

SUBMISSION TO THE NT ENVIRONMENT PROTECTION AUTHORITY

RE: PROPOSED DEVELOPMENT ON LOT 7651 (LITTLE MINDIL) TOWN OF DARWIN

This submission is in response to a proposal for construction of apartments, hotel and associated structures on Lot 7651 (Little Mindil) Town of Darwin by KTT Investments Pty Ltd (the proponent). Specifically, this submission responds to some issues addressed in an EPA Referral Report prepared by BPL Environmental (the Report).

Extent of On-site Excavation Required: The documentation that has been released reveals little about the extent of excavation and drilling that will be required in the existing soil profile on the Little Mindil site. In relation to site preparation, the Report offers the following:

"A small portion of the semi-basement carpark may require excavation into the existing soil profile." (page ix)

I believe this understates the true position; a relatively large amount of excavation will be required within the existing soil profile.

More than 15% of the site will need to be excavated for the semi-underground carpark, which will have a finished internal area of 7,608m² (See Attachment A). The depth of the excavation will need to be about 2.6 metres below the existing ground level (See Attachment B). Excavations below the existing natural ground level will also be required for the sixteen lagoon villa swimming pools and partial excavation for the three garden villa swimming pools. The plan to bury the high tension power cable will probably also require intrusion into the existing soil profile.

Furthermore, both the 6-storey apartment building and the 6-storey hotel building will require extensive drilling for foundations, probably down to bedrock. An estimated fifty-six holes for piers will be required for the apartment building and about fifty for the hotel building.

All these excavations have the potential to bring contaminated material to the surface. The implications of this need to be addressed before the project is allowed to proceed.

Implications of On-site Excavations: The Report states:

"There are...no previous or current investigations of the soil, surface water or groundwater within the site; therefore, no definitive assessment can be made regarding the presence or absence of contamination..." (page 46)

Silvio Jung, principal archaeologist of Ellengowan Enterprises undertook an archaeological survey for Urbanscope on behalf of KTT, however it was a one-day survey and limited to surface finds only. He notes that the area has been and still is significant to the local Larrakia People and the area may still have burial sites. While no surface finds were discovered, his report notes that the site has been "heavily contaminated" since colonisation including dumping of destroyed houses during and after WWII and Cyclone Tracy.

It is therefore highly likely that the site contains asbestos debris, and indeed, the survey report says the site is contaminated by asbestos. If disturbed, this could become airborne and pose a risk to residents of Larrakeyah, Cullen Bay, patrons of the Mindil Beach Casino and even students at Darwin High and Darwin Middle schools depending on wind conditions.

In addition to asbestos, the Report notes that other contaminants of potential concern include heavy metals, hydrocarbons, polychlorinated biphenyls, which pose a risk through inhalation. As the natural ground level at Little Mindil is below 5000 AHD (Australian Height Datum), there is also the likelihood of Potential (unoxidized) Acid Sulphate Soils being brought to the surface through excavation and drilling. In contact with air, these produce sulphuric acid and metal compounds are released. Also, in view of Little Mindil's known use by the military during the war years, the possibility of live ammunition being present cannot be discounted.

It is **recommended** that a thorough independent sub-surface investigation of the site be undertaken prior to any work commencing to establish what contamination may exist and the nature of any such contamination. It is also **recommended** that, in relation to possible burials on the site, an archaeological monitoring program be maintained during excavation work.

Implications for the Myilly Point Heritage Precinct: Burnett House and other houses in the precinct were designed to take advantage of the views of Fannie Bay and the harbour breezes. These elements are an integral part of the heritage precinct experience. They explain and reaffirm the architectural design concepts and help visitors to fully appreciate the precinct. But they will be lost if the 6-storey apartment/hotel project goes ahead as proposed and blocks the precinct's connection with Fannie Bay. If that happens, the precinct will be degraded as a heritage asset.

The Visual Impact Study prepared by Clouston Associates finds only a low to moderate impact of the project on the views from Audit House (2 Burnett Place) and Burnett House (4 Burnett Place). This, it explains, is largely because the views of Fannie Bay have already been blocked by existing screening by trees growing on the Little Mindil project site on top of the escarpment. Thus, the project will not greatly worsen the loss of views already experienced.

What the report does not say is that the trees on top of the escarpment which led to this conclusion only grew to their current height in the last few years under the curatorship of SkyCity, the vendors of Little Mindil to the project proponent. Prior to that, low native shrubs were maintained along the clifftop and there were unimpeded views of Fannie Bay from both Audit House and Burnett House. That had been the situation since the houses were erected in the 1930's.

