MURRUMUJUK LAND USE CONCEPT PLAN 1990



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FOREWORD



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The Murrumujuk Land Use Concept Plan 1990 provides detailed information for the future use of land on the western coast of the Gunn Point Peninsula, within the broader objectives established by the Gunn Point Peninsula Land Use Structure Plan 1990, the Litchfield Land Use Structure Plan 1990 and the Darwin Regional Land Use Structure Plan 1990.

More specific planning for subdivision and development will be subject to development strategy studies and the provisions of any statutory plans established under the **Planning Act**.

Under the powers vested in me by section 66A(1) of the **Planning Act**, I declare the "Murrumujuk Land Use Concept Plan 1990" to be planning and development objectives of the Northern Territory. This establishes the plan as a statement of policy or intent, and all authorities and developers should take these objectives into account in any specific development proposals.

Periodic review and refinement of this plan will occur, and I invite any persons wishing to make a contribution to this process to direct their submissions to:

The Secretary Department of Lands & Housing PO BOX 40246 CASUARINA NT 0811

DARYL W. MANZIE Minister for Lands & Housing February 1990

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CONCEPT PLAN 1990

BACKGROUND

Gunn Point Peninsula is prospective for new developments in horticulture and aquaculture. In addition, improvements in road access and the prospects for water supply, together with attractions of the coastline between Gunn Point and Tree Point, present opportunities for permanent urban and rural living, as well as for increased tourist visitation.

Increased attraction for settlement will lead to a demand for serviced land for residential and commercial purposes. The Darwin Regional Structure Plan 1984 was adopted under section 66A(1) of the *Planning Act* as planning and development objectives of the Territory. This plan shows a rural centre at Shoal Bay (Murrumujuk) between Tree Point and Gunn Point.

The concept of a centre at this location was again proposed in the Darwin Rural Area Strategy Plan Draft 1987 and endorsed in the final document, the Litchfield Land Use Structure Plan 1990. The 1984, 1987 and 1990 plans are points of reference for the preparation of this Murrumujuk Land Use Concept Plan 1990.

The aim of this document is to publish for government a policy plan which establishes the composition and scale of uses likely to locate in the centre, their spatial relationship to each other, and the service infrastructure required for development of the centre. The intention is to establish a land use concept which will be suitable for refinement in outline development plans, amendments to the statutory plan and through assessments under the *Environmental Assessment Act.*

The approach that has been adopted in devising this land use concept plan is to set the upper limit of settlement within the immediate vicinity of the centre site at 10 000 people, and to establish the land use framework within which a population of this size may be provided with urban or semi-urban facilities. Community services, such as schools and shops, will also serve a population catchment in the hinterland of Gunn Point Peninsula.

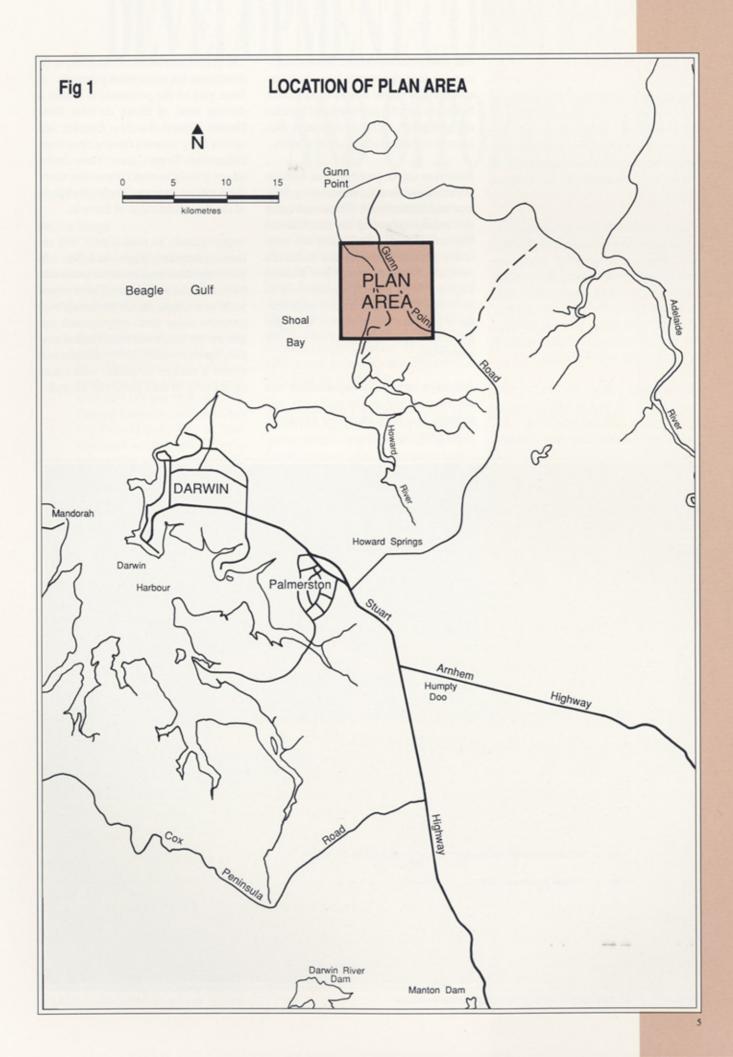
The rate at which the centre is developed will be determined by several factors, including the growth of regional population, the strength of consumer choice, patterns of work and leisure and the personal and public costs associated with the selected lifestyle.

