

NORTHERN TERRITORY OF AUSTRALIA

PLANNING SCHEME AMENDMENT PA2026/0110

The Delegate for the Minister for Lands, Planning and Environment has accepted a planning scheme amendment made by Tatam Planning Co. The application seeks to rezone Part Lot 5182 Town of Darwin (213 Dick Ward Drive, Ludmilla) and Part Lot 8630 Town of Nightcliff (95 Dick Ward Drive, Coconut Grove) from Zone SD44 (specific use) to a new specific use zone.

Provided on the [Development Applications Online \(DAO\) website](#) are:

- Proposed Amendment/Statement of Effect documents (detail of the proposal); and
- Supporting Information Documents.

Attached to this Explanatory Document are:

- a locality map;
- extracts from the NT Planning Scheme 2007 relating to Zone SD44 (specific use); and
- proposed new specific use zone.

Period of Exhibition and Lodging a Submission

The exhibition period is from **1 May 2026** to **29 May 2026**.

The suitability of the subject site for uses in accordance with the proposed zone is the primary consideration in the assessment of proposals to amend the NT Planning Scheme 2020. Matters relating to the intended development of the site are addressed in the development application and assessment processes.

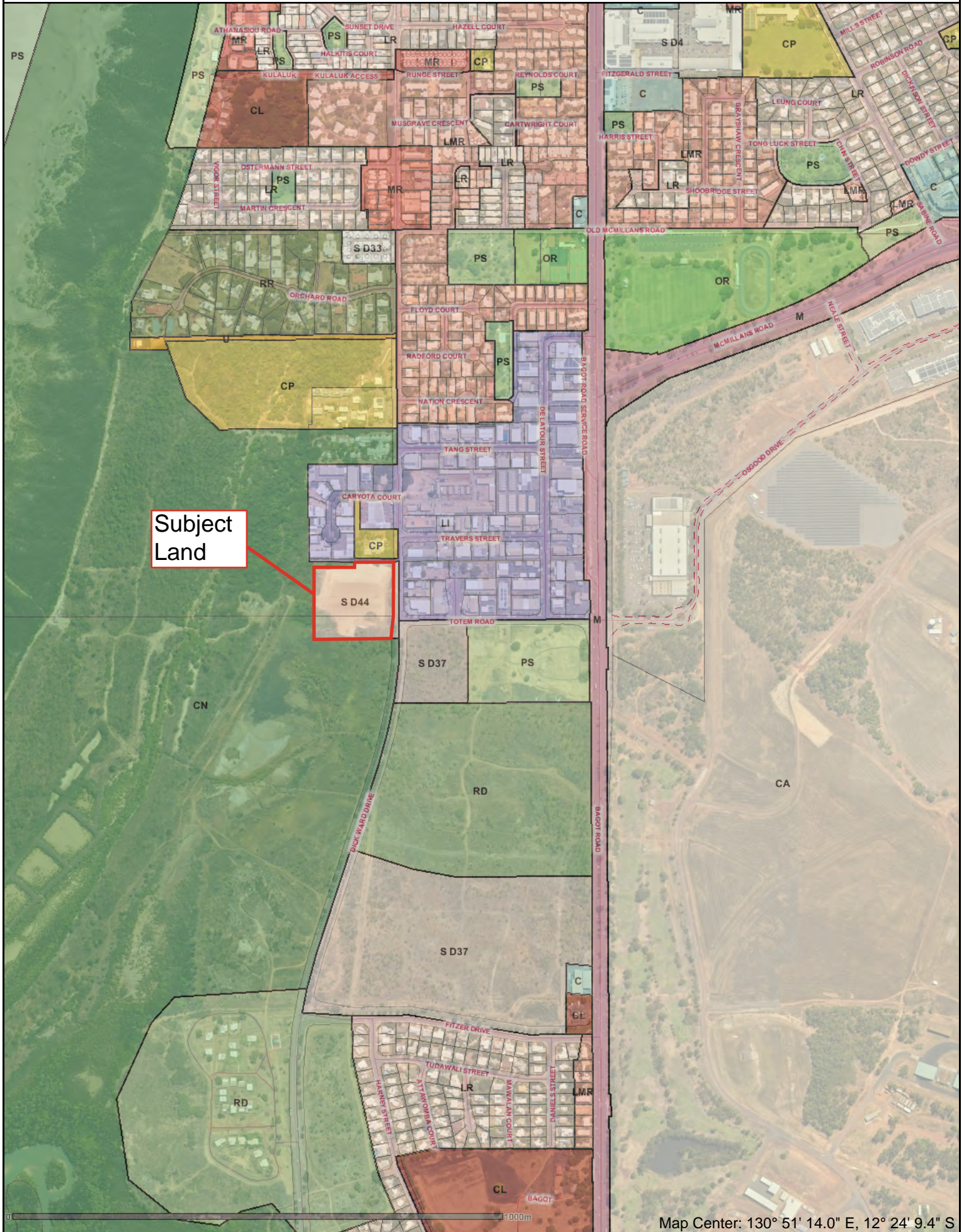
Submissions in relation to a planning scheme amendment must be in writing and include the name and postal address of the author and may be made publicly available in full.

