



**CUNNINGTON ROSSE**  
Town Planning & Consulting

# Statement of Effect

**CITY OF DARWIN CIVIC CENTRE AND OFFICES**

**LOT 3981 TOWN OF DARWIN (17 HARRY CHAN AVENUE, DARWIN CITY)**

**28 November 2024**

## Contact

<b>Name</b>	Brad Cunnington
<b>Position</b>	Director
<b>Email</b>	<a href="mailto:brad@crtpc.com.au">brad@crtpc.com.au</a>

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## Document Control

<b>Author</b>	Brad Cunnington
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- Attachment B:** Landscape Design Package
- Attachment C:** Engineering Services Report
- Attachment D:** Preliminary Civil Design Plan
- Attachment E:** Traffic Impact Statement
- Attachment F:** COD Advice – Demolition
- Attachment G:** COD Advice – Construction Car Parking
- Attachment H:** Title Documents

## 1.0 Introduction and Background

Cunnington Rosse Town Planning and Consulting have been engaged by DCOH to prepare and lodge an application for Development Permit for the purpose of an integrated development comprising *offices, community centre, place of assembly, car park* and *food premises* in a 21-storey building with four above-ground levels of car parking. The development comprises a mixed public – private development with the ground and lower levels to be occupied by the City of Darwin, and the office levels from level 10 up comprising private office tenancies. The City of Darwin portion of the building will accommodate Council’s new Civic Centre, replacing the functionality currently provided in the existing civic centre on the subject land, and including a new public library, Council chambers and administration offices. Car parking includes a public car parking component owned and operated by the City of Darwin.

In late 2023 the City of Darwin sought Expressions of Interest from prospective partners to deliver the redevelopment of the Civic Centre, including opportunities for private development and further investment in the Darwin Central Business District. EOI documents identified that the existing Civic Centre on lot 3981 Town of Darwin had served the community well for over 50 years, with redevelopment of the Civic Centre required to meet community needs for the next 50 years. EOIs were sought on redevelopment proposals, with majority ownership of the Civic Centre and other specific City of Darwin requirements to be retained by Council. Following the EOI process, DCOH was selected to progress to the second stage of evaluation and, following further submissions to and assessment by the City of Darwin, were selected as Councils development partner in the project.

The subject land is lot 3981 Town of Darwin, located at 17 Harry Chan Avenue, Darwin City. Lot 3981 is a large site extending from Smith Street at its southern and western extents, Harry Chan Avenue to the north-west (adjacent the Darwin Bus Interchange) and north-eastern boundaries, and wrapping around to the Esplanade to the east. The site encapsulates the existing Civic Centre, Galamarrma / Tree of Knowledge, Civic Park and the existing ground level Council / public car park. The subject site is located in Zone CB (Central Business) per the *Northern Territory Planning Scheme 2020* within which the use and/or development of land for the identified uses is *Merit Assessable (Impact Assessable)* by virtue of Overlay **Clause 3.13**. Accordingly, a development permit is required pursuant to **Section 44(a)** of the *Northern Territory Planning Act 1999* (the Act). This report details the nature of the subject land and locality, existing use and development within the subject land, the proposed development, considers the proposal against the relevant provisions of the Planning Scheme, and the relevant components of **Section 46(3)** of the Act.

## 2.0 Site and Locality

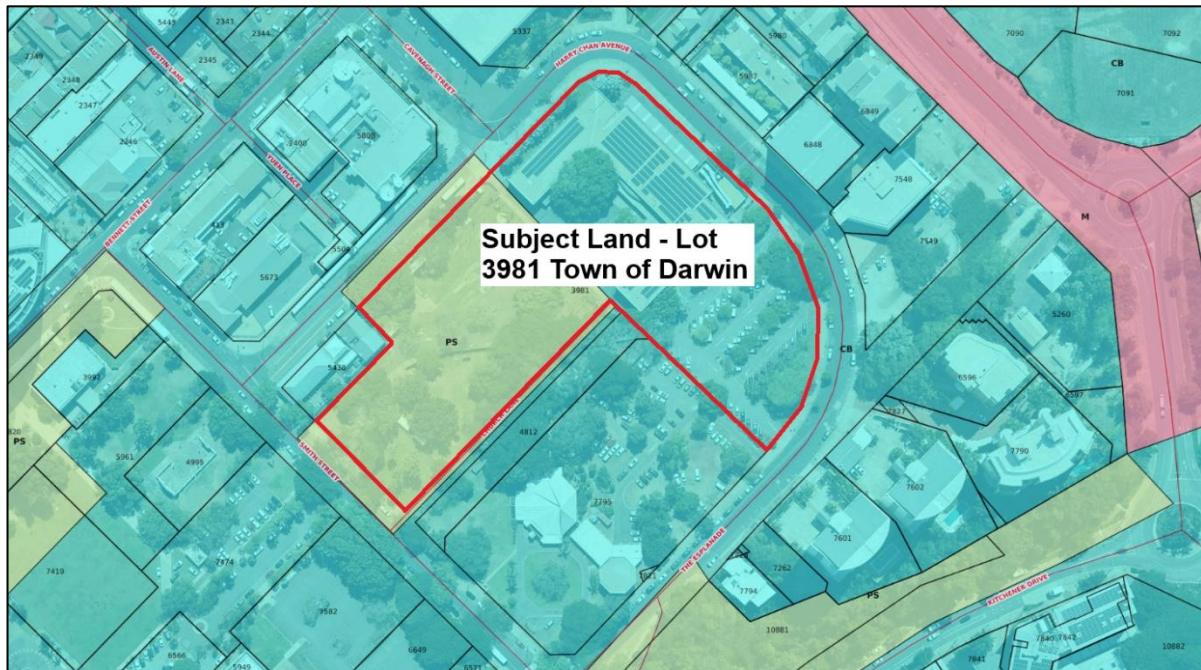
The subject land is identified and described in **Table 1** and **Figures 1** and **2** below.

Site Details	
<b>Location</b>	Lot 3981 Town of Darwin (17 Harry Chan Avenue, Darwin City)
<b>Title Reference and Land Tenure</b>	CUFT 804 383 Estate in Fee Simple (3981)
<b>Area Under Title</b>	2 hectares
<b>Easements Identified on Title</b>	None Identified
<b>Landowner</b>	City of Darwin (3981)
Planning Scheme Context	
<b>Planning Scheme</b>	<a href="#">Northern Territory Planning Scheme 2020</a>
<b>Existing Zone</b>	CB (Central Business)
<b>Applicable Land Use Definitions</b>	<ul style="list-style-type: none"> <li>• <i>Community Centre</i></li> <li>• <i>Office</i></li> <li>• <i>Place of Assembly</i></li> <li>• <i>Car Park</i></li> <li>• <i>Food premises – café / take-away and food premises – restaurant</i></li> </ul>
<b>Strategic Framework</b>	<ul style="list-style-type: none"> <li>• Darwin Regional Land Use Plan (DRLUP)</li> <li>• Central Darwin Area Plan (CDAP)</li> </ul>
<b>Overlays</b>	<ul style="list-style-type: none"> <li>• Clause 3.13 – GL Gateway Locations</li> </ul>

<p><b>General Development Requirements</b></p>	<ul style="list-style-type: none"> <li>• Clause 5.2.1 – General Height Control</li> <li>• Clause 5.2.4.4 – Layout of Car Parking Areas</li> <li>• Clause 5.2.5 – Loading Bays</li> <li>• Clause 5.2.6.2 – Landscaping in Zone CB</li> <li>• Clause 5.3.7 – End of Trip Facilities</li> </ul>
<p><b>Location Specific Development Requirements</b></p>	<ul style="list-style-type: none"> <li>• Clause 5.9.2.1 – Building Design in Darwin City Centre</li> <li>• Clause 5.9.2.2 – Volumetric Control</li> <li>• Clause 5.9.2.5 – Development along Priority Activated Frontages</li> <li>• Clause 5.9.2.7 – Development along the Priority Pedestrian and Cycle Network</li> <li>• Clause 5.9.2.8 – Development in Gateway Locations</li> <li>• Clause 5.9.2.9 – Public Domain Contributions for Development on Large Sites</li> <li>• Clause 5.9.2.10 – Alfresco Dining Areas</li> <li>• Clause 5.9.2.11 – Car parking spaces in Darwin City Centre</li> <li>• Clause 5.9.2.12 – Reduction in car parking spaces in Darwin City Centre</li> <li>• Clause 5.9.2.13 – Design of Car Parking Areas and Vehicle Access</li> </ul>
<p><b>Specific Development Requirements</b></p>	<ul style="list-style-type: none"> <li>• Clause 5.5.1 – Interchangeable Use and Development</li> <li>• Clause 5.5.3 – General Building and Site Design</li> <li>• Clause 5.5.4 – Expansion of Existing Use and Development</li> <li>• Clause 5.5.11 – Food Premises</li> <li>• Clause 5.5.15 – Design in Commercial and Mixed Use Areas</li> <li>• Clause 5.5.16 – Active Street Frontage</li> </ul>

	<ul style="list-style-type: none"> <li>• Clause 5.8.4 – Exhibition Centre, Place of Assembly and Place of Worship</li> </ul>
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**Table 1:** Subject Land and NT Planning Scheme Context



**Figure 1:** Cadastral, zoning and aerial overlays showing lot 3981 Town of Darwin (red border) encapsulating the existing Civic Centre, Civic Park and ground level car park

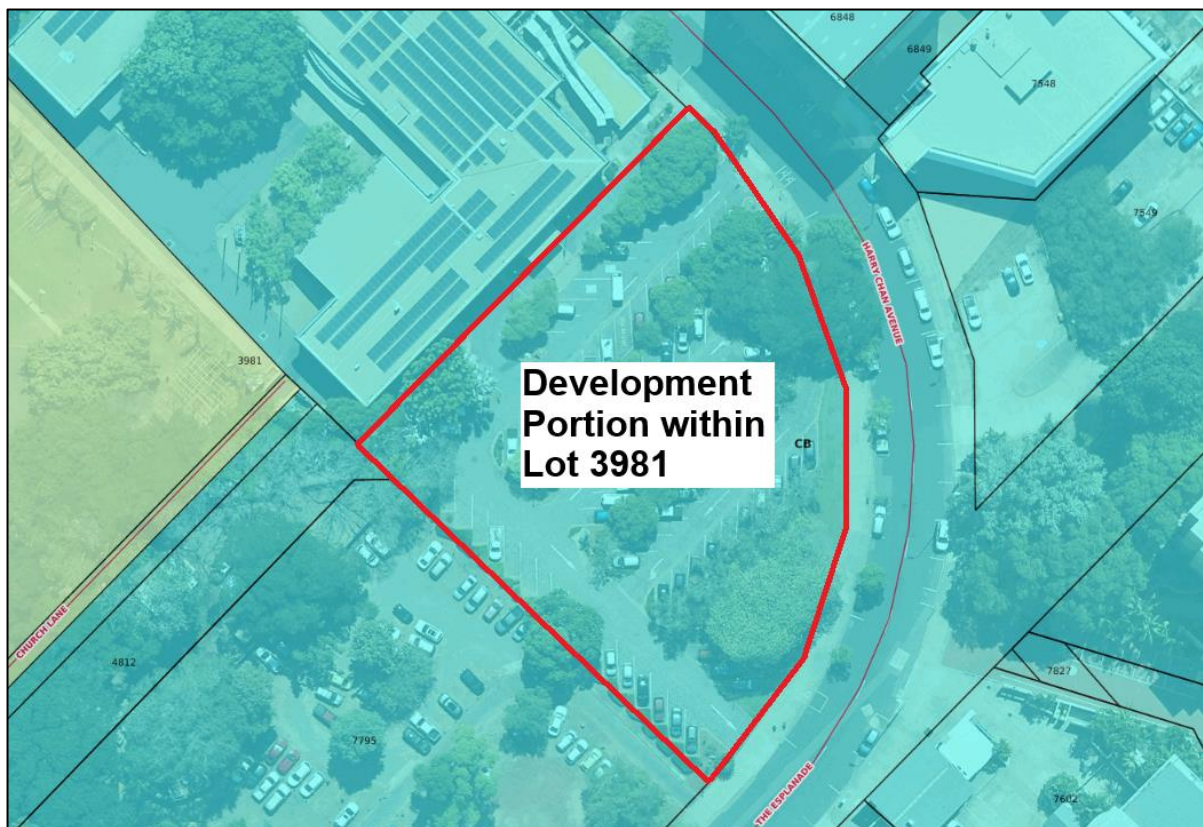
The subject land is located within lot 3981 Town of Darwin, situated at 17 Harry Chan Avenue in the Darwin CBD. Lot 3981 is a large (2 hectare) parcel in the south-eastern part of the Darwin CBD, in a locality comprising a range of civic, community, judicial, governance and commercial functions. Lot 3981 contains three primary elements – Civic Park in the southern and western parts; The City of Darwin Civic Centre including public library, Council Chambers and administration offices in a two storey building in the northern part of the lot; and the ground level car parking area for Council vehicles, Council staff and the general public in the eastern portion of lot 3981. Lot 3981 has public road frontages to Smith Street to the southern extent (the portion containing Civic Park), Harry Chan Avenue to the north-west (including the portion of Civic Park adjacent the Darwin Bus Interchange along Harry Chan Avenue) and north-east, and the Esplanade wrapping around the eastern boundary (Harry Chan Avenue becomes the Esplanade to the east of the site).