LOCATION

The site of the proposed centre is approximately 75 kilometres by road from Darwin Central Business District and 50 kilometres by road from Palmerston Town Centre. It is located on the coast between Gunn Point and Tree Point. The plan area is shown on the locality map.



Recreation and conservation potential of the Peninsula



REGIONAL CONTEXT

This Murrumujuk Land Use Concept Plan 1990 is a complementary plan to the Gunn Point Peninsula Land Use Structure Plan 1990. The structure plan discusses the regional importance of Gunn Point Peninsula in the Darwin Region.

Gunn Point Peninsula is a major recreation resource for the people of the Darwin Region, comprising numerous watercourses and coastal features attractive for a wide variety of recreational activities. These include fishing, camping, swimming, boating, hunting, wildlife observation, bushwalking, trail riding and four-wheel driving.

The Adelaide River on the eastern boundary of the peninsula is a recreational area of regional significance for barramundi fishing, camping, boating and wildlife observation. Several commercial tour operations have been established to make access to crocodile habitats easier for interstate and international tourists. The peninsula is thus important to the local tourist industry.

Soil types on the peninsula are suitable for intensive development for agriculture and horticulture. These soil types are relatively scarce in the Darwin Region. The peninsula also has relatively plentiful groundwater resources compared to the rest of the Darwin Region. With careful management to prevent undesirable salt water intrusion, these groundwater resources offer the potential for a wide range of agricultural enterprises.

Although large scale aquaculture has not yet occurred on the peninsula, this industry has been identified as one of significant potential. The peninsula also has a capability to be developed for residential purposes. A large part of the peninsula is within a driving time of about an hour from Darwin Central Business District, and within forty minutes driving time from Palmerston Town Centre. These limits do not greatly exceed commuting times for residents in many established parts of the rural hinterland of Darwin.

Improvements in road access will reduce commuting times, and thus improve the attractiveness of the peninsula for residential settlement. The development of a centre on the peninsula will generate some local employment opportunities but, even with limited employment prospects, the peninsula will attract a number of people who select rural living as their preferred lifestyle.



The beach at Murrumujuk is a significant recreation resource

DEVELOPMENT CONSTRAINTS AND OPPORTUNITIES

NATURAL CONSTRAINTS

Storm Surge

The site is susceptible to cyclones and attendant storm surge hazard. The Darwin Regional Structure Plan 1984 established the following principles:

- development on parts of the coastline which would be affected by a storm surge with an estimated probability of exceedance of 1.0% per annum (1.0% Annual Exceedance Probability (AEP)) will be limited to land uses such as open space, recreation, non-essential public facilities, (wastewater treatment works excepted), and short-stay camping areas;
- development on parts of the coastline which would be affected by a storm surge with an estimated probability of exceedance of 0.1% per annum (0.1% AEP) will be extended to commercial and industrial uses; and
- land uses which will be discouraged on land subject to inundation by storm surge include residential uses, noxious and hazardous industry, strategic and community services (such as power generation plants, schools, and hospitals) and major transport links.

The Greater Darwin Storm Surge Study prepared in 1983 predicted the 1.0% AEP and 0.1% AEP levels at Tree Point as 5.0 metres and 6.4 metres Australian Height Datum (AHD) respectively. These levels have been adopted in this plan as the relevant constraints.

