

ENCL: YES

DARWIN CITY COUNCIL

DATE: 22/10/2009

REPORT

TO: TOWN PLANNING COMMITTEE MEETING
/OPEN B

APPROVED: PL

FROM: GENERAL MANAGER INFRASTRUCTURE

APPROVED: LC

REPORT NO: 09TS0194 PL:lm

COMMON NO: 1667849

SUBJECT: DEVELOPMENT APPLICATION
LOT 6470 (100) ESPLANADE DARWIN CITY TOWN OF DARWIN
PROPOSED DEVELOPMENT - 21X1 54X2 AND 36X3 BEDROOM
MULTIPLE DWELLING AND SHOP IN A 14 STOREY BUILDING
INCLUDING 2 LEVELS OF BASEMENT CAR PARKING AND CAR
PARKING AT GROUND LEVEL AND LEVELS 1 AND 2

ITEM NO:

SYNOPSIS:

A Development Application for Lot 6470 (100) Esplanade, Darwin City has been referred to Council for comment pursuant to Section 48 of the Planning Act. The following report addresses relevant Council issues and recommends that Council endorse comments provided to the Development Consent Authority by staff.

GENERAL:

Applicant: June D'Rozario & Associates Pty Ltd

Zone: CB (Central Business)

Area: 6,720m²

Proposal:

The proposal is to construct a residential building on the existing surface car park, adjacent to the Novotel at Lot 6470 (100) Esplanade, Darwin City. Car parking for the Novotel will be replaced in the new building. The Development Application of the proposal is included at **Attachment B**.

The proposed residential building will contain 111 multiple dwellings and a small shop (37m²) in a 14 storey building including 2 basement car parking levels. The multiple dwellings will range in size from 1 bedroom to 3 bedroom units, as follows:

	1-bedroom	2-bedroom	3-bedroom	Total
Level 2	3			3
Levels 3-11	18	54	36	108
Totals	21	54	36	111

The proposal includes 284 car parking bays (Including car parking for the Novotel) in 5 parking levels. The parking levels will include 2 basement levels and parking at ground level and at levels 1 and 2. The existing car parking court adjacent to Peel Street will be reconfigured and will be continued to be used for car parking.

History:

Development Permit DV2118, dated 18 March 1986, approved the existing development on the site. Amendments to the original approval were authorised by permits issued in 1987.

DP95/0065, dated 7 February 1995, approved the development of an additional 112 visitor accommodation suites in an 8-storey building in the location of the surface car park. This development did not proceed.

Site And Surrounds:

The site is a regular shaped land parcel of approximately 6,720m², with a boundary to the Esplanade of approximately 100m and a boundary to Peel Street of approximately 59m.

There is an electricity supply easement on the Peel Street boundary of the site.

The site faces Bicentennial Park and has views over Darwin Harbour.

Northern Territory Planning Scheme:

The proposal is for a residential use, with small shop, within Zone CB (Central Business). Multiple dwellings and shops are discretionary land uses under the Planning Scheme, subject to meeting the requirements of the following development criteria:

Clause	Requirement	Comment
Clause 6.3 - Building Heights in Central Darwin – refer to IDCO 18	The construction of a building or structure of a height exceeding 36 metres above ground level is prohibited in this location.	Complies – Above ground building height measures < 36m on plans (applicant's measurement is 35.6m).
Clause 6.5.1 Parking Requirements	Refer to car parking assessment table below	Complies - 310 bays required and 310 bays provided.
Clause 6.5.3 Parking Layout	Car parking bays at the end of driveways should extend 1.0m beyond the last bay.	The applicant has advised that the end bays are opposite access ramps which will provide a reverse area for the vehicle.

Clause 6.6 Loading Bays	A loading bay of minimum dimensions 3.5m (w) & 7.5m (l) is required for the motel on the site.	Does not comply - The reconfigured Novotel car parking court does not appear to include a loading bay of the required dimensions.
Clause 7.5 Private Open Space	12m ² with minimum dimensions of 2.8m x 4m for each dwelling without direct ground level access	All apartments appear to have balconies of 12m ² or greater. However, minimum dimensions are not met for middle unit on level 2, and front (side) 3-bed units on levels 3 to 11.
Clause 7.6 Communal Open Space	15% of site not being less than 6m wide at any point	Does not comply – no communal open space is provided. Site is directly opposite Bicentennial Park.
Clauses 7.8 and 8.2 Building Design	Purpose of clause is to promote site-responsive designs.	Elevation plans provided to display design features of building.

Car Parking Assessment

Use	Car Parking Requirement	No. Units / Floor Area*	Total Required
Proposed Multiple Dwellings	2 per unit	111 total	222.00
Proposed Shop	3 per 100m ² net area	37m ²	1.11
Existing Motel Suites	0.4 per guest suite	140 suites	56.00
Existing Motel Ground Floor Areas & Offices	3 per 100m ² net area	1,015m ²	30.50
Total			309.61 (310)

* Floor areas provided by applicant

Disability Discrimination Legislation:

Disability Discrimination Act issues are addressed under the Building Act requirements. Council places a statement of support for equal opportunity on all responses.

Council Issues:

Crossovers and Driveways

The site has 4 existing vehicle crossovers and driveways from the Esplanade and 1 from Peel Street. The 4 Esplanade crossovers give access to the existing surface car park and the motel Porte Cochere. The Peel Street crossover is to the existing parking court and loading bay. It is proposed that the number of crossovers and driveways will be maintained, but with the 2 accesses to the existing surface car park modified to provide an entry and exit to the Porte Cochere proposed for the new building.

Footpath / Verge:

Council to request that the Authority requires the applicant to provide a footpath and landscape plan for the Esplanade and Peel Street road reserves. The footpath and pedestrian crossings across the proposed 'Porte Cochere' entry and exit lanes and the Novotel 'Porte Cochere' entry and exit lanes should be designed to ensure pedestrian safety. No trees or shrubs should be planted on Council's verge that would obscure driver sightlines when exiting either 'Porte Cochere' or the Peel Street exit.

The proposed development should support the objectives of Council's Central Darwin Streetscape Strategy (2006).

Traffic Impact Study

A traffic impact study has been prepared for the proposed development by 'i3 Consultants' of Western Australia. The traffic impact study covers 3 main areas as follows:

- Traffic impact of the development.
- Access to the development.
- Parking impact of the development

The report outlines that the proposed residential building is likely to generate between 50 and 90 trips during the morning and afternoon peak hours, whereas the current car parking use of the site generates between 24 and 30 trips during these same hours. The conclusion is that *"...the impact of the development is not considered to be significant enough to cause the adjacent roads to be forced into performing a function of higher road classification."* The recommendation is made however, that Council review the pedestrian data within the traffic impact report to determine the need for additional informal or formal pedestrian crossing facilities on the Esplanade. This is because pedestrian numbers crossing the road and driveway accesses are considered to be high and that there is a concern with the level of pedestrian / vehicle conflict within the locality (refer to pages 56 & 57 of traffic impact report).

Stormwater Drainage:

Proposals for on-site stormwater collection and discharge underground to street stormwater mains have not been included on the development application plans. Stormwater plans to be requested from applicant.

Council also requests that the Authority places a condition on any Development Permit issued regarding developer contributions for stormwater drainage. Developer Contribution Plans for Stormwater Drainage Works were gazetted by Council in 2007. Contribution Plan CP2006/02D – Darwin Zone E covers the site.

Easements:

There are no Council easements shown on the applicant's plans.

Awnings:

The applicant's plans include an approximate 3.0 metre wide awning over the Council's Esplanade road reserve as part of the 'Porte Cochere' structure for the proposed residential building. There is no footpath awning shown for the Novotel 'Porte Cochere'. Council's standard awning condition is requested on any development permit issued.

Waste Bin Storage:

The waste management and waste collection services for proposed development appear to meet Council's requirements. The development application plans (ref: Jackman Gooden Architects - 2866-SK04 Ground Floor Plan) include a waste bin room (approximately 5m (length) by 3m (width) and a waste chute extending from the waste bin room to the 11th floor of the building. The applicant has also provided a Preliminary Garbage Truck Turning Path Plan (ref: Byrne Design and Drafting - 1114_SK2).

