



SARGEANT
PLANNING

STATEMENT OF EFFECT AMENDED MASTERPLAN MASTERPLAN SD37

213 Dick Ward Drive, Ludmilla, NT

Abstract

This Statement of Effect is seeking the endorsement of the amended Masterplan for part Lot 5182 at 213 Dick Ward Drive. The variation to the Masterplan will align the development of the site with contemporary traffic, planning and land use requirements as outlined in SD37.

November 2025

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1.0 Introduction

Sargeant Planning has been engaged by Citiland 1 Pty Ltd, (**the Applicant**) to prepare and submit an amended Masterplan (**the application**) in satisfaction of Condition no.s 10 and 11 of the SD37 zone, located at 213 Dick Ward Drive, Ludmilla, NT – Part Lot 05182 (**the site**).

The purpose of this application is to align the endorsed Masterplan with contemporary traffic conditions and meet contemporary retail needs, whilst maintaining consistency with the SD37 zone, site constraints and the broader planning framework.

The site benefits from investigations and several development permits dating back to 2014 (Refer **Attachment 1**). These investigations recognised the sites' strategic location in the northern suburbs, accessibility and ability to diversify employment and income for the Gwalwa Daraniki Association (**GDA**). The investigations led to the establishment of the Masterplan over part of portion 5182, identified as SD37 in the Northern Territory Planning Scheme 2007 (**the scheme**).

Various reporting was undertaken to demonstrate suitability for development of the site which is reflected in the endorsed conceptual Masterplan (**Attachment 1**). It is relevant to note the conceptual Masterplan is one interpretation for development outcomes for the site based upon this review of constraints and opportunities for the site. The conceptual Masterplan is also temporal in nature reflecting issues at a point in time.

The conceptual Masterplan, distinct from development plans for specific use applications, is a higher a level planning document reflecting objectives for the site, its future spatial arrangement and the principal design response features for the site and in its context. Its key features to be reflected in, and were reflected in the approved Masterplan as follows:

- A broad open space through the centre of the site.
- No sensitive residential land uses.
- A new public road connection between Bagot Road and Dick Ward drive.
- Two(2) distinct development areas separated by open space, with the larger being for an integrated commercial /retail complex and the smaller for industrial development.
- Landscaped frontages.
- High permeability and pedestrian connectivity.
- External facing activated / varied frontages to the built form.

The conceptual Masterplan was also accompanied by a subdivision plan reflecting the specific uses areas (Area A and B) and establishing 5 lots. In respect to these 3 related to Area A with the lot boundaries positioned to align with conceptual future use areas and circulation (i.e. roads) paths, one (1) for the central open space area and one (1) for Area B the industrial development.

Subsequent to obtaining the approval development of the site has been delayed as a result of numerous external factors including economic conditions i.e. GFC, Covid-19, and an attempt to collaborate with Government Authorities in order to align development at the site with the development of surrounding land.

Our clients through this intervening period obtained various approvals to extend approvals. In this intervening period the subdivision aspect to the approval was also amended various times, to introduce staging and new lots to facilitate development of the site.

Our clients also actively undertook relevant new investigations to address the various conditions which were attached to the originating approval. This included but is not limited to, establishing the required covenant over the new access road linking Bagot Rd with Dickward Drv, investigating site contamination on site and developing a draft Remedial Action Plan (**RAP**) for development of the site and obtaining an Authority Certificate from the AAPA.

Our client has actively sought to commence development on the site and engaged in various commercial in confidence discussions with future partners, lessees for use of the site. These have now enabled our client to look to develop part of Area A. This has triggered a broader review of the Masterplan, subdivision plan and the detailed plans for the first stage of development.

This variation request is one (1) of three (3) which are lodged concurrently to provide consistency across the permits sought and also are in part administrative in that consequential changes arise from development and detailed design.

The three (3) applications which have been lodged concurrently are :

1. A variation to DP14/0831 to vary the lot and staging plans.
2. A variation to the Masterplan for specific use zone SD37 endorsed by the consent authority on 19/9/2014 (this application).
3. A Development Application for two (3) Shops, three (3) Restaurants and one (1) Service Station.

In contemplating and preparing these applications consultation with various stakeholders has been undertaken specifically due to changes which have been identified affecting development of the site and updating various reports for the development.

The principal issue identified for development of the site as approved and contemplated under SD37, has been related to traffic and circulation.

The original Traffic Impact Assessment (**TIA**) was undertaken in 2012. This is 13 years ago, and the consulting team acknowledged that the TIA utilises a 10-year planning horizon as a guideline for traffic modelling. The team was also aware of the general growth in traffic over this period and more recently and importantly traffic safety issues. This was particularly relevant for pedestrian movements at Bagot Road/ Fitzer Drive and Dickward Drive/Fitzer Drive.

The updated TIA revealed the need for a number of external road upgrades to account for the development as contemplated under SD37 and the Masterplan. The TIA also identified the need for improved active transport responses, traffic calming and other safety issues specifically for Fitzer Drive and its intersections with Bagot and Dickward Drive. Other internal layout and design issues were also identified for improving circulation, pedestrian movements.

This resulted in consultation with Departments of Lands Planning and Environment and Logistics and Infrastructure as well as City of Darwin (**CoD**). This engagement identified a number of design issues to consider including black spot funding works to the intersection of Fitzer and Dickward Drive programmed to be undertaken by CoD late 2025.

With this information, the known controls of SD37 and applying more contemporary planning for integrated commercial retail centres a design review process was undertaken. This was informed by consultation, servicing constraints which were identified through consultation, contamination treatment approaches and actual development requirements from end users specifically for the proposed Stage 1 Development application. From this the varied Masterplan was developed.

In developing the varied Masterplan consideration of the associated subdivision was given, resulting in the necessity to also vary this and staging of this to now reflect the new spatial layout and circulation of the varied Masterplan.

The resulting varied Masterplan as identified has spatially rearranged the internal arrangement of the future development areas and circulation system supporting this. This informed redesign is principally focused on Area A.

The varied Masterplan does not propose varying controls within SD37, has not varied the size or dimensions of Area A and does not seek to change permitted land uses outlined in SD37 and or that are permitted/permitted with consent for the Service Commercial Zone. The varied Masterplan does not alter or vary the provisions or size of Area B. The varied Masterplan retains the central open space area identified as RD zone and does now include within this a containment cell for on-site contaminated material. This involves only earthworks that are ultimately landscaped and appropriate for the zone given the material to be deposited within it.

The varied Masterplan is considered to be a plan which accords with the requirements of SD37 and delivers the design response features for the site and in its context which reflect those in the current Masterplan. The varied Masterplan is submitted pursuant to s10 of SD37. This provision does not preclude the submission of Masterplans, and we note no landuse changes have occurred on site nor development.

The varied Masterplan does not materially change development of the site as contemplated under SD37 nor introduce non-compliance with these controls. As the department is aware, no development change in land use i.e. development has occurred. This variation does not seek to vary the scale or extent of potential development which may be currently achieved under the current Masterplan.

Pursuant to section 57(3) of the *Planning Act 1999* (**the Planning Act**), the varied Masterplan does not :

- (a) *the proposed variation will not materially affect the amenity of adjoining or nearby land or premises; and*
- (b) *the variation does not authorise a substantive change to the development approved by the development permit.*

As detailed our client is now able to progress development of the site to a varied Masterplan and aligning subdivision and realise the public benefits that arise from the development and specifically Stage 1 DA development.

The development facilitated through the variations creates new employment land from a vacant site. Additional employment would result from the project, both during the construction period, and more importantly, on an ongoing basis once the development is complete and operational. This includes youth employment opportunities with retail developments employing a large number of younger staff.

The proposed local centre is well positioned to serve the convenience needs of the local population and provides increased choice and allow for price competition and services for consumers.

The proposed variations and subsequent use of the land deliver significant road improvements to reduce speed and increase safety, resulting in improved amenity for the residents of Fitzer Drive and users of this road network. These are also in the public benefit. Through development of the site new landscaping to the site and adjacent streets is proposed delivering safer pedestrian movement paths and a high amenity landscape interface to the surrounding community.

This application is submitted to through the NT development applications portal for a determination by the Development Consent Authority (**DCA**).

This Statement provides a brief history of the site and the approved development application, as well as an assessment against the relevant planning provisions of the Planning Act, the Scheme, including the specific zone code relevant to the site. Details of the application, site and development proposal are summarised in **Table 1** on the following page.

Table 1- Development Details

Real Property Description	Lot 05182
Address	213 Dick Ward Drive, Ludmilla, NT
Lot / Unit Area	18.09ha - Area A - 16.06ha, and Area B - 2.03ha
Primary Street Frontage (access)	Fitzer Drive
Secondary Street Frontage	Bagot Road
Zone	S – Specific Use Zone SD37 and RD
Previous Approvals	Endorsed Masterplan Approval- SD37 DP14/0831 – Development Permit for subdivision. This permit has been subject to multiple extension request and requests for variation to conditions.
Attachments	<p>Attachment 1 – The endorsed Masterplan, prepared by Planit Consulting Pty Ltd, dated 19 September 2014.</p> <p>Attachment 2 – Amended Masterplan prepared by Sargeant Planning, dated 13 November 2025, Statement of Landscape Intent, prepared by Sargeant Planning, undated), and Aboriginal Areas Protection Authority Certificate.</p> <p>Attachment 3 – Owners Consent.</p> <p>Attachment 4 – Preliminary Site Investigation prepared by SLR dated October 2020, and Detailed Site Investigation, prepared by SLR dated July 2021.</p> <p>Attachment 5 – Traffic Impact Assessment, prepared by Rytenskild Traffic Engineering, dated 13 November 2025.</p>

2.0 The Site Location and Site- Context

2.1 Site Location and Site Context

This section of the report provides a brief overview of the site and the context of surrounding development.