The development site subject of this application comprises the existing ground level car park in the eastern part of lot 3981. The existing car park contains approximately 102 angled and parallel car parking spaces, with a number of spaces reserved for City of Darwin operational vehicles and Council staff, and a number of short-term parking spaces for visitors to the Civic Centre.



The site contains a number of established trees interspersed along the street frontage and throughout the car parking area. There are two vehicle connection points to Harry Chan Avenue – an entry and separate exit driveway, and a single exit Driveway to the Esplanade frontage towards the southern boundary.

Lot 3981 contains Galamarrma / the Tree of Knowledge, a culturally significant heritage listed Ficus Virens estimated between 200 and 300 years old, and is also partially underlain by a World War 2 era oil storage tunnel, extending beneath the car park and existing Civic Centre building. Galamarrma is surrounded by the existing Civic Centre building on three sides, and the development site and associated construction works are separated from the tree. Whilst it is understood the underlying oil storage tunnels are not included on the NT Heritage Register, deep survey and structural investigations have established their precise location and structural integrity, and the proposed building avoids construction works directly above the tunnels.



**Figure 2:** Proposed development site (red border) within lot 3981 on the area currently occupied by the ground level car park

## 2.1 Site Images



*Image 1: Subject site and existing Civic Centre from Harry Chan Avenue*



*Image 2: Subject site from the Esplanade, including the existing exit driveway*

## 2.2 Approval History

A review of the title documents has identified the following development approvals applicable to the subject land:

- DP13/0187 – variation permit for the purpose of installation of generator to the existing office building (April 2013);
- DV2537 –business sign (February 1987); and

- S 1059 – Subdivision to Create 2 lots (March 1985).

### 2.3 Locality

**Figure 1** demonstrates immediate locality and zoning. The locality consists of a range of civic and public facilities, historic buildings, commercial and residential land uses and development. Civic and historic buildings include the Northern Territory Local and Supreme Courts, Consulate of the Republic of Indonesia, Northern Territory Parliament House, State Square Precinct (including the Art Gallery currently under construction), Browns Mart and the Darwin Bus Interchange. Commercial (largely in the form of offices and small cafes / eateries) and high density residential development occur on the opposite sides of Harry Chan Avenue and the Esplanade. Specifically:

- To the north and north-east of the site, on the opposite side of Harry Chan Avenue, is the Consulate of the Republic of Indonesia, access to the Nichols Place car park, 22 Harry Chan Avenue commercial and residential building, and William Forster Chambers. Additional high rise residential buildings are located further to the north-east fronting McMinn Street;
- To the east of the site there are a number of high rise residential building accessed from Harry Chan Avenue and overlooking the Darwin Waterfront further east (with windows and balconies also overlooking the subject land). The Travellers walk provides pedestrian access down to the Darwin Waterfront and Stokes Hill Wharf;
- To the south and south-west of the site is the Christ Church Cathedral on lot 7795, with the portion immediately adjacent the lot 3981 boundary currently used as a car parking area with parking spaces interspersed throughout the existing vegetation. Lot 7795 includes items contained on the NT Heritage Register, specifically the ruins of the original Christ Church constructed in 1902, Christ Church Cathedral (completed in 1977) and the memorial gate facing Smith Street. Further south and south-east access to the Darwin Waterfront is via Hughes Avenue and the pedestrian sky bridge, with the historic Administrator's Offices and Cell Block, Northern Territory Supreme Court, and Northern Territory Art Gallery currently under construction commencing from the south-western side of Smith Street; and
- To the north-west of the site is Harry Chan Avenue and the Darwin Bus Interchange, with the Northern Territory Local Court and a number of civic, commercial and hospitality land uses commencing north-west of Harry Chan Avenue.

Visually the locality is characterised by a range of building heights, styles and eras, established and generally well maintained vegetation, open space (particularly Civic Park) and a high proportion of pedestrian areas (and corresponding pedestrian movement) particularly along Smith Street (including the sky bridge connection to the Darwin Waterfront), through Civic Park, along Cavenagh Street and within the Bus Interchange area.

## 2.4 Locality Images



*Image 3: Existing pedestrian connection from Cavenagh Street through lot 3981*



*Image 4: Darwin Bus Interchange*



*Image 5: Civic Park and Church Lane from Smith Street*



*Image 6: Christ Church Cathedral from Smith Street*



*Image 7: Pedestrian connection to the Darwin Waterfront*

### 3.0 Proposed Development

The proposed development comprises the construction of a multi-level civic and commercial building incorporating a public car park. The proposal comprises the redevelopment of the existing ground level car parking area and includes a new public library, City of Darwin Civic Centre, Council Chambers, administration offices, public and ancillary car parking, restaurant / café tenancy and private office space in a 21-storey building. Individual components of the development comprise:

- Removal of the existing ground level car parking area, kerbing and some of the existing vegetation. The existing site access and egress to the car parking area will also be demolished, with new access driveways to be constructed in accordance with the building design and layout plans.
- Site layout comprising new service vehicle entrance from Harry Chan Avenue (in the approximate location of the existing northern access driveway), with a separate vehicle entrance to the public and ancillary parking areas from the Esplanade. Primary pedestrian access will be via wide, open pedestrian thoroughfare along the south-western façade of the proposed building adjacent the boundary with lot 7795. This route will comprise an open (partially covered) pedestrian plaza opening onto the Esplanade frontage and connecting through to Civic Park, the northern connection (along the new library frontage), the future Civic Plaza development (in place of the existing Civic Centre building) and ultimately through to Cavenagh Street. A north-east – south-west pedestrian plaza is similarly provided along the north-western façade of the proposed building, extending from Harry Chan Avenue, along the new library frontage, connecting with the existing Cavenagh Street access and the aforementioned plaza extension to the Esplanade. It is anticipated that this pedestrian plaza will be incorporated into the future Civic Plaza by the City of Darwin. In contrast to the active frontages, primary uses and pedestrian functionality along the south-west and north-west facades, the site layout orientates the plant areas, service connections, loading and service areas, and vehicle access to the Harry Chan Avenue and Esplanade frontages, with landscaped boundary setbacks providing additional screening and visual integration.
- On the ground floor the land use elements are dominated by the new public library in the north-western part of the building, and a food premises / commercial tenancy in the southern / south-western portion. The two primary use elements are separated by the primary building entry lobby, a double-height entrance at the western corner of the building, including access to the lifts and stairwell. The ground floor layout includes extensive public amenities, dedicated changing places facility and end of trip facilities. Back of house areas include internal and external loading areas, refuse storage room, storage and mechanical / plant areas including substation, switchroom and fire tanks.
- Level 1.5 is limited to lift landings and fire egress corridors / stairs, facilitating the double height ground level (referred to as level 1).

- Level 2 accommodates the Council Chambers, function space and first of the car parking levels. The Council Chambers are located along the north-western side of the building overlooking the existing Civic Centre / future Civic Plaza.
- Levels 3-6 are car parking levels, with a total (including the partial parking on level 2) of 460 car parking spaces, including 448 standard car parking spaces, 2 small car parking spaces and 10 DDA compliant spaces. Lift and stairwell access is provided to each car parking level.
- Levels 7-9 are occupied by the City of Darwin administration offices, with each level containing a gross floor area of 1,190m<sup>2</sup> and including amenities, lift and stairwell access.
- Private office areas commencing from level 10, with level 10 including a small (293m<sup>2</sup>) office tenancy, with the majority of the floor area occupied by plant equipment providing a 'break' in the tower design. Levels 11-20 contain the private office areas, with direct lift and stairwell access to each level, and a gross area of 1,242m<sup>2</sup> (per level). Level 21 contains a small roof-top food premises tenancy and a rooftop plant enclosure.

Built form design is intended to reflect the surrounding escarpment and waterfront themes, with the lower levels incorporating extensive glazing to ensure interaction between internal and external pedestrian areas, the car park levels comprising single and double-height vertical aluminium angled screens adopting porcellanite colouring, and high performance blue glazing to the tower levels. The double-height ground levels and overhanging car parking levels, together with the inset primary lobby, provides extensive sun and rain protection for pedestrians.

Integrated with the architectural design layout, the landscaping concept emphasises the amenity potential within the primary pedestrian routes, providing low garden beds to building frontages to maximise passive surveillance and reduce opportunities for litter being discarded into garden beds. Additional shading is provided via tree planting along the boundary with lot 7795 and the retention of existing trees (where appropriate) and provision of new feature trees to the Harry Chan Avenue frontage will maximise amenity to the public realm and screen the loading and service areas. Dense tropical screen species will provide additional screening to the service areas and infrastructure fronting Harry Chan Avenue and the Esplanade. The landscaping concept plans also detail the use of varied pavement and feature pavement materials, public furniture, feature boulders and historic interpretation features.

The building design is detailed in the Architectural Design Package in **Attachment A**, with landscaping in the Landscape Design Package in **Attachment B**.

## 4.0 Northern Territory Planning Scheme

### 4.1 Nature of Development

The proposed development comprises three primary components – the City of Darwin Library, Civic Centre (including Council Chambers and function space) and administration offices; the public car parking levels; and the private office levels. The City of Darwin premises are consistent with the definitions of *office* (the administration offices and some aspects of the use of the Council chambers, specifically the conduct of administrative functions), *community centre* (library and community spaces) and *place of assembly* (other aspects of the Council chamber functions) per the definitions in **Schedule 2.1** of the Scheme:

***Community centre*** means a building or part of a building used for providing artistic, social or cultural facilities and community support services to the public and may include where ancillary an office or the preparation and provision of food and drink.

***Office*** means a building or part of a building used for the conduct of administrative, secretarial or management services or the practice of a profession, where no goods or materials are made, repaired, sold or hired but does not include a home based business.

***Place of assembly*** means the use of premises for the gathering of people to attend functions whether or not for commercial purposes including convention facilities, or auditoriums. The use can include ancillary bar-small, food premises-café / take away, office and shop.

The private office levels will be used in a manner consistent with the definition of *office* above. The majority of spaces within the car parking levels will be made available for public use, and thus are consistent with the definition of *car park*:

***Car park*** means the parking of motor vehicles otherwise than as an ancillary use of land, and does not include vehicles sale and hire.

In addition to the primary uses, the ground level future commercial tenancy will provide space for a food and beverage outlet consistent with the definition of either *food premises-café / take away* or *food premises-restaurant* depending on the occupant. It is anticipated these tenancies are likely to align with the restaurant definition.

***food premises-café / take away*** means small-scale premises (other than a bar-small) used for the preparation and sale of food and drinks that may be either taken away or consumed at seating on the premises;

***food premises-restaurant*** means premises (other than a bar-public, bar-small, shop, or part of a hotel/motel), used for the preparation, sale and service of food and drinks for consumption primarily on the premises where seating is provided, and may include the ancillary provision of take-away food;



## 4.2 Assessment Category

The subject land is located in Zone CB (Central Business). The Assessment Table to Zone CB in **Clause 4.10** of the Planning Scheme identifies the development and / or use of land in Zone CB for either *food premises-café / take away* or *food premises-restaurant* as *Permitted*. The use / development of land for *office, place of assembly, car park* and *community centre* are identified as *Merit Assessable*.

Pursuant to **Clause 1.8(1b)**, *Merit Assessable* is “*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.*”

Notwithstanding the assessment category identified in **Clause 4.10**, the subject land is affected by Overlay **Clause 3.13** – Development in Gateway Locations. In accordance with **Clause 3.1(4b)**, where an Overlay requires consent, the level of assessment that applies if the development is shown as *Merit Assessable* (in the relevant assessment table) is *Impact Assessable*.

Pursuant to **Clause 1.8(1b)**, *Impact Assessable* is “*use and development that requires the exercise of discretion by the consent authority to determine if it is appropriate given the location of the site and the potential impacts on surrounding uses, and if it accords with the Strategic Framework.*”

In accordance with **Clause 1.10(4)**, when considering an application for consent for a use or development identified as *Impact Assessable* the consent authority must take into account all of the following:

- a) *any 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; and*
- d) *any component of the Strategic Framework relevant to the land as set out in Part 2.*

Pursuant to **Clause 1.10(5)**, the consent authority may consent to a proposed use or development that 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).*

### 4.3 Strategic Framework

**Part 2** of the Scheme contains the Strategic Framework, consisting of strategic planning policies and strategic land use plans. Consideration of the Strategic Framework is required in an application for development identified as *Impact Assessable*. The relevant land use plans applicable to the subject land and proposed development are the Darwin Regional Land Use Plan and the Central Darwin Area Plan.

#### 4.3.1 Darwin Regional Land Use Plan

The Darwin Regional Land Use Plan was prepared by the Northern Territory Planning Commission and incorporated into the Northern Territory Planning Scheme as a policy document in 2015. The plan provides a vision, goals and intended outcomes for development of the Darwin Region, identifies regional opportunities and the intention for development into the medium and long term. The Land Use Structure on Page 13 of the Plan identifies the subject land as *Urban / Peri-Urban*.