FINANCIAL IMPLICATIONS:

Not Assessed.

STRATEGIC PLAN IMPLICATIONS:

The issues addressed in this Report are in accordance with the following Goals/Strategies of the Darwin City Council 2008 – 2012 as outlined in the 'Evolving Darwin Strategic Directions: Towards 2020 and Beyond':-

Goal

1 Achieve Effective Partnerships and Engage in Collaborative Relationships

Outcome

1.1 Improve relations with all levels of Government

Key Strategies

1.1.4 Play a strategic role in the planning and developmental processes that impact Darwin

1.1.5 Influence Government and developers to develop sustainable projects which reflect Darwin's lifestyle

Goal

1 Achieve Effective Partnerships and Engage in Collaborative Relationships

Outcome

1.2 Effectively engage with community

Key Strategies

1.2.1 Increase involvement of the Business Community for developing solutions to local issues

Goal

2 Enhance Darwin's Active, Positive and Flexible Lifestyle

Outcome

2.1 Improve urban enhancement around Darwin

LEGAL IMPLICATIONS:

This item is not considered "Confidential".

PUBLIC RELATIONS IMPLICATIONS:

Not Assessed.

COMMUNITY SAFETY IMPLICATIONS:

Not Assessed.

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INCLUDING 2 LEVELS OF BASEMENT CAR PARKING AND CAR
PARKING AT GROUND LEVEL AND LEVELS 1 AND 2

DELEGATION:

To the Chief Executive Officer to provide standard Development Permit conditions as appropriate.

CONSULTATION:

Through the Development Application statutory process.

PROPOSED PUBLIC CONSULTATION PROCESS:

Nil

APPROPRIATE SIGNAGE:

Not Applicable.

RECOMMENDATIONS:

- A. THAT Report Number 09TS0194 entitled Proposed Development - 21x1, 54x2 And 36x3 Bedroom Multiple Dwelling and Shop in a 14 Storey Building including 2 Levels of Basement Car Parking and Car Parking at Ground Level and Levels 1 And 2, be received and noted.
- B. THAT Council endorse the letter to the Development Consent Authority in **Attachment A** to Report Number 09TS0194PL:lm be endorsed.

PETER LINDWALL
STRATEGIC TOWN PLANNER

LUCCIO CERCARELLI
GENERAL MANAGER INFRASTRUCTURE

Any queries on this report can be directed to Peter Lindwall on 8930 0528 or email p.lindwall@darwin.nt.gov.au

23 October 2009

Mr Doug Lesh
Manager Urban Planning
Development Assessment Services
Department of Planning and Infrastructure
GPO Box 1680
DARWIN NT 0801

Dear Mr Lesh

**Lot 6470 (100) Esplanade, Darwin City Town Of Darwin
Proposed Development - 21x1, 54x2 and 36x3 Bedroom Multiple Dwellings and
Shop in a 14 Storey Building including 2 Levels of Basement Car Parking and
Car Parking at Ground Level and Levels 1 and 2**

Thank you for the Development Application referred to this office on 8 October 2009, concerning the above. This letter may be placed before Council's Town Planning Committee at its next meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

- i). **While Council supports in principle the granting of a Development Permit for this type of use, Council cannot support this application until the following issues are adequately addressed:**
 - a). **Council requests the Authority requires the applicant to provide an amended Site Plan which includes a loading bay for the Novotel building.** Clause 6.6 of the Planning Scheme requires on-site provision of a loading bay of minimum dimensions 7.5m (length) by 3.5m (width) for a motel and no loading bay is shown on the submitted plans. The 'Traffic Impact Study' prepared by 'i3 Consultants' advises that the parking area to the rear of the Novotel, accessed from Peel Street is intended for the Novotel's servicing and staff vehicles. The site plan (ref: 2866-SK01), prepared by Jackman Gooden Architects however, does not include a loading or service bay within the Peel Street parking area. The plan shows 23 car parking spaces of dimensions 5.5m (length) by 2.5m (width) and 2 larger bays of approximately 7.5m (length) by 3m (width). All of the 25 bays are required to meet the minimum Planning Scheme car parking requirements for both the Novotel and proposed residential building on the site.

- b). **Council requests the Authority requires the applicant to provide a plan for the proposed footpath and landscaping works within Council's Esplanade and Peel Street road reserves.** There is no footpath or landscaping works to the Esplanade or Peel Street shown on the development application plans.

1). The footpath and pedestrian crossings across the 'Porte Cochere' entry and exit lanes for both the proposed residential building and the Novotel should be designed to ensure pedestrian safety. The 'Traffic Impact Study' (refer page 56) prepared by 'i3 Consultants', sets out a concern with "...the current level of pedestrian / vehicle conflict, and the forecast increase, for pedestrian crossing movements on Esplanade." Whilst the consultant is recommending that consideration is given to additional pedestrian crossing facilities from the Bicentennial Park side of the Esplanade to the City side, there also needs to be awareness of the safety of the pedestrians using the footpath on the City side of the street. The consultant has stated on page 24 of the Traffic Impact Study that pedestrian numbers crossing roads and driveways in the locality is considered to be high.

- 2). Council also requests that a condition is placed upon any development permit issued regarding driver sightlines for the Esplanade and Peel Street vehicle driveways and crossovers, as follows:

"Sight lines shall be provided at crossovers to public streets to the satisfaction of the General Manager of Infrastructure, Darwin City Council. No wall, fence, tree or shrub shall be constructed or planted in front of the sight line".

- c). **Council requests the Authority requires a schematic plan to demonstrate how stormwater will be collected on the site and discharged underground to Council's stormwater drainage system.** The drainage plan should include details of finished site levels and Council's stormwater drain connection point/s within the vicinity of the site. Council requires a stormwater drainage plan to confirm that it is technically feasible to collect stormwater on the site and dispose of it into Council's stormwater drainage system. It is also necessary to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

- ii). **Should the above issues be adequately addressed, Council offers the following comments:**

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

- a). **Council requests that the Authority places a condition on any Development Permit issued regarding developer contributions for stormwater drainage as follows:**

"Pursuant to Part 6 - Developer Contributions of the NT Planning Act, a monetary contribution shall be paid to Darwin City Council in accordance with Council's Developer Contribution Plans for Stormwater Drainage Works."

Contribution Plans CP2006/02D – Darwin Zone E covers Lot 6470 (100) Esplanade. A copy of the contribution plan may be viewed on Council's website or by contacting Council's Strategic Town Planner, Peter Lindwall, on telephone number 8930 0528.

- b). **Council requests the Authority includes the following note on any development permit issued which demonstrates an awning over Council's road reserve:**

"Notwithstanding the approved plans, any proposed awning is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the General Manager of Infrastructure, Darwin City Council and at no cost to Council."

The applicant's site plan and elevation plans include an approximate 3.0 metre awning over the Council's Esplanade road reserve as part of the 'Porte Cochere' structure for the proposed residential building.

- c). **The proposed crossovers and driveways for the Porte Cochere appear to meet Council requirements.** The applicant's Site Plan (ref: 2866-SK01), prepared by Jackman Gooden Architects, shows a 7m vehicle 'entry' driveway / crossover to the Porte Cochere from Esplanade and 7m vehicle 'exit' crossover / driveway to the Esplanade. However, the applicant will be required by Council to relocate any on-street car parking bays or motorcycle bays affected by the new vehicle access arrangements.

It is understood that the existing vehicle accesses to the Novotel Porte Cochere on the Esplanade and the car parking court on Peel Street will remain unchanged.

- d). **The waste management and waste collection services for proposed development appear to meet Council's requirements.** The development application plans (ref: Jackman Gooden Architects - 2866-SK04 Ground Floor Plan) include a waste bin enclosure (approximately 5m (length) by 3m (width) and a waste chute extending to the 11th floor of the building. The applicant has also provided a Preliminary Garbage Truck Turning Path Plan (ref: Byrne Design and Drafting - 1114_SK2).