The return of low plantings on the escarpment will restore the views of Fannie Bay from the precinct, but those views will be permanently lost if the North One project goes ahead as planned. Because of the size of the two main buildings proposed for the site, impressive views of the Bay across to East Point will be replaced by walls of glass windows 6-storeys high.

Moreover, Clouston Associates recommend the clifftop trees be augmented and allowed to grow to five metres in height in order to screen the precinct from the project. The effect of that will be to deprive the precinct of sea breezes. Thus, the proposed North One project will result in the heritage houses being deprived of the two things that help to explain their design and location – views and breezes.

Because of its history and climate, Darwin has few remaining heritage buildings of any kind, and most especially of the type found in the heritage precinct. It is disheartening to think that the few examples that remain at the Myilly Point Heritage Precinct will be degraded by this project.

Noise: Noise modelling by the proponent's consultant concludes that, with appropriate management, the project will have no detrimental impact to the amenity of surrounding residents. Practical experience with the Casino in recent years suggests this conclusion is highly questionable.

Experience has shown that guarantees given in good faith by owners and managers concerning limitation of noise cannot be relied on, especially in the longer term; they are often forgotten or not passed on to new owners or managers.

In peak seasons unaffected by the Covid-19 pandemic, there is considerable noise from the Casino at levels that would be regarded as detrimental to the amenity of nearby residents; including highly amplified music, singing, speeches, bottles being dumped in skips late at night, noisy pumps on liquid waste disposal trucks, beeping of vehicles reversing in or out of the delivery area, security alarms of patrons' cars, in addition to the continuous noise from air conditioning units. It is certain that the North One project will magnify this noise pollution and add to it through noise from the public bar area and the inevitable late-night parties by holiday makers in the villas at the bottom of the escarpment only a few metres from the nearest local residents.

Because of its size, design and location close to existing residential areas, the North One apartment/hotel project will inevitably cause a degradation in the amenity of surrounding residents.

PARKING: It is noted that the Report (page 10) says 277 carparking spaces will be provided on site, whereas Hachem Architects put the number at 251 (TP0.01).

I suggest there are parking requirements for the project that have not been properly addressed and that, instead of sufficient parking, as claimed, there will actually be a shortfall (Refer Attachment C).

This problem will be exacerbated by the demolition of the Little Mindil carpark to make way for the project. This has 232 parking spaces and is a well-designed, well-located carpark in perfectly good condition that has provided overflow parking for the Casino during big functions. Its demolition will result in the loss of 30% of the designated parking spaces in the vicinity (See Attachment D).

Inadequate on-site parking and the demolition of the Little Mindil carpark will result in a noticeable increase in illegal and informal parking in the vicinity and, in consequence, a heightened risk of personal injury, damage to vehicles and traffic congestion. If unresolved at this stage, these two issues will substantially increase the difficulty of addressing future parking needs in the area.

Parking implications and traffic issues associated with this project need to be independently assessed.

