

# Attachment B

**NT PLANNING COMMISSION HEARING  
PROPOSED NT PLANNING SCHEME AMENDMENT: PA2025/0161  
Rezone part Lot 4806, Town of Darwin (133 Bagot Road, Ludmilla)  
Zone CL (Community Living) to Zone C (Commercial)**

<b>Attachment</b>	<b>Author</b>
B1	Maria Grujicic
B2	Georgie Sinclair
B3	Ciaran Abbey
B4	Barrie Collins
B5	Sonja Pastor
B6	Nick Kirlew (Plan - Planning Action Network Inc)
B7	Tim & Rubia Stanaway
B8	Boyd Sargeant
B9	Nicholas Gouldhurst
B10	Hiltrud Kivelitz
B11	Helen Secretary
B12	Nancy Batenburg and Vanessa Kaye
B13	Carolyn Marriott
B14	Margaret Clinch
B15	Anthony Whitfield (CEO, Larrakia Development Corporation)
B16	Power and Water Corporation (Power)
B17	Power and water Corporation (Water)
B18	Airport Development Group
B19	Transport and Civil Infrastructure – Department of Logistics and Infrastructure
B20	Passenger Transport - Department of Logistics and Infrastructure
B21	Development Coordination, Land Resources Division - DLPE

**From:** [Maria Grujicic](#)  
**To:** [Planning NTG](#)  
**Subject:** Re: PA2025/0161 – Lot 4806 Bagot Road, Ludmilla  
**Date:** Tuesday, 17 March 2026 8:55:54 PM

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# Written Submission – PA2025/0161

## Proposed amendment to NT Planning Scheme – Lot 4806 Bagot Road, Ludmilla

To whom it may concern,

I am writing to make a submission regarding the proposal to amend the NT Planning Scheme and rezone part of Lot 4806 Bagot Road from **CL (Community Living)** to **C (Commercial)**.

I appreciate the opportunity provided through the planning exhibition process for members of the public to provide feedback on proposals that may significantly affect the surrounding community, environment and long-term character of the area.

### 1. Environmental and hydrological considerations

The land in the Ludmilla / Bagot area forms part of a low-lying landscape that plays an important role in **stormwater absorption and drainage during the wet season**. Large areas of this land function as natural sponge or detention areas that help slow and absorb rainfall before it reaches surrounding suburbs and creeks.

Rezoning and development that significantly increases **hard surfaces such as buildings, roads and car parks** may alter the natural drainage function of the site and increase runoff into surrounding areas.

Given Darwin's intense rainfall events, the hydrology of the site should be carefully assessed before any rezoning that could enable large-scale commercial development.

### 2. Amenity and character of the locality

The existing bushland contributes to the **environmental and visual character of the Ludmilla area**. It provides habitat for wildlife, open space values and an important green buffer between surrounding neighbourhoods.

Large commercial developments such as service stations, fast food outlets and major car parking areas may substantially change the character of the locality and introduce:

- increased traffic
- noise and lighting impacts
- loss of existing vegetation.

These impacts should be carefully evaluated in terms of their effect on the **amenity of**

surrounding residential areas.

### **3. Cultural and community context**

The land sits within a broader cultural and community landscape connected to **Bagot Community and the surrounding Ludmilla area**.

Any development proposal should carefully consider how the land is used socially and culturally by local residents and ensure that planning decisions are made with full awareness of these relationships to place.

Planning decisions should balance economic opportunities with the protection of **community wellbeing, environmental values and cultural context**.

### **4. Suitability of the site**

Given the environmental characteristics of the site, including its low-lying landscape and ecological function, it is important to consider whether **intensive commercial zoning is the most appropriate long-term use**.

Once land is rezoned to commercial use, it opens the possibility for a wide range of future developments that may permanently alter the landscape.

For this reason, caution should be exercised before making a planning scheme amendment that could significantly change the planning framework for this site.

### **5. Public interest**

The planning system exists to balance development opportunities with the long-term interests of the broader community.

Given the potential environmental, hydrological and amenity impacts of this proposal, it is important that the Authority carefully considers whether the rezoning is in the **long-term public interest**.

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### **Conclusion**

For the reasons outlined above, I respectfully request that the Planning Authority carefully consider the environmental, hydrological, community and amenity impacts of this proposal before proceeding with any amendment to the NT Planning Scheme.

Thank you for considering this submission.

Kind regards,  
Maria Grujicic  
Darwin resident

**From:** [Karina Georgie Middleton Sinclair](#)  
**To:** [Planning NTG](#)  
**Subject:** PA2025/0161 – Submission  
**Date:** Tuesday, 17 March 2026 9:31:01 PM

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Dear Planning Authority,

I am writing to make a submission regarding PA2025/0161 – Lot 4806 Bagot Road, Ludmilla.

I am concerned about the proposed rezoning from Community Living to Commercial.

In particular, I would like the Authority to carefully consider:

The flood risk and drainage role of this low-lying land

The loss of green space and wildlife habitat

The impact on the character and amenity of the surrounding area

The long-term suitability of this site for intensive commercial development

This area plays an important role in the local environment and community, and once rezoned, these changes may be permanent.

I respectfully ask that these concerns be carefully considered before any decision is made.

I am also concerned about flooding during the wet season and the destruction of green spaces.

Thank you for the opportunity to provide a submission.

Kind regards,

Georgie Sinclair

Wagaman

**From:** Ciaran Abbey <ciaranabbey22@gmail.com>

**Sent:** Wednesday, 18 March 2026 1:09 PM

**To:** Planning NTG <Planning.NTG@nt.gov.au>

**Subject:** PA2025/0161 – Submission

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Planning Authority,

I am writing to make a submission regarding PA2025/0161 – Lot 4806 Bagot Road,  
Ludmilla.

I am concerned about the proposed rezoning from Community Living to Commercial.

In particular, I would like the Authority to carefully consider:

The flood risk and drainage role of this low-lying land

The loss of green space and wildlife habitat

The impact on the character and amenity of the surrounding area

The long-term suitability of this site for intensive commercial development

This area plays an important role in the local environment and community, and once rezoned, these changes may be permanent.

I respectfully ask that these concerns be carefully considered before any decision is made.

Thank you for the opportunity to provide a submission.

Kind regards

Ciaran abbey

**From:** [bsnilloc@bigpond.com](mailto:bsnilloc@bigpond.com)  
**To:** [Planning NTG](#)  
**Subject:** PA2025/0161 Rezoning  
**Date:** Tuesday, 17 March 2026 10:17:24 PM

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Chair of the NT Planning Authority,

I am writing to make a submission regarding **PA2025/0161 – Lot 4806 Bagot Road, Ludmilla.**

I am concerned about the proposed rezoning from Community Living to Commercial.

In particular, I would like the Authority to carefully consider:

- The **flood risk and drainage role** of this low-lying land
- Extra **vehicular traffic, will impact upon the driving conditions of the area, increasing the risk to pedestrian movement, especially the Baggot Rd community.**
- The **loss of green space and wildlife habitat** \* The area houses a large colony of rare, Ghost Bats and other bat species, birds, reptiles and other mammals.
- The **impact on the character and amenity** of the surrounding area
- The **long-term suitability** of this site for intensive commercial development
- The area also has **contaminated debris**, namely **asbestos**
- **Emissions and noise, from jet aircraft**, will also impact upon the area.
- The area also, **enough supermarkets** within a few kilometres of the local area

This area plays an important role in the local environment and community, and once rezoned, these changes cannot be reversed.

Darwin has lost enough of its natural environment to developers.

I respectfully ask, my concerns, be carefully considered, before any final decision is made.

## Barrie

Barrie Collins  
1 Kerin Pl  
Rapid Creek

NT 0810  
0417111729

## **Submission on Proposed Amendment to the Northern Territory Planning Scheme**

### **PA2025/0161 – Bagot Community**

#### **Introduction**

This submission concerns the proposal to amend the Northern Territory Planning Scheme in relation to part of Lot 4806 at Bagot Community. The application, accepted for exhibition following submission by June D’Rozario & Associates, proposes to rezone part of Lot 4806 from Zone CL (Community Living) to Zone C (Commercial) and to amend the Darwin Mid Suburbs Area Plan to identify the site as a secondary activity centre.

The amendment would enable commercial development including a supermarket, shops, fast food outlets, service station, medical clinic, gymnasium, offices, childcare and associated parking within Bagot Community, converting land currently zoned for Community Living within an Aboriginal community area to commercial zoning.

Rezoning land within an Aboriginal community from Community Living to Commercial represents a substantial shift in the intended use of land from community-based purposes toward commercial activity. Such a change requires clear strategic justification, transparent planning rationale, and evidence that the proposal is supported by and beneficial to the community.

#### **Lack of clear explanation of the current land use**

The explanatory document identifies the site as part of Lot 4806 within Bagot Community and notes that it is currently zoned Community Living. However, the document does not clearly explain the current use of the land or the role it presently plays within the Bagot community.

Where land is zoned Community Living, the key planning question is whether the land currently supports housing, cultural, community or social functions associated with that zoning. The explanatory document does not provide a clear description of existing land use or explain how the proposed commercial centre would interact with or replace current uses. Without this information it is difficult to assess the planning merits of the proposed rezoning.

#### **Loss of Community Living land**

Zone CL is intended to support residential and community-based activities within community living areas. In this case the land sits within Bagot Community, an Aboriginal community area, where the Community Living zoning reflects land intended primarily for community housing, social infrastructure and activities serving the needs of residents.

The explanatory document does not clearly demonstrate why land within this Aboriginal community area should instead be converted to Commercial zoning.

Importantly, some of the uses identified in the proposal, including small-scale retail and community services such as medical facilities or childcare, may already be capable of being considered within the Community Living framework where they serve the needs of residents. The explanatory document does not explain why these uses cannot be accommodated within the existing zoning.

Instead, the proposal seeks a full conversion of Community Living land within Bagot Community to Commercial zoning in order to facilitate a broader range of commercial development including fast food outlets, a service station and other intensive commercial uses. The planning rationale for such a significant change to the zoning framework within an Aboriginal community area has not been clearly demonstrated.

Commercial zoning also creates conditions under which external commercial development proposals may be pursued on land that is currently intended for community living purposes. While rezoning does not itself change land ownership, it enables development arrangements such as commercial leasing or partnerships with private developers that may alter how land within the community is used and controlled. This further underscores the need for clear strategic justification and transparent consideration of the implications for Bagot Community before such a rezoning is considered.

In the absence of clear strategic justification, the proposed rezoning risks establishing a precedent for the progressive loss of land intended for community living purposes within an Aboriginal community.

### **Limited planning analysis of impacts**

The explanatory document primarily describes the proposed uses rather than analysing their impacts. Development including a supermarket, service station, fast food outlets and other commercial activities would likely generate substantial vehicle movements and increased pedestrian activity.

The exhibited material does not appear to provide detailed analysis of traffic generation, road capacity, pedestrian safety, or the interface between commercial uses and surrounding residential areas. These matters are normally central to the assessment of new activity centres.

Without supporting transport, amenity and infrastructure analysis, the planning implications of the proposal remain unclear.

### **Amendment to the Darwin Mid Suburbs Area Plan**

The proposal also seeks to amend the Darwin Mid Suburbs Area Plan to identify the site as a secondary activity centre. This represents a significant strategic planning decision rather than a minor zoning adjustment.

Designation of an activity centre normally requires evidence regarding catchment demand, impacts on existing centres, infrastructure capacity, and long-term land use planning objectives. The explanatory document does not provide this level of strategic assessment.

### **Conclusion**

The proposal seeks to convert land currently zoned for Community Living to Commercial zoning and to designate the site as a secondary activity centre.

The exhibited material does not provide sufficient explanation of the current land use, the strategic need for a commercial centre at this location, or the implications of introducing commercial zoning within Bagot Community.

Further justification and analysis would be required before such a rezoning could be considered on sound planning grounds.

**Rezoning Application PA2025/0161 – Bagot Community (Part Lot 4806)**

Tim & Rubia Stanway

1 Tudawali Street, Ludmilla 0820

0417 812 371

timjstanway@gmail.com

**Date: 6 April 2026**

To:

The Secretary

Development Consent Authority (DCA)

GPO Box 1680

Darwin NT 0801

Email: [developmentassessment.dlpe@nt.gov.au](mailto:developmentassessment.dlpe@nt.gov.au)

29/03/2026

To **The Chairman** Darwin Division, Development Consent Authority GPO Box 1680  
Darwin NT 0801

**Attention:** Development Assessment Services (DAS) **Email:** [das.dipl@nt.gov.au](mailto:das.dipl@nt.gov.au)

**Application Number:** PA2025/0161

**Location:** Lot 4806 (133) Bagot Road, Ludmilla

**Proposal:** To rezone from Zone CL (Community Living) to Zone C (Commercial)

PLan submission: 133 Bagot Road Proposal (Lot 4806)

## 1. Project Overview

Proponent: June D'Rozario & Associates on behalf of Bagot Community Inc.

Location: Part of Lot 4806 (approx. 5.0 ha), 133 Bagot Road, Ludmilla.

Proposed Amendment: Rezone from Zone CL (Community Living) to Zone C (Commercial) to facilitate a 10,650 m<sup>2</sup> commercial hub including a supermarket, service station, and medical clinic.

## 2. Review of Key Subjects

### 2.1 The "Need" Argument

Proponent's Claim: Argues a "catchment gap" exists for supermarket services between Darwin City and Nightcliff.

Strategic Alignment: Claims the site is identified as a potential "secondary activity centre" in the Darwin Mid Suburbs Area Plan.

The proponent uses the signing of a "national operator" as evidence of commercial demand.

"The proponent's logic relies on a circular paradox. By simultaneously seeking to amend the Strategic Framework (DMSAP) and then claiming the rezoning is 'not contrary' to that framework because the framework is being changed, the proponent is effectively bypassing the statutory protections of the Planning Act.

Furthermore, relying on the 2015 Regional Land Use Plan - a high-level document now 11 years old - while ignoring the specific, contemporary protections of the Darwin Mid Suburbs Area Plan is a retrograde step that ignores a decade of urban planning evolution in Darwin."

## **2.2 The "Threat of Loss" Argument**

The proponent claims the community is under "threat of losing its land" due to debt.

PLan believes the lease is held by Bagot Community Incorporated, an Aboriginal-owned corporation that manages the land and the community's affairs. Further that the lease is a Crown Lease in Perpetuity (granted for Aboriginal communal purposes).

If the land is held under a specific title (like the Aboriginal Land Rights Act or a specific Community Living Area lease), the "threat of losing it" to a debt collector is often legally complex or impossible in the way they are implying.

The proponent has not provided any proof of this "threat." If they cannot produce a legal notice of foreclosure or a specific statutory threat, then the entire premise of the "economic necessity" argument could be considered a manufactured crisis.

## **2.3 Economic Impact Assessment (EIA) Status**

The applicant explicitly states that an EIA is not required for this application.

The proponent contends that because the land is already strategically identified for potential retail, the "need" has been pre-established by the government.

This avoids detailed economic modelling that would account for more recent local developments.

## **2.4 Conflict with the Kulaluk Approval**

The approved Kulaluk (Lot 5182) development is less than 1km away and used identical justifications regarding the "void" in services.

## **2.5 The "Historical Guilt" Diversion**

The mention of the Kahlin Reserve, the military hospital, and the reduction from 280 ha to 23 ha is historically accurate, but could be considered legally irrelevant to a 2026 rezoning application.

This is known as an appeal to pity. The proponent is suggesting that because the government "eroded" the land in the past, the government must now "grant" a commercial rezone as compensation.

It is Plan's understanding that planning law is prospective (future-looking), not restorative (righting historical wrongs). The DCA's mandate is to ensure the orderly and

proper planning of the Darwin Mid Suburbs now. Past land excisions do not change the fact that putting two supermarkets 500m apart may cause commercial blight.

## 2.6 The "Minimal Adverse Effect" Fallacy

The claim that the quality of life for those outside the community "will not be affected" is an extraordinary assertion with zero data to back it up.

- The Traffic Contradiction: You cannot add a 10,650 m<sup>2</sup> commercial hub and "sizeable parking" adjacent to what may become one of Darwin's most congested intersections (Bagot/Fitzer) and claim there is "minimal effect" on the thousands of commuters who use that road daily.
- By adding lights at the Bagot Community entrance, the proponent is effectively undoing the 40-year-old strategic intent of the Bagot Road flyover, which was to keep this road as a dedicated, high-flow transit corridor.
- The Retail Contradiction: If the "local community" (Ludmilla/Coconut Grove) already has a supermarket approved at Kulaluk, adding a second one nearby doesn't "improve quality of life" - it creates a risk of two half-empty, failing centres.

## 2.7 Cumulative Traffic Impact

Baseline Data: The proponent relies on 2024 traffic data and a Traffic Impact Assessment (TIA) that focuses on the site in isolation.

**Technical Gap:** The current TIA does not appear to model the combined traffic load of both 133 Bagot Road and the approved Kulaluk development at the Fitzer Drive/Bagot Road "Black Spot" intersections.

Without accounting for the Kulaluk baseline, the modelling for future grid saturation may be considered flawed.

