not exhibited with the Scheme it would not be appropriate to include it in the Scheme at this stage. It could be subject of a future amendment.</p>

Submission Issues	Response <b>Blue comments</b> indicate changes made to the exhibited version of the Scheme.
<p><b>Lot 1168 – Palmerston Indigenous Village</b> (The submission incorrectly refers to Lot 1181);</p> <ul style="list-style-type: none"> <li>• Currently zoned S1 – the zone primarily intended to accommodate special public and institutional uses prohibiting commercial and industrial uses but allowing developments proposed by Aboriginal Housing Associations with consent of the Authority and proposed to be zoned CL – Community Living;</li> <li>• Ironic, incongruous and inappropriate that a thoroughly modern city should have within boundaries a Town Camp established more in keeping with 19<sup>th</sup> century values than 21<sup>st</sup> century aspirations;</li> <li>• Access to village via old railway corridor rather than formal road access and houses constructed without regard for normal subdivision requirements create issues including: <ul style="list-style-type: none"> <li>○ Internal roads, street lights and paths;</li> <li>○ Stormwater drainage;</li> <li>○ Water and sewer; and</li> <li>○ Fire protection.</li> </ul> </li> <li>• Identified options for future: <ul style="list-style-type: none"> <li>○ Recognising constraints (eg Stuart Highway) restrict further development, staged demolition of older buildings as required and maintenance regime for newer buildings;</li> <li>○ Limited redevelopment to provide defined areas for transients and permanent residents recognising that upgrading of water, sewer and fire protection would be required and may be too expensive; or</li> <li>○ Identification of a new site for permanent living with development reflecting lifestyle and cultural preference of residents possibly involving community titles;</li> </ul> </li> <li>• Support zoning the site FD as an interim zone (allows residential use with consent) until final decision on the current use and if suitable for residential development SD, MD or MR zone should be applied;</li> </ul> <p><b>Clause 6.2 – Building Heights</b> Suggests building heights in Palmerston CBD inappropriately restricted to 3 storeys or 14 m particularly as adjoining residential zones allow for 4 storeys. Advocate relaxing restrictions and introducing buffers to provide transition from CBD to surrounding residential zones.</p> <p><b>Definition of Sport and Recreation</b> Scheme does not prevent use of land for sport and recreation but definition excludes leisure and recreation. Suggests status of parks used for informal passive recreation needs clarification;</p>	<p><b>Lot 1168 – Palmerston Indigenous Village</b> The proposed Scheme has translated the existing zoning to the CL Community Living zone in recognition of the existing land use.</p> <p>The NT Government proposes to improve the access arrangements to Lot 1168 Town of Palmerston, by upgrading the existing intersection on Howard Springs Road and creating a turnaround area for the school bus at the Palmerston Indigenous Village. The existing access will be retained. It is anticipated that works will commence in April / May 2007.</p> <p>These suggestions are outside the scope of this project. The proposed zoning of “Community Living” is appropriate to the existing use and is a translation of the current zone.</p> <p><b>Clause 6.2 – Building Heights</b> The Palmerston CBD, which is proposed to be zoned CB, does not have any specific limitation on height. The 3 storey, 14 metre limit relates to Clause 6.2 and therefore to Alice Springs.</p> <p><b>Definition of Sport and Recreation</b> As the definition of leisure and recreation limits the use to one involving commercial transactions, informal passive use of parks will not be subject to any planning control as is the case at present. Note also that clause 1.3 sub-clause 2(a)ii specifically exempts casual recreation activities from planning control.</p>

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<p><b>Clause 8.1.4 Service Stations</b> Should address automated car washes as they operate 24/7;</p> <p><b>Industrial development and effluent disposal</b> Suggest reinstatement in Part 9 of clause dealing with effluent disposal from industrial lots Part 9 (as included in a previous draft) as it provides a degree of environmental protection. (Reference appears to be to clause 9 rather than Part 9);</p> <p><b>Motor Body Works and Motor Repair Station</b> Should be prohibited in Palmerston Town Centre;</p> <p><b>Neighbourhood Centres</b> Planning Concepts should be introduced for each centre establishing desired pattern for future development;</p> <p><b>Balance Lot 4640 Gunn</b> Should be zoned Conservation – significant remnant native vegetation corridor which will increase in significance as Palmerston develops;</p> <p><b>Palmerston and Region</b> Need for an effective hierarchy for District and Regional Centres in Darwin Region. Principle for Darwin Region (at Clause 4.2) “affirms primacy of existing and planned .....” does not adequately reinforce this objective.</p>	<p><b>Clause 8.1.4 Service Stations</b> This clause reflects existing controls. A car wash would be considered as an undefined use which would require consent. As a service station is not a permitted use in any zone consideration of the potential impacts of a car wash facility can be considered as part of the application.</p> <p><b>Industrial development and effluent disposal</b> Provision of appropriate effluent disposal is a consideration at the time of subdivision (Clause 11.3.2). Otherwise control under Health regulations is appropriate. Further, there are a number of industrial areas in the NT where reticulated sewerage is not (and unlikely to be) available.</p> <p><b>Motor Body Works and Motor Repair Station</b> The CB zone which applies to the Palmerston Town Centre represents a rationalisation of the commercial zones applying to various central business areas throughout the Territory. The uses are discretionary and as the zone purpose is to provide for a diversity of activities with “a commitment to the separation of incompatible activities” an appropriate framework is established to assess such development. Note also that such uses already exist in the central areas of all major centres in the Territory and are not necessarily inappropriate.</p> <p><b>Neighbourhood Centres</b> Plans for the Palmerston eastern suburbs are under development. They will be subject to a separate amendment once finalised. Clause 7.9 of the Scheme was introduced to encourage the redevelopment of older commercial centres.</p> <p><b>Balance Lot 4640 Gunn</b> The proposed zoning maps represent a direct translation of the existing zones. Rezoning the balance of Lot 4640 CN Conservation would require a separate amendment to the Scheme.</p> <p><b>Palmerston and Region</b> This issue is beyond the scope of the project and a future body of work would be necessary to establish an appropriate hierarchy.</p>

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<p><b>8</b></p> <p><b>Clause 7.10.1 Bed and Breakfast Accommodation</b> Revision welcomed and recommends an addition and an amendment:</p> <ul style="list-style-type: none"> <li>• Addition - B&amp;B's to have guest bathroom/s separate to that used by host.</li> <li>• Amendment - that the maximum number of guests be determined at the time of approval. Acknowledges that limits can be varied but believe establishing no limit will still allow consistency with purpose to ensure a B&amp;B does not detract from amenity.</li> <li>• Reasons in support of suggested amendment include: <ul style="list-style-type: none"> <li>○ Unnecessarily restrictive compared to other states which allow determination of numbers at approval stage;</li> <li>○ Potential inconsistency within NT Legislation – restrictions inconsistent with proposed NT Public Health Act and Regulations which allow more beds subject to performance criteria;</li> <li>○ Discrimination – against families and means rooms may be unoccupied if a family in residence;</li> <li>○ No account of history of building – a B&amp;B previously a half way house which provided short term accommodation but not required to be registered or licensed;</li> <li>○ Economic viability;</li> <li>○ Limits incentive to improve;</li> <li>○ Short term accommodation being established which bypasses restrictions of NT Planning Scheme and possible safety, health, parking etc also being bypassed.</li> </ul> </li> <li>• Possible outcome of inconsistencies – B &amp; B operators may become short stay accommodation</li> </ul>	<p><b>Clause 7.10.1 Bed and Breakfast</b> The proposed requirements for bed and breakfast accommodation reflect what is in the existing control plans. Bed and breakfast accommodation is recognised as an important sector in providing tourist accommodation and on this basis the requirements should be reviewed soon after the implementation of the Scheme.</p> <p>Non-residential uses in residential and rural living areas are of significant interest to the community. Any changes should be subject to a separate amendment so providing the opportunity for community input.</p> <p>Contrary to the suggestion there is no potential inconsistency between health legislation and the Scheme. The <i>Health Act</i> considers health related issues while the <i>Planning Act</i> and Scheme focus on amenity considerations.</p> <p>If “short stay” accommodation is indeed different to Bed and Breakfast then it is likely to be classified as a hostel, hotel or motel or an unspecified use. In each case the provisions of the planning scheme will apply depending on the circumstances.</p>
<p><b>9</b></p> <p><b>Sustainable Use And Development</b></p> <ul style="list-style-type: none"> <li>• Concern that the use of the term ‘sustainable use and development’ does not put enough emphasis on the importance of ‘ecology’ and ‘ecological’;</li> </ul> <p><b>Further Submission rec’d 8/5/06</b></p> <ul style="list-style-type: none"> <li>• Acknowledge progress in terms of introduction of concepts of ecology;</li> <li>• Suggests the NT needs to strive to develop ecological sustainability;</li> <li>• Requirement for strategic fire-break layouts and maintenance plans at the time of subdivision identified as a need;</li> <li>• Suggest focus on a strategy of ‘ecosystem development’ rather than ecologically sustainable development and suggested amendment of Clause 4.1(a) – ‘the <i>ecological</i>, social, cultural and economic development ..... </li></ul>	<p><b>Sustainable Use And Development</b> These suggestions would all represent new elements in the scheme and should be subject to future amendment noting that as best practice in sustainability matters are established in the Territory appropriate amendments can be made to the Scheme.</p> <p>The Department is preparing guidelines for example on sustainable subdivision practices that will be subject of a future amendment to the Planning Scheme.</p>

	<b>Submission Issues</b>	<b>Response</b> <b>Blue comments</b> indicate changes made to the exhibited version of the Scheme.
10	<p><b>Zone RL Rural Living</b></p> <ul style="list-style-type: none"> <li>Concern that proposed RL zone applicable to Wagait Beach area imposes significantly more restrictions on land use than the existing RL2 zone and suggested inclusion of uses allowed by the existing RL2 zone be included in the RL zone.</li> </ul> <p><b>Charles Point Lighthouse</b></p> <ul style="list-style-type: none"> <li>Concern that the Lighthouse has been ceded to the Commonwealth effectively removing land use controls over the area considered to have heritage values. Suggest negotiations with commonwealth to ensure heritage values protected preferably via Heritage zone of NTPS.</li> </ul> <p><b>Light Industry and Commercial</b></p> <ul style="list-style-type: none"> <li>Welcome introduction of 'home based contracting' but concerned about limitations on commercial development but concerned lack of capacity for light industry and commercial development will deter economic and social development of Cox Peninsula locality.</li> </ul>	<p><b>Zone RL Rural Living</b></p> <p>The current Darwin Rural Area Plan that applies to Cox Peninsula is very broad and provides limited control of land use and development. This is one of the instances where variations to existing controls were necessary if the intended outcome of rationalising and consolidating planning controls is to be achieved. Rather than broaden the permissible uses in zone RL it would be more appropriate to rezone land in Wagait to provide focussed areas for commercial and industrial activities. This would be by way of a separate amendment to allow community debate of the issue.</p> <p><b>Charles Point Lighthouse</b></p> <p>The lighthouse is actually on Section 41 Hundred of Bray and is currently held by the Commonwealth as freehold. The site is currently listed on the National Trust register. Future heritage listing under the <i>Heritage Act</i> is possible.</p> <p><b>Light Industry and Commercial</b></p> <p>As the existing developed area has been established predominantly for residential purposes the increased restriction on activities such as industry and commercial activities was considered appropriate in the interest of protection of residential amenity. Future amendment of the scheme to provide appropriate zones in response to particular proposals or to encourage such development can be considered.</p>
11	<p><b>Lot 309 London St, Townsite of Virginia</b></p> <ul style="list-style-type: none"> <li>Proposed Conservation zone will have negative impact on value of parcel;</li> <li>Owners intend to develop block including landfill, marine facility and caretaker's residence;</li> <li>If the intended use is not appropriate NTG should acquire the block in exchange for a suitable alternative that will allow the proposed development.</li> </ul>	<p><b>Lot 309 London St, Townsite of Virginia</b></p> <p>The land is currently zoned OC in the LAP2004 as a result of the rezoning of mangroves in Darwin Harbour and has been translated to Zone CN Conservation. The land owner may request an amendment to the Planning Scheme.</p>
12	<p><b>Noonamah/Elizabeth Valley</b></p> <ul style="list-style-type: none"> <li>Discusses issues in relation to RL2 area north and south of Elizabeth Valley Road;</li> <li>Advises when the exhibition finishes a number of applications to rezone will be submitted.</li> </ul>	<p><b>Noonamah/Elizabeth Valley</b></p> <p>The zoning as exhibited reflects current zoning in the existing Litchfield Area Plan 2004. This does not preclude future consideration of applications for amendment.</p>
13	<p>Supports Consolidated Scheme</p> <p><b>Zone TC Tourist Commercial</b></p> <ul style="list-style-type: none"> <li>Concern about impacts of height, plot ratio and signage restrictions in TC – Tourist Commercial zone on developments in or close to Darwin CBD;</li> <li>Suggested options either: <ul style="list-style-type: none"> <li>Rezone inner city sites to Commercial; or</li> <li>Amend requirements for TC zone to remove height restrictions, increase plot ratio and allow larger signs;</li> </ul> </li> </ul>	<p><b>Zone TC Tourist Commercial</b></p> <p><b>Concerns raised regarding Zone TC addressed by:</b></p> <ul style="list-style-type: none"> <li>altering the plot ratio for Zone TC in clause 6.4 from 1:1 to 3:1; and</li> <li>removing the residential height restriction in clause 7.1.</li> </ul> <p>Signage controls reflect the current requirements.</p>

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Submission Issues	Response Blue comments indicate changes made to the exhibited version of the Scheme.
<p><b>Bed and Breakfast</b></p> <p>Amend restrictions on guest numbers in Bed &amp; Breakfast accommodation - raise from 5 to 8 to reflect achievable capacity because of size and location of properties.</p>	<p><b>Bed and Breakfast</b></p> <p>The proposed provisions reflect the existing controls. These can be reviewed once the Scheme is implemented.</p>
<p><b>HR High Density Residential Zone – Smith Street West</b></p> <p>Concern with the lack of public parks in central Darwin to service increasing population particularly families and that the problem is exacerbated by the inadequate provision of outdoor living areas for children and family.</p> <p><b>CB Central Business Zone</b></p> <p>Concern that this zone, a one off for a number of different uses neglects Central Business Residential which, by its nature, requires different rules to address issues including future amenity, privacy and harmonious living. Taking account of recent pedestrian attacks important to take holistic approach to residents needs including set backs and useable open space for play or walking.</p> <p><b>‘A Real Town Plan’ a prescriptive Business Plan</b></p> <p>Suggested that a prescriptive Business Plan - Town Plan identifying specific location for various uses will overcome problems created by original subdivision of the CBD into house sized lots. Would inform land owners and developers what can be built where. Discussion of various issues relating to the CBD including:</p> <ul style="list-style-type: none"> <li>○ Lack of green areas (notes most of green along Lameroo Beach is cliff or below low water);</li> <li>○ Absence of requirements for set backs potential to create wall to wall buildings, narrow paths without awnings rather than tropical flowers, tree canopies, parks and plazas</li> </ul> <ul style="list-style-type: none"> <li>● Merit in work done but can't leave hard parts until another day – a 'town plan' will identify sites to be acquired for parks with developers responsible for open air plazas and pedestrian links.;</li> <li>● Need changes to development proposals within CBD included in the Proposed NT Scheme.</li> </ul>	<p><b>HR High Density Residential Zone</b></p> <p>People make a lifestyle choice when they decide to live in the city and should be aware of the recreational opportunities that are available. However, Government is considering options to extend and enhance open space areas adjacent to the CBD as part of a separate exercise. The outcomes of that work may be subject of an amendment to the Scheme as may be necessary; eg rezoning of some areas to open space.</p> <p><b>CB Central Business Zone</b></p> <p>The CB zone is a translation of the existing CBD zone which was a previous policy decision and change in the context of the new Scheme would not be appropriate. However, under the auspices of the Capital City Charter separate work is developing to address issues of amenity, open space and building design. The outcomes of that work may lead to separate amendments to the Scheme.</p> <p><b>‘A Real Town Plan’</b></p> <p>Some submitters have argued that the proposed Scheme is too prescriptive. This submission argues for a more prescriptive document. As noted above Government is considering these matters through a separate body of work.</p> <p>Area plans could be developed for various locations within the CBD as a later amendment to the Scheme.</p> <p>Issues with development provisions relevant to the CBD are subject to a body of ongoing work within the context of the Capital City Charter and future amendments may be considered.</p>

<b>Submission Issues</b>	<b>Response</b> Blue comments indicate changes made to the exhibited version of the Scheme.
<p><b>15</b></p> <p><b>Affordable Housing</b></p> <ul style="list-style-type: none"> <li>• Identifies the need for planning in the NT to create opportunities for affordable, well designed and accessible residential development, which caters for future population needs and that a key issue is housing affordability;</li> <li>• Acknowledges purposes of scheme in terms of residential development established by 4.1 (a), (c), (d) &amp; (e) and notes the following: <ul style="list-style-type: none"> <li>○ Planning impacts on housing supply through control of land availability, design of houses, timing and cost of development;</li> <li>○ Scheme needs to enable suburbs to grow into socially and economically inclusive communities so need to articulate and guide development taking account of factors including changing needs of population and need for affordable and appropriate housing;</li> <li>○ A minority rely on public or community housing.</li> </ul> </li> <li>• Advocates introduction of inclusionary zoning: <ul style="list-style-type: none"> <li>○ as proactive and systematic way to ensure planning regulation encourages provision of affordable housing for rental or sale or as land grants to government to met public or social housing needs;</li> <li>○ as a means of achieving a proportion of a new development for affordable housing and suggesting various incentives for developers including density bonuses, reduced parking, streamlined permits etc;</li> </ul> </li> <li>• Suggest the need to further investigate to determine whether building regulations can be adapted to compliment planning reforms.</li> </ul>	<p><b>Affordable Housing</b></p> <p>Planning response to affordable housing is currently being considered at the national level by relevant Ministers. The Territory will determine an appropriate response and incorporate any necessary amendments following the determination of the national agenda.</p>
<p><b>16</b></p> <p>Commented at the DCA hearing that the proposed Scheme is a move in the right direction;</p> <p><b>Serviced Apartments</b></p> <ul style="list-style-type: none"> <li>• The need for a separate definition for serviced apartments as they have different requirements to residential apartments particularly parking;</li> </ul> <p><b>Storey</b></p> <ul style="list-style-type: none"> <li>• Clarification needed as to whether or not a 'storey' includes, under croft parking and storage areas in Zones MD and HD or the under house area for elevated house particularly Zones SD and MD;</li> </ul>	<p><b>Serviced Apartments</b></p> <p>Scheme altered to include "serviced apartments" in the definition of "multiple dwellings" with a separate parking requirement for "serviced apartments".</p> <p><b>Storey</b></p> <p>A storey includes undercroft parking and storage areas in all zones. The height of multiple dwellings is measured in terms of storeys above ground level. In terms of the height of a single dwelling it is irrelevant whether or not the under house area of an elevated house is referred to as a storey as the maximum building height for single dwellings is 8.5 metres.</p> <p>Definition of storey altered by adding: "It may comprise an attic, basement or built over area for car parking".</p>

Submission Issues	Response
<p><b>Darwin Region Land Use Framework</b></p> <ul style="list-style-type: none"> <li>marina developments on the east of the city eg Bayview and Tipperary Waters shown as Natural Features rather than Urban;</li> <li>proposed main road from Darwin CBD to Wickham Point not reflected on the zoning map as a main road zone – inconsistency needs to be resolved;</li> </ul> <p><b>Educational establishments in Zones LI and GI</b> Observe that “community centres” and “child care centres” now prohibited in zone GI and “childcare centres “prohibited in LI but “educational establishments” remain discretionary. Suggest should also be prohibited as inappropriate use due to traffic, particularly heavy vehicles and reduced amenity (visual, acoustic and smell). Also noted that “educational establishment” also discretionary in SC;</p> <p><b>Demountables / Sea Containers</b> Advocate controls to prohibit use in residential areas, ensure no visual impact on the public domain in commercial and industrial areas and limit to 2 years in commercial areas;</p> <p><b>Clause 6.10 – Heritage Places and Development</b> Note to the clause should refer to 6.5.2 rather than 6.5.3;</p> <p><b>Clause 16.4 Land Subject to Flooding &amp; Storm Surge</b> Suggests a note to the clause identifying the reference document showing the DFA, PSSA, SSSA where appropriate for each locality;</p> <p><b>Clause 6.5.1 – Parking Requirements</b></p> <ul style="list-style-type: none"> <li>Increase in parking requirements for multiple dwellings supported subject to a requirement that the additional spaces remain freely accessible to visitors by having the spaces appropriately marked and property of body corporate;</li> <li>Advocate removal of <i>other than in zone CB</i> from subclause 5 as all car parking for residential development should be provided on site regardless of zone;</li> </ul> <p><b>Clause 6.5.2. – Reduction in Parking Requirements</b> Suggests within zone CB, clauses 2(b) “spaces in the vicinity” and 2(c) “availability of public transport” should not be applicable as these conditions apply to all sites in the CBD.</p>	<p><b>Darwin Region Land Use Framework</b> <b>Framework drawing altered to indicate that the area is urban.</b> The Proposed Main Road on the Framework Plan indicates the need for such a road in the future but as detail of the road including alignment is yet to be determined it is inappropriate to zone any specific area.</p> <p><b>Educational establishments</b> The industrial and service commercial zones may be appropriate for industry training and as the use is discretionary issues such as traffic and amenity can be considered and inappropriate education facilities refused.</p> <p><b>Demountables / Sea Containers</b> This clause reflects the intention of controls as they currently exist in the various control plans.</p> <p><b>Clause 6.10</b> <b>Margin note amended to refer to clause 6.5.2(d).</b></p> <p><b>Clause 16.4</b> Identification of these levels is rarely a simple reference to a map. Such information as is available at present is from DNRETA and augmented as studies are undertaken. Where information is as yet unavailable the location and extent of flood prone land must be determined on a case by case basis.</p> <p><b>Clause 6.5.1 – Parking Requirements</b> <b>The Scheme altered to reflect the existing car parking ratio of 2 spaces / dwelling.</b> The Capital City Charter Committee has prepared recommendations on a number of matters including car parking and these may result in a later amendment to the Scheme. <b>As a consequence of other submissions on this matter sub-clause 5 has been removed since it does not reflect the existing provisions.</b></p> <p><b>Clause 6.5.2. – Reduction in Parking Requirements</b> As these provisions reflect existing provisions (clause 21.2 Darwin Town Plan) no amendment is appropriate. Note also that Darwin City Council operates a Developer Contributions Plan relating to car parking and has a long term objective of providing additional public parking (eg China Town) as the demand increases. Reference to the proximity of public transport is appropriate as the encouragement toward greater use of public transport is desirable.</p>

Submission Issues	Response <b>Blue comments</b> indicate changes made to the exhibited version of the Scheme.
<p><b>Various Residential Development Criteria</b> Margin note should be attached to clauses 7.10.1 (Bed &amp; Breakfast), 7.10.6 (Home Based Child Care), 7.10.7 (Home Occupation) &amp; 7.10.8 (Home Based Contracting) to advise that business signs in Darwin controlled by Darwin City Council;</p> <p><b>Clause 8.1.2 Offices Restaurants and Shops in CB &amp; C zones</b></p> <ul style="list-style-type: none"> <li>• Safeguards required to prevent parking problems due to discrepancies in zone C between requirement for offices (3 / 100m<sup>2</sup>) and shops and restaurants (6 / 100m<sup>2</sup>);</li> <li>• Clarification required of reference to 'developer contribution plan' - is the contribution plan expected to resolve shortfalls resulting from interchange of uses;</li> <li>• Recognition of potential cumulative impacts of conversion of offices to other high parking generating uses and impacts on neighbourhoods eg Caryota Court;</li> </ul> <p><b>Clause 10.2 - Clearing of Native Vegetation</b> Performance criteria for clearing of native vegetation should be extended to include the FD and DV zones as these zones include significant areas of native vegetation including mangroves eg FD zone surrounding Bayview;</p> <p><b>Clause 11.3.2 – Infrastructure in Industrial Subdivisions</b> Requirements should be added to required all roads to be sealed within industrial subdivisions;</p>	<p><b>Various Residential Development Criteria</b> The inclusion of margin notes and the extent of them have been considered in the development of the Scheme. They are primarily intended as a tool to cross reference related matters within the Scheme rather than highlight issues legislated for elsewhere. Some exceptions have been made where particular circumstances suggest it as desirable. Clearly the scheme can not cross reference all issues outside its range of operation.</p> <p><b>Clause 8.1.2 Offices Restaurants and Shops in CB &amp; C zones</b> <b>In response to these concerns, only restaurants and shops will be able to interchange in zone C.</b></p> <p>The contribution plan provides a mechanism for collecting money in lieu of parking spaces. There should be no shortfall resulting from the interchange of uses since the parking requirement for the uses is comparable.</p> <p><b>Clause 10.2 - Clearing of Native Vegetation</b> The provisions in this clause reflect the controls currently in place throughout the Territory. Their introduction followed an extensive consultation process and any proposal to amend these provisions should be subject to a future consultation process to ensure all views are canvassed and considered. As almost all primary uses within zones FD &amp; DV are discretionary and most land is controlled by the Crown, the land release process and existing control of development make specific controls of clearing unnecessary.</p> <p>Note also that at the time mangrove areas were zoned conservation those areas already committed to development were excluded from the amendment.</p> <p><b>Clause 11.3.2 – Infrastructure in Industrial Subdivisions</b> There is no current requirement to seal roads and as the Scheme applies across the Territory such a requirement is not considered appropriate as there are some situations where the sealing of roads in an industrial subdivision is unnecessary or impracticable.</p>

<b>Submission Issues</b>	<b>Response</b> <a href="#">Blue comments</a> indicate changes made to the exhibited version of the Scheme.
<p><b>Capital City Charter</b> That the recommendations of the “<i>Darwin Central Business District, Planning for the Future</i>” report prepared by the Capital City Committee within the framework of the Capital City Charter, a joint commitment of the Darwin City Council and the Government, should be reflected in the Scheme.</p> <p><b>Community Safety Design Guide</b> Need to replace ‘Figure i’ photograph as in addition to illustrating restaurants with floor to ceiling windows providing casual surveillance it also demonstrates infringements of council By- laws (unauthorised movable sign and large planter pots).</p>	<p><b>Capital City Charter</b> The outcomes of the current work within the framework of the Capital City Charter will appropriately be subject to future consultation in association with any amendment to the Scheme as required by the <i>Planning Act</i>. The Charter was broadly distributed to stakeholders in draft form and also available on the internet. Useful feedback was received resulting in amendment of the Charter before it was submitted to the Capital City Committee for adoption.</p> <p><b>Community Safety Design Guide</b> A more suitable photograph will be substituted.</p>
<p><b>17 Alice Springs Built Environment Design Guidelines</b> Requests that the new <i>Alice Springs Built Environment Design Guidelines</i> replace the old <i>Central Area Design Guidelines</i> currently on display.</p>	<p><b>Alice Springs Built Environment Design Guidelines</b> Any new document will need to be exhibited under the consultation process outlined in the <i>Planning Act</i>.</p> <p><a href="#">The reference to the Alice Springs Central Area Design Guide deleted from Schedule 3 and elsewhere in the Scheme.</a></p>
<p><b>18 Clause 10.2 – Clearing of Native Vegetation</b></p> <ul style="list-style-type: none"> <li>• Irrelevance of including zone RR in clearing controls as most RR lots will be 1 ha;</li> <li>• Need for separate clearing controls for zone RR by limiting clearing to maximum of 50% or imposing Restricted Rural Residential Subdivision controls on all RR land.</li> </ul> <p><b>Clause 11.4.1 - Site Characteristics in Rural Subdivisions</b> Sub-clause 6 - Omission of requirement for transfer to public ownership of significant environmental land as is currently in the Litchfield Area Plan 2004 (LAP 2004).</p>	<p><b>Clause 10.2 – Clearing of Native Vegetation</b> Buffer lots in zone RR will be greater than 1 ha. As areas of environmental significance are considered at the time of subdivision of RR land it is considered that clearing will have limited potential for environmental impact. The provisions in this clause reflect the controls currently in place throughout the Territory. Their introduction followed an extensive consultation process and any proposal to amend these provisions should be subject to a future consultation process to ensure all views are canvassed and considered.</p> <p><b>Clause 11.4.1 Site Characteristics in Rural Subdivisions</b> This represents a change only to the provisions of the LAP 2004 (clause 11.3) as a result of the rationalisation of provisions throughout the Territory. Transfer of such areas to public ownership in instances where there is a relevant authority or body to assume responsibility for on-going care and maintenance of such areas is not precluded and this minor change is considered preferable to the creation of a situation where the Crown or a Council is forced to accept responsibility for care and maintenance of isolated areas throughout the Territory. In instances where transfer to public ownership is not appropriate there is the option of conservation zoning to limit future use and development of areas of significance.</p>

