



# Statement of Effect

6-storey hotel comprising 54 x 2-bedroom & 54 x 1-bedroom suites

39 Stokes Hill Road, Darwin Waterfront

Lot 7495 Town of Darwin

May 2026

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Application Details s46(3)(aa) of the Act	
Proposed Development	6-storey hotel comprising 54 x 2-bedroom suites & 54 x 1-bedroom suites
Lot/Parcel	Lot 7495 Town of Darwin
Street address	39 Stokes Hill Road, Darwin Waterfront.
Site area	4,080m <sup>2</sup>
Easements	Water supply & sewage easement to Power and Water Corporation Sewage easement in favour of Darwin Port Corporation Right of Way easement in favour of former lots 7493 & 7399
Applicant	Sheridan Consulting
Landowner	The Pumphouse Gang Pty Ltd (ACN 073 859 640)
Beneficiaries	Nil other than those listed on Title.
Other interests	Randal Ashford
Contact	Joe Sheridan
Email	<a href="mailto:joe@sheridanconsulting.au">joe@sheridanconsulting.au</a>
Address	PO Box 41936 Casuarina NT 0811
Planning Synopsis	
Planning Scheme	Northern Territory Planning Scheme 2020 (NTPS)
Strategic framework	<ul style="list-style-type: none"> <li>Darwin Regional Land Use Plan (DRLUP)</li> <li>Central Darwin Area Plan (CDAP)</li> </ul>
Overlays	CR – Coast Reclamation LSSS – Land Subject to Storm Surge DHD – Darwin Harbour Dredging
Proposed Land Use	6-storey hotel comprising 54 x 2-bedroom suites & 54 x 1-bedroom suites
Zone	CB (Central Business)
Assessment Category	A <b>hotel/motel</b> is <i>merit assessable</i> pursuant to clause 1.8 of the NTPS. However, the development is <i>impact assessable</i> pursuant to clauses 3.1(4)(b) of the NTPS.
NTPS Variations sought	<ul style="list-style-type: none"> <li>Clause 5.2.4.4 – Car Parking Layout</li> <li>Clause 5.2.5 - Loading Bays</li> <li>Clause 5.3.7 – End of Trip Facilities</li> <li>Clause 5.5.15 - Design in Commercial &amp; Mixed-Use Areas</li> <li>Clause 5.5.16 – Active Street Frontages</li> <li>Clause 5.9.2.1 – Building Design in Darwin City Centre</li> <li>Clause 5.9.2.9 – Public Domain Contributions on Large Sites</li> <li>Clause 5.9.2.11 - Car Parking spaces in Darwin City Centre</li> </ul>
Consent Authority	Darwin Division of the Development Consent Authority
Council municipality	Nil (unincorporated land).

## 1.0 Introduction

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Sheridan Consulting has been engaged to prepare, lodge and manage this Development Application seeking consent for a 6-storey **hotel** comprising 54 x 2-bedroom suites & 54 x 1-bedroom suites 39 Stokes Hill Road, Darwin Waterfront (Lot 7495 Town of Darwin).

The land is within Zone CB of the *Northern Territory Planning Scheme 2020 (NTPS)*. The proposed development is *impact assessable* pursuant to clause 3.1(4)(b) and requires the exercise of discretion pursuant clause 1.10(4) of the NTPS.

In accordance with clause 1.10(4) of the NTPS, the consent authority must take into account any relevant requirements set out in Part 5; any Overlays and associated requirements in Part 3; the guidance provided by the zone purpose and outcomes in Part 4, and; any component in Part 2 relevant to the land.

Publicly available information indicates that the site has planning history dating back to circa 2001. The most recent Development Permit issued over the site was in 2023 for a '**bar-small** in a demountable structure' ([Dock One](#)). A minor variation to the approved development was subsequently issued in 2023. While this development is administratively associated with the subject site for car parking, the **bar-small** is physically located approximately 40m away on Lot 10156 (45) Stokes Hill Road. A copy of the recent planning history is available at **Attachment G**.

The following attachments accompany this report:

<b>Attachment A</b>	Certificate of Title
<b>Attachment B</b>	Survey Plan
<b>Attachment C</b>	Site Aerial
<b>Attachment D</b>	Locality & Zoning Map
<b>Attachment E</b>	Development Plans
<b>Attachment F</b>	Traffic Impact Assessment
<b>Attachment G</b>	Planning History

## 2.0 Locality & Site Description

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### 2.1 Locality Description

The Darwin Waterfront Precinct (the precinct) locality is on the southeastern periphery of the Darwin CBD. The precinct is connected to the CBD core on top of the escarpment by the Waterfront skybridge and lift access. Stokes Hill Wharf, the Darwin Port Cruise Ship Terminal, Goyder Park and Fort Hill Parklands and located to the south and south-west respectively. The broader precinct has views over Darwin Harbour in multiple directions.

It serves as an extension of the CBD and functions as a key commercial and entertainment precinct with a range of existing uses including:

- Darwin Convention Centre and associated publicly available car parking
- Charles Darwin Waterfront Campus
- Wave Lagoon, Aqua Park, beach area & surrounding lawns
- Larrakia Cultural Centre (soon to be completed)
- Multi-storey residential towers
- Various commercial uses including offices, restaurants & shops
- Kitchener Drive multi-storey parking

A Site Aerial is at **Attachment C**. A Locality & Zoning Map is at **Attachment D**.

### 2.2 Site & Existing Development

Lot 7495 is approximately 4,080m<sup>2</sup> and enjoys uninterrupted 180-degree views across Darwin Harbour to the east & south-east. The site is irregularly shaped with several easements extending across north-west portion of the site. A Right of Way easement is also registered on the survey plan however this appears redundant as lots 7493 & 7399 no longer exist. A copy of the Survey Plan is at **Attachment B**.

Existing development on site consists of a two-storey building confined to the south-eastern portion of the site. The ground floor is currently empty, and the first floor is occupied as **offices**. The balance of the site is developed with forty-six at-grade car parks and small areas of landscaping. A rock wall borders the east side offering structural integrity for the site and physical separation to the Darwin Harbour marine environment. The eastern portion of the site boundaries extend in the harbour itself. However, the proposed development described herein is not proposed in, or over, the Darwin Harbour marine environment.

Vehicle access is via Stokes Hill Road. Pedestrian & cycling access is catered for by the existing footpath network both internal and external to the precinct including directly adjacent along Stokes Hill Road. Reticulated services are connected to the site. The site is also impacted by both the Primary Storm Surge Area (PSSA) and Secondary Storm Surge Area (SSSA) Overlays (discussed below).



**Figure 1 – View of existing vehicle access to subject site from Stokes Hill Road**



**Figure 2 – Subject site with existing parking/landscaping in the foreground and existing building to the right**



**Figure 3 – Darwin Harbour outlook from subject site (Larrakia Cultural Centre to left & existing building to the right)**



**Figure 4 – View from existing car parking area looking north towards the Larrakia Cultural Centre**

## 3.0 Proposed Development

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### 3.1 Development description

The proposed development is for a 6-storey **hotel** comprising 54 x 2-bedroom suites & 54 x 1-bedroom suites 39 Stokes Hill Road, Darwin Waterfront (Lot 7495 Town of Darwin). No works are proposed to the existing two-storey building on site.