The site is located at 213 Dick Ward Drive, Ludmilla, NT and is legally known as Part Lot 05182 (**Figure 1**). Lot 5182 is a large, irregular shaped site of 219.3ha. The land is held under a long-term lease by the GDA, who have entered into a commercial agreement with the applicant to develop the land. Under the Scheme, the Site is mapped as being multi-zoned -Restricted Development Zone (**RD**) and Specific Use Zone (**SD37**). The Masterplan is principally related to the SD37 zone but acknowledges the RD zoned land separating the 2 specific areas (Area A and B intended to be developed and benefitted by the SD zoning).

The Masterplan covers the areas identified as Areas A & B (**Figure 2**) and bounded by Bagot Road, Dick Ward Drive, Totem Road and Fitzer Drive. The Masterplan area effectively seeks to facilitate Service Commercial uses within Area A, and Industrial uses within Area B.

The Masterplan area is located approximately 8km to the northeast of the Darwin CBD, is located between the suburban localities of Coconut Grove and Ludmilla, and directly west of the Darwin International Airport. To the south of Fitzer Drive is an existing residential neighbourhood. There is a light industrial area located to the north of Totem Road. The land located west of the subject site is generally undeveloped, with the exception of a residential community which is located at the southern end of the subject site and on the western side of Dick Ward Drive. A historical site is located adjacent to the northeastern corner of the site.

The Masterplan area incorporates a total area of 32.6ha, being 20.2Ha in the SD37 Zone and 13.4ha in the RD zone. In regard to the SD 37 zone this occurs as Areas A and B. Area A is 17.17ha (inclusive of the access road) and Area B - 2.03ha. The Masterplan area is currently accessed from Fitzer Drive via an existing driveway/entrance road. Separate uncontrolled access points also previously existed until recent fencing. An access easement also occurs along the northern boundary of the McDonalds/Service Station lot which is in thin part of the mater plan area the proposal does not seek to utilise this for vehicular access to avoid conflicts.

The site is currently undeveloped and does not comprise any significant buildings or structures. There are several informal maintenance tracks which extend through the property. An existing Service Station and McDonalds Restaurant are located on a separate lease/lot that fronts Bagot Road in the southern corner of the site. These uses gain access from Bagot Rd and also via a cross over on Fitzer Drive with a reciprocal access easement along the northern boundary.



Figure 1: Aerial of 213 Dick Ward Drive

Source: Google Maps

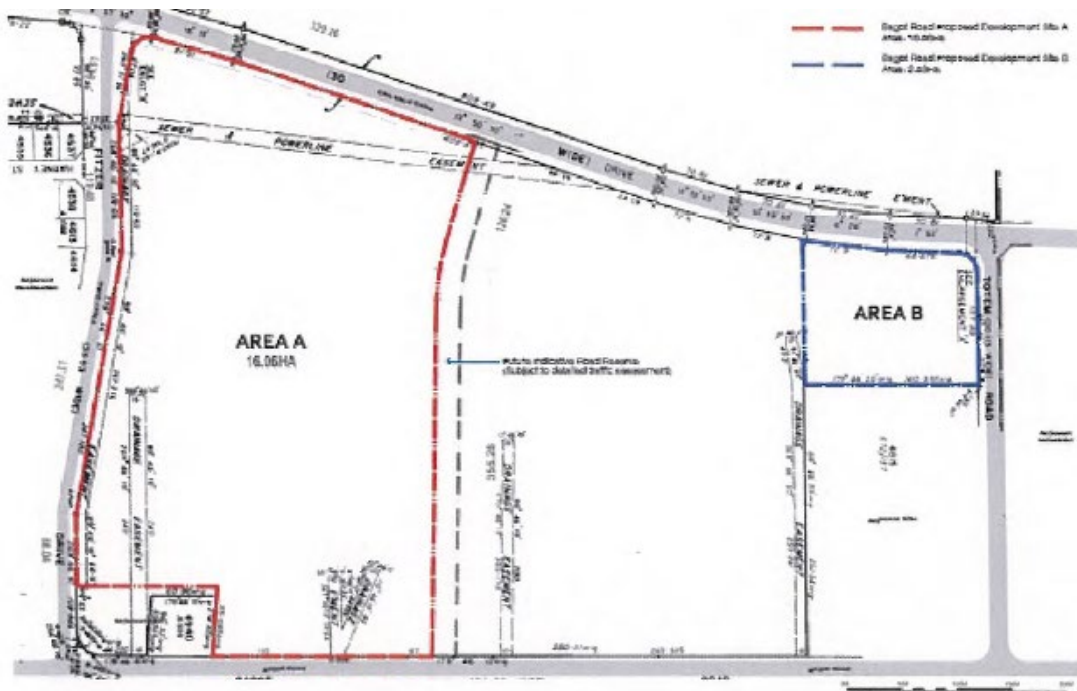


Figure 2: Area A and B

Source: Original Masterplan document.

3.0 History of Development and Proposal

The following section provides a brief history of the development applications made on the site, summarises the proposed variations to the Masterplan, and provides details of the stakeholders with whom consultation was undertaken in the development of the amended Masterplan.

3.1 Approved Masterplan

The site benefits from the Masterplan and a development permit as outlined in **Table 2**.

Table 2: Approvals Summary	
Application No.	Development
Unknown.	The Planning Scheme was amended in 2011 to rezone part Lot 5182 from RD to SD37.
Masterplan for the Specific Use Zone SD37 endorsed by the 19/9/2014.	The Masterplan establishes the foundations for the future development of the land and provides the framework for future decision-making. All future development will need to be in accordance with the relevant sections of the Planning Scheme, inclusive of SD37. The area that was rezoned, relates to two (2) distinct areas; A & B (Figure 2). Area A is to be used in accordance with the provisions of Zone SC (Service Commercial), and Area B is to be used in accordance with the provisions of Zone LI (Light Industry). Both areas are subject to a number of prohibited uses, which are listed in the schedule.
DP14/0831 – Development Permit for subdivision of 6 lots	On 04 December 2014, Development Permit DP14/0831 was issued for the purpose of subdivision to create six lots, being five new lots, plus the balance of the lot, which is located to the west and south of the subject area. The subdivision included 3 allotments over the Part A area of SD37, with a single lot covering Part B area and a fifth lot covering the RD land. Multiple extension requests and variation applications have been approved.
DP14/0831D – Staging of subdivision	As identified a number of variations to the original subdivision have been submitted. DP14/083D sought and obtained consent for the sub staging of development. With those lots covering Area A being in Stage 1 inclusive of the access road and proposed lots 4 (Area B) and 5 being within the second Stage.
DP14/0831E – Sub staging	DP 14/083D was further varied to substage Stage 1 of the development. This established Stages 1A, 1 B and 1C. Stage 2 remained unchanged.

DP14/083G	<p>The variation sought is related to the timing of the condition 6 relating to Contamination and a Statement of Environmental Audit. Specifically, the variation to the condition seeks to enable the staged and progressive remediation and certification prior to any use occurring on the site. This approach provides the more practical and cost-efficient process in remediation of the site and also then establishing titles and development.</p> <p>Importantly this condition variation has highlighted that the Conditions Precedents as currently worded are not practical for the logical and orderly development of the site and best practice works have advanced since the original conditioning.</p>
DP14/083I	<p>This variation introduced additional staging of the subdivision to initially establish a single lot covering the land relevant to SD37. Stages 1 and 2 of the existing approval consequently became Stages 2 and 3. Noting the sub staging within Stage 2 (Stages 2A, 2B and 2C).</p> <p>This was to enable a single title to be created which was not connected to the larger portion 5182 and thus enable independent funding to be secured for this new stage/lot.</p>

As can be seen the approval and principally the subdivision aspect of the approval has been altered and varied depending on particular development objectives to enable the site to be progressively developed. This has included making the conditions of approval 'fit for purpose' reflecting changes in processes/regulations and being specific to staged development.

The proposed variation and that of the variation to the subdivision plan reflect this continual evolution of the plans, conditions and realisation of development on the site.

The following **Section 3.2** provides a description of the proposed changes, and the requisite justification.

3.2 Proposed Variation to Masterplan

As outlined our client has actively sought to commence development on the site and engaged in various commercial in confidence discussions with future partners, lessees for use of the site. These have now enabled our client to look to develop part of Area A. This has triggered a broader review of the Masterplan, subdivision plan and the detailed plans for the first stage of development.

This variation request is one (1) of three (3) which are lodged concurrently to provide consistency across the permits sought and also are in part administrative in that consequential changes arise from development and detailed design.

In contemplating and preparing these applications consultation with various stakeholders has been undertaken specifically due to changes which have been identified affecting development of the site and updating various reports for the development.

The principal issue identified for development of the site as approved and contemplated under SD37, has been related to traffic and circulation.

The original TIA) was undertaken in 2012. This is 13 years ago, and the consulting team acknowledged that the TIA utilises a 10-year planning horizon as a guideline for traffic modelling. The team was also aware of the general growth in traffic over this period and more recently and importantly traffic safety issues. This was particularly relevant for pedestrian movements at Bagot Road/ Fitzer Drive and Dickward Drive/Fitzer Drive.

The updated TIA revealed the need for a number of external road upgrades were required to account for the development as contemplated under SD37 and the Masterplan. The TIA also identified the need for improved active transport responses, traffic calming and other safety issues specifically for Fitzer Drive and its intersections with Bagot and Dickward Drive. Other internal layout and design issues were also identified for improving circulation, pedestrian movements.

Other internal layout and design issues were also identified for improving circulation, pedestrian movements.

This resulted in consultation with Departments of Lands Planning and Environment and Logistics and Infrastructure as well as CoD. This engagement identified a number of design issues to consider including black spot funding works to the intersection of Fitzer and Dickward Drive programmed to be undertaken by CoD late 2025.

