

NT PLANNING COMMISSION HEARING

PROPOSED NT PLANNING SCHEME AMENDMENT PA2026/0110

Rezoning Part Lot 5182 Town of Darwin (213 Dick Ward Drive, Ludmilla) and Part Lot 8630 Town of Nightcliff (95 Dick Ward Drive, Coconut Grove) from Zone SD44 (specific use) to a new specific use zone

Agenda Item Number: 1
Meeting Date: 1 July 2026

Attachment A – Exhibition Material
Attachment B – Submissions Received



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Report to the Planning Commission

This report is prepared under section 22 of the *Planning Act 1999*, and considers the submissions made in relation to the proposal.

1. GENERAL INFORMATION

ADDRESS:	Part Lot 5182 Town of Darwin (213 Dick Ward Drive, Ludmilla) and Part Lot 8630 Town of Nightcliff (95 Dick Ward Drive, Coconut Grove)
AREA:	Approx 2.5ha (aligns with current extent of SD44)
CURRENT ZONE:	SD44 (Specific Use NTPS 2007)
PROPOSED ZONE:	New Specific Use Zone (NTPS 2020)
PROPOSED LAND USE:	Service Commercial
APPLICANT:	Cat Tatam of Tatam Planning Co.
LAND OWNER:	Gwalwa Daraniki Association (GDA) Inc (Land Owner) and Seth Chin of Chin Property Group (99 year lease over the land)

2. LEGISLATIVE REQUIREMENTS

The Minister for Lands, Planning and Environment is responsible for determining proposals to amend the NT Planning Scheme, including the rezoning of land. The *Planning Act 1999* (the Act) establishes requirements relating to the exhibition, consultation and reporting of proposed amendments to the NT Planning Scheme 2020 (NTPS).

Under section 22(6), the Planning Commission must hold a hearing if submissions are received during the exhibition period, and the Chairperson is satisfied that a hearing would provide further useful information.

Under section 24 of the Act, the Planning Commission must provide to the Minister for Lands, Planning and Environment, a written report that addresses the issues raised in the submissions; the issues raised at the hearing and during any consultation; and any other matters the Commission considers the Minister should take into account when considering the proposal.

3. PROPOSAL

The proposal seeks to rezone Part Lot 5182 Town of Darwin (213 Dick Ward Drive, Ludmilla) and Part Lot 8630 Town of Nightcliff (95 Dick Ward Drive, Coconut Grove) from Zone SD44 (specific use) to a new specific use zone.

The amendment will transition existing specific use zone SD44 from the former NT Planning Scheme 2007 to the current NT Planning Scheme 2020 (NTPS). The amendment will also change the provisions of the zone from aligning with Zone LI (Light Industry) to align with Zone SC (Service Commercial) while maintaining appropriate controls relating to the impacts of storm surge and proximity to Darwin International Airport/ RAAF Base Darwin.