- e). Council notes that the site plan (ref: 2866-SK01), prepared by Jackman Gooden Architects, has a notation for 'new coach parks' for the Novotel within the Peel Street parking court, but does not indicate on the plan where these will be located. With the exception of the Porte Cochere area, there does not appear to be a location on the Novotel site of sufficient dimensions for bus / coach parking. The Byrne Design and Drafting Coach Turning Path plan (ref: 1114_SK2) indicates that a standard bus / coach is 14.5m (length) by 2.5m (width).
- f). The traffic impact report prepared by 'i3 Consultants' states that the inclusion of a Porte Cochere in the proposal is an improvement on the traffic access into the existing car park. The design of the Porte Cochere is such that it allows vehicles to move in a one-way in and one-way out movement and provides good sight lines to the footpath and pedestrian traffic.

Should this application be approved, the following conditions pursuant to the Planning Act and Council'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 property shall be submitted for approval by the General Manager of Infrastructure, Darwin City Council, and all approved works constructed to Council's requirements at the applicant's expense.
- The location, design and specifications for proposed and affected crossovers shall be provided to the satisfaction of the General Manager of Infrastructure, Darwin City Council and at no cost to Council.
- 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 Council's drainage network, and reinstatement works carried out, all to the requirements and satisfaction of the General Manager of Infrastructure, Darwin City Council and at no cost to Council.
- Sight lines shall be provided at crossovers to public streets to the satisfaction of the General Manager of Infrastructure, Darwin City Council. No wall, fence or tree exceeding 0.6 metres in height shall be constructed or planted in front of the sight line.
- Any gate over an access to a public road shall be placed on the subject site at least 4.5m from the face of the kerb line of the adjoining public road.
- Car parking spaces and internal driveways shall meet the requirements of the relevant Australian Standard and be linemarked and sealed with an impervious material.

- The total number of required disabled car parking bays shall be met on site.
- Pursuant to clause 6.5.2 of the Northern Territory Planning Scheme and s.70 (5) of the Planning Act a monetary contribution shall be paid to Darwin City Council for any determined parking shortfall.
- All developments on or adjacent to any easements on site in favour of Council shall be carried out to the requirements and satisfaction of the General Manager of Infrastructure, Darwin City Council.
- Waste bin storage and pick up shall be provided in accordance with Council's Waste Bin Policy.

In considering this application, the 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 contact me on 8930 0528.

Yours faithfully



PETER LINDWALL
STRATEGIC TOWN PLANNER


cc: June D'Rozario & Associates Pty Ltd

NORTHERN TERRITORY OF AUSTRALIA

Planning Act

Application for Development Permit - section 46

1. LAND INFORMATION

LOCATION OF PROPOSED DEVELOPMENT Town/Hundred/Locality: DARWIN Parcel Number(s) and/or Unit number: LOT 6470 LTO Plan: Number and Street Name: 100 THE ESPLANADE Zone: CB	
LAND OWNER INFORMATION Is the applicant the land owner? YES / NO <input checked="" type="checkbox"/> Owner's name(s): HALIKOS PTY LTD Postal address: GPO BOX 1511 DARWIN NT 0801	
Attach owner's authorisation if applicant is not the land owner SEE ATTACHMENT GUIDE FOR FURTHER INFORMATION	ATTACHMENT A ONE (1) COPY 


2. APPLICANT INFORMATION

APPLICANT ILIS Customer no. (if known): Company name (if applicable): ABN or ACN (if applicable): Title: Mr Mrs Miss Ms Dr Other: Family name(s): Given name(s): Preferred name(s): JUNE D'ROZARIO & ASSOCIATES PTY LTD on behalf of the owner Postal address: GPO BOX 780 DARWIN NT 0801 Telephone no. (business hours): 89 81 1284 Facsimile no.: 89 81 1296 E-mail address: drozario@ozemail.com.au	
CONTACT PERSON FOR FURTHER INFORMATION (OR WRITE 'AS ABOVE') ILIS Customer no. (if known): Company name (if applicable): AS ABOVE ABN or ACN (if applicable): Title: Mr Mrs Miss Ms Dr Other: Family name(s): Given name(s): Preferred name(s): Postal address: Telephone no. (business hours): Mobile no.: Facsimile no.: Email address:	NOTE: ALL CORRESPONDENCE WILL GO TO THE PERSON AND ADDRESS INDICATED HERE.


3. DEVELOPMENT / PROPOSAL

EXISTING LAND-USE MOTEL & OPEN CAR PARK	
BRIEF DESCRIPTION OF DEVELOPMENT/PROPOSAL 21 x 1-BEDROOM, 54 x 2-BEDROOM, AND 36 x 3-BEDROOM MULTIPLE DWELLINGS & 37 m² SHOP IN A 14-STORY BUILDING INCLUDING TWO BASEMENT LEVELS	
Value of works (excluding land):	\$ 25M TO 50M
VARIATIONS SOUGHT COMMUNAL OPEN SPACE	


4. STATEMENT OF EFFECT OF USE OR DEVELOPMENT PROPOSAL

SEE ATTACHMENT GUIDE FOR FURTHER INFORMATION	ATTACHMENT B TEN (10) COPIES 
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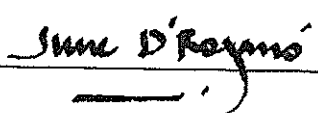
5. DIMENSIONED PLANS

SEE ATTACHMENT GUIDE FOR FURTHER INFORMATION	ATTACHMENT C TEN (10) COPIES 
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6. SUBDIVISION / CONSOLIDATION

Site area (m ²):	
Number of existing lots:	
Number of lots to be created:	
Existing buildings on site:	YES/NO
If YES, attach statement of compliance of existing building(s) with the <i>Building Act</i> following subdivision.	
SEE ATTACHMENT GUIDE FOR DETAILED INFORMATION	ATTACHMENT D ONE (1) COPY 

7. APPLICANT TO SIGN AND/OR AFFIX SEAL

The application is complete and all required documentation is attached.	
	<u>2 / 10 / 2009</u>
Signature(s)	Date
PRIVACY NOTE: The Department of Planning and Infrastructure, on behalf of the Minister, is authorised under the <i>Planning Act</i> to collect the information on this form, or otherwise provided by you, to consider a proposal to grant a Development Permit. Failure to provide the information in full may result in delays in processing of the application. Some of the personal information provided by you on this application may be publicly available, as part of a public exhibition process. The information is also regularly provided to other NT Government agencies, the Australian Valuation Office, local governments and Commonwealth Government Departments and agencies, as required by law. Collection of personal information on this form is done in accordance with the privacy legislation contained within the <i>Information Act 2002 (NT)</i> . For more information please refer to the Department of Planning and Infrastructure privacy statement located at www.dpi.nt.gov.au Any personal information provided can be subsequently accessed by you on request. If you have any queries please contact the Manager Development Assessment Services on 8999 6240.	

SECTION 46 PLANNING ACT - APPLICATION FOR DEVELOPMENT CONSENT : APARTMENT BUILDING AT LOT 6470 TOWN OF DARWIN

1. NATURE OF THE APPLICATION

The application is made under section 46(1) of the Planning Act 1999.

The application is for consent to develop a building containing 111 multiple dwellings and a small commercial tenancy in a 14-level building, which will include two basement parking levels.

The proposal is shown on the attached drawings set, 2866-SK01 to SK16, prepared by Jackman Gooden Architects.

2. LAND DESCRIPTION

Lot 6470 is located at 100 The Esplanade, Darwin, as shown in the locality plan on drawing No 2866-SK01.

The lot is a regular shaped parcel with an area of approximately 6720 m². It has a boundary to the Esplanade of about 100 m, and a boundary to Peel Street of about 59 m.

There is an electricity supply easement with an area of 50 m² on the Peel Street boundary.

The site is zoned CB under the NT Planning Scheme.

The improvements on the site consist of a 140-room motel, currently trading under the Novotel brand, and a surface car park attached to the motel.

The site faces Bicentennial Park and has expansive views over the Arafura Sea.

The immediate locality of the site is characterised by visitor accommodation buildings, apartment buildings, older style two-storey flats, entertainment venues, and Bicentennial Park.

3. PREVIOUS APPROVALS

Development Permit DV2118, dated 18 March 1986, approved the existing development on the site. Various amendments to the original approval were authorised by permits issued in 1987.

DP 95/0065, dated 7 February 1995, approved the development of an additional 112 visitor accommodation suites in an 8-storey building in the location of the surface car park. This development did not proceed.

