

**DEVELOPMENT CONSENT AUTHORITY  
DARWIN DIVISION**

**NORTHERN TERRITORY PLANNING SCHEME 2020**

**AGENDA ITEM:** **4**      **MEETING DATE:** 21/02/2025      **FILE:** PA2024/0395

**APPLICATION PURPOSE:** 87 hotel/motel suites in an existing five storey building

**SUBJECT SITE:** Lot 626 (87) Mitchell Street, Darwin, Town of Darwin

**ZONE:** CB (Central Business)

**LOT SIZE:** 2030m<sup>2</sup>

**APPLICANT:** Mr Isreal-Tshepo Kgosiemang – Director, One Planning Consult

**PERSONS ON WHOSE BEHALF THE APPLICATION WAS MADE:** Mr John Halikos  
Mr Sam Pambris

**LANDOWNERS:** 87 Mitchell Street Pty Ltd as trustee for the 87 Mitchell Street Trust and Byrozan Pty Ltd (ACN 003 438 855) as Trustee for the Pambris Trust

**ANY PERSON WITH AN AGREEMENT TO ACQUIRE AN INTEREST IN THE LAND:** None

### **1. PROPOSAL**

The application is for 87 hotel/motel suites in an existing five storey building at Lot 626 (87) Mitchell Street, Darwin, Town of Darwin. The 2030m<sup>2</sup> lot is in Zone CB (Central Business) of the Northern Territory Planning Scheme 2020 (NTPS 2020). A location plan is at **Bookmark A**. The application proposes to reconfigure and repurpose the floor levels to accommodate 87 hotel/motel suites and ground level café with an alfresco dining area adjacent to the street frontage.

The proposed refurbishment of the façade includes recessed verandas behind vertical features screens and stone cladding with landscaping and an awning at the street frontage. Recessed balconies with glass balustrades are proposed along the side and rear of the building. The application proposes 45 car parking spaces in total with 34 spaces in the basement and 11 at the rear of the building accessed via the existing driveway along the southwest side of the building. **Figure 1** below shows an image of the proposed development.



Figure 1: image of proposed development.

On 21 January 2025 the applicant responded to concerns raised during the exhibition period regarding reverse amenity impacts by providing amended dimension plans with noise attenuation treatments.

On 31 January 2025 the application was deferred for 30 days to 3 March 2025 for the applicant to provide further information regarding the proposals compliance with Clauses 5.2.4.4 (Layout of car parking areas), 5.2.6 (Landscaping), 5.5.11 (Food Premises) and 5.9.2.5 (Development along Priority Activated Frontages) of the NTPS 2020.

On 7 February the application was taken off deferral as the applicant provided an updated Statement of Effect (SoE) addressing the further information requested and an updated landscape plan demonstrating compliance with Clause 5.2.6 (Landscaping).

The application proposes variations to Clauses 5.2.4.4 (Layout of car parking areas), 5.5.11 (Food Premises) and 5.9.2.5 (Development along Priority Activated Frontages) of the NTPS 2020. The reasons for the proposed variations are discussed under section 7 below.

A copy of the application material including the SoE, dimensions plans, applicant response to submissions, updated SoE and dimension plans are at **Bookmarks B1 to B6**.

## 2. REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

An application is required for planning permission as the hotel/motel use is identified as Merit Assessable in Zone CB.

Zoning and Level of Assessment on Assessment Table	Part 3 Overlay	Consent required by virtue of Overlay Requirement	Part 5 - General, Specific and Location Specific Development requirements	Level of Assessment
4.10 Zone CB (Central Business)	Does not apply	No	5.2.1 (General Height Control)	Merit Assessable

Zoning and Level of Assessment on Assessment Table	Part 3 Overlay	Consent required by virtue of Overlay Requirement	Part 5 – General, Specific and Location Specific Development requirements	Level of Assessment
			5.2.4 (Car Parking) 5.2.4.4 (Layout of car parking areas) 5.2.5 (Loading Bays) 5.2.6 (Landscaping) 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR) 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC) 5.5.4 (Expansion of Existing Development in Zones CB, C, SC and TC) 5.5.11 (Food Premises) 5.5.15 (Design in Commercial and Mixed Use Areas) 5.9.2 Darwin City Centre) 5.9.2.1 (Building Design in Darwin City Centre) 5.9.2.2 (Volumetric Control) 5.9.2.5 (Development along Priority Activated Frontages) 5.9.2.10 (Alfresco Dining Areas) 5.9.2.11 (Car parking spaces in Darwin City Centre) 5.9.2.12 (Reduction in car parking spaces in Darwin City Centre)	

The exercise of discretion by the consent authority that applies is clause 1.10(3).

### 3. ASSESSMENT SYNOPSIS

This report concludes that the Authority should vary the requirements of Clause 5.2.4.4 (Layout of car parking areas), 5.5.11 (Food Premises) and 5.9.2.5 (Development along Priority Activated Frontages) of the NTPS 2020 and approve the application subject to the conditions on the development permit, as discussed in section 9 of this report.

## 4. BACKGROUND

DV1439 was issued on 5 September 1984 to develop Lots 626 and 627 for a licensed club, a five storey office building, shops and on-site parking and to develop Lot 625 for 81 temporary onsite car parking spaces. DV1439 waived clause 33 of the Darwin Town Plan 1982 in respect of 7 car parking bays.

DV1581 was issued on 15 February 1985 to develop Lots 626 and 627 for a licensed club, a five storey office building, shops and on-site parking and to develop Lot 625 for 81 temporary onsite car parking spaces. DV1581 amended DV1439 to waived clause 33 of the Darwin Town Plan 1982 in respect of 16 car parking bays. DV1581 conditioned the provision of legal vehicular access to the surface parking at the rear of Lot 626.

DV1720 was issued on 25 May 1985 to develop Lots 626 and 627 for a licensed club, a five storey office building, shops and on-site parking and to develop Lot 625 for 81 temporary onsite car parking spaces. DV1720 amended DV1581 to waived clause 33 of the Darwin Town Plan 1982 in respect of 21 car parking bays and deleted reference to the drawings numbered DCD1 and DCD2 and inserted drawings numbered 1120 A 102 B and 1120 A 103 B.

Refer to **Bookmark A5** for copies of DV1439 and DV1581 and DV1720 and their respective endorsed plans.

## 5. PUBLIC EXHIBITION

The application was placed on public exhibition for a period of two weeks from 6 to 20 December 2024. 2 public submissions were received under section 49(1) of the *Planning Act 1999*.

## 6. THIRD PARTY APPEAL RIGHTS

There is no right of appeal by a third party under section 117 of the *Planning Act 1999* in respect of this determination as pursuant to Part 4 of the Planning Regulations 2000 section 14 (3)(d)(ii) states that there is no right of review when any other type of development on land that is not in a residential zone, or for which no zone is specified.

## 7. MATTERS TO BE TAKEN INTO ACCOUNT (SECTION 51 OF THE PLANNING ACT)

**Pursuant to Section 51(1) of the *Planning Act 1999*, a consent authority must, in considering a development application, take into account any of the following relevant to the development:**

**(a) any planning scheme that applies to the land to which the application relates**

Section 51 of the *Planning Act 1999* states that a consent authority must, in considering a development application, take into account a range of matters including any planning scheme that applies to the land. As the application is Merit Assessable the exercise of discretion by the consent authority that applies is Clause 1.10(3) (Exercise of Discretion by the Consent Authority) of the NTPS 2020.

*In considering an application for a use or development identified as Merit Assessable the consent authority must take into account all of the following:*

- a) *The relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;*

- b) *any Overlays and associated requirements in Part 3 that apply to the land;*
- c) *the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and*

An assessment of the relevant parts of NTPS 2020 is as follows:

## **Part 3 – Overlays**

The site is not affected by any overlays.

## **Part 4 – Zoning**

The proposed development is for a mixed-use development of 87 motel/hotel suites in an existing five storey building with a ground floor café and alfresco in proximity to commercial, cultural, administrative, tourist and civic uses.

The proposed hotel/motel is compatible with other diverse land uses in the vicinity, will contribute to the nighttime economy and includes sound attenuation features to mitigate potential reverse amenity impacts from surrounding uses.

The use of recessed verandas behind vertical feature screens on the façade minimises privacy and amenity impacts and reduces the appearance of building massing. The proposed alfresco dining area at the street frontage increases passive surveillance and pedestrian activity.

## **Part 5 – Development Requirements**

The proposal has been assessed against the NTPS 2020 at **Bookmark C** and complies with all applicable clauses except for Clauses 5.2.4.4 (Layout of car parking areas), 5.5.11 (Food Premises) and 5.9.2.5 (Development along Priority Activated Frontages) of the NTPS 2020, as discussed below.

### Clause 5.2.4.4 (Layout of car parking areas):

*The purpose of the clause is to ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.*

*Subclause 8(d) of Clause 5.2.4.4 requires the layout of car parking areas to ensure parking spaces at the end of and perpendicular to a driveway are 3.5m wide or so that the driveway projects 1m beyond the last parking space.*

The proposal has been found not to be in accordance with Clause 5.2.4.4 as the proposal will result in a driveway at the end of the basement level car parking projecting 0.5m from the last car parking bays (16 and 27) where a minimum 1m projection is required. The proposal will also result in a ground level driveway to the rear of the site projecting 0.83m from the last parking bay (44) where a minimum 1m projection is required.

*Administratively, the consent authority may consent to a car parking area that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design and construction is safe and functional with regard to the location of the development.*

A variation to subclause 8(d) is considered warranted under Administration subclause 4 for the following reasons:

- The proposed basement car parking layout generally accords with the layout approved via DV1720 apart for the gym and store replacing 6 parking space and the removal of the parking space adjacent to the access ramp.

- the ground level car parking layout generally accords with the layout approved via DV1720 apart for the replacement of parking space 43 with a reversing bay and the replacement of parking spaces (adjoining existing sub-station) with a loading bay.

To ensure the functionality and achieve better compliance with subclause 8(d) parking bays 16, 27 and 54 could be nominated as a 'small' parking bay, with the designation and signage of these spaces ensuring that only suitable vehicles attempt to use these bays. A condition recommended on any permit issued requiring a suitably qualified person confirm the parking design meets the applicable Australian Standard where it varies from the Clause requirements.

Subclause 9(a and d) require car parking areas to *have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow (a) and maximise sight lines for drivers entering or exiting the car parking area (b).*

The proposal has been found not to be in accordance with the sub-clause as it will result in basement access driveway width of 5.59m and a ground level driveway to the parking at the rear of the site with a width 2.9m, where a minimum driveway width of 6m is required for two-way traffic flow under subclause 9(a).

The proposal has also been found not to be in accordance with Clause 5.2.4.4 as the proposal will result in a ground level driveway with a width of 2.9m along the length of the existing building when sightlines are required to be maximised for drivers entering or exiting car parking areas under subclause 9(b).

*Administratively, the consent authority may consent to a car parking area that is not in accordance with sub-clause 9 if it is satisfied that the non-compliance will not result in adverse impacts on the local road network or internal functionality of the car parking area.*

The applicant provided the further information below in support of the proposed variation.

*A variation to the requirements of the clause is sought due to existing layout scenario which has previously served an office type land use which generated more parking requirement than the proposed use. City of Darwin has requested Traffic Impact Assessment Report (TIA) through a Condition Precedent for any permit issued.*

To ensure the basement and ground level car parking areas are appropriately designed and constructed for their intended purpose, it is recommended that the applicant provide, as a condition precedent, written evidence from a suitably qualified person confirming the parking layout complies with the Australian Standards for off-street parking.

In addition, DAS has identified that to access the loading bay the delivery vehicles are required to reverse through the car park, which can impact the safe and convenient movement of vehicles and pedestrians. The Authority may like to question the applicant further in relation to this matter and what measures, if any, can be proposed to minimise the conflict of delivery vehicles with vehicles using the car park.

#### Clause 5.5.11 (Food Premises):

The purpose of Clause 5.5.11 is to ensure a food premises *provides an active interface to the public domain and contributes to the interest and diversity of the locality (a), minimises adverse impacts on the amenity of the locality (b) and is designed for the safety of patrons (c).*

Subclause 9 states the maximum net floor area of a café/take away to be 80m<sup>2</sup>.

The proposal has been found not to be in accordance with Clause 5.5.11 as the proposal will result in a café with a net floor area of 158m<sup>2</sup> (café 130m<sup>2</sup> & kitchen 28m<sup>2</sup>) where a maximum net floor area of 80m<sup>2</sup> is required under subclause 9.

*Administratively, the consent authority may consent to a food premises that is not in accordance with sub-clauses 3-10, only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the site having regard to such matters as its location, scale and impact on surrounding amenity.*

The applicant provided the following information below addressing the purpose and subclause 9 of Clause 5.5.11 during the deferral period:

*The proposed development is food premises-café exceeding the 80m<sup>2</sup> as the proponent is likely to operate a food premises-restaurant in the future. The site located in the CB area and therefore an increased floor area is unlikely to have adverse impacts on the amenity of the locality characterised by a mixture of commercial activities encouraged at ground level in a Central Business District.*

A variation to subclause 9 under Administration subclause 2 is warranted for the following reasons:

### Clause 5.5.11 purpose

The proposed café meets the purpose of Clause 5.5.11 as it located on the ground floor of a mixed-use development (hotel/motel and café). The proposed alfresco dining area will activate the street frontage and the landscaping, vertical features screens and stone cladding on the building facade will provide visual interest.

Adverse impacts on the amenity of the locality are minimised as the proposed café is located internally with the alfresco dining area setback from the street frontage. The safety of patrons has been considered through the provision of an accessible lift from the street to the alfresco dining area and cafe entrance.

### Zone CB purpose and outcomes

The purpose of Zone CB is *to promote an active and attractive mixed-use environment that maximises its function as the commercial, cultural, administrative, tourist and civic centre for the surrounding region that is integrated with high density residential development.*

The proposed café and alfresco is located within a mixed-use development of 87 motel/hotel suites in an existing five storey building in proximity to commercial, cultural, administrative, tourist and civic uses (Zone Purpose).

The proposed café will support the diversity of land uses in the vicinity, contribute to the daytime economy and has been designed in consideration of the amenity of surrounding uses through the use of acoustic attenuation design measures (Outcome 1 and 4).

The recessed alfresco dining area and the landscaping and vertical feature screens at the street frontage will encourage passive surveillance and pedestrian activity, provide shading and enhance the streetscape (Outcome 8).

The updated architectural drawings submitted in response to public submissions show the use of soundproof materials to external walls and glazed windows and doors, which will minimise potential noise impacts (Outcome 10).

The further information provided by the applicant acknowledged the proposed café exceeds the 80m<sup>2</sup> requirement under subclause 9 and stated that the proponent is likely to change the proposed café use to food premises-restaurant in future, which is a permitted use in Zone CB.

The Authority may like to question the applicant further in relation to the provision and access to the on-site collection, storage and disposal of waste.

Appropriate to site in terms of location, scale and impact on surrounding amenity.

The proposed café and alfresco is in Zone CB adjacent to other food premise uses on Mitchell Street. The proposed café and alfresco is part of a mixed-use development of 87 hotel/motel suites in a five-storey building, which includes noise attenuation treatments to minimise impacts on surrounding uses.

Clause 5.9.2.5 Development along Priority Activated Frontages:

The purpose of Clause 5.9.2.5 is to *prioritise active frontage along key streets in the Darwin city centre to encourage pedestrian activity and strengthen the relationship between buildings and the public domain.*

Subclause 6 states *where a site boundary is located on a street identified as 'priority activated frontage', buildings are to provide a minimum of 75% of the length of that site boundary as active street frontage.*

The proposal has been found not to be in accordance with Clause 5.4.7 as the proposal will result in an active street frontage of 74.5% (24m) of the 30.5m building frontage to Mitchell Street, where a minimum 75% active street frontage is required under subclause 6.

*Administratively, the consent authority may consent to a development that is not in accordance with sub- clauses 5-6 if it is satisfied that compliance would be impractical due to servicing requirements, and all reasonable effort has been made to:*

- (a) maximise the active street frontage on 'priority activated frontages'; and*
- (b) minimise the visual impact of services.*

Note 3 to Clause 5.9.2.5 references *Design Guidance: Active Street Frontage*, which states the objectives of active street frontages are;

- To facilitate transactions between buildings and the street*
- To encourage passive surveillance at street level; and*
- Ensure that commercial buildings contribute positively to the public domain*

*Design Guidance: Active Street Frontage* states the components of active street frontage as;

- Operable and legible entrances that are directly accessible from a public space*
- Areas within the site that allow for alfresco dining; and*
- Well-designed spaces that allow for pedestrian and/or seating.*

The applicant provided the following response during the deferral period addressing subclause 6;

*The proposed reconfiguration to the ground floor level respond to the above requirement by opening the front façade to introduce elements that promote activation of the frontages.*

A variation to subclause 6 under Administration subclause 2 is considered warranted as the proposal will result in very small variation (0.5%) to the 75% active street frontage requirement.



The proposal also meets the objectives and components for active street frontages in *Design Guidance: Active Street Frontage* as it will open the building façade to Mitchell Street and the alfresco dining area will increase passive surveillance at street level.

The proposed will also significantly improve the existing façade by replacing a wheelchair accessible ramp with a lift and internal office space with an alfresco dining area, landscaping and vertical feature screens.

- (b) any proposed amendments to such a planning scheme:**
- (i) that have been or are on exhibition under Part 2, Division 3;**
  - (ii) in respect of which a decision has not been made under Part 2, Division 5; and**
  - (iii) that are relevant to the development proposed in the development application**

There are no proposed amendments to the Northern Territory Planning Scheme 2020 which affect this proposal.

- (c) an interim development control order, if any, in respect of the land to which the application relates**

There are no interim development control orders relevant to the site.

- (d) an environment protection objective within the meaning of the Waste Management and Pollution Control Act 1998 that is relevant to the land to which the application relates**

There are no environmental protection objectives relevant to the land.

- (e) any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application**

2 public submissions were received during the exhibition period under Section 49 of the *Planning Act 1999* with respect to the proposal.

The submissions are summarised as followed:

Steve Dugan (Bookmark D1) – The submission was made Steve Dugan, Director, of the Cinema Collective, 74 Mitchell Street, Darwin, NT, 0800. The main issues in the submission relate to:

- Concerns the application does not address and mitigate noise and foot traffic issues from surrounding entertainment uses or reference adjacent late night entertainment venues.

De Silva Hebron (Bookmark D2) – The submission was made by De Silva Hebron, 47 Knuckey Street, Darwin, NT, 0800 on behalf of Nicholas Dakis. The main issues in the submission relate to:

- Concerns regarding reverse amenity impacts from an entertainment use in the vicinity and the risk of noise complaints from hotel/motel users.
- Concerns regarding reverse amenity impacts on the proposed outdoor reception, café and alfresco and a lack of proposed measures to attenuate noise and reverse amenity impacts.
- Concerns complaints from tenants may find an entertainment use in the vicinity is in breach of *Liquor Act 2019*.

- Request for details of any proposed noise attenuation measures and written acknowledgment of the existence of an entertainment use in the vicinity and the noise it produces.

Development Assessment Services (DAS) comments:

### Reverse amenity impacts

Concerns were raised by both submitters regarding potential reverse amenity impacts from surrounding food premise and entertainment uses on the proposed hotel/motel. It is noted that the applicant provided updated dimension plans showing all external windows and sliding doors with high acoustic properties, soundproofed external walls and insulated internal walls. A condition is recommended on any approval issued to provide noise attenuation treatments.

Concerns were also raised regarding reverse amenity impacts from foot traffic generated by surrounding entertainment uses. It is noted that a hotel/motel is one of the forms of residential development that is expected in Zone CB. A hotel/motel that caters for tourist on a short-term basis compliments the surrounding food premises and entertainment uses. It is noted that the technical assessment found the proposed development to comply with the purpose and outcomes of Zone CB.

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

The Minister has made no direction in relation to the application.

- (h) the merits of the proposed development as demonstrated in the application**

The applicant provided the following response regarding the merits of the application.

*The proposed development will rejuvenate and activate a vacant building by repurposing its use for short term accommodation within the Central Business area. The proximity of the development to major public transport and pedestrian/cyclist corridors minimises the need to use private cars. The proposed development integrates into the broader vision for Central Darwin, particularly, the Esplanade Character Area which includes Bicentennial Park which is the premier open space for the Darwin City Centre. The development activates the street frontage and adds to the overall vibrancy of Mitchell Street which one of the key activity hubs within the CBD.*

- (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**

The proposal will utilise the existing building on the site and includes reconfigured internal floors and a refurbished building façade and side and rear walls. The proposed hotel/motel with a ground floor café and alfresco are compatible with surrounding uses and is unlikely to result in adverse impacts on the surrounding area. The comments received from service authorities did not raise any land capability issues except for the City of Darwin who requested a Traffic Impact Assessment (TIA) as a condition precedent to ensure waste collection vehicles can enter and exit the site safely.

To ensure the basement and ground level car parking areas are appropriately designed and constructed for their intended purpose, it is recommended that as a condition precedent, the applicant provide written evidence from a suitably qualified person confirming the parking layout complies with the Australian Standards for off-street parking.

- (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***

There is no requirement for public facilities or open space for the proposal. Internal amenities are provided internally including a café and gym apart from the alfresco dining area at the street frontage and communal open space along the northwest side boundary. The site is in close proximity to a wide range of services and facilities in the broader Darwin CBD.

- (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***

The proposal was submitted to the following authorities for comment:

## **Local Authority:**

### **City of Darwin – Bookmark E1**

Council requested the following conditions precedent should a permit be issued for the development:

- A dilapidation report covering all infrastructure (including street trees) located in the road reserve is to be submitted to the satisfaction of City of Darwin.
- A Waste Management Plan demonstrating waste disposal, storage and removal in accordance with City of Darwin's Waste Management Guidelines.
- A Traffic Impact Assessment Report (TIA) including a swept paths for waste collection vehicles entering and exiting the site and necessary upgrades to the surrounding street network as a result of the implications of the development.
- A site Construction Management Plan (SCMP) addressing the impact to City of Darwin owned land and infrastructure.
- If approved, the City of Darwin also requests the inclusion of standard conditions relating to works within the road reserves/infrastructure, street trees, building identification, site access, easements, waste bin enclosures and stormwater management.

## **Service Authority:**

### **Power and Water Corporation - (Power Services) - Bookmark E2**

Power Services provided the following comments and conditions for consideration:

- The landowner shall engage an electrical consultant or licensed electrician to provide a revised overall maximum demand calculation and a Negotiated Connection application for PWC's assessment.
- The engaged electrician is required to upgrade the current internal electricity reticulation upgrade works including a new customer main switchboard and separate billing purposes for individual hotel/hotel suites.

## Power and Water Corporation - (Water Services) - Bookmark E3

Power Services provided the following comments and conditions for consideration:

- The developer may need to upgrade the existing water and sewer service and should contact Services Development prior to start of construction.
- The developer shall engage an accredited hydraulic consultant to confirm and design the required water service connection size.
- The developer shall engage an accredited hydraulic consultant to confirm whether the existing sewer service connection is made via a sewer access chamber or a direct connection
- The developer must ensure that backflow prevention is installed at the water service in accordance with AS/NZ 3500.1
- The developer must ensure that prior to construction Trade Waste approval or exclusion is obtained and before seeking clearance, the owner/customer obtains a License to discharge Trade Waste.
- Water Services noted the sewerage easement that runs along the rear of the site is still required.

***(n) the potential impact on the existing and future amenity of the area in which the land is situated***

The development is consistent with the purpose and outcomes of Zone CB (Central Business). The development is an existing 5 storey building with reconfigured internal levels and refurbished exteriors. The alfresco dining area and façade treatments activate the street frontage, provide visual interest and increase opportunities for passive surveillance at street level. The proposed noise attenuation measures will minimise potential reverse amenity impacts from surrounding uses.

Where the development does not comply with the relevant clauses of the NTPS 2020, the impact on existing and future amenity has been considered and a variation has only been supported in cases where this amenity will not unduly be impacted upon.

***(p) the public interest, including (if relevant) how the following matters are provided for in the application:***

- (i) community safety through crime prevention principles in design;***
- (ii) water safety;***
- (iii) access for persons with disabilities***

The proposed development will not impact on the public interest.

***(pa) for a proposed subdivision or consolidation of land in a Restricted Water Extraction Area - whether the subdivision or consolidation complies with the restrictions of sections 14A and 14B of the Water Act 1992 and the requirements of section 14C(1) of that Act;***

Subdivision is not proposed as part of this application.

***(q) for a proposed subdivision of land on which a building is, or will be, situated - whether the building complies, or will comply, with any requirements prescribed by regulation in relation***

**to the building (including, for example, requirements about the structural integrity and fire safety of the building)**

Not applicable to this application.

**(r) any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the Heritage Act 2011**

There are no known natural, social, cultural or heritage values on the site or in the immediate surrounding area.

**(s) any beneficial uses, quality standards, criteria, or objectives, that are declared under section 73 of the Water Act 1992**

The following declared beneficial uses apply to the subject land for Darwin Harbour:

- Aquaculture, environment, cultural, rural stock and domestic.

It is the responsibility of the developer and landowner to ensure that land use does not result in a contravention of the *Water Act 1992*.

**(t) other matters it thinks fit**

No other matters are raised for consideration by the consent authority.

## **Section 51(2) of the Planning Act 1999**

***If a development proposal is required to be referred to the NT EPA under Part 4, Division 3 of the Environment Protection Act 2019, the consent authority must not make a decision under this Division in relation to a development application for the proposal unless:***

***(a) the NT EPA has determined that an environmental impact assessment is not required under that Act for that proposal; or***

***(b) if the NT EPA has determined that an environmental impact assessment is required – an environmental approval has been granted under that Act for the proposal and the decision is consistent with that approval; or***

***(c) the Environment Protection Act 2019 otherwise permits the making of the decision.***

The *Environment Protection Act 2019* otherwise permits the making of decisions by virtue that referral is not required.

## **8. RECOMMENDATION**

That, the Development Consent Authority vary the requirements of Clauses 5.2.4.4 (Layout of car parking areas), 5.5.11 (Food Premises) and 5.9.2.5 (Development along Priority Activated Frontages) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 626 (87) Mitchell Street, Darwin, Town of Darwin for the purpose of 87 hotel/motel suites in an existing 5 storey building, subject to the following conditions:

### **CONDITION PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), written confirmation from a qualified engineer that the parking layout associated with the development complies with the relevant Australian Standards for car parking must be provided in instances where the car parking layout does not comply with

the minimum requirements of the Northern Territory Planning Scheme 2020, to the satisfaction of the consent authority.

2. Prior to the endorsement of plans and prior to the commencement of works, approval is required for the provision of awnings to the street frontages to the requirements of the City of Darwin, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) commencement of works (including site preparation), a traffic impact assessment report is to be prepared by a suitably qualified traffic engineer with attention to vehicular, pedestrian, cyclist and public transport issues, intersection/road network performance and opportunities and identify any necessary upgrades to the surrounding street network to the requirements of the City of Darwin to the satisfaction of the consent authority. The TIA should also include swept paths for waste collection vehicles entering and exiting the site.
4. Prior to the commencement of works, an engineered plan completed by a suitably qualified civil engineer demonstrating the on-site collection of stormwater and its discharge into the local underground stormwater drainage system, shall be submitted to, and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels, and Council's stormwater drain connection point/s and connection details.
5. Prior to the commencement of works (including site preparation), a waste management plan addressing the City of Darwin's Waste Management Guidelines must be prepared to the requirements of the City of Darwin, to the satisfaction of the consent authority.
6. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin.
7. Prior to the commencement of works (including site preparation) the applicant is to prepare a Site Construction Management Plan (SCMP) to the requirements of the City of Darwin, to the satisfaction of the consent authority. The SCMP should specifically address the impact to Council owned public spaces and include a waste management plan for disposal of waste to Shoal Bay, traffic control for affected City of Darwin roads, haulage routes, storm water drainage & sediment control, use of City of Darwin land, and how the land will be managed during the construction phase.

### **GENERAL CONDITIONS**

8. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, and electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

Please refer to notations 1 and 2 for further information.

10. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

11. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
12. stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
13. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather-seal coat;
  - (d) drained;
  - (e) line marked to indicate each car space and all access lanes; and
  - (f) clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the consent authority.Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.
14. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
15. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street to the requirements of the City of Darwin, to the satisfaction of the consent authority.
16. Upon completion of any works within or impacting upon existing road reserves, the infrastructure within the road reserve shall be rehabilitated to the standards and requirements of the City of Darwin and returned to the condition as documented in the dilapidation report.
17. If Council approval is obtained for in association with Condition 2 and other encroachments into the City of Darwin Road Reserve building elements over City of Darwin road reserve, the applicant will be required to enter into appropriate agreements with the City of Darwin and the design specifications are to be to the satisfaction of General Manager, Infrastructure of the City of Darwin.
18. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
19. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated), located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority. The use of angled louvered slats for screening purposes is acceptable,

## Item 4

however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.

20. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
21. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
22. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
23. The loading and unloading of goods from vehicles must only be carried out within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.
24. The development must be constructed to comply with acoustic treatments as shown in the endorsed drawings, and a statement from a suitably qualified acoustic engineer confirming that the treatments were applied must be submitted prior to occupation of the development, to the satisfaction of the consent authority.

### Notes

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on site and/or surrounding infrastructure.
2. Power and Water Corporation advise that prior to initial reviews and assessments being undertaken to determine Power and Water Corporations servicing requirements, the developer should submit an Expression of Interest (EoI) form via email to [remotedevelopment@powerwater.com.au](mailto:remotedevelopment@powerwater.com.au)
3. All proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin's Policy 6310.100.E.R – Outdoor Advertising Signs Code.
4. 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.
5. In accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction and at no cost to City of Darwin.
6. The development and use hereby permitted must be in accordance with Northern Territory legislation including (but not limited to) the Building Act 1993, the Public and Environmental Health Act 2011 and the Food Act 2004.



7. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act 2005 must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 8936 4070 to determine if the proposed works are subject to the Act.
8. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory Building Act 1993 before commencing any demolition or construction works.

## 9. REASONS FOR THE RECOMMENDATION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land and hotel/motel requires consent under Clause 1.8 (When development consent is required). It is identified as Merit Assessable under Clause 1.8(1)(b)(i), therefore, Clause 4.10 9Zone CB – Central Business) and Clauses 5.2.1 (General Height Control), 5.2.4 (Car Parking), 5.2.4.4 (Layout of car parking areas), 5.2.5 (Loading Bays), 5.2.6 (Landscaping), 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR), 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC), 5.5.4 (Expansion of Existing Development in Zones CB, C, SC and TC), 5.5.11 (Food Premises), 5.5.15 (Design in Commercial and Mixed Use Areas, 5.9.2 Darwin City Centre) And 5.9.2 Darwin City Centre, need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for Clause 5.2.4.4 (Layout of car parking areas), Clause 5.5.11 (Food Premises) and Clause 5.9.2.5 (Development along Priority Activated Frontages).

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
  - (a) The purpose and administration clauses of the requirement; and
  - (b) The considerations listed under Clause 1.10(3) or 1.10(4).

(a) 5.2.4.4 (Layout of car parking areas):

The purpose of the clause is to *ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.*

Subclause 8(d) of Clause 5.2.4.4 requires the layout of car parking areas to *ensure parking spaces at the end of and perpendicular to a driveway are 3.5m wide or so that the driveway projects 1m beyond the last parking space.*

The proposal has been found not to be in accordance with Clause 5.2.4.4 as the proposal will result in basement and ground level driveways projecting 0.83m and 0.5m respectively from the last car parking space(s), where a minimum 1m projection is required.

Administratively, the consent authority may consent to a car parking area that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design and construction is safe and functional with regard to the location of the development.

A variation to subclause 8(d) is considered warranted under Administration subclause 4 for the following reasons:

- The proposed basement car parking layout generally accords with the layout approved via DV1720 apart for the gym and store replacing 6 parking space and the removal of the parking space adjacent to the access ramp.
- the ground level car parking layout generally accords with the layout approved via DV1720 apart for the replacement of parking space 43 with a reversing bay and the replacement of parking spaces 58-60 with a loading bay.

To ensure the functionality and achieve better compliance with subclause 8(d) parking bays 16, 27 and 54 could be nominated as a 'small' parking bay, with the designation and signage of these spaces ensuring that only suitable vehicles attempt to use these bays. A condition recommended on any permit issued requiring a suitably qualified person confirm the parking design meets the applicable Australian Standard where it varies from the Clause requirements.

Subclause 9(a and d) require car parking areas to *have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow (a) and maximise sight lines for drivers entering or exiting the car parking area (b).*

The proposal has been found not to be in accordance with the subclause as it will result in basement access driveway width of 5.59m and a ground level driveway along the side of the existing building to the parking at the rear of the site with a width 2.9m, where a minimum 6m driveway width is required for two-way traffic flow under subclause 9(a).

The proposal has also been found not to be accordance with Clause 5.2.4.4 as the proposal will result in a ground level driveway with a width of 2.9m along the length of the existing building to the parking at the rear of the site when sightlines are required to be maximised for drivers entering or existing car parking areas under subclause 9(b).

Administratively, the consent authority may consent to a car parking area that is not in accordance with sub-clause 9 if it is satisfied that the non-compliance will not result in adverse impacts on the local road network or internal functionality of the car parking area.

The applicant provided the following reasons for variation:

- A variation to the requirements of the clause is sought due to existing layout scenario which has previously served an office type land use which generated more parking requirement than the proposed use. City of Darwin has requested Traffic Impact Assessment Report (TIA) through a Condition Precedent for any permit issued.

To ensure the basement and ground level car parking areas are appropriately designed and constructed for their intended purpose, it is recommended that the applicant provide, as a condition precedent, written evidence from a suitably qualified person confirming the parking layout complies with the Australian Standards for off-street parking.

In addition, DAS has identified that to access the loading bay the delivery vehicles are required to reverse through the car park, which can impact the safe and convenient movement of vehicles and pedestrians. The Authority may like to question the applicant further in relation to this matter and what measures, if any, can be proposed to minimise the conflict of delivery vehicles with vehicles using the car park.

### 5.5.11 (Food Premises):

The purpose of Clause 5.5.11 is to ensure a food premises *provides an active interface to the public domain and contributes to the interest and diversity of the locality (a), minimises adverse impacts on the amenity of the locality (b) and is designed for the safety of patrons (c).*

The proposal has been found not to be in accordance with Clause 5.5.11 as the proposal will result in a café with a net floor area of 158m<sup>2</sup> (café 130m<sup>2</sup> & kitchen 28m<sup>2</sup>) where a maximum net floor area of 80m<sup>2</sup> is required under subclause 9.

*Administratively, the consent authority may consent to a food premises that is not in accordance with sub-clauses 3-10, only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the site having regard to such matters as its location, scale and impact on surrounding amenity.*

The applicant provided the following information below addressing the purpose and subclause 9 of Clause 5.5.11 during the deferral period:

- *The proposed development is food premises-café exceeding the 80m<sup>2</sup> as the proponent is likely to operate a food premises-restaurant in the future. The site located in the CB area and therefore an increased floor area is unlikely to have adverse impacts on the amenity of the locality characterised by a mixture of commercial activities encouraged at ground level in a Central Business District.*

A variation to subclause 9 under Administration subclause 2 is warranted for the following reasons:

### 5.5.11 (Food Premises) purpose

The proposed café meets the purpose of Clause 5.5.11 as it located on the ground floor of a mixed-use development (hotel/motel and café). The proposed alfresco dining area will activate the street frontage and the landscaping, vertical features screens and stone cladding on the building facade provide visual interest.

Adverse impacts on the amenity of the locality are minimised as the proposed café is located internally with the alfresco dining area setback from the street frontage. The safety of patrons has been considered through the provision of an accessible lift from the street to the alfresco dining area and cafe entrance.

### Zone CB purpose and outcomes

The purpose of Zone CB is to *promote an active and attractive mixed-use environment that maximises its function as the commercial, cultural, administrative, tourist and civic centre for the surrounding region that is integrated with high density residential development.*

The proposed café and alfresco is located within a mixed-use development of 87 motel/hotel suites in an existing five storey building in proximity to commercial, cultural, administrative, tourist and civic uses (Zone Purpose). The proposed café will support the diversity of land uses in the vicinity, contribute to the daytime economy and has been designed in consideration of the amenity of surrounding uses through the use of acoustic attenuation design measures (Outcome 1 and 4).

The recessed alfresco dining area and the landscaping and the vertical feature screens at the street frontage will encourage passive surveillance and pedestrian activity, provide shading and enhance the streetscape (Outcome 8). The updated architectural drawings submitted in response to public submissions show use of soundproof materials to external walls and glazed windows and doors, which will minimise potential noise impacts (Outcome 10).

The further information provided by the applicant acknowledged the proposed café exceeds the 80m<sup>2</sup> requirement under subclause 9 and stated that the proponent is likely to change the proposed café use to food premises-restaurant in future, which is a permitted use in Zone CB.

To ensure compliance with Clause 5.5.1 Food Premises a condition precedent is recommended to be applied to the permit requiring the plans be updated to show adequate provision is made for the on-site collection, storage and disposal of waste.

Appropriate to the site having regard to such matters as the location, scale and impact on surrounding amenity.

The proposed café and alfresco is in Zone CB adjacent to other food premise uses on Mitchell Street. The proposed café and alfresco is part of a mixed-use development of 87 hotel/motel suites in a five-storey building, which includes noise attenuation treatments to minimise impacts on surrounding uses.

#### 5.9.2.5 (Development along Priority Activated Frontages)

*The purpose of Clause 5.9.2.5 is to prioritise active frontage along key streets in the Darwin city centre to encourage pedestrian activity and strengthen the relationship between buildings and the public domain.*

*Subclause 6 states where a site boundary is located on a street identified as 'priority activated frontage', buildings are to provide a minimum of 75% of the length of that site boundary as active street frontage.*

The proposal has been found not to be in accordance with Clause 5.4.7 as the proposal will result in an active street frontage of 74.5% (24m) of the 30.5m building frontage to Mitchell Street, where a minimum 75% active street frontage is required under subclause 6.