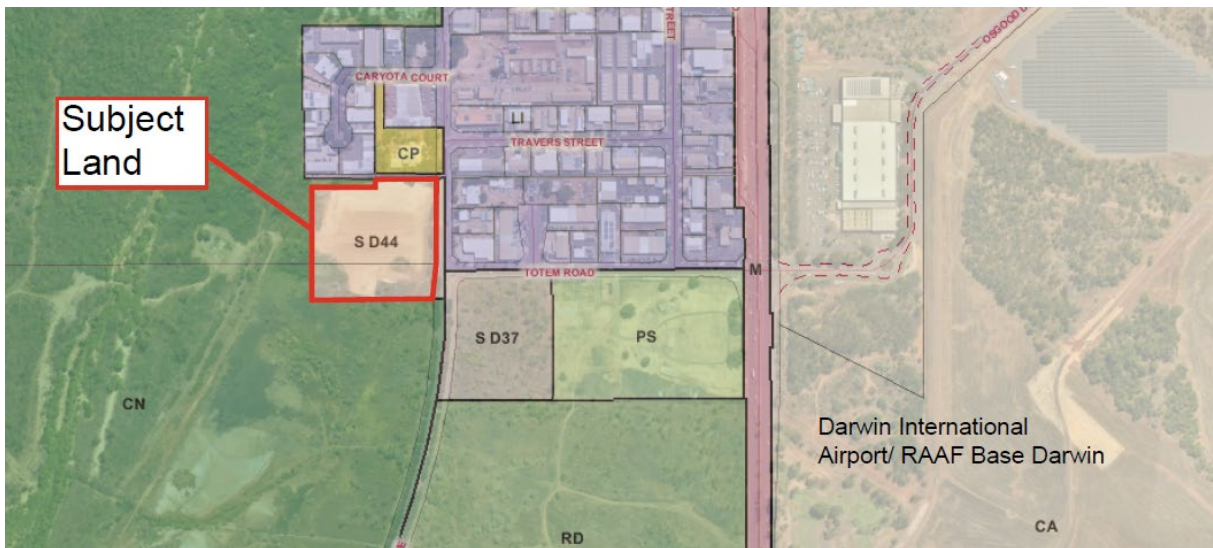
The Darwin Regional Land Use Plan and the Darwin Mid Suburbs Area Plan apply and identify the subject site for industrial and service commercial uses.

A copy of the exhibition material, including the application is at **Attachment A**.

4. SITE AND LOCALITY CONTEXT

The site is approximately 2.5ha in area and spans across part of Lot 5182 Town of Darwin (213 Dick Ward Drive, Ludmilla) and part of Lot 8630 Town of Nightcliff (95 Dick Ward Drive, Coconut Grove). The site is accessed from Dick Ward Drive along the eastern property boundary. Land on the opposing side of Dick Ward Drive and north of the site is zoned LI (Light Industry) associated with a long-standing industrial area. A property north of the site is zoned CP (Community Purpose) and is Crown Land managed by NT Health as a substance abuse assistance centre. South-east of the site and on the opposing side of Dick Ward Drive, land is zoned SD37 (Specific Use Zone Darwin No.37) to support development generally in accordance with Zone LI (Light Industry). Land to the west and south of the site is zoned CN (Conservation) and consists predominantly of bushland including riverine (Ludmilla Creek), mangrove, monsoon forest, salt-pan, and invasive weed environments.

Further east of the site is Darwin International Airport/ RAAF Base Darwin. The site is identified as being subject to aircraft noise within Australian Noise Exposure Forecast contours 30 to 35. The below image provides context to surrounding environments and zoning.



The site has generally been cleared of native vegetation with an area of trees retained in the southern area of the site associated with a registered sacred site. Earthworks have been undertaken under previous development permit DP15/0078 to raise the ground level of the site in response to both primary and secondary storm surge. The extent of primary (light blue) and secondary (dark blue) storm surge is shown in the below image.



Both Lot 5182 Town of Darwin (213 Dick Ward Drive, Ludmilla) and Lot 8630 Town of Nightcliff (95 Dick Ward Drive, Coconut Grove) form part of the Kulaluk Lease Area. In 1979 the NT Government granted a Special Purpose Lease to the traditional owners of the area, the Larrakia People, with the lease now held under a Crown Lease in Perpetuity by the Gwalwa Daraniki Association.

The proponent of the proposed amendment holds an Aboriginal Areas Protection Authority Certificate (C2014/011). The Certificate identifies an 'Extent of Burial Place' within the western and southern areas of the site, a 'Burial Place' just outside (approx. 25m) the western boundary of the site, and a 'Recorded Sacred Site' just inside (approx. 15m) the southern boundary of the site which includes an associated 'Restricted Works Area'. The location of these areas can be seen in the below image.



