

From: [Sonja Pastor](#)
To: [Planning NTG](#)
Subject: Submission on PA2026/0110 SD44
Date: Monday, 25 May 2026 9:41:44 PM

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Submission on PA2026/0110

SD44, Seth Chin Block

This submission raises concerns regarding PA2026/0110, which proposes transitioning SD44 from its original constrained Special Use light industrial framework toward a constrained service-commercial framework. This will allow broadening and intensification of permitted uses on the site even though SD44 is heavily constrained by primary storm surge, proximity to the airport and heritage issues.

This submission focuses on the historical and cultural constraints affecting this site and argues that no further commercial intensification should occur until these unresolved historical and heritage issues are properly addressed.

This submission challenges the idea that SD44 is just another ordinary commercial lot by documenting the historical and cultural context that is absent from the exhibited planning material.

SD44 forms part of the Kulaluk lease and formerly was the access point to the historic Totem Road unsealed public road that led to the Kulaluk cemetery and to Fish Camp which, as Bill Day explains, was a central site of the Larrakia land-rights movement during the late 1960s and 1970s. Bill Day also described this road in 2014 as “the only remaining all-year-round easy access” into the Kulaluk lease. [1]

The historical and cultural significance of SD 44 and adjoining sites cannot be understood without reference to the broader history of the Kulaluk lands themselves. The Kulaluk lands were formerly part of the Bagot Aboriginal Reserve established in 1938 following the closure of Kahlin Compound. The reserve was drastically reduced in size in 1965 during suburban rezoning and expansion around Ludmilla, displacing many Aboriginal people and leading ultimately to the land-rights struggle that emerged during the late 1960s. [2]

In the late 1970s, the Larrakia were granted a special purpose lease over what became known as the Kulaluk lease. The former Bagot cemetery, which had long served as a burial ground associated with the Bagot Aboriginal Reserve, increasingly became known as Kulaluk cemetery. Bill Day’s archives contain funeral notices and other material showing that this cemetery continued to serve the Aboriginal population of Darwin long after the Bagot Reserve period. Historical material also suggests that Totem Road itself took its name from the Pukemani poles associated with the cemetery. Kulaluk cemetery continues to be identified on Google Maps, even though the historic Totem Road unsealed public access road appears to have gradually disappeared following the rezoning, fencing and filling of SD44 from 2014 to the present. [3]

This unsealed road provided foot and also vehicle access not only to the Kulaluk cemetery but also to the Kulaluk lands more broadly, including Fish Camp and adjoining mangroves and coast. Historical and archival material suggests this road was used for generations for cultural and recreational purposes by Larrakia people and other Aboriginal groups. Recreational use by non-Aboriginal members of the Darwin community over generations is also documented. [4]

This broader pattern of use is important because Bill Day’s archival material suggests the Kulaluk lands were historically understood not as a fenced private estate, but as open green space valued for its significant natural, cultural and historical values. Kulaluk was also recognised nationally and in 1991 was included in the Register of the National Estate as part of the Darwin Foreshores listing. [5]

The Kulaluk lease was converted to a Crown Lease in Perpetuity in 1985. In the decades that followed, NT governments increasingly encouraged economic development on Kulaluk through commercial

subleasing so lease holders could achieve economic independence . After SD44 was created as a limited light industrial development zone under special conditions in 2014, the site was subsequently fenced and filled, physically changing how the area functioned and restricting public access. Land historically associated with shared cultural and community use increasingly became treated as commercially subleased development land marked by fencing, no-trespassing signs and restricted access.

The natural, cultural and historical heritage values of SD44 and surrounding areas have gradually disappeared from the formal planning narrative. While the earlier 2014 rezoning material still included a narrow public access route between industrial sheds , the current PA2026/0110 exhibition material no longer appears to identify or retain public or cultural access associated with the historic Totem Road unsealed access road to the Kulaluk cemetery, Fish Camp, or access toward the mangroves and coast. [6]

This submission therefore raises concern that further commercial intensification is being proposed on historically and culturally significant land where public and cultural access has been progressively removed.

In conclusion, SD44 is historically and culturally constrained, not merely physically constrained.

This submission requests that public access to the Kulaluk cemetery and surrounding landscape be immediately restored, especially for Aboriginal people who for generations were able to freely move around this area and visit their ancestors' remains in the Kulaluk cemetery. This submission strongly requests that no further commercial intensification should be permitted on SD44 until the unresolved historical and heritage constraints affecting this site are properly addressed.

References

[1] Bill Day, Rezoning the Kulaluk Lease 2014

<https://www.drilldayanthropologist.com/resources/Rezoning%20the%20Kulaluk%20Lease%202014.pdf>

[2] Bill Day, Kulaluk Lease History Text

<https://www.drilldayanthropologist.com/resources/Kulaluk%20Lease%20BDayTEXT.pdf>

[3] Bill Day Archive – Kulaluk Burial Ground

<https://www.drilldayanthropologist.com/kulaluk-burial-ground1.php>

[4] Bill Day, Rezoning the Kulaluk Lease 2014

<https://www.drilldayanthropologist.com/resources/Rezoning%20the%20Kulaluk%20Lease%202014.pdf>

[5] Australian Heritage Database – Darwin Foreshores

https://www.environment.gov.au/cgi-bin/ahdb/search.pl?mode=place_detail;place_id=16107

[6] Bill Day, Rezoning the Kulaluk Lease 2014

<https://www.drilldayanthropologist.com/resources/Rezoning%20the%20Kulaluk%20Lease%202014.pdf>

Sonja Pastor

Fannie Bay

Sonja.pastor 108@gmail.com

From: [Sonja Pastor](#)
To: [Planning NTG](#)
Subject: PA2026/0110 Sonja Pastor Submission 2
Date: Wednesday, 27 May 2026 5:47:34 PM

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Submission on PA2026/0110 SD44, Seth Chin Block

Introduction

PA2026/0110 proposes replacing the existing SD44 Special Use light industrial framework with a new Special Use service-commercial framework under the NT Planning Scheme 2020. If approved, the proposal would broaden and intensify the range of permitted uses on land already heavily constrained by primary storm surge and proximity to airport overlays.

This submission examines whether it is appropriate to expand permitted uses on land affected by primary storm surge, contamination concerns and airport safeguarding constraints.

Storm Surge and Long term Site Suitability

The Statement of Effect repeatedly states that all provisions relating to storm surge, aircraft noise and airport operations have been maintained. But simply carrying over older provisions does not demonstrate that the underlying hazard assumptions remain appropriate in 2026 conditions. Twelve years have passed since the original SD44 framework was established in 2014. During that period storm surge modelling and sea-level-rise projections have evolved, while the NT storm surge planning framework has continued to rely substantially on modelling assumptions developed more than a decade ago. The document does not explain whether the original storm surge assumptions, flood modelling or hazard assessments applying to SD44 have been reviewed against present conditions.

The current Darwin-region storm surge framework largely derives from the SEA 2006, SEA 2010 and GHD 2011 storm surge studies, which relied substantially on climate assumptions originating from the 2007 IPCC framework. Those assumptions included projected sea-level rise of approximately 0.3 metres by 2050 and approximately 0.8 metres by 2100. Darwin region storm surge mapping later published in 2019 continued to rely substantially on this earlier modelling framework and elevation datasets collected between 2009 and 2015.

More recent information suggests sea-level rise in the Darwin region may already be progressing beyond the assumptions underpinning the earlier framework.

A 2017 CoastAdapt article written by Pam Robinson, former Environment and Climate Change Strategic Planner at the City of Palmerston, stated that sea levels in the Darwin region had already risen by approximately 18 centimetres over the previous 20 years and described this as one of the highest rates anywhere. The same article referred to projections of a further rise of approximately 24 centimetres by 2050. Taken together, those figures suggest sea-level rise in the Darwin region could potentially be tracking closer to approximately 42 centimetres by 2050, compared with the earlier NT planning assumption of approximately 30 centimetres by 2050 embedded within the earlier storm surge framework. [1]

More recent Darwin Harbour storm surge modelling has also emerged since the earlier SEA/GHD framework. A 2021 Darwin Harbour study by Arnaud et al. used coupled hydrodynamic and wave modelling calibrated against field measurements inside and outside Darwin Harbour, including validation against Cyclone Tracy conditions, and assessed future scenarios using projected sea-level-rise allowances of approximately 0.6 metres by 2075 relative to 2020 conditions. [2].

The Statement of Effect notes that preliminary discussions with Lands Planning included storm surge mapping and the Land Subject to Storm Surge overlay. However, it does not explain whether updated sea level rise projections were considered. The document also does not explain whether the large-scale filling works already completed on the site over the past 12 years may alter flood behaviour or inundation impacts on surrounding land.

The government-commissioned 2023 Byrne report [3] states that the WRM flood assessment adopted a predicted year 2100 1% AEP storm surge level of 5.4 metres AHD and then applied an additional 0.5 metre freeboard allowance to take climate change into account, resulting in a minimum indicative fill level of 5.9 metres AHD for storm surge immunity. However, the Statement of Effect does not explain whether the filling works already undertaken on the site meet those later Byrne report recommendations.

The Statement of Effect also claims that the rezoning to Service Commercial would ensure ongoing protection of neighbouring land through retained requirements for storm surge and airport safety. However, the document does not clearly explain how neighbouring land would be protected, what specific mechanisms would provide that protection, or whether cumulative impacts associated with filling, storm surge inundation and altered site levels have been independently assessed.

The Statement of Effect argues that older Specific Use zones created under the NT Planning Scheme 2007 are progressively being reviewed and reformatted into the structure of the NT Planning Scheme 2020. However, the document itself largely describes the proposal as maintaining the existing SD44 framework, including retaining existing provisions relating to storm surge, aircraft noise and airport operations. In that context, the proposed transition of SD44 into the NTPS 2020 framework raises broader questions about whether the site has actually been reassessed under the more detailed hazard overlays and updated land-use planning approach now used in NTPS 2020, or whether the earlier planning assumptions established under the NT Planning Scheme 2007 are largely just being carried forward into the new scheme structure.