ATTACHMENT A

TOWN PLANNING

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TP1.01

OVERALL PLAN - SEMI-BASEMENT A
LITTLE MODEL



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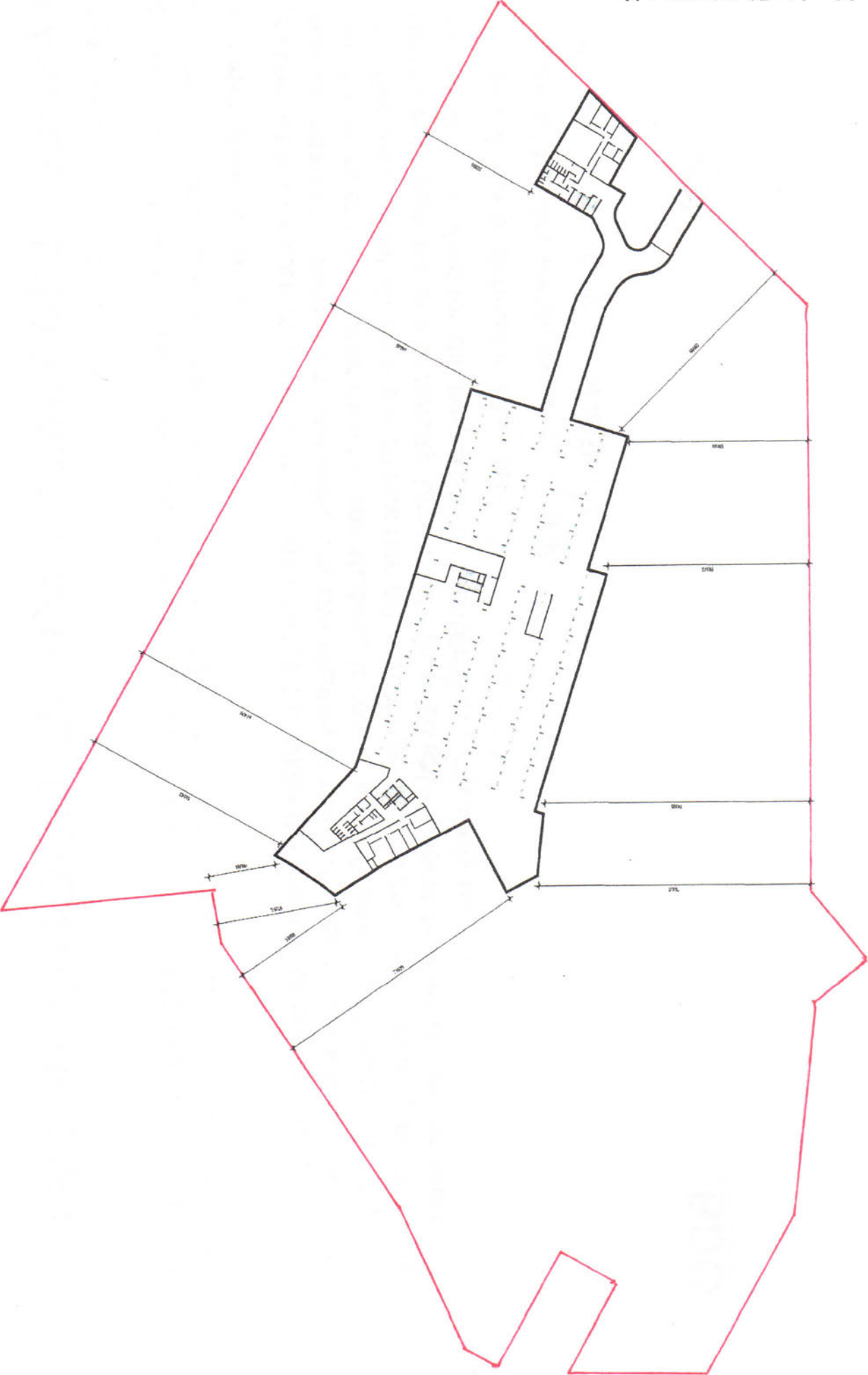
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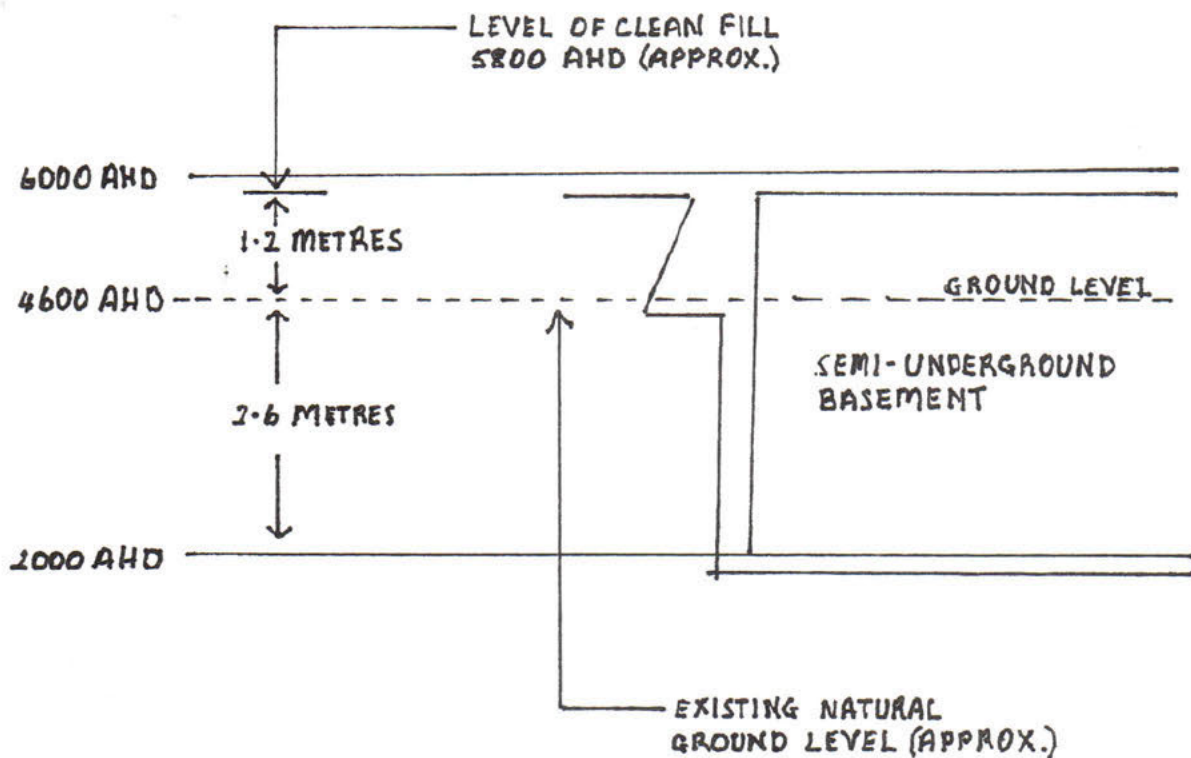
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**DRAWING NOT TO SCALE**