4. THE PROPOSAL

The proposal is to construct an apartment building containing 111 multiple dwellings of various sizes, and a small commercial tenancy of 37 m².

The building would be constructed on the surface car park beside the existing motel building, as shown in the site plan, Drawing No 2866-SK01.

The apartments will range in size from one bedroom units to 3 bedroom units, distributed in the building as follows –

	1 BR	2 BR	3 BR	Total
Level 2	3			3
Levels 3 - 11	2/level	6/level	4/level	
	18	54	36	108
Total	21	54	36	111

The proposal provides a range of dwelling sizes, and corresponding price points, to facilitate access to Esplanade living at affordable prices for people for whom this location would otherwise be impossible.

The building will have a total of 14 levels, including two basement parking levels. There will be three parking levels above ground, and the remaining 9 levels will be residential levels.

The residential tower, from Level 3 and above, will be set back between 5.5 m and 7.2 m from the Esplanade. The setback from the common boundary with Lot 663 will vary between 3.0 m and 7.5 m, while the rear set back will vary between 6.5 m and 15.0 m.

All three dwellings on Level 2 and four of the dwellings on each floor will face the Esplanade and will have views across Bicentennial Park and the sea. Each dwelling will have a balcony directly accessible from its living area.

The windows of dwellings at the sides of the building are arranged to afford privacy between guest suites in the existing Novotel building, and the multi-storey residential building to be constructed on Lot 663.

The building will also contain a small commercial tenancy of 37 m² on the ground floor at the street boundary.

The proposal includes 284 parking bays in 5 parking levels, including two basements. Existing parking in the surface car park beside the Novotel building will be replaced in the proposed building. The parking court accessed from Peel Street will be reconfigured to include 25 parking bays, including two coach bays, and a loading dock. One disabled parking bay at the front of the existing motel will be retained.

The site has 5 kerb crossovers, four of which are from the Esplanade and give access to the existing surface car park and the porte cochere. The remaining crossover is from Peel Street and gives access to the parking court and loading bay. The number of crossovers will be maintained, although the two crossovers from the Esplanade to the parking area will be modified to match the access and egress points of a porte cochere to be constructed as part of the proposed building.

Parking levels above the ground level will be screened by perforated decorative panels, similar to those used at the new parking station at the waterfront.

Sun screens will be fitted to all windows.

Airconditioning ducts will be housed in screened service enclosures at the sides of the building.

Building plant, including a fire control room, fire booster assembly, electricity substation, and switch room will be located in the ground level car park. These appurtenances will be set back at least 8.0 m from the Esplanade boundary.

A waste storage and collection enclosure will also be located in the ground floor car park. The waste facility has been designed to permit the waste collection vehicle to enter and leave the building in forward gear with minimal manoeuvring. The movement of the waste collection vehicle is shown in Drawing No 1114 SK2, at Annexure 1.

The total height of the building will be 35.6 m above ground level, including roof superstructure.

The proponent has prepared a traffic impact study, a copy of which is at Annexure 2. The study concluded that access to and from the development, and the intersection of Peel Street and Esplanade are expected to perform within acceptable levels with respect to queues, delays, degree of saturation and level of service. In view of the results of the analysis, the study assessed the proposed development as having minimal impact on the road network.

5. MATTERS TO BE TAKEN INTO ACCOUNT

Section 46 (3) sets out the matters to be addressed in a development application. Section 51 sets out the matters to be considered by the consent authority.

(a) the Planning Scheme as it applies to the land to which the application relates - s. 46(3)(a) and s. 51(a);

The land is zoned CB - Central Business under the NT Planning Scheme. The proposal is consistent with the zone purpose to provide for a diversity of activities including offices, entertainment, cultural, retailing, business activities and residential development.

The proposed development of multiple dwellings is a discretionary use in the CB zone, subject to clauses 6.3, 6.5.1, 7.5, 7.6, and 7.8.

The small commercial tenancy of 37 m² is considered to be ancillary to the principal purpose of the building, and with the exception of parking, does not generate any additional requirements.

Clause 6.3 - Building height

IDCO 18 suspends the operation of this clause and imposes a maximum height of 36 m above ground level on the application site. The building will have a height of 35.6 m above ground level, and consequently, the proposal complies with the applicable height limits.

Clause 6.5.1 - Parking

Existing building

The proposal removes the surface parking area attached to the Novotel building. So, the proposal must provide sufficient parking for the Novotel building in addition to the parking required for the proposed building.

The Novotel building is a 6-storey building consisting of 5 floors of guest rooms and a ground floor containing reception and administrative offices, restaurant, outdoor dining, function rooms, and a lounge bar. Thus, the principal business carried out on the site is traveller accommodation.

On this basis, the Novotel building is characterised as a “motel”, as defined in the NT Planning Scheme. Motel means “premises wholly or principally used for the accommodation of travellers and the vehicles used by them, whether or not the building is also used to provide meals to the travellers or to members of the general public and whether or not the premises are licensed under the *Liquor Act*, but does not include bed and breakfast accommodation”.

To assess the parking attributable to the Novotel building, a floor area survey was conducted by Earl James and Associates, Licensed Surveyors. The survey confirmed the use of the ground floor and picked up changes to the ground floor as originally approved. The floor areas of the various activities carried out on the ground floor are shown in Drawing No 09/7469/1 at Annexure 3.

The total floor area shown on the ground floor survey drawing is 896 m². The reception area and offices, which have not altered over the years, have a net floor area of 119 m².

The parking requirement for the existing building, calculated under cl 6.5.1, is –

▪ 5 levels of guest suites, with 28 per floor	140 @ 0.4/suite	= 56.0 spaces
▪ Ground floor areas surveyed by EJA	896 m ² @ 3/100 m ²	= 26.9 spaces
▪ Ground floor reception and offices	119 m ² @ 3/100 m ²	= 03.6 spaces
Total		= 87.0 spaces

Proposed building

CI 6.5.1 would require 222 parking bays for the 111 multiple dwellings in the proposed building, and one bay for the commercial tenancy.

Thus, the total parking requirement for existing and proposed development is 310 bays.

The proposal will provide a total of 310 parking spaces on Lot 6470, distributed as follows –

▪ Basement 2	71 spaces
▪ Basement 1	69 spaces
▪ Ground level	43 spaces
▪ Level 1	40 spaces
▪ Level 2	61 spaces
▪ Peel Street	25 spaces, including 2 coach bays
▪ Adjoining porte cochere	01 spaces, disabled parking bay

Thus, the proposal complies with clause 6.5.1.

Clause 6.5.3 - Parking layout

The layout of the parking levels is generally compliant with clause 6.5.3. Where the ends of driveways do not extend 1.0 m past the last bay, the end bays adjoin access ramps, which will provide sufficient reversing space to enable a vehicle to exit the bay.

The Peel Street parking area is not set back 3 m from the street boundary. However, as this car park is part of the existing development, this provision does not apply.

Clause 7.5 – Private open space

This clause requires a minimum of 12 m² of private open space for each dwelling. The proposal satisfies this clause by including balconies of various sizes, but with a minimum area of 12 m².

The proposal also complies with the minimum dimensions for balconies specified in this clause.

The balconies will be directly accessible from the living areas of the dwellings.

The podium level will be landscaped, and this area will form an extension to the private open space of dwellings on this level.

Clause 7.6 – Communal open space

This clause asks for 15% of the site area to be communal open space, with a minimum dimension of 6 m.

The site has a notional area of 2550 m², which represents the part of Lot 6470 to be occupied by the proposed building.

Under this clause, the proposal would require 382 m² of compliant communal open space.

The proposal will provide approximately 260 m² of communal open space, and does not meet the minimum width requirement. Consequently, the proposal does not meet the requirements of this clause.

However, it is submitted that there are special circumstances in this case, which justify varying or waiving the provisions of this clause. These are :

- There will be substantial areas of landscaping at the podium level, which will improve the external appearance of the building. The podium landscaped area cannot be included as communal open space, because it is only accessible from the dwellings on this level.
- The site is located in direct proximity to substantial public open space in Bicentennial Park.

Clauses 7.8 – Building design for residential buildings

The proposed building will not unreasonably affect the use and enjoyment of adjacent land. It will be generally consistent with some of the objectives of this clause, of promoting site-responsive design and contributing to a safe environment.