The most critical part of this text is the admission that the development will lead to ***"an increased risk of intersection crashes."***

It is Plan's belief that in planning law, a development that knowingly increases the risk of crashes is almost impossible to justify.

The Median Width Issue: The report admits the median isn't wide enough to "safely store" turning cars. This is a physical constraint that cannot be fixed by just "painting lines" on the road.

The proponent relies heavily on 2024 traffic data. For a rezone that will not be fully operational for several years, using data that does not account for the Kulaluk "baseline" or 2026/27 growth projections is an unresolved issue.

## 2.8 Hydrology and Water Management

Infrastructure Constraints: Existing water and sewer piping on-site is "undersized" and requires substantial upgrades.

Stormwater Strategy: Proponents argue minimal impact due to the site's "disturbed nature," but there is no cumulative assessment for the Ludmilla Creek catchment.

There is a lack of detailed modelling showing how 5.0 ha of new impervious surfaces (car parks) will affect local flooding or storm surge vulnerability for the wider Bagot Community.

Engineering Reports: There is a reference to "Engineering Plans and reports". We are unable to locate these.

## **2.9 "Darwin's Last Living Creek" (The Ludmilla Status)**

Recent PPlan reports and Landcare NT data identify Ludmilla Creek (the direct recipient of runoff from 133 Bagot Road) as the last natural, non-channelised tidal creek system in Darwin's mid-suburbs.

Habitat Mosaic: Content from the Environmental Significance of the Kulaluk–Minmarama Lands report identifies this area as a "habitat mosaic." Even if 133 Bagot Road has weeds, it is functionally connected to mangroves, seasonal wetlands, and eucalypt woodlands.

Species Record: Existing records for the immediate Ludmilla/Kulaluk corridor (which includes your site) show over 160 bird species, including:

Predators: Black Kites, Brown Goshawks, and Blue-winged Kookaburras.

Specialists: Paperbark Flycatchers and migratory shorebirds that rely on the intertidal zones just 500m away.

Larrakia Rangers: Work currently being done by the Larrakia Rangers and Landcare NT (backed by the \$3.82M Darwin Harbour Catchment Waterways Project) treats this entire area as a high-priority restoration zone, not a "disturbed" waste site.

## **2.10. Spatial Relationship**

The Lot's Location: The proposed commercial site is on the "high ground" of the community land, immediately adjacent to the Bagot Road / Fitzner Drive corner.

The Creek's Location: Ludmilla Creek sits approximately 600–800 metres to the West/Northwest. The western boundary of the total 23-hectare Bagot Community land actually borders the tidal mangroves and drainage lines that feed directly into the creek system.

The Connection: It is reasonable to assume all stormwater and surface runoff from the 5-hectare commercial development (which will be largely asphalt and rooftops) will

flow westward across the remaining Bagot Community land and discharge directly into the Ludmilla Creek mangroves.

### **2.11 The "Invisible" Overlays**

While the proponent asserts the land is clear, the Northern Territory Planning Scheme 2020 overlays reveal:

**Primary Storm Surge Area (PSSA):** Large portions of the adjacent Kulaluk lands (Lot 5182)—separated only by the width of Fitzer Drive—are officially mapped within the 100-year PSSA. It is hydrologically improbable that the 133 Bagot site is entirely immune to the same regional surge risks during a major event (e.g., a Cyclone Carlos-scale storm).

**Land Subject to Flooding (LSSS):** Official Darwin flood mitigation reports identify a "low point" on Bagot Road near this intersection. In major rainfall, runoff from the airport and the Narrows converges here before flowing west toward Ludmilla Creek.

A common developer strategy is to propose filling the 5.0-hectare site to raise it above the flood level. However, this creates a new set of problems:

**Displacement:** Raising 5 hectares of land creates a "hydrological dam." Water that previously soaked into or moved across that land will be displaced onto the remaining 23 hectares of the Bagot Community or downstream toward Ludmilla residents.

**Impervious Surface:** Converting 5 hectares of bush/soil into a commercial asphalt carpark will exponentially increase the velocity and volume of stormwater runoff, potentially overwhelming the "undersized piping" the proponent already admitted exists on the site.

### **2.12 Urban Heat and Canopy Loss Data**

A look at the Greening Darwin Strategy (2021) and the CSIRO Darwin Living Lab data reveal:

**33% Canopy Loss:** Darwin lost roughly 1,300 hectares of canopy between 2016 and 2021.

**The "Green Spine":** 133 Bagot Road is part of what scientists call the "Green Spine" of the mid-suburbs. The removal of even "weedy" vegetation on 5 hectares of land will contribute to the measurable "Urban Heat Island" effect in Ludmilla, where temperatures are already rising faster than the regional average.

### **2.13 Noise**

Australian Noise Exposure Forecast (ANEF) restrictions.

The proponent is essentially trying to argue that they can use the parking lots as a "noise shield" to squeeze sensitive buildings into the quietest corner of the lot. For a project of this scale (10,650 m<sup>2</sup> GFA plus required parking), this is technically and spatially highly questionable.

Given its location at the Bagot Road / Fitzer Drive corner (directly under the airport's primary approach/departure paths), the 25 ANEF contour likely covers a significant portion, if not the majority, of the site.

Here is the breakdown issues:

The ANEF 25 "Red Line"

Under AS 2021 (the standard they cited), ANEF 25 is a critical threshold.

The Issue: This version of the standard is 26 years old. The current version is AS 2021:2015.

PLan requests the proponent use the 2015 (or latest) standard, which is what the Darwin International Airport 2023 Master Plan uses for its own noise modelling.

Childcare Centres: In zones above ANEF 25, childcare centres and schools are classified as "Unacceptable." The proponent claims they can move the buildings to a <25 ANEF area. However, for a childcare centre, the planning authority must also consider the outdoor play areas. If the playground is in the >25 ANEF zone, the development is often refused regardless of where the building sits.

### 3. Conclusion

PLan requests that the Authority refuse this application until the mentioned issues are resolved and outstanding information be provided.

The primary technical weakness in the 133 Bagot Road proposal is the absence of a fresh EIA and cumulative traffic study that accounts for the Kulaluk approval.

Further use of an outdated Australian Standard for Aircraft Noise modelling is of concern:

1. **AS2021:2015 (Acoustics - Aircraft Noise Intrusion):** This Australian Standard is a referenced document under the NT Planning Scheme (Schedule 5) used to determine the acceptability of building sites based on noise exposure forecasts (NEF).
2. **Clause 2.8 (Reference to Guidelines):** This clause states that any guideline listed in Schedule 5 is a relevant consideration for the consent authority.
3. **Overlay 3.1 (Airport Environs):** This is the primary mechanism that applies aircraft noise constraints to specific parcels of land. It requires that development

within an ANEF (Australian Noise Exposure Forecast) contour must be consistent with the building site acceptability standards.

Finally, by relying on older strategic frameworks, the proponent avoids addressing whether the local market and infrastructure can sustain two major centres in such close proximity without significant commercial failure or traffic congestion.

*"Please provide a formal acknowledgement of receipt of this submission and confirm that it will be included in the reporting pack for the Darwin Division of the Development Consent Authority."*

**Yours sincerely,**

**Nick Kirlew**

Convener **PLan: the Planning Action Network Inc** **M:** 0447 499 794 **E:** [nick@planinc.org.au](mailto:nick@planinc.org.au) **W:** [www.planinc.org.au](http://www.planinc.org.au)

**RE: OBJECTION TO REZONING APPLICATION PA2025/0161 – BAGOT COMMUNITY (PART LOT 4806)**

Dear Secretary and Members of the Authority,

My wife and I live in Ludmilla near the corner of Tudawali and Daniels Street. Since moving in last year, we've put a lot of time and effort into improving our home and settling into the neighbourhood.

We recently became aware of the proposal to rezone part of the Bagot Community land for a commercial centre, including a supermarket, service station and fast-food outlet. This area is extremely close to our home — only about 100 metres away.

We strongly object to Rezoning Application PA2025/0161 for the following reasons:

- **Traffic congestion and safety** – The Bagot Road intersection near the Bagot Community entrance is already difficult and unsafe. A major commercial centre will increase traffic, truck movements and turning conflicts, further endangering residents and road users.
- **Loss of residential amenity** – A commercial precinct so close to homes will bring noise, lighting, car-park activity and waste-collection disturbances at all hours. This does not align with the quiet residential character of Ludmilla.
- **Duplicated development pressure** – Another commercial development of almost identical scale (PA2025/0441) is proposed only 400 metres away on the bush block behind McDonald's. Two supermarket-anchored commercial centres so close together will place unnecessary pressure on the area and significantly affect surrounding residents, including those on Tudawali and Daniels Street.
- **Environmental impacts** – The proposed development will involve removal of vegetation and open space within the Bagot Community boundary. This will add more concrete, more heat, and reduce green space in an already hot and dense section of Ludmilla.

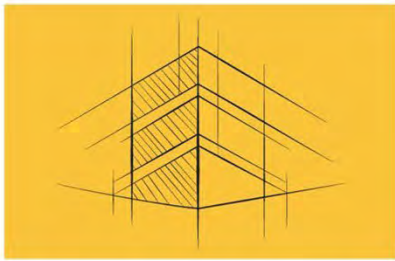
Being positioned between two commercial developments will have a major negative impact on our residential area. Ludmilla does not need two competing commercial centres within a few hundred metres of each other. What the community needs is sensible planning that protects both residential amenity and the remaining green spaces.

We respectfully ask the Authority to refuse Rezoning Application PA2025/0161.

Thank you for your consideration.

Regards,

Tim Stanway & Rubia Stanway



# SARGEANT PLANNING

TOWN PLANNING  
ENVIRONMENTAL IMPACTS  
URBAN DESIGN

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NT Planning Commission

9 April 26

GPO Box 1680

DARWIN NT 0801

**PA2025/0161**

**Rezone Part Lot 4806**

**From CL (Community Living) to C (Commercial)**

I refer to the above application and make the following objection to the proposed amendment to the Locality Plan and Existing Zones.

## **1.0 Introduction**

It is understood the proposal seeks to;

- Amend the Northern Territory Planning Scheme by designating a portion of approximately 5.0 ha of Lot 4806 as a secondary activity centre in the Darwin Mid Suburbs Area Plan; and
- Amend the Northern Territory Planning Scheme by rezoning the 5.0 ha portion of Lot 4806 from Zone CL (Community Living) to Zone C (Commercial).

Lot 4806 is an approximate 23ha parcel of land zoned Community Living (CL) in the Darwin suburb of Ludmilla. The land, hereafter referred to as "the site" accommodates the Bagot Community. The Bagot Community, an historic aboriginal reserve established in 1938, is now managed by the Bagot Community Council, which is part of the Bagot Aboriginal Corporation.

The community consists of 56 residential dwellings, which are serviced by a formal two lane road, sewer, water and electricity. The Bagot Community Clinic, operated by Danila Dilba Health Services, provides comprehensive, culturally appropriate primary health care to Indigenous families in the Darwin area. Located in Ludmilla, it offers GP appointments, nursing services, social and emotional wellbeing support, chronic disease management (including diabetes), pharmacy, dietetics, and child counselling.

It is reported that the sites population varies seasonally with the "wet" resulting in increased site population. This increase is reported as resulting in overcrowding and other social issues. The site dwellings typically are of an age

which does not support equitable access and mobility disadvantaging elderly or those with a mobility issue. The dwellings also due to age require increased maintenance.

The community is bound by the residential areas of Ludmilla on 3 sides and Bagot Rd to the west, which provides access to the community.

The recent Living on the Edge Town Camps review of the Bagot Community found;

- The sewer network generally does not comply with relevant standards as the pipe size is too small
- The water network does not comply with relevant standards due to undersized pipe
- Estimated costs of infrastructure upgrades required to meet current design standards is circa \$4.61 million
- 18% of houses in Bagot were considered below average the cleanliness of all of the properties presents a serious concern from a health and wellbeing perspective
- The estimated cost to upgrade the current housing assets in Bagot to meet the standards of the Residential Tenancy Act, is \$6.04 million
- Economic development opportunities are extensive
- Most respondents appear to align with Western aspirations of housing and employment opportunities
- Private investment opportunities are highly likely
- There are no pathway for home ownership due to land and leasing requirements

We in detailing this acknowledge the date of the report, 2017, and acknowledge works within the community in regard to housing and security/fencing.

The report from consultation also found a “realisation by both young and old generations that Bagot community could ultimately develop into a safe village environment, supporting current and future generations to remain connected to this community, and for visitors to respect the rules and uphold the wishes of the community with appropriate behaviour and paying their way”.

The report identifies development of part of the site “but it is essential that these development opportunities are contingent upon the development of the Aboriginal people”.

Any private investment requires certain criteria to be filled before investment opportunities will realistically be pursued. This criteria includes:

- Certainty of ownership
- Commercially viable income streams
- Active market for any equity interests When the above criteria is satisfied financial institutions and investors are in a position to provide financial and investment opportunities.

The on The Edge report found that “the Bagot community currently does not meet the criteria for private investment opportunities into housing or infrastructure. The land and leasing structure provides no certainty of ownership. The difficulties in obtaining contributions from residents’ means that potential income streams are not commercially viable. The leasing structure also makes active markets for any equity interest highly unlikely. The positioning of the Bagot community means that there is likely interest in purchasing the land if the leasing structure allowed it. It is unlikely that there will be private sector investment until there are changes that impact upon the above criteria.

In summary the report finds the community/site;

- Requires significant investment to upgrade essential infrastructure to current standards;
- Requires significant investment to modernise and make safe/equitable current housing
- Requires significant investment to meet housing demand
- Requires significant investment to train/up skill residents for meaningful employment.

These are not unique to the Bagot Community.

#### 1.1 Commercialisation for Debt Relief

As is detailed and known, Bagot Community Inc has been in voluntary administration since 2015. This situations which led to this are not relevant to the application. The basic premise in the application is;

The sale of land/development of the land is to fund debt repayment and or provide an income stream to the community.

These commercial considerations are just that, commercial considerations and have no foundation in the Act and or Planning Scheme. The approach of sale of land to repay debts is not new or uncommon nor unexpected. It is however one dimensional in respect.to the current situation.

The Planning Scheme is not an instrument to used to solve commercial failings/mismanagement. This application should it be approved weakens the integrity, purpose, and consistency of the planning system.

Whilst commercialisation of part of the site may assist in meeting some of these costs it;

- Removes land for the community to grow and met its intended purpose
- Ignores establishment costs for any new development and required upgrades to services
- Provides no certainty as to viability of any changed landuse
- Provides no certainty on any change(positive/negative) to residents physical and cultural wellbeing
- Provides no certainty on timeframes by which any tangible benefit would arise to the community
- Has not been demonstrated that any lease/change in zone would remedy structural funding, debt, governance issues of the entity.

- Enables private interests to prevail of the broader community expectations and foundation of the planning system.

It is clear that at the time of the report 2017, over \$11 million dollars was required purely on site upgrades, repairs maintenance. This figure did not address community aspirations, home ownership nor community advancement.

Eleven million dollars (\$11M), clearly is insufficient at today's current construction costs. Construction costs have increased over this 9yr period by 40% to 50% (ABS) resulting in this figure being equivalent to approximately \$16M in today's dollars.

Any proposition, that commercialisation of part of the site delivers "economic independence / self reliance" or greater self reliance is disingenuous as the development of the land is uneconomic unless aspirational and essential improvements are significantly delayed and or forgone. No private development would or could occur with this liability.

This significant capital investment is a liability of successive governments and under investment. To manipulate the planning framework and scheme to deliver commercial zoning, undermines confidence in the Planning Act and governance.

While planning systems aim to balance community, social, environmental, and economic needs, "spot zoning" or tailoring amendments for individual profit over strategic planning undermines the long-term goals of the scheme and purpose of the Planning Act.

## 2.0 The Application

The application seeks to development 5ha of the site for commercial development and community purposes, including a supermarket, small shops, fast food, service station, medical clinic, gymnasium, offices, childcare centre and car parking.

As is noted the application extent exceeds the 5ha area when the proposed and or required buffers are included. An approximate 6ha application area is proposed when the buffer is included. This buffer is as is stated in the application to buffer the change in use to commercial. Accordingly 6ha is to be rezoned as a minimum.

We also note the description identifies community purposes as being incorporated into the application. It is unclear as to the extent or what this constitutes. The application identifies that the development as indicated in the concept is to be leased for commercial purpose.

We note there is no specific 'community purposes' use under the NT Planning Scheme schedule 2.

To enable the specific listed landuses the application seeks to

- Amend the Northern Territory Planning Scheme by designating a portion of approximately 5.0 ha of Lot 4806 as a secondary activity centre in the Darwin Mid Suburbs Area Plan; and

## 2.1 Darwin Mid Suburbs Area Plan

The DMSAP forms part of the Strategic Framework of the NT Planning Scheme. The DMSAP is discussed in detail in section 3.2.

We note that the Darwin Mid Suburbs Area Plan(DMSAP) is as the name suggests a plan specific to the Darwin Mid Suburbs Area Plan. The Area Plan is the culmination of six months of community consultations and extensive infrastructure studies focused on ensuring future land use keeps pace with the changing needs of a growing community. The plan adopted in 2016 has been reviewed against multiple development application over this period and has been periodically amended. The DMSAP provides a practical framework to guide and manage change into the future.