Cumulative Impacts and Long-Term Site Suitability

The 2015 Darwin Region Flood Mitigation Advisory Committee Report, published more than a decade ago, recommended that the cumulative impacts of development on drainage and flooding should be assessed rather than assessing individual development in isolation. The report stated that planning decisions affecting flood-prone land should consider cumulative post-development impacts across entire catchments because future flooding risk cannot be treated simply as an isolated site-by-site engineering issue. [4]

This is relevant because PA2026/0110 is being assessed separately from the already approved Stage 1 SD37 service commercial development, even though later SD37 stages directly opposite SD44 remain identified for future development as part of the broader master plan. The adjoining Bagot rezoning proposal for another service commercial development is also being assessed separately.

Together, these proposals involve separate planning assessments for multiple commercial developments within the low-lying Ludmilla Creek catchment, despite the 2015 Darwin Region Flood Mitigation Advisory Committee Report recommending that the cumulative impacts of development on drainage and flooding should be assessed rather than assessing individual development in isolation.

While future development proposals within SD44 would still require separate development consent, this rezoning application is what establishes the future planning framework and broadens and intensifies the permissible uses on the site. Questions therefore arise as to whether the cumulative impacts and broader suitability of expanded service-commercial activity on this low-lying coastal land have been adequately demonstrated at the current rezoning stage

The 2015 Commonwealth Government Northern Australia Insurance Premiums Taskforce Final Report identified high winds, flooding, storm surge and water ingress as interconnected components of cyclone risk in northern Australia. The report emphasised the importance of careful future development planning and recognised that future cyclone losses in major coastal centres such as Darwin could increase significantly as more development occurs in vulnerable coastal areas. [5]

This study from more than a decade ago raises serious doubts about whether expanding and intensifying commercial activity on this constrained low-lying coastal land represents an appropriate long-term planning outcome.

Planning Act Considerations

The Statement of Effect states that the proposal is consistent with the objectives of the Planning Act, including the responsible use of land and water resources and the protection of ecological processes. However, the document contains only limited discussion of hydrological impacts, flood behaviour,

storm surge inundation, contamination issues, or the long-term implications of extensive filling activity on a low-lying coastal site affected by storm surge overlays. The Statement of Effect also does not clearly explain how these issues have been assessed cumulatively in the context of broader service-commercial intensification proposed for the site.

The Planning Act also refers to protecting the quality of life of future generations. However, the Statement of Effect does not appear to include detailed discussion of future sea level rise, changing coastal risk, or the long-term implications of intensifying development on land already acknowledged to be affected by storm surge and airport constraints. While the document repeatedly refers to retained storm surge provisions and hazard overlays, it provides limited detail about whether the site has been reassessed against current and future hazard conditions.

The Statement of Effect further claims that the proposal promotes sustainable development and orderly planning outcomes. However, the planning history outlined in the document records more than a decade of filling activity, repeated extensions of time and progressive planning amendments that seem to be preparing the site for more intensive future development, despite the site being constrained by storm surge and airport overlays. The current proposal seeks to broaden the range and intensity of commercial uses permitted on the site so this raises a legitimate question as to whether this progression toward more intensive development on highly constrained low-lying coastal land represents a genuinely sustainable long-term planning outcome.

The Planning Act 1999 also refers to planning systems being clear, comprehensive and effective. However, the Statement of Effect discusses storm surge, hydrology, contamination and airport safeguarding only in relatively general terms, despite these being major constraints affecting the site. At the same time, this rezoning application broadens the range of future uses permitted on the site. This raises a broader question about whether the case for expanding service-commercial uses on constrained low-lying coastal land has been fully established at the current stage.

Contamination

The government-commissioned Byrne report (2023) [6] identified the SD44 area as requiring a full contaminated land assessment, including risks associated with asbestos waste, dumped rubbish and stockpiled or fill material. The report also identified the need for acid sulfate soil assessment and management in relation to future development of the site.

The Statement of Effect contains no discussion of contamination issues. This is notable given the long history of filling activity associated with the site. The document acknowledges that extensive filling works have occurred under DP15/0078, followed by four extensions of time for filling approvals over more than a decade.

Government planning records also indicate that fill storage and filling activity on the broader Kulaluk lease lands has occurred through multiple separate planning processes, including an earlier investigation and enforcement matter relating to alleged unapproved storage of fill material. [5]

The planning history further records that, after the SD44 rezoning process commenced, an application for an operational stockpile of fill (PA2013/0170) was lodged in March 2013 and refused. However, a later application for filling land within SD44 for future development (PA2014/0410) was approved in 2014, followed by four extensions of time over the next 12 years. [7]

Despite this prolonged filling history, the Statement of Effect does not address contamination risks, fill provenance, acid sulfate soils, or whether the issues identified in the Byrne report have been resolved prior to the proposed expansion of permissible uses on the site. The document also does not examine how storm surge inundation could interact with fill material already placed on the site during extreme coastal flooding events.

Proximity to Airport Overlay Constraints

When SD44 was created in 2014, the planning framework already recognised that the site was constrained by its proximity to Darwin Airport and Defence aviation operations. The SD44 provisions stated that development within the area was to minimise the impacts of aircraft noise and protect the safety and curfew-free operation of Darwin International Airport. [8]

The Byrne report (2023) also identifies the site as being affected by the Land in Proximity to Airports overlay and notes that parts of the lease areas fall within the Australian Noise Exposure Forecast contour associated with Defence aviation operations. [9]

Since 2014, Defence aviation activity over Darwin has increased significantly, including increasingly large and prolonged exercises such as Exercise Diamond Storm, Exercise Southern Cross and Exercise Pitch Black. Defence is also increasingly referring to extended periods of high tempo flying activity across the dry season. Exercise Pitch Black 2024 was described by Defence as the largest in the exercise's 43-year history, involving approximately 4,400 personnel, more than 140 aircraft and 20 participating nations. [10] [11]

Commercial flights through Darwin Airport also appear to have increased since the original SD44 rezoning and are forecast to increase further within the Darwin Airport 2023 Master Plan. [12]

Although the site has remained largely undeveloped since the original SD44 rezoning, the current amendment application seeks to broaden the range and intensity of commercial uses within an area already recognised as constrained by aircraft noise and airport safeguarding requirements. As already mentioned, since 2014, both Defence and civilian aviation activity affecting the site appear to have increased significantly. This raises broader planning questions about whether the assumptions underpinning the original SD44 framework remain appropriate under current aviation conditions, and whether expanding commercial uses within the area remains consistent with the original intent of the airport safeguarding provisions.

Conclusion

PA2026/0110 proposes broadening and intensifying the range of commercial uses permitted on low-lying coastal land recognised as constrained by primary storm surge and airport overlays.

The material accompanying the application raises broader questions about whether the site has been fully reassessed against current storm surge, contamination and airport safeguarding conditions, particularly given the substantial filling activity that has occurred across the site over more than a decade.

The application also raises broader questions about whether earlier planning assumptions established under the original SD44 framework in 2014 are now largely being carried forward into the NT Planning Scheme 2020 framework without a more substantial reassessment of long-term coastal risk, contamination constraints, cumulative flooding impacts and changing aviation conditions.

[1] Pam Robinson, See sea-level rise threats in Darwin region, CoastAdapt, National Climate Change Adaptation Research Facility, 2017.

CoastAdapt website:

<https://coastadapt.com.au/>

Original article URL no longer working:

<https://coastadapt.com.au/see-sea-level-rise-threats-darwin-region>

[2] Arnaud et al., Darwin Harbour storm surge modelling study (2021)

https://www.systemsengineeringaustralia.com.au/download/Arnaud_et_al_Darwin_Harbour_EA_2021.pdf

[3] Byrne Consultants, Kulaluk and Minmarama Park Land Assessment Report (2023)

<https://dhlgcd.nt.gov.au/media/documents/housing2/town-camps/kulaluk-minmarama-land-assessment-report.PDF>

[4] Darwin Region Flood Mitigation Advisory Committee Report (2015)
<https://dli.nt.gov.au/media/docs/flood-mitigation/darwin-flood-mitigation-report.pdf>

[5] Northern Australia Insurance Premiums Taskforce Final Report (2015)
https://treasury.gov.au/sites/default/files/2019-03/R2015-002_NAIP_final_report.pdf

[6] Northern Territory Parliament, Answers to Questions on Notice 2.5 and 2.7, Kulaluk Town Camp
https://parliament.nt.gov.au/committees/previous/estimates/estimates-committee-2016/2016/TP2.3_Answers_to_QON_2.5_and_2.7_Kulaluk_Town_Camp.pdf

[7] Northern Territory Parliament, Answers to Questions on Notice 2.5 and 2.7, Kulaluk Town Camp
https://parliament.nt.gov.au/committees/previous/estimates/estimates-committee-2016/2016/TP2.3_Answers_to_QON_2.5_and_2.7_Kulaluk_Town_Camp.pdf

[8] Tatam Planning Co., Statement of Effect, Planning Scheme Amendment – Rezoning from SD44 under NTPS 2007 to Specific Use Zone under Schedule 4 of NTPS 2020, March 2026.