Submission Issues	Response <a href="#">Blue comments</a> indicate changes made to the exhibited version of the Scheme.
<p><b>Clause 11.4.2 – Infrastructure in Rural Subdivisions</b> Sub-clause 3(c) - Suggests requirement to seal roads where lots less than 2 ha be qualified to reflect guidelines of the local authority;</p> <p><b>Clause 11.4.2 – Infrastructure in Rural Subdivisions</b></p> <ul style="list-style-type: none"> <li>• Sub-clause 4: There should be no more than 4 lots at the head of the cul-de-sac otherwise there will be skinny wedge shaped lots (Saxleby and Doxas Roads) and problems with loss of privacy and limits on siting of dwelling bores etc;</li> <li>• Seeks justification for 700m limit on a cul-de-sac.</li> </ul> <p><b>Clause 11.4.3 – Lot Size and Configuration in Rural Subdivisions</b> Sub-clause 2(d) minimum 500m depth from major highway considered impractical as lots in zone RR and R are usually 100 – 200m depth;</p> <p>Sub-clause 2(g) and (i) Queries reduction from 100m to 70m separation between bores and septic;</p> <p>Sub-clause 2(j) Advocates lot boundaries should not cross watercourses which should be treated as entity and treated as either drainage reserves or public open space</p> <p><b>Clause 11.4.6 Estate Development Zones RL, R &amp; H</b></p> <ul style="list-style-type: none"> <li>• Advocates deletion of this clause as it : <ul style="list-style-type: none"> <li>○ potentially increases density of dwellings where not normally permitted thereby changing nature of zone;</li> <li>○ Creates inconsistency in protection &amp; management of watercourses; and</li> <li>○ Inconsistent with subdivision guidelines.</li> </ul> </li> </ul> <p><b>Clause 6.15 – Land Reclamation</b> Suggestion that clause should be titled “Coastal Landfill” as we can’t reclaim something that is not lost.</p> <p><b>Litchfield Planning Concepts and Land Use Objectives</b> Questions whether Litchfield Land Use Objectives be retained?</p> <p>Seeks clarification on whether the reference to Part 8 in Clause 4.2 includes the Litchfield LUOs;</p>	<p><b>Clause 11.4.2 – Infrastructure in Rural Subdivisions</b> Sub-clause 3(c): As such a provision would be an amendment to existing provisions it is outside the scope of the brief for the current project.</p> <p><b>Clause 11.4.2 – Infrastructure in Rural Subdivisions</b> <a href="#">As there have been other concerns about sub-clause 4, it has been deleted</a> and consideration will be given to a future amendment to establish minimum lot frontages which will more appropriately address this issue and be subject to more focussed community debate.</p> <p><b>Clause 11.4.3 – Lot size and Configuration in Rural Subdivisions</b> <a href="#">The proposed clause has been removed subject to further consideration separate to this project.</a></p> <p>Sub-clause (i) relates to a 70 metre separation between bores not between bores and septic. Sub-clause (g) is the relevant requirement for the 100 metre separation of bores and septic.</p> <p>Lot boundaries should avoid crossing watercourses but where it is inevitable; it is preferable it be at right angles.</p> <p><b>Clause 11.4.6 – Estate Development</b> This clause reflects existing controls within the LAP 2004. The intention of these provisions is to create opportunities for choice for those wanting a rural residential lifestyle. Sub-clause 6 of the Scheme proposes removal of the DCA discretion in relation to density provision. <a href="#">Sub-clause 6 has been deleted as the rest of the clause includes requirements that protect the amenity of adjoining lots.</a></p> <p><b>Clause 6.15 – Land Reclamation</b> <a href="#">Clause 6.15 is titled Coastal Landfill.</a></p> <p><b>Litchfield Planning Concepts and Land Use Objectives</b> The Litchfield Planning Concepts and Land Use Objectives are referenced in Schedule 2 of the Planning Scheme.</p> <p>Area Plans are included in Part 8 of the Scheme. It does not include the Litchfield Land Use Objectives as these are referenced in their entirety in Schedule 2.</p>

<b>Submission Issues</b>	<b>Response</b> Blue comments indicate changes made to the exhibited version of the Scheme.
<p><b>Middle Arm and Howard Peninsula</b> Middle Arm Peninsula should be zoned OC Conservation, not industrial and land at Howard Peninsula should be zoned for industrial not RL Rural Living as it is already proposed for defence industrial precinct and a Regional Waste Disposal site – no more non-essential industry in the middle of the harbour. Mangrove &amp; rainforest areas should be removed from Glyde Point Industrial zone.</p> <p><b>Protection of Significant Areas</b> Areas of significance ie escarpment, Mitchell Creek and WWII sites should be protected through appropriate zoning to avoid conflict with future development as happened with Delfin and Mitchell Creek.</p> <p><b>Heritage Zone</b> Rezoning all WWII sites (including Cricket Pitches) not protected by Heritage Act should be zoned HT Heritage. In particular Strauss Airstrip should be HT not TC.</p> <p><b>Coolalinga Caravan Park</b> As C zone on existing Coolalinga Caravan Park prevents expansion rezoning to TC should be considered.</p>	<p><b>Middle Arm and Howard Peninsula</b> The proposed zoning reflects the existing zones.</p> <p><b>Protection of Significant Areas</b> The proposed zoning reflects the existing zones. Palmerston City Council has expressed an interest in applying to rezone the escarpment to a CN Conservation zone.</p> <p><b>Heritage Zone</b> The proposed zoning reflects the existing zones. Any proposal to recognise heritage significance of these and other areas would be more appropriately dealt with as a separate amendment in the future.</p> <p><b>Coolalinga Caravan Park</b> Rezoning the Coolalinga Caravan Park to an alternative zone could be considered as a later amendment to the Scheme.</p>
<p><b>19</b> <b>Specific Use Zone SD12</b> Unacceptable change to the existing specific use zone SU52 applicable to land between Duke Street and Dinah Beach Road which amends existing limit of a single access point from Duke Street serving 150 dwellings to two access points with no limit on the number of dwellings to be served. Will exacerbate existing high traffic levels on Duke Street and its intersection with the Stuart Highway.</p>	<p><b>Specific Use Zone SD12</b> The diagram has been altered to reflect the existing diagram in the Darwin Town Plan.</p> <p>The inclusion of the second access point was an error the origins of which are unknown.</p>
<p><b>20</b> <b>Utility Zone</b> Concern that Clause 13.6 does not adequately define the Utility Zone as it is unclear what uses are possible on the land eg is office accommodation allowed? Suggestion that Clause 13.6 be amended to permit Power and Water to utilise land so zoned in accordance with its objects set out in <i>Power and Water Corporation Act</i>.</p> <p><b>Ben Hammond Site</b> Further development of the Ben Hammond Workshop in Darwin is proposed and the existing R2 and proposed MD zone are inappropriate;</p> <p><b>Water Management zone</b> The proposed Scheme does not reflect previous comments from PWC including:</p> <ul style="list-style-type: none"> <li>• That the adoption of current controls for Katherine for the whole Territory is inappropriate;</li> <li>• That some uses within the Zone WM table would be inappropriate including Agriculture, Caravan Park, Group Home, Hostel, Motel, Plant Nursery and Stables and that Dependant Unit and Domestic Livestock should be allowed only with discretion.</li> </ul>	<p><b>Utility Zone</b> Clause 13.6 has been altered to provide more certainty about what is permitted and what would require consent in Zone U.</p> <p><b>Ben Hammond Site</b> A Specific Use zone is currently being considered for the Ben Hammond site.</p> <p><b>Water Management zone</b> Zone WM has generally been applied to land that is owned by the Power Water Corporation. Application of zone WM can be reviewed as a later amendment to the Scheme which could also consider the nature of uses appropriate in the circumstances and the interests of any privately owned land.</p>

Submission Issues	Response
<p>For a number of catchments, in particular surface water catchments eg Darwin River Dam and Manton Dam, one of the primary management objectives, is the protection of water quality through appropriate land management practices. The Conservation zone purpose reflects this and it is suggested that CN would be a more appropriate zone for catchments.</p> <p><b>Clause 10.4 – Development of Land in Zone WM Water Management</b> Sub-clause 2 does not provide that PWC's requirements are to be accommodated. Suggest similar wording to 13.6 sub-clause 2 be used so that development is only with consent and only in accordance with requirements of agency or service authority responsible.</p> <p><b>Clause 4.1 NT Planning Principles and Framework</b> Support for incorporation of principles of 'sustainable development' but suggest a definition of the term would be of benefit;</p> <p>Recommend expanding sub-clause (d) to include reference to <b>water</b> efficiency in addition to energy;</p> <p><b>Clause 4.2 – Darwin Region Planning Principles and Framework</b> Suggest, (consistent with clause 4.3) inclusion of reference to "protect the Koolpinyah Dolomite Aquifers that provide public water supply via the McMinns and Howard East Borefields from inappropriate land use and development".</p> <p><b>Clause 4.3 – Alice Springs Planning Principles and Framework</b> Inclusion of protection of Roe Creek and Rocky Hill Borefields supported but suggest amendment in accordance with DNRETA terminology in draft "Alice Springs Water Resource strategy ie "to protect the Amadeus Basin Rock Aquifers that provide the public water supply via the Roe Creek and future Rocky Hill borefields"</p> <p><b>Clause 4.4 – Katherine Planning Principles and Framework</b> As for 4.3 amend to include "protect the water catchment upstream of the Donkey Camp Weir, and the Tindal Aquifer that provides public water supply via the Katherine Borefield from inappropriate land uses and development</p> <p><b>Clause 6.12 – Landscaping (submission incorrectly refers to clause 7.7)</b>  <ul style="list-style-type: none"> <li>Amendment suggested "landscaping ...is attractive and pleasant, <u>water</u> efficient and contributes ..."</li> </ul> </p> <p><b>Clause 10.2 – Clearing of Native Vegetation</b> Recommends sub-clause 4 be amended so that all clearing in Zone WM as well as Zone CN require consent and that Zone WM be excluded for sub clause 5 which allows clearing of 1 ha without consent.</p>	<p><b>Response</b> Blue comments indicate changes made to the exhibited version of the Scheme.</p> <p>This matter needs to be investigated further. Noting that the catchments of the two dams are not wholly within zoned areas, the application of a zoning regime will need to consider the affects on any privately owned land and the broader policy objectives regarding the protection of the water source.</p> <p><b>Clause 10.4 –Zone WM Water Management</b> See previous comments.</p> <p><b>Clause 4.1 NT Planning Principles and Framework</b> If a definition of sustainable development is necessary it could be included as a later amendment to the Scheme.</p> <p>Water efficiency has been included in the Planning Principles.</p> <p><b>Clause 4.2 – Darwin Region Planning Principles and Framework</b> NT Planning Principles, Clause 4.1(b) refers to the sustainable use of land and water resources. More detail for the Darwin Region could be considered as a later amendment; however, the nature of the "protection" contemplated in the submission will be a matter of government policy.</p> <p><b>Clause 4.3 – Alice Springs Planning Principles and Framework</b> More detail for the Alice Springs Region could be considered as a later amendment.</p> <p><b>Clause 4.4 – Katherine Planning Principles and Framework</b> More detail for the Katherine Region could be considered as a later amendment.</p> <p><b>Clause 6.12 – Landscaping</b> Words have been included in clause 6.12 that encourage the efficient use of water.</p> <p><b>Clause 10.2 – Clearing of Native Vegetation</b> This proposal requires further investigation to determine the potential effect on any privately owned and the extent of areas that are uncleared not within public ownership.</p>

Submission Issues	Response <b>Blue comments</b> indicate changes made to the exhibited version of the Scheme.
<p><b>Clause 11.4.3 – Lot size &amp; Configuration in Rural Subdivisions</b></p> <ul style="list-style-type: none"> <li>• Sub-clause 2(e) limits agricultural subdivisions to one lot in water catchment areas - clarification needed as to meaning of water catchment areas and relationship to WM zones;</li> <li>• Sub-clause 2(g) requires 100 m separation between bores and effluent disposal - suggests Health, Natural Resources and PWC have determined this is inappropriate for public water supply bores in McMinns/Howard East where 400 m is required to minimise the risk of groundwater contamination;</li> <li>• Recommend that Guidelines for Public Wellhead Protection Zones that exist should be referenced;</li> <li>• Sub-clause 2(i) nominated 70 m separation between bores is not sufficient for public supply bores - again suggest reference to guidelines;</li> </ul> <p><b>Clause 12 - Aboriginal Community Living Areas &amp; Towns</b></p> <ul style="list-style-type: none"> <li>• Suggest insert requirement to consider impacts of development on the protection of public water supplies with these areas.</li> </ul> <p><b>Clause 14.2 Batchelor Area Plan</b></p> <ul style="list-style-type: none"> <li>• Batchelor overlies the aquifer that provides the public potable water supply – while this is acknowledged as an Advisory Note on the plan PWC considers protection of the aquifer should be a primary consideration of all current and future uses and development in this area not only in terms of waste disposal</li> </ul> <p><b>Schedule 1 – Specific Use Zone SKC Kings Canyon</b></p> <ul style="list-style-type: none"> <li>• Suggested inclusion of sub-clause 3(e) “the protection of public water supply” to avoid past problems where inappropriate siting of ablution facilities impacted on water supply and necessitated removal of a production bore</li> </ul> <p><b>Schedule 1 - Specific Use Zone SL6 Girraween Local Centre</b></p> <ul style="list-style-type: none"> <li>• Suggest additions to sub-clause 2(f) to ensure proposed wastewater management system is installed and operated to the satisfaction of DH&amp;CS and has regard to proximity to town water supply production bores to satisfaction of PWC in addition to existing requirements.</li> </ul> <p><b>Schedule 3 – Reference to Guidelines</b></p> <ul style="list-style-type: none"> <li>• Following Guidelines should be included <ul style="list-style-type: none"> <li>○ Guidelines for Buffer Zones: Sewage Treatment, Sludge Management and Re-use Scheme, Power and Water Corporation; and</li> <li>○ Guidelines for Wellhead Protection Zones, Power and Water Corporation</li> </ul> </li> </ul>	<p><b>Clause 11.4.3 – Lot size &amp; Configuration in Rural Subdivisions</b></p> <p>The intent of the clause is to minimise the potential impact of subdivision and consequent land uses on the environmental functions of water catchments. There is no intended relationship to the WM zone given that subdivision control extends to unzoned land. Refinement of this provision in any later amendment to the Scheme remains an option.</p> <p>The provisions of the existing Scheme require a 100m separation. Any proposal to extend that distance should appropriately be a separate amendment to ensure consultation with affected land owners.</p> <p>The Guidelines for Public Wellhead Protection Zones will be assessed and considered as an amendment to the Scheme.</p> <p><b>Clause 12 - Aboriginal Community Living Areas &amp; Towns</b></p> <p>This could be a consideration of any development proposal; however, if a requirement for a specific statement is evident then this could be subject of a separate amendment.</p> <p><b>Clause 14.2 Batchelor Area Plan</b></p> <p>This proposal suggests a significant body of work is required to determine the nature of any planning control that may be desirable. At this point there is no planning basis on which to introduce additional land use control.</p> <p><b>Schedule 1 – Specific Use Zone SKC Kings Canyon</b></p> <p>This could be considered as a later amendment to the Scheme.</p> <p><b>Schedule 1 - Specific Use Zone SL6 Girraween Local Centre</b></p> <p>This should be a consideration of any development proposal and be a condition on any development approval rather than a requirement of the zone.</p> <p><b>Schedule 3 – Reference to Guidelines</b></p> <p>Neither of these documents was exhibited with the Scheme and have not been assessed as to their relevance or otherwise to the development assessment process. On this basis their inclusion at this time is not appropriate although they could well be considered as a later amendment to the Scheme.</p>

<b>Submission Issues</b>	<b>Response</b> <a href="#">Blue comments</a> indicate changes made to the exhibited version of the Scheme.
<p><b>Clause 1.3 – Exceptions</b></p> <ul style="list-style-type: none"> <li>• Sub-clause 2(b)i competing interest of utilities within road reserves are managed by Roads Division and it is suggested that the Scheme should address the issue of competing interests within Utilities and Corridors</li> </ul> <p><b>Warrai and Marrakai Dam Catchments</b></p> <ul style="list-style-type: none"> <li>• Concern to ensure appropriate control of these catchments to preserve water quality;</li> <li>• Catchments maps will be provided to the DCA with a request for referral of any application within the catchments;</li> <li>• It was noted that control will only be relevant to development of zoned land or subdivision of unzoned land.</li> </ul>	<p><b>Clause 1.3 – Exceptions</b></p> <p>The zone was introduced primarily as a means of identifying major infrastructure. There is unlikely to be “competing interests” that require management by the consent authority any competing interest would more appropriately be addressed by the owner of the corridor.</p> <p><b>Warrai and Marrakai Dam Catchments</b></p> <p>The catchment for the proposed Marrakai Dam is within the Coomalie Shire. There is no zoning plan for the Coomalie Shire. There is a Coomalie Land Use Framework which indicates that certain land within Coomalie Shire is within Water Management Areas.</p>
<p><b>Clause 11.4.2 – Infrastructure in Rural Subdivisions</b></p> <p>Concern that development on rural land does not utilise septic systems without reference to either Dept Health or PWC and suggests the clause is unclear as to who should be consulted.</p>	<p><b>Clause 11.4.2 – Infrastructure in Rural Subdivisions</b></p> <p>Sub-clause 2(c) requires the applicant to demonstrate that the soils are suitable for the on-site absorption of effluent without detriment to the environment and in particular to ground and surface waters. As a matter of course applications are referred to Power Water Corporation and to the Department of Health and Community Services as appropriate. The Scheme is not structured so that every referral agency is listed but rather on the desired outcome.</p>
<p><b>Schedule 1 – Specific Use Zone SD9</b></p> <ul style="list-style-type: none"> <li>• SD9 applies to Lots 6651 &amp; 5377 Darwin Ship Repairs and Engineering;</li> <li>• Uses permitted (with consent) do not reflect the stated purpose of SD9 ‘to encourage the expansion of the existing waterfront and maritime industrial activities’ and will unduly restrict further upgrading and development of marine industrial uses which is, and will continue indefinitely, to be most appropriately used for marine industry including heavy marine industry for a number of reasons including:</li> </ul>	<p><b>Schedule 1 – Specific Use Zone SD9</b></p> <p><a href="#">A convention centre, maritime and waterfront industry and research centre have been listed as discretionary uses in SD9.</a></p>

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Submission Issues	Response Blue comments indicate changes made to the exhibited version of the Scheme.
<ul style="list-style-type: none"> <li>○ Ship repair is an essential service industry in Darwin;</li> <li>○ Frances Bay has been developed for the purpose over a long period;</li> <li>○ Territory's stated objective of marine industry on lot 6404;</li> <li>○ Aspirations for relocation of heavy marine industry to East Arm before 2020 are unrealistic;</li> <li>○ Significant upgrade of ship lift capacity in 1996 - fixed assets which can't be relocated and done with support of Territory;</li> <li>○ No inconsistency (in land use planning terms) between port operations at East Arm and continued marine industry at Frances Bay;</li> <li>○ Existing use rights predate 1998 amendments to Town Plan;</li> <li>○ Amenity of residents in the locality (encouraged without regard to existing uses) can only be protected if controls are practical and existing use level regarded as base level with scope to expand;</li> </ul> <p>Maritime and waterfront industrial development should be permitted under SD9 as the identified purpose– 'to encourage the expansion of the existing waterfront and maritime industrial activity' is not supported by the controls as permitted uses (with consent) don't include waterfront and maritime industrial activity currently defined in the Darwin Town Plan as a special purpose.</p> <p><b>Clause 6.3 Building Heights in Central Darwin</b></p> <ul style="list-style-type: none"> <li>● Building height controls are also identified as an issue: <ul style="list-style-type: none"> <li>○ The likelihood of further residential development in the locality (tank farm) indicates the need for encapsulation of some marine activities to limit impacts dust and noise generated by industrial activities particularly sand blasting;</li> <li>○ The diagram to Clause 6.3 suggests the western portion of the site falls within the 120m AHD height limit which would be adequate for the construction of an encapsulating building;</li> <li>○ For clarity and transparency it is suggested the zone statement for SD9 be amended to refer to Clause 6.3 and the diagram be amended to indicate the 120m limit for the entire site rather than to the limited extent currently indicated. The effect would be to eliminate the 15m height limit on land occupied by the existing use.</li> </ul> </li> </ul> <p>Alternatively the area subject to the 15 m limit should be included in the 55 m limit which would facilitate the encapsulation facility.</p>	<p><b>Clause 6.3 Building Heights in Central Darwin</b></p> <p>The height controls in the proposed scheme reflect current provisions in the Central Darwin Planning Concepts and Land Use Objectives that are variable at present. Building heights in central Darwin are one of the matters under consideration through the Capital City Committee. A future amendment to the Scheme either confirming or altering the permissible heights is probable.</p>

Submission Issues	Response
<p><b>Schedule 1 – Specific Use Zone SD10 as it relates to Lot 5593 Frances Bay Drive</b></p> <ul style="list-style-type: none"> <li>The land is currently used for warehousing and maintenance of pearl farming equipment but SD10 (as with SD9) does not permit waterfront and maritime industrial uses which is illogical when the intended purpose is limited expansion of the existing waterfront and maritime industrial uses;</li> </ul> <p>Submission that maritime and waterfront industrial uses should be included as a permitted (with consent) use.</p> <p><b>Lot 6394, Myilly Point- Proposed TC replacing B5</b></p> <ul style="list-style-type: none"> <li>Site of 2 ha purchased 1995 in reliance on B5 zoning which applied as part of integrated Cullen Bay scheme with zoning support of government and community;</li> <li>Adoption of the proposed TC zone will compromise potential development for purposes which are still relevant, destroy land value and diminish investor confidence; <ul style="list-style-type: none"> <li>Plot ratio reduction from 3:1 to 1:1;</li> <li>Detached dwelling becomes discretionary rather than permitted;</li> <li>Restriction in clause 7.9 on purely residential development although detached dwellings permitted and cluster dwellings consent under B5 zone;</li> <li>Requirement in clause 7.9 of commercial mix in conjunction with residential use;</li> <li>Except if clause 7.0 applies, building height limit determined by proposed 1:1 plot ratio (clause 6.4) while current town plan, with no overriding height control limits height only through 3:1 plot ratio;</li> <li>Convention Centre (although consent in B5) is now prohibited.</li> </ul> </li> <li>Stated purpose of TC zone - development which is “of a scale and character compatible with development nearby” and none of nearby development (HR – high rise residential on Marina Boulevard and C – commercial uses) justify the radical plot ratio reduction</li> </ul> <p>Proposed changes impose inequitable and unfair penalty on land owner and the TC zoning as it applies to this lot should maintain current B5 zone uses and regulation.</p> <p>As the proposed zoning reflects the existing zone, amendment as part of the proposed Scheme is inappropriate. Residential rather than a mixed use commercial development would require separate amendment to the Scheme.</p> <p><b>Lots 2416, 5495 &amp; 5496 – Myilly Terrace</b></p> <ul style="list-style-type: none"> <li>Lots 2416 &amp; 5496 developed with detached dwellings with a vacant Lot 5495 between;</li> <li>Existing use rights apply but concerns in relation to proposed TC zone outlined above apply;</li> </ul> <p>Suggested alternative – the land and adjacent Lot 7808 be subject to separate land use study in consultation with affected owners;</p>	<p><b>Specific Use Zone SD10 as it relates to Lot 5593 Frances Bay Drive</b></p> <p>As noted in relation to SD9, maritime and waterfront industrial development are now proposed as discretionary uses in SD10 as well as hotel.</p> <p><b>Lot 6394, Myilly Point</b></p> <p>Lot 6394 Myilly Point is located at the base of Flagstaff Park on Marina Boulevard Cullen Bay.</p> <p>Concerns regarding Zone TC addressed by:</p> <ul style="list-style-type: none"> <li>altering the plot ratio for Zone TC to 3:1 in clause 6.4; and</li> <li>removing the residential height restriction for Zone TC in clause 7.1.</li> </ul> <p>A convention centre could be considered in Zone TC as the use is not listed in the zoning table and therefore is considered an undefined use which would be discretionary [clause 3(b)].</p> <p>Clause 7.9 requires the provision of some commercial use in association with residential development in Zones C and TC. There is still a role for the DCA in determining the amount of commercial development that is consistent with the service function of the site.</p> <p>This is considered to be justified as a commercial or tourist commercial zone on land represents a policy decision that commercial or tourist commercial uses are desired in a particular locality and to ensure that the primary purpose of the zone should not be prejudiced by other forms of development.</p> <p><b>Lots 2416, 5495 &amp; 5496 – Myilly Terrace</b></p> <p>In the context of the possible alterations to plot ratio and building heights applicable in Zone TC the proposals represent a translation of existing provisions. The land owner has the option of applying to rezone the land.</p>

<b>Submission Issues</b>	<b>Response</b> Blue comments indicate changes made to the exhibited version of the Scheme.
<p><b>Lots 5605, 5567, 5570 &amp; 5571 Parap Road</b></p> <ul style="list-style-type: none"> <li>• 5605 &amp; 5567 owned and operated as Parap Village Apartments (PVA) and 5570 &amp; 5571 undeveloped contiguous lots currently zoned R3;</li> <li>• Proposed provision unduly restrictive on development of motel uses which are currently in operation and prohibit incorporation of a restaurant;</li> <li>• PVA provides accommodation service convenient to local facilities, provide safe and controlled environment for young groups where supervision a priority and guests contribute significantly to local businesses;</li> <li>• Ability for PVA to increase accommodation will support economic and social improvement;</li> <li>• Scale, character and architectural style of PVA compatible with streetscape and surrounding development;</li> <li>• While residential feel recognised as important advocate appropriately designed accommodation facility can harmonise with multi storey medium density accommodation;</li> <li>• Proposed MR zone will compromise redevelopment of PVA and adjacent lots reducing value of vacant lots and value of PVA;</li> </ul> <p>Advocates retain uses currently applicable to R3 zone.</p> <p><b>Specific Use Zone SD11 - Lots 9723, 9724 &amp; 9725</b> Lots 9724 &amp; 9725 are not listed in the text as included in the specific use zone;</p> <p><b>Editorial</b> Table of Contents - Part 8 Schedule 1 refers to 2.3 rather than 2.4.</p>	<p><b>Lots 5605, 5567, 5570 &amp; 5571 Parap Road</b> While the previous R3 zone did provide for uses such as motel and restaurant as consent uses it was within the context of consideration of impacts of such development on residential amenity that the new Scheme prohibits such uses. It appears the existing complex was approved as flats and any expansion or redevelopment would appropriately require a future amendment to the scheme. The current use as serviced apartments did not require further planning consent.</p> <p><b>Specific Use Zone SD11 - Lots 9723, 9724 &amp; 9725</b> Lots 9724 and 9725 are now 9765 &amp; 9767 as a result of the subdivision and acquisition of the Rapid Creek corridor.</p> <p><b>Editorial</b> Clause number corrected.</p>
<p><b>22</b></p> <ul style="list-style-type: none"> <li>• Support rationalisation process but object to move towards prescriptive design and removal of various discretionary powers from DCA;</li> <li>• Concerned not in interests of better built environment and will be supported only by those seeking 'box-ticking' or 'design by numbers' rather than encourage innovation and creative design;</li> <li>• concerned that recommendations of Capital City Focus Group have not been incorporated into the scheme and if this opportunity is missed will be may years before they are incorporated;</li> <li>• concerned that NTG Architect whose charter is to promote Excellence in Design in Built Environment appears not to have been consulted.</li> </ul>	<p><b>See the response for submission No. 29.</b></p>
<p><b>23</b></p> <ul style="list-style-type: none"> <li>• Prohibition on the riding or racing of any motorized vehicle on residential or rural properties;</li> </ul>	<p>The current town plans do not have any controls for the private use of motor bikes and go-karts. The introduction of such controls would need to be via a separate amendment to allow for community debate. However, control of such activity via the Planning Scheme where it occurs on private land as a recreational activity would be impossible to effectively enforce.</p>

