



## **Attachment A – Response to Referral Agencies**

**February 2026**

The following provides a full response to the referral agencies responses to the proposed development

**Power Networks Network Engineering – Power and Water Registry**

No objection raised

**Water Services Land Development – Power and Water Corp.**

No objection raised

**Aboriginal Areas Protection Authority**

Submission refers to Authority Certificates and referencing these.

## Lands Planning – DLPE

The request for updated Plans and Drawings covering a range of finer details with the design and layout for Stage 1 has been addressed. The updated Master Plan document and supporting plan set are contained in Attachment C1. The revised Subdivision plan set is contained in Attachment C2. C3 contains supporting plans which relate to the staging of associated works i.e. external road upgrades filling etc. C4 contains the updated architectural package and the landscape intent is within C5. Earthworks plans and associated reports are within C7. The plans relate to each other to enable the concurrent assessment and illustrate the orderly development of the site.

The Architectural Plans illustrate how the petrol station has been located to front the new link road, that part provided in Stage 1. This is to assist in activating/ fronting the new link road. This frontage is also activated through landscape works, new footpaths, internal carparking areas and the bowsers. The shop directly views the new link road.

This use by its nature involves high turnover of vehicles / people movement and hence activity adjacent to the new link road.

 <p>3 PAD SITE 1 - NORTH ELEVATION 2.11 1:200</p>	 <p>AHD 0.489 m</p>
<p>Elevation of Service Station and active frontage to new Link Rd</p>	<p>Entries, pedestrian paths, carparking and landscaping to new Link Rd to activate the streetscape</p>

The main commercial building has also been amended such that the sleaving retail tenancies adjacent to the new link road have glazing wrapping around the building and new entry from the link road frontage. This activates the new internal corner and also addresses the new link road. Pedestrian connections are established to internal paths and those on the new link road.

The main building has also incorporated new articulation and design features centrally within the built form and fronting the new link road. This includes in part an alternative façade treatment / architectural feature and new green wall treatments contributing both horizontal and vertical façade elements to the new link road. These treatments are to the facades relate to the screened loading dock area and staff carparking. Collectively the treatments to the built form, pedestrian interaction with built form also contributes to the main buildings' engagement with and activation to the new link road.

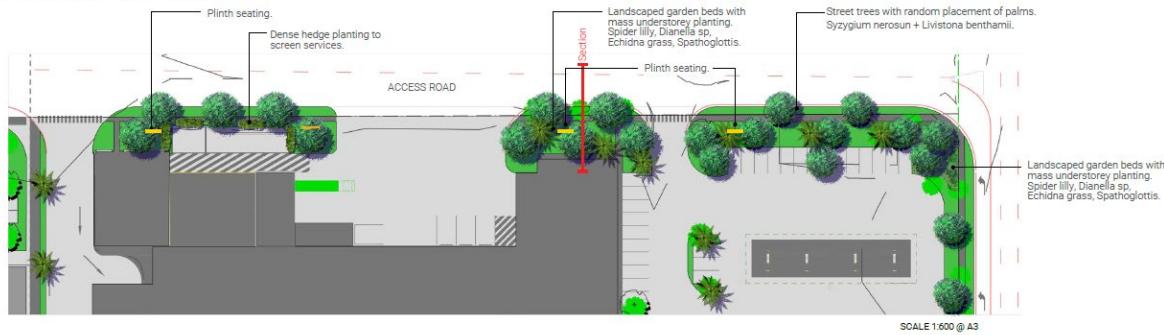
As noted the built form also includes the screening of loading services. New layered landscape treatments and pedestrian path also occur adjacent to building / connect with it and contribute to the aesthetics of the streetscape. Clear markings / pedestrian crossing guide pedestrians through and around the site and signify pedestrian priority.

This public/private realm is activated through the entries and pedestrian connections across the frontage of the main building. The provision of the signature seating/stone plinths also enables people to gather creating another layer of activity. The seating also provides a rest stop for general pedestrian comfort and or a place for workers

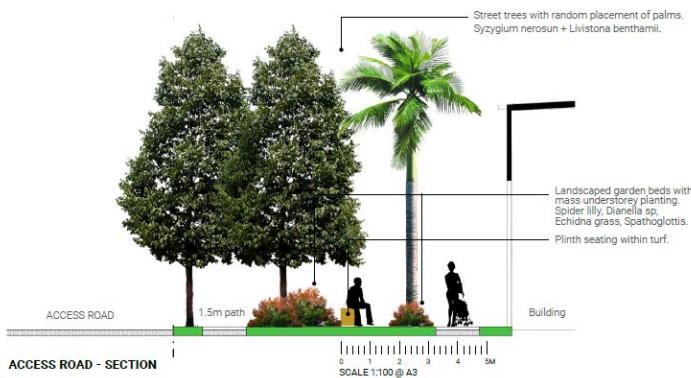
to sit outside and place for staff to breakout from the main building. The SLI details the treatments to the frontage to deliver an engaging and active frontage as required in SD 37.

Additional landscape treatments, dense screening /hedging has been provided to the essential services. This block of planting contrasts with the more layered approach within the landscaping and clear site lines provided by the copses of trees and palms in turf and or garden beds. The composition of differing treatments, colours and foliage adding additonal variation and presenting a high aesthetic to the frontage as illustrated below;

**1.5 Treatment B - Access Road**



ACCESS ROAD FRONTAGE - PLAN



Page 06 Bagot & Fitzroy Rd, Eatons NT

Statement of Landscape Intent

The built form of the main building at the north east corner has now also included an entry for staff entry into the large tenancy and glazing to contribute to activating the frontage, interaction of pedestrian networks to the built form and the new link road.

The detailed architectural plans and SLI illustrate the design responses.

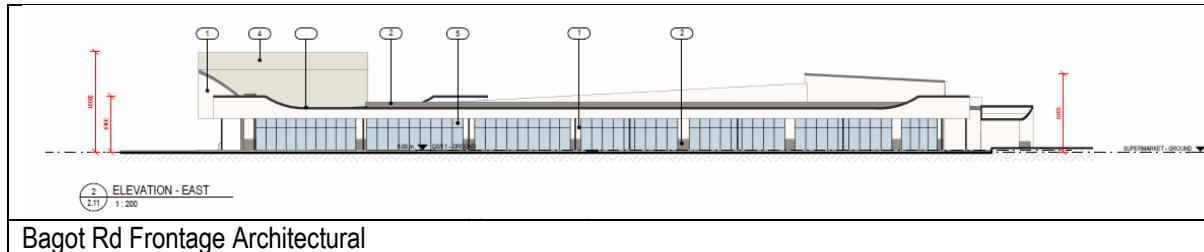
This architectural elevation drawing shows the north side of a building. It features a varied roof line, glazing, and retail entries. The building is surrounded by landscaping, including a 'PLANT DECK' and 'DENSE PLANTING TO SCREEN PLANT ROOMS'. A 'PLANT ROOMS' area is also indicated. A scale bar at the bottom left shows 'ELEVATION - NORTH' and '1:200'.

Built form treatments, varied roof line, glazing, retail entries, connections with pedestrian network. Opportunities for customer/users gatherings	Facade treatments and landscape treatments, Service entries, staff parking. Clear pedestrian connection across driveway.	Built form Articulation, facade treatments and landscape treatments. Includes dense screening treatment to loading dock and services	Glazing and building entries, connections to pedestrian network, landscape treatments Opportunities for customer/users gatherings provided through seating
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provided through seating. Layered landscaping.		
Main building and frontage treatments to part of the new link road		

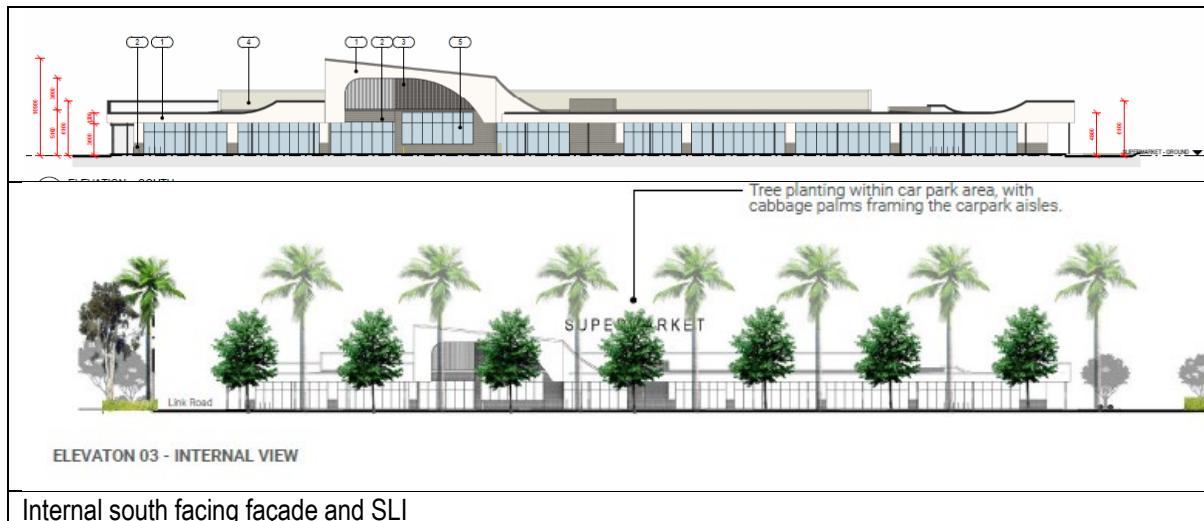
The proposal addresses and activates Bagot Rd, the primary road frontage through separate buildings and activation surrounding these, alternate built form treatments, glazing and retail entries to the main building, integrated pedestrian network between road and commercial / retail development.

The frontage is also activated through the new landscape treatments to the road frontage, strong vertical palm plantings contrasting with the horizontal built form, new open space areas adjacent to the road and integration of the pedestrian/active transport routes throughout the site.

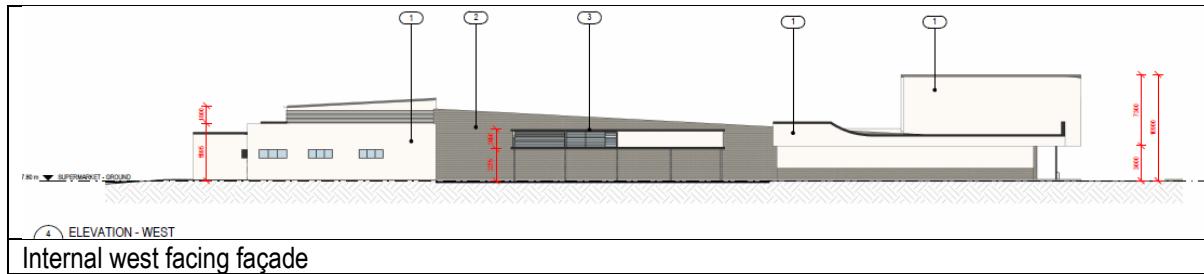


The proposal does have frontage to Fitzer Dr, however this is limited to the new entry road. Notwithstanding this the proposal dose install / propose to install part of the landscape buffer and plantings within the site in Stage 2 and the adjacent Fitzer Drv verge. These provide a high aesthetic interface and if approved includes seating for pedestrians for comfort and encourage pedestrianisation of the interface.

The building also does address the internal spaces internal roads and circulation routes for the internal frontage towards Fitzer Drv. This is also visible from Bagot Rd.



The building does also have a frontage to the internal road to the west. This frontage has limited visibility form public streets/roads and the building has been designed to have the necessary building walls and less activated frontage to this. The frontage is notwithstanding this activated by click and collect drive through glazing/windows and pedestrian paths connections ate either end of the building.



We acknowledge the development presents a new aesthetic and character for the site and it is considered positively contributes to the streetscape and public realm. The development presents visual interest through built form, building placement and activities surrounding each and the landscape treatments to the frontages and site in general. The proposal activates a vacant site, contrasting strongly with the adjacent RD land which frames the commercial retail development in Stage 1.

Future stages of the development shall positively engage with public frontages/road frontages and would be assessed and detailed on a stage basis. The Master Plan provides a basis for the future application in these stages as does the planning framework. These future Stages are focused to Fitzer Dr, Dickward Dr and the balance of the new link road within Area A and Totem Rd / Dickward Dr for Area B.

In regards to activation and an active frontage this is not a defined definition in the scheme however is a requirement under the SD37 provisions specifically;

- 5(d) designing buildings to have an active frontage to Fitzer Drive that allows for the passive surveillance of the landscape buffer;

And

- (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.

And more broadly in s8.2.2 of the Scheme which outlines features to deliver responsive commercial buildings

- (c) minimise expanses of blank walls;
- (d) add variety and interest at street level and allow passive surveillance of public spaces;

Dealing with activation and an active frontage this is considered to be a concentration of activity or goings-on at the front of a site or building, adjoining a public area such as a street or park.

Active frontages make a public space interesting and encourages people to linger and stay. To be an active frontage, many elements must be combined to ensure the space is interesting, inviting, walkable and safe. A key component to active frontages is the use itself, activities such as shops, small offices and cafes. The built form and façade treatments also contribute to interest and engagement with the public realm. The series of positive and negative spaces within a site frontage also assist in defining nodes and focal points within an active frontage and may assist in providing legibility.

Quantitatively activation varies and highly activated streets/frontages can and do have low or lower activation facade elements within a streetscape. As noted above the combination of uses, built form, building treatments, landscaping and circulation paths all are to be considered in describing activation.

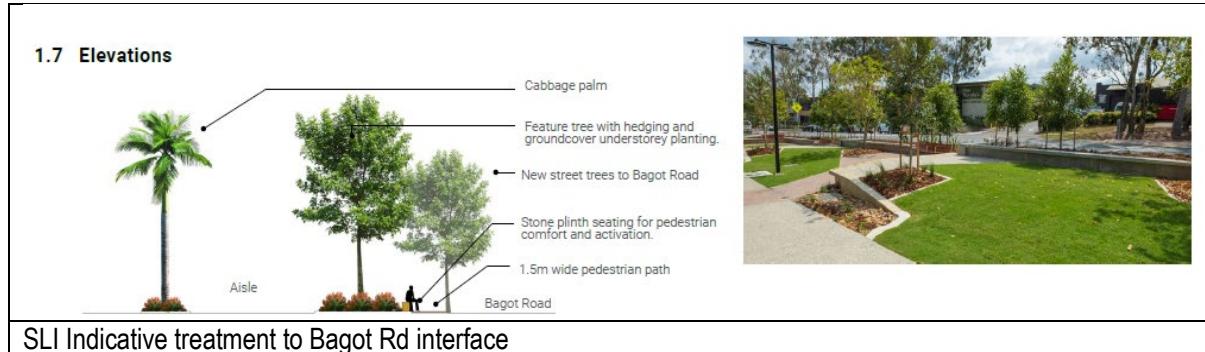
It is considered and as outlined above the varied Master Plan delivers/enables an 'active' frontage to all public road frontages and specifically those identified in SD37.

