

**The Proprietors UP 2001/21 (Myilly Apartments)  
c/- Altitude Management NT  
GPO Box 3744 Darwin NT 0801**

  2 November 2021

The Chair  
Northern Territory Environment Protection Authority  
GPO Box 3675  
Darwin NT 0801

**By online lodgement**

Dear Chair

**SUBMISSION – NORTH ONE HOTEL AND APARTMENTS – PROPOSED INTEGRATED TOURISM ACCOMMODATION FACILITY, LOT 07651, TOWN OF DARWIN (25) GILRUTH AVENUE, THE GARDENS**

I present this submission, as chair and authorised representative of the body corporate of Myilly Apartments.

In its present form the referral contains insufficient information to assess the potential impact on the environment, and as such should be subject to a full EIS under the Environment Protection Act 2019. In particular:

- a. The applicant has not submitted or included in their referral a social impact assessment addressing the significant potential detrimental impacts on surrounding properties, and the broader community. This includes considerations such as visual and noise impacts.
- b. Heritage and archaeological impacts have not been adequately or completely addressed.
- c. Impact on the natural environment, in particular the sensitive cliff face and response to storm surge / change to hydrology, has not been adequately addressed.

The site is a valuable social and cultural destination of regional significance, with previous planning decisions reflecting the importance of the site to the social and cultural fabric of Darwin. A full EIS is required to adequately assess the impact of the proposal on the environment, and to facilitate appropriate community and stakeholder engagement which outside of statutory obligations has not taken place in the development of referral material, nor before lodgement of the referral.

## Social Impact

1. The Environment Protection Act 2019, Division 2 (6) notes that the meaning of environment is:

*Environment means all aspects of the surroundings of humans including physical, biological, economic, cultural and social aspects.*

2. The referral does not address the impact of the proposal on the amenity of surrounding properties, the impact on the social and cultural use of the land, nor impact on the heritage and archaeological value of the site.
3. The visual impact assessment provided is limited to viewpoints from Bennett Place. It fails to consider visual impact from other key locations, including the Gardens, Mindil Beach, surrounding sports facility along Gilruth Avenue, nor from off-shore viewpoints (tourism boats, general boating etc.). It therefore fails to address broader visual intrusion, changes to the character of the area and associated social impact.
4. The visual impact suggests some minor mitigation, but does not adequately address the full social impact on existing residences, impact on property value, and amenity. The proposal does not address risk of impacts, nor appropriate enhancement and mitigation as would otherwise be included in a social impact assessment.
5. The impact of the proposal on lack of connectivity, and genuine access to the foreshore has not been addressed. The subject land has been a point of access for the general public to Little Mindil Beach for decades. Walkers, joggers, sunbathers and fisherfolk, individuals and families with children, have had ready access to Little Mindil Beach, often with fishing gear, picnic items or beach paraphernalia. If arriving by car, members of the public have been able to park on the subject land and then walk to the beach. Whilst it is recognised that appropriate development of this land must lead to a modification of the means of public access to Little Mindil, the proposed development would effectively neuter that access. This needs to be explored through a detailed social impact assessment, which could provide mitigation and enhancement solutions for the proposed development.
6. The development of buildings of this size and scale, so close to the escarpment and so close to existing buildings, has the potential to result in a significant heat island effect, to the detriment of the amenity of residences, the heritage precinct and the public realm on Myilly Terrace. The applicant fails to address this in its application by providing appropriate and conclusive heat modelling. A reduction in the scale of the buildings, particularly in height and distance from the escarpment would reduce the heat island effect.
7. The applicant has failed to adequately address or demonstrate mitigation of the cumulative noise impact associated with this development, particularly in combination

with the noise impact from Sky City Casino. The proximity of the buildings and their height will place exposed plant, in particular air conditioning units, in close proximity to existing buildings and to the public realm on the escarpment. This is likely to significantly impact the amenity of the area, and in particular the quiet enjoyment of existing residences.

8. The introduction of additional restaurants, bars and an exposed swimming pool is also likely to introduce consistent noise as opposed to the occasional noise associated with the ad hoc use of the site for events and functions. Further information and noise modelling would be necessary to more fully assess the impact of this on the amenity of the locality.
9. Noting points 1-8 above, in the absence of a full social impact assessment, publicly consulted on, a full EIS process should be followed.

### **Heritage and archaeology**

10. The heritage report submitted with the application relates primarily to the impact on Myilly Terrace Heritage Precinct.
11. No attention has been paid to historic use of the site itself, Aboriginal significance, and more recent historic importance based on social and cultural use.
12. Noting points 10-11, in the absence of an updated and detailed heritage and archaeology assessment that includes appropriate community engagement, a full EIS process should be followed

### **Natural environmental impact**

13. The site falls within an identified primary and secondary storm surge zone.
14. The proponent's response to this is to fill the site artificially. This has the potential to alter hydrology, erosion and impacts on surrounding property during storm surge events.
15. The establishment of a development of this scale will place people at risk during storm events, noting that impacts of climate change on the frequency and severity of storms is acknowledged, and despite planning to existing modelling, could well exceed the thresholds currently planned for.
16. The value of the escarpment and cliff face from an environmental perspective is an acknowledged and documented fact.
17. The register of significant trees, as maintained by the Land for Wildlife and National Trust, note that the cliff face is an area of significance, with over 40 species, include 20

native species despite a substantial loss of vegetation and habitat following the development of the Cullen Bay Marina.

18. Previous Development Permits noted the importance of maintaining and conserving the cliff face and vegetation.
19. Covenants previously placed on the title of the land required the owners of the land (Sky City) to maintain the cliff face, including conserving native vegetation, and revegetating as required.
20. The subject proposal has the potential to substantially impact this sensitive, valuable natural environment by resulting in further loss of vegetation and habitat through the overdevelopment of the site. The impact of Cullen Bay is a clear example of how easily this happens.
21. The proximity of the proposed building to the cliff has the potential to overshadow the cliff face, impacting on vegetation growth, and the viability of vegetation in this location, and increasing the risk of erosion and impact on the integrity of the cliff face and development above.
22. The proximity of the proposed building to the cliff will reduce access to it, limiting the ability to maintain, protect and enhance this crucial environmental asset.
23. Noting points 17-25 a full EIS process should be followed to provide more detailed and comprehensive modelling, natural environmental assessment and community engagement.

#### **Summary submission**

24. For the reasons set out in this submission the referral should be determined as insufficient to adequately assess the environmental impacts of the proposal, and it should be subject to a full EIS, including community engagement.

Yours faithfully