Floodways

The development site is drained by a number of streams, the flood regimes of which constrain development. In com-

mon with normal Australian practice, this plan endorses the principle that flood levels representing the Annual Exceedance Probability of 1.0% (1.0% AEP) should be recognised as a guide to determining land use. In particular development below 1.0% AEP levels should normally be limited to land uses such as open space, recreation, non-essential public facilities and short-stay tourist caravan/camping areas. In some specific cases industrial and commercial uses may be acceptable.

Land subject to inundation at 1.0% AEP levels should not be used for residential, public utilities and community services (such as power generation and schools) or major transport links unless improved drainage, landfilling or other mitigating measures are undertaken.

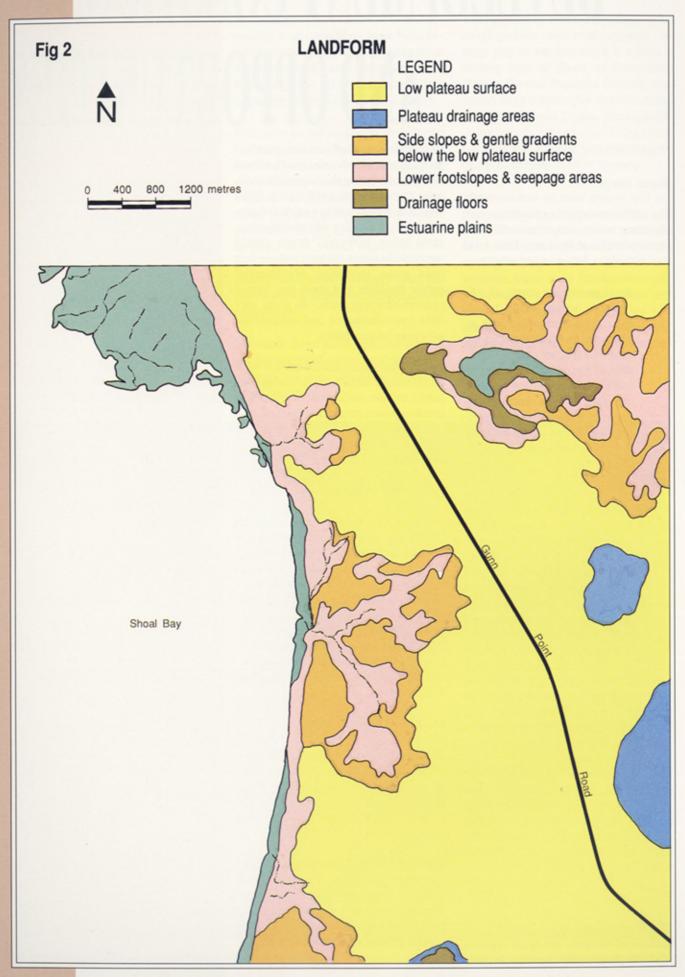
Groundwater Supply

The existing prison reserve is supplied with bore water, but supplies in the immediate locality are limited. Increased extraction could lead to saline intrusion into the groundwater source, and increased salinity of surface soils and nearby streams. However most of Gunn Point Peninsula is relatively well endowed with groundwater resources and a suitable bore is located about 14 kilometres south-east of the development site.

Landform and Soil Types

The site comprises predominantly a low plateau surface, which drains internally, in an area to the east of Gunn Point Road. Towards the coast, the land slopes gently towards lower footslopes and seepage areas.

The land covered by the plan comprises a variety of soil types. The foreshore is mainly a narrow section of ancient dunes of calcareous sands with some clayey pockets. Behind this is a narrow strip of broken ground with rock outcrops.



The southern half of the area comprises red earths with some gravel content and a small section of yellow earth with some earthy sands on the southern boundary. The red earths are likely to pose an impediment to absorption. The northern half is mainly yellow sandy or gravelly earths surrounding a small creek system.

Biting Insects

The effects of biting insects on areas of human use or habitation can be minimised by following Department of Health and Community Services guidelines for such situations. Control measures include providing a buffer of approximately 1.6 kilometres between known breeding grounds and urban residential development, increased lot sizes near significant sources of insects, avoiding the creation of new breeding habitats through development of standing water and appropriate engineering rectification measures. The same principles apply to public camping areas.

