

26 June 2026



Northern Territory Planning Commission (NTPC)  
GPO Box 1680  
DARWIN NT 0801

Attn: Mark Coffey, Chair NTPC  
Via Email: [ntpc@nt.gov.au](mailto:ntpc@nt.gov.au)  
CC: Karen McGuigan - [karen.mcguigan@nt.gov.au](mailto:karen.mcguigan@nt.gov.au)  
CC: Fletcher Willis - [Fletcher.Willis@nt.gov.au](mailto:Fletcher.Willis@nt.gov.au)

Dear Chair,

**REF: PA2026/0110 – SUBMISSION AND SERVICE AUTHORITY REFERRAL RESPONSE LETTER – REZONE FROM ZONE SD44 (NTPS 2007) TO A NEW SPECIFIED USE ZONE (NPTS 2020) - 95 DICK WARD DRIVE, COCONUT GROVE & 213 DICK WARD DRIVE, LUDMILLA (LOTS 5182 AND 8630)**

### **Background**

The site is currently zoned SD44, being the Darwin Special Use Zone no. 44 under the former Northern Territory Planning Scheme 2007 (NTPS 2007). The proposed rezoning seeks to move the Specific use zone 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) rather than Zone LI (Light Industrial).

The proposal was exhibited from 1 May 2026 to 29 May 2026, and signs placed on site in accordance with requirements.

### **Response to Submissions**

Eleven (11) public submissions from ten (10) submitters were received during the exhibition period. A number of submissions objected to the proposed amendment on the basis of the following:

- Planning history of the site;
- Larrakia significance;
- Environmental impacts;
- Flooding / storm surge;
- Cultural heritage;
- Airport constraints;
- Traffic;
- Contamination;
- Community consultation; and
- The perceived intensification of land use.

Please note: The above summary is in no way intended to discount other matters raised. It is understood that the Northern Territory Planning Commission and Lands Planning unit have access to, and have reviewed, the submissions in detail and they are not provided in greater detail here for that reason.

While the concerns raised are acknowledged, many of the matters relate to issues that have already been comprehensively considered through previous planning approvals and associated technical assessments, rather than matters arising specifically from the current proposal. Notwithstanding, these above primary matters are addressed in detail below.

→ **Planning history of the site**

Several submissions contend that the proposal represents a significant departure from the original intent of the site or that there has been insufficient planning justification for the proposed amendment.

The land has been subject to an extensive planning and statutory approval process spanning more than a decade. In 2014, following a comprehensive assessment process, the land was rezoned from Conservation to Specific Use Zone SD44. Importantly, that decision established the principle that the land was suitable for development subject to carefully tailored controls addressing the site's unique constraints.

Following the rezoning, development approvals were subsequently issued for filling of the site and subdivision of the land. Those approvals have been lawfully implemented and substantially acted upon. Significant filling works have been undertaken and finalised, with the clearance of the conditions of the permit currently lodged. The subdivision permit will be acted upon immediately following the clearance of the fill permit.

The current proposal does not seek to revisit those earlier planning decisions or approvals, nor does it seek approval for further filling, subdivision or specific development on site.

Rather, the amendment recognises the changed circumstances of the site resulting from those approved works and updates the Specific Use Zone to reflect the structure and terminology of the Northern Territory Planning Scheme 2020 while providing a contemporary service-commercial framework better aligned with surrounding commercial development.

The remit of this rezoning application does not include a review or revocation of previous planning decisions made and acted upon.

→ **Environmental impacts**

A number of submissions express concern regarding loss of vegetation, habitat, mangroves and biodiversity.

The site has already been lawfully cleared under previous approvals. The current amendment does not authorise additional clearing.

Future development applications will remain subject to all relevant environmental legislation, engineering requirements, stormwater management requirements and landscaping provisions of the Planning Scheme.

The proposal also retains controls intended to ensure future development does not increase storm surge impacts on adjoining land or adversely affect airport operations through inappropriate land uses.

→ **Flooding / storm surge**

Numerous submissions raise concerns regarding storm surge, flooding, sea level rise and long-term coastal hazards.

These matters were fundamental considerations during the original rezoning process and remain key elements of the proposed Specific Use Zone. Importantly, extensive filling has already been completed under valid development approvals specifically to address the site's flood and storm surge constraints. Those works were approved only after detailed engineering and hydrological assessment and have materially altered the site's development platform.

