

Attachment C – Detailed summary of the discussion points of each of the Public Submissions.

Submitter	Discussion Points
<p>Sonja Pastor</p> <p>(Bookmark B1 & B2)</p>	<p><u>Bookmark B1</u></p> <ul style="list-style-type: none"> • Proposal will allow broadening and intensification of permitted uses even though heavily constrained. • No further commercial intensification should occur until unresolved historical and heritage issues are properly addressed. • Challenges the idea that the SD44 is another ordinary commercial lot by documenting the historical and cultural context that is absent from the exhibited proposal. • The SD44 site includes part of the former access route to the unsealed Totem Road, which once connected to the Kulaluk cemetery and Fish Camp, a central site of the Larrakia land-rights movement of the 1960s–70s. Bill Day described this road as “the only remaining all-year-round easy access” into the Kulaluk lease. • The historical and cultural significance of the SD44 site and surrounding sites cannot be understood without referencing the broader history of the Kulaluk lands themselves. • The Kulaluk reserve was significantly reduced in 1965 during suburban rezoning around Ludmilla, displacing many Aboriginal residents and helping spark the land-rights movement that emerged in the late 1960s. • The Larrakia were granted a Special Purpose Lease in the late 1970’s over what has become known as the Kulaluk lease and the former Bagot cemetery became known as the Kulaluk cemetery. Bill Day Archives show that this cemetery continued to serve the Aboriginal population of Darwin long after the Bagot Reserve period. • Historical material also suggest that Totem Road took its name from Pukemani poles associated with the cemetery. The unsealed Totem Road public access road to the area has gradually disappeared following the introduction of Zone SD44. • The unsealed Totem Road provided foot and vehicle access to Kulaluk cemetery and Kulaluk lands more broadly, with archive material suggesting the road was used for generations for cultural and recreation purposes by the Larrakia, other Aboriginal groups., and non-aboriginal members of the Darwin community. • Bill Day’s archival material suggesting the Kulaluk lands were historically not for a fenced private estate but as open green space valued for its significant natural, cultural and historical values. • Kulaluk was recognised nationally and in 1991 included in the Register of the National Estate as part of the Darwin Foreshore Listing.

- The Kulaluk lease was converted to a Crown Lease in Perpetuity in 1985, with NT governments increasingly encouraging economic development on Kulaluk through commercial and subleasing so lease holders could achieve economic independence.
- Zone SD44 was created as a limited light industrial development zone in 2014 and the land subsequently fenced and filled, physically changing how the area functioned and restricted public access.
- The natural, cultural and historical heritage values of the Zone SD44 site and surrounding areas have gradually disappeared from the formal planning narrative.
- While the earlier 2014 rezoning material still include a narrow public access route between industrial sheds, the current PA2026/0110 exhibition material no longer appears to identify or retain public or cultural access associated with the historic unsealed Totem Road.
- Further commercial intensification is being proposed on historically and culturally significant land where public and cultural access has progressively been removed.
- In conclusion, the SD44 site is historically and culturally constrained, not merely physically constrained. Requests public access to the area be immediately restored, and no further commercial in Zone SD44 until unresolved historical and heritage matter are properly addressed.

Bookmark B2

- The proposal will broaden and intensify the range of permitted uses on land heavily constrained by primary storm surge and proximity to airport overlays.
- The appropriateness of expanding permitted uses on land affected by primary storm surge, contamination concerns and airport safeguarding.
- The proposal claims all storm-surge and aircraft-operation provisions have been retained, but simply carrying over older controls does not demonstrate that the underlying hazard assumptions remain valid in 2026.
- Storm Surge:
 - Storm-surge modelling and sea-level-rise projections have advanced, yet the NT planning framework still relies heavily on modelling more than a decade old.
 - The proposal does not explain if original natural hazard assumptions have been reviewed against present conditions.
 - Current Darwin region storm surge framework largely derives from older outdated studies and assumptions.
 - More recent information suggests sea-level rise in the Darwin region may progress beyond assumptions in earlier framework.