This is achieved through the differing uses/ use areas, clear address, direct access from streets, direct overlooking over the street, varied built form treatments, varied landscape treatments, integrated pedestrian

paths and active transport links. The built form, massing and articulated building alignments further contributes to a varied and active frontage.

The DA plans, reflecting the SD 37 and Master plan document illustrate the massing and view corridors created through these establishes an activated corner treatment and internal entry into the development. The buildings frontages and elevations have as detailed in the Master Plan document been designed to address the streets(public and private) and provide a corporate image and an inviting entrances.

The building design address all public street frontages to achieve an aesthetically pleasing façade as well as allowing for passive surveillance of the landscaped area.

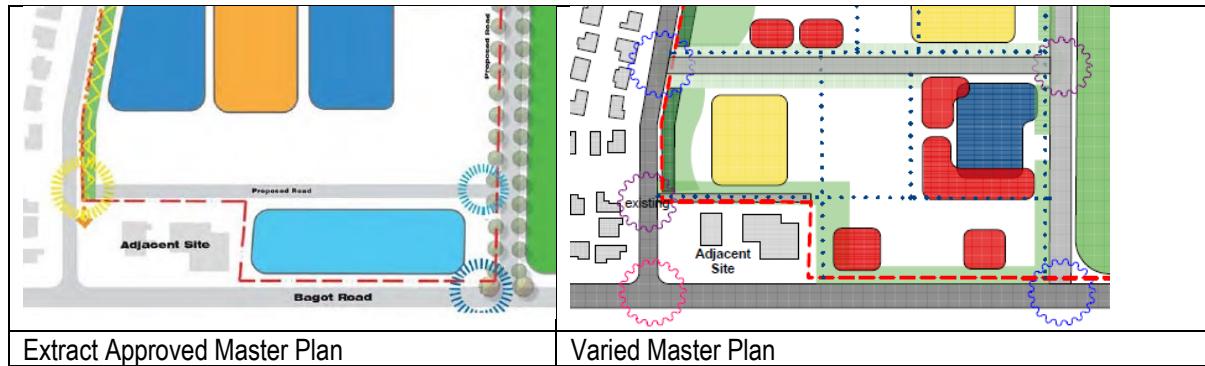


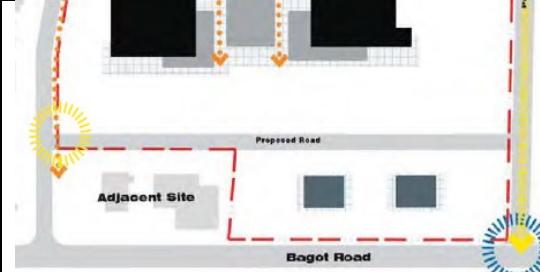
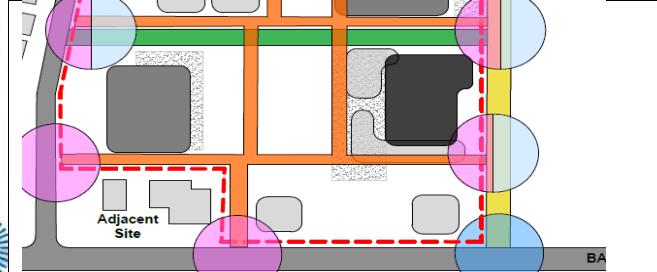
The arrangement of buildings entries, glazing does provide casual surveillance across the site. The inclusion of seating and opportunity for gathering further activates the public/private realm. Through this and landscaping an attractive space is created and conveyed.

As detailed the buildings has various frontages and consistent with descriptions and treatments presented in the Master Plan and DA plan set and landscape Intent, clearly addresses the siting context.

The proposals treatments to the external public roads collectively create spaces which are interesting, walkable and safe, for those travelling past the site and or directly engaging with it. The proposal is considered to reflect a more current and contemporary response to its siting and the controls.

This outcome is also considered to deliver an improved outcome than currently approved in the Master Plan and as specifically relevant to the Stage 1 application as illustrated below.



	
Extract Approved Master Plan Indicative Built Area and Circulation	Varied Master Plan and Indicative Built Area and Circulation

As illustrated the approved Master Plan separates the built form from the new link road through anticipated car parking and also implies servicing from the Link Rd frontage. It is considered this approach whilst activating the new link is relatively low and limited to variety and experiences.

The proposal in contrast presents buildings to street edges and in close proximity to these increasing opportunity for visual connections with and activity. The proposal creates focal points and less active areas where the built and softscape contribute to the high intensity frontages /activity.

The Master Plan as varied provides increased opportunity for engagement and activation through pedestrian paths and opportunity for seating/gathering. Stage 1 of the development includes a range of experiences and activation elements, not limited to visible entries, active land uses, nodes, short and long views, articulated built form with specific design features for variety/interest and landscape treatments. This outcome is reflected

As noted additional buildings/uses/landscaping/accessible/pedestrian connections occur within Stage 3.

These future buildings/uses/landscaping/accessible/pedestrian connections form part of the streetscape. Collectively an active frontage / active streetscape is/will be provided to the new link road with activation varying along the streetscape, which in itself adds interest and variety.

The broader responsive built form outcomes sought under s8.2.2 are also addressed and generally complied.

This is achieved through various design responses which are illustrated in the plans for the development application and presented in the architectural plan set. Acknowledging the proposed development application contains a large format retail centre, blank walls have been minimised. This has been achieved through the use of façade treatments i.e. glazing/architectural features, landscaping, entries. Building articulation and changes in rooflines also contributing to expanse of blank walls.

The resulting built form has sought to avoid large unrelieved expanses of wall or roof and blank walls have been minimised through architectural design techniques such as awnings, windows, eaves, articulated roof design and vegetative softening as required in the Master Plan document.

We note the above section which addresses activation. It is considered the proposal has achieved the desired outcome expressed within s8.2.2.(d) with the stage1 DA illustrating the urban design response to activating the streetscape and developments frontages.

The development as details does introduce variety and interest at street level and allow passive surveillance of public spaces. The integrated pedestrian network and placement of buildings provides a highly permeable and safe space. This safety is also provided through other elements such as lighting, clear paths, alternate routes and on-site management security. The Statement of Landscape Intent conveys the landscape treatments to this frontage and work with the built form to provide the desired frontage and streetscape activity and high aesthetic outcome.

1.5 Treatment B - Access Road



Page 06 Bagot & Fitzer Rd, Easton NT

Statement of Landscape Intent

The architectural plans include additional details on internal partitioning of the retail space note this is subject to change and indicative only. Internal shop fit outs have not been included. Details on the amenities block are included and further dimensions and plans for circulation access etc, sufficient for approval and relevant conditions. The circulation plans illustrate connection within and external to the site and key buildings and to future stages.

Building heights have been shown as have proposed earthworks for the site and note the maximum height. The fill extent and thus building height reflect current ground conditions and levels above Storm surge (5.4m) and to provide effective drainage within the new fill platforms.

The fill levels vary from approximately 6m at the intersection of the new link road with Dickward Dr, generally grading positively towards Bagot Rd up to approximately 10.3m. Buildings are typically single / double storey in height with varying roof lines. The building heights typically are 6.5m with a maximum of 10.9m for the main building, with this height limited to the architectural entry feature. The building heights when also accounting for proposed fill levels clearly do not intrude or impact on the flight path or restricted airspace. This is acknowledged in the relevant referral response.

We also refer to the supporting plans which detail works associated with the stages. These are provided to outline infrastructure works to support each stage proposed with each stage. These identify road works and upgrades to intersections, new landscaping and pedestrian/active transport provision, with the detail for the roadworks designs contained in the TIA. These draft concepts have been previously circulated to CoD and DLI.

Dimensions for parking, parking numbers and associated landscaping, swept paths, loading bays and circulation networks are presented in the TIA and updated Development plans in the architectural package. These are reflected in the varied Master Plan as are relevant, noting the higher order purpose of the document compared with specific development applications and compliance.

The infrastructure and staging plans also note the commercial septic system and irrigation field/ application area for this, within Stage 3. The temporary irrigation field provides minimum 20m setbacks to all site and stage

boundaries. Subsurface irrigation is to be used and within the secured Area A Stage 3 location, with the irrigation typically 300mm below design surface for maintenance/slashing ease. This temporary infrastructure is to be removed when capacity constraints are resolved in the downstream network.

The internal gravity network for the development of the site is to be designed to the ultimate configuration with sewer services draining to the new link road and ultimately connecting to the network at Dickward Dr. The commercial chamber is to be positioned adjacent to the new link road and connected for the temporary service. This tank is to be buried within the proposed fill and provision must be made for a watertight vertical extension to be installed above the access and inspection openings to bring the access and inspection covers to or just above finished ground level.

The surrounding ground levels must slope away from the tanks installed at ground level to prevent water entering or ponding around the plant. This infrastructure is to be provided by Jape and the entity created set up to run manage the new centre. This is all interim private infrastructure on private land. The system is to be designed in accordance with relevant legislation and through further subsequent consultation with DLI, PoW and NT EPA and our engineer/plumber.

There are systems for commercial development to suit the development and we have sufficient space for on site disposal excluding the buffers. This is subsurface irrigation – the same as the general house fields just larger.

As noted the earthworks are draft in nature but detail the intended landform for development of the site with Areas A and B to be filled for flood/storm surge immunity. Previous filling and reports have been provided on this with the original approvals. Updated earthworks and storm surge modelling for hydraulic impacts is provided in the report.

The levels achieve the required Storm Surge immunity for the non-residential land uses. The plans detail filling of the site over the proposed 3 stages within Area A and B. Fill is to be opportunistically sought to enable the site to be filled as available, with the desire to complete earthworks across Area A in a single phase. This is to a degree dependent of available and economically available suitable fill material. Stage 1 is to be filled as a single earthworks exercise. A copy of the storm surge and filling report assessment is included in the submission. The engineering plans attached also detail drainge and sediment and erosion control details for the works.

We note as per SD 37 the new link road is shown and positioned in accordance with the controls along the Area A boundary. This is reflected in the Master plans (current /varied), covenant signed between Jape/CoD and the government which details the road and its staged delivery and is also reflected in the current subdivision plans and as now also sought to be varied. The designs and filling associated with this are detailed.

As indicated and discussed the easements for drainge may be in part extinguished / relocated, upon agreement with the beneficiary of the easement, through delivery of the new urban stormwater network. We acknowledge and note referral comments in this regard.

We as indicated in the response would look to regularise some of the easements for drainge with the new internal urban stormwater network. The submission provides the intended drainge plan. Any variation to the easement is to be agreed to with the beneficiary of the easements CoD/DLI airport etc upon an approval.

There is drainge works in the RD area, as sought by referral agencies, this includes concrete lining of the low flows to prevent ponding and vector breeding. These works and our stormwater head wall outlets to the low flow are to be detailed I subsequent civil designs.

The culverts under Dickward Dr currently serve a detention function on site, and in the RD land which isn't changed in our proposal, the updated filling for the pad upto PSSA demonstrates no hydraulic impacts.

There would be a future review with the ultimate intersection upgrades arising with the new link road. But drainge discharge point is fixed so I don't foresee any issues with this aspect and likely to be like for like replacement of culverts if required/impacted by the future upgrade.

The RD land would be vested to Jape and the new entity for long term management. We detail works to be undertaken in improving the eco values in this i.e. weeding supplementary planting is impacted areas – being mindful of the airports requirements.

The varied Master Plan has provided additional aesthetic and amenity benefits for the residents fronting Fitzer Dr and note this is also a provision in SD37. This includes as required the minimum 3m buffer planting to Fitzer Dr with new and additional private open space/landscaped open spaces.

The stage 1 of the development would as required see installation of the minimum buffer area and additional areas in association with the new entry and within that area between the road and Mc Donalds. This includes an additional 7m area within the site to contain salvaged plants and present as copses of trees in turf and or layered gardens beneath trees. This additional setback does increase centrally within the new Master Plan. We note the varied Master plan provides significantly increased landscaped areas to Fitzer Dr than contemplated in the approved Master Plan or controls of SD37.

The SLI document details the requirement for the buffer and new landscaping and private open space that increases the planting area. Further separation of buildings to Fitzer Dr is thus delivered and through this minimisation of any nuisance noise and or lighting from associated parking areas and active frontages

The suite of plans details clearly in the plans the site, Area A and B, the new link road and other external works which are proposed or required. The plans clearly indicate the orderly development of the site and in a staged manner identifying works for each stage. As also noted the overarching works are refined and detailed through the planning process, assessment of applications/drafts/concepts/plans and subsequent to this more detailed plans and reports for construction and condition compliance.

The Master Plan, development application and subdivision plans have been updated to reflect the above minor changes and ensure consistency across the plan sets.

In addition to other matters raised through correspondence, as noted the uses proposed are discretionary under the 2007 planning Scheme and are contemplated under the Master Plan.

Amenity for those residents/communities opposite the site and fronting the site is considered to be enhanced through delivery of the amended / varied Master Plan.

We refer to the application and comments contained herein. A detailed assessment of the proposal against the provisions of SD37 and the scheme has been undertaken and as illustrated we have explicitly considered amenity impacts to the adjoining residential area as required under subclause 1 (a) of SD37.

As noted adjoining residential areas currently overlook an area which is not maintained, contaminated, utilised as an illegal dump and regularly burnt. The residents adjoining residential areas have also subsequent to Approval of the Master Plan experienced increased traffic, rat running and a deterioration in road safety for vehicles and pedestrians.

There has also been an increase in the number of residents impacts now situated within the ANEF 25 -30 contour as per the ANEF Darwin 2043 under the airport masterplan.

The scheme defines amenity as

"amenity", in relation to a locality or building, means any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable.

As per the definition and when viewed objectively there are a number of conditions/factors which are not considered to be pleasant or enjoyable or contribute to the qualities of the locality. Notwithstanding this we appreciate residents chose to live there and maybe enamoured to their homes and suburb.

As noted an approved Master Plan exists for the site and there would as a consequence of development consistent with approval and under the SD37 including those land uses contemplated, be clearing of the site, increased traffic, lighting, new landscaped areas new shops.

To address the change that would occur SD 37 when viewed in totality outlines how amenity, subclause 1(a) is to be preserved.

It;

- Defines the locality of where development may occur in the parcel – Areas A and B in sub clause 2  
**The proposal is consistent with this**
- it lists uses which may not occur in sub clause 3 and 4  
**The proposal does not seek to introduce identified prohibited land uses**
- lists criteria in sub clause 5 to protect the residential amenity including  
subclause 5(a) provision of a 10m landscape buffer to Fitzer Dr which includes the drainage easement.

**This is provided.**

**The varied Master Plan provides for an increased landscape area / buffer to Fitzer Dr than approved or required under this control**

Subclause 5(b) provide a minimum 3m landscaped area adjacent to the northern side of the drainage easement within Area A....