The proposed Specific Use Zone retains the existing flooding and storm surge controls by requiring:

- Hydrological assessment to the satisfaction of the Consent Authority prior to subdivision and relevant works;
- Protection of adjoining land from increased storm surge impacts;
- Continued consideration of the Land Subject to Storm Surge Overlay during future development assessment; and
- Compliance with all relevant engineering and drainage requirements at development application stage.

It is noted that all proposed uses in the zone require consent. Accordingly, the amendment does not diminish existing safeguards and does not authorise development without detailed technical assessment.

→ **Cultural heritage / Kulaluk lease**

Several submissions raise concerns regarding Aboriginal heritage, sacred sites, burials and the historical significance of the broader Kulaluk area.

These matters have also been the subject of previous assessment. Prior to development approvals being granted, comprehensive Aboriginal cultural heritage and archaeological investigations were undertaken by suitably qualified specialists to identify any archaeological or heritage constraints affecting the site. Those investigations informed the previous planning approvals and the management of the site.

It is noted that there is also an existing and valid AAPA Authority Certificate over the site. An Authority Certificate issued under the Sacred Sites Act ensures the protection of any identified sacred sites, providing both certainty and legal protection when conducting any development activity.

Importantly, the original rezoning of the site to Specific Use Zone SD44 in 2014 occurred with the support and consent of GDA, as the Crown lease holder responsible for management of the land. GDA has similarly supported the current proposal to modernise the Specific Use Zone to better align with the Northern Territory Planning Scheme 2020 and facilitate appropriate Service Commercial development.

While a number of submissions refer to differing views within the broader community regarding the historical management of the Kulaluk Lease, those matters relate to the internal governance and administration of the lease and are not matters that are determined through the *Planning Act 1999*, or this amendment. For planning purposes, GDA is the recognised leaseholder and

land manager and has authorised the progression of both the original SD44 rezoning and the current amendment.

The proposal does not alter the ownership or management of the land and does not affect any obligations under the Aboriginal Sacred Sites Act, Heritage Act or any other applicable legislation. Any future development would continue to be required to comply with all relevant statutory heritage and sacred site approval processes.

#### → **Airport constraints**

Several submissions question whether the site remains appropriate for development due to aircraft noise and airport operations.

Airport safeguarding has formed part of the planning framework for this site since SD44 was originally established. The proposed zone retains explicit provisions requiring that development:

- Does not prejudice the safe operation of Darwin International Airport;
- Does not create bird or bat attractants;
- Appropriately manages external lighting; and
- Continues to have regard to Australian Noise Exposure Forecast (ANEF) mapping and AS2021.

The proposal therefore maintains the same planning intent that has applied to the site since 2014 and does not introduce any relaxation of airport protection requirements. It is noted that early consultation was undertaken with Darwin International Airport (DIA) and Department of Defence (DoD). Comments received from both DIA and DoD during preliminary and formal consultation did not raise any matters of concern with the proposal.

#### → **Traffic**

Traffic impacts were also raised by several submitters.

The current proposal establishes an appropriate planning framework for future land use rather than approving a specific development.

Any future development proposal that has the potential to generate significant traffic will require a separate development application and, where necessary, detailed traffic engineering assessment. Road upgrades, intersection treatments and access arrangements can be required through those future assessment processes.

Consequently, traffic impacts remain capable of being appropriately assessed at the development application stage when the scale and nature of any proposed development are known. This is the same for any rezoning proposal.

#### → **Contamination**

Concerns regarding contamination and fill material largely relate to historical land management issues rather than the current planning amendment.

In regard to contamination, please note that this site has never had any contamination issues. The objectors may have the site confused with the block next door (Lot XXX) which has been rumoured to have contaminants; however this site is over 800m from the subject site.

It is noted that the fill on site was required to be certified as inert clean fill, with the necessary documentation having been provided to the relevant authorities in accordance with the permit conditions.

The current rezoning proposal neither authorises contaminated land nor removes any existing statutory obligations relating to site suitability.

Any future development of the site will continue to be required to comply with relevant contaminated land legislation, environmental health requirements and any conditions imposed by relevant government agencies.

→ **Community consultation**

Some submissions suggest there has been insufficient consultation.

The proposal has been publicly exhibited in accordance with the *Planning Act 1999*, providing all interested persons with the opportunity to inspect the amendment documentation and make submissions. The volume and detail of submissions received demonstrates that the statutory consultation process has operated effectively. The NTPC Hearing is a further opportunity under the *Act* for submitters to voice their concerns.

