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The Manager,
Development Assessment Services,
Department of Lands, Planning and the Environment
By Email

Application for subdivision including part
of Lot 8630 and part of Lot 5180 into three lots.

Dear Sir/Madam,

1. DUE PROCESS STATUS OF THE APPLICATION

This application by PLANIT on behalf of Dragon Lady PTY, and Poilet PTY LTD, presents wrong, incomplete, and misleading information.

Regardless, the public are being pressured to make their submissions during the limited stipulated period of 14 days. Our organisation has already requested the department withdraw this application.

In terms of due process, there are two major issues:

A. The details of the proposal were not available on line during the first week of the exhibition, as is the normal process, meaning the public has had less than the advertised working time to prepare submissions, and submit them. An alternate access initiated in the second week does not work for all computers.

B. Basic information in PLANIT application presents this as the same subject site previously dealt with differently in 2010 and 2014 by two Ministers. Such a presentation is both incorrect and misleading. It is skewing the whole application so that is unreliable and corrupted. Most members of the public would assume that is is the same piece of land.

WE ASK THAT THIS APPLICATION BE WITHDRAWN.

(Extract from PLANIT INTRODUCTION TO THE APPLICATION

'1.1 BRIEF

Planit Consulting has been engaged by Dragon Lady PTY & Poilet PTY LTD to prepare and submit a development application for the subdivision of the land into three (3) Lots at No. 213 Dick Ward Drive, Darwin NT. The purpose of this subdivision is to create a manageable leasehold area for further development as allowed by the rezoning approval for Specific Use Zone No. 44 (SD 44). The proposed subject Lot also includes land located within the Conservation Area as it contains an associated drain.

1.2 PROJECT BACKGROUND

This site was the subject of a rezoning approval in March 2014. The purpose of the rezoning was to provide for light industrial development provided that it addresses the effects of the primary storm surge and preserves the safety and maintains the curfew free operation of the Darwin International Airport. It was a requirement that prior to the subdivision and the commencement of works, the issue of storm surge be addressed.

A Development Permit was granted in December 2014 for the filling of the land (PA2014/0410) which addresses the concerns of storm surge. A hydrological assessment was provided and the effects of storm surge were addressed with the filling of the land and appropriate drainage.)

2. RESPONSE TO CONTENT OF THE APPLICATION

2.1 The application does not set out the location of the proposed three lots. Importantly, the application refers to Lot 5182, instead of Part Lot 5182.

2.2 The previous applications have dealt with a lot rezoned from CONSERVATION(CN) to SD44 by Planning Minister Chandler in March, 2014. This reversed, a rezoning application from CONSERVATION (CN) for light industrial use rejected for specific reasons, still relevant and important today, by Minister McCarthy in 2010. This present application relates to a larger area.

2.3 The larger area includes land still zoned CONSERVATION(CN). This land should not be included, cleared or disturbed.

2.4 The address referred to is 213 Dick Ward Drive. However, one development application sign is on a fence 70 metres from what is known as the 'burial block' opposite Totem Road.

2-5 There are community, including Larrakia Nation concerns about how this affects other parts of Kulaluk. The subdivision application should be

clearly defined as confined to the 'burial block'.

2.6 The development application describes the development as 'multi zone'. It should only relate to the land zoned SD 44.

2.7 The development application quotes from the NT Planning Scheme, but does not adequately relate this to the actual 'burial block.'

2.8 Most of the land on the 'burial block' is in the surge zone. Generically, such land is unsuited to any industrial use.

2.9 SD44 permits uses such as vehicle maintenance which would pollute the neighbouring CONSERVATION (CN) ZONE.

2.10 The use of elevated fill will facilitated run off into the natural vegetation to the west. An official environmental study by ECOZ, prepared in recent years, shows how close this site is to the coast. and the impact of fill on valuable mangrove and land communities.

2.11 Pollution affects the safe use of bush foods by Aboriginal people.

2.12 The use of the 'burial block' for light industrial purposes is inconsistent with the spirit and purpose of the establishment of Kulaluk. Kulaluk was established in 1979, as a crown lease to provide a place where Aboriginal people could live without being encroached upon by alien built development. It was to benefit the Gwalwa Daraniki Association, and other Aboriginal people as well. There are strong objections to clearing and commercial use, by Aboriginal people.

2.13 There is strong objection by many Aboriginal and non Aboriginal people alike to the acceptance of the one of the proponents as the sole referee in assessing the needed protection of Aboriginal sites of significance within these developments.

We know that such a situation cannot be accepted as legal.

2.14 The proposed subdivision does not identify a viable entrance to the subject site. Use of the existing entrance and track would create traffic problems.

2.15 The 'burial block' will be affected by the flight paths of aircraft. They do not follow the flight sound contours. Air traffic is expected to increase.

2.16. The application, in several instances, appears hurried, with omissions or grammatical errors making make important conclusions unviable. This is

not acceptable in such an important document. There is a lack of awareness of local conditions.

2.17 There is need to clarify the southern boundary of subject site, as the Secretary family burial ground, around a large tree, is variously in and out of the site.

2.18 Is the whole of the vital Aboriginal Areas Protection Authority Certificate displayed in the application ?

2.19 The Certificate should be accompanied by the textual notes of interpretation. It is difficult to understand, eg. the two blue lines.

2.20 In spite of the failure by trenching to find physical burial remains on the subject site, this wider area is historically understood to be a burial site for Larrakia and other Aboriginal groups; by both Aboriginal and Non Aboriginal residents.

2.21 The whole of Kulaluk, including this 'burial block', is now subject to total heritage re-assessment by the Heritage Council. This is due to the findings of an appeal to the Lands, Planning and Mining tribunal by the Larrakia Nation late in 2014.

Further development applications should not be accepted until this assessment on Appeal is complete, in case heritage values are affected.

2.22 The final statement below by PLANIT is incorrect:

'The subdivision layout and design is generally compliant with the provisions of the NT Planning Act and NT Planning Scheme.'

This subdivision application should be not approved, but withdrawn.

M A CLINCH

Convener

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