With this information, the known controls of SD37 and applying more contemporary planning for integrated commercial retail centres a design review process was undertaken. This was informed by consultation, servicing constraints which were identified through consultation, contamination treatment approaches and actual development requirements from end users specifically for the proposed Stage 1 Development application. From this the varied Masterplan was developed. In developing the varied Masterplan consideration of the associated subdivision was given, resulting in the necessity to also vary this and staging of this to now reflect the new spatial layout and circulation of the varied Masterplan.

The resulting varied Masterplan as identified has spatially rearranged the internal arrangement of the future development areas and circulation system supporting this. This informed redesign is principally focused on Area A.

The varied Masterplan does not propose varying controls within SD37, has not varied the size or dimensions of Area A and does not seek to change permitted land uses outlined in SD 37 and or that are permitted/permitted with consent for the Service Commercial Zone. The varied Masterplan does not alter or vary the provisions or size of Area B. The varied Masterplan retains the central open space area identified as RD zone and does include within this a containment cell for on-site contaminated material. This is an earthwork structure that is ultimately landscaped and appropriate for the zone given the material to be deposited within it.

The varied Masterplan is considered to be a plan which accords with the requirements of SD37 and delivers design response features for the site and in its context which reflect those in the current Masterplan. The varied

Masterplan is submitted pursuant to s10 of SD37. This provision does not preclude the submission of Masterplans, and we note no land use changes have occurred on site nor development.

The varied Masterplan does not materially change development of the site as contemplated under SD37 nor introduce noncompliance with these controls. As the department is aware no development change in land use i.e. development has occurred. This variation does not seek to vary the scale or extent of potential development which may be currently achieved under the current Masterplan.

As noted, this variation to the Masterplan is enabled under s10 of the SD37, which states.

10. ***A Masterplan is to be prepared and submitted to the consent authority before any development commences or a development application is lodged for Areas A and B. This Masterplan is to be endorsed by the consent authority, and all future development is to be in accordance with the endorsed Masterplan.***

Pursuant to s10 under SD37, there is no limitation or prohibition on submission of alternate or varied Masterplans up to that point where either:

1. Development commences; or
2. A development application is lodged for area A or B.

As outlined in this report, the TIA which has been updated is to support/evaluate the proposed development application(s), the Masterplan. The TIA is a requirement and precursor to development of a Masterplan or development of the site as detailed in s11 which states.

11. *The Masterplan required at paragraph 10 is to outline how the requirements in this schedule are met (where applicable), and is to:*

- (a) *identify pedestrian and cycle links through the site that connect to Bagot Road, Dick Ward Drive, Fitzer Road and Totem Road;*
- (b) *integrate parking areas with the pedestrian network;*
- (c) *include a road network design that provides necessary network upgrades, ingress and egress points, provides a low speed environment that protects the amenity of adjoining areas and prioritises a safe pedestrian network;*

The updated TIA has undertaken these assessments, concurrent with a proposal for a development application over part of the site, finding the existing Masterplan requires variations to meet current standards and achieve the purpose of the zone. The existing Masterplan may contribute to a decrease in road safety and amenity particularly for the residents on Fitzer Drive.

This variation to the Masterplan, principally to Area A internally rearranges land uses and alters the indicative location of the access road(s) between Fitzer Drive and new access road connecting Bagot Rd and Dickward Drv. These are in response to the new and updated TIA.

The proposed variation to the Masterplan is a direct result of the updated TIA, addressing time lag between original assessment and current assessment (13 years) and secondly in respect to the arrangement of land uses more contemporary planning principles for the type of centre envisaged.

Significantly the changes **do not** change.

- The nature of development as contemplated for the SD37 zone.
- Specific zone controls.
- Land uses contemplated in Areas A or B.
- Connections to a **main road**.

We refer to the following section which details more specific various changes within the varied Masterplan.

Dealing specifically with s10 and its wording as the department is aware **no development** as contemplated in Area A or Area B as listed within s3 or s4 of the SD37 zone has commenced or been proposed.

No development application for those uses contemplated for Areas A and B have been proposed/approved.

A subdivision application has however been submitted and approved. This aspect of the development of the site has been extended and varied a number of times. The subdivision approval enables staged development to the site and creation of a series of master lots in Area A and lots for Area B and the RD zoned land.

As no development i.e. building works, earthworks, or use has been proposed or commenced the ability to vary the Masterplan is considered available under the SD 37 provisions.

In respect to point 2 above, and the lodgement of a development application for Area A or B, whilst it is acknowledged that subdivision constitutes development we form the view that this aspect of development does not materially affect or influence development of the land and need not impugn delivery of the current Masterplan/ varied Masterplan or impact on achievement of the controls of the SD37 zone.

A varied or alternate subdivision may also be submitted which similarly does not impugn development of the land consistent with the SD37 controls or Masterplan/varied Masterplan.

A subdivision, whilst an aspect to development, does not infer use rights nor preclude use rights, thus is not beholden to the Masterplan/Varied Masterplan. This is more evident where any specific aspect of subsequent subdivisional development works i.e. clearing, earthworks have occurred.

As the department is aware the subdivision titling has not been enacted, and no works i.e. subdivisional works have occurred. The subdivision application which has been lodged sought to enable staged development and provide master lots it did not necessarily deal with uses which may occur on the lots aligning more to circulation paths i.e. roads.

It is through the subsequent landuse application over the subsequent lot or lots which would address overall SD37 compliance. The current approved subdivision does not preclude achievement of the overall zone requirements but as noted is sought again to be varied to now align with the varied Masterplan, which has in turn been varied by the requirement to assess traffic/active transport impacts.

Accordingly, even though the first development application has been lodged no works have occurred or would arise which would impact on the delivery of the master or an alternate varied Masterplan. We appreciate, pursuant to s2.5 of the scheme, the discretion of the consent authority may be required in acceptance to this position.

In this regard we draw reference to determination by Chief Justice Preston in *Goldcoral Pty Ltd (Receiver and Manager Appointed) v Richmond Valley Council* [2024] NSWLEC 77, which dealt specifically with the aspect of subdivision, development and environmental impacts. This judgement in part states:

Although subdivision of land is 'development' as defined in section 1.5(1) of the EP&A Act, the mere subdivision of land by the procuring of the registration in the Office of the Registrar-General of a plan of subdivision without undertaking any physical work on the land, such as the carrying out of a work, does not involve the carrying out of development 'on land'.

As identified the updated TIA, as required under s11 of the SD37 controls and is the driver to vary the Masterplan.

With the variations in response to traffic at the locality and specific roads adjoining the site.

Significantly a change to the approved Masterplan is required to respond to the changed traffic conditions and development that is contemplated under the approved Masterplan. The varied Masterplan is this document. Aligned with this is the concurrent subdivision variation, which as noted has not commenced and is still to satisfy condition precedents.

Whilst a development application has been made the effect of the application are immaterial to the Masterplan and or the advancement of SD37 and the controls for the development of the site. As no works i.e. Clearing, earthworks have occurred with the subdivision application this does not impact on the ability to deliver an alternate Masterplan that is also consistent with the requirements of the SD controls and delivers the integrated and coordinated development outcome envisaged.

Additionally, as no development i.e. change in land use or commencement of land use the ability to vary the approved either the subdivision or Masterplan does not fetter the ability to ensure coordinated development and development consistent with the Planning Scheme and SD 37 controls as it applies to the contemplated land uses.

As noted, we have held discussions with both CoD and the Department of Logistics in regard to the external road influences on development for the site and responses triggered by development of the site as is contemplated under SD37.

As is noted the changes to the Masterplan are principally contained to Area A with some additional earthworks in the RD zoned land to facilitate a containment cell for site contaminated material.

The proposed variation application remains consistent with the clause requirements of Specific Use Zone SD37, and the relevant sections of the Scheme .

The approved conceptual Masterplan, distinct from development plans for specific use applications, is a higher a level planning document reflecting objectives for the site, its future spatial arrangement and the principal design

response features for the site and in its context. Its key features to be reflected in, and were reflected in the approved Masterplan as follows:

- A broad open space through the centre of the site.
- No sensitive residential land uses.
- A new public road connection between Bagot Rd and Dickward drive.
- Two(2) distinct development areas separated by open space, with the larger being for an integrated commercial /retail complex and the smaller for industrial development.
- Landscaped frontages.
- High permeability and pedestrian connectivity.
- External facing activated / varied frontages to the built form.

These primary design features are retained in the varied Masterplan.

3.3 Specific Masterplan changes

As outlined in the introduction, the updated TIA revealed the need for a variation to the Masterplan to accommodate changes in traffic volumes and particularly safety issues at the intersections of Bagot Road and Fitzer Drive, and Fitzer Drive and Dickward Drive. We note the external changes are required to address the impacts from the Masterplan as approved and contemplated under the SD37 provisions and based on the updated TIA.

Additionally, the proposed variation to the Masterplan reflects contemporary land use and planning principles. The suite of amended plans is contained in **Attachment 2** along with the proposed amended Masterplan (submitted concurrently), the proposed Statement of Landscape Intent for the Stage 1 DA which includes landscaping treatments proposed to Fitzer Drive. As already outlined, the endorsed Master Plan is contained **Attachment 1**.

The proposed amendments to the 2014 Masterplan are set out in this section, with images provided comparing both the endorsed and amended Masterplans.

