**To: The Secretary** Development Consent Authority

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**CC:** The Hon. Joshua Burgoyne, Minister for Lands, Planning and Environment

**The Hon. Joshua (Josh) Burgoyne MLA**

Minister for Lands, Planning and Environment

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**From:** Nicholas Kirlew, Convener, PLan: the Planning Action Network Inc.

**Date:** March 8, 2026

**Subject: Formal Complaint – Failure of Statutory Consultation and Denial of Procedural Fairness**

I am writing to formally lodge a complaint regarding the conduct of the Darwin Division of the DCA during the hearing for PA2025/0441 on 6 March 2026.

In a letter to PLan dated 26 February 2025 (Ref: 0223_Mr Nick Kirlew), the Minister for Lands, Planning and Environment stated his confidence that **"robust provisions exist in the Planning Act 1999 to ensure that appropriate public consultation and input are included... in the making of decisions."**

The events of March 6th represent a total failure of these "robust provisions." Far from a fair and appropriate consultation, the hearing was characterized by the following:

**1. Systematic Silencing of Technical Evidence** The Chair repeatedly "shut down" community members attempting to raise legitimate planning and environmental points. Specifically:

- **Ms. Margaret Clinch** was prevented from speaking when she attempted to discuss the location of a contamination cell on the land. This is a critical technical matter that requires public scrutiny.
- **Mr. Rob Inder-Smith** was silenced while addressing the broader masterplan, despite the Minister's assurance that public input is vital to the "making of decisions."

**2. Physical Intimidation and Hostility** The "robust" environment the Minister described was, in practice, a hostile one. I was personally subjected to physical intimidation when the applicant's representative (unidentified at the time but known as Mr. Steve Doherty) left his seat to pace behind me during my submission. Furthermore, a highly

inflammatory and unsubstantiated racial slur was directed at a speaker, yet the Chair failed to censure the aggressor.

**3. Breach of the Planning Act (Section 96)** The decision to clear the public gallery was a disproportionate act of "collective punishment." By excluding all submitters due to the disruptive behavior of the *applicant*, the DCA failed in its mandatory duty to give an opportunity to be heard. As the hearing was terminated while questions were still pending, it remains legally incomplete.

**4. Formal Request** Given the Minister's stated commitment to "continuing engagement on future planning matters," PLan requests that the DCA:

- **Reconvene the hearing** immediately to allow the "appropriate public input" the Minister promised.
- **Ensure a safe environment** where submitters are protected from physical and verbal abuse by applicants.
- **Confirm that no decision will be issued** based on a meeting that was closed prematurely in breach of procedural fairness.

The community cannot have faith in the planning system if the "robust provisions" of the Act are discarded at the first sign of developer hostility.

Yours sincerely,

**Nicholas Kirlew** Convener, PLan: the Planning Action Network Inc.