



STATEMENT OF EFFECT.

MARCH 2026

REZONING FROM SPECIFIC
USE ZONE SD44 UNDER
NTPS 2007 TO SCHEDULE 4
OF NTPS2020

PART LOT 5182 TOWN OF
DARWIN

&

PART LOT 8630 TOWN OF
NIGHTCLIFF

(213 & 95 DICK WARD DRIVE, NT)

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SUMMARY.

PLANNING SCHEME AMENDMENT DETAILS.	
Proposed PSA.	Rezoning from SD44 under NTPS 2007 to Schedule 4 under NTPS 2020
Current Zoning.	SD44 under NTPS 2007
Proposed Zoning.	SDXX under NTPS 2020 (TBC)
Site Address.	213 & 95 Dick Ward Drive, NT (Section 5182 Town of Darwin and Section 8630 Town of Nightcliff)
Purpose of Proposed PSA.	To change the Specific Use Zone from the provisions of NTPS 2007 to NTPS 2020, with some minor updates to terminology and land use permissibility in line with Zone SC (Service Commercial).
Consent Authority.	Minister for Lands, Planning & Environment
Owner Details.	Gwalwa Daraniki Association (GDA) Inc.
Beneficiaries.	ECPH Pty Ltd
Applicant.	Seth Chin, Chin Property Group
Agent for Applicant	Tatam Planning Co.
Contact Address.	PO Box 2224 Darwin NT 0801.
Contact Person.	Catriona Tatam, Tatam Planning Co.
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Job Reference.	J0160

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VERISON 2 – 4 February 2026 – C. Tatam

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PLANNING SCHEME AMENDMENT – REZONING FROM SD44 UNDER NTPS 2007 TO SPECIFIC USE ZONE UNDER SCHEDULE 4 OF NTPS 2020

213 & 95 Dick Ward Drive, NT (Section 5182 Town of Darwin and Section 8630 Town of Nightcliff)



1. INTRODUCTION.

1.1 PLANNING SCHEME AMENDMENT.

Tatam Planning Co. has been engaged by Chin Property Group to prepare a Statement of Effect for a proposed zoning amendment in relation to Part Section 5182 Town of Darwin and Section 8630 Town of Nightcliff (213 & 95 Dick Ward Drive, NT). The site specific to this rezoning is subject to a lease agreement with Gwalwa Daraniki Association Inc and an approved subdivision (Lease in Excess of 12 years) under DP23/0169.

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).

This application is made pursuant to Section 12A of the *Northern Territory Planning Act 1999*, and the assessment contained herein demonstrates that the proposal is in compliance with all requirements under the *NT Planning Act 1999*.

1.2 CONTENTS OF THIS PLANNING SCHEME AMENDMENT.

This Planning Scheme Amendment has been prepared to support the proposed rezoning. Included within this Planning Scheme Amendment are the following attachments:

- **Attachment A.** Site Aerial.
- **Attachment B.** Current Site Zoning.
- **Attachment C.** SD44 Specific Use Zone Provisions under NTPS 2007 (Existing)
- **Attachment D.** Proposed Site Zoning
- **Attachment E.** New Specific Use Zone under Schedule 4 of NTPS 2020

In preparing this Planning Scheme Amendment, Tatam Planning Co. has conducted a site and locality inspection, examined the development and site history, discussed the proposed rezoning with the client, and considered the relevant provisions of the *NT Planning Act 1999* (NTPA).

1.3 OWNERSHIP OF THE SITE AND BENEFICIARIES.

The application is lodged by Tatam Planning Co on behalf Chin Property Group, with authorisation from Gwalwa Daraniki Association (GDA) Inc. Chin Property Group have a 99-year lease over the land from GDA.

It is our understanding that no other persons in a beneficiary to this application other than the landowner and leasee Chin Property Group. Title documents/Crown Lease in Perpetuity for the site are already on file at Department of Lands, Planning & Environment, but can be provided again on request.

1.4 PLANNING HISTORY OF THE SITE.

The Certificate of Title for the sites lists numerous building and development approvals issued over the parent sites. The applications relevant to the proposal have been listed below, noting that the parent parcels are extensive and include not only the Minmarama Community (and all dwellings contained therein) but also

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the McDonalds site on Bagot Road, and the nearby Service station and chemist developments. Refer Attachment A for the Title and full details of all approvals.