Traffic Volumes / Safety and Changes

External influences and changes

The signalisation of Fitzer Bagot Road (Refer **Figure 3**).is required:

- To address background traffic growth and updated traffic generation and traffic generation from the Masterplan.
- For safe pedestrian crossing at Bagot Road and the intersection of Bagot Road/ Fitzer Drive.
- For safe access to the public transport bus stop on Bagot Road (in bound).
- To provides traffic calming in Fitzer Drive and potential deterrent to rat running

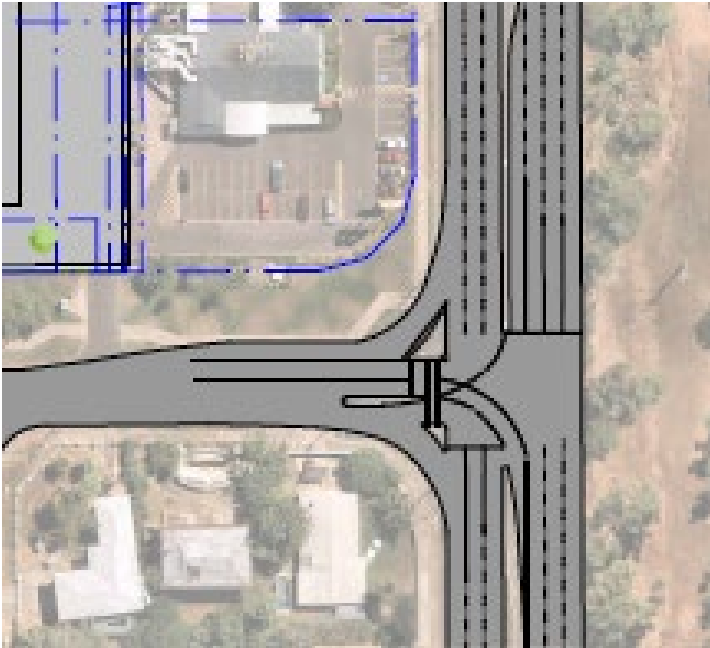


Figure 3: Fitzner Drive/ Bagot Road Intersection

Source: Traffic Impact Assessment, prepared by Rytenskild Traffic Engineering, dated 13 November 2025.

Internal changes

Relocation of Internal Access Road

The relocation of the internal access connector road shown in **Figures 4 and 5** parallel to Bagot Road are required to

- Avoid vehicle and pedestrian conflicts with existing crossover servicing McDonalds/Service Station and opposing intersection at Daniels Street.
- To determine a safe location on Fitzner Drive to enable new signalised intersection to operate effectively and within accepted guideline requirements. It is noted that new turn treatments / line marking proposed on Fitzner Drive.

It is noted that pedestrian connection retained at current location in the Masterplan, however a new landscape buffer treatment is proposed. Consequential variations reflected in the proposed varied Masterplan and connectivity plans (**Figures 6 and 7**).

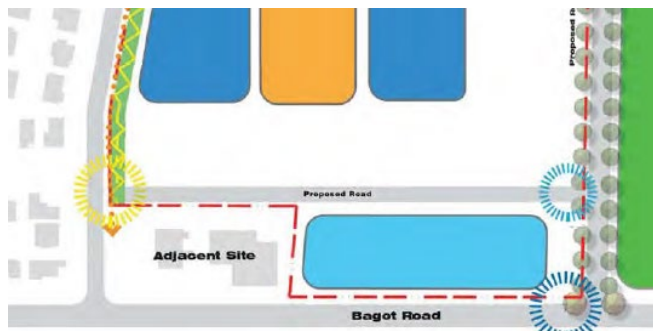


Figure 4: Indicative Land Use Plan

Source: The endorsed Masterplan, prepared by Planit Consulting Pty Ltd, dated 19 September 2014.

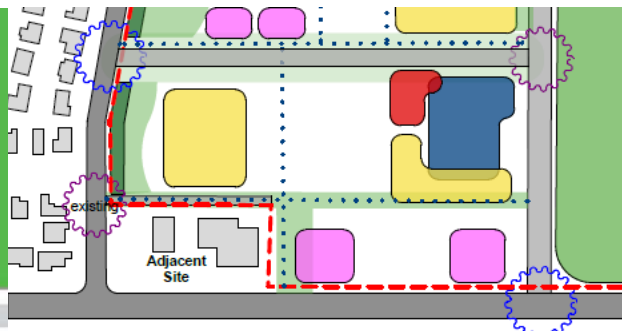


Figure 5: Indicative Land Use Plan

Source: Amended Masterplan prepared by Sargeant Planning, dated 30 October 2025

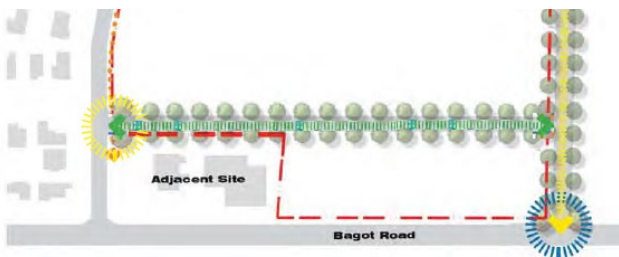


Figure 6: Indicative Built Area & Circulation

Source: The endorsed Masterplan, prepared by Planit Consulting Pty Ltd, dated 19 September 2014.

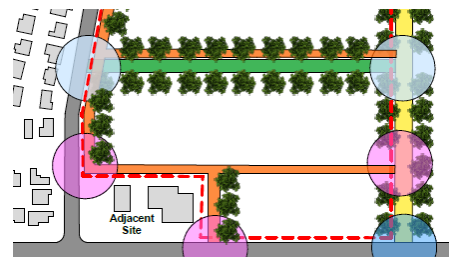


Figure 7: Indicative Built Area & Circulation

Source: Amended Masterplan prepared by Sargeant Planning, dated 30 October 2025

Approved and proposed Connectivity Plans

A New access point to Fitzner Drive (refer **Figures 8 and 9**) is required to distribute traffic from the MasterplanSD37 zoned land – it will:

- Improve amenity.
- Be aligned to Harney Street to provide safe access to Fitzner Drive from Harney Street residents and commercial development.
- The treatment i.e. roundabout design will reduce speed on Fitzner Drive and deter rat running and speeding on Fitzner Drive.



Figure 8: Indicative Land Use Plan

Source: The endorsed Masterplan, prepared by Planit Consulting Pty Ltd, dated 19 September 2014.

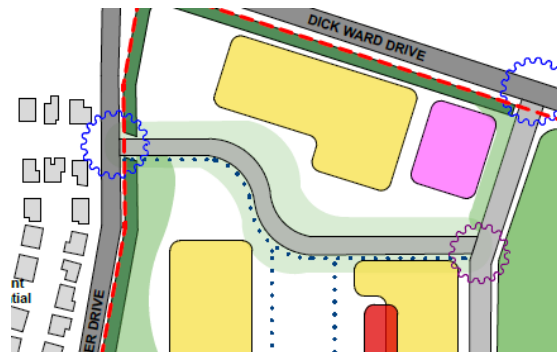


Figure 9: Indicative Land Use Plan

Source: Amended Masterplan prepared by Sargeant Planning, dated 30 October 2025

New intersection works to Dickward Drive and Fitzer Drive (**Figure 10**) are required to address safe turn movements and improve pedestrian connectivity/safety.

We note new Black Spot funding secured by DCC for intersection works. DCC works to be integrated with design response and any additional works to be undertaken with the future development stages.



Figure 10: • New intersection works to Dickward Drive and Fitzer Drive

Source: Traffic Impact Assessment, prepared by Rytensild Traffic Engineering, dated 13 November 2025.

Approved and Proposed Masterplan

Updated SLI treatments (**Figure 11**) for Fitzer Drive are proposed accommodating road upgrades and incorporating pedestrian/active transport outcomes and providing improved visual amenity.



Figure 11: New SLI treatments for Masterplan – Fitzer Drive

Source: SLI prepared by Sargeant Planning

New SLI treatments for Masterplan – Fitzer Drive

There is a new Slip land /channelised left turn to and from Bagot Road to the Access Road, and a new Pedestrian connection to Bagot Road required for road safety and efficiency. Additionally, it provides for improved pedestrian and active transport integration/connectivity (Refer **Figures 12-14**).

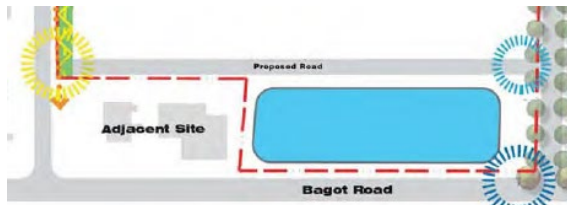


Figure 12: Indicative Land Use Plan

Source: The endorsed Masterplan, prepared by Planit Consulting Pty Ltd, dated 19 September 2014.

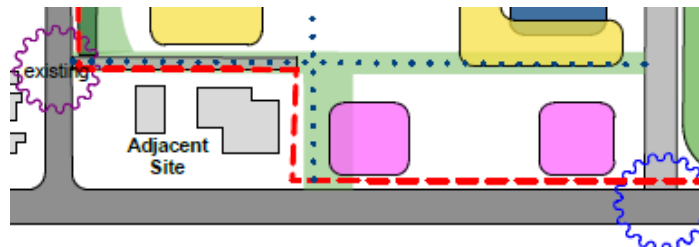


Figure 13: Indicative Land Use Plan

Source: Amended Masterplan prepared by Sargeant Planning, dated 30 October 2025



Figure 14: Landscape Buffer to Bagot Road

Source: SLI prepared by Sargeant Planning

Approved and proposed Masterplan /SLI

There are no changes proposed to Totem Drive or the internal Access Road

There is a consequential internal realignment of internal roads and pedestrian networks/circulation; to accommodate defined legible pedestrian and vehicle pathways, vehicle circulation requirements i.e. waste vehicle (Refer **Figures 15 and 16**).



Figure 15: Indicative Land Use Plan

Source: The endorsed Masterplan, prepared by Planit Consulting Pty Ltd, dated 19 September 2014.