As is noted, it is a long term plan that sets a vision for the area over the next 50 year. The document is integrated with the Current Planning Scheme and other planning document such as the Northern Territory Compact Urban Growth Policy.

The DMSAP contains a Plan for Land Use which outlines a detailed direction for land use in the area. It nominates the site for Residential Purposes. We note the DMSAP also nominates the location suitable for Activity Centres and Commercial. The site is not mapped for Activity Centres and Commercial use.

- Amend the Northern Territory Planning Scheme by rezoning the 5.0 ha portion of Lot 4806 from Zone CL (Community Living) to Zone C (Commercial).

## 2.2 Zoning

The site is currently zoned CL Community Living.

The purpose of the CL zone is to

*'Provide for community living that provides, temporary and permanent accommodation, and non-residential facilities for the social, cultural and recreational needs of residents.'*

We acknowledge other non residential uses may occur to meet the needs of residents and visitors. This would also imply a limited scale and intensity of any such use.

## 3.0 **Planning Act 1999**

The Planning Act 1999 (NT)(hereafter the Act) is the primary legislation regulating land use, development, and planning in the Northern Territory. It establishes the NT Planning Scheme, the Development Consent Authority, and the Planning Commission, aiming to ensure sustainable development and protect the environment.

Importantly and as is stated in s2A, the Act establishes, the;

**system to facilitate planning for the orderly use and development of land**(emphasis added) to achieve the following objectives:

- (a) to ensure that strategic planning is applied to planning schemes and implemented in individual planning decisions.
- (b) to ensure that strategic planning reflects the wishes and needs of the community.
- (c) to ensure that appropriate public consultation and input are included in the formulation of planning schemes and the making of decisions under planning schemes;
- (d) to ensure that the planning system is clear, comprehensive, effective, efficient and accessible to the community.
- (e) to promote the sustainable development of land.
- (f) to promote the responsible use of land and water resources to limit the adverse effects of development on ecological processes.
- (g) to maintain the health of the natural environment and ecological processes;
- (h) to protect the quality of life of future generations;
- (i) to assist the provision of public utilities, infrastructure and facilities for the benefit of the community;
- (j) to promote the good design of buildings and other works that respects the amenity of the locality;
- (k) to assist the conservation and enhancement of places, areas, buildings, other works and landforms that are of cultural, aesthetic, architectural or historical value;
- (l) to respect and encourage fair and open decision making.

The key aspect raised by the Act and for development to be assessed /measured against is clearly stated in the purpose. That is development is to be orderly. This concept is considered widely in case law and across various jurisdictions all with complimentary findings.

### 3.1 Orderly and proper planning

The meaning of the phrase 'orderly and proper planning' explained by the WA Supreme Court in Marshall v Metropolitan Redevelopment Authority emphasising the requirement that '**... to be orderly and proper, the exercise of a discretion within the planning context should be conducted in an orderly way – that is, in a way which is disciplined, methodical, logical and systematic, and which is not haphazard or capricious**'.

The spot rezoning of CL land for Commercial uses and change to the DMSAP fails to be orderly and the application has not demonstrated a methodical logical or systematic approach for the rezoning of this specific piece of land as required;

The application has not identified the methodical, logical or systematic approach to warrant rezoning of this specific piece of land. It has not considered

- any other zone that may be suitable to the subject land nor provided reasons for the appropriateness of the commercial zoning over these and or its current designation as residential; and
- the effect of the change in zoning on other currently zoned commercial land;
- the effect of the change in zoning on the retail hierarchy established under the Scheme and subordinate Strategic planning policies and Strategic land use plans
- the effect of the change in zoning on the balance of the site and or that of the adjoining land

- the effect of the change on infrastructure and unforeseen/unplanned costs from the change

In this context the proposed change is unable to demonstrate orderly use and development of the land.

The 'piecemeal' approach to the development of the site, is inconsistent with orderly and proper planning.

The application seeks to ignore this first principle raised in the Act and justify the use in isolation of the Act and Scheme in its totality.

The Act reinforces the principle of orderly development and strategic planning in the first listed objective of the Act, s2A which states;

- (a) to ensure that strategic planning is applied to planning schemes and implemented in individual planning decisions;*

Failure to strategically plan and promote orderly development results in disorderly or inconsistent landuses that can

1. detrimental amenity and character impacts on site and to the surrounding area
2. give rise to urban blight
3. Impacts and additional costs on infrastructure and infrastructure provision
4. Increase risks to safety from traffic
5. Affect property prices
6. Distort markets and rents
7. Undermine the overarching strategic objective and plans
8. Diminish community confidence in the planning process and value of plans
9. Give rise to consistent uses not proceeding and reducing economic sustainability

We note the Scheme and subordinate Strategic Policies and Strategic Land Use Plans are recent instruments under the Act, having been developed in consultation with the wider community. The applicant has failed to outline sufficient planning grounds to deviate from the current Act and Scheme purpose and objectives.

The applicant has failed to outline any other relevant matters which require the proposed changes and then weigh these objectively against the overriding legislative framework supporting orderly development.

### **3.2 NT Planning Scheme 2020**

The principal instrument of the Act is the NT Planning Scheme and subordinate plans. The current version of this is the NT Planning Scheme 2020(The Scheme). The Scheme dictates how development applications are assessed, approved, and regulated. It provides the legal framework for zoning and land-use rules, ensuring development occurs in an orderly manner. This is further discussed in in Section 3

We note the site is designated as CL Community Living under the NT Planning Scheme. The Zones purpose is as outlined in s4.9 of the Scheme to;

*'Provide for community living that provides, temporary and permanent accommodation, and non-residential facilities for the social, cultural and recreational needs of residents'*

As noted the application seeks to rezone 5ha of the CL land to C Commercial.

The proposal requires a assessment as to whether the proposal is acceptable. This includes the forward planning . The importance of strategic forward planning has long been recognized and is explored in *Harderan v Logan City Council*. The courts have also held that in respect to matters of planning policy and strategic forward planning the proper approach is restraint *Grosser & Anor v Council of the City of Gold Coast*.

### 3.2.1 Purpose of the Planning Scheme s1.3

The NT Planning Scheme states that its purpose is to

- (a) *further the Objectives of the Planning Act 1999;*
- (b) *establish the strategic planning framework to inform and guide all development in the Territory;*
- (c) *establish controls to guide development; and*
- (d) *provide a clear framework for the assessment and determination of development applications.*

When assessing proposals the planning scheme is to be interpreted and applied in accordance with its interpretative provisions.

In dealing with s1.3(a) development is to further the objectives of the Act which is based upon delivery of orderly development. In furthering the Act the scheme is to also be read in its entirety and points (b-d) give additional guidance on outcomes sought and assessment.

The Strategic Framework Part 2

The Strategic Framework consists of planning policies and plans that promote the purpose and objectives of this Act and guide the development of land.

Relevant Strategic Framework Polices applicable to the site include the Compact Urban Growth Policy.

### 3.2.2 Strategic Planning Policies - Compact Urban Growth

This strategic framework policy seeks to encourage higher density residential proposals at appropriately located and serviced locations. The policy recognises population growth in urban areas has been predominately accommodated in new low density urban suburbs or larger rural lots. The policy recognises land is finite.

This policy is focused to facilitating higher density housing at appropriate localities in Darwin.

The site is large and largely undeveloped. The site is utilised for residential purposes. The site is located within an existing urban area and could enable higher density accommodation and housing options. Such housing and

dwelling types i.e. smaller lot housing, units, care facilities could be sought. Aspects relating to tenure /funding are beyond consideration of this application. We do note the Living on the Edge Town Camps Review has identified a number of legislative recommendations designed to improve housing options/availability on the site and home ownership i.e. Lands Act, Crown Lands Act and Residential Tenancies Act.

These legislative recommendations work with and would be complimentary to advancing the Compact Urban Growth Policy for this site and housing at the site.

Also complimentary to increased housing and housing density at the site and as sought under s4.1 of the policy is its proximity to public transport and an activity centre where commercial and community facilities are available.

- The site is within 400m of a bus stop;and
- The site is and is also within 400m of the recently approved Shopping Centre, within the SD37 at Fitzer Dr/Bagot Rd. We note the proposal seeks to largely replicate uses approved or contemplated under.

The proposal for commercial utilisation of part of the site **does not** accord with the purpose or objective of the Compact Urban Growth Policy.

The proposal seeks to insert a new commercial development/secondary activity centre and reverse apply/ manufacture compatibility of the proposed use with the existing residential area. The proposal does not contain nor deliver any housing.

As stated the policy seeks to encourage housing not commercial development.

The proposal sterilises and removes land that is available for housing and may also accommodate increased housing density/housing choice.

The proposal removes as stated 5ha which from a review of constraints is largely unaffected and capable of enabling dwellings/units/flats/hostel/nursing home uses being constructed to building code requirements. These dwelling /accommodation uses are sought through the Compact Urban Growth policy.

The proposal's 5ha application area, it is important to note is larger than the stated 5ha. The proposal as is stated also includes a 30m wide buffer. This buffer is not included in the application. This 30m wide strip is located along the northern boundary of the site. This equates to a further approximate 1ha of land to be removed from potential community living / residential use. The application omits this land from the application and does not attach/locate the buffer in the application nor shown in any plan.

No buffers are noted in the application to the balance internal areas of the site. It can thus be deduced that the intended future use of the balance area that surrounds the commercial use will need to incorporate buffers to it.

Accordingly the application effects at least 6ha of land.

The proposed secondary centre has not demonstrated full or even substantial compliance with the requirements of the Strategic planning policy of the Planning Scheme.

### 3.3.2 Strategic Land Use Plans- Darwin Regional Land Use Plan

The key purpose of this Darwin Regional Land Use Plan 2015 is to identify the essential characteristics and needs that will shape future development in the region and establish an overarching framework for that development. This document establishes the strategic direction for long term growth.

The plan incorporates a section addressing;

Land Use Structure: describing the overall structure of existing and future land use and development, discussing factors of influence in each land use category and highlighting constraints and opportunities

The site is identified on the Land Use Structure Plan as Urban/Perri Urban which is to accommodate urban development for a variety of housing types.

The plan also nominates activity centres and establishes the hierarchy of these and their distribution. The site is not nominated as an activity centre.

Significantly the Regional Plan states in respect to activity centres;

*'The land use plan recognises the need for an appropriate framework to guide the location and development of future centres to minimise the impacts on the existing hierarchy and to maximise the social, economic and environmental benefits .....*

*There is potential for new non-local centres in association with both greenfield and infill urban development. Determination of the appropriate location for required centres should be cognisant of the potential impacts on the role and function of both existing centres and the proposed centre. The preparation of more detailed Area Plans for such development will provide the opportunity to identify the scale and location of centres that will be appropriate in the context of the likely population capacity of the particular development.'*

The concept of strategically planning for orderly commercial development has foundation in the Regional Plan. It establishes the hierarchy and identifies aspects to be considered in a strategic manner for any changes new/out-of-centre commercial proposals.

We also note the regional plan identifies that further more detailed planning at an Area Plan level will be undertaken to further guide this commercial development and proposals for new or out-of-centre commercial development.

In this regard we note the Strategic Framework Darwin Mid Suburbs Area Plan and focus more on this more refined plan within the overall framework, but do not to diminish the role of the Regional Plan.

### 3.3.3 Strategic Land Use Plans – Darwin Mid Suburbs Area Plan(DMSAP)

The site is as noted located in the Darwin Mid Suburbs Area Plan under the Strategic Framework. The DMSAP It is a long term plan that sets a vision for the area over the next 50 years. The Area Plan provides a detailed land use framework within the context of broader regional strategic planning policies.

The site as noted previously is identified as Residential under the Plan for Land Use under section 2. The sites current zoning as CL is also reflected in the specific section on Residential Areas.

#### 3.3.3.1 The DMSAP's Vision

The DMSUAP identifies a clear vision for the specific area plan. It states;

*Darwin's Mid Suburbs offer a diversity of lifestyle choices to suit the needs of new and existing residents, from large tropical detached dwellings to apartments and town houses.*

*The lush tropical character of the area and its high quality local parks, community services, lively weekend markets, efficient public transport and iconic Nightcliff foreshore are protected and enhanced. The renewal of specific areas as mixed use activity centres will create opportunities for people to live, work and play locally, supported by improved open space, public transport and community infrastructure. The Darwin Mid Suburbs Area Plan provides a framework to guide change and improvements in the area and will ensure the Mid Suburbs are a sustainable and liveable place into the future.*

A review of the concept /proposal against this vision would indicate that it removes land for housing, and delivers a hard edge to Bagot Rd and commercial interface. No information has been provided to support the application in respect to its sustainability.

The Northern Territory (NT) Government defines sustainability primarily through **Ecologically Sustainable Development (ESD)**, which balances economic growth, environmental protection, and social well-being.

As is noted the proposal removes land from a site zoned for 'community living that provides, temporary and permanent accommodation, and non-residential facilities for the social, cultural and recreational needs of residents.' It is unclear how this is sustainable from a social or cultural perspective given reported overcrowding in the community and broader general lack of affordable housing.

The proposal to introduce a new secondary activity centre which largely replicates uses contemplated under Special Development Area 37 which is within 250m of the site. Recent approvals have been obtained for a shopping centre(Supermarket/Shops/Food and Beverage) uses. Additionally, no needs assessment or economic impact assessment of the proposed commercial development has been undertaken to determine that the additional commercial floor area/space/uses do not result in oversupply, urban blight and is sustainable.

Notwithstanding the above the DMSAP also provides a decision making framework to inform consideration of any future rezoning proposal. Rezoning is to be in accordance with the Vision, Goals and relevant Principles expressed by this Area Plan as well as servicing requirements.

As noted the proposal is considered to be in conflict with the Vision.

### 3.3.3.2 DMSAP Goals

Relevant goals stated in the DMSAP are;

***Residential Areas*** - *To facilitate a diversity of housing choices by ensuring new dwellings respect the character of existing residential areas whilst allowing for higher density development in focused activity centres.*

As noted the proposal removes residential land for commercial development

***Activity Centres and Commercial Areas*** *To create more opportunities to live, work, play and shop locally by co-locating new commercial, retail and higher density residential development in focused mixed use activity centres that are well serviced by public transport.*

As noted the site is not mapped for commercial use. We acknowledge the site is accessible from public transport. We also note the existing locality (site/Ludmilla) will be well serviced by the approved shopping centre within the SD37 area on Fitzer/Bagot Rd.

***Industrial and Service Commercial Areas*** - *To maintain the role of existing industrial and service commercial areas as local employment hubs that allow for the employment and work activities of Mid Suburbs residents.*

As noted the site is 250m from a mapped Industrial Service Commercial Area, being SD37 at Fitzer/Bagot Rd. The SD 37 approval contemplates commercial development as is sought through the application. Recent approvals for the SD 37 land permit subject delivery of a Shopping Centre (supermarket/shops/food and beverage/service station).

The development of SD37 achieves the goals of providing '*more opportunities to live, work, play and shop locally*' a goal of the Activity Centres and Commercial Areas.

***Movement and Transport*** - *To improve access and amenity for pedestrians and cyclists and to encourage increased ridership and efficiency of public transport services.*

The application's TIA for the proposed new secondary commercial centre has not reflected the recent approval for a shopping centre on the SD 37 zoned land immediately to the north at Fitzer Drv/Bagot Rd. The application has not provided any details on safety assessments for pedestrian from the new roads and traffic, nor for the existing dwellings located north of the new exit and fronting Bagot Rd.

The proposal has not assessed the wider implications of increased traffic from the use on the safety and efficiency of Bagot Rd and immediate intersections i.e Fitzer Rd.

The proposal has not detailed how the development results in improved *access and amenity for pedestrians and cyclists and to encourage increased ridership and efficiency of public transport services.*

From the above the proposal is considered to be in conflict with the various goals of the DMSAP.

Notwithstanding the above the DMSAP also provides a decision making framework to inform consideration of any future rezoning proposal. Rezonings are to be in accordance with the Vision, Goals and relevant Principles expressed by this Area Plan as well as servicing requirements.

### 3.3.3.3 DMSAP Principles

As identified in the DMSAP, a decision making framework exists within the document to guide assessment of rezoning proposals. The Area Plan indicates that the use of land on specific sites may change in the future. A number of sites will require rezoning before the land use and development potential envisaged by this Area Plan can be realised.

We note the site is not indicated as subject to a land use change on the Land Use Plan or Residential Areas Map.

Dealing specifically with the Principles and the Residential provisions these reflective of the vision and goal seek to deliver housing consistent with the Strategic Plan specific zone requirements.

The specific Community Living principles state the objectives are;

1. *Development of temporary or permanent residential accommodation*
2. *Non residential facilities for the social, cultural and recreational needs of residents*

The Acceptable Responses for development proposals are;

*Development is to be in accordance with the provisions of Zone CL (Community Living), subject to any Concepts identified herein.*

As noted the Bagot Community is not identified as a parcel of land that may change.