*Administratively, the consent authority may consent to a development that is not in accordance with sub-clauses 5-6 if it is satisfied that compliance would be impractical due to servicing requirements, and all reasonable effort has been made to maximise the active street frontage on 'priority activated frontages' and minimise the visual impact of services.*

Note 3 to Clause 5.9.2.5 references *Design Guidance: Active Street Frontage*, which states the objectives of active street frontages are to *facilitate transactions between buildings and the street, encourage passive surveillance at street level and ensure that commercial buildings contribute positively to the public domain*

*Design Guidance: Active Street Frontage* states the components of active street frontage as *operable and legible entrances that are directly accessible from a public space, areas within the site that allow for alfresco dining and well-designed spaces that allow for pedestrian and/or seating.*

The applicant provided the following response during the deferral period addressing subclause 6;

- *The proposed reconfiguration to the ground floor level respond to the above requirement by opening the front façade to introduce elements that promote activation of the frontages.*

A variation to subclause 6 under Administration subclause 2 is considered warranted as the proposal will result in very small variation (0.5%) to the 75% active street frontage requirement.

The proposal also meets the objectives and components for active street frontages in *Design Guidance: Active Street Frontage* as it will open the building façade to Michell Street and the alfresco dining area increases passive surveillance at street level. The proposed will also significantly improve the existing façade by replacing a wheelchair accessible ramp with a lift and internal office space with an alfresco dining area, landscaping and vertical feature screens.

- (b) The considerations listed under Clause 1.10(4) have been given regard to and it has been found that the proposal complies with all relevant requirements of the NT Planning Scheme 2020, except for Clauses 5.2.4.4 (Layout of car parking areas), 5.5.11 (Food Premises) and 5.9.2.5 (Development along Priority Activated Frontages), as identified above.
3. Pursuant to section 51(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

Two public submissions were received during the exhibition period under Section 49 of the *Planning Act 1999* with respect to the proposal.

Concerns regarding noise and foot traffic impacts generated by surrounding entertainment uses and the lack of design measures to mitigate reverse amenity impacts, concerns entertainment uses in the vicinity could be in breach of the Liquor Act 2019 and concerns the application does not a reference surrounding entertainment.

Apart from the variations sought to Clauses 5.2.4.4 (Layout of car parking areas), 5.5.11 (Food Premises) and 5.9.2.5 (Development along Priority Activated Frontages), the proposed development is compliant with the requirements of the NTPS 2020. The level of compliance achieved with the NTPS 2020 is considered to demonstrate that any unreasonable amenity impacts on the surrounding area are unlikely as a result.

It is noted that the proposed development complies with Clauses 4.10 - Zone CB (Central Business), 5.2.1 (General Height Control), 5.2.4 (Car Parking), 5.2.5 (Loading Bays), 5.2.6 (Landscaping), 5.5.4 (Expansion of Existing Development in Zones CB, C, SC and TC), 5.5.15 (Design in Commercial and Mixed Use Areas), 5.9.2 (Darwin City Centre), 5.9.2.1 (Building Design in Darwin City Centre), 5.9.2.2 (Volumetric Control), 5.9.2.5 (Development along Priority Activated Frontages), 5.9.2.10 (Alfresco Dining Areas), 5.9.11 (Car parking spaces in Darwin City Centre) and 5.9.2.12 (Reduction in car parking spaces in Darwin City Centre).

Regarding reverse amenity impacts it is noted in response that during the deferral period and in response to submissions the applicant provided updated dimension plans showing the glazing on external windows and sliding doors having high acoustic properties with soundproofed external and internal walls. that these noise attenuation measures are likely to mitigate any potential reverse amenity impacts from surrounding uses.

Regarding reverse amenity impacts from foot traffic generated by surrounding entertainment uses, it is noted that a hotel/motel is one of the forms of residential development expected in Zone CB. A hotel/motel catering for tourists on a short-term basis will complement surrounding food premises and entertainment uses and that potential reverse amenity impacts of the proposed café on adjacent entertainment uses is minimised due to its day time hours of operation.

4. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration 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.

The proposal will utilise the existing building on the site and includes reconfigured internal floors and a refurbished building façade and side and rear walls. The proposed hotel/motel with a ground floor café and alfresco is compatible with surrounding uses and is unlikely to result in adverse impacts on the surrounding area. The comments received from service authorities did not raise any land capability issues except for the City of Darwin who requested a Traffic Impact Assessment (TIA) as a condition precedent to ensure waste collection vehicles can enter and exit the site safely.

To ensure the basement and ground level car parking areas are appropriately designed and constructed for their intended purpose, it is recommended that as a condition precedent, the applicant provide written evidence from a suitably qualified person confirming the parking layout complies with the Australian Standards for off-street parking.

5. Pursuant to section 51(1)(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

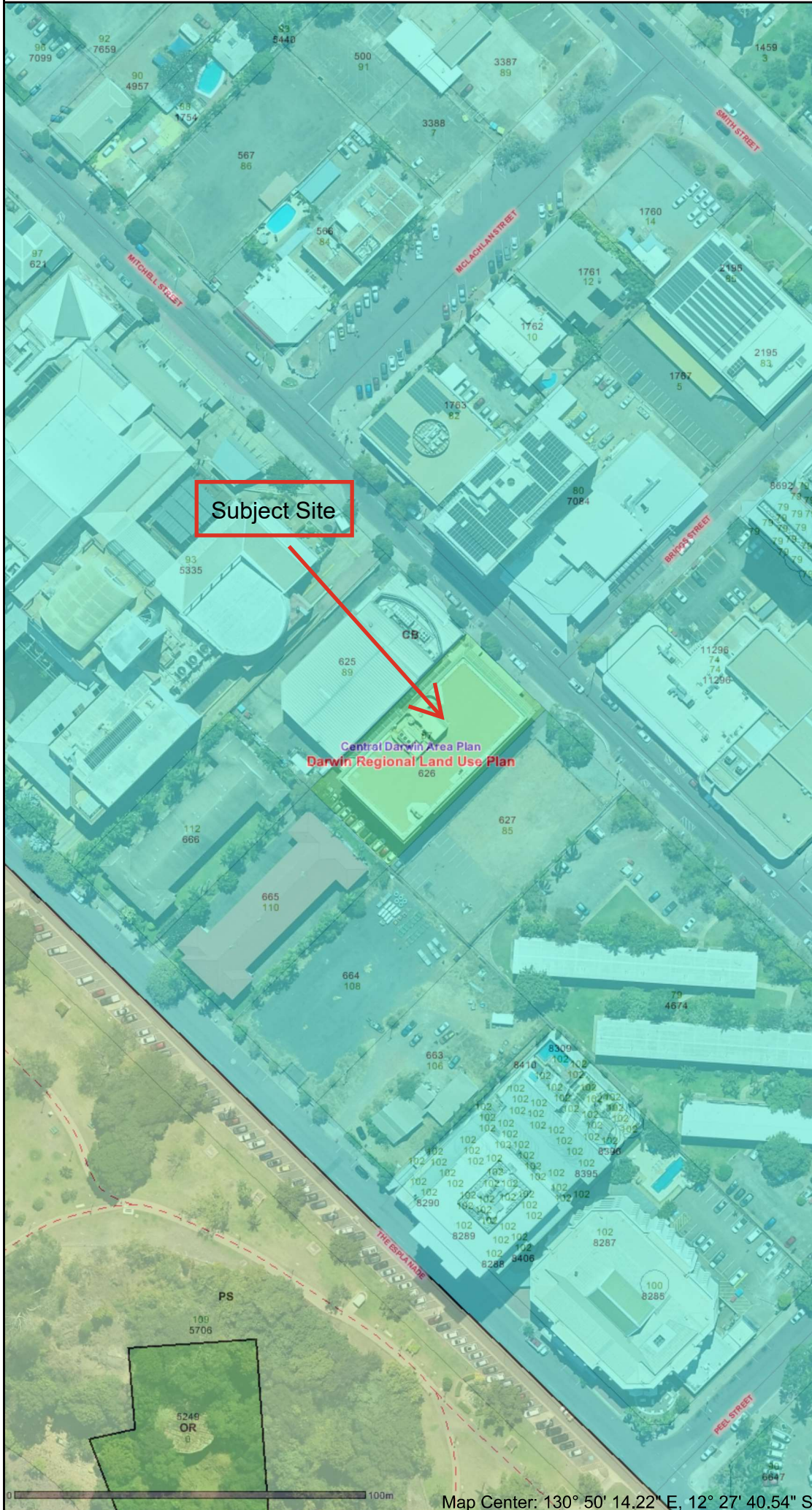
The development is consistent with the purpose and outcomes of Zone CB (Central Business). The development is an existing 5 storey building with reconfigured internal levels and refurbished exteriors. The alfresco dining area and façade treatments activate the street frontage, provide visual interest and increase opportunities for passive surveillance at street level. The proposed noise attenuation measures will minimise potential reverse amenity impacts from surrounding uses.

Where the development does not comply with the relevant clauses of the NTPS 2020, the impact on existing and future amenity has been considered and a variation has only been supported in cases where this amenity will not unduly be impacted upon.

**AUTHORISED:**



.....  
**PLANNER - DARWIN URBAN  
DEVELOPMENT ASSESSMENT SERVICES**



- General Lines
- Regional Land Use Plans
- Subregional Land Use Plans
- Area Plans
- Town Planning Zones**
- A - Agriculture
- CV - Caravan Park
- CB - Central Business
- C - Commercial
- CL - Community Living
- CP - Community Purpose
- CN - Conservation
- DV - Development
- RR - Rural Residential
- GI - General Industry
- HT - Heritage
- HR - High Density Residential
- H - Horticulture
- LI - Light Industry
- M - Main Road
- MR - Medium Density Residential
- LMR - Low-Medium Density Residential
- CA - No Planning Scheme Controls
- OR - Organised Recreation
- PM - Proposed Main Road
- PS - Public Open Space
- RW - Railway
- RD - Restricted Development
- R - Rural
- RL - Rural Living
- SC - Service Commercial
- LR - Low Density Residential
- S - Specific Use
- TC - Tourist Commercial
- U - Utilities
- WM - Water Management
- FD - Future Development
- RJ - Residential Jabiru
- PSJ - Public Open Space Jabiru
- ORJ - Organised Recreation Jabiru
- CJ - Commercial Jabiru
- SCJ - Service Commercial Jabiru
- TCJ - Tourist Commercial Jabiru
- CPJ - Community Purpose Jabiru
- FDJ - Future Development Jabiru
- IJ - Industrial Jabiru
- MJ - Main Road Jabiru
- UJ - Utilities Jabiru
- Road Labels**
- Road Centrelines**
- Highway
- Other Road
- Street Numbers**
- Parcel Numbers**
- Cadastre
- Coastline

Created by IMG

Bottom Left: 130° 50' 10", -12° 27' 42"  
 Top Right: 130° 50' 18", -12° 27' 38"  
 Approximate Scale: 1:1,600  
 Datum: GDA 1994  
 Data for information purposes only  
 - accuracy not guaranteed  
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# NOTICE OF PROPOSED DEVELOPMENT

**SUBMISSIONS CLOSE: MIDNIGHT, 20/12/2024**

**APPLICATION REF:** PA2024/0395

**APPLICANT:** One Planning Consult

**ADDRESS:** Lot 626 Town of Darwin ( 87 Mitchell Street, Darwin City )

**ZONE(S):** CB (Central Business)

**PROPOSAL:** 87 hotel/motel suites in an existing five storey building

**VIEW THE APPLICATION AND LODGE A SUBMISSION:**

**ONLINE:**



[www.ntlis.nt.gov.au/planning](http://www.ntlis.nt.gov.au/planning)

**EMAIL:**

[das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au)

**DARWIN**

**PHONE:** 8999 6046

**POST:** GPO Box 1680  
Darwin NT 0801



*Indicative image only*



# Land owner/s authorisation to lodge a development application under the Planning Act 1999

*\*\*signatures from ALL landowners registered on the land title must be provided\*\**

<b>The owners and/or persons duly authorised as signatory on behalf of the landowner**, hereby authorise:</b>		
NAME OF CONSULTANT OR ACTING AGENT ON BEHALF OF LANDOWNER (please print)	Israel (One Planning Consult)	
Contact number:	Ph:	Mob: 0417787473
<b>to lodge a development application under the <i>Planning Act 1999</i> over the property described as:</b>		
LOT/ NT PORTION:	626 C of T Vol: 872 Folio: 836	
LOCATION/TOWN	Town of Darwin	
STREET ADDRESS:	87 Mitchell Street, Darwin	
PROPOSED DEVELOPMENT:	87 Hotel/motel suites, existing building	

OWNER'S SIGNATURE:		
FULL NAME: (please print)	Martin Ansell	
TITLE: (ie. company director/secretary)	Director	
COMPANY NAME:	Gro-Ruz Darwin Pty Ltd atf the Gro-Ruz Darwin Trust	
Contact number:	Ph: 03 8480 0400	Mob: 0408 555 056
DATE:	25/11/2024	


OWNER'S SIGNATURE:		
FULL NAME: (please print)		
TITLE: (ie. company director/secretary)		
COMPANY NAME:		
Contact number:	Ph:	Mob:
DATE:		

# Land owner/s authorisation to lodge a development application

Under the *Planning Act 1999*

## Before you fill in the form

Signatures from ALL landowners registered on the land title must be provided.

Fields marked with an asterisk (*) are required. Fields marked with a caret (^) are for office use only.			
<b>The owners and/or persons duly authorised as signatory on behalf of the landowner hereby authorise</b>			
Name of consultant or acting agent on behalf of landowner			
Phone		Mobile	
<b>to lodge a development application under the <i>Planning Act 1999</i> over the property described as</b>			
Lot/NT portion	626		
Location/town	Town of Darwin		
Street address	87 Mitchell Street, Darwin City		
Proposed development	87 hotel/motel suites in an existing five storey building		
<b>Owner signature 1</b>			
Full name	John Halikos		
Title (e.g. company director)	Director		
Company name	87 Mitchell Street P/L ATF for 87 Mitchell Street Trust		
Phone		Mobile	Elizabeth - 0413055020
Signature			
Date	29.01.25		



Owner signature 2			
Full name	Sam Pambris		
Title (e.g. company director)	Director		
Company name	Byrazon Pty Ltd ATF Pambris Family Trust		
Phone		Mobile	0414 410 281
Signature	S. Pambris J.P.		
Date	29.01.2025		

## Privacy Note

The Department of Lands, Planning and Environment, on behalf of the Minister, is authorised under the *Planning Act 1999* to collect the information on this form, or otherwise provided by you, to consider a proposal to grant a Development Permit or to amend a planning scheme. 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 Northern Territory 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 within the Northern Territory *Information Act 2002*. For more information, please refer to the Northern Territory Government's privacy statement located at <https://nt.gov.au/copyright-disclaimer-and-privacy>. Any personal information provided can be subsequently accessed by you on request.

NORTHERN TERRITORY PLANNING AUTHORITY

PLANNING ACT

SECTION 113

INSTRUMENT OF DETERMINATION

DV1720

DEVELOPMENT APPLICATION LODGED PURSUANT TO SECTION 104 OF THE PLANNING ACT BY THE DARWIN CLUB INCORPORATED OF 89 MITCHELL STREET, DARWIN NT 5790 ON 5 DECEMBER, 1984 FOR CONSENT TO DEVELOP LOT 626 AND 627, MITCHELL STREET, TOWN OF DARWIN FOR THE PURPOSE OF A LICENSED CLUB, A FIVE STOREY OFFICE BUILDING, SHOPS AND ON-SITE PARKING AND TO DEVELOP LOT 625, TOWN OF DARWIN FOR THE PURPOSE OF 81 TEMPORARY ON SITE CAR PARKING SPACES.

I, EDWARD TREVOR GARGAN, BY VIRTUE OF A DELEGATION FROM THE NORTHERN TERRITORY PLANNING AUTHORITY, AMEND INSTRUMENT OF DETERMINATION DV1581 DATED 15 FEBRUARY, 1985 BY WAIVING CLAUSE 33 OF THE DARWIN TOWN PLAN 1982 IN RESPECT OF 21 CAR PARKING BAYS AND BY DELETING REFERENCE TO DRAWINGS NUMBERED DCDL AND DCD2 AND INSERTING THE DRAWINGS NUMBERED 1120 A 102 B AND 1120 A 103 B PREPARED BY VIN KENEALLY & ASSOCIATES AND RECEIVED ON 15 MAY, 1985.

DATED THIS DAY OF 1985

E T GARGAN  
DELEGATE  
NORTHERN TERRITORY  
PLANNING AUTHORITY

NOTES:

1. THE APPLICANTS ATTENTION IS DRAWN TO THE RIGHT OF APPEAL WHICH EXISTS IN RELATION TO THE ABOVE DECISION IN ACCORDANCE WITH SECTION 114 OF THE PLANNING ACT. WITHIN

28 DAYS OF RECEIVING THIS INSTRUMENT OF DETERMINATION AN

APPEAL MAY BE LODGED TO THE APPEALS COMMITTEE.

2. PURSUANT TO SECTION 116, CONSENT TO THIS DEVELOPMENT APPLICATION LAPSES AT THE EXPIRATION OF TWO YEARS FROM THE DATE OF THIS CONSENT IF NO DEVELOPMENT HAS OCCURRED. AN EXTENSION OF TIME MAY BE GRANTED BY THE CONSENT AUTHORITY PURSUANT TO SECTION 117.

3. WORKING DRAWINGS AND SPECIFICATIONS TO COMPLY WITH THE NORTHERN TERRITORY BUILDING AND ANY RELEVANT STATUTES AND ARE SUBJECT TO APPROVAL BY THE BUILDING CONTROLLER OF THE DEPARTMENT OF LANDS.

3. WHERE THIS INSTRUMENT GRANTS A WAIVER OF THE PARKING REQUIREMENTS OF THE DARWIN TOWN PLAN, IT SHOULD BE UNDERSTOOD THAT THE APPLICANT WILL BE REQUIRED TO PAY A

NORTHERN TERRITORY PLANNING AUTHORITY

Planning Authority

Section 113

INSTRUMENT OF DETERMINATION

DV1581

Development application lodged pursuant to Section 104 of the Planning Act by The Darwin Club Incorporated of 89 Mitchell Street, Darwin N.T. 5790 on 5 December 1984, for consent to develop Lots 626 and 627, Mitchell Street, Town of Darwin for the purpose of a licensed club, a five storey office building, shops and on-site parking, and to develop Lot 625, Town of Darwin for the purpose of 81 temporary on-site car parking spaces.

I, EDWARD TREVOR GARGAN by virtue of a delegation from the Northern Territory Planning Authority, amend Instrument of Determination DV1439 dated 28 November, 1984, by waiving Clause 33 of the Darwin Town Plan 1982 in respect of 16 car parking bays and by deleting reference to drawings number DC1 to DC9 (inclusive) as they apply to Lot 626 and inserting the drawings numbered DCD1 to DCD6 (inclusive) prepared by Vin Keneally and Associates and received on 13 February, 1985 endorsed by me and by inserting the following condition:

- 8. The applicant shall arrange legal vehicular access to the proposed surface parking at the rear of Lot 626 by means which shall be approved by the Director, Planning Branch.

Dated this 15<sup>th</sup> day of February 1985

1 copy Vin Keneally  
x 1 copy to John George  
15/2/85  
[Signature]

E. Trevor Gargan  
E.T. GARGAN  
Delegate  
Northern Territory  
Planning Authority

NOTES:

- (1) The applicants attention is drawn to the right of appeal which exists in relation to the above decision in accordance with section 114 of the Planning Act. Within 28 days of receiving this instrument of determination an appeal may be lodged to the Appeals Committee.
- (2) Pursuant to section 116, consent to this development application lapses at the expiration of two years from the date of this consent if no development has occurred. An extension of time may be granted by the consent authority pursuant to section 117.
- (3) Working drawings and specifications to comply with the Northern Territory Building Code and any other relevant statutes and are subject to approval by the Building Controller of the Department of Lands.

LOT 627

LOT 626

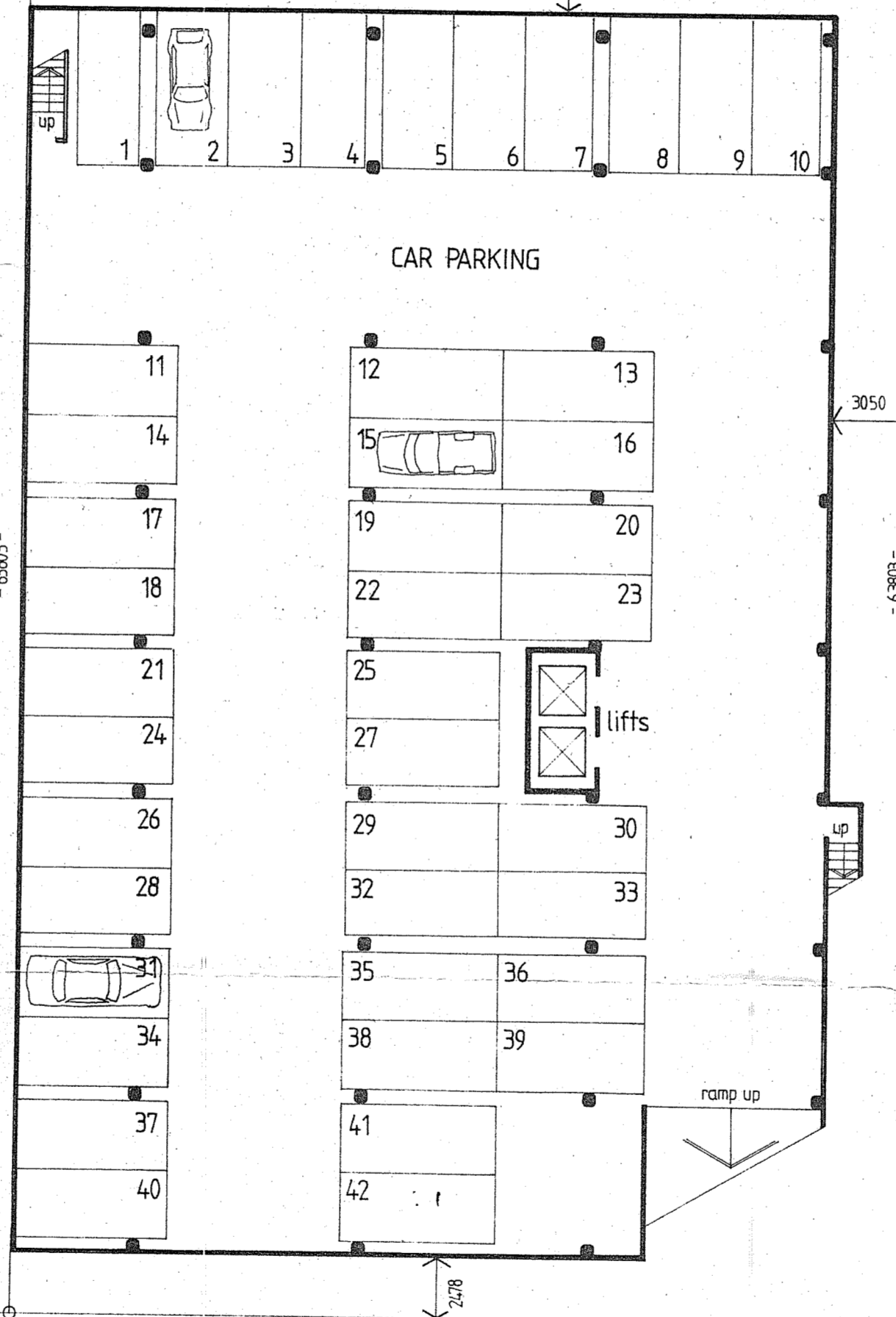
LOT 625

SCHEDULE OF AREAS

	RETAIL	OFFICE	SERVICES & CIRCULATION	TOTAL
GROUND	322.72	572.66	185.62	1081
1ST	-	1104.74	116.64	1221.38
2ND	-	1104.74	116.64	1221.38
3RD	-	1104.74	116.64	1221.38
4TH	-	1104.74	116.64	1221.38
TOTAL				5966.52

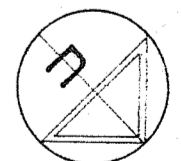
PLOT RATIO = 5966.52/2028  
= 2.942

SEWER EASEMENT



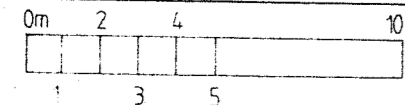
This is the drawing referred to in Instrument of Determination No. D11581 issued by the Northern Territory Planning Authority on 15/2/85

*E. B. Giff*  
Delegate of the Authority



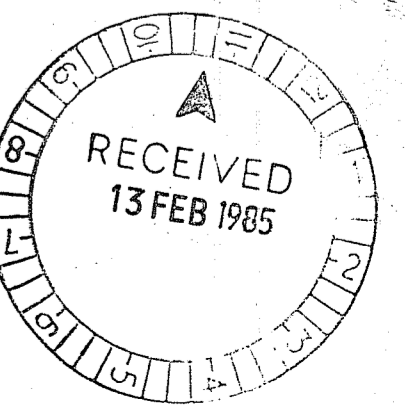
MITCHELL STREET

DARWIN CLUB DEVELOPMENT  
OFFICE BLOCK LOT 626



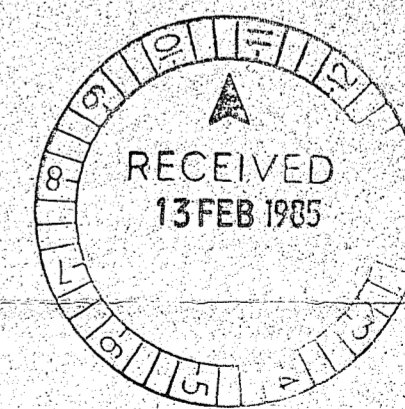
LOT 626  
SITE AREA 2028 m<sup>2</sup> SITE PLAN  
SUB-BASEMENT PLAN

D.C.D.1. 1:200





This is the drawing referred to in Instrument  
of Determination No. 70/1581  
issued by the Northern Territory Planning  
Authority on 15/2/85  
E. J. Barron  
Delegate of the Authority



THE DARWIN CLUB DEVELOPMENT  
OFFICE BLOCK

NORTHERN TERRITORY PLANNING AUTHORITY

Planning Act

Section 113

INSTRUMENT OF DETERMINATION

DV1720

Development application lodged pursuant to section 104 of the Planning Act by the Darwin Club Incorporated of 89 Mitchell Street, Darwin NT 5790 on 5 December, 1984 for consent to develop Lot 626 and 627, Mitchell Street, Town of Darwin for the purpose of a licensed club, a five storey office building, shops and on-site parking and to develop Lot 625, Town of Darwin for the purpose of 81 temporary on-site car parking spaces.

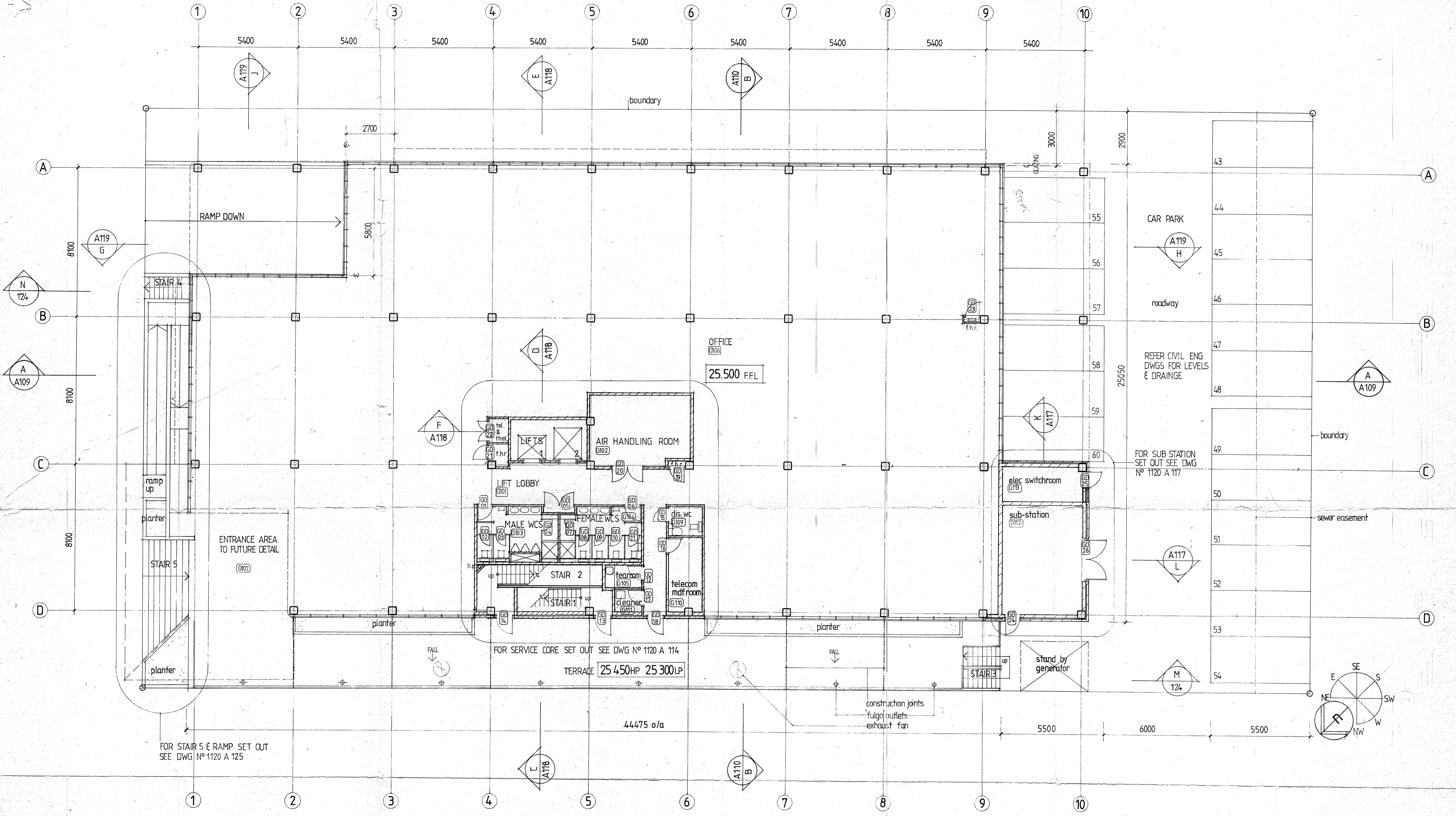
I, EDWARD TREVOR GARGAN, by virtue of a delegation from the Northern Territory Planning Authority, amend Instrument of Determination DV1581 dated 15 February, 1985 by waiving Clause 33 of the Darwin Town Plan 1982 in respect of 21 car parking bays and by deleting reference to drawings numbered DCD1 and DCD2 and inserting the drawings numbered 1120 A 102 B and 1120 A 103 B prepared by Vin Keneally & Associates and received on 15 May, 1985.

Dated this 25 day of May 1985

*E. Trevor Gargan*  
E.T. GARGAN  
Delegate  
Northern Territory  
Planning Authority

NOTES:

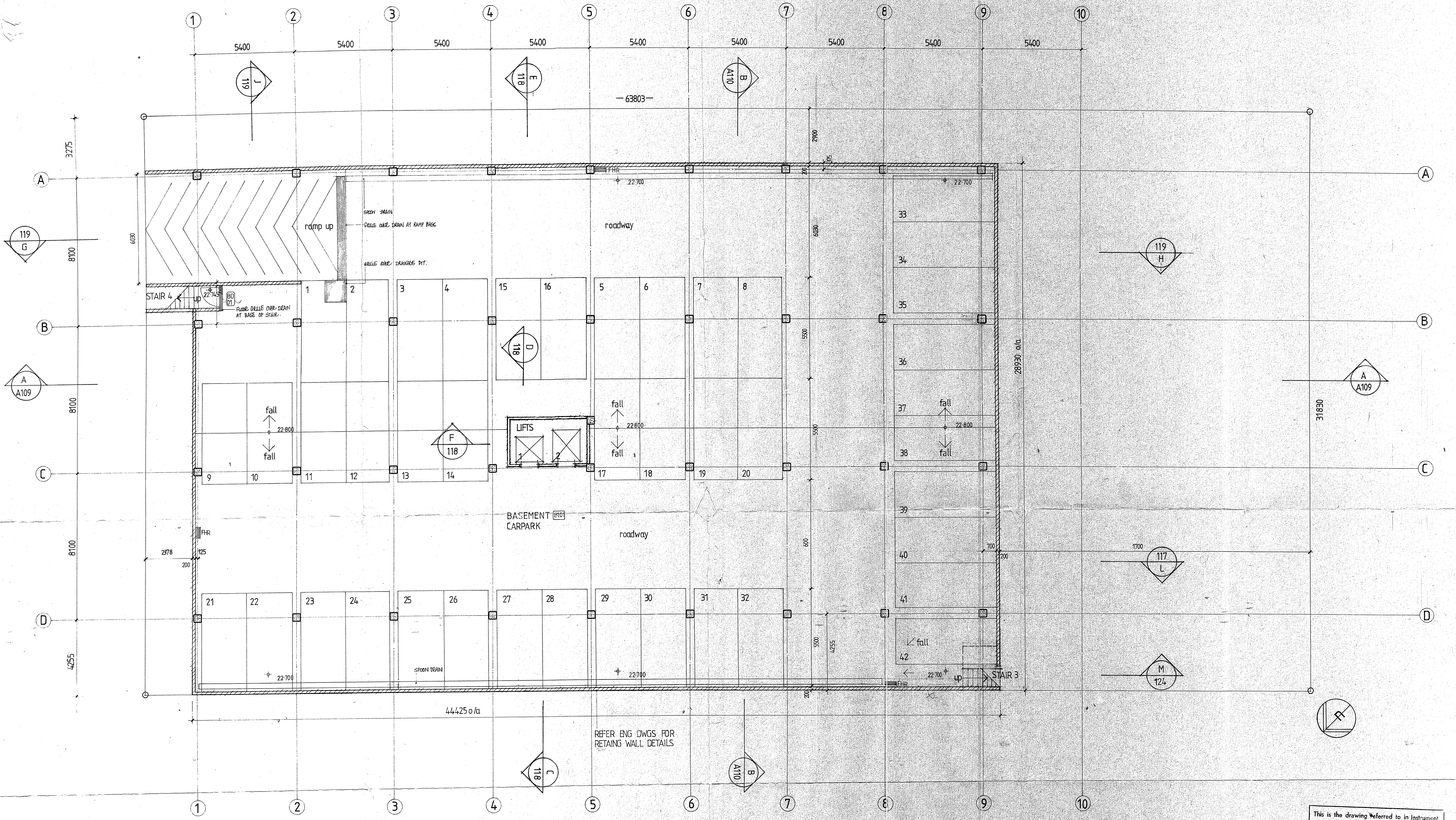
1. The applicants attention is drawn to the right of appeal which exists in relation to the above decision in accordance with section 114 of the Planning Act. Within 28 days of receiving this instrument of determination an appeal may be lodged to the Appeals Committee.
  
1. Pursuant to section 116, consent to this development application lapses at the expiration of two years from the date of this consent if no development has occurred. An extension of time may be granted by the consent authority pursuant to section 117.
  
2. Working drawings and specifications to comply with the Northern Territory Building Code and any other relevant statutes and are subject to approval by the Building Controller of the Department of Lands.
  
3. Where this Instrument grants a waiver of the parking requirements of the Darwin Town Plan, it should be understood that the applicant will be required to pay a levy to the Darwin City Council in accordance with the provisions of the law administered by that Council.



GROUND FLOOR PLAN / SITE PLAN

This is the drawing referred to in Instrument of Determination No. DV 1720 issued by the Northern Territory Planning Authority on 25-6-85  
*ET George*  
 Delegate of the Authority

B	Disputed WC omitted. Telecom mdf room added.	20.4.85	A	Section for office AMU. (Detail omitted). Also drawn for addition of a sub-station (standby generator) and grid lines 3-10 & 10-11. Ramp omitted. Also grid line D-9 & 10. Care plan amended. Third floor rect added. Also grid line 20.	17.4.85	VIN KENEALLY & ASSOCIATES ARCHITECTS	THE DARWIN CLUB PROJECT	OFFICE BUILDING	GROUND FLOOR / SITE PLAN	SCALE 1:100
	BUILDING BOARD APPLICATION	20.4.85		revision						drawn date
						WV MEINHARDT & PARTNERS ENGINEERS				DRWNG NO



**BASEMENT PLAN**  
 REFER ENGINEERS DWG FOR DRAINAGE  
 REFER MECHANICAL SERVICES CONTRACTOR  
 FOR EXHAUST DETAILS

This is the drawing referred to in Instrument  
 of Determination No. DV1720  
 issued by the Northern Territory Planning  
 Authority on 25/11/85  
  
 Delegate of the Authority

A	lift shaft size amended section references added stairs at end of lift so amended floor levels added room no. added	28.4.85	VIN KENEALLY & ASSOCIATES ARCHITECTS	THE DARWIN CLUB PROJECT	SCALE 1:100
	B	BUILDING BOARD APPLICATION			
no. revision		drawn date	WL MEINHARDT & PARTNERS ENGINEERS	1120 A 102	B



# **APPLICATION FOR DEVELOPMENT CONSENT**

## **SECTION 46 – *PLANNING ACT***

### **LOT 626 (87) MITCHELL STREET TOWN OF DARWIN**



## **PURPOSE:**

**REPURPOSING OF EXISTING FIVE (5)  
STOREY BUILDING PLUS BASEMENT FROM  
OFFICE TO 87 HOTEL/MOTEL GUEST  
SUITES**

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## APPENDICES

- APPENDIX A, Drawings
- APPENDIX B, Title Search Certificate



# 1. Preliminary

## 1.1 Introduction Summary

One Planning Consult has been engaged by the Gro-Ruz Darwin Pty Ltd (ACN 619 054 161) as trustee for the Gro-Ruz Darwin Trust to prepare and lodge development application for the purpose of repurposing an existing five (5) storey building plus basement from office to 87 hotel/motel guest suites. The building was built in the mid-1980s and used as an office by various tenants since. The building is currently vacant and was previously tenanted by the Department of Health. The proposal entails reconfiguration of floor levels for retrofitting and repurposing. **Image 1** below demonstrates the comparison of existing building and proposed upgrades to the building.