	<ul style="list-style-type: none">○ The proposal but does not explain if updated sea level rises were considered, or if ongoing large-scale filling works of the site may alter flood or inundation impacts on surrounding land.○ The proposal does not explain whether existing filling works meet recommendations of a government-commissioned 2023 report for minimum fill levels of 5.9 metre AHD to address predicted 2100 1% AEP storm surge levels○ The proposal claims that rezoning the site will retain requirements to protect neighbouring land, however it does not clearly explain how neighbouring land will be protected.○ The proposal is described as maintain the existing Zone SD44 under the former 2007 NT Planning Scheme. Has the site been reassessed under the more detailed and relevant Overlays of the NT Planning Scheme 2020?● Cumulative Impacts:<ul style="list-style-type: none">○ The 2015 Darwin Region Flood Mitigation Advisory Committee Report recommended the cumulative impacts of development on drainage and flooding be assessed rather than individual development in isolation. This proposal is being assessed in isolation.○ While future development of the site will require development consent, the proposed rezoning broadens and intensifies permissible uses of the site, raising questions as to whether cumulative impacts of the broader low-lying area have been adequately demonstrated.○ The 2015 Commonwealth Government Northern Australia Insurance Premiums Taskforce Report emphasised the importance of careful future planning for development along vulnerable coastline. Question the appropriateness of the proposal as a long-term planning outcome in a constrained low-lying coastal area.● Planning Act considerations:<ul style="list-style-type: none">○ The proposal states it is consistent with the objectives of the <i>Planning Act 1999</i>, however it contains only limited discussion in relation to: hydrological impacts; protecting the quality of life for future generations; sustainable development and orderly planning outcomes; and the planning system being clear, comprehensive and effective.● Contamination:<ul style="list-style-type: none">○ A government-commissioned 2023 report identified the Zone SD44 area requires a full contaminated land assessment, and identified the need for an acid sulfate soil assessment and management for future development of the site. The proposal contains no discussion of contamination issues or addressing aspects of the report.○ An application for an operational stockpile of fill (PA2013/0170) within close proximity of the site, was lodged in March 2013 and
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	<p>refused. A later application for filling land within the SD44 site (PA2014/0410) was however approved in 2014, followed by four extensions of time over the next 12 years. Despite this history, the application does not address the origin of fill over the years or the issues raised in the 2023 report.</p> <ul style="list-style-type: none"> • Proximity to Airport Overlay Constraints: <ul style="list-style-type: none"> ○ When Zone SD44 was created in 2014, the planning framework identified the site was constrained by its proximity to Darwin Airport and Defence aviation operations. ○ A government-commissioned 2023 report also identifies the site as subject to the Land in Proximity to Airports Overlay of the NT Planning Scheme and within the Australian Noise Exposure Forecast contour associated with Defence aviation operations. ○ Since 2014, Dence aviation activity in Darwin has increased significantly and commercial flights also appear to have increased and are forecast to increase under the Darwin International Airport 2023 Master Plan. ○ Raises broader planning questions about whether the assumptions underpinning the original SD44 framework remain appropriate under current aviation conditions and whether the proposal remains consistent with the original intent of the airport safeguarding framework. • Conclusion: <ul style="list-style-type: none"> ○ The proposal broadens and intensifies the range of commercial uses permitted on low lying coastal land subject to storm surge. ○ Question whether the site has been fully reassessed against current best practices in relation to the constraints and historical filling of the site. ○ Question whether the earlier planning assumptions established under Zone SD44 in 2014 are largely being carried forward without substantial reassessment.
<p>Nicole Kaye (Bookmark B3)</p>	<ul style="list-style-type: none"> • Objects to the proposed rezoning of Zone SD44 and believe it should be refused. • The original Zone SD44 allows limited light-industrial uses under special conditions that respond to the site’s location and surrounding constraints. • The proposed rezoning will open the site up to much more intensive service-commercial uses. • Concerned that the proposal will generate substantially greater traffic volumes, parking demand, customer turnover and movement than originally planned for the site.