The development application submitted is not for residential uses and is thus inconsistent with the principles. The proposal is assessed below when considering the Principles for Activity Centres and Commercial Areas.

As identified the proposal seeks a Secondary Activity Centre comprising a range of specific land uses. The concept is assessed against the relevant principles for Specialist and Secondary Centres.

The Objectives for Specialist and Secondary Centres include;

1. *Centres characterised by a mix of residential, commercial, retail, community and other compatible uses*

The Acceptable Response for this benchmark is;

*Mixed use buildings accommodate:*

- *commercial activities on ground and lower levels; and/ or*
- *residential uses on upper levels.*

*Provide diverse housing options that respond to the changing needs of the community.*

*Prohibit land uses not compatible with residential accommodation*

The applications concept provides no 'mixed use' buildings.

The proposal does not incorporate any housing options.

## *2. New commercial and retail floor space*

The Acceptable Response for this benchmark is;

*Expansion of floorspace accords with the parameters set by the relevant Concept herein.*

The proposal as is noted is not identified for change. Notwithstanding this the proposal does seek to deliver approximately 10,650m<sup>2</sup> of new gross floor space across the various uses. These as noted include a supermarket, small shops, fast food, service station, medical clinic, gymnasium, offices, childcare centre.

As noted no assessment has been provided on the economic impact of the proposed spot rezoning and new secondary centre. No assessment has been undertaken on the strategic impact to the Planning Schemes retail hierarchy.

## The Strategic framework and Retail hierarchy

The importance of demonstrating compliance with s 3.5.8.1 of the Strategic framework is informed by relevant principles about centres' hierarchy planning strategies. They are well-established. It is uncontested that:

- (a) the establishment and maintenance of a hierarchy of centres articulated in an adopting planning control is a matter of town planning importance: *Australian Capital Holdings Pty Ltd v Mackay City Council & Ors* [2008] QCA 157 at [58] – [59];
- (b) centres' hierarchies represent an important and deliberate planning strategy typically articulated in the part of a planning scheme that deals with a local government's forward planning intent: *I.B. Town Planning v Sunshine Coast Regional Council* [2021] QPEC 36; [2022] QPELR 791 at 811 [82] – [83];
- (c) one would ordinarily expect considerable weight to be attached to established compliance, or non-compliance, with a centre strategy when exercising the planning discretion: *I.B. Town Planning v Sunshine Coast Regional Council* [2021] QPEC 36; [2022] QPELR 791 at 811 [82] – [83]; and

- (d) although forward planning for an activity centre network is important, it does not obviate the need to carefully examine the adopted planning controls that articulate the relevant strategy as the underlying planning policy or assumptions that inform the strategy may vary from scheme to scheme: *Stockwell Development Group Pty Ltd v Bundaberg Regional Council & Anor* [2024] QPEC 44 at [40] – [41].

Whilst these cases relate to applications and rulings of the Planning and Environment Court in Queensland they are none the less relevant and guide decisions in respect to orderly planning as required under the NT Planning Act. These are also relevant as they explore contemporary and accepted planning concepts, concepts utilised in the formation of strategic policies and ultimately the zones and plans forming the Planning Scheme and Strategic Framework.

As outlined policies and the various subordinate Areas Plans for Darwin provide a integrated and consistent approach to the identification of land uses and thus zones for where specific types forms of development may occur. To retain orderly development and sustainable development any change to a plan must consider its effect on other policies and plans, zones, infrastructure requirements and existing uses.

As identified any proposed strategic change should be disciplined, methodical, logical and systematic and not haphazard or capricious.

The Strategic Plan has considered the need and sustainable delivery of commercial land to meet the community and economic needs. Through this assessment a retail hierarchy across Darwin is outlined and presented in the various Area Plans and zones.

No information has been provided to demonstrate;

1. There is community and economic need for a new secondary centre
2. The proposed secondary centre is of a scale compatible with its role and function in the centre hierarchy;
3. The proposed secondary centre will not have an unacceptable adverse effect on any existing or planned centre; and
4. The proposed secondary centre has a specific locational need requiring its location outside of current Activity Centres and Commercial Areas and the use is located in accordance with the specific locational need.

We note the application does not make reference to the Service and Commercial development contemplated under the Strategic Plan for the SD37 zoned land 250m for the site. The application also does not make reference to the recent approval for a shopping centre(Supermarket, Shops, Food and Beverage, Fast Food and Service Station) on the SD37 land.

The proposal as outlined for a secondary centre has not demonstrated full or even substantial compliance with the requirements for new or expanded centres under Strategic land use plans of the Planning Scheme.

The proposal undermines orderly development sought by the Act and impacts the planning schemes commercial hierarchy and removes available land for housing.

The Planning Scheme from this review of the most relevant Strategic Framework provisions, reinforces 'centres' must be in 'centres'. There is no change in the substance of the requirements that must be met if a new centre is proposed in an out-of-centre location.

### **3.4 Section 12A of the Planning Act Request to amend planning scheme**

We note the application is made pursuant to s12(a) of the Act and is in the prescribed form.

We do note the discrepancy, in respect to 12A(2)(b) between the described area of the application of 5ha rather than the actual minimum 6ha noted as being required. This difference being the 30m buffer along the northern boundary of the site. This buffer is only required by the proposed change and as such should form part of the application to accurately describe the proposal, enable appropriate assessment of the buffer, embellishments/form/landscaping etc and any subsequent conditioning.

In respect to 12A(2)(d) we are unaware of any recent community consultation and consultation specific to the plans now sought for approval. We do note the applicant confirms this and identifies a number of casual effects which may have precluded any community consultation.

### **3.5 Assessment by the Minister pursuant to s12A(2)(c) under s13(1)**

The application includes a review of those matters outlined in s13(1) and these are discussed below;

*13(1)(a) whether the proposed amendment promotes the purpose and objectives of this Act;*

We note this assessment is both to determine the promotion of both the purpose **and** the objectives of the Act.

The applicant contends



The strategic framework is set out in Part 2 of the Planning Scheme.

Clause 2.3 identifies the Compact Urban Growth Policy as a Strategic Planning Policy. This document does not apply to the proposal, as the proposed zoning is not for high-density residential development.

Clause 2.4 identifies the documents that comprise the strategic framework.

Lot 4806 is in an area covered by the Darwin Mid Suburbs Area Plan.

The application requests that the Area Plan is amended to designate the 5-ha portion of Lot 4806 as a secondary activity centre. The reasons supporting this request are set out later in this statement.

The above response focuses solely on the objectives of the Act and does not address the purpose.

The key aspect raised by the Act and for development to be assessed /measured against is clearly stated in the purpose. That is development is to be orderly. This concept is considered widely in case law and across various jurisdictions all with complimentary findings. As detailed above

The meaning of the phrase 'orderly and proper planning' explained by the WA Supreme Court in Marshall v Metropolitan Redevelopment Authority emphasising the requirement that '**... to be orderly and proper, the exercise of a discretion within the planning context should be conducted in an orderly way – that is, in a way which is disciplined, methodical, logical and systematic, and which is not haphazard or capricious**'.

The spot rezoning of CL land for Commercial uses and change to the DMSAP fails to be orderly and the application has not demonstrated a methodical logical or systematic approach for the rezoning of this specific piece of land as required;

The application has not identified the methodical, logical or systematic approach to warrant rezoning of this specific piece of land. It has not considered

- any other zone that may be suitable to the subject land nor provided reasons for the appropriateness of the commercial zoning over these and or its current designation as residential; and
- the effect of the change in zoning on other currently zoned commercial land;
- the effect of the change in zoning on the retail hierarchy established under the Scheme and subordinate Strategic planning policies and Strategic land use plans
- the effect of the change in zoning on the balance of the site and or that of the adjoining land
- the effect of the change on infrastructure and unforeseen/unplanned costs from the change

In this context the proposed change is unable to demonstrate orderly use and development of the land.

The 'piecemeal' approach to the development of the site, is inconsistent with orderly and proper planning.

The application seeks to ignore this first principle raised in the Act and justify the use in isolation of the Act and Scheme in its totality.

The Act reinforces the principle of orderly development and strategic planning in the first listed objective of the Act, s2A which states;

*(b) to ensure that strategic planning is applied to planning schemes and implemented in individual planning decisions;*

Failure to strategically plan and promote orderly development results in disorderly or inconsistent landuses that can

1. detrimental amenity and character impacts on site and to the surrounding area
2. give rise to urban blight
3. Impacts and additional costs on infrastructure and infrastructure provision
4. Increase risks to safety from traffic
5. Affect property prices
6. Distort markets and rents
7. Undermine the overarching strategic objective and plans
8. Diminish community confidence in the planning process and value of plans
9. Give rise to consistent uses not proceeding and reducing economic sustainability

We note the Scheme and subordinate Strategic Policies and Strategic Land Use Plans are recent instruments under the Act, having been developed in consultation with the wider community. The applicant has failed to outline sufficient planning grounds to deviate from the current Act and Scheme purpose and objectives.

The applicant has failed to outline any other relevant matters which require the proposed changes and then weigh these objectively against the overriding legislative framework supporting orderly development.

As outlined in Section 3 of this report

The spot rezoning of CL land for Commercial uses and change to the DMSAP fails to be orderly and the application has not demonstrated a methodical logical or systematic approach for the rezoning of this specific piece of land as required. This is a fundamental aspect to the 'purpose and objectives of the Act'.

The application has not identified the methodical, logical or systematic approach to warrant rezoning of this specific piece of land. It has not considered

- any other zone that may be suitable to the subject land nor provided reasons for the appropriateness of the commercial zoning over these and or its current designation as residential; and

- the effect of the change in zoning on other currently zoned commercial land;
- the effect of the change in zoning on the retail hierarchy established under the Scheme and subordinate Strategic planning policies and Strategic land use plans
- the effect of the change in zoning on the balance of the site and or that of the adjoining land
- the effect of the change on infrastructure and unforeseen/unplanned costs from the change

In this context the proposed change is unable to demonstrate orderly use and development of the land.

The 'piecemeal' approach to the development of the site, is inconsistent with orderly and proper planning.

The application seeks to ignore this first principle raised in the Act and justify the use in isolation of the Act and Scheme in its totality.

The application has not in part or full addresses the first assessment benchmark by omission of an evaluation of the purpose.

The applications response as noted does in part address the objects of the Act s2(A) in responding to this first consideration these are addressed below.

*Objective 2A(a) – ensure that strategic planning is applied to planning schemes and implemented in individual planning decisions.*

Dealing with the response on Clause 2.3 the Compact Urban Growth Policy we acknowledge the application seeks to change CI land to C and the proposal does not propose high-density residential development.

The response however dismisses the purpose of the policy which seeks to deliver higher density proposals in appropriate locations. It does not explicitly seek as is noted high-density residential development.

The proposal removes land from the CL zone for development of commercial development. The proposal has not evaluated or provided evidence of any methodical, logical or systematic approach to warrant rezoning of this specific piece of land to CL nor other zone which may better achieve the policy outcome. As is noted in the Town Camps review there are multiple recommendations to improve housing and housing availability at the site.

The policy specifically notes the finite nature of land and best utilisation of this for a more compact urban form. Removing land which is designated for CL/residential use is not consistent with the policy.

As stated the policy seeks to encourage housing not commercial development.

The proposal sterilises and removes land that is available for housing and may also accommodate increased housing density/housing choice.

The proposed secondary centre has not demonstrated full or even substantial compliance with the requirements of the Strategic planning policy of the Planning Scheme.

Dealing with response on Clause 2.4 we note the proposal seeks to change the established/existing and DMSAP which did go through an extensive consultation phase.

As is noted the proposal removes land from a site zoned for '*community living that provides, temporary and permanent accommodation, and non-residential facilities for the social, cultural and recreational needs of residents.*' It is unclear how this is sustainable from a social or cultural perspective given reported overcrowding in the community and broader general lack of affordable housing.

The proposal to introduce a new secondary activity centre which largely replicates uses contemplated under Special Development Area 37 which is within 250m of the site. Recent approvals have been obtained for a shopping centre(Supermarket/Shops/Food and Beverage) uses. Additionally, no needs assessment or economic impact assessment of the proposed commercial development has been undertaken to determine that the additional commercial floor area/space/uses do not result in oversupply, urban blight and is sustainable.

Notwithstanding the above the DMSAP also provides a decision making framework to inform consideration of any future rezoning proposal. Rezoning are to be in accordance with the Vision, Goals and relevant Principles expressed by this Area Plan as well as servicing requirements.

As noted no assessment has been provided on the economic impact of the proposed spot rezoning and new secondary centre. No assessment has been undertaken on the strategic impact to the Planning Schemes retail hierarchy.

No information has been provided to demonstrate;

1. There is community and economic need for a new secondary centre
2. The proposed secondary centre is of a scale compatible with its role and function in the centre hierarchy;
3. The proposed secondary centre will not have an unacceptable adverse effect on any existing or planned centre; and
4. The proposed secondary centre has a specific locational need requiring its location outside of current Activity Centres and Commercial Areas and the use is located in accordance with the specific locational need.

We note the application does not make reference to the Service and Commercial development contemplated under the Strategic Plan for the SD37 zoned land 250m for the site. The application also does not make reference to the recent approval for a shopping centre(Supermarket, Shops, Food and Beverage, Fast Food and Service Station) on the SD37 land.

The proposal as outlined for a secondary centre has not demonstrated full or even substantial compliance with the requirements for new or expanded centres under Strategic land use plans of the Planning Scheme.

The proposal undermines orderly development sought by the Act and impacts the planning schemes commercial hierarchy and removes available land for housing.

The Planning Scheme from this review of the most relevant Strategic Framework provisions, reinforces 'centres' must be in 'centres'. There is no change in the substance of the requirements that must be met if a new centre is proposed in an out-of-centre location.

Additionally, while planning systems aim to balance community, social, environmental, and economic needs, "spot zoning" or tailoring amendments for individual profit over strategic planning undermines the long-term goals of the scheme and purpose of the Planning Act.

As is outlined the proposal does not 'promote the purpose and objectives of the Act'.

*Objective 2A(b) to ensure that strategic planning reflects the wishes and needs of the community*

No response is provided to this item in the application.

As detailed we are unaware of any recent community consultation concerning the current proposal and the proposal is not accompanied by any relevant need assessment.

As noted no assessment has been provided on the economic impact of the proposed spot rezoning and new secondary centre. No assessment has been undertaken on the strategic impact to the Planning Schemes retail hierarchy.

No information has been provided to demonstrate;

1. There is community and economic need for a new secondary centre
2. The proposed secondary centre is of a scale compatible with its role and function in the centre hierarchy;
3. The proposed secondary centre will not have an unacceptable adverse effect on any existing or planned centre; and
4. The proposed secondary centre has a specific locational need requiring its location outside of current Activity Centres and Commercial Areas and the use is located in accordance with the specific locational need.

The proposal sterilises and removes land that is available for housing and may also accommodate increased housing density/housing choice.

The proposed secondary centre has not demonstrated full or even substantial compliance with the requirements of the Strategic planning policy of the Planning Scheme.

The proposal as outlined for a secondary centre has not demonstrated full or even substantial compliance with the requirements for new or expanded centres under Strategic land use plans of the Planning Scheme.

The proposal undermines orderly development sought by the Act and impacts the planning schemes commercial hierarchy and removes available land for housing.

The Planning Scheme from this review of the most relevant Strategic Framework provisions, reinforces 'centres' must be in 'centres'. There is no change in the substance of the requirements that must be met if a new centre is proposed in an out-of-centre location.

Additionally the application does not acknowledge the commercial development contemplated under SD37, approximately 250m to the north which would enable a similar shopping centre. Further approvals for Stage 1 of the land within the SD37 locality has been approved and a uses similar to that sought will be delivered shortly.

*Objective 2A(c) to ensure that appropriate public consultation and input are included in the formulation of planning schemes and the making of decisions under planning schemes*

The application does not address this objective

As noted we are unaware of any recent consultation concerning the proposal as is sought.

*Objective 2A(d) to ensure that the planning system is clear, comprehensive, effective, efficient and accessible to the community*

The application does not address this objective

As noted planning systems aim to balance community, social, environmental, and economic needs, "spot zoning" or tailoring amendments for individual profit over strategic planning undermines the long-term goals of the scheme and purpose of the Planning Act.

*Objective 2A(e) to promote sustainable development*

The application notes in respect to this point ..there being no natural constraints to development, the use of the land for commercial development and community purposes will be sustainable.

The Northern Territory (NT) Government defines sustainability primarily through **Ecologically Sustainable Development (ESD)**, which balances economic growth, environmental protection, and social well-being.

As is noted the proposal removes land from a site zoned for '*community living that provides, temporary and permanent accommodation, and non-residential facilities for the social, cultural and recreational needs of residents.*'

It is unclear how this is sustainable from a social or cultural perspective given reported overcrowding in the community and broader general lack of affordable housing.

The proposal to introduce a new secondary activity centre which largely replicates uses contemplated under Special Development Area 37 which is within 250m of the site. Recent approvals have been obtained for a shopping centre(Supermarket/Shops/Food and Beverage) uses. Additionally, no needs assessment or economic impact assessment of the proposed commercial development has been undertaken to determine that the additional commercial floor area/space/uses do not result in oversupply, urban blight and is sustainable.