Developed urban areas will discharge stormwater into nearby drainage lines and may give rise to public health problems from increased mosquito breeding. These urban areas must have a comprehensive stormwater drainage scheme which includes constructed drains with impervious dry season flow inverts and erosion control structures which discharge direct to daily flushed tidal areas. Sewage effluent should be re-used or disposed of in such a manner that there is no possibility for increased mosquito breeding.

ADMINISTRATIVE CONSTRAINTS

Prison Farm

The existing prison farm boundaries will need to be reduced to enable some of its area to be developed. The eventual relocation or closing down of the prison farm may take some years to implement.

Pastoral Lease

Parts of the land proposed to be developed for rural residential purposes to the south of the area are held in Pastoral Lease 547 (Koolpinyah Station) and implementation of the plan will necessitate the assembly of this land under Crown ownership.

Planning Instrument Boundary

The site is within Planning Area 3 and is subject to the Darwin Rural Area Plan 1983. This plan is administered by the Northern Territory Planning Authority. The land is zoned as Rural Living 2, minimum lot size being 8 hectares. The permitted uses in this zone include agriculture, detached dwellings and forestry with a wide range of uses permitted only with specific consent. The prohibited uses in this zone are abattoir, fuel depot, offensive or hazardous industry and sawmill.

Local Government

The site lies within the Litchfield Municipal Boundary, an area administered by the Litchfield Shire Council.

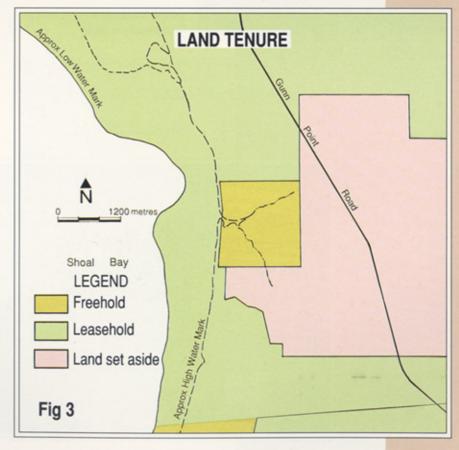
CULTURAL CONSTRAINTS

Sites of Significance to Aborigines

The area contains three recorded sites of significance to Aborigines. These sites are burial sites which, until some years ago, had burial poles indicating the locations of the graves. The Y-shaped creek bisecting the site is known to the custodians as Murrumujuk and is the home of an ancestral being.

There are also a number of graves along the coastline, dating from the time when there was an Aboriginal (Tiwi) population (up to 100 people) living along the coast from Tree Point to Gunn Point. These sites require detailed investigation and survey so they may be recorded and protected.

Although some sites have already been recorded and registered in this area, this should not be taken to mean that there are no further sites in the area. Aboriginal people frequently choose not to disclose the existence or whereabouts of sites of significance until such time as they are perceived to be under threat from development. It is likely, therefore, that further sites will be registered in the future.



EXISTING INFRASTRUCTURE

ROADS

Access to the area is by Gunn Point Road. A sealed rural pavement is provided to the intersection of Gunn Point Road crossing on the Howard River. The remainder of the existing road is formed gravel. The road is within Pastoral Lease 547 (Koolpinyah Station).

POWER SUPPLY

The existing 22 kilovolt power supply is available to Gunn Point Prison Farm. Supply was extended to the prison farm from the Darwin power grid in 1984. The route of the powerline follows the new surveyed alignment of Gunn Point Road.

WATER SUPPLY

Gunn Point Prison Farm is supplied with bore water. Although the peninsula is relatively well supplied with groundwater and individual bores on average produce more than two litres per second, large scale extraction could result in salt water intrusion.



Gunn Point Road at the Howard River Bridge

EXISTING LAND USE

GUNN POINT PRISON FARM

The development site is near Gunn Point Prison Farm, which is the principal low security custodial facility for adult offenders in the Darwin Region. The prison complex comprises a number of staff and prisoner accommodation buildings, some farm outbuildings, a powerhouse, and antennae. The buildings vary in condition.

The prison farm contains forest plantations which were formerly part of extensive forestry programs conducted at Howard Springs and Gunn Point.

INFORMAL CAMPING

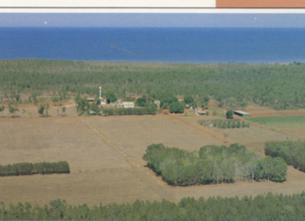
A number of sites along the beachfront have been used by Darwin residents over the years as camping areas. Basic sanitation facilities and a water tank have been provided at the beach at Murrumujuk in response to the needs of campers.