Page 16 of the Plan identifies Urban / Peri-Urban to include:

- A variety of housing types;
- Retail and commercial;
- Community facilities and services;
- Sport, recreation and urban open space; and
- Natural and conservation areas.

The activity centre hierarchy on page 21 confirms the continued growth of the Darwin CBD in the provision of a full range of facilities and services, performing the critical capital city role and higher order function as the dominant commercial, cultural, administrative, tourist and civic centre. The proposal is consistent with the DRLUP's focus on the Darwin CBD as the primary centre in the Top End, and the consistency of the proposal with the CB Zone Objectives in **Clause 4.10** of the Planning Scheme further ensures the proposal is consistent with the DRLUP.

The vision for the growth of the Darwin CBD is outlined in the Darwin Regional Land Use Plan (DLRUP – page 22) and seeks to achieve the following:

- *Darwin as Australia's northern gateway capital city;*
- *Darwin's city centre as the primary urban place in the region;*
- *Darwin's city centre as a great place to live, work, play and shop and as the priority setting for office-based employment;*

- *Darwin's city centre as an exciting, engaging and inclusive place; and*
- *Darwin city centre reflects the tropical lifestyle of Darwin.*

The DRLUP emphasises the importance of the Darwin CBD as (among other functions) the civic and community centre for the region. The DRLUP anticipates that the continued planning of the Darwin CBD to act as the key node offering international standard lifestyle and amenity by focusing on quality office precincts, tourism experiences, as well as gaps in the retail market.

The proposed development responds to the Vision and Key Open Space Objectives (page 27) of the DRLUP through the provision of a high-quality design that:

- provides pedestrian activation by improving the through-site movement corridor;
- strengthens green links and public access to Civic Park thereby recognising the role of landscaped corridors in providing interconnectivity of open space and protecting amenity;
- reinforces cycle and public transport routes; and
- improves public space safety and amenity through the use of Crime Prevention Through Environmental Design (CPTED) principles.

The proposed development within the broader lot 3981 site context acknowledges the importance of other aspects within the lot, and improves public accessibility and pedestrian amenity thereto, whilst improving resident experience when, for example, visiting the public library or accessing Council services.

#### 4.3.2 Central Darwin Area Plan

The Central Darwin Area Plan (CDAP) was incorporated into the Planning Scheme in 2019 to provide a mid-tier policy as part of the Northern Territory Planning Scheme's strategic framework specifically applicable to the central Darwin area. The CDAP covers the overall land use themes applicable to the area, with specific focus areas further defining future land use, infrastructure and development outcomes. The Land Use Vision Map on page 13 identifies the subject land for *Civic and Community Purpose*, and the site is not within a specific *Focus Area*.

The Area Plan is structured around themes that apply across the whole of Central Darwin and focus areas which apply to localities that specifically require a finer grain strategic planning approach. Of particular relevance to the proposal are the following:

- Social Infrastructure Theme - Identifies social infrastructure that meets the needs and aspirations of the community. The existing car parking area to the rear of the existing cathedral buildings on lot 7795 is identified within this theme as *Sites which may be considered for multipurpose community centre and/or indoor sports facility*.

- Culture and Heritage Theme - Protects and enhances sites of cultural significance and historic value to enrich community awareness and experience. Recognises the underlying oil tunnels and Galamarrma / the Tree of Knowledge on the subject land, and the Christ Church Cathedral Heritage Precinct on the adjacent lot 7795.

The Objectives and Acceptable Responses in Sections 3 and 4 of the Area Plan are applicable to the proposed development.

<b>3. Identify social infrastructure that meets the needs and aspirations of the community</b>		
<b>Objectives</b>	<b>Acceptable Responses</b>	<b>Development Context / Response</b>
<b>3.1</b> Increased presence of education facilities in Central Darwin.	<ul style="list-style-type: none"> <li>i. A new school is constructed as demand arises and current facilities reach capacity.</li> <li>ii. New university facilities are delivered within the city centre.</li> <li>iii. An enhanced district and local level public library is provided.</li> </ul>	The development is consistent with the provision of an enhanced district and local level public library.
<b>3.2</b> Maintain, enhance and connect a network of public spaces for formal and informal recreation, and public events.	<ul style="list-style-type: none"> <li>i. No net loss of public open space other than to:               <ul style="list-style-type: none"> <li>a) maintain and install essential public infrastructure and services;</li> <li>b) enhance the function of these spaces (including through potential use for alfresco dining areas which compliment the open space character of the area); or</li> <li>c) provide community facilities and public amenities associated with the public open space function of the land.</li> </ul> </li> <li>ii. Continuous public access to a network of green spaces is maintained, including the Esplanade, foreshore spaces, and nearby regional open spaces.</li> <li>iii. Public spaces are enhanced as versatile spaces that support:               <ul style="list-style-type: none"> <li>a) informal public gathering, rest and recreation;</li> <li>b) organised temporary events including markets, pop up stalls, food trucks and live music;</li> </ul> </li> </ul>	The proposed works increase accessibility to and connectivity with the existing Civic Park, and will not result in any net reduction to public open space (rather a small net increase to public areas through the ground level pedestrian plazas). Open ground level design, connectivity to identified pedestrian and cycle routes along Harry Chan Avenue, the

	<ul style="list-style-type: none"> <li>c) outdoor extensions of adjacent businesses where appropriate and approved by the City of Darwin; and</li> <li>d) shared use by informal users and different businesses, and adaptation of uses across day/night and dry season/wet season.</li> <li>iv. Development adjacent to public open space and key pedestrian / cycle routes enhances the safety and amenity of these spaces.</li> <li>v. Extensive areas are planted with shade trees to make the city cool and attractive, and encourage pedestrian use.</li> </ul>	<p>Esplanade and through the site, the provision of street furniture and amenities, and the appropriate use of landscaping and planting species ensures connectivity with the existing Civic Park is enhanced, and the site</p>
<p><b>3.3</b> Encourage provision of new publicly accessible open spaces and recreation areas.</p>	<ul style="list-style-type: none"> <li>i. Sites of 3500m<sup>2</sup> or larger, and broad scale planning for the redevelopment of focus areas, are developed with complementary public open spaces such as plazas which: <ul style="list-style-type: none"> <li>a) contribute to an integrated, high-quality network of public spaces;</li> <li>b) are flexible and provide for a variety of uses and events, including recreation, fitness, play, cultural and artistic functions in addition to ecological and stormwater management functions;</li> <li>c) facilitate a range of active and passive recreation to meet the needs of the community;</li> <li>d) incorporate existing significant sites of natural or cultural value, including interpretive information;</li> <li>e) connect with the cyclist and pedestrian network identified in the Movement and Transport - Potential Enhancement to Pedestrian/ Cycleway Network Map;</li> <li>f) link habitats, wildlife corridors, public open spaces and existing recreation facilities;</li> <li>g) enable effective stormwater management; and</li> <li>h) allow for temporary uses such as street activities and special events including cultural, entertainment and artistic performances.</li> </ul> </li> <li>ii. Public open space areas provide park furniture, display of art, lighting, shade structures and landscaping.</li> </ul>	<p>maximises the opportunity for high amenity integration with the future Civic Plaza.</p>

<p><b>3.4</b> Provide for the establishment of a district level, multi-purpose community centre.</p>	<ul style="list-style-type: none"> <li>i. A district level, multi-purpose community centre is provided at one of the sites identified on the Social Infrastructure, Culture and Heritage Map or elsewhere in Central Darwin.</li> <li>ii. Community facilities within a multi-purpose community centre provide flexible spaces for a range of activities including: <ul style="list-style-type: none"> <li>a) council administrative functions;</li> <li>b) community service agencies;</li> <li>c) cultural facilities;</li> <li>d) adult education facilities; and</li> <li>e) open spaces facilitating a range of community events.</li> </ul> </li> <li>iii. Net social infrastructure is maintained across Central Darwin and is not reduced through new development.</li> </ul>	<p>The development will form part of a district level community precinct, including flexible space for administrative functions, community events and a new public library. The incorporation of private office space improves the overall building and site design outcomes with no net reduction to social infrastructure or land for community purposes.</p>
<p><b>3.5</b> Provide for the development of an indoor sports facility.</p>	<ul style="list-style-type: none"> <li>i. A sports facility is provided for at one of the sites identified on the Social Infrastructure, Culture and Heritage Map or elsewhere within Central Darwin.</li> </ul>	<p>Not applicable to the subject land. The proposed development does not compromise the ability for a future sports facility on the adjacent site.</p>

**4. Protect and enhance sites of cultural significance and historic value to enrich community awareness and experience**

Objectives	Acceptable Responses	Development Context / Response
<p><b>4.1</b> New development responds to and respects places and sites listed on the Northern Territory Heritage Register and other places of heritage interest.</p>	<ul style="list-style-type: none"> <li>i. Building design responds to significant features of adjoining heritage sites, buildings or objects to all extent reasonable and practical. This may include a response to the scale, colours, textures and materials of heritage features. Alternatively, the response may provide juxtaposition with the heritage feature to emphasise heritage significance and distinguish the difference in time and style.</li> <li>ii. Setbacks of new development adjoining heritage listed features are sensitive to heritage elements by considering the interface with regard to bulk, setback and materials, and maintain view corridors.</li> <li>iii. Development on, or adjoining a place or item of cultural and social interest indicated on the Social Infrastructure, Culture and Heritage Map supports ongoing public access and is designed in a manner that shows consideration of that place or item.</li> </ul>	<p>The building design, scale and orientation provides a juxtaposition to the heritage items within and surrounding the subject land. Locating the new civic centre building on the area of the existing car park enables Galamarrma / the Tree of Knowledge to form the central element of the future Civic Plaza, and be the primary focal point at the end of Cavenagh Street framed by the proposed building behind. Relocating the existing Civic Centre away from the tree improves visibility and emphasises its importance and cultural / community value relative to its existing location being surrounded on three sides.</p> <p>The emphasis on the south-west and north-west active facades and integrated pedestrian plazas improve accessibility to important items, and provide the opportunity for greater public appreciation thereof.</p> <p>The site and development is well separated from heritage items further to the south and south-west. The building orientation facing inactive and service areas away from the nearest heritage items respects their value and allows the building to bookend the State Square Precinct rather than acting as an outlier.</p>

<p><b>4.2</b> Adaptive re-use of a heritage place is sympathetic to the values of the site.</p>	<ul style="list-style-type: none"> <li>i. Adaptive reuse of heritage sites, as identified on the Social Infrastructure, Culture and Heritage Map, is of a scale compatible with the significance of the site.</li> <li>ii. Any alterations required to facilitate the adaptive reuse of heritage places should be informed by an understanding and analysis of the heritage place’s significance and the principles of the Burra Charter.</li> <li>iii. Adaptive reuse requires minimal alterations to the place’s significant fabric and does not destroy the ability to interpret the original function of the place. Where change is proposed, it should be recognisable as new work and where possible, be reversible.</li> </ul>	<p>No adaptive reuse of an existing heritage item is proposed in the current development. The proposal maintains the ability for adaptive reuse to be considered in the future.</p>
<p><b>4.3</b> Recognise and celebrate the multicultural heritage and values of Central Darwin.</p>	<ul style="list-style-type: none"> <li>i. Places of historical and cultural value within the study area, including significant sites, buildings structures, trees, and landscape elements are recognised and connected through innovative forms of interpretation.</li> </ul>	<p>The siting and layout of the development considers the nearby heritage items and features of historic importance. The building layout avoids directly overlying the existing oil tunnels, and retains the opportunity for future connectivity to recognise the heritage values. The development site is well separate from Galamarrma / the Tree of Knowledge and any future works within this part of lot 3981 will need to consider the importance of the tree as a primary objective. The site landscaping concepts include recognition of historically important features as part of the public space design outcomes.</p>



<p><b>4.4</b> Support the adaptive re-use of sites of heritage value.</p>	<p>i. Where there is reasonable capacity to do so, discretion is applied in the evaluation of development proposals relating to sites of heritage value. This is in recognition of challenges associated with the development of such sites complying with current development standards outlined in the Planning Scheme.</p>	<p>The proposed development responds to the heritage items with due consideration to the requirements of the Northern Territory Planning Scheme.</p>
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#### **4.4 Overlays**

##### 4.4.1 Clause 3.13 – Gateway Locations

###### Purpose

*Ensure that the use or development of land identified as a Gateway Location is designed to respect and enhance the unique characteristics of the locality.*

###### Administration

1. *This Overlay applies to any site within Zone C or CB identified as a Gateway Location in Clause 5.9 (Location Specific Development Requirements) except:
 
  - a) *where a use or development complies with Clause 5.5.1 (Interchangeable Use and Development), and but for this Overlay, would not require consent.**
2. *The use and development of land subject to this Overlay requires consent.*
3. *The consent authority may consent to a use or development that is not in accordance with sub-clause 4 only if it grants consent through the relevant clause in Clause 5.9 (Location Specific Development Requirements).*

###### Requirements

4. *Building design must be in accordance with the relevant requirements for gateway locations identified in Clause 5.9 (Location Specific Development Requirements).*

Lot 3981 is identified as being adjacent a Gateway Location (at the intersection of Cavenagh Street and Harry Chan Avenue, adjacent the north-western boundary of lot 3981). The requirements of **Clause 5.9.2.8** are considered in section 4.7.5 of this report.