The site has been subject to a number of Planning Scheme Amendments (PSA) and Development Applications (DA). Of note are:

- PSA PA2008/0267 (Lodged 2009) to rezone the site from Zone CN (Conservation) to Zone LI (Light Industry) – *Refused*.
- PSA PA2013/0220 (Lodged 2013) to rezone the site from Zone CN (Conservation) to Zone SD44 (Specific Use – Darwin No.44) – *Approved*.
- DA PA2014/0410 (Lodged 2014) for the filling of land (SD44) for future development – *Approved (with various extensions of time approved)*.
- DA PA2023/0145 (Lodged 2023) for subdivision to create one lot (SD44) for the purpose of a lease in excess of 12 years – *Approved (Part 5 not Issued)*.

5. EXHIBITION OF PROPOSAL

On 29 April 2026, the Delegate for the Minister for Lands, Planning and Environment determined under section 13(3)(a) of the *Planning Act 1999* to continue consideration of the proposed amendment by placing it on exhibition.

The proposal was on public exhibition for a period of 28 days, in accordance with the requirements of the *Planning Act 1999*. The exhibition closing date was 29 May 2026.

6. SUBMISSIONS

Below is a summary of the matters raised in the submissions, provided at **Attachment B**.

Public Submission (Bookmarks B1 – B11)

Eleven (11) submissions were received from ten (10) members of the public regarding this proposal.

Public submissions raised a number of concerns with the proposal. Many submissions shared the same overall concerns and sentiment that the subject site is highly constrained and highly sensitive, not just physically but also culturally, historically, environmentally and socially. The concerns raised are summarised into the following themes:

- Cultural and historical significance;
- Environmental and ecological concerns;
- Storm surge, flooding and climate risk;
- Airport noise and aviation safety constraints;
- Traffic, vehicle and pedestrian safety;
- Access to and through the locality;
- Contamination, fill and land condition;
- Loss of green space and conservation values;
- Scale and suitability of commercial intensification in the area;
- Planning process, governance and transparency; and
- Community expectations and social impact.

The below table lists the submitters and provides a reference to their submissions. A more detailed summary of the discussion points in each of the public submissions is provided at **Attachment C**.

Submitter	Submission Reference
Sonja Pastor	(Bookmark B1 & B2)
Nicole Kaye	(Bookmark B3)
Maria Grujcic	(Bookmark B4)
Graham Kirby	(Bookmark B5)
David Percival	(Bookmark B6)
Nancy Batenburg	(Bookmark B7)
Brahminy Tumminello	(Bookmark B8)
Rachel Tumminello	(Bookmark B9)
Nicholas Kirlew (Planning Action Network or 'PLan')	(Bookmark B10)
Grusha Leeman	(Bookmark B11)

Local Authority Submission (Bookmark B12)

City of Darwin provided comment that they will not be making a submission in relation to the matter.

Service Authority Submissions (Bookmarks B13 to B18)

Six (6) submissions were received from Service Authorities.

The Department of Lands Planning and Environment - Heritage Branch, was requested (by the project officer), to provide additional information on the historical and cultural significance of the locality, in response to the nature of the public submissions received. This has been included as **Bookmark B19**.

Service Authority submissions are summarised in the table below.

Service Authority	Comments
Aboriginal Areas Protection Authority (AAPA) (Bookmark B13)	<ul style="list-style-type: none"> AAPA notes that proponent holds an Authority Certificate over Part of Lot 8603 and Part of Lot 5182 (C2014/011).
Power and Water Corporation (PWC) Water Services (Bookmark B14)	<ul style="list-style-type: none"> PWC Water Services advise that the developer may need to upgrade sewer and water services. Full lot fire coverage cannot be achieved from existing fire hydrants. Firefighting arrangements must be to NT Fire and Rescue Service satisfaction and recommend engaging a hydraulic consultant. Existing water and sewerage easements within the parent parcels are still required and structures must not be located on or over these easements.
Power and Water Corporation (PWC) Power Networks (Bookmark B15)	<ul style="list-style-type: none"> PWC Power Networks have no objection to the proposal. PWC Power Networks has received the Negotiated Connection application for a proposed two stage development. PWC Power Networks note the responsibilities of the developer to facilitate future development of the site.
NT Fire and Emergency Services (Bookmark B16)	<ul style="list-style-type: none"> NT Fire and Emergency Services have no objections to the proposal.
Department of Lands, Planning and Environment – Land Resource Division (combined comments) (Bookmark B17) And	<p><u>Lands and Planning Division</u></p> <p>Crown Land Estate:</p> <ul style="list-style-type: none"> Approval is not required under the <i>Crown Lands Act 1992</i> to use the land in accordance with the lease purpose. <p><u>Environment and Heritage Division</u></p> <p>Heritage Branch Bookmark B17:</p>