Schedule 2 of the NTPS states that:

- **Hotel/motel** “means a premises primarily used for the short term accommodation of travellers. The use can include where **ancillary**, meeting and function rooms, **food premises-restaurant**, a **bar-small**, and recreation facilities, but does not include a **bar-public**, **club**, or **nightclub entertainment venue**;

The proposed **hotel** development comprises the following:

#### *Ground floor*

- Fifty-seven (56) car parks, three (3) motorcycle bays, a loading bay and associated vehicle circulation areas.
- A dedicated bin enclosure and laundry trolley area adjacent the loading bay.
- Approximately 187m<sup>2</sup> of new landscaping focused along the Stokes Hill road frontage and the west/north-west side boundaries.
- A new publicly accessible pedestrian path along the Harbour frontage that connects the existing building on site and the proposed **hotel** with the neighbouring site.
- **Hotel** foyer with two lifts and reception area.
- End-of-trip facilities with forty-four (44) bike parks, thirty-eight (38) lockers, one (1) unisex UAT shower, two (2) hotel administration/offices area, laundry store and associated **hotel** storage area & services.

#### *Levels 1-4*

- 12 x 2-bedroom suites with individual balconies.
- 12 x 1-bedroom suites (8 dual-key) with individual balconies.
- Lift foyer and stairs.
- Landscaping & green walls incorporated around the perimeter of the building.

#### *Level 5*

- 6 x 2-bedroom suites with individual balconies (west side).
- 6 x 1-bedroom suites (4 dual key) with individual balconies (west side).
- Lift foyer and stairs.
- East facing open-air communal recreation area featuring a pool terrace/deck, gym, playground, barbecue area & a multi-purpose exercise room with landscaping throughout and along the outer perimeter of the building/balcony areas.

A copy of the Development Plans is provided at **Attachment E**.

## 4.0 S46(3)(A) of the Act - Northern Territory Planning Scheme

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### 4.1 Part 1 – Guidance

Part 1 of The Northern Territory Planning Scheme (NTPS) sets out its administration and function. The relevant assessment parameters are summarised below:

A **hotel** is merit assessable pursuant to clause 1.8 of the NTPS. However, the development is impact assessable pursuant to clauses 3.1(4)(b) of the NTPS.

In accordance with clause 1.10(4) of the NTPS, the consent authority must take into account any relevant requirements set out in Part 5; any Overlays and associated requirements in Part 3; the guidance provided by the zone purpose and outcomes in Part 4, and; any component in Part 2 relevant to the land.

In addition to the strategic framework set out in Part 2 of the NTPS, the proposed development is subject to Part 3 Overlays:

- Clause 3.4 – Coastal Reclamation
- Clause 3.7 – Land Subject to Storm Surge
- Clause 3.9 – Darwin Harbour Dredging

For the avoidance of doubt, no dredging or use of fill is proposed or considered necessary in connection with the proposed development.

The assessment contained herein concludes that the proposed **hotel** can be safely established on land affected by storm surge. It has also been assessed as compliant with Parts 2, 4 and 5 of the NTPS except in relation to:

- 5.2.4.4 – Car Parking Layout
- 5.25 – Loading Bays
- 5.3.7 - End of trip facilities in Zone CB
- 5.5.15 - Design in Commercial & Mixed-Use Area
- 5.5.16 – Active Street Frontages
- 5.9.2.1 – Building Design in Darwin City Centre
- 5.9.2.9 – Public Domain Contributions on Large Sites.
- 5.9.2.11 – Car Parking Spaces in Darwin City Centre
- 5.2.5 – Loading Bays

## 4.2 Part 2 – Strategic framework

Part 2 of the NTPS sets out the strategic framework for development by promoting the objectives of the *NT Planning Act 1999*. It contains policies designed to facilitate specific outcomes and establishes the hierarchy of strategic land use plans which guide development relevant to the geographical context of the broader region, sub-region and locality.

The land use plans relevant to this application are the *Darwin Regional Land Use Plan 2015* (DRLUP)<sup>1</sup> and the *Central Darwin Area Plan 2019* (CDAP)<sup>2</sup>.

### 4.2.1 Darwin Regional Land Use Plan 2015 (DRLUP)

#### *Overview*

The area subject to the DRLUP is bound by the sea in the north, Adelaide River to the east, the Finniss River catchment to the west, and includes both Darwin and Bynoe harbours and associated coastal features. Within this area, sub-regions are identified generally in line with administrative boundaries and the unique characteristics of each area.

The primary objective of the DRLUP is to identify factors which are anticipated to shape future development at a regional level and establishes an overarching framework to facilitate desired outcomes. It does this by establishing a broad land use structure, identifying key activity centres, sub-regional narratives and land requirements to guide development in the region. It also conveys the need for appropriate policy settings conducive to balancing the region's environmental, economic and social priorities.

#### *Land Use Structure*

The land use structure map identifies a range of broad land uses that area contemplated within the context of the DRLUP. The Darwin CBD is identified as 'Peri-urban/Urban' and includes established areas and greenfield land potentially suitable for development (see p.13-16). These areas are anticipated to accommodate a range of land uses such as:

- a variety of housing types;
- retail and commercial;
- community facilities and services;
- sport, recreation and urban open space, and;
- natural and conservation areas.

#### *Activity Centres*

The DRLUP identifies a regional hierarchy of Activity Centres to guide a logical and equitable distribution of land allocated for retail, commercial and residential commensurate with

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<sup>1</sup> DRLUP 2015 [https://nt.gov.au/\\_media/docs/housing,-property-and-land/planning-and-development/nt-planning-scheme-2020/policies-and-guidelines/darwin-regional-land-use-plan.PDF](https://nt.gov.au/_media/docs/housing,-property-and-land/planning-and-development/nt-planning-scheme-2020/policies-and-guidelines/darwin-regional-land-use-plan.PDF)

<sup>2</sup> CDAP 2019 [https://nt.gov.au/\\_media/docs/housing,-property-and-land/planning-and-development/nt-planning-scheme-2020/policies-and-guidelines/central-darwin-area-plan.pdf](https://nt.gov.au/_media/docs/housing,-property-and-land/planning-and-development/nt-planning-scheme-2020/policies-and-guidelines/central-darwin-area-plan.pdf)

community needs. It aims to promote the economic viability of all Activity Centres through proactive land polices and infrastructure planning through evidence-based research.