**IMAGE 1A and 1B – Existing building and access arrangements**



The building is located across from other development sites that have recently undergone rejuvenation and revitalization in the immediate locality. The proposal will deter ongoing itinerants' issues on site. The proposed repurposing of existing building entails the following:

**Basement** – Office, Gym and 34 car parks

**Ground floor** – 10 motel/hotel suites, 11 car parks, café with alfresco, office, board room and reception

**First Floor** – 23 motel/hotel suites

**Second to Fourth Floor** – 54 motel/hotel suites

The existing building is intact with vehicular and pedestrian access directly from Mitchell Street as per the Image 2 below.

**IMAGE 2 – Existing building and access arrangements**



**Hotel/motel** is a defined use under Schedule 2.1 of The NT Planning Scheme 2020. It means premises primarily used for the short-term accommodation of travellers. The use can include where ancillary, meeting and function rooms, food premises-restaurant, a bar-small, and recreation facilities, but does not include a bar-public, club, or nightclub entertainment venue.

The relevant clauses of the NT Planning Scheme 2020 applicable to the proposed land uses as noted under the Assessment Table to Central Business land zone are as follows:

### **General Development Requirements**

5.2.1 General Height Control

5.2.4 Car Parking

5.2.5 Loading Bays

5.2.6.2 Landscaping in Zone CBD

5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR

5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC

### **Location Specific Development Requirements**

5.9.2 Darwin City Centre

5.9.2.1 Building Design in Darwin City Centre

5.9.2.2 Volumetric Control

5.9.2.7 Development along the Priority Pedestrian and Cycle Network

5.9.2.11 Car parking spaces in Darwin City Centre

### **Specific Development Requirements**

5.5.4 Expansion of Existing Developments in Zones CB, C, SC and TC

5.5.15 Design in Commercial and Mixed-Use Areas

5.5.16 Active Street Frontage

The above clauses are discussed in detail under section 5 of this report.

## **1.2 Landowner(s) – Section 46 (aa)**

Applicant: One Planning Consult on behalf of landowners

Landowners: Gro-Ruz Darwin Pty Ltd (ACN 619 054 161) as trustee for the Gro-Ruz Darwin Trust

Third Party Interest: JH Group

Refer to Title Search Certificates at **APPENDIX B** obtained at the time of preparing this application report.

## **1.3 Nature of Application**

Pursuant to section 46 (1) of *the Planning Act* the application seeks planning approval for the purpose of repurposing and existing five (5) storey building plus basement from office to 88 hotel/motel suites.

Hotel/motel is merit assessable under clause 1.8(1)(b)(i) of the NT Planning Scheme 2020 and therefore requires planning consent. Merit Assessable development requires the exercise of discretion by the consent authority to ensure the development can be established in a way that does not impact on the amenity of the area and accords with the relevant zone purposes and outcomes.

The subject land is zoned CB (Central Business) with the purpose to, “... promote an active and attractive mixed-use environment that maximises its function as the commercial, cultural, administrative, tourist and civic centre for the surrounding region that is integrated with high density residential development.”

Amongst other zoning outcomes under the land zoning to the subject site, the proposal is aligned with the following outcomes:

**Outcome 2**, Residential developments that cater for residents and tourists, including dwelling-multiple, serviced apartment, rooming accommodation, residential care facility, and hotel/motel, are usually of high density and are integrated with complementary commercial and entertainment activities that are located nearby or contained within the same building.

**Outcome 8**, Development incorporates innovative building design, site layout and landscaping that:

- (a) responds to and encourage pleasant microclimates, including through breeze capture and shading;
- (b) minimises privacy and overlooking impacts on private spaces;
- (c) maximises overlooking and passive surveillance of public spaces;
- (d) maximises pedestrian activity along primary street frontages;
- (e) reduces the appearance of building mass relative to its surroundings; and
- (f) creates attractive outdoor spaces and enhances the streetscape.

**Outcome 9**, Development contributes to the creation of an active, safe and legible public realm by:

- (a) incorporating and responding to high quality public open spaces including town squares, civic plazas and forecourts where appropriate; and
- (b) integrating with walking, cycling and public transport networks to promote accessibility and use.

The proposed development is generally aligned with the above outcomes which encourage diversity of land uses in Central Darwin and located in a manner that complements core functioning of the city precinct whilst respecting local amenity.

The proposal entails reconfiguration of floor levels to accommodate motel/hotel suites and amenities in a compact repurposed building. The reception and café with alfresco towards the front of the building at ground level provide opportunity passive surveillance of the public domain and create an attractive outdoor space that enhances the streetscape.

The refurbished building facades incorporates use of different materials and textures for delineation of levels and aesthetical appeal when viewed from the street. The introduction of expressive light frame embellishments to the building responds to and encourage pleasant microclimate, including through breeze capture and shading. The proximity of the site to public transport and pedestrian linkage networks promotes accessibility and use of different modes of transport to the development.

### 1.3 Dimension Plans

This report is prepared based on the drawings attached at **APPENDIX A**.

## 1.5 Overlays

There are no overlays applicable to the subject site.

## 1.6 Easements

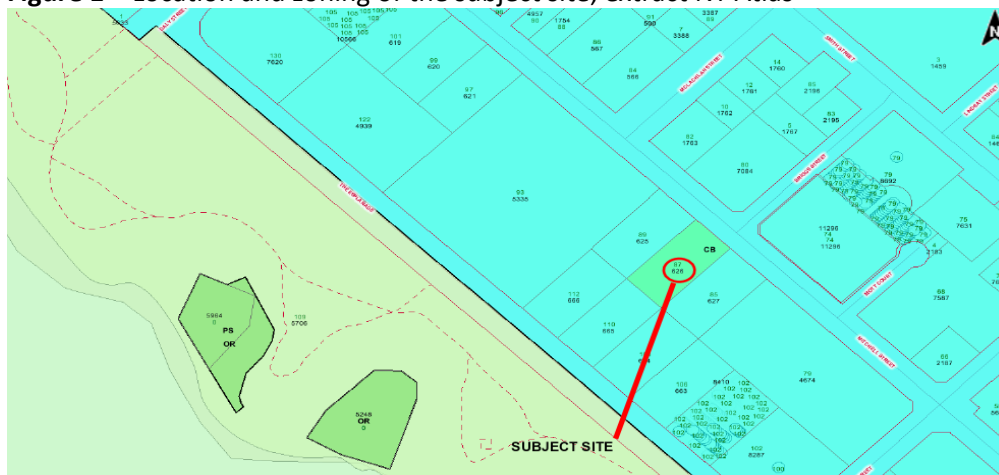
There is an existing 3m wide Sewerage Easement along the rear boundary to Power and Water Authority.

## 2.0 The Location and Zoning of Land

The development site is 2030m<sup>2</sup> in area and zoned CB (Central Business), The site take frontage to the Mitchell Street and located close the following land zoning:

- To the northeast and across Mitchell Street is land zoned CB (Central Business) developed with single to multistorey buildings
- To the southeast is a vacant land zoned CB (Central Business)
- To the northwest is land zoned CB (Central Business) developed with three (3) storey building.
- To the southwest is a land zoned (Central Business) developed with three (3) storey building.

**Figure 1 – Location and zoning of the subject site, extract NT Atlas**



The land is zoned CB (Central Business) and therefore subject to all the relevant clauses of the Planning Scheme that apply to the land within Zone CB. The proposed development is consistent with the primary purpose of this zoning which is to promote an active and attractive mixed-use environment that maximises its function as the commercial, cultural, administrative, tourist and civic centre for the surrounding region that is integrated with high density residential development.

## 3.0 Proposal

The proposed development occurs within an existing 5 storey building plus basement. The development comprises the following:

- 87 motel/hotel suites
- 45 car parks
- Café with alfresco
- Gym

- Office and reception
- Swimming pool
- Landscaping

The existing floor levels will be reconfigured and retrofitted for purpose. The proposal entails different serviced apartment unit types ranging from 25m<sup>2</sup> to 55.9m<sup>2</sup> in area. The layouts of unit types are generally self-contained to include bed sitter/bedroom, kitchenette, sitting room and ensuite. The existing building walls along have been staggered/recessed to break the current building mass through adaption of balconies and glazing where practicable throughout the development.

The drawings associated with proposed development are provided at **APPENDIX A**.

## 4.0 Strategic Planning & Reference Guidelines

---

### 4.1 NT Planning Scheme 2020

Clause 2.1 of the NT Planning Scheme 2020 provides purpose of the Strategic Framework. The Strategic Framework:

*(a) promotes the Objectives of the Planning Act 1999 through the establishment of **strategic policy** and **strategic land use plans** to guide development;*

*(b) establishes a strategic direction for the Northern Territory and its regions that facilitates long term management of development to achieve coordinated and efficient planning outcomes;*

*(c) provides guidance on strategic planning priorities and intended outcomes of future development;*

*(d) balances the following considerations to inform strategic planning and decision making for development:*

*i. the sustainable use of resources and the protection of the natural environment and ecological processes;*

*ii. the integration of land use planning with transport and physical infrastructure planning to provide for the equitable, accessible, logical and efficient provision of such services;*

*iii. the facilitation of industrial, business and other employment and wealth generating activities to promote, support and engender economic development;*

*iv. the promotion of diverse housing options and the integration of planning for community facilities and services to foster a more connected, resilient and supported society;*

*v. the recognition of the unique characteristics, challenges and aspirations in different areas and communities within the scheme area; and*

*vi. the protection of places and buildings, which are of heritage or cultural value.*

The most relevant strategic framework and reference guideline to this development application is the Central Darwin Area Plan and Community Safety Design Guide discussed below.

### 4.2 Central Darwin Area Plan

The Central Darwin Area Plan's purpose is to guide the future development of land within Central Darwin. The Area Plan informs the exercise of discretion when assessing requests to vary scheme

provisions, change land use, and/or rezone property. This Area Plan caters for the needs of the future population and business by:

- providing a city centre flexible to the evolving needs of the commercial and retail sectors;
- supporting the efficient delivery of infrastructure and ongoing viability of the city centre.

This Area Plan works to enhance Darwin’s role and identity by recognising and reinforcing the Darwin city centre as the heart of the Northern Territory and home for a growing inner-city population.

The development site is located along Mitchell Street and within proximity to the Esplanade Character Area identified under this Plan. The area plan identifies the priority pedestrian area and linkages located close to the site as indicated at **Figure 2 below**. The proposed development will enhance one of the objectives of this focus area which is to provide a mix of tourism, residential, event and entertainment uses which contribute to a tourist commercial setting.

The development will attract people and activity to facilitate dynamic use of public spaces including Bicentennial Park which is the premier open space for the Darwin City Centre. **Figure 2** indicates the location of the subject site in relation to Esplanade Character Area and its accessibility through priority pedestrian linkage network.

**Figure 2:** Extract, Central Darwin Area Plan (Esplanade Character Area)



### 4.3 Community Safety Design Guide

This Community Safety Design Guide advocates and encourages urban environments in the Northern Territory that are safe and feel safe. It is intended to be a guide that can be used by applicants as part of the design process, and as an assessment tool when the Consent Authority considers development applications. The Guide sets out recommended solutions as to how development applications can comply with the key principles. Some guidelines may be more or less relevant to particular circumstances.

The subject site is located close to mixed-use type developments in the immediate locality. The locational attribute of the development enables one of the key objectives of this guide under the mixed-use areas and activity generators which is to increase the level of activity within areas to enhance passive surveillance opportunities. The proposed development will rejuvenate the use of an existing and vacant building by repurposing it to encourage ongoing activity and casual surveillance of

the public realm along Mitchell Street. The development delineates vehicular and pedestrian access points to the site. The proposal provides a platform lift towards the front of the for disabled access.

## 5.0 Statutory Planning and Consideration

---

### 46(3)(a) Relevant Clauses of the NT Planning Scheme applicable to the land

#### 5.2.1 General Height Controls

*The purpose of this clause is to ensure that the height of buildings in a zone is consistent with development provided for by that zone.*

*The building height in all other areas is not to exceed:*

- (a) the maximum building height for the zone and use as specified in table B to this clause; or*
- (b) two storeys to a maximum of 8.5m if the zone and use is not included in table B to this clause.*

The proposed development is located on land zoned CB. There is no height limit to this land zoning in accordance with Table B to clause 5.2.1.

#### 5.2.4.1 Car Parking Spaces

*The purpose of this clause is to ensure that sufficient off-street car-parking, constructed to a standard and conveniently located, is provided to service the proposed use of a site.*

##### **Administration**

*This clause does not apply where alternative car parking space requirements are established under clause 5.9 (Location specific development requirements).*

The car parking requirements applicable to developments on land zoned CB are addressed under 5.9.2.11 (Car parking spaces in Darwin City Centre).

#### 5.2.4.4 Parking Layout

*The purpose of this clause is to ensure that a **car parking area** is appropriately designed, constructed and maintained for its intended purpose. The NT Planning Scheme defines “**car parking area**” as an area set aside or designated for the parking of three or more motor vehicles.*

*The consent authority may consent to a car parking area that is not in accordance with sub clause 3 if it is satisfied that the non-compliance will not:*

- (a) result in adverse impacts on the local road network or internal functionality of the car parking area; and*
- (b) unreasonably impact on the amenity of the surrounding locality.*

*A car parking area is to:*

- (a) be of a suitable gradient for safe and convenient parking;*
- (b) be sealed and well drained;*
- (c) be functional and provide separate access to every car parking space;*

- (d) limit the number of access points to the road;*
- (e) allow a vehicle to enter from and exit to a road in a forward gear;*
- (f) maximise sight lines for drivers entering or exiting the car parking area;*
- (g) be not less than 3m from a road, and the area between the car parking area and the road is to be landscaped with species designed to lessen the visual impact of the car parking area;*
- (h) be in accordance with the dimensions set out in the diagram to this clause;*
- (i) have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow; and Northern Territory Planning Scheme 2020 Part 5-24*
- (j) be designed so that parking spaces at the end of and perpendicular to a driveway be 3.5m wide or so that the driveway projects 1m beyond the last parking space.*

The site has an existing and designated area for parking at basement and towards the rear of the property. The proposed development retains the existing parking layout arrangements and access driveways. There are no major changes to impact on an ongoing use of car parking facility as the proposed use generates less parking requirement than the previous land use. The provision of a gym and storage at basement does not lead to non-compliance of existing parking layout.

### **5.2.5 Loading Bays**

*The purpose of this clause is to provide for the loading and unloading of vehicles associated with the use of land. A warehouse use or development on a site must provide areas wholly within the site for loading and unloading of vehicles at the ratio of :*

Hotel/motel requires 1 loading bay for a single occupation of a net floor area of 10 000m<sup>2</sup> or less under the Table to Clause 5.2.5 (Minimum number of loading bays). The net floor area of proposed development is less than 10 000m<sup>2</sup> and will be operated under a single occupancy. The proposal provides 1 loading on site.

### **5.2.6.2 Landscaping in Zone CB**

*The purpose of this clause is to ensure developments within central business districts minimise heat capture and enhance the visual amenity of the area when viewed from the street or from surrounding buildings.*

#### **Administration**

1. *The consent authority may consent to a development that is not in accordance with sub-clause 3 if:*
  - (a) it is a small development and the consent authority is satisfied that it would be unreasonable to provide the required landscaping, having regard to the intended use of the development or whether the development would become unfeasible; or*
  - (b) the development provides an alternative response to achieve the purpose of this clause.*
2. *This clause does not apply if the use or development is permitted through Clause 5.5.4 (Expansion of Existing Use or Development in Zones CB, C, SC and TC).*



### **Requirements**

3. *Development in Zone CB is to provide areas of landscape planting equivalent to 10% of the site area.*

The existing development site 2030m<sup>2</sup> and designates at least 200m<sup>2</sup> for landscaping over the development site. This represents 9.85% of landscaping on site. A variation to the requirement of this clause is sought as the development is already existing very minimal landscaping on site. The proposed reconfiguration provided opportunity for additional landscaping to the development and thereby improving visual amenity of the area when viewed from the street. The variation is minor and unlikely to have adverse effect on the visual amenity of the area.

### **5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR**

*The purpose of this clause is to protect the visual and acoustic amenity of residential buildings where they are adjacent to non-residential development.*

#### **Administration**

1. *The consent authority must not consent to a development that is not in accordance with sub-clause 3, except where:*
  - (a) *the development is covered by an area plan listed in Part 2 (Major Remote Towns) of the Planning Scheme, in which case the consent authority may consent to a development that is not in accordance with sub-clause 3 if the service authority responsible for distribution of electricity, water and sewerage services points to compliance being impractical or prohibited;*  
*or*
  - (b) *the development is for the purpose of a child care centre. Requirements*

Not applicable

#### **Requirements**

2. *A use or development or a proposed use or development that is:*

*(a) not a residential building;*

*(b) on land that is in a zone other than Zones LR, LMR, MR or HR; and*

*(c) abuts land in any of those zones;*

*must provide a setback to the boundary that abuts any of those zones of not less than 5m.*

Not applicable

3. *The setback described in sub-clause 2 is to be landscaped to provide a visual screen to the adjacent land Zoned LR, LMR, MR or HR for a minimum depth of 3m. 4. The development should provide a solid screen fence of a minimum height of 1.8m at the boundary with land in Zones LR, LMR, MR or HR.*

Not applicable

### 5.3.7 End of trip facilities in Zones HR, CB, C, SC and TC

The purpose of this clause is to ensure that new commercial and high-density residential buildings provide sufficient safe, quality and convenient end of trip facilities to enable active travel choices by residents, visitors, workers and customers for the proposed use of the site.

This clause is not applicable to existing buildings.

### 5.9.2 Darwin City Centre

This clause incorporates planning and design standards contained in the Central Darwin Area Plan as elaborated under clause 5.9.2.1 below.

#### 5.9.2.1 Building Design in Darwin City Centre

The purpose of this clause is to promote buildings in the Darwin city centre that are designed to support a mix of land uses now and, in the future, contribute to a high level of amenity in the public domain and enable convenient pedestrian and cyclist movement to and across the city centre.

##### **Administration**

1. *This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).*
2. *The consent authority may consent to a use or development that is not in accordance with sub-clause 6 if it is satisfied that the development is designed to support the ability of the ground floor to adapt to different uses over time.*
3. *The consent authority may consent to a use or development that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design contributes to the functionality and visual interest of the streetscape.*
4. *The consent authority may consent to a use or development that is not in accordance with sub-clause 9 if it is satisfied that roof top plant equipment will not be seen from the street and will not unreasonably impact on the visual amenity of the public domain and neighbouring properties.*
5. *The consent authority may consent to a use or development that is not in accordance with sub-clauses 10 if it is satisfied there are sufficient existing connections in the immediate locality to facilitate safe and convenient movement between desirable locations and across the priority pedestrian/cycle network (identified in the Diagram to Clause 5.9.2).*

##### **Requirements**

6. *New residential buildings are to provide a minimum 4m floor to ceiling height to the ground floor.*

The proposed development occurs within an existing building. N/A

7. *Building facades are to have a clearly distinguished base, middle and top.*

The building façade has been upgraded to identify the ground floor and upper floor through treatment to the vertical vistas.

8. *Any communal facilities, such as bicycle parking and seating, located at the front of the building are to be integrated into the site layout and building design.*

The proposal entails a communal area that is located at ground level and integrated into the site layout and building design.

9. *Any roof top plant and equipment is to be integrated into the building design, and screened from the public domain and neighbouring properties through planting or façade treatments.*

The proposed roof top plant is integrated into the building design and screened from the public domain and neighbouring properties through façade treatments.

10. *Buildings with dual street frontage, excluding corner lots, are to provide mid-block pedestrian linkages (arcades) through the building at ground level to connect the two street frontages.*

The site has a single street frontage.

### **5.9.2.2 Volumetric Control**

*1. The purpose of this clause is to ensure the siting and mass of buildings within Central Darwin promotes*

- a) a built form that maximises the potential for view corridors to Darwin harbour;*
- b) the penetration of daylight and breeze circulation between buildings*
- c) promotes privacy for residents of adjoining properties; and*
- d) a built form that reasonably anticipates the future development of adjoining sites.*

#### **Administration**

*This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features), with the exception of land within the Darwin Waterfront identified on the diagram to Clause 5.9.2.4 (Darwin Waterfront Building Heights and View Lines).*

#### **Requirements**

5. *The podium of a development is to:*
  - (a) have a maximum height of 25m, excluding any plant, equipment, aerials, outbuildings or visually permeable balustrades; and*
  - (b) provide a minimum setback of 6m from any site boundary, for any verandah, balcony or room. designed for accommodation with a window other than to a street or public open space.*

The existing building is below 25m in height with established building setback of 2.9m to 3.37m from side boundaries.

6. *The tower of a development is to:*
  - (a) have a footprint that covers a maximum of 56% of the site area, to a maximum of 1200m<sup>2</sup> in any single tower;*
  - (b) have the length of each side of the tower be no more than 75% of the length of the adjacent boundary; and*

- (c) *provide minimum setbacks of:*
- i. 6m from any site boundary; and*
  - ii. 12m between towers on the same sit*

The proposal occurs within an existing building with established footprint. The proposed reconfiguration to floor levels provides setbacks to side and rear boundaries as follows:

- **Northwestern side boundary**

**Ground floor** (Unit 6-10)

Building - 6.83m

**First floor** (Unit 24- 29)

Building and balcony- 3.78m to 5.58m

**Second floor** (Unit 44 – 47)

Building and balcony- 3.78m to 5.58m

**Third floor** (Unit 62 -65)

Building and balcony- 3.78m to 5.58m

**Fourth floor** (Unit 80 – 83)

Building and balcony- 3.78m to 5.58m

- **Southeastern side boundary**

**Ground floor** (Unit 1-5)

Building and balcony- 2.9m to 4.5m

**First floor** (Unit 11- 19)

Building and balcony- 2.9m to 4.5m

**Second floor** (Unit 34 – 40)

Building and balcony- 2.9m to 4.4m

**Third floor** (Unit 52 - 58)

Building and balcony- 2.9m to 4.4m

**Fourth floor** (Unit 70 – 76)

Building and balcony- 2.9m to 4.4m

- **Rear boundary**

**Ground floor** (Unit 10)

Building – 11.9m to 16.6m

**First floor** (Unit 19- 24)

Building - 12m

**Second floor** (Unit 40 – 44)

Building and balcony- 12m to 13.8m

**Third floor** (Unit 58 - 62)

Building and balcony- 12m to 13.8m

#### **Fourth floor (Unit 76 – 80)**

Building and balcony- 12m to 13.8m

A variation to the requirements of this clause is sought due to the following reasons:

- The building is existing, and the proposed reconfiguration design solution provides improved articulation to the building façade through adaption of balconies and recess to parts of the building walls.
- The development provides high windows where practicable to enclosed areas in order to minimise any overlooking issues to neighbouring developments.
- The proposal limits the number of balconies facing side boundaries whilst promoting passive cooling to the building by providing recessed walls with openings along the façade.
- The proposed building modification results in less windows/glazing along the building facades to side boundaries and thereby minimising potential for any overlooking to neighbouring properties as compared to the current building presentation.

7. *Despite sub-clauses 5 and 6, development within the Smith Street Character Area may instead be designed so that:*

*(a) the podium height is reduced below 25m; and*

*(b) the tower is setback a minimum of 3m from all street boundaries (including the Smith Street Mall); and*

*(d) the total volume of the tower section that is not in accordance with sub-clause 6 does not exceed the theoretical podium volume that is lost by reducing the height of the podium below 25m.*

Not applicable to the proposed development.

### **5.9.2.7 Development along the Priority Pedestrian and Cycle Network**

*The purpose of this clause is to encourage development along the Priority Pedestrian and Cycle Network that facilitates safe and convenient pedestrian and cyclist movement to and across the Darwin city centre.*

#### **Administration**

1. *This clause applies to any use or development fronting the priority pedestrian/cycle network identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).*
2. *The consent authority may consent to a use or development that is not in accordance with sub-clause 5 if it is satisfied an alternative layout provides safe and convenient pedestrian and cyclist movement to and from the site.*
3. *The consent authority may consent to a use or development that is not in accordance with sub-clause 6 if it is satisfied provision of lighting would be unnecessary or unreasonable, having regard to pedestrian and cyclist safety.*
4. *The consent authority may consent to a use or development that is not in accordance with sub-clause 7 if it is satisfied the use or development will not frustrate the ability to provide a future connection between the priority pedestrian cycle network and Frances Bay.*

The subject development site is located close to priority pedestrian and cycleway network as identified under the Central Darwin Area Plan. The proposal connects to priority pedestrian and cycleway network through pedestrian walkway opposite the site.

### Requirements

5. *Pedestrian and cycle links within a site are to be connected to the existing and future priority pedestrian/cycle network, identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).*

The development site is located along Mitchell Street and close to priority pedestrian/cycle network and priority activated frontage as identified in the Diagram to Clause 5.9.2.

6. *Any pedestrian or cycle links or facilities provided within a site are to be well lit.*

All access points to the site will be well lit.

7. *Use or development is to preserve the opportunity for a future sky bridge and landing connecting the priority pedestrian cycle network and Frances Bay.*

Not applicable.

### 5.9.2.11 Car parking spaces in Darwin City Centre

The purpose of this clause is to ensure that sufficient off-street car parking spaces, constructed to a standard and conveniently located, are provided to service the proposed use of a site.

#### Administration

1. *This requirement overrides general car parking space requirements under general clause 5.2.4.1 (Car parking spaces) within the extent of the Darwin City Centre identified in Diagram to Clause 5.9.2 Darwin City Centre Extent and Features).*

#### Requirements

5. *Use and development is to include the minimum number of car parking spaces specified in the table to this clause (rounded up to the next whole number).*

Hotel/motel requires 0.4 car park for every guest suite or bedroom Plus 2 for every 100m<sup>2</sup> of net floor area of all other areas.

**Table 1 - Parking Requirements, Minimum number of required parking spaces in Central Darwin**

Use	Net floor area (m <sup>2</sup> )	Parking generated
Hotel/motel	87 suites	34.8
Office/Reception/Gym/Cafe/alfresco/Board room	349	6.98
<b>Total Required</b>		41.78 (42)

The overall development requires 42 car parks onsite. There are 44 car parks provided on site. It is noted the previous office development had an approximate total net floor of 4400m<sup>2</sup> used as office based on the open plan excluding lift and amenity areas to each floor. The development technically generated a requirement of 132 car parks on site (54 car parks provided).

The proposed development generates a requirement of 42 (44 car parks provided) and thereby resulting in parking credit from previous building and office approval. There is no parking shortfall because of the proposed motel/hotel under the NT Planning Scheme 2020.

#### **5.5.4 Expansion of Existing Developments in Zones CB, C, SC and TC**

The purpose of this clause is to provide for the minor expansion of an existing use or development in Zones CB, C, SC and TC.

##### **Administration**

1. *An expansion of an existing use or development in Zones CB, C, SC or TC is Permitted without consent only if it:*
  - (a) *complies with sub-clause 3; and*
  - (b) *complies with Parts 3, 5 and 6 of this Planning Scheme; and*
  - (c) *is consistent with the zone purpose and outcomes.*
2. *Where the expansion does not comply with sub-clause 3, the use or development is subject to the assessment requirements as established in the relevant assessment table for the zone.*

##### **Requirements**

3. *An expansion of an existing use or development in Zone CB, C, SC or TC is to be:*

- (a) *is a maximum of 100m<sup>2</sup> or 15% of the site, whichever is greater;*
- (b) *designed to not increase the height of existing development on the site;*
- (c) *designed to enhance and increase the existing development's active interface with the public domain;*
- (d) *not a demountable structure or residential building;*
- (e) *not located on or over a registered easement, road reserve or lot boundary; and*
- (f) *of a scale, location and design to facilitate vehicular access, parking and loading areas, including areas allocated for waste management and service vehicle access.*

The proposed development is not exempt under the provisions of clause 5.5.4. The proposal is designed to enhance and increase the existing development's active interface with the public domain.

#### **5.5.15 Design in Commercial and Mixed Use Areas**

*The purpose of this clause encourage a diverse mix of commercial and mixed use developments that are safe, contribute to the activity and amenity of commercial centres, are appropriately designed for the local climate, and minimise conflicts between different land uses within and surrounding the commercial centre.*

##### **Administration**

1. *A development application must, in addition to the matters described in sub-clauses 12-23, demonstrate consideration of and the consent authority is to have regard to the Community Safety Design Guide in Schedule 5.*

Community Safety Design Guide is discussed under Section 4 of this report.

##### **Requirements**

12. *Building design is to be sympathetic to the character of buildings in the immediate locality.*
13. *Buildings are to incorporate and maintain passive climate control measures appropriate to the local climate.*
14. *Building design is to minimise the expanse of blank walls facing the street and public open spaces and limit external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare.*
15. *Services and utilities (such as bin storage areas, service ducts, pipes, air conditioner plants etc.) are to be integrated into the development and/or screened to the public domain and neighbouring properties.*
16. *Car parking areas, including rooftop parking, and open expanses of pavement are to be shaded by landscaping and/or shade structures.*
17. *Unless advised otherwise by the relevant local government council or controlling agency for roads (whichever is applicable), development is to provide an awning or verandah to all street frontages that adjoin a footpath, which:*
  - (a) extends along the full length of the site boundary to provide continuous coverage for pedestrians;*
  - (b) covers the full width of the footpath or has a minimum width of 3m; and*
  - (c) allows for the growth of existing trees and the planting and growth of reasonably anticipated trees within the road reserve.*
18. *Development is to provide legible pedestrian access from the street and public pathways to building entrances that:*
  - (a) is direct and provides refuge from the sun and rain; and*
  - (b) avoids potential entrapment areas, blind corners or sudden changes in level that restrict sightlines.*
19. *New developments are to be sited, designed and operated to minimise unreasonable impacts to surrounding uses and development related to noise, vibration, light, odours and other nuisance.*
20. *Development is to minimise the transmission of noise and exhaust from services by:*
  - (a) locating lift shafts away from habitable rooms, or by using other noise attenuation measures; and*
  - (b) locating air conditioner plants away from openings in habitable rooms.*
21. *Buildings are to provide internal drainage of balconies.*
22. *Development with a floor area of 3500m<sup>2</sup> or greater is to provide a dedicated parenting room (to allow for activities such as baby change and breastfeeding).*
23. *Development is to provide designated areas for rubbish collection.*

The design of the proposed development is site responsive as it incorporates use of lightweight materials and construction methodology that responds to climate and place. The design layout allows natural light and breeze penetration through the site. The introduction of landscaping along the front will enable natural infiltration of stormwater.



With regards to minimising the transmission of noise and overlooking issues on site, the development provides high windows to enclosed areas along the building façade to side boundaries where practicable. In addition, the recessed entries with balconies to units contributes towards noise reduction for the occupants and passive cooling of the development.

The existing building height is already established in the locality and therefore the upgrades to the building are sympathetic to the character of buildings in the immediate locality. The development adds to short term accommodation's choice and option in the area. The choice of earthy type material and neutral colour tones promotes sustainable design in response to local climate and durability.

The removal of dominant disabled access ramp along the front and replacement with active frontage and landscaping encourage interface with the streetscape and passive cooling to the development. The development has a defined pedestrian entry points to the building.

The proposal will provide a drop-down baby change table within the proposed end of trip amenities located at ground floor and close to communal area.

The development incorporates a continuous awning along the street frontage at ground level to provide continuous coverage for pedestrians.

### 5.5.16 Active Street Frontage

*The purpose of this clause is to provide a site-responsive interface between commercial buildings and the public domain that:*

- (a) is attractive, safe and functional for pedestrians;*
- (b) encourages activity within the streetscape; and*
- (c) encourages passive surveillance of the public domain.*

#### **Administration**

*This clause does not apply where:*

- (a) alternative active street frontage requirements are established under Clause 5.9 (Location specific development requirements); or*
- (b) the land is within the Darwin Waterfront identified on the diagram to Clause 5.9.2.4 (Darwin Waterfront Building Heights and View Lines).*

#### **Requirements**

- 5. Services on street level frontages are to be limited to:*
  - (a) a single vehicle entry and exit point to and from the building (except on larger sites where additional access points are supported by a Traffic Study for the site);*
  - (b) a direct single point of access to service equipment for all service authorities;*
  - (c) required fire egress; and*
  - (d) required fire booster connection points.*

There are no proposed changes to existing access driveway arrangements to the site.

- 6. Buildings are to provide a minimum of 60% of the length of each site boundary that fronts a primary or secondary street, or public open space, as active street frontage, made up of any combination of the following components, where the distance between individual components is no more than 1.5m:*

- (a) windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;*
- (b) operational and legible entrances (excluding fire egress) that are directly accessible from the public domain,*
- (c) areas within the site that are used for alfresco dining that provide visual interaction with the Street/public open space; or*
- (d) well-designed spaces that allow for pedestrian movement and/or seating.*

The proposal provides alfresco, balconies and waiting area that presents towards the front boundary to encourage clear views and visual interaction with the street. The adaptation of landscaping along the front of the building delineates hard surfaces and define entry points to the building from the public domain. The proposed awning provides weather protection for pedestrians and patrons visiting the site. The communal area is well designed space that is located away from pedestrian movement with seating and swimming pool.

- 7. Building frontage that is outside the requirements of sub-clause 6, excluding areas for access, are to limit the scale and visual presentation of blank walls.*

The existing development takes frontage to the Mitchell Street and is within the requirements of sub-clause 6. The proposed upgrades limit the scale and visual presentation of blank walls towards the street.

In accordance with the design guidance to this clause, components that contribute to activated frontage in clause 5.5.16 are:

- Windows that maintain clear views to and from the street;
- Operable and legible entrances that are directly accessible from a public space;
- Areas within the site that allow for alfresco dining; and
- Well-designed spaces that allow for pedestrian movement and/or seating.

### **46(3)(b) - Interim Development Control Orders**

There are no interim development control orders applicable to the site or development.

### **46(3)(c) - Environmental Reports**

The development does not require the preparation of any environmental reports or impact statements under the Environment Protection Act.

### **46(3)(d) – Merits**

The proposed development will rejuvenate and activate a vacant building by repurposing its use for short term accommodation within the Central Business area. The proximity of the development to major public transport and pedestrian/cyclist corridors minimises the need to use private cars. The proposed development integrates into the broader vision for Central Darwin, particularly, the Esplanade Character Area which includes Bicentennial Park which is the premier open space for the Darwin City Centre. The development activates the street frontage and adds to the overall vibrancy of Mitchell Street which one of the key activity hubs within the CBD.

### **46(3)(e) - Land Capability**

The impact of the proposed addition and existing development is not beyond what would be normally expected of this type of development.

### **46(3)(f) - Public Facilities and Public Open Space**

The land is nominated for zone CB (Central Darwin) and the proposed development is not expected to create an additional need for public facilities or public open space as the needs are catered for within the requirements of the locality.

### **46(3)(g) - Public Utilities and Infrastructure**

Reticulated power, water and sewer services are available to service the proposed development. The application is routinely circulated to service authorities for comment in relation to the proposal.

### **46(3)(h) – Amenity**

The NT Planning Scheme defines amenity, in relation to a locality or building, as any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable. Given the range of existing uses within the immediate area, the location of the subject development and the nature of proposed use, the proposal is unlikely to unreasonably affect existing amenity. The proposed activation of vacant building will have positive outcomes for neighbouring properties as the development will deter ongoing issues of itinerants using the rear of the property.

### **46(3)(j) - Public Interest**

The proposed use is consistent with the public's expectation of the land use in the area.

### **46(3)(k) - Building Act Compliance**

The proposed building works are subject to regulatory controls under the *Building Act*.

## **6.0 Conclusion**

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Overall, the development largely meets the intent of land zoning which is to promote an active and attractive mixed-use environment that maximizes its function as the commercial, cultural, administrative, tourist and civic centre for the surrounding region that is integrated with high density residential development. The proposed use is in keeping with existing land uses within the locality and responds to one of the key purposes of the Central Darwin Area Plan which is to provide a city centre flexible to the evolving needs of the commercial and retail sector. The site is located close to major bus route and within proximity to transport corridors with opportunities for cyclist and pedestrian linkages. The proposed development will improve the current state of the development site by repurposing an existing and vacant building.