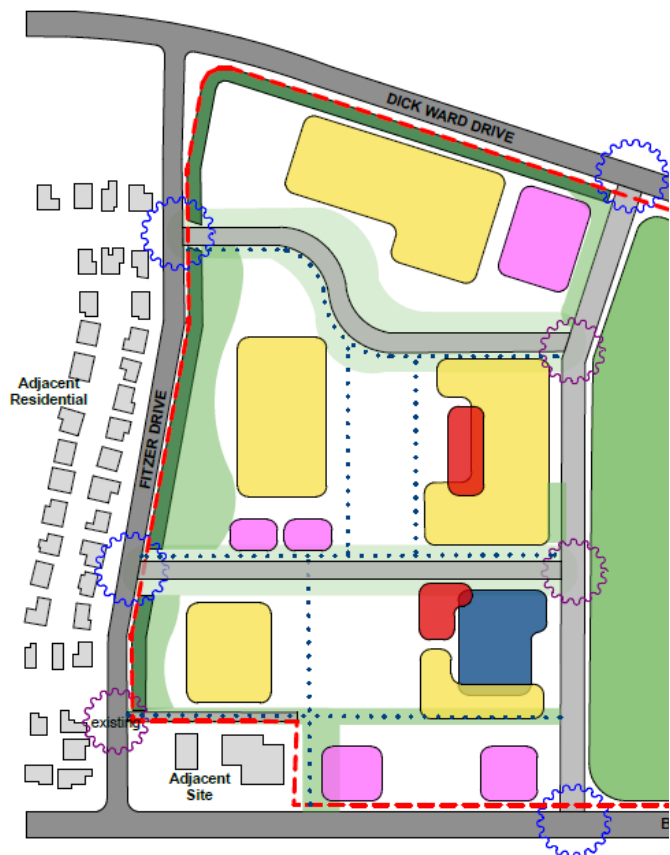


Figure 16: Indicative Land Use Plan

Source: Amended Masterplan prepared by Sargeant Planning, dated 30 October 2025

Area A

- Spatial Reconfiguration of:
 - Primary Commercial Retail
 - Secondary Commercial/Retail
 - Secondary Commercial Bulky Goods
 - Secondary Commercial Retail Plans
 - Additional new open space/landscape areas
 - More defined pedestrian circulation

These changes do not materially change the concept for a commercial retail complex the variation rearranges these to decrease scale and bulk of the built form and enable development to be staged in its delivery. The spatial arrangement enables additional landscaping / open space within the development and specifically to Fitzer Drive. The rearrangement reduced massing of the built form reduces car park expanse.

As noted, these changes reflect more contemporary planning outcomes and also future operators/lease requirements.

RD Zone

The RD zoned land now includes a designated containment cell (Refer **Figures 17** and **18**). This is required for on-site contamination as set out in the draft RAP. The containment cell is for site use only is not a defined use and involves only earthworks and clearing. The cell is to be stabilised and ultimately landscaped. This does not impinge on surrounding uses.



Figure 17: Indicative Land Use Plan

Source: The endorsed Masterplan, prepared by Planit Consulting Pty Ltd, dated 19 September 2014.

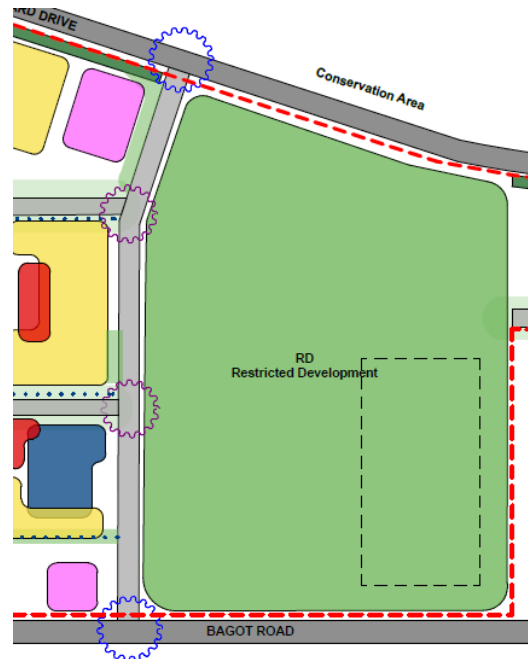


Figure 18: Indicative Land Use Plan

Source: Amended Masterplan prepared by Sargeant Planning, dated 30 October 2025

Approved and Proposed Masterplan

The development of the subject land comprises detailed considerations to existing and potential constraints, with particular reference to the following:

- The need to preserve the amenity of adjoining areas, particularly residential land uses.
- The need to preserve the safety and efficiency of the existing traffic network
- Identified new limitations and constraints.
- The need to address and manage ecological & cultural issues; and
- The need to manage interactions with the nearby Darwin International Airport to ensure that the safe operation of aviation functions is maintained.

Significantly the changes do not:

- Change the nature of development as contemplated for the SD37 zone.
- Amend specific zone controls.
- Change land uses contemplated in Areas A or B.
- Alter connections to a main road and provides the connecting covenant between Bagot Rd and Dickward Drive.
- Do not impact on the operation of the Darwin International airport
- Do not have amenity impacts above those contemplated by development of the site. Noting these are addressed specifically to Fitzner Drive through the suite of new works to the road, pedestrian links and landscape treatments.

3.4 Consultation

Consultation with the following agencies has been undertaken to ensure that the proposed amended Masterplan has been designed with stakeholder input. We acknowledge this application provides stakeholders with the ability to specifically comment on the proposed change.

- Power Water Corporation
- Department of Logistics and Infrastructure
- City of Darwin
- Department of Lands, Planning and Environment
- Former Northern Territory Environmental Protection Authority.

4.0 Planning Framework

The following section assesses the proposed variation against the controls and provisions of the Act and the Scheme. The assessment demonstrates that the proposed variations are not inconsistent with relevant sections of both the Act, and the Scheme.

4.1 Planning Act 1999

Amendment No. 184 to the Act was gazetted on the 26th November 2011 and created SD37. Condition no. 10 of SD37 requires that

A Masterplan is to be prepared and submitted to the consent authority before any development commences or a development application is lodged for Areas A and B. This Masterplan is to be endorsed by the consent authority, and all future development is to be in accordance with the endorsed Masterplan.

The 2014 Masterplan has previously satisfied this condition. This application seeks to vary the endorsed Masterplan as outlined in Section 3 of this report in satisfaction of conditions 10 and 11 of SD37. As noted, an application submitted pursuant to the approved Masterplan would now depending on scale identify the need for review and variation to the Masterplan.

This is the case and purpose of this application and the other two (2) concurrent applications. One varies the approved subdivision to now align with the Masterplan and proposed development application/consent sought. The second is the development application for the first stage. These are shown below to illustrate the 3 applications enable orderly development of the site, achieve the purpose of the SD37 zone and control provisions contained within this as illustrated below.

Variation Request - Masterplan

213 Dick Ward Drive, Ludmilla (Lot 05182)

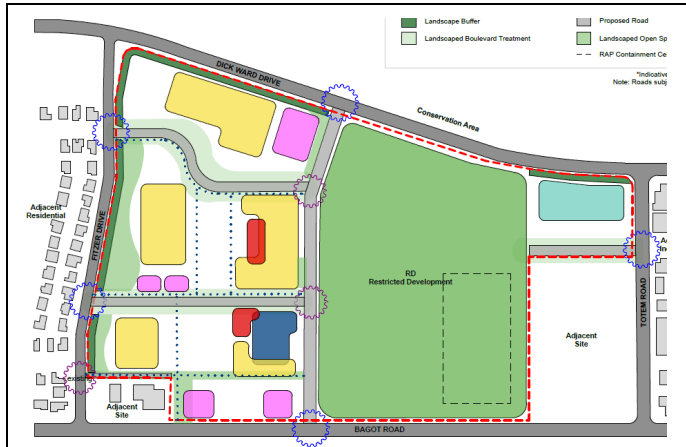


Figure 19: Indicative Land Use Plan

Source: Amended Masterplan prepared by Sargeant Planning, dated 30 October 2025

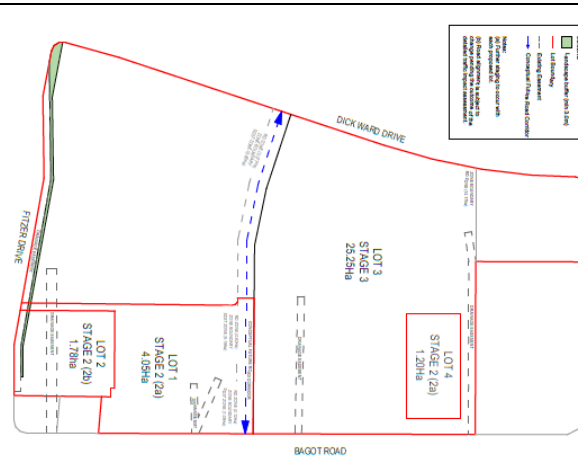


Figure 20: Proposed Subdivision Plan

Source: Varied Subdivision Plan prepared by Sargeant Planning, dated 30 October 2025