Written submissions are to be received by 11.59pm on **29 May 2026** and can be made through:

- the [DAO website](#) using the relevant “Make Submission” tab; or
- Postal letter and addressed to:
NT Planning Commission
PO Box 1680
DARWIN NT 0801; or
- Email: planning.ntg@nt.gov.au; or
- Hand delivered to: Level 1, Energy House, 18-20 Cavenagh Street, Darwin City

For more information please contact Fletcher Willis on (08) 8924 74341 or at fletcher.willis@nt.gov.au

Locality Map



Subject Land

S D44

Map Center: 130° 51' 14.0" E, 12° 24' 9.4" S

Created by IMG

Bottom Left: -12° 24' 25", 130° 50' 41" Top Right: -12° 23' 53", 130° 51' 46" Approximate Scale: 1:9,900 Datum: GDA 1994

Data for information purposes only - accuracy not guaranteed

N.T. Land Information System Copyright Northern Territory of Australia

Existing Specific Use Zone SD44

4. Notwithstanding paragraph 3, the following uses if proposed as the primary or secondary use are prohibited on section 4303:
 - (a) **caretaker's residence;**
 - (b) **education establishment;**
 - (c) **home occupation;**
 - (d) **hotel**, where a residential building is proposed;
 - (e) **leisure and recreation;**
 - (f) **medical clinic;**
 - (g) **place of worship;**
 - (h) **plant nursery;** and
 - (i) **rural industry**, where products that attract birds and bats are stored outdoors.
5. Subject to paragraph 2, section 4303 may be developed for the purpose of the zone if development complies with all requirements of the NT Planning Scheme, as if the **site** was in Zone LI (Light Industry), and provided that:
 - (a) all proposed development can be constructed in accordance with AS 2021-2000 'Acoustics – Aircraft noise intrusion – Building siting and construction' (AS2021); and
 - (b) all proposed development can be constructed in accordance with the height provisions determined by the Defence (Area Control) Regulations 1989.
6. Subject to paragraph 2, section 4303 may be developed for the purpose of a subdivision if the application to subdivide the **site** is in accordance with the relevant clauses of the NT Planning Scheme, as if the land was in Zone LI (Light Industry).
7. Any development or subdivision of the **site** should allow for:
 - (a) the future closure of the current access point to Vanderlin Drive; and
 - (b) a replacement site access point or local road connection on the southern boundary of the **site** when the proposed local road for section 6442 Hundred of Bagot is constructed along the southern boundary of section 4303.

SD44

Amendment No. 324
Gazetted 26.03.2014
Creates SD44

Part Lots 5182, Town of Darwin and 8630, Town of Nightcliff (Dick Ward Drive, Coconut Grove).

1. The purpose of this zone is to provide for light industrial development that addresses:
 - (a) the effects of primary storm surge; and
 - (b) preserves the safety and maintains the curfew free operation of the Darwin International Airport
2. Prior to subdivision and the commencement of works to address the issue of storm surge, a hydrological assessment approved by the Department of Land Resource Management must be provided to the satisfaction of the Consent Authority.
3. Subdivision of the land within the zone is to be in accordance with the requirements of 11.3.2 and 11.3.3 of the Northern Territory Planning Scheme.

4. The following uses are permissible only with consent and are to be developed in accordance with the requirements of Zone LI (Light Industry):

- | | |
|---|--|
| (a) animal boarding; | (j) passenger terminal; |
| (b) business sign; | (k) plant nursery; |
| (c) car park; | (l) promotion sign; |
| (d) community centre; | (m) rural industry; |
| (e) leisure and recreation; | (n) service station; |
| (f) light industry; | (o) showroom sales; |
| (g) motor body works; | (p) transport terminal; |
| (h) motor repair station; | (q) vehicles sales and hire;
and |
| (i) office, only where ancillary to the primary use; | (r) warehouse. |

Any other use not explicitly stated within this zone is a prohibited use whether posed as a primary or ancillary use.

5. In determining an application for the use or development of land subject to the ANEF 20 unit value contour line or greater, the consent authority is to have regard to the Building Site Acceptability Table (Table 2.1) based on ANEF Zones taken from AS 2021 – 2000 as a guide to the type of use or development it may consent to.
6. Lighting associated with development on land within flight approach paths is not to prejudice the safe operation of an airport.
7. Use or development of land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport.

SD45

Amendment No. 322
gazetted 16.04.2014
creates SD45

Lot 4223, Town of Darwin (36 Wilmot Street, The Narrows).

1. The purpose of this zone is to facilitate the use and development of the land for **multiple dwellings**, limiting the development of the site to two units.
2. With **consent** the land may be developed for the purpose of **multiple dwellings** if the development complies with all other requirements of the Planning Scheme as if the land were in Zone MD (Multiple Dwelling Residential).