	<ul style="list-style-type: none"> • Existing traffic issues at the Totem Road and Dick Ward Drive intersection including congestion, heavy traffic conditions, and difficult turning movements. • The area is not suitable for further commercial intensification of this scale. • Concerns with pedestrian safety along Dick Ward Drive, including near St Vincent de Paul's Ozanam House with people regularly crossing Dick Ward Drive in an area with heavy traffic. • Previous planning and traffic assessments in relation to nearby development identify the need for the assessment of Dick Ward Drive/ Totem Road and Bagot Road/ Fitzer Drive intersections. • The proposal represents a significant intensification of the originally intended use of the site placing further pressure on roads and intersections where there is already traffic and pedestrian safety issues.
<p>Maria Grujicic (Bookmark B4)</p>	<ul style="list-style-type: none"> • Objects to the proposal, with the main concern being flooding and the long-term suitability of the site for expanded development. • Notes repeated concerns from community and residents that obtaining insurance in Coconut Grove is becoming increasingly difficult or expensive due to flood-related risks. Question whether additional development in low-lying areas places further pressure on surrounding communities. • Concerned the changing fill levels and the sites close proximity to Ludmilla Creek in a low-lying area could alter drainage and flood behaviour for the site and surrounding areas. • The proposal lacks clarity for residents to understand long-term development of the site and to be able to appropriately comment on the proposal. • The location raises concerns in itself, being located under a flight path and beside established residential areas. • Increased activity, traffic, noise have not been fully explained. • Concerned about the cultural significance of the broader area including the Kulaluk region with its long-standing cultural and historical significance and values. • With changing climate, flooding, and cumulative impacts of ongoing development in the area, caution should be exercised before intensifying development in the area. • Discussion on not only what can be built but whether development in constrained locations is appropriate long-term. • Respectfully ask the proposal be reconsidered and further independent assessment on the risks raised be undertaken.

<p>Graham Kirby (Bookmark B5)</p>	<ul style="list-style-type: none"> • Site of Zone SD44 has a convoluted and decidedly political history. • Submitter is a carer of native wildlife. • Land west of Dick Ward Drive is zoned Conservation. The illegal waste dump/ stockpile on nearby Conservation land has been festering roughly 20 years and was ordered to be removed and then monitored but nothing has happened. • Deliberation by two committees as well as Council, concerned with storm surge, sea level, and extreme weather events, was being undertaken during the time the approval of fill on the site of Zone SD44 was undertaken. Council has spent millions to armour the seaward side of Progress Drive. • Concern for animals and birds and the natural habitat of Lot 5182 and the remaining green bushland in Darwin. • The site of Zone SD44 has been cleared 3 times over the past 10 years killing every living thing each time. • Water courses have been filled, blocked or altered leading to other issues. • Gamba Grass has been allowed to grow south of the SD44 site and is a fire risk and threat to the health and welfare of the community. • Unaddressed issue of the proximity of the site to the airport and the aircraft noise impacts. Developing commercial enterprise under the flight path of a military airfield is counterintuitive today. • Sympathy for the argument that the land owner needs to generate income from its land resources, however this does not require the almost planned destruction of a conservation zone in a primary storm surge area under a military airfield. A more nuanced approach is needed. • The proposal should not be treated in isolation from the longer term 'Master Plan' for Lot 5182, which involves the eventual total rezoning of the conservation area of Lot 5182 to commercial development.
<p>David Percival (Bookmark B6)</p>	<ul style="list-style-type: none"> • Proposal is on the Kulaluk lease granted to the Larrakia people, but taken over by the Secretary Family. • Originally the block was part of a large Conservation zone for the Larrakia. • The information from the Secretary Family has denied any Sacred Sites or old Burials on the Kulaluk Lease, apart from the Secretary Burial Site. • The location of the subject site will seemingly stop future access to the well-established Kulaluk Cemetery to the west. • The site has poorly maintained open drains abutting the north and south edges of the raised (filled) block. It should be noted that it has been raised (filled) in response to it being located in a primary storm

	<p>surge zone on coastal floodplain habitat. Does this set a precedent for other similar areas?</p> <ul style="list-style-type: none"> • The west access of Totem Road onto Dick Ward Drive is a known blackspot. A road or driveway to the site, opposite or even diagonally opposite Totem Road will only increase accidents there. Has there been independent traffic monitoring here recently? • Note large aircraft habitually flying directly over the site. Has excessive aircraft noise been taken into consideration for the site? • Development of this size in relation to the constrained land can only increase pollution into the Conservation zoned land and this means even further destruction of the Darwin environment and habitats.
<p>Nancy Batenburg (Bookmark B7)</p>	<ul style="list-style-type: none"> • The site has a controversial history and it is suffice to say that wider negotiation and agreement with local community members and elders has not occurred and environmental 'dump' factors have not been adequately rectified. • Steady erosion of the leasehold conservation status. • A 2023 Land Assessment of the area by Byrne Consultant referred to further land contamination and land use issues but the report was not widely circulated for community consultation. • There are acknowledged site constraints. Further site constraints include a lack of environmental research and analysis, community engagement, information on the extent of PFAS contamination, and land clearing without planning permission. • The proposal states it is a 'minor amendment', when in fact it is a major and significant change. Applicable Darwin Mid Suburbs Area Plan included very narrow community consultation in its development. • Proposal has not factored in traffic use of Dick Ward Drive with a possible major shopping centre also proposed in other areas of the Kulaluk lease. • Notes: <ul style="list-style-type: none"> ○ existing Zone SD44 aligns with light industry zoning and implies workshop and utility type uses, whereas the proposed service commercial zoning implies customer facing and perusing which generates more people being in the area. ○ a blanket change of rezoning with little clarity and ad hock impacts is inappropriate at this time. ○ no widespread community consultation has happened. ○ no overarching or balanced consideration of land uses in the area has occurred. ○ there are few if any merits or benefits to the community from expanding commercial uses on the site.