**This is to be provided as per the approved plan and is accommodated in the varied Master Plan in the expanded landscape treatment to Fitzer Drv**

Subclause 5 (c) meeting the requirements of Clause 6.12 of the scheme(Landscaping)

**The SLI demonstrates compliance with the requirements or an ability to comply is able to be made as it relates to works undertaken post the approval.**

Sub clause 5(d) Building to have an active frontage to Fitzer Drv that allows for the passive surveillance of the landscape buffer.

**The Master Plan enables passive surveillance of the landscape buffer**

Subclause 5(e) the landscape buffer discussed at paragraphs 5(a) and 5 (b) are to be constructed prior to the commencement of any development within Area A.

**This would occur and the buffering proposed may include transitional plantings and ultimate plantings to acknowledge works occurring on site in preparation of the landscape areas. The SLI details the requirement to meet the minimum requirement and includes plans that were developed with CoD for the 3m buffer. The SLI also provides and notes the additional planting and intent to this frontage.**

- It calls for, in sub clause 10 a Master Plan to be prepared before development commences...

**A Master Plan has been previously approved the varied Master Plan as detailed above delivers the required landscape buffer and increases the size of this landscaped buffer open space. It can be deduced that amenity would be further preserved through this variation.**

- It calls for within subclause 11(c) the master plan to 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

**We refer to the responses herein. As detailed the varied Master Plan better achieves compliance with this provision than the approved Master Plan. This is in part related to the time period which has elapsed between original approval and current conditions. The proposed works to Fitzer Dr, remove conflicts with the ingress/egress points of the approved Master plan, improve road safety and reduce road speed through upgrades.**

**These improvements and beneficial impacts to amenity occur through Stage 1 of the application and are complementary to works that CoD are undertaking to address the current unsafe pedestrian movements across Fitzer and Dickward Dr and planned signalisation of Fitzer Dr/Bagot Rd. The development as identified will also contribute to signalisation of The Dickward Dr/Fitzer Dr intersection with subsequent Stage 3 and introduction of traffic calming via a new intersection/roundabout.**

**The proposal as detailed in the SLI also delivers an integrated pedestrian network through the site and to surrounding paths. Upgrades to this pedestrian/active transport network are also delivered through development of the site.**

- for concept designs be prepared that illustrate the landscape treatments for Area A and

**The original plans have provided this. An Updated SLI for Area A of the Master Plan has been provided addressing the variation to the approved Master Plan and addressing the Stage 1 application**

- It calls for within subclause 11(f) for the Master Plan to include drawings that show how the landscaping buffer and built form adjacent to Fitzer Dr will be designed

**These have been provided with the original application and note the updated varied Master Plan, Architectural details and SLI accommodates the required buffer and illustrates additional open space to this frontage.**

As illustrated and detailed in the reports the application has demonstrated that the master plan will provide for development that preserves the amenity of adjoining residential areas consistent with sub-clause 1 (a) of SD37 and other guiding provisions within SD37 and as would be consistent with that envisaged. The proposal addresses aspects which have led to actions/activities which have diminished amenity i.e. rat running, speeding, unsafe intersections etc.

In respect to the internal road access to Fitzer Drive this is a private road, which is to be constructed over the current drainage. The internal road and verge is approximately 16.5m in width and accommodates the pedestrian path. These roads are designed to accommodate anticipated traffic and vehicles/service vehicles. The road and secondary road would bisect the landscaping and private landscaped areas within the site.

This internal road does indicate a primary east -west pedestrian / shared path through the site and with Stage 1. This connects with north-south pedestrian paths in Fitzer Dr and to be constructed on the new link road. The SLI has been updated to provide additional details on these pedestrian routes and treatments. As detailed native shade trees are to be provided as well as feature exotic species for accent/colour and assist in legibility. These treatments will continue through Stage 2 and 3 pedestrian linkages.

As noted treatments for Dickward Drv and Fitzer Drv were detailed in the originating application and this application does not conflict with these rather enhance interface treatments and improve comfort for pedestrians.

The Master plan has been updated to note pedestrian and access nodes in Figure 8 and carparking treatments in Figure 9 and updated masterplan.

The proposal delivers development as envisaged by through SD 37 and the planning scheme more broadly. The application has been consented to by the lease holder whom is supportive of the application which as detailed delivers significant public benefits which are measurable.

The proposal as outlined delivers significant public benefits and addresses in part the deterioration in amenity experienced by residents in the locality from an inefficient and unsafe road and pedestrian network, which has occurred between original approval and now. This is an issue raised repeatedly through submissions.

It is considered the updated documents, with detailed reports previously provided demonstrate compliance with the scheme and enable assessment of the proposal and setting reasonable conditions for development of the site and subsequent aspects to development.

**Survey - Dept. Lands, Planning and Environment**

No submissions received

## City of Darwin

### Points raised

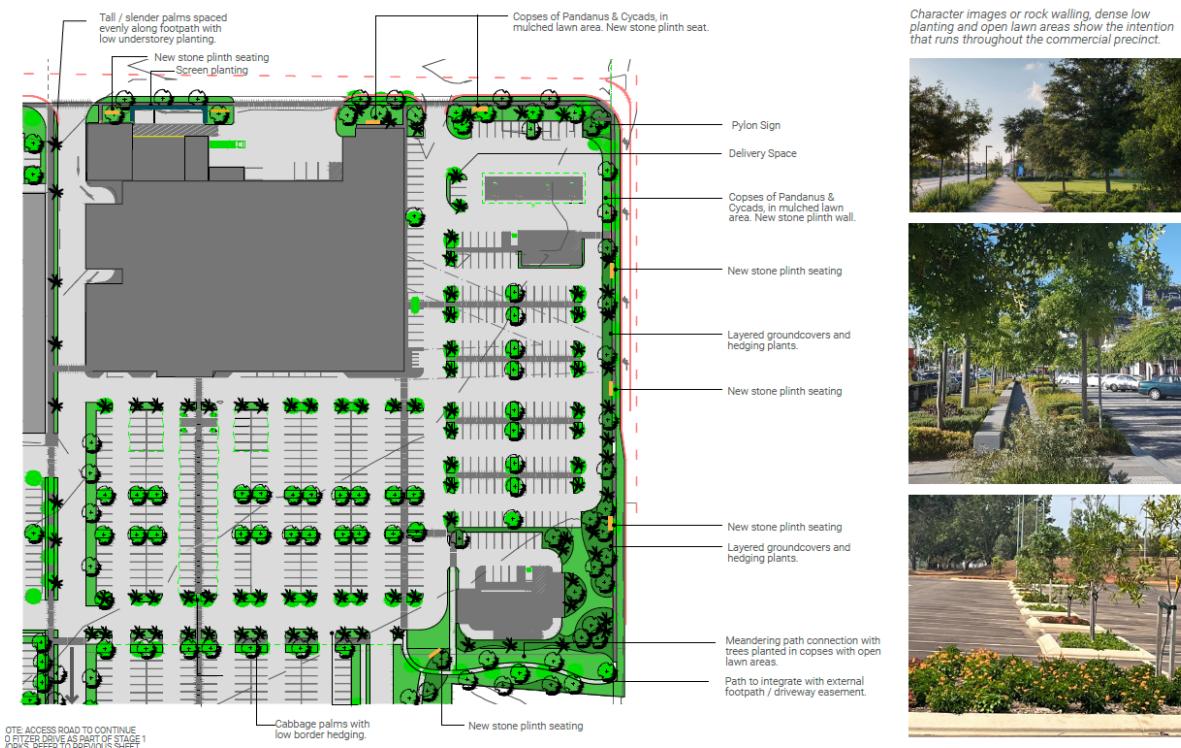
*Does not describe the subject land's current high levels of urban heat and its potential role in mitigating heat impacts through vegetation growth, infiltration of runoff and retention of soil moisture. Once developed, the current high levels of urban heat will be exacerbated and will affect both the land subject to development and adjacent land in the area.*

### Comment

We note the existing SD37 planning control and Master Plan govern development of the site. The approvals envisage a commercial retail and industrial outcome for areas A and B. The Planning controls facilitate / 2007 scheme facilitates a large scale built form and requirements for carparking with this. We note the carparking requirements under the 2007 scheme and that of the current scheme do not contain seek to reduce carparking area as a measure to avoid urban heat

Not notwithstanding this envisaged development outcome, the proposal as illustrated in the SLI identifies the use of landscaped areas within the development footprint, shade trees/designated tree planting areas in carparking areas and shade structures to reduce the affect in the change in use and wide covered walkways (eaves) for the principal building. Additional built form construction methods will further address and mitigate heat. As illustrated below;

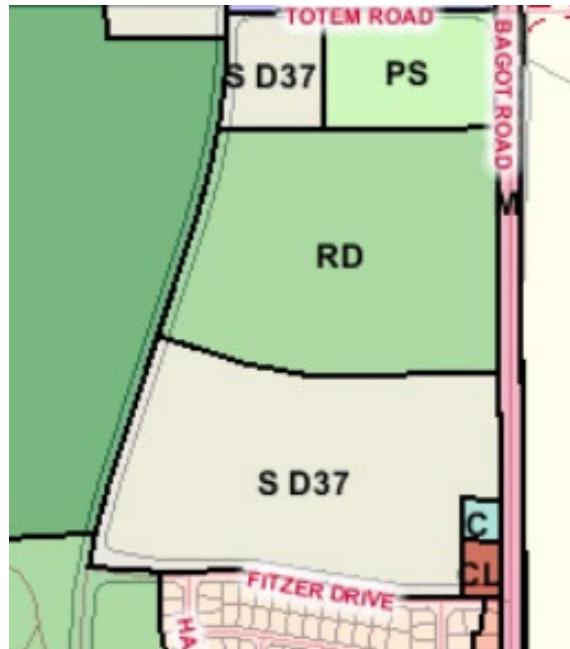
#### 1.6 Stage 1 Masterplan



The approvals also acknowledge the Restricted Development Area centrally within the site.

This occupies approximately 50% of the proposed total site area. Vegetation is sought to be retained in this where not impacted by drainage works and or works associated with contamination treatment and storage.

The RD area is a green space within the site and assists in mitigating the anticipated change in use of the site (SD 37 Areas A and B). This green space / wedge within the site is contiguous with the much larger conservation zoned land to the west. Through this and the specific landscape planting palette impacts to biodiversity values for the site are also minimised.



Additionally, the revised master plan for the site, illustrates greater open space areas within the designated SD37 area than approved and or contemplated under the planning controls. These larger open space areas are to be landscaped and assist in addressing urban heat effects. The larger of these open space areas is located adjacent to Fitzer Dr to minimise/mitigate the change in land use on site to adjacent residential areas.

As illustrated below;



It is considered the design response is not in conflict with the objectives of Darwin Heat Mitigation and Adaptation Strategy. The retention of over 50% of the site as open space and landscaped and or retaining vegetation similarly is also considered not to be inconsistent with Councils Greening Darwin Strategy 2030.

As noted the proposal has provided information as required under s46 of the Planning Act to assess the application. This details how the proposal complies with the relevant planning scheme governing development of the land and specific zone controls under 37 as well as more general zoning controls.

The application has detailed the merits of the proposal, its compliance with the scheme and the impacts (positive/negative) arising from development of the site. The proposal has also outlined the design approach to avoid/minimise and mitigate negative impacts perceived or real. On balance the results in significant public benefits to local residents, including;

It is considered the proposal would deliver a net community benefit with substantive positive impacts including the following;

- Activation of the SD37 zone area and the strategic outcomes sought through the zone
- Management of the site and maintenance enhancement of the aesthetics/amenity of the area
- Improving in the range of retail facilities that would be available to residents
- The retail facilities would improve choice of location and allow for price competition
- Creation of new employment generating landuses both during construction 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.
- Deliver and drive upgrades in the surrounding road network improving
  - Road safety and efficiency
  - Reducing speed and 'rat running' on Fitzer Dr
  - Pedestrian and active transport safety
- Provide a landscape setting for the development improving amenity and aesthetics to road users and surrounding residents
- Deliver increased landscaped open space and separation of commercial uses from residential areas minimising impacts above that contemplated under the planning controls to preserve residential amenity and address urban heat issues
- Retention of protected plans and there reuse within the site landscaping to minimise impacts to biodiversity
- Providing the traditional owners with improved economic independence
- Remediation of the site

These benefits are both broad with respect to the wider community and also narrow or targeted to the adjacent residential properties and community.

*Does not describe the surrounding land's surface temperature, including the airport and Coconut Grove light industrial / commercial areas, which already contribute significantly to Darwins urban heat island effect.*

Comment

The proposal has been assessed against the provisions of the Planning Act and specific planning controls in the scheme. The proposal seeks to develop the site consistent with that envisaged under SD37 and Master Plan as varied.

Whilst land surface temperatures may be a relevant contextual feature of the locality there is no specific control relative to the matter nor measurable outcome or object within the scheme required to be met. We note the following from Councils

Notwithstanding this we do acknowledge Councils strategy documents and as outlined above have responded to outcomes and objectives sought within these documents as are relevant to development of the site. This includes within the application/design response, retention of over 50% of the site as open space, retention of existing vegetation within areas of the site and salvage relocation of impacted vegetation, specific landscaping for shaded paths and hard stand areas, large additional open space/landscaped areas above that contemplated by the scheme/ SD 37, and more general zone requirements, as well as built form elements for energy efficiency and comfort.

The proposal is complementary to the actions outlined in the strategy documents to be undertaken by Darwin City Council in addressing urban heat, green and urban forests and character.

*Does not describe the local climate, in terms of dry season, wet season or cyclones and their impacts on existing and proposed landscaping. In this vein, it does not propose a satisfactory planting and maintenance methodology. Post-Cyclone Fina, we found that trees at Bagot Oval carpark and Garramilla Boulevard survived due to being planted in modular structural cells.*

*Using modular structural cells beneath paved surfaces supports large volumes of uncompacted soil for tree root growth while bearing heavy loads like roads or car parks. It also lays the foundations for trees to withstand strong winds. This approach to tree planting provides significant environmental and public benefits and exposes less of the trees at surface level, which makes for more efficient parking layouts.*

#### Comment

We note the information which Council has identified in respect to the detailed design of planter beds for trees, is able to be addressed in the more detailed civil design phase for the development. Through this landscaping on site may be more robust.

*Does not clearly describe the vegetation on site and which trees are to be retained. Existing trees provide superior shade, cooler microclimate, deeper roots, biodiversity and long-term resilience over new landscaping. The retention of existing trees provides significant environmental and public benefits.*

Comment

The application has referred to the existing site vegetation, species and descriptions as detailed in the ecological assessment that was undertaken over the site. We also refer to our comments and knowledge of the repeated and regular illegal fires which have occurred on site that have degraded the sites environmental values.

As detailed in the application the Area A and B of the site are to be filled. This is to address storm surge requirements under the planning scheme and current condition precedents for the site, management of site contamination and drainge. No trees are retained in the 1- 2m of fill in these areas. The proposal as outlined will seek to salvage protected plants for reuse in on site landscaping as well as other site vegetation i.e. Pandanus. Approval for the salvage is presented in the SLI document.