# PROPOSED REPURPOSING OF AN EXISTING OFFICE BUILDING TO 87 MOTEL/HOTEL GUEST SUITES, LOT 626, 87 MITCHELL STREET, DARWIN CBD

<u>SHEET NUMBER</u>	<u>SHEET NAME</u>	<u>SHEET NUMBER</u>	<u>SHEET NAME</u>
A100	COVER PAGE	A111	PART PLANS
A101	BASEMENT SITE PLAN	A112	PART PLANS
A102	GROUND FLOOR SITE PLAN	A113	PART PLANS
A103	1st FLOOR SITE PLAN	A114	PART PLANS
A104	2nd FLOOR SITE PLAN	A115	3D PERSPECTIVES
A105	3rd FLOOR SITE PLAN	A116	3D PERSPECTIVES
A106	4th FLOOR SITE PLAN	A117	3D PERSPECTIVES
A107	ROOF PLAN	A118	3D PERSPECTIVES
A108	ELEVATIONS	A119	3D PERSPECTIVES
A109	ELEVATIONS	A120	3D PERSPECTIVES
A110	LANDSCAPE PLAN		



**LOCALITY PLAN**

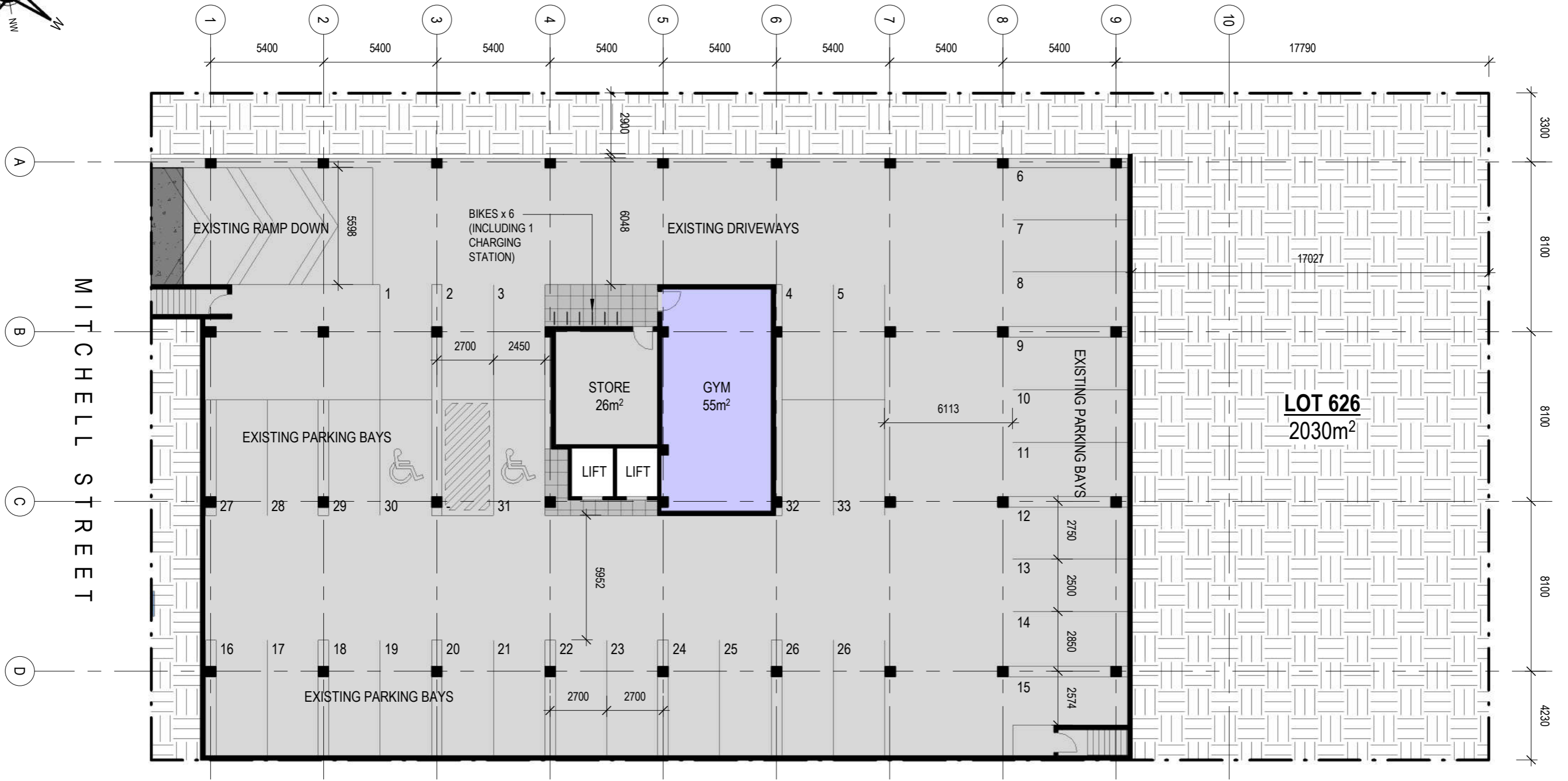
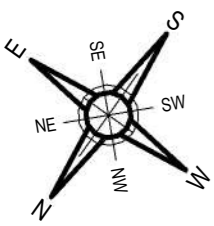
**SUBJECT SITE**



PROJECT NUMBER: 24051

concept designs

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**BASEMENT SITE PLAN**  
1:200 @ A3

TOTAL PARKING BAYS: 33

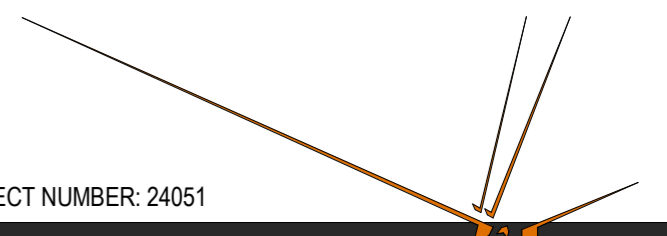
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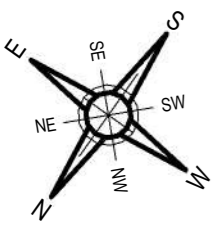
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DESIGN  
PROJECT MANAGEMENT  
INTERIOR DESIGN  
DRAFTING  
MASTERPLANNING

A101 BASEMENT SITE PLAN  
02/12/24  
87 MITCHELL STREET, DARWIN CBD





MITCHELL STREET



12m<sup>2</sup> planter box not included towards 10% landscape planting requirement

**GROUND FLOOR**

1:200 @ A3  
 TOTAL 10 UNITS ON GROUND FLOOR  
 TOTAL PARKING BAYS: 11

**SCHEDULE**

- UNIT TYPE J, 1 BED, 35.8m<sup>2</sup>
- UNIT TYPE K, 2 BED, 30.7m<sup>2</sup>
- UNIT TYPE M, 1 BED, 25.8m<sup>2</sup>

COMMUNAL SPACE, 200m<sup>2</sup>

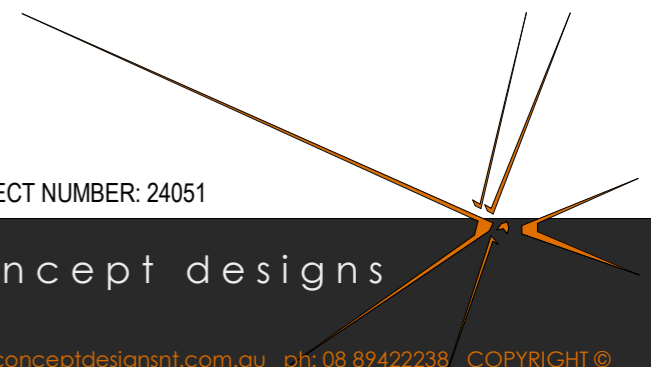
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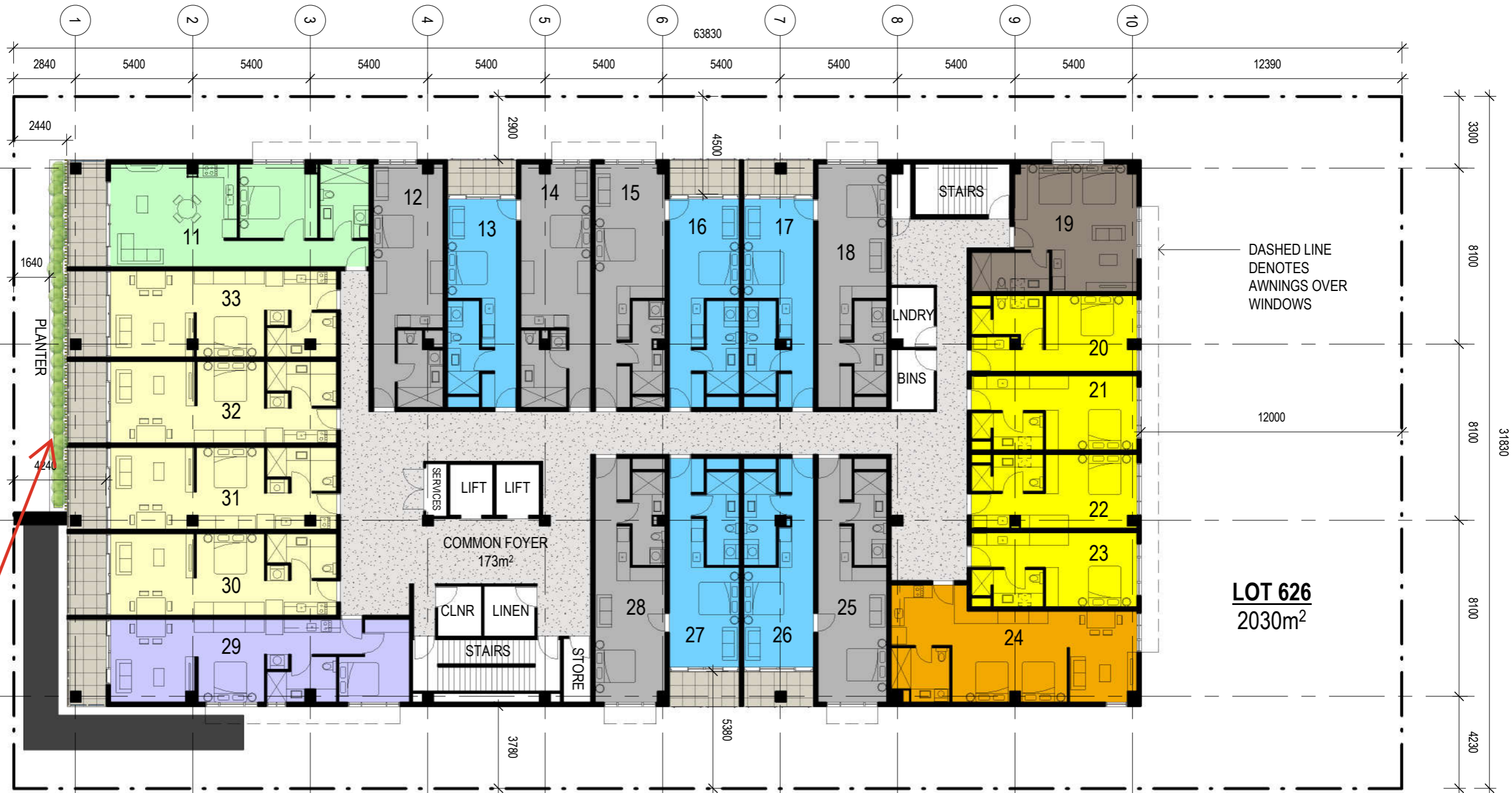
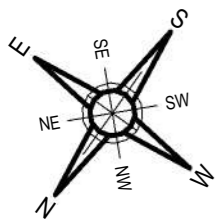
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DESIGN  
 PROJECT MANAGEMENT  
 INTERIOR DESIGN  
 DRAFTING  
 MASTERPLANNING

A102 GROUND FLOOR SITE PLAN  
 02/12/24  
 87 MITCHELL STREET, DARWIN CBD





DASHED LINE DENOTES AWNINGS OVER WINDOWS

**LOT 626**  
2030m<sup>2</sup>

12m<sup>2</sup> planter box not included towards 10% landscape planting requirement

**1st FLOOR - SITE PLAN**  
1:200 @ A3

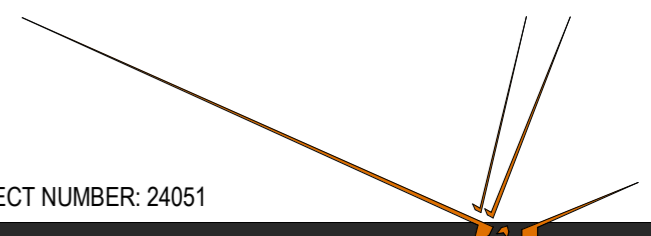
TOTAL 23 UNITS ON 1st FLOOR

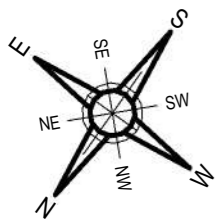
**SCHEDULE**

- UNIT TYPE A, 1 BED, 55.9m<sup>2</sup>
- UNIT TYPE B, 1 BED, 42m<sup>2</sup>
- UNIT TYPE C, 2 BED, 52.3m<sup>2</sup>
- UNIT TYPE J, 1 BED, 35.8m<sup>2</sup>
- UNIT TYPE K, 1 BED, 30.7m<sup>2</sup>
- UNIT TYPE L, 2 BED, 36.5m<sup>2</sup>
- UNIT TYPE M, 1 BED, 26.2m<sup>2</sup>

**SCHEDULE**

- UNIT TYPE N, 2 BED, 51.6m<sup>2</sup>





DASHED LINE  
DENOTES  
AWNINGS OVER  
WINDOWS

**LOT 626**  
**2030m<sup>2</sup>**  
13800

**2nd FLOOR - SITE PLAN**  
1:200 @ A3

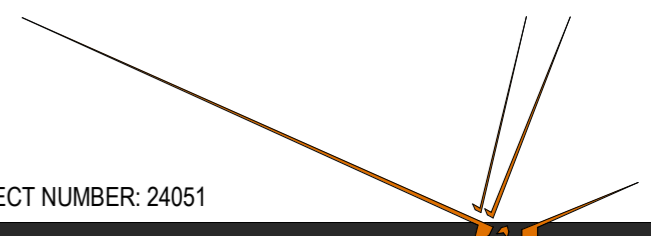
TOTAL 18 UNITS ON 2nd FLOOR

**SCHEDULE**

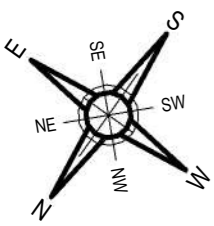
- UNIT TYPE A, 1 BED, 55.9m<sup>2</sup>
- UNIT TYPE B, 1 BED, 42m<sup>2</sup>
- UNIT TYPE C, 2 BED, 52.3m<sup>2</sup>
- UNIT TYPE D, 2 BED, 45.6m<sup>2</sup>
- UNIT TYPE E, 1 BED, 46.4m<sup>2</sup>
- UNIT TYPE F, 1 BED, 45.9m<sup>2</sup>
- UNIT TYPE G, 2 BED, 49.5m<sup>2</sup>

**SCHEDULE**

- UNIT TYPE H, 2 BED, 43.4m<sup>2</sup>
- UNIT TYPE O, 2 BED, 49.16m<sup>2</sup>







**3rd FLOOR - SITE PLAN**

1:200 @ A3

TOTAL 18 UNITS ON 3rd FLOOR

**SCHEDULE**

- UNIT TYPE A, 1 BED, 55.9m<sup>2</sup>
- UNIT TYPE B, 1 BED, 42m<sup>2</sup>
- UNIT TYPE C, 2 BED, 52.3m<sup>2</sup>
- UNIT TYPE D, 2 BED, 45.6m<sup>2</sup>
- UNIT TYPE E, 1 BED, 46.4m<sup>2</sup>
- UNIT TYPE F, 1 BED, 45.9m<sup>2</sup>
- UNIT TYPE G, 2 BED, 49.5m<sup>2</sup>

**SCHEDULE**

- UNIT TYPE H, 2 BED, 43.4m<sup>2</sup>
- UNIT TYPE O, 2 BED, 49.16m<sup>2</sup>

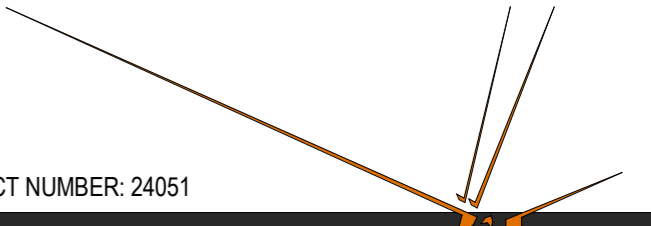
PROJECT NUMBER: 24051

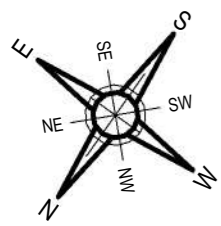
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INTERIOR DESIGN  
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MASTERPLANNING

A105 3rd FLOOR SITE PLAN  
02/12/24  
87 MITCHELL STREET, DARWIN CBD





**LOT 626**  
2030m<sup>2</sup>  
13800

**4th FLOOR - SITE PLAN**  
1:200 @ A3

TOTAL 18 UNITS ON 4th FLOOR

**SCHEDULE**

- UNIT TYPE A, 1 BED, 55.9m<sup>2</sup>
- UNIT TYPE B, 1 BED, 42m<sup>2</sup>
- UNIT TYPE C, 2 BED, 52.3m<sup>2</sup>
- UNIT TYPE D, 2 BED, 45.6m<sup>2</sup>
- UNIT TYPE E, 1 BED, 46.4m<sup>2</sup>
- UNIT TYPE F, 1 BED, 45.9m<sup>2</sup>
- UNIT TYPE G, 2 BED, 49.5m<sup>2</sup>

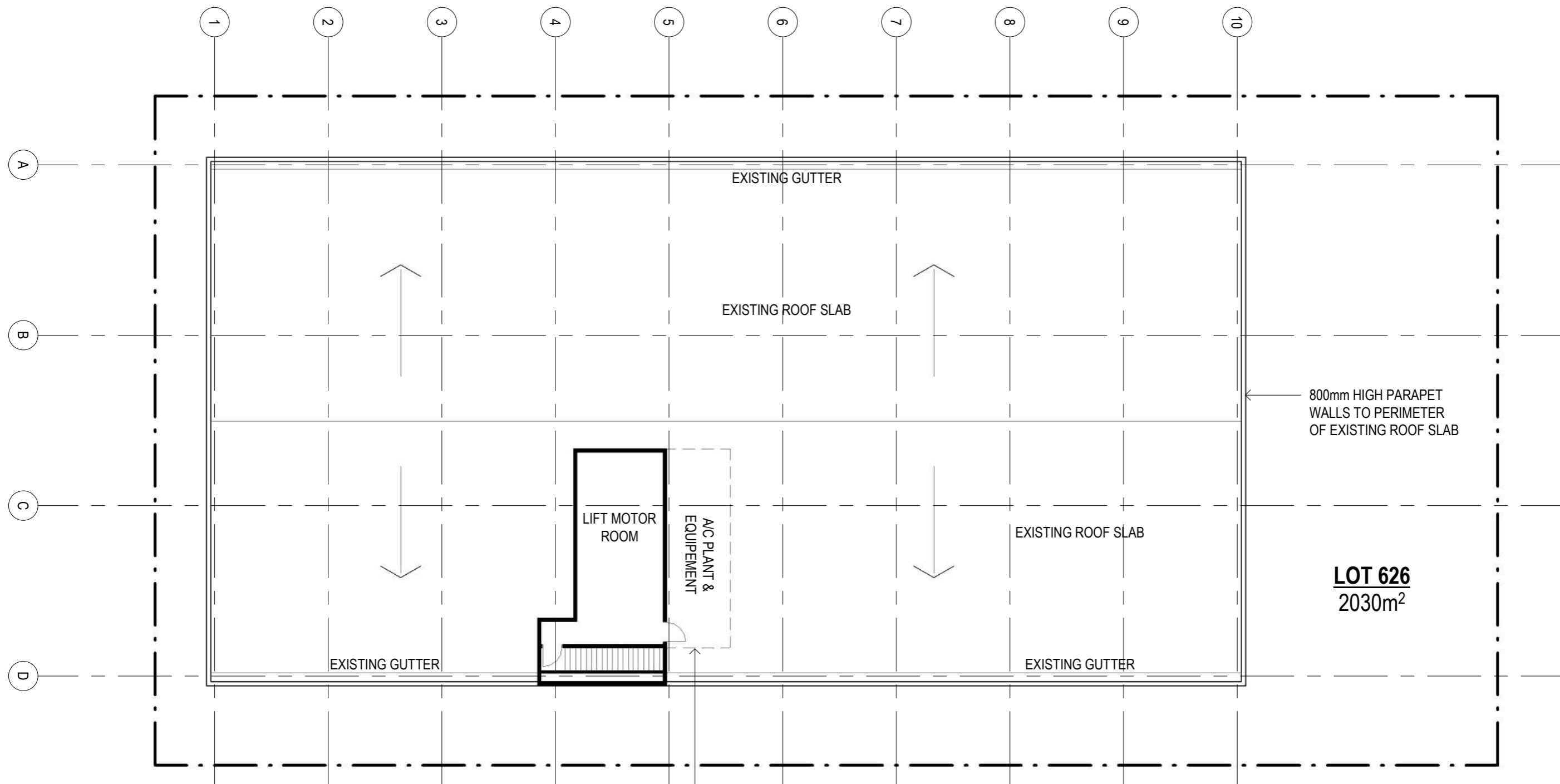
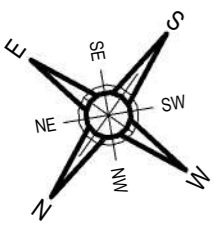
**SCHEDULE**

- UNIT TYPE H, 2 BED, 43.4m<sup>2</sup>
- UNIT TYPE O, 2 BED, 49.16m<sup>2</sup>

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**ROOF PLAN**  
1:200 @ A3

A/C PLANT & EQUIPEMENT  
AREA TO BE APPROPRIATLY  
SCREENED FROM PUBLIC  
VIEW.

PROJECT NUMBER: 24051

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PROJECT NUMBER: 24051

EXISTING LIFT MOTOR ROOM & ACCESS ON ROOF.

POWDER COATED ALUMINIUM WINDOW AND DOOR FRAMES, TYPICAL.

FRAMELESS GLASS BALUSTRADES TO ALL NEW VERANDAHS

NEW POWDER COATED ALUMINUM AWNINGS OVER ALL NEW WINDOWS

ALL NEW WALLS TO BE CLAD WITH ALUCOBOND OR SIMILAR.

- PITCHING POINT ▼ 16750
- 4th FLOOR ▼ 13400
- 3rd FLOOR ▼ 10050
- 2nd FLOOR ▼ 6700
- 1st FLOOR ▼ 3350
- GROUND FLOOR ▼ 0
- GROUND LEVEL ▼ -1350

**ELEVATION 3**  
1:200 @ A3

EXISTING LIFT MOTOR ROOM & ACCESS ON ROOF.

POWDER COATED ALUMINIUM WINDOW AND DOOR FRAMES, TYPICAL.

NEW POWDER COATED ALUMINUM AWNINGS OVER ALL NEW WINDOWS

ALL NEW WALLS TO BE CLAD WITH ALUCOBOND OR SIMILAR.

NEW FEATURE SCREENING

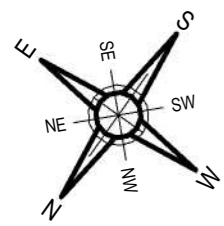
FEATURE STONE CLADDING TO SELECTED AREAS

- PITCHING POINT ▼ 16750
- 4th FLOOR ▼ 13400
- 3rd FLOOR ▼ 10050
- 2nd FLOOR ▼ 6700
- 1st FLOOR ▼ 3350
- GROUND FLOOR ▼ 0
- GROUND LEVEL ▼ -1350

**ELEVATION 4**  
1:200 @ A3

NEW AWNING ACROSS ENTIRE SITE EXTENDING 2m OVER FOOTPATH TO PROVIDE COVERED PEDESTRIAN ACCESS

PROJECT NUMBER: 24051



MITCHELL STREET











**LANDSCAPE PLAN**

1:200 @ A3

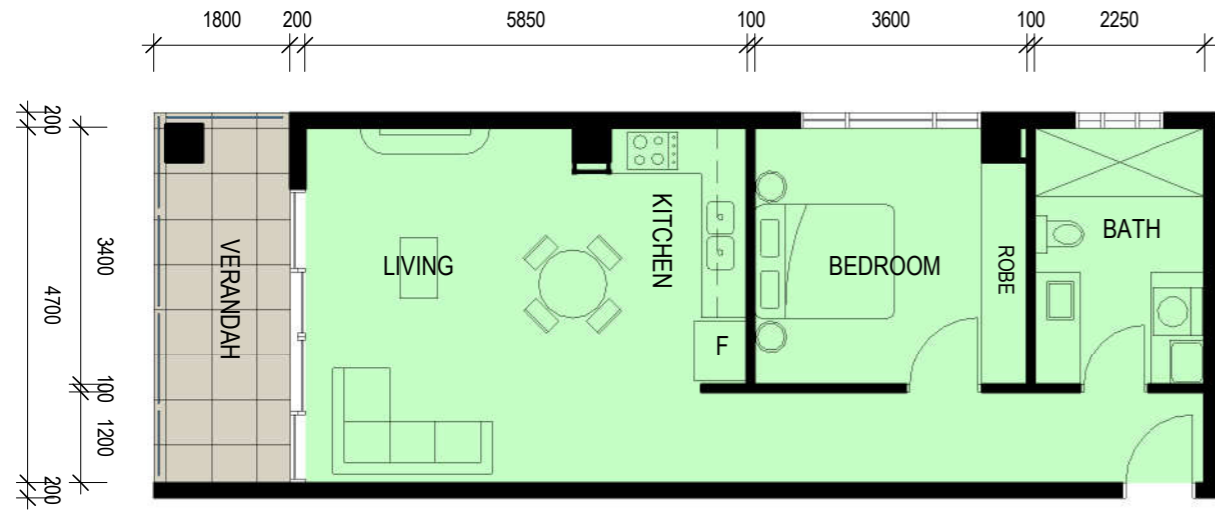
TOTAL LANDSCAPED AREA: 200m<sup>2</sup>  
(INCLUDING PLANTER ON 1<sup>ST</sup> FLOOR)

**PLANTING SCHEDULE**

	LOMANDRA CONFERTIFOLIA (ECHIDNA GRASS) GROUND COVER / GRASS HEIGHT: 0.5M WIDTH: 0.5M		RADERMACHERA SUMMERSCENT HEIGHT: UPTO 3M WIDTH: 2-3M		FICUS PUMILA (CLIMBING FICUS) VERTICAL GREEN WALL
	CALLISTEMON CITRINUS (FIREBRAND) LOW SHRUB HEIGHT: 0.5 - 0.8M WIDTH: 2-3M		STROMANTHE (MAGIC STAR) GROUND COVER / SHADED		TRACHELOSPERMUM (CHINESE STAR JASMINE) VERTICAL GREEN WALL
	TABERNAEMONTANA (LITTLE EMERALD) SHRUB HEIGHT: 1M WIDTH: 1-1.5M		CALATHEA BICAJOUX PINK GROUND COVER / SHADED		

RED LINE DENOTES EXTENT OF AREAS INCLUDING IN LANDSCAPING AREA CALCULATION.

PROJECT NUMBER: 24051

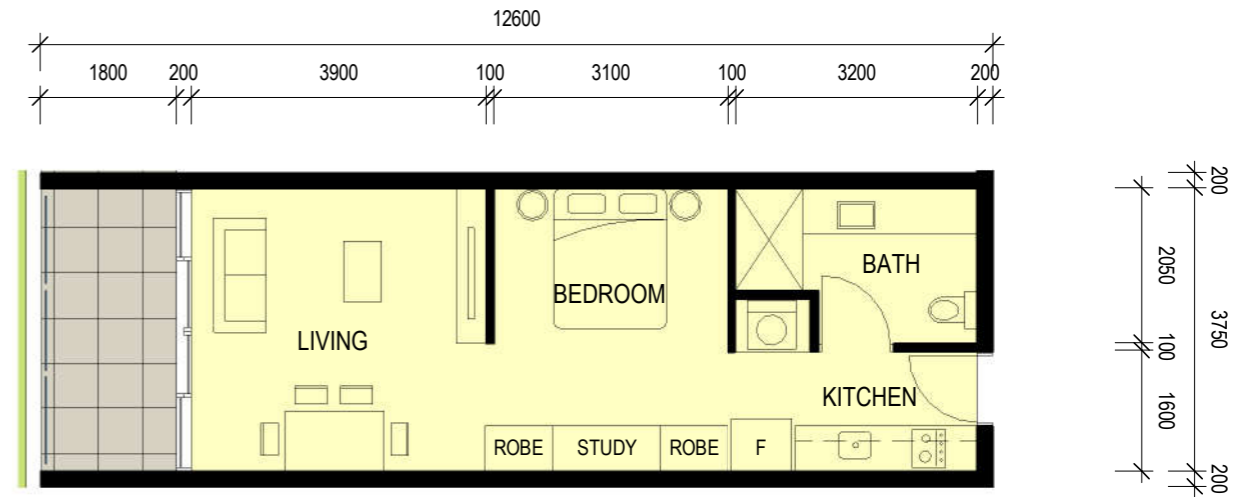


**UNIT TYPE A - FLOOR PLAN**

UNITS 11, 34, 52, 70

1:100 @ A3

**NOTE:** ALL UNITS TO HAVE FLOOR WASTE ON VERANDAH. TYPICAL.

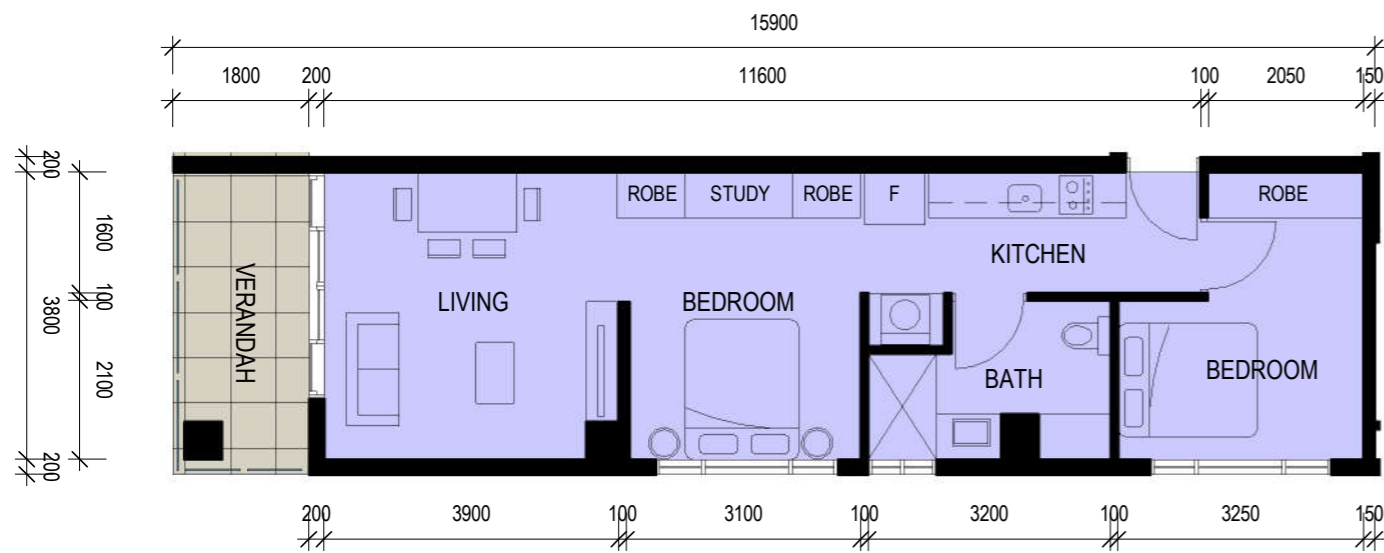


**UNIT TYPE B - FLOOR PLAN**

UNITS 30, 31, 32, 33, 41, 42, 43, 48, 49, 50, 51, 59, 60,

61, 66, 67, 68, 69, 77, 78, 79, 84, 85, 86, 87

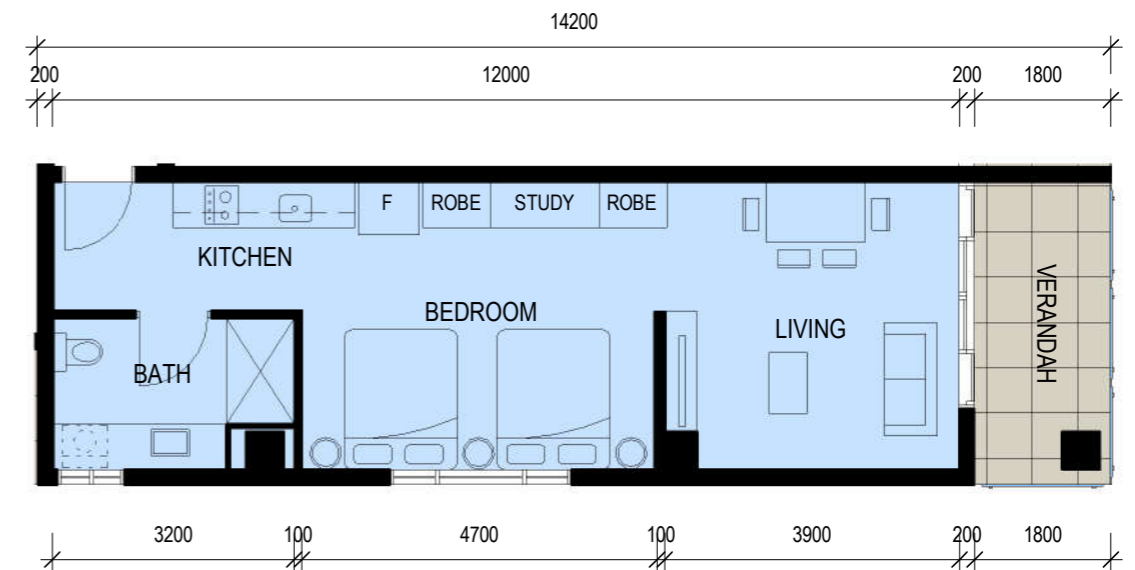
1:100 @ A3



**UNIT TYPE C - FLOOR PLAN**

UNITS 29, 47, 65, 83

1:100 @ A3



**UNIT TYPE D - FLOOR PLAN**

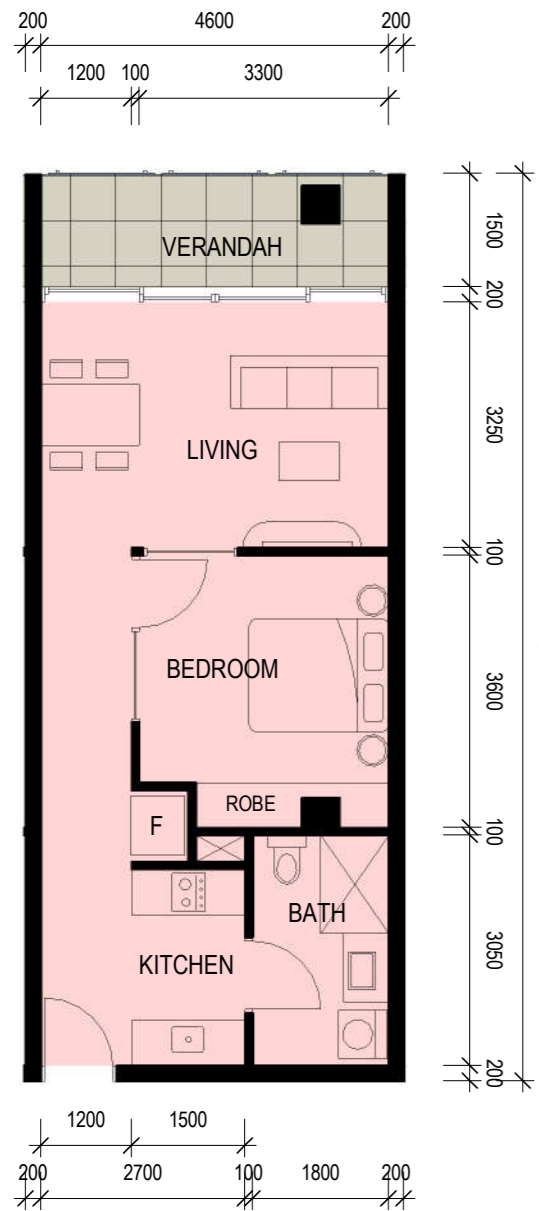
UNITS 44, 62, 80

1:100 @ A3

PROJECT NUMBER: 24051

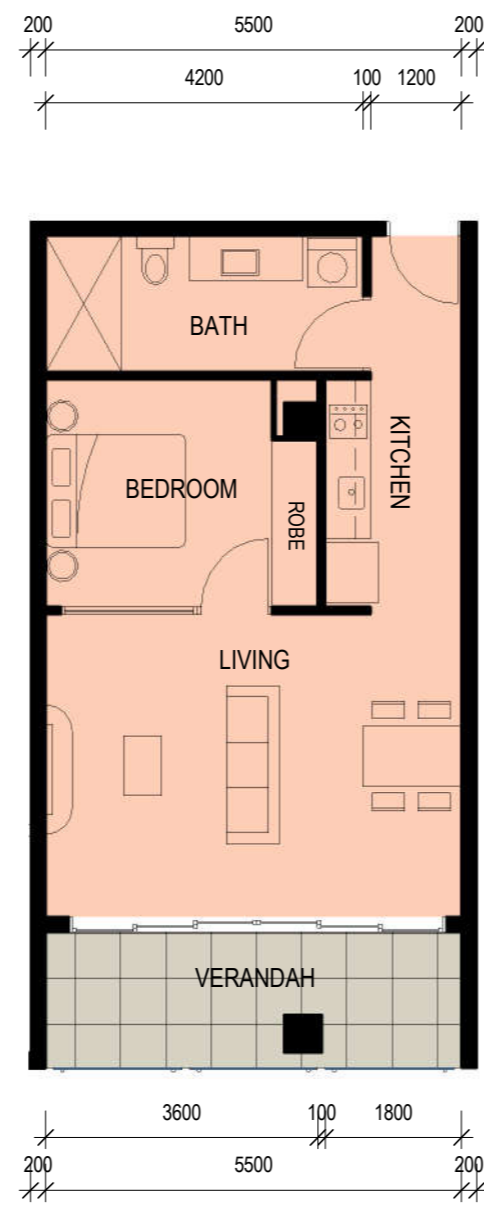
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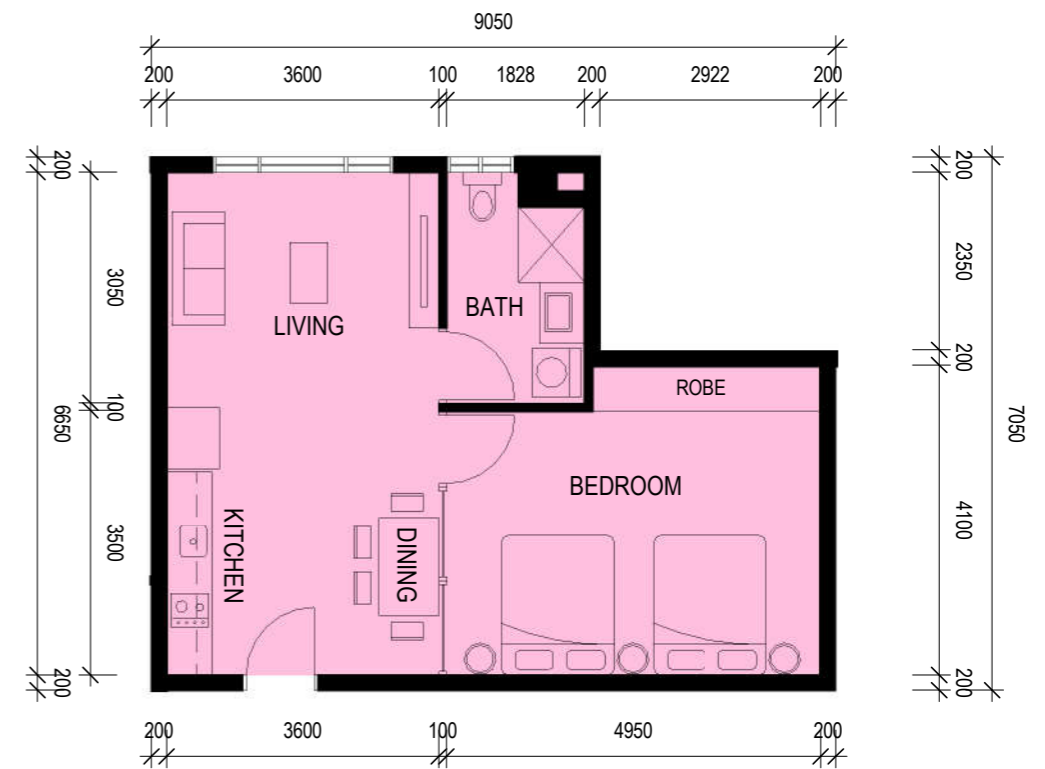