<p>(Bookmark B19 – Heritage Branch additional comments received 18/06/2026)</p>	<ul style="list-style-type: none"> • The NT Heritage Register shows that there is no nominated, provisionally declared or declared heritage places or objects within the proposed rezoning area. • The Aboriginal and Macassan archaeological database indicates there are <u>no recorded</u> Aboriginal archaeological places or objects within the proposed rezoning area. • The likelihood of unrecorded Aboriginal archaeological places or objects has been <u>assessed as unlikely</u>. • The context of Heritage Branch advice, relevant parts of the <i>NT Heritage Act 2011</i>, and conditions of advice are also provided. • Additional Comments (received 18/06/2026) Bookmark B19: <ul style="list-style-type: none"> ○ Previous Heritage Branch advice is correct that there are no current nominations for heritage places or objects, however the subject site is part of the broader Kulaluk Lease Area which was nominated to the NT Heritage Register in June 2014. ○ In 2017, the Minister for Heritage agreed that the Kulaluk lease area was of heritage value but declined to permanently declare it as a heritage place, siting appropriate management under the zoning and <i>Planning Act 1999</i> and the automatic protection under the <i>Heritage Act 2011</i>. ○ An archaeological survey was conducted in 2014 on the land subject to the propose rezoning and found no aboriginal burial sites and concluded it was highly unlikely that human remains would be found on the subject site. Notwithstanding this, the survey report recommended heritage inductions and an Unexpected Fines Protocol be developed for future ground disturbance works. ○ It is likely the cumulative impact of recent development applications and rezonings will have an impact on the recognised heritage values of the Kulaluk lease area, and a suitable mitigation strategy be developed in the planning and development of the lease area. <p><u>Environment Regulation Division</u></p> <ul style="list-style-type: none"> • The proposal does not appear to trigger the licensing requirements of an Environmental Protection Approval (EPA) under the <i>Waste Management and Pollution Control Act 1998</i> (NT) (WPCC Act). • All persons are to comply with the General Environmental Duty under Section 12 of the WMPC Act. • The proponent is advised to take notice of listed environmental issues to consider, to help satisfy General Environmental Duty.
<p>Darwin International Airport, Airport Development Group (ADG) (Bookmark B18)</p>	<ul style="list-style-type: none"> • ADG appreciates the early advice on the matter shared by the applicant in November 2025. • ADG notes the development and safeguarding measures for Darwin International Airport/ RAAF Base Darwin, have been carried over from the existing Zone SD44 to the proposed new specific use zone.

	<ul style="list-style-type: none"> • ADG welcomes the continued measure that all future development within the proposed new specific use zone will require assessment by ADG. • ADG offers high-level comments for consideration in the preparation of any future development applications for the site, specifically in relation to: Location in relation to the airport; and Assessment in relation to National Airports Safeguarding Framework.
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The application was also referred to the below service authorities and no comment was received:

- Department of Defence – Estate Planning
- NBNC.

7. RECOMMENDATION

That under section 24 of the *Planning Act 1999*, the Planning Commission report to the Minister for Lands, Planning and Environment on the issues raised in submissions, issues raised at the hearing and any other matters it considers the Minister should take into account when making a decision regarding the proposal.