Submission Issues	Response <b>Blue comments</b> indicate changes made to the exhibited version of the Scheme.
<ul style="list-style-type: none"> <li>• Not more than 20% of any residential or rural property be altered or changed for driveways, footpaths etc in any way that inhibits natural processes eg water infiltration growth of plants or removal of flora en mass through use of pesticides massive land clearing; or other process that would interfere with natural pro</li> <li>• Judgements in land disputes, where specific attributes not included in the Scheme, lean towards maintaining natural harmony of land and peaceful co-existence among neighbours.</li> </ul>	<p>The clearing provisions allow 1 hectare of clearing and this clause reflects the controls currently in place through out the Territory. The current town plans anticipate and allow for commercial eg horticultural and agricultural development of land.</p> <p>Resolution of land disputes is outside the scope of the project.</p>
<p><b>24</b></p> <p><b>Inconsistencies between 4.3 Alice Springs Framework Drawing and Zoning Map</b></p> <ul style="list-style-type: none"> <li>• 4.3 (b) “consolidate urban development north of the McDonnell Ranges taking advantage of existing public infrastructure investment <b>and retain rural residential development south of the McDonnell Range;</b></li> <li>• This clearly stated policy is at odds with existing B3 and proposed TC zone along Palms Circuit and Ragonesi Road;</li> <li>• Existing developments including a shed, a hospital &amp; camel farm, further questions stated policy;</li> <li>• Proposed TC zone allows Multiple Dwellings as discretionary use therefore any existing development zoned B3 eligible for redevelopment for uses in accord with zoning table;</li> <li>• Undesirable precedent established by development proposals within TC zone which will create pressure for rezoning proposals for existing RL2 lots particularly along Ragonesi, Stegar Roads and along Ross Highway to possible TC, MD and SD;</li> <li>• Wrong for Department to continue to approve rezoning and development under the stated policy at sub-clause 4.3(b) unless wording changed to reflect approval of attracted (future) development application in the locality.</li> </ul>	<p><b>Inconsistencies between Framework Drawing and Zoning Map</b></p> <p>This concern reflects a misunderstanding of sub-clause 4.3(b). It appears it has been interpreted to mean that development south of the ranges will be limited to rural residential to the exclusion of all other uses when in fact the intention is to establish that urban residential development is to be located north of the gap and that any residential development south of the ranges is to be of a rural nature.</p> <p>The zoning plan provides for some tourist commercial development south of the ranges.</p> <p><b>To clarify this perceived conflict that part of sub-clause 4.3(b) after the word “investment” has been deleted.</b></p>
<p><b>25</b></p> <p><b>Clause 1.3.2(f) – Mining</b></p> <ul style="list-style-type: none"> <li>• Mining under an extractive Mineral Permit is permitted but reference to section 178(2) of the <i>Mining Act</i> is incorrect in relation to additional authorisation. Suggest mining should be allowed in accordance with <i>Mining Act</i> and reference to specific clauses omitted (Act might change and different numbers apply).</li> </ul> <p><b>Clause 3.0 – Definitions</b></p> <p><b>Clearing of native vegetation (h)</b></p> <ul style="list-style-type: none"> <li>• Clearing may have been undertaken legally before introduction of controls or under <i>Mining Act</i> so only illegal clearing should be excluded from re-clearing;</li> </ul>	<p><b>Clause 1.3.2(f) – Mining</b></p> <p>Section 178(2) refers to activities of a similar nature to those carried out under an EMP. Notwithstanding this fact the proposed provisions relating to mining reflect those in the existing scheme and a change is inappropriate.</p> <p><b>Clearing of native vegetation</b></p> <p>Limiting re-clearing without consent to only areas previously cleared in accordance with a permit meets the Government’s objectives of ensuring that clearing does not unreasonably contribute to environmental degradation of a locality and avoids environmental impacts. Nothing precludes an application for a permit to re-clear native vegetation that has regrown.</p>

Submission Issues	Response <a href="#">Blue comments</a> indicate changes made to the exhibited version of the Scheme.
<p><b>Mining</b></p> <ul style="list-style-type: none"> <li>Should be amended to include "...crushing, processing and storage of...",</li> </ul> <p><b>Rural industry</b> Requires product to be transported to the site - suggest rural industry should allow a grower to process and pack products grown the site;</p> <p><b>Clause 4.2 - Darwin Region Framework Drawing</b> Section 2449 Leonino Road appears to be zoned as Public Use but should be zoned Rural.</p> <p><b>Finniss &amp; Cox Peninsula Land Use Framework –</b></p> <ul style="list-style-type: none"> <li>Concerns with various aspect of this framework plan including; <ul style="list-style-type: none"> <li>Bynoe Harbour Coast and Finniss floodplains proposed to be zoned "natural features" but no indication of uses allowed and important to reserve opportunities for development including tourist ventures, aquaculture and horticulture;</li> <li>Area shown as subject to seasonal inundation widely exaggerated and as Finniss River floodplains do not flood to any great depth and as don't form part of flowing water course flooding may not be of concern - these areas should be rural to allow productive use of land;</li> <li>Believes town sites identified on Finniss Land Use Structure Plan 1990 (FLUSP 1990) and Finniss Planning Concepts and Land Use Objectives 2002 (FPC&amp;LUOs) should be retained in the Scheme;</li> <li>New Road connecting Dundee Beach and Dundee Downs not supported as constrains land and represents unnecessary duplication of existing Fogg Bay Road;</li> <li>Hinterland of Finniss proposed to be zoned Rural and considering it is the only zone in the hinterland many more uses such as caravan park, fuel depot, shops, offices motels should be allowed with consent and lots less than 8 ha would be allowed where suitable water supplies and waster disposal is available;</li> </ul> </li> </ul> <p>FLUSP and FPC&amp;LUOs made provision for smaller lots in appropriate areas and this opportunity should be retained;</p>	<p><b>Mining</b> <a href="#">As the processing of mined ore does not fall within the definition of industry "processing" has been included within the definition of mining.</a></p> <p><b>Rural industry</b> Processing or packing product grown on the site is ancillary to the primary use, horticulture. Only if additional produce is transported to the site does it become rural industry.</p> <p><b>Clause 4.2 - Darwin Region Framework Drawing</b> The framework plan does not zone specific lots. It is a broad indication of future land use with the use and development of individual lots controlled by the zoning plan. This lot remains within the R zone on the zoning map.</p> <p><b>Finniss &amp; Cox Peninsula Land Use Framework</b> These concerns result from misinterpretation of the framework plan – it is intended to provide indication of broad future land use and is not a zoning plan. The only zoning plan relevant to the Finniss area is the Namarada Area Plan.</p> <p><a href="#">The User Guide has been amended to include an explanation of the purpose of Framework Drawings, Area Plans and zoning maps.</a></p> <p>The framework reflects existing policy established by the Finniss Planning Concepts and Land Use Objectives 2002 and amendment at this time is not appropriate. Any future amendment or introduction of zoning to the Finniss generally will be subject to the required process under the <i>Planning Act</i> including community consultation.</p> <p>The proposed main road on the Finniss and Cox Peninsula Land Use Framework indicates a possible alternative route.</p>

Submission Issues	Response <small>Blue comments indicate changes made to the exhibited version of the Scheme.</small>
<p><b>Zoning Tables</b></p> <p><b>Tourist Commercial</b></p> <ul style="list-style-type: none"> <li>• Potential Tourist Commercial sites along Bynoe Harbour suggest TC should allow Light Industry and Fuel Depot / Service Stations as consent use to allow for repair and servicing of fishing and tourist charter boats ;</li> </ul> <p><b>Caravan Parks &amp; Fuel Depots in Zone H Horticulture</b></p> <ul style="list-style-type: none"> <li>• Caravan parks should be allowed to attract cheap seasonal labour as should fuel depot which is required for any non-urban enterprise in the NT;</li> <li>• These uses should be allowed where ancillary to the permitted use;</li> </ul> <p><b>Rural Residential</b></p> <ul style="list-style-type: none"> <li>• reticulated water should be mandatory as lots less than 2 ha without reticulated sewerage can't accommodate bores;</li> </ul> <p><b>Rural Living</b></p> <ul style="list-style-type: none"> <li>• should not allow commercial horticulture due to conflict with sprays;</li> </ul> <p><b>Rural</b></p> <ul style="list-style-type: none"> <li>• As Finnis extends over 50 kms provision should be made for caravan parks, light industry, office and shops as consent uses or alternatively suitably zoned areas be provided;</li> </ul> <p><b>Township</b></p> <p>A Township zone in a remote locality ie Finnis needs to accommodate a wide range of uses including a fuel depot, light industry and rural industry should be allowed with consent.</p> <p><b>Clause 6.14 Flooding and Storm Surge</b></p> <p>It is not reasonable to prevent development in areas affected by the secondary storm surge.</p>	<p><b>Tourist Commercial</b></p> <p>As there is no zoning around Bynoe Harbour there is nothing to prevent these uses and even if there were zoning such activities would be appropriate if they were ancillary to the primary use.</p> <p><b>Zone H Horticulture</b></p> <p>A caravan park as defined anticipates year round activity available to the general public which is inappropriate in this zone. The provision of accommodation for seasonal workers could be considered ancillary to the primary use on a case by case basis. The storage of fuel solely for the primary use of the site (as horticulture) would be permissible as an ancillary activity. Wholesale or retail distribution would be unacceptable in the context of the Scheme.</p> <p><b>Rural Residential</b></p> <p>Clause 11.4.5 (3) &amp; (5) mandate the reticulation of water for RR subdivisions.</p> <p><b>Rural Living</b></p> <p>This matter was considered at length during formulation of LAP2004. Prohibition of the use would be a significant &amp; controversial step more properly addressed as a separate amendment to provide for broad community debate. On that basis the retention of the provisions as exhibited, is recommended.</p> <p><b>Rural</b></p> <p>This submission results from confusion between the Framework Plans and zoning plans as the Finnis sub-region is not zoned. These uses can be established on unzoned land without consent.</p> <p><b>Township</b></p> <p>It was always envisaged that other zones would be used to complement the township zone as may be necessary eg the Light Industrial zone.</p> <p><b>Clause 6.14 Flooding and Storm Surge</b></p> <p>The Scheme suggests that residential uses should be avoided in storm surge affected areas. Each case would be considered on its merits.</p>

<b>Submission Issues</b>	<b>Response</b> Blue comments indicate changes made to the exhibited version of the Scheme.
<p><b>Clause 11.4.1 – Site Characteristics for Rural Subdivision</b></p> <ul style="list-style-type: none"> <li>• Sub-clause 2(d) RL 6.0 AHD proposed is arbitrary and has no technical basis and should not apply to Finniss as the 1% AEP storm surge along Bynoe Harbour is between RL 5.1 and 5.3 AHD. Suggest reference to either 1% AEP or storm surge of 5.3 AHD for Bynoe Harbour;</li> <li>• Clause should refer to land for rural living as subdivisions which create lots for agriculture, aquaculture or boat ramps, pump sheds or outlet channels would be acceptable in 1% AEP areas;</li> <li>• Supplementary submissions quotes information provided by DIPE as establishing 5.1m AHD as 1% storm surge levels for Bynoe Harbour.</li> </ul> <p><b>Storm Surge Level for Bynoe Harbour</b> The submitter provided a supplementary submission in support of his statement that to prevent reasonable development below 6.0 m AHD is a waste of valuable land that is in high demand.</p> <p><b>Clause 11.4.2 – Infrastructure in Rural Subdivisions</b> Sub-clause 2(d) should refer to adequate water supply - not necessarily groundwater as the provision of alternate supplies are being researched and Darwin/Dundee well placed to take advantage the use of rain water tanks to supplement valuable groundwater resources.</p> <p><b>Roads above 1.0% AEP Flood Line</b> Sub-clause 3 (d) (be located above 1.0% AEP or seepage line) and (b)(ii) (cross creeks ant right angles and minimise number of crossings) technically conflict – suggest (d) be amended to read “where reasonably possible be located above....”</p> <p><b>Tidal Arm Road Crossing</b> Sub-clause 6 refers to tidal arm road crossing PSS level in Bynoe Harbour is RL5.1 – 5.3 AHD which is well below RL 8m AHD – which would be an unreasonable requirement of 1 in 5000 year event. Suggest more practical to define specific engineering criteria for a site eg a 5% AEP level rather than set an arbitrary limit;</p>	<p><b>Clause 11.4.1 – Site Characteristics for Rural Subdivision</b> Each case would be considered on its merits.</p> <p><b>Storm Surge Level for Bynoe Harbour</b> The information referred to in the supplementary submission is the map produced by the NT Floodplain Management Committee which indicates storm surge level predictions at a number of points around the coast. Notes on the map emphasise that the locations are approximate only and that the indicated levels are estimates only rather than accurate levels. Therefore, interpolation between different points is not possible because actual levels depend on the bathymetry of the sea floor.</p> <p>The interpretation of this information in the submission illustrates the benefit of adoption of the precautionary principle in this clause when considering potential impacts of storm surge. The information in fact identifies 5.1m AHD as the 1% AEP storm surge level at Fog Bay and identifies the level in Bynoe Harbour at 5.3m and at nearby Masson point at 5.5m. As the Fog Bay level applies to the open coast the levels there are less relevant than those at Bynoe Harbour and Masson Point in determining approximate levels for development along the Bynoe coast.</p> <p><b>Clause 11.4.2 – Infrastructure in Rural Subdivisions</b> Sub-clause 2(d) this requirement is capable of variation if the consent authority is satisfied that alternative supplies are suitable in the circumstances.</p> <p><b>Roads above 1.0% AEP Flood Line</b> The requirement to minimise creek crossings acknowledges that while roads should be located above the 1% AEP some crossings of these areas will be necessary.</p> <p><b>Tidal Arm Road Crossing</b> Clauses 11.2, 11.3 &amp; 11.4 are guidelines for subdivision design. Each case would be considered on its merits. The clause may be varied if sufficient justification can be provided.</p>

Submission Issues	Response <i>Blue comments</i> indicate changes made to the exhibited version of the Scheme.														
<p><b>Clause 11.4.3 – Lot Size &amp; configuration in Rural Subdivisions – access from a public road</b> Sub-clause 2(b) should be expanded such that all weather driveway will be acceptable where the constrained land adjacent to an all weather road is relatively minor (eg flooding depth less than 0.5m);</p> <p><b>Lots near Major Highways</b> Sub-clause 2(d) should be expanded to allow lots of less than 500m deep where a service road provides access and in all cases (due to varying width of road reserves the 500m should be from the centre of the road reserve.</p>	<p><b>Clause 11.4.3 – access from a public road</b> As this proposed requirement reflects existing and long standing policy the suggested change would be inappropriate noting that it may be varied if sufficient justification can be provided.</p> <p><i>To clarify the requirement sub-clause (b) has been altered:</i> ensure that each lot has a minimum of 1ha of unconstrained land <i>and that access to that land from a public road is similarly unconstrained.</i></p> <p><b>Lots near Major Highways</b> <i>The clause has been deleted.</i></p>														
<p><b>26 Zone RD Restricted Development Lot 5182 Bagot Road</b> Considered that permitted &amp; discretionary uses in the RD zone are far too onerous and fails to recognise that notwithstanding constraints posed by proximity to the airport, viable and efficient development can still be done;</p> <p>Purpose of RD zone is to ensure development <i>does not prejudice the safety and efficiency of the airport, limits the number of people who reside or work in the area and retains the non-urban character of the land.</i> Submits that it is reasonable to consider constraints like noise, building height etc but advocate additional uses than those currently allowed which can achieve the intent of the RD zone whilst recognising constraints and potential adverse impacts on adjacent land uses.</p> <ul style="list-style-type: none"> <li>Reference is made to the ANEF designations and the Building Site Acceptability Based on ANEF Zones table with uses considered acceptable on the site (subject to consent to allow merit based assessment) highlighted.</li> <li>Uses specifically identified for inclusion as discretionary within a Specific Use - Lot 5182 include <table border="0" data-bbox="316 1451 874 1653"> <tr> <td>Car Park</td> <td>Motor Repair Station</td> </tr> <tr> <td>Fuel Depot</td> <td>Recycling Depot</td> </tr> <tr> <td>Commercial Office</td> <td>Service Station</td> </tr> <tr> <td>Leisure and Recreation</td> <td>Showroom Sales</td> </tr> <tr> <td>Light Industry</td> <td>Vehicle Sales Yard</td> </tr> <tr> <td>Motel/Hotel</td> <td>Warehouse</td> </tr> <tr> <td>Motor Body Works</td> <td></td> </tr> </table> </li> <li>Opportunities created would include orderly and logical development, provision of services to the community and provision of potential employment generating activities for the owners and providing opportunities to provide for employment and fiscal resources that are otherwise compromised by underutilisation of the site;</li> </ul>	Car Park	Motor Repair Station	Fuel Depot	Recycling Depot	Commercial Office	Service Station	Leisure and Recreation	Showroom Sales	Light Industry	Vehicle Sales Yard	Motel/Hotel	Warehouse	Motor Body Works		<p><b>Zone RD Restricted Development Lot 5182 Bagot Road</b> The restrictive nature of the RD zone is deliberate recognising the potential land use conflict with the airport. Amendment of the zone in the context of the proposed Scheme is not appropriate.</p>
Car Park	Motor Repair Station														
Fuel Depot	Recycling Depot														
Commercial Office	Service Station														
Leisure and Recreation	Showroom Sales														
Light Industry	Vehicle Sales Yard														
Motel/Hotel	Warehouse														
Motor Body Works															

<b>Submission Issues</b>	<b>Response</b> Blue comments indicate changes made to the exhibited version of the Scheme.
<p><b>Clause 11.1.1 Minimum lot sizes - relating to lot 5182 and RD zone</b></p> <ul style="list-style-type: none"> <li>Identified intention of the clause is to ensure lots are of a size capable of accommodating intended use,</li> <li>Minimum lot size for RD zone of 50ha precludes subdivision of 5182 and as both current uses and requested discretionary uses would be better accommodated on smaller lots suggested no minimum lot size be applied but achieve the intent of the zone by linking lot size to intended use.</li> </ul>	<p><b>Clause 11.1.1 Minimum lot sizes - relating to lot 5182 and RD zone</b></p> <p>The minimum lot size in Zone RD may be varied if sufficient justification can be provided.</p>
<p><b>27</b></p> <p><b>Best Practice Sustainable Development</b></p> <ul style="list-style-type: none"> <li>The Scheme makes little of the opportunity to promote best practice sustainable development – a missed opportunity given increasing demand for development that is smart, resource efficient and climatically appropriate. NTG would certainly recognise the days of cheap, unlimited energy and thoughtless resource waste are past and an effective way to bring Territory into sustainable future is to use instruments like the Planning Scheme to express sensible policy</li> </ul> <p><b>Clause 4.3 Alice Springs Planning Principles and Framework</b></p> <ul style="list-style-type: none"> <li>Sub-clause (d) should be expanded to encourage "design sensitive to location" instead of only offering this advice to urban areas;</li> <li>Additional clause: "recognising the remote nature of the town and its fundamental resource limitations, to encourage the continuous improvement of building performance with respect to energy, water and waste.</li> </ul> <p><b>Clause 6.0 – General Performance Criteria</b></p> <ul style="list-style-type: none"> <li>Absence of clauses concerned with sustainable design issues. Control of building heights acknowledged as important but load poor performing development puts on public infrastructure and resources is concern to all. Acknowledge some contentious issues around mandating sustainability performance but if height can be controlled requirements that developments meet a minimal rating standard should be considered. Requiring development rating would be a start.</li> </ul> <p><b>Clause 6.5 – Vehicle Parking</b></p> <ul style="list-style-type: none"> <li>Concern over the management of vehicle parking is noted and suggested as pointer for the future that the Authority should begin to look at ways to concern development with other modes of transport: bicycles, foot, mass transit.</li> </ul>	<p><b>Best Practice Sustainable Development</b></p> <p>As best practice in sustainability matters is established in the Territory appropriate amendments can be made to the Scheme. The Department is preparing guidelines for example on sustainable subdivision practices that will be subject of a future amendment to the Planning Scheme.</p> <p><b>Clause 4.3 Alice Springs Planning Principles and Framework</b></p> <p>The reference to "urban " has been deleted.</p> <p>The "recognition" that Alice Springs is remote is considered unnecessary in the context of the Scheme. Issues of energy efficiency, water and waste are not unique to Alice Springs and are captured by the NT Planning Principles.</p> <p><b>Clause 6.0 – General Performance Criteria</b></p> <p>The Planning Principles at Clause 4.0 establish sustainability considerations as one of the fundamental issues to which the consent authority must have regard. Having identified sustainability as an issue within the Planning Principles consideration of the issue within the development assessment process could be enhanced by referencing a guideline under clause 2.8 in the future. However guidelines specific to the issue do not presently exist in the Territory and would merit considerable consultation before becoming an amendment to the Scheme.</p> <p><b>Clause 6.5 – Vehicle Parking</b></p> <p>Consideration of alternative forms of transport would be an appropriate component of any future review.</p>
<p><b>28</b></p> <p><b>Clause 6.5.2 - Reduction in Parking Requirements</b></p> <ul style="list-style-type: none"> <li>Ability of DCA to vary parking requirement must not be limited to 5% discretionary limit (particularly in light of Alice Springs Town Council "Draft Parking Contribution Plan" which proposed 380% increase) as this will lead to stifling of future A/Springs CBD development;</li> </ul>	<p><b>Clause 6.5.2</b></p> <p>Concern about the 5% DCA discretion suggests some misinterpretation on this issue. The <i>Planning Act</i> limits the extent of amendments to a proposal the subject of a development permit which can be considered as a variation to 5% of measurable criteria.</p>

Submission Issues	Response
<p><b>Table to 6.5.1 – Parking Requirements</b></p> <ul style="list-style-type: none"> <li>increase in parking requirements for light industry (1/100m<sup>2</sup> to 2/100m<sup>2</sup>) and office (2.5/100m<sup>2</sup> to 3/100m<sup>2</sup>) will stifle development in Alice Springs,</li> </ul> <ul style="list-style-type: none"> <li>Given the Council proposal to build a multi storey car park and “Alice Springs CBD Traffic Management and Parking Study” (2004) which identified a considerable parking provision surplus, requirements for shop should be reduced from 6/100m<sup>2</sup> to 3 or 4 per 100 m<sup>2</sup> or swath of underutilised grey parking lots will scar the CBD landscape.</li> </ul> <p><b>Table to Clause 7.3 Minimum Building Setbacks for Residential Developments</b></p> <p>Given the trend for smaller residential lots – proposed increase in setback from Primary Street from 6.0 metres to 7.5 metres is not acceptable – will reduce usable rear yard.</p>	<p><b>Table to 6.5.1 – Parking Requirements</b></p> <p>The existing town plans include two zones: service and light industry. The consolidated Scheme combines the zones and adopts a parking requirement of 2/100m<sup>2</sup>, the current parking ratio for service industry in Darwin and Alice Springs. The existing parking ratio for light industry is 1/100m<sup>2</sup>. A variation to the parking requirement for individual developments can be considered if sufficient justification can be provided.</p> <p>The car parking requirement for offices has been altered to reflect current requirements ie 2.5/100m<sup>2</sup>.</p> <p>An amendment to the Scheme to include the Alice Springs central area zoned CB within the discounted parking in Column 3 of the table to clause 6.5.1 could be considered as a later amendment to the Scheme.</p> <p>A local variation to recognise the setbacks that exist in Alice Springs is appropriate.</p>
<p><b>29 General / Policy - Significant Changes</b></p> <ul style="list-style-type: none"> <li>Support for the rationalisation process but concern that, contrary to brief to make no significant changes and representations at forums, a number of significant changes have been made;</li> <li>Concern both for the actual changes but also that they have not been fully and publicly canvassed;</li> <li>Changes considered as significant include changes to detailed technical requirements and to application of the scheme by DCA.</li> <li>Also concerned that recent Capital City Charter Directives are somewhat inconsistent with directions being implemented in proposed scheme and that it is inappropriate to implement new scheme not consistent with endorsed future directions;.</li> <li>Advocate defer adoption of the scheme until the following has been achieved <ul style="list-style-type: none"> <li>Review design philosophy in terms of outcomes of CCC and integrated endorsed principles in scheme</li> <li>Detail review of technical requirements outlined below</li> <li>Review changes to application of the scheme by DCA also outlined below;</li> </ul> </li> </ul>	<p><b>General / Policy - Significant Changes</b></p> <p>In formulation of the proposed scheme there were some decisions which had to be made in regard to the significance of amendments which were required to successfully rationalise, integrate and consolidate the many documents that comprise the current Planning Scheme. While the intention was to consolidate and integrate the existing provisions, it was inevitable that there would be some changes in some localities.</p> <p>While the proposed limitations on discretion and what is perceived as increased prescription were welcomed by some, others expressed concern that the changes were such as to represent major changes in policy. A number of submissions have noted apparent incidences of the limiting of the DCA discretion, what are considered unacceptable prescription and technical changes.</p> <p>Analysis of these concerns illustrates that many of these incidences reflect existing controls. Where amendments to the exhibited Scheme could be considered these are indicated.</p>

Submission Issues	Response
<p><b>Technical changes of concern</b></p> <ul style="list-style-type: none"> <li>○ Parking for multiple dwellings from 2 spaces / dwelling to 2.2</li> <li>○ Parking offices from 2.5 spaces/100m<sup>2</sup> to 3/100m<sup>2</sup></li> <li>○ Changes to residential density for R3 and R4 equivalent zones;</li> <li>○ Introduction of unacceptable level of prescription which will inhibit innovative design. Examples include: <ul style="list-style-type: none"> <li>▪ Clause 6.12 – Landscaping</li> <li>▪ Clause 7.5 - Private Open Space</li> <li>▪ Clause 7.6 - Design of Communal Open Space</li> <li>▪ Clause 7.8 - Building Design for Multiple Swellings</li> <li>▪ Clause 8.2 – Design for commercial and non-residential dwellings</li> </ul> </li> </ul> <p>Advocates further discussion and offers to participate;</p> <p><b>Changes to Application of the scheme by the DCA</b></p> <ul style="list-style-type: none"> <li>● Major concern at removal of DCA discretion which will preclude the DCA considering the merits of a proposal and balancing compensating features against a request for a waiver. Clauses of concern include: <ul style="list-style-type: none"> <li>○ 6.2 - Building Heights Alice Springs</li> <li>○ 6.5 – Parking for residential buildings outside CBD</li> <li>○ 7.1 – Multiple dwelling residential adjoining the SD zone</li> <li>○ 7.4 - Setbacks and fencing of multiple dwellings in MR zone</li> <li>○ 7.9 – Residential development in C &amp; TC zones</li> </ul> </li>   <li>○ 8.1.3 – Consent use in CV zone</li>   <li>○ 8.3 – Setbacks for commercial uses adjoining residential zones</li> <li>○ 9.1.2 – Industrial development at Middle Arm</li> </ul>	<p><b>Technical changes of concern</b></p> <p>Multiple dwellings now 2 spaces / dwelling; Offices outside Zone CB in Darwin now 2.5 spaces / 100m<sup>2</sup>.</p> <p>Residential density provisions reflect existing provisions;</p> <p>Alteration to these clauses to read “<i>should</i>” rather than “<i>is to</i>” or “<i>are to</i>” clarifies the intention of the clauses.</p> <p>Clauses 7.8 &amp; 8.2 are based on the Design Guide for Residential and Commercial Development in the NT.</p> <p><b>Changes to Application of the scheme by the DCA</b></p> <p>Clause 6.2 reflects an existing clause in the Alice Springs Town Plan.</p> <p>Clause 6.5.1 sub-clause 5 deleted to allow for discretion.</p> <p>Clauses 7.1 &amp; 7.4 reflect existing clauses in the Darwin Town Plan.</p> <p>Clause 7.9 requires the provision of some commercial use in association with residential development in C and TC zones. There is still a role for the DCA in determining the amount of commercial development that is consistent with the service function of the site. This is considered to be justified as a commercial or tourist commercial zone on land represents a policy decision that commercial or tourist commercial uses are desired in a particular locality and to ensure that the primary purpose of the zone should not be prejudiced by other forms of development.</p> <p>Clause 8.1.3 acknowledges that a caravan park is desired in a particular location and reflects the limit to discretion that was originally contained in the zone purpose statement. There is no limit to the discretion for other uses provided they are in association with a caravan park.</p> <p>Clause 8.3 reflects an existing clause in the Darwin Town Plan.</p> <p>Clause 9.1.2 reflects an existing clause in the Litchfield Area Plan.</p>