#### 4.5 Zone CB

##### 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.*

The land uses proposed are consistent with Zone outcome subclause 1 in providing commercial, community, cultural and recreational activities.

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.*

Not applicable – no residential, tourist or other accommodation is included within the proposal.

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.*

Not applicable – no ancillary residential uses are proposed.

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.*

The inclusion of commercial office tenancies as part of the development provides additional functionality, vibrancy and maximises development and land use opportunities within a key part of the Darwin CBD.

Commercial offices are compatible with the civic, administrative and community functions within the same building, whilst appropriate separation across floors and between the podium and tower levels ensures a clear distinction between the civic and commercial functions of the building. The proposed food premises are a relatively minor component of the overall floor areas, and will provide a general level of amenity to the intended building occupants and visitors, as well as the surrounding community, commercial and residential land uses.

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.*

As with the general benefit resulting from the integration of community, civic and commercial land uses, the provision of community and civic functions integrated as part of a larger development maximises the positive development outcomes and enables the City of Darwin to maximise community benefit via future works elsewhere within lot 3981. The proposed Civic Centre, library, chambers and administrative functions are consistent with the provision of services to cater for the regional population, and contribute to the diversity of activity, workforce and visitors to the individual elements of the building.

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.*

Not applicable.

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.*

Not applicable.

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.*

Evident in the architectural package in **Attachment A**, the building design incorporates a number of innovative features and elements in direct response to its setting, including surrounding land uses and the public realm. Over-emphasising the internal podium elements and the library façade highlight the civic function of the building and integrate with the same broad civic and community function of Civic Park and the intended Civic Plaza. Elsewhere, podium screening reflects well-known geological formations within the region, and the glazing colour scheme to the higher tower levels acknowledges the Darwin Waterfront and Darwin Harbour further afield. A tower ‘break’ by incorporating a plant level provides visual relief and, together with substantial setbacks to the Harry Chan Avenue and Esplanade boundaries, reduces the appearance of building mass relative to the surroundings. The emphasis on activation to the internal elevations maximises overlooking of public spaces, and the landscape design provides a high amenity public realm anticipating the integration of future Civic Plaza upgrades.

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 landscape design concepts integrate with the building design to provide an ‘open’ transition between external and internal spaces, and avoid or at least reduce the impression of hard borders defining public external and internal spaces. The building and site layout gives primary consideration to walking and cycling movements, providing direct and separate access to end of trip facilities for regular commuters, together with short-term bicycle storage in clear, visible locations for shorter term and irregular visitors. Dedicated, open and active pedestrian routes along the internal facades enable connection to public transport facilities at the Bus Interchange through the Civic Park and Plaza.

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.*

Potential amenity (defined in **Schedule 2.2** as “...any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable”) impacts can be separated into those resulting from the building design (e.g. amenity impacts resulting from the size, height, apparent bulk and scale or general appearance of the building) or from the proposed use of the land. Potential land use impacts include noise or other emissions, anti-social or otherwise unruly behaviour, or an increased use of public infrastructure and resultant amenity impacts.

Noting the development parameters for Zone CB confirm significant built form potential, the building design orientates active commercial and civic components internally, and locates the tower at or slightly within the minimum setbacks to the north-western and south-western site extents, conversely maximising separation to the Harry Chan Avenue and Esplanade boundaries. Together with the site and landscape design, built form outcomes will be a positive addition to the immediate locality.

From a land use perspective, and noting the range of land uses desired in the Darwin CBD, the combination of civic, administrative and office uses present a low-risk for adverse or unreasonable amenity impacts, and the food premises tenancies are a secondary but nonetheless positive inclusion in the proposed development. Impacts from vehicle movements, services and mechanical plant are mitigated to an appropriate extent through the careful siting of vehicle access locations and design, screening of car parking levels, as well as internalised and / or screened plant equipment.

Accordingly, and taking into account the overall building design and response to the requirements of the Planning Scheme considered elsewhere in this report, the design and use of the proposed development will not result in an unreasonable loss of amenity for surrounding land.

- 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.*

The Traffic Impact Statement (**Attachment E**) and Engineering Services Report (**Attachment C**) confirm the proposed servicing arrangements and connection to existing and/or planned infrastructure. The proposed development includes community services and facilities, with the proposed road and pedestrian connections providing convenient access to public and community facilities elsewhere within and beyond the subject land.

- 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.*

Not applicable.

## **4.6 General Development Requirements**

### **4.6.1 Clause 5.2.1 (General Height Control)**

**Clause 5.2.1** does not apply to land in Zone CB. Building heights within the subject land are controlled through **Clause 5.9.2** and the Commonwealth *Defence Regulation 2016*, which limits the height of buildings on the subject land to 90 metres prior to approval being required. The maximum height of the proposed building and lightning rod is 88.365 metres. Any temporary height encroachment above 90 metres (e.g. cranes during construction) will required approval under the *Defence Regulation*.

#### 4.6.2 Clause 5.2.4 (Car Parking)

*(Layout of Car Parking Spaces)*

##### 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.

Subclause 6 generally applies to ground level car parking areas. Consistent with the approach on recent multi-use development elsewhere within the Darwin CBD (and noting the implication from the existing oil storage tunnels beneath the site preventing the inclusion of basement parking), car parking for the proposed

development is contained within the upper podium levels and completely screened from the public realm. The proposed design approach ensures appropriate layout and design of car parking in a manner that will not unreasonably impact on the amenity of the locality.

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.*

Car parking levels consist of hardstand internal areas with linemarking in accordance with the relevant Australian Standards. Driveway ramp gradients range between 1:13 and 1:6, with level car parking 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.*

The car parking layout on all levels generally complies with the requirements of subclause 8. Car parking spaces are 2.5 metres wide by 5.5 metres long with the exception of 2 small car parking spaces, one each on levels 2 and 6. These bays will be marked accordingly, and provide parking for small vehicles maximising the use of space whilst (noting the surplus of car parking) ensuring parking is available for all vehicle types.

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.*

A single car park access point with separated entry and exit driveways is proposed to the Esplanade frontage, with a separate service vehicle access to Harry Chan Avenue. Driveways exceed the minimum dimensions for one and two-way aisles, albeit a slight reduction to the minimum one-way width (3 metres proposed rather than 3.5 metres required) adjacent the boom gate access control on level 2. The reduction is due to the lane separation of the two-way driveway for a short distance only (i.e. the separation kerb and boom gate housing) and will not compromise the safety or efficacy of the driveway or car parking area in general. The Traffic Impact Statement in **Attachment E** confirms appropriate sightlines for the car park access.

#### 4.6.3 Clause 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.

The Table to **Clause 5.2.5** requires the provision of loading bays for the *place of assembly, office and food premises* components of the development, in accordance with the table below. Pursuant to subclause 2, the minimum number of loading bays is calculated based on the combined net floor area of the uses given they form part of an integrated development.



Component	Area	Loading Bay Rate (required)	Net Requirement
Office	14,713m <sup>2</sup>	1 <b>loading bay</b> for every 2000m <sup>2</sup> of the total <b>net floor area</b> , or part thereof	8 (7.36)
Food Premises			
Place of Assembly			
<b>Total</b>			<b>8</b>

As detailed in the Traffic Impact Statement (TIS) in **Attachment E**, the proposed development includes 3 loading bays compliant with the dimension requirements in **Clause 5.2.5**, thus a proposed shortfall of 5 loading bays. The TIS notes the mix and scale of proposed uses generate less frequent and less intensive servicing needs than the planning scheme specifies, differing from high-density retail or industrial areas that require higher servicing capacity due to continuous or heavy duty operations.

The TIS notes that the three proposed bays will allow staggered scheduling of deliveries and services, mitigating any potential bottlenecks, and that with effective scheduling the site's design supports safe and efficient access, minimising queuing or conflicts among service vehicles. The TIS recommends that a service vehicle management plan that incorporates the following characteristics be implemented to facilitate the operation of the loading area:

- All deliveries to be managed by the Facilities Management Team. All loading docks would be shared by all tenants and deliveries booked in via a central booking system;
- Larger loading vehicles and refuse collection would be prioritised via the two undercover bays. Where vehicles overstay their slot or arrive outside of their allocated slot they would either unload from the parallel loading bay or wait in the parallel loading bay for a slot within the undercover loading bay to become available;
- Smaller vehicles (Vans/Utes etc) would be directed to use the parallel loading dock and use the turning area to undertake a three-point turn; and
- The northern access and area would be restricted to loading and service vehicles only.

Accordingly, the proposed development includes sufficient safe and functional loading areas to cater for the range and size of proposed uses.

#### 4.6.4 Clause 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.

The proposed development includes approximately 757m<sup>2</sup> soft landscaping, equivalent to 16% of the development site area (including the boundary setbacks and separation to the existing Civic Centre).

If the **site** area is taken as the area of lot 3981 as a whole, the area of planting would necessarily include existing planting within Civic Park, far exceeding 10% of the overall area of lot 3981.

#### 4.6.5 Clause 5.3.7 (End of Trip Facilities)

##### Purpose

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**.

##### Administration

1. The consent authority may **consent** to a use or development with fewer bicycle parking spaces, lockers and/or showers and changing facilities than required by sub-clauses 2-6 if satisfied that either:

- a) there are alternative **end of trip facilities** (on or off the site), where:
- i. the same function is provided which can accommodate the same number of bicycles and/or users required by the clause;
  - ii. **access** to the alternative **end of trip facilities** is safe and convenient for users;
  - iii. the alternative **end of trip facilities** are sheltered and secure; and
  - iv. the size and layout of alternative storage areas allows for safe and comfortable storage and **access** to bicycles and/or personal items; or
- b) it would be unreasonable to provide the **end of trip facilities** as required by this clause with regard to, but not limited to, the location of the development and likely commute distances; or
- c) it would be unreasonable to provide shower and changing facilities for a small development, where the development becomes unfeasible should such facilities be required.

#### Requirements

2. All new buildings in Zones HR, CB, C, SC and TC should provide bicycle parking facilities with a number of bicycle parking spaces calculated at the rate specified in the table to this clause (rounded up to the nearest whole number).

Component	Area	Minimum Number of Bicycle Parking Spaces (rate)	Minimum Number of Bicycle Parking Spaces (required)	Minimum Number of Showers (rate and required)	Provision
Office	15,469m <sup>2</sup>	1 space per 300m <sup>2</sup> net floor area	52	1 shower / 1,500m <sup>2</sup> net floor area = 10.3	76 bicycle parking spaces (51 secure, 25 short-term)
Non-Residential (Community Centre, Place of Assembly and Food Premises)				1 shower / 50 staff = <1	
<b>Total</b>			52	11.3	

					52 lockers (26 male and 26 female)
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Pursuant to the Table to **Clause 5.3.7** the required bicycle parking relative to that proposed is identified in the table above. The inclusion of 51 secure and 25 short-term bicycle parking spaces exceeds the minimum 52 spaces required.

3. All bicycle parking facilities and associated bicycle parking devices should be designed in accordance with Australian Standard AS2890.3 – Bicycle Parking and must:

- a) be located in a convenient and safe location with adequate security for the storage of bicycles;
- b) have an appropriate mix of long and short term, wall and floor mounted bicycle parking;
- c) where secure parking is provided, provide e-bike charging facilities, as necessary;
- d) not require **access** via steps;
- e) be protected from the weather;
- f) enable the wheels and frame of a bicycle to be locked to the device without damaging the bicycle;
- g) be located outside pedestrian movement paths;
- h) be easily accessible from the road;
- i) be arranged so that parking and manoeuvring motor vehicles will not damage adjacent bicycles;
- j) be protected from manoeuvring motor vehicles and opening car doors;
- k) be as close as possible the cyclist's ultimate destination;
- l) be well lit by appropriate existing or new lighting; and
- m) be sympathetic in design, material and colour to compliment the surrounding environment.

Proposed bicycle parking includes an appropriate mix of short and long-term, secure storage and lockable racks, with the ability for e-bike charging within the internal secure storage areas.

Appropriate consideration has been given to the provision of sufficient sheltered bicycle parking, outside of the primary pedestrian and vehicle routes with sufficient passive surveillance (for short-term bicycle parking).

4. *A locker should accompany every secure bicycle parking space provided, and should be:*
  - a) *of suitable volume and dimensions to allow storage of clothing, cycling helmets and other personal items;*
  - b) *well ventilated, secure and lockable; and*
  - c) *located close to shower and changing facilities.*

52 lockers are provided in the internal EOT facilities, exceeding the number of secure bicycle spaces.