- Planning Scheme Amendment 324 – Rezone from Zone CN (Conservation) to Zone LI (Light Industry) – note this is the current SD44 zone.
- DP15/0078 – Filling of land (SD44) – refer additional details below.
- DP15/0308 – Subdivision to Create Three (3) Lots.
- DP15/0078A – Extension of Time for Filling of land (SD44).
- DP15/0078B – Extension of Time for Filling of land (SD44).
- DP15/0308A – Extension of Time for Subdivision to Create Three (3) Lots.
- DP15/0078C – Extension of Time for Filling of land (SD44).
- DP15/0078D – Final Extension of Time for Filling of Land (SD44)
- DP2023/0169 – Subdivision (Lease in Excess of 12 years).

It is noted that the fill works under DP15/0078 (including up to variation D) have been completed on site, and clearance of conditions is underway. The associated subdivision DP23/0169 will be cleared once the conditions of DP15/0078D are met.

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2. SITE AND LOCALITY.

2.1 DESCRIPTION OF LOCALITY.

The subject sites, being Lot 5182 Town of Darwin and Lot 8630 Town of Nightcliff are located in the Darwin mid-suburbs of Ludmilla and Coconut Grove, approximately 5km from the Darwin CBD.

The area is dominated by the CN (Conservation) zone to the west of Dick Ward Drive, which stretches from the East Point Reserve to the start of the Casuarina/Nightcliff Foreshore. Adjacent to the subject sites, there are pockets of low to medium density residential development in both Ludmilla and Coconut Grove, as well as Light Industry zoning (being the Coconut Grove Industrial Area). There is also land nearby zoned Special Use, Community Purpose, Community Living, Restricted Development and Public Open Space.

A large portion of the locality is affected by Storm Surge and nearby Darwin International Airport/ RAAF Base Darwin flight paths.

2.2 DESCRIPTION OF THE SITE.

The subject sites, being Lot 5182 Town of Darwin and Lot 08630 Town of Nightcliff, are two large land parcels in Ludmilla and Coconut Grove respectively. Lot 5182 measures 219.3ha and Lot 8630 measures 2.39ha. The lots are subject to a Crown Lease in Perpetuity to Gwala Daraniki Association Inc.

The lots lie on the western side of Bagot Road, with Lot 5182 bisected by Dick Ward Drive. Lot 5182 is zoned CN (Conservation), RD (Restricted Development) CL (Community Living) and Special Use Zones (SD44, SD37 and SD33); while Lot 8630 is zoned CN (Conservation), PS (Public Open Space), CL (Community Living) and Special Use Zone (SD44).

The proposed amendment is specifically in relation to the proposed lease area created under DP23/0169. This proposed lease area aligns with the current extent of SD44. The proposed lease area is affected by several overlays, including LSSS (Land Subject to Storm Surge) and LPA (Land in Proximity to Airports).

A site aerial is provided at **Attachment A**. A current zoning plan is provided at **Attachment B**. The current SD44 Specific Use Zone Provisions for the site are provided at **Attachment C**.

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3. PROPOSED PLANNING SCHEME AMENDMENT - REZONING.

3.1 CURRENT ZONING.

The portion of 213 & 95 Dick Ward Drive, NT (Section 5182 Town of Darwin and Section 8630 Town of Nightcliff) subject to this rezoning application is identified as the lease area created under DP23/0169. This site is currently zoned Specific Use Zone SD44 under the Northern Territory Planning Scheme 2007.

Per NTG statements, old specific use zones created under the NT Planning Scheme 2007 will be progressively reviewed in consultation with landowners. This is intended to result in each specific use zone being either:

- Transitioned to a standard zone; or
- Reformatted to fit the new structure and incorporated with updated definitions.

Until the review is complete, any land development that is subject to a specific use zone in the 2007 scheme will continue to be assessed under the 2007 scheme.

The current zoning is shown at **Attachment B**. The current provisions of SD44 under NTPS 2007 are provided at **Attachment C**.

3.2 PROPOSED ZONING.

The portion of 213 & 95 Dick Ward Drive, NT (Part Section 5182 Town of Darwin and Section 8630 Town of Nightcliff) subject to this rezoning application is identified as the lease area created under DP23/0169. This new lot (Lease in Excess of 12 Years) is intended to be '*reformatted to fit the new structure and incorporated with updated definitions*' per the above mentioned mandate.

It is intended to make minor amendments and formatting changes to former SD44 under NTPS 2007 for relocation to Schedule 4 – Specific Use Zones of NTPS 2020.