The proposed building will be substantially consistent with the remaining objective of this clause, the production of dwellings that are pleasant for the occupants, in that many of the dwellings will have views over Bicentennial Park and to the sea, and will enjoy sea breezes. Some dwellings will have more modest levels of amenity in terms of views, and breeze and natural light penetration.

The ways in which the proposed building answers the provisions of this clause include :

- varied setbacks on all faces of the building;
- airconditioning plant and service ducts will be screened with perforated metal screens similar to those used at the parking levels;
- reflective exterior building materials are to be minimised.

The proposal has considered community safety principles, specifically that –

- there will be casual surveillance of adjoining streets and places from the balconies of apartments.
- there will be a street-front commercial tenancy, which will generate activity at street level.
- there is an outdoor eating area attached to the Novotel building on the same site, at the corner of the Esplanade and Peel Street, as well as ground floor bar and restaurant in the Novotel building. These elements promote ground floor activity on the site.

(b) any proposed amendments to the Planning Scheme - s. 51(b)

PA 2008/0373 is a proposed amendment to the Planning Scheme, relating to building heights and volumetric controls in the CB zone, and was exhibited in July 2009. Under this amendment, the maximum permissible height of the building would increase to 90 m above ground level, and maximum floor areas and minimum setbacks would apply to any part of the building above 25 m. The part of the building above 25 m is referred to as “Tier 2”.

The proposed building will have a height of 35.6 m above ground level, including roof, and “Tier 2” provisions would apply to the upper four levels.

Setbacks

PA 2008/0373 would require Tier 2 of the building to be set back 6 m from all boundaries. If the site is considered to be the whole of Lot 6470, the proposal would meet the setback provisions for all boundaries except the common boundary with Lot 663, where the setback would vary between 3 m and 7.5 m.

If the site is considered to be the part of Lot 6470 on which the new building is to be constructed, the proposal would comply with the street and rear boundary setbacks, but not the side setbacks.

Floor area

The PSA would limit the floor area of the building at Tier 2 to 56% of the site area. Compliance with the PSA would again depend on whether the site is considered as a whole or as only part of Lot 6470.

If the site is considered to be the whole of Lot 6470, Tier 2 of the building would comply with the maximum floor plate ratio.

Building length

The PSA would limit the length of each side of the building to 75% of the adjacent site boundary.

Compliance with the length of the building facing the Esplanade will depend on whether the site is considered as a whole. However, the length of the building adjacent to the boundary with Lot 663 is approximately 88% of the length of the boundary, and would exceed the length specified in the PSA.

It is submitted that IDCO 18 (see below) takes precedence over PSA 2008/0373, as it has the force of law and its provisions cannot be varied by the Authority, whereas PSA 2008/0373 is a proposed amendment about which no decision has yet been made.

It is further submitted that, if PSA 2008/0373 were brought into effect in its published form, the external parameters of the proposed building would be substantially different to those shown in this application, especially in relation to building height.

(c) an interim development control order, if any, in respect of the land to which this application relates - s. 46(3)(b) and s. 51(c)

IDCO 18 applies to the land. Under this instrument, the maximum permissible height of the building is 36 m above ground level. The total height of the proposed building will be 35.6 m and complies with the IDCO.

(d) an environmental protection objective within the meaning of the *Waste Management and Pollution Control Act* that is relevant to the land to which this application relates - s. 51(d)

There are no environmental protection objectives that are relevant to this land.

(e) any submission made under section 49 in relation to the development application - s. 51(e)

The project engineer has consulted with Power and Water Corporation, and obtained agreement to the design of water and sewer services for the proposal.

The location of a substation and access to the substation has been discussed with Power and Water Corporation, and PWC has concurred with the location of these facilities shown on Drawing No 2866-SK04.

An outline of the stormwater drainage plan, as well as the access proposed for the site, have been referred to officers of Darwin City Council, whose preliminary response is that there are no obvious issues with these items.

In compiling the traffic report, the project's traffic engineer has consulted with DCC.

It is expected that the proposal will be referred to the relevant persons and authorities and that submissions from these parties will become known after the proposal has been notified in accordance with Section 47.

Any other issues raised from the notification of the proposal will be dealt with when they are made known by service authorities.

(f) a matter that the Minister has, under section 85, directed it to consider in relation to development applications generally - s. 51(f)

The applicant is unaware of any ministerial directions relevant to this application.

(g) if a public environmental report, or an environmental impact statement has been prepared or is required under the *Environmental Assessment Act* in relation to the proposed development - the report or statement and the results of any assessment of the report or statement under that Act by the Minister administering that Act - s. 46(3)(c) and s. 51(g)

No report or statement under the Environmental Assessment Act has been sought and none is expected.

(h) the merits of the proposed development as demonstrated in the application - s. 46(3)(d) and s. 51(h)

The proposal complies with most of the relevant provisions of the Planning Scheme.

Waiver of the communal open space provision is sought on the basis that there will be a landscaped podium and that the site is directly opposite major public open space at Bicentennial Park.

The proposed development is consistent with the type of development that has occurred in the locality.

The proposal will replace an open car park with deck and basement parking, and will make better use of an under-utilised part of the site.

The proposal will present choice in dwelling size and type, and will make Esplanade living accessible and affordable to a wider market.

(j) the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development - s. 51(j)

The land is zoned for and is suitable for the proposed development.

The proposal responds to the attributes of the site, and will not affect the physical characteristics of any other land.

(k) the public facilities or public open space available in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the developer - s. 46(3)(f) and s. 51(k)

There is no requirement for additional public facilities or public open space to be provided by the developer. The site contains public facilities in the Novotel building and is opposite a major public open space at Bicentennial Park, and is highly accessible to all facilities in the central business district.

(m) the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose - s. 46(3)(g) and s. 51(m)

The site is serviced by all necessary urban infrastructure, or is capable of being serviced by necessary infrastructure.

The proponent expects to provide required services to the development as a condition of the development consent.

(n) the potential impact on the existing and future amenity of the area in which the land is situated- s. 46(3)(h) and s. 51(n)

Most of the amenity issues have been dealt with under other headings.

A traffic study conducted for the application demonstrates that there will be minimal traffic impact on the area.

The proposal is consistent with the type of development expected in the locality and is unlikely to present any adverse effect on the amenity of the area.

(p) the public interest - s. 46(3)(j) and s. 51(p)

The building incorporates CPTED principles by affording passive surveillance of the adjoining streets and public places from the balconies of the residential units.

Water safety is not relevant in this proposal, as there are no water features in the development.

The building will be fully accessible to people with disabilities as all floors are accessible by lifts, and parking is provided for disabled drivers, and pedestrian access is directly at ground level.

(q) in the case of a proposed subdivision of land on which a building is situated - whether the building will cease to comply with the *Building Act* if the proposed development were to proceed - s. 46(3)(k) and s. 51(q)

The proposal does not require the land to be subdivided.

(r) any potential impact on natural, social, cultural or heritage values - s. 51(r)

There are no natural, social, cultural or heritage values associated with the site, and the proposal will not affect any such values.

(s) any beneficial uses, quality standards, criteria, or objectives, that are declared under section 73 of the *Water Act* - s. 51(s)

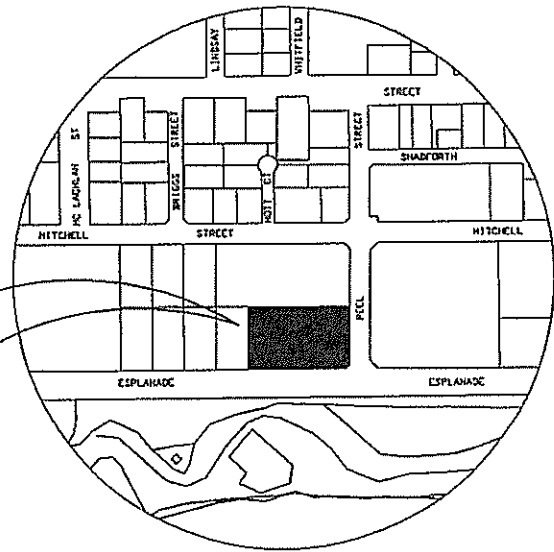
No beneficial uses, quality standards, criteria or objectives relevant to the land have been declared under the Water Act.