*Objective 2A(f) to promote the responsible use of the land and water resources to limit the adverse effect of development on ecological processes*

N/A

*Objective 2A(g) to maintain the health of the natural environment and ecological processes*

The application identifies the proposal will not diminish the health of the natural environment

*Objective 2A(h) to protect the quality of life of future generations*

The application identifies;

As outlined above, the purpose of the proposed amendments is to facilitate the development of some of Bagot Community's assets in order to secure the future of the Community. While the Community's debts remain unpaid, the Community lives with the threat of losing its land, and the houses and other community facilities that are on it.

The history of the Community is one of being shunted from one location to another, and having its reserve eroded for suburban development. The establishment of the reserve in 1938 was the result of removal of residents from Kahlin Reserve, and during World War 2, the residents were removed to Berrimah to make way for a military hospital on their reserve.

The original reserve of about 280 ha has been whittled down over the decades to 23 ha as a result of building Ludmilla, and various excisions for other community living areas and roads.

The proposed amendments will facilitate development that will not only secure the future of the Community but enhance its quality of life.

The quality of life of those outside the Community will not be affected, because the location of the application site is such that its development in the manner intended will have minimal, if any, adverse effect on others. The facilities to be included will improve the quality of life for the local community.

The proposal seeks to further diminish the designated CL land by a minimum of 6ha.

The proposal removes land available for the generational growth of the Bagot Community.

As is detailed and known, Bagot Community Inc has been in voluntary administration since 2015. This situations which led to this are not relevant to the application. The basic premise in the application is;

The sale of land/development of the land is to fund debt repayment and or provide an income stream to the community.

These commercial considerations are just that, commercial considerations and have no foundation in the Act and or Planning Scheme. The approach of sale of land to repay debts is not new or uncommon nor unexpected. It is however one dimensional in respect.to the current situation.

The Planning Scheme is not an instrument to used to solve commercial failings/mismanagement. This application should it be approved weakens the integrity, purpose, and consistency of the planning system.

Whilst commercialisation of part of the site may assist in meeting some of these costs it;

- Removes land for the community to grow and met its intended purpose
- Ignores establishment costs for any new development and required upgrades to services
- Provides no certainty as to viability of any changed landuse
- Provides no certainty on any change(positive/negative) to residents physical and cultural wellbeing
- Provides no certainty on timeframes by which any tangible benefit would arise to the community
- Has not been demonstrated that any lease/change in zone would remedy structural funding, debt, governance issues of the entity.
- Enables private interests to prevail of the broader community expectations and foundation of the planning system.

Any proposition, that commercialisation of part of the site delivers "economic independence / self reliance" or greater self reliance is disingenuous as the development of the land is uneconomic unless aspirational and essential improvements are significantly delayed and or forgone. No private development would or could occur with this liability.

This significant capital investment is a liability of successive governments and under investment. To manipulate the planning framework and scheme to deliver commercial zoning, undermines confidence in the Planning Act and governance.

While planning systems aim to balance community, social, environmental, and economic needs, "spot zoning" or tailoring amendments for individual profit over strategic planning undermines the long-term goals of the scheme and purpose of the Planning Act.

No quantitative or qualitative data has been provided to further the position that the quality of life for future generations is protected.

In addition the ascertain that the external community will not be affected is also baseless. As is detailed the proposal seeks to deliver a development on site similar to that contemplated and approved 250m to the north. This proposal as detailed undermines orderly planning and the retail hierarchy under the strategic framework. And would result in oversupply of commercial space leading to blight. This approval to the north further undermines the economic viability of the proposal as sought burdening the Bagot Community and the wider community for future generations.

*Objective 2A(i) to promote good design of buildings and other works that respect the amenity of the locality*

The application does not address this objective

*Objective 2A(k) to assist the conservation and enhancement of place, areas, buildings and other works and landforms that are of cultural significance*

The application does not address this objective

*Objective 2A(l) to respect and encourage fair and open decision making*

As noted this is a commercial based spot rezoning that if approved undermines confidence in the planning process and system.

*13(1)(b) whether the proposed amendment, other than a proposed amendment to a strategic framework, is contrary to any strategic framework in the planning scheme;*

The application states in regard to this provision;

**The proposed amendment is for an amendment to the strategic framework (Darwin Mid Suburbs Area Plan), as well as to rezone the 5-ha portion of Lot 4806 to Zone C (Commercial).**

**The proposed amendment to the Darwin Mid Suburbs Area Plan is excluded from consideration under this particular provision.**

**The only other component of the applicable strategic framework in the Darwin Regional Land Use Plan 2015. This Plan shows the site as “Urban/Peri-urban”. It does not show commercial areas.**

**The proposed rezoning would not be contrary to any strategic framework if the requested amendment to the Area Plan is granted.**

No comment ins made in respect to this provision.

As detailed above the proposal is inconsistent with and in conflict with the strategic framework policies and Area Plan.

As noted no assessment has been provided on the economic impact of the proposed spot rezoning and new secondary centre. No assessment has been undertaken on the strategic impact to the Planning Schemes retail hierarchy.

No information has been provided to demonstrate;

1. There is community and economic need for a new secondary centre
2. The proposed secondary centre is of a scale compatible with its role and function in the centre hierarchy;
3. The proposed secondary centre will not have an unacceptable adverse effect on any existing or planned centre; and
4. The proposed secondary centre has a specific locational need requiring its location outside of current Activity Centres and Commercial Areas and the use is located in accordance with the specific locational need.

The proposal sterilises and removes land that is available for housing and may also accommodate increased housing density/housing choice.

The proposed secondary centre has not demonstrated full or even substantial compliance with the requirements of the Strategic planning policy of the Planning Scheme.

The proposal as outlined for a secondary centre has not demonstrated full or even substantial compliance with the requirements for new or expanded centres under Strategic land use plans of the Planning Scheme.

The proposal undermines orderly development sought by the Act and impacts the planning schemes commercial hierarchy and removes available land for housing.

The Planning Scheme from this review of the most relevant Strategic Framework provisions, reinforces 'centres' must be in 'centres'. There is no change in the substance of the requirements that must be met if a new centre is proposed in an out-of-centre location.

*(c) whether the proposed amendment is within a declared class of amendments that do not require exhibition;*

N/A

*(d) whether the proposed amendment is not significant enough to require exhibition;*

N/A

*(e) the merits of the proposed amendment and whether the amendment is in the public interest*

*The application responds to his provision by stating;*

Shop and medical clinic are permitted developments in Zone CL, but the area of shops is restricted to 200 m<sup>2</sup> of net floor area, to ensure that they service only the needs of Zone CL. In the case of Bagot Community, the Community is the largest single residential component of Ludmilla, and with a population of about 400 people resident on Bagot Community, the size restriction for shops is very limiting for the needs of the Community as well as for the Ludmilla suburb as a whole.

Although there is land zoned SD37 on Fitzer Drive, which would enable development, including shops, in accordance with the provisions of Zone SC (Service Commercial), no development has taken place on this land since the SD37 zoning was applied in 2011.

The proposed amendments will enable a secondary activity centre to be developed in a neighbourhood that has no activity centre. Ludmilla is one of very few residential suburbs in the Darwin area that has no activity centre. Its residents are required to travel to Nightcliff or Parap for basic every-day needs.

As has been outlined the land zoned SD37 does contemplate uses as is proposed through this application/rezoning and is reflected in and consistent with the relevant DMSAP.

We also note contrary to the statement that approvals exist for the subdivision of the SD37 site and recent approvals have been obtained for a shopping centre development largely similar to that which is proposed. This SD37 land is approximately 250m to the north of the Bagot Community and the approved plans for the shopping centre illustrate easy access through improved road and pedestrian connections to the Bagot Community.

It is submitted that, notwithstanding the focus of the Area Plan, there remains the situation that the Ludmilla neighbourhood has no retail facilities beyond a fast-food restaurant, service station and pharmacy, and that the ability of any of the existing activity centres to accommodate a supermarket is severely limited, if not non-existent.

The Administrator has identified various parties who are interested in developing part of Lot 4806. The degree of interest in the potential for development of the application site was also documented in the NT Town Camps Review, commissioned by the NT Government in April 2016.<sup>3</sup>

The application site has attributes that lend itself to development of the type described in this application. These attributes include the site having no

We acknowledge the NT Town Camps review and investigations potentially undertaken by the Administrator. In respect to the Town Camps review as is identified in this submission various recommendations are made in respect

to development at the community, including multiple measures to improve / expanded home ownership and dwellings. These actions would be consistent with the existing Strategic framework – policies and Area Plan.

It is contended that the proposal is not in the public interest as the proposed rezoning removes land for residential development for the community, undermines orderly development and the retail hierarchy as expressed in the Act and planning scheme.

While planning systems aim to balance community, social, environmental, and economic needs, "spot zoning" or tailoring amendments for individual profit over strategic planning undermines the long-term goals of the scheme and purpose of the Planning Act.

**It is submitted that the proposed amendment is in the public interest, because it will –**

- **Facilitate the development of the application site for a valid economic purpose;**
- **Provide an income for Bagot Community;**
- **Secure the land and homes of residents of Bagot Community;**
- **Provide employment opportunities for people in Bagot Community; and**
- **Improve the retail, leisure, and community services available to residents of Ludmilla and adjoining suburbs.**

In respect to the above public interest points we as illustrated in this submission note;

- the development is an out-of-centre proposal that undermines and would impact the retail hierarchy and includes a proposal which is largely similar to that approved on the SD37 land 250m to the north.
- No qualitative or quantitative details have been provided to substantiate this. As detailed significant investment is required in upgrading facilities. Additionally, the development of the SD37 has not been considered in terms of viability for the use.
- No quantitative or qualitative data has been provided to support this claim. The proposal does remove at a minimum 6ha of land available for housing.
- Immediate local employment opportunities are increased by the development of the approved shopping centre on the SD37 land.
- Various uses are contemplated on the SD37 land which increase retail, social leisure and community opportunities for the residents at Ludmilla.

#### **4.0 Objection Summary**

As is detailed in this submission the application seeks the spot rezoning of part of the Bagot Community land, Lot 4806, Bagot Rd from Community Living (CL) to Commercial (C). The spot rezoning seeks to establish a shopping centre style development comprising various uses accessing Bagot Rd.

The proposal incorporates an area of approximately 6ha inclusive of the buffer and would deliver an approximate 10,000m<sup>2</sup> gross floor area Secondary Centre. The applicant identifies commercial grounds to support the approval and settling debts. The application argues the proposal has merit and is in the public interest, citing access to services, employment and other benefits to the Bagot Community.

The rezoning is not anticipated or contemplated under the NT Planning Scheme, Strategic Framework policies or Area Plans. The proposal is not supported by relevant economic and need assessments demonstrating a basis for the change in zoning and designation of the site as a Secondary Activity Centre.

The proposal is considered not to promote or support the purpose of the Planning Act as its approval would result in out-of-centre new commercial development impacting on the strategic centres hierarchy founded in the Planning Scheme. Such outcomes would not result in orderly development and have wider urban amenity impacts.

The proposed merits and public benefits cited as a basis for approval fail to acknowledge, these are benefits/public interest matters are delivered by the approved shopping centre development on the SD37 land approximately 250m to the north. This recent approval and the other development which may also occur on this land is largely similar to that as is proposed. The shopping centre development as stated, is approved and is also contemplated under the Strategic Plan's strategic framework Area Plan.

The proposal removes land for residential purposes under the Planning Scheme which is to strategically accommodate a range of dwellings and support facilities to the Bagot Community. The spot rezoning of a portion of this land is inconsistent with the Strategic framework policies relevant to the site.

The application fails to adequately demonstrate the proposal

The Planning Scheme from this review of the most relevant Strategic Framework provisions, reinforces 'centres' must be in 'centres'. There is no change in the substance of the requirements that must be met if a new centre is proposed in an out-of-centre location.

Any proposition, that commercialisation of part of the site delivers "economic independence / self reliance" or greater self reliance is disingenuous as the development of the land is uneconomic unless aspirational and essential improvements are significantly delayed and or forgone.

While planning systems aim to balance community, social, environmental, and economic needs, "spot zoning" or tailoring amendments for individual profit over strategic planning undermines the long-term goals of the scheme and purpose of the Planning Act.

The submission has considered the proposal and the planning framework. The submission illustrates the proposed amendment to the planning scheme is in conflict with the Acts purpose and objectives, undermining the Strategic Plan and confidence in the planning system.

Should you have any queries in relation to the issues raised in this correspondence, do not hesitate to contact me on 0409 041114 or via email at [boyd@sargeantplanning.com.au](mailto:boyd@sargeantplanning.com.au) .

Sincerely,

A handwritten signature in black ink, appearing to read 'BOYD SARGEANT', with a stylized flourish at the end.

**BOYD SARGEANT**

Director



Submission – 9/4/2026

Nicholas Gouldhurst  
10 Mawalan Court, Ludmilla, 0820  
0405 195 140  
info@ngphotographics.com

PA2025/0161 – Planning Scheme Amendment  
Rezone part Lot 4806 from Zone CL (Community Living) to Zone C (Commercial)  
3 BAGOT RD, LUDMILLA.

Hello,

As a resident and owners of the house at 10 Mawalan Court, we are concern about the proposed rezoning and potential commercial development that will be in close proximity to our house and street.

We are not so concerned about the rezoning and development which will bring income to the Bagot Community but more so about the poor management that comes with such commercial developments. You only have to look at the smaller, but similar commercial development on Bagot Road (United petrol station, Chemist warehouse etc) to see the absences of management. This site is incredible in the amount of garbage strewn about, the destroyed road at the back of the premise, the waste and toxicity of the petrol station and garbage at the back of the complex. This is not unusual for small commercial developments. There is no management to be seen of nor accountability for the ever-present pollution.

As neighbours in very close proximity to the proposed commercial development at lot 4806, how will the Department stop the negative impacts on local residence.

- Will there be provision to ensure good management of the commercial development when it is functioning?
- Will there be a well-planned and managed buffer zone to shield the existing residence from noise, garbage, heat from carparks and concrete and pollution?
- How will increased traffic, both foot and vehicles and the noise and movement of be managed and directed away from Ludmilla residence and their homes?
- On the rough map provided, there is an avenue of space between existing residential buildings and the proposed development. Will this be a landscaped area with some form of mitigation to minimise noise and the ugliness of the commercial development or will it be a waste area where rubbish and weeds accumulate and proliferate?

We are not anti-development but are worried about poor management. These cheap commercial builds, which are the norm in Darwin, never add to the beauty of Darwin only detract from it. As a Ludmilla resident we can only hope there will be some diligence in planning and developing this commercial site which has some sense of aesthetics and respect for the local residence.

Thank you,  
Nicholas Gouldhurst

Hiltrud Kivelitz  
10 Mawalan Court  
LUDMILLA NT 0820

**Re: Development Proposal PA 2025/0161**

I would like to express my concerns about and opposition to the above-mentioned development proposal for the following reasons:

1. The proposed development would change the entire neighbourhood from a peaceful residential area to the ugly back of a commercial area with associated problems with during the construction phase and ongoing:

**During construction:**

- Excessive development of dust and mud
- Air pollution from heavy machinery
- Noise and light pollution

**Ongoing:**

- Ugly architecture right in front of residential area
  - Complete loss of local value of open spaces and experience of a (more) natural environment (wide, open space, open sky, no interference by traffic) which decreases stress and increases wellbeing
  - Increase of rubbish, especially associated with fast-food outlets
  - Increase in traffic and associated air pollution
  - Ongoing noise and light pollution
  - Increase in pedestrian traffic of non-residents with risk of anti-social behaviour
2. All of this is likely to decrease the value of our house: the attraction of this residential area lies in the fact that it is surrounded by open space that is important for overall wellbeing and health.
  3. The adjacent residential area is currently secluded and sheltered from the impact of commercial venues. This is likely to be completely destroyed by the proposed development. We resent the expected ugliness of the environment, which has an impact on overall quality of life and health. For this residents are in no way compensated, neither materially or otherwise.

4. Commercial developments have no social responsibility towards residents in the surrounding areas. They are often poorly managed because commercial interests take priority over aesthetics, rubbish management and other impacts. The developed area around United Petrol Station/ Chemist Warehouse/ MacDonald is sadly an example of this and the concern is that this proposed development will be similar.
5. There are sufficient commercial areas in close proximity.
6. There are other areas for development with less impact on residents.
7. The development proposal does not clarify if Aboriginal corporations who are stakeholders of the area have been consulted and/or have agreed to this proposal.
8. There are two large, significant trees (one milkwood and one ficus tree) either in the rezoning area or close by. There is a great risk that these trees are either going to be destroyed or damaged. The destruction of natural environments and values associated for humans and animals is concerning and deplorable.

We sincerely hope that quality of life of Ludmilla residents will be prioritised over commercial interests of developers and national and international commerce.

Ludmilla, 9 April 2026

A handwritten signature in black ink, appearing to read 'Hiltrud Kivelitz', written in a cursive style.