RECREATIONAL FISHING

The coastline and surrounding waterways are used by Darwin residents for recreational fishing. Numerous informal tracks have been established by repeated attempts to get vehicular access to these areas.

PASTORAL ACTIVITY

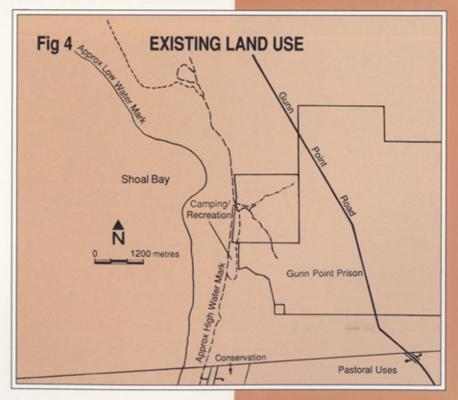
In the southern part of the plan area the land lying generally east of Gunn Point Road and south of the prison farm forms part of Koolpinyah Pastoral Lease and has been used to run stock from time to time. A well-defined network of tracks has been cleared to provide access to the coast and to waterholes.



Gunn Point Prison Farm



Informal camping along the beachfront



EXPECTED CHANGES TO LAND USE

The development of a settlement at Murrumujuk will lead to changes in the pattern of land use on Gunn Point Peninsula and in the immediate vicinity of the centre.

The Government has announced its longterm intention to relocate the prison farm to a more suitable site. This land can then be developed progressively for other purposes consistent with the concept plan. The plan therefore takes the view that the prison is a temporary use only.

A large portion of the area covered by the concept plan will remain in use as a prison farm for the time being. The size of the existing prison reserve will be reduced, and those portions to be excised from the reserve will be developed for urban residential and service commercial purposes. Increased security measures such as improved fencing will be undertaken.

Recreational use of the coast and waterways will increase through the establishment of a continuous coastal resource management area between the mouth of Howard River and Cape Hotham, and by the establishment of facilities at Murrumujuk. The use of the beach adjacent to the development area will intensify as a consequence of improved facilities likely to promote vehicle orientated recreation activities, such as boating and day trippers.

Increased recreational use at Murrumujuk is expected



LAND USE CONCEPT

The Gunn Point Peninsula Land Use Structure Plan 1990 establishes the basic land use and infrastructure framework for the peninsula. The structure plan identifies the location for a development area. The Murrumujuk Land Use Concept Plan 1990 has been prepared as a supplement to the structure plan to outline in more detail the land use concept for the area.

The site chosen for development is as close as practicable to the coast, and to the landward side of the secondary dunes. It is bisected from east to west by a Y shaped creek which drains part of the site. The terrain falls gradually towards the creek with slopes between 1 and 5 per cent. The creek forms a small estuary where it discharges to the sea. The more elevated parts of the site provide limited ocean views. Predicted storm surge levels suggest that urban development should not take place below the 6.4metre (AHD) contour.

Murrumujuk is to provide residential, commercial and community uses in a concept orientated towards the coastal location of the site.

As a consequence of both the intention to afford the site a coastal orientation and the development constraint presented by the existing prison farm, the initial development is essentially elongated in shape. Murrumujuk is generally contained within the alignment of the existing Gunn Point Road and a proposed secondary arterial nearer the coast. This compact containment has enabled a road pattern to be devised which will afford a high degree of accessibility between the residential and non-residential parts of the centre.

Gunn Point Road will be the arterial road to the area. Access will be from two points as shown on the Murrumujuk Land Use Concept Plan.

All land use components in the plan, except for rural residential lots, are to be sewered. Gravity mains will service the settlement and sewage is to be pumped via rising mains to a sewage treatment area based on ponds located to the east of Gunn Point Road.

It is intended that the Murrumujuk Land Use Concept Plan 1990 will be implemented through the *Planning Act*, and that the plan will be the basis for amendment to the formal planning instrument (Darwin Rural Area Plan 1983). In this concept plan each specific land use area has a policy statement sufficient to guide the preparation of outline development plans, and any subsequent amendments to the Darwin Rural Area Plan.