(t) other matters it thinks fit;

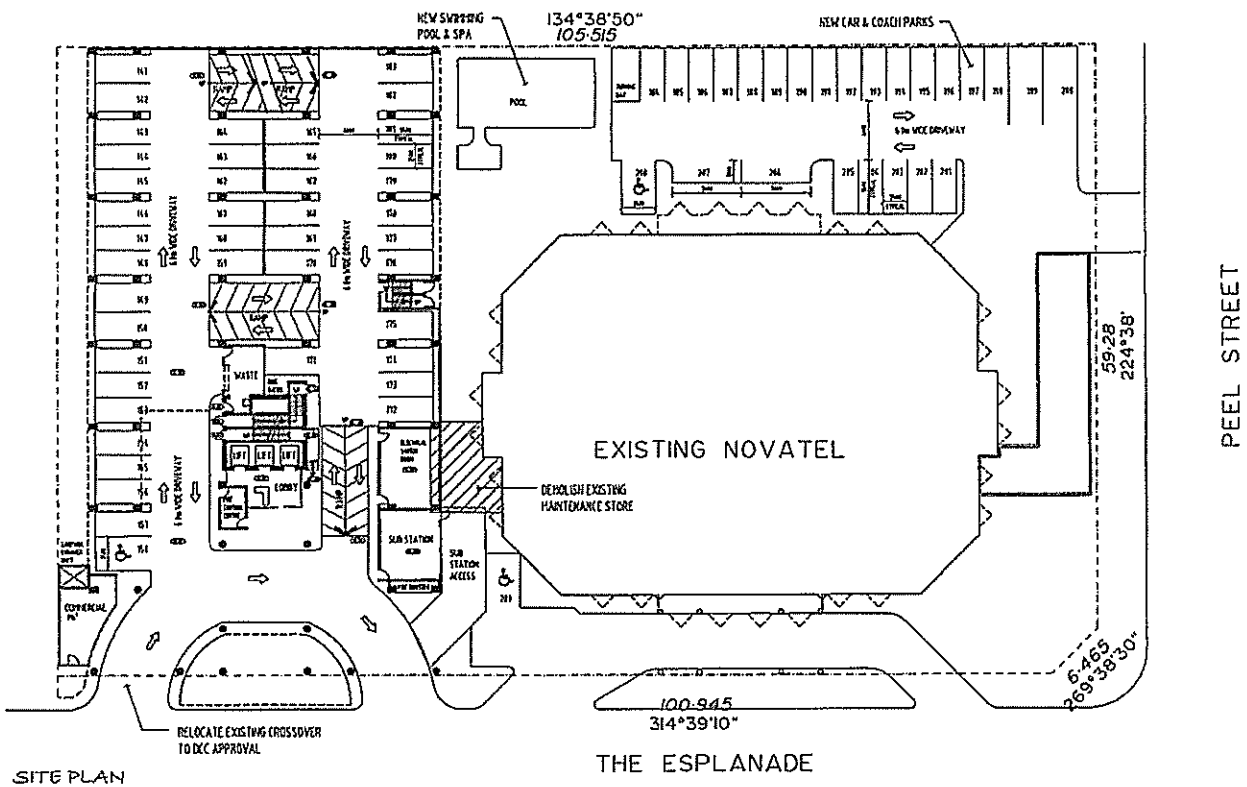
There are no other matters that have not been dealt with under other headings.

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LOT 6470

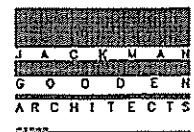
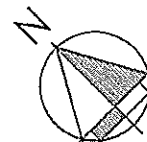