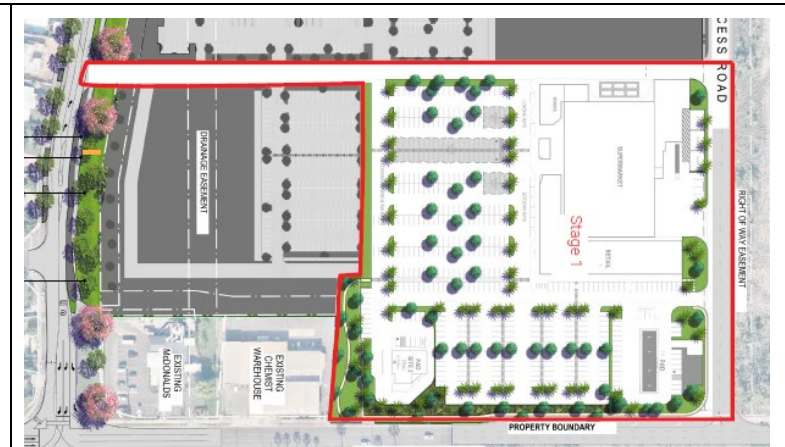


Figure 21: Landscape Buffer to Bagot Road

Source: SLI prepared by Sargeant Planning

Table 3: Planning Act 1999 Assessment	
Planning Act 1999- Section 46	
(1) <i>The owner of land, or a person authorised in writing by the owner, may apply to the consent authority for consent to carry out a development on the land.</i>	Please find owners consent attached (Attachment 3).
(2) <i>An application under subsection (1) is to be in the approved form and accompanied by the prescribed fee.</i>	The application is made in the approved form, and the fee will be paid upon provision of tax invoice.
(2A) <i>An application under subsection (1) may be made by electronic transmission in the prescribed manner but must not be considered by the consent authority until the prescribed fee is paid.</i>	As above.
(3) <i>A development application is to contain the following:</i> (aa) <i>the name and contact details of:</i> (i) <i>the applicant and any person on whose behalf the application is made; and</i> (ii) <i>the owner of the land to which the application relates;</i> <i>and</i> (iii) <i>any person who entered into an agreement with a person referred to in subparagraph (i) or (ii) to acquire an estate or interest in the land to which the application relates; and</i> (iv) <i>any person with an interest prescribed by regulation;</i>	Please find owners consent attached (Attachment 3).
(a) <i>an assessment demonstrating how the proposed development will comply with any planning scheme that applies to the land</i>	Refer to the assessment in Section 3 and 4.2 of this Statement (Table 4).
(b) <i>an assessment demonstrating how the proposed development will comply with an interim development control order, if any, applying to the land;</i>	There is no interim development control order that applies to this site.
(c) <i>a statement specifying:</i> (i) <i>whether the proposed development is required to be referred to the</i>	The development does not require referral to the NT EPA under Part 4, Division 3 of the Environmental Protection Act 2019. The NT EPA were consulted as part of the application history

<p><i>NT EPA under Part 4, Division 3 of the Environment Protection Act 2019 ; and</i></p> <p><i>(ii) whether the proposed development has been referred to the NT EPA under Part 4, Division 3 of the Environment Protection Act 2019</i></p>	<p>and our client is in the process of amended the Remedial Action Plan for the site.</p>
<p><i>(d) an assessment demonstrating the merits of the proposed development;</i></p>	<p>The merits of the proposed variations to the Masterplan are:</p> <ul style="list-style-type: none"> • The site is considered suitable for the intended ultimate purpose of the land in relation to SD37 zoned land, as evidenced by the creation of the Specific Development Zone. • As previously assessed, the intended ultimate land uses are compatible with the surrounding area, subject to merit assessment of individual Development Applications. • No new impacts are anticipated to occur from that already contemplated by development of the site consistent with the SD37 requirements and range of land uses this enables. The proposal is varied to respond to changes in traffic/volumes/safety in the locality which have occurred from original approval to the now proposed Development Application and varied Masterplan and subdivision. Aspects associated with the contamination of the site have also been explored and draft RAP has been produced. • The due diligence for the Stage 1 DA (lodged concurrently), included undertaking a Preliminary Site Investigation (PSI), and a subsequent Detailed Site Investigation (DSI) (Attachment 4). Ultimately a RAP is required for the site- which is currently being finalised (as developed with the Northern Territory Environmental Protection Authority). The draft RAP proposes a containment cell in proposed Lot 4 of the subdivision variation lodged concurrently. The RAP, under development, will now see surface material deposited in the onsite containment cell, if unexpected, contaminated material is found, it will also be placed in the containment cell. This containment cell, therefore, may provide an overall improvement in construction phase development outcomes. Additionally, the site has been fenced consistent with the draft RAP. This fence seeks to protect the site from historical illegal dumping. The cell is located in the RD zoned area where future development is restricted. • The proposal addresses current traffic volumes/safety issues in the locality resulting in various external upgrades to accommodate the Masterplan as approved and as varied. The changes to the road environment particularly to Fitzer Drive have resulted in a decrease in amenity through speed, rat running and decreased safety for both pedestrians and vehicle movements. The proposed upgrades align with contemporary traffic planning and redress these issues. (Attachment 5). • The development is in the public interest, including that it will provide both construction phase, and operational employment

	<p>opportunities, provide choice and competition, provide increased social interaction and a provide a meeting place for locals in the food establishments, as well as shopping opportunities, remediate land. The amended and expanded landscaping provisions/proposals will improve the visual amenity of the surrounding area. The road upgrades improve vehicular and pedestrian safety.</p>
<p>(e) a description of the physical characteristics of the land and a detailed assessment demonstrating the land's suitability for the purposes of the proposed development and the effect of development on that land and other land;</p>	<p>Please refer to Section 3.2 of the amended Masterplan attached to this proposal. A brief description of the site is provided in Section 2 of this Statement The amended Masterplan is to satisfy Conditions 10 and 11 of SD37 and will enable future applications to be lodged for commercial and industrial land use DAs. Such applications will be assessed on merit at the time of their application.</p>
<p>(f) a statement specifying the public facilities or public open space available in the area in which the land is situated, whether land for public facilities or public open space is to be provided by the developer and whether it is proposed that facilities or open space be developed by the developer;</p>	<p>Public Open space is not a requirement in order to satisfy Condition nos. 10 and 11. The amended Masterplan provides pedestrian and cycle links, and a SLI for the site, including the landscaping buffer to Fitzer Drive.</p> <p>Individual DAs for resultant land uses will address this clause.</p> <p>The proposal does not propose public open space, rather provides areas of private open space managed by the future development. The open space is to facilitate pedestrian connectivity and also provide relief to the built form. Through the landscaping to the private open space areas a high amenity setting is delivered incorporating CEPTED principles.</p>
<p>(g) a statement specifying the public utilities or infrastructure provided in the area in which the requirement for public facilities and services to be connected to the land and whether public utilities or infrastructure are to be provided by the developer or land is to be provided by the developer for the provision of public utilities or infrastructure;</p>	<p>Stakeholder discussions have been held with relevant stakeholders on behalf of the applicant by Byrne Consultants. The comments provided relate to the DA for Stage 1, however demonstrate that ultimately the provision of utilities for the site is possible.</p> <p>The outcome of each is summarised below.</p> <p><u>Water Reticulation – Power Water Corporation (PWC)</u></p> <p>PWC requires a water reticulation loop at Bagot Road to be delivered as part of Stage 1. This will involve the following:</p> <ul style="list-style-type: none"> - A new Bagot Road crossing to connect to the existing DN375 watermain in the Bagot Road eastern verge. It is envisaged that this will be constructed with the new Bagot Road/External Service Road intersection. - Upgrade of the existing DN150 in the Bagot Road western verge to a DN225 and extend up to Stage 1. - Provide a DN150 service connection to Stage 1. <p>PWC advised that water headworks for the ultimate development are required to be determined in collaboration with PWC. As such, PWC has requested a meeting to discuss this further</p>

	<p>with Citiland.- PWC has also requested to be included in broader stakeholder discussions regarding road access to the site, as staging of road infrastructure will inform staging of new/upgraded water infrastructure required to support the ultimate masterplan.</p> <p><u>Sewer Reticulation – Power Water Corporation</u></p> <p>PWC confirmed that there is no residual capacity in the existing sewer network.</p> <ul style="list-style-type: none"> - Stage 1 would trigger the upgrade of the Ludmilla sewer pump station and associated sewer rising main upstream of the SPS. - PWC confirmed that the EP ratio used to calculate the sewer demand is appropriate for the proposed development. - PWC are not opposed to the temporary provision of an on-site secondary wastewater system, subject to the necessary approvals from the DLI being achieved. - In the context of the ultimate masterplan, PWC acknowledge that infrastructure contributions will likely be the preferred way forward to achieve good long-term outcomes for the area. - DoH and BAS understand there is no capacity in the sewer and are not opposed to an on-site treatment and disposal system for Stage 1 provided everything is engineered and constructed correctly. <p>It is proposed that Stage 3, within Area A is to be utilised for on site disposal. Given the large area available for this activity and separation that can be provided to roads and drainage lines the use is appropriate and will not impact on adjoining properties or the environment.</p> <p><u>Power – Power Water Corporation</u></p> <ul style="list-style-type: none"> - PWC has previously indicated that power is not available for the proposed Bagot Road development, and that an additional electrical feeder and a substation shall be required to allow the development to proceed. - The headworks scope is unknown until PWC undertakes a planning study for the development. This is required to be initiated by the preparation and submission of a Negotiated Connection Agreement to PWC. <p><u>Stormwater Management – City of Darwin</u></p> <ul style="list-style-type: none"> - Upstream flows external to the site can be routed around the site and are not required to be mitigated. - Development flows to the receiving land west of Dick Ward Drive are acceptable to DLPE) given the close proximity of the development to the coast.
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	<p>- Should City of Darwin (CoD) require flows from the development site to be mitigated, DLPE are not opposed to the provision of a dry detention basin.</p> <p>Future stages of the development will evaluate servicing requirements as these are developed.</p>
<p>(h) <i>an assessment of the potential impact on the existing and future amenity of the area in which the land is situated;</i></p>	<p>The proposal is not expected to have any additional significant negative impacts on the amenity of the area from that which is currently contemplated through implementation of the current approved Masterplan and SD37 provisions.</p> <p>Notwithstanding this the TIA has identified the need for, as a result in the timeframes between original approval and the current application(s), a deterioration in the amenity of the immediate locality from increased traffic/speed and rat running. The proposal addresses these through new external works and increase landscape treatment and open space separation</p> <p>As noted no significant impact on amenity is occasioned by development of the site to considering:</p> <ul style="list-style-type: none"> • The proposal seeks to amend an existing Masterplan approval. • The proposal seeks amendment to facilitate improved traffic outcomes to address amenity issues. • New and expanded landscape treatment are proposed through development of the Masterplan particularly to Fitzer Drv; • The proposal does not introduce new impacts that affect the operation of the airport; • Proposed Lot 4 in the Variation to the Development Permit for the Subdivision (DP14/0831) is proposed in order to create a containment cell for spoil found on site that requires remediation. Thus, reducing truck movements and associated impacts external to the site. • The proposal demonstrates/justifies compliance with the requirements of clause 11 (Refer Attachment 2). .
<p>(j) <i>an assessment of the benefit or detriment to the public interest of the development;</i></p>	<p>The proposal is in the public interest for the reasons outlined above in this report. With consideration to Section 51(1)(p) of the Act, the proposal is consistent with community safety through crime prevention principles in design, per the assessment provided below.</p> <p><u>Surveillance</u></p> <p>The proposed development is oriented towards the public realm (street), and features doors, windows, and private open space areas can be designed in future DA's to provide adequate surveillance of public spaces and adjacent streets.</p> <p>Development of the site will increase casual surveillance of the local streets.</p>