→ **The perceived intensification of land use**

A number of submissions characterise the proposal as a significant intensification of development by replacing a light industrial-based Specific Use Zone with a service-commercial-based Specific Use Zone. This characterisation is not accepted.

Firstly, the proposal does not rezone the land from a standard Light Industry (LI) zone to a standard Service Commercial (SC) zone. Rather, it replaces one site-specific Specific Use Zone (SD44) with another site-specific Specific Use Zone under the NT Planning Scheme 2020. The land remains subject to bespoke planning controls that recognise the unique constraints of the site, including primary storm surge, proximity to Darwin International Airport and aircraft noise. All uses will require consent.

Secondly, while the proposed zone broadens the range of potential land uses, it does not provide an unrestricted service-commercial zoning. The proposed Specific Use Zone specifically limits development to uses that are compatible with the site's environmental and operational constraints and retains stringent requirements relating to storm surge, airport safeguarding, lighting, bird attractants and subdivision.

Importantly, the Consent Authority retains discretion to refuse any proposal that cannot demonstrate compliance with these requirements or that would increase risks to airport operations or adjoining land.

## Conclusion

The concerns raised in submissions are acknowledged and respected. However, many of the issues raised in submissions relate to matters that have previously been considered through the original rezoning of the land, subsequent filling approvals, subdivision approvals, clearing approvals and associated technical investigations. Those approvals have been lawfully granted, relied upon and substantially implemented.

The current amendment does not revisit those earlier decisions. Rather, it updates an existing Specific Use Zone to better align with the NT Planning Scheme 2020 and contemporary service-commercial zoning while retaining robust controls relating to storm surge, airport safeguarding and future technical assessment.

Accordingly, the matters raised in the submissions do not demonstrate that the proposed amendment is inconsistent with the objectives of the Planning Act 1999 or that the proposed Specific Use Zone is inappropriate.

The opposing submissions are respectfully noted but the concerns raised have been comprehensively addressed through planning documentation.

On this basis, we submit that there are sound planning grounds for approval of PA2026/0110. We remain available to provide further information if requested by the NTPC or the consent authority (being the Minister for Lands, Planning & Environment in this instance).

### **Response to Service Authority Referrals**

1. The comments from Airport Development Group (ADG) are noted, and we have no concerns with any comments.
2. The comments from Power and Water Corporation (Power Networks) are noted, and we have no concerns with any comments.
3. The comments from Power and Water Corporation (Services Development) are noted, and we have no concerns with any comments.
4. The comments from Aboriginal Areas Protection Authority are noted, and we have no concerns with any comments, noting that there is an existing Authority Certificate over the site.
5. The comments from the NT Fire and Emergency Services are noted, and we have no concerns with any comments.
6. The comments from Development Coordination, Land Resource Division (DLPE) are noted, and we have no concerns with any comments in the original submission (dated 10 June 2026).

It is noted that further advice was sought from Heritage Branch as a result of a request from Lands Planning, on the basis that many submitters raised concerns regarding the history of the site and the cultural heritage implications of development. The secondary advice provided by the Heritage Branch differs from the original advice, and is discussed further below.

Key points within the submission are as follows:

- There are no declared or nominated heritage places within the subject land;
- The archaeological investigation undertaken in 2014 to support the original fill and subdivision (lease in excess of 12 years) did not identify aboriginal burials or human remains within the development area and concluded they were highly unlikely to occur;
- The recognised heritage values relate to the broader Kulaluk lease, rather than the subject site specifically;

- Any cumulative impacts should be considered holistically across the lease area, rather than through this rezoning application alone (noting that the site is already zoned for development); and
- All aboriginal archaeological places and objects continue to be protected under the Heritage Act 2011 regardless of the planning outcome.

7. The City of Darwin declined to provide a submission on this application.

### Conclusion

It is considered that the submitter concerns have been adequately addressed within the application and this response contained herein. It is noted that no issues were raised by service agencies.

It is understood that the Northern Territory Planning Commission will consider the application at a Hearing on 1 July 2026. We look forward to your consideration of the application, and subsequent report to the Minister in light of the above response to the submissions received, and service authority referral responses addressed above.

If you have any queries, please do not hesitate to contact me on 0415 933 635.

Regards,

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

**Catriona Tatam, MPIA**  
Director  
Tatam Planning Co.