The majority of proposed changes relate to formatting and minor terminology updates (including permissibility for new land uses that exist under NTPS 2020, but do not exist under NTPS 2007). Some land use permissibility changes arise from the intended change from a Light Industry-based Specific Use Zone to that of a Service Commercial-based Specific Use Zone. All provisions relating to storm surge, aircraft noise and airport operations have been maintained.

Preliminary meetings were undertaken with Lands Planning discussed aspects of the proposed PSA, including, but not limited to:

- Formatting;
- Zone SC (Service Commercial) land use permissibility;
- Consideration of the impact of aircraft noise (noting the Australian Standard for Building Site Acceptability based on the ANEF Zones).
- The site's location within the 30-unit contour of the Australian Noise Exposure Forecasting (ANEF) for the Darwin International Airport (DIA) and RAAF Base Darwin
- The removal of any '*permitted*' uses that may typically be allowed ins SC zones.
- The need for specific prohibited uses that would not be suitable in this zone or location (based on ANEF contours).
- Storm Surge mapping and Land Subject to Storm Surge overlay

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Further comments from Lands Planning received following submission of the proposed amendment relating to use of the term 'normalisation', additional provisions in relation to the interface between buildings and public spaces, connectivity with the shared path and public transport network, minimising impacts on the amenity of surrounding use and landscape design have also been noted and addressed.

All comments have been taken on board and incorporated into the proposed reformatted Specific Use Zone.

The proposed zoning is shown at **Attachment D**. The proposed Specific Use Zone provisions for Schedule 4 of NTPS 2020 are provided at **Attachment E**.

3.3 CONSULTATION

The draft Planning Scheme Amendment to transpose SD44 under NTPS 2007 to Schedule 4 of NTPS 2020 was provided to both Darwin International Airport (DIA) and Department of Defence (DoD). DIA noted the draft proposal and indicated that formal comment would be provided once lodged and referred through the rezoning process, but raised no preliminary concerns. No response was received from DoD, however the application will be referred to them for formal comment, should the Minister be of a mind to allow exhibition of the proposal.

4. NT PLANNING ACT 1999.

4.1 CLAUSE 2A – PURPOSE AND OBJECTIVES.

The purpose of the NT Planning Act 1999 (NTPA) is to establish a system to facilitate planning for the orderly use and development of land to achieve specific objectives.

The proposed Planning Scheme Amendment for the partial rezoning of Section 5182 Town of Darwin and Section 8630 Town of Nightcliff for minor amendments and formatting changes to former SD44 under NTPS 2007 for relocation to Schedule 4 – Specific Use Zones of NTPS 2020. has been assessed as part of the report contained herein to ensure compliance with the Purpose and Objectives of the NTPA.

4.2 CLAUSE 6A - PERSONS AND BODIES PERFORMING FUNCTIONS UNDER ACT

Under this Clause, the Minister's functions under this Act include:

- a) *to make and amend specific planning schemes under Part 2;*

The Minister is identified as the Consent Authority for the proposed Planning Scheme Amendment.

4.3 CLAUSE 12A(2) - REQUEST TO AMEND PLANNING SCHEME

Under this clause, a person or body may request the Minister to amend a planning scheme. The request must be in writing and include the following:

- a) *an explanation of the proposed amendment;*

This application seeks a Planning Scheme Amendment to the Northern Territory Planning Scheme 2020, through the intended partial rezoning of 213 & 95 Dick Ward Drive, NT (Section 5182 Town of Darwin and Section 8630 Town of Nightcliff) from Specific Use Zone SD44 under NT Planning Scheme 2007 to a Specific Use Zone under Schedule 4 of the NT Planning Scheme 2020.

- b) *a statement of the purpose of the proposed amendment and its desired effect;*

The purpose of the proposed amendment is to reformat existing Specific Use Zone SD44 under NTPS 2007 to fit the new structure, updated definitions and land use permissibilities when transposed to Schedule 4 – Specific Use Zones of NTPS 2020.

The majority of proposed changes relate to formatting and minor terminology updates (including permissibility for new land uses that exist under NTPS 2020, but do not exist under NTPS 2007). Some land use permissibility changes arise from the intended change from a Light Industry-based Specific Use Zone to that of a Service Commercial-based Specific Use Zone. All provisions relating to storm surge, aircraft noise and airport operations have been maintained.

- c) *an assessment of the proposed amendment with respect to the matters to be considered by the Minister under section 13(1);*

This report comprises an assessment of the proposed amendment, having due consideration to the matters considered by the Minister under Section 13(1). Refer assessment below.