The planning rationale for this approach is that residential uses comprise a large part of the land to be developed as the centre. Thus, the centre should be regarded as an area within which the spatial organisation of residential and nonresidential uses requires careful attention. It is appropriate to think of the centre as a coastal township which has distinct land use elements rather than as a place within which all non-residential uses may locate indiscriminately.

Part of the development area



RESIDENTIAL USES

This plan provides sites for housing on a variety of lot sizes in a rural coastal setting and meets the demand for serviced housing lots in such a setting.

The Murrumujuk Land Use Concept Plan provides for various types of residential land use:

- Urban Residential (low density), comprising housing lots of 1 000 square metres minimum lot size. The preferred use in the Urban Residential (low density) land use category is detached dwellings. The development of land within this category for public open space will be encouraged. Consistent with residential amenity, small scale community and retail facilities may be located in this land use category provided that these uses service principally the immediate residential area. In specific areas which relate to the foreshore, design and siting restrictions, including height restrictions, will be applied to ensure that scenic outlooks are maintained.
 - Urban Residential (medium density), comprising attached dwellings and flat development. The preferred use in the medium density land use category is attached dwellings and low key flat development. Design and siting principles for this use will reinforce the low scale of development in this coastal location. Scale limits will also be reflected in height restriction and density controls.
 - Semi-Rural Residential, comprising housing lots of 5 000 square metres minimum lot size. The preferred use in the Semi-Rural Residential land use category is detached dwellings and hobby farming.
- Rural Residential, comprising housing lots of 2 hectares minimum. (This land use category is equivalent to Rural Living 1 in

the Darwin Rural Area Plan). The preferred use in the Rural Residential land use category is detached dwellings and other uses consistent with rural living such as hobby farming and noncommercial animal keeping.

COMMUNITY USES

Community use areas provide sites for schools and other community facilities likely to be needed for a population of up to 10 000 people in the immediate locality of the centre, and the population in the rural hinterland of Gunn Point Peninsula.

Schools have been located on the major distributor road through the centre to promote maximum access from all residential areas. The location of school sites is such that joint use of major open space areas can be facilitated between the general public and the schools' communities. It is intended that ovals required for use by the schools be accessed also by the public. School sites will also be accessible by a linked network of pedestrian and cycle ways.

Land for other community facilities likely to be needed has been located such that the rear boundaries of these sites are common with the boundary of the existing prison reserve. The preferred uses in this land use category include community halls, churches, fire station, ambulance station, police station, and similar uses which enhance the welfare and safety of the community.

PUBLIC OPEN SPACE

Major areas of open space are shown on the plan. As well as serving a local recreation need for the population of Gunn Point Peninsula, these open space areas are a significant recreation resource for the people of the Darwin Region and will attract a large number of day visitors from Darwin and Palmerston. Designation of these areas as open space recognises the scenic and recreational values of the foreshore and watercourses.

Other open space areas will be provided

as detailed assessment of specific parcels of land for subdivision occurs.

Open space areas shown will facilitate the development of attractive parklands along the foreshore and along watercourses, and ensure public access at appropriate points to these parklands. The development of pedestrian and cycle ways will be encouraged.

The foreshore adjacent to the centre will form part of a continuous coastal park between the Howard River estuary and Cape Hotham. The coastal park will be managed by the Conservation Commission.

The foreshore adjacent to the centre will be developed for intensive recreation activities including fishing, swimming and sailboarding. Dune protection works will be undertaken, and facilities which will enhance public enjoyment of the beach will be provided. Where appropriate these facilities will include access to the beach by boardwalks, carparking areas, small boat ramps, toilets, barbecues, water points, public seating, and viewing platforms.

It is proposed the parkland comprising a large drainage basin in the centre be developed as a major park to provide a range of formal recreational opportunities consistent with the needs of a population of up to 10 000 people.

CAMPGROUNDS

Campground areas will meet the need for low-cost visitor accommodation and provide sites with services at a level appropriate for occasional living in cabins and camp sites.

The land use policy is to allow the development of campgrounds in combination with cabins, in a landscaped setting and in such a way that public access to the foreshore is always open.

Physical development of these sites will be relatively low-key. Caravan park is not a use that will be encouraged in this land use category because of the requirements for substantial hard stand areas. Caravan park has been included as a preferred use in the Retailing and Commercial Uses land use category.