The Activity Centre hierarchy asserts the role of Darwin CBD's is:

*"...to provide a full range of facilities and services and performs the critical capital city role and higher order function as the Northern Territory's dominant commercial, cultural, administrative, tourist and civic centre. Continued growth of the retail role of the CBD will be important to maximise tourism expenditure and to support further residential and commercial floor space growth" (p.21).*

#### *Darwin Sub-regional narrative*

The Darwin sub-region is approximately 143sqm<sup>2</sup> and extends to 'Lee Point in the north to East Arm of Darwin Harbour in the west, and south-east to Vanderlin Drive, the Stuart Highway and Pinelands'. It comprises the City of Darwin local government area, the Darwin Waterfront Precinct and the Darwin Rates Act Area (tracts of unincorporated land outside the City of Darwin jurisdiction).

The Darwin sub-region, inclusive of the CBD and the Waterfront Precinct, is the focus of significant economic activity, Parliament House and associated governance functions and forms the primary regional commercial and tourist hub.

#### *Proposed Development*

The proposed development (see section 3.0 of this report) supports the DRLUP vision by:

- aligning with the 'Peri-urban/Urban' land use structure definition and objectives;
- promoting development consistent with the role of the Darwin CBD in the Activity Centre hierarchy, and;
- sustaining the Darwin sub-region narrative as a focal point for commercial development, tourism and hospitality offerings.

## **4.2.2 Central Darwin Area Plan 2019 (CDAP)**

### *Overview*

The CDAP is subordinate to the DRLUP in the land use policy hierarchy and is designed to increase the granularity for preferred development outcomes in the central Darwin area. It encompasses Cullen Bay to the north-east, the Darwin CBD and Waterfront Precinct to the south-west, Frances Bay to the north-west and extends to the boundary with, but excluding, Stuart Park in the north.

Its primary function is to enhance the status of central Darwin as the dominant commercial hub while increasing its capacity to support an inner-city residential population. The CDAP achieves this by adapting the DRLUP framework to develop 'Themes' for the broader central Darwin footprint and Focus Areas which apply to specific localities. Objectives and Acceptable Responses are then set out to determine whether a development meets the desired outcome(s).

Per the Land Use vision map on page 13 Focus Area map on Page 14, the proposed development is in an area subject to the ‘Mixed-use Theme’ and the ‘Darwin Waterfront Focus Area’.

However, the site appears to be excluded from the Study Area outlined in Focus Area B – Darwin Waterfront (see figure below) of the CDAP. Notwithstanding, the site’s relationship with the Mixed-Use Theme & Focus Area B has been considered below.



Figure 5 – Subject site excluded from Focus Area B Study Area with no height limit prescribed.

*Mixed-use Theme*

This theme acknowledges the CBD’s commercial, cultural, administrative, tourist and civic functions as the centrepiece of the region. Key areas of ‘Activated frontages’ are identified which highlight the potential for ground floor commercial land uses to contribute to the overall amenity and walkability in the CBD. The Objectives and Acceptable responses are considered in the table below.

2. Support a dynamic mix of uses that contribute to safe, active, attractive, and diverse localities		
Objectives	Acceptable Responses	Proposed Development
2.1 - Encourage development that provides for a mix of uses.	Where there is reasonable capacity to do so, buildings and sites include a vertical mix of land uses on different floors/storeys such as: a) residential; b) commercial and retail; c) community facilities; and d) leisure and recreation.	Additional high-end short stay accommodation in a Harbour front location will complement the existing mixed-use function of the Waterfront Precinct.
2.2 - Encourage building design for new buildings that can be adapted to changing demand.	i. Proposed development demonstrates how ground floor tenancies have been designed to enable future conversion to commercial land use, i.e. sufficient ceiling heights.	The ground-floor of the <b>hotel</b> building can support alternative uses in the future. Upper level floor plates can also be adapted to different residential or

	<p>ii. Floors constructed for car parking within mixed use buildings are to have level surfaces (excluding ramps) and ceiling heights that enable future conversion to commercial or residential use.</p>	<p>commercial uses, subject to consent.</p>
<p><b>2.3 - Provide activated frontages with ground floor commercial activities in priority locations.</b></p>	<p>i. Ground floor commercial and retail activation is provided within areas depicted as 'Activated Frontages' within the Residential and Mixed-Use Map. ii. Buildings provide interest and active frontages at street level. Large expanses of blank walls or inactive frontages are to be avoided.</p>	<p>The <b>hotel</b> will improve the level of activation at street-level and in the immediate locality through increased pedestrian activity and visual interest through its architectural design and use of landscaping on all levels.</p>
<p><b>2.4 - Development mitigates against potential conflicts both within and between buildings.</b></p>	<p>i. Building design mitigates against potential conflicts between uses within the building and surrounds which are existing or can be reasonably anticipated. ii. Building design mitigates against potential conflicts between uses of existing buildings and adjacent and/or nearby buildings and environments which are existing or can be reasonably anticipated.</p>	<p>While the development has no specified height limit or direct impact on NTPS identified view lines, it proposes a modest 25.6m AHD total height to ensure that surrounding land uses maintain a harbour aspect. The total <b>hotel</b> height is also consistent with the adjacent Cultural Centre development on Lot 11275. No change to the existing building on site is proposed with the <b>hotel</b> designed to accommodate its ongoing presence and function.</p>
<p><b>2.5 - Provide landscaping and greening that contributes to the quality and amenity of communal and public spaces.</b></p>	<p>i. Where there is reasonable capacity to do so, building design incorporates and maintains opportunities for planting on structures through techniques such as: a) green walls, living walls or vertical gardens; b) wall design that incorporates trellis structures; c) landscaping of podiums; d) planter boxes; and / or e) landscaping incorporated into podium car parking screens.</p>	<p>All floors incorporate landscaping to increase visual interest and soften the building's appearance when viewed from the broader CBD.</p>
<p><b>2.6 - Encourage development that contributes to the amenity of the public realm and reflects the character of the area.</b></p>	<p>i. Building design mitigates against potential conflicts between uses within the building and surrounds which are existing or can be reasonably anticipated. ii. Development fronting existing and future public spaces and/or pedestrian and cyclist links: a) responds to the role and function of the individual space; and b) locates habitable rooms, or private open spaces of dwellings, overlooking the public space. iii. For areas not within an area depicted as 'Activated Commercial Frontage', development may include ground floor residential including communal</p>	<p>The existing pedestrian and cyclist networks throughout the Waterfront and Darwin CBD are not impacted. The <b>hotel</b> also prioritises pedestrian access to the harbour front by providing a public footpath connection between the existing building on site and the neighbouring Larrakia Cultural Centre. This can be legally established through a Right of Way easement, subject to consent.  End of trip facilities are also integrated into the building</p>