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- d) *the details of any community consultation conducted, or to be conducted, in addition to the consultation required under this Act.*

Should the Minister accept the proposed Planning Scheme Amendment for the purposes of exhibition, the proposed rezoning will be exhibited per the requirements of the Act. This will be for a 28-day period and will include a sign on site and inclusion in the online Planning Notices.

4.4 CLAUSE 13 – MINISTER'S CONSIDERATION OF REQUEST AND DECISION

- (1) When considering a request to amend a planning scheme, the Minister must also consider the following:
- a) *whether the proposed amendment promotes the purpose and objectives of this Act;*

The proposed amendment is considered to be in alignment with the purpose and objectives of the Act under Clause 2A, which are as follows:

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

The *Planning Act 1999* establishes the Northern Territory Planning Scheme 2020 as the primary instrument against which development consent is judged and sets out the matters the consent authority must take into account when assessing development. At the moment the old Specific Use provisions, including that of SD44, sit under the old NTPS 2007.

Creating a purpose-built specific use zone that expressly addresses known local hazards (storm surge) and operational constraints (airport safety) under the current NT Planning Scheme 2020 is consistent with the Act's direction to plan for and regulate land use through an up-to-date planning scheme. It provides clarity to the consent authority so decisions can be made in accordance with the Scheme (which the Act requires).

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Accordingly, the proposed amendment promotes the overall purpose and objectives of the Act by transposing an existing Specific Use zone into the current planning scheme, consistent with the principles of sustainable and orderly development in the Northern Territory.

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

The portion of 213 & 95 Dick Ward Drive, NT (Section 5182 Town of Darwin and Section 8630 Town of Nightcliff) subject to this rezoning application (being the lease area created under DP23/0169) are subject to the following strategic frameworks:

- Darwin Regional Land Use Plan; and
- Darwin Mid Suburbs Area Plan.

An assessment against the strategic framework is undertaken below.

4.3.1 *Clause 2.4 – Darwin Regional Land Use Plan.*

The Darwin Regional Land Use Plan (DRLUP) identifies the site within the boundary of 'Industry' land use structure. The proposed rezoning remains consistent with the key objectives of the land use structure under the DRLUP as follows:

- *Identify adequate industrial land to:*
 - *encourage a range of opportunities to accommodate the diverse needs of industry with a particular focus on high quality light industrial estates, superior access to transport networks and reasonably priced larger lots.*
 - *support competition in the industrial land market to avoid the unnecessary upward pressure on land prices.*
 - *provide lead times for appropriate detailed strategic and infrastructure planning*
 - *provide confidence and direction for investors; and*
 - *assist in building growth and critical mass in the sector.*
- *Ensure the detailed planning for future development in the region takes account of the limited opportunities to appropriately locate strategic industrial development to minimise the potential for future land use conflict and detrimental impacts on the environment.*

The proposed rezoning is on a site identified as 'Industry' under DRLUP and is in close proximity to the existing Coconut Grove Industrial area. The existing Coconut Grove Industrial Area is fully developed, and the proposed rezoning from SD44 under NTPS 2007 to a Specific Use Zone under Schedule 4 of NTPS 2020 will allow for the continued use of the land for future service commercial and permissible light industrial land uses (subject to the zoning and land use permissibility table proposed).

The large site allows flexibility for a range of uses, with the ultimate development(s) on site being subject to further approval, per both current SD44 requirements, as well as requirements under the proposed Specific Use Zone in Schedule 4 of NTPS 2020. No permitted uses are proposed; all development within the new Specific Use Zone requires some level of consent.

It is considered that the proposed rezoning does not contravene the above requirements for the identification of adequate service commercial and industrial land.

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The DRLUP 'identifies land for ongoing industrial development in new well-located, high-quality light industrial areas to meet the trend and growing interest in business park development and the increased demand for light industrial land in rural locations.

Existing industrial areas at Winnellie, Coconut Grove, Berrimah, Wishart and Pinelands will continue to provide opportunities for the government and private landowners to respond to demand.'

The proposed rezoning will continue to facilitate the development of service commercial and (where permissible) light industrial uses on land ready zoned for this use. The proposed minor amendments to align more with Zone SC (Service Commercial) rather than LI (Light Industrial) results in negligible changes to land use permissibilities and intended built form development.

4.3.2 *Clause 2.4 – Darwin Mid Suburbs Area Plan.*

The portion of 213 & 95 Dick Ward Drive, NT (Section 5182 Town of Darwin and Section 8630 Town of Nightcliff) subject to this rezoning application is included in the Darwin Mid Suburbs Area Plan (DMSAP), within the 'Industrial & Service Commercial' land use structure.