**UNIT TYPE E - FLOOR PLAN**  
 UNITS 35, 36, 37, 53, 54, 55, 71, 72, 73  
 1:100 @ A3

**NOTE:** ALL UNITS TO HAVE FLOOR WASTE ON VERANDAH. TYPICAL.



**UNIT TYPE F - FLOOR PLAN**  
 UNITS 45, 46, 63, 64, 81, 82  
 1:100 @ A3



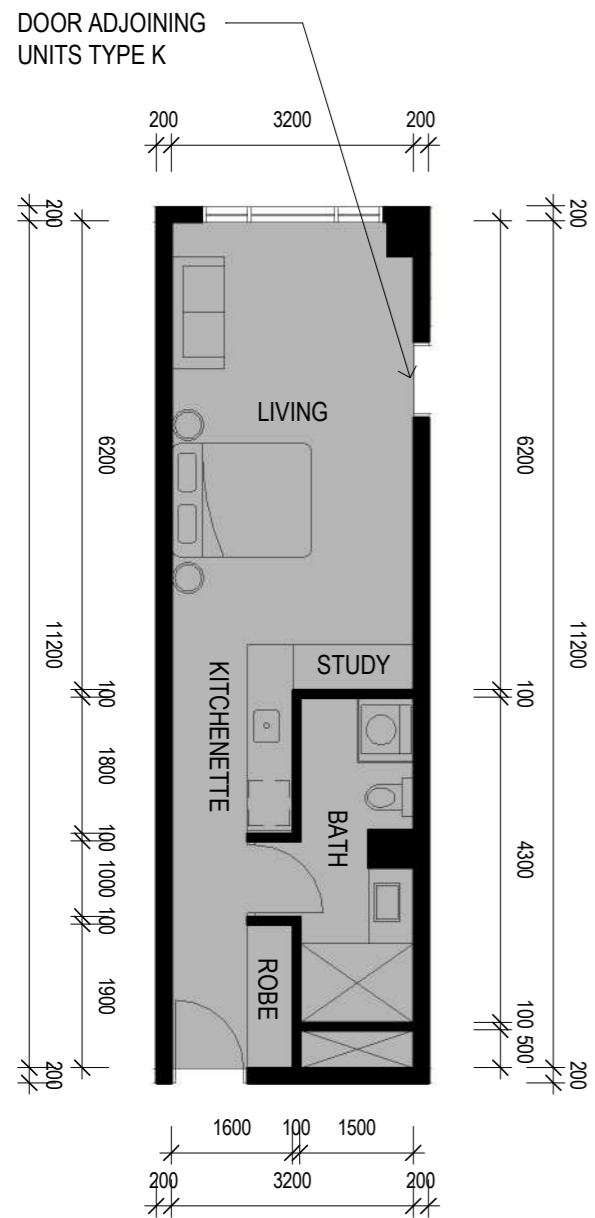
**UNIT TYPE G - FLOOR PLAN**  
 UNITS 39, 57, 75  
 1:100 @ A3



**UNIT TYPE H - FLOOR PLAN**  
 UNITS 40, 58, 76  
 1:100 @ A3

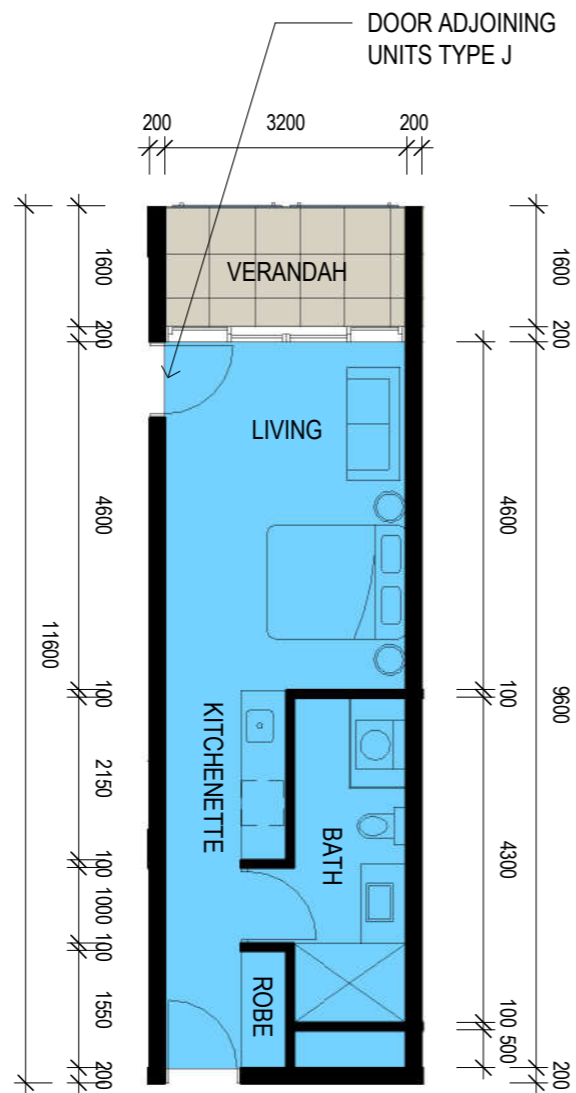
PROJECT NUMBER: 24051



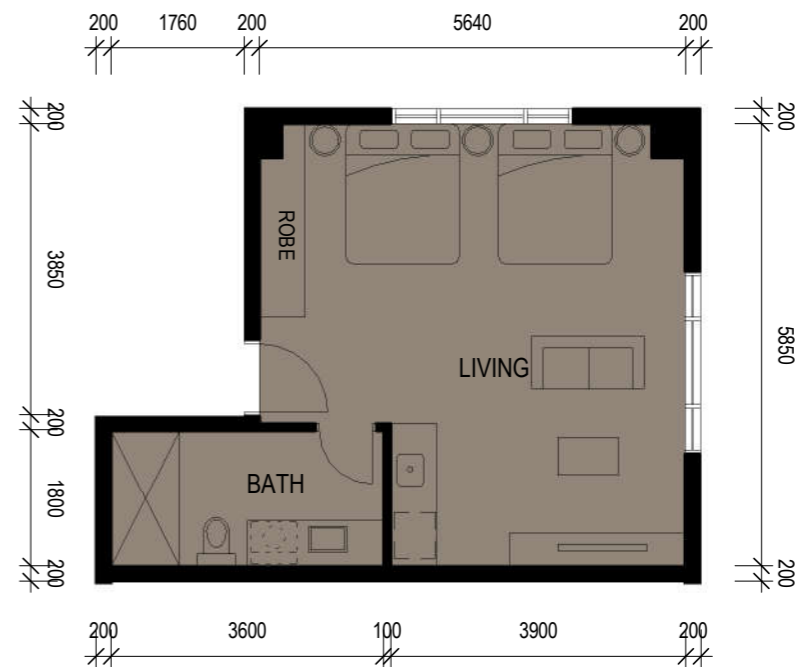


**UNIT TYPE J - FLOOR PLAN**  
 UNITS 1, 2, 5, 12, 14, 15, 18, 25, 28  
 1:100 @ A3

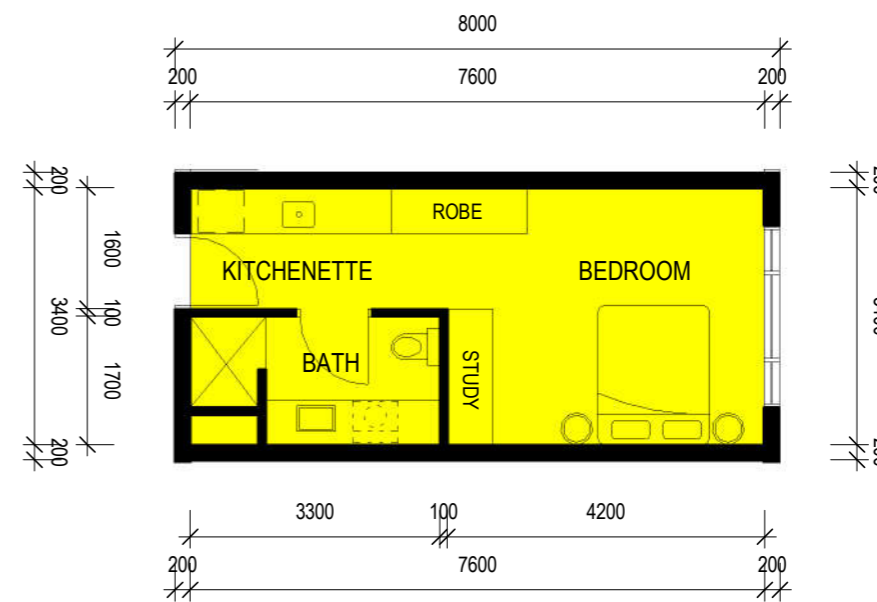
**NOTE:** ALL UNITS TO HAVE FLOOR WASTE ON VERANDAH. TYPICAL.



**UNIT TYPE K - FLOOR PLAN**  
 UNITS 3, 4, 13, 16, 17, 26, 27  
 1:100 @ A3



**UNIT TYPE L - FLOOR PLAN**  
 UNITS 19  
 1:100 @ A3



**UNIT TYPE M - FLOOR PLAN**  
 UNITS 6, 7, 8, 9, 10, 20, 21, 22, 23  
 1:100 @ A3

PROJECT NUMBER: 24051

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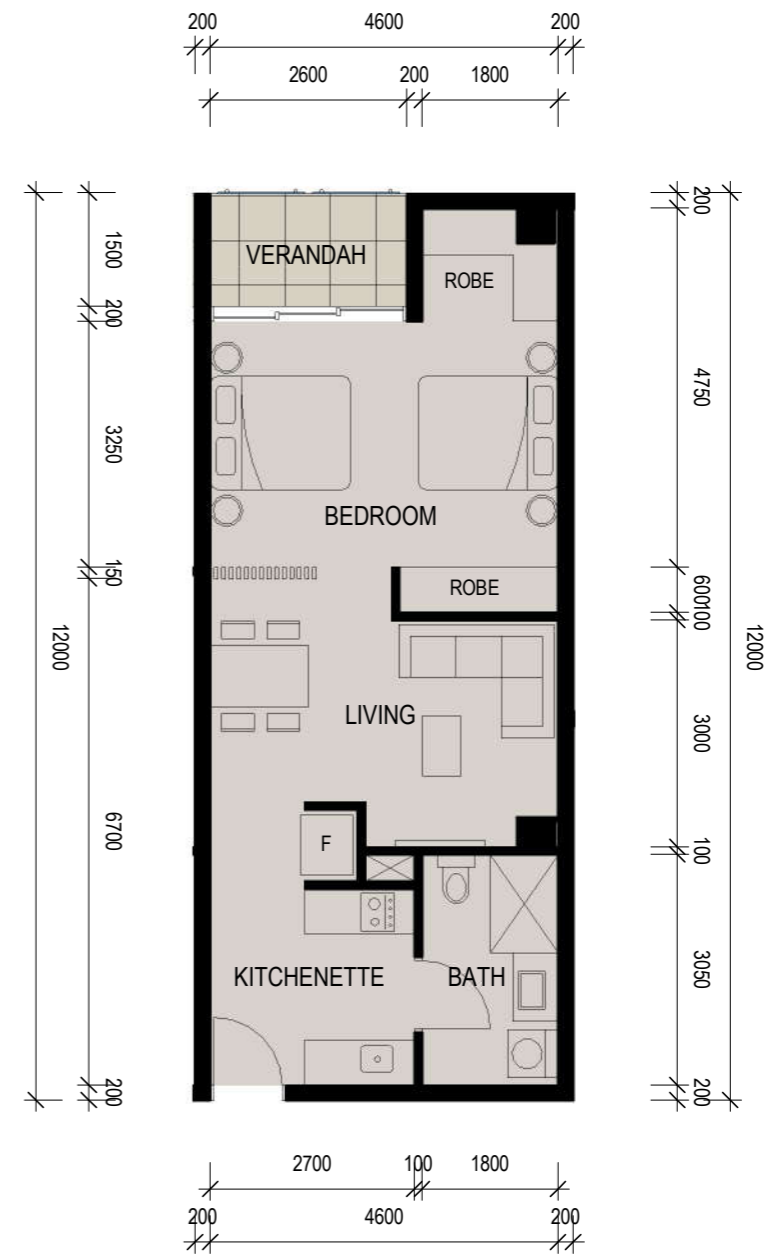
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**UNIT TYPE N - FLOOR PLAN**

**UNITS 24**  
**1:100 @ A3**

**NOTE:** ALL UNITS TO HAVE FLOOR WASTE ON VERANDAH. TYPICAL.



**UNIT TYPE O - FLOOR PLAN**

**UNITS 38, 56, 74**  
**1:100 @ A3**



PROJECT NUMBER: 24051

DESIGN  
PROJECT MANAGEMENT  
INTERIOR DESIGN  
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A115 3D PERSPECTIVES  
02/12/24  
87 MITCHELL STREET, DARWIN CBD

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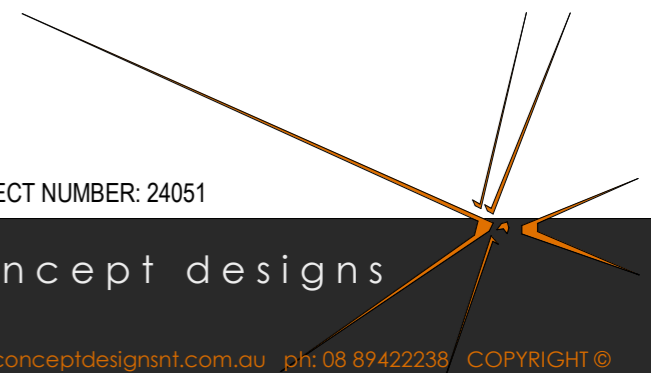
DESIGN  
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INTERIOR DESIGN  
DRAFTING  
MASTERPLANNING

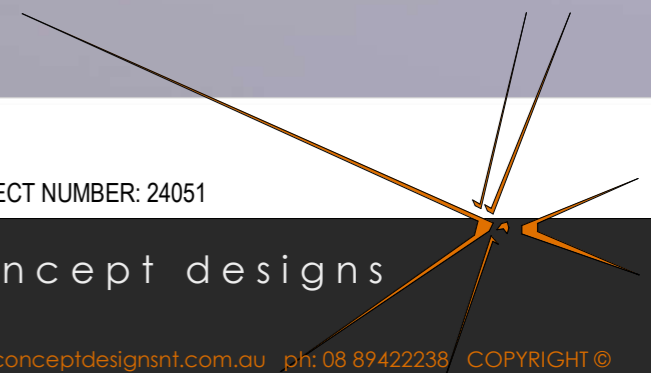
A117 3D PERSPECTIVES  
02/12/24  
87 MITCHELL STREET, DARWIN CBD

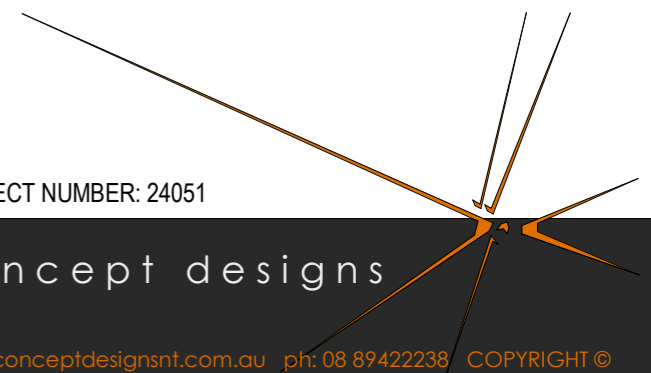
PROJECT NUMBER: 24051

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DESIGN  
PROJECT MANAGEMENT  
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A120 3D PERSPECTIVES  
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87 MITCHELL STREET, DARWIN CBD

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**From:** [israel.k@oneplanningconsult.com.au](mailto:israel.k@oneplanningconsult.com.au)  
**To:** [Sam Pallet](#)  
**Subject:** PUBLIC SUBMISSIONS - PA2024/0395 - hotel/motel application for 87 Mitchell Street 87 Mitchell Street - updated LOA request  
**Date:** Friday, 24 January 2025 10:15:06 AM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[APPENDIX A - Drawings - Revised \\_ Noise Attenuation.pdf](#)

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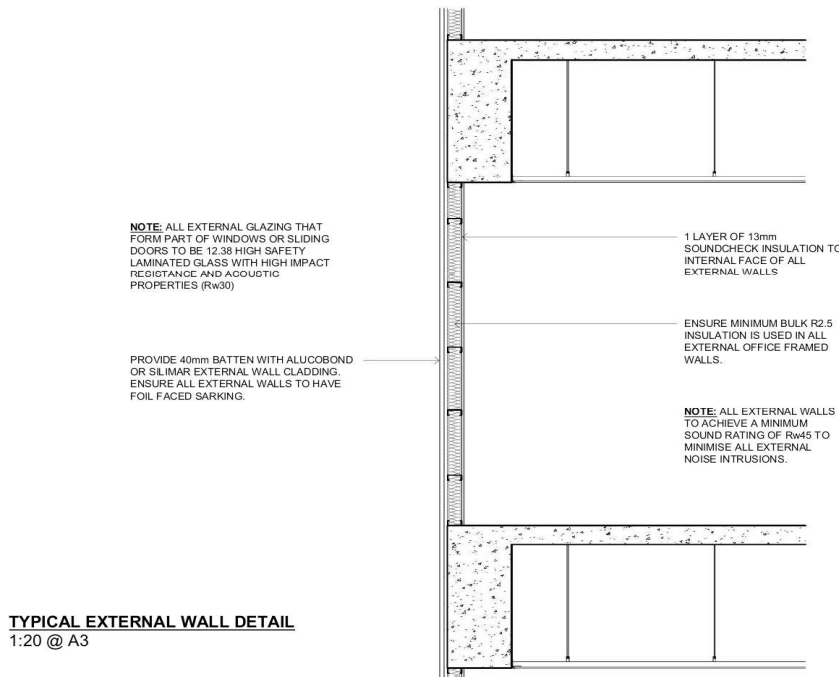
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Hi Sam,

We note the public submissions received from Steven Dugan (TEHGO Pty Ltd aft TEHGO Trust T/A The Cinema Collective) and Nick Dakis (De Silva Hebron – Barristers and Solicitors on behalf of Deva Darwin Pty Ltd).

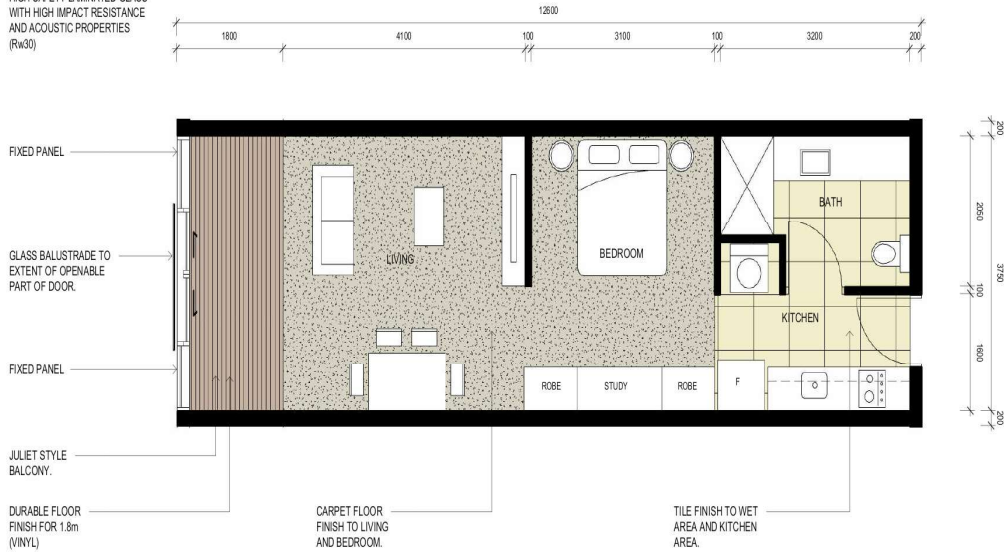
The planning matter raised by the submitters is in relation to their concern on the issue of reverse amenity impact (noise). In review of the concern raised, the proponent has revised the plans to attenuate the effect of potential external noise. The changes are detailed as per the diagrams below showing enclosed balconies and use of soundproof materials to external walls. Attached also is set of plans reflecting the changes.

**IMAGE 1 – Cross-Section to external walls**



**IMAGE 2 – Typical floor layout depicting enclosed balconies**

NOTE: ALL EXTERNAL GLAZING THAT FORM PART OF WINDOWS OR SLIDING DOORS TO BE 12.38 HIGH SAFETY LAMINATED GLASS WITH HIGH IMPACT RESISTANCE AND ACOUSTIC PROPERTIES (Rw30)



Please do not hesitate to contact us for any clarification.

Kind regards,

**ISRAEL T KGOSIEMANG**  
BSc URP MPIA

📞 0417 787 473

✉️ israel.k@oneplanningconsult.com.au

📮 P.O.Box 42279, Casuarina NT 0811



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**From:** [israel.k@oneplanningconsult.com.au](mailto:israel.k@oneplanningconsult.com.au)  
**To:** [Sam Pallet](#)  
**Subject:** FW: PUBLIC SUBMMISIONS - PA2024/0395 - hotel/motel application for 87 Mitchell Street 87 Mitchell Street - updated LOA request  
**Date:** Tuesday, 11 February 2025 3:04:28 PM  
**Attachments:** [image003.png](#)  
[image001.png](#)  
[LANDSCAPING PLAN amended.pdf](#)  
[APPENDIX A1 - Drawings - Revised \\_25\\_ Noise Attenuation 1 \(003\).pdf](#)

---

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Hi Sam,

Following our discussion today regarding Clause 5.2.4.4 (Layout of car parking areas ), we wish to confirm that there are no proposed changes to existing vehicular access arrangement to the site. The site has one-way (2.9m) and two-way (5.59m) access crossovers from Mitchell Street. A variation to the requirements of the clause is sought due to existing layout scenario which has previously served an office type land use which generated more parking requirement than the proposed use. City of Darwin has requested Traffic Impact Assessment Report (TIA) through a Condition Precedent for any permit issued.

In addition, Furthermore information requested the following to be addressed:

### 5.5.11 Food Premises

*The purpose of this clause is to ensure that the operation of a food premises:*

- a. *provides an active interface to the public domain and contributes to the interest and diversity of the locality;*
- b. *minimises adverse impacts on the amenity of the locality; and*
- c. *is designed for the safety of patrons.*

The proposed food premises is a food premises-cafe type and located towards the front of the building with clear view and casual surveillance of the public realm. The façade of building is glazed with alfresco to give active interface with the streetscape.

#### **Requirements**

3. *Incorporate appropriate building and landscape design to ensure that there is no unreasonable loss of amenity for adjoining and nearby property.*

The development occurs within an existing building that will be modified towards the front to activate the frontage of the building currently dominated by disabled access ramp.

4. *A minimum 1.8m high solid acoustic screen fence is erected along the full length of all site boundaries adjoining land in Zones LR, LMR, MR or HR.*

The site does not adjoin land in Zones LR, LMR, MR or HR.

5. *Floodlights, spotlights and all other forms of lighting shall be constructed, oriented and controlled so as not to adversely impact on the amenity of any adjacent residents or cause a traffic hazard in the adjacent road network.*

Appropriate measurement will be taken to ensure lighting to the site does not comprise amenity of nearby

developments and cause a traffic hazard.

*6. Manage noise emissions so that they will not have an unreasonable impact on the amenity of the locality.*

The noise emissions will be managed such that they will not have an unreasonable impact on the amenity of the locality.

*7. The design of an alfresco dining area or outdoor entertainment space located adjacent to a dwelling is to take account of and reasonably mitigate noise and privacy impacts.*

There is no dwelling located adjacent to proposed Food Premises-Restaurant.

*8. Adequate provision is made for the on-site collection, storage and disposal of waste, positioned to avoid nuisance to neighbours.*

The proposed development will have adequate bins for onsite collection, storage and disposal of waste. Regular collection of rubbish around the site will be maintained to avoid nuisance to neighbours.

*9. The maximum net floor area of a café/take away should be 80m<sup>2</sup>.*

The proposed development is food premises-café exceed the 80m<sup>2</sup> as the proponent is likely to operate a food premises-restaurant in the future. The site located in the CB area and therefore an increased floor area is unlikely to have adverse impacts on the amenity of the locality characterised by a mixture of commercial activities encouraged at ground level in a Central Business District.

*10. If a fast-food outlet is adjacent to land in Zones LR, LMR, MR or HR, the development is to be set back 5m from all side and rear boundaries and landscaped to a minimum depth of 3m to provide a visual screen.*

The proposed food premises-restaurant is not located on land that shares boundary to land in Zones LR, LMR, MR or HR.

### **5.5.16 Active Street Frontage**

*Sub-clause 6*

*6. Buildings are to provide a minimum of 60% of the length of each site boundary that fronts a primary or secondary street, or public open space, as active street frontage, made up of any combination of the following components, where the distance between individual components is no more than 1.5m:*

- a. windows that maintain clear views to and from the street, with openings that have dimensions  
not less than 0.9m wide and 1.2m high;*
- (b) operational and legible entrances (excluding fire egress) that are directly accessible from the public domain,*
- (c) areas within the site that are used for alfresco dining that provide visual interaction with the Street/public open space; or*
- (d) well-designed spaces that allow for pedestrian movement and/or seating.*

The proposal provides alfresco, balconies and waiting area that presents towards the front boundary to encourage clear views and visual interaction with the street. The adaptation of landscaping along the front of the building delineates hard surfaces and define entry points to the building from the public domain. The proposed awning provides weather protection for pedestrians and patrons visiting the site. The communal area is well designed space that is located away from pedestrian movement with seating and swimming pool.

The revised plan provided at APPENIX A1 indicate a minimum of 60% of the length of each site boundary

that fronts a primary street as active street frontage.

### **5.9.2.5 Development along Priority Activated Frontages**

#### *Purpose*

Prioritise active frontage along key streets in the Darwin city centre to encourage pedestrian activity and strengthen the relationship between buildings and the public domain.

#### *Administration*

1. *'Priority activated frontages' are identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).*
2. *The consent authority may consent to a development that is not in accordance with subclauses 5-6 if it is satisfied that compliance would be impractical due to servicing requirements, and all reasonable effort has been made to:*
  - (a) maximise the active street frontage on 'priority activated frontages'; and*
  - (b) minimise the visual impact of services.*
3. *Landscaping may be counted toward the percentage of active street frontage required under sub-clause 6 if it comprises of:*
  - (a) significant existing vegetation; or*
  - (b) vertical landscaping for the full height of the ground level street frontage; and the development still meets the purpose of the clause.*
4. *Every application should include written acknowledgment from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on active street frontage*

The is located adjacent to 'Priority activated frontages' as identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features). The site has an existing building with established vehicular access points. It however noted that proposal seeks to bring the existing frontage close to compliance by improving the interaction of the development with the streetscape. The proposal activates the frontage of existing building through the introduction of landscaping and alfresco for passive surveillance of the streetscape.

#### *Requirements*

5. *Services on street level frontages are to be limited to:*
  - (a) a single vehicle entry and exit point to and from the building (except on larger sites where additional access points are supported by a Traffic Study for the site);*
  - (b) a direct single point of access to service equipment for all service authorities.*
  - (c) required fire egress; and*
  - (d) required fire booster connection points.*

The proposal retains existing access arrangements to the site. City of Darwin has requested Traffic Impact Assessment Report (TIA) through a Condition Precedent for any permit issued. The site has existing fire egress and booter connection that are subject to separate regulatory requirements.

6. *Where a site boundary is located on a street identified as 'priority activated frontage', buildings are to provide a minimum of 75% of the length of that site boundary as active street frontage,*

*made up of any combination of the following components, where the distance between individual components is no more than 1.5m:*

- (a) windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;*
- (b) operational and legible entrances (excluding fire egress) that are directly accessible from a public space;*
- (c) areas within the site that are used for alfresco dining; or*
- (d) well-designed spaces that allow for pedestrian movement and/or seating*

The proposed reconfiguration to the ground floor level respond to the above requirement by opening the front façade to introduce elements that promote activation of the frontages. The overall length of the front boundary is approximately 32m and therefore 75% of the boundary length is 24m. The activated length following the proposed improvements is 22.68m which represents 71% of the length of the sites front boundary as active street frontage.

### **5.9.2.10 Alfresco Dining Areas**

#### *Purpose*

Provide for the establishment of alfresco dining areas that contribute positively to the amenity, safety and activation of streets in the Darwin's Central Business area.

#### *Administration*

- 1. This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).*
- 2. An alfresco dining area may be established without consent if it complies with sub-clause 4.*
- 3. Where the alfresco dining area does not comply with sub-clause 4, the use or development is subject to the assessment requirements set out in the relevant assessment table for the zone.*

#### *Requirements*

- 4. An alfresco dining area may occur as a Permitted development only if it:*
  - (a) is located at ground level;*
  - (b) is permanently open along at least two sides;*
  - (c) has open sides that are at least of equal length to the sides bounded by a wall or the like;*
  - (d) is associated with a lawfully established use;*
  - (e) does not constrain the function or reduce the number of any on-site car parking spaces, loading bays or manoeuvring spaces; and*
  - (f) does not involve development adjacent to a tree within a road reserve or park, or has written agreement from the relevant authority to indicate that the development will not adversely impact on either the root system or branches of a tree within the road reserve.*

Pursuant to subclause 3 above, the proposed development is subject to the assessment requirements set out in the relevant assessment table for the zone. The statement of effect and additional information provides address the relevant clauses in relation to the proposed development.

Please do not hesitate to contact us for any clarification.

Kind regards,

**ISRAEL T KGOSIEMANG**  
BSc URP MPIA

☎ 0417 787 473  
✉ israel.k@oneplanningconsult.com.au  
✉ P.O.Box 42279, Casuarina NT 0811



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**From:** israel.k@oneplanningconsult.com.au <israel.k@oneplanningconsult.com.au>  
**Sent:** Friday, 7 February 2025 4:22 PM  
**To:** 'Sam Pallet' <Sam.Pallet@nt.gov.au>  
**Subject:** FW: PUBLIC SUBMMISIONS - PA2024/0395 - hotel/motel application for 87 Mitchell Street 87 Mitchell Street - updated LOA request

Hi Sam,

We note the public submissions received from Steven Dugan (TEHGO Pty Ltd aft TEHGO Trust T/A The Cinema Collective) and Nick Dakis (De Silva Hebron – Barristers and Solicitors on behalf of Deva Darwin Pty Ltd).

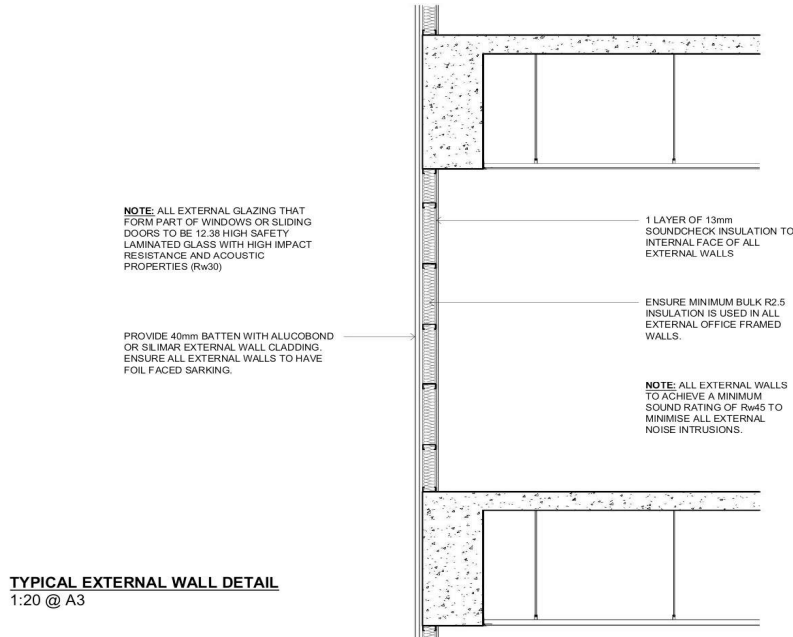
The planning matter raised by the submitters is in relation to their concern on the issue of reverse amenity impact (noise). In review of the concern raised, the proponent has revised the plans to attenuate the effect of potential external noise. The changes are detailed as per the diagrams below the use of soundproof materials to external walls and sound rated glazing. The proposal reverted to open balconies and recessed glazes walls to bedroom as originally proposed.

Furthermore, we note attached Landscaping plan demonstrating the areas designated for landscaping in accordance with the requirements of Clause 5.2.6.2 (Landscaping in Zone CB). The overall landscaping is 231m2 in area, which represents 11.37% of the site.

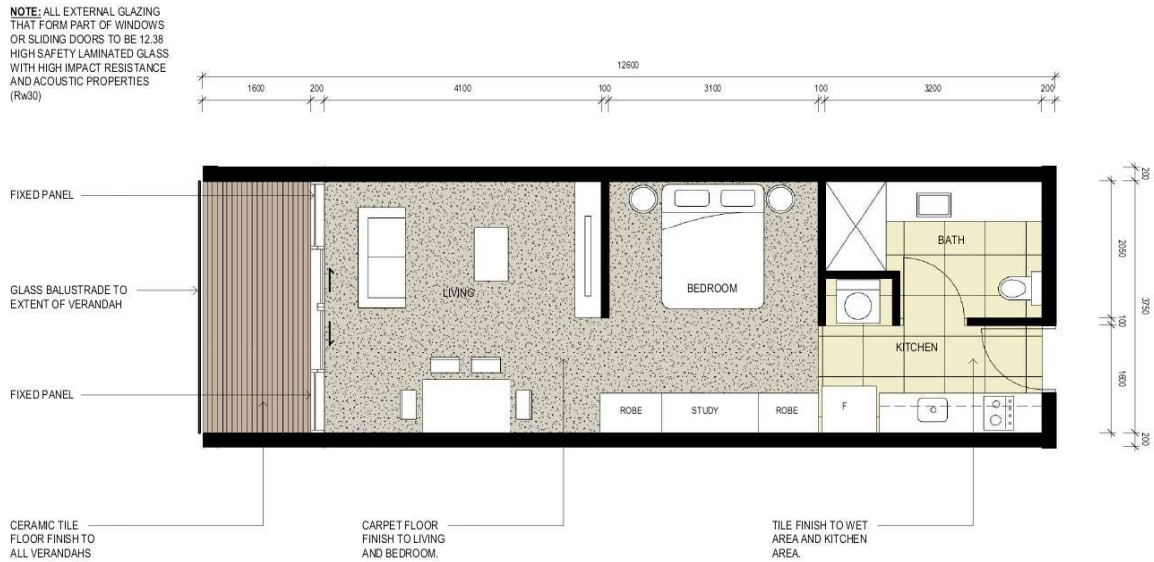
Attached also is set of plans reflecting the changes to address concern on the issue of reverse amenity impact (noise).

In addition, and following the review Tech Assessment, we wish to confirm that there are 45 car parks on site.

**IMAGE 1 – Cross-Section to external walls**



**IMAGE 2 – Typical floor layout depicting enclosed balconies**



Please do not hesitate to contact us for any clarification.