	<p>open space that enables passive surveillance from the ground floor.</p> <p>iv. Communal facilities and meeting spaces near the building entry, such as bicycle parking and seating, are integrated into building design.</p> <p>v. Sheltered pedestrian thoroughfares are integrated into the design of buildings. This may include, but is not limited to: awnings, covered walkways, colonnades or similar.</p>	<p>design at ground floor to encourage alternative transport. Passive surveillance opportunities are enhanced by virtue of the development location and building design.</p> <p>Communal recreation facilities for <b>hotel</b> guests are located on the east portion of the rooftop and with the main features (pool terrace/BBQ area) located centrally away from side boundaries. See also 2.3 and 2.4 above.</p>
<b>2.7 - Design bus stops to enhance user comfort and safety.</b>	<p>i. Bus stops and associated infrastructure are well considered components within development and road reserve design. This may include, but is not limited to:</p> <p>a) high amenity pedestrian connections to the bus stop with protection from the elements;</p> <p>b) technologically advanced bus stops displaying real time information; and</p> <p>c) implementation of crime prevention through environmental design (CPTED) principles for bus stop design.</p> <p>ii. Bus stop locations facilitate access to efficient, linear and frequent public transport.</p>	Not applicable.
<b>2.8 Design vehicle access points and onsite movement for new buildings to minimise streetscape impacts and avoid conflicts between pedestrians and vehicles.</b>	<p>i. Locate and consolidate vehicle access, parking and loading areas away from street frontages.</p> <p>ii. Car park entry and access is from the lowest order vehicle access way. In order of priority access is from: a laneway, a secondary street, or a primary street if no other access is possible (refer to Transport Network Map).</p> <p>iii. Vehicles entering and manoeuvring within sites is minimised.</p> <p>iv. Crossover number and widths are minimised.</p>	Not applicable.
<b>2.9 - Encourage sustainable development.</b>	Buildings and the urban environment demonstrate reasonable responses to support cooling, heat mitigation, greening, waste reduction, and water and energy efficiency.	Window glazing and extensive landscaping promotes passive climate cooling and greening principles.
<b>2.10 - Design new buildings to address prominent corners and 'Gateway Precincts.'</b>	<p>i. Development proposed at locations identified as a 'Gateway Precinct', as indicated on the Residential and Mixed Use Map, provides:</p> <p>a) vertical elements, such as additional storeys, raised parapets, spires, roof sections and similar structures, as part of the building design;</p>	Not applicable.

	b) public art and signage within the design of buildings and related public spaces; and c) effective and visually appealing all-weather protection.	
<b>2.11 - Prevent any new use or intensification of development that would prejudice airport safety.</b>	Any proposed development determined to exceed the heights prescribed by the Defence (Aviation Areas) Regulations 2018, or Civil Aviation legislation, will need approval by the relevant airport authorities.	Not applicable.
<b>2.12 - New developments consider and respond to the potential use of laneways as shared spaces.</b>	i. Providing windows and balconies at upper levels above the ground floor to overlook laneways. ii. Providing facades of buildings fronting laneways that create visual interest and architectural animation, particularly at the ground level, with large expanses of blank walls avoided.	Not applicable.

### *Focus Area B – Darwin Waterfront*

The subject site is within the Darwin Waterfront which is ‘an established mixed-use activity centre with dining, entertainment and a foreshore area with high amenity that functions as a key tourism drawcard’.

<b>2. Continued use and development reinforces the established character of the Darwin Waterfront, reflects its maritime and historical connections, and enhances connectivity with surrounding localities</b>		
<b>Objectives</b>	<b>Acceptable Responses</b>	<b>Proposed Development</b>
<b>12.1 - Promote tourism, recreation, residential, retail, and commercial development.</b>	i. Uses could include: a) cultural and leisure facilities (interpretive centres, galleries); b) recreational facilities (parks, safe swimming areas, commercial water based recreation); c) tourist accommodation (hotel/serviced apartments); d) a range of residential units; e) cafes, bars, and restaurants; f) ground and first floor specialty retail and offices; g) car parking including multi-level (above ground); and i) a future ferry terminal that supports potential tourism opportunities and a growing population.	The proposed short-stay <b>hotel</b> is consistent with the mixed-use theme at the Waterfront and will complement the established hospitality and recreation venues in the precinct.
<b>12.2 - Recognise the existing and ongoing requirements of the maritime industry, other users of the wharves, and supporting facilities and land uses.</b>	i. Development is consistent with the operational requirements of the maritime industry and supporting land uses. ii. Lighting installations do not impact on shipping navigation aids. iii. Marine structures are positioned to ensure no adverse impacts on the operation of the port having regard to tidal studies and foreshore impacts.	Not applicable.

<p><b>12.3 - Development of land accommodates the requirements of the Department of Defence.</b></p>	<p>i. Department of Defence requirements for a marshalling area adjacent Fort Hill Wharf and associated operational requirements are accommodated.</p>	<p>Not applicable.</p>
<p><b>12.4 - Maximise opportunities for physical and aesthetic integration of development across the locality and with neighbouring localities, particularly the City Centre.</b></p>	<p>i. Pedestrian connectivity is provided and maintained within the focus area, to the city centre, and includes high amenity public access along the foreshore from Bicentennial Park to Frances Bay.  ii. New and/or existing connection(s) between the Civic Precinct and the Darwin Waterfront are provided for and/or enhanced.  iii. A legible street structure connects with the street network established within the focus area.  iv. Development is of a scale that relates to the surroundings and reflects the established character.  v. Development is generally sited below the level of the vegetated escarpment.  vi. Strong landscape treatments provide shade and are largely comprised of native coastal vegetation.</p>	<p>Pedestrian connectivity to the site and surrounds is maintained, development is below the escarpment and is consistent with the established character of the waterfront. The <b>hotel</b> also prioritises pedestrian access to the harbour front by providing a public footpath connection between the existing building on site and the neighbouring Larrakia Cultural Centre footpath. This can be legally established through a Right of Way easement, subject to consent.</p>
<p><b>12.5 - Reflect the historical connections of the locality in the design of development.</b></p>	<p>i. The site of Goyder’s Camp is retained as a public open space area.  ii. Key views from Government House to the water and wharves are preserved as indicated on the Focus Area Map.</p>	<p>Not applicable.</p>
<p><b>12.6 - Prospective development considers and responds to storm surge levels.</b></p> <p><b>12.7 - Providing appropriate development at a minimum of 6.5m AHD coastal protection particularly to residential and commercial properties</b></p>	<p>i. Consider storm surge levels by:  a) including a marina and sea wall, with a minimum top level of 5.5m AHD; and  b) siting the lowest floors (commercial and residential) within the development at a minimum of 6.5m AHD</p>	<p>The proposed development has a minimum AHD level of 6.5-6.7m AHD for the ground floor.</p> <p>A minimum 10.1m AHD is provided for all habitable rooms on level 1 and above.</p>

### 4.3 Part 3 – Overlays

Part 3 of the NTPS identifies areas of land within the NT by using Overlays designed to preserve desired development outcomes. Overlays can apply to both terrestrial and marine environments and respond to unique locality or site features.

#### 4.3.1 Clause 3.4 – CR (Coastal Reclamation)

*The purpose of this clause is to ensure that landfill of coastal areas does not adversely affect adjacent land or waters, or the quality of adjacent waters, and is suited to its intended purpose.*

No fill is proposed to be used therefore no further assessment is required against the requirements of this clause.

