

**DEVELOPMENT CONSENT AUTHORITY
DARWIN DIVISION**

NORTHERN TERRITORY PLANNING SCHEME

ADDENDUM

AGENDA ITEM: **2** MEETING DATE: 7/08/2026 FILE: PA2026/0187

APPLICATION PURPOSE: Excavation and fill (erosion gully remediation)

SUBJECT SITE: Lot 4873 (577) Lee Point Road, Lee Point,
Town of Nightcliff

ZONE: Zone CN (Conservation)

SITE AREA: 81.33 ha

APPLICANT Cunnington Rosse Town Planning and Consulting
Director - Brad Cunnington

**PERSONS ON WHOSE
BEHALF THE
APPLICATION IS MADE** Landowner

Defence Housing Australia
Brendan O'Brien

LANDOWNER

**ANY PERSON WITH AN
AGREEMENT TO ACQUIRE
AN INTEREST IN THE
LAND** None

1. ISSUE

On 5 August 2026, a supplementary submission was received from Nicholas Kirlew on behalf of PAn: The Planning Action Network Inc. This submission has been summarised below.

Nicholas Kirlew on behalf of PAn: The Planning Action Network Inc (**Bookmark A1**) maintains that the application does not contain sufficient information for the Authority to adequately assess the matters it must under section 51(1) of the *Planning Act 1999*. Mr Kirlew reiterates concerns relating to:

- Piecemeal approach of development consent, especially considering the interdependence of the proposed works in relation to the adjacent stormwater detention basin
- Failure to consider alternative works which would have a reduced impact on the land
- Cumulative impacts of changes to local hydrology that may adversely affect downstream habitats
- Continued erosion of the identified gullies if the works relating to the subdivision are delayed.

The primary themes raised in these supplementary submissions is considered to have been addressed in the DAS report to the DCA.

2. RECOMMENDATION

That the Authority notes the additional submission.

No changes are proposed to the recommendation in the original report to the Authority.

AUTHORISED:

A handwritten signature in black ink, consisting of a series of loops and a final horizontal stroke.

**A/MANAGER - URBAN PLANNING
DEVELOPMENT ASSESSMENT SERVICES**

From: [Nicholas Kirlew](#)
To: [Kaleb Thomas](#)
Cc: [Das NTG](#)
Subject: RE: PA2026/0187 | Applicant's response to submissions
Date: Wednesday, 5 August 2026 6:05:00 PM
Attachments: [image001.png](#)

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Hello Kaleb,

Here is my follow up commentary,

1. Piecemeal Planning & Omission of Interdependent Infrastructure

- **Separation of Zones & Works:** PPlan highlights that the application isolates the gully remediation in the Conservation Zone (CN) from the adjacent Stage 2 subdivision and stormwater detention basin located in the Future Development Zone (FD).
- **Lack of Engineering Data:** The remediation plan depends entirely on this external Stage 2 basin for fill material and upstream drainage diversion, yet full design blueprints and engineering specifics for the basin are omitted from this application.

2. Failure to Evaluate Lower-Impact Alternatives

- **Non-Compliance with Zone Outcome 6(d):** Under Clause 4.23 of the NT Planning Scheme, development in Zone CN must minimise excavation, fill, and landform changes.
- **Missing Evidence:** PPlan points out that the applicant provided no evidence that lower-impact, alternative remediation methods were evaluated and rejected before opting for major earthworks.

3. Cumulative Environmental & Hydrological Risks

- **Downstream Threats:** Without a unified assessment of the overall drainage system, PPlan cautions against unmitigated risks to downstream habitats, including Sandy Creek and the Casuarina Coastal Reserve.
- **Inadequate Impact Assessments:** The submission emphasizes the need for independent ecological, soil stability, and hydrological evaluations rather than relying on unconfirmed future stages.

4. Sequencing & Staging Vulnerabilities

- **Risk of Re-Erosion:** Because the remediation works are tied to Stage 2 subdivision works that have not received final operational sign-offs, any delays could leave the site vulnerable to further erosion during upcoming wet seasons.

PPlan's Recommendation to the Consent Authority

PPlan maintains that the application contains insufficient information for the Development Consent Authority (DCA) to properly consider matters under **Section 51 of the NT Planning Act**.

PLan's Position: The DCA should **defer** determination of PA2026/0187 until complete, integrated designs for the detention basin, drainage outfalls, and independent environmental impact assessments are provided for public scrutiny.

Regards,

Nick Kirlew

Convener **PLan: the Planning Action Network Inc** M: 0447 499 794 E:

nick@planinc.org.au W: www.planinc.org.au

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From: Kaleb Thomas <Kaleb.Thomas@nt.gov.au>

Sent: Monday, 27 July 2026 8:18 AM

To: Kaleb Thomas <Kaleb.Thomas@nt.gov.au>

Subject: PA2026/0187 | Applicant's response to submissions

Good morning

This email is in relation to PA2026/0187 which is for excavation and fill (erosion gully remediation) at Lot 4873 (577) Lee Point Road, Lee Point, Town of Nightcliff.

The applicant has provided a response to submissions and comments received in relation to the above application.

The attached documentation is provided for your reference, with no response being necessary.

Everyone who made a submission will receive an invitation to attend the DCA meeting for this application (tentatively scheduled for Friday 7 August 2026). Please note that you will receive an invitation to the DCA meeting this week from the DCA secretary, following standard practice.

Let me know if you would like to clarify or query the above.

Thank you

Kaleb

Kaleb Thomas

Senior Planner

Development Assessment Services

Department of Lands, Planning and Environment

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w. <https://environment.nt.gov.au/>



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