	<p><u>Sightlines</u></p> <p>There are clear sightlines along proposed driveways within the site. The proposal also is varied to ensure conflicts with existing crossovers/traffic and pedestrian movements are avoided. The proposed landscaping does not create a barrier or restrict sightlines.</p> <p><u>Lighting</u></p> <p>Future DAs will be capable of demonstrating that there will be adequate lighting to illuminate internal driveway areas and the site more generally. It is anticipated that lighting will be well maintained and promptly replaced if damaged or not functioning. All lighting internal is to be contained within the site through the use of hoods and screens to avoid impacts on surrounding residential areas and or aircraft operations.</p> <p><u>Signage and Wayfaring</u></p> <p>The proposal provides legible pedestrian and vehicle movement paths in and adjacent to the site. The development and its visual permeability integrate into the urban fabric and contributes to broader wayfinding. Signage typical of the use is proposed including pylon signage and signage to buildings/tenancies.</p> <p><u>Movement Predictors and Entrapment Locations</u></p> <p>As detailed new clear pedestrian circulation paths have been incorporated into the varied Masterplan. These are designed to have clear site lines to destinations and have high visibility within the development. Alternative pedestrian routes are catered for in the development.</p> <p>In summary, the amended Masterplan will not prevent future DAs from being submitted that are consisted with CPTED principles.</p>
(ja) in the case of a proposed subdivision or consolidation of land in a Restricted Water Extraction Area – the information required by section 14C(1) of the Water Act 1992 ;	Not applicable.
(k) in the case of a proposed subdivision of land on which a building is situated – a report from a building certifier within the meaning of the Building Act 1993 as to whether the building will cease to comply with the Building Act 1993 if the proposed development were to proceed;	Not applicable.

<p>(l) <i>for the development of land proposed to be the scheme land of a proposed or existing scheme, or the development of existing scheme land – a plan in the approved form specifying:</i></p> <p>(i) <i>any information about any building that is, or will be, situated on the scheme land (including, for example, information about the structural integrity and fire safety of the building); and</i></p> <p>(ii) <i>if any part of the development is subject to changes that are allowed by regulation – details about that part as required by regulation; and</i></p> <p>(iii) <i>any other information prescribed by regulation about the development land is situated, the</i></p>	<p>Not applicable.</p>
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As identified in the variation to the subdivision, proposed Stage 3 is a new master lot to be progressively restaged as decontamination occurs over the site with the intent to deliver the balance area of the new access road with the first new substage of Lot 3 Stage 3. As also noted The road was to be delivered in 3 stages under the current approvals and is still to be delivered in 3. The change being merely the numbering and lots.

This staged approach is necessary to enable the finance the decontamination, accommodate development costs and enable the development to proceed. We note the contamination of the site is the result of historic dumping associated with cyclone Tracey and more recently illegal dumping. This is not a result of the GDA nor our client.

As detailed our client is now able to progress development of the site to a varied Masterplan and aligning subdivision and realise the public benefits that arise from the development and specifically Stage 1.

The development facilitated through the variations creates new employment land. Additional employment would result from the project, both during the construction period, and more importantly, on an ongoing basis once the development is complete and operational. This includes youth employment opportunities with retail developments employing a large number of younger staff.

The proposed local centre is well positioned to serve the convenience needs of the local population and provides increased choice and allow for price competition and services for consumers.

The proposed variations and subsequent use of the land delivers significant road improvements to reduce speed and increase safety, resulting in improved amenity for the residents of Fitzer Drive and users of this road network.

These are also in the public benefit. Through development of the site new landscaping to the site and adjacent streets is proposed delivering safer pedestrian movement paths and a high amenity landscape interface to the surrounding community.

Table 3 below presents an assessment of the proposed amended Masterplan against the Section 46 requirements of the Act.

Based on the above assessment, the proposal is consistent with the requirements for a Development Permit generally. Whilst these matters do not specifically apply to the amended Masterplan, the assessment demonstrates that the Masterplan will not prevent the lodgement of future DA's that are capable of compliance with these requirements.

The following **Section 4.2** demonstrates compliance with the Planning Scheme and the provisions of zone SD37.

4.2 NT Planning Scheme

Section 46(3)(a) of the Act states that:

- 3) *A development application is to contain the following:*
- a. *an assessment demonstrating how the proposed development will comply with any planning scheme that applies to the land.*

As already outlined, this is not a Development Application. However, this section of the Statement addresses the Scheme. It is noted that in Section 1.2 of the Northern Territory Planning Scheme 2020 (**the 2020 Scheme**) identifies that the site is subject to its provisions. However, Section 4.2 of Schedule 1 to the 2020 Schemes is as follows:

The Specific Use Zones listed in the Table to this Schedule are subject to the relevant requirements contained in the former Northern Territory Planning Scheme (2007)

The zoning map for the site is provided below.

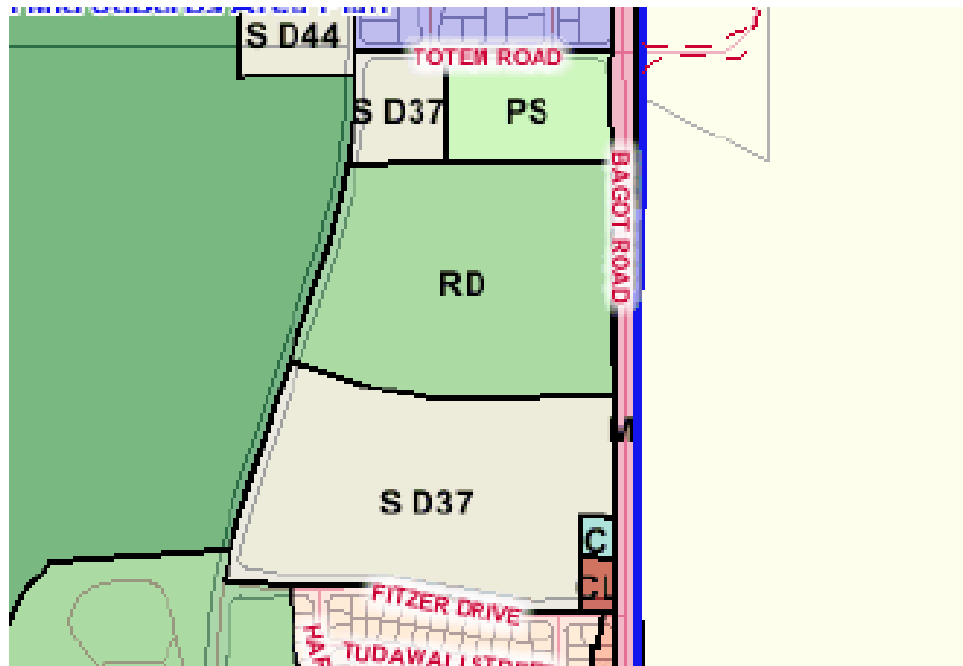


Figure 22: Zoning map of 213 Dick Ward Drive

Source: NT Land Information System.

The Masterplan area is zoned SD37. An assessment against the relevant sections of the Scheme is provided below in **Table 4**.

Table 4: Planning Scheme 2007 Assessment	
Provision	Assessment
PART 1	
1.2 Application	The site is located within the Northern Territory and thus subject to the provisions of the Scheme.
2.1 Zones	The zone relevant to the site is the SD37 Zone and RD. The proposal seeks to vary the Masterplan principally to the designated Area A in the SD37 zone.
2.2 Permitted, Self Assessable, Discretionary and Prohibited Development	This variation application does not seek to alter any of the listed land uses for the zone. The containment cell in the RD zoned land is not a commercial use and an earthworks action on site.
2.4 Specific Use Zones	The site is zoned SD37, which is described in Schedule 1 (Specific Use Zones). Future development will be used or developed as specified in the Schedule subject to any conditions specified in the Schedule and any further conditions imposed by the consent authority.
PART 2	

Table 4: Planning Scheme 2007 Assessment	
<i>4.0 Planning Principles and Framework</i>	The proposed amended Masterplan remains consistent with the planning principles in this Part, as they relate to the Darwin region in Section 4.2.
PART 3 – Index of Zones	
<i>5.9 Zone SC – Service Commercial</i>	Future Development Applications lodged over the site will need to demonstrate consistency with the provisions of this zone.
PART 4 – General assessment Criteria	
<i>Various</i>	Various controls will be relevant to future development applications lodged over the site.
Part 5- Subdivision	
<i>Various</i>	Future applications for subdivision will require assessment against this section.
Part 7 Transport & Infrastructure	
<i>13.2 Land Adjacent to Main Roads</i>	The proposal is adjacent to a main road and detailed works are proposed to formalise the approved access road covered under the existing covenant. No other connections are proposed. Development of the site shall ensure drainage and flooding the main road no not occur.
Schedule 1 : schedule to clause 2.4 specific uses	
<p><i>Part Lot 5182, Town of Darwin (213 Dick Ward Drive, Ludmilla). 1. The purpose of this zone is to provide for development that:</i></p> <p><i>(a) preserves the amenity of adjoining residential areas;</i></p> <p><i>(b) minimises the negative impacts of being exposed to aircraft noise; and</i></p> <p><i>(c) preserves the safety and maintains the curfew free operation of the Darwin International Airport</i></p>	<p>(a) The proposed amended Masterplan does not change the potential uses which may occur on site, nor limit the ability to assess future DAs in accordance with this clause.</p> <p>(b) Given the previously approved future land uses are of a commercial and industrial nature, and the proposed uses are consistent with subclause (b), in that the exposure to aircraft noise has not increased in significance beyond that which was already contemplated.</p> <p>(c) Similarly, the previously approved future land uses are unlikely to increase the impacts on the operation of the Darwin International Airport.</p>
<i>2. The parts of Lot 5182 that are subject to this clause are the two areas of land that are bounded by a thick black line and marked as Areas A and B on the diagram to this clause.</i>	There is no proposed change to the area of part Lot 5182 subject to this clause.