Kind regards,



**ISRAEL T KGOSIEMANG**  
BSc URP MPIA

☎ 0417 787 473  
✉ israel.k@oneplanningconsult.com.au  
✉ P.O.Box 42279, Casuarina NT 0811



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# PROPOSED REPURPOSING OF AN EXISTING OFFICE BUILDING TO 87 MOTEL/HOTEL GUEST SUITES, LOT 626, 87 MITCHELL STREET, DARWIN CBD

<u>SHEET NUMBER</u>	<u>SHEET NAME</u>	<u>SHEET NUMBER</u>	<u>SHEET NAME</u>
A100	COVER PAGE	A111	PART PLANS
A101	BASEMENT SITE PLAN	A112	PART PLANS
A102	GROUND FLOOR SITE PLAN	A113	PART PLANS
A103	1st FLOOR SITE PLAN	A114	PART PLANS
A104	2nd FLOOR SITE PLAN	A115	3D PERSPECTIVES
A105	3rd FLOOR SITE PLAN	A116	3D PERSPECTIVES
A106	4th FLOOR SITE PLAN	A117	3D PERSPECTIVES
A107	ROOF PLAN	A118	3D PERSPECTIVES
A108	ELEVATIONS	A119	3D PERSPECTIVES
A109	ELEVATIONS	A120	3D PERSPECTIVES
A110	LANDSCAPE PLAN	A121	PART PLAN
		A122	ADDITIONAL INFO



**LOCALITY PLAN**

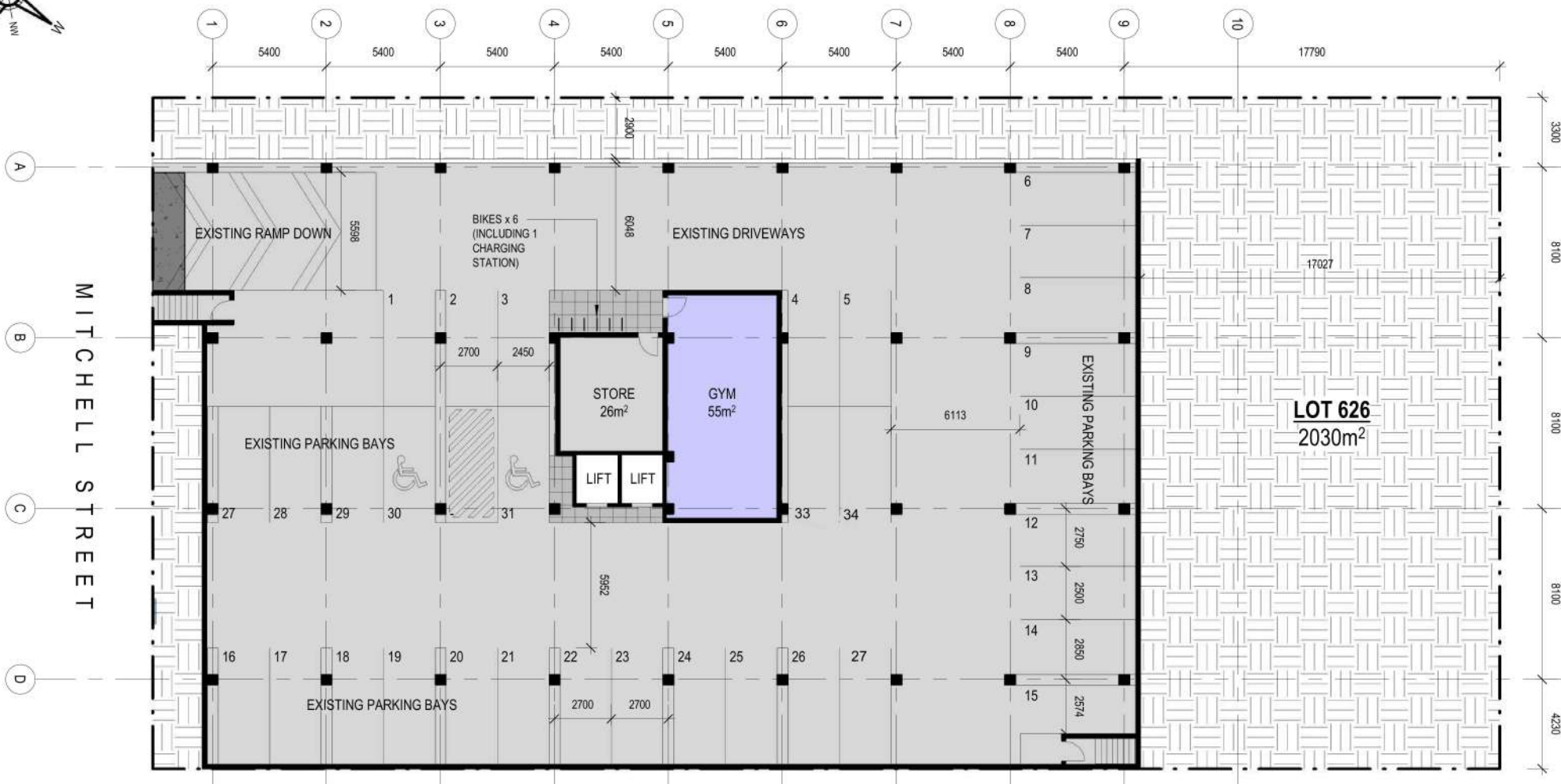
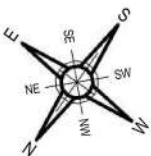
**SUBJECT SITE**



PROJECT NUMBER: 24051

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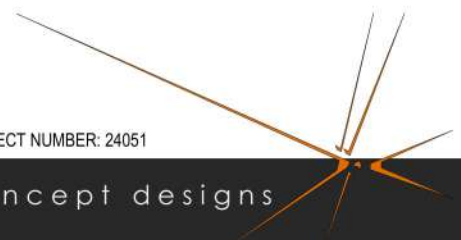
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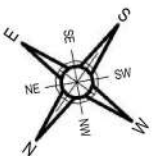


**BASEMENT SITE PLAN**

1:200 @ A3

TOTAL PARKING BAYS: 33





MITCHELL STREET



**GROUND FLOOR**

1:200 @ A3

TOTAL 10 UNITS ON GROUND FLOOR

TOTAL PARKING BAYS: 11

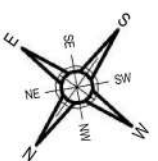
**SCHEDULE**

- UNIT TYPE J, 1 BED, 35.8m<sup>2</sup>
- UNIT TYPE K, 2 BED, 30.7m<sup>2</sup>
- UNIT TYPE M, 1 BED, 25.8m<sup>2</sup>
- COMMUNAL SPACE, 200m<sup>2</sup>

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MITCHELL STREET

DASHED LINE DENOTES AWNINGS OVER WINDOWS

**LOT 626**  
2030m<sup>2</sup>

**1st FLOOR - SITE PLAN**  
1:200 @ A3

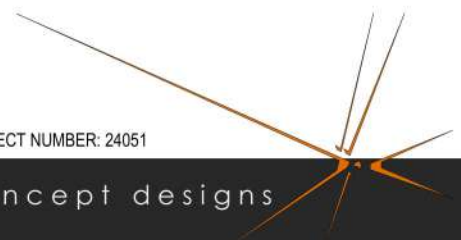
TOTAL 23 UNITS ON 1st FLOOR

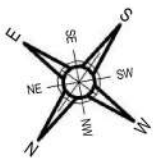
**SCHEDULE**

- UNIT TYPE A, 1 BED, 55.9m<sup>2</sup>
- UNIT TYPE B, 1 BED, 42m<sup>2</sup>
- UNIT TYPE C, 2 BED, 52.3m<sup>2</sup>
- UNIT TYPE J, 1 BED, 35.8m<sup>2</sup>
- UNIT TYPE K, 1 BED, 30.7m<sup>2</sup>
- UNIT TYPE L, 2 BED, 36.5m<sup>2</sup>
- UNIT TYPE M, 1 BED, 26.2m<sup>2</sup>

**SCHEDULE**

- UNIT TYPE N, 2 BED, 51.6m<sup>2</sup>





**2nd FLOOR - SITE PLAN**

1:200 @ A3

TOTAL 18 UNITS ON 2nd FLOOR

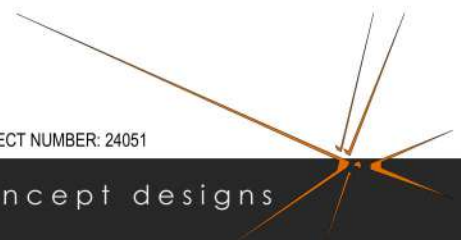
**SCHEDULE**

- UNIT TYPE A, 1 BED, 55.9m<sup>2</sup>
- UNIT TYPE B, 1 BED, 42m<sup>2</sup>
- UNIT TYPE C, 2 BED, 52.3m<sup>2</sup>
- UNIT TYPE D, 2 BED, 45.6m<sup>2</sup>
- UNIT TYPE E, 1 BED, 46.4m<sup>2</sup>
- UNIT TYPE F, 1 BED, 45.9m<sup>2</sup>
- UNIT TYPE G, 2 BED, 49.5m<sup>2</sup>

**SCHEDULE**

- UNIT TYPE H, 2 BED, 43.4m<sup>2</sup>
- UNIT TYPE O, 2 BED, 49.16m<sup>2</sup>

**LOT 626**  
2030m<sup>2</sup>  
13800





DASHED LINE  
DENOTES  
AWNINGS OVER  
WINDOWS

**LOT 626**  
2030m<sup>2</sup>  
13800

**3rd FLOOR - SITE PLAN**

1:200 @ A3

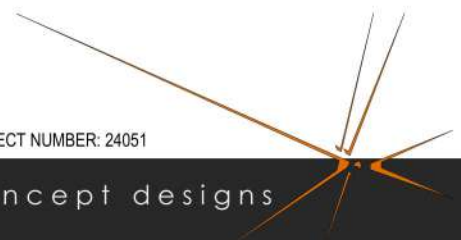
TOTAL 18 UNITS ON 3rd FLOOR

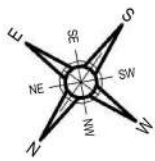
**SCHEDULE**

- UNIT TYPE A, 1 BED, 55.9m<sup>2</sup>
- UNIT TYPE B, 1 BED, 42m<sup>2</sup>
- UNIT TYPE C, 2 BED, 52.3m<sup>2</sup>
- UNIT TYPE D, 2 BED, 45.6m<sup>2</sup>
- UNIT TYPE E, 1 BED, 46.4m<sup>2</sup>
- UNIT TYPE F, 1 BED, 45.9m<sup>2</sup>
- UNIT TYPE G, 2 BED, 49.5m<sup>2</sup>

**SCHEDULE**

- UNIT TYPE H, 2 BED, 43.4m<sup>2</sup>
- UNIT TYPE O, 2 BED, 49.16m<sup>2</sup>





**4th FLOOR - SITE PLAN**  
1:200 @ A3

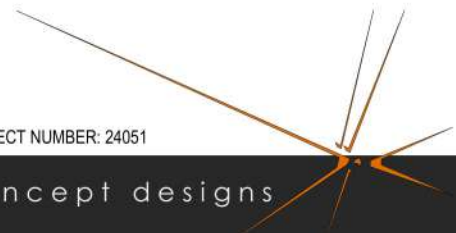
TOTAL 18 UNITS ON 4th FLOOR

**SCHEDULE**

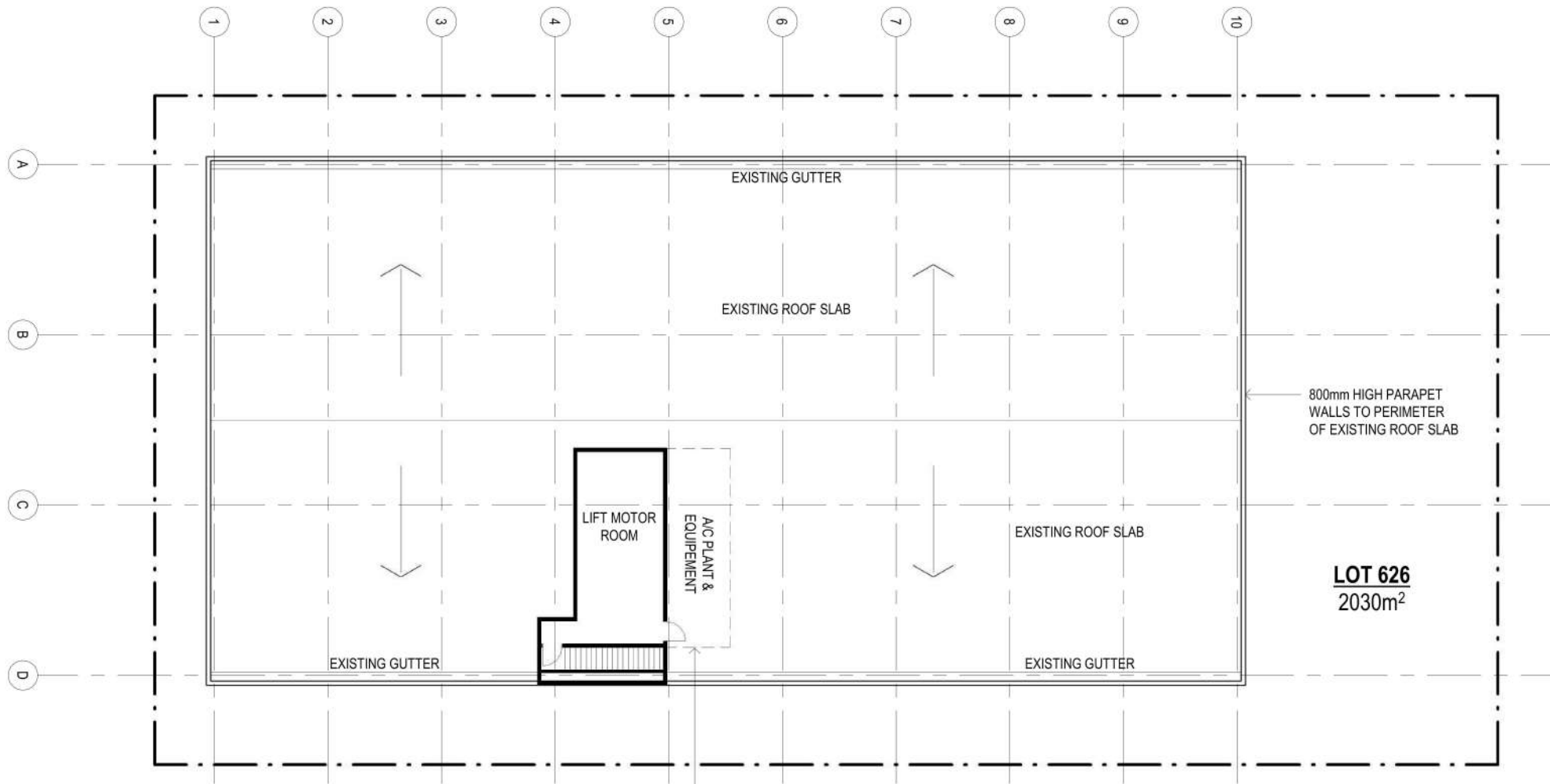
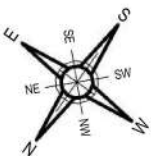
- UNIT TYPE A, 1 BED, 55.9m<sup>2</sup>
- UNIT TYPE B, 1 BED, 42m<sup>2</sup>
- UNIT TYPE C, 2 BED, 52.3m<sup>2</sup>
- UNIT TYPE D, 2 BED, 45.6m<sup>2</sup>
- UNIT TYPE E, 1 BED, 46.4m<sup>2</sup>
- UNIT TYPE F, 1 BED, 45.9m<sup>2</sup>
- UNIT TYPE G, 2 BED, 49.5m<sup>2</sup>

**SCHEDULE**

- UNIT TYPE H, 2 BED, 43.4m<sup>2</sup>
- UNIT TYPE O, 2 BED, 49.16m<sup>2</sup>

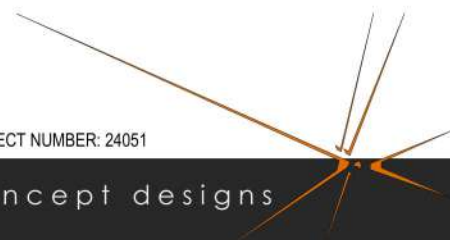






**ROOF PLAN**  
1:200 @ A3

A/C PLANT & EQUIPMENT  
AREA TO BE APPROPRIATLY  
SCREENED FROM PUBLIC  
VIEW.





**ELEVATION 1 - MITCHELL STREET**  
1:200 @ A3



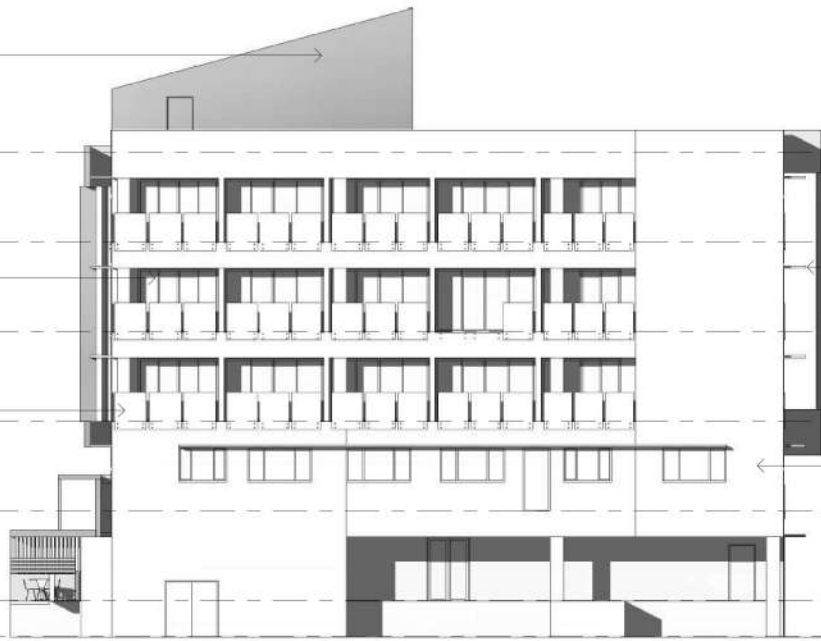
**ELEVATION 2**  
1:200 @ A3

PROJECT NUMBER: 24051

EXISTING LIFT MOTOR ROOM & ACCESS ON ROOF.

POWDER COATED ALUMINIUM WINDOW AND DOOR FRAMES, TYPICAL.

FRAMELESS GLASS BALUSTRADES TO ALL NEW VERANDAHS



PITCHING POINT ▼  
16750

4th FLOOR ▼  
13400

3rd FLOOR ▼  
10050

2nd FLOOR ▼  
6700

1st FLOOR ▼  
3350

GROUND FLOOR ▼  
0

GROUND LEVEL ▼  
-1350

NEW POWDER COATED ALUMINIUM AWNINGS OVER ALL NEW WINDOWS

ALL NEW WALLS TO BE CLAD WITH ALUCOBOND OR SIMILAR.

**ELEVATION 3**  
1:200 @ A3

EXISTING LIFT MOTOR ROOM & ACCESS ON ROOF.

POWDER COATED ALUMINIUM WINDOW AND DOOR FRAMES, TYPICAL.

NEW POWDER COATED ALUMINIUM AWNINGS OVER ALL NEW WINDOWS



ALL NEW WALLS TO BE CLAD WITH ALUCOBOND OR SIMILAR.

PITCHING POINT ▼  
16750

4th FLOOR ▼  
13400

3rd FLOOR ▼  
10050

2nd FLOOR ▼  
6700

1st FLOOR ▼  
3350

GROUND FLOOR ▼  
0

GROUND LEVEL ▼  
-1350

NEW FEATURE SCREENING

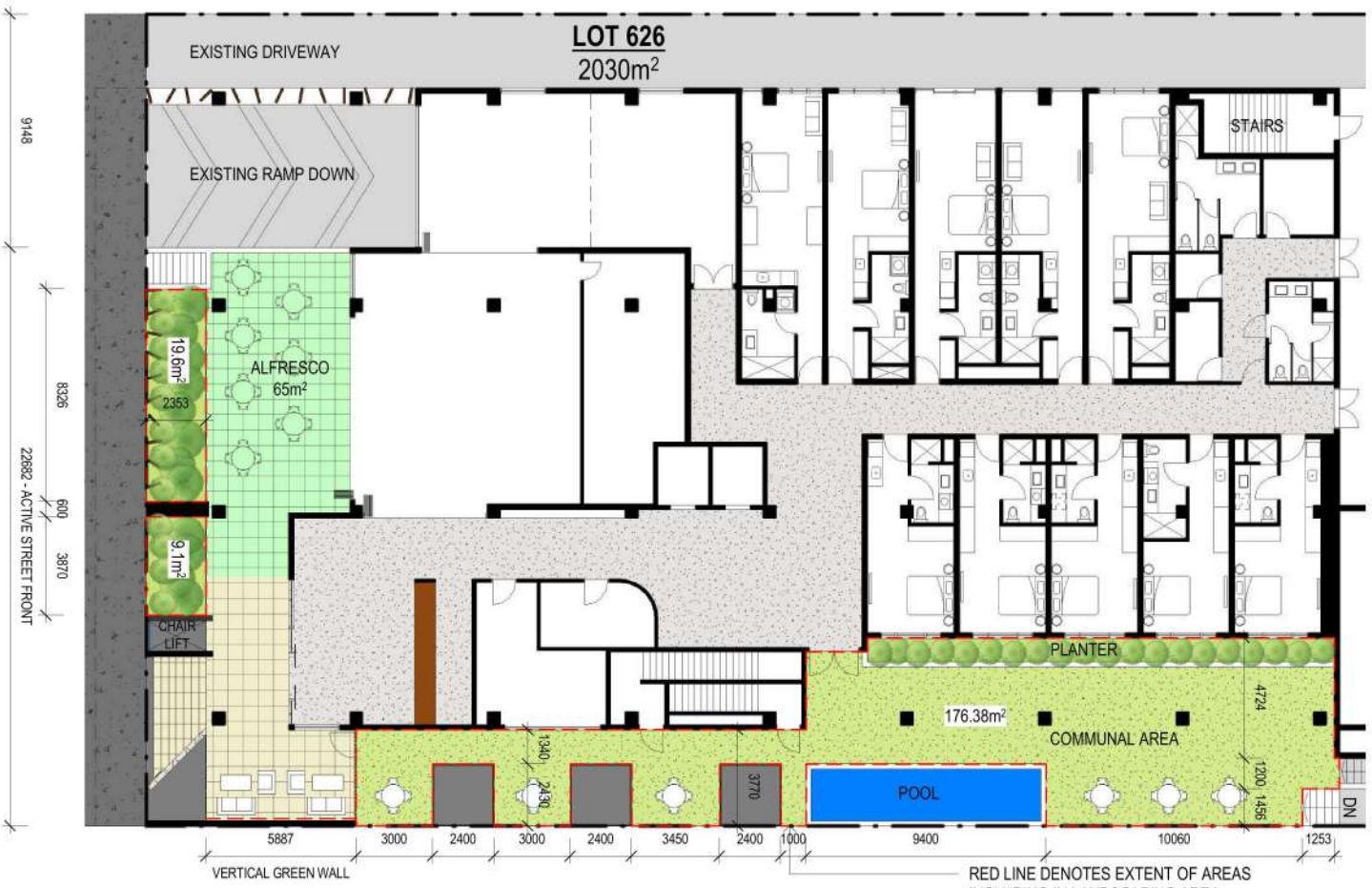
FEATURE STONE CLADDING TO SELECTED AREAS

NEW AWNING ACROSS ENTIRE SITE EXTENDING 2m OVER FOOTPATH TO PROVIDE COVERED PEDESTRIAN ACCESS

PROJECT NUMBER: 24051

**ELEVATION 4**  
1:200 @ A3

MITCHELL STREET



RED LINE DENOTES EXTENT OF AREAS INCLUDING IN LANDSCAPING AREA CALCULATION.

**LANDSCAPE PLAN**

1:200 @ A3

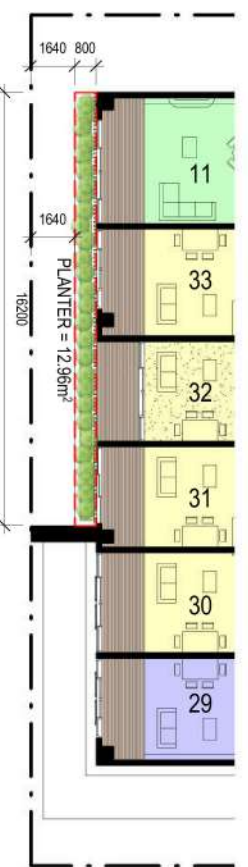
TOTAL LANDSCAPED AREA: 231m² (INCLUDING PLANTER ON 1<sup>st</sup> FLOOR & VERTICAL GREEN WALL)

TOTAL % OF LANDSCAPING: 11.37%

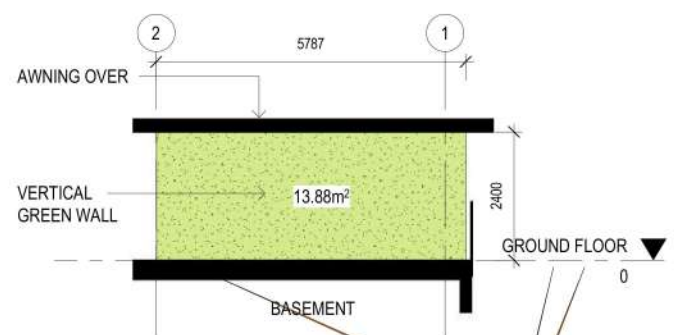
**PLANTING SCHEDULE**

	LOMANDRA CONFERTIFOLIA (ECHIDNA GRASS) GROUND COVER / GRASS HEIGHT: 0.5M WIDTH: 0.5M		RADERMACHERA SUMMERSCENT HEIGHT: UPTO 3M WIDTH: 2-3M		FICUS PUMILA (CLIMBING FIGUS) VERTICAL GREEN WALL
	CALLISTEMON CITRINUS (FIREBRAND) LOW SHRUB HEIGHT: 0.5 - 0.8M WIDTH: 2-3M		STROMANTHE (MAGIC STAR) GROUND COVER / SHADED		TRACHELOSPERMUM (CHINESE STAR JASMINE) VERTICAL GREEN WALL
	TABERNAEMONTANA (LITTLE EMERALD) SHRUB HEIGHT: 1M WIDTH: 1-1.5M		CALATHEA BICAJOUX PINK GROUND COVER / SHADED		

MITCHELL STREET



**1<sup>st</sup> FLOOR - PART PLAN**  
1:200 @ A3



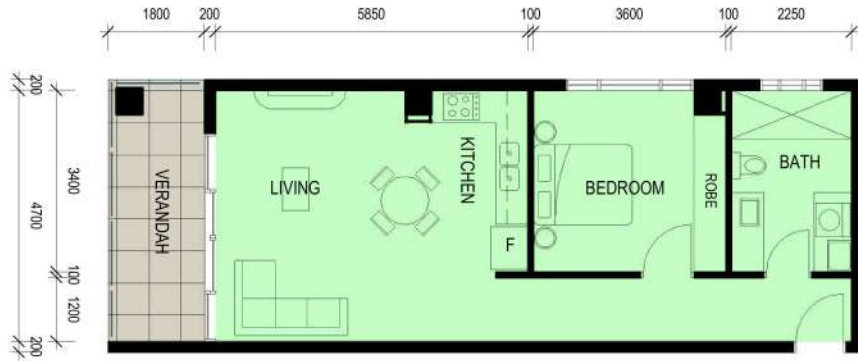
PROJECT NUMBER: 24051

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DESIGN  
PROJECT MANAGEMENT  
INTERIOR DESIGN  
DRAFTING  
MASTER PLANNING

A110 LANDSCAPE PLAN  
07/02/25  
87 MITCHELL STREET, DARWIN CBD

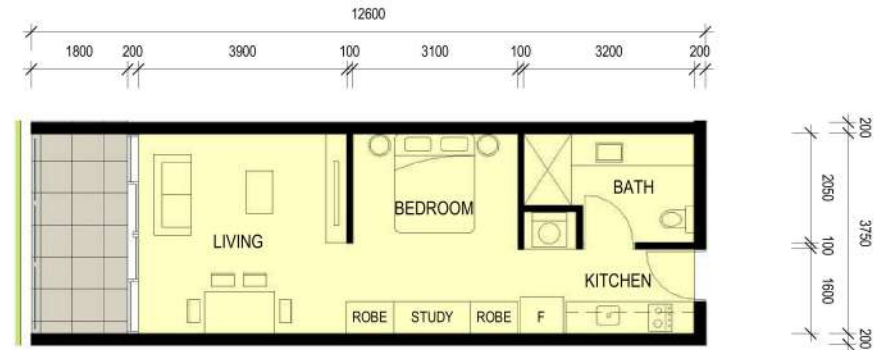


**UNIT TYPE A - FLOOR PLAN**

UNITS 11, 34, 52, 70

1:100 @ A3

**NOTE:** ALL UNITS TO HAVE FLOOR WASTE ON VERANDAH. TYPICAL.

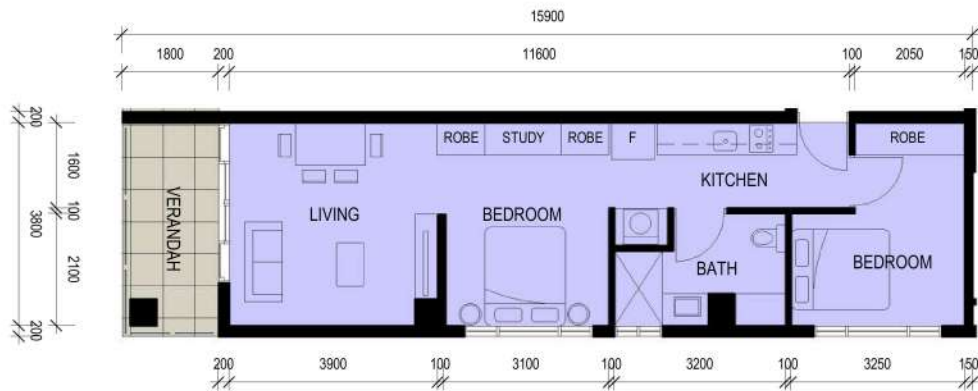


**UNIT TYPE B - FLOOR PLAN**

UNITS 30, 31, 32, 33, 41, 42, 43, 48, 49, 50, 51, 59, 60,

61, 66, 67, 68, 69, 77, 78, 79, 84, 85, 86, 87

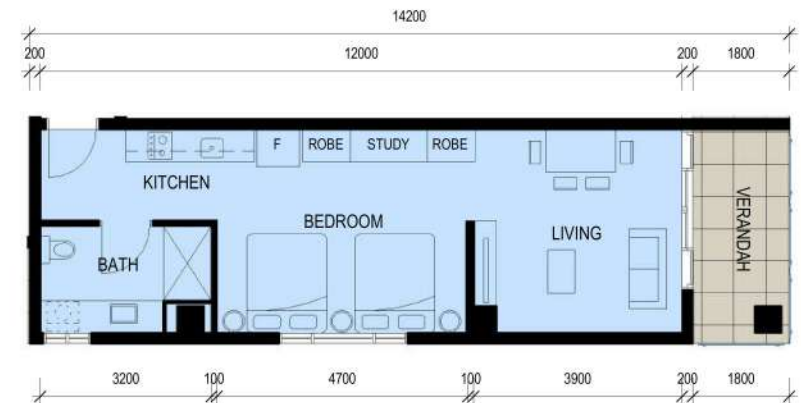
1:100 @ A3



**UNIT TYPE C - FLOOR PLAN**

UNITS 29, 47, 65, 83

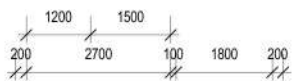
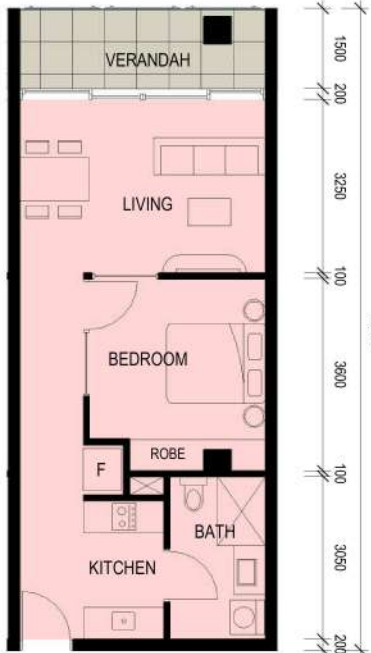
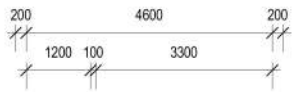
1:100 @ A3



**UNIT TYPE D - FLOOR PLAN**

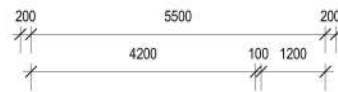
UNITS 44, 62, 80

1:100 @ A3



**UNIT TYPE E - FLOOR PLAN**  
 UNITS 35, 36, 37, 53, 54, 55, 71, 72, 73  
 1:100 @ A3

**NOTE:** ALL UNITS TO HAVE FLOOR WASTE ON VERANDAH. TYPICAL.



**UNIT TYPE F - FLOOR PLAN**  
 UNITS 45, 46, 63, 64, 81, 82  
 1:100 @ A3



**UNIT TYPE G - FLOOR PLAN**  
 UNITS 39, 57, 75  
 1:100 @ A3

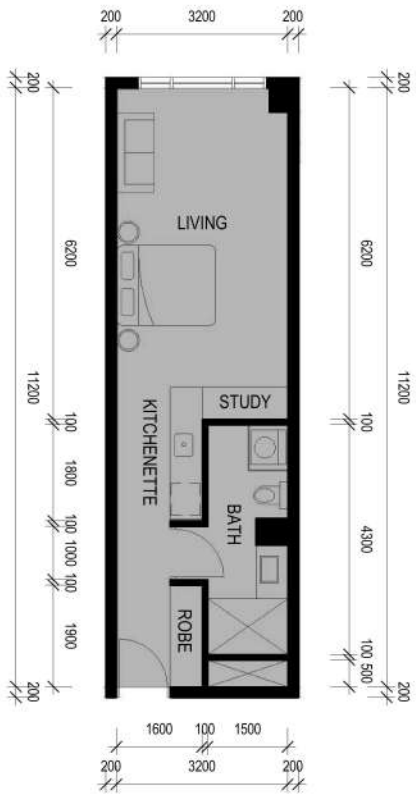


**UNIT TYPE H - FLOOR PLAN**  
 UNITS 40, 58, 76  
 1:100 @ A3

PROJECT NUMBER: 24051

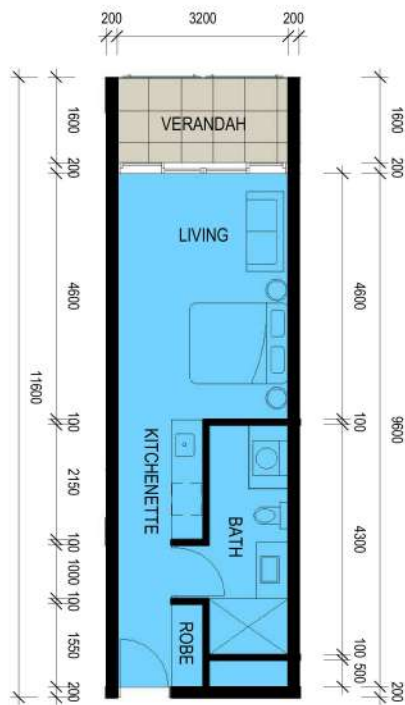
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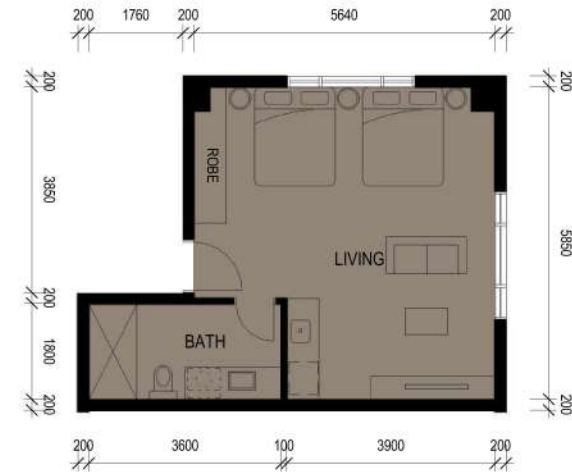


**UNIT TYPE J - FLOOR PLAN**  
 UNITS 1, 2, 5, 12, 14, 15, 18, 25, 28  
 1:100 @ A3

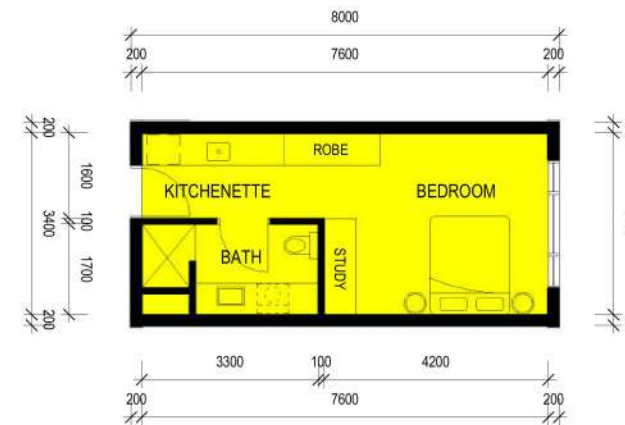
**NOTE:** ALL UNITS TO HAVE FLOOR WASTE ON VERANDAH. TYPICAL.