Smaller areas within the RD zoned area are also to be cleared for drainge works and the future containment cell. This will be designed to minimise native vegetation removal. The RD zoned land will however be largely retained and rehabilitated as stated in the application.

*Does not fully describe the stormwater management onsite or include a schematic plan demonstrating how all stormwater is to be collected and discharged. This is concerning due to the land being partially located in the Primary and Secondary Surge overlay and containing several existing stormwater drainage easements. Given the lack of information, it is not certain if stormwater is to be detained onsite or if City of Darwin's stormwater network is to be upgraded. City of Darwin's preference is for some of the stormwater to be detained onsite by way of water sensitive urban design (WSUD) or other system, integrated with the landscaping proposals to better mitigate stormwater and urban heat impacts. Flows emanating from the site must not exceed the capacity of the existing stormwater networks in the surrounding area and if they do, the appropriate upgrading works must be executed at the developer's expense.*

*City of Darwin welcomes the opportunity for its technical staff and the developer's stormwater drainage consultants to further discuss in detail the stormwater management proposals.*

Comment

All stormwater flows will be accommodated through development of the site and treated consistently with Council's and the Department of Logistics and Infrastructure requirements, noting this is a detailed engineering exercise that is progressively to be developed and delivered for the site.

Included within Attachment xx is the draft bulk earthworks and stormwater strategy. As is evident the site is to be filled with drainge directed to the legal points of discharge being the drainge swale in the RD zoned land the drainge easement along Fitzer Drive. All existing drainge easements have been acknowledged and reflected in the schematic approach to post development drainge for the site. We note further discussions will be held with beneficiaries of the easement for the revocation in part and extension in new areas for the drainge easements.

In respect to storm surge an existing condition requires filling of the site to be above the PSSA and this filling not impact on drainage. Details of this have been provided separately as part of the Condition Precedent clearance process. We note this fill is contained to the developable areas of the site and associated batters, with no proposal to fill the storm surge areas within the RD zoned land. We do note the culverts under Dickward Dr do 'throttle' stormwater flows through the site, resulting in detention within the RD zoned and easement respectively. This 'detention' feature will continue post development and ensure no external property or infrastructure is impacted from the developed sites stormwater discharges.

In respect to quality aspects all works would be conducted in accordance with a Sediment and Erosion Control Plan to address construction impacts with operational quality addressed through detention/quality structures i.e. treatment basins and or proprietary devices within the site.

The inclusion of increased open space areas within the site, above that currently contemplated under the approved Master Plan is a design response to more current Water Sensitive Urban Design principles enabling greater infiltration and pre-treatment areas within the site. These form part of the overall treatment train approach to managing stormwater. This design response is also in part our approach to incorporating and addressing aspects of Councils Greening Strategy and approach to minimising urban heat.

*Given this area is low lying and close to tidal areas and the storm surge zone, the inability of the site to drain during high tides and/or storm surge is a risk. Hydrological modelling of the entire lot, including the Stage 1 development and Dick Ward Dr needs to be completed and the future extent of flooding determined. Stormwater modelling also needs to include future increased stormwater intensities due to climate change i.e. it needs to use Australian Rainfall and Runoff guidelines version 4.2 Climate Change Considerations chapter.*

#### Comment

As detailed above the draft bulk earthworks and drainage plans are provided in Attachment xxx. These have been designed to accommodate the development and ensure no property or infrastructure will be impacted upon. The detailed civil designs will be reviewed with each stage of development.

*Does not clearly identify the staging of road upgrades or which parties will be responsible for constructing and funding all upgrades resulting from the varied master plan. City of Darwin has acquired Black Spot Funding to address existing pedestrian road safety concerns in the vicinity of the Dick Ward Drive / Fitzer Drive intersection.*

#### Comment

As has been outlined through meetings with Darwin City Council and the Department of Logistics and Infrastructure;

1. All road works within SD37 - Areas A and B are the responsibility of the development/developer

2. The link Road between Bagot Rd and Dick ward Drive will be a public road and progressively delivered/dedicated by the developer with Stages 1 and 3.
3. All roads within Area A will be private and progressively delivered across stages 1-3.
4. The future road within Area B, Stage 3, is to be a public road
5. The developer is responsible for external works with Stage 1 of the development which includes;
  - a) The 'front door' works associated with the new primary access created by the link road by Bagot Rd. This is generally detailed within the plans accompanying the TIA and includes but is not limited to new deceleration/acceleration lanes, intersection, new footpaths and line marking, landscaping drainge and services augmentation.
  - b) The new intersection with Fitzer Drve and upgrades associated with this as generally detailed within the plans in the TIA including but not limited to deceleration/acceleration lanes, intersection, new footpaths and line marking, landscaping, drainge and services augmentation.

**NOTE:**

The Stage 1 internal and external private works are programmed to be completed by 2027.

6. External Works by others include;
  - a) City of Darwin 'Black Spot' funding works and intersection improvements at Fitzer Drv and Dickward Drv. Planned for 2026
  - b) NT Government Department of Logistics and Infrastructure signalisation of Fitzer Drv and Bagot Rd. Planned 2027.
7. The developer is responsible for external works associated with Stage 3 of the development which includes;
  - a) The "front door" works associated with the new intersection with Dickward Drv and new link as detailed within the plans in the TIA including but not limited to deceleration/acceleration lanes, intersection, new footpaths and line marking, landscaping, drainge and services augmentation.
  - b) The new intersection with Fitzer Drve and upgrades associated with this as detailed within the plans in the TIA including but not limited to deceleration/acceleration lanes, intersection, new footpaths and line marking, landscaping, drainge and services augmentation. This includes augmentation of pedestrian and landscaping between the new intersection and those works undertaken with Stage 1;
  - c) The 'front door' works associated with delivery of the new road servicing the industrial development in Stage 3.
  - d) The developer will make a proportionate contribution to the upgrade of Fitzer Drv and Dickward Drive to a signalised intersection to City of Darwin and associated tie in works.

The indicate works areas and staging is presented in Attachment xxx. We note that works/plans nominated in Stage 3 are subject to review with the future application for this stage to ensure designs are fit for purpose. Similarly plans for external works to be completed by others are indicative and subject to further detailed design review by the responsible entity.

*However, this intersection needs further upgrades because of the proposed development contained in the varied master plan (to traffic signals). City of Darwin has no plans to allocate funding to all the proposed road upgrades and has not agreed with the applicant to do so. It is considered that the developer needs to make a financial contribution to the future upgrade of the Dick Ward Drive / Fitzer Drive intersection, in line with the proportion of the traffic that utilises this location generated by the master plan land uses.*

Comment

As detailed above and conveyed to City of Darwin the developer is responsible for various internal and external road works as proposed above. We note and as discussed, works associated with the signalisation of Dickward Drv and Fitzer are subject to a future design and a proportionate contribution would be made by the developer to these works. The indicative design is generally detailed in the TIA and has been designed and based upon future planned traffic and current road standards. We acknowledge these works may change to reflect contemporary standards at time of construction and road requirements.

*As the application does not provide full road upgrade details, the outcomes of associated community engagement or the associated financial implications of implementing and maintaining the proposed road upgrades, City of Darwin is unable to undertake an informed assessment or make a commitment to the upgrades. City of Darwin welcomes the opportunity for its technical staff and the developer's road consultants to further discuss in detail the road management proposals.*

Comment

As detailed above and illustrated in the accompanying plans to the TIA, the various external road upgrades are presented in the TIA.

In regard to engagement the proposal as detailed in the submission there has been a number of briefings and meetings with CoD to discuss upgrades and scope of works. These works as detailed are necessary to enable the contemplated development as permitted under SD37 to be achieved. We note and have identified the current proposal reflects the intended development outcome for the site and zoning provisions.

The Stage 1 development does not seek to vary the range of uses able to be sought and is generally consistent with the currently approved Master Plan.

Importantly and as expressed in briefings and the reporting, the varied Master Plan is as required under the Act and through the specific SD 37 provisions, updated to reflect the current application. It is also updated as

required under the Act and through the specific SD 37 provisions to reflect current traffic conditions and safety issues in the surrounding road network.

The varied Master Plan as detailed retains the originally approved access to Fitzer Dr, however moves this to the west to;

- Accommodate the signalisation of Bagot Rd and Fitzer Rd, which is required due to address growth in traffic and safety particularly for pedestrian movements
- Avoid conflict with the existing access to McDonalds / service station; and
- Avoid conflict with Daniles St.

These works are designed to maintain the amenity and safety of local residents and particularly those with frontage to Fitzer Dr and pedestrian movements.

This design response is required irrespective of the current approved Master Plan and as reflected in the varied Master Plan.

A further, secondary access is also proposed generally reflective of the pedestrian mall connection in the approved Master Plan and now aligning with Harney St. This road connection delivers a roundabout on Fitzer Dr which from an amenity perspective slows traffic on Fitzer Dr. This feature and new infrastructure is widely used and associated with traffic calming. This would be provided in Stage 3 of the development. This connection assists in distributing traffic from the development from 1 access on Fitzer to the 2. This improves access to the development and does reduce traffic impacts broadly on Fitzer Dr. This reduction in traffic is also delivered through completion of the link road connecting Dickward Dr and Bagot Rd.

As detailed there has been significant growth in traffic and use of Fitzer Dr as a 'rat run'. Collectively the works proposed to Fitzer Dr, ultimately signalised at both Fitzer and Dickward Dr and new roundabout at Harrney St are designed to and will reduce speeds and improve safety on Fitzer Dr.

Complementary to this and as identified through consultation with CoD, Council is undertaken intersection works at Fitzer Dr and Dickward Dr to address current pedestrian safety issues. This is a known problem and the development in part is also seeking to address the current impacts from traffic and that as contemplated by the SD37 zoning and approvals for development generally consistent with the approved Master Plan.

As noted the varied Master plan differs practically from the approved Master Plan, through this second connection to Fitzer Dr. This as detailed in the TIA is necessary in split traffic and minimising amenity impacts from a single entry. This second entry does also as noted deliver traffic calming on Fitzer from the round about but also would include the ultimate signalisation of Fitzer / Dickward Dr intersection as detailed in the plans. This further reduces traffic impacts on Fitzer and also improves vehicular, pedestrian and active transport safety.

As detailed in the submission additional improvements, by the developer are also delivered to Fitzer Dr through new landscaping and improved pedestrian and active transport and connectivity to the contemplated commercial retail development.

The varied Master plan has also further responded to the interface and amenity issues of those residents on Fitzer Dr and local community through the increased building separation and addiotnal open space / landscaped open sapce fronting Fitzer Drv than is currently required under the approved Master Plan and afforded in the SD37 provisions, specifically 5 b) which requires a minimum 3m landscape strip to Fitzer Drv. As illustrated in the varied Master Plan and SLI buildings are setback a minimum of 40m with large open space and landscaped open sapce now fronting Fitzer Drv.

These road connections , upgrades and open sapce/landscape responses are illustrated below and were provided with the application;



We note the comments also refer to consultation. As detailed a number of meetings were held with CoD and other referral agencies in the development of the current varied Master Plan and Stage 1 application. As part of this our client also engaged with elected representatives to brief them on the proposal. Our client also provided media briefings to media outlets for wider community awareness on the proposed development and application. This was utilised in local newspapers and other media.

The proposal has also as required under the Planning Act fulfilled its public notification requirements. These actions have resulted in community awareness as reflected in submissions and calls received by our client.

In summation the varied Master Plan delivers a materially similar concept to that currently approved but has been, as demonstrated, positively enhanced to reflect current traffic conditions, avoid traffic conflicts and impacts, incorporate new and addiotnal open space and landscape treatments for the interface with Fitzer Drv and accommodate design responses to ensure amenity and safety is maintained and or improved from that envisaged under the currently approved Master Plan and development as envisaged under SD37.

We believe the technical assessment is able to be undertaken with detailed plans and reports provided for this site which benefits from specific planning approvals / planning controls for the proposal as submitted. As

committed to with Council, we will collaboratively work through detailed design issues for the works, any agreement on contributions for future works and relevant and reasonable conditions of approval.

*Does not fully describe the relationship of the subject land to the low-density residential area to the south or the nearby Minmarama and Bagot communities and does not fully assess the effect of the development on this land. These effects include but are not limited to potential urban heat impacts, stormwater impacts, traffic impacts and pedestrian / micromobility connectivity. Noting that Minmarama and Bagot Communities are identified in the CSIRO's Heat HeLTH Vulnerability Index as having the highest vulnerability in Darwin i.e. a score of 98.9 and 99.7 respectively (100 is the highest heat vulnerability index).*

#### Comment

Site and its context and what may, subject to approval, be developed on the land have been resolved through SD37. As detailed previously the variation to the Master Plan delivers a materially similar concept to that currently approved but has been, as demonstrated, positively enhanced to reflect current traffic conditions, avoid traffic conflicts and impacts. The varied Master Plan also incorporates new and additional open space and landscape treatments to the interface with Fitzer Drv and accommodate design responses to ensure amenity and safety is maintained and or improved from that envisaged under the currently approved Master Plan and development as envisaged under SD37. These collectively mitigate amenity impacts and do it is considered deliver positive public benefit outcomes.

The proposal for a shopping centre style development as is proposed in the Stage 1 application or that as illustrated more broadly in the Master Plan, similarly has also been contemplated in the controls for SD37.

We also draw Councils attention to the fact that GDA have consented to and are supportive of this application and development of the land. Through arrangement for lease of and use of the land the subject of this application GDA is materially benefiting and able to better manage the referenced camps and communities. These communities are through development of the site better connected to services/retail opportunities and employment opportunities. These communities also benefit from the improvement to the pedestrian environment significantly increasing safe movements. We acknowledge Darwin Citys works that would occur concurrent with Stage 1 of the proposal to improve pedestrian safety at the Fitzer / Dickward Drv intersection.

Dealing with the specific points;

*potential urban heat impacts* – The varied Master Plan has as outlined above positively responded to Council new strategies for urban heat and the proposal incorporates features to minimise the impacts from urban heat that the proposal may contribute to. Should there be a specific control adopted by Council or the department which are applicable to the site, locality or use we would review these for adoption. We note Councils comments in respect to the Heat index however this proposal does not relate to the constructed camps or involve works to these.

stormwater impacts – as outlined draft earthworks and drainage plans are attached;

traffic impacts – as outlined detailed plans and modelling has been undertaken for the proposal and included with the application the updated TIA, post further discussions with DLI and CoD is also attached.

pedestrian connectivity – The application details the proposed internal and external pedestrian and active transport improvements. These are represented in the TIA, SLI and Architectural Plans. As also detailed in this response we have more clearly outlined the internal and external works with stages

micromobility connectivity – The proposal as above does deal with improvements to the circulation in and through the site for active transport which would include e scooters e bikes. The proposal does include details on bike parking. Should there be a specific controls adopted by Council or the department which are applicable to the site, locality or use we would review these for adoption.