Submission Issues	Response
<ul style="list-style-type: none"> <li>○ 10.2 – Native Vegetation Clearing</li> <li>○ 11.1.1 – Minimum lot sizes in residential zones</li> <li>○ 11.4.5 – Subdivision of land zoned RR</li> </ul> <p><b>11.4.6 – Estate Development in Rural Living zones</b></p> <ul style="list-style-type: none"> <li>• Submitters believe degree of flexibility and discretion should be available to DCA as this facilitates and encourages innovative and responsive design rather than ‘design by formula’ which will result from a rigidly applied prescriptive scheme;</li> <li>• Acknowledge that the dynamic interface between DCA and design professionals is often challenging but that the exercise of discretion by the DCA can realise and proactively recognise changing community expectations and design trends ;</li> <li>• Support for integration of various previous planning schemes but recommend deferring adoption until changes to standards, level of prescription and changes to discretion of the DCA are appropriately revised and recommendations of Capital City Charter Committee are integrated into the underpinning philosophy of the scheme;</li> <li>• Integration of existing scheme is of undoubted potential benefit but consequences of deferral are minor as existing system will continue to function;</li> <li>• Support active exercise of discretion by the DCA as a vital contributor to a quality built environment and object to increased prescription and removal of discretion as this represents an inappropriate transfer from DCA to public service;</li> </ul>	<p><b>Response</b> Blue comments indicate changes made to the exhibited version of the Scheme.</p> <p>Clause 10.2: The lack of discretion only applies to sub-clause 6 which relates to clearing within restricted rural residential areas and this reflects the existing provision in clause 7.4 of the LAP 2004.</p> <p>Clause 11.1.1: There is concern with the limiting of DCA discretion to 5% of the minimum specified in zones SD, MD, MR, HR, RR or RL. The limit currently applies to that range of zones in the Alice Springs Town Plan but only to the SD zone equivalent in Darwin. The broadening of the applicability of this limit has been challenged as a significant change. Sub-clause 2 has been altered by replacing “may ... only ... with consent” to “should” and sub-clause 3 altered to refer only to Zone SD with a local variation to reflect the existing controls in Alice Springs.</p> <p>Clause 11.4.5: There is concern that there is no discretion in relation to the reticulation of water or the sealing of roads when subdividing within Zone RR. In the current LAP 2004 the reticulation of water is non-discretionary but there is discretion in relation to the sealing of roads.</p> <p>Although the sealing of roads for any rural residential subdivision is generally accepted practice sub-clause 5 has been altered to limit discretion only to sub-clause 3 ie water reticulation.</p> <p><b>11.4.6 – Estate Development in Rural Living zones</b></p> <p>This clause reflects existing controls within the LAP 2004. The intention of these provisions is to create opportunities for choice for those wanting a rural residential lifestyle. Sub-clause 6 of the proposed Scheme removes the DCA discretion in relation to density provision.</p> <p>Sub-clause 6 has been deleted as the clause includes requirements that protect the amenity of adjoining lots.</p> <p>The submitter did not promote deferral of the introduction of the Scheme when making their presentation to the DCA.</p> <p>Many of the submitter’s concerns can be addressed. The submitter is happy if the current provisions on car parking and residential density are retained until more detailed work is undertaken.</p>

Submission Issues	Response
<p><b>Present Planning Process</b></p> <ul style="list-style-type: none"> <li>• Subscribes to economic, environmental, social and cultural sustainability in planning;</li> <li>• What are considered poor planning outcomes are identified with the observation that the structure and processes of present Planning Scheme is not necessarily the cause of poor planning outcomes but rather how the scheme has been applied or not applied;</li> <li>• It is considered the proposed new NT Planning Scheme would provide worse outcomes for the community for a number of reasons including : <ul style="list-style-type: none"> <li>○ Less open in process;</li> <li>○ Involves less community consultation;</li> <li>○ Provides less certainty in long term planning;</li> <li>○ Features the 'specific uses' approach for developers;</li> <li>○ Normal planning steps are insufficiently defined;</li> <li>○ Proved impossible to provide complete new scheme in one volume</li> </ul> </li> </ul> <p><b>Introduction of proposed new NT Planning Scheme</b></p> <ul style="list-style-type: none"> <li>• New scheme promoted on basis of consistency of zoning terminology but few people other than the Minister need to consider the scheme on a Territory wide basis so to use this trigger as the basis for unravelling present scheme is unreasonable, irresponsible and inappropriate.</li> </ul> <p>On the basis of what is proposed few members of the community would be able to agree with the media statement that the fragmented and dated current provisions are not in the best interest of the NT.</p> <p><b>Real Significance of Proposed NT Planning Scheme</b></p> <ul style="list-style-type: none"> <li>• Real impact of proposed scheme would destroy normal basis of area planning through abolishing Land Use Objectives (LUOs) and proper planning process. LUOs are local building blocks prepared through a formally sequenced process known to residents. LUOs should cover regions, local government areas, Suburbs, Precincts and special places like Rapid Creek. With the proposed Scheme there will be no new LUOs and existing LUOs (including the Central Darwin Planning Concepts and LUOs) will have no legal status.</li> <li>• Suggest that Department staff find LUO process onerous;</li> <li>• the new scheme drops wisdom of 45 LUOs and left with six land use frameworks, 8 Area Plans (roughly shaded and not disciplined, clearly delineated maps including formal zoning provided by LUOs and without proper listed objectives) and 3 listed local area documents in relation to Clause 2.7;</li> </ul>	<p><b>Present Planning Process</b></p> <p>The format of the proposed NT Planning Scheme which integrates policy, controls and guidelines will provide a more holistic approach to the control of the use and development of land and, within the framework provided by the Act, will encourage community involvement in the process.</p> <p>A consolidated NT Planning Scheme will significantly improve community understanding of the process and contribute to a less confrontational approach to the implementation of planning control.</p> <p><b>Introduction of proposed new NT Planning Scheme</b></p> <p>A new Scheme would replace the present 22 town plans and control plans and the 82 control plans on Aboriginal community living areas and the host of policy documentation that has been added to over the years since self government. It essentially converts what exists now under the current Scheme into a more logical, less confusing, consolidated Scheme without any major policy changes.</p> <p><b>Real Significance of Proposed NT Planning Scheme</b></p> <p>These concerns illustrate a misunderstanding of the relationship between the <i>Planning Act</i> and the proposed NT Planning Scheme. Issues such as process and community consultation are addressed by the Act and the Scheme is administered within that context. Concerns with respect to certainty in relation to long term planning fail to acknowledge that long term plans or policy documents are just that – statements of policy relevant at the time of publication but subject to amendment as a result of changing circumstances.</p> <p>It is acknowledged that some aspects of the existing LUOs do still have some relevance but in many instances the documents are no longer relevant by virtue of changes in government policy objectives, amendments to the Scheme and even that the objectives have since been achieved. Those that remain relevant in the decision making process have been translated into the scheme or referenced and those that are no longer relevant may be reviewed and included in the Scheme through future amendment if considered appropriate.</p>

Submission Issues	Response <b>Blue comments</b> indicate changes made to the exhibited version of the Scheme.
<ul style="list-style-type: none"> <li>Community has stated definitive LUO are essential not vague doodles so open to interpretation;</li> <li>Suggested that as the Minister notes that Area Plans are not binding that they are useless and that <i>Planning Act</i> should not have been amended to remove reference to LUOs;</li> <li>Concern that this comprehensive one book plan does not include zoning maps.</li> </ul> <p><b>Planning Principles and Framework – Local Character</b></p> <ul style="list-style-type: none"> <li>Assertion the discarding of planning documents derived from earlier planning experience demonstrate that the importance of LUOs and the value of local character are not understood or accepted;</li> <li>Inadequacy of Part 2 in terms of central principles and framework for new planning scheme for entire NT.</li> </ul> <p><b>Zone Purpose and Tables</b> <b>SD – Single Dwelling</b></p> <ul style="list-style-type: none"> <li>Assertion that statements that standard single dwelling lots categorically has a minimum area of 800m<sup>2</sup> is a serious deception by virtue of <b>clause 11.1.2</b> which the submitter suggests means new lots in Zone SD will have an average size of 700m<sup>2</sup> and some will be duplexes. The legality of this is questioned and PPlan maintains it is unacceptable.</li> </ul> <p><b>DV – Development Zone</b></p> <ul style="list-style-type: none"> <li>concern that large portions of undifferentiated land such as Glyde Point are being sectioned off for strategic development without sufficient assessment of natural resources and heritage value without public discussion;</li> </ul> <p><b>HT - Heritage Zone</b></p> <ul style="list-style-type: none"> <li>Introduction of Heritage Zone applauded as will facilitate creation of heritage precincts eg Myilly Point, Hartley Street and Goyders Camp but do not agree with Clause 2.3 which allows heritage destruction by development;</li> <li>Heritage and Conservation values must be assessed and protected long before there is threat from development otherwise unlikely to be assessed objectively eg Lyons</li> </ul>	<p>Land use policy drawings like land use objectives are not definitive but give an indication of the preferred direction for growth. Zoning maps are definitive.</p> <p>Amendments to the <i>Planning Act</i> have occurred and the Scheme must accord with the Act.</p> <p>It would not be practical to include zoning maps in the Scheme document but it will be feasible on the internet to link the text to the zoning maps.</p> <p><b>Local Character</b></p> <p>The proposed scheme places considerable value on local character. Broad principles applicable to all development are further refined through information provided in Area Plans and specific local variation to individual provisions. The framework for documentation of policy and guidelines will provide far more focused and meaningful guidance to the community and developers.</p> <p><b>SD – Single Dwelling</b></p> <p>Clause 11.1.1 describes the minimum lot size of 800 m<sup>2</sup> in Zone SD. Sub-clause 3 limits the DCA's discretion to vary the minimum lot size. Clause 11.1.2 allows for significantly smaller lots in Zone SD only in an integrated residential development. This means that in established Darwin suburbs the 800 m<sup>2</sup> lot size will be maintained but new suburbs will be able to take advantage of reduced lot sizes.</p> <p><b>DV – Development Zone</b></p> <p>All the DV zones on the proposed zoning maps have been through the normal public consultation process as part of previous amendments to the Planning Scheme specifically the Litchfield Area Plan 2004.</p> <p><b>HT - Heritage Zone</b></p> <p>This clause provides the opportunity for development which may complement the significance of a heritage place even though the use would, but for the recognition of the heritage significance, be prohibited. The Minister responsible for the <i>Heritage Conservation Act</i> is the person responsible for determining issues associated with protection of heritage and will have the right to veto any development considered inappropriate. As this clause was explicitly included at the request of Heritage advisors it would appear the submitter has misinterpreted the intention.</p>

Submission Issues	Response <b>Blue comments</b> indicate changes made to the exhibited version of the Scheme.
<p><b>Highway Commercial</b></p> <ul style="list-style-type: none"> <li>• Recognition that the zone is not included in the scheme but advocate phasing out of highway commercial uses such as car and boat sales yards near the entrance to Central Darwin as such uses adversely affect amenity and the presentation of the city to visitors. These uses are favoured only in association with Service Commercial and Light Industrial zones which have proliferated in Darwin;</li> </ul> <p><b>Public Use (not just access) to foreshore</b></p> <ul style="list-style-type: none"> <li>• The Australian tradition that foreshores are common public land freely useable for community recreation has been ignored in Darwin for the last 10 years with specific concern expressed that about restricting access to the foreshore only to areas adjacent to parks and access roads;</li> </ul> <p><b>Clauses 6.1, 6.2 &amp; 6.3 Building Heights</b></p> <ul style="list-style-type: none"> <li>• Suggest heights should be in terms of approximate storeys as well as metres;</li> <li>• AHD is a difficult concepts that is not used interstate;</li> <li>• Darwin CBD heights should follow pattern long understood by community ie highest in the core and lowest around the edges;</li> <li>• Community against view promoted by some (June D’Rozario named) that Darwin should develop like Singapore;</li> <li>• Serious failure to examine and address impact of move in planning to buildings over 8 storeys.</li> </ul> <p><b>Clause 11.1.2 – Integrated Residential Development</b></p> <ul style="list-style-type: none"> <li>• Disagree with allowing single dwelling lots to a minimum of 450m<sup>2</sup> instead of established 800m<sup>2</sup> in direct conflict with statement in the zoning section;</li> </ul>	<p><b>Highway Commercial</b></p> <p>The B3 (Highway Commercial) zone has been replaced with Zone SC- Service Commercial and as any significant amendment to permitted or discretionary uses would represent a change of policy it is not appropriate as part of this exercise.</p> <p><b>Public Use (not just access) to foreshore</b></p> <p>Much of the foreshore in the Darwin region is zoned open space or conservation reflecting the zonings of the existing Scheme. Extension of those zonings would be a matter for future consideration by Government.</p> <p><b>Clauses 6.1, 6.2 &amp; 6.3 Building Heights</b></p> <p>The use of approximate number of storeys would create unnecessary uncertainty and debate.</p> <p>The use of AHD is deliberate in this context to avoid any possible misinterpretation of provisions due to variations in ground level in the locality and is a direct translation from the Central Darwin Planning Concepts and Land Use Objectives.</p> <p>The figure to this clause reflects previously adopted heights established by the Central Darwin Planning Concepts and Land Use Objectives 1999.</p> <p>There are a variety of community views and the proposed controls attempt to provide opportunities for various aspirations to be met while ensuring overall outcomes are positive.</p> <p>Buildings over 8 storeys are currently possible in Zone R4.</p> <p><b>Clause 11.1.2 – Integrated Residential Development</b></p> <p>Clause 11.1.2 allows for significantly smaller lots in Zone SD only in an integrated residential development. This means that in established Darwin suburbs the 800 m<sup>2</sup> lot size will be maintained but new suburbs will be able to take advantage of reduced lot sizes.</p>

Submission Issues	Response Blue comments indicate changes made to the exhibited version of the Scheme.
<ul style="list-style-type: none"> <li>• Wrong to allow duplexes and/or terraces in SD zone for reasons including: <ul style="list-style-type: none"> <li>○ Multi Dwelling Zone is sufficient option for people wanting denser living;</li> <li>○ Family homes becoming larger;</li> <li>○ Natural cross-ventilation essential in the Tropics;</li> <li>○ Shade trees are needed;</li> <li>○ Pools, trampolines and dogs are popular;</li> <li>○ Growth of childhood obesity reinforces need for outdoor play space;</li> <li>○ Family conflict requires cooling space;</li> <li>○ A myth there is insufficient land in the Territory to house the population;</li> <li>○ New residential high rise in Central Darwin are one option which houses hundreds on one lot;</li> <li>○ People still look for 800m<sup>2</sup> to build single dwelling for family.</li> </ul> </li> </ul> <p>Road reserves should be wide enough for buses and rubbish vans with footpaths on either side of road.</p> <p><b>Clause 11.1.3 – Subdivision of Land Zoned FD</b></p> <ul style="list-style-type: none"> <li>• Advocates that subdivision of land zoned FD and any unzoned land would be a contradiction and a travesty of the whole purpose of zoning and foster abuse;</li> </ul> <p><b>Specific Use Zones</b></p> <ul style="list-style-type: none"> <li>• The Special Use mechanism which has allowed developers to subdivide eg Bayview Haven, Parap Grove, Lyons and Dundee have resulted or are resulting in poor planning outcomes;</li> </ul> <p><b>Zone FD Future Development</b></p> <ul style="list-style-type: none"> <li>• FD areas usually large and undifferentiated and should be processed through LUOs and zoning before use;</li> </ul>	<p>It is not intended to allow multiple dwellings like duplexes or terrace housing in Zone SD. Zone SD is for single dwellings.</p> <p><b>Clause 11.1.3 – Subdivision of Land Zoned FD</b></p> <p>It is envisaged that FD areas will, where appropriate, be subject to the preparation (through the amendment process established by the <i>Planning Act</i>) of Area Plans.</p> <p><b>Specific Use Zones</b></p> <p>The Specific uses included in the proposed scheme all reflect provisions in existing control plans. Specific Use provisions are intended to provide for development which would not comply with other provisions of a “standard” zone. While the SU zone can provide the flexibility to allow for specific developments they have also been a means where those developments become subject to more prescriptive controls than would otherwise be the case.</p> <p><b>Zone FD Future Development</b></p> <p>It is envisaged that FD areas will, where appropriate, be subject to the preparation (through the amendment process established by the <i>Planning Act</i>) of Area Plans.</p>

Submission Issues	Response Blue comments indicate changes made to the exhibited version of the Scheme.
<ul style="list-style-type: none"> <li>• Release of Crown land should be subject to prior public consultation as release before standard zoning results in poor outcomes including: <ul style="list-style-type: none"> <li>○ Lot gridding of natural landscape;</li> <li>○ Inadequate water supply;</li> <li>○ Seasonal flooding;</li> <li>○ No rubbish disposal;</li> <li>○ No shops or schools;</li> <li>○ No community purpose land;</li> <li>○ Few small parks;</li> <li>○ Strip promotional landscaping (maintenance problem) ;</li> <li>○ Canals counted as open space;</li> <li>○ units built after houses blocking breezes and views;</li> <li>○ disputes about permitted heights;</li> <li>○ massive destruction of mangroves ;</li> <li>○ creation of R0 zone as City Valley lots sold.</li> </ul> </li> </ul> <p><b>Clause 11.2.2 Infrastructure and Community Facilities in Residential Subdivisions</b></p> <ul style="list-style-type: none"> <li>• 2(c) Advocate "providing links to community facilities" can become a euphemism for not providing community facilities within subdivision.</li> </ul> <p><b>Clause 11.2.3 Lot Size and Configuration</b></p> <ul style="list-style-type: none"> <li>• Listed objectives are unattainable with permitted lot sizes.</li> </ul> <p><b>Clause 11.3 – Industrial Subdivision</b> all these areas (including East Arm Port) should be subject to LUOs, Zoning and a division of the DCA</p> <p><b>Clause 13.5 – Mobile Phone Towers</b></p> <ul style="list-style-type: none"> <li>• Regardless of expert assurances mobile towers remain a source of fear for people with young children so should be kept away from childcare, schools, council parks etc</li> </ul> <p><b>Part 8 - Area Plans</b></p> <ul style="list-style-type: none"> <li>• Only 8/9 area plans, 5 for Alice Springs, except Darwin Waterfront no coverage of Darwin and no land use objectives which have been subject to much more disciplined and public planning process;</li> </ul>	<p><b>Clause 11.2.2</b> Clause 11.2.2 sub-clause 2(c) deals with links generally, both internally and external to subdivision. Area Plans are the mechanism that will provide guidance on the form of expected development and the location of services and facilities.</p> <p><b>Clause 11.2.3 Lot Size and Configuration</b> Clause 11.1.1 states that the minimum lot size is 800m<sup>2</sup>. In an integrated residential development, lot sizes may be reduced to 450m<sup>2</sup> as long as the subdivision meets the Scheme requirements. A design would have to prove that it can achieve the outcomes listed in clause 11.2.3.</p> <p><b>Clause 11.3 – Industrial Subdivision</b> Industrial zonings reflect the existing scheme and it is the prerogative of the Minister under the <i>Planning Act</i> to determine the consent authority relevant to various localities.</p> <p><b>Clause 13.5 – Mobile Phone Towers</b> The provisions relating to mobile telephone towers reflect those that exist noting that by Commonwealth legislation mobile phone towers deemed to be "low impact" are not subject to state and territory planning laws.</p> <p><b>Part 8 - Area Plans</b> Plans for Palmerston City Centre Area and Palmerston eastern suburbs are under development as part of the Palmerston Partnership Agreement. They will be subject to a separate amendment once finalised. Area Plans for other locations will be developed as necessary and be included in the Scheme through the normal amendment process.</p>

Submission Issues	Response
<ul style="list-style-type: none"> <li>• DCA decisions are not to be inconsistent with Area Plans but Minister has advised the Plans are not binding;</li> <li>• A Scheme without binding area plans and to reject a firm basis in LUO even those less than 10 years old is nonsense;</li> </ul> <p>What is the basis of local planning – need to deal with more than individual buildings.</p> <p><b>Schedule 1 – Specific Uses</b></p> <ul style="list-style-type: none"> <li>• Should refer to clause 2.4 not 2.3</li> <li>• Appears to be a list of existing non-standard uses ;</li> <li>• Specific Uses sometimes justified by certain conditions but often means to allow developers special advantages outside normal rules;</li> <li>• Where there is not town plan Specific Uses processed formally including consultation, registered as amendment and gazetted;</li> <li>• Many in areas not covered by LUOs and initiated by developers, seemingly fast tracked after agreement with planners/government not involving the community in prior planning;</li> <li>• Suggested Government emphasis on development leads to special pressures and disappointing results which form poor precedents not having been through full planning process involving LUOs and the community.</li> </ul> <p><b>Schedule 2 – Reference to Policy</b></p> <ul style="list-style-type: none"> <li>• List of only 4 documents with a number of questions: <ul style="list-style-type: none"> <li>○ Why these three LUOs (Litchfield, Coomalie, Finnis) and not all?</li> <li>○ Is the whole of the Litchfield PC&amp;LUOs being recognised?</li> <li>○ Where are the Central Darwin LUOs?</li> </ul> </li> </ul>	<p><b>Blue comments</b> indicate changes made to the exhibited version of the Scheme.</p> <p>Clause 14.0 of the Scheme makes it clear that while there is room for flexibility a determinations of a consent authority are to be consistent with the intentions of an Area Plan.</p> <p><b>Schedule 1 – Specific Uses</b> <b>Clause numbers changed.</b></p> <p>The Specific Uses included in the proposed scheme all reflect provisions in existing control plans.</p> <p>Specific Use provisions are intended to provide for development which would not comply with other provisions of a “standard” zone. While the SU zone can provide the flexibility to allow for specific developments they have also been a means where those developments become subject to more prescriptive controls than would otherwise be the case.</p> <p>Any Specific Use zone, (not only those where no control plan exists) go through the consultation process required by the <i>Planning Act</i> for an amendment to the scheme.</p> <p>The consultation process required by the amendment process mandates community involvement.</p> <p><b>Schedule 2 – Reference to Policy</b></p> <p>The land use objectives which have been referenced in Schedule 2 are considered to be still relevant.</p> <p>Litchfield, Coomalie and Finnis Planning Concepts and Land Use Objectives are referenced in their entirety.</p> <p>The relevant sections of the Central Darwin Land Use objectives have been translated into design provisions and it is appropriate that Area Plans be developed for the Central Darwin precincts in the future.</p>

Submission Issues	Response
<ul style="list-style-type: none"> <li>○ Where are the Rapid Creek LUOs (more detail than SD11)?</li> <li>○ If LUOs out of date review and update rather than abandon;</li> </ul> <p><b>Capital City Charter</b></p> <ul style="list-style-type: none"> <li>• Capital City Charter is no substitute for Central Darwin LUOs as it is narrowly based, hastily produced, flimsy document and represents a travesty as the single planning policy document for Central Darwin</li> <li>• Said to be based on two Capital City Forums but not based on the formula recommended by forums which emphasised ongoing community involvement, composite 'badging' to attract new settlers, rejected physical 'skyline' approach stressing inclusion of whole city's image of a local historical and cultural ethos and distinctive character of our people on an ongoing basis;</li> </ul> <p><b>Schedule 3 – Reference to Guidelines</b></p> <p><b>Community Safety Design Code</b></p> <ul style="list-style-type: none"> <li>• Inclusion of this document is of concern as it has not been through any public process and should not be included until it is accepted by the community;</li> <li>• Suggestion that if it is related to CEPTED principles it maybe easily misinterpreted and that the public is protective of green open spaces and does not want infill in the Northern suburbs;</li> </ul> <p><b>Design Guide for Residential and Commercial Development in the Northern Territory</b></p> <ul style="list-style-type: none"> <li>• Not included in the list but relegated to for reference list so would have no authority with DCA</li> </ul>	<p><b>Blue comments</b> indicate changes made to the exhibited version of the Scheme.</p> <p>The intent of the Land Use Objectives have been achieved by zoning and land acquisition and their continuation is unnecessary. Specific use zone SD11 relating to Rapid Creek is a translation of the existing specific use zone SU50.</p> <p>Land Use Objectives LUOs are land use policy documents. Land use policy has been reviewed and updated in the Scheme and will continue to be reviewed. The term, land use objectives, is no longer used but the process of reviewing and updating continues.</p> <p>The <i>Planning Act</i> introduced in 1999 no longer legislates a distinction between the various components of the NT Planning Scheme. The current Act allows the Scheme to stand alone and address issues of relevance within the one document or in referenced policy documents. It enables the scheme to distinguish for itself those matters that are policy, rules or guidelines and will provide greater flexibility for the future. Under the previous Act a change to one component of the scheme which necessitated a consequential amendment to another component required a separate parallel statutory process. Now a single amendment will be necessary so making the process clearer.</p> <p><b>Capital City Charter</b></p> <p>The Capital City Charter is not intended to be a substitute for the Central Darwin LUOs. The outcomes of the current work within the framework of the Capital City Charter will appropriately be subject to future consultation in association with any amendment to the Scheme as required by the <i>Planning Act</i>.</p> <p><b>Community Safety Design Code</b></p> <p>As community safety through crime principles are specifically identified in the <i>Planning Act</i> as issues to be considered by the DCA, inclusion of this design guide is appropriate.</p> <p><b>Design Guide for Residential and Commercial Development</b></p> <p>Relevant elements of the design guide have been translated into clauses 7.8 and 8.2 in the proposed Scheme.</p>

Submission Issues	Response Blue comments indicate changes made to the exhibited version of the Scheme.
<p><b>Clause 12.1 – Aboriginal Community Living Areas</b></p> <ul style="list-style-type: none"> <li>All residents should be consulted on planning in all areas;</li> </ul> <p><b>Further Reference and Reading</b> Loss of more than 50 planning documents produced by NT Government which new scheme will make entirely academic by giving them no authority with DCA or developers.</p> <p><b>Conclusion</b></p> <ul style="list-style-type: none"> <li>Community has the right to expect from the Government a well planned, sustainable tropical environment in which to settle, grow, work and raise children;</li> <li>CBD as much concern of community as business - community understands functionality of planning whereas developers interested in individual projects and profits often from investment by non residents rather than sustainability and overall future appearance;</li> <li>ABC Radio planning forum stressed need for overall planning in terms of a Vision particularly for central Darwin;</li> <li>One problem is lack of channels for planners to work with community whereas planners and developers have regular contact – Department now speaks of ‘briefing’ the community instead of consulting;</li> <li>Basis of proposed NT Scheme questionable and it is doomed to be ineffective omitting any relationship with local area planning in urban areas. Abandons LUOs which are the planning key depended on by the community particularly with reference to early community consultation;</li> <li>The proposed scheme contains little about planning rather about facilitating development without checks and balances necessary for good overall outcomes. Scandalously misleading treatments defining proposed SD in terms of size and use are an insult to the community and a blot on the whole document;</li> <li>A balance is needed – present system not achieving or addressing present problems. A better system would be achieved by addressing problems to improve planning rather than substituting a new scheme based on a false premise;</li> <li>New scheme sold on basis of simplification - instead appears enormously complex unenforceable, dumps valuable planning work and is the lowest common denominator scheme;</li> <li>Will make more work of DCA and staff;</li> <li>Few people understand mechanisms of planning but see and suffer from bad decisions;</li> <li>New Scheme is based on wrong premises and should be rejected.</li> </ul>	<p><b>Clause 12.1 – Aboriginal Community Living Areas</b> The <i>Planning Act</i> establishes the consultation process applicable across the Territory.</p> <p><b>Conclusion</b> The planning scheme does not detract from these issues.</p> <p>Agree that community and business should be involved in the development of central Darwin.</p> <p>Work is underway on a vision for central Darwin.</p> <p>Planners have regular contact with developers and with community members. The <i>Planning Act</i> requires that all applications requiring development approval and all scheme amendments are advertised. Briefings on the proposed Scheme have been provided to all interested parties in 2000, 2003 and during the formal exhibition period in 2006.</p> <p>The consolidated scheme is to integrate all components of the current Scheme in such a way that criteria are more explicit and there is an efficient cross referencing system. Future Framework or Area plans may be prepared for regions, local areas, precincts and special places and would be included in the Scheme only after the statutory amendment process which includes community consultation as prescribed by the Act.</p> <p><b>See comments on Zone SD Single Dwelling in this submission.</b></p>