**UNIT TYPE K - FLOOR PLAN**  
 UNITS 3, 4, 13, 16, 17, 26, 27  
 1:100 @ A3



**UNIT TYPE L - FLOOR PLAN**  
 UNITS 19  
 1:100 @ A3



**UNIT TYPE M - FLOOR PLAN**  
 UNITS 6, 7, 8, 9, 10, 20, 21, 22, 23  
 1:100 @ A3

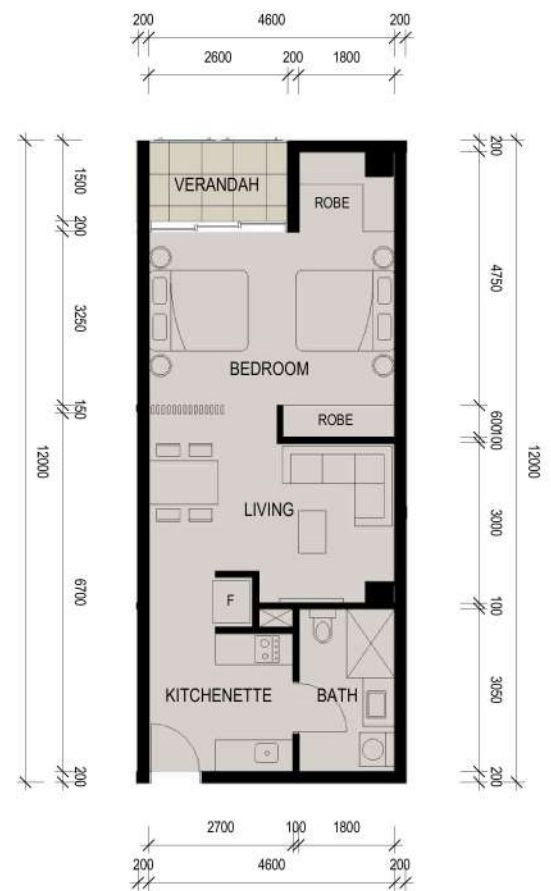


**UNIT TYPE N - FLOOR PLAN**

**UNITS 24**

1:100 @ A3

**NOTE:** ALL UNITS TO HAVE FLOOR WASTE ON VERANDAH. TYPICAL.



**UNIT TYPE O - FLOOR PLAN**

**UNITS 38, 56, 74**

1:100 @ A3









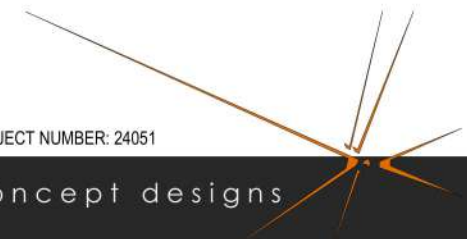
DESIGN  
PROJECT MANAGEMENT  
INTERIOR DESIGN  
DRAFTING  
MASTERPLANNING

A117 3D PERSPECTIVES  
07/02/25  
87 MITCHELL STREET, DARWIN CBD

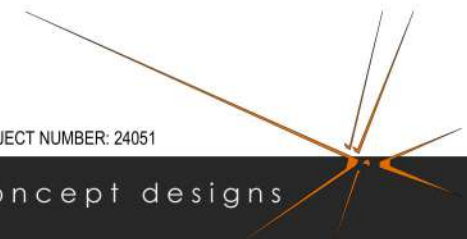
PROJECT NUMBER: 24051

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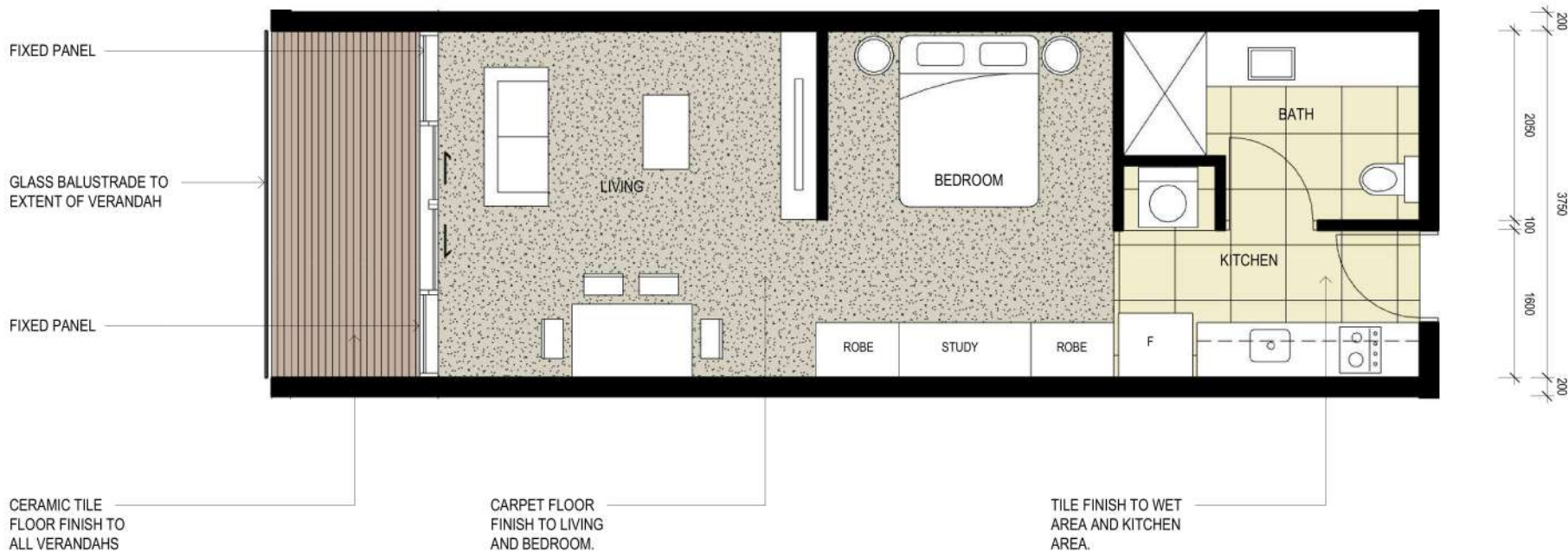
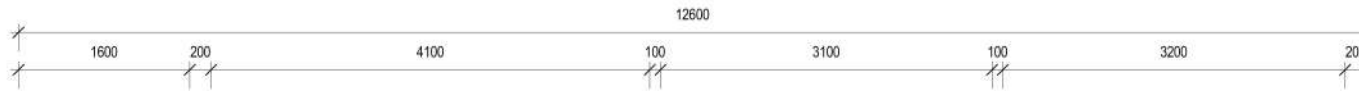
A120 3D PERSPECTIVES  
07/02/25  
87 MITCHELL STREET, DARWIN CBD

PROJECT NUMBER: 24051

concept designs

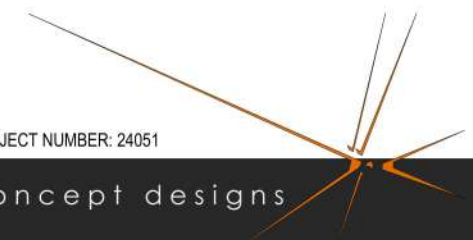
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**NOTE:** ALL EXTERNAL GLAZING THAT FORM PART OF WINDOWS OR SLIDING DOORS TO BE 12.38 HIGH SAFETY LAMINATED GLASS WITH HIGH IMPACT RESISTANCE AND ACOUSTIC PROPERTIES (Rw30)



**TYPICAL FLOOR PLAN INDICATING JULIET STYLE BALCONY & TYPICAL FLOOR FINISHES**

1:50 @ A3



**NOTE:** ALL EXTERNAL GLAZING THAT FORM PART OF WINDOWS OR SLIDING DOORS TO BE 12.38 HIGH SAFETY LAMINATED GLASS WITH HIGH IMPACT RESISTANCE AND ACOUSTIC PROPERTIES (Rw30)

PROVIDE 40mm BATTEN WITH ALUCOBOND OR SILIMAR EXTERNAL WALL CLADDING. ENSURE ALL EXTERNAL WALLS TO HAVE FOIL FACED SARKING.

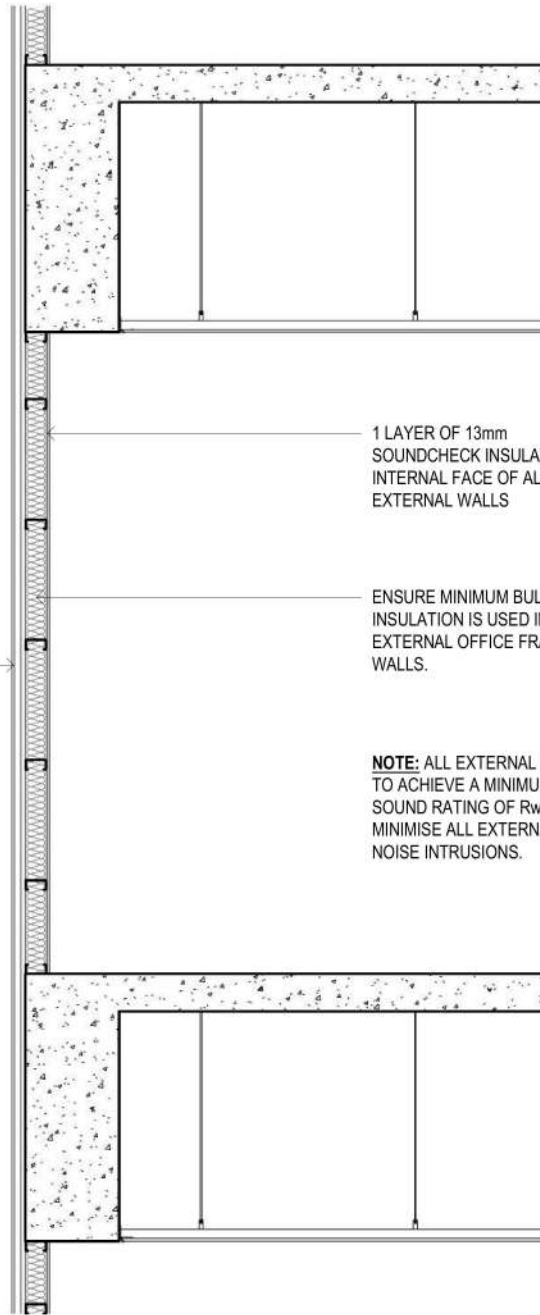
1 LAYER OF 13mm SOUNDCHECK INSULATION TO INTERNAL FACE OF ALL EXTERNAL WALLS

ENSURE MINIMUM BULK R2.5 INSULATION IS USED IN ALL EXTERNAL OFFICE FRAMED WALLS.

**NOTE:** ALL EXTERNAL WALLS TO ACHIEVE A MINIMUM SOUND RATING OF Rw45 TO MINIMISE ALL EXTERNAL NOISE INTRUSIONS.

### TYPICAL EXTERNAL WALL DETAIL

1:20 @ A3





# Technical Assessment PA2024/0395

## TECHNICAL ASSESSMENT OF PROPOSED DEVELOPMENT AGAINST RELEVANT PROVISIONS OF THE NORTHERN TERRITORY PLANNING SCHEME 2020

Application No: PA2024/0395

Lot number: 626 (87) Mitchell Street

Town/Hundred: Town of Darwin

Zone: CB (Central Business)

Site Area: 2030 m<sup>2</sup>

Proposal: 87 hotel/motel suites in an existing five storey building

Plans used for assessment: Statement of Effect prepared by One Planning Consult (statement of effect);  
Development and Landscape Plans prepared by Concept Designs (dimension plans).

Date assessment finalised: 18/02 2025

This review has been completed pursuant to the Northern Territory Planning Scheme 2020 (the Planning Scheme). The proposal has been assessed as being for Hotel/Motel Food Premises in Zone CB (Central Business).

The proposed development is subject to consideration of the following clauses of the Northern Territory Planning Scheme 2020 (the Planning Scheme) as described in the below table:

Assessment Table – CB (Central Business)					
Defined Use	Assessment Category	Overlays	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
Hotel / Motel	Merit Assessable	N/A	5.2.1 General Height Control 5.2.4 Car Parking 5.2.5 Loading Bays 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR 5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC	5.9.2 Darwin City Centre	5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.5.11 Food Premises 5.5.15 Design in Commercial and Mixed Use Areas

An assessment of the relevant clauses of the NTPS 2020 is summarised in the table below.

Part 4 Clauses (Zones and Assessment Tables)	Compliance		
	Yes	No	N/A
4.10 (Zone CB)	X		

Part 5 Clauses (General Development Requirements)	Compliance		
	Yes	No	N/A
5.2.1 (General Height Control)	X		
5.2.4.1 (Car Parking Spaces)			X
5.2.4.4 (Layout of Car Parking Area)		X	
5.2.5 (Loading Bays)	X		
5.2.6.1 (Landscaping in Zones other than Zone CB)			X
5.2.6.2 (Landscaping in Zone CB)	X		
5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR)			X

Part 5 Clauses (General Development Requirements in Specific Zones)	Compliance		
	Yes	No	N/A
5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC)			X

Part 5 Clauses – Commercial Specific Development Requirements	Compliance		
	Yes	No	N/A
5.5.1 (Interchangeable Use and Development)			X
5.5.1.2 (Interchangeable use and development in Zone C)			X
5.5.4 (Expansion of Existing Use or Development in Zones CB C SC and TC)			X
5.5.11 (Food Premises)		X	
5.5.15 (Design in Commercial and Mixed Use Areas)	X		
5.5.16 (Active Street Frontages)			X

Part 5 Clauses – Location Specific Development Requirements	Compliance		
	Yes	No	N/A
5.9.2 (Darwin City Centre)	X		
5.9.2.1 (Building Design in Darwin City Centre)	X		
5.9.2.2 (Volumetric Control)	X		
5.9.2.5 (Development along Priority Activated Frontages)		X	
5.9.2.10 (Alfresco Dining Areas)			X
5.9.2.11 (Car parking spaces in Darwin City Centre)	X		
5.9.2.12 (Reduction in car parking Spaces in Darwin City Centre)			X

**Clause 1.8(1)(b)**

b) *Merit Assessable* – use and development that requires the exercise of discretion by the consent authority to ensure it can be established and operated in a way that does not impact on the amenity of the area and accords with the relevant zone purposes and outcomes.

Use and development of land requires consent and is Merit Assessable when any of the following apply:

- i. it is shown as Merit Assessable on the relevant assessment table in Part 4;
- ii. it is shown as Permitted on the relevant assessment table in Part 4 but:
  - 1) requires consent by virtue of an Overlay as set out in Part 3; or
  - 2) does not comply with the relevant development requirements set out in Part 5;
- iii. it is for the consolidation of land; or
- iv. it is for the subdivision of land for the purpose of a Unit Title Scheme, where:
  - 1) development consent has been granted; or
  - 2) the development is permitted in the relevant assessment table; or
  - 3) the Unit Title Scheme does not include vacant land.
- v. a provision of the Planning Scheme expressly requires assessment as Merit Assessable.

*This is a technical assessment of the proposal against the requirements of the Northern Territory Planning Scheme 2020 (NTPS2020) and is no indication of whether or not approval will be given by the consent authority.*

**4.10 Zone CB – Central Business**Zone Purpose

Promote an active and attractive mixed use environment that maximises its function as the commercial, cultural, administrative, tourist and civic centre for the surrounding region that is integrated with high density residential development.

Zone Outcomes

1. A diverse mix of commercial, community, cultural, recreational and residential developments of a scale and intensity commensurate with the role and function of the central business district.
2. Residential developments that cater for residents and tourists, including **dwelling-multiple, serviced apartment, rooming accommodation, residential care facility, and hotel/motel**, are usually of high density and are integrated with complementary commercial and entertainment activities that are located nearby or contained within the same building.
3. **Dwelling-community residence** and **home based business** are designed and operated in a manner consistent with the residential **amenity** of the building or surrounding precinct.
4. Commercial developments and entertainment and dining activities such as **bar-public, bar-small, food premises (all), leisure and recreation, market, night club entertainment venue, office, shops** and **sex services-commercial premises**:
  - (a) encourage diversity and contribute to day and night activity within the zone; and
  - (b) are designed and operated in a manner that is considerate of the character and **amenity** of surrounding uses, having regard to the mixed use nature of the zone.

5. Cultural and community focused activities such as **child care centre, community centre, exhibition centre, medical clinic, place of assembly** and **place of worship** support the needs of the local or regional population and contribute to the diversity and activity of uses within the zone.
6. Developments such as **veterinary clinic, plant nursery, shopping centre, showroom sales, education establishment**, and **passenger terminal** are established in locations that complement and do not undermine the core functioning of the city precinct.
7. Developments such as **vehicle sales and hire, motor body works, motor repair station, service station, industry-light** and **emergency services facility**:
  - (a) are sited on the periphery of the CB area;
  - (b) are located with good **access** to the local road network; and
  - (c) are managed to minimise unreasonable impacts to the **amenity** of surrounding residents.
8. Development incorporates innovative building design, **site** layout and landscaping that:
  - (a) responds to and encourage pleasant microclimates, including through breeze capture and shading;
  - (b) minimises privacy and overlooking impacts on private spaces;
  - (c) maximises overlooking and passive surveillance of public spaces;
  - (d) maximises pedestrian activity along **primary street** frontages;
  - (e) reduces the appearance of building mass relative to its surroundings; and
  - (f) creates attractive outdoor spaces and enhances the streetscape.
9. Development contributes to the creation of an active, safe and legible public realm by:
  - (a) incorporating and responding to high quality **public open spaces** including town squares, civic plazas and forecourts where appropriate; and
  - (b) integrating with walking, cycling and public transport networks to promote accessibility and use.
10. Developments are designed and operated in a manner that avoids unreasonable loss of **amenity** for surrounding premises, having regard to the close proximity between residential and entertainment uses, and the overall mixed use nature of the zone.
11. An efficient pattern of land use with all lots connected to reticulated services, integrated with existing transport networks and with convenient **access** to open space, community and educational facilities.
12. Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.

### Assessment

The proposed development is for a mixed-use development of 87 motel/hotel suites in an existing five storey building with a ground floor café and alfresco in close proximity to commercial, cultural, administrative, tourist and civic uses (Zone Purpose and Outcome 2).

The proposed development of a hotel/motel will refurbish the existing building and basement car parking on site and includes the following elements.

- Basement - office, gym and 33 car parking spaces.
- Ground level - 10 motel/hotel suites, 11 car parking spaces, café with alfresco, office, board room and reception.
- First floor - 23 motel/hotel suits.
- Second floor - 54 motel/hotel suites.

The proposed development will encourage diversity and contribute to the night time economy and has been designed in consideration of the amenity of surrounding uses (Outcome 4).

The proposed development includes a vertical green wall that will encourage microclimates and the landscaping and recessed alfresco dining area at the street frontage will provide shading, encourage passive surveillance and pedestrian activity and enhance the streetscape (Outcome 8).

The updated architectural drawings submitted on 24 January 2025 include enclosed balconies and the use of soundproof materials to external walls that will minimise potential privacy and overlooking impacts (Outcome 10).

## COMPLIES

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### 5.2.1 General Height Control

#### Purpose

Ensure that the heights of buildings and structures are appropriate to the strategic and local context of the location and meet community expectations for development in the zone.

#### Administration

1. This clause does not apply if:
  - (a) The development is for the purpose of:
    - i. a **telecommunications facility**;
    - ii. a chimney, flag pole, aerial, antenna or lightning rod; or
    - iii. the housing of equipment relating to the operation of a lift; or
  - (b) an alternative height control is specified in clause 5.9 (Location specific development requirements).
2. The consent authority must not **consent** to a development in Alice Springs that is not in accordance with sub-clause 5.
3. The consent authority must not **consent** to a development on land in Zone MR abutting land in Zone LR that is not in accordance with sub-clause 6.
4. Except as set out in sub-clause 3, the consent authority may **consent** to a development that is not in accordance with sub-clause 6 if it is satisfied the **building height** is consistent with the intended character and **amenity** of the area, having regard to:
  - (a) the heights of other buildings in the immediate vicinity; and
  - (b) measures taken to mitigate potential impacts (such as unreasonable overshadowing, or overlooking of dwellings and private open space) on abutting properties.

Requirements

5. The **building height** of a development in the Municipality of Alice Springs is not to exceed:
  - (a) the maximum **building height** for the zone and use as specified in table A to this clause; or
  - (b) two **storeys** to a maximum of 8.5m if the zone and use is not included in table A to this clause.
  
6. The **building height** in all other areas is not to exceed:
  - (a) the maximum **building height** for the zone and use as specified in table B to this clause; or
  - (b) two **storeys** to a maximum of 8.5m if the zone and use is not included in table B to this clause.

Table B to clause 5.2.1: Height control outside Alice Springs		
Zone	Use	Maximum building height above ground level
CB, SC, TC and DV	All uses	No height limit

Assessment

The site is located in Zone CB which has no maximum building height limit.

## 5.2.4 Car Parking

### 5.2.4.1 Car Parking Spaces

Purpose

Ensure that sufficient off-street car parking, constructed to a standard and conveniently located, are provided to service the proposed use of a **site**.

Administration

1. This clause does not apply where alternative car parking space requirements are established under clause 5.9 (Location specific development requirements).
  
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 4 if it is satisfied a reduction of the number of **car parking spaces** is appropriate with regard to:
  - (a) the zoning of the land, the use or development or proposed use or development of the land, and the possible future use or development of the land;
  - (b) the provision of **car parking spaces** in the vicinity of the land;
  - (c) the availability of public transport in the vicinity of the land; and
  - (d) the potential impact on the surrounding road network and the **amenity** of the locality and adjoining property;
 or if the use or development relates to a **heritage place** and the Minister responsible for the administration of the *Heritage Act 2011* supports the reduced provision of **car parking spaces** in the interest of preserving the significance of the **heritage place**.
  
3. The consent authority may require the provision of **car parking spaces** for any **ancillary** use or development in addition to that specified for the **primary use** or development in the table to this clause.

Requirements

4. Use and development is to include the minimum number of **car parking spaces** specified in the table to this clause (rounded up to the next whole number).

Assessment

Under administration subclause 1 this clause does not apply where alternative car parking space requirements are established under clause 5.9 (Location specific development requirements), which is addressed below.

#### 5.2.4.4 Layout of car parking areas

Purpose

Ensure that a **car parking area** is appropriately designed, constructed and maintained for its intended purpose.

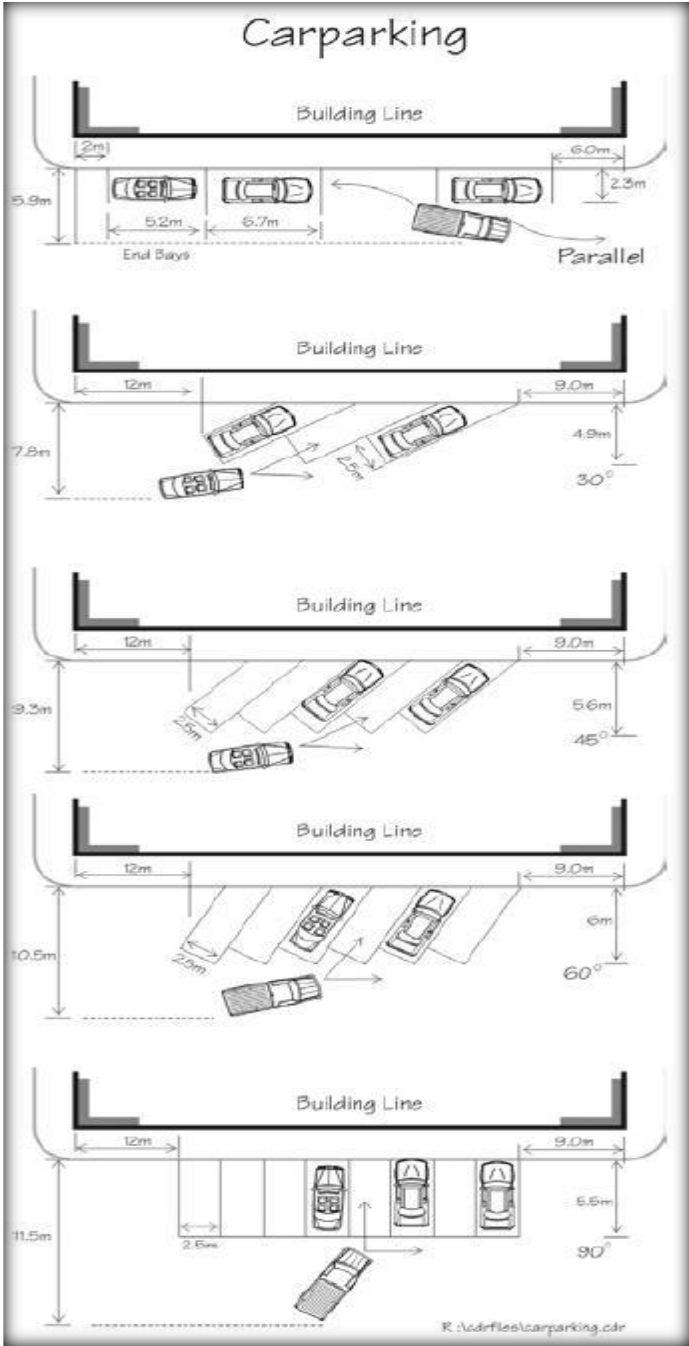
Administration

1. This clause does not apply to a **car parking area** where the car parking is required in association with a **dwelling-single, dwelling-independent** or a **home based business**.
2. A **car parking area** may be used for the purpose of a **market** if:
  - (a) a market is Permitted in the zone; and
  - (b) the market operates outside of the operating hours of the use for which the car parking area is established.
3. The consent authority may **consent** to a **car parking area** that is not in accordance with sub-clause 6 if it is satisfied that the non-compliance will not unreasonably impact on the **amenity** of the surrounding locality.
4. The consent authority may **consent** to a **car parking area** that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design and construction is safe and functional with regard to the location of the development.
5. The consent authority may **consent** to a **car parking area** that is not in accordance with sub-clause 9 if it is satisfied that the non-compliance will not result in adverse impacts on the local road network or internal functionality of the car parking area.

Requirements

6. A **car parking area** is to:
  - (a) be not less than 3m from any lot boundary abutting a road; and
  - (b) provide landscaping to the setback area to a minimum depth of 3m immediately adjacent to any lot boundary abutting a road, using species designed to lessen the visual impact of the **car parking area** when viewed from the road.
7. A **car parking area** is to be constructed and maintained to be:
  - (a) of a suitable gradient for safe and convenient parking; and
  - (b) sealed and well drained in urban areas, or dust suppressed in non-urban areas.
8. The layout of a **car parking area** is to:
  - (a) be functional and provide separate access to every car parking space;
  - (b) allow a vehicle to enter from and exit to a road in a forward gear;
  - (c) be in accordance with the dimensions set out in the diagram to this clause; and
  - (d) ensure parking spaces at the end of and perpendicular to a driveway are 3.5m wide or so that the driveway projects 1m beyond the last parking space.

9. The number of **access** points to the road is to be limited, and **access** points to **car parking areas** are to:
- (a) have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow; and
  - (b) maximise sight lines for drivers entering or exiting the car parking area.



**Assessment**

The application states *the proposed development retains the existing parking layout arrangements and access driveways of the existing designated area for parking at basement and towards the rear of the property.* The existing parking and access arrangements for the existing 5 storey office building were approved via DV1720 on 25 May 1985.

Under subclause 8(d) parking spaces at the end of and perpendicular to a driveway are to be 3.5m wide or the driveway is to project 1m beyond the last parking space. The driveway at the rear of the proposed development



projects 0.83m from the last parking bay (45) where a minimum 1m projection is required. The driveway at the end of the basement level car parking project 0.33m from the last car parking bays (27 and 16) where a minimum 1m projection is required.

Under subclause 9(a&b) access points to a car parking area are to have driveways with a width of 6m for two-way traffic flow and 3.5m for one-way traffic flow and maximise sight lines for drivers entering or exiting the car parking area.

The basement site plan shows the existing ramp to the basement parking having a width of 5.598m where a minimum 6m width is required for two-way traffic flow. Also, the ground level driveway to the parking at the rear of the proposed development is 2.9m wide where a minimum 6m width is required for two-way traffic flow. It is noted there is a reversing area at the end of ground level driveway to enable garbage trucks to turn around and that these access arrangements were in use when the department of health previously occupied the building.

### Further information required

The applicant is to provide further information addressing the requirements of subclause 8(d) and 9(a&b) and to provide further reasoning for any variations to the requirements of the clause.

### Deferral period

The applicant provided the following response on 11 February 2025 regarding compliance with Clause 5.2.4.4.

*Following our discussion today regarding Clause 5.2.4.4 (Layout of car parking areas), we wish to confirm that there are no proposed changes to existing vehicular access arrangement to the site. The site has one-way (2.9m) and two-way (5.59m) access crossovers from Mitchell Street. A variation to the requirements of the clause is sought due to existing layout scenario which has previously served an office type land use which generated more parking requirement than the proposed use. City of Darwin has requested Traffic Impact Assessment Report (TIA) through a Condition Precedent for any permit issued.*

**DOES NOT COMPLY -variation sought to subclause 8(d) and 9(a&b).**

---

## 5.2.5 Loading Bays

### Purpose

Provide for the loading and unloading of vehicles associated with the use of land.

### Administration

1. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 3 and 4 only if it is satisfied sufficient, safe and functional loading areas are available to meet the needs of the use with regard to:
  - (a) the scale of the use and development on the **site**;
  - (b) any potential adverse impacts on the local road network; and
  - (c) any agreements for off-site loading and unloading of vehicles, such shared loading areas or approval to carry out loading activities in a laneway or **secondary street**.
2. For the purposes of this clause, where an **exhibition centre, food premises (fast food outlet and restaurant), office, place of assembly, shop or shopping centre** are part of an integrated development, the minimum number of loading bays is to be calculated based on the combined **net floor area** of the integrated uses.

Requirements

3. Use and development is to include provision of a minimum number of loading bays in accordance with the table to this clause (rounded up to the next whole number).
4. A **loading bay** is to:
  - (a) provide areas wholly within the *site* for loading and unloading of vehicles;
  - (b) be at least 7.5m by 3.5m;
  - (c) have a clearance of at least 4m; and
  - (d) have access that is adequate for its purpose.

Table to Clause 5.2.5: Minimum number of loading bays	
Use or development	Minimum number of loading bays
Food premises-restaurant	1 <b>loading bay</b> for every 2000m <sup>2</sup> of the total <b>net floor area</b> , or part thereof

Assessment

The dimensioned plans or Statement of Effect (SoE) do not state the net floor area of the proposed development. However, as footprint of the five storey building does not cover the whole site area (2030m<sup>2</sup>), the net floor area of the proposed motel/hotel will be less than 10,000m<sup>2</sup>. Therefore one (1) loading bay is required. The dimensioned plans show 1 loading bay has been provided at ground level that meet the requirements of subclause 4.

**COMPLIES****5.2.6.2 Landscaping in Zone CB**Purpose

Ensure developments within central business districts minimise heat capture and enhance the visual **amenity** of the area when viewed from the street or from surrounding buildings.

Administration

1. The consent authority may **consent** to a development that is not in accordance with sub-clause 3 if:
  - (a) it is a small development and the consent authority is satisfied that it would be unreasonable to provide the required landscaping, having regard to the intended use of the development or whether the development would become unfeasible; or
  - (b) the development provides an alternative response to achieve the purpose of this clause.
2. This clause does not apply if the use or development is *permitted* through Clause 5.5.4 (Expansion of Existing Use or Development in Zones CB, C, SC and TC).

Requirements

3. Development in Zone CB is to provide areas of landscape planting equivalent to 10% of the **site area**.

Assessment

The application states the site area is 2030m<sup>2</sup> therefore at least 203m<sup>2</sup> of landscaping is required to be provided under subclause 3. The application states the proposed development provides 200m<sup>2</sup> of landscaping or 9.85% of the 10% landscape planting requirement.

The Editor’s Note 2 to Clause 5.2.6.2 references *Design Guidance: Landscaping in Zone CB*, which defines landscaping as *the use of trees, shrubs and plants to enhance the appearance of a building and to make an area more attractive*.

*Design Guidance: Landscaping in Zone CB* states the objectives of the Zone CB landscaping provisions are to ensure that planting associated with a development enhances the streetscape and overall amenity of the locality and provide opportunities for climate responsive design that mitigates heat capture and improves the thermal performance of buildings.

The landscape plan identifies part of the communal area (151m<sup>2</sup>), demarked by a hatched red line, as counting towards the 10% landscape planting requirement. This part of the communal area includes a planter box (22m<sup>2</sup>), a pool (22m<sup>2</sup>) and what appears to be a grassed area with tables and chairs (107m<sup>2</sup>).

The landscape plan shows two areas of 20m<sup>2</sup> & 9m<sup>2</sup> at the frontage, also demarked by red lines, as counting towards the 10% landscaping requirement. In addition to the areas demarked by red hatched line, the first-floor site plan (A103) shows a planter box (12m<sup>2</sup>) facing the street frontage that is not counted towards the 10% landscape planting requirement.

Finally, the landscape plan includes a 5.887m wide vertical green wall between the communal area and the street frontage adjacent to the external waiting area that has not been counted towards the 10% landscape planting requirement. The landscape plan does not detail the height of the wall and the dimensioned plans do not include a side elevation of the building showing the vertical green wall. See Figures 1 and 2 below for the landscaped areas in the proposed motel/hotel.

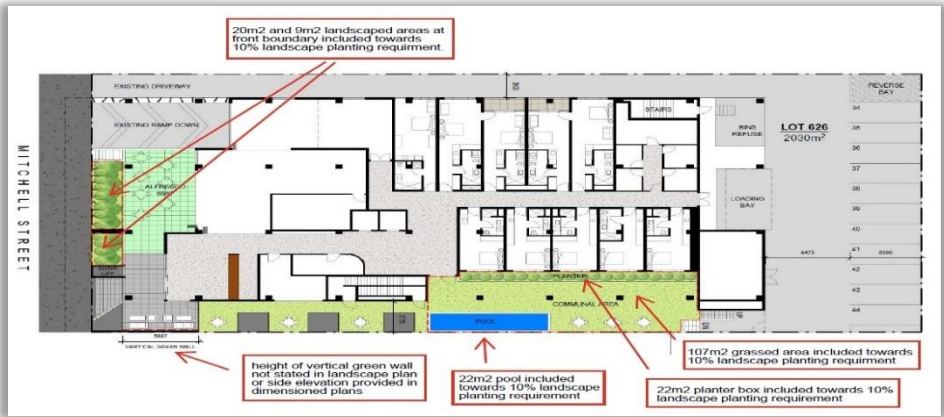


Figure 1: ground floor landscaped areas included and not included toward 10% landscape planting requirement.



Figure 2: first floor landscaped area

The areas in the landscape plan that meet the above description of landscaping in *Design Guidance: Landscaping in Zone CB* are detailed below;

- Communal area planter box - 22m<sup>2</sup>
- 2 x ground floor planter boxes at street frontage - 29m<sup>2</sup>
- First floor planter box - 12m<sup>2</sup>
- Total area of landscape planting – 63m<sup>2</sup>

The areas identified as landscaping in the landscape plan that require the provision of further information to enable a complete assessment of the proposed development against the requirements and objectives of Clause 5.2.6.2 are detailed below.

- Vertical green wall – unknown
- Grassed area around pool - 107m<sup>2</sup>

**FURTHER INFORMATION REQUIRED**

- The applicant to update the SoE and landscape plan to address how the proposed landscaped areas comply with the 10% landscape planting requirement under Subclause 3.
- The applicant to update the SoE to address how the proposed landscaping meets the definition and objectives of landscape planting in *Design Guidance: Landscaping in Zone CB*.
- The applicant to update the landscape plan to detail the height of the vertical green wall and provide a side elevation.

Deferral period

On 7 February 2025 the applicant provided the updated Landscape Plan below demonstrating accordance with subclause 3 that included the full dimensions of the vertical green wall.



Figure 3 – updated landscape plan demonstrating compliance with subclause 3.

**COMPLIES**

## 5.5.4 Expansion of Existing Use or Development in Zones CB, C, SC and TC

### Purpose

Provide for the minor expansion of an existing use or development in Zones CB, C, SC and TC.

### Administration

1. An expansion of an existing use or development in Zones CB, C, SC or TC is *Permitted* without **consent** only if it:
  - (a) complies with sub-clause 3; and
  - (b) complies with Parts 3, 5 and 6 of this Planning Scheme; and
  - (c) is consistent with the zone purpose and outcomes.
2. Where the expansion does not comply with sub-clause 3, the use or development is subject to the assessment requirements as established in the relevant assessment table for the zone.

### Requirements

3. An expansion of an existing use or development in Zone CB, C, SC or TC is to be:
  - (a) is a maximum of 100m<sup>2</sup> or 15% of the **site**, whichever is greater;
  - (b) designed to not increase the height of existing development on the **site**;
  - (c) designed to enhance and increase the existing development's active interface with the public domain;
  - (d) not a **demountable structure** or **residential building**;
  - (e) not located on or over a registered easement, road reserve or lot boundary; and
  - (f) of a scale, location and design to facilitate vehicular **access**, parking and loading areas, including areas allocated for waste management and service vehicle **access**.

### Assessment

The proposed motel/hotel is not considered permitted development under Clause 5.5.4 as it does not meet the administration clause (1a), which requires an expansion of an existing use to comply with Part 5 of the NTPS 2020.

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## 5.5.11 Food Premises

### Purpose

Ensure that the operation of a **food premises**:

- (a) provides an active interface to the public domain and contributes to the interest and diversity of the locality;
- (b) minimises adverse impacts on the **amenity** of the locality; and
- (c) is designed for the safety of patrons.

### Administration

1. This clause applies to **food premises-café/take away, food premises-fast food outlet, and food premises-restaurant**.
  2. The consent authority may **consent** to a **food premises** that is not in accordance with sub-clauses 3-10, only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the **site** having regard to such matters as its location, scale and impact on surrounding **amenity**.
-

### Requirements

3. Incorporate appropriate building and landscape design to ensure that there is no unreasonable loss of **amenity** for adjoining and nearby property.
4. A minimum 1.8m high solid acoustic screen fence is erected along the full length of all **site** boundaries adjoining land in Zones LR, LMR, MR or HR.
5. Floodlights, spotlights and all other forms of lighting shall be constructed, oriented and controlled so as not to adversely impact on the **amenity** of any adjacent residents or cause a traffic hazard in the adjacent road network.
6. Manage noise emissions so that they will not have an unreasonable impact on the **amenity** of the locality.
7. The design of an **alfresco dining area** or outdoor entertainment space located adjacent to a **dwelling** is to take account of and reasonably mitigate noise and privacy impacts.
8. Adequate provision is made for the on-site collection, storage and disposal of waste, positioned to avoid nuisance to neighbours.
9. The maximum **net floor area** of a **café/take away** should be 80m<sup>2</sup>.
10. If a **fast food outlet** is adjacent to land in Zones LR, LMR, MR or HR, the development is to be set back 5m from all side and rear boundaries and landscaped to a minimum depth of 3m to provide a visual screen.

### Assessment

The proposed café is located internally on the ground floor with an external alfresco accessed from Mitchell Street via steps and chair lift. The alfresco is setback from the street frontage behind landscaping and visually permeable feature screening and stone cladding (Purpose and subclause 3). Subclauses 4-5, 7 & 10 do not apply to the proposal.

The proposed café has a floor area of 158m<sup>2</sup> where a maximum net floor area of 80m<sup>2</sup> is required (subclause 9). As the SoE does not address Clause 5.5.11 further information is required.

Ensure that the operation of a **food premises**:

- (d) provides an active interface to the public domain and contributes to the interest and diversity of the locality;
- (e) minimises adverse impacts on the **amenity** of the locality; and
- (f) is designed for the safety of patrons.