*Does not provide evidence of consultation with nearby impacted residents along Fitzer Drive and connecting streets, Minmarama Community or Bagot community.*

#### Comment

As identified this application varies an existing approved Master Plan for the site that contemplates and is consistent with the specific planning controls over the site. The Stage 1 component delivers uses which are consistent with the planning controls and is also generally consistent with the approved Master Plan.

As also outlined consultation with agencies has occurred over an extended period and with elected representatives.

Our client has also sought to broadly engage with the community through media releases over the intent to develop and drawn attention to the proposal through the local paper and other media. This is also in addition to the public notification and advertising of the application as required under the Planning Act. The application is also made possible through the consent / consultation with GDA which has occurred over multiple years. These 3 actions have precipitated community feedback demonstrating participation in the planning process.

As has been identified to City of Darwin there is no formal consultation requirement under the Planning Act, with the Public notification process constituting the formal process. The sites zoning and approvals have existed for multiple decades with these applications delivering the contemplated development and form.

#### **Summary**

As detailed above the proposal has provided detailed plans reports which demonstrate the variation of the Master Plan and Stage 1 DA are suitable and for the Master Plan generally consistent with that as approved and contemplated impacts from development of the site as permitted under the SD37 and scheme planning controls.

A change in character from the currently undeveloped state to the envisaged commercial retail development is contemplated through the SD37 zoning of the site which has been previously assessed and deemed suitable for the locality.

Importantly the varied Master plan and Stage 1 DA has been updated to reflect current external influences, principally traffic and safety issues of the surrounding road network. The detailed TIA supporting the varied Master Plan and Stage 1 DA has identified a range of road improvements which address the deterioration in amenity that has occurred in the locality and specifically the environment surrounding Fitzer Drv. This being increased traffic, decreased safety at intersections, decreased pedestrian and active transport and 'rat running'.

The proposed schedule of works addresses these and further controls speed on Fitzer Drv through the signalisation of intersections and proposed intersection treatments delivered through the development. The developments delivery of the new link road and connections will serve to split/redirect traffic reducing traffic impacts from that which may occur under the current approved Master Plan.

There is recognition from both CoD and DLI of the increased traffic and decreased safety to road users and pedestrians at the locality. This is evidenced through Councils Black Spot funding works and planned upgrades to the intersection of Bagot and Fitzer Dr.

Other design responses such as increased landscape areas and increased landscaped open space further address council's new strategies and demonstrate the site is able to be developed and deliver significant public benefits.

*Given the above and pursuant to Section 49 (3) of the Planning Act, City of Darwin objects to the development application, including the proposed development and amended master plan, for the following reasons:*

- *As the application fails to fully describe the physical characteristics of the land or provide 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 it fails to meet the requirements of Section 46 (3) (e) of the Planning Act.*

#### Comment

Suitability of the site for a commercial retail development has previously been undertaken and is reflected in the SD37 zoning. Development as contemplated under the SD 37 provisions and scheme provisions has been further considered suitable through approval of a Master Plan, a subdivision which has been subject to a number of variations and assessments to which CoD has been a referral to and the tripartite covenant detailing the delivery of the link road which CoD is also a signatory to.

We also refer to the detailed responses above and suite of updated reports and plans which further support the minor variation to the current Master Plan and Development application which is lodged against the Master Plan as varied and SD37/planning scheme provisions.

The submission demonstrates the application and development is suitable and has met the requirements of s46(3)(e) of the Planning Act.

- *As the application does not include sufficient information on the traffic impacts of the varied master plan, the associated road upgrades, staging or responsibilities for works and does not include conclusive evidence that the necessary upgrades can be funded, the application fails to meet the requirements of Section 46 (3) (g) of the Planning Act.*

Comment

We refer to our responses above and the updated TIA and plans supporting this based on the varied Master Plan and development application for Stage 1.

The proposal has outlined infrastructure in the locality and works required under s46(3)(g). The application has outlined infrastructure to be provided and responsible parties and contributions to be made by the developer including land and financial contributions.

- *As the application fails to provide a full assessment of the potential impact on the existing and future amenity of the area in which the land is situated, it fails to meet the requirements of Section 46 (3) (h) of the Planning Act.*

Comment

We refer to the application and detailed responses contained herein.

We firstly note the site is approved for a commercial retail development as contemplated under SD37 and the approved Master Plan. A change from the current undeveloped site to that as is contemplated under the approved master Plan and SD37 provisions will/would occur.

The proposal has explicitly considered amenity.

The proposal has detailed the deterioration in amenity that has occurred between approval of the Master Plan and current conditions within which development of the site consistent with the provisions of SD37 and the scheme is now proposed. These as noted are increased traffic, rat running and significant deterioration in safety.

The proposal has detailed the regular uncontrolled burning which occurs on site.

Our client is in receipt of notices to undertake further controlled burns and maintenance to control the spread of noxious weed and uncontrolled fires.

The application and response detail how the approved Master Plan has been varied to deliver improved amenity and significant public benefits from that which would be achieved if implemented. This includes improvement to

the road network, new and expanded open space and new and increased building separation, new and increased landscaping and buffers to the residential areas to the south.

The proposal has been assessed against the scheme, specific provisions of SD 37, approved Master Plan and current contextual features/matters.

The assessment/reporting plans has assessed amenity as required under s46(3)(h).

- *As the application fails to provide a full assessment of the benefit or detriment to the public interest of the development, it fails to meet the requirements of Section 46 (3) (j) of the Planning Act.*

#### Comment

As detailed in the above reposes and in the application a assessment (benefit or detriment) of public benefit has been undertaken.

It is considered the proposal would deliver a net community benefit with substantive positive impacts including the following:

- Activation of the SD37 zone area and the strategic outcomes sought through the zone
- Management of the site and maintenance / enhancement of the aesthetics/amenity of the area
- Improving in the range of retail facilities that would be available to residents
- The retail facilities would improve choice of location and allow for price competition
- Creation of new employment generating landuses both during construction 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.
- Deliver and drive upgrades in the surrounding road network improving
  - Road safety and efficiency
  - Reducing speed and 'rat running' on Fitzer Dr
  - Pedestrian and active transport safety
- Provide a landscape setting for the development improving amenity and aesthetics to road users and surrounding residents
- Deliver increased landscaped open space and separation of commercial uses from residential areas minimising impacts above that contemplated under the planning controls to preserve/improve residential amenity and address urban heat issues
- Providing the traditional owners with improved economic independence
- Retention of protected plants and there reuse within site landscaping to minimise impacts to biodiversity
- Remediation of the site

An assessment against s46(3)(j) has been undertaken.

- *As the application has not demonstrated that the master plan will provide for development that preserves the amenity of adjoining residential areas, it is inconsistent with sub-clause 1 (a) of SD37.*

Comment

We refer to the application and comments contained herein. As detailed assessment of the proposal against the provisions of SD37 and the scheme has been undertaken and as illustrated we have explicitly considered amenity impacts to the adjoining residential area as required under subclause 1 (a) of SD37.

As noted adjoining residential areas currently overlook an area which is not maintained, contaminated, utilised as an illegal dump and regularly burnt. The residents adjoining residential areas have also subsequent to Approval of the Master Plan experienced increased traffic, rat running and a deterioration in road safety for vehicles and pedestrians.

There has also been an increase in the number of residents impacts now situated within the ANEF 25 -30 contour as per the ANEF Darwin 2043 under the airport masterplan.

The scheme defiens amenity as

"amenity", in relation to a locality or building, means any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable.

As per the definition and when viewed objectively there are a number of conditions/factors which are not considered to be pleasant or enjoyable or contribute to the qualities of the locality. Notwithstanding this we appreciate residents chose to live there and maybe enamoured to there homes and suburb.

As noted an approved Master Plan exists for the site and there would as a consequence of development consistent with approval and under the SD37 including those land uses contemplated, be clearing of the site, increased traffic, lighting, new landscaped areas new shops.

To address the change that would occur SD 37 when viewed in totality outlines how amenity, subclause 1(a) is to be preserved.

It;

- Defines the locality of where development may occur in the parcel – Areas A and B in sub clause 2

**The proposal is consistent with this**

- it lists uses which may not occur in sub clause 3 and 4

**The proposal does not seek to introduce identified prohibited land uses**

- lists criteria in sub clause 5 to protect the residential amenity including

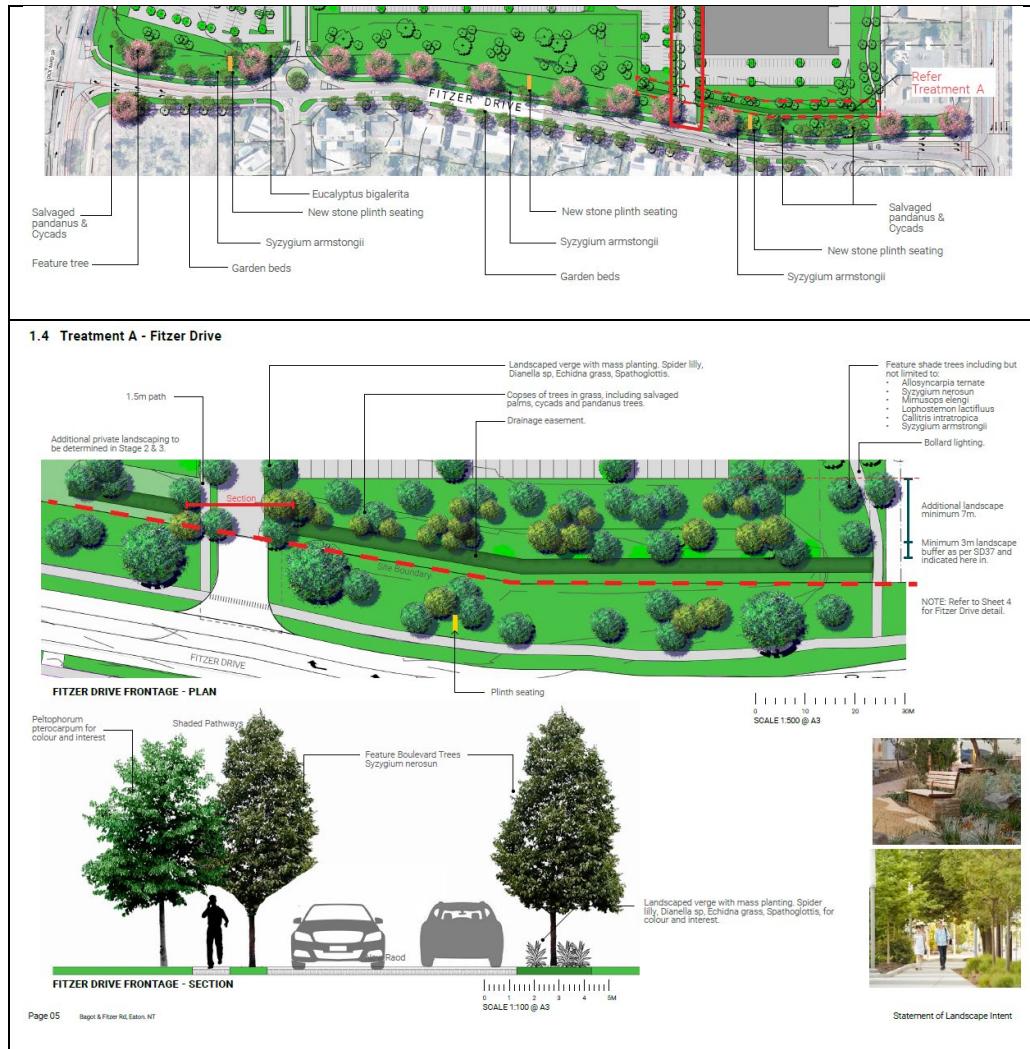
subclause 5(a) provision of a 10m landscape buffer to Fitzer Dr which includes the drainge easement.

**This is provided.**

**The varied Master Plan provides for an increased landscape area / buffer to Fitzer Dr than approved or required under this control**

Subclause 5(b) provide a minimum 3m landscaped area adjacent to the northern side of the drainage easement within Area A....

**This is to be provided as per the approved plan and is accommodated in the varied Master Plan in the expanded landscape treatment to Fitzer Drv**



Subclause 5 (c) meeting the requirements of Clause 6.12 of the scheme(Landscaping)

**The SLI demonstrates compliance with the requirements or an ability to comply is able to be made as it relates to works undertaken post the approval.**

Sub clause 5(d) Building to have an active frontage to Fitzer Drv that allows for the passive surveillance of the landscape buffer.

**The Master Plan enables passive surveillance of the landscape buffer**

Subclause 5(e) the landscape buffer discussed at paragraphs 5(a) and 5 (b) are to be constructed prior to the commencement of any development within Area A.

**This would occur**

- It calls for, in sub clause 10 a Master Plan to be prepared before development commences...

**A Master Plan has been previously approved the varied Master Plan as detailed above delivers the required landscape buffer and increases the size of this landscaped buffer open space. It can be deduced that amenity would be further preserved through this variation.**

- It calls for within subclause 11(c) the master plan to 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

**We refer to the responses herein. As detailed the varied Master Plan better achieves compliance with this provision than the approved Master Plan. This is in part related to the time period which has elapsed between original approval and current conditions. The proposed works to Fitzer Dr, remove conflicts with the ingress/egress points of the approved Master plan, improve road safety and reduce road speed.**

**These improvements and beneficial impacts to amenity occur through Stage 1 of the application and are complementary to works that CoD are undertaking to address the current unsafe pedestrian movements across Fitzer and Dickward Dr and planned signalisation of Fitzer Dr/Bagot Rd. The development as identified will also contribute to signalisation of The Dickward Dr/Fitzer Dr intersection with subsequent Stage 3.**

**The proposal as detailed in the SLI also delivers an integrated pedestrian network through the site and to surrounding paths. Upgrades to this pedestrian/active transport network are also delivered through development of the site.**

- for concept designs be prepared that illustrate the landscape treatments for Area A and B  
**An Updated SLI for Area A of the Master Plan has been provided addressing the variation to the approved Master Plan and addressing the Stage 1 application**
- It calls for within subclause 11(f) for the Master Plan to include drawings that show how the landscaping buffer and built form adjacent to Fitzer Dr will be designed  
**The updated varied Master Plan, Architectural details and SLI provide these details**

As illustrated and detailed in the reports the application has demonstrated that the master plan will provide for development that preserves the amenity of adjoining residential areas consistent with sub-clause 1 (a) of SD37 and other guiding provisions within SD37 and as would be consistent with that envisaged. The proposal addresses aspects which have led to actions/activities which have diminished amenity i.e. rat running, speeding, unsafe intersections etc.

- *As the application has not demonstrated the quality and extent of the proposed landscaping will be maintained for the life of the development, it does not meet the requirements of sub-clause 6.12.4 of the NT Planning Scheme 2007.*

Comment

The clause relates to approved landscaping / maintenance of approved landscaping.

Further detailed landscape plans would be prepared post approval including but not limited to quantities / species / irrigation / lighting/ hardscape etc that would deal with this post approval document/works.