[9] Byrne Consultants, Kulaluk and Minmarama Park Land Assessment Report (2023)
<https://dhlgcd.nt.gov.au/media/documents/housing2/town-camps/kulaluk-minmarama-land-assessment-report.PDF>

[10] Australian Government Department of Defence, Exercise Pitch Black 2024 concludes
<https://www.defence.gov.au/news-events/releases/2024-08-02/exercise-pitch-black-2024-concludes>

[11] Royal Australian Air Force, Exercise Pitch Black participants
<https://www.airforce.gov.au/news-events/events/exercise-pitch-black/participants>

[12] Darwin Airport 2023 Master Plan Preliminary Draft
<https://www.darwinairport.com.au/sites/default/files/2023-09/DIA%202023%20Master%20Plan%20-%202020Master%20Plan%20-%20Preliminary%20Draft%20-%20Sep%202023.pdf>

Submission on PA2026/0110

SD44, Seth Chin Block

I object to the proposed SD44 rezoning application PA2026/0110 relating to the Seth Chin block at the end of Totem Road and believe the rezoning should be refused.

My concern is that the site was originally rezoned in 2014 to allow only limited light-industrial uses under special conditions because of the site's location and surrounding constraints. The current proposal would move far beyond that earlier special use framework by opening the site up to much more intensive service-commercial uses such as shops, restaurants, bars, offices and other customer-focused businesses.

I am worried as they are likely to generate substantially greater traffic volumes, parking demand, customer turnover and movements than the light-industrial uses originally planned for the site.

Residents of Darwin already experience congestion, difficult turning movements and heavy traffic conditions around the Totem Road and Dick Ward Drive intersection, particularly during busy periods. In my view, this area is not suitable for further commercial intensification of this scale.

There are also concerns about pedestrian safety along Dick Ward Drive including near St Vincent de Paul's Ozanam House and meal services. People regularly cross Dick Ward Drive to reach bus stops and nearby services in an area with heavy traffic and no pedestrian crossing. Concerns about unsafe pedestrian crossings in this area have already been raised in submissions and planning documents relating to the Ozanam House approval.

There is also a broader planning history of traffic concerns in this area. Previous planning and traffic assessment material relating to nearby developments identified the need for traffic and intersection assessment involving Dick Ward Drive, Totem Road, Bagot Road and Fitzer Drive. Community submissions connected to nearby developments have also previously raised concerns regarding traffic stress, congestion and safety in this same area.

In my view, this proposal represents a significant intensification of the originally intended use of the site and would place further pressure on roads and intersections that are already experiencing traffic and pedestrian safety problems.

For these reasons, I believe the proposed rezoning should be refused.

Kind Regards

Nicole Kaye

nicole_kaye@hotmail.com

From: [Maria Grujicic](#)
To: [Planning NTG](#)
Subject: Submission – PA2026/0110 Seth Chin Block (SD44)
Date: Wednesday, 27 May 2026 8:24:38 PM

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Dear Planning Team,

Please accept the following as my submission regarding PA2026/0110 – Seth Chin Block (SD44).

Submission – PA2026/0110 Seth Chin Block (SD44)

To whom it may concern,

I wish to lodge an objection regarding PA2026/0110 relating to the Seth Chin Block.

My main concern is flooding and the long-term suitability of this site for expanded development. I have heard repeated concerns from community members and residents that obtaining insurance in nearby areas such as Coconut Grove is becoming increasingly difficult or expensive because of flood-related risks. While these concerns are based on community discussions and local experiences, they raise important questions about future risk and whether additional development in low-lying areas may place further pressure on surrounding communities.

The site sits in a low-lying area close to the coast and the Ludmilla Creek system. I am concerned that changes to land levels, filling and future development could alter drainage and flooding behaviour, not only on the site itself but also in surrounding residential areas.

I am also concerned that the proposal lacks clarity. Community members are being asked to comment without fully understanding what may eventually be built there. Questions remain about the long-term scale and intensity of future uses and how these may affect neighbouring residents.

The location itself raises additional concerns. The site sits beneath the airport flight path and beside established residential neighbourhoods. Increased activity, traffic, noise and future expansion may create impacts that have not been fully explained.

I am also concerned about the cultural significance of the broader area. Nearby land within the Kulaluk region has long-standing cultural and historical significance, and many residents continue to raise questions regarding heritage values and the cumulative impact of ongoing development proposals in this area.

Given changing climate conditions, flooding concerns and uncertainty around cumulative impacts, I believe caution should be exercised before intensifying development in this area.

Development decisions should not only ask what can be built, but whether development in a constrained location is appropriate and sustainable in the long term.

I respectfully ask that the proposal be reconsidered and that further independent assessment of flooding, cumulative impacts, cultural values and long-term community consequences be undertaken before any further progression occurs.

Yours sincerely,
Maria Grujicic

I respectfully request confirmation that this submission has been received and included as part of the public consultation process.

Kind regards,

Maria Grujicic

Submission Re: PA2026/0110 SD44

Dear reader. SD44 carved out of Lot 5182 and adjacent lots have had a torrid convoluted and decidedly political history of which we are all aware and most would not wish to revisit.

I am a carer of native wildlife, The Waste dump/Stockpile on Lot 5182 zoned Conservation has been a festering sore for 20 years. The area to the West side of Dick Ward Drive is zoned C, Conservation.

The illegal waste dump/stockpile on conservation land was ordered to be removed by Minister Chandler, May 2014 and Minister Tollner, May 2015 was 'monitoring the situation', nothing happened.

During 2015/16 deliberations while approved was given to use fill on SD44 in the primary surge zone two committees were hard at work concerned with mitigation of sea level rises, storm surge, extreme weather events and more intense cyclones.

1. There was a Flood Mitigation Advisory Committee chaired by Minister Styles.
2. The COD spent several million dollars to armour the seaward side of Progress Drive less than 1km from SD44 and other vulnerable areas of coastline on Casuarina Drive.
3. There was a Federal Government Special Task Force involving the CLP federal member for Solomon, Natasha Griggs, Assistant Federal Treasurer Josh Frydenburge, TIO and the Insurance Council of Australia to examine high insurance premiums in the NT.

Dear Reader, you can probably understand why scepticism turns to cynicism when one has a full knowledge of what has been done to this conservation zone over the past 20 years and the decisions DCA has made. It is especially disturbing if you care for animals and birds and the natural habitat of Lot 5182 and the remaining green bushland in our city.

Briefly; SD44 has been cleared 3 times over the past 10 years killing every living thing each time. For several weeks late last year it was used what appeared to be a training area for earthmoving vehicles. The water course to the North of the Lot is filled with debris and still water, to the South the waters drainage course has also been blocked with rubbish, both places ideal for mosquito breeding. A complaint was lodged on 28.9.2025 under Section 78 of the planning act but was dismissed and health implications ignored.

Stewardship of Lot 5182 and the manipulation and mutilation of SD44 shows human hubris at its very worst. The uncontrolled Gamba Grass on Lot 5182 to

the South of SD44 which has now seeded will soon be a serious fire risk and a threat to the health and welfare of the local community.

Another significant unaddressed issue is the proximity of the site SD 44 to aircraft noise. It is unhelpful to quote the site is largely within the 30 to 35 ANEF contour. The lived experience of citizens living adjacent to the threshold of the East/West runway range from extreme inconvenience to the threshold of pain when fast military jets are operating. This noise we will experience over the next few months as the current military exercises get under way.

To develop commercial enterprise under the flight path of a military airfield is counterintuitive in this day and age.

I have great sympathy for the argument that GDA needs to generate income from its land resource and become less reliant on government welfare.

I worked as a teacher in bush schools for over 9 years.

This aim does not require the almost total planned destruction of a conservation zone in a primary surge under the flight path of a military airfield. A more nuanced approach to solve the reliance on government funding would make the proposal more acceptable to the Darwin community.

Stacking shelves in a supermarket, serving fast food or attending a petrol station are, in my experience are not jobs that First Nation's young people are well suited.

Imagin instead if First Nation youths could be gainful employed looking after country and bringing the 301 hectares of the Kulaluk least back to its natural state, protecting the wildlife habitat and the traditional activities that the Lease was originally intended.

This development proposal should not be treated in isolation from the longer term 'Master Plan' for Lot 5182 which involves eventually the total rezoning of the conservation area to commercial development.

I therefore oppose the rezoning of SD44 for the reasons stated above and many others unspoken but indicated in the first paragraph of my submission.

Yours in Good Faith. Graham Kirby. Nightcliff

3 Oleander St. Nightcliff.

mob. 0427 398 861

email: kurbygraham@hotmail.com

From: [david_percival](#)
To: [Planning_NTG](#)
Subject: PA2026/0110 submission
Date: Thursday, 28 May 2026 1:38:52 PM

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,

Here is my submission concerning the Seth Chin block opposite the western end of Totem Road, Ludmilla.

This is on the Kulaluk lease, granted by NT Government last century to the Larrakia, but now taken over completely by the Secretary Family.

Originally this block was part of a large Conservation Zone for the Larrakia, but now seemingly to be developed entirely at the whim of the Gwalwa Dariniki Association, run by the Secretary Family.

The Informant for the Secretary Family has denied any Sacred Sites or old Burials on the Kulaluk lease, apart from the Secretary Burial Site. This seems a very convenient way to allow development anywhere on the whole lease.

The position of the Seth Chin block would seemingly stop future access to the well established Kulaluk Cemetery to the west.

The development has poorly maintained open drains abutting the north and south edges of the raised block. It should be noted here that the block has been elevated because it was originally primary surge zone on Coastal Floodplain habitat. Does this set a precedent to develop a kilometre of buildings in primary surge zone all along the side of Dick Ward Drive south to Minmarama?

The west access of Totem Road onto Dick Ward Drive is a known black spot with reported accidents. A road or driveway to the Seth Chin block opposite or even diagonally across will only increase accidents there, especially at peak traffic times on an arterial road. Has there been independent traffic monitoring here recently?

Large commercial planes flying in to land from the west habitually fly directly over the block during normal weather conditions. Has excessive aircraft noise ever been taken into consideration regarding this site?

A development of this size built on primary surge zone between two open drains can only increase pollution into Conservation Zone land.