Submission Issues	Response Blue comments indicate changes made to the exhibited version of the Scheme.
<p><b>General</b></p> <ul style="list-style-type: none"> <li>Support for consolidation of numerous control plans and reformatting into coherent document and map set and standardization of definitions and zones but concern that it is not entirely true to assert that the proposed Scheme is a consolidation of existing provisions without significant policy change;</li> </ul> <p><b>Land Use Objectives</b></p> <ul style="list-style-type: none"> <li>Acknowledged that a number of LUOs are irrelevant, but suggested that although it has been stated that some no longer reflect Government policy there are some that retain relevance and are useful in giving an indication of desired direction and 'vision' towards which area plans are supposed to be working eg those for Central Darwin where the only aspect that has survived is the height control diagram;</li> <li>Planning principles that replace LUOs are too vague to adequately identify the development vision;</li> </ul> <p><b>Policy Changes</b> <b>System changed from performance based to prescriptive</b></p> <ul style="list-style-type: none"> <li>Apart from Palmerston and Katherine other control plans adopt performance based approach which establishes objectives to be achieved and allowed flexibility in how these were achieved;</li> <li>Considered that proposed NT Scheme abandons this approach in favour of prescriptive approach which represents a major change in policy;</li> <li>Noted that performance based approach adopted out of realisation, as documented in the late 80's and early 90's, that a prescriptive approach was contributing to decline in housing affordability, social inequity and marginalisation and poor planning outcomes;</li> <li>Regret that the shift from performance based to prescriptive system reverts NT to archaic system that has been discredited in other jurisdictions;</li> </ul> <p><b>Indicators of more prescription include</b> Clauses where there is no discretion include:</p> <ul style="list-style-type: none"> <li>6.2 - Building Heights Alice Springs;</li> <li>6.5 – Parking for residential buildings outside CBD;</li> <li>7.1 – Multiple dwelling residential adjoining the SD zone;</li> <li>7.4 - Setbacks and fencing of multiple dwellings in MR zone;</li> <li>7.9 – Residential development in C &amp; TC zones;</li> </ul>	<p><b>See the response to Submission 29 regarding General / Policy - Significant Changes.</b></p> <p><b>Land Use Objectives</b> The Central Darwin Planning Concepts and Land Use Objectives are no longer relevant. Area Plans may be developed for the different precincts within the Central Darwin area as may be necessary. The design issues that concern the community can be addressed through clauses 7.8 and 8.2;</p> <p>The planning principles are the statements of government policy on land matters. The details will be promoted through Area Plans.</p> <p><b>Policy Changes</b> <b>System changed from performance based to prescriptive</b> In formulation of the proposed scheme there were some decisions which had to be made in regard to the significance of amendments which were required to successfully rationalise, integrate and consolidate the many documents that comprised the current Planning Scheme. While the intention was to consolidate and integrate the existing provisions, it was inevitable that there would be some changes in some localities. While the proposed limitations on discretion and what is perceived as increased prescription were welcomed by some, others expressed concern that the changes were such as to represent major changes in policy.</p> <p>A number of submissions have noted apparent incidences of the limiting of the DCA discretion, what are considered unacceptable prescription and technical changes. Analysis of these concerns illustrates that in fact many of these incidences reflect existing controls. Specific clauses identified as being of concern are identified and discussed below and where amendments to the exhibited Scheme could be considered these are indicated.</p> <p><b>Indicators of more prescription</b> <b>See the response to Submission 29 regarding Technical changes of concern and Changes to Application of the scheme by the DCA.</b></p>

Submission Issues	Response Blue comments indicate changes made to the exhibited version of the Scheme.
<ul style="list-style-type: none"> <li>• 8.1.3 – Consent use in CV zone;</li> <li>• 8.3 – Setbacks for commercial uses adjoining residential zones;</li> <li>• 9.1.2 – Industrial development at Middle Arm;</li> <li>• 10.2 – Native Vegetation Clearing;</li> <li>• 11.1.1 – Minimum lot sizes in residential zones;</li> <li>• 11.4.5 – Subdivision of land zoned RR; and</li> <li>• 11.4.6 – Estate Development in Rural Living zones.</li> </ul> <p>Clauses where there is restricted discretion:</p> <ul style="list-style-type: none"> <li>• 7.10.2 – Use of land for caravans;</li> <li>• 7.10.3 – Caretaker’s Residence;</li> <li>• 7.10.4 - Dependant Units;</li> <li>• 7.10.5 – Group Home;</li> <li>• 7.10.6 – Home Based Child Care;</li> <li>• 7.10.7 – Home Occupations;</li> <li>• 7.10.8 – Home Based Contracting; and</li> <li>• 7.10.9 – Medical Consulting Rooms.</li> </ul> <p>Introduction of numerous design prescriptions some of which have the potential to produce absurd or undesirable results.</p> <p><b>Clause 6.12 - Landscaping</b></p> <ul style="list-style-type: none"> <li>• Suggested that this clause contains conflicting requirements ie. It will be difficult to minimise water demand and use climatically appropriate plants as tropical plants have a high water demand, and the requirement to choose plants which allow surveillance of public areas will make the valid design objective to provide landscape screening from public areas for privacy difficult to achieve;</li> </ul> <p><b>Clause 7.6 – Communal Open Space</b></p> <ul style="list-style-type: none"> <li>• Suggested that issues such as operating hours, lighting, maintenance should be the responsibility of the body corporate and inclusion in the planning scheme could create the absurd situation where change in pool usage hours require variation to a development permit;</li> </ul>	<p>The design provisions are based on the Design Guide for Residential and Commercial Development in the Northern Territory 2000. These guidelines have been used in the assessment of development proposals for several years.</p> <p><b>Clause 6.12 - Landscaping</b> Concerns in relation to water demand are acknowledged particularly as the intention is to encourage the efficient use of water.</p> <p>To clarify this issue the clause has been altered so the clause purpose reads “...is attractive, water efficient and contributes ...”; sub-clause 3(b) reads “it maximises efficient use of water and is appropriate to the local climate”; and sub-clause (h) has been deleted.</p> <p>The issue of provision of surveillance of public places is a fundamental CPTED principle and, as with all performance criteria an appropriate balance between competing objectives will be determined by the consent authority in individual circumstances.</p> <p><b>Clause 7.6 – Communal Open Space</b> The intention of these requirements is to ensure design of communal open space and the activities provided for do not impact on the amenity of adjacent residents or the public domain. Control of hours of operation was seen as a way of minimising potential impacts which may be created by the design.</p> <p>The “hours of operation” has been deleted from sub-clause (d) should be considered.</p> <p>The requirement for development to have regard to future maintenance and management issues is not an unreasonable consideration for a consent authority.</p>

Submission Issues	Response <i>Blue comments</i> indicate changes made to the exhibited version of the Scheme.
<p><b>Clause 7.8 – Building Design for Multiple Dwellings</b></p> <ul style="list-style-type: none"> <li>• design of complex pieces of architecture can not be reduced to the simple principles outlined by this clause otherwise design qualifications would not be necessary and this clause shows an embarrassing lack of understanding of the design process and should be deleted;</li> <li>• illustrates problems with trying to regulate creativity and solution finding;</li> <li>• Specific concerns with the clause include: <ul style="list-style-type: none"> <li>○ Design dogma with no explanation of problems they attempt to solve eg “to avoid visibly flat roofs”;</li> <li>○ Requirement for private open space to be located away from noise sources may mean that balconies can not face the street a common noise source;</li> </ul> </li> </ul> <p><b>Clause 8.2 – Commercial and other Development in various zones</b></p> <ul style="list-style-type: none"> <li>• Similar concerns as outlined at Clause 7.8;</li> </ul> <p><b>Clause 11.3.2 – Industrial Subdivision Design</b></p> <ul style="list-style-type: none"> <li>• No explanation as to why industrial subdivisions require road reserve widths of 30-35m;</li> <li>• Recent industrial subdivision (eg Hudson Creek) has only required 20-22m and no indication of problems;</li> <li>• One thing to muse about width of roads in industrial subdivision another to imbed it in planning scheme without rational basis;</li> </ul> <p><b>Clauses 11.4.2 – Infrastructure in Rural Subdivision</b> Suggestion that some requirements make little sense, for example:</p> <ul style="list-style-type: none"> <li>• Sub-clause 4, minimum cul-de-sac length of 700m and maximum number of lots to be served 8 is unnecessarily prescriptive and restrictive as urban subdivision practice suggests 25 lots is an appropriate number of lots and cul-de-sac is also useful in limiting through traffic - it should be considered on merits;</li> <li>• Limits on culs-de-sac and increased road widths of 35m where through traffic anticipated could have undesirable consequences including:: <ul style="list-style-type: none"> <li>○ silly design solutions with the only purpose to comply with the requirements;</li> <li>○ unnecessary vegetation clearing to comply with increase road length &amp; width;</li> <li>○ reduced respect for topographical and environmental factors;</li> <li>○ preventing subdivision of land from which no through road is possible; and</li> <li>○ higher road works cost leading to higher consumer prices.</li> </ul> </li> </ul>	<p><b>Clause 7.8 – Building Design</b> Rather than establish a design dogma, as suggested, this clause encourages consideration of the identified issues in preparation of designs and provides a framework for assessment of a proposal. The requirements are not mandatory but will be assessed and, as with all performance criteria, an appropriate balance will be determined by the consent authority in individual situations. These requirements derive from the Design Guide for Residential and Commercial Development in the Northern Territory.</p> <p>Assessment of the location of private open space in relation to noise sources is not unreasonable. The provisions allow the consent authority to make a reasonable judgement in the circumstances of a particular application.</p> <p><b>Clause 8.2 – Commercial and other Development</b> The comments in relation to clause 7.8 also apply.</p> <p><b>Clause 11.3.2 – Industrial Subdivision Design</b> <i>The issue of road reserve width has been reconsidered and sub-clause (d) has been altered:</i> <i>provide for road reserve and carriageway widths appropriate to the circumstances.</i></p> <p><b>Clauses 11.4.2 – Infrastructure in Rural Subdivision</b> <i>As there have been other concerns about sub-clauses 4 and 5, they have been deleted at this stage.</i></p>

Submission Issues	Response
<p><b>11.4.3 – Lot size and Configuration in Rural Subdivisions</b></p> <ul style="list-style-type: none"> <li>• Requirements also unnecessarily prescriptive and restrictive: <ul style="list-style-type: none"> <li>○ Sub-clause (c), minimum lot depth of 600m adjoining tidal mangroves -unthinking response to whatever is the feature from which separation is required and the minimum depth should depend on whether the tidal areas is within the lot boundary or outside it;</li> <li>○ Sub-clause (e): one agricultural lot in water catchment area not practical as almost all land is within a water catchment;</li> <li>○ Sub-clause (f): lot depth/width ratio originally introduced to preserve ability of rural land to be resubdivided in context of rural land conversion to urban and has little relevance in the Territory where this is not the case and may create lot shapes solely to comply with this provision;</li> <li>○ Sub-clause (j): requirement to set lot boundaries at right angle to watercourses will encourage erosion where land slopes to the watercourse and this orientation of boundaries has been actively discouraged in the past. Suggested solution is to require boundaries to follow contours where possible;</li> <li>○ Sub-clause (j): inappropriate specification of gradients at which treatment of lot boundaries changes;</li> </ul> </li> <li>• Suggested alternative is to encourage subdivision design to respond in a considered way to topography than try to codify the entire spectrum of conditions that may be encountered. Requirements are an appalling example of “push button design” which will be devoid of application of human intelligence on the part of either designers or decision makers.</li> </ul> <p><b>Abolition of R0 zone</b></p> <ul style="list-style-type: none"> <li>• Suggestion that the explanation of abolition of the R0 zone is contrary to the principles that led to introduction of the zone to Darwin &amp; A/Springs as it is predicated on the assumption that the R0 zone is intended to accommodate duplex and unit development when in fact it was created to facilitated to create smaller housing lots than normal in the R1 zone and contemplated ‘zero lot line’ dwellings.</li> <li>• Considered misleading to claim it is unnecessary to retain the R0 zone because the proposed scheme will limit small lot subdivision to estates of 50 lots or more and preclude small lot subdivision in existing residential areas. This implies provisions applicable to R0 zone are accommodated in subdivision clauses in proposed scheme but this is not the case because:</li> </ul>	<p><b>11.4.3 – Lot size and Configuration in Rural Subdivisions</b></p> <p>Alteration of this clause to remove sub-clauses 2(c) and (e) addresses these concerns.</p> <p>Sub-clause 2(f) is based on an established DCA policy. Amendment at this stage is not considered appropriate.</p> <p>Subclause 2(j) also requires that the number of watercourse crossings be minimised. It is appropriate that where boundaries cross watercourses they should be at right angle to the watercourse.</p> <p>Alteration to sub-clause 2 to read “should” rather than “is to” clarifies the intention of the clause as a guideline.</p> <p><b>Abolition of R0 zone</b></p> <p>The provisions relating to the development of low and medium density development rationalise and integrate many previously differing provisions relating to such development. The thrust of the new SD and MD zones is to ensure that</p> <ul style="list-style-type: none"> <li>• single dwellings continue to be built on 800m<sup>2</sup> lots; or</li> <li>• on lots ranging down to 450m<sup>2</sup> in integrated residential subdivisions; and</li> <li>• to encourage a range of multiple dwelling options that are site responsive and compatible with existing built form.</li> </ul>

Submission Issues	Response
<ul style="list-style-type: none"> <li>○ R0 zone does not prescribe minimum lot numbers and the proposed requirements at Clause 11.1.2 ie minimum of 50 lots combined with average lot size of 700m<sup>2</sup>, will require approx 5 ha. The threshold is too high and will preclude potential quality and innovative developments eg Arafura Bowls Club site which although zoned MD will also be subject to clause 11.1.2</li> <li>○ The R0 zone does not prescribe that not more than ½ the lots in the development can be &lt;800m<sup>2</sup> and the proposed 50% limit will restrict housing choice in terms of courtyard and zero lot dwellings which were the intention of the R0 zone.</li> <li>○ Provisions allowing R2 (now MD) to be subdivided to provide for courtyard and zero lot line also appears to be abandoned as clause 11.1.2 also applies to zone MD;</li> </ul> <ul style="list-style-type: none"> <li>● Suggested these changes are contrary to planning principle at 4.1 of promoting housing choice.</li> </ul> <p><b>Clause 7.1 - Residential Density - MR &amp; HR zones</b></p> <ul style="list-style-type: none"> <li>● Proposed density changes are significant eg single storey building – 3 bedrooms which currently requires 170m<sup>2</sup> will now require 600m<sup>2</sup>;</li> <li>● The explanation proffered that the density table is structured to encourage more storeys in recognition of the value and scarcity of this land. While this approach is considered commendable there is concern both the Minister and DCA don't share the view that development should be maximised and often advocate reduction in height in these zones and that under the proposed provisions when the height is reduced the number of dwellings that can be achieved will also be reduced;</li> <li>● Suggestion that if the objective is to provide for higher densities as opposed to height site area per dwelling should be detached from building height. Suggestion is a site area per dwelling for each of the zones, regardless of height eg 100 m<sup>2</sup> for MR zone &amp; 85m<sup>2</sup> for HR zone;</li> </ul>	<p><b>Blue comments</b> indicate changes made to the exhibited version of the Scheme.</p> <p>The introduction of performance criteria for subdivision design including for integrated residential development and the focus of the MD zone to provide for a range of housing options was considered to make the R0 zone redundant. In essence the issue is whether there remains a role for the Darwin version of the R0 zone and in particular its application to urban infill/redevelopment of sites such as the OTC site in Parap where the integrated subdivision provisions could not apply.</p> <p>Taking the OTC site as an example, the current R0 zone would enable that land to be subdivided into lots of less than 800m<sup>2</sup> noting the zone does not prescribe a minimum lot size. This would enable individual dwellings on individual lots rather than, for example, a multiple dwelling (unit) development that is unit titled.</p> <p>In support of retaining the R0 zone, the zone exists and despite its (to date) limited application, does not represent a change to current circumstances. Note that the only difference between the existing R0 and R1 zones is that a single dwelling on a lot of less than 600m<sup>2</sup> in an R0 zone requires consent.</p> <p>The alternative position is that the same outcome could be achieved through application of an SU zone specific to that site with subsequent rezoning to the proposed SD zone once development is complete. Under either scenario the policy issue of whether the land is suitable for small lot residential development is addressed in the same manner at the same time in the process. That is, before any development could occur the land must be rezoned to either an R0 zone under the Current Darwin Town Plan or an SU zone under the proposed Planning Scheme.</p> <p><b>Clause 7.1 - Residential Density - MR &amp; HR zones</b></p> <p><a href="#">Alteration of clause 7.1 to reflect the existing residential density provisions of the Alice Springs and Darwin Town Plans addresses the concerns raised.</a></p>

Submission Issues	Response Blue comments indicate changes made to the exhibited version of the Scheme.
<p><b>Clause 6.5.1 - Parking for Multiple dwelling units</b></p> <ul style="list-style-type: none"> <li>Concern that proposals to raise requirement from 2 to 2.2 spaces / unit are excessive and removal of DCA discretion will impose unnecessary costs to unit purchaser;</li> <li>Suggested the current requirement for 2 spaces/unit overstates demand but provision is made for presentation of a case to demonstrate lower demand;</li> <li>Suggested new provisions will discourage unit titling of older complexes because units where increased parking cannot be provided will not be able to comply with the planning scheme;</li> <li>Suggested provisions requiring more parking are a knee jerk reaction to isolated parking overspill problems rather than any parking demand analysis;</li> <li>Advocate at least restoration of DCA discretion.</li> </ul> <p><b>Testing of Provisions</b></p> <ul style="list-style-type: none"> <li>Within the context of dispute with the proposition that the proposals are a consolidation and rationalisation of existing provision, concern about the lack of testing of changes to assess intended and unintended outcomes which may result;</li> <li>Suggest assessment of projects considered to have delivered good outcomes against new provisions would demonstrate projects would not be approvable principally because of removal of DCA discretion;</li> <li>Advocate it is essential inconsistencies between provisions be removed or outcome will be future amendment or use of Exceptional Development Permits to gain approval which will be inefficient, expensive and time consuming;</li> </ul> <p>Suggested a panel of appropriately skilled people including the Government Architect be convened to review potential effects of proposed provisions to allow more rigorous review than provided by the limited statutory exhibition and dialogue with the community.</p>	<p><b>Clause 6.5.1 - Parking for Multiple dwelling units</b></p> <p>Alteration of clause 6.5.1 to reflect the current requirement for 2 spaces per dwelling and the deletion of sub-clause 5 addresses the concern.</p> <p><b>Testing of Provisions</b></p> <p>Alterations are proposed so that as far as possible, the Scheme reflects current provisions. Of particular concern were the exhibited changes to the car parking, residential density and plot ratio provisions.</p> <p>Consideration has been given to the establishment of an Urban Design Panel. However, it is not appropriate to delay the introduction of the Scheme. The panel could be involved in the further development of the Scheme.</p>
<p><b>32 Clause 6.5 – Vehicle Parking</b></p> <ul style="list-style-type: none"> <li>The failure of previous Scheme and concessions granted by DCA in relation to provision of parking for unit development is evidenced by the number of cars parked over night on streets such as Duke Street, Coronation Drive and Casuarina Drive;</li> <li>Roads zoned for medium density development often not wide and parking along both sides because of failure to provide sufficient on site parking considerably restricts safe traffic flow;</li> <li>Consider that number of parking spaces should be based on number of bedrooms available in each unit (hence number of occupiers) as visual evidence suggests many units are occupied by single people sharing the unit and each occupant has own vehicle or mature couples with two cars.;</li> <li>Question whether recent survey has been conducted to ascertain ratio between number of residents and cars and number of bedrooms?</li> <li>Car parking for all residents and visitors should be provided on site and not rely on street parking to make up shortfall.</li> </ul>	<p><b>Clause 6.5 – Vehicle Parking</b></p> <p>The parking requirements reflect existing requirements and any changes should be subject to further community debate as the variety of opinions expressed in submissions suggests some passion in relation to this issue.</p> <p>The Capital City Charter committee has questioned whether requirements for car parking should <b>respond</b> to people's behaviour or <b>guide</b> behaviour.</p>

Submission Issues	Response <i>Blue comments</i> indicate changes made to the exhibited version of the Scheme.
<p><b>Subdivision</b></p> <ul style="list-style-type: none"> <li>Standards for subdivision, including of Pastoral Leasehold Land, should include environmental protection standards and proposals again including Pastoral Leasehold Land should be required to go through an EIA process including public notification; comment and appeal;</li> </ul> <p><b>Consent Authority</b></p> <ul style="list-style-type: none"> <li>Suggested with reference to the statement “The consent of the consent authority should not be presumed” that the name of be changed to the Development <u>Assessment</u> Authority to avoid confusion;</li> </ul> <p><b>User Guide</b> <b>Schedule 1 – Specific Use Pellew</b></p> <ul style="list-style-type: none"> <li>Inclusion of the Town of Pellew and zoning of the area an anachronism and insult in official NT Government documents given that islands soon to be handed back to traditional owners. Should be removed from scheme as zoning was used to try and pre-empt native title claims;</li> </ul> <p><b>Clause 10.2 - Land Clearing</b></p> <ul style="list-style-type: none"> <li>Concern that the guidelines are weak and will not prevent large scale and piecemeal clearing leading to ever increasing cumulative local and regional environmental degradation and long term costs through inappropriate land use, spread of weeds, overuse of water etc</li> <li>Sub-clause 2: lack of requirement for consent for clearing fencelines and firebreaks needs rethink as cumulative impacts are very large eg. Loss of native veg and habitat, weeds etc;</li> </ul> <p><b>Clause 10.3 – Clearing Performance Criteria</b> Approach of establishing criteria applicants have ‘to have ‘demonstrate consideration’ of is <u>wholly unsatisfactory</u> for a number of reasons including:</p> <ul style="list-style-type: none"> <li>applicants rarely have sufficient knowledge, interest or capacity to examine possible impacts on matters listed especially ‘impacts on biodiversity at a regional scale’;</li> </ul>	<p><b>Subdivision</b></p> <p>The subdivision guidelines include requirements that deal with erosion, protection of significant natural and cultural features, drainage lines, distinctive landform features and native vegetation. The NT Planning Principles promote best practice environmental management. The <i>Planning Act</i> requires all development applications which include subdivision applications to be publicly notified and there is an opportunity for public comment.</p> <p>Note that subdivision of Pastoral Leasehold Land is governed by the <i>Pastoral Lands Act</i> unless it is a subdivision for a non-pastoral use (ie outside the lease provisions) in which case the subdivision is also considered under the <i>Planning Act</i>.</p> <p><b>Consent Authority</b></p> <p>The <i>Planning Act</i> establishes the name of the consent authority. The Development Consent Authority is considered an appropriate title for the body but as it is required to exercise its discretion in determining applications, the uses listed in the zoning table as consent uses are proposed to be identified as discretionary uses.</p> <p><b>User Guide</b> <b>Schedule 1 – Specific Use Pellew</b></p> <p>This Specific Use is a direct translation of the existing control plan that applies to the islands and reflects that there is nothing in the <i>Aboriginal Land Rights Act</i> that precludes the application of the <i>Planning Act</i>.</p> <p><b>Clause 10.2 - Land Clearing</b></p> <p>The provisions in this clause reflect the controls currently in place throughout the Territory. Their introduction followed an extensive consultation process and any proposal to amend these provisions should be subject to a future consultation process to ensure all views are canvassed and considered.</p> <p><b>Clause 10.3 – Performance Criteria</b></p> <p>Amendment in response to these concerns would represent a significant change to controls which have only relatively recently been introduced and would be inappropriate as part of the current exercise.</p>

Submission Issues	Response Blue comments indicate changes made to the exhibited version of the Scheme.
<ul style="list-style-type: none"> <li>○ past applications demonstrate complete ignorance as to how to address this type of statement leading to utterly meaningless statement and 'N/A' responses;</li> <li>○ as matter not adequately addressed nonsense to suggest they for the basis of the assessment by DCA;</li> </ul> <p>Government responsibility, in accordance with principles of ecologically sustainable development to establish parameters and impacts of clearing so applications cannot be approved where there is a risk such clearing itself or cumulatively is likely to impact detrimentally on values such as biodiversity.</p> <p>Suggested clearing within Litchfield already creates detrimental impact and risk.</p> <p><b>Definitions - Clearing</b></p> <ul style="list-style-type: none"> <li>● Should include the clearing of land for road construction,</li> <li>● inclusion of selective clearing welcomed</li> </ul> <p><b>Other Definitions</b></p> <p>Notes that a range of definitions have not been included eg 'sustainable', 'principles of sustainable development', 'ecological', ' biodiversity', 'river', 'coast', 'land';</p> <p><b>4.1 – NT Planning Principles and Framework</b></p> <ul style="list-style-type: none"> <li>● no reference to Ecologically Sustainable Development or biodiversity conservation although sub-clause (j) is about valuing land for inherent ecosystem functions;</li> </ul> <ul style="list-style-type: none"> <li>● no explanation or definition of what “sustainable use and development of land and water” or “principles of sustainable development” mean;</li> <li>● Suggested that in accordance with aim of the NT Scheme 4.1(a)vi to apply “best practice environmental management” the principles of ecologically sustainable development need to be clearly and accurately established. Details provided of the principles in the Commonwealth EPBC Act 1999;</li> </ul>	<p>These concerns consider clearing controls in isolation from the broader framework of control established by the Scheme. For example performance criteria for subdivision require consideration of these issues at that stage. Of particular relevance to Litchfield Shire is reference to the Plan of Priority Environmental Management Areas.</p> <p>Clearing of larger parcels which have not been created through the subdivision process would be expected to demonstrate a thorough consideration of the criteria within clause 10.3.</p> <p><b>Definitions - Clearing</b></p> <p>The definition of “clearing of native vegetation” is as it appears in existing controls and change is inappropriate. Clause 1.3 2(a) of the Scheme does not prevent use or development of land as a road therefore it would be inappropriate to include the clearing to enable construction of the road in the definition. However the construction of a road, as with any other significant development could be subject to the provisions of the <i>Environmental Assessment Act</i>.</p> <p><b>Other Definitions</b></p> <p>As is standard practice, definitions include only those words which require a particular definition for the purpose of the document. All other words have their common meaning. Note also that none of the words are presently defined.</p> <p><b>4.1 – NT Planning Principles and Framework</b></p> <p>The level of reference to sustainable development and conservation are considered appropriate for a document intended to control the use and development of land as such issues represent only one of many, often competing, interests which have to be balanced as part of the planning process.</p>

Submission Issues	Response
<ul style="list-style-type: none"> <li>• (g) preserving land for primary production “within context of competing land uses” confusing and a potential hindrance to conservation planning eg. Daly River mostly zoned on NT Land Use Framework as either pastoral, agriculture or rural while other Government documents such as Parks and Conservation Masterplan identify areas as important for conservation;</li> <li>• No reference to Parks and Conservation Master Plan or Darwin Harbour Regional Plan of Management which identify new conservation reserves and areas of high conservation value and recommend conservation measures;</li> <li>• Advocate inclusion of an explicit requirement for the consent authority to take full account of recommendations and proposals contained in other Government reports and strategies and where there is potential for conflict between proposal and an existing conservation plan or strategy there should be automatic referral to EPA;</li> </ul> <p><b>Section 4.2 Darwin Region Planning Principles</b></p> <ul style="list-style-type: none"> <li>• no attempt to highlight the value of Darwin Harbour and the ecological integrity of this world significant asset;</li> <li>• No mention of the Darwin Harbour Plan of Management and the assertion that planners refuse to acknowledge the need to protect the harbour;</li> <li>• 4.2(a) should be replaced with a principle “Providing for the appropriate expansion of Darwin without compromising the ecological, social, cultural and economic values of the Harbour - Urban consolidation should be preferred over urban sprawl” ;</li> </ul> <p>4.2(c) suggestion reference to ‘mass transit’ a pre-emptive attempt to lock in mass urbanisation of southern harbour / Cox Peninsula and that if there is concern about mass transit include an explicit guideline to improve public transport rather than far fetched develop south of Darwin;</p> <p><b>Section 4.2 Darwin Region Land Use Framework</b></p> <ul style="list-style-type: none"> <li>• Suggestion “future town of Weddell” might be ridiculous idea and that it be replaced: <ul style="list-style-type: none"> <li>○ with commitment to open and transparent planning process in relation to Darwin’s expansion subject to overriding principle of protecting the harbour and providing high quality sustainable living environment close to existing infrastructure and services and facilities;</li> <li>○ industrial zone adjacent to future town of Weddell area overlaps land subject to flooding;</li> <li>○ no reference to protection of mangrove communities or potential impacts of implementation of framework;</li> <li>○ strong objection to hazardous heavy industry designation at Glyde Point with the suggestion it contravenes 6.14 in relation to siting of industrial development in storm surge and flood affected areas;</li> </ul> </li> </ul>	<p><b>Response</b> Blue comments indicate changes made to the exhibited version of the Scheme.</p> <p>The NT Land Use Framework does not zone land but indicates broad land use categories.</p> <p>The inclusion of these documents in the Scheme is inappropriate but they have been recognised through zoning and development provisions where appropriate.</p> <p>The EPA regularly provides advice to the DCA and the Environmental Assessment process is applied where relevant.</p> <p><b>Section 4.2 Darwin Region Planning Principles</b> Clause 4.2(a) has been altered as follows: The administration of the Scheme in relation to the Darwin region is to:</p> <ul style="list-style-type: none"> <li>(a) provide for orderly and appropriate expansion of development in the region that: <ul style="list-style-type: none"> <li>ii. recognises the inherent aesthetic and environmental values of Darwin Harbour.</li> </ul> </li> </ul> <p>Clause 4.2(c) relating to a central, integrated land / water transport interchange reflects current policy and recognises that transportation issues are a fundamental consideration in determining future options for development within the region.</p> <p><b>Section 4.2 Darwin Region Land Use Framework</b> This represents a current policy which has been translated into the proposed Scheme. It was established by the Darwin Regional Structure Plan 1984 and endorsed by the Darwin Regional Land Use Structure Plan 1990. It appeared on the Litchfield Area Plan 2004 which was subject to extensive community consultation. Any alteration of this proposal in the future will be subject to the amendment process established by the <i>Planning Act</i> which requires community consultation.</p> <p>Mangrove communities in Darwin Harbour have been protected by a CN conservation zone.</p> <p>Industrial development at Glyde Point represents a current policy and zoning which has been translated into the proposed Scheme.</p>