#### 4.3.2 Clause 3.7 – LSSS (Land Subject to Storm Surge)

*The purpose of this clause is to identify areas with a known risk of inundation from primary or secondary storm surges and ensure that development in these areas demonstrates adequate measures to minimise the associated the risk to people, damage to property and costs to the general community caused by storm surge.*

*The requirements of this clause are:*

- 8. Development in the PSSA should be limited to uses such as open space, recreation, non-essential public facilities (wastewater treatment works excepted) and short-stay tourist camping/ caravan areas.*
- 9. Development within the SSSA should be confined to those uses permitted in the PSSA as well as industrial and commercial land uses.*
- 10. Residential uses, strategic and community services (such as power generation, defence installations, schools, hospitals, public shelters and major transport links) should be avoided in the PSSA and the SSSA.*

The site is affected by the Primary Storm Surge Area (PSSA) and Secondary Storm Surge Area (SSSA) – see figures 6 & 7 below. The PSSA impacts the majority of the site while the SSSA extends to surrounding sites and the broader Waterfront Precinct.

Pursuant to clause 3.7(6), the consent authority “*may consent to a development within the PSSA that is not in accordance with sub-clauses 8-10 only if it is satisfied that the application demonstrates that there is no increased risk to people and property, including adjoining property.*”

While the **hotel** ground floor is technically part of a **residential building** a finished floor level of 6.5-6.7m AHD is achieved through slab design to align with the minimum requirements set out in Focus Area B (discussed above) and clause 5.9.2.4 (discussed below).

Furthermore, and to facilitate exercise of discretion by the consent authority, the **hotel**

elevates all habitable rooms and residential components to level 1 and above and to at least 10.1m AHD.

Through its slab design, the **hotel** incorporates the appropriate site and floor levels to limit the potential risk to future occupants. It also ensures that the potential risk posed by development in the PSSA and SSSA is mitigated further by not relying on the use of fill to achieve required AHD levels which may increase the impact to adjoining land or property.



Figure 6 – Subject site and area impacted by the PSSA.



Figure 7 – Subject site impacted by the SSSA.

#### **4.3.3 Clause 3.9 – DHD (Darwin Harbour Dredging)**

*The purpose of this clause is to ensure dredging within Darwin Harbour does not degrade the environmental value of the harbour waters.*

No dredging will occur and therefore no further assessment is required against the requirements of this clause. All development will occur on the terrestrial component of the site with no development proposed on, or in, Darwin harbour.

## 5.4 Part 4 – Zones & Assessment Tables

### 5.4.1 Clause 4.10 - Zone CB (Central Business)

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

*The relevant zoning outcomes are discussed below:*

- 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 proposed **hotel** development introduce a uniquely positioned high-end short-stay accommodation option to the existing vibrant and mixed-use Waterfront Precinct.

- 4. Commercial developments and entertainment and dining activities such as **bar-public, bar-small, food premises (all), leisure and recreation, market, night club entertainment venue, office, shops and sex services-commercial premises:***
  - a. encourage diversity and contribute to day and night activity within the zone;*
  - 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 proposed development encourages a diversity of land uses that support both day and night activity in the broader Waterfront precinct. Existing use on site will remain and the amenity of surrounding land uses is not expected to be adversely impacted.

- 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.*

The Darwin Waterfront Corporation supports the wider Darwin community by facilitating and hosting cultural events year-round and contains a range of established uses listed by this clause. The proposed **hotel** will further contribute to the diversity offered in Zone C & the precinct through uniquely positioned and architecturally designed short-stay accommodation. No adverse impacts on this zone outcome are anticipated.

- 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.*

The development plans at **Attachment E** demonstrate a design ethos that utilises the aesthetics of vertical landscaping and generous planting on upper levels to promote passive cooling and reduce potential building massing impacts. Balconies facing public areas on upper levels will also promote passive surveillance of the public realm.

Perhaps most importantly, it preserves the harbour frontage for public pedestrian access. This is achieved by incorporating a pedestrian connection between the existing building on site in the southern portion of the site and the cultural centre on the site to the north. This can be legally established through the registration of an easement on Title to ensure this feature is maintained for public access, subject to consent.

9. *Development contributes to the creation of an active, safe and legible public realm by:*
  - a. *incorporating and responding to high quality public open spaces including town squares, civic plazas and forecourts where appropriate; and*
  - b. *integrating with walking, cycling and public transport networks to promote accessibility and use.*

The proposed **hotel** will integrate with the existing Waterfront precinct and the extensive pedestrian and cycling networks. It will also improve the public pedestrian network through the waterfront footpath connection with the neighbouring cultural centre to the north. End-of-trip facilities on the **hotel** ground floor will also encourage patrons to access the CBD cycling network. On this basis, a positive contribution to public realm is anticipated.

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.*

No changes to the existing building on site are proposed and no unreasonable impacts to the mixed-use nature or amenity associated with the broader Waterfront Precinct are anticipated. While the site has no specified height limit or direct impact on NTPS identified view lines in clause 5.9.2.4, it proposes a modest total height of 25.6m AHD to ensure that surrounding land uses maintain a harbour aspect. The total **hotel** height is also consistent with the height of the neighbouring Cultural Centre.

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.*

Reticulated services are provided to the subject site and will be connected to the proposed development. The site is also well served by existing transport networks and access to open space, community and educational facilities (CDU city campus).

## 4.5 Part 5 – General Development Requirements

Part 5 of the NTPS sets out specific development requirements that apply to land uses in a particular Zone. Per Clause 1.10(4), the consent authority must consider the purpose and any requirements set out in Part 5 of the NTPS.

As noted above, the proposed development in Zone CB requires the exercise of discretion by the consent authority in relation to the following clauses of Part 5:

- 5.2.4.4 – Car Parking Layout
- 5.25 – Loading Bays
- 5.3.7 - End of trip facilities in Zone CB
- 5.5.15 - Design in Commercial & Mixed-Use Areas
- 5.5.16 – Active Street Frontages
- 5.9.2.1 – Building Design in Darwin City Centre
- 5.9.2.9 – Public Domain Contributions on Large Sites.
- 5.9.2.11 – Car Parking Spaces in Darwin City Centre.

### 4.5.1 Clause 5.2.1 – General Height Control

*The purpose of this clause is to ensure that building heights are appropriate for the locality and meets community expectations for the Zone.*

Pursuant to Table B of this clause, there are no height limits for development in Zone CB controlled by the NTPS. However, the site falls within the aviation area controlled by the Commonwealth Department of Defence which requires approval for structures over 90 metres in the CBD.

The total building height is approximately 25.6m AHD which is well below the 90m height limit. This height is also consistent with the height of the neighbouring Cultural Centre.

### 4.5.2 Clause 5.2.4.4 – Car Parking Layout

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

*The requirements of this clause are:*

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.*

The site has an irregularly shaped front boundary to Stokes Hill Road. This means that a portion of car parking area (bay 50, part of bay 51 & bays 55-57) encroach within the 3m front setback. The same irregular lot boundary scenario creates a variable amount of non-

compliance with the required 3m depth of landscaping required to the Stokes Hill road frontage for these bays.