This means destruction of even more of the Darwin Environment, namely Coastal Wetland, Rainforest, Mangrove and Marine habitats in this catchment.

Yours, David Percival. 0423 922 896.
17 Fitzer Drive, Ludmilla NT 0820.

13 Daniels Street
Ludmilla, NT 0820
29th May 2026

To whom it may concern,

OBJECTIONS TO PA 2026/0110

I wish to lodge an application to any change of lease conditions for this SD44 Rezoning application of Part Lot 5182/ 213 Dick Ward Drive, Ludmilla and Part Lot 8630 95 Dick Ward Drive, Coconut Grove and from SD44 to a new specific use zone (from light industrial to broad service commercial uses.

This site has a controversial history that has been outlined by other people as a part of their submissions. Suffice to say that there has not been wide negotiation and agreement with local Community members and elders and previous environmental 'dump' factors have not been adequately rectified, even in 2026. Documents referred to in this application refer to City of Darwin 2010, Parliamentary estimates in 2016, ongoing governance and management issues (lease vs freehold) and a steady erosion from this leasehold conservation status. The Byrne Consultants Land assessment (2023) referred to further issues in terms of contaminated land and proposed land use but this report was not widely circulated for widespread community consultation.

There are acknowledged site constraints including storm surge, airport / flight path and aircraft noise, quality of soil and groundwater issues. Further constraints include a lack of environmental impact research and analysis, a lack of community engagement in nearby domestic / residential areas, a lack of overall planning with regards to Coconut Grove / Ludmilla (eg nebulous, unarticulated development / future development of a major HomeMaker 2 shopping Centre on the Kulaluk lease and proposed commercial development of Bagot Community), a lack of information on the extent of PFAS contamination and a preparatory clearing of this land with or without specific planning permissions.

The developer states that this is a 'minor amendment' when, in fact, it is a major and significant change where currently, there is no 'zone normalisation' if that concept refers to the very outdated and politically motived, unsubstantiated Darwin Middle Suburbs plan (2015). This plan included very narrow community consultation. Reference to previous MLA David Tollner do not do this application any advantage when the initial constrained special use light industrial zone was not widely supported at the time. The middle suburbs zone has changed substantially from 2015 and to imply that adhoc and unspecified possible future use is sufficient information for nearby residents is not appropriate.

No consideration has been factored in with regards to traffic use of Dick Ward Drive with a possibility of a major shopping centre in the Kulaluk lease. I do not visualize this lease holder willing to remove the equivalent of two lanes of land at the front that borders on Dick Ward Drive as a future contribution to the widening of Dick Ward Drive. Similarly I cannot see the residents of Minmarama volunteering two widths of traffic lanes to widen Dick Ward Drive in preparation for a convergence of commercial shopping precincts.

Please note:

1. Light industrial implies industry and minimal public invasion of workshop / utility type spaces. Commercial land use implies encouragement of the public to peruse, shop and purchase, ie lots of people daily affected by the above factors when it is patently untrue that these factors can and will be mitigated by potential future development.
2. A blanket change of rezoning with a nebulous, adhoc impacts and land use at a later stage is inappropriate at this time. The Darwin Middle Suburbs plan is an outdated document that relates to conditions and requirements from 2015, and was dependent upon census data from the four to six years previous.
3. No widespread community consultation has happened; some residents indicate that NIL communication has happened. This is not freehold land and parts of it border a residential neighborhood.
4. No overarching considerations of land use in this area has occurred recently nor does it appear that any is planned prior to 'cowboy' ad hoc developments occurring in relation to the entire area. Conditions applicable in 2015 are no longer applicable in 2026. NT Planning is about a considered approach to balance the needs of all stakeholders; this is not balanced plan and does not even provide for a modicum of community input / expectations.
5. There are few, if any, merits or community benefits to an expanded commercial shopping centre or complex on this site. If anything, it assumes community resources can and will be used and/or expanded to suit this development.
6. This plan does not address even a single identified issue; not one single factor – environment, cultural, infrastructure – has been addressed to indicate any degree of confidence in a considered development of this parcel of land. No agency agreements exist. It is asking blanket permission for anything commercial in the future with the implication that any issues might be addressed at that point.
 - a. This is not indicative of a minor administrative correction. Without sufficient details of the current situation and development, and agreements for the implied future upgrades of infrastructure and management thereof, this plan is comprehensively obtuse and incomplete.
7. Currently a lack of forward planning for infrastructure is missing from this application; While it provides adhoc representation of the types of commercial businesses that 'might' be suitable, the implication is 'let's just change it so that anything industrial or commercial goes and we'll figure out if it's appropriate later on'. This is, clearly, a personal opinion but relates to the lack of cohesive detail in this application.
 - a. the lack of reference to historical challenges has not, to date, been rectified,
 - b. lease conditions in 2014/2015 as coordinated by MLA / then Treasurer David Tollner (and noted / disagreed by a number of Ludmilla / Coconut Grove residents) do not necessarily imply tacit encouragement or public approval of a wider development package in 2026.
 - c. this is a resurrected previous plan without much improved merit for nearby residents, and
 - d. there is a significant lack of detailed research, analysis and submission of definitive documents to indicate the agreed 'suitability' of a potential huge list of commercial applications involving much public engagement in an area where community / social, environmental, other agency participation and engagement (Darwin, NT Government and Federal / airport) and cultural

considerations and agreements are not evident. I would argue that the preponderance of these missing considerations indicates a significant risk to the public should this rezoning proceed without full documentation.

8. There appear to be blanket statements such as “*Subdivision provides the appropriate urban services including roads, pedestrian and cycle paths, reticulated electricity, water and sewerage, stormwater drainage and telecommunication infrastructure.*” To my knowledge, very little of this exists at the moment and changes to these existing networks have not been articulated, ie there are no documents in support of planned infrastructure for upgrades to roadworks, electricity, water / sewerage / telecommunication or other infrastructure where currently none exists for another shopping centre. Currently, the only assurances are from a developer providing unsupported statements without substantiation.
9. It is a misnomer to suggest this is not an area of land that attracts flora or fauna. It was a green space and used as a habitat area by native wildlife. This land has been cleared over the past 12 months, without or with urban planning permission and any flora or fauna that were resident there were certainly cleared out.
10. I can only hope that someone within NT Planning monitored the level and content of fill within this lease: there is no indication of the quality of that fill nor of hidden impacts from detrimental fill to the water table and surrounding environments. The Byrne report (2023) referred to ‘uncontrolled fill, stockpiled materials of unknown composition, dumped construction waste and asbestos containing materials but there are no substantiated reports that these issues have been addressed in 2026.
11. It is an unsupported statement that lighting and shopping centre light debris will be of no consideration when there are no supporting agreements from Defence or the Airport / Civilian traffic.
- 12.

My objections to this rezoning are many but most importantly, this is a flawed and incomplete application. There has been no community consultation, no environmental impact statements, no cultural impacts or considerations provided, no agreement from local elders, no airport or Defence agreements, no substantiation of claims made. Until and unless statements by the developer can be substantiated in fact – which this application does not provide – there is no reason to change the current zoning to a more invasive rezoning category of dubious merit but with many unforeseen impacts on nearby residences.

I can be contacted on 0417879041 or nancybat@bigpond.com if you require further information from me.



Dr Nancy Batenburg

Consultant

Ludmilla, NT

From: [Brahminy Tumminello](#)
To: [Planning NTG](#); [Das NTG](#)
Subject: PA2026/0110 – Submission Regarding Seth Chin Block Rezoning Application
Date: Friday, 29 May 2026 11:28:58 PM

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Dear Development Consent Authority,

I wish to lodge a submission regarding PA2026/0110 (Seth Chin Block Rezoning Application). I am a resident of Darwin / Northern Territory, born and raised, and have concerns about this proposal. My concerns include: Flooding and drainage impacts Increased traffic and road safety issues Parking and infrastructure pressures Impact on nearby residents Loss of trees and green space, further damage to the local ecology, by continuing to contribute to the urban heat island discourse Further damage to wildlife habitat and biodiversity by more clearing of bush Cultural heritage significance for our Larrakia mob on which land they are traditional owners, guardians for Proximity to the airport flight path Lack of clarity regarding future development outcomes My comments: I am concerned that y'all have lost ya damn minds but then remember that apparently not caring about the environment has become a "territory thing."

Under the flight path? Really?

Increased traffic on Dick Ward Drive when the road is already overdue for a re-seal because of high traffic load? It's been two years and we are still waiting...

Long term development plans? Where the hell they at? Another development "money grab" aint it?

The bush block literally acts as a flood plain and y'all wanna build more ugly hot as hell concrete jungle space? Seriously? The biodiversity, the ecology, the plants and trees, y'all should be ashamed of even suggesting this Larrakia land as something to develop upon.

Also economic gain? Let's stop kidding ourselves, the global economy is on a downturn until it crashes, invest this money into community development. Honestly, why do y'all always wanna build more shops? Who's asking for this? I've never heard a single person utter the words "oh, I'd love a new pointless shopping district with shops I'm never going to go to because there's no shade over the dystopian concrete car park that feels like 100 degrees in the build up."

Grow a spine, listen to residents, or do y'all want the NTG turning into lil America? Be embarrassed, maybe it will teach you something.

I believe the cultural and historical significance of the area should be carefully considered. I would like more information before any rezoning proceeds.

Requested outcome: Refuse the application Delay the decision until further studies are completed Require additional community consultation Require further flooding, traffic, environmental or heritage assessments Thank you for considering my submission, because despite what I've written, it might benefit y'all to listen. Limited regards, Brahminy T Resident of Ludmilla

PA2026/0110
SD44 Rezoning Application for Lot of 05182 Town of Darwin:
Rezoned from Zone SD44 (NTPS 2007) to a new specific use zone (NTPS 2020)

29 May, 2026

Dear Development Consent Authority,

I wish to lodge a submission regarding PA2026/0110 (Seth Chin Block Rezoning Application). I am a born here, long-term resident of Darwin, raised in Ludmilla, and currently residing in Millner. This site is part of 'my Darwin', that I visit and travel through regularly.