Submission Issues	Response
<ul style="list-style-type: none"> <li>○ Also suggested urban development at Murrumujuk Beach will contravene 6.14;</li> <li>○ Suggested the indicative area of flooding and storm surge encroaches on proposed Glyde Point industry and that areas at Glyde Point clearly have high conservation value and should be included in Priority Environmental Areas of Litchfield Shire;</li> </ul> <p><b>Section 4.3 - Alice Springs and 4.4 - Katherine</b></p> <ul style="list-style-type: none"> <li>● Comments in relation to Darwin apply to Alice Springs and Katherine: <ul style="list-style-type: none"> <li>○ Failure to acknowledge conservation values;</li> <li>○ Failure to ensure proper approval process takes account of all relevant principles including need for adoption of ecologically sustainable (urban) development principles;</li> <li>○ Arbitrariness of many decisions apply equally to Alice and Katherine;</li> </ul> </li> <li>● Noted that principles for Alice Springs and Katherine include urban infill whereas Darwin does not and the suggestion that some long-ago internalised document involving mass urbanisation around the harbour continues to cloud thinking of planners;</li> <li>● Should be reviewed as undesirable, unsustainable and unaffordable.</li> </ul> <p><b>Water Management Zone</b> Suggested extraordinary to allow agriculture and land clearing with consent in this zone;</p> <p><b>Clause 6.14 – Flooding and Storm Surge</b></p> <ul style="list-style-type: none"> <li>● Suggested <ul style="list-style-type: none"> <li>○ 1% AEP reference is out of date and should be revised to take account of climate change; and</li> <li>○ it is irresponsible to allow industrial uses in secondary storm surge areas;</li> </ul> </li> </ul> <p><b>Clause 6.16 - Excavate or Fill</b></p> <ul style="list-style-type: none"> <li>● application for consent must explicitly include consideration of impacts on biodiversity values in the criteria;</li> </ul>	<p><b>Blue comments</b> indicate changes made to the exhibited version of the Scheme.</p> <p>Clause 6.14 relates to Land subject to Flooding and Storm Surge. Residential uses, strategic and community services at Murrumujuk will avoid storm surge affected areas.</p> <p><b>Section 4.3 - Alice Springs and 4.4 - Katherine</b></p> <p>The consolidation of all policies, controls and guidelines relating to development in a single Scheme will assist in identifying all relevant issues to be considered in the development assessment process. The Planning Principles for the Northern Territory at clause 4.1 establish an over arching framework for the consideration of sustainability and conservation issues.</p> <p>The perceived arbitrariness of decisions (presumably in the DCA process) can be addressed in part by making the provisions of the Scheme relevant, clear and concise which will be one of the outcomes of this project.</p> <p>The principle of development around the harbour has been Government policy since 1990 and is appropriately included in the scheme.</p> <p><a href="#">Clause 4.2 Darwin Region has been altered to encourage urban infill options.</a></p> <p><b>Water Management Zone</b></p> <p>The WM Water Management zone represents a rationalisation of the existing WM zone in Litchfield and the W zone in the Katherine Rural Area Plan. It may be appropriate to review the zone as a later amendment to the Scheme.</p> <p><b>Clause 6.14 – Flooding and Storm Surge</b></p> <p>The 1% AEP is a prediction and while the extent of an identified 1% AEP may be revised to reflect new information or situations such as climate change it would still represent a 1% AEP. The level of risk associated with development in the SSSA does not warrant the complete sterilisation of the land and this clause reflects existing policy in relation to development of land subject to flooding and storm surge.</p> <p><b>Clause 6.16 - Excavate or Fill</b></p> <p>The framework for consideration of impacts on biodiversity is established by the Planning Principles in clause 4.1 and as this is one of many developments with potential for such impacts a specific requirement is not considered necessary.</p>

Submission Issues	Response Blue comments indicate changes made to the exhibited version of the Scheme.
<p><b>Clause 11.2.2 Infrastructure and Community Facilities in Residential</b></p> <ul style="list-style-type: none"> <li>• Questions requirement for provision of 10% of a residential subdivision for public open space is sufficient, usual practice or "best practice"?</li> </ul> <p><b>Clause 11.3.1 Site characteristics in Industrial Subdivision</b></p> <ul style="list-style-type: none"> <li>• Suggested inclusion of requirement to retain and protect natural drainage lines, landforms or native vegetation without the requirement to incorporate them in private open space;</li> </ul> <p><b>Clause 11.3.2 Infrastructure in Industrial Subdivisions</b></p> <ul style="list-style-type: none"> <li>• Questions whether provision for on site absorption of effluent into soils where sewerage is unavailable is best practice or desirable.</li> </ul> <p><b>Clause 11.4.1 Site Characteristics in Rural Subdivisions</b></p> <ul style="list-style-type: none"> <li>• Sub-clause 2(c) rather than minimise number of lots from areas of conservation significance or drainage lines these areas should be excluded from subdivision;</li> <li>• Requirements to minimise various potential environmental impacts at (e), (f) &amp; (g) should be stronger and require these impacts should be avoided;</li> </ul>	<p><b>Clause 11.2.2</b> A requirement for 10% of a site represents the mid-range of national practice and as this requirement is part of the current Darwin Town Plan, amendment as part of this exercise is neither necessary nor appropriate.</p> <p><b>Clause 11.3.1 Site characteristics in Industrial Subdivision</b> Industrial zoning and the subdivision of industrial land usually excludes drainage lines and landform features of significance.</p> <p><b>Clause 11.3.2 Infrastructure in Industrial Subdivisions</b> Where reticulated sewerage is not available, on-site absorption remains a practical option. This clause will ensure potential impacts are considered and appropriate standards of construction are observed.</p> <p><b>Clause 11.4.1 Site Characteristics</b> The controls reflect the framework for rural subdivision established by the Litchfield Planning Concepts and Land Use Objectives and accept that in some instances minor drainage or conservation areas may be more appropriately included within lots. Reference to the map <i>Priority Environmental Management Areas – Litchfield Shire</i> establishes a framework for consideration of potentially significant areas within the Shire. The margin note to this clause incorrectly makes reference to this map by way of clause 2.7 but it should be clause 2.8.</p>
<p><b>34</b> <b>General / Policy - Defence issues</b> Requested extension of time to provide in-depth comment. (Granted but nothing further received)</p> <ul style="list-style-type: none"> <li>• Concerned with protection of significant defence establishments from encroachment by urban (and other) incompatible land uses;</li> <li>• particularly interested in how scheme proposes to physically separate or identify triggers for referral to Defence;</li> <li>• Seeking to establish buffers to protect its establishments and advocate passive uses that are not sensitive to impacts of various defence land uses and to reduce the potential for surrounding land uses to impact on airspace safety, navigational aids, radar, and security, Base communications and the increased risk of unauthorised public access;</li> <li>• As proposals have not been subject to detailed analysis, no specific comment at this stage.</li> </ul>	<p><b>Defence issues</b> Contact with the Department of Defence revealed that Defence had not realised the project brief to take what exists and consolidate it. There was concern that it may have involved rezoning.</p>

Submission Issues	Response
<p><b>3.0 Definitions - Recycling Depot</b></p> <ul style="list-style-type: none"> <li>Review second part of the definition, "or used for dismantling, storage etc" as it essentially means eg. that someone couldn't restore a vintage car, motorbike or even a clock in their backyard shed! It is also already being used, quite inappropriately to hassle anyone who upsets their neighbours;</li> <li>Suggest that a clause is needed that talks about "mess", or "extreme untidiness" or similar - appreciate that amenity is defined;</li> </ul> <p><b>Specific Use Zone</b> Queried whether the specific use zone would be retained in the Scheme.</p> <p>Queried the rationale for retaining the SU in Chateau Rd (NTP's 4097 to 4101) but rezoning the SU on Bullen Rd (NTP's 4991 to 4998) R (Rural) on the Alice Springs zoning map.</p> <p>Could NT Portion 4451 be rezoned to A Agriculture? (NT Portion 4451 is owned by the submitter's family and zoned R Rural.)</p> <p><b>Clause 4.3 – Alice Springs Land Use Framework and Alice Springs zoning map</b></p> <ul style="list-style-type: none"> <li>Clarification sought of apparent conflicts between zoning maps and Land Use Framework (LUF) and the previous Land Use Structure Plan 1999;</li> <li>In particular Lot 9349 which is proposed to be zoned RR &amp; R (a direct translation of the existing RL1 &amp; R zones in Alice Springs) but identified on the LUF as proposed RL (translation of existing RL2);</li> <li>Concern that this may represent a windfall for the developer and a nightmare for everyone else ;</li> <li>Existing (1999) Structure Plan and LUOs state retention of rural residential south of the gap;</li> <li>Suggests Emily Hills provides natural geographic separation between mixed use to the west of Ragonesi Road in the vicinity of Palm Circuit and predominant rural use east of Ragonesi Road;</li> <li>Suggested the Proposed Amendment clearly indicates that mixed uses can eventually be consolidated for redevelopment in medium residential – SD &amp; MD;</li> <li>Suggests position taken at (b) to retain rural residential development south of the McDonnell Ranges is wrong and should be omitted to avoid confusion and contradiction to the position taken by the Department and planning;</li> </ul>	<p><b>3.0 Definitions - Recycling Depot</b></p> <p>The definition is considered satisfactory. A recycling depot does not apply to an activity as long as the scale of the operation is domestic. Problems occur when large numbers of vehicles are stored on a rural block. Note that Councils hold powers under the <i>Local Government Act</i> to take action in such circumstances.</p> <p><b>Specific Use Zone</b></p> <p>The specific use zones are listed as <b>SA1, SA2 SA3</b> for Alice Springs and <b>SD1, SD2, SD3</b> for Darwin so that the <b>S</b> represents the specific use zone and the next letter identifies the locality. The number of specific use zones have been rationalised and many translated to more appropriate "standard" zones.</p> <p>Specific use zones were translated to the most appropriate standard zone where the development had been completed or where the proposed development had not eventuated after many years. In the case of the Bullen Road SU the zone was reverting to its previous R zone as the development had been completed in accordance with the SU provisions and it was no longer necessary to maintain the specific use zone.</p> <p>If a rezoning of NT Portion 4451 to A Agriculture can be justified, then such a rezoning could be considered as a separate amendment.</p> <p><b>Clause 4.3 – Alice Springs</b></p> <p>These concerns may result from a misinterpretation of the framework plan – it is intended to provide indication of broad future land use and is not a zoning plan.</p> <p><a href="#">The User Guide has been altered by including an explanation of the purpose of Framework Drawings, Area Plans and zoning maps.</a></p> <p>This concern reflects a misunderstanding of sub-clause 4.3(b). It appears it has been interpreted to mean that development south of the ranges will be limited to rural residential to the exclusion of all other uses when in fact the intention is to establish that urban residential development is to be located north of the gap and that any residential development south of the ranges is to be of a rural nature.</p> <p>The zoning plan clearly provides for some tourist commercial development south of the ranges.</p> <p><a href="#">To clarify the perceived conflict that part of sub-clause 4.3(b) after the word "investment" has been deleted.</a></p>

Submission Issues	Response
<ul style="list-style-type: none"> <li>• Concern that some cadastral boundaries on the Alice Springs LUF are incorrect;</li> <li>• reference to MacDonnell Ranges are incorrect, should be the Heavitree Range;</li> <li>• Concerns with possible confusion resulting from wording in the User Guide in relation to identification of land subject to zoning. Issues of concern include: <ul style="list-style-type: none"> <li>○ Uncertainty as to whether Amoonguna is zoned as it is not mentioned at page v;</li> <li>○ Uncertainty as to identity of the “South West District” and question if it is in fact a typo and should be “South east”</li> </ul> </li> <li>• Suggestion that reference to Municipality of Alice Springs is unnecessary;</li> </ul> <p><b>General –existing uses</b> What happens to existing uses that become prohibited by the Scheme?</p> <p><b>Motorised Vehicles</b></p> <ul style="list-style-type: none"> <li>• Advocates this process provides the opportunity to control installation of motorbike, go-kart &amp; speedway tracks on rural lots causing distress to neighbours but should not prevent businesses engaged in agriculture/horticulture from carrying on their legitimate business;</li> </ul> <p><b>Presentation</b></p> <ul style="list-style-type: none"> <li>• Commending the presentation but suggest would be useful to have colouring, cut-outs or tabs to assist in identifying sections of document;</li> </ul> <p><b>Clearing of Native Vegetation</b></p> <ul style="list-style-type: none"> <li>• Clarification sought of the meaning of “unless Specified” within Clause 1.3.2(b)iii of Exceptions which exempts construction of roads from the scheme relate to clause 10.2 – Clearing of Native Vegetation;</li> <li>• Clause 3.0 the definition of clearing of native vegetation at (g) "by fire" is excluded from requiring consent has the effect of allowing 100% clearing provided the owner sets the property alight;</li> <li>• Assuming it is included to provide protection from prosecution in event of wildfire rewording is needed to prevent intentional clearing by fire;</li> </ul>	<p><b>Response</b> <b>Blue comments</b> indicate changes made to the exhibited version of the Scheme.</p> <p>Cadastral boundaries will be progressively updated where and as necessary. The zoning map is the relevant plan to determine use and development of a particular site.</p> <p>Advice from the Place Names Committee is that MacDonnell is the appropriate name.</p> <p>Amoonguna has been zoned CL Community Living.</p> <p><b>To avoid confusion the reference to South West Districts has been replaced with “some adjacent rural areas”.</b></p> <p>The <i>Planning Act</i> specifically refers to land within the council area of a local authority so it is appropriate that the Scheme mentions the municipal areas.</p> <p><b>General –existing uses</b> Any uses that were lawfully established may continue to operate and are protected under the provisions of the <i>Planning Act</i>.</p> <p><b>Motorised Vehicles</b> The existing town plans do not control off-road vehicle activity.</p> <p><b>Presentation</b> Such a presentation was considered but unfortunately proved to be cost prohibitive.</p> <p><b>Clearing of Native Vegetation</b> “Unless specified” means that unless controls are specifically in a development provision.</p> <p>The definition of <b>clearing of native vegetation</b> excludes clearing for a road. Clause 10.2 which establishes provisions relating to clearing do not influence the exemption from control of the use or development of land for a road contained in clause 1.3.</p> <p>As fire is a natural and regular event in the Territory proving one particular land owner deliberately lit a fire to ‘clear’ vegetation would be virtually impossible. It is also unlikely a land owner would resort to the use of fire given that diligent re-burning over a number of years would be required to be effective.</p>

Submission Issues	Response Blue comments indicate changes made to the exhibited version of the Scheme.
<ul style="list-style-type: none"> <li>• Suggest that clause 10.2 needs more flexibility as sub-clause 2: <ul style="list-style-type: none"> <li>○ ignores that large properties within a municipality don't come under Regional Fire Control Committee;</li> <li>○ ignores that on large properties there may need to be a firebreak that doesn't follow a fenceline; and</li> <li>○ that it is not always feasible to fence boundaries ie steep land but that fire breaks and access roads are still needed;</li> </ul> </li> </ul> <p>Suggests the second note to this clause ie that Clause 13.4 refers to clearing of native vegetation adjacent to designated roads is incorrect;</p> <p><b>Zone CV – Caravan Park</b> Why have zone CV when <b>home based contracting</b> is permitted but a <b>caravan park</b> is a discretionary use?</p> <p><b>Domestic Livestock in RR &amp; RL Zones</b></p> <ul style="list-style-type: none"> <li>• Questions that domestic livestock is a permitted use given clause 10.1(3) which requires 1 ha per animal - also suggests requirements in Alice Springs should differ from those in the tropics;</li> </ul> <p><b>Caretaker's Residence in H, A &amp; R Zones</b> A caretaker's residence is often required in these zones but is prohibited;</p> <p><b>Clause 6.8 - Demountables</b></p> <ul style="list-style-type: none"> <li>• Suggests a fascination with demountable structures particularly freight containers as rambling sheds (provided they are 10 m from the boundary), mess and obnoxious activities do not require consent in RR, RL, R, A &amp; H but organise part of life into big box and need consent. Why?</li> </ul> <p><b>Clause 6.14 - Land Subject to Flooding and Storm Surge</b></p> <ul style="list-style-type: none"> <li>• Sub-clause 5(c) Suggest the clause stop after avoided as no one can demonstrate it won't significantly increase the risk until it is too late and considering 6.16(2) a critical mass point will be reached;</li> </ul> <p><b>Clause 6.16 - Excavation &amp; Fill</b></p> <ul style="list-style-type: none"> <li>• Suggest any excavation &amp; fill for dwelling should require consent, considering the issue at 6.14 sub-clause 5(c) and to minimize impacts on neighbours when carried out to boundaries. A boundary setback is suggested;</li> </ul> <p><b>Clause 7.5 - Private Open Space</b></p> <ul style="list-style-type: none"> <li>• (3) Suggest maximum fence height of 1.8m as not much joy view of badly constructed corrugated iron fence;</li> </ul>	<p>The provisions in this clause reflect the controls currently in place throughout the Territory. Their introduction followed an extensive consultation process and any proposal to amend these provisions should be subject to a future consultation process to ensure all views are canvassed and considered. The clause does not require firebreaks to be located on fencelines.</p> <p><b>The reference to clause 13.4 is incorrect and has been removed.</b></p> <p><b>Zone CV – Caravan Park</b> As a single dwelling is permitted in this zone it is appropriate that home based contracting is also permitted.</p> <p><b>Domestic Livestock in RR &amp; RL Zones</b> Domestic Livestock are only permitted in either zone if the use complies with the requirements of clause 10.1. If the conditions of the clause are not complied with consent is required and this allows consideration of any potential impacts on amenity and the environment. The flexibility in clause 10.1 recognises differing climatic conditions.</p> <p><b>Caretaker's Residence in H, A &amp; R Zones</b> Clause 7.2 allows for a second dwelling on large lots in Zones H and A.</p> <p><b>Clause 6.8 - Demountables</b> Clause 6.8 reflects the intention of controls as they currently exist in the various town plans. It would be appropriate to review the requirements for demountables as a separate amendment to the Scheme.</p> <p><b>Clause 6.14 - Land Subject to Flooding etc</b> <b>The suggested amendment to clause 6.14 is appropriate. The clause has been altered by deleting the words after "avoided".</b></p> <p><b>Clause 6.16 - Excavation &amp; Fill</b> Clause 6.16 reflects an existing control and amendment could be considered in the future should experience indicate problems.</p> <p><b>Clause 7.5 - Private Open Space</b> Fences higher than 1.8 m are not the norm. The clause is intended only to specify a minimum to achieve privacy rather than address the visual amenity of individual fence construction. Note the clause reflects existing controls relating to fencing of private open space.</p>

<b>Submission Issues</b>	<b>Response</b> <small>Blue comments indicate changes made to the exhibited version of the Scheme.</small>
<p><b>Clause 7.10.3 - Caretaker's Residence –</b></p> <ul style="list-style-type: none"> <li>• Sub-clause 2(a) questions the limitation of 50m<sup>2</sup> considering it too restrictive and limiting on the quality of caretaker you can attract;</li> </ul>	<p><b>Clause 7.10.3 - Caretaker's Residence</b></p> <p>This clause reflects the existing controls contained in some of the current documents. A caretaker's residence is a permitted use in a number of zones where a single dwelling is prohibited. The limitation will minimise the development of lots, not within a residential zone, as a low cost housing option ostensibly for the use of a caretaker. A larger floor area is allowed with the discretion of the DCA so providing an opportunity to consider the intended use of the residence in conjunction with the use of the land. A second dwelling is permitted on large lots in zones H and A.</p>
<p><b>36 4.3 - Alice Springs Land Use Framework</b></p> <ul style="list-style-type: none"> <li>• Existing (1999) Structure Plan and LUOs state retention of rural residential south of the gap;</li> <li>• Suggests Emily Hills provides natural geographic separation between mixed use to the west of Ragonesi Road in the vicinity of Palm Circuit and predominant rural use east of Ragonesi Road;</li> <li>• Suggested the Proposed Amendment clearly indicates that mixed uses can eventually be consolidated for redevelopment in medium residential – SD &amp; MD;</li> <li>• Suggests position taken at (b) to retain rural residential development south of the McDonnell Ranges is wrong and should be omitted to avoid confusion and contradiction to the position taken by the Department and planning.</li> </ul>	<p><b>4.3 - Alice Springs Land Use Framework</b></p> <p>This concern reflects a misunderstanding of sub-clause 4.3(b). It appears it has been interpreted to mean that development south of the ranges will be limited to rural residential to the exclusion of all other uses when in fact the intention is to establish that urban residential development is to be located north of the gap and that any residential development south of the ranges is to be of a rural nature.</p> <p>The zoning plan clearly provides for some tourist commercial development south of the ranges.</p> <p><small>To clarify the situation the words in sub-clause 4.3(b) after the word "investment" have been deleted.</small></p>
<p><b>37 Service Commercial SC Zone</b></p> <ul style="list-style-type: none"> <li>• Suggests current 5m boundary setbacks from rear and side boundary in LAP2004 are too restrictive due to overall lot size of 1000m<sup>2</sup>;</li> <li>• Suggest the adoption of similar requirements as those that apply in industrial areas within Darwin.</li> <li>•</li> </ul>	<p><b>Service Commercial SC Zone</b></p> <p>Boundary set-backs in the SC Zone as established by the LAP 2004 have not been carried through in the Scheme as they were unique to the Shire and were not reflected in other similar zones throughout the Territory.</p>
<p><b>38 4.3 Alice Springs Land Use Framework</b></p> <ul style="list-style-type: none"> <li>• Suggests the Scheme complements the 1999 Structure Plan particularly with reference to the South side of the Ranges but suggests there could be problems to existing land uses in particular the area east of Heavitree Gap to Stegar Road which does not conform;</li> <li>• Advocate confirmation of rural residential development south of the ranges.</li> </ul>	<p><b>4.3 Alice Springs Land Use Framework</b></p> <p><b>See the response to submission 36.</b></p>

<b>Submission Issues</b>	<b>Response</b> Blue comments indicate changes made to the exhibited version of the Scheme.
<p><b>39</b></p> <p><b>Inconsistencies between 4.3 Alice Springs and zonings</b></p> <ul style="list-style-type: none"> <li>• 4.3 (b) “consolidate urban development north of the McDonnell Ranges taking advantage of existing public infrastructure investment <b>and retain rural residential development south of the McDonnell Range;</b></li> <li>• This clearly stated policy is at odds with existing B3 and proposed TC zone along Palms Circuit and Ragonesi Road and ongoing applications for office development;</li> <li>• Also possible future development near Alice Springs Airport which may not conform;</li> <li>• Considered essential that proposed scheme recognise existing B3 land use to avoid confusion, undue delays and contradictions on land development south of the Ranges;</li> <li>• Continued approval of development that is not rural in nature in contravention of existing Land Use Objectives sets an undesirable precedent with regard to rural development ie urban development can only proceed north of the ranges;</li> <li>• Suggest a change of wording to reflect flexibility and avoid contradiction with regard to assessment of future development proposals within existing B3 zone particularly along Ragonesi Road and Palm Circuit.</li> </ul>	<p><b>Inconsistencies between 4.3 Alice Springs and zonings</b></p> <p><b>See the response to submission 36.</b></p>
<p><b>40</b></p> <p><b>General / Policy</b></p> <ul style="list-style-type: none"> <li>• Process used by Licensing Commission involves approval for such things as hours of operation, whether take away sales are permitted etc for premises prior approval from DCA for use of land for licensed premises;</li> <li>• Commission mindful that in making decisions on availability of liquor also making decisions as to how land is used which may impact on amenity of a community;</li> </ul> <p><b>Safe Communities - Clause 4.1(a) Planning Principles</b></p> <ul style="list-style-type: none"> <li>• Safe communities are listed as the first principle but premise is under-reflected in relation to liquor availability;</li> <li>• Concern with reference to objectives of the Scheme: <ul style="list-style-type: none"> <li>○ To adequately consider issues of community safety and crime prevention in land use, development and redevelopment activities, and</li> <li>○ To integrate safety and security concerns throughout the development assessment process for private and public projects;</li> </ul> </li> <li>• Concern that greater weight is not given to or few mechanisms are available to control the availability of liquor (particularly takeaway sales);</li> <li>• Framework does not provide sufficient guidance to licensing commission as to whether it is within government's land use intention for another liquor licence in an area particularly in situation where an area is served by existing licensees.</li> <li>• There is opportunity for scheme to provide guidance as to land use purposes within the community - including liquor availability;</li> </ul>	<p><b>General / Policy</b></p> <p>The Commission is developing guidelines for the control of take-away liquor outlets. It may be appropriate to consider a future amendment to the Scheme to reference these guidelines.</p> <p><b>Safe Communities - Clause 4.1(a) Planning Principles</b></p> <p>Safe communities referred to in the Planning Principles relates to the Community Safety Design Guide based on crime prevention through environmental design (CPTED). The Guide does not address liquor availability.</p>

<b>Submission Issues</b>	<b>Response</b> Blue comments indicate changes made to the exhibited version of the Scheme.
<p><b>Generic Design Elements</b></p> <ul style="list-style-type: none"> <li>• Linking "land use mix and activity generators" to recognition of "diversity of activities" suggests the planning scheme should give greater consideration to existing density of licensed premises before it determines that further licensed premises may be established within an area otherwise area may lose it intended diversity due to alcohol related anti-social behaviour;</li> </ul> <p><b>Definitions</b></p> <ul style="list-style-type: none"> <li>• Definitions do not sufficiently differentiate between types of licensed premises in terms of impact upon the community eg major difference between <b>hotel</b> that <i>has</i> or does <i>not have</i> a take away liquor outlet;</li> <li>• Definition of shop – which may sell liquor for off-premises consumption (ie local supermarket) will have greater impact upon surrounds than one that does not;</li> <li>• Concern that there is insufficient scope to be able to control the use of shops for purposes that may be unsuitable - eg shop selling alcohol is not compatible next door to an alcohol &amp; drugs counselling centre and suggestion that scope should exist such that incompatible activities are appropriately separated;</li> <li>• Not enough attention given to controlling conduct of certain activities that may occur once approval has been granted eg once approval for a "shop" has been granted there is no further consideration as to what the shop may retail and limited consideration as to future uses;</li> <li>• Suggest DCA approval be required for change of purpose of shop (eg the selling of liquor);</li> </ul> <p><b>Relationship of DCA and Licensing Commission processes</b></p> <ul style="list-style-type: none"> <li>• Development new consolidated scheme affords opportunity to review planning and approval processes from government &amp; client perspective to address lack of coordination that results in an applicant gaining DCA approval and moving to Licensing Commission as if applications completely unrelated;</li> <li>• Suggest that it is of benefit to applicant, DCA and licensing commission that application processes be as seamless as possible;</li> <li>• More consistent and integrated approach may be developed through undertaking internal review of both bodies;</li> </ul> <p>Suggest formation of working group to integrate &amp; streamline processes and develop definitions that may be able to be used consistently for both DCA &amp; licensing commission processes.</p>	<p><b>Generic Design Elements</b></p> <p>The existing planning scheme does not differentiate between different types of shops. The suggestion represents a significant change to existing provisions and is outside the scope of this project.</p> <p><b>Definitions</b></p> <p>The Scheme definitions reflect the existing definitions within the current town plans. In some circumstances definitions have been altered to reflect nationally accepted definitions.</p> <p><b>Relationship of DCA and Licensing Commission processes</b></p> <p>It is appropriate that the DCA and the Liquor Commission investigate ways of better integrating their processes but this is outside the scope of the Scheme.</p>
<p><b>Sea Level Change</b></p> <ul style="list-style-type: none"> <li>• Suggestion that maps showing predicted changes to sea level be provided to enable proper consideration of a new planning scheme as consideration of rising sea levels due to climate change are required for the proper planning for land development</li> </ul>	<p><b>Sea Level Change</b></p> <p>As such maps are not available it would be inappropriate to amend proposals at this stage. Should definitive predictions be established in future an amendment of the Scheme could be considered.</p>