If the development does not comply with the listed requirements, the consent authority may **consent** to a variation of the requirements only if it is satisfied that special circumstances justify the giving of **consent**.
3. Despite paragraph 2, the consent authority must not **consent** to a development that exceeds any more than a total of two **multiple dwellings**.

4.1.3 Specific Uses - Darwin

4.1.3.XX SDXX Part Lots 5182 Town of Darwin and 8630 Town of Nightcliff

Purpose

To provide for service commercial development that appropriately responds to:

- (a) the effects of primary and secondary storm surge; and
- (b) preserves and maintains the safety and curfew free operation of Darwin International Airport/ RAAF Base Darwin.

Administration

1. This specific use zone applies to Part Lots 5182 Town of Darwin (213 Dick Ward Drive, Ludmilla) and 8630 Town of Nightcliff (95 Dick Ward Drive, Coconut Grove).
2. The use and development of land subject to this specific use zone is to be in accordance with the table to this zone.
3. The consent authority may consent to a use or development that is not in accordance with sub-clause 14 only if it is satisfied that the application demonstrates that there is no increased risk to people and property, including adjoining property.
4. Commercial activities are acceptable where they are subordinate to the primary development on the site and provide support to service commercial activities, and/or directly support and are compatible with the ongoing service commercial use of the zone.
5. Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone, and having regard to the 'Building Site Acceptability Based on ANEF Zones' (Table 2.1) in AS 2021 – 2000 regarding the site's exposure to aircraft noise.

Zone Outcomes

6. A mix of service commercial activities that consist predominately of retail business activities such as **shop, shopping centre, showroom sales, vehicle sales and hire, and leisure and recreation**, that do not increase risk to people and property from the impacts of storm surge and do not adversely impact on airport operations.
7. A mix of activities such as **industry-light, motor repair station and warehouse**, which are compatible with and are of such a kind that do not adversely affect the service commercial function of the area, do not increase risk to people and property from the impacts of storm surge, and do not adversely impact on airport operations.

8. Buildings provide variety and interest at street level and allow passive surveillance of public spaces, with a scale and character appropriate to the service function of the locality.
9. Development is designed to provide clear connections within the development and to external pedestrian, bicycle, public and road transport networks and infrastructure where appropriate.
10. Development incorporates appropriate urban and landscape design that creates attractive and functional buildings, streets and places.
11. Developments are operated in a manner to ensure that there is no unreasonable loss of amenity for surrounding premises, having regard to the mixed use nature of the zone.
12. Subdivision primarily provides for lot sizes capable of accommodating the uses expected in the zone.
13. Subdivision provides the appropriate urban services including, roads, pedestrian and cycle paths, reticulated electricity, water, and sewerage, stormwater drainage and telecommunication infrastructure.

Requirements

14. An application for subdivision should include a hydrological assessment approved by the Department of Lands Planning and Environment - Natural Resource Management addressing primary and secondary storm surge of the site.
15. Lighting associated with development on land within flight approach paths is not to prejudice the safe operation of an airport.
16. Use or development of land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport.

ASSESSMENT TABLE – SPECIFIC USE ZONE FOR PART LOTS 5182 TOWN OF DARWIN AND 8630 TOWN OF NIGHTCLIFF

Defined Use	Assessment Category	Overlays	General Development Requirements	Specific Development Requirements
Animal Boarding	Impact assessable	3.6 LSSS – Land Subject to Storm Surge	5.2.1 General Height Control 5.2.4 Car Parking 5.2.5 Loading Bays	5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.7.2 Animal Related Use (Animal Boarding and Stables)
Bar-Public	Impact assessable		5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR	5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.5.10 Nightclub Entertainment Venue, Bar-Public and Bar-Small
Bar-Small	Impact assessable		5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC	5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.5.10 Nightclub Entertainment Venue, Bar-Public and Bar-Small
Car Park	Merit assessable			5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
Car Wash	Merit assessable			5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.5.9 Car Wash

ASSESSMENT TABLE – SPECIFIC USE ZONE FOR PART LOTS 5182 TOWN OF DARWIN AND 8630 TOWN OF NIGHTCLIFF

Defined Use	Assessment Category	Overlays	General Development Requirements	Specific Development Requirements
Club	Impact assessable	3.6 LSSS – Land Subject to Storm Surge	5.2.1 General Height Control	5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design
Demountable Structures	Merit Assessable		5.2.4 Car Parking	5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.8.3 Club
Emergency Services Facility	Impact assessable		5.2.5 Loading Bays	5.8.7 Demountable Structures
			5.2.6 Landscaping	5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design
			5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR	5.5.4 Expansion of Existing Developments in Zones CB, C, SC and TC 5.8.6 Emergency Service Facility
Excavation and Fill	Impact assessable		5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC	5.8.9 Excavation and Fill
Food Premises- Café/Take Away	Merit assessable			5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.5.11 Food Premises
Food Premises- Fast Food Outlet	Impact assessable			5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.5.11 Food Premises
Food Premises- Restaurant	Impact assessable		5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.5.11 Food Premises	
Industry-Light	Impact assessable		5.5.2 Commercial Plot Ratio 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC	