Table 4: Planning Scheme 2007 Assessment	
<p>3. Area A is to be:</p> <p>(a) used with or without consent in accordance with the provisions of Zone SC (Service Commercial);</p> <p>(refer to scheme for full list)</p> <p>(b) notwithstanding the above, the following uses if proposed as the primary or ancillary use are prohibited within this area:</p> <p>(c) developed in accordance with the requirements of clause 8.2 and 11.3 of the NT Planning Scheme</p>	<p>Noted. Future applications will be consistent with this clause.</p>
<p>4. Area B is to be:</p> <p>(a) used with or without consent in accordance with the provisions of Zone LI (Light Industry); (b) notwithstanding the above, the following uses if proposed as the primary or ancillary use are prohibited within this area:</p> <p>(c) developed in accordance with the requirements of clause 8.2 and 11.3 of the NT Planning Scheme</p>	<p>Noted. Future applications will be consistent with this clause.</p>
<p>5. Development of Area A is to protect the residential amenity of the adjoining Ludmilla community by:</p> <p>(a) providing a vegetated landscaping buffer Fitzer Drive, which will include the existing 10m drainage easement that runs along the property boundary. Landscaping of this buffer is to take into consideration the Community Safety Design Guide and is to be designed to the satisfaction of the consent authority;</p> <p>or</p> <p>(b) providing a minimum 3m landscaping area adjacent to this northern side of the drainage easement within Area A where the operation and/or maintenance requirements of this easement preclude landscaping;</p> <p>(c) meeting the requirements of Clause 6.12 of the NT Planning Scheme;</p>	<p>(a) Attachment 2 contains the amended plans which show a vegetated buffer to Fitzer Drive inclusive of the drainage easement.</p> <p>(b) Attachment 2 contains the amended plans which show a vegetated buffer in the location of this easement. DA stage plans will demonstrate detailed compliance.</p> <p>(c) Future DA's will be capable of complying with this clause.</p>

Table 4: Planning Scheme 2007 Assessment	
<p>(d) designing buildings to have an active frontage to Fitzner Drive that allows for the passive surveillance of the landscape buffer; and</p> <p>(e) the landscaping buffer discussed at paragraphs 5(a) and 5(b) are to be constructed prior to the commencement of any development within Area A.</p>	<p>(d) There are no buildings proposed as part of this variation request, the variation also does not adversely impact the ability for future buildings to meet the requirements of this provision.</p> <p>(e) This variation request does not impact the ability for the landscaping buffer to be constructed prior to the commencement of any development within Area A.</p>
<p>6. A road reservation that runs along the northern boundary of Area A is to be provided. Buildings are to have a frontage to this reservation and are to provide an active street interface</p>	<p>The amended plans (Attachment 2) retain the proposed road reserve/easement area which runs along the boundary of Area A.</p> <p>The varied Masterplan provides various frontages to the new access road to activate the interface.</p>
<p>7. Loading bays, storage facilities and waste storage utilities should be screened from Dick Ward Drive by using a 8m landscaping buffer and other landscaping design techniques in Areas A and B to the satisfaction of the consent authority.</p>	<p>Noted. Future applications will be consistent with this clause.</p>
<p>8. The presentation of blank walls to Dick Ward Drive is to be minimised in Areas A and B by using architectural design techniques such as awnings, windows, eaves, roof design and other architectural design techniques.</p>	<p>Noted. Future applications will be consistent with this clause.</p>
<p>9. The presentation of blank walls to Dick Ward Drive is to be minimised in Areas A and B by using architectural design techniques such as awnings, windows, eaves, roof design and other architectural design techniques.</p>	<p>Noted. Future applications will be consistent with this clause.</p>
<p>10. A Masterplan is to be prepared and submitted to the consent authority before any development commences or a development application is lodged for Areas A and B. This Masterplan is to be endorsed by the consent authority, and all future development is to be in accordance with the endorsed Masterplan.</p>	<p>The Masterplan has previously been endorsed. The application seeks to have endorsed the varied Masterplan. The amended Masterplan is contained in Attachment 2 and ability to approve the varied Masterplan is discussed in this report(refer section 3).</p>
<p>11. The Masterplan required at paragraph 10 is to outline how the requirements in this schedule are met (where applicable), and is to:</p>	<p>The amended Masterplan (Attachment 2) addresses these requirements in detail. Please refer to the amended plan and the following</p>

Table 4: Planning Scheme 2007 Assessment

<p><i>(a) identify pedestrian and cycle links through the site that connect to Bagot Road, Dick Ward Drive, Fitzer Road and Totem Road;</i></p> <p><i>(b) integrate parking areas with the pedestrian network;</i></p> <p><i>(c) include a road network design that provides necessary network upgrades, ingress and egress points, provides a low speed environment that protects the amenity of adjoining areas and prioritises a safe pedestrian network;</i></p> <p><i>(d) provide any relevant cultural, soil and flora and fauna assessment that demonstrates that development of the land will not cause detrimental impact to the community or the environment;</i></p> <p><i>(e) provide detailed concept designs that illustrate the landscaping treatment for Areas A and B;</i></p> <p><i>(f) include drawings that show how the landscaping buffer and built form adjacent to Fitzer Drive will be designed; and</i></p> <p><i>(g) demonstrate how buildings are likely to be accommodated within the development and that compliance with Clauses 8.2 and 11.3 of the NT Planning Scheme is achievable.</i></p>	<p>(a) These are noted on the circulation plans in the Masterplan.</p> <p>(b) The Masterplan illustrates additional pedestrian linkages through Area A to demonstrate compliance.</p> <p>(c) Refer TIA and discussion on new external and internal road works to improve traffic movement, speed and safety. These deliver a safer pedestrian environment.</p> <p>(d) The site has AAPA clearance and has been already assessed suitable for development. The proposal does relocate both pandanus and cycas armstrongii from areas to be disturbed in the landscaped areas of the site to retain character and native species on site.</p> <p>(e) This is detailed in the SLI and would be further detailed in the subsequent applications over the site</p> <p>(f) Refer SLI.</p> <p>(g) This is illustrated in the SLI.</p>
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In summary, the proposed variation remains consistent with the relevant sections of the Planning Scheme.

The varied Masterplan does not materially change development of the site as contemplated under SD37 nor introduce noncompliance with these controls. As the department is aware no development change in land use i.e. development has occurred. This variation does not seek to vary the scale or extent of potential development which may be currently achieved under the current Masterplan.

Pursuant to section 57(3) of the Act, the varied Masterplan, it is considered, does not :

- (a) the proposed variation will not materially affect the amenity of adjoining or nearby land or premises; and*
- (b) the variation does not authorise a substantive change to the development approved by the development permit.*

As detailed our client is now able to progress development of the site to a varied Masterplan and aligning subdivision and realise the public benefits that arise from the development and specifically Stage 1.

The development facilitated through the variations creates new employment land. Additional employment would result from the project, both during the construction period, and more importantly, on an ongoing basis once the development is complete and operational. This includes youth employment opportunities with retail developments employing a large number of younger staff.

The proposed local centre is well positioned to serve the convenience needs of the local population and provides increased choice and allow for price competition and services for consumers.

The proposed variations and subsequent use of the land deliver significant road improvements to reduce speed and increase safety, resulting in improved amenity for the residents of Fitzer Drive and users of this road network. These are also in the public benefit. Through development of the site new landscaping to the site and adjacent streets is proposed delivering safer pedestrian movement paths and a high amenity landscape interface to the surrounding community.

5.0 Conclusion

This Statement of Effect demonstrates that the proposed amended Masterplan satisfies Condition no.s 10 and 11 of the SD37 zone as required by the Scheme.

This Statement has provided an assessment against the relevant planning provisions of the Act, and the Scheme - including the specific zone code relevant to the site. The amended Masterplan will deliver a contemporary layout that aligns with current traffic conditions, and meets contemporary retail needs, whilst maintaining consistency with the SD37 zone provisions.

The Masterplan as varied delivers a retail commercial complex set within a well-considered and landscape setting delivering a high amenity interface to the surrounding residents and streets. The proposal promotes pedestrian connectivity through and around the site through new paths, landscaping and seating designed to meet climatic conditions and comfort for pedestrian/active transport users.

The Masterplan as varied is in the public benefit providing employment lands, jobs choice is services and retailing shopping and opportunities for social interaction. The Masterplan as varied provides new road infrastructure to redress declines in amenity and safety from speed/traffic growth and rat running.

The varied Masterplan satisfies the requirements of SD 37 and achieves the purpose of the zone.

This variation is to be assessed concurrently with the variation to the subdivision approval and development application for Stage 1 of this development.

As detailed, these illustrate how the site is able to be developed in an orderly and staged manner consistent with the communities' expectations and planning requirements.

Our client is committed to development of the site and commencing the development.