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Submission Issues	Response Blue comments indicate changes made to the exhibited version of the Scheme.
<p><b>Clause 2.7 - Reference to Policy</b></p> <ul style="list-style-type: none"> <li>Concerned that sub-clause 2 (which refers to the provisions of the scheme prevailing in the event of inconsistencies with the policy) will allow urbanisation of Litchfield Shire which would conflict with reason an increasing number of people choose to live in the Shire;</li> <li>Request it be clearly stated that the intended outcomes of the Litchfield Planning Concepts &amp; Land Use Objectives can not be overridden;</li> </ul> <p><b>Principles and framework – 4.2 Darwin Region</b></p> <ul style="list-style-type: none"> <li>Concern that the orientation is towards urban environment despite the predominant use being rural;</li> </ul> <p>Requesting that Litchfield Planning Concepts and Land Use Objectives (LPC &amp; LUOs) be referenced in schedule as per Capital City Charter to maintain focus on achieving outcomes to maintain &amp; enhance rural lifestyle;</p> <p><b>Definition of Clearing of Native Vegetation</b></p> <ul style="list-style-type: none"> <li>Suggest deleting paragraph (h) permitting the clearing of regrowth for environmental reasons;</li> </ul> <p><b>Clause 10.2 – Clearing of Native Vegetation</b></p> <ul style="list-style-type: none"> <li>Advocate inclusion of FD zone such as future Weddell townsite to avoid clearing prior to the actual commencement of development.</li> </ul> <p><b>Schedule 3 – Guidelines</b></p> <ul style="list-style-type: none"> <li>Advocate formal reference to Weeds Management Guidelines as, although not as developed, this issue is as important as clearing guidelines.</li> </ul> <p><b>General</b></p> <p>Request for further opportunity to comment after maps are amended to show predicted changes to coastline and they have been released for public comment.</p>	<p><b>Clause 2.7 - Reference to Policy</b></p> <p>The Scheme does not promote the urbanisation of the Litchfield Shire.</p> <p><b>4.2 Darwin Region</b></p> <p>The LPC&amp;LUOs are referenced in their entirety by virtue of clause 2.7</p> <p>This concern can be addressed by relocating the side note to the top of the column to indicate any reference document, including the LPC &amp; LUOs are relevant to the clause rather than just to the Capital City Charter.</p> <p><b>Clearing of Native Vegetation</b></p> <p>The provisions in this clause reflect the controls currently in place throughout the Territory. Their introduction followed an extensive consultation process and any proposal to amend these provisions should be subject to a future consultation process to ensure all views are canvassed and considered.</p> <p>As almost all primary uses within Zone FD are discretionary and most FD land is controlled by the Crown, the land release process and existing control of development make specific controls of clearing unnecessary.</p> <p><b>Schedule 3 – Guidelines</b></p> <p>This would require a separate amendment to the Scheme.</p> <p><b>General</b></p> <p>This would also require a separate amendment to the Scheme.</p>
<p><b>42 Clause 4.1 Planning Principles</b></p> <ul style="list-style-type: none"> <li>In response to highlighting of water conservation issues at recent Australian Water Association conference in Alice Springs suggested that the scheme provides an opportunity for Government to show their commitment to water conservation and introduce measures to make water tanks mandatory in all new homes;</li> </ul>	<p><b>Clause 4.1 Planning Principles</b></p> <p>Mandating water tanks represents a new element in the scheme and should be subject to future amendment noting that as best practice in sustainability matters are established in the Territory appropriate amendments can be made to the Scheme.</p> <p>Note also mandating water tanks for a single dwelling, the majority of which do not require consent does not sit well with the Territory planning regime. Jurisdictions that have mandated water tanks have done so via their Building Regulations.</p>

Submission Issues	Response
<p><b>Clause 6.5.1 Carparking</b></p> <ul style="list-style-type: none"> <li>Additional requirement of 1 per 5 dwellings for multiple dwellings is unrealistic and can lead to unnecessary and unattractive concrete areas and is not supported.</li> <li>The requirement for 6 spaces/100m<sup>2</sup> for restaurants is questioned as many are situated in established CBD areas.</li> </ul> <p><b>General – Defer Adoption</b></p> <ul style="list-style-type: none"> <li>Recommendation contained in submission from RAIA (No. 29) to defer adoption of the scheme to allow proposed changes to be considered is supported</li> <li>Removal of DCA discretion is of particular concern as it represents a change of policy. Suggested that release of response to submissions should be released publicly.</li> </ul>	<p><b>Clause 6.5.1 Carparking</b></p> <p>It is recommended that the Scheme reflect the existing car parking ratio of 2 spaces / dwelling. The Capital City Charter Committee has prepared recommendations on a number of matters including car parking and these may result in a later amendment to the Scheme.</p> <p>Sub-clause 5 has been removed since it does not reflect the existing provisions.</p> <p><b>General – Defer Adoption</b></p> <p>After discussions with the President of the NT Chapter, it is understood that the RAIA no longer recommends the deferral of the introduction of the Scheme as many of their concerns with the Scheme can be met.</p>
<p><b>43</b></p> <p><b>4.4 – Katherine Land Use Framework</b></p> <ul style="list-style-type: none"> <li>Request that Katherine By-pass be removed from Framework Drawing as it is understood to have no status;</li> </ul> <p><b>Schedule 2 or 3</b></p> <ul style="list-style-type: none"> <li>Request that Katherine Council Road Works, Stormwater Drainage &amp; Streetlighting Guidelines or something similar be called up in the Scheme;</li> </ul> <p><b>Clause 6.7</b></p> <ul style="list-style-type: none"> <li>Fails to note that Katherine Town Council also controls signs.</li> </ul>	<p><b>4.4 – Katherine Land Use Framework</b></p> <p>The request is not supported. There is no commitment to the construction of a by-pass road, the framework drawing simply indicates a suitable location for a by-pass road should it be required.</p> <p><b>Schedule 2 or 3</b></p> <p>As the guidelines were not exhibited with the Scheme it would be inappropriate to reference them at this stage. They could be considered in a future amendment to the Scheme.</p> <p><b>Clause 6.7</b></p> <p>Clause 6.7 and the margin note have been amended to include Katherine Town Council.</p>
<p><b>44</b></p> <p><b>SD zone</b></p> <ul style="list-style-type: none"> <li>Advocated that Multiple Dwellings continue to be allowed with "consent" on SD zoned land for a number of reasons including: <ul style="list-style-type: none"> <li>Existing rules in Palmerston allow a duplex with consent;</li> <li>Large areas of older suburbs in Palmerston do not have duplex or unit developments and lots are larger than those used for duplex in new areas;</li> <li>Sufficient controls exist to disallow applications if stringent requirements are not met;</li> <li>The proposed scheme allows other uses such as B&amp;B, home based child care and medical consulting rooms in SD areas and these uses may result in increases in traffic which because the drivers are unfamiliar with the area may have greater disruption to amenity than permanent residential use;</li> <li>Proposed restrictions will prevent minimal introduction of duplexes when it would be preferable if developments were assessed on their individual merits.</li> </ul> </li> </ul>	<p><b>SD zone</b></p> <p>The SD Single Dwelling zone is the zone for single dwellings. The Palmerston pre-nominated duplex sites will be zoned MD Multiple Dwelling in the proposed Scheme. Duplex sites will then be more easily identified.</p>

	<b>Submission Issues</b>	<b>Response</b> Blue comments indicate changes made to the exhibited version of the Scheme.
<b>45</b> <p><b>Existing Use Rights</b></p> <ul style="list-style-type: none"> <li>Request that NT Scheme provides opportunity to give on going protection to owners of existing uses (specifically 6 units on Lot 4752 Stuart Park unit titled under present scheme);</li> <li>Suggested the proposed scheme will prevent replacement of existing uses with similar development and that it should allow existing use rights in perpetuity or compensate victims of rule changes;</li> </ul> <p><b>Efficient use of limited and valuable resources</b></p> <ul style="list-style-type: none"> <li>Suggestion that anywhere else in the world imposition of a requirement to allocate 1 000m<sup>2</sup> for sole and exclusive use of one household would be seen as wasteful and ludicrous and contributes to enormous infrastructure costs for such development;</li> <li>Advocate provision should be included for duplex development within existing R1 zones.</li> </ul>	<p><b>Existing Use Rights</b></p> <p>Existing use rights are established and protected by the <i>Planning Act</i>.</p> <p><b>Efficient use of limited and valuable resources</b></p> <p>Duplex development will be possible but will involve the rezoning of the site to MD Multiple Dwelling.</p>	
<b>46</b> <p><b>Schedule 2 &amp; 3 Referenced Documents</b></p> <ul style="list-style-type: none"> <li>Acknowledgement by the Committee that aspects of the Darwin Harbour Plan of Management have been incorporated into the Scheme;</li> <li>Request the inclusion of the entire Plan of Management document, and any subsequent versions, as a Reference or guideline document if the Planning Scheme is to be complete and the Plan of Management is to be fully supported for the following reasons: <ul style="list-style-type: none"> <li>Plan of Management (The Plan) has Cabinet endorsement;</li> <li>Recommendation 2 of the Plan is recognition under current legislation and an implementation review identified this as outstanding;</li> <li>The Plan is an important policy document and should be included with other important documents;</li> <li>As the Plan is a Plan of Management for the Darwin Harbour Region it should be officially recognised by referencing in the NT Planning Scheme as not referencing it gives the impression the Government does not fully support it;</li> <li>The Plan has been developed with extensive community consultation and contains matters of importance to the people of the region;</li> <li>It addresses planning issues for the Darwin Harbour Region;</li> <li>It deals with cumulative impacts and other medium and long term issues;</li> </ul> </li> </ul>	<p><b>Schedule 2 &amp; 3 Referenced Documents</b></p> <p>The proposed scheme will have the capacity to “call up” referenced documents in circumstances where they will add value to the decision making process. For that to occur the <i>Planning Act</i> requires an amendment to the Planning Scheme following a statutory process including public exhibition.</p> <p>The Planning Scheme as exhibited largely rationalises existing controls and translates them into a consolidated and modernised format. The inclusion of new material at this point is not consistent with the Government’s intentions in bringing forward a new Scheme that translates existing provisions.</p> <p>The key principles and goals espoused in the DHPOM have been addressed in the overall guiding principles of the Scheme. Elements of DHPOM relevant to the planning process have been included in the Scheme such as controls for dredging within Darwin Harbour and native vegetation clearing, references to the Environmental Guidelines for Reclamation in Coastal Areas, the subdivision design guidelines, the promotion of climatically appropriate urban design outcomes and the requirements for land subject to flooding and storm surge.</p> <p>Other Natural Resource Management plans are not included in the Scheme.</p>	

Submission Issues	Response Blue comments indicate changes made to the exhibited version of the Scheme.
<ul style="list-style-type: none"> <li>○ By referencing the Plan it is more likely to be used to support the concept of sustainable management of the region;</li> <li>○ Excluding the Plan from the reference document list diminishes its importance as a policy and guideline document.</li> </ul>	<p>It would be appropriate to refer to Darwin Harbour. Clause 4.2(a) has been altered as follows:</p> <p>The administration of the Scheme in relation to the Darwin region is to:</p> <p>(b) provide for orderly and appropriate expansion of development in the region that:</p> <p>ii. recognises the inherent aesthetic and environmental values of Darwin Harbour.</p>
<p><b>47</b></p> <p><b>Clause 11.2.2 – Infrastructure &amp; Community Facilities &amp; Services in Res Subdivision</b></p> <ul style="list-style-type: none"> <li>• Applaud mention of cyclists and identification of key issues such as safety and connectivity but concern that there is nothing specific about how planning will assist cyclists when it all levels of government should be taking cycling more seriously and encouraging the activity;</li> <li>• ‘Bicycle NT’ keen to be involved in dialogue to increase assistance for provision of facilities for cyclists.</li> </ul>	<p><b>Clause 11.2.2</b></p> <p>These concerns are acknowledged and this issue is likely to be subject to further documentation for future incorporation of provisions in the scheme by way of an amendment.</p>
<p><b>48</b></p> <p><b>Provision for Duplex Development</b></p> <ul style="list-style-type: none"> <li>• Disappointment that the Scheme does not provide for duplex development;</li> <li>• Options for residents in inner suburbs who live in large houses past use by date are non-existent unless want to live in high rise apartments or in townhouse jammed on a block with many others;</li> <li>• Questions why is there no zoning for duplex developments suggesting it would make fantastic use of large lots with dilapidated houses – tropically designed, ground level and aged people friendly duplex.</li> </ul>	<p><b>Provision for Duplex Development</b></p> <p><b>See the response to Submission 45.</b></p>
<p><b>49</b></p> <p><b>General</b></p> <ul style="list-style-type: none"> <li>• Concern that overlap between NT Planning Scheme (<i>Planning Act</i>) and NT Building Regulations creates unnecessary frustration in obtaining building certification to verify existing building compliance with the <i>Building Act</i> when subdividing land. (Section 51(q) of the Act)</li> <li>• Suggested the NT Scheme include clear and complete guidelines regarding setbacks, including carports, sheds, eaves and gutters, so there is one source to abide by, rather than two overlapping sources.</li> </ul>	<p><b>General</b></p> <p>The requirement for compliance with the <i>Building Act</i> is established by Section 51(q) of the <i>Planning Act</i>. As this is a mandatory requirement in the Act the issue cannot be addressed in the Scheme.</p>
<p><b>50</b></p> <p><b>Clause 4.0 – Planning Principles and Framework</b></p> <ul style="list-style-type: none"> <li>• Unification of planning principles is applauded but concern that very broad planning principles are unlikely to provide any real guidance other than that already dictated by geography or common sense.</li> </ul>	<p><b>Clause 4.0 – Planning Principles etc</b></p> <p>The clause establishes fundamental principles relevant across the Territory with the vision and guidance for development in specific areas provided by zone and clause purpose statements and the clause provisions supplemented by the Framework drawings and area plans.</p>

Submission Issues	Response <i>Blue comments</i> indicate changes made to the exhibited version of the Scheme.
<p><b>Process - User Guide</b></p> <ul style="list-style-type: none"> <li>• Process for development applications is clearly outlined but no mention of process for altering anything else (particularly zoning) at a scale between the principles for areas and individual developments is not mentioned.</li> <li>• Queries include <ul style="list-style-type: none"> <li>○ how zoning will be changed;</li> <li>○ what public consultation will there be about zoning changes;</li> <li>○ level equivalent to LUO allows examination of local area with public involvement without having to amend the entire scheme or deal with multitude of small development applications to achieve a revised outcome for one area;</li> <li>○ how will new S zones be decided if required as they appear separate zones but as they are not development applications no process is apparent;</li> </ul> </li> </ul> <p><b>Zonings in Ludmilla Creek locality</b></p> <ul style="list-style-type: none"> <li>• Concerns regarding amendments to O3 boundaries such that small but significant areas of vegetation are now excluded from the CN zone:</li> <li>• Specifics include: <ul style="list-style-type: none"> <li>○ Preference for CN zoning on lot 3725 (east of lot 5406) rather than PS zoning;</li> <li>○ Lot 4816 north of Ricahrdson Drive has been included in CP zone rather than OC despite it being a separate lot and previously zoned O3;</li> </ul> </li> <li>• Minor zone boundary changes in the vicinity of Legacy, Anglicare and Nemarluk School which will remove significant natural and rehabilitated natural wetland and mangrove areas from the CN zoning;</li> </ul>	<p><b>Process - User Guide</b></p> <p>The <i>Planning Act</i> outlines the Planning Scheme Amendment process. It would be appropriate that community information brochures are produced in future to explain the various processes.</p> <p>Zoning changes are planning scheme amendments and the public consultation process is prescribed in the <i>Planning Act</i>.</p> <p>Land use objectives are land use policy. Changes to land use policy are also planning scheme amendments.</p> <p>Specific use zones, <b>S</b> zones are a translation of some of the existing SU specific use zones. The process is the same as for any planning scheme amendment.</p> <p><b>Zonings in Ludmilla Creek locality</b></p> <p>It was intended that the O3 zone would translate directly to zone CN.</p> <p><i>The exhibited map has been altered so that the O3 zoning in Ludmilla Creek has translated to zone CN.</i></p> <p>The PS zoning of lot 3725 is a direct translation of the existing O1 zoning of the lot and amendment is not appropriate as part of this exercise.</p> <p><i>The exhibited zoning of Lot 4816 has been altered to CN to reflect the existing O3 zoning.</i></p>
<p><b>51 Clause 10.1 - Animal related Use &amp; Development –</b></p> <ul style="list-style-type: none"> <li>• Sub-clause 3: Suggestion that provision be included to allow assessment of individual applications for up to 3 horses / 1ha, provided that horses that are stabled with sanded yard attached;</li> <li>• If there is not a cleared space there should be no clearing of large areas;</li> <li>• Suggests the following be considered: <ul style="list-style-type: none"> <li>○ Horses in Alice Springs are hand fed and any grazing only as a supplement;</li> <li>○ Most residents with horses are families with 2-3 horses:</li> <li>○ A grazing restriction of 2 hours a week could be imposed and policed with fines for non-compliance;</li> <li>○ Horses must be stabled and not kept in paddocks;</li> </ul> </li> <li>• Advocates rural lots attract residents wanting to keep horses and they must be catered for.</li> </ul>	<p><b>Clause 10.1 - Animal related Use etc</b></p> <p>The proposed clause, which reflects existing provisions in the LAP2004, recognises the potential for animal related activities to create land use conflict, particularly in rural living areas.</p> <p>The intention is to permit a level of activity that is unlikely to detract from the amenity of a locality and indicate issues that should be addressed in an application for consent for animal related activities other than in accordance with the clause.</p> <p>In granting a permit to keep additional horses conditions such as limits on time spent grazing would be impossible to monitor and would therefore be inappropriate. Each application would be considered on its individual merit and the intended approach to minimise potential impacts on the amenity of the locality.</p>

	<b>Submission Issues</b>	<b>Response</b> Blue comments indicate changes made to the exhibited version of the Scheme.
52	<p><b>Clause 6.3 – Building Heights in Central Darwin</b></p> <ul style="list-style-type: none"> <li>• A section of 120AHD (between McMinn Street &amp; Frances Bay) is in contradiction with Defence and Airports Act and developments will not be allowed to 120 AHD under Commonwealth legislation;</li> <li>• Suggest that building heights in the identified 120m area be reduced to 90m to the north east of McMinn Street to reflect defence limitations area;</li> <li>• Contact at Darwin International Airport provided for further information provided.</li> </ul>	<p><b>Clause 6.3 – Building Heights</b></p> <p>The issue of building height in the Darwin CBD is the subject of a current body of work requiring further investigation to determine appropriate controls and these comments will be noted.</p> <p>The clause in the proposed scheme reflects current controls and amendment at this stage would represent a significant change. Future amendment may be considered depending on the outcome of current work. Note that the 90m height cited in the submission is the height above ground level not the height above height datum (AHD).</p>
53 - 54	<p><b>Existing Use Rights</b></p> <ul style="list-style-type: none"> <li>• Request that NT Scheme provides opportunity to give on going protection to owners of existing uses (specifically 6 units on Lot 4752 Stuart Park unit titled under present scheme);</li> <li>• Suggested the proposed scheme will prevent replacement of existing uses with similar development and that it should allow existing use rights in perpetuity or compensate victims of rule changes.</li> </ul> <p><b>Efficient use of limited and valuable resources</b></p> <ul style="list-style-type: none"> <li>• Suggestion that anywhere else in the world imposition of a requirement to allocate 1 000m<sup>2</sup> for sole and exclusive use of one household would be seen as wasteful and ludicrous and contributes to enormous infrastructure costs for such development;</li> <li>• Advocate provision should be included for duplex development within existing R1 zones.</li> </ul>	<p><b>See the response to Submission 45.</b></p>
55	<p><b>Clauses 11.1.1 Lot Sizes and requirements &amp; 11.1.2 Integrated Residential Development</b></p> <ul style="list-style-type: none"> <li>• Concern about minimum lot sizes in residential areas: <ul style="list-style-type: none"> <li>○ Current R0 zone allowed successful incorporation of 600m<sup>2</sup> lots into subdivisions, despite views of limited number of members of public;</li> <li>○ Proposed scheme will limit lots &lt;800m<sup>2</sup> (less 5%) to Integrated Residential Subdivisions (IRS) with minimum of 50 lots;</li> <li>○ While this restriction may appease those opposed to isolated rezonings in older suburbs outcomes will be undesirable;</li> </ul> </li> <li>• Increasing pressure to develop central Darwin area but existing R0 zone has meant lots &lt;800m<sup>2</sup> unlikely unless in green field sites or an appropriate areas such as a city block which may have potential for subdivision into smaller, more affordable lots;</li> <li>• Suggest appropriate controls be included to allow in-fill development which is being demanded more and more while also protecting amenity for existing residents;</li> <li>• Some existing areas that could incorporate multiple lot resubdivisions become uneconomic with the required average of 700m<sup>2</sup>;</li> </ul>	<p><b>Refer to the response to Submission 31 regarding the Abolition of Zone R0.</b></p>

Submission Issues	Response Blue comments indicate changes made to the exhibited version of the Scheme.
<ul style="list-style-type: none"> <li>• Clause 11.1.2 (IRS) relevant to new suburbs and 700m<sup>2</sup> minimum has relevance in these situations but not in case of smaller scale subdivisions particularly close to centre of Darwin;</li> <li>• Suggest more realistic to consider smaller lots in context of the suburb within which it is located – eg if a site has potential for 30 lots of 450m<sup>2</sup> average for the entire suburb could be considered;</li> <li>• Two examples of possible implications of new provisions outlined : <ul style="list-style-type: none"> <li>○ OTC site in Parap, purchased within the context of previous planning documents that suggested low to medium density residential accommodation. Proposed requirements will rule out small lot subdivision as a viable option resulting in unit development. Even if 50 lot minimum for IRS subdivision is waived the average requirement of 700m<sup>2</sup> is still economically prohibitive. Smaller lot subdivision with consideration of impacts on amenity of adjoining residents would result in something acceptable to community and developer.</li> <li>○ Frances Park development on old BP site with current approval for some 400 additional units. In context of unit proposals in Waterfront development and CBD consideration is being given in response to high demand to small individual lots - while such development would produce better outcome for Stuart Park residents it will be precluded by proposed average lot size of 700m<sup>2</sup>;</li> </ul> </li> </ul> <p>Suggests that proposed requirements may pacify the minority of the community adverse to small lots but will prohibit the development of small lot subdivisions despite the fact they provide alternative to multi-unit developments as they satisfy the obvious demand;</p> <ul style="list-style-type: none"> <li>• Current form of scheme seriously restricts potential development of inner city suburbs and need to cater for changing demands;</li> </ul> <p>Suggests reintroduction of R0 zone or similar may address this flaw in the scheme.</p> <p><b>Clause 6.16 – Excavation and Fill</b></p> <ul style="list-style-type: none"> <li>• Suggested this clause which adopts similar wording to LAP2004 is causing confusion as interpretation that consent could be required for swimming pool or fish pond. Suggests rewording to clarify that minor works may be permitted</li> </ul> <p><b>Clause 11.2 1– Site Characteristics in Residential Subdivision</b></p> <ul style="list-style-type: none"> <li>• 2(a) Concern that reference to excluding excessive slope combined with clause 2.5(3) will preclude DCA considering subdivisions in steeper areas and prohibit potential innovative architecture on lots with steeper grades even where it is possible to incorporate necessary measures to reduce potential erosion.</li> </ul>	<p><b>Clause 6.16 – Excavation and Fill</b> Sub-clause 2 has been altered to read: The excavation or filling of land, other than that normally required in association with the construction of a <i>building, swimming pool, ornamental pond or the like</i>, requires consent.</p> <p><b>Clause 11.2 1– Site Characteristics in Residential Subdivision</b> This clause reflects existing provisions in the Darwin Town Plan and will not preclude subdivision but highlights the need to ensure such issues are considered and appropriately addressed.</p>

Submission Issues	Response
<p><b>Clause 11.2.3 – Lot size and Configuration – Residential subdivision</b> Concern that exclusion of battle axe lots is based on personal preference and ignores that a minimum number of these lots popular with some can be incorporated into a subdivision and allow land to be fully utilised</p> <p><b>Clause 11.4.2 – Infrastructure in Rural subdivisions</b></p> <ul style="list-style-type: none"> <li>• It is suggested that introduction of another tier of control on road construction will exacerbate existing problems when dealing with conflicting requirements of DNRETA and the local government - amendment to indicate design and construction to requirement of the local authority is suggested to amend ambiguity;</li> <li>• Requirement that roads not cross 1% AEP flood lines will limit utilisation of otherwise suitable land. Amendment suggested to indicate roads can cross in some circumstances;</li> <li>• Requirement for increased road widths to 35 m when 30 m has been accepted standards is unnecessary particularly when wider widths can be considered as part of the subdivision process when necessary</li> <li>• Questions justification for increased width for battle-axe access strip from 10m which has been accepted over many years to 15m and the outright restriction to 250m length does not consider that extension may be appropriate in some situations;</li> <li>• 700m and 8 lot restriction on a cul-d-sac is not in existing scheme, is unnecessary and unjustified and will limit potential to utilise land in accordance with zoning</li> </ul> <p><b>Clause 11.4.3 – Lot Size and Configuration in Rural subdivisions</b></p> <ul style="list-style-type: none"> <li>• 4:1 depth to width ratio, while part of a DCA policy, it was only for lots subject to inundation to avoid long skinny waterlogged areas. Suggested if lots wide enough for rural living no need for 4:1 ratio;</li> </ul> <p>Accepted DCA can vary these standards but only in special circumstances. In reality standards are enforced and as they are unreasonable they should not be included in the scheme.</p>	<p><b>Clause 11.2.3 – Lot size and Configuration</b> As this clause reflects existing provisions amendment as part of this exercise is not appropriate.</p> <p><b>Clause 11.4.2 – Infrastructure in Rural subdivisions</b> The provisions of sub-clause 3 do not add an additional level of control on road construction as they identify design issues to be considered as part of the approval for the subdivision.</p> <p>The requirement is not that roads not cross the 1% AEP line but that the road itself is expected to be located above the line and crossings be minimised (sub-clause 3(b) ii). Requirements of this clause are not mandatory and can be varied where appropriate.</p> <p><i>In response to these concerns the issue of road reserve width has been reconsidered and, recognising that there is significant variation in necessary widths depending on the location of the site and the standard of the road to be constructed, sub-clause 5 has been deleted.</i> This issue may be the subject of future guidelines which could be included in the scheme by way of amendment.</p> <p><i>As 10 m represents the existing Litchfield DCA policy with respect to the width of a battle axe access strip the Scheme has been altered to reflect this requirement.</i> However the 250 m limit on the length has been retained as there is provision to vary this requirement.</p> <p><i>Sub-clause 4 has been deleted.</i></p> <p><b>Clause 11.4.3 – Lot Size and Configuration in Rural subdivisions</b> As this has been a long established policy amendment at this stage is not considered appropriate.</p> <p>The wording of these requirements clearly establishes that they are expectations and are not mandatory and it is considered appropriate to have such policy type issues included in the scheme where they are known to both the community and the developers rather than hidden amongst a myriad of informal or formal DCA policies</p>

Submission Issues	Response <b>Blue comments</b> indicate changes made to the exhibited version of the Scheme.
<p><b>56</b> - <b>65</b></p> <p>Form letter requests a moratorium on the Planning Scheme amendment process in the belief that it is not serving the community.</p> <p>Issues include:</p> <p><b>Special Purpose Zones</b> – overrides all planning requirements – developer calls the tune. Questions why have a scheme that can be overridden;</p> <p><b>Central Business District</b> – incorporation of entity described as Capital City Charter which has no physical existence. CBD hived off from rest of Darwin of public locked out of process;</p> <p><b>Overall</b> – LUOs deleted, past effort wiped, industrial zoning by developers request and definition gone and large area of land identified as future use. Proposed scheme is seriously flawed which will disenfranchise the community.</p>	<p><b>Refer to the response to Submission 30 regarding specific use zones, the Capital City Charter, Present Planning Process and zones DV Development and FD Future Development.</b></p>
<p><b>66</b></p> <p><b>Clause 6.8 – Demountables</b></p> <ul style="list-style-type: none"> <li>• Transportable building industry generates \$70-\$90 million/year;</li> <li>• Scheme should allow transportable buildings (demountables) to be permitted in some zones;</li> <li>• Little regard for Government need to act quickly in an emergency or provide housing in remote communities;</li> <li>• What is the aesthetic difference between a transportable cabin and a caravan?</li> <li>• Industrial land should not require development consent to install transportable buildings; and</li> <li>• Many rural residents use transportable buildings.</li> </ul>	<p><b>Clause 6.8 – Demountables</b></p> <p>Clause 6.8 reflects the intention of controls as they currently exist in the various town plans.</p> <p><b>The definition of demountables has been altered to exclude “prefabricated dwellings” from the definition.</b></p> <p>Any change to the requirements for demountables could be considered as a separate amendment to the Scheme.</p>
<p><b>67</b></p> <p><b>Clause 7.10.5 Group Homes</b></p> <ul style="list-style-type: none"> <li>• Commend Department for change to status of group homes;</li> <li>• Just and humane decision to include all persons in our society especially those with a disability;</li> <li>• Grossly unjust that current situation requires consent for a group home;</li> </ul>	<p><b>Clause 7.10.5 Group Homes</b></p> <p>The scheme requires consent if more than 10 persons are intended to reside in a group home. If there are fewer than 10 people the use will be permitted in all zones that a single dwelling is permitted.</p>
<p><b>68</b></p> <p>The proposed new single scheme will provide developers with a clear understanding of the planning requirements across the NT and is supported by Tourism NT.</p> <p><b>TC Tourist Commercial Zone</b></p> <p>TC Tourist Commercial Zone is unnecessarily restrictive in terms of the height, signage and plot ratio for developments in or near the Darwin CBD. Lot 6394 Myilly Point is easily capable of being developed to 4 or 5 storeys which is consistent with nearby commercial facilities. A possible solution is to rezone the sited to C and retain TC for non-commercial sites outside the city. If this is not possible then TC should be adjusted to increase height, increase plot ratio and allow illuminated signs larger than 3m<sup>2</sup>.</p>	<p><b>TC Tourist Commercial Zone</b></p> <p><b>The Scheme has been altered so that the plot ratio in Zone TC is 3 as it is now in the equivalent Zone B5 and the Table to Clause 7.1 altered to delete the 3 storey limit on residential buildings in Zone TC.</b></p> <p>The 3m<sup>2</sup> limitation on the size of an illuminated sign is the current requirement in all business zones. The area can be varied if there are special circumstances to justify a larger area. Note that Darwin, Palmerston, Katherine, Tennant Creek and Alice Springs Councils control advertising signage in their municipalities.</p>