Responding to this re-zoning application I have several concerns and see this as a significant change in land use. Further, many of these are long standing issues that have been raised repeatedly throughout the history of proposals and planning applications for this site that have not yet been effectively accounted for.

In particular I draw attention to:

1. Tatum Planning co. Statement of Effect describes the changes as 'minor amendments and formatting changes' (pg. 7).

The proposed re-zoning in no way can be described as 'minor'. It opens up a broad category of uses that are *substantive* changes to what may occur on the site. To describe it thus is disingenuous.

2. The substantive changes to site use in the rezoning open up a host of new issues, including:
 - 2.1 As per PSA explanatory document point 9: Increased and disruptive traffic.

The intersection of Totem Road and Coconut Grove/Dick Ward Drive is already a busy intersection that serves to provide flow through traffic in all directions. Having a 'service' zoning that includes options of shops, showroom sales and shopping centre, leisure and recreation, nightclub, medical clinic, will significantly increase, and negatively impact the flow of traffic. This is particularly the case for pedestrian and bicycle uses. I note there does not seem to be any reference to 'traffic' in the application. Safety of people is paramount. Additionally, I am concerned at costs to tax payers and rate payers in maintaining the roads in this area – that are already constantly full of potholes in the wet, and who pays for installation and maintenance of traffic lights or roundabout that will be necessary?

- 2.2 As per PSA explanatory document point 8 & 11. Amenity and social impact.

There are already empty shops and incomplete developments in this area that negatively impact local character and social value. The push for commercial rezoning has unexamined risk factors in generating more empty and unused space which impacts amenity as well as providing sites for antisocial disturbance. The connections up to Nightcliff are well known for these issues, while the Town of Darwin already has extensive building and land space for commercial activities that are not being used. Creating more is unnecessary and wasteful. Moreover, the focus in the Tatum Planning co. Statement of Effect on commercial connections and economic impact fail to account that this block (was) the beginning of the vitally important and valued nature corridor into Fannie Bay.

3. Impacts on adjacent 'native' environment and lack of account thereof.

The Tatum Planning co. Statement of Effect focuses on linking this site with the existing light industrial area of Coconut Grove. While stating the Darwin Regional Land Use Plan includes 'minimise the potential for future land use conflict and detrimental impacts on the environment', the intent of focus ignores that there is substantial vegetated and undeveloped land remains immediately adjoining the western and southern edges of the site. This lack of consideration is of great concern, particularly when Darwin already has multiple issues of pollution runoff into our natural bushland and water catchment areas – that have not been/are not remediable.

I have grave concerns about loss and negative impacts on green space, waterways and wildlife.

4. The long term development plans for the area are unclear which is of great concern to me, especially for climate adaptation.

The Coconut Grove light industrial area is already flagged by CSIRO* research as a thermal heat spot that needs mitigation, not intensifying. As the site is already largely cleared, the remaining vegetation is especially important, as is the quality of development and its impact on surrounding vegetation and water catchment, and landscape design within the site itself. I question how this proposed change aligns with City of Darwin greening and climate change strategies, and efforts across NTG departments to mitigate the impacts of the increasing heat we have had for years now.

[*https://research.csiro.au/darwinlivinglab/wp-content/uploads/sites/278/2020/12/CSIRO_Mapping_LST__Heat_Health_Vulnerability_In_Darwin_Final.pdf]

5. Historical issues with planning this area.

I am concerned that the original issues with rezoning this site to light industry have not been effectively addressed. In particular, primary storm surge risk, the requirement for a 200 metre mangrove buffer, impacts on native vegetation and lack of demonstrated planning merit or community benefit. These issues remain deeply concerning, with the rezoning application only intensifying them.

6. The cultural and historical significance of this area.

As I submit this during National Reconciliation Week 2026, I am concerned that cultural and historical considerations, especially by the Larrakia people, are not being considered with the respect and commitment they deserve.

The outcome of my concerns is that I request in the first instance, the application be refused, and at the very least, the decision be delayed until further studies into the issues raised have been completed.

Thank you for considering my submission,
Kind regards,



Dr Rachel Tumminello
Millner, Darwin, 0820
PO Box 467, Parap, NT, 0804
r.e.tumminello@gmail.com

From: [Nicholas Kirlew](#)
To: [Das NTG](#)
Subject: PLan submits PA2026/0110
Date: Friday, 29 May 2026 11:17:54 PM

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PLan Submission on PA2026/0110

SD44, Seth Chin Block

Introduction

This submission is made by the Planning Action Network (PLan) , in relation to PA2026/0110, which proposes rezoning land at 213 Dick Ward Drive, Ludmilla, and part of 95 Dick Ward Drive, Coconut Grove, from an old Specific Use zone SD44 under the NT Planning Scheme 2007 to a new Specific Use zone under Schedule 4 of the NT Planning Scheme 2020.

SD44 was approved as a constrained light industrial Specific Use zone for land affected by primary storm surge. The site is also affected by airport operational and aircraft noise constraints because of its proximity to Darwin International Airport.

PA2026/0110 proposes replacing the current Specific Use Light Industrial framework with a new Specific Use Service commercial framework under Schedule 4 of the NT Planning Scheme 2020. This would permit broader Service Commercial uses including shops, food premises, offices, medical clinics, leisure and recreation uses, showroom sales, and vehicle sales and hire.

The exhibited documents describe the proposal as a “minor update” but PLan challenges this description. For the past 12 years, filling approvals, subdivision approvals and repeated extensions have allowed the land to be fenced, cleared and filled over years of earthworks, while the original SD44 light industrial approved development, several industrial sheds, has never been built.

PA2026/0110 now proposes to expand the range and intensity of uses permitted on the land.

The Statement of Effect frames the shift as though it is just a natural administrative consequence of moving from NTPS 2007 to NTPS 2020, claiming they are just updating an old 2007 planning zone into the 2020 planning scheme format.

However this application is changing what kinds of development can happen on the land by moving the site towards the more intensive uses of a Service Commercial framework while at the same time acknowledging that the land is affected by storm surge and airport overlays and so constraints apply compared to standard Service Commercial zoning.

The Statement of Effect describes discussions with Planning about what kinds of Service Commercial uses would or would not be permitted on SD44 with its constraints . This suggests the proposal is not simply an administrative transfer of SD44 into the NTPS 2020 format, but has been an active process of negotiating what expanded forms of development could be permitted on this highly constrained land.

Planning History

The current proposal cannot be separated from the original refusal of industrial rezoning on this land, the later creation of the constrained SD44 framework, and the subsequent progression of clearing, filling and subdivision activity across the site in the last 12 years.

The original proposal to rezone the land from Conservation to Light Industry, PA2008/0267, was refused on 30 November 2010 because the site was considered unsuitable for Standard Light Industrial zoning because it was within a primary storm surge zone, required a 200 metre mangrove buffer, would negatively impact native vegetation, and did not demonstrate sufficient planning merit or community benefit to justify rezoning the land.

After the change of government in August 2012, the earlier refusal decision was reversed through PA2013/0220 and the land was rezoned to the Special Use Light Industrial zone SD44 on 26 March 2014 .

The Departmental “Land Clearing at Kulaluk” briefing paper described the purpose of SD44 as providing for light industrial development that addresses the effects of primary storm surge, and preserves the safety and maintains the operation of Darwin International Airport.

The site was not given normal Light Industry zoning. It was given SD44, a site specific zone with rules written for this constrained site.

Now PA2026/0110 proposes a new site specific framework permitting Service Commercial type uses, while still shaped by the same storm surge, airport and ANEF constraints. In effect, it replaces one constrained site specific framework with another, but with a broader and more intensive range of permissible uses.

What is the planning justification for land affected by the LSSS (Land Subject to Storm Surge) and LPA (Land in Proximity to Airports) overlays now being moved toward a broader Service Commercial framework with a more intensive range of permissible uses?

For twelve years, the only “development” on this site has been clearing all native bush, fencing, endless earthworks, filling the site with fill of unknown origin, repeated extensions of time to fill and subdivision approvals. It is reasonable for the public to wonder why, after the land has been left in this state for so long, the applicant is now seeking to expand the kinds of development that can occur there.

A question that arises is whether SD44 was always intended to remain a constrained industrial zone, or whether it was a transitional step toward more intensified future uses? Plan’s concern is that this land is gradually being repositioned for more intensive future development than the one originally used to justify rezoning the land through SD44.

PLan is also concerned about how heavily the NT relies on Specific Use zones instead of standard zones, and how these specially written zones with their own rules can gradually allow more intensive development on constrained land over time. If PA2026/0110 is approved, SD44 will evolve very differently from the way it was originally presented to the public in 2014, which was as industrial sheds.

The reason Specific Use zones can gradually intensify over time is because they operate outside the normal standard zoning framework.

Instead of asking: is this land suitable for a standard Commercial zone? the planning process becomes: what particular mix of uses will be permitted within this specially written zone?

That gives governments and proponents more flexibility to progressively reshape and expand what kinds of development can occur on highly constrained land through amendments and revised schedules. This raises a legitimate planning question: how far should special constrained zones be allowed to evolve away from their original justification through subsequent amendments?

In the SD44 case, what is the planning justification for enabling intensification of the types of development allowed on this highly constrained land affected by overlays including LSSS (Land Subject to Storm Surge) and LPA (Land in Proximity to Airports)?