ASSESSMENT TABLE – SPECIFIC USE ZONE FOR PART LOTS 5182 TOWN OF DARWIN AND 8630 TOWN OF NIGHTCLIFF

Defined Use	Assessment Category	Overlays	General Development Requirements	Specific Development Requirements
Leisure and Recreation	Merit assessable	3.6 LSSS – Land Subject to Storm Surge	5.2.1 General Height Control	5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design
			5.2.4 Car Parking	5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
			5.2.5 Loading Bays	5.8.5 Leisure and Recreation
Medical Clinic	Impact assessable		5.2.6 Landscaping	5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design
			5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR	5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
Motor Body Works	Impact assessable		5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC	5.5.2 Commercial Plot Ratio 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
				5.6.3 Motor Body Works and Motor Repair Station
Motor Repair Station	Impact assessable		5.5.2 Commercial Plot Ratio 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC	
			5.6.3 Motor Body Works and Motor Repair Station	
Nightclub Entertainment Venue	Impact assessable		5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design	5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
			5.5.10 Nightclub Entertainment Venue, Bar-Public and Bar-Small	
Office	Impact assessable		5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design	5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
Passenger Terminal	Impact assessable		5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design	5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC

ASSESSMENT TABLE – SPECIFIC USE ZONE FOR PART LOTS 5182 TOWN OF DARWIN AND 8630 TOWN OF NIGHTCLIFF

Defined Use	Assessment Category	Overlays	General Development Requirements	Specific Development Requirements
Plant Nursery	Impact assessable	3.7 LSSS – Land Subject to Storm Surge	5.2.1 General Height Control	5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design
Service Station	Impact assessable		5.2.8 Car Parking	5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
Shop	Impact assessable		5.2.9 Loading Bays	5.5.2 Commercial Plot Ratio 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
Shopping Centre	Impact assessable		5.2.10 Landscaping	5.5.8 Service Station
Showroom Sales	Merit Assessable		5.2.11 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR	5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
Telecommunications Facility	Impact assessable		5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC	5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.5.12 Shopping Centre
Transport Terminal	Impact assessable			5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
Vehicle Sales and Hire	Merit assessable			5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
Veterinary Clinic	Impact assessable			5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC

ASSESSMENT TABLE – SPECIFIC USE ZONE FOR PART LOTS 5182 TOWN OF DARWIN AND 8630 TOWN OF NIGHTCLIFF

Defined Use	Assessment Category	Overlays	General Development Requirements	Specific Development Requirements
Warehouse	Merit assessable	3.8 LSSS – Land Subject to Storm Surge	5.2.1 General Height Control	5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
All other uses defined in Schedule 2 (Definitions)	Prohibited		5.5.3 Car Parking 5.5.4 Loading Bays 5.5.5 Landscaping	
Undefined Uses Any use not defined in Schedule 2 (Definitions)	Impact assessable		5.5.6 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR 5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC	Part 2, Part 3, Part 4, Part 5 of this Planning Scheme



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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ATTACHMENT A.

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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.
Contact Email.	cat@tatamplanningco.com.au.
Job Reference.	J0160

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VERISON 2 – 4 February 2026 – C. Tatam

STATEMENT OF EFFECT.

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

STATEMENT OF EFFECT.

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)



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.

STATEMENT OF EFFECT.

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)



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**.

STATEMENT OF EFFECT.

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)



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

STATEMENT OF EFFECT.

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)



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.

STATEMENT OF EFFECT.

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)



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.

STATEMENT OF EFFECT.

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)



- 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).

STATEMENT OF EFFECT.

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)



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.

STATEMENT OF EFFECT.

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)



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.

STATEMENT OF EFFECT.

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)



- 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.

STATEMENT OF EFFECT.

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)



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.

Existing Specific Use Zone SD44

4. Notwithstanding paragraph 3, the following uses if proposed as the primary or secondary use are prohibited on section 4303:
 - (a) **caretaker's residence;**
 - (b) **education establishment;**
 - (c) **home occupation;**
 - (d) **hotel**, where a residential building is proposed;
 - (e) **leisure and recreation;**
 - (f) **medical clinic;**
 - (g) **place of worship;**
 - (h) **plant nursery;** and
 - (i) **rural industry**, where products that attract birds and bats are stored outdoors.
5. Subject to paragraph 2, section 4303 may be developed for the purpose of the zone if development complies with all requirements of the NT Planning Scheme, as if the **site** was in Zone LI (Light Industry), and provided that:
 - (a) all proposed development can be constructed in accordance with AS2021-2000 'Acoustics – Aircraft noise intrusion – Building siting and construction' (AS2021); and
 - (b) all proposed development can be constructed in accordance with the height provisions determined by the Defence (Area Control) Regulations 1989.
6. Subject to paragraph 2, section 4303 may be developed for the purpose of a subdivision if the application to subdivide the **site** is in accordance with the relevant clauses of the NT Planning Scheme, as if the land was in Zone LI (Light Industry).
7. Any development or subdivision of the **site** should allow for:
 - (a) the future closure of the current access point to Vanderlin Drive; and
 - (b) a replacement site access point or local road connection on the southern boundary of the **site** when the proposed local road for section 6442 Hundred of Bagot is constructed along the southern boundary of section 4303.