<b>Submission Issues</b>	<b>Response</b> Blue comments indicate changes made to the exhibited version of the Scheme.
<p><b>Bed and Breakfast</b> Maximum guest numbers for bed and breakfast accommodation should be increased to 8. Several operators have the capacity to accommodate more guests without any loss of amenity to neighbours.</p>	<p><b>Bed and Breakfast</b> Sub-clause 3 of clause 7.10.1 allows for a variation to the maximum number of guests allowed for bed and breakfast accommodation if the Authority is satisfied that there will be no detrimental impact on the residential amenity of the locality. The proposed scheme requirements reflect the existing requirements. Any proposal to change the requirements should be the subject of a separate amendment.</p>
<p><b>69 Home Occupation</b> The proposed NT Planning Scheme is a positive step in consolidating planning across the NT.</p> <p>Home Based Businesses (HBB) sector represents 63% of NT business. It is important to the economic development of NT and potential for the NTPS to assist in development whilst protecting residential amenity.</p> <p>Clauses 7.10.7 &amp; 7.10.8 are overly prescriptive and difficult to enforce.</p> <ul style="list-style-type: none"> <li>• Suggest allowing no more than 2 non-residents to work in the home (Victorian Government).</li> <li>• Max 30 sq m not suited to modern needs - suggest gross floor area of no more than 1/3 of dwelling, including storage of goods and/or materials. (Victorian Government).</li> </ul> <p>Signage 0.5m<sup>2</sup> arbitrary either all centrally maintained by NTG, or Councils retain control as per clause 6.7</p>	<p>It will be possible to review these requirements at a later stage.</p> <p>Sub-clause 3 of clause 7.10.7 and 7.10.8 allows for a variation to the requirements if the Authority is satisfied that there will be no detrimental impact on the residential amenity of the locality.</p>
<p><b>70 Group Homes</b> Commends inclusion of group home provisions as improvement that will prevent consent proceedings becoming prejudiced &amp; extraneous public debates.</p>	<p><b>Group Homes</b> Comments are noted.</p>
<p><b>71 Aquaculture</b> It is not appropriate to define aquaculture as "intensive animal husbandry". Concerned regarding approach to zoning applicable to aquaculture industry facilities.</p> <ul style="list-style-type: none"> <li>• Considered that the scheme could unfairly penalise the aquaculture industry;</li> <li>• recommend aquaculture be a permitted use in at least some zones;</li> <li>• Unfair to label all forms of aquaculture as "intensive animal husbandry"; extensive and semi-intensive aquaculture or aquarium fish aquaculture should not be in this category;</li> <li>• Suggested that some forms could be appropriate in industrial zones.</li> </ul>	<p><b>Aquaculture</b> The proposed scheme requirements reflect the existing requirements in the Litchfield Area Plan where aquaculture is included in the definition of "intensive animal husbandry". It is currently not permitted in any zone. However, small scale home based businesses involving the breeding of aquarium fish would be permitted as a home occupation if the business meets the requirements of clause 7.10.7. Intensive animal husbandry is a discretionary use in one industrial zone, Zone DV.</p>
<p><b>72 Guidelines for Cyclists and Pedestrian Needs</b> Welcome the inclusion of cyclists and pedestrians' needs in the number of sections in the documents. Document does not seem to include specific guidelines on how these planning directions will be implemented.</p>	<p><b>Guidelines for Cyclists and Pedestrian Needs</b> A car parking review should be conducted in the future. This review should also examine requirements for bicycle facilities.</p>

	<b>Submission Issues</b>	<b>Response</b> Blue comments indicate changes made to the exhibited version of the Scheme.
<b>73</b> <p><b>Zone WM Water Management</b></p> <ul style="list-style-type: none"> <li>Water Management zones proposed for Litchfield, Darwin Rural Area, Borroloola and Katherine. Request that it also be applied to the Roe Creek borefield in Alice Springs;</li> <li>That NT Portion 538 be zoned WM - Water Management in the proposed Alice Springs Area Plan (zoning map) and subject to the Planning Controls associated with the proposed Zone, including automatic referral to the authority responsible for managing the public water supply; and</li> <li>Water Management Area in the proposed Alice Springs Land Use Framework should be retained with specific reference to Planning Principle 4.3(e) and an automatic referral to the Controller of Water Resources.</li> </ul>	<p><b>Zone WM Water Management</b></p> <p>The Roe Creek borefield includes land owned by the Department of Primary Industries and Fisheries, NT Portion 538. If that Department is agreeable then that land could be rezoned WM as a later amendment.</p> <p>The Scheme does not include process details such as where particular applications should be referred.</p>	
<b>74</b> <p><b>Guidelines</b></p> <p>As administrators of the <i>Waste Management and Pollution Control Act</i> DNRETA believes there are matters that would be better dealt with in the planning stage of development rather than trying to rectify problems once they have arisen. EPA is in the final stages of preparing guidelines:</p> <ul style="list-style-type: none"> <li>Managing Noise from Construction Sites and Entertainment Venues; and</li> <li>Managing Dust/Erosion/Run-off from Construction and Demolition Sites.</li> </ul> <p>It is suggested that these matters could either be referred to in the scheme or listed as guidelines in Schedule 3.</p> <p><b>Darwin Harbour Plan of Management</b></p> <p>Darwin Harbour Plan of Management should be formally recognised in the Scheme either in Section 4.2 and/or as a referenced guideline in Schedule 3.</p>	<p><b>Guidelines</b></p> <p>Once the EPA guidelines are completed, a decision can be made as to whether they will be exhibited in order to become guidelines under clause 2.8 of the Scheme.</p> <p>The proposed scheme will have the capacity to “call up” referenced documents in circumstances where they will add value to the decision making process. For that to occur the <i>Planning Act</i> requires an amendment to the Planning Scheme following a statutory process including public exhibition. The Planning Scheme as exhibited largely rationalises existing controls and translates them into a consolidated and modernised format. The inclusion of new material at this point is not consistent with the Government’s intentions in bringing forward a new Scheme that translates existing provisions.</p> <p><b>Darwin Harbour Plan of Management</b></p> <p>The Planning Scheme is a document that provides controls to guide development. As such it is not appropriate to include a Plan of Management that highlights actions to be undertaken by various NT Government agencies for the ongoing protection and management of the natural resources of the harbour.</p> <p>The key principles and goals espoused in the Plan of Management have been addressed in the overall guiding principles of the Scheme. Elements of the Plan of Management relevant to the planning process have been included in the Scheme such as controls for dredging within Darwin Harbour and native vegetation clearing, references to the Environmental Guidelines for Reclamation in Coastal Areas, the subdivision design guidelines, the promotion of climatically appropriate urban design outcomes and the requirements for land subject to flooding and storm surge.</p> <p>Other Natural Resource Management plans are not included in the Scheme.</p>	

Submission Issues	Response Blue comments indicate changes made to the exhibited version of the Scheme.
<p><b>Stormwater Strategy</b> A Stormwater Strategy has been prepared and publicly exhibited. It is now appropriate that it be referenced in the Scheme in Section 4.2.</p> <p><b>Biodiversity</b> A <i>Planning Act</i> objective is ecological sustainable development. A central tenet of such development is the maintenance and protection of biodiversity. The Scheme could give real meaning to the protection of biodiversity by including an objective:  “the retention of vegetative corridors and connectivity between habitats”;</p> <p>and to schedule a document produced by the biodiversity conservation division which sets out the areas across the greater Darwin Region which if managed appropriately would enable such connectivity to be retained.</p> <p><b>3.0 Definitions</b> The Definition of <b>amenity</b> is very subjective and doesn't provide any detailed guidelines. Suggest adding ...”having regard to, but not limited, to the impact of: Noise, vibration, odour, emissions, waste products, waste water and the potential for the pollution of soil, air or water.”</p> <p><b>4.2 Darwin Region add:</b></p> <p>(e) take into account the vision and goals of the Darwin Harbour Plan of Management;</p> <p>(f) take into account the goals and objectives of the Stormwater Management Strategy for the Darwin Harbour Catchment.</p> <p><b>5.11 Zone LI Light Industry</b>, alter the zone purpose statement by adding: Industries should contain any adverse impacts almost wholly within their own site boundaries. It is intended that appropriate services are provided to industrial land, that generated waste is adequately managed and that industrial activities are controlled to further reduce their environmental impact.”</p>	<p><b>Stormwater Strategy</b> As the strategy was not exhibited with the proposed scheme it is inappropriate that it be included at this stage.</p> <p><b>Biodiversity</b> The Scheme addresses biodiversity through the native vegetation clearing guidelines which require that clearing avoids habitat fragmentation and avoids impacts on native wildlife corridors.</p> <p>Any document to be referenced in the Scheme would need to go through a formal exhibition process.</p> <p><b>3.0 Definitions</b> “Amenity” is defined in the <i>Planning Act</i>:  “amenity”, in relation to a locality or building, means any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable.</p> <p>The definition was included in the Act in 2005 and it would be inappropriate for the scheme to have a different definition to that in the Act.</p> <p><b>4.2 Darwin Region</b> The Scheme has been altered as follows:  (a) provide for orderly and appropriate expansion of development in the region that:  ii. recognises the inherent aesthetic and environmental values of the Darwin Harbour;</p> <p>Should stormwater guidelines be developed as a companion document to the strategy these could be considered as a future amendment to the Scheme.</p> <p><b>5.11 Zone LI Light Industry</b> As many industrial uses are permitted in zones LI and GI there is no opportunity to assess adverse impacts. Any changes to the zone purpose statements would require a further amendment to the Scheme and should be considered at a later date.</p>

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Submission Issues	Response Blue comments indicate changes made to the exhibited version of the Scheme.
<p><b>5.12 Zone GI General Industry</b>, alter the zone purpose statement by adding: Activities must be managed to prevent contamination of land, marine environment, waterways and groundwater. Waste discharges must be managed in accordance with the <i>Waste Management and Pollution Control Act</i> and <i>Water Act</i>. It is intended that appropriate services are provided to industrial land, that generated waste is adequately managed and that industrial activities are controlled to further reduce their environmental impact.</p> <p><b>8.1.4 Service Stations</b> In the reference to the Australian Standard, it is recommended that the date is omitted since standards are constantly being updated.</p>	<p><b>5.12 Zone GI General Industry</b></p> <p><b>See comments regarding 5.11 Zone LI Light Industry</b></p> <p><b>8.1.4 Service Stations</b> The dates should be removed from Australian Standards.</p>
<p><b>Margin Notes</b> Clause 3.0 Definitions require margin notes referencing requirements for various land uses to comply and/or be licensed under DHCS administered legislation bed and breakfast accommodation, caravan park, child care centre, group homes, home based contracting, home occupation, hostel, licensed club, motel, restaurant, service station, shop.</p> <p><b>7.3 Setbacks of Residential Buildings &amp; 7.4 Setbacks &amp; Fencing of Multiple Dwellings etc</b> Suggest the inclusion of margin notes referencing the separation of residential wastewater systems of Residential Buildings to bores in accordance with the provisions of the On-site Wastewater Code;</p> <p><b>7.10.1 Bed and Breakfast Accommodation</b> Suggest a margin note that it must be licensed in accordance with the <i>Public Health Act</i> and <i>Food Act</i> and the requirements of the DHCS;</p> <p><b>7.10.4 Dependent Units</b> 7.10.4.2(b) Retro fitted Dependent Units can <b>not</b> share same on-site wastewater system;</p> <p><b>7.10.4 Group homes</b> Suggest a margin note that group homes must comply with the requirements of the Environmental Health Program of the Department of Health and Community Services;</p> <p><b>7.10.6 Home Based Child Care</b> 7.10.6.2(c) suggest a margin note that DHCS Family &amp; Children's Services determines if Home Based Child Care is suitable;</p> <p><b>7.10.7 Home Occupation &amp; 7.10.8 - Home Based Contracting</b> Suggest margin notes that the preparation of commercial quantities of food must be licensed and comply with DHCS requirements;</p> <p><b>8.1.1 Shops in Zones CV, CL, &amp; 8.1.2 Offices, Restaurants and Shops In Zone CB and C</b> Margin Note: Where food is sold shops and restaurants must comply &amp; be licensed as per DHCS requirements;</p> <p><b>8.1.3 Uses Requiring Consent in Zone CV</b> Margin Note: Caravan Parks must comply &amp; be licensed;</p>	<p><b>Margin Notes</b> In developing the proposed Scheme it was agreed that there should be no attempt to include all related legislation in margin notes.</p> <p><b>Setbacks of Residential Buildings etc</b> It would be useful to refer to the On-site Wastewater Code when it is available. It may be considered in the future subject to separate amendment.</p> <p><b>Bed and Breakfast Accommodation</b> Refer to comments on margin notes.</p> <p><b>Dependent Units</b> Comments are noted.</p> <p><b>Group homes</b> Refer to comments on margin notes.</p> <p><b>Home Based Child Care, Home Occupation etc</b> Refer to comments on margin notes at the beginning off this submission.</p>

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<p><b>8.1.4 Service Stations</b> Margin note: Where food sold - must comply &amp; be licensed;</p> <p><b>10.1 Animal related Use &amp; Development -</b> Margin Note: Subclause 2(a,c,d) refer to Public Health Nuisances which are assessed by DHCS in accordance with the <i>Public Health Act</i>,</p> <p><b>10.4 Development of Land in Zone WM</b></p> <ul style="list-style-type: none"> <li>Suggest combining sub-clauses 3(c) &amp;(d) and use the words: “On-site wastewater systems in Zone WM shall have a minimum level of treatment greater than primary treatment (septic Tank) for all installations and upgrades.”</li> </ul> <p><b>11.3.2 Infrastructure in Industrial subdivisions</b></p> <ul style="list-style-type: none"> <li>Suggest amending sub-clause 2(f) “where no reticulated sewerage is available, demonstrate that the soils are suitable for the on-site <b>land application</b> of effluent without detriment <b>to public health</b> or the environment, and in particular to ground and surface waters.”</li> </ul> <p><b>11.3.2 Industrial Subdivisions &amp; Seasonally Waterlogged Soils</b></p> <ul style="list-style-type: none"> <li>Suggest adding sub-clause 2(h): “On-site Wastewater Systems proposed for lots with a moderate and severe degrees of seasonal waterlogging as detailed in the <i>Shire of Litchfield - Seasonally Waterlogged Soils</i> map shall have an unsaturated soil depth of at least 0.6 m between the base of the disposal/irrigation and the predicted average wet-season water table height. In addition, on-site wastewater systems with severed degrees of waterlogging will require minimum level of treatment greater than primary treatment (septic tank) for all installations and upgrades. All on-site wastewater systems shall be accordance with the <i>On-site Wastewater Code</i> and requirements of the Department of Health and Community Services.</li> <li>Add margin note “The <i>Shire of Litchfield - Seasonally Waterlogged Soils</i> is available from the Department of Planning and Infrastructure.”</li> <li>Add margin note “Setbacks apply from the on-site wastewater systems on Industrial Subdivisions to water bores in accordance with the provisions of the <i>On-site Wastewater Code</i> and requirements of the Department of Health and Community Services.</li> </ul> <p><b>11.4.2 Infrastructure in Rural Subdivisions</b></p> <ul style="list-style-type: none"> <li>Suggest amending sub-clause 2(d) as it only mentions “that an adequate supply of groundwater is available for domestic purposes”. There is no mention on whether the groundwater shall comply with the quality required under the <i>Australian Drinking Water Guidelines</i>. Also is there an expectation that DHCS determines if the water quality is potable?</li> </ul>	<p>Refer to comments on margin notes at the beginning off this submission.</p> <p><b>Development of Land in Zone WM</b> A review of the environmental health requirements of the Scheme should be considered as a later amendment.</p> <p><b>Infrastructure in Industrial subdivisions</b> A review of the environmental health requirements of the Scheme should be considered as a later amendment.</p> <p><b>Industrial Subdivisions &amp; Seasonally Waterlogged Soils</b> It should be noted that clause 11.3.1 sub-clause 2(a) says that seasonally waterlogged soils should be avoided.</p> <p>Industrial subdivision design is expected to:</p> <ol style="list-style-type: none"> <li>avoid the development of land of excessive slope, unstable or otherwise unsuitable soils (eg seasonally waterlogged) and natural drainage lines;</li> </ol> <p>However, a review of the environmental health requirements of the Scheme should be considered as a later amendment.</p> <p><b>Infrastructure in Rural Subdivisions</b> The term “domestic purposes” means that the water is safe to drink.</p>

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<ul style="list-style-type: none"> <li>• Suggest adding a new sub-clause 2(f) “On-site Wastewater Systems proposed for lots with a moderate and severe degrees of seasonal waterlogging as detailed in the <i>Shire of Litchfield - Seasonally Waterlogged Soils</i> map shall have an unsaturated soil depth of at least 0.6 m between the base of the disposal/irrigation and the predicted average wet-season water table height. In addition, on-site wastewater systems with severed degrees of waterlogging will require minimum level of treatment greater than primary treatment (septic tank) for all installations and upgrades. All on-site wastewater systems shall be accordance with the Department of Health and Community Services’ <i>On-site Wastewater Code</i>.”</li> <li>• Add margin note “The <i>Shire of Litchfield - Seasonally Waterlogged Soils</i> is available from the Department of Planning and Infrastructure.”</li> <li>• Add margin note “Setbacks apply from the on-site wastewater systems on Rural Subdivisions to water bores and site features in accordance with the provisions of the Department of Health and Community Services’ <i>On-site Wastewater Code</i>.”</li> </ul> <p><b>11.4.3 Lot size &amp; Configuration in Rural Subdivision</b></p> <ul style="list-style-type: none"> <li>• Suggest amending sub-clause 2 (g) to read: “show the location of notional and existing bores, wells and on-site <b>wastewater</b> systems and allow for on-site wastewater systems to be sited above the 1% AEP flood event. Setbacks apply from the on-site wastewater systems on Rural Subdivisions to water bores and site features in accordance with the provisions of the On-site Wastewater Code and requirements of the Department of Health and Community Services.</li> </ul> <p><b>11.4.5 Subdivision of Land Zoned RR</b></p> <ul style="list-style-type: none"> <li>• Suggest amending sub-clause 2 (b) to read: “provide connection to reticulated sewerage where no reticulated sewerage is available, demonstrate that the soils are suitable for the on-site land application of effluent without detriment to public health or the environment, and in particular to ground and surface waters. This shall be done in accordance with the Site-and-Soil Evaluation for Planning, Rezoning and Subdivision of Land procedure as detailed in AS/NZS 1547 On-site domestic wastewater management, and subsequent completion of the related Site and Soil Evaluation Report”; and</li> </ul>	<p>A review of the environmental health requirements of the Scheme should be considered as a later amendment.</p> <p>Refer to comments on margin notes at the beginning of this submission.</p> <p><b>Lot size &amp; Configuration in Rural Subdivision</b> A review of the environmental health requirements of the Scheme should be considered as a later amendment.</p> <p><b>Subdivision of Land Zoned RR</b> A review of the environmental health requirements of the Scheme should be considered as a later amendment.</p>

Submission Issues	Response
<ul style="list-style-type: none"> <li>• Adding a new sub-clause 2(f)            “On-site Wastewater Systems proposed for lots with a moderate and severe degrees of seasonal waterlogging as detailed in the <i>Shire of Litchfield - Seasonally Waterlogged Soils</i> map shall have an unsaturated soil depth of at least 0.6 m between the base of the disposal/irrigation and the predicted average wet-season water table height. In addition, on-site wastewater systems with severed degrees of waterlogging will require minimum level of treatment greater than primary treatment (septic tank) for all installations and upgrades. All on-site wastewater systems shall be accordance with the <i>On-site Wastewater Code</i> and requirements of the Department of Health and Community Services.</li> <li>• Add margin note “The <i>Shire of Litchfield - Seasonally Waterlogged Soils</i> is available from the Department of Planning and Infrastructure;”</li> <li>• Add margin note “Setbacks apply from the on-site wastewater systems on Land Zoned RR to water bores and site features in accordance with the provisions of the <i>On-site Wastewater Code</i> and requirements of the Department of Health and Community Services;</li> </ul> <p><b>11.4.6 Estate Development in Zones</b></p> <ul style="list-style-type: none"> <li>• Suggest amending sub-clause 4(a) to read:            “a detailed evaluation of the capability of the land to accommodate dwellings and associated water supply infrastructure. In addition, demonstrate that the soils are suitable for the on-site land application of effluent without detriment to public health or the environment, and in particular to ground and surface waters. This shall be done in accordance with the Site-and-Soil Evaluation for Planning, Rezoning and Subdivision of Land procedure as detailed in AS/NZS 1547 On-site domestic wastewater management, and subsequent completion of the related Site and Soil Evaluation Report; and”</li> <li>• And sub-clause 4(c) to read:            “provision of appropriate on-site wastewater systems and water supply infrastructure.</li> <li>• And sub-clause 4(f):            “On-site Wastewater Systems proposed for lots with a moderate and severe degrees of seasonal waterlogging as detailed in the <i>Shire of Litchfield - Seasonally Waterlogged Soils</i> map shall have an unsaturated soil depth of at least 0.6 m between the base of the disposal/irrigation and the predicted average wet-season water table height. In addition, on-site wastewater systems with severed degrees of waterlogging will require minimum level of treatment greater than primary treatment (septic tank) for all installations and upgrades. All on-site wastewater systems shall be accordance with the <i>On-site Wastewater Code</i> and requirements of the Department of Health and Community Services.</li> </ul>	<p><b>Response</b>  <b>Blue comments</b> indicate changes made to the exhibited version of the Scheme.</p> <p>A review of the environmental health requirements of the Scheme should be considered as a later amendment.</p> <p>Refer to comments on margin notes at the beginning off this submission.</p> <p><b>Estate Development in Zones</b>  A review of the environmental health requirements of the Scheme should be considered as a later amendment.</p> <p>A review of the environmental health requirements of the Scheme should be considered as a later amendment.</p>

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<ul style="list-style-type: none"> <li>• Add margin note “The <i>Shire of Litchfield - Seasonally Waterlogged Soils</i> is available from the Department of Planning and Infrastructure;”</li> <li>• Add margin note “Setbacks apply from the on-site wastewater systems on Land Zoned RR to water bores and site features in accordance with the provisions of the Department of Health and Community Services’ <i>On-site Wastewater Code</i>.”</li> </ul> <p><b>12.1 Aboriginal Community Living Areas</b></p> <ul style="list-style-type: none"> <li>• Add margin note “Consent is required by the Department of Health and Community Services under the <i>Public Health Act</i> for a child care centres and accommodation premises. Consent is also required under the <i>Food Act</i> for premises where food is sold. In addition, the keeping of poultry may be regulated under the <i>Public Health Act</i>.”</li> </ul> <p><b>12.2 Towns on Aboriginal Land</b></p> <ul style="list-style-type: none"> <li>• Add margin note “Consent is required by the Department of Health and Community Services under the <i>Public Health Act</i> for a child care centres, community swimming pools and accommodation premises. Consent is also required under the <i>Food Act</i> for premises where food is sold.</li> </ul> <p><b>Specific Uses – Crab Claw Island</b></p> <ul style="list-style-type: none"> <li>• Add 4 (c) “demonstrate that the soils are suitable for the on-site land application of effluent without detriment to public health or the environment, and in particular to ground and surface waters. This shall be done in accordance with the Site-and-Soil Evaluation for Planning, Rezoning and Subdivision of Land procedure as detailed in <i>AS/NZS 1547 On-site domestic wastewater management</i>, and subsequent completion of the related Site and Soil Evaluation Report; and”</li> <li>• Add 4 (d) “On-site Wastewater Systems proposed for Sections 178 to 192 (inclusive) Hundred of Milne, Crab Claw Island shall have an unsaturated soil depth of at least 0.6 m between the base of the disposal/irrigation and the predicted average wet-season water table height. These systems will also require minimum level of treatment greater than primary treatment (septic tank) for all installations and upgrades. All on-site wastewater systems shall be accordance with the <i>On-site Wastewater Code</i> and requirements of the Department of Health and Community Services.</li> <li>• Add margin note “Setbacks apply from the on-site wastewater systems on Sections 178 to 192 (inclusive) Hundred of Milne, Crab Claw Island to water bores and site features in accordance with the provisions of the <i>On-site Wastewater Code</i> and requirements of the Department of Health and Community Services.</li> </ul> <p><b>Specific Use - Darwin</b>  Fisherman’s Wharf, Stuart Park &amp; Dinah Beach Locality  – All Developments MUST be connected to sewer - DHCS will not approve on-site wastewater systems in this area;</p>	<p>Refer to comments on margin notes at the beginning off this submission.</p> <p><b>Aboriginal Community Living Areas &amp; Towns on Aboriginal Communities</b>  Refer to comments on margin notes.</p> <p><b>Specific Uses – Crab Claw Island</b>  A review of the environmental health requirements of the Scheme should be considered as a later amendment.</p> <p>Refer to comments on margin notes at the beginning off this submission.</p> <p><b>Specific Use - Darwin</b>  It is not considered necessary for the Scheme to require this where the issue is addressed under other legislation.</p>

Submission Issues	Response <i>Blue comments</i> indicate changes made to the exhibited version of the Scheme.
<p><b>Specific Use - Lake Bennett</b></p> <ul style="list-style-type: none"> <li>• Add 11 (d) “demonstrate that the soils are suitable for the on-site land application of effluent without detriment to public health or the environment, and in particular to ground and surface waters. This shall be done in accordance with the Site-and-Soil Evaluation for Planning, Rezoning and Subdivision of Land procedure as detailed in <i>AS/NZS 1547 On-site domestic wastewater management</i>, and subsequent completion of the related Site and Soil Evaluation Report; and”</li> <li>• Add 4 (d) “On-site Wastewater Systems proposed for Sections 90 to 97, 99 to 110 and 1252 to 1255 (all inclusive) Hundred of Howard, Lake Bennett shall have an unsaturated soil depth of at least 0.6 m between the base of the disposal/irrigation and the predicted average wet-season water table height. These systems will also require minimum level of treatment greater than primary treatment (septic tank) for all installations and upgrades. Notwithstanding, all on-site wastewater systems shall be accordance with <i>On-site Wastewater Code</i> and requirements of the Department of Health and Community Services.</li> </ul> <p><b>Lot 9793 Lee Point Rd, Nightcliff</b> Development must be connected to Sewer;</p> <p><b>King Ash Bay</b> All developments on NT Portions 3898 &amp; 3899 KAB must comply with DHCS <i>Guidelines for the provision of Sanitation and Disposal Facilities at King Ash Bay</i>;</p> <p><b>Kings Canyon</b> Provide connection to reticulated sewerage - where not available demonstrate suitable soils for on-site wastewater disposal;</p> <p><b>SL6 Girraween Road</b></p> <ul style="list-style-type: none"> <li>• Suggest amending sub-clause2(f) as the Water Controller has no jurisdiction in determining if the proposed wastewater management system is appropriate, it is the responsibility of DHCS, EPA &amp; DPI Building Advisory Services;</li> <li>• add references regarding requirement for min unsaturated depth of 0.6m between base of disposal and predicted wet-season water table - suggested wording included;</li> <li>• Add margin note - re availability of "Seasonally Waterlogged Soils" map. Add margin note - re septic/bore separation.</li> </ul>	<p><b>Specific Use - Lake Bennett</b> A review of the environmental health requirements of the Scheme should be considered as a later amendment.</p> <p><b>Lot 9793 Lee Point Rd, Nightcliff</b> This addition is considered unnecessary.</p> <p><b>King Ash Bay &amp; Kings Canyon</b> A review of the environmental health requirements of the Scheme should be considered as a later amendment.</p> <p><b>SL6 Girraween Road</b> The matter has been discussed with the Controller of Waters. The current wording is appropriate considering the location of the Howard Springs Production Bores.</p>