Hiltrud Kivelitz

Our Home







Where would YOU rather live

















Gwalwa Daraniki Association Inc.

ABN: 71508188079

PO Box 746 Nightcliff 0814

08 79791872

[info@gdant.org.au](mailto:info@gdant.org.au)

Date: 9/4/26

NT Planning Commission  
[planning.ntq@nt.gov.au](mailto:planning.ntq@nt.gov.au)

**PA2025/0161 -Submission in Support of Rezoning Proposal – Bagot Community Inc**

I write in support of the proposed rezoning application by Bagot Community Inc.

GDA supports the Bagot Community Administrators resolve to clear long standing debt by opening the communities land to development.

We hope the rezoning will facilitate economically viable development, generate income for Bagot Community, and contribute to improved housing security for residents.

The hopes are that it will create employment opportunities and significantly enhance access to retail, community, and service-based facilities for Ludmilla residents including the potential for enhanced pedestrian and traffic safety for those that utilise Bagot Road.

For these reasons, the proposed rezoning represents moving forward a necessary, and beneficial amendment to the planning framework, and I support its approval.

Yours Sincerely,

Helen Secretary

Chairperson

[helen@gdant.org.au](mailto:helen@gdant.org.au)

0402527338

10<sup>th</sup> April 2026

To: **Chairman, Darwin Division, Development Consent Authority, Darwin, NT**

Attention: Development Assessment Services: [das.dipl@nt.gov.au](mailto:das.dipl@nt.gov.au)

Application Number: PA2025/0161

Location: Lot 4806 (133) Bagot Road, Ludmilla

Proposal: To rezone from Zone CL (Community Living) to Zone C (Commercial)

## **Project Overview**

Proponent: June D'Rozario & Associates on behalf of Bagot Community Inc.

Location: Part of Lot 4806 (approx. 5.0 ha), 133 Bagot Road, Ludmilla.

Proposed Amendment: Rezone from Zone CL (Community Living) to Zone C (Commercial) to facilitate a 10,650 m<sup>2</sup> commercial hub including a supermarket, service station, and medical clinic.

## **Summary Statement of My Objections (details provided further in this submission).**

I object to the partial rezoning of Bagot Community from Community Living to Commercial based on:

1. Historical knowledge of the history of Bagot Community and their integral role within the broader Ludmilla community; this is Crown Lease land in perpetuity and is not at risk of loss for Bagot Community Residents unless they revoke their rights to it. Any person, official or otherwise, who is suggesting this rezoning and commercial enterprise as the 'only' solution to historical / outstanding debt is doing Bagot Community residents a disservice.
2. Knowledge that this plan for the annexation of a portion of Bagot Community dates back prior to 2015 and issues with Power and Water and political interference.
3. An outdated, inaccurate Darwin Middle Suburbs Plan which is contradictory to community needs, within Bagot Community and the broader Ludmilla suburb, in 2026. The Middle Suburbs are now spread across several electoral boundaries, were based on older census data and was published in 2015. It has little relevance to 2026.
4. Objections affecting the Kulaluk lease are present In Bagot Community, eg PFAS contamination, storm surge, loss of open space and flora and fauna, changed traffic, demographic, amenities, social services, need for electrical and sewerage upgrades.
5. Limited support within Bagot Community, little support in nearby Ludmilla, no forward planning included in the proposal for further Community Living options as needed and necessary, few details provided for the rezoning proposal.

## **Personal Concern: Development Consent Authority processes for 'independent' decision-making and inclusion of public submissions**

The DCA and the Department of Lands, Planning and the Environment would be well aware of the 34 public submissions regarding the granting of Stage 1 of the Kulaluk lease (with eventual development as a Home Maker Village). DCA would also be aware of the claims of unprofessional management, coordination and organisation of the public meeting, claims and complaints regarding hostility, bullying, intimidation and lack of respect by Gwalwa Daraniki Association members during the meeting and claims of conflict of interest from at least one of the City of Darwin aldermen / Local Government / LGANT representatives. DCA would be well aware that many of the 34 submission / Ludmilla residents were denied their opportunity to speak to a self-determined DCA agenda.

We all hope this does not happen again with this development proposal or any other. Concerns raised by local residents include a cut off date during school holidays when many Ludmilla residents

go away: once again the due date for submissions disenfranchises many who might have put in submissions.

## Historical Background

While the original Kahlin compound was created to segregate Aboriginal people and provide training as part of the Assimilation Policy of the time, during the 1940s to 1960s, the compound operated under strict supervision. Darwin residents of the time recall that there was a one lane dirt track to the compound and the original Darwin rubbish tip.

Items such as old Chinese medicine bottles and other archival materials still rise from the original tip during heavy wet seasons.

### **In June 1973, Aboriginal residents at the Bagot Community indicated their desire to obtain title to the Community to develop it as an attractive and useful community living area.**

In 1974, Retta Dixon Children's Home (established in 1938 on the corner of what is now Bagot Road and Totem Road, was devastated by Cyclone Tracy and after limited continued service, mostly by the Australian Inland Mission, the home was closed in June 1980. Allegations of child abuse and other issues were investigated in several inquiries at both Commonwealth and NT Government levels with recommendations for redress stretching into 2015.

A plaque, initially agreed as a lasting testament and currently ignored / being minimally maintained as part of a recently DCA agreed Gwalwa Daraniki Association Commercial Development application, reads: *This plaque is in recognition of Aboriginal children displaced from mother and country. Karu Park accommodated a children's institution named Retta Dixon Home. Similar institutions were established at Kahlin, Garden Point, Croker island and Groote Eylandt. This plaque is dedicated to the memory of those children and their mission workers.*

In 1979 Bagot Community was vested to an incorporated Aboriginal community council to become a self-governing community. Vacant land previously revoked from the Bagot Community was granted in 1979 to the Gwalwa Daraniki Association as part of a Special Purpose Lease. Since then, the memorial plaque has been poorly maintained and the Tiwi pukamani poles, as identified by Dr Bill Day, noted anthropologist and long time NT resident, noted their presence (since ignored by Gwalwa Daraniki Association).

In 2008, the Northern Territory Government committed to an upgrade of services and infrastructure in the Bagot Community 'to the same standard as any other Darwin suburb'. Today, the Bagot Community with 400 residents remains a significant and influential section of the Darwin Aboriginal population. Bagot Community has maintained a cordial and friendly relationship with nearby residents in Ludmilla. Friendships developed through the local Ludmilla Primary School have lasted for decades (personal experience).

From 2015 – 2016, the then CLP government developed the Darwin Middle Suburbs plan which was released in early 2016. Ludmilla was divided into 'north' and 'south' with the portion south of Namarluk Drive included in the Inner Suburb plan). The plan, as signed off by Gary Nairn, included Ludmilla 'North', Coconut Grove, Nightcliff, Rapid Creek, Millner and Bagot Community Community.

Please note at this time:

1. The Darwin Middle Suburbs Plan was developed based on the 2011 Census Data with outcomes from the 2001 and 2006 Censuses. The population at the time in these Middle Suburbs (now split between several electorates, was 14248 and now sits closer to 20000 people with very diverse and changed residential requirements.
  - a. Limited consultation with residents: While there were alleged community consultation meetings, few if any local residents in Ludmilla, Bagot Community or Coconut Grove were

aware of them. No numbers or details about the extent of the community consultation were included in the Darwin Middle Suburb Plan.

- b. Any references to this outdated, inaccurate plan are inappropriate. No updated plan exists yet conditions referred to in this plan have changed substantially.
- c. PFAS had already been identified in the Rapid Creek and Ludmilla areas with PFAS noted in drinking water in Nightcliff in 2010. Since then, extensive inquiries have taken place and the NT Minister for the Environment signed a national agreement regarding the formation of a PFAS regulatory framework which included assessment, long-term monitoring and professional, licensed management of PFAS contamination. This has not happened. Further, a PFAS Senate Inquiry was published in November 2025 with recommendations for all state and territory governments. This has also not happened.
- d. **Issues / constraints** identified in the Darwin Middle Suburbs plan include:
  - i. The limited number of Community views regarding industrial land use were generally of the opinion that such uses did not belong in areas such as the Mid Suburbs and were better SUITED AWAY FROM RESIDENTIAL AREAS AND THE CBD.
    1. There are no social amenities listed as evident in Ludmilla or Bagot Community in 2015.
    2. There are no social support services listed as evident in Ludmilla or Bagot Community in 2015.
    3. Bagot Clinic is listed as still in operation and run through Danilla Dilba.
  - ii. Defence heights and Noise including the Kulaluk lease, Ludmilla North and Bagot Community.
  - iii. Limitations to Open Space; granting of lease for Community Living, Cultural and Environmental purposes.
  - iv. Storm Surge
  - v. Transport Networks
  - vi. Physical and locational constraints associated with land capability including land subject to INUNDATION, DEVELOPMENT BELOW THE HIGHEST ASTRONOMICAL TIDE (COASTAL LANDFILL) AND AFFECTS FROM STORM TIDE.
  - vii. AIRCRAFT NOISE (WITH NO CURRENT ASSESSMENTS CONDUCTED NOR SUPPLIED AS PART OF THIS DEVELOPMENT REZONING APPLICATION.

### **OBJECTIONS to the PROPOSAL TO REZONE A PORTION OF BAGOT COMMUNITY FROM COMMUNITY LIVING TO COMMERCIAL DEVELOPMENT TO INCLUDE POTENTIAL SUPERMARKET, SERVICE STATION AND MEDICAL CLINIC**

1. **City of Darwin does NOT support the proposal** for rezoning from CL to Commercial. DASS has received their letter of objection already.
2. **Lack of substantial detail in this proposal:** the proposal is unclear, nebulous and not aligned with resident wishes either within Bagot Community or by nearby Ludmilla residents. No public consultation took place and not all Bagot Community residents approve of this proposal.
3. **Previous concerns raised as part of ongoing issues within Ludmilla, including Bagot Community:**
  - o **PFAS:** no definitive expert consultation or current reports with regards to PFAS contamination from the RAAF and Airport precincts.

- None of the DCA panel, Lands, Planning and Environment departmental employees, June D’Rozario & Associates, Bagot Community Inc appear to hold PFAS management qualifications, registration, skills, expertise or experience.
  - No current reports as to the extent of PFAS contamination on either Kulaluk lease or Bagot Community have been immediately available to members of the public; any claims by June D’Rozario & Associates on behalf of Bagot Community Inc regarding PFAS contamination are inaccurate and inconsistent with national and NT government acknowledgement of PFAS contamination in Ludmilla and Rapid Creek until proven otherwise.
  - **Defence and private aircraft, heights and Noise:** no current assessments attached to this proposal. Noise monitoring from 2015 are not relevant in light of changes to aircraft and use of the airport for both Defence and commercial air travel.
  - **Open Space reduction:** any commercial proposal will limit Open Space options
  - **Storm Surge** issues including drainage and sewerage
  - Need for an **electricity substation upgrade**
  - **Transport networks**
4. **The previous pressures from earlier than 2015 on Bagot Community residents to turn a portion of their residential lease into commercial enterprise** (see above) has been extensive, ongoing and contrary to Bagot Community resident wishes. Some in the community perceive this proposal for rezoning to be politically driven over a decade of pressure for available open space land for commercial interests.
- The proposal is driven by Bagot Community’s need to repay historical debts of more than \$700,000 to Power and Water Corporation (PWC) for water and sewer services, to provide an income for Bagot Community and to provide employment opportunities for people in Bagot Community. This land is held as a Crown Lease in Perpetuity for Aboriginal communal purposes; the “threat” of foreclosure by private debt collectors remains unproven and unnecessary stress for Bagot Community residents.

ABC News Report 8th December 2015

*Community president Helen Fejo-Frith said the administrator, from Meertens Chartered Accountants, had met with NT Government Treasurer Dave Tollner who identified a Darwin Suburbs Plan for commercial development. "He told us (in 2015) that Mr Tollner said the only way we could clear that bill was by freeholding land on the community. But he said if we freehold one area, the whole area has to be freehold.*

ABC News report 15th December 2015:

*Mr Tollner told the ABC he had not made any proposals in the meeting. But Bagot member Marita Mummery said Mr Tollner offered to pay the water bill if the lease was surrendered.*

*"He said if they were to pay the \$700,000 debt off, we hand our lease over," Ms Mummery said. The lease over Bagot community is a Crown Lease in perpetuity, and is designated as an Aboriginal living area. This means the lease has no end date, but if it was surrendered it would pave the way for the land to be subdivided, sold and developed. Mr Tollner has long held aspirations to "normalise" the land and today reiterated that his view had not changed*


- Further consultation with the NT Government is clearly required to address this historical debt (if it exists genuinely); a commercial development will not end the debt easily or rapidly.

- Employment opportunities in a Fair Work environment means that there may be short term building / contractor work but further long-term employment opportunities are not guaranteed for Bagot Community residents specifically, particularly if a lease is held by an independent lessor.
- Future Community Living options; It does not appear that Aged Care options or other support services have been accessed sufficiently; any commercial development is likely at odds with future Community Living requirements for residents in Bagot Community.
  - The application does not include an evidence-based assessment of Bagot Community's current or future housing needs, or how population growth could be accommodated over time.
- Approval of the Kulaluk lease / future Home Maker Village includes supermarkets, restaurants, commercial businesses and potential for a medical clinic within that precinct.
  - With no specific 'commercial' requirements, those listed in the rezoning application appear to be catered for within the future Kulaluk lease.
- Service Stations: there is a service station near Ludmilla School, one near McDonald's Ludmilla and another near Totem Road. The Kulaluk lease indicates another service station within that development.
- Traffic concerns: Residents have called for an up to date Traffic count on Fitzner Drive, further monitoring of noise under the flight path / Defence and massive overplanting of Fitzner Drive as a buffer to the proposed HomeMaker Village. There is significant concern and unrest with Daniels Street Residents who view that their quiet dead end street may become a major thoroughfare between the two shopping centres.
  - Additionally, with only access via Bagot Road for commercial interests, it would only be a matter of time for a 'back entry to the shopping centre via Nadpur Street (off Fitzner Drive). No long term traffic was listed as part of this proposal.
  - It appears that plans include traffic lights at the entry to the proposed Bagot Community commercial precinct, further lights or roundabout at Bagot Road and Fitzner Drive and further lights potentially at the new service station entry (Kulaluk Home Maker Village) mid-lease entry. This goes against free flowing along Bagot Road and increases traffic flow along Dick Ward Drive.
- Lack of strategic alignment to community based needs; Lack of forward planning or infrastructure development; no details provided in this proposal. While this development refers specifically to Bagot Community and their needs, any commercial development will require considerable financial input from a wider customer base than the limited number of residents on Bagot Community.
  - Nearby residents in Ludmilla (rough informal poll) are not in favour to this rezoning or use of Bagot Community for a commercial development when their long-term needs may include Aged Care, Medical and further housing for a wider population.

Thank you for the opportunity of expressing my objections to this proposal for rezoning.

I hold concerns about predetermined agenda setting by DCA and the calibre of public consultation with regards to this and future applications to DCA.

I can be contacted on 0417879041 for further information regarding my submission. Due to my current disability and mobility issues, please advise when public consultation will occur and remote engagement options provided. Please note that the previous public consultation meeting did not use name tags, microphones or provide amenities for participants, I am unable to even get to Palmerston for any public meeting and will require sufficient notice, genuine remote access with effective technology and clear hearing of proceedings.



Dr NANCY BATENBURG

Consultant

13 Daniels Street

Ludmilla, NT 0820

Email: [nancybat@bigpond.com](mailto:nancybat@bigpond.com)

Phone: 0417879041

AND

VANESSA KAYE

10 Tudawali Street

Ludmilla NT 0820

\*\*\* currently on holiday in Victoria and unable to submit a hard copy in sufficient time for receipt. Please provide any feedback to her via hard copy to her residential address.

The Chairman, Darwin Division, DCA,  
Dept. Lands and Planning,  
GPO Box 1680

cc. Minister for Lands, Planning and Environment [Minister.Burgoyne@nt.gov.au](mailto:Minister.Burgoyne@nt.gov.au)

Dear Chairman,

RE: Planning application number: **PA2025/0161 – Lot 4806 (133) Bagot Road**  
The 133 Bagot Road Rezoning Proposal

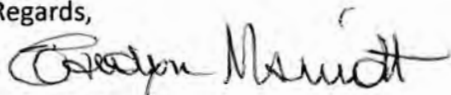
The proponent wishes to rezone a sizeable portion of Lot 4806 from CL Community Living to Zone C – Commercial. Just very recently a proposal to develop a large portion of the Kululuk land (Lot 5182) bordering Fitzer Drive was passed by the DCA. This proposal is very close to it, less than one kilometre away, just how many shops and petrol stations do we need? I'm sure that two supermarkets 500 metres apart is not good business practice. Apart from there already being a Woolworths in Dick Ward Drive, just up the road. Space for housing here is much more important in my opinion.

Proposing new traffic lights at the Bagot entrance negates the sensible planning many years ago to organise Bagot Road to be a fast and mostly unimpeded main throughfare from the city to the suburbs. Travelling to and from work is time consuming enough already, apart from the road safety angle. There is insufficient space for the median strip to accommodate right turning vehicles.