SD44

Amendment No. 324
Gazetted 26.03.2014
Creates SD44

Part Lots 5182, Town of Darwin and 8630, Town of Nightcliff (Dick Ward Drive, Coconut Grove).

1. The purpose of this zone is to provide for light industrial development that addresses:
 - (a) the effects of primary storm surge; and
 - (b) preserves the safety and maintains the curfew free operation of the Darwin International Airport.
2. Prior to subdivision and the commencement of works to address the issue of storm surge, a hydrological assessment approved by the Department of Land Resource Management must be provided to the satisfaction of the Consent Authority.
3. Subdivision of the land within the zone is to be in accordance with the requirements of 11.3.2 and 11.3.3 of the Northern Territory Planning Scheme.

4. The following uses are permissible only with consent and are to be developed in accordance with the requirements of Zone LI (Light Industry):

- | | |
|--|--|
| (a) animal boarding; | (j) passenger terminal; |
| (b) business sign; | (k) plant nursery; |
| (c) car park; | (l) promotion sign; |
| (d) community centre; | (m) rural industry; |
| (e) leisure and recreation; | (n) service station; |
| (f) light industry; | (o) showroom sales; |
| (g) motor body works; | (p) transport terminal; |
| (h) motor repair station; | (q) vehicles sales and hire;
and |
| (i) office , only where
ancillary to the
primary use; | (r) warehouse. |

Any other use not explicitly stated within this zone is a prohibited use whether posed as a primary or ancillary use.

5. In determining an application for the use or development of land subject to the ANEF 20 unit value contour line or greater, the consent authority is to have regard to the Building Site Acceptability Table (Table 2.1) based on ANEF Zones taken from AS 2021 – 2000 as a guide to the type of use or development it may consent to.
6. Lighting associated with development on land within flight approach paths is not to prejudice the safe operation of an airport.
7. Use or development of land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport.

SD45

Amendment No. 322
gazetted 16.04.2014
creates SD45

Lot 4223, Town of Darwin (36 Wilmot Street, The Narrows).

1. The purpose of this zone is to facilitate the use and development of the land for **multiple dwellings**, limiting the development of the site to two units.
2. With **consent** the land may be developed for the purpose of **multiple dwellings** if the development complies with all other requirements of the Planning Scheme as if the land were in Zone MD (Multiple Dwelling Residential).

If the development does not comply with the listed requirements, the consent authority may **consent** to a variation of the requirements only if it is satisfied that special circumstances justify the giving of **consent**.
3. Despite paragraph 2, the consent authority must not **consent** to a development that exceeds any more than a total of two **multiple dwellings**.

Proposed Specific Use Zone

4.1.3 Specific Uses - Darwin

4.1.3.XX SDXX Part Lots 5182 Town of Darwin and 8630 Town of Nightcliff

Purpose

To provide for service commercial development that appropriately responds to:

- (a) the effects of primary and secondary storm surge; and
- (b) preserves and maintains the safety and curfew free operation of Darwin International Airport/ RAAF Base Darwin.

Administration

1. This specific use zone applies to Part Lots 5182 Town of Darwin (213 Dick Ward Drive, Ludmilla) and 8630 Town of Nightcliff (95 Dick Ward Drive, Coconut Grove).
2. The use and development of land subject to this specific use zone is to be in accordance with the table to this zone.
3. The consent authority may consent to a use or development that is not in accordance with sub-clause 14 only if it is satisfied that the application demonstrates that there is no increased risk to people and property, including adjoining property.
4. Commercial activities are acceptable where they are subordinate to the primary development on the site and provide support to service commercial activities, and/or directly support and are compatible with the ongoing service commercial use of the zone.
5. Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone, and having regard to the 'Building Site Acceptability Based on ANEF Zones' (Table 2.1) in AS 2021 – 2000 regarding the site's exposure to aircraft noise.

Zone Outcomes

6. A mix of service commercial activities that consist predominately of retail business activities such as **shop, shopping centre, showroom sales, vehicle sales and hire, and leisure and recreation**, that do not increase risk to people and property from the impacts of storm surge and do not adversely impact on airport operations.
7. A mix of activities such as **industry-light, motor repair station and warehouse**, which are compatible with and are of such a kind that do not adversely affect the service commercial function of the area, do not increase risk to people and property from the impacts of storm surge, and do not adversely impact on airport operations.

8. Buildings provide variety and interest at street level and allow passive surveillance of public spaces, with a scale and character appropriate to the service function of the locality.
9. Development is designed to provide clear connections within the development and to external pedestrian, bicycle, public and road transport networks and infrastructure where appropriate.
10. Development incorporates appropriate urban and landscape design that creates attractive and functional buildings, streets and places.
11. Developments are operated in a manner to ensure that there is no unreasonable loss of amenity for surrounding premises, having regard to the mixed use nature of the zone.
12. Subdivision primarily provides for lot sizes capable of accommodating the uses expected in the zone.
13. Subdivision provides the appropriate urban services including, roads, pedestrian and cycle paths, reticulated electricity, water, and sewerage, stormwater drainage and telecommunication infrastructure.