LOCATION PLAN



SITE PLAN

THE ESPLANADE

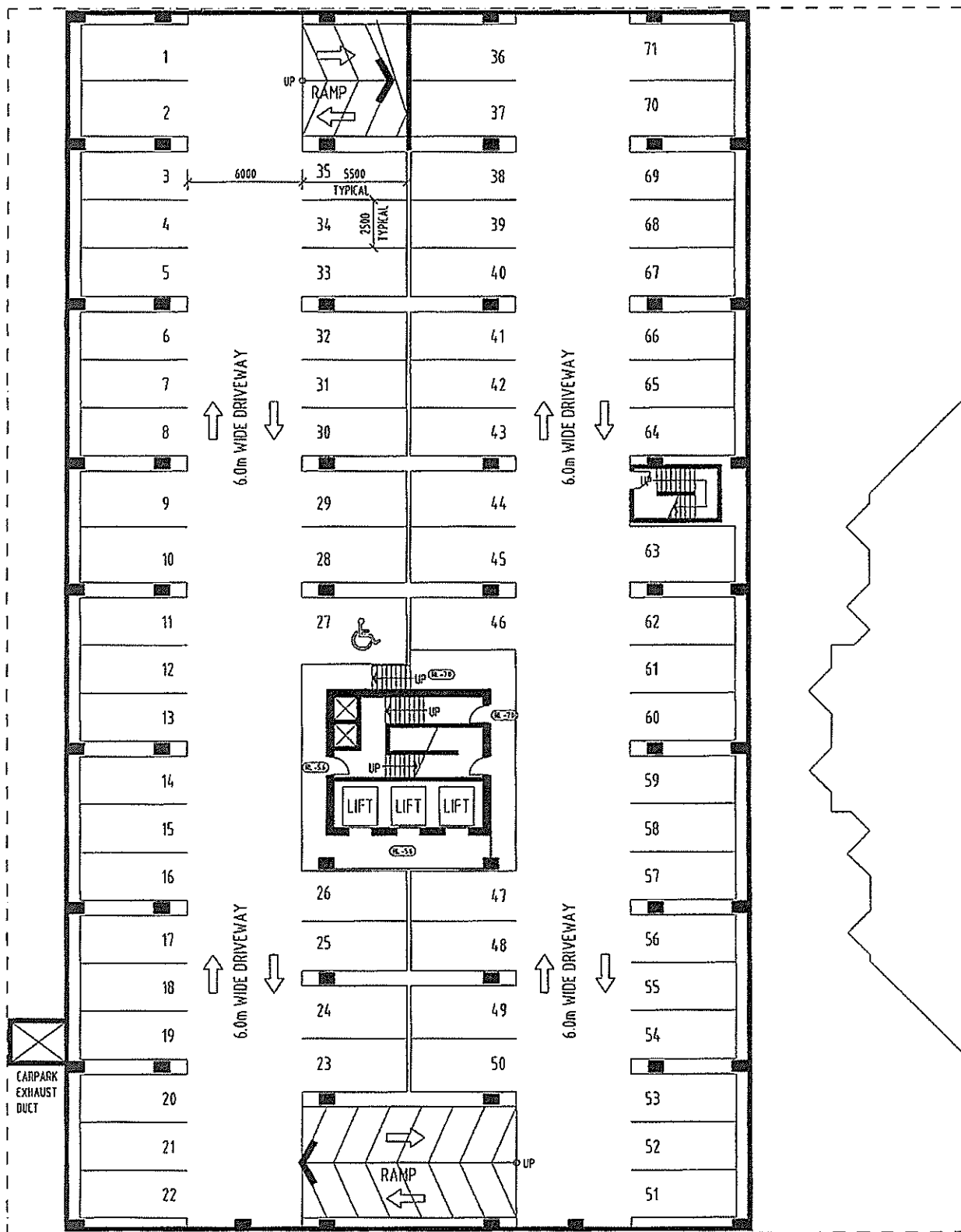


LOT 6470 ESPLANADE, DARWIN

2866-SK01

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SITE PLAN 1:500

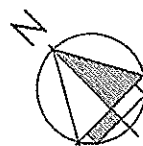


LOT 6470 ESPLANADE, DARWIN

2866-SK02

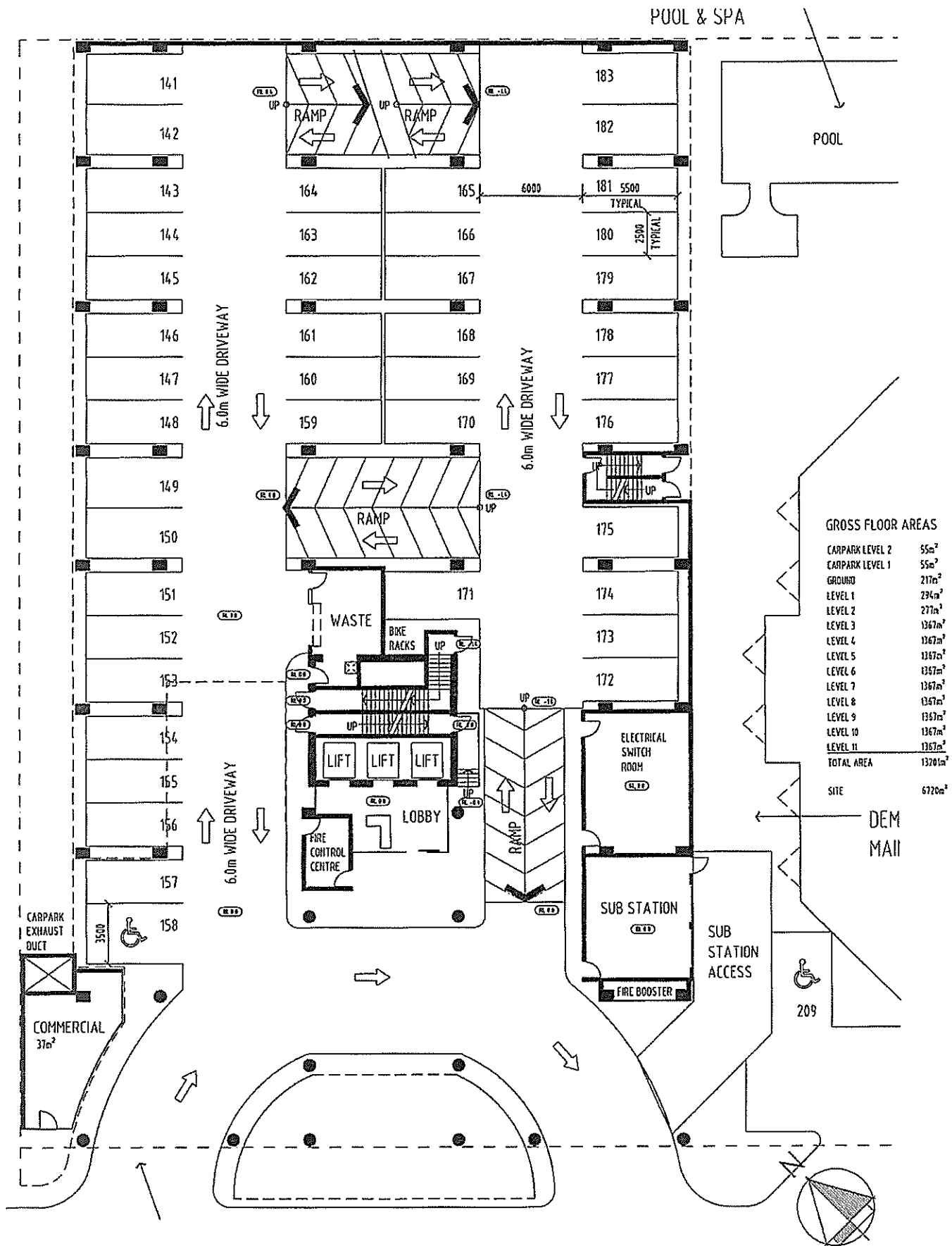
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BASEMENT CARPARK LEVEL 2 FLOOR PLAN 1:200



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GOODEN
ARCHITECTS

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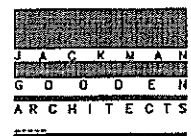


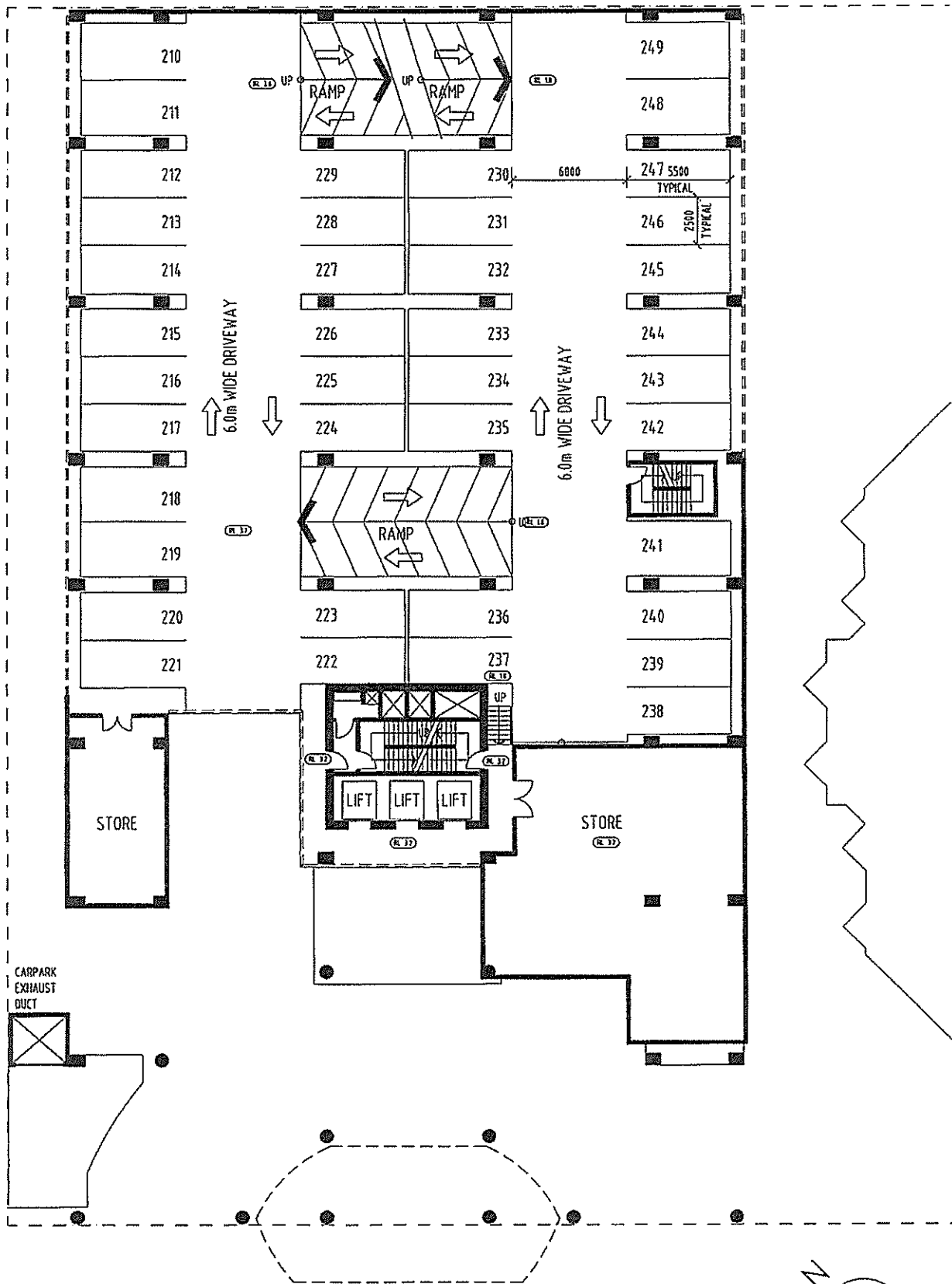
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GROUND FLOOR PLAN 1:200