Cumulative Impacts to be Deferred

The explanatory document states that suitability of the site for the proposed zone is the key issue for assessment, while development specific impacts are proposed to be addressed at later DA stages. However, if suitability of the zone is supposedly the key issue being assessed now, but the real impacts that determine suitability are all deferred into future DA stages, then the claimed suitability of the site for intensified uses has not actually been demonstrated at this stage.

This pattern of deferring key constraints into future stages is also reflected in the 2023 DCA minutes for PA2023/0145, the application to create one lease parcel over the SD44 land for a lease exceeding 12 years. Almost ten years after SD44 was created, the DCA minutes showed the site was still dependent on updated hydrological assessment, fill compliance processes and ongoing management of storm surge, airport and sacred site issues. If those issues were still unresolved in 2023, then the suitability of the site for a broader and more intensive Service Commercial framework has still not been clearly demonstrated.

Cultural Heritage and Contested History

The SD44 land forms part of the broader Kulaluk lease lands, which emerged from the Larrakia land rights struggle of the 1970s rather than from an ordinary commercial development process. The Kulaluk lease was originally granted as a Special Purpose Lease in 1979 following years of campaigning by Larrakia people and supporters for recognition of Aboriginal occupation and connection to the land. Later records show the lease was converted into Crown Lease in Perpetuity 671 in 1987.

The Kulaluk lands have long been associated with burial grounds, ceremonial places and the history of the NT land rights movement itself. In The Guardian, Donna Jackson described the area as containing burial sites and ceremonial grounds where elders from across the Territory gathered during the land rights struggle. She also stated: “But it’s not just Larrakia values we’re concerned about there. There are other groups who have had a long association with that land.”

The SD44 land was therefore not simply environmentally constrained land. It was also officially recognised by government as culturally sensitive and contested land during the rezoning and clearing process itself. The Departmental “Land Clearing at Kulaluk” briefing paper records that the Aboriginal Areas Protection Authority identified both a registered sacred site and a larger area where there was a “strong likelihood” of Aboriginal burials within the site area. The briefing paper also records that the developer was advised that disturbing burial areas without authorisation could breach the Heritage Act. There is an obvious tension between uncertainty about Aboriginal burials within the site area and the fact that the Kulaluk cemetery itself is marked on Google Maps.

David Ritchie’s 2015 Kulaluk Heritage Report talked about the historic Totem Road public access track to the Kulaluk cemetery, mangroves and beach, visible on a 1944 aerial photograph. This historic public access track was later blocked following the 2014 creation of SD44 .

The “Land Clearing at Kulaluk” briefing paper records that PPlan, the Environmental Defenders Office and several Traditional Owners contacted the Department to express concern about the 2014 clearing, and that Larrakia families and supporters later protested against the clearing and future development of the site and the lack of access to the Kulaluk cemetery where family members were buried . The Helen Secretary and Kulaluk Lease Alienation Timeline by Bill Day similarly documents protests and opposition following the SD44 rezoning and clearing works.

Importantly, the “Land Clearing at Kulaluk” briefing paper also stated that any development would require referral of a Notice of Intent under NT EPA Environmental Assessment Guidelines before approvals could proceed. It remains unclear what environmental assessment pathway ultimately occurred in relation to the clearing and filling works undertaken on the SD44 land after

2014.

Conclusion

PLan submits that PA2026/0110 should be refused on the basis that there is no planning justification for intensifying permissible uses on SD44, which is affected by both primary storm surge and airport overlays while also forming part of the historically and culturally contested Kulaluk lease lands.

PLan also raises the unresolved issue of the historic Totem Road public access track to the Kulaluk cemetery, mangroves and beach, which was blocked after SD44 was created. Public access was originally intended to be retained within the SD44 framework, yet twelve years later the historic access route remains blocked. Any future decisions relating to SD44 should therefore clearly address how public access to the Kulaluk cemetery, mangroves and beach will now be restored and protected

This submission invites decision makers to uphold the principles embedded in the Planning Act, transparency, sustainability, and respect for the public interest.

References

1. Parliamentary Estimates Committee 2016, Questions Taken on Notice 2.5

<https://parliament.nt.gov.au/committees/previous/estimates/estimates-committee-2016/QON2016/2-5.pdf>

2. Land Clearing at Kulaluk, Departmental Briefing Paper

https://parliament.nt.gov.au/committees/previous/estimates/estimates-committee-2014/2014/TP_6.10_Land_Clearing_at_Kulaluk.pdf

3. Development Consent Authority Darwin Division Minutes, Meeting No. 407, Friday 7 July 2023

<https://environment.nt.gov.au/media/docs/boards-and->

[committees/development-consent-authority/dca-minutes/2023/darwin/mindcadar407-7-7-23.pdf](https://www.drbilldayanthropologist.com/resources/committees/development-consent-authority/dca-minutes/2023/darwin/mindcadar407-7-7-23.pdf)

4.Crown Lease in Perpetuity 671

https://www.drbilldayanthropologist.com/resources/Crown_Lease_in_Perpetuity_671.pdf

5.The Guardian, Indigenous heritage and development: the fight over Darwin's Kulaluk lease

<https://www.theguardian.com/australia-news/2016/may/02/indigenous-heritage-and-development-the-fight-over-darwins-kulaluk-lease>

6.David Ritchie, Kulaluk Heritage Report to the NT Heritage Council, 2015. The report refers to “the track extending old Totem Rd. to the coast” visible on a 1944 aerial photograph, p 18.

<https://planinc.org.au/wp-content/uploads/2016/02/Kulaluk-David-Ritchie-Final-Report-to-Heritage-Council.pdf>

7.Bill Day objection to subdivision proposal, October 2014. Bill Day later referred to the proposed retained access as being reduced to “a narrow laneway between industrial sheds.”

<https://www.drbilldayanthropologist.com/resources/Objections%20subdivision%20Kulaluk%20Lot%205182%20%26%208630%20October%202014.pdf>

8.Helen Secretary & Kulaluk Lease Alienation Timeline

https://www.drbilldayanthropologist.com/resources/Helen%20Secretary%20%26%20Kulaluk%20Lease%20alienation%20timeline_Oct2015.pdf

9.ABC News, Larrakia people divided over development plan for Indigenous land in Darwin, 21 September 2015. Refers to the NT Government signing a Memorandum of Understanding with the Gwalwa Daraniki Association to

support retail, industrial and residential development on parts of the Kulaluk lease.

<https://www.abc.net.au/news/2015-09-21/larrakia-people-divided-over-indigenous-land-plan/6793212>

10.ABC News, NT government must act on Kulaluk lease Indigenous groups dispute, 3 November 2016. Refers to Donna Jackson successfully challenging aspects of the government's handling of the heritage listing process in the Supreme Court and NTCAT.

<https://www.abc.net.au/news/2016-11-03/nt-government-must-act-on-kulaluk-lease-indigenous-groups/7992242>

Nicholas Kirlew

Convenor

Planning Action Network (PLan)

From: [Grusha Leeman](#)
To: [Planning NTG](#)
Subject: Submission Regarding Seth Chin Block Rezoning Application PA2026/0110
Date: Friday, 29 May 2026 11:57:59 PM
Attachments: [image.png](#)

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.

Good morning Development Consent Authority,
thank-you for being there.

Please take my views into consideration regarding PA2026/0110 (Seth Chin Block Rezoning Application).

When I was new in Darwin, back in the day, I scored a job off Totem Road. I was impressed to hear why they called it that when it was registered in 1952. It was: "Named after the road's proximity to a sacred native burial ground and associated totem poles" I've seen the photos, that place has special status.

So I am appalled and consider it unconscionable that this country has been leveled and is anticipated to become yet another concrete, asphalt and iron hideousness. Ugly with regular jet boom and shudder: yuk.

We already have plenty of shops and sheds and that location is congested enough that it would need yet another set of traffic lights and the flow of DickWard would be demolished just like they have done elsewhere. No. Just stop.

I remember that the Larrakia rejected the building of DickWard Drive, they clearly loudly and concertedly opposed the road going so close to totem country. Is it a death of a thousand cuts and we cannot stop the asphalt and concrete?

That there land is close to the rising seas and the sweet mangroves. Excellence in land management takes planning and not dumping all the shops everywhere and leaving no room for nature.

What do the planning docs say?

I don't remember them being so short sighted as to propose development in low coastal regions. The Top End has some of the fastest rising tides and the evidence is that they are rising at faster and faster rates. It is not acceptable to keep building in areas that will become under threat of storm surges. Please don't consider that step by step you can concrete the shore and make that marina, we Darwinians rejected that already. We wont let it happen. We want there to be place for the forests and grasslands and wetlands and endless mangroves in our best Darwin. Can you please put that in the Plan?

That Kullaluk region was saved as it is sacred country. With totem poles. That's the oldest culture in the universe that they obliterated. SHAME. Please insist that they pay for experts to reveg it. To return it to how it was soil-ways and such. It was blissful forest and made my day many a time.

I also understand that having clean healthy forest inland to the mangroves, means they too be be healthy and be -the most productive ecosystem- we have in the NT. Development should give the mangroves a huge buffer to ensure runoff isn't polluting to them. The mangroves give and give and give and so we should at least grant them sanctity and buffers.

In addition, rising tides and natural environs means the mangroves have room to expand into the forest. If it were hideous sheds it would be a mess. Perhaps to some 4 metres elevation may seem like a reasonable number (for this century), but its too low when we remember we have ferocious cyclones. And now overdue Cyclone Lia may beat Tracy for demolishing power. Please be aware, this site is in a PRIMARY storm surge zone. And even worse, it is within the estimated highest astronomical tide. This means BEWARE: flooding will happen and insurance will be horrifying. And if they do it, they WILL get flooded, and everyone else gets higher premiums. That's not fair.

image.png



pale blue means primary storm surge, and the navy line is the estimated Highest Astronomical Tide (HAT)

Please reject this absurd, short sighted, rude, inconsiderate, unnecessary and ruinous proposal, and require complete rectification of the site.

with gratitude

we will protect NT
Grusha Leeman
0426 871 426

Fletcher Willis

From: NTPlanning Commission
Sent: Friday, 15 May 2026 12:07 PM
To: Fletcher Willis
Subject: FW: PA2026/0110 - Planning Scheme Amendment – Rezone from specific use zone SD44 (NTPS 2007) to a new specific use zone (NTPS 2020)

Hi Fletcher

FYI / FYA to City of Darwin email below.
I have acknowledged but not saved to TRM or ILIS.