Conditions of approval can secure this outcome and it is not unreasonable to assume compliance could be achieved/demonstrated. We do refer to C6 which does detail the landscape treatments sufficiently.

- *As development has not commenced and the lodged development application is not in accordance with a master plan endorsed by the consent authority, the application fails to meet the requirements of clauses 10 and 11 of SD 37.*

Comment

This issue is addressed within the applications submitted. As identified no lawful / approved development / landuse has commenced on site and the applications seek to vary the approved Master Plan to accommodate new current information, specifically regarding to and responding to traffic.

The application, varied Master Plan has been amended to and also respond those matters raised by CoD in regard to urban heat to and

All future development is to be as per SD37 assessed against the master plan. SD 37 and the 2007 scheme.

These do not preclude varying applications or the Master Plan.

- *As the application does not include a road network design that considers the full traffic impacts of the master plan, it does not meet the requirements of SD37 sub-clause 11.(c).*

Comment

The Master Plan does provide the indicative road layout. This as per responses above and also detailed in the TIA identify egress/ingress, delivers a low speed environment internally and externally and promotes safe pedestrian and active transport.

The proposal complies with SD 37 sub clause 11(c).

- *As the application includes a varied masterplan with two new accesses on Fitzer Drive and an unsatisfactory traffic impact assessment, it cannot reasonably be considered a valid application for the variation of a condition of the permit under Section 57 of the Planning Act.*

Comment

This aspect is addressed in the application and through the responses herein and TIA/TIA as amended.

As identified the site is approved for a retail commercial development and this is reflected in the approved Master Plan. The assessment now undertaken for development of / implementation of the development as contemplated

has been varied to account for current traffic conditions in the locality. The development must and cannot blindly ignore the planning scheme, existing site conditions and potential impacts from development.

As detailed the Master Plan is varied to accommodate these requirements which are clearly articulated and requirements for any development application under s46 of the Act, which CoD seek demand compliance with.

In respect to s57 of the Act and proposed variation this section is also addressed in the application. The assessment of the proposed variation, demonstrates the variation is not in conflict with either s57(c) or (d).

- *Due to the lack of supporting information in the application, City of Darwin cannot recommend permit conditions. However, we may be willing to review our response to application PA2025/0441, subject to the applicant:*

*Providing sufficient information to address all the above concerns, including but not limited to:*

- o *Provision of revised landscaping details, which commit to:*

- *Modular structural cells beneath paved surfaces for planting trees.*
- *Identification of all trees to be retained.*
- *Landscaping shown to be integrated with WSUD*
- *Using tree species that will grow to create significant shade (noting the currently proposed Cabbage palms in the landscaping plan do not provide much shade).*

- o *Provision of a schematic stormwater plan to the satisfaction of City of Darwin.*

- o *Provision of a hydrological investigation that assesses future flooding risk and uses rainfall intensities as per the Australian Rainfall and Runoff guidelines version 4.2 Climate Change Considerations chapter*

- o *Provision of revised traffic impact assessment to the satisfaction of City of Darwin that considers the:*

- *Full implications of the varied master plan and associated road upgrade requirements.*
- *The results of community engagement regarding the proposed road upgrades.*
- *The financial implications of implementing and maintaining the proposed road upgrades*

- o *A written commitment to enter into a Voluntary Planning Agreement (VPA) with City of Darwin to secure developer contributions for road upgrades. This commitment will then form part of the planning application and the VPA can be made a requirement of a condition precedent, should a permit be issued.*

- o *Provision of community feedback from nearby impacted residents obtained through a genuine community consultation program*

#### Comment

As detailed the development seeks to vary an approved Master Plan and deliver the first stage of the development consistent with the land uses contemplated under the specific SD37 provisions governing development of the site.

Council in its assessment seeks to assess the proposal anew and blind of previous approvals and agreements i.e. covenant for the Link Rd to which it has been party to.

Council in its assessment seeks to in various comments seek variations to the Master Plan and other comments seeks to prevent or preclude variations as proposed. As detailed the variation to the Master Plan is relatively minor however the changes materially result in improved amenity outcomes for the residents in the adjoining residential to the south as detailed herein and in the application. The proposal also delivers significant public benefit to these local residents as well as the broader community through, but not limited to, improved safety and efficiency to the road network, investment, jobs, addressing contamination and improved aesthetics.

Council has been engaged with in the development of the application and the proposal was amended /adjusted in response to new information provided by Council and council comments.

We consider Council is able to assess the application against the scheme, SD37 and the Planning Act and arrive at reasonable and relevant conditions.

No objection is raised to incorporating measures to improve landscape viability. The proposed use of cabbage palms as indicated in colonnade arrangement does provide shade. Council is able to condition alternate species. We note the palms have also been selected to address proximity to the airport flight path and not providing a more conducive environment for nesting.

As detailed the updated Master Plan, TIA and supporting documents are attached which address comments received from referral agencies and in response to submissions.

Council did raise proportionate contributions to the future upgrades at the Fitzer Dr / Dickward intersection which we have previously advised our client is not opposed to and we will continue to work collaboratively with Council. This agreement as noted relates to future stages of the Master Plan and thus can be addressed at a future junction.

As detailed in the submission there is no requirement for consultation other than the public notification process under the Act. As noted we have more widely broadcast the proposal and application than this through media outlets i.e. NT Times, engaged with elected representatives and over an extended period been engaged with referral agencies to arrive at a development proposal that can be supported.

- Agreeing for adequate time being allowed for Council to consider this development application, along with the additional information referred to above, at its next available Ordinary Council Meeting (the next meetings are on 27 January and 24 February 2026 - noting that our reporting deadline for the 27 January meeting is the first week of January and that it may take the applicant longer to provide the information requested).*

Comment

We consider sufficient information has been provided to CoD to arrive at reasonable and relevant conditions. Our client has commercial requirements and seeks to have the application determined by the DCA at their earliest convenience. We note our response to referral comments and timeframes for having the DCA assess our proposal would afford Council the ability to consider the application and arrive at reasonable and relevant conditions.

We will avail ourselves to assist in this process if required and continue to work with officers.

## Darwin International Airport

### Airport Development Group (ADG)

#### Objection to the Proposal

The Objection is based on airport safeguarding, namely: aircraft noise, aircraft safety, wildlife hazard, extraneous lighting, and building heights

#### **ADG's comment to Part 1: A variation to the existing development permit DP14/0831 to vary the lot and staging plan (i.e. condition 8 of the development permit).**

ADG acknowledges the developers intentions to further vary the lot and staging plan for the site to reflect the newly proposed amended master plan that is concurrently on exhibition

ADG reiterates its comments provided on the variation application in July 2025, that was similarly to vary the lot and staging plan:

- As the staging plans include development considerations such as subdivisions, drainage easements and a landscape buffer, ADG requests the extent of the Restricted Development Zone and Public Space Zone be shown, as well as the Land in Proximity to Airports overlay.

#### Comment

These matters have been considered and we note the proposal does not seek commercial or industrial use of the RD zoned land for any retail/commercial use. The staging plans it is considered do not require the information identified to be shown on a staging plan.

- *Noting that drainage easements on the broader site cross various stages (and sub-stages), it is imperative that stormwater management be appropriately designed and coordinated for the whole site prior to development to ensure no upstream impacts due to development being undertaken in a staged manner.*

#### Comment

We note the issue raised and the staging plans reference the relevant drainage easement occurring on the site. The staging plans do not necessarily authorise development.

Notwithstanding this, we do acknowledge the requirements to ensure all stormwater is appropriately managed, treated/detained to ensure no external adverse impacts on the surrounding properties and infrastructure. A detailed stormwater report would be prepared prior to any works i.e. change to ground levels and or use occurring on site, to demonstrate achievement of this requirement.

*ADG also notes from the 9 December 2025 briefing session that the proponent is likely to further subdivide these lots in the future. This reinforces the importance of appropriately documenting the above development considerations within the lot and staging plans, so they are addressed comprehensively and not in a fragmented, piecemeal fashion.*

Comment

Development of the site is not fragmented or piecemeal. As DAS is aware the approach to realising the sites zoning intent has been developed over multiple years and adapted, through variations to enable development to proceed. This staged approach to development on site and staging of lots has been accepted. This is reflected in the current approvals and covenant for the new connection road linking Bagot Rd with Dickward Drv.

The current staging, as articulated in the current submission, clearly illustrates how orderly development of the site is envisaged and infrastructure associated within this is delivered. This strategy and current application details what is proposed where it is situated in the site and sequencing of development. This strategy acknowledges constraints such as stormwater and the RD zoning and has accommodated these within the masterplan/specific development application and proposed lots/lease areas. As identified in the suite of applications submitted, that also cross reference, stormwater will be managed on site and within the lots, with detention structures within the RD zoned land. These will be delivered concurrent with development requirements and augmented as is/if necessary with the overall development of the site.

The principal objective and requirement, not to impact on external properties or infrastructure, is not altered or diminished by staged development and is not altered or diminished by changes to or variations in lot staging.

**1: Amended master plan must reflect current airport safeguarding information**

*The development site (bounded by Bagot Rd, Fitzer Dr, Dick Ward Dr, Totem Rd) is zoned a combination of Specific Use Zone SD37 and Zone RD (Restricted Development). The zone purpose for SD37 is described in the NT Planning Scheme as:*

- 1. The purpose of this zone is to provide for development that:*
  - a. Preserves the amenity of adjoining residential areas;*
  - b. Minimises the negative impacts of being exposed to aircraft noise; and*
  - c. Preserves the safety and maintains the curfew free operation of the Darwin International Airport.*

*Similarly, the zone purpose for Zone RD is to:*

***Restrict development within proximity to an airport or under a flight path to ensure unencumbered operation of an airport and the safety of people in the zone.***

*ADG understands from the Statement of Effect that the proposed amended master plan is a direct result of the updated Traffic Impact Assessment undertaken, addressing a 13-year time lag between the original assessment and the current assessment. The proponent has also taken the opportunity to apply more contemporary planning principles across the development site.*

*ADG observes that the amended master plan has been significantly updated in comparison to the original endorsed master plan. Considering the important airport safeguarding aspects of the two land use zones that cover the broader development site (as outlined above), ADG requests the amended master plan be further updated to incorporate the latest airport safeguarding planning controls for DIA.*

*These airport safeguarding measures are consistent with the National Airports Safeguarding Framework which the Northern Territory Government has committed to incorporating within the Territory's planning framework.*

Comment

The proposal has been designed to ensure it does not encumber or restrict operation of an airport and the safety of people in the zone. We note the airport is located on Commonwealth land and as such the Northern territory planning laws do not apply. As we have identified in previous submissions the airport is an active developer and has incorporated uses which are considered 'sensitive uses' within its holdings i.e. childcare centre.

These objections to development of the site, given the absence of NT Planning controls over the airport land, may be considered by some to be commercially motivated

We acknowledge and have identified within the suite of current applications, the site and development, is influenced by its proximity to the airport.

Importantly the site was assessed and zoned with specific development provisions associated to specifically zoned areas on the land and specifically a reduced range of land uses within the zoned areas. The original application and subsequent applications have had regard to the requirement for the unrestricted continuation of the airport. Specifically sensitive land uses and or operation/uses which may compromise the continued unrestricted operation of the airport have been explicitly prohibited from occurring in Areas A and B, noting effectively no uses are permitted in the RD.

The suite of applications submitted as noted does not seek to vary the provisions of SD37 or zoning nor seek to include sensitive land uses.

As also noted in the SD37 provisions, specifically point 9, buildings and lots are to demonstrate they can be constructed to comply with AS2021-2000'Acoustic – Aircraft noise intrusion – Building siting and construction, and any applicable height provisions set out in the Defence (Areas Control) Regulations 1989 now the Defence Regulation 2016.

In regard to these we acknowledge the buildings on site are predominately commercial in nature in Area A, with buildings to be either conditional or accepted, under the AS, based on their siting within the 25-35ANEF. For Area B the future buildings are conditional when assessed against the AS. The master plan has been based in the latest Darwin ANEF 2043 overlay.

With respect to height no buildings exceed 1 storey in height and do not encroach within the obstacle limitation surfaces(OLS) for the airport, which for the site would be any structure greater than 45m above surface level. The proposal does include buildings greater than 7.5m in height but is limited to architectural features/ rooflines for the built form and potentially signage. The maximum structure height of 10.9m has been referred under the 2016 regulation.

In regard to the other safeguarding measures in the Airport Master Plan, section 12 A- I, we acknowledge these and note the proposal has been designed to avoid safety hazards and airport operations. We provide a brief response on each safeguard measure identified in the National Airports Safeguard Framework (NASF) below;

A Noise - The proposal is compliant AS2021 and buildings are sited so as to achieve either accepted or conditional approvals.

B Windshear and Turbulence – The proposal is not within a mapped Windshear trigger assessment area

C Wildlife Hazard – The proposal is unlikely to increase the risk of bird strike. In respect to the use Areas A and B all waste areas will be enclosed to prevent nuisance and pest issues. We note the RD area is vegetated and prone to ponding/drainge. The proposal does not exacerbate this situation with all detention structures to be free draining i.e. dry detention basins. Additionally, removal of some vegetation associated with these structures and the containment cell may reduce nesting on site.

D Wind Turbines – The proposal does not contain or propose wind turbines.

E Lighting – The development areas are proposed to be illuminated /lit. The arrangement of lighting will be designed to not replicate or confuse on site lighting with that associated with the airport and runways lighting. Lighting shields and or directional controls would also be employed to avoid any direct glare. Lighting intensity will accord with the relevant provisions for Zones A – D on site for these specific zone areas.

F Airspace Protection - As noted no structures are extend into the OLS. It is unlikely and temporary structure would intrude into the OLS which is approximately 45m. As noted directional lighting and or hoods/shields would be employed to lighting to limit any intrusion into the OLS.

A separate application has been made to Defence, under the Regulation for those structures i.e. building architectural feature (roof) and potentially the signage that exceed 7.5m. These structures/features are a maximum of 10.9m in height.

No communication towers are proposed within the OLS.

The proposal may make a future application for solar panels within the RD land however this does not form part of the suite of applications lodged and will be assessed separately.

G Communication and Navigation – The proposal is unlikely to obstruct signals or effect signal refraction. As noted no structures intrude into the OLS.

H Helicopter Landings – the proposal is unlikely to impact the strategically important helicopter landing site designated at Royal Darwin Hospital.

I Public Safety – The site does include RD zoned land which aligns with the airport runway no commercial use is proposed for this land and the proposal is unlikely to alter public safety.

The Master plan as updated embodies the required safeguard measures and does not impact on the safety or operation of the airport.

***ADG's comment to Part 2: Potential future detention basin and solar farm in Zone RD***

*ADG understands (from the service authority briefing on 9 December 2025) that a potential detention basin and solar farm indicated in Zone RD within previous concept plans may still be considered in future development stages of the site.*

*Prior to the amended master plans approval, or as a condition of approval, ADG requests the proposed detention basin and solar farm be documented in the amended master plan.*

Comment

We note the current road and culverts under Dickward Dr does impound drainage within the RD zoned land and acts as a detention structure. Ponding adjacent to Dickward Drive currently occurs. The proposed locations of detention basins to service the development are subject to detailed design and are the result of earthworks and not a specific use. We do not see the identification on these within the master plan as necessary nor practical given the locations are determined through future applications.