	<ul style="list-style-type: none"> ○ the proposal does not address a single identified issue (environment, cultural, infrastructure). ○ forward planning for infrastructure is missing. ○ blanket statements with no support. ○ is a misnomer to suggest this is not an area of land that attracts flora or fauna. ○ hope that someone in NT Government monitored the level and content of fill on the lease. ○ unsupported statements regarding lighting. ● Objections to the proposal are many but most importantly, the proposal is a flawed and incomplete application (no community consultation, environmental impact, cultural impacts, agreements from elders, agreements from airport or defence, substantiation of claims made).
<p>Brahminy Tumminello (Bookmark B8)</p>	<ul style="list-style-type: none"> ● Concerns relating to: <ul style="list-style-type: none"> ○ flooding and drainage impacts ○ increased traffic and road safety issues ○ parking and infrastructure pressures ○ impacts on nearby residents ○ loss of trees and green space ○ further damage to wildlife habitat and biodiversity ○ cultural heritage significance ○ proximity to the airport flight path ○ lack of clarity on future development outcomes. ● Not caring for the environment has become a Territory thing. ● Development under the flight path. ● Increased traffic on Dick Ward Drive when already overdue for a reseal. ● Where are the longer term development plans? ● Bush block that acts as a floodplain, yet proposal for concrete jungle space. ● Loss of biodiversity, ecology, plants and trees. ● For economic gain, kidding ourselves. ● Grow a spine. Listen to residents. Be ashamed.

	<ul style="list-style-type: none"> • The cultural and historical significance of the area should be carefully considered. More information before the rezoning proceeds. • Request the proposal be refused. Delay until further studies completed, additional community consultation, and further flooding/ traffic/ environmental and heritage assessments completed.
<p>Rachel Tumminello (Bookmark B9)</p>	<ul style="list-style-type: none"> • Locally born resident. This site is part of 'My Darwin' that I visit and travel through regularly. • Several concerns and consider the proposal a significant change of land use. Many concerns are long standing issues that are not addressed. • The proposal states it is a minor amendment. It is in no way minor and opens up a broad category of uses that are substantive. • The proposed changes open up increased and disruptive traffic, social and amenity impacts, impacts on adjacent native environments and account thereof, unclear long term development plans for the area, historical issues with planning the area, cultural and historical significance of the area. • Request the application be refused. At the very least request a decision be delayed until further studies on the issues raised are completed.
<p>Nicholas Kirlew (Planning Action Network or 'PLan') (Bookmark B10)</p>	<ul style="list-style-type: none"> • Zone SD44 was approved as a light industrial specific use zone for land constrained by primary storm surge and proximity to the Darwin International Airport. • The proposal will permit broader service commercial uses. • The proposal describes the application as a 'minor update', however development approvals and site works over the last 12 years suggest otherwise, while the original SD44 approved development has never been built. • The proposal is framed as a simple shift of the specific use zone from the former 2007 NT Planning Scheme to the current 2020 NT Planning Scheme, however the proposal in fact changes what kind of development can happen on the land, and there has been an active negotiation process to establish expanded forms of development on the land. • Planning History <ul style="list-style-type: none"> ○ The original proposal to rezone the land from Conservation to Light Industry (PA2008/0267) was refused in November 2010 because the site was considered unsuitable for standard Light Industry zoning. After a change of government in 2012, the earlier refusal decision was reversed (PA2013/0220) and the land was rezoned to a specific use zone that supported light industry, with rules written for the constrained nature of the site.