Karen

Karen McGuigan

Manager Project Coordination
Lands Planning
Department of Lands, Planning and Environment
Northern Territory Government

Please note I work remotely on Tuesdays and Fridays

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E: karen.mcguigan@nt.gov.au



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 Please consider the environment before printing this email

From: Susannah Penman <Susannah.Penman@darwin.nt.gov.au>
Sent: Friday, 15 May 2026 11:58 AM
To: NTPlanning Commission <NTPlanning.Commission@nt.gov.au>
Cc: Pawel Kusiak <Pawel.Kusiak@darwin.nt.gov.au>
Subject: PA2026/0110 - Planning Scheme Amendment – Rezone from specific use zone SD44 (NTPS 2007) to a new specific use zone (NTPS 2020)

Hi there

Thank you for referring the above application to the City of Darwin.

The City advises that it will not be making a submission in relation to this matter.

Kind regards

SUSANNAH PENMAN
EXECUTIVE MANAGER PLACE AND ECONOMIC DEVELOPMENT



Civic Centre | 17 Harry Chan Avenue | GPO Box 84 Darwin NT 0801
P: +61 8 8930 0444 | M: +61 4 7445 2233
www.darwin.nt.gov.au

Please consider the environment before printing this email.

City of Darwin is proud to operate on Larrakia country. We acknowledge the Larrakia people as the Traditional Owners of the Darwin region and pay our respects to Larrakia elders past and present. We are committed to working with all Larrakia people to care for our community and this land and sea for our shared future.

Notice

This transmission is confidential and intended only for the use of the addressee and may contain legally privileged information.

If you are not the addressee:

- Confidentiality and privilege is not waived;
- Please contact us immediately to advise of receipt by you; and
- You are not to read, disseminate, copy or take any action in respect of the contents of this transmission.

The views expressed in this transmission are those of the individual sender, except where the sender specifically states them to be the views of the City of Darwin.



Aboriginal Areas

Protection Authority

protecting sacred sites across the territory

Planning NTG

Planning.NTG@nt.gov.au

Dear Planning NTG

PA2026/0110 - Lot 05182 Town of Darwin – Rezone from Zone SD44 (NTPS 2007) to a new specific use zone (NTPS 2020) at 213 Dick Ward Dr , Ludmilla NT and 95 Dick Ward Dr , Coconut Grove NT

We refer to the above application for a planning scheme amendment.

Recommendation

The Aboriginal Areas Protection Authority (AAPA) notes that Dragon Lady Pty Ltd which is now Chin Property Group holds an Authority Certificate over Part of Lot 8603 and Part of Lot 5182 (C2014/011)

Background Information

AAPA is a statutory authority responsible for overseeing the protection of Aboriginal sacred sites on land and sea across the Northern Territory.

The protection of sacred sites is recognised by the Northern Territory Government and the broader Territory community as an important element in the preservation of the Territory's cultural heritage, for the benefit of all Territorians. AAPA seeks to strike a balance between the protection of sacred sites and development in the Northern Territory.

Yours sincerely,

Jayde Manning
Ministerial and Policy Officer
1 May 2026

Darwin

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All mail to Darwin GPO



Container No: F2020/1792

DLPE - Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Fletcher Willis

RE: PA2026/0110 - Lot 08630 Town Of Nightcliff - 95 Dick Ward Drive, Coconut Grove - Lot 05182 Town of Darwin - 213 Dick Ward Drive, Ludmilla - Rezone from Zone SD44 (NTPS 2007) to a new specific use zone (NTPS 2020)

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

1. The developer may need to upgrade the existing water and sewer service and should contact Services Development prior to start of construction.
2. 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. PWC recommends the proponent engage a hydraulic consultant to confirm both domestic and firefighting demands once the development scope has been established.
3. The existing water and sewerage easements within the parent lots are 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), within 1.5 metres of the centreline of water and/or sewer main infrastructure.

If you have any further queries, please contact the undersigned on 08 9463 2089, or email developer.concierge@powerwater.com.au

Yours sincerely

Craig Thomas

Craig Thomas
Services Development

05 June 2026

cc: Cat Tatam
email: cat@tatamplanningco.com.au

Phone 1800 245 092

Web powerwater.com.au

Record No: D2026/129577

Container No: NE200/5182

Your Ref: PA2026/0110

Fletcher Willis
Development Assessment Services
GPO Box 1680
Darwin NT 0810

Dear Fletcher

Re: Lot 5182 (213) Dick Ward Drive Ludmilla Town of Darwin

In response to your letter of the above concurrent proposal for the purpose of:

- Rezone from Zone SD44 (NTPS 2007) to a new specific use zone (NTPS 2020)

Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. PWC has no objection to the above proposal.
2. PWC has received the Negotiated Connection application for a proposed two staged development of 1.85MVA stage one load and 1.449MVA stage two load.
3. The Developer (Chin Property Group, CPG) shall be responsible for the design and installation of required 11kV headworks and adequate electricity reticulation to each of the stages in accordance with PWC's NP020 - Guidelines for Developers of Subdivision and Electricity Infrastructure.
4. CPG's engaged electrical consultant (Ashburner Francis Consulting) shall:
 - Provide a High Voltage Master Plan submission for approval assessment by Demand Planning prior to commencing detailed design.
 - Carry out detailed design drawings for appropriate underground high voltage distribution network extensions and low voltage reticulations for each stage, suitable street light design in accordance with current NP027 - Construction and Connection of Streetlight Assets if required by Darwin City Council.
5. PWC shall check and approve Ashburner Francis Consulting's detailed design drawings for construction and carry out final connection works at applicable cost as stated in the Negotiated Connection Agreement (NCA) for each stage.

If you have any further queries, please contact the undersigned on 8924 5729 or

PowerDevelopment@powerwater.com.au

Yours sincerely



Thanh Tang
Manager Distribution Development
12 May 2026

Lands Planning
Department of Lands, Planning and Environment
GPO Box 1680
Darwin NT 0801

Our reference - 04-D26-59456

Dear Lands Planning

Re: PA2026/0110 Lot 05182 Town of Darwin' - New Application Submitted

The Northern Territory Fire and Emergency Services has assessed the information contained in the new application PA2026/0110 Lot 05182 Town of Darwin and advises there are no objections to the application.

Should you have any questions or require further information, please contact the Fire Safety Command, NT Fire and Rescue Service via email: fire.safety@pfes.nt.gov.au.

Yours sincerely



Krystel Harvey
Director Strategic Services
Northern Territory Fire and Emergency Services

25 May 2026



Department of LANDS,
PLANNING AND
ENVIRONMENT

Level 1
Goyder Centre
25 Chung Wah Terrace

Postal address
PO Box 496
Palmerston NT 0831

10 June 2026

Mr Fletcher Willis
Development Assessment Services
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

E DevelopmentAssessment.DLPE@nt.gov.au

T 08 8999 4446

Our Ref: DLPE2026/0150
Your Ref: PA2026/0110

Dear Mr Willis

Re: PA2026/0110 Rezone from Zone SD44 (NTPS 2007) to a new specific use zone (NTPS 2020)

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

Lands and Planning Division

Crown Land Estate

Lot 8630 Town of Nightcliff, and Lot 5182 Town of Darwin, are both held by Gwalwa Daraniki Association Inc. under Crown Lease in Perpetuity 671. The purpose of the Crown lease is for purposes consistent with the zoning of the land. Approval is not required under the *Crown Lands Act 1992* to use the land in accordance with the lease purpose.

Environment and Heritage Division

Heritage Branch

The Heritage Branch advises that a search of the Northern Territory (NT) Heritage Register shows that there are no nominated, provisionally declared or declared heritage places or objects within the proposed rezoning area.

A search of the Aboriginal and Macassan archaeological database maintained by the Heritage Branch indicates that there are no recorded Aboriginal archaeological places or objects within the proposed rezoning area.

The likelihood of unrecorded Aboriginal archaeological places or objects has been assessed as unlikely. If archaeological places are discovered over the course of the work, establish an exclusion zone around the site and 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 *Heritage Act 2011*;
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 NT Heritage Register and the Heritage Branch archaeological database which includes information about Aboriginal and Macassan archaeological places and objects in the NT. 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 that they do not exist.

Environmental Regulation Division

Based on the information provided, the proposal does not appear to trigger the licensing requirements of an Environment Protection Approval under the *Waste Management and Pollution Control Act 1998* (WMPC Act). Activities requiring authorisation are listed in Schedule 2 of the WMPC Act.

Under the 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) website¹.

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 nuisance airborne particles are not discharged or emitted beyond the boundaries of the premises.
2. **Noise:** The proponent must ensure that noise levels from the premises comply with the latest version of the Northern Territory Noise Management Framework Guideline².
If the proposal is situated where there are existing activities nearby that may already generate noise, please see the Guideline: Recommended Land Use Separation Distances³.
3. **Erosion and Sediment Control (ESC):** The proponent must ensure that pollution and/or environmental harm do not result from soil erosion.

ESC measures must 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 guidelines⁴.

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 Sites⁵.