While bays 55-56 encroach within the 3m setback to Stokes Hill Road, the existing mature tree in the road reserve will not be impacted by the **hotel** and provides an element of existing screening to the car parking area. Additional landscaping is also proposed within the site adjacent bays 49-56 to further lessen the visual impact on the ground floor car parking area.

Accordingly, a variation to the requirements of this clause is requested pursuant to sub-clause 5.2.4(3) as the minor non-compliances are not anticipated to unreasonably impact on the amenity of the locality.

*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.*

The car parking area is sealed, of a suitable gradient for safe and convenient car parking and well drained.

*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 is functional, has separate access to each bay and allows each vehicle to enter/exit in a forward gear. All bays comply with the dimensions set out by this clause including at the least a 1m projection for bays at the end of each driveway.

*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.*

All driveways provide two-way 6m wide vehicle access. Sight lines for vehicles entering and exiting are considered acceptable with an unimpeded view of approaching traffic. The design of the car parking layout is further supported by the Traffic Impact Assessment (TIA) at **Attachment F**.

**4.5.3 Clause 5.2.5 – Loading Bays**

*The purpose of this clause is to provide for loading and unloading of vehicles associated with the use of the site. Table B states that the proposed use requires 1 loading bay per a single occupation of **net floor area (NFA)** of 10,000m<sup>2</sup> or less.*

The total area attributable to the **hotel NFA** calculation per Schedule 2 of the NTPS is approximately 466.8m<sup>2</sup> (GF of 66.8m<sup>2</sup> + Rooftop of 400m<sup>2</sup>). The **office** use on level 1 in the building is approximately 220m<sup>2</sup>. The total NFA therefore equates to 686.8m<sup>2</sup>. The existing and proposed development therefore requires a total of 1 loading bay for the site.

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.

One loading bay is provided on the ground floor that is compliant with the dimensions of this clause except in relation to height clearance where 3.4m is provided in lieu of the 4m required.

Notwithstanding, the loading bay is considered sufficient for the type and scale of the **hotel** development and small scale deliveries associated with the existing **office**. Light vehicles are generally expected for laundry and cleaning services with private waste vehicles also able to access the loading area. The design of the loading bay area is further supported by the Traffic Impact Assessment (TIA) at **Attachment F**.

A variation to height requirement for a loading bay is therefore requested pursuant to sub-clause 5.2.5(1).

**4.5.4 Clause 5.2.6.2 – Landscaping in Zone CB**

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

Development in Zone CB is required to provide areas of landscape planting equivalent to 10% of the **site** area. Lot 7495 is approximately 4,080m<sup>2</sup> which equates to a total requirement of 408m<sup>2</sup> of landscaping across the site (Total site = 4,080m<sup>2</sup> / 100 x 10).

The landscaping is considered a key feature of the **hotel** design aesthetic with the total proposed equivalent to approximately 20% of the **site** area - effectively doubling the minimum amount required.

Level	Landscaping provided
Ground floor	202m <sup>2</sup>
L1-4	160m <sup>2</sup>
L5 (Rooftop)	480m <sup>2</sup>
<b>Total</b>	842m <sup>2</sup> (~20.6%)

**4.5.5 Clause 5.3.7 – End of Trip Facilities in Zone CB**

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

*Sub-clause 5.3.7(2) states that all new buildings in Zone CB should provide bicycle parking facilities calculated per the table to this clause.*

The EoT facilities required for the development are:

Use	Bicycle spaces required	Suites	Total
Hotel	1 space for every 3 guest suites	108	36
	1 shower for up to 50 staff	1	1
Total required (rounded up)			36
Total provided			14 ground-mounted in car park + 28 wall-mounted (hotel & existing building) + 1 UAT shower on the GF

*Sub-clause 5.3.7(3) requires that 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 & colour to compliment the surrounding environment.*

End-of-trip facilities including 42 bike parks, a UAT shower are provided for staff/non staying guests on the ground floor with 38 dedicated lockers also available for use by staff, **hotel** patrons & non-staying guests. This exceeds the minimum required and will also double as informal luggage storage if required.

Secure long term wall mounted bike parking that is protected from the weather is provided however the nature of the short-stay accommodation means that it will likely be used more frequently. The bicycle parking area with 42 bike parks is conveniently located, safe, well-lit, does not require access via steps and permits passive surveillance of locked bikes (camera surveillance will also be in use). A mix of long (wall-mounted) & short term parking (ground mounted) is also provided.

Bicycle parking and end-of-trip facilities also exist throughout the Waterfront Precinct. Accordingly, a minor variation to the required 42 lockers (1 for each bicycle park), in lieu of the 38 provided.

## 4.6 Part 5 – Locality Development Requirements

The applicable 'Location Specific Development Requirements' are discussed below.

### 4.6.1 Clause 5.9.2.1 – Building Design in Darwin City Centre

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

*The requirements of this clause are:*

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

The ground floor ceiling height is only 3.4m however is not limited to the extent that it could not be adapted to different uses over time. This represents a minor 600mm departure from the required 4m height and a variation is therefore considered appropriate pursuant to sub-clause 5.9.2.1(2).

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

The building façade has a clear base with ground floor car parking, **hotel** accommodation on levels 1-4 and the communal recreation area located on the rooftop. The façade is accentuated with a curved awning design for each level and generously landscaped on all sides which serves to further distinguish the building from its surroundings.

- 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.*

All bike parking is located on the ground floor and integrated into the building design.

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

Rooftop plant equipment is limited to the lift overrun with all suites provided individual air-conditioning units that are screened from public view.

- 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.*

Not applicable.

**4.6.2 Clause 5.9.2.4 – Darwin Waterfront Building Heights and View Lines**

*The purpose of this clause is to ensure that design and scale of development within the Darwin Waterfront responds to and respects the established role, character and constraints of the waterfront area and the surrounding escarpment.*

*The requirements of this clause are:*

4. *The lowest floors (commercial and residential) within the development are to be sited at a minimum of 6.5m AHD.*
5. *Development does not obstruct view lines identified in the Diagram to this clause.*
6. *Building height does not exceed the height identified on the Diagram to this clause.*



Figure 8 – Diagram to clause 5.9.2.4

The proposed **hotel** includes ground floor levels between 6.5-6.7m AHD. As noted above, While the development has no specified height limit or direct impact on NTPS identified view lines, it proposes a modest 25.6m AHD total height to ensure that the view lines which are protected by this clause maintain a harbour aspect. The total **hotel** height is also consistent with the adjacent Cultural Centre development on Lot 11275.

No adverse impacts to the established role and character of the surrounding waterfront and escarpment are therefore anticipated.

#### 4.6.3 Clause 5.9.2.7 – Development along Priority Pedestrian Cycle network

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

The site is located along the area identified for the priority pedestrian and cycle network in the diagram to clause 5.9.2 (see figure 9 below).