	<ul style="list-style-type: none"> ○ The current proposal replaces one constrained site-specific framework with another, but with a broader more intense range of uses. ○ What's the planning justification for issues covered by Overlays relating to storm surge and proximity to airports being moved toward a broader Service Commercial framework with a more intense range of permissible uses? ○ For twelve years the only development on the site has been clearing, fill and fencing, but why is an expansion of the kinds of development that can occur on the land being pursued? ○ Was Zone SD44 intended to remain a constrained industrial zone, or a transitional step towards more intensified future uses. The land is gradually being repositioned for more intensive development than SD44 supports. ○ Concern on how heavily the NT relies on specific use zones instead of standard zones, and how as specially written zones they can allow for more intensive development over time. ○ Specific use zones give the government more flexibility to progressively reshape and expand on development that can occur on highly constrained land, raising the legitimate question of how far should specific use zones be allowed to evolve? ● Cumulative Impacts to be Deferred <ul style="list-style-type: none"> ○ The proposal claims suitability of the site for intensified uses, but this has not actually been demonstrated at this stage. ○ Pattern of deferring key constraints into future stages of development assessment. ● Cultural Heritage and Contested History <ul style="list-style-type: none"> ○ The Zone SD44 land forms part of the Kulaluk land lease, which emerged from the Larrakia land rights struggle of the 1970's. It was originally granted as Special Purpose Lease in 1979 and later converted into a Crown Lease in Perpetuity 671 in 1987. ○ The Kulaluk lands have long been associated with burial grounds, ceremonial places and the history of the NT land rights movement, not just for Larrakia people but for other groups who have long associated with the land. ○ The Zone SD44 land is therefore not simply environmentally constrained land, but also officially recognised by government as culturally sensitive and contested land during the rezoning and clearing process itself. ○ Aboriginal Areas Protection Authority identify both a registered sacred site and a larger area where there was a strong likelihood of aboriginal burials within the site area, and that disturbing the burial areas without authorisation could breach the Heritage Act.
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	<ul style="list-style-type: none"> ○ The Kulaluk Heritage Report talked about the historic Totem Road public access track to the Kulaluk cemetery, mangroves and beach visible on a 1944 aerial photograph. This historic public track was later blocked by the creation of Zone SD44 over the track. ○ The Land Clearing at Kulaluk briefing paper records the concerns raised by many on the 2014 rezoning and clearing of the Zone SD44 site, including the lack of access to the Kulaluk cemetery where family members were buried. ○ The Land Clearing at Kulaluk briefing paper also stated that any development would require referral of a Notice of Intent under NT EPA Environment Assessment Guidelines before approvals could proceed, however it remained unclear of what environmental assessment pathway ultimately occurred for the clearing and filling under Zone SD44. ● Conclusion <ul style="list-style-type: none"> ○ PPlan (Planning Action Network) submits that the proposal be refused on the basis that there is no justification for intensifying permissible uses on the site of Zone SD44. ○ PPlan also raises the unresolved issue of the historic Totem Road public access track to the Kulaluk cemetery, mangroves and beach, being blocked by the creation of Zone SD44. Any future decision relating to Zone SD44 should clearly address how public access to these areas will be restored and protected.
<p>Grusha Leeman (Bookmark B11)</p>	<ul style="list-style-type: none"> ● Note the naming of Totem Road after the roads proximity to a scared native burial ground and associated totem poles. Consider the place has special status. ● Appalled that the locality has been levelled (cleared) and is anticipated to become yet another concrete, asphalt and iron hideousness. ● Already plenty of shops and sheds and the location is congested enough to require another set of traffic lights. ● Larrakia rejected the building of Dick Ward Drive so close to totem country from the start. ● The land is close to rising seas and sweet mangroves, and good planning would leave room for nature. ● Questions what the planning documents say. ● The Top End has some of the fastest rising tides and it is not acceptable to keep building in areas under threat of storm surge. ● The community want a place for forest, grasslands, wetlands, mangroves for our best Darwin. Put that in the Plan. ● The Kulaluk region was saved as it is sacred country with Totem Poles. Oldest culture in the universe.

	<ul style="list-style-type: none">• Insist the area be revegetated to how it was.• Suggest a huge buffer to the mangroves to ensure their health and room to expand in rising tides.• Beware the site is in a primary storm surge area.• Reject the proposal and completely rectify the site.
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