Requirements

14. An application for subdivision should include a hydrological assessment approved by the Department of Lands Planning and Environment - Natural Resource Management addressing primary and secondary storm surge of the site.
15. Lighting associated with development on land within flight approach paths is not to prejudice the safe operation of an airport.
16. Use or development of land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport.

ASSESSMENT TABLE – SPECIFIC USE ZONE FOR PART LOTS 5182 TOWN OF DARWIN AND 8630 TOWN OF NIGHTCLIFF

Defined Use	Assessment Category	Overlays	General Development Requirements	Specific Development Requirements
Animal Boarding	Impact assessable	3.6 LSSS – Land Subject to Storm Surge	5.2.1 General Height Control	5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design
			5.2.4 Car Parking	5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.7.2 Animal Related Use (Animal Boarding and Stables)
			5.2.5 Loading Bays	
Bar-Public	Impact assessable		5.2.6 Landscaping	5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design
			5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR	5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.5.10 Nightclub Entertainment Venue, Bar-Public and Bar-Small
Bar-Small	Impact assessable		5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC	5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.5.10 Nightclub Entertainment Venue, Bar-Public and Bar-Small
Car Park	Merit assessable			5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
Car Wash	Merit assessable			5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.5.9 Car Wash

ASSESSMENT TABLE – SPECIFIC USE ZONE FOR PART LOTS 5182 TOWN OF DARWIN AND 8630 TOWN OF NIGHTCLIFF

Defined Use	Assessment Category	Overlays	General Development Requirements	Specific Development Requirements
Club	Impact assessable	3.6 LSSS – Land Subject to Storm Surge	5.2.1 General Height Control	5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design
Demountable Structures	Merit Assessable		5.2.4 Car Parking	5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.8.3 Club
Emergency Services Facility	Impact assessable		5.2.5 Loading Bays	5.8.7 Demountable Structures
			5.2.6 Landscaping	5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design
			5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR	5.5.4 Expansion of Existing Developments in Zones CB, C, SC and TC 5.8.6 Emergency Service Facility
Excavation and Fill	Impact assessable		5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC	5.8.9 Excavation and Fill
Food Premises- Café/Take Away	Merit assessable			5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.5.11 Food Premises
Food Premises- Fast Food Outlet	Impact assessable			5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.5.11 Food Premises
Food Premises- Restaurant	Impact assessable		5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.5.11 Food Premises	
Industry-Light	Impact assessable		5.5.2 Commercial Plot Ratio 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC	

ASSESSMENT TABLE – SPECIFIC USE ZONE FOR PART LOTS 5182 TOWN OF DARWIN AND 8630 TOWN OF NIGHTCLIFF

Defined Use	Assessment Category	Overlays	General Development Requirements	Specific Development Requirements
Leisure and Recreation	Merit assessable	3.6 LSSS – Land Subject to Storm Surge	5.2.1 General Height Control	5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design
			5.2.4 Car Parking	5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
			5.2.5 Loading Bays	5.8.5 Leisure and Recreation
Medical Clinic	Impact assessable		5.2.6 Landscaping	5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design
			5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR	5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
Motor Body Works	Impact assessable		5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC	5.5.2 Commercial Plot Ratio 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
				5.6.3 Motor Body Works and Motor Repair Station
Motor Repair Station	Impact assessable		5.5.2 Commercial Plot Ratio 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC	
			5.6.3 Motor Body Works and Motor Repair Station	
Nightclub Entertainment Venue	Impact assessable		5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design	5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.5.10 Nightclub Entertainment Venue, Bar-Public and Bar-Small
Office	Impact assessable		5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design	5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
Passenger Terminal	Impact assessable			5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC

ASSESSMENT TABLE – SPECIFIC USE ZONE FOR PART LOTS 5182 TOWN OF DARWIN AND 8630 TOWN OF NIGHTCLIFF

Defined Use	Assessment Category	Overlays	General Development Requirements	Specific Development Requirements
Plant Nursery	Impact assessable	3.7 LSSS – Land Subject to Storm Surge	5.2.1 General Height Control	5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design
Service Station	Impact assessable		5.2.8 Car Parking	5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
Shop	Impact assessable		5.2.9 Loading Bays	5.5.2 Commercial Plot Ratio 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
Shopping Centre	Impact assessable		5.2.10 Landscaping	5.5.8 Service Station
Showroom Sales	Merit Assessable		5.2.11 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR	5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
Telecommunications Facility	Impact assessable		5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC	5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.5.12 Shopping Centre
Transport Terminal	Impact assessable			5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
Vehicle Sales and Hire	Merit assessable			5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
Veterinary Clinic	Impact assessable			5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC

ASSESSMENT TABLE – SPECIFIC USE ZONE FOR PART LOTS 5182 TOWN OF DARWIN AND 8630 TOWN OF NIGHTCLIFF

Defined Use	Assessment Category	Overlays	General Development Requirements	Specific Development Requirements
Warehouse	Merit assessable	3.8 LSSS – Land Subject to Storm Surge	5.2.1 General Height Control	5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
All other uses defined in Schedule 2 (Definitions)	Prohibited		5.5.3 Car Parking 5.5.4 Loading Bays 5.5.5 Landscaping	
Undefined Uses Any use not defined in Schedule 2 (Definitions)	Impact assessable		5.5.6 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR 5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC	Part 2, Part 3, Part 4, Part 5 of this Planning Scheme

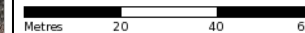
SITE AERIAL

APPROVED SUBDIVISION OF PART LOT 5182 TOWN OF DARWIN
& PART LOT 8630 TOWN OF NIGHTCLIFF



LEGEND

- Existing lot boundary
- - - - Proposed lot boundary (pursuant to Subdivision Permit DP23/0169 and Fill Permit DP15/0078)

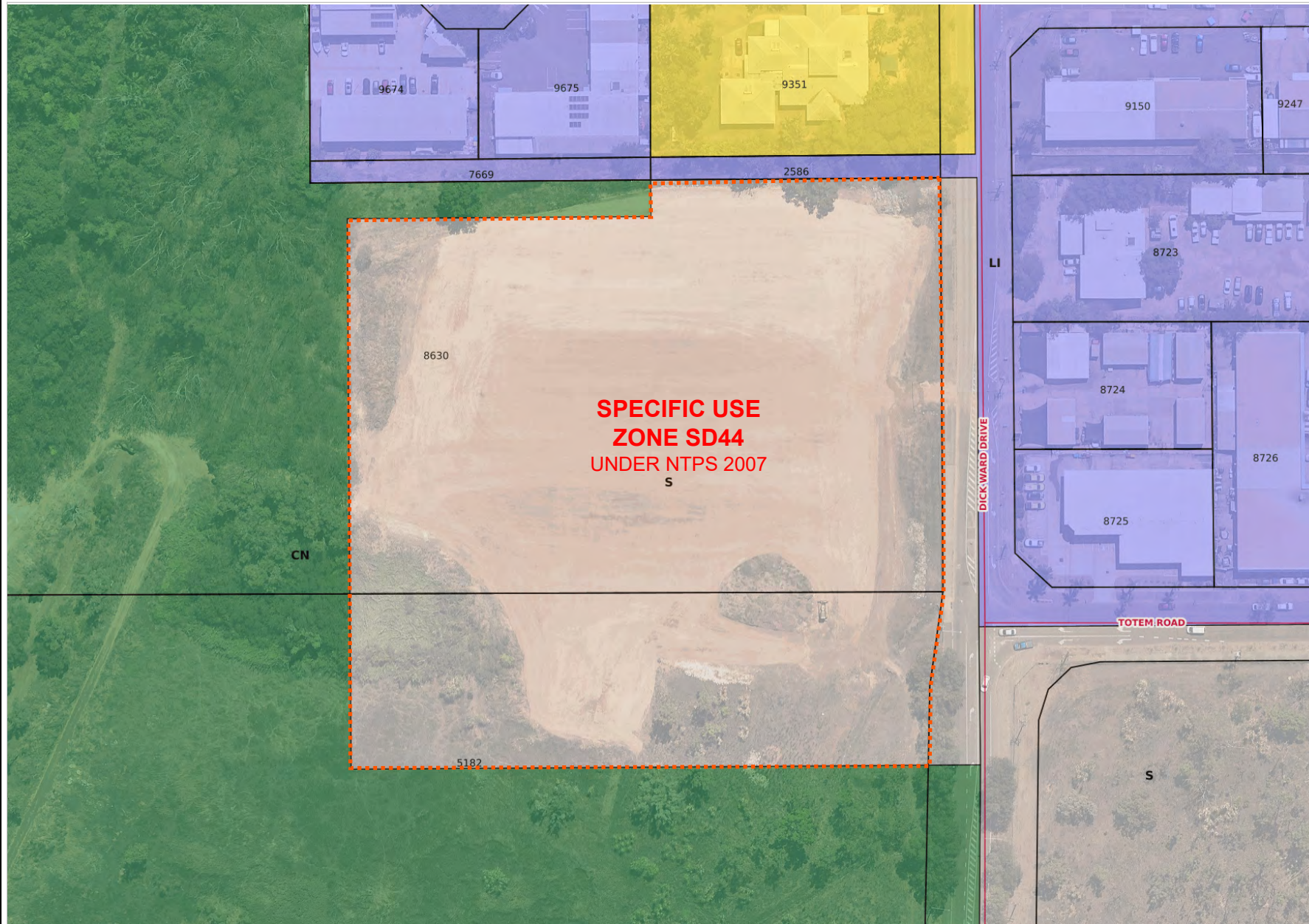


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SITE ZONING (CURRENT)