5. *All new **non-residential buildings, hotels/motels, and serviced apartments** in Zones HR, CB, C, SC and TC should provide sufficient and accessible shower and changing facilities for staff with the number of showers calculated at the rate specified in the table to this clause.*
6. *Shower and changing facilities must be secure facilities capable of being locked, and should:*
  - a) *be located as close as practical to the associated bicycle parking facilities;*
  - b) *provide one change space per shower; and*
  - c) *Provide for separate male and female facilities where more than one shower is provided.*

Secure male and female shower and change facilities are provided within the EOT facilities, together with the secure bicycle storage and equipment lockers. 11.3 showers are proposed, however as an integrated complex the provision of 10 compliant showers (5 male and 5 female) provide sufficient shower and change facilities for staff.

#### 4.7 Location Specific Development Requirements – Clause 5.9.2 Darwin City Centre



**Figure 5:** Subject land (red border) per Clause 5.9.2 – Darwin City Centre

##### 4.7.1 Clause 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.*

Whilst no residential uses are included within the proposed development, the design drawings indicate a ground level floor to ceiling height exceeding 5 metres.

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

Building facades, particularly those internal to the site, provide distinct and active base levels characterised by extensive glazing and their obvious civic function, cantilevered podium car parking levels with feature screening, and distinct tower level with contrasting colour scheme and materials palette.

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.*

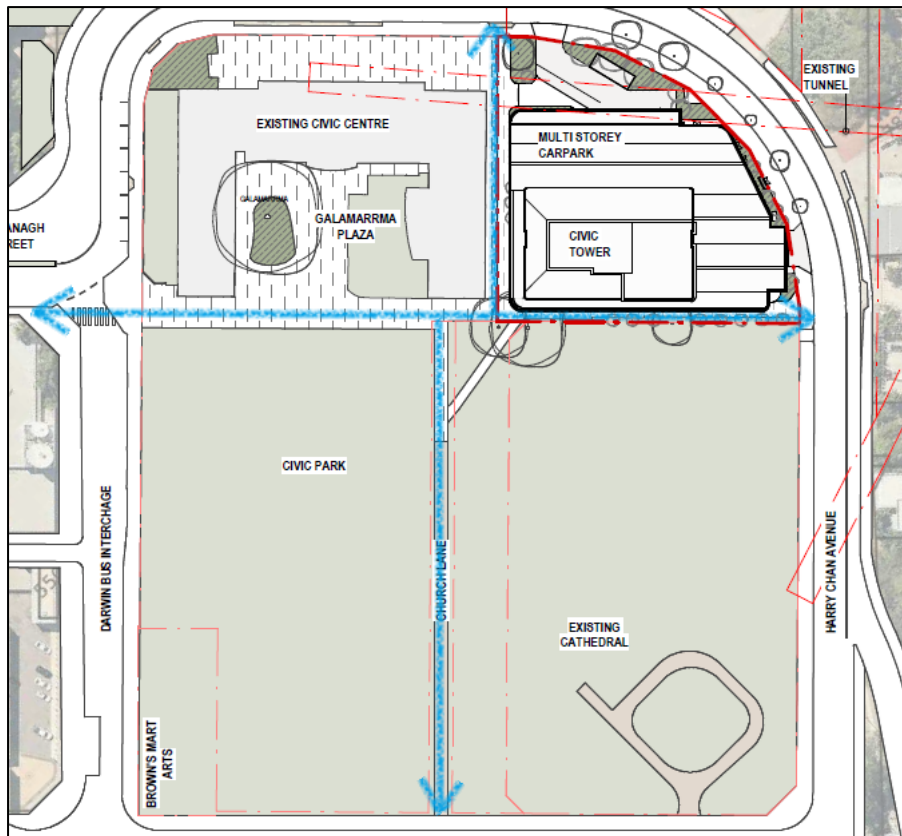
Communal facilities within the public plaza areas are integrated into the site level and landscape design to co-exist with pedestrian routes and improve public space amenity.

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.*

Plant equipment is split between the ground level internal areas, mid-tower plant deck and roof-top plant enclosure. The provision of a mid-tower plant deck provides a visual break to the tower elements and reduces the amount of plant required to be installed on the roof. All plant areas are either internalised or screened.

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 development site has frontages to Harry Chan Avenue and the Esplanade in the same manner as a corner lot, whilst lot 3981 also fronts Cavenagh and Smith Streets. Rather than providing a pedestrian linkage through the building (which would be ineffectual in improving pedestrian movement between the street frontages), dedicated pedestrian plazas are provided along the north-west and south-west elevations to connect into existing (and future) pedestrian routes through to Smith and Cavenagh Streets. Refer **figure 6** below.



**Figure 6:** Primary pedestrian routes through lot 3981

#### 4.7.2 Clause 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**.*

The podium level consists of the library, and food premises, common areas, back of house / mechanical areas, Council chambers and car parking levels between ground and level 6, with a maximum wall height of 22.2 metres above the ground floor RL. No accommodation is provided as part of the proposed development, thus the required setbacks are not applicable.

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;*

A single tower is proposed with a maximum gross area of 1,242m<sup>2</sup> on any level (on each of levels 11-20), equivalent to 26.5% of the development site area (4,694.35m<sup>2</sup>).

*(b) have the length of each side of the tower be no more than 75% of the length of the adjacent boundary; and*

The maximum tower building length relative to the south-western boundary (shared with lot 7795 and Church Lane) is 44.34 metres, equivalent to approximately 57.6% of the adjacent 77 metre development site boundary (the distance along the boundary commencing at a point offset 3 metres from the south-eastern edge of the existing Civic Centre). The tower length to the north-west (29.34 metres) is equivalent to 40.75% of the adjacent (intended) boundary (between the proposed building and the existing Civic Centre). The curved and somewhat singular nature of the street boundaries, and the angled façade presentation of the building to the streets, is such that relative tower lengths are not measurable against the northern and eastern boundaries.

*(c) provide minimum setbacks of:*

*i. 6m from any **site** boundary; and*

*ii. 12m between towers on the same **site**.*

The tower levels are setback a minimum of 5.529 metres from the south-western boundary (shared with lot 7795) and 6.898 metres from the intended future boundary to the north-west. The south-western setback is taken from the nearest point of the external building projections rather than the main face of the building. Setbacks to the Harry Chan Avenue and Esplanade boundaries exceed 17 metres at the closest point (the inner boundary apex adjacent the road curve), extending to well beyond 20 metres for the majority of the street frontages. A single tower only is proposed.

The proposed building design includes the following variations to the volumetric requirements:

- Maximum tower level footprint of 1,242m<sup>2</sup> whereas up to 1,200m<sup>2</sup> is stipulated; and
- Minimum setback to the south-western side boundary of 5.529 metres whereas a minimum setback of 6 metres is stipulated.

The above variations are minimal in their extent, and are largely offset by the other volumetric characteristics, including the proportion of the tower footprint relative to the site (26.5% relative to the maximum 56%), the significant setbacks to the street boundaries and the reduced tower length relative to the adjacent development site boundaries (between 40 and 60% of the relative boundary length compared with the required maximum of 75%). Noting the misalignment of Cavenagh Street with the south-western boundary, and the emphasis on the protection of view corridors along and around the Harry Chan and Esplanade alignments, as well as along the north-western alignment parallel to Church lane, the proposed layout and design is appropriate to the location and will not unreasonably restrict the future development of adjoining or surrounding land.

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.*

The subject land is not within the Smith Street Character Area.

#### 4.7.3 Clause 5.9.2.5 – Development along Priority Activated Frontages

The diagram to **Clause 5.9.2** (refer **figure 5**) identifies the north-western boundary of lot 3981, fronting the corresponding portion of Harry Chan Avenue, including the intersection with Cavenagh Street and the bus interchange, as an area of priority activated frontage. The proposed development is limited to the south-eastern part of lot 3981, and does not affect the existing interface with the Priority Activated Frontage. In accordance with the confirmation provided in **Attachment F**, the City of Darwin will commence demolition of the existing Civic Centre following their relocation to the proposed building (once completed). The redevelopment of the portion of 3981 adjacent the Priority Activated Frontage will be undertaken as a separate stage of the project.

#### 4.7.4 Clause 5.9.2.7 – Development along the Priority Pedestrian and Cycle Network

##### Purpose

*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.*

### Requirements

The subject land adjoins the *Priority Pedestrian / Cycle Networks* along both the Harry Chan Avenue and Esplanade frontages, with a priority pedestrian / cycle connection extending through the site near the south-western boundary.

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 proposed site layout provides primary site connection points via:

- the pedestrian plaza between the proposed building and the existing Civic Centre (connecting to Harry Chan Avenue and the internal pedestrian / cycle route);
- the south-western plaza (connecting to the Esplanade and through to Civic Plaza / Civic Park, providing the internal route shown in the clause diagram);
- the primary ground level building entrance (providing a double-height connection at the intersecting point of the south-west and north-west plazas); and
- the Esplanade to the end of trip facilities via a separate bicycle entrance.

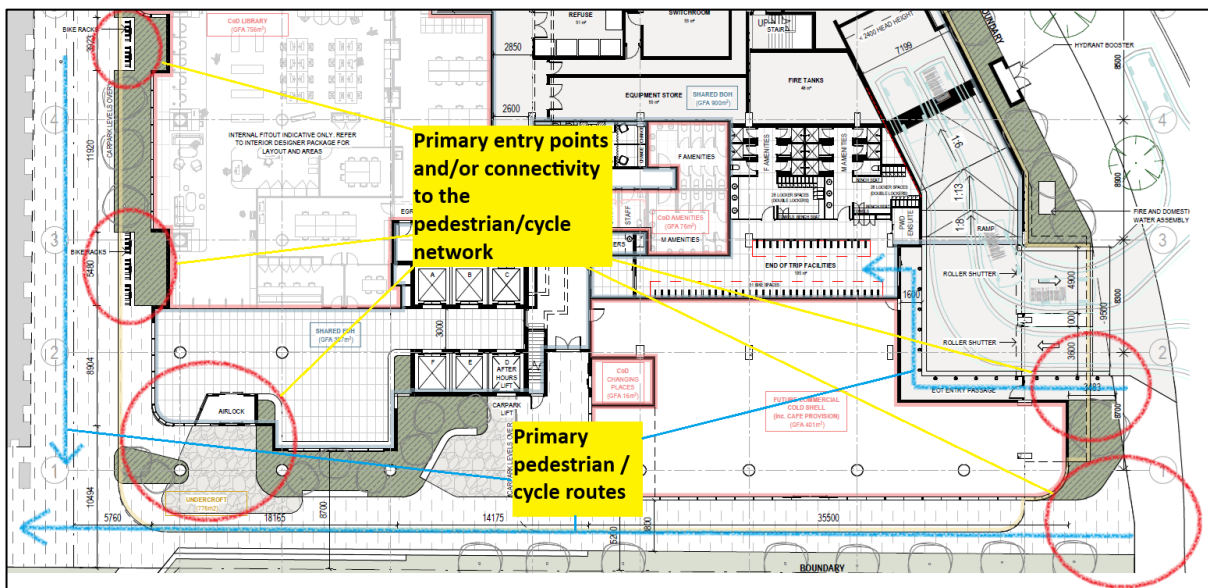
6. *Any pedestrian or cycle links or facilities provided within a **site** are to be well lit.*

As the primary pedestrian entry points, the aforementioned accesses will incorporate lighting to ensure they are highly visible and legible.

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

The proposed development does not affect the potential for a future sky bridge to Frances Bay, the identified location of which is away from the site.

The pedestrian and cycle connections are identified in **figure 7** below.



**Figure 7:** Pedestrian and cycle routes and connections

#### 4.7.5 Clause 5.9.2.8 – Development in Gateway Locations

##### Purpose

Ensure buildings are designed to accentuate prominent corner locations to aid wayfinding and establish a strong sense of arrival into the Darwin City Centre city centre.

##### Administration

- This clause applies to any use or development fronting a Gateway Location identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).
- Every application is to include a design statement prepared by a suitably qualified professional demonstrating how the proposed development meets the purpose and requirements of this clause.
- The consent authority may **consent** to a use or development that is not in accordance with sub-clause 4 if it is satisfied that the development either:

- a) *provides an alternative; or*
- b) *is a short term use or development that will not frustrate the ability for future use and development to maximise the development potential of the **site**.*

#### Requirements

- 4. *Development is to establish a strong sense of arrival through one or more of the following design elements:*
  - a) *an increased **building height** of at least one **storey** compared to adjacent buildings;*
  - b) *varied roof sections, raised parapets and spires;*
  - c) *signage incorporated into the building design; or*
  - d) *public art.*

The intersection between Harry Chan Avenue and Cavenagh Street adjacent the north-western boundary of lot 3981 is identified as a Gateway Location. Whilst the development site is somewhat separated from the Gateway Location, being situated at the opposite end of lot 3981 with the existing Civic Centre (and future Civic Plaza) between, the orientation and building form provides an appropriate bookend to the Cavenagh Street alignment. The internalised orientation, fronting the double-height civic and community elements towards the Gateway location, together with the extensive use of glazing and active elements to this frontage, visually highlight the function of the building within the broader Civic and State Square Precincts. The design and feature screening of the podium levels (proportionally reduced relative to the lower levels to this frontage) provide a unique and attractive separation between base and tower levels, and locating the tower closer to the north-western part of the development site and in direct alignment with Cavenagh Street accentuates the sense of arrival into the Civic Precinct. Relative to the surrounding buildings, the increased height of the proposed development is consistent with the requirements of **Clause 5.9.2.8**.