In respect to the solar farm aspect this is not a use sought for approval its notation on the master plan may be considered presumptuous and misleading. As noted should a decision be made to include solar infrastructure in the RD area it would be a subsequent application and subject to further assessment.

***ADG's comments Part 3: A development application for Stage 1 of the development comprising shops, restaurants and a service station in 3 x 1 storey buildings***

*Building activities near DIA have the potential to create air safety hazards and seriously limit aircraft operations in and out of the airport. ADG considers potential developments on – and off airport against the National Airports Safeguarding Framework.*

*ADG provides the following comments in relation to the Stage 1 development application:*

**1. Location in relation to the airport**

*The development site lies approximately 2.35km from the aerodrome reference point and approximately 1,000meters from the end of the runway 11/29 (Runway 11 threshold)*

*The proposed Stage 1 development lies within the eastern portion of Zone SD37 Area A, adjacent to Bagot Rd. The extended centreline / flight path for Runway 11/29 crosses to the north of the development site, within the Restricted Development Zone*

Comment

Noted

## **2. Development context**

*ADG notes there is no consolidated development plan within the documentation package that shows the Stage 1 site within the context of the broader development site, particularly incorporating:*

- *The land use zones for the broader site (SD37, Zone RD, and adjacent Zone PS)*
- *The proposed east-west access road alignment*
- *The general arrangement of the Stage 1 development plan.*

*This makes it difficult for ADG to assess the Stage 1 development in relation to the broader site. The preparation of such a drawing would assist in demonstrating the Stage 1 development is to be located within SD37 Area A (with no inadvertent creep into Zone RD).*

*ADG requests this drawing be prepared as a condition of approval (should the application be approved).*

### Comment

The attached suite of applications /reports and plans as noted throughout the application align development (stage 1 application) to within Area A the SD 37 area. The SD37 area/boundary and that of the new road is reflected in the Master plan and subdivision lot plan.

The commercial development in Stage 1 does not encroach/creep into the RD zoned land as this would be prohibited.

The Stage 2 (2a) Lot 1 subdivision plan encompasses Stage 1 of the development and part of the new road that is located within the SD 37 area.

The Stage 2(2a) Lot 4 is the lot for the containment cell and this is wholly located in the RD zone.

Notwithstanding this we have generated the plan so as to more clearly illustrate what is detailed in the applications to address the matter raised.

## **3. Assessment against National Airports Safeguarding Framework (NASF)**

### Comment

A full review of the NASF has been provided above. We have also addressed the specific points or issues raised in the submission herein the repose to these points as well for completeness.

### *Guideline A – Managing impacts of aircraft noise (ANEF)*

*The Australian Noise Exposure Forecast (ANEF) is used in accordance with Australian*

*Standard AS2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction (AS2021) to guide land use planning and development consent decisions.*

*As DIA is a joint-user airport with RAAF Base Darwin, it is required to have a joint military–civil ANEF. The endorsed joint military–civil 2043 ANEF and associated noise metrics were developed to inform the preparation of the DIA 2023 Master Plan.*

*ADG offers the following comments in relation to the current joint military-civil 2043 ANEF:*

- *The Stage 1 development site lies almost entirely within the 30-35 ANEF contour.*
- *AS2021 Table 2.1 (Building site acceptability based on ANEF zones) states that siting of commercial buildings is ‘conditionally acceptable’ within the 25-35 ANEF contour.*

*For ‘conditionally acceptable’ sites, AS2021 provides guidelines for further assessment of proposed development to determine the extent of noise reduction required to provide acceptable noise levels indoors for the types of activity to be undertaken, and the type of building construction necessary to provide a given noise reduction, provided that external windows and doors are closed.*

*AS2021 is concerned with building siting and construction and associated indoor noise levels (with external windows and doors closed) – the Standard does not cover the acceptability of outdoor / external spaces (e.g. outdoor dining / cafés, pedestrian / forecourt areas, external loading areas). Due consideration should be given to the amenity of the proposed development for both the public (customers) and employees’ workplace health and safety in regard to exposure to aircraft noise.*

*ADG notes the Statement of Effect advises that the buildings will be constructed to comply with AS2021. ADG requests this be included as a condition of approval (should the application be approved).*

#### Comment

As detailed all buildings must comply with AS2021 and all buildings are appropriately situated for the specific type of land uses consistent with the AS and as reproduced in Table 13-2 of the airport Masterplan. We note a minor, post lodgement change to the layout in the Stage 1 Development Application specific to the entry / Service Station. The service station use is now outward facing to the new connecting road between Dickward Drv and Bagot Rd to further activate the new road frontage. Also not the ‘shopping centre’ building has also included additional glazing to the new road frontage as part of the activation and other built form changes to further articulate the façade.

Additional pedestrian connections and landscaping has also been provided and also shown to contribute to activation and a high amenity interface/setting.

Notwithstanding the above changes all buildings are sited and would be constructed to satisfy the AS requirements.

As per the previous response the contours and zoning with the layout is provided to illustrate the siting compliance.

With respect to the more general amenity and noise for employees and the public all indoor spaces would comply with the AS. Outdoor exposure is limited, to pathways and carparking resulting in infrequent use and over limited periods. The development has provided indoor dining options as well which address noise aspects but also provide higher comfort levels. We note the AS addresses the siting and construction of new buildings against aircraft noise intrusion and not outdoor spaces.

*Guideline A – Managing impacts of aircraft noise (N-contour system)*

*The N-contour system is a complementary aircraft noise metric that shows the potential number of aircraft noise events above a certain decibel on an average day. It is more explanatory than the ANEF system because it shows noise in a way that a person perceives it – as a number of single aircraft movement events per day above a certain noise level.*

Comment

The N-contours are a strategic planning tool for identified in the NASF typically utilised by airports to provide information in a form that is better understood by the public. These show how many times aircraft noise exceeds a certain decibel dB(A) level.

*The Stage 1 development site lies within the 50-100 and 100-200 events contour of the 2043 joint military–civil N70 chart:*

- The service station and the main commercial building (incorporating the supermarket, shops and two restaurants) lie within the 100-200 events contour, indicating that it will be subject to between 100-200 aircraft noise events above 70dB(A) on an average day in 2043.*

Comment

Noted. As above all buildings are sited in accordance with the AS and would be constructed to the AS standard. We also note these are average numbers across the day with the use i.e. shopping centre and restaurants not operating beyond standard business hours and thus subject to substantially less exceedances i.e. late evening/early morning flights.

Users of the service station and the main commercial building (incorporating the supermarket, shops and two restaurants) when indoors shopping, paying for fuel or dining would not experience significant aircraft noise due to construction code compliance.

- The standalone restaurant lies within the 50-100 events contour, indicating that it will be subject to between 50-100 aircraft noise events above 70dB(A) on an average day in 2043.*

Comment

Noted. As above all buildings are sited in accordance with the AS and would be constructed to the AS standard.

We also note these are average numbers across the day with the use i.e. restaurants not operating beyond standard business hours and thus subject to substantially less exceedances i.e. late evening/early morning flights.

Users of the standalone restaurant when dining would not experience significant aircraft noise due to construction code compliance.

*The 70-decibel measure is typically used as it will generally be experienced as a 60-decibel event inside a residence with the windows open. Sixty decibels is the sound level that will disturb a normal conversation or activities, such as watching television.*

*To be clear, the development site will experience significant aircraft noise on an average day.*

Comment

Noted. As above all buildings are sited in accordance with the AS and would be constructed to the AS standard. Users of the new development when indoors would not experience significant aircraft noise. Users of the new development when outdoors walking from parking areas to buildings are subject to short duration and infrequent noise and it is considered are unlikely to be disturbed.

Guideline B – Building-generated windshear and turbulence

*Building-induced windshear and turbulence can be a problem for aviation operations in cases where structures are situated close to airport runways. When a significant obstacle is located in the path of a crosswind to an operational runway, the wind flow will be diverted around and over the building and can cause the crosswind speed to vary along the runway.*

*The site lies outside the assessment footprints for building-generated windshear and turbulence, and as such no further windshear assessment is required.*

Comment

Noted.

Guideline C – Wildlife hazard management

*Surrounding land uses can have the potential to attract problem wildlife species to the airport, increasing the risk of strike incidences. Wildlife strikes and/or avoidance can cause major damage to aircraft and/or compromise aircraft safety.*

*The site lies within the defined wildlife management Area A (0-3km radii) for DIA. ADG notes the site's location adjacent to the flight path corridor associated with the main runway for the airport. There must be no site activity that attracts birds and wildlife that could create a hazard for aircraft operations.*

*ADG requests this be a condition of approval (should the application be approved).*

*Similarly, the proposed landscaping for the project should not increase the attractiveness of the site to bird/bat species or other wildlife management risk. ADG requests this be a condition of approval (should the application be approved).*

Comment

Noted as are the NASF Tabled risks, which are identified as Very Low – Low. As commented on earlier the development will be effectively managed to minimise any potential activities/actions that could create a hazard for aircraft operations. These include effective waste control, appropriate drainage and a general decrease in forage habitat for bats and birds.

Guideline E – Lighting in the vicinity of the airport

*It is important that lighting in the vicinity of airports is not configured or is of such a pattern that pilots could either be distracted or mistake such lighting as being ground lighting from the airport. The majority of the stage 1 development site is located within the defined light intensity control Zone B (50 cd maximum intensity of light sources measured as 3° above the horizontal). A small portion of the site (in the vicinity of the proposed standalone restaurant is located within the defined light intensity control Zone A (0 cd maximum intensity of light sources measured as 3° above the horizontal). Refer NASF Guideline E for further information.*

*The development's lighting must comply with Regulation 94 (Dangerous Lights) of the Civil Aviation Regulations 1988.*

*ADG requests a condition be included (should the application be approved) to ensure that lighting associated with the development will comply with the relevant regulations.*

Comment

Noted as detailed lighting would comply with the relevant regulations.

Guideline F – Safeguarding airspace

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

*ADG is currently assessing this proposal against the Obstacle Limitation Surfaces (OLS) and Procedures for Air Navigation – Operations (PANS–OPS) surfaces for Darwin International Airport. ADG will provide its assessment to Development Assessment Services in early January 2026.*

*In relation to crane operations:*

- While the building height of a proposed development may not intrude into the protected airspace, cranes used during construction may breach the protected airspace.*
- Crane operations in the vicinity of the airport have the potential to create air safety hazards and to seriously limit the airport's operations. For this reason, any cranes used during construction of the proposed development will be required by law to be assessed and approved under the Airports (Protection of Airspace) Regulations 1996.*

- *Crane Operations used during construction will require submission of separate crane application, subject to approval. ADG requests this be a condition of approval (should the application be approved).*

Comment

Noted and as discussed earlier the end use buildings do not intrude into the OLS and it is unlikely any crane would. Notwithstanding this construction activities will be undertaken to comply with the Airport Regulations 2016.

**4. Traffic Impact Assessment**

*ADG is cognisant of the impact the proposed commercial development and associated intersection upgrades could have on the surrounding road network, particularly connectivity and accessibility to DIA. ADG offers the following comments in relation to the revised Traffic Impact Assessment:*

- *Bagot Rd / Totem Rd / Osgood Dr intersection: ADG requests assurance from the NT Government that the proposed upgrade to the Bagot Rd / Fitzer Dr intersection will not inadvertently affect airport access at the Bagot Rd / Totem Rd / Osgood Dr intersection.*
- *Bagot Rd / Fitzer Dr intersection: ADG notes the Traffic Impact Assessment identifies that the signalisation of Bagot Rd and Fitzer Dr is required in Stage 1. ADG understands that the timing of the upgrade to this intersection is yet to be confirmed between the developer and NT Government. It is imperative that this intersection be upgraded prior to the Stage 1 development opening for trading. ADG requests this intersection upgrade be a condition of approval (should the application be approved).*
- *Dick Ward Dr / Fitzer Dr intersection: ADG supports the proposed upgrade to this intersection as outlined in the Traffic Impact Assessment and Statement of Effect. ADG notes this upgrade is likely to be undertaken by City of Darwin using Black Spot funding. ADG requests this be a condition of approval (should the application be approved).*
- *Totem Rd / Dick Ward Dr intersection: ADG notes the updated Traffic Impact Assessment identifies that later stages of the development may result in more direct impacts to the Dick Ward Dr / Totem Rd intersection, with future upgrades potentially required. ADG requests this intersection upgrade be reflected in the amended master plan, and captured as a condition of approval (should the application be approved).*
- *Vehicular access to Stage 1: ADG notes the main vehicular access to the Stage 1 development is proposed to be via two new access roads - one at Fitzer Dr, and the other at Bagot Rd (north of the Fitzer Dr intersection). ADG is concerned that the traffic volume utilising the Bagot Rd access road following completion of the Stage 1 development could impact on the functionality of the northbound lanes of Bagot Rd, particularly if future stages of development (and the corresponding road enhancements) are not realised in a timely manner.*

### Comment

We refer to the detailed Traffic Impact Assessment for the Master Plan and addressing Stage 1. This details the range of traffic conditions influencing the site in the local network. We have in preparing this TIA undertaken consultation with various key stakeholders including Department of Logistics and Infrastructure and City of Darwin.

- Bagot Rd / Totem Rd / Osgood Dr intersection has been evaluated in the network modelling. The proposal is unlikely to have any operational impacts on this intersection. The intersection was modelled utilising the upgraded signalised intersection. This with the signalised Fitzer Rd / Bagot upgrade enables phsing of lights to improve overall network efficiency.
- Bagot Rd / Fitzer Dr has been identified as requiring upgrades/signalised treatment. This is required to address safety and efficiency issues experienced at the intersection without the development. The upgrade improves the broader network and improves active transport and public transport in the locality. These upgrades it is understood are to be delivered by DLI and would be operational in 2027 coinciding with operation of the Stage 1 development. These works may, subject to agreement, be undertaken concurrently with the site frontage works to Bagot Rd undertaken by our client to achieve cost savings, reduce driver inconvenience and improve safety.
- Dick Ward Dr / Fitzer Dr works are as noted scheduled to be undertaken by City of Darwin in the new year under the Black Spot program.
- Totem Rd / Dick Ward Dr the current proposal contributes to through traffic volumes only, it is not considered reasonable for the Applicant to carry out works at this intersection. Subsequent stages / applications will evaluate any impacts to this intersection. As noted there are a number of upgrades noted through the development including the new connecting road between Bagot and Dickward Dr that influence the network making it more appropriate to evaluate these with the subsequent applications.
- Vehicular access to Stage 1 and the associated upgrades/changes in the network have been modelled. These demonstrate improved efficiency and safety in the network, for both vehicles, active transport users and pedestrians. The suite of works to be undertaken by the developer, DLI and CoD collectively deliver these efficiency and safety improvements.

