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**From:** noreply@ntepa.nt.gov.au  
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**To:** eia NTEPA  
**Subject:** TRM: NTEPA Consultation - North One Hotel and Apartments  
**Attachments:** NT-EPA-National-Trust-NT-Submission.pdf

Consultation title: North One Hotel and Apartments  
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**Your details**

Full name: Malene Bjornskov  
Email address: director@ntnationaltrust.org.au  
Telephone: (08) 89812848  
Address: 2 Burnett Place, Larrakeyah NT 0820  
Are you making this submission on behalf of an organisation?: Yes  
Organisation name: National Trust of Australia (NT)

**Submission contents**

Enter your submission below.  
Maximum of 500 words:

The National Trust of Australia (NT) ('the Trust') has a number of concerns relating to the current format of the proposed North One Hotel and Apartments and its potentially detrimental impact on the heritage listed Myilly Point Heritage Precinct ('the Precinct'), which is owned and managed by the Trust. The Precinct is situated on top of the escarpment immediately next to the proposed development and will be one of the closest neighbours to the proposed resort. The current positioning, size and height of the proposed resort is of particular concern to the ongoing use and enjoyment of the Precinct and its historic houses. The following issues are of particular concern to the Trust: Visual impact - the development will block all views that forms part of the historical integrity of the Precinct. Noise impact - noise from patrons and visitors to the resort, noise from functions and noise from the outdoor bar area will all result in significant and adverse impacts on the use and enjoyment of the Precinct by visitors and the business of the Trust. Airflow - the Trust holds concerns for how the development will impact on airflow to the Precinct. Other issues of concern are in relation to public access, building setbacks and insufficient car parking. Further details are provided in the attached document.

**Submission files**

Attachment 1: NT-EPA-National-Trust-NT-Submission.pdf, type application/pdf, 472.5 KB  
Attachment 2: No file uploaded  
Attachment 3: No file uploaded  
Attachment 4: No file uploaded  
Attachment 5: No file uploaded

**Acknowledgement**

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# National Trust

## Northern Territory

Thank you for the opportunity to provide comment on the proposed North One Hotel and Apartments development on Lot 7651 (25 Gilruth Avenue, The Gardens) commonly referred to as Little Mindil. The National Trust of Australia (NT) ('the Trust') has a number of concerns relating to the current format of the proposal and its potentially detrimental impact on the Myilly Point Heritage Precinct ('the Precinct'), which is owned and managed by the Trust. The Precinct as a whole was listed on the Register of the National Estate on 26 March 1985 and was gazetted as a NT heritage listed place on 4 January 1995. It is situated on top of the escarpment immediately next to the proposed development and will be one of the closest neighbours to the proposed resort. The current positioning, size and height of the proposed resort is of particular concern to the ongoing use and enjoyment of the Precinct.

### **The Myilly Point Heritage Precinct**

Most of the houses of the Precinct were designed by renowned architect Beni Carr Glyn Burnett. Burnett's name has become synonymous with the ideal house design for the tropics and there are just a few surviving houses in Darwin that stand as testaments to his skills as an architect. As noted in the National Estate Register, the Myilly Point Heritage Precinct is of outstanding significance because:

- It is a 'unique and related group of pre-war houses built for executive level public servants, illustrating several designs of the notable architect B C G Burnett'.
- The Precinct in its entirety is a 'powerful aesthetic contribution to Darwin'.
- The houses are associated with several people who were very influential on the development of Darwin from 1938 and onwards.
- The houses are linked to the wartime history of Darwin.
- The houses as a group 'strongly contribute to an understanding of Darwin's architectural and social history.

Burnett was of Scottish descent but grew up in China. In the early 1930s he moved to Malaya and then Australia in 1934. In 1936 he moved to Darwin where he was appointed as an Architect for the Works and Services Branch of the Department of the Interior. He was tasked with designing government housing suitable for the tropics. Five of these government houses intended for senior public servants were built at Myilly Point during 1938-39. One was damaged beyond repair in Cyclone Tracy in 1974 but the remaining four epitomise Burnett's style that strongly references the tropical architecture of Singapore and Malaya at the time.