The above drawing is based on Hachem Architects drawing TP3.01 and TP3.03

These suggest the existing natural ground level at the beachside footpath is approximately at 4600 AHD (Australian Height Datum). Clean fill is to be brought in to raise that height to about 5800 AHD.

Therefore, the semi-basement carpark with a finished floor surface at the 2000 AHD level will require an excavation of at least 2.6 metres (4600 AHD – 2000 AHD) depending on natural ground level variability and up to 3 metres to allow for underfloor work, e.g., sump pits etc.

NORTH ONE PROJECT - PARKING ISSUES

PARKING REQUIREMENTS UNDER CLAUSE 5.2.4.1 OF THE NT PLANNING SCHEME 2020

Perusal of section 4.0 of the *Traffic Impact Assessment* report (TIA report) and comparison with section 6.5.1 of the *Statement of Effect* (SOE report), both of which deal with parking, and both forming part of the development application package, reveals significant disparities between the two in the data used, interpretation of the data and apparent differences in interpretation of the NT Planning Scheme. Despite these differences, the conclusion reached in both cases is that the on-site parking will be adequate.

The TIA report initially assesses the parking requirement under clause 5.2.4.1 of the NT Planning Scheme to be 473 spaces. It notes that only 277 parking spaces will be provided, leaving a shortfall of 196 spaces. The SOE report says that 282 spaces are required, 277 will be provided, leaving a shortfall of five spaces.

Traffic Impact Assessment report

To reach the conclusion that the parking to be provided will be adequate, the TIA report makes a number of assumptions e.g., 30% of hotel rooms will be used by patrons attending a conference on site, 25% of restaurant/bar patrons will be staying at the hotel, attending conferences, or visiting the Casino. It also applies a 20% overall reduction on the basis that not all activities on site will have peak parking demands at the same time of the day, and a further overall reduction of 5% to account for visitors who travel by public transport, taxi, etc. Why these particular percentages have been chosen is not evidenced or explained, and the way some are applied can be questioned.

For example, the 30% adjustment has been incorrectly applied to the parking requirement for hotel rooms instead of the parking requirement for the conference/function facilities. That method results in a greater reduction in required parking spaces because the rate for hotel rooms is one per bedroom, which would result in a reduction of ninety-eight spaces. On the other hand, the rate for conference/function facilities used by the consultants is 5/100m² of net floor area. If a maximum person/net floor area ratio of fifty persons/100m² is used (as, say, for a reception), the actual reduction in required parking spaces would be ten.

It is not clear how the 20% overall reduction for non-coincident peak activities was derived. An NT guide is available in Category 2(a) in the table to clause 5.2.4.3. While this applies to Zone CB Darwin and Lot 7651 is outside that zone, it is nevertheless a useful guide. Its 10% permitted reduction is half that used in the TIA report. If the 10% rate is used, the reduction in required parking is forty-eight spaces instead of ninety-five.

Furthermore, although the TIA report includes the function area on Level 2, it does not include the function rooms on Level 1 which have a net area of 424m². Using a parking requirement of 5/100m², these areas would add a further requirement for twenty-two car spaces.

In summary, the TIA report's estimate of a surplus in car parking of thirty-six spaces is more likely to be a shortfall of approximately 120 spaces.

Statement of Effect report

This report assesses the parking requirements for the bar-public and the market areas in the hotel but does not assess the parking needs of the function areas. There are four such areas, one which takes up the whole of Level 2 (1482m² NFA) and three other small areas on Level 1 totalling 424m² NFA.