#### 4.7.6 Clause 5.9.2.9 – Public Domain Contributions for Development on Large Sites

##### Purpose

*Encourage development on large sites that supports the public domain by contributing to an integrated, high-quality network of public spaces, recreation facilities and places for wildlife.*

##### Administration

- 1. *This clause applies to the development or redevelopment of a site of 3500m<sup>2</sup> or more 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 development that is not in accordance with sub-clauses 3 and 4 if it is satisfied that:*
  - (a) *the development provides an alternative provision of publicly accessible open space that is appropriate to the site, having regard to the locality and scale of the development; or*
  - (b) *the application provides an equivalent contribution to publicly accessible open space outside of the subject site.*

Requirements

3. *A minimum of 10% of the site area is to be provided as publicly accessible open space that is designed to:*
  - (a) *incorporate park furniture, display of art, lighting, shade structures and landscaping and interpretive information where appropriate; and*
  - (b) *support a variety of passive uses, active recreation and events.*
4. *The open space provided under sub-clause 3 is to integrate and connect with:*
  - (a) *existing and future cycle and pedestrian networks;*
  - (b) *sites of significant natural, cultural or heritage value; and*
  - (c) *habitats, wildlife corridors and public greenspaces from adjoining sites.*

The architectural details in **Attachment A** confirm the provision of approximately 830m<sup>2</sup> public domain space along the north-west and south-west building frontages, equivalent to approximately 17.6% of the total development site area. The public space domain aligns with the primary pedestrian and cycle routes, connects to the main building entrance and links through to Civic Park and the future Civic Plaza.

4.7.7 Clause 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.

### 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).

The baseline car parking requirements per **Clause 5.9.2.11** are identified in the table below.

Land Use Component	Required Rate (C5.9.2.11)	Area / Yield	Car Parking Required	Car Parking Provided
<b>Place of Assembly, Office, Community Centre and Food Premises</b>	2/100m <sup>2</sup> net floor area	15,469m <sup>2</sup>	310 (309.38)	<b>460</b>

The base car parking requirement is 310 car parking spaces, with 460 provided on-site, resulting in a surplus of 150 parking spaces relative to that required in **Clause 5.9.2.11**.



#### 4.7.8 Clause 5.9.2.12 (Reduction in Car Parking Spaces in Darwin City Centre)

In addition to the base requirement identified in **Section 4.7.7** above, it is necessary to consider any applicable reductions in **Clause 5.9.2.12**.

##### 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*

The inclusion of 16 motorcycle parking bays results in a reduction of 5.33 car parking spaces.

- 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).*

The inclusion of 24 bicycle parking spaces above the minimum requirement in **Clause 5.3.7** results in a reduction of 2.4 car parking spaces.

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.*

##### 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.*

The applicability of the reduction categories are considered in the table below.

Category		Applicability	Reduction Permitted
<b>1</b>	<b>Alternative Transport Options</b>		
(a)	Access to public transport (200m)	Applicable – The subject land (the development site and proposed building) is approximately 145 metres from the Darwin Bus Interchange, providing access to a number of bus routes at a high frequency.	15%
(b)	Access to public Transport (400m)	Applicable but not applied – reduction under 1(a)	-
(c)	Access to public bike path	Applicable but not applied – reduction under 1(a)	-
<b>2</b>	<b>Shared Parking / Proximity to Public Car Parking</b>		
(a)	Shared Use	Applicable (to <i>food premises tenancy</i> ) but not applied – reduction under 2(b)	-
(b)	Public Car Park (200m)	Applicable – the proposal includes the provision of public car parking with the availability of public car parking within the development exceeding 100 spaces (noting the 150 bay base surplus per <b>Section 4.7.7</b> ). Whilst 2(b) refers to	10%

		<i>existing</i> public car parking, it is considered appropriate to apply in this instance given the public car park is a fundamental component of the development, and will be available once construction works are complete (i.e. as soon as the premises is occupied)	
(c)	Public Car Park (400m)	Applicable but not applied – reduction under 2(b)	-
<b>3</b>	<b>Vertical Landscaping</b>	<b>Not Applicable</b>	
<b>4</b>	<b>Improved Parking</b>		
(a)	All car parking in basement	Not Applicable.	-
<b>5</b>	<b>Preservation of a Heritage Place</b>	<b>Not Applicable</b>	

Factoring in the applicable reductions, the resultant car parking requirement is as follows:

Reduction Category	Reduction Percentage	Applied to:	Reduction	Car Parking Required (after discount)
Access to Public Transport	15%	All	<b>46.407 spaces</b> (15% of 309.38)	<b>225 (224.305)</b>
Public Car Park	10%	All	<b>30.938 spaces</b> (10% of 309.38)	
Motorcycle Parking	-	-	<b>5.33 spaces</b>	
Bicycle Parking	-	-	<b>2.4 spaces</b>	
<b>Total</b>			<b>85.075</b>	

Based on the applicable reductions in **Clause 5.9.2.12**, the proposal is eligible for car parking reductions equivalent to 85.075 spaces, resulting in an actual car parking requirement for 225 spaces, and a resultant surplus equivalent to 235 car parking spaces.

#### 4.7.9 Clause 5.9.2.13 – Design of Car Parking Areas and Vehicle Access

##### Purpose

*Promote design of car parking, vehicle access points and onsite movement that:*

- (a) is easily adapted to meet changing demand;*
- (b) minimises visual impact to the street and other public areas; and*
- (c) minimises impacts to pedestrian and cyclist movement.*

##### Administration

- 1. This clause applies to the design of car parking, vehicle access points and onsite vehicle movement for new buildings, and the establishment of new **car parking areas** in Darwin City Centre.*
- 2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 3-6 if it is satisfied the use or development is appropriate to the **site** having regard the potential impact on the surrounding road network and the **amenity** of the locality.*

##### Requirements

- 3. **Ground level car parking areas** in buildings are limited to the number of **car parking spaces** required for **ground level** commercial tenancies.*

No ground level car parking areas are proposed.

- 4. All car parking spaces are to be screened so that they are not visible from the public domain.*

Car parking levels are screened from the public realm.

- 5. Vehicle access and loading areas are to be consolidated and **car parking areas** are to be located away from street frontages.*

Car parking areas are set above the street commencing from level 2. The inclusion of ground level building setbacks and landscaping draws attention away from the car parking levels, and the screening provided ensures an attractive outward presentation. Car parking has been sited cognisant of the civic function and pedestrian priority within the internal site areas.

Separate service / loading and car park access is provided to avoid conflict between service vehicles and cars, and the service access and loading areas, including waste collection, are consolidated in a single location in the north-eastern part of the building.

6. *Entry and access from a **car parking area** is to be from the lowest order vehicle access way. In order of priority, access should be from:*
  - a) *a laneway;*
  - b) *a **secondary street**; or*
  - c) *a primary street only if no other access is possible.*

The development site effectively has a single road frontage curving around the northern and eastern site extents. Access has been provided in a manner appropriate to the existing road network and surrounding land uses per the findings in the Traffic Impact Statement in **Attachment E**.

#### **4.8 Specific Development Requirements**

##### 4.8.1 Clause 5.5.1 – Interchangeable Use and Development

**Clause 5.5.1** provides opportunities for land uses within existing buildings to interchange without the requirement for further approvals, and (in the case of the proposed development) applies to the food premises and office components. As a new building, **Clause 5.5.1** is not directly applicable to this application.

##### 4.8.2 Clause 5.5.3 (General Building and Site Design)

###### Purpose

*Promote site-responsive designs of commercial, civic, community, recreational, tourist and mixed-use developments which are attractive and pleasant and contribute to a safe environment.*

###### Administration

1. *A development application must, in addition to the matters described in sub-clauses 2-16, demonstrate consideration of and the consent authority is to have regard to the Community Safety Design Guide (as amended from time to time) produced by the Department of Lands and Planning.*

Refer **Section 4.9** of this report for detailed consideration of the Community Safety Design Guide.

###### Requirements

2. *Preserve vistas along streets to buildings and places of architectural, landscape or cultural significance.*

3. *Be sympathetic to the character of buildings in the immediate vicinity.*

The proposed building provides a considered response to view corridors along the street alignments by focussing the tower form toward the west (away from the street boundaries), whilst addressing important architectural, landscape and cultural items including Galamarrma / the Tree of Knowledge, Christ Church Cathedral and Civic Park by orientating activation and pedestrian frontages to the north-west and south-west.

Whilst the proposed building is taller than those in the immediate locality, adherence to (indeed exceedance of) the required setbacks to the north and east consider existing amenity and ensure appropriate integration, noting the built form response to the Gateway Location overlay.

4. *Minimise expanses of blank walls.*

Extensive use of glazing and varied podium screening, together with the ground level setbacks to the street frontages and inclusion of landscaping within the setback areas ensures blank wall expanses are minimised.

5. *Add variety and interest at street level and allow passive surveillance of public spaces.*

Extensive glazing, double-height lobby, complimentary commercial uses, landscaping and street furniture, and design emphasis on the pedestrian plazas ensure interesting and attractive public space, with extensive opportunities for passive surveillance from a range of internal uses.

6. *Maximise energy efficiency through passive climate control measures.*

ESD measures will be incorporated into the building design including:

- Building facade designed to balance daylight and outlook against thermal performance;
- Functional lighting throughout to utilise high efficiency led and associated control systems;
- Public open space and landscaping to utilise water sensitive urban design principles and assist in mitigating heat island effects; and
- Building services to be designed to minimise overall energy consumption.

7. *Control on-site noise sources and minimise noise intrusion.*

Noise emanating from mechanical and plant equipment is controlled through the placement (internally within the building) and screening (roof top) of mechanical service areas. Late-night uses or entertainment areas are not proposed, and food premises tenancies are appropriate within a large commercial development.

8. *Conceal service ducts, pipes, air conditioners, air conditioning plants etc.*

Services are concealed within the building, including the dedicated plant and equipment areas at ground level, level 10 and the primary roof top plant enclosure.

*9. Minimise use of reflective surfaces.*

Primary facade materials and colours have been selected in response to positive character aspects of the existing locality. Aluminium / other metal and concrete finishes will be matte or satin, with modern glare-reducing glazing ensuring reflective surfaces are minimised.

*10. Provide safe and convenient movement of vehicles and pedestrians to and from the site.*

Separate vehicle, service and pedestrian connections are provided. The Traffic Impact Statement in **Attachment E** confirms the expected vehicle types and access arrangements.

*11. Provide convenient pedestrian links (incorporating access for the disabled) to other buildings and public spaces.*

Legible pedestrian connections from the road frontages (both Harry Chan Avenue and the Esplanade), through the site to the main building entry points, then connecting through to Civic Park, Cavenagh Street and the Bus Interchange.

*12. Provide protection for pedestrians from sun and rain.*

Overhanging podium levels and inset building entrance provide opportunities for pedestrian shelter at the primary access location and through the pedestrian plazas.

*13. Provide for loading and unloading of delivery vehicles and for refuse collection.*

A separate service area and adjoining waste management room provides ample space for loading, unloading and waste management.

*14. Provide landscaping to reduce the visual impact and provide shade and screening of open expanses of pavement and car parking.*

The landscaping design emphasises the building frontages and interface with public pedestrian routes and the road frontage per the landscaping concept in **Attachment B**.

*15. Provide facilities, including public toilets, child minding facilities, parenting rooms and the like where the size of the development warrants such facilities.*

The proposed building contains ground level facilities including public toilets, dedicated changing places facility, end of trip facilities and a dedicated parents room.

*16. Provide bicycle access, storage facilities and shower facilities.*

Bicycle access is provided to the internal EOT facilities, through the pedestrian plazas including short-term bicycle storage along the library frontage. A dedicated EOT area including secure bicycle storage, showers and change areas, and lockers is provided on the ground floor.

#### 4.8.3 Clause 5.5.4 (Expansion of Existing Developments in Zone CB)

**Clause 5.5.4** allows for the minor expansion of an existing use or development in Zone CB without further approval. Approval under **Clause 5.5.4** is not being sought for the proposed works.

#### 4.8.4 Clause 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.

The food premises are encapsulated within the overall building design and, in the case of the ground level tenancy, located to improve amenity outcomes to the public realm.



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.*

Not applicable.

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.*

Lighting will be limited to soffit downlighting and soft area lighting, and will not impact surrounding residents or the public realm.

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

The proposed food premises are sufficiently separated from nearby residential uses and are unlikely to adversely impact amenity.

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.*

Opportunities for alfresco dining are provided within the public areas at ground level, and as with the other active components are internalised away from the nearest residential properties.

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

Waste storage and collection for the food premises are included in the internal waste storage and loading areas.

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

The intended food premises are likely to be consistent with the definition of *food premises – restaurant*.

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.*

Not applicable.

#### 4.8.5 Clause 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.*

Refer **Section 4.9** for consideration of the Community Safety Design Guide.

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 **dwelling**s 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.

Refer response to **Clause 5.5.3 (subclause 3)** in **Section 4.8.2**.

13. Buildings are to incorporate and maintain passive climate control measures appropriate to the local climate.

Refer response to **Clause 5.5.3 (subclause 6)** in **Section 4.8.2**.