The location and aspect of the houses on top of the escarpment overlooking Fannie Bay is a strong indication of the high level of esteem that these public servants were held in and the extent to which the government was willing to cater for their comfort. The houses were placed in a favourable location to capture prevailing breezes coming off the waters of Fannie Bay. The louvred walls and casement windows allowed for cross ventilation and cooling of the houses while the position of the louvres could be adjusted for privacy. The design is very effective in the hot tropics and the houses continue to be excellent examples of a tropical design that works well without mechanical cooling. The individual properties affected by the proposal include:

#### **Audit House, 2 Burnett Place, Larrakeyah (LOT 1098)**

Designed by the Commonwealth Department of Works, this B Type House was erected in 1938. Its first occupant was Commonwealth Auditor Mr S. O'Brien in 1938 followed by Auditor Walter A Harper from 1938-1942. During the war the house was used as a rest home for nurses. Following the war there was a succession of occupants from various Government Departments including the Departments of Native Affairs, Agriculture and Welfare. The

house was listed on the Register of the National Estate on 21 October 1980 and in 1982 the NT Government restored Audit House before gifting it to the National Trust (NT). It continued to be used as a residence until 2012 and is now the headquarters and administration centre of the National Trust of Australia (NT). Audit House and the Trust gift shop are open to the public during office hours and the house is used as a venue for art and cultural events after hours including tropical teas, art exhibitions and the popular louvred lounge concert series. The house and surrounding garden is also regularly hired out for private events and parties.

**Burnett House, 4 Burnett Place, Larrakeyah (LOT 1099)**

Burnett House is a type K house designed by Burnett and built in 1938. It is the only surviving example of the type K house. Its first occupant was the Director of Works, Eric W Stoddard from 1939-1942. Following the war, the new Director of Works Leonard C Lucas lived there from 1946-1950. It continued to be used as public servant housing until 1983 after which time it remained vacant and was boarded up to prevent access from itinerants. The house was listed on the Register of the National Estate on 26 March 1985 and restored in 1988 for the National Trust. It was officially opened as the headquarters of the Trust by the former administrator, Commodore Eric Johnston, on 18 April 1989 and remained the headquarters until 2000. The house and gardens are now open to the public and is regularly used after hours for events including the Trust's Devonshire teas and speaker events. The surrounding garden is a popular venue and is regularly hired out for private events and parties.

**Mines House, 6 Burnett Place, Larrakeyah (LOT 1101)**

Constructed in 1939 the property is a type E Burnett House. Unlike most of the other houses in the precinct, the previous occupants of this house have been from a variety of government departments. The Director of Mines, W A Hughes, was the first occupant from July 1939. During the war the house initially accommodated United States Army Forces and was then used as the Navy Captain's office. Northern Territory Police Inspector W C Littlejohn lived there from 1947-1956 and Director of Lands Hugh Carey Barclay from 1957-1963. From 1963-1986 various public servants lived in the house. The house was listed on the Register of the National Estate on 26 March 1985. It is currently commercially leased.

**Magistrates House, 2 Kahlin Avenue, Larrakeyah (LOT 1102)**

Magistrates House is a Type E house designed by Burnett. George Kafcaloudes, a local builder, was awarded the contract to build this house in 1939. It was completed later that year and was first occupied by magistrate C K Ward. Following the bombing of Darwin in February 1942 the house was requisitioned by the military and initially used by the Office of the Victualling Section of the Royal Australian Navy. By 1944 the Australian Women's Army Service was using it as a rest centre. C K Ward briefly returned to the house after the war. From 1949 and onwards several caretakers and senior public servants resided in the house. In 1968-1972 the house was used as a home for Aboriginal children. Magistrates House became the headquarters of the National Trust in 2000 and was its home until recently when the office relocated to Audit House. Magistrate's House is now used for commercial leasing.

**Stahl Block, 4 Kahlin Avenue, Larrakeyah (LOT 1100)**

This property is a vacant lot as a result of Cyclone Tracy. The original house was a Type L house designed by Burnett and built in 1941. The site is referred to as Stahl block named after the first occupant, Reg Stahl, who was the Director of General Services. The house was occupied by the military during the war and then a succession of senior government employees until the cyclone in 1974. Stahl House was demolished in 1975 after being deemed beyond repair. The footprint of the dwelling has been recreated using stone pavers, providing a multipurpose hard standing area, which is used for larger events.

The Trust is highly dependent on its visitors and event hire to fund its work and the ongoing preservation of this historically significant Precinct.