RETAIL AND COMMERCIAL USES

The preferred uses in this land use category are shopping centre, offices, retailing, tavern, hotel, motel and caravan park. Caravan park has been included in this land use category because the land is near the foreshore and it is considered desirable for visitors to be near the beach.

Service station is a preferred use in the Service Commercial and Light Industry land use category where there is good vehicle access. However, fueling services limited to two or three bowsers may be allowed in the Retailing and Commercial Uses land use category if the service is conducted in association with another retailing or commercial activity or in association with a caravan park, provided that siting and access arrangements do not impede vehicle circulation in adjoining streets.

SERVICE COMMERCIAL AND LIGHT INDUSTRIAL USES

A service commercial and light industrial area has been provided abutting the amended northern boundary of the prison reserve. Activities which will locate in this area will serve the rural hinterland of Gunn Point Peninsula beyond the immediate land area covered by the plan. It will provide commercial opportunities for services to users of the recreational fishing grounds along the northern coastline of the peninsula. For example, it will provide the opportunity for secure boat storage, thereby removing the necessity to tow boats from Darwin and Palmerston.

The service commercial and light industrial area has been selected for the following reasons :

 it is located at the intersection of Gunn Point Road and the proposed distributor road through the centre, thereby providing access without introducing into the centre traffic bound for the recreational fishing grounds along the northern coastline of the peninsula; and it is adjacent to the prison reserve and therefore forms a buffer between the prison reserve and residential and community facilities to the north.

The preferred uses in this land use category are warehousing and storage, motor and small engine repairs, service station, bulk goods retailing (eg. hardware sales, timber and nursery products), boat and vehicle storage and light industries.

Because the service commercial and light industrial area is located opposite the schools, direct access to individual properties from the distributor road between the schools and service commercial area will generally not be allowed.

PUBLIC UTILITIES

Two sites are shown on the plan for public utility purposes to provide a site for town water supply tanks, and a site for sewage treatment works.

The proposed sewage effluent disposal system is by irrigation / evapotranspiration. The selected site for the treatment works increases the potential efficient re-use for agriculture.

As urban subdivision occurs, further

sites for public utility installations will become necessary, and will be provided as the needs arise.

A gravity reticulation system with a pump station and rising main to the treatment ponds would be required.

The main electricity supply from Howard Springs will have to be upgraded. This may be achieved by the use of voltage regulators on the existing 22 kilovolt line, although it may be necessary in the longer term to duplicate the existing line.

A sealed road from the Howard River Crossing to the centre is needed to provide access. The initial stages of upgrading are included in the Five Year Forward Works Plan prepared by Department of Transport and Works. Included in the programme is the realignment of the road around the eastern side of the Prison Farm Buildings, in a 100 metres wide reserve.

The supply of reticulated water from a bore located about 8 kilometres northwest of Koolpinyah Station Homestead and next to the existing Gunn Point Road, would require a 200 millimetre diameter supply main. Ground level storage and an elevated header tank would be required, as well as the main bore with back-up and associated headworks.



The foreshore area to be retained in a coastal reserve

IMPLEMENTATION

STAGING OF DEVELOPMENT

This plan has been prepared without regard to the timing of development beyond the first stage. It is assumed that development will occur progressively in response to demand for land in various land use categories.

The rate at which sequential development will occur will be determined by several factors, including the rate of growth of the population of the Darwin Region and the relative attractiveness of alternative locations at which serviced land is turned off.

The Murrumujuk Land Use Concept Plan has been prepared for a notional population of up to 10 000 people in the immediate locality of the centre. Additional settlement may occur on farms in the rural hinterland of Gunn Point Peninsula. The areas intended for urban and semi-rural residential purposes are able to be developed as a number of cells, the number of which can be reduced without affecting the general land use concept. Thus, the size of the centre can be scaled down or the rate of development slowed to reflect demand.

The size of the centre can also be expanded if growth is strong. The eastern limit of the centre has been set at the alignment of Gunn Point Road for the time being but can be extended beyond this limit to accommodate a population increased by several thousands.

LAND ASSEMBLY

The land included in the Murrumujuk Land Use Concept Plan 1990 comprises part of the Gunn Point Prison Farm, freehold Portion 1378 owned by the Northern Territory Land Corporation, and part of leasehold Portion 2626 also held by the Northern Territory Land Corporation.

The implementation of the first stage of development will necessitate immediate relinquishment of a small part of the prison farm near its western boundary, and transfer of part of Portion 1378 from the Land Corporation.

