

13 June 2018

Reference: PA2018/0216 CR:hd

Ms Dawn Parkes  
Manager Urban Planning  
Department of Infrastructure, Planning & Logistics  
GPO Box 1680  
DARWIN NT 0801

Dear Ms Parkes

**Parcel Description:** Lot 10176, 10177, 10178, 10187 & 5220 - Town of Darwin  
41 & 2 Stokes Hill Road, 29 Esplanade & Kitchener Drive, Darwin City

**Proposed Development:** 237 room motel in a 9 storey building plus one basement level of car parking; 24 x 3 bedroom multiple dwellings in a 7 storey building plus one basement level of car parking; and a sky walk

Thank you for the development application referred to this office 24 May 2018, concerning the above. This letter may be placed before City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

City of Darwin acknowledges that this application is not within the City of Darwin municipality. However, the following issues are raised for consideration by the Authority:

i). **City of Darwin supports the granting of a development permit, provided the following matters are adequately addressed:**

**Public Foreshore walkway**

- a). The proposed public foreshore walkway in front of the hotel and multiple dwelling development is designed to incorporate a height separation and solid concrete structure between the pedestrian foreshore walkway and the proposed adjoining land uses, which would result in a 2 metre

high solid wall at the pedestrian walkway level. The concrete structure also includes alcoves and seating structures.

Concern is raised about the lack of passive surveillance between the proposed land uses and adjoining public foreshore walkway. The principles of Crime Prevention through Environmental Design and the Northern Territory Governments Community Safety Design Guide should be considered in the design of any public spaces and in this case a solid 2 metre high barrier, which the applicant has indicated has a dual function as a wave suppressor, will block views directly to the walkway.

The Northern Territory Planning Scheme Clause 14.1.1 objective 4 states that the Darwin Waterfront should 'provide a safe, secure and equitable built environment and public domain'

It is requested that the design of the public foreshore walkway be reconsidered to include passive surveillance measures such as; a reduced height variation between the walkway and the hotel, with wave suppressing design incorporated below the walkway; open fencing between the walkway and adjoining uses and/or connections to/from the walkway and the hotel.

- b). Passive surveillance along the walkway could also be increased through the incorporation of public recreation facilities such as a fishing platform along the walkway. This would be aligned with the Darwin City Waterfront Planning Principles and Area Plan, which nominates much wider publically accessible areas in this location.

#### **Connectivity**

- c). Plans submitted with the application appear to indicate that pedestrian walkways will be provided between the foreshore and the proposed hotel and residential developments but that there will be only a narrow footpath linking to the existing walkway that circles around the front of areas already developed at the Waterfront.

A sufficient footpath width should be provided within the proposed road reserve to link the proposed public foreshore walkway with existing walkways in the area.

The Northern Territory Planning Scheme Clause 14.1.1 objective 4 states that the Darwin Waterfront should "Provide a safe, secure and equitable built environment and public domain that includes:

- a) A legible street structure which connects with the adjacent street network...

- d) Pedestrian and cycle paths which are well connected to existing adjacent routes;”

The Statement of Effect acknowledges that the Darwin City Centre Masterplan envisages “a design rationale to link the green (vegetation) and blue (water) networks ... (and) assist in achieving the city recreation loop.” It also considers Goyder Park to be “an important node within the pedestrian circulation hub to enhance connections between the Darwin Waterfront, Jervois Park, the Esplanade and the CBD.”

Connectivity can also be enhanced through an emphasis on legibility, sightlines, wayfinding signage and the overall quality of the pedestrian environment.

City of Darwin requests that clear and equitable access through the site be provided for pedestrians, in accordance with the Darwin City Waterfront Planning Principles and Area Plan and the Darwin City Centre Master Plan.

#### **Sky walk**

- d). The proposed skywalk will link land within the Darwin Waterfront area to land within the Darwin Municipality. Separate approval will be required for all works within City of Darwin land.

#### **Heritage impacts and amenity**

- e). Darwin City Centre Waterfront Planning Principles and Area Plan require development to ‘respect items of significance and their setting.’ The proposed skywalk will be located near declared heritage items, including Government House; the WWII Naval Oil Tunnels; and Hughes Avenue. In this regard, concern is raised in relation to the proposed alignment of the skywalk along Hughes Avenue. This alignment will be within close proximity to several significant trees located along Kitchener Drive and will pass over the Government House allotment and continue up the Hughes Avenue alignment, within close proximity to the main buildings at Government House, including the private areas of the residence.

While City of Darwin supports increased connectivity from the City Centre to the Waterfront and it is understood that there are considerable constraints in this location, it is requested that further consideration be given to realigning the proposed skywalk to a location further away from Government House.

### **Traffic**

- f). The alignment of the Skywalk proposes to close off one traffic lane along Hughes Avenue, reducing the vehicular traffic to one-way down Hughes Avenue only. This will have implications for vehicular, pedestrian and cyclist traffic in the immediate area.

The two week public exhibition period for this application is insufficient for City of Darwin to fully assess the Traffic Impact Assessment provided with the application. City of Darwin requests that any development permit issued include a condition requiring that a Traffic Impact Assessment be provided to the satisfaction of City of Darwin. In addition to standard requirements, this will also include:

- details of pedestrian safety at the termination of the skywalk, along the Esplanade, including any recommended treatments for pedestrian crossing;
  - further details of how the changes to the traffic lane on Hughes Avenue will fully integrate improved pedestrian and cyclist infrastructure, including any buffer between the cycle lane and vehicular traffic; and
  - the turning paths Hughes Avenue/Esplanade intersection and the effects of the development on the following intersections:
    - Hughes / Esplanade
    - Bennett / Cavenagh
    - McMinn / TBD (NTG).
- g). The proposed development will remove the general car parking area located in front of the adjacent port uses, including the cruise ship terminal. Sufficient space should be maintained in the area for taxis and general public pick-up/drop-off in association with the cruise ships and other port uses.