SD44 under NTPS 2007 currently aligns closely to the provisions of a typical LI (Light Industry) zone. The proposed rezoning to bring the Specific Use Zone into Schedule 4 of the NTPS 2020 is more closely aligned to a typical SC (Service Commercial) zone. Notwithstanding, it is considered that the proposed zone normalisation and minor amendments remain consistent with the intent of the DMSAP land use structure over the site.

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

The proposed amendment is not understood to be within a declared class of amendments that do not require exhibition.

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

Pending the Minister's decision, the amendment may require exhibition.

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

The merits of the proposed amendment are as follows:

- ➔ Modernises an outdated zone (SD44) with a contemporary, flexible Service Commercial framework aligned to the NT Planning Scheme 2020.
- ➔ Matches land capability by directing development types that suit Primary Storm Surge constraints and ANEF building permissibilities.
- ➔ Supports airport safeguarding, ensuring land uses remain compatible with Darwin International Airport operations.
- ➔ Provides certainty through clear outcomes and targeted requirements (hydrology, lighting, wildlife hazard, ANEF/AS2021 checks etc).
- ➔ Unlocks economic potential for a strategically located corridor with strong transport access and commercial visibility.

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- Promotes employment and local business growth through appropriate uses such as showrooms, vehicle sales/hire, light industry and warehousing.
- Prevents land underutilisation by enabling contemporary commercial formats and subdivision subject to hazard controls.
- Improves land-use compatibility by acting as a buffer between residential area, conservation areas and existing industrial uses.
- Ensures ongoing protection of neighbouring land through retained requirements for storm surge and airport safety.
- Delivers orderly and sustainable development consistent with good planning practice and the intent of the *Planning Act 1999*.

The proposed Specific Use Zone under Schedule 4 of NTPS 2020 presents clear and defensible planning merit when assessed against contemporary strategic, environmental, and economic planning considerations for the Darwin urban area. It replaces an outdated and narrowly defined Specific Use zone (SD44) with a modernised, risk-responsive, Service Commercial-based zone that reflects current land capability, market demand, and regulatory requirements.

f) any report from the Planning Commission under section 12B(3);

Should the Minister request a report from the Planning Commission, it is noted that such a report shall be considered as part of this Planning Scheme Amendment.

g) any other matters the Minister considers appropriate.

Noted.

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CONCLUSION.

Tatam Planning Co. has been engaged by Chin Property Group to prepare a Statement of Effect for a proposed rezoning in relation to Part Section 5182 Town of Darwin and Section 8630 Town of Nightcliff (213 & 95 Dick Ward Drive, NT). The site specific to this rezoning is subject to a lease agreement with Gwalwa Daraniki Association Inc and an approved subdivision (Lease in Excess of 12 years) under DP23/0169.

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 transpose the existing 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).

This application is made pursuant to Section 12A of the *Northern Territory Planning Act 1999*, and the assessment contained herein demonstrates that the proposal is in compliance with all requirements under the *NT Planning Act 1999*.

The merits of the proposed amendment are as follows:

- Modernises an outdated zone (SD44) with a contemporary, flexible Service Commercial framework aligned to the NT Planning Scheme 2020.
- Matches land capability by directing development types that suit Primary Storm Surge constraints and ANEF building permissibilities.
- Supports airport safeguarding, ensuring land uses remain compatible with Darwin International Airport operations.
- Provides certainty through clear outcomes and targeted requirements (hydrology, lighting, wildlife hazard, ANEF/AS2021 checks etc).
- Unlocks economic potential for a strategically located corridor with strong transport access and commercial visibility.
- Promotes employment and local business growth through appropriate uses such as showrooms, vehicle sales/hire, light industry and warehousing.
- Prevents land underutilisation by enabling contemporary commercial formats and subdivision subject to hazard controls.
- Improves land-use compatibility by acting as a buffer between residential area, conservation areas and existing industrial uses.
- Ensures ongoing protection of neighbouring land through retained requirements for storm surge and airport safety.
- Delivers orderly and sustainable development consistent with good planning practice and the intent of the *Planning Act 1999*.

In consideration of the requirements of all relevant statutory planning tests of the NTPA, there are considered to be reasonable grounds for the Minister to either waive or approve the exhibition of the proposal, and subsequently determine to amend the Planning Scheme to rezone Section 5182 Town of Darwin and Section 8630 Town of Nightcliff from SD44 under NTPS 2007 to Schedule 4 – Specific Use Zones under NTPS 2020.