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.

Refer response to **Clause 5.5.3 (subclauses 4 and 9)** in **Section 4.8.2**.

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.

Refer response to **Clause 5.5.3 (subclause 8)** in **Section 4.8.2**. Bin service areas, loading / unloading and other back-of-house functions are provided for within the dedicated service area accessed from Harry Chan Avenue.

16. **Car parking areas**, including rooftop parking, and open expanses of pavement are to be shaded by landscaping and/or shade structures.

All car parking is provided internally within the building. Landscaping and built form designs (including the cantilevered podium levels) per **Attachments A** and **B** demonstrate the provision of shading to open areas.

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.*

The internal orientation of active building components, and the inclusion of a building setback to the street boundaries to enable the provision of screen and shade landscaping within the street setback areas preclude the installation of footpath awnings to Harry Chan Avenue and the Esplanade frontages. Noting the internalisation of the active building components and the associated reasoning addressed previously (to enable integration with Civic Park and the anticipated Civic Plaza), the development provides a *considered response to the established character of the streetscape*. Alternative shading in the form of landscaping (both new and retained) and cantilevered podium levels ensure appropriate shading, particularly to the primary building entrance.

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.*

Separate vehicle and pedestrian connections are provided, with clearly identifiable pedestrian connections to the proposed building and connecting to other areas. Pedestrian entry points incorporate covered awnings to provide shelter from sun and rain, with clear sightlines, the use of glazing at ground level and activation of pedestrian frontages ensuring potential entrapment areas and blind corners are minimised.

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.*

The nature of the proposed development, encapsulated within the definitions of *office, car park, food premises-restaurant, place of assembly* (in the context of the proposed Civic Centre functions) and *community centre* per **Schedule 2.2** of the Planning Scheme, together with the separation to residential buildings, is such that unreasonable impacts as a result of noise, vibration, light or odours are unlikely.

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**.*

No habitable rooms are included in the proposed development, and the internal / screened plant areas are suitably separated from surrounding development.

21. *Buildings are to provide internal drainage of balconies.*

The proposed terrace on level 21 will be internally drained.

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).*

A dedicated parenting room is provided on the ground floor.

23. *Development is to provide designated areas for rubbish collection.*

A dedicated service bay provides direct access to the waste management room at ground level, with access / egress for waste collection vehicles to pick-up entirely within the site.

#### 4.8.6 Clause 5.5.16 (Active Street Frontages)

##### Purpose

*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

1. *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).*

2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 5, 6 and 7 if:
  - a) an alternative solution effectively meets the purpose of this clause;
  - b) the **site** design reflects the established character of the area; or
  - c) it is satisfied that compliance would be impractical considering servicing requirements and any advice provided under sub-clause 4.
3. Landscaping may be counted toward the percentage of **active street frontage** required under sub-clause 6 if it is comprised 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**.

Preliminary consultation has been undertaken with the aforementioned agencies. To date, a formal response has been received by the northern Territory Fire and Rescue Services (**figure 8**). Responses from the Power and Water Corporation will be provided as received, or via service authority referral responses. As the landowner and development partner, extensive design discussions have been undertaken with the City of Darwin.


Brad,


At this early stage of design NTFRS have only a few minimal comments regarding the project. Additional comments may be provided as the project develops.

NTFRS make the following assumptions and preliminary comments from the drawings supplied thus far:

- The class of building will be 5, 6 & 7a.
- The construction will be as per the Deemed to Satisfy Provisions of the National Construction Code (NCC), and relevant Australian Standards. Any Performance Based Solutions will follow the Australian Fire Engineering Guidelines. Fire Engineering will be reviewed by NTFRS via an Application for Fire Engineering Design Review Report.
- Plans shows only a hydrant booster. Sprinkler booster facilities will also be required.
- The fire hydraulic system demand (required sprinkler and hydrant demand combined) is unknown at this stage. Should the fire hydraulic system demand exceed the capabilities of a single NTFRS pumping Appliance then provisions will be required to accommodate 2 x NTFRS Pumping Appliances at the sprinkler/hydrant boosters.
- The sprinkler/hydrant booster will need to be provided with hard suction outlets to enable NTFRS access to the onsite tank supply. As per AS2419.1-2021 the hardstand for the Pumping Appliances is required to be within 4.5 metres of the boosters. Provisions will be required to enable the accommodation of the 2 x NTFRS Pumping Appliances.
- NTFRS note the location of the Fire Control Centre, Sprinkler Control Valves and Booster are suitable.
- NTFRS note the fire isolated stairs on the FCC side of the building exit into a corridor within the building on the ground floor. NTFRS assume the corridor will be fire isolated.

Regards

  
Fire Safety Command | Northern Territory Fire and Rescue Service  
32 Illiffe Street, Stuart Park  
PO Box 37171, Winnellie, NT 0821  
[www.fire.nt.gov.au](http://www.fire.nt.gov.au)



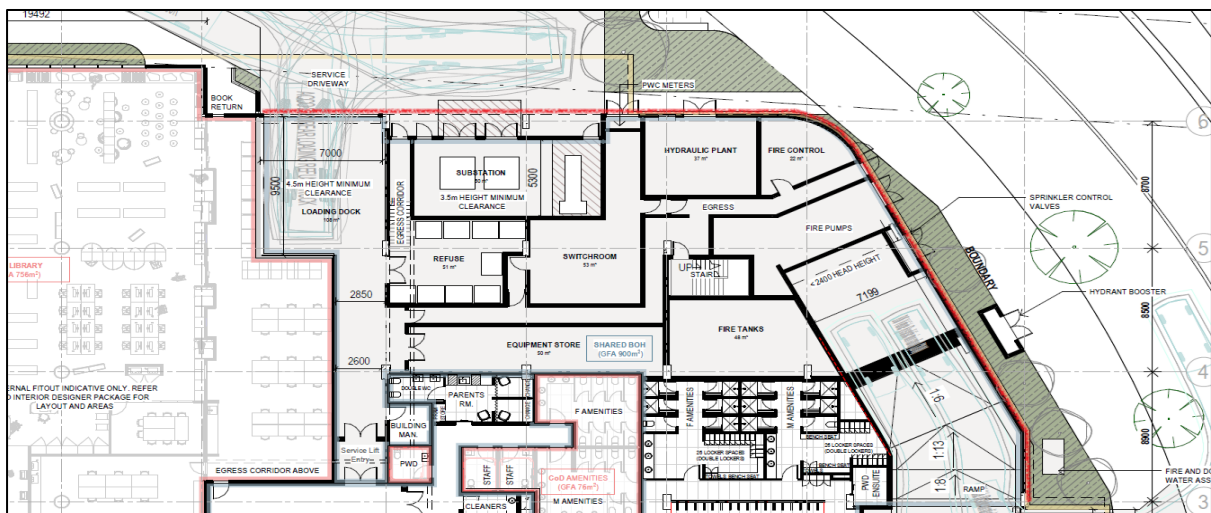
Northern Territory  
Fire and Rescue Service

**Figure 8:** Preliminary advice from NTFRS

## 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.

Evident in **figure 9**, service connections and access thereto is consolidated along the ground level northern building façade fronting the Harry Chan Avenue and Esplanade frontages. The service zone commences from the loading dock, extending across the substation frontage, hydraulic equipment, fire control room and pumps, separate hydrant booster and water assembly units. Services have been oriented along the site frontage to provide sufficient access for service authorities without having to accommodate access through the site, and to maximise ground level floor space for the library, food premises, front of house areas and amenities (including the extensive EOT facilities, toilets and parents room).



**Figure 9:** Service Zone (red) along the Harry Chan and Esplanade frontages

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;

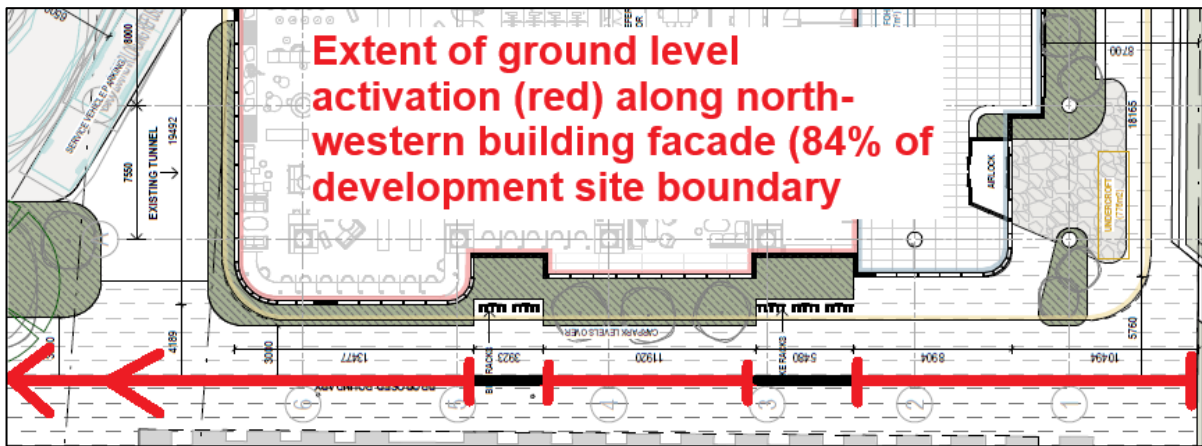
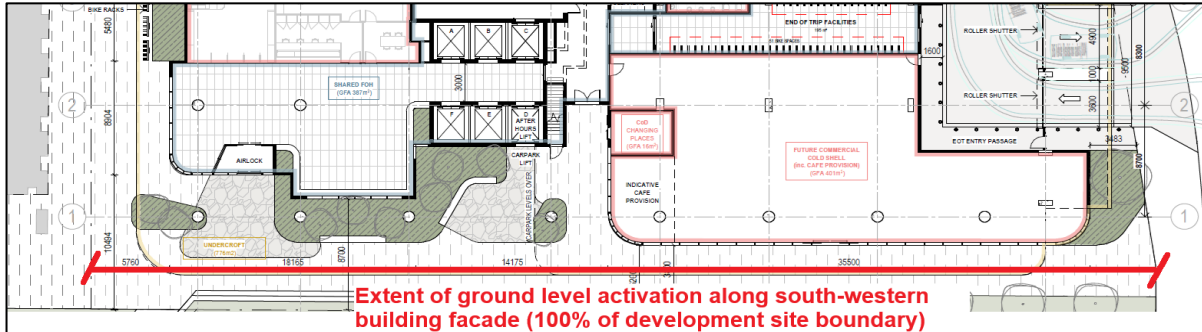
- b) operational and legible entrances (excluding fire egress) that are directly accessible from the public domain;*
  - c) areas within the **site** that are used for alfresco dining that provide visual interaction with the street/**public open space**; or*
  - d) well-designed spaces that allow for pedestrian movement and/or seating.*
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.*

Subclause 6 requires minimum building activation to the street frontages and public open space. In response to the broader civic and community function of lot 3981 to the west and south-west of the development site, and the location of the development site at the north-eastern extent of the Civic and State Square Precincts, the proposal internalises the active frontage elements towards the north-west (towards the existing Civic Centre) and the south-west (towards lot 7795 and the proposed pedestrian plaza). Evident in **figures 10** and **11**, the extent of activation to these frontages is equivalent to 84% of the development site boundary to the north-west and 100% of the development site boundary to the south-west.

The orientation of activation to these elevations maximises connectivity with the pedestrian plaza and future activity within the Civic Plaza. The active elements comprise a mix of open and undercroft public space, glazed building frontage to active ground floor uses, landscaping and open space areas and legible and welcoming building entry points.

Conversely, whilst the inactive and back of house components are oriented towards the street frontage, the boundary setback to the Harry Chan Avenue and Esplanade frontages allows the provision of public furniture and landscaping to screen these elements to the street frontage, and ensure an appropriate interface with the northern and eastern building elevations. Noting the guidance provided by subclause 2, the proposed development provides an alternative solution reflecting the established character and purpose of the site to ensure attractive, safe and functional pedestrian environment, activity and passive surveillance within the public realm.





**Figures 10 and 11:** South-western and north-western internal activation

4.8.7 Clause 5.8.4 (Exhibition Centre, Place of Assembly and Place of Worship)

Purpose

Ensure that an **exhibition centre, place of assembly or a place of worship:**

- (a) provides convenient vehicle **access** and does not interfere with the safe or efficient operation of the local road and footpath network;
- (b) incorporates appropriate building and landscape design to ensure that there is no unreasonable loss of **amenity** for adjoining and nearby property;
- (c) is of a scale and intensity suitable to the **site** and is consistent with the prevailing and likely neighbourhood character in which the development is proposed; and
- (d) is operated to be considerate of the **amenity** of adjoining and nearby property.

### Administration

1. The consent authority may **consent** to an **exhibition centre, place of assembly or place of worship** that is not in accordance with sub-clauses 2 and 3 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, nature, scale and impact on surrounding **amenity**.

### Requirements

2. If the use or development is located adjacent to land in Zones LR, LMR, MR or HR:
  - a) the use or development is to be set back 5m from all **site** boundaries and landscaped to a minimum depth of 3m to provide a visual screen;
  - b) 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; and
  - c) the design of the use or development is to take account of the noise impact on any adjacent **dwelling**.