## Specific concerns:

### The visual impact caused by the proposed development

The aesthetics of the site and its positioning and outlook is an important part of the historical integrity of the Precinct and its appeal to the users of the Precinct. Interestingly the Visual Impact Study (VIS) included with the proposal gives the impression that the outlook from the Precinct will only be mildly to moderately affected by the development in its current proposed format. The study also suggests that the Precinct is only used by 'workers, occasional tourists and history enthusiasts'. The Trust would like to correct this. As noted above, the majority of users fall into the category of people using the Precinct either as visitors to public events held by the Trust or private parties. The Precinct is popular because of its old Darwin feel and the position overlooking Fannie Bay giving the houses and their gardens a grand tropical ambience.

Overall, the biophilic approach to the design of the proposed development is interesting and the use of green roofs and significant levels of landscaping around the site are to be commended. The obvious concern is ensuring what is proposed is actually constructed, and then maintained.

The above comments notwithstanding, the proposed development will have a significant impact on the site and on neighbouring properties especially with the proposed 6-storey height of the hotel and serviced apartments and this is clearly illustrated in the drawings and imagery provided.



*View from the louvred lounge at Audit House*

While the Heritage Impact Assessment concludes that the proposed development 'will not have a direct impact on the heritage precinct...' the proposed 6-story development, standing some 7.5 metres

higher than the escarpment at the Myilly Point Precinct, or some 4.7 metres above the first-floor level of Burnett House, will inevitably impact on the Precinct. The view from Burnett House and Audit House will be directly towards the back of the hotel and serviced apartments. The proposed development will obscure views of the beaches, the sea, and likely East Point as well.

The VIS is unfortunately flawed in that it is based on viewpoints from the level of the road immediately in front of the Precinct and not from the first floor of the two heritage houses where the impact of the proposed development will be significantly greater. The excuse of 'access-constraints' to the houses does not hold and the VIS should be redone to provide a true and accurate assessment of the visual impact of the proposed development on the heritage precinct.

Furthermore, the opinion provided in the VIS is based on the proposed development complying with '...relevant...set-backs associated with the parcel of land,' which it apparently does not. Rather strangely, the VIS suggests an approach that obscures all views out to the north and west by encouraging growth of vegetation along the escarpment as a desirable outcome, which it most certainly is not. This would also be in stark contrast to any previous clearly stated heritage values that emphasised the vista from the Precinct. These are very briefly acknowledged in the Heritage Impact Assessment supplied by the developer. It could possibly also be seen to contravene the existing Covenants between the Casino and the NT Government for the escarpment area dated 30 July 2010 (Attachment S to the development proposal).

The views of Little Mindil, Mindil Beach, the sea and East Point from the first floor of Burnett House and Audit House are part of the broader setting of the Precinct and thus contribute in a positive way to the overall significance of the heritage precinct. The loss of those views would be a poor heritage outcome for what is a significant heritage precinct in Darwin.

### **The impact of noise from the proposed development**

But it is not simply the loss of views that will have an adverse impact on the Heritage site. Noise from patrons and visitors to the resort, noise from functions and noise from the outdoor bar area will all result in significant and adverse impacts on the use and enjoyment of the Precinct by visitors.

Noise from the outdoor bars alone will make the Precinct unusable for public and private events that occur during the dry season. The regular music recitals that take place in Audit House will not be able to continue. The many visitors to Burnett House and the grounds will also be adversely impacted, as will the High Teas that take place on Sunday afternoons. With the possibility of over-amplified noise continuing well into the early morning, the Precinct will be significantly impacted by the proposed development in its present form.

The noise impact assessment included with the submission finds that the noise levels for patron and amplified noise emissions from the proposed outdoor Bar and Pool area will exceed limits but goes on to suggest this will not impact on neighbouring properties other than the Casino.

We have difficulty in accepting this finding. As an example, the Thursday and Sunday afternoon didgeridoo session at the Mindil markets results in noise that impacts neighbours as far removed as Lambell Terrace in Larrakeyah, and this music is not especially loud at the source. The present desire for low-frequency bass notes at very high volume means that it is almost impossible to block out the 'thump-thump' noise that results and this noise travels significantly further than the immediate area around the source of that noise or the area covered in the noise impact assessment.