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 must store liquids only in secure bunded areas in accordance with VIC EPA Publication 1698: Liquid storage and handling guidelines⁶. Where these guidelines are not relevant, the storage must 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 known to be contaminated, a contaminated land assessment may be 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 website⁷ and the NT Contaminated Land Guidelines⁸.
6. **Waste Management - Import and Export of Fill:** The proponent must ensure all fill imported or exported as part of the activity must be certified virgin excavated natural material (VENM) in accordance with the NSW EPA guidelines⁹.

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

² https://ntepa.nt.gov.au/_data/assets/pdf_file/0004/566356/noise_management_framework_guideline.pdf

³ https://ntepa.nt.gov.au/_data/assets/pdf_file/0006/453192/guideline_recommended_land_separation_distances_oct.pdf

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

⁵ https://ntepa.nt.gov.au/_data/assets/pdf_file/0010/284680/guideline_prevent_pollution_building_sites.pdf

⁶ <https://www.epa.vic.gov.au/about-epa/publications/1698>

⁷ <https://ntepa.nt.gov.au/your-environment/contaminated-land>

⁸ https://ntepa.nt.gov.au/_data/assets/pdf_file/0020/434540/guideline_contaminated_land.pdf

⁹ <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 Know¹⁰.

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 Guideline: Recommended Land Use Separation Distances¹¹.

8. **Water:** The proponent must ensure stormwater is not polluted, refer to water management in the NT EPA guidelines to Prevent Pollution from Building Sites¹².

If this 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* may be required. Please refer to the Guidelines on Waste Discharge Licencing under the Northern Territory *Water Act 1992*¹³.

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

Yours sincerely



Maria Wauchope
Executive Director Land Resources

¹⁰ https://ntepa.nt.gov.au/_data/assets/pdf_file/0008/285740/factsheet_illegal_dumping_what_you_need_know.pdf

¹¹ https://ntepa.nt.gov.au/_data/assets/pdf_file/0006/453192/guideline_recommended_land_separation_distances_oct.pdf

¹² https://ntepa.nt.gov.au/_media/waste-and-pollution/pdf/guidelines/guideline_prevent_pollution_building_sites.pdf

¹³ https://ntepa.nt.gov.au/_data/assets/pdf_file/0005/950603/guidelines-waste-discharge-licensing.pdf

27 May 2026

Development Assessment Services

Department of Lands, Planning and Environment
GPO Box 1680
Darwin NT 0801
das.ntg@nt.gov.au

Submission uploaded direct to NT Government ILIS

Dear Development Assessment Services,

RE: PA2025/0161 Lot 05182 Town of Darwin– A proposed planning scheme amendment to Rezone from SD44 (NTPS 2007) to a new specific use zone (NTPS 2020) at 213 Dick Ward Dr, Ludmilla and 95 Dick Ward Dr, Coconut Grove.

Thank you for your email of 1 May 2026, with reference to online exhibition material and the opportunity for Airport Development Group (ADG) to provide comment. ADG also appreciates the early advice on this matter shared by Tatam Planning Co in November 2025.

ADG notes the exhibition documentation describes the proposed rezoning as seeking to move the specific use zone SD44 from the provisions of NTPS 2007 to Schedule 4 of NTPS 2020, with some minor updates to terminology and land use permissibility in line with Zone SC (Service Commercial). ADG understands the proposed rezoning is consistent with the NT Government's intention to progressively review the old specific use zones created under the NTPS 2007 to transition to a standard zone or be reformatted to fit the new structure of the NTPS 2020.

ADG notes the development and safeguarding measures for Darwin International Airport / RAAF Base Darwin (i.e. aircraft noise, extraneous lighting, wildlife hazard) have been carried over from the existing zone SD44 into the proposed new specific use zone.

Similarly, ADG welcomes the continued measure that all future development within the proposed new specific use zone will require assessment by ADG, as a result of all uses for the zone being deemed either Merit Assessable or Impact Assessable.

ADG offers the following high-level comments for consideration in the preparation of any future development applications for the site:

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 3km from the aerodrome reference point. The site is approximately 1,520 metres west of the Runway 11 threshold (following the extended runway centreline) and 720 metres north 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.

The site lies within the 30-35 ANEF contour. AS2021 Table 2.1 (Building site acceptability based on ANEF zones) states that siting of commercial buildings is conditionally acceptable between the 25-35 ANEF contours.

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 entire subdivision site lies within the joint military–civil N70 contours, between the 50-100 and 100-200 events contours. This indicates the site will be subject to between 50 and 200 aircraft noise events above 70dB(A) on an average day in 2043.

A 70-decibel outside noise will generally be experienced as a 60-decibel event inside a residence with the windows open. Sixty decibels is the sound level that will disturb a normal conversation or activities, such as watching television.

Guideline B – Building-generated windshear and turbulence

The site lies outside the assessment footprints for building-generated windshear and turbulence.

Guideline C – Wildlife hazard management

Surrounding land uses can have the potential to attract problem wildlife species to the airport, increasing the risk of strike incidences. Wildlife strikes and/or avoidance can cause major damage to aircraft and/or compromise aircraft safety. There must be no site activity that attracts birds and wildlife that could create a hazard for aircraft operations.

In accordance with NASF Guideline C, the subdivision site lies within the defined wildlife management Area A (within 0-3km of the airport). 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 B of maximum permissible lighting intensity. Refer NASF Guideline E for further information.

Any future development's lighting must comply with Regulation 94 (Dangerous Lights) of the Civil Aviation Regulations 1988. ADG will assess any future development applications for the site in consideration of NASF Guideline E.

Guideline F – Safeguarding airspace

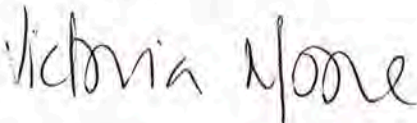
Airspace around leased federal airports such as Darwin is protected under the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*. As Darwin is a joint-user airport with RAAF Base Darwin the *Defence Regulations 1996* also apply.

The site lies below the Approach / Take Off Surface of the Obstacle Limitation Surfaces (OLS) for Darwin International Airport. 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.

Yours sincerely,



Victoria Moore
Regulatory & Planning Manager

18 June 2026

Dear Fletcher

Re: **DLPE2026/0150 Rezone from Zone SD44 (NTPS 2007) to a new specified use zone (NPTS 2020) PA2026/0110 95 Dick Ward Drive, Coconut Grove / 213 Dick Ward Drive, Ludmilla (Lots 5182 and 8630)**

Please accept this updated advice from Heritage Branch.

I have addressed your specific request for information about the historical and cultural significance of the area in relation to the history of the Kulaluk lease, the cemetery and totem poles (Pukemani poles), and access to the area for both Aboriginal and non-aboriginal people.

Advice

The Heritage Branch previously advised that a search of the NT Heritage Register showed that there were no nominated, provisionally declared or declared heritage places or objects within the proposed rezoning area.

This advice is correct in that there are no current nominations. However, Lot 05182 is part of the broader Kulaluk Lease Area (Lot 05182 and Lot 08630) that was nominated to the Northern Territory Heritage Register in June 2014.

The Kulaluk Lease Area heritage assessment was a complex process that resulted in legal proceedings in the Lands Planning and Mining Tribunal and then the Supreme Court. The Heritage Council finally resolved to recommend to the Minister for Heritage that the whole of the Kulaluk lease area become a permanently declared heritage place because of its strong social, historical and cultural values. These values were particularly associated with the Larrakia peoples' longstanding traditional ownership and occupation of land and seas in the Darwin region and because of their long struggle for the recognition of their land rights – Kulaluk was the first land title granted to an Aboriginal group in an urban environment in Australia.

In July 2017, the Minister for Heritage agreed that the Kulaluk lease area was of heritage significance but declined to permanently declare it as a heritage place because it could be “preserved and protected under existing provisions, without the need to rely upon such a declaration”. The Minister advised that more than 80% of the site was zoned conservation and the processes under the Planning Act were the appropriate place for these issues to be managed. Furthermore, the Minister advised that all Aboriginal archaeological places and objects within the lease area (including skeletal remains) were automatically protected by the Heritage Act.

Totem Road was named because of the historical existence of Aboriginal burial poles in the area. Historic maps show that there was an Aboriginal burial ground on the broader Kulaluk Lease area. The AAPA Certificate also references the potential for Aboriginal burials on the Kulaluk lease area.

An archaeological survey was conducted on the parcel of land that is the subject of the current rezoning proposal. This survey was carried out in 2014 with the primary purpose of establishing whether the area contained Aboriginal burials or other archaeological evidence relating to Aboriginal occupation. The survey did not find record of burials or human remains in the survey area. The survey also concluded that it was highly unlikely that human remains would be found in this area. Notwithstanding these findings, the archaeological survey report recommended that cultural heritage inductions and an Unexpected Finds Process (including stop work procedures) be developed for future ground disturbance works. The Heritage Branch supports these recommendations for any ground disturbance work across the Kulaluk lease area.

The historical and social heritage values identified during the heritage assessment process are across the whole Kulaluk lease area and not individual parts of it. The whole area of the Kulaluk Lease area symbolises its heritage values because this was the area that was granted in recognition of the Larrakia's struggle for land rights. While these values are mostly intangible, it is the boundaries of the lease itself that is the tangible representation of these values.

It is likely that the cumulative impact of recent development applications and the proposed rezoning will have an impact on the recognised heritage values of the Kulaluk lease area. It is recommended that a suitable mitigation strategy for impacts to the heritage values of the Kulaluk lease area be developed in a holistic way during the planning and development of the lease area.

Context of Heritage Branch Advice

The Northern Territory 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 Northern Territory's *Heritage Act 2011*

Under the Northern Territory's *Heritage Act 2011* (the Act):

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.
6. There is an obligation to notify of the discovery of Aboriginal or Macassan archaeological places or objects.

Conditions of advice

1. 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.
2. 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.

Yours sincerely

Samantha Wells
Senior Heritage Officer