The implementation of subsequent stages of development will require the assembly in Crown control of the remainder of Portion 1378 and part of Portion 2626 and the relinquishment of a substantial amount of the Gunn Point Prison Farm.

PROCESSES UNDER THE PLANNING ACT

The current planning instrument which applies to the land is the Darwin Rural Area Plan 1983.

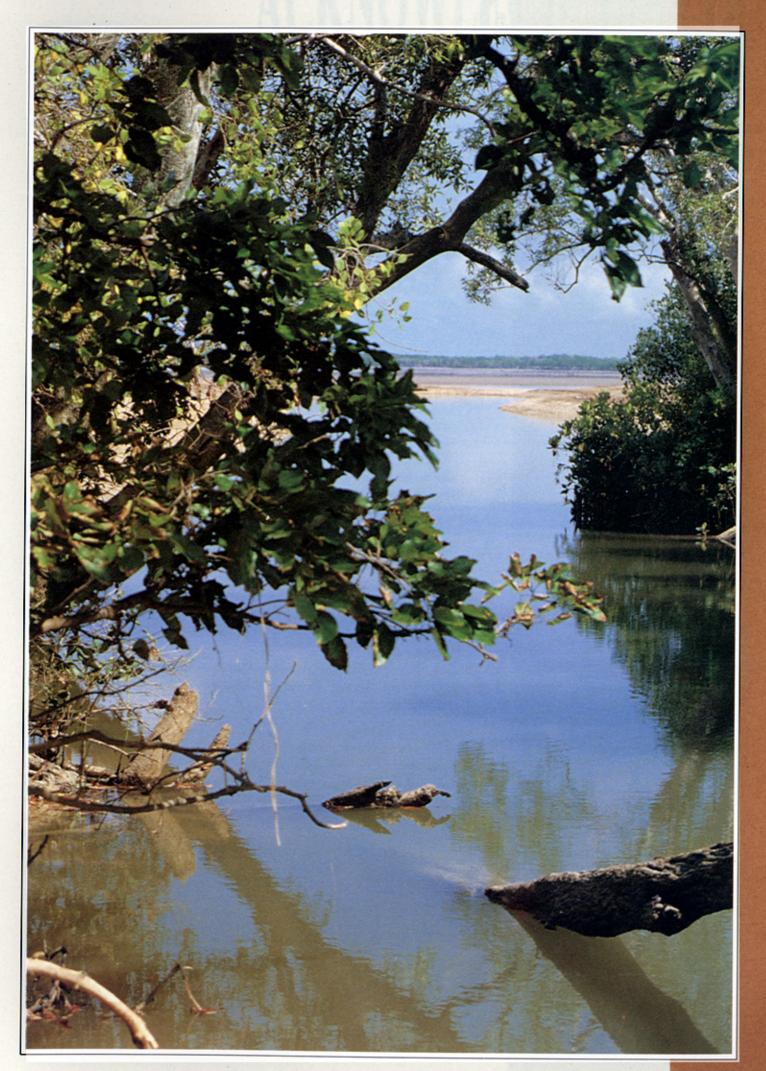
The means by which development in accordance with this plan can be facilitated are:

- publication of the Murrumujuk Land Use Concept Plan as planning and development objectives of the Northern Territory under section 66A(1) of the *Planning Act*; and
- the introduction of a comprehensive planning instrument over the land to reflect the various land use categories in the centre.

For the consent authority to exercise its discretion under section 110 of the *Planning Act*, these measures should be taken together.

PROCESSES UNDER THE ENVIRONMENTAL ASSESSMENT ACT

Development at Murrumujuk will be preceded by comprehensive assessment of the environmental effects of the development. This phase may require the preparation of Preliminary Environmental Reports, and may necessitate the preparation of Environmental Impact Statements.



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The work of many public servants and private consultants is reflected in the list of references in this plan, and much of the content. Without the invaluable contributions of all these dedicated people, the task could not have been achieved.

The key role of consulting Town Planner and Economist, Ms. June D'Rozario in preparing this plan is especially acknowledged.

DISCLAIMER

Any representation, statement, opinion or advice expressed or implied in these documents is made in good faith but on the basis that the Territory, the Department of Lands and Housing and their agents and employees are not liable for any person's damage or loss which has occurred consequent upon that person taking (or not taking) an action in respect of any representation, statement, or advice as referred to above.