Figure 9 – Diagram to clause 5.9.2

*The requirements of this clause are:*

4. *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).*
5. *Any pedestrian or cycle links or facilities provided within a site are to be well lit.*
6. *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 site is located adjacent to Stokes Hill Road which is along the 'Priority Pedestrian/Cycle Network' identified in the Diagram to clause 5.9.2. The proposed development does not encroach on the existing and well-lit pedestrian and cycle links throughout the Waterfront Precinct. The development is also consistent with the purpose of the clause and will encourage pedestrian and cyclist movement within the Darwin city centre through additional end-of-trip facilities provided on site and a new public harbour front footpath.

Importantly, the **hotel** design prioritises pedestrian access to the harbour front by providing a connection between the existing building on site and the neighbouring Larrakia Cultural Centre. A new footpath is also provided between the sites to improve access. This connection has been incorporated in response to sub-clause 5.9.2.7(5) and to ensure that the development does not restrict public access to the harbour front.

While the existing development on site is not within the scope of this proposal, incorporating a connection will preserve the opportunity to complete the network per the diagram to this clause at a future date.

#### **4.6.4 Clause 5.9.2.9 – Public Domain Contributions for Development on large sites**

*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.*

The requirements of this clause are:

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;*
  - 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.*

This clause applies to sites 3,500m<sup>2</sup> and larger located in the Darwin City extent and stipulates that 10% of the site must be provided as publicly available open space. The combined 'site' is 4,080m<sup>2</sup> and triggers a requirement of 408m<sup>2</sup>.

Pursuant to sub-clause 5.9.2.9(2), a variation is requested for the following reasons:

- Approximately 138m<sup>2</sup> of publicly accessible pedestrian footpath/boardwalk is prioritised along the harbour frontage in response to clause 5.9.2.7 (see above). This feature preserves the aspirations of the pedestrian cycle network to the future development of focus areas to the north and is integrated with the Darwin Harbour habitat.
- The existing building on site occupies a gross footprint approximately 300m<sup>2</sup> thereby limiting the ability to incorporate additional public space into the proposed **hotel** design.
- While the development falls short of the prescribed 408m<sup>2</sup> requirement, a further reduction or modification of the design for more public open space to be integrated within the development will erode the economic viability of the project.
- The site is well located in a high amenity area with access to the Esplanade and public open space network within the Darwin waterfront precinct which offsets the provision of dedicated public open space within the subject site.

Accordingly, a variation is requested to the requirements of this clause.

#### 4.6.5 Clause 5.9.2.11 – Car Parking Spaces in Darwin City Centre

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

The car parking requirements of this clause are provided below:

Use	Required Bays	Net Floor Area / Requirement	Total
Hotel suites	0.4 per guest suite	108 suites	43.2 bays
Hotel NFA	2 per 100m <sup>2</sup> of NFA	466.8m <sup>2</sup>	9.336
Offices in existing building	2 per 100m <sup>2</sup> of NFA *Only 1 required if where a building has NFA up to 500m <sup>2</sup>	220m <sup>2</sup> (total building NFA <500m <sup>2</sup> )	1
Vacant GF Restaurant in existing building**	Vacant	280m <sup>2</sup>	0
Dock One	6	(see DP2023/0071)	6
Total required			59.536 (60)
Total proposed on site			56
Total shortfall			4

\*\*Vacant tenancy. Use of this space would require an application for consent & further assessment

#### 4.7.4 Clause 5.9.2.12 – Reduction car parking spaces in Darwin CBD

*The purpose of this clause is to 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).*

The proposed development is calculated as having a surplus of 4.416 bays. Per the criteria in Table to Clause 5.9.2.12, justification to support a reduction is calculated below:

Category	Criteria	Reduction permitted	Justification
2	Use of Shared parking areas/proximity to public car parking	The development is within 200m walking distance of an existing, publicly accessible car park with a combined total of 100 car parking spaces or more.	10%
	Provision of 3 motorcycle bays	1 bay	Darwin Convention Centre.
	Total Reduction permitted	10% & 1 bay	3 MB bays on GF
	Car parking requirements per clause 5.9.2.11	59.536 bays	
	Reduction calculations	6.9536 (5.9536+ 1 bay)	
	Total required	52.584	
	Provided on site	57	
	Surplus	4.4176 bays	

#### 4.7.5 Clause 5.9.2.13 – Design of Car Parking Areas & Vehicle Access

*The purpose of this clause is to 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.*

*The requirements of this clause are:*

- 3. **Ground level car parking areas** in buildings are limited to the number of **car parking spaces** required for **ground level** commercial tenancies.*
- 4. All car parking spaces are to be screened so that they are not visible from the public domain.*
- 5. Vehicle access and loading areas are to be consolidated and **car parking areas** are to be located away from street frontages.*
- 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 if no other access is possible.*

Ground level parking is provided for the proposed **hotel** use, existing building on site and Dock One (discussed above) which comprise commercial land uses. It is noted that the parking is also provided for the **hotel** at ground floor – a necessary development component. Notwithstanding, the **hotel** design is considered acceptable given the location, site features (described above and below) and the irregularly shaped lot. It may be considered technically ‘adjoining a street frontage’ pursuant to sub-clause 4.7.5(5).

All ground level parking in the norther portion of the ground floor area will be screened once landscaping reaches maturity. Vehicle access is existing and taken from the only available access point. The loading area is obscured from view and in a location adjacent the boundary closest to the neighbouring substation which is behind existing and new landscaping.

## 4.8 Part 5 – Specific Development Requirements

### 4.8.1 Clause 5.5.1 – Interchangeable Use and Development in Zone CB

*The purpose of this clause is to facilitate the efficient change between a nominated use or development of a premises within Zone CB.*

This clause does not apply to the proposed development.

### 4.8.2 Clause 5.5.4 – Expansion of Existing Development in Zone CB

*The purpose of this clause is to provide for the efficient but minor expansions of existing developments in Zone CB.*

This clause does not apply as the office and community centre are not existing. The existing leisure and recreation could be established through this clause however the requirements of Part 3 (LSSS Overlay) require consent.

### 4.8.3 Clause 5.5.15 - Design in Commercial & Mixed-Use Areas

*The purpose of this clause is to encourage diverse mix of commercial and mixed-use developments that are safe, positively contribute to the activity and amenity of commercial centres, climate appropriate, and minimise conflicts between different land uses within and surrounding the commercial centre.*

For completeness, the specific requirements of this clause are listed below with a response to each provided:

*12. Building design is to be sympathetic to the character of buildings in the immediate locality.*

The proposed **hotel** is architecturally designed and incorporates an extensive landscaping schedule to all levels to reduce building massing and soften its appearance when viewed from adjoining land. While the site is not subject to height limits to preserve key view lines prescribed by the NTPS (see clause 5.9.25 above), a modest height of 25.6m AHD is adopted. This height is also consistent with the adjacent Cultural Centre development on Lot 11275.

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

The buildings will incorporate glazed windows to promote energy efficiency and reduce cooling requirements. Extensive of landscaping is also incorporated as a passive cooling measure.

*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.*

No blank walls are proposed or finishes that could be considered a nuisance.