### **FURTHER INFORMATION REQUIRED**

The applicant to provide an updated SoE addressing Clause 5.5.11 (Food Premises) including reasons for any proposed variations.

On 21 January 2025 the applicant provided a response to public submissions that showed all external glazing having high acoustic impact properties and sound proofing to external and internal walls, which demonstrated the proposals compliance with subclause 6.

### Deferral period

On 7 February 2025 the applicant provided further information addressing Clause 5.5.11. The further information included the following regarding compliance with subclause 9:

The proposed development is food premises-café exceed the 80m<sup>2</sup> as the proponent is likely to operate a food premises-restaurant in the future. The site located in the CB area and therefore an increased floor area is unlikely to have adverse impacts on the amenity of the locality characterised by a mixture of commercial activities encouraged at ground level in a Central Business District.

The updated dimension plans do not show the adequate provision for the on-site collection, storage and disposal of waste, which can be addressed as condition precedent.

**DOES NOT COMPLY – variation sought to subclause 9**

### 5.5.15 Design in Commercial and Mixed Use Areas

#### Purpose

Encourage a diverse mix of commercial and mixed use developments that are safe, contribute to the activity and **amenity** of commercial centres, are appropriately designed for the local climate, and minimise conflicts between different land uses within and surrounding the commercial centre.

#### Administration

1. A development application must, in addition to the matters described in sub-clauses 12-23, demonstrate consideration of and the consent authority is to have regard to the Community Safety Design Guide in Schedule 5.
2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 12-14 if it is satisfied that it is consistent with the purpose of the clause.
3. The consent authority may **consent** to a development that is not in accordance with sub-clause 15 if it is satisfied that services and utilities are appropriately concealed within the development to minimise their visual impact on the public domain.
4. The consent authority may **consent** to a development that is not in accordance with sub-clause 16 if it is satisfied that the development provides an appropriate level of shading that reduces heat capture of paved surfaces, having regard to the location of the **site** and scale of the development.
5. The consent authority may **consent** to a development that is not in accordance with sub-clause 17 if it is satisfied that:
  - (a) the development provides a considered response to the established character of the streetscape; and
  - (b) the development provides an alternative response for shading.
6. The consent authority may **consent** to a development that is not in accordance with sub-clauses 18 if it is satisfied that the development facilitates safe and shaded pedestrian movement through the **site**.
7. The consent authority may **consent** to a development that is not in accordance with sub-clause 19 if it is satisfied that all reasonable measures are taken to mitigate potential impacts between current and reasonably anticipated future developments.

8. The consent authority may **consent** to a development that is not in accordance with sub-clause 20 if it is satisfied that all reasonable measures have been taken to mitigate potential noise impacts on **habitable rooms** within the **site**.
9. The consent authority may **consent** to a development that is not in accordance with sub-clause 21 if it is satisfied that the development manages run-off from balconies to adjoining balconies and **dwellings** below.
10. The consent authority may **consent** to a development that is not in accordance with sub-clause 22 if it is satisfied that the development provides appropriate provisions for parenting activities relative to the nature and scale of the development.
11. The consent authority may **consent** to a development that is not in accordance with sub-clause 23 if it is satisfied that the development provides an appropriate response to waste management.

#### Requirements

12. Building design is to be sympathetic to the character of buildings in the immediate locality.
13. Buildings are to incorporate and maintain passive climate control measures appropriate to the local climate.
14. Building design is to minimise the expanse of blank walls facing the street and **public open spaces** and limit external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare.
15. Services and utilities (such as bin storage areas, service ducts, pipes, air conditioner plants etc.) are to be integrated into the development and/or screened to the public domain and neighbouring properties.
16. **Car parking areas**, including rooftop parking, and open expanses of pavement are to be shaded by landscaping and/or shade structures.
17. Unless advised otherwise by the relevant local government council or controlling agency for roads (whichever is applicable), development is to provide an awning or verandah to all street frontages that adjoin a footpath, which:
  - (c) extends along the full length of the **site** boundary to provide continuous coverage for pedestrians;
  - (d) covers the full width of the footpath or has a minimum width of 3m; and
  - (e) allows for the growth of existing trees and the planting and growth of reasonably anticipated trees within the road reserve.
18. Development is to provide legible pedestrian access from the street and public pathways to building entrances that:
  - (f) is direct and provides refuge from the sun and rain; and
  - (g) avoids potential entrapment areas, blind corners or sudden changes in level that restrict sightlines.



19. New developments are to be sited, designed and operated to minimise unreasonable impacts to surrounding uses and development related to noise, vibration, light, odours and other nuisance.
20. Development is to minimise the transmission of noise and exhaust from services by:
  - (h) locating lift shafts away from **habitable rooms**, or by using other noise attenuation measures; and
  - (i) locating air conditioner plants away from openings in **habitable rooms**.
21. Buildings are to provide internal drainage of balconies.
22. Development with a **floor area** of 3500m<sup>2</sup> or greater is to provide a dedicated parenting room (to allow for activities such as baby change and breastfeeding).
23. Development is to provide designated areas for rubbish collection.

### Assessment

The proposed development will refurbish the existing five storey building on site and includes an internal café and alcovod alfresco dining area adjacent to the street frontage. The use of landscaping and vertical feature screens will enhance the streetscape and create an attractive public space and the enclosed balconies with soundproof materials to external walls will minimise amenity impacts while providing opportunities for passive surveillance.

The application states;

*The design of the proposed development is site responsive as it incorporates the use of lightweight materials and construction methodology that responds to climate and place. The design layout allows natural light and breeze penetration through the site. The introduction of landscaping along the front will enable natural infiltration of stormwater.*

*With regards to minimising the transmission of noise and overlooking issues on site, the development provides high windows to enclosed areas along the building façade and to side boundaries where practicable. In addition, the recessed entries with balconies to units contributes towards noise reduction for the occupants and passive cooling of the development.*

*The existing building height is already established in the locality and therefore the upgrades to the building are sympathetic to the character of buildings in the immediate locality. The development adds to short term accommodation's choice and option in the area. The choice of earthy type materials and neutral colour tones promotes sustainable design in response to local climate and durability.*

*The removal of dominant disabled access ramp along the front and replacement with active frontage and landscaping encourage interface with the streetscape and passive cooling to the development. The development has a defined pedestrian entry points to the building.*

*The proposal will provide a drop-down baby change table within the proposed end of trip amenities located at ground floor and close to communal area. The development incorporates a continuous awning along the street frontage at ground level to provide continuous coverage for pedestrians.*

### COMPLIES

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## 5.9.2 Darwin City Centre

1. This clause incorporates planning and design standards contained in the Central Darwin Area Plan.
2. The diagram to this clause identifies the land to which the requirements of the clauses within 5.9.2 (Darwin City Centre) apply, and the key features referred to in the requirements.

Diagram to Clause 5.9.2: Darwin City Centre Extent and Features



### Assessment

The site is identified as having a priority activated frontage and located along the priority pedestrian / cycle network.

### 5.9.2.1 Building Design in Darwin City Centre

#### Purpose

Promote buildings in the Darwin city centre that are designed to support a mix of land uses now and in the future, contribute to a high level of **amenity** in the public domain and enable convenient pedestrian and cyclist movement to and across the city centre.

#### Administration

1. This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 6 if it is satisfied that the development is designed to support the ability of the ground floor to adapt to different uses over time.
3. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design contributes to the functionality and visual interest of the streetscape.

4. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 9 if it is satisfied that roof top plant equipment will not be seen from the street and will not unreasonably impact on the visual **amenity** of the public domain and neighbouring properties.
5. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 10 if it is satisfied there are sufficient existing connections in the immediate locality to facilitate safe and convenient movement between desirable locations and across the priority pedestrian/cycle network (identified in the Diagram to Clause 5.9.2).

#### Requirements

6. New residential buildings are to provide a minimum 4m floor to ceiling height to the ground floor.
7. Building facades are to have a clearly distinguished base, middle and top.
8. Any communal facilities, such as bicycle parking and seating, located at the front of the building are to be integrated into the **site** layout and building design.
9. Any roof top plant and equipment is to be integrated into the building design, and screened from the public domain and neighbouring properties through planting or façade treatments.
10. Buildings with dual street frontage, excluding corner lots, are to provide mid-block pedestrian linkages (arcades) through the building at **ground level** to connect the two street frontages.

#### Assessment

The proposal is for a mixed-use development of hotel/motel in a five storey building with an internal ground level café and recessed alfresco and landscaping at the street frontage that will improve the amenity of the public domain that can be conveniently accessed via steps and a chair lift from Mitchell Street, which forms part of the priority pedestrian network.

#### **COMPLIES**

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#### 5.9.2.2 Volumetric Control

##### Purpose

Ensure the siting and mass of buildings within the Darwin city centre promotes urban form that is of a scale appropriate to the locality, and provides adequate separation to allow:

- (a) potential for view corridors to Darwin Harbour;
- (b) breeze circulation between buildings;
- (c) penetration of daylight into **habitable rooms**; and
- (d) reasonable privacy for residents.

##### Administration

1. This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features), with the exception of land within the Darwin Waterfront identified on the diagram to Clause 5.9.2.4 (Darwin Waterfront Building Heights and View Lines).

2. In this clause:
  - (a) the Smith Street Character Area is identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features); and
  - (b) the podium and tower components of a building are illustrated in the diagram to this clause.
  
3. The consent authority may **consent** to a development, excluding development located within the Smith Street Character Area, that is not in accordance with sub-clauses 5 and 6 if it is satisfied the development:
  - (a) is appropriate to the location considering the scale of the development and surrounding built form; and
  - (b) will not unreasonably restrict the future development of adjoining **sites**.
  
4. The consent authority may **consent** to a development within the Smith Street Character Area that is not in accordance with sub-clauses 5-7 if it is satisfied that the development:
  - (a) provides adequate separation to neighbouring buildings and will not unreasonably restrict the future development of adjoining **sites**;
  - (b) responds to the existing street front **building heights**; and
  - (c) provides an equivalent or better outcome to maintain a human scale at street level.

#### Requirements

5. The podium of a development is to:
  - (a) have a maximum height of 25m, excluding any plant, equipment, aerials, **outbuildings** or visually permeable balustrades; and
  - (b) provide a minimum setback of 6m from any **site** boundary, for any verandah, balcony or room designed for accommodation with a window other than to a street or **public open space**.
  
6. The tower of a development is to:
  - (a) have a footprint that covers a maximum of 56% of the **site** area, to a maximum of 1200m<sup>2</sup> in any single tower;
  - (b) have the length of each side of the tower be no more than 75% of the length of the adjacent boundary; and
  - (c) provide minimum setbacks of:
    - i. 6m from any **site** boundary; and
    - ii. 12m between towers on the same **site**.
  
7. Despite sub-clauses 5 and 6, development within the Smith Street Character Area may instead be designed so that:
  - (a) the podium height is reduced below 25m; and
  - (b) the tower is setback a minimum of 3m from all street boundaries (including the Smith Street Mall); and
  - (c) the total volume of the tower section that is not in accordance with sub-clause 6 does not exceed the theoretical podium volume that is lost by reducing the height of the podium below 25m.

#### Assessment

The existing building is less than 25m in height with established setbacks of 2.9m to the southeast side boundary, 3.37m to the northwest side boundary, 12m to the rear boundary and a zero setback to the front boundary. In October 2023, DP02/0260 approved an external upgrade to the existing building that

included a ground level awning. The endorsed plans show the main building line setback 5m from the street frontage with the ground level awning protruding 0.4m past the front boundary as shown in Diagram 3 below.

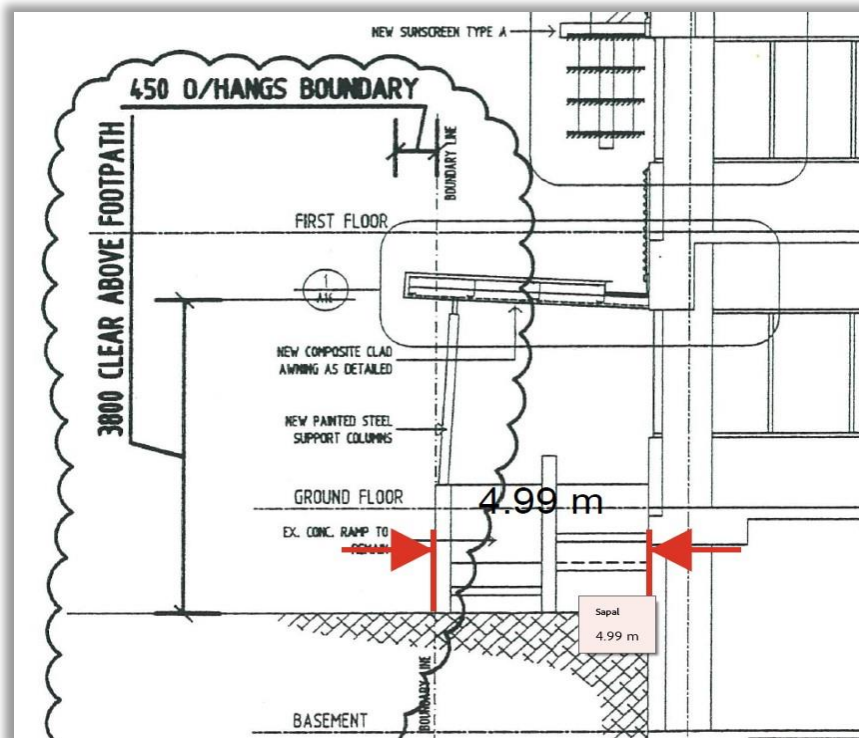


Diagram 3: DP02/0260 Endorsed Plans - distance of the main building line and the awning of the existing building line to the street frontage.

The application details of the proposed setbacks post refurbishment as stated below;

Northwest side boundary

Ground floor - 6.83m

First - Fourth floors - 3.78 - 5.58

Southeast side boundary

Ground floor - 2.9m to 4.5m

First to Fourth floors - 2.9m - 4.5m

Rear boundary

Ground floor - 11.9 - 16.6m

First to Fourth floors - 12 - 13.8m

Front boundary

Details not provided.

The application provides the following reasoning for the proposed variation to the setback requirement under subclause 5b.

*The building is existing, and the proposed reconfiguration design solution provides improved articulation to the building façade through adaption of balconies and recess to parts of the building walls.*

*The development provides high windows where practicable to enclosed areas in order to minimise any overlooking issues to neighbouring developments. The proposal limits the number of balconies facing side boundaries whilst promoting passive cooling to the building by providing recessed walls with openings along the façade.*

*The proposed building modification results in less windows/glazing along the building facades to side boundaries and thereby minimising potential for any overlooking to neighbouring properties as compared to the current building presentation.*

As the front and side setbacks of the existing building were established before Clause 5.9.2.2 came into effect, is not considered to reasonably to apply the setback requirement under subclause 5(b) to the proposed development.

Although the existing building exceeds 56% of the site area and the sides of the building are greater than 75% of the length of the adjacent boundary, the building footprint was established before Clause 5.9.2.2 came into effect. As such, it is not considered reasonable to apply the building footprint and length requirements under Clause 5.9.2.2 to the proposed development.

## COMPLIES

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### 5.9.2.5 Development along Priority Activated Frontages

#### Purpose

Prioritise active frontage along key streets in the Darwin city centre to encourage pedestrian activity and strengthen the relationship between buildings and the public domain.

#### Administration

1. 'Priority activated frontages' are identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 5-6 if it is satisfied that compliance would be impractical due to servicing requirements, and all reasonable effort has been made to:
  - (a) maximise the **active street frontage** on 'priority activated frontages'; and
  - (b) minimise the visual impact of services.
3. Landscaping may be counted toward the percentage of **active street frontage** required under sub-clause 6 if it comprises of:
  - (a) significant existing vegetation; or
  - (b) vertical landscaping for the full height of the **ground level** street frontage; and the development still meets the purpose of the clause.
4. Every application should include written acknowledgment from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on **active street frontages**

#### Requirements

5. Services on street level frontages are to be limited to:
    - (a) a single vehicle entry and exit point to and from the building (except on larger **sites** where additional access points are supported by a Traffic Study for the **site**);
-

- (b) a direct single point of access to service equipment for all service authorities;
  - (c) required fire egress; and
  - (d) required fire booster connection points.
6. Where a **site** boundary is located on a street identified as 'priority activated frontage', buildings are to provide a minimum of 75% of the length of that **site** boundary as **active street frontage**, made up of any combination of the following components, where the distance between individual components is no more than 1.5m:
- (a) windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;
  - (b) operational and legible entrances (excluding fire egress) that are directly accessible from a public space;
  - (c) areas within the **site** that are used for alfresco dining; or
  - (d) well-designed spaces that allow for pedestrian movement and/or seating

### Assessment

The proposed development includes a single vehicle entry and exit point to the building (subclause 5b) and a direct single point of access to service equipment for all service authorities via a driveway adjacent to the southeast side boundary, which provides access to the loading bay, substation and services at the rear of the site (subclause 5b).

As the statement of effect addresses Clause 5.5.16 (Active Street Frontage) rather than 5.9.2.5 (Development along Priority Activated Frontages), an assessment of the proposal against subclause 6 has not be completed. It is noted that 75% of the length of the 32m site boundary is 24m and that the distance from the ramp to the basement parking and corner of the existing building at the northwest side boundary is 23m.

It is further noted that under administration subclause 3, landscaping may be counted toward the percentage of active street frontage required under subclause 6 if it includes vertical landscaping to the full height of the ground level street frontage.

### **FURTHER INFORMATION REQUIRED**

The applicant to update the SoE to address Clause 5.5.16 and consider using vertical landscaping under administration subclause 3, toward the percentage of active street frontage required under subclause 6.

### Deferral period

On 7 February 2025 the applicant provided further information addressing Clause 5.5.16 and the following reasons the proposed variation to subclause 6

*The proposed reconfiguration to the ground floor level respond to the above requirement by opening the front façade to introduce elements that promote activation of the frontages. The overall length of the front boundary is approximately 32m and therefore 75% of the boundary length is 24m. The activated length following the prosed improvements is 22.68m which represents 71% of the length of the sites front boundary as active street frontage.*

It is noted that the updated dimension plans show an active street frontage of 71% of the building boundary facing Mitchell Street. The correct active street frontage measurement is 74.5% as the driveway to the parking at the rear of the site is not included in the measurement.

### **DOES NOT COMPLY - variation sought to subclause 6**

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### 5.9.2.10 Alfresco Dining Areas

#### Purpose

Provide for the establishment of **alfresco dining areas** that contribute positively to the **amenity**, safety and activation of streets in the Darwin's Central Business area.

#### Administration

1. This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
2. An **alfresco dining area** may be established without **consent** if it complies with sub-clause 4.
3. Where the **alfresco dining area** does not comply with sub-clause 4, the use or development is subject to the assessment requirements set out in the relevant assessment table for the zone.

#### Requirements

4. An **alfresco dining area** may occur as a *Permitted* development only if it:
  - (a) is located at **ground level**;
  - (b) is permanently open along at least two sides;
  - (c) has open sides that are at least of equal length to the sides bounded by a wall or the like;
  - (d) is associated with a lawfully established use;
  - (e) does not constrain the function or reduce the number of any on-site **car parking spaces, loading bays** or manoeuvring spaces; and
  - (f) does not involve development adjacent to a tree within a road reserve or park, or has written agreement from the relevant authority to indicate that the development will not adversely impact on either the root system or branches of a tree within the road reserve.

#### **Assessment**

The proposed development will refurbish the existing five storey building on site and includes an internal café and alcovod alfresco dining area adjacent to the street frontage. It is considered that the proposed built form and landscaping will enhance the streetscape and create an attractive public space. The proposed alfresco is not considered permitted development under administration subclause 2 as it is not meet the requirements of subclauses 4b&c.

#### **NOT APPLICABLE**

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### 5.9.2.11 Car parking spaces in Darwin City Centre

#### Purpose

Ensure that sufficient off-street car parking spaces, constructed to a standard and conveniently located, are provided to service the proposed use of a **site**.

#### Administration

1. This requirement overrides general car parking space requirements under general clause 5.2.4.1 (Car parking spaces) within the extent of the Darwin City Centre identified in Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
  2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 5 as set out in clause 5.9.2.12 (Reduction in car parking spaces in Darwin City Centre).
  3. An **alfresco dining area** on a **site** located along priority activated frontages identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features) may result in the loss of up to 25 **ground level** car parking spaces associated with any existing development without requiring replacement **car**
-



**parking spaces.** However, a change of use from an **alfresco dining area** (including the provision of air conditioning) will result in the new use being subject to full car parking space requirements of this clause.

4. The consent authority may require the provision of **car parking spaces** for any **ancillary** use or development in addition to that specified for the **primary use** or development in the table to this clause.
5. Requirements  
Use and development is to include the minimum number of **car parking spaces** specified in the table to this clause (rounded up to the next whole number).

<b>Hotel/Motel</b>	0.4 for every guest suite or bedroom <u>Plus</u> 2 for every 100m <sup>2</sup> of <b>net floor area</b> of all other areas
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### Assessment

The table below details the number of parking bays the proposed development is required to provide based on the number of guest suites and net floor area.

Use	Net Floor Area	Parking required
Hotel/Motel	87 suites x 0.4	34.8 (rounded to 35)
Office	21m <sup>2</sup>	
Reception	8m <sup>2</sup>	
Gym	55m <sup>2</sup>	
Alfresco	65m <sup>2</sup>	
Board Room	78m <sup>2</sup>	
Café	130m <sup>2</sup>	
Kitchen	28m <sup>2</sup>	
Total	385m <sup>2</sup> (3.85 X 2)	7.7 (rounded to 8)
Total car parking spaces required		<b>42.5 (rounded to 43)</b>

### Note

Schedule 2 (Definitions) of the NTPS 2020 defines net floor areas as follows;

**net floor area** in relation to a building, includes all the area between internal surfaces of external walls but does not include:

- (a) stairs, cleaners cupboards, ablution facilities, lift shafts, escalators or tea rooms where tea rooms are provided as a standard facility in the building;
- (b) lobbies between lifts facing other lifts servicing the same floor;
- (c) areas set aside as public space or thoroughfares;
- (d) areas set aside as plant and lift motor rooms;
- (e) areas set aside for use of service delivery vehicles; and
- (f) areas set aside for car parking or **access**;

The Table to Clause 5.9.2.11: Minimum number of required parking spaces in Central Darwin, requires a hotel/motel to provide 0.4 spaces for every guest suite plus 2 for every 100m<sup>2</sup> of net floor area of all other areas. The proposed development includes 87 guest suites and 385m<sup>2</sup> of net floor area, therefore 43 (42.5 rounded up) car parking spaces are required and 43 spaces are provided.

It is noted that the SoE states 44 spaces are provided on site whereas the dimensioned plans show 43 spaces. It also noted that the SoE and dimensioned plans do not state the net floor area of the proposed development in line with the above definition.

**COMPLIES** – the applicant to update the SoE and / or dimensioned plans to confirm the net floor area of the proposed development.

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### 5.9.2.12 Reduction in car parking spaces in Darwin City Centre

#### Purpose

Provide for a use or development with fewer **car parking spaces** than required by clause 5.9.2.11 (Car parking spaces in Darwin City Centre).

#### Administration

1. The consent authority may **consent** to:
  - (a) a reduction of 1 **car parking space** for every 3 motorcycle parking spaces proposed for a use or development, but only to a maximum of 1 motorcycle parking space for every 25 (or more) **car parking spaces** required by Clause 5.9.2.11 (Car parking spaces in Darwin City Centre); and
  - (b) for any bicycle spaces proposed for a use or development in excess of those required by the table to clause 5.3.7 (End of trip facilities in Zones HR, CB, C, SC and C), a reduction of 1 **car parking space** for every 10 excess bicycle parking spaces are appropriate in function and number for the use of the building, up to 2% of the number of **car parking spaces** required by Clause 5.9.2.11 (Car parking spaces in Darwin City Centre).
2. The consent authority may also **consent** to a use or development with fewer **car parking spaces** than required by Clause 5.9.2.11 (Car parking spaces in Darwin City Centre), in accordance with the table to this clause.
3. In using the table to this clause to calculate a reduction, only one reduction percentage is permitted per category.

**Editor’s Note: Where a reduction in car parking is sought across 2 or more categories, the reduction percentages are combined, and the reduction is calculated cumulatively across all categories.**

#### Requirements

4. An application to reduce car parking requirements through the inclusion of vertical landscaping under category 3 of the table to this clause must demonstrate:
  - (a) vertical landscaping (such as green walls, living walls or vertical gardens) that is fully vegetated, well-integrated with the overall building design and publically visible on the external building façade(s) fronting key pedestrian thoroughfares, major public spaces and/or main entrance areas;
  - (b) the suitability of the plants to be used in the landscaping;
  - (c) sufficient soil depth to accommodate the proposed types of plants;
  - (d) how the landscaping will be practically maintained for the lifetime of the development; and
  - (e) suitable management of drainage.

#### Assessment

NOT APPLICABLE - Clause 5.9.2.12 does not apply to the proposed development as it provides the required number of car parking spaces (43) under Clause 5.9.2.11 and is therefore not seeking a reduction under this Clause.

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19 December 2024

Suzanne Philip  
Chair  
Northern Territory Development Consent Authority  
GPO Box 1680  
DARWIN NT 0801

**RE: PROPOSED REPURPOSING OF EXISTING FIVE (5) STOREY BUILDING PLUS BASEMENT FROM OFFICE TO 87 HOTEL/MOTEL GUEST SUITES - LOT 626 (87) MITCHELL STREET TOWN OF DARWIN**

Dear Chair and Members

We write to express our views and concerns regarding the proposed development at Lot 626 (87) Mitchell Street.

Firstly, we would like to place on the record that as developers who are committed to revitalizing vacant areas within Darwin's CBD, we appreciate and support efforts to introduce additional accommodation options in the city.

However, we wish to bring to the attention of the Development Consent Authority (DCA) the importance of addressing noise abatement in a precinct like the Darwin CBD, especially in areas like Mitchell Street, which remain essential entertainment districts.

While we fully endorse such developments, it is our belief that all projects, regardless of their industry or purpose, should actively address and mitigate noise-related issues. Our concerns primarily revolve around the fact that late night venues within the entertainment precinct have not been directly referenced in the submission.

These venues include our own, The Cinema Collective, as well as The Lost Arc and Discovery. Our concerns include not just direct noise emanating from the surrounding premises but also the expected late-night foot traffic.

We appreciate your attention to this matter and trust that the DCA will take into account the interests of both the developers and the existing businesses within the CBD to ensure a harmonious co-existence.

Finally, we wish the developers well with the project and look forward to increased activation in the CBD.

Yours sincerely

Steven Dugan  
Director  
TEHGO Pty Ltd atf TEHGO Trust T/A  
The Cinema Collective

OUR REF: DDS:240658

YOUR REF:

PH: +61 8 8924 4944

FX: +61 8 8924 4933

19 December 2024

Gro-Ruz Darwin Pty Ltd (ACN 619 054 161) as trustee for the Gro-Ruz Darwin Trust  
Israel.k@oneplanningconsult.com.au  
Attention: One Planning Consult

**By Email Only: Israel.k@oneplanningconsult.com.au**

Dear Sir,

**Gro-Ruz Darwin Pty Ltd Development – 87 Mitchell Street, Darwin City NT**

We refer to the above matter and confirm we act for Deva Darwin Pty Ltd, who are the owners of the Discovery Darwin nightclub located on 89 Mitchell Street, Darwin City NT.

We are instructed Gro-Ruz has submitted an application for a development permit in order to construct a residential apartment complex on 87 Mitchell Street, which sits directly adjacent to Discovery Darwin.

Due to the nature of the business being operated from our client's premises and its tendency to produce significant levels of noise, our client is concerned about the potential reverse amenity impact its pre-existing nightclub will have on the development, as well as the risk of facing noise complaints from tenants who may inhabit the development following its completion.

We have considered the Gro-Ruz's application for development consent and have not identified any proposals which speak to the measures Gro-Ruz intends to take to reduce noise impact throughout the development.

It is also understood the development application proposes an outdoor reception, café and alfresco towards the front of the building. It is unclear from the development application what measures will be taken by Gro-Ruz to protect this outdoor section of the development from noise and reverse amenity impact from Discovery Darwin.

The development creates an additional concern that Discovery Darwin may find itself in breach of the *Liquor Act 2019* should a unit complex be erected next-door and future tenants complain the nightclub is causing undue and unreasonable noise affecting the amenity of the neighbourhood.

In consideration of the above, we request Gro-Ruz provide:

1. details of the measures to be taken during the development to minimize the reverse amenity impact on the development by Discovery Darwin; and
2. a written statement by Gro-Ruz acknowledging the existence of Discovery Darwin on the adjacent property to the development and the noise it produces.

ntsolicitors@desilva-hebron.com  www.desilva-hebron.com

A Legal Practice conducted by MP (NT) Pty Ltd

ACN 065 226 922  ABN 65 065 226 922

We are instructed by our client to lodge a submission on the development application addressing our concerns. For the avoidance of doubt, our submission is not intended to form an objection to the development application in any way.

Our client wants the record to show that we raised this matter at the time of the development application's exhibition in the event our client should face noise complaints following the completion and occupancy of the development.

We look forward to hearing from you at your earliest convenience.

Yours faithfully

Per 

**DAVID DE SILVA AM**  
PRINCIPAL  
**DE SILVA HEBRON**

Email: [dde SILVA@desilvahebron.com.au](mailto:dde SILVA@desilvahebron.com.au)



**Phone** 1800 245 092  
**Web** powerwater.com.au

Record No: D2024/477174  
Container No: NE200/0626  
Your Ref: PA2024/0395

Sam Pallet  
Development Assessment Services  
GPO Box 1680  
Darwin NT 0801

Dear Sam

**Re: Lot 626 (87) Mitchell Street Darwin City Town of Darwin**

In response to your letter of the above proposal for the purpose of 87 hotel/motel suites in an existing five storey building:

- Basement: office, gym and 34 car parks;
- Ground floor: 10 motel/hotel suites, 11 car parks, café with alfresco, office, board room and reception;
- First floor: 23 motel/hotel suites;
- Second to Fourth floors: 54 motel/hotel suites.

Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. This property is currently provided with limited capacity of power supply from existing Indoor Substation 2068 located at the back of Lot 626.
2. The Proponent, Gro-Ruz Darwin Pty Ltd (GRD) shall engage an accredited electrical consultant to prepare a revised overall AS-3000 maximum power demand calculation of the proposed repurposing development and apply for a Negotiated Connection (NC) application under the Australian Energy Regulator (AER) compliance process for assessment on applicable power supply capacity upgrade requirements.
3. GRD shall engage a licensed electrician to carry out customer's internal electricity reticulation upgrade works including new customer Main Switchboard and suitable separate electricity billing purposes for individual motel/hotel suite where require in accordance with the PWC's current NP018 Service and Installation Rules 2024 and NP010 Meter Manual.

If you have any further queries, please contact Andrew Venhuizen, Senior Customer Connections Officer on 8924 5700.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Thanh Tang".

Thanh Tang  
**Manager Distribution Development**

20 December 2024



Container No:LD200/0626

DIPL - Development Assessment Services  
GPO Box 1680  
Darwin NT 0801

Dear Sam Pallet,

**RE:PA2024/0395 - Lot 0626 Town of Darwin - 87 Mitchell Street Darwin City - 87 hotel/motel suites.**

In response to this development application, Power and Water Corporation Water Services advises the following with reference to water and sewer enquiries:

1. The developer may need to upgrade the existing water and sewer service and should contact Services Development prior to start of construction.
2. The developer shall engage an accredited hydraulic consultant to confirm and design the required water service connection size.
3. The developer shall engage an accredited hydraulic consultant to confirm whether the existing sewer service connection is made via a sewer access chamber or a direct connection, as the sewer servicing loads were estimated at 87 EP. If there is an existing direct connection a new service connection to Access Chamber 22G on the existing DN150 at the rear of the lot is required; or engage a hydraulic consultant to design a new access chamber for the service sewer connection.
4. Power and Water are working towards a water efficient future, through the implementation of water saving practices that provide potential financial savings to our customers. Power and Water encourages you to visit the Living Water Smart website <https://www.livingwatersmart.com.au/> to find out more on how to improve your developments landscaping and irrigation.
5. The developer must ensure that;
  - a) Backflow prevention is installed at the water service in accordance with AS/NZS 3500.1 – Plumbing and Drainage - Water Services
  - b) Where applicable, the device is tested annually in accordance with AS/NZS 2845.3 field testing and maintenance of testable devices.

Our database shows a device **needs to be installed at this property.**

Visit <https://www.powerwater.com.au/developers/water-development/backflow-prevention> or contact [BackflowPrevention.PWC@powerwater.com.au](mailto:BackflowPrevention.PWC@powerwater.com.au) for all backflow prevention enquires.

6. The developer must ensure that;
  - a) Prior to construction Trade Waste approval or exclusion is obtained – to discuss requirements for the proposed development contact [TradeWasteDept.PWC@powerwater.com.au](mailto:TradeWasteDept.PWC@powerwater.com.au)
  - b) Before seeking clearance the owner/customer has obtained a License to discharge Trade Waste by applying here <https://www.powerwater.com.au/developers/water-development/trade-waste>

7. The existing sewerage easement within Lot 0626 is still required. Structures must not be located on or over a water supply or sewerage easement, or where no easement exists such as within a road reserve without obtaining the prior written approval of Power and Water.
8. All required works mentioned above must all be at according to Power and Water's Connection Code and at the developer's expense. A letter has been sent to the applicant outlining the fees and charges applicable for this development. All standard and quoted charges, as well as contribution charges will be valid for a period of 6 months from date of letter issue. As required, Power and Water will reassess the charges for the development.
9. Power and Water advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@powerwater.com.au)) must be contacted via email a minimum of 1 month prior to construction works commencing.

If you have any further queries, please contact the undersigned on (08) 892 45226, or email [waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)

Yours sincerely

*V. Ferraz*

Voyia Ferraz

**Development Services Officer**

07 February 2025

cc: Israel-Tshepo Kgosiemang

email: [Israel.k@oneplanningconsult.com.au](mailto:Israel.k@oneplanningconsult.com.au)

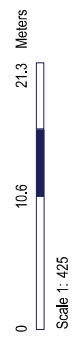




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PA2024/0395 - Lot 0626 Town of Darwin - 87 Mitchell Street Darwin City

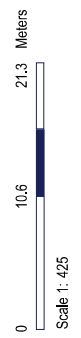
14/01/2025



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Harry Chan Avenue  
Darwin NT 0800

GPO Box 84  
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P 08 8930 0300  
E [darwin@darwin.nt.gov.au](mailto:darwin@darwin.nt.gov.au)

Mr Amit Magotra  
Manager Urban Planning  
Department of Infrastructure, Planning & Logistics  
GPO Box 1680  
DARWIN NT 0801

Please Quote: PA2024/0395

20 December 2024

Dear Mr. Magotra

**Parcel Description:**                    **Lot 626 Town of Darwin  
87 Mitchell Street, Darwin City**

**Proposed Development:**        **87 hotel/motel suites in an existing five storey building**

Thank you for the development application referred to this office on 6 December 2024 concerning the above.

The following issues are raised for consideration by the Development Consent Authority (Authority):

i). **City of Darwin requests that should a development permit be issued, that the following be provided as conditions precedent:**

a). A dilapidation report covering all infrastructure (including street trees) located in the road reserve is to be submitted to the satisfaction of City of Darwin.

b). **Waste**

City of Darwin requests that the Authority require a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with City of Darwin's Waste Management Guidelines.

Further information is located within City of Darwin's Waste Management Guidelines, which can be viewed on City of Darwin's website or by contacting City of Darwin.



c). **Traffic**

City of Darwin requires a comprehensive Traffic Impact Assessment Report (TIA), to be prepared by a 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 of that document, with particular attention to vehicular, pedestrian, cyclist and public transport issues, intersection/road network performance and opportunities.

The Traffic Impact Assessment report is to also include swept paths for waste collection vehicles entering and exiting the site.

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.

d). **Site Construction Management Plan**

City of Darwin requests that a Site Construction Management Plan (SCMP) be required.

The SCMP should specifically address the impact to City of Darwin owned land and infrastructure, including the following:

- waste management plan for disposal of waste to Shoal Bay
- traffic control for affected City of Darwin roads
- haulage routes
- storm water drainage & sediment control
- use of City of Darwin land, and
- how this land will be managed during the construction phase.

all 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 causing erosion.

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

- e). Awnings over City of Darwin road reserves must be designed in accordance with City of Darwin Policy 6320.100.E.R – Awnings, Balconies and Verandahs on City of Darwin Land. The developer is required to obtain in principle approval from City of Darwin for the proposed awnings.



ii). **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:-

a). **Awning Overhang**

The proposal includes awnings extending over the City of Darwin road reserve. The applicant is required to seek all necessary approvals and obtain an Awning Agreement with the City of Darwin for these awnings.

b). **Works within City of Darwin Road Reserve**

The proposal includes works within the City of Darwin road reserve.

All works must comply with City of Darwin policies and guidelines and are subject to a separate assessment and approval process by City of Darwin. City of Darwin requires that the applicant obtain all necessary approvals before commencing any construction in the road reserve.

c). **Building Identification**

In accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction and at no cost to City of Darwin.

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.

- Any damaged or removed infrastructure located in, on or over the road reserve (inclusive of preexisting street trees), is to be repaired or replaced at either the developers or landowners' cost, to the satisfaction of City of Darwin.
- Sight lines shall be provided at crossovers to public streets, to the satisfaction of, City of Darwin. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.
- Waste bin enclosures, storage and pick-up shall be provided in accordance with City of Darwin's Waste Management Guidelines.
- Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin's Policy 6310.100.E.R – Outdoor Advertising Signs Code.
- All awnings extending over the City of Darwin road reserve shall have a valid Awning Agreement with the City of Darwin prior to final approval.



- All 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 shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.

If you require any further information in relation to this application, please feel free to contact City of Darwin's Innovation Team on 8930 0300 or [darwin@darwin.nt.gov.au](mailto:darwin@darwin.nt.gov.au)

Yours sincerely

Signed by:  
  
04310A7FBBACBF01

**ALICE PERCY**  
**GENERAL MANAGER INNOVATION**