The subject land is not located adjacent land in Zones LR, LMR, MR or HR.

3. The operation of the use or development must take into account the **amenity** of the surrounding locality having regard to:
  - a) hours of operation;
  - b) number of events annually;
  - c) maximum capacity of patrons; and
  - d) any other relevant aspects of the day-to-day operations of the use or development.

The use of the Civic Centre, particularly the Council Chambers in a manner consistent with *place of assembly* will consist of Council functions, ceremonies and similar events as part of the City of Darwin carrying out its core functions. Any *Place of Assembly* activity will be part of the civic centre function of the lower building levels, with associated hours of operation, frequency of events and number of patrons unlikely to adversely impact surrounding amenity.

#### 4.9 Community Safety Design Guide

The *Community Safety Design Guide* seeks to ensure development considers the principles of *Community Protection through Environmental Design* (CPTED). The design guide encourages urban developments in the Northern Territory that *feel* safe and *are* safe, and includes:

- Safe design context and objectives for application to all developments;
- Design guidelines providing recommended solutions on methods for compliance to the key principles;
- Positive and negative design outcome examples; and
- Safety audit / application checklists.

The specific components of the design guide as they relate to the proposed development are considered below, including the *context*, *objective* and specific *design guidelines*.

##### ***Surveillance***

Page 3 of the design guide seeks to *ensure that development contributes to the safety of areas by optimising the opportunities to provide passive surveillance of public spaces, communal areas, streets and car parks*. The proposed development provides significant activation to the internal pedestrian frontages to the plazas, providing extensive opportunities for passive surveillance and integrating the internal and external building areas.

##### ***Sightlines***

Page 4 of the design guide recommends the provision of clear sight lines to provide uninterrupted views of paths, public spaces and entrances to enable people to see the route ahead and identify possible risks. The views of passing motorists, cyclists and pedestrians is also considered. The design guidelines seek *to ensure that built forms and landscaping do not obscure sightlines and allow a clear view of public spaces*.

In this context, the pedestrian routes are direct, enable clear sightlines from both ends, are sufficiently wide and provide opportunity for surveillance from passing traffic. Areas with potential to obscure sightlines are well separated from the main pedestrian routes of travel, or are located adjacent active, glazed areas to ensure surveillance and avoid entrapment opportunities. A clear and legible site pedestrian layout ensures routes are clearly identifiable and visible, landscaping ensures species selection avoids the creation of barriers or view restrictions to areas external to the site, and lockable bicycle parking is positioned adjacent the main pedestrian route to ensure visibility and make use of passive surveillance available at these locations.

##### ***Mixed Use Areas and Activity Generators***

Page 5 of the design guide seeks to increase the level of activity within areas to enhance passive surveillance opportunities; and to extend the hours of activity in an area beyond business hours.

A combination of public administration and library, private offices, Civic Centre function (including meetings extending into the evening) and food premises provide an appropriate mix of day and evening activity, noting existing residential uses within the immediate locality.

### ***Building Design, Lighting, Signage, Wayfinding and Movement Predictors***

Building design focuses on the primary pedestrian access location and public area interface, with passive surveillance and overlooking opportunities (from the COD Chambers level above ground) enabling surveillance of public space. Movement areas are clear, legible and predictable, however are sufficiently wide and visible to ensure their predictability does not detract from their safety. Lighting, interpretive and directional signage will be incorporated into the final design details and ensure outcomes contribute to visibility and legibility.

### ***Car Parks***

Car parking areas will be secure, well-lit with identifiable and accessible lift and stairwell connections to ground level.

### ***Active Security***

Active security measures will be employed throughout the site in addition to existing security patrols throughout the Darwin CBD.

### ***Safety Audit***

A safety audit per **Section 5.0** of the design guide is recommended as part of a development application.

- *Is there adequate lighting available in areas and along routes which are meant to be accessed after dark?*
- *Are the lighting fittings vandal resistant?*
- *Is there ever lighting with limited contrasts and no dark spots?*

Lighting will be provided in accordance with the relevant Australian Standards and will ensure the achievement of necessary lighting levels, along with the durability and efficiency of fittings.

- *Are there sharp corners, grades, fences, or plants that reduce the ability to see what is coming?*

Sightline obstructions are minimised to ensure sightlines are maintained. Where obstructions do exist, they are sufficiently separated from the main routes to be visible and / or utilise glazing to active uses to ensure entrapment opportunities are minimised.

- *Can people on the site be seen by others from outside the site?*

Straight, open pedestrian routes ensure visibility from the public realm, and internal views are available from the pedestrian plazas and the main lobby.

- *Are other people likely to be in the immediate area at different times of day and night?*

The combination of public administration and library, private offices, Civic Centre function (including evening activities) and food premises provide an appropriate mix of day and evening activity.

- *Are there other surveillance or emergency measures in place such as cameras or phones?*

Active surveillance patrols and CCTV will be utilised.

- *Do land uses in the immediate area generate activity at different times of day and night?*

Night-time activities within the locality are generally limited to intermittent functions and events.

- *Who are the users of land uses in the area and will they cause conflicts or perceived conflicts with proposed users of the development?*

There is adequate separation between commercial / civic and residential uses to ensure the potential for land use conflict is minimised.

- *Is it clear what areas are publicly accessible and which areas should not be publicly accessible?*

Publicly accessible areas are clearly delineated from private, back-of-house and other service areas.

- *Does the land and its surrounds appear owned and cared for and is there evidence of graffiti and vandalism?*

The proposed development will be maintained as part of the Civic Precinct.

- *Are there routes involving stairs, tunnels, bridges or other features which lead to predictable movements?*

Clear and predictable movements are essential for the integration of the development with the broader precinct, however are located and designed to be sufficiently wide and to ensure adequate sightlines are maintained.

- *Are there corners or recessed areas that enable people to hide?*

Entrapment locations are avoided and/or made highly visible, particularly in and around the main pedestrian areas.

- *Is there clear signage and is it easy to navigate through an area on safe routes?*

Clear and legible routes will be provided, and signage will ensure, where necessary, visitors have a clear understanding of such routes.

- *Are there any land uses and facilities in the area which require special consideration?*

The primary civic and community functions require specific consideration with regard to pedestrian and community accessibility and safety.

## **5.0 Section 46(3)(b) – Interim Development Control Order**

Title details in **Attachment H** confirm there are no Interim Development Control Orders currently applicable to the subject land.

## **6.0 Section 46(3)(c) – Referral to the NT EPA**

**Section 48** of the Environmental Protection Act 2019 (EPA Act) requires a project be referred to the NT Environmental Protection Authority (NT EPA) for a standard assessment if it has the potential to have a significant impact on the environment or meets a referral trigger. Formal consideration under the Northern Territory Environmental Assessment Act is not required, and the proposal is not likely to directly impact on an environment protection objective under the Waste Management and Pollution Control Act.

The proponent and their contractor/s must ensure that construction works are undertaken in accordance with the relevant legislation, including in relation to construction noise, hours of operation, dust and contamination control, waste storage and collection, and the avoidance of sedimentation of runoff. It is expected that a Construction Environment Management Plan will be required via condition on any resultant development permit ensuring the CEMP is prepared, assessed and approved by the relevant agencies, and is implemented for the duration of construction works.

## **7.0 Section 46(3)(d) – Merits of Proposed Development**

The proposed development will be a positive public / private building at the northern and eastern extents of the State Square and Civic Precincts within the Darwin CBD.

The new building will improve Council function to the general community, and increase the provision of public car parking to existing and future visitors and residents of the CBD. The development site enables construction of the new building prior to the demolition of the existing Civic Centre, ensuring continuity for the City of Darwin to service the community, and once completed and occupied enables future development of the Civic Plaza area.

## **8.0 Section 46(3)(e) – Subject Land, Suitability of Development and Effect on Other Land**

**Section 2** of this report details the subject land and its locality, and **Section 4** considers the potential impact on surrounding land. The subject land is suitably zoned, not affected by excessive slope, drainage or other constraints, and suitably located as part of the Civic Precinct to service the surrounding and broader community. Siting of the proposed building enables the protection of the underlying oil storage tunnels, and concentrating built form in the north-eastern part of lot 3981 enables separation to existing heritage items and their ongoing protection and incorporation into public space.

## **9.0 Section 46(3)(f) – Public Facilities and Open Space**

The site includes public open space in the form of Civic Park, and the development enables the redevelopment and subsequent demolition of the existing Civic Centre to increase public space opportunities within the locality. More broadly, numerous public, civic, judicial and administrative services and facilities are situated within the locality, including the Bus Interchange, the State Square Precinct, law courts and the Darwin Waterfront. A number of food and beverage premises provide a range of leisure and recreation options. The sky bridge and Smith Street connection via the pedestrian stairs and lift provide access to the additional public facilities and open space within the Darwin Waterfront.

## **10.0 Section 46(3)(g) – Public Utilities and Infrastructure**

The Engineering Services Report in **Attachment C** confirms the site can be adequately serviced by all essential infrastructure through the installation of new infrastructure and connection to existing infrastructure.

## **11.0 Section 46(3)(h) – Impact on Amenity**

**Section 4** of this report considers the potential impact on amenity in the context of specific elements of the Planning Scheme and the Strategic Framework. The building design orientates active commercial and civic components internally, and locates the tower at or slightly within the minimum setbacks to the north-western and south-western site extents, conversely maximising separation the Harry Chan Avenue and Esplanade boundaries. Together with the site and landscape design, built form outcomes will be a positive addition to the immediate locality.

From a land use perspective, the combination of civic, administrative and office uses present a low risk for adverse or unreasonable amenity impacts, and the food premises tenancies are a secondary but nonetheless positive inclusion in the proposed development. Impacts from vehicle movements, services and mechanical plant are mitigated to an appropriate extent through the careful siting of vehicle access locations and design, screening of car parking levels, as well as internalised and / or screened plant equipment.

Accordingly, and taking into account the overall building design and response to the requirements of the Planning Scheme considered elsewhere in this report, the design and use of the proposed development will not result in an unreasonable loss of amenity for surrounding land.

## **12.0 Section 46(3)(j) – Benefit/Detriment to Public Interest**

**Section 51** of the Act requires the consent authority to consider whether the proposal is in the public interest with specific consideration given to (where relevant) how the application addresses community safety through crime prevention principles in design, water safety, and access for persons with disabilities.

In response to these matters:

- the proposal is consistent with the Community Safety Design Guide – Refer **Section 4.9**;
- the land is connected to reticulated water supply and will not impact on water security; and
- the proposal will be consistent with accessibility outcomes per **Section 23** (Access to Premises) of the *Disability Discrimination Act 1992*;

In addition to the above, the emphasis on pedestrian access through the site and future integration with Civic Plaza Works ensure a critical public interest element is protected. There are no anticipated detrimental impacts to public interest matters as a result of the proposed development.

### **13.0 Section 46(3)(ja) – Subdivision or Consolidation of Land within a Restricted Water Extraction Area**

The application does not comprise any form of subdivision. Accordingly, **Section 46(3)(ja)** is not applicable.

### **14.0 Section 46(3)(k) – Compliance with the Building Act**

The application does not comprise any form of subdivision. Accordingly, **Section 46(3)(k)** is not applicable.

### **15.0 Section 46(3)(l) – Development of Scheme Land**

The application does not comprise the subdivision of land under a unit titles scheme. Accordingly, **Section 46(3)(l)** is not applicable.

### **16.0 Conclusion**

The application proposes the development and use of part of lot 3981 for the purpose of an integrated civic and commercial building to replace the existing City of Darwin Civic Centre. The proposed building will replace all elements of the existing Civic Centre, including a new public library, administration offices, Council Chambers and function space, and public car park. The City of Darwin facilities will be integrated with private office tenancies, complimentary food premises and shared back of house and service areas including end of trip facilities, public amenities and parenting room.

The subject land is located in Zone CB within an area identified as the Civic Precinct, which extends on from the State Square Precinct further to the south. The use and/or development for the range of defined land uses proposed is ordinarily *Merit Assessable* in Zone CB, however by virtue of the Gateway Location overlay the application must be considered at the level of *Impact Assessable*.



The proposed development is largely consistent with the requirements of the Planning Scheme and associated Strategic Framework, with variations to specific requirements as a result of the proposed integration with the existing and anticipated future function of the Civic Park public open space, and the anticipated Civic Plaza replacing the existing Civic Centre, both also within lot 3981. The orientation of active building elements and pedestrian space to face the other areas of lot 3981 extends the civic and community function of the lot, and enables an attractive and valued bookend to the civic, public and community elements of the locality.

The proposed development will provide significant infrastructure improvements to the Civic Precinct, the pedestrian environment within lot 3981 and the surrounding area. The emphasis on public space, landscaping and street furniture, emphasis on walking and cycling, and active building façade elements will be a positive and valued addition to the site and locality, and will enable integration of the proposed building, particularly the civic and community functions, with future works in place of the existing Civic Centre.



**Brad Cunnington**

Cunnington Rosse Town Planning and Consulting

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