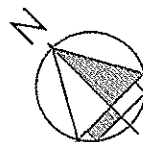


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2866-SK05

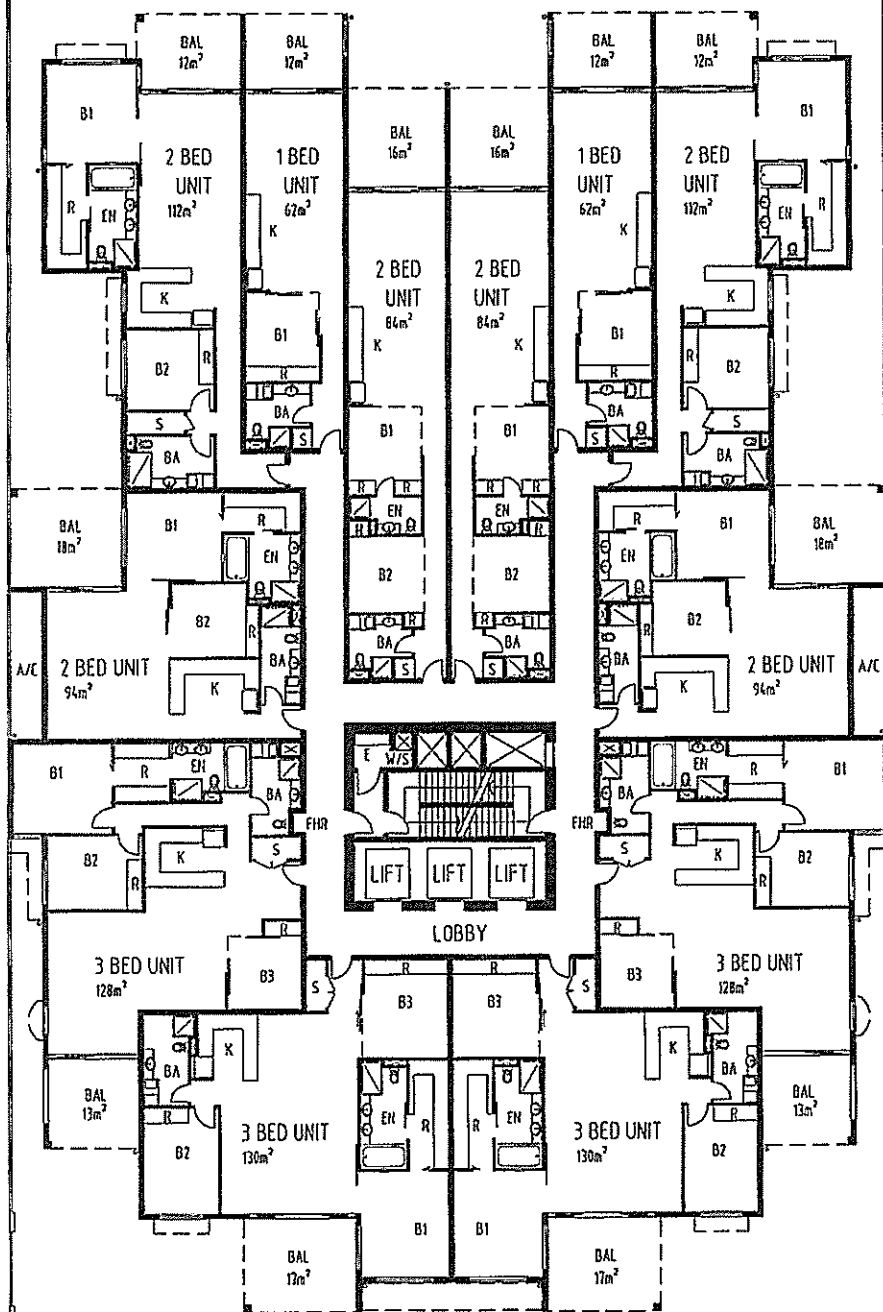
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LEVEL 1 FLOOR PLAN 1:200



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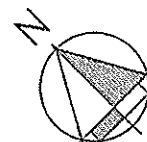


LEGEND

A/C	AIRCONDITIONING ENCLOSURE
B1	BEDROOM 1
B2	BEDROOM 2
B3	BEDROOM 3
BA	BATHROOM
BAL	BALCONY
E	ELECTRICAL CUPBOARD
EN	ENSUITE
FHR	FIRE HOSE REEL
K	KITCHEN
R	ROBE
S	STORE
W/S	WASTE SERVICE CHUTE

LEVEL 3

2 x 1 BED UNITS
6 x 2 BED UNITS
4 x 3 BED UNITS



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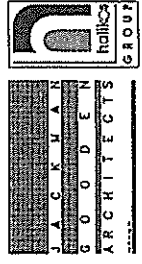
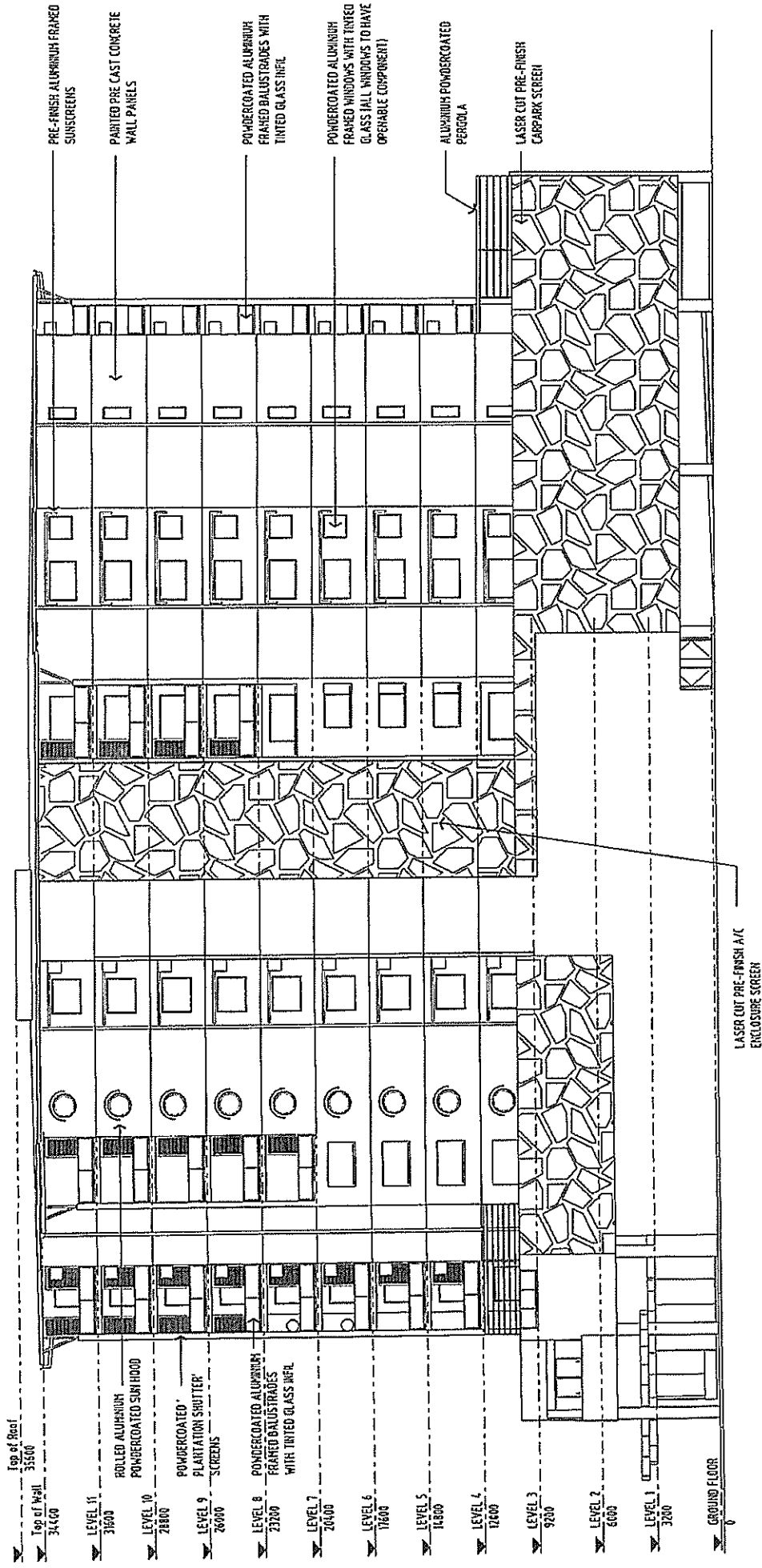


LOT 6470 ESPLANADE, DARWIN

2866-SK07

OCTOBER 2009

LEVEL 3 FLOOR PLAN 1:200



LOT 6470 ESPLANADE, DARWIN

2866-SK18

OCTOBER 2009

SOUTH EAST ELEVATION 1:200