The traffic study and noise guidelines referred to appear to be outdated and not relevant to the current situation, especially with the development of Lot 5182 having only very recently been passed.

This area also supports an array of bird species/wildlife; they need space to live and thrive too; this green buffer zone should remain so. Each time a portion is sliced off and built on it reduces the efficiency of this long-term concept and diminishes the liveability of the area.

Regards,



Carolyn Marriott  
2/106 Dick Ward Drive,  
Coconut Grove, N.T. 0810  
10<sup>th</sup> April, 2026

[camarriott@bigpond.com](mailto:camarriott@bigpond.com)

10.4.2026

NT Planning Commission,  
GPO Box 1680,  
Darwin NT,  
0801

Dear Sir/Madam,

This submission responds to the Proposal to Amend the NT Planning Scheme 2020 - PA2020/0161, submitted by June D'Rozario and Associates.

It is noted that the closing date for responses to this application is tonight (10.4.2026), and not 13 March, 2025, as stated on the application.

#### POINTS

1. If approved, this application would completely change the use of the Bagot community land by the present residents.
2. There is no name on the application.
3. There is no mention on the application of the authority of the owners, in the submission by the owners of the land.
4. This particular land was specifically granted particularly to Indigenous Aboriginal people to live on.
5. This land is at 133 Bagot Road, Town of Darwin, Ludmilla covers 23 hectares.
6. The land was granted to Aboriginal people off Bagot Road in 1938, after the compound was moved from Kahlin Compound which was closer to the centre of Darwin
7. It is estimated to house about 400 people.
8. The land is Crown Land in Perpetuity owned by the Aboriginal people.
9. The land was passed over to the Aborigines for community living purposes, to self govern in 1979 (Lease 840).
10. It is managed by Bagot Community Incorporation.
11. There have been other occasions when an attempt was made to develop a shopping centre like the present one, in September, 2016, but they have failed, and rightly so.
12. One of these was several years ago, when former politician Dave Tolner offered to pay a 'community' debt in return for owning part of the land, and said that he wished that the Bagot Community could be like an ordinary suburb.  
When this was known by the general public, there were wider objections, as well as objections by local residents.
13. I am surprised that that the Minister for Lands, Planning and Environment accepted this application for rezoning.
14. It would have meant the loss of about one third of the Bagot Community's land. All communities like these need open space too.
15. Since a public activity centre was envisaged, such an arrangement would could well unsettle Aboriginal resident.
16. There are many other practical reason, including having two activity centres near each other.

Regards,

Margaret Clinch  
Margaret.clinch@bigpond.com  
08-89271999

Thursday 9 April 2026

NT Planning Commission

GPO Box 1680

DARWIN NT 0801; or

Email: [planning.ntg@nt.gov.au](mailto:planning.ntg@nt.gov.au)

Dear Sir/Madam,

**Re: Submission in Support of the Bagot Community Rezoning Proposal (PA2025/0161)**

I write regarding the rezoning proposal for part of Lot 4806 in the Bagot Community. This letter represents our submission in support of this important planning amendment.

The proposal seeks to rezone part of Lot 4806 from Zone CL (Community Living) to Zone C (Commercial), and to amend the Darwin Mid Suburbs Area Plan to designate the site as a secondary activity centre. This rezoning will facilitate the development of commercial and community facilities including a supermarket, small shops, fast food outlets, service station, medical clinic, gymnasium, offices, childcare centre, and car parking.

The intended amendment will support a vibrant mixed-use precinct that provides a diversity of retail, business, and community services tailored to meet the needs of the surrounding Bagot community and broader area. The Commercial Zone (Zone C) purpose and outcomes emphasize accessibility, appropriate scale, urban design, and integration with transport networks, ensuring that development contributes positively to the locality without compromising local amenity.

This rezoning aligns with the vision and mission of the Larrakia Development Corporation (LDC), which is dedicated to advancing the social, cultural, and economic wellbeing of the Larrakia people. LDC is committed to sustainable development initiatives that empower the Larrakia community through culturally appropriate business and housing opportunities, fostering self-determination and economic independence. The Corporation's values include respect for Larrakia culture and heritage, community engagement, innovation, and environmental stewardship. This proposal reflects these values by enabling community-focused commercial development that supports local employment, services, and infrastructure, thus promoting long-term community resilience and prosperity.

In summary, the rezoning proposal represents a positive step towards enhancing the Bagot Community's social infrastructure and economic capacity, consistent with both the Northern Territory Planning Scheme objectives and the aspirations of the Larrakia people as represented by the Larrakia Development Corporation.

Thank you for the opportunity to provide this submission. Please do not hesitate to contact me should you require further information.

Yours sincerely,



Anthony Whitfield *BSc MBA MAICD*  
**Chief Executive Officer**



Phone 1800 245 092  
Web [powerwater.com.au](http://powerwater.com.au)

Record No: D2026/77419  
Container No: NE200/4806  
Your Ref: PA2025/0161

Ellen Shannon  
Development Assessment Services  
GPO Box 1680  
Darwin NT 0801

Dear Ellen

**Re: Part Lot 4806 (133) Bagot Road Ludmilla Town of Darwin**

In response to your letter of the above proposal for the purpose of amending the Darwin Mid Suburbs Area Plan to designate part Lot 4806 as an activity centre; and rezone part Lot 4806 from Zone CL (Community Living) to Zone C (Commercial) to facilitate commercial development and community purposes, including a supermarket, small shops, fast food, service station, medical clinic, gymnasium, offices, childcare centre and car parking., Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. PWC does not object the proposed rezoning and amending the Darwin Mid Suburbs Area Plan provided that the Proponent (The Bagot Community Inc, TBCI) shall be responsible for design and installations of suitable underground power servicing requirements for the future activity centre development.
2. If the above proposed application is granted, TBCI shall engage an accredited electrical consultant and contractor to design and construct the underground power servicing requirements in consultation with PWC.

If you have any further queries, please contact the undersigned on 8924 5729 or email:  
[PowerDevelopment@powerwater.com.au](mailto:PowerDevelopment@powerwater.com.au)

Yours sincerely

A handwritten signature in blue ink, appearing to read "Thanh Tang".

Thanh Tang  
Manager Distribution Development  
23 March 2026



Container No: F2020/1792

DLPE - Development Assessment Services  
GPO Box 1680  
Darwin NT 0801

Dear Ellen Shannon

**RE: PA2025/0161 - Lot 04806 Town of Darwin - 133 Bagot Rd, Ludmilla NT - Amend the Darwin Mid Suburbs Area Plan to designate part Lot 4806 as an activity centre; and rezone part Lot 4806 from Zone CL (Community Living) to Zone C (Commercial)**

In response to your letter of the above proposal for development application purpose, Power and Water Corporation Water Services advises the following with reference to water and sewer enquiries:

1. Only a single water and sewer service is permitted for each proposed individual lot. All new services are constructed by the developer, at no cost to Power and Water.
2. Power and Water have no objections at the rezoning stage, although significant augmentations are required to downstream sewer trunk mains to support any future development of the subject site.
3. The estimated sewer load for the proposed development exceeds 80 EP and a connection is required to discharge via a manhole. Power and Water's preference for discharge is to trunk sewer at MH 9/2. Easements for future connections and associated mains on Lot 4806 may be required.
4. Downstream trunk mains between MH 8/3 and MH1/4 are at capacity, and Power and Water cannot accept additional load without network augmentation. The developer is required to upgrade approximately 460 meters of DN300 trunk sewer to DN450. The developer is advised to engage a hydraulic consultant to confirm feasibility. The developer shall contact Power and Water to agree on a sewer servicing strategy prior to commencement of any works.
5. Full lot fire coverage cannot be achieved from existing hydrants. Internal firefighting arrangements must be made to the satisfaction of NT Fire and Rescue Service. An internal break tank maybe required for firefighting, as direct pumping from PWC water mains is not permitted.

PWC recommends that the developers' hydraulic consultant confirm internal firefighting requirements with PWC prior to the development, so that flow capability can be adequately assessed.

6. The existing sewerage easements within Lot 4806 is still required. Structures must not be located on or over a water supply or sewerage easement, or where no easement exists such as within a road reserve without obtaining the prior written approval of Power and Water.

7. Any required works mentioned above must all be at according to Power and Water's Connection Code and at the developer's expense. All standard, quoted and Water and Sewerage System Extension Policy (WASSEP) charges, as well as contribution charges may be applicable. As required, Power and Water will reassess the charges for the development.

If you have any further queries, please contact the undersigned on 08 9463 2089, or email [waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)

Yours sincerely

*Craig Thomas*

Craig Thomas  
**Services Development**

28 April 2026

cc: June D'Rozario  
email: drozario@ozemail.com.au

29 March 2026

**Development Assessment Services**  
Department of Lands, Planning and Environment  
GPO Box 1680  
Darwin NT 0801  
[das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au)

*Submission uploaded direct to NT Government ILIS*

Dear Development Assessment Services,

**RE: PA2025/0161 Lot 04806 Town of Darwin, 133 Bagot Rd Ludmilla – A proposed planning scheme amendment to Amend the Darwin Mid Suburbs Area Plan to designate part Lot 4806 as an activity centre; and rezone part Lot 4806 from Zone CL (Community Living) to Zone C (Commercial) at 133 Bagot Rd.**

Thank you for your email of 16 March 2026, with reference to online exhibition material and the opportunity for Airport Development Group (ADG) to provide comment.

ADG notes the exhibition documentation describes the proposal to:

- Amend the Northern Territory Planning Scheme by designating a portion of approximately 5.0 ha of Lot 4806 as a secondary activity centre in the Darwin Mid Suburbs Area Plan; and
- Amend the Northern Territory Planning Scheme by rezoning the 5.0 ha portion of Lot 4806 from Zone CL (Community Living) to Zone C (Commercial).

The documentation indicates the purpose of the proposed amendments "is to facilitate Bagot Community to develop some of its land for commercial development and community purposes, including supermarket and small shops, fast food, service station, medical clinic, gymnasium, offices, child care centre, and car parking to support the intended."

ADG offers the following comments for Development Assessment Services' consideration:

### **1. Location in relation to the airport**

Darwin International Airport is a joint-user operation with the Department of Defence (RAAF Base Darwin).

The site lies approximately 2.3km from the aerodrome reference point. The site is approximately 1,120 metres west of the Runway 29 threshold (following the extended runway centreline) and 790 metres south of the extended runway centreline.

## 2. Assessment against National Airports Safeguarding Framework (NASF)

### Guideline A – Managing impacts of aircraft noise (ANEF)

**The close proximity of the site to Darwin International Airport / RAAF Base Darwin means that aircraft noise will be experienced at this location.**

The Australian Noise Exposure Forecast (ANEF) is used in accordance with Australian Standard AS2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction (AS2021) to guide land use planning and development consent decisions.

As Darwin International Airport is a joint-user airport with RAAF Base Darwin, it is required to have a joint military–civil ANEF. The endorsed joint military–civil 2043 ANEF and associated noise metrics were developed to inform the preparation of the Darwin International Airport 2023 Master Plan.

ADG agrees with the applicant’s assessment that most of the application site lies between 20-25 ANEF contour of the 2043 ANEF, and that a small part of the site in the north-eastern corner lies in the 25-30 ANEF contour.

AS2021 Table 2.1 (Building site acceptability based on ANEF zones) states that siting of commercial buildings is acceptable outside the 25 contour, and conditionally acceptable between the 25-35 ANEF contours.

ADG supports the applicant’s statement that all buildings can be located in areas below ANEF 25 if required. ADG considers this an important planning control that should be included as a condition of approval. Although the rezoning is intended to enable a secondary activity centre, several land uses permitted under the Commercial Zone in the NT Planning Scheme 2020 are sensitive to aircraft noise and would therefore require appropriate positioning on the site (i.e. considered ‘unacceptable’ in greater than 25 ANEF contour) and suitable noise attenuation as per AS2021, such as:

Commercial Zone defined use	NT Planning Scheme 2020 assessment category	Building site acceptability based on ANEF Zones (AS2021 Table 2.1)
Caravan accommodation	Permitted use	Building type ‘house, home unit, flat, caravan park’: <ul style="list-style-type: none"> <li>• Conditionally acceptable: 20 to 25 ANEF</li> <li>• Unacceptable: greater than 25 ANEF</li> </ul>
Dwelling-caretakeers	Permitted use	Building type ‘house, home unit, flat, caravan park’: <ul style="list-style-type: none"> <li>• Conditionally acceptable: 20 to 25 ANEF</li> <li>• Unacceptable: greater than 25 ANEF</li> </ul>

Dwelling-multiple	Merit assessable	Building type 'house, home unit, flat, caravan park': <ul style="list-style-type: none"> <li>• Conditionally acceptable: 20 to 25 ANEF</li> <li>• Unacceptable: greater than 25 ANEF</li> </ul>
Education establishment	Impact assessable	Building type 'school, university': <ul style="list-style-type: none"> <li>• Conditionally acceptable: 20 to 25 ANEF</li> <li>• Unacceptable: greater than 25 ANEF</li> </ul>
Place of assembly	Impact assessable	Building type 'public building': <ul style="list-style-type: none"> <li>• Conditionally acceptable: 20 to 30 ANEF</li> </ul>
Place of worship	Impact assessable	Building type 'public building': <ul style="list-style-type: none"> <li>• Conditionally acceptable: 20 to 30 ANEF</li> </ul>
Residential care facility	Impact assessable	Building type 'hospital, nursing home': <ul style="list-style-type: none"> <li>• Conditionally acceptable: 20 to 25 ANEF</li> <li>• Unacceptable: greater than 25 ANEF</li> </ul>
Rooming accommodation	Impact assessable	Building type 'house, home unit, flat, caravan park': <ul style="list-style-type: none"> <li>• Conditionally acceptable: 20 to 25 ANEF</li> <li>• Unacceptable in greater than 25 ANEF</li> </ul>

#### Guideline A – Managing impacts of aircraft noise (N-contour system)

The N-contour system is a complementary aircraft noise metric that shows the potential number of aircraft noise events above a certain decibel on an average day. It is more explanatory than the ANEF system because it shows noise in a way that a person perceives it – as a number of single aircraft movement events per day above a certain noise level.

- 2043 joint military–civil N70 chart: The northern half of the site lies within the 20-50 events contour, indicating the site will be subject to between 20 and 50 aircraft noise events above 70dB(A) on an average day in 2043. The southern half of the site lies within the 10-20 events contour, indicating it will be subject to between 10 and 20 aircraft noise events above 70dB(A) on an average day in 2043.
- 2043 civil night N60 chart: The entire site lies within the 10-20 events contour, indicating the site will be subject to between 10 and 20 events above 60dB(A) on an average night between 11pm and 6am in 2043. A 60-decibel noise outside a residence will be experienced as a 50-decibel noise level inside and is likely to be more disturbing during sleeping hours.

Guideline B – Building-generated windshear and turbulence

The majority of the site lies within the assessment footprints for building-generated windshear and turbulence. Should the rezoning application be approved, ADG will assess any future development applications for the site in consideration of NASF Guideline B.

Guideline C – Wildlife hazard management

The site lies within 13km of the Darwin International Airport aerodrome reference point. There must be no site activity that attracts birds and wildlife that could create a hazard for aircraft operations. Should the rezoning application be approved, ADG will assess any future development applications for the site in consideration of NASF Guideline C.

Guideline E – Lighting in the vicinity of the airport

The site lies within the 6km radius lighting compliance limit of the airport, in Zone C of maximum permissible lighting intensity. Refer NASF Guideline E for further information.

The development's lighting must comply with Regulation 94 (Dangerous Lights) of the Civil Aviation Regulations 1988.

Should the rezoning application be approved, ADG will assess any future development applications for the site in consideration of NASF Guideline E.

Guideline F – Safeguarding airspace

Airspace around leased federal airports such as Darwin is protected under the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*. As Darwin is a joint-user airport with RAAF Base Darwin the *Defence Regulations 1996* also apply.

The site lies below the Inner Horizontal Surface of the Obstacle Limitation Surfaces (OLS) for Darwin International Airport. ADG notes the exhibition documentation indicates that the height of buildings is unlikely to exceed 15m. Should the rezoning application be approved, ADG will assess any future development applications for the site in consideration of NASF Guideline F.

Crane Operations used during construction may infringe the OLS or PANS-OPS surface and will require the submission of separate crane application to ADG, subject to approval.

Should you have any queries regarding ADG's comments, feel free to contact me at [planning@adgnt.com.au](mailto:planning@adgnt.com.au).

Yours sincerely,



**Victoria Moore**  
Regulatory & Planning Manager

Ellen Shannon  
Development Assessment Services  
GPO Box 1680  
Darwin NT 0801

T 08 8999 4556

File reference  
DDL2011/1237-02-0023~0003  
TCI Project No: 2026-0019

Dear Ellen

**Re: DARWIN - LOT 4806 TOWN OF DARWIN - 133 BAGOT ROAD, LUDMILLA - AMEND THE DARWIN MID SUBURBS AREA PLAN TO DESIGNATE PART LOT 4806 AS AN ACTIVITY CENTRE; AND REZONE PART LOT 4806 FROM ZONE CL (COMMUNITY LIVING) TO ZONE C (COMMERCIAL) - THE BAGOT COMMUNITY INCORPORATED - JUNE D'ROZARIO AND ASSOCIATES**

I refer to the Development Assessment Services' correspondence of 13 March 2026 regarding Planning Application PA2025/0161 on amendment of the Darwin Mid Suburbs Area Plan to designate part Lot 4806 as an activity centre; and rezoning part Lot 4806 from Zone CL (Community Living) to Zone C (Commercial).