The larger function area could hold perhaps 750 persons standing when configured for a reception, and perhaps 300 seated in say a hollow square conference configuration. A significant car parking demand is certain to be generated by such activities.

The table to clause 5.2.4.1 does not specify a rate for function or conference areas as such but does specify a minimum rate of 5/100m² for places of assembly, club houses, and community centres (the TIA report also uses this rate). A parking allowance for the function areas of 5/100m² would add a further ninety-five spaces to the parking requirement for the project.

The report also does not assess the parking requirement for offices. These are in the basement and Level 1, and total 230m². At the minimum rate specified in the table to clause 5.2.4.1, they would have a parking requirement of six spaces.

The project proponents are also seeking to reduce the parking requirement for the project by thirty-four spaces under clause 5.2.4.2 in respect of the bar-public and market, the lagoon and garden villas and the hotel rooms. They argue the bar-public and market will not attract the demand normally expected of such facilities, the villas should only need 1.5 spaces per villa instead of two, and the hotel rooms should require a rate of 0.9 instead of one space per suite.

The argument to reduce the parking requirement for the bar-public and market is unfounded. Being only metres from the beach and open to the public they are likely to be very popular with casual visitors. How popular can be gauged by the popularity of similar facilities around the Fannie Bay foreshore – Ski Club, Sailing Club, Trailer Boat Club, and the Mindil Sunset Markets. Indeed, it is possible that patronage of the bar-public could well exceed that suggested by its relatively small area (105m²), with patrons likely to be spilling out onto adjacent open areas.

The parking requirements set out in the table to clause 5.2.4.1 are described as 'minimum' requirements. Therefore, there is little reason to depart from those requirements in respect of the villas and hotel rooms.

In summary, the Statement of Effect underestimates the actual parking requirement for the project, and the necessary allowances would result in a parking shortfall in excess of one hundred spaces.

PARKING SPACES IN THE VICINITY OF LITTLE MINDAL

In the vicinity, there are parking areas for the Gardens Tennis Courts, the Casino apartments and the Mindil markets. They are either reserved (tennis courts), restricted entry (Casino apartments) or more

distant and unavailable in the wet season (Mindil markets). It is also noted that on-street carparking is prohibited on Gilruth Avenue, which is a main arterial road.

All-year accessible carparks within convenient walking distance of the proposed project are the Darwin City Council carpark on Lot 5772 which has 316 designated spaces, the Casino carpark on Lot 5244 with 231 spaces (of which 143 spaces are restricted to Club 100 members). The carpark presently on the proposed site for the North One project, and earmarked for demolition if the project proceeds, has a capacity of 232 spaces. (See next page for aerial view of parking areas).

In total, these three carparks provide 779 spaces. The demolition of the Little Mindil carpark will remove 30% of this capacity.

This carpark was constructed when Lot 7651 was zoned Public Open Space. It was to provide: (a) parking for members of the public attending open-air gala events on the Little Mindil lawns, such as the Darwin Cup Ball, (b) overflow parking for the Casino, (c) parking for Darwin residents wanting to fish, walk dogs or picnic at Little Mindil beach.

Since then, the first use has been discontinued, but the other two remain. Notwithstanding the change in zoning and ownership of Lot 7651, there is regular use of the carpark within it by members of the public, which increases during the dry season and during events such as the Territory Day fireworks display.

But more importantly, the carpark has been used as an overflow parking area for the Casino at high points in the Darwin events calendar (Christmas, New Year, Easter, Darwin Cup week, Territory Day) and also on occasions during the dry season when the Casino offers popular bands, singers, etc. Before the restrictions associated with the Covid-19 pandemic intervened, the Little Mindil carpark was often in use during such events. The applicant has not detailed how the proposal, through the loss of this carparking, will impact on these events or on surrounding areas.

The need for these parking spaces can only grow as Darwin's population increases.

Summary and Conclusion

Rather than having a surplus of parking spaces, the North One project will actually have a shortfall in excess of one hundred spaces. When considered in its wider context, the project will result in an even greater shortfall in parking in the area through the loss of 232 spaces if the Little Mindil carpark is demolished.

The combined shortfall in on-site parking for the project and the loss of existing parking at Little Mindil will exceed 332 spaces. This will impose major limitations in satisfying near-term and longer-term parking requirements in the area.

LOT 5244 CASINO
231 SPACES



LOT 5712
CITY COUNCIL
316 SPACES

LOT 7651
LITTLE MINDIL
232 SPACES