### **5. Stormwater management**

*ADG understands detailed stormwater management solutions are still yet to be prepared for the site. ADG is concerned that the proponent may take a piecemeal approach to this, as and when development is realised, rather than a complete approach for the entire development site.*

*ADG reiterates its previous comments provided on the variation application in July 2025:*

- *The proposed development is downstream on the western side of the airport. ADG is concerned that the proposed development will create upstream impacts of the airport stormwater management system if stormwater management is not properly considered. ADG has previously requested*

*detailed hydrological modelling in order to determine appropriate stormwater management solutions for the proposed development which do not impact the airport. ADG again makes this request.*

Comment

We note the issue raised and as was originally detailed with the Master Plan stormwater is able to be effectively managed across the site. This includes existing easements servicing upstream catchments/stormwater networks. We note the legal point of discharge is at Dickward Dr at 2 locations. One is the constructed drain along Fitzer Dr. This is not altered by the development. The second and larger catchment, discharges under Dickward Dr within the site and within the RD zoned land.

The development of the site will be in accordance with accepted drainage requirements and controls. These ensure no worsening of upstream/downstream properties from development of the site. This is to be achieved through use of self draining dry detention structures principally within the RD zoned land. These dry basins are off line from the current drainage systems/lines enabling the current drainage patterns to operate unaltered by the development.

Importantly development of the site will not result in real property damage up or downstream and will be demonstrated with each stage of development at the relevant time.

Attached are the proposed draft bulk earthworks and stormwater drainage plans.

- *Noting that drainage easements on the broader site cross various stages, it is imperative that stormwater management be appropriately designed and coordinated for the whole site prior to development to ensure no upstream impacts due to development being undertaken in a staged manner.*

*ADG is also concerned that the land within Zone RD will be utilised for the entire stormwater management of the commercial development of Zone SD37 Area A and Area B, noting the developer has indicated the potential construction of one or more stormwater detention basins in Zone RD. Noting the Zone RD is located on the extended centreline of the main runway for the airport, wildlife hazard in this area is a significant concern for ADG as the potential for wildlife being attracted to the site risks the operations of the airport.*

*Therefore, ADG requests all stormwater management solutions to accommodate the development of SD37 Area A and Area B be located within the same SD37 land use zoning and not deferred to the Zone RD land. ADG requests this be included as a condition of approval (should the application be approved).*

Comment

The proposal has as noted demonstrated through these suite of applications the ability to deliver orderly development and infrastructure to service this. This includes the existing and resulting stormwater. The existing stormwater easements that traverse the site are preserved and are not being removed. The site engineering will

deliver a new stormwater network within the site to augment with that that exists around the site. This augmented system will include both continuation of the piped stormwater network as well as in instances open swales through the site.

The site has fixed legal points of discharge and these will be utilised as the site is progressively developed.

It is relevant to note Stage 1 is a small portion of the site and drainge from the balance stages would drain as these currently do and in there undeveloped state. This does not change or alter drainage and or flooding except, external to the Stage, except where, as determined to improve existing drainge or ponding. Through these other drainge works risks from water birds to the operation of aircraft is able to be potentially reduced.

Where drainge is altered with Stage 1, it will be as noted, augmented in a new stormwater drainge network on site that will discharge to either the 2 drainage catchments i.e. Fitzer open drain or the swales/culverts within the RD zone and ultimately under Dickward Dr.

As outlined in our briefing session with referral agencies the site is to be filled to improve drainge. This fill plan is attached. As is illustrated from the development fill plan drainge is to be principally directed to new underground drainge system. This stormwater network will;

1 Connect current easements/stormwater infrastructure and discharge into the existing legal points of discharge;

And/or

2 Discharge drainge to dry detention structures within the RD Zone. These dry basins are typically off line structures consisting of earth bunds around headwalls. A low flow from the basin is directed via pipes and overflow devices to the existing on site swales. Through this existing drainge is unaltered and does not result in any external i.e. upstream/downstream impact to properties or infrastructure. This is a common, simple and accepted engineering approach to drainge.

These dry detention basins also have the advantage of not creating additional habitat for waterbirds.

Through this approach to stormwater, we have demonstrated application of common engineering outcomes to adequately treat/detain stormwater so as not to impact on upstream/downstream properties or infrastructure. The drainge solutions and network to be employed augments current drainge and through design does not increase drainge issues or the potential for 'wildlife hazards'. As noted the approach does also potentially reduce the current hazard risk from wildlife through the proposed onsite drainage improvements.

As detailed above the issues and concerns raised have been addresses and or are related to future applications. The proposal is consistent with the planned development of the site as envisaged under the Planning Scheme and seeks to deliver a new master plan, varied subdivision and development application for the envisaged commercial/retail development of the site within the areas identified for development. This submission has not provided demonstrated that impacts from the development would be occasioned on the operation of the airport.

The responses provided illustrate the development is well planned with the strategic and statutory applications strongly aligning for orderly development and development which responds to its context and setting.

As outlined the proposed development is able to be delivered within impacting on the safety and operation of the Darwin International Airport. The proposals do deliver drainage solutions to address current 'wildlife hazards' and mitigate new impacts arising. As outlined the development has responded to changed locational influences and through new works and new coordinated transport infrastructure to improve the safety and efficiency of the surrounding road network. This is beneficial to road users, public and active transport, pedestrians and also the airport. We are as noted aware of the various regulations and guidelines for development adjacent to an airport and demonstrate compliance with these requirements/standards or the ability to achieve compliance through subsequent designs reporting post approval i.e. lighting

An assessment against the National Airports Safeguarding Framework (NASF) has also been undertaken. This illustrates again the proposal compliance with the various guidelines in the framework and or ability to demonstrate compliance through subsequent designs reporting post approval i.e. lighting

We note various conditions are sought to be applied to the applications with our comments below;

***Part 1: A variation to the existing development permit DP14/0831***

1. *ADG requests the proposed staging plans include the extent of the Restricted Development Zone and Public Space Zone, as well as the Land in Proximity to Airports overlay. ADG requests this be included as a condition of approval (should the application be approved).*

Comment

Plan provided.

2. *It is imperative that stormwater management be appropriately designed and coordinated for the whole site prior to development to ensure no upstream impacts due to development being undertaken in a staged manner. ADG requests this be included as a condition of approval (should the application be approved).*

Comment

A stormwater management plan is able to be conditioned with each stage of development noting no works are proposed with Stage 1 and thus not required for this stage.

***Part 2: A variation to the previously endorsed master plan for the site***

3. *ADG requests the amended master plan incorporate the latest airport safeguarding planning controls for DIA, reflecting the NT Government's commitment to incorporate the National Airports Safeguarding Framework within the Territory's planning framework. ADG requests this be included as a condition of approval (should the application be approved).*

Comment

The master plan proposal has demonstrated the NASF guideline has been met and or is capable of being satisfied. An assessment against the NASF is more relevant to the assessment of development applications where actual development is proposed and can be evaluated. It is a requirement for the subsequent development (land use) applications to be assessed against the NASF.

It is considered unnecessary to include a condition when the requirement under the regulations and the planning scheme for this consideration exists.

4. *ADG understands that a potential detention basin and solar farm indicated in Zone RD within previous concept plans may still be considered in future development stages of the site. ADG requests these elements be documented in the amended master plan as a condition of approval (should the application be approved).*

Comment

We note the current road and culverts under Dickward Dr does impound drainage within the RD zoned land and acts as a detention structure. Ponding adjacent to Dickward Drive currently occurs. The proposed locations of detention basins to service the development are subject to detailed design and are the result of earthworks and not a specific use. We do not see the identification on these within the master plan as necessary nor practical given the locations are determined through future applications.

In respect to the solar farm aspect this is not a use sought for approval its notation on the master plan may be considered presumptuous and misleading. As noted should a decision be made to include solar infrastructure in the RD area it would be a subsequent application and subject to further assessment.

***Part 3: A development application for 'Stage 1' of the development***

Development context

5. *ADG notes there is no detailed development plan within either the amended master plan or Stage 1 proposal that incorporates the land use zones for the broader site, the access road, the Stage 1 development plan. ADG request this drawing be prepared as a condition of approval (should the application be approved) to demonstrate there is no development scope creep from SD37 Area A into Zone RD.*

Comment

This plan is provided in the response.

*NASF Guideline A – Managing impacts of aircraft noise (ANEF and N70)*

6. *The proposed development will experience significant aircraft noise on an average day.*
7. *ADG notes the Statement of Effect advises that the buildings will be constructed to comply with AS2021. ADG requests this be included as a condition of approval (should the application be approved).*

8. The service station and the main commercial building (incorporating the supermarket, shops and two restaurants) lie within the 100-200 events contour of the N70 chart, indicating that it will be subject to between 100-200 aircraft noise events above 70dB(A) on an average day in 2043.

Comment

Points noted. An advisory note to comply with AS2021 and ANSF is not objected to.

NASF Guideline C – Wildlife hazard management

9. There must be no site activity that attracts birds and wildlife that could create a hazard for aircraft operations. ADG requests this be included as a condition of approval (should the application be approved).

10. The species selected for the proposed landscaping of the site must not increase the attractiveness of the site to bird/bat species or other wildlife management risk. ADG requests this be included as a condition of approval (should the application be approved).

Comment

Points noted.

The proposed requested conditions are not reasonable and not measurable against scheme provisions. Any imposition of a condition as proposed would be ultra vires.

As detailed in the response the site is used by birds and bats and a current risk or 'wildlife hazard' exists. The proposed use does reduce the hazard risk to ongoing operations as follows;

- The site is to be managed with waste appropriately stored/cleared
- The proposal removes site vegetation providing habitat
- The proposal removes vegetation from within the runway alignment
- The proposal rectifies drainage ponding and does not introduce new ponding
- An urban setting is created deterring waterbirds/bats
- Landscaping does not quantitatively provide/attract birds/bats from the current base condition
- Landscaping does not include fruit trees.

NASF Guideline E – Lighting in the vicinity of the airport

11. The majority of the Stage 1 development site is located within the defined light intensity control Zone B (50 cd maximum intensity of light sources measured as 3° above the horizontal). ADG requests a condition be included (should the application be approved) to ensure that lighting associated with the development will comply with the relevant regulations.

Comment

Point noted. A condition to demonstrate compliance with the regulation is not objected to.

N NASF Guideline F – Safeguarding airspace

12. *Cranes used during construction may breach the protected airspace. Crane operations used during construction will require submission of separate crane application, subject to approval.*

*ADG requests this be included as a condition of approval (should the application be approved). ASF Guideline F – Safeguarding airspace*

Comment

Points noted, the application does not seek such approval.

An advisory note to comply with NASF Guidelines is not objected to

Traffic Impact Assessment:

13. *ADG requests assurance from the NT Government that the proposed upgrade to the Bagot Rd / Fitzer Dr intersection will not inadvertently affect airport access at the Bagot Rd / Totem Rd / Osgood Dr intersection.*

Comment

Points noted

*14. It is imperative that the signalisation of the Bagot Rd / Fitzer Dr intersection be upgraded prior to the Stage 1 development opening for trading. ADG requests this be included as a condition of approval (should the application be approved).*

Comment

Points noted, a condition as worded is ultra vires as it relies upon third party.

We do not object to a similar condition that would limit access to Fitzer Drv until such time as the signalisation works are complete. This enables the use to commence and utilise the access it provides/constructs in any misalignment of opening and completion of the signalisation works.

*15. Similarly, the upgrade of the Dick Ward Dr / Fitzer Dr intersection must occur, whether it be by City of Darwin (as currently suggested via Black Spot funding) or by the developer. ADG requests this be included as a condition of approval (should the application be approved).*

Comment

Points noted, a condition as is worded or similar is not objected to.

*16. ADG supports the need to upgrade the Dick Ward Dr / Totem Rd intersection in future as a result of the increased traffic from the development (as identified in the updated Traffic impact Assessment). ADG requests this intersection upgrade be reflected in the amended master plan, and be included as a condition of approval (should the application be approved).*

Comment

Points noted, any condition needs to be final and certain. A condition relating to preparation of an updated TIA on a land use staged basis is not opposed.

*17. ADG is concerned that the traffic volumes utilising the new Bagot Rd access road (following the Stage 1 development) could impact on the functionality of the northbound lanes of Bagot Rd, particularly if future stages of development (and the corresponding road enhancements) are not realised in a timely manner.*

Comment

Points noted, as detailed improved safety and efficiency is delivered by the suite of works.

Stormwater management:

*18. It is imperative that stormwater management be appropriately designed and coordinated for the whole site prior to development (not just Stage 1) to ensure no upstream impacts due to development being undertaken in a staged manner. ADG requests this be included as a condition of approval (should the application be approved).*

Comment

Points noted. As detailed site works will occur on a staged basis across the site. Any condition needs to be final and certain and as detailed the location of detention structures and full scope of drainge improvements within the RD zone are yet to be finalised. This would be determined with detailed civil plans for the site and as development progresses on a staged basis. A standard condition relating to a Stormwater Management Plan and Sediment and Erosion Control Plan being provided prior to works commencing is not opposed.

*19. ADG requests all stormwater management solutions to accommodate the development of SD37 Area A and Area B be located within the same SD37 land use zoning and not deferred to the Zone RD land. ADG requests this be included as a condition of approval (should the application be approved).*

Comment

As detailed the legal point of discharge for the site is within the RD zone. There is no provision which would restrict the use of the RD for such drainge devices, particularly as the RD zone area functions for this purpose now.

The proposal does seek to remove the ponding which currently occurs within the RD zone and install dry detention structures. Collectively these drainge works would reduce the potential hazard/risk from wildlife i.e. birds and bats to aircraft.

Conclusion

As detailed the proposal demonstrates the delivery of planned development envisaged for the site under the Planning Scheme. The site is able to be developed as proposed and achieve relevant regulatory and guideline

requirements associated with development near an airport as detailed in the scheme, airport master plan and relevant AS2021 requirements and regulations. The proposal delivers improved drainage and traffic outcomes to the immediate locality that do not impact on the operation or safety of the airport.

**Telstra**

No comments received

**NBN Co**

No submissions received

**Department of Defence – Estate Planning**

No submissions received

**Land Development Unit – DLPE**

No submissions received

**Department of Health – Environmental Health**

No Medical Entomology objections to the proposed development.

Conditions listed, no objection to these is made, however any works are to be contained to the site.

### **Transport and Civil Infrastructure - DLI**

Department of Logistics and Infrastructure (DLI) has no objections in principle to the above mentioned development, subject to the following comments and requirements

No objections to the comments is raised

**Development Coordination, Land Resource Division-DLPE**

Comments noted and no object to proposed conditions

### **Transport-Strategy, Policy and Legislation - DLI**

Comments noted

The proposed Masterplan and TIA address issues raised in respect to circulation, active transport and pedestrian paths. The proposal and upgrades address the points raised

### **Land Development Unit - DLPE**

No comments received

**NBNCo**

No comments received