APPROVED SUBDIVISION OF PART LOT 5182 TOWN OF DARWIN
& PART LOT 8630 TOWN OF NIGHTCLIFF



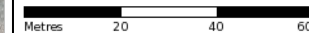
LEGEND

- Existing lot boundary
- Proposed lot boundary (pursuant to Subdivision Permit DP23/0169 and Fill Permit DP15/0078)

ZONES

- CP - Community Purpose
- CN - Conservation
- LI - Light Industry
- S - Specific Use

NOTE: CURRENT SPECIFIC USE ZONE OF THE SITE IS SD44 UNDER THE NTPS 2007

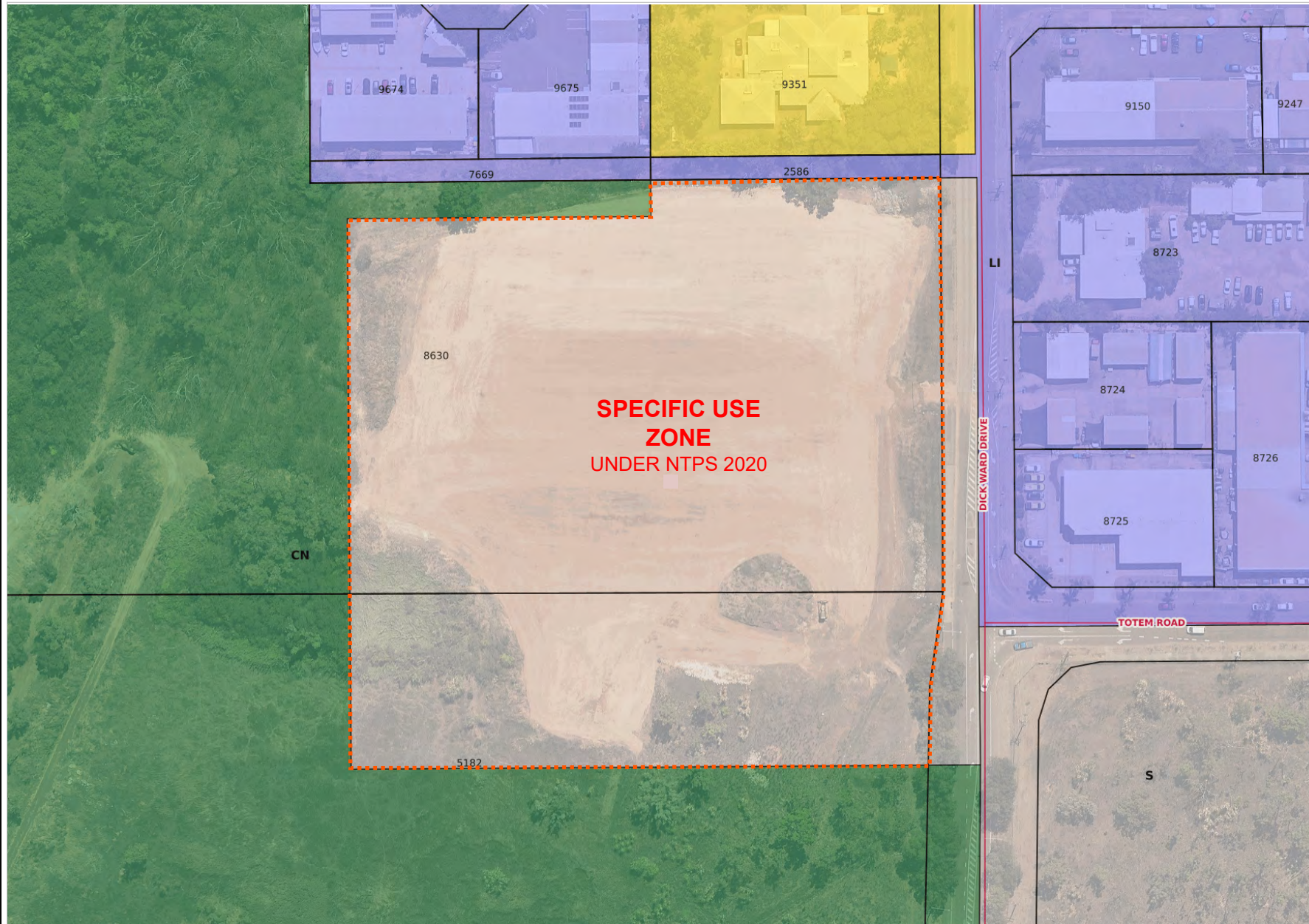


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SITE ZONING (PROPOSED)

APPROVED SUBDIVISION OF PART LOT 5182 TOWN OF DARWIN
& PART LOT 8630 TOWN OF NIGHTCLIFF



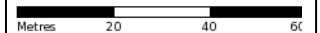
LEGEND

- Existing lot boundary
- - - - Proposed lot boundary (pursuant to Subdivision Permit DP23/0169 and Fill Permit DP15/0078)

ZONES

- CP - Community Purpose
- CN - Conservation
- LI - Light Industry
- S - Specific Use

NOTE: PROPOSED SPECIFIC USE ZONE UNDER NTPS 2020



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