I am pleased to advise that Transport and Civil Infrastructure (TCI), Department of Logistics and Infrastructure (DLI) has no objections in principle to the above-mentioned planning scheme amendment / rezoning of part Lot 4806, subject to the following comments and requirements:

1. This response does not provide any endorsement to the proposed future development of the land or the access provisions. These issues shall be subject to formal assessment on lodgement of a development application for the development of the land.
2. Note that the developer will be liable for costs to upgrade the surrounding road network infrastructure and stormwater drainage infrastructure within, or impacting upon, Northern Territory Government (NTG) controlled road reserves to cater for the development or land use following the rezoning of the land.
3. The proposed future development has the potential to increase the intensity of the land use and result in higher volumes of traffic and stormwater run-off, which may exceed the capacity of existing infrastructure in NTG-controlled road reserves. The Department has reviewed the submitted development plans and Traffic Impact Assessment and would like to highlight the following preliminary comments for the applicant's attention.
  - The proposed left-in left-out accesses and service road should be relocated as far as possible from the Bagot Community Local Road and Bagot Road intersection to minimise traffic conflicts and improve safety. The left-in access design must also include a dedicated left-turn lane.
  - A comprehensive traffic modelling and assessment will be required for the impacted road sections and intersections, including but not limited to the Bagot Community Local Road / Bagot Road intersection, to identify upgrades required to accommodate increased traffic. The assessment must also identify pedestrian infrastructure requirements at the intersection with mid-block fencing along Bagot Road and the development frontage to ensure safe pedestrian movements.
  - An assessment of the potential increased stormwater run-off based on the highest density use of the proposed land use zone, and impact on the existing downstream stormwater drainage system, will be required to demonstrate that the development will not create a hazard to public safety by worsening flooding of existing properties and emergency access along public roads in a major storm event. The assessment report must also identify upgrades and/or retention facilities required to accommodate the increased flow.

Should you wish to discuss the above mentioned further, please contact TCI on telephone 8999 4556.

**Please quote TCI Project No 2026-0019 in all correspondence.**

Yours sincerely

A handwritten signature in blue ink, appearing to read 'CBrown'.

**Claire Brown**  
General Manager, Transport and Civil Infrastructure

20/03 / 2026

**From:** [Ellen Shannon](#)  
**To:** [Ellen Shannon](#)  
**Subject:** DLI Comment: "PA2025/0161 Lot 04806 Town of Darwin" - New Application Submitted  
**Date:** Thursday, 26 March 2026 10:10:32 AM

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Good morning,

This application is to amend the Darwin Mid Suburbs Area Plan to designate park of Lot 4806 (located within the Bagot Community) as an activity centre and rezone part of Lot 4806 from Zone CL (Community Living) to Zone C (Commercial).

At this stage, this application should not impact public transport.

Kind Regards,

**Danielle Freemantle**  
Senior Executive Officer  
Transport Safety and Services  
Department of Logistics and Infrastructure

Level 2, Energy House, 18-20 Cavenagh Street Darwin  
GPO Box 2520, Darwin, NT 0801

t. 08 8924 7835  
e. [danielle.freemantle@nt.gov.au](mailto:danielle.freemantle@nt.gov.au)



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The NT Government acknowledges the Aboriginal people and cultures of the land and country on which we work and live. We acknowledge the ongoing connection to culture, land, sea and community and pay our respects to Elders past and present and to emerging leaders.

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**From:** Planning NTG <[Planning.NTG@nt.gov.au](mailto:Planning.NTG@nt.gov.au)>  
**Sent:** Friday, 13 March 2026 5:11 AM  
**To:** Cindy-Lee McDonald <[Cindy-Lee.McDonald@nt.gov.au](mailto:Cindy-Lee.McDonald@nt.gov.au)>  
**Subject:** 'PA2025/0161 Lot 04806 Town of Darwin' - New Application Submitted

Dear Passenger Transport - DLI,

A proposed planning scheme amendment to Amend the Darwin Mid Suburbs Area Plan to designate part Lot 4806 as an activity centre; and rezone part Lot 4806 from Zone CL (Community Living) to Zone C (Commercial) at 133 Bagot Rd , Ludmilla NT is to be subject to a 28 day public exhibition period, commencing 13/03/2026 and closing on 10/04/2026.

This application can be [viewed](#) and comments can be made through [ILIS](#) until

**From:** [Danielle Freemantle](#) on behalf of [EDTSS DLI](#)  
**To:** [Ellen Shannon](#)  
**Cc:** [EDTSS DLI](#)  
**Subject:** TSS further comments: "PA2025/0161 Lot 04806 Town of Darwin" - New Application Submitted  
**Date:** Wednesday, 22 April 2026 3:11:56 PM

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Good afternoon Ellen,

Please see additional comments from Public Transport, for consideration.

There are 4 bus stops within a 600 metre radius of the entrance to the Bagot Community.

**Bus stops on the same side of Bagot Road as the Bagot Community**

- Bus stop 109 (outbound) is approximately 570 metres South of the current entrance to the Bagot Community.
- Bus stop 110 (outbound) is approximately 278 metres North of the entrance to the Bagot Community.

**Bus stops on the opposite side of Bagot Road as the Bagot Community**

- Bus stop 171 (inbound) is opposite bus stop 109.
- Bus stop 170 (inbound) is approximately 365 metres north of the entrance.

Given the distances from the entrance to the Bagot Community to the bus stops, there are no concerns regarding the development and vehicle access to the site.

It may be appropriate to undertake a Traffic Impact Assessment to ensure that bus operations on Bagot Road and vehicle movements into and out of the Bagot Community are not negatively impacted.

Kind Regards,

**Danielle Freemantle**  
Senior Executive Officer  
Transport Safety and Services  
Department of Logistics and Infrastructure

Level 2, Energy House, 18-20 Cavenagh Street Darwin  
GPO Box 2520, Darwin, NT 0801

t. 08 8924 7835  
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The NT Government acknowledges the Aboriginal people and cultures of the land and country on which we work and live. We acknowledge the ongoing connection to culture, land, sea and community and pay our respects to Elders past and present and to emerging leaders.

9 April 2026

E [DevelopmentAssessment.DLPE@nt.gov.au](mailto:DevelopmentAssessment.DLPE@nt.gov.au)

Ms Ellen Shannon  
Development Assessment Services  
Department of Lands, Planning and Environment  
GPO Box 1680  
DARWIN NT 0801

T 08 8999 4446

Our Ref: DLPE2026/0082  
Your Ref: PA2025/0161

Dear Ms Shannon

**Re: PA2025/0161 Amend the Darwin Mid Suburbs Area Plan to designate part Lot 4806 as an activity centre; and rezone part Lot 4806 from Zone CL (Community Living) to Zone C (Commercial)**

The information provided for the above application has been assessed by the relevant divisions within the department, and the following comment is provided:

### Lands and Planning Division

#### **Crown Land Estate**

The Bagot Community Inc. holds Crown Lease In Perpetuity 840 for the purpose of Aboriginal living and ancillary uses. Any variation of lease provisions, including the lease purpose, requires the approval of the Minister in accordance with the *Crown Lands Act 1992*.

### Environment and Heritage Division

#### **Heritage Branch**

A search has found that there are no nominated, provisionally declared or declared heritage places or objects within the subject site. However, several places within Lot 4806 Town of Darwin have previously been nominated to the Northern Territory Heritage Register, including structures from the Second World War and the Bagot Aboriginal Reserve period. Although these nominations were unsuccessful, there may be remaining infrastructure and features that are of ongoing significance to the Bagot Community. Consultation with the Bagot community to understand any cultural or historical values associated with these features is recommended.

The search has found that there are no recorded Aboriginal or Macassan archaeological places and objects within the rezoning footprint, and the likelihood of surface Aboriginal or Macassan archaeological places existing within has been assessed as unlikely. The Heritage Branch does not believe that an archaeological survey in the disturbed portions of Lot 4806 Town of Darwin is likely to identify unrecorded archaeological places and objects.

There is some risk of subsurface archaeological deposits existing within the rezoning footprint, despite historic land clearing and development. These deposits may include Aboriginal archaeological materials, or materials from historical and wartime use of the area. Subsurface Aboriginal archaeological materials discovered during works are automatically protected under the *Heritage Act 2011*, while other material may be of significance to the history of the Northern Territory (NT). If subsurface archaeological materials are identified during works, please contact the Heritage Branch immediately.

### **Context of Heritage Branch Advice**

The NT Government's Heritage Branch administers the *Heritage Act 2011* and provides authoritative advice about obligations under the *Heritage Act 2011*, including steps to take to manage the impact of proposed work on Aboriginal and Macassan archaeological places and objects.

It is important that advice given by the Heritage Branch is followed. A failure to follow advice received from the Heritage Branch may be considered as evidence in an investigation if damage occurs to a declared heritage place, an Aboriginal or Macassan archaeological place or object.

### **Relevant parts of the NT *Heritage Act 2011***

1. All provisionally declared and declared heritage places and objects are protected under the Act;
2. All Aboriginal or Macassan archaeological places and objects are automatically protected - this includes places and objects not previously recorded;
3. Places and objects include an artefact or thing given shape by a person - examples include stone tools, stone arrangements, fish traps, rock art, modified trees, and shell middens;
4. Ancestral remains are also protected;
5. Underwater Cultural Heritage is protected, up to three nautical miles from the coast; and
6. There is an obligation to notify of the discovery of Aboriginal or Macassan archaeological places or objects.

### **Conditions of advice**

This advice is based on the description of the works provided to the Heritage Branch. If the work expands or changes significantly seek further advice.

In preparing this advice, the Heritage Branch has referred to the Northern Territory Heritage Register and the Heritage Branch archaeological database which includes information about Aboriginal and Macassan archaeological places and objects in the Northern Territory. However, the database only includes information about known archaeological places. The fact that there are no known archaeological places recorded may be because no archaeological surveys have been conducted in that particular area and is not necessarily an indication they do not exist.

### **Environmental Regulation Division**

Under the *Waste Management and Pollution Control Act 1998* (NT) (WMPC Act), all persons have statutory obligations to take all reasonable and practicable measures to prevent or minimise pollution and environmental harm, and to reduce the amount of waste generated. This is known as the General Environmental Duty, set out in section 12 of the WMPC Act. The proponent is responsible for ensuring that their activities comply with these obligations.

Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority (NT EPA) website<sup>1</sup>.

The proponent is advised to take notice of this non-exhaustive list of environmental issues that should be considered to help satisfy General Environmental Duty:

1. **Dust:** The proponent must ensure that nuisance dust and/or airborne particles are not discharged or emitted beyond the boundaries of the premises.
2. **Noise:** The proponent must ensure that the noise levels from the proposed premises comply with the NT EPA Northern Territory Noise Management Framework Guideline<sup>2</sup>.

If the proposal is situated where there are existing activities nearby that may already generate noise, please see the NT EPA advice on Recommended Land Use Separation Distances<sup>3</sup>.

3. **Erosion and Sediment Control (ESC):** The proponent must ensure that pollution and/or environmental harm do not result from soil erosion.

ESC measures should be employed prior to and throughout the construction stage of the development. Larger projects should plan, install and maintain ESC measures in accordance with the current International Erosion Control Association (IECA) Australasia guidelines<sup>4</sup>.

Where sediment basins are required by the development, the NT EPA recommends the use of at least Type B basins, unless prevented by site specific topography or other physical constraints.

Basic advice for small development projects is provided by the NT EPA document: Guidelines to Prevent Pollution from Building Sites<sup>5</sup> and Keeping Our Stormwater Clean<sup>6</sup>.

4. **Storage:** Where an Environmental Protection Approval or Environmental Protection Licence is required, the proponent must act in accordance with that authorisation.

If an Environment Protection Approval or Environment Protection Licence is not required, the proponent should store liquids only in secure bunded areas in accordance with VIC EPA Publication 1698: Liquid storage and handling guidelines<sup>7</sup>. Where these guidelines are not relevant, the storage should be at least 110% of the total capacity of the largest vessel in the area.

5. **Site Contamination:** If the proposal relates to a change of land use or if the site is contaminated, a contaminated land assessment is required in accordance with the National Environment Protection (Assessment for Site Contamination) Measure (ASC NEPM). The proponent is encouraged to refer to the information provided on the NT EPA website<sup>8</sup> and the NT Contaminated Land Guidelines<sup>9</sup>.

6. **Waste Management - Import and Export of Fill:** The proponent must ensure all fill imported or exported as part of the activity is certified virgin excavated natural material (VENM) in accordance with the NSW EPA guidelines<sup>10</sup>.

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<sup>1</sup> <https://ntepa.nt.gov.au/publications-and-advice/environmental-management>

<sup>2</sup> [https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0004/566356/noise\\_management\\_framework\\_guideline.pdf](https://ntepa.nt.gov.au/_data/assets/pdf_file/0004/566356/noise_management_framework_guideline.pdf)

<sup>3</sup> [https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0006/453192/guideline\\_recommended\\_land\\_separation\\_distances\\_oct.pdf](https://ntepa.nt.gov.au/_data/assets/pdf_file/0006/453192/guideline_recommended_land_separation_distances_oct.pdf)

<sup>4</sup> <https://www.austieca.com.au/publications/best-practice-erosion-and-sediment-control-bpesc-document>

<sup>5</sup> [https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0010/284680/guideline\\_prevent\\_pollution\\_building\\_sites.pdf](https://ntepa.nt.gov.au/_data/assets/pdf_file/0010/284680/guideline_prevent_pollution_building_sites.pdf)

<sup>6</sup> [https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0006/284676/guideline\\_keeping\\_stormwater\\_clean\\_builders\\_guide.pdf](https://ntepa.nt.gov.au/_data/assets/pdf_file/0006/284676/guideline_keeping_stormwater_clean_builders_guide.pdf)

<sup>7</sup> <https://www.epa.vic.gov.au/about-epa/publications/1698>

<sup>8</sup> <https://ntepa.nt.gov.au/your-environment/contaminated-land/investigating-contaminated-land>

<sup>9</sup> [https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0020/434540/guideline\\_contaminated\\_land.pdf](https://ntepa.nt.gov.au/_data/assets/pdf_file/0020/434540/guideline_contaminated_land.pdf)

<sup>10</sup> <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/virgin-excavated-natural-material/>

All imported fill material must be accompanied by details of its nature, origin, volume, testing and transportation details. All records must be retained and made available to authorised officers upon request. The proponent should also consider the following NT EPA fact sheet: Illegal Dumping - What You Need to Know<sup>11</sup>.

7. **Odour or Smoke:** The proponent must ensure that nuisance odours or smoke are not emitted beyond the boundaries of the premises.

If the proposal is situated where there are existing activities nearby that may already generate odour or smoke, please see the NT EPA advice on Recommended Land Use Separation Distances<sup>12</sup>.

8. **Water:** The proponent must ensure stormwater is not polluted, refer to water management in the NT EPA guidelines to Prevent Pollution from Building Sites<sup>13</sup>.

If the activity requires the discharge of waste to water or could cause water to be polluted, then a waste discharge licence under the *Water Act 1992* (NT) may be required. Please refer to the Guidelines<sup>14</sup>.

Should you have any further queries regarding these comments, please contact the Development Coordination Branch by email [DevelopmentAssessment.DLPE@nt.gov.au](mailto:DevelopmentAssessment.DLPE@nt.gov.au) or phone (08) 8999 4446.

Yours sincerely



Maria Wauchope  
Executive Director Land Resources

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<sup>11</sup> [https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0008/285740/factsheet\\_illegal\\_dumping\\_what\\_you\\_need\\_to\\_know.pdf](https://ntepa.nt.gov.au/_data/assets/pdf_file/0008/285740/factsheet_illegal_dumping_what_you_need_to_know.pdf)

<sup>12</sup> [https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0006/453192/guideline\\_recommended\\_land\\_separation\\_distances\\_oct.pdf](https://ntepa.nt.gov.au/_data/assets/pdf_file/0006/453192/guideline_recommended_land_separation_distances_oct.pdf)

<sup>13</sup> [https://ntepa.nt.gov.au/\\_media/waste-and-pollution/pdf/guidelines/guideline\\_prevent\\_pollution\\_building\\_sites.pdf](https://ntepa.nt.gov.au/_media/waste-and-pollution/pdf/guidelines/guideline_prevent_pollution_building_sites.pdf)

<sup>14</sup> [https://nt.gov.au/\\_data/assets/pdf\\_file/0016/1131073/waste-discharge-licensing-guidelines.pdf](https://nt.gov.au/_data/assets/pdf_file/0016/1131073/waste-discharge-licensing-guidelines.pdf)