While the assessment report outlines a management plan and recommends mitigating factors this gives little comfort to neighbours, as over-amplified noise will potentially be a very real and very invasive nuisance. Also, mitigating factors in general appear to be directed towards reducing nuisance noise to guests at the proposed development, not reducing the impact of nuisance noise on the neighbouring properties. What assurance is there that the management plan will be implemented in

its entirety? The documents provided with the development proposal imply that over-amplified sound and patron noise could potentially be a source of nuisance until 3:00am.

### **Impact on airflow**

In initial consultations with the Trust, the Director at the time, Grace Foulds, raised concerns around the impact that the development may have on the onshore breezes that cool the heritage houses on top of the escarpment. The Desktop Environmental Wind Study provided with the proposal suggests that the breezes will not be affected *'due to the low-rise design and large setback from the surrounding area of the North One Hotel and Apartments and the high cliff on the southern side of the development it is expected the development should not impact the local wind breeze or create further adverse wind conditions for the Burnett House Heritage areas'*.

The Trust accepts that the distance between the escarpment and the two proposed 6-story buildings may not significantly impact the intensity or frequency of breezes. It is nonetheless concerned that the temperature of the breezes may be significantly warmer coming off a large thermal mass created by the development as opposed to the natural cooling that occurs with winds coming off natural vegetation and bodies of water. Significantly warmer breezes would have considerable impact on the comfort experienced by individuals within the houses for a greater part of the year. Currently this level of discomfort may only be experienced during the hotter and more humid days in the build up to the wet season.

### **Potential financial implications to the Trust**

The impact of changes to the views, noise levels and temperature within the grounds could be detrimental for a not-for-profit organisation that relies on on-site fundraising events and initiatives such as venue hire to continue funding its work. The details of how each of these potential changes will impact the physical environment of the Precinct have been outlined above. Anything that makes the site less attractive has the likely potential to also turn people away or, at worst, make the Precinct unsuitable for the type of events that are currently an important source of income.



Intimate concert at Audit House in 2021 as part of the Louvred Lounge Series

### **Public access**

With any development of the site the two public access pathways should remain permanently accessible to the general public at all times. This is the east-west pathway more-or-less following along the creek and the north-south pathway running along the Mindil Beach foreshore.

Recent rezoning of the site by the Minister for Infrastructure, Planning and Logistics dated 27 May 2021 notes that the Minister is satisfied that public access to and along the foreshore will be retained as part of the development of the land. On page 4 of the Little Mindil architectural drawing package included within the development proposal it is stated that access along the beachfront may be re-negotiated to benefit views for the development. The Trust is concerned that this would impact on access to the Nurses Walk that leads from the southern end of Little Mindil to the top of the escarpment near Myilly Tower and is an important access point to the precinct. The walk dates back to the 1920s and is to this day used by locals and tourists on a daily basis. The loss of this path and public access would likely impact on foot traffic past the Precinct and to Cullen Bay.

### **Building setbacks**

The Trust notes that the proposed development is encroaching on site setbacks on three sides, and this should not be allowed to happen. It is not appropriate for the development to encroach on the required setback to Gilruth Avenue and the escarpment to the south of the site. It is even more inappropriate for the development to encroach on setbacks to the foreshore. The foreshore and beach are for the use and enjoyment of the general public and that enjoyment shouldn't be overshadowed by (private) foreshore villas and a 6-storey serviced apartment and hotel building.

### **Car parking**

Although the developer contends that the proposed car parking will cater for the estimated peak parking demand it is already apparent that in peak times when the Casino is at capacity and the Mindil Markets are taking place, demand for parking far exceeds availability. If peak demand coincides with an event at the Casino and/or at the Amphitheatre/Botanic gardens, then the 196-space shortfall for the proposed development could be problematic to say the least. Unless a more modest development or alternative solutions for traffic management are considered, this could see car parking impacting on the area immediately surrounding the Precinct and encroach on the limited on-street car parking that is currently available to the Trust and its users.

### **Summary**

If any development is to proceed, the solution to address these concerns appears to be a more modest development of 3-4 storeys that respects setbacks, provides the required carparking, addresses adverse impacts on the highly historically significant Precinct and limits nuisance noise around the neighbourhood.

We ask that these matters be carefully considered by the NT EPA in their assessment.

On behalf of the National Trust of Australia (NT),



Malene Bjornskov  
Interim Director