### **Heights and View lines**

- h). The proposed hotel is indicated in the elevations as having a height up to 39.9 metres Australian Height Datum (AHD), including the servicing areas on the roof. The ground level where Government House sits is approximately 26 metres AHD. It is unclear in the application whether the proposed hotel will interrupt significant views from Government House or the city plateau in general.

The Darwin City Waterfront Planning Principles and Area Plan require any development to preserve ‘...nominated key views from Government House to the water and wharves.’

The Darwin City Waterfront Planning Principles and Area Plan also require development to be generally (sited) below the level of the vegetated escarpment. It is unclear from the application whether the finished development will be visible from above the escarpment, once completed.

#### **Sensitive land uses and noise impacts**

- i). The proposed land uses may both impact and be impacted upon by existing surrounding land uses. The Darwin City Waterfront Planning Principles require that noise sensitive uses locate themselves away from potential noise sources. The proposed 24 unit multiple dwelling complex is proposed adjacent the existing port facilities, which may have the potential to cause noise related conflicts.

The outdoor pool and ceremonial areas also have the potential to impact the existing Deck Chair Cinema operations, which rely on relative quiet to function.

- ii). **City of Darwin requests that should a development permit be issued, that the following be provided as conditions precedent:**
  - a). **A dilapidation report covering infrastructure within the road reserve to the satisfaction of City of Darwin at no cost to Council.**
  - b). **All awnings and canopies over City of Darwin road reserves must be designed in accordance with City of Darwin Policy No. 037 – awnings, Balconies and Verandahs on Council Property and are subject to the approval of City of Darwin.**
  - c). **Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval by Council is required for any element (separate to awnings) that is designed to be constructed or installed over City of Darwin road reserve.**
  - d). **City of Darwin requests that the Authority require a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to City of Darwin's stormwater drainage system.** The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged underground to City of Darwin's drainage network.
    - 1). The plan shall include details of site levels and City of Darwin's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to City of Darwin's system.

- 2). City of Darwin requires a stormwater drainage plan to confirm that it is technically feasible to collect stormwater on the site and dispose of it into City of Darwin's stormwater drainage system. It is also necessary to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

#### **Site Construction**

- e). **City of Darwin requests that an Environmental and Construction Management Plan (ECMP) be required.**

The ECMP should specifically address the following:

- waste management,
- traffic control,
- haulage routes,
- storm water drainage,
- use of City of Darwin land, and
- how this land will be managed during the construction phase;

to the satisfaction of City of Darwin.

**Note:** Sediment control measures are to be established and maintained, to prevent silt and sediment escaping the site or producing erosion.

Building rubbish or debris must not be placed, or be permitted to be placed, on any adjoining public reserve, footway, road or private land, without first obtaining a works approval from City of Darwin.

#### **Traffic**

- f). City of Darwin requires a comprehensive **Traffic Impact Assessment Report**, to be prepared by a suitably qualified traffic engineer in accordance with the Austroads Document Guide to Traffic Management Part 12: Traffic Impacts of Developments, in the report structure provided as Appendix C of that document, with particular attention to vehicular, pedestrian, cyclist and public transport issues and opportunities.

The report should identify any necessary upgrades to the surrounding street network as a result of the implications of the development. The developer will be required to institute all required upgrade measures resulting from the traffic assessment at no cost to City of Darwin.



- iii). **Should the above issues be adequately addressed, City of Darwin offers the following comments:**

City of Darwin comments on issues for which it is the sole responsible authority, under the *Local Government Act* and associated By-Laws:-

**Street Trees, Verge Plantings and Footpaths**

- a). The proposal includes plantings, new concrete footpaths and other works within City of Darwin verges, along the Esplanade. Verge plantings, footpaths and all other works are required to be upgraded in accordance with City of Darwin policies and are subject to a separate approval from City of Darwin. City of Darwin requests that the applicant first seek all required approvals from City of Darwin for any proposed works within the road reserve.

**Protection of Street Trees**

- b). All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of City of Darwin.

A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development, in accordance with Australian Standards - AS 4970-2009 Protection of Trees on Development Sites.

Copies of AS 4970-2009 Protection of Trees on Development Sites can be obtained from the Australian Standards web site.

Should this application be approved, the following conditions pursuant to the *Planning Act* and City of Darwin's responsibilities under the *Local Government Act* are also recommended for inclusion in the development permit issued by the Development Consent Authority.

- Designs and specifications for landscaping of the road verges adjacent to the development shall be submitted for approval by City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.
- Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and cycleways shall be provided, stormwater shall be collected and discharged into City of Darwin's drainage network, and reinstatement works carried out, all of which is to be provided at the applicant's expense and to the requirements and satisfaction of City of Darwin.

- Sight lines shall be provided at crossovers to public streets, to the satisfaction of City of Darwin.
- All developments on/or adjacent to any easements on-site, in favour of City of Darwin shall be carried out to the requirements and satisfaction of City of Darwin.
- Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.
- Any proposed awnings at the site shall be subject to City of Darwin Policy Number 37 - Awnings, Balconies and Verandahs on Council Property.
- Any proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.
- Any proposed stormwater connections to City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.

City of Darwin considers it prudent to ensure the developer provide public assets constructed to City of Darwin's minimum standards to ensure that any future transfer of ownership would conform with Council's standards and may simplify such a process.

In considering this application, the Development Consent Authority is requested to take into account any implications of the *Disability Discrimination Act* (Cth) or the *Anti-Discrimination Act* (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0528.

Yours faithfully



**CINDY ROBSON**  
**MANAGER CITY PLANNING**