- 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.*

Services and utilities will be integrated into the building including waste management. Utilities will also be screened from public view.

- 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 screened by landscaping and undercover.

- 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 veranda 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 proposed development is not sited directly adjacent the existing footpath as the **hotel** is setback from the front boundary. In the south-west corner, the site steps down and is setback from Stokes Hill Road by a swale drain to control stormwater run-off to the harbour. The provision of an awning is therefore impractical owing to the current site configuration and features, **hotel** setback & existing landscaping (mature tree) in the north-west portion of the site. The existing pedestrian network is also established on the opposite side of Stokes Hill Road.

- 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.*

All entrances are logical and legible. A pedestrian crossing was also established as part of a previous development approval and will serve as a connection from the **hotel** to the existing network.

- 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 development is not expected to have any adverse impacts relating to noise, vibration, light or odours on surrounding uses.

20. *Development is to minimise the transmission of noise and exhaust from services by:*
- c. *locating lift shafts away from habitable rooms, or by using other noise attenuation measures; and*
  - d. *locating air conditioner plants away from openings in habitable rooms.*

Lift equipment is only directly adjacent to one suite on each floor. On balance, this is considered an acceptable outcome. Air conditioning units are located on individual balconies and with limited acoustic impacts expected between individual suites.

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

All balconies are 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).*

No dedicated parenting room is provided with guests able to use facilities in individual suites.

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

The proposed development has a dedicated waste area on the ground floor adjacent the loading bay.

#### **4.7.7 Clause 5.5.16 – Active Street Frontages**

*The purpose of this clause is to provide a site responsive interface between commercial buildings and the public domain which is attractive, safe and functional while encouraging pedestrian activity and passive surveillance.*

The specific requirements of this clause are listed below with a response to each provided:

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.*

Only one vehicle entry is proposed with all services to be provided in line with the relevant service authority requirements.

6. *Buildings are to provide a minimum of 60% of the length of each site boundary that fronts a primary or secondary street, or public open space, as **active street frontage**, made up of any combination of the following components, where the distance between individual components is no more than 1.5m:*
- (a) *windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;*

*(b) operational and legible entrances (excluding fire egress) that are directly accessible from the public domain;*

*(c) areas within the site that are used for alfresco dining that provide visual interaction with the street/public open space; or*

*(d) well-designed spaces that allow for pedestrian movement and/or seating.*

The **hotel** is setback from the front boundary. In the south-west corner, the site steps down and is setback from Stokes Hill Road by a swale drain to control stormwater run-off to the harbour. The design of a fully compliant active street frontage is challenging owing to the irregularly shaped boundaries, unique site features, **hotel** setbacks & existing landscaping (mature tree) in the north-west portion of the site.

To offset the traditional approach to achieving active street frontage adjacent Stokes Hill Road, the ground floor components include a prominent **hotel** entry that is orientated towards oncoming pedestrian and vehicle traffic approaching from the west. New landscaping, including focused planting along the street frontage and green walls on building at ground floor, are also proposed.

All windows along this frontage on all levels will also promote passive surveillance to the public realm in line with the purpose of the clause. The new pedestrian footpath along the harbour frontage is entirely active and also offers the same level of passive surveillance opportunities inherent with the **hotel** design.

Accordingly, a variation to the clause is requested.

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

The use and scale of blank walls is limited.

## 5.0 S46(3)(b) to (l) of the Act

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This relevant parts of s46 for the type of development proposed are discussed below.

### 5.1 46(3)(b) – Interim Development Control Order

There are no Interim Development Control Orders listed on Title.

### 5.2 46(3)(c) – Referral to the NT EPA

Referral to the NT EPA under Part 4 Division 3 of the *Environment Protection Act 2019* has not been undertaken and is not required.

### 5.3 46(3)(d) – Merits of the proposed development

The following merits have been identified:

- The type and scale of development is appropriate for the site and supports the vision for the Darwin CBD in Part 2 of the NTPS
- The use is consistent with the Zone CB purpose set out in Part 4 and no significant variations to Part 5 of the NTPS are sought.
- The introduction of a new **hotel** use will generate increased commercial activity in an area that is predominantly frequented by afternoon/evening activities and promote further passive surveillance opportunities.
- The new **hotel** will complement the cultural and community events that the Waterfront Precinct continues to support and host through increased accommodation diversity and availability.

### 5.4 46(3)(e) – Physical characteristics of the land and an assessment regarding its suitability for the proposed development on the land and other land.

A description of the site is provided in Section 2.2 of this report. The site is considered appropriate for the development and use is consistent with the mixed-use development throughout the Waterfront Precinct.

### 5.5 46(3)(f) – specify the public facilities or public open space available in the area in which the land is situated, whether land for public facilities or public open space is to be provided by the developer and whether it is proposed that facilities or open space be developed by the developer.

A description of the locality and the land is provided in Section 2 of this report. No public facilities or open space is proposed as part of the proposed development nor is the developer required to under Part 5 of the NTPS.

**5.6 46(3)(g) – specify the public facilities or public open space available in the area in which the land is situated, the requirement for public facilities or infrastructure to be connected to the land and whether public utilities or infrastructure are to be provided by the developer for the provision of public utilities or infrastructure.**

Reticulated power, water and sewer and telecommunications are connected to the site. No public facilities or open space is proposed as part of the proposed development nor is the developer required to provide any under Part 5 of the NTPS.

**5.7 46(3)(h) – potential impact on existing and future amenity of the area in which the land is situated.**

The proposed development is not anticipated to have an adverse impact on future or existing amenity in the area. The positive contribution towards the amenity of the broader locality is discussed further detail in sections 3 and 4 of this report.

**5.8 46(3)(j) – the benefit or detriment to the public interest of the development.**

No detriment to the public interest is anticipated. In addition to the merits set out in s46(3)(d) above, the proposed development will benefit community groups by offering a venue to conduct meetings in a high amenity area.

## 6.0 Conclusion

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Sheridan Consulting has been engaged to prepare, lodge and manage this Development Application seeking consent for a 6-storey **hotel** comprising 54 x 2-bedroom suites & 54 x 1-bedroom suites 39 Stokes Hill Road, Darwin Waterfront (Lot 7495 Town of Darwin).

The land is within Zone CB of the *Northern Territory Planning Scheme 2020 (NTPS)*. The proposed development is *impact assessable* pursuant to clause 3.1(4)(b) and requires the exercise of discretion pursuant clause 1.10(4) of the NTPS.

While minor departures from the requirements of Part 5 are proposed, the overall development is considered appropriate for the Waterfront precinct and will contribute to the existing commercial function of the broader CBD.

The minor variations sought to Part 5 of the NTPS are appropriate given the nature of the proposed development, prevailing site features and the net benefit gained from a n architecturally designed **hotel** in a unique harbour front location.

In summary, Sheridan Consulting requests that the consent authority review the application material and, subject to its satisfaction, determine to grant consent under s53(a) of the Act with conditions commensurate to the scale of development.

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**End**